



**TOWN OF AMHERSTBURG  
COUNCIL MEETING  
Monday, May 13, 2013  
7:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg

**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, Manager of Council & Legislative  
Services/Clerk

**CALL TO ORDER**

The Mayor called the meeting to order at 5:30 p.m.

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

Councillor DiPasquale declared a pecuniary interest with regard to Item A – Legal Reimbursement of the In-Camera agenda.

**SPECIAL IN-CAMERA MEETING**

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

**That Council move into an In-Camera Meeting of Council at 5:30p.m., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:**

**ITEM A – Legal Reimbursement - Section 239(2)(b) -Personal matters about an identifiable individual, including municipal or local board employees; and Section 239(2)(f) - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose**

**ITEM B – Land Acquisition/Disposition - Section 239(2)(c) – A proposed or pending acquisition or disposition of land by the municipality or local board**

The Mayor put the Motion.

**Motion Carried**

## **ADJOURNMENT OF IN-CAMERA MEETING**

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

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

## **PRAYER**

Pastor, Val Salvatti from Christian Missionary Alliance said prayer.

## **DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF** *(Public Council Meeting agenda items)*

Councillor Davies declared a pecuniary interest in regards to Report Item # 15.4 due to being a member of the Board of Directors for the Amherstburg Family Health Team.

Councillor DiPasquale declared a pecuniary interest with regard to Item A of the In-Camera Report Out.

## **MINUTES OF PREVIOUS MEETING**

### **Approval of Minutes**

Councillor Pillon 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. Regular Council Meeting Minutes - April 22, 2013**
- 2. Special Council Meeting Minutes - Drainage - April 22, 2013**
- 3. Special In-Camera Council Meeting Minutes - April 22, 2013**
- 4. Special In-Camera Council Meeting Minutes - April 23, 2013**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **RECOGNITIONS**

### **Christine Reichert, Amherstburg Library – 100 Years of Servicing the Community**

Mayor Hurst said a few words to congratulate the Library on its 100 Years of Service to the community.

Councillor Sutton moved, Councillor Davies seconded:

**That the presentation be received.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **DELEGATIONS**

### **9.1 GayeAnne Ledingham and Steve Done - 2 Hour Limit of Downtown Parking**

GayeAnne Ledingham and Steve Done addressed Council regarding the down town parking situation and made some suggestions on how to remedy employee parking.

Councillor Pillon moved, Councillor Davies seconded:

**That the delegation be received;**

**And further that Council receive the information provided by the delegates and that the matter be referred to Administration to bring back a report to Council in the near future.**

The Mayor put the Motion.

**Motion Carried Unanimously**

Councillor Pouget requested that Administration investigate the impact of the additional 13 rooms at the Richmond Terrace nursing home on the downtown parking situation.

## **PRESENTATIONS**

### **10.1 Lindsay Rounding, Accountant - 2011 Financial Statements** *(Refer to Information Report Item # 17–e)*

Lindsay Rounding, Accountant and Val Sequeira, Director, Corporate Services, addressed Council regarding the 2011 Financial Statements.

Councillor Davies moved, Councillor Pillon seconded:

**That the presentation be received;**

**And further that the 2011 Financial Statements be adopted as presented.**

The Mayor put the Motion.

**Motion Carried Unanimously**

### **10.2 Branding Part 2 - Dean Collver, Director, Recreation and Culture** *(Refer to Report Item # 12.1)*

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

**That the presentation be deferred to the May 27<sup>th</sup> agenda.**

The Mayor put the Motion.

**Motion Carried Unanimously**

### **1.3 Organizational Review Update - Kristina Pozar DiPaolo, Acting CAO** *(Refer to Report Item # 16.1)*

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**That the presentation be received;**

**That the report submitted by Kristina Pozar Di Paolo and Val Sequeira dated April 8, 2013 regarding Organizational Review – Quarterly Report be received;**

**And further that Council direct Administration to continue with the implementation of the Organizational Review.**

The Mayor put the Motion.

**Motion Carried Unanimously**

#### **REPORTS – POLICE SERVICES**

No reports at this time.

#### **REPORTS – RECREATION AND CULTURE**

##### **12.1 Branding the Town of Amherstburg**

Deferred to the May 27<sup>th</sup>, 2013 Council meeting.

##### **12.2 Request for Relief of Use of Parks By-law 2002-72 for Public Events**

Councillor Pouget moved, Councillor Davies seconded:

**That the report prepared by Rick Daly on behalf of the Public Events Committee, dated May 3, 2013 regarding Request for Relief of Use of Parks By-law 2002-72 for Public Events be received;**

**That Council approve the recommendation that an exemption be made to By-law 2002-72 Use of Parks, pertaining to the use of horses as part of the events' attractions;**

**And further that Council approve the recommendation that an exemption be made to By-law 2002-72 Use of Parks, pertaining to animals being permitted within the confines of a park.**

The Mayor put the Motion.

**Motion Carried**

The Mayor asked for Council's indulgence to bring forward Report Item 15.4.

Councillor DiPasquale moved, Councillor Sutton seconded:

**That Report Item 15.4 be brought forward at this time.**

The Mayor put the Motion.

**Motion Carried**

15.4 **Amendment to Site Plan for the proposed Amherstburg Family Health Team- municipally known as 721 Front Road South- Malden Properties Inc.**

Councillor Davies removed herself from discussion and voting on the matter.

Councillor DiPasquale moved, Councillor Sutton seconded:

**That the report by Rebecca Belanger dated May 5, 2013 regarding an amendment to the proposed site plan for the Amherstburg Family Health Team, municipally known as 721 Front Road South be received;**

**That Council deem it appropriate to repeal By-law 2013-24 which authorized the execution of a Development Agreement for 721 Front Road South;**

**And further that By-law 2013-50 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 thereto.**

The Mayor put the Motion.

**Motion Carried**

12.3 **Agreement with Junior C Hockey Tenant in the United Communities Complex**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That the report by Dean Collver dated May 3, 2013 regarding By-law to Sign Agreement with Junior C Hockey Tenant in the United Communities Complex be received;**

**And further that By-law 2013-51 being a By-law to enter into an Agreement with 00234616 ONTARIO INC (operating as a currently unnamed Junior C Hockey Club under the Ontario Hockey Association) and the Corporation of 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 thereto.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**REPORTS – ENGINEERING AND INFRASTRUCTURE**

13.1 **Hamel Municipal Drain – Culvert Replacements**

Councillor Sutton moved, Councillor Pillon seconded:

**That the report from Lou Zarlenga dated April 29, 2013 regarding the Hamel Municipal Drain – Request for Culvert Replacements submitted by Corinne Rousseau be received;**

**That Council accept the request from Corinne Rousseau for culvert replacements over the Hamel Municipal Drain as per section 78 of the Drainage Act;**

**That Council appoint a Drainage Engineer pursuant to the provisions of the Drainage Act for the repair and improvement of the Hamel Municipal Drain;**

**And further that the firm of Crozier Baird Engineers be appointed for the purpose of preparing an engineer's report including plans and profile for the Hamel Municipal Drain.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**13.2 Amherstburg Water Conservation Program - 2013 Participation in Essex Region Children's Water Festival**

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

**That the report by Lou Zarlenga dated April 24, 2013 regarding Amherstburg Water Conservation Program - 2013 Participation in Essex Region Children's Water Festival be received;**

**And further that Council sponsor the 2013 Essex Region Children's Water Festival as part of the 2013 Amherstburg Water Conservation Program.**

The Mayor put the Motion.

**Motion Carried**

**13.3 Environment Canada - Salt Management Plan**

Councillor Pillon moved, Councillor Davies seconded:

**That the report by Lou Zarlenga dated April 17th, 2013 regarding the Environment Canada - Salt Management Plan be received;**

**That Council authorize Administration to send a letter of intent to Environment Canada regarding submission of a Salt Management Plan;**

**And further that Council authorize Administration to complete a Salt Management Plan for submission to Environment Canada.**

The Mayor put the Motion.

**Motion Carried Unanimously**

There was discussion concerning an alternative to salt. Lou Zarlenga, Director, Engineering and Infrastructure noted that no other alternatives have been explored due to expense to the Town.

## **REPORTS – CORPORATE SERVICES**

### **14.1 Signing Officers - Banking Activity**

Councillor Pouget moved, Councillor DiPasquale seconded:

**That the report by Paul Beneteau, Treasurer dated April 30 regarding Signing Officers - Banking Activity be received;**

**That Mayor Wayne Hurst and Deputy Mayor Ronald Sutherland be appointed as elected signatories;**

**That Paul Beneteau, Valerian Sequeira, Brenda Percy and Kristina Di Paolo be appointed as staff signatories;**

**That a combination of signatures consisting of one elected official and one staff member listed in the recommendation be required on all cheques drawn upon the bank accounts of the Town of Amherstburg;**

**That By-law 2012-45 be repealed;**

**And further that By-law 2013-43 being a By-law to appoint bank signing authorities be taken as having been read three times and finally passed and that the Mayor and Clerk be authorized to sign same thereto.**

The Mayor put the Motion.

**Motion Carried**

### **14.2 Tax Arrears Extension Agreement for 3890 Concession 3 South**

Councillor DiPasquale moved, Councillor Pouget seconded:

**That the report prepared by Paul Beneteau, Treasurer and Greg Bedard, Supervisor of Revenue/Financial Analyst dated May 1, 2013 Tax Arrears Extension Agreement for 3890 Concession 3 South be received;**



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 2013-47, 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 three times and finally passed and the Mayor and Clerk be authorized to sign same thereto.

The Mayor put the Motion.

**Motion Carried Unanimously**

## **REPORTS – LEGISLATIVE SERVICES**

### **15.1 Development Charges Deferral - 501, 503, 505, & 507 Golfview Drive**

Councillor Sutton moved, Councillor Pillon seconded:

That the report submitted by Stephen Brown, dated May 1, 2013 regarding an application for Deferral of Development Charges as submitted by 928466 Ontario Ltd. for property located at 501, 503, 505, & 507 Golfview Drive, be received;

And further that By-law 2013-48 being a By-law to Authorize the Signing of an Agreement to Defer Development Charges be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same and affix the Corporate Seal thereto.

The Mayor put the Motion.

**Motion Carried Unanimously**

### **15.2 Heritage Tax Rebate Applications - 2012**

Councillor Pouget moved, Councillor Sutton seconded:

That Council defer the report until Stephen Brown, CBO is in attendance to answer questions.

The Mayor put the Motion.

**Motion Carried Unanimously**

15.3 **Refreshment Vehicles Operating on Town of Amherstburg Parking Spaces and Municipal Parking Lots**

Councillor DiPasquale moved, Councillor Sutton seconded:

**That the report prepared by Nicole Rubli dated April 30, 2013 regarding Refreshment Vehicles operating on Town of Amherstburg Parking Spaces and Municipal Parking Lots be received;**

**That Council not concur with Refreshment Vehicles operating on Town of Amherstburg Parking spaces pending receipt of the required certificates and approvals;**

**And further that Council not concur with Refreshment Vehicles operating on Town of Amherstburg parking lots in Centennial Park and at the AMA Arena on Victoria Street pending receipt of the required certificates and approvals.**

The Mayor put the Motion.

**Motion Failed**

Councillor Davies moved, Councillor Pouget seconded:

**That the report prepared by Nicole Rubli dated April 30, 2013 regarding Refreshment Vehicles operating on Town of Amherstburg Parking Spaces and Municipal Parking Lots be received;**

**That Council concur with Refreshment Vehicles operating on Town of Amherstburg Parking spaces pending receipt of the required certificates and approvals;**

**And further that Council concur with Refreshment Vehicles operating on Town of Amherstburg parking lots in Centennial Park and at the AMA Arena on Victoria Street pending receipt of the required certificates and approvals.**

The Mayor put the Motion.

**Motion Carried**

15.4 **Amendment to Site Plan for the proposed Amherstburg Family Health Team- municipally known as 721 Front Road South- Malden Properties Inc.**

As dealt with above.

## REPORTS - CAO's OFFICE

### 16.1 Organizational Review - Quarterly Report

As dealt with above.

## INFORMATION REPORTS

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the information reports a, b, and d-h be received.**

- a) **Additional Project Design Details- Joe Meloche Ford, 55 Sandwich St. North**
- b) **Pat Thrasher Park Dedication**
- c) **KNYP Bylaw Review**
- d) **2013 1st Quarter Variance Report**
- e) **2011 Financial Statements**
- f) **Quarterly Summary for the Amherstburg Fire Department**
- g) **Accounts Paid for the Period of April 11, 2013 to May 1, 2013**
- h) **Comprehensive By-law Review Project**

The Mayor put the Motion.

**Motion Carried**

### c) KNYP Bylaw Review

There was discussion regarding the approach to the KYNP By-law Review. Dean Collver, Director, Recreation and Culture and Brenda Percy, Director, Legislative Services/Clerk provided insight into the By-law Review process and confirmed that KYNP would be included in the Comprehensive By-law Review Project.

Councillor Sutton moved, Councillor Pouget seconded:

**That information report item 17-c be received.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## CONSENT CORRESPONDENCE

Councillor Pillon moved, Councillor DiPasquale seconded:

**That the correspondence a-f be received.**

- a) **Distribution and Sale of Contraband Tobacco - County of Essex Resolution**

- b) ERCA Thank You Letter
- c) Changes to Hydro One's Customer Information System
- d) Canadian Mental Health Association - Mental Health Shindig
- e) Parkinson Society Southwestern Ontario - 1st Annual Parkinson's Golf Classic
- f) English as a Second Language Week
- g) 200th Anniversary of the Birth of Giuseppe Verdi

The Mayor put the Motion.

**Motion Carried**

- g) 200th Anniversary of the Birth of Giuseppe Verdi

Councillor DiPasquale moved, Councillor Pillon seconded:

**That Council authorize the purchase of a ½ page ad for consent correspondence item g – 200<sup>th</sup> Anniversary of the Birth of Giuseppe Verdi.**

The Mayor put the Motion.

**Motion Carried**

## **CONSENT OTHER MINUTES**

Councillor Pillon moved, Councillor Sutton seconded:

**That the following minutes be received:**

- a) Amherstburg Accessibility Advisory Committee Minutes – January 17, 2013
- b) Amherstburg Accessibility Advisory Committee Minutes – February 20, 2013
- c) Heritage Committee Minutes – March 21, 2013
- d) Parks Advisory Committee Meeting Minutes – February 5, 2013
- e) Parks Advisory Committee Meeting Minutes – April 9, 2013
- f) Committee of Adjustment Meeting Minutes- April 30, 2013

The Mayor put the Motion.

**Motion Carried**

## **OTHER MINUTES**

### **20.1 March 7, 2013 Traffic Committee Minutes**

Councillor DiPasquale moved, Councillor Pouget seconded:

**That the Traffic Committee Minutes of March 7, 2013 be received;**

**And further that Council concur with the Traffic Committee's recommendation that No Parking signs be erected 20 meters east of Seymour on the north side of Simcoe, 20 meters east of King Street on the north side of Simcoe, 20 meters west of King Street on the north side of Simcoe and 20 meters west of George Street on the north side of Simcoe Street.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **UNFINISHED BUSINESS**

Unfinished Business items as of Monday, May 13, 2013

Councillor Pouget requested the addition of Protecting our Protectors

Councillor DiPasquale requested the addition of Tiered Response

## **NEW BUSINESS**

Councillor Pouget requested Administration to provide Council with a report regarding the latest statements from Premier Wynn and to provide a recommendation if Council should forward a letter indicating that Amherstburg is an unwilling host to more wind turbines. Administration will confirm its maximum under the Green Energy Act.

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

Councillor DiPasquale removed himself from discussion and voting on the matter.

Report from In Camera Meeting held Monday, May 13, 2013

## **COUNCIL IN CAMERA SESSION – REPORTING OUT**

### **May 13, 2013 MEETING**

Council met at 5:30 pm. on May 13, 2013 for a Special In-Camera meeting and discussed two (2) items as provided for under Section 239 of the Municipal Act.

**ITEM A -** Legal Reimbursement was heard under Section 239(2)(b) and (f) of the Municipal Act. As a result of that discussion, the following motion is before Council:

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**That the legal fees in the amount of \$3,092.35 be paid in accordance with Section 283 of the Municipal Act.**

The Mayor put the Motion.

**Motion Carried Unanimously**

**ITEM B -** Land Acquisition/Disposition was heard under Section 239(2)(c) of the Municipal Act. There is nothing further to report on this matter.

### **NOTICES OF MOTION**

There were no Notices of Motion.

### **BY-LAWS**

#### **21.1 Zoning By-law Amendment**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That By-law 2013-44 being a By-law to amend Zoning By-law No. 1999-52 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**

#### **21.2 Amending User Fee By-law**

Councillor DiPasquale moved, Councillor Pouget seconded:

**That By-law 2013-46 being a By-law to amend By-law 2013-30, 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 Unanimously**

#### **21.3 Confirmatory By-law**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That By-law 2013-52 being a By-law to confirm all resolutions of the Municipal Council Meetings held on April 23 and May 6 & 13, 2013 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**

Deputy Mayor Sutherland moved, Councillor seconded:

**That Council rise and adjourn at 8:35 p.m.**

The Mayor put the Motion.

**Motion Carried Unanimously**

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MAYOR – WAYNE HURST

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CLERK – BRENDA M. PERCY