

Minutes Of An Amherstburg Municipal Council Meeting Held On Monday, November 23, 2009 At 7:00 P.M.

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, CAO
Carol Bendo, Human Resources Manager
Paul Beneteau, Treasurer
Lory Bratt, Planning Coordinator
Dave Carpenter, Manager of IT
Kristina Pozar Di Paolo,
Ron Dzombak, Manager of Recreational Services
Ivano Fregonese, Supervisor Budget Services
Jackie Hubbs, Manager of Development Services
Anne Rota, Tourism Officer
B.J. Wilder, Community Standards Officer
Lou Zarlenga, Public Works Manager

ABSENT WITH NOTICE

Councillor Paul Renaud
Brenda Percy, Manager of Council & Leg. Services/Clerk
(Illness)

CALL TO ORDER

Mayor Wayne Hurst called the meeting to order at 7:04 PM.

PRAYER

Acting Deputy Clerk, Kristina Pozar Di Paolo, said prayer.

DISCLOSURE OF PECUNIARY INTEREST

No disclosures of pecuniary interest were made.

MINUTES OF PREVIOUS MEETING

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

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

1. Special Public Budget Meeting held on October 28, 2009 at 9:00 AM;
2. Special Public Budget Meeting held on October 29, 2009 at 9:00 AM;
3. Special In-Camera - Council Road Tour held on November 2, 2009 at 8:30 AM;
4. In-Camera Meeting held on November 9, 2009 at 5:00 PM and
5. Public Meeting held on November 9, 2009 at 7:00 PM.

Motion Carried

DELEGATIONS

Delegation #1

Mr. Neil Stewart addressed Council regarding the Alma Cul-de-Sac. Mr. Stewart advised Council that he requests the final costs of Alma Street and also the tender costs of the landscaping as per the original Spencer and Associates plan. The delegation by Mr. Stewart is attached to and forms a part of these minutes.

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

That the delegation by Neil Stewart be received.

Motion Carried

Discussion:

Councillor J. Sutton asked why the decision was made to remove the back flow preventors. Lou Zarlenga, Manager of Public Services, stated that the following: Concern was expressed by Mr. Stewart that he needs an accessible driveway; It is not the sewage itself that is causing the problem but rather the storm water; The end of Alma Street/Dalhousie is the lowest point in the municipality; The remedial work completed on Alma was complete sewer separation and the pumps were going to be an auxiliary insurance policy; The back flow preventors were taken out subsequent to the last Council meeting; Mr. Stewart now has a fully accessible driveway and the final pavement was completed today.

Mayor Hurst asked when pumps will be delivered. Mr. Zarlenga advised that the Town will receive them within 4 weeks as they are top of the line specialty item and once received they will take one day to place.

Mayor Hurst asked Mr. Zarlenga to respond to Mr. Stewart's concern regarding the Fire Department Vehicle being trapped in the Cul-de-Sac. Mr. Zarlenga advised Council of the following: that Ontario Building Code indicates any roads less than 90 metres in length do not need to have a Cul-de-Sac; the development manual refers to new development and with new development we have flexibility with design and we design accordingly; Alma/Laird intersection has a fire hydrant and would be no different than addressing any other area in Town having 250 metres between fire hydrant and residence. Fire Chief Richard Murray stated that the current construction is not ideal but it does not hinder the fire department from any operations. Fire Chief Murray stated that the Fire Department has other vehicles to respond to other incidents and other fire departments in the area and in the event of another call another vehicle or another station would be dispatched in order to respond to emergency calls.

PRESENTATIONS

Presentation #1

Rick Spencer and Dave Archer made a presentation to Council regarding an update on CAF Projects.

Mr. Spencer provided Council with a depiction of the bus lay-by for the high school. Councillor R. Pillon asked if buses have been in the area to test if they are wide enough to fit. Mr. Archer advised that a meeting has been scheduled for Thursday with the bus company and that the spaces are large enough.

Mr. Spencer advised Council of the following:

- Sidewalk replacement contract is complete.
- Street lighting installations contracts North & South are to commence this Monday. There will be 3 different street light designs and the double head is only on Laird Avenue.
- South Gateway work is under way and scheduled to be completed by December 31, 2009.

- Landscape plan for the high school parking lot. The crossings have been completed and signal lights will be functional shortly. Councillor Fryer asked what the width of the crossing is and Mr. Archer replied that it is 4 metres wide.

Mr. Archer advised Council of the following:

- Laird Ave Project stayed within its \$4.1 M budget
- Trails Construction remained within its \$1.875M budget
- Sidewalk Contract stayed within its \$325,000 budget
- Street lighting replacement contract remained within its budget of 3.85 M on tendering
- Total of \$10.15 M dollars are within budget
- Have 6 more items to tender – Irrigation system on Laird; Planting supply for Laird and Sandwich St. Works; Planting installation of this material; Streetscaping work; The structures for the South Gateway feature; and the Pedestrian kiosks.

Moved by Councillor J. Sutton
Seconded by Deputy Mayor Bailey

That the presentation by Rick Spencer and Dave Archer be received.

Motion Carried

REPORTS OF MUNICIPAL OFFICERS

Report #1

A report by Pamela Malott regarding Additional Information-Legal Opinion on the Ranta-Allied Agreement.

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

That Council receive the report of the Chief Administrative Officer dated November 18th, 2009 concerning the legal opinion on Ranta Marina- Allied Agreement;

And further that this report and legal opinion be copied to the delegation on the subject matter, Carol Ferguson.

Motion Carried

Report #2

A report by Pamela Malott regarding the Execution of An Agreement between the Town of Amherstburg and the Minister of Industry.

Moved by Deputy Mayor Bailey
Seconded by Councillor R. White

That the report by Pamela Malott dated November 18, 2009 regarding the Execution of An Agreement between the Town of Amherstburg and the Minister of Industry be received;

That Council authorize the execution of an Agreement between the Town of Amherstburg and the Minister of Industry known as the Community Adjustment Fund Project Number 845-505182;

That Council direct Administration to secure the Insurance provisions necessary according to the requirements of the agreement;

And further that **By-law 2009-85** being a By-law Authorizing the execution of the Agreement between the Corporation of the Town of Amherstburg with Her Majesty the Queen in Right of Canada as represented by the Minister of Industry through the Community Adjustment Fund (CAF) Project Number 845-505182 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.

Report #3

A report by Carol Bendo regarding directional signage.

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

That the report by Carol Bendo dated November 6, 2009 regarding the Tourism Oriented Directional Signage (TODS) Program and Ministry of Transportation (MOT) Signage be received;

And further that Council direct Administration to proceed with an application for a TODS Cluster Tourism sign to be placed on the 401 at exit 21 (Manning Road to Tecumseh).

Discussion:

Councillor R. Fryer requested clarification if the \$3900 cost per year or initial year and is money set aside in previous budgets for this type of signage. Tourism Officer Anne Rota replied that the \$3900 is per year and hoping to share with minimum of four (4) and maximum of eight (8) other historic sites and this is a line item under the current budget and at least four of the sites have confirmed

Councillor J. Sutton requested help through our MPP Bruce Crozier for a response from MTO.

Councillor R. White stated that this signage is very important as we have been spending quite a bit of money to make Amherstburg a tourist destination. Councillor White requested Administration to send notification to MPPs, the MTO and Ministry of Industry in stating that many of these ministries have brought funds to this area, in the form of grants, to diversify the area and that we require signage on the 401 to direct people to Amherstburg.

Mayor Hurst stated that consideration should be given to incorporate something in the signage to speak to our Agricultural area.

Motion Carried

Report #4

A report by Jackie Hubbs regarding the Extension of Animal Control Officer Agreement.

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

That the report by Jackie Hubbs dated November 13, 2009 regarding the Extension of Animal Control Officer Agreement be received;

And further that Council approve the extension of the current Animal Control Officer agreement under the same terms, conditions and payment amount for the period of January 31, 2010 to January 30, 2011.

Discussion:

Councillor J. Sutton asked for assurance that the animal control officer is upholding to his contract to our satisfaction and that the amount is budgeted for 2010. Community Standards Officer, B.J. Wilder, advised that the amount is in our budget and that the Town is pleased with the performance of our Animal Control Officer.

Motion Carried

Report #5

A report by Jackie Hubbs regarding the Ontario Municipal Board appeal of the Town of Amherstburg Official Plan.

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

That the report by Jackie Hubbs, Manager of Development Services dated November 17, 2009 regarding the Ontario Municipal Board appeal of the Town of Amherstburg Official Plan be received;

And further that Council authorizes the Town Solicitor and the Manager of Development Services to participate at the Ontario Municipal Board's teleconference, prehearing conference, subsequent meetings and/or hearing of the file.

Motion Carried

Report #6

A report by Jackie Hubbs regarding the request for funding for the Big Creek Watershed Study in the 2010 budget dated November 15, 2009.

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

That the report by Jackie Hubbs, Manager of Development Services regarding the request for funding for the Big Creek Watershed Study in the 2010 budget dated November 15, 2009 be received;

And further that Council directs administration to proceed to include in the 2010 budget the requested \$25,000 for the completion of the Big Creek Watershed Study in 2010.

Discussion:

Councillor R. Fryer advised Council that this is the last of the Town's commitment of this \$100,000 study and asked that Open House be posted on the Town's calendar and website.

Motion Carried

Report #7

A report by Jackie Hubbs, Manager of Development Services, regarding the request of Mr. Affleck.

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

That the report by Jackie Hubbs, Manager of Development Services, dated November 18, 2009 regarding the request of Mr. Affleck be received;

And further that Administration be directed to inform Mr. Affleck that he does have the opportunity to apply for a zoning amendment.

Discussions:

Councillor R. Pillon requested that Jackie Hubbs to elaborate on the report. Manager of Development Services, Jackie Hubbs, stated that her recommendation is that the keeping of pigeons is an agricultural or rural activity from a planning perspective.

Motion Carried

Report #8

A report by Lory Bratt regarding the Solar Energy System additional project design detail update.

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

That the report by Lory Bratt dated November 19, 2009 regarding Solar Energy System additional project design detail update be received.

Motion Carried

Report #9

A report by Brenda Percy regarding Accessible Customer Service Standards Policy under AODA.

Moved by Deputy Mayor Bailey
Seconded by Councillor R. Fryer

That the report by Brenda Percy dated November 19, 2009 regarding Accessible Customer Service Standards Policy under AODA be received;

And further that the Accessible Customer Service Standards Policy be approved.

Motion Carried

Report # 10

A report by Lou Zarlenga regarding the snow removal of the newly created trails and pathways (2009).

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

That Council receive the report from Lou Zarlenga regarding snow removal operations for new sidewalks and pathways constructed in 2009 under the Community Adjustment Fund (C.A.F.) project;

And further that council concur with the recommendation from Administration for the Public Works Department to remove snow from the newly created trails and paths utilizing their own forces.

Discussions:

Councillor R. Fryer noted that sidewalks have been placed along Laird this year as well and asked if we are removing snow from Laird or just the pathways. Manager of Public Services, Lou Zarlenga clarified that only the new pathways will have snow removed by the Public Works Department and not the sidewalks.

Motion Carried

Report # 11

A report from Lou Zarlenga dated November 13, 2009 regarding the proposed new municipal drain the initial Council review of the drainage report for the Mans Marsh Outlet Drain.

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

That Council receive the drainage report dated September 09th, 2009 from Dillon Consulting to provide drainage improvements for the area known as Mans Brothers Marsh in accordance with Section 4 of the Drainage Act;

And further that the report be distributed to all affected landowners and that the report be considered by Council at a Special Meeting of Council.

Discussion:

Mayor Hurst asked Mr. Zarlenga to identify the location of the vertical weir. Mr. Zarlenga advised that this project has been in the making for many years, since 1986 and that the weir will be placed at the end of Erie Avenue. This and be a water control structure and this structure will be controlled by the municipality thereby allowing the municipality to protect the road base on Erie Avenue and McCloud Avenue and help the Warren Mickle Park. Total anticipated cost of the structure is \$64,000.

Motion Carried

CONSENT REPORTS

Moved by Deputy Mayor Bailey
Seconded by Councillor R. Pillon

That the following reports be received;

1. A report by Treasurer Paul Beneteau dated November 13, 2009 regarding the 2010-2013 Federal Gas Tax;
2. A report by Treasurer Paul Beneteau dated November 9, 2009 regarding Taxes Receivable and
3. A report by Treasurer Paul Beneteau dated November 16, 2009 regarding Development Charges.

Treasurer Paul Beneteau provided Council with an update on the Federal Gas Tax and advised that AMO informed the Town this afternoon that there will be an \$1800 cost reduction for the Town and that he is anticipating a similar reduction from the County. Mr. Beneteau advised that AMO recalculated the amount based on the percentage of the amount per capita.

Motion Carried

CONSENT CORRESPONDENCE

Moved by Councillor J. Sutton
Seconded by Deputy Mayor Bailey

That the following correspondence be received:

1. Olympic Foundation Fundraising Challenge - Canadian Olympic Foundation November 6, 2009;
2. Presumptive Legislation for Volunteer and Part-time Firefighters - AMO FYI No.09-017 - November 6, 2009;
3. Highway Traffic Act Amendment Request - City of Ottawa - November 3, 2009;
4. Support of Amherstburg Resolution regarding MPAC Evaluation of Solar Energy Development - City of Quinte West - November 3, 2009;
5. Support of Amherstburg Resolution regarding MPAC Evaluation of Solar Energy Development - Township of Tarbutt & Tarbutt Additional - November 17, 2009;
6. Thank you to Essex Powerlines regarding CAF Project - Laird Avenue Construction - RC Spencer Associates Inc. - November 6, 2009;
7. Notice of Municipal Tree Lighting Ceremony November 19, 2009 and Santa 4KM Run & Santa Claus Parade November 28, 2009 - Anne Rota - November 7, 2009;

8. 2009 Holiday Sharing Guide - Give Help and Get Help - 211 Windsor Essex - November 9, 2009;
9. Health Expo - November 28, 2009 - Multiple Sclerosis Society - November 13, 2009 and
10. Essex Power Response to Correspondence regarding Sewer Charges Expense Concern by Residents presented to Council on October 26, 2009 - Essex Power - November 16, 2009.

Motion Carried

CONSENT OTHER MINUTES

Moved by Councillor R. White
Seconded by Deputy Mayor Bailey

That the minutes of the following meeting be received:

1. Meeting held by the Parks Committee on October 13, 2009 at 3:30 PM.

Motion Carried

UNFINISHED BUSINESS

Council discussed the Unfinished Business Item List as of November 23, 2009.

20091123A Councillor R. Fryer requested that a report regarding the conditions of the ruling with respect to Alma Street and a copy of the OMB Hearing be added to the unfinished business item list.

NEW BUSINESS

Mayor Hurst thanked Anne Rota and Jennifer Ibrahim and all of the volunteers for all of their work to ensure that the Tree Lighting Ceremony and the opening evening of the River Lights was a successful event.

BY-LAWS

Confirmatory By-Law October 28, 29 and November 2, 2009

Moved by Deputy Mayor Bailey
Seconded by Councillor R. Fryer



That By-Law 2009-86 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

Confirmatory By-Law November 23, 2009

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

That **By-Law 2009-87** 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

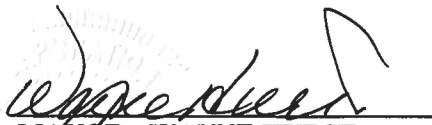
No notices of motion were made.

ADJOURNMENT

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

That we rise and adjourn at 8:00 P.M.

Motion Carried


MAYOR - WAYNE HURST


CLERK - BRENDA M. PERCY

Delegation November 23, 2009 *NEIL STEWART*

Item #1 Alma Street Landscaping

I request that Council approve the final cost of the Alma Street landscaping from Laird Avenue to the River be made public knowledge with the cost of materials and labour shown as separate items and also the tendered cost for the landscaping as per the original Spencer and Associate's plan.

Item 2 Sewage Backup Pumps

After a sewage backup in our home February 11, 2009 we were informed that sanitary sewer backup pumps were to be installed. This was confirmed April 17, 2009 by letter and also verbally at a meeting on June 2, 2009 with Mr. Lou Zarlenga, Ms. Pam Mallot, Ms. Kristina Pozar Di Paolo and myself in attendance.

A letter from Mr. Zarlenga, dated August 26, 2009, informed us that work had already begun on reconstructing Alma Street from Laird Avenue to the river and that the contractor would be installing the sanitary sewer backup pumps. I appeared before Council November 9, 2009 asking when the construction and sanitary sewer backup pumps installation was to be completed. Mr. Zarlenga advised Council the delay in completion was due to late delivery of the sewer backup pumps. In the report to Council by Mr. Zarlenga dated November 5, 2009 (which Council had before them at the November 9, 2009 meeting)

Item #1 stated “the sewage backup pumps were ordered October 19, 2009.” This was two months after the construction work began. Why didn’t anyone on Council question Mr. Zarlenga on the delay of ordering the pumps? **Item # 2** stated “The pumps would be delivered early December 2009.” **Item #3** stated “The pumps will be installed mid-December 2009.” **Item #4** stated “The Backflow Preventon Devices will be removed when the Sewage Backup Pumps are installed.” On November 11, 2009 the Backflow Prevention Devices were removed meaning raw sewage is being discharged into the two manhole catch basins in front of 42 and 46 Alma Street. Two of the jobsite Engineers were made aware of this also a Town of Amherstburg employee, Kevin Jones, advised me this morning November 23, 2009 this will be the situation until the backup pumps are installed. I question this decision to play Russian roulette with the weather as there will be no safeguard in the case of another sewer water surge.

Item #3 Alma Street Cul-De-Sac

Council and Public Works are well aware of our opposition to the relocation and resizing of the Alma Street Cul-de-Sac on the grounds of restricted access by service and emergency vehicles. On November 5, 2009 my wife needed emergency assistance and was transported to hospital. The Amherstburg Fire Department First Response vehicle arrived followed ten minutes later by an ambulance. In the

approximately 45 minutes from the First Response vehicle arriving to the ambulance departing with my wife, the Fire Department vehicle was trapped at the end of Alma Street unable to exit. If another emergency had occurred during this time their ability to respond would have been impossible or at best greatly hindered. In an emergency situation even a 5 minute delay can mean the difference between life and death. I feel that on November 5, 2009 Council dodged a bullet on this issue. All five Councillors and the Deputy Mayor were made aware of this situation by telephone on September 22, 2009 and at Council meetings October 13, 2009 and November 9, 2009 but chose not to do anything about it. Mr. Zarlenga on numerous occasions has stated that the Fire Chief and Deputy Chief were made aware of the changes made from the Spencer Associates Plan to the Alma Street cul-de-sac before being implemented. I request Council to ask these two individuals, if they are in Chambers tonight, if this is the case or not. Amherstburg's own Development Manual (dated May 2009) **Page 22, Item #7** states every public roadway if it comes to a dead end must have a cul-de-sac with sufficient turning space for **Emergency and Maintenance** vehicles. **Page 23, Item #4** states Cul-de-sacs must be a 12 metre minimum radius in a new residential sub-division, 9 to 12 metre minimum radius for residential infill areas. The Alma Street cul-de-sac is a 7 metre radius. Two metres short of the minimum requirement. Development

regulations are put in place to protect the safety and welfare of the citizens of Amherstburg and its visitors.

In light of the emergency that happened on November 5, 2009 and with the knowledge we have now, ^{OF} the problems that the downsizing of the cul-de-sac has created, I am asking Council to revisit this issue and insist that Public Works abides by its own Development Regulations and revert the Alma Street cul-de-sac back to its original Spencer and Associates design and plan.