



TOWN OF AMHERSTBURG COUNCIL MEETING

Monday, August 13, 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.

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

(In-Camera agenda items)

There were no disclosures of pecuniary interest.

SPECIAL IN-CAMERA MEETING

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

That Council move into an In-Camera Meeting of Council at 5:00 p.m., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:

- ITEM A - Follow-up discussions regarding Amherstburg Waste Water Treatment Plant (AWWTP) – Section 239 (2) (f) - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose**
- ITEM B - Discussions regarding General Chemical – Section 239 (2) (f) – Advice that is subject to solicitor-client privilege, including communications necessary for that purpose**
- ITEM C - Discussions regarding an Employee Matter – Section 239 (2) (d) – Labour Relations and Employee Negotiations**

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)*

There were no disclosures of pecuniary interest.

MINUTES OF PREVIOUS MEETING

Approval of Minutes

Councillor Pouget asked that Item 2 being Regular Council Meeting Minutes held on July 23, 2012 be amended and note that she had indicated at that meeting that she did not receive information she had requested with regard to rezoning, and violations against the company. The Clerk asked that Council not consider Item 2 at this time.

Councillor Sutton moved, Deputy Mayor Sutherland 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– ZBA – July 23, 2012

The Mayor put the Motion.

Motion Carried

The Mayor commented on the different events that take place in the Town of Amherstburg. He specifically referred to the recent Bicentennial event that took place on August 3-5, 2012 and the efforts and work done by Anne Rota, Manager, Tourism and Culture and also the Committee. He praised the individuals for the work done and commented on the events generating a lot of visitor traffic.

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That Item 10.1 be brought forward at this time.

The Mayor put the Motion.

Motion Carried

10.1 Carol Bendo, Human Resources Manager – Presentation to Bill Pillon, Public Works Department on his Retirement

Councillor Sutton moved, Councillor Davies seconded:

That the presentation be received and that Bill Pillon be thanked for his 36 years of service as a Town Employee.

The Mayor put the Motion.

Motion Carried

DELEGATIONS

9.1 Chris Uzynski – Run for Heroes Marathon

Chris Uzynski and Shannon Falconer addressed Council and provided an update on the upcoming Run for Heroes Marathon. Mr. Uzynski presented the Town with a plaque which top female and male of each class will be listed on. He asked that the Town hang the plaque at the UCCU centre.

Councillor Pillon moved, Councillor Davies seconded:

That the delegation be received.

The Mayor put the Motion.

Motion Carried

9.2 Thomas Nichol – Request for Building for residents of Amherstburg

Mr. Nichol was not in attendance.

PRESENTATIONS

10.1 Carol Bendo, Human Resources Manager – Presentation to Bill Pillon, Public Works Department on his Retirement

As dealt with above.

REPORTS - RECREATION/CULTURE/PARKS

11.1 2012 World Alzheimer's Day "Run for Heroes" Amherstburg Marathon and Expo

Councillor Sutton moved, Councillor Pouget seconded:

That the report by Dean Collver dated July 12, 2012 regarding the 2012 World Alzheimer's Day "Run for Heroes" Amherstburg Marathon and Expo to be held on the weekend of September 21 - 23, 2012 be received;

And further that Council approve the road closures for the races scheduled for Saturday and Sunday, September 22nd and 23rd, 2012 as set out in the maps attached to the report.

The Mayor put the Motion.

Motion Carried Unanimously

11.2 **Recreation & Culture Advisory Committee Vacancy**

Deputy Mayor Sutherland moved, Councillor DiPasquale seconded:

That the report by Dean Collver, dated August 3, 2012, regarding the vacancy on the Recreation & Culture Advisory Committee be received;

And further that Council direct Administration to re-post the vacant position on the Town's website and in the local newspapers.

The Mayor put the Motion.

Motion Carried Unanimously

11.3 **Tender Results - Playground Equipment for Kingsbridge Park**

Councillor DiPasquale moved, Councillor Pouget seconded:

That the report submitted by Dean Collver dated July 19, 2012 regarding the Tender Results for Playground Equipment for Kingsbridge Park be received;

And further that Council direct Administration to award the tender for the purchase of Playground Equipment for Kingsbridge Park as approved in the 2012 Capital Budget to Henderson Recreation Equipment Limited.

In response to a question from Council, Tony DiThomasis noted that the park would be operational in 6 to 8 weeks.

The Mayor put the Motion.

Motion Carried

11.4 **Waive Fees for Premier Diamond – Ontario Baseball Association Bantam Minor Championship**

Councillor Pouget moved, Councillor Sutton seconded:

That the report by Dean Collver dated August 8, 2012 regarding the request to Waive Fees for Premier Diamond – Ontario Baseball Association Bantam Minor Championship be received;

And further that Council agree to waive rental fees for the Premier Diamond for the duration and purpose of the Ontario Baseball Association Bantam Minor Championship scheduled from August 31st through to September 2nd, 2012 (includes rain date).

The Mayor put the Motion.

Motion Carried Unanimously

11.5 Parks Canada Agreement Roots to Boots 2012

Councillor Pilon moved, Councillor Pouget seconded:

That the report by Dean Collver dated August 2, 2012 regarding the Parks Canada Agreement for the Roots to Boots Festival be received;

That Council authorize the signing of the Licence Occupation Agreement for the use of lands known as Fort Malden National Historic Site of Canada for a period of seven days commencing August 1, 2012 to August 7, 2012 for the Roots to Boots 2012 event;

And further that By-law 2012-75 being a By-law to enter into a Licence Occupation Agreement between Her Majesty the Queen, in right of Canada and the Corporation of the Town of Amherstburg be 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

11.6 By-Law to Sign 2013 Tall Ships Challenge Agreement

Councillor Sutton moved, Councillor DiPasquale seconded:

That the report by Dean Collver dated August 2nd, 2012 regarding a By-law to Sign 2013 Tall Ships Challenge Agreement be received;

And further that By-law 2012-76 being a By-law to enter into an Agreement between Tall Ships of America Association and the Corporation of the Town of Amherstburg be read three times and finally passed and the Mayor and Clerk be authorized to sign same thereto.

There was discussion with regard to the docking and boarding of the tall ships. Deputy Mayor Sutherland asked that prior to the matter being discussed at budget, that all necessary approvals be sought.

The Mayor put the Motion.

Motion Carried Unanimously

11.7 Kevin Westgarth Day

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

That the report submitted by Dean Collver and Kristina Di Paolo dated August 2nd, 2012 regarding Kevin Westgarth Day be received;

That Council approve the naming of the main dressing room corridor at the United Communities Credit Union Complex “Westgarth Way” in recognition of Kevin Westgarth’s accomplishment as a member of the Stanley Cup winning NHL team, the LA Kings, this past June;

And further that the Mayor and Council proclaim August 21, 2012 as “Kevin Westgarth Day” in recognition of his hockey career accomplishments.

The Mayor put the Motion.

Motion Carried Unanimously

The Mayor proclaimed August 21, 2012 as “Kevin Westgarth Day”.

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

15.1 **Development Agreement- 55 Sandwich Street North - Joe Meloche Ford Sales Ltd.**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That the report by Lory Bratt, Planning Coordinator, dated August 1, 2012 regarding a Development Agreement for 55 Sandwich Street North be received;

That Council approve the Site Plan and Agreement for 55 Sandwich Street North;

And further that By-law 2012-74 being a By-law to authorize the signing of a Development 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

15.2 Approval of Municipal Signs sponsored by the Amherstburg Chamber of Commerce

Councillor DiPasquale moved, Councillor Pillon seconded:

That Council receive the report by Stephen Brown, Chief Building Official, dated July 31, 2012 regarding approval of two municipal signs as referenced under Section 3.6 of Municipal Sign By-law 2003-32;

And further that Council approve both the locations and design of the signs, subject to County Council approval for the Howard Avenue sign.

The Mayor put the Motion.

Motion Carried

REPORTS - ENGINEERING AND INFRASTRUCTURE

16.1 North Townline Municipal Drain Notice - Request for Repair and Improvement of the Drain

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That Council receive the report from Lou Zarlenga dated July 23, 2012 concerning the North Townline Municipal Drain and the notices from David and Sophie Martin regarding the drain being out of repair;

That Council appoint a Drainage Engineer pursuant to the Section 78 of the Drainage Act for the repair and improvement of the North Townline Road Municipal Drain;

And further that Crozier Baird Engineers be appointed for the purpose of preparing an engineer's report including plans and profile for repair and improvement of the North Townline Municipal Drain.

The Mayor put the Motion.

Motion Carried Unanimously

16.2 Bondy-Bastien Municipal Drain Notice - Request for Culvert Replacement

Councillor DiPasquale moved, Councillor Sutton seconded:

That Council receive the report from Lou Zarlenga dated July 17, 2012 concerning the Bondy-Bastien Municipal Drain and the notices from George and Mantoura Bousaba regarding the culvert being out of repair;

That Council appoint a Drainage Engineer pursuant to the provisions of the Drainage Act for the repair and improvement of the Bondy-Bastien 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 profile for the Bondy-Bastien Municipal Drain.

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS - CAO's OFFICE

17.1 Medieval Weekend at Ranta Marina

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That the report from Dean Collver and Kristina Pozar Di Paolo, dated August 3, 2012 regarding Medieval Weekend at Ranta Marina be received;

That Council approve the use of Ranta Park beginning August 30, 2012 to September 3, 2012 for Medieval Weekend at Ranta Marina subject to all conditions being met as outlined in Appendix A;

That Council grant an exemption from section 7 of Park By-law 2002-72 with respect to the park curfew and grant express permission to allow display tent owners to stay in their display tents overnight for security purposes;

And further that Council grant an exemption from section 6h of Park By-law 2002-72 with respect to setting a fire and grant express permission to allow Medieval organizers to conduct demonstration cooking fires subject to Fire Department Approval of the cooking fire pits.

The Mayor put the Motion.

Motion Carried Unanimously

17.2 Participation Agreement - Viewpoints with Terry Bradshaw

The Acting CAO reviewed the report before Council.

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

That the report from Acting CAO Kristina Pozar Di Paolo, dated June 5, 2012, regarding a Participation Agreement with Viewpoints with Terry Bradshaw be received;

And further that By-law 2012-59 being a By-law authorizing the execution of a Participation Agreement between the Town of Amherstburg and Viewpoints with Terry Bradshaw TV Series (Launched by U.S. Media Television, 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

17.3 CIIF (Community Infrastructure Investment Fund) Application – Projects for Consideration

Councillor Sutton moved, Councillor Davies seconded:

That Council receive the report submitted by Kristina Di Paolo dated August 9, 2012 regarding the CIIF Application – Projects for Consideration;

That Council direct Administration to complete funding applications before the August 24th, 2012 deadline for the following projects in the following order of priority for submission purposes:

- 1. Texas Road Trail Construction and Pavement Rehabilitation**
- 2. Kings' Navy Yard Park Municipal Dock**
- 3. Recreation with Universal Design**
- 4. Passive Memorial Park**

And further that Council direct Administration to hold Public Information and Input meetings on FedDev Ontario approved projects.

The Mayor put the Motion.

Motion Carried

REPORTS – TREASURY

No reports at this time.

REPORTS - HUMAN RESOURCES

No reports at this time.

REPORTS - CLERK'S

No reports at this time.

CONSENT REPORTS

Councillor Sutton moved, Councillor Pillon seconded:

That the consent reports be received.

- 1. West Nile Update**
- 2. Water Use Revenues - January to June 2012**
- 3. Accounts Payable - June 1 to July 31, 2012**

The Mayor put the Motion.

Motion Carried Unanimously

CONSENT CORRESPONDENCE

- 1. Thank You Letter - Amherstburg Skatepark Association**
- 2. Town of Tecumseh Resolution - Re-opening of U.S. Consulate in Windsor**
- 3. Monte McNaughton, MPP - Private Members Bill 76**
- 4. Thank You Letter - Ontario Human Rights Commission**
- 5. Ontario Convenience Store Association - Contraband Tobacco**

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

That correspondence Items 2, 3 and 4 be received.

The Mayor put the Motion.

Motion Carried Unanimously

- 1. Thank You Letter - Amherstburg Skatepark Association**

Councillor Davies advised that she attended as judge at the event and hoped to do more for this group as a community.

Councillor Davies moved, Councillor Sutton seconded:

That the correspondence Item 1 be received.

The Mayor put the Motion.

Motion Carried

5. Ontario Convenience Store Association - Contraband Tobacco

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

WHEREAS Contraband tobacco has negative public consequences and impacts such as unrestricted youth access to tobacco products, and an increase in criminal activity **AND WHEREAS** contraband tobacco products are easily accessible in our community;

AND WHEREAS small businesses are sometimes forced to close because of the sale of contraband tobacco;

AND WHEREAS small business in our community and government in general stand to benefit from the institution of tougher restrictions on contraband tobacco;

THEREFORE be it resolved that this Council request the Mayor write a letter to the Ontario Minister of Finance in support of the Ontario Government's most recent Budget commitments to eradicate contraband tobacco through the implementation of additional regulatory, enforcement and other provisions in Bill 186 and amendments to the Tobacco Tax Act. Particularly, in support of measures such as:

- increased fines for those convicted of offenses related to contraband tobacco;
- more authority for law enforcement officials with respect to: forfeiture of items seized, and impounding of vehicles.
- drawing on the best practices of other jurisdictions and working collaboratively with the federal government and other jurisdictions to enhance contraband tobacco control through joint enforcement efforts.

AND that the provincial government be encouraged to continue to strengthen their strategies to address the manufacture and supply of contraband tobacco and maintain their commitment to introduce amendments this fall to implement these measures.

AND that surrounding municipalities be made aware of the actions taken by this Council to address the concerns presented by contraband tobacco.

The Mayor put the Motion.

Motion Carried Unanimously

CONSENT OTHER MINUTES

Councillor Sutton moved, Councillor Pillon seconded:

That the following minutes be received:

- 1. Committee of Adjustment Minutes - May 29, 2012**
- 2. Committee of Adjustment Minutes - June 26, 2012**

The Mayor put the Motion.

Motion Carried Unanimously

CORRESPONDENCE

24.1 Royal Canadian Legion - Legion Week

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That the correspondence from Royal Canadian Legion regarding Legion Week be received;

That Council grant permission to hold the Legion Week parade on Saturday, September 15th, 2012;

And further that Council proclaim the week of September 15th to 23rd, 2012 as Legion Week.

The Mayor put the Motion.

Motion Carried

The Mayor proclaimed the week of September 15 to 23, 2012 as Legion Week.

24.2 Lupus Foundation of Ontario – October as Lupus Awareness Month

Councillor Davies moved, Councillor Sutton seconded:

That the correspondence from Lupus Foundation of Ontario be received;

And further that Council proclaim October as Lupus Awareness Month.

The Mayor put the Motion.

Motion Carried

The Mayor proclaimed October as Lupus Awareness Month.

UNFINISHED BUSINESS

Unfinished Business items as of August 13, 2012

Councillor Pouget asked that items 10, 12 and 14 be removed as completed.

NEW BUSINESS

Councillor Davies advised that the Heritage Committee has met and will approach the Recreation and Culture Committee to discuss the possible involvement in the 100th year celebration of Livingston Channel.

REPORT FROM IN-CAMERA SESSION

The Clerk reported that Council met in closed session on August 13, 2012 at 5:00 p.m. and pursuant to Section 239 of the Municipal Act, 2001, Council discussed the following items:

- A follow-up discussions regarding Amherstburg Waste Water Treatment Plant (AWWTP) under exemption 239 (2)(f) - Advice that is subject to solicitor-client privilege.
- A matter pertaining to General Chemical under exemption 239 (2)(f) –Advice that is subject to solicitor-client privilege.
- And an employee matter under exemption 239 (2) (d) – Labour Relations and Employee Negotiations.

NOTICES OF MOTION

There were none.

BY-LAWS

29.1 Confirmatory By-law

Councillor Pillon moved, Councillor Sutton seconded:

That By-law 2012-77 being a By-law to confirm all resolutions of the Municipal Council Meeting held on August 13th, 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 Unanimously

ADJOURNMENT

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That Council rise and adjourn at 8:43 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – WAYNE HURST

CLERK – BRENDA M. PERCY