



**TOWN OF AMHERSTBURG
COUNCIL MEETING
Monday, August 10, 2015
6:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg

MINUTES

PRESENT

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

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

ABSENT WITH NOTICE Councillor Rick Fryer

CALL TO ORDER

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

MOMENT OF SILENT REFLECTION

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

MINUTES OF PREVIOUS MEETING

Approval of Minutes

Deputy Mayor DiPasquale 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. Regular Council Meeting Minutes – June 29, 2015 (*As amended*)**
- 2. Special Council Meeting Minutes - Planning – July 13, 2015**
- 3. Regular Council Meeting Minutes – July 13, 2015**
- 4. Special In-Camera Council Meeting Minutes – July 13, 2015**

The Mayor put the Motion.

Motion Carried

Councillor Meloche stated that the pecuniary interest portion of the Special Council Meeting Minutes for June 29th, 2015, needed to be amended to state that his sister lives close to the Waldron Drain rather than the 3rd Concession Road Drain North. The Clerk stated the minutes would be amended.

DELEGATIONS

- 5.1 **Mr. Parks – Septic Systems**
(As dealt with below)

PRESENTATIONS

- 6.1 **Katie Stammler, Source Water Protection Project Manager, ERCA**

Katie Stammler provided information to Council regarding the Source Water Protection Project.

Councillor Pouget moved, Councillor Lavigne seconded:

That the presentation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

The Mayor moved agenda item # 9.1 forward.

9.1 Drinking Water Source Protection Risk Management Services

The Clerk noted that an amendment was made to recommendation # 3 in the original report to state that a report will be brought back to Council if the amount exceeds the limits of the Council approved procurement policy.

Councillor Pouget moved, Councillor Lavigne seconded:

That:

- 1. The report from the Director of Engineering and Public Works dated July 22, 2015, regarding the Drinking Water Source Protection Risk Management Services BE RECEIVED;**
- 2. Council SUPPORT the Essex Region Conservation Authority 's role in assisting with implementation of the Drinking Water Source Protection Plan, including Risk Management Services; and**
- 3. A report be brought back to Council once the agreement is finalized to AUTHORIZE its signing and supporting by-law if the amount exceeds the limits of the Council approved procurement policy.**

The Mayor put the Motion.

Motion Carried

Mr. Parks arrived late and the Mayor invited him to speak at this time.

DELEGATIONS

5.1 Mr. Parks – Septic Systems

Councillor Meloche moved, Councillor Courtney seconded:

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

PRESENTATIONS

6.2 Anthony Leardi, Leardi Law Firm – PARC Update

Councillor Courtney moved, Councillor Meloche seconded:

That the presentation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

REPORTS – POLICE SERVICES

There were no reports.

The Mayor invited the Fire Chief to introduce Lee Tome, the new Assistant Deputy Fire Chief/Fire Prevention & Inspections Officer to Council.

REPORTS – FINANCIAL SERVICES

8.1 July 21, 2015 – August 4, 2015 Accounts Payable

Councillor Lavigne divided the motion.

Deputy Mayor DiPasquale moved, Councillor Meloche seconded:

That:

- 1. The report from the Director of Financial Services dated August 4, 2015 regarding July 21, 2015- August 4, 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

Deputy Mayor DiPasquale moved, Councillor Meloche seconded:

- 3. The Director of Financial Services BE AUTHORIZED to release funds for the held July 7-21, 2015 payables.**

The Mayor put the Motion.

Motion Failed

REPORTS – ENGINEERING AND PUBLIC WORKS

- 9.1 Drinking Water Source Protection Risk Management Services**
(As dealt with above)

- 9.2 2015 Surface Treatment Program – Tender Results**

Councillor Pouget moved, Councillor Lavigne seconded:

That:

- 1. The report from the Manager of Engineering and Operations dated July 27, 2015, regarding the 2015 Surface Treatment Program – Tender Results BE RECEIVED;**
- 2. An agreement with Shepley Road Maintenance to complete the 2015 Surface Treatment program BE AUTHORIZED in the amount of \$195,612.00 (excluding H.S.T.); and,**
- 3. By-law 2015-90 being a by-law to enter into an Agreement with Shepley Road Maintenance to complete the 2015 Surface Treatment Program 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

- 9.3 Riviera Place & Riviera Drive Watermain Replacement – Tender Results**

Councillor Pouget moved, Councillor Meloche seconded:

That:

- 1. The report from the Manager of Engineering and Operations dated July 27, 2015, regarding the Riviera Place & Riviera Drive Watermain Replacement – Tender Results BE RECEIVED;**
- 2. An agreement with SheaRock Construction Group Inc. to complete the Riviera Place & Riviera Drive Watermain Replacement BE AUTHORIZED in the amount of \$318,260.00 (excluding H.S.T.);**
- 3. The Director of Financial Services BE AUTHORIZED to fund projected budget overruns in the amount of \$40,279.93 from the Watermain Reserve Fund; and,**
- 4. By-law 2015-91 being a by-law to enter into an Agreement with SheaRock Construction Group Inc. to complete the Riviera Place & Riviera Drive Watermain Replacement 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 – ECONOMIC AND COMMUNITY DEVELOPMENT

10.1 Development Agreement for 274 Dalhousie Street

Shirley Curson-Prue, Vice-Chair, Heritage Committee, was in attendance to answer Council questions with respect to the Development Agreement for 274 Dalhousie Street.

Councillor Meloche moved, Councillor Lavigne seconded:

That:

- 1. The report from the Manager of Planning Services dated July 24, 2015, regarding a Development Agreement for 274 Dalhousie Street BE RECEIVED;**
- 2. The site plan and development agreement for a residential and commercial development BE APPROVED; and,**

3. **By-law 2015-71 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 same.**

The Mayor put the Motion.

Motion Lost

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

Councillor Pouget moved, Councillor Lavigne seconded:

That:

1. **The report from the Manager of Planning Services dated July 24, 2015 regarding the Council Resolution in Support of Roof-top Solar Application Under the Provincial Feed In Tariff (FIT) Program, BE RECEIVED;**
2. **Council APPROVE 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":**
 - **Mojojo Inc., 365 Sandwich Street South, (Essex Energy Corporation); 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

REPORTS - CAO's OFFICE

There were no reports.

COMMUNICATION REPORTS

Deputy Mayor DiPasquale moved, Councillor Pouget seconded:

That the communication reports BE RECEIVED:

- a) 2015 Second Quarter Financial Reports**
- b) County and Municipality Shared Information Technology Services**

The Mayor put the Motion.

Motion Carried

Councillor Lavigne moved, Councillor Meloche seconded:

That Council reconsider the report from the Manager of Planning Services dated July 24, 2015, regarding a Development Agreement for 274 Dalhousie Street (agenda item # 10.1).

The Mayor put the Motion.

Motion Carried

10.1 Development Agreement for 274 Dalhousie Street

Councillor Lavigne moved, Councillor Meloche seconded:

That:

- 1. The report from the Manager of Planning Services dated July 24, 2015, regarding a Development Agreement for 274 Dalhousie Street BE RECEIVED;**
- 2. The site plan and development agreement for a residential and commercial development BE APPROVED; and,**
- 3. By-law 2015-71 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 same.**

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Councillor Meloche moved, Councillor Lavigne seconded:

That the consent correspondence BE RECEIVED.

- a) **3rd Annual Plentiful Harvest Ball – Unemployed Help Center**
- b) **Mini Soccer Festival – Letter from Amherstburg Soccer Club President**
- c) **July 15 News Release for Wastewater and Drainage Improvement Projects**
- d) **Resolution of Fairness in Provincial Infrastructure Funds**
- e) **Source Protection Municipal Implementation Fund – Leamington**
- f) **Vacancy Rebate Program – Haldimand County**

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Councillor Meloche moved, Councillor Lavigne seconded:

That the following minutes BE RECEIVED:

- a) **Amherstburg Police Services Board Meeting Minutes – June 16, 2015**
- b) **Committee of Adjustment Meeting Minutes – June 30, 2015**
- c) **Parks Advisory Committee Meeting Minutes – April 15, 2015**
- d) **Economic Development Advisory Committee Minutes – May 19, 2015**
- e) **Economic Development Advisory Committee Minutes – June 9, 2015**
- f) **Court of Revision Appeal Hearing Minutes – July 27, 2015**

The Mayor put the Motion.

Motion Carried

OTHER MINUTES

15.1 Traffic Committee Meeting Minutes – May 28, 2015

Councillor Lavigne moved, Deputy Mayor DiPasquale seconded:

That:

1. **The minutes of May 28th, 2015 BE RECEIVED;**
2. **Council approve the request to the placing of 2 'Deer Crossing' signs on either side of the road, on the approach to the bend and on the northwest corner of 408 McLeod Ave;**
3. **Council approve the request for Community Safety Zone signs to be placed on Fryer Street on either side of the approach to St, Jean Baptiste School, and further that the speed limit be reduced to 40 km per hour; and,**
4. **Council approve that the streets listed under Schedule M (School Zones) of the Traffic Bylaw be removed from this Schedule and made Community Safety Zones, and further that the speed limit be reduced to 40 km per hour in the School areas listed.**

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

16.1 Chimney Removal – 267/271 Dalhousie

Councillor Pouget moved, Councillor Meloche seconded:

That:

1. **The correspondence BE RECEIVED; and,**
2. **The request BE REFERRED to the Heritage Committee for advisement.**

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

1. Deputy Mayor DiPasquale requested an update regarding the noise complaint on Pickering Drive. The Director of Engineering and Public Works stated that she is awaiting an acoustics report that was done at the pollution control plant and will bring a report to Council shortly.

2. Councillor Pouget requested that the report from the Manager of Information Technology dated July 20, 2015, regarding County and Municipality Shared Information Technology (agenda item # 12b) be brought back to the next Regular Council Meeting so that the Manager of Information Technology can address Council questions.

3. Councillor Meloche asked when a report regarding the water rate comparison would be brought to Council. The Chief Administrative Officer stated that he anticipates a report will be brought to Council for consideration at the next Regular Council Meeting.

4. Councillor Pouget asked why events such as Woofa-Roo, Car Gone Crazy and the Rib Fest have not come to Council for approval as per past practice. The Clerk stated that an Events Committee, approved by the last term of Council, allowed staff in various departments to review proposed events for the Town. The Chief Administrative Officer stated that a report will be brought back to Council for clarification.

NEW BUSINESS

Councillor Lavigne moved, Deputy Mayor seconded:

That Council waive the rules of order to allow for a motion to be brought forward.

The Mayor put the Motion.

Motion Carried

Councillor Meloche moved, Councillor Pouget seconded:

That Council approve \$3000 to be contributed to Co-An Park for their share of a new playground and that the funding come from the Tax Stabilization Reserve Fund.

The Mayor put the Motion.

Motion Carried

IN- CAMERA REPORT OUT

COUNCIL IN CAMERA SESSION – REPORT OUT July 13, 2015 MEETING

Council met at 10:41 pm on July 13, 2015 for a Special In-Camera meeting and discussed (1) item as provided for under Section 239 of the Municipal Act:

ITEM A – Personnel Matter heard under Section 239(2)(b) and (d) of the Act.
There is nothing further to report at this time.

NOTICES OF MOTION

Councillor Meloche moved, Councillor Courtney seconded:

That Administration be directed to bring forward a report to Council regarding municipal drainage cost versus general rate cost sharing on the possibility of creating a new property tax rate for rural versus urban ratepayers similar to Essex and Leamington.

The Mayor put the Motion.

Motion Failed

BY-LAWS

21.1 **By-law 2015-84 – Agreement with McTague Law Firm LLP**

Councillor Meloche moved, Councillor Lavigne seconded:

That By-law 2015-84 being a by-law to enter into a contract agreement with McTague Law Firm LLP to provide Legal Services 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

21.2 **By-law 2015-85 – Agreement with Mousseau Deluca McPherson Prince LLP**

Councillor Lavigne moved, Councillor Meloche seconded:

That By-law 2015-85 being a by-law to enter into a contract agreement with Mousseau DeLuca McPherson Prince LLP to provide Legal Services 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

21.3 By-law 2015-86 – Agreement with Shibley Righton LLP

Councillor Meloche moved, Councillor Courtney seconded:

That By-law 2015-86 being a by-law to enter into a contract agreement with Shibley Righton LLP to provide Legal Services 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

21.4 Confirmatory By-law

Councillor Lavigne moved, Councillor Meloche seconded:

That By-law 2015-94 being a by-law to confirm all resolutions of the Municipal Council Meeting held on August 10th, 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 Lavigne moved, Councillor Meloche seconded:

That Council move into an In-Camera Meeting of Council at 9:42 p.m., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:

ITEM A – Facca Update - Section 239 (2)(e) – Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.

ITEM B – Bill 8, Schedule 9 – Ombudsman Act Changes - Section 239 (3.1) – Education or training sessions for Council members.

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.

Councillor Meloche moved, Councillor Lavigne seconded:

That Council recess for a break at 9:43 p.m.

The Mayor put the Motion.

Motion Carried

Councillor Meloche moved, Deputy Mayor DiPasquale seconded:

That Council reconvene to In-Camera Session at 9:53 p.m.

The Mayor put the Motion.

Motion Carried

Deputy Mayor DiPasquale moved, Councillor Meloche seconded:

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

The Mayor put the Motion.

Motion Carried

Council now moves into an In-Camera Meeting.

RESUMPTION OF REGULAR COUNCIL MEETING

ADJOURNMENT

Councillor Lavigne moved, Councillor Meloche seconded:

That Council rise and adjourn at 10:50 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR – ALDO DICARLO



CLERK – PAULA PARKER