

Minutes of a regular meeting of the Amherstburg Municipal Council held Monday, March 1, 2004 at 7:00 p.m.

PRESENT:

Mayor Wayne Hurst
Deputy Mayor Anthony Leardi
Councillor Robert Bailey
Councillor Gord Freeman
Councillor Carl Gibb
Councillor Paul Renaud
Councillor Rosa White

ALSO PRESENT:

Hilary Payne, CAO
David Mailloux, Clerk
Paul Beneteau, Treasurer
Lou Zarlenga, Public Works Manager
Chuck Fiddy, OCWA

PRAYER

Carl Gibb a member of St. Andrew's Presbyterian Church said prayer.

DECLARATIONS OF PECUNIARY INTEREST

Deputy Mayor Anthony Leardi declared a conflict of interest with regard to Item #10 Canada-U.S. Boarder Transportation Partnership Bi-National Study.

MINUTES

Moved by P. Renaud, seconded by R. Bailey that the minutes of a regular Council meeting held Monday, February 23, 2004, be adopted.

Motion Carried

Moved by G. Freeman, seconded by R. White that we waive rules of order to hear the delegations.

Motion Carried

PETITIONS & DEPUTATIONS

Robert Wilson, on behalf of the Sportsmen's Association addressed Council concerning how certain Charities and Fundraising groups have been eliminated from running Bingos. He stated that out of Town groups are still able to run Bingos when some Amherstburg organizations have been eliminated. The AMA Sportsman have run Bingos since the Bingo Hall began and are very disappointed about having been eliminated.

Thomas Noble of Alma Street addressed Council with regard to the intersection of County Road 9 and Alma Streets where he was a victim of an accident. The recent fatality at the same intersection is further proof that improved safety equipment is needed.

Gerry Bezaire of Bezaire Power Products addressed Council asking that he be given a chance to tender on equipment that the Town is purchasing. He has sold the Town smaller equipment in the past however has never sold larger equipment to the Town. He now has larger equipment in stock, parts are available and service is available.

Moved by R. White, seconded by R. Bailey that Council resume.

Motion Carried

BUSINESS ARISING FROM PETITIONS & DEPUTATIONS

Moved by A. Leardi, seconded by P. Renaud that we receive the presentation from Mr. Robert Wilson of AMA Sportsmen’s Club and that we forward to Mr. Wilson a copy of the letter provided by the Town to the Bingo Hall.

Motion Carried

Moved by A. Leardi, seconded by G. Freeman that we send a letter to the Bingo Hall requesting that they give Special consideration to the Amherstburg Charities and Groups and further that we advise the Bingo Hall that the Town initiative to waive License fees for six months was done with the intention of benefiting Amherstburg Charities and Groups.

Motion Carried

Moved by G. Freeman, seconded by P. Renaud that we receive Mr. Nobles presentation and that the matter be referred to the County Engineers for review and response as to what action can be taken to improve the safety at the intersection of County Road 9 (Howard Ave.) and Alma Street.

Motion Carried

Moved by C. Gibb, seconded by R. White that we receive the presentation from Mr. Gerry Bezaire of Bezaire Power Products and that when tenders are put out we circulate to all relevant Town Businesses (not exclusive to Amherstburg Businesses).

CQ - Deputy Mayor Leardi requested to know if the Province paid provincial sales taxes on items purchased by the Province.

CORRESPONDENCE

Item #1

Moved by R. White, seconded by P. Renaud that the letter from the City of Cornwall requesting support in obtaining both the Provincial and Federal Governments to recognize the need for stronger legislation on motorized wheelchairs and scooters upon city streets and sidewalks, be received and that Council concur with their request.

Motion Carried

Item #2

Moved by P. Renaud, seconded by C. Gibb that the resolution from the County of Prince Edward regarding “Request for exemption of ‘Omitted Assessment’ for trailers for the 2003 taxation year” be received and that Council support the resolution.

Motion Carried

Item #3

Moved by G. Freeman, seconded by R. Bailey that the resolution from the City of Sarnia regarding “Gas Tax Rebate”, be received and that Council support the resolution.

Motion Carried

Item #4

Moved by R. Bailey, seconded by R. White that the letter from Association of Ontario Road Supervisors, dated Feb. 20, 2004 regarding The 2004 Traveling Road Show, “Roads” – A Municipal Responsibility be received.

Motion Carried

CORRESPONDENCE CONT'D.

Item #5

Moved by R. White, seconded by A. Leardi that the letter from the County of Essex, dated Feb. 19, 2004, regarding Expansion of the Local Calling Area, be received and referred to administration for a report.

Motion Carried

Item #6

Moved by P. Renaud, seconded by R. White that the letter from St. John the Baptist Church requesting support for their Good Friday Walk to take place April 9, 2003 at 10:30 a.m., be received and that Council concur with the request and that the Police Services be advised.

Motion Carried

Item #7

Moved by A. Leardi, seconded by G. Freeman that the letter from the County of Essex, dated Jan. 19, 2002⁴ requesting support of their resolution 61/04, be received and that Council support the resolution and a copy be forwarded to Mr. Kosyk.

Motion Carried

Item #8

Moved by R. White, seconded by P. Renaud that the information package from Federation of Canadian Municipalities regarding their Annual Conference to be held May 28 to 31, 2004, be received.

Motion Carried

Item #9

Moved by R. Bailey, seconded by R. White that:

1. This Council approves the form of draft by-law and franchise agreement attached hereto and authorizes the submission thereof to the Ontario Energy Board for approval pursuant to the provisions of Section 9 of The Municipal Franchises Act; and
2. This Council requests that the Ontario Energy Board make an Order declaring and directing that the assent of the municipal electors to the attached draft by-law and franchise agreement pertaining to the Corporation of the Town of Amherstburg is not necessary pursuant to the provisions of Section 9(4) of the Municipal Franchise Act.

Motion Carried

Deputy Mayor Anthony Leardi vacated his seat and left the Council Chambers for the following item.

Item #10

Moved by R. Bailey, seconded by P. Renaud that the letter from URS Canada Inc., dated Feb. 20, 2004, regarding Canada-U.S.-Ontario-Michigan Border Transportation Partnership Bi-National Study, be received and that we agree with their request to attend the Council meeting on Monday, March 15, 2004.

Motion Carried

CORRESPONDENCE CONT'D.

Anthony Leardi returned to his chair.

Item #11

Moved by A. Leardi, seconded by R. White that the information regarding Canada-Ontario Affordable Housing Program, be received and that we do not concur.

Motion Lost

Moved by R. Bailey, seconded by P. Renaud that the information regarding Canada-Ontario Affordable Housing Program be received.

Motion Carried

Item #12

Moved by P. Renaud, seconded by R. Bailey that the CQ's 01 through 35, 2004, be received.

Motion Carried

BUSINESS LICENCES

Moved by A. Leardi, seconded by R. White that the application from George Brouillard to open a Bed & Breakfast establishment at 2035 Front Road North, be received and approved subject to compliance with all agencies and by-laws.

Motion Carried

REPORTS OF COMMITTEES

Moved by P. Renaud, seconded by R. Bailey that the minutes of a Public Meeting of the Amherstburg Municipal Council held February 9, 2004 at 6:00 p.m. be adopted.

Motion Carried

Moved by R. Bailey, seconded by R. White that the minutes of a Tender Opening for RFP's for the Town Insurance Package, held February 20, 2004 at 4:05 p.m. be adopted.

Motion Carried

REPORTS OF MUNICIPAL OFFICERS

Lou Zarlenga and Chuck Fiddy reviewed the reports for the various Water & Sewage Treatment Systems.

Report #1

Moved by P. Renaud, seconded by R. White that the report from Lou Zarlenga, dated Feb. 25, 2004, regarding Monthly Reports from OCWA February 2004 be received.

Motion Carried

The Public Works Manager was directed to send a letter to Bell Canada regarding the cable between the Lake Erie Country Club RBC and the McLeod Ave. STP.

Report #2

Moved by G. Freeman, seconded by A. Leardi that the report from Hilary Payne, dated Feb. 26, 2004, regarding Kingsbridge and Golfview – Parks Development Plans, be received and that the plans be presented to Council for review and input.

Motion Carried

Report #3

Moved by P. Renaud, seconded by R. White that the report from David Mailloux, dated Feb. 26, 2004, regarding appointments, be received and that we confirm the appointment of Phil Kasurak to the LACAC Committee and Gordon Renaud to the Co-An Park Board.

Motion Carried

Report #4

Moved by A. Leardi, seconded by R. White that the report from Hilary Payne, dated Feb. 23, 2004, regarding Health and Safety Policy, be received and that the matter be deferred.

Motion Carried

Report #5

Moved by P. Renaud, seconded by R. Bailey that the report from Paul Beneteau dated Feb. 26, 2004 and the supplementary report dated March 1, 2004 regarding the 2004 Insurance Request for Proposal be received and that we concur with the recommendation that the contract be awarded to the Frank Cowan Company.

Motion Carried

UNFINISHED BUSINESS

1. Report on Diageo – in progress
2. Ad in Media for an Environmental Advisory Committee
3. Snow Removal By-law
4. Deputy Mayor Leardi referred to the package that Senator Whelan provided to Council regarding OPA #4. The Niagara On The Lake LACAC through a process of negotiation with the developers were able to obtain various “features” that were historically desirable.

NEW BUSINESS

Councillor White requested that staff prepare a resolution to confirm the change of the membership of the Personnel Committee to full Council.

Moved by A. Leardi, seconded by R. White that Council support the application for approval of the next phase of development for Kingsbridge North and Administration be authorized to prepare the Zoning By-law Amendment under Section 34 of the Planning Act to change the zoning of Part Lot 15, Concession 1 from Agricultural (A) Zone to Residential First Density (R1) Zone for the lands which are the subject of the subdivision and Holding Residential First Density (R1(h)) Zone for the additional lands to the east.

Motion Carried

Councillor Renaud asked the CAO for an update on the Bob-lo Waterline project The CAO responded.

Moved by P. Renaud, seconded by R. White that the following action be taken with regard to the Bob-lo Water Line Project:

1. Finalization of easements required on both sides of the channel to permit construction of the watermain. (The developer is required to provide these without charge under Par 6.4 of Malden By-law 96-4);
2. Completion of archaeological assessments required by the Ministry of Culture prior to construction of the watermain;
3. Application to MOE for Certificate of Approval to construct the watermain.

A recorded vote as requested.	<u>Aye</u>	<u>Nay</u>
Councillor Bailey	X	
Councillor Freeman	X	
Councillor Gibb	X	
Deputy Mayor Leardi		X
Councillor Renaud	X	
Councillor White	X	
Mayor Hurst		X

Motion Carried

Councillor Gibb reported that he viewed the “Great Getaways” airing on Feb. 28th featuring Amherstburg. It was very well done.

Moved by A. Leardi, seconded by R. White that the sign by-law (by-law #2003-32) be amended to include the following provision – “The municipality may remove and dispose of any sign without notice to the owner if such sign is erected on public property without permission from the municipality.”

Motion Carried

BY-LAWS

Moved by A. Leardi, seconded by R. White that:
By-law No. 2004-15; being a by-law to authorize a franchise agreement between the Corporation of the Town of Amherstburg and Union Gas Limited, be read a first and second time.

Motion Carried

Moved by A. Leardi, seconded by R. White that:
By-law No. 2004-16; being a by-law to confirm all resolutions of the Municipal Council be taken as having been read a first, second and third time, be finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

Motion Carried

NOTICE OF MOTION

Councillor White – that Administration prepare an amendment to the Business License By-law that eliminates Hawker & Peddlers section of the By-law.

ADJOURNMENT

Moved by P. Renaud, seconded by R. White that the meeting adjourn.

Motion Carried

MAYOR

CLERK