



**TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING
MINUTES**

Monday, May 13, 2024

6:00 P.M.

Council Chambers

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

PRESENT Mayor Michael Prue
Deputy Mayor Chris Gibb
Councillor Molly Allaire
Councillor Linden Crain
Councillor Donald McArthur
Councillor Diane Pouget

ABSENT Councillor Peter Courtney (*Regrets*)

STAFF PRESENT Valerie Critchley - CAO
Kevin Fox - Clerk
Sarah Sabihuddin - Deputy Clerk

1. CALL TO ORDER

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

2. NATIONAL ANTHEM

3. ROLL CALL

4. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

Councillor McArthur declared a pecuniary interest for item 14.2 due to being a member of the band hired by the Royal Canadian Legion Branch #157 this summer.

Councillor Pouget declared a conflict of interest on item #19.4 – Drainage Board Meeting Minutes of April 30, 2024 #3 to complete the work on Jeths Drain due to the fact her daughter's home is affected by the Jeths Drain.

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

Council moved into a closed session meeting of Council on May 13, 2024 pursuant to Section 239 of the Municipal Act for the following reasons:

Item A – Legal Advice regarding Development Agreements and Contractual Obligations and was heard under Section 239(2)(c) & Section 239(2)(f) and Council directed administration to proceed on the verbal direction of Council.

Item B –Advice and Information regarding the disposition of Industrial and Economic Development Lands in the Town of Amherstburg

was heard under Section 239(2)(c) & Section 239(2)(f) and Council directed administration to proceed on the verbal direction of Council.

7. MINUTES OF PREVIOUS MEETING

Moved By Councillor McArthur

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:

7.1 **Special Council Meeting - Planning Minutes - March 25, 2024**

7.2 **Regular Council Meeting Minutes - March 25, 2024**

7.3 **Regular Council Meeting Minutes - April 9, 2024**

7.4 **Regular Council Meeting Minutes - April 22, 2024**

The Mayor put the Motion.

Motion Carried.

8. DELEGATIONS

8.1 **Delegation: Item 14.2 - Noise By-law Exemption for Royal Canadian Legion Branch #157 - Gary & Carmelina Wellman**

8.2 **Delegation: Item 14.2 - Noise By-law Exemption for Royal Canadian Legion Branch #157 - David Beneteau**

8.3 **Delegation: Item 14.2 - Noise By-law Exemption for Royal Canadian Legion Branch #157 - Ernie Gazdig**

Moved By Councillor Allaire

Seconded By Councillor Crain

That Ernie Gazdig's delegation **BE EXTENDED** by 5 minutes.

The Mayor put the Motion.

Motion Carried.

Moved By Councillor Crain
Seconded By Councillor Allaire

That all delegations **BE RECEIVED**.

The Mayor put the Motion.

Motion Carried.

Moved By Councillor Crain
Seconded By Councillor Pouget

That item #14.2 **BE BROUGHT** forward.

The Mayor put the Motion.

Motion Carried.

14.2 Noise By-law Exemption for Royal Canadian Legion Branch #157

Resolution: 20240513-012

Moved By Councillor Allaire
Seconded By Councillor Pouget

That:

1. The report from the Manager of Licensing and Enforcement dated April 27, 2024 regarding a noise exemption for Legion Branch #157 **BE RECEIVED for information**;
2. A Noise Exemption for Royal Canadian Legion Branch #157 **BE APPROVED** until September 2, 2024 from Noise By-law 2001-43, table 3-1, section 2 with the respect to the operation of any electronic device or group of connected electronic devices incorporating one or more loudspeakers to allow for music on Friday from 1800hrs to 2200hrs, on Saturday from 1800hrs till 2200hrs and on Sundays from 1400hrs till 1800hrs at the Royal Canadian Legion #157; and,
3. That the request for the waiver of the Noise Exemption fee of \$61.00 **BE WAIVED**.

The Mayor put the Motion.

Motion Carried.

9. PRESENTATIONS

9.1 Presentation - Aphasia Friendly Canada - University of Windsor

Moved By Councillor Allaire

Seconded By Councillor Pouget

Resolution: 20240513-003

That:

1. The presentation **BE RECEIVED**.
2. An Aphasia Friendly Business Campaign **BE SUPPORTED** and **BE ENDORSED** by the Town of Amherstburg.

The Mayor put the Motion.

Motion Carried.

10. REPORTS – CORPORATE SERVICES

There are no reports.

11. REPORTS - PARKS, RECREATION, FACILITIES AND CULTURE

There are no reports.

12. REPORTS - INFRASTRUCTURE SERVICES

12.1 2024 Tractor and Wide Area Mower Replacement

Resolution: 20240513-004

Moved By Councillor Allaire

Seconded By Councillor McArthur

That:

1. An expenditure for the purchase of a 2024 Tractor and Wide Area Mower **BE APPROVED** for a total cost not to exceed \$197,914.52 including net HST;
2. The purchase of the 2024 Tractor and Wide Area Mower **BE AWARDED** to Colvoy Equipment; and,

3. Net proceeds from the sale of the current Unit 607 Tractor **BE DIRECTED** to the Fleet Reserves, along with any surplus funding, to help replenish the reserves for future Fleet purchases.

The Mayor put the Motion.

Motion Carried.

12.2 2023 Case Backhoe Improvements

Resolution: 20240513-005

Moved By Councillor Allaire

Seconded By Deputy Mayor Gibb

That an expenditure for the installation of safety equipment on the Water/Waste Water Backhoe by Delta Power Equipment for the Water and Wastewater division not to exceed \$14,755 **BE APPROVED** including net HST and that the additional amount of \$14,755 **BE FUNDED** from the Water/Waste Water Reserve (0210).

The Mayor put the Motion.

Motion Carried.

12.3 2024 Road Repairs Program – Tender Award

Resolution: 20240513-006

Moved By Councillor Allaire

Seconded By Councillor Pouget

That:

1. The 2024 Road Repairs Program Tender **BE AWARDED** to Nasci Construction Services Ltd. in an amount of \$176,400 plus applicable taxes; and,
2. The Mayor and Clerk **BE AUTHORIZED** to execute an agreement with Nasci Construction Services Ltd. for the completion of the 2024 Road Repairs Program.

The Mayor put the Motion.

Motion Carried.

12.4 Fraserville Outfall Liner Project Tender Awarded

Resolution: 20240513-007

Moved By Councillor Allaire

Seconded By Deputy Mayor Gibb

That:

1. The Fraserville Outfall Liner Project (#722025) **BE AWARDED** to Clearwater Structures Inc. in an amount not to exceed \$261,555 inclusive of HST;
2. The shortfall in funding for the Fraserville Outfall Liner Project (#722025) in the amount of \$144,800 **BE FUNDED** by a reduction of \$144,800 (General Reserve 0400) from the approved Annual Bridge Maintenance Project (#724038) and those funds redirected to the Fraserville Outfall Liner Project (#722025); and,
3. The Mayor and Clerk **BE AUTHORIZED** to execute an agreement with Clearwater Structures Inc. for the completion of Fraserville Outfall Liner Project.

The Mayor put the Motion.

Motion Carried.

13. REPORTS - PLANNING AND DEVELOPMENT SERVICES

13.1 Brittany's Gate Subdivision Agreement File No. 37-T-23005

Resolution: 20240513-008

Moved By Councillor Crain

Seconded By Councillor Allaire

That:

1. The Corporation of the Town of Amherstburg **ENTER INTO** a Subdivision Agreement with 1109152 Ontario Limited for Brittany's Gate Subdivision; and,
2. **By-law 2024-034** being a By-law to authorize the signing of a Subdivision Agreement for Brittany's Gate Subdivision 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.

13.2 Cultural Heritage Risk Mitigation – Student Placement Opportunity

Resolution: 20240513-009

Moved By Councillor Allaire

Seconded By Councillor Crain

That Administration **BE DIRECTED** to hire a university student during the fall semester of 2024 to help designate Properties of Cultural Heritage Value or Interest to meet the legislated timeline of Bill 23.

The Mayor put the Motion.

Motion Carried.

13.3 Digital Gateway Signage

Resolution: 20240513-010

Moved By Deputy Mayor Gibb

Seconded By Councillor Allaire

That:

1. Administration **BE DIRECTED** to issue a Request for Proposal for third party partnership on the digital gateway signs as outlined in this report;
2. Administration **BE APPROVED** to proceed with the extended 5-year parts warranty for the digital signs, at a cost of \$4,430 USD, plus taxes, with all revenue and expenditures to be captured under the Economic Development Division; and,
3. Administration **BE DIRECTED** to bring back any changes to the Municipal Digital Signage Policy which may be required as a result of the RFP.

The Mayor put the Motion.

Motion Carried.

14. REPORTS - CAO's OFFICE

14.1 Designate 179 Victoria Street South as a Municipal Capital Facility

Resolution: 20240513-011

Moved By Councillor Allaire

Seconded By Councillor Pouget

That:

1. The community centre at 179 Victoria Street South **BE DECLARED** a municipal capital facility for the purposes of the municipality and Council affirms that its facilities are for public use;
2. By-law 2024-035, being a by-law to designate 179 Victoria Street South as a Municipal Capital Facility, be taken as having been read three times and finally passed, and the Mayor and Clerk **BE AUTHORIZED** to sign same;
3. Administration **BE DIRECTED** to negotiate a Municipal Capital Facility Agreement with the lessee of 179 Victoria Street South;
4. The Mayor and CAO **BE AUTHORIZED** to execute a Municipal Capital Facility Agreement with the lessee of 179 Victoria Street South; and,
5. Administration **BE DIRECTED** to pursue changes in the Property Tax Classification of 179 Victoria Street South, as appropriate.

The Mayor put the Motion.

Motion Carried.

14.2 Noise By-law Exemption for Royal Canadian Legion Branch #157

As addressed above.

14.3 Motion from Amherstburg Accessibility Advisory Committee Regarding Funding Source for Downtown Sidewalk Repairs

Moved By Councillor McArthur

Seconded By Councillor Pouget

That 50% of the funding **COME FROM** the AODA Compliance Reserve Fund and that the other 50% of the funding come from another source such as the tax stabilization fund for the Richmond Street Corridor sidewalk rehabilitation.

	Yes/Concur	No/Not Concur
Councillor Allaire	X	
Councillor Courtney	N/A	N/A
Councillor Crain	X	
Deputy Mayor Gibb	X	
Councillor McArthur	X	
Councillor Pouget	X	
Mayor Prue	X	

The Mayor put the Motion.

Motion Carried.

Moved By Councillor Crain
Seconded By Councillor Pouget

That the previous motion regarding the funding source for downtown sidewalk repairs **BE REOPENED.**

The Mayor put the Motion.

Motion Carried.

Resolution: 20240513-013

Moved By Councillor McArthur
Seconded By Councillor Pouget

That 50% of the funding **COME FROM** the AODA Compliance Reserve Fund and that the other 50% of the funding come from the Lifecycle Reserve Fund for the Richmond Street Corridor sidewalk rehabilitation.

The Mayor put the Motion.

Motion Carried.

15. INFORMATION REPORTS

15.1 Quarterly Fire Department Activity report-1st Quarter 2024

Moved By Councillor Allaire
Seconded By Deputy Mayor Gibb

That the first quarter activity report (January, February, March, 2024) for Fire Services from the Fire Chief BE **RECEIVED for information.**

The Mayor put the Motion.

Motion Carried.

15.2 Building Activity Report for Month of January to March 2024

Moved By Councillor Allaire

Seconded By Councillor Pouget

That the report from the Chief Building Official dated April 15, 2024 regarding the Building Activity Report for the months of January, February and March 2024, **BE RECEIVED** for information.

The Mayor put the Motion.

Motion Carried.

15.3 2024 Community Risk Assessment (O. Reg. 378/18) Requirement

Moved By Councillor Pouget

Seconded By Deputy Mayor Gibb

That the report from the Fire Chief dated April 23, 2024, regarding the 2024 Community Risk Assessment for compliance with the Fire Protection and Prevention Act, R.S.O. (FPPA) **BE RECEIVED for information.**

The Mayor put the Motion.

Motion Carried.

15.4 Councillor Request for Information re. Resident Concern on Encroachment Matter

Moved By Deputy Mayor Gibb

Seconded By Councillor Crain

That the report **BE RECEIVED for information.**

The Mayor put the Motion.

Motion Carried.

16. CONSENT CORRESPONDENCE

No Consent Correspondence.

17. CORRESPONDENCE

17.1 Ontario Ombudsman Report

Resolution: 20240513-014

Moved By Deputy Mayor Gibb

Seconded By Councillor Crain

1. The report by the Ombudsman of Ontario, Paul Dube, **BE RECEIVED for information**;
2. Members of Council continue to adhere and **BE VIGILANT** with regards to obligations and responsibilities noted in the Municipal Act;
3. Members of Council ensure that all resolutions to proceed in camera **BE PROVIDED** in a way that provides the general nature of the matter to be considered in the closed meeting, as required by the Municipal Act; and,
4. Council and Committee training sessions shall **BE DELIVERED** in a way to prevent a meeting from taking place by not materially advancing the business or decision-making of Council or the Local Board.

The Mayor put the Motion.

Motion Carried.

17.2 Crime Stoppers Windsor Essex Golf Tournament

Moved By Councillor Crain

Seconded By Deputy Mayor Gibb

That the report **BE RECEIVED for information**.

The Mayor put the Motion.

Motion Carried.

18. CONSENT OTHER MINUTES

Moved By Deputy Mayor Gibb

Seconded By Councillor Crain

That the following minutes **BE RECEIVED**:

18.1 Committee of Adjustment Meeting Minutes- April 3, 2024

The Mayor put the Motion.

Motion Carried.

19. OTHER MINUTES

19.1 Amherstburg Accessibility Advisory Committee Meeting Minutes - April 10, 2024

Resolution: 20240513-015

Moved By Councillor McArthur

Seconded By Deputy Mayor Gibb

That:

1. The Amherstburg Accessibility Advisory Committee Meeting Minutes of April 10, 2024 **BE RECEIVED**; and,
2. The Accessibility Flag **BE RAISED** on Tuesday, May 28, 2024 at 10:00 a.m. to recognize National AccessAbility week.

The Mayor put the Motion.

Motion Carried.

19.2 Heritage Committee Meeting Minutes - April 11, 2024

Resolution: 20240513-016

Moved By Deputy Mayor Gibb

Seconded By Councillor Allaire

1. That the Heritage Committee Meeting Minutes of April 11, 2024 **BE RECEIVED**; and,

2. That the application of 247 Brock Street St. Anthony Lofts **BE SUBMITTED** by Council for the Paul Oberman Award, recognizing small-scale heritage adaptive reuse projects through the Achitectural Conservancy of Ontario (ACO).

The Mayor put the Motion.

Motion Carried.

19.3 Economic Development Advisory Committee Meeting Minutes - April 25, 2024

Resolution: 20240513-017

Moved By Councillor Allaire
Seconded By Councillor Pouget

1. That the Economic Development Advisory Committee Meeting Minutes of April 25, 2024 **BE RECEIVED**.
2. That the Economic Development Advisory Committee **BE INVOLVED** in public consultation activities undertaken for the proposed boat ramp at K. Walter Ranta Memorial Park.

The Mayor put the Motion.

Motion Carried.

19.4 Drainage Board Meeting Minutes - April 30, 2024

Resolution: 20240513-018

Moved By Councillor Allaire
Seconded By Deputy Mayor Gibb

1. The Drainage Board Meeting Minutes of April 30, 2024 **BE RECEIVED**;
2. Council **ACCEPT** the request from the landowner(s) on the Pike Road Drain East and **APPOINT** Josh Warner, P.Eng., of R. Dobbin Engineering Inc., to examine and prepare a report on the repair and improvement of the drainage system as per Section 78 of the Drainage Act, as recommended by the Drainage Board;
3. Council **APPROVE Amending Bylaw 2024-038** and give three readings to allow for the recovery of the cost that Finance has provided for works on the Foucher

Drain, as recommended by the Drainage Board; and the Mayor and Clerk sign same; and

4. Council **APPROVE Levying Bylaw 2024-036** and give three readings to allow the collection of cost for the maintenance performed by the Town in 2023, as recommended by the Drainage Board; and the Mayor and Clerk sign same.

The Mayor put the Motion.

Motion Carried.

Resolution: 20240513-019

Moved By Councillor Allaire

Seconded By Councillor McArthur

That Council **APPROVE Amending By-Law No. 2024-037** and give three readings to allow for the recovery of cost that Finance has provided in order to complete the works on the Jeths Drain, as recommended by the Drainage Board; and the Mayor and Clerk sign same.

The Mayor put the Motion.

Motion Carried.

20. UNFINISHED BUSINESS

20.1 Unfinished Business List - May 2024

21. NEW BUSINESS

Resolution: 20240513-020

Moved By Councillor Allaire

Seconded By Councillor Pouget

That Administration **BE DIRECTED** to bring a report regarding the Town's phragmites program.

The Mayor put the Motion.

Motion Carried.

22. NOTICE OF MOTION

23. BY-LAWS

Resolution: 20240513-021

**23.1 By-Law 2024 -041: Appointment of a Provincial Offences Officer
Gerges Salloum**

Moved By Councillor Allaire

Seconded By Councillor McArthur

That By-law 2024-040 being a by-law to Appoint Provincial Offenses Officers 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.

23.2 2024 -041 - Confirmatory By-Law - May 13, 2024

Moved By Councillor Crain

Seconded By Deputy Mayor Gibb

That By-law 2024-041 being a By-law to Confirm all Resolutions of the Municipal Council Meeting held on May 13, 2024, 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.

24. ADJOURNMENT

Moved By Councillor Allaire

Seconded By Councillor Crain

That Council rise and adjourn at 8:32 p.m.

The Mayor put the Motion.

Motion Carried.

MAYOR - MICHAEL PRUE

KEVIN FOX - CLERK