



**TOWN OF AMHERSTBURG
REGULAR COUNCIL MEETING**

**Tuesday, May 24, 2022
6:00 PM**

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

MINUTES

PRESENT

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

Peter Simmons, CAO
Valerie Critchley, Director, Legislative Services/Clerk
Kevin Fox, Acting Deputy Clerk

CALL TO ORDER

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

NATIONAL ANTHEM

ROLL CALL

DISCLOSURE OF PECUNIARY INTEREST & GENERAL NATURE THEREOF

The Mayor declared a conflict on Item # 9.2 as he owns property within 100 meters of Jack Purdie Park.

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.

MINUTES OF PREVIOUS MEETING

Resolution # 20220524-01

Moved By Councillor Simone

Seconded By Councillor Renaud

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 Special Council Meeting Minutes (Capital Budget) of February 22, 2022**
- 6.2 Special Council Meeting (Planning) Minutes of May 9, 2022.**

The Mayor put the Motion.

Motion Carried

DELEGATIONS

7.1 Drive to Thrive Annual Event Sponsorship - Mandy Luckino, REACT Windsor-Essex

Resolution # 20220524-02

Moved By Councillor Simone

Seconded By Councillor Renaud

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

7.2 Music Off the Back Porch - Laurie Cavanaugh, Royal Canadian Legion, Fort Malden Branch

Resolution # 20220524-03

Moved By Councillor Prue

Seconded By Deputy Mayor Meloche

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

7.3 Amendment to Noise By-law 2001-43 Report - Gary and Carmelina Wellman

Resolution # 20220524-04

Moved By Councillor McArthur

Seconded By Councillor Simone

That the delegation BE RECEIVED.

The Mayor put the Motion.

Motion Carried

Agenda Item # 12.4 was moved forward.

12.4 Amendment to By-law 2001-43

Resolution # 20220524-05

Moved By Councillor McArthur

Seconded By Councillor Simone

That:

- 1. The report from the Manager of Licensing and Enforcement dated April 21, 2022 regarding an amendment to By-law 2001-43 BE RECEIVED for information;**
- 2. Administration BE DIRECTED to encourage, educate and work with entities or individuals who are planning outdoor entertainment events to apply for a noise exemption for each outdoor entertainment event that has the potential to violate *By-law 2001-43, A By-law Respecting the Emission of Sound in the Town of Amherstburg*;**
- 3. Administration BE DIRECTED to amend By-law 2001-43 to include within the noise exemption application process a provision that the applicant pay the cost of placing notice of such waivers in the local newspaper and that the notice be placed on the Town website;**
- 4. Administration BE DIRECTED to develop and conduct public education regarding the By-law 2001-43; and,**
- 5. Resolution 20200113-006 BE RESCINDED.**

The Mayor put the Motion.

Motion Carried

REPORTS – CORPORATE SERVICES

There were no reports.

REPORTS - PARKS, FACILITIES, RECREATION AND CULTURE

9.1 Libro Re-piping Kube System – Tender Award

Resolution # 20220524-06

Moved By Councillor Courtney

Seconded By Deputy Mayor Meloche

That:

- 1. Council APPROVE a reallocation of funds from Capital Project LIBRO – 006 Light Standards and LIBRO-007 Replace Lexon Panels which will no longer be completed in order to fund LIBRO-005, Re-pipe Kube System that was tendered and is over budget and further;**
- 2. Tender #2022-017 Libro Centre Piping Replacement be APPROVED in the amount of \$222,000 plus HST and awarded to low bidder WINMECH LTD to supply all labour and materials to completely replace existing failing piping for the Kube System as outlined in Tender 2022-017 and further;**
- 3. The Mayor and the Town Clerk BE AUTHORIZED to sign a contract in the amount of \$222,000.00 inclusive of contingency with low bidder (WINMECH LTD) satisfactory in form to the Town Clerk, financial content to the Chief Financial Officer, and technical content to the Director Parks, Facilities, Recreation and Culture.**

The Mayor put the Motion.

Motion Carried

The Mayor vacated the Chair for Agenda Item #9.2 as he was in conflict and the Deputy Mayor assumed the Chair at 7:26 p.m.

9.2 Playground Design, Supply and Installation for Jack Purdie and Briar Ridge Park RFP #2022-011

Resolution # 20220524-07

Moved By Councillor McArthur

Seconded By Councillor Simone

That:

1. **The Mayor and the Town Clerk BE AUTHORIZED to sign a contract with New World Park Solutions to an upset limit of \$550,000 for the complete design, supply and installation of playground equipment and site servicing including site preparation work at Jack Purdie and Briar Ridge parks satisfactory in form to the Town Clerk, financial content to the Chief Financial Officer, and technical content to the Director Parks, Facilities, Recreation and Culture;**
2. **\$550,000 BE FUNDED from the Parks Reserve Fund as per Council Resolution 20210208-031; and,**
3. **Council DELEGATE authority to the Chief Administrative Officer to award 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 Playground replacement project at Jack Purdie and Briar Ridge parks.**

The Deputy Mayor put the Motion.

Motion Carried

The Mayor assumed the Chair at 7:31 p.m and the Deputy Mayor returned to his seat at the Council table.

REPORTS - INFRASTRUCTURE SERVICES

10.1 Transit Service – Transit Windsor Pilot Project

Resolution # 20220524-08

Moved By Councillor McArthur

Seconded By Councillor Prue

That:

1. **Administration BE DIRECTED to proceed with a 2-year transit service pilot with Transit Windsor that includes Option 3 routing for weekdays and weekends year round;**
2. **The Chief Administrative Officer and the Clerk BE AUTHORIZED to take any such action required to effect the recommendation noted above and sign any required documentation/agreement(s) for the implementation of the 2-year transit service pilot, satisfactory in legal form to the Clerk, in technical content to Director of Infrastructure**

Services and in financial content to the Chief Financial Officer; and further;

- 3. An estimated operational expenditure of \$200,000 and \$150,000 BE APPROVED as a first charge to the 2023 and 2024 Operating Budget respectively for the 2-year transit service pilot project;**
- 4. Council DIRECT Administration to seek any grant opportunities for the project:**
 - a. That Administration BE APPROVED to submit an application for grant opportunities available for the project and;**
 - b. That the Clerk and Mayor BE AUTHORIZED to sign agreements for grant opportunities offered.**

The Mayor put the Motion.

Motion Carried

10.2 2nd Concession North Engineering Services – Request for Proposal Results

Resolution # 20220524-09

Moved By Deputy Mayor Meloche
Seconded By Councillor Renaud

That:

- 1. The engineering services for the rehabilitation / reconstruction of 2nd Concession North from South Riverview Drive to County Road 10 BE AWARDED to Hrycay Consulting Engineers Inc.;**
- 2. An over-expenditure of \$13,005 BE APPROVED for a total not to exceed \$138,005.00 (including net HST) to be funded as outlined in the report from the Manager of Engineering dated May 24th, 2022; and,**
- 3. The Mayor and Clerk BE AUTHORIZED to execute an agreement with Hrycay Consulting Engineers Inc. for the Engineering Services for 2nd Concession North Rehabilitation / Reconstruction.**

The Mayor put the Motion.

Motion Carried

10.3 Acceptance and Assumption of Kingsbridge Sanitary Trunk Sewer

Resolution # 20220524-010

Moved By Deputy Mayor Meloche

Seconded By Councillor McArthur

That:

- 1. The recommendations of the consulting engineer, Baird AE regarding the assumption of the Kingsbridge Sanitary Trunk Sewer on Maintenance BE ACCEPTED; and,**
- 2. The Kingsbridge Sanitary Trunk Sewer BE ACCEPTED AND ASSUMED.**

The Mayor put the Motion.

Motion Carried

REPORTS - DEVELOPMENT SERVICES

11.1 Site Plan and Development Agreement- 225 Sandwich St N, Riverview Apartments Phase 1

Resolution # 20220524-11

Moved By Councillor Renaud

Seconded By Deputy Mayor Meloche

That:

- 1. The Site Plan and Development Agreement with 1603941 Ontario Inc. for 225 Sandwich Street North BE APPROVED subject to being satisfactory in technical content to the Director of Development Services, financial content to the Director of Corporate Services and Chief Financial Officer and in form and legal content to the Director of Legislative Services/Clerk; and,**
- 2. By-law 2022-055 being a by-law to authorize the signing of the Development Agreement be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign the same.**

The Mayor put the Motion.

Motion Carried

11.2 Official Plan Amendment No. 14 for 247 Brock Street

Resolution # 20220524-12

Moved By Councillor Simone

Seconded By Deputy Mayor Meloche

That Official Plan Amendment No. 14, attached to this report as Appendix “E”, BE ADOPTED by Council and forwarded to the County of Essex.

The Mayor put the Motion.

Motion Carried

REPORTS - CAO's OFFICE

12.1 Naloxone use by First Responders and available in the Municipal Workplaces

Resolution # 20220524-13

Moved By Councillor Renaud

Seconded By Deputy Mayor Meloche

That:

- 1. Council authorization BE GIVEN for the execution of a Naloxone Distribution Agreement with Board of Health of the Windsor-Essex County Health Unit; and,**
- 2. The Fire Chief BE AUTHORIZED to implement the Naloxone program as outlined in the report of May 2, 2022 entitled Naloxone use by First Responders and available in the Municipal Workplaces.**

The Mayor put the Motion.

Motion Carried

12.2 2022 Special Events Approval – Part III

Resolution # 20220524-14

Moved By Councillor McArthur

Seconded By Councillor Simone

That:

1. The following events BE APPROVED:
 - i. Canadian Cancer Society-Relay for Life: June 11, 2022
 - ii. Canada D'Eh 5K Run – July 1, 2022
2. An exemption from table number 3-1(2) of Noise By-law #2001-43 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:
 - i. Canadian Cancer Society – Relay for Life
 - ii. Canada D'Eh 5K Run
3. The following events BE EXEMPT and PERMITTED for road closures to begin prior to 5pm:
 - i. Canada D'Eh 5K Run
4. The fee waiver requests BE APPROVED as follows:
 - i. Canadian Cancer Society: \$923.89
5. The Public Events Committee BE DIRECTED to confirm that the requirements identified by the Committee are met prior to issuing an event permit.

The Mayor put the Motion.

Motion Carried

12.3 Appointment to the Dangerous Dog Appeal Committee

Resolution # 20220524-15

Moved By Councillor Renaud

Seconded By Councillor Prue

That:

1. **Section 3.4 of the Town's Boards and Committee's Appointment Policy BE WAIVED; and,**
2. **Tony Pietrangelo BE APPOINTED to serve on the Dangerous Dog Appeal Committee.**

The Mayor put the Motion.

Motion Carried

12.4 Amendment to By-law 2001-43

As dealt with after Agenda Item # 7.3

13. INFORMATION REPORTS

Resolution # 20220524-16

Moved By Councillor Simone

Seconded By Councillor Renaud

That the following information report BE RECEIVED:

13.1 Resignation from the Parks and Recreation Advisory Committee

The Mayor put the Motion.

Motion Carried

CONSENT CORRESPONDENCE

Resolution # 20220524-17

Moved By Deputy Mayor Meloche

Seconded By Councillor Simone

That the following consent correspondence BE RECEIVED:

14.1 17th Annual Amherstburg Chamber of Commerce Business Excellence Awards Sponsorship Opportunity BE RECEIVED; and,

That a donation of \$350 be made to the 17th Annual Amherstburg Chamber of Commerce Business Excellence Awards.

14.2 Endorsement of Active School Travel Charter for Windsor-Essex County - County of Essex BE RECEIVED.

The Mayor put the Motion.

Motion Carried

CORRESPONDENCE

15.1 Recognizing National AccessAbility Week and Raising a Regional Accessibility Flag - Essex County Accessibility Advisory Committee

Resolution # 20220524-18

Moved By Councillor Simone

Seconded By Councillor Renaud

That:

- 1. The Town PROMOTE education and awareness of National AccessAbility Week to its staff and through its social media platforms between May 29, 2022 and June 4, 2022; and,**
- 2. The Regional Accessibility Flag BE RAISED AND FLOWN from May 29, 2022 to June 4, 2022 to recognize National Accessibility Week.**

The Mayor put the Motion.

Motion Carried

15.2 2022 Emancipation Proclamation and Commemoration in Town of Amherstburg - Amherstburg Freedom Museum

Resolution # 20220524-19

Moved By Councillor Simone

Seconded By Councillor Renaud

That August 1, 2022, BE PROCLAIMED Emancipation Day in the Town of Amherstburg.

The Mayor put the Motion.

Motion Carried

CONSENT OTHER MINUTES

Resolution # 20220524-20

Moved By Deputy Mayor Meloche

Seconded By Councillor Simone

That the following minutes BE RECEIVED:

16.1 Co-An Park Committee Meeting Minutes of April 13, 2022

16.2 Co-An Park Committee Minutes of May 11, 2022

16.3 Parks and Recreation Advisory Committee Meeting Minutes of March 30, 2022

16.4 Amherstburg Accessibility Advisory Committee Meeting Minutes of May 4, 2022

The Mayor put the Motion.

Motion Carried

UNFINISHED BUSINESS

There was no discussion regarding the Unfinished Business List.

NEW BUSINESS

1. Deputy Mayor Meloche noted that the past weekend saw many people fishing in Kings Navy Yard Park in violation of the Town's by-laws and asks that By-law Enforcement monitor this activity.

The Manager of By-law Enforcement indicated that his division is aware of the activity, is monitoring it daily and is working with residents to educate them regarding the applicable by-laws.

NOTICE OF MOTION

There were no Notices of Motion.

BY-LAWS

21.1 By-law 2022-054 - Appointment of Building Officials and Inspectors

Resolution # 20220524-21

Moved By Deputy Mayor Meloche

Seconded By Councillor Renaud

That By-law 2022-054 being a by-law to appoint a Chief Building Official and Inspectors, for the enforcement of the Building Code Act, 1992, as

amended, for the Town of Amherstburg, 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

21.2 By-law 2022-058 - Confirmatory By-law

Resolution # 20220524-22

Moved By Deputy Mayor Meloche

Seconded By Councillor Renaud

That By-law 2022-058 being a by-law to Confirm all Resolutions of the Municipal Council Meetings held on May 24, 2022, 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

ADJOURNMENT

Moved By Councillor Courtney

Seconded By Councillor Renaud

That Council rise and adjourn at 8:16 p.m.

The Mayor put the Motion.

Motion Carried

MAYOR – ALDO DICARLO

CLERK – VALERIE CRITCHLEY