



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

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

MINUTES

PRESENT

Mayor Michael Prue
Deputy Mayor Chris Gibb
Councillor Molly Allaire
Councillor Peter Courtney (*Electronic Participation*)
Councillor Linden Crain
Councillor Donald McArthur
Councillor Diane Pouget

Valerie Critchley, Chief Administrative Officer
Kevin Fox, Clerk
Tammy Fowkes, Deputy Clerk

CALL TO ORDER

The Mayor called the meeting to order at 6:08 p.m.

NATIONAL ANTHEM

ROLL CALL

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

Deputy Mayor Gibb declared a conflict of interest on Item 11.2 due to a business relationship with the subject company.

Councillor Crain declared a conflict of interest on Item 7.2 due to the fact that his father is part owner of the Amherstburg Admirals and any change in the 2023 User Fees would directly benefit his organization.

Councillor Courtney declared a conflict of interest on Item 7.2, Schedule H due to the fact he sits on the executive of the Ice User Group for Sunday Morning Men's Hockey and Schedule H references Ice User Rates which could have a financial impact to the league and inadvertently to himself.

Councillor McArthur declared a conflict of interest on Item 7.2 due to the fact his daughter is an ice skater with Skate Amherstburg and any change to the User Fee Schedule could have an impact on the fees paid by his daughter.

Councillor Allaire declared a conflict of interest on Item 7.2 with regards to the user fees for the Libro Centre due to running the Windsor Ultimate Organization.

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.

REPORT OUT FROM IN-CAMERA SESSION

Council met on December 12th, 2022 in an In-Camera Meeting of Council pursuant to Section 239 of the Municipal Act, 2001, as amended for the following reasons:

Item A – Litigation Matter about an Identifiable Individual

Section 239(2)(e) – litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and,

Section 239(2)(f) – advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

With regards to Item A, Administration was directed to proceed on the verbal direction of Council.

Item B – Litigation Matter about an Identifiable Individual

Section 239(2)(e) - litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and,

Section 239(2)(f) – advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

With regards to Item B, Council received information and there is nothing further to report.

DELEGATIONS

6.1 2022 Election Voting Barriers – Linda Saxon

The Chair called forward Item 11.1 to be considered following the delegation.

Resolution # 20221212-001

Moved By Councillor Pouget

Seconded By Councillor Allaire

That:

- 1. The delegation BE RECEIVED;**
- 2. The delegations submission regarding barriers with the 2022 Election BE REFERRED to the Amherstburg Accessibility Advisory Committee to report back to Council on election voting methods;**

3. The report by the Municipal Clerk entitled 2022 Municipal Election Post Report dated December 12, 2022 BE RECEIVED; and,
4. Consideration of Items 11.1 (2), (3) and (4) BE DEFERRED until the 2024 Budget.

The Mayor put the Motion.

Motion Carried

6.2 Amherstburg Broadcasting Corporation – Martyn Adler

The delegate withdrew their delegation request in advance of the meeting.

REPORTS – CORPORATE SERVICES

7.1 2022 Third Quarter (Q3) Variance as at September 30th, 2022

Resolution # 20221212-002

Moved By Deputy Mayor Gibb

Seconded By Councillor Crain

That:

1. The report from the Director of Corporate Services/CFO dated December 1, 2022, regarding 2022 Third Quarter Variance BE RECEIVED for information;
2. A Reserve Transfer from the 2022 projected surplus to the Drainage Reserve BE APPROVED for the remaining balance of \$205,345 for the Municipal Share of the Pike Road Drainage Project; and,
3. A Transfer BE APPROVED for \$96,292 to the Building Operating Reserve from the Tax Stabilization Reserve to correct the 2021 year-end surplus allocation (August 8, 2022).

The Mayor put the Motion.

Motion Carried

7.2 2023 User Fees By-law

Moved By Deputy Mayor Gibb
Seconded By Councillor Pouget

That Item 7.2 BE DEFERRED to a future meeting of Council.

The Mayor put the Motion.

Motion Carried

REPORTS - PARKS, FACILITIES, RECREATION & CULTURE

There were no reports.

REPORTS - ENGINEERING & INFRASTRUCTURE SERVICES

9.1 Amherstburg Water Treatment Plant (AWTP) – Reservoir Construction and Rehabilitation – Engineering Request for Proposal Results

Resolution # 20221212-003

Moved By Councillor Crain
Seconded By Councillor Courtney

That:

- 1. The engineering services for the Amherstburg Water Treatment Plant – Reservoir Construction and Rehabilitation BE AWARDED to Stantec Consulting Ltd.; and,**
- 2. The Mayor and Clerk BE AUTHORIZED to execute an agreement with Stantec Consulting Ltd. for the Amherstburg Water Treatment Plant – Reservoir Construction and Rehabilitation.**

The Mayor put the Motion.

Motion Carried

9.2 Edgewater Lagoon Wetland Conversion – Tender Results

Resolution # 20221212-004

Moved By Councillor McArthur
Seconded By Councillor Pouget

That:

1. The tender for the Edgewater Lagoon Wetland Conversion BE **AWARED** to Nevan Construction Inc. at a cost not to exceed \$1,178,800.00 plus HST to be funded as outlined in the report from the Manager of Engineering dated November 28, 2022;
2. An over-expenditure not to exceed \$170,690 including net HST BE **APPROVED** to be funded from the Wastewater Reserve; and,
3. The Mayor and Clerk BE **AUTHORIZED** to execute an agreement with Nevan Construction Inc. for the Edgewater Lagoon Wetland Conversion.

The Mayor put the Motion.

Motion Carried

9.3 Placement of Underground Infrastructure, Curbs and Base Asphalt on Maintenance – Kingsbridge Subdivision Phase 10A & 5C

Resolution # 20221212-005

Moved By Councillor McArthur
Seconded By Deputy Mayor Gibb

That:

1. The recommendations in the letter from the consulting engineer, BairdAE, regarding Kingsbridge Development Phase 10A & 5C dated November 14, 2022, from the consulting engineer, Baird AE BE **ACCEPTED**; and,
2. The underground infrastructure, base asphalt and curbs for Kingsbridge Subdivision Phase 10A & 5C BE **PLACED** on a 1-year maintenance period, commencing November 14, 2022.

The Mayor put the Motion.

Motion Carried

9.4 Meadow View Estates Subdivision – Phase 1 – Accept and Assume Surface Asphalt, Sidewalks, Connecting Pathway and Stormwater Management Pond

Resolution # 20221212-006

Moved By Councillor McArthur
Seconded By Councillor Allaire

That:

1. The recommendations in the letter from the consulting engineer, Stantec Consulting Ltd. dated November 7, 2022, regarding Meadow View Estates Subdivision - Phase 1 BE ACCEPTED; and,
2. The surface asphalt, sidewalks, connecting pathway and stormwater management pond for Meadow View Estates Subdivision - Phase 1 BE ACCEPTED and ASSUMED.

The Mayor put the Motion.

Motion Carried

9.5 Pike Road Drain Improvements and Auxiliary Drain Outlet – Tender Results

Resolution # 20221212-007

Moved By Deputy Mayor Gibb
Seconded By Councillor Allaire

That:

1. The tender for the Pike Road Drain Improvements and Auxiliary Drain Outlet BE AWARDED to Rudak Excavating Inc. for an amount not to exceed \$1,084,200.00 plus HST, to be funded as outlined in the report from the Manager of Engineering dated November 29th, 2022; and,
2. The Mayor and Clerk BE AUTHORIZED to execute an agreement with Rudak Excavating Inc. for the Pike Road Drain Improvements and Auxiliary Drain Outlet.

The Mayor put the Motion.

Motion Carried

9.6 2022 Fleet Vehicle Purchase

Resolution # 20221212-008

Moved By Councillor McArthur
Seconded By Deputy Mayor Gibb

That:

- 1. An over-expenditure for the purchase of a full-size extended cab pick up truck not to exceed \$21,217 BE APPROVED for a total cost not to exceed \$66,217 including net HST and that the over-expenditure BE FUNDED from the Fleet Reserve.**
- 2. An over-expenditure for the purchase of a full-size extended cab pick up truck not to exceed \$16,217 BE APPROVED for a total cost not to exceed \$66,217 including net HST and that the over-expenditure BE FUNDED from the Fleet Reserve.**
- 3. An over-expenditure for the purchase of a full-size extended cab pick up truck not to exceed \$16,217 BE APPROVED for a total cost not to exceed \$66,217 including net HST and that the over-expenditure BE FUNDED from the Fleet Reserve.**
- 4. An over-expenditure for the purchase of a ¾ ton crew cab pick up truck not to exceed \$18,143 BE APPROVED for a total cost not to exceed \$67,643 including net HST and that the over-expenditure BE FUNDED from the Fleet Reserve.**

The Mayor put the Motion.

Motion Carried

9.7 Meadow View Estates Subdivision – Phase 2 – Assume Surface Asphalt and Sidewalks

Resolution # 20221212-009

Moved By Councillor McArthur
Seconded By Deputy Mayor Gibb

That:

- 1. The recommendations in the letter from the consulting engineer, Stantec Consulting Ltd dated November 7, 2022 regarding Meadow View Estates Subdivision - Phase 2 BE ACCEPTED; and**
- 2. The surface asphalt and sidewalks for Meadow View Estates Subdivision – Phase 2 BE ACCEPTED AND ASSUMED.**

The Mayor put the Motion.

Motion Carried

REPORTS - ENGINEERING & INFRASTRUCTURE SERVICES

10.1 Delegation of Authority to Committee of Adjustment

Resolution # 20221212-010

Moved By Deputy Mayor Gibb
Seconded By Councillor Allaire

That:

- 1. By-law 2022-113 being a by-law to delegate powers to the Town of Amherstburg Committee of Adjustment to grant variances from Sign By-law 2006-26 and variances from Fence By-law 2022-027, 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

10.2 Lease Agreement with Amherstburg Broadcasting Corporation

Resolution # 20221212-011

Moved By Councillor McArthur
Seconded By Councillor Pouget

That:

1. The Director of Infrastructure Services and the Ontario Clean Water Agency (OCWA) BE DIRECTED to determine the feasibility of installing Amherstburg Broadcasting Corporation (Amherstburg Broadcasting) required radio antenna and equipment at the water tower;
2. Upon confirmation of the feasibility noted above, Council DIRECT the Deputy CAO/Director of Development Services, to negotiate a License of Occupation Agreement between the Town and Amherstburg Broadcasting with such agreement being consistent with agreements currently in place for other “for profit” businesses which use the water tower; and,
3. Council DIRECT Administration to bring a report back to Council on the final negotiated lease agreement for approval.

The Mayor put the Motion.

Motion Carried

10.3 Request for Variance from Sign By-law 2006-26 at Richmond St.

Resolution # 20221212-012

Moved By Councillor Crain

Seconded By Councillor Allaire

That:

1. Council APPROVE the requested variance from Section 9.4(2) of Sign By-law 2006-26 to allow for a variance of 0.84 m to permit a maximum projection of any sign no greater than 2.06 m from the face of the wall at 61 Richmond Street; and
2. Council APPROVE the requested variance from Section 9.4(3) of Sign By-law 2006-26 to allow for a variance of grant 5.16 sq m to permit a maximum area of a projecting sign to be 6.27 sq m at 61 Richmond Street.

The Mayor put the Motion.

Motion Carried

10.4 Housekeeping Zoning By-law Amendment 2022-105

Resolution # 20221212-013

Moved By Deputy Mayor Gibb
Seconded By Councillor Allaire

That:

1. **By-law 2022-105 being a by-law to amend Zoning By-law No. 1999-52, to amend the General Provisions section of the Zoning By-law, 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

11.1 2022 Municipal Election Post Report

As dealt with above in Item # 6.1.

11.2 Accessible On-Demand Taxicab Pilot Project

Resolution # 20221212-014

Moved By Councillor Allaire
Seconded By Councillor Crain

That:

1. **The report from the clerk and Manager of Licensing and Enforcement dated November 15, 2022, regarding Accessible On-Demand Taxi's BE RECEIVED for information; and,**
2. **Funding BE CONSIDERED for the Accessible On-Demand Taxi Pilot Project during the 2023 budget deliberations.**

The Mayor put the Motion.

Motion Carried

11.3 Adoption of the 2023 Calendar of Council Meetings

Resolution # 20221212-015

Moved By Councillor Crain

Seconded By Councillor Allaire

That:

1. The rules in the Procedural By-law requiring that Regular Council Meetings be held the 2nd and 4th Monday of each month BE WAIVED for the months of February, July, August, and December; and,
2. The 2023 Calendar of Council Meetings BE APPROVED, as presented.

The Mayor put the Motion.

Motion Carried

INFORMATION REPORTS

12.1 Drinking Water Quality Management System – 2021 Status Update

Resolution # 20221212-016

Moved By Deputy Mayor Gibb

Seconded By Councillor McArthur

That the Drinking Water Quality Management System – 2021 Status Update report BE RECEIVED for information.

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution # 20221212-017

Moved By Deputy Mayor Gibb

Seconded By Councillor McArthur

That the following consent correspondence BE RECEIVED:

- 13.1 Proposed Disposition of General Amherst High School – Greater Essex County District School Board**
- 14.2 Strengthening Powers of Integrity Commissioner – Town of Petrolia**
- 14.3 Federal Cannabis Act Review – Township of Malahide**

The Mayor put the Motion.

Motion Carried

Moved By Councillor McArthur
Seconded By Councillor Pouget

That Council WAIVE the rules to allow Frank Di Pasquale to address Council.

The Mayor put the Motion.

Motion Carried

Resolution # 20221212-018

Moved By Councillor Courtney
Seconded By Councillor Pouget

That:

- 1. Administration BE DIRECTED to provide an Expression of Interest with regards to the former General Amherst property; and,**
- 2. Authorization BE GIVEN to Administration to perform required investigations into this sale to an upset limit of \$20,000 to be funded from the Contingency Reserve.**

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

14.1 Drainage Board Meeting Minutes of December 6, 2022

Resolution # 20221212-019

Moved By Deputy Mayor Gibb

Seconded By Councillor Pouget

That the Drainage Board Meeting Minutes of December 6, 2022 BE RECEIVED for information.

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

There were no Unfinished Business items.

NEW BUSINESS

Resolution # 20221212-020

Moved By Councillor Allaire

Seconded By Councillor Pouget

That the installation of changing tables in the washroom facilities of Toddy Jones and Kings Navy Yard Park BE CONSIDERED in the 2023 budget deliberations.

The Mayor put the Motion.

Motion Carried

NOTICE OF MOTION

There were no Notices of Motion.

BY-LAWS

18.1 By-law 2022-115 – Amendment to By-law 2012-114

Resolution # 20221212-021

Moved By Councillor Allaire

Seconded By Councillor Pouget

That By-law 2022-115 being a by-law to amend By-law 2012-114 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

18.2 Confirmatory By-law 2022-116

Resolution # 20221212-022

Moved By Deputy Mayor Gibb

Seconded By Councillor Crain

That By-law 2022-116 being a by-law to Confirm all Resolutions of the Municipal Council Meetings held on December 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 Deputy Mayor Gibb
Seconded By Councillor Allaire

That Council rise and adjourn at 7:58 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – MICHAEL PRUE

CLERK – KEVIN FOX