



**TOWN OF AMHERSTBURG  
COUNCIL MEETING  
Monday, October 07, 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 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**

The Deputy Clerk said prayer.

**DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**

There were no disclosures of pecuniary interest noted.

**MINUTES OF PREVIOUS MEETING**

**Approval of Minutes**

Councillor DiPasquale moved, Councillor Davies 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 – September 16, 2013**

The Mayor put the Motion.

**Motion Carried Unanimously**

## DELEGATIONS

### 5.1 Joel Charron - Thank you to Council

Joel Charron thanked Council and administration for the past 4 years of experiences while working with the River Town Times.

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That the delegation be received.**

The Mayor put the Motion.

**Motion Carried**

## PRESENTATIONS

### 6.1 Scott Fortner, McCormick, Rankin Consulting Engineers – Sandwich Street Paving (*Report to follow*)

This report and presentation was referred to the Regular Council meeting of October 21, 2013.

The Mayor asked for Councils indulgence to bring forward report item # 10.1 at this time.

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

**That Report Item 10.1 be brought forward at this time.**

The Mayor put the Motion.

**Motion Carried**

### 10.1 Texas Road Reconstruction Options 1, 2 and 3 Financial Review

The Director of Engineering and Infrastructure provided an overview of the report before Council.

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**It is recommended that:**

- 1. The report from the Director of Engineering and Infrastructure dated September 25, 2013 regarding Texas Road Reconstruction Options 1, 2 and 3 Financial Review be received, and;**
- 2. Council review the financial information associated with options 1, 2 or 3 (which is Option 6 – Texas Rd reconstruction motion February 7, 2013), and;**
- 3. Council continue to hold in abeyance all tenders for Option 3 above and instruct administration to pursue all project funding opportunities with the Government of Canada and the Province of Ontario and provide a further report to Council regarding same.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## REPORTS – POLICE SERVICES

No reports at this time.

Deputy Mayor Sutherland left the meeting at 7:42 pm.

## **REPORTS – RECREATION AND CULTURE**

### **8.1 Centennial Park Tennis Courts Remediation**

Councillor DiPasquale moved, Councillor Davies seconded:

**It is recommended that:**

- 1. The report from the Director of Recreation & Culture dated October 7th, 2013 regarding the Centennial Park Tennis Courts Remediation be received, and;**
- 2. Council approve the remediation of the Centennial Park Tennis Courts as described in this report, and;**
- 3. Administration be directed to take this remediation plan to tender in accordance with the Town of Amherstburg purchasing policies.**

The Mayor put the Motion.

**Motion Failed**

Councillor Davies moved, Councillor Pouget seconded:

**It is recommended that:**

- 1. The report from the Director of Recreation & Culture dated October 7th, 2013 regarding the Centennial Park Tennis Courts Remediation be received, and;**
- 2. Council consider the Centennial Park Tennis Courts Remediation during the 2014 budget deliberations.**

The Mayor put the Motion.

**Motion Carried**

### **8.2 Centennial Park Running Track Remediation**

Councillor DiPasquale moved, Councillor Sutton seconded:

**It is recommended that:**

- 1. The report from the Director of Recreation and Culture dated July 17, 2013 regarding the Centennial Park Running Track Remediation be received, and;**
- 2. Council defer the remediation of the Centennial Park Running Track for consideration during the 2014 Budget process, and;**
- 3. Council approve the establishment of new signage to indicate that the track is a walking/jogging track not recommended for competition, and;**
- 4. Administration continue to monitor the condition of the track and take remedial action, as required, in order to limit the potential for risk.**
- 5. Council direct administration to meet with the Greater Essex County School Board to enter into discussions for financial partnership.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **REPORTS – CORPORATE SERVICES**

### **9.1 Release Agreement for the Proposed Fountain at the United Communities Credit Union Complex**

Councillor Pouget moved, Councillor Sutton seconded:

**It is recommended that:**

- 1. The report from the Manager of Strategic Asset Management dated September 21, 2013 regarding the proposed fountain at the United Communities Credit Union Complex be received, and;**
- 2. Council direct administration to execute a release agreement between the Town of Amherstburg and Jamie Ondejko and Nancy Ondejko from the mutual covenants of the prior agreement, for naming rights to the roundabout at the complex and construction of a fountain.**

The Mayor put the Motion.

**Motion Carried Unanimously**

### **9.2 Lican Developments Limited Lease Agreement for 99 Thomas Road**

The Mayor asked that Council hold this report until the end of the meeting.

## **REPORTS – ENGINEERING AND INFRASTRUCTURE**

### **10.1 Texas Road Reconstruction Options 1, 2 and 3 Financial Review**

As dealt with above.

### **10.2 Major Drain and Extension Improvements Tender Results**

Councillor Sutton moved, Councillor Pillon seconded:

**It is recommended that:**

- 1. The report from the Engineering Coordinator dated September 23, 2013 regarding Major Drain and Extension Improvements tender results be received, and;**
- 2. Council accept administration's recommendation to award the contract for the Major Drain and Extension Improvements to the lowest bidder, being Goodreau Excavating Ltd. In the amount of \$35,035.00, and;**
- 3. By-law 2013-98 being a By-law to enter into a contract with Goodreau Excavating Ltd. for the Major Drain and Extension Improvements 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 – LEGISLATIVE SERVICES**

### **11.1 Consent to Assignment of Lease – Patrick/Martin**

Councillor DiPasquale moved, Councillor Pillon seconded:

**It is recommended that:**

- 1. The report from the Deputy Clerk/Risk Manager dated September 3, 2013 regarding Consent to Assignment of Lease – Patrick/Martin be received;**
- 2. Council authorize the signing of the Consent to Assignment of Lease by the Mayor and Clerk; and,**
- 3. Council direct administration to report back on the options for use of the lands at the end of the lease term.**

The Mayor put the Motion.

**Motion Carried Unanimously**

### **11.2 Dedication of Block B, Plan M-45 (McCurdy Drive) as a Public Highway**

Councillor Sutton moved, Councillor DiPasquale seconded:

**It is recommended that:**

- 1. The report from the Manager of Planning and Development Services dated September 19, 2013 regarding the dedication of Block B, Plan M-45 (McCurdy Drive) as a public highway be received, and;**
- 2. Council approve the dedication of Block B, Plan M-45 as a public highway, and;**
- 3. By-law 2013-95 being a by-law to dedicate Block B, Plan M-45 (McCurdy 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**

### **11.3 Removal of Part Lot Control Big Creek Subdivision (Plan 12M-505)**

Councillor Pillon moved, Councillor Sutton seconded:

**It is recommended that:**

- 1. The report from the Manager of Planning and Development Services dated September 23, 2013 regarding removal of Part Lot Control – Big Creek Subdivision (Plan 12M-505) be received;**
- 2. Council approve the application for removal of Part Lot Control for Lots 1, 19, 24, 27, 32, 33, 34, 35, 36, 37, 38, 40, Plan 12M-505, Lots 2 and 3, Plan 12M-505, being Parts 1, 2, 3, 4, 5, 6, 7, 8 on Plan 12R-25431, Lots 21, 22, 23, Plan 12M-505, being Parts 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 on Plan 12R-25430 and known locally as Big Creek Subdivision;**
- 3. By-law 2013-96 being a by-law to remove certain lands from Part Lot Control (12M-505), 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**

11.4 **Amherstburg Community Services (ACS) Insurance Options – Follow up**

Councillor Davies moved, Councillor Pouget seconded:

**It is recommended that:**

- 1. The report from the Deputy Clerk/Risk Manager dated September 19, 2013 regarding Amherstburg Community Services (ACS) Insurance Options – Follow up be received;**
- 2. Council direct administration to advise ACS that the Town will no longer provide insurance for the ACS buses effective November 1, 2013, and;**
- 3. Council refer the request from ACS for a grant of \$6000.00 annually to the 2014 budget deliberations.**

The Mayor put the Motion.

**Motion Carried**

Councillor Davies moved, Councillor Sutton seconded:

**That Council direct administration to come back with a new option.**

The Mayor put the Motion.

**Motion Carried**

**REPORTS - CAO's OFFICE**

12.1 **Amherstburg Retirement Facility (Seasons)**

Councillor Sutton moved, Councillor Pillon seconded:

**It is recommended that:**

- 1. The report from the Chief Administrative Officer dated September 29, 2013 regarding the Amherstburg Retirement Facility (Seasons) be received.**

The Mayor put the Motion.

**Motion Carried Unanimously**

12.2 **Notice of Motion – Properties of Interest**  
*(Refer to Notice of Motion Item # 20.1)*

Councillor Davies moved, Councillor Sutton seconded:

**It is recommended that:**

- 1. The report from the Chief Administrative Officer dated September 29, 2013, regarding the notice of motion to contact properties owners regarding the Heritage Registry of the Town be received.**

The Mayor put the Motion.

**Motion Carried Unanimously**

12.3 **Salmoni Building Development Charges**

Councillor Sutton moved, Councillor Pillon seconded:

**It is recommended that:**

- 1. The report from the Chief Administrative Officer dated September 28, 2013 regarding development charges on the Salmoni Building be received.**

The Mayor put the Motion.

**Motion Carried Unanimously**

#### **INFORMATION REPORTS**

Councillor Sutton moved, Councillor Pillon seconded:

**That the consent reports be received.**

- a) Ombudsman Letter as Result of Investigation of Meetings held October 9 and November 26, 2012, January 21, March 4, and March 18, 2013**
- b) Accounts Paid for the Period of September 4, 2013 to September 24, 2013**

The Mayor put the Motion.

**Motion Carried Unanimously**

#### **CONSENT CORRESPONDENCE**

Councillor Sutton moved, Councillor Pillon seconded:

**That the correspondence a and c be received.**

- a) Bancroft and Hastings Disaster Relief Committee**
- c) Wayne Miller Citizen of the Year Dinner**

The Mayor put the Motion.

**Motion Carried**

- b) St. John Baptiste School - Crossing Guard Scheduling Conflict**

Councillor Sutton moved, Councillor Davies seconded:

**That Council direct administration to set up a meeting with the school transportation board to discuss crossing guard coverage.**

The Mayor put the Motion.

**Motion Carried Unanimously**

#### **CONSENT OTHER MINUTES**

Councillor Pillon moved, Councillor Sutton seconded:

**That the following minutes be received:**

- a) Amherstburg Police Services Board Minutes - July 16, 2013**
- b) Committee of Adjustment Minutes from the July 30, 2013 Meeting**
- c) Committee of Adjustment Minutes from the August 27, 2013 Meeting**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **CORRESPONDENCE**

### **16.1 Restorative Justice Week - November 17-24, 2013**

Councillor Davies moved, Councillor Sutton seconded:

**It is recommended that:**

- 1. The correspondence regarding Restorative Justice Week be received, and;**
- 2. Council proclaim the week of November 17 - 24, 2013 as Restorative Justice Week in the Town of Amherstburg.**

The Mayor put the Motion.

**Motion Carried**

*(Mayor reads proclamation)*

## **UNFINISHED BUSINESS**

Unfinished Business items as of Monday, October 07, 2013

Councillor Pillon requested an update on the traffic light repairs at the Sandwich Street and Pickering Drive intersection. The Director of Engineering and Infrastructure advised Council that the lights were in the process of being fixed.

## **NEW BUSINESS**

There was no New Business.

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

Report from In Camera Meeting held Monday, September 30, 2013

### **COUNCIL IN CAMERA SESSION – REPORTING OUT September 30, 2013 MEETING**

Council met at 4:00 pm. on September 30, 2013 for a Special In-Camera meeting and discussed one (1) items as provided for under Section 239 of the Municipal Act.

**ITEM A –** CAO Performance - heard under Section 239(2)(b) of the Municipal Act. There is nothing further to report on this matter.

## **NOTICES OF MOTION**

### **20.1 Councillor Davies - Notification of Property of Interest Registry (Refer to Report Item # 12.2)**

As dealt with above.

The Mayor asked for Councils indulgence to address this report at this time, as the representatives from Lican Developments had just joined the meeting.

### **9.2 Lican Developments Limited Lease Agreement for 99 Thomas Road**



Councillor Sutton moved, Councillor Pillon seconded:

**It is recommended that:**

- 1. The report from the Manager of Strategic Asset Management dated August 27, 2013 regarding the Lease Agreement for 99 Thomas Road be received, and;**
- 2. Council authorize the Mayor and Clerk to sign the attached agreement with Lican Developments Limited.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **BY-LAWS**

### **21.1 By-law 2013-97- By-law to amend Zoning By-law No. 1999-52**

Councillor DiPasquale moved, Councillor Sutton seconded:

**By-law 2013-97 being a By-law to amend Zoning By-law No. 1999-52, 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**

### **21.2 Confirmatory By-law**

Councillor Sutton moved, Councillor DiPasquale seconded:

**That By-law 2013-99 being a By-law to confirm all resolutions of the Municipal Council Meetings held on September 30 and October 7, 2013, 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**

## **ADJOURNMENT**

### **RECOMMENDATION**

**That Council rise and adjourn at 9:01 p.m.**

The Mayor put the Motion.

**Motion Carried**

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MAYOR – WAYNE HURST

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CLERK – BRENDA M. PERCY