



**TOWN OF AMHERSTBURG  
COUNCIL MEETING**

**Monday, March 18, 2013**

**7:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg

**A G E N D A**

---

**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 5:00pm.

**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 DiPasquale seconded:

**That Council move into an In-Camera Meeting of Council at 5:00pm., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:**

- ITEM A – 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**
- ITEM B - 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 C - Director, Recreation and Culture – 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.

### 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 Pouget moved, Deputy Mayor Sutherland 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 - Drainage - February 11, 2013**
3. **Regular Council Meeting Minutes - March 4, 2013**

The Mayor put the Motion.

**Motion Carried**

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

**That item #2 - Special In-Camera Meeting Minutes - March 4, 2013 be corrected to reflect the discussions of that meeting.**

The Mayor put the Motion.

**Motion Failed**

Councillor Sutton moved, Councillor Davies seconded:

**That item # 2 - Special In-Camera Meeting Minutes - March 4, 2013 be adopted as presented.**

The Mayor put the Motion.

**Motion Carried**

The Mayor recognized Carrisa Williams for being MVP of CIS Ladies Basketball Championship.

The Mayor announced the successful candidates for the Director, Corporate Services as Val Sequeira and Director, Legislative Services/Clerk as Brenda Percy.

### RECOGNITIONS

#### 9.1 **Lory Bratt - Retirement, 37 Years of Service**

The Mayor presented Lory Bratt with a certificate and gift from the Town and said a few words in recognition of her 37 years of dedicated service.

Lory Bratt addressed and thanked Council and Administration for all the years she worked for the Town.

Councillor Pillon moved, Councillor Sutton seconded:

**That the recognition be received.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **DELEGATIONS**

### **10.1 Mavis Dickson - Feral Cats on Tofflemire Court (Refer to Consent Report Item 22(f))**

Mavis Dickson addressed Council regarding the feral cat issue around her home. Council referred Ms. Dickson to CAT Committee who may be able to assist her with her concerns.

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

**That the delegation be received.**

The Mayor put the Motion.

**Motion Carried**

## **PRESENTATIONS**

### **11.1 Registered Dietitians of Windsor Essex County (RDWEC) in partnership with Go For Health - Andrea DiMenna and Jennifer Jacob, RD**

Andrea DiMenna and Jennifer Jacob addressed Council regarding the healthy meetings policy for RDWEC.

Councillor Di Pasquale moved, Councillor Davies seconded:

**That the presentation be received;**

**And further that Council adopt and endorse the new healthy meetings policy to show commitment to creating supportive eating environments in the area.**

The Mayor put the Motion.

**Motion Carried Unanimously**

### **11.2 Septic System Maintenance Outreach Program - Danielle Breault Stuebing, Director of Community Outreach Services and Natalie Green, Remedial Action Plan Coordinator**

**Danielle Breault Stuebing and Natalie Green addressed Council regarding the presentation from ERCA – Septic System Maintenance Outreach Program**

Councillor Sutton moved, Councillor Pillon seconded:

**That the presentation be received.**

The Mayor put the Motion.

**Motion Carried**

The Mayor asked for Councils indulgence with regard to bringing forward report item 16.2 as Joe Levack was here to speak to Council regarding the report.

Joe Levack was given time to address Council with his concerns regarding his property's heritage designation.

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

**That Council bring forward report # 16.2 at this time.**

The Mayor put the Motion.

**Motion Carried**

**16.2 Repeal of Designation By-law 2007-60 pertaining to the Patrick Laferte House, 1105 Front Rd South**

Councillor Pouget moved, Councillor DiPasquale seconded:

**That the report by Stephen Brown, Chief Building Official, dated January 24, 2013 regarding the Repeal of Designation By-law 2007-60 for the property at 1105 Front Rd South be received;**

**And further that upon the mandatory advisement from the Amherstburg Heritage Committee that the request be denied.**

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**

**11.3 Tall Ships Festival – Anne Rota, Manager, Tourism and Culture**  
(Refer to report Item 12.1)

Anne Rota, Manager, Tourism and Culture addressed Council regarding the Tall Ships Festival.

Councillor Davies requested to have a schedule of sail passes made available to the community.

Council moved the motion to receive with the addition of the recommendation from report item 12.1.

Councillor Sutton moved, Councillor Davies seconded:

**That the presentation be received;**

**That the report prepared by Anne Rota, Manager of Tourism and Culture regarding 2013 Tall Ships Festival 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 Town of Amherstburg activities surrounding the “Sails to See” Festival;**

**And further that Council approve the necessary road closures for “The Woman’s March” reenactment on Sunday, September 1 between 1 pm to 5 pm.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## REPORTS - RECREATION/CULTURE/PARKS

- 12.1 **Tall Ships Festival**  
As dealt with above.

- 12.2 **Agreements with Tall Ships - "Lynx" and "Friends of Good Will"**

Councillor DiPasquale moved, Councillor Davies seconded:

**That the report by Dean Collver dated March 7, 2013 regarding Agreements with Tall Ships - "Lynx" and "Friends of Good Will" be received;**

**That By-law 2013-31 being a By-law to enter into an Agreement with the Tall Ship "Lynx" and the Corporation of the Town of Amherstburg be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same thereto.**

**And further that By-law 2013-32 being a By-law to enter into an Agreement with the Tall Ship "Friends of Goodwill" and the Corporation of the Town of 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 Unanimously**

- 12.3 **Agreement - Windsor River Cruises for 2013 Season**

Councillor Davies requested the schedule for visits to the Town. Anne Rota, Manager of Culture and Tourism confirmed that Windsor River Cruises will dock in Amherstburg on Wednesdays from 12:00pm to 4:00pm.

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That the report by Dean Collver dated March 7, 2013 regarding Agreement - Windsor River Cruises for 2013 Season be received;**

**Further that By-law 2013-33 being a By-law to enter into an Agreement between Windsor River Cruises 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 Unanimously**

- 12.4 **Application for a Liquor Licence for the United Communities Credit Union Complex**

Councillor Pillon moved, Councillor Davies seconded:

**That the report prepared by Rick Daly, dated March 7, 2013, regarding an Application for a Liquor Licence for the United Communities Credit Union Complex be received;**

**And further that Council direct Administration to work with the Alcohol and Gaming Commission of Ontario in determining the feasibility of a liquor licence for the United Communities Credit Union Complex.**

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**

### **16.1 Application for Variance to Sign By-law – Canadian Tire Retail and Automotive Center**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

#### **Motion to Defer.**

The Mayor put the Motion.

**Motion Carried**

### **16.2 Repeal of Designation By-law 2007-60 pertaining to the Patrick Laferte House, 1105 Front Rd South**

As dealt with above.

## **REPORTS - ENGINEERING AND INFRASTRUCTURE**

### **17.1 Tandem Dump Truck for Sludge Haulage Tender Results**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the report by Lou Zarlenga dated March 6, 2013 regarding the Tandem Dump Truck for Sludge Haulage, Tender Results be received;**

**And further that Council award the contract for the Tandem Dump Truck for Sludge Haulage to the low tenderer, being 401 Truck Source Inc., for the price of \$152,569.00 plus HST.**

The Mayor put the Motion.

**Motion Carried Unanimously**

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

### **18.1 Proposed Sale of Surplus Lands**

Councillor DiPasquale moved, Councillor Pouget seconded:

**That the report prepared by Tony DeThomasis dated February 27, 2013 regarding Proposed Sale of Surplus Lands be received;**

**That Council approve the establishment of a Facilities Reserve Account and begin allocating all future sale of surplus lands, building's and real property deemed surplus in accordance with the Town's Strategic Plan into the Facilities Reserve Account;**

**And further that Council consider the approval of \$150,000 per year into the Facilities Reserve during the 2014 Budget deliberations in an effort to meet the long term Strategic Plan of the Town of Amherstburg.**

The Mayor put the Motion.

**Motion Carried Unanimously**

Councillor Sutton asked that when Administration established the reserve that there is a clear distinction between the Life Cycle Replacement reserve and the Facilities reserve for Council reference during the 2014 Budget deliberations.

**18.2 Memorandum of Understanding for Grass Cutting Operations Wyandotte Cemetery**

Councillor Sutton moved, Councillor Pillon seconded:

**That the report prepared by Tony DeThomasis dated February 27, 2013 regarding the Memorandum of Understanding for Grass Cutting Operations at the Wyandotte Cemetery be received;**

**That Council approve the Memorandum of Understanding between the Town of Amherstburg and the Aboriginal Affairs and Northern Development - Ontario Region for Town of Amherstburg Recreation and Culture staff to perform grass cutting operations for the 2013 Season at Wyandotte Cemetery;**

**And further that By-law 2013-34 being a By-law authorizing the execution of an Agreement between the Corporation of the Town of Amherstburg and the Aboriginal Affairs and Northern Development - Ontario Region in order to enter into an MOU regarding Maintenance of the Wyandotte Cemetery 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 Unanimously**

**REPORTS - TREASURY**

**19.1 Final Tax Levy By-Law 2013-28**

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**That the report by Paul Beneteau, Treasurer dated March 1, 2013 regarding the Final Tax Rate By-law for 2013 be received;**

**And further that By-law 2012-28 being a By-law to adopt the 2012 assessments on which taxes will be levied for the year 2013, to levy taxes for the year 2013 and to provide for the collection thereof, 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**

**REPORTS - HUMAN RESOURCES**

No reports at this time.

**REPORTS - LEGISLATIVE SERVICES**

**21.1 Annual User Fee By-law**

Councillor Pillon moved, Councillor Pouget seconded:

**That the report prepared by Brenda Percy dated March 5, 2013 regarding Annual User Fee By-law be received;**

And further that **By-law 2013-30** being a By-law to permit the Town of Amherstburg to impose fees or charges with respect to services or activities provided, related costs payable, and for the use of its property 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**

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

**That Council direct Administration to round the fees in the User Fee By-law up to the nearest dollar amount regarding the licensing fees only.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## 21.2 Video Surveillance Policy

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the report submitted by Dean Collver and Brenda Percy dated March 5, 2013 regarding Video Surveillance Policy be approved;**

**And further that the Video Surveillance Policy, be approved as presented.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## 21.3 Council Remuneration and Expenses - Review Committee for the 2014-2018 Term of Office

Councillor Pillon moved, Councillor Sutton seconded:

**That the report by Brenda Percy dated February 21, 2013 regarding Council Remuneration and Expenses – Review Committee for the 2014-2018 Term of Office be received;**

**That the Terms of Reference for the Committee be approved, as presented;**

**And further that Administration be directed to advertise and appoint members to the Council Compensation Review Committee for the purpose of recommending to Council a base level of compensation for Council applicable to the 2014-2018 term of Council.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## CONSENT REPORTS

Councillor Pouget moved, Councillor Davies seconded:

**That the consent reports b-f be received.**

- b) Be Prepared Backpack Draw**
- c) Accounts paid for the period of February 22, 2013 to March 10, 2013**
- d) Kingsbridge Subdivision Phase 6D- File#37-T-10001; Tender for Servicing**
- e) Environmental Registry Posting**
- f) Cat Delegation – Background Information**

The Mayor put the Motion.

**Motion Carried Unanimously**



Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That consent report item a) 2012 Treasurer's Report be received.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **CONSENT CORRESPONDENCE**

Councillor Davies moved, Councillor Pouget seconded:

**That the correspondence a, & d-f be received.**

- a) **2013 Senior of the Year Award**
- b) **County of Essex Resolution - Reconsideration of Closure of Visa and Immigration Sections at Canadian Consulates General in Detroit**
- c) **County of Essex Resolution - Reconsideration of Canada Post Walker Road Sorting Station Services Being Relocated to London**
- d) **Cancer Society Daffodil Month**
- e) **Ontario Association of Fire Chiefs - OAFIC Municipal Politicians Seminar**
- f) **Town of Tecumseh - Thank you letter**

The Mayor put the Motion.

**Motion Carried**

Councillor Davies moved, Councillor Pouget seconded:

**That Council support reconsideration of these as supported by County Council and send to other AMO communities.**

The Mayor put the Motion.

**Motion Carried**

Councillor Pilon moved, Councillor Sutton seconded:

**That consent correspondence items b) and c) be received**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **CONSENT OTHER MINUTES**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the following minutes be received:**

- a) **Minutes of the Heritage Committee meeting of January 17, 2013**
- b) **Heritage Committee Minutes - February 7, 2013**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **CORRESPONDENCE**

### **25.1 World Autism Awareness Day**

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**That the correspondence regarding World Autism Awareness Day be received;**

**And further that Council approve the raising of a flag for World Autism Awareness Day at 12:00pm on April 2, 2013.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## 25.2 Day of the Honey Bee

Councillor Davies moved the recommendation with an additional recommendation added.

Councillor Davies moved, Councillor Pouget seconded:

**That the correspondence regarding Day of the Honey Bee be received;**

**That Council proclaim May 29th, 2013 as the fourth annual Day of the Honey Bee;**

**That Council endorse the establishment of a recognized “Day of the Honey Bee” by Provincial Government by writing a letter of support to a Member of the Legislative Assembly, the Provincial Minister of Agriculture and our respective Provincial Apiarist;**

**That Council endorse the establishment of a recognized “National Day of the Honey Bee” by the Federal Government of Canada, by writing a letter of support to all respective Members of Parliament of our jurisdiction and to Alex Atamanenko, Member of Parliament for BC Southern Interior;**

**And further that Council endorse the establishment of a recognized “National Day of the Honey Bee” by the Federal Government of Canada, by writing a letter of support to the Honourable Gerry Ritz, Minister of Agriculture and Agri-Food Canada.**

**And further Council request Administration to write to appropriate government agencies and request their involvement to educate the public and take action to prevent the mass destruction of the honey bees that are dying at an alarming rate that will have direct negative impact on our source of food, agriculture and economy;**

**And further that letters be sent to municipalities in Essex County asking for their support.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## OTHER MINUTES

### 26.1 Traffic Committee Minutes - February 6, 2013

Councillor Pillon moved the motion with a slight change. He requested that the second recommendation included in the original motion be removed.

Councillor Pillon moved, Councillor Sutton seconded:

**That Council concur with the Traffic Committee's recommendation that the Public Works Department ensures “Stop Ahead” signs are in place on Meloche Road.**

**And further that Council receive the traffic minutes.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **UNFINISHED BUSINESS**

Unfinished Business items as of Monday, March 18, 2013

Councillor Pouget inquired of Administration on changes to procedural by-law. Brenda Percy Director, Legislative Services/Clerk spoke to the matter.

## **NEW BUSINESS**

There was none.

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

Report from In Camera Meeting held Monday, March 18, 2013

### **COUNCIL IN CAMERA SESSION – REPORTING OUT March 18, 2013 MEETING**

Council met at 5:00 pm. on March 18, 2013 for a Special In-Camera meeting and discussed three (3) items as provided for under Section 239 of the Municipal Act.

**ITEM A -** Director Update heard under Section 239(2)(b) and (d) of the Municipal Act. There is nothing further to report on this matter.

**ITEM B -** CAO Update heard under Section 239(2)(b), (d) and (f) of the Municipal Act. There is nothing further to report on this matter.

**ITEM C -** Director, Recreation and Culture heard under Section 239(2)(b) and (d) of the Municipal Act. As a result of this discussion, the following motion is before Council.

COUNCIL MOTION:

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**That the information in the Confidential In-Camera Report 2013-03-18-03 regarding the Director of Recreation and Culture be APPROVED.**

The Mayor put the Motion.

**Motion Carried**

Report from In Camera Meeting held Monday, March 4, 2013

### **COUNCIL IN CAMERA SESSION – REPORTING OUT March 4, 2013 MEETING**

Council met at 3:30 pm. on March 4, 2013 for a Special In-Camera meeting and discussed four (4) items as provided for under Section 239 of the Municipal Act.

**ITEM A -** Proxy Process heard under Section 239(2)(f) of the Municipal Act. There is nothing further to report on this matter.

**ITEM B -** Sherway Contracting Windsor Ltd. heard under Section 239(2)(e) and (f) of the Municipal Act. There is nothing further to report on this matter.

**ITEM C -** CAO Update heard under Section 239(2)(b), (d) and (f) of the Municipal Act. There is nothing further to report on this matter.

**ITEM D -** Director Update heard under Section 239(2)(b) and (d) of the Municipal Act. As a result of this discussion, the Mayor spoke to this item at the beginning of this meeting.

## **NOTICES OF MOTION**

**30.1 Deputy Mayor Ron Sutherland - Fluoride**  
(As brought forward at March 4, 2013 Regular Council Meeting)

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

**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 Mayor put the Motion.

**Motion Carried Unanimously**

Councillor Pouget introduced a Notice of Motion regarding Signage on Private Property. The item will be added to the April 8, 2013 meeting for discussion and voting.

Councillor Pouget introduced a Notice of Motion regarding Environment Concerns of Storage of Petroleum Coke. The item will be added to the April 8, 2013 meeting for discussion and voting.

Councillor Davies introduced a Notice of Motion regarding Availability of Light Industrial Land Development and Infill Opportunities for Economic Development. The item will be added to the April 8, 2013 meeting for discussion and voting.

## **BY-LAWS**

**31.1 Drainage By-law - George Anderson Drain**

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

**That By-law 2013-05 being a By-law to provide for the Repair and Improvement of the George Anderson Drain based on the Drainage Report by Crozier Baird Engineers be read a THIRD AND FINAL time and passed and the Mayor and Clerk be authorized to sign same thereto.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**31.2 Drainage By-law - Major Drain and Extension**

Councillor Sutton moved, Councillor DiPasquale seconded:

**That By-law 2013-06 being a By-law to provide for the Repair and Improvement of the Major Drain and Extension based on the Drainage Report by Rood Engineering Inc. be read a THIRD AND FINAL time and passed and the Mayor and Clerk be authorized to sign same thereto.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**31.3 Drainage By-law - Hamel Drain**

Councillor DiPasquale moved, Councillor Sutton seconded:

That **By-law 2013-07** being a By-law to provide for the Repair and Improvement of the Hamel Drain based on the Drainage Report by Crozier Baird Engineers be read a **THIRD AND FINAL** time and passed and the Mayor and Clerk be authorized to sign same thereto.

The Mayor put the Motion.

**Motion Carried Unanimously**

31.4 **Confirmatory By-law**

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

That **By-law 2013-35** being a By-law to confirm all resolutions of the Municipal Council Meetings held on March 18th, 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 9:16 p.m.**

The Mayor put the Motion.

**Motion Carried Unanimously**

\_\_\_\_\_  
MAYOR – WAYNE HURST

\_\_\_\_\_  
CLERK – BRENDA M. PERCY