



**TOWN OF AMHERSTBURG
COUNCIL MEETING
Monday, September 24, 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.

PRAYER

Brenda Percy, Clerk said prayer.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

Councillor Davies declared a conflict of interest with regard to Presentation Item 5.1 and Report Item 13.1 as she has a business relationship with Mr. Fasan.

MINUTES OF PREVIOUS MEETING

Approval of Minutes

Councillor DiPasquale moved, Councillor Sutton 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. **Regular Council Meeting Minutes – September 10, 2012**
2. **Special Council Meeting Minutes – ZBA - September 10, 2012**

The Mayor put the Motion.

Motion Carried Unanimously

DELEGATIONS

5.1 **Back-n-Time Horse Drawn Vehicle Services – Randy Fasan**

(Please refer to Report Item # 13.1)

Councillor Davies declared a conflict of interest on the matter due to her business involvement with the delegates business. She withdrew from discussion and voting on the matter by vacating her chair.

Randy Fasan addressed Council with regard to his horse drawn vehicle service and noted that he has been operating in Town for several years, without incident. He advised that he is currently in contravention with Parks By-law and noted that the By-law provides for an exemption from Council. Mr. Fasan asked that Council provide permission to allow him to operate in the parks. He would be willing to abide by any conditions imposed.

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

That Administration meet with Randy Fasan and come to even ground with looking at our knowledge and when he is going to be in there.

The Mayor put the Motion.

Motion Carried

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the delegation be received.

The Mayor put the Motion.

Motion Carried

PRESENTATIONS

6.1 Auditors Financial Statements – Lindsay Rounding, Graham, Settingington, McIntosh, Dreidger & Hicks LLP

(Please refer to Consent Report Item # 17.3)

Lindsay Rounding addressed Council. She reviewed the financial statements provided, Ms. Rounding confirmed that the financial statements are in draft form until such time as Council approves the Statements when they become final.

Councillor Pillon moved, Councillor Sutton seconded:

That Council receive the presentation and approve the Auditors Financial Statements, as presented.

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS - RECREATION/CULTURE/PARKS

7.1 Ontario Regulation 397/11 – Energy Conservation and Demand Management Plans

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That Council receive the report submitted by Tony DeThomasis dated September 1, 2012 regarding Ontario Regulation 397/11 – Energy Conservation and Demand Management Plans;

And further that Council direct Administration to pursue Part 1 of the Ontario Regulation 397/11 – Energy Conservation and Demand Management Plan.

The Mayor put the Motion.

Motion Carried Unanimously

7.2 **Kingsbridge Park – Play Surface Upgrades and Accessible Sidewalk**

Councillor Pillon moved, Councillor Davies seconded:

That Council receive the report submitted by Tony DeThomasis dated September 11, 2012 regarding upgrading the play surface at the proposed playground at Kingsbridge Park to a fully accessible rubber play surface;

And further Council approve additional funding of \$18,000 toward the upgrade of the existing construction plan to provide the addition of an accessible surface to the playground.

The Mayor put the Motion.

Motion Carried Unanimously

7.3 **Development of Naming Committee**

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

That the report by Dean Collver, Director of Recreation and Culture, dated September 13, 2012, regarding the Development of a Naming Committee be received;

That Council authorize the formation of an Advisory Committee to be known as the Commemorative Naming Committee;

That Council approve the Commemorative Naming Committee Terms of Reference as presented;

And further that Council appoint Bart DiPasquale from Council to the Advisory Committee.

The Mayor put the Motion.

Motion Carried Unanimously

7.4 **Culture Day - Plein Air Society at KNYP**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That the report by from Dean Collver, Director of Recreation and Culture, dated September 19, 2012, regarding the Plein Air Society at Kings Navy Yard Park be received;

And further that the Plein Air Society be permitted to conduct a gathering of artists for a painting session at King's Navy Yard Park as per Bylaw 2004-89 Section 3.

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

No reports at this time.

REPORTS - DEVELOPMENT SERVICES

11.1 Request for Council Resolutions to Support Large Scale Roof-Top Solar FIT Contracts

Councillor Sutton moved, Councillor Davies seconded:

That the report by Rebecca Belanger, Planner, dated September 17, 2012 regarding the request for a resolution to support roof-top solar generation projects submitted through the Province's Feed In Tariff (FIT) Program be received;

That Council review each request for a support resolution on a site specific basis to ensure appropriate land use and building compatibility based on sensitive land uses including cultural heritage and residential areas;

That Council confirm that this resolution's sole purpose is to enable the participants in the FIT Program to receive priority points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the site specific applications;

And further that additional information and recommendations be brought back to the next meeting of Council for approval once sufficient information relating

to each of these large scale roof-top solar projects has been received and reviewed by the Planning Division and other Town Departments.

Councillor Davies moved an amendment, Councillor Sutton seconded:

That Administration be directed to explore any opportunities for royalties from any sites that the Town partners with in the private sector on the projects.

The Mayor put the Amendment.

Amendment Carried

The Mayor put the Motion, as amended.

Motion Carried Unanimously

Deputy Mayor Sutherland requested that Report Item # 16.1 – Liquor Licence Application – Ranta Grill be heard at this time.

16.1 Liquor Licence Application - Ranta Grill

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That the report by Nicole Rubli, Licensing Officer dated September 14, 2012 regarding Application for Liquor Licence be received;

And further that the Clerk be authorized to advise the Alcohol and Gaming Commission of Ontario of Council's support for the application.

The Mayor put the Motion.

Motion Carried Unanimously

11.2 County Wide Active Transportation (CWATS) Master Plan - August 2012

Councillor Sutton moved, Councillor DiPasquale seconded:

That the report from Lory Bratt, Planning Coordinator dated September 17, 2012, regarding the updated County Wide Active Transportation (CWATS) Master Plan of August 2012 be received;

And further that Council endorse the updated County Wide Active Transportation Study (CWATS) Master Plan dated August 2012, in principle and so notify the County of Essex.

The Mayor put the Motion.

Motion Carried Unanimously

11.3 **By-law to regulate the emissions from solid fuel burning appliances installed in buildings**

Councillor Sutton moved, Councillor Davies seconded:

That the report by Stephen Brown, CBCO dated September 4, 2012 regarding a By-law to regulate the emissions from solid fuel burning appliances installed in buildings be received.

The Mayor put the Motion.

Motion Carried Unanimously

Councillor DiPasquale moved, Councillor Pouget seconded:

That Council direct Administration to contact Oakville once again and see exactly what they've done, to see if it's worthwhile pursuing their By-law.

The Mayor put the Motion.

Motion Carried

REPORTS - ENGINEERING AND INFRASTRUCTURE

12.1 **Smith Industrial Drive Watermain Installation - Tender Results**

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

That the report by Lou Zarlenga dated September 13, 2012 regarding the Smith Industrial Drive Watermain Installation Tender Results and Recommendations be received;

And further that Council approve the Consulting Engineer's recommendation to award the contract to the lowest bidder, being D'Amore Construction (2000) Ltd., for the amount of \$106,883.00 plus HST for the Smith Industrial Drive Watermain Installation project.

The Mayor put the Motion.

Motion Carried Unanimously

12.2 **Watermain Installation on Lowes Sideroad from Sandwich to Fryer and on Fryer Street from Lowes to McCurdy - Tender Results**

Councillor Sutton moved, Councillor Pillon seconded:

That the report by Lou Zarlenga dated September 13, 2012 regarding the Watermain Installation on Lowes Sideroad from Sandwich to Fryer and on Fryer Street from Lowes to McCurdy Tender Results and Recommendations be received;

And further that Council approve the Consulting Engineer's recommendation to award the contract to the lowest bidder, being D'Amore Construction (2000) Ltd., for the amount of \$444,280.00 plus HST for Tender Option B – Open Cut Method, for the watermain installation project on Lowes Sideroad from Sandwich to Fryer and on Fryer Street from Lowes to McCurdy.

The Mayor put the Motion.

Motion Carried Unanimously

12.3 **Edgewater Sewage Lagoon System Ministry of the Environment Research Study Monitoring and Evaluation of Municipal Sewage Lagoons and Source Loadings to the Great Lakes Basin**

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

That the report by Lou Zarlenga dated September 10, 2012 regarding the Edgewater Sewage Lagoon System Ministry of the Environment Research Study Monitoring and Evaluation of Municipal Sewage Lagoons and Source Loadings to the Great Lakes Basin be received;

And further that Council accept Administration's recommendation to participate in this research study.

The Mayor put the Motion.

Motion Carried Unanimously

12.4 **2012 Surplus Equipment to October 27, 2012 Auction Designation of Surplus Equipment**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That the report by Lou Zarlenga dated September 13, 2012 regarding 2012 Surplus Equipment to October 27, 2012 Auction - Designation of Surplus Equipment be received;

And further that Council approve the disposal of designated surplus equipment by way of public auction.

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS - CAO's OFFICE

13.1 Back-N-Time Horse Drawn Vehicle Service

As dealt with above under Delegation Item 5.1

REPORTS – TREASURY

No reports at this time.

REPORTS - HUMAN RESOURCES

No reports at this time.

REPORTS - CLERK'S

16.1 Liquor Licence Application – Ranta Grill

As dealt with above.

16.2 Hussey Request to Purchase Additional Town Lands Right-of-Way located between 153 and 163 Lakeside Drive

Councillor DiPasquale moved, Councillor Pouget seconded:

That the report prepared by Brenda Percy dated September 5, 2012 regarding Hussey Request to Purchase Town Lands be received;

And further that Council deny the request to purchase Town owned right-of-way located between 153 and 163 Lakeside Drive, Amherstburg.

The Mayor put the Motion.

Motion Carried

CONSENT REPORTS

Councillor Sutton moved, Councillor Pillon seconded:

That the consent reports be received.

- 1. West Nile Virus Update**
- 2. August Yard Waste Update**
- 3. 2010 Year End Results**
- 4. Sponsorship Agreement – Athletic Club**

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the correspondence be received.

- 1. Royal Canadian Legion Chicken Wing Cook Off**
- 2. MPAC – 2012 Property Assessment Notice Mailing**
- 3. Franco-Ontarian Flag Day**
- 4. Chippewa's of the Thames Big Bear Creek Specific Claim**
- 5. Michael Woodcroft Award Letter – Todd Hewitt, Roads Superintendent**

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

That the following minutes be received:

- 1. Recreation and Culture Advisory Committee Minutes – June 12, 2012**
- 2. Amherstburg Advisory Committee on the Environment – Dec 8, 2011**
- 3. Amherstburg Advisory Committee on the Environment – April 26, 2012**

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

20.1 Child Care Worker & Early Childhood Educator Appreciation Day

Councillor Pouget moved, Councillor Davies seconded:

That the correspondence from the Ontario Coalition for Better Child Care (OCBCC) and the Canadian Union of Public Employees (CUPE) regarding Child Care Worker & Early Childhood Educator Appreciation Day be received;

And further that Council proclaim Wednesday, October 24, 2012 as Child Care Worker & Early Childhood Educator Appreciation Day.

The Mayor put the Motion.

Motion Carried Unanimously

20.2 Restorative Justice Week 2012

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That the correspondence from Correctional Services of Canada regarding Restorative Justice Week 2012 be received;

And further that Council proclaim the week of November 18 – 25, 2012 as Restorative Justice Week 2012.

The Mayor put the Motion.

Motion Carried Unanimously

UNFINISHED BUSINESS

Unfinished Business items as of September 24, 2012

Councillor Pillon asked that the 50 km/h sign at County Road 18/Pike Road – to be moved from its original spot further east past the UCCUC as per Council's previous direction.

NEW BUSINESS

Councillor Pillon reminded Council to attend the Co-An Park Steak Dinner. Tickets are available in the Clerk's office.

NOTICES OF MOTION

There were no Notices of Motion.

BY-LAWS

24.1 Confirmatory By-law

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That By-law 2012-92 being a By-law to confirm all resolutions of the Municipal Council Meetings held on September 24, 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 Pillon seconded:

That Council rise and adjourn at 8:40 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR –WAYNE HURST

CLERK – BRENDA M. PERCY