



**TOWN OF AMHERSTBURG  
REGULAR COUNCIL MEETING**

**Monday, July 15, 2019  
6:00 PM**

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

**MINUTES**

**PRESENT**

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, Clerk  
Tammy Fowkes, Deputy Clerk

**ABSENT**

Mayor Aldo DiCarlo

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**CALL TO ORDER**

The Deputy Mayor called the meeting to order at 4:02 p.m.

**SPECIAL IN-CAMERA COUNCIL MEETING**

Resolution # 20190715-361

**Moved By** Councillor Renaud

**Seconded By** Councillor Simone

**That Council move into an In-Camera Meeting of Council at 4:02 p.m. pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reason:**

**Item A - Section 239(2)(b) - Personal matters about an identifiable individual, including municipal or local board employees; Section 239(2)(d) - Labour relations or employee negotiations; and, Section 239(2)(f) - Advice that is subject to solicitor-client privilege, including communications.**

The Deputy Mayor put the Motion.

**Motion Carried**

**DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**  
*(In-Camera Meeting Agenda Items)*

There were no disclosures of pecuniary interest noted.

**RISE FROM SPECIAL IN-CAMERA MEETING @ 4:48 P.M.**

Resolution # 20190715-366

**Moved By** Councillor Prue

**Seconded By** Councillor Courtney

**That Council move back into an In-Camera Meeting of Council at 5:16 p.m. pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:**

**Item B - Section 239(2)(b) - Personal matters about an identifiable individual, including municipal or local board employees.**

**Item C - Section 239(2)(c) - A proposed or pending acquisition or disposition of land by the municipality or local board.**

**Item D – Section 239(2)(c) – A proposed or pending acquisition or disposition of land by the municipality or local boards.**

**Item E – Section 239(2)(f) – Advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, Section 239(2)(h) - Information explicitly supplied in confidence to the**

**municipality or local board by Canada, a province or territory or a Crown agency of any of them.**

The Deputy Mayor put the Motion.

**Motion Carried**

**RISE FROM SPECIAL IN-CAMERA MEETING @ 5:53 P.M.**

**RESUMPTION OF REGULAR COUNCIL MEETING**

**Moved By** Councillor Simone

**Seconded By** Councillor Renaud

**That Council resume Regular session at 6:02 p.m.**

The Deputy Mayor put the Motion.

**Motion Carried**

**NATIONAL ANTHEM**

**MAYOR'S OFFICE WELCOME & ADDRESS**

**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 # 20190715-368

**Moved By** Councillor Simone

**Seconded By** Councillor McArthur

**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:**

- 9.1 Special In-Camera Council Meeting Minutes - May 23, 2019**
- 9.2 Special Council Meeting Minutes - Planning - May 27, 2019**
- 9.3 Special In-Camera Council Meeting Minutes - May 27, 2019**
- 9.4 Regular Council Meeting Minutes - May 27, 2019**

The Deputy Mayor put the Motion.

**Motion Carried**

### **RECOGNITIONS**

Bruce Montone, Fire Chief, provided an overview of the certification achieved by Ron Meloche, Assistant Deputy Fire Chief.

- 10.1 Certificate Presentation to Ron Meloche, Assistant Deputy Fire Chief, for Achieving the "Fire Officer Level IV" Requirements (NFPA 1021 Standard)**

Resolution # 20190715-369

**Moved By** Councillor Simone  
**Seconded By** Councillor Courtney

**That the recognition BE RECEIVED.**

The Deputy Mayor put the Motion.

**Motion Carried**

### **DELEGATIONS**

There were no delegations.

## REPORTS – CORPORATE SERVICES

### 12.1 2018 Year End Reporting: Audited Consolidated Financial Statements, Building Services Annual Statement and Amended Development Charge Reserve Funds Statement

Cynthia Swift, KPMG, provided an overview of the 2018 Year End Reporting.

Resolution # 20190715-370

**Moved By** Councillor McArthur

**Seconded By** Councillor Prue

**That:**

1. **The report from the Treasurer and the Director of Corporate Services dated July 9, 2019 regarding 2018 Year End Reporting: Audited Consolidated Financial Statements, Building Services Annual Statement and Amended Development Charge Reserve Funds Statement BE RECEIVED;**
2. **The Audited Consolidated Financial Statements for the year ended December 31, 2018 BE APPROVED;**
3. **The Audit Findings Report of KPMG for the year ended December 31, 2018 BE RECEIVED;**
4. **Administration BE AUTHORIZED to post the 2018 Consolidated Financial Statements on the Town of Amherstburg website;**
5. **The Statement of Revenue and Expenses and Accumulated Net Expense for Building Services for the year ended December 31, 2018 BE RECEIVED; and,**
6. **The Development Charges Reserve Funds Statement, as amended, for the year ended December 31, 2018 BE RECEIVED.**

The Deputy Mayor put the Motion.

**Motion Carried**

## **12.2 External Audit Services – Terms of Engagement and Scope of Services 2019-2023 Year Ends**

Councillor Simone moved the motion with an amendment that Administration seek out a Request for Proposal (RFP) for pricing to provide optional services for review of the 2019 year end Q4 cash financial results.

Resolution # 20190715-371

**Moved By** Councillor Simone  
**Seconded By** Councillor Prue

**That:**

- 1. The report from the Director of Corporate Services dated July 2, 2019, regarding External Audit Services – Terms of Engagement and Scope of Services 2019-2023 Year Ends BE RECEIVED;**
- 2. The terms of engagement and scope of external audit services for the year ends 2019 through 2023 BE APPROVED as outlined in the report; and,**
- 3. Administration BE DIRECTED to seek out a Request for Proposal (RFP) for pricing to provide optional services for review of the 2019 year end Q4 cash financial results.**

The Deputy Mayor put the Motion.

**Motion Carried**

## **12.3 2018 Year End (Q4) Budget to Actual Summaries and Transfers**

Resolution # 20190715-372

**Moved By** Councillor Renaud  
**Seconded By** Councillor Prue

**That:**

- 1. The report from the Treasurer dated July 2, 2019 regarding the 2018 Year End (Q4) Budget to Actual Summaries and Transfers BE RECEIVED;**
- 2. The following action BE AFFIRMED:**

- a. Create a “River Lights” Reserve Fund, an obligatory reserve fund based on contributions under donor agreements for future maintenance of light displays, and transfer \$32,345 from net 2018 display maintenance contributions and all future contributions under donor agreements for this purpose;
  - b. Create a CIP Reserve account and transfer \$95,492 from the 2018 Capital surplus levied for CIP, to fund future incentives awarded under the Town’s Community Improvement Plan;
  - c. The Water budget centre surplus of \$336,054 be transferred to the Water Capital Reserve;
  - d. The Wastewater budget centre deficit of \$104,002 be transferred from the Wastewater Reserve;
3. The taxation funded surplus of \$395,423 BE TRANSFERRED to the Reserve Fund – General; and,
  4. The amount of \$1,154,869 BE TRANSFERRED from the Reserve Fund – General to the Development Charge Reserve Fund – Roads Related.

The Deputy Mayor put the Motion.

Motion Carried

## REPORTS – PARKS, FACILITIES, RECREATION AND CULTURE

There were no reports.

## REPORTS – ENGINEERING AND PUBLIC WORKS

### 14.1 Texas Road Reconstruction (Thomas Road to 3rd Concession) - Tender Results

Resolution # 20190715-373

**Moved By** Councillor Simone  
**Seconded By** Councillor McArthur

**That:**

1. **The report from the Manager of Engineering dated June 26, 2019 regarding the Texas Road Reconstruction Tender BE RECEIVED;**
2. **The Texas Road Reconstruction Tender BE AWARDED to Coco Paving Inc. in the amount of \$687,158 plus H.S.T.; and,**
3. **The Mayor and Clerk BE AUTHORIZED to execute an agreement with Coco Paving Inc. for completion of the Texas Road Reconstruction (Thomas Road to 3rd Concession).**

The Deputy Mayor put the Motion.

**Motion Carried**

**REPORTS – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES**

**15.1 Dangerous Dog Appeal Committee**

Resolution # 20190715-374

**Moved By** Councillor Simone

**Seconded By** Councillor McArthur

**That:**

1. **The report from the Manager of Licensing and Enforcement dated June 13, 2019, regarding Dangerous Dog Appeal Committee BE RECEIVED; and,**
2. **Administration BE AUTHORIZED to recruit three (3) lay members for the Dangerous Dog Appeal Committee in accordance with the Town’s Boards and Committees Appointment Policy.**

The Deputy Mayor put the Motion.

	Yes/Concur	No/Not Concur
Councillor Courtney	X	
Councillor McArthur	X	
Deputy Mayor Meloche	X	
Councillor Prue		X
Councillor Renaud	X	
Councillor Simone	X	
Mayor DiCarlo	ABSENT	ABSENT



**Motion Carried**

**15.2 Amending Development Agreement for 6000 County Road 20 - Ure's Country Kitchen**

Resolution # 20190715-375

**Moved By** Councillor Courtney  
**Seconded By** Councillor McArthur

**That:**

- 1. The report from the Manager of Planning Services dated June 25, 2019, regarding the Amending Development Agreement for 6000 County Road 20 - Ure's Country Kitchen, BE RECEIVED; and,**
- 2. By-law 2019-068 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 Deputy Mayor put the Motion.

**Motion Carried**

**REPORTS - CAO's OFFICE**

**16.1 Committee Resignation – Parks and Recreation Advisory Committee**

Resolution # 20190715-376

**Moved By** Councillor Courtney  
**Seconded By** Councillor Prue

**That:**

- 1. The report from the Policy and Committee Coordinator dated June 25, 2019, regarding Committee Resignation – Parks and Recreation Advisory Committee BE RECEIVED; and,**
- 2. Diane Pouget BE APPOINTED to the Parks and Recreation Advisory Committee.**

The Deputy Mayor put the Motion.

	Yes/Concur	No/Not Concur
Councillor Courtney	X	
Councillor McArthur	X	
Deputy Mayor Meloche		X
Councillor Prue	X	
Councillor Renaud		X
Councillor Simone	X	
Mayor DiCarlo	ABSENT	ABSENT

**Motion Carried**

## **16.2 Records Retention Program Policy and Amendments to the Records Retention Schedule**

Resolution # 20190715-377

**Moved By** Councillor Courtney

**Seconded By** Councillor Simone

**That:**

- 1. The report from the Administrative Clerk dated June 6, 2019 regarding an updated Records Retention Program Policy and Amendments to the Records Retention Schedule BE RECEIVED;**
- 2. The Records Retention Program Policy BE APPROVED as presented; and,**
- 3. By-law 2019-026 being a by-law to update the retention periods for records of the Town of Amherstburg, delegate authority for establishing or amending retention periods to the Municipal Clerk and to establish a Records Retention Program Policy for the Town of Amherstburg be taken as having been read three (3) times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.**

The Deputy Mayor put the Motion.

**Motion Carried**

## **INFORMATION REPORTS**

Resolution # 20190715-378

**Moved By** Councillor Renaud  
**Seconded By** Councillor McArthur

**That the following information reports BE RECEIVED:**

- 17.1 2018 Year- End Financial Ratios and Indicators**
- 17.2 2019 First Quarter Operating Variance as at March 31, 2019**
- 17.3 Cannabis Production Facilities Zoning By-law Amendment**
- 17.4 Cheque Listing for the Month of June 2019**
- 17.5 Town Council Meetings – Webcasting Options**

The Deputy Mayor put the Motion.

**Motion Carried**

Resolution # 20190715-379

**Moved By** Councillor Simone  
**Seconded By** Councillor McArthur

*(Item # 17.5)* – **That Administration BE DIRECTED to pre-commit \$23,725 in the 2020 budget for webcasting Town Council meetings.**

The Deputy Mayor put the Motion.

**Motion Carried**

Resolution # 20190715-380

**Moved By** Councillor McArthur  
**Seconded By** Councillor Renaud

**That the Rules of Order BE WAIVED to allow Mr. Jon Parks to speak on item #17.3.**

The Deputy Mayor put the Motion.

**Motion Carried**

## CONSENT CORRESPONDENCE

Resolution # 20190715-381

**Moved By** Councillor Simone

**Seconded By** Councillor Renaud

**That the following consent correspondence BE RECEIVED:**

- 18.1 **Town of Amherstburg Compliance Results, Emergency Management and Civil Protection Act - Office of the Fire Marshal and Emergency Management**
- 18.2 **Traffic Calming and Speed Limit Review - Town of Oakville Resolution**
- 18.3 **Retail Cannabis Stores - City of Brantford Resolution**
- 18.4 **Proposed Public Health Changes - Office of the Mayor, City of Hamilton**
- 18.5 **Free Menstrual Products at City Facilities - City of St. Catherines Resolution**
- 18.6 **Municipal Disaster Recovery Assistance Program (MDRA), Climate Resilience Incentive - Ministry of Municipal Affairs and Housing**

The Deputy Mayor put the Motion.

**Motion Carried**

Resolution # 20190715-382

**Moved By** Councillor Prue

**Seconded By** Councillor McArthur

*(Item # 18.3)* – **That Administration BE DIRECTED to send correspondence in support of the Large Urban Mayors Caucus of Ontario's (LUMCO) recommendation regarding additional local regulatory controls to be approved by the Province around retail cannabis stores.**

The Deputy Mayor put the Motion.

**Motion Carried**

## **CORRESPONDENCE**

### **19.1 Emancipation Day - August 1, 2019**

Resolution # 20190715-383

**Moved By** Councillor Renaud  
**Seconded By** Councillor Simone

**That:**

- 1. The Proclamation request from the Amherstburg Freedom Museum BE RECEIVED; and,**
- 2. August 1, 2019 BE PROCLAIMED as Emancipation Day in the Town of Amherstburg as a demonstration of respect for human liberty and freedom and in recognition of the richness of the culture and history brought to Ontario by African Canadians.**

The Deputy Mayor put the Motion.

**Motion Carried**

## **CONSENT OTHER MINUTES**

Resolution # 20190715-384

**Moved By** Councillor Simone  
**Seconded By** Councillor McArthur

**That the following minutes BE RECEIVED:**

### **20.1 Parks and Recreation Advisory Committee Meeting Minutes**

The Deputy Mayor put the Motion.

**Motion Carried**

## **OTHER MINUTES**

### **21.1 Drainage Board Meeting Minutes - July 2, 2019**

Resolution # 20190715-385

**Moved By** Councillor Simone  
**Seconded By** Councillor McArthur

**That:**

1. **The Drainage Board Meeting Minutes of July 2, 2019 BE RECEIVED; and,**
2. **By-law 2019-067 being a by-law to Provide for the New Bridge on the Collison Drain for Laramie Farms 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.**

The Deputy Mayor put the Motion.

**Motion Carried**

## **UNFINISHED BUSINESS**

There was no Unfinished Business heard.

## **NEW BUSINESS**

1. Councillor Courtney advised that the Amherstburg Community Foundation (ACF) still identified 271 Sandwich Street South (Town Hall) as their contact address which implies ties to the Town.

The CAO stated he was unaware and will speak with ACF to obtain their own P.O.

2. Resolution # 20190715-386

**Moved By** Councillor Prue  
**Seconded By** Councillor Courtney

**That Administration BE DIRECTED to bring back a report regarding pleasure crafts and enforcing a speed limit along the Detroit River Amherstburg shoreline.**

The Deputy Mayor put the Motion.

**Motion Carried**

3. Resolution # 20190715-387

**Moved By** Councillor Simone  
**Seconded By** Councillor McArthur

**That Administration BE DIRECTED to add generic information to the In-Camera titles on the agendas.**

The Deputy Mayor put the Motion.

**Motion Carried**

4. Councillor Prue advised of the recent construction that has stopped traffic going to Vivace Winery on Concession 5 North. Councillor Prue asked that it gets passed on to construction & paving companies that business traffic is to be let through, in addition to local traffic.
5. Councillor Prue advised that some residents on Boblo Island are inquiring as to the whether the roads on Island are municipal roads, which would allow for parking, or if they are roads owned by the developer. Councillor Prue also advised that residents are very concerned about the state of the roads on the Island and the absence of sidewalks and light standards which are the responsibility of the developer to provide. He further advised that he had been told that the sidewalks and light standards will be in place once the South end of the Island is complete but resident are aware that this will not happening in the near future so they want to know when they can expect road repairs, sidewalk, and light standards.

The Director of Engineering and Public Works advised that the roads are municipal roads. She further advised that the development agreement for the Island states that the Town will pay for a portion of the completion of the Island roads and Council can direct Administration to prioritize the completion of the roads in the 2020 Capital Budget.

6. Councillor Simone asked for details with respect to the cancellation of the fireworks.

The Director of Parks, Facilities, Recreation and Culture provided a background of the 2018 fireworks which were also almost compromised due to high water levels at that time and it had been rectified by building up platforms on the low lying area where the fireworks are set off. He advised that the water levels for the 2019 fireworks were higher and 2 contingency plans, such as alternate locations and bringing in a barge, were put in place, neither of which worked out.

7. Councillor Simone advised that she received some calls regarding a re-occurring water main break on Richmond Street.

The Director of Engineering and Public Works advised that they have been actively looking into that particular area as it seems prone to water main breaks.

8. Councillor Courtney asked for clarification with respect to developer responsibilities within an established development.

The Chief Administrative Officer advised that development agreements and developer standards vary throughout the years which is why the Boblo Island development agreement differs from current time development agreements.

### **REPORT OUT FROM IN CAMERA SESSION - July 15, 2019**

Council met on July 15<sup>th</sup>, 2019, for a Special In-Camera Meeting at 4:02 p.m. & 5:16 p.m. and discussed (4) items as provided for under Section 239 of the Municipal Act:

**Item A** – heard under Sections 239(2)(b)(d)&(f) of the Act. There is nothing further to report.

**Item B** - heard under Section 239(2)(b) of the Act. There is nothing further to report.

**Item C** – heard under Section 239(2)(c) of the Act. As a result of that discussion, the following motion is before Council for consideration:

Resolution # 20190715-388

**Moved By** Councillor Simone  
**Seconded By** Councillor Prue

**That:**

1. **At the request of one of the abutting property owners a portion of the unimproved Road Allowance between Concessions 1 & 2 located on the south side of Malden Road described legally as Part of the Original Road Allowance between Concessions 1 & 2, and more particularly as Parts 4 & 5 draft 12R Plan 143R-5 BE STOPPED UP AND CLOSED;**
2. **Part 4 draft 12R Plan 143-5 being a 2059 square meter (22163 sq. ft.) parcel and Part 5 draft 12R Plan 143-5 being a 2131.3 square meter**



**(22,938 sq. ft.) parcel of to be closed Road Allowance BE CONVEYED at a price of \$4,161.00 and \$4,199.00 respectively plus applicable taxes and fees to the abutting property owners subject to the purchaser providing an undertaking to merge the purchased parcel with their parcel for their abutting property in form satisfactory to the Director of Planning, Development and Legislative Services;**

- 3. In the event one of the abutting property owners does not wish to acquire their half of the closed Road Allowance, the other abutting owner BE ALLOWED to acquire both halves at the conveyance prices shown above;**
- 4. The Town enact the necessary By-law TO DECLARE the portion of the Road Allowance officially closed, stopped up and available for conveyance; and,**
- 5. That the Mayor and Clerk BE AUTHORIZED to sign all necessary documents for the sale and By-law; prepared in form and content satisfactory to the Director of Planning, Development and Legislative Services and financial content satisfactory to the Director of Corporate Services and in financial content to the Director of Corporate Services.**

The Deputy Mayor put the Motion.

**Motion Carried**

**Item D** – heard under Section 239(2)(c). As a result of that discussion, the following motion is before Council for consideration:

Resolution # 20190715-389

**Moved By** Councillor Renaud  
**Seconded By** Councillor McArthur

**That the CAO BE DIRECTED to negotiate and finalize a 5-year lease in accordance with the Council approved Municipal Lease Policy for the multipurpose room with terms as contained in private and confidential report #20190715- D.**

The Deputy Mayor put the Motion.

**Motion Carried**

## NOTICE OF MOTION

There were no Notices of Motion.

## BY-LAWS

Resolution # 20190715-390

**Moved By** Councillor Courtney

**Seconded By** Councillor Simone

**26.1 By-law 2019-052 - Bridges over the 6th Concession Drain for David Kryway, Part of Lot 9, Concession 5 - 3rd & Final Reading**

**That By-law 2019-052 being a by-law to Provide for the Bridges over the 6th Concession Drain for David Kryway, Part of Lot 9, Concession 5 be taken as having been read a 3rd & Final time and the Mayor and Clerk BE AUTHORIZED to sign same.**

**26.2 By-law 2019-070 - Confirmatory By-law**

**That By-law 2019-070 being a by-law to Confirm all Resolutions of the Municipal Council Meeting held on July 15, 2019, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.**

The Deputy Mayor put the Motion.

**Motion Carried**

Resolution # 20190715-391

**Moved By** Councillor Simone

**Seconded By** Councillor Renaud


**That Council move back into Special In-Camera session at 8:04 p.m. for Item E.**

The Deputy Mayor put the Motion.

**Motion Carried**

**ADJOURNMENT**

*Council rose & adjourned in Special In-Camera session.*



DEPUTY MAYOR – LEO MELOCHE



CLERK – PAULA PARKER