

**TOWN OF AMHERSTBURG
COUNCIL MEETING
Monday, May 14, 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

Kristina Pozar Di Paolo, Acting CAO
Brenda Percy, Clerk

CALL TO ORDER

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

PRAYER

Brenda Percy, Manager of Legislative Services/Clerk, said prayer.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

Councillor DiPasquale declared a conflict of interest in Item 7.2 - Adjustment to Date of Rotary Rib Fest 2012.

MINUTES OF PREVIOUS MEETING

Approval of Minutes

Deputy Mayor Sutherland 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. **Special Council Meeting Minutes – April 23, 2012**
2. **Regular Council Meeting Minutes – April 23, 2012**
3. **Special Council Meeting Minutes – April 25, 2012**
4. **Special Council Meeting Minutes – January 16, 2012**
5. **Special Council Meeting Minutes – January 17, 2012**
6. **Special Council Meeting Minutes – January 24, 2012**
7. **Special In-Camera Council Meeting Minutes – February 6, 2012**

The Mayor put the Motion.

Motion Carried

DELEGATIONS

5.1 Al Gignac, President of the Amherstburg Fort Malden Horticultural Society – Donation to the Hanging Basket Program

Al Gignac, President of the Amherstburg Fort Malden Horticultural Society presented a donation to the Town of Amherstburg for its hanging basket program.

Councillor Pillon moved, Councillor Sutton seconded:

That the donation and presentation be received with thanks.

The Mayor put the Motion.

Motion Carried

5.2 Sarah Beaudoin – Possible Closure of Catholic Schools in Amherstburg

Sarah Beaudoin addressed Council regarding the possible closure of Catholic Schools in Amherstburg. A copy of Ms. Beaudoin's speaking notes and request is attached and forms an Addendum to the Minutes.

Councillor Sutton moved, Councillor Davies seconded:

That a letter be sent to Mr. Pickard indicating what proposed developments are in Amherstburg's future as well as indicate that Council is supportive of ARC's recommendation to engage in a further study and that no schools be closed at this time.

The Mayor put the Motion.

Motion Carried

Councillor Pillon moved, Councillor Sutton seconded:

That the delegation be received.

The Mayor put the Motion.

Motion Carried

5.3 Rob McLean – Charity Municipal E-Waste Collection Events

Rob McLean provided a presentation with regard to Charity Municipal E-Waste Collection Events.

Councillor Pillon moved, Councillor DiPasquale seconded:

That the delegation be received and that the matter be referred to Public Works to determine how the equipment could be picked up or dropped off and that Administration report back to Council.

The Mayor put the Motion.

Motion Carried

5.4 Ron LaPointe – Naming of the River Canard Bridge

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

That Administration be requested to peruse other communities' policies dealing with commemorating and naming assets. Suitable policies will be used to draft appropriate policies for Amherstburg. Council will scrutinize the drafts for possible approval.

The Mayor put the Motion.

Motion Carried

Councillor Pillon moved, Councillor Sutton seconded:

That the delegation be received.

The Mayor put the Motion.

Motion Carried

5.5 Cindy Prince & Sandra Couloufis – Boblo Island Update

Cindy Prince & Sandra Couloufis presented a PowerPoint presentation with regard to Bob-lo Island Marine Resort Community and status of projects.

Councillor Pillon moved, Councillor Sutton seconded:

That the delegation be received.

The Mayor put the Motion.

Motion Carried

PRESENTATIONS

No reports at this time.

REPORTS - RECREATION/CULTURE/PARKS

7.1 New Off-Off Prime Time Rate for Ice Rental

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That the report from Dean Colver, Director of Recreation and Culture, dated April 30, 2012 regarding the New Off-Off Prime Time Rate for Ice Rental be received;

That Council approve an amendment to the Amherstburg Rates and Fees Schedule that will allow the introduction of an Off-Off-Prime Time ice rental rate between the hours of 7am and 12noon on weekdays at the United Communities Credit Union Complex beginning September 1st, 2012 through to and including April 1st, 2013;

That Council approve an Off-Off PrimeTime price point of \$65 per hour during this period;

And further that Council approve the integration of this price point into the existing Rates and Fees Schedule to match the duration of the existing Rates and Fees Schedule with all increases accordingly applied.

The Mayor put the Motion.

Motion Carried

7.2 Adjustment to Date of Rotary Rib Fest 2012

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

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

That the report from Dean Collver, Director of Recreation and Culture, dated April 30, 2012 regarding Adjustment to Date of Rotary Rib Fest 2012 be received;

And further, that Council acknowledge that the date of the Rotary Rib Fest has changed from July 21st, 22nd and 23rd to July 6th, 7th and 8th;

And further, that Council approve a relief of fees to the Rotary Club stemming from use of the S. Ralph McCurdy Park for the event.

The Mayor put the Motion.

Motion Carried

7.3 2013 Tall Ships Challenge agreement and “The Southwest Shores Tall Ships Festival”

Dean Collver and Anne Rota presented a PowerPoint presentation with regard to Tall Ships Festival.

Councillor Sutton moved, Councillor Pouget seconded:

That the report submitted by Dean Collver regarding the 2013 Tall Ships Challenge agreement and “The Southwest Shores Tall Ships Festival” dated May 3, 2012 be received;

That the Town of Amherstburg (as “Port Organizer”) enter into a contract with the Tall Ships of America Association to become the facilitators of Amherstburg’s portion of the “Southwest Shores Tall Ships Festival” to be held in 2013, such contract having been satisfactorily reviewed and following the Town Solicitor’s recommendations;

That a By-law and said agreement be brought to Council for consideration at the May 28, 2012 Council meeting;

That upon signing the contract, the Recreation and Culture Department staff be directed to invite the proposed Class A and Class B Tall Ships to our community;

That a \$2500 deposit be approved for the American Sail Training Association's port fee, as an unbudgeted expense for 2012;

And further that Amherstburg collaborate with Kingsville, Leamington and Windsor to develop a regional "Southwest Shores Tall Ships Festival" in accordance with the Tall Ships of America mandate.

The Mayor put the Motion.

Motion Carried

7.4 Request to Waive Fee for Toddy Jones Park Pavilion

Councillor Pillon moved, Councillor Davies seconded:

That the report from Dean Collver dated April 25, 2012 regarding to Waive the Fee for Toddy Jones Park Pavilion be received;

And further that Council agree to waive the rental fee for the Pavilion at Toddy Jones Park for the St. Andrew's Presbyterian Church Picnic on June 10, 2012.

The Mayor put the Motion.

Motion Carried

7.5 Amherstburg Malden Centre Ball Diamond Concession – Request to waive 2012 fees

Councillor Pillon moved, Councillor Sutton seconded:

That the report by Dean Collver dated April 25, 2012 regarding the Amherstburg Malden Centre Baseball Diamond Concession – Request to waive fees be received;

And further that Council approve a waiver of the \$150.00 monthly fee to operate the Malden Centre Concessions at Malden Centre Park for the 2012 Baseball season.

The Mayor put the Motion.

Motion Carried

7.6 Proclaiming June is Recreation & Parks Month

Councillor DiPasquale moved, Councillor Davie seconded:

That the report by Dean Collver dated April 17, 2012 regarding Parks and Recreation Ontario's designation of June as Recreation & Parks Month be received;

And further that the Mayor along with Members of Council proclaim that June is Recreation & Parks Month in Amherstburg.

The Mayor put the Motion.

Motion Carried

7.7 Ride for Dad Event at Ranta Marina (from Supplementary Agenda)

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That the report from Dean Collver and Kristina Pozar Di Paolo, dated May 14, 2012 regarding the Ride for Dad Event at Ranta Marina be received;

That Council approve the Ride for Dad Event at Ranta Marina conditional to all requirements being met as outlined in Appendix A;

That Council approve a relief of fees, totalling \$440 to Ranta Marina stemming from the use of 44 picnic tables;

And further that Council approve a relief of fees totally \$90 to Ranta Marina stemming from use of the Ranta Park for the event.

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 Rural Connections Broadband RFP Results

Council requested that the Bob-lo area be noted specifically in the by-law as the area to be serviced.

Councillor Sutton moved, Councillor Davies seconded:

That the report by Dave Carpenter, dated April 4, 2012 regarding the Rural Connections Broadband RFP Results be received;

And further that By-law 2012-34 being a By-law authorizing the execution of a Contracted Service Agreement between the Corporation of the Town of Amherstburg and Xplornet Broadband Inc. 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 Unanimously

10.2 Rural Connections Broadband Program Project Management

Councillor Pillon moved, Councillor Davies seconded:

That the report by Dave Carpenter, dated April 5, 2012 regarding the Rural Connections Broadband Program Project Management be received;

And further that By-law 2012-35 being a By-law authorizing the execution of a contract agreement between the Corporation of the Town of Amherstburg and the University of Windsor 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

REPORTS - DEVELOPMENT SERVICES

11.1 Part IV Designations – Ontario Heritage Act – 7143 Essex Road 50 – Notice of Intent to Designate

Councillor DiPasquale moved, Councillor Davies seconded:

That Council receive the report by Stephen Brown, Chief Building Official, dated April 25, 2012 regarding the Notice of Intent to Designate 7143 Essex Road 50, Amherstburg;

And further that Council direct Administration to prepare a “Notice of Intent to Designate”, for property known as 7143 Essex Road 50, as being of historical and architectural value or interest under Part IV of the Ontario Heritage Act, R.S.O. 1990, c.O.18.

The Mayor put the Motion.

Motion Carried

11.2 Removal of Part Lot Control Golfview Subdivision

Councillor Sutton moved, Councillor Pillon seconded:

That the report from Lory Bratt dated May 1, 2012 regarding removal of Part Lot Control – Golfview Subdivision be received;

That Council approve the application for removal of Part Lot Control for Lots 5, 6, 7, 8, 9, 10, 35 to 50 inclusive, 60, 61 and 62, Part of Lots 2, 3, 4, 52, 53, 57, 58 and 59 and Block 64 and Part of Block 63 on Registered Plan 12M-517 more particularly described as Part 2, Parts 4 to 22 inclusive, 25, 29, Parts 31 to 36 inclusive, Parts 40 and 23 on Reference Plan 12R-22160 and known locally as a portion of Golfview Subdivision;

And further that By-law 2012-36 being a by-law to remove certain lands from Part Lot Control (12M-517) 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

11.3 Removal of Part Lot Control Riverfront Park Subdivision

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

That the report from Lory Bratt dated May 1, 2012 regarding removal of Part Lot Control – Riverfront Park Subdivision be received;

That Council approve the application for removal of Part Lot Control for Part Block 2, Plan 12M-550, being Parts 1 and 6 on Plan 12R-23280, Part Block 3, Plan 12M-550, being Parts 2, 3, 4, 5 on Plan 12R-24550, Blocks 4 through 11, inclusive, Plan 12M-550;

And further that By-law 2012-37 being a by-law to remove certain lands from Part Lot Control (12M-550) 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

11.4 Application for Variance to Sign By-Law – Brady Thrasher – Off Site Sign Variance – 527 Sandwich Street South

Councillor Sutton moved, Councillor Pillon seconded:

That the Town of Amherstburg approve a variance from Sign By-law 2006-26, to the applicant, Brady Thrasher to place an off premise fascia sign at 527 Sandwich Street South (known as the Fort Malden Motel).

The Mayor put the Motion.

Motion Carried

11.5 Application for Variance to Sign By-Law – Brady Thrasher – Off Site Sign Variance – 157 Park Street

Council discussed a sign on a building at the corner of Sandwich and Richmond streets as to whether the same rules would apply. Stephen Brown advised that he would look into the circumstances surrounding the approval of that signage.

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That the Town of Amherstburg deny a variance from Sign By-law 2006-26, to the applicant, Brady Thrasher to place an off premise fascia sign at 157 Park Street.

The Mayor put the Motion.

Motion Carried Unanimously

11.6 Heritage Tax Rebate Applications – 2011

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That the report by Stephen Brown dated May 2, 2012 regarding the Heritage Tax Rebate Applications for 2011 be received;

And further that Council concur with the recommendation from the Heritage Committee that the Heritage Tax rebates be denied for the properties known as 281 King Street and 193 Gore Street.

The Mayor put the Motion.

Motion Carried Unanimously

11.7 Ranta Marina Development 1797530 Ontario Inc. – Spatial Separation Covenant Agreement (*from Supplementary Agenda*)

Councillor Sutton moved, Councillor Pillon seconded:

That the report by Lory Bratt, Planning Coordinator dated May 11, 2012 regarding a spatial separation covenant agreement be received;

And further that By-law 2012-41 being a By-law to authorize the signing of an agreement 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

REPORTS - ENGINEERING AND INFRASTRUCTURE

12.1 Morgan Drain North Branch Enclosure Tender Results and Recommendations

Councillor Pillon questioned the engineering costs outlined in the report. Lou Zarlenga advised that these costs were associated with the Kingsbridge Subdivision project and that the engineering was approved by the developer.

Councillor DiPasquale moved, Councillor Pillon seconded:

That Council receive the report from Lou Zarlenga dated May 2, 2012 regarding the Morgan Drain North Branch Enclosure Tender Results and Recommendations;

And further that Council award the contract to the lowest bidder, being Rivard Excavating Ltd. for \$54,350.00 plus HST.

The Mayor put the Motion.

Motion Carried

12.2 Morgan Drain Main and South Branch Improvement Project – Tender Results

Councillor DiPasquale moved, Councillor Pouget seconded:

That Council receive the report from Lou Zarlenga dated April 24, 2012 regarding the tender results for the Morgan Drain Main and South Branch Improvement Project;

And further that Council accept Administration's recommendation to award the contract to the lowest bidder, being Rivard Excavating Ltd., for the Morgan Drain Main and South Branch Improvement Project in the amount of \$85,230.00 excluding HST.

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

No reports at this time.

REPORTS - TREASURY

14.1 Final Tax Levy By-law 2012-38

Councillor Sutton moved, Councillor Pouget seconded:

That the report by Paul Beneteau, Treasurer, dated March 23, 2012 regarding the final tax rate By-law for 2012, be received;

And further that By-law 2012-38, being a By-law to adopt the 2011 assessments on which taxes will be levied for the year 2012, to levy taxes for the year 2012, and to provide for the collection thereof, 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

14.2 Tax Write-Offs and Assessment Changes

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That Council approves the Write-Offs and Changes in Assessment as presented;

And further that By-law 2012-40, being a By-law to strike taxes from the tax roll and to adjust assessment values on properties, 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

REPORTS - HUMAN RESOURCES

No reports at this time.

REPORTS - CLERK'S

16.1 Committee Vacancy – Amherstburg Accessibility Advisory Committee

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

That the report by Brenda Percy on behalf of Ken Houston, Chair, Amherstburg Accessibility Advisory Committee dated April 30, 2012 regarding the vacancy on the AAAC Committee be received;

And further that Council appoint Valentino Mancini as committee member of the Amherstburg Accessibility Advisory Committee from May 15, 2012 until December 31, 2014.

The Mayor put the Motion.

Motion Carried

CONSENT REPORTS

Councillor Sutton moved, Councillor Pouget seconded:

That the consent reports be received.

- 1. ERCA report on Increase Natural Areas Coverage**
- 2. 2012 Surplus Equipment – Results of March 31, 2012 Auction**
- 3. Public Works Yard Waste Depot Extension of Service Hours**
- 4. Old Water Tower Decommissioning Update**

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That the correspondence items 1-5, 8-10 and 12 be received.

The Mayor put the Motion.

Motion Carried

1. **Union Gas – “Helping Hand in Action” Union Gas Initiative**
2. **City of Windsor – Resolution re: 2014 Ontario 55+ Summer Games**
3. **Township of Wainfleet – Resolution re: Industrial Wind Turbines**
4. **Fisheries and Oceans Canada – Proposed Recovery Strategy for Spotted Gar**
5. **Oxford County – Moratorium on Future Landfill Construction**
6. **Mr. David Bailey – Dirt for Town Property**
7. **Amherstburg Heritage Committee – Heritage District**
8. **Chartwell Seniors Housing Reit – Senior Star**
9. **Ranta Marina – Speed Limit for Water Crafts**
10. **Amherstburg Chamber of Commerce – 3rd Annual Mardi Gras**
11. **County of Simcoe – Resolution re: Raw Food Per Diem Rate – Long Term Care Facilities**
12. **202nd Fort Malden Royal Canadian Army Cadet Corps – 35th Annual Review**

Item 6 – Mr. David Bailey – Dirt for Town Property

Councillor Pouget noted that she would like Administration to send a letter to Mr. Bailey on this issue. Lou Zarlenga advised that there is already sufficient soil available at the Anderdon Sewage Lagoons site for the decommissioning project and that there would be additional material available from the excavation at the Wastewater plant.

Item 7 – Amherstburg Heritage Committee – Heritage District

Councillor Davies moved, Councillor Pillon seconded:

That the recommendation of the Amherstburg Heritage Committee regarding a Heritage District be referred to Administration for consideration.

The Mayor put the Motion.

Motion Carried

Item 11 – County of Simcoe – Resolution re: Raw Food Per Diem Rate – Long Term Care Facilities

Councillor Pouget moved, Councillor Davies seconded:

That Council direct Administration to send a letter to the Minister of Health and Long Term Care indicating the negative impact a cut in the raw food per diem rate for long term care facilities would have on residents of the Town of

Amherstburg and requesting an increase in the raw food per diem rate for these long term care facilities;

And further that this resolution be circulated to the County of Essex Council and member municipalities for support.

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

That the following minutes be received:

- 1. Amherstburg Committee of Adjustment Minutes – March 27, 2012**
- 2. Amherstburg Parks Advisory Committee Minutes – March 6, 2012**
- 3. Amherstburg Heritage Committee Minutes – March 21, 2012**

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

20.1 Spina Bifida & Hydrocephalus Association of Ontario – Proclamation Request

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That the correspondence from the Spina Bifida & Hydrocephalus Association of Ontario – Proclamation Request be received;

And further that Council proclaim the month of June to be Spina Bifida and Hydrocephalus Awareness Month.

The Mayor put the Motion.

Motion Carried

The Mayor read the proclamation.

20.2 Ontario Human Rights Commission – Proclamation Request

Councillor Sutton moved, Councillor Pillon seconded:

That the correspondence from the Ontario Human Rights Commission – Proclamation Request be received;

And further that Council proclaim the week of June 11-15, 2012 to be Ontario Human Rights Code Week.

The Mayor put the Motion.

Motion Carried

The Mayor read the proclamation.

UNFINISHED BUSINESS

Unfinished Business items as of May 14, 2012

Deputy Mayor Sutherland requested an update on the naming of Kingsbridge Park. Dean Colver advised that staff are currently in the midst of this project and want to confirm the name with the family.

Councillor Davies requested an update on the landscaping around the Solar Developments and Councillor Pouget asked for an update regarding complaints of malfunctioning solar panels. Lory Bratt advised that staff met with the contractor to address these issues and will be receiving more information tomorrow. She noted that she would keep Council apprised via email.

Councillor DiPasquale asked staff if there had been any progress made on the Concession 6 North project. Lou Zarlenga advised that an advertisement will be in the paper this week and also noted that construction would resume on 3rd Concession.

NEW BUSINESS

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That Council re-dedicate Malden Centre Park on behalf of Earl Deslippe with a plaque to be placed at the #1 Diamond.

The Mayor put the Motion.

Motion Carried

NOTICES OF MOTION

23.1 **Councillor Sutton – Hiring Freeze**
(As introduced at the April 23, 2012 Meeting)

Councillor Sutton moved, Councillor DiPasquale seconded:

That respecting the need to fulfill current contractual obligations, necessary seasonal, non-permanent part-time staff and those positions mandated under the Municipal Act, that the Town of Amherstburg implement a hiring freeze until the Organizational Review is complete and presented to Council.

The Mayor put the Motion.

Motion Carried

Councillor Davies provided Notice of Motion with regard to the protection of non-cable French language television for Town residents. The item will be added to the May 28, 2012 Council agenda for discussion and voting.

Councillor Pilon provided Notice of Motion with regard to the Canada – European Union Comprehensive Economic and Trade Agreement related resolution as passed by the County of Essex Council. The item will be added to the May 28, 2012 Council agenda for discussion and voting.

BY-LAWS

24.1 **Confirmatory By-law**

Councillor Sutton moved, Councillor Pilon seconded:

That By-law 2012-39 being a By-law to confirm all resolutions of the Municipal Council Meetings held on April 25th and May 14th, 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

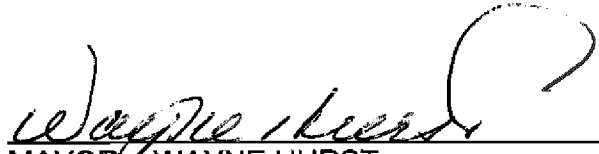
ADJOURNMENT

Deputy Mayor Sutherland moved, Councillor Pilon seconded:


That Council rise and adjourn at 9:40 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR - WAYNE HURST



CLERK - BRENDA M. PERCY

