

Minutes of an Amherstburg Municipal Council Meeting Held on Monday, March 7, 2011 at 7:00 p.m. in Council Chambers

PRESENT:

Mayor Wayne Hurst
Deputy Mayor Ron Sutherland
Councillor Carolyn Davies
Councillor Robert (Bob) Pillon
Councillor John Sutton
Councillor Diane Pouget
Councillor Bart Di Pasquale

ALSO PRESENT:

Pamela Malott, Chief Administrative Officer
Brenda Percy, Manager of Council & Leg. Services/Clerk
Carol Bendo, Human Resources Manager
Paul Beneteau, Treasurer
Lory Bratt, Planning Coordinator
Stephen Brown, Chief Building Official
Stephen Brown, Chief Building Official
Tony Marra, GIS Coordinator
Dennis Laporte, Director of Recreation and Culture
Anne Rota, Manager of Tourism and Culture
Lou Zarlenga, Director of Engineering & Infrastructure

CALL TO ORDER

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

PRAYER

The Mayor was sad to report that Town Solicitor, Armando DeLuca has passed away.

Reverend Burkhardt said prayer.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest.

MINUTES OF PREVIOUS MEETING

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

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

1. **In-Camera Meeting - February 22, 2011 @ 5:00 p.m.**
2. **Special Council Meeting - February 22, 2011 @ 5:35 p.m.**
3. **Council Meeting - February 22, 2011 @ 7:00 p.m.**

The Mayor put the Motion.

Motion Carried

Procedural Motion

Councillor Sutton moved, Councillor Pouget seconded:

That presentations be heard before delegations.

The Mayor put the Motion.

Motion Carried

Presentation # 1

Along with Fundraising Coordinator Debi Croucher, Fern Elliott, Fort Malden Golden Age Centre made a presentation to Council regarding a \$5,000 donation to the United Communities Credit Union Complex.

Councillor Pillon moved, Councillor Sutton seconded:

That the presentation by Debi Croucher and Fern Elliott be received.

The Mayor put the Motion.

Motion Carried

DELEGATIONS

Delegation # 1

Greg Nemeth addressed Council on Big Creek Native and Mature Habitat, a copy of Mr. Nemeth's speaking notes is attached and forms an addendum to these minutes.

In response to a question from Councillor Pouget, Lou Zarlenga advised that he would confirm who owns property located 1000 feet from Alma Street where walnut trees were removed.

Councillor Sutton noted that the Big Creek Watershed Committee is currently working on a study in conjunction with the senior levels of government. Councillor Sutton reviewed the components of the study which is expected to be completed in 3 to 6 months. This Study will serve as good guidance on how to best manage the Big Creek.

There was discussion with regard to threatened and endangered species, nature and habitat loss.

Councillor Pouget moved, Councillor Davies seconded:

That the delegation by Greg Nemeth be received;

And further that the presentation be forwarded to the Big Creek Watershed Study.

The Mayor put the Motion.

Motion Carried

Delegation # 2

Anne Rota, together with Janet Willoughby, Director of River Lights Winter Festival and Karen Gyorgy, Chairperson of Shores of Erie Wine Festival addressed Council regarding funding recently received for Amherstburg Festivals.

Janet Willoughby announced that River Lights Winter Festival has received \$32,900 in grant funding under the Celebrate Ontario funding program. The Festival also received an award as one of the top 100 festivals in Ontario.

Karen Gyorgy announced that Shores of Erie Wine Festival received \$75,000 in grant funding under the Celebrate Ontario funding program. Shores of Erie Wine Festival also received one of the top 100 festivals in Ontario award.

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

That the delegation by Anne Rota, together with Karen Gyorgy, Shores of Erie Wine Festival and Janet Willoughby, River Lights Winter Festival organizers be received;

And further that Council extend a heartfelt thanks to the groups.

The Mayor put the Motion.

Motion Carried

REPORTS - RECREATION/CULTURE/PARKS

No reports at this time.

REPORTS - POLICE

No reports at this time.

REPORTS - FIRE

No reports at this time.

REPORTS - INFORMATION TECHNOLOGY

No reports at this time.

REPORTS - DEVELOPMENT SERVICES

11.1 A report by B.J. Wilder regarding the Dog Control Officer RFP results

The Mayor vacated his seat at 7:45 p.m.

The Mayor returned to his seat at 7:46 p.m.

Councillor DiPasquale, representative of Dog Pound Committee was asked to advise Council should the Dog Pound Committee consider any changes to the billing structure for use of the Lakeshore Pound.

Councillor Pillon moved, Councillor Davies seconded:

That the report by B.J. Wilder, dated February 25, 2011 regarding the Dog Control Officer RFP results be received;

And further that the Dog Control Officer services be awarded to Michael Beckett / 21st Century K9 of 4508 Conc. 4 Amherstburg for a service period of 24-months with an option of renewing for an additional 12-month term if in the best interest of the Town.

Councillor Sutton noted that he would like to see these types of contracts be consistent with the term of Council.

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS - ENGINEERING AND INFRASTRUCTURE

12.1 A report by Lou Zarlenga dated March 2, 2011 regarding options available to the Town of Amherstburg for the cost to deliver refuse to the regional landfill

It was noted that a presentation was made by the Essex Windsor Solid Waste Authority at the public meeting held at 5:30 p.m. with respect to billing.

Councillor Pillon moved, Councillor Davies seconded:

That Council receive the report from Lou Zarlenga regarding the options available to the Town of Amherstburg for the cost to deliver refuse to the regional landfill;

And further that Council inform the Essex Windsor Solid Waste Authority that the Town of Amherstburg would prefer to maintain the current method of billing based on tipping fees per tonne of refuse received for 2011.

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS – CAO

13.1 A report by Pamela Malott regarding Old French Language School Options-Extension of Listing Agreement

Councillor Sutton moved, Councillor Davies seconded:

That Council receive the report on the status of the Town owned property known as the former French Language School located at 219 Brock St. Amherstburg;

And further that Council approve renewing the listing Agreement with Andy Coletti of Regency Realty for a ninety (90) day period.

The Mayor put the Motion.

Motion Carried

REPORTS – TREASURY

14.1 A report from Paul Beneteau regarding a listing of all remuneration and expense payments made to Council members and their appointed committee members

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That the Treasurers Report be received as presented.

The Mayor put the Motion.

Motion Carried

REPORTS - HUMAN RESOURCES

No reports at this time.

REPORTS – CLERK’S OFFICE

No reports at this time.

CONSENT REPORTS

17.1 That the Accounts Payable Listing for the Period of February 18, 2011 to February 28, 2011 be received

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the report be received.

Councillor Davies requested that the fleet inventory be reviewed regarding types of vehicles and moving towards eco-friendly vehicles in order to cut down on fuel costs in future.

Deputy Mayor Sutherland questioned the use of part time Parks and Recreation staff through LucasWorks. Pamela Malott advised that further information could be provided at an In Camera session.

Councillor Pouget referred to Communities in Bloom Ontario and the \$800 amount shown. Dennis Laporte advised that he would confirm if the charge was for the annual membership to the Communities in Bloom.

In response to a question from Councillor Pouget, Pamela Malott advised that Tony DeThomasis would advise whether or not the Town would be entering into a Communities in Bloom contest.

The Mayor asked that Council advise Administration of their questions in advance of the meeting so that answers are available for Council during the meeting.

The Mayor put the Motion.

Motion Carried

17.2 Outstanding Debt as at December 31, 2010

Councillor Sutton moved, Councillor Pillon seconded:

That the report regarding the outstanding debt for the Town of Amherstburg, as of December 31, 2010, be received.

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

18.1 Consent Correspondence

Councillor Pillon moved, Councillor Pouget seconded:

That Correspondence item 1 to 4 and 6 to 8 be received.

1. **House Of Shalom Youth Centre - Community Cup Golf Tournament - February 1, 2011;**
2. **Walkerton Clean Water Centre - Standard of Care, Safe Drinking Water Act - February 16, 2011;**
3. **Service Canada - Partnered with Amherstburg Community Center - February 11, 2011;**
4. **Windsor Downtown Lions Club - "Steak in the Snow" BBQ - February 22, 2011;**
5. **Essex County Agricultural Hall of Fame - Ceremony - February 10, 2011;**
6. **House of Shalom Youth Centre - The "House" is turning 40 - March 1, 2011;**
7. **Town of Lakeshore - Offshore Wind Turbine Development - February 16, 2011; and**
8. **Yves Gagne - Public transportation to Windsor - March 1, 2011.**

The Mayor put the Motion.

Motion Carried

Item 5 - Essex County Agricultural Hall of Fame - Ceremony - February 10, 2011

Councillor Pillon commented on the Essex Region Hall of Fame and that one of the inductees is Sal D'Angelo, as recommended by the Town of Amherstburg. Councillor Pillon asked that the Town present Mr. D'Angelo with a plaque at a future meeting of Council.

Councillor Pillon moved, Councillor Sutton seconded:

That Correspondence item 5 be received.

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

19.1 Consent Other Minutes

Councillor Sutton moved, Councillor DiPasquale seconded:

That the following minutes be received:

- 1. Committee of Adjustment meeting held January 25, 2011 at 7:30 a.m. and**
- 2. Amherstburg Police Services Board - January 18, 2011 @ 4:30 p.m.**

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

20.1 Correspondence # 1 - Request from the Town of Lakeshore regarding Microfit Solar installation set back requirements

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

That the correspondence from the Town of Lakeshore requesting that the Province of Ontario consider requiring that all microfit solar installations meet specific setback criteria to reduce the impact on abutting residential and rural homeowners;

That Council support the resolution;

And further that Administration send correspondence to the Town of Lakeshore to advise of Council's action.

There was discussion with respect to lack of setbacks associated with microfit solar projects and guidelines.

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

Unfinished Business Items as of March 7, 2011

Councillor Pouget sought clarification of the request by the AAAC regarding audible signs. It was noted that the approval for purchase of audible signs has been included in the 2011 budget deliberations.

Councillor Sutton sought an update on the advertising tender.

Councillor Sutton asked that thank you letters be sent to those user groups and those who served as volunteers on the Recreation Steering Committee.

Councillor Pouget sought an update on the Matte Beneteau drain. Lou Zarlenga provided an update and advised that he would contact the owners and that Administration would attend the site once the weather allows and provide follow up to Council in due course.

There was discussion with regard to Howard Avenue and a Notice of Violation issued. It was noted that this matter is to be discussed In Camera due to privacy concerns. Councillor Pouget asked that Administration bring information back at next In Camera meeting.

Councillor Pouget moved, Councillor DiPasquale seconded:

That the Town of Amherstburg's position is that we do not accept garbage from outside our boundaries.

There was discussion with regard to accepting outside garbage, effect on tipping fees, commercial garbage versus residential, effect on lifespan of landfill and review of contract.

A recorded vote was requested.

The Mayor put the Motion.

	Yes/Concur	No/Not Concur
Councillor Davies	x	
Council DiPasquale	x	
Councillor Pillon		x
Councillor Pouget	x	
Deputy Mayor Sutherland		x
Councillor Sutton		x
Mayor Wayne Hurst		x

Motion Lost

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

Council review the agreement before its expiration.

Councillor Davies noted that she would like the community be asked for input well in advance.

The Mayor put the Motion.

Motion Carried

NEW BUSINESS

Councillor Pouget felt that a large number of trees have been destroyed and that as it is imperative for Council to review the Tree By-law. Councillor Pouget felt that trees should not be removed unnecessarily and contractors must also abide by the Town's tree By-law.

Councillor Pouget moved, Councillor DiPasquale seconded:

That Administration be directed to provide a full report at the next public meeting of Council with detailed information pertaining to the Tree By-law, the number of trees including hedgerows that have been destroyed, the arborist report regarding the said trees, the amount of money paid to the arborist and tree cutting service. This report shall be from January 1, 2010 to present.

There was discussion with regard to the current By-law, effectiveness of the By-law, current practices, consultation with arborist, assessment of tree before removal, and practice of replacing trees that are removed with new trees.

The Mayor put the Motion.

Motion Lost

Councillor Pillon moved, Councillor Davies seconded:

That Amherstburg By-law 2005-19 be brought before Council at the March 21, 2011 meeting.

The Mayor put the Motion.

Motion Carried

Councillor Pouget sought clarification of an incident that occurred at the pumping station at 722 Front Road North, on March 5 and 6, 2011. Lou Zarlenga provided detailed information regarding the weekend of March 5 & 6, 2011 infiltration and inflow at sewage collection system, Edgewater & McGregor.

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

That Mr. Freeman be allowed to be heard.

The Mayor put the Motion.

Motion Carried

Gord Freeman addressed Council regarding the water and amount of water pumped. He noted that this is a new situation and was not occurring until 2 years ago. He expressed concern of the situation and potential flooding. Lou Zarlenga advised that he would review the matter to determine the cause.

Councillor Pillon asked that the invitation to the Green Infrastructure seminar be placed on the next agenda. He wished to register for the session as the registration is required before that time.

REPORT FROM IN-CAMERA SESSION

There were no reports.

NOTICES OF MOTION

There were none.

BY-LAWS

25.1 Capital Facilities Exemption By-law

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That By-law 2011-34 being a By-law to exempt from all or part of the taxes levied for municipal and school purposes land for the Town of Amherstburg 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.

The Mayor put the Motion.

Motion Carried

25.2 Confirmatory By-law

The Clerk noted a change to the By-law to include March 3rd meeting.

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That By-law 2011-36 being a By-law to confirm all resolutions of the Municipal Council Meeting held on March 3 and 7, 2011 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.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Councillor Sutton moved, Councillor Pillon seconded:

That Council adjourn at 9:06 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR - WAYNE HURST



CLERK - BRENDA M. PERCY

Pre presentation information To let everyone know I am in my seventh year of nature photography and predominantly in the area that I will read about. I use the National Geographics Field Guild of Birds of North America to try to identify the bird species and families of the Essex County region. I have checked every bird species geographical range before I identified ^{the} bird to region. In the National Geographic Field Guild of Birds of North America there are 79 bird families with only 48 residing in Essex County. I have 37 of the 48 or 77 percent photographed three kilometres from here.

ONE

Every year because of nature habitat loss more species are becoming endangered or threatened. Can municipalities control nature and habitat loss? What are we going to do to save wildlife when the mortality rate in any given year is eighty percent.

Amherstburg is a growing community that should be excited about the way things have improved the last couple of years within our downtown core and the beginning of a beautiful new arena complex but wildlife and nature is also a part of a community. The section of diverse habitat that I will be reading about is located within the confines north of Alma, east of Thomas road, south of Texas road and west of Fox road.

The Big Creek is a part of Amherstburg's heritage. The Big Creek was a home for our nature long before the Gordon House and the Park House became a part of our community. Imagine the many stories the Big Creek could tell us as Amherstburg became a settlement and the many responsibilities and obligations of it to care for people's lives. How could we neglect and abuse what was once a pristine necessity?

Wildlife is a part of every community. Another community would love to have the abundance of wildlife surrounding their town as we have. Everyone is taught some biology during our lives, but are we taught to respect nature's life. When I am out photographing I have seen things that tell me we should be more respectful when in nature's home and in the presence of wildlife. When we put ourselves near the Big Creek we are among nature and they should receive more compassion and we should understand that we aren't near our home but in theirs. Noise does play a big role on wildlife behaviour. Responsible organizations should take a more active role and their compassion for the Big Creek should be known by everyone. Wildlife doesn't mind us sharing their space if we are quiet and again respectful. Most people don't suspect that there is such an abundance of nature so close to our subdivisions. I have found that if there is an environment sufficient to accommodate wildlife

TWO

they can be present. Most of us don't realize how extensive the flora and fauna is so close to our home town. Most people don't suspect the diverse habitat of this area. The many families and species of birds, butterflies, dragonflies, whitetail deer, mink and wild flowers present every year near Amherstburg surely would mean something to us if we all knew how extensive they were. I have photographed near one hundred different and beautiful wild flowers. These flowers are much more than just weeds. There are many different shapes, sizes and configurations. The assortment of wild flowers is extensive and magnificent. My flower garden is all around the Big Creek and Amherstburg.

There has been some changes in the last six years to the area surrounding the Big Creek, some changes from abuse and there has been some that have occurred naturally. All habitat goes through its cycles where some trees will die but new growth will proceed. There are trees that have died and fallen throughout the bush. The wildlife will survive if it is given the chance while the bush regenerates.

What also seems to go unnoticed are the tree lines or fence rows that is home to many species of birds. With the huge equipment to eliminate trees and thickets in one day large areas are gone. Many species of birds do use dense thickets to inhabit. In the last two years many trees and thickets have been destroyed. The tree lines are used for nesting, feeding and the dense cover is used for protection from birds of prey. The county needs 12 percent of natural habitat for nature to survive. We are currently at seven percent. Why are we removing bush or thickets unnecessarily? The Essex Region Conservation Authority is planting seedlings every year to try and increase nature's habitat but if every community is removing trees will the percentage of nature's habitat really increase in Essex County?

The area that I have mentioned is beneficial for nature's survival but there is much more to add to nature's habitat in Amherstburg. All the ponds and creeks contain reptiles, amphibians, many different birds, some ponds with

THREE

crayfish, some have fish and there are some that have threatened and endangered species. Part of the reason ponds have so much life is again because of the Big Creek. When creeks are close by, they supply an overflow of wildlife to develop the ponds. Ponds need to be given more attention. Ponds are much more than just bodies of water. Why do ponds get back filled when they are home to reptiles, amphibians, fish and crayfish? These ponds were also being used by different species of herons, shorebirds and waterfowl. Every pond, thicket, fence row or tree line is home to many migrating birds that come back this way from their winter home in the southern United States and South America. When I live only a kilometre away from the Big Creek and see very little flora or fauna near my home and photograph near 30 species of butterflies of the 48 that reside here and seventy-seven percent of all bird families that live in Essex County if nature habitat could be saved the habitat north of Alma would surely be beneficial. I have photographed endangered and threatened species which include the Acadian Flycatcher, Redheaded Woodpecker, Fowlers Toad, The Eastern Fox Snake and the Monarch butterfly. We have been hearing about the Eastern Fox Snake because of its presence near the new bridge crossing in Ojibway.

When half of all the song birds have disappeared in the last forty years, it would be nice to conserve more wildlife habitat. In 2010 between March the first and September 30 I spent over a one hundred and fifty days around the Big Creek. Never have I been disappointed because there wasn't anything to photograph.

Spring, early morning clear blue skies and warm weather, it probably doesn't get any better, with the arrival of the Carolina spring beauty flower, dragonflies, butterflies and birds migrating back into Amherstburg.

Every year it comes to my mind that I won't see anything new but every year it has been a new wild flower or the sighting of a new species of bird or butterfly. I would suspect that Amherstburg's diverse habitat could compete

FOUR

with any nature habitat in the county. Why can't we preserve habitat along the creeks?

The area that I have mentioned is very busy in the spring and summer with all the wildlife that exists in the county but the Dutch Elm disease and Emerald Ash Bore has killed many of the bigger trees. There are many dead trees that are still there for a purpose. In Ontario more than 50 species of birds and mammals depend on cavity trees for nesting, feeding, storing food from predators and hibernating. In any bush eight to ten dead trees per acre is required. When I look at the rest of the Big Creek and its two thousand five hundred acres, there is no habitat along anywhere of it that compares.

This section between Alma and Texas road has had some bad luck. It is abused in many ways but is still thriving throughout. Most communities would love to have something like this close to the heart of a town. The Big Creek will always attract wildlife. All wildlife needs the necessities that is offered throughout the Big Creek. With man the biggest destroyer of nature habitat in the world why does that have to apply in Amherstburg.

Development is inevitable. Myself and the flora and fauna wish this wasn't going to occur along the Big Creek. I like to think that there is a solution. I do hope the Big Creek from Lake Erie to Texas road will always exist.

In 2010 Amherstburg was fortunate to have trails installed around the perimeter that many residents enjoy. Many love walking trails. We all have our own reasons to be out on the trail. Many like to walk the trails exclusively in conservation areas.

Since I have started to walk near the Big Creek I have asked many different people where can I walk along the creek and be on crown land only. I was told by a few that thirty-three feet on each side of the creek is allowed. Is thirty three feet calculated when the water is high or low. I was also told two hundred and fifty meters beyond the highest point the water would be with the spring runoff. Why can't people be told where we can walk near the creek

FIVE

and enjoy what nature has to offer without uncertainties. Why can't trails be put along the creek to preserve nature's habitat and for everyone to see firsthand the abundance of wildlife trying to survive. With the Big Creek two thousand five hundred acres and with the creek still accessible north of Alma the residents of Essex County should have the privilege to enjoy nature in that area of Amherstburg the same as everyone enjoys the Navy Yard Park and the Detroit river view.

