



**TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING
MINUTES**

Monday, October 28, 2024

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 Diane Pouget
Councillor Linden Crain
Councillor Molly Allaire
Councillor Donald McArthur

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 pm

2. NATIONAL ANTHEM

3. ROLL CALL

4. DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

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

It was moved that Council enter into an In-Camera Meeting of Council pursuant to Section 239 of the Municipal Act, 2001, as amended for the following reasons:

Item A – Update on Third Party Contract

Section 239(2)(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.

And Council directed that Administration proceed on their verbal direction.

Item B – Striking Committee for Civic Award Nomination

Section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees.

And Council directed that Administration proceed on their verbal direction.

Resolution 20241028-002

Moved By Deputy Mayor Gibb

Seconded By Councillor Allaire

That:

1. Jack Edwards and Ron Giofu **BE NOMINATED** by the Town of Amherstburg for the King Charles III Coronation Medal and;
2. The Clerk **BE DIRECTED** to complete for nomination forms on behalf of Council and submit them to Chris Lewis, MP before December 2, 2024.

7. MINUTES OF PREVIOUS MEETING

Moved By Councillor Allaire

Seconded By Councillor Courtney

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 Council Meeting (PUBLIC) - September 23, 2024

7.2 Special Council Meeting - Planning DC Study - October 15, 2024

7.3 Special Council Meeting - Planning - October 15, 2024

7.4 Special In-Camera Council Meeting (PUBLIC) - October 15, 2024

The Mayor put the Motion.

Motion Carried.

8. RECOGNITIONS

9. DELEGATIONS

9.1 Delegation - Item 15.4 Sewer Works and Sidewalk Rehabilitation on George Street - Judith Carter

Moved By Councillor Allaire
Seconded By Councillor Pouget

That the delegation **BE EXTENDED** by 5 minutes.

The Mayor put the Motion.

Motion Carried.

9.2 Delegation - Item 15.4 Sewer Works and Sidewalk Rehabilitation on George Street - Gerald Schmidt

9.3 Delegation-Item 15.4 Sewer Works and Sidewalk Rehabilitation on George Street - Alex Bondy

9.4 Delegation-Item 15.4 Sewer Works and Sidewalk Rehabilitation on George Street - Linda Saxon

Moved By Councillor Pouget
Seconded By Councillor Courtney

That the rules of order **BE WAIVED** to allow Mr. Morenci permission to speak.

	YES/CONCUR	NO/NOT CONCUR
Councillor Allaire	X	
Councillor Courtney	X	
Councillor Crain		X
Deputy Mayor Gibb		X
Councillor McArthur	X	
Councillor Pouget	X	
Mayor Prue	X	

The Mayor put the Motion.

Motion Failed.

Moved By Councillor Allaire
Seconded By Councillor Pouget

That the delegations **BE RECEIVED**.

The Mayor put the Motion.

Motion Carried.

Moved By Councillor McArthur
Seconded By Deputy Mayor Gibb

That item 15.4 **BE BROUGHT** forward.

The Mayor put the Motion.

Motion Carried.

15.4 Infrastructure Works and Sidewalk Rehabilitation on George, Seymour and Portions of Murray Street

Resolution 20241028-003

Moved By Councillor McArthur
Seconded By Deputy Mayor Gibb

That:

1. The report of October 28, 2024, entitled Sewer Works and Sidewalk Rehabilitation on George Street **BE RECEIVED** for information;
2. Delegated authority **BE PROVIDED** to the Clerk/Risk Manager to approve the insurance requirements of encroachment agreements with regards to non-commercial policy holders in the absence of Certificates of Insurance where indemnification language is deemed to be satisfactory to offset the associated risk;
3. Administration **BE DIRECTED** to bring back the amendments necessary to do so for Council's approval to the Encroachment By-law, By-law 2023-061, and the Delegation of Authority Policy;
4. Administration **BE DIRECTED** to undertake all tasks associated to prepare and submit the relevant encroachment documentation to be registered on title for

- those entering into encroachment agreements as part of the capital project for the infrastructure works on George, Seymour and portions of Murray Street; and,
5. All costs related to the preparation of documentation and registration of encroachments on title that are made necessary by the infrastructure works on George, Seymour and portions of Murray Street **BE INCORPORATED** into the associated capital works project costs and annual fees be waived.
 6. The Amherstburg Accessibility Advisory Committee **BE CONSULTED** on this plan;
 7. The encroachment deadlines **BE EXTENDED** until the Amherstburg Accessibility Advisory Committee has heard the issue.

The Mayor put the Motion.

Motion Carried.

10. PRESENTATIONS

11. REPORTS – CORPORATE SERVICES

There are no reports.

12. REPORTS - PARKS, RECREATION, FACILITIES AND CULTURE

There are no reports.

13. REPORTS - INFRASTRUCTURE SERVICES

13.1 Kingsbridge Subdivision Phase 7C – Assumption of Streetlights, Surface Asphalt and Sidewalk

Resolution 20241028-004

Moved By Councillor Crain

Seconded By Councillor Allaire

That the streetlights, surface asphalt, and sidewalk within Kingsbridge Subdivision Phase 7C **BE ACCEPTED and ASSUMED.**

The Mayor put the Motion.

Motion Carried.

13.2 8th Concession Rd North Road Reconstruction – Additional Environmental Requirements

Resolution 20241028-005

Moved By Councillor Courtney

Seconded By Councillor Allaire

That an over-expenditure not to exceed \$20,199 for the 8th Concession Rd North Road Reconstruction (Alma St to County Road 10) - Engineering Services (721008) funded from 0625 - Ontario Grants Reserve (OCIF) **BE APPROVED**, providing for a total project budget of \$120,199.

The Mayor put the Motion.

Motion Carried.

13.3 Sanitary Master Plan – Engineering Services

Resolution 20241028-006

Moved By Councillor Courtney

Seconded By Deputy Mayor Gibb

That:

1. The Proposal for Engineering Services from Agile Infrastructure Ltd. for the Sanitary Master Plan (capital project #724026) **BE ACCEPTED**;
2. The Mayor and Clerk **BE AUTHORIZED** to execute an agreement with Agile Infrastructure Ltd. for the Sanitary Master Plan for a total amount not to exceed \$321,720 plus HST; and,
3. An over-expenditure for the Sanitary Master Plan not to exceed \$27,382 **BE APPROVED** for a total cost not to exceed \$327,382 including net HST and that the over-expenditure **BE FUNDED** from the Reserve Fund 02010 - Capital Wastewater.

The Mayor put the Motion.

Motion Carried.

14. REPORTS - PLANNING AND DEVELOPMENT SERVICES

14.1 Mulberry Court Subdivision, Request for Part Lot Control Exemption

Resolution 20241028-007

Moved By Deputy Mayor Gibb

Seconded By Councillor Pouget

That:

1. The application for Removal of Part Lot Control for Blocks 1 through 26 on Plan 12M-710, known locally as Mulberry Court Subdivision, **BE APPROVED**; and,
2. **By-law 2024-075** being a by-law to remove certain lands from Part Lot Control 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 Housing Enabling Water Systems Fund Grant – Intake 2 Submission

Resolution 20241028-008

Moved By Deputy Mayor Gibb

Seconded By Councillor Crain

1. THAT the Chief Administrative Officer and Director of Infrastructure Services **BE AUTHORIZED** to apply to the ***Housing Enabling Water Services Fund (HEWSF) - Intake 2*** for the South East Quadrant (SEQ) Infrastructure project noted in this report, subject to the documents being satisfactory in legal form to the Chief Administrative Officer, in technical content to the Director of Infrastructure Services and in financial content to the Chief Financial Officer and;
2. The following funding sources **BE APPROVED** to address any eligible cost not funded by the grant;
 - a. Sanitary Development Charge Reserve (0125);
 - b. Detailed Design Cost Recovery;
 - c. Water Reserve (0200) and;
3. The Chief Administrative Officer and Director of Development Services/Deputy CAO, with support from Watson and Associates, **BE DIRECTED** to negotiate a

funding agreement with the developers with property included in the SEQ infrastructure project in order to secure developer charge funding for the sanitary servicing costs not funded by the grant for this project as well as recovery of costs from the detailed design to fund a portion of the water servicing costs not covered by the grant and;

4. The following recommendations **BE APPROVED** upon written confirmation from the Ministry of the Town being awarded funding under the Housing Enabling Water Systems Fund for the SEQ Infrastructure project:
 - a. That the Chief Administrative Officer and Clerk, **BE AUTHORIZED** to sign and execute any agreements, declarations or approvals required resulting from receiving funding under the Housing Enabling Water Systems Fund, satisfactory in financial content to the Chief Financial Officer, and in technical content to the Director of Infrastructure Services and;
 - b. The Mayor **BE AUTHORIZED** to sign the Transfer Payment Agreement for the Housing Enabling Water System Fund, if so required by the grant provider and;
 - c. That the Chief Administrative Officer and the Clerk **BE AUTHORIZED** to take any such action required to enact the recommendations noted above and sign any required documentation/agreement(s) for the implementation of the South East Quadrant Infrastructure project, satisfactory in legal form to the Chief Administrative Officer, in technical content to Director of Infrastructure Services and in financial content to the Chief Financial Officer; and;
 - d. Authority **BE DELEGATED** to the Chief Administrative Officer to award contracts through procurement policy and issue purchase orders and or sign and execute any agreements as may be required for the necessary services to execute the scope of work for the South East Quadrant Infrastructure Project and;
 - e. Administration **BE DIRECTED** to provide a report to Council to commence the necessary Local Improvement process;
 - f. Administration **BE DIRECTED** to provide a report back to Council on the finalized funding agreement with the developers, and;
 - g. Administration **BE DIRECTED** to send correspondence to MPP Leardi regarding the application to the Housing Enabling Water Systems Fund.

The Mayor put the Motion.

Motion Carried.

14.3 Erie Isle Court, Kingsbridge Subdivision, Extension of Part Lot Control Exemption

Resolution 20241028-009

Moved By Councillor Crain

Seconded By Councillor Allaire

That **By-law 2024-076** being a by-law to amend By-law 2021-069 to extend the expiration date for Part Lot Control exemption, related to Erie Isle Court, Kingsbridge Subdivision Phase 5, 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.

14.4 Road Dedication of Blocks 27 and 28, 12M-710 (Road Widening of Simcoe Street) as a Public Highway

Resolution 20241028-010

Moved By Councillor Allaire

Seconded By Deputy Mayor Gibb

That:

1. The dedication of Block 27 on 12M-710 (road widening of Simcoe Street) as a Public Highway **BE APPROVED**;
2. The dedication of Block 28 on 12M-710 (road widening of Simcoe Street) as a Public Highway **BE APPROVED**; and,
3. **By-law 2024-071** being a by-law to dedicate Blocks 27 and 28 on 12M-710 as a Public Highway 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.

14.5 Road Dedication of Reserve on Annie Avenue, Part 4, 12R-26778, as a Public Highway

Resolution 20241028-011

Moved By Councillor McArthur

Seconded By Councillor Crain

That:

1. The dedication of Part 4 on 12R-26778 (reserve on Annie Avenue) as a Public Highway **BE APPROVED**; and,
2. **By-law 2024-080** being a by-law to dedicate Part 4 on 12R-26778 as a Public Highway 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.

14.6 Zoning By-law Amendment- 365 Sandwich Street South

Resolution 20241028-013

Moved By Councillor Allaire

Seconded By Councillor Pouget

That **By-law 2024-074** being a by-law to amend Zoning By-law No. 1999-52, to amend the zoning for the subject lands known as 365 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.

15. REPORTS - CAO's OFFICE

15.1 Asset Management – Maintenance Software

Resolution 20241028-012

Moved By Deputy Mayor Gibb

Seconded By Councillor Pouget

That:

1. The required capital funds of \$195,000 inclusive of non-recoverable HST and contingency, identified in the 2025 capital budget for the Asset Management Maintenance Software (ITS-001-25) with funding from General Reserve (0400) \$95,000 and Water Reserve (0200) \$50,000 and Waste Water Reserve (0210) \$50,000, **BE PRE-COMMITTED** for immediate use; and,
2. The Chief Administrative Officer and Clerk, or designates, **BE AUTHORIZED** to execute an agreement and purchase order with PSD Citywide Inc. for an amount of up to \$195,000, inclusive of non-recoverable HST and contingency, subject to approval of technical content by the Director of Development Services/Deputy CAO and to financial content by the Director of Corporate Services/Chief Financial Officer, or designates.

The Mayor put the Motion.

Motion Carried.

15.2 Quarterly Fire Department Activity Report – Q3 - 2024

Resolution 20241028-014

Moved By Deputy Mayor Gibb

Seconded By Councillor Pouget

That the Third Quarter Fire Activity Report (July, Aug, Sept – 2024) **BE RECEIVED for information.**

The Mayor put the Motion.

Motion Carried.

15.3 Enbridge Franchise Agreement Renewal

Resolution 20241028-015

Moved By Deputy Mayor Gibb

Seconded By Councillor McArthur

That:

1. The form of draft By-law 2024-084 and the model franchise agreement **BE APPROVED and AUTHORIZED** as attached hereto for the submission thereof to the Ontario Energy Board for approval pursuant to the provisions of Section 9 of the Municipal Franchises Act; and,
2. The Council of the Town of Amherstburg **REQUEST** that the Ontario Energy Board make an Order declaring and directing that the assent of the municipal electors to the attached draft by-law and franchise agreement pertaining to the Corporation of the Town of Amherstburg is not necessary pursuant to the provisions of Section 9(4) of the Municipal Franchises Act.

The Mayor put the Motion.

Motion Carried.

15.4 Infrastructure Works and Sidewalk Rehabilitation on George, Seymour and Portions of Murray Street

Discussed Above.

15.5 Amendments to the Digital Gateway Signage Policy

Resolution 20241028-016

Moved By Councillor Allaire

Seconded By Deputy Mayor Gibb

That:

1. The amendments to the Digital Gateway Signage Policy, as noted in the report of October 28, 2024, **BE APPROVED**; and,

2. Administration **BE DIRECTED** to proceed with a Request for Proposal or a Request for Tender, as appropriate, to identify a vendor for the identified advertising time blocks on the Digital Gateway Signage.

The Mayor put the Motion.

Motion Carried.

16. INFORMATION REPORTS

Moved By _____

Seconded By _____

That the following information reports **BE RECEIVED**:

- 16.1 **2024 Second Quarter (Q2) Projected Variances as at June 30th, 2024**
- 16.2 **2024 Windsor Police Services Amherstburg Detachment - Third Quarter**

The Mayor put the Motion.

Motion Carried.

17. CONSENT CORRESPONDENCE

There is no consent correspondence.

18. CORRESPONDENCE

There is no correspondence.

19. CONSENT OTHER MINUTES

Moved By _____

Seconded By _____

That the following minutes **BE RECEIVED**:

- 19.1 **June 27, 2024 Amherstburg Accessibility Advisory Committee Meeting Minutes**

19.2 October 2, 2024 Committee of Adjustment Meeting Minutes

Motion Carried / Motion Tabled / Motion Defeated / Motion Lost

20. OTHER MINUTES

There are no other minutes.

21. UNFINISHED BUSINESS

21.1 Unfinished Business List – October

22. NEW BUSINESS

23. NOTICE OF MOTION

24. BY-LAWS

24.1 By-law 2024-081- Confirmatory By-law

Moved By _____

Seconded By _____

By-law 2024-081 being a by-law to Confirm all Resolutions of the Municipal Council Meetings held on October 28, 2024, be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

Motion Carried / Motion Tabled / Motion Defeated / Motion Lost

25. ADJOURNMENT

Moved By _____

Seconded By _____

That Council rise and adjourn at _____ p.m.

Motion Carried / Motion Tabled / Motion Defeated / Motion Lost

MAYOR - MICHAEL PRUE

KEVIN FOX - CLERK