



**TOWN OF AMHERSTBURG
COUNCIL MEETING
Monday, September 26, 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 4:33 pm.

SPECIAL IN-CAMERA MEETING

Resolution # 20160926-373

Councillor Fryer moved, Councillor Lavigne seconded:

That Council move into an In-Camera Meeting of Council at 4:35 pm pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reason:

ITEM A – Removal of Holding Zone for 7809 Howard Ave. – Legal & Risk Analysis - 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 @ 5:04 pm.

RESUMPTION OF REGULAR COUNCIL MEETING

Councillor Fryer moved, Deputy Mayor DiPasquale seconded:

That Council resume Regular session at 6:06 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)

Councillor Lavigne declared a conflict due to his parent's property running adjacent to the Belle Vue property.

Councillor Pouget declared a conflict due to her property being 964 feet from the Belle Vue property.

MINUTES OF PREVIOUS MEETING

Approval of Minutes

Resolution # 20160926-395

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. **Special Council Meeting Minutes – Planning - September 12, 2016**
2. **Special In-Camera Meeting Minutes – September 12, 2016, (3:30 pm session), as amended**
3. **Regular Council Meeting Minutes – September 12, 2016**
4. **Special In-Camera Meeting Minutes – September 12, 2016 (after Regular session)**

Councillor Pouget asked that the date referring to a letter in the Special In-Camera Meeting Minutes for September 12, 2016, 3:30 session, be amended to reflect the correct date.

The Mayor put the Motion.

Motion Carried

DELEGATIONS

9.1 **Texas Road Thank You – Betty Federico, Joanne DiPierdomenico, & Anne Pietrangelo**

Ms. Federico, Ms. DiPierdomenico, and Ms. Pietrangelo thanked Council and Administration for the work completed on Texas Road.

Resolution # 20160926-396

Councillor Meloche moved, Councillor Pouget seconded:

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

9.2 **Support for Dave Scott, Coach, General Amherst, to be inducted into the Windsor Essex County Hall of Fame – Dave Heath**

Councillor Lavigne moved the motion with an amendment to send a letter to the Windsor Essex County Sports Hall of Fame in support of Dave Scott's nomination into the Hall of Fame.

Resolution # 20160926-374

Councillor Lavigne moved, Councillor Fryer seconded:

That:

1. **The delegation BE RECEIVED; and,**
2. **Administration BE DIRECTED to formulate a letter of support with Mr. Heath for Mr. Scott's Windsor Essex County Sports Hall of Fame nomination.**

The Mayor put the Motion.

Motion Carried

9.3 **Neighbour Complaint of Building Code Violations – Neil Stewart**

Resolution # 20160926-375

Councillor Lavigne moved, Deputy Mayor DiPasquale seconded:

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

Councillor Lavigne moved, Councillor Fryer seconded:

That the Rules of Order be waived to allow Lisa Stiles-Lawlor, property owner at 16 Laird North, to speak with respect to Mr. Stewart's delegation.

The Mayor put the Motion.

Motion Carried

Resolution # 20160926-376

Councillor Pouget moved, Deputy Mayor DiPasquale seconded:

That Administration BE DIRECTED to contact ERCA to investigate the alleged extension of the dock on the property located at 16 Laird North.

The Mayor put the Motion.

Motion Carried

Item # 10.1 was moved forward.

PRESENTATIONS

10.1 2016 Assessment Update – Tracy Pringle, Account Manager, Zone 1, Municipal & Stakeholder Relations, MPAC

Ms. Pringle provided Council with an update of the 2016 Assessment, MPAC.

Resolution # 20160926-377

Councillor Fryer moved, Councillor Pouget seconded:

That the presentation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

DELEGATIONS

9.4 Preservation and Alternate Usage of Belle Vue – Michael Prue

Resolution # 20160926-378

Councillor Courtney moved, Councillor Meloche seconded:

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

9.5 **Belle Vue Acquisition, Restoration and Use**

- Brad Robitaille
- Scott Weir, Principal, E.R.A. Architects Inc.

Resolution # 20160926-379

Councillor Meloche moved, Councillor Fryer seconded:

That the delegations BE RECEIVED.

The Mayor put the Motion.

Motion Carried

9.6 **Representative of the Current Belle Vue Property Owner – Phil Kasurak, Royal LePage Binder Real Estate**

This delegation was not heard.

Resolution # 20160926-380

Councillor Courtney moved, Deputy Mayor DiPasquale seconded:

That the motion from the Regular Council Meeting on September 12, 2016, regarding the acquisition of the Belle Vue property BE RECONSIDERED.

The Mayor put the Motion.

	Yes/Concur	No/Not Concur
Councillor Courtney	X	
Deputy Mayor DiPasquale	X	
Councillor Fryer		X
Councillor Lavigne	Removed from voting	
Councillor Meloche		X
Councillor Pouget	Removed from voting	
Mayor DiCarlo	X	

Motion Carried

Councillor Lavigne and Councillor Pouget removed themselves from discussion and voting on the reconsidered Belle Vue matter due to their declared conflict of pecuniary interest.

Resolution # 20160926-381

Deputy Mayor DiPasquale moved, Councillor Courtney 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.

	Yes/Concur	No/Not Concur
Councillor Courtney	X	
Deputy Mayor DiPasquale	X	
Councillor Fryer		X
Councillor Lavigne	Removed from voting	
Councillor Meloche		X
Councillor Pouget	Removed from voting	
Mayor DiCarlo	X	

Motion Carried

PRESENTATIONS

- 10.1 **2016 Assessment Update – Tracy Pringle, Account Manager, Zone 1, Municipal & Stakeholder Relations, MPAC**
(As dealt with above)

REPORTS – POLICE SERVICES

There were no reports.

REPORTS – CORPORATE SERVICES

There were no reports.

REPORTS – PARKS, FACILITIES, RECREATION AND CULTURE

There were no reports.

REPORTS – ENGINEERING AND PUBLIC WORKS

There were no reports.

REPORTS – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

15.1 Essex County ATV Club By-law 2008-53 – Repeal

Resolution # 20160926-382

Councillor Lavigne moved, Councillor Pouget seconded:

That:

- 1. The report from the Manager of Licensing and Enforcement dated August 23, 2016, regarding Essex County ATV Club By-law 2008-53 - Repeal BE RECEIVED; and,**
- 2. By-law 2008-53 and its amending By-law 2010-43 BE REPEALED.**

The Mayor put the Motion.

Motion Carried

15.2 Zoning By-law Amendment for Meadow View Estates Subdivision, Outcome from Statutory Public Meeting

Resolution # 20160926-383

Councillor Lavigne moved, Councillor Pouget seconded:

That:

- 1. The report from the Manager of Planning Services dated September 13, 2016, regarding the Zoning By-law Amendment for Part Lot 23, Concession 2, Meadow View Estates, Outcome from the Statutory Public Meeting, BE RECEIVED; and,**
- 2. Zoning By-law 2016-79 being a by-law to amend Zoning By-law No. 1999-52, Meadow View Estates, 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

15.3 Development Agreement for 580 Middle Sideroad- Pacitti Contracting Company

Resolution # 20160926-384

Councillor Pouget moved, Councillor Fryer seconded:

That:

- 1. The report from the Manager of Planning Services dated September 12, 2016, regarding the Development Agreement for 580 Middle Sideroad BE RECEIVED;**
- 2. The site plan and development agreement for 580 Middle Sideroad for phase two of the neighbourhood commercial development BE APPROVED; and,**
- 3. By-law 2016-86 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 the same.**

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

There were no reports.

INFORMATION REPORTS

Resolution # 20160926-385

Councillor Fryer moved, Councillor Meloche seconded:

That the information reports BE RECEIVED:

- a) **2016 Second Quarter Financial Reports**
- b) **August 2016 Reserve and Restricted Cash Update**
- c) **September 8, 2016 – September 21, 2016, Accounts Payable**

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution # 20160926-386

Councillor Fryer moved, Councillor Pouget seconded:

That the consent correspondence BE RECEIVED:

- a) **2015 Annual Report – Amherstburg Police Service**

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Resolution # 20160926-387

Councillor Fryer moved, Councillor Pouget seconded:

That the following minutes BE RECEIVED:

- a) **Economic Development Advisory Committee Meeting Minutes - May 3, 2016**
- b) **Economic Development Advisory Committee Meeting Minutes - August 9, 2016**
- c) **Drainage Board Meeting Minutes - August 2, 2016**

The Mayor put the Motion.

Motion Carried

Item # 22.1 was moved forward.

NOTICE OF MOTION

22.1 Councillor Fryer - Denied Removal of Holding Zone for 7809 Howard Ave.

Resolution 20160926-388

Councillor Fryer moved, Councillor Meloche seconded:

That a motion to RECONSIDER the motion of September 19, 2016, that Council DENY the request to remove holding symbol of the Jones property.

The Mayor put the Motion.

Motion Carried

Resolution # 20160926-389

Councillor Fryer moved, Councillor Meloche seconded:

That:

- 1. The application from Jones Group Ltd for the Removal of the Holding Zone for property at 7809 Howard Avenue BE APPROVED; and,**
- 2. By-law 2016-75 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.

	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

REPORT OF FROM IN-CAMERA SESSION

September 12, 2016 Meeting

Council met on September 12th, 2016, for a Special In-Camera meeting at 9:18 pm and discussed (1) item as provided for under Section 239 of the Municipal Act:

ITEM E – 99 Thomas Road heard under Section 239(2)(a)&(c) of the Act. There is nothing further to report on this matter.

UNFINISHED BUSINESS

1. Councillor Meloche asked for a status update with respect to the financial management system.

The Director of Corporate Services/Treasurer advised Council that Administration is currently in the asset management portion and that the software for the asset management plan will be up and running in a month. He stated that the next step is to have consultants work on the plan itself and that should be before Council by the end of the year. He further advised that the table transition with Ceridian as well as the investigating of some other potential software pieces that may assist in making a more complete financial management system will be brought back to Council by the end of the year.

2. Councillor Fryer asked that the lighting project along County Road 20 be brought to Council for consideration in 2017 Budget. Councillor Fryer further stated that the area between Ranta Marina and Malden Road is of most concern.

NEW BUSINESS

1. Resolution # 20160926-390

Deputy Mayor DiPasquale moved, Councillor Fryer seconded:

That Administration BE DIRECTED to work with the Windsor Essex County Health Unit to prepare a report on the feasibility of a bylaw which would expand upon prohibited spaces and products offered under Smoke Free Ontario to be brought back to Council at a later date.

The Mayor put the Motion.

Motion Carried

2. Councillor Fryer advised Council that he would like to make a motion with respect to the library strike.

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

Resolution # 20160926-391

Councillor Fryer moved, Councillor Pouget seconded:

That Administration BE DIRECTED to seek compensation for the Town's portion of the money saved by the Essex County Library Board and Essex County Council as a result of the library strike.

The Chair put the Motion.

Motion Carried

Resolution # 20160926-392

Councillor Pouget moved, Councillor Fryer seconded:

That Administration BE DIRECTED to send another letter to the Essex County Library Board and Essex County Council expressing the Town's concerns regarding the ongoing library strike and the negative effect it is having on the ratepayers and further request that the Board and CUPE 2974 go back to the table to negotiate.

The Chair put the Motion.

	Yes/Concur	No/Not Concur
Councillor Courtney	X	
Deputy Mayor DiPasquale	Removed from voting	
Councillor Fryer	X	
Councillor Lavigne		X
Councillor Meloche		X
Councillor Pouget	X	
Mayor DiCarlo	Removed from voting	

Motion Carried

The Mayor assumed Chair.

3. Resolution # 20160926-393

Councillor Pouget moved, Councillor Courtney seconded:

That Council DIRECT Administration to utilize the services of all legal firms contracted as per the RFP roster approved by Council on August 10, 2015, which includes Shibley Righton LLP, McTague Law Firm LLP, and Mousseau DeLuca McPherson Prince LLP.

The Mayor put the Motion.

Motion Failed

NOTICE OF MOTION

- 22.1 **Councillor Fryer - Denied Removal of Holding Zone for 7809 Howard Ave.**
(As dealt with above)

BY-LAWS

- 23.1 **By-law 2016-88 - Confirmatory By-law**

Resolution # 20160926-394

Councillor Fryer moved, Councillor Meloche seconded:

That By-law 2016-88 being a by-law to confirm all resolutions of the Municipal Council Meetings held September 19th and 26th, 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 Fryer moved, Councillor Meloche seconded:

That Council rise and adjourn at 9:13 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR – ALDO DICARLO



CLERK – PAULA PARKER