

**Minutes of an Amherstburg Municipal Council
Monday, April 18, 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, Council & Leg. Services/Clerk
Carol Bendo, Human Resources Manager
Paul Beneteau, Treasurer
Stephen Brown, Chief Building Official
David Carpenter, IT Manager
Tony DeThomas, Manager, Parks & Facilities Operations
Dennis Laporte, Director of Recreation and Culture
Anne Rota, Manager, Tourism and Culture
Randy Sinasac, Fire Chief
Lou Zarlenga, Director, Engineering & Infrastructure
Kim Brydon, Accounting Supervisor
Tim Berthiaume, Police Chief

CALL TO ORDER

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

PRAYER

Pastor Afolabi, First Baptist Church said prayer.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

Councillor DiPasquale declared a pecuniary interest in Item 7.3 – A report by Dennis Laporte regarding Rotary Rib Fest as he is part of the organizing committee.

MINUTES OF PREVIOUS MEETING

Councillor Sutton moved, Councillor Pillon seconded:

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

1. **In-Camera Meeting - April 4, 2011 @ 4:10 p.m.**
2. **Special Council Meeting Parks and Recreation User Fees-April 4, 2011 @ 6:00 p.m.**
3. **Council Meeting - April 4, 2011 @ 7:00 p.m.**
4. **Budget Meeting - New Initiatives and Operations Review-February 28, 2011 @ 9:00 a.m.**
5. **Budget Meeting - New Initiatives and Operations Review - March 1, 2011 @ 9:00 a.m.**
6. **Budget Meeting - Review of Capital Budget - March 24, 2011 @ 9:00 a.m.**
7. **Budget In-Camera Meeting - Review of Capital Budget - March 25, 2011 @ 9:00 a.m.**
8. **Budget Meeting - Review of Capital Budget - March 25, 2011 @ 11:15 a.m.**
9. **Budget Meeting - Review Draft Operating and Capital Budgets - April 4, 2011 @ 9:00 a.m.**
10. **Budget Meeting - Public Input Session and User Fees- April 11, 2011 @ 6:00 p.m.**

The Mayor put the Motion.

Motion Carried

Procedural Motion

Councillor Pillon moved, Councillor Sutton seconded:

That the presentation is heard before delegations.

The Mayor put the Motion.

Motion Carried Unanimously

Presentation # 1

Along with Fundraising Coordinator Debi Croucher, Sharon Kawai, Skate Amherstburg made a presentation regarding a \$35,000 donation to the United Communities Credit Union Complex

Councillor Pillon moved, Councillor Davies seconded:

That the presentation by Debi Coucher and Sharon Kawai be received.

The Mayor put the Motion.

Motion Carried

The Clerk noted that Item 7.1 would be brought forward before Presentations.

7.1 A report by Dennis Laporte regarding Railings for Aisle Ways in Rink A & B
(As provided previously at the April 11, 2011 Council Meeting)

Max D'Angelis addressed Council and spoke to the installation of additional railings in the aisle ways in rinks A & B. He noted that rails can be added in Rink A however, not on Rink B due to required width of aisle ways under the Ontario Building Code.

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That Administration move forward with the installation of hand rails for aisle ways in Rink A, not to exceed \$ 4,000 limit.

Councillor Sutton asked that Administration determine if funds remain in the BCF funding to cover the cost to install the rails.

The Mayor put the Motion.

Motion Carried Unanimously

Presentation # 2

Dave Carpenter presented the Service Request Manager Software noting the Town's technical ability in tracking and resolving issues, services and concerns brought forward.
(Please refer to Report item 10.1)

Councillor Sutton moved, Councillor Pillon seconded:

That the presentation be received.

The Mayor put the Motion.

Motion Carried

DELEGATIONS

Delegation # 1

Jennifer Johnston and Kelly Mertens regarding the importance of advocating from a grassroots perspective on the subject of nuclear energy decisions
(Please refer to 25.1 Notice of Motion - Nuclear Reactor Program)

Councillor Davies moved, Councillor Sutton seconded:

That the delegation by Jennifer Johnston and Kelly Mertens be received.

The Mayor put the Motion.

Motion Carried

Councillor Davies moved, Councillor Pouget seconded:

The Amherstburg Town Council demand of the Ontario government to postpone any commitment to go forward with the proposed new Darlington nuclear reactors or upgrades of the aging reactors until accident risk and alternative options can be fully explored;

Further to forward the motion to the Essex County Council to encourage the other municipalities in the County to take similar action;

And further to request that AMO challenge all Ontario municipalities to do the same.

Councillor Sutton questioned the impact of this motion and if Council clearly understood the effects of the motion on power generation in Ontario. Councillor Davies noted that the motion is requiring that those options be fully explored. The research needs to be done.

The Mayor put the Motion.

Motion Carried

Councillor Pouget moved, Councillor DiPasquale seconded:

That Council hear the delegation from IBEW Local 636 regarding the lockout.

The Mayor put the Motion.

Motion Carried

Council recessed until a legal opinion was sought from Town solicitor regarding hearing the delegation. Council recessed at 7:51 p.m. and resumed at 8:07 p.m.

The Mayor reported that he has consulted with the Town solicitor who has given his opinion and strongly urges Council to not entertain the delegation as it may interfere with the collective bargaining process. Council would risk setting a precedent if it allowed the union to speak publicly and that if the union was provided an opportunity to speak, then Council should at least wait until management is also present to speak.

The Clerk advised that Council may rescind the motion to hear the delegation with a 2/3 majority vote as the item was brought forward during this same meeting. As such, no notice is required.

Councillor Davies moved, Deputy Mayor Sutherland seconded:

That Council rescind the motion to hear the delegation;

And that Council meet In-Camera with both parties at another designated date.

The Mayor put the Motion.

Motion Carried

Councillor Davies moved, Deputy Mayor Sutherland seconded:

That Council rescind the motion to meet In-Camera with both parties at another designated date.

The Mayor put the Motion.

Motion Carried

REPORTS - RECREATION/CULTURE/PARKS

- 7.1 A report by Dennis Laporte regarding Railings for Aisle Ways in Rink A & B
(As previously provided at the April 11, 2011 Council Meeting)

The item was addressed above.

- 7.2 A report by Dennis Laporte regarding Historical Exhibit of Flags downtown

Councillor Davies spoke with a curator and was advised that this area was intended that only historic flags be flown there. A modern flag was added at a later time but it is unknown why it was added.

Councillor Pillon felt that with the War of 1812 coming up, it is important to have the flags there.

Councillor Pillon moved, Councillor DiPasquale seconded:

That Administration be directed to leave the flags as presently flown and that Administration locate the historical flag or purchase one and find a place to fly the historical flag elsewhere in the park and it be flown all the time.

In response to Councillor Pouget, Councillor Pillon clarified that the intent of his motion was to leave the five flags that are there and find another place for the historical flag in the park. To leave the flags where they are at and put up another one. Councillor Pillon further clarified that the flag he is referring to is the United States flag (1813-1815) 15 stars.

The Mayor put the Motion.

Motion Failed

Anne Rota, Manager of Tourism and Culture suggested that it would be in order that the American flag is a modern day flag. The bicentennial is to celebrate the 200 years of peace that have existed between the countries. She suggested that the Town fly the Canadian flag in the middle and higher the modern day American flag and then as well on each side the historical flags including the 15 star flag. This way the Town is celebrating historic flags and also modern day peace that exists between the two nations.

Councillor Davies moved, Deputy Mayor Sutherland seconded:

That Administration is directed to fly the Canadian flag in the middle and higher the modern day American flag and then as well on each side the historical flags including the 15 star flag.

The Mayor put the Motion.

Motion Carried

7.3 A report by Dennis Laporte regarding Rotary Rib Fest July 22, 23, 24, 2011

Councillor DiPasquale declared a pecuniary interest and withdrew from discussion and voting on the matter.

Councillor Sutton moved, Councillor Pillon seconded:

That the report by Dennis Laporte dated April 8, 2011 regarding Rotary Rib Fest;

And further that Council approve waiving of the fee for track area and grounds of Centennial Park, parking area north of the Facilities from July 21, 2011 to July 25, 2011 for set up and take down, and permission to work with Recreation Department to assist with making 2nd annual Rib Fest a success.

The Mayor put the Motion.

Motion Carried

7.4 A report by Dennis Laporte regarding 2011 Parks Grass Cutting & Trimming Tender

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

That Council award a contract to the lowest tenderer being C & E Lawn & Rentals for the 2011 Grass Cutting Area Tender, with one designated change being Item 3 be changed to say K. Walter Ranta Park and not Ranta Marina.

The Mayor put the Motion.

Motion Carried

REPORTS - POLICE

No reports at this time.

REPORTS - FIRE

No reports at this time.

REPORTS - INFORMATION TECHNOLOGY

10.1 A report by Dave Carpenter regarding Service Request Manager
Item was dealt with under presentations.

REPORTS - DEVELOPMENT SERVICES

11.1 A report by Stephen Brown regarding Development Charges Deferral - 502, 504, 506, 508 Golfview, Amherstburg

Councillor Sutton moved, Councillor Pillon seconded:

That the report submitted by Stephen Brown dated April 6, 2011 regarding an application for deferral of development charges as submitted by 928466 Ontario Ltd. for property located at 502, 504, 506, 508 Golfview Drive, be received;

And further, that By-law 2011-47 being a By-law to authorize the signing of an agreement to defer development charges 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 Unanimously

REPORTS – ENGINEERING AND INFRASTRUCTURE

12.1 A report by Lou Zarlenga regarding rural roadside weed spraying 2011 tender results

Councillor Pillon moved, Councillor Sutton seconded:

That Council receive the report from Lou Zarlenga regarding the tender results for the 2011 Roadside Weed Spraying Program;

And further that Council approve Administration's recommendation to award a contract to the lowest tenderer, being DeAngelo Brothers Corporation, for the 2011 Roadside Weed Spraying Program.

Councillor Davies asked that Administration locate a section where a pilot could be done on alternatives for weed spraying.

The Mayor put the Motion.

Motion Carried Unanimously

12.2 A report by Lou Zarlenga regarding an update on the Ernest Paquette Municipal Drain Improvements project

Councillor Pillon moved, Councillor Sutton seconded:

That Council receive the report from Lou Zarlenga regarding an update on the Ernest Paquette Municipal Drain Improvements project.

The Mayor put the Motion.

Motion Carried Unanimously

12.3 A report from Lou Zarlenga regarding the 2011 Public Works Grass Cutting Program, Various Plant and Building Sites Tender Results

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That Council receive the report from Lou Zarlenga regarding the tender results for the 2011 Public Works Grass Cutting Program, Various Plant and Building Sites;

And further that Council approve Administrations recommendation to award a contract to the lowest tenderer, being C&E Lawn Service, for the 2011 Public Works Grass Cutting Program, Various Plant and Building Sites.

Councillor Davies asked that Administration investigate different types of ground covers versus grass that would eliminate the cost of cutting in future. This would be pilot and save costs in future.

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS – CAO

No report at this time.

REPORTS – TREASURY

14.1 A report by Paul Beneteau regarding Debenture Issue Infrastructure Ontario

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That By-law 2011-49, being a By-law authorizing the borrowing of \$ 18,881.12 by way of debenture to meet expenditures in connection with certain capital projects within the Town of Amherstburg, from the Ontario Infrastructure Projects Corporation, be read a first, second and third time 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

14.2 A report by Paul Beneteau regarding 2011 Budget Approval

Councillor Sutton moved, Councillor Pillon seconded:

That Council receive the report prepared by the Treasurer, with respect to the 2011 Budget;

That Council adopt the 2011 budget totalling \$46,778,677;

And further, that the rates be approved as shown on Schedule “A” attached to the report.

Councillor Pillon asked that a recorded vote be taken.

The Mayor put the Motion

	Yes/Concur	No/Not Concur
Councillor Davies	X	
Councillor DiPasquale	X	
Councillor Pillon	X	
Councillor Pouget	X	
Deputy Mayor Sutherland	X	
Councillor Sutton	X	
Mayor Hurst	X	

Motion Carried Unanimously

REPORTS - HUMAN RESOURCES

No reports at this time.

REPORTS – CLERK’S OFFICE

16.1 A report by Brenda Percy regarding a Liquor Licence Application Bob-Lo Island Beach House & Grille

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

That the report by Brenda Percy dated April 10, 2011 regarding Application for Liquor Licence be received;

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

The Mayor put the Motion.

Motion Carried

16.2 A report by Brenda Percy regarding Delegations before Town Council Amendment to Town Procedural By-law

Councillor Davies moved, Deputy Mayor Sutherland seconded:

That the item be deferred.

The Mayor put the Motion

Motion Carried

CONSENT REPORTS

17.1 Emergency Sirens Report

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That the report for information purposes, update on maintenance of emergency siren system be received.

Councillor Davies asked that Administration explore use of social media as pilot project for messaging in addition to the siren system. The Fire Chief noted that the siren system is not the only tool used. A number of other sources are used in addition.

The Mayor put the Motion.

Motion Carried

17.2 Accounts Payable Listing for the period of April 1, 2011 to April 13, 2011

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That the report regarding the Accounts paid for the period of April 1, 2011 to April 13, 2011 be received as submitted.

The Mayor put the Motion.

Motion Carried

17.3 2011 Student Hiring Report

Councillor Sutton moved, Councillor Pillon seconded:

That Council receive the report regarding 2011 student hiring.

The Mayor put the Motion.

Motion Carried Unanimously

CONSENT CORRESPONDENCE

18.1 Consent Correspondence

Councillor Pillon moved, Councillor Pouget seconded:

That correspondence Items 1 to 11 be received.

The Mayor put the Motion.

Motion Carried Unanimously

1. **The Lung Association - Letter of Request - March 23, 2011;**
2. **Amherstburg Minor Baseball Association - Opening Day Parade - February 9, 2011;**
3. **Ministry of Citizenship and Immigration - Lincoln M. Alexander Award 2011 - April 4, 2011;**
4. **Lydia Bailey - Trees and Bushes Down - April 4, 2011;**
5. **Well-Come Centre - Through Her Eyes - April 4, 2011;**
6. **Essex Region Conservation Authority - Delegation Presentation - April 29, 2011;**
7. **Sexual Assault Crisis Centre of Essex County - Walk a Mile in Her Shoes - April 12, 2011;**
8. **Leamington & District Chamber of Commerce - 18th Annual Golf Tournament on April 8, 2011;**
9. **The Metis Nation of Ontario - Introduction Letter - April 12, 2011;**
10. **Ontario Arts Council - The Arts and the Quality of Life: The Attitudes of Ontarian's - April 13, 2011 and**
11. **Windsor-Essex Children Aid Foundation - 1st Annual Swing Fore Education - April 13, 2011.**

The Mayor put the Motion.

Motion Carried

Councillor Pillon commented on Item 4 from a concerned resident with regard to downed trees on bush lots and lightening and fires. The Fire Chief advised that he has communicated with the resident. There are a lot of dead ash trees in community. People are encouraged to clear the dead branches away from their homes. There is not a high incidence in this area.

Councillor Davies referred to Item 9 and asked if Administration has consulted with the Metis Nation with respect to planning in the municipality.

CONSENT BUSINESS LICENCES

19.1 Consent Business Licences

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

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

- 1. LaRocca Family Restaurant & Bar**
- 2. Brimstone Games**
- 3. Martin Farms**

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 DiPasquale moved, Councillor Pouget seconded:

That the following minutes be received:

- 1. Minutes from the Amherstburg Heritage Committee held on February 16, 2011 at 5:30 p.m.**
- 2. Minutes from the Amherstburg Advisory Committee on the Environment held on February 24, 2011**

The Mayor put the Motion.

Motion Carried Unanimously

CORRESPONDENCE

21.1 Correspondence # 1 - Invitation from the Amherstburg Accessibility Advisory Committee to a Basketball game on May 11, 2011

Councillor Sutton moved, Councillor Pillon seconded:

That Council support the event;

And further that Council be encouraged to take part as well as encourage members of the community to take part.

The Mayor put the Motion.

Motion Carried

21.2 Correspondence # 2 - Request from the Teachers of English as a Second Language Association of Ontario to proclaim October 23rd - 29th, 2011 as "English as a Second Language Week" in Amherstburg

Councillor Sutton moved, Councillor Davies seconded:

That Ontario has been the destination of choice for many immigrants who have added to the diversity of the province by bringing their culture, customs and language, even as they endeavour to acquire the ability to communicate in English;

And that the community of English as a Second Language learners are represented in all aspects of society. They are students in elementary and secondary schools, universities, colleges, public and private schools, adult education students pursuing literacy and basic skills, participants in workplace-training programs, researchers and subjects, volunteers and workers, employees and business owners, labourers and professionals, neighbours and friends.

Therefore the professional organization Teachers of English as a Second Language (TESL) Ontario hosts a conference in Toronto each year consisting of workshops, research symposia and a technology fair to maintain and expand the skills and abilities of its members.

Now therefore, I, Mayor Wayne Hurst, on behalf of the Corporation of the Town of Amherstburg, do hereby proclaim October 23rd to 29th, 2011 as "English as a Second Language Week" in the Town of Amherstburg.

The Mayor put the Motion.

Motion Carried

Supplementary Item 21.3

21.3 City of Oshawa- School Boards' Declaration of Voting Day as Professional Activity Day – April 13, 2011.

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

That Council receive the correspondence;

And further that Council support City of Oshawa resolution that School Boards' Declare Voting Day as Professional Activity Day – April 13, 2011.

The Mayor put the Motion.

Motion Failed

Councillor Sutton moved, Councillor Pillon seconded:

That Council receive the correspondence.

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

Unfinished Business Items as of April 18, 2011.

- The Chief Administrative Officer advised that the Terms of Reference for the Parks Committee and Recreation Committee would be before Council at the next meeting.
- Councillor Pouget asked that Lou Zarlenga follow up on correspondence to Tim Brown.

NEW BUSINESS

There were no new business items.

REPORT FROM IN-CAMERA SESSION

There were none.

NOTICES OF MOTION

25.1 Councillor Davies - Nuclear Reactor Program (As introduced at the March 21, 2011 Council meeting)

Councillor Davies moved, Councillor Pouget seconded:

That Council oppose the shipment of radioactive materials from the Canadian Nuclear Safety Commission (CNSC) to ship 16 radioactive steam generators through the Great Lakes to the St. Lawrence Seaway to Sweden;

That the resolution be forwarded to County Council for support;

And further that the resolution be forwarded to other municipalities in Ontario for support.

Councillor Davies noted concern of the matter and noted that the company still requires permission from the United States and Sweden. The CNSC considers this waste low level. The company has not started process but the transportation licence is valid for one year. There is risk that this will be transported right past Amherstburg. With Canada approving this, it sets a dangerous precedent. Councillor Davies asked that Council reject any consideration of accepting the nuclear waste and we notify federal government that we do not want it shipped. That Essex County Council support the resolution and it be sent to other municipalities in Ontario for support to stop this shipment.

The Mayor put the Motion.

Motion Carried

BY-LAWS

26.1 By-law to impose fees or charges

The Clerk noted that there has been an amendment to the lawyer's letter under Public Works to be \$40.00. An error was made by Administration who inadvertently noted the fee to be higher.

Councillor Sutton moved, Councillor Pillon seconded:

That By-law 2011-50 being a By-law to permit the Town to impose fees or charges 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

26.2 Confirmatory By-law

Councillor Pillon moved, Deputy Mayor Sutherland seconded

That By-law 2011- 51 being a By-law to confirm all resolutions of the Municipal Council Meetings held on April 11th, 13th, 15th and 18th, 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

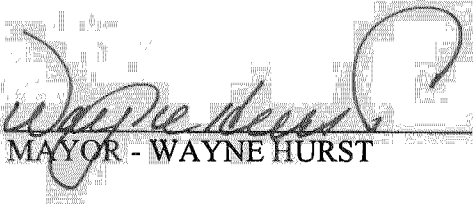
ADJOURNMENT

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That Council adjourn at 9:15 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR - WAYNE HURST



CLERK - BRENDA M. PERCY