

**Minutes of an Amherstburg Municipal Council
Monday, September 26, 2011 at 7:00 p.m.
Council Chambers**

PRESENT

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

CALL TO ORDER

The Mayor called the meeting to order.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest.

PRAYER

Pastor Barry Antle with Amherstburg Community Church said prayer.

MINUTES OF PREVIOUS MEETING

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

That the minutes be adopted by Council and that those confidential minutes of the closed sessions of Council remain confidential and restricted from public disclosure in accordance with exemptions provided in the Municipal Freedom of Information and Protection of Privacy Act:

- 1. In-Camera Council Meeting - September 12, 2011 @ 4:25 PM**
- 2. Council Meeting - September 12, 2011 @ 7:00 PM**

The Mayor put the Motion.

Motion Carried

The Mayor commented on the World Alzheimer's Day Run for Heroes held in Amherstburg the past weekend. He noted that the weather was ideal and the event was well attended. Many positive comments were received about the event and the Town.

PRESENTATIONS

5.1 Presentation # 1 *(Please refer to Report # 12.2)*

Matthew Child, Essex Region Conservation Authority and Dan Krutsch, Landmark Engineers made a presentation regarding the intent and main design elements of Canard River Park.

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That report 12.2 be brought forward at this time.

The Mayor put the Motion.

Motion Carried

12.2 A report by Antonietta Giofu regarding River Canard Park Shoreline Restoration - Completion of Plan and Design Phase

Councillor Sutton moved, Councillor Pillon seconded:

That the presentation be received;

That Council receive the report from Antonietta Giofu dated September 20, 2011 regarding the proposed Shoreline Restoration Project for River Canard Park;

That Council approve the design concept for the River Canard park Shoreline Restoration Project for the purpose of community consultations and final design;

That the project be tendered and constructed by the Essex Region Conservation Authority working closely with the Town of Amherstburg and the Town of LaSalle;

And further that Council approve Option A of the two options outlined in the Financial implications section of this report.

The Mayor put the Motion.

Motion Carried

The Clerk referred to Report Item 7.1 and noted that the representatives of the Museum are present to speak to the report and together with Anne Rota, wish to provide a presentation to Council. The Clerk asked that the matter be brought forward on the agenda.

Councillor Davies moved, Councillor Pillon seconded:

That report 7.1 be brought forward at this time and the presentation be heard.

The Mayor put the Motion.

Motion Carried

7.1 A report by Rick Daly regarding Shaanti International Museum of Costumes and Dolls transfer to Amherstburg

Councillor Sutton moved the recommendations in the report with an additional condition that any lease agreement be reviewed by the Town solicitor.

Councillor Sutton moved, Councillor Pillon seconded:

That the presentation be received;

That the report by Rick Daly and Anne Rota be received;

And further that Council approve the offer by the non for profit charitable organization to operate as a major cultural attraction Amherstburg Shaanti International Museum of Costumes and Dolls, at the Malden Community Center, 7860 County Road # 20 with a condition that any lease agreement be reviewed by the Town solicitor.

The Mayor put the Motion.

Motion Carried

DELEGATIONS

6.1 Delegation # 1

Ron Gaudet and Karolyn Harts, Windsor Essex Economic Development Corporation addressed Council regarding activity in the Windsor Essex Region. A copy of the 2010 Annual report was provided to Council.

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

That the delegation by Ron Gaudet and Karolyn Harts be received.

The Mayor put the Motion.

Motion Carried

6.2 Delegation # 2

Habib Rehman addressed Council regarding parking signage in front of Domino's Pizza, 145 Sandwich Street South. He asked that after school hours, the no parking signage be changed to allow 5 to 15 minute stopping to allow his customers to park on road.

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the delegation by Habib Rehman be received;

And further that the request for 15 minute parking be directed to the Traffic Committee for consideration and reporting back to Council.

The Mayor put the Motion.

Motion Carried

REPORTS - RECREATION/CULTURE/PARKS

7.1 A report by Rick Daly regarding Shaanti International Museum of Costumes and Dolls transfer to Amherstburg
As dealt with above.

REPORTS - POLICE

No reports at this time.

The Clerk asked that Council bring forward the Accessibility Plan as a member of the Committee was present to answer any questions of Council.

Councillor Sutton moved, Councillor Davies seconded:

That report 16.2 be brought forward.

The Mayor put the Motion.

Motion Carried

16.2 A report by Brenda Percy regarding 2011 Amherstburg Accessibility Plan

Councillor Pilon moved, Deputy Mayor Sutherland seconded:

That the report by Brenda Percy on behalf of the Amherstburg Accessibility Advisory Committee dated September 16, 2011 regarding the 2011 Amherstburg Accessibility Plan be received;

That Council adopt the 2011 Plan, as presented and that Plan be posted on the Town of Amherstburg website for public review.

The Mayor put the Motion.

Motion Carried

REPORTS - FIRE

9.1 A report by Randy Sinasac regarding Fees for Fire Department Service

Councillor Sutton moved, Councillor Pillon seconded:

That the report submitted by Randy Sinasac be received;

That the practice of invoicing insurance companies for fire suppression services for specialized equipment and materials be continued;

And further that the practice of invoicing for actual costs for hazardous materials response be continued.

The Mayor put the Motion.

Motion Carried

REPORTS - INFORMATION TECHNOLOGY

No reports at this time.

REPORTS - DEVELOPMENT SERVICES

No reports at this time.

REPORTS - ENGINEERING AND INFRASTRUCTURE

**12.1 A report by Lou Zarlenga regarding August 9, 2011 Rain Event and Sewer Surcharging Comprehensive Flooding Investigation
(As deferred from the September 12, 2011 Council Meeting)**

Councillor Sutton moved, Councillor Pillon seconded:

That report from Lou Zarlenga regarding a comprehensive flooding investigation pursuant to the August 9, 2011 rainfall event and subsequent basement flooding be deferred pending further information from the solicitor.

The Mayor put the Motion.

Motion Carried

**12.2 A report by Antonietta Giofu regarding River Canard Park Shoreline Restoration - Completion of Plan and Design
As dealt with above.**

REPORTS - CAO's OFFICE

No reports at this time.

REPORTS – TREASURY

14.1 A report by Paul Beneteau regarding the 2010 Federal Gas Tax Results

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

That Council receive the report by Paul Beneteau, dated September 20, 2011 regarding the 2009 Federal Gas Tax Results be received;

And further that Council approve Gas tax grant allocation changes described in this report.

The Mayor put the Motion.

Motion Carried

REPORTS - HUMAN RESOURCE

15.1 A report by Carol Bendo regarding Recreation Instructor Wages

Councillor DiPasquale moved, Councillor Davies seconded:

That the report dated September 26, 2011 regarding Recreation Instructor Wages be received;

And further that the recreation instructor policy containing those rates be approved.

The Mayor put the Motion.

Motion Carried

REPORTS - CLERK'S

16.1 A report by Brenda Percy regarding Boards & Committees Appointment Policy
(As deferred from the August 15, 2011 Council Meeting)

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the report prepared by Brenda Percy dated July 19, 2011 regarding Board & Committee Appointment Policy be received;

That Council approve the Board & Committee Appointment Policy, as attached to the report;

And further that the current Committee vacancies be filled in accordance with the Boards & Committees Appointment Policy.

The Mayor put the Motion.

Motion Carried

16.2 A report by Brenda Percy regarding 2011 Amherstburg Accessibility Plan
As dealt with above.

16.3 A report by Brenda Percy regarding Application for Temporary Liquor Licence
Extension – Moe's Smokehouse BBQ & Grill

Councillor Pouget moved, Councillor DiPasquale seconded:

That the report by Brenda Percy dated September 20, 2011 regarding Application for Temporary Liquor Licence Application – Moe's Smokehouse BBQ & Grill be received;

That the request from Moe's Smokehouse BBQ & Grill for a temporary extension of Liquor Licence, for the purpose of a an anniversary party to be held on October 7th and 8th, 2011 from 11:00 a.m. to 2:00 a.m., be supported;

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

The Mayor put the Motion.

Motion Carried

16.4 A report by Brenda Percy regarding By-law to enter into an Opt-In Agreement with the Ministry of the Attorney General - Collecting and Enforcing Parking Fines

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the report by Brenda Percy, dated September 15, 2011, regarding an Opt-In Agreement with the Ministry of the Attorney General of Ontario be received;

That Council authorize entering into an Opt-In Agreement with the Ministry of the Attorney General of Ontario for collecting and enforcing the Town's parking fines;

And further that the Ministry through the Defaulted Fines Control Centre, has sole authority to direct plate denials when a fine is in default;

That By-law 2011-85, being a By-law authorizing the execution of an Opt-In Agreement between the Town of Amherstburg and the Ministry of the Attorney General of Ontario 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

16.5 A report by Brenda Percy regarding Request to Purchase Portions of Land adjacent to 45 Lake Beach Road and 40 Cooper Lane, Amherstburg

Councillor Pillon moved, Councillor Sutton seconded:

That the report by Brenda Percy dated September 15, 2011 regarding requests to purchase portion of land located adjacent to 45 Lake Beach Road and 40 Cooper Lane, Amherstburg be received;

And further that Council declare that the strips of land located adjacent to 45 Lake Beach Road and 40 Cooper Lane as surplus.

The Mayor put the Motion.

Motion Carried

16.6 A report by Brenda Percy regarding Designation of "Head" for the Purpose of MFIPPA

Councillor DiPasquale moved, Councillor Pouget seconded:

That By-law 2011-84 being a By-law to authorize the appointment of the Town Clerk as the head of the municipality for the purposes of administering the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) be taken as having been read three times, and finally passed and the Mayor and Clerk be authorized to sign same thereto.

The Mayor put the Motion.

Motion Carried

CONSENT REPORTS

17.1 Accounts Paid Listing for the Period of September 3, 2011 to September 16, 2011

Councillor Sutton moved, Councillor Pillon seconded:

That the report regarding the Accounts paid for the period of September 3, 2011 to September 16, 2011, be received as submitted.

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

18.1 Consent Correspondence

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That the following correspondence be received:

- 1. Ministry of Citizenship and Immigration - June Callwood Outstanding Achievement Award for Voluntarism in Ontario - September 12, 2011**
- 2. Windsor-Essex County Health Unit - Active Communities Summit - September 13, 2011**
- 3. Southwest Economic Alliance - Economic Development Fund - September 15, 2011**
- 4. Pathway to Potential - Invitation to a Community Event - September 19, 2011**
- 5. Corporation of the County of Essex - Moratorium on Solar Development in Residential Areas - September 16, 2011**
- 6. Ministry of Municipal Affairs and Housing - Municipal Performance Measurement Program - September 14, 2011**

7. Joe and Mary Molnar - Card - September 8, 2011

The Mayor put the Motion.

Motion Carried

CONSENT BUSINESS LICENCES

None at this time.

CONSENT OTHER MINUTES

20.1 Consent Other Minutes

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That the following minutes be received:

- 1. Amherstburg Police Services Board Minutes - June 21, 2011 @ 4:30 pm**
- 2. Co-An Park Minutes - August 2, 2011 @ 5:30 pm**

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

- 20.1 Correspondence # 1 - A request from Ministry of Municipal Affairs and Housing to proclaim October 16th to October 22nd as Local Government Week**

Councillor DiPasquale moved, Councillor Davies seconded:

That Council proclaim October 16th to October 22nd, 2011 as Local Government Week.

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

Unfinished Business Items as of September 26, 2011

Councillor Sutton referred to Unfinished Business Item 4 regarding options on smoke By-law. Council was waiting till litigation had been completed. As this is now done, he asked that Administration bring forward a report to Council on options available.

Councillor DiPasquale moved, Councillor Pouget seconded:

That Administration be requested to research and report to Council in consultation with the Fire Department and Building Department, a change to the existing minimum standards By-law No. 199-28 to include nuisance smoke, from both indoor and outdoor burning, similar to Oakville's Nuisance By-law 2007-143, or any other By-laws dealing with nuisance smoke that would help to deter the detrimental impact on the enjoyment of properties in the vicinity of the residences, as occurred in the just completed court case.

Further, that the Town Burning By-law be examined to add an additional clause addressing the release of smoke onto neighbouring properties, which would protect residents from detrimental effects on the use and enjoyment of their properties.

The Mayor put the Motion.

Motion Failed

Councillor Sutton moved, Councillor Davies seconded:

That Administration be directed to bring back a report regarding around all options of the emission Smoke By-law.

The Mayor put the Motion.

Motion Carried

Councillor Pouget sought an update on the status of the 3-way stop at North Street and Dalhousie Street.

Councillor Pouget moved, Councillor Pillon seconded:

That Council direct Administration to investigate the reasons the three way stop sign at the corner of Dalhousie and North Street has not been erected even though it was approached by the Traffic Committee and Council several months ago.

The Mayor put the Motion.

Motion Carried

Deputy Mayor Sutherland sought an update on the status of fixing 3rd Concession.

Councillor Pouget asked that Administration have the street lights and telephone poles lying on sidewalk on Dalhousie removed. The Mayor asked that Lou Zarlenga follow up with Hydro One but phone to have them removed.

NEW BUSINESS

Councillor Pillon reminded Council of the Co-An Park Annual Dinner and invited Council to attend. There will be a tree planting ceremony with three trees being dedicated. Tickets are available by contacting Councillor Pillon.

Councillor Pouget moved, Councillor DiPasquale seconded:

Council direct Administration to notify Essex power and Hydro One to appear before Council at a public Council meeting to explain the reasons for the numerous power outages in the Town of Amherstburg and to provide a detailed plan and time frame on how they will rectify this unacceptable level of service that has and continues to have a detrimental impact on our residents and businesses.

The Mayor put the Motion.

Motion Carried

Councillor Pouget moved, Councillor DiPasquale seconded:

Council direct Administration to notify all members of Council and the person or persons who were denied the request to appear as a delegation by Friday at noon proceeding the Council meeting with a full explanation for the reasons they were denied and all pertinent contact information.

The Mayor put the Motion.

Motion Failed

REPORT FROM IN-CAMERA SESSION

COUNCIL IN-CAMERA SESSION REPORT

During Closed Session of September 26, 2011, Council would report the following:

Council discussed:

- 6 matters which were heard under Section 239 (2) (d) of the Municipal Act - Labour Relations/Employee Negotiation and there is nothing further to report on these items.
- 2 Litigation/potential litigation matters were heard under Section 239 (2) (e) of the Municipal Act and there is nothing further to report on the items.
- 2 items were heard under Section 239 (2) (f) Solicitor/Client Privilege and there is nothing further to report on these items.
-
- 2 Land Acquisition/Disposition matters were heard under Section 239 (2) (c) of the Municipal Act and there is nothing further to report on these items.

- 2 matters were heard under Section 239 (2) (g) –a matter under another Act and there is nothing further to report on this items.

In Camera Meeting Discussed: September 26, 2011
Reporting Out Meeting: September 26, 2011

NOTICES OF MOTION

There were no notices of motion.

BY-LAWS

25.1 Confirmatory By-law

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That By-law 2011-87 being a By-law to confirm all resolutions of the Municipal Council Meeting held on September 26, 2011 be taken as having been read three times, and finally passed and the Mayor and Clerk be authorized to sign same thereto.

The Mayor put the Motion.

Motion Carried

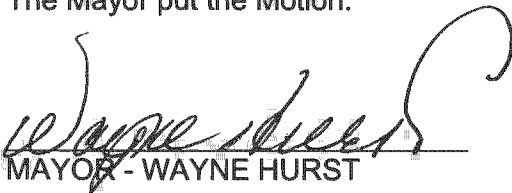
ADJOURNMENT

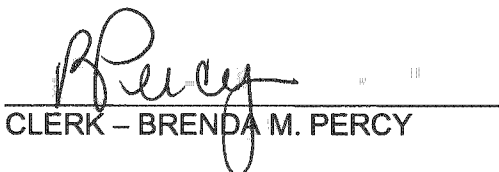
Councillor Sutton moved, Councillor Davies seconded:

That Council rise and adjourn at 8:50 p.m.

The Mayor put the Motion.

Motion Carried


MAYOR - WAYNE HURST


CLERK - BRENDA M. PERCY