Minutes of an Amherstburg Municipal Council Monday, June 13, 2011 at 7:00 p.m. 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

CALL TO ORDER

The Mayor called the meeting to order at 7:03 p.m.

PRAYER

Pastor Barry Antle, Amherstburg Community Church said prayer.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest.

MINUTES OF PREVIOUS MEETING

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

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

- 1. Special Council Meeting Audit Committee & Educational Drainage 101 May 30, 2011 @ 3:30 p.m.
- 2. In-Camera Meeting May 30, 2011 @ 5:40 p.m
- 3. Council Meeting May 30, 2011 @ 7:00 p.m.

The Mayor put the Motion.

DELEGATIONS

Delegation #1

Peggy Thompson addressed Council regarding feral cat colony proposed sites, a copy of her speaking notes are attached as an Addendum to these minutes.

There was discussion with regard to changing the location of the feral cat colony to the Nexen Site.

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

That the delegation by Peggy Thompson be received and Golfview be taken off the list.

The Mayor put the Motion.

Motion Carried

Delegation # 2

Geoff Kidd and Larry Burgess addressed Council regarding drains and storms sewers.

Lou Zarlenga confirmed that a report will be brought back at the July 18, 2011 Council meeting.

There was discussion on how the residents endure maintenance charges and how much the Town pays for maintenance charges. It was noted that the maintenance bills are due June 30, 2011. The Mayor encouraged the delegates to pay the bill as they are due and further clarification will be provided at the July 18th Council meeting. A copy of the delegates speaking notes is attached as an Addendum to these minutes.

Councillor Sutton moved, Councillor Davies seconded:

That the delegation by Geoff Kidd and Larry Burgess be received.

The Mayor put the Motion.

REPORTS - RECREATION/CULTURE/PARKS

6.1 A report by Tony DeThomasis regarding Tender for Two-Wheel Drive Extended Cab Full Size Truck

Councillor Sutton moved, Councillor DiPasquale seconded:

That Council award the tender for a Two-Wheel Drive Extended Cab Pick-up approved in the 2011 Capital Budget to Racicot Chrysler, 462 Sandwich Street South, Amherstburg.

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

10.1 A report by Lory Bratt regarding a Transfer of Easement

Council sought clarification whether the project had started and whether the project should start without permission of Council. Council also sought clarification of above grade signs.

Councillor Sutton moved, Councillor Davies seconded:

That the report by Lory Bratt dated June 3, 2011 regarding a transfer of easement be received;

And further that By-law 2011-64 being a By-law to provide for the transfer of easement for encroachment be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same.

10.2 A report by Lou Zarlenga and Lory Bratt regarding Part Lot 23, Concession 1

Councillor Pillon moved, Councillor DiPasquale seconded:

That the report by Lou Zarlenga and Lory Bratt dated June 7, 2011 regarding Part Lot 23. Concession 1 be received:

That Council approve one sanitary sewer connection for the subject lands;

That the Owner of the said lands will be responsible for all costs associated with the construction of said sanitary sewer connection and required sewage pump to be installed in accordance with and under the supervision of the Public Works Department;

And further that at the time of building permit issuance, in addition to the applicable Development Charge for outside service areas, the sanitary sewage portion of the Development Charge within a serviced area will also be applied.

The Mayor put the Motion.

Motion Carried

10.3 A report from Lory Bratt regarding a Development Agreement

There was discussion regarding what was passed last Council and what is before Council now and also the Ontario Municipal Board hearing. Councillor Pouget asked that Council have an opportunity to review the matter. She further noted that notice of the Site Plan was not provided to all residents and that the neighbours are given an opportunity to come before Council with any concerns.

Councillor Pouget moved, Councillor Davies seconded:

To receive and defer the report for two weeks from now to allow residents to speak.

Deputy Mayor Sutherland requested a recorded vote.

The Mayor put the Motion.

	* Yes/Concur		No/Not Concur		
Councillor Davies	X				
Council DiPasquale	. X		Î		
Councillor Pillon		P(1)		- X	***********
Councillor Pouget	X				
Deputy Mayor Sutherland	50 85	* "	11	::: X	
Councillor Sutton			in in	X de	
Mayor Wayne Hurst	au av		-	X	

Motion Lost

Councillor Sutton moved, Councillor Pillon seconded:

That the report from Lory Bratt, Planning Coordinator dated June 8, 2011 regarding a Development Agreement be received;

That Council approve the Site Plan and Agreement for 89 Rankin Street;

And further, that By-law 2011-67 being a By-law to authorize the signing of a Development Agreement be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same thereto.

Councillor Sutton requested a recorded vote.

The Mayor put the Motion.

	Yes/Concur		No/Not Concur		
Councillor Davies	_{žú} X			i(i	
Council DiPasquale	Х	(" "			
Councillor Pillon	" X	(lii		
Councillor Pouget				X !!?	
Deputy Mayor Sutherland	×	(N.1	ll., Bo		
Councillor Sutton	X	(
Mayor Wayne Hurst	X	(

REPORTS - ENGINEERING AND INFRASTRUCTURE

11.1 A report by Lou Zarlenga regarding the Amherstburg Water Tower Construction Update

Councillor Pillon moved. Councillor Sutton seconded:

That Council receive the report from Lou Zarlenga dated June 7, 2011 regarding an update on the construction of the Amherstburg Water Tower.

The Mayor put the Motion.

Motion Carried

11.2 A report by Lou Zarlenga regarding the Amherstburg Water Plant and Distribution Standard of Care - Safe Drinking Water Act

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That Council receive the report from Lou Zarlenga regarding Section 19 of the Safe Drinking Water Act, 2002 being the Statutory Standard of Care.

The Mayor put the Motion.

Motion Carried

11.3 A report by Lou Zarlenga regarding the 2011 Automatic Radio Meter Reading Program tender results

Councillor Sutton moved, Councillor Pillon seconded:

That Council receives the report from Lou Zarlenga regarding the tender results for the 2011 Automatic Meter Reading Program;

And further that Council accept the recommendation of Administration to award the contract to the lowest tenderer, being Corix Water Products, for the 2011 Automatic Radio Meter Reading Program.

The Mayor put the Motion.

11.4 A report by Lou Zarlenga regarding Tender Results for Howard Avenue and Alma Street Intersection Water main Replacement and Looping Project

There was discussion pertaining to the significant dollar difference in contractors, and if their work is guaranteed quality to complete the project.

Councillor Pillon moved, Councillor Davies seconded:

That Council receives the report from Lou Zarlenga regarding the tender results for the Howard Avenue and Alma Street intersection water main replacement and looping project;

And further that Council accepts the recommendation of Administration to award the contract to the lowest tenderer, being Marchand Excavating Contractor Limited for the Howard Avenue and Alma Street intersection water main replacement and looping project.

The Mayor put the Motion.

Motion Carried Unanimously

11.5 A report by Lou Zarlenga regarding the Amherstburg Wastewater Treatment Plant Upgrade and Expansion - June 2011 Construction Update No.7

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That Council receive the report from Lou Zarlenga dated June 9, 2011 regarding an update on the construction for the Amherstburg Wastewater Treatment Plant.

The Mayor put the Motion.

Motion Carried

11.6 A report by Lou Zarlenga regarding the Shaw Municipal Drain Notice from James Sinasac Request for Drain Maintenance

Councillor Sutton moved, Councillor Pillon seconded:

That Council receive the report from Lou Zarlenga dated June 3, 2011 concerning the Shaw Municipal Drain and the notice from James Sinasac regarding the drain being out of repair;

And further that Council approve the request for drain repairs from James Sinasac and that maintenance work be undertaken to the Shaw Municipal Drain consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current 1996 drainage report for this drain.

11.7 A report by Lou Zarlenga regarding the Wismer Municipal Drain Notice from Michael Vossen Request for Drain Maintenance

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

That Council receive the report from Lou Zarlenga dated June 3, 2011 concerning the Wismer Municipal Drain and the notice from Michael Vossen regarding the drain being out of repair;

And further that Council approve the request for drain repairs from Michael Vossen and that maintenance work be undertaken to the Wismer Municipal Drain consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current 1966 drainage report for this drain.

The Mayor put the Motion.

Motion Carried

11.8 A report by Lou Zarlenga regarding the Beetham Municipal Drain Notice from Edward Allen Request for Drain Maintenance

Councillor Pillon moved, Councillor Sutton seconded:

That Council receive the report from Lou Zarlenga dated June 3, 2011 concerning the Beetham Municipal Drain and the notice from Edward Allen regarding the drain being out of repair;

And further that Council approve the request for drain repairs from Edward Allen and that maintenance work be undertaken to the Beetham Municipal Drain consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current 1980 drainage report for this drain.

The Mayor put the Motion.

11.9 A report by Lou Zarlenga regarding the 9th Concession Road Municipal Drain Notice from Edward Allen Request for Drain Maintenance

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

That Council receive the report from Lou Zarlenga dated June 3, 2011 concerning the 9th Concession Road Municipal Drain and the notice from Edward Allen regarding the drain being out of repair;

And further that Council approve the request for drain repairs from Edward Allen and that maintenance work be undertaken to the 9th Concession Road Municipal Drain consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current 1980 drainage report for this drain.

The Mayor put the Motion.

Motion Carried

REPORTS - CAO'S OFFICE

No reports at this time.

REPORTS - TREASURY

13.1 A report by Paul Beneteau regarding Tax Rebates on Eligible Heritage Properties

Councillor Sutton moved. Councillor Davies seconded:

That the report be deferred to the next Council meeting.

The Mayor put the Motion.

Motion Carried

REPORTS - HUMAN RESOURCES

14.1 A report by Carol Bendo regarding Council Compensation and Travel Policy Revisions

There was discussion on various social networking event items.

Councillor Sutton moved, Councillor Pillon seconded:

That the report by Carol Bendo, dated June 3, 2011 regarding Council Compensation and Travel Policy Revisions be received;

And further that Council approve the policy as amended.

The Mayor put the Motion.

Motion Carried

REPORTS - CLERK's OFFICE

15.1 A report by Brenda Percy regarding Encroachment Agreement Damir Magic
Unopened Road Allowance between 6th and 7th Concession

The Deputy Clerk mentioned there was a typing error and will be amended in the minutes; also clarification was made that the garage will be built on the North side not the South side as stated in report.

Councillor Sutton moved, Councillor Pillon seconded:

That Council receive the report prepared by Brenda Percy concerning the Request for an Encroachment Agreement by Damir Magic, dated June 7, 2011;

That Council approve the request by Damir Magic and enter into an Encroachment Agreement, satisfactory to the Town Solicitor, for the purpose of allowing the construction of a detached garage on the unopened road allowance between 6th and 7th Concession;

And further that By-law 2011-65, being a By-law authorizing the execution of an Encroachment Agreement between the Town of Amherstburg and Damir Magic be taken as having been read three times, and finally passed and the Mayor and Clerk be authorized to sign same thereto.

The Mayor put the Motion

Motion Carried

15.2 A report by Brenda Percy regarding Mobile Food Carts (operating in municipally owned parks)

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the report by Brenda Percy dated June⊮1, 2011 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;

That Administration be directed to not proceed with the preparation of a Mobile Food Cart By-law, which includes provisions for operating mobile food carts within municipally owned parks;

And further that Administration not seek input and consultation from the Chamber of Commerce on the draft By-law.

The Mayor put the Motion.

Motion Carried

CONSENT REPORTS

16.1 A report by Paul Beneteau regarding Tax Rebates on Eligible Vacant Commercial and Industrial Properties

Councillor Sutton moved, Councillor Pillon seconded:

That Council receive the information concerning the Vacancy Property Tax Rebates processed in 2011 for the 2010 tax year.

The Mayor put the Motion.

Motion Carried

16.2 A report by Kim Brydon regarding 2010 - 4th Quarter Report

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That Council receive the 4th Quarter Report, as submitted by the Chief Administrative Officer, Treasurer and Supervisor of Accounting Services.

The Mayor put the Motion.

Motion Carried

16.3 A report by Kim Brydon regarding 2011 - 1st Quarter Report

Councillor Sutton moved, Councillor Davies seconded:

■That Council receive the 1st Quarter Report, as submitted by the Chief
Administrative Officer, Treasurer and Supervisor of Accounting Services. ☐

The Mayor put the Motion.

Motion Carried

16.4 Accounts Paid Listing for the Period of May 21, 2011 to June 7, 2011

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That the report regarding the Accounts paid for the period of May 21st, 2011 to June 7th, 2011 be received as submitted.

16.5 A report by Dave Carpenter regarding Rural Connections Broadband Update

Councillor Pillon moved, Councillor Sutton seconded:

That the report submitted by Dave Carpenter, dated June 13, 2012 regarding the Rural Broadband project update be received.

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

17.1 Consent Correspondence

Councillor Sutton moved, Councillor Pillon seconded:

- 1. Ontario Good Roads Association Minimum Maintenance Standards Litigation Status Report May 26, 2011;
- 2. Amherstburg Community Services Annual General Meeting May 30, 2011;
- 3. Sledge Ream Ontario Congratulations Letter May 30, 2011;
- 4. Essex Power Corporation Essex Power Corporation Annual Meeting June 1, 2011;
- 5. Anthony R. Leardi Tax Certificate June 3, 2011;
- 6. United Way Windsor Essex County Annual General Meeting June 8, 2011 and
- 7. Essex County Municipal Supervisors Association Truck Driver Safety Course June 8, 2011.

The Mayor put the Motion.

Motion Carried

CONSENT BUSINESS LICENCES

18.1 Consent Business Licences

There was discussion to who the provider will be for the project.

Deputy Mayor Sutherland moved, Councillor Davies seconded:

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

1. International Delicatessen Eatery and Fine Dining

And further that the licence be issued by the 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

19.1 Consent Other Minutes

Councillor Pillon moved, Councillor Sutton seconded:

That the following minutes be received:

- _1. Minutes from the Amherstburg Police Service Board meeting held April 19, 2011 at 4:30 p.m.
- 2. Minutes from the Amherstburg Accessibility Advisory Committee meeting held April 28, 2011 at 4:30 p.m.

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

20.1 Correspondence # 1 - Request from the Minister Responsible for Seniors to proclaim June as Seniors' Month and Recreation and Parks Month in the Town of Amherstburg

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That Council proclaim the month of June 2011 as Seniors' Month and Recreation and Parks Month

The Mayor put the Motion

20.2 Correspondence # 2 - Letter from Statistics Canada to thank Council for support in 2011 Census and to request encouragement in participation in National Household Survey

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

That the correspondence from Statistics Canada be received;

And that Council encourage the community to participation in the new National Household Survey.

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

- Deputy Mayor Sutherland asked for the status of signs on 6th Concession. Lou Zarlenga stated they have been ordered but not installed.
- Councillor Pouget inquired as to the installation of a new four-way stop at North Side Road and 2nd Concession. Councillor Pillon advised that the request was discussed at the Traffic Committee. It was decided not to install a sign but instead, Police Services were asked to monitor the intersection. The matter will return in due course. There are no concerns as of now.

NEW BUSINESS

Councillor Sutton questioned having a separate public meeting if Council intended to make decision on feral cat colony location at the meeting this evening. There are a still many unanswered questions.

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That the Nexen Property be designated as the test site for the feral and stray cat's situation.

Councillor Pillon requested a recorded vote.

The Mayor put the Motion.

	Yes/Concur	No/Not Concur
Councillor Davies	X * 25	
Council DiPasquale	X	
Councillor Pillon		X
Councillor Pouget	X	11111
Deputy Mayor Sutherland	X	
Councillor Sutton	18	X
Mayor Wayne Hürst	₩In	X

Motion Carried

Councillor Sutton moved, Councillor Davies seconded:

WHEREAS Bruce Crozier was a long serving dedicated MPP for the Riding of Essex

AND WHEREAS one of his major contributions and projects was the expansion of Highway Number 3

AND WHEREAS Mr. Crozier was successful in obtaining funding for this project,

THEREFORE BE IT RESOLVED THAT Correspondence be sent to the Premiere of Ontario and the MTO requesting that Highway 3 be renamed the Bruce Crozier Memorial Highway and that this motion be sent to all municipalities in Essex County for their support.

The Mayor put the Motion.

Motion Carried

NOTICE OF MOTION

There were none.

BY-LAWS

25.1 Confirmatory By-law

Councillor Pillon moved, Councillor Sutton seconded:

That By-law 2011- 66 being a By-law to confirm all resolutions of the Municipal Council Meeting held on June 13, 2011 be taken as having been read three times, and finally passed and the Mayor and Clerk be authorized to sign same thereto.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

160

Councillor Sutton moved, Councillor Pillon seconded:

That Council adjourn at 8:39 p.m.

The Mayor put the Motion.

Motion Carried

DEPUTY CLERK - CAROL BENDO

Good Evening Your Worship,
Deputy Mayor and Council.
My name is Peggy Thompson and I am speaking on behalf of 133 Golfview
Residents, who do not want a feral cat colony in our Golfview Park.

We were very surprised to learn that Golfview Park was on the list of potential sites for the feral cat colony. We were under the impression that the property for their feral cat colonies, it was to be in a sparsely populated area.

Well, Golfview Subdivision, is NOT a sparsely populated area. There are 185 homes and I would like to present His Worship, Deputy Mayor and Council with a petition of 133 taxpaying Golfview families who do NOT want a feral cat colony of any size, shape or form in our Golfview Park.

I also would like to submit a petition of 65 non residents who oppose the feral cat colony being located in Golfview Park. Please note on the petition form, the * represent non residents. Also, some families felt so strongly about this issue that they wanted all family members to sign, however, we counted that as one home.

Golfview Park is NOT the appropriate location for a feral cat colony for a number of reasons:

Our property value will go down. We are one of the highest property taxed areas in Amherstburg and our property value will

definitely go down if this is located in our park. Resale value will be affected as well. Safety of our children, as well as, the wellbeing of the feral cats Vandalism of the cages – potential of the cages being cut and the feral cats escaping and making their way onto our properties. We do not have a feral cat problem in our area and we don't want one now The feral cats will attract more predators. It will attract skunks, more coyotes and raccoons, more than we have now, but bring them closer to the houses and residents. Even if vaccinated it could spread other diseases amongst the feral cats. Essex County Humane Societies Melanie Coulter states that eaged colonies are not best practice. That moving the cats from one location to another can spread disease and feral cats are not meant to be caged together. It is a Bandage Solution – moving the feral cats from one location because the downtown area doesn't want them to

another. They have already been called a nuisance, annoying, bothersome in the town area. They have done property damage. Odour, Noise, Resident's Allergies are other issues facing Golfview residents.

And last, but not least — who will be liable if children get bitten or scratched while sticking their fingers in the cage. Also, if the cage is vandalized and the cats get out, and there is property damage, who is liable?

I would like to respectfully request that council hear all 133 Golfview residents loud and clear, that we do NOT want a feral cat colony in our park and to please pass a resolution to remove our park from the list of potential sites.... tonight We do not want to wait for a public information meeting. We have made up our minds, we are committed and we are prepared to move forward to keep our park just the way it is now — feral cat free.

We realize there is an issue, and CAT is trying to help. However, we believe the answer is not to relocate the problem into a residential area or park.

We would like to offer a list of town owned sites that might have been overlooked.

- 1. Amherstburg AreaWater Treatment Plant on 415 Front Road
- 2. Malden Fire Station on the corner of the 6th Con. And Cty Rd. 20
- 3. Thomas Road Waste Depot on Thomas Road. We realize that location was removed from the list because of the risk of coyotes. Well Golfview Park made the list as first choice and we have coyotes. Also, it was mention that the waste depot has a flooding problem, there are solutions to that issues, such as placing the cage on a platform.

 4. The town owned farm beside the new arena 3381 Meloche Road.

And

5. Behind the police station and the public works building on Sandwich Street.
All of the sites I just mentioned, have running water, would reduce vandalism and not be in residential areas.

Again, we are requesting that someone on council hear us and pass a resolution to remove our park from the list of potential sites.

Thank you for your time.

It was my original intention to address Council on May30, 2011 about the storm sewer issue that directly affects me, along with many other residents in the Lakewood Beach area. So that all concerned tonight have a common base of knowledge, the initial portion of our presentation outlines some of the history surrounding our sewers/drains.

After the flooding in the area in 1972, the Council of Malden Township, as allowed under the Drainage Act of the day, chose to construct dike along the road easement called Lakewood Boulevard (this was an easement which had never been used or developed since it was established on August 14, 1925 under the Plan of Subdivision). This dike prevented the flood waters from Big Creek from inundating Lakewood Beach. As a result, the natural drainage to Big Creek was eliminated. Shortly thereafter, a drain/storm sewer system, known as Lakewood Pump #1 was installed and the costs were billed to benefitting landowners. No drainage was provided for the east end of Lakewood Drive until a similar storm sewer/drain was installed in 1989-90 on the orders of the sitting Council. Again, the costs for the installation were charged to the benefitting homeowners. Pump maintenance costs were charged to the homeowners annually. In 1998, with amalgamation, the situation remained the same. It wasn't until 2008 that residents in the area realized that not only were they paying for their own storm sewers, but they were also paying for the storm sewer maintenance in Historic Amherstburg and Crown Ridge. At that time, the Council of Amherstburg attempted to address the issue by passing a resolution on October 6th, 2008. This resolution set aside \$2500 for the maintenance of the pumps and systems. It also states that if repairs or replacements were needed, and they exceeded \$2500, the excess costs would be billed back to the benefitting homeowners. The affected homeowners felt that the Council had addressed the back charging issue. No more extra charges were put on our tax bills. This year, we were backcharged for 2 years of repairs and replacements. According to officials, the Town paid \$2500 for maintenance (electricity) but billed the homeowners for all of the repair and replacement costs, not just those in excess of \$2500. This is not what the resolution stated would happen. The amounts in excess of \$2500 per year need to be recalculated. I am asking that Council ensure that the resolution is followed correctly.

I am also asking the Council immediately assume ownership of Lakewood Pump #2 as is its right, since it benefits only serviced residential properties. This is just like the situation in Historic Amherstburg and what was done in Crown Ridge area. I would also ask that Council direct Administration to develop a plan to end the double billing for storm sewers/drains that has existed since amalgamation throughout all of Amherstburg. A rural mill rate and exclusion of residential properties from drainage billings is a way to address this imbalance.