



**TOWN OF AMHERSTBURG
COUNCIL MEETING
Monday, January 07, 2013
7:00 PM**

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

Kristina Pozar Di Paolo, Acting CAO
Brenda Percy, Manager of Council & Legislative
Services/Clerk

ABSENT WITH NOTICE Councillor Bart DiPasquale

CALL TO ORDER

The Mayor called the meeting to order at 4:35pm.

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

There were no disclosures of pecuniary interest noted.

SPECIAL IN-CAMERA MEETING

Deputy Mayor Sutherland moved, Councillor Sutton 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 – Leak of Confidential Workplace Harassment Investigation Report Update – 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, including communications necessary for that purpose**
- ITEM B – Snow Removal Contract – Section 239(2)(d) - Labour relations or employee negotiations**
- ITEM C - Acting CAO Contract – Section 239(2)(d) - Labour Relations or employee negotiations and 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, including communications necessary for that purpose

ITEM D - Deputy Clerk – Section 239(2)(d) - Labour Relations or employee negotiations and Section 239(2)(b) – Personal matters about an identifiable individual, including municipal or local board employees

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 7:05pm.

PRAYER

Paula Parker, Deputy Clerk said prayer.

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

There were no disclosures of pecuniary interest noted.

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. Regular Council Minutes - November 26, 2012**
- 2. Regular Council Minutes - December 10, 2012**
- 3. Special Council Minutes - 4:30pm - December 13, 2012**
- 4. Special Council Minutes - Strategic Planning - December 13, 2012**
- 5. Special In-Camera Minutes - November 13, 2012**
- 6. Special In-Camera Minutes - November 26, 2012**
- 7. Special In-Camera Minutes - December 10, 2012**

Deputy Mayor Sutherland sought clarification of the budget dates. The Clerk indicated that since that meeting, the date was again amended and that the final budget dates would be sent to Council for clarification.

The Mayor put the Motion.

Motion Carried

Brenda Percy, Clerk asked for Council's consideration to bring forward report # 10.4 as members of the Raven's Football Club were present.

Councillor Sutton moved, Councillor Pillon seconded:

That Council bring forward Report # 10.4 OVFL Football Tenant at the United Communities Credit Union Complex at this time.

The Mayor put the Motion.

Motion Carried

10.4 **OVFL Football Tenant at the United Communities Credit Union Complex**

Dean Collver, Glen Mills and Joe Mlinaric, Essex County Ravens Football Club addressed Council with regard to entering into an agreement with the Town.

In response to a question of Council, it was noted that Administration would provide Council with a plan on how to finance the \$50,000 grandstand.

Councillor Pillon moved, Councillor Sutton seconded:

That the report submitted by Dean Collver dated December 21, 2012 regarding the Essex County Ravens Football Club seeking to come to Amherstburg be received;

That Council approve a 10-year agreement with the Essex County Ravens Football Club subject to this document being reviewed by the Town's legal counsel;

That Council approve the proposed annual rate of \$29,000 per year for each year of a 10-year contract and covering use of the indoor turf field (approximately 171 hours per year) and the outdoor turf field (approximately 212 hours per year) for practice, player development and games;

That Council approve the installation of the Essex County Ravens Football Club as a tenant of the United Communities Credit Union Complex including dressing room, training area, therapy room and storage per the details outlined in this report;

That Council approve the construction of a 1000-seat grandstand overlooking the outdoor turf field, subject to the successful execution of the aforementioned 10-year agreement, and with fees from the first 5 years of this agreement being directed to offsetting the expense of building the grandstand;

That Council approve the balance of funds required to build the 1000-seat grandstand, to a maximum cost of \$50,000;

That Council recognize the need for additional upgrades to the outdoor turf field in the form of „hash marks“, two „35-yard lines“ and two „45-yard lines“, such expense not to exceed \$10,000;

And further that Council authorize Administration to continue discussions regarding the installation of Cogeco broadcast amenities at the United Community Credit Union Complex and bring a report back to Council regarding same.

The Mayor put the Motion.

Motion Carried Unanimously

Brenda Percy, Clerk asked for Council's consideration to bring forward Item # 27 Report from In-Camera Session at this time.

Deputy Mayor Sutherland moved, Councillor Pilon seconded:

That Council bring forward Item # 27 Report from In-Camera Session at this time.

The Mayor put the Motion.

Motion Carried

COUNCIL IN CAMERA SESSION – REPORTING OUT January 7, 2013 MEETING

Council met at 4:30 pm. on January 7, 2013 for an in camera meeting and discussed four (4) items as provided for under Section 239 of the Municipal Act.

ITEM A – Leak of Confidential 2011 Workplace Harassment Investigation Report – Update heard under Sections 239(2) (b), (c) and (f). Nothing further to report on the matter.

ITEM B – Winter Control and ORO Letters Of Understanding heard under Section 239(2)(d). As a result of the discussions, Administration was directed to provide a motion for Council consideration.

Councillor Sutton moved the motion read by the Clerk with a slight amendment with regard to snow removal equipment.

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

Councillor Sutton moved the motion with addition of an amendment to add that no snow removal equipment be sold until efficacy is proven.

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the report from Lou Zarlenga dated December 11, 2012 regarding 2013 – 2014 Snow Control Program Review of Operational Options be received;

That Council concur with the recommendation of Administration to perform snow removal functions for snow route A by utilizing present Public Works staff; perform additional snow removal functions by utilizing a contractor and awarding the contract to the low tenderer being C&E Lawn Services for snow route B and perform additional snow removal functions utilizing seasonal staff for snow route C.

And further that no snow removal equipment be sold off until such time as the agreement has been in place for one year and Council has had a chance to review its efficacy.

ITEM C - Acting CAO Contract heard under Sections 239(2)(b), (d) and (f). Nothing further to report.

ITEM D - Deputy Clerk Position heard under Section 239(2)(b) and (d). Nothing further to report.

PRESENTATIONS

9.1 Parks Advisory Committee - 2013 Mandate and Ideas

Council asked that Administration bring back a report on the cost to replace the sign at Fox Glenn.

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the presentation be received.

The Mayor put the Motion.

Motion Carried

REPORTS - RECREATION/CULTURE/PARKS

10.1 Canadian Heritage; "Celebrate Canada" 2013 Application for funding.

Councillor Pillon moved, Councillor Davies seconded:

That the report submitted by Dean Collver dated December 11, 2012 regarding Canadian Heritage "Celebrate Canada" 2013 Application for funding be received;

And further that Council direct Administration to complete the funding application before the January 15, 2013 deadline.

The Mayor put the Motion.

Motion Carried

10.2 Access to Affordable Recreation Policy

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

That the report submitted by Dean Collver dated December 12, 2012 regarding Access to Affordable Recreation Policy be received;

And further that the Access to Affordable Recreation Policy be approved.

The Mayor put the Motion.

Motion Carried Unanimously

10.3 Amherstburg Fort Malden Horticultural Society Garden Show Ticket Sales at KNYP and Toddy Jones Park

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

That the report by Dean Collver, Director of Recreation and Culture, dated December 21, 2012, regarding the Amherstburg Fort Malden Horticultural Society Garden Show Ticket Sales at KNYP and Toddy Jones Park be received;

That Council temporarily waive the Kings Navy Yard Park By-law 2004-89, which includes a prohibition against commercial sales within the park boundaries, for the express purpose of the Amherstburg Fort Malden Horticultural Society conducting ticket sales for the Annual Garden Tour;

And further that Council exercise their ability under Section 6(g) of By-law 2002-72, being a By-law to regulate the Use of Parks and permit the Amherstburg Fort Malden Horticultural Society to conduct ticket sales for the Annual Garden Tour in Toddy Jones Park.

The Mayor put the Motion.

Motion Carried Unanimously

- 10.4 **OVFL Football Tenant at the United Communities Credit Union Complex**
As dealt with above.

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

No reports at this time.

REPORTS - ENGINEERING AND INFRASTRUCTURE

- 15.1 **Funding Update - Emergency Watermain Repair Sandwich Street North - William Street to Brunner**

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That the report by Lou Zarlenga dated December 20, 2012 regarding the Emergency Watermain Repair on Sandwich St North be received;

And further that Council accept the recommendation to fund the project using \$160,000.00 from the 2012 Capital Budget and \$65,000.00 from the water reserve.

The Mayor put the Motion.

Motion Carried Unanimously

- 15.2 **Funding Update - Watermain Installation**

Councillor Sutton moved, Councillor Davies seconded:

That the report by Lou Zarlenga dated December 20, 2012 regarding Funding Update - Watermain Installation on Lowes Sideroad from Sandwich to Fryer and on Fryer Street from Lowes to McCurdy be received;

And further that Council accept the recommendation to utilize \$56,870.00 from the Water Reserves to cover the overages.

The Mayor put the Motion.

Motion Carried Unanimously

- 15.3 **King Street Sanitary Sewer Renewal Phase 1 from Simcoe Street to Gore Street Tender Results**

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

That the report by Lou Zarlenga dated December 21, 2012 regarding the King Street Sanitary Sewer Renewal Phase 1 from Simcoe Street to Gore Street Tender Results be received;

That Council accept the Consulting Engineer's recommendation to award the contract to the lowest bidder, being D'Amore Construction, for the amount of \$283,801.00 plus HST for the King Street Sanitary Sewer Renewal Phase 1 project from Simcoe Street to Gore Street;

And further that Council concur with the recommendation of Administration to use \$82,291.00 of the Wastewater Treatment Reserves to partially fund this project.

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

16.1 MIII (Municipal Infrastructure Investment Initiative) Capital Program Application

Councillor Sutton moved, Councillor Pillon seconded:

That Council receive the report submitted by Kristina Di Paolo dated December 20, 2012 regarding the MIII Capital Program Application;

That Council direct Administration to submit an Expression of Interest for pre-screening to OMAFRA by January 9, 2013 for the 5th Concession North Bridge over the Canard River certified factually accurate;

And further that Council certify that the Town of Amherstburg has initiated and is committed to completing a comprehensive asset management plan that includes all of the information and analysis described in Building Together: Guide for Municipal Asset Management Plans by December 31, 2013.

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS - TREASURY

17.1 Interim Tax Levy By-Law 2013-01

Councillor Sutton moved, Councillor Pouget seconded:

That the report by Paul Beneteau regarding the Interim Tax Levy for 2013 be received;

And further that By-law 2013-01 being the Interim Tax Levy By-Law and a By-law to impose penalties on unpaid taxes be read three times and finally passed and the Mayor and Clerk be authorized to sign the same thereto.

The Mayor put the Motion.

Motion Carried Unanimously

17.2 Temporary Borrowing By-law 2013-02

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That the report by Paul Beneteau regarding Temporary Borrowing for the 2013 fiscal year be received;

And further that By-law 2013-02 being a By-law to provide for temporary borrowing until taxes are collected and other revenues are received be read three times and finally passed and that the Mayor and Clerk be authorized to sign same thereto.

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS - HUMAN RESOURCES

No reports at this time.

REPORTS - LEGISLATIVE SERVICES

19.1 Municipal Appointee - Essex Power Corporation Board of Directors

Councillor Pouget moved, Councillor Sutton seconded:

That the report be deferred until all of Council is present.

The Mayor put the Motion.

Motion Carried Unanimously

CONSENT REPORTS

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That the consent reports be received.

- a) **Addendum to the Name Municipal Support Resolutions Issued for FIT Rooftop Solar Projects**
- b) **2012 Sanitary Sewer Smoke Testing Results and Action Plan**
- c) **Accounts paid for the period of November 29, 2012 to December 21, 2012**

The Mayor put the Motion.

Motion Carried Unanimously

CONSENT CORRESPONDENCE

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the correspondence be received.

- a) **Notice of Motion letter of support - Heritage Committee**
- b) **Ontario Municipal Partnership Fund (OMPF)**
- c) **River Lights Thank You letter**
- d) **Ontario Medal for Young Volunteers**
- e) **It's In Your Jeans**
- f) **Erie St. Clair LHIN's Community Report**
- g) **2012 Lakewide Management Annual Reports**
- h) **Ontario's Municipal Infrastructure Strategy**
- i) **Essex-Windsor Solid Waste Authority**
- j) **2013 Premier's Award for Agri-Food Innovation Excellence**
- k) **County of Essex Resolution - Government of Canada's Intention to Deregulate Food Package Sizes**

The Mayor put the Motion.

Motion Carried Unanimously

CONSENT OTHER MINUTES

Councillor Pilon moved, Councillor Pouget seconded:

That the following minutes be received:

- a) **Amherstburg Police Services Board Minutes - November 20, 2012**
- b) **Heritage Committee Minutes - November 15, 2012**
- c) **Committee of Adjustment Minutes - November 14, 2012**
- d) **Recreation and Culture Advisory Committee Minutes - September 11, 2012**

- e) Recreation and Culture Advisory Committee Minutes - October 10, 2012
- f) Recreation and Culture Advisory Committee Minutes - November 14, 2012

The Mayor put the Motion.

Motion Carried Unanimously

CORRESPONDENCE

23.1 Request to Repeal Heritage Designation of 1105 Front Road South

Councillor Pouget moved, Councillor Davies seconded:

That the correspondence from Mr. Levack regarding a request to repeal the heritage designation of 1105 Front Road South be received;

And further that Council direct Administration to consult with the Amherstburg Heritage Committee regarding the request as per the Repeal Process and report back in February in order to meet the 90 day Council decision with respect to the initiation of the process as set out in Section 32 of the Ontario Heritage Act.

The Mayor put the Motion.

Motion Carried Unanimously

OTHER MINUTES

24.1 Traffic Committee Minutes - November 1st, 2012

Councillor Pillon moved, Councillor Sutton seconded:

That Council concur with the Traffic Committee's recommendation for additional enforcement during peak traffic commutes on Kingsbridge Road;

That Council concur with the Traffic Committee's recommendation that Laird Avenue, north of Alma Street be designated alternate monthly parking;

That Council concur with the Traffic Committee's recommendation that the Public Works Department remove the painted centre line on Fort Street and re-paint to be conducive to alternate monthly parking from Sandwich Street to Victoria Street;

That Council concur with the Traffic Committee's recommendation for additional enforcement on the 6th Concession North between North Side Road and County Road 8 and that the Traffic Committee receive a report back on Highway Traffic Act violations in the area;

And further that Council concur with the Traffic Committee's recommendation for additional enforcement on McLellan Avenue and that the Traffic Committee receive a report back on Highway Traffic Act violations in the area.

The Mayor put the Motion.

Motion Carried Unanimously

UNFINISHED BUSINESS

There were no items.

NEW BUSINESS

There were no items.

REPORT FROM IN-CAMERA SESSION

Report from In Camera Meeting held Monday, January 07, 2013
As dealt with above.

NOTICES OF MOTION

- 28.1 **Councillor Davies – Interim By-law for the area within the proposed heritage conservation study to limit demolition**
(As introduced at the December 10, 2012 Meeting)

John McDonald and Mark Pillon addressed Council and provided a PowerPoint presentation in support of the motion.

Councillor Davies moved, Councillor Pouget seconded:

That Council address an interim By-law for the area within the proposed heritage Conservation study area to limit demolition for 6 months or until the registry on historically significant buildings is completed, whichever comes first;

And further that if a building has been reviewed and has be declined as a building of interest for the registry by the heritage committee it will not be subject to the interim By-law time line.

The Mayor put the Motion.

Motion Carried

BY-LAWS

- 29.1 **Amending By-law**

Councillor Pillon moved, Councillor Sutton seconded:

That By-law 2013-03 being By-law to Amend By-law 2011-71 being 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 on December 5th, 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

- 29.2 **Amending By-law**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That By-law 2013-09 being a By- law to Amend By-law 2011-71 Being 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 on January 7th, 2013 be taken as having been read three times and finally passed and that the Mayor and Clerk be authorized to sign same thereto.

The Mayor put the Motion.

Motion Carried Unanimously

- 29.3 **Confirmatory By-law**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That By-law 2013-04 being a By-law to confirm all resolutions of the Municipal Council Meetings held on December 13, 2012 and January 7, 2013 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, Deputy Mayor Sutherland seconded:

That Council rise and adjourn at 9:10 p.m.

The Mayor put the Motion.

Motion Carried Unanimously

MAYOR – WAYNE HURST

CLERK – BRENDA M. PERCY