



**TOWN OF AMHERSTBURG
COUNCIL MEETING
Tuesday, September 03, 2013
7:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg

MINUTES

PRESENT

Mayor Wayne Hurst
Deputy Mayor Ron Sutherland
Councillor Robert (Bob) Pillon
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 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 Pillon 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 – Legal Matters – Semi Annual Status Report – 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 – Annual Shareholder Meeting - Proxy Holder – Section 239(2)(f) - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose

The Mayor put the Motion.

Motion Carried Unanimously

ADJOURNMENT OF IN-CAMERA MEETING

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

PRAYER

Elder Darwin Wismer, Amherstburg Community Church 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 Sutton moved, Councillor Pillon 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 - August 12, 2013**
- 2. Special Council Meeting Minutes - ZBA - August 12, 2013**

The Mayor put the Motion.

Motion Carried Unanimously

RECOGNITIONS

9.1 Introduction and Welcome to Mike Henry, Manager of Operations, Recreation and Culture

The Mayor welcomed Mike Henry to the Town.

The Mayor asked for Council's indulgence to bring forward report item 15.1 Delegated Authority – Legal Matters, as the Town's Solicitor was in attendance to speak to the report.

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

That Council bring forward report item 15.1 at this time.

The Mayor put the Motion.

Motion Carried Unanimously

15.1 Delegated Authority - Legal Matters

The Town's Solicitor was present for the meeting and provided Council an overview of the report.

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

It is recommended that:

- 1. The report from the Director, Legislative Services/Clerk dated August 7, 2013 regarding Delegated Authority - Legal Matters be received;**
- 2. Council pass the "By-law to Delegate Authority to the Chief Administrative Officer or his or her delegate for various administrative matters (legal matters) in the form attached as Appendix "A";**
- 3. By-law 2013-84 being a By-law respecting the delegation of authority for various administrative matters (legal matters) be taken as having been read three (3) times and finally passed and the Mayor and Clerk be authorized to sign same thereto, and;**

4. **To ensure accountability and transparency, administration be directed to provide an annual report to Council identifying the use of this specific delegated authority.**

The Mayor put the Motion.

Motion Carried Unanimously

DELEGATIONS

- 10.1 **Elise Harding-Davis - The Black Presence in the War of 1812, Book Presentation**

Councillor DiPasquale moved, Councillor Pouget seconded:

That the delegation be received and;

That Council support Elise Haring-Davis' search to secure funds for a plaque for Blacks in the Militia in the War of 1812,

And further that the federal and provincial governments be notified of Council's support and the information also be forwarded to the Heritage Committee for their support.

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS – POLICE SERVICES

No reports at this time.

REPORTS – RECREATION AND CULTURE

No reports at this time.

REPORTS – ENGINEERING AND INFRASTRUCTURE

- 13.1 **Watermain Replacement on Hamilton Drive and Wilkinson Court Tender Results**

Councillor Sutton moved, Councillor Pillon seconded:

It is recommended that:

3. The report from the Public Works Office Coordinator / Executive Assistant dated August 21, 2013 regarding Watermain Replacement on Hamilton Drive and Wilkinson Court Tender Results and Recommendations and Signing of Bylaw 2013-72 be received;
4. Council accept the Consulting Engineer's recommendation to award the contract to the lowest bidder, being Major Construction, for the amount of \$204,640.00 plus HST for the watermain replacement project on Hamilton Drive and Wilkinson Court;
5. The approved 2013 project for watermain replacement for Riviera Drive and Riviera Place be deferred to future years for construction and the approved funds for this project, being \$225,000, be used to cover the budget shortfall for the Watermain Replacement on Hamilton Drive and Wilkinson Court, and;
6. That By-law 2013-72 being a By-law to enter into a Contract with Major Construction for the Hamilton Drive and Wilkinson Court Watermain Replacement – Project PWD-WM-12-003 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

13.2 **Texas Road Reconstruction Program – Modified Options**
(Report to follow)

It was noted that the report will follow once administration has had time to compile all of the feedback from residents that attended this meeting and the open house on August 28, 2013.

The Mayor asked that Council waive rules of order for the purpose of hearing delegates that are present regarding the Texas Road project.

Councillor Davies moved, Deputy Mayor Sutherland seconded:

That Council waive rules of order and allow delegates to speak.

The Mayor put the Motion.

Motion Carried

The Mayor opened the floor to the public for their input. The following were heard:

- Joanne DiPierdomenico – 402 Texas Road

Councillor Sutton moved, Councillor Davies seconded:

That the forthcoming report on Texas Road include the financial implications and potential funding sources, including any senior government grants or infrastructure programs for the following Texas Road reconstruction options:

- a) **Option #1 as presented at the public open house on Aug. 28, 2013**
- b) **Option #2 as presented at the public open house on Aug. 28, 2013**
- c) **The original \$6.5 million option approved by Council post budget deliberations.**

Councillor Pouget requested information in the report regarding any grants available to cover the ditches and continue the entire project into 2014-2015.

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS – CORPORATE SERVICES

No reports at this time.

REPORTS – LEGISLATIVE SERVICES

15.2 Delegated Authority - Legal Matters

As dealt with above.

15.3 Agreement to Defer Development Charges - 518,520,522,524,526,528 Golfview Drive, Amherstburg

Councillor Pillon moved, Councillor Davies seconded:

It is recommended that:

- 1. The report from the Manager of Planning and Development Services dated August 14, 2013 regarding the agreement to defer Development Charges for 518, 520, 522, 524, 526, 528 Golfview Drive, be received;**
- 2. Council approve the application for deferral of development charges, as submitted by Norbuilt Construction (928466 Ontario Ltd.) for property located at 518,520,522,524,526,528 Golfview Drive, and;**

3. **By-law 2013-89 being a By-law to authorize the signing of an agreement to defer development charges 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 - CAO's OFFICE

No reports at this time.

INFORMATION REPORTS

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

That the consent reports be received.

- a) **Town of Amherstburg Risk Assessment**
- b) **Accounts Paid for the Period of July 26, 2013 to August 20, 2013**

The Mayor put the Motion.

Motion Carried Unanimously

Councillor Davies commented on item 17a) and directed administration to investigate the risk management benefit of an additional semi-annual sidewalk inspection in the fall.

Councillor Pouget commented on improvements to the skatepark and directed administration to provide a costing figure for consideration in budget deliberations.

CONSENT CORRESPONDENCE

Councillor DiPasquale moved, Councillor Pouget seconded:

That correspondence items a, b and d be received.

- a) **Habitat for Humanity**
- b) **Harvest Ball**
- c) **Kingsville Resolution regarding Flying Lanterns**
- d) **Legion Week Invitation**

The Mayor put the Motion.

Motion Carried

Councillor DiPasquale moved, Councillor Pillon seconded:

That Item 18c) – Kingsville Resolution regarding Flying Lanterns be forwarded to the Fire Chief for comment and to report back.

The Mayor put the Motion.

Motion Carried Unanimously

CORRESPONDENCE

19.1 Verdi Club's Gala Evening of Music

Councillor Pillon moved, Councillor Davies seconded:

It is recommended that:

1. Council purchase a table of 8 and advertise in the "Commemorative Program Book" at a cost of \$100 for a half page ad.

The Mayor put the Motion.

Motion Failed

Councillor Sutton moved, Councillor DiPasquale seconded:

It is recommended that:

1. Council participate as a gold sponsor at a cost of \$1, 000.

The Mayor put the Motion.

Motion Carried Unanimously

UNFINISHED BUSINESS

Unfinished Business items as of Tuesday, September 03, 2013

There was no unfinished business.

NEW BUSINESS

REPORT FROM IN-CAMERA SESSION

Report from In Camera Meeting held Tuesday, September 03, 2013

COUNCIL IN CAMERA SESSION – REPORTING OUT August 30, 2013 IN CAMERA MEETING

Council met at 9:00 am. on August 30, 2013 for a Special In-Camera meeting and discussed one (1) item as provided for under Section 239 of the Municipal Act.

ITEM A - Land Acquisition/Disposition was heard under Section 239(2)(c) and (f) of the Municipal Act. As a result of that discussion, the following motion is before Council:

Councillor Davies moved, Deputy Mayor Sutherland seconded:

That Council authorize the Mayor and Clerk to execute a Memorandum of Understanding as per the confidential administrative report dated August 27, 2013 and discussed at the August 30, 2013 Special In Camera meeting of Council.

The Mayor put the Motion.

Motion Carried Unanimously

COUNCIL IN CAMERA SESSION – REPORTING OUT September 3, 2013 IN CAMERA MEETING

Council met at 6:00 pm. on September 3, 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 Matters – Semi Annual Status Report – Heard under Section 239(2)(e) and (f). There is nothing further to report on this matter.

ITEM B – Annual Shareholder Meeting - Proxy Holder – Heard under Section 239(2)(f). As a result of that discussion, the following motion is before Council:

Deputy Mayor Sutherland moved, Councillor Davies seconded:

That Council rescind the motion from its August 12, 2013 Council Meeting regarding Essex Power Corporation –Appointment of Proxyholder for Shareholders' 2013 Annual Meeting.

The Mayor put the Motion.

Motion Carried Unanimously

The rescinded motion from August 12, 2013 is as follows:

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

The following new motion on the matter is now before Council:

Councillor Pillon moved, Councillor DiPasquale seconded:

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;

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;

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.

The Mayor put the Motion.

Motion Carried Unanimously

NOTICES OF MOTION

There were no Notices of Motion.

BY-LAWS

24.1 Confirmatory By-law

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That By-law 2013-90 being a By-law to confirm all resolutions of the Municipal Council Meetings held on August 26, 28 and September 3, 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

Councillor Davies moved, Councillor Pillon seconded:

That Council rise and adjourn at 7:58 p.m.

The Mayor put the Motion.

Motion Carried Unanimously

MAYOR – WAYNE HURST

CLERK – BRENDA M. PERCY