

**TOWN OF AMHERSTBURG  
COUNCIL MEETING  
MONDAY, FEBRUARY 6, 2012  
7:00 PM**

Council Chambers  
271 Sandwich Street South Amherstburg, Ontario  
N9V 2A5

**MINUTES**

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**PRESENT**

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

**CALL TO ORDER**

The Mayor called the meeting to order at 6:20 p.m.

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

*(In-Camera agenda items)*

There were no disclosures of pecuniary interest.

**IN-CAMERA MEETING**

Councillor Sutton moved, Councillor Pillon seconded:

**That Council move into an In-Camera Meeting of Council at 6:20 p.m., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:**

- 1. Labour Relations/Employee Negotiations [ 239 (2d) ]**
  - ITEM A - IBEW Collective Agreement**
  - ITEM B - Fire Negotiations**
  - ITEM C - Personnel Issue**

The Mayor put the Motion.

**Motion Carried**

The Mayor asked if any member of Council had any questions or concerns about moving into closed session or about the exemptions applied. There were none.

## **ADJOURNMENT OF IN-CAMERA MEETING**

## **RESUMPTION OF REGULAR COUNCIL MEETING - 7:00 P.M.**

Council reconvened at 7:00 p.m.

## **PRAYER**

The Clerk said prayer.

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

*(Public Council Meeting agenda items)*

There were no disclosures of pecuniary interest.

## **MINUTES OF PREVIOUS MEETING**

### **Approval of Minutes**

Councillor Pouget questioned portion of the January 9, 2012 and January 23, 2012 confidential minutes. The Clerk noted that she would report back to Council on the matter. The confidential minutes of January 9, 2012 and January 23, 2012 will be held until such time as Administration reports back.

Councillor Sutton moved, Councillor Pillon 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:**

**Regular Council Meeting Minutes - January 23, 2012 @ 7:00 PM  
Special Council Meeting-Back Flow Prevention-January 23, 2012 @ 6:00 PM  
Special Council Meeting Minutes - January 30, 2012 @ 9:00 AM**

The Mayor put the Motion.

**Motion Carried Unanimously**

## DELEGATIONS

### 8.1 Artificial Water Fluoridation

- Kimberly DeYong
- Heather Gingerich, International Medical Geology Association
- Lorene Clayton
- Pat Andrews
- Christine Moody

The aforementioned individuals addressed Council with regard to their concerns of the inclusion of fluoridation in the Town's water supply.

Councillor Davies moved, Councillor Pillon seconded:

**That the delegations be received.**

The Mayor put the Motion.

**Motion Carried**

The Mayor noted that Council may wish to consider Councillor Davies Notice of Motion listed later on the agenda for consideration with the delegations.

Councillor Davies moved, Councillor Pouget seconded:

**That a moratorium be put on future purchase and installation of new municipal water fluoridation equipment and further purchase and use of fluoridation chemical known as hydrofluorosilicic acid (H<sub>2</sub>SiF<sub>6</sub>) containing silicofluoride;**

**And further that Administration be directed to request the government jurisdictions including Health Canada, the Ontario Ministries of Labour and Environment, evidence ensuring that the Town employees and any others working with the hydrofluorosilicic acid process are not put in harm's way, as required by the Ontario Health and Safety Act (1990).**

The Mayor put the Motion.

**Motion Carried Unanimously**

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

### **9.1 A report by Dean Collver regarding Centennial Park – Update**

Councillor DiPasquale moved, Councillor Sutton seconded:

**That Council receive the report for information.**

The Mayor put the Motion.

**Motion Carried**

### **9.2 A report by Dean Collver regarding Mould Abatement at Victoria Street Cultural Centre**

Councillor Sutton moved, Councillor DiPasquale seconded:

**That the report by Dean Collver, dated January 27, 2012, regarding the discovery and remediation of mould at the Victoria Street Cultural Centre be received;**

**And further that Council approve the recommended method for eliminating the mould from the building, including the demolition and reconstruct of the north and south walls, and the associated costs be recognized and absorbed within the Recreation and Culture Department's Capital Budget.**

The Mayor put the Motion.

**Motion Carried**

## **REPORTS - POLICE**

No reports at this time.

## **REPORTS - FIRE**

No reports at this time.

## **REPORTS - INFORMATION TECHNOLOGY**

### **12.1 A report by Dave Carpenter regarding Technology Use Policy 2012 Revision**

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

**That Council adopt the Technology Use Policy, as revised for 2012.**

The Mayor put the Motion.

**Motion Carried**

## **REPORTS - DEVELOPMENT SERVICES**

No reports at this time.

## **REPORTS - ENGINEERING AND INFRASTRUCTURE**

### **14.1 A report by Lou Zarlenga regarding the Bondy-Bastien Municipal Drain Notice from George and Mantoura Bousaba Request for Culvert Replacement**

Councillor DiPasquale moved, Councillor Pouget seconded:

**That Council receive the report from Lou Zarlenga dated January 10, 2012 concerning the Bondy-Bastien Municipal Drain and the notices from George and Mantoura Bousaba regarding the culvert being out of repair;**

**And further that Council approve the requests for drain repairs from George and Mantoura Bousaba and that maintenance work be undertaken to the Bondy-Bastien Drain consisting of replacing the existing culvert, pursuant to the dimensions and elevations provided in the current 1990 drainage report for this drain.**

The Mayor put the Motion.

**Motion Carried**

### **14.2 A report by Lou Zarlenga regarding the Laura Meloche Municipal Drain Notice from Loris Collavino Request for Drain Maintenance**

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

**That Council receive the report from Lou Zarlenga dated January 18, 2012 concerning the Laura Meloche Municipal Drain and the notices from Loris Collavino regarding the drain being out of repair;**

**And further that Council approve the requests for drain repairs from Loris Collavino and that maintenance work be undertaken to the Laura Meloche Municipal Drain consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current 1961 drainage report and schedule for this drain.**

The Mayor put the Motion.

**Motion Carried**

**14.3 A report by Lou Zarlenga regarding the Shuell Line Municipal Drain Notice from Margaret Knapp Request for Drain Maintenance**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That Council receive the report from Lou Zarlenga dated January 27, 2012 concerning the Shuell Line Municipal Drain and the notices from Margaret Knapp regarding the drain being out of repair;**

**And further that Council approve the requests for drain repairs from Margaret Knapp and that maintenance work be undertaken to the Shuell Line Municipal Drain consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current 1981 drainage report and schedule for this drain.**

The Mayor put the Motion.

**Motion Carried**

**14.4 A report by Lou Zarlenga regarding the 7th Line Municipal Drain Notice from Rodney Laramie Request for Drain Maintenance**

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

**That Council receive the report from Lou Zarlenga dated January 17, 2012 concerning the 7th Line Municipal Drain and the notices from Rodney Laramie regarding the drain being out of repair;**

**And further that Council approve the requests for drain repairs from Rodney Laramie and that maintenance work be undertaken to the 7<sup>th</sup> Line Municipal Drain consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current 1986 drainage report and schedule for this drain.**

The Mayor put the Motion.

**Motion Carried**

**REPORTS - CAO's OFFICE**

No reports at this time.

**REPORTS - TREASURY**

**16.1 A report by Paul Beneteau regarding Tax Arrears Extension Agreement for 7 Fryer Street, 3729.190.000.10500.0000**

Councillor Pouget moved, Councillor Sutton seconded:

**That Council receive the report regarding an extension agreement between the Town of Amherstburg and the owner of 7 Fryer Street, as submitted by the Treasurer;**

**That By-law 2012-12 being a By-law to authorize the execution of an amendment to a tax arrears extension agreement, pursuant to Section 378 of the Municipal Act, 2001, be taken as being read 3 times that the Mayor and Clerk be authorized to sign the same thereto;**

**And further that the Mayor and Clerk be authorized to enter into the extension agreement between the Town and the property owner, on behalf of the Town, with the terms outlined in the said agreement.**

The Mayor put the Motion.

**Motion Carried**

**16.2 A report by Paul Beneteau regarding Demand Loan from CIBC**

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

**That the report prepared by Paul Beneteau, Treasurer, regarding a demand loan from CIBC be received;**

**And further that By-law 2012-10 be read three times and that the Mayor and Clerk be authorized to sign the same thereto.**

The Mayor put the Motion.

**Motion Carried**

**REPORTS - HUMAN RESOURCES**

No reports at this time.

**REPORTS - CLERK'S**

**18.1 A report by Brenda Percy regarding Sale of 45 Lake Beach Road, Amherstburg**

Councillor DiPasquale moved, Councillor Pillon seconded:

**That the report by Brenda Percy dated January 30, 2012 regarding Sale of 45 Lake Beach Road, Amherstburg be received;**

**That Council accept the offer of \$4,000, plus all applicable costs for the surplus property located adjacent to 45 Lake Beach Road, Amherstburg;**

**And further that Administration be directed to proceed with the sale in accordance with the Town's Sale of Surplus Land Policy.**

The Mayor put the Motion.

**Motion Failed**

Councillor Sutton moved, Councillor Pouget seconded:

**That the report by Brenda Percy dated January 30, 2012 regarding Sale of 45 Lake Beach Road, Amherstburg be received;**

**That Council direct Administration to counter the purchase offer at \$6,000, plus all applicable costs for the surplus property located adjacent to 45 Lake Beach Road, Amherstburg.**

The Mayor put the Motion.

**Motion Failed**

Councillor Sutton asked for a recorded vote of the previous motion.

Councillor Davies moved, Councillor Pouget seconded:

**That the report by Brenda Percy dated January 30, 2012 regarding Sale of 45 Lake Beach Road, Amherstburg be received;**

**That Council direct Administration to contact the potential purchasers and ask that they provide a new offer on land located adjacent to 45 Lake Beach Road, Amherstburg and return to Council.**

The Mayor put the Motion.

**Motion Failed**

Council 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		

**Motion Carried**



## **CONSENT REPORTS**

### **19.1 Consent Reports**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the consent reports 1 to 3 be received.**

The Mayor put the Motion.

**Motion Carried**

Item 4 – Request from River Lights Winter Festival  
Councillor Sutton moved, Councillor Pillon seconded:

**That correspondence be sent to River Lights Festival advising that Council is in agreement with the organization's request.**

The Mayor put the Motion.

**Motion Carried**

Items 5 and 6  
Councillor Sutton moved, Councillor Pillon seconded:

**That consent reports 5 and 6 be received.**

The Mayor put the Motion.

**Motion Carried**

- 1. Accounts Payable listing**
- 2. Taxes Receivable 2011**
- 3. Administration Report - Ombudsman Investigation**
- 4. Request from River Lights Winter Festival**
- 5. Submission of Annual Summary Report for Amherstburg Water Treatment Plant**
- 6. Jeths Municipal Drain - Drain Update - Flooding Concerns**

## **CONSENT CORRESPONDENCE**

### **20.1 Consent Correspondence**

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

**That correspondence items 1 -4, and 7-9 be received.**

The Mayor put the Motion.

**Motion Carried**

1. **Notice of Poll - OGRA Board of Directors**
2. **Township of Carling Resolution**
3. **Windsor Essex Association for Volunteer Administration Volunteer Week**
4. **2012 OSUM Conference and Trade Show**
7. **Taras Natyshak Community Office Grand Opening**
8. **Ministry of Citizenship and Immigration - Newcomer Champion Awards**
9. **Request from Essex County regarding Help for Haiti**

**Item 5 - Greater Essex County District School Board (GECDSB) re: Centennial Park**  
Councillor Pouget asked that the matter be directed to budget session. It was noted that the item had already been referred to budget.

**Item 6 -Letter from Annette and Stewart Brown regarding Ouellette Drain**  
Councillor Pouget asked that Administration respond to the Brown's with regard to their questions on the Ouellette Drain before Council deals with the drain. Lou Zarlenga advised that he would look into the matter and contact the Brown's.

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That correspondence items 5 and 6 be received and that Administration be directed to contact the Brown's with regard to consent item 6 and report back to Council on the matter.**

The Mayor put the Motion.

**Motion Carried**

## **CONSENT OTHER MINUTES**

### **21.1 Consent Other Minutes**

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

**That the minutes be received:**

1. **Property Standards Committee Minutes - December 8, 2011**
2. **Amherstburg Accessibility Advisory Committee - November 24, 2011**
3. **Heritage Committee Minutes - December 15, 2011**
4. **Co -An Park Committee Minutes - November 1, 2011**

The Mayor put the Motion.

**Motion Carried**

## **CORRESPONDENCE**

### **22.1 Correspondence # 1 - Request from Girl Guides of Canada regarding Proclamation of Guide-Scout Week February 19-26, 2012**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That the correspondence from the Girl Guides of Canada be received;**

**And further that Council proclaim the week of February 19-26, 2012 as Guide-Scout Week.**

The Mayor put the Motion.

**Motion Carried**

The Mayor read the proclamation.

## **OTHER MINUTES**

### **23.1 Traffic Committee Minutes from the Meeting of November 16, 2011**

Councillor Pillon moved, Councillor Pouget seconded:

**That Council concur with the Traffic Committee's recommendation to have the Amherstburg Police Service conduct additional enforcement on Dalhousie Street from Pickering Drive to Lowes Side Road.**

The Mayor put the Motion.

**Motion Carried**

## **UNFINISHED BUSINESS**

Unfinished Business items as of February 6, 2012

Councillor DiPasquale sought an update on the status of the flood report. Lou Zarlenga advised various options still being reviewed and would estimate return of report within next three to four months.

Councillor Pouget sought an update on the broadband service to Boblo Island. Administration to report back on the status of the project at the next Council meeting.

Councillor DiPasquale sought an update on the smoke by-law. Stephen Brown noted that the building department is currently working on the by-law..

## **NEW BUSINESS**

Deputy Mayor Sutherland apologized for comments made in the media recently and indicated that it was not his intent to offend anyone and if so, he wished to apologize.

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

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

**During Closed Session of February 6, 2012**, Council would report the following:

Council discussed three (3) matters pursuant to Section 239 of the Municipal Act, 2001, as amended, including:

- Matter relating to IBEW Collective Agreement
- Matter relating to Fire Negotiations
- Matter relating to a Personnel Issue

There is nothing further to report at this time.

In Camera Meeting Discussed:	February 6, 2011
Reporting Out Meeting:	February 6, 2011

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## **NOTICES OF MOTION**

### **27.1 Councillor Davies - Fluoridation of Town Water Supply** *(As introduced at the January 23, 2012 Meeting)*

As dealt with above.

Councillor Davies introduced a Notice of Motion with regard to repealing the current Heritage Rebate By-law and to direct Administration to draft a proposal for a new By-law, in conjunction with the Heritage Committee. The item will be added to the next Council meeting agenda for discussion and voting.

**BY-LAWS**

**28.1 Confirmatory By-law**

Councillor Sutton moved, Councillor DiPasquale seconded:

**That By-law 2012-13 being a By-law to confirm all resolutions of the Municipal Council Meetings held on January 24th, 30th and February 6th, 2012 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 Davies seconded:

**That Council rise and adjourn at 8:35 p.m.**

The Mayor put the Motion.

**Motion Carried**

  
\_\_\_\_\_  
MAYOR - WAYNE HURST

  
\_\_\_\_\_  
CLERK - BRENDA M. PERCY

