

TOWN OF AMHERSTBURG

REGULAR COUNCIL MEETING

Monday, April 8, 2019 6:00 PM

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

MINUTES

PRESENT

Mayor Aldo DiCarlo Deputy Mayor Leo Meloche Councillor Peter Courtney Councillor Donald McArthur Councillor Michael Prue Councillor Marc Renaud Councillor Patricia Simone

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

CALL TO ORDER

The Mayor called the meeting to order at 6:00 p.m.

NATIONAL ANTHEM

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

Councillor Prue declared a pecuniary interest with respect to item # 13.1 due to his wife being an applicant on the Accessibility Advisory Committee.

Mark Galvin, Director, Planning, Development & Legislative Services introduced Frank Garardo as the new Manager of Planning Services.

REPORT OUT FROM IN-CAMERA SESSION - April 2, 2019

Council met on April 2nd, 2019, 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 – heard under Section 239(2)(f). There is nothing further to report on this matter.

MINUTES OF PREVIOUS MEETING

Resolution #20190408 -213

Moved By Councillor Renaud Seconded By Deputy Mayor Meloche

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:

5.1 Regular Council Meeting Minutes - February 25, 2019

The Mayor put the Motion.

Motion Carried

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RECOGNITIONS

6.1 Kings Navy Yard Park Voted Best Park in the 4th Annual Best of Windsor Essex Awards Contest - Annette Zahaluk, Manager of Parks, Greenspaces and Naturalized Areas

The Mayor accepted the award on behalf of the Town.

Resolution # 20190408-214

Moved By Councillor Simone Seconded By Councillor Courtney

That the recognition BE RECEIVED.

The Mayor put the Motion.

Motion Carried

DELEGATIONS

7.1 Request for Use of the Kings Navy Park and Waive User Fees for Bob Meloche Kids Fishing Derby - Chris Drew, AMA Sportsmen Club

Resolution # 20190408-215

Moved By Deputy Mayor Meloche Seconded By Councillor Prue

That:

- 1. The delegation BE RECEIVED;
- 2. The request for use of the Kings Navy Yard Park for the Bob Meloche Kids Fishing Derby on June 16, 2019 BE APPROVED; and,
- 3. The associated fees BE WAIVED.

The Mayor put the Motion.

7.2 Request to Operate a Refreshment Cart on Town Property - Camille Jabbour

Resolution # 20190408-216

Moved By Councillor Prue Seconded By Councillor Renaud

That:

- 1. The delegation BE RECEIVED; and,
- 2. Administration BE DIRECTED to provide a report to Council outlining discussions with local restaurants and/or interested food purveyors, and to establish suitable locations within the Town to accommodate qualified food purveyors.

The Mayor put the Motion.

Motion Carried

7.3 Request for Use of Kings Navy Yard Park for Qi Gong Fitness Classes -Rene Thrasher-Duch

Resolution # 20190408-217

Moved By Councillor McArthur Seconded By Councillor Prue

That:

- 1. The delegation BE RECEIVED;
- 2. The request for use of the Kings Navy Yard Park for Qi Gong fitness classes BE APPROVED;
- 3. That Administration work with Ms. Thrasher-Duch to find acceptable dates and advertise the dates on the Town's social media; and,
- 4. The associated fees BE WAIVED.

The Mayor put the Motion.

7.4 Mobile Fun Zone at Toddy Jones Park - Tammy Brochert, Little Buddies Preschool Centre Corporation

Resolution # 20190408-218

Moved By Councillor McArthur Seconded By Deputy Mayor Meloche

That:

- 1. The delegation BE RECEIVED; and,
- 2. The \$6000 fee BE WAIVED for use of Toddy Jones Park for the Mobile Fun Zone.

The Mayor put the Motion.

Motion Carried

REPORTS – POLICE SERVICES

There were no reports.

REPORTS – CORPORATE SERVICES

9.1 Court Security Prisoner Transportation Program - 2019 Funding Agreement

Resolution # 20190408-219

Moved By Councillor Renaud Seconded By Deputy Mayor Meloche

- 1. The report from the Treasurer, dated April 2, 2019, regarding the Court Security Prisoner Transportation Program - 2019 Funding Agreement BE RECEIVED; and,
- 2. By-law 2019-042 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 – PARKS, FACILITIES, RECREATION AND CULTURE

10.1 Windsor River Cruises Ltd. Agreement

Resolution # 20190408-220

Moved By Councillor Simone Seconded By Deputy Mayor Meloche

That:

- 1. The report from the Manager of Tourism and Culture dated March 25, 2019 regarding the Windsor River Cruises Ltd. Agreement BE RECEIVED; and,
- 2. Administration BE AUTHORIZED to execute an agreement for the 2019 season between the Town and Windsor River Cruises Ltd., subject to technical review by the Manager of Tourism and Culture, financial review by the Director of Corporate Services and legal review by the Director of Planning, Development and Legislative Services.

The Mayor put the Motion.

Motion Carried

REPORTS – ENGINEERING AND PUBLIC WORKS

11.1 Equipment Purchase Request Amendments – Parks and Public Works Budget Centres

Resolution # 20190408-221

Moved By Deputy Mayor Meloche Seconded By Councillor Courtney

- 1. The report from the Manager of Roads and Fleet dated March 27, 2019, regarding Equipment Purchase Request Amendments Parks and Public Works Budget Centres BE RECEIVED;
- 2.

Equipment BE PURCHASED as outlined in the report, including replacement of a 42" Mower with Bagger and a 14' Rotary Mower with Turf Tires, instead of purchasing the new 25' Boom Mower approved in the 2019 Budget, at a total cost not to exceed \$57,000 including net HST; and,

3. Any under-expenditure for the purchase of the equipment BE TRANSFERRED to the Fleet and Equipment Reserve account.

The Mayor put the Motion.

Motion Carried

11.2 Placement of Underground Infrastructure, Curbs and Base Asphalt on Maintenance - Meadowview Subdivision Phase 2

Resolution # 20190408-222

Moved By Deputy Mayor Meloche Seconded By Councillor Renaud

That:

- 1. The report from the Manager of Engineering dated March 18, 2019, regarding the Placement of Underground Infrastructure, Curbs and Base Asphalt on Maintenance - Meadowview Subdivision Phase 2 BE RECEIVED;
- 2. The recommendations of the consulting engineer, Stantec Consulting Ltd. BE ACCEPTED; and,
- 3. The underground infrastructure, base asphalt and curbs BE PLACED on a 1 year maintenance period, commencing March 12, 2019.

The Mayor put the Motion.

REPORTS – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

12.1 2019 Special Events Approval – Part II

Resolution # 20190408-223

Moved By Deputy Mayor Meloche Seconded By Councillor McArthur

- 1. The report from the Manager of Licencing and Enforcement dated March 20, 2019, as recommended by the Public Events Committee (PEC), regarding 2019 Special Events Approval BE RECEIVED;
- 2. The following events BE APPROVED:
 - Mobile Fun Zone Every Saturday from May 4, 2019 October 26, 2019 from 2pm - 4pm
 - Good Friday Procession of the Cross April 19, 2019
 - AMBA Opening Day Parade April 27, 2019
 - Music Off the Back Porch Every 1st Friday of the month from May 3, 2019 October 4, 2019
 - Amherstburg's Garden Tea Party May 25 26, 2019
 - Ribs and Ragtime June 8, 2019
 - Bob Meloche Kids Fishing Derby June 16, 2019
 - Canada Day Celebrations Amherstburg in Motion July 1, 2019
 - Amherstburg's Gone Car Crazy July 28, 2019
- 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 following events:
 - Music Off the Back Porch Every 1st Friday of the month from May 3, 2019 October 4, 2019

- Ribs and Ragtime June 9, 2019
- Amherstburg's Gone Car Crazy July 28, 2019
- 4. The following events BE EXEMPT and PERMITTED for road closures to begin prior to 5pm:
 - Good Friday Procession of the Cross April 19, 2019 (Rolling Road Closure)
 - AMBA Opening Day Parade April 27, 2019 (Rolling Road Closure)
 - Ribs and Ragtime –June 9, 2019
 - Canada Day Celebrations Amherstburg in Motion July 1, 2019
 - Amherstburg's Gone Car Crazy July 28, 2019
- 5. An exemption BE GRANTED to Section 3 of the Kings Navy Yard Park By-law #2004-89 to allow for the following public events in the Kings Navy Yard Park:
 - Music Off the Back Porch Every 1st Friday of the month from May 3, 2019 October 4, 2019
 - Amherstburg's Garden Tea Party May 25 26, 2019
 - Bob Meloche Kids Fishing Derby June 16, 2019
- 6. An exemption BE GRANTED to Section 3 and 4b of the Kings Navy Yard Park By-law #2004-89 to allow for a public function and fishing outside of the designated fishing area for the event listed:
 - Bob Meloche Kids Fishing Derby June 16, 2019
- 7. An exemption BE GRANTED to Section 6(f) of the Parks By-law 2002-72 to allow for the playing of any musical instrument or direct the playing of any musical instrument for the events listed; and,
 - Music Off the Back Porch Every 1st Friday of the month from May 3, 2019 October 4, 2019
 - Amherstburg's Garden Tea Party May 25 26, 2019

- Amherstburg's Gone Car Crazy July 28, 2019
- 8. The Public Events Committee BE DIRECTED to confirm that the requirements identified by the Committee are met prior to the event.

Motion Carried

12.2 109 Park Street – Notice of Intent to Demolish

Resolution # 20190408-224

Moved By Councillor Courtney Seconded By Deputy Mayor Meloche

That:

- 1. The report from the Chief Building Official dated March 21, 2019 regarding 109 Park Street - Notice of Intent to Designate BE RECEIVED;
- 2. The Notice of Intent to Demolish from Wen Zhu and Ning Zhang, owners of 109 Park Street BE RECEIVED; and,
- 3. Administration BE DIRECTED to send written correspondence to Wen Zhu and Ning Zhang, owners of 109 Park Street indicating a requirement to submit permit drawings for a new home at 109 Park Street to the Heritage Committee for review to ensure that heritage elements of the existing 109 Park Street are incorporated in the new development.

The Mayor put the Motion.

Motion Failed

Moved By Councillor Prue Seconded By Councillor McArthur

1. Administration BE DIRECTED to undertake the requirements set out in Section 29 of the Heritage Act to designate 109 Park Street as a Heritage house and that the owners be notified.

The Mayor put the Motion.

12.3 Zoning By-law Amendment for 83 Sandwich Street South

Moved By Deputy Mayor Meloche Seconded By Councillor Simone

That the Rules of Order BE WAIVED to allow Joe Mikhail to address Council with respect his application for a Zoning By-law Amendment at 83 Sandwich Street South.

The Mayor put the Motion.

Motion Carried

Resolution # 20190408-225

Moved By Deputy Mayor Meloche Seconded By Councillor Simone

That:

- 1. The report from the Director of Planning, Development and Legislative Services dated March 1, 2019 regarding a Zoning By-law Amendment for 83 Sandwich Street South BE RECEIVED; and,
- 2. By-law 2019-030 being a by-law to amend Zoning By-law No. 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

Moved By Councillor Renaud Seconded By Deputy Mayor Meloche

That Council recess for a break at 8:00 p.m.

The Mayor put the Motion.

Motion Carried

Moved By Councillor Simone Seconded By Councillor Renaud

That Council resume Regular session at 8:19 p.m.

The Mayor put the Motion.

12.4 Road Dedication of Reserves on Shaw Drive as Public Highway

Resolution # 20190408-226

Moved By Councillor Renaud Seconded By Deputy Mayor Meloche

That:

- 1. The report from the Director of Planning, Development & Legislative Services dated March 15, 2019 regarding the Road Dedication of Reserves on Shaw Drive as Public Highways BE RECEIVED;
- 2. The dedication of Block 45 and 46, 12M-505 as a Public Highway BE APPROVED; and,
- 3. By-law 2019-036 being a by-law to dedicate Block 45 and 46, 12M-505 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

12.5 Development Agreement for 365 Sandwich Street South

Moved By Councillor Prue Seconded By Councillor Courtney

That the Development Agreement for 365 Sandwich Street South BE DEFERRED to a Special Meeting called by the Mayor.

The Mayor put the Motion.

Motion Failed

Resolution # 20190408-227

Moved By Deputy Mayor Meloche Seconded By Councillor Simone

- 1. That the report from the Director of Planning, Development and Legislative Services dated March 29, 2019 regarding the Development Agreement for 365 Sandwich Street South BE RECEIVED;
- 2. The Site Plan and Development Agreement with 2682061 Ontario Inc. for 365 Sandwich Street South BE APPROVED subject to the Site Plan and Development Agreement being satisfactory in technical content to the Director of Public Works, financial content to the Director of Corporate Services and in form and legal content to the Director of Planning, Development and Legislative Services; and,
- 3. By-law 2019-040 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.

Motion Carried

12.6 Zoning By-Law Amendment - 565 Texas Road

Resolution # 20190408-228

Moved By Deputy Mayor Meloche Seconded By Councillor Simone

That:

- 1. The report from the Director of Planning, Development & Legislative Services dated March 21, 2019, regarding the proposed Zoning By-law Amendment at 565 Texas Road, BE RECEIVED; and,
- 2. By-law 2019-029 being a by-law to amend Zoning By-law No. 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

12.7 Zoning By-Law Amendment- Housekeeping Amendment

Resolution # 20190408-229

Moved By Deputy Mayor Meloche Seconded By Councillor Prue That:

- 1. The report from the Director of Planning, Development & Legislative Services dated March 21, 2019, regarding the proposed Zoning By-law Amendment - Housekeeping Amendment, BE RECEIVED; and,
- 2. By-law 2019-028 being a by-law to amend Zoning By-law No. 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

REPORTS - CAO's OFFICE

13.1 Committee Appointments – Amherstburg Accessibility Advisory Committee

Councillor Prue removed himself from discussion and voting due to his declared conflict of pecuniary interest.

Moved By Councillor Simone Seconded By Councillor Courtney

That:

- 1. The Terms of Reference BE AMENDED to allow for 5 or more appointees on the Amherstburg Accessibility Advisory Committee; and,
- 2. The Boards & Committees Appointment Policy BE WAIVED to allow for an appointee to sit on more than 2 committees.

The Mayor put the Motion.

Motion Carried

Resolution # 20190408-230

Moved By Councillor Courtney Seconded By Councillor Renaud

- 1. The report from the Municipal Clerk dated March 27, 2019 regarding Committee Appointments – Amherstburg Accessibility Advisory Committee BE RECEIVED; and,
- 2. The all of following 8 applicants BE APPOINTED to the Amherstburg Accessibility Advisory Committee:
 - Angela Kelly
 - Christine Easterbrook
 - Christopher Drew
 - Donna Everitt
 - Robert MacMillan
 - Shirley Curson-Prue
 - Tony Pietrangelo
 - William Whittall

Motion Carried

Moved By Councillor Prue Seconded By Deputy Mayor Meloche

That the Mayor BE AUTHORIZED to continue to seek interested applicants for the Mayor's Youth Advisory Committee and report back to Council when there are a sufficient amount of applicants.

The Mayor put the Motion.

Motion Carried

13.2 Public Emergency Reporting Services (PERS) Agreement

Resolution # 20190408-231

Moved By Deputy Mayor Meloche Seconded By Councillor Renaud

- 1. The report from the Municipal Clerk dated March 27, 2019 regarding Public Emergency Reporting Services (PERS) Agreement BE RECEIVED; and,
- 2. The Mayor and Clerk BE AUTHORIZED to execute a PERS Agreement between the Town of Amherstburg and Bell Canada to fulfill their respective obligations to provide 911 emergency calling services to the community.

Motion Carried

INFORMATION REPORTS

There were no Information reports.

CONSENT CORRESPONDENCE

Resolution # 20190408-232

Moved By Deputy Mayor Meloche Seconded By Councillor McArthur

That the following consent correspondence BE RECEIVED:

- 15.1 Phragmites Control Town of Kingsville Resolution
- 15.2 Investing in Canada Infrastructure Program Lake of Bays, Muskoka Resolution
- 15.3 Sponsorship for Biannual Publication The Firefighters Association of Ontario and First Response Publications Ontario

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

16.1 Falun Dafa Month - May 2019

Resolution # 20190408-233

Moved By Councillor Prue Seconded By Deputy Mayor Meloche

That:

1. The correspondence dated March 24, 2019 regarding Proclamation Request - Falun Dafa Month BE RECEIVED; and,

2. May 2019 BE PROCLAIMED as Falun Dafa Month to promote harmony and health in the Town of Amherstburg.

The Mayor put the Motion.

Motion Carried

OTHER MINUTES

17.1 Drainage Board Meeting Minutes - April 2, 2019

Resolution # 20190402-234

Moved By Deputy Mayor Meloche Seconded By Councillor Prue

That:

- 1. The Drainage Board Meeting Minutes of April 2, 2019, BE RECEIVED;
- 2. By-law 2019-034 being a by-law to Provide for the New Bridge for Sarah Van Raay over the Langlois Drain based on the Drainage Report by Rood Engineering Inc. BE Provisionally Adopted by giving first and second reading and the Mayor and Clerk BE AUTHORIZED to sign same, as recommended by the Drainage Board;
- 3. By-law 2019-035 being a by-law to Provide for Bridges for Bergeron and an Updated Maintenance Schedule for the Sam Paquette Drain based on the Drainage Report by Rood Engineering Inc. BE Provisionally Adopted by giving first and second reading and the Mayor and Clerk BE AUTHORIZED to sign same, as recommended by the Drainage Board;
- 4. The request from Laramie Farms for the installation of a new access culvert over the Collison Drain per Section 78 of the Drainage Act BE ACCEPTED, as recommended by the Drainage Board, and;
- 5. The appointment of the firm of Rood Engineering Inc. for the repair and improvement to the Collison Drain BE APPROVED as recommended by the Drainage Board.

The Mayor put the Motion.

UNFINISHED BUSINESS

1. Resolution # 20190408-235

Moved By Councillor Courtney Seconded By Councillor Prue

That a column BE ADDED to the Unfinished Business List to indicate when outstanding items are to be expected to be brought to Council.

The Mayor put the Motion.

Motion Carried

NEW BUSINESS

1. Resolution # 20190408-236

Moved By Deputy Mayor Meloche Seconded By Councillor Courtney

That Administration BE DIRECTED to order Town shirts for each Council member to represent the Town at public functions and that the shirts be paid for by the Mayor's Public Receptions budget.

The Mayor put the Motion.

Motion Carried

2. Resolution # 20190408-237

Moved By Councillor McArthur Seconded By Deputy Mayor Meloche

That Administration BE DIRECTED to place the Heritage Properties of Interest on the Town's website and, if possible, include a picture and description of the property.

The Mayor put the Motion.

3. Resolution # 20190408-238

Moved By Councillor Prue Seconded By Councillor McArthur

That Administration BE DIRECTED to prepare a report regarding angled parking on the west side of Dalhousie Street from Richmond Street to Gore Street with the possibility of one-way traffic going south bound.

The Mayor put the Motion.

Motion Carried

4. Resolution # 20190408-239

Moved By Councillor Prue Seconded By Councillor Simone

That Administration BE DIRECTED to prepare a report regarding in-law suites, granny flats, and laneway units.

The Mayor put the Motion.

Motion Carried

5. Resolution # 20190408-240

Moved By Councillor Simone Seconded By Councillor Meloche

That Administration BE DIRECTED to prepare a report regarding an updated cost to place traffic signaled lights at the intersection of Meloche Road and Simcoe Street to be deliberated in the 2020 budget; and, in the interim, erect larger stops signs with flashing beacons on Meloche Road with "stop ahead" painted on the roadway.

The Mayor put the Motion.

Motion Carried

NOTICE OF MOTION

There were no Notices of Motion.

BY-LAWS

Resolution # 20190408-241

Moved By Deputy Mayor Meloche Seconded By Councillor Simone

3.1 Zoning By-law Amendment for 7860 County Road 20 (as presented at the Special Council Meeting for Planning prior to Regular session)

That:

- 1. The Zoning By-law Amendment for 7860 County Road 20 BE APPROVED; and,
- 2. By-law 2019-038 being a by-law to amend Zoning By-law 1999-52 for 7860 County Road 20 be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.
- 21.1 Amended By-law 2019-020 To Remove Certain Lands from Part Lot Control

That By-law 2019-020, as amended, 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.

21.2 By-law 2019-043 - Confirmatory By-law

The By-law 2019-043 being a by-law to confirm all resolutions of the Municipal Council Meetings held on April 2 and 8, 2019, 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.

ADJOURNMENT

Moved By Councillor Courtney Seconded By Councillor Renaud

That Council rise and adjourn at 9:37 p.m.

The Mayor put the Motion.

DO DICARLO P-MAYOR-LEO MELOCHE **YULA PARKER** MU