

Minutes of An Amherstburg Municipal Council Meeting Held On Tuesday, May 25, 2010 At 7:00 p.m. In Council Chambers

PRESENT:

Mayor Wayne Hurst
Deputy Mayor Robert Bailey
Councillor Rick Fryer
Councillor Robert (Bob) Pillon
Councillor John Sutton
Councillor William (Bill) Wark
Councillor Rosa White

ALSO PRESENT:

Pamela Malott, Chief Administrative Officer
Brenda Percy, Manager of Council & Leg. Services/Clerk
Carol Bendo, Human Resources Manager
David Carpenter, IT Manager
Tony DeThomasis, Parks and Roads Superintendent
Ivano Fregonese, Supervisor of Budget Services
Jackie Hubbs, Manager of Development Services
Anne Rota, Manager of Tourism and Culture
Lou Zarlenga, Director of Engineering and Infrastructure

ABSENT WITH NOTICE: Paul Beneteau, Treasurer (Vacation)

CALL TO ORDER

The Mayor called the meeting to order at 7:33 p.m.

PRAYER

The Clerk, Brenda Percy, said prayer.

DISCLOSURE OF PECUNIARY INTEREST

Councillor Sutton declared a pecuniary interest in Report #11 – Reduction or waiving of fees as requested by Skills Link.

MINUTES OF PREVIOUS MEETING

Deputy Mayor Bailey moved, Councillor White seconded:

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

- 1. Special In-Camera meeting held on May 3, 2010 at 3 PM;**
- 2. Regular In-Camera meeting held on May 10, 2010 at 4PM;**
- 3. Special Public meeting held on May 10, 2010 at 6PM regarding ZBA for 806574 Ontario Ltd. and Grondin and**
- 4. Regular Public meeting held on May 10, 2010 at 7PM.**

The Mayor put the Motion.

Motion Carried

REPORTS OF MUNICIPAL OFFICERS

Report # 1

A report by Stephen Brown and Jackie Hubbs regarding a request for a variance from the Town of Amherstburg Sign By-law.

Councillor Sutton moved, Councillor Pillon seconded:

That the report by Stephen Brown, Chief Building Official and Jackie Hubbs, Manager of Development Services dated May 10, 2010 regarding a request for a variance from the Town of Amherstburg Sign By-law to allow for an off premise sign to be located at 527 Sandwich Street South, Fort Malden Hotel be received;

And further that Council approve the requested variance from the Sign By-law 2006-26 requested by Thrashers Sales and Leasing to allow for an off-premise sign to be located at Fort Malden Hotel, 527 Sandwich Street South as a non-precedent setting variance, which is based on the fact that the sign will not be visible from the street.

The Mayor put the Motion.

Motion Carried

Report #2

A report by Stephen Brown and Jackie Hubbs regarding a request for a variance from the Town of Amherstburg Sign By-law.

Deputy Mayor Bailey moved, Councillor Fryer seconded:

That the report by Stephen Brown, Chief Building Official and Jackie Hubbs, Manager of Development Services dated May 10, 2010 regarding a request for a variance from the Town of Amherstburg Sign By-law for lands known municipally as 11 Concession III North, Good Shepherd Lutheran Church be received;

And further that Council approve the requested variances from the Sign By-law 2006-26 to allow for a variance of 0.7m (2.4 ft) to permit a 2.2 m (7.4 ft) high sign and a variance of 0.97 m² (10.5 ft²) to permit a sign with 2.97 m² (32 ft²) area to be located in the front yard of property known as 11 Concession III North, the Good Shepherd Lutheran Church.

The Mayor put the Motion.

Motion Carried

Report # 3

A report by B.J. Wilder regarding the results from the Downtown Core Parking Enforcement project.

Councillor Pillon moved, Councillor Sutton seconded:

That the report by B.J. Wilder dated May 12, 2010 regarding the results from the Downtown Core Parking Enforcement project be received;

That the ongoing enforcement continues spontaneously as the Community Standards Officers schedule permits;

And further that Amherstburg Police be encouraged to assist in Time Limit Parking enforcement where and when practical.

The Mayor put the Motion.

Motion Carried

Report # 4

A report by Jackie Hubbs regarding a summary of implications of Bill 150 (GEA).

Councillor Sutton moved, Councillor Wark seconded:

That the report by Jackie Hubbs, Manager of Development Services dated May 19, 2010 regarding Summary of Implications of Bill 150 (GEA), be received.

The Mayor put the Motion.

Motion Carried

Report # 5

A report by Jackie Hubbs regarding a request for reduction of Development Charges at 260 Dalhousie Street.

Councillor Pillon moved, Councillor White seconded:

That the report by Jackie Hubbs, Manager of Development Services, dated May 18, 2010 regarding the request for reduction of Development Charges for two additional residential units to be developed at 260 Dalhousie Street be received;

Further that Council pass By-law 2010-58 to defer development charges applicable to the proposed re-development of the office space to two residential units at the time of building permit application;

And further that Council direct Administration to proceed with a by-law process to grant a partial exemption from Schedule 'B' of the Development Charges By-law 2009-81 to allow for the conversion of an upper storey office space to two residential apartments units within the downtown core area.

The Manager, Development Services advised that the actual figure proposed will follow at a later date.

The Mayor put the Motion.

Motion Carried

Report #6

A report by Jackie Hubbs regarding a request for approval of a Right-of-Way Use Protocol.

Councillor Fryer moved, Councillor Wark seconded:

That the report by Jackie Hubbs, Manager of Development Services dated May 19, 2010 regarding a request for approval of a Right-of-Way Use Protocol be deferred pending comment from the Town solicitor.

The Mayor put the Motion.

Motion Carried

Report # 7

A report by Jackie Hubbs regarding the Big Creek Watershed Study.

Deputy Mayor Bailey moved, Councillor Pillon seconded:

That the report by Jackie Hubbs, Manager of Development Services dated May 19, 2010 regarding the Big Creek Watershed Study – status report and attached report to the ERCA Board of Directors prepared by Mathew Child, Director of Watershed Restoration be received.

The Mayor put the Motion.

Motion Carried

Report # 8

A report by Stephen Brown regarding building permit activity.

Councillor Pillon moved, Councillor Sutton seconded:

That the report prepared by Stephen Brown, Chief Building Official regarding building activities, for the period of January 1 to May 1, 2010 be received.

The Mayor put the Motion.

Motion Carried

Report # 9

A report by Pamela Malott regarding the request to amend the approved March 22, 2010 Recreation Services Ice Allocation Policy.

Councillor Sutton moved, Councillor White seconded:

That the report by Pamela Malott, dated May 17, 2010, regarding Amendment No. 01 to the Recreation Services Ice Allocation Policy be received;

And further that Council approve following amendments to the approved March 22, 2010 Ice Allocation Policy:

- 1. The March 22, 2010 Ice Allocation Policy will be recognized as a Town of Amherstburg Policy once the operations of two (2) ice pads are available to user groups, rate payers and the general public.**
- 2. That all contracts issued prior to the operations of the two (2) ice pads are not effected by the Ice Allocation Policy and will therefore be honoured.**

3. All contracts generated by the Recreation Services Department prior to the operations of the two (2) ice pads will not exceed a rental date of April 30, 2011.

The Mayor put the Motion.

Motion Carried

Report # 10

A report by Pamela Malott regarding the selection of Harrow Colchester South Minor Hockey as the organizers of women's hockey at the new Amherstburg Recreation Complex.

Councillor White moved, Councillor Pillon seconded:

That the report by Pamela Malott, dated May 18, 2010, regarding Amherstburg Recreation Complex Women's Hockey be received;

And further that Council receive for information the selection of Harrow Colchester South Minor Hockey as the awarded organization to develop the upcoming Women's Hockey Programming with the Town of Amherstburg.

The Mayor put the Motion.

Motion Carried

Report # 11

Councillor Sutton declared a pecuniary interest and withdrew from discussion and voting on the matter.

A report by Pamela Malott regarding the reduction or waiving of fees as requested by Skills Link.

Councillor White moved, Councillor Pillon seconded:

That the report by Pamela Malott, dated May 19, 2010, regarding the reduction or waiving of fees as requested by Skills Link be received;

That Council receive the report and not approve the reduction or waiving of fees as requested by Skills Link for the Saturday, June 5 2010 '3 on 3 floor hockey tournament' to generate revenues for the Building a Drug-free Community program.

The Mayor put the Motion.

Motion Failed

Councillor Wark moved, Councillor Fryer seconded:

That the report by Pamela Malott, dated May 19, 2010, regarding the reduction or waiving of fees as requested by Skills Link be received;

That Council receive the report and approve the waiving of fees as requested by Skills Link for the Saturday, June 5 2010 '3 on 3 floor hockey tournament' to generate revenues for the Building a Drug-free Community program;

And further that this waiving of fees will not set precedent for this group requesting and/or any other organization presenting a similar request in future.

The Mayor put the Motion.

Motion Carried

Report # 12

Councillor Fryer moved, Councillor Sutton seconded:

A report by Paul Beneteau regarding the Heritage Property Tax Rebates;

That Council receive the report submitted by Paul Beneteau, Treasurer, regarding the Heritage Property Tax Rebates processed in 2010 for the 2009 tax year;

And further, that Council approve the Heritage Rebates as outline on Schedule A of the report.

The Mayor put the Motion.

Motion Carried

Report # 13

A report by Paul Beneteau and Ivano Fregonese dated May 5, 2010 regarding the 2009 Transfers to and From Operating & Capital Reserves.

Deputy Mayor Bailey moved, Councillor White seconded:

That the report by Paul Beneteau and Ivano Fregonese regarding the 2009 Transfers From and To Operating and Capital Reserves be received;

That the amounts, as identified in the accompanying schedules are transferred to or from reserves for the expenses described in this report;

That the items be included in the budget in the respective year that the expenses will be incurred;

And further that the amounts be included in revenue in the same respective year.

The Mayor put the Motion.

Motion Carried

Report # 14

A report by Lou Zarlenga dated May 20th, 2010 regarding information pertaining to Simcoe Street Sanitary Sewer Deferred Benefit Charges and the Public Information Meeting that was held on Tuesday, May 18, 2010.

Councillor Sutton moved, Councillor Pillon seconded:

That Council receive the report from Lou Zarlenga dated May 20th, 2010 regarding information pertaining to Simcoe Street Sanitary Sewer Deferred Benefit Charges and Public Information Meeting held on Tuesday, May 18, 2010.

The Mayor put the Motion.

Motion Carried

Report # 15

A report by Staff Sergeant Pat Palumbo and Debi Croucher, Indaba Marketing regarding the Midsummer Mayhem Event.

Councillor Sutton moved, Councillor White seconded:

That the report submitted by Staff Sergeant Pat Palumbo, Amherstburg Police, and Debi Croucher, Indaba Marketing Inc. dated May 19, 2010 regarding the Midsummer Mayhem event to be organized by the Amherstburg Recreation Complex Fundraising Campaign and the Amherstburg Police on Saturday, June 26 be received;

And further that Council approve an exception to the noise by-law for the event in compliance with the Special Events Policy criteria.

Debi Croucher, Indaba Marketing provided an overview of the event and advised that she would provide further information to Council on the event via email.

The Mayor put the Motion.

Motion Carried

Report # 16

A report by Brenda Percy regarding an Election Compliance Audit Committee.

Councillor Pillon moved, Councillor Fryer seconded:

That the report prepared by Brenda Percy dated May 12, 2010 regarding an Election Compliance Audit Committee be received;

A three-member Election Compliance Audit Committee be established;

The Clerk be authorized to advertise for volunteer members and submit a listing of all applications for Council's consideration and appointment before the 2010 municipal election voting day;

That By-law 2010-57 being a By-law to establish an Election Compliance Audit Committee for the Town of Amherstburg be given three readings and be finally passed;

And further that Council approve the allocation of \$15,000 to the election reserve account for the 2011 budget.

Councillor Fryer asked that the names of the Committee members be placed under the Elections portion of the Town website.

The Mayor put the Motion.

Motion Carried

Report # 17

A report by Brenda Percy regarding Mobile Food Carts.

Councillor Sutton moved, Councillor White seconded:

That the report by Brenda Percy dated May 18, 2010 regarding Mobile Food Carts operating in municipally owned parks be received;

That Council not support the "concept" of Mobile Food Carts operating in municipally owned parks.

The Mayor put the Motion.

Motion Carried

CONSENT REPORTS

Councillor White moved, Councillor Fryer seconded:

A report by Jackie Hubbs, Manager of Development Services dated May 19, 2010 regarding the submission of comments by the ACE Committee respecting the Detroit Edison Monroe Power Plant proposed modification be received.

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Deputy Mayor Bailey moved, Councillor Sutton seconded:

That Consent Correspondence Items 1 – 9 and 11 to 16 be received.

1. Town of Lakeshore's 12th Annual Golf Tournament-May 7, 2010-Town of Lakeshore
2. Wish Next Door Campaign - April 23, 2010 - Make a Wish Foundation of Southwestern Ontario
3. Seeking Computer and Used Office Equipment Donations - May 4, 2010-Windsor/Essex Canadian Red Cross Branch
4. Senior Achievement Award - Chair of Cabinet, Minister Without Portfolio, Responsible for Seniors-May 14, 2010
5. Thank you - Essex Region Children's Water Festival - May 12, 2010
6. Service Delivery Guide-Ministry of Municipal Affairs and Housing-April 21, 2010
7. Canadian Cancer Society's Relay for Life-June 11-12, 2010 Canadian Cancer Society - May 5, 2010
8. Thank you for the Haiti Donation-Canadian Red Cross Society-April 23, 2010
9. Ontario Family Fishing Weekend-July 3-July 11, 2010--Ontario Federation of Anglers and Hunters May 7, 2010
10. Bellevue-Friends of Bellevue-May 12, 2010
11. Lunch with the Mayors - Community Living -May 5, 2010
12. WE pay it forward.ca Media Release - Sandra Papatello-May 14, 2010
13. Rediscover Your Bike-June 12, 2010-City of Windsor-May 17, 2010
14. Amherstburg Farmers Market Grand Opening-June 5, 2010-Amherstburg Farmer's Market-May 20, 2010
15. Financial Support For Wind Turbines Research-County of Essex-April 14, 2010
16. Supporting Town of Amherstburg March 8, 2010 Resolution Regarding Wind Turbines -Surrounding Municipalities

The Mayor put the Motion.

Motion Carried

Item #10 - Bellevue-Friends of Bellevue-May 12, 2010

Deputy Mayor Bailey asked that Administration explore the suggestion made by the Friends of Bellevue, as provided in the correspondence.

Deputy Mayor Bailey moved, Councillor Sutton seconded:

That the item be referred to Administration to provide an Administrative report back to Council.

The Mayor put the Motion.

Motion Carried

**Item #14 – Amherstburg Farmers Market Grand Opening-June 5, 2010-
Amherstburg Farmer's Market-May 20, 2010**

Councillor Fryer sought an update as to what has been planned for the grand opening. He also sought an update on the change of the Committee structure.

CONSENT BUSINESS LICENSES

Councillor Sutton moved, Councillor White seconded:

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

1. Restaurant - Gilligan's

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

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Councillor Wark moved, Councillor Pillon seconded:

That the following minutes be received:

1. Meeting held by Amherstburg Police Services Board on March 16, 2010 at 4 PM.

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

Correspondence # 1 - Mardi Gras Invitation

Councillor Pillon moved, Councillor Sutton seconded:

That Council support the Mardi Gras Fundraiser being held on June 5, 2010.

The Mayor put the Motion.

Motion Carried

Correspondence #2 - Proclaim June Spina Bifida and Hydrocephalus Awareness Month

Councillor Wark moved, Councillor Pillon seconded:

That the correspondence from the Spina Bifida and Hydrocephalus Association of Ontario dated May 17, 2010 be received;

And further that the Mayor proclaim June as Spina Bifida and Hydrocephalus Awareness Month.

Mayor's

Proclamation

I, Mayor Wayne Hurst, do hereby proclaim June 2010 to be Spina Bifida and hydrocephalus Awareness Month in the Town of Amherstburg and I urge all citizens to give full consideration and attention to Spina Bifida and Hydrocephalus Association of Ontario for their work on behalf of those with spina bifida and hydrocephalus and their families

The Mayor put the Motion.

Motion Carried

Correspondence #3 - Waste from Ontario Municipalities - Town of Lakeshore

Councillor Sutton moved, Councillor White seconded:

That the correspondence from the Town of Lakeshore dated April 6, 2010 regarding Waste from Ontario municipalities be received;

And further that Council not support the Town of Lakeshore resolution passed on March 8, 2010 regarding Waste from Ontario Municipalities.

The Mayor put the Motion.

Motion Carried

OTHER MINUTES

Traffic Committee - April 8, 2010 - 1 PM

Councillor Pillon moved, Councillor Sutton seconded:

That the minutes of the April 8, 2010 Traffic Committee meeting be received;

That Council concur with the Traffic Committee's recommendation for alternate parking to be implemented on Hawthorn Crescent, Cherrylawn Crescent, Tofflemire Street, Seymour Street, St. James Crescent as soon as possible and that a working list be created for further implementation.

There was discussion with regard to alternate parking on McLellan Street and safety concerns. B.J. Wilder, Community Enforcement Officer reported on the safety initiative by the Traffic Committee and noted that this initiative is unbudgeted. He further advised that McLellan is under review and identified for another year.

Councillor White sought clarification of the cost associated. Lou Zarlenga advised that he would report back on the matter at the next meeting of Council.

The Mayor asked that the Traffic Committee understand the concerns of Council with regard to safety on McLellan Street. He asked that the Traffic Committee revisit the issue and return with its response on how to best approach the matter.

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

Council reviewed the Unfinished Business Items List as of May 25, 2010.

In response to a question from Councillor Wark, Lou Zarlenga advised that are report would be brought to the June meeting with regard to street light deficiencies.

Councillor Fryer asked that the McLellan Street matter be changed to report from Council email.

NEW BUSINESS

Councillor Sutton moved, Councillor White seconded:

That Council send correspondence to the Province of Ontario and to AMO urging an immediate moratorium be placed on wind turbine projects until such time as the current medical study on health effects is complete and recommendations from same implemented.

The Mayor put the Motion.

Motion Carried

Councillor Pillon moved, Councillor Fryer seconded:

That Graham Rose be granted permission to operate a chip wagon to service Larry Bauer Park for the 2010 soccer season;

And that the applicant business be required to comply with all applicable by-laws and regulations;

And further that this not be precedent setting.

There was discussion with regard to food vendors in parks.

The Mayor put the Motion.

Motion Carried

NOTICE OF MOTION

There were no Notices of Motion.

BY-LAWS

Confirmatory By-Law

Councillor Wark moved, Councillor Sutton seconded:

That By-Law 2010-61 being a By-Law to confirm all resolutions of the Municipal Council Meeting held on May 25, 2010 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.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Councillor Wark moved, Councillor Pillon seconded:

That Council adjourn at 8:25 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR - WAYNE HURST

CLERK - BRENDA M. PERCY