



**TOWN OF AMHERSTBURG
COUNCIL MEETING
Monday, November 14, 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 6:01 p.m.

MOMENT OF SILENT REFLECTION

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

There were no disclosures of pecuniary interest noted

MINUTES OF PREVIOUS MEETING

Approval of Minutes

Resolution # 20161114-432

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 – October 24, 2016

The Mayor put the Motion.

Motion Carried

REPORTS – POLICE SERVICES

5.1 Court Security Prisoner Transportation Program 2017-2018

Resolution # 20161114-433

Councillor Meloche moved, Councillor Courtney seconded:

That:

- 1. The report from Chief Tim Berthiaume, dated October 21, 2016, regarding the Court Security Prisoner Transportation Program 2017-18 BE RECEIVED; and,**
- 2. By-law 2016-106 being a by-law authorizing the execution of the Agreement between the Town of Amherstburg and Her Majesty the Queen in Right of Ontario as represented by the Minister of Community Safety and Correctional Services (the Ministry) 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 – CORPORATE SERVICES

There were no reports.

REPORTS – PARKS, FACILITIES, RECREATION AND CULTURE

There were no reports.

REPORTS – ENGINEERING AND PUBLIC WORKS

8.1 Bridges over the Shaw Drain North

Resolution # 21061114-434

Councillor Fryer moved, Councillor Pouget seconded:

That:

- 1. The report from the Drainage Superintendent and Engineering Coordinator dated October 31, 2016, regarding the Bridges over the Shaw Drain North BE RECEIVED; and,**
- 2. The Director of Financial Services BE DIRECTED to PRE-COMMIT \$31,625.00 in order to expedite the capital works from the 2017 Capital Budget to fund the Town's share of the project costs as identified in this report.**

The Mayor put the Motion.

Motion Carried

REPORTS – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

9.1 Annie Ave – Dedication of a Portion as Public Highway

Resolution # 20161114-435

Councillor Meloche moved, Councillor Fryer seconded:

That:

1. **The report from the Manager of Planning Services regarding Annie Ave – Dedication of a Portion as Public Highway BE RECEIVED;**
2. **The dedication of Part 3, 12R-26778 as the extension of Annie Avenue as a Public Highway BE APPROVED; and,**
3. **By-law 2016-93 being a by-law to dedicate Part 3, 12R-26778 as a public highway 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

9.2 Dedication of land between Gibb Street and Atlantic Avenue as a Public Highway

Resolution # 20161114-436

Councillor Pouget moved, Deputy Mayor DiPasquale seconded:

That:

1. **The report from the Manager of Planning Services regarding the Dedication of land between Gibb Street and Atlantic Avenue as a Public Highway BE RECEIVED;**
2. **Council APPROVE the dedication of Part 7, 12R-26175 as a Public Highway; and,**
3. **By-law 2016-85 being a By-law to dedicate Part 7, 12R-26175 as a public highway 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

9.3 Council Resolution in Support of Roof-top Solar Application under the Provincial Feed in Tariff (FIT) Program

Resolution # 20161114-437

Councillor Meloche moved, Councillor Pouget seconded:

That:

- 1. The report from the Manager of Planning Services dated October 21, 2016 regarding the Council Resolution in Support of Roof-top Solar Application Under the Provincial Feed In Tariff (FIT) Program, BE RECEIVED;**
- 2. A site specific resolution for the proposed rooftop solar power PV project location, as prescribed by the Ontario Power Authority (OPA) resolution template titled “Prescribed Form/Template: Municipal Council Support Resolution – Section 5.1 (g)(i) – FIT Rules, Version 5.0”, attached as Appendix “A”:**
 - o Green Acres Industrial Park Inc. & Rubber Technologies, 111 St. Arnaud St., (Solar Power Network) BE APPROVED; and,**
- 3. The Applicant BE ADVISED that the resolution’s sole purpose is to enable the Applicant to receive priority application processing points under the Ontario Power Authority’s Feed-In-Tariff (FIT) Program, and may not be used for the purpose of any other form of municipal approval.**

The Mayor put the Motion.

Motion Carried

**9.4 Official Plan Amendment for the Addition of Breweries in Agricultural Areas
Resolution # 20161114-438**

Councillor Fryer moved, Councillor Meloche seconded:

That:

- 1. The report from the Manager of Planning Services dated October 21, 2016, regarding an Official Plan Amendment for the addition of breweries in agricultural areas BE RECEIVED; and,**
- 2. Administration BE AUTHORIZED to initiate an Official Plan Amendment process for breweries in agricultural areas.**

The Mayor put the Motion.

Motion Carried

9.5 **Amending Property Transfer Restriction Agreement for S/S Shangrila Avenue**

Resolution # 20161114-439

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That:

1. **The report from the Manager of Planning Services dated October 24, 2016 regarding the Amending Property Transfer Restriction Agreement for the S/S Shangrila Avenue, BE RECEIVED; and,**
2. **By-law 2016-107 being a by-law to authorize the signing of an amending agreement be taken as having been read three times and finally passed and that the Mayor and Clerk BE AUTHORIZED to sign same.**

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

10.1 **Belle Vue Conservancy Letter Request**

Resolution # 20161114-440

Councillor Fryer moved, Councillor Courtney seconded:

That:

1. **The Mayor BE DIRECTED to write a letter of thanks to Mr. Peter Rindlisbacher for his commitment to paint and donate a painting of Belle Vue to be used for fund raising initiatives.**

The Mayor put the Motion.

Motion Carried

10.2 **2017 Calendar of Council Meetings**

Resolution # 20161114-441

Councillor Meloche moved, Councillor Fryer seconded:

That:

1. **The report from the Deputy Clerk dated October 27, 2016, regarding the 2017 Calendar of Council Meetings BE RECEIVED;**
2. **The rules in the Procedural By-law requiring that meetings be held the second and fourth Monday of each month for the months of March, July, August, and December BE WAIVED; and,**
3. **The 2017 Calendar of Council Meetings BE APPROVED, as presented.**

The Mayor put the Motion.

Motion Carried

10.3 **Accessibility Renovation to Municipal Buildings/Infrastructure**

Resolution # 20161114-442

Councillor Fryer moved the motion with an amendment to include private business improvements.

Councillor Fryer moved, Councillor Meloche seconded:

That:

1. **The report from the Administrative Clerk on behalf of the Amherstburg Accessibility Advisory Committee dated October 26, 2016, regarding Accessibility Renovations to Municipal Buildings/Infrastructure BE RECEIVED;**
2. **Administration BE DIRECTED to develop a policy to ensure the Town is promoting accessibility in all priorities of the strategic plan including a criteria for distribution of municipal building/private business infrastructure improvement funds; and,**
3. **The 2017 budget request of \$50,000 for municipal building/private business infrastructure improvements to eliminate barriers BE APPROVED for distribution by administration, in consultation with the AAAC, as per the policy criteria to be developed.**

The Mayor put the Motion.

Motion Carried

10.4 **Heritage Committee and Drainage Board Vacancies**

Resolution # 20161114-443

Councillor Fryer moved, Councillor Meloche seconded:

That:

1. **The report from the Deputy Clerk dated October 28, 2016, regarding Heritage Committee and Drainage Board Vacancies BE RECEIVED;**
2. **Administration BE DIRECTED to place an advertisement in the local newspaper and on the Town website; and,**
3. **As per the Boards and Committees Appointment Policy, Administration BE DIRECTED to follow the selection process and bring back considerations to Council for appointment.**

The Mayor put the Motion.

Motion Carried

INFORMATION REPORTS

Resolution # 20161114-444

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That the information reports BE RECEIVED:

- a) **Monthly Activity Report – APSB Meeting September 2016**
- b) **Variance Report – Fire Services**
- c) **October 20, 2016 – November 8, 2016 Accounts Payable**

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution # 20161114-445

Councillor Meloche moved, Councillor Fryer seconded:

That the consent correspondence BE RECEIVED:

- a) **Membership Dues - Essex County Agricultural Hall of Fame**
- b) **Sustainable Funding for Child Advocacy Centre's - Windsor Essex Child/Youth Advocacy Centre**
- c) **Support for Ontario's Electrical Bills - Township of North Frontenac Resolution**
- d) **Rail Safety Improvement Program - Transport Canada**

The Mayor put the Motion.

Motion Carried

Resolution # 20161114-446

Councillor Fryer moved, Councillor Meloche seconded:

Item a – **That the membership dues for the Essex County Agricultural Hall of Fame BE RENEWED.**

The Mayor put the Motion.

Motion Carried

Resolution # 20161114-447

Councillor Meloche moved, Councillor Fryer seconded:

Item b – **That Administration BE DIRECTED to send a letter to the Windsor Essex Child/Youth Advocacy Centre in support of sustainable funding for Child Advocacy Centre's.**

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Resolution # 20161114-448

Deputy Mayor DiPasquale moved, Councillor Pouget seconded:

That the following minutes BE RECEIVED:

- a) **Amherstburg Accessibility Advisory Committee Minutes – August 18, 2016**
- b) **Committee of Adjustment Meeting Minutes - September 27, 2016**
- c) **Drainage Board Minutes – October 4, 2016**

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

1. Councillor Fryer asked when a final report regarding Texas Road will be brought to Council.

The Manager of Engineering and Operations advised Council that a walk-through has been completed with some minor deficiencies noted. He further advised that the final costs are being compiled and once that is complete, the report will be before Council.

2. Councillor Pouget asked if the Town's shares of the funds sitting in the P.O.A. Fund with the City of Windsor are able to be recuperated.

The Director of Corporate Service/Treasurer advised Council that the Town's shares have been collected and can be found in the Police Services budget in a line item titled P.O.A. revenue.

3. Councillor Pouget asked if the Town is expecting a refund as a result of the County of Essex's decision not to fill the Economic Development Officer position.

The Director of Corporate Services/Treasurer advised Council that a refund in the amount of approximately \$86,000 has been issued by the County of Essex and the refund is reflected in the 2016 budget under global revenue. The Chief Administrative Officer further clarified that the refund is a positive variance listed in the 2016 budget.

4. Councillor Pouget asked if the Town is able to send a letter to the County of Essex Council to ask for the Town's portion of the money saved during the library strike so that it can be returned to the tax payers.

The Mayor advised Council that the issue has already been brought forward to County Council and voted on. The Mayor further advised that as a result of the vote, the issued was deferred to next year's budget.

NEW BUSINESS

1. Resolution # 20161114-449

Deputy Mayor DiPasquale moved, Councillor Fryer seconded:

That the consideration of road repairs and upgrades to the 2nd, 4th, 5th, and 8th Concessions North BE DEFERRED to the 2017 Budget deliberations.

The Mayor put the Motion.

Motion Carried

2. Resolution # 20161114-450

Councillor Fryer moved, Councillor Pouget seconded:

That Administration BE DIRECTED to contact Richard Wyma, General Manager/Secretary-Treasurer, ERCA, to inquire how the Town can contribute to the new trail system that runs between the Town and the Town of Essex and to bring back the amount the Town can contribute to the trail system to budget deliberations.

The Mayor put the Motion.

Motion Carried

NOTICE OF MOTION

There were no Notices of Motion.

BY-LAWS

17.1 By-law 2016-109 - Confirmatory By-law

Resolution # 20161114-451

Councillor Pouget moved, Councillor Meloche seconded:

That By-law 2016-109 being a by-law to confirm all resolutions of the Municipal Council Meetings held November 7th and 14th, 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 # 20161114-452

Councillor Fryer moved, Councillor Pouget seconded:

**That Council move into an In-Camera Meeting of Council at 6:49 p.m.,
pursuant to Section 239 of the Municipal Act, 2001, as amended, for the
following reason:**

**ITEM A – ESA Claim against the Town - 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 @ 7:17 P.M.

RESUMPTION OF REGULAR COUNCIL MEETING

Deputy Mayor DiPasquale moved, Councillor Pouget seconded:

That Council resume Regular session at 7:19 p.m.

The Mayor put the Motion.

Motion Carried

ADJOURNMENT

Councillor Courtney moved, Councillor Meloche seconded:

That Council rise and adjourn at 7:19 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR – ALDO DICARLO



CLERK – PAULA PARKER