

Minutes of the Amherstburg Municipal Council meeting held Monday, May 28, 2007 at 7:00 p.m.

PRESENT

Mayor Wayne Hurst
Deputy Mayor Robert Bailey
Councillor Rick Fryer
Councillor Robert Pillon
Councillor Paul Renaud
Councillor John Sutton
Councillor Rosa White

ALSO PRESENT

Frank Pizzuto, Chief Administrative Officer
David Mailloux, Clerk
Paul Beneteau, Treasurer
Pam Malott, Dep. Treasurer/Tax Collector
Carol Bendo, H.R. Specialist/Dep. Clerk
Lou Zarlenga, Public Works Manager
George Balango, Manager of Development Services
Lory Bratt, Planning Coordinator
Ron Dzombak, Manager of Recreational Services
Corrie Gabriele, Public Works Office Manager
Nick Renaud, IT Support

PRAYER

The Clerk said prayer.

DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

MINUTES OF PREVIOUS MEETING

Moved by J. Sutton, seconded by R. Pillon that the minutes of a regular meeting of the Amherstburg Municipal Council held Monday, May 14, 2007, be adopted.

Motion Carried

DELEGATIONS

1. Paul Hertel of the Amherstburg Family Health Team addressed Council concerning an 'early win' application for the Amherstburg Family Health Team. Mr. Hertel advised that the Ministry of Health has provided \$ 400,000.00 for initial set up and operating costs for the Amherstburg Family Health Team. A media release was provided with detail. Mr. Hertel thanked Council and the CAO for their support. Council applauded Mr. Hertel and the Committee for the work they have done for the Community.
2. Ed Hurst of Heritage Homecoming Festival Committee addressed Council requesting use of Town Facilities at Centennial Park.

Moved P. Renaud, seconded R. Fryer that Council approve in principal the request from the Heritage Homecoming Festival Committee to use Centennial Park for their Festival, subject to a full report from Administration to be brought forward at the Council meeting of June 11th.

Motion Carried

3. Ray Tracy of Essex Power addressed Council to give an update on Essex Power with regards to Operational and Conservation activities.

Moved R. Pillon, seconded by R. Fryer that Council receive information presented and encourage all Council and Administration who are able to attend the Shareholder Meeting on June 13th, 2007.

Motion Carried

PRESENTATIONS

CAO Frank Pizzuto presented the Strategic Town Plan. Council thanked the Administrator and Administration for the effort put forth.

Moved by J. Sutton, seconded by R. Bailey that Council receive the Strategic Town Plan presentation made by Frank Pizzuto.

Motion Carried

REPORTS OF MUNICIPAL OFFICERS

Report #1

In order to best sustain and build on the quality of our park facilities within the Town of Amherstburg, it is essential to begin to partially fund the necessary maintenance and potential upgrades for the future. To do so successfully, administration has looked into other municipalities of similar size and began to evaluate the various fee structures that exist.

Moved by R. Bailey, seconded by R. Fryer that the report from Ron Dzombak, dated May 5, 2007 regarding Consideration of Park, Sport field & Facility User Fees and third party insurance coverage, be received and that Council support stakeholder consultation and public meetings to consider implementation of user fees for parks, sports fields and recreation facilities.

Motion Carried

Report #2

As part of the Arena Task Force recommended facility audit, Council approved an extension of the audit to include the Lion's Pool in order to assess the functionality of this building and pool.

Moved by R. Pillon, seconded by R. Bailey that the report from Ron Dzombak, dated May 21, 2007 regarding Lion's Pool Preliminary Report, be received and that Council approve the plan of administration to make basic repairs to the Lion's Pool facility in order to facilitate an increase in aquatic programming for July/August 2007. Council made comment that infrastructure replacement costs for Recreational Facilities will be examined in future budget discussions.

Motion Carried

Report #3

The attached letter is a joint submission from ERCA and the Town to the Ministry of Environment recommending that the existing Creekside Hunt Club Permit to take water be extended for a period of approximately two years. During this time the Town and ERCA will work collaboratively with other partners including landowners in the Big Creek watershed to develop a watershed plan.

Moved by R. Fryer, seconded by J. Sutton that the report from George Balango, dated May 24, 2007 regarding Big Creek Marsh Water Taking Permit be received and that Council approve the attached letter together with ERCA to the Ministry of the Environment in connection with the application by Creekside Hunt Club for a water taking permit, and further that Council authorize the preparation of a request for proposals for a Big Creek Management Plan to be prepared together with ERCA.

Motion Carried

Report #4

Mr. & Mrs. Alex Smith have requested the Town's consideration to achieve the merger of five parcels of land at property municipally known as 567 Simcoe Street.

Moved by J. Sutton, seconded by R. Bailey that the report from Lory Bratt, dated May 17, 2007 regarding Property of D. Alex Smith and Marion Smith – 567 Simcoe Street, Town of Amherstburg be received and that Council approve the following requests to achieve merger of the five parcels of land owned by Alex and Marion Smith at property municipally known as 567 Simcoe Street:

- (i) A one (1) foot road widening over the north end of Parts 1, 3 and 5, Plan 12R-8096 which will be dedicated by by-law as a public highway.
- (ii) Conveyance of a one (1) foot strip at the south end of Parts 2, 3 and 4, Plan 12R-8096 to the municipality which would then be conveyed to the adjacent quarry property.
- (iii) Allow the continued use of two existing water services that currently service the home and property.
- (iv) There will now be one municipal address associated with the property being 567 Simcoe Street.
- (v) The property owners are responsible for all costs associated with the merger of the properties.

Motion Carried

Report #5

On March 12, 2007 Council authorized staff to determine the feasibility of establishing an outdoor patio at Uncle Vito's Rhythm Kitchen located at 61 Richmond Street prior to making application for a liquor licence. Staff has completed the review and are recommending approval.

Moved by R. White, seconded by P. Renaud that the report from George Balango, dated May 22, 2007 regarding Uncle Vito's Rhythm Kitchen Outdoor Patio be received and that Council approve an outdoor patio (seasonal) for 22 seats at 61 Richmond Street, Uncle Vito's Rhythm Kitchen subject to the applicant satisfying requirements of municipal departments, the Amherstburg Accessibility Advisory Committee, and entering into an encroachment agreement which specifies the date of operation of the patio.

Motion Carried

Report #6

This report provides Council with information regarding the status of a rezoning application for lands located at 93 North Street.

Moved by R. Fryer, seconded by J. Sutton that the report from George Balango, dated May 22, 2007 regarding 93 North Street be received.

Motion Carried

Report #7

A resident has requested the temporary closure of one lane on Sandwich Street North as a drop off area to allow for valet parking for guests of a wedding party. The Town after reviewing traffic considerations is granting this lane closure for a four and one half hour period on Saturday, June 9th.

Moved by P. Renaud, seconded by R. White that the report from Frank Pizzuto, dated May 18, 2007 regarding Temporary Lane Closure on Sandwich Street North be received and that the Town of Amherstburg approve a temporary lane closure on Sandwich Street North as identified on the attached map, on Saturday June 9, 2007 for a 4.5 hour period.

Motion Carried

Report #8

The tendering process for Phase 2 of the Sewer Separation Program being the Simcoe Street Area has been completed with the resulting low tender being received from J. Lepera Contracting & Engineering Ltd.

Moved by J. Sutton, seconded by P. Renaud that the report from Lou Zarlenga, dated May 23, 2007 regarding Sewer Separation Program – Phase 2, Simcoe Street Area – Tender Results be received and that Council accept the low bid from J. Lepera Contracting & Engineering Ltd. and that a contract be awarded for Phase 2 of the Sewer Separation Program being the Simcoe Street area.

Motion Carried

Report #9

Council was recently requested by Mr. Kirk Walstead to consider providing a location within the Kings Navy Yard Park to accommodate a new monument in honour of Eugene Whelan. This report deals with a potential preferred location for the monument.

Moved by R. Fryer, seconded by R. Pillon that the report from Lou Zarlenga, dated May 22, 2007, regarding Proposed Monument location for Eugene Whelan Kings Navy Yard Park, be received and that we concur with the recommendation in the report for the location of the monument.

Motion Carried

Report #10

Construction of the new Wal-Mart facility requires relocation of a portion of the wastewater force main and gravity effluent sewer from the Amherstburg Wastewater Treatment Plant. The Town has requested additional measures undertaken by the developer to provide complete by-pass pumping of the raw and effluent flows in order to provide for uninterrupted operations of the wastewater plant during the sewer replacement procedures. This report provides information to Council in this regard.

Moved by R. White, seconded by R. Fryer that the report from Lou Zarlenga, dated May 22, 2007 regarding Wal-Mart Site Servicing, Relocation of Wastewater Forcemain & Gravity Sewer, Unbudgeted Payment for By-pass Pumping System, be received.

Motion Carried

Report #11

This report addresses a request from Environment Canada for assistance with a water sampling program from the Detroit River.

Moved by R. Bailey, seconded by J. Sutton that the report from Lou Zarlenga, dated May 22, 2007 regarding Environment – Canada – Detroit River Nutrient Sampling, be received.

Motion Carried

Report #12

A report from Lou Zarlenga on Lead in Drinking Water detailing sampling and testing work to be done within the next week.

Moved by R. White, seconded by R. Fryer that the report from Lou Zarlenga, dated May 2007, regarding Lead in Drinking Water be received.

Motion Carried

Report #13

This report addresses a request from Mr. Adler to have the access from his property located from the unopened right of way of Texas Road at the intersection with Essex County Road 20.

Moved by R. Fryer, seconded by P. Renaud That the report from Lou Zarlenga dated May 22, 2007 regarding Marty Adler Driveway Access – Intersection of County Road 20 and Texas Road be received and that Development Services be directed to bring a report to Council June 11, 2007 concerning any necessary planning applications and/or requirements which may be required to achieve the recommendations in the report.

Motion Carried

Report #14

This report is being submitted to request Council's consideration in entering into an agreement with the COMRIF Joint Secretariat with respect to a Funding Agreement for the COMRIF Asset Management Program (AMP) Project.

Moved by P. Renaud, seconded by R. Fryer that the report from Paul Beneteau, dated May 17, 2007 regarding Asset Management, be received and that Council authorize the Mayor and CAO to sign, on behalf of the Town, an agreement between the Town of Amherstburg and Her Majesty the Queen in Right of Ontario, for funding under the COMRIF Asset Management Program (AMP) Program.

Motion Carried

Report #15 – Supplementary Agenda

Report from Carol Bendo, dated April 4, 2007 regarding Amherstburg Kinsmen Baseball League "In House Tournament" liquor license – Request for Community Event Status.

Moved by R. Bailey, seconded by R. Pillon that the report from Carol Bendo, dated April 4, 2007 regarding Amherstburg Kinsmen Baseball League "In House Tournament" liquor license – Request for Community Event Status, be received and approved and that correspondence be forwarded to the Kinsmen Baseball League advising them of same.

Motion Carried

CORRESPONDENCE

Item #1 through 4

Moved by J. Sutton, seconded by R. Pillon that the following correspondence be received.

1. Letter from Bert & Peggy Cozens dated May 10, 2007 regarding the traffic flow on Dalhousie St.
2. Letter from MPAC dated May 10, 2007 regarding property inspection program for 2007.
3. Town of Tecumseh resolution regarding CRTC Decision 2007-13 and Request for Use of Bell Canada E9-1-1 Database for Local Emergency Notification Systems.
4. Letter from Ontario Trails Council regarding their membership.

Motion Carried

Correspondence Item #5 – Supplementary Agenda

Moved by J. Sutton, seconded by R. White that the letter from Amherstburg Police Service dated May 24th, 2007 be received and that Council approve entering into an agreement with the Ministry for the continuation of the Community Policing Partnership Program for the term April 1, 2007- March 31, 2009 and any further extensions to the contract thereafter, and further that Council authorize the appropriate officials to sign the said agreement.

Motion Carried

Correspondence Item #6 – Supplementary Agenda

Letter from Diane Pouget, dated May 23, 2007 regarding cutting down of trees in the KNY Park was read in it's entirety by Pam Malott.

Moved by R. White, seconded by R. Pillon that the letter from Diane Pouget, dated May 23, 2007 regarding cutting down of trees in the KNY Park contrary to by-law, be received.

Motion Carried

OTHER MINUTES

Moved by R. Bailey, seconded by R. Fryer that the minutes of an Amherstburg Municipal Council In Camera meeting held April 23, 2007, be adopted.

Motion Carried

UNFINISHED BUSINESS

Councillor Renaud requested an update of South River Road construction. Lou Zarlenga gave a verbal update to Council concerning the project.

Councillor Fryer requested an update on the Larvaciding Program. Lou Zarlenga gave a verbal update to Council.

NEW BUSINESS

Moved by P. Renaud, seconded by R. Fryer that Administration be requested to determine who owns the abandoned rail lines north of the General Chemical property located on County Road 20 going east to Walker Road.

Motion Carried

BY-LAWS

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

By-law 2007-43; 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.

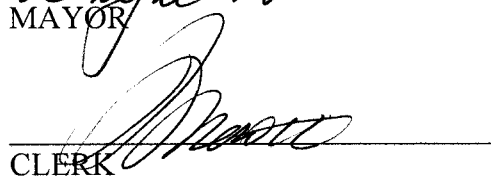
Motion Carried

ADJOURNMENT

Moved by J. Sutton, seconded by R. Pillon that the meeting adjourn.

Motion Carried


MAYOR


CLERK