

**TOWN OF AMHERSTBURG
COUNCIL MEETING
Tuesday, April 10, 2012**

7:00 p.m.

Council Chambers, 271 Sandwich Street South Amherstburg

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

Deputy Clerk, Paula Parker

CALL TO ORDER

The Mayor called the meeting to Order at 6:00pm.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF
(In-Camera agenda items)

There were no disclosures of pecuniary interest.

IN-CAMERA MEETING

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

That Council move into an In-Camera Meeting of Council at 6:00 p.m., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:

- ITEM A -** Update on Property Standards/Litigation Matters
Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board [239 (2e)]
- ITEM B -** Performance Reviews
Labour relations or employee negotiations [239 (2d)]
- ITEM C -** Acting CAO Appointment

***Personal matters about an identifiable individual, including municipal or local board employees [239 (2b)] /
Labour relations or employee negotiations [239 (2d)]***

The Mayor put the Motion.

Motion Carried

ADJOURNMENT OF IN-CAMERA MEETING

RESUMPTION OF REGULAR COUNCIL MEETING - 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)*

Councillor Davies declared a pecuniary interest in Item 11.1 – Amherstburg Santa Celebration, for business reasons, as well as Item 20.1 – FCM Conference Attendance, for personal reasons.

MINUTES OF PREVIOUS MEETING

Approval of Minutes

Deputy Mayor Sutherland moved, Councillor Davies 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. Regular Council Meeting Minutes – March 19, 2012**
- 2. Confidential In-Camera Meeting Minutes – March 19, 2012**

The Mayor put the Motion.

Motion Carried

Mayor Hurst noted that Item 18.3 – Final Tax Levy By-law – would be deferred until the regular Council meeting of May 14th 2012.

Councillor Sutton moved, Councillor Pillon seconded:

That Item 18.3 – Final Tax Levy By-law – be deferred to May 14th 2012.

The Mayor put the Motion.

Motion Carried

DELEGATIONS

9.1 Jennie Lajoie – Invitation to Provincial Marine Open House - April 22, 2012

Councillor Sutton moved, Councillor Pillon seconded:

That the delegation be received and that Administration advertise the event on the Town website.

The Mayor put the Motion.

Motion Carried

9.2 Penny-Anne Beaudoin – National Poetry Month

Councillor Davies moved, Councillor Sutton seconded:

That the delegation be received.

The Mayor put the Motion.

Motion Carried

PRESENTATIONS

10.1 Enbridge Incorporated–Presentation of Sponsorship Cheque to the Town of Amherstburg 1812 Alive Committee

Councillor Sutton moved, Councillor Davies seconded:

That the presentation be received.

The Mayor put the Motion.

Motion Carried

10.2 Robert Delicata and Terry Belanger – Ranta Marina – Concept, Events and Request for Sponsorship

Councillor Pillon moved, Councillor Pouget seconded:

That the presentation be received.

The Mayor put the Motion.

Motion Carried

REPORTS - RECREATION/CULTURE/PARKS

11.1 Amherstburg Santa Celebration

Councillor Davies declared a conflict and withdrew from discussion and voting on the matter.

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That the report from Dean Colver, Director of Recreation and Culture, dated March 28, 2012 regarding the Amherstburg Santa Celebration be received;

And further that Council acknowledge Saturday, November 24th, 2012 as the date of Amherstburg's Santa Celebration;

And further that Council approve the closure of portions of Sandwich Street, Richmond Street, Rankin Avenue, North Street and Laird Avenue (per By-Law No. 2011-69) for the purpose of hosting the Essex Region Conservation Foundation (ERCF) Super Santa 5km Run and the Amherstburg Santa Clause Parade;

And further that Council approve the quoted expense of \$10,000 to be paid to Windsor Parade Corporation for the contracted service of coordinating and managing the logistics of the Amherstburg Santa Claus Parade as a feature of our 2012 Santa Celebration, such amount having been budgeted for this fiscal year.

The Mayor put the Motion.

Motion Carried

11.2 Canada South Trade Mark License Agreement

Councillor Sutton moved, Councillor DiPasquale seconded:

That the report by Dean Collver dated March 21, 2012 regarding Canada South (CS) Trade Mark Licence Agreement use be received;

That Council not support the Canada South Trade Licence Agreement;

And further that the Canada South proponents be referred to TWEPI for consideration of a regional strategy.

The Mayor put the Motion.

Motion Carried Unanimously

11.3 2014 Ontario 55+ Summer Games

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

That Council receive the report from Dean Collver dated March 28, 2012, regarding the 2014 Ontario 55+ Summer Games;

And further that Council approves the Town of Amherstburg's participation in a joint submission with the City of Windsor to Sport Alliance Ontario for hosting the 2014 Ontario 55+ Summer Games, and to share in underwriting a commitment to ensure that the Games, if awarded, do not operate at a deficit as per Sport Alliance Ontario policy;

And further that Council agrees that any commitment to move forward with a bid submission will be subject to an approval by Windsor's City Council to coincidentally commit to the balance of costs of underwriting the games, should any cost be incurred.

The Mayor put the Motion.

Motion Carried

REPORTS – POLICE

No reports at this time.

REPORTS – FIRE

13.1 Fire Engine Replacement – Station 2

Councillor Pillon moved, Councillor Davies seconded:

That the report by R.W. Sinasac, Fire Chief dated March 21, 2012 regarding Fire Engine Replacement – Station 2 be received;

And further that Council award the contract to the lowest bidder, being Fort Garry Fire Trucks in the amount of \$320,995.00.

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS - INFORMATION TECHNOLOGY

No reports at this time.

REPORTS - DEVELOPMENT SERVICES

15.1 River Walk Crescent – Road Dedication and By-law

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the report by Lory Bratt, Planning Coordinator, dated March 27, 2012 regarding the road dedication of Parts 1, 2 and 3, Registered Plan 12R-23658 be received;

That Council approve the dedication of Parts 1, 2 and 3, Registered Plan 12R-23658 as a public highway;

And further that By-Law 2012-27 being a By-law to dedicate Parts 1, 2 and 3, Registered Plan 12R-23658 as a public highway, be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same.

The Mayor put the Motion.

Motion Carried

15.2 By-law to Designate Site Plan Control Area for the Town of Amherstburg

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

That the report from Lory Bratt dated March 28, 2012 regarding the designation of a site plan control area for the Town of Amherstburg be received;

And further that By-law 2012-26 being a By-law to designate a site plan control area for the Town of Amherstburg be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same.

The Mayor put the Motion.

Motion Carried

15.3 Repeal of By-law 2010-87 Development Agreement – 31 Sandwich St N

Councillor Sutton moved, Councillor DiPasquale seconded:

That the report by Lory Bratt, Planning Coordinator, dated March 29, 2012 regarding the Repeal of By-law 2010-87 be received;

That Council deems it appropriate to repeal By-law 2010-87 which authorized the execution of a Development Agreement for 31 Sandwich St N;

And further that By-law 2012-29 being a By-law to repeal By-law 2010-87 be taken as having been read three times and finally passed and the Mayor and the Clerk be authorized to sign same.

The Mayor put the Motion.

Motion Carried

REPORTS - ENGINEERING AND INFRASTRUCTURE

16.1 Public Works Grass Cutting Program Various Plant and Building Sites – Extension of Contract

Councillor Pouget moved, Councillor Pilon seconded:

That Council receive the report from Lou Zarlenga dated March 19, 2012 regarding Public Works Grass Cutting Program Various Plant and Building Sites – Extension of Contract be received;

And further that Council approve Administration's recommendation to extend the contract to the current contractor, being C & E Lawn Service, for the Public Works Grass Cutting Program Various Plant and Building Sites for the year 2012.

The Mayor put the Motion.

Motion Carried

16.2 The 2012 Automatic Water Meter Read Program - Tender Results

Councillor Pillon moved, Councillor DiPasquale seconded:

That Council receive the report from Lou Zarlenga dated March 26, 2012 regarding the 2012 Automatic Water Meter Read Program Tender Results be received;

And further that Council award the contract to the lowest bidder, Corix Water Products, for the 2012 Automatic Water Meter Read Program in the amount of \$195,800.00 (plus HST).

The Mayor put the Motion.

Motion Carried

16.3 The 2012 Water Meter Replacement Program - Tender Results

Councillor Pouget moved, Councillor Sutton seconded:

That Council receive the report from Lou Zarlenga dated March 26, 2012 regarding the 2012 Water Meter Read Replacement Program Tender Results be received;

And further that Council award the contract to the lowest bidder, Corix Water Products, for the 2012 Water Meter Replacement Program in the amount of \$72,612.00 (plus HST).

The Mayor put the Motion.

Motion Carried Unanimously

16.4 The 2012 Roadside Weed Spraying Project - Tender Results

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

That Council receive the report from Lou Zarlenga dated March 21, 2012 regarding the 2012 Roadside Weed Spraying Project Tender Results be received;

And further that Council award the contract to the lowest bidder, being DeAngelo Brothers Corporation, for the 2012 Roadside Weed Spraying Project in the amount of \$12,479.00 (plus HST) using Clearview product.

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

No reports at this time.

REPORTS - TREASURY

18.1 Update on Essex Energy Corporation Solar Photovoltaic Project at the United Communities Credit Union Complex

Councillor DiPasquale moved, Councillor Pouget seconded:

That the report by Paul Beneteau, Treasurer, dated March 16, 2012 regarding an update on Essex Energy Corporation Solar Photovoltaic project at the United Communities Credit Union Complex be received;

And further that the Council of the Town of Amherstburg accept the contribution from Essex Energy Corporation as outlined in the attached letter dated February 8, 2012.

The Mayor put the Motion.

Motion Carried

18.2 Assessment Review Board Agent Appointment to file complaints on behalf of the Town of Amherstburg

Councillor Sutton moved, Councillor Pouget seconded:

That the report by Paul Beneteau, Treasurer dated March 13, 2012, regarding a by-law to appoint MTE Paralegal Professional Corporation (MTE) as agent for the Town of Amherstburg be received;

And further that By-law 2012-24, being a By-law to authorize specific complaints to the Assessment Review Board, 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

18.3 Final Tax Levy By-law

As dealt with above, the matter was deferred to May 14th 2012.

18.4 2011 Transfer to Reserves

Councillor Sutton moved, Councillor Pillon seconded:

That the report prepared by Ivano Fregonese, dated March 7, 2012 regarding the "2011 Transfer to Reserves" be received;

And further that the amounts, as identified in the accompanying schedules are transferred to reserves for the expenses described in this report.

The Mayor put the Motion.

Motion Carried

REPORTS - HUMAN RESOURCES

19.1 Acting CAO Appointment

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That the preferred candidate, Kristina Pozar Di Paolo, be appointed to the position of Acting CAO effective April 11, 2012 at a salary of \$ 109, 000.00;

And further that the preferred candidate's contract be terminated on two weeks written notice, without cause, and for any reason;

And further that Joe Levack's contract be terminated on April 8, 2012.

The Mayor put the Motion.

Motion Carried

REPORTS - CLERK'S

20.1 Councillor Davies – FCM Conference Attendance

Councillor Davies declared a conflict of interest and withdrew from discussion and voting on the matter.

There was lengthy discussion regarding the matter.

Councillor Sutton moved, Councillor Pillon seconded:

That the report submitted by Paula Parker, Deputy Clerk, dated March 28, 2012 regarding Councillor Davies- FCM Conference Attendance be received;

And further that Council approve the allocation of \$533.10 from the communal Council Convention and Seminar fund towards Councillor Davies registration for the FCM Conference.

The Mayor put the Motion.

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

Motion Failed

CONSENT REPORTS

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That consent reports 1, and 3 to 7 be received.

The Mayor put the Motion.

Motion Carried

- 1. 2011 Treasurer's Report**
- 2. 2011 – 4th Quarter Report**
- 3. Historic Amherstburg Signage**
- 4. 2011-2012 Municipal Drainage Projects Activity Report**
- 5. Solar Panel Farm Development Report**
- 6. Amherstburg Water Treatment Plant – Submission of the OCWA Annual Summary Report**
- 7. Lead Testing in Amherstburg Water Supply – Update on Legislated Testing Fifth Round Results**

Item 2 -2011 – 4th Quarter Report

There was discussion with regard to spending at the UCCU complex. Ivan Fregonese provided further information on the matter.

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That Item 2 be received.

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Councillor Pilon moved, Councillor Sutton seconded:

That the correspondence be received.

- 1. Tall Ships Pathfinder and Playfair**
- 2. Havelock – Belmont – Methuen Resolution – Ontario Wildlife Damage Compensation Program**
- 3. 4th Annual Mayor's Charity Golf Tournament**
- 4. City of Mississauga Resolution – Telecommunication Tower/Antenna Facilities Interim Protocol**

5. Amherstburg Community Services – Thank You Letter
6. High Performance New Construction (HPNC) – Congratulations Letter
7. Festivals & Events Ontario – Congratulations Letter
8. Ministry of Community Safety & Correctional Services – Congratulations Letter
9. Community Living Essex County – 4th Annual Municipal Cup Challenge Invitation

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the following minutes be received:

1. Amherstburg Police Services Board Minutes – February 21, 2012
2. Amherstburg Committee of Adjustment Minutes – February 28, 2012
3. Heritage Committee Minutes – February 23, 2012
4. Amherstburg Parks Advisory Committee Minutes – February 7, 2012

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

24.1 Rotary Club of Amherstburg – “Beef in the Burg”

Councillor DiPasquale moved, Councillor Pouget seconded:

That the correspondence from the Rotary Club of Amherstburg - “Beef in the Burg” be received;

And further that Council support the request for use of Toddy Jones Park on June 6, 2012 from noon until 9:00 p.m., waive the fee for the use of this park for that day, and work with Public Works in preparation for this event.

The Mayor put the Motion.

Motion Carried

24.2 North American Black Historical Museum – Donation Request

Councillor DiPasquale moved, Councillor Sutton seconded:

That the correspondence from the North American Black Historical Museum – Donation Request be received;

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

Unfinished Business items as of April 10, 2012

- Councillor Sutton asked that the Kingsbridge Park naming be added to the Unfinished Business List.
- Councillor Pouget asked Administration to report back with an update on the St. Jean Baptiste school and the potential uses for the property.
- Councillor DiPasquale sought an update on the Municipal Drainage Study. It was noted that an Administrative report would follow in 2-3 months.

NEW BUSINESS

- Councillor Pouget spoke regarding complaints she had received on the closing of the local laundromat and questioned whether the Town should advertise for a similar business in the news.

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

That Administration advertise in the RTT the need for laundromat services in the Town of Amherstburg.

The Mayor put the Motion.

Motion Failed

- Councillor Davies spoke regarding cougar sightings. She asked if the Ministry of Environment, ERCA or the Town Police have a plan in place. Mayor Hurst stated that Tim Berthiaume would bring a report back to Council on the matter.

REPORT FROM IN-CAMERA SESSION

Report from In Camera Meeting held April 10, 2012

The Deputy Clerk reported that Council met in closed session on April 10, 2012 with respect to an Update on Property Standards/Litigation Matters (Exemption 239 (2e)). There is nothing further to report.

Performance Reviews (Exemption 239 (2d)). *There is nothing further to report.*

Acting CAO Appointment (Exemption 239 (2b) and 239 (2d)). *The matter was dealt with on the public agenda under Item # 19.1*

NOTICES OF MOTION

28.1 Councillor DiPasquale – Electoral System Review (As introduced at the March 19, 2012 Meeting)

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

Whereas the governance of a Council in any municipality are exercised on behalf of its residents who elected them,

And Whereas members of Council are chosen either on an at-large election or by a ward election. When Councillors are elected at large, voters choose their favourite candidate from a large list of all those running for Council. In a ward system voters will choose their favourite candidates from a list in each Ward that is created.

And Whereas an election by Ward system is often favoured when a municipality such as Amherstburg which has a diverse mix of interests as a result of its distinct urban and rural areas, and election by a ward system can better assure representation by Council in all the districts. The primary purpose for the establishment of wards is to attempt to ensure that the democratic principle of fair public representation is achieved during municipal elections and the subsequent governance of the municipality by Council.

Therefore, I cause to be moved that Council direct administration investigate the forming of a ward system for the Town of Amherstburg and obtain guidance and comments from the Ministry Municipal Affairs regarding this process, that at least three public meetings be held in an effort to obtain public input from all residents and that a final report with recommendations be brought back to Council, in a timely fashion, for a final decision and ready for the election.

There was a lengthy discussion with regard to the matter.

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 Failed

BY-LAWS

29.1 Drainage By-law

Councillor Pillon moved, Councillor Sutton seconded:

That **By-law 2012-07** being a By-law to provide for the Repair and Improvement of the Morgan Drain North Branch based on the Drainage Report by Stantec Consulting be read a **THIRD** and final time, and finally passed and the Mayor and Clerk be authorized to sign same thereto.

The Mayor put the Motion.

Motion Carried

29.2 Confirmatory By-law

Councillor Davies moved, Deputy Mayor Sutherland seconded:

That **By-law 2012-31** being a By-law to confirm all resolutions of the Municipal Council Meeting held on April 10th, 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

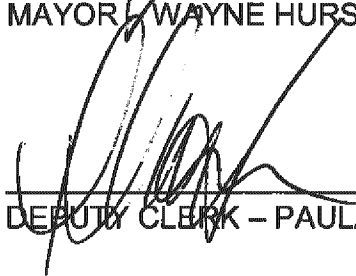
Councillor Sutton moved, Councillor Pillon seconded:

That Council rise and adjourn at 9:08 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR, WAYNE HURST

DEPUTY CLERK - PAULA PARKER

