



**TOWN OF AMHERSTBURG
COUNCIL MEETING**

Monday, July 11, 2016

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 Leo Meloche
Councillor Diane Pouget

Giovanni (John) Miceli, Chief Administrative Officer
Paula Parker, Clerk
Tammy Fowkes, Deputy Clerk

ABSENT WITH NOTICE Councillor Jason Lavigne

CALL TO ORDER

The Mayor called the meeting to order at 5:04 p.m.

SPECIAL IN-CAMERA MEETING

Resolution # 20160711-299

Councillor Fryer moved, Councillor Meloche seconded:

That Council move into an In-Camera Meeting of Council at 5:04 pm pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:

ITEM A – Update on Current By-law Enforcement Matter - Section 239(2)(f) – Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

ITEM B - Update on Current By-law Enforcement Matter - 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 @ 6:16 p.m.

RESUMPTION OF REGULAR COUNCIL MEETING

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That Council resume Regular session at 6:29 p.m.

The Mayor put the Motion.

Motion Carried

MOMENT OF SILENT REFLECTION

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

There were no disclosures of pecuniary interest noted.

MINUTES OF PREVIOUS MEETING

Approval of Minutes

Resolution # 20160711-300

Councillor Fryer moved, Councillor Meloche 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 – June 27, 2016**
- 2. Special In-Camera Council Meeting Minutes – June 27, 2016**

The Mayor put the Motion.

Motion Carried

DELEGATIONS

9.1 Big Creek Watershed Billboard Signage – Greg Nemeth

Resolution # 20160711-301

Councillor Fryer moved, Councillor Pouget seconded:

That the delegation BE RECEIVED and the CAO and Treasurer BE DIRECTED to bring a report back to the August meeting to see if signage can be purchased and erected starting at Thomas Road and County Road 16, within the 2016 Budget or a report prepared to commit the signage to the 2017 Budget.

The Mayor put the Motion.

Motion Carried

Agenda item # 21.1 was brought forward as representation from St. Andrew's Church was in attendance.

NOTICE OF MOTION

21.1 Councillor Meloche – St. Andrew's Church Repairs

Resolution # 20160711-302

Councillor Meloche moved, Councillor Fryer seconded:

That the request by St. Andrew's Church to perform roof repairs and storm window replacement to the Church BE RECEIVED, and further that the Heritage Committee APPROVE the request and forward the request to Council for its consideration.

The Mayor put the Motion.

Motion Carried

REPORTS – POLICE SERVICES

There were no reports.

The Deputy Police Chief provided Council with an update with respect to break and enters.

REPORTS – CORPORATE SERVICES

11.1 June 22, 2016 – July 5, 2016 Accounts Payable

Resolution # 20160711-303

Councillor Fryer moved, Councillor Courtney seconded:

That:

- 1. The report from the Director of Corporate Services/Treasurer dated June 10, 2016, regarding June 22, 2016 – July 5, 2016 Accounts Payable BE APPROVED; and,**

2. **The Director of Corporate Services/Treasurer BE AUTHORIZED to release funds for the approved payables.**

The Mayor put the Motion.

Motion Carried

REPORTS – PARKS, FACILITIES, RECREATION AND CULTURE

There were no reports.

REPORTS – ENGINEERING AND PUBLIC WORKS

- 13.1 **Alma Street Rehabilitation - Howard Avenue to Walker Road - Tender Results**

Resolution # 20160711-304

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That:

1. **The report from the Manager of Engineering and Operations dated June 27, 2016 regarding the Alma Street Rehabilitation - Howard Avenue to Walker Road - Tender Results BE RECEIVED;**
2. **The Alma Street Rehabilitation Project BE APPROVED at a net cost of \$ 921,755.31;**

3. **The Alma Street Rehabilitation Project BE FUNDED as follows:**

2016 Approved Capital Budget for Alma Street Reconstruction (Capital Levy)	\$665,538.00
2016 Operating Capital funded by general rate.	\$84,462.00
2015 Approved Capital Budget for Pre-engineering (Working Capital Reserve)	\$32,000.00
Capital Reserve (2016 Contribution)	<u>\$139,755.31</u>
	\$921,755.31

4. **An agreement with Coco Paving Inc. to complete the Alma Street Rehabilitation - Howard Avenue to Walker Road BE AUTHORIZED in the amount of \$864,266.00 (excluding H.S.T.); and,**
5. **By-law 2016-70 being a by-law to enter into an agreement with Coco Paving Inc. to complete the Alma Street Rehabilitation - Howard Avenue to Walker Road 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

REPORT – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

- 14.1 **Agreement to Defer Development Charges –14, 16, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50 & 52 SHAW DRIVE**

Resolution # 20160711-305

Councillor Fryer moved, Councillor Meloche seconded:

That:

1. **The report from the Chief Building Official dated June 13, 2016 regarding the Agreement to DEFER Development Charges for 14, 16,**

26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50 & 52 Shaw Drive, Amherstburg, BE RECEIVED;

2. The application for deferral of development charges, as requested by 1078262 Ontario Limited for property located at 14,16, 26, 28, 30, 32, 34, 36, 38, 40, 42, 44, 46, 48, 50 and 52 Amherstburg BE APPROVED; and,
3. By-law 2016-65 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

14.2 Removal of Part Lot Control- Kingsbridge Subdivision

Resolution # 20170711-306

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That:

1. The report from the Manager of Planning Services dated June 27, 2016, regarding the Removal of Part Lot Control- Kingsbridge Subdivision, BE RECEIVED;
2. The request to extend the time frame specified in the by-law and to amend the lands described BE APPROVED; and,
3. By-law 2016-64 being a by-law to amend By-laws 2010-93, 2012-82 and 2014-86 to extend the expiration date and amend the land described for Part Lot Control exemption 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

14.3 Removal of Part Lot Control- Forhan Street Plan 12M-198

Resolution # 20160711-307

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That:

- 1. The report from the Manager of Planning Services dated June 24, 2016, regarding the Removal of Part Lot Control- Forhan Street 12M-198 BE RECEIVED;**
- 2. The application for removal of Part Lot Control for Lot 11 on Plan 12M-198 BE APPROVED; and,**
- 3. By-law 2016-69 being a by-law to remove certain lands from Part Lot Control (12M-198) 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

14.4 Zoning By-law Amendment for Part Lot 19, Concession 1, 580 Middle Sideroad (County Rd 10) - Outcome from the Statutory Public Meeting

Resolution # 20160711-308

Councillor Fryer moved, Councillor Meloche seconded:

That:

- 1. The report from the Manager of Planning Services dated June 20, 2016, regarding the Zoning By-law Amendment for Part Lot 19, Concession 1, 580 Middle Sideroad (County Rd 10) – Outcome from the Statutory Public Meeting, BE RECEIVED; and,**
- 2. By-law 2016-59 being a by-law to amend Zoning By-law No. 1999-52, as amended 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 Draft Community Based Strategic Plan - 2016-2021

Resolution # 20160711-309

Councillor Fryer moved, Councillor Pouget seconded:

That:

- 1. The Report from the Chief Administrative Officer and Manager of Planning Services dated June 24, 2016 regarding Draft Community Based Strategic Plan - 2016-2021 BE RECEIVED;**
- 2. The draft Community Based Strategic Plan BE TABLED to allow Administration to meet with Committees of Council; and,**
- 3. The Community Strategic Plan BE CONSIDERED by Council for adoption at the September 12, 2016 Council meeting.**

The Mayor put the Motion.

Motion Carried

14.6 Zoning By-law Amendment 2016-45 for Part of Lots 9 & 10, Concession 6, 6781 North Sideroad - Comments from Public Meeting

Resolution # 20160711-310

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That:

- 1. The report from the Manager of Planning Services dated June 27, 2016 , regarding the Zoning By-law Amendment 2016-45 for Part of Lots 9 & 10, Concession 6, 6781 North Sideroad - Comments from Public Meeting BE RECEIVED;**
- 2. The modifications to the draft by-law which have been included as a result of the comments received through the public consultation process BE APPROVED; and,**

3. **By-law 2016-45 being a By-law to amend Zoning By-law 1999-52, as amended, 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 - CAO's OFFICE

Ombudsman Investigation – In-Camera Meetings October 14 & 26, 2015 and Email Exchanges December 2014 through January 2015

Resolution # 20160711-311

Councillor Meloche moved, Councillor Fryer seconded:

That:

1. **The report from the Municipal Clerk and Treasurer dated July 7, 2016 regarding Ombudsman Investigation into In-Camera Meetings – October 14 & 26, 2016 and Email Exchanges December 2014 through January 2015 BE RECEIVED;**
2. **Based on the findings of the Ombudsman's investigation into the email exchanges December 2014 – January 2015, the January 12, 2015 motion adopted by Council BE RECONSIDERED; and further,**
3. **The Treasurer BE AUTHORIZED to release funds for payables as per the Treasurer's duties, set out in Section 286(1)(c) of the *Municipal Act, 2001*.**

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

Emancipation Day – August 1, 2016

Resolution # 20160711-312

Councillor Fryer moved, Councillor Pouget seconded:

That:

- 1. The correspondence regarding Emancipation Day BE RECEIVED; and,**
- 2. Council PROCLAIM August 1st, 2016, as Emancipation Day in the Town of Amherstburg.**

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution # 20160711-313

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That the consent correspondence BE RECEIVED:

- a) Request for Financial Support when Responding to Medical Calls – Township of North Frontenac**
- b) Mandatory Municipal Consent for Future Renewable Energy Projects – West Lincoln**
- c) 28th Annual Golf Tournament – Essex Region Conservation Foundation**

The Mayor put the Motion.

Motion Carried

Resolution # 20160711-314

Councillor Fryer moved, Councillor Meloche seconded:

***Item c* - That a foursome BE APPROVED to enter into the 28th Annual Golf Tournament – Essex Region Conservation Foundation, and the funds be taken from Council's donation budget.**

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Resolution # 20160711-315

Councillor Pouget moved, Councillor Meloche seconded:

That the following minutes BE RECEIVED:

a) Committee of Adjustment Meeting Minutes – June 2, 2016

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

1. Councillor Pouget advised Council that she continues to receive calls with respect to signs being erected along Sandwich Street.

The Manager of Licensing and Enforcement advised Council that all off-site portable signs currently erected are licensed and permitted in accordance with the Town's by-law. She stated further that any unlicensed signs, both temporary and permanent, have been addressed. She also advised Council that, in 2014, Council had the ability to place a moratorium on the issuance of off-site portable signage and that was turned down by Council.

2. Councillor Fryer advised Council that the driveway at 106 Texas Road is flooding post construction.

The Mayor stated that the resident at 106 Texas Road informed him of the driveway flooding issue and that he and Administration will attend to take a look at the driveway.

- 3 Councillor Fryer advised Council that in response to the 'No Parking' signs posted on the north side of Texas Road, people are parking on the south side shoulder. He asked when 'No Parking' signs will be posted on the south side.

The Director of Engineering and Public Works advised Council that it was never the intention to post signs on the south side however the concern is being brought forward for discussion at the next Traffic Committee meeting.

4. Councillor Pouget advised Council that she received information that the line-painting on Sandwich Street South near the Police Station will be completed

next week by the County of Essex but she remains concerned for those who walk or ride bikes on the west side of the road since the pedestrian lanes are not stenciled or marked and vehicles continue to park there.

The Director of Engineering and Public Works advised Council that the paved shoulder is not designated as a biking and/or walking lane because the widths are not appropriate to accommodate that.

5. Councillor Fryer provided Council with a CWATS update and advised that construction will start on Concession 2 between Texas Road and County Road 10 with the end result being a paved pathway on both sides of the road.
6. Councillor Pouget questioned the way the Notice of Motion was brought forward at the beginning of the meeting and stated the Heritage Committee should have been presented with the motion first.

The Clerk advised Council that the Notice of Motion was based on a recommendation from the Heritage Committee.

NEW BUSINESS

1. Councillor Fryer advised Council that he would like to make a motion with respect to the Essex County Library Board and CUPE Local 2974.

Mayor DiCarlo and Deputy Mayor DiPasquale both declared a conflict of interest with respect to Essex County Library discussions. Mayor DiCarlo stated that his wife works for the Essex County Library and Deputy Mayor DiPasquale sits on the Essex County Library Board. The Mayor and Deputy Mayor removed themselves from discussion and voting on the matter.

Councillor Fryer moved, Councillor Courtney seconded:

That Councillor Pouget assume Chair.

The Clerk put the Motion.

Motion Carried

Resolution # 20160711-316

Councillor Fryer moved, Councillor Courtney seconded:

That Administration BE DIRECTED to send a letter to the County of Essex and the Essex County Library Board to request that they move forward with negotiations with CUPE Local 2974.

The Mayor put the Motion.

Motion Carried

2. Councillor Meloche extended his appreciation to all those who were involved with organizing the Canada Day festivities.
3. Councillor Meloche advised Council that the owner of the Echo building wants to re-clad the building and the trees that are rubbing up against the south side of the building are posing a problem. The owner is also inquiring about the status of the two Siberian Elm trees and asking that measures be taken to trim the trees that are encroaching on her property.

The Chief Administrative Officer advised Council that Administration has been in contact with the owner of the property and has advised that the trees rubbing up against the property would be trimmed and the work is being contracted to ensure that it is done properly. He also stated that the concerns with the Siberian Elms were addressed in the site plan agreement and any further changes would warrant discussions between the owner, himself, the Manager of Planning Services, and an arborist.

4. Councillor Meloche asked for an update with respect to the condition of the tennis courts.

The Chief Administrative Officer advised Council that the tennis court concerns were addressed in the recent Canada 150 Fund grant application and further that all health and safety concerns continue to be assessed via on-going maintenance through the Parks department. He also advised Council that a Capital Program will be submitted for the 2017 Capital Budget in addition to embarking on a Parks Master Plan which will look at all municipal park assets including tennis courts.

The Clerk provided Council with an update with respect to the condition of each of the tennis courts that she and the Manager of Parks, Greenspaces, and Naturalized Areas visited.

5. Councillor Meloche advised Council that a resident applied for a building permit to place an addition on his garage. The resident paid the fees set out in the Town's User Fee By-law but then also had to pay additional fees when submitting his paperwork to ERCA. Councillor Meloche inquired as to whether this is normal practice for ERCA to charge approximately the same amount as the Town.

The Chief Administrative Officer advised Council that ERCA has their own schedule of fees that gets approved by their Board and it is in addition to the Town's fees.

6. Deputy Mayor DiPasquale asked for an update with respect to the Centennial Park Washrooms.

The Chief Administrative Officer advised Council that the Manager of Facilities has been working with the Manager of Parks, Greenspaces, and Naturalized Areas to step up the cleaning of the washrooms and further, the installation of additional Port-a-Johns have been placed at the park. He also stated that residents have voiced their concerns with respect to washrooms in the Town's parks and the concerns have been touched upon in the Community Strategic Plan. He advised that it will be up to Council and Administration to decide what to support in the 2017 Budget and for the next 5 years.

Council Pouget advised Council she has received complaints that the lighting is not turned on in the washrooms and that visitors have to feel their way around the washroom.

The Chief Administrative Officer advised Council that he was only aware of the cleanliness issue and not a lighting issue and he will investigate that concern.

REPORT OUT FROM IN-CAMERA

June 27, 2016 Meeting

Council met on June 27, 2016, for a Special In-Camera meeting and discussed (1) item as provided for under Section 239 of the Municipal Act:

ITEM A – Update on Potential Property Acquisition - heard under Section 239(2)(c) of the Act. There is nothing further to report on this matter.

NOTICE OF MOTION
(As dealt with above)

BY-LAWS

22.1 By-law 2016-71 – Appoint Drainage Superintendent/Tile Drain Inspector

Resolution # 20160711-317

Councillor Pouget moved, Councillor Fryer seconded:

That By-law 2016-71 being a by-law to appoint a Drainage Superintendent/Tile Drain Inspector for the Town of Amherstburg 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

22.2 By-law 2016-72 - Confirmatory By-law

Resolution # 20160711-318

Councillor Fryer moved, Councillor Meloche seconded:

That By-law 2016-72 being a by-law to confirm all resolutions of the Municipal Council Meetings held July 11th, 2016, 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 Fryer seconded:

That Council rise and adjourn at 8:15 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR – ALDO DICARLO



CLERK – PAULA PARKER

