

**Minutes of Amherstburg Municipal Council Meeting held  
Tuesday, October 9, 2007 at 7:00pm Town Hall Council Chambers**

Please Note: All Public Meetings of Council are recorded by an electronic recording device.

**PRESENT:**

Mayor Wayne Hurst  
Deputy Mayor Robert Bailey  
Councillor Rick Fryer  
Councillor Robert (Bob) Pillon  
Councillor John Sutton  
Councillor Rosa White

**ABSENT WITH NOTICE:** Councillor Paul Renaud

**ALSO PRESENT:**

Frank Pizzuto, Chief Administrative Officer  
George Balango, Manager of Development Services  
Carol Bendo, Human Resources Specialist/Deputy Clerk  
Paul Beneteau, Treasurer  
Lory Bratt, Planning Coordinator  
Stephen Brown, CBO  
David Carpenter, IT Manager  
Ron Dzombak, Manager of Recreational Services  
Ivan Fregonese, Supervisor Budget Services  
Corrine Gabriele, Public Works Office Manager  
Pamela Malott, Mgr. of Corporate & Leg. Services/Clerk

**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. White

That the minutes of a regular meeting of the Amherstburg Municipal Council held Monday, September 24, 2007, be adopted and amended as follows:

New Business page 16 of 17 section 3 should read '741 County Road 20'.

**Motion Carried**

Moved by R. Pillon  
Seconded by R. Bailey

That the minutes of the Amherstburg Municipal Council In-Camera meeting held on Monday, September 24, 2007 be adopted as circulated.

**Motion Carried**

Moved by R. Fryer  
Seconded by J. Sutton

That the minutes of the Amherstburg Municipal Council Public Meeting regarding Proposed Amendments to the Town of Amherstburg Zoning By-Law 1999-52, as amended under Section 34 of the Planning Act, held on Monday, October 1, 2007 be adopted as circulated.

**Mayor requested waiving rules of order to allow Ron Dzombak to speak to Report # 1. Ron Dzombak, Manager of Recreation Services reviewed Report #1.**

### **DELEGATIONS**

- 1) Frank Bauer, on behalf of the Bauer Family, addressed Council regarding the use of Larry Bauer Park and specifically placing Baseball Diamonds on the same parcel of land as the Soccer Complex.

Moved by R. Pillon  
Seconded by R. Fryer

That the information as presented by the delegate be received.

#### **Motion Carried**

- 2) Steeve Bouchard addressed Council regarding the Baseball Complex and specifically regarding repairs to Town Park and New Diamond at Larry Bauer Park.
- 3) Mark Beaudoin addressed Council regarding the Baseball Complex and specifically regarding repairs to Town Park and New Diamond at Larry Bauer Park.

Moved by J. Sutton  
Seconded by R. Fryer

That the information as presented by Steeve Bouchard and Mark Beaudoin be received.

#### **Motion Carried**

- 4) Julian and Lisa Dennis, of Amherstburg Minor Soccer Association (AMSA) addressed Council regarding Larry Bauer Soccer Fields, specifically the need for more soccer fields and concerns regarding the baseball field location and parking.

### **Report #1 (Brought Forward)**

Report from Ron Dzombak regarding Baseball Projections and Ball Field Development. Wigle Park has long been in a conflictive use situation between AMBA and GAHS football in their use of the outfield grass area. Maintenance problems arise annually as to the specific requirements concerning the upkeep of the outfield of the clay diamond to facilitate competitive Ontario Baseball Association (OBA) play.

Moved by R. White  
Seconded by R. Bailey

That the information as presented by Julian and Lisa Dennis be received; and Further

That the report from Ron Dzombak, dated September 24, 2007 regarding Baseball Projections and Ball Field Development be received; and further

That Council approve the short term outfield repair costs of \$20,400 to Wigle Park for work performed in fall 2007 to benefit Amherstburg Minor Baseball Association (AMBA) minor and senior ball for the 2008 season subject to discussions being finalized with General Amherst before work is completed; and further

That Council refer to 2008 Budget the construction of a new minor & senior ball diamond with competitive features within the Town of Amherstburg, contingent on AMBA securing Trillium/Sport Funding to the 2008 Budget the amount of \$150,000 to partially fund the project to be completed for the 2009 season; and further

That Council direct further discussion to take place in the fall of 2007 between the Town of Amherstburg, AMBA, General Amherst High School (GAHS) and the Greater Essex District School Board (GEDSB) as to the future needs and use of Wigle Park; and further

That Council direct administration to participate in further discussions between AMBA and Amherstburg Minor Soccer Association (AMSA) on the potential for growth of their respective organizations and that long term Baseball and Sport Field development be included in and referred to the proposed Recreation Master Plan being budgeted for in 2008.

A recorded vote was requested by Councillor Fryer.

	<u>AYE</u>	<u>NAY</u>
Deputy Mayor Bailey	X	
Councillor Fryer		X
Councillor Pillon		X
Councillor Sutton	X	
Councillor White	X	
Mayor Hurst	X	

**Motion Carried**

**DELEGATIONS (continued)**

- 5) Anthony Leardi addressed Council on behalf of his client Gord Freeman concerning COMRIF requirements.

Discussion revolved around sections 5.5 and 5.11 on the COMRIF Contract requirements. CAO Pizzuto advised that Administration and Council are aware of the requirements.

Moved by R. White  
Seconded by R. Bailey

That the information as presented by Anthony Leardi be received.

**Motion Carried**

**PRESENTATIONS**

There were no presentations.

## **REPORTS OF MUNICIPAL OFFICERS**

### **Report #1 Brought Forward Previously**

#### **Report #2**

Report from Ron Dzombak regarding Investigation of Splash Pad Re-surfacing. The construction of the Toddy Jones Splash Pad in July 2007 was completed with the emphasis on safe and effective play for youth during the summer months of July and August.

Moved by R. White  
Seconded by B. Pillon

That the report from Ron Dzombak, dated September 25, 2007 regarding Investigation of Splash Pad Re-surfacing be received.

#### **Motion Carried**

#### **Report #3**

Report from Ron Dzombak regarding the Larry Bauer Park Monument. Sketches and a developed site plan by HGS Consulting denotes the construction and dimensions of a black granite monument acknowledging the \$100,000 Donation by CAW Local 444 to the Town of Amherstburg in memory of Larry Bauer for the 'Larry Bauer Memorial Soccer Complex' within Larry Bauer Park.

Moved by J. Sutton  
Seconded by B. Pillon

That the report from Ron Dzombak, dated September 25, 2007 regarding the Larry Bauer Park Monument be received;

And Further That council approve the sketches and site plan locations for the construction and placement of a granite monument in Larry Bauer Park.

#### **Motion Carried**

#### **Report #4**

Report from Ron Dzombak regarding a Request for Proposal – Contracting out the Amherstburg Arena Canteen Operation. The Amherstburg Arena Canteen has been a part of the arena operation since the facility was built in 1970 and is popular amongst users and recreation staff.

Moved by R. White  
Seconded by R. Fryer

That the report from Ron Dzombak, dated September 25, 2007 regarding a Request for Proposal – Contracting out the Amherstburg Arena Canteen Operation be received;

And Further That council direct administration to solicit Requests for Proposals (RFP's) from local non – profit and/or private entities to operate the canteen located within the Amherstburg Arena.

#### **Motion Carried**

**Report #5**

Report from Pamela Malott regarding Section 270 of the Municipal Act - Policy Development.

Moved by R. Fryer  
Seconded by R. White

That the report from Pamela Malott, dated October 1, 2007 regarding Section 270 of the Municipal Act - Policy Development be received; and

Further That Council strike a Sub-Committee consisting of at minimum one member of Council, the Clerk, and one other staff member to review the required draft policies and to bring the final draft policies to Council for review and adoption prior to January 1, 2008.

**Motion Carried**

**Deputy-Mayor Bailey and Councillor White agreed to sit on this Committee.**

**Report #6**

Report from Pamela Malott regarding Special Meetings of Council.

Moved by R. White  
Seconded by R. Pillon

That the report from Pamela Malott, dated October 1, 2007 regarding "Special Meetings of Council" be received and further;

That Council give notice concerning bringing By-Law No. 2007-72 a by-law to amend Procedural By-law 2005-89 to the October 22nd meeting of Council for three readings and passing on that date.

**Motion Carried**

**Councillor Sutton asked for copies of all Working Sessions in 2007 to be distributed to Council.**

**Report #7**

Report from Lou Zarlenga regarding Water and Wastewater Rates. This report deals with water and wastewater rates charged to customers of the Town's water treatment and wastewater treatment facilities. Specifically described are proposed increases to the current water and wastewater rates, effective dates for said changes, future review of criteria and capital requirements to ensure adequate and fair rates and a review and improvement of the billing cycle for residential and small commercial customers.

Moved by J. Sutton  
Seconded by R. White

That the report from Lou Zarlenga, dated October 3, 2007 regarding Water and Wastewater Rates be received;

That Council receive the report dated October 3, 2007 from CH2M Hill and concur with the recommendation to confirm the water and wastewater rate increases pursuant to the March 2005 Water Rate Study and the July 2006 Wastewater Rate Study;

That Council concur with the recommendation to harmonize the timing of the water and wastewater rate changes to be December 1, 2007;

That Council concur with the recommendation to conduct in 2008 a detailed review of the water and wastewater rates to ensure that all information and calculations completed as part of the 2005 water and 2006 wastewater studies is current and continues to be acceptable;

And further that Council Concur with the recommendation to continue working with Essex Power to finalize the implementation of by-monthly billings for all residential and small commercial customers.

**Motion Carried**

**Report #8**

Report from Lou Zarlenga regarding a Sewer Separation Program Phase 2 Update. Regular meetings are held with the Town-Public Works Department, Consultant-HGS Limited and Contractor-Lepera Contracting regarding the construction progress of Phase 2 of the Sewer Separation Program.

Moved by R. Bailey  
Seconded by R. White

That the report from Lou Zarlenga, dated October 3, 2007 regarding Sewer Separation Program Phase 2 Update be received;

And Further That Council receive the attached minutes of the construction progress meeting number 3 held on September 6, 2007 for the Phase 2 of the Sewer Separation Programs.

**Motion Carried**

**Report #9**

Report from Lory Bratt regarding Removal of Part Lot Control, Riverfront Park Subdivision, Plan 12M-550. The Town has received an application from Terrence L. Sims, Solicitor for Lou Harris requesting exemption from the part lot control provision of the Planning Act for lots within Riverfront Park Subdivision.

Moved by R. White  
Seconded by R. Fryer

That the report from Lory Bratt, dated October 1, 2007 regarding Removal of Part Lot Control, Riverfront Park Subdivision, Plan 12M-550 be received;

And further that

**By-Law 2007-70** being a By-Law to remove certain lands from Part Lot Control (12M-550)

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**

**Report #10**

Report from George Balango regarding Office Renovation and Vehicle for Community Standards Officer.

Moved by R. Pillon  
Seconded by R. White

That the report from George Balango, dated October 9, 2007 regarding Office Renovation and Vehicle for Community Standards Officer be received;

And Further That Council approve in principle the office renovations for \$4,800.00 and the purchase of a vehicle for \$25, 200.00 in connection with the hiring of the Community Standards Officer.

**Motion Carried**

**Report # 11- from Supplementary Agenda**

This report is in response to the September 24th, 2007 delegation by the Essex County ATV Club requesting approval to stage the "2nd Annual ATV Club Poker Run" to be held on October 27th, 2007.

Moved by J. Sutton  
Seconded by R. Fryer

That the report from Carol Bendo, dated October 6, 2007 be received and further that the Town of Amherstburg approve the attached route for the "2nd Annual ATV Club Poker Run" to be held on October 27th, 2007.

**Motion Carried**

**Report # 12- from Supplementary Agenda**

This report is regarding the Fence Viewers By-Law. The Town of Amherstburg appointed three Fence Viewers in January 2007 under the provisions of the Line Fences Act.

Moved by R. Bailey  
Seconded by R. Pillon

That the report form Pamela Malott, dated October 9, 2007 regarding Fence Viewers By-law be received;

And further that

**By-Law 2007-73**      being a By-Law to appoint fence viewers under the Line Fences Act, R.S.O. 1990.c.L.17

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**

## **CORRESPONDENCE**

### **Items # 1-6, 8,9,11,12,13,14**

Moved by R. Bailey  
Seconded by J. Sutton

That the following correspondence be received:

- 1) Intersection of County Road #9, Howard Avenue and County Road #10, Middle Side Road, Town of Amherstburg from the Corporation of the County of Essex, dated September 27, 2007.
- 2) Support Town of Amherstburg with respect to Bill 221 from the Town of Lakeshore, dated September 26, 2007.
- 3) Municipal Energy Services Information Request from the Association of Municipalities of Ontario (AMO), dated September 25, 2007 FYI No. 07/019.
- 4) 10/31/07 Deadline for submissions for Ministry of Citizenship and Immigration 2007-2008 Application Guide for Ontario Based Municipalities Interested in Establishing Locally Produced, Web-Based Resources for Newcomers from the Association of Municipalities of Ontario (AMO), dated September 26, 2007 FYI No. 07/020.
- 5) Community Workplace Health and Safety Charter from the Workplace Safety and Insurance Board (WSIB/CPAAT) dated September 14, 2007.
- 6) Supplemental Plan from OMERS dated September 12, 2007.
- 8) ECOAUTO Rebate/Green Levy Program from the Durham Region dated September 21, 2007.
- 9) Bill 221 Passed on May 3, 2007 from The Ministry of Labour, dated September 27, 2007.
- 11) Received in the Town of Amherstburg Website General Inquiry Email on October 2, 2007 a NEWSFLASH from Hydro One regarding Revised Standards for CSA Overhead Lines.
- 12) A fax regarding Ranta Marina and Contract for the Treatment Plant from Eugene Whelan dated September 24, 2007.
- 13) KNYP Road concern from Edna Meloche dated September 24, 2007.
- 14) A report on Replacement Trees in KNYP from the Amherstburg Parks Committee, dated September 19, 2007.

### **Motion Carried**

### **Item # 7**

Moved by R. Bailey  
Seconded by R. Pillon

That correspondence item # 7 Lead Testing/Drinking Water from the Corporation of the Town of Tecumseh dated August 30, 2007 be received and that Council support the resolution and that the Clerk notify the Town of Tecumseh of same.

### **Motion Carried**

### **Item #10**

Moved by R. Bailey  
Seconded by R. Pillon

That the correspondence item # 10 Proposal for "Bloomin' Bridges in the 'Burg" 2008 from Paul Hertel, dated September 29, 2007 be received and that Administration be asked to report back with the feasibility of implementing.

### **Motion Carried**



**Item # 15**

Moved by R. Bailey  
Seconded by R. Pillon

That the correspondence item # 15 Notice of a Pasta Dinner Fundraiser by the Amherstburg Rotary Club and RCL Ladies Auxiliary for an Inclusive Playground, received as an email on September 28, 2007 be received and that Council and the Public be encouraged to attend.

**Motion Carried**

**Item # 16**

Moved by R. White  
Seconded by J. Sutton

That the Letters of Resignation from Gord Freeman and Ria Smith from the Parks Advisory Committee be received and that Administration report back to Council with options concerning the vacancies.

**Motion Carried**

**OTHER MINUTES**

Moved by R. Fryer  
Seconded by J. Sutton

That the minutes of the Amherstburg Committee of Adjustment meeting held on Tuesday, July 31<sup>st</sup>, 2007 be received.

**Motion Carried**

Moved by J. Sutton  
Seconded by R. White

That the minutes of the Property Standards Committee meeting held on Tuesday, September 4<sup>th</sup>, 2007 be received.

**Motion Carried**

**UNFINISHED BUSINESS**

- 1) Councillor Fryer requested the status of the report from Lou Zarlenga concerning information regarding sidewalks south of Texas Road being a hazardous area.
- 2) Moved by R. Fryer  
Seconded by J. Sutton

That all items raised as new business or unfinished business remain on the agendas until the items have been addressed.

**Motion Carried**

**NEW BUSINESS**

- 1) Moved by J. Sutton  
Seconded by R. Pillon

That the correspondence concerning the Oktoberfest Event be received and that the public and Council be encouraged to attend.

**Motion Carried**

- 2) Moved by R. Fryer  
Seconded by R. White

That the petition as presented by R. Fryer concerning the parking signs at the Frank Long Complex be received and forwarded to the Traffic Committee for review.

**Motion Carried**

- 3) Councillor Pillon noted numerous complaints concerning flat tires due to ongoing construction work and asked PWD to maintain roads in the best condition possible during construction.
- 4) Councillor Pillon asked that Con 8 be included in the Roads Study for Tar and Chip.

**BY-LAWS**

**By-Law 2007-70** being a By-Law to remove certain lands from Part Lot Control (12M-550) (See Report # 9)

Moved by J. Sutton  
Seconded by R. White

**By-Law 2007-67** being a By-Law to amend Zoning By-Law No. 1999-52, as amended

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 R. Pillon  
Seconded by R. Fryer

**By-Law 2007-68** being a By-Law to amend Zoning By-Law No. 1999-52, as amended

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 R. Fryer  
Seconded by R. White

**By-Law 2007-69** being a By-Law to amend Zoning By-Law No. 1999-52, as amended

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 R. Bailey  
Seconded by J. Sutton

**By-Law 2007-71** 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 MOTIONS**

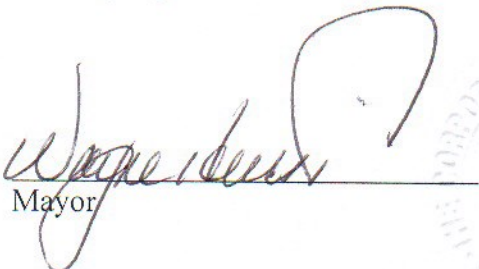
Councillor White made a notice of motion to amend the sign by-law to prohibit any signage on the West side of Highway 20.

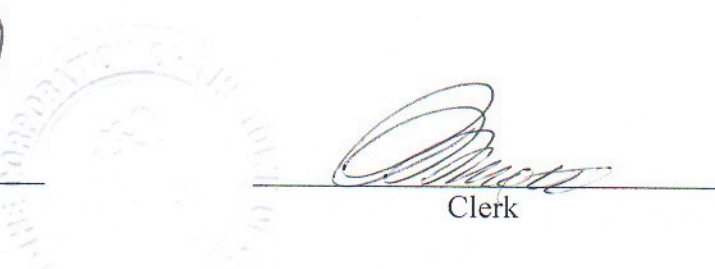
**ADJOURNMENT**

Moved by R. Fryer  
Seconded by J. Sutton

That we rise and adjourn.

Meeting adjourned at 8:56 p.m.

  
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Mayor

  
\_\_\_\_\_  
Clerk