

**TOWN OF AMHERSTBURG
COUNCIL MEETING
MONDAY, JANUARY 23, 2012
7:00 PM**

Council Chambers
271 Sandwich Street South Amherstburg, Ontario
N9V 2A5

MINUTES

PRESENT

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

CALL TO ORDER

The Mayor called the meeting to order at 5:50 p.m.

**DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE
THEREOF**

(In-Camera agenda items)

There were no disclosures of pecuniary interest.

RESOLUTION TO MOVE TO IN-CAMERA MEETING

The Clerk advised that there has been a change and would ask that the motion be amended to refer to only exemption 239(2)(b)- Municipal Employee/Labour Relations.

The Mayor asked if any member of Council had any questions or concerns about moving into closed session or about the exemptions applied. There were none.

Councillor Sutton moved, Councillor DiPasquale seconded:

That Council move into an In-Camera Meeting of Council at 5:50 p.m., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:

1. **A Personal matter about an Identifiable Individual, including a Municipal Employee [239 (2b).**

The Mayor put the Motion.

Motion Carried

ADJOURNMENT OF IN-CAMERA MEETING

RESUMPTION OF REGULAR COUNCIL MEETING - 7:00 P.M.

Council reconvened at 7:00 p.m.

PRAYER

Pastor Barry Antle with Amherstburg Community Church said prayer.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

(Public Council Meeting agenda items)

There were no disclosures of pecuniary interest.

MINUTES OF PREVIOUS MEETING

Approval of Minutes

Councillor DiPasquale moved, Councillor Sutton 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. **Council Meeting - January 9, 2012 @ 7:00 PM**
2. **Special Council Meeting - Computer Training - January 9, 2012 @ 4:55 p.m.**

The Mayor put the Motion.

Motion Carried

PRESENTATIONS

8.1 Presentation by Taras Natyshak, MPP Essex, Introduction to Council

Taras Natyshak, MPP Essex introduced himself to the Mayor and Members of Council and Amherstburg residents. He received comments from Council regarding priorities in the Town of Amherstburg.

Councillor Pillon moved, Councillor Davies seconded:

That the presentation be received.

The Mayor put the Motion.

Motion Carried

8.2 Presentation of Heritage Plaque to Janet and Christopher Willoughby for the 1880 Captain Allen House by Chad Barrette, Vice Chair, Heritage Committee

Councillor Sutton moved, Councillor Davies seconded:

That the presentation be received.

The Mayor put the Motion.

Motion Carried

8.3 Presentation by Stan Taylor, ERCA and Tom Fuerth, Chair, Source Protection Committee regarding Notice of Pre Consultation on Draft Source Protection Plan Policies

Stan Taylor, ERCA and Tom Fuerth, Chair, Source Protection Committee provided an overview regarding Notice of Pre Consultation on Draft Source Protection Plan Policies.

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

That the presentation be received;

That Council endorse the draft policies as described in December 23 Notice;

That the Town support ERCA's role in assisting with implementation of Source Protection Plan, including RMO services;

And further that the Council encourage provincial funding to support ERCA's role in assisting with implementation of the SP Plan.

The Mayor put the Motion.

Motion Carried

DELEGATIONS

9.1 Committee to Preserve and Repair Centennial Park

The following individuals addressed Council with regard to the preservation and repair of Centennial Park.

- David Scott
- Jill Stoyanovich
- John Rudak
- Meaghan Marton/Brandon Allen

Councillor Davies moved, Deputy Mayor Sutherland seconded:

That the delegation be received;

That this request be forward to budget deliberations and review;

That Administration be directed to provide Council with a detailed report regarding the agreement between the Town of Amherstburg and the Greater Essex County Public School Board and the condition of the track, tennis courts and football field including the cost of repairs and funding available to complete the said work;

And further that this motion should serve as a commitment to the community that Council is dedicated to preserve, refurbish and maintain Centennial Park in its entirety.

The Mayor put the Motion.

Motion Carried

9.2 Geoff Kidd, Signage Changes in Amherstburg

Geoff Kidd asked that the Gateway signs at Lowes Side Road and at the tourist information booth be modified and instead say welcome to Historic Amherstburg.

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the costing be referred to budget deliberations.

The Mayor put the Motion.

Motion Carried

Councillor Sutton moved, Councillor Davies seconded:

That the Delegation be received.

The Mayor put the Motion.

Motion Carried

9.4 **Geoff Kidd, Request for Delegation Registration change**

Geoff Kidd addressed Council and asked that an online application be made available to delegates.

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That the Delegation be received and that Administration review the request and report back to Council as soon as possible.

The Mayor put the Motion.

Motion Carried

9.3 **Geoff Kidd, Lakewood Beach Drain # 2**

Lou Zarlenga noted that an additional three months would be required in order to gather information to respond to Council.

Councillor Sutton moved, Councillor Davies seconded:

That the delegation be received.

The Mayor put the Motion.

Motion Carried

Council asked that the matter of Lakewood Beach Drain #2 be added to the Unfinished Business list.

REPORTS - RECREATION/CULTURE/PARKS

10.1 **A report by Rick Daly regarding Mould Abatement at Victoria Street Cultural Centre**

The Clerk noted new information has come to light since printing of agenda. Rick Daly updated Council on additional work to be done and additional cost.

Councillor Sutton moved, Councillor Davies seconded:

That report by Rick Daly dated January 18, 2012 regarding the discovery of mould at the Victoria Street Cultural Centre be held in abeyance until such time as Administration can return to Council with a full and comprehensive report with regard to actions required to remediate mould in the Amherstburg Cultural Centre.

It was noted that the motion was not intended to delay what needed to be done.

The Mayor put the Motion.

Motion Carried

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

No reports at this time.

REPORTS - ENGINEERING AND INFRASTRUCTURE

15.1 A report by Lou Zarlenga regarding the 2nd Concession Road Municipal Drain Notice from Tony and Laurie Trotti Request for Drain Maintenance

Councillor Sutton moved, Councillor Pillon seconded:

That Council receive the report from Lou Zarlenga dated June 22, 2011 concerning the 2nd Concession Road Municipal Drain and the notice from Tony and Laurie Trotti regarding the drain being out of repair;

That Council appoint Bruce D Crozier Engineering to prepare a new maintenance schedule under Section 76 of the Drainage Act;

And further that Council approve the request for drain repairs from Tony and Laurie Trotti and that maintenance work be undertaken to the 2nd Concession Road Municipal Drain consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current 1979 drainage report for this drain.

The Mayor put the Motion.

Motion Carried

15.2 A report by Lou Zarlenga regarding the 3rd Concession Municipal Drain Notice from Bernadette Bezaire Request for Drain Maintenance

Councillor DiPasquale moved, Councillor Pouget seconded:

That Council receive the report from Lou Zarlenga dated January 9, 2012 concerning the 3rd Concession Municipal Drain and the notices from Bernadette Bezaire regarding the drain being out of repair;

And further that Council approve the requests for drain repairs from Bernadette Bezaire and that maintenance work be undertaken to the 3rd Concession Municipal Drain consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current 1970 drainage report and schedule for this drain.

The Mayor put the Motion.

Motion Carried

15.3 A report by Lou Zarlenga regarding the 8th Concession Road Municipal Drain Notice from Alan and Pauline Waters Request for Drain Maintenance

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That Council receive the report from Lou Zarlenga dated January 10, 2012 concerning the 8th Concession Road Municipal Drain and the notices from Alan and Pauline Waters regarding the drain being out of repair;

And further that Council approve the requests for drain repairs from Alan and Pauline Waters and that maintenance work be undertaken to the 8th Concession Road Drain South consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current 1976 drainage report and the 1985 maintenance schedule for this drain.

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

No reports at this time.

REPORTS - TREASURY

No reports at this time.

REPORTS - HUMAN RESOURCES

No reports at this time.

REPORTS - CLERK'S

- 19.1 **A report by Brenda Percy regarding Request for Community Event Designation, Amherstburg Old Timers Hockey Tournament, March 2, 3, & 4, 2012**

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

That the report prepared by Brenda Percy dated January 12, 2012 regarding a Request for Community Event Designation – Amherstburg Old Timers Hockey Tournament – March 2, 3 & 4, 2012 be received;

That Council has no objection to a liquor license being issued to the Amherstburg Old Timers Hockey Tournament event being held March 2, 3, & 4, 2012 at the UCCUC;

And further that the Amherstburg Old Timers Hockey Tournament be designated a Community Event for the purpose of applying for a Special Occasion Permit.

The Mayor put the Motion.

Motion Carried

CONSENT REPORTS

- 20.1 **Consent Reports**

Councillor Sutton moved, Councillor Pillon seconded:

That the following consent reports be received:

1. **Hydro One Line Clearing & Tree Trimming Program dated January 19, 2012**

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

21.1 Consent Correspondence

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

That the following correspondence be received.

- 1. Ontario Trucking Association**
- 2. Black History Month and 50TH Anniversary Gala Information**
- 3. Stand By Assignment**
- 4. County of Huron - Low Frequency Noise Committee Findings and Recommendations**

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

22.1 Consent Other Minutes

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

That the following minutes be received:

- 1. Recreation & Culture Committee Minutes - November 16, 2011**
- 2. Recreation & Culture Committee Minutes - December 13, 2011**

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

23.1 Correspondence # 1 - Request from the Town of Amherstburg Fire Department regarding the Firefighters Volleyball Tournament

Councillor Sutton moved, Councillor Davies seconded:

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

That the Town of Amherstburg advance \$5,000 on June 1, 2012 which will be returned on or before June 22, 2012;

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

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

There was none.

NEW BUSINESS

Councillor Sutton moved, Councillor Pillon seconded:

That respecting all applicable privacy legislation, administration be directed to bring forward a public report outlining the specific nature of in-camera meetings discussed in the Ombudsman's report "Behind Closed Doors";

The report will include the nature of the discussion, the opinion of the Ombudsman and the remedy, whether current or proposed, implemented by Council and Administration;

And that Council take advantage of the training from the Ombudsman;

And that Administration send a letter thanking Mr. Marin for his report and that the Town plans to implement the recommendations.

A recorded vote was requested.

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

Councillor Pouget referred to a meeting held last fall regarding the cemetery. It was noted that a meeting would be arranged with Council regarding the concerns and state of the cemetery disrepair. She asked that Administration contact cemetery board to find out when meeting will take place.

REPORT FROM IN-CAMERA SESSION

The Mayor reported that there was one item discussed In-Camera and it was related to an employee. The Mayor reported that the CAO will be off work for an indefinite period of time on medical leave. This matter was discussed In-Camera. Council directed Administration to contact Joe Levack and report back to Council as to whether or not he would be willing to act as temporary CAO.

NOTICES OF MOTION

Councillor Davies noted that she would have a notice of motion asking for moratorium on use of fluoridation. The item will be added to the next Council agenda for discussion and voting.

Councillor Pouget asked that staff report back as to whether or not the Town is currently using fluoride in the Town's water.

BY-LAWS

28.1 Shuell Creek Drain By-law

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That By-law 2011-91 being a By-law to provide for the Repair and Improvement of the Shuell Creek Drain - Drouillard-Associati Access Bridge based on the Drainage Report by Bruce D. Crozier Engineering Inc. be read a THIRD and finally passed and the Mayor and Clerk be authorized to sign same thereto.

The Mayor put the Motion.

Motion Carried

28.2 User Fee Amendment By-Law

The Clerk noted that Council approved an increase to the burial permit fee and include a fee for a Liquor Licence Application fee. An ad was placed in the local paper for two consecutive weeks noting that the by-law would be amended and that anyone wishing to speak to the matter was required to register by January 20, 2012. The clerk noted that she did not receive any interest and asked that Council give By-law 2012-05 three readings.

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That By-law 2012-05 being a By-law to amend By-law 2011-50, being a By-law to permit the Town to impose fees or charges 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

28.3 Confirmatory By-law

Councillor Sutton moved, Councillor Davies seconded

That By-law 2012-09 being a By-law to confirm all resolutions of the Municipal Council Meetings held on January 16, 17 and 23, 2012 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 Pillon moved, Deputy Mayor Sutherland seconded:

That Council rise and adjourn at p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – WAYNE HURST

CLERK – BRENDA M. PERCY