



**TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING**

**Monday, April 12, 2021
6:00 PM**

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

All members of Council participated in the meeting through video conferencing technology from remote locations. Public participation was conducted via livestream.

CALL TO ORDER

The Mayor called the meeting to order at 6:03 p.m.

ROLL CALL

LAND ACKNOWLEDGEMENT

We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron-Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

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

There were no disclosures of pecuniary interest noted.

REPORT OUT FROM IN-CAMERA COUNCIL MEETING - March 22, 2021

Council met on March 22nd, 2021, for a Special In-Camera Meeting at 10:05 p.m. and discussed the following item as provided for under Section 239 of the Municipal Act:

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

MINUTES OF PREVIOUS MEETING

Councillor Prue advised that he would like to address Item # 6.3 - Special In-Camera Meeting Minutes of March 22, 2021, in the In-Camera Meeting following this evening's Regular session.

Councillor Renaud moved Items # 6.1 and # 6.2.

Resolution # 20210412-105

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:

6.1 Special In-Camera Council Meeting Minutes - March 8, 2021, *as amended*

6.2 Regular Council Meeting Minutes - March 22, 2021

~~6.3 Special In-Camera Council Meeting Minutes - March 22, 2021~~

The Mayor put the Motion.

Motion Carried

DELEGATIONS

There were no Delegations.

PRESENTATIONS

8.1 Imagine & Believe in Amherstburg Survey - Linden Crain and Jen Desjardins-Grondin, Amherstburg Community Foundation (ACF)

Resolution # 20210412-106

Moved By Deputy Mayor Meloche

Seconded By Councillor Simone

That the presentation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

REPORTS – CORPORATE SERVICES

9.1 Policy Amendment – Procurement Policy

Resolution # 20210412-107

Moved By Councillor Simone
Seconded By Councillor Prue

That:

1. The Procurement Policy BE AMENDED to include the following clause:

“24.3.2.1 h) Where the landowner will be assessed 100% of all costs for works under the Drainage Act and the landowner wishes to choose a contractor from the prequalified list of contractors, or another contractor deemed qualified by the Town, who comply with section 23 of this policy.”

The Mayor put the Motion.

Motion Carried

REPORTS – PARKS, FACILITIES, RECREATION AND CULTURE

There were no reports.

REPORTS – ENGINEERING AND PUBLIC WORKS

11.1 2021 Road Repairs Program – Award of Tender

Resolution # 20210412-108

Moved By Deputy Mayor Meloche
Seconded By Councillor McArthur

That:

1. The 2021 Road Repairs Program Tender BE AWARDED to Avanti Paving Inc. in an amount of \$136,000 plus applicable taxes; and,
2. The Mayor and Clerk BE AUTHORIZED to execute an agreement with Avanti Paving Inc. for the completion of the 2021 Road Repairs Program.

The Mayor put the Motion.

Motion Carried

11.2 2021 Road Maintenance (Tar and Chip) Program – Award of Tender

Resolution # 20210412-109

Moved By Councillor Courtney

Seconded By Councillor McArthur

That:

1. **An over-expenditure not to exceed \$10,000 for the 2021 Road Maintenance (Tar and Chip) Program capital project, to be funded from current taxation, BE APPROVED;**
2. **The 2021 Road Maintenance (Tar and Chip) Program Tender BE AWARDED to Shepley Road Maintenance Limited in an amount of \$206,210 plus applicable taxes; and,**
3. **The Mayor and Clerk BE AUTHORIZED to execute an agreement with Shepley Road Maintenance Limited for completion of the 2021 Tar and Chip Program.**

The Mayor put the Motion.

Motion Carried

11.3 Grader and Equipment – Award of Tender

Resolution # 20210412-110

Moved By Deputy Mayor Meloche

Seconded By Councillor Renaud

That:

1. **An over-expenditure for purchase of a gravel compaction unit not to exceed \$12,700 BE APPROVED for a total cost not to exceed \$37,613 including net HST and that the over-expenditure BE FUNDED from taxation, with any surplus/deficit resulting from taxation funded operations to be addressed through recommendations in the year end (Q4) variance report;**
2. **The Motor Grader and Equipment Tender BE AWARDED to Brandt Tractor Limited in an amount of \$456,654 plus applicable taxes; and,**
3. **The Mayor and Clerk BE AUTHORIZED to execute an agreement with Brandt Tractor Limited for the purchase of a 2021 Motor Grader and Equipment.**

The Mayor put the Motion.

Motion Carried

11.4 Ouellette Drain West Improvements - Tender Results

Resolution # 20210412-111

Moved By Councillor Simone

Seconded By Councillor McArthur

That:

1. An over-expenditure not to exceed \$81,756 BE APPROVED for the Repair and Improvement to the Ouellette Drain West project, for a total cost not to exceed \$325,756 including net HST to be funded by recoveries from benefitting property owners;
2. The Town's estimate of the over-expenditure not to exceed \$13,529 including net HST be funded from current taxation BE APPROVED, with any surplus/deficit resulting from taxation funded operations to be addressed through recommendations in the year end (Q4) variance report;
3. The Ouellette Drain West Tender BE AWARDED to Nevan Construction Inc. for an amount not to exceed \$245,200 plus H.S.T.; and,
4. The Mayor and Clerk BE AUTHORIZED to execute an agreement with Nevan Construction Inc. for completion of the Ouellette Drain West improvements.

The Mayor put the Motion.

Motion Carried

REPORTS - PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

12.1 Development Agreement, Suitability for Development of Five Proposed Lots on Private Septic Systems and Removal of Holding Zone on N/S County Road 20

Resolution # 20210412-112

Moved By Councillor Prue

Seconded By Councillor Courtney

That:

- 1. The development of five lots on County Road 20 on private septic systems in accordance with the Development Agreement BE APPROVED;**
- 2. The execution of a Development Agreement with Jon and Kathy Parks associated with Consent File numbers B/28-32/20 inclusive BE APPROVED;**
- 3. By-law 2021-020 being a by-law to authorize the signing of a Development Agreement for the development of five residential building lots be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same; and,**
- 4. By-law 2021-025 being a by-law to amend Zoning By-law 1999-52 to Remove a Holding Zone for N/S of County Road 20 (five lots) 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

12.2 Hunt Club Creek Subdivision - Extension of Draft Plan Approval

Councillor Prue amended the motion to include rational from the developer and the County of Essex should the developer seek future extensions after the current 3 year extension.

Resolution # 20210412-113

Moved By Councillor Prue
Seconded By Deputy Mayor Meloche

That:

- 1. The request from Melanie Muir (Dillon Consulting) on behalf of Hunt Club Creek Inc. for a three year extension of the Draft Plan Approval for Hunt Club Creek Subdivision (File #37-T-02006) BE SUPPORTED;**
- 2. Administration BE DIRECTED to notify the County of Essex, Planning Services, of the Town's support for the extension of Draft Plan Approval; and,**
- 3. The developer and the County of Essex include the rational should the developer seek future extensions after the current 3 year extension.**

The Mayor put the Motion.

Motion Carried

12.3 Suitability for Development on Private Septic System on one Severed Lot on Front Road N

Resolution # 20210412-114

Moved By Councillor Prue
Seconded By Deputy Mayor Meloche

That the development of a lot on Front Road North, severed off 1459 Front Road N, on a private septic system, as outlined in the March 22, 2021 report from the Manager of Planning Services, BE DEFERRED until the application for the Zoning By-law Amendment for 1459 Front Road North is before Council for consideration to allow both items to be dealt with together.

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

13.1 Fire Safety Grant - Letter of Intent and Fire Safety Grant Transfer Payment Agreement

Resolution # 20210412-115

Moved By Deputy Mayor Meloche
Seconded By Councillor Renaud

That:

- 1. That an over-expenditure not to exceed \$10,970 in the Fire budget centre, training and professional development expense BE APPROVED to be funded by \$10,000 from the Fire Safety Grant Funding and \$970 from taxation; and,**
- 2. By-law 2021-029 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 Office of the Fire Marshal 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

INFORMATION REPORTS

Resolution # 20210412-116

Moved By Councillor Prue
Seconded By Councillor McArthur

That the following information reports BE RECEIVED:

- 14.1 Amherstburg Water Treatment Plant Submission of the 2020 Annual Summary Report**
- 14.2 Information Update – Radon Gas**

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution # 20210412-117

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That the following consent correspondence BE RECEIVED:

- 15.1 Inclusive Community Grants Program - Ministry for Seniors and Accessibility**
- 15.2 Routine Disclosure and Active Dissemination Policy - Linda Saxon, Resident**
- 15.3 Town of Amherstburg Compliance Results - Office of the Fire Marshal and Emergency Management**
- 15.4 Bill C-21, Gun Control Laws - Town of Kingsville Resolution**
- 15.5 Request for Funding for Tree Planting in Windsor-Essex County - City of Windsor Resolution**

- 15.6 Regional Food and Organics Waste Management Program - City of Windsor Resolution
- 15.7 Support for Fire Departments - Township of Hudson Resolution
- 15.8 Planning Act Timelines - City of Kitchener Resolution
- 15.9 MeeQuam Youth Residence Closure - Town of Cochrane Resolution
- 15.10 Health Canada Cannabis Consultation - Debbie France, Norfolk County Resident
- 15.11 Schedule 3, Bill 257, Supporting Broadband and Infrastructure Expansion Act, 2021 - Town of Orangeville Resolution
- 15.12 Open Letter to ORFA Members and Industry Employers - Ontario Recreation Facilities Association (ORFA)
- 15.13 Carbon Tax - Town of Plympton-Wyoming Resolution

The Mayor put the Motion.

Motion Carried

Resolution # 20210412-118

Moved By Deputy Mayor Meloche
Seconded By Councillor Courtney

Item # 15.5 – That Administration BE DIRECTED to send correspondence in support of the City of Windsor’s resolution regarding their request for Funding for Tree Planting in Windsor-Essex County and that the correspondence be sent to all local MP’s and MPP’s, and local municipalities.

The Mayor put the Motion.

Motion Carried

Resolution # 20210412-119

Moved By Councillor Prue
Seconded By Councillor Renaud

Item # 15.6 – That Administration BE DIRECTED to send correspondence in support of the City of Windsor’s resolution regarding the Regional Food and Organics Waste Management Program.

The Mayor put the Motion.

Motion Carried

Resolution # 20210412-120

Moved By Councillor Prue
Seconded By Councillor Simone

Item # 15.8 – That Administration BE DIRECTED to send correspondence in support of the City of Kitchener’s resolution regarding Planning Act Timelines.

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

16.1 Post Traumatic Stress Disorder Awareness Month - June 2021

Resolution # 20210412-121

Moved By Councillor Renaud
Seconded By Councillor McArthur

That:

- 1. The correspondence dated March 27, 2021, regarding Post Traumatic Stress Disorder (PTSD) Awareness Month BE RECEIVED; and,**
- 2. June 2021 BE PROCLAIMED as Post Traumatic Stress Disorder Awareness Month in the Town of Amherstburg.**

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Resolution # 20210412-122

Moved By Councillor Simone

Seconded By Deputy Mayor Meloche

That the following minutes BE RECEIVED:

17.1 Committee of Adjustment Meeting Minutes - February 23, 2021

17.2 Committee of Adjustment Meeting Minutes - March 30, 2021

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

1. Councillor Prue asked for an update with respect to Resolution # 20191015-497 (Boblo Island, north end development) and Resolution # 20200914-293 (Boblo Island, Idling By-law).

The Chief Administrative Officer advised that the Boblo Island report regarding the north end development is currently being finalized and it should be before Council at the May 10th, Regular Council Meeting. He further advised that he believes the developer is looking at bringing equipment in via a barge for the south end development.

NEW BUSINESS

1. Councillor McArthur asked for an update with respect to timelines for the skate park and what the plans are for volleyball courts in light of the Fort Family Fun Centre closure.

The Chief Administrative Officer advised the renderings for the skate park will be available at the end of the month and the next step will be public consultation. He further advised that the new Director of Parks, Facilities, Recreation and Culture will address future plans with respect to volleyball courts.

2. Councillor Courtney asked what the format will look like for public consultation during the pandemic.

The Chief Administrative Officer advised that the Clerk is bringing a report forward with respect to public consultation options and it will include as many ways as possible to engage residents.

3. Councillor Courtney asked if it was possible to place picnic tables in appropriate areas throughout the Kings Navy Yard Park.

The Chief Administrative Officer advised that it is possible, and furthermore, he advised that there is potential grant funding opportunities becoming available to accommodate gathering in parks. He advised that he is looking to bring a report to the May 10th, Regular Council Meeting with respect to options for Council to consider with respect to the potential grant opportunities.

4. Councillor Prue advised that the resident who requested the speed monitor sign on Meloche Road is looking for an update.

The Manager of Roads and Fleet advised that there is a lot of request to place the speed monitor signs in various locations and he will ensure that Meloche Road is on the list.

The Mayor advised that he will follow up with the Police with respect to speed enforcement on Meloche Road.

5. Councillor Prue advised of cars parking on the streets for days on Boblo Island, and further, that Police have advised that a by-law would have to be in place in order to enforce no parking on the streets.

The Manager of Roads and Fleet advised that he will look at the Traffic By-law and speak with the Manager of Licencing and Enforcement with respect to a possible by-law.

6. Councillor Renaud advised of the name change of Fox Road to Concession 3 and asked when it is getting corrected to maintain the honour of the Fox brothers who are included on the Cenotaph.

The Mayor advised that the Director of Engineering and Public Works is actively working on that matter.

NOTICE OF MOTION

There were no Notices of Motion.

BY-LAWS

21.1 By-law 2021-028 - Confirmatory By-law

Resolution # 20210412-123

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That By-law 2021-028 being a by-law to Confirm all Resolutions of the Municipal Council Meetings held on April 12, 2021, 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

The CAO advised that the Parks, Facilities, Recreation and Culture Department has been changed to the Community and Protective Services Department and he introduced Heidi Baillargeon as the successful candidate for the Director of Community and Protective Services.

The CAO advised that the Planning, Development and Legislative Services Department has been changed to the Planning and Development Services Department and he introduced Nicole Rubli as the successful candidate for the Director of Planning and Development Services.

The CAO advised that both Directors will start their new positions on April 19, 2021.

SPECIAL IN-CAMERA COUNCIL MEETING

Resolution # 20210412-124

Moved By Deputy Mayor Meloche
Seconded By Councillor Renaud

That Council ADJOURN Regular session and move into an In-Camera Meeting of Council at 8:24 p.m. 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.

The Mayor put the Motion.

Motion Carried



MAYOR – ALDO DICARLO



CLERK – PAULA PARKER