



**TOWN OF AMHERSTBURG
COUNCIL MEETING
Tuesday, October 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

Councillor Jason Lavigne

CALL TO ORDER

The Mayor called the meeting to order at 6:07 p.m.

MOMENT OF SILENT REFLECTION

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

Councillor Meloche declared a conflict of interest with respect to item # 19.1. His sister and brother-in-law own property on the 8th Concession Road Drain South.

MINUTES OF PREVIOUS MEETING

Approval of Minutes

Resolution # 20161011-395

Councillor Fryer moved, Councillor Pouget 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 – September 19, 2016**
- 2. Regular Council Meeting Minutes – September 26, 2016**
- 3. Special In-Camera Meeting Minutes – September 26, 2016**

The Mayor put the Motion.

Motion Carried

DELEGATIONS

5.1 Temperature Control in Community Room at the Libro Centre - Fern Elliott, Golden Age

Fern Elliott and Ron Johnston addressed Council with respect to the temperature in the Community Room at the Libro Centre.

Councillor Courtney arrived at 6:12 p.m.

Resolution # 20161011-396

Councillor Fryer moved, Councillor Pouget seconded:

That:

- 1. The delegation BE RECEIVED;**
- 2. Administration BE DIRECTED to bring a report back to Council as to why the dressing rooms are hot and the Community Room is cold at the Libro Centre;**
- 3. A heating device BE ADDED to the Community Room that is controlled by the user with an upset limit of \$25,000; and,**
- 4. The Chief Administrative Officer BE DIRECTED to negotiate with the Golden Age Club to extend their lease agreement for another 5 years;**

The Mayor put the Motion.

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

Motion Carried

PRESENTATIONS

- 6.1 Launch of the Multimedia Contest for High School Students - Bob Rozankovic, Chair, Economic Development Advisory Committee**

Resolution # 20161011-397

Councillor Fryer moved, Councillor Courtney seconded:

That the presentation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

Supplementary agenda item # 11.3 and # 11.4 were moved forward.

11. REPORTS – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

11.3 Proposed Public Property Tree By-law 2016-94

Resolution # 20161011-398

Councillor Fryer moved, Councillor Pouget seconded:

That:

- 1. The report from the Manager of Licensing and Enforcement dated October 4, 2016, regarding Proposed Public Property Tree By-law 2016-94 BE RECEIVED; and,**
- 2. By-law 2016-94 being a By-law to regulate the planting, preservation, maintenance and removal of public trees, including the cleanup of debris falling from such trees, within the Town of Amherstburg 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.

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

Motion Carried

11.4 Proposed Private Property Tree By-law 2016-95

Resolution # 20161011-399

Councillor Pouget moved, Councillor Fryer seconded:

That:

- 1. The report from the Manager of Licensing and Enforcement dated October 3, 2016, regarding Proposed Private Property Tree By-law 2016-95 BE RECEIVED; and,**
- 2. Based on resident feedback at the Public Consultation Meeting held September 29, 2016, as well as challenges with the enforcement of the by-law and the increased liability which may exist, the proposed Private Tree By-law BE ABANDONED.**

The Mayor put the Motion.

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

Motion Carried

REPORTS – POLICE SERVICES

There were no reports.

REPORTS – CORPORATE SERVICES

8.1 Clean Water and Wastewater Fund

Resolution # 20161011-400

Deputy Mayor DiPasquale moved, Councillor Pouget seconded:

That:

- 1. The report from the Director of Corporate Services/Treasurer dated September 27, 2016, regarding the Clean Water and Wastewater Fund BE RECEIVED; and,**

2. **Administration BE AUTHORIZED to submit an application for the Clean Water and Wastewater Fund for the Amherstburg Water Treatment Plant Reservoir Upgrade and Redundancy Protection Project.**

The Mayor put the Motion.

Motion Carried

8.2 **OCIF Formula Based Component Funding Agreement**

Resolution # 20161011-401

Councillor Fryer moved, Councillor Pouget seconded:

That:

1. **The report from the Director of Corporate Services/Treasurer dated September 27,2016, regarding Ontario Community Infrastructure Fund Formula-based Component BE RECEIVED;**
2. **The Ontario Community Infrastructure Fund Formula-based Component contribution agreement between the Town of Amherstburg and the Government of Ontario Ministry of Agriculture, Foods and Rural Affairs (OMAFRA) BE APPROVED; and,**
3. **By-Law 2016-91 being a by-law to enter into a Contribution Agreement with the Government of Ontario Ministry of Agriculture, Foods and Rural Affairs (OMAFRA) 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 – PARKS, FACILITIES, RECREATION AND CULTURE

There were no reports.

REPORTS – ENGINEERING AND PUBLIC WORKS

There were no reports.

REPORT – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

11.1 Removal of Holding Zone for 8372 Annie Avenue

Resolution # 20161011-402

Councillor Fryer moved, Deputy Mayor DiPasquale seconded:

That:

1. **The report from the Manager of Planning Services dated September 27, 2016, regarding the Removal of Holding Zone for 8372 Annie Avenue BE RECEIVED;**
2. **The application from Gary Aalbers for the Removal of the Holding Zone for property at 8372 Annie Avenue BE APPROVED; and,**
3. **By-law 2016-22 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

11.2 Removal of Part Lot Control – Queen Charlotte Residences

Resolution # 20161011-403

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That:

1. **The report from the Manager of Planning Services dated September 23, 2016, regarding the Removal of Part Lot Control - Queen Charlotte Residences (Registered Plan 1), BE RECEIVED;**
2. **The application for Removal of Part Lot Control for Part of Lots 5 and 6 on Registered Plan 1, being Parts 1 through 5, 12R-25822, and Parts 1 through 4 on Plan 12R-26152, municipally known as 274-286 Dalhousie St, and further known as Queen Charlotte Residences BE APPROVED; and**

3. **By-law 2016-89 being a by-law to remove certain lands from Part Lot Control 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

There were no reports.

INFORMATION REPORTS

Resolution # 20161011-404

Councillor Meloche moved, Councillor Pouget seconded:

That the information reports BE RECEIVED:

- a) **Health and Safety Update**
- b) **September 22, 2016 – October 5, 2016, Accounts Payable**

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution # 20161011-405

Councillor Fryer moved, Councillor Courtney seconded:

That the consent correspondence BE RECEIVED:

- a) **2016 Essex County Accessibility Workshop**
- b) **Clean Water and Wastewater Fund Update - Municipality of East Ferris**
- c) **Thank you letter - Dave Cozens, President, Fort Malden Guild of Arts and Crafts**
- d) **Ontario Municipal Board (OMB) Reform Update - Town of Aurora**

- e) 61st Annual Training & Educational Symposium - OMFPOA, Chapter 8 Essex County, Chatham
- f) Supporting Agricultural Experts in their Fields - City of Belleville Resolution

The Mayor put the Motion.

Motion Carried

Resolution # 20161011-406

Councillor Meloche moved, Councillor Fryer seconded:

Item e - That Administration BE DIRECTED to place a ¼ page ad in the conference book in support of the 61st Annual Training & Educational Symposium – OMFPOA, Chapter 8 Essex County, Chatham.

The Mayor put the Motion.

Motion Failed

CONSENT OTHER MINUTES

Resolution # 20161011-407

Councillor Fryer moved, Councillor Pouget seconded:

That the following minutes BE RECEIVED:

- a) Audit and Finance Advisory Committee Meeting Minutes - August 10, 2016
- b) Drainage Board Meeting Minutes – September 6, 2016

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

1. Councillor Fryer asked for an update with respect to the Boblo Dock.

The Mayor advised Council that the Federal government has not indicated their plans for the dock. He further advised that local government representatives continue to remind the Federal government that the condition of the dock is a concern for the Town.

NEW BUSINESS

1. Resolution # 20161011-408

Councillor Pouget moved, Deputy Mayor DiPasquale seconded:

That Administration BE DIRECTED to bring a public report to Council regarding the outcome of all Neil Stewart's complaints of September 26th, 2016, including a report from ERCA regarding 16 Laird Avenue North.

The Clerk advised Council that some of the information being requested will be protected under the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA) and that information would not be permitted for a public Council Meeting but rather a Special In-Camera Council meeting at the call of the Chair.

Councillor Pouget amended her motion to the following:

That Administration BE DIRECTED to bring back a report to Council at an In-Camera meeting regarding the outcome of all Neil Stewart's complaints of September 26th, 2016.

Deputy Mayor DiPasquale agreed with the amendment.

The Mayor put the Motion.

Motion Lost

2. Councillor Fryer advised Council that the asphalt is in poor condition and rebar is showing on portions of the 2nd Concession Road bridge and the 5th Concession Road North bridge and inquired as to whether a report will be before Council addressing the condition of the bridges.

The Director of Engineering and Public Works advised Council that a bridges and culverts needs study was just completed prioritizing all bridges and culverts repairs within the Town. She informed Council that repairs have been completed on 8 bridges within the last 2 years. She further advised Council that a report outlining the next set of priorities will be brought to the 2017 Capital budget

deliberations which will include administrative recommendations based on the engineers report for bridges and culverts.

REPORT OUT FROM IN-CAMERA SESSION

September 26, 2016 Meeting

Council met on September 26th, 2016, for a Special In-Camera meeting at 4:35 pm and discussed (1) item as provided for under Section 239 of the Municipal Act:

ITEM A – Removal of Holding Zone for 7809 Howard Ave. – Legal & Risk Analysis under Section 239(2)(f) of the Act. There is nothing further to report on this matter.

NOTICE OF MOTION

Deputy Mayor DiPasquale introduced a Notice of Motion regarding a reconsideration of the motion of September 26th, 2016, to direct administration to utilize the services of all legal firms contracted as per the RFP Roster approved by Council on August 10th, 2015, which includes the following firms:

- Shibley Righton LLP
- McTague Law Firm LLP
- Mousseau DeLuca McPherson Prince LLP

for consideration and voting at the October 24th, 2016, Regular Council Meeting.

BY-LAWS

Councillor Meloche removed himself from discussion and voting on the repair and improvement of the 8th Concession Road Drain South as a result of his declared conflict of interest.

19.1 2016-76 - Repair & Improvement of the 8th Concession Road Drain South

Resolution # 20161011-409

Councillor Fryer moved, Deputy Mayor DiPasqaule seconded:

That the Repair and Improvements of the 8th Concession Drain South based on the Reconsidered Drainage Report by Rood Engineering Inc., BE PROVISIONALLY ADOPTED by giving a first and seconded reading to By-law 2016-76.

The Mayor put the Motion.

Motion Carried

19.2 By-law 2016-98 - Confirmatory By-law

Resolution # 20161011-410

Councillor Fryer moved, Councillor Meloche seconded:

That By-law 2016-98 being a by-law to confirm all resolutions of the Municipal Council Meeting held October 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

Deputy Mayor DiPasquale moved, Councillor Courtney seconded:

That Council rise and adjourn at 7:44 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR – ALDO DICARLO



CLERK – PAULA PARKER