



**TOWN OF AMHERSTBURG
COUNCIL MEETING
Monday, July 14, 2014
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 Diane Pouget
Councillor John Sutton

Mike Phipps, Chief Administrative Officer
Paula Parker, Clerk

ABSENT

Councillor Bart DiPasquale

CALL TO ORDER

The Mayor called the meeting to order at 5:48pm.

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 5:00pm., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:

ITEM A – Massen Litigation Update – Section 239(2)(f) – Advice that is subject to solicitor-client privilege, including communications necessary for that purpose

The Mayor put the Motion.

Motion Carried Unanimously

ADJOURNMENT OF IN-CAMERA MEETING

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

PRAYER

The 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 Davies seconded:

Councillor Pouget brought attention to item 5.1 of the June 23, 2014 minutes where the municipal financial review was referenced as an audit.

Councillor Sutton requested an amendment to the motion requesting the minutes of June 23, 2014 be changed to reflect the phrase “municipal financial review.”

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 23, 2014

And further that the minutes of this meeting be changed to reflect the wording of municipal financial review.

The Mayor put in Motion.

Motion Carried

The Mayor stated that there was an error in the order of the agenda and that presentation item # 10.1 will be heard prior to the delegation.

10.1 Identification/Larvaciding Program for 2014 – Mark Ardis, GDG Environmente

Mark Ardis, GDG Environmente presented a powerpoint to Council regarding GDG and its active program in “Fraserville.”

Councillor Davies moved, Deputy Mayor Sutherland seconded:

That the presentation be received.

The Mayor put in Motion.

Motion Carried

DELEGATIONS

9.1 Mosquitos in "Fraserville" area - Brenda Kokko

Brenda Kokko addressed Council regarding her concerns with the mosquito issue in Fraserville.

GDG addressed questions posed by Brenda Kokko stating that they will submit a full nuisance program to protect Fraserville in the fall of 2014, to the Town.

Councillor Sutton moved, Councillor Davies seconded:

That the delegation by Brenda Kokko be received; and,

That administration be directed to work with GDG on a nuisance mosquito program for the Fraserville area and that the associated report include the answers to the questions posed by Brenda Kokko.

The Mayor put in Motion.

Motion Carried

PRESENTATIONS

10.1 Identification/Larvaciding Program for 2014 – Mark Ardis, GDG Environmente

As dealt with above.

10.2 Sandwich Three-Lane Plan Presentation - Scott Fortner, Project Manager, MMM Group Ltd.

Scott Fortner provided an overview of the presentation before Council.

Councillor Pouget raised concern with elimination of 53 parking spaces and inquired whether administration had alerted the residents and businesses of these changes.

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

That the presentation be received.

The Mayor put in Motion.

Motion Carried

The Mayor asked for Council's indulgence with bringing forward report items 14.5 and 14.4 at this time, as they pertain to topic of the last presentation.

Councillor Sutton moved, Councillor Pouget seconded:

That report items 14.5 and 14.4 be brought forward at this time.

The Mayor put in Motion.

Motion Carried

14.5 Sandwich Street Realignment - New Lane Configuration

Councillor Pouget voiced concern with the notification of residents and business owners and with the shortfall of the project.

Councillor Davies voiced concern with the lack of bike lanes and flow of traffic and requested that a traffic study be done.

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

It is recommended that:

1. **The report from the Manager of Engineering and Operations dated June 30, 2014 regarding Sandwich Street Realignment - New Lane Configuration be received; and,**
2. **Council approve the new lane configuration of Sandwich Street between Lowes Sideroad and St. Arnaud Street; and,**
3. **Council direct administration to advise all affected owners of the new configuration and elimination of parking spaces.**

The Mayor put in Motion

Motion Carried

14.4 **Sandwich Street Resurfacing - Tender Results**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

It is recommended that:

1. **The report from the Manager of Engineering and Operations dated June 26, 2014 regarding Sandwich Street Resurfacing - Tender Results be received; and,**
2. **Council award the contract the Coco Paving Inc.; and,**
3. **By-law 2014-73 being a by-law to enter into an agreement with Coco Paving Inc. to complete the Sandwich Street resurfacing be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same.**

The Mayor put in Motion.

Motion Carried

REPORTS – POLICE SERVICES

No reports at this time.

REPORTS – CORPORATE AND COMMUNITY SERVICES

No reports at this time.

REPORTS – FINANCIAL SERVICES

No reports at this time.

REPORTS – ENGINEERING AND PUBLIC WORKS

14.1 7th Line Drain Improvements Tender Results

Councillor Sutton moved, Councillor Pillon seconded:

It is recommended that:

- 1. The report from the Manager of Public Works dated July 4, 2014 regarding 7th Line Drain Improvements Tender Results be received; and,**
- 2. Council award the contract for the 7th Line Drain Improvements to Marchand Excavating Ltd. in the amount of \$28,429.55 plus H.S.T.; and,**
- 3. By-law 2014-77 being a by-law to enter into a contract with Marchand Excavating Ltd. for the 7th Line Drain Improvements be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same.**

The Mayor put in Motion.

Motion Carried Unanimously

14.2 North Townline Drain Improvements Tender Results

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

It is recommended that:

- 1. The report from the Manager of Public Works dated June 20, 2014 regarding North Townline Drain Improvements Tender Results be received; and,**
- 2. Council reject the tender submissions for the North Townline Drain; and,**
- 3. Council direct administration to retender the North Townline Drain.**

The Mayor put in Motion.

Motion Carried Unanimously

14.3 Adams Drain Improvements Tender Results

Councillor Sutton moved, Councillor Davies seconded:

It is recommended that:

- 1. The report from the Manager of Public Works dated June 19, 2014 regarding Adams Drain Improvements Tender Results be received; and,**
- 2. Council award the contract for the Adams Drain Improvements to Rivard Excavating Ltd. in the amount of \$101,066.20 plus H.S.T.; and,**
- 3. By-law 2014-69 being a by-law to enter into a contract with Rivard Excavating Ltd. for the Adams Drain Improvements be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same.**

The Mayor put in Motion.

Motion Carried

14.4 Sandwich Street Resurfacing - Tender Results

As dealt with above.

14.5 Sandwich Street Realignment - New Lane Configuration

As dealt with above.

REPORTS – COMMUNITY AND ECONOMIC DEVELOPMENT

No reports at this time.

REPORTS - CAO's OFFICE

16.1 Annual User Fee By-law

Nicole Rubli advised Council that notice was provided in the River Town Times as per the Municipal Act requirements.

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

It is recommended that:

1. **The report prepared by Executive Assistant to the CAO dated June 13, 2014 regarding Annual User Fee By-law be received; and,**
2. **By-law 2014-75 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.**

The Mayor put in Motion.

Motion Carried Unanimously

16.2 **Indemnification By-law**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

It is recommended that:

1. **The report from the Manager of Municipal Governance dated June 23, 2014 regarding Indemnification By-law be received; and,**
2. **By-law 2014-76 being a by-law respecting the protection of municipal employees and members of Council of the Corporation of the Town of Amherstburg against liability incurred while acting on behalf of the Municipality be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same.**

The Mayor put in Motion.

Motion Carried Unanimously

INFORMATION REPORTS

Councillor Sutton moved, Councillor Pillon seconded:

That the information reports be received.

a) Accounts Paid for the Period of June 9, 2014 to June 23, 2014

The Mayor put in Motion.

Motion Carried

Councillor Sutton moved, Councillor Pillon seconded:

That the information report be received.

b) MMAH Financial Services Review

The Mayor put in Motion.

Motion Carried

Councillor Pouget voiced concerns with the Ministry's offer to facilitate a review rather than an audit as originally requested by Council.

The CAO took Council through the supplementary report indicating the order of events starting with the request for audit, up to the Ministry's offer to facilitate a review. The CAO suggested that Council invite the Ministry to the next meeting to answer their questions.

Councillor Sutton moved, Councillor Davies seconded:

That representatives of the OPP and the Ministry of Municipal Affairs and Housing be invited to attend a Council meeting at their earliest convenience to address the questions and concerns of this body and direct administration to review the audio from previous meetings and bring back the relevant parts.

The Mayor put the Motion.

Motion Carried Unanimously

CONSENT CORRESPONDENCE

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the consent correspondence be received.

a) Call for a Formation of Small and Rural School Alliance

The Mayor put in Motion.

Motion Carried

CONSENT OTHER MINUTES

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

Councillor Pouget spoke to item c) stating that Council depends on this committee to give good advice regarding heritage matters, and any demolition notices should be given to the committee for the full 60 days of research.

That the following minutes be received:

- a) Committee of Adjustment Minutes - April 29, 2014 Meeting**
- b) Committee of Adjustment Minutes - June 5, 2014 Meeting**
- c) Heritage Committee Minutes - May 22, 2014**

The Mayor put in Motion.

Motion Carried Unanimously

CORRESPONDENCE

20.1 Emancipation Day - August 1, 2014

Councillor Sutton moved, Councillor Davies seconded:

It is recommended that:

- 1. The correspondence regarding Emancipation Day be received; and,**
- 2. The Mayor and Council proclaim August 1, 2014 as Emancipation Day in the Town of Amherstburg.**

The Mayor put in Motion.

Motion Carried Unanimously

UNFINISHED BUSINESS

Unfinished Business items as of Monday, July 14, 2014

Deputy Mayor Sutherland requested an update on Dynament Corporation. The Director of Community and Economic Development stated that he was waiting on the return of the owner and would be bringing an information report to Council shortly.

Deputy Mayor Sutherland inquired on the grant process. The Director of Community and Economic Development provided information regarding OMAFRA.

Councillor Davies inquired on the speed limit on Thomas Road from Alma Street to Texas Road where the limit is set to 50km/h.

NEW BUSINESS

Councillor Pouget voiced constituent concerns over the CAO selection process and asked the CAO to make public whatever was possible regarding the process. The CAO outlined the process of the new CAO selection, however did not reveal the names of those included on the interview panel.

The Mayor announced that the Town was losing a member of administration. Dean Collver, Director of Corporate and Community Services will be leaving the Town for another opportunity closer to family.

REPORT FROM IN-CAMERA SESSION

Councillor Sutton moved, Councillor Davies seconded:

Report from In Camera Meeting held Thursday, June 26, 2014

Report from In Camera Meeting held Monday, July 7, 2014

Report from In Camera Meeting held Monday, July 14, 2014

COUNCIL IN CAMERA SESSION – REPORTING OUT JUNE 26, 2014 MEETING

Council met at 8:00 am on June 26, 2014 for a Special In-Camera meeting and discussed one (3) items as provided for under Section 239 of the Municipal Act:

- A. **Sale of Land** – heard under Section 239(2)(c) of the Act. There is nothing further to report on this matter.
- B. **7 Personnel Matters** – heard under Section 239(2)(b) of the Act. There is nothing further to report on this matter.
- C. **Salary Administration Program (SAP) Amendments** – heard under Section 239(2)(d) of the Act. As a result of the discussion regarding this matter, the following motion is before Council.

Councillor Sutton moved, Councillor Davies seconded:

That administration be directed to moved forward with the suggested changes to the Salary Administration Policy.

The Mayor put in Motion.

Motion Carried

COUNCIL IN CAMERA SESSION – REPORTING OUT JULY 7, 2014 MEETING

Council met at 8:00 am on July 7, 2014 for a Special In-Camera meeting and discussed one (1) item as provided for under Section 239 of the Municipal Act:

- A. **CAO Selection Process** – heard under Section 239(2)(b) and (f) of the Act. There is nothing further to report on this matter.

COUNCIL IN CAMERA SESSION – REPORTING OUT JULY 14, 2014 MEETING

Council met at 5:00 pm on July 14, 2014 for a Special In-Camera meeting and discussed one (1) item as provided for under Section 239 of the Municipal Act:

- A. **Massen Litigation Update** – heard under Section 239(2)(f) of the Act. There is nothing further to report on this matter.

NOTICES OF MOTION

There were no Notices of Motion.

BY-LAWS

25.1 Clerk and Deputy-Clerks Appointment By-law

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

Motion to defer.

The Mayor put the Motion.

Motion Failed

Councillor Sutton moved, Councillor Davies seconded:

That By-law 2014-74 being a by-law to appoint a Clerk and Deputy Clerks for 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.

The Mayor put in Motion.

Motion Carried

25.2 **2014-59- ZBA- 5698 Concession 5 N**

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That By-law 2014-59 being a by-law to amend Zoning By-law No. 1999-52 for 5698 Concession 5 N, Amherstburg be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same.

The Mayor put in Motion

Motion Carried

25.3 **2014-72- ZBA- 2090 Front Rd N**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That By-law 2014-72 being a by-law to amend Zoning By-law No. 1999-52 for 2090 Front Rd N, Amherstburg be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same.

The Mayor put in Motion

Motion Carried

25.4 **Infrastructure Ontario Debenture By-laws**

Councillor Sutton moved, Councillor Davies seconded:

That By-laws 2014-60 through 2014-68, being by-laws to authorize borrowing upon amortizing debentures from Infrastructure Ontario, be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same.

The Mayor put in Motion

Motion Carried

25.5 **Confirmatory By-law**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That By-law 2014-78 being a by-law to confirm all resolutions of the Municipal Council Meetings held on June 26, July 7 and July 14, 2014 be taken as having

been read three times and finally passed and the Mayor and Clerk be authorized to sign same.

The Mayor put in Motion

Motion Carried

The Mayor made a suggestion that all Council members should sign that they understand the information relayed to them in In-Camera meetings.

ADJOURNMENT

Councillor Davies moved, Deputy Mayor Sutherland seconded:

That Council rise and adjourn at 9:50 p.m.

The Mayor put in Motion

Motion Carried

MAYOR – WAYNE HURST

CLERK – PAULA PARKER