



**TOWN OF AMHERSTBURG  
COUNCIL MEETING  
Monday, June 29, 2015  
6:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg

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**MINUTES**

**PRESENT**

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

Antonietta Giofu, Acting Chief Administrative Officer  
Paula Parker, Clerk

**CALL TO ORDER**

The Mayor called the meeting to order at 6:01 p.m.

**MOMENT OF SILENT REFLECTION**

## **SPECIAL DRAINAGE CONSIDERATION**

### **DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF** *(Drainage Report)*

Councillor Meloche stated that he was unsure if he is in conflict with respect to the boundaries surrounding the 3<sup>rd</sup> Concession Road Drain North & the Waldron Drain. He stated that his sister lives near the Waldron Drain. The Mayor advised Councillor Meloche that if he believes a conflict of pecuniary interest arises when addressing the report to declare it at that time.

## **REPORTS**

### **4.1 3<sup>rd</sup> Concession Road Drain North – Engineer’s Report**

The Manager of Public Works introduced the Engineer’s report for the 3<sup>rd</sup> Concession Road Drain North. George Rood, P.Eng., Rood Engineering, provided Council with details of the report and addressed Council questions.

The Mayor invited the gallery to speak to the Engineer’s report. The following were heard:

- Ed Monforton
- Bill Kosyk
- Rick Beneteau
- Peter Kosyk
- Leslie Logan

Discussion ensued with respect to the 3<sup>rd</sup> Concession Road Drain North.

Administration was directed to bring back a report to Council on when a municipality can assume a drain.

The Mayor called the question.

Deputy Mayor DiPasquale moved, Councillor Pouget seconded:

**That:**

- 1. The report from the Manager of Public Works dated June 15, 2015, regarding the Engineer’s Report - 3<sup>rd</sup> Concession Road Drain North BE RECEIVED;**

2. The drainage report for the Improvements to the 3<sup>rd</sup> Concession Road Drain North prepared by Rood Engineering Inc. dated April 14, 2015, BE CONSIDERED;
3. The engineer's report for the Improvements to the 3<sup>rd</sup> Concession Road Drain North BE PROVISIONALLY ADOPTED by giving first and second reading to By-law 2015-76; and,
4. Administration BE DIRECTED to schedule the Court of Revision for the improvements to the 3<sup>rd</sup> Concession Road Drain North.

The Mayor put the Motion.

	Yes/Concur	No/Not Concur
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**

**DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**  
*(Regular Council Meeting Agenda items)*

Councillor Pouget declared pecuniary interest for agenda item # 10.5. She stated that she lives near the proposed development for the Blue Haven Apartments.

**MINUTES OF PREVIOUS MEETING**

**Approval of Minutes**

Councillor Lavigne moved, Councillor Pouget 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 – May 19, 2015**
2. **Special Council Meeting Minutes – May 19, 2015**
3. **Special Council Meeting Minutes - Planning – May 25, 2015**
4. **Regular Council Meeting Minutes – May 25, 2015**
5. **Special Council Meeting Minutes – June 1, 2015**

The Mayor put the Motion.

**Motion Carried**

## **REPORTS – POLICE SERVICES**

There were no reports at this time.

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

There were no reports at this time.

The Mayor moved agenda item # 10.7 forward.

### **10.7 Kingsbridge Phase 5G Proposed Transfer of Hedgerow Block 45**

Councillor Fryer moved, Deputy Mayor DiPasquale seconded:

**That:**

1. **The report from the Manager of Planning Services dated June 10, 2015, regarding Kingsbridge Phase 5G Proposed Transfer of Hedgerow, Block 45, BE RECEIVED;**
2. **Council APPROVE the proposed transfer of the hedgerow in Kingsbridge Phase 5G, Block 45, offered by the developer to the Town; and,**
3. **Council DIRECT administration to initiate a Zoning By-law Amendment of the 0.23ha parcel upon transfer of this land to the Town of Amherstburg.**

The Mayor put the Motion.

**Motion Carried**

## **REPORTS – FINANCIAL SERVICES**

### **9.1 June 9, 2015 – June 22, 2015 Accounts Payable**

Councillor Lavigne moved the motion with an amendment by adding point # 4 to the original motion.

Councillor Lavigne moved, Councillor Meloche seconded:

**That:**

- 1. The report from the Director of Financial Services dated June 22, 2015, regarding June 9, 2015- June 22, 2015 Accounts Payable, BE APPROVED;**
- 2. The Director of Financial Services BE AUTHORIZED to release funds for the approved payables; and,**
- 3. The Director of Financial Services BE AUTHORIZED to release funds for payables for the months of July and August only due to the timing Regular Council Meetings.**
- 4. The Director of Financial Services PROVIDE the accounts payable listing to Council for July and August prior to the release of funds.**

The Mayor put the Motion.

**Motion Carried**

### **9.2 Results of Tax Sale Conducted on May 21, 2015**

Councillor Meloche moved, Councillor Lavigne seconded:

**That:**

- 1. The report from the Supervisor of Revenue dated June 7, 2015, regarding Results of Tax Sale conducted on May 21, 2015 BE RECEIVED;**
- 2. Roll No. 3729-130-000-06600 - 225 George Street BE VESTED; and,**
- 3. Roll No. 3729-130-000-06600 - 225 George Street BE DECLARED SURPLUS to the needs of the Town in accordance with the Sale of Surplus Property Policy.**

The Mayor put the Motion.

**Motion Carried**

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

### **10.1 Property Standards Committee**

Councillor Lavigne moved, Councillor Meloche seconded:

**That:**

- 1. The report from the Manager of Licensing and Enforcement dated June 11, 2015, regarding the Property Standards Committee BE RECEIVED;**
- 2. Section 3.4 of the Boards and Committee Appointment Policy BE WAIVED;**
- 3. That Chris Drew BE APPOINTED to the Property Standards Committee;**
- 4. The Terms of Reference for the Property Standards Committee, as amended, BE APPROVED; and,**
- 5. By-law 2015-74 being a By-law to appoint members to the Property Standards Committee 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**

### **10.2 Artisan Grill – Temporary Extension of Liquor Sales Licence July 24-26, 2015**

Councillor Meloche moved, Councillor Fryer seconded:

**That:**

- 1. The report from the Manager of Licensing and Enforcement dated June 11, 2015, regarding the Artisan Grill – Temporary Extension of Liquor Sales Licence July 24-26, 2015 BE RECEIVED; and,**

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 Dalhousie St. for July 24-26, 2015.**

The Mayor put the Motion.

**Motion Carried**

**10.3 Request to Repeal Heritage Designation By-law 2007-60 – 1105 Front Road South**

Deputy Mayor DiPasquale moved, Councillor Courtney seconded:

**That:**

1. **The report from the Chief Building Official dated June 15, 2015, regarding Request to Repeal Heritage Designation By-law 2007-60 – 1105 Front Rd. South BE RECEIVED;**
2. **That the request from the owner of 1105 Front Rd S to repeal By-law 2007-60 BE APPROVED; and,**
3. **That Administration BE DIRECTED to take the appropriate measures under the Ontario Heritage Act to repeal By-law 2007-60.**

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**

Councillor Lavigne moved, Councillor Meloche seconded:

**That Council recess for a break at 8:01 p.m.**

The Mayor put the Motion.

**Motion Carried**

Councillor Lavigne moved, Councillor Fryer seconded:

**That Council reconvene at 8:17 p.m.**

The Mayor put the Motion.

**Motion Carried**

**10.4 Council Resolutions in Support of Roof-top Solar Applications Under the Provincial Feed In Tariff (FIT) Program**

Councillor Fryer moved, Councillor Lavigne seconded:

**That:**

- 1. The report from the Manager of Planning Services dated June 8, 2015, regarding the Council Resolutions in Support of Roof-top Solar Applications Under the Provincial Feed In Tariff (FIT) Program, BE RECEIVED;**
- 2. Council APPROVE a site specific resolution for each proposed rooftop solar power PV project location, as prescribed by the Ontario Power Authority (OPA) resolution template titled "Prescribed Form/Template: Municipal Council Support Resolution – Section 5.1 (g)(i) – FIT Rules, Version 4.0", attached as Appendices "A", "B" and "C":**
  - Fox Glen Golf Course Co-operative Inc., 7525 Howard Avenue, (Solar Power Network);**
  - Green Acres Industrial Park & Rubber Technologies, 111 St. Arnaud Street, (Solar Power Network);**
  - ACHS School, 6101 County Road 20, (Global Point Energy); and,**
- 3. The Applicant BE ADVISED that the resolutions sole purpose is to enable the Applicant to receive priority application processing points under the Ontario Power Authority's Feed-In-Tariff (FIT) Program, and may not be used for the purpose of any other form of municipal approval.**

The Mayor put the Motion.

**Motion Carried**



**10.5 Development Agreement for 680 Front Road South, Blue Haven Apartments**

Councillor Pouget left Council Chambers at 8:19 p.m. and removed herself from discussion and voting on this item.

Councillor Lavigne moved, Councillor Meloche seconded:

**That:**

- 1. The report from the Manager of Planning Services dated June 12, 2015, regarding a Development Agreement for 680 Front Road South, Blue Haven Apartments, BE RECEIVED;**
- 2. The Site Plan and Development Agreement for the redevelopment of the site to twenty six apartments BE APPROVED; and,**
- 4. By-law 2015-72 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.

**Motion Carried**

Councillor Pouget resumed her chair.

**10.6 Minor Amendment to Draft Plan of Condominium Approval  
238 Dalhousie, Echo Riverside Condominiums**

Councillor Fryer moved, Deputy Mayor DiPasquale seconded:

**That:**

- 1. The report from the Manager of Planning Services dated June 14, 2015, regarding the Minor Amendment to Draft Plan of Condominium Approval, 238 Dalhousie, Echo Riverside Condominiums BE RECEIVED;**
- 2. Council DIRECT Administration to notify the County of Essex that it supports the minor change to the revised Draft Plan Approval; and,**
- 3. Council AUTHORIZE Administration to replace Schedule "I", in the development agreement with the modified draft plan of condominium, signed by Roy Simone, Land Surveyor, June 10, 2015.**

The Mayor put the Motion.

**Motion Carried**

- 10.7 **Kingsbridge Phase 5G Proposed Transfer of Hedgerow Block 45**  
*(As dealt with above)*

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

- 11.1 **Transfer from Election Reserve – DataFix – VoterView List Management Services**

Councillor Fryer moved, Councillor Lavigne seconded:

**That:**

- 1. The report from the Municipal Clerk dated June 15, 2015, regarding Transfer from Election Reserve – DataFix - VoterView List Management Services BE RECEIVED;**
- 2. The Director of Financial Services BE AUTHORIZED to transfer \$ 6,500 plus applicable taxes from the Election Reserve account to pay the cost of retaining Comprint Systems Inc. (doing business as “DataFix”) for a term of four years (2014- 2018); and,**
- 3. The Mayor and Clerk BE AUTHORIZED to enter into an agreement with Comprint Systems Inc. (doing business as “DataFix”) for Voter List Management Services.**

The Mayor put the Motion.

**Motion Carried**

- 11.2 **Parks Canada Agreement – 2015 Canada Day**

Councillor Meloche moved, Councillor Fryer seconded:

**That:**

- 1. The report from the Municipal Clerk dated June 22, 2015, regarding the Parks Canada Agreement – 2015 Canada Day BE RECEIVED;**
- 2. The Mayor and Clerk BE AUTHORIZED to sign the Licence of Occupation Agreement for the 2015 Canada Day event; and,**

3. **By-law 2015 – 77 being a by-law to enter into an agreement between Fort Malden National Historic Site and the Corporation of the Town of Amherstburg be read three times and finally passed and the Mayor and Clerk be authorized to sign same thereto.**

The Mayor put the Motion.

**Motion Carried**

### 11.3 **Ministry of Labour – Orders to Comply**

Councillor Fryer moved the motion with an amendment by adding July 13<sup>th</sup>, 2015 in point # 3.

Councillor Fryer moved, Councillor seconded:

**That:**

1. **The report from the Director of Economic and Community Development dated June 25, 2015 regarding the Ministry of Labour – Amherstburg Fire Department Orders to Comply BE RECEIVED;**
2. **Council DIRECT Administration to continue working with the Ministry of Labour to satisfy and comply with the 23 orders issued from the June 12, 2015 inspection of Fire Station 1; and,**
3. **Council DIRECT Administration to provide Council with a progress report on the 23 orders issued at the July 13<sup>th</sup>, 2015 meeting of Council.**

The Mayor put the Motion.

**Motion Carried**

Councillor Pouget moved, Deputy Mayor DiPasquale seconded:

**That Larry Amlin be allowed to address Council on the Ministry of Labour report.**

The Mayor put the Motion.

**Motion Carried**

Larry Amlin addressed Council.

## **COMMUNICATION REPORTS**

Councillor Fryer moved, Councillor Pouget seconded:

**That the communication reports BE RECEIVED:**

- a) **TELUS WISE Public Education Sessions – Smartphone Safety**
- b) **Building Department Activity – January 1st to June 13, 2015**
- c) **“Take Your Best Shot at Amherstburg” Photo Contest**
- d) **Golfview Estates – Update on Placement of Surface Asphalt and Facilitation of Boulevard Trees.**

The Mayor put the Motion.

**Motion Carried**

Item D - Councillor Lavigne stated that residents on Golfview Drive have concerns regarding tree placement. The Acting Chief Administrative Officer stated that a meeting will occur before planting begins and all planting will be in compliance with the Town's tree by-law.

Councillor Pouget moved, Councillor Lavigne seconded:

**That Council allow the gallery to speak to item (d) in Communication Reports.**

The Mayor put the Motion.

**Motion Carried**

## **CONSENT CORRESPONDENCE**

Councillor Lavigne moved, Councillor Courtney seconded:

**That the consent correspondence BE RECEIVED.**

- a) **Amherstburg Firefighters Association - Thank you letter from Muscular Dystrophy Canada**
- b) **Off-Road Vehicle (ORV) use in Ontario - Ministry of Transportation**
- c) **7th Annual Municipal Cup Challenge - Community Living Essex County**
- d) **Highway 3 Widening in Essex County - Ministry of Transportation**

The Mayor put the Motion.

Item A - Councillor Pouget requested that a copy of the thank you letter from Muscular Dystrophy Canada be sent to Dave Wharram.

Item B - Councillor Lavigne asked Police Chief Berthiaume how off-road vehicle use in Ontario will affect the municipality with respect to enforcement. The Police Chief stated that it looks like it will be up to the municipality to decide whether or not they want off-road vehicles on the road way and that he is awaiting additional correspondence regarding the matter.

## **CONSENT OTHER MINUTES**

Councillor Pouget moved, Councillor Fryer seconded:

**That the following minutes BE RECEIVED:**

### **a) Amherstburg Police Services Board Meeting Minutes – May 21, 2015**

The Mayor put the Motion.

**Motion Carried**

## **UNFINISHED BUSINESS**

1. Councillor Fryer asked when a report would be before Council with respect to the results of the noise/vibration testing on Pickering. The Acting Chief Administrative Officer stated that the report will be before Council at the July 13<sup>th</sup>, 2015, Council meeting.
2. Councillor Courtney asked if there were any changes to the Texas Road sewers since the initial plans and drawings were presented.

Councillor Fryer removed himself from discussion with respect to Texas Road due to his pecuniary interest in the development.

The Acting Chief Administrative Officer stated the project was tendered with the same plans and drawings that were presented to the public.

## **NEW BUSINESS**

There was no new business.

## **NOTICE OF MOTION**

The Notice of Motion was not considered as a reconsideration of a previous January 2015 motion was not brought forward.

## **BY-LAWS**

### **18.1 By-law 2015-59 - Fighting Island Amateur Boxing Club Lease Agreement**

Councillor Fryer moved, Councillor Lavigne seconded:

**That By-law 2015-59 being a by-law Authorizing the Renewal of a Lease Agreement between the Town of Amherstburg and The Fighting Island Boxing Amateur Boxing Club 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 2015-75 - Confirmatory By-law**

Councillor Pouget moved, Councillor Courtney seconded:

**That By-law 2015-75 being a by-law to confirm all resolutions of the Municipal Council Meeting held on June 29, 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 Courtney moved, Councillor Lavigne seconded:

**That Council rise and adjourn at 9:00 p.m.**

The Mayor put the Motion.

**Motion Carried**



MAYOR – ALDO DICARLO



CLERK – PAULA PARKER