

**Minutes of an Amherstburg Municipal Council
Monday, April 4, 2011 at 7:00 p.m.
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
Paul Beneteau, Treasurer
Lory Bratt, Planning Coordinator
David Carpenter, IT Manager
Dennis Laporte, Director of Recreation and Culture
Lou Zarlenga, Director of Engineering & Infrastructure

CALL TO ORDER

The Mayor called the meeting to order at 7:15 p.m.

PRAYER

Pastor Barry Antle, Amherstburg Community Church said prayer.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest.

MINUTES OF PREVIOUS MEETING

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

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

1. **In-Camera Meeting - March 21, 2011 @ 4:30 p.m.**
2. **Special Council Meeting - March 21, 2011 @ 5:30 p.m.**
3. **Council Meeting - March 21, 2011 @ 7:00 p.m.**

The Mayor put the Motion.

Motion Carried Unanimously

Procedural Motion

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the presentation is heard before delegations.

The Mayor put the Motion.

Motion Carried Unanimously

Presentation # 1

Along with Fundraising Coordinator Debi Croucher, Ray Tracey, Essex Power Corporation will make a presentation to Council regarding a \$10,000 donation to the United Communities Credit Union Complex.

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the presentation by Debi Croucher and Ray Tracey be received;

And that By-law 2011-45 being a By-law to authorize the execution of a Donation Agreement between Essex Power Corporation and the Corporation of 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 as affix the Corporate Seal thereto.

The Mayor put the Motion.

Motion Carried

DELEGATIONS

Delegation # 1

Carla Leardi and Jenny Lejoie, representing the CAT (Cat Assistance Team) addressed Council regarding possible solution to feral cats in Amherstburg. The delegates asked that the Town form a partnership with the group and requested a small piece of land from the Town which would allow the group to relocate feral cat colonies once spayed/neutered and vaccinated together with financial assistance of \$10,000.

Councillor Davies moved, Deputy Mayor Sutherland seconded:

The Town of Amherstburg support the forming of a working group committee made up of stakeholders to address the solutions for the control of the feral cat population in our community, their care and alteration; and

Further that the Municipality investigate the possibilities of making available a portion of municipal property that would allow for the transfer of feral cat colonies away from the existing urban centres to a less populated area where they can habitat in a territory that would be funded and maintained by volunteer organizations.

There was discussion with regard to property, relocating cats, shelters, complaints received by residents of the program currently located in an urban area on Seymour, work CAT program currently doing, Pepsi Refresh challenge, and need for a public education component.

The delegates advised that they would confirm the size of land being requested. .

The Mayor put the Motion.

Motion Carried Unanimously

Councillor Pillon moved, Councillor Sutton seconded:

That the delegation by Carla Leardi and Jenny Lejoie be received.

The Mayor put the Motion.

Motion Carried Unanimously

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 from Lory Bratt regarding removal of Part Lot Control

Councillor Sutton moved, Councillor Pillon seconded:

That the report from Lory Bratt dated March 28, 2011 regarding removal of Part Lot Control be received;

That Council approve the application for removal of Part Lot Control for Lot 26 on Plan 12M-505;

And further that By-law 2011-42 being a By-law to remove certain lands from Part Lot Control (12M-505) 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

11.2 A report from Lory Bratt regarding the Road Dedication of Marsh Drive

Councillor Pillon moved, Councillor Puget seconded:

That the report by Lory Bratt, Planning Coordinator dated March 28, 2011 regarding the road dedication of Marsh Drive be received;

That Council approve the dedication of a new section of public highway;

And further that By-law 2011-43 being a By-law to dedicate Block 13, Plan 12M-324 and Part 6, RP 12R-20021 as public highway, be given three readings 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 Unanimously

11.3 A report by Stephen Brown regarding Heritage Plaques - New Design

The Clerk noted that the report has been deferred to a future meeting at the request of Administration.

REPORTS – ENGINEERING AND INFRASTRUCTURE

12.1 A report by Lou Zarlenga regarding Coco Paving and their recent acquisition of the assets of M.R. Dunn Contractors Limited

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That Council receive the report from Lou Zarlenga regarding Coco Paving and their recent acquisition of the assets of M.R. Dunn Contractors Limited.

The Mayor put the Motion.

Motion Carried Unanimously

12.2 A report by Lou Zarlenga dated March 28, 2011 regarding an update on the construction for the Amherstburg Wastewater Treatment Plant

Councillor Pillon moved, Councillor Pouget seconded:

That Council receive the report from Lou Zarlenga dated March 28, 2011 regarding an update on the construction for the Amherstburg Wastewater Treatment Plant.

In response to a question from Council, Lou Zarlenga confirmed the completion date of August, 2012.

The Mayor put the Motion.

Motion Carried

12.3 A report from Lou Zarlenga regarding the completion and final cost overview for the Community Adjustment Fund project for the Urban Renewal Project

Councillor Sutton moved, Councillor Pillon seconded:

That Council receive the report from Lou Zarlenga regarding the completion and final cost overview for the Community Adjustment Fund project for the Urban Renewal Project.

The Mayor put the Motion.

Motion Carried

12.4 A report from Lou Zarlenga regarding Winter Control Cost Review of Cost Reduction Options

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That Council receive the report from Lou Zarlenga regarding winter control cost reduction options;

And further that Council direct Administration to tender for the work of clearing all municipal parking lots, sidewalks and pathways to determine if cost savings could be achieved and report back to Council.

There was discussion with regard to report outlining possible options available to reduce costs for winter control, current process and policy, use of snow fences, consultation with northern municipalities for best practices, and our-year budget outlook versus annual.

Councillor Sutton asked that Administration include in the report that returns to Council the option of making winter control into a revolving reserve fund so that a reserve is built for those winters with less snow.

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS – CAO

13.1 A report by Pamela Malott and Dennis Laporte regarding Recreation, Parks and Culture Committee Implementation

Councillor Sutton moved, Councillor Pillon seconded:

That the report prepared by Pamela Malott dated March 31st, 2011 regarding the creation of a new Recreation, Parks and Culture Committee be received;

And further that Council confirms the Terms of Reference, the estimated timeline and the next steps for implementation of the newly formed Committee for the newly reorganized Department.

The Mayor put the Motion.

Motion Lost

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

Council instate a new Parks Advisory Committee and new Recreation Advisory Committee;

And further that Council direct Administration to advertise immediately for potential applicants to be chosen for these new committees.

There was discussion with regard to previous Parks Committee and Recreation Committee, need for separate Committees, overlap of the two Committees. membership and representation on the committees.

It was noted that the Terms of Reference from the previous Committees would need to be brought before Council for confirmation before Administration could advertise for these positions.

The Mayor put the Motion.

Motion Carried

13.2 A report by Pamela Malott regarding the Pepsi Refresh Project

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That the report submitted by Pamela Malott, dated March 30, 2011, regarding the Pepsi Refresh Project be received;

And that Council approves the initiative.

The Mayor put the Motion.

Motion Carried Unanimously

13.3 A report from Pamela Malott regarding the Spring Direct Mail Campaign

Debi Croucher provided an overview of the spring direct mail campaign and handed out a sample of the campaign information. Target dates would be first or second of May, 2011.

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That the report submitted by Pamela Malott, dated March 30, 2011, regarding the Spring Direct Mail Campaign be received;

And further that Council approves the initiative.

The Mayor put the Motion

Motion Carried Unanimously

REPORTS – TREASURY

14.1 A report by Paul Beneteau regarding Assessment Review Board Agent Appointment to File Complaints on Behalf of the Town of Amherstburg

Councillor Sutton moved, Councillor Pouget seconded:

That the report regarding a By-law to appoint MTE Paralegal Professional Corporation (MTE) as agent for the Town of Amherstburg be received;

And further that, Bylaw 2011-41, being a By-law to authorize specific complaints to the Assessment Review Board, be read a first, second and third time and finally passed, and that the Mayor and the Clerk be authorized to sign the same and affix the corporate seal thereto.

The Mayor put the Motion.

Motion Carried

14.2 A report by Paul Beneteau regarding Fees and Charges 2011

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

That the report regarding fees and charges, as submitted by the Treasurer, be received;

That Council approve, in principal, the fees as outlined in the report;

And further that the fees, as presented, be included on the agenda for a Special Public meeting of Council to consider user fees and charges.

The Mayor put the Motion

Motion Carried Unanimously

REPORTS - HUMAN RESOURCES

No reports at this time.

REPORTS – CLERK’S OFFICE

16.1 A report by Brenda Percy regarding the Sam Paquette Drain By-law - Housekeeping Matter

Councillor DiPasquale moved, Councillor Davies seconded:

That the report prepared by Brenda Percy, dated March 17, 2011 regarding the Sam Paquette Drain Housekeeping Matter be received;

And that By-law 2006-58 be taken as read for a third time, be 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 Unanimously

16.2 A report by Brenda Percy regarding a Liquor Licence Application - Royal Sushi House

Councillor Davies moved, Councillor Sutton seconded:

That the report by Brenda Percy dated March 25, 2011 regarding Application for Liquor Licence be received;

And further that the Clerk be authorized to advise the Alcohol and Gaming Commission of Ontario Council's support for the application.

The Mayor put the Motion

Motion Carried

16.3 A report by Brenda Percy regarding Liquor Licence Application - Dalhousie Bistro

Councillor Davies moved, Councillor Sutton seconded:

That the report by Brenda Percy dated March 30, 2011 regarding Application for Liquor Licence be received;

And further that the Clerk be authorized to advise the Alcohol and Gaming Commission of Ontario Council's support for the application.

The Mayor put the Motion

Motion Carried Unanimously

CONSENT REPORTS

17.1 Accounts Payable Listing for the Period of March 15, 2011 to March 30, 2011

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That the report be received.

The Mayor put the Motion.

Motion Carried Unanimously

CONSENT CORRESPONDENCE

18.1 Consent Correspondence

Councillor Sutton moved, Councillor Davies seconded:

That correspondence items 1 to 9 and 13 be received.

The Mayor put the Motion.

Motion Carried

1. **Tecumseh Fire Rescue Services - Ice and Water Rescue Training - March 16, 2011;**
2. **Essex County Library - Essex County Library Board Tour - March 17, 2011;**
3. **Hydro One Networks Inc - Hydro One Power Outage & Emergency Contact Numbers - March 9, 2011;**
4. **Ministry of the Environment - Taking Care of your Drinking Water - March 4, 2011 (Guide available in Clerks Office);**
5. **Essex Region Conservation Authority - Clean and Safe for your drinking and recreation - March 21, 2011;**
6. **International Brotherhood of Electrical Workers - Local Union 636 Charity Tournament 2011 - March 17, 2011;**
7. **Alumni University of Windsor - 2011 University of Windsor Annual Alumni & Friends Annual Golf Tournament - March 14, 2011;**
8. **The MS Walk - March 23, 2011;**
9. **Ontario Association of Fire Chiefs - O AFC Municipal Politicians Seminar: The Essentials of Firefighting and Firefighting 101 - March 25, 2011;**
10. **Paul Hertel - Windsor-Essex County Health Unit Beach Water Monitoring 2010 & 2011 ERCA Budget - March 22, 2011;**
11. **Town of Amherstburg - Response to Paul Hertel - March 25, 2011;**
12. **Edna Meades - Canadian Nuclear Safety Commission - March 23, 2011; and**
13. **Essex Region Conservation Foundation - ERCA's 23rd Annual Gold Tournament - March 29, 2011.**

Item 10

Councillor Davies commented on the correspondence from Paul Hertel - Windsor-Essex County Health Unit Beach Water Monitoring 2010 & 2011 ERCA Budget - March 22, 2011. She sought clarification of the process that Administration follows to acknowledge to the resident that their letter was received.

Councillor Davies moved, Councillor Pillon seconded:

That correspondence item 10 be received.

The Mayor put the Motion.

Motion Carried

Item 12

Councillor Davies referred to letter from Edna Meades - Canadian Nuclear Safety Commission - March 23, 2011. She expressed concern and felt that Council must have dialogue with the appropriate parties regarding the concerns and safety measures.

Councillor Davies moved, Deputy Mayor Sutherland seconded:

That correspondence item 12 be received.

The Mayor put the Motion.

Motion Carried

Item 11

Councillor Pouget commented on the correspondence received not being directed to Council in a timely manner and asked that her correspondence be directed to her.

Councillor DiPasquale moved, Councillor Sutton seconded:

That correspondence item 11 be received.

Councillor Pillon provided an update on the matter as discussed at ERCA.

The Mayor put the Motion.

Motion Carried

CONSENT BUSINESS LICENCES

19.1 Consent Business Licences

Councillor Pillon moved, Councillor Davies seconded:

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

- 1. Carter Shows LTD**
- 2. George's Produce**
- 3. Fred's Farm Fresh**
- 4. I Dare your Hair**
- 5. Amherstburg Farmers Market**

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

The Mayor put the Motion.

Motion Carried Unanimously

CONSENT OTHER MINUTES

20.1 Consent Other Minutes

Councillor Sutton moved, Councillor Pouget seconded:

That the following minutes be received:

- 1. Minutes from the Amherstburg Police Serviced Board meeting held February 15, 2011 at 4:30 p.m.**
- 2. Minutes from the Committee of Adjustment meeting held February 22, 2011 at 7:30 a.m.**

The Mayor put the Motion.

Motion Carried Unanimously

CORRESPONDENCE

21.1 Correspondence # 1 - Request from CAA South Central Ontario and Ontario Good Roads Association to have H.S.T Gas Tax Revenue Dedicated to Transportation Infrastructure and Maintenance

Councillor Sutton moved, Councillor Davies seconded:

WHEREAS the introduction of the Harmonized Sales Tax on July 1, 2010, and its application to gasoline and diesel sales will result in new revenue for the Government of Ontario;

WHEREAS based on 2010 average price levels of gasoline and diesel, the 2009 average consumption levels in Ontario, the Government of Ontario's projected new revenue will be approximately \$1.53 billion annually;

WHEREAS the Provincial-Municipal Fiscal and Service Delivery Review identified a transportation infrastructure investment gap between the Government of Ontario and Ontario's municipalities of approximately \$3.8 billion;

WHEREAS a lack of sufficient funding for essential transportation infrastructure construction, maintenance and rehabilitation has created a situation where many of Ontario's municipalities do not have the financial capacity to construct new transportation infrastructure and conduct the maintenance and rehabilitation needed to sustain existing transportation infrastructures;

THEREFORE BE IT RESOLVED THAT the Council of the Town of Amherstburg requests that the Government of Ontario consider directing a portion of the revenue derived from H.S.T. charged on gasoline and diesel sales to a new predictable

funding mechanism that will allow Ontario's municipalities to make the critical investments needed to be effective stewards of transportation infrastructure;

FURTHER THAT a copy of this resolution be forwarded to Premier Dalton McGuinty, Honorable Dwight Duncan, Minister of Finance, Honorable Kathleen Wynne, Minister of Transportation, Honorable Bob Chiarelli, Minister of Infrastructure, the Ontario Good Roads Association, and to CAA South Central Ontario;

AND FURTHER THAT this resolution be circulated to all municipalities in Ontario requesting their support.

The Mayor put the Motion.

Motion Carried Unanimously

21.2 Correspondence # 2 - Request from the Canadian Italian Business and Professional Association to attend the 50th Anniversary 2011 Civic Night

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

That the correspondence from the Canadian Italian Business and Professional Association regarding the 50th Anniversary 2011 Civic Night be received.

The Mayor put the Motion.

Motion Carried

21.3 Correspondence # 3 - Request from the Town of Amherstburg Fire Department regarding the Firefighters Volleyball Tournament

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the correspondence from the Town of Amherstburg Fire Department regarding the Firefighters Volleyball Tournament be received;

And that the Town of Amherstburg advance \$5,000 on May 23, 2011 which will be returned on or before June 20, 2011;

And further that Council concur the Firefighters Volleyball Tournament as a community event.

The Mayor put the Motion.

Motion Carried

21.4 Correspondence # 4 - Request from St. John the Baptist regarding Good Friday Walk

Councillor Pouget moved, Councillor DiPasquale seconded:

That Council support St. John the Baptist Church Good Friday Walk to take place April 22, 2011;

And further that the information be forwarded to Police Services to provide support for traffic and safety during the event.

The Mayor put the Motion.

Motion Carried Unanimously

OTHER MINUTES

22.1 Traffic Committee Minutes from the meeting of January 12, 2011

Councillor Pillon moved, Councillor Davies seconded:

That Council concur with the request for a designated disabled parking space be granted and placed on the West Side of Dalhousie Street directly in front of the Park House;

And further that Council concur that an additional designated disabled parking space be granted in the first angle parking spot South of the Park House on the West side of Dalhousie.

That Council concur that the intersection at Dalhousie and Murray Street be signed No Parking.

That Council concur for a designated unloading area on Dalhousie Street near the Gordon House.

Councillor Pillon commented on the requests to designate two disabled parking spaces on the West Side of Dalhousie Street directly in front of the Park House.

There was discussion with regard to the No Parking permitted at Dalhousie and Murray Street.

The Mayor put the Motion.

Motion Carried Unanimously

UNFINISHED BUSINESS

Unfinished Business Items as of April 4, 2011.

- Deputy Mayor Sutherland sought clarification of the Edgewater Lagoons. He has received complaints of stockpiling of dirt and unloading of cement chunks from City of Windsor. Lou Zarlenga provided clarification of the matter and confirmed that he would follow up with the complainant.
- Councillor Pillon sought clarification as to when the Paquette Drain project would begin.
- Councillor Pouget asked that the report regarding the removal of hedgerows be brought to Council.
- Councillor Pouget commented on no trespassing signs at Nexen property. Lou Zarlenga advised that there are signs and additional signs have been received and will be added.
- Councillor Pouget sought an update on the Kings Navy Yard American Flag. Dennis Laporte advised that Anne Rota was currently researching the matter and a report would be brought back.
- Councillor Pouget noted that although citations were given to the Jones Group, a date to complete the clean-up was not given. She asked that the Community Enforcement Officer issue a date of compliance. She asked that Council request from the Ministry of Environment what has been done to ensure safety of residents at that site. Councillor Davies asked that the Town work closely with the Public Health Department to determine whether there are air quality concerns such as particles in the air.

NEW BUSINESS

- The Mayor reported on the closed meeting investigation by the Ombudsman. The Town solicitor, Ed Posliff provided a brief overview of the investigation and results.

-Wall of Heroes at UCCU

Councillor Sutton moved, Councillor Pillon seconded:

Whereas Council may choose from time to time to honour a resident for his/her extraordinary contributions to the Town of Amherstburg,

Therefore be it resolved that Council direct Administration to establish a "Wall of Heroes" at the new United Communities Credit Union Complex including selection criteria and any necessary fees;

Further be it resolved that in recognition of his outstanding service at our original arena that Robert Pillon be the first citizen inducted and that all applicable fees be waived.

The Mayor put the Motion.

Motion Carried Unanimously

Councillor Pouget spoke to a letter received from Anthony Leardi, Barrister & Solicitor regarding jurisdiction of the Committee of Adjustment and former Ranta property. She felt that a response is required to the letter. Lory Bratt commented on the issues contained within Mr. Leardi's letter. Pamela Malott advised that a letter has been sent to Mr. Leardi, a copy would be provided to Council.

Councillor Pouget referred to a public meeting held for the Solar Farm. She noted that there are concerns that there have been substantial changes to the site plan agreement. She asked that all the information be brought back to the new Council members. Lory Bratt and Edward Posliff, Town Solicitor commented on the concerns and clarified that there have been no substantial changes to the Site Plan Agreement.

REPORT FROM IN-CAMERA SESSION

There were none.

NOTICES OF MOTION

26.1 Councillor Davies - Working Group - Feral and Stray Cats
(as introduced at the March 21, 2011 Council Meeting)

As heard above under Delegations.

26.2 Councillor Davies - Nuclear Reactor Proposal
(as introduced at the March 21, 2011 Council Meeting)

The Clerk advised that Councillor Davies has asked that the matter be deferred to the meeting of April 18, 2011.

BY-LAWS

27.1 Contract Agreement By-law

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That By-law 2011-44 being a By-law to authorize the execution of a Contract Agreement between the Corporation of the Town of Amherstburg and Michael Beckett operating as 21st Century Canine 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

27.2 Confirmatory By-law

Councillor Pillon moved, Councillor Sutton seconded

That By-law 2011-46 being a By-law to confirm all resolutions of the Municipal Council Meeting held on April 4, 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 Unanimously

ADJOURNMENT

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That Council adjourn at 9:10 p.m.

The Mayor put the Motion.

Motion Carried


MAYOR - WAYNE HURST


CLERK - BRENDA M. PERCY