

# **AMHERSTBURG MUNICIPAL COUNCIL MEETING**

**MONDAY, FEBRUARY 23, 2009**  
**At 7:00pm in the Council Chambers**

## **MINUTES**

### **PRESENT:**

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

### **ALSO PRESENT:**

Pamela Malott, Chief Administrative Officer  
Carol Bendo, Manager of Human Resources  
Lory Bratt, Planning Coordinator  
Stephen Brown, Chief Building Official  
Dave Carpenter, Manager of Information Technology  
Kristina Pozar Di Paolo, EA to the CAO/Clerk  
Ron Dzombak, Manager of Recreational Services  
Ivano Fregonese, Supervisor of Budget Services  
Cindy Hazael-Gietz, Deputy-Clerk  
Jackie Hubbs, Manager of Development Services  
Richard Murray, Fire Chief  
Lou Zarlenga, Manager of Public Services

**ABSENT WITH NOTICE:** Deputy Mayor Robert Bailey (vacation)  
Paul Beneteau, Treasurer (vacation)

### **CALL TO ORDER**

Mayor Hurst called the meeting to order at 7:00 pm

### **PRAYER**

Deputy-Clerk, Cindy Hazael-Gietz, said prayer.

### **DISCLOSURE OF PECUNIARY INTEREST**

None were declared.

## **MINUTES OF PREVIOUS MEETING**

Moved by Councillor Renaud  
Seconded by Councillor Pillon

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

1. In-Camera Council Meeting held at 4:00 pm on Monday, February 9, 2009;
2. Special Council Meeting regarding ZBA for 143 Simcoe held at 6:00 pm on Monday, February 9, 2009 and
3. Council Meeting held at 7:00 pm on Monday, February 9, 2009.

### **Motion Carried**

## **REPORTS OF MUNICIPAL OFFICERS**

### **Report # 1**

A report by Pamela Malott regarding the execution of an agreement with GECDSB on the remediation of Wigle Field and Larry Bauer Baseball Field development. Schedule A was handed out at the meeting and is attached to and forms a part of these minutes.

Moved by Councillor Sutton  
Seconded by Councillor Fryer

That the report by Pamela Malott dated February 11, 2009 regarding the execution of an agreement with GECDSB on the remediation of Wigle Field and Larry Bauer Baseball Field development be received;

And further that **By-law 2009-03** being a By-law to execute the Agreement with the GECDSB for advancement of annual user fees been taken as having be 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**

### **Report # 2**

A report by Carol Bendo regarding the Essex Region Conservation Foundation Super Santa 5km Run.

Moved by Councillor Fryer  
Seconded by Councillor Pillon

That the report by Carol Bendo dated February 13, 2009 regarding the Essex Region Conservation Foundation Super Santa 5km Run be received;

And further that the Town of Amherstburg approve the Essex Region Conservation Foundation (ERCF) Super Santa 5km Run to be held on Saturday, November 28, 2009.

*Discussion:*

Council expressed their thanks to Chris Uszynski as well as Maggie Durocher and David Grimaldi of the Windsor Parade Corporation for their hard work on coordination of this event.

**Motion Carried**

**Report # 3**

A report by Carol Bendo regarding the “Tourism Packaging” – Stakeholders Forum.

Moved by Councillor White  
Seconded by Councillor Sutton

That the report by Carol Bendo dated February 13, 2009 regarding the “Tourism Packaging” – Stakeholders Forum be received;

And further that all Council Members are encouraged to attend.

**Motion Carried**

**Report # 4**

A report by Lou Zarlenga regarding a request for a new residential access bridge by Nancy and David Fox over the Morgan Municipal Drain (Anderdon) under the Provisions of the Ontario Drainage Act.

Moved by Councillor Fryer  
Seconded by Councillor Sutton

That the report by Lou Zarlenga, dated February 13, 2009 regarding a request for a new residential access bridge by Nancy and David Fox over the Morgan Municipal Drain (Anderdon) be received;

That Council accept the request from Nancy and David Fox for the construction of a new access culvert;

And further that Dillon Consulting Ltd. be authorized to include the bridge in the current report being prepared for the Morgan Drain.

**Motion Carried**

**Report #5**

A report by Lou Zarlenga regarding bridge replacement over the Ong Municipal Drain (Malden) Intersection of South Sideroad and 5<sup>th</sup> Concession South.

Moved by Councillor Sutton  
Seconded by Councillor White

That the report by Lou Zarlenga, dated February 13, 2009 regarding bridge replacement over the Ong Municipal Drain (Malden) Intersection of South Sideroad and 5<sup>th</sup> Concession South be received;

And further that N.J. Peralta Engineering Ltd. be authorized to prepare a drainage report pursuant to the Drainage Act providing for the replacement of the existing bridge over the Ong Drain located at the intersection of South Sideroad and 5<sup>th</sup> Concession South.

**Motion Carried**

**Report #6**

A report by Ron Dzombak regarding a request for tender for a 2008-2009 Full Size Crew Cab Pickup Truck for Parks and Recreation Maintenance.

Moved by Councillor White  
Seconded by Councillor Sutton

That the report by Ron Dzombak dated January 17, 2009 regarding a request for tender for a 2008-2009 Full Size Crew Cab Pickup Truck for Parks and Recreation Maintenance be received;

And further that Council approve the request for tender for the purchase of a 2008-2009 Full Size Crew Cab Truck 4X4 for Recreation Services Department maintenance activities.

**Discussion:**

Councillor Fryer asked for clarification on the size of motor in the vehicle. Lou Zarlenga indicated that an 8 cylinder was required to perform the function of park maintenance. Council directed Administration to include a diesel fuel option in the tender.

**Motion Carried**

**Report #7**

A report by Jackie Hubbs regarding the Heritage District Study. Schedule B was handed out at the meeting and is attached to and forms a part of these minutes.

Moved by Councillor Sutton  
Seconded by Councillor White

That the report by Jackie Hubbs dated February 15, 2009 regarding the Heritage District Study outlining general procedures be received;

And further that Council direct administration to proceed with the project as recommended.

**Motion Carried**

**Report #8**

A report by Jackie Hubbs regarding outlining the planning opinion on Ranta Marina.

Moved by Councillor Pillon  
Seconded by Councillor White

That the report by Jackie Hubbs dated February 16, 2009 regarding outlining the planning opinion concerning Ranta Marina be received;

And further that Council direct administration to proceed with the planning process as recommended to change the 'public use' aspect of the property as permitted under the 'Agricultural (A)' zone to the 'Recreation (RE)' zone to allow for the use of the property as a private commercial marina.

*Discussion:*

Council asked for clarification regarding the necessity of a geological study. Jackie Hubbs indicated that an environmental assessment will be part of the process.

**Motion Carried**

**Report # 9**

A report by Pamela Malott and Dave Carpenter regarding Cell Phone and Blackberry Use.

Moved by Councillor White  
Seconded by Councillor Pillon

That the report by Pamela Malott and Dave Carpenter dated February 18, 2009 regarding Cell Phone and Blackberry Use be received;

And further that Council adopt the Policy concerning Cell and Blackberry Use IT001-2009.

**Motion Carried**

**Report # 10**

A report by Jackie Hubbs regarding Zoning By-Law Amendment 2009-06 143 Simcoe Street. This report was handed out at the meeting and is attached to and forms a part of these minutes.

Moved by Councillor Sutton  
Seconded by Councillor Fryer

That the report by Jackie Hubbs dated February 20, 2009 regarding Zoning By-law Amendment 2009-06 143 Simcoe St. be received;

And further that **By-law 2009-06** 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 Clerk be authorized to sign same and affix the corporate seal thereto.

**Motion Carried**

**CONSENT AGENDA**

**Consent Reports**

Moved by Councillor Sutton  
Seconded by Councillor Renaud

That the following reports be received:

- 1) A report by Cindy Hazael-Gietz dated February 13, 2009 regarding the 2009 Lakeshore Dog Pound Budget;
- 2) A report by Carol Bendo dated February 13, 2009 regarding Amherstburg Volunteer Firefighters Association Remuneration and
- 3) A report by Lou Zarlenga dated February 13, 2009 regarding an update on the placement of the asphalt top coat in the Kingsbridge South Development (White and Pettypiece).

**Motion Carried**

### **Consent Correspondence**

Moved by Councillor Fryer  
Seconded by Councillor Renaud

That the following correspondence be received:

1. Call for Nominations for the Order of Ontario dated February 2, 2009 from the office of the Lieutenant Governor of Ontario;
2. Request to support resolution dated January 30, 2009 from the County of Prince Edward;
3. Thank you letter dated February 2, 2009 from SunPower;
4. Corporate Restructuring Announcement dated February 2, 2009 from RC Spencer Associates Inc.;
5. Essex County Library hours dated January 30, 2009 from the Essex County Library Board;
6. Request to support resolution regarding prohibiting corporate and trade union contributions to municipal election campaigns dated February 10, 2009 from the Town of Ajax;
7. WDO Consultation on Blue Box Program Plan Review dated February 9, 2009 from AMO FYI No. 09-003;
8. Municipal Politicians Seminar on Firefighting 101 dated February 2009 from the Ontario Association of Fire Chiefs and
9. Notice of Public Meeting dated February 13, 2009 regarding a proposed zoning by-law amendment from the Town of Tecumseh.

### **Motion Carried**

### **Consent Business Licences**

Moved by Councillor Sutton  
Seconded by Councillor White

That the following business licence applications be deferred pending the approval of the New Business License By-law.

- a) From Frances E. DeDona to operate Dollars and Cents Investments Inc., a financial services business, out of Unit # 7 at 421 Sandwich St. South
- b) From Ena Monteleone and Jodi Levesque to operate Love It Yoga Inc., a Yoga Studio, out of 134 Richmond Street and
- c) From Roberto Garcia to operate L.A. Radical, a retail establishment selling t-shirts, jewellery and accessories, out of Unit # 3 at 174 Sandwich St. South;

And further that the Hawker Peddler licence application from Catalano Pizza, a division of Armando's Pizza operating out of 421 Sandwich St. South in the Town of Amherstburg to operate a roaming pizza cart be deferred pending the approval of the New Business Licence By-Law;

And further that Council review these items at the Council meeting to be held March 9<sup>th</sup>, 2009.

**Motion Carried**

**Consent Other Minutes**

Moved by Councillor White  
Seconded by Councillor Sutton

That the following minutes be received:

1. Meeting held on November 25, 2008 by the Amherstburg Committee of Adjustment;
2. Meeting held on December 1, 2008 by the Amherstburg Advisory Committee on the Environment;
3. Meeting held on December 9, 2008 by the Amherstburg Parks Committee and
4. Meeting held on January 7, 2009 by the Community Spirit Committee.

**Motion Carried**

**CORRESPONDENCE**

**Item #1- Operation Clean Sweep – Pitch-In Canada**

Moved by Councillor White  
Seconded by Councillor Fryer

That the correspondence from Pitch-In Canada regarding Operation Clean Sweep be received;

And further that Council direct administration to organize a Pitch-In campaign in our community during the week of April 20-26, 2009.

*Discussion:*

Council directed Administration to bring back a report regarding the event.

**Motion Carried**



**Item #2- FERMI 3 Proposal – WECEC**

Moved by Councillor White  
 Seconded by Councillor Pillon

That the correspondence from the Windsor-Essex County Environment Committee be received;

That Council agree to endorse “The Dirty Dozen Reasons to Block the Proposed Fermi 3 Atomic Reactor” document and pursue intervenor status through the Provincial Ministry of the Environment (MOE);

And further that this motion be sent to the WECEC.

**Motion Carried**

**UNFINISHED BUSINESS**

Listed below are the unfinished business items as of February 23, 2009:

Item #	Brought up By:	Due Date:	Item Description:	Type of Reply
20081027C	R. Fryer	January 2009	Final Coating of Asphalt on Marsh Court, White Crescent & Pettypiece (PWD)	Council Email
20090209A	20090209 Council Meeting	February 2009	9th Concession Waterline - PWD to Contact Bruce Crozier and Report back to Council (PWD)	Council Report
20090126F	R. Fryer	March 2009	Parking issue on Murray Street between Wolfe and Victoria (Traffic Committee)	Council Report
20090209B	R. White / R. Pillon	March 2009	Report and Policy regarding cell phone and blackberry usage (IT)	Council Report
20081006A	R. White /R. Fryer	Spring 2009	Seniors' Survey Results (Clerk's)	Council Report
20080623E	J. Sutton / R. White	TBD	Resident request for Emission of Smoke By-Law (Dev Sev) (Need to wait for litigation to be resolved)	Council Report
20090126A	20090126 Council Meeting	TBD	TODS Signage Completion (Eco Dev)	Council Report
20090126B	20090126 Council Meeting	TBD	Alma Street drainage Issue – Fox/Pritchard to be resolved (Dev Sev)	Council Report
20090126C	20090126 Council Meeting	TBD	Kingsbridge Subdivision Park Land - park to be completed as per approved phases (Dev Sev)	Council Report
20090126D	Councillor Fryer	TBD	Illumination of County Road 20 - Phase 3 (PWD)	Council Report
20090126H	R. Pillon	TBD	Public Transportation in Amherstburg (Mayor to address at County Council)	Verbal update at Council

Mayor Hurst indicated that the transportation issue is being dealt with at the County level and further that consultants have been hired to review the options. Mayor Hurst indicated that a report will be forthcoming in the fall of 2009 to County Council.

Councillor Renaud indicated that a report will come forward from the Traffic Committee at the March 9<sup>th</sup> Meeting regarding the parking issues on Murray Street between Wolfe & Victoria.

### **NEW BUSINESS**

Councillor Fryer requested information regarding Bill 150 and specifically regarding the set back from significant wetlands and waterways with regard to wind farms. Pamela Malott indicated that this bill is in its first reading and that a report will come forward to Council from our Manager of Development Services in due course.

Councillor Pillon requested information regarding the dispute resolution protocol pertaining to the County OPA # 1. Pamela Malott indicated that this information will be gathered from the County and a report will come to Council from the Manager of Development Services regarding same.

### **BY-LAWS**

**By-Law 2009-03** being a by-law to execute the Agreement with the GECDSB for advancement of annual user fees (See Report # 1)

**By-Law 2009-06** being a By-Law to amend zoning By-Law 1999-52 (See Report # 10)

Moved by Councillor Fryer  
Seconded by Councillor Sutton

That **By-Law 2008-68** being a By-Law to authorize the execution of a Joint Use Agreement be repealed since By-Law 2008-70 is in effect.

**Motion Carried**

Moved by Councillor White  
Seconded by Councillor Renaud

**By-Law 2009-15** being a By-Law to confirm all resolutions of the Municipal Council be taken as having been read three times and 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 were made.

### **ADJOURNMENT**

Moved by Councillor White  
Seconded by Councillor Sutton

That we rise and adjourn at 7:34 P.M.

**Motion Carried**

**Schedule A**

**WIGLE FIELD REMEDIATION**

• Remove and dispose Fencing & Materials (PWD)	5,600
• Restoration of top soil and seed the previous fence perimeter (Tendered)	9,000
• Move Red Clay and re-establish Diamond to SW Corner (Marco Clay)	8,700
• Expand Existing Sprinkler System (Aqua Turf)	2,700
• Grade to Level and seed – Previous Ball diamond (Tendered)	20,000
<b>BUDGET COST TO REMEDIATE WIGLE PARK</b>	<b>\$ 46,000</b>

**Note:** Asphalt path improvements are estimated at \$ 50,000 and are not listed for immediate remediation. GECD advance contribution to this pathway is \$ 15,000.00. This contribution is not shown in Advance payment below item 3. Should the pathway not be completed by August 2010, the Town will reimburse the GECD \$ 15,000.00.

**NEW DIAMOND PROJECT**

Total Engineers Estimate (HUB) Basic Single Diamond	326,600
2009 Remediation Wigle Field	46,000

**Total Project estimate 372,600 \*\***




- 1. Less current raised commitment from AMBA - (150,000)
- 2. Less servicing costs Town budgeted - ( 67,500)
- 3. Less advance payment GECD (\$ 15,000 asphalt pathway not included) - (150,000)

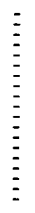


Estimated Balance 5,100




**\*\* Please Note:** It is expected these costs as estimated will be reduced when undertaken in conjunction with the Miracle League Diamond Project.

2307 #7  
5-10-09

ID	Task Name	Duration	Start	Finish	Feb 22, '09							
					T	W	T	F	S	S	M	T
1	HERITAGE DISTRICT STUDY - TIMELINE	0 days	Wed 2/18/09	Wed 2/18/09								
2												
3	STAGE 1	46 days	Mon 2/23/09	Mon 4/27/09								
4	Review Official Plan Policies	15 days	Mon 2/23/09	Fri 3/13/09								
5	Documentation	20.5 days	Mon 2/23/09	Mon 3/23/09								
6	Meeting with Project Manager and ZP	1 day	Thu 3/5/09	Thu 3/5/09								
7	Notice preparation and Draft document preparation report to Council	30 days	Fri 3/6/09	Thu 4/16/09								
8	Report to Council	7 days	Fri 2/27/09	Mon 3/9/09								
9	Notice of public meeting timeframe	26 days	Tue 3/10/09	Tue 4/14/09								
10	Public Open House - inform public on district, ideas, benefits - OPA,	1 day	Wed 4/15/09	Wed 4/15/09								
11	Report to Council	8 days	Thu 4/16/09	Mon 4/27/09								
12												
13	STAGE 2	77 days	Mon 4/13/09	Tue 7/28/09								
14	Draft Plan Design Guidelines	15 days	Mon 4/13/09	Fri 5/1/09								
15	Second meeting with Project Manager and ZP	1 day	Mon 5/4/09	Mon 5/4/09								
16	Report to Council	10 days	Tue 4/28/09	Mon 5/11/09								
17	Notice of Statutory Public meeting	30 days	Tue 5/12/09	Mon 6/22/09								
18	Second Open House - presentation of Draft Design Guidelines, boun-	24 days	Wed 5/20/09	Mon 6/22/09								
19	Report to Council	9 days	Wed 7/15/09	Mon 7/27/09								
20	Interim Control By-law considered by Council	1 day	Tue 7/28/09	Tue 7/28/09								
21												
22	STAGE 3	63 days	Thu 7/30/09	Mon 10/26/09								
23	Third meeting with Project Manager and ZP	1 day	Thu 7/30/09	Thu 7/30/09								
24	Finalization of OPA, ZBLA	29 days	Tue 8/4/09	Fri 9/11/09								
25	Presentation to Council - report, OPA, ZBLA, final plans	1 day	Mon 9/14/09	Mon 9/14/09								
26	Notice of Decision on OPA, ZBLA	30 days	Tue 9/15/09	Mon 10/26/09								
27												
28	STAGE 4	70 days	Mon 8/24/09	Fri 11/27/09								
29	finalization of designation, maps, documentation	25 days	Mon 8/24/09	Fri 9/25/09								
30	Notice of public meeting	30 days	Mon 9/14/09	Fri 10/23/09								
31	Third Open House - designation by-law	1 day	Mon 10/26/09	Mon 10/26/09								
32	Presentation of designation by-law to Council	1 day	Mon 10/26/09	Mon 10/26/09								
33	Notification of decision on designation by-law	24 days	Tue 10/27/09	Fri 11/27/09								

Task  Milestone  External Tasks 

Split  Summary  External Milestone 

Progress  Project Summary  Deadline 

Project: heritage study timeline  
Date: Mon 2/23/09



**Report To:** Mayor Hurst and Council

**Date of Meeting:** February 23, 2009

**Submitted By:** Jackie Hubbs, Manager of Development Services

**Prepared By:** Jackie Hubbs, Manager of Development Services

**Date of Report:** February 20, 2009

**File No.:** ZBA/01/09

**Subject:** Zoning By-law Amendment 2009-06 143 Simcoe

**RECOMMENDATION:**

That Council consider Zoning By-law Amendment 2009-06 for adoption; and that bylaw 2009-06 be given three readings and be finally passed.

**EXECUTIVE SUMMARY:**

The land owner has requested a Zoning By-law Amendment under file ZBA/01/09 to amend the Comprehensive Zoning By-law 1999-52, as amended. Lands known as 143 Simcoe Street is proposed to have the applicable zoning changed on the property from 'Residential Heritage (RH)' to 'Holding Commercial General (h-6 CG)' zone.

**BACKGROUND:**

The zoning by-law amendment is proposing to change the allowable use of the property from existing residential to commercial uses. No specific commercial uses are being proposed at this time; however, the land owner wishes to change the zoning in anticipation of future commercial uses.

Parking on Simcoe Street has been raised regarding another issue and is not affected by the requested rezoning. This will be addressed directly with the interested parties. Any new development or redevelopment of the site for commercial purposes will be addressed at the time of development through site plan control and will result in an agreement brought forward for Council consideration.

**Respectfully submitted**

**Jackie Hubbs, BA MCIP RPP  
Manager Development Services**