

**TOWN OF AMHERSTBURG
COUNCIL MEETING
Monday, June 25, 2012
7:00 p.m.**

Council Chambers, 271 Sandwich Street South Amherstburg

MINUTES

PRESENT

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

Kristina Pozar Di Paolo, Acting CAO
Brenda Percy, Clerk

CALL TO ORDER

The Mayor called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF
(In-Camera agenda items)

There were no disclosures of pecuniary interest.

SPECIAL IN-CAMERA MEETING

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That Council move into an In-Camera Meeting of Council at 5:00 p.m., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:

ITEM A – Discussions regarding Amherstburg Waste Water Treatment Plant (AWWTP) - 239 (2) (f) - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose

The Mayor put the Motion.

Motion Carried

ADJOURNMENT OF IN-CAMERA MEETING

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

Father Bill Strang with Christ Church Amherstburg said prayer.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF
(Public Council Meeting agenda items)

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

MINUTES OF PREVIOUS MEETING

Approval of Minutes

Deputy Mayor Sutherland 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. Special Council Meeting Minutes – Planning – June 7, 2012**
- 2. Regular Council Meeting Minutes – June 11, 2012**

The Mayor put the Motion.

Motion Carried Unanimously

Councillor Pillon moved, Councillor Sutton seconded:

That Presentation Item 10.2 be brought forward.

The Mayor put the Motion.

Motion Carried

- 10.2 Presentation of Wall Mural from Students of St. Thomas of Villanova to Town of Amherstburg**
- Lisa Bastien, Teacher**
 - Chad Milne**
 - Sabrina Levack**
 - Dallas Mahaney**
 - Cori Tremblay**
 - Kelly Schoenberger**

Ms. Bastien and students of Villanova High School presented a wall mural to the Town of Amherstburg. The mural has been permanently located outside of Mayor's office /CAO/Clerk's office in Town Hall.

Councillor Sutton moved, Councillor Davies seconded:

That the presentation be received.

The Mayor put the Motion.

Motion Carried Unanimously

DELEGATIONS

9.1 John Toth, United Way – A thank you and Introduction to 2012 Kick-off

Councillor Sutton declared an indirect conflict of interest and withdrew from discussion and voting on the matter.

John Toth and Penny Meritt, United Way presented PowerPoint presentation with regard to the 2012 United Way Campaign.

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

That the delegation be received and that Administration be directed to arrange the mounting of temporary signs in strategic locations in Amherstburg, as requested by United Way representatives.

The Mayor put the Motion.

Motion Carried

9.2 Jody Goslin, Market Manager – Amherstburg Farmer's Market

Jody Goslin, Market Manager provided a presentation with regard to Amherstburg Farmer's Market.

Councillor DiPasquale moved, Councillor Sutton seconded:

That the delegation be received.

The Mayor put the Motion.

Motion Carried

PRESENTATIONS

- 10.1 **Kathy Jubenville, Branch Manager, Scotia Bank Amherstburg and David McLeod, Associate Director Branch Manager, ScotiaMcLeod - \$20,000 Cheque Presentation for Roots to Boots BiCentennial to Anne Rota and Robert Honor, 1812 Alive Chair**

Kathy Jubenville, Branch Manager, Scotia Bank Amherstburg and David McLeod, Associate Director Branch Manager, ScotiaMcLeod presented a \$20,000 Cheque for Roots to Boots BiCentennial.

Councillor Sutton moved, Councillor Pillon seconded:

That the presentation be received.

The Mayor put the Motion.

Motion Carried

- 10.2 **Presentation of Wall Mural from Students of St. Thomas of Villanova to Town of Amherstburg**

As dealt with above.

REPORTS - RECREATION/CULTURE/PARKS

- 11.1 **Tender Results and Recommendation for Replacement of HVAC System for Town Hall & Public Works**

Councillor DiPasquale moved, Councillor Pouget seconded:

That the report by Tony DeThomasis dated June 5, 2012 regarding Tender Results and Recommendation for Replacement of HVAC System be received;

And further that Council award the Tender for the Replacement of HVAC System for Town Hall and Public Works as approved in the 2012 Capital Budget to the lowest bidder, being Fahrhall Mechanical Contractors Limited, 3822 Sandwich St. Windsor, Ontario, N9C 1C1.

The Mayor put the Motion.

Motion Carried

11.2 Support for newly formed Amherstburg Skatepark Association

Councillor Sutton moved, Councillor Pouget seconded:

That the report by Dean Collver dated June 14, 2012 regarding the formation of an organization of residents dedicated to maintaining the Skateboard Park be received;

That Council agree to waive the permit fees associated with the use of the park on July 21, 2012 for a proposed fundraising event;

And further that Council support the fundraising event by directing Administration to provide funds to help offset the cost of insurance needed for the fundraising event, to be capped at no more than \$500.00.

The Mayor put the Motion.

Motion Carried Unanimously

11.3 Committee Vacancy - Amherstburg Parks Advisory Committee

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

That the report by Annette Zahaluk dated June 8, 2012 regarding a Committee vacancy be received;

That Administration proceed to fill the member vacancy by advertising for applications in the local media and on the Town website;

And further that the Committee identify suitable candidates from the applications for Council consideration and appointment.

The Mayor put the Motion.

Motion Carried

REPORTS – POLICE

12.1 Safer Communities - 1000 Officer's Partnership Program

Councillor Sutton moved, Councillor DiPasquale seconded:

That the report submitted by Police Chief Tim Berthiaume, dated June 19, 2012, regarding an Agreement with respect to "Safer Communities - 1000 Officer's Partnership Program" be received;

And further that By-law 2012-58 being a By-law authorizing the execution of an

Agreement between the Town of Amherstburg, the Ministry of Community Safety and Correctional Services and Amherstburg Police Services Board with respect to the "Safer Communities - 1000 Officer's Partnership Program" 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

REPORTS – FIRE

No reports at this time.

REPORTS - INFORMATION TECHNOLOGY

14.1 Rural Connections Broadband Service Development Agreement Amendments

Councillor Pillon moved, Councillor DiPasquale seconded:

That the report by Dave Carpenter, dated June 13, 2012 regarding the Rural Broadband Rural Connections Broadband Service Development Agreement Amendments be received;

That Council accept Administrations recommendation to approve the amended contract with Xplornet Broadband Inc;

And further that By-law 2012-53 being a By-law authorizing the execution of a Contracted Service Agreement between the Corporation of the Town of Amherstburg and Xplornet Broadband Inc. be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same thereto, as amended.

Councillor Pouget asked that the name of the By-law be amended to include "located on Boblo Island". The Clerk confirmed that the By-law would be amended to include same.

The Mayor put the Motion.

Motion Carried

14.2 **Transfer from Reserve – Records Retention**

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

That the report by Dave Carpenter dated June 18, 2012 regarding Transfer from Records Retention reserve be received;

And further that Administration be authorized to transfer \$ 5,531.35 from the Records Retention reserve account to pay for the costs associated with the Laserfiche records management module upgrade.

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS - DEVELOPMENT SERVICES

15.1 **Application for Variance to Sign By-Law – Wesley United Church 365 Sandwich St S**

Councillor Pillon moved, Councillor Davies seconded:

That the report by Stephen Brown, regarding the approval of a variance from Sign By-law 2006-26, to the applicant, Little Buddies' Preschool to place a ground sign at 365 Sandwich St S.;

And further that the encroachment agreements be entered into between Wesley United Church and the Town to allow the proposed sign and the existing signs to be partially permitted to be located on Town property.

The Mayor put the Motion.

Motion Carried

15.2 **Proposed Nuisance Smoke By-law as it relates to solid fuel burning appliances (wood stoves and fireplaces)**

Councillor Sutton moved, Councillor Davies seconded:

That the report by Stephen Brown, dated June 18, 2012, concerning the smoke emission originating from solid fuel burning appliances such as wood stoves and fireplaces be received;

And further that Measure 3 be forwarded to the Town Solicitor for comment on the enforceability of the By-law prior to proceeding with any public

meetings and any potential issues found that would affect successful prosecution.

The Mayor put the Motion.

Motion Carried Unanimously

The Clerk advised that Items 15.3 and 15.4 would be considered in reverse order.

15.4 Amending Development Agreement – 681 Front Road South

Councillor Sutton moved, Councillor Pillon seconded:

That the report by Lory Bratt dated June 18, 2012 regarding an amending Development Agreement for 681 Front Road South be received;

That Council approve the Site Plan and Amending Development Agreement for a parking lot expansion;

And further that By-law 2012-50 being a by-law to authorize the execution of an Amending Development Agreement with 2080776 Ontario Inc. be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same.

The Mayor put the Motion.

Motion Carried Unanimously

15.3 Removal of Holding Zone – 681 Front Road South

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That the report by Lory Bratt dated June 14, 2012 regarding the removal of a Holding Zone for Concession 1, Part Lot 5, RP 12R-13364, Part of Part 1 be received;

That Council approve the application from Malden Properties Inc. for the removal of the Holding Zone for property at Concession 1, Part Lot 5, RP 12R-13364, Part of Part 1;

And further that By-law 2012-51 being a by-law to amend Zoning By-law 1999-52, as amended be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same.

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS - ENGINEERING AND INFRASTRUCTURE

16.1 Dufour Municipal Drain – Request for New Access Culvert From Chris and Elaine Mannina

Councillor DiPasquale moved, Councillor Pouget seconded:

That Council receive the report from Lou Zarlenga regarding a request for new access culvert over the Dufour Municipal Drain;

That Council accept the request from Chris and Elaine Mannina for new access culvert over the Dufour Municipal Drain as per section 78 of the Drainage Act;

That Council appoint a Drainage Engineer pursuant to the provisions of the Drainage Act for the repair and improvement of the Dufour Municipal Drain;

And further that Mr. Tim Oliver, P.Eng. from the firm of Dillon Consulting Inc. be appointed for the purpose of preparing an engineer's report including plans and profile for the Dufour Municipal Drain

The Mayor put the Motion.

Motion Carried Unanimously

16.2 8th Concession Road Municipal Drain South – Request for Replacement of an Existing Culvert From Alan Quesnel

Councillor Pillon moved, Councillor Davies seconded:

That Council receive the report from Lou Zarlenga dated May 31, 2012 regarding a request for replacement of existing culvert over the 8th Concession Road Municipal Drain South;

And that Council accept the request from Alan Quesnel for the replacement of an existing culvert over the 8th Concession Road Municipal Drain South as per section 78 of the Drainage Act;

And further Council appoint Rood Engineering Inc. for the purpose of preparing an engineer's report including plans and profile for the 8th Concession Road Municipal Drain South.

The Mayor put the Motion.

Motion Carried

16.3 **Anderson Municipal Drain – Request for Replacement of an Existing Culvert From Doug Laramie**

Councillor Sutton moved, Councillor Davies seconded:

That Council receive the report from Lou Zarlenga dated June 1, 2012 regarding a request for replacement of existing culvert over the Anderson Municipal Drain;

That Council accept the request from Doug Laramie for the replacement of an existing culvert over the Anderson Municipal Drain as per section 78 of the Drainage Act;

And further that Crozier Baird Engineers be appointed for the purpose of preparing an engineer's report including plans and profile for the Anderson Municipal Drain.

The Mayor put the Motion.

Motion Carried Unanimously

16.4 **Pigeon Municipal Drain Notice from Mary Coyle and Helen Morencie Request for Drain Maintenance**

Councillor DiPasquale moved, Councillor Pouget seconded:

That Council receive the report from Lou Zarlenga dated June 1, 2012 concerning the Pigeon Municipal Drain and the notice from Mary Coyle and Helen Morencie regarding the drain being out of repair;

And further that Council approve the request for drain repairs from Mary Coyle and Helen Morencie and that maintenance work be undertaken to the Pigeon Municipal Drain consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current 1982 drainage report.

The Mayor put the Motion.

Motion Carried Unanimously

16.5 **Collison Municipal Drain Notice from Ronald and Sandra Marontate Request for Drain Maintenance**

Councillor Pillon moved, Councillor Pouget seconded:

That Council receive the report from Lou Zarlenga dated June 1, 2012 concerning the Collison Municipal Drain and the notice from Ronald and Sandra Marontate regarding the drain being out of repair;

And further that Council approve the request for drain repairs from Ronald and Sandra Marontate and that maintenance work be undertaken to the Collison Municipal Drain consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current 1981 drainage report prepared by Nick Peralta, P. Eng.

The Mayor put the Motion.

Motion Carried Unanimously

16.6 Petition for Drainage Works Notice from Stephen & Shirley Patrick and George & Yolanda Deneau - Request for Improvement for Lot 26, Conc 3

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That Council receive the report from Lou Zarlenga dated June 12, 2012 concerning the petition for drainage works submitted by Stephen & Shirley Patrick and George & Yolanda Deneau for drainage improvements to the Big Creek for Lot 26, Concession 3 as per section 4 of the Drainage Act;

That Council direct Administration to notify the following of Council's decision to proceed with the project pursuant to Section 5 of the Drainage Act:

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

That Council direct 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 direct Administration to hire Rood Engineering to prepare a cost benefit statement for the Big Creek Drainage Works pursuant to Section 7 of the Drainage Act and that the cost benefit statement be provided and reviewed with the petitioners prior to appointing the engineer for this project.

The Mayor put the Motion.

Motion Carried Unanimously

16.7 **Meloche Sideroad Watermain Installation From the Arena Entrance Road to Lowes Sideroad Tender Results and Recommendations**

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

That the report by Lou Zarlenga dated June 12, 2012 regarding the Meloche Sideroad Watermain Installation from the Arena Entrance Road to Lowes Sideroad Tender Results and Recommendations be received;

And further that Council accept the Consulting Engineer's recommendation to award the contract to the lowest bidder, being D'Amore Construction (2000) Ltd., for the amount of \$258,714.00 plus HST for the Meloche Sideroad Watermain Installation project from the Arena Entrance Road to Lowes Sideroad.

The Mayor put the Motion.

Motion Carried Unanimously

16.8 **6th Concession North Road Resurfacing From County Road 8 to County Road 10 Tender Results and Recommendations**

Councillor Pouget moved, Councillor Sutton seconded:

That the report by Lou Zarlenga dated May 30, 2012 regarding 6th Concession North Road Resurfacing from County Road 8 to County Road 10 Tender Results and Recommendations be received;

And further that Council accept the Consulting Engineer's recommendation to award the contract to the lowest bidder, being Coco Paving, for the amount of \$989,342.00 plus HST for the 6th Concession North Road Resurfacing from County Road 8 to County Road 10 pending the pre-approval of funds in the 2013 Capital Budget.

The Mayor put the Motion.

Motion Carried Unanimously

16.9 **North Sideroad Watermain Installation From Concession 4 to Concession 5 Tender Results and Recommendations**

Councillor Pillon moved, Councillor Sutton seconded:

That the report by Lou Zarlenga dated June 12, 2012 regarding the North Sideroad Watermain Installation from Concession 4 to Concession 5 Tender Results and Recommendations be received;

And further that Council accept the Consulting Engineer's recommendation to award the contract to the lowest bidder, being Jeff Shepley Excavating Ltd., for the amount of \$207,655.00 plus HST for the North Sideroad Watermain Installation project from Concession 4 to Concession 5.

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS - CAO's OFFICE

No reports at this time.

REPORTS - TREASURY

18.1 Tax Write-Offs and Assessment Changes

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the report by Treasurer Paul Beneteau dated June 4, 2012 regarding Tax Write-Offs and Assessment Changes be received;

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

And further, that By-Law 2012-48, being a bylaw 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 Unanimously

18.2 2011 Federal Gas Tax Results

Councillor Pouget moved, Councillor Sutton seconded:

That the report prepared by Ivano Fregonese, Supervisor of Budget Services dated June 13, 2012 regarding the "2011 Federal Gas Tax Results" be received;

And further that Council approve the Gas tax grant allocation changes described in this report.

The Mayor put the Motion.

Motion Carried Unanimously

18.3 **Infrastructure Ontario Application for a Debenture Related to South Sideroad Watermain Local Improvement**

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That the report by Ivano Fregonese dated June 15, 2012 regarding “Infrastructure Ontario Application for a Debenture related to South Sideroad Watermain Local Improvement” be received;

And further that By-law 2012-54, being a by-law authorizing the application to Infrastructure Ontario to borrow money by way of a debenture to meet expenditures made in connection with South Sideroad watermain project be read a first, second and third time and be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

The Mayor put the Motion.

Motion Carried Unanimously

18.4 **Infrastructure Ontario Application for a Debenture Related to Drain Local Improvements**

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

That the report by Ivano Fregonese dated June 15, 2012 regarding “Infrastructure Ontario Application for a Debenture Related to Drain Local Improvements” be received;

And further that By-law 2012-55, being a by-law authorizing the application to Infrastructure Ontario to borrow money by way of a debenture to meet expenditures made in connection with drain improvement projects be read a first, second and third time and be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

The Mayor put the Motion.

Motion Carried Unanimously

18.5 **Infrastructure Ontario Application for a Debenture Related to Simcoe Sanitary Sewer Local Improvement**

Councillor Sutton moved, Councillor Pouget seconded:

That the report by Ivano Fregonese dated June 15, 2012 regarding “Infrastructure Ontario Application for a Debenture Related to Simcoe Sanitary Sewer Local Improvement” be received;

And further that By-law 2012-56, being a by-law authorizing the application to

Infrastructure Ontario to borrow money by way of a debenture to meet expenditures made in connection with the Simcoe Sanitary Sewer projects be read a first, second and third time and be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

The Mayor put the Motion.

Motion Carried

18.6 Infrastructure Ontario Application for a Debenture Related to 9th Concession Watermain Local Improvement

Councillor Pouget moved, Councillor Davies seconded:

That the report by Ivano Fregonese dated June 15, 2012 regarding “Infrastructure Ontario Application for a Debentures related to 9th Concession Watermain Local Improvement” be received;

And further that By-law 2012-57, being a by-law authorizing the application to Infrastructure Ontario to borrow money by way of a debenture to meet expenditures made in connection with 9th Concession project be read a first, second and third time and be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS - HUMAN RESOURCES

No reports at this time.

REPORTS - CLERK'S

No reports at this time.

CONSENT REPORTS

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the consent report be received.

- 1. Yard Waste Collection Program Council Update for May 2012**
- 2. Accounts Payable – May 1 – 31, 2012**

The Mayor put the Motion.

Motion Carried Unanimously

CONSENT CORRESPONDENCE

Councillor Sutton moved, Councillor Pouget seconded:

That correspondence Items 1 to 9, excluding 7 be received.

The Mayor put the Motion.

Motion Carried Unanimously

1. **Invitation, Sunday Worship, August 5th, 2012 – Father Bill Strang, Christ Church Amherstburg**
2. **Thank you letter – Verdi Club**
3. **Fisheries and Oceans Canada – Proposed Recovery Strategy for Pugnose Shiner**
4. **Town of Minto – Source Water Protection Program**
5. **Thank you letter - Teachers of English as a Second Language**
6. **Thank you letter – Muscular Dystrophy Canada**
7. **Letter from Jeff Watson – Council’s CETA motion**
8. **Town of Clarington - Regulations for the Movement of Commercial Fill**
9. **Paul Hertel - Naming of the River Canard Bridge**

Item #7- Letter from Jeff Watson – Council’s CETA motion

Councillor Davies commented on the letter received from Jeff Watson, MP regarding the response from Council’s CETA motion. She was disappointed with his response and invites him to come address us regarding his position on the matter.

Councillor Pouget hopes that Jeff Watson, MP would come and address Council in public session regarding CETA negotiations.

Councillor Davies moved, Councillor Sutton seconded:

That correspondence Item 7 be received.

The Mayor put the Motion.

Motion Carried Unanimously

CONSENT OTHER MINUTES

Councillor Sutton moved, Councillor Pillon seconded:

That the following minutes be received:

1. **Amherstburg Traffic Committee Minutes – May 16, 2012**
2. **Co-An Park Committee Minutes - April 11, 2012**

3. Amherstburg Parks Advisory Committee Minutes – May 1, 2012

The Mayor put the Motion.

Motion Carried Unanimously

UNFINISHED BUSINESS

Unfinished Business items as of June 25, 2012

Councillor Davies sought an update on the feature at the United Communities Credit Union in memory of Jessica Ondejko.

Councillor Pillon sought an update on the tar and chip program. Lou Zarlenga advised that a report would be brought back on the matter.

NEW BUSINESS

There was none.

REPORT FROM IN-CAMERA SESSION

Report from In Camera Meeting held June 25, 2012

The Clerk reported that Council met in closed session on June 25, 2012 and discussed a matter under Section 239 (2) (f) – being advice that is subject to solicitor- client privilege, including communications necessary for that purpose - Discussions regarding Amherstburg Waste Water Treatment Plant (AWWTP). There is nothing further to report on the matter.

NOTICES OF MOTION

There were none.

BY-LAWS

28.1 Confirmatory By-law

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That By-law 2012- 60 being a By-law to confirm all resolutions of the Municipal Council Meeting held on June 25th, 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

Councillor Sutton moved, Councillor Pillon seconded:

That Council rise and adjourn at 8:17 pm.

The Mayor put the Motion.

Motion Carried

MAYOR – Wayne Hurst

CLERK – Brenda Percy