

**TOWN OF AMHERSTBURG  
COUNCIL MEETING  
MONDAY, FEBRUARY 21, 2012  
7:00 PM**

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

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**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 7:00 p.m.

**PRAYER**

Brenda Percy, Clerk said prayer.

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

Councillor Pouget declared a conflict of interest with regard to Item 10 - A report by Stephen Brown regarding 51 North Street - By-law 2012-11 (to designate).

**MINUTES OF PREVIOUS MEETING**

**Approval of Minutes**

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:**

1. **In-Camera Council Meeting - January 9, 2012**
2. **In-Camera Council Meeting - January 23, 2012**
3. **Regular Council Meeting - February 6, 2012**
4. **Special Council Meeting - Budget - February 7, 2012**
5. **Special Council Meeting - Budget - February 13, 2012 @ 9 a.m.**
6. **Special Council Meeting - Budget - February 13, 2012 @ 6 p.m.**
7. **Special Council Meeting-Closed Meeting Training-February 13, 2012**

It was noted that the In Camera minutes of February 13, 2012 will be brought to the next meeting of Council.

The Mayor put the Motion.

**Motion Carried**

## **DELEGATIONS**

### **5.1 Jennifer MacLellan, Nutrition Month 2012 in Amherstburg**

Jennifer MacLellan, Windsor Essex County Health Unit presented a PowerPoint presentation on nutrition and asked that Council declare March, 2012 as Nutrition Month in Amherstburg.

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the delegation be received and that March 2012 be proclaimed as Nutrition Month in the Town of Amherstburg.**

The Mayor put the Motion.

**Motion Carried**

The Mayor announced that March is Nutrition month in Amherstburg.

The Clerk stated that the Tom Porter, Town Solicitor is present and would ask that Council consider bringing forward Item 14.1 for consideration.

Councillor Sutton moved, Councillor Pillon seconded:

**That report Item 14.1 being a report regarding Extension of Contract for Joe Levack be brought forward.**

The Mayor put the Motion.

**Motion Carried Unanimously**

Tom Porter indicated that the matter included on the public agenda includes personal information about an identifiable individual, and also contractual negotiations. He noted that

the matter should properly be dealt with in a closed session. Mr. Porter explained that Council may place itself in legal jeopardy if the item was not considered in a non-public session. He explained that he could provide further solicitor advice with regard to potential litigation that could arise in a closed session. He strongly encouraged Council to consider the item in a closed session and any action would be taken in public session. There was discussion with regard to moving into closed session.

Councillor Sutton moved, Councillor Pillon seconded:

**That Council move into an In-Camera Meeting of Council pursuant to Section 239 (2) of the Municipal Act, 2001, as amended under exceptions:**

- (b) personal matters about an identifiable individual, including municipal or local board employees;**
- (d) labour relations or employee negotiations;**
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;**

The Mayor put the Motion.

**Motion Carried**

Council moved to In Camera session at 7:27 p.m.

Council reconvened at 7:49 p.m.

**14.1 A report by Carol Bendo regarding Extension of Contract for Joe Levack, Acting CAO**

Councillor Sutton moved, Councillor Pillon seconded:

**That Administration be directed to begin an internal and external search for the position of Acting CAO;**

**That the matter be done as expeditiously as possible;**

**That in the interim, Joe Levack's contract be extended;**

**And further that should the Town be successful in its search, Joe Levack's contract be terminated on the date that the candidate is hired as Acting CAO.**

The Mayor put the Motion.

**Motion Carried Unanimously**

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

### **6.1 A report by Dean Collver regarding Amherstburg Farmers Market Pilot Project**

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

**That the report from Dean Collver, Director of Recreation and Culture, dated February 9, 2012 regarding the Amherstburg Farmers Market (AFM) Pilot Project be received;**

**And further that Council approve the closure of Ramsay Street and the Municipal Parking Lot (Parking Lot M-7 as per By-law No. 2011-69) at the corner of Richmond Street and Ramsay Street. These closures are in support of an initiative of the Amherstburg Farmers' Market to practically research an alternative site on the two occasions of June 10th and July 8th during the summer of 2012.**

There was discussion with regard to the market location and dates. Dean Collver advised that Administration would return after the second test date with a report outlining the feasibility of Saturday operation.

The Mayor put the Motion.

**Motion Carried Unanimously**

## **REPORTS - POLICE**

No reports at this time.

## **REPORTS - FIRE**

No reports at this time.

## **REPORTS - INFORMATION TECHNOLOGY**

### **9.1 A report by Dave Carpenter regarding Time & Attendance Management System**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That the report submitted by Dave Carpenter, dated February 21, 2012 regarding the Time & Attendance Management System be received;**

**And further that Council award the contract to Time Clock Plus to supply a Time & Attendance Management System in the amount of \$37,450.00, plus applicable taxes.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**REPORTS - DEVELOPMENT SERVICES**

**10.1 A report by Stephen Brown regarding 51 North Street - By-law 2012-11 (to designate)**

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

Councillor DiPasquale moved, Councillor Davies seconded:

**That Council receive the report by Stephen Brown regarding 51 North Street – By-law 2012-11 (to designate);**

**And further that By-law 2012-11 being a By-law to designate the property at 51 North Street, and known as the Clement Parlette House as being of architectural and cultural heritage value or interest, be taken as being read three times and the Mayor and Clerk be authorized to sign the same thereto.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**REPORTS - ENGINEERING AND INFRASTRUCTURE**

**11.1 A report by Lou Zarlenga regarding the Malden Centre Drain Project Tender Results**

Councillor Pillon moved, Councillor Davies seconded:

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

**And further that Council award the contract to the lowest bidder, being SLR Contracting Group Inc., for the Malden Centre Drain Project.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**11.2 A report by Lou Zarlenga regarding the Shuell Creek Municipal Drain Project Tender Results**

Councillor Sutton moved, Councillor Davies seconded:

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

**And further that Council award the contract to the lowest bidder, being Rivard Excavating Ltd., for the Shuell Creek Drain Project in the amount of \$ 32,421.60 (plus HST).**

The Mayor put the Motion.

**Motion Carried Unanimously**

**REPORTS - CAO's OFFICE**

No reports at this time.

**REPORTS – TREASURY**

**13.1 A report by Paul Beneteau regarding 2012 Budget Approval**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That Council receive the report prepared by the Treasurer, with respect to the 2012 General Tax Rate Budget;**

**That Council adopt the 2012 General Rated Budget of \$22,702,834;**

**And further, that the rates be approved as shown on Schedule “A”.**

There was discussion with regard to the final 2012 budget. Councillor Pillon indicated that he wished to see more good news stories in the paper and asked that Administration consider including in the weekly insert to the River Town Times.

The Mayor put the Motion.

**Motion Carried**

**REPORTS - HUMAN RESOURCES**

**14.1 A report by Carol Bendo regarding Extension of Contract for Joe Levack,  
Acting CAO**

*As dealt with above.*

**REPORTS - CLERK'S**

No reports at this time.

## **CONSENT REPORTS**

### **16.1 Consent Reports**

Councillor Sutton moved, Councillor Pillon seconded:

**That the consent reports be received.**

- 1. Rural Connections Broadband Program Project – Update**
- 2. Accounts Payable Listing-January 28, 2012-February 10, 2012**
- 3. Website Comments with regard to 2012 Proposed Budget**
- 4. Ontario Municipal Board Decision - 3554 Concession 3 North**

There was discussion with regard to Item 1 and extension.

The Mayor put the Motion.

**Motion Carried**

## **CONSENT CORRESPONDENCE**

### **17.1 Consent Correspondence**

Councillor Sutton moved, Councillor Pillon seconded:

**That the consent reports 1 to 8 and 10 be received.**

The Mayor put the Motion.

**Motion Carried**

- 1. Township of Pelee - Resolution of CAO on the Essex Fire Training Centre**
- 2. Association of Ontario Road Supervisors**
- 3. Gibson Gallery letter to the Mayor**
- 4. Lincoln M. Alexander Award 2012**
- 5. ERCA Thank you letter to Mayor and Council**
- 6. Invitation to Canspell 2012 National Spelling Bee**
- 7. Town of Halton Hills - Resolution Ontario MPP Introduces Private members bill to Pave Highway Shoulders**
- 8. Moratorium - Industrial Wind Turbine**
- 10. Letter from Acting CAO, Joe Levack regarding January 21 motion - Centennial Park**

**Item # 9. GECSDB letter to Mayor & Councillors regarding Centennial Park**

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

**That Administration send correspondence to the Greater Essex County District School Board requesting that they meet with the Town regarding what the School Boards understanding is concerning the track and field and tennis courts and their understanding of that contract.**

There was discussion with regard to the previous resolution passed by Council.

The Mayor put the Motion.

**Motion Failed**

Councillor Sutton moved, Councillor Pillon seconded:

**That the consent report Item 9 be received.**

The Mayor put the Motion.

**Motion Carried**

**CONSENT OTHER MINUTES**

**18.1 Consent Other Minutes**

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**That the minutes be received.**

**1. Amherstburg Parks Advisory Committee - December 6, 2011**

The Mayor put the Motion.

**Motion Carried**

**CORRESPONDENCE**

**19.1 Correspondence # 1 - Request from Dietitians of Canada regarding Proclamation of March as Nutrition Month**

*As included with Delegation above.*



**19.2 Correspondence # 2 - Request from Ontario 9-1-1 Advisory Board regarding financial assistance**

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

**That Council receive the correspondence from Ontario 9-1-1 Advisory Board;**

**And further that based on a per capita formula, Council approve a donation of not more than \$70.00 to the 9-1-1 Advisory Board.**

The Mayor put the Motion.

**Motion Carried**

**19.3 Correspondence # 3 - Request from Heritage Committee Chair, John McDonald regarding Heritage Designation of 219 Dalhousie Street, Amherstburg**

Councillor Davies moved the motion to receive and support the letter be written but there was no seconder on the motion.

Councillor Sutton moved, Councillor Pillon seconded:

**That the correspondence from Heritage Committee Chair, John McDonald be received.**

The Mayor put the Motion.

**Motion Carried**

**UNFINISHED BUSINESS**

Unfinished Business items as of February 21, 2012

Councillor Pouget commented on complaints she has received with regard to the cemetery and its condition. She also referred to the open house held on September 13, 2011 by John St. Aubin, General Manager of the Western Region – Catholic Cemeteries, Diocese of London. There was discussion with regard to a meeting held with Mr. St. Aubin and the Mayor and plans. The Mayor noted he would contact Mr. Aubin to with Council comments and that he would encourage a meeting with the public once the weather is conducive to see some of the changes.

Councillor Davies asked that the road construction of Texas Road, County Road 6 and Kingsbridge Park be added to the Unfinished Business list for tracking.

Councillor DiPasquale asked that the Municipal Performance Measures Program (MPMP) reports be added to Unfinished Business list. Councillor DiPasquale asked that Administration provide a Council report on the status of those reports.

## **NEW BUSINESS**

There was none.

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

There was none.

## **NOTICES OF MOTION**

### **23.1 Councillor Davies - Repeal of Heritage Rebate By-law** *(As introduced at the February 6, 2012 Meeting)*

Councillor Davies moved, Councillor Pouget seconded:

**That Council direct Administration to bring back a report on the legal process in preparation to repeal the current Heritage Rebate By-law 2006-18;**

**And further that Administration address the process for Council, in conjunction with the Heritage Committee, in order to create a new By-law that would incorporate the future realities of awarding funding to designated & qualifying properties and homes in the proposed new heritage district, designated properties outside of that district, and future proposed districts that would be subject to a fixed municipal budgetary formula.**

There was lengthy discussion with regard to the By-law, program and intent of the motion.

The Mayor put the Motion.

**Motion Carried**

Deputy Mayor Sutherland referred to a previous Notice of Motion repealing the tax heritage rebate on the Salmoni Building and noted that he wishes to withdraw that Notice of Motion.

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

**That documentation be sent to Sean Fraser, Manager of Acquisitions and Conservation and Paul King, Advisor, Cultural Services, Ministry of Tourism and Culture and that their advice on the motion be sought.**

The Mayor put the Motion.

**Motion Carried**

## **BY-LAWS**

### **24.1 Morgan Drain Main and South Branch Drain By-law**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That By-law 2011-102 being a By-law to provide for the Repair and Improvement of the Morgan Drain Main and South Branch based on the Drainage Report received under section 78 of the Drainage Act be read a THIRD time and finally passed and the Mayor and Clerk be authorized to sign same thereto.**

The Mayor put the Motion.

**Motion Carried**

### **24.2 I.B.E.W. Local 636 Amending By-law**

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

**That By-law 2012-14 being a Bylaw to Amend By-law 2011-71, a By-law to authorize the execution of an agreement with I.B.E.W. Local 636 representing the inside and outside Employees of the said 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**

### **24.3 Amherstburg Professional Firefighters Association By-law**

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

**That By-law 2012-15 being a By-law to authorize the execution of an agreement with Amherstburg Professional Firefighters Association 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**

**24.4 Confirmatory By-law**

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

**That By-law 2012-16 being a By-law to confirm all resolutions of the Municipal Council Meeting held on February 7th, 13th and 21st, 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**

Councillor Davies noted that this information is being brought forward from the Recreation and Culture Committee. The Committee wished to explore the pulse of the stakeholders of interest supports the creation of an independent Arts Council. A call is being put out to interested individuals and groups who want to participate in discussing the concept of an Arts Council.

Councillor Davies moved, Deputy Mayor Sutherland seconded:

**That an advertisement be placed for interested parties to form an Arts Council and attend a special meeting to take place prior to the end of March.**

The Mayor put the Motion.

**Motion Carried**

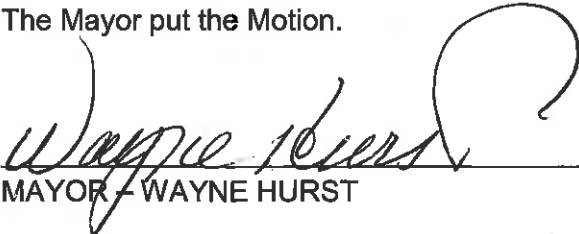
**ADJOURNMENT**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That Council rise and adjourn at 9:15 p.m.**

The Mayor put the Motion.

**Motion Carried**

  
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MAYOR - WAYNE HURST

  
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CLERK - BRENDA M. PERCY