

# **AMHERSTBURG MUNICIPAL COUNCIL MEETING**

**MONDAY, FEBRUARY 9, 2009**  
**At 7:00pm in the Council Chambers**

## **MINUTES**

### **PRESENT:**

Mayor Wayne Hurst  
Deputy Mayor Robert Bailey  
Councillor Rick Fryer  
Councillor Robert (Bob) Pillon  
Councillor John Sutton  
Councillor Rosa White

### **ALSO PRESENT:**

Pamela Malott, Chief Administrative Officer  
Paul Beneteau, Treasurer  
Carol Bendo, Manager of Human Resources  
Dave Carpenter, Manager of Information Technology  
Lory Bratt, Planning Coordinator  
Stephen Brown, Chief Building Official  
Ron Dzombak, Manager of Recreational Services  
Ivano Fregonese, Supervisor of Budget Services  
Cindy Hazael-Gietz, Deputy-Clerk  
Jackie Hubbs, Manager of Development Services  
Richard Murray, Fire Chief  
Nick Renaud, IT/Desktop Support Specialist  
Lou Zarlenga, Manager of Public Services

**ABSENT WITH NOTICE:** Councillor Paul Renaud

### **CALL TO ORDER**

Mayor Hurst opened the meeting at 7:00 pm

### **PRAYER**

Deputy-Clerk, Cindy Hazael-Gietz, said prayer.

### **DISCLOSURE OF PECUNIARY INTEREST**

None declared

Mayor Hurst made an announcement regarding the General Chemical Environmental Review Tribunal. All of the conditions have been met as of January 31<sup>st</sup> and there will be no further tribunal hearings. It is our hope that we will see some action with regard to the ministry and interested parties.

### **MINUTES OF PREVIOUS MEETING**

Moved by Councillor Sutton  
Seconded by Councillor Pillon

That the minutes of the following Amherstburg Municipal Council Meetings be adopted as circulated:

1. In-Camera Meeting held at 3:30 pm on Monday, January 26, 2009;
2. Council Meeting held at 7:00 pm on Monday, January 26, 2009;
3. Special Council Meeting regarding DWQMP Standards held at 12:30 pm on Monday, February 2, 2009 and
4. In-Camera Meeting held at 1:45 pm on Monday, February 2, 2009.

### **Motion Carried**

### **DELEGATIONS**

#### **Delegation # 1**

Mr. Anthony Leardi addressed Council regarding the listing of Ranta Marina. Mr. Leardi spoke on behalf of the Ranta Marina Boaters Association. Mr. Leardi indicated that the Boaters Association has not incurred an operating deficit but rather has made a profit during their operation of the facility. Mr. Leardi indicated that the Boaters Association has not had the opportunity to see the lease agreement.

#### **Discussion:**

Council requested comment from the Treasurer regarding the revenue with respect to the Ranta Marina Boaters Association operations. The Treasurer indicated that he was not in receipt of the financial statement and further that the insurance expense associated with the Marina was a significant expense.

Moved by Deputy Mayor Bailey  
Seconded by Councillor White

That the delegation by Mr. Anthony Leardi be received.

### **Motion Carried**

Moved by Councillor Pillon  
Seconded by Councillor Fryer

That Report # 2 be brought forward after Delegation 1.

**Motion Carried**

A report by Cindy Hazael-Gietz regarding the execution of a Lease Agreement between the Town of Amherstburg and Ranta Marina Boaters Association.

Moved by Councillor Sutton  
Seconded by Councillor White

That the report by Cindy Hazael-Gietz dated January 31, 2009 regarding the execution of a Lease Agreement between the Town of Amherstburg and Ranta Marina Boaters Association be received;

And further that **By-law 2009-11** being a By-law Authorizing the execution of a Lease Agreement between the Corporation of the Town of Amherstburg and Ranta Marina Boaters Association be taken as having been read a first, second, and third time, be finally passed and the Mayor and Clerk be authorized to sign same and affix the corporate seal thereto.

*Discussions:*

Council asked Administration to comment on the Lease Agreement. The Deputy Clerk indicated that the Lease Agreement had been prepared as per Council direction; the document was the same as last year's lease and further that Administration is awaiting the 2008 financial statements. The Deputy Clerk indicated that Lynn Mathews of the Ranta Marina Boaters Association was contacted and advised that the statements were due and also that the Lease Agreement had been prepared and was identical to last year's lease. The Deputy Clerk advised Lynn Mathews that the Lease Agreement would be going to Council February 9<sup>th</sup> for approval of execution of same.

**Motion Carried**

**Delegation # 2**

Mr. Jon Parks addressed Council regarding Construction Fees. Mr. Parks indicated that he has gone through the process of construction several times in the past and has always taken out a building permit. Mr. Parks provided a brief history of the events leading up to this incident. Mr. Parks indicated that the intent was not to avoid purchasing a permit and further that he was unaware of the 100% penalty associated with this infraction. Mr. Parks voiced concerns regarding how this may be viewed in the community with respect to his integrity.

**Report # 1 brought forward after Delegation # 2**

A report by Stephen Brown regarding Building By-Law 2005-106 was discussed. Stephen Brown discussed the extra work required by staff when a building permit is not issued at the onset of construction. Mr. Brown stated that in this particular case, no engineer review was required. Mr. Brown indicated that the fees cover the additional work required to inspect the construction in various stages of completion and further that the doubling of fees have been present in the by-law since amalgamation.

Moved by Councillor Pillon  
Seconded by Councillor Fryer

That the delegation by Mr. Jon Parks be received;

That the report by Stephen Brown, dated February 2, 2009 regarding Building By-Law 2005-106 be received;

And further that Council direct Administration to waive the penalty amount on this particular building permit.

*Discussion:*

Council requested clarification with respect to the wording of the by-law in consideration of instances such as this one. Steve Brown stated that the setting of fees is up to the Municipality. Provincial Legislation provides for first offence of building without a permit can carry a \$50,000.00 fine for residential and \$100,000.00 fine for first offence committed by a corporation.

**Motion Carried**

**REPORTS OF MUNICIPAL OFFICERS**

**Report # 1 brought forward after Delegation # 2**

**Report # 2 brought forward after Delegation #1**

**Report # 3**

A report by Carol Bendo regarding a Status Update on Caravan Music Festival.

Moved by Councillor Fryer  
Seconded by Councillor Sutton

That the report by Carol Bendo dated February 2, 2009 regarding a Status Update on the Caravan Music Festival be received.

**Motion Carried**

**Report # 4**

A report by Carol Bendo regarding the 2009 Canada Day Celebration/Ice Cream Festival Collaboration.

Moved by Councillor Sutton  
Seconded by Councillor White

That the report by Carol Bendo dated February 2, 2009 regarding 2009 Canada Day Celebration/Ice Cream Festival Collaboration be received;

That Council receive and approve the 2009 program for Canada Day celebration at Fort Malden NHSC which includes the collaboration of the Amherstburg Ice Cream Festival at Toddy Jones Park;

That Council approve the road closure at Laird and Fort Malden Drive, north of the park up to North Street to allow for high pedestrian use between the 2 sites;

And further that council approve the waiver fee of \$150 to Ontario Michigan Great Community Events (OMG).

**Motion Carried**

**Report # 5**

A report by Lory Bratt regarding the Removal of Part Lot Control for Golfview Park Estates Subdivision.

Moved by Councillor Fryer  
Seconded by Councillor Sutton

That the report by Lory Bratt regarding the Removal of Part Lot Control for Golfview Park Estates Subdivision dated January 29, 2009 be received;

That Council approve the application for removal of Part Lot Control for Part of Block 71, Plan 12M-517;

And further that **By-Law 2009-10** being a by-law to remove certain lands from Part Lot Control (12M-517) be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same and affix the Corporate Seal thereto.

**Motion Carried**

**Report #6**

A report by Ivano Fregonese regarding the 2010 Budget Reporting Cycle.

Moved by Councillor White  
Seconded by Councillor Pillon

That the report by Ivano Fregonese dated February 3, 2009 regarding the 2010 Budget Reporting Cycle be received;

And further that Council approve the 2010 budget reporting cycle as described in the report "2010 Budget Reporting Cycle".

*Discussion:*

Council directed Administration to provide the budget to Council two weeks prior to the scheduled review meeting.

**Motion Carried**

**Report #7**

A report by Dave Carpenter and Carol Bendo regarding the Website Business Directory.

Moved by Councillor Pillon  
Seconded by Councillor White

That the report by Dave Carpenter and Carol Bendo dated November 3, 2009 regarding the Website Business Directory be received;

And further that Council approve a fee schedule for the premium business directory feature enhancement for the Town of Amherstburg Website in order to recover associated costs from Wired Solutions as well as an internal administrative fee.

Discussion:

Council directed Administration to report back to council regarding the following:

- estimated revenue for this pilot project
- draft agreement for services with Wired Solutions to be presented to Council

**Motion Carried**

**Report #8**

A report by Cindy Hazael-Gietz regarding the Parking Enforcement and First Attendance Program.

Moved by Deputy Mayor Bailey  
Seconded by Councillor Sutton

That the report by Cindy Hazael-Gietz dated February 3, 2009 regarding Parking Enforcement and First Attendance Program be received;

That Council direct Administration to pursue the Authorized Requester Application through MTO and bring back a By-Law regarding same once the agreement has been finalized;

And further that Council direct Administration to proceed with the policies and procedures as outlined in this report.

**Motion Carried**

**Report #9**

A report by Cindy Hazael-Gietz regarding the execution of a Contract Agreement between the Town of Amherstburg and Michael Beckett .

Moved by Councillor Sutton  
Seconded by Councillor Pillon

That the report by Cindy Hazael-Gietz dated January 31, 2009 regarding the execution of a Contract Agreement between the Town of Amherstburg and Michael Beckett operating as 21st Century Canine be received;

And further that **By-law 2009-12** being a By-law Authorizing the execution of a Contract Agreement between the Corporation of the Town of Amherstburg and Michael Beckett operating as 21st Century Canine be taken as having be read a first, second, and third time, be finally passed and the Mayor and Clerk be authorized to sign same and affix the corporate seal thereto.

**Motion Carried**

**Report #10**

A report by Cindy Hazael-Gietz regarding appointments for the Recreation Advisory Committee and Amherstburg Accessibility Advisory Committee.

Moved by Councillor Fryer  
Seconded by Councillor Sutton

That the report by Cindy Hazael-Gietz dated January 31, 2009 regarding appointments for the Recreation Advisory Committee and Amherstburg Accessibility Advisory Committee be received;

And further that Council appoint residents to the Recreation Advisory Committee and Amherstburg Accessibility Advisory Committee as outlined in this staff report.

**Motion Carried**

**CONSENT AGENDA**

**Consent Reports**

Moved by Deputy Mayor Bailey  
Seconded by Councillor White

That the following reports be received:

- 1) A report by Cindy Hazael-Gietz dated January 31, 2009 regarding the Licensing of Snow Removal Businesses and
- 2) A report by Lou Zarlenga dated January 28, 2009 regarding Public Works Overtime for 2008.

**Motion Carried**

**Consent Correspondence**

Moved by Councillor Sutton  
Seconded by Councillor White

That the following correspondence be received:

1. Request to support resolution on Recycling and Waste Diversion dated January 26, 2009 from Tay Valley Township;
2. The Road to Zero dated January 15, 2009 from the Municipal Health and Safety Association;
3. January 2009 Newsletter regarding the Gosfield-Comber Wind Energy Project from Brookfield Renewable Power;



4. Federal Government Announces new Infrastructure Funding dated January 26, 2009 from AMO Alert No. 09/004;
5. Ontario Municipalities to Benefit from Federal Budget Measures dated January 27, 2009 from AMO Alert No. 09/006;
6. AMO Provides Recommendations on Proposed AODA Information dated February 3, 2009 from AMO Alert No. 09/008;
7. Media Advisory that Youth Windsor-Essex Info Launches dated January 27, 2009 from the Mayor's Youth Advisory Committee;
8. Newcomer Champion Awards dated January 2009 from the Ministry of Citizenship and Immigration;
9. Long Standing Service Awards dated January 30, 2009 from the Ministry of Municipal Affairs and Housing;
10. Material on Youth Friendly Communities dated January 8, 2009 from PLAY WORKS and
11. Thank you letter to Marjan's Janitorial Service dated January 26, 2009 from Mayor Hurst.

**Motion Carried**

**Consent Business Licenses**

Moved by Deputy Mayor Bailey  
Seconded by Councillor Fryer

That the Hawker/Peddler licence application from 1656478 Ontario Inc. to conduct auctions in the Town of Amherstburg be received and approved subject to compliance with all agencies and regulations;

And further that the Business licence application from Dino Parete to operate a car maintenance shop in the name of D.C. Auto Care Mobility be received and approved subject to compliance with all agencies and regulations.

**Motion Carried**

**Consent Other Minutes**

Moved by Councillor White  
Seconded by Councillor Sutton

That the following minutes be received:

1. Meeting held on November 27, 2008 by the Amherstburg Accessibility Advisory Committee and
2. Meeting held on December 18, 2008 by the Amherstburg Heritage Committee.

**Motion Carried**

**CORRESPONDENCE**

**Item #1- Request to Extend Watermain to Property – Larry Pajot**

Moved by Deputy Mayor Bailey  
Seconded by Councillor Fryer

That the correspondence from the Larry Pajot dated January 27, 2009 be received;

And further that Council direct administration to come back with a report detailing the feasibility of the request.

**Motion Carried**

**Item #2- Request for Donation – St. Thomas of Villanova Student Michael Hammond**

Moved by Councillor Fryer  
Seconded by Councillor White

That the correspondence from the St. Thomas of Villanova Student Michael Hammond be received;

And further that Council not agree to donate funds to his cause.

*Discussion:*

Council directed administration to offer the applicant Town pins for his trip.

**Motion Carried**

**Item #3- Request to have the Parish members kept in the loop regarding the former site of Ecole St. Jean Baptiste – St. John the Baptist Church**

Moved by Councillor White  
Seconded by Councillor Sutton

That the correspondence from the St. John the Baptist Church be received;

And further that Council direct administration to keep St. John the Baptist Church and Youth Ministry informed during future decisions regarding the use of 219 Brock St.

*Discussion:*

Council directed the Manager of Recreation Services to meet with Parish Members and Youth Ministry representatives.

**Motion Carried**

**Item #4- Declaration of English as a Second Language Week from December 6 – 12, 2009 - TESL**

Moved by Councillor Sutton  
 Seconded by Councillor Pillon

That the correspondence from Teachers as a Second Language Association of Ontario dated January 26, 2009 be received;

And further that Mayor Hurst proclaim the week of December 6 -12, 2009 “English as a Second Language Week” in the Town of Amherstburg.

**Motion Carried**

Now therefore, I, Mayor Wayne Hurst on behalf of the Amherstburg Town Council, do hereby proclaim December 6 – 12<sup>th</sup>, 2009 as ‘English as a Second Language Week’ in the Town of Amherstburg.

**UNFINISHED BUSINESS**

Listed below are the unfinished business items as of February 9, 2009:

Item #	Brought up By:	Due Date:	Item Description:	Type of Reply
20081027C	R. Fryer	January 2009	Final Coating of Asphalt on Marsh Court, White Crescent & Pettypiece (PWD)	Council Email
20090126G	R. Fryer	February 2009	Snow removal contractors - licensing and signage of vehicles (Clerk's)	Council Report
20090126F	R. Fryer	March 2009	Parking issue on Murray Street between Wolfe and Victoria (Traffic Committee)	Council Report
20081006A	R. White /R. Fryer	Spring 2009	Seniors' Survey Results (Clerk's)	Council Report
20080623E	J. Sutton / R. White	TBD	Resident request for Emission of Smoke By-Law (Dev Sev) (Need to wait for litigation to be resolved)	Council Report
20090126A	20090126 Council Meeting	TBD	TODS Signage Completion (Eco Dev)	Council Report
20090126B	20090126 Council Meeting	TBD	Alma Street drainage Issue – Fox/Pritchard to be resolved (Dev Sev)	Council Report
20090126C	20090126 Council Meeting	TBD	Kingsbridge Subdivision Park Land - park to be completed as per approved phases (Dev Sev)	Council Report
20090126D	Councillor Fryer	TBD	Illumination of County Road 20 - Phase 3 (PWD)	Council Report
20090126H	R. Pillon	TBD	Public Transportation in Amherstburg (Mayor to address at County Council)	Verbal update at Council

Council directed Administration to remove snow removal contractors licensing report from the list of unfinished business items.

Council requested an update regarding the Super Santa Run. Mayor Hurst indicated that meetings have been taking place and Council will receive a report once these have been completed.

Council directed the Manager of Public Works to contact Bruce Crozier regarding the waterline on the 9<sup>th</sup> Concession and report back to Council at the next meeting.

### **NEW BUSINESS**

A notice of motion was introduced by Councillor Fryer at the January 26, 2009 meeting:

Moved by Councillor Fryer  
Seconded by Councillor Pillon

Whereas the Town of Amherstburg currently has an expense of \$30,000.00 for cell phone and blackberry usage;

Be it resolved that Council direct Administration to limit usage of cell phone and blackberry to the Mayor and CAO of the Town of Amherstburg.

#### *Discussion:*

Councillor Fryer indicated that the motion was brought forward in order that the issue of cell phone/blackberry usage be dealt with by Council. Council discussed options for reporting to council with respect to this item.

### **Motion Lost**

Moved by Councillor White  
Seconded by Councillor Pillon

That Administration provide a report detailing usage of cell phone and blackberry and provide a policy regarding same.

### **Motion Carried**

Council directed Administration to refer the intersection at Meloche Rd Loweside Road and 3<sup>rd</sup> Concession to the Traffic Committee to investigate the possibility of making this a 3 way stop.

## **BY-LAWS**

**By-Law 2009-10** being a by-law to remove certain lands from Part Lot Control (12M-517) (See Report # 5)

**By-law 2009-11** being a By-law authorizing the execution of a Lease Agreement between the Corporation of the Town of Amherstburg and Ranta Marina Boaters Association (See Report # 2)

**By-law 2009-12** being a By-law authorizing the execution of a Contract Agreement between the Corporation of the Town of Amherstburg and Michael Beckett operating as 21st Century Canine (See Report # 9)

Moved by Councillor Sutton  
Seconded by Councillor White

**By-Law 2009-13** being a By-Law to confirm all resolutions of the Municipal Council be taken as having been read three times and finally passed and the Mayor and the Clerk be authorized to sign same and affix the Corporate Seal thereto.

**Motion Carried**

## **NOTICE OF MOTION**

No notices of motion were made.

## **ADJOURNMENT**

Moved by Councillor Fryer  
Seconded by Councillor White

That we rise and adjourn at 8:13 P.M.

**Motion Carried**