

**Minutes of an Amherstburg Municipal Council  
Monday, September 12, 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

**ABSENT:** Pam Malott, CAO

**CALL TO ORDER**

The Mayor called the meeting to order.

**DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**

There were no disclosures of pecuniary interest.

**PRAYER**

Reverend Christine Downey, St. Alban Maldan said prayer.

**MINUTES OF PREVIOUS MEETING**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the minutes be adopted by Council and that those confidential minutes of the closed sessions of Council remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act:**

1. **Special Council Meeting - Morgan Drain - August 8, 2011 @ 7:00 p.m.**
2. **Special Council Meeting - Zoning - August 15, 2011 @ 5:30 p.m.**
3. **Council Meeting - August 15, 2011 @ 7:00 PM**

The Mayor put the Motion.

**Motion Carried**

## PRESENTATIONS

There were no presentations.

## DELEGATIONS

### 6.2 Delegation # 2

Kristy LaJoy addressed Council regarding Edgewater Park. She noted that she wished to provide further information and some clarification before Council renders its decision. Ms. LaJoy noted that the children would have to cross a four lane highway to access the other park, that she was requesting somewhere for kids to play with possibly a picnic table and sign. She noted it would be a minimal cost and in the future the Town may consider providing some equipment. Ms. LaJoy reiterated that they are asking for an area that is designated as an area where the kids can play together with a sign and picnic table. Equipment in the future would be helpful.

Lou Zarlenga explained that the site at Edgewater is a pumping station located on Town Property which needs to be accessible for maintenance.

Rick Daly advised that Administration would be required to confirm with the Town's insurer what the insurance ramifications would be, if any, in placing a "play area" sign in the area. It was suggested that an alternate to a play area sign would be "caution, children playing".

It was noted that the request has changed since the delegate first appeared and further information is required.

Councillor Pillon noted that delegate has raised the issue that the roads are narrow, that there are not any sidewalks available and no speed signs. He asked that the Town insurer and solicitor comment on whether it is safe for the children to walk on the road. He noted that there are road standards in place and the roads are narrow.

There was discussion with regard to lack of parks, open space for children to freely play, older neighbourhoods, safety and liability.

Councillor Sutton moved, Councillor DiPasquale seconded:

**That the delegation by Kristy LaJoy be received;**

**That the Town solicitor and the Town insurance carrier comment on the establishment of the area as a 'play area';**

**That the Town solicitor and insurance carrier be asked to comment on the safety of children walking on the road;**

**And further that those individuals in the area, who have petitioned, be advised when the matter will return to Council for consideration.**

The Mayor put the Motion.

**Motion Carried Unanimously**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That Denise Drouillard be allowed to be heard.**

The Mayor put the Motion.

**Motion Carried**

Denise Drouillard addressed Council and advised that a petition was submitted from residents in the area who have concerns with regard to the proposed park development in Edgewater area. They noted that the petition is in opposition of the development of a community park in that location. The petitioners do not feel that the location is fitting for a community park for various reasons and wished that the area remain as it is currently. A copy of the petition is retained in the Clerk's department.

Councillor Sutton moved, Councillor Pillon seconded:

**That the delegation be received.**

The Mayor put the Motion.

**Motion Carried**

#### **6.1 Delegation # 1**

Ted Popel addressed Council regarding Edgewater Beach Park. Mr. Popel reviewed the excerpts within the Official Plan with regard to parks and access.

Councillor Sutton moved, Councillor Pillon seconded:

**That the delegation by Ted Popel be received;**

**And further that the Official Plan pertaining to the walking distance and parkland be sent to the Town solicitor and to the insurance carrier for their advice concerning this matter.**

The Mayor put the Motion.

**Motion Carried**

*Report Item #7.1 was brought forward.*

**7.1** A report by Rick Daly regarding Feasibility of Edgewater Park  
*(As deferred from the August 15, 2011 Council Meeting)*

Councillor Sutton moved, Councillor Pillon seconded:

**That the report by Rick Daly dated August 10, 2011 regarding the feasibility of a Park in Edgewater be brought forward and received.**

The Mayor put the Motion.

**Motion Carried**

### **6.3 Delegation # 3**

Joanne DiPierdomenico addressed Council regarding Texas Road, between Front Road and Second Concession. She addressed the condition of road and lack of sidewalks.

Ms. DiPierdomenico submitted a petition for the construction of sidewalks on one side of Texas Road between Front Road and Thomas Road/2<sup>nd</sup> Concession. A copy of the petition is retained in the Clerk's department.

Councillor DiPasquale moved, Councillor Davies seconded:

**That the delegation by Joanne DiPierdomenico be received;**

**And further that the Texas Road reconstruction be discussed further during the budget deliberations of 2012 in an effort to move this long awaited project forward, and having administration report to Council with the feasibility information, on proceeding with the project without senior government grants, along with seeking out grants to defray local costs.**

The Mayor put the Motion.

**Motion Carried**

Councillor Pillon moved, Councillor Pouget seconded:

**That Ted Popel be allowed to appear as a delegation.**

The Mayor put the Motion.

**Motion Carried**

Ted Popel addressed Council with regard to the Amherstburg Library structural repairs.

Deputy Mayor Sutherland advised that when Mr. Popel appeared as a delegation the last time, Council directed that the matter be brought before Council at the 2012 budget deliberations.

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the delegation be received.**

The Mayor put the Motion.

**Motion Carried**

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**That Item 12.6 be brought forward on the agenda.**

The Mayor put the Motion.

**Motion Carried**

**12.6** A report by Lou Zarlenga regarding the August 9, 2011 Rain Event and Sewer Surcharging Comprehensive Flooding Investigation

Council permitted Mr. Merril Power, resident on 285 Hawthorn to address Council on the flooding issue of August 9, 2011. He noted that he lives on Hawthorn and has experienced a number of sewer back up flooding his home. He wished that Council be made aware of the situation and that Council also understand that his insurance will not cover the flooding. The Mayor noted that the intent is to have a review done and a special public meeting held to hear the comprehensive review and to allow individuals to address Council at that particular meeting. The notice of the meeting would be advertised.

Councillor Sutton moved, Councillor Davies seconded:

**That Mr. Power's comments be received.**

The Mayor put the Motion.

**Motion Carried**

Councillor Davies moved, Councillor Pillon seconded:

**That due to the complexity of the issue, and that further information is forthcoming, the report be postponed until such time as Council has received all the required information.**

The Mayor put the Motion.

**Motion Carried**

## **REPORTS - RECREATION/CULTURE/PARKS**

**7.1** A report by Rick Daly regarding Feasibility of Edgewater Park  
*(As deferred from the August 15, 2011 Council Meeting)*

As dealt with above.

**7.2** A report by Rick Daly regarding the railings at Rink A of the United Communities Credit Union Complex

Councillor Sutton moved, Councillor Pillon seconded:

**That the report by Rick Daly dated August 26, 2011 regarding the railings at Rink A of the United Communities Credit Union Complex be received.**

There was discussion with regard to issues faced by those with mobility problems, the delay of the report, visibility issues those face in the upper level and those who have visual impairment unable to see the steps in the upper level. Tony DeThomasis advised that the design of the stairs and that the stairs have a dimple effect for traction. Administration can also look at placing reflective tape on the stairs. Mr. DeThomasis advised that he would consult with the designer's accessibility consultant on options available, signage for reserved seating and amount of space for wheelchair seating. He would also look at what other municipalities have done.

The Mayor put the Motion.

**Motion Carried Unanimously**

**7.3** A report by Rick Daly regarding Occasional Facility User Insurance Coverage

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

**That the report by Rick Daly dated September 7, 2011 regarding the Occasional Facility User Insurance Coverage be received;**

**And further that Pearson Dunn be approved as the provider for Occasional Facility User Insurance Coverage.**

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**

No reports at this time.

## **REPORTS - ENGINEERING AND INFRASTRUCTURE**

- 12.1** A report by Lou Zarlenga regarding the Charles Shepley Municipal Drain - Notice from Steve Cipkar - Request for Drain Maintenance

Councillor Sutton moved, Councillor Pillon seconded:

**That Council receive the report from Lou Zarlenga dated August 26, 2011 concerning the Charles Shepley Municipal Drain and the notices from Steve Cipkar regarding the drain being out of repair;**

**And further that Council approve the requests for drain repairs from Steve Cipkar and that maintenance work be undertaken to the Charles Shepley Municipal Drain consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current drainage 1980 report for this drain.**

The Mayor put the Motion.

**Motion Carried**

- 12.2** A report by Lou Zarlenga regarding a petition for drainage works notice from Michael and Dmytro & Nina Kosyk - request for improvement for Lots 4 & 5, Concession 2

Councillor Pillon moved, Councillor Pouget seconded:

**That Council receive the report from Lou Zarlenga dated August 22, 2011 concerning the petition for drainage works submitted by Michael & Dmytro & Nina Kosyk for drainage improvements for Lots 4 & 5, Concession 2 as per section 4 of the Drainage Act;**

**And that Council directs Administration to notify the following of Council's decision to proceed with the project and to provide 30 day notice for the petitioners to appeal Council decision under Section 5 of the Drainage Act;**

- 1. Petitioners**
- 2. Essex Region Conservation Authority**
- 3. Ministry of Natural Resources;**

**And that Council directs Administration to notify the Ministry of Natural Resources and Essex Region Conservation Authority to provide 30 days notices to request an environmental appraisal under Section 6 of the Drainage Act;**

**And further that Council appoint Mr. Gerard Rood, P.Eng. from the firm of Rood Engineering Inc. for the purpose of preparing an engineer's report including plans**

**and profile for the Kosyk petition after the 30 day appeal period has expired and all appeals have been resolved.**

The Mayor put the Motion.

**Motion Carried**

**12.3** A report by Lou Zarlenga regarding the Tender Results for the Bailey Drain Maintenance Project

Councillor Pillon moved, Councillor Pouget seconded:

**That Council receive the report from Lou Zarlenga regarding the tender results for the Bailey Drain Maintenance Project;**

**And further that Council accept Administration's recommendation to award the contract to the lowest bidder, being Reg Clark Trucking Ltd, for the Bailey Drain Maintenance Project.**

The Mayor put the Motion.

**Motion Carried**

**12.4** A report by Lou Zarlenga regarding the Tender Results for the North Sideroad Watermain Installation from 4th to 5th Concession

Councillor Pillon moved, Councillor Sutton seconded:

**That Council receive the report from Lou Zarlenga regarding the tender results for the North Sideroad Watermain Installation project from the 4th Concession Road to the 5th Concession Road.**

The Mayor put the Motion.

**Motion Carried**

Councillor Pillon moved, Councillor Davies seconded:

**Receive the report and that Administration be directed to retender the North Side Road and also the Meloche Road in early winter.**

The Mayor put the Motion.

**Motion Carried**

**12.5** A report by Lou Zarlenga regarding the 2011 Tar & Chip Program for Lowes Sideroad East and West of Fryer Street and South Sideroad Tender Results



Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That Council receives the report from Lou Zarlenga regarding the tender results for the 2011 Tar & Chip Program for Lowes Sideroad East and West of Fryer Street, and South Sideroad;**

**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 Shepley Road Maintenance Limited, for the 2011 Tar & Chip Program for Lowes Sideroad East and West of Fryer Street, and South Sideroad and that portions of the contingent work be managed pursuant to the approved 2011 budget allocation for this project.**

The Mayor put the Motion.

**Motion Carried**

**12.6** A report by Lou Zarlenga regarding the August 9, 2011 Rain Event and Sewer Surcharging Comprehensive Flooding Investigation  
As dealt with above.

#### **REPORTS - CAO's OFFICE**

No reports at this time.

#### **REPORTS – TREASURY**

No reports at this time.

#### **REPORTS - HUMAN RESOURCE**

No reports at this time.

#### **REPORTS - CLERK'S**

No reports at this time.

#### **CONSENT REPORTS**

**17.1** 2011 Forecasted Repayment Limit and Debt Level

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That the report by Paul Beneteau dated August 12, 2011 regarding the 2011 Forecasted Repayment Limit and Debt Level be received.**

The Mayor put the Motion.

**Motion Carried**

**17.2 2011 - 2ND Quarter Report**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That the report by Pam Malott, Chief Administrative Officer, Paul Beneteau, Treasurer dated August 30, 2011, regarding the 2011- 2nd Quarter Report be received.**

The Mayor put the Motion.

**Motion Carried**

**17.3 Accounts Paid for Period of August 8, 2011 to September 2, 2011**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That the report regarding the Accounts paid for the period of August 8, 2011 to September 2, 2011 be received as submitted.**

The Mayor put the Motion.

**Motion Carried**

**CONSENT CORRESPONDENCE**

**18.1 Consent Correspondence**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the following correspondence be received:**

- 1. Essex Region Conservation Authority - 10 Year Anniversary of the Detroit River's designation as a Canadian Heritage River - August 12, 2011**
- 2. Statistics Canada - Thank You Letter - August 24, 2011**
- 3. The Royal Canadian Legion - Invitation to Annual Parade - August 24, 2011**
- 4. Association of Municipalities of Ontario - Town of Goderich Assistance - September 1, 2011**
- 5. Royal Canadian Mounted Police - Letter of Appreciation - August 25, 2011**

**6. Association of Municipalities of Ontario - Local Government Week and You - September 2, 2011**

The Mayor put the Motion.

**Motion Carried**

**CONSENT BUSINESS LICENCES**

**19.1 Consent Business Licences**

Councillor DiPasquale moved, Councillor Pouget seconded:

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

- 1. Taylor William - Southshore Taxi**
- 2. Kaysho Emporium**

**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**

**20.1 Consent Other Minutes**

Councillor Sutton moved, Councillor Pillon seconded:

**That the following minutes be received:**

- 1. Committee of Adjustment Minutes - July 19, 2011 @ 7:30 am**
- 2. Heritage Committee Minutes - July 28, 2011 @ 5:30 pm**

The Mayor put the Motion.

**Motion Carried**

**CORRESPONDENCE**

- 21.1 Correspondence # 1 - Request from Correctional Service Canada to proclaim November 13 - November 20, 2011 as Restorative Justice Week 2011**

Councillor Davies moved, Councillor Sutton seconded:

**That Council proclaim November 13 - November 20, 2011 as Restorative Justice Week 2011.**

The Mayor put the Motion.

**Motion Carried**

Councillor Davies moved, Deputy Mayor Sutherland seconded:

**That Council, through Administration, investigate a formalized process of restorative justice in conjunction with the police department.**

Councillor Davies noted the importance of the program. She asked that the Town Police Services investigate whether the Town can look more thoroughly into having a program in Amherstburg in conjunction with the police. The program is shown to decrease crime over time.

The Mayor put the Motion.

**Motion Carried**

**21.2** Correspondence # 2 - Request from the Crohn's and Colitis Foundation of Canada to proclaim September 15, 2011 as National Family Dinner Night

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

**That Council proclaim September 15, 2011 as National Family Dinner Night.**

The Mayor put the Motion.

**Motion Carried**

**21.3** Correspondence # 3 - Request from Canadian Union of Public Employees (CUPE) to proclaim October 26, 2011 as Child Care Worker & Early Childhood Educator Appreciation Day

Councillor Davies moved, Councillor Pouget seconded:

**That Council proclaim October 26, 2011 as Child Care Worker & Early Educator Appreciation Day.**

The Mayor put the Motion.

**Motion Carried**

Councillor Davies moved, Deputy Mayor Sutherland seconded:

**That Council write the Minister of Education to advise him that there needs to be pay equity with the ECE's working with the Board of Education and those with the private industry and that AMO members support the resolution.**

Councillor Davies noted that with the creation of the full time kindergarten programs in the schools, the Board of Education will be hiring more ECE teachers in the school board system. These ECE workers will be paid a higher salary than those ECE workers who work in the private system. She wished that Council support pay equity between the salary of those ECE workers who work with the Board of Education and those who work with the private daycare centres.

Councillor Sutton cautioned Council as it would mandate those who are running a private daycare to pay the ECE workers a higher wage. Those costs will be transferred to the parents who won't be able to pay for it. He felt more information is needed.

The Mayor put the Motion.

**Motion Failed**

**21.4 Correspondence # 4 - Request from A Group of Grandparents from Southern Ontario to support Bill 22 an Act to amend the Children's Law Reform Act**

Councillor DiPasquale moved, Councillor Pillon seconded:

**That the correspondence from A Group of Grandparents from Southern Ontario be received;**

**And further that Council approve Administration sending a letter of support endorsing Bill 22, an act to amend the Children's Law Reform Act.**

The Mayor put the Motion.

**Motion Carried**

**UNFINISHED BUSINESS**

Councillor Pouget noted that there are private vehicles parking on Town owned property on Edgewater. She asked that the matter be directed to the By-law Enforcement Officer for his review.

Councillor Pillon sought an update on the tender process for garbage collection.

Councillor Pouget sought an update from Traffic Committee on the three way stop on corner of North and Dalhousie.

Councillor Davies sought an update on Kingsbridge two way parking. Councillor Pillon will provide Traffic Committee decision to Councillor Davies directly.

## **NEW BUSINESS**

-The Mayor advised that the carpet in the Clerk's department is a health and safety hazard for staff and needs to be replaced.

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

**That Administration be directed to send out tenders for carpet and that it be included in the 2012 budget deliberations.**

It was noted that administration would be permitted to go ahead and obtain pricing and that it be replaced immediately and the cost allocated to the 2012 budget. There was discussion with regard to safety and moving forward.

The Mayor put the Motion.

**Motion Carried**

-The Mayor commented on past special Council meeting held on Boblo Island with the representative of the homeowners. He noted that there is an attempt to a better working relationship with Boblo as it is part of the Amherstburg community. He noted that there has been request for change of street signage to be similar to the signage in Town.

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

**That the item be considered in the 2012 budget deliberations.**

The Mayor put the Motion.

**Motion Carried**

## **REPORT FROM IN-CAMERA SESSION**

### **COUNCIL IN-CAMERA SESSION REPORT**

**During Closed Session of September 12, 2011**, Council would report the following:

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

- 2 Litigation/potential litigation matter which was heard under Section 239 (2) (e) of the Municipal Act and there is nothing further to report on this item.
- 1 Land Acquisition/Disposition matter which was heard under Section 239 (2) (c) of the Municipal Act and there is nothing further to report on this item.
- 2 matters which were heard under Section 239 (2) (g) –a matter under another Act and there is nothing further to report on these items.

In Camera Meeting Discussed: September 12, 2011  
Reporting Out Meeting: September 12, 2011

---

## NOTICES OF MOTION

Councillor Davies gave notice of a motion regarding a comprehensive economic trade agreement for consideration and discussion at the next regular meeting of Council.

## BY-LAWS

### 26.1 Sale of Surplus By-law

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That By-law 2011-82 being a By-law to establish procedures regarding the Sale of Surplus Real Property in the Town of Amherstburg 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**

### 26.2 Confirmatory By-law

Councillor Pillon moved, Deputy Mayor Sutherland seconded

**That By-law 2011-83 being a By-law to confirm all resolutions of the Municipal Council Meeting held on September 12, 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

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That Council rise and adjourn at 9:10 p.m.**

The Mayor put the Motion.

**Motion Carried**

---

MAYOR - WAYNE HURST

---

CLERK – BRENDA M. PERCY