



**TOWN OF AMHERSTBURG
COUNCIL MEETING
Monday, July 13, 2015
6:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg

MINUTES

PRESENT

Mayor Aldo DiCarlo
Deputy Mayor Bart DiPasquale
Councillor Joan Courtney
Councillor Rick Fryer
Councillor Jason Lavigne
Councillor Leo Meloche
Councillor Diane Pouget

Giovanni (John) Miceli, Chief Administrative Officer
Paula Parker, Clerk

CALL TO ORDER

The Mayor called the meeting to order at 6:02 p.m.

MOMENT OF SILENT REFLECTION

SPECIAL DRAINAGE CONSIDERATION

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF *(Drainage Report)*

There were no disclosures of pecuniary interest noted.

REPORTS

4.1 Waldron Drain – Engineer’s Report

The Manager of Public Works provided an overview of the Engineer’s report for the Waldron Drain and introduced Shane McVitty, P. Eng., N.J. Peralta Engineering, to discuss the report further and answer Council questions.

The Mayor invited the gallery to speak regarding the Waldron Drain. The following were heard:

- John Parks
- Dwayne Grondin

Councillor Pouget moved, Councillor Courtney seconded:

That Council direct Administration to provide a breakdown of the billing from N.J. Peralta for the Waldron Drain.

The Mayor put the Motion.

Motion Carried

Councillor Fryer moved, Councillor Pouget seconded:

Councillor Fryer moved the motion with an amendment to point # 2 and # 3 and removed point # 4.

That:

- 1. The report from the Manager of Public Works dated July 1, 2015, regarding the Engineer’s Report for the Waldron Drain BE RECEIVED;**

2. **The Manager of Public Works BE DIRECTED to work with the Waldron's to get their culvert replaced; and,**
3. **Further that Council refer the Engineer's report back to N.J. Peralta for reassessment and that it be brought back to Council for consideration.**

The Mayor put the Motion.

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

Motion Failed

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That:

1. **The report from the Manager of Public Works dated July 1, 2015, regarding the Engineer's Report for the Waldron Drain BE RECEIVED;**
2. **The drainage report for the Improvements to the Waldron Drain prepared by N.J. Peralta Engineering Ltd. dated May 27, 2015 BE CONSIDERED;**
3. **The engineer's report for the Improvements to the Waldron Drain BE PROVISIONALLY ADOPTED by giving first and second reading to By-law 2015-80; and**
4. **Administration BE DIRECTED to schedule the Court of Revision for the improvements to the Waldron Drain.**

The Mayor put the Motion.

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

Motion Carried

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That Council recess for a 10 minute break at 7:48 p.m.

The Mayor put the Motion.

Motion Carried

Councillor Fryer moved, Councillor Pouget seconded:

That Council reconvene to Regular session at 8:05 p.m.

The Mayor put the Motion.

Motion Carried

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF
(Regular Council Meeting Agenda items)

Councillor Fryer declared pecuniary interest with respect to agenda item # 12.1 due to his residence being on Texas Road.

MINUTES OF PREVIOUS MEETING

Approval of Minutes

The Clerk noted that the Special In-Camera Council Meeting Minutes for June 2, 2015, and the Special Council Meeting Minutes for June 8, 2015, were amended.

Councillor Pouget moved, Councillor Lavigne seconded:

That the minutes BE ADOPTED by Council 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:

- 1. Special In-Camera Council Meeting Minutes - May 15, 2015**
- 2. Special In-Camera Council Meeting Minutes - May 25, 2015**
- 3. Special In-Camera Council Meeting Minutes – June 2, 2015 (*as amended*)**
- 4. Special In-Camera Council Meeting Minutes – June 5, 2015**
- 5. Special Council Meeting Minutes - June 8, 2015 (*as amended*)**
- 6. Special Council Meeting Minutes – Planning – June 15, 2015**
- 7. Regular Council Meeting Minutes – June 15, 2015**

The Mayor put the Motion.

Motion Carried

The Mayor moved agenda item # 8.1 forward.

PRESENTATIONS

8.1 2014 Consolidated Financial Statements – Cynthia Swift and Brandon Goddard, KPMG

Councillor Fryer moved, Councillor Pouget seconded:

That the presentation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

The Mayor moved agenda items # 15 (a) and (b) forward.

15. INFORMATION REPORTS

John Purdie, Chair, Audit and Finance Advisory Committee took Council through the Audit and Finance Advisory Committee Year End Financial Reports.

Councillor Lavigne moved, Councillor Meloche seconded:

- (a) **That Council RECEIVE the Audit and Finance Advisory Committee Year End Financial Reports.**

The Mayor put the Motion.

Motion Carried

Councillor Fryer moved, Councillor Pouget seconded:

- (b) **That Council RECEIVE the 2014 Year End Key Ratio's and Indicators.**

The Mayor put the Motion.

Motion Carried

The Mayor brought agenda items # 11.3 and # 11.4 forward.

11.3 2014 Consolidated Financial Statements

Councillor Lavigne moved, Councillor Pouget seconded:

That:

- 1. The report from the Supervisor of Accounting dated June 15, 2015, regarding Audited Consolidated Financial Statements for the year ended December 31, 2014, BE RECEIVED;**
- 2. The Town's Audited Consolidated Financial Statements for the year ended December 31, 2014 BE APPROVED;**

3. **The Audit Findings Report of KPMG for the year ended December 31, 2014 BE ACCEPTED;**
4. **Administration BE DIRECTED to submit the 2014 Consolidated Financial Statements and 2014 Financial Information Return to the Ministry of Municipal Affairs in accordance with section 294(1) of the Municipal Act; and,**
5. **Administration BE DIRECTED to post the 2014 Consolidated Financial Statements and 2014 Financial Information Return on the Town's Website.**

The Mayor put the Motion.

Motion Carried

11.4 **2014 Year End Budget to Actual Summaries and Transfers**

Councillor Fryer moved, Councillor Pouget seconded:

That:

1. **The report from the Supervisor of Accounting dated June 15, 2015, regarding the 2014 Year-end Budget to Actual Summaries and Transfers BE RECEIVED;**
2. **The 2014 year-end budget to actual summaries for the general, water and wastewater funds BE RECEIVED;**
3. **The general fund surplus of \$1,058,843 BE APPROVED and that the Treasurer BE AUTHORIZED to transfer the surplus to the tax stabilization reserve;**
4. **The water fund surplus of \$84,561 BE APPROVED and that the Treasurer BE AUTHORIZED to transfer the surplus to the water reserve; and,**
5. **The wastewater fund surplus of \$1,922,895 BE APPROVED and that the Treasurer BE AUTHORIZED to transfer the surplus to the wastewater capital reserve.**

The Mayor put the Motion.

Motion Carried

DELEGATIONS

Councillor Fryer removed himself from discussion and voting with respect to agenda items # 7.1 and # 12.1.

7.1 Texas Road Project – Joanne DiPierdomenico

Councillor Meloche moved, Councillor Pouget seconded:

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

The Mayor moved agenda item # 12.1 forward.

Councillor Lavigne moved, Councillor Meloche seconded:

That Mark Andrews be allowed to address Council.

The Mayor put the Motion.

Motion Carried

REPORTS – ENGINEERING AND PUBLIC WORKS

12.1 Texas Road Reconstruction – County Road 20 to 2nd Concession North

Councillor Meloche moved, Councillor Lavigne seconded:

That:

- 1. The report from the Manager of Engineering and Operations dated July 3, 2015, regarding the Texas Road Reconstruction – County Road 20 to 2nd Concession North – Tender Results BE RECEIVED;**
- 2. The replacement of the Culvert on the Six Concession South over the Albert McGee Drain BE DEFERRED until 2016 and The Director of**

- Financial Services BE DIRECTED to PRE-COMMIT \$84,000 in the 2016 Capital budget;**
- 3. The replacement of the Culvert on North Sideroad over the Adams Drain Lower Portion BE DEFERRED until 2016 and The Director of Financial Services BE DIRECTED to PRE-COMMIT \$88,000 in the 2016 Capital budget;**
 - 4. The replacement of the Culvert on Texas Road over the Wismer Drain BE DEFERRED until 2016 and The Director of Financial Services BE DIRECTED to PRE-COMMIT \$124,000 in the 2016 Capital budget;**
 - 5. The replacement of the Culvert on Texas Road over the Brown Drain BE DEFERRED until 2016 and The Director of Financial Services BE DIRECTED to PRE-COMMIT \$137,000 in the 2016 Capital budget;**
 - 6. The replacement of the Pedestrian Bridge over Sucker Creek BE DEFERRED until 2016 and The Director of Financial Services BE DIRECTED to PRE-COMMIT \$87,000 in the 2016 Capital budget;**
 - 7. The pre-engineering for 2016 culvert replacements BE DEFERRED until 2016 and the Director of Financial Services BE DIRECTED to PRE-COMMIT \$50,000 in the 2016 Capital budget;**
 - 8. The Director of Financial Services BE DIRECTED to REDUCE the pre-engineering for 2016 road reconstruction by \$18,000 in the 2015 Capital budget;**
 - 9. The installation of the new Storm Sewer system along the south side of Texas Road BE APPROVED as part of the Texas Road Reconstruction and be financed as identified in Schedule 'A';**
 - 10. The project budget for Texas Road Reconstruction BE APPROVED at a net cost of \$ 5,726,509;**
 - 11. An agreement with Coco Paving Inc. to complete the Texas Road Reconstruction – County Road 20 to 2nd Concession North BE AUTHORIZED in the amount of \$5,093,520 (excluding H.S.T.); and,**
 - 12. By-law 2015-81 being a by-law to enter into an Agreement with Coco Paving Inc. to complete the Texas Road Reconstruction – County Road 20 to 2nd Concession North 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

7.2 Tax Assessments and Drainage – Jon Parks

Councillor Lavigne moved, Councillor Pouget seconded:

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

PRESENTATIONS

- 8.1 2014 Consolidated Financial Statements – Cynthia Swift and Brandon Goddard, KPMG**
(As dealt with above)

REPORTS – POLICE SERVICES

There were no reports at this time.

REPORTS – CORPORATE AND COMMUNITY SERVICES

10.1 Corporate Policy – Cell Phone and Personal Communication Device

Councillor Pouget amended the motion with a request to bring the report back to Council.

Councillor Pouget moved, Councillor Meloche seconded:

That:

- 1. The report from Manager of Information Technology dated June 22, 2015, regarding Corporate Policy – Cell Phone & Personal**

Communication Device be brought back to Council in September after further review by Administration.

The Mayor put the Motion.

Motion Carried

Councillor Meloche moved, Councillor Courtney seconded:

That Council extend the meeting until 10:30 p.m.

The Mayor put the Motion.

Motion Carried

REPORTS – FINANCIAL SERVICES

11.1 June 23, 2015 – July 6, 2015 Accounts Payable

Councillor Lavigne moved, Councillor Meloche seconded:

That:

- 1. The report from the Director of Financial Services dated July 6, 2015, regarding June 23, 2015 - July 6, 2015 Accounts Payable, BE APPROVED; and,**
- 2. The Director of Financial Services BE AUTHORIZED to release funds for the approved payables.**

The Mayor put the Motion.

Motion Carried

11.2 Co-An Park Capital Funding

Deputy Mayor DiPasquale moved, Councillor Pouget seconded:

That:

- 1. The report from the Director of Financial Services dated July 3, 2015, regarding Co-An Park Capital Funding BE RECEIVED;**

2. **The unbudgeted capital expenditures in the amount of \$9,439 for 2015 and \$11,153 for prior years BE APPROVED; and,**
3. **The Director of Financial Services BE AUTHORIZED to fund these expenditures from the Tax Stabilization Reserve.**

The Mayor put the Motion.

Motion Carried

11.3 2014 Consolidated Financial Statements
(As dealt with above)

11.4 2014 Year End Budget to Actual Summaries and Transfers
(As dealt with above)

REPORTS – ENGINEERING AND PUBLIC WORKS

12.1 Texas Road Reconstruction – County Road 20 to 2nd Concession North
(As dealt with above)

REPORTS – ECONOMIC AND COMMUNITY DEVELOPMENT

13.1 Council Resolution in Support of Roof-top Solar Application Under the Provincial Feed in Tariff (FIT) Program

Councillor Fryer moved, Councillor Meloche seconded:

That:

1. **The report from the Manager of Planning Services dated June 30, 2015, regarding the Council Resolution in Support of Roof-top Solar Application Under the Provincial Feed-In-Tariff (FIT) Program, BE RECEIVED;**
2. **A site specific resolution for the proposed rooftop solar power PV project location, as prescribed by the Ontario Power Authority (OPA) resolution template titled “Prescribed Form/Template: Municipal**

Council Support Resolution – Section 5.1 (g)(i) – FIT Rules, Version 4.0”, attached as Appendix “A” BE APPROVED:

- **Don Hearn & Sons Inc., 310 Thomas Road, (Solar Power Network); and,**
- 3. The Applicant BE ADVISED that the resolutions sole purpose is to enable the Applicant to receive priority application processing points under the Ontario Power Authority’s Feed-In-Tariff (FIT) Program, and may not be used for the purpose of any other form of municipal approval.**

The Mayor put the Motion.

Motion Carried

13.2 Encroachments on Town Property

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That:

- 1. The report from the Manager of Licensing and Enforcement dated June 22, 2015, regarding Encroachment Policy and Procedures on Town Owned Property BE RECEIVED;**
- 2. Administration BE DIRECTED to develop policies and procedures regarding encroachments on Town owned property for Council’s consideration; and,**
- 3. Administration BE DIRECTED to develop a fee structure for encroachments on Town owned property for Council’s consideration.**

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

14.1 Ministry of Labour – Amherstburg Fire Department Orders to Comply

Councillor Fryer moved, Councillor Meloche seconded:

That:

- 1. The report from the Fire Chief dated July 6, 2015, regarding the Ministry of Labour – Fire Department Orders BE RECEIVED;**
- 2. Administration BE DIRECTED to continue working with the Ministry of Labour to satisfy and comply with the 23 orders issued from the June 12, 2015 inspection of Fire Station 1; and,**
- 3. Administration BE DIRECTED to continue to provide Council with a progress report on the 23 orders issued.**

The Mayor put the Motion.

Motion Carried

14.2 Ontario Fire Marshall (OFM) Survey

The Mayor advised that this report was no longer before Council.

INFORMATION REPORTS

Councillor Pouget moved, Councillor Lavigne seconded:

That information reports (c) and (d) BE RECEIVED:

- a) Audit and Finance Advisory Committee Year End Financial Reports
(As dealt with above)**
- b) 2014 Year End Key Ratio's and Indicators (As dealt with above)**
- c) Portable Signs**
- d) Noise Inspection Services at 239 Pickering**

The Mayor put the Motion.

Motion Carried

Councillor Pouget moved, Councillor Courtney seconded:

That Council extend the meeting until 11:00 p.m.

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Councillor Fryer moved, Councillor Pouget seconded:

That the consent correspondence BE RECEIVED:

- a) **Rock 4 a Reason Gala - The Windsor Essex Care for Kids Foundation**
- b) **Hanging Basket Program Donations - The Amherstburg Chamber of Commerce**
- c) **Bois Blanc Blockhouse – Thank You Letter**
- d) **Disaster Relief Committee - Municipality of Tweed**
- e) **Community Relations Award to McGregor Quarry - Ontario Stone, Sand & Gravel Association**
- f) **Electricity Rates - Motion from New Tecumseth**
- g) **Confirmation of Amherstburg's Resolution regarding Funding Formula for Ontario's Rural Schools - Association of Municipalities of Ontario**

The Mayor put the Motion.

Motion Carried

Councillor Courtney moved, Councillor Fryer seconded:

That Council direct Administration to send a thank you letter to the Amherstburg Chamber of Commerce for their donation to the Hanging Basket Program. (Item b)

The Mayor put the Motion.

Motion Carried

Councillor Pouget moved, Councillor Fryer seconded:

That Council direct Administration to send a congratulations letter to McGregor Quarry for receiving the Community Relations Award. (Item e)

The Mayor put the Motion.

Motion Carried

Deputy Mayor DiPasquale moved, Councillor Meloche seconded:

That Council direct Administration to send a letter to the Honourable Premier Wynne endorsing New Tecumseth's resolution regarding electricity rates. (Item f)

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Councillor Meloche moved, Councillor Pouget seconded:

That the minutes BE RECEIVED:

- a) Amherstburg Accessibility Advisory Committee Meeting Minutes - May 28, 2015**
- b) Audit and Finance Advisory Committee Meeting Minutes - June 4, 2015**
- c) Audit and Finance Advisory Committee Meeting Minutes - June 10, 2015**
- d) Committee of Adjustment Meeting Minutes - May 26, 2015**
- e) Committee of Adjustment Meeting Minutes - June 17, 2015**

The Mayor put the Motion.

Motion Carried

OTHER MINUTES

Councillor Fryer moved, Councillor Lavigne seconded:

That the minutes BE RECEIVED:

- a) Court of Revision Minutes – June 15, 2015**

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

There was no unfinished business.

Councillor Pouget moved, Councillor Fryer seconded:

That Council allow Graham Hobbs to speak.

The Mayor put the Motion.

Motion Carried

NEW BUSINESS

There was no new business.

NOTICES OF MOTION

Councillor Meloche introduced a Notice of Motion regarding municipal drainage costs for consideration and voting at the August 10, 2015, Regular Council Meeting.

BY-LAWS

22.1 By-law 2015-78- ZBA - 5230 Alma Street

Councillor Pouget moved, Councillor Meloche seconded:

That By-law 2015-78 being a by-law to amend Zoning By-law No. 1999-52, as amended, 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

15.2 By-law 2015-79- ZBA - 9031 County Road 18

Councillor Meloche moved, Councillor Lavigne seconded:

That By-law 2015-79 being a by-law to amend Zoning By-law No. 1999-52, as amended, 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

21.3 By-law 2015-82 - Confirmatory By-law

Councillor Pouget moved, Councillor Fryer seconded:

That By-law 2015-82 being a by-law to confirm all resolutions of the Municipal Council Meeting held on July 13, 2015, 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 MEETING

Councillor Meloche moved, Councillor Pouget seconded:

That Council move into an In-Camera Meeting of Council at 10:41 p.m., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:

ITEM A – Personnel Matter - Section 239 (2)(b) - Personal matters about an identifiable individual, including municipal or local board employees; and, Section 239 (2)(d) - Labour relations or employee negotiations.

The Mayor asked if there were any concerns on the issues being heard in closed session. There were no concerns noted.

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.

Council moved into an In-Camera Meeting

ADJOURNMENT

Councillor Lavigne moved, Councillor Pouget seconded:

That Council rise and adjourn at 10:51 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR – ALDO DICARLO

CLERK – PAULA PARKER