



**TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING**

**Monday, January 13, 2020
6:00 PM**

Council Chambers, 271 Sandwich Street South, Amherstburg, ON, N9V 2A5

MINUTES

PRESENT

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

ABSENT

Mayor Aldo DiCarlo

CALL TO ORDER

The Deputy Mayor called the meeting to order at 6:00 p.m.

NATIONAL ANTHEM

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 SESSION - January 6, 2020

Council met on January 6th, 2020, for a Special In-Camera Meeting at 5:02 p.m. and discussed the following (2) items as provided for under Section 239 of the Municipal Act:

Item A - heard under Section 239(3.1) of the Act. There is nothing to report.

Item B - heard under Section 239(2)(b) of the Act. There is nothing to report.

MINUTES OF PREVIOUS MEETING

Resolution # 20200113-002

Moved By Councillor Simone

Seconded By Councillor McArthur

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:

- 5.1 Special In-Camera Meeting Minutes - September 18, 2019**
- 5.2 Special In-Camera Council Meeting Minutes - September 23, 2019**
- 5.3 Special Council Meeting Minutes - Planning - September 23, 2019**
- 5.4 Regular Council Meeting Minutes - September 23, 2019**
- 5.5 Special Council Meeting Minutes - September 30, 2019**

The Deputy Mayor put the Motion.

Motion Carried

Agenda Item # 7 was moved forward

PRESENTATIONS

7.1 Legion Noise Study Findings - Colin Novak, Akoustik Engineering Ltd.

Resolution # 20200113-003

Moved By Councillor Renaud
Seconded By Councillor McArthur

That the presentation BE RECEIVED.

The Deputy Mayor put the Motion.

Motion Carried

DELEGATIONS

6.1 Sunparlor R/C Flyers Inc. - Exemption to and Review of Noise By-law - Paul Sousa

6.2 Opposing SunParlour R/C Flyers Noise Exemption Request - Tom and Mary Bateman

Resolution # 20200113-004

Moved By Councillor Renaud
Seconded By Councillor Prue

That delegation # 6.1 and # 6.2 BE RECEIVED.

The Deputy Mayor put the Motion.

Motion Carried

Resolution # 20200113-005

Moved By Councillor Prue
Seconded By Councillor Simone

That Administration BE DIRECTED to bring back a report with an amendment to Section 3 of Noise By-law 2001-43.

The Deputy Mayor put the Motion.

Motion Carried

Agenda Item # 6.4 was moved forward

**6.4 Live Music on Legion Patio from May to October - Laurie Cavanaugh,
President, Royal Canadian Legion, Fort Malden Branch 157**

Resolution # 202001213-006

Moved By Councillor Courtney
Seconded By Councillor Simone

That the delegation BE RECEIVED.

The Deputy Mayor put the Motion.

Motion Carried

Resolution # 202001213-007

Moved By Councillor McArthur
Seconded By Councillor Prue

**That the decibel level BE SET at 70 from the source of where the music is
produced.**

The Deputy Mayor put the Motion.

Motion Carried

Resolution # 202001213-008

Moved By Councillor Prue
Seconded By Councillor McArthur

**That the motion to set the decibel level at 70 from the source of where the
music is produced BE RECONSIDERED.**

The Deputy Mayor put the Motion.

Motion Carried

Councillor McArthur amended the motion to allow commercial properties with patios to request seasonal exemptions to allow for outdoor music and to allow a reading of 70 decibels from the source of where music is produced.

Resolution # 202001213-009

Moved By Councillor McArthur
Seconded By Councillor Prue

That Administration BE DIRECTED to amend Noise By-law 2001-43 to allow commercial properties with patios to request seasonal exemptions to allow for outdoor music and to allow a reading of 70 decibels from the source of where music is produced.

The Deputy Mayor put the Motion.

Motion Carried

6.3 Construction of New Field House and Entrance Way to Miracle League - Chuck Bondy and Brian McGee, Miracle League of Amherstburg

Resolution # 20200113-010

Moved By Councillor Simone
Seconded By Councillor McArthur

That:

- 1. The delegation BE RECEIVED; and,**
- 2. The project requests and supporting requests for the construction of a new field house and entrance way to the Miracle League BE APPROVED.**

The Deputy Mayor put the Motion.

Motion Carried

6.4 Live Music on Legion Patio from May to October - Laurie Cavanaugh, President, Royal Canadian Legion, Fort Malden Branch 157

As dealt with above

PRESENTATIONS

7.1 Legion Noise Study Findings - Colin Novak, Akoustik Engineering Ltd.

As dealt with above

Moved By Councillor Simone
Seconded By Councillor Prue

That Council RECESS for a break at 8:14 p.m.

The Deputy Mayor put the Motion.

Motion Carried

Moved By Councillor Renaud
Seconded By Councillor Courtney

That Council RESUME Regular session at 8:23 p.m.

The Deputy Mayor put the Motion.

Motion Carried

REPORTS – CORPORATE SERVICES

There were no reports.

REPORTS – PARKS, FACILITIES, RECREATION AND CULTURE

9.1 TRUE Festival

Resolution # 20200113-011

Moved By Councillor Simone
Seconded By Councillor McArthur

That:

- 1. The proposed TRUE Festival Program on February 15, 2020, BE APPROVED;**
- 2. The TRUE Festival BE EXEMPT AND PERMITTED for road closures to begin prior to 5pm;**
- 3. An exemption BE GRANTED to Section 3 of the Kings Navy Yard Park By-law #2004-89 to allow for the following public events in the Kings Navy Yard Park;**

4. 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 music BE GRANTED for the TRUE festival; and,
5. The TRUE Festival BE DEEMED as a municipally significant event for the purpose of applying for a Special Occasion Permit from the Alcohol and Gaming Commission of Ontario (AGCO).

The Deputy Mayor put the Motion.

Motion Carried

9.2 Joint Use Agreement with GECDSB for Use of Recreational Facilities

Resolution # 20200113-012

Moved By Councillor Simone
Seconded By Councillor Prue

That:

1. The Joint Use Agreement between the Town of Amherstburg and the GECDSB BE APPROVED;
2. The Mayor and Clerk BE AUTHORIZED to execute the Joint Use Agreement with the GECDSB for the remainder of the 2019/2020 school year satisfactory in technical content to the Director of Parks, Facilities, Recreation and Culture, in financial content to the Director of Corporate Services and in legal content to the Director of Planning, Development and Legislative Services; and
3. Administration BE DIRECTED to report back, following the end of the 2019/2020 school year, on outcomes from the Agreement and recommendations on continuation of and or amendments to the Agreement.

The Deputy Mayor put the Motion.

Motion Carried

REPORTS – ENGINEERING AND PUBLIC WORKS

There were no reports.

REPORTS – PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

11.1 Removal of Part Lot Control, Big Creek Subdivision 12M-505

Resolution # 20200113-013

Moved By Councillor Prue
Seconded By Councillor Simone

That By-law 2020-002 being a by-law to remove certain lands described for Part Lot Control exemption be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Deputy Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

There were no reports.

INFORMATION REPORTS

Resolution # 20200113-014

Moved By Councillor McArthur
Seconded By Councillor Renaud

That the following information reports BE RECEIVED:

13.1 Cheque Listing for the Month of December 2019

The Deputy Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution # 20200113-015

Moved By Councillor Renaud
Seconded By Councillor Prue

That the following consent correspondence BE RECEIVED:

- 14.1 Windsor Police Services - Amherstburg Detachment Policing Activities 2019
- 14.2 Essex County Letter to the Minister - Climate Change Emergency Declaration
- 14.3 Royal Canadian Legion - Military Service Recognition Book
- 14.4 City of Pickering - Addressing Growing Municipal Liability and Insurance Costs
- 14.5 Human Rights Day with Call for Student Art, Poetry and Media
- 14.6 Minister Todd Smith - Ontario's Poverty Reduction Strategy

The Deputy Mayor put the Motion.

Motion Carried

Resolution # 20200113-016

Moved By Councillor Prue
Seconded By Councillor Simone

(Item # 14.4) - That the **AMO submission to the Attorney General of Ontario regarding Addressing Growing Municipal Liability and Insurance Costs BE SUPPORTED.**

The Deputy Mayor put the Motion.

Motion Carried

Resolution # 20200113-017

Moved By Councillor Courtney
Seconded By Councillor Prue

(Item # 14.3) - That a **1/2 page, black & white advertisement in the amount of \$730.00 BE PLACED in the Royal Canadian Legion - Military Service Recognition Book.**

The Deputy Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Resolution # 2020113-018

Moved By Councillor Prue
Seconded By Councillor McArthur

That the following minutes BE RECEIVED:

- 15.1 Audit and Finance Advisory Committee Minutes - November 6, 2019**
- 15.2 Audit and Finance Advisory Committee Minutes - November 15, 2019**

The Deputy Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

- 1. Resolution # 2020113-019

Moved By Councillor Courtney
Seconded By Councillor Prue

That Unfinished Business Items requiring further action of Council remain on the Unfinished Business List until completed.

The Deputy Mayor put the Motion.

Motion Carried

Councillor Simone asked if it was possible at the next meeting to discuss the necessity of the Unfinished Business items on the current list.

The Clerk and Deputy Mayor advised that the discussion can be brought to the next meeting.

- 2. Deputy Mayor Meloche asked for an update with respect the Bell Fibre implementation.

The Chief Administration Officer advised Council that the Drainage Superintendent/Engineering Coordinator would reach out to Bell for an update to be provided to Council

NEW BUSINESS

1. Councillor Prue asked when the speed monitor will be in place on Brock Street.

The Manager of Engineering advised that he will investigate and provide an answer to Council.

2. Councillor Prue advised of a resident who claimed his neighbour called Amherstburg Fire on him and reported a structure fire in his yard and as a result he was charged \$1500 in fees for having the fire.

The Fire Chief advised that the call came into dispatch from a motorist passing by. He further advised that the resident was billed the maximum amount in accordance with the response to structure fires in the User Fee By-law and he was further advised that he has the option to bring forward an appeal to Council.

3. Councillor Simone asked if additional bike racks can be placed in the downtown and surrounding areas.

The Director of Parks, Facilities, Recreation and Culture advised that he will develop a bike rack inventory and determine the locations where bike racks are currently placed. Once completed, suitable locations can be determined for the placement of additional bike racks.

4. Councillor Simone advised that since the River Town Times has stopped delivering door-to-door, she has received inquiries from residents regarding the Council Meeting schedule they used to receive on the calendar in the paper. Councillor Simone asked if the Council Meeting schedule can be placed on the Regular Council Meeting Agenda as a way to inform residents of the meeting schedule.

The Deputy Clerk advised that residents can subscribe to receive agendas as they are released on the website and it will also provide them with the link in which to locate the meeting schedule. The Deputy Clerk further advised that resident inquiries regarding the meeting schedule can also be forwarded to her and she can assist them with the subscribe feature so that they are set up to receive the agenda and meeting schedule.

5. Councillor McArthur advised that a resident reached out to him regarding the streetlights on Whelan Avenue. The resident advised that the streetlights are staggered in the older section of Whelan Avenue but then placed on one side in the newer section of Whelan Avenue and they believe it ruins the aesthetic of the neighbourhood they bought into. Councillor McArthur asked what the

plans are for future development to the 2nd Concession with respect to street lighting.

The Manager of Engineering advised that there are no requirements in the existing development manual that requires street lighting placement on one side or another and it is ultimately up to the developer. He further advised that he will bring the concern to the developer so that he is aware for future development along that stretch.

6. Resolution # 2020013-020

Moved By Councillor McArthur
Seconded By Councillor Courtney

The Administration BE DIRECTED to contact the Essex County Nurse Practitioner Led Clinic (ECNPLC) to understand their request for Municipal representation on their Community Advisory Committee.

The Deputy Mayor put the Motion.

Motion Carried

NOTICE OF MOTION

There were no Notices of Motion.

BY-LAWS

19.1 By-law 2020-008 - Confirmatory By-law

Resolution # 20200113-021

Moved By Councillor Renaud
Seconded By Councillor Prue

That By-law 2020-008 being a by-law to Confirm all Resolutions of the Municipal Council Meetings held January 6th and 13th, 2020, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Deputy Mayor put the Motion.

Motion Carried

SPECIAL IN-CAMERA COUNCIL MEETING

Resolution # 20200113-022

Moved By Councillor Simone
Seconded By Councillor Prue

That Council move into an In-Camera Meeting of Council at 9:11 p.m. pursuant to Section 239 of the Municipal Act, 2001, as amended, for the following reason:

Item A - Section 239(2)(d) - Labour relations or employee negotiations.

The Deputy Mayor put the Motion.

Motion Carried

DISCLOSURE OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF

(In-Camera Council Meeting Agenda Items)

ADJOURNMENT OF SPECIAL IN-CAMERA COUNCIL MEETING @ 9:27 P.M.

Council rose and adjourned in Special In-Camera session.


DEPUTY MAYOR – LEO MELOCHE


CLERK – PAULA PARKER