

**TOWN OF AMHERSTBURG  
COUNCIL MEETING  
Monday, May 28, 2012  
7:00 p.m.**

Council Chambers, 271 Sandwich Street South Amherstburg

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**MINUTES**

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**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 6:30pm.

**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 Davies seconded:

**That Council move into an In-Camera Meeting of Council at 6:30pm., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:**

- ITEM A - Land Acquisition/Disposition Matter -**  
*A proposed or pending acquisition or disposition of land by the municipality or local board*  
*[ 239 (2c) ]*
- ITEM B - Personnel Matter**  
*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 Pouget declared a conflict with regard to Item 9.2 being a delegation with regard to Lakeside Drive Road due to family relation.

### **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. Regular Council Meeting Minutes – May 14, 2012**

The Mayor put the Motion.

**Motion Carried**

## **DELEGATIONS**

### **9.1 Tim McAllister – Drainage Issues at the Amherstburg First Baptist Church**

Tim McAllister addressed Council and advised of drainage issues at the Amherstburg First Baptist Church. A copy of the speaking notes are attached and form an Addendum to the minutes.

Councillor Sutton asked that Administration advise if the Church has a historical designation.

Councillor Sutton moved, Councillor DiPasquale seconded:

**That the delegation be received;**

**That the request be forwarded to Administration and that Administration report back at the next Council meeting to act on the recommendations, post haste;**

**And further that a letter of support be sent.**

The Mayor put the Motion.

**Motion Carried**

### **9.2 Gord McDowall, Roy Amore & Enio Parete – Lakeside Drive Road Maintenance**

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

Roy Amore & Enio Parete addressed Council regarding Lakeside Drive Road maintenance. A copy of the speaking notes are attached and form an Addendum to the minutes.

There was discussion with regard to a need to bring the road up to standard in order to transfer the road to the Town, the costs associated, and that the Town is required to use this private road in order to access the public road which is a unique situation. It was also noted that all parties need to work together to find resolution to the matter.

Councillor Sutton indicated that there is a need for the Board of Directors to pass a resolution so that there may be further discussions with Council. If it is the will of the residents, it would be appropriate to request that the Board pass that motion to proceed and discussions can take place with all principles.

Councillor DiPasquale moved, Councillor Sutton seconded:

**That the delegation be received.**

The Mayor put the Motion.

**Motion Carried**

## **PRESENTATIONS**

### **10.1 Tourism Windsor-Essex Pelee Island – 2012 Marketing Plan and 2012/2013 Official Visitor Guide**

Gordon Orr, Chief Executive Officer and Lynnette Bain, Vice President, Tourism Programs & Development addressed Council and provided a PowerPoint presentation with respect to TWEPI marketing and the new Official Visitor Guide.

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

**That the presentation be received.**

The Mayor put the Motion.

**Motion Carried**

Councillor Pillon moved, Councillor Sutton seconded:

**That Item 29.2 be brought forward for consideration.**

The Mayor put the Motion.

**Motion Carried**

### **29.2 Councillor Pillon – County of Essex Resolution re: Canada – European Union Comprehensive Economic and Trade Agreement (CETA)**

Councillor Pillon moved, Councillor Sutton seconded:

**Whereas the governments of Canada and the European Union have been negotiating a trade agreement known as the Comprehensive Economic and Trade Agreement (CETA); and**

**Whereas both the Canadian government and the EU refuse to disclose draft texts of the agreement to the public; and**

**Whereas under the covered procurement section of CETA, all governments and government entities including municipalities, schools, hospitals and universities are forbidden from favouring local goods and services, over a certain threshold, including local food, which could significantly reduce or eliminate the right to specify local priorities when public money is invested; and**

**Whereas Canadian municipalities have expressed growing concerns with trade agreements and their potential impacts on municipal programs and services and local autonomy.**

**Therefore be it resolved that the Town of Amherstburg request that the Government of Canada:**

- **Disclose the full content of CETA to all Canadian public;**
- **Ensure all governments, including municipal governments, are able to continue to use public money to favour local goods and services, including increasing support for local food in municipalities, schools, hospitals and universities;**
- **Protect the right of farmers to save, reuse, exchange and sell seeds;**
- **Not extend corporate patent rights for drugs, which will drive up health care costs.**

**And be it further resolved that this resolution be sent to the Association of Municipalities of Ontario for consideration and circulation and to the following: Local MP; Local MPP; Right Honourable Stephen Harper, Prime Minister of Canada; Honourable Edward Fast, Minister of International Trade; Honourable Gerry Ritz, Minister of Agriculture and Agri-food; Thomas Mulcair, Leader of the Opposition; Don Davies, NDP International Trade Critic; Malcolm Allen, NDP Agriculture Critic; Honourable Bob Rae, Leader, Liberal Party of Canada; Wayne Easter, Liberal International Trade Critic; Frank Valeriote, Liberal Agriculture Critic; Elizabeth May, Leader, Green Party of Canada; Honourable Ted McMeekin, Ontario Minister of Agriculture, Food and Rural Affairs; National Farmers Union Ontario.**

The Mayor put the Motion.

**Motion Carried**

Councillor Davies moved, Councillor Pilon seconded:

**That Item 29.2 be brought forward for consideration.**

The Mayor put the Motion.

**Motion Carried**

29.1 **Councillor Davies – Protection of French Language Non-Cable Television**  
*(As introduced at the May 14, 2012 Meeting)*

Councillor Davies moved, Councillor Sutton seconded:

**Whereas the Essex region has had ready access to francophone television programming on CBEFT since 1976; and**

**Whereas this analogue transmission service is set to be shut down at the end of July; and**

**Whereas this will impact the francophone community in Windsor and Essex County area, leaving them without their only non-cable access to information in their preferred language; and**

**Whereas this decision, not to switch this long-standing analogue service to digital, will force the francophone community to pay high fees for a cable service; and**

**Whereas there is a viable alternative; and**

**Whereas the French language service of the CBC could easily use a method known as “multiplexing” which would combine multiple digital data streams into one signal over a shared medium; and**

**Whereas the English transmitter at CBEFT could be used for this purpose; and**

**Whereas this would allow the CBC to shut down the analogue service but retain local francophone programming by broadcasting on a sub-channel; and**

**Whereas this is a proven technology and widely used in the United States;**

**Therefore be it resolved that the Town of Amherstburg Council urge the Canadian Radio-Television and Telecommunications Commission, Industry Canada and Minister Christian Paradis and the Department of Canadian Heritage and Minister James Moore to authorize the CBC to use this multiplexing method as a viable alternative to serve the Francophone Community.**

**And further be it resolved that this motion be sent to Essex County Council, the Association of Municipalities of Ontario and the Federation of Canadian Municipalities.**

The Mayor put the Motion.

**Motion Carried**

#### **REPORTS - RECREATION/CULTURE/PARKS**

**11.1 Waive Fee for Toddy Jones Park Pavillion – Corey Meloche Memorial Walk and Barbecue**

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

**That the report by Dean Colver dated May 18, 2012 regarding a request to Waive the Fee for Toddy Jones Park Pavillion be received;**

**And further that Council agree to waive the rental fee for the Pavillion at Toddy Jones Park for the Corey Meloche Memorial Walk and Barbecue on June 9, 2012.**

The Mayor put the Motion.

**Motion Carried**

**11.2 Committee Vacancy – Recreation and Culture Advisory Committee**

Councillor DiPasquale moved, Councillor Sutton seconded:

**That the report by Dean Colver dated May 17, 2012 regarding the vacancy on the Recreation and Culture Advisory Committee be received;**

**That Administration be directed to proceed to fill the member vacancy by advertising for application in the local media and on the Town website;**

**And further that the Committee identify suitable candidates from the applications for Council's consideration and appointment at a future meeting.**

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**

**16.1 Street Light Maintenance in the Town of Amherstburg – Tender Results and Recommendations**

There was discussion with regard to the terms of the contract, the mandated response time for maintenance and the difference in tender pricing.

Councillor Pouget moved, Councillor DiPasquale seconded:

**That Council receive the report from Lou Zarlenga dated May 2, 2012 regarding the Street Light Maintenance in the Town of Amherstburg Tender Results and Recommendations;**

**And further that Council award the contract to the lowest bidder, being Langley Utilities Contracting Ltd. for \$43,320.00 per year plus HST.**

The Mayor put the Motion.

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

**Motion Carried**



**16.2 3rd Concession Municipal Drain Notice from Bernadette Bezaire – Request for Drain Maintenance**

Councillor Pouget moved, Councillor DiPasquale seconded:

**That Council receive the report from Lou Zarlenga dated May 15, 2012 concerning the 3rd Concession Municipal Drain and the notices from Bernadette Bezaire regarding the drain being out of repair;**

**That Council appoint a Drainage Engineer pursuant to Section 78 of the Drainage Act for the repair and improvement of the 3rd Concession Road Municipal Drain;**

**And further that Mr. Gerard Rood, P.Eng. from the firm of Rood Engineering Inc. be appointed for the purpose of preparing an engineer's report including plans and profiles for the 3rd Concession Road Municipal Drain.**

The Mayor put the Motion.

**Motion Carried**

**REPORTS - CAO's OFFICE**

**17.1 Extension of Listing for 219 Brock St. (Former St. Jean de Baptiste School)**

There was discussion with regard to the process and length of time of the Listing Agreement.

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

**That the report from Acting CAO Kristina Pozar Di Paolo, dated May 23, 2012 regarding the Extension of Listing for 219 Brock Street be received;**

**And further that Council direct Administration to extend the Listing Agreement with Andy Coletti, of Regency Realty Limited, for 219 Brock Street (former St. Jean de Baptiste School) for a 6 month period.**

The Mayor put the Motion.

**Motion Carried**

**17.2 Request from WETRA for Donation of Town Bleachers**

There was discussion with regard to the process of declaring the bleachers as surplus and liability.

Councillor Sutton moved, Councillor Davies seconded:

**That the report from Acting CAO Kristina Pozar Di Paolo, dated May 23, 2012 regarding the Request from WETRA for Donation of Town Bleachers be received;**

**That Council direct the Treasurer to award the surplus bleachers, as identified in Appendix A, to the non-profit entity known as WETRA;**

**And further that WETRA be required to sign a Town Solicitor prepared waiver acknowledging the condition of the bleachers and imposing all liability on the charity.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**REPORTS - TREASURY**

**18.1 Tax Arrears Extension Agreement for 120 Links Drive, 3729-420-000-39300-0000**

Councillor Sutton moved, Councillor Pouget seconded:

**That Council receive the report regarding an extension agreement between the Town of Amherstburg and the owner of 120 Links Drive, as submitted by the Treasurer;**

**That the Mayor and Clerk be authorized to enter into the extension agreement between the Town and the property owner, on behalf of the Town, with the terms outlined in the said agreement;**

**And further, that By-law 2012-42, being a by-law to authorize the execution of a tax arrears extension agreement, pursuant to Section 378 of the Municipal Act, 2001, be taken as having been read 3 times and that 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**

**20.1 Liquor Licence Application – Moe's Smoke House Bar & Grill, 144 Boblo Island Boulevard, Amherstburg**

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**That the report by Brenda Percy dated May 23, 2012 regarding Application for Liquor Licence for Moe's Smoke House Bar & Grill, 144 Boblo Island Boulevard, Amherstburg be received;**

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

The Mayor put the Motion.

**Motion Carried**

**20.2 Temporary Extension Application for Liquor Sales License, Knights of Columbus, 190 Richmond St., Amherstburg**

Councillor DiPasquale moved, Councillor Pillon seconded:

**That the report by Brenda Percy dated May 23, 2012 regarding a Temporary Extension Application for Liquor Sales License, Knights of Columbus, 190 Richmond St., Amherstburg be received;**

**And further that the Clerk be directed to advise the AGCO that Council has no objection to the proposed temporary extension of the licensed area.**

The Mayor put the Motion.

**Motion Carried**

## **CONSENT REPORTS**

Councillor Pillon moved, Councillor Pouget seconded:

**That the consent reports be received.**

The Mayor put the Motion.

**Motion Carried**

- 1. Drinking Water Quality Management System – Management Review Meeting Minutes – Changes to the Accreditation Body**
- 2. 2012 – 1<sup>st</sup> Quarter Report**
- 3. Accounts Paid for the Period March 10, 2012 to April 30, 2012**
- 4. Update on Essex Energy Corporation Solar Photovoltaic Project at the United Communities Credit Union Complex**
- 5. New Retirement Home Legislation – Information**

## **CONSENT CORRESPONDENCE**

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

**That the correspondence be received.**

- 1. Essex Region Source Protection Committee – Notice under O. Reg. 287/07 Source Protection Plan Preparation for Drinking Water Source Protection in the Essex Region Source Protection Area**
- 2. Ministry of Citizenship and Immigration – Ontario Medal for Good Citizenship**

The Mayor put the Motion.

**Motion Carried**

## **CONSENT OTHER MINUTES**

Councillor Sutton moved, Councillor Davies seconded:

**That the following minutes be received:**

- 1. Amherstburg Heritage Committee Minutes – April 19, 2012**

The Mayor put the Motion.

**Motion Carried**

## **CORRESPONDENCE**

### **24.1 Teachers of English as a Second Language Association of Ontario – Proclamation Request**

Councillor Pouget moved, Councillor Davies seconded:

**That the correspondence from the Teachers of English as a Second Language Association of Ontario – Proclamation Request be received;**

**And further that Council proclaim the week of November 4-10, 2012 to be English as a Second Language Week.**

The Mayor put the Motion.

**Motion Carried**

The Mayor read the proclamation.

### **24.2 National Bike Month – Proclamation Request**

Councillor DiPasquale moved, Councillor Sutton seconded:

**That the correspondence National Bike Month – Proclamation Request be received;**

**And further that Council proclaim the month of June to be Bike Month.**

The Mayor put the Motion.

**Motion Carried**

The Mayor read the proclamation.

### **24.3 Royal Canadian Legion - Grave Decoration Parade**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the correspondence from the Royal Canadian Legion – Grave Decoration Parade be received;**

**And further that the event be approved in principal subject to coordination and information that may be required by Town's Departments.**

The Mayor put the Motion.

**Motion Carried**

## **OTHER MINUTES**

### **25.1 Traffic Committee Minutes from the Meeting of April 11, 2012**

Councillor Pillon moved, Councillor DiPasquale seconded:

**That the Traffic Committee Minutes from the Meeting of April 11, 2012 be received;**

**And that Council concur with the Traffic Committee's recommendation that a request be made to the County of Essex to move the 50km zone 500 meters east on County Road 18 due to increased pedestrian and vehicular traffic at the County Road 18 and Meloche Road intersection.**

The Mayor put the Motion.

**Motion Carried**

## **UNFINISHED BUSINESS**

Unfinished Business items as of May 28, 2012

None.

## **NEW BUSINESS**

None.

## **REPORT FROM IN-CAMERA SESSION**

Report from In Camera Meeting held May 28, 2012

The Clerk reported that Council met in closed session on May 28, 2012 and discussed the following:

- a) A matter under Section 239(2)(c) –being a Land Acquisition/Disposition Matter –219 Brock Street (former St. Jean Baptiste school property). There is nothing further to report on this matter.
- b) A matter under Section 239 (2d) –being an Employee Matter. There is nothing further to report on this matter.

## NOTICES OF MOTION

### 29.1 Councillor Davies – Protection of French Language Non-Cable Television

*As dealt with above.*

### 29.2 Councillor Pillon – County of Essex Resolution re: Canada – European Union Comprehensive Economic and Trade Agreement (CETA)

*As dealt with above.*

## BY-LAWS

### 29.1 By-law to amend By-law 2011-50, being a By-law to permit the Town to impose fees or charges

It was noted that the proposed By-law 2012-43 was advertised to the public with the understanding that comments or concerns could be brought forward by members of the public at this Council meeting. There were no comments or concerns raised.

Councillor Pouget moved, Councillor Sutton seconded:

**That By-law 2012- 43 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**

### 29.2 Confirmatory By-law

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That By-law 2012-44 being a By-law to confirm all resolutions of the Municipal Council Meeting held on May 14<sup>th</sup>, 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 8:35 p.m.**

The Mayor put the Motion.

**Motion Carried**

  
MAYOR - WAYNE HURST

  
CLERK - BRENDA M. PERCY