

**Minutes of an Amherstburg Municipal Council In-Camera Meeting
Held at 2:00 p.m. on Monday, February 7, 2011 in Council Chambers**

PRESENT: Mayor Wayne Hurst
Deputy Mayor Sutherland
Councillor Carolyn Davies
Councillor Bart DiPasquale
Councillor Robert (Bob) Pillon
Councillor Diane Pouget
Councillor John Sutton

ALSO PRESENT: Pamela Malott, Chief Administrative Officer
Brenda Percy, Manager of Council & Leg. Services/Clerk
Paul Beneteau, Treasurer
Carol Bendo, Human Resources Manager
Bryce Sibbick, Frank Cowen Company Limited
Dave Cowlin, H.L. Hamilton Insurance Ltd.

**CALL TO ORDER AND RESOLUTION FOR REASONS OF GOING TO
IN-CAMERA**

Councillor Sutton moved, Councillor Pillon seconded:

That Council move into a Closed Session Meeting of Council, at 2:05 p.m. pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reason:

- 1. Educational Matter [239 (3.1)]**
- 2. Labour Relations/Personnel matters [239 (2d)]**

The Mayor put the Motion.

Motion Carried

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest.

ITEMS FOR DISCUSSION

Item – Educational Matter

ITEM # A

An educational matter was discussed.

Item – Labour Relations/Personnel Matter

ITEM #B

A labour relations/personnel matter was discussed.

Item – Labour Relations/Personnel Matter

ITEM #D

A labour relations/personnel matter was discussed.

Item – Labour Relations/Personnel Matter

ITEM #C

A labour relations/personnel matter was discussed.

Item – Labour Relations/Personnel Matter

ITEM # E

A personnel matter pertaining to was discussed.

ADJOURNMENT

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

That the meeting adjourn at 4:50 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR - WAYNE HURST

CLERK - BRENDA M. PERCY

Minutes of an Amherstburg Municipal Council Meeting Held On Monday, February 7, 2011 at 7:00 p.m. in Council Chambers

PRESENT: Mayor Wayne Hurst
Deputy Mayor Ron Sutherland
Councillor Carolyn Davies
Councillor Robert (Bob) Pillon
Councillor John Sutton
Councillor Diane Pouget
Councillor Bart Di Pasquale

ALSO PRESENT: Pamela Malott, Chief Administrative Officer
Brenda Percy, Manager of Council & Leg. Services/Clerk
Carol Bendo, Human Resources Manager
Paul Beneteau, Treasurer
Lory Bratt, Planning Coordinator
Stephen Brown, Chief Building Official
Lou Zarlenga, Director of Engineering & Infrastructure
David Carpenter, IT Manager

ABSENT WITH NOTICE: Ivano Fregonese, Supervisor of Budget Services
Dennis Laporte, Director of Recreation and Culture

CALL TO ORDER

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

PRAYER

Reverend Maynard Hurst said Prayer.

DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of pecuniary interest.

The Mayor commented on the recent Grand Opening of the United Communities Credit Union complex and congratulated everyone involved in the project.

The Mayor thanked the Public Works Department for the work done with the recent snow events.

MINUTES OF PREVIOUS MEETING

Councillor DiPasquale moved, Councillor Sutton seconded:

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

1. **Special In-Camera Meeting - January 20, 2011 @ 8:30 AM;**
2. **In-Camera Meeting - January 24, 2011 @ 2:00 PM;**
3. **Council Meeting - January 24, 2011 @ 7:00 PM and**
4. **Special In-Camera Meeting - January 25, 2011 @ 8:30 AM.**

The Mayor put the Motion.

Motion Carried

Councillor Pillon moved, Councillor Sutton seconded:

That Presentations be heard before Delegations.

The Mayor put the Motion.

Motion Carried

Presentation # 1

Along with Fundraising Coordinator Debi Croucher, Todd Palcit with Monarch Basics made a presentation to Council regarding a \$15,000 donation to the United Communities Credit Union Complex.

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the presentation by Debi Croucher and Todd Palcit be received;

That By-Law 2011-17 being a by-law to authorize the execution of a Donation Agreement between Todd Palcit, Monarch Basics 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

DELEGATIONS

Tom Kelly addressed Council regarding the Amherstburg Oldtimers Hockey Club.

Councillor Pillon moved, Councillor Pouget seconded:

That the delegation by Tom Kelly be received;

And further that Council designate the Amherstburg Oldtimers Hockey event as a Community event for March 5 and 6th, 2011.

The Mayor put the Motion.

Motion Carried

REPORTS - RECREATION/CULTURE/PARKS

No reports at this time.

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, dated January 28, 2011 regarding development charge deferral for 440 Simcoe Street.

Councillor DiPasquale moved, Councillor Sutton seconded:

That the report submitted by Stephen Brown and Lory Bratt dated January 28, 2011 regarding an application for deferral of development charges as submitted by 1741059 Ontario Ltd. for property located at 440 Simcoe Street, be received;

And further that By-law 2011-16 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.

The Mayor put the Motion.

Motion Carried

11.2 A report by Lory Bratt regarding a Certificate of Validation for the property municipally known as 3265 Concession 3 N.

Councillor Sutton moved, Councillor Pillon seconded:

That the report by Lory Bratt dated January 26, 2011 regarding a Certificate of Validation for the property being Concession 3, Pt Lt 4, RP 12R6261, Pt 1, municipally known as 3265 Concession 3 N, be received;

And further that Council approve the granting of a validation order in accordance with Section 57 of the Planning Act, R.S.O. 1990, c.P. 13, for the subject property.

The Mayor put the Motion.

Motion Carried

11.3 A report by Lory Bratt regarding a transfer of easement for ingress/egress for the General Chemical lands

The Clerk advised that the schedule to the By-law being a legal description has been amended slightly.

Councillor Pillon moved, Councillor Davies seconded:

That the report by Lory Bratt, Planning Coordinator dated February 2, 2011 regarding a transfer of easement for ingress/egress for the General Chemical lands be received;

And further that Council approve the transfer of easement and By-law 2011-24 being a By-law to provide for the transfer of easement for the purpose of ingress and egress 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 A report by Lou Zarlenga dated February 1, 2011 regarding the tender results for the construction of a new Water Tower.

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That Council receives the report from Lou Zarlenga regarding the tender results for the construction of a new Water Tower;

And further that Council accept the recommendation of Administration to concur with the Town's Consulting Engineers and award a contract to the lowest tenderer being Landmark Structures Inc., for the construction of a New Water Tower.

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

No reports at this time.

REPORTS – TREASURY

14.1 A report by Paul Beneteau regarding the Borrowing By-Law 2011-19 for Works Undertaken Under the Ontario Drainage Act.

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the report regarding By-law 2010-19, being a borrowing by-law under the Ontario Drainage Act be received, and that;

By-law 2010-19, being a by-law to authorize the Long Term Borrowing from the Ontario Infrastructure Projects Corporation (“OIPC”) through the issuance of a debenture to aid in the construction of drainage works under the Ontario Drainage Act, be read three times, and finally passed, and that the Mayor and Clerk be authorized to sign the same and affix the corporate seal thereto.

The Mayor put the Motion.

Motion Carried

REPORTS - HUMAN RESOURCES

No reports at this time.

REPORTS – CLERK’S OFFICE

16.1 A report by Brenda Percy regarding Remuneration Expenses - One Third Exemption

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That the report by Brenda Percy dated January 25, 2011 regarding Remuneration Expenses – One Third Exemption be received;

That one-third of remuneration paid to the elected members of Council and its local Boards are deemed as expenses incidental with the discharge of their duties as members of the Council and its local Boards;

And further that By-law 2011-18, being a By-law to deem one-third of the remuneration paid to elected members of Council as expenses incidental to the discharge of their duties 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

CONSENT REPORTS

17.1 Accounts Payable Listing for the Period of January 16, 2011 to January 31, 2011 be received.

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

That the following report be received.

The Mayor put the Motion.

Motion Carried

17.2 Accounts Receivable Report

Councillor Sutton moved, Councillor Pillon seconded:

This report is submitted for Council information.

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

18.1 Deputy Mayor Sutherland moved, Councillor Pouget seconded:

That the following correspondence be received:

1. **Environment Canada - 2010 Lakewide Management Plan Annual Report - January 4, 2011;**
2. **Amherstburg Fort Malden Horticultural Society - Annual General Meeting of Ontario District Horticultural Association - January 10, 2011;**
3. **Windsor Essex County - Sustain This! Conference Invitation - January 21, 2011;**
4. **Alzheimer Society of Windsor and Essex County - Celebration of Community Dinner and Awards Event - January 28, 2011; and**
5. **Town of Lakeshore - Harmonized Sales Tax (HST) -January 25, 2011.**

The Mayor put the Motion.

Motion Carried

CONSENT BUSINESS LICENSES

19.1 Councillor Pillon moved, Councillor Pouget seconded:

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

1. **Retail Store - Treasures**

And further that the licence be issued by our licensing officer once and 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

20.1 Councillor Sutton moved, Councillor Pillon seconded:

That the following minutes be received:

1. **Minutes from the Committee of Adjustment meeting held November 30, 2010 at 7:30 am;**
2. **Minutes from the Committee of Adjustment meeting held December 16, 2010 at 8:00 am;**
3. **Minutes from the Advisory Committee on the Environment meeting held September 30, 2010 at 5:30pm;**

4. **Minutes from the Advisory Committee on the Environment meeting held November 10, 2010 at 5:30pm;**
5. **Minutes from the Advisory Committee on the Environment meeting held December 9, 2010 at 5:30pm;**
6. **Minutes from the Amherstburg Accessibility Advisory Committee meeting held September 16, 2010 at 4:30pm;**
7. **Minutes from the Amherstburg Accessibility Advisory Committee meeting held November 18, 2010 at 4:30pm and**
8. **Minutes from the Amherstburg Police Services Board meeting held December 16, 2010 at 4:30pm.**

Councillor Pouget referred to November 18th AAAC minutes and questioned whether the audible signals ordered for the high school crosswalk in 2002 had been installed yet.

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

21.1 Correspondence # 1 - Request from the Town of Ingersoll to make Carbon Monoxide Alarms Mandatory in all Residential Buildings

Councillor DiPasquale moved, Councillor Sutton seconded:

That the correspondence from the Town of Ingersoll regarding Carbon Monoxide alarms be mandatory in all residential buildings in Ontario with the amendment to the Ontario Building Code be received.

The Mayor put the Motion.

Motion Carried

21.2 Correspondence # 2 - Request from the Windsor & District Chapter of the Kidney Foundation of Canada

Councillor Pillon moved, Councillor Davies seconded:

That the correspondence regarding a Request to Proclaim March Kidney Health Month in the Town of Amherstburg and to Canvas Door-to-Door in Amherstburg from the Windsor and District Chapter of the Kidney Foundation of Canada dated January 31, 2011 be received;

That the Mayor proclaim March 2011 Kidney Health Month in the Town of Amherstburg;

That Council authorize the Windsor and District Chapter of the Kidney Foundation of Canada to Canvas Door-to-Door in Amherstburg during the month of March 2011;

And further that a copy of this motion be forwarded to the Windsor and District Chapter of the Kidney Foundation of Canada.

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

1) Councillor Pouget referred to a motion passed by Council at the December 13, 2010 Council meeting that directed staff to prepare budgets with a zero percent increase, a full report be provided that discloses the Town's actual debt, the reserves, any and all money owed to the Town by developers or others, including all outstanding taxes and that staff provide Council with a detailed plan on how to pay down the Town's debt. Councillor Pouget questioned the status of the direction given. Pamela Malott advised that the reports have been provided including reports on reserves, report on tax receivables and miscellaneous receivables. Council has also received the current debt schedule. Council will deliberate the debt schedule at the first budget meeting on February 14, 2011. There was discussion with regard to providing the reports in a package to all of Council. Pamela Malott advised that Council would again be provided with the copies of reports and that any member of Council may contact Paul Beneteau for further clarification on the reports.

2) Deputy Mayor Sutherland referred to a motion made at the January 10th, 2011 meeting of Council and the upcoming budget meetings scheduled. He expressed concern of the public not being given an opportunity to speak prior to Council reviewing the budget in detail. Pamela Malott explained the budget process and advised that the budget meetings are public meetings. There was discussion with regard to the previous motion, public budget meetings, public input, deliberations, format of budget meetings and transparency of the budget process.

3) Councillor Pouget moved, Councillor DiPasquale seconded:

That Administration be directed to contact the Ministry of Municipal Affairs and Housing as soon as possible to recommend a person or persons to provide training for Council pertaining to, but not limited to Council concerns regarding Council rights, duties and obligations involving complaints, policies and procedures, In-Camera meetings and rules of order according to the Municipal Act.

It was noted that a Council orientation session was hosted by the Town of Amherstburg in January with eight municipalities in attendance. This session was attended by representatives of the Ministry of Municipal Affairs and Housing who reviewed some of

the topics noted. Councillor Pouget asked for an informal session which would allow Council members to ask questions.

The Mayor put the Motion.

Motion Carried

4) Councillor DiPasquale put forth a motion directing Administration to conduct a complete review of the cost of the United Communities Credit Union complex project. It was noted that an Administrative report was provided at the January 24, 2011 Council meeting that addressed the motion. A copy of the report would be re-sent to Council for review. The motion was withdrawn by the mover.

5) Councillor Pouget moved, Councillor DiPasquale seconded:

That Administration provide Council with the total cost of the Grand Opening of the United Communities Credit Union complex, including a breakdown of expenses, who gave the approval for these expenses and provide details of how this money will be paid.

Pamela Malott advised that a Steering Committee for the complex was appointed by the previous Council. The project budget was approved in advance and all grand opening expenses were approved by the Committee. All Committee meetings were public meetings and minutes are available for review. Detailed information was provided and approved but all information could be re sent to Council. Councillor Pouget expressed confusion with regard to the authority granted to a Steering Committee by Council to make these types of decisions and why the matters were not brought back before Council. Pamela Malott provided further clarification of the Committee, membership of Committee, meetings held and approvals.

The Mayor put the Motion.

Motion Carried

NEW BUSINESS

1) Councillor Pillon commented on high speed internet services coming to the Town of Amherstburg and asked Administration to comment on where the service will be provided. Dave Carpenter, IT Manager explained the intake by the Province and that Boblo Island was identified as an area in need of high speed internet service. There is limited money available so one area was pin pointed of the existing areas in the Township. The Mayor noted that there are gaps that exist however, there was limited funding available and the provincial government chose this area to provide service to. The Town will continue working to eliminate the gaps that exist. Councillor Davies asked that those still in the gap areas are advised of the process.

2) Councillor Davies moved, Councillor Pouget seconded:

That Administration be directed to prepare a report for Council investigating the possibility of Amherstburg partnering with Essex County Toxic Waste management. The intent is to provide the Amherstburg public the ability to have toxic waste dropped off in the Amherstburg Public Works yard on a long-term scheduled basis.

The Mayor put the Motion.

Motion Carried

REPORT FROM IN-CAMERA SESSION

Councillor Sutton moved, Councillor Pillon seconded:

COUNCIL IN-CAMERA SESSION REPORT

During Closed Session of February 7, 2011, Council would report the following for the approval of Council:

Appointments to Committees & Boards

1. Accessibility Advisory Committee

That the following individuals be appointed to the Amherstburg Accessibility Committee (AAAC) for a two-year period with option of Council to re-appoint for an additional two years.

- Angela Kelly
- Michelle Jones-Rousseau
- Judy Carter
- Ken Houston
- Silvana Parks
- Karen Bondy

2. Committee of Adjustment

That the following individuals be appointed to the Committee of Adjustment for a term consistent with the term of Council.

- Donald Shaw
- Sherry Ducedre
- Alex Smith

- David Cozens
- Josh Mailloux

3. Committee on the Environment (ACE)

That the following individuals be appointed to the Committee on the Environment (ACE) for a two-year period with option of Council to re-appoint for an additional two years.

- Jeff Neal
- Dennis Armstrong
- Gerry Waldron
- Robert Bailey
- John MacDonald
- Graham Kelly
- Joe Savone

4. Fence Viewers

That the following individuals be appointed as Fence Viewers for a two-year period with option of Council to re-appoint for an additional two years.

- Christopher Drew
- Murray Sellars
- Merv Richards
- Glenn Swinton

5. Heritage Committee

That the following individuals be appointed to the Heritage Committees for a two-year period with option of Council to re-appoint for an additional two years.

- Monica Bunde
- Gord Zimmerman
- Robert Honor
- Robert Bailey
- John MacDonald
- Marc Pillon
- Chad Barrette

6. Livestock Valuers

That the following individuals be appointed as Livestock Valuers for a two-year period with option of Council to re-appoint for an additional two years.

-Christopher Drew

-Murray Sellars

7. Co-An Park Board Committee

That the following individuals be appointed to the Co-An Park Board Committee for a two-year period with option of Council to re-appoint for an additional two years.

-Murray Sellars

-Dawn Ostrow

8. Community Spirit Committee

That the following individuals be appointed to the Community Spirit Committee for a two-year period with option of Council to re-appoint for an additional two years.

- Debby Pajot

- Kathleen Glover

- Eleanor Renaud

- Dino Gobbo

- Orreanna Douglas Nemett

- Joe Savone

- Michael Savo

The Mayor put the Motion.

Motion Carried

Councillor Davies asked that the topic of the educational session be noted on the In Camera agenda.

NOTICES OF MOTION

Councillor Pillon provided notice of a motion to request that the provincial government go back to 50% funding on road work. The matter will be added to the February 22, 2011 meeting agenda for discussion and voting.

Councillor Sutton provided notice of a motion to take the necessary steps to move to a paperless agenda for all Council meetings effective June 1, 2011. The matter will be added to the February 22, 2011 meeting agenda for discussion and voting

BY-LAWS

Fire Chief Appointment By-Law

Councillor Sutton moved, Councillor Pillon seconded:

That By-Law 2011- 20 being a By-Law to appoint a Fire Chief for the Town of Amherstburg being held on February 7, 2011 Council Meeting 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

Bank of Montreal Amended Agreement By-law

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That By-Law 2011- 22 being a By-Law to Repeal By-Law 2010-92 as well as being a By-law to authorize the execution of an agreement held on February 7, 2011 Council Meeting 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

Confirmatory By-Law

Councillor Pillon moved, Councillor DiPasquale seconded:

That By-Law 2011- 23 being a By-Law to confirm all resolutions of the Municipal Council Meeting held on February 7, 2011 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 Sutton moved, Councillor Davies seconded:

That Council adjourn at 8:45 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR - WAYNE HURST

CLERK - BRENDA M. PERCY

**Minutes of an Amherstburg Municipal Council In-Camera Meeting
Held at 8:30 a.m. on Thursday, February 10, 2011 in Council Chambers**

PRESENT: Mayor Wayne Hurst
Deputy Mayor Sutherland
Councillor Carolyn Davies
Councillor Bart DiPasquale
Councillor Robert (Bob) Pillon
Councillor Diane Pouget
Councillor John Sutton

ALSO PRESENT: Pamela Malott, CAO
Carol Bendo, Manager Human Resources
Ed Posliff, Mousseau DeLuca McPherson Prince

**CALL TO ORDER AND RESOLUTION FOR REASONS OF GOING TO
IN-CAMERA**

Councillor Pillon moved, Councillor Sutton seconded:

That Council move into a Closed Session Meeting of Council at 8:30 a.m. pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reason:

- 1. Litigation/Potential Litigation matters [239 (2e)]**

The Mayor put the Motion.

Motion Carried

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest.

ITEM FOR DISCUSSION

Item – Litigation/Potential Litigation Matter

ITEM # 1

A Litigation/Potential Litigation Matter was discussed.

ADJOURNMENT

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

That Council adjourn at 9:40 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR - WAYNE HURST

CLERK - BRENDA M. PERCY