



## TOWN OF AMHERSTBURG

### COUNCIL MEETING

**Monday, June 12, 2017**

**6:00 PM**

## MINUTES

Council Chambers, 271 Sandwich Street South, Amherstburg, ON

### 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

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### CALL TO ORDER

The Mayor called the meeting to order at 5:04 p.m.

**SPECIAL IN-CAMERA COUNCIL MEETING**

Resolution # 20170612-738

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

**That Council move into an In-Camera Meeting of Council at 5:04 p.m., pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reason:**

**ITEM A – Update on Current By-law Enforcement Matter - Section 239(2)(f) – Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.**

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.

**RECESS FROM IN-CAMERA COUNCIL MEETING @ 6:03pm**

**RESUMPTION OF REGULAR COUNCIL MEETING**

**Moved by** Councillor Fryer  
**Seconded by** Councillor Meloche

**That Council resume Regular session at 6:14 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 Meloche declared a pecuniary interest with respect to Item 9.2. His brother Ron Meloche, Assistant Deputy Fire Chief, laid the Order upon Mr. and Mrs. Cipkar regarding their open burn.

**MINUTES OF PREVIOUS MEETING**

Resolution # 20170612-739

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

**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:**

- 8.1 **Special In-Camera Meeting Minutes - April 24, 2017**
- 8.2 **Special Council Meeting Minutes - Planning - April 24, 2017**
- 8.3 **Regular Council Meeting Minutes - April 24, 2017**

The Mayor put the Motion.

**Motion Carried**

**DELEGATIONS**

- 9.1 **Request for Sign By-law Exemption & Encroachment Agreement - John Collison, Woodland Home Renovations & Additions**

Resolution # 20170612-740

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

**That:**

- 1. **The delegation BE RECEIVED;**
- 2. **An exemption to Section 9.3(1) to allow a sign of 35sq feet BE APPROVED;**

3. **An exemption to Section 9.3(2) to allow for a ground sign to encroach Town property and not be at least 2 meters away from the lot line BE APPROVED; and,**
4. **Administration BE AUTHORIZED to enter into an encroachment agreement.**

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**

**9.2 Request to Waive Invoice Fee for Open Burn - Rose Cipkar**

Councillor Meloche removed himself from discussion and voting on the matter.

Resolution # 20170612-741

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

**That the delegation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

**9.3 Ontario's Nuclear Emergency Response Plan - Theresa McClenaghan, Canadian Environmental Law Association (CELA)**

Resolution # 20170612-742

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

**That:**

1. **The Government of Ontario ensure communities living in proximity to the Fermi and the Davis-Besse nuclear stations be accorded the same**

- level of funding, support and public safety as communities living near the Ontario-based Bruce, Darlington and Pickering nuclear stations;
2. The Government of Ontario include requirements in its updated Provincial Nuclear Emergency Response Plan (PNERP) for the funding, public education and pre-distribution and availability of potassium iodide (KI) pills for communities living in proximity to the Fermi and Davis-Besse nuclear stations equivalent to requirements for Ontario-based nuclear stations;
  3. The determination of KI pre-distribution and availability to communities living in proximity to the Fermi and Davis-Besse nuclear stations be informed by publicly available severe accident modeling and international best-practices;
  4. The Government of Ontario require provincial authorities to regularly identify vulnerable communities within the provincial Secondary Zone and prepare emergency measures, adapted to their needs;
  5. The Government of Ontario adopt a policy of requiring provincial authorities to inform residents, businesses and institutions in the secondary zone of the availability of potassium iodide pills at no cost to those residents, businesses and institutions, and the desirability of including those pills in personal or institutional emergency kits;
  6. The Government of Ontario include new requirements within the PNERP for transparency and regular public review, especially with affected communities;
  7. The Government of Ontario ensure adequate measures are in place to protect drinking water in the event that an accident at a Canadian or American-based reactor contaminates the Great Lakes, as well as contingency plans for incidents that may occur;
  8. The Government Ontario adopt a policy of striving to meet international best practices in nuclear emergency response and planning measures wherever feasible;
  9. Administration BE DIRECTED to share the 2016 amendment concerns discussed in the September 12<sup>th</sup>, 2016 report to Council regarding the inequities identified in the PNERP with respect to the Town of Amherstburg through the PNERP public consultation process;
  10. That the corresponding Fermi 2 Implementing Plan also be amended to incorporate the requested funding and support by the Town of

**Amherstburg to ensure a more robust nuclear emergency response for its community; and,**

**11. That a copy of this resolution will be sent to:**

- **The municipalities of Essex, Amherstburg, Lakeshore, LaSalle, Leamington, Kingsville, Tecumseh, Pelee, Windsor, Chatham-Kent;**
- **WEC Health Unit**
- **County of Essex**
- **City of Toronto**
- **City of Toronto Office of Emergency Management**
- **Hon. Kathleen Wynne, Premier of Ontario**
- **Minister of Community Safety and Correctional Services**
- **Minister of Health and Long-Term Care**
- **Members of Provincial Parliament**
  - **Lisa Gretzky**
  - **Percy Hatfield**
  - **Taras Natyshak**
  - **Rick Nicholls**

The Mayor put the Motion.

**Motion Carried**

**9.4 Ontario's Nuclear Emergency Response Plan - Shawn-Patrick Stensil, Greenpeace Canada**

Resolution # 20170612-743

**Moved By** Councillor Fryer

**Seconded By** Councillor Pouget

**That the delegations BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

## **PRESENTATIONS**

**10.1 2016 Year in Review & Tourism Month Activities - Gordon Orr, CEO, and Lynnette Bain, Vice President, Tourism Programs & Development, Tourism Windsor Essex Pelee Island**

Resolution # 20170612-744

**Moved By** Councillor Meloche  
**Seconded By** Councillor Courtney

**That the presentation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

**10.2 Healthy Kids Community Challenge - Rick Daly, Manager of Recreation Services, and Joe Parent, City of Windsor**

Resolution # 20170612-745

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

**That the presentation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

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

**That Council recess at 8:00 p.m. for 10 minutes.**

The Mayor put the Motion.

**Motion Carried**

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

**That Council resume at 8:11 p.m.**

The Mayor put the Motion.

**Motion Carried**

**10.3 2016 Consolidated Financial Statements - Cynthia Swift, KPMG**

Resolution # 20170612-746

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

**That the presentation BE RECEIVED.**

The Mayor put the Motion.

**Motion Carried**

## **REPORTS – POLICE SERVICES**

There were no reports.

## **REPORTS – CORPORATE SERVICES**

### **12.1 Changes to Current Vacancy Rebate Program**

Resolution # 20170612-747

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

**That:**

- 1. The report from the Supervisor of Revenue, dated May 26, 2017, regarding Changes to the Current Vacancy Rebate Program BE RECEIVED; and,**
- 2. The elimination of the vacancy rebate program BE SUPPORTED and administration BE DIRECTED to proceed to a County wide open house with a goal to eliminate the Vacancy Rebate Program beginning in 2018.**

The Mayor put the Motion.

**Motion Carried**

### **12.2 Audited Consolidated Financial Statements for the year ended December 31, 2016**

Resolution # 20170612-748

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



**That:**

- 1. The report from the Supervisor of Accounting dated May 23, 2017, regarding Audited Consolidated Financial Statements for the year ended December 31, 2016, BE RECEIVED;**
- 2. The Audited Consolidated Financial Statements for the year ended December 31, 2016 BE APPROVED;**
- 3. The Audit Findings Report of KPMG for the year ended December 31, 2016 BE RECEIVED;**
- 4. The Audit Findings Report of KPMG for the year ended December 31, 2016 BE ACCEPTED;**
- 5. Administration BE DIRECTED to submit the 2016 Consolidated Financial Statements and 2016 Financial Information Return to the Ministry of Municipal Affairs in accordance with Section 294(1) of the Municipal Act; and,**
- 6. Administration BE DIRECTED to post the 2016 Consolidated Financial Statements and 2016 Financial Information Return on the Town's Website.**

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.

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

##### **15.1 2017 Special Event - Canada D'Eh Run Road Closure Extension**

Resolution # 20170612-749

**Moved By** Councillor Fryer

**Seconded By** Councillor Lavigne

**That:**

- 1. The report from the Public Events Committee (PEC) dated May 18, 2017, regarding 2017 Special Event – Canada D’Eh 5K Run Road Closure Extension BE RECEIVED; and,**
- 2. The Canada D’Eh 5K Run request for a road closure on Laird Avenue for June 30 2017, prior to 5:00pm BE APPROVED.**

The Mayor put the Motion.

**Motion Carried**

### **15.2 Temporary Extension Application for Wolfhead Distillery Inc.**

Resolution # 20170612-750

**Moved By** Councillor Meloche  
**Seconded By** Councillor Pouget

**That:**

- 1. The report by the Manager of Licensing and Enforcement dated June 1, 2017, regarding a Temporary Extension Application for Liquor Sales Licence at the Wolfhead Distillery Inc., 7781 Howard Avenue, Amherstburg BE RECEIVED; and,**
- 2. Administration BE DIRECTED to advise the Alcohol Gaming Commission of Ontario (AGCO) that Council has no objection to the proposed temporary extension of the licensed area.**

The Mayor put the Motion.

**Motion Carried**

### **15.3 Development Agreement for 8728 Howard Ave**

Resolution # 20170612-751

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

**That:**

- 1. The report from the Manager of Planning Services dated May 25, 2017, regarding the Development Agreement for 8728 Howard Ave BE RECEIVED;**

2. The site plan and development agreement for 8728 Howard Ave BE APPROVED; and,
3. By-law 2017-50 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 the same.

The Mayor put the Motion.

**Motion Carried**

**15.4 Development Agreement for 433 Sandwich St S – Lumed Management Inc.**

Resolution # 20170612-752

**Moved By** Councillor Meloche

**Seconded By** Deputy Mayor DiPasquale

**That:**

1. The report from the Manager of Planning Services dated April 19, 2017, regarding the Development Agreement for 433 Sandwich St South RECEIVED; and,
2. By-law 2017-43 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 the same.

The Mayor put the Motion.

**Motion Carried**

**15.5 Zoning By-law Amendment for Breweries in Agricultural Areas**

Resolution # 20170612-753

**Moved By** Councillor Courtney

**Seconded By** Councillor Meloche

**That:**

1. The report from the Manager of Planning Services dated May 24, 2017, regarding the Proposed Zoning By-law Amendment for Breweries in Agricultural Areas BE RECEIVED; and,

2. **By-law 2017-07 being a by-law to amend Zoning By-law No. 1999-52, 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**

#### **15.6 Zoning By-law Amendment - 248 Crystal Bay Drive**

Resolution # 20170612-754

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

**Motion to defer until Council is provided with a full report regarding the intent of the recreational lots and request a report from MNR regarding their advice and direction pertaining to this request.**

The Mayor put the Motion.

**Motion Failed**

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

**Councillor Fryer moved to call the question.**

The Mayor put the Motion.

**Motion Carried**

Resolution # 20170612-755

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

**That:**

1. **The report from the Manager of Planning Services dated May 24, 2017, regarding a Proposed Zoning By-law Amendment at 248 Crystal Bay Drive BE RECEIVED; and,**
2. **By-law 2017-44 being a by-law to amend Zoning By-law No. 1999-52 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 - CAO's OFFICE**

**16.1 Parks Canada Agreement – 2017 Canada Day**

Resolution # 20170612-756

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

**That:**

- 1. The report from the Municipal Clerk dated June 1, 2017, regarding the Parks Canada Agreement – 2017 Canada Day BE RECEIVED;**
- 2. The Mayor and Clerk BE AUTHORIZED to sign the Licence of Occupation Agreement for the 2017 Canada Day event; and;**
- 3. By-law 2017-55 being a by-law to enter into an agreement between Fort Malden National Historic Site and the Corporation of the Town of Amherstburg be read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.**

The Mayor put the Motion.

**Motion Carried**

**16.2 Regular Council Meeting Date Change – August 2017**

Resolution # 20170612-757

**Moved By** Councillor Courtney  
**Seconded By** Councillor Meloche

**That:**

- 1. The report from the Deputy Clerk dated May 29, 2017, regarding Regular Council Meeting Date Change – August 2017, BE RECEIVED; and,**
- 2. The August Regular Council Meeting date BE AMENDED from August 14, 2017 to August 21, 2017.**

The Mayor put the Motion.

**Motion Carried**

### **INFORMATION REPORTS**

Resolution # 20170612-758

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

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

- 17.1 2016 Year- End Key Ratios and Indicators**
- 17.2 May 31, 2017 Reserve and Restricted Cash Update**
- 17.3 May 17, 2017 – June 6, 2017 Accounts Payable**

The Mayor put the Motion.

**Motion Carried**

### **CONSENT CORRESPONDENCE**

Resolution # 20170612-759

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

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

- 18.1 Thank you Letter to Council - Amherstburg Accessibility Advisory Committee**
- 18.2 Request to Waive Taxes on Purchase of Canada Flag - City of St. Catherine's Resolution**
- 18.3 Highway of Heros Canada 150 Tree Planting Initiative - Town of Shelburne Resolution**
- 18.4 Removal of Tax-Exempt Portion of Remuneration Paid to Local Officials from the 2017 Federal Deficit Budget - Municipality of East Ferris Resolution**

The Mayor put the Motion.

**Motion Carried**

Resolution # 20170612-760

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

**That Administration BE DIRECTED to plant a tree in honour of the Highway for Heroes.**

The Mayor put the Motion.

**Motion Carried**

Resolution # 20170612-761

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

**That Administration BE DIRECTED to send formal correspondence to the local MP in support of the Removal of Tax-Exempt Portion of Remuneration Paid to Local Officials from the 2017 Federal Deficit Budget.**

The Mayor put the Motion.

**Motion Carried**

## **CONSENT OTHER MINUTES**

Resolution # 20170612-762

**Moved By** Councillor Meloche  
**Seconded By** Councillor Courtney

**That the following minutes BE RECEIVED:**

- 19.1 Committee of Adjustment Meeting Minutes - March 28, 2017**
- 19.2 Joint Police Advisory Committee Meeting Minutes - April 27, 2017**
- 19.3 Amherstburg Accessibility Advisory Committee Minutes - May 17, 2017**

The Mayor put the Motion.

**Motion Carried**

## **OTHER MINUTES**

- 20.1 Drainage Board Meeting Minutes - June 6, 2017**

Resolution # 20170612-763

**Moved By** Councillor Fryer

**Seconded By** Councillor Courtney

**That:**

1. **The Drainage Board Meeting Minutes of June 6, 2017, BE RECEIVED;**
2. **By-law 2017-03 being a by-law to provide for the New Maintenance Schedule for the White Drain Outlet based on the Drainage Report by Baird AE be provisionally adopted by giving first and second reading and the Mayor and Clerks BE AUTHORIZED to sign same; and,**
3. **By-law 2017-04 being a by-law to provide for the New Maintenance Schedule for the Morgan Drain - Main and South Branch Outlet based on the Drainage Report by Baird AE be provisionally adopted by giving first and second reading and the Mayor and Clerks BE AUTHORIZED to sign same.**

The Mayor put the Motion.

**Motion Carried**

### **UNFINISHED BUSINESS**

1. Councillor Fryer inquired about the timing of the LED light program. The Director of Engineering and Public Works indicated that the program was set to tender in another month or so.
2. Councillor Pouget inquired about the timing of the heritage designation for the Kings Navy Yard Park. The Director of Planning, Development and Legislative Services indicated that there were a number of issues road blocks that administration are currently working through, once complete it will be before Council for consideration.

### **NEW BUSINESS**

Resolution # 20170612-764

**Moved By** Councillor Pouget

**Seconded By** Councillor Courtney



**That Administration BE DIRECTED to ensure that there is appropriate wording in place that all trees planted per the development and site plan agreements are at least 3 inch caliber in size.**

The Mayor put the Motion.

**Motion Carried**

## **REPORT OUT FROM IN CAMERA SESSION**

There was no report out for In-Camera at this meeting.

## **NOTICE OF MOTION**

There were no Notices of Motion.

## **BY-LAWS**

### **25.1 By-law 2017-57 - Confirmatory By-law**

Resolution # 20170612-765

**Moved By** Councillor Fryer

**Seconded By** Councillor Meloche

**That By-law 2017-57 being a by-law to confirm all resolutions of the Municipal Council Meeting held June 12, 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**

## **RESUME SPECIAL IN CAMERA COUNCIL MEETING**

Resolution # 20170612-766

**Moved By** Councillor Pouget

**Seconded By** Councillor Fryer

**That Council resume the In-Camera Meeting of Council at 8:59 p.m. pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reasons:**

**ITEM B - Performance Review - Section 239(2)(b) - Personal matters about an identifiable individual, including municipal or local board employees**

**ITEM C - Building Department Staffing Update - 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 put the Motion.

**Motion Carried**

**ADJOURNMENT OF IN-CAMERA MEETING @ 9:25 p.m.**

**RESUMPTION OF REGULAR COUNCIL MEETING**

**Moved By** Councillor Lavigne

**Seconded By** Councillor Meloche

**That Council resume public session at 9:29 p.m.**

The Mayor put the Motion.

**Motion Carried**

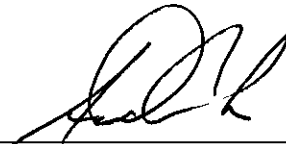
**ADJOURMENT**

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

**That Council rise and adjourn at 9:29 p.m.**

The Mayor put the Motion.

**Motion Carried**



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MAYOR – ALDO DICARLO



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MUNICIPAL CLERK – PAULA PARKER