

Minutes of an Amherstburg Municipal Council Meeting Held At 7:00 pm in Council Chambers on Monday, June 15, 2009

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:

Pamela Malott, CAO/Clerk
Carol Bendo, Human Resources Manager
Stephen Brown, CBO
David Carpenter, IT Manager
Kristina Pozar Di Paolo, Acting Deputy Clerk
Ron Dzombak, Manager of Recreational Services
Ivano Fregonese, Supervisor Budget Services
Jackie Hubbs, Manager of Development Services
Richard Murray, Fire Chief
Anne Rota, Tourism and Special Events Facilitator
Lou Zarlenga, Public Works Manager

ABSENT WITH NOTICE:

Paul Beneteau, Treasurer (Town Business)
Lory Bratt, Planning Coordinator (Vacation)

1 CALL TO ORDER

Mayor Hurst called the meeting to order at 7:02 PM.

2 PRAYER

Deputy-Clerk, Kristina Pozar Di Paolo, said prayer.

3 DISCLOSURE OF PECUNIARY INTEREST

No disclosures of pecuniary interest were made.

4 MINUTES OF PREVIOUS MEETING

Mayor Hurst commented on the Provincial and Federal Government announcement regarding the investment in community of Amherstburg totalling \$1.9 Million. Mayor Hurst stated the following:

- This funding will make our municipality more sustainable and affordable.
- It will enable Amherstburg to improve Dalhousie Street which is classified as a "Collector Road" in the Town of Amherstburg Official Plan.
- Funding for Victoria St. Sewer Separation will allow us to reduce the number of bypass events and the volume of flow being bypassed to the Detroit River without treatment.

Mayor Hurst wishes to recognize the wisdom of Council in giving direction and Administration in compiling the applications in a manner that was deemed worthy by the governments to have the funding approved.

Approval of Minutes

Moved by Councillor P. Renaud
Seconded by Councillor R. Fryer

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

1. In-Camera meeting held on May 25, 2009 at 4:00 pm;
2. Special Public Council meeting held on May 25, 2009 at 6:00 pm regarding 9th Concession Waterline;
3. Council meeting held on May 25, 2009 at 7:00 pm and
4. In-Camera meeting held on June 1, 2009 at 4:00 pm.

Motion Carried

5 DELEGATIONS

Delegation #1

Mr. Robert Dragicevic, Planning Consultant for genGrowth and Mr. David Singer, of genGrowth, addressed Council regarding Municipal Applications for South Side Windfarm. Mr. Dragicevic stated that genGrowth supports and asks that the report by Jackie Hubbs be endorsed.

Report # 1 was brought forward after Delegation # 1

A report by Jackie Hubbs, Manager of Development Services regarding genGrowth applications-complete application request was considered by Council.

Moved by Deputy Mayor Bailey
Seconded by Councillor R. Pillon

That the delegation by Mr. Bob Dragicevic and Mr. David Singer, of genGrowth, be received;

That the report by Jackie Hubbs, Manager of Development Services, dated June 7, 2009 regarding genGrowth applications-complete application request be received;

That Council determine the Official Plan Amendment application and Zoning By-law Amendment application submitted on May 7, 2009 by Walker, Nott, Dragicevic Associates Limited on behalf of genGrowth LP1 - South Side Windfarms to be complete;

And further that Council direct Administration to proceed with the processing of the Official Plan Amendment and Zoning By-law Amendment in concurrence with the Planning Act, R.S.O. 1990, c.P. 13.

Discussion:

Councillor R. Fryer stated that wind generation is needed and necessary in certain areas but does not believe it is the right fit for Amherstburg. Councillor R. Fryer also asked if genGrowth would be sustainable without government funding. Councillor R. Fryer commented that Germany who is a leader in wind generation has now chosen to build three coal plants since wind generation is not sustainable.

Jackie Hubbs, Manager of Development Services, stated that at this time genGrowth is simply asking if they have complied with the Town's official plan and request for the process to continue.

Councillor J. Sutton stated that the ACE questions are important to be addressed prior to moving forward and these questions are currently with the Ministry of the Environment. He asked when a reply may be provided regarding these questions. Ms. Hubbs stated that as we go through the process as soon as the Ministry provides answers to the ACE Committee questions they will be relayed to the Committee and Council.

Councillor R. Pillon stated that this request is at the stage where the Public and Council will be able to have their questions answers if we approve to start the process.

Motion Carried

6 PRESENTATIONS

Presentation #1

Anne Rota, Tourism Officer, made a presentation to Council regarding the 2009 Canada Day and Ice Cream Festival.

Moved by Deputy Mayor Bailey
Seconded by Councillor J. Sutton

That the presentation by Anne Rota regarding the 2009 Canada Day and Ice Cream Festival be received.

Motion Carried

Moved by Councillor J. Sutton
Seconded by Councillor R. White

That Council bring forward Correspondence # 1 ahead of Reports of Municipal Reports.

Motion Carried

Item # 1 - Request for simultaneous dispatch for Emergency Medical Services (EMS) and Fire response - Township of South Stormont

Fire Chief Rick Murray was in attendance to provide an explanation in support of this resolution. He stated that this is asking for municipalities to have agreements with Ambulance Services for better service to the residents. Chief Murray stated that in Amherstburg there is currently a delay in dispatch in having the Fire Department sent out at the same time as the Ambulance or sooner. This request is to have the dispatch download the information quicker in order to improve the safety of the individuals and have the Fire Department dispatched the same time as the Ambulance.

Moved by Councillor J. Sutton
Seconded by Councillor R. Fryer

That the correspondence from the Township of South Stormont be received;

That Council agree to support the resolution made by the Township of South Stormont;

And further that a copy of this motion be provided to the Township of South Stormont.

Motion Carried

7 REPORTS OF MUNICIPAL OFFICERS

Report #2

A report by Jackie Hubbs regarding an application to defer development charges.

Moved by Councillor R. Fryer
Seconded by Councillor R. Pillon

That the report submitted by Jackie Hubbs, dated May 27, 2009 regarding an application for deferral of development charges as submitted by Norbuilt Construction for property located at 517, 519, 521, 523 Golfview Drive, be received;

And further, that **By-law 2009-46** being a by-law to authorize the signing of an agreement to defer development charges be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same and affix the Corporate Seal thereto.

Motion Carried

Report #3

A report by Ron Dzombak regarding the Council Recreation Advisory Committee.

Moved by Deputy Mayor Bailey
Seconded by Councillor R. Pillon

That the report by Ron Dzombak, dated June 2, 2009, regarding the Council Recreation Advisory Committee be received;

And further that Council approve Fern Elliot, President of Fort Malden Golden Age Club, as a member on the Council Recreation Advisory Committee.

Motion Carried

Report #4

A report by Carol Bendo regarding the 2009 Boblo Island Jazz Festival, Request for "Significant Event" Status.

Moved by Councillor R. White
Seconded by Councillor R. Fryer

That the report by Carol Bendo, dated June 4, 2009, regarding the Boblo Island Jazz Festival be received;

And further that Council approve the Boblo Island Jazz Festival as a "Significant Event" for the Purpose of an LCBO Application for a Special Occasion Permit.

Motion Carried

Report #5

A report by Carol Bendo regarding the status update of the Inuksuk project.

Moved by Councillor R. White
Seconded by Councillor J. Sutton

That Mayor and Council receive the report by Carol Bendo dated June 4, 2009 regarding the status update of the Inuksuk project;

And further that Council approve the alternate proposed site at the South Gateway entrance to the Town at Lowes Side Road and Sandwich Street S. at the storm water pond location for the sculpture to be erected.

Motion Carried

Report #6

A report by Carol Bendo regarding the Town Advertising Tender Results.

Moved by Councillor R. Fryer
Seconded by Councillor J. Sutton

That the report by Carol Bendo, dated June 4, 2009 regarding the Town Advertising Tender Results be received;

That Council award the advertising contract for a 52 week period to the Amherstburg Echo;

And further that the Town re-tender the contract upon the expiration of the 1 year period.

Discussion:

CAO Pamela Malott clarified for Council that since cost per square inch is lower for the Rivertown Times that means we can fit more information on a page and also home delivery by Canada Post is done for the Times which alleviates the issue with papers being left in driveways.

Councillor R. Fryer stated that having the paper website accessible should be a determining factor as well in awarding the tender.

Deputy Mayor Bailey stated that we are still taking a full page ad out every week and the size of the newspaper is immaterial.

Motion Lost

Moved by Councillor R. White
Seconded by Councillor P. Renaud

That the report by Carol Bendo, dated June 4, 2009 regarding the Town Advertising Tender Results be received;

That Council award the advertising contract for a 52 week period to the Rivertown Times;

And further that the Town re-tender the contract upon the expiration of the 1 year period.

A recorded vote was requested and is listed below:

	<u>AYE</u>	<u>NAY</u>
Deputy Mayor Bailey		Nay
Councillor Fryer		Nay
Councillor Pillon	Aye	
Councillor Renaud	Aye	
Councillor Sutton		Nay
Councillor White	Aye	
Mayor Hurst		Nay

Motion Lost

Moved by Councillor R. White
Seconded by Councillor R. Pillon

That Direction given to Administration to report back to Council with more information regarding the tender.

Motion Carried

Report #7

A report by Lory Bratt and Lou Zarlenga regarding the Pacitti Commercial Site Development.

Moved by Councillor R. Fryer
Seconded by Councillor J. Sutton

That the report by Lory Bratt dated June 4, 2009 regarding the Pacitti Commercial Site Development be received;

That Council approve the amendment to Schedules D and F of the Site Plan Agreement with Pacitti Contracting Company Inc. dated June 28, 2004 insofar as it relates to the stormwater management system;

And further that Administration be directed to append the revised drawings to the Agreement.

Discussion:

Councillor R. Pillon asked if this will address the run off from the pond. Mr. Zarlenga stated that a pump system with a small outlet that went under the tracks and then drained into the Ouellette drain has been created and with this new system now the storm water characteristics have been improved.

Motion Carried

Report #8

A report by Lou Zarlenga regarding Staff Appointments for Public Works. Lou Zarlenga introduced Karen Jacques and Todd Hewitt as new staff in the Public Works department.

Moved by Councillor R. White
Seconded by Councillor J. Sutton

That the report by Lou Zarlenga dated June 4, 2009 regarding Staff Appointments for Public Works be received.

Motion Carried

Report #9

A report by Lou Zarlenga regarding Kingsbridge Subdivision - Phase 6A Brown Crescent & Welsh Avenue, Final Acceptance of services. In March 2009 the Town received a letter from Stantec Consulting recommending the final acceptance of the underground services, base asphalt, sanitary pump station upgrades, curb and gutter for Kingsbridge Phase 6A.

Moved by Councillor J. Sutton
Seconded by Councillor R. White

That the Report by Lou Zarlenga dated June 04, 2009 regarding Kingsbridge Subdivision - Phase 6A Brown Crescent & Welsh Avenue, Final Acceptance of Services - Base Asphalt, Curb & Gutter, Sanitary Pump Station Upgrades be received;

That Council concur with recommendation of the Consulting Engineer and that the Town assume the final acceptance of the underground services, base asphalt, sanitary pump station upgrades, curb and gutter for the Kingsbridge Subdivision Phase 6A (Brown Crescent and Welsh Avenue).

Discussion:

Councillor R. Fryer asked if sidewalks will be completed when the initial roadway is done and not later. Mr. Zarlegna replied that a small portion of the sidewalks will be done the same time as the roadway as per our Development Manual.

Mayor Hurst stated that he understands the logic of waiting for final asphalt coating however Administration needs to consider that cost usually goes up with time when completing development agreements.

Motion Carried

Report #10

A report by Lou Zarlenga regarding the Drinking Water Source Protection Committee and Change in Municipal Representation. As required by the Clean Water Act, the Essex Region Source Protection Authority (ERSPA) has established a Source Protection Committee (SPC). The Provincial Regulation, which came into effect in July 2007, identifies that the SPC for this region consist of fifteen (15) members, including a total of five (5) persons to be appointed to represent the interests of municipalities.

Moved by Deputy Mayor Bailey
Seconded by Councillor J. Sutton

That the report by Lou Zarlenga dated May 22, 2009 regarding the Drinking Water Source Protection Committee and Change in Municipal Representation be received;

And further that Council endorse a change in the Town of Amherstburg Municipal representation on the Source Protection Committee and appoint Antonietta Giofu, Environmental Service Engineer, as the Town's Municipal Representative.

Motion Carried

Report # 11

A report by Lou Zarlenga regarding Boblo Island Development.

Moved by Councillor J. Sutton
Seconded by Councillor P. Renaud

That the report by Lou Zarlenga regarding Boblo Island Development, dated June 10, 2009 be received;

That Council concur with the recommendation of the Consulting Engineer;

And further that the Town initially accept the underground services, concrete curb & gutter and base asphalt for River Walk Crescent and the one year maintenance period begin May 29, 2009.

Motion Carried

Report #12

Moved by Councillor R. Fryer
Seconded by Councillor R. Pillon

That the item be deferred until the availability of the Treasurer at a Council meeting.

Motion Lost

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

Moved by Councillor R. White
Seconded by Councillor P. Renaud

That the report by Paul Beneteau and Ivano Fregonese, dated June 10, 2009, be received;

That **By-law 2009-39**, being a by-law authorizing the borrowing of \$3,373,405 by way of debenture to meet expenditures in connection with certain capital projects within the Town of Amherstburg, from the Ontario Infrastructure Projects Corporation, be read a first, second and third time and finally passed and the Mayor and Clerk be authorized to sign same and affix the Corporate Seal thereto;

That **By-law 2009-40**, being a by-law authorizing the borrowing of \$219,551 by way of debenture to meet expenditures in connection with certain capital projects within the Town of Amherstburg, from the Ontario Infrastructure Projects Corporation, be read a first, second and third time and finally passed and the Mayor and Clerk be authorized to sign same and affix the Corporate Seal thereto;

That **By-law 2009-41**, being a by-law authorizing the borrowing of \$4,330,670 by way of debenture to meet expenditures in connection with certain capital projects within the Town of Amherstburg, from the Ontario Infrastructure Projects Corporation, be read a first, second and third time and finally passed and the Mayor and Clerk be authorized to sign same and affix the Corporate Seal thereto;

And further that **By-law 2009-45**, being a by-law authorizing the borrowing of \$1,810,390 by way of debenture to meet expenditures in connection with certain capital projects within the Town of Amherstburg, from the Ontario Infrastructure Projects Corporation, be read a first, second and third time and finally passed and the Mayor and Clerk be authorized to sign same and affix the Corporate Seal thereto.

Discussion:

Councillor R. Fryer stated that having debentures for 25 years is too long and shorter terms should have been considered. Councillor R. Fryer would like to see examples of how other municipalities deal with their debt load. Supervisor of Budget Services, Ivano Fregonese, replied that the 25 years was matched up with the useful life of the assets.

A recorded vote was requested and is listed below:

	<u>AYE</u>	<u>NAY</u>
Deputy Mayor Bailey	Aye	
Councillor Fryer		Nay
Councillor Pillon	Aye	
Councillor Renaud	Aye	
Councillor Sutton	Aye	
Councillor White	Aye	
Mayor Hurst	Aye	

Motion Carried

8 CONSENT REPORTS

Moved by Councillor J. Sutton
Seconded by Deputy Mayor Bailey

That the following reports be received;

1. A report by Carol Bendo regarding a status update on the Outdoor Boxing Match and Music Event organized by Fighting Island Boxing Club and Uncle Vito's;
2. A report by Carol Bendo regarding Grants to Community Groups and Organizations - Process Timelines;
3. A report by Ron Dzombak regarding AMA Tennis Club;
4. A report by Pam Malott, Paul Beneteau and Ivano Fregonese regarding the 2009 1st Quarter Budget to Actuals.
5. A report by Lou Zarlenga regarding Lead Testing in the Amherstburg Water Supply, Updates on Legislated Testing and 3rd Round Testing.
6. A report by Lou Zarlenga regarding the 2009 Annual Inspection Report for the

Amherstburg Wastewater Treatment Plant.

7. A report by Lou Zarlenga providing an update on the Drinking Water Quality Management System (DWQMS)

Motion Carried

9 CONSENT CORRESPONDENCE

Moved by Deputy Mayor Bailey

Seconded by Councillor P. Renaud

That the following correspondence be received:

1. 2009 Ontario Family Fishing Weekend - OFFW Steering Committee - May 20, 2009;
2. Request for participation - Ontario Heritage Trust - May 15, 2009;
3. Bill C-319 Act to amend the Motor Vehicle Safety Act - House of Commons - May 29, 2009;
4. Resolution passed - The Council of the City of Ottawa - May 25, 2009;
5. Long Term Care Homes Act Proposed Regulations - AMO - June 1, 2009;
6. Bill 221 Workplace Safety and Insurance Amendment Act Presumptions for Firefighters - City of Pickering - June 2, 2009;
8. Annual Vintage Tasting at Sprucewood Shores Estate Winery - South Western Ontario Vintners Association - May 22, 2009;
9. Homeless Coalition BBQ - Homeless Coalition of Windsor Essex County - June 3, 2009;
10. Request for financial assistance - Wallaceburg Disaster Relief Committee - June 1, 2009;
11. Resolution passed - Town of Fort Erie - June 1, 2009;
12. Mayors' Alliance Media - Town of Caledon - June 1, 2009;
13. Official Plan for the Town of Amherstburg - Ministry of Municipal Affairs and Housing - June 3, 2009;
14. Clinicare innovates with Linux-reduces EMR costs for Physicians - Clinicare - June 5, 2009.

Discussion:

Councillor R. White requested that correspondence # 2 be forwarded to Parks Canada.

Deputy Mayor Bailey asked what the next steps with respect to the Official Plan for the Town of Amherstburg were. Jackie Hubbs, Manager of Development Services, stated that she has a scheduled conference call tomorrow morning, June 16, with the County and Jean Monteith regarding the Official Plan.

Motion Carried

Moved by Councillor R. Fryer
Seconded by Councillor P. Renaud

That correspondence #7 regarding a Notice of Motion for the Harmonized Sales Tax from the City of Pickering dated June 2, 2009 be received;

That Council concur with the motion made by the City of Pickering regarding the Harmonized Sales Tax;

And further that a copy of this motion be sent to the City of Pickering.

Motion Carried

10 CONSENT BUSINESS LICENSES

Business Licensing By-Law 2009-44 and Consent Business Licenses

Moved by Councillor P. Renaud
Seconded by Councillor R. Fryer

That **By-Law 2009-44** being a by-law for licensing, regulating and governing businesses in the Town of Amherstburg be taken as having been read a second and third time, be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto;

That the following business license applications be received and approved subject to compliance with By-Law 2009-44, all agencies and regulations;

- a) A taxi license application from David Joynt to operate as a taxi cab driver;
- b) A snack bar license application from Lynn Tytgat to operate a Concession Stand at Malden Baseball Park under the condition that \$150 montly lease payment be provided to the Town of Amherstburg;
- c) A bed & breakfast license application from Leon Bieszk to operate a bed & breakfast, to consist of 3 bedrooms on Boblo Island.

And further that the licenses be issued by our licensing officer once the applicant has met all of the special conditions as listed in By-Law 2009-44.

Motion Carried

11 CONSENT OTHER MINUTES

Moved by Deputy Mayor Bailey
Seconded by Councillor R. Pillon

That the following minutes be received:

1. A meeting by the Committee of Adjustment held at the Town of Amherstburg Council Chambers on February 10, 2009;
2. A meeting by the Committee of Adjustment held at the Town of Amherstburg Council Chambers on March 31, 2009;
3. A meeting by the Community Spirit Committee held at the Town Hall on April 8, 2009;
4. A meeting by the Community Spirit Committee held at the Town Hall on May 13, 2009;
5. A meeting by the Multi-Use Recreation Complex Project Steering Committee held at the Town Hall on June 3, 2009;
6. A Non Mandatory Site meeting by the Multi-Use Recreation Complex - Build Firms held at the Larry Bauer Park on May 29, 2009;
7. A meeting by The Amherstburg Police Services Board held at the Amherstburg Police Station on March 31, 2009;
8. A meeting by Recreation Advisory Committee held at Amherstburg Recreation & Cultural Center on March 3, 2009;
9. A meeting by Recreation Advisory Committee held at Amherstburg Recreation & Cultural Center on April 7, 2009;
10. A meeting by Recreation Advisory Committee held at Amherstburg Recreation & Cultural Center on May 5, 2009.

Motion Carried

12 CORRESPONDENCE

Item # 2 Resolution from the Town of Smith Falls regarding Public Libraries.

Moved by Deputy Mayor Bailey

Seconded by Councillor R. Fryer

That the correspondence from the Town of Smiths Falls be received;

That Council agree to support the resolution made by the Town of Smiths Falls;

And further that a copy of this motion be provided to the Town of Smiths Falls.

Discussion:

Deputy Mayor Bailey stated that this is an example of downloading the function of operating the libraries to the municipalities and support should be provided for the funding of libraries.

Motion Carried

13 UNFINISHED BUSINESS

Unfinished Business Items as of June 15, 2009.

The following business items were requested to be removed from the unfinished business

item list:

20090525A Councillor R. Pillon asked if the catch basin has been installed in the Kingsbridge subdivision behind the Whelan property. Lou Zarlenga, Manager of Public Services, replied that the catch basin has been installed at no cost to the Town.

The following discussion took place regarding unfinished business items currently on the list:

Councillor R. Fryer asked for an update regarding Kingsbridge Park. Mr. Zarlenga replied that tenders are being prepared for construction of the access road on Knob Hill, drainage, seeding and grading of the Park.

The following item from a previous Council meeting was discussed:

Deputy Mayor Bailey cited the May 15th correspondence to Council and PWD regarding corrective action for sidewalk repair from the Amherstburg Accessibility Advisory Committee and requested an update. Mr. Zarlenga replied that to his knowledge Union Gas has repaired the area and he will confirm this.

14 NEW BUSINESS

1. Brock and Kempt Street Intersection

Moved by Councillor R. Fryer
Seconded by Councillor J. Sutton

That Council direct the Traffic Committee to report back regarding the Brock and Kempt Street intersection where cars are impeding visual site lines.

Motion Carried

2. McLellan Avenue in Kingsbridge South

Moved by Councillor R. Fryer
Seconded by Councillor R. Pillon

That Council direct the Traffic Committee to report back regarding the viability of adding North or Side south parking to McLellan Avenue in Kingsbridge South.

Motion Carried

3. McCloud Road

Councillor R. Pillon requested that the Traffic Committee report back regarding the

viability of a consistency speed limit on McCloud from Front Road going East as currently there seems to be a variance in speed limits in that area.

15 BY-LAWS

Confirmatory By-Law

Moved by Councillor J. Sutton
Seconded by Councillor R. Fryer

That **By-Law 2009- 47** 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

16 NOTICE OF MOTION

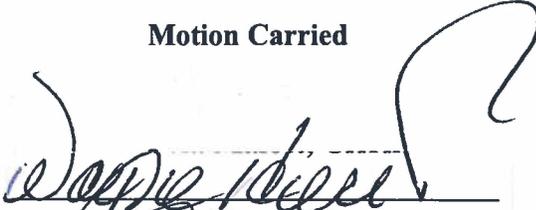
No notices of motion were made.

17 ADJOURNMENT

Moved by Deputy Mayor Bailey
Seconded by Councillor P. Renaud

That we rise and adjourn at 8:34 P.M.

Motion Carried



Wayne Hurst, Mayor



Pamela Malott, Clerk