



**TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING**

**Tuesday, October 23, 2018
6:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

Mayor Aldo DiCarlo
Councillor Joan Courtney
Councillor Rick Fryer
Councillor Leo Meloche
Councillor Diane Pouget

Giovanni (John) Miceli, CAO
Paula Parker, Municipal Clerk
Tammy Fowkes, Deputy Clerk

ABSENT

Deputy Mayor Bart DiPasquale
Councillor Jason Lavigne

CALL TO ORDER

The Mayor called the meeting to order at 6:04 p.m.

NATIONAL ANTHEM

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

(Public Council Meeting Agenda Items)

There were no disclosures of pecuniary interest noted.

MINUTES OF PREVIOUS MEETING

Resolution # 20181023-342

Moved By Councillor Meloche

Seconded By Councillor Fryer

That the minutes BE ADOPTED 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:

4.1 Regular Council Meeting Minutes - October 9, 2018

The Mayor put the Motion.

Motion Carried

DELEGATIONS

5.1 Removal of Tree on Town Property - Drew Coulson

Resolution # 20181023-343

Moved By Councillor Pouget

Seconded By Councillor Courtney

That:

- 1. The delegation BE RECEIVED;**
- 2. Mr. Coulson BE CHARGED \$8500 for the loss of the tree; and,**
- 3. Mr. Coulson also BE CHARGED for the cost of the tree removal.**

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

8.1 Accessible Fishing Location at Kings Navy Yard Park

Resolution # 20181023-344

Moved By Councillor Fryer

Seconded By Councillor Meloche

That:

- 1. The report from the Manager of Parks and Naturalized Areas dated September 26, 2018, regarding an Accessible Fishing Location at Kings Navy Yard Park BE RECEIVED;**
- 2. Administration BE DIRECTED to designate accessible space for fishing within King's Navy Yard Park; and,**
- 3. By-law 2018-98 being a By-law to Amend Kings Navy Yard Park 2004-89 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.

Motion Carried

8.2 Highway of Heroes Tree Planting Program

Resolution # 20181023-345

Moved By Councillor Fryer

Seconded By Councillor Meloche

That:

1. **The report from the Manager of Parks and Naturalized Areas dated September 25, 2018 regarding the Highway of Heroes Tree Planting Program BE RECEIVED;**
2. **Administration BE DIRECTED to provide a donation towards a “Hero Tree” along the Highway of Heroes; and,**
3. **Administration BE DIRECTED to provide a plaque recognizing the Highway of Heroes campaign.**

The Mayor put the Motion.

Motion Carried

REPORTS – ENGINEERING AND PUBLIC WORKS

There were no reports.

REPORTS – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

10.1 2018 Special Events Approval – November/December 2018

Resolution # 20181023-346

Moved By Councillor Meloche

Seconded By Councillor Courtney

That:

1. **The report from the Public Events Committee (PEC) dated October 4, 2018, regarding 2018 Special Events Approval BE RECEIVED;**
2. **That the events BE APPROVED as listed:**
 - **Legion Remembrance Day Parade – November 11, 2018**
 - **Ignite the Night – November 17, 2018**
 - **Municipal Tree Lighting – November 17, 2018**
 - **Winter Lights – November 17, 2018 – January 6, 2019**
 - **Holiday House Tour – November 24, 2018**
3. **An exemption from table number 3-1-2 of Noise By-law 2001-43 with respect to the operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers to allow for music BE GRANTED for the events listed:**

- Ignite the Night – November 17, 2018
 - Municipal Tree Lighting – November 17, 2018
4. An exemption BE GRANTED to Section 3 of the Kings Navy Yard Park By-law #2004-89 to allow for public, private and non-profit function in the Kings Navy Yard Park;
- Ignite the Night – November 17, 2018
 - Municipal Tree Lighting – November 17, 2018
 - Winter Lights – November 17, 2018 – January 6 2019
5. The following events BE EXEMPT and PERMITTED for road closures to begin prior to 5pm;
- Legion Remembrance Day Parade – November 11, 2018
6. The Public Events Committee BE DIRECTED to confirm that the requirements identified by the Committee are met prior to the event.

The Mayor put the Motion.

Motion Carried

10.2 Temporary Use Zoning By-law Amendment at 2376 Front Road N, Zoning By-law Amendment for the Contractor's Yard, Demolition Agreement and Development Agreement

Resolution # 20181023-347

Moved By Councillor Fryer

Seconded By Councillor Meloche

That:

1. The report from the Manager of Planning Services dated October 12, 2018, regarding the proposed Temporary Use Zoning By-law Amendment for 2376 Front Road N, the Zoning By-law Amendment for the Contractor's Yard, the Demolition Agreement and Development Agreement, BE RECEIVED;
2. By-law 2018-55 being a by-law to Amend Zoning By-law No. 1999-52, through a Temporary Use By-law, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same;
3. The Demolition Agreement for 2376 Front Road N BE APPROVED;

4. **By-law 2018-56 being a by-law to Authorize the Signing of a Demolition Agreement be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same;**
5. **By-law 2018-81 being a by-law to Amend Zoning By-law No. 1999-52, to allow for a site specific Agricultural Zone to support the contractor's yard, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same;**
6. **The Site Plan, Development Agreement and Conservation Easement for 2376 Front Road N BE APPROVED and that Administration BE DIRECTED to negotiate and finalize any changes with the Developer; and,**
7. **By-law 2018-101 being a by-law to Authorize the Signing of a Development Agreement and Conservation Easement 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

10.3 Feasibility of Developing a Fee for Planting Trees on Public Land

Resolution # 20181023-348

Moved By Councillor Pouget

Seconded By Councillor Courtney

That:

1. **The report from the Director of Planning, Development and Legislative Services dated October 9, 2018 regarding the Feasibility of Implementing a Fee for the Planting of Trees on Public Land, BE RECEIVED;**
2. **Administration BE DIRECTED to bring a back a report amending the User Fee By-law to contain a fee for the planting of a tree on the right-of-way; and,**
3. **The information BE SENT to the Parks and Recreation Advisory Committee for their information.**

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

There were no reports.

INFORMATION REPORTS

Resolution # 20181023-349

Moved By Councillor Meloche

Seconded By Councillor Pouget

That the following information reports BE RECEIVED:

- 12.1 50 Million Tree Program**
- 12.2 Storm on September 25, 2018**
- 12.3 Monthly Activity Report – APSB Meeting of June 19, 2018**
- 12.4 Amherstburg Police Service 2017 Annual Report**
- 12.5 2018 Second Quarter Operating Variance as at June 30, 2018**

The Mayor put the Motion.

Motion Carried

Resolution # 20181023-350

Moved By Councillor Pouget

Seconded By Councillor Fryer

(Item # 12.1) - That the 50 Million Trees Program BE BROUGHT to the 2019 Budget for Council's consideration and also to the Parks and Recreation Advisory Committee for their information.

The Mayor put the Motion.

Motion Carried

Resolution # 20181023-351

Moved By Councillor Pouget
Seconded By Councillor Fryer

(Item # 12.2) - **That the report regarding the Storm on September 25, 2018 BE BROUGHT to the 2019 Budget and the Fire Chief/CEMC address the warning systems for the community and the Libro Centre.**

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution # 20181023-352

Moved By Councillor Fryer
Seconded By Councillor Meloche

That the following consent correspondence BE RECEIVED:

- 13.1 **Royal Canadian Legion 2018 Annual Poppy Campaign; and, that a wreath BE PURCHASED in the amount of \$75.00 for the 2018 Remembrance Day Ceremony.**

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

- 14.1 **2018 Remembrance Day Celebration**

Resolution # 20181023-353

Moved By Councillor Fryer
Seconded By Councillor Meloche

That:

- 1. The correspondence from the Royal Canadian Legion, Fort Malden Branch 157, regarding 2018 Remembrance Day Proclamation BE RECEIVED;**

2. **November 1 - 11, 2018 BE PROCLAIMED as Veteran's Week in the Town of Amherstburg;**
3. **The distribution of Poppies throughout the Town BE GRANTED commencing October 26, 2018, through to and including November 11, 2018; and,**
4. **Permission BE GRANTED to the firing party to fire muskets (blank ammunition) during the ceremony at the Cenotaph in the King's Navy Yard Park on November 11, 2018.**

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Resolution # 20181023-354

Moved By Councillor Meloche
Seconded By Councillor Pouget

That the following minutes BE RECEIVED:

- 15.1 **Special Heritage Committee Meeting Minutes - March 6, 2018**
- 15.2 **Special Heritage Committee Meeting Minutes - April 18, 2018**
- 15.3 **Special Heritage Committee Meeting Minutes - May 24, 2018**
- 15.4 **Heritage Committee Meeting Minutes - September 6, 2018**

The Mayor put the Motion.

Motion Carried

OTHER MINUTES

- 16.1 **Special Heritage Committee Meeting Minutes - October 10, 2018**

Resolution # 20181023-355

Moved By Councillor Meloche
Seconded By Councillor Pouget

That:

- 1. The Special Heritage Committee Meeting Minutes of October 10, 2018 BE RECEIVED; and,**
- 2. The preliminary plan of the restoration of the front steps at St. Joseph Church BE APPROVED as recommended by the Heritage Committee.**

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

1. Resolution # 20181023-356

Moved By Councillor Fryer

Seconded By Councillor Courtney

That Administration BE DIRECTED to bring the report to amend the Zoning By-law to allow for urban chickens along with permit fees and regulations for Council's consideration.

The Mayor put the Motion.

Motion Carried

2. Councillor Pouget asked for an update with respect to the Integrity Commissioner investigation and the Third Party investigation.

The Clerk advised Council that the Integrity Commissioner is currently working on the investigation.

The Mayor advised Council that the Third Party Investigator has been hired and there is nothing further to report until the findings are complete.

3. Councillor Fryer asked for an update with respect to the requested traffic light signal change at Simcoe Street and Sandwich Street.

The Director of Engineering and Public Works advised Council that the length of time was being extended to allow for more cars to turn.

4. Councillor Fryer asked for an update with respect to the LED Lighting Program from Ranta Marina to Malden Road.

The Director of Engineering and Public Works advised Council that the program will be brought to the 2019 Budget.

NEW BUSINESS

1. Resolution # 20181023-357

Moved By Councillor Pouget
Seconded By Councillor Courtney

That Administration BE DIRECTED to provide Council with a report regarding the status of a significant amount of money allegedly owed to the Amherstburg Police Department for services rendered at a festival or festivals that were not sponsored by the Town of Amherstburg; and further, that this report must be available at our next Council meeting.

The Mayor put the Motion.

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

Motion Lost

REPORT OUT FROM IN CAMERA SESSION

There was nothing to report out.

NOTICE OF MOTION

20.1 Amherstburg Community Foundation - Crown Park Corporation's Progress to Date - Councillor Courtney

(To be considered at the November 13, 2018, Regular Council Meeting)

That the Amherstburg Community Foundation **BE REQUESTED** to provide Council with the progress that has been made to date by the Crown Park Corporation hired at a cost of \$12,000 to oversee fundraising for Belle Vue; and,

That the Amherstburg Community Foundation provide to Council the information pertaining to how the Crown Park Corporation was selected.

BY-LAWS

(Item 3.1 - brought forward from October 23, 2018, Special Council Meeting Agenda – Planning)

Zoning By-law Amendment at 3841 Concession 3 N

Resolution # 20181023-358

Moved By Councillor Fryer

Seconded By Councillor Meloche

That By-law 2018-100 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 Clerks BE AUTHORIZED to sign same; and,

21.1 By-law 2018-103 - Confirmatory By-law

That By-law 2018-103 being a by-law to confirm all resolutions of the Municipal Council Meeting held October 23rd, 2018, 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 COUNCIL MEETING

Resolution # 20181023-359

Moved By Councillor Meloche

Seconded By Councillor Fryer

That Council move into an In-Camera Meeting of Council at 7:31 p.m. pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:

Item A - Employee Request for Leave of Absence - Section 239(2)(b) - Personal matters about an identifiable individual, including municipal or local board employees.

Item B - Sale of 7860 County Road 20 - Section 239(2)(c) - A proposed or pending acquisition or disposition of land by a 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 COUNCIL MEETING @ 7:43 P.M.

RESUMPTION OF REGULAR COUNCIL MEETING

Moved By Councillor Fryer

Seconded By Councillor Meloche

That Council resume Regular session at 7:46 p.m.

The Mayor put the Motion.

Motion Carried

REPORT OUT FROM IN CAMERA SESSION – October 23, 2018

Council met on October 23rd, 2018, for a Special In-Camera Meeting at 7:31 pm and discussed (2) items as provided for under Section 239 of the Municipal Act:

Item A – Employee Request for Leave of Absence heard under Section 239(2)(b) of the Act. As a result of this discussion, the following is before Council for consideration:

Resolution # 20181023-360

Moved By Councillor Courtney
Seconded By Councillor Pouget

That the employee request for an unpaid leave of absence of up to (9) days BE APPROVED.

The Mayor put the Motion.

Motion Carried

Item B – Sale of 7860 County Road 20 heard under Section 239 2(c) of the Act. There is nothing further to report on this matter.

ADJOURNMENT

Moved By Councillor Fryer
Seconded By Councillor Pouget

That Council rise and adjourn at 7:47 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR – ALDO DICARLO



MUNICIPAL CLERK – PAULA PARKER