



**TOWN OF AMHERSTBURG  
COUNCIL MEETING  
Monday, June 24, 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 Robert (Bob) Pillon  
Councillor Diane Pouget  
Councillor Bart DiPasquale  
Councillor John Sutton  
Councillor Carolyn Davies

Paula Parker, Deputy Clerk

**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 noted.

**SPECIAL IN-CAMERA MEETING**

Councillor DiPasquale moved, Councillor Sutton seconded:

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

- ITEM A – Facca Update – Section 239(2)(e) – Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and Section 239(2)(f) – Advice that is subject to solicitor-client privilege, including communications necessary for that purpose**
- ITEM B – CAO Search – Section 239(2)(b) – Personal matters about an identifiable individual, including municipal or local board employees; and Section 239(2)(d) – Labour relations or employee negotiations**

The Mayor put the Motion.

**Motion Carried Unanimously**

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

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

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

## **PRAYER**

Paula Parker, Deputy Clerk said prayer.

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

There were no disclosures of pecuniary interest noted.

## **MINUTES OF PREVIOUS MEETING**

### **Approval of Minutes**

Councillor Pilon 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 - June 10, 2013**
2. **Special Council Meeting Minutes - ZBA - June 10, 2013**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **PRESENTATIONS**

### **9.1 MMAH Financial Indicator Review based on 2011 Financials**

Val Sequeira, Director, Corporate Services made a PowerPoint presentation to Council regarding our present financial situation.

Councillor Pillon moved, Councillor Sutton seconded:

**That the presentation be received;**

**That the report regarding MMAH Financial Indicator Review based on 2011 Financials be received;**

**And further that Administration be directed to report back on a monthly basis on the progress with regard to completion of the 2012 Financials and related outcomes.**

The Mayor put the Motion.

**Motion Carried Unanimously**

Council requested that FIR reports be brought back on an annual basis. Val Sequeira, Director, Corporate Services, advised Council that his intention is to bring back more than just FIR information and more regularly than annual.

## **REPORTS – POLICE SERVICES**

No reports at this time.

## **REPORTS – RECREATION AND CULTURE**

### **11.1 Parks Canada Agreement - Canada Day 2013**

Councillor DiPasquale moved, Councillor Davies seconded:

**That the report by Anne Rota dated June 12, 2013 regarding the Parks Canada Agreement - Canada Day 2013 be received;**

**That Council authorize the signing of the application, waiver and acknowledgement;**

**And further that By-law 2013-63 being a By-law to enter into an agreement between Fort Malden National Historic Site 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**

## **11.2 Branding the Town of Amherstburg**

Councillor Pouget moved, Councillor DiPasquale seconded:

**Motion to defer.**

The Mayor put the Motion.

**Motion Lost**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That the report by Dean Collver dated June 20, 2013 regarding Branding the Town of Amherstburg be received;**

**That Council approve the continuation of the “building block” process of establishing a brand identity for the Town of Amherstburg as recommended in previous reports.**

The Mayor put the Motion.

**Motion Carried**

## **11.3 Branding the Town of Amherstburg – Part II**

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

**That the report by Dean Collver dated June 20, 2013 regarding Branding the Town of Amherstburg – Part II be received;**

**And further, that Council approve the recommendation for choice of colours indicated within this report with such colours being chosen and incorporated into a new brand identity for the Town of Amherstburg.**

The Mayor put the Motion.

**Motion Carried**

## **REPORTS – ENGINEERING AND INFRASTRUCTURE**

### **12.1 Request for Drain Maintenance for the 6th Concession Road Municipal Drain from CDL Investments Inc.**

Councillor Sutton moved, Councillor Pillon seconded:

**That the report by Lou Zarlenga dated June 7, 2013 regarding the request for drain maintenance for the 6th Concession Road Municipal Drain from CDL Investments Inc. be received;**

**That Council appoint N. J. Peralta Engineering Ltd. to prepare a new maintenance schedule for the 6th Concession Road Drain under Section 76 of the Drainage Act;**

**And further that Council approve the request for drain repairs from Leo Beaudoin and that maintenance work be undertaken to the 6th Concession Road Municipal Drain consisting of bottom cleaning and brushing, pursuant to the dimensions and elevations provided in the current 1997 drainage report.**

The Mayor put the Motion.

**Motion Carried Unanimously**

### **12.2 Request for a New Maintenance Schedule for the Antaya Municipal Drain**

Councillor Pillon moved, Councillor Davies seconded:

**That the report by Lou Zarlenga dated June 12, 2013 regarding the Request for a New Maintenance Schedule for the Antaya Municipal Drain be received;**

**And further that Council appoint N.J. Peralta Engineering Ltd. to prepare a new maintenance schedule under Section 76 of the Drainage Act.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **REPORTS – CORPORATE SERVICES**

### **13.1 Legal Fees for Council Policy Update**

Councillor DiPasquale moved, Councillor Sutton seconded:

**That the report by Carol Bendo dated June 14, 2013 regarding Legal Fees for Council Policy be received.**

The Mayor put the Motion.

**Motion Carried Unanimously**

### 13.2 **Complaint Protocol - Municipal Employees**

Councillor Pillon moved, Councillor Sutton seconded:

**That the report by Val Sequeira dated June 14, 2013 regarding Complaint Protocol – Municipal Employees be received;**

**And further that, the Complaint Protocol – Municipal Employees be approved as presented.**

The Mayor put the Motion.

**Motion Carried Unanimously**

Councillor Davies inquired on the process for positive recognition. The Mayor confirmed that any positive recognition is also added to the personnel file.

### 13.3 **Proposed Zoning By-law Amendment & Disposition Process for the Former Alma Street Water Tower Site**

Councillor Pouget moved, Councillor Davies seconded:

**That the report by Tony De Thomasis and Rebecca Belanger dated June 13, 2013 regarding Proposed Zoning By-law Amendment & Disposition Process for the Former Alma Street Water Tower Site be received;**

**And further that Council approve the process identified in this report and the submission of Application for a Zoning By-law Amendment for the subject site.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **REPORTS – LEGISLATIVE SERVICES**

### 14.1 **Whether Amherstburg should declare as an Unwilling Host to Industrial Wind Turbines**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the report by Rebecca Belanger dated June 15, 2013, regarding whether the Town of Amherstburg should pass a resolution identifying the municipality to be an unwilling host to industrial wind turbines, be received.**

**And further that Council send correspondence to Provincial Ministries and to AMO, identifying the Town to be an unwilling host to industrial wind turbines until: 1) the federal study on the health effects is completed, peer reviewed and recommendations implemented and 2) municipalities have planning authority restored to determine where and when industrial wind turbines should be located in their communities.**

The Mayor put the Motion.

**Motion Carried**

**14.2 Development Agreement- 7072 Smith Industrial Drive- Windsor Machine & Stamping (2009) Ltd.**

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**That the report by Rebecca Belanger dated June 14, 2013 regarding a Development Agreement at 7072 Smith Industrial Drive be received;**

**That Council approve the Agreement and Site Plan for 7072 Smith Industrial Drive.**

**And further that Bylaw 2013-49 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 Unanimously**

**14.3 Amherstburg Library Entrance Steps - Resurfacing Options**

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

**That the report prepared by Paula Parker, Deputy Clerk/Risk Manager dated June 18, 2013 regarding Amherstburg Library Entrance Steps – Resurfacing Options be received;**

**And further that Council approve the latest Option D as outlined in the email provided to Council, on a trial basis and that Administration revisit the need to resurface prior to the 2014 budget deliberations. If the surface is not sufficient for the need, Option B of the current report will be recommended.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **REPORTS - CAO's OFFICE**

No reports at this time.

## **INFORMATION REPORTS**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the consent reports be received.

- a) Accounts Paid for the Period of May 31, 2013 to June 16, 2013

The Mayor put the Motion.

**Motion Carried Unanimously**

## **CONSENT CORRESPONDENCE**

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

**That the correspondence items a-d and f-i be received.**

- a) Aids Committee of Windsor
- b) Community Living Essex County - Thank you letter
- c) Hydro One - OEB Notice
- d) Windsor Essex County Cancer Center Foundation - It's In Your Jeans
- e) Ministry of Environment - Pet Coke Response *(as dealt with below)*
- f) Muscular Dystrophy Canada - Thank you to Firefighters
- g) Ontario Senior's Secretariat - Senior's Month
- h) Whelan Family Thank you card
- i) Windsor Historical Society - Veterans Memories Project

The Mayor put the Motion.

**Motion Carried Unanimously**

Councillor Pouget noted that she was happy to see that the Ministry of Environment took the Town's concerns seriously.

Councillor Pouget moved, Councillor Sutton seconded:

**That correspondence (e) be received.**

- e) **Ministry of Environment - Pet Coke Response**



The Mayor put the Motion.

**Motion Carried Unanimously**

## **CONSENT OTHER MINUTES**

Councillor Sutton moved, Councillor Davies seconded:

**That the following minutes be received:**

**a) Amherstburg Police Services Board Minutes - May 21, 2013**

The Mayor put the Motion.

**Motion Carried**

## **UNFINISHED BUSINESS**

Unfinished Business items as of Monday, June 24, 2013

Deputy Mayor Sutherland sought clarification regarding the timing of 60 days for the tender process for the Texas Road project. With the project being held in abeyance, could the 60 day window be extended. Lou Zarlenga, Director, Engineering and Infrastructure, advised that a report would be brought back to Council outlining all of the ramifications of extending the timelines.

## **NEW BUSINESS**

Councillor DiPasquale moved, Councillor Pouget seconded:

**Motion to direct the Fire Chief to provide Council with a full report regarding the last time the Emergency Information Center volunteers were provided with a training exercise, whereby the EIC were given training at their center and were allowed to use their equipment during the exercise and to provide Council with a complete log of all dates that the Emergency Information Center has been checked in the past 4 years and to set a date for a training session as quickly as possible, as requested by the EIC and to ask Steve Beatty from Emergency Measures Ontario to help resolve this issue.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## REPORT FROM IN-CAMERA SESSION

Report from In Camera Meeting held Monday, June 24, 2013

### COUNCIL IN CAMERA SESSION – REPORTING OUT June 24, 2013 MEETING

Council met at 6:00 pm. on June 24, 2013 for a Special In-Camera meeting and discussed two (2) items as provided for under Section 239 of the Municipal Act.

**ITEM A -** Facca Update heard under Section 239(2)(e) and (f) of the Municipal Act. There is nothing further to report on this matter.

**ITEM B –** CAO Search heard under Section 239(2)(b) and (d) of the Municipal Act. As a result of this discussion, the following motion is before Council.

Councillor Sutton moved, Councillor Davies seconded:

**That the preferred candidate, Mike Phipps, be appointed to the position of CAO effective June 27, 2013.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## NOTICES OF MOTION

Councillor Pouget introduced a Notice of Motion pertaining to Reports to Council.

## BY-LAWS

### 23.1 Confirmatory By-law

Councillor Sutton moved, Councillor Pillon seconded:

**That By-law 2013-65 being a By-law to confirm all resolutions of the Municipal Council Meetings held on June 18 & 24, 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**

**ADJOURNMENT**

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

**That Council rise and adjourn at 8:59 p.m.**

The Mayor put the Motion.

**Motion Carried**

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MAYOR – WAYNE HURST

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DEPUTY CLERK – PAULA PARKER