



**TOWN OF AMHERSTBURG  
REGULAR COUNCIL MEETING  
Monday, May 11, 2015  
6:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg

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**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) Miceli, Chief Administrative Officer  
Paula Parker, Clerk

**CALL TO ORDER**

The Mayor called the meeting to order at 6:02 pm.

**MOMENT OF SILENT REFLECTION**

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

There were no disclosures of pecuniary interest noted.

## **MINUTES OF PREVIOUS MEETING**

### **Approval of Minutes**

Councillor Lavigne moved, Councillor Fryer 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 Council Meeting Minutes - April 13, 2015**
- 2. Special Council Meeting Minutes - Planning - April 13, 2015**
- 3. Regular Council Meeting Minutes - April 13, 2015**

The Mayor put the Motion.

**Motion Carried**

Agenda item # 10.1 was brought forward at this time.

## **REPORTS - CAO's OFFICE**

### **10.1 PARC Update**

Anthony Leardi, Leardi Law Firm, provided a presentation to Council with respect to the PARC Update and the draft recommendations released by the PARC Committee.

Councillor Meloche moved, Councillor Fryer seconded:

**That:**

- 1. The report from the Chief Administrative Officer dated May 5, 2015, regarding the PARC update BE RECEIVED for information.**

The Mayor put the Motion.

**Motion Carried**

## **REPORTS – POLICE SERVICES**

No reports at this time

## **REPORTS – CORPORATE AND COMMUNITY SERVICES**

No reports at this time.

## **REPORTS – FINANCIAL SERVICES**

### **7.1 2015 Interim Tax Levy By-law**

Councillor Fryer moved, Councillor Meloche seconded:

**That:**

- 1. The report from the Supervisor of Revenue dated April 28, 2015, regarding 2015 Interim Tax Levy By-law BE RECEIVED; and,**
- 2. By-law 2015-55, being a by-law to provide for an interim tax rate, the payment of taxes and, the application of a penalty and interest of 1.25 percent per month on taxes in default be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign the same.**

The Mayor put the Motion.

**Motion Carried**

### **7.2 April 21, 2015- May 4, 2015 Accounts Payable**

Councillor Lavigne moved, Councillor Pouget seconded:

**That:**

- 1. The report from the Director of Financial Services dated May 4, 2015, regarding April 21, 2015- May 4, 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**

### 7.3 **2015 Final Approved Budget**

Councillor Meloche moved, Councillor Lavigne seconded:

That:

1. **The report from the Manager, Financial Services, dated May 5, 2015, regarding 2015 Final Approved Budget BE RECEIVED;**
2. **Council APPROVE the 2015 Town net operating budget \$18,556,914 with an increase of 0.26% to the municipal levy;**
3. **Council APPROVE the 2015 Town Gross Capital Budget of \$6,341,116 and a Net Capital Budget of \$4,184,750 to BE FUNDED from:**
  - a. **\$1,882,366 from Grants/Subsidies/Contributions**
  - b. **\$1,000,000 from 2015 Gas Tax**
  - c. **\$274,000 from Waste Water**
  - d. **\$477,000 from OCIF**
  - e. **\$1,679,000 from the Tax Levy through Operations**
  - f. **\$147,000 from Police Operations**
  - g. **\$881,750 from Debentures;**
4. **Council APPROVE the establishment of a 2015 Capital Replacement Levy of 2%;**
5. **Council APPROVE the establishment of 2015 Capital Reserve Levy of 2%;**
6. **The Director of Financial Services/Treasurer BE AUTHORIZED to make the necessary transfers to fund capital projects as required from operations and reserves as per the 2015 Capital Budget;**
7. **The Director of Financial Services/Treasurer BE DIRECTED to establish a Capital Replacement Reserve and Capital Reserve for the Town of Amherstburg and BE AUTHORIZED to transfer \$371,338 to**

the Capital Replacement Reserve and \$371,338 to the Capital Reserve; and,

8. **By-law 2015-56 being a by-law to adopt the 2014 assessments on which taxes shall be levied for the year 2015, to levy taxes for the year 2015 and to provide for the collection thereof, be taken as having been read three times and finally passed and Mayor and Clerk BE AUTHORIZED to sign the same.**

The Mayor put the Motion.

**Motion Carried Unanimously**

Councillor Pouget moved, Councillor Meloche seconded:

**That Council allow the gallery to speak with respect to the 2015 Final Approved Budget.**

The Mayor put the Motion.

**Motion Carried**

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

No reports at this time.

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

- 9.1 **Encroachment Agreement – Kirsten Kurzuk and 2447242 Ontario Inc. o/a The Beacon Alehouse at 239 Dalhousie Street**

Councillor Lavigne moved, Councillor Pouget seconded:

**That:**

1. **The report from the Director of Economic and Community Development dated May 4, 2015, regarding an Encroachment Agreement – Kirsten Kurzuk and 2447242 Ontario Inc. o/a The Beacon Alehouse at 239 Dalhousie Street BE RECEIVED;**

2. **Council APPROVE the request from Kirsten Kurzuk and 2447242 Ontario Inc. o/a The Beacon Alehouse and enter into an Encroachment Agreement for the purpose of allowing a two level outdoor patio at 239 Dalhousie; and,**
3. **By-law 2015-47 being a by-law authorizing the execution of an Encroachment Agreement between the Town of Amherstburg and Kirsten Kurzuk and 2447242 Ontario Inc. o/a The Beacon Alehouse 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**

## 9.2 **Liquor Licence Application – The Beacon Alehouse**

Deputy Mayor DiPasquale moved, Councillor Lavigne seconded:

**That:**

1. **The report from the Manager of Licensing and Enforcement dated May 1, 2015, regarding the Liquor Licence Application – The Beacon Alehouse BE RECEIVED; and,**
2. **Administration BE AUTHORIZED to advise the Alcohol and Gaming Commission of Ontario (AGCO) of Council's support for the liquor licence application.**

The Mayor put the Motion.

**Motion Carried**

## 9.3 **Development Charges Deferral Policy Extension**

Councillor Fryer moved, Councillor Courtney seconded:

**That:**

1. **The report from the Manager of Planning Services dated April 24, 2015, regarding the Development Charges Deferral Policy Extension, BE RECEIVED; and,**

2. Council **APPROVE** the extension of Development Charges Deferral Policy for a period of one year from May 11, 2015 to May 11, 2016.

The Mayor put the Motion.

**Motion Carried**

9.4 **Development Agreement for V/L on Fryer Street and Amending Development Agreement for 365 Fryer Street**

Councillor Meloche moved, Councillor Fryer seconded:

**That:**

1. **The report from the Manager of Planning Services dated April 23, 2015, regarding a Development Agreement for V/L on Fryer Street and Amending Development Agreement for 365 Fryer Street BE RECEIVED;**
2. **The site plan and Development Agreement for the development of the site to a parking lot BE APPROVED;**
3. **The site plan and Amending Development Agreement for the redevelopment of the site to extend the existing parking lot BE APPROVED;**
4. **By-law 2015-45 being a by-law to authorize the signing of a Development Agreement be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same; and,**
5. **By-law 2015-54 being a by-law to authorize the signing of an Amending Development Agreement 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**

9.5 **Agreement to Defer Development Charges - 125 & 127 Forhan**

Councillor Lavigne moved, Councillor Meloche seconded:

**That:**

- 1. The report from the Chief Building Official dated April 24, 2015, regarding the Agreement to Defer Development Charges -125 & 127 Forhan Street BE RECEIVED;**
- 2. Council APPROVE the application for deferral of development charges, as requested by 928466 Ontario Ltd. for property located at 125 & 127 Forhan Street; and,**
- 3. By-law 2015-53 being a By-law to authorize the signing of an agreement to defer development charges be taken as having been read three (3) times and finally passed and the Mayor and Clerk be authorized to sign same.**

The Mayor put the Motion.

**Motion Carried**

#### **9.6 Lord Amherst – Extension of Liquor Sales Hours**

Councillor Fryer moved, Councillor Lavigne seconded:

**That:**

- 1. The report from the Manager of Licensing and Enforcement dated May 7, 2015, regarding the Lord Amherst – Extension of Liquor Sales Hours BE RECEIVED; and,**
- 2. Administration BE AUTHORIZED to advise the Alcohol and Gaming Commission (AGCO) that Council has no objection to the extension of hours of liquor sales to 1 hour earlier on May 24, 2015, changing from 11am to 10am.**

The Mayor put the Motion.

**Motion Carried**

### **REPORTS - CAO's OFFICE**

#### **10.1 PARC Update** *(As dealt with above)*



## **CONSENT CORRESPONDENCE**

Deputy Mayor DiPasquale moved, Councillor Fryer seconded:

**That the consent correspondence BE RECEIVED:**

- a) **The College of Physicians and Surgeons of Ontario - Council Award**
- b) **Amherstburg Community Services - Thank You Letter**
- c) **Ministry of Citizenship, Immigration and International Trade - Ontario Medal for Good Citizenship**
- d) **Bois Blanc Blockhouse Dedication**
- e) **2015 Senior Achievement Award**
- f) **ERCA Finalizes Budget**
- g) **Funding Formula for Ontario's Rural Schools - Town of Essex**
- h) **The Charter Challenge of Ontario's Wind Turbine Approval Process**
- i) **Huron Perth Landowners Association - Press Release**

The Mayor put the Motion.

**Motion Carried**

Councillor Pouget moved, Councillor Fryer seconded:

**That Council direct Administration to send a letter of support to the Town of Essex regarding Funding Formula for Ontario's Rural Schools.**

The Mayor put the Motion.

**Motion Carried**

## **CONSENT OTHER MINUTES**

Councillor Fryer moved, Councillor Lavigne seconded:

**That the following minutes BE RECEIVED:**

- a) **Accessibility Advisory Committee Meeting Minutes - March 26, 2015**
- b) **Recreation and Culture Advisory Committee Minutes - March 10, 2015**
- c) **Amherstburg Police Service Board Meeting Minutes - March 17, 2015**

The Mayor put the Motion.

**Motion Carried**

## OTHER MINUTES

### 13.1 Traffic Committee Meeting Minutes - March 5, 2015

Councillor Fryer moved, Deputy Mayor DiPasquale seconded:

**That:**

1. **The Traffic Committee minutes of March 5th, 2015 BE RECEIVED;**
2. **Council APPROVE the request to have No Parking Signs placed along the grass verge adjacent to 4th Concession North at the intersection with North Townline; and,**
3. **Council APPROVE the request to erect a Stop Sign at the end of Lakewood Drive at the intersection with Ridgewood Lane.**

The Mayor put the Motion.

**Motion Carried**

## UNFINISHED BUSINESS

1. Deputy Mayor DiPasquale asked if the traffic flow issues had been resolved on Sandwich Street. The Director of Engineering and Public Works stated that since the loops had been adjusted there hasn't been any further issues or complaints from residents with respect to traffic flow.
2. Councillor Fryer asked if a report could be brought to Council by the end of May with respect to line painting on Sandwich Street. The Director of Engineering and Public Works stated that she would bring a report forward.
3. Councillor Meloche asked for clarification with respect to the Ouellette Drain East report. The Manager of Public Works provided some additional details regarding the report and answered Council's questions.
4. Councillor Meloche asked if a report was coming to Council with respect to the water rate differences between Windsor and Amherstburg. The Chief Administrative Officer stated that he will add this to his unfinished business list and bring a report to Council.

## NEW BUSINESS

1. Councillor Courtney moved, Councillor Pouget seconded:

**That Council direct Administration to provide Council with a breakdown of all Town fleet vehicles and a monthly report with respect to odometer readings and gas usage of all Town vehicles.**

The Mayor put the Motion.

**Motion Carried**

2. Councillor Pouget moved, Councillor Fryer seconded:

**That Council direct Administration to investigate the best tree by-law available to municipalities throughout Ontario and provide Council with this tree by-law for Council's consideration and review. This tree by-law should protect all trees on municipal property and have serious consequences of any violators.**

The Mayor put the Motion.

**Motion Carried**

3. Councillor Pouget moved, Councillor Fryer seconded:

**That Council direct Administration to provide Council with a full report of a solution to parking problems in the downtown core area that is not being currently addressed with any further development.**

The Mayor put the Motion.

**Motion Carried**

4. Councillor Meloche stated that the Windsor Star is painting a negative financial picture of the Town and he would like a letter to be sent to the Windsor Star. The Chief Administrative Officer suggested that he hold a meeting with the editor to provide the editor with information about the progresses the Town has made so that a positive article can be published.

Councillor Meloche moved, Councillor Fryer seconded:

**That Council direct Administration to send a letter or arrange a meeting with the Windsor Star outlining all positive steps Amherstburg has taken to move the Town forward.**

The Mayor put the Motion.

**Motion Carried**

Councillor Pouget moved, Councillor Courtney seconded:

**That Council allow the gallery to speak.**

The Mayor put the Motion.

**Motion Carried**

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

### **COUNCIL IN CAMERA SESSION – REPORTING OUT April 13, 2015 MEETING**

Council met at 8:34 pm on April 13, 2015 for a Special In-Camera meeting and discussed (5) items as provided for under Section 239 of the Municipal Act:

**ITEM A** - Fire Negotiations Update heard under Section 239(2)(d) of the Act.  
There is nothing further to report at this time.

**ITEM B** - Property Standards Committee Applications heard under Section 239(2)(b) of the Act. There is nothing further to report at this time.

**ITEM C** - Employee Qualifications heard under Section 239(2)(b) of the Act.  
There is nothing further to report at this time.

**ITEM D - Employees Progressing Through the Wage Grid and Completion of Performance Appraisals** heard under Section 239(2)(b) of the Act. There is nothing further to report at this time.

**ITEM E - Audit and Finance Advisory and Economic Development Advisory Committee Appointees** heard under Section 239(2)(b) of the Act. There is nothing further to report at this time.

## **NOTICES OF MOTION**

There were no Notices of Motion

## **BY-LAWS**

### **18.1 By law 2015-51 - Provision of Notice**

Councillor Lavigne moved, Councillor Meloche seconded:

**It is recommended that By-law 2015-51 being a by-law to describe the form, manner and times for the Provision of Notice under the Municipal Act, 2001 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**

### **18.2 By-law 2015-35 - To Provide for Municipal Housing**

Councillor Meloche moved, Councillor Lavigne seconded:

**That By-law 2015-35 being a by-law of the Corporation of the Town of Amherstburg to Provide for Municipal Housing 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**

**18.3 Confirmatory By-law**

Councillor Fryer moved, Councillor Meloche seconded:

**That By-law 2015-57 being a by-law to confirm all resolutions of the Municipal Council Meeting held on April 28, May 4 and 11, 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 Fryer moved, Councillor Courtney seconded:

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

The Mayor put the Motion.

**Motion Carried**

  
MAYOR – ALDO DICARLO  
CLERK – PAULA PARKER