



**TOWN OF AMHERSTBURG
COUNCIL MEETING
Monday, September 12, 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 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 3:36 P.M.

SPECIAL IN-CAMERA MEETING

Resolution 20160912-344

Councillor Meloche moved, Councillor Lavigne seconded:

That Council move into an In-Camera Meeting of Council at 3:36 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 – Possible Property Acquisition – Section 239(2)(c) - A proposed or pending acquisition or disposition of land by the municipality or local board.

ITEM C – Possible Property Acquisition – Section 239(2)(c) - A proposed or pending acquisition or disposition of land by the municipality or local board.

ITEM D – 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

Item D, scheduled for the In-Camera session directly following Regular session, was moved forward.

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 @ 6:06 p.m.

RESUMPTION OF REGULAR COUNCIL MEETING

Councillor Fryer moved, Deputy Mayor DiPasquale seconded:

That Council resume Regular session at 6:26 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 20160912-345

Councillor Fryer moved, Councillor Courtney 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 – August 8, 2016**
- 2. Special In-Camera Council Meeting Minutes – August 8, 2016**
- 3. Special Council Meeting Minutes – August 18, 2016**

The Mayor put the Motion.

Motion Carried

DELEGATIONS

9.1 Libro Centre Indoor Turf Rental Rates – Terry Sawchuk, President, Amherstburg Soccer Club

Terry Sawchuk, President, Amherstburg Soccer Club, requested that the indoor turf rental rates be reduced by 40%.

Resolution 20160912-346

Councillor Fryer moved, Councillor Lavigne seconded:

That:

- 1. The delegation BE RECEIVED; and,**
- 2. Administration BE DIRECTED to bring back a report outlining reduced rental rates and how the reduced rates will affect the overall budget.**

The Mayor put the Motion.

Motion Carried

Agenda item 16.2 was brought forward.

REPORTS - CAO's OFFICE

16.2 Council Support – Amendments to Provincial Nuclear Emergency Response Plan (PNERP) and Municipal Nuclear Emergency Response Plan

The Clerk introduced Dave Nodwell, Deputy Chief, Planning and Program Development – Office of the Fire Marshal and Emergency Management, who was on the telephone line for discussion on the report. Also present to answer Council questions was Phil Berthiaume, Essex County CEMC and Dr. Gary Kirk, Medical Officer of Health and CEO, Windsor Essex County Health Unit.

Resolution 20120912-347

Councillor Fryer moved the motion with an amendment that correspondence be sent to all Essex County municipalities, the MP and MPP requesting additional support for the Town of Amherstburg's requested changes to the PNERP and additional funding for the Town's nuclear emergency response plan.

Councillor Fryer moved, Councillor Pouget seconded:

That:

- 1. The report from the Municipal Clerk and Deputy Fire Chief/CEMC dated August 3, 2016 regarding Council Support – Amendments to Provincial Nuclear Emergency Response Plan and Municipal Nuclear Emergency Response Plan BE RECEIVED;**

2. The amendments to the primary zone in the PNERP from the existing 23 km to the current US standard of 16km BE SUPPORTED;
3. The provincial updates to the PNERP BE SUPPORTED with the inclusion of all relevant requested amendments by the Town of Amherstburg;
4. The Municipal Nuclear Emergency Response Plan BE AMENDED according to the PNERP amendments, with the assistance of the Province; and,
5. New negotiations between the Province, the Town of Amherstburg and Detroit Edison for purpose of securing additional funding and support for the municipality BE SUPPORTED.
6. Administration BE DIRECTED to send correspondence to all Essex County municipalities, the MP and MPP requesting additional support for the Town of Amherstburg's requested changes to the PNERP and additional funding for the Town's nuclear emergency response plan.

The Mayor put the Motion.

Motion Carried

PRESENTATIONS

10.1 Community Based Strategic Plan – MDB Insight

Lauren Millier, MDB Insight, provided a power point presentation to Council with respect to the Community Based Strategic Plan.

Agenda item # 15.2 was moved forward.

Resolution 20160912-348

Councillor Fryer moved, Councillor Pouget seconded:

That:

1. The report from the CAO and the Manager of Planning Services dated August 17, 2016 regarding Stakeholder Consultation on Community Based Strategic Plan BE RECEIVED;

2. **The 2016-2021 Community Based Strategic Plan BE ADOPTED with the revisions from the Committees of Council on the attached table and additional comments received on the Plan; and,**
3. **Administration BE DIRECTED to develop a five year business plan that identifies specific actions and the allocation of resources and the annual strategic plan report card for the roll-out of the 2016-2021 Community Based Strategic Plan.**

The Mayor put the Motion.

Motion Carried

Resolution # 20160912-349

Councillor Fryer moved, Councillor Meloche seconded:

That the presentation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

REPORTS – POLICE SERVICES

There were no reports.

REPORTS – CORPORATE SERVICES

There were no reports.

REPORTS – PARKS, FACILITIES, RECREATION AND CULTURE

13.1 Ontario 150 - Community Capital Program

Resolution 20160912-350

Councillor Lavigne moved the motion with an amendment to include the resurfacing of two courts each at Centennial Park, Malden, and Anderdon.

Councillor Lavigne moved, Deputy Mayor DiPasquale seconded:

That:

1. The report from the Manager of Recreation Services dated August 29, 2016, regarding the Ontario 150 – Community Capital Program, BE RECEIVED; and,
2. Administration BE DIRECTED to submit an application to the Ontario 150 – Community Capital Program to receive funding for the restoration of tennis courts at Malden Centre, Anderdon, and Centennial Park.

The Mayor put the Motion.

Motion Carried

REPORTS – ENGINEERING AND PUBLIC WORKS

14.1 Repair and Improvements to the Ouellette Drain – Tender Results

Resolution 20160912-351

Councillor Fryer moved, Councillor Meloche seconded:

That:

1. The report from the Drainage Superintendent and Engineering Coordinator dated August 26, 2016, regarding the Repair and Improvements to the Ouellette Drain - Tender Results BE RECEIVED;
2. An agreement with Rivard Excavating Ltd. to complete the Repair and Improvements to the Ouellette Drain BE AUTHORIZED in the amount of \$260,111.75 (excluding H.S.T.) to be BE FUNDED from Capital funding from current operations as per the 2015 Capital budget, and assessment to the County of Essex and Town Residents; and,
3. By-law 2016-78 being a by-law to enter into an agreement with Rivard Excavating Ltd. to complete the Repair and Improvements to the Ouellette Drain 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

REPORT – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

15.1 Consent Agreement, W/S/Creek Rd, Giuseppe DiCecco

Resolution 20160912-352

Councillor Fryer moved, Councillor Lavigne seconded:

That:

1. The report from the Manager of Planning Services dated August 30, 2016, regarding Consent Agreement, W/S/Creek Rd, Giuseppe DiCecco BE RECEIVED;
2. The execution of a Consent Agreement with Guiseppe DiCecco associated with Consent File numbers B/16-19/14 inclusive BE APPROVED; and,
3. By-law 2016-74 being a By-law to authorize the signing of a Consent 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

15.2 Stakeholder Consultation on Community Based Strategic Plan (As dealt with above)

15.3 Church Service, Kings Navy Yard Park – New Proposed 2016 Event

John Busterd, Lead Pastor, answered Council questions with respect to the Church service requested in the Kings Navy Yard Park.

Resolution 20160912-354

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That:

1. The report from the Public Events Committee (PEC) dated August 25, 2016, regarding Church Service, Kings Navy Yard Park – New Proposed 2016 Event BE RECEIVED;

2. **The Religious Service event at Kings Navy Yard Park BE APPROVED;**
3. **An exemption to Section 5 of By-law 2002-72 BE GRANTED to allow a religious service in the Kings Navy Yard Park on September 25, 2016 from 10:30am to 12:30pm; and,**
4. **The Public Events Committee BE DIRECTED to confirm the requirements identified by the Committee are met prior to the event.**

The Mayor put the Motion.

Motion Carried

15.4 Sign By-law 2006-26 Amendment to Remove Off-Site Portable Signage

Resolution 20160912-355

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That:

1. **The report from the Manager of Licensing and Enforcement dated August 18, 2016, regarding Sign By-law 2006-26 Amendment to Remove Off-Site Portable Signage BE RECEIVED; and,**
2. **The amendment to Sign By-law 2006-26 to remove off-site portable signage BE TABLED to allow for public consultation and be brought back at a future Council meeting for consideration.**

The Mayor put the Motion.

Motion Carried

15.5 Proposed Private Property Tree By-law and Proposed Public Tree By-law

Bill Roesel, certified Arborist & consultant for the Town, provided clarification with respect to the draft proposed Private Property Tree By-law and answered Council questions.

Resolution 20120912-356

Councillor Meloche moved, Councillor Pouget seconded:

That:

1. The report from the Manager of Licensing and Enforcement dated August 25, 2016, regarding Proposed Private Property Tree By-law and Proposed Public Tree By-law BE RECEIVED; and,
2. The proposed Private Property Tree By-law and Proposed Public Tree By-law BE TABLED to allow for public consultation and be brought back at a future Council meeting for consideration.

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

16.1 Appointment of Proxyholder for Essex Power Shareholders' 2015 Annual Meeting

Resolution 20120912-357

Councillor Fryer moved, Councillor Meloche seconded:

That:

1. The report from the Deputy Clerk dated August 29, 2016, regarding Appointment of Proxyholder for Essex Power Shareholders' 2015 Annual Meeting BE RECEIVED;
2. Mayor Aldo DiCarlo BE APPOINTED proxyholder for the Town of Amherstburg for Essex Power Corporation's 2015 Shareholder Annual Meeting;
3. Bill Wark BE APPOINTED as an alternate proxyholder for the Town of Amherstburg for Essex Power Corporation's 2015 Shareholder Annual Meeting;
4. Bill Wark BE RE-APPOINTED as the layperson representative of the Essex Power Board for an additional term commencing November 1, 2016 – October 31, 2019; and,
5. The Clerk BE AUTHORIZED to sign all necessary proxy forms to implement this resolution and forward them to Essex Power Corporation.

The Mayor put the Motion.

Motion Carried

- 16.2 **Council Support – Amendments to Provincial Nuclear Emergency Response Plan (PNERP) and Municipal Nuclear Emergency Response Plan**
(As deal with above)

INFORMATION REPORTS

Resolution 20120912-358

Councillor Fryer moved, Councillor Lavigne seconded:

That the information reports BE RECEIVED:

- a) **Senator Eugene and Mrs. Elizabeth Whelan Plaque Update**
- b) **August 4, 2016 – September 7, 2016 Accounts Payable**
- c) **Monthly Update to Council – Fire Services**

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution 20120912-359

Councillor Meloche moved, Councillor Fryer seconded:

That the consent correspondence BE RECEIVED:

- a) **Asbestos Use in Canada - County of Essex Resolution**
- b) **Letter to City of Windsor regarding Proposed Marathon Oil Refinery Expansion – Minister of Environment & Climate Change**
- c) **Carbon Gas Tax on Union Gas Bill - Town of LaSalle Resolution**
- d) **Debt Incurred from the 2015 Pan Am & Parapan Am Games - Town of Lakeshore**
- e) **Thank you letter - Community Living, Essex County**
- f) **Thank you letter - Motorcycle Ride for Dad, Windsor Chapter**
- g) **5th Annual Premier Golf Tournament - Tourism Windsor Essex Pelee Island (TWEPI)**
- h) **Belle Vue Cultural Foundation Letter - Paul Hertel, President**

- i) Support Bill 171, Highway Traffic Amendment Act, 2016 - Township of Carlow/Mayo Resolution
- j) 2016 Young Heritage Leaders and Lieutenant Governor's Ontario Heritage Awards
- k) 2017 OGRA Conference, Toronto - Ontario Good Roads Association
- l) 200 Veterans with 200 Students - Veterans Memories Project

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

- 19.1 **Letter of Support for Continued Production at the General Motors Autoplex in Oshawa**

Resolution 20160912-360

Councillor Fryer moved, Councillor Lavigne seconded:

That:

1. The correspondence **BE RECEIVED**; and,
2. Correspondence **BE SENT** to the Mayor of Oshawa in support of continued production at the General Motors Autoplex.

The Mayor put the Motion.

Motion Carried

- 19.2 **Ahmadiyya Muslim Jama't Month - September 2016**

Resolution 20160912-361

Deputy Mayor DiPasquale moved, Councillor Meloche seconded:

That:

1. The correspondence regarding Ahmadiyya Muslim Jama't Month **BE RECEIVED**; and,

2. **September BE PROCLAIMED as Ahmadiyya Muslim Jama't Month in the Town of Amherstburg.**

The Mayor put the Motion.

Motion Carried

19.3 Suicide Prevention Awareness Week – September 10-16, 2016

Resolution 20160912-362

Councillor Fryer moved, Councillor Courtney seconded:

That:

1. **The correspondence regarding Suicide Prevention Awareness Week BE RECEIVED; and,**
2. **September 10-16, 2016, BE PROCLAIMED as Suicide Prevention Awareness Week in the Town of Amherstburg.**

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Resolution 20160912-363

Councillor Meloche moved, Councillor Lavigne seconded:

That the following minutes BE RECEIVED:

- a) **Co-An Park Committee Minutes – August 10, 2016**

The Mayor put the Motion.

Motion Carried

OTHER MINUTES

21.1 Traffic Committee Minutes - June 2nd, 2016

Resolution 20160912-364

Councillor Meloche moved, Councillor Courtney seconded:

That:

- 1. The Traffic Committee Minutes of June 2nd, 2016 BE RECEIVED;**
- 2. Police speed enforcement at Shangri-La Street, Edgewater BE APPROVED;**
- 3. Alternate parking on Bathurst Street between Park Street and Gore Street BE APPROVED;**
- 3. Parking enforcement on Richmond Street at the intersection with States Avenue BE APPROVED;**
- 4. 'Children Playing' signs at Claremont Lane BE APPROVED and further the request for a reduction of the speed limit BE DENIED; and,**
- 5. Warning signs BE ERECTED on each approach to the bend on Crown Ridge Boulevard at the intersection with Pine Ridge Avenue.**

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

1. Councillor Fryer asked if a street lighting project would be brought before Council for the 2017 Budget. Councillor Fryer advised Council that he is concerned with the area on Front Road between Malden Road and Ranta Marina.

The Director of Engineering and Public Works stated that proposals are being received for the LED conversion program and as a part of that initiative, a costing has been requested for that stretch of road and will be before Council for consideration in the 2017 Budget.

NEW BUSINESS

1. Councillor Pouget advised Council that she would like to speak about the Essex County Library Board.

Mayor DiCarlo and Deputy Mayor DiPasquale declared a conflict of interest and removed themselves from discussion and voting on the matter. Mayor DiCarlo's wife is an employee with the Essex County Library and Deputy Mayor DiPasquale is a member of the Essex County Library Board.

Councillor Fryer moved, Councillor Pouget seconded:

That Councillor Courtney assume Chair.

The Clerk put the Motion.

Motion Carried

Councillor Lavigne moved, Councillor Fryer seconded:

That the Rules of Order BE WAIVED to allow Ian Nash, President, CUPE 2974, to speak.

The Chair put the Motion.

Motion Carried

Mr. Nash advised Council that contract negotiations would be resuming over the next two days.

Resolution # 20160912-365

Councillor Fryer moved, Councillor Pouget seconded:

That Administration BE DIRECTED to send another letter to the Essex County Library Board and Essex County Councillors in support of getting back to the table and finding a resolve in the upcoming set of contract negotiation talks with CUPE 2974.

The Chair put the Motion.

Motion Carried

The Mayor assumed Chair.

REPORT OUT FROM IN-CAMERA SESSION

September 12, 2016 Meeting

Council met on September 12th, 2016, for a Special In-Camera meeting at 3:36 pm and discussed (4) items as provided for under Section 239 of the Municipal Act:

ITEM A – Update on Current By-law Enforcement Matter heard under Section 239(2)(f) of the Act. There is nothing further to report on this matter.

ITEM B – Proposed Property Acquisition heard under Section 239(2)(c) of the Act. As a result of this discussion the following motion is before Council for consideration:

Resolution # 20160912-366

Councillor Pouget and Councillor Lavigne declared a conflict and removed themselves from discussion and voting on the matter. Councillor Pouget lives near the property and Councillor Lavigne's parents live near the property.

Deputy Mayor DiPasquale moved, Councillor Meloche seconded:

That:

1. **The CAO BE AUTHORIZED to remove the final condition of the Agreement of Purchase and Sale for the Acquisition of Belle Vue property at 525 Dalhousie, Amherstburg , Ontario;**
2. **The Mayor and Clerk BE AUTHORIZED to excute all necessary documents required to complete the acquisition of 525 Dalhousie (Belle Vue);**
3. **Administration BE DIRECTED to seek senior levels of government funding to assist in the Belle Vue redevelopment plan;**
4. **Administration BE DIRECTED to seek fund raising initiatives with stakeholder groups to assist in the Belle Vue plan; and,**

5. The redevelopment of 525 Dalhousie (Belle Vue) BE SUBJECT to Council approval once funding opportunities have materialized

The Mayor put the motion.

Motion Lost

ITEM C - Proposed Property Acquisition heard under Section 239(2)(c) of the Act. As a result of this discussion the following motion is before Council for consideration:

Resolution # 20160912-367

Councillor Fryer moved, Councillor Meloche seconded:

That:

- 1. The CAO BE AUTHORIZED to move forward with the professional services required to remove conditions of the Agreement of Purchase and Sale for the Acquisition of 306 Dalhousie (Duffy's), Amherstburg , Ontario;**
- 2. The Mayor and Clerk BE AUTHORIZED to execute all necessary documents required to complete the acquisition of 306 Dalhousie (Duffy's);**
- 3. Administration BE DIRECTED to seek senior levels of government funding to assist in the redevelopment plan of 306 Dalhousie (Duffy's) ;**
- 4. Administration BE DIRECTED to seek fundraising initiatives with stakeholder groups to assist in the redevelopment of 306 Dalhousie; and,**
- 5. The redevelopment of 306 Dalhousie (Duffy's) BE SUBJECT to Council approval once funding opportunities have materialized.**

The Mayor put the motion.

| | Yes/Concur | No/Not Concur |
|-------------------------|-------------------|----------------------|
| Councillor Courtney | X | |
| Deputy Mayor DiPasquale | X | |
| Councillor Fryer | X | |
| Councillor Lavigne | X | |
| Councillor Meloche | X | |
| Councillor Pouget | | X |
| Mayor DiCarlo | X | |

Motion Carried

ITEM D - Update on Current By-law Enforcement Matter heard under Section 239(2)(f) of the Act. There is nothing further to report on this matter.

NOTICE OF MOTION

24.1 Councillor Meloche - 2017 Capital Budget Project Consideration Resolution 20160912-368

Councillor Meloche moved, Councillor Fryer seconded:

That the construction of a sidewalk/pathway that links the Canard Valley Subdivision, the Gardiner Subdivision, the ERCA Trail (currently in the planning stage) and the residential area of Middle Side Road to Walker Road be considered in the 2017 Capital Budget.

The Mayor put the Motion.

Motion Carried

BY-LAWS

25.1 By-law 2016-83 - Confirmatory By-law

Resolution 20160912-369

Councillor Fryer moved, Councillor Meloche seconded:

That By-law 2016-83 being a by-law to confirm all resolutions of the Municipal Council Meetings held August 18th and September 12th, 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

SPECIAL IN-CAMERA MEETING

Resolution # 20160912-370

Councillor Fryer moved, Councillor Meloche seconded:

That Council move into an In-Camera Meeting of Council at 9:18 p.m., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reason:

ITEM E – 99 Thomas Road – Section 239(2)(a) - The security of the property of the municipality or local board; and, 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 @ 9:43 P.M.

RESUMPTION OF REGULAR COUNCIL MEETING

Councillor Fryer moved, Councillor Courtney seconded:

That Council resume Regular session at 9:44 p.m.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That Council rise and adjourn at 9:45 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR – ALDO DICARLO



CLERK – PAULA PARKER