



**TOWN OF AMHERSTBURG  
COUNCIL MEETING**

**Monday, July 23, 2012**

**7:00 p.m.**

Council Chambers, 271 Sandwich Street South Amherstburg

**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

Kristina Pozar Di Paolo, Acting CAO  
Brenda Percy, Clerk

**CALL TO ORDER**

The Mayor called the meeting to order at 7:00 p.m.

**PRAYER**

Father Bill Strang with Christ Church Amherstburg said prayer.

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

There were no disclosures of pecuniary interest.

## **MINUTES OF PREVIOUS MEETING**

### **Approval of Minutes**

Councillor Pillon moved, Councillor DiPasquale 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, as amended – Planning – June 7, 2012**
- 2. Regular Council Meeting Minutes – June 25, 2012**
- 3. Special In-Camera Meeting Minutes – July 10, 2012**
- 4. Special Council Meeting Minutes – July 10, 2012**

The Mayor put the Motion.

**Motion Carried**

The Mayor introduced Rebecca Belanger, who has been hired and will be training with Lory Bratt, Planning Coordinator as Lory will be retiring at the end of the year. Rebecca is a registered Planner who previously worked with ERCA as a Conservation Planner. On behalf of Council, the Mayor welcomed Rebecca.

## **DELEGATIONS**

### **5.1 Geoff Kidd – Lakewood Beach Drain # 2**

Mr. Kidd addressed Council regarding the Lakewood Beach Drain # 2. He noted that he appeared at a previous meeting in April, 2012. Mr. Kidd requested again that Council abandon Drain #2 and assume control of it.

Lou Zarlenga reported that he was currently gathering information regarding all drains and would return with a report. He asked that Council not deal with Drain #2 exclusively as it would set precedent.

There was discussion with regard to ramifications of granting the delegates request, need to receive all information before making a decision, and timing of report.

Councillor Sutton moved, Councillor Pouget seconded:

**That the delegation be received and that Administration be directed to bring back a report regarding the possible abandonment of Lakewood Drain #2 at the first meeting in October, 2012.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **PRESENTATIONS**

### **6.1 Robert Honor and John McDonald – Bellevue House**

John McDonald and Robert Honor provided a PowerPoint presentation regarding the Bellevue House. A copy of the PowerPoint presentation is attached as an Appendix. Mr. McDonald asked that Council support a meeting with the Minister to make him aware of the building and the circumstances and focus on a positive outcome.

Councillor Sutton moved, Councillor Davies seconded:

**That the presentation be received;**

**And further that when a meeting is scheduled with Minister Chan that Council appoint one of its members to attend on behalf of Council.**

The Mayor put the Motion.

**Motion Carried Unanimously**

Councillor Davies moved, Councillor Pouget seconded:

**That we refer this report to Administration for investigation on utilization of the building.**

The Mayor put the Motion.

**Motion Carried Unanimously**

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

### **7.1 Sponsorships and Advertisements Policy**

In response to a question from Councillor DiPasquale, Dean Collver clarified that the policy is separate and apart from a policy regarding naming of municipal assets. That policy will follow at a future meeting.

Councillor Pillon moved, Councillor Sutton seconded:

**That the report by Dean Collver dated July 11, 2012 regarding the new Sponsorship and Advertisements Policy be received;**

**And further that Council approve the Sponsorship and Advertisements Policy as presented.**

The Mayor put the Motion.

**Motion Carried**

## 7.2 **Parks Canada Agreement - Canada Day 2012**

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

**That the report by Dean Collver dated July 12, 2012 regarding the Parks Canada Agreement for Canada Day 2012 be received;**

**That Council authorize the signing of the application, waiver and acknowledgement;**

**And further that By-law 2012-69 being a By-law to enter into an agreement between Fort Malden National Historic Site and the Corporation of the Town of Amherstburg be read three times and finally passed and the Mayor and Clerk be authorized to sign same thereto.**

The Mayor put the Motion.

**Motion Carried**

## 7.3 **Playground Action Report**

Councillor DiPasquale moved, Councillor Pillon seconded:

**That the report from Dean Collver, Director of Recreation and Culture, dated July 12, 2012 regarding Playground Action be received;**

**That Council approve the renaming of the former Reserve for McGregor Library expenses to the Playgrounds Reserve Fund;**

**And further that Council approve a contingency withdrawal of \$5000, unbudgeted, to accommodate the costs of remediation of playground equipment.**

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**

### **11.1 Part IV Designations - Ontario Heritage Act 7143 Essex Road 50 - By-law 2012-68 to designate**

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

**That Council receive the report by Stephen Brown dated June 26, 2012, regarding 7143 Essex Road 50 – By-law 2012-68 (to designate);**

**And further that By-law 2012-68 being a By-law to designate the property at 7143 Essex Road 50, and known as the John Bratt 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**

### **11.2 Part IV Designations - Ontario Heritage Act Gordon House Re designation - 268 Dalhousie Street Intent to Designate**

The Acting CAO advised that the matter is a housekeeping matter. The previous By-law was repealed due to address change.

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**That the report by Stephen Brown, Chief Building Official, dated July 9, 2012 regarding the Notice of Intent to Designate 268 Dalhousie St, Amherstburg be received;**

**And further that Council direct Administration to prepare a “Notice of Intent to Designate” for property known as 268 Dalhousie Street, as being of historical and architectural value or interest under Part IV of the Ontario Heritage Act, R.S.O. 1990, c.O.18.**

The Mayor put the Motion.

**Motion Carried**

**11.3 Proposed Zoning By-law Amendment - 7809 Howard Avenue**

Lory Bratt reviewed the report and explained the next steps to be taken should the Zoning By-law Amendment be approved.

Councillor Sutton moved, Councillor DiPasquale seconded:

**That the report by Lory Bratt dated July 18, 2012 regarding Proposed Zoning By-law Amendment for 7809 Howard Avenue be received;**

**And further that By-law 2012-71 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.**

Council requested a recorded vote.

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**

**REPORTS - ENGINEERING AND INFRASTRUCTURE**

**12.1 Simcoe Street Sanitary Sewer - Requests for Exemption**

Councillor Sutton moved, Councillor Pillon seconded:

**That the report by Lou Zarlenga dated June 27, 2012 regarding the Simcoe Street Sanitary Sewer Requests for Exemption be received;**

**And further that the five residents that have submitted Request for Exemption applications be granted the two year extension, as outlined in Bylaw 2002-60, and be required to connect to the Simcoe Street Sanitary Sewer by June 30, 2014.**

The Mayor put the Motion.

**Motion Carried**

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

### **13.1 Car Show Weekend at Ranta Marina**

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

**That the report from Dean Colver and Kristina Pozar Di Paolo, dated July 17, 2012 regarding Car Show Weekend at Ranta Marina be received;**

**That Council approve the use of Ranta Park July 27, 28 and 29th, 2012 for the Car Show Weekend at Ranta Marina subject to all conditions being met as outlined in Appendix A.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **REPORTS - TREASURY**

### **14.1 Heritage Tax Rebate pursuant to the Heritage Tax Rebate Program**

Councillor Sutton moved, Councillor Pillon seconded:

**That Council receive the report concerning properties eligible under the Heritage Property Tax Rebates program for the 2011 tax year;**

**That Council approve the Write-Offs and Changes in Assessment as presented, as shown on Schedule A;**

**And further that By-law 2012-66 being a By-law to strike taxes from the tax roll and to adjust assessment values on properties, 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 Unanimously**

14.2 **Infrastructure Ontario Application for a Debenture related to General Fund Capital Projects**

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

**That the report by Ivano Fregonese dated July 4, 2012 regarding Infrastructure Ontario Application for a Debenture related to General Fund Capital Projects be received;**

**And further that By-law 2012-61, 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 General Fund Capital 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**

14.3 **Infrastructure Ontario Application for a Debenture related to Wastewater Capital Projects**

Councillor DiPasquale moved, Councillor Pillon seconded:

**That the report by Ivano Fregonese dated July 4, 2012 regarding Infrastructure Ontario Application for a Debenture related to Wastewater Capital Projects be received;**

**And further that By-law 2012-62, 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 Wastewater Capital 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**

14.4 **Infrastructure Ontario Application for a Debenture related to Water Capital Projects**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the report by Ivano Fregonese dated July 4, 2012 regarding Infrastructure Ontario Application for a Debenture related to Water Capital Projects be received;**

**And further that By-law 2012-63, 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 Water Capital 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**

## **REPORTS - HUMAN RESOURCES**

No reports at this time.

## **REPORTS - CLERK'S**

### **16.1 Amherstburg Chamber of Commerce Special Occasion Permit Application**

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

**That the report prepared by Brenda Percy dated July 12, 2012 regarding the Amherstburg Chamber of Commerce Special Occasion Permit Application be received;**

**That Council designate the Period Bi-Centennial Event, (August 3, 4, & 5) an event of municipal significance for the purpose of the Amherstburg Chamber of Commerce applying for a Special Occasion Permit to provide the sale of liquor in the Kings Navy Yard Park pending receipt of the required insurance certificate;**

**And further that the Clerk be directed to advise the AGCO that Council has designated the Period Bi-Centennial Event an event of municipal significance.**

The Mayor put the Motion.

**Motion Carried Unanimously**

### **16.2 Temporary Extension Application for Liquor Sales Licence, at Moe's Smokehouse 67 Murray Street, Amherstburg for August 3, 4, and 5, 2012**

Councillor Pillon moved, Councillor Davies seconded:

**That the report prepared by Nicole Rubli, Licensing Officer dated July 23, 2012 regarding a Temporary Extension Application for Liquor Sales Licence, at Moe's Smokehouse, 67 Murray Street, Amherstburg for August 3, 4, and 5, 2012 be received;**

**That Council does not object to the temporary extension for liquor sales at Moe's Smokehouse, located at 67 Murray Street, Amherstburg on August 3, 4**

and 5, 2012, pending compliance with all applicable Building Codes and Zoning By-Law requirements;

And further that the Clerk be directed to advise the AGCO that Council has no objection to the proposed temporary extension of the licensed area.

The Mayor put the Motion.

**Motion Carried**

## **CONSENT REPORTS**

Councillor Sutton moved, Councillor Pillon seconded:

**That consent reports 2-6 and 8 be received.**

- 1. Insurance Claims History Report**
- 2. June 2012 Yard Waste Report**
- 3. West Nile Virus Update**
- 4. Water Plant Lightning Damage**
- 5. Second Quarter Report**
- 6. Active Retirement Living Expo**
- 7. Administrative Report –Ombudsman Investigation - Closed Meetings held January 9th and February 13, 2012**
- 8. Rural Municipal Drains & Urban Storm Drainage Project Update**

The Mayor put the Motion.

**Motion Carried**

- 1. Insurance Claims History Report**

There was discussion with regard to risk management, and one percent liability rule.

Councillor Davies moved, Councillor Sutton seconded:

**That item # 1 be received.**

The Mayor put the Motion.

**Motion Carried**

**7. Administrative Report –Ombudsman Investigation - Closed Meetings held January 9th and February 14, 2012**

There was discussion with regard to the outcome of the report and changes taken to date in the closed meeting process.

Councillor Sutton moved, Councillor Pillon seconded:

**That item # 7 be received.**

The Mayor put the Motion.

**Motion Carried**

**CONSENT CORRESPONDENCE**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That the correspondence be received.**

- 1. McHappy Day - Thank you letter**
- 2. Toby Barrett letter - Norfolk County Resolution**
- 3. Ontario Property and Environmental Rights Alliance - Endangered Species Information Bulletin**
- 4. Town of Caledon – Aggregate Resources Act**
- 5. Windsor-Essex Therapeutic Riding Association (WETRA) – Thank you letter**
- 6. Town of Tecumseh – Lakewood Park North Grand Opening Invitation**
- 7. Union Gas supports Summer Safety Program**

The Mayor put the Motion.

**Motion Carried**

**CONSENT OTHER MINUTES**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the following minutes be received:**

- 1. Amherstburg Police Services Board Minutes – May 15, 2012**
- 2. Amherstburg Police Services Board Minutes – June 19, 2012**
- 3. Community Spirit Committee Minutes – June 12, 2012**
- 4. Heritage Committee Minutes – May 17, 2012**

The Mayor put the Motion.

**Motion Carried**

## **OTHER MINUTES**

### **20.1 Traffic Committee Minutes – June 13, 2012**

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

**That the Traffic Committee minutes from June 13, 2012 be received;**

**And further that Council concur with the Traffic Committee's recommendation that Fort Street be designated alternate monthly parking from Victoria and Fryer Streets.**

The Mayor put the Motion.

**Motion Carried**

## **CORRESPONDENCE**

### **21.1 Essex County Steam & Gas Engine Museum – Parade and Invitation**

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**That the correspondence from Essex County Steam and Gas Engine Museum regarding Fifteenth Annual parade be received;**

**That Council grant permission to hold the parade on Saturday, August 11, 2012 at 9:00am;**

**And further that Amherstburg Police Services block off Walker Road from St. Clement's Church to Co-An Park in conjunction with the Essex Police Department.**

The Mayor put the Motion.

**Motion Carried**

### **21.2 Joint Emergency Preparedness Program (JEPP) - Funding**

Councillor Sutton moved, Councillor Pillon seconded:

**That the Town of Amherstburg receive the correspondence from the Office of the President, Association of Municipalities of Ontario (AMO);**

**That Town of Amherstburg Council support AMO by sending a letter to the Prime Minister, the Right Honourable Stephen Harper requesting that the Federal Government continue to support JEPP funding;**

**And further that a copy of the letter be sent to Jeff Watson, MP.**

The Mayor put the Motion.

**Motion Carried**

## **UNFINISHED BUSINESS**

Unfinished Business items as of July 23, 2012

## **NEW BUSINESS**

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

**During Closed Session of July 10, 2012**, Council would report the following:

Council discussed:

A matter under Section 239(f) – 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 this matter.

In Camera Meeting Discussed: July 10, 2012

Reporting Out Meeting: July 23, 2012

## **NOTICES OF MOTION**

There were none.

## **BY-LAWS**

### **26.1 Zoning By-law Amendment - 6490 Concession 6 North**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That By-law 2012-64 being a by-law to amend Zoning By-law No. 1999-52 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 Unanimously**

26.2 **Zoning By-law Amendment – Housekeeping**

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

**That By-law 2012-65 being a by-law to amend Zoning By-law No. 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 thereto.**

The Mayor put the Motion.

**Motion Carried**

26.3 **Sale of 45 Lake Beach Road to Byrne**

Councillor Pillon moved, Councillor Davies seconded:

**That By-law 2012-70 being a By-law to declare surplus and sell property legally described as Part 2, Reference Plan 12R-25154, Town of Amherstburg (Located adjacent to the property municipally known as 45 Lake Beach Road, 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**

26.4 **Confirmatory By-law**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That By-law 2012-72 being a By-law to confirm all resolutions of the Municipal Council Meeting held on July 10<sup>th</sup> and July 23<sup>rd</sup>, 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 Davies moved, Deputy Mayor Sutherland seconded:

**That Council rise and adjourn at 9:05 p.m.**

The Mayor put the Motion.

**Motion Carried**

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MAYOR – Wayne Hurst

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CLERK – Brenda M. Percy