

**Minutes of An Amherstburg Municipal Council Meeting Held  
In Council Chambers On Monday, March 8, 2010 At 7:00 p.m.**

**PRESENT:**

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

**ALSO PRESENT:**

Brenda Percy, Manager of Council & Leg. Services/Clerk  
Carol Bendo, Human Resources Manager  
Paul Beneteau, Treasurer  
Antonietta Giofu, Environmental Services Engineer  
David Carpenter, IT Manager  
Ivano Fregonese, Supervisor of Budget Services  
Anne Rota, Tourism Officer  
Lou Zarlenga, Public Works Manager

**ABSENT WITH NOTICE:** Pamela Malott, Chief Administrative Officer

**CALL TO ORDER**

Mayor Hurst called the meeting to order at 7:00 p.m.

**PRAYER**

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

**DISCLOSURE OF PECUNIARY INTEREST**

There were no disclosures of pecuniary interest.

Councillor White moved, Councillor Pillon seconded:

**That the delegation by Messrs. Hubbell, DiBartolomeo and Renaud be received;**

**And further that the report by Pamela Malott and Ron Dzombak, dated March 3, 2010 regarding the Proposed Ice User Rates for the Town's New Recreation Complex Twin Pad Arena be referred back to Administration to work with the Association to come up with an agreeable ice user rate and that any increase be phased in over three years.**

The Mayor clarified the intent of the motion is that the report be sent back to Administration who will initiate a meeting with AMHA and come up with a rate that is agreeable to Council and the Association and that this information be brought back to Council.

Councillor Fryer noted that the adult and seniors groups need to be involved in the discussions.

Councillor White reiterated that her intent is that Administration meet with the Association and that information would be brought back to Council and that those discussions address the AMHA request for stability.

The Mayor put the Motion.

**Motion Carried**

### **Delegation # 2**

The Amherstburg Minor Hockey Association presented the Town of Amherstburg with a \$100,000 donation towards the Inclusive Multi-Use Amherstburg Recreation Complex.

The AMHA, along with Mayor Wayne Hurst, presented Ken Grant with two plaques of appreciation for his time, commitment and continued dedication in the establishment of a new arena for the Town of Amherstburg.

### **Delegation # 3**

Mr. Scott Cipkar addressed Council regarding the closure of child care centre on Cherrylawn. A copy of Mr. Cipkar's presentation is attached and forms an Addendum to these minutes.

There was discussion with regard to costs, subsidy, public consultation, information provided to County Council, vacancies and available resources.

Councillor White moved, Councillor Sutton seconded:

Councillor Fryer moved, Councillor Wark seconded:

**That correspondence be sent to Bruce Crozier, MPP asking that the provincial government reinvest in public daycare so that the county daycares can stay open with that funding.**

The Mayor put the Motion.

**Motion Carried**

Councillor Sutton moved, Councillor White seconded:

**That the delegation by Ms. Porcellini be received.**

The Mayor put the Motion.

**Motion Carried**

**Delegation #6**

Ms. Patricia Strople addressed Council regarding child care.

Councillor Sutton moved, Councillor White seconded:

**That the delegation by Ms. Strople be received.**

The Mayor put the Motion.

**Motion Carried**

Councillor Pillon moved, Councillor Wark seconded:

**That correspondence be forwarded to Windsor City Council requesting that Windsor City Council reconsider its position regarding the closure of All Municipal Early Learning and Child Care Centres.**

Councillor Sutton noted that a letter was sent in January, 2010 and that this would be the second letter sent.

The Mayor put the Motion.

**Motion Carried**

Councillor White directed that Administration undertake a survey to determine what the available resources are in the community with regard to child care. She clarified that Administration contact daycare facilities in the Town to determine the actual number of places for children and the services they provide.

**Presentation # 2**

Anne Rota, Tourism Officer, Steve Mickle, Malden Community and Cultural Center committee Chairperson and Dan and Nancy Kenny, Owners of Tredki Acres Berries and Pumpkin Farm made a presentation to Council regarding the Amherstburg Farmers' Market Initiative.

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

A report by Carol Bendo regarding the Amherstburg Farmers' Market Initiative. Anne Rota explained the initiative, the membership and role of the committee, role of the Mr. & Mrs. Kenny and associated funding.

Deputy Mayor Bailey moved, Councillor White seconded:

**That the presentation by Ms. Rota, Mr. Mickle, and Mr. and Mrs. Kenny regarding the Amherstburg Farmers' Market Initiative be received;**

**That Council receive the report by Carol Bendo dated February 4, 2010 regarding the Amherstburg Farmers' Market (AFM) initiative;**

**That Council direct Administration to proceed with the facilitation to develop the Amherstburg Farmers' Market with a private sector Market Operator who will plan, coordinate, and manage the Market at the Malden Center Community (MCC) and Cultural Center at 7860 County Rd. 20 in Malden Centre under a yearly renewable business license as per Bylaw # 2009-44.**

**And further that Administration ensure that the concept is within the guidelines of the CAF funding.**

Councillor Pillon asked that Council be kept apprised of the matter as it moves along. Anne Rota advised that a minimum of three reports would be brought before Council by the Committee.

The Mayor put the Motion.

**Motion Carried**

**Presentation # 3**

Ms. Janet Willoughby and Mr. Rennie Rota made a presentation to Council regarding the Municipal Tree Lighting Ceremony and River Lights Opening Weekend. Ms. Willoughby asked that the ceremony be moved from Thursday evening to Friday evening and explained the benefits to the change of date.

## **REPORTS OF MUNICIPAL OFFICERS**

### **Report # 5**

A report by Pamela Malott regarding the Acquisition of Lands for Parkland - North Gateway Feature.

Councillor White moved, Councillor Sutton seconded:

**That the report by Pamela Malott, dated March 3, 2010 regarding the Acquisition of Lands for Parkland - North Gateway Feature be received;**

**That By-law 2010-25, being a bylaw to confirm the execution of an Offer of Purchase dated February 5th, 2010 between The Town of Amherstburg and Guinness UDV Canada Inc. (Diageo), be given three readings and finally passed and that the Mayor and Clerk be authorized to execute same;**

**That Council confirm the execution of the closing on the transfer of ownership of the lands;**

**That Council direct that the purchase be financed with the Amherstburg portion of the Community Adjustment Fund project;**

**And further that a Letter of Appreciation be forwarded to Diageo North America, Amherstburg Office, indicating the lands will be used for Municipal Purposes - Public Parkland North Gateway Feature and that lands will be enjoyed by many for generations to come.**

The Mayor put the Motion.

**Motion Carried**

### **Report #6**

A report by CAO Pamela Malott and Development Manager Nustadia Recreation Inc. regarding the January Amherstburg Recreation Complex Monthly Project Summary.

Councillor Sutton moved, Councillor Pillon seconded:

**That the report by Pamela Malott and Nustadia Recreation Inc. dated February 26, 2010 regarding the January Amherstburg Recreation Complex Monthly Project Summary Report be received.**

The Mayor put the Motion.

**Motion Carried**

**Report # 9**

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

Councillor Fryer moved, Councillor Sutton seconded:

**That the report by Jackie Hubbs, Manager of Development Services dated March 3, 2010 regarding the decision of the Ontario Municipal Board respecting the Official Plan for the Town of Amherstburg, be received.**

The Mayor put the Motion.

**Motion Carried**

**Report # 10**

A report by Jackie Hubbs regarding the receipt of a site plan application for Lot 80 and Part Lot 81, Concession VII, Town of Amherstburg.

Councillor Sutton moved, Councillor Pillon seconded:

**That the report by Jackie Hubbs, Manager of Development Services dated March 3, 2010 regarding the receipt of a site plan application for Lot 80 and Part Lot 81, Concession VII, Town of Amherstburg, be received.**

The Mayor put the Motion.

**Motion Carried**

**Report # 11**

A report by Jackie Hubbs regarding the zoning by-law amendment at Sandwich and Crownridge.

Councillor Sutton moved, Councillor White seconded:

**That the report by Jackie Hubbs, Manager of Development Services, dated March 4, 2010 regarding the zoning by-law amendment at Sandwich and Crownridge, be received;**

**And further that By-law 2010-28 being a by-law to amend Comprehensive Zoning By-law 1999-52 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.**

The Mayor put the Motion.

**Motion Carried**

**That Council receive the attached minutes of the pre-construction meeting and the first construction progress meeting dated February 4th, 2010 and February 17, 2010 respectively for the Amherstburg Wastewater Treatment Plant Upgrade and Expansion.**

The Mayor put the Motion.

**Motion Carried**

**Report # 15**

A report by Lou Zarlenga regarding the status of the Nexen property renovations.

Councillor Pillon moved, Councillor White seconded:

**That Council receive the report from Lou Zarlenga regarding the status of the Nexen Property renovations.**

The Mayor put the Motion.

**Motion Carried**

**Report # 16**

A report by Lou Zarlenga regarding an update on the Essex Region Source Protection Committee.

Deputy Mayor Bailey moved, Councillor Wark seconded:

**That Council receives the report from Lou Zarlenga dated March 4, 2010 regarding an update on the Essex Region Source Protection Committee.**

The Mayor put the Motion.

**Motion Carried**

**Report # 17**

A report by Lou Zarlenga regarding the tree maintenance in Kings Navy Yard Park for 2010.

Councillor Pillon moved, Councillor Wark seconded:

**That Council receive the report from Lou Zarlenga regarding Kings Navy Yard Park Tree Maintenance for 2010.**

**Report # 20**

A report by Lou Zarlenga regarding a flower bed request from the Girl Guides of Canada.

Councillor Sutton moved, Councillor Wark seconded:

**That Council receive the report from Lou Zarlenga regarding a request from Ms. Michelle Wilson from the Girl Guides of Canada Trefoil to allow the Girl Guides to plant and maintain a flower bed at Toddy Jones Park.**

**And further that Council accept the recommendation of Administration to provide an area in Toddy Jones Park to accommodate a Girl Guides Flower Bed.**

The Mayor put the Motion.

**Motion Carried**

**Report # 21**

A report by Lou Zarlenga regarding surplus equipment at Public Works and the disposal of such by way of public auction.

Councillor Wark moved, Councillor Pillon seconded:

**That Council receive the report from Lou Zarlenga regarding surplus equipment in the Public Works Department.**

**And further that Council approve the disposal of designated surplus equipment by way of public auction.**

The Mayor put the Motion.

**Motion Carried**

**CONSENT REPORTS**

Councillor Fryer moved, Councillor Sutton seconded:

That the following reports be received:

- 1. A report by Jackie Hubbs, Manager of Development Services dated March 3, 2010 regarding the decision of the Ontario Municipal Board respecting 31 Sandwich Street North, Amherstburg.**

The Mayor put the Motion.

**Motion Carried**



Councillor Pillon moved, Councillor Wark seconded:

**That Item 10 be received and that Council be authorized to attend the dinner and memoir, should any members of Council wish.**

The Mayor put the Motion.

**Motion Carried**

Councillor Fryer moved, Councillor Pillon seconded:

**That Item 11 be received and that Administration report back to Council on the proposed budget for ERCA as the budget is higher than the amount anticipated.**

The Mayor put the Motion.

**Motion Carried**

### **CONSENT BUSINESS LICENSES**

Councillor Sutton moved, Councillor White seconded:

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

1. **Hawker Peddler for Fred's Farm Fresh**

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

Councillor Pillon asked that Administration report back on the licensing fee.

The Mayor put the Motion.

**Motion Carried**

### **CONSENT OTHER MINUTES**

Councillor Fryer moved, Councillor Sutton seconded:

**That the following minutes be received:**

1. **Meeting of the Amherstburg Committee on the Environment held on January 21, 2010 at 6:30 PM;**
2. **Meeting of the Committee of Adjustment held on November 24, 2009 at 7:30 AM;**

**UNFINISHED BUSINESS**

Council reviewed the Unfinished Business Items List as of March 8, 2010.

Deputy Mayor Bailey asked that Item #7 be removed from the list as it has been addressed by Administration.

Councillor Wark sought an update on Item #9 being the countdown at the high school crosswalk.

**NEW BUSINESS**

Councillor Pillon reported on the retirement party for Mickey Bertrand and encouraged Council to purchase tickets.

Councillor Pillon moved, Councillor Wark seconded:

**That Council be authorized to attend the retirement function on Friday March 12, 2010, should any members of Council wish.**

The Mayor put the Motion.

**Motion Carried**

**NOTICE OF MOTION**

**The following Notice of Motion regarding Wind Energy, presented by Councillor R. Fryer, was considered by Council:**

Councillor Fryer moved, Councillor Sutton seconded:

**Whereas several offshore wind turbines are proposed for the Essex-Windsor region on Lake Erie and Lake St. Clair, and;**

**Whereas local municipalities should have a voice in matters that affect local watershed planning, and;**

**Whereas we are all concerned about the potential impact that offshore wind turbines might have on water quality, human health, along with animal and plant life;**

**BE IT RESOLVED:**

**That these concerns be forwarded to our MP and MPP, and to relevant ministries;**

Good Evening, Mayor Hurst, Members of Council.

I am before you tonight to express disappointment and frustration. The result of the vote at County Council on February 17<sup>th</sup> about study and public consultation with regard to the Amherstburg and Tecumseh child care centres was quite dissatisfying.

The decision by Mayor Hurst and Deputy Mayor Bailey to vote against further study and public consultation in this matter was counter to the spirit of the Mayor's remarks when I appeared before this Council on February 8<sup>th</sup>. In your remarks during that meeting, Mr. Mayor, you assured me that the issue would come back in front of county council, and **that they will be studying the possibility of taking over the centres in Amherstburg and Tecumseh**. I felt reassured that as our representative at county that you would support consultation with your own residents. You have since made it clear that you feel that consulting with your constituents is not required. After this study was done, there would have been ample opportunity to voice opposition to the County assuming operation if it was deemed unfeasible.

With regard to the decision making process undertaken for the vote at County Council, Mr. Mayor and Deputy Mayor, there are several questions that I want answered:

- **What information did you gather to suggest that no further study was warranted? Surely, more information was gathered than simply the report from the City of Windsor recommending the closures. We would like to see this information.**
- **What child care experts and organizations did you consult?**
- **Is it your policy not to consult with stakeholders, even when you are aware that there are groups and individuals interested in doing so?**

Mr. Mayor, you have mentioned on more than one occasion that you feel assured that all children will be looked after.

- **On what basis do you feel that you can make this assurance?**

- Secondly, I request that this Council put forth and support a Motion in support of a public town meeting to address the concerns and challenges faced by parents and stakeholders of the Centre on Cherrylawn.
- Finally, I request that this Council put forth and support a motion committing to a fully public process with respect to any future proposal pertaining to the site at 236 Cherrylawn.

I do not believe that these are unreasonable requests. Any decisions made on this issue should be well-informed decisions. That is the basis for my requests. For convenience, I have the specific questions I have asked available for council.

Thank you.