



**TOWN OF AMHERSTBURG
COUNCIL MEETING
Monday, August 12, 2013
7:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg

MINUTES

PRESENT

Mayor Wayne Hurst
Deputy Mayor Ron Sutherland
Councillor Robert (Bob) Pilon
Councillor Bart DiPasquale
Councillor John Sutton
Councillor Carolyn Davies
Councillor Diane Pouget

Brenda Percy, Director, Legislative Service/Clerk
Mike Phipps, Chief Administrative Officer

CALL TO ORDER

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

PRAYER

Brenda Percy, Director, Legislative Services/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. Special Council Meeting Minutes - June 18, 2013**
- 2. Regular Council Meeting Minutes - July 15, 2013**
- 3. Special Council Meeting Minutes - Drainage - July 15, 2013**
- 4. Special Council Meeting Minutes - ZBA - July 15, 2013**
- 5. Special In-Camera Meeting Minutes - July 15, 2013**

The Mayor put the Motion.

Motion Carried Unanimously

PRESENTATIONS

5.1 Amherstburg, Safest Community in Canada - Chief of Police

Councillor Sutton moved, Councillor Pouget seconded:

That the presentation be received and that a letter of congratulations be sent to Chief Berthiaume, Deputy Chief Palumbo and Amherstburg Police Services for maintaining our place as safest community.

The Mayor put the Motion.

Motion Carried Unanimously

5.2 2012 Financial Statements for the Town of Amherstburg – Director of Corporate Services

The Director, Corporate Services and Lindsay Rounding, Engagement Partner in the public accounting firm of Graham, Settingington, McIntosh, Driedger and Hicks, LLP presented a PowerPoint presentation with regard to the 2012 Financial Statements.

Councillor DiPasquale moved, Councillor Sutton seconded:

It is recommended that:

- 1. The presentation be received, and;**
- 2. The report by the Director of Corporate Services dated July 31, 2013 regarding the 2012 financial statements, and the presentation by Lindsay Rounding, Engagement Partner in the public accounting firm of Graham, Settingington, McIntosh, Driedger and Hicks, LLP be received;**
- 3. Council adopt the 2012 financial statements as presented;**
- 4. Administration be directed to immediately proceed to secure financing for up to \$9 million in completed capital projects;**
- 5. Administration actively manage on-going capital works-in-progress to ensure appropriate financing is secured as required in a timely manner, and;**
- 6. The appropriate By-laws and reporting is brought forward to Council to address these outstanding financing issues as required.**

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS – POLICE SERVICES

There are no reports at this time.

REPORTS – RECREATION AND CULTURE

7.1 Complex Upgrades Update and Change to Budget Scope

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

It is recommended that:

1. The report from the Director of Recreation & Culture dated July 31st, 2013 regarding the Complex Upgrades Update and Change to Project Budget Scope be received, and;
2. That Council approve the change in budget scope as described in this report.

The Mayor put the Motion.

Motion Carried

REPORTS – ENGINEERING AND INFRASTRUCTURE

- 8.1 **New Single Axle, One-Ton Truck with Dump Box, Power Reversible Plow and Salter – Replacement Vehicle Tender Results**

Councillor Pouget moved, Councillor Sutton seconded:

That Council defer the item.

The Mayor put the Motion.

Motion Carried Unanimously

- 8.2 **Two New Pickup Trucks for the Water and Roads Divisions Replacement Vehicles – Tender Results**

Councillor Pillon moved, Councillor Davies seconded:

That Council defer the item until such time as the Town's finances are completed.

The Mayor put the Motion.

Motion Carried Unanimously

- 8.3 **Willow Beach Pump System Review and Improvements**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

It is recommended that:

1. The report from the Engineering Coordinator dated July 31, 2013 regarding Willow Beach Pump System review and improvements be received, and;
2. Council receive the request for repair and improvement for the Willow Beach Pump Station submitted by John Morrison, and;
3. Council appoint a Drainage Engineer under the provisions of the Drainage Act the review and improvements of the Willow Beach Pump System, and;
4. The firm of Stantec Consulting be appointed for the purpose of reviewing and preparing an engineer's report including plans and profiles for the improvement for the Willow Beach Pump System.

The Mayor put the Motion.

Motion Carried Unanimously

8.4 Request from Landowners to Refer the Adams Drain Improvements to Engineer For Reconsideration

Councillor DiPasquale moved, Councillor Pillon seconded:

It is recommended that:

- 1. The report from the Engineering Coordinator dated July 25, 2013 regarding request from landowners to refer the Adams Drain Improvements to the engineer for reconsideration be received, and;**
- 2. Council receive the letters submitted by the landowners with the Adams Drain watershed, and;**
- 3. Council refer the engineer's report dated June 5, 2013 back to Rood Engineering Inc. for reconsideration based on the request of the landowners within the Adams Drain watershed.**

The Mayor put the Motion.

Motion Carried Unanimously

8.5 Pigeon Drain – Municipal Drain Maintenance Tender Results

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

It is recommended that:

- 1. The report from the Engineering Coordinator dated July 29, 2013 regarding tender award for the Pigeon Drain be received, and;**
- 2. Council accept administration's recommendation to award the contract to the lowest bidder, being Reg Clark Trucking Ltd., for the tender amount of \$10,362.30 plus HST for the Pigeon Drain Maintenance project, and;**
- 3. By-law 2013-85 being a By-law to authorize the Mayor and Clerk to enter into a contract with Reg Clark Trucking Ltd. for the Pigeon Drain be taken as having been read three (3) times and finally passed and the Mayor and Clerk be authorized to sign same thereto.**

The Mayor put the Motion.

Motion Carried Unanimously

8.6 8th Concession Road Drain North – Municipal Drain Maintenance Tender Results

Deputy Mayor Sutherland moved, Councillor Davies seconded:

It is recommended that:

- 1. The report from the Engineering Coordinator dated July 26, 2013 regarding tender award for the 8th Concession Road Drain North be received, and;**
- 2. Council accept administration's recommendation to award the contract to the lowest bidder, being D & D Excavating & Drainage Ltd., for the tender price of \$26,527.00 plus HST for the 8th Concession Road Drain North Maintenance project, and;**
- 3. By-law 2013-87 being a By-law to authorize the Mayor and Clerk to enter into a contract with D & D Excavating & Drainage Ltd. for the 8th Concession Road Drain North be taken as having been read three (3) times and finally passed and the Mayor and Clerk be authorized to sign same thereto.**

The Mayor put the Motion.

Motion Carried Unanimously

8.7 Pillon Drain and Renaud Drain – Municipal Drain Maintenance Tender Results

Councillor DiPasquale moved, Councillor Sutton seconded:

It is recommended that:

- 1. The report from the Engineering Coordinator dated July 29, 2013 regarding tender award for the Pillon Drain and Renaud Drain be received, and;**
- 2. Council accept administration's recommendation to award the contract to the lowest bidder, being Shilson Excavation and Trucking Inc., for the tender price of \$28,157.55 plus HST for the Pillon Drain and Renaud Drain Maintenance project, and;**
- 3. By-law 2013-86 being a By-law to authorize the Mayor and Clerk to enter into a contract with Shilson Excavation and Trucking Inc. for the Pillon Drain and Renaud Drain be taken as having been read three (3) times and finally passed and the Mayor and Clerk be authorized to sign same thereto.**

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS – CORPORATE SERVICES

9.1 Energy Procurement for Town Owned Facilities

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

It is recommended that:

- 1. The report by the Manager of Strategic Asset Management July 29, 2013 regarding Procurement of Energy for Town Owned Facilities be received;**
- 2. Council approve Procurement of Energy from LAS for the remainder of 2013 and 2014, and continue to review savings on a yearly basis.**

Councillor Sutton left meeting at 8:50pm and returned at 8:55pm

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS – LEGISLATIVE SERVICES

10.1 Amending Development Agreement- 462 Sandwich Street South- Racicot Chrysler

Deputy Mayor Sutherland moved, Councillor Davies seconded:

It is recommended that:

- 1. The report from the Manager of Planning & Development Services dated July 23, 2013 regarding an Amending Development Agreement- 462 Sandwich Street South- Racicot Chrysler be received, and;**
- 2. Council approve the Site Plan and Amending Development Agreement for building additions and renovations to the existing vehicle dealership, and;**

3. **By-law 2013-83** being a By-law to authorize the signing of an Amending Development Agreement, be taken as having been read three (3) 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 Request for Bird and Bat Monitoring Results from Southside Wind Farm

Councillor Sutton moved, Councillor DiPasquale seconded:

It is recommended that:

1. The report from the Manager of Planning & Development Services dated July 23, 2013 regarding the ACE Committee recommendation to Council-request for bird and bat monitoring results from Southside Wind Farm be received, and;
2. Council authorize administration to request the bird and bat monitoring results which were required by the Environmental Impact Assessment/ Environmental Screening Report.

The Mayor put the Motion.

Motion Carried Unanimously

10.3 Dedication of Street A, Plan 12M-470 (Thrasher Drive) as a Public Highway

Councillor Pouget moved, Councillor Davies seconded:

It is recommended that:

1. The report from the Manager of Planning & Development Services dated July 22, 2013 regarding the dedication of Street A, Plan 12M-470 (Thrasher Drive) as a public highway be received, and;
2. Council approve the dedication of Street A, Plan 12M-470 as a public highway, and;
3. **By-law 2013-82** being a By-law to dedicate Street A, Plan 12M-470 (Thrasher Drive) as a public highway, be taken as having been read three (3) times and finally passed and the Mayor and Clerk be authorized to sign same thereto.

The Mayor put the Motion.

Motion Carried Unanimously

10.4 Essex Power Corporation –Appointment of Proxyholder for Shareholders' 2013 Annual Meeting

As a result of discussion, the Chief Administrative Officer suggested that administration request copies of agendas and minutes from the shareholder's meetings and that they placed in the consent correspondence section of the Town's agendas for Councils review.

Councillor Sutton moved the administrative recommendations with an additional recommendation regarding the requirement of the Mayor to bring forward agenda prior to the shareholder meeting.

Councillor Sutton moved, Councillor Pillon seconded:

It is recommended that:

1. The report from the Director, Legislative Services/Clerk dated July 24, 2013 regarding Essex Power Corporation –Appointment of Proxyholder for Shareholders' 2013 Annual Meeting be received, and;
2. That Mayor Wayne Hurst be appointed proxyholder for the Town of Amherstburg to cast its shareholder's vote at Essex Power Corporation's 2013 shareholder annual meeting, and;
3. That Bill Wark be appointed as an alternate proxyholder for the Town of Amherstburg to cast its shareholder's vote at Essex Power Corporation's 2013 shareholder annual meeting if Mayor Wayne Hurst is absent from the meeting, and;
4. That the Director, Legislative Services/Clerk be authorized to sign all necessary proxy forms to implement this resolution and forward them to Essex Power Corporation.
5. That If the Mayor determines there is a matter on the shareholders annual meeting agenda of special importance, then the Mayor "Shall" seek direction from Council on how the Town's shareholder vote should be cast on that issue.

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

11.1 Waiver of Town Fees and Charges

Councillor DiPasquale moved, Councillor Sutton seconded:

It is recommended that:

1. The report by the CAO dated August 7, 2013 regarding the Waiver of Town Fees and Charges be received;
2. Council adopt a moratorium on waiver of Town fees and charges pending a review of the existing practice and its impact on taxpayers, and;
3. Administration be directed to report back in 3 (three) months with recommendations regarding:
 - a) A policy to deal with requests for the waiver of fees and charges;
 - b) Future level of fees and charges with due regard to the cost of service delivery; and;
 - c) An action plan to implement these recommendations for the 2014 budget year.

The Mayor put the Motion.

Motion Carried Unanimously

INFORMATION REPORTS

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That the consent reports be received.

- a) Liquor Licence Application-Armando's Pizza, 421 Sandwich Street
- b) Accounts Paid for the Period of July 5, 2013 to July 25, 2013
- c) Annual Emergency Operations Center Exercise Report
- d) 2nd Quarter Summary of Fire Rescue and Emergency Services

The Mayor put the Motion.

Motion Carried Unanimously

There was discussion regarding item c - Annual Emergency Operations Center Exercise Report. The CAO suggested that administration be involved in the exercise in the future and that EIC volunteers also be included.

Councillor Davies moved, Councillor Pouget seconded:

That in the next Emergency exercise that the EIC volunteers be included in the invitation and that a mock role play be set up to accommodate the role that they play in an actual emergency.

The Mayor put the Motion.

Motion Carried Unanimously

CONSENT CORRESPONDENCE

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the correspondence be received.

- a) **Letter from Paul Hertel to Steven Fletcher regarding Amherstburg Post Office**
- b) **Pet Coke Correspondence from State of Michigan**
- c) **St. Baldrick's Foundation**
- d) **Town of Tecumseh Resolution regarding 400 Series Highways**
- e) **Wind Farm Correspondence from the Premier of Ontario**
- f) **Windsor Star - Rt. Hon. Herb Gray Parkway**
- g) **Ministry of Natural Resources - Rabies Control**
- h) **Regional Municipality of Halton resolution regarding Enbridge Pipelines**

The Mayor put the Motion.

Motion Carried Unanimously

CONSENT OTHER MINUTES

Deputy Mayor Sutherland moved, Councillor Pilon seconded:

That the following minutes be received:

- a) **Co- An Park Committee Minutes - May 8, 2013**
- b) **Co-An Park Committee Minutes - July 10, 2013**
- c) **Amherstburg Police Services Board Minutes - June 18, 2013**
- d) **Heritage Committee Minutes - April 18, 2013**
- e) **Heritage Committee Minutes - May 16, 2013**
- f) **Committee of Adjustment Meeting Minutes- May 28, 2013**
- g) **Committee of Adjustment Meeting Minutes- June 25, 2013**

The Mayor put the Motion.

Motion Carried Unanimously

CORRESPONDENCE

15.1 Sponsorship of the 2013 Canadian Tire Golf Classic

It was noted that the item was dealt with at the May 27, 2013 meeting of Council and added to the agenda in error.

OTHER MINUTES

16.1 Traffic Committee Minutes May 23, 2013

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

It is recommended that:

- 1. The Traffic Committee Minutes of May 23, 2013 be received, and;**
- 2. Council concur with the Traffic Committee's recommendation that enforcement be done near 2035 Front Road North and that a report is brought back with the enforcement results, and;**
- 3. Council concur with the Traffic Committee's recommendation that the speed limit on Creek Road remains as posted.**

The Mayor put the Motion.

Motion Carried Unanimously

UNFINISHED BUSINESS

Unfinished Business items as of Monday, August 12, 2013

Councillor Pouget requested that the signage in Amherstburg be added back to the unfinished business list.

Councillor DiPasquale requested that the training session for EIC volunteers be added to the unfinished business list. The CAO advised Council that a report will be brought back on EIC information requested by Councillor DiPasquale by September 2013.

NEW BUSINESS

Councillor Pouget requested that the letter with petition regarding reforestation of the buffer strip near Golfview Drive be deliberated at the 2014 budget deliberations.

NOTICES OF MOTION

20.1 Councillor Davies - Climate Change Adaptability Planning

Mayor Hurst left chambers at 9:33 pm. Deputy Mayor Sutherland took over as Chair. Mayor Hurst resumed his position as Chair 9:35 pm.

Councillor Davies advised that she had researched with administration the extensive work that is already being done by ERCA and the Town and wished to revise her Notice of Motion, as follows:

Councillor Davies moved, Councillor Pouget seconded:

- 1. To direct administration to formalize short, mid and long term initiatives on climate change adaptability plan working in conjunction with ERCA on projects such as for GLEASA funds and an IDF Curve Study to assist with Climate Change Adaptability Actions specific to Amherstburg's needs.**
- 2. Review results, and develop and implement methods that will affect existing and future development in Amherstburg area.**

3. Further, that Recreation and Culture Department work with the related departments in developing a Sustainability workshop series to assist Stakeholders in the practical application education designed to reduce the risk of properties damage from extreme weather events.

Councillor Sutton suggested administration look at the feasibility of this project prior to moving it forward.

Councillor DiPasquale suggested looking toward provincial and federal level governments to take on this project.

The Mayor put the Motion.

Motion Failed

BY-LAWS

21.1 Repeal User Fee By-Law

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That By-law 2013-81 being a By-Law to repeal By-law 2013-30 and 2013-46, being a By-law to permit the Town to impose fees or charges with respect to services or activities provided, related costs payable and for the use of its property 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 By-law to amend Zoning By-law No. 1999-52

Councillor DiPasquale moved, Councillor Sutton seconded:

That By-law 2013-80 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

21.3 Confirmatory By-law

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

That By-law 2013-88 being a By-law to confirm all resolutions of the Municipal Council Meetings held on August 12, 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 9:45 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – WAYNE HURST

CLERK – BRENDA M. PERCY