

Minutes of a regular meeting of the Amherstburg Municipal Council held Monday, January 9, 2006 at 7:00 p.m. in the Council Chambers.

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; Frank Pizzuto, CAO
David Mailloux, Clerk
Paul Beneteau, Treasurer
Dave Carpenter, IT Manager
Lou Zarlenga, Public Works Manager

PRAYER

David Mailloux, Clerk said prayer.

DISCLOSURE OF PECUNIARY INTEREST

Councillor Robert Bailey declared a conflict of interest with Correspondence Item #7.

MINUTES OF PREVIOUS MEETING

Moved by C. Gibb, seconded by P. Renaud that the minutes of a regular meeting of the Amherstburg Municipal Council held Monday, December 12, 2005, be adopted.

Motion Carried

APPROVAL OF ACCOUNTS

None

DELEGATIONS

Linda Saxon addressed Council regarding her review of the accomplishments listed in the 3 annual accessibility plans. A written presentation listing 9 items was read and subsequently submitted to the Clerk. The conclusion was that there was little commitment to improving the accessibility of this municipality. Her review will continue at the next meeting.

Moved by G. Freeman, seconded by R. Bailey that we receive the verbal and written presentation from Linda Saxon.

Motion Carried

Wilbur Mulder, Blair Harris and Larry Hurst the Amherstburg Heritage Homecoming Committee made a presentation regarding the 4th Annual Heritage Homecoming Festival to be held on September 9 and 10, 2006. The group felt very strongly about the need to avoid having a conflict with the Erie Shores International Wine Festival which is set for the same weekend. The Homecoming Festival has been held on that weekend for three years and they were quite upset with the Wine Festival holding their event on the same weekend. They asked that Council designate the Heritage Homecoming as the sole event for that weekend. Council explained that there were unsuccessful attempts made to avoid the conflict. Also some thought should be given to having the two events compliment each other. The Heritage Committee felt that one event would draw from the other and no positive outcome could be achieved by having the two events on one weekend. After a lengthy discussion Mayor Hurst made a commitment to call a meeting of the two committees in an attempt to resolve any issues.

Moved by A. Leardi, seconded by G. Freeman that the presentation from representatives of the Heritage Homecoming Committee be received and that we support Mayor Hurst's efforts to call a meeting of the Heritage Homecoming Committee and the Wine Festival Committee in an attempt to resolve the issue.

Motion Carried

REPORTS OF MUNICIPAL OFFICERS

Report #1

Moved by P. Renaud, seconded by C. Gibb that the report from Dave Carpenter, IT Manager, dated Jan. 3, 2006 regarding IT Office Cooling 2006 Budget Item Pre-approval, be received and that Council approve the pre-approval of the capital budget item identified as IT room ventilation system in the 2006 budget in the amount of \$11, 500.

Motion Carried

Report #2

Moved by A. Leardi, seconded by R. White that the report from Richard Murray, Fire Chief, dated Dec. 20, 2005 regarding Annual Emergency Exercise, be deferred to the next meeting.

Motion Carried

Report #3

Moved by P. Renaud, seconded by R. Bailey that the report from Pamela Malott, dated Jan. 3, 2006 regarding Temporary Borrowing By-law 2006-02, be received that **By-law 2006-02**, being a by-law to provide for temporary borrowing until the taxes are collected and other revenues are received, 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

Report #4

Moved by R. Bailey, seconded by A. Leardi that the report from Pamela Malott, dated Jan. 3, 2006 regarding Interim Tax Levy By-law 2006-01 be received and that By-law 2006-01 being a by-law to provide for an interim tax rate; to provide for the payment of taxes; and to provide for penalty and interest of 1.25 percent per month on taxes in default, 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

Report #5

Moved by G. Freeman, seconded by R. White that the report from Lou Zarlenga, dated Jan. 3, 2006 regarding Amherstburg Water Plant – Water Consumption Data from July 1, 2005 to December 31, 2005, be received.

Motion Carried

Report #6

Moved by A. Leardi, seconded by P. Renaud that the report from Frank Pizzuto, dated Dec. 28, 2005 regarding Disposal of Surplus property – White Woods Mall Area, be received and that Council concur with the recommendation that the town declare two parcels of property as identified in appendix "a" as surplus.

Motion Carried

Report #7

Moved by R. Bailey, seconded by A. Leardi that the report from Carol Bendo, dated Dec. 12, 2005 regarding Kelly Daly Contract Renewal, be received and that Council concur with the recommendation to renew the contract with Kelly Daly, Marina Manager, Ranta Marina for the period of one year and that **By-law 2006-04** being a by-law to authorize the signing of an agreement between the Town of Amherstburg and Kelly Daly, 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

Report #8

Moved by C. Gibb, seconded by P. Renaud that the report from David Mailloux, dated Jan. 5, 2006 regarding Bill 123 The Transparency in Public Matters Act, 2005, be received and that we pass the following resolution.

Whereas the provincial Standing Committee on Regulations and Private Bills has debated Private Members Bill 123 the Transparency in Public Matters Act; and has forwarded Bill 123 with amendments for 3rd reading.

Whereas the proposed legislation includes municipal council and committees; and

Whereas the proposed legislation adds requirements to notice provisions, open meetings, minutes, forms of meetings, among other matters all of which are addressed in the Municipal Act, which would create confusion for council, administration and the public; and

Whereas the Municipal Act is currently under review and is being informed by input from the municipal and private sectors among others; and

Whereas AMO and others have urged the Standing Committee to remove any reference to municipal councils or council committees from this legislation and allow transparency and accountability issues to continue to be regulated under the Municipal Act.

Therefore Be It Resolved that the Corporation of the Town of Amherstburg urges the Minister of Municipal Affairs and Housing to vote against the Bill if the reference to 'municipal councils' is not deleted in the Bill as reported by the Standing Committee; and that Bruce Crozier, MPP be advised of the lack of this council's support for the inclusion of 'municipal councils' in Bill 123.

Motion Carried

CORRESPONDENCE

Councillor Robert Bailey vacated his seat due to a conflict of interest on Item #7.

Item #1 to 7

Moved by R. White, seconded by P. Renaud that the following correspondence be received.

1. Letter from Ontario Good Roads, dated Dec. 7, 2005 regarding Report of the OGRA Nominating Committee;
2. Notice from AMO, dated Dec. 19, 2005 regarding AMO Report to Members on December MOU Meeting;
3. Letter from Ministry of Municipal Affairs & Housing, dated Dec. 14, 2005 regarding the Respect for Municipalities Act, 2005;
4. Notice from AMO, dated Dec. 14, 2005 regarding MMAH Introduces Proposed Amendments to Planning Act and the Ontario Municipal Board;
5. Notice from Ministry of Labour, dated Dec. 12, 2005 regarding Countdown Begins to End of Mandatory Retirement in Ontario;

6. Notice, dated Dec. 6, 2005 of Ontario Small Urban Municipalities 2006 Annual Conference;
7. Letter from Minister of Municipal Affairs & Housing, dated Dec. 20, 2005, regarding Bill 206: Ontario Municipal employees Retirement System Act.

Motion Carried

Councillor Bailey returned to his chair.

Deputy Member Leardi suggested that every member should attempt to attend the OSUM Conference being held in Leamington in May.

Item #8

Moved by A. Leardi, seconded by G. Freeman that the copy of a resolution from the Town of Essex to Honourable John Gerretsen, dated Dec. 6, 2006 regarding Municipal Liability Insurance, be received and that Council support the Essex resolution requesting the Province of Ontario to amend the Negligence Act RSO 1990 so that only where a Municipality is found to be at least 50% liable would the full claim be paid.

Motion Carried

Item #9

Moved by R. White, seconded by R. Bailey that the resolution from the Town of Leamington, dated Dec. 8, 2005, regarding Land Ambulance Funding Shortfall, be received and that Council support Leamington's resolution demanding that the Ministry of Health and Long Term Care begin to meet its obligation to fund 50% of the actual cost of providing Land Ambulance Services in the Province of Ontario to the upper tier municipalities and designated delivery agents; and also demanding the Ministry of Health and Long Term Care reimburse its municipal partners for the funding shortfall that has occurred since the transfer of the delivery of Land Ambulance Services to upper tier municipalities and designated delivery agents in the Province of Ontario.

Motion Carried

BUSINESS LICENCES

Moved by P. Renaud, seconded by R. White that the Business Licence Application from Georgina Tannous to operate a retail business at 217 Sandwich St. S. be received and approved subject to compliance with all agencies and by-laws.

Motion Carried

MINUTES OF SPECIAL COUNCIL MEETINGS

Moved by R. Bailey, seconded by R. White that the minutes of a Special meeting of the Amherstburg Municipal Council held Monday, December 5, 2005, be adopted.

Motion Carried

UNFINISHED BUSINESS

None

NEW BUSINESS

Moved by A. Leardi, seconded by P. Renaud that Council concur with the recommendation from the Clerk that the regular meeting scheduled for January 23, 2006 be changed to January 24 due to the Federal Election taking place on January 23rd.

Motion Carried

January 17, 2006 at 4:30 p.m. at the Police Building – swearing in ceremony for Police Chief Roger Hollingworth.

BY-LAWS

By-law 2006-01; being a by-law to provide for an interim tax rate; to provide for the payment of taxes; and to provide for penalty and interest of 1.25 percent per month on taxes in default. (see report #4)

By-law 2006-02; being a by-law to provide for temporary borrowing, until the taxes are collected and other revenues are received; (see report #3)

Moved by R. Bailey, seconded by A. Leardi that:

By-law 2006-03; 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

By-law 2006-04; being a by-law to authorize the signing of an agreement between the Town of Amherstburg and Marina Manager Kelly Daly, (see Report #7).

Moved by G. Freeman, seconded by C. Gibb that:

By-law 2006-05; being a by-law to authorize the signing of agreements with various contractors for watermain replacements on Simcoe Street, Lowes Sideroad, Balaclava and Fort Streets, 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

Moved by C. Gibb, seconded by P. Renaud that:

By-law 2006-06; being a by-law to authorize the signing of an agreement with Amico Contracting & Engineering (1992) Inc. for sewer relining on Dalhousie Street from Richmond Street to Pollution Control Pump Station No. 1, 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

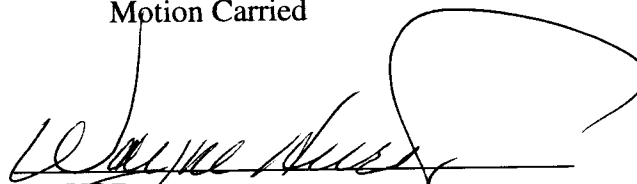
NOTICE OF MOTION

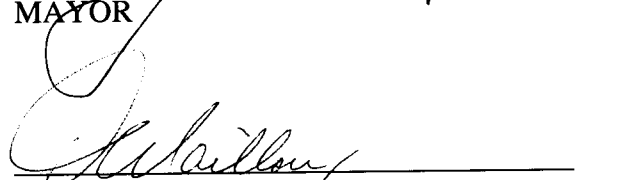
None

ADJOURNMENT

Moved by P. Renaud, seconded by C. Gibb that the meeting adjourn.

Motion Carried


MAYOR


CLERK