

**Minutes of Amherstburg Municipal Council  
Held Monday, May 12, 2008  
At 7:00pm in Council Chambers**

**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  
Lory Bratt, Planning Coordinator  
David Carpenter, Manager of IT Services  
Ron Dzombak, Manager of Recreational Services  
Ivano Fregonese, Supervisor Budget Services  
Anna Graham, Deputy Chief Building Official  
Pam Malott, Mgr. of Corporate & Leg. Services/Clerk  
Richard Murray, Fire Chief  
Lou Zarlenga, Public Works Manager

**ABSENT WITH NOTICE:**

Councillor Paul Renaud  
Steve Brown, Chief Building Official (Vacation)

**PRAYER**

The Clerk said prayer.

**DISCLOSURE OF PECUNIARY INTEREST**

No disclosure of Pecuniary Interest was declared.

**Mayor Hurst addressed Council and residents of the upcoming Fundraising Gala for the Mayor's Fountain at the Verdi Club May 24<sup>th</sup> and encouraged all who are able to attend.**

### **MINUTES OF PREVIOUS MEETING**

Moved by R. Pillon  
Seconded by R. Fryer

That the minutes of the following Amherstburg Municipal Council meetings be adopted as circulated:

1. In-Camera meeting held at 6:15 pm on Monday, April 28, 2008;
2. Public meeting held at 7:00 pm on Monday, April 28, 2008;
3. In-Camera meeting held at 7:30 am on Wednesday, April 30, 2008 and
4. In-Camera meeting held at 6:00 pm on Monday, May 5, 2008 as amended.

**Motion Carried**

### **DELEGATIONS**

No delegations.

### **PRESENTATIONS**

No presentations.

### **REPORTS OF MUNICIPAL OFFICERS**

#### **Report #1**

A report by Ron Dzombak regarding the Town of Amherstburg Ice Allocation Policy.

Moved by R. Fryer  
Seconded by R. Pillon

That the report by Ron Dzombak, dated May 6, 2008, regarding the Town of Amherstburg Ice Allocation Policy be received and deferred until January 2009.

Discussion

Council expressed opinion that the Feasibility Study and Business Case will assist Council in making a decision on the Ice Allocation Policy.

Council expressed hope that regardless of the result of the Feasibility Study that all User Groups would work together in understanding the need for an Ice Allocation Policy being developed.

**A recorded vote was requested by Councillor White.**

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

**Motion Carried**

**Report #2**

A report by Pamela Malott regarding a request to amend Taxi Tariff and Fees and Amending By-Law 2008-36.

Moved by J. Sutton

Seconded by R. White

That the report from Pamela Malott, dated May 5, 2008 regarding a request to amend Taxi Tariff and Fees and Amending By-Law 2008-36 be received;

That **By-Law 2008-36** being a By-Law to amend By-Law 2002-75 being a by-law to licence, regulate and govern cabs, cab owners and drivers be taken as having been read a first time;

That the public be given notice thru advertisement and the Town website with opportunity to comment;

And further that By-Law 2008-36 be read a second and third time and be finally passed at the Council meeting of June 9<sup>th</sup>, 2008.

**Motion Carried**

**Report #3**

Report from Pamela Malott regarding Heaton Court Road Dedication and By-Law 2008-35.

Moved by R. White  
Seconded by R. Pillon

That the report from Pamela Malott, dated May 5, 2008 regarding Heaton Court Road Dedication and By-Law 2008-35 be received;

That Council approve the dedication of a new section of public highway on Heaton Street;

And further that **By-Law 2008-35** being a By-Law to dedicate Block 50, Plan 12M-245 as a public highway 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 #4**

Report from Pamela Malott regarding Essex Power Corporation Acquisition of ELK.

Moved by Deputy Mayor Bailey  
Seconded by R. White

That the report from Pamela Malott, dated may 6, 2008 regarding Essex Power Corporation Acquisition of ELK be received;

And further that Council direct Administration to advise the Essex Power Board of Directors that approval is given by the Council of the Town of Amherstburg to allow Essex Power to make a cash offer to ELK shareholders.

**Motion Carried**

**Report #5**

Report from Stephen Brown regarding a heritage designation By-Law for 443 Dalhousie – John G. Kolfage Homestead.

Moved by J. Sutton  
Seconded by R. Fryer

That the report from Stephen Brown, dated May 5, 2008 regarding a heritage designation By-Law for 443 Dalhousie – John G. Kolfage Homestead be received;

And further that **By-Law 2008-37** being a By-Law to designate the Property at 443 Dalhousie Street and known as John G. Kolfage Homestead 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

That direction be given to Administration to report back on the number of properties designated and the Heritage Property Tax Rebate amounts for the past year.

**Motion Carried**

**Report #6**

Report from Stephen Brown regarding a request for the Deferral of Development Charges for 27 Hilton Court.

Florica's Homes Inc. applied for deferral of the development charge in connection with the construction of a single family dwelling on Lot 71, Plan 12M-534 (27 Hilton Court).

Moved by R. Fryer  
Seconded by J. Sutton

That the report from Stephen Brown, dated April 30, 2008 regarding a request for the Deferral of Development Charges for 27 Hilton Court be received;

That Council approve the application for deferral of development charges as submitted by Florica's Homes Inc. for property located at 27 Hilton Court;

And further that **By-Law 2008-34** being a By-Law to authorize the signing of an agreement to defer development charges 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 #7**

Report from Carol Bendo regarding appointments to the Amherstburg Municipal Events Committee.

Moved by Deputy Mayor Bailey  
Seconded by R. White

That the report from Carol Bendo, dated April 28, 2008 regarding appointments to the Amherstburg Municipal Events Committee be received;

That Council appoint Kathy Glover, Debby Pajot and Bill Wark as members of the Town of Amherstburg Municipal Events Committee for the term ending December 31, 2008;

And further that the Municipal Events Committee be renamed to the Community Spirit Committee.

**Motion Carried**

**Report #8**

Report from Carol Bendo regarding a request to waive the user fee for Toddy Jones Park.

It has been historical practice to waive the user fee for Toddy Jones Park for charitable organizations and this group will add economic impact by visiting the other Amherstburg sites.

Moved by R. Pillon  
Seconded by R. White

That the report from Carol Bendo, dated May 5, 2008, regarding a request to waive the user fee for Toddy Jones Park be received;

And further that the Town of Amherstburg waive the \$75 fee for the United Church Downtown Mission of Windsor Inc. annual member fieldtrip to be held on July 22, 2008 at Toddy Jones Park.

**Motion Carried**

**Report #9**

Lou Zarlenga presented to Council his report regarding the Christmas tree in KNYP.

Moved by Deputy Mayor Bailey  
Seconded by R. White

That the report from Lou Zarlenga, dated May 7, 2008 regarding the Christmas tree in KNYP be received;

And further that Council consider an annual Christmas Tree Donation Program to provide for the Town's Christmas tree at the Kings Navy Yard Parkette.

Discussion

Council agreed from their viewing that the tree is in not in good health. Council asked about the feasibility of replacing the tree with a new tree. Response from Manager of Public Service was that the costs to remediate the soil to prepare for a new tree would range between \$ 3,000-\$ 5,000 as we would need to dig down at least five or six feet to remediate soil.

Mayor Hurst advised that the Town can proceed to solicit a tree annually from the Community, and can review the issue again in future to determine if this approach is working.

**A recorded vote was requested by Councillor Fryer.**

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

**Motion Carried**

**Report #10 (Brought forward Correspondence #1)**

Report from Lou Zarlenga regarding the Kingsbridge Residential Community Sidewalk.

Moved by R. Pillon  
Seconded by J. Sutton

That the correspondence from STANTEC Consulting regarding the Kingsbridge Residential Community Sidewalk, dated April 21, 2008 be received:

That the report from Lou Zarlenga, dated April 25, 2008 regarding the Kingsbridge Residential Community Sidewalk be received;

And further that Council concur with the recommendation of the Consulting Engineer and that the Town remove the sidewalks from maintenance and assume the sidewalks for the Kingsbridge Subdivision as of April 21, 2008.

### **Motion Carried**

### **Report #11**

Lou Zarlenga provided information concerning his report (late starter) to Council on the Construction progress within the Town of Amherstburg.

#### Discussion

Mayor Hurst: Clarified that the Second Phase of Sewer Separation the will be completed by the end of June. He also asked that Park Street, specifically the east end which is a dead end be taken care of appropriately like the other part of Park Street.

Councillor R. Fryer: Asked about work on King St. between Park and Simcoe – will the restoration to the sidewalks and roadway that was disturbed be taken care of? L. Zarlenga advised that all of this will be replaced and as we are completing the work we are evaluating the present sidewalks and if they need to be replaced then they are being replaced now with this work. This is true not just of Park Street but also King, Simcoe and Seymour.

Councillor R. Pillon: Asked why the work on Park is taking so long. L. Zarlenga clarified that a few timing issues occurred due to having two contractors and by law we cannot have two contractors work on the same street at the same time so that staging had to take place. Connection on Park on Dalhousie was a major part of the job, a lot of underground utilities and very large sewers are found in that area so much so that a lot of work had to be done by hand.

Councillor R. Fryer: Asked about the condition of Laird Street and when work can be expected to be done. L. Zarlenga provided information that a petition has been received from residents at Laird and he will be bringing this information to Council at another meeting. Their request is that the road is too high and it should be lowered to improve the drainage. Phases 3 and 4 sewer separation contracts have added drainage facilities added 31 catch water basins along Laird and about 6 catch water basins on private properties where there are individualized low areas. This will greatly improve the drainage on Laird Avenue. Reconstruction of Laird avenue is a major construction project and that is beyond our means at the present time and this will be done in the future. The catch water basins that will be installed can be used for any future construction so they will be a step in the right direction.

Councillor J. Sutton: Asked if the simulation at the corner along Fryer Street will occur prior to the New School opening in September. L. Zarlenga will provide results of that information at a future Council meeting.



Moved by R. Pillon  
Seconded by R. Fryer

That the report from Lou Zarlenga regarding an update on construction progress be received as presented and that Administration be asked to make available on the Town website a copy of the report.

**Motion Carried**

Moved by R. Pillon  
Seconded by R. White

That the excess flagpole from KNYP be relocated to the COAN Park to use for flying the Town of Amherstburg flag.

**Motion Carried**

**Report #12**

A report by Lou Zarlenga regarding the Amherstburg Water Treatment Plant Solids Contact Clarifier Mechanism Tender for Installation of Preselected Equipment Results from Tender Opening.

A public tender was recently held for the installation of pre-selected equipment for the Solids Contact Clarifier Mechanism for the Amherstburg Water Treatment Plant. This report deals with the tender results and attached recommendations of the Town's Consultant.

Moved by J. Sutton  
Seconded by R. White

That the report by Lou Zarlenga, dated May 9, 2008 regarding the Amherstburg Water Treatment Plant Solids Contact Clarifier Mechanism Tender for Installation of Preselected Equipment Results from Tender Opening be received;

And further that Council accept the Consulting Engineer's recommendation to award the contract to the low tenderer being Southern Mechanical Contractors Ltd. for the installation of the Solids Contact Clarifier Mechanism to be supplied for the Amherstburg Water Treatment Plant.

**Motion Carried**

## **CONSENT AGENDA**

### **Consent Reports**

Moved by J. Sutton  
Seconded by R. White

That the following reports be received;

1. A report from Lory Bratt, dated May 2, 2008 regarding Rogers – Proposed Wireless Site;
2. A report from Lou Zarlenga, dated May 7, 2008 regarding 2008 West Nile Virus Control Program.

### **Motion Carried**

### **Consent Correspondence**

Moved by R. White  
Seconded by R. Fryer

That the following correspondence be received:

- 1.-5 Letters of support from the following municipalities in Ontario for Amherstburg's resolution on Lead Testing: City of Dryden, Corporation of the Village of Westport, Township of Lanark Highlands, United Counties of Prescott Russell and the Village of Thornloe.
6. From Bryson Parks regarding a donation request for the Global Youth Network.
7. From the Corporation of the Town of Kingsville regarding a thank you for our support of their quest for the title of Kraft Hockeyville 2008.
8. From Linda Saxon regarding the accessibility advisory committee composition. (Copy previously forwarded to AAAC).
9. From Linda Saxon regarding comments on the Guide How to Plan Accessible Outdoor Events, 2007 Special Events Policies and Procedures Manual. (Copy previously forwarded to AAAC and Special Events).
10. From the Township of Tiny, dated April 16, 2008 regarding commemorating the 400<sup>th</sup> Anniversary – Arrival of Samuel de Champlain.
11. From the Fort Malden Horticultural Society, dated May 5, 2008 regarding an invitation to the 23<sup>rd</sup> Annual Amherstburg Garden Tour Thank You Reception.

### **Motion Carried**

**Consent Business Licences**

Moved by R. Pillon  
Seconded by R. Fryer

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

1. Business Licence from Herbert Zamek to operate Edward Jones Financial in order to conduct a business with respect to investments.
2. Cab Licence renewal from Ronald Cloutier to operate as a cab driver in the Town of Amherstburg.
3. New cab licence from Wayne Clark to operate as a cab driver in the Town of Amherstburg.
4. Business Licence from Brenda Powell to operate a hair salon.
5. Business Licence from Harinder Singh to operate SARB's, a retailer of clothing and art work.

**Motion Carried**

**Consent Other Minutes**

Moved by J. Sutton  
Seconded by Deputy Mayor Bailey

That the minutes of the Committee of Adjustment meetings held on February 26, 2008 and March 25, 2008 be received.

**Motion Carried**

**CORRESPONDENCE**

**Item # 1 – Kingsbridge Residential Community Sidewalk**

**Brought forward after Report #10**

**Item #2- Support Resolution RCM 114/08 – Town of Tecumseh**

Moved by Deputy Mayor Bailey  
Seconded by R. White

Discussion

Deputy Mayor Bailey and Mayor Hurst advised that this issue has now been dealt with at the County Council level.

That the correspondence from the Town of Tecumseh, dated April 29, 2008 regarding resolution RCM 114/08 with respect to the Windsor Essex Development Commission be received.

**Motion Carried**

**UNFINISHED BUSINESS**

Listed below are the unfinished business items as of May 12, 2008:

<b>Brought Up By:</b>	<b>Item Description:</b>	<b>Due Date</b>
J. Sutton	On County Rd 10 by Anderdon Public School a tree is down and blocking drainage of ditch. (PWD)	ASAP
Mayor Hurst	Update on corner of Texas and 3rd wood blocking drainage.	ASAP
Correspondence	CDL Recyclers Request to Loop 8th Concession Watermain - Lou to report in early 2008 - Lou has sent request to Stantec (PWD)	May 2008
J.Sutton / R. White	Report on potential for Revenue from Fire Inspections and staffing options. (Fire)	May 2008
R. Pillon	Edgewater Beach Lagoons (PWD)	June 2008
Budget Discussions	Changes to Procurement Policy (Treasury)	June 2008
R. Pillon	On Alma Street: speed limit sign is gone when heading out of Town (PWD)	June 2008
R. Fryer	McCurdy Park has two signs indicating No Dogs and that Dogs must be on leash. There are dogs roaming free. Are dogs allowed in park? (By-Law Enforcement)	June 2008
R. White	Report on use of motorized vehicles /ATV/Dirt Bikes on private property (By-Law Enforcement, Police Services)	June 2008
R. White	Viability of a Dog Park in Amherstburg (Recreation Services, By-Law Enforcement)	July 2008
R. White	Transportation Issue (Administration)	August 2008

**Item # 1 Unfinished Business**

Councillor Pillon asked for clarification on the Ramsay and Richmond Street properties the Town purchased.

CAO Pizzuto responded that the tender has gone out for demolition of the properties. Included in the 2008 budget of approximately \$ 300,000.00 are the cost of demolition as well as initial Conceptual Design of a Downtown Market Area. Economic Development Meetings have been held, and further Public Meetings will be held to gather input.

**Item # 2 Unfinished Business**

Mayor Hurst addressed Council on a previous question raised by Councillor Pillon which asked about the cost to the Town under the current Police Contract for payout to the current force if the Town should consider moving to OPP Services.

Mayor Hurst advised of the following:

The impact would be that the cost of \$8.3 million would be prohibitive. We need to find options with respect to dispatching services for our municipal force. The 2008-2010 Police Services Business Plan is the correct way to move forward and to ensure that the department performs to the level of service that is necessary for the Amherstburg community. We have a good municipal police force. Can we be better? Everyone can be better and we will strive to do that as well.

**NEW BUSINESS**

Councillor Fryer brought attention to the upcoming 'Cancer Ride for Kids' and encouraged support of Council and Residents to attend. The event takes place at Toddy Jones Park Saturday May 17th 2008, 8am Registration, 9am Start time.

**BY-LAWS**

**By-Law 2008-36** being a By-Law to amend By-Law 2002-75 being a by-law to licence, regulate and govern cabs, cab owners and drivers (First Reading Only, See Report # 2)

**By-Law 2008-35** being a By-Law to dedicate Block 50, Plan 12M-245 as a public highway (See Report # 3)

**By-Law 2008-37** being a By-Law to designate the Property at 443 Dalhousie Street and known as John G. Kolfage Homestead (See Report # 5)

**By-Law 2008-34** being a By-Law to authorize the signing of an agreement to defer development charges (See Report # 6)

Moved by R. White  
Seconded by Deputy Mayor Bailey

**By-Law 2008-28** being a By-Law to govern the proceedings of Council, the conduct of its members and the calling of meetings 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. White  
Seconded by J. Sutton

**By-Law 2008-38** 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

Moved by R. Fryer  
Seconded by J. Sutton

That we rise at 8:20 PM, recess for 10 minutes, and move into In-Camera session.


**Motion Carried**


**ADJOURNMENT**

Moved by R. Fryer  
Seconded by R. Pillon

That we move out of In-Camera session and adjourn at 9:00PM.

**Motion Carried**

  
\_\_\_\_\_  
Wayne Hurst, Mayor

  
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Pamela Malott, Clerk