



**TOWN OF AMHERSTBURG  
COUNCIL MEETING**

**Monday, March 09, 2015**

**6:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg

**MINUTES**

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**PRESENT**

Mayor Aldo DiCarlo  
Deputy Mayor Bart DiPasquale  
Councillor Joan Courtney  
Councillor Rick Fryer  
Councillor Jason Lavigne  
Councillor Leo Meloche  
Councillor Diane Pouget

Giovanni (John), Chief Administrative Officer  
Paula Parker, Clerk

**CALL TO ORDER**

The Mayor called the meeting to order at 6:25 p.m.

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

There were no disclosures of pecuniary interest noted.

**SPECIAL IN-CAMERA MEETING**

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

**That Council move into an In-Camera Meeting of Council at 3:27 p.m., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:**

**ITEM A - PARC Direction - Section 239 (2)(c) - A proposed or pending acquisition or disposition of land by the municipality or local board.**

**ITEM B – Employee Qualifications – 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 – Boblo Update – Section 239 (2)(f) - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

**ITEM D – 440-448 Simcoe – 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 - 6:25 P.M.**

## **PRAYER**

The Clerk said prayer.

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

Councillor Pouget declared pecuniary interest with respect to agenda item # 15.2. She indicated that her children own property in Lake Erie Country Club.

## **MINUTES OF PREVIOUS MEETING**

### **Approval of Minutes**

Councillor Fryer moved the motion with the elimination of item # 2 – Regular Council Meeting Minutes – February 23, 2015.

Councillor Fryer moved, Councillor Lavigne 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 In-Camera Meeting Minutes - February 23, 2015**
- 2. Regular Council Meeting Minutes - February 23, 2015**
- 3. Special In-Camera Meeting Minutes - February 26, 2015**
- 4. Special Council Meeting Minutes - February 26, 2015**

The Mayor put the Motion.

**Motion Carried**

Councillor Pouget noted a discrepancy in the Regular Council Meeting Minutes for February 23<sup>rd</sup>, 2015, with respect to item # 14.5. The Municipal Clerk stated amendments would be made and the minutes will be brought back for consideration at the Regular Council Meeting on March 23<sup>rd</sup>, 2015.

Councillor Fryer moved, Councillor Lavigne seconded:

**That presentation item # 10.1 be brought forward to accommodate the representative present from the Essex Region Conservation Authority (ERCA).**

The Mayor put the Motion.

**Motion Carried**

### **10.1 2014 Annual Report & 2015 Draft Budget - Richard Wyma, General Manager/Secretary-Treasurer, Essex Region Conservation Authority (ERCA)**

Mr. Wyma took Council through a Power Point presentation and provided them with handouts of the 2014 Annual Report and the 2015 Draft Budget.

Councillor Fryer moved, Councillor Lavigne seconded:

**That the presentation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

The Mayor asked for Council's consideration to bring forth a recognition that wasn't listed on the agenda.

The Manager of Tourism, along with the Tourism Coordinator and the Manager of Parks and Facilities informed Council that the Town of Amherstburg was recognized as "Municipality of the Year" by Festival and Events Ontario. The Manager of Tourism thanked Council, Administration and residents and presented the award to Mayor DiCarlo.

## **DELEGATIONS**

### **9.1 Housing for the Amherstburg Food Bank - Lucille Thrasher, President of Amherstburg Food Bank**

Ms. Thrasher addressed Council with respect to the relocation of the Amherstburg Food Bank.

The Chief Administrative Officer stated that he will look into available municipal resources.

Councillor Fryer moved, Councillor Meloche seconded:

**That the delegation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

### **9.2 Petition to keep Amherstburg Police Service Local - Darlene Meloche**

Ms. Meloche addressed Council with respect to a petition to keep Amherstburg Police Service.

Deputy Mayor DiPasquale moved, Councillor Courtney seconded:

**That the delegation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

**9.3 Staffing Presentation - Jim Broderick**

Mr. Broderick withdrew as a delegation in light of recent discussions regarding employee qualifications.

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

**That the presentation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

**9.4 PARC Request – Peggy Thompson**  
*(As dealt with below)*

**PRESENTATIONS**

**10.1 2014 Annual Report & 2015 Draft Budget - Richard Wyma, General Manager/Secretary-Treasurer, Essex Region Conservation Authority (ERCA)**  
*(As dealt with above)*

**REPORTS – POLICE SERVICES**

No reports at this time.

**REPORTS – CORPORATE AND COMMUNITY SERVICES**

**12.1 Naming Rights Agreement Amendment – Libro Credit Union (formerly United Communities Credit Union)**

Deputy Mayor DiPasquale moved, Councillor Pouget seconded:

**That:**

- 1. The report from the Manager of Business Development and Programs dated February 19, 2015 regarding Naming Rights**

**Agreement Amendment – Libro Credit Union (formerly United Communities Credit Union) BE RECEIVED;**

- 2. The addendum to the signed naming rights agreement, changing the name from United Communities Credit Union to Libro Credit Union BE APPROVED; and,**
- 3. The Mayor and Clerk BE AUTHORIZED to sign the addendum on behalf of the Town of Amherstburg.**

The Mayor put the Motion.

**Motion Carried**

#### **12.2 Staff Attendance at Gordon Food Service Trade Show**

Councillor Pouget moved, Councillor Courtney seconded:

Councillor Pouget moved the motion with an amendment to receive the report only.

**That:**

- 1. The report from the Manager of Business Development and Programs dated March 3, 2015 regarding staff attendance at the Gordon Food Service Trade Show BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

The Mayor asked for Council's consideration to address supplementary item # 9.4 to accommodate the delegate in the gallery.

#### **9.4 PARC Request – Peggy Thompson**

Ms. Thompson addressed Council regarding the PARC process requesting an invitation from the Premier, the Minister of Education and Minister of Rural Affairs or their delegates to visit the Amherstburg area and examine first-hand the impact the school closures would have on our community.

**That the delegation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

Councillor Pouget moved, Councillor Fryer seconded:

**That Administration formally invite the Premier, the Minister of Education and Minister of Rural Affairs or their delegates to visit the Amherstburg area and examine first-hand the impact the school closures would have on our community.**

The Mayor put the Motion.

**Motion Carried**

## **REPORTS – FINANCIAL SERVICES**

### **13.1 February 16, 2015- March 2, 2015 Accounts Payable**

Deputy Mayor DiPasquale moved, Councillor Meloche seconded:

**That:**

- 1. The report from the Director of Financial Services dated March 2, 2015 regarding February 16, 2015 – March 2, 2015 Accounts Payable, BE APPROVED; and,**
- 2. The Director of Financial Services BE AUTHORIZED to release funds for the approved payables.**

The Mayor put the Motion.

**Motion Carried**

### **13.2 Drainage Line of Credit**

Deputy Mayor DiPasquale moved, Councillor Pouget seconded:

**That:**

- 1. The report from the Director of Financial Services dated March 2, 2015 regarding Drainage Line of Credit, BE RECEIVED;**
- 2. The Canadian Imperial Bank of Commerce BE AUTHORIZED to amend the current banking agreement dated June 3, 2014 to reduce Credit Facility A to \$7,000,000.00 from \$8,000,000.00;**
- 3. The Canadian Imperial Bank of Commerce BE AUTHORIZED to amend the current banking agreement dated June 3, 2014 to create a**

**new Credit Facility for a Drainage Line of Credit of \$1,000,000.00 with a Rate of Prime Less .25%;**

- 4. The Director of Financial Services BE AUTHORIZED to perform the necessary transfers to fund IN CASH the Equity Reserves of the Town of Amherstburg as outlined in the financial matters section of this report; and,**
- 5. By-law 2015-23 being a by-law to provide for temporary borrowing until Drainage Work Repayments are collected and other revenues are received, 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**

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

### **14.1 2015 Nuisance Mosquito Program Agreement**

Councillor Fryer moved, Councillor Lavigne seconded:

**That:**

- 1. The report from the Manager of Engineering and Operations dated February 25, 2015, regarding the 2015 Nuisance Mosquito Program Agreement BE RECEIVED; and,**
- 2. By-law 2015-22 being a by-law to enter into an agreement with Pestalto Environmental Health Services Inc. to provide the required services to complete the 2015 Nuisance Mosquito Program for the 'Fraserville Area' 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**

## **REPORTS – ECONOMIC AND COMMUNITY DEVELOPMENT**

### **15.1 Downtown Parking Review**



Councillor Meloche moved, Councillor Lavigne moved:

**That:**

- 1. The report from the Director of Economic and Community Development dated February 20, 2015 regarding the Downtown Parking Review BE RECEIVED;**
- 2. Council APPROVE the appropriate signage for Town owned parking lots, street parking signage, enhanced line painting, consistent enforcement and communication to encourage improved downtown parking practices; and,**
- 3. Council DIRECT Administration to continue to monitor downtown parking and report to Council the impacts of the changes, and future downtown parking opportunities.**

The Mayor put the Motion.

**Motion Carried**

The Mayor asked for Council's consideration to move the Report Out from the In-Camera Session forward to hear from the Town's Solicitor, Nancy Jammu-Taylor.

### **COUNCIL IN CAMERA SESSION – REPORTING OUT February 23, 2015 MEETING**

Council met at 6:03pm on February 23, 2015 for a Special In-Camera meeting and discussed one (1) item as provided for under Section 239 of the Municipal Act:

**ITEM A** – Discussion of Committee Applications heard under Section 239(2)(b) of the Act. There is nothing further to report at this time.

### **COUNCIL IN CAMERA SESSION – REPORTING OUT February 26, 2015 MEETING**

Council met at 5:06 pm on February 26, 2015 for a Special In-Camera meeting and discussed one (1) items as provided for under Section 239 of the Municipal Act:

**ITEM A** – Boblo Update heard under Section 239(2) (f) of the Act. There is nothing further to report at this time.

## **COUNCIL IN CAMERA SESSION – REPORTING OUT**

### **March 9, 2015 MEETING**

Council met at 3:12 pm on March 9, 2015 for a Special In-Camera meeting and discussed four (4) items as provided for under Section 239 of the Municipal Act:

**ITEM A** - PARC Direction heard under Section 239 (2)(c) of the Act. There is nothing further to report at this time.

**ITEM B** – Employee Qualifications heard under Section 239 (2)(b) and (f) of the Act. As a result of that discussion, Nancy Jammu-Taylor, legal counsel from McTague Law Firm had the following statement:

Although Council is legally entitled to ask for such information, it is not advisable to do so. Administration, and specifically, the CAO is responsible for the general supervision and oversight of all departments and has full control and direction of all Town of Amherstburg employees as per By-law 2014-94. Council is the primary policy-making body of the Town and ought to interfere with operational and administrative issues. Doing so only serves to blur the lines between Council and Administration and limit Council's ability to hold the CAO accountable for the Town's operations. Accordingly, decisions regarding labour and employment matters ought to be left to the CAO to handle subject to Council approval as required.

**ITEM C** – Boblo Update heard under Section 239 (2)(f) of the Act. There is nothing further to report at this time.

**ITEM D** – 440-448 Simcoe heard under Section 239 (2)(f) of the Act. There is nothing further to report at this time.

#### **15.2 Disposal of Surplus Real Property**

Councillor Pouget left Council Chambers at 7:58 p.m. and removed herself from discussion and voting on the matter of attachment C with respect to the pecuniary interest declared earlier in the evening.

Councillor Meloche moved, Councillor Lavigne seconded:

**That:**

- 1. The report from the Director of Economic and Community Development dated March 2, 2015 regarding the Disposal of Surplus Real Property BE RECEIVED;**

2. **Council DECLARE the properties contained in attachments C of this report surplus to the needs of the Town of Amherstburg; and,**
3. **Administration BE AUTHORIZED and DIRECTED to sell the subject lands at fair market value in accordance with the Sale of Surplus Property Policy.**

The Mayor put the Motion.

**Motion Carried**

Councillor Pouget re-entered Council Chambers at 8:04 p.m.

Councillor Fryer moved, Councillor Pouget seconded:

**That:**

1. **The report from the Director of Economic and Community Development dated March 2, 2015 regarding the Disposal of Surplus Real Property BE RECEIVED and DEFERRED until further property information can be provided to Council.**

The Mayor put the Motion.

**Motion Failed**

Councillor Meloche moved the motion with a slight amendment pertaining to Council's final approval.

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

**That:**

1. **The report from the Director of Economic and Community Development dated March 2, 2015 regarding the Disposal of Surplus Real Property BE RECEIVED;**
2. **Council DECLARE the properties contained in attachments A, B, D and Table 1 of this report surplus to the needs of the Town of Amherstburg; and,**
3. **Administration BE AUTHORIZED and DIRECTED to sell the subject lands at fair market value in accordance with the Sale of Surplus Property Policy and bring back proposals for Council's final approval.**

The Mayor put the Motion.

**Motion Carried**

15.3 **Ontario Community Infrastructure Fund (OCIF) – Texas Road**  
*(As dealt with below)*

**REPORTS - CAO's OFFICE**

16.1 **Newspaper Advertising – Renewal of Contract with River Town Times**

Deputy Mayor DiPasquale moved, Councillor Meloche seconded:

**That:**

1. **The report from the Manager of Special Projects dated February 23, 2015 regarding Newspaper Advertising – Extension of Contract BE RECEIVED;**
2. **Council APPROVE a one-year extension of the current contract for newspaper advertising with the River Town Times; and,**
3. **By-law 2015-21 being a by-law to enter into a contract with the River Town Times to provide weekly newspaper advertising for 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**

The Mayor asked for Council's consideration to address supplementary item # 15.3.

15.3 **Ontario Community Infrastructure Fund (OCIF) – Texas Road**

The Clerk noted that the motion of previous Council dated October 7, 2013, needed to be rescinded in order to consider the new motion before Council.

Councillor Fryer moved, Councillor Lavigne seconded:

**That the previous motion from October 7, 2013, BE RESCINDED.**

The Mayor put the Motion.

**Motion Carried**

Councillor Fryer moved, Councillor Lavigne seconded:

**That:**

- 1. The report from the Director of Economic and Community Development dated February 19, 2015 regarding the Ontario Community Infrastructure Fund (OCIF) - Texas Road Reconstruction BE RECEIVED;**
- 2. Council review the financial information in the report associated with Option 2 and Option 3 for the Texas Road reconstruction;**
- 3. The Town of Amherstburg ENTER into a Contribution Agreement with the Ministry of Agriculture, Food and Rural Affairs (OMAFRA) and FURTHER that the Mayor and Clerk BE AUTHORIZED to sign the agreement; and,**
- 4. Council DIRECT administration to prepare a Tender document with revised road cross section, technical detail, project timeline and projected costs associated with Option 2 for the Texas Road reconstruction.**

The Mayor put the Motion.

**Motion Carried**

**16.2 Council Compensation Review for the 2014-2018 Term of Office**

Councillor Meloche moved a new motion with respect to this item.

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

**That:**

- 1. Each Council member, including the Mayor, accept a \$2000.00 reduction in salary; and,**
- 2. Each Council member, including the Mayor, also accept a \$1000.00 reduction in either their per diem salary or their public reception allocation (the choice to be theirs).**

The Mayor put the Motion.

	<b>Yes/Concur</b>	<b>No/Not Concur</b>
Councillor Courtney		X
Mayor DiCarlo	X	
Deputy Mayor DiPasquale	X	
Councillor Fryer		X
Councillor Lavigne		X
Councillor Meloche	X	
Councillor Pouget		X

**Motion Failed**

Councillor Lavigne moved, Councillor Fryer seconded:

**That:**

1. **The report from the Manager of Licensing and Enforcement dated February 10, 2015 regarding Council Compensation Review for the 2014-2018 Term of Office BE RECEIVED;**
2. **Council APPROVE the Council Compensation Committee's recommendation of a zero percent increase to the salary structure for the 2014-2018 term of Council; and,**
3. **Council APPROVE the Council Compensation Committee's recommendation that if a member of Council elects to pay for his/her own registration to a conference, no expenses or per diems will be reimbursed or paid to the member of Council.**

The Mayor put the Motion.

	<b>Yes/Concur</b>	<b>No/Not Concur</b>
Councillor Courtney	X	
Mayor DiCarlo		X
Deputy Mayor DiPasquale		X
Councillor Fryer	X	
Councillor Lavigne	X	
Councillor Meloche		X
Councillor Pouget	X	

**Motion Carried**

## **COMMUNICATION REPORTS**

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

**That the communication reports BE RECEIVED:**

- a) **Request for a Streetlight at Willow Beach Road and Concession 3 South**
- b) **Amherstburg Land Holdings Remediation Update**
- c) **Town of Amherstburg Official Plan Review**
- d) **2015 Tree Inventory and Evaluation for King's Navy Yard Park, Bill Wigle Park and Austin 'Toddy' Jones Park**
- e) **2014 Annual Treasurers Report**
- f) **2014 Year end Reserve Funds and Restricted Cash Update**
- g) **2014 Annual Report on Development Charge Reserve Funds**
- h) **Amherstburg Chamber of Commerce Mardi Gras Event – July 24-25, 2015**

The Mayor put the Motion.

**Motion Carried**

Councillor Pouget addressed item # 17(h) requesting attendees of the Public Events Committee meeting on January 6, 2015. The Manager of Licensing and Enforcement advised that the names of those who attended the meeting would be emailed to Council.

Deputy Mayor DiPasquale moved, Councillor Fryer seconded:

**That Council waive the rules of order to allow a member of the Amherstburg Chamber of Commerce to speak and answer questions regarding the Mardi Gras event.**

The Mayor put the Motion.

**Motion Carried**

Scott Deslippe, Amherstburg Chamber of Commerce member, informed Council that the Chamber held a meeting for business owners in the area surrounding the Mardi Gras event. The business owners were informed of the event and many were in support of the event.

## **CONSENT CORRESPONDENCE**

Deputy Mayor DiPasquale moved, Councillor Pouget seconded:

**That the consent correspondence BE RECEIVED.**

- a) **Ontario Association of Fire Chiefs - Municipal Official's Seminar**
- b) **Annual Warden's Luncheon - Windsor-Essex Regional Chamber of Commerce**
- c) **Town of Aurora Resolution - Bill 52, The Protection of Public Participation Act**
- d) **County Council Delegation - Essex Spitfire Committee**

The Mayor put the Motion.

**Motion Carried**

### **CONSENT OTHER MINUTES**

Councillor Lavigne moved, Councillor Meloche moved:

**That the following minutes BE RECEIVED:**

- a) **Amherstburg Police Services Board Minutes - January 20, 2015.**

The Mayor put the Motion.

**Motion Carried**

### **CORRESPONDENCE**

#### **20.1 Purple Day - March 26, 2015**

Councillor Meloche moved, Councillor Lavigne seconded:

**That:**

1. **The correspondence regarding Purple Day BE RECEIVED; and,**
2. **Council PROCLAIM March 26, 2015 as Purple Day in the Town of Amherstburg.**

The Mayor put the Motion.

**Motion Carried**



## **UNFINISHED BUSINESS**

1. Councillor Pouget inquired when Council's Health and Safety training would be scheduled. The Clerk stated that the training will be scheduled once an agreeable date could be set.

Councillor Fryer moved, Councillor Meloche seconded:

**That Council waive the rules within Procedural By-law 2014-91 with respect to Monday meetings, Sections 3.3 and 5.6 and that additional meetings do not begin before 6pm.**

The Mayor put the Motion.

**Motion Carried**

## **NEW BUSINESS**

There was no new business.

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

*(As reported out above)*

## **NOTICES OF MOTION**

Deputy Mayor DiPasquale introduced a Notice of Motion regarding election by ward system. This motion will be before Council for consideration and voting at the March 23, 2015, Regular Council Meeting.

## **BY-LAWS**

### **25.1 Agreement with 21st Century K9 Inc. - 1 year of Dog Control Services**

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

**That By-law 2015-18 being a by-law to enter into a contract with 21st Century K9 Inc. to provide dog control services 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**

**25.2 Fence Viewers Appointment By-law**

Councillor Fryer moved, Councillor Meloche seconded:

**That By-law 2015-20 being a by-law to Appoint Fence Viewers for 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**

**25.3 Confirmatory By-law**

Deputy Mayor DiPasquale moved, Councillor Lavigne seconded:

**That By-law 2015-24 being a by-law to confirm all resolutions of the Municipal Council Meeting held on February 26th, March 5th and 9th, 2015 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**

Councillor Pouget moved, Deputy Mayor DiPasquale seconded:

**That Council rise and adjourn at 9:32 p.m.**

The Mayor put the Motion.

**Motion Carried**



MAYOR – ALDO DICARLO



CLERK – PAULA PARKER