



TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING
Monday, September 12, 2022
6:00 PM

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

MINUTES

PRESENT

Mayor Aldo DiCarlo
Deputy Mayor Leo Meloche
Councillor Peter Courtney
Councillor Donald McArthur
Councillor Michael Prue
Councillor Marc Renaud
Councillor Patricia Simone

Valerie Critchley, Chief Administrative Officer/Clerk
Tammy Fowkes, Deputy Clerk

CALL TO ORDER

The Mayor called the meeting to order at 6:05 p.m.

ROLL CALL

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

There were no disclosures of pecuniary interest noted.

Item # 18.1 - Mayor DiCarlo, Councillor Prue, and Councillor Courtney advised that they are members of the Royal Canadian Legion Branch 157; however, they do not have any pecuniary interest with respect to the Proclamation request.

LAND ACKNOWLEDGEMENT

We will begin by acknowledging that the land on which we gather is the traditional territory of the Three Fires Confederacy of First Nations (comprising the Ojibway, the Odawa, and the Potawatomie Peoples), and of the Huron-Wendat and Wyandot Peoples. We recognize the land as an expression of gratitude to those whose traditional territory we reside on, and a way of honouring the Indigenous people who have been living and thriving on the land since time immemorial. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island.

MOMENT OF SILENCE

5.1 Moment of Silence for Her Majesty, Queen Elizabeth II

NATIONAL ANTHEM

The Mayor invited Jason Bellaire, Acting Police Chief, Windsor Police Service (WPS), to speak.

Acting Police Chief Bellaire advised that Staff Sergeant Lisa Cheney, WPS, Amherstburg Detachment, is retiring at the end of September; and further, that Brian Caffarena will become Staff Sergeant for the Amherstburg Detachment.

The Mayor congratulated Staff Sergeant Cheney on her retirement and welcomed Brian Caffarena in his new role.

MINUTES OF PREVIOUS MEETING

Resolution # 20220912-01

Moved By Deputy Mayor Meloche

Seconded By Councillor Prue

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:

7.1 Special In-Camera Meeting Minutes of August 8, 2022

7.2 Regular Council Meeting Minutes of August 8, 2022

The Mayor put the Motion.

Motion Carried

RECOGNITIONS

Resolution # 20220912-02

Moved By Councillor Simone

Seconded By Councillor Courtney

That the following recognitions BE RECEIVED.

8.1 Heritage Plaque Presentation for 246 King Street, Mount Beulah Church of God in Christ - Maynard and Marva Hurst

8.2 Heritage Plaque Presentation for 277 King Street, Amherstburg Freedom Museum - Cari-Lynn Ristic

8.3 Heritage Plaque Presentation for 266 King Street, Lighthouse Chapel Evangelical Baptist Church - Pastor Adrian Ninaber

The Mayor put the Motion.

Motion Carried

DELEGATIONS

9.1 Short Term Rentals on Boblo Island - Sue Jeffrey

Resolution # 20220912-03

Moved By Councillor McArthur
Seconded By Councillor Simone

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

9.2 Airbnb Problems - Mary Anne Adam

Resolution # 20220912-04

Moved By Councillor Prue
Seconded By Deputy Mayor Meloche

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

Item # 15.1 and Item # 18.2 were moved forward.

REPORTS - CAO's OFFICE

15.1 Short Term Rentals

Resolution # 20220912-05

Moved By Councillor Prue
Seconded By Councillor Simone

That:

- 1. The report dated July 22, 2022 regarding Short Term Rentals BE RECEIVED for information; and,**

2. Direction BE PROVIDED to Administration to pursue Option A namely that:

- a. Administration BE DIRECTED to complete consultations with stakeholders and BRING BACK a licensing regime for Council consideration.**

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

Resolution # 20220912-06

Moved By Councillor Prue
Seconded By Councillor Simone

18.2 Petition re. AirBnB's in Edgewater

That the correspondence BE RECEIVED.

The Mayor put the Motion.

Motion Carried

PRESENTATIONS

10.1 51 and 57 Sandwich Street South ZBA-11-22 - Amy Farkas, Dillon Consulting

Item # 14.4 was brought forward.

Councillor McArthur advised that his former spouse lives in close proximity to the subject property; however, he has confirmed that he has no pecuniary interest.

Moved By Councillor Prue
Seconded By Deputy Mayor Meloche

That the Rules of Order BE WAIVED to allow Robert Guitard to address Council with respect to his concerns regarding the proposed development in relation to his property.

The Mayor put the Motion.

Motion Carried

Kurt Barr, Owner/Applicant of the proposed development, addressed Council and answered Council questions in relation to Mr. Guitard's concerns.

REPORTS – DEVELOPMENT SERVICES

14.4 Zoning By-law Amendment: 51-57 Sandwich Street South

Resolution # 20220912-07

Moved By Councillor McArthur

Seconded By Deputy Mayor Meloche

That:

- 1. The presentation by Dillon Consulting for 51 and 57 Sandwich Street South BE RECEIVED; and,**
- 2. By-law 2022-071 being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as 51-57 Sandwich Street South 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 – CORPORATE SERVICES

11.1 2023 Budget Directions

Resolution # 20220912-08

Moved By Councillor McArthur

Seconded By Councillor Courtney

That Council DEFER the proposed 2023 Budget Schedule to the new term of Council.

The Mayor put the Motion.

Motion Carried

REPORTS - PARKS, FACILITIES, RECREATION & CULTURE

12.1 Co-An Park Redevelopment

Resolution # 20220912-09

Moved By Councillor McArthur

Seconded By Deputy Mayor Meloche

That:

1. **Administration BE DIRECTED to proceed with Phase 1 public engagement and consultation in collaboration with the Town of Essex to identify re-development opportunities for Co-An Park;**
2. **An unbudgeted expenditure, not to exceed \$10,000 plus applicable HST, BE APPROVED for Phase 1 Public Engagement and Consultation to identify redevelopment opportunities for Co-An Park; and,**
3. **A transfer from the Parkland Reserve Fund BE AUTHORIZED for the Phase 1 Public Engagement and Consultation to identify redevelopment opportunities for Co-An Park.**

The Mayor put the Motion.

Motion Carried

REPORTS - ENGINEERING & INFRASTRUCTURE SERVICES

13.1 3rd Concession North Watermain Upgrade – Tender Results

Resolution # 202209012-10

Moved By Councillor Prue

Seconded By Deputy Mayor Meloche

That:

1. **The 3rd Concession North Watermain Upgrade Tender BE AWARDED to Rudak Excavating Inc. for an amount not to exceed \$138,900.00 plus H.S.T; and,**
2. **The Mayor and Clerk BE AUTHORIZED to execute an agreement with Rudak Excavating Inc for the 3rd Concession North Watermain Upgrade.**

The Mayor put the Motion.

Motion Carried

REPORTS - DEVELOPMENT SERVICES

14.1 Deferred Development Charges-Block 25 Livingstone Cres and Block 19 Kelly Road

Resolution # 20220912-11

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That the Mayor and Clerk BE AUTHORIZED to enter into Development Charges Agreement for Block 25 Livingstone and Block 19 Kelly Road Amherstburg, as per the Development Charges Act, Section 26.1 (2)(1).

The Mayor put the Motion.

Motion Carried

14.2 Deferred Development Charge-515 Dalhousie Street

Resolution # 20220912-12

Moved By Deputy Mayor Meloche
Seconded By Councillor Renaud

That the Mayor and Clerk BE AUTHORIZED to enter into Development Charges Agreement for 515 Dalhousie St, CON 1 PT LOT 4, Amherstburg, as per the Development Charges Act, Section 26.1 (2)(1).

The Mayor put the Motion.

Motion Carried

14.3 Zoning By-law Amendment: 131 & 135 Sandwich St S

Resolution # 20220912-13

Moved By Councillor Simone
Seconded By Councillor Renaud

That:

- 1. By-law 2022-069 being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as 131-135 Sandwich Street South be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same;**

2. **Administration BE DIRECTED to establish a Parking Reserve Fund restricted for use at all municipal parking lots to address current and or expanded services provided by them. This reserve fund will be funded by the in-lieu payments; and,**
3. **Payment in lieu of Parking in the amount of \$18,000 BE RECEIVED from the Applicant and BE DEPOSITED into the Parking Reserve Fund.**

The Mayor put the Motion.

Motion Carried

14.4 Zoning By-law Amendment: 51-57 Sandwich Street South

As dealt with in Item # 10.1

REPORTS - CAO's OFFICE

15.1 Short Term Rentals

As dealt with above in Item # 9.1 and Item # 9.2

INFORMATION REPORTS

Resolution # 20220912-14

Moved By Councillor Simone

Seconded By Councillor Courtney

That the following information reports BE RECEIVED:

- 16.1 **2021 Year- End Financial Ratios and Indicators**
- 16.2 **Tourism and Culture Division Grants Information Report**
- 16.3 **Draft Plan of Subdivision – Woodland Trails: Additional Information**

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution # 20220912-15

Moved By Deputy Mayor Meloche
Seconded By Councillor Prue

That the following consent correspondence BE RECEIVED:

17.1 Strong Mayors, Building Homes Act - Town of Wasaga Beach Resolution

17.2 Warming and Cooling Centre Policy - Town of Aylmer Resolution

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

18.1 Legion Week Proclamation

Resolution # 20220912-16

Moved By Councillor Renaud
Seconded By Councillor Prue

That September 18-24, 2022, BE PROCLAIMED Legion Week in the Town of Amherstburg.

The Mayor put the Motion.

Motion Carried

18.2 Petition re. AirBnB's in Edgewater

As dealt with above in Item # 9.1 and Item # 9.2.

18.3 Active School Travel Charter - Windsor-Essex County

The Mayor put the Motion.

Motion Carried

Resolution # 20220912-17

Moved By Councillor Prue
Seconded By Councillor Simone

Item # 18.3 - That the Town of Amherstburg SUPPORT and ENDORSE the adoption of the Active School Travel Charter for Windsor-Essex County.

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Resolution # 20220912-18

Moved By Councillor Prue
Seconded By Councillor McArthur

That the following minutes BE RECEIVED:

- 19.1 **Committee of Adjustment Meeting Minutes- April 5, 2022**
- 19.2 **Committee of Adjustment Meeting Minutes- June 7, 2022**
- 19.3 **Committee of Adjustment Meeting Minutes- June 14, 2022**

The Mayor put the Motion.

Motion Carried

OTHER MINUTES

- 20.1 **Drainage Board Meeting Minutes of September 6, 2022**

Resolution # 20220912-19

Moved By Deputy Mayor Meloche
Seconded By Councillor McArthur

That:

- 1. **The Drainage Board Meeting Minutes of September 6, 2022 BE RECEIVED;**

2. **The revised engineer's report for the Jeths Drain Improvements BE CONSIDERED;**
3. **By-law 2022-059 being a by-law to provide for the Jeths Drain Improvements based on the revised Drainage Report by M. Gerrits Consulting Inc. BE PROVISIONALLY ADOPTED by giving first and second reading and the Mayor and Clerk BE AUTHORIZED to sign same;**
4. **The report from the Drainage Superintendent and Engineering Coordinator dated July 28, 2022, regarding Smale Drain and Smale Drain Extension - New Maintenance Schedule of Assessment - Engineering Appointment BE ACCEPTED, as recommended by the Drainage Board; and,**
5. **The firm of N.J. Peralta Engineering Ltd. BE APPOINTED to complete an engineering report to provide for New Maintenance Schedules of APPROVED, as recommended by the Drainage Board.**

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

1. Councillor Courtney provided information to Council, as an ERCA Board Member, with respect to an inquiry from Deputy Mayor Meloche regarding the maintenance schedule for trails and bridges. Councillor Courtney advised that the trail pruning usually occurs in the early spring and grass cutting is completed approximately every 2 weeks.

NEW BUSINESS

1. Resolution # 20220912-20

Moved By Councillor McArthur

Seconded By Councillor Courtney

Whereas residents living near or along the County Road 10/Middle Side Road corridor between County Road 9/Howard Avenue and County Road 11/Walker Road, which contains at least three subdivisions with more planned in the future, have no safe way other than gravel shoulders to access the sports fields and equipment at Co-An Park, the Greenway or playgrounds, a library and stores in McGregor;

Whereas the CWATS Draft Master Plan calls for buffered paved shoulders on County Road 10/Middle Side Road from County Road 20 to Concession Road 8 and a Multi-Use Pathway on County Road 10/Middle Side Road from the Greenway to County Road 11/Walker Road; and

Whereas the Town of Amherstburg Council has passed multiple motions affirming the importance of a safe active transportation corridor on County Road 10/Middle Side Road in McGregor; now,

Therefore, be it resolved that the County of Essex work with the Town of Amherstburg to expedite the construction of paved shoulders or a pathway on County Road 10/Middle Side Road between County Road 11/Walker Road and County Road 9/Howard Avenue.

The Mayor put the Motion.

Motion Carried

2. Councillor Prue advised that the Amherstburg Audit and Finance Advisory Committee (AFAC) has requested one more meeting to formulate recommendations for the new AFAC term.
3. Councillor Prue inquired about the 'No Parking' signs being erected on Gold Coast Drive, Boblo Island.

The Director of Engineering and Infrastructure Services advised that in order for the Traffic By-law to be enforced, signs are required to be erected.

4. Councillor Prue advised that delegate Sue Jeffrey (Item # 9.1) has asked if Administration would consider a report regarding speeding on Boblo Island Blvd. and if there any traffic calming measures that can be undertaken to slow drivers down.

The Director of Engineering and Infrastructure Services advised that the Transportation Master Plan recently approved by Council includes the creation of a traffic calming policy to be brought forward for Council's consideration.

5. Councillor Simone asked if Administration has received any feedback with respect to the newly established Windsor Transit bus route in Amherstburg.

The Director of Engineering and Infrastructure Services advised that Administration has received all positive feedback.

NOTICE OF MOTION

There were no Notices of Motion.

BY-LAWS

24.1 By-law 2022-086 - Confirmatory By-law

Resolution # 20220912-

Moved By Deputy Mayor Meloche
Seconded By Councillor Simone

That By-law 2022-086 being a by-law to Confirm all Resolutions of the Municipal Council Meetings held on September 12th, 2022 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 Courtney
Seconded By Councillor Renaud

That Council rise and adjourn at 7:48 p.m.

The Mayor put the Motion.

Motion Carried



MAYOR – ALDO DICARLO

CLERK – VALERIE CRITCHLEY