

**Minutes Of An Amherstburg Municipal Council Meeting Held
On Monday, September 28, 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
Brenda Percy, Manager of Council & Leg. Services/Clerk
Carol Bendo, Human Resources Manager
Paul Beneteau, Treasurer
Ron Dzombak, Manager of Recreational Services
Ivano Fregonese, Supervisor Budget Services
Anne Rota, Tourism and Special Events Facilitator
Lou Zarlenga, Public Works Manager

CALL TO ORDER

Mayor Hurst called the meeting to order at 7:05 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. Fryer

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

1. In-Camera meeting held on September 9, 2009 at 10:00 AM;
2. In-Camera meeting held on September 14, 2009 at 4:15 PM;
3. Court of Revision meeting held on September 14, 2009 at 6:00 PM;
4. Public meeting held on September 14, 2009 at 7:00 PM and
5. Special Public meeting held on September 21, 2009 at 5:00 PM.

Motion Carried

WAIVE RULES OF ORDER TO MOVE PRESENTATIONS BEFORE DELEGATIONS

Moved by Deputy Mayor Bailey
Seconded by Councillor R. White

That Council waive the Rules of Order and allow for presentations to be heard ahead of delegations.

Motion Carried

PRESENTATIONS

Presentation # 1

Mr. James Massen presented the Rotary Club of Amherstburg with a donation for the Miracle League Diamond.

CAO Pam Malott advised that Mr. James Massen has donated \$50,000 towards the Miracle League Diamond.

DELEGATIONS

Delegation #1

Mr. Chuck Bondy addressed Council and made a presentation to the Mayor on behalf of the Cardinals Midget and Junior Ontario Championship Teams.

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

That the delegation by Chuck Bondy be received.

Motion Carried

Delegation # 2

Karen Deslippe addressed Council regarding the 2009 House of Fright and Haunted Graveyard.

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

That the delegation by Ms. Deslippe be received;

And further that all Council, staff and residents be encouraged to attend the 2009 House of Fright and Haunted Graveyard.

Motion Carried

Delegation #3

Don Affleck addressed Council regarding a request for an amendment be made to an R1A Zoning By-Law.

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

That the delegation by Mr. Affleck be received;

And further that the matter be directed to Administration to review the feasibility of a by-law amendment.

Motion Carried

Discussion:

Councillor R. Pillon asked how many pigeons Mr. Affleck owns and if they are housed inside a building. Mr. Affleck advised that he has less than 80 pigeons and they are housed inside. The pigeons do go outside but are in an enclosed wire cage.

Councillor R. Pillon asked if Mr. Affleck is currently licensed by any authority with regard to the keeping of pigeons. Mr. Affleck noted that he has provided Council with a sample ordinance prepared by the Canadian Pigeon Fanciers' Association, which allows for inspection of his property to ensure that he is complying with the conditions within the ordinance. He is not currently licensed under any authority. Mr. Affleck noted further that he does have a veterinarian who ensures that the birds are vaccinated.

In response to a question from Councillor Sutton, Mr. Affleck explained the care he provides for the pigeons.

The Mayor advised that before the report returned to Council for its consideration, Mr. Affleck would be advised.

REPORTS OF MUNICIPAL OFFICERS

Report #1

A report by Carol Bendo regarding Pumpkinville 2009.

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

That the report by Carol Bendo dated September 18, 2009 regarding Pumpkinville 2009 be received;

And further that the Town of Amherstburg approve the use of and waiving fees of \$150 for Toddy Jones Park for the Pumpkinville Festival organized by the Amherstburg Rotary Club.

Motion Carried

Report # 2

A report by Carol Bendo and Anne Rota regarding The Creative Communities Prosperity Fund - Application for Funding; Municipal Cultural Planning.

Moved by Councillor Deputy Mayor Bailey
Seconded by Councillor R. White

That Mayor and Council receive the Creative Communities Prosperity Fund (CCPF) -
Application for Funding report;

That Council approve the resolution to undertake the Municipal Cultural Planning
process;

And further that Council direct Administration to proceed with the Fund application prior
to the October 15, 2009 deadline for submission.

Motion Carried

Report # 3

A report by Carol Bendo regarding Employee Long Service Awards and Retirement
Recognition Celebration Policies.

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

That the report by Carol Bendo dated September 18, 2009 regarding Employee Long
Service Awards and Retirement Recognition Celebration Policies be received;

And further that the Long Service Award Recognition and Retirement Recognition
Celebration Policies be approved.

Motion Carried

Report # 4

A report by Kristina Pozar Di Paolo regarding the Status of the Town's Premises at 3400
Middle Side Road.

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

That the report by Kristina Pozar Di Paolo, dated September 20, 2009 regarding that
Status of the Town's Premises at 3400 Middle Side Road be received;

And further that Council direct Administration to advertise an Expression of Interest to
Lease the Premises for a Suitable Use.

Motion Carried

Report # 5

A report by Paul Beneteau regarding ERCA Permit Fees.

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

That the report by Paul Beneteau dated September 15, 2009 regarding ERCA Permit Fees be received;

That Council concur with the ERCA report BD30/09, as proposed;

And further that ERCA be notified of same.

Motion Failed

Moved by Deputy Mayor Bailey
Seconded by Councillor J. Sutton

That the report by Paul Beneteau dated September 15, 2009 regarding ERCA Permit Fees be received;

That Council not support the ERCA report BD30/09, as proposed;

And further that ERCA be notified of same.

Motion Carried

Discussion:

Councillor R. Pillon reported that he had discussion with Tim Byrne of ERCA regarding the matter. The money allocated to ERCA each year does not go towards the fee structure. Mr. Bryne advised that there are no funds or time to allocate to these additional projects. It's important that the Town have the support of ERCA in order to ensure that the projects move forward.

Councillor R. Fryer explained that he brought the matter forward to Council in order that Council is aware of the issue. It is for information purpose. Councillor R. Fryer explained that fee schedule has already been set. This letter is simply bringing awareness to the Municipality so that it is aware of the schedule being used to determine the appropriate fee.

Paul Beneteau, Treasurer advised that he has reviewed the budgets and has found that the fees are not a 2009 budgeted item.

Councillor J. Sutton asked if this is based on 2009 projects. Paul Beneteau confirmed same. Councillor Sutton expressed that any changes to the fee structure should not be done after budgets have been set and funds cannot be reallocated.

Councillor P. Renaud concurred that fees should be set for consideration in next budget and not changed at this time.

Councillor R. Fryer advised that the fee schedule was set in beginning of 2009. This is not something new. Regardless of Council's decision, the fee structure will still exist and municipalities charged accordingly.

Mayor Hurst referred to the last paragraph of the letter which notes that based on the stimulus projects, ERCA has found that their current approved fees are inadequate. Mayor Hurst further noted that this stimulus funding that is going to increase jobs in communities. It does not give someone the licence to increase their fees at their own discretion. It is not what this funding is meant for. He hoped Council would send message back that they are not in support of this.

Councillor R. Pillon noted that when ERCA set its budget it was not aware that stimulus money would be received and would result in an additional work load. He noted that he is not in favour of extra fees but in lieu of the stimulus money, there is an extra workload for ERCA. ERCA already has the mandate to increase their fees.

In response to a question from Councillor R. Pillon, Pam Malott advised that there are budgeted amounts for different parts of the project estimate but this would not have been included in the estimates.

Councillor J. Sutton referred to the letter which notes it came to their Board in August 2009, and noted that there should have been foresight on the part of ERCA. To do this after the fact is unfair to the taxpayers. ERCA's assistance is needed but should have been done in time to allow these monies to be budgeted for.

Deputy Mayor Bailey concurred that there should have been advance notice and it is not appropriate to be advised in middle of the budget year.

Report # 6

A report by Paul Beneteau regarding Introduction of Debit Machines as a Payment Alternative.

Moved by Councillor J. Sutton

Seconded by Councillor P. Renaud

That the report by Paul Beneteau dated September 15, 2009 regarding Introduction of Debit Machines as a Payment Alternative be received;

And further that Council concur with the introduction of this option as an acceptable payment option for ratepayers.

Motion Carried

Report # 7

A report by Paul Beneteau and Ivano Fregonese regarding the 2008 Financial Statements.

Moved by Councillor P. Renaud
Seconded by Deputy Mayor Bailey

That the report by Paul Beneteau and Ivano Fregonese dated September 18, 2009 regarding the 2008 Financial Statements be received;

And further that Council adopt the Financial Statements of the Town of Amherstburg, for the year ended December 31, 2008 as presented.

Motion Carried

Discussion:

Deputy Mayor Bailey asked if there is an obligation to publish the financial statements. Paul Beneteau advised that there is a requirement to have them available to be viewed and that the statements would be posted on the Town's website.

Report #8

A report by Lory Bratt regarding a Transfer of Easement for Solar Energy Systems is deferred to the October 13, 2009 meeting.

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

That the report be deferred to the October 13, 2009 Council meeting.

Motion Carried

Report #9

A report by Ron Dzombak regarding 2009 Lion's Pool Condition and Facility Audit.

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

That the report by Ron Dzombak, dated September 18 2009 regarding 2009 Lion's Pool Condition Report and Facility Audit Results be received;

And further that Council refers to budget deliberations the prescribed repairs for the Lion's Pool facility as per the 2007 Dillon Facility Audit and the 2009 Fieldcraft Water Recirculation Assessment Report.

Motion Carried

Discussion:

Councillor R. White asked confirmation of the cost the pool has cost for past few years. Ron Dzombak advised that he could provide this information to Council.

Mayor Hurst advised that the motion refers to the matter to the budget deliberations and it could be discussed at that time.

Report # 10

A report by Ron Dzombak regarding the 2009 Proposed Ice Allocation Policy.

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

That the report by Ron Dzombak, dated September 18, 2009 regarding the 2009 Proposed Ice Allocation Policy be received;

That Council receive and review the Draft Ice Allocation Policy and respond to Administration with questions or concerns;

And further that Administration be directed to receive feedback from the various User Groups and bring the final policy to Council for recommendation and adoption on October 14th, 2009.

Motion Carried

CONSENT CORRESPONDENCE

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

That the following correspondence be received as presented:

1. Ontario Helping Every Household Fight the Flu dated September 9, 2009 from the Ministry of Health and Long Term Care;
2. Premier's Award for Agri-Food Innovation Excellence dated September 2009 from the Ministry of Agriculture, Food and Rural Affairs;
3. 2009 Harvest - John R. Park Homestead ;
4. Application to Ontario Energy Board dated September 14, 2009 from Union Gas;
5. Representative on Source Protection Committee from Town of Amherstburg Drinking Water Source Protection dated September 14, 2009;
6. 2009 Poinsettia order form and price list dated September 16, 2009 from Colasanti's;
7. Ontario Tire Stewardship - Used Tire Program - Ontario's Waste Diversion Act dated September 21, 2009;
8. WE lose WE Win Challenge dated September 18, 2009 from the Corporation of the County of Essex;
9. ATV Poker Run thank-you letter dated September 22, 2009 from the Essex County ATV Club Inc.;
10. Continuous Improvement Fund has \$13.5 M Available to Invest in 2009 dated September 10, 2009 from AMO FYI No. 09-114;
11. Response to the Town of Amherstburg regarding the Elimination of GST Collection on Municipalities for 2009 and 2010 dated September 16, 2009 from the Minister of Finance;
12. Support Town of Amherstburg Resolution on Harmonization dated September 15, 2009 from the Township of Armour and
13. \$50 donation letter for the Recreation Complex dated September 17, 2009 from Zac and Blake Tytgat.

Motion Carried

CONSENT OTHER MINUTES

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

That the following minutes be received as presented:

1. Meeting held by the Parks Committee on June 16, 2009 at 3:30 PM;
2. Meeting held by the Traffic Committee on September 9, 2009 at 1:00 PM;
3. Meeting held by the Amherstburg Accessibility Advisory Committee on April 23, 2009 at 6:30 PM;
4. Meeting held by the Amherstburg Accessibility Advisory Committee on May 19, 2009 at 6:30 PM and
5. Meeting held by the Amherstburg Accessibility Advisory Committee on June 30, 2009 at 4:30 PM.

Motion Carried

Discussion:

Deputy Mayor Bailey advised that the Minutes of the Amherstburg Accessibility Advisory Committee will be brought before Council in a timelier manner.

CORRESPONDENCE

Correspondence # 1 - Request to Proclaim October 21, 2009 Child Care Worker & Early Childhood Educator Appreciation Day

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

That the correspondence from CUPE/SCFP Ontario dated September 1, 2009 regarding Child Care Worker and Early Childhood Educator Appreciation Day be received;

And further that Council concur with the request to proclaim October 21, 2009 Child Care Worker & Early Childhood Educator Appreciation Day.

Motion Carried

Proclamation by Mayor Wayne Hurst

I, Wayne Hurst, Mayor of the Town of Amherstburg, hereby proclaim October 21, 2009 the 9th Annual Child Care Worker and Early Childhood Educator Appreciation Day in recognition of the influence, dedication and commitment of child care workers to children, their families and quality of life of the community.

Correspondence # 2- Request to Proclaim October as Lupus Awareness Month - Lupus Foundation of Ontario

Moved by Councillor R. Pillon
Seconded by Deputy Mayor Bailey

That the correspondence from the Lupus Foundation of Ontario dated September 4, 2009 regarding Lupus Awareness Month be received;

And further that Council concur with the request to proclaim October 2009 as Lupus Awareness Month.

Motion Carried

Proclamation by Mayor Wayne Hurst

I, Wayne Hurst, Mayor of the Town of Amherstburg, hereby proclaim the month of October 2009 as Lupus Awareness Month in order to increase awareness of the debilitating impact of lupus.

Correspondence # 3 - Asbestos Survey and Inventory for the Local Library - Essex County Library

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

That the correspondence from the Essex County Library dated September 9, 2009 regarding the Asbestos Survey and Inventory for the Local Library be received;

And further that Council direct Administration to secure the necessary information and report back to the Library Board and Council.

Motion Carried

Correspondence # 4 - Support for Local, Historical Exhibition Entitled Electric Avenue - AGW

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

That the correspondence from the Art Gallery of Windsor dated September 2009 regarding request for support for Local, Historical Exhibition Entitled Electric Avenue be received;

And further that Council request that this appeal for support be brought to County Council as a County of Essex Sponsorship of \$4000 would result in a savings of \$1250.

Motion Carried

Correspondence # 5 - Deterioration of McLeod Road - Geoff Kidd

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

That the correspondence from Geoff Kidd dated September 13, 2009 regarding Deterioration of McLeod Road be received;

That Council defer the item to 2010 Budget deliberations;

And further that Council direct Public Works to advise Council where McLeod Road falls in priority within the Roads Needs Study during 2010 Budget deliberations.

Motion Carried

Correspondence # 6 - Chamber of Commerce Business Excellence Awards - Amherstburg Chamber of Commerce

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

That the correspondence from the Amherstburg Chamber of Commerce dated September 1, 2009 regarding Business Excellence Awards be received;

And further that Council direct Administration to support the Awards as an Award Sponsor.

Motion Carried

UNFINISHED BUSINESS

Council discussed the unfinished business item list as of September 28, 2009.

In response to a question from Councillor R. Pillon, Lou Zarlenga provided an update on the 9th Concession Waterline project.

Councillor Sutton sought an update on the Kingsbridge subdivision and the unopened Road. Lou Zarlenga advised that he has had discussions with the developer and would report back to Council at the next meeting.

Councillor R. Fryer referred to the illumination on County Road 20 and suggested that the lights being replaced in the downtown core be used on this road.

NEW BUSINESS

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

That Special Public Meetings of Council be set to award tenders under CAF project held on Tuesday September 29, 2009 at 9:00 a.m., Wednesday September 30, 2009 at 9:00 a.m. and Thursday October 1, 2009 at 8:00 a.m.

And further that the media and public be advised of same.

Motion Carried

BY-LAWS

Amherstburg Multi-Use Recreation Complex Agreement

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

That **By-Law 2009-63** being a by-law to authorize the execution of an Agreement with DeAngelis Construction Inc. and Norlon Builders London Limited for the Design Build of a Multi-Use Recreation Complex 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

Development Agreement By-Laws

By-Law 2009-66

Moved by Deputy Mayor Bailey
Seconded by Councillor P. Renaud

That **By-Law 2009-66** being a by-law to authorize the signing of an amending Development Agreement be taken as having been read a second and third time and be finally passed and the Mayor and Clerk be authorized to sign same and affix the Corporate Seal thereto.

Motion Carried

By-Law 2009-67

Moved by Deputy Mayor Bailey
Seconded by Councillor P. Renaud

That **By-Law 2009-67** being a by-law to authorize the signing of an amending Development Agreement be taken as having been read a second and third time and be finally passed and the Mayor and Clerk be authorized to sign same and affix the Corporate Seal thereto.

Motion Carried

By-Law 2009-68

Moved by Deputy Mayor Bailey
Seconded by Councillor P. Renaud

That By-Law 2009-68 being a by-law to authorize the signing of an amending Development Agreement be taken as having been read a second and third time and be finally passed and the Mayor and Clerk be authorized to sign same and affix the Corporate Seal thereto.

Motion Carried

Confirmatory By-Law

Moved by Deputy Mayor Bailey
Seconded by Councillor P. Renaud

That By-Law 2009-69 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 Motions.

ADJOURNMENT

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

That we rise and adjourn at 8:10 p.m.

Motion Carried



MAYOR - WAYNE HURST



CLERK - BRENDA M. PERCY