



**TOWN OF AMHERSTBURG
COUNCIL MEETING
Monday, December 14, 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 5:09 p.m.

MOMENT OF SILENT REFLECTION

SPECIAL IN-CAMERA MEETING

Councillor Pouget moved, Councillor Lavigne seconded:

That Council move into an In-Camera Meeting of Council at 5:10 p.m., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:

ITEM A – Ontario Labour Relations Board Applications - 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.

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 @ 5:49 p.m.

RESUMPTION OF REGULAR COUNCIL MEETING

Councillor Pouget moved, Councillor Meloche seconded:

That Council resume public session at 6:09 p.m.

The Mayor put the Motion.

Motion Carried

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

There were no disclosures of pecuniary interest noted.

Councillor Meloche moved, Councillor Pouget seconded:

That Council waive the rules of order to allow the Chair of the Audit and Finance Advisory Committee to speak.

The Mayor put the Motion.

Motion Carried

John Purdie, Chair, Audit and Finance Advisory Committee spoke and asked that Council defer their presentation until the December 21, 2015, Council meeting.

Councillor Pouget moved, Councillor Fryer seconded:

That the Audit and Finance Advisory Committee presentation BE DEFERRED until the January 4, 2016, Special Council meeting.

The Mayor put the Motion.

Motion Carried

The Mayor stated that the 2016 Budget Deliberations will resume at the January 4, 2016, Special Council meeting.

MINUTES OF PREVIOUS MEETING

Approval of Minutes

Councillor Courtney 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 – November 9, 2015 (as amended)**
2. **Special In-Camera Council Meeting Minutes – November 9, 2015**
3. **Special Council Meeting Minutes – Drainage – November 16, 2015**
4. **Regular Council Meeting Minutes – November 23, 2015**
5. **Special In-Camera Council Meeting Minutes – November 23, 2015**

RECOGNITIONS

- Brad Amlin – 36 years of service
- Brenda Beneteau – 44 years of service
- Richard Laframboise – 40 years of service

Michelle Rose, Human Resources Manager and Wendy Dade, Manager of Financial Services presented Brenda Beneteau with an award for 44 years of service. Brad Amlin and Richard Laframboise were also acknowledged for their years of service but were not in attendance to accept their award.

Councillor Meloche moved, Councillor Pouget seconded:

That the recognitions and item # 17(b) BE RECEIVED.

The Mayor put the Motion.

Motion Carried

DELEGATIONS

10.1 River Lights Winter Festival – Sarah Van Grinsven and Mark Usher

Councillor Meloche moved, Councillor Fryer seconded:

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

Mr. Usher asked for Council's consideration to find an alternate storage area for the River Lights Festival trailer.

Councillor Lavigne moved, Councillor Meloche seconded:

That Administration investigate storing the River Lights Festival trailer to the Nexen Property.

The Mayor put the Motion.

Motion Carried

10.2 Speed Limit Reduction on County Road 20 – Jim McGuire

Councillor Fryer moved, Councillor Lavigne seconded:

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

10.3 Mayor's Breakfast – Bob Rozankovic, Economic Development Advisory Committee Chair

Councillor Pouget moved, Deputy Mayor DiPasquale seconded:

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

The Mayor moved agenda items # 14.2, # 14.5 and # 16.2 forward to accommodate those in attendance in the gallery.

REPORTS – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

14.2 Amending Development Agreement for 7067 Smith Industrial Drive

Councillor Fryer moved, Councillor Lavigne seconded:

That:

1. **The report from the Manager of Planning Services dated December 3, 2015, regarding an Amending Development Agreement for 7067 Smith Industrial Drive BE RECEIVED;**
2. **The Site Plan and Amending Development Agreement for 7067 Smith Industrial Drive BE APPROVED; and,**
3. **By-law 2015-127 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

14.5 Dog Tethering Restrictions

Councillor Meloche moved, Councillor Lavigne seconded:

That:

1. **The report from the Manager of Licensing and Enforcement dated November 3, 2015 regarding Amendments to Dog By-law 2012-104 BE RECEIVED;**
2. **By-law 2015-123 being a By-law to Amend By-law 2012-104 be taken as having been read 3 times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same; and,**
3. **By-law 2015-132 being a By-law to Appoint By-law Enforcement Officers (Windsor/Essex County Humane Society) for the purpose of enforcing the animal welfare provisions of the Town's Dog By-law 2012-104 as amended, 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

Melanie Coulter, Executive Director, Windsor/Essex Humane Society and Linda Squire, resident, were heard with respect to the Dog Tethering Restrictions Report.

REPORTS - CAO's OFFICE

16.2 Heritage Photo Contest

Shirley Curson-Prue, Vice Chair, Heritage Committee was present to answer Council questions.

Councillor Fryer moved the motion with an amendment to extend the deadline for photo submissions to January 31, 2016.

Councillor Fryer moved, Councillor Pouget seconded:

That:

- 1. The report from the Heritage Committee dated December 3, 2015 regarding Heritage Photo Contest BE RECEIVED;**
- 2. The Heritage Photo Contest BE APPROVED; and,**
- 3. The Heritage Committee BE DIRECTED to proceed with the Heritage Photo Contest provided all associated risk recommendations and policies and procedures of the Town of Amherstburg are met with the assistance of administration. And to extend the deadline for photo submission to January 31, 2016.**

The Mayor put the Motion.

Motion Carried

REPORTS – POLICE SERVICES

There were no reports.

REPORTS – CORPORATE SERVICES

12.1 Charity, Heritage and Vacancy Rebates Issued in 2015

Councillor Lavigne moved, Councillor Meloche seconded:

That:

- 1. The report from the Supervisor of Revenue dated November 30, 2015, regarding the Charity, Heritage and Vacancy Rebates Issued in 2015 BE RECEIVED; and,**

2. **By-law 2015-122 being a by-law to strike taxes from roll, 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

12.2 **Tax Adjustments under the Municipal Act, 2001**

Councillor Fryer moved, Deputy Mayor DiPasquale seconded:

That:

1. **The report from the Supervisor of Revenue dated November 29, 2015, regarding Tax Adjustments under the Municipal Act, 2001 BE RECEIVED;**
2. **The write-offs and assessment changes BE APPROVED as presented; and,**
3. **By-law 2015-121, being a by-law to strike taxes from the tax roll and to adjust assessment values on properties 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

12.3 **Funds Reconciled from Education Boards**

Deputy Mayor DiPasquale moved, Councillor Meloche seconded:

That:

1. **The report from the Supervisor of Revenue dated November 29, 2015, regarding Funds Reconciled from Education Boards BE RECEIVED;**
2. **That the Director of Corporate Services/Treasurer BE AUTHORIZED to withhold funds of \$123,134 from the fourth quarter payment to the English Public School Boards;**

3. That the Director of Corporate Services/Treasurer BE AUTHORIZED to withhold funds of \$84,205 from the fourth quarter payment to the English Separate School Boards;
4. That the Director of Corporate Services/Treasurer BE AUTHORIZED to withhold funds of \$1,408 from the fourth quarter payment to the French Public School Boards; and,
5. That the Director of Corporate Services/Treasurer BE AUTHORIZED to withhold funds of \$15,572 from the fourth quarter payment to the French Separate School Boards

The Mayor put the Motion.

Motion Carried

12.4 Temporary Borrowing By-law

Councillor Lavigne moved, Councillor Meloche seconded:

That:

1. The report from the Director of Corporate Services/Treasurer dated December 4, 2015, regarding Temporary Borrowing By-law BE RECEIVED; and,
2. By-law 2015-134 being a by-law to provide for temporary borrowing until the taxes 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

12.5 November 18, 2015- December 8, 2015 Accounts Payable

Councillor Lavigne moved the motion with a friendly amendment from Councillor Pouget to withhold funds from McTague Law Firm until further details are received.

Councillor Lavigne moved, Councillor Courtney seconded:

That:

1. **The report from the Director of Corporate Services/Treasurer dated December 8, 2015, regarding November 18, 2015 – December 8, 2015, Accounts Payable, BE APPROVED;**
2. **The Director of Corporate Services/Treasurer BE AUTHORIZED to release funds for the approved payables;**
3. **The Director of Corporate Services/Treasurer BE AUTHORIZED to release funds for the necessary payables between December 14 and January 11, due to the timing Regular Council Meetings; and,**
4. **The Director of Corporate Services/Treasurer BE DIRECTED to provide the accounts payable listing to Council prior to the release of funds.**
5. **The Director of Corporate Services/Treasurer BE DIRECTED to withhold funds from McTague Law Firm until a detailed breakdown of their billing is received.**

The Mayor put the Motion.

Motion Carried

12.6 2016 Annual User Fee By-law (As tabled from November 30, 2015)

Deputy Mayor DiPasquale moved, Councillor Meloche seconded:

That:

1. **The report from the Director of Corporate Services/Treasurer dated November 24, 2015, regarding Annual User Fee By-Law BE APPROVED; and,**
2. **By-law 2015-131 being a by-law to permit the Town of Amherstburg to impose fees or charges with respect to services or activities provided, related costs payable, and for the use of its property 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

13.1 Waiving of the Procurement Policy for the Waldron Drain

Deputy Mayor DiPasquale moved, Councillor Meloche seconded:

That:

- 1. The report from the Manager of Public Works dated November 17, 2015, regarding the Waiving of the Procurement Policy for the Waldron Drain BE RECEIVED;**
- 2. Items under Schedule “B” Bid Irregularities of the Town’s Procurement Policy BE WAIVED; and,**
- 3. Administration BE DIRECTED to enter into the contract with Rivard Excavating for the Waldron Drain as per the Town’s Procurement Policy.**

The Mayor put the Motion.

Motion Carried

13.2 Amherstburg Pump Station No. 2 Upgrade – Tender Results

Councillor Meloche moved, Councillor Lavigne seconded:

That:

- 1. The report from the Manager of Engineering and Operations dated November 25, 2015, regarding the Amherstburg Pump Station No. 2 Upgrade – Tender Results BE RECEIVED;**
- 2. An agreement with Maple Reinders Constructors Ltd. to complete the Amherstburg Pump Station No. 2 Upgrade BE AUTHORIZED in the amount of \$3,866,482.00 (excluding H.S.T.); and,**
- 3. By-law 2015-130 being a by-law to enter into an Agreement with Maple Reinders Constructors Ltd for the Amherstburg Pump Station No. 2 Upgrade 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 – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

14.1 **Moratorium on Enforcement of Snow Removal By-law 2005-04**

Deputy Mayor DiPasquale moved, Councillor Meloche seconded:

That:

- 1. The report from the Manager of Public Works and Manager of Licensing and Enforcement dated December 2, 2015, regarding Moratorium on Enforcement of Snow Removal By-law 2005-04 BE RECEIVED;**
- 2. A MORATORIUM BE PLACED on enforcement of Snow Removal By-law #2005-40; and,**
- 3. The Public Works Department and Parks Department BE DIRECTED to complete sidewalk winter maintenance on a complaint basis.**

The Mayor put the Motion.

Motion Carried

Councillor Lavigne moved, Councillor Meloche seconded:

That Council recess at 7:53 p.m.

The Mayor put the Motion.

Motion Carried

Councillor Lavigne moved, Councillor Meloche seconded:

That Council reconvene at 8:11 p.m.

The Mayor put the Motion.

Motion Carried

14.2 **Amending Development Agreement for 7067 Smith Industrial Drive** *(As dealt with above)*

14.3 Fence Variance Request – 100 Venetian Drive

Councillor Lavigne moved the motion with an amendment that Administration notify neighbouring residents on Venetian Drive of the fence variance request.

Councillor Lavigne moved, Councillor Meloche seconded:

That:

- 1. The report from the Manager of Licensing and Enforcement dated November 13, 2015 regarding Fence Variance Request – 100 Venetian Drive BE RECEIVED; and,**
- 2. Administration provide notice to neighbouring residents regarding the request for a fence variance at 100 Venetian Drive and then bring back the request to Council for approval.**

The Mayor put the Motion.

Motion Carried

14.4 Miracle League Signs – Approval to Erect on Town Property and Public Right of Way

Councillor Lavigne moved, Councillor Meloche seconded:

That:

- 1. The report from the Manager of Licensing and Enforcement dated November 6, 2015 regarding Miracle League Signs – Approval to Erect on Town Property and Public Right of Way BE RECEIVED;**
- 2. The proposed 4' x 8' Miracle League Signs to BE APPROVED and ERECTED on the public right of way on Front Road North approximately 27 metres south of the Bru Mon Harbour Marina driveway;**
- 3. Administration BE AUTHORIZED to enter into a maintenance agreement with the Miracle League for the Miracle League Signs; and,**
- 4. Administration BE DIRECTED to proceed with the installation of the 3 Miracle League signs in the spring of 2016 SUBJECT TO the completion of the maintenance agreement.**

The Mayor put the Motion.

Motion Carried

14.5 Dog Tethering Restrictions
(As dealt with above)

14.6 Encroachments on Town Parkland

Councillor Courtney moved, Councillor Fryer seconded:

That:

- 1. The report from the Manager of Licensing and Enforcement dated November 26, 2015, regarding Encroachments on Town Parkland BE RECEIVED; and,**
- 2. Administration BE DIRECTED to draft Encroachment Agreements with the interested property owners on Golfview Drive and Park Lane Circle to allow encroachments on Town Parkland for Council approval.**

The Mayor put the Motion.

Motion Failed

Councillor Fryer moved, Councillor Meloche seconded:

That:

- 1. The report from the Manager of Licensing and Enforcement dated November 26, 2015, regarding Encroachments on Town Parkland BE RECEIVED; and,**
- 2. Administration BE DIRECTED to Order removal of all items encroaching on Town Parkland behind the residences located on Golfview Drive and Park Lane Circle.**

The Mayor put the Motion.

Motion Carried

REPORTS – PARKS, FACILITIES, RECREATION AND CULTURE

15.1 Concussion Policy

Councillor Meloche moved, Councillor Fryer seconded:

That:

- 1. The report from the Manager of Recreation Services dated November 25, 2015 regarding the Town of Amherstburg's Concussion Policy BE RECEIVED; and,**
- 2. The Concussion Policy BE APPROVED, as presented.**

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

16.1 Windsor/Essex County Fire Services Training Study

Councillor Lavigne moved, Deputy Mayor DiPasquale seconded:

That:

- 1. The report from the Chief Administrative Officer, dated November 26, 2015, regarding the Windsor/Essex County Fire Services Training Study BE RECEIVED;**
- 2. Town administration BE DIRECTED to be involved in a committee of the Windsor/Essex County CAO group, in conjunction with Fire Chiefs to establish a work program together with costs to implement the short term goals as identified in the Study;**
- 3. Report(s) BE SUBMITTED to Windsor City Council and all Essex County municipal councils outlining the findings and recommendations of the Committee;**
- 4. A mobile LP Gas training simulator become a component of the County & City Fire Services Training Delivery Program, with the cost of such a resource to be shared by all participating municipalities and partners; and,**

5. **The concept of a shared facility continue to be explored among potential area partners as it has merit.**

The Mayor put the Motion.

Motion Carried

16.2 Heritage Photo Contest
(As dealt with above)

16.3 Appointment – Amherstburg Accessibility Advisory Committee

Councillor Lavigne moved, Councillor Fryer seconded:

That:

1. **The report from the Deputy Clerk dated November 27, 2015, regarding Committee Appointment – Amherstburg Accessibility Advisory Committee BE RECEIVED; and,**
2. **William Whittall BE APPOINTED as a member of the Amherstburg Accessibility Advisory Committee from December 2015 until December 2016 with an opportunity to be re-appointed for an additional 2 years.**

The Mayor put the Motion.

Motion Carried

INFORMATION REPORTS

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That the information reports (a) and (c) BE RECEIVED:

- a) **Heritage Committee – Member Resignation**
- b) **Retirement Recognition *(As dealt with above)***
- c) **Occupancy Arrangements for the Gordon House**

The Mayor put the Motion.

Motion Carried

Councillor Lavigne moved, Deputy Mayor DiPasquale seconded:

That Administration investigate current market value of the Gordon House and any lease agreement possibilities with non-profit user groups in Amherstburg and to approach the Essex Region Conservation Authority (ERCA) to see if the land can be encompassed in the possible sale of the Gordon House.

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Deputy Mayor DiPasquale moved, Councillor Fryer seconded:

That the consent correspondence BE RECEIVED.

- a) Christmas Wish Letter - Windsor Weather Modification Awareness Group**
- b) The Mentoring Effect – Big Brothers Big Sisters**
- c) Congratulations Letter - Windsor-Essex Economic Development Corporation**
- d) Hydro One Not For Sale Campaign – Citizen’s Coalition Against Privatization**
- e) Email to CAO & Council – Linda Saxon**
- f) Military Service Recognition Book – Royal Canadian Legion**
- g) Stella Maris and St. Bernard Accommodation Review Recommendation – Windsor-Essex Catholic District School Board**
- h) Resolution for Fair eBook Pricing – Essex County Library**

The Mayor put the Motion.

Motion Carried

Deputy Mayor DiPasquale provided Council with an overview of the Fair eBook Pricing for the Essex County Library (Item h) and noted that he supported the initiative.

Councillor Courtney moved, Councillor Pouget seconded:

(Item g) - That Administration invite the local school board trustee to an upcoming Council meeting and to work proactively to save St. Bernard’s Catholic Elementary School.

The Mayor put the Motion.

Motion Carried

Councillor Fryer moved, Deputy Mayor DiPasquale seconded:

(Item f) - That Council support a ½ page advertisement in the Royal Canadian Legion's Military Service Recognition Book similar to the advertisements done in the past.

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 – October 22, 2015**
- b) Co-An Park Committee Meeting Minutes – November 11, 2015**
- c) Committee of Adjustment Meeting Minutes – October 6, 2015**
- d) Committee of Adjustment Meeting Minutes – October 27, 2015**
- e) Committee of Adjustment Meeting Minutes – November 10, 2015**
- f) Parks Advisory Committee Meeting Minutes – July 8, 2015**
- g) Parks Advisory Committee Meeting Minutes – August 26, 2015**

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

1. Councillor Fryer moved, Deputy Mayor DiPasquale seconded:

That Administration contact the school bus company to advise them that construction on Texas Road will be complete on December 18, 2015, for the winter season and further that Administration ensure the speed limit is changed back to 50 km/hour.

The Mayor put the Motion.

Motion Carried

2. Councillor Pouget inquired about the light standards on Texas Road. The Chief Administrative Officer stated that he would get clarification with respect to the light standards and when the placement of them will begin and end. He also stated he would get clarification regarding the storage of the Texas Road construction materials and where the materials will be placed over the winter months.

NEW BUSINESS

There was no new business.

REPORT OUT FROM IN-CAMERA MEETING

December 7, 2015 Meeting

Council met at 5:30 p.m. on December 7, 2015 for a Special In-Camera meeting and discussed (2) items as provided for under Section 239 of the Municipal Act:

ITEM A – Status report on the hiring of the Planning, Development and Legislative Services Director heard under Section 239(2)(b) and (d) of the Act. There is nothing further to report on this matter.

ITEM B – Municipal Restructuring heard under Section 239(2)(b) and (d) of the Act. There is nothing further to report on this matter.

December 14, 2015 Meeting

Council met at today at 5:10 p.m. for a Special In-Camera meeting and discussed (1) item as provided for under Section 239 of the Municipal Act:

ITEM A – Ontario Labour Relations Board Applications heard under Section 239(2)(e) and (f) of the Act. There is nothing further to report on this matter.

NOTICE OF MOTION

There were no Notices of Motion.

BY-LAWS

23.1 Confirmatory By-law

Councillor Fryer moved, Councillor Lavigne seconded:

That By-law 2015-135 being a by-law to confirm all resolutions of the Municipal Council Meetings held November 30th, December 1st, 2nd, 7th and 14th, 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 Meloche seconded:

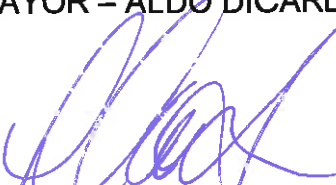
That Council rise and adjourn at 9:07 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR – ALDO DICARLO



CLERK – PAULA PARKER