



**TOWN OF AMHERSTBURG
COUNCIL MEETING
MINUTES**

**Monday, August 14, 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
Sarah Sabihuddin, Deputy Clerk

1. CALL TO ORDER

The Mayor called the meeting to order at 6:04 p.m.

2. NATIONAL ANTHEM

3. ROLL CALL

4. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

(Public Council Meeting Agenda Items)

Councillor Pouget declared a conflict on item 13.1 due to the proximity to her home.

Mayor Prue declared a conflict on 14.3 – 1(d) as he is on the Board of Directors of Ska: Na Family Learning Centre

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. MINUTES OF PREVIOUS MEETING

Moved By Councillor Allaire

Seconded By Councillor Crain

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:

6.1 Regular Council Meeting Minutes - February 13, 2023

6.2 Special Council Meeting - February 21, 2023

6.3 Special Council Meeting - February 27, 2023

6.4 Special Council Meeting - Planning March 27, 2023

- 6.5 Regular Council Meeting - March 27, 2023
- 6.6 Special Council Meeting - April 17, 2023
- 6.7 Special Council Meeting - April 18, 2023
- 6.8 Special In-Camera (PUBLIC) Meeting Minutes - June 26, 2023
- 6.9 Regular Council Meeting Minutes - July 10, 2023
- 6.10 In-Camera (Confidential) Council Meeting Minutes - July 10, 2023
- 6.11 In-Camera (PUBLIC) Council Meeting Minutes - July 10, 2023
- 6.12 Special Council Meeting -Planning - April 11, 2023
- 6.13 Special Council Meeting - July 11, 2023

The Mayor put the Motion.

Motion Carried.

7. RECOGNITIONS

- 7.1 Municipal Plaque Presentation - Amherstburg Freedom Museum - 271 King - Dr. Brenda McCurdy
- 7.2 Municipal Plaque Presentation - John Bustra - 109 Gore - John and Myrna Bustard

8. DELEGATIONS

- 8.1 Delegation: Frank Cerasa - OLT Appeals and Hotels

Moved By Councillor Pouget

Seconded By Councillor Allaire

That the delegation from Frank Cerasa **BE EXTENDED** by 5 minutes.

The Mayor put the Motion.

Motion Carried.

Moved By Councillor Allaire
Seconded By Councillor McArthur

That the delegation from Frank Cerasa **BE RECEIVED**.

The Mayor put the Motion.

Motion Carried.

8.2 Delegation: Greg Nemeth - Emergency Siren System

Resolution # 20230814-005

Moved By Councillor Crain
Seconded By Councillor Allaire

That:

1. The delegation from Greg Nemeth **BE RECEIVED**.
2. Administration **BE DIRECTED** to bring a report to the 2024 Budget deliberations with a long-term proposal and pilot program for future consideration.

The Mayor put the Motion.

Motion Carried.

8.3 Delegation: Lorraine Bortolin - Notice of Draft Plan of Subdivision Application 37-T-23005

Moved By Councillor Allaire
Seconded By Deputy Mayor Gibb

That the delegation from Lorraine Bortolin **BE RECEIVED**.

The Mayor put the Motion.

Motion Carried.

9. PRESENTATIONS

**9.1 Consolidated Financial Statements of The Town of Amherstburg,
Cynthia Swift, Audit Partner, KPMG**

Moved By Councillor Allaire
Seconded By Councillor Pouget

That the Consolidated Financial Statement for the Town of Amherstburg presentation from Cynthia Swift, Audit Partner, KPMG **BE RECEIVED**.

The Mayor put the Motion.

Motion Carried.

10. REPORTS – CORPORATE SERVICES

10.1 2022 Year End (Q4) Budget to Actual Summaries and Transfers

Resolution # 20230814-006

Moved By Councillor Allaire
Seconded By Deputy Mayor Gibb

That:

1. The Transfers to Reserves/Reserve Funds made by the Treasurer as outlined in Appendix A, B, and C to the 2022 Year End (Q4) Budget to Actual Summaries and Transfers Report **BE AFFIRMED**;
2. That 2022 over-expenditures and reserve transfers **BE APPROVED** as follows (Appendix B):
 - a. \$10,960.22 to the EV project from Contingency Reserve
 - b. \$7,616.59 from Fleet Reserve
 - c. \$104,297.57 from Gas Tax Reserve
 - d. \$65,316.98 from General Reserve
 - e. \$263,621.00 from Grant Reserve
 - f. \$492,303.26 from Wastewater Reserve
3. That the Treasurer **BE AUTHORIZED** to transfer the taxation-supported surplus \$1,271,395 as follows (Appendix A):
 - a. \$500,000 to General Reserve Fund, and
 - b. \$500,000 to Drainage Reserve Fund, and

- c. \$271,395 (remaining) to Contingency Reserve, and
- 4. That the Treasurer **BE AUTHORIZED** to transfer (Appendix C):
 - a. \$724,153.39 to Building Reserve
 - b. \$1,359,527.01 to Water Reserves
 - c. \$1,297,353.07 to Wastewater Reserves

The Mayor put the Motion.

Motion Carried.

10.2 2022 Year End Reporting: Audited Consolidated Financial Statements, Building Services Annual Statement, Development Charge Reserve Funds Statement, and 2022 Parkland Dedication Reserve Statement

Resolution # 20230814-007

Moved By Councillor Allaire

Seconded By Councillor Crain

That:

1. The report from the Treasurer and the Director of Corporate Services dated Aug 14, 2023 regarding 2022 Year End Reporting: Audited Consolidated Financial Statements, Building Services Annual Statement and Amended Development Charge Reserve Funds Statement **BE RECEIVED**;
2. The Audited Consolidated Financial Statements for the year ended December 31, 2022 **BE APPROVED**;
3. The Audit Findings Report of KPMG for the year ended December 31, 2022 **BE RECEIVED**;
4. Administration **BE AUTHORIZED** to post the 2022 Consolidated Financial Statements on the Town of Amherstburg website;
5. The Statement of Revenue and Expenses and Accumulated Net Expense for Building Services for the year ended December 31, 2022 **BE RECEIVED**;
6. The Development Charges Reserve Funds Statement, for the year ended December 31, 2022 **BE RECEIVED**; and,

7. The Parkland Dedication Reserve Statement, for the year ended December 31, 2022 **BE RECEIVED**.

The Mayor put the Motion.

Motion Carried.

11. REPORTS - PARKS, RECREATION, FACILITIES AND CULTURE

11.1 40th Anniversary Legacy Project Partnership Windsor Community Foundation

Resolution # 20230814-008

Moved By Councillor Allaire

Seconded By Deputy Mayor Gibb

That:

1. Council **APPROVE** the proposed Legacy Photo Frame Project including the design concept and location at Amherstburg North Gateway by the Tourist Information Centre on the waterfront as attached under Appendix A;
2. Council **RECEIVE** funding from the WECF in the amount of \$15,000 for the project;
3. Council **APPROVE** matching funding for the Project in the amount of \$15,000 from the Capital New Reserve Fund should the project encounter any unforeseen project site or soil conditions in order to execute the project in full; and,
4. Council **DELEGATE** authority to the CAO to sign and such agreements or purchase order necessary in order to fully execute the project.

The Mayor put the Motion.

Motion Carried.

12. REPORTS - INFRASTRUCTURE SERVICES

12.1 2023 Backhoe Replacement Program

Resolution # 20230814-009

Moved By Councillor Allaire

Seconded By Councillor Crain

That:

1. An expenditure for the purchase of a 2024 Case 580 WT Backhoe **BE APPROVED** for a total cost not to exceed \$195,403.92 including net HST;
2. The purchase of the 2024 Case 580 WT Backhoe **BE AWARDED** to Kurcera Group Tecumseh.

The Mayor put the Motion.

Motion Carried.

13. REPORTS - PLANNING AND DEVELOPMENT SERVICES

13.1 Belle Vue Expression of Interest – Planning for Next Steps

Resolution # 20230814-010

Moved By Councillor Allaire

Seconded By Councillor McArthur

That:

1. Council **APPROVE** funding in the amount of \$37,076 to complete various work related to the next steps in the Belle Vue Expression of Interest (Project #721002); and,
2. Council **APPROVE** the funding of \$37,076 from the balance of the previously approved funding in the General Reserve (0400) for Belle Vue Manor.

The Mayor put the Motion.

Motion Carried.

13.2 Endorsement of Brittany's Gate Subdivision

Resolution # 20230814-011

Moved By Councillor Allaire

Seconded By Councillor Crain

That:

1. Council **ENDORSE** the draft approval of a Draft Plan of Subdivision (as per Figure 1) for the subject lands by the County of Essex and that the County of Essex be requested to attach the following conditions to the subject draft plan of subdivision approval:

- a. That the required storm water management plan be prepared by the Applicant and approved by the Town Engineer and ERCA Staff;
 - b. That all identified road allowances be conveyed to the Town;
 - c. That a subdivision agreement be entered into with the Town to ensure that all required municipal infrastructure and services are designed and built by the Applicant to the satisfaction of the Town, and that all required financial contributions (including cash in lieu of parkland) be made and/or secured to the Town, including all required letters of credit, cash securities and insurances;
 - d. That Block 3 be dedicated to the Town for storm water management purposes;
 - e. That Blocks 1 and 2 be conveyed to the Town for maintenance purposes;
2. Once the County of Essex has granted draft approval to the Applicant's Draft Plan of Subdivision that the required subdivision agreement **BE PREPARED AND EXECUTED** to Council's satisfaction;
 3. That all comments from the public, and Council with respect to the application for a proposed plan of subdivision (File 37-T-23005) **BE RECEIVED**; and
 4. That all comments and the above conditions **BE FORWARDED** to the County of Essex (the Approval Authority).

The Mayor put the Motion.

Motion Carried.

13.3 Housing Accelerator Fund (HAF)

Resolution # 20230814-012

Moved By Councillor Allaire

Seconded By Councillor Pouget

That Council **DIRECT** Administration to continue to complete the updates to Official Plan, Zoning and Urban Design Guidelines in order for the Town to be in a position to seek future funding under this grant, or others, should one become available.

The Mayor put the Motion.

Motion Carried.

14. REPORTS - CAO's OFFICE

14.1 Medical Tiered response Agreement - Renewal

Resolution # 20230814-013

Moved By Councillor Allaire

Seconded By Councillor McArthur

That:

1. The revised Medical Tiered Response agreement attached, (Appendix "A") **BE APPROVED**, as presented; and,
2. **By-law 2023-086** being a by-law to authorize, Amherstburg's participation in the amended Medical Tiered Response Agreement between the Essex Windsor Emergency Medical Services (EWEMS) and the County of Essex 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.

14.2 Licensing Committee Terms of Reference and Call for Applications

Resolution # 20230814-014

Moved By Councillor Allaire

Seconded By Councillor McArthur

That:

1. The Terms of Reference for the Licensing Committee **BE ADOPTED** as outlined in the report of August 14, 2023 entitled Licensing Committee Terms of Reference and Call for Applications;
2. Administration **BE DIRECTED** to open a call for applications for 5 lay member appointees to the Licensing Committee for the 2022-2026 Term of Council; and,
3. Administration **BE DIRECTED** to include in a future appointment By-law for those Council identifies as the successful applicants to be appointed to serve on the Licensing Committee an honorarium of \$75 per meeting for each member in attendance, to be funded from the business licensing application fees.

The Mayor put the Motion.

Motion Carried.

14.3 2023 Special Events Approval-Part VIII

Resolution # 20230814-015

Moved By Councillor Allaire

Seconded By Councillor McArthur

That:

1. The following events **BE APPROVED**:
 - a. Outdoor Family Movie Night at Pat Thrasher Park – September 9, 2023
 - b. Amherstburg Uncommon – September 15th – September 17th, 2023
 - c. Legion Week Parade 2023 – September 16th, 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:
3. The following events **BE EXEMPT and PERMITTED** for road closures to begin prior to 5pm:
 - a. Amherstburg Uncommon – September 15th, 2023 @ 1500hrs – September 17th, 2023 @ 1800hrs
 - b. Legion Week Parade 2023 – September 16th, 2023 – rolling road closure from 1015hrs till 1045hrs
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. Legion Week Parade 2023 – September 16th, 2023 (\$59 Noise Permit)

The Mayor put the Motion.

Motion Carried.

Mayor Prue has declared a conflict. Deputy Mayor Gibb Chairs.

Resolution # 20230814-016

Moved By Councillor Allaire

Seconded By Councillor Crain

That the following event **BE APPROVED**:

- a) Truth and Reconciliation – September 30th, 2023

The Mayor put the Motion.

Motion Carried.

14.4 Procedural By-law Renewal for Greater Civic Participation and Engagement

Resolution # 20230814-017

Moved By Deputy Mayor Gibb

Seconded By Councillor Crain

That By-law 2023-085, being a By-law to govern the proceedings of Council, the conduct of its members and the calling of meetings, 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. INFORMATION REPORTS

15.1 Official Plan Update Report #1

Moved By Councillor Allaire

Seconded By Deputy Mayor Gibb

It is recommended that the Official Plan Update Report 1 **BE RECEIVED** for information.

The Mayor put the Motion.

Motion Carried.

16. CONSENT CORRESPONDENCE

Resolution # 20230814-018

Moved By Councillor Crain

Seconded By Councillor Allaire

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

16.1 Correspondence: Controls on Airbnb, VRBO and Others Which Affect Municipal Rentals - Fort Erie

16.2 Correspondence: City of Toronto - Comments on the Proposed Provincial Planning Statement

16.3 Correspondence: Canadian Fallen Heroes Foundation

16.4 Correspondence: WRYM'S 4th Annual Charity Golf Tournament

The Mayor put the Motion.

Motion Carried.

Deputy Mayor Chairs in order for Mayor Prue to address issue.

Resolution # 20230814-019

Moved By Mayor Prue

Seconded By Councillor Allaire

That item 16.2 Correspondence: City of Toronto - Comments on the Proposed Provincial Planning Statement to **BE REFERRED** to planning staff for review and analysis.

The Deputy Mayor put the Motion.

Motion Carried.

17. CORRESPONDENCE

Resolution # 20230814-020

**17.1 Correspondence: Flag Raising Request - Franco-Ontarian Day
September 25th, 2023**

Moved By Councillor Allaire
Seconded By Councillor Pouget

That:

1. The Town of Amherstburg **RECEIVE** the correspondence from the Association des communautés francophones de l'Ontario régionale Windsor-Essex-Chatham-Kent (ACFO WECK);
2. The Town of Amherstburg **COMMEMORATE** September 25, 2023 in recognition of Franco-Ontarian Day as an opportunity to honour the members of our Franco-Ontarian community; and,
3. The Franco-Ontarian Flag **BE RAISED** on September 25, 2023 at 10:00 a.m. to facilitate the participation of students, teachers, elected officials and community members in this community event.

The Mayor put the Motion.

Motion Carried.

17.2 Correspondence: Intimate Partner Violence - Violence Against Women Coordinating Committee Windsor-Essex

Resolution # 20230814-021

Moved By Councillor Pouget
Seconded By Councillor McArthur

That:

1. The Town of Amherstburg **RECEIVE** correspondence from Violence Against Women Coordinating Committee Windsor Essex (VAWCCWE);
2. The Town of Amherstburg **DECLARE** Intimate Partner Violence (IPV) as an epidemic; and,
3. Correspondence stating such **BE FORWARDED** to the Honourable Doug Ford, Premier of Ontario, Local MPPs, and the Minister of Women's Social and Economic Opportunity.

The Mayor put the Motion.

Motion Carried.

17.3 Go Gold - Childhood Cancer Awareness Month

Resolution # 20230814-022

Moved By Councillor McArthur

Seconded By Councillor Allaire

That:

1. The Town of Amherstburg **RECEIVE** the correspondence from Fight like Mason in regards to Childhood Cancer Awareness Month;
2. The Town of Amherstburg **PROCLAIM** September 2023 as Childhood Cancer Awareness Month; and,
3. The Fight Like Mason Flag **BE RAISED** on August 31 , 2023 at Libro Centre at 11:00 AM.

The Mayor put the Motion.

Motion Carried.

18. CONSENT OTHER MINUTES

Moved By Councillor Allaire

Seconded By Councillor Courtney

That the following minutes **BE RECEIVED**:

18.1 Minutes - Committee of Adjustment (Public) July 5, 2023

18.2 Minutes - Parks & Recreation Committee (Public) July 18, 2023

The Mayor put the Motion.

Motion Carried.

19. OTHER MINUTES

Resolution # 20230814-023

19.1 Minutes - Audit & Finance (Public) July 31, 2023

Moved By Councillor Pouget

Seconded By Councillor Crain

That:

1. The Audit and Finance Advisory Committee Meeting Minutes of July 31, 2023 **BE RECEIVED**.
2. The Town of Amherstburg 2024 Budget continue to **BE INCLUDED** in the 2022 actuals;
3. A summary table continue to **BE INCLUDED** in future quarterly financial reports; and,
4. That Council **BE PROVIDED** with training on reading financial statements and financial reports.

The Mayor put the Motion.

Motion Carried.

20. UNFINISHED BUSINESS

20.1 Unfinished Business List - August 4, 2023

20.2 Cheque Register - June 2023

Moved By Councillor Allaire

Seconded By Councillor McArthur

That the June and July 2023 Cheque Register **BE RECEIVED**.

The Mayor put the Motion.

Motion Carried.

20.3 Cheque Register - July 2023

21. NEW BUSINESS

Resolution # 20230814-024

Moved By Councillor Allaire

Seconded By Councillor Pouget

That Mayor Prue **TO WRITE** a letter to MPP Chris Lewis and Irek Kusmierczyk in regards to the Bob-Lo dock, it's current conditions and assistance with expediting the process specifically with the upcoming winter.

The Mayor put the Motion.

Motion Carried.

Resolution # 20230814-025

Moved By Councillor Crain

Seconded By Councillor Allaire

That the Town of Amherstburg **TO PROVIDE** a \$500 gold sponsorship to be funded from the Council donation general ledger (GL) towards the Amherstburg Firefighters Association inaugural "Fire in the Hole" Cornhole Tournament.

The Mayor put the Motion.

Motion Carried.

Resolution # 20230814-026

Moved By Councillor Allaire

Seconded By Councillor Pouget

That the Town of Amherstburg **TO POST** a survey on Talk the Burg which includes questions regarding frequency, duration, activities and a comments section for 30 days to solicit comments on Open Air and the CAO to approve.

The Mayor put the Motion.

Motion Carried.

22. NOTICE OF MOTION

23. Special In-Camera Council Meeting

Moved By Deputy Mayor Gibb

Seconded By Councillor Crain

That Council move into an 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 A: Infrastructure and investment related to an Economic Development Matter

Section 239 (2) (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;

Section 239 (2) (j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;

Item B: Legal advice regarding Enforcement Activities

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

Moved By Councillor Courtney

Seconded By Councillor Allaire

That Council rise and resume at 9:55 p.m.

The Mayor put the Motion.

Motion Carried.

Regular Council meeting resumed at 9:55 p.m.

24. BY-LAWS

24.1 By-law 2023-093 - Confirmatory By-Law

Moved By Councillor Crain

Seconded By Councillor Allaire

That **By-law 2023-093** being a by-law to Confirm all Resolutions of the Municipal Council Meeting held on August 14, 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.

25. ADJOURNMENT

Moved By Councillor Courtney

Seconded By Councillor Allaire

That Council rise and adjourn at 9:57 p.m.

The Mayor put the Motion.

Motion Carried.

MAYOR – MICHAEL PRUE

CLERK – KEVIN FOX