



**TOWN OF AMHERSTBURG  
COUNCIL MEETING  
Monday, March 04, 2013  
7:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg

**A G E N D A**

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**PRESENT**

Mayor Wayne Hurst  
Deputy Mayor Ron Sutherland  
Councillor Carolyn Davies  
Councillor Robert (Bob) Pilon  
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 3:30 p.m.

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

There were no disclosures of pecuniary interest noted.

**SPECIAL IN-CAMERA MEETING**

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

**That Council move into an In-Camera Meeting of Council at 3:30pm., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:**

- ITEM A – Proxy Process - Section 239(2)(f) - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose**
- ITEM B – Sherway Contracting Windsor Ltd. - Section 239(2)(e) - Litigation/Potential Litigation; and Section 239(2)(f) - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose**
- ITEM C - CAO Update - Section 239(2)(b) - Personal matters about an identifiable individual, including municipal or local board; Section 239(2)(d) - Labour relations or employee negotiations; and Section 239(2)(f) - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose**
- ITEM D - Director Update - Section 239(2)(b) - Personal matters about an identifiable individual, including municipal or local board**

**employees; and 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.**

**PRAYER**

Brenda Percy, Clerk said prayer.

The Mayor requested a moment of silence for Eugene Whelan and Mike Sinasac.

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

Councillor Davies declared a conflict with report items 15.1 and 15.2 due to her involvement with the Family Health Team.

**MINUTES OF PREVIOUS MEETING**

**Approval of Minutes**

Deputy Mayor Sutherland moved, Councillor Davies 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 - Budget - February 21, 2013**
- 2. Regular Council Meeting - February 19, 2013**
- 3. Special In-Camera Meeting - February 19, 2013**

The Mayor put the Motion.

**Motion Carried Unanimously**

**RECOGNITIONS**

**9.1 Diamond Jubilee Recipients**

- William Gibb**
- David Scott**

The Mayor presented the awards to the recipients on behalf of the Mayor and Council. William Gibb and David Scott said a few words in acceptance of the award.

Councillor Sutton moved, Councillor Pillon seconded:

**That the recognitions be received.**

The Mayor put the Motion.

**Motion Carried**

9.2 **Todd Hewitt, CRS - Certified Road Supervisor Certification & Michael Woodcroft Memorial Award for the Best Mark in the TJ Mahony Road Course**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the recognition be received.**

The Mayor put the Motion.

**Motion Carried**

**PRESENTATIONS**

10.1 **ERCA Annual Report 2012 and Local Initiatives - Richard Wyma, General Manager/Secretary-Treasurer and Tim Byrne, Director, Watershed Management Services**

The Clerk noted that the presenters were unable to attend and would appear at a future meeting.

10.2 **Amherstburg Accessibility Advisory Committee (AAAC) - Valentino Mancini, Committee Member**  
(Refer to Report Item # 20.1)

Councillor Sutton moved, Councillor Pillon seconded:

**That report item 20.1 be brought forward for consideration.**

The Mayor put the Motion.

**Motion Carried**

Councillor DiPasquale moved the recommendations in the report with a slight change.

Councillor DiPasquale moved, Councillor Pouget seconded:

**That the presentation and report by Paula Parker, Deputy Clerk on behalf of the Amherstburg Accessibility Advisory Committee dated February 28, 2013 regarding the Multi-year Amherstburg Accessibility Plan be received;**

**And further that the deficiencies in the report presented be referred to the appropriate departments within the Town for future examination and report back to Council.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**REPORTS - RECREATION/CULTURE/PARKS**

No reports at this time.

**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 Agreement- Part of Lot 5, Concession 1, being Parts 1, 2, 3, and 4 on 12R-25208, municipally known as 721 Front Road South - Malden Properties Inc.**

Councillor Davies removed herself from discussion and voting on the matter.

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the report by Rebecca Belanger dated February 22, 2013 regarding a Development Agreement for Part of Lot 5, Concession 1, being Parts 1,2,3, and 4 on 12R-25208, municipally known as 721 Front Road South be received;**

**That Council approve the Development Agreement for 721 Front Road South;**

**And further that By-law 2013-24 being a By-law to authorize the signing of a Development Agreement 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**

- 15.2 **Removal of Holding Zone- 721 Front Road South Part of Lot 5, Concession 1, being Parts 1, 2, 3 and 4 on 12R-25208**

Councillor Davies removed herself from discussion and voting on the matter.

Councillor DiPasquale moved, Councillor Pouget seconded:

**That the report by Rebecca Belanger dated February 22, 2013 regarding the removal of a Holding Zone for Part of Lot 5, Concession 1, being Parts 1, 2, 3 and 4 on 12R-25208,municipally known as 721 Front Road S be received;**

**That Council approve the application from Malden Properties Inc. (Amico Properties) for the removal of the Holding Zone for property at Part of Lot 5, Concession 1, being Parts 1, 2, 3 and 4 on 12R-25208, municipally known as 721 Front Road S;**

**And further that By-law 2013-25 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 **Water And Wastewater Rates - Billing Rate Increases**

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

**That the report by Lou Zarlenga dated March 4, 2013 regarding Water and Wastewater rates Billing Rate Increases Signing of By-law 2013-21 be received;**

**That Council concur with the recommendation to implement a water and wastewater rate increase effective June 1, 2013 pursuant to the 2009 Water and Wastewater Rate Study prepared by CH2MHill, the Public Works Department and Treasury;**

**And further that By-law 2013-21 being a By-law for fixing rates for the supply of water and for fixing rates for the collection and treatment of wastewater be taken as having been read three times and finally passed and the Mayor and the Clerk be authorized to sign same thereto.**

The Mayor put the Motion.

**Motion Carried Unanimously**

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

##### **17.1 CWATS Trail Initiative – Meloche Road Segment Upgrade**

Councillor Pillon moved, Councillor Sutton seconded:

**That the report by Tony DeThomasis dated February 20, 2013 regarding the CWATS Trail Initiative – Meloche Road Segment Upgrade be received:**

**That Council direct Administration to upgrade the segment of Meloche Road as indicated in the CWATS Plan as a signed route to paved shoulder;**

**That Council direct Administration to recommend to the CWATS Steering Committee that the segment of Meloche Road be completed as a paved shoulder facility type under the CWATS Plan in 2013;**

**And further that any surplus realized be allocated to engage in pre-engineering and investigative work of all future pathways identified in the 5 year plan.**

The Mayor put the Motion.

**Motion Carried Unanimously**

#### **REPORTS - TREASURY**

##### **18.1 2013 Budget Approval Report**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That Council receive the report prepared by the Treasurer, with respect to the 2013 Operating and Capital Budgets;**

**That Council approve the 2013 General Rated Budget of \$27,507,432;**

**That Council approve the 2013 Water Budget of \$4,415,467;**

**That Council approve the 2013 Wastewater Budget of \$5,223,524;**

**That the rates be approved as shown on Schedule “A”**

**And further that Administration be requested to prepare the respective By-laws for the rates for the 2013 fiscal year.**

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 Unanimously**

**18.2 Assessment Review Board Agent Appointment to file complaints on behalf of the Town of Amherstburg**

Councillor DiPasquale moved, Councillor Davies seconded:

**That the report by Paul Beneteau, Treasurer dated February 15, 2013, regarding a By-law to appoint MTE Paralegal Professional Corporation (MTE) as agent for the Town of Amherstburg be received;**

**And further that By-law 2013-20 being a By-law to authorize specific complaints to the Assessment Review Board 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**

**REPORTS - HUMAN RESOURCES**

**19.1 Expressions of Care Policy**

Councillor Sutton moved, Councillor Pouget seconded:

**That the report by Carol Bendo dated February 19, 2013 regarding the Expressions of Care Policy be received;**

**And further that Council approve the Expressions of Care Policy as presented.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**19.2 Long Service Award Policy**

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**That the report by Carol Bendo dated February 21, 2013 regarding the Revised Long Service Award Policy be received;**

**And further that Council adopt the Revised Long Service Award Policy that recognizes Town of Amherstburg employees and Council Members as presented.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## REPORTS - LEGISLATIVE SERVICES

### 20.1 Multi-year Amherstburg Accessibility Plan

As dealt with above.

### 20.2 Amherstburg Firefighters Annual Volleyball Tournament – June 8, 2013

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the report prepared by Nicole Rubli dated February 7, 2013 regarding the Amherstburg Firefighters Volleyball Tournament be received;**

**That Council designate the Amherstburg Firefighters Annual Volleyball Tournament, (June 8, 2013) an event of municipal significance for the purpose of the Amherstburg Firefighters applying for a Special Occasion Permit to provide the sale of liquor at Centennial Park, Track and Field Complex pending receipt of the required insurance certificate;**

**And further that the Clerk be directed to advise the AGCO that Council has designated the Amherstburg Firefighters Volleyball Tournament an event of municipal significance.**

The Mayor put the Motion.

**Motion Carried**

## CONSENT REPORTS

Councillor Pillon moved, Councillor Pouget seconded:

**That the consent reports be received.**

**a) Accounts paid for the period of February 7, 2013 to February 21, 2013**

The Mayor put the Motion.

**Motion Carried Unanimously**

## CONSENT CORRESPONDENCE

Councillor DiPasquale moved, Councillor Pouget seconded:

**That the correspondence be received.**

**a) Congratulations - Ministry of Community Safety and Correctional Services**

**b) Sponsorship letter - Erica Fryer**

The Mayor put the Motion.

**Motion Carried Unanimously**

## CONSENT OTHER MINUTES

Councillor Pillon moved, Councillor Pouget seconded:

**That the following minutes be received.**

**a) Amherstburg Accessibility Advisory Committee Minutes - November 29, 2013**

**b) Amherstburg Police Services Board Minutes - January 15, 2013**

**c) Committee of Adjustment Meeting Minutes- January 22, 2013**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **UNFINISHED BUSINESS**

Unfinished Business items as of Monday, March 04, 2013

Lou Zarlenga provided Council with a letter dated March 4, 2013 from RC Spencer Associates Inc., Consulting Engineers regarding the Texas Road Preliminary Reconstruction and project status. Councillor DiPasquale sought clarification of items on the update and diagram provided.

Councillor Sutton asked that Item 11 be removed from the Unfinished Business Item List provided.

## **NEW BUSINESS**

There was no new business noted.

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

Report from In Camera Meeting held Monday, March 04, 2013

The Clerk will provide report at the March 19, 2013 meeting.

## **NOTICES OF MOTION**

Deputy Mayor Sutherland presented a notice of motion regarding Fluoride as follows:

That Administration be directed to begin the process of "PERMANENTLY" removing Fluoride from the water system, which will result in a substantial annual cost savings to the Town of Amherstburg

The item will be added to the March 18, 2013 Council agenda for discussion and voting on the matter.

## **BY-LAWS**

### **28.1 By-law 2013-23 to amend Zoning By-law No. 1999-52**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That By-law 2013-23 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**

### **28.2 Confirmatory By-law**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That By-law 2013-26 being a By-law to confirm all resolutions of the Municipal Council Meetings held on February 21st and March 4th, 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**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That Council rise and adjourn at 8:04 p.m.**

The Mayor put the Motion.

**Motion Carried Unanimously**

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MAYOR – WAYNE HURST

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CLERK – BRENDA M. PERCY

/pp