



TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING
Monday, December 9, 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, Clerk
Tammy Fowkes, Deputy Clerk

CALL TO ORDER

The Mayor called the meeting to order at 6:46 p.m.

NATIONAL ANTHEM

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

There were no disclosures of pecuniary interest noted.

REPORT OUT OF FROM IN-CAMERA SESSION - November 19 and 20, 2019

Council met on November 19th, 2019, for a Special In-Camera Meeting at 5:04 pm and discussed the following (1) item as provided for under Section 239 of the Municipal Act:

Item A – heard under Section 239(2)(i) of the Act. There is nothing further to report.

Council met on November 20th, 2019, during Budget Deliberations for a Special In-Camera Meeting at 4:41 pm and discussed the following (1) item as provided for under Section 239 of the Municipal Act:

Item A – heard under Section 239(2)(g) and relied on PSA 35(4)(a) & (b). There is nothing further to report.

MINUTES OF PREVIOUS MEETING

Resolution # 20191209-562

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:

5.1 Special In-Camera Council Meeting Minutes - November 19, 2019

5.2 Special Council Meeting Minutes - 2020 Budget - November 19, 2019

The Mayor put the Motion.

Motion Carried

DELEGATIONS

There were no delegations.

REPORTS – CORPORATE SERVICES

7.1 2020 Final Approved Budget

Resolution # 20191209-563

Moved By Deputy Mayor Meloche

Seconded By Councillor Renaud

Deputy Mayor Meloche moved the motion with an amendment to add \$250,000 to the Capital Reserve for the 2020 budget year.

That:

1. **An additional contribution of \$250,000 BE ADDED to the Capital Reserve for the 2020 budget year;**
2. **The 2020 Budget BE ADOPTED and the 2020 total own purposes tax levy of \$24,288,151, including \$22,985,487 general levy and \$1,302,664 special capital levy, BE APPROVED; and,**
3. **Administration REPORT BACK with a Final Levy By-law for adoption of the 2020 tax rates, based on the approved 2020 own purposes tax levy, following receipt of the returned assessment roll for 2020.**

The Mayor put the Motion.

Motion Failed

Resolution # 20191209-564

Moved By Councillor Simone

Seconded By Councillor Renaud

That:

1. **The 2020 Budget BE ADOPTED and the 2020 total own purposes tax levy of \$24,288,151, including \$22,985,487 general levy and \$1,302,664 special capital levy, BE APPROVED; and,**
2. **Administration REPORT BACK with a Final Levy By-law for adoption of the 2020 tax rates, based on the approved 2020 own purposes tax levy, following receipt of the returned assessment roll for 2020.**

The Mayor put the Motion.

Motion Carried

7.2 2020 Interim Tax Levy By-law 2020-001

Resolution # 20191209-565

Moved By Councillor Simone
Seconded By Councillor Prue

That By-law 2020-001 being a by-law to provide for an interim tax levy in default be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign the same.

The Mayor put the Motion.

Motion Carried

7.3 By-law 2019-106 Temporary Borrowing

Resolution # 20191209-566

Moved By Deputy Mayor Meloche
Seconded By Councillor McArthur

That By-law 2019-106 being a by-law to provide for the temporary borrowing of an upset limit of five million dollars for the Town of Amherstburg 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

Resolution # 20191209-567

Moved By Councillor Courtney
Seconded By Deputy Mayor Meloche

That Administration BE DIRECTED to bring back an information report which outlines the 2020 budget with actuals from 2019 final 4th quarter results.

The Mayor put the Motion.

Motion Carried

7.4 Variance Report – Period Ending September 30, 2019 (Q3)

Resolution # 20191209-568

Moved By Deputy Mayor Meloche
Seconded By Councillor Prue

That the write-off of the adjusting Invoice #15403 in the amount of \$33,517.66 plus HST for retroactive rent adjustments January 2014 through June 2019 at 179 Victoria St. S. (ACS) BE APPROVED.

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.

REPORTS – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

10.1 Site Plan Control Development Agreement - ES Howard Ave 12R27356 Parts 2 to 4 (470-02400)

Resolution # 20191209-569

Moved By Deputy Mayor Meloche
Seconded By Councillor McArthur

That:

- 1. The Site Plan and Development Agreement with Philip Bezaire, Pamela Bezaire & Joel Bezaire for ES Howard Ave, 12R27356 Parts 2 to 4 (470-02400), BE APPROVED subject to the Site Plan and Development Agreement being satisfactory in technical content to the Director of Engineering and 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,**

2. **By-law 2019-102 being a by-law to authorize the signing of a development agreement with Philip Bezaire, Pamela Bezaire & Joel Bezaire for ES Howard Ave, 12R27356 Parts 2 to 4 (470-02400), be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign the same.**

The Mayor put the Motion.

Motion Carried

10.2 Suitability for Development of Two Proposed Lots, E/S Concession 2 North – on Private Septic Systems

Resolution # 20191209-570

Moved By Councillor Simone

Seconded By Deputy Mayor Meloche

That the development of the two lots on E/S Concession 2 North on private septic systems, as outlined in the November 13, 2019 report from the Manager of Planning Services, BE APPROVED.

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

11.1 Fire Permit System Review and Open Air Burn By-law Amendment

Resolution # 20191209-571

Moved By Councillor Courtney

Seconded By Councillor McArthur

Councillor Courtney moved the motion with an amendment to remove 6101 County Road 20 from the Sensitive Receptor Place with conditions.

That:

1. **That 6101 County Rd 20 BE REMOVED from the “Sensitive Receptor Place” in accordance to By-law 2018-01 because of its unique/multi use operation, but, that the following condition be included to allow an open burn permit for this location and other residences within 100 meters of this property to read:**
2. **Open Air Burning between the hours of 8:00 am and 5:00 pm Monday thru Friday WILL NOT be permitted; and,**

3. **By-law 2019-099 being a by-law to amend By-law 2018-01 be taken as having been read 3 times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.**
4. **By-law 2019-099 being a by-law to amend By-law 2018-01 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

INFORMATION REPORTS

Resolution # 20191209-572

Moved By Councillor Renaud

Seconded By Deputy Mayor Meloche

That the following information reports BE RECEIVED:

12.1 Cheque Listing for the Month of November 2019

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution # 20191209-573

Moved By Deputy Mayor Meloche

Seconded By Councillor Simone

That the following consent correspondence BE RECEIVED:

13.1 Amherstburg Policing Activities Through to November 2019

13.2 Main Street Revitalization Grant - Township of Larder Lake Resolution

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

That the following minutes **BE RECEIVED**:

14.1 Drainage Board Meeting Minutes - December 2, 2019

Resolution # 20191209-574

Moved By Councillor Simone

Seconded By Deputy Mayor Meloche

That:

- 1. The Drainage Board Meeting Minutes of December 2, 2019 BE RECEIVED;**
- 2. The request from James McGuire for the replacement of the access culvert over the 7th Concession Road Drain North per Section 78 of the Drainage Act BE ACCEPTED, as recommended by the Drainage Board; and,**
- 3. The appointment of the firm of RC Spencer Associates Inc. to complete a report for the repair and improvement of the 7th Concession Road Drain North BE APPROVED, as recommended by the Drainage Board.**

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

There were no unfinished items.

NEW BUSINESS

1. Resolution # 20191209-575

Moved By Councillor Courtney

Seconded By Councillor Prue

That Administration BE DIRECTED to contact the Greater Essex County District School Board in regards to Joint Use Agreements with existing infrastructure and any opportunities that may exist with the new high school, namely exterior recreational infrastructure, before final drawings/concepts are presented; and further, that a report be brought back to Council.

The Mayor put the Motion.

Motion Carried

2. Councillor McArthur advised that the new electronic billboard is being obstructed by the wooden sign.

The Chief Administrative Officer advised that a report will be brought to Council with respect to the signage placement and a sponsorship policy.

3. Resolution # 20191209-576

Moved By Councillor McArthur

Seconded By Councillor Prue

That Administration BE DIRECTED to investigate the feasibility of a 4-way stop at Pickering Drive and Cherrylawn Crescent, at the intersection closest to Sandwich Street South.

The Mayor put the Motion.

Motion Carried

4. Councillor Prue asked why the smaller 2nd ferry wasn't put in service recently after the larger ferry was deemed out of service.

The Fire Chief advised that he cannot provide comment on behalf of the Ferry Corporation with respect to the daily operations for residents but the Ferry Corporation assured him that Emergency Services were still able to access the island.

Councillor Simone asked if a formal letter from Council to the Ferry Corporation would assist in addressing the service issues for the residents.

The Chief Administrative Officer advised that he would investigate further with respect to the operations of the 2nd ferry.

5. Councillor Prue advised of emails he has received with respect to people hunting near residential areas and asked if reports and by-laws from surrounding municipalities can be looked at with a report back to Council on the findings.

The Manager of Licensing and Enforcement advised that she will bring a report back with respect to her findings.

6. Councillor Prue asked when the speed monitoring sign would be in place on Brock Street.

The Director of Engineering and Public Works advised that there have been issues with the software and the issues are currently being addressed with the software provider.

7. Resolution # 20191209-577

Moved By Councillor Simone

Seconded By Deputy Mayor Meloche

That the request from Alison Baldwin to advertise a 50/50 Draw on the Town's electronic signage in order to raise funds on behalf of the Windsor Regional Hospital Foundation towards the purchase of a 3D digital mammography machine BE APPROVED.

The Mayor put the Motion.

Motion Carried

NOTICE OF MOTION

There were no Notices of Motion.

BY-LAWS

Councillor Prue moved item #18.1 – # 18.4 in one motion.

Moved By Councillor Prue

Seconded By Deputy Mayor Meloche

18.1 By-law 2019-098 - Final Debenture Borrowing

Resolution # 20191209-578

That By-law 2019-098 being a by-law to authorize the borrowing upon amortizing debentures in the principal amount of \$1,843,551.44 towards the cost of Meloche Road Reconstruction, Pump Station 2 Upgrade be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

18.2 By-law 2019-107 - Appointment to the Amherstburg Accessibility Advisory Committee

Resolution # 20191209-579

That By-law 2019-107 being a by-law to Appoint Members to the Amherstburg Accessibility Advisory Committee be taken as having been

read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

18.3 By-law 2019-108 - Appoint Dog Control Officer and Pound Facility

Resolution # 20191209-580

That By-law 2019-108 being a by-law to Appoint Dog Control Officer and Pound Facility be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

18.4 By-law 2019-109 - Confirmatory By-law

Resolution # 20191209-581

That By-law 2019-109 being a by-law to Confirm all Resolutions of the Municipal Council Meetings held December 9th, 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.

Motion Carried

SPECIAL IN-CAMERA COUNCIL MEETING

Resolution # 20091209-582

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That Council move into an In-Camera Meeting of Council at 7:47 pm pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reason:

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

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

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 SPECIAL IN-CAMERA COUNCIL MEETING @ 8:49 P.M.

RESUMPTION OF REGULAR COUNCIL MEETING

Moved By Councillor Simone

Seconded By Councillor Prue

That Council resume Regular session at 8:51 p.m.

The Mayor put the Motion.

Motion Carried

REPORT OUT FROM IN-CAMERA SESSION - December 9, 2019

Council met on December 9th, 2019, for a Special In-Camera Meeting at 7:47 pm and discussed (1) item as provided for under Section 239 of the Municipal Act:

Item A – heard under Section 239(2)(c) of the Act. As a result of that discussion that following is before Council for consideration this evening:

Resolution # 20190209-584

Moved By Councillor McArthur

Seconded By Deputy Mayor Meloche

That:

- 1. In order to regularize the ownership of a portion of Lowes Side Road the acquisition of a parcel of land owned by Walker Aggregates Inc. for the price of \$1.00 BE APPROVED;**
- 2. As per Section 6.1.3 of the Disposition of Surplus Town Property Policy, the requirements of Sections 6.3.3, and 6.5.1 BE WAIVED under the following terms and conditions:**

a) In lieu of paying fair market value for Part 1 on 12-R 27567 the Town agrees to convey to Walker Aggregate's Inc. an approximate 3.309 acre parcel of land known legally as "Part of the original road allowance between Lot 6, Concession 1 and Lot 20 Concession 2 lying between the road allowance between Concession 1 & Concession 2 and Concession 1 and Concession 3, Amherstburg; save and except Parts 1 & 2 Plan 12R-21805" and described more particularly as PIN 70570-0661;

b) The Town agrees to cover all costs associated with this transaction including survey, consulting and legal costs; and,

3. The Mayor and Clerk BE AUTHORIZED to sign all documentation prepared in form and content satisfactory to the Director of Planning, Development and Legislative Services necessary to complete the transaction.

The Mayor put the Motion.

Motion Carried

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

ADJOURNMENT

Moved By Councillor Courtney
Seconded By Councillor Renaud

That Council rise and adjourn at 8:54 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR - ALDO DICARLO



CLERK - PAULA PARKER
DEPUTY CLERK - Tammy Fawkes