



## TOWN OF AMHERSTBURG

### COUNCIL MEETING

Monday, February 13, 2017

6:00 PM

Council Chambers, 271 Sandwich Street South, Amherstburg, ON

## 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, Municipal Clerk  
Tammy Fowkes, Deputy Clerk

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### CALL TO ORDER

The Mayor called the meeting to order at 5:03 p.m.

**SPECIAL IN-CAMERA COUNCIL MEETING**

Resolution # 20170213-562

**Moved By** Deputy Mayor DiPasquale  
**Seconded By** Councillor Meloche

**That Council move into an In-Camera Meeting of Council at 5:03 p.m., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:**

**ITEM A - Employment – Fire Department – 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.**

**ITEM B - Proposed Property Disposition – 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**

**DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**  
*(In-Camera Council Agenda items)*

There were no disclosures of pecuniary interest noted.

**ADJOURNMENT OF IN-CAMERA MEETING @ 5:46 P.M.**

**RESUMPTION OF REGULAR COUNCIL MEETING**

**Moved By** Councillor Fryer  
**Seconded By** Councillor Lavigne

**That Council resume Regular session at 6:09 p.m.**

The Mayor put the Motion.

Motion Carried

## **MOMENT OF SILENT REFLECTION**

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

Councillor Fryer declared a conflict of interest with respect to Accounts Payable item # 13.4. He stated that his daughter teaches with Rose City Gymnastics who runs a program at the Libro Centre.

## **MINUTES OF PREVIOUS MEETING**

Resolution # 20170213-563

**Moved By** Councillor Fryer  
**Seconded By** Councillor Courtney

**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:**

- 4.1 Special In-Camera Council Meeting Minutes - December 12, 2016**
- 4.2 Regular Council Meeting Minutes - December 12, 2016**

The Mayor put the Motion.

Motion Carried

Agenda item # 6.1 was brought forward.

## PRESENTATIONS

### 6.1 2016 Annual Report & 2017 Budget - Richard Wyma, General Manager/Secretary-Treasurer, Essex Region Conservation Authority (ERCA)

Resolution # 20170213-564

**Moved By** Councillor Fryer  
**Seconded By** Councillor Pouget

**That the presentation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

Agenda item # 13.5 was brought forward.

## INFORMATION REPORT

### 13.5 Council Question - Essex Region Conservation Foundation Donation (ERCF)

Resolution # 20170213-565

**Moved By** Councillor Fryer  
**Seconded By** Councillor Pouget

**That the report, Council Question - Essex Region Conservation Foundation Donation - Cypher Systems, BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

## DELEGATIONS

### 5.1 Lloyd Sayer - Library Strike *(Mr. Sayer removed himself as a delegate)*

**5.2 Brian Beattie, AMA Sportsman Association - Request to Waive Fees for Annual Father's Days Fishing Derby (Bob Meloche)**

Resolution # 20170213-566

**Moved By** Councillor Courtney  
**Seconded By** Councillor Pouget

**That the delegation BE RECEIVED and the event fees BE WAIVED.**

The Mayor put the Motion.

**Motion Carried**

**5.3 John F. McDonald - Request to Waive Fees and Exemption from Noise By-law for Park House Music off the Back Porch**

Resolution # 20170213-567

**Moved By** Councillor Pouget  
**Seconded By** Councillor Fryer

**That the delegation BE RECEIVED, the event fees BE WAIVED, and the exemption to the Noise By-law BE GRANTED.**

The Mayor put the Motion.

**Motion Carried**

**5.4 Ron Renaud, Waterbee Pools - Request for Minor Variance to the Sign By-law**

Resolution #20170213-568

**Moved By** Councillor Fryer  
**Seconded By** Councillor Meloche

**That the delegation BE RECEIVED and the minor sign variance as requested and presented by Mr. Renaud BE APPROVED.**

The Mayor put the Motion.

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

**Motion Carried**

**5.5 Tony and Danielle Smith, The Garage Gym - Parking Concerns on Richmond Street**

Resolution # 20170213-569

**Moved By** Councillor Fryer  
**Seconded By** Councillor Pouget

**That the delegation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

**5.6 Ena Monteleone, Love It Yoga - Parking Concerns on Richmond Street**

Resolution # 20170213-570

**Moved By** Councillor Fryer  
**Seconded By** Councillor Lavigne

**That the delegation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

**5.7 Anthony R. Leardi on behalf of 2386554 Ontario Inc. - Parking Concerns on Richmond Street**

Resolution # 20170213-571

**Moved By** Councillor Fryer  
**Seconded By** Councillor Meloche

**That the delegation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

**5.8 Gerry Theriault, 1659592 Ontario Ltd., O/A G&L Holdings – Parking Concerns on Richmond Street**

Resolution # 20170213-572

**Moved By** Councillor Fryer  
**Seconded By** Councillor Meloche

**That the delegation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

**Moved By** Councillor Lavigne  
**Seconded By** Councillor Meloche

**That Council recess for a break at 8:25 p.m.**

The Mayor put the Motion.

**Motion Carried**

**Moved By** Councillor Fryer  
**Seconded By** Councillor Pouget

**That Council resume Regular session at 8:42 p.m.**

The Mayor put the Motion.

**Motion Carried**

Agenda item # 16.1 was brought forward.

## **OTHER MINUTES**

### **16.1 Traffic Committee Meeting Minutes - November 17, 2017**

Councillor Lavigne moved the motion with an amendment to assign the first 2 parking spaces on the north side of Richmond Street east of Sandwich Street as 15 minute parking from 8am-6pm.

Resolution # 20170213-573

**Moved By** Councillor Lavigne  
**Seconded By** Councillor Meloche

**That:**

- 1. The Traffic Committee Minutes of November 17th, 2016, BE RECEIVED;**
- 2. The first 2 parking spaces, on the north side of Richmond Street east of Sandwich Street, BE DESIGNATED as 15 minute parking from 8am-6pm;**
- 3. White Crescent, Kentucky Avenue, and States Avenue, BE APPROVED to be signed as alternate monthly parking;**
- 4. The request from St Joseph's School for a speed reduction on County Road 8 adjacent to the school be sent to the County of Essex for their consideration;**
- 5. The request for a reduced speed limit in and around the area of 5900 Concession 5 North BE DENIED;**



6. **No Parking signs BE ERECTED on the north side of Whelan Avenue and on the north side of McLellan Avenue; and,**
7. **The request for a 3 way stop at Knobb Hill Drive and Texas Road BE DENIED.**

The Mayor put the Motion.

**Motion Carried**

## **PRESENTATIONS**

- 6.1 **2016 Annual Report & 2017 Budget - Richard Wyma, General Manager/Secretary-Treasurer, Essex Region Conservation Authority (ERCA)**  
*(As dealt with above)*

## **REPORTS – POLICE SERVICES**

There were no reports.

## **REPORTS – CORPORATE SERVICES**

- 8.1 **Tax Collection and Billing Policy**

Resolution # 20170213-574

**Moved By** Councillor Fryer

**Seconded By** Councillor Meloche

**That:**

- 1 **The report from the Supervisor of Revenue dated January 28, 2017, regarding a revised Tax Collection and Billing Policy BE RECEIVED; and,**
2. **The Tax Collection and Billing Policy BE TABLED.**

The Mayor put the Motion.

Motion Carried

**8.2 2017 Interim Tax Levy By-law**

Resolution # 20170213-575

**Moved By** Councillor Meloche

**Seconded By** Councillor Fryer

**That:**

1. The report from the Supervisor of Revenue dated January 28, 2017, regarding 2017 Interim Tax Levy By- law BE RECEIVED; and,
2. By-law 2017-10, being a by-law to provide for an interim tax rate, the payment of taxes and, the application of a penalty and interest of 1.25 percent per month on taxes in default 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

**8.3 Provincial Offences Act- Program Agreement**

Resolution # 20170213-576

**Moved By** Councillor Fryer

**Seconded By** Councillor Meloche

**That:**

1. The report from the Director of Corporate Services/Treasurer dated December 16, 2016, regarding Provincial Offences Act- Program Agreement BE RECEIVED;
2. The Windsor/Essex Area Intermunicipal Courts Service Agreement made the 20<sup>th</sup> day of November, 2000 between the Corporation of the City of Windsor together with the County of Essex, the Town of Amherstburg, the Town of Essex, the Town of Kingsville, the Town of Lakeshore, the Town of LaSalle, the Municipality of Leamington, the Township of Pelee, and the Town of Tecumseh, BE APPROVED for a further 5 years for the period January 1, 2017 through December 31, 2021;

3. **The Provincial Offences (POA) Tax Roll Agreement between the Corporation of the City of Windsor together with the County of Essex, the Town of Amherstburg, the Town of Essex, the Town of Kingsville, the Town of Lakeshore, the Town of LaSalle, the Municipality of Leamington, the Township of Pelee, and the Town of Tecumseh, BE APPROVED; and,**
4. **The Mayor and Clerk BE AUTHORIZED to sign both Agreements.**

The Mayor put the Motion.

**Motion Carried**

**8.4 AMA Arena Demolition Award of Contract**

Resolution # 20170213-577

**Moved By** Councillor Fryer  
**Seconded By** Councillor Meloche

**That:**

1. **The report from the Financial Planning Administrator dated February 8, 2017, regarding AMA Arena Demolition Award of Contract BE RECEIVED;**
2. **A contract with Jones Group Ltd. to complete the AMA Arena Demolition BE AUTHORIZED in the amount of \$138,390 (excluding H.S.T.); and,**
3. **By-law 2017-15 being a by-law to enter into a contract with Jones Group Ltd. to complete the AMA Arena Demolition 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.

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

**Motion Carried**

## **REPORTS – PARKS, FACILITIES, RECREATION AND CULTURE**

There were no reports.

## **REPORTS – ENGINEERING AND PUBLIC WORKS**

There were no reports.

## **REPORT – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES**

### **11.1 2017 Special Events Approval**

Resolution # 20170213-578

The Mayor advised Council that the J.Wimpy Volleyball Tournament was no longer being held on Town property and removed it from the Special Events approval.

**Moved By** Councillor Fryer

**Seconded By** Councillor Lavigne

**That:**

- 1. The report from the Public Events Committee (PEC) dated January 25, 2017, regarding 2017 Special Events Approval BE RECEIVED;**
- 2. That the events BE APPROVED as listed:**
  - **Music Off the Back Porch – 1<sup>st</sup> Friday of every month from April 7, 2017 through to October 6, 2017**
  - **Holistic Fair – Sunday May 7, 2017**
  - **Ribs and Ragtime – Saturday June 3, 2017**
  - **Bob Meloche Father's Day Kids Fishing Derby – Sunday June 18, 2017**
  - **Canada Day Festival – Saturday July 1, 2017**
  - **Woofa-Roo Pet Fest – August 12, 2017 & August 13, 2017**
  - **Culture Days – September 30, 2017 & October 1, 2017;**
- 3. An exemption from table number 3-1-2 of Noise By-law 2001-43 with respect to the operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers to allow for live music BE GRANTED for the events listed:**

- Music Off the Back Porch - 1<sup>st</sup> Friday of every month from April 7, 2017 through to October 6, 2017
  - Ribs and Ragtime - Saturday June 3, 2017
  - Culture Days – September 30, 2017 & October 1, 2017;
4. The following events BE EXEMPT and PERMITTED for road closures to begin prior to 5pm:
    - Ribs and Ragtime - Saturday June 3, 2017
    - Canada Day Festival – Saturday July 1, 2017;
  5. An exemption BE GRANTED to Section 3 of the Kings Navy Yard Park By-law #2004-89 to allow for public, private and non-profit function in the Kings Navy Yard Park;
  6. An exemption BE GRANTED to Section 4(b) of the Kings Navy Yard Park By-law #2004-89 to allow fishing outside of the designated fishing area for the event listed:
    - Annual Bob Meloche Kids Father’s Day Fishing Derby – June 18<sup>th</sup>, 2017;
  7. An exemption BE GRANTED to Section 6(f) of the Parks By-law 2002-72 to allow for the playing of any musical instrument or direct the playing of any musical instrument for the events listed;
    - Culture Days – September 30, 2017 & October 1, 2017; and,
  8. The Public Events Committee BE DIRECTED to confirm that the requirements identified by the Committee are met prior to the event.

The Mayor put the Motion.

**Motion Carried**

## REPORTS - CAO's OFFICE

### 12.1 Regulation 310/16 - Ranked Ballot Elections

Resolution # 20170213-579

**Moved By** Councillor Meloche  
**Seconded By** Councillor Lavigne

**That:**

1. The report from the **Municipal Clerk** dated February 3, 2016 regarding **Regulation 310/16 - Ranked Ballot Elections BE RECEIVED;**
2. The existing **First Past the Post (FPTP)** electoral model for the 2018 municipal election **BE APPROVED;**
3. The **Municipal Clerk BE DIRECTED** to monitor the use of ranked ballot elections throughout Ontario for the 2018 municipal election and report back to Council in 2019 outlining the experiences of other jurisdictions that used ranked balloting in their 2018 municipal election; and,
4. The **Municipal Clerk BE DIRECTED** to continue to explore opportunities, other than ranked balloting, which may be implemented to provide broader access and participation in the 2018 Municipal Election.

The Mayor put the Motion.

**Motion Carried**

## **INFORMATION REPORTS**

Resolution # 20170213-580

**Moved By** Councillor Meloche  
**Seconded By** Councillor Fryer

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

- 13.1 **Recreation Management Software**
- 13.2 **Annual Committee Report – Amherstburg Drainage Board**
- 13.3 **Amherstburg Accessibility Advisory Committee – 2016 Accomplishments**

The Mayor put the Motion.

**Motion Carried**

- 13.4 **January 19, 2017 – February 8, 2017 Accounts Payable**

**Moved By** Councillor Pouget

**Seconded By** Councillor Lavigne

**That the Accounts Payable listing BE APPROVED with the exception of the Bell Media invoices for the WE Harvest Fest.**

The Mayor declared a conflict of pecuniary interest with respect to the discussion regarding the WE Harvest Fest and removed himself from voting.

The Deputy Mayor assumed the Chair.

The Deputy Mayor put the Motion.

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

**Motion Lost**

Resolution # 20170213-581

**Moved By** Councillor Meloche  
**Seconded By** Councillor Lavigne

**That the January 19, 2017 - February 8, 2017 Accounts Payable listing BE APPROVED as presented.**

The Mayor put the Motion.

**Motion Carried**

**13.5 Council Question - Essex Region Conservation Foundation Donation (ERCF)**  
*(As dealt with above)*

## **CONSENT CORRESPONDENCE**

Resolution # 20170213-582

**Moved By** Councillor Fryer

**Seconded By** Councillor Courtney

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

- 14.1 Essex County Library Board Refund of Surplus Funds - Essex County Council Resolution**
- 14.2 Thank You for Supporting the Military Recognition Book - Royal Canadian Legion, Ontario Command**
- 14.3 Public Consultation on a Change to the Blue Box Program - Lisa Thompson, MPP, Huron-Bruce**
- 14.4 Pupil Accommodation Review Guideline - County of Prince Edward Resolution**
- 14.5 Internet Connectivity in Libraries Across Ontario - Township of Montague Resolution**
- 14.6 Support for Natural Gas Expansion in Ontario - Patrick Brown, MPP, Simcoe North**
- 14.7 Industrial Wind Turbines in Ontario - Article by Dave Hemingway, Reporter**

The Mayor put the Motion.

**Motion Carried**

## **CONSENT OTHER MINUTES**

Resolution # 20170213-583

**Moved By** Councillor Fryer

**Seconded By** Councillor Lavigne

**That the following minutes BE RECEIVED:**

- 15.1 Amherstburg Accessibility Advisory Committee - December 1, 2016**
- 15.2 Heritage Committee Meeting Minutes - April 21, 2016**
- 15.3 Heritage Committee Meeting Minutes - June 16, 2016**
- 15.4 Heritage Committee Meeting Minutes - September 15, 2016**

The Mayor put the Motion.

**Motion Carried**



## **OTHER MINUTES**

**16.1 Traffic Committee Meeting Minutes - November 17, 2017**  
*(As dealt with above)*

**16.2 Drainage Board Meeting Minutes - February 8, 2017**

Resolution # 0170213-584

**Moved By** Councillor Fryer  
**Seconded By** Councillor Lavigne

**That:**

- 1. The Drainage Board Meeting Minutes of February 8, 2017, BE RECEIVED; and,**
- 2. By-law 2017-13 being a by-law to provide for the New Residential Access Culvert over the South 7th Concession Drain for Jon Marwood Parks based on the Drainage Report by RC Spencer Associates Inc., be provisionally adopted by giving first and second reading and the Mayor and Clerk BE AUTHORIZED to sign same.**

The Mayor put the Motion.

**Motion Carried**

## **UNFINISHED BUSINESS**

There was no Unfinished Business.

## **NEW BUSINESS**

- 1. Resolution # 20170213-585**

**Moved By** Councillor Pouget  
**Seconded By** Councillor Lavigne

**That Administration BE DIRECTED to send a letter to Essex County Council requesting its share of funds sent back to Amherstburg as a result of the Library strike.**

The Mayor put the Motion.

**Motion Carried**

2. Councillor Fryer advised Council of the various ERCA Events such as the Hawk Run, the Santa Run, and the new South Coast Adventure Race (SCAR).

**REPORT OUT FROM IN CAMERA SESSION**

**January 9<sup>th</sup>, 2017 Meeting**

Council met on January 9<sup>th</sup>, 2017, for a Special In-Camera meeting at 9:14 pm and discussed (2) items as provided for under Section 239 of the Municipal Act:

**ITEM A – Employment Contract – Fire Department** heard under Section 239(2)(c)&(d) of the Act. There is nothing further to report on this matter.

**ITEM B – Property Acquisition Update** – heard under Section 239(2)(c) of the Act. There is nothing further to report on this matter.

**January 10<sup>th</sup>, 2017 Meeting**

Council met on January 10<sup>th</sup>, 2017, for a Special In-Camera meeting at 5:34 pm and discussed (1) item as provided for under Section 239 of the Municipal Act:

**ITEM A – Personnel Matters** heard under Section 239(2)(b)&(d) of the Act. There is nothing further to report on this matter.

**February 13<sup>th</sup>, 2017 Meeting**

Council met on February 13<sup>th</sup>, 2017, for a Special In-Camera meeting at 5:03 pm and discussed (2) items as provided for under Section 239 of the Municipal Act:

**ITEM A - Employment – Fire Department** heard under Sections 239(2)(b)&(d) of the Act. There is nothing further to report on this matter.

**ITEM B - Proposed Property Disposition** heard under Section 239(2)(c) of the Act. As a result of this discussion the following motion is before Council for consideration:

Resolution # 20170213-586

**Moved by** Councillor Lavigne  
**Seconded by** Councillor Fryer

**That the Licence of Occupation agreement as identified in the confidential in-camera report dated January 27, 2017 and discussed in closed session on February 13, 2017 BE APPROVED and the Mayor and Clerk BE AUTHORIZED to execute the agreement.**

The Mayor put the Motion.

**Motion Carried**

## **NOTICE OF MOTION**

There were no Notices of Motion.

## **BY-LAWS**

### **21.1 2017-14 - Confirmatory By-law**

Resolution # 20170213-587

**Moved By** Councillor Fryer  
**Seconded By** Councillor Courtney

**That:**

**That By-law 2017-14 being a by-law to confirm all resolutions of the Municipal Council Meeting held February 13th, 2017, 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

**ADJOURNMENT**

**Moved By** Councillor Meloche  
**Seconded By** Deputy Mayor DiPasquale

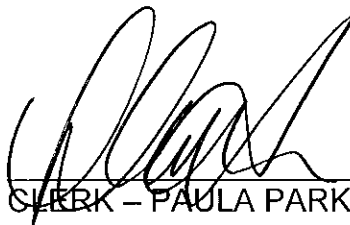
**That Council rise and adjourn at 9:56 p.m.**

The Mayor put the Motion.

Motion Carried



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MAYOR – ALDO DICARLO



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CLERK – PAULA PARKER