

**Minutes of an Amherstburg Municipal Council
Monday, July 18, 2011 at 7:00 p.m.
Council Chambers**

PRESENT

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

1. CALL TO ORDER

The Mayor called the meeting to order.

2. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

Councillor Davies declared a conflict of interest on Item #13.3. – AMO Conference Attendance.

3. PRAYER

The Clerk said prayer.

4. MINUTES OF PREVIOUS MEETING

Councillor Davies moved, Councillor Pillon seconded:

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

- 1. Special Council Meeting- Educational Computer Training - June 27, 2011 @ 5:05 p.m.**
- 2. In-Camera Meeting - June 27, 2011 @ 5:25 PM**
- 3. Council Meeting - June 27, 2011 @ 7:00 PM**
- 4. Special In-Camera Meeting - July 5, 2011 @ 5:00 PM**
- 5. Special Council Information Session - Feral Cat Proposed Sites – July 5, 2011 @ 7:00 PM**
- 6. Special Council Meeting - IBEW Contract Negotiations - July 8, 2011@ 8:30 a.m.**

The Mayor put the Motion.

Motion Carried

5. PRESENTATIONS

5.1 Presentation # 1

Nikki LeBlanc addressed Council and provided a PowerPoint with respect to Summer Programming and Projected Revenues/Registrations to date at the United Communities Credit Union complex.

Councillor DiPasquale moved, Councillor Pouget seconded:

That the presentation be received.

The Mayor put the Motion.

Motion Carried

6. DELEGATIONS

6.1 Delegation # 1

Chris Uszynski and David Lowe addressed Council regarding the World Alzheimer Day – Boston Marathon qualifier.

Councillor Pillon moved, Councillor Sutton seconded:

That the delegation by Chris Uszynski be received.

The Mayor put the Motion.

Motion Carried

Report Item #7.4 was brought forward.

7.4 A report by Rick Daly regarding The World Alzheimer's Day "Run for Heroes" Amherstburg Marathon

Councillor Sutton moved, Councillor Pouget seconded:

That the report by Rick Daly dated July 13, 2011 regarding The World Alzheimer's Day "Run for Heroes" Amherstburg Marathon to be held on Sunday, September 25, 2011 be received;

And further that pending approval from Police Services and Public Works, Council approve \$2500 for course certification by the Boston Athletic Association making it

the only Boston Marathon Qualifier south of Toronto and \$1000 for an Amherstburg promotional tent at the Detroit Free Press Expo in October of 2011.

The Mayor put the Motion.

Motion Carried

6.2 Delegation # 2

Kristy LaJoy addressed Council regarding Edgewater Beach Park. Kristy LaJoy asked that a public park be established at Edgewater and that it be fitted with amenities for children to play.

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

That the delegation by Kristy LaJoy be received;

And further that Administration be directed to report back on the feasibility of a park located at Edgewater Beach.

The Mayor put the Motion.

Motion Carried

6.3 Delegation # 3

John McDonald and Robert Honor addressed Council regarding the Fort Covington Site. Mr. MacDonald asked that the canons be brought back to the site; that the view be revisited as the small trees that have been planted obscure the south view; some road side signage; that the site be beautified, and that the site be added to the Cellphone Tour and Kiosk.

Councillor Sutton moved, Councillor Pillon seconded:

That the delegation by John McDonald and Robert Honor be received;

And further that Administration be directed to report back on the implementation of the delegates requests.

It was noted that the report must be brought back to Council forthwith.

The Mayor put the Motion.

Motion Carried

6.4 Delegations regarding the Salmoni Building

(a) Jeffrey Baker, solicitor for the Condo Corporation and agent for Mike Angileri, owner of unit 401 addressed Council. Mr. Baker noted that there are misconceptions and that in this regard, the Municipal Act sets out what an eligible heritage property is. The Town's own Heritage Rebate By-law is consistent with this definition. Mr. Baker indicated that the Town should follow the current municipal By-law which existed for the years 2008, 2009 and 2010. Mr. Baker noted that the heritage easement is related to the property and not the building itself. As such, it meets the eligibility criteria. There is no discretion to approve or disapprove the application if the application meets the criteria. The rebates should be granted. Further, the Heritage Committee does not have the authority to approve or disapprove an application. It would be unfair to refuse these applications.

There was discussion with regard to a developer selling units with the promise of a rebate, debt of the Town and further being indebted by granting the applications without all the required information from the Heritage Committee, opinions of the Heritage Committee, that there is no legal recourse to deny the applications, provisions within the Heritage Act, legal authority, demolition and ensuring designated, easement being placed on building as well as incorporating same into all development agreements, receipt of differing information and opinions, ensuring that a fair decision is made, and deferring the matter to future when all information is received.

Pamela Malott, CAO reiterated that the Heritage Committee is an advisory committee only and does not have authority to recommend approval or denial of an application. Further, Administration has provided all information available on the matter for Council consideration.

In response to Mr. Baker, Pamela Malott confirmed that all other applications have been granted.

Councillor Sutton asked for a recorded vote.

Report Item #13.2 was brought forward.

13.2 A report by Pamela Malott and Paul Beneteau regarding Deferred Tax Rebates on Eligible Heritage Properties

Councillor Sutton moved, Councillor Pilon seconded:

That Council receive the delegation from Jeffrey Baker regarding the Salmoni Building be received;

That Council receive the report concerning the additional properties eligible under the Heritage Property Tax Rebates program for the 2008, 2009 and 2010 tax year;

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

The Mayor put the Motion.

	Yes/Concur	No/Not Concur
Councillor Davies		X
Councillor DiPasquale		X
Councillor Pillon	X	
Councillor Pouget		X
Deputy Mayor Sutherland		X
Councillor Sutton	X	
Mayor Hurst	X	

Motion Failed

Ms. Kalajdzic, unit 103 addressed Council on behalf of herself and Mr. Orchard and expressed her concern of selective application of the Heritage Rebate By-law. The rebate factored into her decision to purchase the property. She understood that due to the Heritage Designation they had certain restrictions. Part of the deal was that the By-law would be complied with. Whether one disagrees whether or not the building is designated is an entirely different matter. While the property is designated, it falls under the By-law. Ms. Kalajdzic indicated that the message being sent to developers who purchase a heritage site in Amherstburg, may or may not get you the rebate. Selective application of the By-law is bad business, unfair and compounding what has already become an embarrassment of how the By-law has been applied. She noted that with all the information that is before Council, Council is doing an injustice to the residents of the building. Mr. Kalajdzic stated that she was disappointed with their decision.

Councillor Sutton moved, Councillor Pillon seconded:

That the delegation be received.

The Mayor put the Motion.

Motion Carried

Pamela Malott sought clarification of next steps as Administration has nothing left to bring back to Council that it has not already provided. Councillor Pouget advised that what Council is waiting for is consistent with a previous motion that deferred the matter to the Heritage Committee for its advisement. Pamela Malott reiterated that the Committee has no authority to grant or deny rebates. Councillor Davies noted that they are wishing to be sure that they are confident in the information they are receiving. There was further discussion regarding what is pending for Council to make a decision.

7. REPORTS - RECREATION/CULTURE/PARKS

7.1 A report by Rick Daly regarding Portion of Proceeds from Roots to Boots Bi Centennial Festival 2012 to go to Amherstburg Museums and Galleries

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the report by Rick Daly dated July 6, 2011 regarding awarding a portion of any proceeds from the Roots to Boots Bi Centennial Festival 2012, to Amherstburg Museums and Galleries be approved.

The Mayor put the Motion.

Motion Carried

7.2 A report by Rick Daly regarding new program through Communities in Bloom Green for Life Community Award Program

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That the report by Rick Daly dated July 6, 2011 regarding the nomination application in the "new Communities in Bloom (CIB) Green for Life Community Award program and CIB Membership be received;

And further that Council concur with the nomination of "North End King's Navy Yard Park Upgrades for being an outstanding Community initiative and collaborative effort.

The Mayor put the Motion.

Motion Carried

7.3 A report by Rick Daly regarding Repairs to the Amherstburg Library

Councillor Sutton moved, Councillor Pilon seconded:

That Council accept the report by Tony DeThomasis regarding repairs to the Amherstburg Library and concur with recommendations in moving structural repairs and upgrades to the 2012 Budget.

The Mayor put the Motion.

Motion Carried

7.4 A report by Rick Daly regarding The World Alzheimer's Day "Run for Heroes" Amherstburg Marathon

As dealt with above.

8. REPORTS - POLICE

No reports at this time.

9. REPORTS - FIRE

No reports at this time.

10. REPORTS - INFORMATION TECHNOLOGY

10.1 A report by Dave Carpenter regarding Technology Use Policy 2011 Revision

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That Council adopt the Technology Use Policy as revised for 2011.

The Mayor put the Motion.

Motion Carried

11. REPORTS - DEVELOPMENT SERVICES

11.1 A report from Lory Bratt, Planning Coordinator and Lou Zarlenga, Director of Engineering and Infrastructure regarding County Wide Active Transportation Study Master Plan

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the report from Lory Bratt, Planning Coordinator and Lou Zarlenga, Director of Engineering and Infrastructure dated July 12, 2011 regarding County Wide Active Transportation Study Master Plan be received;

And further that Council endorse the Draft County Wide Active Transportation Study Master Plan dated April 2011 in principle subject to revisions to Table C-1 reflecting work that has been completed in Amh-8 and Amh-21 and the recommended change in Amh-18 to reflect a signed route rather than a paved shoulder at this time.

The Mayor put the Motion.

Motion Carried

12. REPORTS - ENGINEERING AND INFRASTRUCTURE

12.1 A report by Lou Zarlenga regarding the Hamel-Bezaire Municipal Drain - Notice from Tony Simon - Request for Drain Maintenance

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That Council receive the report from Lou Zarlenga dated July 11, 2011 concerning the Hamel-Bezaire Municipal Drain and the notices from Tony Simon regarding the drain being out of repair;

And further that Council approve the requests for drain repairs from Tony Simon and that maintenance work be undertaken to the Hamel- Bezaire Municipal Drain consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current drainage report for this drain.

The Mayor put the Motion.

Motion Carried

12.2 A report by Lou Zarlenga regarding the Shaw Municipal Branch Drain - Notice from Jeff Reaume - Request for Drain Maintenance

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

That Council receive the report from Lou Zarlenga dated July 11, 2011 concerning the Shaw Municipal Branch Drain and the notice from and Jeff Reaume regarding the drain being out of repair;

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

The Mayor put the Motion.

Motion Carried

12.3 A report by Lou Zarlenga regarding the Hamel Municipal Drain - Notice from Corrine Rousseau - Request for Drain Maintenance

Councillor Sutton moved, Councillor Davies seconded:

That Council receive the report from Lou Zarlenga dated July 12, 2011 concerning the Hamel Municipal Drain and the notices from Corinne regarding the drain being out of repair;

And further that Council approve the requests for drain repairs from Corinne Rousseau and that maintenance work be undertaken to the Hamel Municipal Drain consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current drainage 1983 report for this drain.

The Mayor put the Motion.

Motion Carried

13. REPORTS - CAO's OFFICE

13.1 A report by Pamela Malott regarding Advisory Committees of Council - Terms of Reference

Councillor Sutton moved, Councillor Pillon seconded:

That Council confirm the change to the Terms of Reference language for all Advisory Committees of Council to be consistent with the language contained in the Advisory Committee Application Document.

Councillor DiPasquale sought clarification of what was advertised as eligibility.

Councillor Pouget noted that she has received complaints about Parks Committee and Recreation and Culture Committee and that the ad required a member to be a resident of Amherstburg. There was a discrepancy. She indicated that there is a member on both Committees that is not a resident of the Town.

Pamela Malott advised that it was a discrepancy and that the intent is that anyone who can vote in the Town is eligible to be a member of a committee.

In response to Council, Administration advised that they would report back to Council on vacancies that exist on other committees.

The Mayor put the Motion.

Motion Carried

13.2 A report by Pamela Malott and Paul Beneteau regarding Deferred Tax Rebates on Eligible Heritage Properties

As dealt with above.

13.3 A report by Pamela Malott regarding Councillor Davies – AMO Conference Attendance

Councillor Davies declared a conflict of interest and withdrew from discussion and voting on the matter.

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That the report submitted by Pamela Malott, dated July 4, 2011 regarding the request for use of 'communal funds' be received;

That Council not concur with the request to use \$ 1,926.38 from the budgeted unused communal fund for Council Conventions and Seminars

And further that the funds be used to supplement the costs of training to be held on September 29, 2011.

Councillor DiPasquale felt that the money would be better served to be used to offset the costs of the Council training session (Item 13.5).

The Mayor put the Motion.

Motion Carried

13.4 A report by Pamela Malott and Paul Beneteau regarding Heritage Tax Rebate Program

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That Council receive the report concerning the Heritage Tax Rebate program;

And further that Council direct Administration to bring back a report outlining some proposed options that would include clear guidelines around eligibility, process for application, approval of rebates along with any proposed capping amounts or percentage amounts.

Councillor Sutton noted that it is timely to review the By-law, review application process and set clear guidelines for residents.

The Mayor put the Motion.

Motion Carried

13.5 A report by Pamela Malott regarding Council Training Session Proposed - September 29, 2011

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

That the report submitted by Pamela Malott, dated June 23, 2011, regarding a proposed Council Training Session be received;

And further that Council approve the unbudgeted expense of \$ 3,500.00 plus Council per diem for the Council training, which is to be offset by the \$ 1,926.38 from the budgeted unused communal fund for Council Conventions and Seminars.

The Mayor put the Motion.

Motion Carried

13.6 A report by Pamela Malott regarding Feral Cat Colony

Councillor Sutton moved, Councillor Pillon seconded:

That the report prepared by Pamela Malott, Chief Administrative Officer regarding the establishment of a Feral Cat Colony on Town owned lands be received;

And further that Council direct C.A.T. to establish a TNR program in the affected neighbourhood.

There was discussion with regard to TNR, concerns, vacuum effect, work by C.A.T., cost to partner with OSPCA, liability, problems and solutions, differing information, research and statistics, concern of coyotes and securing cats in a colony at the Nexen property.

The Mayor put the Motion.

	Yes/Concur	No/Not Concur
Councillor Davies	X	
Councillor DiPasquale	X	
Councillor Pillon	X	
Councillor Pouget		X
Deputy Mayor Sutherland		X
Councillor Sutton	X	
Mayor Hurst	X	

Motion Carried

14. REPORTS - TREASURY

14.1 A report by Paul Beneteau regarding Tax Write-Offs and Assessment Changes

Councillor Pillon moved, Councillor Sutton seconded:

That Council approves the Write-Offs and Changes in Assessment as presented;

And further that By-law 2011-70, being a By-law to strike taxes from the tax roll and to adjust assessment values on properties be read a first, second, and third time, and the Mayor and Clerk be authorized to sign the same and affix the corporate seal thereto.

The Mayor put the Motion.

Motion Carried

14.2 A report by Paul Beneteau regarding Debenture Issue - Infrastructure Ontario

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That By-law 2011-72, being a By-law authorizing the borrowing of \$5,866,888.00 by way of debenture to meet expenditures in connection with certain capital projects within the Town of Amherstburg, from the Ontario Infrastructure Projects Corporation, be read 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

15. REPORTS - HUMAN RESOURCES

No reports at this time.

16. REPORTS - CLERK'S

16.1 A report by Brenda Percy regarding a By-law to Prohibit the Abandonment or Disposal of Animals and/or Litters of Animals on Lands and Premises located in the Town of Amherstburg

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That the report prepared by Brenda Percy dated July 12, 2011 regarding a By-law to Prohibit the Abandonment or Disposal of Animals and/or Litters of Animals on Lands and Premises located within the Town of Amherstburg be received;

And further that Administration proceed with the developing an Animal Anti-Abandonment By-law similar to the Town of Essex.

The Mayor put the Motion.

Motion Carried

17. CONSENT REPORTS

17.1 Accounts Paid Listing for the Period of June 23, 2011 to July 8, 2011

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That the report regarding the Accounts paid for the period of June 23, 2011 to July 8, 2011 be received as submitted.

The Mayor put the Motion.

Motion Carried

18. CONSENT CORRESPONDENCE

18.1 Consent Correspondence

Councillor Sutton moved, Councillor Pillon seconded:

That the following correspondence be received.

- 1. Recognition letter for Large Stone at King's Navy Yard Park – July 4, 2011**

The Mayor put the Motion.

Motion Carried

19. CONSENT OTHER MINUTES

19.1 Consent Other Minutes

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the following minutes be received:

- 1. Amherstburg Accessibility Advisory Committee Minutes–May 25, 2011 @ 4:30 PM**
- 2. Amherstburg Police Services Board Minutes - May 17, 2011 @ 4:30 PM**
- 3. Amherstburg Heritage Committee Minutes - Jun 16, 2011 @ 5:30 PM**

The Mayor put the Motion.

Motion Carried

20. CORRESPONDENCE

- 20.1 Correspondence # 1 - Request from the Lupus Foundation of Ontario to proclaim October as *Lupus Awareness Month*, to hold a flag raising with their lupus flag on any date allowing for visibility and the recognition of the word lupus and to place the Proclamation on the Town of Amherstburg website to promote awareness of the issue**

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

That Council receive the correspondence dated June 23, 2011 from the Lupus Foundation of Ontario;

That Council support declaring October as Lupus Awareness Month.

The Mayor put the Motion.

Motion Carried

20.2 Correspondence # 2 - Request from the Township of Carling seeking a matched donation of \$100.00 to the Town of Slave Lake to help compensate them in their recent wildfires

Councillor Davies moved, Deputy Mayor Sutherland seconded:

That Council receive the correspondence dated June 20, 2011 from the Township of Carling and support the donation of \$100.00 to the Town of Slave Lake to help compensate them in their recent wildfires.

The Mayor put the Motion.

Motion Carried

20.3 Correspondence # 3 - Recognition letter to Cecil Farmer for the donation of a large stone at the King's Navy Yard Park

Councillor Davies moved, Councillor Pillon seconded:

That the correspondence be received and that Council concur.

The Mayor put the Motion.

Motion Carried

21. UNFINISHED BUSINESS

Unfinished Business Items as of July 18, 2011

Deputy Mayor Sutherland sought an update on Edgewater Lagoon.

Councillor Pillon corner of North Street and Dalbouse and three-way stop which was approved by Council. He asked that the item be added to the unfinished business list to be tracked. The Mayor asked that the residents be updated on the installation.

Councillor Davies noted that vehicles are parking too close to the corner which obstructs motorists. She asked that it be looked into. Councillor Pillon asked that Lou Zarlenga ask the engineer about a sign to eliminate parking so many metres so close to corner and that a sign be placed at the north street and that children are playing.

Councillor Pouget sought an update on the Matte Beneteau drain and Annette Brown.

Councillor Pouget noted that although Council deferred any work on sidewalks by the recreation complex, it appears that works was done. She asked why Administration had proceeded. Lou Zarlenga noted that this work formed part of dedicated roadway. The work deferred was on the private side being the UCCU property and this has not been done.

Councillor Pouget asked for an update as to the installation of the railings at the complex. Rick Daly advised he would report back as to when the project would be complete.

22. NEW BUSINESS

Councillor Davies moved, Deputy Mayor Sutherland seconded:

That a test site be set up for the feral cat colony to address feral cats in a safe area - private or public that meets the concerns and the input of the community.

Councillor Sutton requested a recorded vote.

	Yes/Concur	No/Not Concur
Councillor Davies	X	
Councillor DiPasquale	X	
Councillor Pillon		X
Councillor Pouget	X	
Deputy Mayor Sutherland	X	
Councillor Sutton		X
Mayor Hurst		X

Motion Carried

23. REPORT FROM IN-CAMERA SESSION

COUNCIL IN-CAMERA SESSION REPORT

During Closed Session of July 14, 2011, Council would report the following:

1) Lease

Council has sought public feedback on the future disposition of the old Arena. On that same parcel of land is the Cultural Centre which has been used primarily by the Golden Age Club over the past years. The Golden Age Club has now found a new home at the United Communities Credit Union Complex.

At In Camera, Council discussed entering into an agreement with Amherstburg Community Services for a period of 10 years for their programming to be done out of the Victoria Street Cultural Centre.

Council is proud to partner with this long standing Community Service Organization to facilitate the ability of this group to continue with programming that is so critical and necessary to our residents.

A report and Agreement will be brought to a future public Council meeting.

2) Other Matters

Council also discussed 5 Labour Relations/Employee Negotiation matters heard under Section 239 (2) (d) of the Municipal Act and there is nothing further to report on these items.

In Camera Meeting Discussed: July 18, 2011

Reporting Out Meeting: July 18, 2011

24. NOTICES OF MOTION

There were none.

25. BY-LAWS

25.1 Confirmatory By-law

Councillor Sutton moved, Councillor DiPasquale seconded

That By-law 2011- 73 being a By-law to confirm all resolutions of the Municipal Council Meeting held on July 18, 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

26. ADJOURNMENT

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

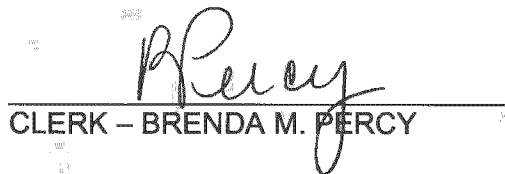
That Council rise and adjourn at 9:40 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR - WAYNE HURST



CLERK - BRENDA M. PERCY