



**TOWN OF AMHERSTBURG  
COUNCIL MEETING  
Monday, March 24, 2014  
7:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg

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**MINUTES**

**PRESENT**

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

Mike Phipps, Chief Administrative Officer  
Brenda Percy, Director of Corporate and Legal  
Services/Clerk  
Paula Parker, Deputy Clerk

**CALL TO ORDER**

The Mayor called the in-camera meeting to order at 4:00pm.

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

There were no disclosures of pecuniary interest noted.

**SPECIAL IN-CAMERA MEETING**

Councillor Sutton moved, Councillor DiPasquale seconded:

**That Council move into an In-Camera Meeting of Council at 4:00pm., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:**

- ITEM A – Boblo Update – Section 239(2)(f) – Advice that is subject to solicitor–client privilege, including communications necessary for that purpose**
- ITEM B – Personnel Matter – 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 C - Technology Use – 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.**

### **PRAYER**

The 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 Pillon moved, Councillor DiPasquale 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 - March 3, 2014(as amended)**

The Deputy Clerk noted that an amended version of the March 3, 2014 minutes was circulated to Council for their consideration. The amendment included the removal of CAO, Mike Phipps in the present list and the addition of Acting CAO, Dean Collver.

The Mayor put the Motion.

**Motion Carried**

### **DELEGATIONS**

#### **9.1 Boblo - Dominic Amicone, President and Cindy Prince, Vice-President, Amico Developments**

Councillor Pouget questioned the timing of the submission on the presentation by Amico Developments. The Mayor stated that due to a few minor revisions, Amico Developments was unable to provide the presentation to administration prior to the preparation of the agenda. The Mayor queried Council to confirm they were in agreement with hearing the presentation from Amico Developments. By show of hands, Council agreed to hear the presentation.

The President and Vice-President, Amico Developments provided an overview of the presentation before Council.

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**That the delegation be received.**

The Mayor put the Motion.

**Motion Carried**

#### **9.2 2013 Annual Report/2014 Draft Budget - Richard Wyma, General Manager/Secretary-Treasurer and Joe Bachetti, Chair, Essex Region Conservation Authority(ERCA)**

Joe Bachetti was unable to attend this meeting. Richard Wyma, General Manager/Secretary-Treasurer, ERCA provided Council with an overview of the presentation before them.

Councillor Pillon moved, Councillor Sutton seconded:

**That the delegation be received.**

The Mayor put the Motion.

**Motion Carried**

9.3 **St. Joseph Rectory - Marilyn Laframboise, Parishioner**

Marilyn Laframboise provided an overview of her concerns regarding Council's intent to designate and amend By-law 2003-89.

Councillor Sutton moved, Councillor Pillon seconded:

**That the delegation be received.**

**And further that Council withdraw its intent to designate and amend By-law 2003-89.**

The Mayor put the Motion.

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

**Motion Carried**

9.4 **Reconsideration of Heritage Designation By-law 2003-89/Procedural By-law - Marc Pillon**

Marc Pillon addressed Council with his concerns regarding the reconsideration of By-law 2003-89 and the Procedural By-law.

Councillor Sutton moved, Councillor Pillon seconded:

**That the delegation be received.**

The Mayor put the Motion.

**Motion Carried**

**REPORTS – POLICE SERVICES**

No reports at this time.

## **REPORTS – COMMUNITY SERVICES**

### **11.1 Amherstburg Farmers Market update and New Initiative**

Councillor Sutton moved, Deputy Mayor Sutherland seconded:

**It is recommended that:**

- 1. The report from the Manager of Tourism and Culture dated February 22, 2014, regarding Amherstburg Farmers Market (AFM) update and New Initiative be received, and;**
- 2. Council approve the request for the AFM to operate an additional mid-week day, namely Tuesday afternoon at the downtown location, Toddy Jones Park.**

The Mayor put the Motion.

**Motion Carried**

## **REPORTS – FINANCE**

### **12.1 Tax Arrears Extension Agreement – Roll 3729 130 000 10600**

Councillor Pillon moved, Councillor Davies seconded:

**It is recommended that:**

- 1. The report from the Supervisor of Revenue dated March 10, 2014 regarding Tax Arrears Extension Agreement – Roll 3729 130 000 10600 be received; and,**
- 2. The Mayor and Clerk be authorized to enter into an extension agreement between the Town and the property owner, on behalf of the Town, with the terms outlined in the said agreement; and,**
- 3. By-law 2014-19, being a by-law to authorize the execution of a tax arrears extension agreement, be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign the same thereto.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **REPORTS – ENGINEERING AND PUBLIC WORKS**

### **13.1 Golfview Phase 4B – Initial Acceptance of Underground Services and Road Works**

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**It is recommended that:**

- 1. The report from the Manager of Engineering and Operations dated February 28, 2014 regarding Golfview Phase 4B – Initial Acceptance of Underground Services and Road Works be received; and,**
- 2. Council place the underground services and initial road works on a 1 year maintenance period, commencing January 15, 2014.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **REPORTS – CORPORATE AND LEGAL SERVICES**

### **14.1 Conservation Review Board (CRB) Report (Case No. CRB1305) 1105 Front Road South- Designating By-law 2007-60**

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**It is recommended that:**

- 1. The report from the Chief Building Official dated March 10, 2014, regarding Conservation Review Board (CRB) Report (Case No. CRB1305) 1105 Front Road South- Designating By-law 2007-60 be received; and,**
- 2. The recommendations contained within the Conservation Review Board Report be considered.**

The Mayor put the Motion.

**Motion Carried**

## REPORTS - CAO's OFFICE

### 15.1 Provincial Offer to Facilitate a Financial Management and Practices Review

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**It is recommended that:**

- 1. The report from the Mike Phipps, Chief Administrative Officer dated March 20, 2014 regarding a Provincial Offer to Facilitate a Financial Management and Practices Review be received; and,**
- 2. Council approve, in principle, moving forward with the Financial Management and Practices Review for the Town of Amherstburg with the costs of the Review being borne by the municipality; and,**
- 3. Council authorize a maximum expenditure of \$100,000 for the completion of the Review as explained in this report; and,**
- 4. Council authorize the Mayor and Clerk to execute an agreement with the Ministry of Municipal Affairs that secures unfettered access to Town staff and members of Council, municipal financial and other records, by the Ministry and the 3rd party vendor chosen under an RFS selection process, for the purposes of conducting the Review.**
- 5. Administration prepare a by-law to implement this agreement as a housekeeping matter for April 7, 2014.**

The Mayor put the Motion.

**Motion Carried Unanimously**

Councillor Pouget moved, Deputy Mayor Sutherland seconded:

**That administration correspond with MMAH requesting the following:**

- 1. MMAH/3rd party vendor meet with Council prior to meeting any other party.**
- 2. Any concerns with respect to matters prior to 2009 be reviewed if found relevant.**
- 3. By-laws be included, if relevant, under the review of agreements, policies and procedures.**
- 4. MMAH/3rd party vendor address Council members' concerns.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **INFORMATION REPORTS**

Council requested information for the next Council meeting regarding Council compensation relating to Councillor Davies expenses.

Council also requested administration to explore amendments to policy relating to legal fee reimbursement for Council members.

Councillor Sutton moved, Councillor Pillon seconded:

**That the information reports be received.**

- a) **2013 Treasurer's Report**
- b) **Yard Waste Depot Opening Postponement**
- c) **Roads that require Surface Asphalt and Securities**
- d) **Libro Centre 2013 Financial Performance versus Budget**
- e) **Accounts Paid for the Period of February 18, 2014 to March 10, 2014**

The Mayor put the Motion.

**Motion Carried Unanimously**

Councillor Pouget moved, Councillor Davies seconded:

**That Council direct administration to actively pursue all developers, who are responsible for the unfinished roads and sidewalks listed in this report, to complete all work required in their agreement with the Town of Amherstburg in a timely fashion;**

**And further that administration keep Council apprised of their progress concerning this matter.**

The Mayor put the Motion.

**Motion Carried Unanimously**

## **CONSENT CORRESPONDENCE**

Deputy Mayor Sutherland moved, Councillor Sutton seconded:

**That the consent correspondence be received.**

- a) **Black Historical Museum - Emancipation Booklet**
- b) **Essex County Agricultural Hall of Fame Invitation**
- c) **Lincoln M. Alexander Award 2014**
- d) **Aurora Resolution - Introduction of Municipal Recall Election Legislation**



The Mayor put the Motion.

**Motion Carried**

## **CONSENT OTHER MINUTES**

Councillor Sutton moved, Councillor Pillon seconded:

**That the following minutes be received:**

- a) **Amherstburg Accessibility Advisory Committee Minutes - October 17, 2013**
- b) **Amherstburg Accessibility Advisory Committee Minutes - January 23, 2014**
- c) **Amherstburg Police Services Board Minutes - January 21, 2014**
- d) **Amherstburg Police Services Board Minutes - February 25, 2014**
- e) **Heritage Committee Minutes - January 16, 2014**
- f) **Heritage Committee Minutes - February 6, 2014**

The Mayor put the Motion.

**Motion Carried**

## **CORRESPONDENCE**

- 19.1 **Lupus Foundation of Ontario - World Lupus Day, May 10, 2014/October as Lupus Awareness Month**

Councillor Pillon moved, Deputy Mayor Sutherland seconded:

**It is recommended that:**

- 1. The correspondence be received; and,**
- 2. Council proclaim May 10, 2014 as World Lupus Day and October as Lupus Awareness Month in the Town of Amherstburg.**

The Mayor put the Motion.

**Motion Carried**

## **UNFINISHED BUSINESS**

Unfinished Business items as of Monday, March 24, 2014

Councillor DiPasquale enquired on the status of a motion he brought forward previously with respect to 6 questions pertaining to Town financials. The CAO asked for clarification on whether Council wanted administration to proceed with that now

that MMAH was requested to perform an audit. Council agreed it was no longer necessary.

Councillor Pouget enquired on the status of a motion she brought forward with respect to Entegrus and a one month extension on their offer timelines. The Director of Community Services advised that Entegrus had agreed to extend their timeline.

Councillor Pouget moved, Councillor DiPasquale seconded:

**That Council change the date of the public meeting regarding the Entegrus offer from April 8, 2014 until two weeks after the BDR report is received.**

The Mayor put the Motion.

**Motion Failed**

## **NEW BUSINESS**

There were no New Business items.

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

Report from In Camera Meeting held Monday, March 24, 2014

### **COUNCIL IN CAMERA SESSION – REPORTING OUT March 24, 2014 MEETING**

Council met at 4:00 pm on March 24, 2014 for a Special In-Camera meeting and discussed three (3) items as provided for under Section 239 of the Municipal Act:

- ITEM A –** Boblo Update – heard under Section 239(2)(f) of the municipal act. There is nothing further to report on this matter.
- ITEM B –** Personnel Matter – heard under Section 239(2)(b) and (f) of the municipal act. There is nothing further to report on this matter.
- ITEM C -** Technology Use – heard under Section 239(2)(f) of the municipal act. There is nothing further to report on this matter.

## NOTICES OF MOTION

23.1 **Councillor Pouget - Stop Deferral of Development Charges**  
*(As introduced at the March 3, 2014 Council meeting)*

Councillor Pouget moved, Councillor DiPasquale seconded:

**That Council direct administration to prepare a new by-law to stop the deferral of development charges and to revert back to the way the Town of Amherstburg collected said development charges prior to By-law 2009-81.**

The Mayor put the Motion.

**Motion Failed**

Councillor Davies introduced a Notice of Motion pertaining to Natural Snow Fence. This item will be placed on the April 7, 2014 Regular Council meeting agenda for discussion and voting.

Councillor Sutton introduced a Notice of Motion pertaining to Press Releases regarding Town of Amherstburg Finances. This item will be placed on the April 7, 2014 Regular Council meeting agenda for discussion and voting.

## BY-LAWS

24.1 **Confirmatory By-law**

Councillor Sutton moved, Councillor Pillon seconded:

**That By-law 2014-20 being a by-law to confirm all resolutions of the Municipal Council Meetings held on March 24, 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**

**ADJOURNMENT**

Deputy Mayor Sutherland moved, Councillor Davies seconded:

**That Council rise and adjourn at 9:45 p.m.**

The Mayor put the Motion.

**Motion Carried**

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MAYOR – WAYNE HURST

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CLERK – BRENDA M. PERCY