



**TOWN OF AMHERSTBURG
COUNCIL MEETING
Monday, February 03, 2014
7:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg

MINUTES

PRESENT

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

Mike Phipps, Chief Administrative Officer
Paula Parker, Deputy Clerk

ABSENT

Councillor Carolyn Davies

CALL TO ORDER

The Mayor called the meeting to order at 4:35 pm.

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

There were no disclosures of pecuniary interest noted.

SPECIAL IN-CAMERA MEETING

Councillor Sutton moved, Councillor Pillon seconded:

That Council move into an In-Camera Meeting of Council at 4:30pm, pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:

- ITEM A – Minutes of Settlement – 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 – Economic Development – Section 239(2)(c) – A proposed or pending acquisition or disposition of land by the municipality or local board**
- ITEM C - Email Notice of Motion - Section 239(2)(f) – Advice that is subject to solicitor-client privilege, including communications necessary for that purpose**

ITEM D - CAO Contract - 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 E - Boblo Request for Information – 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

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

The Deputy Clerk said prayer.

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

Councillor Sutton declared a pecuniary interest with regard to item 18(a). The youth organization that Councillor Sutton is involved with may apply for the Essex Power funding.

MINUTES OF PREVIOUS MEETING

Approval of Minutes

Deputy Mayor Sutherland moved, Councillor Sutton 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 - Planning Minutes - January 20, 2014**
- 2. Regular Council Meeting Minutes - January 20, 2014**

The Mayor put the Motion.

Motion Carried Unanimously

DELEGATIONS

9.1 Big Creek Watershed

- Dr. David C. Coates**
- Dr. J. W. Spellman**

Dr. Coates addressed Council regarding Big Creek Watershed and environmentally affected illness. Dr. Coates noted that he served on the Big Creek Steering

Committee for 3 years. Dr. Coates requested that Council not accept the plan as it stands and that Council pass a motion to allow 3-4 months for additional studies to occur prior to the acceptance of the plan. A handout was given to Council and forms part of these minutes.

Tim Byrne, ERCA, addressed questions of Council. Mr. Byrne stated that the goals and objectives of ERCA have been completed with this study. He suggested that Council request the support of higher levels of government to perform the studies that Dr. Coates has requested.

Councillor Pouget moved, Councillor DiPasquale seconded:

That the delegation be received.

The Mayor put the Motion.

Motion Carried

Councillor Pouget moved, Councillor DiPasquale seconded:

That Council allow Dr. Coates an additional 3-4 months to provide Council with additional information regarding his concerns and to hold the Big Creek study in abeyance until the information is received.

The Mayor put the Motion.

Motion Failed

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That Council invite Dr. Coates to provide his information to the planning department for future use in terms of the implementation of the plan.

The Mayor put the Motion.

Motion Carried Unanimously

Councillor Pouget moved, Councillor DiPasquale seconded:

That Council waive rules of order to allow Jill Stoyanovich to speak regarding the Towns financials.

The Mayor put the Motion.

Motion Failed

Dr. Spellman addressed Council regarding the ownership of the Big Creek Watershed.

Councillor Sutton moved, Councillor Pillon seconded:

That the delegation be received.

The Mayor put the Motion.

Motion Carried Unanimously

9.2 **Ray Bezaire, Amherstburg Chamber of Commerce - Hotel Needs Assessment**

Ray Bezaire, on behalf of the Amherstburg Chamber of Commerce, addressed Council regarding the recent hotel needs assessment that was conducted on behalf of the Chamber.

Councillor Sutton moved, Councillor Pillon seconded:

That the delegation be received and that administration and Council continue to work with the Chamber on the hotel initiative.

The Mayor put the Motion.

Motion Carried Unanimously

The Mayor asked for Council's indulgence to bring forward report item # 15.1 at this time, as Tim Byrne, ERCA representative was still present.

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That report item # 15.1 be brought forward at this time.

The Mayor put the Motion.

Motion Carried

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

It is recommended that:

- 1. The report from the Manager of Planning and Development Services dated January 6, 2014, regarding the Big Creek Watershed Plan- Summary of the Completed Plan be received; and**
- 2. Council direct administration to utilize the Big Creek Watershed Plan as reference material in future planning, drainage and natural heritage preservation processes.**

The Mayor put the Motion.

Motion Carried

PRESENTATIONS

10.1 Ray Tracey, CEO, Essex Power Corporation - Amherstburg's Role as Shareholder

Ray Tracey, CEO, Essex Power Corporation, addressed Council regarding Amherstburg's role as a shareholder. Mr. Tracey's PowerPoint presentation is attached and forms part of these minutes. Amherstburg represents 14% interest in the company.

The Town Solicitor requested a timeline from Mr. Tracey regarding providing financial information to the Town pertaining to its shares. The timeline provided by Mr. Tracey was approximately 5 days. The Town Solicitor requested clarification to Council regarding the payments from Essex Power Corporation. Mr. Tracey confirmed that profits were only \$1.6M and the additional \$2M was only a repayment to the Town over the course of 13 years.

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

That the presentation be received.

The Mayor put the Motion.

Motion Carried

REPORTS – POLICE SERVICES

No reports at this time.

REPORTS – COMMUNITY SERVICES

12.1 Amherstburg Chamber of Commerce (ACOC) - South Gateway Holiday Decorating

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

It is recommended that:

- 1. The report from the Manager of Tourism and Culture dated January 17, 2014, regarding Amherstburg Chamber of Commerce (ACOC) - South Gateway Holiday Decorating be received, and;**
- 2. Council approve the implementation and facilitation of this initiative by the Amherstburg Chamber of Commerce decorating committee on Town property at the South Gateway.**

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS – FINANCE

No reports at this time.

REPORTS – ENGINEERING AND PUBLIC WORKS

14.1 Water Use By-law 2014-08

Councillor DiPasquale moved, Councillor Pillon seconded:

It is recommended that:

- 1. The report from the Manager of Environmental Services dated January 20, 2014 regarding the Water Use By-law 2014- 08 be received; and,**
- 2. By-law 2014-08 being a by-law to regulate the supply of water in 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.**

The Mayor put the Motion.

Motion Carried

14.2 Municipal Drain Maintenance Policy

Councillor Sutton moved, Councillor Pillon seconded:

It is recommended that:

- 1. The report from the Manager of Public Works dated November 19, 2013 regarding the municipal drain maintenance policy be received, and;**
- 2. Council adopt the policy entitled Municipal Drain Maintenance Policy for all maintenance requests on municipal drains under the Drainage Act.**

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS – CORPORATE AND LEGAL SERVICES

- 15.1 **Big Creek Watershed Plan- Summary of the Completed Plan**
(Refer to this link <http://amherstburg.ca/planningbigcreek> for the complete plan)

As dealt with above.

- 15.2 **Kingsbridge Natural Gas Line and Trail Easement**

Councillor Pillon moved, Councillor Sutton seconded:

It is recommended that:

- 1. The report by Manager of Planning and Development Services dated January 20, 2014, regarding Kingsbridge Natural Gas Line and Trail Easement be received;**
- 2. Council approve the proposed additional 5ft of easement for trail amenity offered by the developer to the Town.**

The Mayor put the Motion.

Motion Carried Unanimously

- 15.3 **Request for Designation of Event as Municipally Significant**

Councillor DiPasquale moved, Councillor Sutton seconded:

It is recommended that:

- 1. The report from the Licensing Officer dated January 21, 2014 regarding Request for Designation of Event as Municipally Significant be received;**
- 2. Council deem the Amherstburg Firefighters Annual Volleyball Tournament, June 14, 2014, as a municipally significant event for the purpose of applying for a Special Occasion Permit.**

The Mayor put the Motion.

Motion Carried Unanimously

REPORTS - CAO's OFFICE

No reports at this time.

INFORMATION REPORTS

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

That the information report (a) be received.

- a) Provincial Consultation of the Land Use Planning and Appeals System**

The Mayor put the Motion.

Motion Carried Unanimously

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That the Information report (b) be received.

- b) Accounts Paid for the Period of January 8, 2014 to January 20, 2014**

The Mayor put the Motion.

Motion Carried Unanimously

CONSENT CORRESPONDENCE

Deputy Mayor Sutherland moved, Councillor Pillon seconded:

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

That Council authorize the Mayor to sign a Letter of Understanding between the Town of Amherstburg and Essex Power Corporation regarding the Youth in Community Fund.

The Mayor put the Motion.

Motion Carried

Deputy Mayor Sutherland moved, Councillor Pouget seconded:

That the consent correspondence be received.

- a) Essex Power Youth in Community**
- b) Town of Tecumseh - Build Canada Fund Program**

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Councillor Sutton moved, Councillor Pillon seconded:

That the following minutes be received:

- a) Amherstburg Police Services Board Meeting Minutes - December 17, 2014**
- b) Amherstburg Accessibility Advisory Committee Minutes - October 17, 2013**

The Mayor put the Motion.

Motion Carried Unanimously

UNFINISHED BUSINESS

Unfinished Business items as of Monday, February 03, 2014

Councillor DiPasquale moved, Councillor Pouget seconded:

That administration be requested to provide a full report to Council regarding net financials on the former UCCU Centre prior to budget deliberations.

The Mayor put the Motion.

Motion Carried Unanimously

The CAO addressed Council regarding contacting Tim Ryall, Ministry of Municipal Affairs regarding the audit. The CAO has been calling continuously with no response to date. It was brought to Council's attention that there will be a cost involved in the audit of the Ministry and administration has put aside approximately \$80,000 in the 2014 budget for this purpose.

The CAO was directed to engage the MPP to put pressure on the Ministry to conduct the audit post haste.

NEW BUSINESS

Councillor Pouget moved, Councillor Pillon seconded:

That administration correspond with Bell Canada in some way to ask that they reconsider their long distance charges.

The Mayor put the Motion.

Motion Carried

Councillor Pouget requested administration look into the reasoning for the absence of the Treasurer's name and Council meeting dates from the 2014 Garbage Collection Calendar.

Councillor Pouget moved, Councillor DiPasquale seconded:

That Council proceed with the 2014 budget deliberations by mid-February as was originally planned and for Council to be prepared to set future dates for budget deliberations at this February meeting.

The Mayor put the Motion.

Motion Failed

Councillor Pouget moved, Councillor DiPasquale seconded:

That Council direct administration to stop ordering dinner at the taxpayers' expense prior to any Council meetings for members of Council and administration, in order to show that Council is deeply concerned and dedicated to addressing our serious financial situation and to set an example for our employees that we must drastically reduce costs in all departments as quickly as possible.

The Mayor put the Motion.

	Yes/Concur	No/ Not Concur
Councillor Davies		
Councillor DiPasquale	X	
Councillor Pillon	X	
Councillor Pouget	X	
Deputy Mayor Sutherland	X	
Councillor Sutton	X	
Mayor Hurst	X	

Motion Carried Unanimously

The CAO updated Council on the OPP investigation.

REPORT FROM IN-CAMERA SESSION

Report from In-Camera Meeting held Monday, February 03, 2014

COUNCIL IN CAMERA SESSION – REPORTING OUT February 3, 2014 MEETING

Council met at 4:30 pm on February 3, 2014 for a Special In-Camera meeting and discussed five (5) items as provided for under Section 239 of the Municipal Act.

ITEM A – Minutes of Settlement – heard under section 239(2)(b) and (f) of the Municipal Act. There is nothing further to report on this matter.

ITEM B – Economic Development – heard under section 239(2)(c) of the Municipal Act. There is nothing further to report on this matter.

ITEM C - Email Notice of Motion – heard under section 239(2)(f) of the Municipal Act. As a result of that discussion the following motion is before Council:

Councillor Pouget withdrew this Notice of Motion.

That Council direct administration to cease intercepting, reading, responding or sharing any emails sent to the attention of any members of this Council, unless directed to do so by the intended recipient of said emails.

ITEM D - CAO Contract – 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 Sutton seconded:

That the information in the Confidential In-Camera Cover # 2014-02-03-04 from the Town Solicitor regarding CAO Contract be APPROVED; and,

That By-law 2014-10 being a By-law to Amend the Contract between the Town of Amherstburg and Mike Phipps (Phipps Consulting Inc.) for the position of Chief Administrative Officer be taken as having been read 3 times and finally passed and the Mayor and Clerk be authorized to sign same.

The Mayor put the Motion.

Motion Carried

ITEM E - Boblo Request for Information – heard under section 239(2)(f) of the Municipal Act. As a result of that discussion, the following motion is before Council:

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That Council direct the Town Solicitor to provide legal advice on the documentation pertaining to Boblo.

The Mayor put the Motion.

Motion Carried

NOTICES OF MOTION

There were no notices of motion.

BY-LAWS

24.1 Third and Final Reading – Drain Improvements

- **North Townline Drain**
- **Adams Drain**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That By-laws 2013-70 and 2013-93 being by-laws to provide for the repair and improvement of the Adams Drain and North Townline Drain be read a THIRD AND FINAL time and the Mayor and Clerk be authorized to sign same.

The Mayor put the Motion.

Motion Carried Unanimously

24.2 **Confirmatory By-law**

Councillor DiPasquale moved, Deputy Mayor Sutherland seconded:

That By-law 2014-09 being a by-law to confirm all resolutions of the Municipal Council Meetings held on February 3, 2014, 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

ADJOURNMENT

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

That Council rise and adjourn at 9:55 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – WAYNE HURST

DEPUTY CLERK – PAULA PARKER