

**Minutes of An Amherstburg Municipal Council Meeting Held
On Monday, September 27, 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:

Paul Beneteau, Acting CAO/Treasurer
Kristina Pozar DiPaolo, Acting Deputy Clerk
Carol Bendo, Human Resources Manager
Lory Bratt, Planning Coordinator
Nick Renaud, Network Analyst
Ivano Fregonese, Supervisor, Budget Services
Dennis Laporte, Director, Recreation & Culture
Lou Zarlenga, Director, Engineering and Infrastructure

ABSENT WITH NOTICE:

Pamela Malott, Chief Administrative Officer
Brenda Percy, Council & Leg. Services/Clerk (ill)

CALL TO ORDER

The Mayor called the meeting to order at 7:00 p.m.

PRAYER

The Acting Deputy Clerk, Kristina Pozar DiPaolo, said prayer.

DISCLOSURE OF PECUNIARY INTEREST

Councillor Sutton declared a pecuniary interest with the first delegation being the House of Shalom Haunted House.

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 held on August 30, 2010 at 3:00 PM;**
- 2. Special Public held on August 30, 2010 at 3:30 PM regarding the ARC, Miracle League, Premier Diamond and Tar & Chip Tender;**
- 3. Special In-Camera held on August 30, 2010 at 5:00 PM;**
- 4. Regular In-Camera held on September 13, 2010 at 4:30 PM and**
- 5. Regular Public held on September 13, 2010 at 7:00 PM.**

The Mayor put the Motion.

Motion Carried

PRESENTATIONS

Councillor Sutton moved, Councillor Fryer seconded:

That Council agree to hear presentations ahead of delegations.

The Mayor put the Motion.

Motion Carried

5.1 Presentation # 1

Remo Di Paolo, BMO Area Manager, Theresa Tessier, BMO Amherstburg Branch Manager and Debi Croucher, INDABA Marketing made a presentation to Council regarding a donation to the Amherstburg Recreation Complex. Mayor Hurst thanked BMO for their contribution.

Councillor Sutton moved, Councillor Pillon seconded:

That the presentation by Mr. Di Paolo, Ms. Tessier and Ms. Croucher be received;

And further that By-Law 2010 - 92 being a by-law to authorize the execution of a Donation Agreement between Bank of Montreal and the Corporation of the Town of Amherstburg 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.

The Mayor put the Motion.

Motion Carried

5.2 Presentation # 2

Ms. Janet Woodbridge, Chief Librarian/CEO of the Essex County Library made a presentation to Council regarding the Branch Library Facilities Policy. The Policy was originally developed in 1999 and reviewed last year. The new policy refers to guidelines which are developed by administrators of urban and rural libraries. The new policy allows for revision every five (5) years in order to better deal with needs of communities and residents.

Councillor Pillon asked if the number of computers at the Amherstburg library has been increased. Ms. Woodbridge stated that additional plugs have been placed in the desks to allow laptop use and the hardwiring of a new computer station will be completed in 2011. Ms. Woodbridge advised that the Amherstburg library is a very small library for this community and with an aging population the community will need a larger library to serve those in wheelchairs or parents with strollers and that the best libraries are those next to or within Community Centres.

Deputy Mayor Bailey stated that Council needs to provide feedback on the Policy to the Library Board.

In response to Deputy Mayor Bailey's query Ms. Woodbridge stated that the Board's recommendation for Amherstburg is a 15,000 square foot single floor library in order to meet the needs of the community.

The Acting Deputy Clerk asked that Council bring forward Correspondence # 2 - Proclaiming October 17-23, 2010 Public Library Week.

Councillor White moved, Councillor Pillon seconded:

That the presentation by Ms. Woodbridge be received;

And further that the correspondence from the Essex County Library regarding new resources available through ECL's website Public Library Week be received;

And further that Council support the Mayor in proclaiming the week of October 17, 2010 Public Library Week.

The Mayor put the Motion.

Motion Carried

Mayor's Proclamation

Whereas we recognize that the Essex County Library Amherstburg Branch provides a pivotal service to our community,

Therefore, I, Mayor Wayne Hurst hereby proclaim October 17-23, 2010 to be Ontario Public Library Week in the Town of Amherstburg and I encourage everyone to discover Ontario's public libraries this week and throughout the year to see what wonderful resources and programs they have to offer.

DELEGATIONS

6.1 Delegation # 1

Holly Kirk McLean and Mike Weaver on behalf of the House of Shalom Youth Centre and the Mason's addressed Council regarding the Change of Venue and Management of the former AMA Sportsman Club Haunted House and Graveyard. Ms. McLean is the coordinator at the House of Shalom and Mike Weaver represents the Mason's. Ms. McLean stated that the event organizers are grateful to AMA for the equipment that was donated in order to host the Haunted House on October 22-24, 28-30 of this year at the House of Shalom. Ms. McLean advised that the Rotary will hold this year's Pumpkinville on October 23rd at the House of Shalom as well in order to provide younger children with a fun filled experience and encouraged all to attend the events.

Councillor Pillon moved, Councillor White seconded:

That the presentation by Ms. McLean and Mr. Weaver be received.

The Mayor put the Motion.

Motion Carried

6.2 Delegation #2

Messrs. Michael Kosyk and Dmytro Kosyk addressed Council regarding their property drain. Michael Kosyk provided a sketch of the tiles that are on his property. Mr. Kosyk believes that plastic pipes will freeze all of the tiles on his property if he were to add them to his system. Mr. Zarlenga, Director of Engineering and Infrastructure, clarified that Mr. Kosyk believes that his outlet tile will freeze and as such he advised him to replace the clay tile with a piece of plastic pipe in order to alleviate the problem.

Mr. Kosyk stated that he wants to lower his outlet 30-40 feet and requests that some of the dead falls be removed. Mr. Zarlenga clarified that his department has made several attempts to call the landowner and Todd Hewitt, Public Works Engineering Coordinator reported to Mr. Zarlenga that there is no debris within 100 feet of the road.

Mr. Zarlenga further advised that his department gave Mr. Kosyk the option to upgrade the tile and contacted ERCA to clear the watercourse on the downstream portion of the

outlet which they are willing to do but at a cost and at this time Mr. Kosyk is not willing to pay for it.

Mr. Kosyk asked who will pay for the new bridge. Mr. Zarlenga stated that Mr. Kosyk wanted the pipe replaced which his department has done and the payment was from the Town's road budget maintenance; as such no particular person is being charged for this pipe and since the pipe was in our stock the only cost was the \$100 for the stone to be placed on top of the pipe.

Councillor Fryer asked for an elevation check and a flow rate on Mr. Kosyk's property and inquired about the cost of the wages for the day. Mr. Zarlenga reiterated that the only out of pocket cost was the cost of the stone and not more than one labour hour was charged to the Town. Mr. Zarlenga advised that ERCA has been asked to provide the elevation check from Simcoe Street through Patrick Farm and through Alma Street and former General Chemical Lands right up to Texas Road. Mr. Zarlenga stated that he will contact Tim Byrne for the update.

Councillor Pillon asked for clarification regarding the culvert regarding its existence. Mr. Zarlenga replied that there was a culvert there previously and Public Works was asked to replace the culvert by Mr. Kosyk a number of months ago as Mr. Kosyk felt that it was too small and the department has done exactly that.

Councillor Pillon asked for clarification regarding extending drains into the ditch and asked Mr. Kosyk if his tile is at the bottom of the ditch. Mr. Kosyk replied that yes it is. Mr. Zarlenga clarified that just about every tile in the municipality is at the bottom of the ditch and the tile is draining Mr. Kosyk's farm and is at the bottom of the roadside ditch which is normal for the topography in our area. Mr. Kosyk provided a letter from the Ministry of Agriculture, Food and Rural Affairs which is attached to and forms a part of these minutes.

Councillor Fryer requested clarification if the points of elevation are found to not allow for drainage properly if this would start the drainage petition by the Town or does Mr. Kosyk need to initiate the application. Mr. Zarlenga stated that yes it could be initiated by the Municipality, but the proper way to do so would be to have the landowner requiring the drainage to file the petition with the municipality. In response to Mayor Hurst's query Mr. Zarlenga advised of the next steps after filing the petition being as follows: the petition would come back to Council; Council would authorize the hiring of an engineer; the engineer would assess the situation, complete the surveys, determine the repair and determine who benefits and who pays; the engineer's report would then be considered by Council and it would be either adopted to proceed or it would be abandoned; if instructed to proceed, the work would be done and cost attributed to those who benefit from the project.

Council directed Administration to contact Mr. Byrne of ERCA to obtain the information regarding the elevation check for Mr. Kosyk's property.

Deputy Mayor Bailey moved, Councillor White seconded:

That the delegation by Messrs. Kosyk be received.

The Mayor put the Motion.

Motion Carried

6.3 Delegation # 3

Ms. Mary-Ann Keefner and Mr. Steven Funtig addressed Council regarding severance of the General Chemical Canada Limited Dock Lands.

The Acting Deputy Clerk asked that Council bring forward the report regarding Consent File B/15/10 moved forward after Delegation # 3.

Ms. Keefner stated she is speaking on behalf of trustee Steven Funtig for the former General Chemical lands. Ms. Keefner requests that Council reconsider their position with respect to linking the title to the dock lands with that of the plant lands.

Mayor Hurst stated that when PWC was the trustee they had tried to do the same thing regarding severance of the property and Town Council held to its opinion for a common owner for the east side and the west side. Council is standing steadfast to its decision for one specific reason and that is to make the entire parcel attractive for a buyer. Mayor Hurst asked the trustee to let us know what the bidders may be asking for specifically and once an offer is made Council can deal with the specifics at that time.

Councillor Fryer asked how much of the \$20.4 Million that the trustee has received up to now could be used to start the clean-up process. Mr. Funtig advised that the funds cannot be accessed by the trustee directly as the Ministry advises that the monies are to be accessed by the owner of the property in order to clean up the property, particularly the SASB and so that the owner that takes any financial risk will receive the financial rewards as well. Mr. Funtig clarified that the trustee is able to access a little bit of money for operations to maintain the facility until it is sold.

Deputy Mayor Bailey stated that sound planning reasons were made by Council to keep both the East and West areas together in the hope that an industrial use will be found at the former General Chemical lands again.

Councillor Wark asked if there is more than one potential purchaser for the property. Mr. Funtig replied that a number of EOIs have been received for the property and that they are complicated. At this time the trustee is attempting to short list those bidders and once that shortlist is made then the proponents have 90 days to negotiate with MOE to set out the terms and conditions to access the \$20.4 Million. MOE has made it clear that

they are looking for an owner and shortly the announcement on the short list will be made.

Councillor Sutton stated that Council needs to take a clear and common stand to not divide the parcel in order to benefit the residents of Amherstburg.

Councillor Pillon stated he is bothered that the trustee would come to Council to request this division of the parcel since the by-law has already been passed to ensure that the parcel stays as one piece as it is more valuable to the Town for it to be sold as one unit.

Councillor White stated that she hopes the trustee will convey to the probable future owners that this Council is open for business and that this Council will address their issues but that they will not divide this parcel.

Councillor Sutton moved, Councillor White seconded:

That the delegation by Ms. Keefner and Mr. Funtig be received;

That the report from Lory Bratt, Planning Coordinator dated September 16, 2010 regarding Consent File B/15/10 be received;

That Council reaffirms its position to maintain common ownership of the General Chemical lands on the east and west side of Front Road North;

And further that Council recommend to the Committee of Adjustment deferral of Application B/15/10 until ownership of the entire General Chemical Canada Ltd. holdings has been established.

The Mayor put the Motion.

Motion Carried

Report 12.1 Brought Forward After Delegation # 3

Moved by Councillor Pillon, seconded by Councillor Sutton:

That Report 12.1 regarding sewage treatment costs be moved forward.

The Mayor put the Motion.

Motion Carried

Moved by Councillor Pillon, seconded by Councillor Fryer:

That Council allows residents in attendance to come forward and ask questions regarding the report.

The Mayor put the Motion.

Motion Carried

Lou Zarlenga, Director of Engineering & Infrastructure, reviewed his report. Mr. Zarlenga stated that the report is in response to a number of incorrect newspaper articles. Mr. Zarlenga stated that this report differentiates between the cost recovery of capital expenditures for upgrading existing services from new services. Mr. Zarlenga advised that new services are charged to individuals that use that system: the users pay for it and thereafter it is paid for by the municipality and the municipality recoups that cost through the user rates. Mr. Zarlenga clarified that a huge discrepancy existed before among the different areas and those rates have now been harmonized.

Mr. Geoff Kidd of Lakewood Beach addressed Council and stated that he is not against harmonization, however he is questioning whether the secondary treatment should be considered a new system rather than a replacement or upgrade of an existing system. Mr. Kidd's delegation is attached to and forms a part of these minutes.

Mr. Larry Burgess of Lakewood Beach addressed Council and requested clarification on the \$1Million surplus. Budget Supervisor Ivano Fregonese replied that the \$ 1 Million is in the Capital Reserve for the Wastewater Treatment Plant. **Council directed Budget Supervisor Ivano Fregonese to get back to Council as to the clarification if Mr. Burgess paid into this \$1Million Reserve.**

Frank Kemski of Lakewood Beach addressed Council and stated that he has already paid for the sewers but believes that the quality of water is not going to be gained with the sewer system there and that there is the real issue : the water is polluted and the system they paid for is not working. Mayor Hurst asked if the stench occurs during a specific month. Mr. Kemski stated that the stench of sewage is present during the entire summer. **Mr. Zarlenga stated that the Ministry of Environment, ERCA and Health Unit will be attending the November 8th Council meeting regarding this issue.**

Councillor Fryer stated that there will be a study completed before the end of the year and provided to the ERCA board regarding the area concerned with the smell in the water. Councillor Fryer questioned the direction of Council in 2006 (September 11) to require residents to pay debentures knowing that they will be going to a harmonized tax. **Council directed Administration to find out if residents can be charged for a service that they are not receiving.**

Deputy Mayor Bailey stated that his understanding is that new sewer lines and new water lines are done as local improvements and the initial installation cost is paid for by the residents. Deputy Mayor Bailey stated that in the past the option was not there for residents to pay off the debenture midstream, only up front, and now can only continue with the debenture. Deputy Mayor Bailey clarified that the second charge is the wastewater user charge which is based on the operating cost of the system plus a component that's built in for replacement of the asset in the future; thus there are two distinct charges and the charge is fair.

Mr. Zarlenga clarified that consultants checked the legislation available to them and assured that the municipality has done things properly. He also clarified that the existing residents are not paying for the upgrading and that the payments are made up of three (3) portions: user rates, grant funding, and upgrading through development charges and new development.

Councillor Sutton stated that water and sewage rates include delivery, treatment and future upgrades for systems and these need to be in the user charges. Councillor Sutton reiterated that surpluses are being accumulated as stated by Ivano Fregonese in order to be able to upgrade these systems in the future.

Councillor Pillon stated that harmonization is not the issue but rather is the issue as raised by Mr. Kidd in that is this considered an upgrade or a brand new plant and if it is new then it should be area rated properly.

Mayor Hurst asked that Administration clarify if the secondary treatment is an upgrade or a brand new plant.

Mr. Bertrand asked if the discharge is checked on a regular basis. Mr. Zarlenga replied that all of the discharges to the Detroit River are checked by OCWA operators of our plant.

Moved by Councillor White, seconded by Councillor Pillon:

That CH2M Hill be asked to attend a Council meeting and address the reasoning behind the Secondary Treatment Wastewater Service rates as being considered replacements or upgrades versus being a New Plant Service.

The Mayor put the motion.

Motion Carried

Council Fryer directed Administration to report on the construction of the McCloud Wastewater System and if development charges were received for it.

A report by Lou Zarlenga dated September 21, 2010 providing a response to recent newspaper articles by residents in the former Malden Township area regarding sewage treatment costs.

Councillor White moved, Deputy Mayor Bailey seconded:

That Council receive the report from Lou Zarlenga providing a response to recent (September 21, 2010 and September 22, 2010) Windsor Star and River Town Times newspaper articles pertaining to residents situated in the former Malden Township area regarding sewage treatment costs.

The Mayor put the Motion.

Motion Carried

REPORTS - RECREATION/CULTURE/PARKS

7.1 A report by Pamela Malott, Dennis Laporte and Nustadia Recreation regarding the procurement of a Zamboni Ice Resurfacer.

Councillor Pillon asked why we are going back to Propane. Ed Pavao stated With Natural Gas you need to buy a fuel maker system and the costs of these units are very expensive and cost of gas and natural gas is same. The units also have to be rebuilt every 5-6K hours. Hurst asked about emission – Pavao stated that the emissions are about the same.

Councillor Sutton moved, Deputy Mayor Bailey seconded:

That the report by Pamela Malott, Dennis Laporte and Nustadia dated August 30, 2010 regarding the Zamboni Ice Resurfacer be received;

That Council approve the expenditure of \$92,534.80, including all taxes, with Zamboni Company Ltd. for the purchase of the Zamboni Ice Resurfacer Model 525;

And further that Treasury be directed to issue a 20% down payment deposit on the purchase of the unit due immediately to ensure delivery by the opening of the new facility.

The Mayor put the Motion.

Motion Carried

(From Supplementary Agenda)

7.2 A report by Paul Beneteau, Acting CAO/Treasurer and Nustadia Recreation Inc., Development Manager regarding the ARC Information Summary from July to September 2010.

Deputy Mayor Bailey moved, Councillor White seconded:

That Council receive the report by Paul Beneteau, Acting CAO/Treasurer and Nustadia Recreation Inc., Development Manager regarding the ARC Information Summary from July to September 2010.

The Mayor put the Motion.

Motion Carried

(From Supplementary Agenda)

7.3 A report by Paul Beneteau, Acting CAO/Treasurer and Nustadia Recreation Inc., Development Manager regarding Change Order 027 for the ARC.

Councillor Sutton moved, Councillor Pillon seconded:

That the report by Paul Beneteau and Ed Pavao dated September 25, 2010 regarding Amherstburg Recreation Complex Change Order 027; fieldhouse washroom and plumbing finishes be received;

And further that Council approve contemplated change order 027 for fieldhouse washroom and plumbing finishes submitted September 14, 2010 by DeAngelis Construction Inc.

The Mayor put the Motion.

Motion Carried

REPORTS - POLICE

No reports at this time.

REPORTS - FIRE

No reports at this time.

REPORTS - INFORMATION TECHNOLOGY

No reports at this time.

REPORTS - DEVELOPMENT SERVICES

11.1 A report by Lory Bratt regarding the road dedication of Thrasher Drive.

In response to Councillor Pillon's query Planning Coordinator Lory Bratt advised that Thrasher Drive is completely finished.

Deputy Mayor Bailey moved, Councillor Wark seconded:

That the report by Lory Bratt, Planning Coordinator dated September 16, 2010 regarding the road dedication of Thrasher Drive be received;

That Council approve the dedication of a new section of public highway (the expansion of Thrasher);

And further that Bylaw 2010-94 being a bylaw to dedicate Block 23, Plan 12M-470 as public highway, be given three readings and finally passed and the Mayor and Clerk be authorized to sign same and affix the corporate Seal thereto.

The Mayor put the Motion.

Motion Carried

11.2 A report by Lory Bratt regarding removal of part lot control in Golfview Park Estates.

Councillor White moved, Councillor Sutton seconded:

That the report from Lory Bratt dated September 17, 2010 regarding removal of Part Lot Control be received;

That Council approve the application for removal of Part Lot Control for Block 70 on Plan 12M-517 save and except for those parts particularly described as Parts 1 to 6 inclusive on Reference Plan 12R-24079 and Block 71 on Plan 12M-517 save and except for those parts particularly described as Parts 1 to 6 inclusive on Reference Plan 12R-23744;

And further that Bylaw 2010-95 being a Bylaw to remove certain lands from Part Lot Control (12M-517) 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.

The Mayor put the Motion.

Motion Carried

REPORTS - ENGINEERING AND INFRASTRUCTURE

12.1 Report was moved forward after delegation # 3.

12.2 A report by Lou Zarlenga dated September 22, 2010 regarding the tender results for the 4500 Series Heavy Duty Cab and Chassis Truck.

Councillor Fryer moved, Councillor Wark seconded:

That Council receives the report from Lou Zarlenga regarding the tender results for the 4500 Series Heavy Duty Cab & Chassis Truck;

And further that Council accepts the recommendation of Administration to award the contract to the lowest tenderer, being Joe Meloche Ford Sales Ltd., for the 4500 Series Heavy Duty Cab & Chassis Truck.

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

13.1 A report submitted by Pamela Malott regarding the Fundraising Development for the New Multi-Use Recreation Project.

In response to Councillor Fryer's question regarding when Council will know how much money has been raised to date, Acting Deputy Clerk Kristina Pozar Di Paolo advised that an announcement will be provided at the October 12, 2010 Council meeting.

Councillor Sutton moved, Councillor White seconded:

That Council receive the report concerning Fundraising Development for the New Multi-Use Recreation Project;

That Council approve the recommendation for the extension of the Contracted Services of Indaba Marketing to December 31st, 2010;

That the recommendation be forwarded to the Steering Committee of the ARC for information;

That Council authorize the Mayor and Clerk to execute an extension of the Agreement to December 31st, 2010

And further that **By-Law 2010-97** being a bylaw to amend Bylaw 2009-37 authorizing the execution of an agreement with INDABA Marketing for Fundraising Development services for the New Multi-Use Recreation Project 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.

The Mayor put the Motion.

Motion Carried

REPORTS - TREASURY

14.1 A report by Pam Malott, Paul Beneteau and Ivano Fregonese dated September 22, 2010 regarding the 2010 - 2nd Quarter Report.

Deputy Mayor Bailey moved, Councillor Pillon seconded:

That the report by Pam Malott, Chief Administrative Officer, Paul Beneteau, Treasurer and Ivano Fregonese, Supervisor of Budget Services dated September 22, 2010 be received regarding the 2010 - 2nd Quarter report be received.

The Mayor put the Motion.

Motion Carried

REPORTS - HUMAN RESOURCES

No reports at this time.

REPORTS - CLERK'S

16.1 A report by Brenda Percy regarding an Election Compliance Audit Committee – Appointment of Member.

Councillor Wark moved, Councillor Sutton seconded:

That the report prepared by Brenda Percy dated September 20, 2010 regarding an Election Compliance Audit Committee –Appointment of Members be received;

That Council appoint the following members as Audit Committee Members – Eve Sigfrid, Yvette Jones and Michelle Kennedy;

That the per diem rate be approved at \$75.00 per meeting for each member of the Election Compliance Audit Committee;

And further that the Terms of Reference be amended to reflect the approved remuneration.

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Deputy Mayor Bailey moved, Councillor White seconded:

That the following correspondence be received:

2. Closure of Public Health Unit - City of Windsor - September 8, 2010;
3. Rainforest Gala - October 15, 2010 - Hospice of Windsor - September 15, 2010;
4. Barenaked Ladies Live on the lawn at St. Clair College - October 9, 2010 - Fundraiser for Medical Equipment at the St. Clair College Health Sciences Building - September 3, 2010;
5. Tulip Bulbs, Bed of Hope Fundraising Campaign - Parkinson Society Southwestern Ontario - September 8, 2010;
6. Volunteer Thank you during the 2010 AMO Conference - Mayor Eddie Francis - August 30, 2010;
7. Mental Health and the Workplace Conference - Canadian Mental Health Association Windsor - Essex County Branch - September 8, 2010;
9. iClimb for United Way - October 29, 2010 - United Way - September 22, 2010;
10. Compliance Audit Committee - Conseil Scolaire De District Des Ecoles Catholiques Du Sud-Ouest - September 14, 2010;
11. 2010 Ontario West Municipal Conference - December 8/9, 2010 - AMO - September 22, 2010;
12. Relocation of the Windsor Huron Ontario Travel Information Centre - Minister of Tourism and Culture - September 7, 2010;
13. Sponsorship Opportunities for the Pasta Fundraiser - Amherstburg Recreation Centre Fundraising Campaign - September 23, 2010 and
14. Domestic Content Inspections of micorFIT Projects - County of Huron - September 14, 2010.

The Mayor put the Motion.

Motion Carried

Consent Correspondence # 1

Councillor White moved, Councillor Sutton seconded:

That the Correspondence regarding the Business Excellence Awards being held on November 10, 2010 from the Amherstburg Chamber of Commerce be received;

And further that Council members be encouraged to attend the event.

The Mayor put the motion.

Motion Carried

Consent Correspondence # 8

Deputy Mayor Bailey moved, Councillor Wark seconded:

That the Correspondence regarding the 8th Annual Accessibility Workshop Opening Doors and Minds scheduled for October 28, 2010 be received;

And further that Council authorize the members of the Amherstburg Accessibility Advisory Committee to attend the event.

The Mayor put the motion.

Motion Carried

CONSENT BUSINESS LICENSES

Councillor Sutton, Councillor Wark seconded:

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

- 1. New Taxi Driver Application-Margaret Harrison**
- 2. New Taxi Driver Application-Nancy Dufour**

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 Fryer seconded:

That the following minutes be received:

- 1. Court of Revision Meeting held on September 20, 2010 at 5:30 PM.**

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

Correspondence # 1 - Restorative Justice Week - Correctional Service Canada

Councillor Pillon moved, Councillor Fryer seconded:

That the correspondence from Correctional Service Canada regarding Restorative Justice Week be received;

That this correspondence be shared with our Police Department;

And further that Council support the Mayor in proclaiming November 14th - 21st, 2010 as Restorative Justice Week in the Town of Amherstburg.

Mayor's Proclamation

Whereas this year's theme for Restorative Justice Week is "Reflexions Past, Present and Future", it is an opportunity to learn about restorative justice, educate and celebrate along with other communities across the country during the week;

Therefore, I Mayor Wayne Hurst, do hereby proclaim November 14-21, 2010 as Restorative Justice Week in the Town of Amherstburg.

The Mayor put the Motion.

Motion Carried

Correspondence # 2 - Request to Proclaim October 17-23, 2010 as Ontario's Public Library Week

Correspondence was brought forward after Presentation # 2.

Correspondence # 3 - Go Purple for Child Abuse Prevention! Campaign

Deputy Mayor Bailey moved, Councillor Fryer seconded:

That the correspondence from BOOST: Child Abuse Prevention and Intervention regarding Go Purple for Child Abuse Prevention! Campaign be received;

That Council support the Mayor in proclaiming October as Child Abuse & Neglect Prevention Month and October 1st, 2010 as Go Purple for Prevention Day;

And further that Administration be directed to send the proclamation to BOOST to display on their web site www.boostforkids.org this October.

The Mayor put the Motion.

Motion Carried

Mayor's Proclamation

I, Mayor Wayne Hurts, do hereby proclaim October 2010 as Child Abuse & Neglect Prevention Month and October 1st, 2010 as Go Purple for Prevention Day in the Town of Amherstburg.

Correspondence # 4 - Town of Amherstburg Cultural Mapping Initiative

Councillor Wark moved, Councillor Sutton seconded:

That the correspondence from the Manager of Tourism and Culture regarding the Town of Amherstburg Cultural Mapping Initiative be received;

That residents be encouraged to attend the Public Workshop on October 5, 2010;

And further that Town Council and Town Management be directed to attend the Workshop on October 6, 2010.

The Mayor put the Motion.

Motion Carried

OTHER MINUTES

21.1 AAAC - July 8, 2010

Councillor Wark moved, Councillor Fryer seconded:

That the minutes of the Amherstburg Accessibility Advisory Committee meeting held on July 8, 2010 at 4:30 PM be received;

And further that Council support the request by the Accessibility Committee to send a letter to the Greater Essex County District School Board asking the Board to investigate the feasibility and cost to modify General Amherst High School in order to make the building accessible to individuals with disabilities.

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

Council reviewed the Unfinished Business Items List as of September 27, 2010.

20100927A Councillor Pillon asked that all residents that initially raised concerns regarding the water quality be invited to the November 8, 2010 Council meeting as long as they provide Administration with their addresses.

20100927B Councillor Pillon asked that Council provide Transit Study comments to the County.

20100927C Councillor Fryer requested an update regarding the Brush Street sidewalk request. Mr. Zarlenga stated that list is being compiled regarding all inventory of Town sidewalks and a report will be brought back to Council for consideration.

20100927D Councillor Pillon stated that repair work on McLeod has not been done yet and requested a completion date. Mr. Zarlenga replied that asphalt repairs will be done in very near future.

20100927E Councillor Pillon advised that the Tar and Chip work on South Side Road has not been completed properly. Mr. Zarlenga replied that he reviewed the Tar & Chip work and it is robust, however he had not attended the site during a rainfall but will do so to ensure that there are no puddling effects.

NEW BUSINESS

20100927F Councillor Wark advised that the Forhan Subdivision backyards have not been completed by the developer and requested status of where we are in the process of helping those residents. Mr. Zarlenga clarified that the residents on west side of Forhan Street have a drop in elevation and the developer has been asked to feather out the 18" differential between the old and new elevations. Mr. Zarlenga will follow up with the developer.

20100927G Linwood Drive – Golfview Area – Concern of Speeders

Councillor White moved, Councillor Fryer seconded:

That Administration request Police Services to step up patrolling in the Golfview area on Linwood Drive and monitor the speed of motorists.

The Mayor Put the Motion.

Motion Carried

20100927H Request for Shoulder/Sidewalk on Middle Side Road

Councillor White moved, Councillor Sutton seconded;

That correspondence be sent to request County Council to add a shoulder/sidewalk on Middle Side Road east of Howard to Walker road in order to link the various subdivisions there.

The Mayor Put the Motion.

Motion Carried

20100927I Request for Stop Sign at Richmond and Illinois

Councillor Fryer moved, Councillor Wark seconded:

That the Traffic Committee review a request to add one stop sign on the continuous route at Richmond and Illinois.

The Mayor Put the Motion.

Motion Carried

20100927J Councillor Pillon requested an update on the placement of "No Parking" Signs on Park Street that have not been placed back after the work was completed on the road. Mr. Zarlenga advised that he will address this first thing in the morning.

NOTICES OF MOTION

There were no Notices of Motion.

BY-LAWS

Confirmatory By-Law

Councillor Sutton moved, Councillor Fryer seconded:

That **By-Law 2010-98** being a By-Law to confirm all resolutions of the Municipal Council Meeting held on September 27, 2010 at 7:00 PM 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 White moved, Councillor Wark seconded:

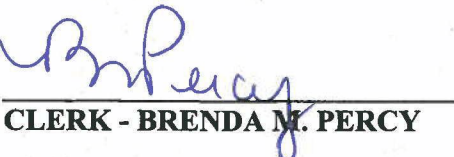
That Council adjourn at 9:08 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR - WAYNE HURST



CLERK - BRENDA M. PERCY



Ontario

Rec'd
Sept 27/10
7:30 pm
at Courty
meet

Office of the Minister

77 Grenville Street, 11th Floor
Toronto, Ontario M7A1B3
Tel: (416) 326-3074
Fax: (416) 326-3083

Bureau de la ministre

77, rue Grenville, 11^e étage
Toronto (Ontario) M7A 1B3
Tél.: (416) 326-3074
Télééc.: (416) 326-3083

AUG 19 2010

Mr. Michael Kosyk
3841 Concession 3
RR 4, Station Main
Amherstburg, Ontario
N9V 2Y9

copy how

Dear Mr. Kosyk:

Thank you for contacting me about the Big Creek watershed.

Much of Ontario's cropland benefits from improved soil drainage. Municipal drains provide a vital outlet for improved agricultural drainage and important flood protection for land throughout rural Ontario.

I understand that you have two options to address the situation you describe in your letter.

Your first option is for you to attempt to resolve the issues privately by negotiating a solution with the property owners. However, please note that neither I nor the ministry can intervene in such matters.

Your second option is to petition your municipality using the *Drainage Act*. Once a petition is filed with the municipality, it has a responsibility to respond to this request. Consulting with the local drainage superintendent may provide an assessment of the likelihood of the success of a petition.

Additional information is available by calling 1-877-424-1300 or by accessing information on my ministry's website at www.omafr.gov.on.ca/english/landuse/drainage.htm.

I trust this information is helpful.

Sincerely,


Carol Mitchell
Minister of Agriculture, Food and Rural Affairs



September 24, 201

This letter is in regards to a problem with water drainage from the main drain on Concession 3 North Amherstburg. This main drains approximately fifty five acres of Mike Kosyk's land with whom we have a rental agreement. This agreement is based on adequate drainage which is necessary for good crop growth. It is not profitable to continue farming this land without proper drainage.

Laramie Farms of McGregor Inc.

A handwritten signature in black ink, appearing to be "R. L. ...", is written over a solid horizontal line.

Meeting of Council on September 27, 2010

Council knows that I have been interested in the fair sharing of Water and Wastewater costs for quite some time. In April this year, I proposed possible solutions to what is seen by many as the inequitable sharing of costs for the new Amherstburg Sewage Treatment Plant. I sought support from Council but needed a majority of its members to repeal, then amend Bylaw 2010-41. I left that meeting frustrated and angered by the lack of support that I received from many of our elected members.

I do not dispute that, "The capital costs of replacing and upgrading the existing sanitary sewage and water systems infrastructure is paid for by the system users through the rates charged for water use and sewage collection and treatment. Replacement of sewers and watermains and renewals and upgrades to water treatment facilities and sewage treatment facilities are paid for through the rates." (1).

The secondary treatment plant that is presently under construction is neither a replacement (2) nor an upgrade (3) of an existing, previously paid for service. It is an entirely new system.

For this reason, that portion of the cost for the new, Amherstburg Sewage Treatment Plant which provides secondary treatment, should not be charged to the residents serviced by the McLeod and Big Creek Sewage Treatment facilities. It should be paid for on a "user fee" basis.

The portion of the cost for the new Amherstburg Sewage Treatment Plant which provides secondary treatment can be calculated. That amount would be divided by the users who access the new secondary facility. A "one time" user charge or a 20 year deferred payment plan for users could be developed to pay for the "Secondary Treatment" portion of the new plant. This was the payment plan offered to the residents accessing the McLeod and Big Creek treatment plants.

As I stated at the Council Meeting on April 26th of this year, I realize that what I have proposed may not be popular with some residents and some Council members but this is an issue of the "FAIR" sharing of costs.

(1) Taken from an email forwarded to me by Robert Pillon on 5/13/2010 2:42 PM ,

From: Antonietta Giofu
Sent: Wed 12/05/2010 11:45 AM
To: albast@uwindsor.ca
Cc: Malott, Pamela; Council Email Group; Terry.Hearn@ch2m.com; Zarlenga, Lou
Subject: RE: bylaws

(2) From Wikipedia's Wiktionary, Noun - **replacement** (*plural replacements*)

A person or thing that takes the place of another; a substitute.

(3) From Wikipedia,
The term **upgrade** refers to the replacement of a product with a newer version of the same product.