



**TOWN OF AMHERSTBURG  
COUNCIL MEETING**

**Monday, October 15, 2012**

**7:00 p.m.**

Council Chambers, 271 Sandwich Street South, Amherstburg

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**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, Manager of Council & Legislative  
Services/Clerk

**CALL TO ORDER**

The Mayor called the meeting to order at 4:30 pm for Special In-Camera.

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

*(In-Camera agenda items)*

There were no disclosures of pecuniary interest.

**SPECIAL IN-CAMERA MEETING**

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

**That Council move into an In-Camera Meeting of Council at 4:30 p.m., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:**

- ITEM A -** Follow-up discussions regarding Amherstburg Waste Water Treatment Plant (AWWTP) – Section 239 (2) (f) - Advice that is subject to solicitor- client privilege, including communications necessary for that purpose
- ITEM B -** Return of Massen Donation Update – Section 239 (2) (e) – Litigation and potential litigation, including matters before administrative tribunals, affecting the municipality or local board. Section 239 (2) (f) – Advice that is subject to solicitor-client privilege, including communications necessary for that purpose
- ITEM C -** Volunteer Firefighters Contract – Section 239 (2) (d) – Labour relations or employee negotiations
- ITEM D -** Acting CAO Vacation Approval – Section 239 (2) (b) - Personal matters about an identifiable individual, including municipal or local board employees. Section 239 (2) (d) – Labour relations or employee negotiations

The Mayor put the Motion.

**Motion Carried**

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

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

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 Davies declared a conflict of interest with regard to Report Item 11.1 – Commercial Activities in Kings Navy Yard Park only with regard to Randy Fasan, Back-in-Time Horse Drawn Vehicle Services.

## **MINUTES OF PREVIOUS MEETING**

### **Approval of Minutes**

Councillor Pillon moved, Councillor Pouget 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 24, 2012**

Deputy Mayor Sutherland advised that section 11.3 be reviewed as it reflects Councillor Davies as the mover and seconder.

The Mayor put the Motion.

**Motion Carried**

## **PRESENTATION**

### **9.1 Sir Geoffrey Rowland, Bailiff of Guernsey (2005-2012) and Mr. Mike O'Hara, Minister of Culture and Leisure**

Sir Geoffrey Rowland, Bailiff of Guernsey (2005-2012) and Mr. Mike O'Hara, Minister of Culture and Leisure addressed Council. Mayor Wayne Hurst, on behalf of Council and Administration, presented Sir Geoffrey Rowland and Mr. Mike O'Hara with a token of appreciation for their visit to Amherstburg.

Councillor Sutton moved, Councillor Pillon seconded:

**That the presentation be received.**

The Mayor put the Motion.

**Motion Carried**

## **DELEGATION**

### **10.1 Rob Tymec - Ghost Tours through Kings Navy Yard Park (Please refer to Report Item # 11.1)**

Rob Tymec addressed Council with regard to seeking permission to hold a Ghost Walk event in King's Navy Yard Park. He provided highlights of the event as well as noting that the event brings a number of persons to the downtown core and has a positive effect for merchants.

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

### **11.1 Commercial Activities in Kings Navy Yard Park**

Councillor Davies declared a conflict of interest with regard to Report Item 11.1 – Commercial Activities in Kings Navy Yard Park with regard to only Randy Fasan, Back-in-Time Horse Drawn Vehicle Services.

Councillor Sutton moved three of the four recommendations contained in the Administrative report. It was noted later in the meeting by Dean Collver, Director of Recreation and Culture that the recommendation with regard to Randy Fasan was withdrawn as his business is complete for the 2012 season.

Councillor Sutton moved, Councillor Pillon seconded:

**That the report by from Dean Collver, Director of Recreation and Culture, dated October 10, 2012, regarding Commercial Activities in KNYP be received;**

**And that Council grant permission to Rob Tymec, Spirits of Amherstburg Ghost Walk to continue conducting the ghost walk under special permission through to the conclusion of the 2012 season for this activity;**

**And further that Council direct Administration to engage in a review of the King's Navy Yard Park By-law, including public consultation sessions as needed, for the purpose of reconciling a direction from Council regarding the future use of the park and clear parameters surrounding these uses.**

The Mayor put the Motion.

**Motion Carried Unanimously**

Councillor Sutton moved, Councillor Davies seconded:

**That By-law Number 29.2(b) being a By-law to Amend Zoning By-law No. 1999-52 –Canadian Tire Zoning By-law be brought forward at this time.**

The Mayor put the Motion.

**Motion Carried**

### **29.2(b) Zoning By-law Amendment**

Councillor Sutton moved, Councillor Pillon seconded:

That **By-law 2012-93** being a By-law to amend Zoning By-law 1999-52 be read a third and final time and finally passed and the Mayor and Clerk be authorized to sign same thereto.

There was discussion with regard to the application.

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 – POLICE**

No reports at this time.

**REPORTS – FIRE**

No reports at this time.

**REPORTS - INFORMATION TECHNOLOGY**

No reports at this time.

**REPORTS - DEVELOPMENT SERVICES**

**15.1 Development Charges Deferral - 6, 8, 10, 12 Shaw Drive, Amherstburg**

Councillor DiPasquale moved, Councillor Pillon seconded:

**That the report submitted by Stephen Brown, dated October 4, 2012 regarding an application for deferral of development charges as submitted by 1078262 Ontario Ltd. for property located at 6, 8, 10, 12 Shaw Drive, be received;**

**And further that By-law 2012-98 being a By-law to authorize the signing of an agreement to defer development charges be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same and affix the Corporate Seal thereto.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **REPORTS - ENGINEERING AND INFRASTRUCTURE**

### **16.1 2nd Concession Road Drain - North Maintenance Project - Tender Results**

Councillor Sutton moved, Councillor Pouget seconded:

**That Council receive the report from Lou Zarlenga dated October 3, 2012 regarding the 2nd Concession Road Drain North Maintenance Project Tender Results;**

**And further that Council accept Administration's recommendation to award the contract to the lowest bidder, being Rivard Excavating Ltd., for the amount of \$24,165.96 plus HST for the 2nd Concession Road Drain North Maintenance Project.**

The Mayor put the Motion.

**Motion Carried Unanimously**

### **16.2 Request for Replacement of an Existing Culvert on the 8th Concession Road Municipal Drain North**

Councillor Pouget moved, Councillor Pillon seconded:

**That Council receive the report from Lou Zarlenga dated September 24, 2012 regarding a request for replacement of an existing culvert on the 8th Concession Road Municipal Drain North - from Patrick and Donald Coyle;**

**That Council accept the request from Patrick and Donald Coyle for the replacement of an existing culvert over the 8th Concession Road Municipal Drain North as per section 78 of the Drainage Act;**

**And further that Council appoint Crozier Baird Engineers Inc. for the purpose of preparing an engineer's report including plans and profile for the 8th Concession Road Municipal Drain North.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**16.3 8th Concession Road - Municipal Drain North Request for Drain Maintenance**

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

**That Council receive the report from Lou Zarlenga dated September 24, 2012 concerning the 8th Concession Road Municipal Drain North request for drain maintenance from Patrick and Donald Coyle;**

**And further that Council approve the request for drain repairs from Patrick and Donald Coyle and that maintenance work be undertaken to the 8th Concession Road Municipal Drain North consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current 1970 drainage report.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**16.4 Deslippe Drain Maintenance Project Tender Results**

Councillor Pillon moved, Councillor Sutton seconded:

**That Council receive the report from Lou Zarlenga dated October 2, 2012 regarding the Deslippe Drain Maintenance Project Tender Results;**

**And further that Council accept Administration's recommendation to award the contract to the lowest bidder, being Rivard Excavating Ltd. in the amount of \$23,501.29, for the Deslippe Drain Maintenance Project.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**16.5 Hamel Municipal Drain - Request for New Access Culvert**

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**That Council receive the report from Lou Zarlenga regarding dated October 4, 2012 regarding the Hamel Municipal Drain - Request for New Access Culvert From Tom Beneteau;**

**That Council accept the request from Tom Beneteau for a new access culvert over the Hamel 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 Hamel Municipal Drain;**

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

The Mayor put the Motion.

**Motion Carried Unanimously**

#### **16.6 New One-Ton Truck Cab & Chassis - Replacement Vehicle Tender Results**

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

**That the report by Lou Zarlenga dated October 3,2012 regarding the New One-Ton Truck Cab & Chassis - Replacement Vehicle Tender Results and Recommendations be received;**

**And further that Council award the contract for the replacement of a new one-ton truck cab and chassis to the low tenderer, being Ken Knapp Ford, for the price of \$38,541.300 plus HST.**

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, Councillor DiPasquale seconded:

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

**And further, that By-Law 2012-94, 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**

#### **REPORTS - HUMAN RESOURCES**

No reports at this time.

#### **REPORTS - CLERK'S**

##### **20.1 Request for Designation of Event as Municipally Significant- Rocky Horror Picture Show, October 26, 2012**

Councillor DiPasquale moved, Councillor Davies seconded:

**That the report prepared by Nicole Rubli, Licensing Officer dated October 3, 2012 regarding a Request for Designation of Event as Municipally Significant be received;**

**And further that Council designate the Rocky Horror Picture Show, being held at the United Communities Credit Union Complex on October 26, 2012, an event of municipal significance for the purpose of applying for a Special Occasion Permit.**

The Mayor put the Motion.

**Motion Carried Unanimously**

##### **20.2 Liquor Licence Application - Artisan Grill, 269 Dalhousie St.**

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**That the report by Nicole Rubli, Licensing Officer dated October 3, 2012 regarding Liquor Licence Application for Artisan Grill, 269 Dalhousie Street be received;**

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

The Mayor put the Motion.

**Motion Carried Unanimously**

**20.3 Royal Canadian Legion - Request for Permission for Veterans' Week Events**

Councillor Sutton moved, Councillor Pillon seconded:

**That the report prepared by Nicole Rubli, Licensing Officer dated October 4, 2012 regarding Royal Canadian Legion, Request for Permission for Veterans' Week Events be received;**

**That the correspondence from the Royal Canadian Legion dated September 28, 2012 be received;**

**That November 1st to November 11th be proclaimed as Veterans' Week in the Town of Amherstburg;**

**That Council grant permission to the Royal Canadian Legion to sell poppies in municipal buildings and on municipal property from November 1 through to November 11th;**

**That Council grant permission to the Royal Canadian Legion to fly the Poppy Flags at Town Hall from November 1st to November 11th;**

**That Council grant permission to the Royal Canadian Legion to hold a parade on November 11th, 2012 at 10:30 a.m. to 11:45 a.m. on the parade route attached to the Report as Appendix "A";**

**And further that Council grant an exemption attached to the Report as Appendix "B" under the Discharge of Firearms By-Law 2006-47 to the Royal Canadian Legion for a General Salute performed by the Provincial Marines Firing Party.**

*(The Mayor read the proclamation)*

The Mayor put the Motion.

**Motion Carried Unanimously**

**20.4 Municipal Appointee – Essex Power Corporation Board of Directors**

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

**That the report prepared by Brenda Percy dated September 25, 2012 regarding Municipal Appointee – Essex Power Corporation Board of Directors be received;**

**And further that Administration be directed to advertise for applicants to fill the vacancy of layperson on the Essex Power Corporation Board of Directors.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**20.5 Extension to Committee Member Terms – Various Committees**

Councillor Sutton moved, Councillor Davies seconded:

**That the report prepared by Brenda Percy dated September 25, 2012 regarding Extension to Committee Member Terms – Various Committees be received;**

**That the Committee Members, as outlined on Appendix “A” to the report, be appointed for an additional two-years on the respective Committees for the following term: December 1, 2012 to November 30, 2014;**

**And further that Administration be directed to advertise for applicants for those vacancies created by members who do not wish to be reappointed in accordance with the Boards and Committees Appointment Policy.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**CONSENT REPORTS**

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

**That the following consent reports be received.**

- 1. Intention to Conduct Public Surveys Online**
- 4. Expression of Interest – Council Conferences and Conventions 2013**

The Mayor put the Motion.

**Motion Carried**

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

Councillor DiPasquale moved, Councillor Pouget seconded:

**That Council defer the item until such time as Stephen Brown, CBO contacts Doug McDougall, Supervisor, Ministry of Environment for Windsor/Essex/Kent to review the By-law.**

The Mayor put the Motion.

**Motion Carried**

**2. Accounts Paid for the Period August 30, 2012 to September 30, 2012**

Councillor Pouget sought clarification on two items within the report. Paul Beneteau, Treasurer advised that he would look into the items and report back.

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That consent report item 2 be received.**

The Mayor put the Motion.

**Motion Carried**

**CONSENT CORRESPONDENCE**

Councillor Sutton moved, Councillor Pillon seconded:

**That the correspondence be received.**

1. **Thank you letter – Jenny Gardner, JGardner Entertainment and Event Management Inc.**
2. **Nomination letter – Queen’s Diamond Jubilee Medal, 2<sup>nd</sup> Round**
3. **City of Hamilton Resolution – Emerald Ash Borer (EAB) Action Plan**
4. **Ontario Good Roads Association - Nominations**

The Mayor put the Motion.

**Motion Carried Unanimously**

**CONSENT OTHER MINUTES**

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

**That the following minutes be received:**

1. **Committee of Adjustment Minutes – August 28, 2012**
2. **Committee of Adjustment Minutes – September 11, 2012**
3. **Amherstburg Accessibility Advisory Committee Minutes – June 28, 2012**
4. **Traffic Committee Minutes – August 16, 2012**
5. **Heritage Committee Minutes – August 9, 2012**
6. **Amherstburg Police Services Board Minutes – July 10, 2012**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **CORRESPONDENCE**

### **24.1 Amherstburg Chamber of Commerce – Citizen of the Year Award Sponsor**

Councillor Sutton moved, Councillor DiPasquale seconded:

**That the correspondence from Amherstburg Chamber of Commerce be received;**

**And further that the request be referred to the 2013 budget deliberations.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **UNFINISHED BUSINESS**

### **Unfinished Business items as of October 15, 2012**

Councillor Pouget requested that a report come forward before the end of the year regarding Heritage District and Heritage Tax Rebate.

## **NEW BUSINESS**

Councillor Pouget sought Council intervention regarding her removal from the Emergency Information Center Volunteer Committee. Kristina DiPaolo, Acting CAO stated that a report would be brought to an upcoming meeting.

Councillor Pouget asked that the Mayor advise Council when he is on vacation.

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

The Clerk reported the following:

**COUNCIL IN-CAMERA SESSION REPORT  
OCTOBER 15, 2012 MEETING**

Council met for an In-Camera Meeting of Council at 4:30 p.m., on October 15, 2012 pursuant to Section 239 of the Municipal Act, 2001, as amended, and would report the following:

Item A)

A matter under Section 239 (2) (f) – advice that is subject to solicitor- client privilege, including communications necessary for that purpose with regard to discussions on the Amherstburg Waste Water Treatment Plant (AWWTP). There is nothing further to discuss on the matter. There is nothing further to report.

Item B)

A matter under Section 239 (2) (f) – advice that is subject to solicitor- client privilege and Section 239 (2) (e) Litigation or Potential Litigation with regard to discussions on the Massen Donation. There is nothing further to report.

Item C)

A matter under Section 239 (2) (d) – Labour Relations/Employee Negotiations with with regard to Amherstburg Firefighter’s Association Negotiations. As a result of that discussion, the following recommendation was put before Council:

Councillor Sutton moved, Councillor Pillon seconded:

**That the Amherstburg Fire Department Volunteer Remuneration proposal for 2012 to 2014 be approved.**

The Mayor put the Motion.

**Motion Carried**

Item D)

A matter under Section 239 (2) (b) – Personal Matters about an Identifiable Individual Labour Relations/Employee Negotiations with regard to Acting CAO Vacation Approval. There is nothing further to report on this matter.

Item E)

An emergency matter heard under Section 239 (2) (b) - Personal matters about an identifiable individual, including municipal or local board employees and Section 239 (2) (f) – Advice that is subject to solicitor client privilege. There is nothing further to report on this item.

|                              |                  |
|------------------------------|------------------|
| In Camera Meeting Discussed: | October 15, 2012 |
| Reporting Out Meeting:       | October 15, 2012 |

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## NOTICES OF MOTION

There were none noted.

## BY-LAWS

### 29.1 2<sup>nd</sup> Concession Drain North

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That By-law 2012-52 being a By-law to provide for the Maintenance Schedule of Assessment of the 2<sup>nd</sup> Concession Road Drain North based on the Drainage Report by Crozier Baird Engineers be read a third and final time and finally passed and the Mayor and Clerk be authorized to sign same thereto.**

The Mayor put the Motion.

**Motion Carried**

### 29.2 Collison Drain

Councillor Pillon moved, Councillor DiPasquale seconded:

**That By-law 2012-73 being a By-law to provide for Repair and Improvement of the Collison Drain North based on the Drainage Report by Rood Engineering Inc. be read a third and final time and finally passed and the Mayor and Clerk be authorized to sign same thereto.**

The Mayor put the Motion.

**Motion Carried Unanimously**

### 29.3 Confirmatory By-law

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

**That By-law 2012-95 being a By-law to confirm all resolutions of the Municipal Council Meetings held on October 9<sup>th</sup> & 15<sup>th</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 Unanimously**

**ADJOURNMENT**

Councillor Sutton moved, Councillor DiPasquale seconded:

**That Council rise and adjourn at 8:20 p.m.**

The Mayor put the Motion.

**Motion Carried**

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MAYOR – WAYNE HURST

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CLERK – BRENDA M. PERCY