

**Minutes of an Amherstburg Municipal Council Meeting
Held At 7:00 pm in Council Chambers on
Monday, February 25, 2008**

PRESENT:

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

ALSO PRESENT:

Carol Bendo, Human Resources Specialist/Deputy Clerk
Paul Beneteau, Treasurer
Lory Bratt, Planning Coordinator
David Carpenter, IT Manager
Ron Dzombak, Manager of Recreational Services
Ivan Fregonese, Supervisor Budget Services
Anna Graham, Deputy Chief Building Official
Pam Malott, Mgr. of Corporate & Leg. Services/Clerk
Lou Zarlenga, Public Works Manager

ABSENT w/ NOTICE: Frank Pizzuto, CAO (Town Business)
Deputy Mayor Robert Bailey

CALL TO ORDER

PRAYER

Clerk Pamela Malott said prayer.

DISCLOSURE OF PECUNIARY INTEREST

No disclosures of pecuniary interest were stated.

MINUTES OF PREVIOUS MEETING

In-Camera Meeting February 11th, 2008

Resolution No.2008.02.25-002
Moved by P. Renaud
Seconded by J. Sutton

That the minutes of the Amherstburg Municipal Council Meeting held In-Camera on

February 11th, 2008 be adopted.
Motion Carried

Regular Public Meeting February 11th, 2008

Resolution No. 2008.0.25-003
Moved by R. Fryer
Seconded by R. White

That the minutes of the Amherstburg Municipal Council Regular Meeting of
February 11th, 2008 be adopted.
Motion Carried

Special Meeting Zoning February 19th, 2008

Resolution No. 2008.02.25-004
Moved by J. Sutton
Seconded by R. White

That the minutes of the Amherstburg Municipal Council Special Zoning Meeting
held February 19th, 2008 be adopted.
Motion Carried

Special Budget Meeting February 19th, 2008

Resolution No. 2008.02.25-005
Moved by R. White
Seconded by R. Pillon

That the minutes of the Amherstburg Municipal Council Special Budget Meeting
held February 19th, 2008 be adopted.
Motion Carried

PRESENTATIONS

Presentation #1 - WEDC

Resolution No. 2008.02.25-006

Matthew Fischer, Chief Executive Officer, and Tracy Pringle, Director of Business Retention and Expansion with the Windsor Essex Development Commission made a presentation to Council on WEDC's progress and successes in 2007, the 2008 Economic Development Strategy and opportunities to work with Amherstburg in the 2008 year.

Councillor Pillon questioned the selection process used for local companies to participate in the Trade Show and asked if it was a fair process. Response that Companies are solicited and all encouraged to attend.

Councillor Fryer asked about the criteria for inventories of land and site selection. Response that a survey was done last spring of available lands. Ongoing conversations are held with Municipalities to update inventories.

Councillor Fryer applauded group for venturing into new territory.

Mayor Hurst thanked the presenters for the update on the work of the WEDC.

Moved by R. Pillon
Seconded by J. Sutton

That the presentation from the WEDC be received as presented.

Motion Carried

DELEGATIONS

Delegation #1 - Larry Bertrand

Resolution No. 2008.02.25-007

Mr. Larry Bertrand addressed Council regarding recent flooding in his back yard and also requested a curb cut at the rear entrance of his property at 367 Simcoe St. Mr. Bertrand supplied information in writing concerning his delegation which is attached to and forms part of these minutes.

Lou Zarlenga responded to the delegation as follows:

- Drainage System has been altered in the area.
- Part of the 2nd Concession Drain is now going thru the property and this can be used to drain the surface waters of the property.
- It is being proposed to grade the park and use catch basins to handle drainage issues.
- Municipal Drain grading to be done in Spring

Moved by R. Pillon
Seconded by J. Sutton

That the delegation by Mr. Bertrand be received as presented; and further that Council direct Administration to proceed with the hook up for the drainage of the surface water and authorize the curb cuts necessary as described by Mr. Bertrand.

Motion Carried

CONSENT AGENDA

Consent Correspondence

Resolution No. 2008.02.25-008

Moved by R. White
Seconded by R. Fryer

That the following correspondence be received:

- 1) From the WSIB, dated February 8, 2008, regarding new policies to support presumptive legislation for firefighters.
- 2) From Windsor Regional Gambling Services, dated February 11, 2008, regarding an invitation to their Open House to be held on Friday, March 7, 2008 from 12 to 4 P.M.
- 3) From the Town of Northeastern Manitoulin and the Islands, dated February 5, 2008, requesting support for their resolution No.39-02-08 regarding municipal drinking water systems.
- 4) From the Township of Galway-Cavendish & Harvey, dated February 1, 2008, requesting endorsement for their resolution regarding a ban on the ownership of handguns.
- 5) From the Western Ontario Wardens' Caucus, dated January 17, 2008, requesting endorsement for their resolution regarding farm tax rebates.
- 6) From the Corporation of the City of Oshawa, dated February 20, 2008, regarding lead testing mandated by Province for municipal drinking water.
- 7) From the Essex Region Conservation Authority, dated February 18, 2008, regarding terms of reference for Source Protection Plan for the Essex Region Source Protection Area.
- 8) From the Office of the Fire Marshall within the Ministry of Community Safety and Correctional Services, dated February 8, 2008, regarding covering costs associated with the new fire safety legislation.
- 9) From Communities in Bloom, dated February 19, 2008, regarding CIB (Communities in Bloom) membership.
- 10) From the Essex Region Conservation Authority, dated February 11, 2008, regarding Heritage River Lookout conservation area clean up.
- 11) From the Office of the Deputy Minister of Emergency Planning and Management within the Ministry of Community Safety and Correctional Services, dated February 12, 2008, regarding successful fulfillment of the Emergency Management and Civil Protection Act and Ontario regulation 380/04 by the Town of Amherstburg.

Motion Carried

Consent Business Licences

Resolution No. 2008.02.25-009

Moved by J. Sutton

Seconded by R. White

That the following licence applications be received and approved subject to compliance with all agencies and regulations:

1. A hawker/peddler licence for Alfred Bouzide for Fred's Farm Fresh, incorporated under Bouzide Enterprises Ltd., in order to sell flowers at 9 Sandwich St. in Amherstburg during the 2008 Easter and Mother's Day weekends.
2. A business licence for Gianni Rigotti to operate Armando's Pizzeria, incorporated under Catalano's Pizzeria Ltd, in order to operate a take out and delivery pizzeria establishment at 421 Sandwich St. in Amherstburg.
3. A business licence for Noel LeBlanc to operate A.M. Electronics ,in order to offer computer repairs, at 126A Richmond St. in Amherstburg.
4. A kennel licence for Lesley Ducedre to operate Lads and Lasses at 5302 Concession 5 North in Amherstburg.
5. A cab licence for Brendan Whelan to operate as a cab driver in the Town of Amherstburg.

Motion Carried

Consent Other Minutes

Resolution No. 2008.02.25-010

Moved by R. Fryer

Seconded by R. White

That the following minutes be received as presented:

1. Meeting held on February 7th, 2008 by Co-An Park.

Councillor Pillon made note of the upcoming 30th Anniversary of Co-An Park and noted that Council would be asked to participate in planned events once announced.

Motion Carried

REPORTS OF MUNICIPAL OFFICERS

Report #1

Resolution No. 2008.02.25-011

A report by Lou Zarlenga regarding a request for a new residential access bridge. The Town has received a request for a new access bridge to be constructed over the Matte-Beneteau Municipal Drain under the provisions of the Ontario Drainage Act.

Moved by R. Pillon

Seconded by J. Sutton

That the report by Lou Zarlenga, dated February 14, 2008 regarding a request for a new

residential access bridge be received;

That Council accept the request from Stewart and Annette Brown for the construction of a new access culvert;

And further that N.J. Peralta Engineering Ltd. be authorized to prepare a drainage report pursuant to Section 78 of the Drainage Act providing for the requested new bridge.

Motion Carried

Report #2

Resolution No. 2008.02.25-012

A report by Paul Beneteau and Ivano Fregonese regarding a Debenture Issue.

Moved by R. Pillon

Seconded by R. White

That the report by Paul Beneteau and Ivano Fregonese, dated February 19, 2008 be received.

Motion Carried

Report #3

Resolution No. 2008.02.25-013

A report by Frank Pizzuto, Lou Zarlenga and Paul Beneteau regarding an Agreement with Essex Power Services for water and sewer billing/collecting and meter reading.

Councillor Renaud asked if the issues concerning incoming calls and requests for information remains a problem for ratepayers? Response from Lou Zarlenga that issues are happening less frequently. Many questions are answered through PWD staff.

Moved by J. Sutton

Seconded by R. Fryer

That the report by Frank Pizzuto, Lou Zarlenga and Paul Beneteau, dated February 4, 2008 regarding an Agreement with Essex Power Services for water and sewer billing/collecting and meter reading be received;

That the Town enter into an agreement with Essex Power Services to provide the Water and Sewer billing and collecting / meter reading and call centre agreement, for a one year period, during which time the municipality undertake a review of these functions to determine the feasibility of the municipality being capable of providing this function in -

house.

Motion Carried

Report #4

Resolution No. 2008.02.25-014

A report by Paul Beneteau regarding the Town of Amherstburg procurement policy.

Moved by R. White

Seconded by J. Sutton

That the report by Paul Beneteau, dated February 13, 2008 regarding the Town of Amherstburg procurement policy be received.

An amendment was requested to the original motion as follows:

Moved by R. Fryer

Seconded by R. Pillon

That section III (3ii) of the Procurement Policy be amended to read:

For contracts under 25,000 by a Department Head, or where requested the Mayor and Municipal Clerk, after being approved by Council.

On the amendment,

Motion Carried

On the original motion,

Motion Carried

Report #5

Resolution No. 2008.02-015

A report by Pamela Malott regarding the Terms of Reference for Committees of Council/Advisory Committees.

Moved by R. White

Seconded by R. Fryer

That the report by Pamela Malott, dated February 19, 2008 regarding the Terms of Reference for Committees of Council/Advisory Committees be received;

That Council approve the guidelines contained within the report;

That Council direct Administration to prepare a formal Policy Guideline for use by all Advisory Committees of Council;

And further that Council direct Administration to work with the Committees in developing Terms of Reference for each using the model presented.

Motion Carried

Report #6

Resolution No. 2008.02.25-016

A report by Pamela Malott regarding the Parks Advisory Committee vacancies.

Moved by R. White

Seconded by P. Renaud

That the report by Pamela Malott, dated February ,2008 regarding the Parks Advisory Committee vacancies be received;

That Council direct Administration to proceed with the process of filling the Parks Advisory Committee vacancies;

That the attached Terms of Reference - Parks Advisory Committee, be adopted by Council;

And further that the Parks Advisory Committee be appointed until December 30, 2010.

Motion Carried

Report #7

Resolution No. 2008.02.25-017

A report by Ron Dzombak regarding funding opportunities for H. Murray Smith Centennial Park Track.

Moved by R. Fryer

Seconded by J. Sutton

That the report by Ron Dzombak, dated February 19,2008 regarding funding opportunities for H. Murray Smith Centennial Park Track be received.

Councillor Fryer thanked the Manager of Recreation for the report and stressed that Town should continue to seek funding opportunities that may arise.

Motion Carried

Report # 8 (Report No. 1 Supplementary Agenda)

Resolution No. 2008.02.25-018

This report concerns the Tender Results for the 2008 Sewer Separation Program Phase 3 and 4 and Infrastructure Improvements.

Moved by J. Sutton
Seconded by R. Pillon

That the report from Lou Zarlenga, dated February 20, 2008 recommending that the contract be awarded to the low tenderer being Smith Contracting for the 2008 Sewer Separation Program Phase 3 and 4 and Infrastructure Improvements be approved.

Lou Zarlenga presented information on overhead highlighting area of work. An Open House will be held at the Cultural Centre and will be advertised.

Councillor Fryer asked if the work around General Amherst would be done after school finishes for the year? Response that Town would accommodate school as best possible but that the project would be progressing quickly.

Lou Zarlenga confirmed that the contractor would normally work 7:00 a.m. to 6:00 p.m. but would be encouraged to work weekends if possible.

Councillor Pillon asked that as well as a Public Meeting, that the businesses be kept informed of the progress of the project. Response from Mr. Zarlenga that hand delivered notices are delivered within a week of actual work commencing.

Motion Carried

Report # 9 (Report No. 2 Supplementary Agenda)

Resolution No. 2008.02.25-019

This report concerns the Amherstburg Water Treatment Plant Equipment Pre-selection Solids Contact Clarifier Mechanism – Tender Results.

Moved by R. White

Seconded by J. Sutton

That the report from Lou Zarlenga, dated February 21, 2008 recommending that the contract be awarded to the low tenderer being Ecodyne Limited for the pre-selection of the Solids Contact Clarifier Mechanism to be supplied for the Amherstburg Water Treatment Plant be approved.

Councillor Fryer asked if we go out and look for additional providers other than the two

tenders that came back? Response from Mr. Zarlenga that unfortunately there are no other candidates.

Motion Carried

CORRESPONDENCE

Correspondence #1

St. Patrick's Day Celebration

Resolution No. 2008.02.25-020

Moved by J. Sutton

Seconded by P. Renaud

That the correspondence from the Chamber of Commerce regarding the St. Patrick's Day Party at Duffy's Tavern and Motor Inn on Wednesday, March 12, 2008 be received and further that all Councillors, Town employees, area business owners and residents be encouraged to attend.

Motion Carried

Correspondence #2

Annual Rib Barbeque Fundraiser

Resolution No. 2008.02.25-021

Moved by R. Pillon

Seconded by R. White

That the correspondence from the 202nd Fort Malden Royal Army Cadet Corps regarding their annual rib barbeque fundraiser be received and further that all Councillors, Town employees, area business owners and residents be encouraged to attend.

Motion Carried

Correspondence #3

Good Friday Walk

Resolution No. 2008.02.25-022

Moved by R. White

Seconded by J. Sutton

That the correspondence from St. John the Baptist Church regarding their 'Good Friday Walk' on March 21, 2008 be received and further that Council approve the request of St. John the Baptist Church for their 'Good Friday Walk ' subject to an insurance waiver being provided to the Town and that the the Amherstburg Police Services be notified accordingly.

Motion Carried

UNFINISHED BUSINESS

Unfinished Items as of February 25, 2008

Resolution No. 2008.02.25-023

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	Possibility of combining the collection of hazardous goods with the Municipal Day event in 2008.	March 2008	Council Report
3	Edgewater Beach Lagoons	April 2008	Council Report
4	Report on potential for Revenue from Fire Inspections and staffing options.	May 2008	Council Report

NEW BUSINESS

No new business was raised.

BY-LAWS

By-Law 2008-06

Resolution No. 2008.02.25-024

Moved by R. Pillon

Seconded by R. White

That **By-Law 2008-06** being a by-law authorizing the application to Infrastructure Ontario to borrow money by way of a debenture to meet expenditures made in connection with certain projects (See Report #2)

be taken as having been read a first, second and third time, be finally passed, and the Mayor and Clerk be authorized to sign same and affix the Corporate Seal thereto.

Motion Carried

By-Law 2008-07

Resolution No. 2008.02.25-025

Moved by R. Pillon

Seconded by J. Sutton

That **By-Law 2008-07** being a by-law authorizing the application to Infrastructure Ontario to borrow money by way of a debenture to meet expenditures made in

connection with certain projects (See Report #2)

be taken as having been read a first, second and third time, be finally passed, and the Mayor and Clerk be authorized to sign same and affix the Corporate Seal thereto.

Motion Carried

Zoning By-Law

Resolution No. 2008.02.25-026

Moved by R. White

Seconded by J. Sutton

That By-Law 2008-13 being a By-Law to Amend Zoning By-Law 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

Confirmatory By-Law

Resolution No. 2008.02.25-027

Moved by J. Sutton

Seconded by R. Fryer

That By-Law 2008-14 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

No Notices of Motion given.

ADJOURNMENT

Adjournment

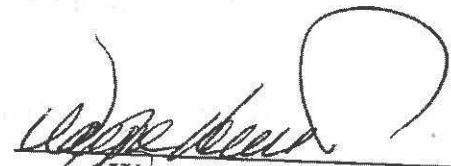
Resolution No. 2008.02.25-028

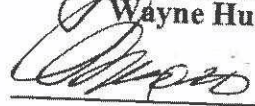
Moved by R. White

Seconded by J. Sutton

That we rise and adjourn at 8:10 P.M.

Motion Carried



Wayne Hurst, Mayor


Pamela Malott, Clerk

Bertrand

RECEIVED
02/25/08

February 24, 2008

Thank you Your Workship

My name is Larry Bertrand and I live at 375 Simcoe and own the adjacent property at 367 Simcoe.

My first concern is the flooding of the rear backyards since the construction of the school and park have been taking place. The property was originally owned by my wife's father and grandfather as were all the lots. Every lot along Simcoe's south side was once part of the farm and subsequently all drain into a still operating 6 inch field tile that drained southward. Since the construction began, several hundred meters of field tile was ripped out causing the back yards from 367 east to 391 to flood constantly. Residents with no basements are noticing water under their homes where they have never experienced this before.

I would really appreciate a solution to our problem. I don't feel that we should be responsible for something that was caused by a situation beyond our control. We would like to be able to tie our rear yard draining tiles in to the drain being installed behind us to alleviate the water problem.

The second item I have is because the property was part of one farm I always had access to the rear property at 367 via a gate that faced south to the field now the school property. I asked the contractor Lapico about being unable to access that yard by the fence because a fence was being installed for the school. He advised that I had no recourse but to move the gate myself at my expense which I did. I paid to have the gate moved to the west side of the property facing Fryer Street. I now request that when the curbs and sidewalks are installed along Fryer that you allow a curb cut so I can continue to have access to my property.

Thank you very much for giving me the opportunity to address these issues with you, your Workship and Members of Council.

Larry Bertrand