



**TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING**

**Monday, March 22, 2021
6:00 PM**

MINUTES

PRESENT

Deputy Mayor Leo Meloche
Councillor Courtney
Councillor Donald McArthur
Councillor Michael Prue
Councillor Marc Renaud
Councillor Patricia Simone

Giovanni (John) Miceli, CAO
Paula Parker, Clerk
Tammy Fowkes, Deputy Clerk

ABSENT

Mayor DiCarlo

All members of Council participated in the meeting through video conferencing technology from remote locations. Public participation was conducted via livestream.

CALL TO ORDER

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

ROLL CALL

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF (Public Council Meeting Agenda Items)

Item # 4.5 - Special In-Camera Council Meeting Minutes, March 8, 2021 -
Councillor Prue advised that there may be an error with respect to the minutes.

The Clerk advised that the concern can be addressed in the In-Camera Meeting directly following Regular session and the March 8th, 2021, In-Camera Meeting Minutes will be brought forward to the April 12th, 2021 for adoption.

MINUTES OF PREVIOUS MEETING

Councillor Prue moved Items # 4.1 - # 4.4.

Resolution # 20210322-084

Moved By Councillor Prue

Seconded By Councillor McArthur

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:

- 4.1 Special In-Camera Council Meeting Minutes - February 22, 2021**
- 4.2 Regular Council Meeting Minutes - February 22, 2021**
- 4.3 Special Council Meeting Minutes - Planning - March 8, 2021**
- 4.4 Regular Council Meeting Minutes - March 8, 2021**
- ~~4.5 Special In-Camera Council Meeting Minutes - March 8, 2021~~**

The Deputy Mayor put the Motion.

Motion Carried

DELEGATIONS

5.1 Request for Street Named after Grandfather - Denise Spearing

Resolution # 20210322-085

Moved By Councillor Prue

Seconded By Councillor Simone

That:

- 1. The delegation BE RECEIVED; and,**
- 2. Harry V. Spearing's name BE ADDED to the street naming list and be properly vetted through the Marsh Historical Collection and the Heritage Committee, if necessary, and a report be brought back to Council.**

The Deputy Mayor put the Motion.

Motion Carried

The Deputy Mayor moved Items # 5.6 and # 5.7 forward.

5.2 Request for Fence Variance - Scott Renaud and Lynn Nadeau

5.6 Response to Item # 5.2, Fence Variance Request - Luigi DiPierdomenico, DiPierdomenico Law Firm, Representing Douglas and Mary Emery

5.7 Response to Item # 5.2, Fence Variance Request - Debbie Nedin

The Clerk advised of a delegation request with respect to Item # 5.2 that was received by Drew Coulson past the deadline.

Moved By Councillor McArthur

Seconded By Councillor Simone

That the Rules of Order BE WAIVED to allow Mr. Coulson to address Council.

The Deputy Mayor put the Motion.

Motion Carried

Resolution # 20210322-086

Moved By Councillor Prue
Seconded By Councillor Simone

That:

- 1. The Chief Administrative Officer BE DIRECTED to meet with the parties to the fence variance request to broker a deal and mediate a settlement; and,**
- 2. The current application BE TABLED until a settlement is reached.**

The Deputy Mayor put the Motion.

Motion Carried

- 5.3 Open Air Weekends 2021 - Jen DeLuca, Waterfront Ice Cream**
- 5.4 Open Air Weekends 2021 - Bryce May, Happier Camper**
- 5.5 Open Air Weekends 2021 - Richard Peddie, River Bookshop**

The Deputy Mayor moved Item # 7.1 forward.

PRESENTATION

7.1 Open Air Weekends 2021

The Manager of Licencing and Enforcement provided a presentation with respect to Open Air Weekends 2021.

The Clerk advised of a request from Remo and Renee D'Amore, Downtown Espresso Café, to have their correspondence read aloud as they couldn't attend this evening's meeting.

Moved By Councillor McArthur
Seconded By Councillor Simone

That the Rules of Order BE WAIVED to allow the Clerk to read the correspondence as requested.

The Deputy Mayor put the Motion.

Motion Carried

Moved By Councillor Prue
Seconded By Councillor Simone

That all Open Air delegations and the Administrative presentation BE RECEIVED.

The Deputy Mayor put the Motion.

Motion Carried

REPORTS – PARKS, FACILITIES, RECREATION AND CULTURE

8.1 Continuing Respond, Restart, Recover Open Air Weekends 2021

Councillor Prue amended the motion to approve Option A with an amended footprint on Dalhousie St. up to Gore St. to accommodate the Royal Canadian Legion.

Resolution # 20210322-088

Moved By Councillor Prue
Seconded By Councillor McArthur

That:

- 1. Open Air Weekend Option A with an amended footprint on Dalhousie St. up to Gore St. to accommodate the Legion BE APPROVED during prime hours and Option D during non prime hours, beginning every weekend from May 21-24 to September 24-26, 2021;**
- 2. Open Air Weekends 2021 and associated events BE EXEMPT AND PERMITTED for road closures included in Option A to begin prior to 5pm for the remainder of 2021;**
- 3. Open Air Weekends 2021 and associated events BE EXEMPT from the Noise By-law, as long as the noise generated from the program and associated events remain under a noise level of 60dba; and,**
- 4. An exemption BE GRANTED to Section 3 of the Kings Navy Yard Park By-law 2004-89 to allow for the Open Air Weekends 2021 and associated events in the Kings Navy Yard Park.**

The Deputy Mayor put the Motion.

Motion Carried

Moved By Councillor Renaud
Seconded By Councillor Simone

That Council recess for break at 8:58 p.m.

The Deputy Mayor put the Motion.

Motion Carried

Moved By Councillor Simone
Seconded By Councillor Renaud

That Council resume Regular session at 9:14 p.m.

The Deputy Mayor put the Motion.

Motion Carried

5.6 Response to Item # 5.2, Fence Variance Request - Luigi DiPierdomenico, DiPierdomenico Law Firm, Representing Douglas and Mary Emery

As dealt with above

5.7 Response to Item # 5.2, Fence Variance Request - Debbie Nedin

As dealt with above

REPORTS – CORPORATE SERVICES

There were no reports.

PRESENTATION

7.1 Open Air Weekends 2021

As dealt with above.

REPORTS – PARKS, FACILITIES, RECREATION AND CULTURE

8.1 Continuing Respond, Restart, Recover Open Air Weekends 2021

As dealt with above

REPORTS – ENGINEERING AND PUBLIC WORKS

9.1 2021 Mill and Pave Program – Tender Results

Resolution # 20210322-089

Moved By Councillor Simone

Seconded By Councillor Renaud

That:

- 1. The 2021 Mill and Pave Program Tender BE AWARDED to Armstrong Paving and Materials Group Ltd. for an amount not to exceed \$612,401.11 plus H.S.T to complete rehabilitation works for Ryan Street, Lamp Road, David Crescent, Point West Drive West and Wyandotte Street; and,**
- 2. The Mayor and Clerk BE AUTHORIZED to execute an agreement with Armstrong Paving and Materials Group Ltd. for the 2021 Mill and Pave program.**

The Deputy Mayor put the Motion.

Motion Carried

9.2 Culvert No. 59 Replacement - Hamel-Bezaire Drain at Concession 4 North – Tender Results

Resolution # 20210322-090

Moved By Councillor Renaud

Seconded By Councillor McArthur

That:

- 1. The Culvert No. 59 Replacement - Hamel-Bezaire Drain at Concession 4 North BE AWARDED to Matassa Incorporated in an amount not to exceed \$478,563.99 plus H.S.T.; and,**

2. **The Mayor and Clerk BE AUTHORIZED to execute an agreement with Matassa Incorporated for the Culvert No. 59 Replacement - Hamel-Bezaire Drain at Concession 4 North.**

The Deputy Mayor put the Motion.

Motion Carried

9.3 Fryer Street Reconstruction – Abandonment of portion of the 2nd Concession Drain

Resolution # 20210322-091

Moved By Councillor McArthur
Seconded By Councillor Simone

That:

1. **Administration BE DIRECTED to send notice to all owners of land assessed for the drainage works stating its intention to abandon part the 2nd Concession Drain drainage works in accordance with Section 84(2) of the Drainage Act; and,**
2. **Administration BE DIRECTED to appoint an engineering firm from the Drainage Engineering Roster to complete a report for the abandonment of part of the 2nd Concession Drain in accordance with Section 84(3) of the Drainage Act if notice is received from a landowner requesting that such a report be made.**

The Deputy Mayor put the Motion.

Motion Carried

REPORTS - PLANNING, DEVELOPMENT AND LEGISLATIVE SERVICES

10.1 Removal of Holding Zone for Kingsbridge Subdivision Phase 10

Resolution # 20210322-092

Moved By Councillor Prue
Seconded By Councillor Simone

That By-law 2021-015 being a by-law to amend Zoning By-law 1999-52 to Remove a Holding Zone for Kingsbridge Subdivision Phase 10 be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Deputy Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

11.1 AODA Compliance Remediation Software Licensing

Resolution # 20210322-093

Moved By Councillor Renaud

Seconded By Councillor Simone

That:

- 1. An Agreement with AbleDocs Inc. for the purchase of Document Accessibility Remediation Software and Services BE APPROVED and the Mayor and Clerk BE AUTHORIZED to sign same;**
- 2. A 2021 over-expenditure not to exceed \$5,050 plus HST for the purchase of accessibility software user licenses and support services from AbleDocs Inc. BE APPROVED; and,**
- 3. The Treasurer BE AUTHORIZED to fund the 2021 over-expenditure relative to the acquisition of AbleDocs accessibility software user licenses through a transfer from the AODA Compliance Reserve account not to exceed \$5,140.**

The Deputy Mayor put the Motion.

Motion Carried

INFORMATION REPORTS

Resolution # 20210322-094

Moved By Councillor McArthur

Seconded By Councillor Renaud

That the following information reports BE RECEIVED:

12.1 2020 Council and Appointee Statement on Remuneration and Expenses

12.2 Cheque Listing for the Month of February 2021

12.3 External Audit Planning Report - Year Ending December 31, 2020

12.4 Monthly Fire Department Activity Report - February 2021

The Deputy Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution # 20210322-095

Moved By Councillor Prue

Seconded By Councillor Simone

That the following consent correspondence BE RECEIVED:

13.1 Windsor Police Service, Amherstburg Detachment - First Quarter Statistics 2021

13.2 Request for National 3-Digit Suicide Prevention Hotline - Chris Lewis, MP, Essex

13.3 Support for Wine Sector - Niagara Region Resolution

13.4 Homelessness, Mental Health and Addiction in Niagara - Niagara Region Resolution

13.5 Colour Coded Capacity Limits - City of Sarnia Resolution

13.6 Cannabis Licencing and Enforcement - Township of Brock Resolution

13.7 Provincial Vaccine Rollout - Township of South Glengarry Resolution

13.8 Request for Amendments to the Agricultural Tile Drainage Installation Act - Howick Township Resolution

The Deputy Mayor put the Motion.

Motion Carried

Resolution # 20210322-096

Moved By Councillor Prue
Seconded By Councillor Simone

Item # 13.2 - That Administration BE DIRECTED to correspondence in support of the request for a National 3-Digit Suicide Prevention Hotline, Chris Lewis, MP, Essex.

The Deputy Mayor put the Motion.

Motion Carried

Resolution # 20210322-097

Moved By Councillor Prue
Seconded By Councillor Simone

Item # 13.3 - That Administration BE DIRECTED to send correspondence in support of the local wine sector for Essex Pelee Island Coast (EPIC) wineries rather than the VQA region.

The Deputy Mayor put the Motion.

Motion Carried

Resolution # 20210322-098

Moved By Councillor Prue
Seconded By Councillor Renaud

Item # 13.8 - That Administration BE DIRECTED to send correspondence in support of the Township of Howick's resolution regarding their request for amendments to the Agricultural Tile Drainage Installation Act.

The Deputy Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

1. Councillor Prue asked for an update with respect to the Agent of Change report (Resolution # 20200309-096).

The Manager of Licencing and Enforcement advised that she was seeking additional information from the City of Hamilton and she will follow up with them tomorrow.

NEW BUSINESS

1. The CAO provided an update with respect to the Mass Vaccination Centre. He advised that the target opening is April 1, 2021.

2. Resolution # 20210322-099

Moved By Councillor Renaud
Seconded By Councillor Prue

That:

1. **Administration BE DIRECTED to explore long term Town volunteers who can potentially be added to the street naming list after being vetted through the Marsh Collection Society and the Heritage Committee, if necessary; and,**

2. **A report be brought back with the list of names.**

The Deputy Mayor put the Motion.

Motion Carried

3. Councillor Courtney asked if additional details can be given on tax sale notices.

The Treasurer advised that the information within the tax sale notice is standard tax sale practice and the Town will not divulge owner details.

Moved By Councillor Renaud
Seconded By Councillor Prue

That Council extend the meeting to 10:45 p.m.

The Deputy Mayor put the Motion.

Motion Carried

4. Councillor Prue advised that he received a call from a resident that a speed monitor was supposed to be placed on Meloche Rd. between Simcoe St. and Alma St.; and further, the resident believes that 60 km is too high in that area.

The Director of Engineering and Public works advised that she will look into the records regarding speed monitor and request to change the speed limit for that stretch of road and get back to Council.

5. Councillor Prue advised that a resident on Boblo Island informed him that the Police won't enforce overnight parking on the street because there are no signs.

The Windsor Police Service, Amherstburg Detachment Staff Sergeant advised that this is the first she has heard of an issue. She further advised that she will look into the concern and that her contact information can be provided to the resident so she can address the concern directly.

6. Councillor Prue advised of emails he has received regarding requests to have the brush cleared near the Visitors Information Centre as it is stopping people from enjoying their view of the river.

The Director of Engineering and Public works advised that the Town does not have the equipment required to maintain the brush in that area due to the steep slopes and that the work is contracted out. She further advised that her department will take a look at the area and call the contractor out if the area needs to be maintained once again.

NOTICE OF MOTION

There were no Notices of Motion.

BY-LAWS

17.1 By-law 2021-022 - Confirmatory By-law

Resolution # 20210322-100

Moved By Councillor Renaud

Seconded By Councillor McArthur

That By-law 2021-022 being a by-law to Confirm all Resolutions of the Municipal Council Meeting held on March 22, 2021, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

The Deputy Mayor put the Motion.

Motion Carried

SPECIAL IN-CAMERA COUNCIL MEETING

Resolution # 20210322-101

Moved By Councillor Prue

Seconded By Councillor Simone

That Council move into an In-Camera Meeting of Council at 10:05 p.m. pursuant to Section 239 of the Municipal Act, 2001, as amended for the following reasons:

Item A - Section 239(2)(b) -Personal matters about an identifiable individual, including municipal or local board employees; and, Section 239(2)(d) - Labour relations or employee negotiations.

The Deputy Mayor put the Motion.

Motion Carried

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF *(In-Camera Council Meeting Agenda Items)*

ADJOURNMENT FROM SPECIAL IN-CAMERA SESSION @ 10:32 P.M.

ADJOURNMENT

Moved By Councillor Courtney

Seconded By Councillor Renaud

That Council rise and adjourn @ 10:32 p.m.

The Deputy Mayor put the Motion.

Motion Carried

DEPUTY MAYOR – LEO MELOCHE

CLERK – PAULA PARKER