

**Minutes Of An Amherstburg Municipal Council Meeting Held  
On Monday, August 24, 2009 At 7:00 PM**

**PRESENT:**

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

**ALSO PRESENT:**

Pamela Malott, CAO  
Carol Bendo, Human Resources Manager  
Lory Bratt, Planning Coordinator  
David Carpenter, IT Manager  
Kristina Pozar Di Paolo, Acting Deputy Clerk  
Ron Dzombak, Manager of Recreational Services  
Ivano Fregonese, Supervisor Budget Services  
Jackie Hubbs, Manager of Development Services  
Brenda Percy, Manager of Council and Legislative Services  
Anne Rota, Tourism and Special Events Facilitator  
Lou Zarlenga, Public Works Manager

**ABSENT WITH NOTICE:** Paul Beneteau, Treasurer (Vacation)

**CALL TO ORDER**

Mayor Hurst called the meeting to order at 7:00 P.M.

**PRAYER**

Manager of Council and Legislative Services, Brenda Percy, said prayer.

**DISCLOSURE OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

### **MINUTES OF PREVIOUS MEETING**

Moved by Councillor J. Sutton  
Seconded by Councillor R. Pillon

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

1. In-Camera Meeting held on July 23, 2009 at 9:00 AM;
2. In-Camera Meeting held on July 24, 2009 at 9:00 AM;
3. In-Camera Meeting held on July 27, 2009 at 4:30 PM;
4. Public Meeting held on July 27, 2009 at 7:00 PM;
5. Public Meeting held on July 29, 2009 at 9:00 AM;
6. In-Camera Meeting held on July 29, 2009 at 9:20 AM;
7. In-Camera Meeting held on July 31, 2009 at 9:00 AM;
8. In-Camera Meeting held on July 31, 2009 at 10:25 AM;
9. Special Public Meeting held on August 11, 2009 at 9:00 AM;
10. Public Meeting held on July 28, 2008 at 7:00 PM - amendment.

**Motion Carried**

### **CHANGE TO PROCEDURAL BY-LAW**

Motion of Council to waive rules of order to allow two presentation items prior to Delegations.

Moved by Councillor R. Pillon  
Seconded by Councillor R. Fryer

That Council waive the rules of order to allow the following presentations to take place prior to Delegations:

1. A Certificate of Congratulations will be presented to The Essex County Steam & Gas Engine Show 25th Year Anniversary;
2. A Retirement Appreciation Certificate will be presented to Bart Di Pasquale.

**Motion Carried**

Mayor Hurst presented Ron Ducharme of the Essex County Steam & Gas Engine a Certificate of Congratulations in honour of the 25<sup>th</sup> Anniversary of the Essex County Steam & Gas Engine Show. Mr. Ducharme thanked the Mayor and Council and extended an invitation to all to attend the Steam & Gas Engine Show noting that it is a very unique show.



Mayor Hurst presented Bart Di Pasquale, former Deputy Police Chief a Retirement Appreciation Certificate in honour of his recent retirement. Mayor Hurst reported that a retirement celebration was held on June 11, 2009 with many awards given out to Deputy Chief DiPasquale celebrating his career and his involvement within the community. Mayor Hurst reviewed Deputy Chief DiPasquale's extensive career accomplishments.

## **DELEGATIONS**

### **Delegation #1**

Ms. Jeannette Jacobsen addressed Council regarding setbacks and health issues on the wind turbines south side wind farm. A copy of Ms. Jacobson's delegation is attached to and forms a part of these minutes.

Moved by Councillor R. Pillon  
Seconded by Councillor J. Sutton

That the delegation by Ms. Jeannette Jacobsen be received.

### **Motion Carried**

#### **Discussion:**

Councillor R. Pillon advised Ms. Jacobsen that her concerns are taken seriously and that the Town is at the beginning stages and much information is unknown at this time.

Councillor J. Sutton stated that Council also has questions and that the process of the public meetings will be used to receive answers to these questions.

Councillor R. Fryer thanked Ms. Jacobsen to keeping this item on the forefront.

### **Delegation #2**

Mr. Jon Hitchcock addressed Council and advised that he was representing 59 homeowners of Essex Condominium Corporations 32, 34, 69 and 121 with regard to billing for water/wastewater. Mr. Hitchcock reported that also present were Ezio Tartaro, Doug Wolfe and Larry Laliberte. Mr. Hitchcock explained that all the lawns in Essex Condominium Corporations 32, 34, 69 and 121 are watered by a single, in-ground sprinkler system that is not connected to any of the homes. The water is for lawns and gardens and that none of the water is collected and treated by the Town's wastewater system. All residents of the condominiums have a water meter attached to their home,

each pay residential water and sewer charges. Mr. Hitchcock noted that he is requesting that Council change the designation from water and sewer to water only as it is connected to an in-ground sprinkler system and does not discharge water for wastewater. A copy of Mr. Hitchcock's delegation is attached to and forms a part of these minutes.

Moved by Councillor P. Renaud  
Seconded by Councillor R. White

That the delegation by Mr. Jon Hitchcock be received;

And direct Administration to report back to Council upon further review of the request to have the water meter considered water only.

**Motion Carried**

## **PRESENTATIONS**

### **Presentation # 1**

A Presentation by Essex Region Conservation Authority regarding the 2008 Annual Report & Business Plan 2009. Ken Schmidt, General Manager of Essex Region Conservation Authority and Anthony Leardi, Board of Directors Vice-Chair, Essex region Conservation Authority presented the 2008 Annual Report & Business Plan 2009.

Moved by Councillor R. Fryer  
Seconded by Councillor J. Sutton

That the presentation by Essex Region Conservation Authority be received as presented.

**Motion Carried**

### **Discussion:**

Councillor R. Pillon sought an update on the Holiday Beach water quality. Mr. Schmidt replied that ERCA is also concerned with the arising water quality issues and that testing is ongoing. ERCA will continue to focus on the problem in order to rectify it.

Councillor J. Sutton stated that the Big Creek Watershed is a beneficial project and that ERCA should also investigate attracting seniors to use Holiday Beach.

Deputy Mayor Bailey stated that ERCA should be commended for having 19 projects within the Amherstburg area. This is an indication of the value that communities are receiving as a result to their commitment to ERCA.

Mayor Hurst expressed his concern regarding evasive species and the need to harness it.

## **Presentation # 2**

A Power Point Presentation by Detroit River Canadian Public Advisory Council regarding Beach Closings. Natalie Green, Remedial Action Plan Coordinator from the Detroit River Canadian Public Advisory Council made a presentation to Council regarding the beach closing report and summary. Ms. Green extended an invitation to Amherstburg residents to attend Peche Island Day on September 19, 2009 to learn about the Island's natural history, as well as the history in the Detroit River area.

Moved by Councillor J. Sutton  
Seconded by Councillor R. Fryer

That the presentation by the Detroit River Canadian Public Advisory Council be received as presented.

## **Motion Carried**

### **Discussion:**

Councillor R. Fryer referred to beach closings and asked how many samples are taken to determine if a beach closing is required or an advisory issue is warranted. Ms. Green advised that five samples are taken and a mean is determined from those samples. She suggested not swimming after a heavy rainfall due to an increase in E. coli.

Councillor R. White sought clarification of the extent of involvement by Michigan residents.

Councillor R. Fryer asked for an update on the spawning initiative.

## **Presentation # 3**

A Presentation by Anne Rota and Karen Gyorgy regarding the 2009 River Lights Winter Festival. Anne Rota, Tourism Officer and Karen Gyorgy, River Lights Administrator made a presentation to Council regarding the 2009 River Lights Winter Festival, which included highlights from 2008 River Lights event, 2009 partnerships, and upcoming 2009 events.

## **Report #1 was brought forward after Presentation #3**

Moved by Councillor J. Sutton  
Seconded by Councillor R. White

That the presentation by Anne Rota and Karen Gyorgy be received;

That the report from Carol Bendo dated August 7, 2009 regarding the 2009 River Lights Winter Festival be received;

That Council approve the proposed fireworks and road closure at the foot of the parkette at KNYF for Municipal Tree Lighting Ceremony and River Lights (RL) on Thursday, November 19, 2009 between the hours of 5:00 pm to 7:00 pm.;

That Council approve the installation of non permanent Warming House panels of Gingerbread design around the pavilion at Toddy Jones Park for the duration of the River Lights Festival pending consultation and approvals from Public Works, Building, Fire and Police Department;

And further that Council approve the support from Public Works Dept. for set up and teardown of displays with assistance from River Lights committee as the River Lights Winter Festival is scheduled to run from November 19, 2009 to January 16, 2010.

**Motion Carried**

Discussion:

Councillor R. Fryer sought clarification of the collaboration with Christ Church and house tours in the downtown core.

Mayor Hurst noted that this type of event has tremendous benefits to the community. All these events can co-exist by working together.

**Presentation # 3**

A Presentation by Bianca Rota and Yvette Tousignant regarding 2009 Summer Camp. Bianca Rota and Yvette Tousignant made a presentation to Council regarding the 2009 Summer Camp. The Town of Amherstburg Recreation Services Guide to Summer 2009 was circulated.

**Report #2 was brought forward after Presentation # 4**

Moved by Councillor J. Sutton  
Seconded by Councillor R. Fryer

That the presentation by Bianca Rota and Yvette Tousignant be received as presented;

And further that Council receive this report on the 3rd Year activities and accomplishments of the Town's Sports Activity Summer Camp presented through the Recreation Services Department.

**Motion Carried**

Discussion:

Councillor R. White thanked the presenters and the Summer Camp Managers for providing such a wonderful program

**REPORTS OF MUNICIPAL OFFICERS**

**Report #3**

The Manager, Council and Legislative Services reported that the report by Jackie Hubbs regarding Bill 150 by ACE has been deferred to the September 14, 2009 Council meeting.

**Report #4**

A report by Jackie Hubbs regarding the Official Plan Status.

Moved by Councillor J. Sutton  
Seconded by Councillor R. Pillon

That Council receives the report by Jackie Hubbs, Manager of Development Services dated August 19, 2009 regarding the status of the Town of Amherstburg Official Plan be received;

That Council directs administration to proceed with mediation measures respecting the appeal of the Official Plan to the Ontario Municipal Board by the Ministry of Municipal Affairs and Housing;

And further that, if mediation is not successful, administration is directed to bring the resolution back to Council for further direction regarding the potential Ontario Municipal Board Hearing.

**Motion Carried**

**Report #5**

A report by Jackie Hubbs regarding the ACE Committee comments on genGrowth, Southside Wind Farms application for Official Plan Amendment and Zoning By-Law Amendment.



Moved by Deputy Mayor Bailey  
Seconded by Councillor R. White

That the report by Jackie Hubbs dated August 19, 2009 regarding the ACE Committee comments be received.

**Motion Carried**

**Report #6**

A report by Jackie Hubbs regarding a Heritage Committee appointment.

Moved by Councillor J. Sutton  
Seconded by Councillor R. White

That the report by Jackie Hubbs dated August 9, 2009 be received;

And further that the application by Marc Pillon and his appointment to the Town of Amherstburg Heritage Committee be approved.

**Motion Carried**

**Report #7**

A report by Lory Bratt regarding Site Plan Agreement- 55 Concession 3 N, Gyori Farms Inc.

Moved by Councillor R. Fryer  
Seconded by Councillor P. Renaud

That the report by Lory Bratt dated August 13, 2009 regarding Site Plan Control be received;

That Council approve the Site Plan for the development of a landscaping bulk sales facility for Part Lot 1, Concession 3 (55 Concession 3 N);

And further that **By-law 2009-48** 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 and affix the Corporate Seal thereto.

**Motion Carried**



**Report #8**

A report by Lory Bratt regarding Extension of Expiration Date- Removal of Part Lot Control - Golfview Park Estates.

Moved by Deputy Mayor Bailey  
Seconded by Councillor R. Fryer

That the report by Lory Bratt dated August 17, 2009 regarding Part Lot Control exemption be received;

That Council approve the request to extend the time frame specified in the by-law;

And further that **By-law 2009-59** being a bylaw to amend By-law 2007-54 to extend the expiration date for Part Lot Control exemption 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 #9**

A report by Carol Bendo regarding Racing the Vine fundraiser event.

Moved by Councillor R. White  
Seconded by Councillor J. Sutton

That the report by Carol Bendo dated August 10, 2009 regarding Racing the Vine be received;

And further that Mayor and Council approve event road closure upon approval of all necessary police security policies, bylaws and copy of insurance certificate by the Windsor Regional Hospital (WRH) - Western Redevelopment Project fundraiser on Saturday, September 19, 2009 between the hours of 4:00 pm to 6:30 pm. Please refer to attached map.

**Motion Carried**

**Discussion:**

Councillor R. White requested that these types of reports are brought to Council with approvals already granted by departments.

**Report #10**

A report by Carol Bendo regarding the 2009 Santa Claus Parade and Santa 4Km Run.

Moved by Councillor R. Pillon  
Seconded by Councillor R. Fryer

That the report by Carol Bendo dated August 10, 2009 regarding Santa Claus Parade and Santa 4Km Run - Update and Road Closure Plan be received;

And further that Mayor and Council approve the event (s) road closure, police patrol and barricade plan as provided on the map.

**Motion Carried**

**Report #11**

A report by Brenda M. Percy regarding Dangerous Dog By-law.

Moved by Councillor R. Fryer  
Seconded by Councillor P. Renaud

That the report by Brenda M. Percy dated August 10, 2009 regarding a Dangerous Dog By-law be received;

That the set fines for failing to prevent dangerous dog from threatening, biting, attacking a person or domestic animal be set at the maximum \$500.00;

And further that **By-Law 2009-57** being a by-law for the regulation of dangerous dogs in the Town of Amherstburg 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.

**Motion Carried**

**Discussion:**

Councillor J. Sutton stated that he was pleased to see that the dangerous dog by-law was not breed specific and felt that the set fine for failing to prevent dangerous dog from threatening, biting, attacking a person or domestic animal be set at the maximum \$500.00.

**Report #12**

A report by Brenda Percy regarding Closed Meeting Investigator Services.

Moved by Councillor R. White  
Seconded by Councillor R. Fryer

That the report by Brenda Percy regarding Closed Meeting Investigator Services dated August 10, 2009 be received;

That Council direct Administration to advise Local Authority Services Ltd. (LAS) that the Town of Amherstburg does not wish to renew its agreement to provide the services of a Closed Meeting Investigator;

And further that any inquiries made will be referred to the Provincial Ombudsman.

**Motion Carried**

**Discussion:**

In response to a question from Councillor R. Pillon, it was noted that the services of the Ombudsman is at no cost to the complainant or the Town.

**Report #13**

A report by Kristina Pozar Di Paolo regarding the leasing of the space known as 300 Victoria Street South.

Moved by Councillor J. Sutton  
Seconded by Councillor R. Fryer

That the report by Kristina Pozar Di Paolo, dated August 12, 2009 regarding the leasing of the space known as 300 Victoria Street South be received;

That Council approve the execution of the Lease Agreement for a sixteen month period;

And further that **By-law 2009-58**, being a By-law authorizing a Lease Agreement between the Corporation of the Town of Amherstburg and The Fighting Island Amateur Boxing Club for the use of premises known as 300 Victoria Street South, Amherstburg, Ontario described as Con 1 Pt Lot 2; RP 12R18093, Part 2, 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**

**Report #14**

A report from Paul Beneteau, Treasurer, regarding an amendment to the Essex Power Shareholder Agreement.

Moved by Deputy Mayor Bailey  
Seconded by Councillor R. White

That Council receive the report, as submitted by Paul Beneteau, Treasurer, regarding an amendment to the Essex Power Shareholders Agreement;

And further, that Council authorize the amendment of the shareholder agreement per Schedule "A" attached.

**Motion Carried**

**Report #15**

A report by Carol Bendo regarding Town Advertising Page Tender Results Revised.

Moved by Councillor R. White  
Seconded by Councillor R. Pillon

That the report by Carol Bendo dated July 14, 2009 regarding Town Advertising Page Tender Results Revised be received;

That Council award the advertising contract for a 52 week period to the Rivertown Times;

And further that the Town re-tender the contract upon the expiration of the 1 year period.

**Motion Carried**

Councillor R. Pillon requested a recorded vote and it is documented below:

	<u>YEA</u>	<u>NAY</u>
Deputy Mayor Bailey		X
Councillor R. Fryer		X
Councillor R. Pillon	X	
Councillor P. Renaud	X	
Councillor J. Sutton		X
Councillor R. White	X	
Mayor W. Hurst	X	
Motion Carries		

Discussion:

Councillor Sutton sought clarification as to whether the cost is by the page size or by the square inch. Carol Bendo advised that the Town purchases advertising space by page size.

**Report #16**

A report by Dave Carpenter regarding countering distracted driving policy.

Moved by Councillor J. Sutton  
Seconded by Councillor R. Fryer

That the report by Dave Carpenter dated August 3, 2009 regarding the Countering Distracted Driving Policy be received;

That Council adopt the policy "Countering Distracted Driving" effective Oct 5, 2009;

And further that administration review the policy on an as needed basis.

**Motion Carried**

**Report #17**

A report by Lou Zarlenga regarding the Long Marsh Drain and the notice from Mr. Gerald Bareich regarding the drain being out of repair.

Moved by Councillor R. Fryer  
Seconded by Councillor P. Renaud

That Council receive the report from Lou Zarlenga dated August 19, 2009 concerning the Long Marsh Municipal Drain and the notice from Gerald Bareich regarding the drain being out of repair;

And further that Council approve the request for drain repairs from Gerald Bareich and that maintenance work be undertaken to the Long Marsh Drain consisting of drain bank brushing of approximately 860 metres.

**Motion Carried**

Discussion:

Councillor R. Pillon sought clarification as to whether or not this work requires an engineer report. Lou Zarlenga confirmed that it does not.

Councillor R. Pillon questioned the maintenance schedule of drains. Lou Zarlenga advised that the smaller drains are maintained about 12 to 15 years. Larger drains can go longer and perhaps 15 to 20 years. There is a substantial amount of brush in this scenario.

Councillor R. Pillon sought information as to the proportioning of costs for the project.

### **Report #18**

A report by Lou Zarlenga regarding the Kingsbridge Park Ground Works - Phase 1 Tender Results.

Moved by Councillor P. Renaud  
Seconded by Councillor R. White

That Council receive the report from Lou Zarlenga dated August 20, 2009 regarding the Kingsbridge Park - Phase 1 Ground Works Tender Results;

And further that Council accept the Consulting Engineer's recommendation to award a contract to the low bidder, being Reg Clark Trucking Ltd., for the Kingsbridge Park Ground Works project.

### **Motion Carried**

#### **Discussion:**

Councillor R. Fryer noted that the project description does not mention drainage. He asked if there is a tile drainage system put in throughout park. Lou Zarlenga noted that the major portion of the work is the drainage. This is phase one of the entire development of the park and is being phased in to assist the developer during these difficult economic times.

Councillor R. Pillon asked if there was a cost to the Town for this project. Lou Zarlenga advised that \$52,700 would be contributed by the developer and the balance would be the cost to the Town. The Town has budgeted approximately \$100,000 in 2008 budget which has been carried over to 2009.

Councillor R. White asked if the 9 acres of the park would be grass or if the entire 20 acres would be grass. Lou Zarlenga advised that the first phase is grass with the balance of land being farmed until such time as the rest is developed. A report would return to Council before it is completed.

Councillor R. Fryer referred to the map included in the report asked if the berms would be different heights or would it change. Lou Zarlenga noted this would now change.



In response to a question from Councillor R. Fryer, Lou Zarlenga advised that the first phase does not include the park equipment. Public Works would present this for the 2010 budget. This phase entails grading and seeding.

In response to a question from Mayor Hurst, Lou Zarlenga advised that Phase 1, being 9 acres would be ready for park equipment in 2010, subject to Council approval.

### **Report #19**

A report by Lou Zarlenga regarding the Kingsbridge Residential Community - Knobb Hill Roadway and Walkway Construction.

Moved by Councillor R. Fryer  
Seconded by Councillor R. Pillon

That Council receive the report by Lou Zarlenga dated August 20, 2009 regarding the Kingsbridge Residential Community Knobb Hill roadway and walkway construction;

And further that Council instruct Administration to meet with the developer to review the feasibility of opening up the roadway completely through from the north end to the south and make it into a tar and chip surface.

### **Motion Carried**

#### **Discussion:**

Councillor R. Fryer noted that there is 300 metres proposed to come from the south and a barricade placed across the roadway. There is a 10 foot pathway going from north to south which allows residents to walk or bike to the park. It is supposed to be a shared park that will amalgamate once other phase is developed. He noted that he would like Administration to have discussions with the developer to have a tar and chip road as in the future there could be sewers, drainage, electrical, gas lines that have to go under the roadway. In the interim, to allow for ingress and egress from the north and south, that road be tar and chip for now.

### **CONSENT CORRESPONDENCE**

Moved by Councillor P. Renaud  
Seconded by Councillor R. Pillion

That the following correspondence be received, with the exception of Items 1 and 5;

1. Safe Food Counts – July 13, 2009;
2. Reserve Fund Rebate - Local Authority Services Ltd. - July 15, 2009;
3. Resolution - Township of Huron-Kinloss - July 21, 2009;
4. Donation request - Haldimand Disaster Relief Committee - July 23, 2009;
5. Beletz Charity Golf Tournament- Amherstburg Police Association – July 23, 2009;
6. Count Me In - AMO - July 28, 2009;
7. Proposed Workplace Fatalities Family Bill of Rights - City of Greater Sudbury - July 29, 2009;
8. Employment Insurance Reform Resolution - City of Greater Sudbury - July 29, 2009;
9. Broadband Canada - Connecting Rural Canadians - July 30, 2009;
10. Own the Podium 2010 Municipalities - FCM - July 30, 2009;
11. Executive Director Appointment - Amherstburg Community Services - August 6, 2009;
12. Letter and Resolution - FCM - July 25, 2009;
13. Resolution - Township of Madawaska Valley - August 10, 2009;
14. Waste Electronics and Electrical Equipment Plan - AMO - August 14, 2009;
15. Summit invite on invasive species- GTA - August 20, 2009.

### **Motion Carried**

### **Consent Correspondence # 1. Safe Food Counts - July 13, 2009**

Moved by Councillor R. Pillion  
Seconded by Councillor P. Renaud

That Council direct the Windsor-Essex County Health Unit to meet with the Canadian Council of Grocery Distributors (CCGD) to discuss concerns with the Safe Food Counts program.

### **Motion Failed**

Moved by Councillor R. Fryer  
Seconded by Councillor J. Sutton

That the correspondence be received

### **Motion Carried**

Discussion:

Councillor R. Pillon noted that the Canadian Council of Grocery Distributors has expressed concerns with the Safe Food Counts program, particularly remediation of infractions. Councillor Pillon felt that the group has some valid concerns and corrections made. The group is asking Council to direct the Windsor-Essex County Health Unit to meet to discuss the concerns raised in their letter and work out the differences.

Councillor R. White felt that this was addressed and a by-law passed approving the Safe Food Counts program.

Councillor R. Pillon felt that the system is a good system but perhaps there is a way that the system could be modified to better serve the public.

Councillor R. Fryer noted that he continues to support the program. Any concerns should be addressed by the Windsor-Essex County Health Unit and that there is no need for Council to direct these groups to work through concerns. The rating system allows people to choose whether or not to visit that restaurant.

Councillor P. Renaud noted that he is in support of the program. The groups concern is when a premise corrects the infraction but is required to wait for a re inspection to improve the premises' rating.

**Consent Correspondence #5. Beleutz Charity Golf Tournament - Amherstburg Police Association - July 27, 2009**

Moved by Councillor J. Sutton  
Seconded by Councillor R. Fryer

That Council endorse a foursome to attend the Beleutz Charity Golf Tournament.

**Motion Carried**

**CONSENT BUSINESS LICENSES**

Moved by Councillor R. White  
Seconded by Councillor J. Sutton

That the following business licence applications be received and approved subject to compliance with By-Law 2009-44, all agencies and regulations;

And further that the licence be issued by our licencing officer once the applicant has met all of the special conditions as listed in By-Law 2009-44.

1. A renewal taxi driver licence application from Marjory Sleigh to operate as a taxi cab driver;
2. A renewal taxi driver licence application from Ronnie Haystead to operate as a taxi cab driver.

**Motion Carried**

**CONSENT OTHER MINUTES**

Moved by Councillor J. Sutton  
Seconded by Councillor R. Fryer

That the following minutes be received;

1. Meeting held by the Committee of Adjustment on June 30, 2009 at 7:30 a.m.;
2. Meeting held by the Committee of Adjustment on July 23, 2009 at 7:30 a.m.;
3. Meeting held by the Advisory Committee on the Environment on May 21, 2009 at 6:30 p.m.;
4. Meeting held by the Advisory Committee on the Environment on April 9, 2009 at 6:30 p.m.;
5. Meeting held by the Amherstburg Heritage Committee on June 24, 2009 at 5:30 p.m.;
6. Meeting held by Co-An Park on July , 2009 at 6:00 p.m.;
7. Meeting held by Co-An Park on August 6, 2009 at 6:00 p.m. and
8. Meeting held by Court of Revision on August 17, 2009 at 7:00 p.m.

**Motion Carried**

Councillor R. Fryer asked when the stop sign at McLellan and Knobb Hill would be installed as per the Traffic Committees approval. Lou Zarlenga advised that he would follow up with the request.

**CORRESPONDENCE**

**Correspondence #1 The Royal Canadian Legion – Legion Week Parade**

Moved by Councillor R. White  
Seconded by Councillor R. Fryer

That the following correspondence by the Royal Canadian Legion dated July 16, 2009 regarding the Legion Week Parade being held on September 19, 2009 be received;

And further that all Council be encouraged to attend.

**Motion Carried**

Discussion:

Mayor Hurst asked that correspondence be forwarded to the Legion in this regard.

**Correspondence #2 Source Water Protection –Ontario Drinking Water Stewardship Program**

Moved by Councillor J. Sutton  
Seconded by Councillor R. Pillon

That the following correspondence by the Source Water Protection dated July 27, 2009 regarding the Ontario Drinking Water Stewardship Program be received;

And further that Administration be directed to send this information to landowners within a one kilometre radius of the Amherstburg Water Treatment Plant Intake.

**Motion Carried**

**Correspondence #3 Canadian Cancer Society – EC Walkathon 20<sup>th</sup> Anniversary Celebration**

Moved by Deputy Mayor Bailey  
Seconded by Councillor R. White

That the following correspondence by the Canadian Cancer Society dated August 17, 2009 regarding the EC Walkathon 20th Anniversary Celebration being held on October 2, 2009 and October 4, 2009 be received;

And further that Council direct Anne Rota, Tourism Officer to arrange all requests for the event with Police, Fire, the Public Works Department and discuss with the School Board to address any bussing issues.

**Motion Carried**

Discussion:

Councillor R. White noted that these types of events should be circulated in a timely manner. Any organizations who require road closures must submit their request in a timely manner. It was not meant to discourage any events, but to ensure all are apprised of the situation.

Mayor Hurst directed Administration to advise event organizers of annual events that road closure requests need to be brought to Council well in advance so that accommodations may be made.

### **OTHER MINUTES**

#### **Item # 1 - Traffic Committee Minutes - July 17, 2009**

Moved by Councillor R. Fryer  
Seconded by Councillor P. Renaud

That the following minutes held by the Traffic Committee on July 17, 2009 at 1:00 p.m be received;

That the motions by the Traffic Committee in these minutes be approved by Council;

And further that Administration be directed to follow up on these motions.

**Motion Carried**

#### **Item # 2 - Traffic Committee Minutes - August 12, 2009**

Moved by Councillor R. Fryer  
Seconded by Councillor P. Renaud

That the following minutes held by the Traffic Committee on August 12, 2009 at 1:00 p.m be received;

That the motions by the Traffic Committee in these minutes be approved by Council;

And further that Administration be directed to follow up on these motions.

**Motion Carried**

### **UNFINISHED BUSINESS**

Council discussed the Unfinished Business Items as of August 24, 2009.

Councillor R. Pillon requested an update for the 9<sup>th</sup> Concession Waterline and that the matter be placed on the Unfinished Business Item List for tracking.



Councillor R. Pillon advised that August 29, 2009 is Co-An Park's Tournament and extended an invitation to everyone to attend. Councillor Pillon also noted that the group is looking for door prize donations.

Councillor P. Renaud requested an update for the 2 hour parking limit signs that are required to be placed in the downtown core. Lou Zarlenga advised that he would report back to Council on the status.

## **NEW BUSINESS**

### **Media Release- Design Build Firm for Multi-Use Recreation Complex**

Mayor Hurst announced that DeAngelis Construction /Norlon Construction has been chosen as the successful Design Build-Construction firm for the Inclusive Multi-Use Recreation Complex. Mayor Hurst advised that the ground breaking ceremony has been scheduled for September 10<sup>th</sup> and community members are encouraged to attend.

The Media Release is attached to and forms part of these minutes.

Moved by Councillor R. White  
Seconded by Councillor J. Sutton

That the Council direct Administration to work towards completion of the Design Build-Construction Contract with DeAngelis Construction/Norlon Construction/Spriet Associates, pending approval by the Town's solicitor.

**Motion Carried**

## **BY-LAWS**

### **Encroachment By-Law**

Moved by Councillor R. Pillon  
Seconded by Councillor P. Renaud

That **By-Law 2009-60** being a By-Law to authorize the execution of an Encroachment Agreement between the Corporation of the Town of Amherstburg and Martyn Adler be taken as having been read for 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**

**Confirmatory By-Law**

Moved by Councillor P. Renaud  
Seconded by Councillor R. White

That **By-Law 2009-56** 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**

There were no Notices of Motion.

**ADJOURNMENT**

Moved by Councillor J. Sutton  
Seconded by Councillor R. White

That we rise and adjourn at 9:24 P.M.

**Motion Carried**

  
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MAYOR, WAYNE HURST

  
\_\_\_\_\_  
CLERK, BRENDA M. PERCY

Mayor, Councillors, Ladies & Gentlemen

My topic to-night is Wind Turbine setbacks. As you are aware, in the near future, you will be asked to vote on a by-law amendment regarding set backs.

Amherstburg was the only town in all of Essex county to have the fore sight to have a 600 metre setback. As most of you are aware Premier McGuinty agrees with you and not GenGrowth, his set back is 550 metres. Doesn't the fact that the Wind Association states that over 71% of pending turbine installations can not meet Mr McGuinty's 550 metre set back alarm anyone. These people are sticking turbines up right next door to peoples' homes and then leaving. As I speak the Farm Association in Oxford Ontario is calling for a freeze on wind development.

I am handing out two more health studies, I believe that this will total 6 studies that we will have given you that clearly shows a connection between distance to homes and health problems . More studies are being released daily and Mr McGuinty 's is still pending. Even those on council that are in complete denial have to believe there is some substance to these health issues.

I am also handing out a sheet with the names and addresses of the people in Ontario, whom have been quietly "bought out" by the various turbines companies because of associated health problems.

Let me make it clear that this is not an attack on wind turbines or "Green Energy" it is simply a request to you to consider all the effects this machinery is having when it is erected too close to homes.

The wind turbines companies stock answer is there are no effects, however one would be puzzled as to why the buyouts and in some cases, tear downs if there are no problems.

The tear down should be of particular interest to council because as you well know, a undeveloped piece of land generates far less tax then one with a house on it, and you should take this under consideration when looking at the enhanced assessment base that some people think turbines will bring. Will they off set the cost of homes that may have to be removed ?

Also council is aware of the GenGrowth management recently appearing before them and issuing the statement , "the funds are dwindling", this should be taken seriously, as there are several much larger energy companies then GenGrowth now in receivership. Isn't one General Chemical mess enough without possibly creating others. Some sort of financial bond and decommissioning plan should be required by the town.

In closing let me say that we are asking you to leave the status queue or failing that increase the setback to at least 1000 metres, GenGrowth has done nothing to provide this council with any evidence to the contrary regarding set backs and health issues, they have done nothing to ensure this council that they will "be there" for the long haul, and they have done nothing to make anyone think that they would act in a responsible manner if health problems did arise.

Could anyone on this council explain to me why we should trust these guys ?

Thank you

**Details regarding our request:**

- When the Town provides both water and wastewater collection and treatment, the resident or company pays for both. Similarly, when only water is provided, the Town directs Essex Power to bill for water only.
- All of the residents of Fairway Crescent have individual water meters at their homes and pay both water and wastewater charges.
- The bill for meter # 0060780718 is delivered to 81 Fairway Crescent, which is a service address – not a residence. The account # is 00229771-00.
- The water meter is located in the small building pictured below.



- It is only connected to the in-ground sprinkler system as shown below.



- None of the water that goes through this meter is collected or treated by the Town's wastewater system. It is used only to water the grass. It is an efficient and effective system that does not waste water.
- In this situation, we feel that this account should be billed for water only.