



**TOWN OF AMHERSTBURG
COUNCIL MEETING
Monday, November 9, 2015
6:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg

MINUTES

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
Tammy Fowkes, Deputy Clerk

CALL TO ORDER

The Mayor called the meeting to order at 6:10 p.m.

MOMENT OF SILENT REFLECTION

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

Councillor Pouget declared pecuniary interest with respect to item # 12.1 due to her membership on the Communities in Bloom Committee and item # 15(c), OPP

Costing – City of Windsor, due to a close family member’s involvement at the City of Windsor.

MINUTES OF PREVIOUS MEETING

Approval of Minutes

Councillor Meloche 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. Regular Council Meeting Minutes – October 14, 2015**
- 2. Regular Council Meeting Minutes – October 26, 2015**
- 3. Special In-Camera Council Meeting Minutes – October 14, 2015**
- 4. Special In-Camera Council Meeting Minutes – October 26, 2015**

The Mayor put the Motion.

Motion Carried

The Mayor moved agenda item # 20.1 forward.

BY-LAWS

20.1 Zoning By-law Amendment 225-255 Sandwich Street North

Deputy Mayor DiPasquale moved, Councillor Meloche seconded:

That By-law 2015-119 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

RECOGNITIONS

The Chief Administrative Officer introduced the Communities in Bloom Committee.

Communities in Bloom (CIB) – Certificate of 5 Blooms presented by:

- Councillor Diane Pouget
- Annette Zahaluk
- Marilyn Cadotte
- Maxine Iler
- Paulette Drouillard
- Janet Willoughby
- Rebecca Vander Vaart

Deputy Mayor DiPasquale moved, Councillor Meloche seconded:

That the recognition BE RECEIVED.

The Mayor put the Motion.

Motion Carried

Councillor Lavigne moved, Councillor Meloche seconded:

That Council waive the rules of order to allow for petitions to be handed out from David Languedoc and Shirley Wigle.

The Mayor put the Motion.

Motion Carried

DELEGATIONS

6.1 Festivals and Special Events including Mardi Gras – David Languedoc, Dalhousie Street Bistro

Councillor Fryer moved, Councillor Pouget seconded:

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

6.2 Mardi Gras Event – Shirley Wigle

Councillor Fryer moved, Councillor Pouget seconded:

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

Councillor Pouget moved, Councillor Fryer seconded:

That Council waive the rules of order to allow the public to speak with respect to the Mardi Gras event.

The Mayor put the Motion.

Motion Carried

The following were heard:

- Rob Iannucci – Nucelli's Frozen Yogurt
- Jen DiLuca – Waterfront Ice Cream
- Brenda Kokko – Amherstburg resident

PRESENTATIONS

7.1 Mardi Gras Event Review – Monica Bunde, General Manager, Amherstburg Chamber of Commerce

Ms. Bunde provided Council with a powerpoint presentation.

The following were heard:

- Shirley Wigle - Our Ladies Fashions
- Nicholas Nedin - Beacon Ale House

Councillor Lavigne moved, Councillor Pouget seconded:

That Council defer the Mardi Gras decision until Administration can set up a meeting with all affected parties early in 2016 and advertise the public meeting in the River Town Times.

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

Councillor Fryer moved, Deputy Mayor DiPasquale seconded:

That Council recess for break at 7:42 p.m.

The Mayor put the Motion.

Motion Carried

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That Council reconvene at 8:07 p.m.

The Mayor put the Motion.

Motion Carried

7.2 2016 Operating and Capital Budget

The Chief Administrative Officer introduced the 2016 Budget. The Manager of Financial Services provided Council with an overview of the highlights of the 2016 Budget. The Director of Corporate Services/Treasurer provided Council with an overview of the 2016 Capital Budget recommendations.

Councillor Lavigne moved, Deputy Mayor DiPasquale seconded:

That the presentation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

REPORTS – POLICE SERVICES

There were no reports.

REPORTS – CORPORATE SERVICES

9.1 October 20, 2015 – November 9, 2015, Accounts Payable

Deputy Mayor DiPasquale moved, Councillor Pouget seconded:

That:

- 1. The report from the Director of Financial Services dated October 21, 2015, regarding October 20, 2015 – November 9, 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

REPORTS – ENGINEERING AND PUBLIC WORKS

10.1 Roster - Engineering Services for Drainage Works

Councillor Pouget moved, Councillor Meloche seconded:

That:

- 1. The report from the Manager of Public Works dated October 13, 2015, regarding the Roster for Engineering Services for Drainage Works BE RECEIVED; and,**
- 2. Administration BE AUTHORIZED to develop a roster for Engineering Services for Drainage Works inclusive of:**

- i. Rood Engineering Inc.**
- ii. N.J. Peralta Engineering Ltd.**

- iii. Crozier Baird Engineers
- iv. RC Spencer Associates

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

REPORTS – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

There were no reports.

REPORTS – PARKS, FACILITIES, RECREATION AND CULTURE

12.1 Communities in Bloom Ontario Results and 2016 National Entry Application

Councillor Pouget removed herself from discussion and voting with respect to the Communities in Bloom Ontario Results and 2016 National Entry Application due to her membership on the committee.

Councillor Fryer moved, Councillor Meloche seconded:

That:

- 1. The report from the Manager of Tourism and Culture dated October 19, 2015, regarding the Communities in Bloom Ontario Results and 2016 National Entry Application, BE RECEIVED; and,**
- 2. Council DIRECT Administration and the Communities In Bloom Committee to make application for the 2016 National Awards and further that Administration BE AUTHORIZED to include an \$8,000 expenditure in the 2016 Budget for the 2016 National Communities in Bloom Program.**

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

- 13.1 **Amherstburg Chamber of Commerce Mardi Gras Event – July 22-23, 2016**
(This item was not received at this meeting, refer to item # 7.1)

13.2 **2016 Calendar of Council Meetings**

Councillor Fryer moved, Councillor Pouget seconded:

That:

1. **The report from the Deputy Clerk dated October 23, 2015, regarding the 2016 Calendar of Council Meetings BE RECEIVED;**
2. **Council WAIVE the rules in the Procedural By-law requiring that meetings be held the second and fourth Monday of each month for the months of March, July and August 2016; and,**
3. **The 2016 Calendar of Council Meetings BE APPROVED, as presented.**

The Mayor put the Motion.

Motion Carried

13.3 **Appointment of an Integrity Commissioner**

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That:

1. **The report from the Chief Administrative Officer, dated November 9, 2015, regarding the Appointment of an Integrity Commissioner BE RECEIVED;**
2. **Mr. Robert Swayze BE APPOINTED as the Town's Integrity Commissioner for purposes of investigating complaints related to the Town's Code of Conduct for Council Members at an hourly rate of \$280.00, plus disbursements if applicable; and,**
3. **Administration BE DIRECTED to charge a fee of \$125.00 to file a written complaint under the Code of Conduct for Council Members, subject to**

reimbursement if it is determined that the complaint is not frivolous or vexatious.

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

INFORMATION REPORTS

Councillor Fryer moved, Councillor Pouget seconded:

That the information report BE RECEIVED:

a) Texas Road Reconstruction – Status Update

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Councillor Fryer moved, Councillor Pouget seconded:

That the consent correspondence a, b, and d, BE RECEIVED.

- a) David C. Onley Award for Leadership in Accessibility – Ministry of Economic Development, Employment and Infrastructure**
- b) Save the Nation - Letter to Kathleen Wynne and Municipalities**
- c) OPP Costing – City of Windsor**
- d) Footprint Extension for Mardi Gras Event – Letter from Frank Fox (As dealt with above in item # 7.1)**

The Mayor put the Motion.

Motion Carried

Councillor Pouget removed herself from discussion and voting with respect to the letter from the City of Windsor regarding OPP Costing due to a close family member's possible involvement in the OPP Costing.

Councillor Meloche moved, Councillor Lavigne seconded:

That the consent correspondence, OPP Costing – City of Windsor, BE RECEIVED and further that Council direct Administration to provide an invitation to the City of Windsor to provide costing for Police Services.

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Councillor Fryer moved, Councillor Meloche seconded:

That the following minutes BE RECEIVED:

a) Amherstburg Accessibility Advisory Committee Minutes – Sept 24, 2015

The Mayor put the Motion.

Motion Carried

OTHER MINUTES

17.1 Traffic Committee Minutes – September 17, 2015

Councillor Fryer moved, Councillor Courtney seconded:

That:

- 1. The Traffic Committee Minutes of September 17th, 2015 BE RECEIVED;**
- 2. A No Exit Sign at the entrance to Elmstead Lane BE APPROVED; and,**
- 3. An amendment to the Traffic By-law to reflect the existing posted signage on Alma Street from Sandwich Street to Howard Avenue that**

indicates it to be a Class B route BE APPROVED; and, further, that Alma Street from Howard Avenue to Walker Road be a prohibited highway for heavy vehicle use.

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

1. Councillor Fryer inquired about the re-surfacing on Sandwich Street. The Manager of Engineering Services advised that he had a walk through with the engineer and contractor and deficiencies were noted. He stated further that he will be getting a timeline to fix the area in the new year.

Councillor Fryer moved, Councillor Pouget seconded:

That Council direct Administration to bring back a report regarding the re-surfacing on Sandwich Street.

The Mayor put the Motion.

Motion Carried

2. Councillor Pouget moved, Councillor Fryer seconded:

That Council direct Administration to provide Council with a full report regarding the status of the former General Chemical property/Amherstburg Land Holdings agreement.

The Mayor put the Motion.

Motion Carried

NOTICE OF MOTION

There were no Notices of Motion.

NEW BUSINESS

Councillor Fryer moved, Councillor Pouget seconded:

That Council direct Administration to provide Council with the lease agreements for Shores of Erie and Amherstburg Chamber of Commerce at the Gordon House.

The Mayor put the Motion.

Motion Carried

BY-LAWS

20.1 Zoning By-law Amendment 225-255 Sandwich Street North
(As dealt with above)

20.2 Confirmatory By-law

Councillor Pouget moved, Councillor Meloche seconded:

That By-law 2015-124 being a by-law to confirm all resolutions of the Municipal Council Meetings held November 2nd 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

Councillor Meloche moved, Councillor Pouget seconded:

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

The Mayor put the Motion.

Motion Carried

Councillor Pouget moved, Councillor Meloche seconded:

That Council recess for break at 9:53 p.m.

The Mayor put the Motion.

Motion Carried

Councillor Lavigne left at 10:05 p.m.

Deputy Mayor DiPasquale moved, Councillor Meloche seconded:

That Council reconvene at 10:08 p.m.

The Mayor put the Motion.

Motion Carried

SPECIAL IN-CAMERA MEETING

Councillor Pouget moved, Councillor Meloche seconded:

That Council move into an In-Camera Meeting of Council at 10:08 p.m., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:

ITEM A – Toppi Litigation Update – Section 239(2)(e) – Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, Section 239(2)(f) – Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

ITEM B – Canard Valley Estates Development - Section 239(2)(c) - A proposed or pending acquisition or disposition of land by the municipality or local board.

The Mayor put the Motion.

Motion Carried

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF *(In-Camera Council Meeting Agenda items)*

There were no disclosures of pecuniary interest noted.

ADJOURNMENT OF IN-CAMERA MEETING @ 10:43 p.m.

RESUMPTION OF REGULAR COUNCIL MEETING

Councillor Pouget moved, Deputy Mayor DiPasquale seconded:

That Council resume Regular session at 10:44 p.m.

The Mayor put the Motion.

Motion Carried

REPORT OUT FROM IN-CAMERA MEETING

COUNCIL IN CAMERA SESSION – REPORT OUT November 9, 2015 Meeting

Council met at today at 10:08 p.m. for a Special In-Camera meeting and discussed (2) items as provided for under Section 239 of the Municipal Act:

ITEM A – Toppi Litigation Update heard under Section 239(2)(e) and (f) of the Act. As a result of that discussion the following motion is before Council:

Councillor Pouget moved, Councillor Meloche seconded:

That Council direct Administration to advise legal counsel to request a new case manager for the Toppi Litigation.

The Mayor put the Motion.

Motion Carried

ITEM B – Canard Valley Estates Development heard under Section 239(2)(c) of the Act. As a result of that discussion the following motion is before Council:

Councillor Pouget moved, Deputy Mayor DiPasquale seconded:

That:

- 1. Subject to the opinion of legal counsel, Administration BE DIRECTED to provide the developer, Canard Valley Estates Development with the letter discussed in-camera;**

2. **The Procurement Policy BE WAIVED for the purposes of completing the necessary repairs identified in the Canard Valley Subdivision;**
3. **The CAO BE AUTHORIZED to issue a purchase order for the necessary works in the Canard Valley Subdivision; and,**
4. **The cost of the works in the Canard Valley Subdivision BE RECOVERED in accordance with the terms and conditions of the Canard Valley Estates Development Agreement.**

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Councillor Fryer moved, Councillor Meloche seconded:

That Council rise and adjourn at 10:46 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR – ALDO DICARLO



CLERK – PAULA PARKER