



**TOWN OF AMHERSTBURG  
COUNCIL MEETING  
Monday, June 15, 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 6:30 p.m.

**MOMENT OF SILENT REFLECTION**

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

There were no disclosures of pecuniary interest noted.

The Mayor moved agenda item # 6.2 forward.

**6.2 Shareholder and Essex Power Shared Value June 2015 – Joe Barile – General Manager, Essex Power Corporation**

Essex Power Board Member, Amherstburg Representative, Bill Ward was also present.

Councillor Fryer moved, Councillor Pouget seconded:

**That the presentation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

Deputy Mayor DiPasquale moved, Councillor Pouget seconded:

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

The Mayor put the Motion.

**Motion Carried**

The following resident was heard:

- Larry Amlin

Councillor Lavigne moved, Councillor Meloche seconded:

**That Council direct Administration to send a letter in support of the County of Essex's resolution regarding the privatization of Hydro One.**

The Mayor put the Motion.

**Motion Carried**

Councillor Fryer moved, Councillor Meloche seconded:

**That Jenny Lajoie address Council at this time.**

The Mayor put the Motion.

**Motion Carried**

Jenny Lajoie thanked Annette Zahaluk and Paula Parker for their help with the Cat Assistance Team.

Councillor Fryer moved, Councillor Pouget seconded:

**That the Ms. Lajoie's comments BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

## **MINUTES OF PREVIOUS MEETING**

### **Approval of Minutes**

Councillor Lavigne moved, Deputy Mayor 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 – May 11, 2015**

The Mayor put the Motion.

**Motion Carried**

## **DELEGATIONS**

### **5.1 Final Surface Application & Tree Planting on Golfview Drive – Larry Amlin**

Councillor Pouget moved, Councillor Courtney seconded:

**That the delegation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

Councillor Pouget moved, Councillor Fryer seconded:

**That Council direct Administration to investigate and to act in order to complete the final surface application and the tree planting on Golfview Drive in the fall of 2015 at the developers expense as required by the development agreement. Further, that Administration provide Council with a detailed report regarding the outcome of this matter at the next Council meeting.**

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 Unanimously**

**5.2 Mardi Gras Event on Dalhousie Street – Daniel Morin**

Councillor Lavigne moved, Councillor Fryer seconded:

**That the delegation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

**5.3 Mardi Gras Event on Dalhousie Street – Chris Gibb**

Councillor Fryer moved, Councillor Pouget seconded:

**That the delegation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

The Mayor moved agenda item # 5.5 forward.

**5.5 Closure of Dalhousie Street for Mardi Gras Event – Shirley Wigle**

Councillor Lavigne moved, Councillor Meloche seconded:

**That the delegation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

The Mayor moved agenda item # 6.1 forward.

**6.1 Letter of Support for Mardi Gras Event – Bob Rozankovic, Chair, Economic Development Advisory Committee**

Mr. Rozankovic noted that there was a correction to the original letter of support that was listed in the agenda package. He stated that the committee's motion to support the Mardi Gras event was carried rather than carried unanimously.

Councillor Pouget moved, Councillor Courtney seconded:

**That the presentation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

Deputy Mayor DiPasquale moved, Councillor Lavigne seconded:

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

The Mayor put the Motion.

**Motion Carried**

The following was heard:

- Ian France, Mardi Gras Event Coordinator, IF Entertainment

The Mayor moved Supplementary Agenda item # 5.4 forward.

**5.4 Site Plan Control Approval for Echo Riverside Condominium – Alex Toth**

Councillor Meloche moved, Councillor Lavigne seconded:

**That the delegation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

The Mayor moved agenda item # 11.6 forward.

**11.6 Development Agreement for 238 Dalhousie Street**

Bill Roesel, Arborist for the Town, spoke to the health of the Siberian Elm trees.

Councillor Pouget moved, Councillor Fryer seconded:

**That Council direct Administration to amend the Development Agreement to include that full cost recovery for any damage is to be the responsibility of the developer and to remove the \$20,000 security.**

The Mayor put the Motion.

**Motion Carried**

Councillor Fryer moved, Deputy Mayor DiPasquale seconded:

**That:**

- 1. The report from the CAO and the Manager of Planning Services dated May 27, 2015, regarding a Development Agreement for 238 Dalhousie Street BE RECEIVED;**
- 2. The site plan and Development Agreement for the redevelopment of the site for a residential and commercial condominium development BE APPROVED as amended;**
- 3. Council APPROVE the request to remove the two (2) Siberian Elm trees located on the western boundary of 238 Dalhousie;**
- 4. Council ACCEPT the compensation formula proposed of 3 to 1 for the trees approved for removal as a result of the works required to develop the property at 238 Dalhousie and that the species of the trees selected for replacement be in accordance with Schedule "A" of Tree By-Law 2005-19; and,**

5. **By-law 2015-32 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.**

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**

- 5.5 **Closure of Dalhousie Street for Mardi Gras Event – Shirley Wigle**  
*(As dealt with above)*

#### **PRESENTATIONS**

- 6.1 **Letter of Support for Mardi Gras Event – Bob Rozankovic, Chair, Economic Development Advisory Committee**  
*(As dealt with above)*
- 6.2 **Shareholder and Essex Power Shared Value June 2015 – Joe Barile – General Manager, Essex Power Corporation**  
*(As dealt with above)*

#### **REPORTS – POLICE SERVICES**

There were no reports.

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

There were no reports.

## **REPORTS – FINANCIAL SERVICES**

### **9.1 June 2, 2015 – June 8, 2015 Accounts Payable**

Councillor Pouget moved, Councillor Fryer seconded:

**That:**

- 1. The report from the Director of Financial Services dated June 2, 2015 regarding June 2, 2015 - June 8, 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**

### **9.2 Building Department Deficit**

Councillor Fryer moved, Councillor Lavigne seconded:

**That:**

- 1. The report from the Director of Financial Services and the Chief Building Official dated May 28, 2015 regarding Building Department Deficit, BE RECEIVED;**
- 2. The Director of Financial Services BE AUTHORIZED to adjust the deficit of the Building Department to \$949,121 by way of a reclassification entry of \$268,381 between the general revenue fund surplus and building deficit, which are both contained within the Town of Amherstburg accumulated surplus which will be done with the audited financial statements for the year end December 31, 2015.**
- 3. The Chief Building Official BE AUTHORIZED to collect building permits Revenues on future municipal capital projects.**

The Mayor put the Motion.

**Motion Carried**



## REPORTS – ENGINEERING AND PUBLIC WORKS

There were no reports.

## REPORTS – ECONOMIC AND COMMUNITY DEVELOPMENT

### 11.1 Lord Amherst – Temporary Extension of Liquor Sales Licence July 24-26, 2015

Councillor Fryer moved, Councillor Meloche seconded:

**That:**

1. **The report from the Manager of Licensing and Enforcement dated May 22, 2015, regarding the Lord Amherst – Temporary Extension of Liquor Sales Licence July 24-26, 2015 BE RECEIVED;**
2. **Administration BE AUTHORIZED to advise the Alcohol and Gaming Commission (AGCO) that Council has no objection to the proposed temporary extension of the licensed area on to Murray Street and Dalhousie St. for July 24 and 25, 2015; and,**
3. **Council APPROVE a street closure on Murray Street from Ramsay to Dalhousie Street and on Dalhousie from Murray to the Royal Canadian Legion parking lot located at 281 Dalhousie St. on July 26, 2015, and Administration BE AUTHORIZED to advise AGCO that Council has no objection to the proposed temporary extension of the licensed area on to Murray Street for July 26, 2015.**

The Mayor put the Motion.

**Motion Carried**

### 11.2 Caribbean Beach Wave Event – August 14, 2015

Councillor Meloche moved, Councillor Courtney seconded:

**That:**

1. **The report from the Manager of Licensing and Enforcement dated May 28, 2015, regarding the Caribbean Beach Wave Event – August 14, 2015 BE RECEIVED; and,**

2. **The Caribbean Beach Wave Event being held on August 14, 2015, BE DEEMED as a municipally significant event for the purpose of applying for a Special Occasion Permit from the Alcohol and Gaming Commission of Ontario (AGCO).**

The Mayor put the Motion.

**Motion Carried**

### 11.3 **Heritage Rebates for the 2014 Fiscal Tax Year**

Councillor Fryer moved, Councillor Meloche seconded:

**That:**

1. **The report from the Chief Building Official regarding Heritage Tax Rebates for the 2014 Fiscal Tax Year BE RECEIVED;**
2. **The Director of Financial Services BE AUTHORIZED to apply tax rebates for:**

- **281 King Street                      Roll # 3729-130-000-02100**
- **73 Rankin                                Roll# 3729-240-000-02500**
- **459 Dalhousie Street            Roll# 3729-050-000-01400**
- **273 Dalhousie Street            Roll# 3729-110-000-02700**

**In the amount of \$ 5,534.98 to BE FUNDED from the Municipal Tax Write Off Budget in the operating budget.**

The Mayor put the Motion.

**Motion Carried**

### 11.4 **Agreement to Defer Development Charges – 62, 64, 66 and 68 Shaw Drive**

Deputy Mayor DiPasquale moved, Councillor Lavigne seconded:

**That:**

1. **The report from the Chief Building Official dated May 29, 2015 regarding the Agreement to Defer Development Charges for 62, 64, 66 & 68 Shaw Drive, Amherstburg BE RECEIVED;**

2. Council **APPROVE** the application for deferral of development charges, as requested by 1078262 Ontario Ltd. for property located at 62, 64, 66 and 68 Shaw Drive; and,
3. **By-law 2015-68** being a By-law to authorize the signing of an agreement to defer development charges 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**

#### 11.5 **Removal of Holding Zone for 365 Sandwich Street South**

Councillor Fryer moved, Councillor Lavigne seconded:

**That:**

1. **The report from the Manager of Planning Services dated May 26, 2015, regarding the Removal of Holding Zone for 365 Sandwich Street South BE RECEIVED;**
2. **The application from Josterhaus Inc. for the Removal of the Holding Zone for property at 365 Sandwich Street South BE APPROVED; and,**
3. **By-law 2015-64 being a by-law to amend Zoning By-law 1999-52, 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**

#### 11.6 **Development Agreement for 238 Dalhousie Street** *(As dealt with above)*

#### 11.7 **2015 Santa Claus Parade Procurement and Sponsorship Agreement**

Councillor Fryer moved the motion with an amendment.

Councillor Fryer moved, Councillor Courtney seconded:

**That:**

1. **The report from the Director of Economic and Community Development dated June 1, 2015, regarding the 2015 Santa Claus Parade Procurement and Sponsorship Agreement BE RECEIVED;**
2. **Council DIRECT Administration to continue working with the Windsor Parade Corporation as the Town has done for the past 10 years and waive the procurement policy for the 2015 year.**

The Mayor put the Motion.

**Motion Carried**

Councillor Fryer moved, Councillor Lavigne seconded:

**That Council extend the meeting until 10:30 p.m.**

The Mayor put the Motion.

**Motion Carried**

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

##### **12.1 Memorandum of Understanding (MOU) – Grass Cutting Operations Wyandotte Cemetery**

Councillor Pouget moved, Councillor Fryer seconded:

**That:**

1. **The report from the Municipal Clerk dated May 20, 2015 regarding Memorandum of Understanding - Grass Cutting Operations Wyandotte Cemetery BE RECEIVED;**
2. **The Mayor and Clerk BE AUTHORIZED to execute the Memorandum of Understanding between the Town of Amherstburg and the Ministry of Aboriginal Affairs and Northern Development – Ontario Region (Ministry), for the continuation of grass cutting operations for the 2015 Season at Wyandotte Cemetery; and,**
3. **By-law 2015-66 being a by-law authorizing the execution of a Memorandum of Understanding between the Corporation of the Town of Amherstburg and the Aboriginal Affairs and Northern Development – Ontario Region regarding Maintenance of Wyandotte**

**Cemetery be read three times and finally passed and the Mayor and Clerk be authorized to sign same.**

The Mayor put the Motion.

**Motion Carried**

## **12.2 Legal Request for Proposal (RFP)**

Councillor Meloche moved, Councillor Lavigne seconded:

**That:**

- 1. The report from Chief Administrative Officer, dated June 9, 2015, regarding the Request for Proposal – Legal RFP BE RECEIVED; and,**
- 2. Administration BE AUTHORIZED to develop a roster for legal services inclusive of:**
  - i. Mousseau DeLuca McPherson Prince LLP**
  - ii. McTague Law Firm LLP**
  - iii. Shibley Righton LLP**  
**with applicable fees provided in Schedule A of RFP No. ECDEV-PS-15-006.**

The Mayor put the Motion.

**Motion Carried**

## **12.3 Recruitment and Selection of the Fire Prevention/Inspections Officer and Full Time Firefighter**

Councillor Lavigne moved, Councillor Fryer seconded:

**That:**

- 1. The report of the Fire Chief dated May 5, 2015 regarding the recruitment and selection of the Fire Prevention/Inspections Officer and full-time Firefighter, in accordance with establishing and regulating by-law 1998-87 for the Town of Amherstburg Fire Department; BE APPROVED.**

The Mayor put the Motion.

**Motion Carried**

## **INFORMATION REPORTS**

Councillor Lavigne moved, Councillor Pouget seconded:

**That the information reports BE RECEIVED:**

- a) May 2015 Reserve Funds and Restricted Cash Update**
- b) Resident Petition – Mardi Gras**
- c) OMAA Conference**

The Mayor put the Motion.

**Motion Carried**

## **CONSENT CORRESPONDENCE**

Councillor Pouget moved, Councillor Fryer seconded:

**That the consent correspondence BE RECEIVED.**

- a) Dalhousie Street Road Closure during Mardi Gras Event – Shirley Wigle**
- b) Phase 3 of Highway 3 Widening in Essex County – Taras Natyshak**
- c) Phase 3 of Highway 3 Widening in Essex County – Town of LaSalle**
- d) Senior's Month – Thank You Letter**
- e) Resolution Regarding the Proposed Privatization of Hydro One**
- f) Community Mailboxes Resolution – Town of Aurora**
- g) Community Mailboxes Resolution – Town of Newmarket**

The Mayor put the Motion.

**Motion Carried**

Councillor Fryer moved, Councillor Lavigne seconded:

**That Council direct Administration to send correspondence to the Ministry of Transportation in support of Taras Natyshak's, MPP, letter regarding the completion of the widening of Highway 3 in Essex County.**

The Mayor put the Motion.

**Motion Carried**

Councillor Fryer moved, Councillor Lavigne seconded:

**That Council concur with the Town of Aurora's resolution regarding community mailboxes and that a letter of support be sent to cease the installation of community mailboxes.**

The Mayor put the Motion.

**Motion Carried**

### **CONSENT OTHER MINUTES**

Councillor Pouget moved, Councillor Lavigne seconded:

**That the following minutes BE RECEIVED:**

- a) **Accessibility Advisory Committee Meeting Minutes – April 30, 2015**
- b) **Amherstburg Police Services Board Meeting Minutes – April 21, 2015**
- c) **Committee of Adjustment Meeting Minutes – March 31, 2015**
- d) **Committee of Adjustment Meeting Minutes – April 9, 2015**
- e) **Committee of Adjustment Meeting Minutes – April 15, 2015**
- f) **Committee of Adjustment Meeting Minutes – April 28, 2015**
- g) **Co-An Park Committee Meeting Minutes – May 13, 2015**
- h) **Heritage Committee Meeting Minutes – March 26, 2015**
- i) **Heritage Committee Meeting Minutes – April 23, 2015**
- j) **Traffic Committee Meeting Minutes – April 16, 2015**

The Mayor put the Motion.

**Motion Carried**

### **OTHER MINUTES**

#### **16.1 Traffic Committee Meeting – April 16, 2015**

Councillor Pouget moved, Councillor Lavigne seconded:

**That:**

- 1. The Traffic Committee Meeting Minutes of April 16, 2015, BE RECEIVED; and,**

2. Council **CONCUR** that a No Parking sign be erected on Dalhousie Street at the corner of Dalhousie Street and Richmond Street beside the CIBC Building.

The Mayor put the Motion.

**Motion Carried**

## **UNFINISHED BUSINESS**

1. Councillor Pouget inquired when Council can expect a breakdown of the odometer readings for Town fleet vehicles. The Chief Administrative Officer stated that the report is currently being formulated along with a draft policy.
2. Councillor Pouget inquired when Council can expect the tree by-law. The Chief Administrative Officer stated that he is currently in the process of gathering information from other municipal policies and he is hoping to have the information to Council by late summer or early fall.

## **NEW BUSINESS**

1. Councillor Fryer stated that the lights at Knobb Hill and Texas Road were cycling.
2. Councillor Pouget moved, Councillor Courtney seconded:

**That Council direct Administration to provide Council with a full report regarding the unsightly staging area directly south of the Family Health Team Center and in front of Season's retirement home that is allegedly contrary to our zoning by-law and property standards by-laws and further that this report be provided at our next Council meeting that our Chief Administrative Officer is present.**

The Mayor put the Motion.

**Motion Carried**

3. Councillor Pouget moved, Council Lavigne seconded:

**That Council direct Administration to provide Council with a full report regarding the unsightly problems associated with sign pollution**



**throughout the Town and why these violations of non-compliance are not being addressed in a timely manner.**

The Mayor put the Motion.

**Motion Carried**

## **NOTICES OF MOTION**

Councillor Meloche introduced a Notice of Motion regarding the release of cheques to vendors up to a maximum limit of \$1000 for consideration and voting at the June 29, 2015, Regular Council Meeting.

## **BY-LAWS**

### **20.1 By-law 2015-61 – Extension of the Timeline for the Exemption on Non-residential Development Charges Amendment**

Councillor Meloche moved, Councillor Lavigne seconded:

**That By-law 2015-61 being a by-law for the Extension of the Timeline for the Exemption on Non-residential Development Charges Amendment 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**

### **20.2 By-law 2015-67 – Amherstburg Professional Firefighter Association Agreement**

Councillor Fryer moved, Councillor Lavigne seconded:

**That By-law 2015-67 being a by-law to Authorize the Execution of an Agreement with the Amherstburg Professional Firefighter Association 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**

**20.3 By-law 2015 -73 - Confirmatory By-law**

Councillor Courtney moved, Councillor Meloche seconded:

**That By-law 2015-73 being a by-law to confirm all resolutions of the Municipal Council Meeting held on June 1<sup>st</sup>, 2<sup>nd</sup>, 5<sup>th</sup> and 8<sup>th</sup>, 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 Meloche moved, Councillor Lavigne seconded:

**That Council rise and adjourn at 10:30 p.m.**

The Mayor put the Motion.

**Motion Carried**

  
\_\_\_\_\_  
MAYOR – ALDO DICARLO  
\_\_\_\_\_  
CLERK – PAULA PARKER