

**Minutes of an Amherstburg Municipal Council Meeting
Held At 6:00 pm in Council Chambers on
Monday, February 11th, 2008**

PRESENT:

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

ALSO PRESENT:

Frank Pizzuto, Chief Administrative Officer
Carol Bendo, Human Resources Specialist/Deputy Clerk
Paul Beneteau, Treasurer
Stephen Brown, CBO
Lory Bratt, Planning Coordinator
David Carpenter, IT Manager
Ron Dzombak, Manager of Recreational Services
Ivan Fregonese, Supervisor Budget Services
Pam Malott, Mgr. of Corporate & Leg. Services/Clerk
Anne Rota, Facilitator Tourism and Special Events
Lou Zarlenga, Public Works Manager

PRAYER

Clerk said prayer.

CALL TO ORDER

Mayor Hurst called meeting to order.

DISCLOSURE OF PECUNIARY INTEREST

No disclosures of pecuniary interest were declared.

SPECIAL PUBLIC SESSION 6:00 PM

Chief Roger Hollingworth and Deputy-Chief Bart Dipasquale presented the Police Budget and addressed general questions of Council.

A handout was circulated to Council which is attached to and forms part of these minutes.

Chief Hollingworth advised that an increase is proposed at 2.5% which is primarily due to salary and benefit increases.

Council thanked the Chief and Deputy-Chief for their presentation.

MOTION TO RECESS

Resolution No.2008-02-11-001
Moved by J. Sutton
Seconded by R. Fryer
That Council recess until 7:00 p.m.

Motion Carried

MOTION TO RESUME

Resolution No.2008-02-11-002
Moved by R. White
Seconded by P. Renaud
That Council resume in public session at 7:00 p.m.

Motion Carried

MINUTES OF PREVIOUS MEETING

Resolution No.2008-02-11-003
Moved by J. Sutton
Seconded by R. White
That the minutes of the following Amherstburg Municipal Council meetings be adopted as circulated:

- 1) Special Meeting regarding the Budget held on January 24th, 2008
- 2) Special Meeting regarding the Budget held on January 28th, 2008
- 3) In-Camera Meeting held on January 28th, 2008
- 4) Regular Council Meeting held on January 28th, 2008
- 5) Special Meeting regarding the Budget held on February 4th, 2008
- 6) In-Camera Meeting held on February 4th, 2008.

Motion Carried

PRESENTATIONS

Presentation # 1 Chamber of Commerce

Rennie Rota, Director of Economic Development for the Amherstburg Chamber of Commerce, made a presentation to Council regarding the 2008 Economic Summit.

Mr. Rota advised that Chamber is working with a sponsor to bring in speakers with an Agricultural focus; Renewable Energy focus.

Councillor Fryer asked if an alternate location such as a winery is a consideration. Mr. Rota advised that functions are also being planned at other venues.

Councillor Fryer asked if an Insurance Certificate is required for this event. Carol Bendo, Deputy-Clerk, advised that this could be obtained and would be pursued as necessary.

Report #1 brought forward after Presentation #1

A report by Carol Bendo regarding the Chamber of Commerce 2008 Economic Summit. The Chamber of Commerce is hosting an Economic Development Summit on Friday, June 13, 2008. This report requests a permit for the use of Navy Yard Park under by-law 2004-89.

Resolution No.2008-02-11-004

Moved by J. Sutton

Seconded by R. White

That the report by Carol Bendo, dated January 28, 2008 regarding the Chamber of Commerce 2008 Economic Summit be received;

And further that the Town of Amherstburg grant the use of the Gordon House grounds concurrent with by-law 2004-89 for an Economic Development Summit hosted by The Amherstburg Chamber of Commerce on Friday, June 13, 2008.

Motion Carried

Presentation #2 - Shores of Erie Wine Festival - Garden Party

Kelly O'Rourke, Shores of Erie Wine Festival, Administrator, made a presentation to Council regarding the Shores of Erie Wine Festival Garden Party and request to use Navy Yard Park and Gordon House Grounds.

Councillor Fryer asked if an alternative location such as the Ranta Marina could be used for the event.

Councillor Pillon suggested that transportation from the Marina to the festival events could be a consideration. Kelly O'Rourke advised that this is a consideration; conversations have been had with the RMBA; and the suggestion would be subject to grant funding.

Councillor Sutton expressed opinion that the party is best suited to the Gordon House and Navy Yard Park.

Report #2 brought forward after Presentation #2

A report by Carol Bendo regarding the Shores of Erie Wine Festival - Garden Party.

In keeping with a mandate to honour and recognize The Shores of Erie International Wine Festival sponsors for their continued and significant contributions, the SOE organization makes every effort to plan a "thank you" event in the host community of Amherstburg. They seek to maximize the sustainability of the event for future years by generating favorable publicity and acceptable financial results.

Resolution No.2008-02-11-005

Moved by Deputy-Mayor Bailey

Seconded by J. Sutton

That the report by Carol Bendo, dated January 29, 2008 regarding the Shores of Erie Wine Festival - Garden Party be received;

And further that the Town of Amherstburg grant the use of the Gordon House grounds concurrent with by-law *2004-89 for the purpose of a sponsor reception and fundraiser hosted by The Shores of Erie International Wine Festival on Saturday, June 14, 2008 from 5:00 p.m. to 10:00 p.m.

Deputy Mayor Bailey congratulated the group on the statistics shown in the report and expressed opinion that the location is the right one for the event.

Motion Carried

Presentation #3 - Caravan Music Festival

Anne Rota, Facilitator Tourism and Special Events, and Barrie Brewin Special Events Committee Member made a presentation to Council regarding the Caravan Music Festival for 2008.

Report #3 brought forward after Presentation #3

A report by Carol Bendo regarding the Caravan Music Festival for 2008.

The purpose of the event is to showcase local and larger market talent and will be a venue that will heighten community pride, increase visitor base, and will be a people generator for local businesses. A "Celebrate Ontario" events grant is being pursued for the purpose of this proposal enhancing the existing program. This enhancement will include a cultural music event.

Resolution No.2008-02-11-006

Moved by P. Renaud

Seconded by Deputy-Mayor Bailey

That the report by Carol Bendo, dated January 29, 2008 regarding the 2008 Caravan Music Festival be received;

That council approve the 2008 Caravan Music Festival in the Navy Yard Park with the addition of an enhancement named *"Face the Music";

And further that Council approve the closure of streets – a portion of Dalhousie Street from Rankin to Richmond during the festival weekend for pedestrian enjoyment and some street activities.

Councillor Pillon asked about the access to the Salmoni Building posing a problem. Response was that no one would be denied access.

A Recorded Vote Was Requested

Deputy-Mayor Robert Bailey	AYE
Councillor Fryer	NAY
Councillor Pillon	AYE
Councillor Sutton	AYE
Councillor White	AYE
Mayor Hurst	AYE

Motion Carried

Presentation #4 - Essex Power

Raymond Tracey, General Manager of Essex Power, made a presentation to Council regarding ELK and Essex Power Consolidation Principles.

Shareholder Approval is being requested to allow Essex Power to make a cash offer to ELK Shareholders.

Mayor Hurst commented on the current utility providers in the Town of Amherstburg and noted that until Amherstburg has one provider for hydro we will continue to have issues.

Resolution No.2008-02-11-007

Moved by J. Sutton

Seconded by R. Pillon

That the report as presented by Raymond Tracey of Essex Power be received.

Motion Carried

DELEGATIONS

Delegation #1 - Jennifer Duguay

Jennifer Duguay was scheduled to address Council regarding that status of Texas Road -

Road and Sewer Completion and Sidewalks but advised she would not attend due to illness.

Jennifer forwarded correspondence for Council consideration in-lieu of her attendance which was read by the Clerk.

Councillor Sutton spoke to clarify comments made in a flyer distributed by Councillor Fryer as follows:

- Estimated cost of total Texas Road Reconstruction is 5.3 million dollars.
- If we received full funding as requested for 4.5 million we would still be short 800,000 for Texas Road project, a tax increase of 5-6%.
- Roads Study 2004 identified 67% of roads in Town have deficiencies
- Council should not be in the business of giving false hope to ratepayers

Councillor Fryer spoke to the flyer he distributed and asked why in these economic times would the Town focus on Recreation when it should be focusing on immediate needs like the road and sidewalk infrastructure.

Councillor White spoke to the need for Recreation Facilities in the Town as necessary infrastructure.

Councillor Renaud spoke to the other projects that have been on the books longer than Texas Road and past projects that were addressed after 25 years.

Mayor Hurst asked Council if they would entertain a motion to allow those in attendance to speak to the Texas Road Reconstruction.

Moved by P. Renaud
Seconded by R. Fryer

That the rules of order be waived to hear those in attendance who wish to speak to Texas Road.

Motion Lost

Mayor Hurst made comments clarifying concerns for the Texas Road project and the need for Council to arrive at collective decisions for the benefit of all ratepayers in the Town.

Resolution No. 2008-02-11-008
Moved by Deputy Mayor Bailey
Seconded by P. Renaud

That Council receive the correspondence from Jennifer Duguay in -lieu of her delegation as read by the Clerk.

Motion Carried

CONSENT AGENDA

Consent Reports

Council asked about the Official Plan for Amherstburg and have we received final approval. Response from Lory Bratt, Planning Coordinator that final approval has not yet been received.

Council questioned the Performance Measurement information regarding Road Paving. Response from Lou Zarlenga, Manager of Public Services, that the cost of asphalt has increased.

Resolution No.2008-02-11-009

Moved by Deputy Mayor Bailey

Seconded by J. Sutton

That the following reports be received as presented:

- 1) A report by Lory Bratt, dated February 1, 2008 regarding Official Plan Amendment #7 at 440 Simcoe Street.
 - 2) A report by Paul Beneteau, dated February 1, 2008 regarding Municipal Performance Measures and
 - 3) A report by Paul Beneteau, dated February 5, 2008 regarding the Treasurer's Report.
- Motion Carried

Consent Correspondence

Consent Correspondence # 1- 3

Resolution No.2008-02-11-010

Moved by J. Sutton

Seconded by R. Fryer

That the following correspondence be received:

- 1) From the Ontario Heritage Trust dated December 28, 2007 regarding recognition for Ann McKerrow.
- 2) From Transit Windsor dated January 22, 2008 regarding Regional Transit Talks.
- 3) From the Environmental Review Tribunal dated January 23, 2008 regarding General Chemical Industrial Products Inc.

Motion Carried

Consent Correspondence #4 - City of Port Colborne

Resolution No.2008-02-11-011

Moved by R. Pillon

Seconded by Paul Renaud

That Council support the resolution of the City of Port Colborne titled "Danger Ahead the Looming Collapse of Canada's Municipal Infrastructure" ; that Administration notify the City of Port Colborne of the support; and that copies of same be sent to applicable agencies.

Motion Carried

Consent Business Licences

Resolution No. 2008-02-11-012

Moved by R. Fryer

Seconded by J. Sutton

That the Licence Application from Rouslan Rakhoutine to operate a consumer electronics store in the name of AM Electronics, under the Ontario Business Corporation Act Name of RRES Inc., be received and approved subject to compliance with all agencies and regulations.

Motion Carried

Consent Other Minutes

Consent Other Minutes #1 - COA

Resolution No. 2008-02-11-013

Moved by R. Fryer

Seconded by J. Sutton

That the minutes from the Committee of Adjustment for a meeting held on November 27, 2007 be received as presented.

Motion Carried

REPORTS OF MUNICIPAL OFFICERS

Report #1 was brought forward after Presentation #1.

Report #2 was brought forward after Presentation #2.

Report #3 was brought forward after Presentation #3.

Report #4

Resolution No.2008-02-11-014

A report by Frank Pizzuto regarding the Revised Grant Application Request for the Amherstburg Recreation Complex. The Province of Ontario has recently announced a grant initiative, the Municipal Infrastructure Investment Initiative, for municipal infrastructure. The Town of Amherstburg intends to submit a grant applications for the new Amherstburg Recreational Complex as its preferred project to the Province of Ontario by the grant deadline of February 15, 2008.

Moved by J. Sutton

Seconded by Deputy Mayor Bailey

That the report by Frank Pizzuto, dated February 5, 2008 regarding the Revised Grant Application Request for the Amherstburg Recreation Complex be received;

That the Town of Amherstburg endorse the Amherstburg Recreation Complex as its highest priority for a grant under the Municipal Infrastructure Investment Initiative (MIII);

That the Town submit an application for this (MIII) initiative to the Ontario Government;

That Council approve the repeal of By-law 2008-09 due to the amount revision;

That Council approve the revised amount as identified in by-law 2008-12;

And further that **By-Law 2008-12**

being a by-law to authorize The Submission Of An Application To The Ontario Infrastructure Projects Corporation ("OIPC") For Funding From The Municipal Infrastructure Investment Initiative For A New Amherstburg Recreational Complex (Capital Project) Of The Corporation Of The Municipality Of Amherstburg, And To Approve The Expenditure Of Funds On Said Eligible Capital Project

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.

A Recorded Vote Was Requested

Deputy-Mayor Robert Bailey	AYE
Councillor Fryer	NAY
Councillor Pillon	NAY
Councillor Sutton	AYE
Councillor White	AYE
Mayor Hurst	AYE

Motion Carried

Report #5

Resolution No.2008-02-11-015

A report by Steve Brown regarding a request for variance to a billboard sign. The owner of the Chartwell Extended Care Seniors building has requested a permit to allow placement of a billboard sign at the former Anderdon Tavern property contrary to Sign By-Law 2006-59 Section 4.1 (a), which prohibits billboard signs.

Moved by R. White
Seconded by R. Fryer

That the report by Steve Brown, dated February 5, 2008 regarding a request for a variance to a billboard sign be received;

And further that Council approve the request to place a billboard sign at the former Anderdon Tavern site to advertise the newly constructed Chartwell Extended Care Seniors building for a period of one year.

Motion Carried

Report #6

Resolution No.2008-02-11-016

A report by Ron Dzombak regarding Recreation Committee composition change.

The Recreation Committee is a dynamic committee with many individuals mostly represented by stakeholders from Amherstburg's Minor Sports groups. With the seasonal demands of volunteer organizations filling this vacant seat on the committee is important to sustainability.

Moved by R. Pillon
Seconded by J. Sutton

That the report by Ron Dzombak, dated February 5, 2008 regarding Recreation Committee composition change be received;

And further that Council approve Allen Rogers as an alternate member on the Council Recreation Advisory Committee.

Motion Carried

Report #7

Resolution No.2008-02-11-017

A report by Ron Dzombak regarding waiving fees for the Fort Malden Horticultural Society.

It has been a longstanding action to waive fees for the annual garden tour and fair yearly. The Horticultural Society has a longstanding history of contributing to Amherstburg.

Moved by R. Fryer

Seconded by R. Pillon

That the report by Ron Dzombak, dated January 28, 2008 regarding waiving fees for the Horticultural Society be received;

And further that Council approve the request made by the Fort Malden Horticultural Society to waive any user fees associated with the use of the arena complex on the weekend of Saturday, May 24th and Sunday, May 25th, 2008 for their annual garden tour and fair.

Motion Carried

Report #8

Resolution No.2008-02-11-018

A report by Pamela Malott regarding the Draft 2008 Accessibility Plan.

Moved by Deputy Mayor Bailey

Seconded by R. Fryer

That the report by Pamela Malott, dated February 1, 2008 regarding the Draft 2008 Accessibility Plan be received;

That Council direct Administration to post the draft on the Town website for a period of 30 days to invite public comment;

That the posting of the draft plan be advertised;

That any public comment received be forwarded back to the AAAC for consideration;

And further that the AAAC bring the final 2008 Accessibility Plan back to Council for consideration and adoption.

Council asked as part of the process that the line items in the operating budget which are affected by Accessibility initiatives be removed into one account titled 'Accessibility Initiatives' to enable the costs to be more transparent to the public.

Motion Carried

Report #9

Resolution No.2008-02-11-019

A report by Steve Brown regarding an additional appointment to the Heritage Committee.

Mr. Barrette has shown interest in becoming a member of the Amherstburg Heritage Committee. He has had past experience as a volunteer in various committees and his background as a History teacher will prove invaluable to the committee.

Moved by J. Sutton

Seconded by R. Pillon

That the report by Steve Brown, dated January 31, 2008 regarding an additional appointment to the Heritage Committee be received;

And further that Council appoint Chad Barrette to the Amherstburg Heritage Committee.
Motion Carried

Report #10

Resolution No.2008-02-11-020

A report by Pamela Malott regarding the Kingsbridge Subdivision - Closing a Portion of Wilson Court and Conveyance of Lands to Developer.

In December 2007 Council approved a request from 1078217 Ontario Limited for road closure, dedication of a new section of roadway (the expansion of Wilson Court), naming and re-naming a portion of Wilson Court and Hilton Court (stub), and removal of part lot control for a portion of Plan 12M-534.

In registration of the required documentation our Solicitor has advised of an issue with legal description included in by-law 2007-82. Parts 22,23,25, and 26 are lands already owned by the developer. These lands were originally retained for use as easements. It is necessary for us to revise the by-law accordingly.

We have therefore prepared for Council consideration by-law 2008-11, being a by-law to close a portion of Wilson Court and convey these lands to the Developer.

Moved by R. Fryer
Seconded by R. White

That the report by Pamela Malott, dated February 5, 2008 regarding the Kingsbridge Subdivision - Closing of a Portion of Wilson Court and Conveyance of Lands to Developer be received;

That Council approve the repeal of By-law 2007-82 due to legal description inconsistencies;

That Council approve the revised legal description as listed in by-law 2008-11;

And further that

By-Law 2008-11

being a by-law to close a portion of Wilson Court and convey these lands to the Developer

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

Correspondence #1 - Town of Kingsville

Resolution No.2008-02-11-021
Moved by Deputy Mayor Bailey
Seconded by J. Sutton

That the correspondence from the Town of Kingsville dated January 22, 2008 regarding supporting their Resolution #63-2008 be received;

That Council support the Town of Kingsville resolution 63-2008 requesting the support for the Town of Kingsville's endeavour to be crowned Kraft Hockeyville 2008;

And further that Council direct administration to take out an advertisement in the Amherstburg Echo requesting our residents to support the Town of Kingsville by voting for Kingsville during the week of February 17-23, 2008 on the CBC Kraft Hockeyville Website.

Motion Carried

Correspondence #2 - Kidney Foundation of Canada - Windsor & District Chapter

Resolution No.2008-002-11-022
Moved by J. Sutton
Seconded by R. Pillon

That the correspondence from the Windsor & District Chapter of the Kidney Foundation of Canada dated January 18, 2008 be received;

That Mayor Hurst proclaim March as "Kidney Health Month";

And further that Council grant permission to the foundation's volunteers to canvas door-to-door in the Town of Amherstburg during the month of March in 2008.

Motion Carried

OTHER MINUTES

Minutes # 1 - AAAC

Resolution No.2008-02-11-023
Moved by Deputy Mayor Bailey
Seconded by R. Fryer

That the minutes of the Amherstburg Accessibility Advisory Committee held on January 31, 2008 be received as presented;

And further that Council direct Administration to forward correspondence to Linda Saxon responding to her prior delegations to Council.

Motion Carried

UNFINISHED BUSINESS

Unfinished Items as of January 28, 2008

Resolution No.2008-02-11-024

Item #	Item Description:	Due Date	Type of Reply
1	CDL Recyclers Request to Loop 8th Concession Watermain - Lou to report in early 2008 - Lou has sent request to Stantec	ASAP 2008	Council Report
2	Parks Committee Vacancies	February 2008	Council Report
3	Councillor Fryer requested that the Procedural Policy (Procurement) go back to Council	February 2008	Council Report
4	Centennial Track Funding Options	February 2008	Council Report
5	Traffic Signalization Texas Rd.	February 2008	Council Update
6	Possibility of combining the collection of hazardous goods with the Municipal Day event in 2008.	March 2008	Council Report
7	Edgewater Beach Lagoons	April 2008	Council Report
8	Report on potential for Revenue from Fire Inspections and staffing options.	May 2008	Council Report

Motion Carried

NEW BUSINESS

No New Business items raised.

BY-LAWS

By-Laws

Resolution No.2008-02-11-025

By-Law 2008-12

being a by-law to authorize The Submission Of An Application To The Ontario Infrastructure Projects Corporation ("OIPC") For Funding From The Municipal Infrastructure Investment Initiative For A New Amherstburg Recreational Complex (Capital Project) Of The Corporation Of The Municipality Of Amherstburg, And To Approve The Expenditure Of Funds On Said Eligible Capital Project (See Report #4)

By-Law 2008-11

being a by-law to close a portion of Wilson Court and convey these lands to the Developer (See Report #10)

Moved by J. Sutton
Seconded by R. Pillon

That

By-Law 2008-10

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.

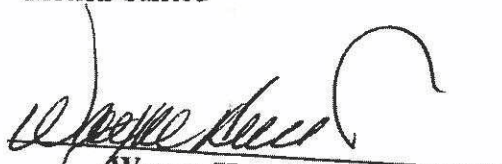
Motion Carried

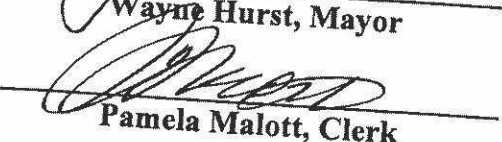
NOTICE OF MOTION

None at this time.

ADJOURNMENT

Resolution No.2008-02-11-026
Moved by P. Renaud
Seconded by R. Fryer
That the meeting adjourn at 8:57 PM
Motion Carried


Wayne Hurst, Mayor


Pamela Malott, Clerk

RECEIVED
FEB 11 08

By FAX

Good Evening, Your Worship & Members of Council,

My name is Jennifer Duguay & my family & I live at 287 Texas Rd. I'm writing this to speak about Texas Rd. & when it is going to receive the much promised, but, oh so constantly postponed sidewalks, storm sewers, lighting & full reconstruction.

I understand that during these tough economic times that certain items must put on the backburner. However, I have recently been informed that the Texas Rd project was deemed a need to be done, "NOW" back in 2003!

Last year, the Kingsbridge subdivision received sidewalks. I cannot say, enough how great that was. Going trick or treating with our daughter this year while walking on the safety of those sidewalks was a blessing!

Now, Texas Rd has been here much longer & is a much more used roadway. Why has it been ignored for so long?

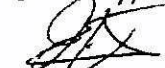
When I occasionally allow my daughter to ride her bike to her friends (which is 10 houses from ours on the same side of the street) I stand at the end of my driveway to watch her because I fear for her safety, riding on the soft shoulder of a road that is sloped & dangerous. A right of passage for every 10 year old is the freedom to ride their bikes without constant parental supervision - that cannot happen on our own street!

We have never, as a family, walked down Texas Rd because of the lack of sidewalks - it's just too unsafe. So many families live in this concentrated area; sidewalks are no longer a luxury, they have become a necessity!!

It has come to my attention, that there is a possibility of a government grant, that could complete this project fully, with no cost to taxpayers. This seems a "no brainer" to me. I understand that many items are before council for their attention & decisions are not easy to make, but, council is planning another tax increase this year & there has been no mention of Texas Rd. repair... in any of the reasons for the increase. This roadway is surely used by most Amherstburg residents & all would benefit from the reconstruction. Every year that goes by the price for the reconstruction just keeps rising. I'm sure it has almost doubled since 2003. I'm asking council to please take another look at this very important infrastructure necessity & make it a PRIORITY NOT a MAYBE LATER project anymore!

Thank-you for your time.

Sincerely,



Jennifer Duguay