



**TOWN OF AMHERSTBURG  
COUNCIL MEETING  
Monday, July 15, 2013  
7:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg

## **MINUTES**

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**PRESENT**

Mayor Wayne Hurst  
Deputy Mayor Ron Sutherland  
Councillor Robert (Bob) Pillon  
Councillor Bart DiPasquale  
Councillor John Sutton  
Councillor Carolyn Davies

Brenda Percy, Director, Legislative Service/Clerk

**ABSENT WITH NOTICE** Councillor Diane Pouget

**CALL TO ORDER**

The Mayor called the meeting to order at 3:45pm.

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

There were no disclosures of pecuniary interest noted.

**SPECIAL IN-CAMERA MEETING**

Councillor Sutton moved, Councillor Pillon seconded:

**That Council move into an In-Camera Meeting of Council at 3:45pm., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:**

**ITEM A – IBEW Mediation - 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.**

The Mayor called the meeting to order at 7:00pm.

## **PRAYER**

Brenda Percy, Director, Legislative Services/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**

Deputy Mayor Sutherland moved, Councillor DiPasquale 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 - June 24, 2013
2. Special In-Camera Council Meeting Minutes - June 18, 2013
3. Special In-Camera Council Meeting Minutes - June 24, 2013

The Mayor put the Motion.

**Motion Carried Unanimously**

## **DELEGATIONS**

### **9.1 Sue Markham, President - CUPW Local 500**

Sue Markham, President of CUPW Local 500 addressed Council regarding the new changes to the post office at 66 Richmond Street, Amherstburg. Ms. Markham shared photos of the newly proposed changes to post office interior, as well as a resolution from the Municipality of Leamington for Council to consider.

The Mayor suggested that Council make the resolution their own and send the resolution to AMO, FCM and County of Essex Council as well.

Councillor DiPasquale moved, Councillor Sutton seconded:

**That the delegation be received;**

**That the Town of Amherstburg write a letter to Steven Fletcher the Minister responsible for Canada Post and ask that he instruct Canada Post to halt any plans the corporation has to downsize and downgrade the post office at 66 Richmond Street, Amherstburg, Ontario and consult with the public and others to improve the Canadian Postal Service Charter by developing a better process for making changes to the retail and delivery network.**

**And further that AMO, FCM and the County of Essex Council be notified and asked for their support.**

The Mayor put the Motion.

**Motion Carried**

## **PRESENTATIONS**

### **10.1 Pat Catton, Amherstburg Recreation and Culture Advisory Committee - Parks Canada**

Pat Catton, Amherstburg Recreation and Culture Advisory Committee addressed Council regarding the downgrading of staff at Fort Malden National Historic Site and Point Pelee National Park.

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**The recommendation is that:**

- 1. The presentation be received and;**
- 2. Council direct administration to forward the letter regarding Parks Canada to County Council and copying Leamington.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**10.2 Val Sequeira, Director, Corporate Services - Town Financials Update/Amendment to Temporary Borrowing By-law 2013-02**

The Director of Corporate Services provided an overview of the PowerPoint presentation before Council. The presentation is a continuation of updates on the Town's financial position.

The CAO stated that he and the Senior Management Team will be implementing some expenditure control mechanisms that will get the Town through the remainder of the year. A report will be brought to Council within the next few months regarding same.

Councillor Davies inquired about the borrowing rate. The Director of Corporate Services advised that the information will be brought back to Council.

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the presentation by the Director of Corporate Services be received;**

**That By-law 2013-76 being a By-law to amend the Town's Temporary Borrowing By-law 2013-02 be read three times and finally passed and the Mayor and Clerk be authorized to sign the same thereto;**

**And further that administration continue to report back as appropriate with regard to completion of the 2012 Financials and related outcomes.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **REPORTS – POLICE SERVICES**

No reports at this time.

## **REPORTS – RECREATION AND CULTURE**

No reports at this time.

## **REPORTS – ENGINEERING AND INFRASTRUCTURE**

### **13.1 Kingsbridge Subdivision Phase 6D (Brown Crescent) Initial Acceptance of Underground Infrastructure**

Councillor DiPasquale moved, Councillor Davies seconded:

**That the report from Lou Zarlenga dated July 4, 2013 regarding the Kingsbridge Subdivision Phase 6D (Brown Crescent) Initial Acceptance of Underground Infrastructure be received;**

**And further that Council concur with the recommendation of the Consulting Engineer and that the Town initially accept the underground services, concrete curb and gutter, and base asphalt for the Kingsbridge Subdivision Phase 6D (Brown Crescent) and the commencement of the one year maintenance period effective July 5, 2013.**

The Mayor put the Motion.

**Motion Carried Unanimously**

### **13.2 Request for Drain Maintenance for the 4th Concession Road Municipal Drain from Garry and Karen Olson**

Councillor Sutton moved, Councillor Pillon seconded:

**That the report by Lou Zarlenga dated July 3, 2013 regarding the request for drain maintenance for the 4th Concession Road Municipal Drain from Garry and Karen Olson be received;**

**And further that Council approve the request for drain repairs from Garry and Karen Olson and that maintenance work be undertaken to the 4th Concession Road Municipal Drain consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current 1980 drainage report.**

The Mayor put the Motion.

**Motion Carried Unanimously**

13.3 **7th Line Municipal Drain – Request for Culvert Replacement submitted by Jeffery and Lori Greaves**

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**That the report from Lou Zarlenga dated July 3, 2013 regarding the 7th Line Municipal Drain – Request for Culvert Replacement submitted by Jeffery and Lori Greaves be received;**

**That Council accept the request from Jeffery and Lori Greaves for culvert replacement over the 7th Line 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 7th Line Municipal Drain;**

**And further that the firm of N.J. Peralta Engineering Ltd. be appointed for the purpose of preparing an engineer’s report including plans and profile for the 7th Line Municipal Drain.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**REPORTS – CORPORATE SERVICES**

14.1 **Tax Write-offs and Assessment Changes**

Councillor DiPasquale moved, Councillor Pillon seconded:

**That the report prepared by Greg Bedard, Supervisor of Revenue/Financial Analyst dated July 5, 2013 Tax Write-offs and Assessment Changes be received;**

**That Council approve the Write-offs and Assessment Changes as presented;**

**And further that By-law 2013-64, being a By-law 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 thereto.**

The Mayor put the Motion.

**Motion Carried Unanimously**

14.2 **Donation Request from Felicia Tamasovics**

Councillor Sutton moved, Councillor Pillon seconded:

**It is recommended that:**

- 1. Council receive the donation request from Felicia Tamasovics and;**
- 2. Council deny the request based the on the information provided.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**REPORTS – LEGISLATIVE SERVICES**

15.1 **Amending Development Agreement- 549 Simcoe Street - County of Essex EMS Station**

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

**That the report by Rebecca Belanger dated July 5, 2013 regarding an Amending Development Agreement for 549 Simcoe Street be received;**

**That Council approve the Site Plan and Amending Development Agreement for a parking lot revision;**

**And further that By-law 2013-74 being a By-law to authorize the signing of an Amending Development Agreement with the County of Essex 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**

15.2 **Site Plan Control and Development Agreement - 200 Golfwood Drive, Pointe West Golf Club**

Councillor Sutton moved, Councillor Davies seconded:

**That the report by Rebecca Belanger dated July 5, 2013 regarding Site Plan Control and Development Agreement - 200 Golfwood Drive be received;**

**That Council approve the Site Plan and Development Agreement to allow for the creation of a permanent yard waste recycling area on the southern portion of the site;**

**And further that By-law 2013-75 authorizing 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 thereto.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**15.3 Amending Development Agreement- 463 Sandwich Street South- United Communities Credit Union Ltd.**

Councillor DiPasquale moved, Councillor Davies seconded:

**That the report by Rebecca Belanger dated July 4, 2013 regarding an Amending Development Agreement - 463 Sandwich Street South be received;**

**That Council approve the Site Plan and Amending Development Agreement for a renovation and addition to the building and modifications to the parking lot;**

**And further that By-law 2013-73 being a By-law to authorize the signing of an Amending Development Agreement with United Communities Credit Union Ltd. 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 - CAO's OFFICE**

No reports at this time.

**INFORMATION REPORTS**

The CAO advised Council that there has been a slight modification to the accounts paid information reports that are provided to Council and there will be another revision for the next Council meeting with regard to the information given to Council, so as to provide Council with more information however, at the same time respecting the privacy of some of the issues that come before Council.

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

**That the information reports be received.**

- a) Accounts Paid for the Period of June 17, 2013 to July 4, 2013**
- b) 2012 Annual Report on Development Charge Reserve Funds**



- c) **Yard Waste Collection Program - Council Update for April 2013**
- d) **Yard Waste Collection Program - Council Update for May 2013**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **CONSENT CORRESPONDENCE**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the consent correspondence a, b and d be received.**

- a) **CMO Designation - Brenda Percy**
- b) **Essex County Library Board - Amherstburg Update**
- c) **Request to rename Texas Road**
- d) **Verdi Club Invitation - Gala Evening of Music**

**And that members of Council be encouraged to attend item D – the Gala Evening of Music at the Verdi Club.**

The Mayor put the Motion.

**Motion Carried Unanimously**

The Mayor asked for Council's indulgence as Betty Federico, Tino Riccio and Aurelio Tontodonati, President of the Verdi Club wished to address Council regarding the recognition of Texas Road as Via Verdi.

### **c) Request to rename Texas Road**

Betty Federico addressed Council regarding the history of Texas Road and the request before Council to name a district as Via Verdi prior to October of 2013. It was clarified that renaming Texas Road was not the request as initially understood.

Councillor Sutton moved, Councillor Davies seconded:

**That Council waive rules of order and allow them to speak to item C.**

The Mayor put the Motion.

**Motion Carried**

Councillor DiPasquale moved, Councillor Sutton seconded:

**That administration investigate and report back to Council at the August meeting in adding Via Verdi to Texas Road and instruct Council on what needs to be done before the October 2013.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**CORRESPONDENCE**

**19.1 Raising Healthy Children: A Healthy Kids Strategy for Windsor-Essex**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**The recommendation is that:**

- 1. Council direct administration to send a letter of support regarding Raising Healthy Children: A Healthy Kids Strategy for Windsor-Essex**

The Mayor put the Motion.

**Motion Carried Unanimously**

**UNFINISHED BUSINESS**

Unfinished Business items as of Monday, July 15, 2013

Councillor DiPasquale inquired on the status of the new wastewater plant. The Mayor advised that he was at the site earlier and the plant is very close to being finished and a report will follow shortly regarding same.

Councillor Sutton asked that item # 8, 14 and 17 of the unfinished business list be removed, as they have been addressed.

**NEW BUSINESS**

There was no new business.

**REPORT FROM IN-CAMERA SESSION**

Report from In Camera Meeting held Monday, July 15, 2013

**COUNCIL IN CAMERA SESSION – REPORTING OUT  
July 15, 2013 MEETING**

Council met at 3:45 pm. on July 15, 2013 for a Special In-Camera meeting and discussed one (1) items as provided for under Section 239 of the Municipal Act.

**ITEM A –** IBEW Mediation - heard under Section 239(2)(b) and (d) of the Municipal Act. As a result of this discussion, the following motion is before Council.

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That administration be directed to amend Article 6.05, 13.01 and Letter of Understanding C of the IBEW Collective Agreement and that By-law 2013-79 being a By-law to amend By-law 2011-71, as amended be brought before Council for consideration.**

**And further that administration be directed to send letters of explanation to the tax clerk applicants.**

The Mayor put the Motion.

**Motion Carried**

## **NOTICES OF MOTION**

Councillor Davies introduced a Notice of Motion regarding Climate Change Adaptability Planning to be considered at the August 12, 2013 Council meeting.

## **BY-LAWS**

### **24.1 2nd Concession Drain - Third and Final Reading**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That By-law 2013-29 being a By-law to provide for the New Maintenance Schedule for the 2nd Concession Road Drain South 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**

### **24.2 Dufour Drain - Third and Final Reading**

Councillor DiPasquale moved, Councillor Pillon seconded:

**That By-law 2013-36 being a By-law to provide for the Repair and Improvement of the Dufour Drain based on the Drainage Report by Dillon Consulting 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**

**24.3 Mayville/Jubenville Drain - Third and Final Reading**

Councillor Pillon moved, Councillor Sutton seconded:

**That By-law 2013-37 being a By-law to provide for the Repair and Improvement of the Mayville Jubenville Drain 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 Unanimously**

**24.4 By-law to amend Zoning By-law No. 1999-52 - Corner of Alma and Venetian**

Councillor Sutton moved, Councillor Pillon seconded:

**That By-law 2013-66 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**

**24.5 By-law to amend Zoning By-law No. 1999-52 - 7066 Smith Industrial**

Councillor Davies moved, Deputy Mayor Sutherland seconded:

**That By-law 2013-67 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**

**24.6 Amending By-law to the IBEW Contract, Article 6.05, 13.01 and Letter of Understanding C**

Councillor Sutton moved, Councillor Pillon seconded:

That **By-law 2013-79** 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 that amends Article 6.05, 13.01 and Letter of Understanding C 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**

24.7 **Confirmatory By-law**

Councillor DiPasquale moved, Councillor Sutton seconded:

That **By-law 2013-78** being a By-law to confirm all resolutions of the Municipal Council Meetings held on July 15, 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 Unanimously**

**ADJOURNMENT**

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

**That Council rise and adjourn at 8:11 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