



**TOWN OF AMHERSTBURG
COUNCIL MEETING
MINUTES**

**Monday, April 24, 2023
6:00 P.M.**

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

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

Staff Present Valerie Critchley, CAO
 Kevin Fox, Clerk

1. CALL TO ORDER

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

2. NATIONAL ANTHEM

3. ROLL CALL

4. **DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF**

(Public Council Meeting Agenda Items)

There were no disclosures of pecuniary interest noted.

5. **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.

6. **REPORT OUT FROM IN-CAMERA SESSION**

6.1 Special In-Camera Council Meeting of April 17, 2023

Council met in closed session on April 17th in accordance with Section 239 of the Municipal Act in relation to:

Item A: Economic Development Matter

This was heard under section 239 (2) (i), 239 (2) (j), 239 (2) (k) and;

It is recommended that Administration proceed on the verbal direction of Council.

7. **MINUTES OF PREVIOUS MEETING**

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:

Moved By Councillor Allaire
Seconded By Councillor Crain

- 7.1 Regular Council Meeting Minutes of December 12, 2022
- 7.2 Special In-Camera Council Meeting Minutes of December 12, 2022
- 7.3 Special In-Camera Council Meeting Minutes of January 23, 2023
- 7.4 Special In-Camera Council Meeting Minutes of February 8, 2023
- 7.5 Special In-Camera Council Meeting Minutes of February 13, 2023
- 7.6 Special In-Camera Meeting Minutes of February 22, 2023
- 7.7 Special In-Camera Council Meeting Minutes of March 27, 2023
- 7.8 Special In-Camera Meeting Minutes of April 11, 2023
- 7.9 Special In-Camera Council Meeting Minutes of April 17, 2023

The Mayor put the Motion.

Motion Carried.

8. DELEGATIONS

Moved By Deputy Mayor Gibb
Seconded By Councillor Pouget

That items 8.1, 12.4 and 15.3 be heard at once.

The Mayor put the Motion.

Motion Carried.

8.1 Save Our Amherstburg Neighbourhood - Mike Kisch

Moved By Councillor Allaire
Seconded By Councillor Crain

That the delegation from Mike Kisch **BE EXTENDED** by 5 minutes.

The Mayor put the Motion.

Motion Carried.

12.4 Zoning By-law Amendment for 639 Front Road North Zoning By-law Amendment

Resolution # 20230424-001

Moved By Councillor Allaire
Seconded By Councillor Pouget

That ZBA 20-22 to amend Zoning By-law No. 1999-52, for the subject lands known as 639 Front Road North **BE DENIED**.

Councillor Pouget raised a point of order to challenge the decision of the Chair. The Chair requested that Council sustain (uphold) the decision of the Chair and was so upheld.

Resolution # 20230424-002

Moved By Councillor McArthur
Seconded By Deputy Mayor Gibb

That the motion to deny ZBA 20-22 **BE AMENDED** to:

1. **APPROVE** the requested zoning by-law amendment to amend the zoning for the subject lands known as 639 Front Road North and;
2. **DENY** the requested relief in the form of setbacks.

The Mayor put the Motion.

Motion Carried.

Resolution # 20230424-003

Moved By Councillor Allaire
Seconded By Councillor Pouget

That:

1. The requested zoning by-law amendment to amend the zoning for the subject lands known as 639 Front Road North **BE APPROVED** and;
2. The requested relief in the form of setbacks **BE DENIED**.

The Mayor put the Motion.

Motion Carried.

15.3 Petition - Stop the Proposed Zoning By-law Amendment in Our Neighbourhood

Moved By Councillor Crain
Seconded By Councillor Allaire

That Council **RECESS** for 5 minutes at 7:30 p.m.

The Mayor put the Motion.

Motion Carried.

Moved By Councillor McArthur
Seconded By Councillor Allaire

That Council **RESUME** at 7:40 p.m.

The Mayor put the Motion.

Motion Carried.

9. REPORTS – CORPORATE SERVICES

There are no reports.

10. REPORTS - PARKS, RECREATION, FACILITIES AND CULTURE

There are no reports.

11. REPORTS - INFRASTRUCTURE SERVICES

11.1 2023 Mill and Pave Program – Tender Results

Resolution # 20230424-004

Moved By Councillor McArthur
Seconded By Councillor Allaire

That:

1. The 2023 Mill and Pave Program Tender **BE AWARDED** to Armstrong Paving and Materials Group Ltd. for an amount of \$541,021.55 plus H.S.T to complete rehabilitation works for Kentucky Avenue, Thorn Ridge Crescent, Briar Ridge, Cedar Ridge Crescent and Fern Ridge Court; and,

2. The Mayor and Clerk **BE AUTHORIZED** to execute an agreement with Armstrong Paving and Materials Group Ltd. for the 2023 Mill and Pave program.

The Mayor put the Motion.

Motion Carried.

11.2 2017-2022 Tree Maintenance Program

Resolution # 20230424-005

Moved By Councillor McArthur

Seconded By Councillor Allaire

That:

1. The report from the Manager of Roads and Fleet dated March 31, 2023, regarding the 2017-2022 Tree Maintenance Program **BE RECEIVED** as information.
2. The Amherstburg Environmental Advisory Committee (AEAC) and the Parks & Recreation Advisory Committee **TO PROVIDE** feedback on the tree maintenance report.

The Mayor put the Motion.

Motion Carried.

12. REPORTS - PLANNING AND DEVELOPMENT SERVICES

12.1 Deeming By-law for a Portion of Plan 1131

Resolution # 20230424-006

Moved By Deputy Mayor Gibb

Seconded By Councillor Allaire

That **By-law 2023-055**, being a by-law to deem a portion of Registered Plan 1131 not to be lands on a Registered Plan of Subdivision for the purposes of Section 50(3) of the Planning Act, 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.

12.2 Mulberry Court Subdivision Agreement File No. 37-T-22008

Resolution # 20230424-007

Moved By Councillor Crain

Seconded By Councillor Allaire

That:

1. The Corporation of the Town of Amherstburg **ENTER INTO** a Subdivision Agreement with 2047909 Ontario Limited for Mulberry Court; and,
2. **By-law 2023-054** being a By-law to authorize the signing of a Subdivision Agreement for Mulberry Court 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.

12.3 Zoning By-law Amendment for 38 Victoria Street South

Resolution # 20230424-008

Moved By Councillor Crain

Seconded By Councillor McArthur

By-law 2023-042 being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands at 38 Victoria 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.

13. REPORTS - CAO's OFFICE

13.1 2023 Special Events Approval – Part IV

Resolution # 20230424-009

Moved By Councillor McArthur

Seconded By Councillor Crain

That:

1. The following events **BE APPROVED**:

- a. Park House Museum – Music Off the Back Porch – May 5th, June 2nd, July 7th, August 4th, September 1st & October 6th, 2023
 - b. Annual Bob Meloche Kid’s Fishing Derby – June 18th, 2023
 - c. Canada Day Celebrations – July 1st, 2023
 - d. Amherstburg’s Gone Car Crazy – July 30th, 2023
2. An exemption from table number 3-1(2) of Noise By-law #2001-43, as amended 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 following events:
- a. Amherstburg’s Gone Car Crazy – July 30th, 2023
 - b. Canada Day Celebrations – July 1st, 2023
 - c. Park House Museum – Music Off the Back Porch – May 5th, June 2nd, July 7th, August 4th, September 1st & October 6th, 2023
3. The following events **BE EXEMPT and PERMITTED** for road closures to begin prior to 5pm:
- a. Amherstburg’s Gone Car Crazy – July 30th, 2023
 - b. Canada Day Celebrations – July 1st, 2023
4. The Special Events Resource Team **BE DIRECTED** to confirm that the requirements identified by the Committee are met prior to the event.
5. The fee waiver requests **BE APPROVED** as follows:
- a. Park House Museum – Music off the Back Porch - \$59.00

The Mayor put the Motion.

Motion Carried.

13.2 South Fire Station – Consolidated Build versus Renovation Options

Resolution # 20230424-010

Moved By Councillor Crain

Seconded By Deputy Mayor Gibb

That:

1. The presentation from the Fire Chief regarding the Build versus Renovation options of existing Fire Stations **BE RECEIVED**;

2. Council **APPROVE** option B as proposed;
3. Council **APPROVE** the issuance of debt for the estimated amount for option B, plus a suitable percentage for contingency costs, and for the construction, including temporary on-site engineering supervision positions and non-recoverable HST;
4. Council **DIRECT** Administration to include in the 2024 and future Operational Budgets the cost to fund the Debenture; and,
5. Provided the tender results are within the approved budget of option B, Council **DELEGATE AUTHORITY** to the Chief Administration Officer and Clerk to sign a long-term (up to 30yr) debenture to fund the construction, subject to financial approval of the Chief Financial Officer, or designate.

The Mayor put the Motion.

Recorded Vote		
Item13.2: Staff Recommendation Option B		
	Yes/Concure	No/ Not Concure
Councillor Allaire		X
Councillor Courtney		X
Councillor Crain	X	
Deputy Mayor Gibb	X	
Councillor McArthur	X	
Councillor Pouget		X
Mayor Prue	X	

Motion Carried.

14. INFORMATION REPORTS

There are no reports.

15. CONSENT CORRESPONDENCE

Moved By Councillor Crain

Seconded By Deputy Mayor Gibb

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

15.1 Letter of Support re. Middle Side Road Speed Limit Reductions - Windsor-Essex Student Transportation Services

15.2 Use of Long-Term Care Funding to Support Community Care Services - City of Stratford

The Mayor put the Motion.

Motion Carried.

15.1 Letter of Support re. Middle Side Road Speed Limit Reductions - Windsor-Essex Student Transportation Services

Resolution # 20230424-011

Moved By Councillor Allaire

Seconded By Councillor Pouget

That Council **SUPPORT** a 60km speed limit to 2nd Concession and **TO INFORM** the County of Essex.

The Mayor put the Motion.

Motion Carried.

16. CORRESPONDENCE

17. CONSENT OTHER MINUTES

Moved By Councillor McArthur

Seconded By Councillor Crain

That the following minutes **BE RECEIVED:**

17.1 Co-An Park Meeting Minutes of March 8, 2023

17.2 Co-An Park Meeting Minutes of April 12, 2023

The Mayor put the Motion.

Motion Carried.

18. OTHER MINUTES

19. UNFINISHED BUSINESS

20. NEW BUSINESS

Resolution # 20230424-012

Moved By Councillor Pouget

Seconded By Councillor Allaire

That Council **DIRECT** Administration to provide Council with the Town of Amherstburg's approved floor plans for the Salmoni Building Condominium. This report should indicate the location of all bedroom windows and if these windows will be inaccessible from the exterior in case of a fire, if the requested set backs of the proposed boutique/hotel are approved. This report should also provide Council with the National Building Code of Canada, that clearly defines that every home should have egress windows in every bedroom well as the basement or any room designated for sleep.

Further to that, the Fire Chief be directed to provide life saving rescue by way of an emergency egress on the southern wall of the Salmoni building if requested variance is approved. This report is to be made public and included in the Regular Council Agenda on May 23, 2023.

The Mayor put the Motion.

Motion Carried.

Resolution # 20230424-013

Moved By Councillor Crain

Seconded By Councillor McArthur

That Council **PROCLAIM** April 2023 as the "Daffodil Campaign" in the Town of Amherstburg.

The Mayor put the Motion.

Motion Carried.

Resolution # 20230424-014

Moved By Councillor Pouget

Seconded By Councillor Allaire

That Council **DIRECT** Administration to organize a meeting with Council, Amherstburg Fire, EMS, Windsor Police (Amherstburg Detachment) and the developers of Bob-lo or his associate to find a solution regarding the on-going issues of inadequate access to and from the island. This meeting is to be held at our next Regular Council Meeting.

The Mayor put the Motion.

Motion Failed.

	Recorded Vote	
	Yes/Concure	No/ Not Concure
Councillor Allaire		X
Councillor Courtney		X
Councillor Crain		X
Deputy Mayor Gibb		X
Councillor McArthur		X
Councillor Pouget	X	
Mayor Prue		X

Resolution # 20230424-015

Moved By Councillor McArthur

Seconded By Councillor Allaire

That Council DIRECT the CAO & Fire Chief to ask Bob-Lo to share Annex X to the Emergency Plan and to work with developer to solve the problem.

The Mayor put the Motion.

Motion Carried.

21. NOTICE OF MOTION

22. BY-LAWS

Resolution # 20230424-016

Moved By Deputy Mayor Gibb

Seconded By Councillor Crain

22.1 2023-062 - Close Up and Sell Part of Park Avenue, Balaclava Street and Two Alleys

That By-law 2023-062 being a By-law to close up and sell part of Park Avenue, Balaclava Street and two alleys be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

22.2 2023-060 - Confirmatory By-law

That **By-law 2023-060** being a by-law to Confirm all Resolutions of the Municipal Council Meetings held on April 17th, April 18th, and April 24th, 2023 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.

23. ADJOURNMENT

Moved By Councillor Courtney

Seconded By Councillor Allaire

That Council rise and adjourn at 10:26 p.m.

The Mayor put the Motion.

Motion Carried.

MAYOR – MICHAEL PRUE

CLERK – KEVIN FOX