



Regular Council Meeting Agenda

August 4, 2020, 6:00 pm

Location: <https://www.youtube.com/user/EssexOntario>

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at clerks@essex.ca or 519-776-7336 extension 1100 or 1101.

Pages

1. **Call to Order**

2. **Closed Meeting Report**

3. **Declarations of Conflict of Interest**

4. **Adoption of Published Agenda**

4.1 **Regular Council Meeting Agenda for August 4, 2020**

Moved by _____

Seconded by _____

That the published agenda for the August 4, 2020 Regular Council Meeting, be adopted as presented/amended.

5. **Adoption of Minutes**

5.1 **Regular Council Meeting Minutes for July 20, 2020**

1

Moved by _____

Seconded by _____

That the minutes of the Regular Council Meeting held July 20, 2020, be adopted as circulated.

5.2 **Emergency Council Meeting Minutes for March 15, 2020**

11

RE: Update Council on the Town's continuing response and measures related to the COVID-19 pandemic

Moved by _____

Seconded by _____

That the minutes of the Emergency Council Meeting held March 15, 2020 to update Council on the Town of Essex's continuing response and measures related to the COVID-19 (Coronavirus) pandemic, be adopted as circulated.

5.3 **Special Council Meeting Minutes for March 23, 2020**

14

RE: Town of Essex's continuing response to measures related to the COVID-19 pandemic

Moved by _____

Seconded by _____

That the minutes of the Special Council Meeting held March 23, 2020 to update Council on the Town of Essex's continuing response to measures related to the COVID-19 pandemic, be adopted as circulated.

5.4 Emergency Council Meeting Minutes for June 22, 2020 19

RE: To discuss the Colchester Beach and Facilities

Moved by _____

Seconded by _____

That the minutes of the Emergency Council Meeting held June 22, 2020 to discuss the Colchester Beach and Facilities, be adopted as circulated.

5.5 Special Council Meeting Minutes for June 29, 2020 21

RE: To discuss items related to the COVID-19 pandemic

Moved by _____

Seconded by _____

That the minutes of the Special Council Meeting held June 29, 2020 held to discuss various items and provide direction related to the COVID-19 pandemic, be adopted as circulated.

5.6 Special Council Meeting Minutes for July 6, 2020 25

RE: Proposed Site Specific Zoning Amendment at 128 Harvey Street

Moved by _____

Seconded by _____

That the minutes of the Special Council Meeting held July 6, 2020 to discuss the proposed Site Specific Zoning Amendment relating to the property located at 128 Harvey Street in Essex Centre, be adopted as circulated.

5.7 Special Council Meeting Minutes for July 13, 2020 31

RE: Parking at Colchester Harbour

Moved by _____

Seconded by _____

That the minutes of the Special Council Meeting held July 13, 2020 to discuss parking at the Colchester Harbour, be adopted as circulated.

5.8 Special Council Meeting Minutes for July 13, 2020 34

RE: County Road 50 Sign By-Law Review

Moved by _____

Seconded by _____

That the minutes of the Special Council Meeting held July 13, 2020 to review the County 50 Sign By-Law, be adopted as circulated.

6. Public Presentations

6.1 Elise Harding-Davis, African Canadian Heritage Consultant 39

RE: Seeking Council's support that Canada Apologize for Enslaving People of African Origins

- Letter to Council
- BIO - Elise Harding-Davis
- News Article dated October 1, 2019 (Harrow woman seeks Trudeau apology for Canada's history of slavery)

- Letter to Prime Minister Trudeau
- News Article dated September 25, 2017 (UN Wants Canada To Apologize, Pay Reparations For Black Slavery)

Moved by _____

Seconded by _____

That the public presentation by Elise Harding-Davis, from the African Canadian Heritage Consultant, asking Council to support the initiative to receive a formal apology from the Canadian Government to African Canadians for slavery, be (received/received and supported).

6.2 Glen Mills, Essex Ravens Football Club

54

RE: Permission for Ice Cream Bikes in the Town of Essex

Moved by _____

Seconded by _____

That the request from the Essex Ravens Football Club, dated August 4, 2020 to have ice cream bikes in the Town of Essex, be (received/received and supported).

6.3 Essex Region Conservation Authority/John R. Park Homestead

59

Kristin Ives, Curator/Education Co-Ordinator, John R. Park Homestead
Kevin Money, Director, Conservation Services
Danielle Breault Stuebing, Director, Communications & Outreach

RE: Provide a brief overview of the John R. Park Homestead Heritage Centre as it relates to the Site Plan Control and to provide details on the Town of Essex Tourism Hub.

- Power Point presentation

Moved by _____

Seconded by _____

That the presentation by Kristin Ives, Curator/Education Coordinator, John R. Park Homestead and Kevin Money, Director, Conservation Services and Danielle Breault Stuebing, Director, Communications & Outreach, Essex Region Conservation Authority providing Council with an overview as it relates to the Site Plan Controls for the John R. Park Homestead Heritage Centre, and an update on the Town of Essex Tourism Hub, be received.

6.3.1 Planning Report 2020-14

81

RE: Site Plan Control Approval for 915 County Road 50 East (Colchester South, Ward 3)

- Site Plan
- By-Law 1925
Being a by-law to enter into a Site Plan Control Agreement between The Corporation of the Town of Essex and the Essex Region Conservation Authority (John R. Park Homestead Heritage Centre - County Road 50 East and Iler Road)

Moved by _____

Seconded by _____

That Planning Report 2020-14, entitled "Site Plan Control

Approval for 915 County Road 50 East (Colchester South, Ward 3)", prepared by Corinne Chiasson, Assistant Planner, dated August 4, 2020, be received; and

That By-Law 1925, being a by-law to enter into a Site Plan Control Agreement between The Corporation of the Town of Essex and the Essex Region Conservation Authority be read a first, a second and a third time and finally passed on August 4, 2020.

6.4 Bernard Gorski 106

RE: Request for a Pole Structure Sign at 108 County Road 50 East

6.4.1 Planning Report 2020-18 107

RE: Sign By-Law Amendment Request for 108 County Road 50 East (Ward 3)

- Planning Report 2020-01 (dated January 20, 2020)
RE: Sign By-Law Amendment for 108 County Road 50 East

Moved by _____

Seconded by _____

That the presentation by Bernard Gorski asking that Council consider approving their request for a pole sign structure at Colchester Ridge Estate Winery, at 108 County Road 50 East in Harrow, be received; and

That Planning Report 2020-18, entitled "Sign By-Law Amendment Request for 108 County Road 50 East (Ward 3)", prepared by Rita Jabbour, Manager, Planning Services, dated August 4, 2020, be received.

7. Unfinished Business

8. Reports from Administration

8.1 Chief Administrative Officer (CAO), Chris Nepszy Verbal Report

RE: COVID-19 Town Response and Updates

8.2 CAO Report 2020-03 131

RE: Town and E.L.K. Stakeholder/Director Information Session

Moved by _____

Seconded by _____

That CAO Report 2020-03, entitled "Town and ELK Stakeholder/Director Information Session", prepared by Chris Nepszy, Chief Administrative Officer, dated August 4, 2020, be received; and

That Council request the Board of E.L.K. Energy Incorporated (ELK) to direct Mr. Mark Danelon in his role as Director of Stakeholder Relations, to participate and jointly present with Town of Essex Administration (at a date to be set in the near future, but no later than October 31, 2020), an Information Session to the entire Town of Essex Council concerning their collective role as the ELK Stakeholder and their individual roles as

potential, or existing Director(s) for ELK Energy Inc.

8.3

Drainage Report 2020-06

134

RE: Appointment of an Engineer under Section 78 of the Drainage Act to install a new culvert over the 13th Concession West Drain

Moved by _____

Seconded by _____

That Drainage Report 2020-06, entitled "Appointment of an Engineer under Section 78 of the Drainage Act to install a new culvert over the 13th Concession West Drain", prepared by Lindsay Dean, Drainage Superintendent, dated August 4, 2020, be received; and

That Council appoint Rood Engineering Incorporated under Section 78 of the Drainage Act to install a new culvert over the 13th Concession West Drain.

9. Reports from Youth Members

10. County Council Update

11. Correspondence

11.1 Correspondence to be received

Chair to ask Council Members if any correspondence to be moved to 11.2 Receipt and Support

Moved by _____

Seconded by _____

That correspondence listed in Agenda Item 11.1 be received and where indicated, to further share such information with the community using suitable methods of communication.

11.1.1 COVID-19 Correspondence

11.1.1.1 Windsor Essex County Health Unit138

RE: COVID-19 Live Update Media Summary
Presentation July 24, 2020

11.1.2 Town of Essex Media Releases140

- July 16, 2020 - Town of Essex Launches Business Directory in Partnership with Local Newspapers
- July 22, 2020 - Citizens Invited to Rate Climate Change Vulnerabilities in New Online Exercise
- July 24, 2020 - Swimming and In-water Activities Prohibited at Colchester Beach

11.1.3 Ministry of Municipal Affairs and Housing144

Correspondence from the Ministry of Municipal Affairs and Housing, dated July 22, 2020 announcing recent changes to the Municipal Act, 2001 that provides municipalities with new permissive authority to provide for electronic participation in meetings and/or proxy appointments.

- July 2020 - Electronic Participation in Municipal

Meetings

- July 2020 - Proxy Voting for Municipal Council Meetings

11.1.4	Association of Municipalities of Ontario	153
	AMO Policy Update, dated July 27, 2020 RE: \$4B Municipal Announcement, Provincial Emergency Ended, Provincial Orders, and Rural Economic Development	
11.1.5	The Corporation of the Town of Gore Bay	157
	RE: Resolution - Support of OPP Diversity Training Correspondence from The Corporation of the Town of Gore Bay, dated July 21, 2020 advising of their resolution supporting common training requirements for all members of the Ontario Provincial Police Force.	
11.1.6	Union Water Supply System	159
	Joint Board of Management - June 17, 2020 Minutes	
11.1.7	County of Essex	164
	<ul style="list-style-type: none">• Correspondence dated July 20, 2020 supporting the Town of Essex's resolution that requests the Provincial Government review the need for financial support for municipalities as a result of COVID-19.• Correspondence dated July 20, 2020 supporting the Town of Essex's resolution that requests provincial financial relief for community non-profit and service clubs and organizations as a result of COVID-19.	
11.1.8	Town of Kingsville	174
	Correspondence dated July 22, 2020 supporting the Town of Essex's resolution and requests the Ontario Government provide immediate relief and/or financial support for Municipalities as a result of COVID-19 pandemic.	
11.1.9	Town of Amherstburg	178
	Correspondence dated July 28, 2020 supporting the Town of Essex's resolution that requests the Ontario Government to provide relief and/or financial support to assist municipalities as a result of COVID-19.	
11.1.10	Town of Tecumseh	183
	Correspondence dated June 16, 2020 requesting urgent federal action to provide immediate funding for reliable broadband access across Ontario.	

11.2 Correspondence to be considered for receipt and support

12. Committee Meeting Minutes

12.1	Arts, Culture and Tourism Meeting - July 8, 2020	184
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Moved by _____

Seconded by _____

That the minutes of the Arts, Culture and Tourism Committee Meeting dated July 8, 2020, be received and adopted as circulated.

13. Financial

14. New Business

15. Notices of Motion

15.1 The following Notice of Motion was originally brought forward at the May 19, 2020 Regular Council Meeting and is being brought forward this evening for Council's consideration:

15.1.1 Councillor Verbeek 188

RE: Improving recycling efforts in the municipality

Moved by Councillor Verbeek

Seconded by _____

That Administration be directed to look at new ways to improve recycling efforts in the municipality.

15.2 The following Notice of Motion was brought forward at the July 6, 2020 Regular Council Meeting for Council's consideration this evening:

15.2.1 Deputy Mayor Meloche 189

RE: Surface Water Runoff

Moved by Deputy Mayor Meloche

Seconded by _____

That Council request the Town of Essex Planning Department include as part of their site plan control procedures, notification to property owners abutting a new subdivision of potential for water pooling if the existing property owners lack rear-yard drainage; and

That these neighbours are notified with direct mail outs so that the existing properties have full comprehension of potential outcomes for example water pooling of their own water shed at side yard or back yard; and

That the Town of Essex will act in the resident's best interest with aiding conversation between the new subdivision builder and the existing neighbourhood in coming to a solution with regards to rear-yard drainage.

15.3 The following Notice of Motion will be presented at the August 24, 2020 Regular Council Meeting for Council's consideration:

15.3.1 Councillor Bondy 190

RE: Council Report Tracker

That Council requests Town of Essex Administration to implement a Council Report Tracker similar to the reporting spreadsheet used by the Town of Lakeshore.

15.4 The following Notice of Motion will be presented at the August 24, 2020

Regular Council Meeting for Council's consideration:

15.4.1	Mayor Snively	192
	RE: Hunting License Review	
	That Council direct Administration to review if it possible to remove the requirement of a Town issued hunting license and if possible to do so, that Administration report back to Council on the feasibility and process for Council's consideration.	

16. Reports and Announcements from Council Members

17. By-Laws

17.1 By-Laws that require a third and final reading

17.1.1	By-Law 1926	193
	Being a by-law to provide Rules and Procedure for the Conduct of Meetings of the Municipal Council and its Committees and Boards	
	Moved by _____	
	Seconded by _____	
	That By-Law 1926, being a by-law to provide Rules and Procedure for the Conduct of Meetings of the Municipal Council and its Committees and Boards, be read a third time and finally passed on August 4, 2020.	

17.1.2	By-Law 1933	245
	Being a by-law to confirm the proceedings of the July 20, 2020, Regular Meeting of the Council of The Corporation of the Town of Essex	
	Moved by _____	
	Seconded by _____	
	That By-Law 1933, being a by-law to confirm the proceedings of the July 20, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex, be read a third time and finally passed on August 4, 2020.	

17.2 By-Laws that require a first, second, third and final reading

17.2.1	By-Law 1934	247
	Being a by-law imposing special annual drainage rates upon land in respect of which money is borrowed under the Tile Drainage Act	
	Moved by _____	
	Seconded by _____	
	That By-Law 1934, being a by-law imposing special annual drainage rates upon land in respect of which money is borrowed under the Tile Drainage Act, be read a first, a second and a third time and finally passed August 4, 2020.	

17.2.2	By-Law 1938	250
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Being a by-law to appoint a Tile Drainage Inspector for The Corporation of the Town of Essex
(Lindsay Dean)

Moved by _____

Seconded by _____

That By-Law 1938, being a by-law to appoint a Tile Drainage Inspector for The Corporation of the Town of Essex, be read a first, a second and a third time and finally passed on August 4, 2020.

17.2.3 By-Law 1940 251

Being a by-law for the declaration of surplus lands by The Corporation of the Town of Essex
(Plan 176, Part Alley)

Moved by _____

Seconded by _____

That By-Law 1940, being a by-law for the declaration of surplus lands by The Corporation of the Town of Essex, be read a first, a second and a third time and finally passed on August 4, 2020.

17.3 **By-Laws that require a first and second reading**

17.3.1 By-Law 1939 255

Being a by-law to confirm the proceedings of the August 4, 2020, Regular Meeting of the Council of The Corporation of the Town of Essex

Moved by _____

Seconded by _____

That By-Law 1939, being a by-law to confirm the proceedings of the August 4, 2020, Regular Meeting of the Council of The Corporation of the Town of Essex, be read a first, and a second time and provisionally adopted August 4, 2020.

18. **Adjournment**

Moved by _____

Seconded by _____

That the meeting be adjourned at [TIME].

19. **Future Meetings**

19.1 **Monday, August 24, 2020 - 6:00 - 9:00 PM Regular Council Meeting**

Location: TBD



The Corporation of the Town of Essex
Regular Council Meeting Minutes

July 20, 2020, 6:00 pm

Location: <https://www.youtube.com/user/EssexOntario>

Present: Mayor Larry Snively
Deputy Mayor Richard Meloche
Councillor Joe Garon
Councillor Morley Bowman
Councillor Steve Bjorkman
Councillor Chris Vander Doelen
Councillor Sherry Bondy

Regrets: Councillor Kim Verbeek
Cameron Soucie, Youth Council Member

Also Present: Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk
Shelley Brown, Deputy Clerk, Legal and Legislative Services
Chris Nepszy, Chief Administrative Officer
Doug Sweet, Director, Community Services/Deputy CAO
Lori Chadwick, Director, Development Services
Kevin Girard, Director, Infrastructure Services
Ehva Hoffman, Youth Council Member

1. Call to Order

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

2. Closed Meeting Report

Robert Auger, Town Solicitor/ Legal and Legislative Services/Clerk provided a verbal report on the Closed Meeting held electronically prior to tonight's Regular Council Meeting. He reported that Council met electronically in a Closed Session, as permitted during a time of Declared Emergency by Section 239 2 (c) of the Municipal Act.

At this meeting Council received information as it relates to a proposed disposition of land and Council gave direction with regards to a proposed land transaction.

3. Declarations of Conflict of Interest

There were no declarations of conflict of interest noted at this time.

4. Adoption of Published Agenda

4.1 Regular Council Meeting Agenda for July 20, 2020

R20-07-235

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That the published agenda for the July 20, 2020 Regular Council Meeting be adopted as amended:

1. The Clerk reported that agenda item 8.9 Schedule "A" to By-Law 1924 is missing the footnotes on the version placed in the agenda. The missing footnotes are on the first page of Schedule A: "1". Financial Impacts should be consulted with the Director, Corporate Services/Treasurer" and 2. "Legal Impacts should be consulted with the Town Solicitor/Clerk and Legal and Legislative Services".
2. Councillor Bondy asked the Mayor to consider allowing an item under New Business that would request the Windsor Essex County Health Unit to provide additional raw data to municipalities as it relates to positive COVID-19 cases in the area. The Mayor agreed that this item falls under the criteria being minor and urgent in nature for New Business items and that the item will be placed on this evening's agenda for discussion.
3. Deputy Mayor Meloche has a Notice of Motion to be presented this evening for consideration at the next Regular Meeting of Council.

Carried

5. Adoption of Minutes

5.1 Regular Council Meeting Minutes for July 6, 2020

R20-07-236

Moved By Deputy Mayor Meloche

Seconded By Councillor Garon

That the minutes of the Regular Council Meeting held July 6, 2020, be adopted as circulated.

Carried

6. Public Presentations

7. Unfinished Business

8. Reports from Administration

8.1 Chief Administrative Officer (CAO), Chris Nepszy Verbal Report

RE: COVID-19 Town Response and Updates

Chris Nepszy, CAO advised that unfortunately our region will not be moving into Stage 3 this week. He reported that discussion is taking place on signage and protocols when we can move into Stage 3 and open the arenas and other facilities. He told Council that there have been no problems with the doors being open at the municipal offices, and that maintenance and beautification is progressing throughout the municipality.

He advised that discussion is taking place on how Council can hold Council Meetings in person in accordance with the local health guidelines and livestreaming. Administration will report back further to Council before any decisions are made to hold in person Council Meetings.

R20-07-237

Moved By Councillor Bowman
Seconded By Councillor Garon

That the verbal report provided by the Town's Chief Administrative Officer (CAO), Chris Nepszy relating to updates on the Town's responses to the COVID-19 emergency, be received.

Carried

8.2 Economic Development Report 2020-09

RE: Community Improvement Plan Update (Quarter 2, 2020)

R20-07-238

Moved By Councillor Bondy
Seconded By Councillor Bjorkman

That Economic Development Report 2020-09, entitled "Community Improvement Plan Update (Quarter 2, 2020)", prepared by Nelson Silveira, Economic Development Officer, dated July 20, 2020, be received.

Carried

8.3 Economic Development Report 2020-10

RE: Building Report and Development Overview June 2020

R20-07-239

Moved By Councillor Bowman
Seconded By Councillor Bjorkman

That Economic Development Report 2020-10, entitled "Building Report and Development Overview June 2020", prepared by Nelson Silveira, Economic Development Officer, dated July 20, 2020, be received.

Carried

8.4 Planning Report 2020-15

RE: Climate Change Adaptation Plan - Progress Report 2

R20-07-240

Moved By Councillor Bjorkman
Seconded By Deputy Mayor Meloche

That Planning Report 2020-15, entitled "Climate Change Adaptation Plan - Progress Report 2", prepared by Niharika Bandaru, Climate Change Analyst, dated July 20, 2020, be received.

Carried

8.5 Parks and Facilities Report 2020-06

RE: Results of Request for Tender - Roof Replacement of Harrow Arena Section C and Section E

R20-07-241

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That Parks and Facilities Report 2020-06, entitled "Results of Request for Tender - Roof Replacement of Harrow Arena Section C and Section E", prepared by Jackson Tang, Assistant Manager, Business Services, dated July 6, 2020, be received; and

That Council awards the Request for Tender - Roof Replacement of Harrow Arena Section C and Section E to Gillett Roofing Inc. in the amount of \$171,923.52 including non-refundable HST.

Carried

8.6 Legal and Legislative Services Report 2020-02

RE: Columbarium at Colchester Memorial Cemetery

R20-070-242

Moved By Councillor Bowman

Seconded By Deputy Mayor Meloche

That Legal and Legislative Services Report 2020-02, entitled "Columbarium at Colchester Memorial Cemetery", prepared by Shelley Brown, Deputy Clerk, dated July 20, 2020, be received; and

That Council approves the transfer of any proceeds received (after the initial unit is fully funded from sales) from the sale of niches to reserve and that once sufficient funding is obtained, that the accumulated reserve amounts be used for the installation of future units; and

That Council approves an initial per unit (1 niche) purchase price of \$1,927.79 (Resident) and a purchase price of \$2,409.79 (Non Resident) for 2020; and

That Council approve an inurnment rate of \$300.00 per single urn for 2020.

Carried

8.7 Legal and Legislative Services Report 2020-08

RE: Court of Revision for Crystal Beach Drain

- By-Law 1920
Being a by-law to provide for the Crystal Beach Drain: Repair and Improvement of Covered Drains, Geographic Township of Colchester South, Project REI208D012

R20-07-243

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That Legal and Legislative Services Report 2020-08, entitled "Court of Revision for Crystal Beach Drain", prepared by Robert Auger, Town Solicitor/Clerk, dated July 20, 2020, be received; and

That the following three (3) members of the Drainage Board: Kirk Carter, Dan Boudreau and Percy Dufour, be appointed to sit as members of the Court Revision to be convened for the Crystal Beach Drain: Repair and Improvement of Covered Drain, Geographic Township of Colchester South, Project REI2018D012, pursuant to the Report prepared by Gerard Rood Engineering Limited, dated April 15, 2020 (hereinafter the "Report"), and such Court of Revision to be scheduled for 5:00 PM on August 12, 2020, via electronic meeting; and

That By-Law 1920, being a by-law to provide for the Crystal Beach Drain: Repair and Improvement of Covered Drains, Geographic Township of Colchester South, Town of Essex, County of Essex, Project REI2018D012, be read a first, and a second time and provisionally adopted this July 20, 2020.

Carried

8.8 Legal and Legislative Services-2020-09

RE: Procedural By-Law Amendments and Consolidation

- By-Law 1926
Being a by-law to provide Rules and Procedure for the Conduct of Meetings of the Municipal Council and its Committees and Boards

R20-07-244

Moved By Deputy Mayor Meloche
Seconded By Councillor Bowman

That Legal and Legislative Services Report 2020-09, entitled "Procedural By-Law Amendments and Consolidation", prepared by Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk, dated July 20, 2020, be received; and

That By-Law 1926 being a by-law to provide Rules of Procedure for the Conduct of Meetings of the Municipal Council and its Committees and Boards, be read a first, and a second and provisionally adopted on July 20, 2020; and

That By-Law 1681 and all amendments thereto are hereby repealed.

Carried

8.9 Legal and Legislative Services-2020-10

RE: Delegation of Authority By-Law Amendments

- By-Law 1924
- Schedule "A" Delegation of Authority (Revised July 20, 2020)

R20-07-245

Moved By Councillor Garon
Seconded By Councillor Bjorkman

That Legal and Legislative Services Report 2020-10, entitled "Delegation of Authority By-Law Amendments", prepared by Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk, dated July 20, 2020, be received; and

That By-Law 1924, being a by-law to Delegate the Duties and Powers of the Council of the Town of Essex be read a first, a second and a third time and finally adopted on July 20, 2020; and

That that By-Laws 869, 1404 and 1737 and all amendments hereto be repealed.

Carried

8.10 Legal and Legislative Services Report 2020-11

RE: Election Review of Policies and Procedures

- Schedule A - Use of Corporate Resources for Election Purposes Policy
- Schedule B - Oshawa Municipal Election Complaint Purposes Policy
- Form 3 - Appointment for Voting Proxy

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk provided Council with a summary of his report. He explained each policy that was reviewed, explained why that policy was identified for analysis and the timelines and recommendations that resulted from his review.

R20-07-246

Moved By Deputy Mayor Meloche
Seconded By Councillor Bjorkman

That Legal and Legislative Services Report 2020-11, entitled "Election Review of Policies and Procedures", prepared by Robert Auger, Town Solicitor, Legal and Legislative Services /Clerk, dated July 20, 2020, be received for Council and public information purposes.

Carried

8.11 Legal and Legislative Services Report 2020-12

RE: Cemetery By-Law Amendments

- By-Law 1812
Being a by-law respecting the maintenance, management, regulation and control of any cemetery owned or operated by The Corporation of the Town of Essex

R20-07-247

Moved By Councillor Bowman
Seconded By Councillor Garon

That Legal and Legislative Services Report 2020-12, entitled "Cemetery By-Law Amendments", prepared by Shelley Brown, Deputy Clerk, dated July 20, 2020, be received; and

That By-Law 1812, being a by-law respecting the maintenance, management, regulation and control of any cemetery owned or operated

by The Corporation of the Town of Essex, be read a first, and a second time and provisionally adopted on July 20, 2020; and

That By-Law 1812 be brought back for a third reading, upon approval by the Bereavement Authority of Ontario; and

That By-Law 1186 and any amendments thereto be repealed upon By-Law 1812 coming into full force and effect.

Carried

9. Reports from Youth Members

There were no reports from the Youth Council Members.

10. County Council Update

No updates given.

11. Correspondence

11.1 Correspondence to be received

R20-07-248

Moved By Deputy Mayor Meloche
Seconded By Councillor Bjorkman

That the correspondence listed in Agenda Item 11.1 be received and, where indicated, to further share such information with the community using suitable methods of communication.

Carried

11.1.1 COVID-19 Virus Correspondence

11.1.1.1 AMO Policy Update

RE: Provincial Legislation RE: Emergency Orders
(July 7, 2020)

11.1.1.2 Ministry of Municipal Affairs and Housing

RE: COVID-19 Economic Recovery Act, 2020

11.1.1.3 AMO Policy Update

RE: Stage 3 Coming, Child Care Space Increases,
and Standing Committee on COVID-19 Municipal
Impacts Hearings (July 13, 2020)

11.1.2 Township of Perth South

RE: Farm Property Class Tax Rate Program

Correspondence from the Township of Perth South, dated July 9, 2020 advising Council of their correspondence to Agricorp, asking that all Stakeholders review the current Farm Property Class Tax Rate Program in an effort to find efficiencies and ultimately a less disruptive classification process.

11.1.3 Jeffrey Morrison, Director, Corporate Services

RE: 2021 Budget and Five-Year Financial Plan

Memorandum to Town of Essex Senior Management, dated July 10, 2020 to formally commence the 2021 budget process and to review and amend the forecast portion of the 5 year financial plan to include 2022 to 2025.

11.2 Correspondence to be considered for receipt and support

No items for receipt and support.

12. Committee Meeting Minutes

R20-07-249

Moved By Councillor Bowman

Seconded By Councillor Vander Doelen

That the minutes listed in Agenda Item 12 be received and where indicated, to further share such information with the community using suitable methods of communication.

Carried

12.1 Heritage Meeting - February 27, 2020

12.2 Drainage Board Meeting - July 9, 2020

RE: Crystal Beach Drain: Repair and Improvement of Covered Drains

12.3 Arts, Culture and Tourism Committee Meeting - June 10, 2020

12.4 Essex Climate Adaptation Team Meeting - May 21, 2020

13. Financial

13.1 May 2020 Bank Payments Report

R20-07-250

Moved By Deputy Mayor Meloche

Seconded By Councillor Bjorkman

That the Bank Payments Report, including the May cheque register, cheque number 51401 inclusive in the amount of \$774,648.42, the Preauthorized Payments for the month of \$341,941.12; and the Payroll for May 2020 in the amount of \$318,723.03, be ratified as submitted.

Carried

14. New Business

14.1 Councillor Bondy

RE: Request from The Windsor Essex County Health Unit for Raw Data on Positive COVID-19 Cases in Essex County

R20-07-251

Moved By Councillor Bondy

Seconded By Councillor Bjorkman

That the Town of Essex requests that The Windsor Essex County Health Unit provide a detailed breakdown of data reporting on positive COVID-19 cases in our municipality and the region, based on classification relating to Travel, Close Contact, Community Contact and Agri-Farm as examples.

This information is important and necessary to local decision makers and the general public to make decisions about programs and activities; and

That a copy of the correspondence be sent to the County municipalities and the County of Essex.

Carried

15. Notices of Motion

15.1 Notice of Motion from the July 6, 2020 Regular Council Meeting:

15.1.1 Councillor Verbeek RE: Funding for Local Business Grants for Advertising

Councillor Verbeek has asked that her Notice of Motion be withdrawn at this time.

15.2 The following Notice of Motion will be presented at the August 4, 2020 Regular Council Meeting for Council’s consideration:

15.2.1 Deputy Mayor Meloche

RE: Drainage on Property

That Council request the Town of Essex Planning Department include as part of their site plan control procedures, notification to property owners abutting a new subdivision of the potential for water pooling if the existing property owners lack rear-yard drainage; and

That these neighbours are notified with direct mail outs so that the existing properties have full comprehension of potential outcomes for example, water pooling of their own water shed at the side yard or back yard; and furthermore

That the Town of Essex will act in the resident's best interest with aiding conversation between the new subdivision builder and the existing neighbourhood in coming to a solution with regard to rear-yard drainage.

16. Reports and Announcements from Council Members

Each Council member was provided an opportunity to discuss their latest news and activities in the municipality.

17. By-Laws

17.1 By-Laws that require a third and final reading

17.1.1 By-Law 1930

Being a by-law to confirm the proceedings of the July 6, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex

R20-07-252

Moved By Councillor Bowman

Seconded By Deputy Mayor Meloche

That By-Law 1930 being a by-law to confirm the proceedings of the July 6, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex be read a third time, and finally passed this July 20, 2020.

Carried

17.2 By-Laws that require a first, second, third and final reading

17.2.1 By-Law 1932

Being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Essex and The Corporation of the City of Windsor (Service Agreement Basic Provisions: Children's Services)

R20-07-253

Moved By Councillor Garon

Seconded By Councillor Bjorkman

That By-Law 1932, being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Essex and The Corporation of the City of Windsor, be read a first, a second and a third time and finally passed on July 20, 2020.

Carried

17.3 By-Laws that require a first and second reading

17.3.1 By-Law 1933

Being a by-law to confirm the proceedings of the July 20, 2020, Regular Meeting of The Corporation of the Town of Essex

R20-07-254

Moved By Councillor Vander Doelen

Seconded By Councillor Bowman

That By-Law 1933, being a by-law to confirm the proceedings of the July 20, 2020, Regular Meeting of the Council of The Corporation of the Town of Essex, be read a first and a second time and provisionally adopted on July 20, 2020.

Carried

18. Adjournment

R20-07-255

Moved By Deputy Mayor Meloche

Seconded By Councillor Garon

That the meeting be adjourned at 7:30 PM.

Carried

Mayor

Clerk



Emergency Council Meeting Minutes

March 15, 2020 – 11:00 AM

Location: Essex Municipal Building,
Large Meeting Room, 33 Talbot Street South, Essex, On

**This Emergency Meeting of the Town of Essex Council was held in accordance
to the Town's Procedural By-Law 168, Section 3.5.**

1. Roll Call

Present: Mayor Larry Snively
Deputy Mayor Richard Meloche
Councillor Joe Garon
Councillor Kim Verbeek
Councillor Steve Bjorkman
Councillor Chris Vander Doelen

Regrets: Councillor Sherry Bondy
Councillor Morley Bowman

Also Present: Chris Nepszy, Chief Administrative Officer
Doug Sweet, Director, Community Services/Deputy CAO
Jeffrey Morrison, Director, Corporate Services/Treasurer
Brandi Sieben, Manager, Human Resources
Rick Arnel, Fire Chief
Alex Denonville, Manager, Strategic Communications
Robert Auger, Town Solicitor, Legal and Legislative
Services/Clerk

The purpose of this Emergency Meeting is to update Council on the Town of Essex's continuing response and measures related to the COVID-19 (Coronavirus) pandemic.

2. Declarations of Conflict of Interest

There were no conflict of interest noted.

3. Adoption of Published Agenda

a) Emergency Council Meeting Agenda

Moved by Deputy Mayor Meloche

Seconded by Councillor Verbeek

(EM2020-03-001) That the published agenda for the Emergency Meeting of Council, dated March 15, 2020, held to update Council on the Town of Essex's continuing response and measures related to the COVID-19 (Coronavirus) pandemic, be adopted as presented.

Carried

4. Adoption of Minutes

There were no adoption of minutes.

5. Public Presentations

There were no public presentations.

4. Reports from Administration

a) Chief Administrative Officer (CAO) Chris Nepszy

CAO Verbal Report re: Update to Council on the Town of Essex continuing response and measures related to the COVID-19 (Coronavirus) pandemic.

Chris Nepszy, Chief Administrative Officer provided a verbal update to Council regarding the status of the internal and regional meetings that have taken place. Mr. Nepszy outlined the next steps and stated that there have been several meetings with regional CAO's to look at as a region. Mr. Nepszy advised that the City of Windsor has shut down their March break program, Lakeshore closed their recreation facilities and LaSalle and Tecumseh are moving towards closing their recreation facilities as well.

Mr. Nepszy recommended the Town close all recreation facilities with the leased spaces remaining open effective midnight March 15, 2020 and this be re-evaluated April 5, 2020 and that rentals for wedding would remain open. That Community Services staff be redeployed the other facilities that remain open and that lifeguards and programming staff scheduled for March break programming be paid for this week only (March break) and that programming fees for March break be refunded.

Moved by Councillor Verbeek
Seconded by Deputy Mayor Meloche

(EM20-03-002) That the Town recreation facilities close effective midnight March 15, 2020 and that the closure be re-evaluated by April 5, 2020;

That lease facilities remain open;

That Community Services staff be redeployed to clean and sanitize Town facilities that remain open; and

That the registration fees for families registered for March Break Day Camp be reimbursed.

Carried

5. Adjournment

Moved by
Seconded by

(EM20-03-003) That the meeting be adjourned at 11:48 AM.

Carried

Mayor

Clerk



Special Council Meeting Minutes

Monday, March 23, 2020 5:30 PM

60 Fairview Avenue West, Essex, Ontario

Shaheen Room

Present:

Mayor Larry Snively

Deputy Mayor Richard Meloche

Ward 1 Councillor Joe Garon

Ward 1 Councillor Morley Bowman

Ward 2 Councillor Kim Verbeek

Ward 3 Councillor Chris Vander Doelen

Ward 3 Councillor Steve Bjorkman

Ward 4 Councillor Sherry Bondy

Also Present:

Chris Nepszy, Chief Administrative Officer

Doug Sweet, Director, Community Services/Deputy CAO

Jeffrey Morrison, Director, Corporate Services/Treasurer

Robert Auger, Town Solicitor, Legal and Legislative Services,
Clerk

Jack Barron, Manager, Information Technology

Alex Denonville, Manager, Strategic Communications

A Special Council Meeting was held for the purpose of updating Council on the Town of Essex's continuing response to measures related to the COVID-19 (Coronavirus) pandemic.

1. Call to Order

The meeting was called to order at 6 P.M.

2. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

3. Adoption of Published Agenda

a) Special Council Meeting Agenda for March 23, 2020

Moved by Councillor Vander Doelen

Seconded by Councillor Verbeek

(SP20-03-003) That the published agenda for the March 23, 2020 Special Council Meeting be adopted as presented.

Carried

4. Reports from Administration

- a) Chris Nepszy , Chief Administrative Officer

CAO Verbal Report re: Update to Council on the Town of Essex continuing response and measures related to the COVID-19 (Coronavirus) pandemic.

Chris Nepszy, Chief Administrative Officer reported that the CAO's in the region have been meeting and trying to deliver the same services in their municipalities. Mr. Nepszy noted that it is a struggle to be on the same page. The Emergency Notification was something that was done as a region and has not changed what we do as a municipality. It does allow the municipality to be more nimble with procurement, and to be flexible with staffing. Mr. Nepszy noted that Emergency Plans are set up for disasters and the potential loss of staff, they are not set up for a reduction of services and staffing. Currently the doors are closed to the public but the town is still operating as usual but by other methods such as online and by phone. The arenas and pool are closed, but staff is being redeployed to catch up maintenance in the facilities and provide extra cleaning in the Town Hall and at the Gesto office.

- b) Chris Nepszy, Chief Administrative Officer

CAO Verbal Report re: By-Law 1903 being a by-law to Delegate Authority to the Chief Administrative Officer during a COVID-19 emergency.

Chris Nepszy, Chief Administrative Officer reported that the proposed By-Law 1903 contains a number of delegations to ensure continuity for business purposes and would only be enacted during a time of emergency declared under the Emergency Management and Civil Protection Act. Mr. Nepszy stated that although the by-law contains delegations to administration that may be enacted during a time of a declared emergency, there are a number of restrictions on the delegations. Mr. Nepszy noted that administration must continue to comply with the Town's by-laws, policies and procedures. The delegation of authority is for emergency purposes only and will only be used if imperative, otherwise Council will continue to make the required decisions and receive ongoing updates and information concerning any emergency measures that take place. Mr. Nepszy also stated

that a formal report will be presented to Council at a future Regular Council Meeting and if required, a confirmation by-law will be brought that lists these delegated decisions which Council has been made aware of when the declared emergency has ended. Mr. Nepszy noted that the delegation permits a very limited scope of action and that no one is able to make decisions on their own. Decisions will require two to three staff and must be recorded for Council. The proposed by-law has been drafted with checks and balances with the CAO, Treasurer and Town Solicitor and is only operable during a declared emergency under the Emergency Management and Civil Protection Act.

Moved by Councillor Vander Doelen

Seconded by Councillor Bowman

(SP20-03-004) That By-Law 1903 being a by-law to Delegate Authority to the Chief Administrative Officer during a COVID-19 Emergency, be read a first, a second and third time and be adopted on March 23, 2020.

Carried

c) Legal and Legislative Services Report 2020

Re: Procedural By-Law 1681 Amendments to Permit Electronic Participation for Council Meetings.

Moved by Deputy Mayor Meloche

Seconded by Councillor Bjorkman

(SP20-03-005) That Legal and Legislative Services Report 2020-06 entitled Procedural By-Law 1681 Amendment to Permit Electronic Participation for Council Meetings prepared by Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk dated March 23, 2020 be received;

That Public Participation in Council Meetings be limited to livestream or other available electronic means until such time as provincial orders related to the declared Provincial State of Emergency have expired; and

That By-Law 1902 being a by-law to amend Procedural By-Law 1681 so as to permit electronic participation in a meeting as specified therein, be read a first, a second and third time and be adopted on March 23, 2020.

Carried

- d) Jack Barron, Manager, Information Technology

Re: Verbal presentation pertaining to virtual/video meetings.

Chris Nepszy, Chief Administrative Officer detailed some of the procedures and best practices for participating in a virtual meeting.

Jack Barron, Manager, Information Technology provided an overview of virtual meetings including options for backup.

Chris Nepszy, Chief Administrative Officer further explained the options for virtual meetings including Teams and Zoom.

Moved by Councillor Bjorkman

Seconded by Councillor Verbeek

(SP20-03-005) That the verbal presentation pertaining to virtual/video meetings presented by Jack Barron, Manager, Information Technology be received.

Carried

5. Correspondence

- a) Laurie Brett

Re: Property Tax Relief during COVID-19 (Coronavirus) Pandemic.

- b) Councillor Bondy

Re: Letter to the Province of Ontario and Ontario Energy Board in regards to the elimination of time of use for Hydro rates during the COVID-19 (Coronavirus) Pandemic.

(SP20-03-006) That Council send a letter to the Minister of Energy, Greg Rickford, to suspend “time of use” billing during the quarantine period as a result of the COVID-19 pandemic, and

That this letter be sent to the Ontario Energy Board, the Premier, and our local member of Parliament Taras Natyshak and all Ontario Municipalities.

Councillor Verbeek requested a recorded vote.

Recorded	Support	Opposed
Councillor Verbeek	X	
Councillor Bjorkman	X	
Councillor Bondy	X	
Councillor Vander Doelen		X
Councillor Bowman		X
Mayor Snively	X	
Councillor Garon	X	
Deputy Mayor Meloche	X	
Results	6	2

With a recorded vote of six (6) in support and two (2) opposed the motion **Carried.**

- c) Ministry of Municipal Affairs and Housing
Re: Providing Flexibility for Municipalities to Hold Local Meetings during
Emergencies

Moved by Councillor Bjorkman

Seconded by Councillor Bowman

(SP20-03-007) That the correspondence listed in Agenda Items 5a) and 5c) be received and supported.

Carried

6. Adjournment

Moved by Deputy Mayor Meloche

Seconded by Councillor Steve Bjorkman

(SP20-03-008) That the meeting be adjourned at 6:32 PM

Carried

Mayor

Clerk



Emergency Council Meeting Minutes

Monday, June 22, 2020 4 P.M.

Electronic location:

<https://www.youtube.com/user/EssexOntario>

This meeting is being held electronically during a time of Declared Emergency pursuant to Town of Essex By-Law 1902

Present: Mayor Larry Snively
Deputy Mayor Richard Meloche
Councillor Joe Garon
Councillor Morley Bowman
Councillor Kim Verbeek
Councillor Steve Bjorkman (Joined meeting at 4:04 P.M.)
Councillor Chris Vander Doelen
Councillor Sherry Bondy

Also Present: Chris Nepszy, Chief Administrative Officer
Doug Sweet, Director, Community Services/Deputy CAO
Jeffrey Morrison, Director, Corporate Services/Treasurer
Lori Chadwick, Director, Development Services
Kevin Girard, Director, Infrastructure Services
Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk
Brandi Sieben, Manager, Human Resources

1. Call to Order

The meeting was called to order at 4 P.M.

2. Declarations of Conflict of Interest

There were no conflict of interest noted.

3. Adoption of Published Agenda

a) Emergency Council Meeting Agenda

Moved by Councillor Bowman

Seconded by Councillor Verbeek

(EM2020-06-001) That the published agenda for the Emergency Meeting of Council, dated June 22, 2020, held to discuss the Colchester Beach and Facilities be adopted as presented.

Carried

4. Reports from Administration

a) Chief Administrative Officer (CAO) Chris Nepszy

CAO Verbal Report re: Colchester beach and facilities.

Mr. Nepszy, together with the Director, Community Services/Deputy CAO, Doug Sweet reported to Council on recent issues concerning Colchester Beach and several incidents relating to some of the public not respecting social distancing requirements and guidelines while at the beach. Administration also reported on the fact that non-compliance with parking regulations make the situation more difficult at the beach.

Mr. Sweet further reported that a greater parking enforcement presence together with greater police and/or by-law enforcement at the beach itself will be required. This will likely require changes to the Town’s parking by-laws/regulations together with additional arrangements for staff and/or greater enforcement presence at the beach.

Council then deliberated on the issue of if the beach should remain open or be closed.

Moved by Councillor Bondy

Seconded by Councillor Bjorkman

(EM20-06-002) That Council direct Administration to close Colchester Beach until further notice, and that Council re-assess the closure once the Town has had an opportunity to review and enhance its current procedures to encourage beach-goers to follow the physical distancing requirements and recommendations of public health officials so that the beach remains a family friendly destination for residents and visitors.

Carried

5. Adjournment

Moved by Councillor Garon

Seconded by Deputy Mayor Meloche

(EM20-06-003) That the meeting be adjourned at 5:10 pm.

Carried

MAYOR

CLERK



Special Council Meeting Minutes

Monday, June 29, 2020 4:30 PM

Electronic location:

<https://www.youtube.com/user/EssexOntario>

**This meeting is being held electronically during a time of Declared
Emergency pursuant to Town of Essex By-Law 1902**

1. Roll Call

Present:

Mayor Larry Snively
Deputy Mayor Richard Meloche
Ward 1 Councillor Joe Garon
Ward 1 Councillor Morley Bowman
Ward 2 Councillor Kim Verbeek
Ward 3 Councillor Chris Vander Doelen
Ward 3 Councillor Steve Bjorkman
Ward 4 Councillor Sherry Bondy

Also Present:

Chris Nepszy, Chief Administrative Officer
Doug Sweet, Director, Community Services/Deputy CAO
Jeffrey Morrison, Director, Corporate Services/Treasurer
Lori Chadwick, Director, Development Services
Kevin Girard, Director, Infrastructure Services
Robert Auger, Town Solicitor, Legal and Legislative Services, Clerk
Nelson Silveria, Economic Development Officer

2. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

3. Adoption of Published Agenda

a) Special Council Meeting Agenda for June 29, 2020

Moved by Councillor Bjorkman

Seconded by Councillor Bowman

(SP20-06-001) That the published agenda for the June 29, 2020 Special Council Meeting be adopted as presented.

Carried

4. Adoption of Minutes

There were no adoption of minutes.

5. Public Presentations

There were no adoption of minutes.

6. Reports from Administration

- a) Chris Nepszy, Chief Administrative Officer

CAO Verbal Report re: COVID-19 Town Administrative updates to Council.

Mr. Nepszy advised that the Windsor Essex County Health Unit is not doing beach water testing. Mr. Nepszy explained that there is an option for the Town's contractor Ontario Clean Water Agency ("OCWA"), who operates the treatment plants, to do water testing at the Colchester Beach approximately twice per week with the results being available about two days after. The cost will be approximately \$300 a week or \$2500-\$3000 for the summer.

Moved by Councillor Verbeek

Seconded by Councillor Bondy

(SP20-06-002) That Council direct administration to extend the scope of Ontario Clean Water Agency's ("OCWA") contract to include twice a week water testing at the Colchester Beach until the end of the summer season.

Carried

Moved by Councillor Bjorkman

Seconded by Councillor Bowman

(SP20-06-003) That Council direct administration to continue with preparations related to the potential opening of the splash pads with Council to give direction at the July 6, 2020 Council meeting as far as the decision and timing of opening and managing the splash pads available to the public.

Carried

Moved by Deputy Mayor Meloche

Seconded by Councillor Bjorkman

(SP20-06-004) That Council approve extending the waiver of penalty and interest on property tax and on water and wastewater until September 30, 2020.

Carried

- b) Nelson Silveira, Economic Development Officer

Economic Development 2020-08 re: Business Support during COVID-19
Emergency

Moved by Deputy Mayor Meloche

Seconded by Councillor Bowman

(SP20-06-005) That Economic Development Report 2020-08 entitled "Business Support during COVID-19 Emergency, be supported; and

That the recommendations contained therein be approved.

Carried

Moved by Deputy Mayor Meloche

Seconded by Councillor Verbeek

(SP20-06-006) That the concept of using parking spaces as additional temporary extensions of business space, in order to assist local businesses as a result of COVID-19 pandemic, be acceptable to Council but not be applied unless:

- 1) A business has indicated it wishes to use such additional temporary business space and such request comes as part of a coordinated request from the Essex BIA and/or the Harrow and Colchester South Chamber of Commerce; and
- 2) Administration has reviewed such request(s) and is satisfied that the request(s) is feasible and/or can be accommodated safely;

and that Administration report back as soon as possible on the feasibility of this request with further recommendations and cost implications.

Carried

Moved by Mayor Snively

Seconded by Councillor Bondy

(SP20-06-007) That that Council send a letter to Taras Natyshak, Member of Provincial Parliament for Essex, asking Mr. Natyshak if he could read such letter in the House and request the Ontario Government to provide immediate relief and/or financial support in order to assist with the additional financial burdens that Municipalities all across Ontario have had to bear and will continue to bear as a result of the COVID-19 pandemic.

Carried

7. Adjournment

Moved by

Seconded by

(SP20-06-008) That the meeting be adjourned at 6:35 PM

Carried

Mayor

Clerk



The Corporation of the Town of Essex
Special Council Meeting Minutes

July 6, 2020, 5:00 pm
Location: <https://www.youtube.com/user/EssexOntario>

A Public Meeting was held on Monday, July 6, 2020 at 5:00 via Zoom Video Conferencing for the purpose of providing background information and the purpose of a proposed site specific zoning amendment related to the property located at 128 Harvey Street, Essex Centre, Ward 1.

Present: Mayor Larry Snively
Deputy Mayor Richard Meloche
Councillor Joe Garon
Councillor Morley Bowman
Councillor Kim Verbeek
Councillor Steve Bjorkman
Councillor Sherry Bondy
Councillor Chris Vander Doelen

Also Present: Chris Nepszy, Chief Administrative Officer
Doug Sweet, Director, Community Services/Deputy CAO
Jeffrey Morrison, Director, Corporate Services/Treasurer
Lori Chadwick, Director, Development Services
Kevin Girard, Director, Infrastructure Services
Rita Jabbour, Manager, Planning Services
Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk
Shelley Brown, Deputy Clerk, Legal and Legislative Services

1. Roll Call

The Mayor called the meeting to order at 5:00 pm.

2. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

3. Adoption of Published Agenda

3.1 Special Council Meeting Agenda for July 6, 2020

July 6, 2020 Special Council Meeting Agenda

SP20-07-001

Moved By Councillor Bjorkman

Seconded By Deputy Mayor Meloche

That the published agenda for the July 6, 2020 Special Council Meeting be adopted as amended with the following additions:

a) Correspondence from Daryl Hermann to be added as agenda item 5.4

b) Correspondence from Kevin Girard, Director, Infrastructure Services to be added as agenda item 5.5

Carried

4. Presentations from Administration

4.1 Presentation entitled "Public Meeting regarding a Site Specific Zoning Amendment at 128 Harvey Street"

Re: Site specific Zoning Amendment Application ZBA-02-20, Richard and Pauline Brockman

Vacant Land on the corner of Medora Avenue West and Harvey Street, Essex Centre, Ward 1

a) Lori Chadwick, Director, Development Services

Ms. Chadwick provided information as to the purpose of the meeting. Ms. Chadwick explained that although there is no prohibition in the Planning Act against having a public meeting on the same night as a Council meeting where a decision would be made on the matter, Development Services is recommending this approach for various reasons.

Ms. Chadwick explained that when this proposal was evaluated it was anticipated that it would not be contentious and that the Planning Department assessed for feasibility, desirability, the characteristics of the lot and availability of municipal infrastructure, Ms. Chadwick stated that the applicant has been quite patient during this COVID emergency since submitting the application back in March of 2020 and despite the approach of having the Council meeting where a decision would be made on the same night, Council can always defer the decision until a later date.

Ms. Chadwick stated that the subject property used to be two lots and has merged on title and the two lots, prior to being merged on title, had the ability to be developed into two single-family dwelling units with a secondary unit in each of those structures. Ms. Chadwick explained that the proposal is to rezone as to permit a semi-detached dwelling with secondary units for a total of four units and that the site specific zoning amendment being requested is not an intensification.

b) Rita Jabbour, Manager, Planning Services

Ms. Jabbour provided a PowerPoint presentation to those in attendance detailing the proposed application. Ms. Jabbour explained that the lands affected are located on the corner of Medora Avenue West and Harvey Street and the lands consist of two 50' by 100' lots on a registered plan of subdivision. Ms. Jabbour noted that these lots likely merged when title was taken under the same ownership which is something that occurs commonly and due to the fact that the lots appear separately on a registered plan of subdivision, can be sold separately without obtaining severance approval and used separately for their intended purposes.

Ms. Jabbour explained that due to the zoning, two separate dwellings are permitted to be constructed however for the purposes of this application the lands will be treated as one lot with a total lot width of 100' and a total lot area of 10,000 square feet. Ms. Jabbour advised that adjacent to the lot is a discontinued railway right-of-way and two triangular parcels belonging to CN Rail.

Ms. Jabbour explained that the subject lands are designated for residential purposes under the Town of Essex Official Plan and lands designated as residential under the Official Plan are either currently developed for residential uses or have been determined to be appropriate for future residential development. The subject lands in this application are suitable for development due to the fact that it fronts on a public road, has access to municipal sanitary, water and storm sewer and is situated within a primary settlement area in Essex Centre. The existing zoning on the subject land is R1.1, low density housing on urban lots that permits the construction of one residential detached dwelling as a main use.

Ms. Jabbour stated that the applicants are requesting a site specific zoning amendment to allow for the construction of one semi-detached dwelling on the site. Ms. Jabbour stated that a semi-detached dwelling is not permitted under the current zoning of R1.1 and provided details regarding the zoning change proposed. Ms. Jabbour provided visual graphics along with detailed explanations regarding the location of the property and the proposed site plan.

Ms. Jabbour further stated that consideration should be given to the fact that the allowance of one second dwelling unit in each semi-detached dwelling unit (per the Official Plan) with the same density would be permitted if there were two single-family dwellings as it is two separate lots.

Ms. Jabbour advised that the purpose of this meeting is to hear representations from the public and allow Council the opportunity to ask questions to staff and the applicant however Council does not make a decision at this time.

Ms. Jabbour explained that the proposal was circulated to residents within 120 metres of the subject parcel as well as agencies and received no objections from the Essex Region Conservation Authority, Department of Infrastructure Services, the Chief Building Official and CN Rail.

Ms. Jabbour explained that one objection was received from a resident within 214 metres of the subject property and that email is included in the correspondence section of these minutes.

Ms. Jabbour outlined the next steps in the rezoning process explaining that the report to Council and corresponding by-law on the agenda for the Regular Council Meeting on July 6th can be accepted, amended or defeated by Council and if approved, a notice of approval would be sent to the applicant and all persons requesting to be notified. The 20 day public appeal period takes effect shortly after the by-law is passed by Council.

Ms. Jabbour provided information regarding the proposed by-law, if passed, would allow an additional permitted main use of one semi-detached dwelling, a minimum exterior side yard width of 1.2 metres (4 feet), and a 7.5 metre (25 feet) setback from the railway right-of-way as well as any use accessory to the main use.

The Chair asked if any members of Council had any questions:

a) Councillor Garon, Ward 1

Councillor Garon requested that the applicant clarify whether the driveway would be on Medora Avenue or Harvey Street.

Pauline Brockman, Applicant advised that it would be on Medora Avenue.

Councillor Garon asked administration if parking permitted on the north and south side of Medora Avenue.

Kevin Girard, Director, Infrastructure Services advised that he would have to verify.

Councillor Garon asked the applicant if each driveway would hold two or four cars side by side.

Ms. Brockman stated that the development is designed for seniors with the upper unit having access to park in the garage and the lower unit would park in the driveway as well as one addition spot for visitor parking per unit.

Councillor Garon asked if the wooded lot would be touched.

Ms. Brockman advised that the lot is cleared of trees and nothing further would be cut

Councillor Garon asked if the second resident that wrote in this afternoon had formal consultation with the Town.

Ms. Jabbour informed Councillor Garon that the resident has not had any formal consultation with the Town that she is aware of.

b) Deputy Mayor Meloche

Deputy Mayor Meloche asked the applicant for clarification regarding the location of the driveways.

Ms. Brockman stated that parking will be at least 2 cars wide and 2 cars deep with the upper units parking in the garage and the lower units parking in the driveway. Ms. Brockman also stated that there will additional spaces for each unit to have a visitor and that their goal is to have all parking contained to driveway and not on street.

c) Councillor Verbeek, Ward 2

Councillor Verbeek stated that she is happy to see development and that it will create much needed housing.

d) Councillor Vander Doelen, Ward 3

Councillor Vander Doelen inquired whether the lots had ever been occupied and if so, when the homes were removed.

Mayor Snively advised that there had been homes on the lots.

Lori Chadwick, Director, Development Services advised that the homes were demolished in approximately the last year or two.

e) Councillor Bowman, Ward 1

Councillor Bowman inquired whether the issues with storm sewer drainage will be affected by this development.

Kevin Girard, Director, Infrastructure Services stated that the front of the property would have been designed for two previously existing lots and believes they should have enough capacity to service these lots.

f) Councillor Bjorkman, Ward 3

Councillor Bjorkman inquired if the units are going to be being sold separately or if they will be available for rent.

Pauline Brockman, applicant advised that they are rental properties.

Councillor Bjorkman asked if there is any difference between this development and individual owners renting out their basement.

Rita Jabbour, Manager, Planning Services explained that the Town regulates by land use and not the types of ownership.

g) Councillor Bondy, Ward 4

Councillor Bondy asked if this development is going to be 4 units or 2 units.

Pauline Brockman, applicant advised that it is a semi-detached home with 2 units in basement.

h) Councillor Garon, Ward 1

Councillor Garon stated that he would like to see if parking on Medora Avenue on south side of road can be eliminated up to Harvey Street.

j) Chris Nepszy, Chief Administrative Officer

Mr. Nepszy reminded Council that at any point before next meeting, Council has the ability to defer the By-Law and extend a decision on this development application should they choose.

k) Councillor Bjorkman, Ward 3

Councillor Bjorkman inquired about the 20 day appeal period and if it still applicable should By-Law be passed at the regular Council meeting tonight.

Rita Jabbour, Manager, Planning Services advised that yes the appeal period still takes effect if the by-law is passed at the regular Council meeting tonight.

SP20-07-002

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That the presentation entitled Statutory Public Meeting regarding a Site Specific Zoning Amendment at 128 Harvey Street dated July 6, 2020, as prepared by Rita Jabbour, Manager, Planning Services, be received.

Carried

5. Correspondence

5.1 Fay Hermann

Re: Opposition to ZBA-02-20, 128 Harvey Street Essex, Ontario

5.2 Daniel Chan, CN Rail

Re: Railway Setback Restrictions

5.3 Kevin Carter, CBO Town of Essex

Re: Response to ZBA-02-20 (128 Harvey Street, Essex Centre, Ward 1)

SP20-07-003

Moved By Councillor Bjorkman

Seconded By Councillor Vander Doelen

That the correspondence listed in Agenda Item 5 be received or received.

Carried

6. Public Presentations

The Chair asked if any members of the public present would like to provide comments.

a) Pauline Brockman, applicant.

Ms. Brockman stated that she had no further comments.

7. Adjournment

SP20-07-004

Moved By Councillor Garon

Seconded By Councillor Vander Doelen

That the meeting be adjourned at 5:41 pm.

Carried

Mayor

Clerk



The Corporation of the Town of Essex
Special Council Meeting Minutes

July 13, 2020, 5:30 pm
Location: Zoom Video Conferencing

Present: Mayor Larry Snively
Deputy Mayor Richard Meloche
Councillor Joe Garon
Councillor Kim Verbeek
Councillor Steve Bjorkman
Councillor Sherry Bondy
Councillor Chris Vander Doelen

Absent: Councillor Morley Bowman

Also Present: Chris Nepszy, Chief Administrative Officer
Doug Sweet, Director, Community Services/Deputy CAO
Jeffrey Morrison, Director, Corporate Services/Treasurer
Lori Chadwick, Director, Development Services
Kevin Girard, Director, Infrastructure Services
Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk
Shelley Brown, Deputy Clerk, Legal and Legislative Services

1. Call to Order

The Mayor called the meeting to order at 5:47 pm.

2. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

3. Adoption of Published Agenda

3.1 Special Council Meeting Agenda for July 13, 2020

SP20-07-005

Moved By Councillor Bjorkman

Seconded By Deputy Mayor Meloche

That the published agenda for the July 13, 2020 Special Council Meeting held to discuss parking at the Colchester Beach, be adopted with the following amendment:

- Agenda item 5.1 moved to 5.2
- Agenda item 5.1 July 13, 2020 Closed Meeting Report

Carried

4. Public Presentations

There were no public presentations.

5. Reports from Administration

5.1 Closed Meeting Report

Council met in Closed session to discuss potential property disposition pursuant to Section 239 2(c) of the Municipal Act concerning Town vacant land on the north-east side of Talbot Street North in the parcel of land adjacent on the north side to 73 Talbot Street North. Council directed administration to bring to the public session for Council's consideration to declare this property as surplus to the needs of the Corporation.

SP20-07-006

Moved By Deputy Mayor Meloche

Seconded By Councillor Bjorkman

That Council declare the property described as Registered Plan 176, Part Alley, Reference Plan 12R-6198, Parts 1&2, in the Municipality of Essex, County of Essex, Province of Ontario to be surplus to the needs of the Municipality and that a by-law or resolution directing the sale of this property be brought to a future meeting of Council all in accordance with the provisions of By-Law 855.

Carried

5.2 Doug Sweet, Director, Community Services/Deputy CAO

Re: Verbal Report regarding Colchester Beach.

Doug Sweet, Director provided the next steps required to open up the Colchester Beach. Mr. Sweet stated that a by-law is required to appoint the Canadian Corps of Commissionaires and its members as By-Law Enforcement Officers to enforcement parking and issue tickets per proposed By-Law 1931, Schedule C.

Mr. Sweet added that the Canadian Corps of Commissionaires would also provide security on beach however they cannot issue tickets and must work the OPP and our By-Law Enforcement Officer.

Mr. Sweet explained that the Canadian Corps of Commissionaires would be contracted from the time the Colchester Beach opens until after Labour Day weekend for a maximum of 8 weeks on Fridays, Saturdays, Sundays and holidays for a maximum of 8 weeks totaling \$13,044.00 (\$8,100.00 Parking; \$4,944.00 Beach Security).

R20-07-007

Moved By Councillor Vander Doelen

Seconded By Councillor Bjorkman

That the verbal report by Doug Sweet, Director, Community Services/Deputy CAO, be received.

Carried

6. By-Laws

6.1 By-Law 1929

Being a by-law to appoint Municipal By-Law Enforcement Officers for the Town of Essex.

SP20-07-008

Moved By Councillor Vander Doelen

Seconded By Councillor Garon

That By-Law 1929, being a by-law to appoint Municipal By-Law Enforcement Officers for the Town of Essex, be read a first, a second and a third time and finally passed on July 13, 2020.

Carried

6.2 By-Law 1931

Being a by-law to amend By-Law 224, the by-law to regulate parking

SP20-07-009

Moved By Councillor Bjorkman

Seconded By Deputy Mayor Meloche

That By-Law 1931 being a by-law to amend By-Law 224 the by-law to regulate parking, be read a first, a second and a third time and finally passed on July 13, 2020.

Carried

7. Adjournment

SP20-07-010

Moved By Councillor Garon

Seconded By Councillor Bjorkman

That the meeting be adjourned at 5:53 pm.

Carried

Mayor

Clerk



The Corporation of the Town of Essex
Special Council Meeting Minutes

July 13, 2020, 6:00 pm

Location: <https://www.youtube.com/user/EssexOntario>

Present: Mayor Larry Snively
Deputy Mayor Richard Meloche
Councillor Joe Garon
Councillor Morley Bowman
Councillor Kim Verbeek
Councillor Steve Bjorkman
Councillor Sherry Bondy
Councillor Chris Vander Doelen

Also Present: Chris Nepszy, Director, Infrastructure Services
Doug Sweet, Director, Community Services
Jeffrey Morrison, Director, Corporate Services/Treasurer
Lori Chadwick, Director, Development Services
Kevin Girard, Director, Infrastructure Services
Robert Auger, Clerk, Legal and Legislative Services
Shelley Brown, Deputy Clerk, Legal and Legislative Services
Rita Jabbour, Manager, Planning Services
Jeff Watson, Policy Planner, Development Services

1. Call to Order

The Chair called the meeting to order at 6 pm.

2. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

3. Adoption of Published Agenda

3.1 Special Council Meeting Agenda for July 13, 2020

SP20-07-011

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That the published agenda for the July 13, 2020 Special Council Meeting be adopted with the following amendments:

- Agenda Item 5 amended to include delegations from:

- Adam Grant

- Agenda Item 5 to remove delegations from:

- Kathy Langlois

- Richard Herniman

- Nettie Ridley and Mike Piche
- Agenda Item 6 amended to include correspondence from:
 - Edward Baldwin
 - Bike Windsor Essex
 - Anne Marie Grant
 - Bernard Gorski

Carried

4. Presentations from Administration

4.1 Presentation entitled "County Road 50 Sign By-Law Review"

Re: County Road 50 Sign By-Law Review

Lori Chadwick, Director presented an overview of the County 50 Sign By-Law Review outlining the character of County Road 50 and the signage that is currently permitted and not permitted in agricultural districts.

Ms. Chadwick detailed the amendments for consideration including requests to amend the current sign regulation to permit pole signs and electronic media identification and advertising signs.

Ms. Chadwick provided additional details pertaining to the Town's public consultation efforts including information packages and an online survey through the Town website, social media, local newspapers, email to stakeholders and direct mailing to over 300 property owners that front onto County Road 50.

Ms. Chadwick reviewed the survey results noting that respondents stated that "better permanent signage to eliminate temporary signs and banners" and "better maintenance and refreshing of existing signage" were needed improvements on County Road 50. Ms. Chadwick further stated that 77% of the respondents stated that they would not be in favour of electronic media signage along County Road 50.

Ms. Chadwick outlined the next steps normally required as part of the review which includes a Report to Council from administration and final draft by-law amendments, if any required, to be presented at the August 4th Regular council meeting. She also advised council that there is no appeal period for amendments to this bylaw as it falls under the authority of The Municipal Act.

SP20-07-012

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That the presentation entitled "County Road 50 Sign By-Law Review" dated July 13, 2020, as prepared by Lori Chadwick, Director, Development Services, be received.

Carried

5. Public Presentations

5.1 The following residents addressed Council regarding signage on County Road 50

5.1.1 Bernard Gorski, Colchester Ridge Estate Winery

Bernard Gorski stated that he supports a by-law change in the area. Mr. Gorski explained that he had his own petition signed on his own to support the change. Mr. Gorski's petition was to permit a pole sign up to 5 meters in height with a digital component restricted to daylight hours with no nighttime pollution to disturb neighbours. Mr. Gorski advised that some of the the signatures are from non-residents because the Town's Strategic Plan states that the Town would consider opinions of stakeholders, visitors, tourists and customers.

Mr. Gorski stated that the wineries are major attraction in area and extra customers that come in to support small businesses in area depend on traffic that wineries help provide into the area and are important for tourism. Mr. Gorski further stated that the Niagara Region and Prince Edward County allow signage up to 7 meters in height and have a digital media or electronic component. Mr. Gorski stated that they have a competitive edge with other wineries across Ontario and that this region should have same opportunity. Local wineries have poured millions of dollars into our area to support the tourism and bring customers, tourists and permanent residents into our area and that they need endorsed new technology to retain them and attract more. Mr. Gorski stated that he is looking for more professional signage. Mr. Gorski stated that he is asking council to follow Strategic Plan to promote business growth, bring new people and businesses to our area by allowing the technology available to help them achieve their goals.

5.1.2 Kathy Langlois

Delegate withdrew submission prior to meeting.

5.1.3 Adam Grant

Adam Grant stated that changes will profoundly impact the region and not for the betterment of the community. Mr. Grant added that he lives directly across the street from the sign that was erected and it is very bright and causes hazards to pedestrians and vehicles by being a source of distraction to drivers. Mr. Grant explained that when the sign was initially operated it illuminated their house and part of County Road 50 and that when covered, it could still be visibly read. Mr. Grant stated that this issue will resurface wherever this type of sign is installed. Mr. Grant further added that this area is zoned agricultural and residential not commercial and that the majority of residents that moved there did so to get away from these type of things.

5.1.4 Anne Marie Grant

Anne Marie Grant presentation outlined various winery locations including pictures of the types of signage at each location and that no pole signs were erected including areas such as Niagara-on-the-Lake, Okanagan and Tuscany.

Ms. Grant explained how electronic pole signs would have a negative negative for residents including their quality of life and property values as well as the degradation of the historic character of County Road 50. Ms. Grant added that the premiere wine regions have embraced this natural, organic look.

5.1.5 Richard Herniman

Delegate withdrew submission prior to meeting.

5.1.6 Kevin B. Coon

Delegate was not present at the electronic meeting.

5.1.7 James and Patricia Heaton

Delegate was not present at electronic meeting.

5.1.8 Joe Lucas

Joe Lucas stated that he feels that County Road 50 is not broken and does not need to be fixed. Mr. Lucas stated that By-Law 1350 is good but needs strict application. Mr. Lucas stated that overall most signs fit within the provisions of By-Law 1350. Mr. Lucas provided council with some examples of businesses with signage that he felt fit within the historical feel of the road. Mr. Lucas feels that it all comes down to the suitability of signage in the community as it draws visitors and commerce

5.1.9 Nettie Ridley and Mike Piche

Delegate withdrew submission prior to meeting.

SP20-07-013

Moved By Councillor Bowman

Seconded By Councillor Vander Doelen

That the presentations and correspondence (where applicable) listed in Agenda Item 5.1 be received.

Carried

SP20-07-014

Moved By Councillor Bjorkman

Seconded By Councillor Verbeek

That Council directs administration not to make any changes to current By-Law 1350 but that applicants can apply for a site specific amendment should they choose.

Carried

6. Correspondence

6.1 Public Petition

SP20-07-015

Moved By Councillor Garon

Seconded By Councillor Bjorkman

That the correspondence listed in Agenda Item 5 be received.

Carried

7. **Adjournment**

SP20-07-016

Moved By Deputy Mayor Meloche

Seconded By Councillor Verbeek

That the meeting be adjourned at 7:32.

Carried

Mayor

Clerk

From: Elise Davis [<mailto:elisedavis62@yahoo.com>]

Sent: Monday, July 20, 2020 3:17 PM

To: Auger, Robert <rauger@essex.ca>; Brown, Shelley <sbrown@essex.ca>; Bondy, Sherry <sbondy@essex.ca>

Subject: Re: Delegation or letter to council

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Dear Mr. Auger, Ms. Brown and Council members,

I appreciate the opportunity to have Essex Town Council support my initiative to receive a formal apology from the Canadian Government regarding this Nation's role in enslaving people of African origins. To date, no reply to the attached letter has been received, however, a local Liberal member in good standing, Mr. Bruck Easton, LLB, has contacted me and agrees that an apology should be made to Canada's African Canadian citizens by the present sitting government.

Past feeble reasons for not apologizing are based on the fact that Canada was under British rule when slavery was practiced until Emancipation was decreed in 1833. There are also those who feel because slaves were deemed 'property', that is sub-human, during that ere, no apology is necessary from Canada because they were not actually people at the time.

My reasoning for, Canadians of African origins receiving an apology is based on centuries of the misuse, abuse and unfair benefit enjoyed by the dominant culture (European descent individuals) of the day (1600s-mid 1800s). Both France and Great Britain allowed slavery on this soil during their reign. Great fortunes, property holding, elevated social status and comfortable life styles were accrued. Black and Indigenous slaves received little or no benefit for their labour and dismal lives. Further, once slavery was officially abolished, a continued course of oppression, racist legislations and systemic thinking by many that Blacks were/are inferior to whites, kept up an oppressive regime that marginalized African Canadians. We were not invited to become Canadian citizens until 1911. During both World Wars, our services were not wanted until a shortage of white soldiers caused the military to reluctantly accept the enlistment of Black men into their 'white men's wars'. The service and recorded valour of African Canadians proves our loyalty and bravery even when not respected or appreciated.

Prejudiced legislation kept us from becoming nurses until 1948; biased practices hampered us from purchasing properties in many locations where, in deeds, it was stated---**the purchase of these properties are prohibited to Negros, Jews and people who have committed treason against this country.** That phasing was finally removed from deeds in 1961. The offensive intent of such wording diminished all of the contributions African Canadian have made. As explanation, my father, a decorated veteran, had a German born associate purchase lane in Sandwich West in 1958, then sell it to my parents for "love and Affection".

Where education has been concerned, right here in Essex County, "Negro Sections" were allocated in 1850 for African Canadian families to have schools for their children, as many

whites refused to let their children attend school with blacks. The last Black school in Ontario, SS#11 on the 3rd Concession just outside of Harrow, ON, closed in 1963 by an act of legislation. A new school had been built in the Town of Harrow for students which closed all but SS#11. Imagine the school bus passing by because the Board of Education, Council members and many residents in this area thought Black residents were satisfied with sending their offspring to the segregated Negro Section school down on the 3rd concession that had a tainted well and was rat infested! This was a common condition repeated across Canada in such places as Buxton, ON and Nova Scotia. Our children were "streamed" in many cases, sent to the Technical secondary schools supposedly because they were not bright enough nor desirous of becoming business owner, officials, doctors lawyers and magistrates. Hundreds of years of turning a blind eye to keeping African Canadians down needs to come to an end. Even the United Nations has suggested that Canada apologize for it's role in enslaving Blacks in 2017.

I could site many more instances that have kept African Canadians in a type of emotional slavery, perpetrated and condoned by all political parties of our Government up to present day, including the shameful "Blackface Incident" involving the present Prime Minister that exhibits the innocent ignorance that grips our nation which would allow our Leader to think his action(s) were fun and just fine.

I feel that my request for a formal apology is valid and long over due. I have been sending requests for support of this pressing issue to individuals, organizations and communities across Canada. My appeal for support from your body comes with the full backing of the local African Canadian community. When lecturing, I often say, "**Nous sommes aussi Canadiens**", that is, "**We are also Canadians**". An official apology would make African Canadians feel part of Canada's multicultural family.

Please consider, in your roles as elected officials of the Town of Essex and as concerned fellow citizens and neighbours of African Canadians, sending a letter of support for my appeal to the office of the Prime Minister at justin.trudeau@parl.gc.ca voicing support for an official apology for slavery.

Thank you for your attention to this matter. I look forward to receiving your response.

Respectfully,
Elise Harding-Davis
African Canadian Heritage Consultant
144 Roseann Dr.
Harrow, ON N0R 1G0
519 738-6820
elisedavis62@yahoo.com



Elise Harding-Davis, African Canadian Heritage Consultant, is one of the foremost authorities on African Canadian history and events connected to the development and progress of North America. Her unique perception reveals the early presence of African origin pioneers and freedom fighters in British Canada revealing the invaluable roles of **“The Black Thread in the Canadian Tapestry”**.

A seventh generation African Canadian born in Windsor, Ontario, she now resides in Harrow, Ontario. Elise retired as the Curator/Administrator of the North American Black Historical Museum & Cultural Centre Ltd. and The Nazery African Methodist Episcopal Church National Historic Site (now The Amherstburg Freedom Museum) after 32 years of dedicated service. Simultaneously, Elise has taught Black Studies at St. Clair College since 1993 and networked widely with numerous international educational facilities. She was also an Executive Administrator at Hotel Dieu Grace Hospital for six years with a portfolio dealing with Physician/Staff complaints and the review/revision of policy and procedure to ensure diversity/cultural competency. Elise also organized/managed the office of the Member of Parliament for the riding of Essex for eight years and acted as his spokesperson throughout the riding.

Ms. Harding-Davis’ passion has given her the opportunity to travel globally, at Universities and Canadian Consulates across North America and to countries including China and the continent of Africa lecturing and promoting the history of people of African descent in Canada. Elise’s impressive volume of work includes numerous guest articles in various newspapers and magazines internationally and several books including, “The Black Presence in the War of 1812” chronicling Black military involvement, and, “The Colors of Essex County” which concentrates on 13 sacred African Canadian cemeteries in Essex County. She has helped to preserve and attain heritage status for these irreplaceable burial sites. Elise was a core member of “The African Canadian Tour Program” and acts as a Tour Guide. Mrs. Harding-Davis worked with Police Forces for several years to devise less biased hiring practises for Women, Indigenous Peoples, Blacks and the Disabled. She has supported and educated minority youth helping them to develop improved selfimage and seek post-secondary education.

Elise has received many awards, letters of appreciation and certificates of merit including both The Golden and Diamond Queen Elizabeth II Jubilee Metals for her tireless service in elevating the little know/unappreciated history of her people.

Ms. Harding-Davis feels that all facets of history have a Black component, therefore, in her words, **“Without Black History—All History is Incomplete”**.

Dear Prime Minister Trudeau,

Raw racism is rearing its foul head promoting destruction and death in so many places. It's all over the news globally, with the gruesome on-air murder of George Floyd by law enforcement in Minnesota. This coverage precipitates more attacks by haters and agitators and fuels well justified fears. There is no denying that similar grievous acts are happening right here in our country. Between 2000 and 2017, police were involved in at least 460 fatal interactions with civilians across Canada. Many of those civilians were Black.

It should be clear, with recent events that African Canadians deserve an apology for Slavery from the Canadian Government immediately. The systemic racism in Canada is a direct result of Slavery in this country. African Canadians have been denied genuine equity in economic growth, social standing, legislative justice and proper regard for our health and well-being throughout Canada's history.

The awful legacy of enslavement has bred a dreadful pervasive hate and disenfranchisement of African Canadians. This attitude enables police, physicians, some employers, industry and legislators to treat African Canadians with disregard at best. Often, colour closes the door to opportunity; black sounding names on resumes eliminate the application. Being judged by prejudicial standards has rendered African Canadians far behind in all things.

African Canadians, many of whose families have lived here since before Canada was an independent country, face abuse and loathing, are taken little or no notice of and are deliberately cut out of educational and employment prospects regularly. Additionally, and factually, African Canadians are targeted and hunted by virtue of the colour of their skin. Imagine waking every day worried about what harassment you might suffer today, fearing for your life or that of your child, African Canadians live such an existence!

When our Prime Minister shamefully appeared in Black-face it insulted and demeaned our sector of the populace. Whether done out of innocent ignorance or a sense of entitlement, these actions damage and hamper African Canadians ability to be a 'regular' part of the mainstream. Either African Canadians are dodging prejudice or mourning those of us who have perished as a result of this hateful thinking. These constant reminders of our supposed inferiority can and do damage our health, wellness and the ability to function effectively.

Ironically African Canadians are 'faceless' in the nation we helped to build. Political parties seldom court us. Industry lags in pursuing or promoting us for administrative positions. Sadly, committees to look into and correct these violations are infrequently made available to African Canadians. The lowliest jobs seem to be assigned to us; an obvious hold over from slavery when Blacks generated the wealth but got none of it.

Unlike the lack of and refusal to remedy racism in the United States, albeit difficult, I believe this festering, pressing issue can be resolved in Canada. I, for one, am willing to work in any capacity to correct systemic prejudice, race baiting and other bad behaviors with the goal of healing old wounds, uplifting African Canadians and progressing toward a world of equality and harmony.

I sincerely feel that a heart-felt public apology for enslavement from the leader of this nation will act as a catalyst to open meaningful dialogue and begin true change toward equity in all the areas that I've mentioned. As long as the powers that be hang on to the privilege of "being better than" black-skinned people and refuse to take accountability for past wrongs, this ugliness will continue to spread, taint society, and worst of all, kill.

I have written to you on this matter several times seeking both acknowledgement of African Canadian worth and a respectful resolution to the *sins of our fathers*. I am imploring to your sense of moral right for a long overdue apology for Slavery in Canada. Now is the time!

Respectfully,

Elise Harding-Davis

African Canadian Heritage Consultant.

Harrow woman seeks Trudeau apology for Canada's history of slavery

Trevor Wilhelm

Updated: October 1, 2019



Elise Harding-Davis is shown at her Harrow home on Monday, September 30, 2019. She has sent three letters to Prime Minister Justin Trudeau demanding an apology for Canada's history of slavery and racism against black people. She only received a response, stating her last letter was received, after the Trudeau blackface scandal. Dan Janisse / Windsor Star

A Harrow woman says her repeated requests for Justin Trudeau to apologize for Canada's history of slavery have been fruitless, despite the prime minister's track record of apologizing for past injustices to other marginalized groups.

"Canada wants to hold itself out as the multicultural country who respects and takes care of all the people that are part of the Canadian panacea," said Elise Harding-Davis. "But they leave us out time and time again. We're one of the four pioneering people of Canada. There have been black people on record in Canada since 1604, and it was a free black man who came with Samuel de Champlain."

The Liberal party did not respond Monday to a request for comment.

Harding-Davis said she has sent three letters to Trudeau since late 2018 calling for an apology to African Canadians. It was not until her last letter, which addressed the Trudeau blackface scandal, that the Liberal government acknowledged they received the correspondence.

"It was just a cursory acknowledgement," said Harding-Davis. "Again, that's what I'm saying. Nobody is taking this seriously. Nobody's respecting the fact that that man blacked himself up and went out in public, hanging over women, having a good time, pretending he was something other than he was because he could go home and wash it off. If he had to live with it as his life's colour, it might be a different process."



We helped make Canada what it is today and we deserve an apology

While it is often overlooked next to the history of racism and slavery in the United States, Canada has its own dark legacy. Slavery was legal throughout the British Empire, including Canadian territory, until the Slavery Abolition Act took effect in 1834.

Elise Harding-Davis is shown at her Harrow home on Monday, September 30, 2019. She has sent three letters to Prime Minister Justin Trudeau demanding an apology for Canada's history of slavery and racism against black people. She only received a response, stating her last letter was received, after the Trudeau blackface scandal. Dan Janisse / Windsor Star

Harding-Davis sent her first letter in November 2018 after Trudeau apologized for Canada turning away a ship full of Jewish refugees fleeing Nazi persecution in 1939. Hundreds of those people were murdered in the Holocaust.

Harding-Davis said the Canadian government has also apologized to Chinese, Italian, and First Nations people for past wrongs — something she wholeheartedly supports — but African Canadians have been repeatedly overlooked.

She sent her third later in the wake of the scandal that engulfed the election campaign when years old photos surfaced of Trudeau in blackface.

“The most recent bit of foolishness, being in blackface, absolutely connects with apologizing for slavery,” said Harding-Davis. “The connect is that never dignifying or respecting the fact that we had slavery in this country, there are those who do think they’re better and will do blackface, will do other acts of disrespect regarding black people and think that it’s fine.”

Harding-Davis believes she received confirmation her last letter was received because it's election time.

“They weren’t acknowledging anything in the letter at all,” she said. “They were just acknowledging that the letter came forward. But they were also savvy enough to key into the fact that here’s an issue they better start dealing with.”

Harding-Davis said Trudeau is not the first prime minister she has demanded an apology from.

Elise Harding-Davis is shown at her Harrow home on Monday, September 30, 2019. She has sent three letters to Prime Minister Justin Trudeau demanding an apology for Canada's history of slavery and racism against black people. She only received a response, stating her last letter was received, after the Trudeau blackface scandal. Dan Janisse / Windsor Star



“I’m not going to quit,” she said. “We still exist. We are here. We are pioneering members of Canada. We helped make Canada what it is today and we deserve an apology.”

Related

- [Local Liberals "disappointed" by images of Trudeau in blackface](#)
- [Late-night talk show hosts take shot at Trudeau amid blackface scandal](#)

- [Source of Trudeau 'blackface' photo says only motive was public's right to know](#)

Most previous apologies made by prime ministers were for incidents that occurred after Confederation in 1867. However, Prime Minister Stephen Harper apologized in 2008 for the injustice of the residential schools' system, which dates back to the 1840s, and last year Trudeau apologized and exonerated six Tsilhqot'in chiefs who were tried and hanged in British Columbia in 1864.

In 2007 British Prime Minister Tony Blair apologized for his country's involvement in the transatlantic slave trade between Africa and North America and the Caribbean.

UN Wants Canada To Apologize, Pay Reparations For Black Slavery



• • •

[David Krayden](#) Ottawa Bureau Chief
September 25, 2017 11:46 AM ET

The United Nations Human Rights Council says Canada should apologize and pay reparations for slavery and other forms of “anti-black racism.” [In a report released Monday](#), the U.N. advisory group stated: “History informs anti-black racism and racial stereotypes that are so deeply entrenched in institutions, policies and practices, that its institutional and systemic forms are either functionally normalized or rendered invisible, especially to the dominant group.”

The British empire had already banned slavery in 1834, and Canada had not become a self-governing dominion until 1867. Prior to its abolition, [slavery was never widespread in British North America](#), although it was extensive in tropical colonies like Jamaica. When support for abolitionism grew in the northern U.S., Canada participated in the Underground Railway that moved escaped slaves out of Canada so that they could not be returned to their masters under the provisions of the Fugitive Slave Act.

Nonetheless, the UN says that contemporary Canadian racism “replicates the historical ... conditions and effects of spatial segregation, economic disadvantage and social exclusion. It is important to underline that the experience of African Canadians is unique because of the particular history of anti-black racism in Canada,” suggesting that the government of Canada should “take concrete steps to preserve the history of enslavement and the political, social and economic contributions of African Canadians by establishing monuments in their honour.”

Another one of these concrete steps would be the addition of a new department of African-Canadian affairs to the federal government. The UN council recommends that it resemble the current federal department that serves “Indigenous Peoples.”

Just last week in [his address to the UN General Assembly](#), Canadian Prime Minister Justin Trudeau outlined what he termed “humiliation, neglect and abuse” in the history of addressing the needs of first nations Canadians and he vowed to achieve “reconciliation.” Trudeau did not refer to any further reconciliation with black Canadians.

The report insists that Canadian history is the dark story of white racism, but that racism is to blame for virtually every problem allegedly facing black Canadians today from poverty to bad health.

Yet, the global bureaucracy isn’t nearly finished with issuing recommendations. The UN urges Canada to combat what it calls “environmental racism” that allegedly occurs when waste management sites are placed too closely to black communities.

The report also suggests that Canada address presumed systemic racism in the Canadian criminal justice system because blacks are “extraordinarily overrepresented” when it comes to being targets of police violence.

The Nova Scotia Human Rights Commission has been invited to address the human rights council on Monday.

Canada – Apologize For Slavery And Pay Reparations, Says The UN

Published by [opbastard](#) on September 25, 2017 | [Leave a response](#)

We are living in the time of victimization. Everyone is a victim. If you go far enough back in time, you can find something in everyone’s past that provides them justification for claiming victim status.

Failure? Victim. Criminal? Victim. Poor? Victim. Addict? Victim. Murderer? Victim. Rapist? Victim. Nothing is ever your fault. Nothing is never the result of someone making a bad decision or listening to some bad advice. That is the beauty of victimhood. It erases all of your sins.

The UN Human Rights Council is set to discuss a report on issues affecting African-Canadians that makes recommendations to the federal government, including that it apologize for slavery and consider providing reparations for historical injustices.

A UN working group will submit its final report on the human rights situation of people of African descent in Canada to the council Monday based on its consultations with government officials and interest groups during an October 2016 mission to Ottawa, Toronto, Halifax and Montreal.

Some report findings released in August raised deep concerns about Canada's legacy of anti-black racism, which traces its origins to slavery in the 16th century and reverberates into the present day. – Tbnewswatch

read full article [here](#)

.....Canada's legacy of anti-black racism, which traces its origins to slavery in the 16th century and reverberates into the present day....

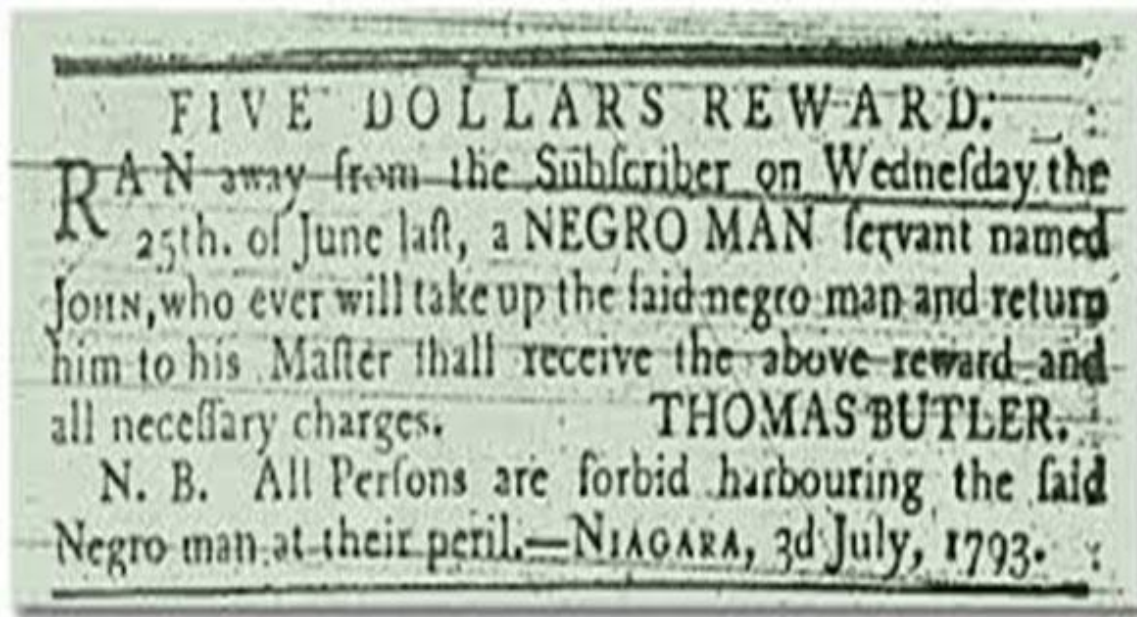
.....makes recommendations to the federal government, including that it apologize for slavery and consider providing reparations for historical injustices.....

Of course. Saudi Arabia is a member of the Human Right Council. Who better to condemn slavery and the mistreatment of anyone? They are leading experts. Especially women.

Maybe the Human Rights Council of the UN can take a look at [what is going on in Israel right now](#). Maybe they can get an apology and reparation payments for the Palestinians that are living in an apartheid regime that is bent on ethnic cleansing.

This latest fad of analyzing history and comparing it to today's standards and ethics is pointless but it does appease the social justice warriors. Is the so-called anti-black racism that is mentioned by the UN, really tied to slavery? Did Canada ever have slavery?

Dear Mr. Prime Minister, When Can African Canadians Expect To Receive An Apology For Slavery?



Dear Mr. Prime Minister, When Can African Canadians Expect To Receive An Apology For Slavery?

in [Commentary](#) June 28, 2016 [1 Comment](#)

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By [Mark Brown](#)

PRIDE Guest Columnist



Chinese head tax, Indigenous residential schools, South Asian Komagata Maru incident.

These are some of the apologies given by current and previous federal governments for historical injustices done to Canadians because of their race, colour, creed and/or religion — atrocities committed during a dark period of Canadian history.

A period when blatant discriminatory practices and policies were written into law and justified as appropriate.

The Chinese head tax was first imposed after the Canadian parliament passed the Chinese Immigration Act in 1885. This tax was meant to discourage Chinese people from immigrating to Canada after the completion of the Canadian Pacific Railway, which they built.

The first anti-Chinese tax of \$50 per person was levied on almost every Chinese person entering Canada. Despite the tax, Chinese immigrants continued to come to Canada. As a result, the tax was increased to \$100 in 1900 and \$500 in 1903. At that time in history \$500 represented two years wages for Chinese labourers.

Indigenous residential schools were government-sponsored religious schools, established to integrate Indigenous children into European-Canadian culture.

It is reported that many children were forcibly taken from their homes and put into these residential schools against their will. It is further reported that this subsequently disrupted the lives and the communities of Canada's Indigenous population, causing long-term problems that continue to this day.

The last residential school closed in 1996. It is believed that 150,000 Indigenous, Inuit, and Métis children attended residential schools.

Former students have strived for recognition and restitution, which resulted in the Indian Residential Schools Settlement Agreement in 2007 and a formal public apology by then Prime Minister, Stephen Harper, in 2008.

The SS Komagata Maru was a chartered ship which brought immigrants, many of whom were of the Sikh religion, to Canada from India. Canada had a policy of excluding immigrants from India.

A showdown took place in the spring and summer of 1914 when a boatload of immigrants arrived in Vancouver. This became a tragic experience for the passengers.

First there was an unsuccessful physical confrontation with police and the military at the Port of Vancouver. This was followed by a deadly encounter with police and troops near Kolkata on the passengers' return trip to India.

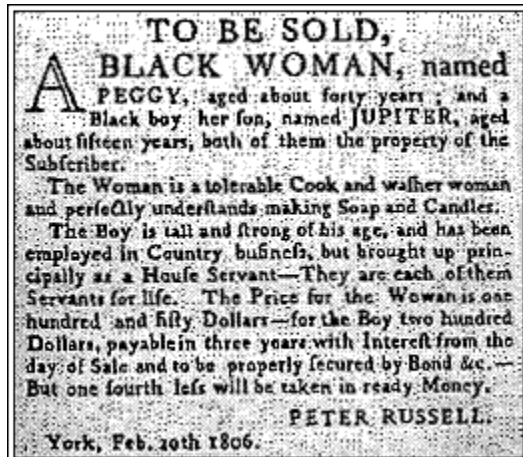
Each of these incidents, along with others not mentioned above, are all worthy of the apology they received.

Many would agree that a boatload of Sikhs being turned away from Canada, purely because of race and religious difference, is not the best example of inclusion that Canada is argumentatively known for.

However many more would argue that none of these atrocities can compare to what African Canadians experienced as a result of Canada's role in the Trans-Atlantic slave trade.

From the 15th to the 19th century, millions of Africans were taken, against their will, chained in the belly of thousands upon thousands of ships, forcibly removed from their homeland and brought to Canada, among other countries.

Many did not survive the journey and their bodies were simply thrown overboard. For those who survived the journey to Canada and other countries, generations of atrocities followed.



The Africans were sold into slavery and became the property of the purchaser. They were recognized as cattle under the law. Their bodies to be used and abused as the purchaser saw fit.

What many today would call physical and sexual abuse, the African called Wednesday. Their children also were the property of the purchaser and were often sold to other slave owners and never seen by their parents again.

Yet for the African Canadian, there appears to be no apology from the federal government on the horizon.

Slavery was abolished in Canada in 1833 however, African Canadians continued to face years of segregation. Businesses and organisations could refuse to provide services to African Canadians as they saw fit. Yet for the African Canadian, there appears to be no apology on the horizon.

Segregation was abolished in Canada in the 1950's nevertheless, African Canadians continue, to this day, to struggle with anti-black racism, which many see as a residual effect of Canada's role in the Trans-Atlantic slave trade.

Yet for the African Canadian, there appears to be no apology on the horizon.

Racial profiling, mass incarceration and over-representation within children's aid societies continue to be seen, by many, as a domino effect of Canada's role in the slave trade.

Yet for the African Canadian, there appears to be no apology on the horizon.

Apologies to Canadians such as this are not limited to the federal government. Recently the Metro Toronto Police Chief, Mark Saunders, apologised to the LGBTQ+ community for raids on gay bathhouses, which took place in Toronto in 1981.

The apology was made at a yearly Pride reception at the Toronto police headquarters on College Street. Chief Saunders is quoted as describing the raids as “one of the largest mass arrests in Canadian history.”

The Metro Toronto police force, along with other police forces, have been under fire for supporting carding. Carding is the police practice of stopping people (disproportionately Black males) and recording their information, even though they may not be suspected of committing a crime.

This leaves the individual “known to police”, which can subsequently negatively affect the individual’s current and future employment.

It is believed, by many, that this extra scrutiny on both Black and Indigenous peoples have contributed to the problems of mass incarceration and higher unemployment within the Black and Indigenous populations. After years of public outcry the carding policy was subsequently changed.

Yet for the African Canadian, there appears to be no apology on the horizon.

Is the disinclination to apologise for Canada’s role in the Trans-Atlantic slave trade and the residual effects of the slave trade, approval by inaction, justification by complacency?

Is this another way of saying that black lives don’t really matter?

I don’t have an answer for that, but what I am confident in, is that the reluctance of our elected officials to appropriately address the issues that negatively affect Canada’s Black community is the same justification as to why the BLACK VOTE MATTERS.

Mark Brown is the Chair of the Toronto and York Region Labour Council’s Equity Committee, a member of the Coalition of Black Trade Unionist (CBTU), An Executive Board Member of the Labour Education Center and a member of the Toronto Local of the Canadian Union of Postal Workers. To contact Mark: www.facebook.com/profile.php?id=100000658149978; Twitter MarkAAABrown

Delegation Request Form

This form must be completed and submitted to the Clerk of the Town of Essex by all persons wishing to address Council at a scheduled meeting of Council. Delegation requests must be submitted by 2:00 p.m. on the Tuesday prior to the scheduled meeting.

Any person who wishes to appear before Council as a Delegation on a matter that relates specifically to a matter contained in the Regular Council Meeting Agenda shall submit a Delegation Request Form no later than 4:30 PM on the Friday immediately preceding the date of the Regular Council Meeting. The Clerk shall have the sole authority to determine if the subject matter does in fact relate specifically to a matter contained in the Regular Council Meeting Agenda for purposes of allowing or denying the Delegation and the Clerk will introduce such Delegation Request Form(s) at the time of adopting the Published Agenda.

Presentations to Council are limited to 5 minutes per person to a maximum of 10 minutes for a group of two persons or more.

Personal information that you provide on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of responding to your request. Please note that this form, if approved, will appear in the published Council Agenda and may be included in the Council Meeting minutes, both of which become part of the public record and are posted on our municipal website.

Name *

Glen Mills

Date of Request *

8/4/2020



Are you representing a group? *



Yes



No

Name of Group (if applicable)

Essex Ravens Football club

Provide details on the issue(s) you wish to present to Council and any actions you will be asking Council to take. *

permission to have ice cream bikes. It will help raise monies for kids kids to help off set cost for kids who cant afford to play

Have you consulted with Town staff on this issue? *

☒ Yes

☐ No

If you've consulted with Town staff, please provide the names of staff members you've talked to and the details of those discussions.

Shelly Brown

If this is a property matter, are you an owner?

☐ Yes

☒ No

☐ Not applicable

Have you appeared before Council in the past regarding this issue? *

☐ Yes

☒ No

If you've appeared before Council in the past on this issue, please tell us the year in which you appeared.

Will you have written or printed materials to distribute? If so, please submit 12 copies of printed materials to the Clerk before the meeting. *

☐ Yes

☒ No

Will you be delivering an electronic presentation that requires access to a computer and software? If so, please submit your presentation on CD, DVD or flash drive by noon on the Friday before the Council meeting. *

☐ Yes

☒ No

Please describe any special needs you may have for your presentation.

Your Address or Group Contact Address (full mailing address including postal code) *

Essex Ravens Football
81 townsvie crt
Essex ont
N8M3E3

Your Phone Numbers

Home

519 776 8075

Work

na

Cell

519 816 8718

Email Address

essexravens@outlook.com

Name and address of all representatives attending, including their positions *

Glen Mills
President

Thank you!

Thank you for completing the Delegation Request Form.

The Clerk's Office will contact you in the near future to review your request.

Robert Auger, LL.B.
Manager of Legislative Services and Clerk
Town of Essex
33 Talbot Street South, Essex, Ontario N8M 1A8
519-776-7336, extension 1132

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Name *

Kris Ives, Kevin Money, Danielle Stuebing

Date of Request *

7/21/2020



Are you representing a group? *

☒ Yes

☐ No

Name of Group (if applicable)

Essex Region Conservation Authority/John R. Park Homestead

Provide details on the issue(s) you wish to present to Council and any actions you will be asking Council to take. *

We would be grateful for the opportunity to provide members of Council with a brief overview of the John R. Park Homestead Heritage Centre as it relates to the site control plan, and also to provide details on the Town of Essex Tourism Hub.

Have you consulted with Town staff on this issue? *

☒ Yes

☐ No

If you've consulted with Town staff, please provide the names of staff members you've talked to and the details of those discussions.

Corinne Chiasson
Nelson Silveira

If this is a property matter, are you an owner?

☒ Yes

☐ No

☐ Not applicable

Have you appeared before Council in the past regarding this issue? *

☒ Yes

☐ No

If you've appeared before Council in the past on this issue, please tell us the year in which you appeared.

2019

Will you have written or printed materials to distribute? If so, please submit 12 copies of printed materials to the Clerk before the meeting. *

☐ Yes

☒ No

Will you be delivering an electronic presentation that requires access to a computer and software? If so, please submit your presentation on CD, DVD or flash drive by noon on the Friday before the Council meeting. *

☒ Yes

☐ No

Please describe any special needs you may have for your presentation.

We understand the meeting will take place via Zoom.

Your Address or Group Contact Address (full mailing address including postal code) *

360 Fairview Avenue West, Essex, ON N8M 1Y6

Your Phone Numbers

Home

226-363-0832

Work

519-776-5209

Cell

519-563-9679

Email Address

dstuebing@erca.org

Name and address of all representatives attending, including their positions *

Kristin Ives, Curator/Education Coordinator, John R. Park Homestead

Kevin Money, Director, Conservation Services

Danielle Breault Stuebing, Director, Communications & Outreach

360 Fairview Ave. West, Essex, N8M1Y6

Thank you!

Thank you for completing the Delegation Request Form.

The Clerk's Office will contact you in the near future to review your request.

Robert Auger, LL.B.
Manager of Legislative Services and Clerk
Town of Essex
33 Talbot Street South, Essex, Ontario N8M 1A8
519-776-7336, extension 1132

The John R. Park Homestead CA



Essex Region Conservation
*the **place** for life*



Kristin Ives

Curator/Education Coordinator

kives@erca.org

519-738-2029

essexregionconservation.ca



Essex Region Conservation
the place for life





Other living history sites have added modern visitor service structures for similar reasons:

- Waterloo Region Museum at Doon Heritage Village
- Visitor Centre at Black Creek Pioneer Village
- Reception Centre and Washrooms at The Bell Homestead
- Lambton County Museum
- Grey Roots Museum
- Simcoe County Museum
- Huronia
- Stratford Museum



Honouring the Place

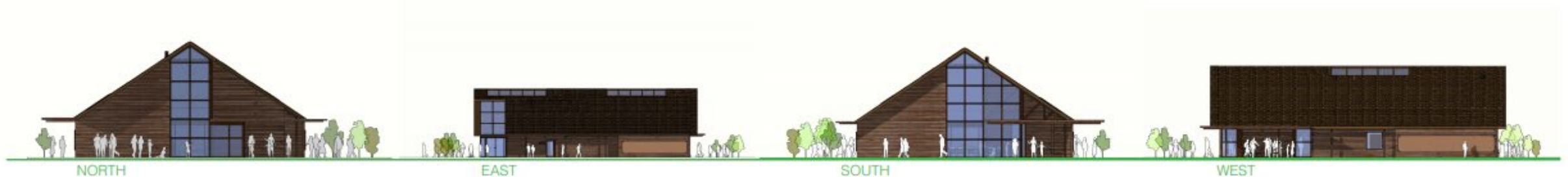
"The building is designed in context with the existing site and its features in scale, shape and materials. The design recalls the Barns, Blacksmith Building, Sawmill etc. and the materials chosen for the interior and exterior reflect the wood board siding and exposed trusses of the existing buildings along with the natural materials of the site."

Carmen Brunone OAA, MRAIC

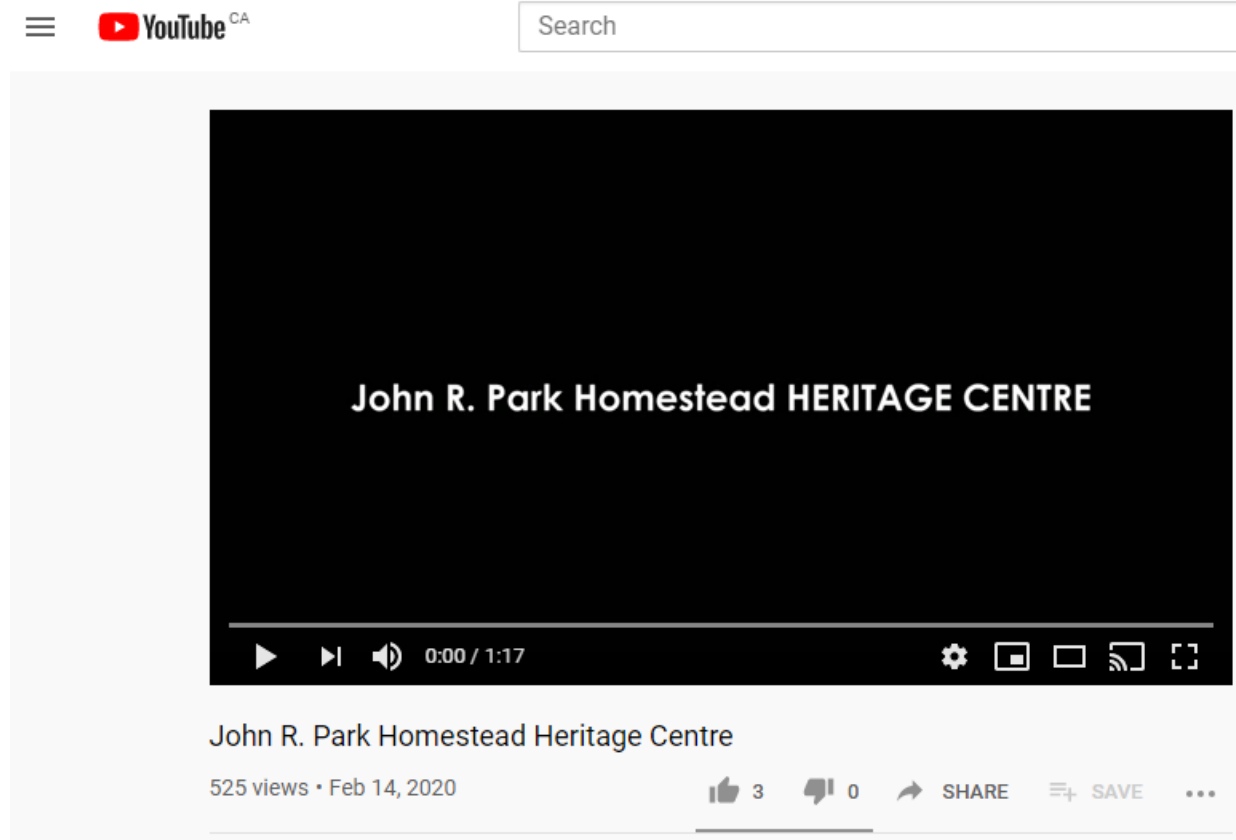
Architect



ELEVATIONS



Join us for a tour of this exciting and much needed new Heritage Centre!



<https://www.youtube.com/watch?v=0FQx2Mbh9X0>



Essex Region Conservation

John R. Park Homestead Heritage Centre Town of Essex Tourism Hub



Essex Region Conservation
the place for life

Heritage Centre Overview

The John R. Park Homestead Heritage Centre will provide an accessible and enhanced educational and visitor experience for the nearly 20,000 guests who visit annually.

This new Heritage Centre represents a \$1.2 million investment in the Town of Essex.



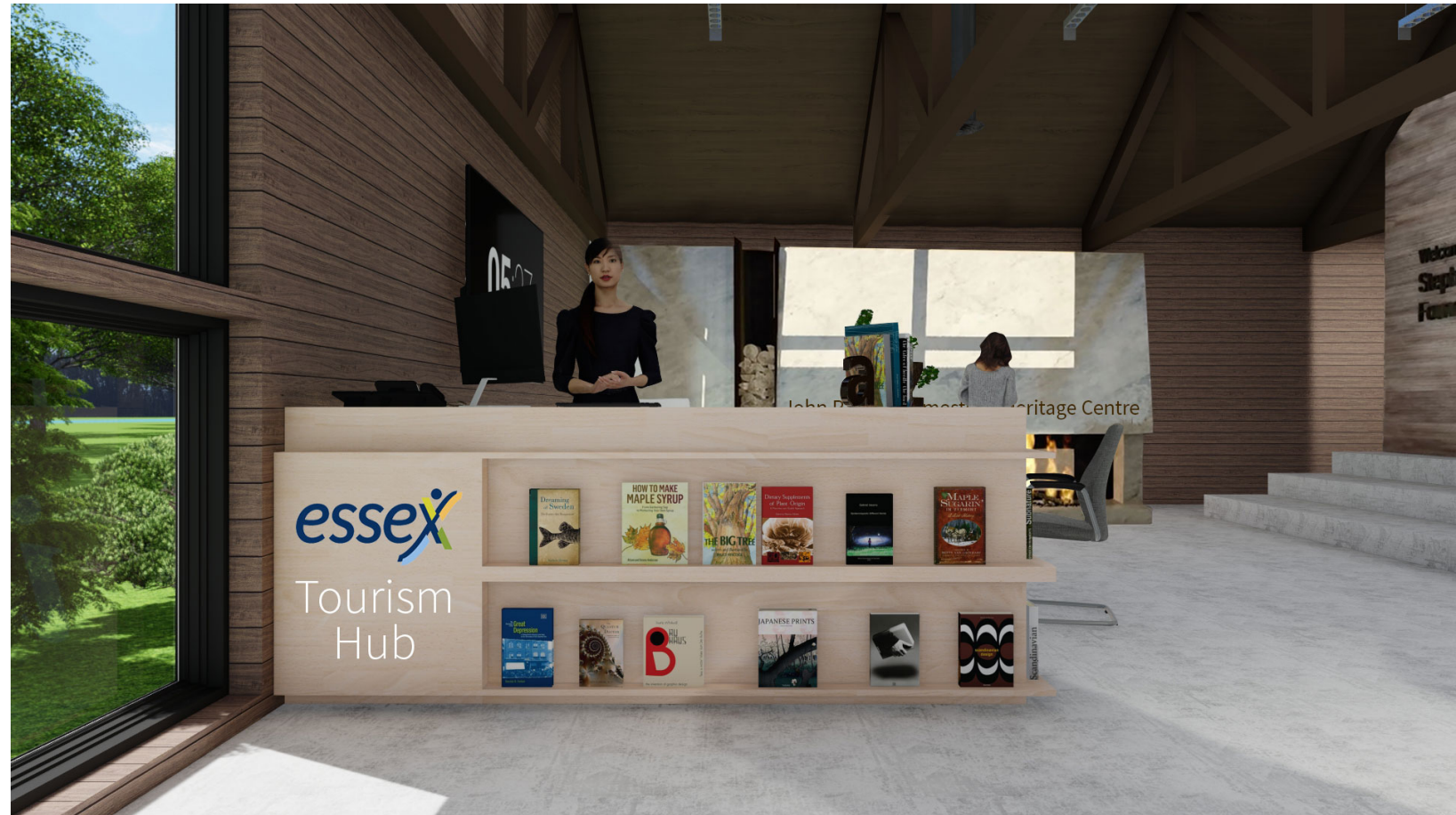
Heritage Centre Overview

The Tourism Hub within the Heritage Centre will be named for the Town of Essex. As a trip motivator and premier destination, the Homestead is uniquely positioned to serve as a tourism information location to maximize the time spent and the number of businesses visitors attend in the region. A roadside sign will provide a visual invitation to attract visitors seeking information.



Town of Essex Tourism Hub

The new Heritage Centre includes a significantly expanded area to display brochures featuring local destinations. Many guests to the region stop at the Homestead experience the history of our region, marvel at beautiful Lake Erie. They also seek information on local restaurants, wineries and other places to visit and things to do. The new Heritage Centre and Town of Essex Tourism Hub will allow us to provide this service in a more meaningful and expanded way.



Town of Essex Tourism Hub

In addition to expanded print tourism information, a digital screen will provide opportunities to showcase tourism videos produced by ERCA, the Town of Essex, Tourism Windsor-Essex-Pelee Island and other partners in tourism to highlight the beautiful destinations that make our region the Place for Life.



Town of Essex Tourism Hub

With the enhanced safety the new Heritage Centre provides, our hours of operation can expand during peak tourism season. Our staff will be trained by TWEPI as Tourism Ambassadors, in addition to their regular roles at the Conservation Area. This will allow our staff to provide enhanced tourism information to visitors and to capture and share data points to inform local and regional tourism metrics.



Donor Wall

The Town of Essex's generous contribution will also be highlighted on the Heritage Centre's Donor Wall.



Donor Wall



Thank you to the
Town of Essex
and many generous contributors
to the
John R. Park Homestead Heritage Centre.

Groundbreaking: coming soon!



Essex Region Conservation
the place for life





Report to Council

Department: Development Services
Division: Planning
Date: August 4, 2020
Prepared by: Corinne Chiasson, Assistant Planner
Report Number: Planning-2020-14
Subject: Site Plan Control Approval for 915 County Road 50 East (Colchester South, Ward 3)
Number of Pages: 9

Recommendation(s)

That Planning report PLANNING2020-14 entitled Site Plan Control Approval for 915 County Road 50 East (Colchester South, Ward 3) prepared by Corinne Chiasson, Assistant Planner, dated August 4, 2020 be received, and

That Bylaw 1925, being a Bylaw to enter into a Site Plan Control Agreement between: The Corporation of the Town of Essex and the Essex Region Conservation Authority for the construction of the John R. Park Homestead Heritage Centre at the intersection of County Road 50 East and Iler Road, be executed and registered.

Purpose

To obtain Council's authorization to execute a site plan control agreement for the construction of a 365 square metre cultural heritage centre at the John R. Park

Homestead Conservation Area at the intersection of County Road 50 East and Iler Side Road in Ward 3.

Background

The Town of Essex is in receipt of a site plan control application for the property located at the intersection of County Road 50 East and Iler Road in the former township of Colchester South (Ward 3). The property is identified municipally as 915 County Road 50 East and is identified below:



The subject property is approximately 5.4 hectares in size. The western portion of the site is designated "Agricultural" and the eastern portion is designated "Natural Environment" under the Town of Essex Official Plan. The western portion of the property is zoned Agricultural District 1.2 (A1.2) for limited agricultural and farm

production support activities, and the eastern portion is zoned Natural Environment 1.1 (NE1.1) for Provincially Significant Natural Environment Areas under the Town of Essex Zoning Bylaw, Bylaw 1037.

The property is also subject to Zoning By-law Section 28.1 (16) "Site Specific Zoning Provisions" which includes provisions for additional permitted uses, namely: facilities and activities related to the preservation and display of buildings and items of historic interest; activities of historic interest; the production of heritage acts and crafts; and, an accessory restaurant or snack bar.

The John R. Park Homestead is a living history museum, which contains several historically restored buildings as identified in Figure 1. These include: a classical Greek revival home built in 1842, a working blacksmith shop, smoke house, ice house, horse barn, gift shop, and educational classroom. There is also an additional accessory structure built in the 1980's that houses the 1885 steam powered sawmill engine, a garden and orchard that contains heirloom crops, fruit, vegetables and flowers, and a scenic trail that allows visitors to explore the adjacent provincially significant wetland.





Figure 1. Historic buildings and restored structures at the John R. Park Homestead

The facilities allow visitors and thousands of school children each year to get a taste of life in the 1850's through educational programs and popular public events such as the local "Maple Syrup Festival" and the "Parade of Horses". The John R. Park Homestead has also been designated as a site of cultural heritage significance under Section 29 of the Ontario Heritage Act (OHA).

Discussion

The Proposal

As shown on the attached site plan (Appendix 1-Site Plan), the applicants, Essex Region Conservation Authority (ERCA), wish to construct a 365 square metre cultural heritage centre at the John R. Park Homestead Conservation Area. The proposed building will provide for a new classroom for educational programs, a tourism centre, a climate controlled exhibit area, offices, and accessible washroom facilities.

As the existing visitor centre is aging, it was determined that the classroom, exhibit space and washroom facilities no longer meet the demands of the growing educational programs and special events. For example, the current classroom seats a maximum of 30 students however 60 students typically arrive on full capacity buses to ensure field trip cost effectiveness to schools. There is also an immediate need to create barrier free accessibility to the site and meet AODA compliance standards.

The proposed cultural heritage centre would allow visitors to be sheltered in inclement weather and provide a temperature controlled environment for warm up or cool down stations. The proposed centre will also improve the overall educational and visitor experience, create a tourism gateway for the Town of Essex, and provide for important facilities to complement the region's growing cycling infrastructure.

Since the John R. Park Homestead is a registered historic site, the proposed heritage centre design has incorporated a high standard of architectural features and material to compliment the historic significance of the existing buildings of the Homestead.

The Essex Municipal Heritage Committee (EMHC) was circulated on this proposal for comments and recommendations. A meeting with the EMHC took place on July 9, 2020 to discuss the proposal. The Committee passed resolution EMHC-2020-07-16 in support of the modification to the John R. Park Homestead (915 County Rd 50 East).

Access and Parking Area

As a result of the proposed development, the applicant is required to provide eleven (11) additional parking spaces, one (1) of which must be reserved as an accessible parking space with an access aisle of 1.5 metres in width parallel to the accessible parking space. The existing parking lot contains forty-nine (49) parking spaces, which

will satisfy the parking space requirement. The applicant has included three (3) additional accessible parking spaces, which exceeds this minimum requirement.

The existing parking area will remain a hard packed gravel surface. A new accessible walkway consisting of hard packed gravel screening will be installed to connect the heritage facility with the parking area. In accordance with Bylaw 1037, all parking and access areas outside of an urban centre or hamlet, at minimum, shall be covered with a gravel surface that is treated on a continual basis to prevent dust contamination onto abutting properties.

ERCA consulted with the Essex County Accessibility Committee to ensure the proposed hard packed gravel screenings walkway would be an acceptable solution for providing accessibility to the new facility without influencing the historic character of the property. The proposal was also circulated to the Town of Essex Accessibility Committee. One (1) recommendation was received to upgrade to a paved surface connecting the new building to the accessible parking spaces.

Any paving of the walkway and parking lot would be pending ERCA budget approvals for the year 2021 and are not a component of the Heritage Centre construction proposal. It was acknowledged that a packed gravel walkway satisfies AODA standards and the Ontario Integrated Accessibility Standards which states the surface must be firm and stable for accessibility. The applicants have been informed that any future proposed changes to the existing parking lot, such as the application of tar and chip or paving material would require an amendment to the Site Plan Control Agreement which would include the submission of a stormwater management plan to the Town of Essex for approval.



Figure 2. Existing walkway

Support Studies

The following support studies were deemed required and were submitted as part of the complete application submission:

- A Traffic Impact Memo
- An Archaeological Assessment
- An Environmental Impact Assessment (EIA)

Stormwater generated from the new structure will be directed away from the structure via downspouts and swales and outlet into Lake Erie. Town of Essex Infrastructure Services has reviewed this information and confirmed that a Stormwater Management Plan is **not** required for the proposed structure.

A Traffic Impact Memo was completed by Landmark Engineers INC and reviewed by the County of Essex. The Memo recommended that the existing garbage receptacle located

at the east side of the driveway entrance to the John R. Park Homestead Conservation Area be relocated to a more convenient location that does not inhibit the sightlines for vehicles accessing the driveway; and, that every practical effort be made to improve sightlines to the east of the Conservation Area by cutting back and controlling vegetation (particularly phragmites) that encroach onto the road right-of-way of County Road 50 in the vicinity of the subject driveway. The Memo also recommended consideration be given to the reduction of the speed limit along County Road 50 km/h in the vicinity of the Conservation Area.

The County of Essex has concurred with the recommendations of the Memo. The applicants have removed the garbage receptacle and the County of Essex Roads Department has confirmed that brushing has been undertaken on the right of way, and will be monitored along this section of County Road 50.

The EIA has determined that all development is proposed to take place outside of any existing natural heritage features and habitat. The EIA has been peer reviewed and approved subject to full implementation of best management practices and protocols identified in the EIA. This has been made a condition of the site plan control agreement.

A Stage 1 and 2 archaeological assessment was completed in accordance with the Ontario Ministry of Heritage, Sport, Tourism and Culture Industries' (MHSTCI) *Standards and Guidelines for Consultant Archaeologists* (2011) by a licensed archaeologist. The cultural heritage value or interest of the construction area was sufficiently assessed and documented. The Assessment noted that the site has no further cultural heritage value or interest and that the location does not fulfill the criteria for a Stage 3 archaeological assessment. Therefore, no further archaeological assessment is required for the study area.

The recommendations of the Assessment were subject to (MHSTCI) approval. On July 21, 2020, the MHSTCI forwarded confirmation of approval of the Assessment's recommendations. Their report has been entered into the Ontario Public Register of Archaeological Reports.

Financial Impact

Earlier this year Council approved a \$100,000.00 financial contribution to the new Heritage Centre at John R. Park Homestead in return for a Tourism Information Centre named for the Town of Essex. The Essex Region Conservation Authority has applied for funding under the Colchester & County Road 50 Community Improvement Plan (CIP) to assist with the cost of items such as the site plan control application, permits, patio construction and landscaping. Any funds distributed through the CIP program will be calculated and included as part of the initial financial contribution approved by Council.

Consultations

Kevin Girard, Director, Infrastructure Services

Kevin Carter, Chief Building Official & Manager By-law Enforcement

Rita Jabbour, Manager, Planning Services

Lori Chadwick, Director, Development Services

Heather MacDonald, Assistant Manager, Finance

Kate Giurissevich, Manager of Finance & Business Services

Nelson Silveira, Economic Development Officer

Essex Region Conservation Authority

County of Essex, Transportation Services

OPP Essex Detachment

Town of Essex Accessibility Committee

Essex Municipal Heritage Committee (EMHC)

Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

Report Approval Details

Document Title:	Site Plan Control Approval for 915 County Road 50 East (Colchester South, Ward 3) - Planning-2020-07.docx
Attachments:	- Appendix 1 - Site Plan.pdf - By-law 1925 and Site Plan Control Agreement - JRPH.docx
Final Approval Date:	Jul 29, 2020

This report and all of its attachments were approved and signed as outlined below:

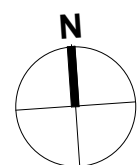
Rita Jabbour, Manager, Planning Services - Jul 28, 2020 - 8:35 AM



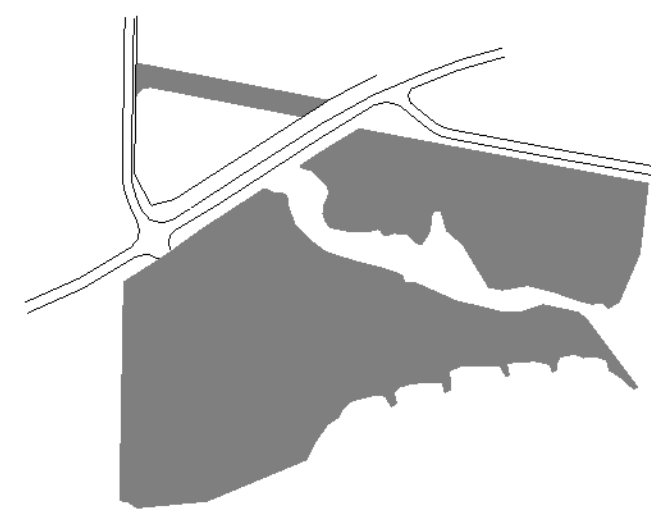
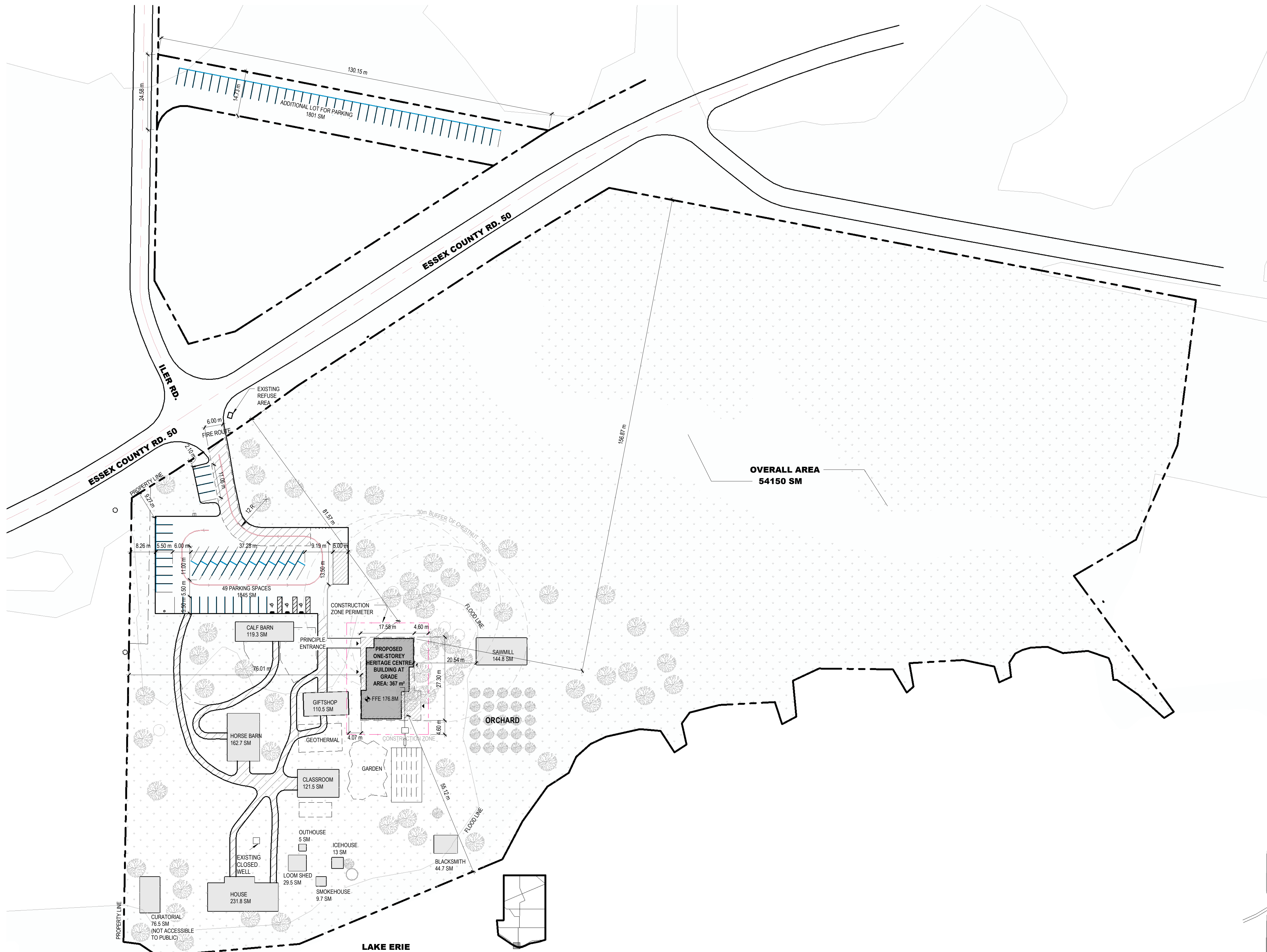
Lori Chadwick, Director, Development Services - Jul 28, 2020 - 8:48 AM



Chris Nepszy, Chief Administrative Officer - Jul 29, 2020 - 9:01 AM



ARCHITECTURAL SITE PLAN OVERALL
SCALE: 1" = 600'



THIS LINE IS 4" LONG

This drawing is not to be used for construction unless it is countersigned by the Project Architect

Issued For (YMMGD)

Date

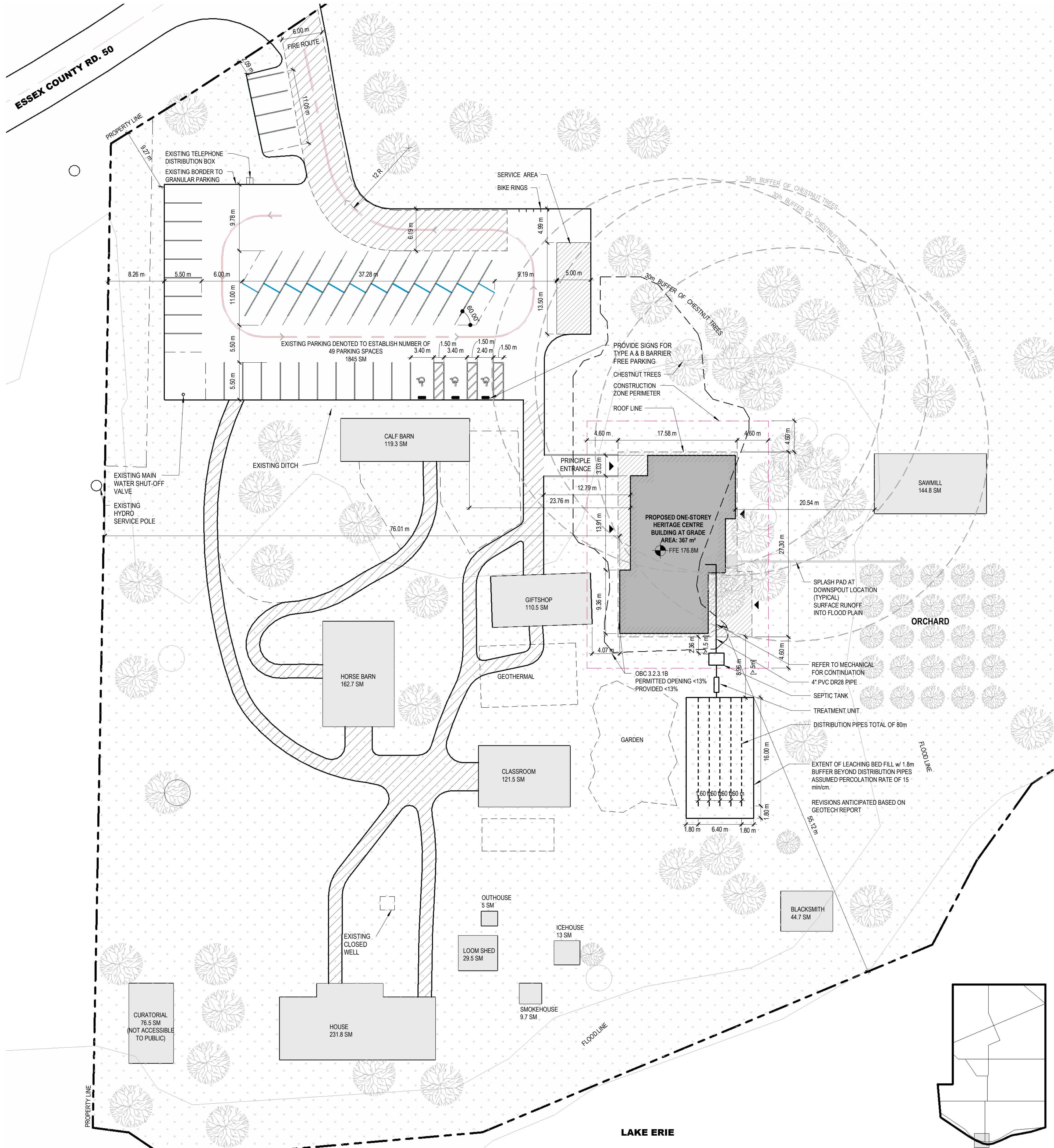
Revision Schedule
Description

No.

ARCHITECTURAL SITE PLAN OVERALL

ESSEX REGION CONSERVATION AUTHORITY
John R. Park Heritage Centre
915 Essex County Rd 50, Essex, ON N0R 1G0

Drawn By AI
Checked By AI
Project No 2020
Sheet No



ZONING CHART - THE CORPORATION OF THE TOWN OF ESSEX BY-LAW NO.1037

No.	DESCRIPTION	REQUIRED	PROVIDED	BY-LAW REF.	ADDITIONAL NOTES
1.	ZONING CLASSIFICATION	A1.2	A1.2	13.2	
2.	PERMITTED USE	COMMUNITY CENTRE	COMMUNITY CENTRE	S28.1.16	
3.	MINIMUM LOT AREA	AS EXISTING	EXISTING	13.2.II	
4.	MINIMUM LOT WIDTH	30m	>30m	13.2.I	
5.	SETBACK - FRONT YARD	15m MINIMUM	71m	13.2.V	
6.	SETBACK - SIDE YARD	3m MINIMUM - INTERIOR 15m MINIMUM - EXTERIOR	74m INTERIOR 155.6m EXTERIOR	13.2.VII	
7.	SETBACK - REAR YARD	15m MINIMUM	73.86m	13.2.VI	
8.	LOT COVERAGE	25% OF LOT AREA	2.59%	13.2.III	ALL BLDGS COMBINED
9.	LANDSCAPED AREA	N/A	N/A	N/A	N/A
10.	BUILDING HEIGHT	10m MAXIMUM	8.6m	13.2.IV	
11.	PARKING SPACE - SIZE	5.5m MINIMUM L 2.75m MINIMUM W	62.9m L 26.4m W	11.2	SITE VERIFY
12.	PARKING SPACES	25 SPACES	49 SPACES	11.5	
	PROPOSED HERITAGE CENTRE	1/90m2 GFA - 04 SPACES			
	HOUSE	1/90m2 GFA - 03 SPACES			
	LOOM SHED	1/90m2 GFA - 01 SPACE			
	SMOKE HOUSE	1/90m2 GFA - 01 SPACE			
	ICEHOUSE	1/90m2 GFA - 01 SPACE			
	OUTHOUSE	1/90m2 GFA - 01 SPACE			
	BLACKSMITH	1/90m2 GFA - 01 SPACE			
	CLASSROOM	1/36m2 GFA - 04 SPACES			
	HORSE BARN	1/90m2 GFA - 02 SPACES			
	GIFT SHOP	1/22.5m2 GFA - 05 SPACES			
	CALF BARN	1/90m2 GFA - 01 SPACE			
	SAWMILL	1/90m2 GFA - 02 SPACES			

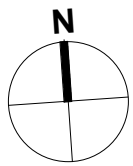
LEGEND

	LANDSCAPING (SEE LANDSCAPE DRAWINGS)		ASPHALT SURFACE		EXISTING BUILDING COVERAGE
	CONCRETE SURFACE		NEW BUILDING COVERAGE		

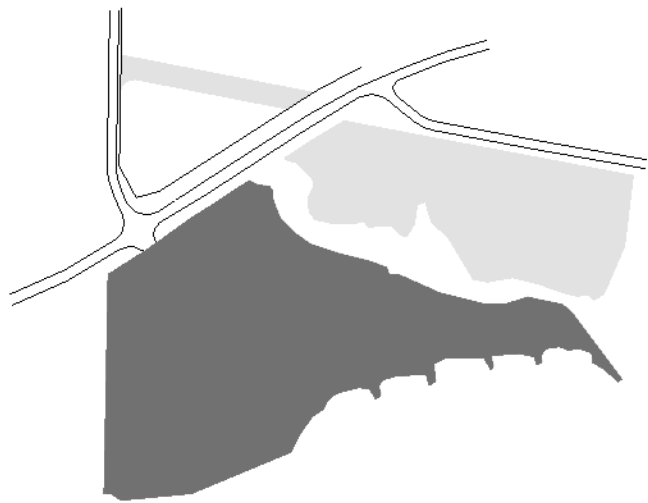
B.F. - "BARRIER FREE PARKING" SIGN
F.R. - "FIRE-ROUTE - NO PARKING" SIGN
B.D.O. - "BUS DROP OFF ZONE" SIGN
S.S. - "STOP" SIGN

REFER TO PLAN FOR LOCATION OF ALL SIGNAGE
(REVIEW w/ ARCHITECT PRIOR TO FINAL PLACEMENT)

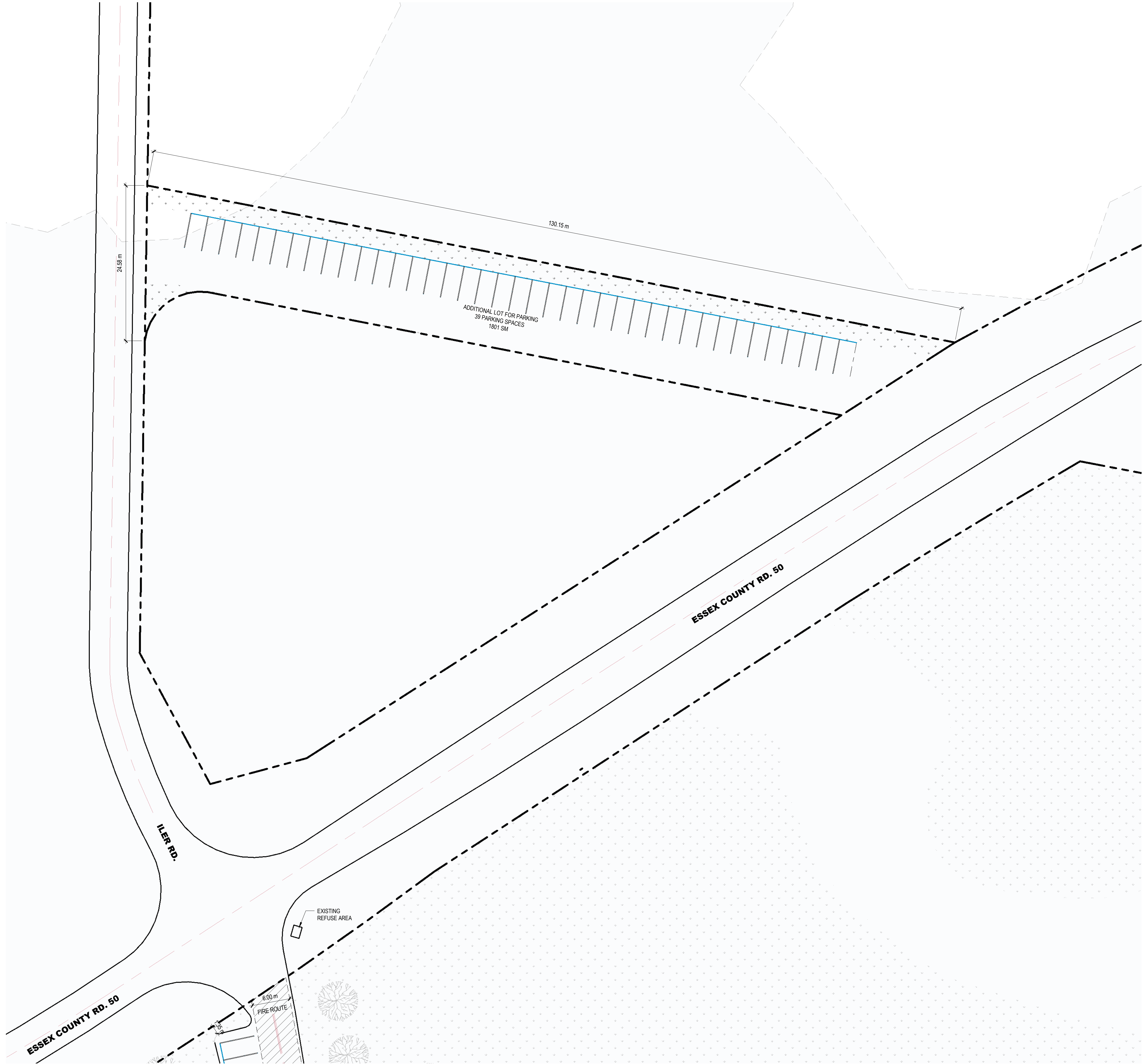
- NOTES:
1. REFER TO CIVIL DRAWINGS FOR ALL PAVEMENT MATERIAL PROFILES AND BASE MATERIALS
 2. REFER TO LANDSCAPE PLAN FOR LANDSCAPE INFORMATION.
 3. REFER TO CIVIL DRAWINGS FOR ALL PROPOSED GRADES.
 4. ALL CONCRETE APRONS AT EXTERIOR DOOR OPENINGS TO MEET FLUSH (BARRIER FREE).
 5. PROVIDE BARRIER FREE CURB DROPS WHERE SIDEWALKS MEET ASPHALT PAVEMENT.



ARCHITECTURAL SITE PLAN 01
SCALE: 1:300

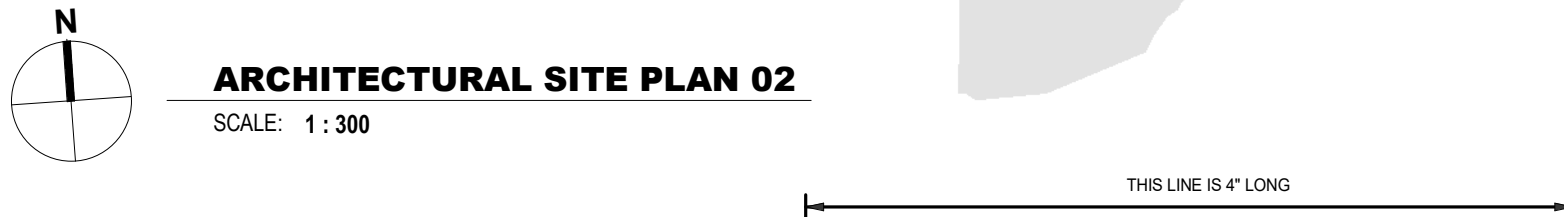


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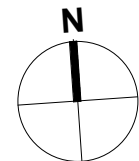
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ZONING CHART - THE CORPORATION OF THE TOWN OF ESSEX BY-LAW NO.1037					
No.	DESCRIPTION	REQUIRED	PROVIDED	BY-LAW REF.	ADDITIONAL NOTES
1.	ZONING CLASSIFICATION	W1.1		25.1	
2.	PERMITTED USE	WETLAND	ACCESSORY TO MAIN USE	25.1.A.III	
3.	MINIMUM LOT AREA	AS EXISTING	EXISTING	25.1.B.I	
4.	MINIMUM LOT WIDTH	N/A	N/A	N/A	N/A
5.	SETBACK - FRONT YARD	N/A	N/A	N/A	N/A
6.	SETBACK - SIDE YARD	N/A	N/A	N/A	N/A
7.	SETBACK - REAR YARD	N/A	N/A	N/A	N/A
8.	LOT COVERAGE	N/A	N/A	N/A	N/A
9.	LANDSCAPED AREA	N/A	N/A	N/A	N/A
10.	BUILDING HEIGHT	N/A	N/A	N/A	N/A
11.	PARKING SPACE - SIZE				
12.	PARKING SPACES				
LEGEND					
<div><div><div>LANDSCAPING (SEE LANDSCAPE DRAWINGS)</div><div>CONCRETE SURFACE</div></div><div><div>ASPHALT SURFACE</div><div>NEW BUILDING COVERAGE</div></div><div><div>EXISTING BUILDING COVERAGE</div></div></div> <div>NOTES: 1. REFER TO CIVIL DRAWINGS FOR ALL PAVEMENT MATERIAL PROFILES AND BASE MATERIALS 2. REFER TO LANDSCAPE PLAN FOR LANDSCAPE INFORMATION. 3. REFER TO CIVIL DRAWINGS FOR ALL PROPOSED GRADES. 4. ALL CONCRETE APRONS AT EXTERIOR DOOR OPENINGS TO MEET FLUSH (BARRIER FREE). 5. PROVIDE BARRIER FREE CURB DROPS WHERE SIDEWALKS MEET ASPHALT PAVEMENT.</div> <div>B.F. - "BARRIER FREE PARKING" SIGN F.R. - "FIRE-ROUTE - NO PARKING" SIGN B.D.O. - "BUS DROP OFF ZONE" SIGN S.S. - "STOP" SIGN REFER TO PLAN FOR LOCATION OF ALL SIGNAGE (REVIEW w/ ARCHITECT PRIOR TO FINAL PLACEMENT)</div>					

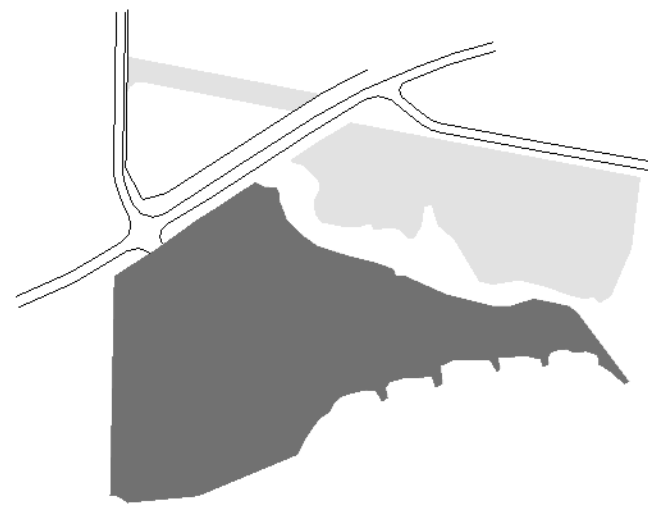




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ARCHITECTURAL SITE PLAN W/AERIAL 01
SCALE: 1 : 300



THIS LINE IS 4" LONG

This drawing is not to be used for construction unless it is countersigned by the Project Architect

Issued For (YMMGD)

Date

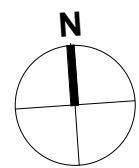
Revision Schedule
Description

No.

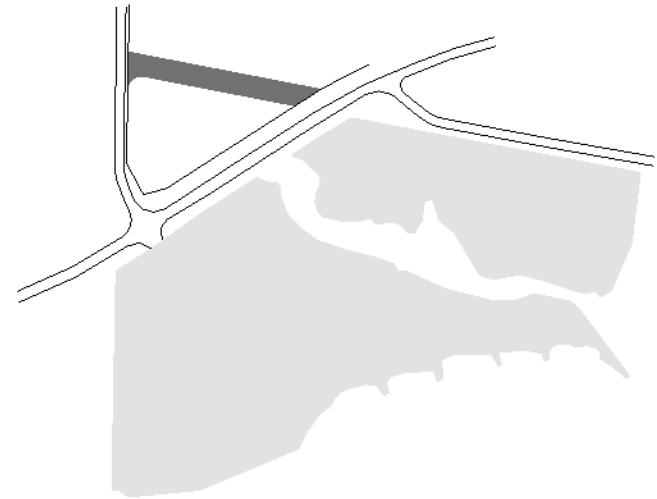
ARCHITECTURAL SITE PLAN
W/AERIAL 01

ESSEX REGION CONSERVATION AUTHORITY
John R. Park Heritage Centre
915 Essex County Rd 50, Essex, ON N0R 1G0

Drawn By AI
Checked By AI
Project No 2020
Sheet No



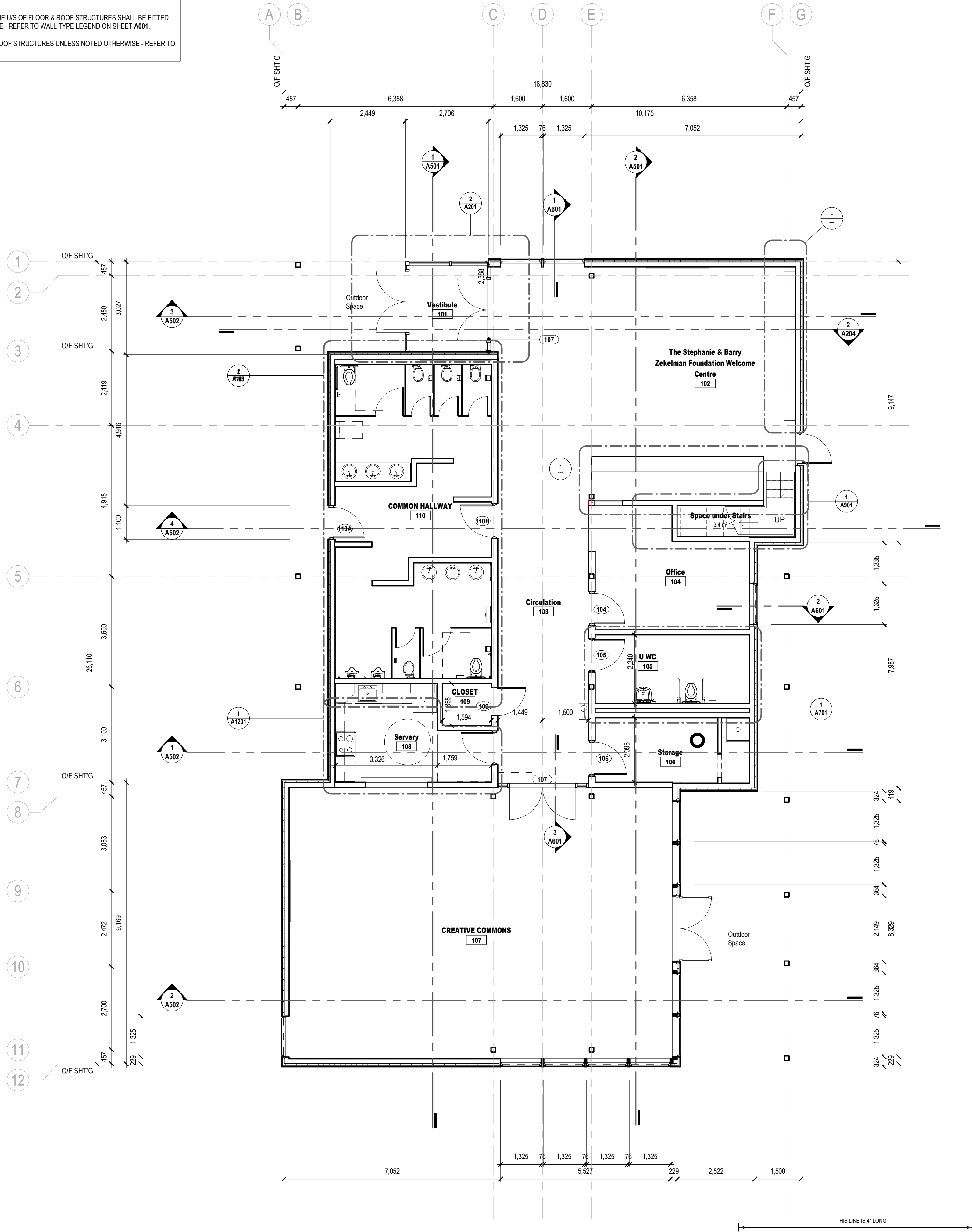
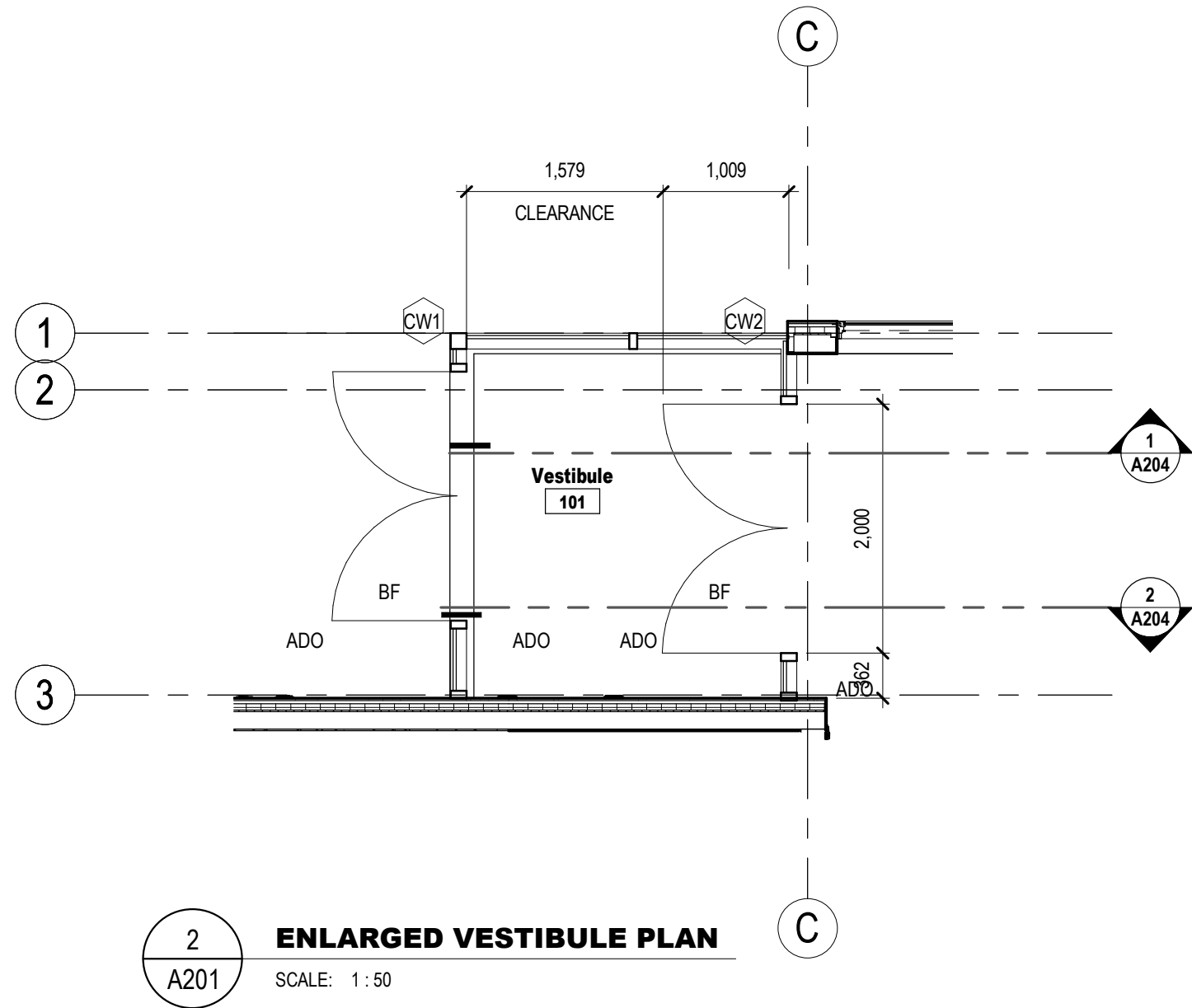
ARCHITECTURAL SITE PLAN W/AERIAL 02
SCALE: 1:300



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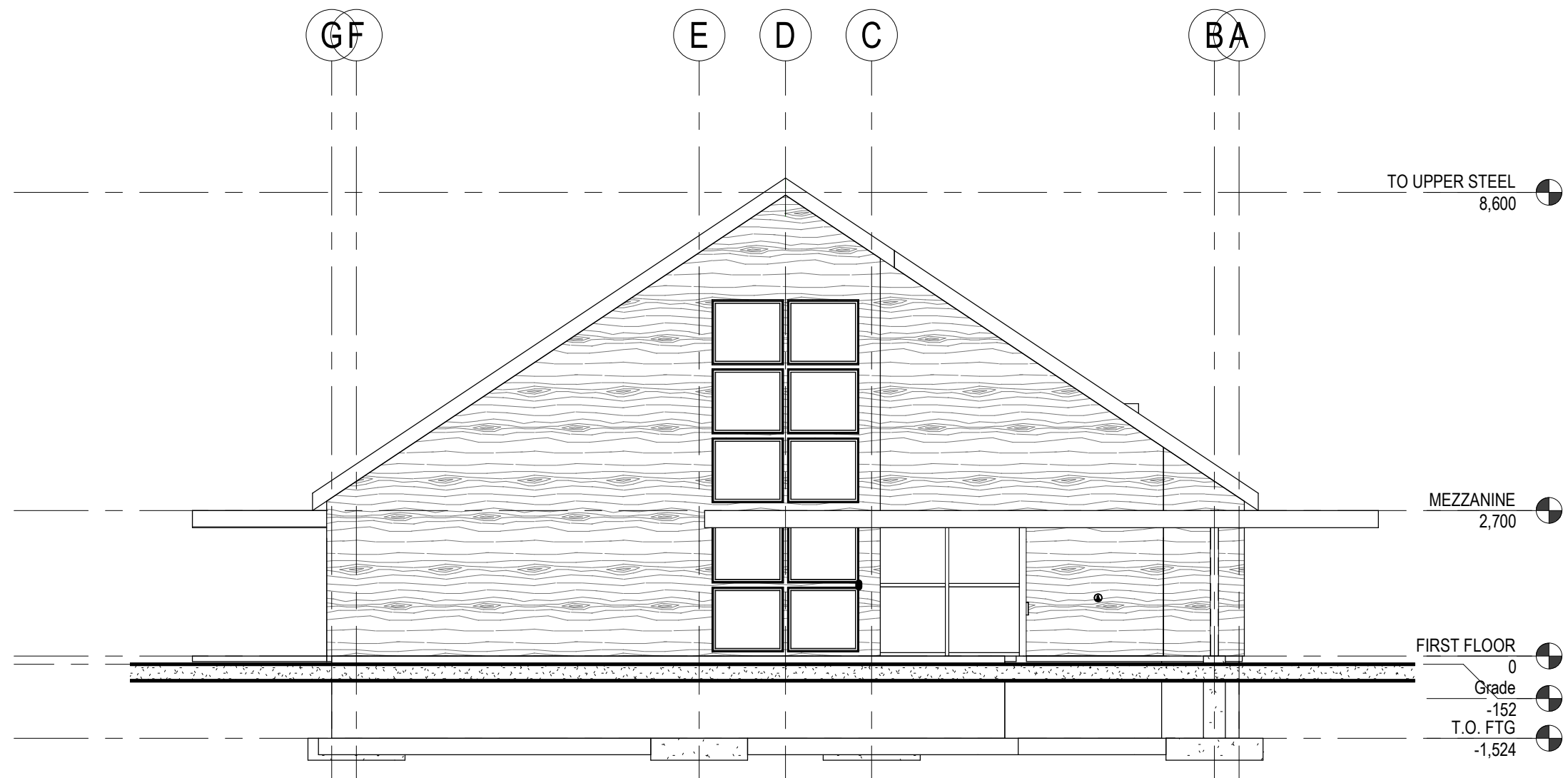
FLOOR PLAN - GENERAL NOTES

1. FLOOR PLAN DIMENSIONS WITH A * * * PREFIX DENOTE A REFERENCE TO THE FACE OF FOUNDATION WALL (BOTH INTERIOR & EXTERIOR OF FOUNDATION).
2. FLOOR PLAN DIMENSIONS WITH A * +/-* PREFIX ARE VARIABLE & SHALL BE LAID OUT SECONDARY TO FIXED NON-VARIABLE DIMENSIONS.
3. ALL METAL STUD WALLS REQUIRED TO EXTEND TO THE U/S OF FLOOR & ROOF STRUCTURES SHALL BE FITTED WITH A DEFLECTION TRACK. UNLESS NOTED OTHERWISE - REFER TO WALL TYPE LEGEND ON SHEET A001.
4. ALL WALLS SHALL EXTEND TO THE U/S OF FLOOR & ROOF STRUCTURES UNLESS NOTED OTHERWISE - REFER TO WALL TYPE LEGEND ON SHEET A001.

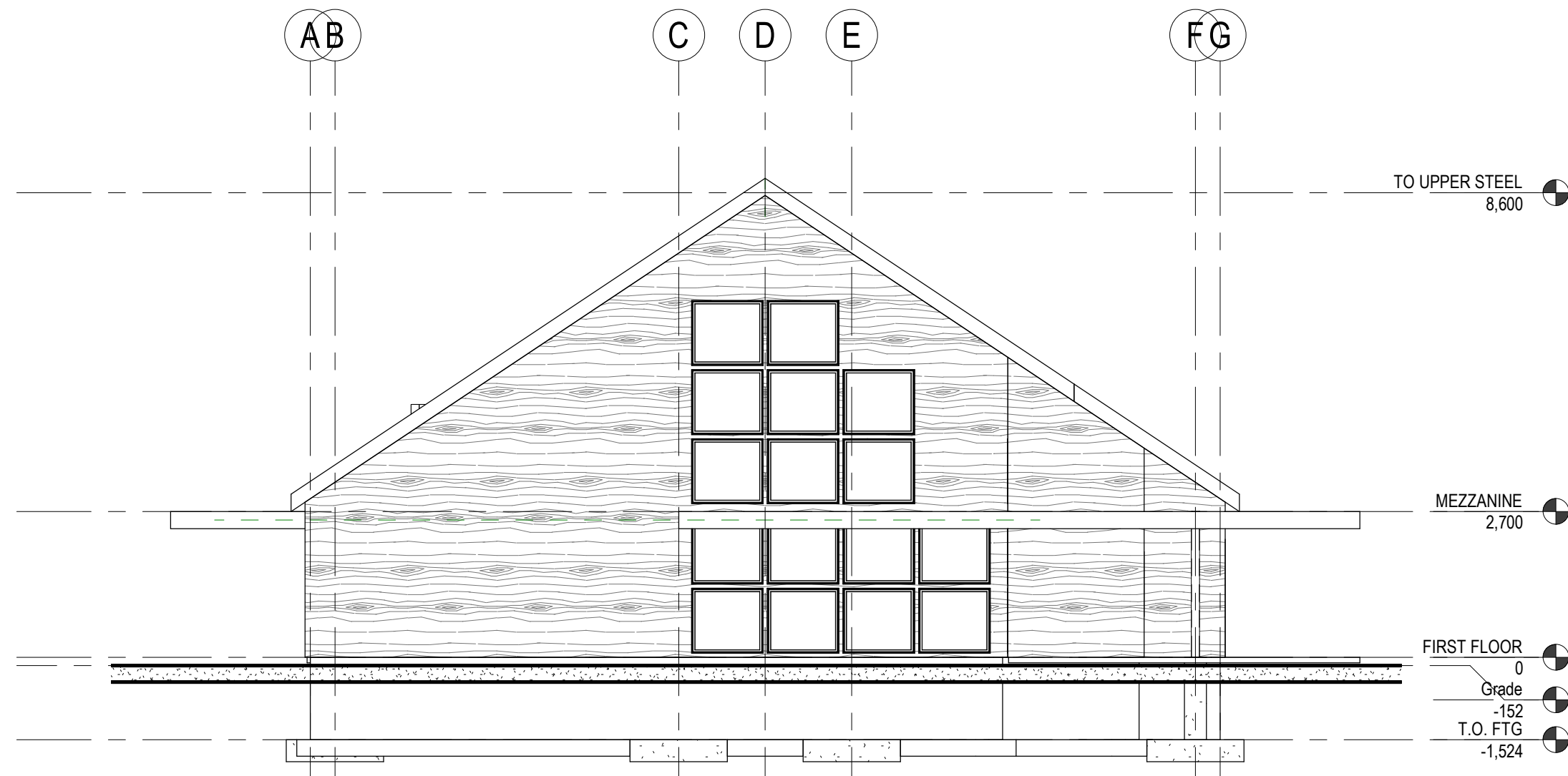


4/14/2020 3:45:39 PM BIM 360//2020 JRPH Heritage Centre/2020 ARCH-360-OPT1.rvt

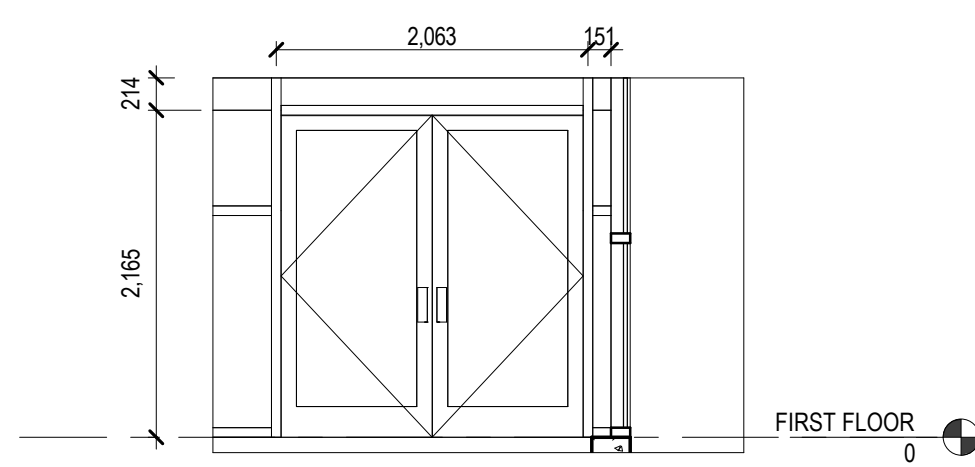
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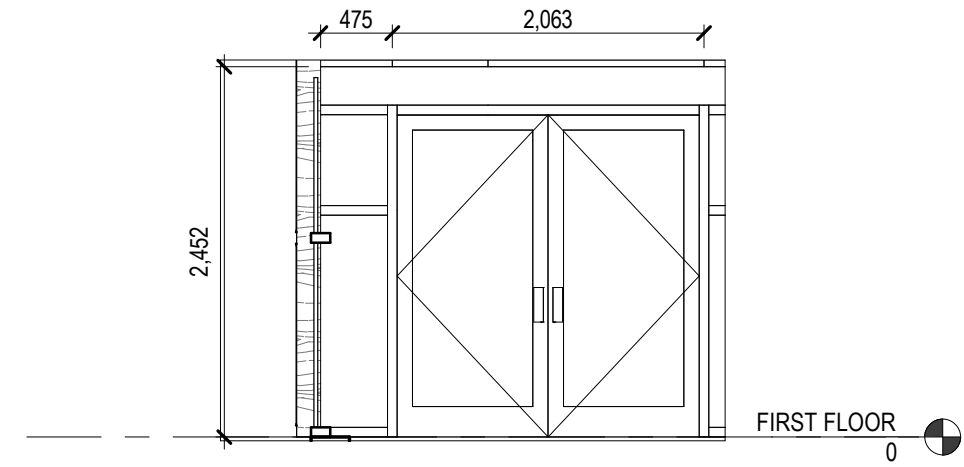
1 NORTH ELEVATION
SCALE: 1:100



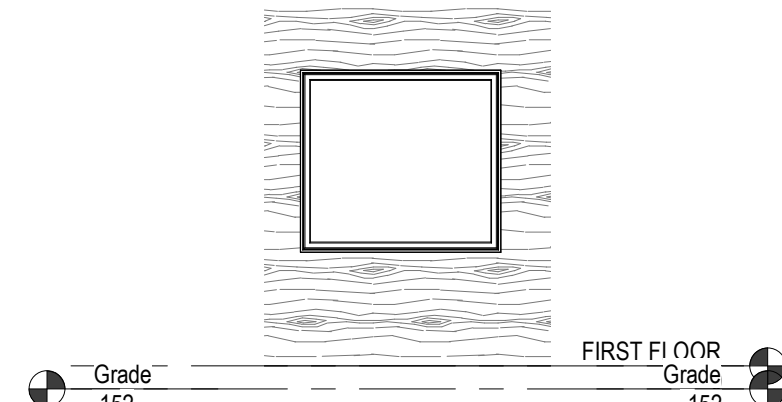
3 SOUTH ELEVATION
SCALE: 1:100



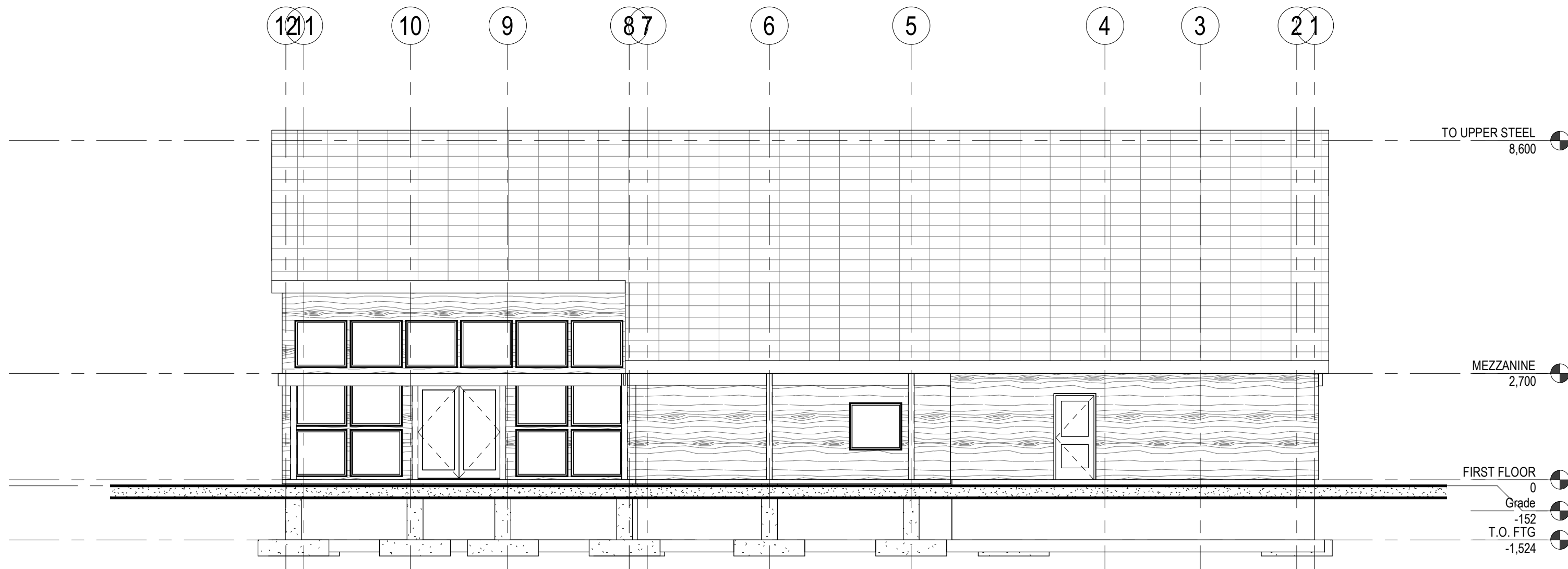
CW1 STOREFRONT ELEVATION
SCALE: 1:50



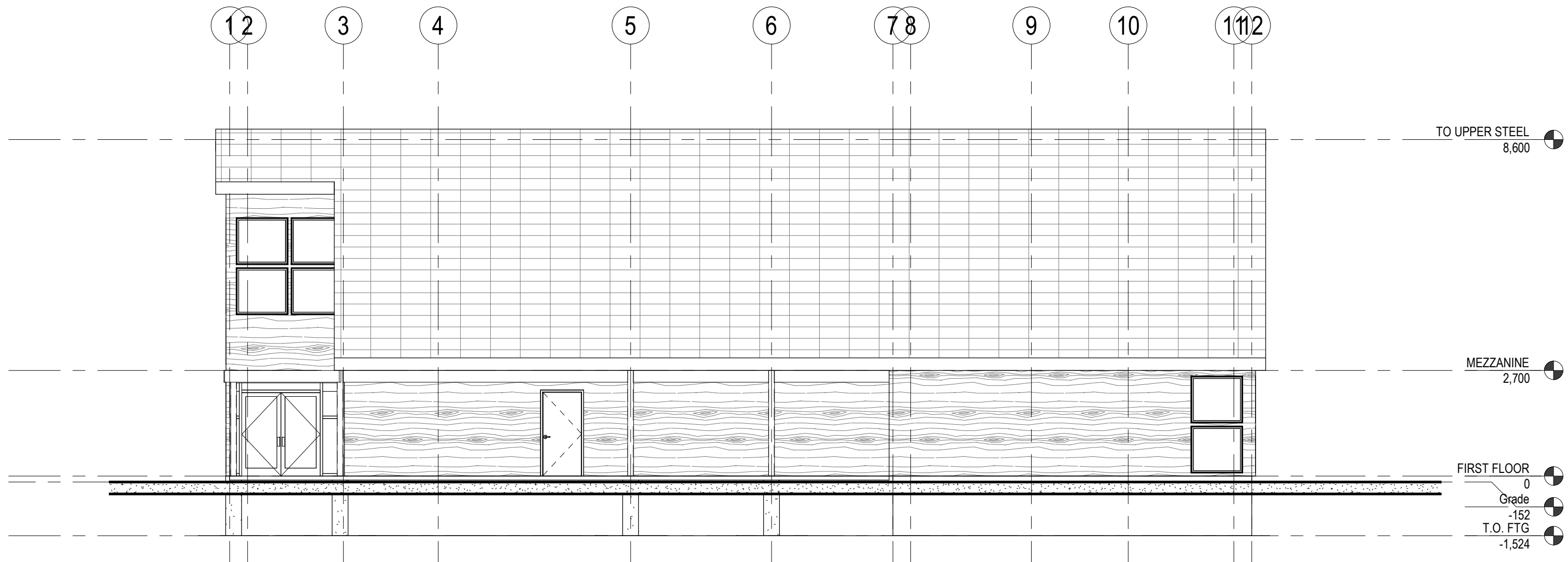
CW2 STOREFRONT ELEVATION
SCALE: 1:50



W1 - WINDOW ELEVATION
SCALE: 1:50



2 EAST ELEVATION
SCALE: 1:100



4 WEST ELEVATION
SCALE: 1:100

THIS LINE IS 4" LONG

THIS DRAWING SHEET IS 36"X48" IN SIZE. IT IS RECOMMENDED THAT ANY REPRODUCTION, ELECTRONIC OR OTHERWISE, BE TO THE SAME SHEET SIZE TO ENSURE THE ACCURACY OF DRAWING SCALES DEPICTED ON THIS SHEET. THIS DRAWING IS NOT TO BE SCALED - USE FIGURED DIMENSIONS ONLY.

This drawing is not to be used for construction unless it is countersigned by the Project Architect

Issued For (YMMGD)

Revision Schedule	
Date	Description
No.	

EXTERIOR ELEVATIONS

Essex Region Conservation Authority
John R. Park Heritage Centre
915 County Road 50, Essex, Ontario N0R 1G0

Drawn By Ai
Checked By Ai
Project No 2020
Sheet No

The Corporation of the Town of Essex

By-Law Number 1925

Being a By-Law to enter into a Site Plan Control Agreement between:

**The Corporation of the Town of Essex and
Essex Region Conservation Authority**

Whereas pursuant to Section 41 of the Planning Act, R.S.O. 1990 and Amendments thereto, Essex Region Conservation Authority is desirous of constructing a cultural heritage centre at the John R. Park Homestead Conservation Area, located at the intersection of County Road 50 East and Iler Road, and as such is required to enter into a Site Plan Control Agreement with the Town of Essex;

And whereas the subject lands are designated as a site plan control area pursuant to Section 41 of the Planning Act, R.S.O. 1990 and Amendments thereto;

And Whereas pursuant to Section 41 of the Planning Act, R.S.O. 1990 and Amendments thereto, municipalities may enter into such agreements;

Now therefore be it resolved that the Council of the Town of Essex enacts as follows:

That the Mayor and Clerk be directed to affix their signatures, on behalf of the Corporation of the Town of Essex, to Schedule 1 attached hereto and forming part of this Bylaw, for the purpose of executing the Site Plan Control Agreement.

Read a first, a second and a third time and finally passed on August 4, 2020.

Mayor

Clerk

Schedule 1
The Corporation of the Town of Essex
Site Plan Control Agreement

This agreement made in triplicate, on August 4, 2020

Between:

Essex Region Conservation Authority

Here in after called

The Owner of the First Part

And

The Corporation of the Town of Essex

Here in after called

The Corporation of the Second Part

Whereas an application has been made by the Owner for approval of a development within the limits of the Town of Essex which lands are more particularly described as Part of Lot 39 and 40, Concession 1, Geographic Township of Colchester South, now in the Town of Essex, County of Essex, shown as Parts 1 and 2, Reference Plan 12R-22616 being all of PIN 75195 0061 (LT) and PIN 75186 001 (LT);

And Whereas the proposed development is in accordance with the Official Plan of the Corporation as amended from time to time;

And Whereas the Corporation has enacted by-laws being by-laws designating the said lands as a site plan control area, pursuant to Section 41(2) of the Planning Act, R.S.O. 1990, as amended;

And Whereas where site plan control is in effect, Section 41 of the Planning Act, R.S.O. 1990, as amended requires the approval of plans and drawings by the Corporation prior to development and the Corporation may require the Owner to enter into an agreement respecting certain prescribed matters;

And Whereas the Owner wishes to undertake a development on the lands, municipal address 915 County Road 50 East, at the intersection of County Road 50 East and Iler Road, in accordance with the site plan, prepared by Architecttura Inc., on file with the Corporation;

Now Therefore This Agreement Witnesseth that in consideration of the aforesaid mentioned premises and in consideration of the sum of Five Dollars (\$5.00) now paid by the Owner to the Corporation (the receipt of which is hereby expressly acknowledged), the parties hereto covenant and agree one with the other as follows:

1. The Owner hereby agrees to construct, provide, install and maintain for the life of the proposed development, to the satisfaction of and at no expense to the Corporation, all buildings, structures, landscaping, fencing, light standards, walkways, vehicular and bicycle parking and access areas, garbage disposal facilities, grading and provision for storm, surface and waste water, and other facilities in accordance with the approved site plan prepared by Architecttura Inc. and on file with the Corporation, and in accordance with all the applicable provisions of the Corporation's Zoning By-law and such other relevant by-laws, as amended, and to the satisfaction of the Corporation;

Landscaping

2. The Owner hereby agrees to install all such landscaping identified and in accordance with the site plan on file with the Corporation, to the satisfaction of the Corporation. The Owner agrees that all landscaped areas shall be maintained in good practice exclusively for landscaping purposes save and except for permitted signage and such other facilities permitted or required by the Town or utility provider;

Parking and Access Areas

3. The Owner hereby agrees to construct and install all entrances, driveways, curbing, including pavement markings, and identification and directional signs in accordance with the approved site plan on file with the Corporation and in a manner satisfactory to the Corporation. The Owner further agrees to maintain all parking and driveway areas to the satisfaction of the Corporation;
4. The Owner hereby agrees to provide parking spaces in accordance with the Town's Comprehensive Zoning By-law Number 1037 in the locations depicted in the site plan on file with the Corporation. The parking area will remain as a gravel surface and the Owner further agrees to delineate all required parking spaces by parking blocks to the satisfaction of the Corporation.

5. The Owner hereby agrees to provide three barrier free parking spaces as delineated on the site plan, to be identified by a restricted parking post mounted sign at the head of the parking space, and flanked by an access aisle of 1.5 metres in width;

Storm Water Management

6. The Owner hereby agrees to direct stormwater runoff generated by the building's roof to downspout splash pads, to be further directed to overland flow swales to outlet to Fox Creek. The overland flow swales are to be grassed to ensure the roof water is polished.

Lighting

7. All lighting erected on light standards shall be directed inward and downward within the property and shielded so as to reduce, as much as technically possible, direct light penetration beyond the property lines. The Owner hereby agrees to orient, shield, install and maintain all other outside lighting in such a manner so as to direct all outside lighting away from abutting municipal road allowances and all other properties. The Owner further agrees to use only full cut-off fixtures for any and all new outside lighting purposes;

Signs

8. The Owner hereby agrees to obtain approval from the County of Essex and the Town's Chief Building Official before installing any ground signage on the Subject Lands, to ensure that the signs are in accordance with the County's Best Management Practice Manual and the municipal sign bylaw.

Special Provisions

9. The Owner hereby agrees to fully implement the recommendations identified in the Mitigation and Conclusion section of the Environmental Impact Assessment report completed by Dan Lebedyk, Biologist/Ecologist, Essex Region Conservation Authority.

General Provisions

10. The Corporation hereby agrees to return the balance of the security deposit received on June 2, 2020 to the Owner within 30 days of being notified by the Town's Manager of Capital Projects and Chief Building Official that all required works as set out in this agreement have been completed and any deficiencies corrected to the

- satisfaction of the Corporation and are in compliance with any applicable federal, provincial or municipal statute, by-law or regulation;
11. The Owner agrees to pay all outstanding Realty Taxes to the Corporation in advance of any building permit being issued for the proposed development;
 12. The Owner hereby agrees to remove at no expense to the Corporation all snow from all driveways, parking and access areas and to remove and dispose of all refuse from the Subject Lands;
 13. The Owner shall keep the municipal roads adjacent to the Subject Lands free from dirt and debris caused by the construction on the Subject Lands;
 14. The Owner shall, at its entire expense, restore any curbs, gutters, pavements, sidewalks, drains or landscaped areas on the municipal roads which are damaged during construction and construct any new curbs, gutters, pavements, sidewalks, drains and landscaped areas on the municipal roads abutting the Subject Lands, all to the satisfaction of the Corporation;
 15. The Owner hereby agrees to notify all local, provincial or federal authorities having jurisdiction as to their proposed program of work and shall obtain all necessary permits and/or approvals which may be required from any authority having jurisdiction;
 16. The Owner agrees to commence and complete construction of the cultural heritage centre, parking, landscaping and all other facilities required under this agreement and zoning by-law within two (2) years of the date of execution of this agreement, all to the satisfaction of the Town, unless otherwise dictated by this agreement, or this agreement may, at the option of the Corporation, be deemed to be null and void;
 17. The Owner hereby agrees to pay to the Corporation the applicable development charges, in accordance with the Town's Development Charges Bylaw, as may be amended from time to time, in advance of any building permit being issued by the Corporation;
 18. The Owner hereby agrees to pay all costs incurred by the Corporation with respect to this Agreement, and without limiting the generality of the foregoing, shall include legal, planning, engineering and administrative costs;
 19. The Owner acknowledges and agrees that pursuant to subsection (11) of Section 41 of the Planning Act, R.S.O. 1990, as amended, Section 325 of the Municipal Act applies to all requirements of this agreement. If the Owner neglects to undertake any matter or thing required to be done by this agreement and such default

- continues, in addition to other remedies available to it, the Corporation may direct that such matter or thing shall be done at the expense of the Owner and the Corporation may recover the expense incurred in doing it and the Owner hereby authorizes the Corporation to enter upon the said land and do such matter or thing;
20. This agreement may be amended at any time with the consent of the Corporation and the registered Owner of the said lands at the time of such amendment;
 21. If any term, covenant or condition of this agreement shall, to any extent, be declared invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and each term, covenant or condition of this agreement shall be valid and be enforced to the fullest extent permitted by law;
 22. The Owner hereby agrees to the registration of the within agreement in the Land Registry Office for the County of Essex (No. 12) by the Corporation's solicitor and at the entire expense of the Owner;
 23. This Agreement is not assignable by the Owner (or any person claiming through or under the Owner) unless the assignee thereof shall first in writing covenant and agree with the Corporation to assume the burdens and obligations imposed upon the Owner under this Agreement and to undertake with the Corporation to observe and perform the obligations herein imposed upon the Owner;
 24. This agreement shall inure to the benefit of the Corporation and shall be binding upon the Owners and their respective heirs, executors, administrators, successors and authorized agents.
 25. The Corporation shall not be required to issue a building permit for the said development until all the preconstruction provisions of this Agreement have been complied with.

In Witnesseth Whereof, the said parties hereunto affixed their signatures and corporate seals attested to by the hands of their proper officers, duly authorized in that behalf.

Signed, sealed and delivered in the presence of:

The Corporation of the Town Of Essex

Per: _____

Mayor

Per: _____
Clerk

Per: _____
Richard J. H. Wyma,

**I have the authority to sign on behalf of
Essex Region Conservation Authority**

From: Bernard Gorski [<mailto:bgorski54@gmail.com>]
Sent: Tuesday, July 28, 2020 3:55 PM
To: Brown, Shelley <sbrown@essex.ca>
Subject: Minor Variance for CREW

CAUTION: This email originated from outside your organization. Exercise caution when opening attachments or clicking links, especially from unknown senders.

Hi Shelly

I wish to speak at the council meet Tuesday August 4th. This is regarding a request for a Site Specific minor variance for a sign at Colchester Ridge Estate Winery, 108 county Road 50 East, Harrow Ontario. NOR 1Go

You can reach me at 519-981-4571

Regards
Bernard Gorski



Report to Council

Department: Development Services
Division: Planning
Date: August 4, 2020
Prepared by: Rita Jabbour, RPP, Manager, Planning Services
Report Number: Planning2020-18
Subject: Sign Bylaw Amendment Request for 108 County Road 50 East (Ward 3)
Number of Pages: 7

Recommendation(s)

That Planning report PLANNING2020-18 entitled Sign Bylaw Amendment Request for 108 County Road 50 East prepared by Rita Jabbour, RPP, Manager, Planning Services dated August 4, 2020 be received.

Purpose

For a non-residential use in an Agricultural District, Town of Essex Sign By-law, By-law 1350, does not permit an on-site ground sign having a height which is greater than 2.0 metres. Any amendment to By-law 1350 for special regulations that differ from one or more provisions of the By-law for a sign that is not permitted must be submitted to the Town for decision by Council.

Background and Discussion

A request for a site-specific amendment to By-law 1350, being a By-law regulating the erection of signs in the Town of Essex, was submitted in December 2019 by Mr. Bernard Gorski of the Colchester Ridge Estate Winery (CREW) for the property located at 108 County Road 50 East for the retention of the existing 4.4 metre (14.4 feet) pole sign structure with electronic display, and was presented to Council on January 20, 2020. Council resolved to defer decision on the application until Administration underwent a review of the Town's sign bylaw specific to signage along County Road 50. A copy of Planning report PLANNING2020-01 is attached to this report.

At a special Council meeting on July 13, 2020 following the submission and presentation of survey results concerning the adequacy of signage along County Road 50, Council resolved to make no general amendments to the existing sign Bylaw regulations and continue to receive applications for amendments on a site specific basis (Resolution Number: SP20-07-013).

On July 23, 2020, Mr. Gorski submitted a revised application to remove the electronic media component of the sign, but retain the pole sign structure.



Figure 1. The new sign structure at CREW Winery constructed in 2019.



Figure 2. Dimensions of new sign structure as submitted by Town of Essex Building Division



Figure 3. Previous sign structure constructed in 2005.

For a non-residential use in an Agricultural District, such as a winery, Town of Essex Sign By-law, By-law 1350, permits one (1) on-site *ground sign* having a maximum height of 2.0 metres (6.5 feet).

- A *ground sign* is defined as a free standing sign, permanently affixed to the ground and used for identification of the property and the use(s) on it; conveying on-site information or decision, and or advertising an on-site product or service, and on-site or off-site charitable event or any combination of them.

The sign structure erected at the subject property falls within the definition of a *pole sign*.

- *Pole signs* are free-standing signs permanently affixed to the ground by a pole or poles, with or without decorative cladding, and have a sign height of more than 2.0 metres (6.5 feet) above the ground. Pole signs are only permitted in Commercial, Institutional and Manufacturing districts under Bylaw 1350, where height regulations are dependent on the property frontage.

The new sign structure is 4.4 metres (14.4 feet) in height and is supported by two (2) 6x6 steel posts; an existing logo that was moved from the previous sign structure; and, a powered-down LED electronic display which occupies 2.2 square metres (23.7 square feet).

- Therefore the new pole sign is 2.4 metres (7.9 feet) greater in height than a permitted ground sign, and 0.24 metres (0.8 feet) greater than the previous ground sign.

In an effort to lessen the impact of the height of the new sign structure, the applicant has proposed to install raised planter boxes along the base of the structure. The planters will be constructed using landscape timbers and will be two (2) feet in height, four (4) feet in width, and ten (10) feet in length. The planters will integrate flowers similar in variety to those used along the periphery of the Colchester welcome sign.

The applicant is proposing to utilize the electronic display for the display of a digital static message indicating hours of operation, only. The sign is proposed to be automatically set to turn on at 10AM and turn off at 6PM, with a black background and either green or yellow or red letters.



Figure 4. Proposed Lighted Sign

An *electronic media sign*, defined as a sign or part of a sign, exclusive of a flashing sign, comprising a video monitor or an electronic display for the display of images, words and or numbers in an animated format used exclusively for the purpose of conveying a message, is not permitted in the agricultural district under Bylaw 1350.

The proposed sign does not constitute an electronic media sign since the words and numbers are **not** proposed to be displayed in an animated format. This proposed use constitutes a *lighted sign* which is defined as a sign that is lit either internally or externally to enhance its visibility. Lighted signs are permitted in the agricultural district. One such example is the Viewpoint Winery sign as indicated below:



Photo Source: Essex Tourism Directory

The area comprising the static message- the *Sign Face Area*- is proposed to be no greater than one (1) square metre on both sides of the electronic display.

A *Sign Face Area* is defined as that part of the sign used or capable of being used for identification, the conveyance of information and or advertising. When the sign is composed of individual letters, numerals or symbols or any combination of them, the sign face area is the outside area of the sum of them. The maximum sign face area for an on-site ground sign, on one-side, is 4.0 square metres under Bylaw 1350. The sign face area for the proposed structure will total 3.3 square metres on each side, when the electronic display is combined with the existing logo board.

The Engineering Technician for the County of Essex has reviewed the sign structure at 108 County Road 50 East and has stated that the sign meets County of Essex standards for height and location. The County of Essex does not have a sign bylaw but rather utilizes a Best

Management Practice Manual as a guide. These instructions are to be used in conjunction with all municipal bylaws.

Council may choose to deny or approve the request to retain the existing 4.4 metre pole sign structure. Council may approve an amendment by resolution or by a supplementary by-law, at Council's discretion.

If it is the desire of Council to approve the amendments, it should be conditional on the applicant limiting the lighted sign face area to one (1) square metre on both sides; the installation of decorative landscaping along the base of the structure; and, the obtainment of a sign permit from the Town of Essex Building Division.

Financial Impact

None.

Consultations

Kristoffer Ballalo, Engineering Technician, County of Essex

Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

Report Approval Details

Document Title:	Sign Bylaw Amendment Request for 108 County Road 50 East (Ward 3) .docx
Attachments:	- Sign Bylaw Amendment for 108 County Road 50 East - Planning-2020-01.docx
Final Approval Date:	Jul 27, 2020

This report and all of its attachments were approved and signed as outlined below:



Lori Chadwick, Director, Development Services - Jul 27, 2020 - 12:05 PM



Chris Nepszy, Chief Administrative Officer - Jul 27, 2020 - 12:59 PM



Report to Council

Department: Development Services

Division: Planning

Date: January 20, 2020

Prepared by: Rita Jabbour, Manager, Planning Services

Report Number: Planning-2020-01

Subject: Sign Bylaw Amendment for 108 County Road 50 East -
Planning-2020-01.docx

Number of Pages: 14

Recommendation(s)

That "Planning-2020-01" entitled "Sign By-law Amendment for 108 County Road 50 East" prepared by "Rita Jabbour, Manager, Planning Services" dated "January 20, 2020" be received, and

That the application for a site specific sign bylaw amendment, submitted by Mr. Bernard Gorski of 108 County Road 50 East, to retain the existing pole sign structure with electronic media component, be denied.

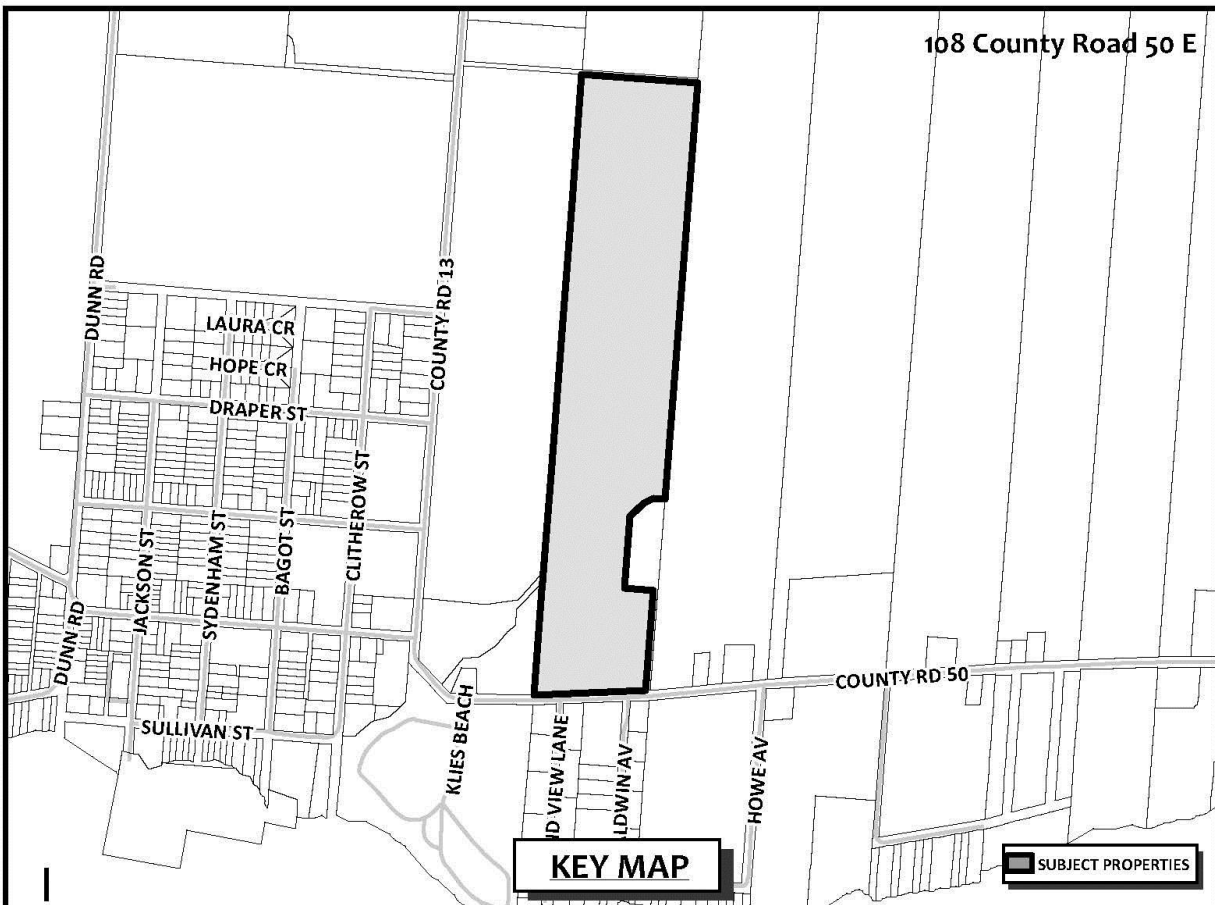
Purpose

For a non-residential use in an agricultural district, Town of Essex Sign By-law, By-law 1350, does not permit an electronic media sign or an on-site ground sign having a height which is greater than 2.0 metres. Any amendment to By-law 1350 for special regulations that differ from one or more of the provisions of the by-law for a sign that is not permitted must be submitted to the Town for approval by Council.

Background and Discussion

An application for a site specific amendment to Bylaw-1350, being a By-law regulating the erection of signs in the Town of Essex, was submitted by Mr. Bernard Gorski of the Colchester Ridge Estate Winery (CREW) for the property located at 108 County Road 50 East for the retention of the existing pole sign structure with electronic media component.

The subject property is located on the north side of County Road 50 just east of the Colchester Hamlet:



The subject property is zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037. The subject property is currently occupied by a vineyard, winery and a newly constructed winery retail store and event space. (A winery in combination with a vineyard is a permitted use under the A1.1 zoning district). Residential development exists to the south of the subject property.

To compliment the new winery retail store and event space, the applicant constructed a new sign structure to replace a previous sign structure constructed in 2005 when Bylaw 355, the preceding sign bylaw, was in effect. The new sign structure is supported by two (2) 6x6 steel posts; an existing logo that was moved from the previous sign structure; and, an LED electronic media sign which occupies 2.2 square metres. The new sign structure is located in the same area as the previous sign and is setback a distance of 72 feet from the centre of County Road 50.



Figure 1. New sign structure with steel posts, logo and electronic media component



Figure 2. Previous sign structure with wood posts, logo and letter board

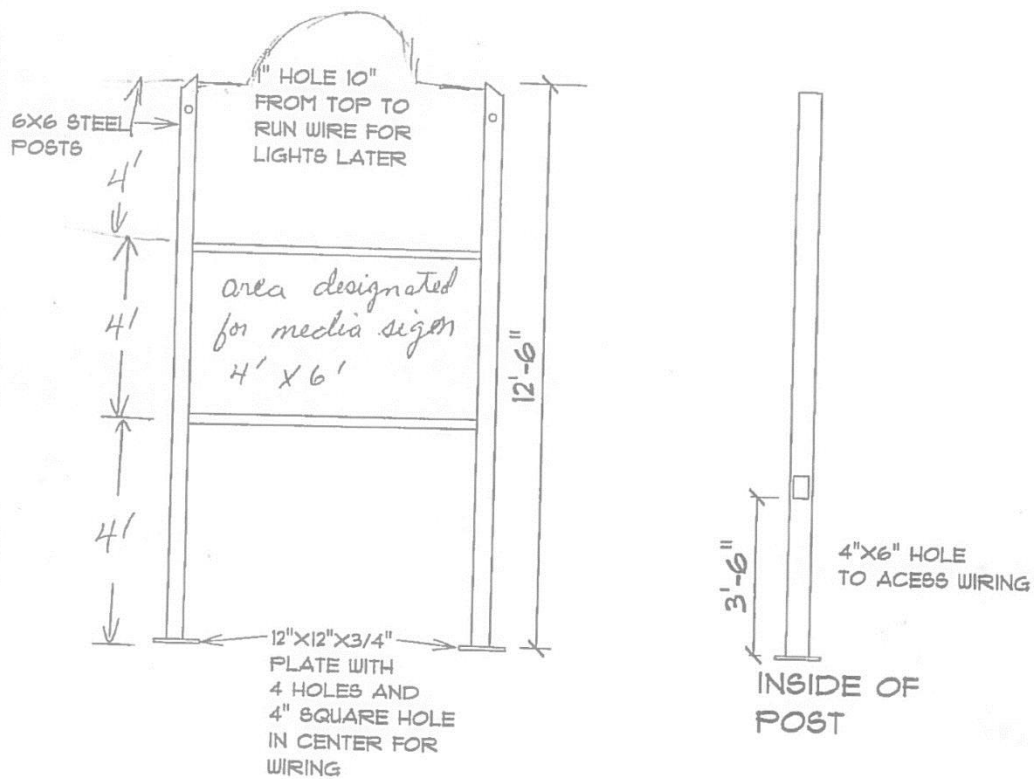


Figure 3. Measurement of new sign structure as submitted by applicant



Figure 4. Measurements of new sign structure as submitted by Town of Essex Building Division

Special Regulations for Signs in Agricultural Districts under Bylaw 1350

In accordance with section 1.4 (1) of Bylaw 1350, no person shall, within the limits of the Corporation of the Town of Essex, place, erect, alter or replace a sign, whether a temporary sign or a permanent sign, except as permitted by the Bylaw and in conformity with the applicable provisions of the Ontario Building Code, as the same may be amended from time to time, and such other applicable legislation.

No sign permit from the Town of Essex or County of Essex was obtained for the construction of the new sign structure in 2019. No record of construction permit exists for the erection of the sign structure in 2005, either. (Note: Bylaw 355 did not include specific regulations for signs in agricultural zones). The applicant states that he was not aware of the necessity for a sign permit as he viewed it as being a replacement sign. (Note: the executed site plan agreement for the new retail and event facility indicated that a sign permit was required).

The sign structure erected at the subject property falls within the definition of a pole sign. Pole signs are free-standing signs permanently affixed to the ground by a pole or poles, with or without decorative cladding, and have a sign height of **more than 2.0 metres** above the ground. Pole signs are only permitted in Commercial, Institutional and Manufacturing districts under Bylaw 1350. Height regulations are dependent on the property frontage, and only 50 percent of the sign face area may be an electronic media sign.

For a non-residential use in an agricultural district, such as a winery, By-law 1350 only permits one (1) on-site *ground sign* with a **maximum height of 2.0 metres**. An *electronic media sign*, defined as a sign or part of a sign, exclusive of a flashing sign, comprising a video monitor or an electronic display for the display of images, words and or numbers in an animated format used exclusively for the purpose of conveying a message, is **not** permitted in the agricultural district under Bylaw 1350. Rather, a maximum of 70 percent of the sign face area may be a changeable copy sign, which is defined as individual letters, numbers and symbols that can be physically mounted on a display panel to convey a message (Note: the provision for the changeable copy sign face area in agricultural districts is greater than in commercial districts, which has a 50% limit).

An application for an amendment to this by-law for special regulations that differ from one or more of the provisions of this by-law or for a sign that is not permitted may be submitted to the Town for approval by Council. The application must be accompanied by an explanation as to why the applicable provisions of the by-law cannot be met.

In constructing the new sign structure, more specifically, the electronic media component, the applicant considered the economic and environmental benefit of an electronic media sign. In his application, Mr. Gorski argues that electronic media signs are important for progress and success along a tourism route that is heavily supported by the County of Essex, TWEPI and other local municipalities. He believes that the growth of this area would be hindered by enforcing signage laws that limit his ability to attract tourists that are unfamiliar with the area from the road.

In Commercial, Institutional and Manufacturing districts, there is a concentration of land uses so variety in sign types serve the purpose of distinguishing one business from another. In agricultural districts, there is a more limited range of uses, predominantly low key farm activities, and they are sparsely located. As such, businesses do not have to compete for attention using signage as one means to do so. To date, the wineries have used low key business signage more in keeping with the land use types around them. This is reflected within the sign by-law.



Figure 3. Ground sign at Coopers Hawk Winery



Figure 4. Ground Sign at Oxley Estate Winery



Figure 5. Ground Sign at Erie Shore Vineyard

County of Essex Sign Regulations

Mr. Kristoffer Balallo, Engineering Technician for the County of Essex, has had an opportunity to review the sign structure at 108 County Road 50 East. He states that the sign meets County of Essex standards for height and location. Electronic media signs are permitted by the County. They however must have a minimum display duration (frame) of 180 seconds and a transition between frames of not more than (one) 1 second. They cannot include any flashing or animation of any kind. The County of Essex does not have a sign bylaw but rather utilizes a Best Management Practice Manual as a guide. These instructions are to be used in conjunction with all municipal bylaws.

Recommendation

County Road 50 has become an important tourist destination within the Town of Essex with its burgeoning wine and agri-tourism industry. However, County Road 50 still maintains a large rural residential component. Prior to the submission of this application, administration received two (2) correspondences from a neighbouring resident who expressed concerns with the sign. The resident described the sign as a nuisance as it illuminates their front lawn and bedroom. (Note: The concerned resident has been notified of this application by way of email and invited to appear as a delegation on the matter.)

Managing responsible and viable growth while preserving and enhancing the unique rural and small town character of the community is an identified goal under the Town of Essex Corporate Strategic Plan. Bylaw 1350 does not establish special regulations for signage along County Road 50 which would take into consideration the area's unique mix of land uses (agricultural, commercial, residential).

An electronic media sign is incompatible with residential land uses to the south of the subject property without specific regulations that have regard to hours of operation for the sign and lumens levels. Electronic media signs in agricultural districts for commercial uses such as wineries and breweries commonly located in agricultural areas, should only be permitted following a general amendment to Bylaw 1350 with special regard to the uniqueness of County Road 50, and not on a site specific basis.

The applicant is eager to come to an agreement that mitigates any impact from the sign on his neighbours, while meeting the goals of his business. In order to maintain the objectives of Bylaw 1350, however, administration is recommending that the application for sign bylaw amendment as submitted by Mr. Gorski of 108 County Road 50 East, to retain the existing pole sign structure with electronic media component, be denied.

Financial Impact

None.

Consultations

Kevin Carter, Manager, Building Services/Chief Building Official

Jeff Watson, Planner

Jake Morassut, By-Law Enforcement Officer

Kristoffer Balallo, Engineering Technician, County of Essex

Link to Strategic Priorities

- ☐ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☒ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

Department: Office of the CAO
Division: Office of the CAO
Date: August 4, 2020
Prepared by: Chris Nepszy, P.Eng., PE
Report Number: CAO-2020-03
Subject: Town and ELK Stakeholder/Director Information Session
Number of Pages: 3

Recommendation(s)

That Report CAO-2020-03 entitled "Town and ELK Stakeholder/Director Information Session" prepared by Chris Nepszy, CAO dated August 4, 2020 be received, and

That Council requests the Board of E.L.K. Energy Incorporated (ELK) to direct Mr. Mark Danelon, in his role as Director of Stakeholder Relations, to participate and jointly present with Town of Essex Administration (at a date to be set in the near future, but no later than October 31, 2020), an information session to Town of Essex Council concerning their collective role as the ELK Stakeholder and their individual roles as potential, or existing Director(s) for ELK Energy Inc.

Purpose

In order for ELK to jointly provide members of Council with information concerning their roles as the shareholder and potential, or existing Director(s) for ELK Energy Inc., board approval is required.

Background and Discussion

In 2009, the Town of Essex bought out the respective shareholder interests of its former municipal partners, Town of Lakeshore and Town of Kingsville thus becoming the sole shareholder of ELK Energy Inc. (hereinafter "ELK").

Part of the role as elected Council members for the Town of Essex, who in turn is the sole shareholder of ELK, is to appoint the mayor and four (4) councillors to sit on the ELK Board of Directors. This appointment began shortly after the current term of Council commenced and continues for the duration of the Council term (fall 2022). The remaining four (4) members of the ELK Board of Directors consists of two (2) residents appointed from Essex (Ward 1 and Ward 4 ELK customer), and two (2) members from Lakeshore and/or Kingsville.

As a separate corporate legal entity it is important to note that ELK operates completely autonomous from the Town of Essex. The Town of Essex role in comparison with the operations of ELK is limited to that of a shareholder of a corporation. This means that all operations of ELK are overseen not by its Shareholder, but by its appointed board of directors and further the day to day operations/management are carried out by the officers of the Corporation hired by the Board. As such, while the members of Essex Town Council have been elected to serve their residents, the members of Essex Town Council who are appointed to the ELK Board may also at times have to act independently from their Councillor role. This is because such members have a duty to act in the best interests of the ELK Corporation when serving on the Board.

During the past term of Council, questions have arisen regarding the differences/intricacies and ultimate responsibility of Councillors, as the body leading the shareholders versus Councillors who are appointed ELK Directors functioning to serve as the board.

As a result Administration felt a joint information session with both the Town of Essex and ELK administration would provide the complete overview that Council has requested, and offer the

best information regarding these functions and their relationship. Another reason to perform this session with the entire Council, is that at any given moment a current Councillor may be required to fill in the role of an existing appointed Council board member.

As noted above, ELK operates autonomously from the Town of Essex. Therefore, in order to have ELK administration participate in a joint information session and provide information to Councillors that are not currently board members, direction from the ELK board is required.

Financial Impact

n/a

Consultations

Rob Auger, Town Solicitor, Legal and Legislative Services/Clerk

Link to Strategic Priorities

- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☒ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.



Report to Council

Department: Infrastructure Services

Division: Drainage

Date: August 4, 2020

Prepared by: Lindsay Dean, Drainage Superintendent

Report Number: Drainage-2020-06

Subject: Appointment of an Engineer under Section 78 of the Drainage Act to install a new culvert over the 13th Concession West Drain

Number of Pages: 3

Recommendation(s)

That Drainage-2020-06 entitled Appointment of an Engineer under Section 78 of the Drainage Act to install a new culvert over the 13th Concession West Drain prepared by Lindsay Dean, Drainage Superintendent dated July 20, 2020 be received, and

That Council appoint Rood Engineering Incorporated under Section 78 of the Drainage Act to install a new culvert over the 13th Concession West Drain.

Purpose

The Town of Essex has received a request to install a new culvert for Mr. Henry Martin over the 13th Concession West Drain.

Background and Discussion

The 13th Concession West Drain runs along the north side of the 13th Concession Road in a westerly direction from Walker Sideroad to its outlet into the West Townline Drain at County Road 11.

Under Section 78 of the Drainage Act, Council may appoint an engineer to make repairs or improvements to existing municipal drains that have been passed under municipal by-law. The 13th Concession West Drain is a municipal drain that has been adopted by municipal by-law and any new culverts added to this municipal drain would qualify under this section of the act.

Prior to the appointment of an engineer, notice must be sent to the Conservation Authority and after 30 days an engineer may be appointed to this project. An engineer appointment under Section 78 of the Drainage Act, gives the engineer authority to review the drainage works and prepare a report outlining their recommendations.

The procedures and appeals under Section 78 are followed in the same manner as Petition Drains, Section 4 of the Drainage Act. The general procedure is as follows:

- Council appointment of an engineer to prepare a report;
- Conduct an on-site meeting with affected landowners;
- Meeting to consider the report and passing of the provisional by-law;
- Court of Revision;
- 3rd and Final Reading of the by-law;
- Construction of drainage works.

Schedule

Should Council approve to proceed with the report and appoint an Engineer, the estimated schedule will be as follows:

- Council approval and appointment of Engineer –September 2020
- On Site Meeting – September 2020

- Preparation of the Report – January 2021
- Submission of Report and notification period –February 2021
- Consideration of the Report by the Drainage Board –February 2021
- Provisional By-law and Adoption by Council – March 2021
- Court of Revision –April 2021
- 3rd and Final Reading of the By-law – May 2021
- Construction (dependent on weather and agency approvals)- Summer 2021

Financial Impact

The landowner receiving the culvert will be responsible for all costs associated with the construction, engineering and incidental costs.

Link to Strategic Priorities

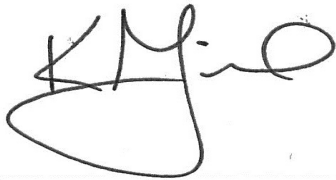
- ☒ Manage, invest and plan for sustainable municipal infrastructure which meets current and future needs of the municipality and its citizens.
- ☐ Create a safe, friendly and inclusive community which encourages healthy, active living for people of all ages and abilities.
- ☐ Provide a fiscal stewardship and value for tax dollars to ensure long-term financial health to the municipality.
- ☐ Manage responsible and viable growth while preserving and enhancing the unique rural and small town character of the community.
- ☐ Improve the experiences of individuals, as both citizens and customers, in their interactions with the Town of Essex.

Report Approval Details

Document Title:	Appointment of Engineer for 13th Concession West Drain New Culvert Installation.docx
Attachments:	
Final Approval Date:	Jul 23, 2020

This report and all of its attachments were approved and signed as outlined below:

Norm Nussio, Manager Operations and Drainage - Jul 21, 2020 - 2:29 PM

A handwritten signature in black ink, appearing to read 'Norm Nussio', written over a light blue horizontal line.

Kevin Girard, Director, Infrastructure Services - Jul 23, 2020 - 9:49 AM

A handwritten signature in black ink, appearing to read 'Chris Nepszy', written over a light blue horizontal line.

Chris Nepszy, Chief Administrative Officer - Jul 23, 2020 - 12:27 PM



PUBLIC HEALTH MEMO

COVID-19

Stakeholder update – July 20th, 2020.

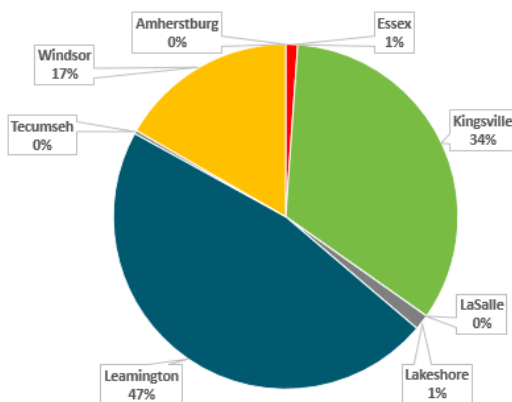
Current Statistics

For all up-to-date data and information, please visit the [Local Updates](#) page on our website.

Case Counts in Windsor and Essex County (as of July 20th)

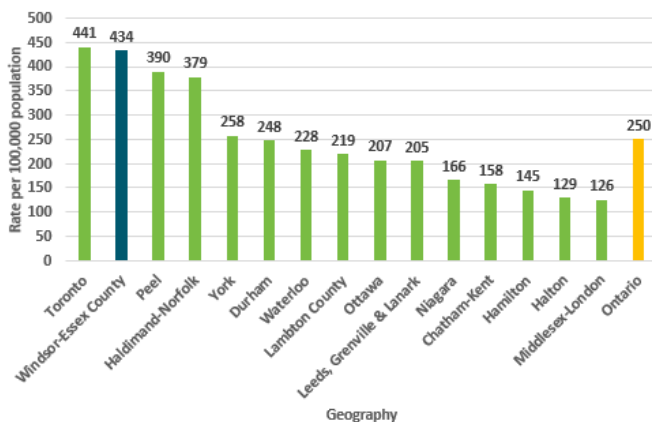
Confirmed Cases	Deaths	Resolved Cases
1,982	69	1303
Current LTC & RH Outbreaks	Current Workplace Outbreaks	
2	7	

Distribution of COVID-19 Cases by Municipality in Last 30 days (June 16th to July 15th)*



**The risk of COVID-19 transmission exists in all communities and should be treated as such. Breakdowns by municipality are provided in the new [weekly summary reports](#) posted on our website.*

Regional and Provincial Rates (as of July 15th)





Federal, Provincial and Local Guidelines and Recommendations (Updates)

For daily updates from the Windsor-Essex County Health Unit please visit the [Local Updates](#) page on our website.

Provincial

- Effective Friday, July 24th at 12:01 am, Durham, Hamilton, Halton, Haldiman-Norfolk, Lambton and York Regions will be moving to Stage 3 of Reopening. Windsor-Essex, along with Toronto and Peel, will remain in Stage 2 of reopening. However, the Ontario government continues to monitor these regions on a weekly basis to assess if they are ready to move into Stage 3.
- The province has extended most emergency orders currently in place that were made under s.7.0.2(4) of the Emergency Management and Civil Protection Act until July 29th, 2020. The extension was made to ensure the province maintains the necessary flexibility to protect vulnerable populations, such as seniors, while continuing to implement the Framework for Reopening.

Guidance Documents

A list of all guidance documents from the Province of Ontario, and the Windsor-Essex County Health Unit (WECHU) can be found on the [Guidelines](#) page of our website.

Workplace Guidance

As more businesses open under Stage 2, the WECHU will continue to add to its resources and materials available on the [workplace section](#) of its website. Here businesses can find a reopening tool kit, guidance documents, checklists, and downloadable resources and signage in multiple languages.

FAQ

For more commonly asked questions from residents, please visit the [FAQ page](#) on our website.

Who can cross the U.S.-Canada border?

The federal government has extended the closure of the border to all non-essential travel until August 21st, 2020. Essential travel includes those who work in the US when work from home is not available and school related travel. Non-essential travel includes tourism, and recreational visits, including shopping.

Do essential workers have to quarantine for 14 days?

US employees, and all others crossing for essential travel, are not required to quarantine while in Canada and are exempt from the Quarantine Act. Dr. Ahmed recommends that those crossing the border for essential reasons monitor their health daily by using the self-assessment tool and avoid non-essential activities while in the US. It is also recommended to try to limit exposure by practicing good hand hygiene, physically distancing and wearing a non-medical mask while in both the US and Canada.

From: Denonville, Alex
Sent: Thursday, July 16, 2020 3:19 PM
To: Town of Essex All Staff <EssexAllStaff@essex.ca>
Subject: Town of Essex Launches Business Directory in Partnership with Local Newspapers



Media Release
July 16, 2020

Town of Essex Launches Business Directory in Partnership with Local Newspapers

Essex – This week the Town of Essex launched a new business directory designed to help local businesses communicate how their operations have changed during the COVID-19 pandemic.

The directory, which will offer free listings to Town of Essex businesses, was developed in partnership with The Essex Free Press and The Harrow News.

"The Town of Essex is lucky to have not one, but two, local newspapers that are dedicated to serving our community," said Mayor Larry Snively. "This partnership reflects Council's desire to support these newspapers and ensure businesses get the word out to residents who may not have access to a computer or the Internet."

Earlier this year, [Town Council sent a letter to Andrew MacCleod](#), President of the PostMedia Network, urging the company to reconsider its recent decision to stop publishing a number of local weekly newspapers.

The free business directory will be published in the first issues of The Essex Free Press and Harrow News in August. The directory is also tentatively scheduled to run in the September and October issues.

The directory is another effort to support local businesses throughout the COVID-19 pandemic. The Town has also launched an [Online Business Map](#), a [Digital Growth Grant](#), and a [Relaunch Grant](#).

Local business owners are invited to submit their listing to the directory online at www.essex.ca/DirectorySubmissions or by [printable form](#). Submissions must be made by July 29 at Noon.

Media Contact

Alex Denonville
Manager, Communications
adenonville@essex.ca
519-990-7546

From: Denonville, Alex

Sent: Wednesday, July 22, 2020 2:05 PM

To: Town of Essex All Staff <EssexAllStaff@essex.ca>

Subject: Citizens Invited to Rate Climate Change Vulnerabilities in New Online Exercise



Media Release

July 22, 2020

Citizens Invited to Rate Climate Change Vulnerabilities in New Online Exercise

Essex – The Town of Essex Climate Adaptation Team (ECAT) is seeking feedback from citizens on how the impacts of climate change may affect individuals in the community.

The Climate Impacts Vulnerability Exercise presents six different fictional characters designed to represent some common attributes of Town of Essex citizens. Respondents will read the biographies of each character, including their employment, family life, hobbies, and life goals, then complete an exercise to identify how their chosen character would be impacted by climate change.

"We often think and talk about climate change in the context of how it will affect institutions, like local governments or businesses, for example" said Niharika Bandaru, Climate Change Analyst. "This exercise is really designed to focus in on the individual level. Not only will this provide more information to the Team on how Town of Essex citizens perceive climate change, but it's also an opportunity to respondents to learn about how individuals may be impacted by climate change differently."

Citizens can complete the exercise by visiting www.essex.ca/ClimateImpactsExercise. Character information and biographies are available online at www.essex.ca/ECAT.

Background

In March of 2019, the Town of Essex received a grant from the Federation of Canadian Municipalities to fund the Climate Change Analyst position. In November of that year, Council passed a motion in support of the development of a Climate Change Adaptation Plan, including the creation of the Essex Climate Adaptation Team. The team, made up of citizens and stakeholders, has been meeting throughout the year to complete the plan.

For an update on the work conducted by the Essex Climate Adaptation Team and the Climate Change Analyst, please read the [July 20 Report to Council](#).

To learn more about the Essex Climate Adaptation Team, please visit www.essex.ca/ECAT

To receive updates about the Town's Climate Change Adaptation Plan, subscribe online at www.essex.ca/news

Media Contact

Alex Denonville

Manager, Strategic Communications

adenonville@essex.ca

519-990-7546

From: Denonville, Alex
Sent: Friday, July 24, 2020 6:04 PM
To: CouncilMembers <CouncilMembers@essex.ca>
Subject: Swimming and In-water Activities Prohibited at Colchester Beach



Media Release
July 24, 2020

Swimming and In-water Activities Prohibited at Colchester Beach

Essex– While Colchester Beach is open to the public, swimming and other in-water recreation activities are prohibited after a recent water quality test returned with elevated levels of E. coli bacteria.

The most recent water quality test, conducted by Town staff on July 23, indicated average E. coli levels of 568.1 cfu (colony forming units) per 100 milliliters of water, with two samples returning above 2,000 cfu/100mL. Public health guidelines call for the closure of public access to water if any samples are greater than 1,000 cfu/100mL.

Signage has been posted at the beach and harbour to notify visitors of the restrictions. Out of an abundance of caution, and to ensure the health and safety of visitors, fencing has been also erected to prevent access to the water.

At their June 29 Special Meeting, Council supported the addition of water quality testing to be conducted by Town staff at Colchester Beach. Earlier this year, the [Windsor Essex County Health Unit announced](#) that, due to limited resources during the COVID-19 pandemic, they would cease water quality testing at nine local beaches.

According to the Health Unit, bacterial counts from samples only reflect the conditions at the time of sampling and water quality can change from day to day depending on the weather conditions and lake levels. The Health Unit recommends not swimming if there was a recent heavy rainfall (at least 48 hours), if the water is cloudy, or if you are unable to see your feet when in the water.

While Colchester Beach is now open to the public, all users must maintain physical distancing and limit group sizes according to public health recommendations. The Town has also added additional parking and beach enforcement as well as signage to inform visitors of current beach and harbor rules.

Media Contact
Alex Denonville
Manager, Communications
adenonville@essex.ca
519-990-7546

**Ministry of
Municipal Affairs
and Housing**

Municipal Services Office
Western Ontario
659 Exeter Road, 2nd Floor
London ON N6E 1L3
Tel: 519 873-4020
Toll Free: 1 800-265-4736
Fax: 519 873-4018

**Ministère des
Affaires municipales
et du Logement**

Bureau des services aux municipalités
de l'Ouest de l'Ontario
659 Exeter Road, 2^e étage
London ON N6E 1L3
Tél: 519 873-4020
Sans frais: 1 800-265-4736
Télé: 519 873-4018



July 22, 2020

Dear CAO and Clerk:

I am writing to inform you of recent changes to the *Municipal Act, 2001* to provide municipalities with new permissive authority.

The Government has made changes to expand the authority for municipalities to amend their procedure by-law to provide that electronic participation in open and closed municipal meetings may count towards quorum beyond times when an emergency declaration is in place. Extending the ability for municipalities to hold electronic meetings responds to feedback we have heard from municipalities that the ability to participate electronically in municipal meetings during the past months has been beneficial to continue the important work that municipalities do and has led to increased engagement with members of the public.

In addition, the Government has also passed changes to the legislation to give municipalities the authority to amend their procedure by-law to allow members of council who are unable to attend a meeting to appoint a proxyholder to act on their behalf, subject to certain limitations.

For more information on these amendments, please see the attached information sheets.

Both of these initiatives are optional, and it is up to your municipality to decide whether to provide for electronic participation in meetings and/or proxy appointments and what arrangements are suitable for your municipality.

If you have questions regarding these new provisions, please let me know.

Kind Regards

A handwritten signature in black ink, appearing to read "Ian Kerr", with a stylized flourish at the end.

Ian Kerr
Regional Director
Municipal Services Office – Western Region



Electronic Participation in Municipal Meetings

July 2020

This document is intended to give a summary of complex matters. It does not include all details and does not take into account local facts and circumstances. This document refers to or reflects laws and practices that are subject to change. Municipalities are responsible for making local decisions that are in compliance with the law such as applicable statutes and regulations. This document applies only to those municipalities whose meeting rules are governed by the Municipal Act, 2001.

This document replaces previous guidance released in March 2020 regarding electronic participation in municipal meetings during emergencies.

This document, as well as any links or information from other sources referred to in it, should not be relied upon, including as a substitute for specialized legal or other professional advice in connection with any particular matter. The user is solely responsible for any use or application of this document.

Overview

The province has made changes to the *Municipal Act* to allow members of councils, committees and certain local boards who participate in open and closed meetings electronically to be counted for purposes of quorum (the minimum number of members needed to conduct business at a meeting).

These provisions are optional. Municipalities continue to have the flexibility to determine if they wish to use these provisions and incorporate them in their individual procedure bylaws.

Municipalities may wish to review their procedure bylaws to determine whether to allow members to participate in meetings electronically, and whether to take advantage of the new provisions based on their local needs and circumstances.

What a municipality can do

A municipality can choose to hold a special meeting to amend their procedure bylaw to allow electronic participation. During this special meeting, members participating electronically can be counted for the purposes of quorum.

Municipal councils, committees and boards can choose to amend their procedure bylaws to:

- allow the use of electronic participation at meetings
- state whether members can participate in both open meeting and closed meetings
- state whether members participating electronically count towards quorum

It is up to municipalities to determine:

- whether to use these provisions
- the method of electronic participation
- the extent to which members can participate electronically (for example, it is up to municipalities to decide whether all council members participate electronically or whether some still participate when physically present in council chambers)

Technology to use for electronic meetings

Municipalities, their boards and committees can choose the technology best suited to their local circumstances so:

- their members can participate electronically in decision-making
- meetings can be open and accessible to the public

Municipalities may want to engage with peers who have electronic participation in place to find out about best practices as they revise their procedure bylaws. Some municipalities may choose to use teleconferences while others may use video conferencing.

Open meeting requirements

If a municipality chooses to amend their procedure bylaw to allow people to participate electronically, meetings would still be required to follow existing meeting rules, including that the municipality:

- provides notice of meetings to the public
- maintains meeting minutes
- continues to hold meetings open to the public ([subject to certain exceptions](#))

The *Municipal Act* [specifies requirements for open meetings](#) to ensure that municipal business is conducted transparently, and with access for and in view of the public. There are limited circumstances under the *Municipal Act* when municipal meetings can be conducted in closed session.

Rules for local boards

Local boards subject to the meeting rules in the *Municipal Act* include:

- municipal service boards
- transportation commissions
- boards of health
- planning boards
- many other local boards and bodies

Some local boards may not be covered. For example, police services, library and school boards have different rules about their meetings, which are found in other legislation.

Municipalities are best positioned to determine whether a local entity is considered a local board. If in doubt whether a local entity is covered under these rules, municipalities can seek independent legal advice regarding the status of local entities and whether these new provisions would apply to them.

Contact

If you have questions regarding how these new provisions might impact your municipality, contact your [local Municipal Services Office](#).

- **Central Municipal Services Office**
Telephone: 416-585-6226 or 1-800-668-0230
- **Eastern Municipal Services Office**
Telephone: 613-545-2100 or 1-800-267-9438
- **Northern Municipal Services Office (Sudbury)**
Telephone: 705-564-0120 or 1-800-461-1193
- **Northern Municipal Services Office (Thunder Bay)**
Telephone: 807-475-1651 or 1-800-465-5027
- **Western Municipal Services Office**
Telephone: 519-873-4020 or 1-800-265-4736

Additional Resources

- Municipal Act, 2001: <https://www.ontario.ca/laws/statute/01m25>
- The Ontario Municipal Councillor's Guide: <https://www.ontario.ca/document/ontario-municipal-councillors-guide-2018>



Proxy Voting for Municipal Council Members

July 2020

This document is intended to give a summary of complex matters. It does not include all details and does not take into account local facts and circumstances. This document refers to or reflects laws and practices that are subject to change. Municipalities are responsible for making local decisions that are in compliance with the law such as applicable statutes and regulations. This document applies only to those municipalities whose meeting rules are governed by the Municipal Act, 2001.

This document, as well as any links or information from other sources referred to in it, should not be relied upon, including as a substitute for specialized legal or other professional advice in connection with any particular matter. The user is solely responsible for any use or application of this document.

Overview

The province is providing municipalities with the flexibility to choose to allow proxy votes for municipal council members who are absent. This power helps ensure continuing representation of constituents' interests on municipal councils when a member is unable to attend in person due to, for example, illness, a leave of absence, or the need to practice physical distancing.

Municipalities that wish to allow proxy voting must amend their procedure bylaws to allow a member of council to appoint another member of the same council to act in their place when they are absent.

Optional and Flexible

Allowing proxy voting is optional and it is up to each municipality to determine whether to allow proxies for council and under what circumstances. If a municipal council chooses to allow proxy voting, it is up to each member to decide whether they wish to appoint a member of that council as a proxy or not if they are to be absent.

Municipalities have the flexibility to determine the scope and extent of proxy appointments including, for example, any local rules or limitations, the process for appointing or revoking a proxy, and how proxyholders may participate in meetings. Municipalities may wish to consider:

- how proxies may be established and revoked;
- circumstances where proxies may or may not be used; and
- how a proxyholder may participate in a meeting including voting, speaking, or asking questions on behalf of the appointing member.

If a municipality chooses to allow proxy voting, it would be the role of the municipal clerk to establish a process for appointing and revoking proxies. Municipalities may also wish to consider addressing proxy voting in their code of conduct or other local policies to help ensure that votes are appropriately cast and that the local process is followed.

Once a proxy has been appointed, the appointing member could revoke the proxy using the process established by the municipal clerk.

Limitations

Limits to the proxy appointment process are set out in legislation. These include:

- A proxyholder cannot be appointed unless they are a member of the same council as the appointing member:
 - For upper-tiers, this means that a proxyholder has to be a member of the same upper-tier council as the appointee, regardless of lower-tier membership;

- A member cannot act as a proxyholder for more than one other member of council at a time;
- An appointed proxy is not counted when determining if a quorum is present;
- A member appointing a proxy shall notify the municipal clerk of the appointment in accordance with a local process established by the clerk; and
- When a recorded vote is taken, the clerk shall record the name and vote of every proxyholder and the name of the member of council for whom the proxyholder is acting.

Council member absence rules still apply. This means that a member's seat would become vacant if they are absent from the meetings of council for three successive months without being authorized to do so by a resolution of council.

Accountability and Transparency

Members appointing proxies or acting as proxyholders are required to follow existing accountability and transparency requirements. For example, a member may not appoint a proxy or serve as a proxyholder on a matter in which they have a pecuniary interest under the *Municipal Conflict of Interest Act*. Municipalities may also want to consider transparency measures such as:

- communicating to the public who has appointed a proxy and who is serving as a proxy;
- publishing meeting agendas in advance so that proxies can be appointed, if needed, and potential conflicts of interest can be identified; and
- allowing members to participate electronically when not able to attend meetings in person rather than appointing a proxy.

For more information about existing accountability and transparency requirements, including the Municipal Conflict of Interest Act, codes of conduct and the role of the local integrity commissioner, please see the [Municipal Councillor's Guide](#).

Contact

If you have questions regarding how these new provisions may impact your municipality, contact your local Municipal Services Office with the Ministry of Municipal Affairs and Housing.

- **Central Municipal Services Office**
Telephone: 416-585-6226 or 1-800-668-0230
- **Eastern Municipal Services Office**
Telephone: 613-545-2100 or 1-800-267-9438
- **Northern Municipal Services Office (Sudbury)**
Telephone: 705-564-0120 or 1-800-461-1193
- **Northern Municipal Services Office (Thunder Bay)**
Telephone: 807-475-1651 or 1-800-465-5027
- **Western Municipal Services Office**
Telephone: 519-873-4020 or 1-800-265-4736

Additional Resources

- Municipal Act, 2001: <https://www.ontario.ca/laws/statute/01m25>
- The Ontario Municipal Councillor's Guide: <https://www.ontario.ca/document/ontario-municipal-councillors-guide-2018>

July 27, 2020

AMO Policy Update – \$4B Municipal Announcement, Provincial Emergency Ended, Provincial Orders, and Rural Economic Development

\$4 Billion Announced for Ontario Municipal Governments and Transit:

Safe Restart Agreement

Premier Doug Ford, at today's news conference, [announced](#) broad details about the federal-provincial funding agreement for Ontario municipal governments in Ontario. The Province, in partnership with the federal government, under the Safe Restart Agreement will be providing up to \$4 billion in one-time emergency assistance to all of Ontario's 444 municipalities aimed at maintaining critical services, including public transit over the next 6 to 8 months.

In April, AMO began its support of the Federation of Canadian Municipalities' call for emergency federal funding. Today's announcement delivers on the requested \$4 billion for Ontario municipal governments and demonstrates that senior orders of government recognize that financially sustainable municipalities will play an essential role in restarting and rebuilding the Ontario economy.

"Premier Ford has announced that there will be up to \$4 billion in federal and provincial funding for municipal operations and transit, which have had to shoulder significant costs related to the management of COVID-19," said AMO president Jamie McGarvey. "It's an important investment in communities in every part of our province and in Ontario's economic recovery."

Funding for Operating Municipal Relief

This funding announcement includes a **\$777 million** contribution from the federal government and **\$1.22 billion** from the Province. The provincial amount includes the previously announced \$350M social services and \$100M public health funding. This

investment amounts to \$2 billion directly supporting municipalities and addressing operating shortfalls and relief related to COVID-19.

Specific allocations for this \$2 billion in funding will be made in the weeks ahead. Minister Clark noted that the Province will be engaging AMO and City of Toronto in the next few days.

Funding for Transit

A funding deal for public transit was reached as part of the federal-provincial agreement. It was announced that up to **\$2 billion** will be shared equally between the Province and federal government. This funding will assist transit operators address revenue losses and help maintain operations in a safe manner as the economy restarts and begins its recovery.

After many months of advocacy and partnership, AMO is proud of the role we played along with our many partners to advance the interests of the municipal sector, and the people and families, and public and private enterprises that comprise our communities. Today is another positive step toward a strong and safe economic recovery throughout the province that recognizes the critical need for municipal operations and transit for communities for local economies.

Premier Ford expressed his gratitude for the support of local leaders:

“I want to thank Ontario’s 444 local leaders who supported us through our negotiations with the federal government and through each stage of reopening. We will continue to be a champion for our municipal partners as they safely reopen their communities and ensure people can get back to work.”

On Friday, July 24th AMO President Jamie McGarvey [wrote to the Premier](#) thanking him for advocating on behalf of municipal governments in the negotiations for the national Safe Restart Agreement. Premier Ford, Minister Clark, and other provincial ministers have been strong partners with municipal leaders throughout the COVID-19 emergency as well as before.

AMO will provide an update to members when more detailed allocation information is available.

Provincial Emergency Declaration Ended

The COVID-19 declared provincial emergency came to an end on July 24. On July 21, 2020, [Bill 195, Reopening Ontario \(A Flexible Response to COVID-19\) Act, 2020](#) received Royal Assent. This new Act was proclaimed on July 24, 2020.

The *Reopening Ontario Act* (ROA) provides the Province with flexibility to address the ongoing risks and effects of the COVID-19 outbreak once the declared provincial emergency under the *Emergency Management and Civil Protection Act* (EMCPA) ends. It provides that:

- Emergency orders in effect under the EMCPA, as of July 24, are continued under the ROA for an initial 30 days.
- The Lieutenant Governor in Council may further extend these orders under the ROA for up to 30 days at a time.
- The Lieutenant Governor in Council may amend certain orders continued under the ROA if the amendment relates to:
 - labour redeployment or workplace and management rules;
 - closure of places and spaces or regulation of how businesses and establishments can be open to provide goods or services in a safe manner;
 - compliance with public health advice; or,
 - rules related to gatherings and organized public events.

The ROA does not allow new orders to be created.

New Provincial Orders under the *Emergency Management and Civil Protection Act*

Reg 420-20 – **Stages of Reopening** (Stage 2/3 as of July 24)

<https://www.ontario.ca/laws/regulation/r20420>

Reg 421-20 – **Proceedings Commenced by Certificate of Offence** (Schedule 80.1 – change from *A Flexible Response to COVID-19 Act, 2020*)

<https://www.ontario.ca/laws/regulation/r20421>

Reg 422-20 – **Enforcement of Orders** (reasonable and probable grounds re: failed to comply around emergency orders; interfered or obstructed any person to comply with an emergency order)

<https://www.ontario.ca/laws/regulation/r20422>

Reg 423-20 – **Extensions and Renewals of Orders** (shortening of previous extensions)

<https://www.ontario.ca/laws/regulation/r20423>.

Rural Economic Development (RED) Program Announcement

On Thursday July 23rd, the Province [announced](#) \$3.3 million of cost-shared funding would be awarded to [58 successful projects](#) across Ontario for the first intake of the updated Rural Economic Development (RED) program.

ROMA and AMO have long supported this program as an important part of addressing rural economic development challenges. Investments in rural economies has a lasting and positive economic impact for those communities and their residents.

The timing of this announcement was reflected by the Honourable Minister of Agriculture, Food and Rural Affairs, Ernie Hardeman, who noted that *"As the economy reopens, our investments in the Rural Economic Development program will have a very real impact for communities across rural Ontario"*.

AMO's [COVID-19 Resources](#) page is being updated continually so you can find critical information in one place. Please send any of your municipally related pandemic questions to covid19@amo.on.ca.

*Disclaimer: The Association of Municipalities of Ontario (AMO) is unable to provide any warranty regarding the accuracy or completeness of third-party submissions. Distribution of these items does not imply an endorsement of the views, information or services mentioned.

Municipal Office
15 Water Street
Telephone (705) 282-2420
Fax (705) 282-3076

Postal Box 590
Gore Bay, Ontario
P0P 1H0



Office of the
Clerk

July 21, 2020

Tracy Macdonald
Assistant Clerk
Town of Orangeville
87 Broadway
Orangeville, ON L9W 1K1

Dear Tracy;

Re: Support of OPP Diversity Training

Please be advised that at a recent Council meeting held on July 13, 2020 Council reviewed your correspondence regarding common training requirements for all members of Police Services in Ontario as it relates to diversity, empathy and use of force.

The Town of Gore Bay supports the town of Orangeville in their efforts to encourage common training requirements to all members of the Ontario Provincial Police Force. Please find attached a certified true copy of Resolution No. 14851 indicating the Town of Gore Bay's support.

Yours truly,

Stasia Carr
Clerk
Encl.
SC/cp

cc: The Honourable Sylvia Jones, Solicitor General
AMCTO

THE CORPORATION OF THE TOWN OF GORE BAY

RESOLUTION NUMBER 14851

14851

Moved by Paulie Nodecker

Seconded by Aaron Wright

WHEREAS the Town of Orangeville is requesting support of their motion regarding OPP Diversity Training;

AND WHEREAS they are concerned that although the OPP have indicated they have a comprehensive diversity training program, there may not be the same resources available throughout the province detachments;

AND WHEREAS there is public concern regarding the use of force, such as neck restraints, and oversight;

THEREFORE BE IT RESOLVED THAT Gore Bay Council supports the Town of Orangeville in their efforts to encourage common training requirements to all members of the Ontario Provincial Police Force and they be so advised;

FURTHER this motion be sent to the Solicitor General's Office and be circulated to all Ontario Municipalities.

Carried

THIS IS A CERTIFIED TRUE COPY
OF RESOLUTION NUMBER 14851
ADOPTED BY COUNCIL ON
July 13, 2020


.....
Stasia Carr
Clerk



JOINT BOARD OF MANAGEMENT

Wednesday, June 17, 2020
9:00 AM

Virtually in Zoom

MINUTES

Members Present: Mayor MacDonald (Chair); Deputy Mayor Verbeke, Councillors Dunn, Jacobs, Hammond, Wilkinson - Leamington
Mayor Santos, Deputy Mayor Queen, Councillors DeYong, Neufeld, Patterson - Kingsville
Councillor VanderDoelen - Essex
Mayor Bain (alternate) - Lakeshore

Municipal Staff Present: Councillor Walstedt - Lakeshore

UWSS Staff Present: Rodney Bouchard, Manager UWSS
Khristine Johnson, UWSS Recording Secretary

Municipal Staff Present: Albert Dionne - Lakeshore
Kevin Girard - Essex
Shaun Martinho - Kingsville

OCWA Staff Present: Susan Budden
Dale Dillen, Ken Penney

Call to Order: 9:02 am

Disclosures of Pecuniary Interest: none

Adoption of Board Minutes:

The Regular Minutes of the Union Water Supply System Joint Board of Management meeting held virtually on Wednesday, May 20, 2020 is received.

No. UW-29-20

Moved by: Councillor Hammond

Seconded by: Councillor Wilkinson

That the Regular Meeting Minutes of the UWSS Joint Board of Management meeting of May 20, 2020 is approved..

Business Arising Out of the Minutes:

There was none.

Report UW/16/20 dated June 12, 2020 re: Status Update of the UWSS Operations & Maintenance Activities and Capital Works to June 12, 2020

The Manager thanks all members for participating in the Zoom meeting and hopes that everyone is remaining safe during these times. He notes that operations at the WTP is still mostly essential services and members are working remotely as best as they can.

The Manager provides updates on several projects still moving forward. Greenflag Coatings was retained to refinish walls at the Cottam Booster Station (CBS) to allow for new piping to be installed. This has now been completed and commissioned by OCWA staff. The intent of this project was to boost chlorine capacities and it seems to be working well. The Low Lift #5 pump is currently out for repair, however should be back in service in July.

The Manager reminds members of the Board of providing assistance to the Harrow and Colchester South WTP during their need to make necessary repairs. He notes that this project was to take place in March, when flows were lower, however with the delay due to COVID19 the repairs were being made now. He confirms that when the interconnects were initially opened low pressures were experienced in both Southwestern Kingsville and Harrow. He confirms that there was some impact to some businesses. He notes that the UWSS demands are quite high right now and this impacted the project slightly. He confirms that the Harrow/Colchester pumps were being commissioned later today and it was anticipated that the interconnect between Kingsville and Harrow would be closed by the end of the week. All fluctuating pressures should then return to normal.

OCWA staff are recommending a spare pump for waste water pump #2 is purchased as the main one is out for repairs and they only have one backup. The Manager notes that these pumps are often in need of repair and it would be beneficial to have a rotation of pumps to work with.

The Manager explains that OCWA staff have noted some issues with the sludge blow off valves on Clarifier #1 and #4. The #4 has been repaired by staff and the #1 will require new parts, which are on order.

The Filter #3 drain valve is not opening 100% and is causing issues with the auto backwash cycle. At this point it is taking longer to obtain the necessary parts, but they have been ordered and will be repaired once the parts arrive. The Manager also notes that the backflow preventer testing has been completed by KZ Plumbing. It was noted that two (2) failed inspections and will be repaired. KZ plumbing will be providing quotes for the repairs.

The Manager provides an update on the SCADA project. He notes that the project was put on hold on March 16, 2020, however, contractors are working at their home sites on some of the programming that needs to be completed. He further notes that a majority of the rest of the work cannot be completed until lower flows in the Fall as this will

require shutting down portions of the plant. This task cannot be accomplished during higher flow season.

The Manager provides an update on the CO₂ pH Adjustment project. He confirms that the project is basically completed and the substantial completion is also done. The land grading should be completed shortly. Maple Reinders, the contractor, is on site to address some minor issues, but should be leaving by the end of July.

The Manager then reminds members of the Board that the OCWA Engineering Services team is assisting with the Kingsville Water Tower (KWT) project. Some smaller aspects have been completed in preparation for this project. The Engineering team feels it is now best to split the project into two (2) separate sections. The first being the completion of the KWT rehabilitation portion. The second portion, containing the design of the utility building, should be completed at a later date. This will allow time to speak with The Town of Kingsville to determine the lease on the land, and the best design for the building. The Manager does provide the members with an example of the building that they are seeking to build. His hope is that the tendering for the KWT rehabilitation will be completed shortly so that the project can move forward in July.

The Manager confirms that the hydrant retrofit project will be moving forward. He notes that all municipal partners have provided feedback to him where best to place the readers. He is hoping that by mid-July to have the smart hydrants installed. The Manager also notes that Empire Communications has been retained to install security systems at the UWSS facilities and he is hoping this work can be completed by the end of July 2020. The Manager is also soliciting quotes from contractors for the lab construction to take place at the Ruthven WTP. He is hoping this project can start by September 2020.

The Manager reminds members of the board about the sewer separation project. The preliminary design has been provided by NJ Peralta and is currently under review by the County of Essex.

The Manager informs members of the board of the meeting have with Associated Engineers (AE) regarding the mixing system at the Cottam Booster Station reservoirs. The Manager notes that the mixers are getting to the end of their life expectancies. The Manager is hoping to install a low cost passive mixing system. This system has no moving parts and should improve chlorine residuals. AE has identified some preliminary options that might work best in this situation.

The Manager then notes that he received an email from Hydro One regarding UWSS classification. He explains that UWSS currently sits as a Class B facility. However, the email received notes that UWSS could move to a Class A facility. Upon further review it was determined that moving from the current class over to Class A would actually cost UWSS \$127,000 more per year. The Manager informed Hydro One that UWSS would not be switching its class designation.

One more item that was not listed on the report that the Manager brings to the boards attention. He explains that the new Low Lift transformer, that had been ordered months ago, has arrived and should be installed by the end of July.

The Manager then notes the flows for the year to date. He explains that flows are trending up quite a bit.

There is then a discussion regarding our flows and if the water lines can handle the flow. The Operations Manager explains that the raw water lines can handle the flow coming in that is not a concern at the time.

Councillor Vander Doelen asks the Manager if he is aware how many businesses were shut down and which ones they were during the low pressure situation, when UWSS was feeding Harrow. The Manager refers to Operations Manager for the answer. Mr. Dillen indicates that he was uncertain of any businesses actually shutting down, but rather some of the machinery was not able to run at capacity during the peak daytime hours at Atlas Tube as the pressure was not high enough. He understood they ran those machines later in the evening. Mr. Dillen was unaware of any costs associated with this situation.

The Manager then suggested that with increasing flows it might be in UWSS best interest to consider putting in a new reservoir. Councillor Vander Doelen asks how long it would take to construct and costs associated with this. The Manager notes that it could potentially take one (1) year to construct and he would need to look at various aspects to determine costs, but a rough estimate could potentially be \$15 million.

The Chair asks the Manager if the newer governance model would address the funding issue that UWSS faces. The Manager explains that the governance model is all on hold, and the Chair explains that it might be nice to have some of applications ready and how UWSS will finance such a project if the new governance model is not in place.

Councillor DeYong has a comment regarding the water restrictions. She asks that perhaps in the future more educational information is provided to residents so they are aware of the reasons behind the watering by-laws. The Manager concurs that this is a good idea and he will get something ready. He further notes that the watering by-laws have always been in place and the need has not been there to enforce them until just recently.

No. UW-30-20

Moved by: Councillor Dunn

Seconded by: Mayor Bain

That report UW//16/20 dated June 12, 2020 re: Status Update of the UWSS Operations & Maintenance Activities and Capital Works to June 12, 2020 is received.

Carried (UW/16/20)

Report UW/17/20 dated June 12, 2020 re: Payments from May 27th to June 12th, 2020

No. UW-31-20

Moved by: Councillor Patterson

Seconded by: Councillor Jacobs

That report UW/17/20 dated June 12, 2020 re: Payments from May 27 to June 12, 2020 is received.

Carried (UW/17/20)

New Business

Happy Birthday greetings are extended to Councillor Jacobs.

Adjournment

No. UW-32-20

Moved by: Deputy Mayor Queen

Seconded by: Councillor Wilkinson

That the meeting adjourn at 9:36 am

Carried

Date of Next Meeting: Wednesday, July 15th, 2020 9:00 am, virtually in zoom

/kmj

July 20, 2020

Town of Essex
Attention: Larry Snively, Mayor
33 Talbot Street South
Essex Ontario
N8M 1A8

Dear Mayor Snively,

Re: COVID-19 Financial Relief for Municipalities

On July 15, 2020, Essex County Council met for their Regular Council Meeting at which they considered a letter and resolution from the Town of Essex regarding the COVID-19 Financial Relief for Municipalities (attached hereto).

As a result, the Council of the County of Essex resolved the following:

132-2020

Moved By: Tracey Bailey

Seconded by: Gord Queen

That Essex County Council supports the resolution of the Town of Essex, requesting Essex MPP, Taras Natyshak to request the Provincial Government review the need for financial support for municipalities as a result of COVID-19.

Carried

The County of Essex agrees with the need to request the Provincial Government to evaluate the COVID-19 pandemic's impact to municipal budgets and discuss the need for immediate provincial support for municipalities.

Further, the County of Essex acknowledges that providing critical services within the community during the COVID-19 pandemic has resulted in increased financial pressure and that fiscal relief from other levels of government is required.

Should you require clarification or if you would like to further discuss the matter presented, please contact this office at your convenience.

Regards,



Gary McNamara
Warden, County of Essex

Encl: Town of Essex Letter/Resolution

CC:

- Taras Natyshak, MPP (tnatyshak-qp@ndp.on.ca), (hayesp@ndp.on.ca)
- Rick Nicholls, MPP, Chatham-Kent-Essex (rick.nicholls@pc.ola.org)
- Percy Hatfield, MPP, Windsor-Tecumseh (Phatfield-qp@ndp.on.ca)
- Robert Auger, Town of Essex (rauger@essex.ca)



July 3, 2020

To: Taras Natyshak, MPP (Essex)
Room 369
Legislative Building, Queen's Park
Toronto, ON M7A 1A5
Email: tnayshak-qp@ndp.on.ca

AND TO: Taras Natyshak, MPP
Constituency Office
316 Talbot St. N.
Essex, On, N8M 2E1
Email: HayesP@ndp.on.ca

RE: COVID-19 Financial Relief for Municipalities

Dear Mr. Natyshak,

On behalf of the Town of Essex I wish to advise that at its Special Council meeting of June 29, 2020 Essex Town Council passed the following resolution for your consideration:

Moved By Mayor Snively
Seconded By Councilor Bondy

That a letter be sent to Taras Natyshak, Member of Provincial Parliament for Essex, asking Mr. Natyshak if he could read such letter in the House and request the Ontario Government to provide immediate relief and/or financial support in order to assist with the additional financial burdens that Municipalities all across Ontario have had to bear and will continue to bear as a result of the COVID-19 pandemic.

"Carried"

During this unique and unparalleled time, Municipalities all across Ontario have had to deal with the additional financial pressures associated with providing and continuing to provide critical services while at the same time suffering unprecedented revenue losses. These



pressures are further compounded by the fact that municipalities are unable to run budgetary deficits and have limited revenue generating tools. Further, running deficits as a way to manage municipal financial challenges as a result of the pandemic would not be in the public interest. Accordingly, without fiscal relief from other levels of government, the concern is that municipalities facing unparalleled financial hardship may be forced to make difficult decisions to reduce the level of services being provided to their residents.

On behalf of Essex Town Council we therefore ask the Ontario Government to immediately evaluate the COVID-19 pandemic's impact to municipal budgets and discuss the need for immediate provincial support for municipalities.

I trust you will find this satisfactory, but should you have any questions regarding this matter please feel free to contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Auger", with a long horizontal flourish extending to the right.

Robert W. Auger, L.L.B.
The Corporation of the Town of Essex
Town Solicitor, Legal and Legislative Services/Clerk
Ext. 1132
Email: rauger@essex.ca

c.c. Paula Parker, Municipal Clerk/Risk Manager
Town of Amherstburg
Email: pparker@amherstburg.ca

Valerie Critchley, City Clerk
City of Windsor



Email: clerks@citywindsor.ca

Jennifer Astrologo, Director of Corporate Services/Clerk

Town of Kingsville

Email: jastrologo@kingsville.ca

Agatha Robertson, Director of Council Services/Clerk

Town of LaSalle

Email: arobertson@lasalle.ca

Kristen Newman, Director of Legislative and Legal Services/Clerk

Town of Lakeshore

Email: knewman@lakeshore.ca

Brenda Percy, Municipal Clerk/Manager of Legislative Services

Municipality of Leamington

Email: bpercy@leamington.ca

Laura Moy, Director of Corporate Services/Clerk

Town of Tecumseh

Email: lmoy@tecumseh.ca

Mary Birch, Director of Council and Community Services/Clerk

County of Essex

Email: mbirch@countyofessex.ca

July 20, 2020

Town of Essex
Attention: Larry Snively, Mayor
33 Talbot Street South
Essex Ontario
N8M 1A8

Dear Mayor Snively,

Re: COVID-19 Financial Relief for Non-Profit and Community Service Clubs and Organizations

On July 15, 2020, Essex County Council met for their Regular Council Meeting at which they considered a letter and resolution from the Town of Essex regarding the COVID-19 Financial Relief for Non-Profit and Community Service Clubs and Organizations (attached hereto).

As a result, the Council of the County of Essex resolved the following:

131-2020

Moved By: Marc Bondy

Seconded by: Richard Meloche

That Essex County Council supports the resolution of the Town of Essex requesting provincial financial relief for community non-profit and service clubs and organizations as a result of COVID-19.

Carried

The County of Essex recognizes the important role that non-profit and community service clubs and organizations play in every community, and acknowledges the operational challenges that the COVID-19 pandemic has brought to them. Further, the County of Essex supports the resolution in the hopes that these services can remain viable within the Province, including Essex County municipalities.

COVID-19 Financial Relief for Non-Profit and Community Service Clubs and Organizations - Support for the Resolution from the Town of Essex
July 20, 2020

Should you require clarification or if you would like to further discuss the matter presented, please contact this office at your convenience.

Regards,



Gary McNamara
Warden, County of Essex

Encl: Town of Essex Letter/Resolution

CC:

- The Honourable Doug Ford, Premier of Ontario (doug.ford@pc.ola.org)
- Taras Natyshak, MPP, Essex, (tnatyshak-qp@ndp.on.ca)
- Rick Nicholls, MPP, Chatham-Kent-Essex (rick.nicholls@pc.ola.org)
- Percy Hatfield, MPP, Windsor-Tecumseh (Phatfield-qp@ndp.on.ca)
- Chris Lewis, MP, Essex, (chris.lewis@parl.gc.ca)
- David Epp, MP, Chatham-Kent-Leamington, (dave.epp@parl.gc.ca)
- Irek Kusmierczyk, MP, (irek.kusmierczyk@parl.gc.ca)
- Robert Auger, Town of Essex (rauger@essex.ca)



June 17, 2020

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Queen's Park
Toronto, ON M7A 1A1
Email: premier@ontario.ca

RE: COVID-19 Financial Relief for Non-Profit and Community Service Clubs and Organizations

Dear Premier,

At its regular council meeting of June 15, 2020 Essex Town Council passed the following resolution for your consideration:

Moved By Councillor Bjorkman
Seconded By Councillor Bondy

(R20-06-207) That a letter be sent to the Honourable Doug Ford, Premier of Ontario requesting the Province to look into all possible ways of providing tax and/or other financial relief to our community non-profit and service clubs and organizations as a result of those organizations not being able to operate and be open as a result of the COVID-19 pandemic; and

That a copy of the copy of the resolution be sent to Taras Natyshak, MPP, Essex, Chris Lewis, MP, Essex, the City of Windsor and all County of Essex municipalities.

"Carried"

Non-profit and service clubs and organizations play an important role in every community of our Province and so we accordingly ask the Government of Ontario to consider ways to assist these valuable members of our community so that they can remain viable despite the challenges brought by the COVID-19 pandemic.

I trust you will find this satisfactory, but should you have any questions regarding this matter please feel free to contact the undersigned.



Yours truly,

A handwritten signature in black ink, appearing to read "R. Auger".

Robert W. Auger, L.L.B.
Town Solicitor, Legal and Legislative Services/Clerk
Ext. 1132
Email: rauger@essex.ca

RWA

c.c. Taras Natyshak, MPP
Email: tnayshak-qp@ndp.on.ca

Chris Lewis, MP
Email: chris.lewis@parl.gc.ca

Paula Parker, Municipal Clerk/Risk Manager
Town of Amherstburg
Email: pparker@amherstburg.ca

Valerie Critchley, City Clerk
City of Windsor
Email: clerks@citywindsor.ca

Jennifer Astrologo, Director of Corporate Services/Clerk
Town of Kingsville
Email: jastrologo@kingsville.ca

Agatha Robertson, Director of Council Services/Clerk
Town of LaSalle
Email: arobertson@lasalle.ca

Kristen Newman, Director of Legislative and Legal Services/Clerk
Town of Lakeshore
Email: knewman@lakeshore.ca

Brenda Percy, Municipal Clerk/Manager of Legislative Services
Municipality of Leamington
Email: bpercy@leamington.ca



Laura Moy, Director of Corporate Services/Clerk
Town of Tecumseh
Email: lmoy@tecumseh.ca

Mary Birch, Director of Council and Community Services/Clerk
County of Essex
Email: mbirch@countyofessex.ca



2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305
www.kingsville.ca
kingsvilleworks@kingsville.ca

VIA EMAIL (rauger@essex.ca)

July 22, 2020

The Corporation of the Town of Essex
33 Talbot St. South
Essex, ON N8M 1A8

Attention: Robert W. Auger, LL.B., Town Solicitor, Legal and Legislative Services/Clerk

Dear Mr. Auger:

RE: COVID-19 Financial Relief for Municipalities

Your correspondence dated July 3, 2020 addressed to MPP T. Natyshak was presented to Kingsville Council at its Regular Meeting held Monday, July 13, 2020. At such Meeting, Kingsville Council supported Essex Town Council's Resolution as per the following:

"422-2020

Moved By Councillor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That Council supports Town of Essex Resolution passed at its Special Council Meeting of June 29, 2020 requesting MPP T. Natyshak to read Town of Essex Correspondence in the House and request the Ontario Government to provide immediately relief and/or financial support in order to assist with the additional financial burdens that Municipalities all across Ontario have had to bear and will continue to bear as a result of the COVID-19 pandemic.

CARRIED"

For reference purposes, a copy of this correspondence (together with a copy of your July 3, 2020 correspondence above-referenced) has been sent to MPP Natyshak as noted below.

Yours very truly,

A handwritten signature in blue ink that reads "Sandra Kitchen".

Sandra Kitchen, Deputy Clerk-Council Services
Corporate Services Department
skitchen@kingsville.ca

Encl.

cc: Taras Natyshak, MPP (Essex) (tnatyshak-gp@ndp.on.ca and HayesP@ndp.on.ca)



July 3, 2020

To: Taras Natyshak, MPP (Essex)
Room 369
Legislative Building, Queen's Park
Toronto, ON M7A 1A5
Email: tnayshak-qp@ndp.on.ca

AND TO: Taras Natyshak, MPP
Constituency Office
316 Talbot St. N.
Essex, On, N8M 2E1
Email: HayesP@ndp.on.ca

RE: COVID-19 Financial Relief for Municipalities

Dear Mr. Natyshak,

On behalf of the Town of Essex I wish to advise that at its Special Council meeting of June 29, 2020 Essex Town Council passed the following resolution for your consideration:

Moved By Mayor Snively
Seconded By Councilor Bondy

That a letter be sent to Taras Natyshak, Member of Provincial Parliament for Essex, asking Mr. Natyshak if he could read such letter in the House and request the Ontario Government to provide immediate relief and/or financial support in order to assist with the additional financial burdens that Municipalities all across Ontario have had to bear and will continue to bear as a result of the COVID-19 pandemic.

"Carried"

During this unique and unparalleled time, Municipalities all across Ontario have had to deal with the additional financial pressures associated with providing and continuing to provide critical services while at the same time suffering unprecedented revenue losses. These



pressures are further compounded by the fact that municipalities are unable to run budgetary deficits and have limited revenue generating tools. Further, running deficits as a way to manage municipal financial challenges as a result of the pandemic would not be in the public interest. Accordingly, without fiscal relief from other levels of government, the concern is that municipalities facing unparalleled financial hardship may be forced to make difficult decisions to reduce the level of services being provided to their residents.

On behalf of Essex Town Council we therefore ask the Ontario Government to immediately evaluate the COVID-19 pandemic's impact to municipal budgets and discuss the need for immediate provincial support for municipalities.

I trust you will find this satisfactory, but should you have any questions regarding this matter please feel free to contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Auger", with a long horizontal flourish extending to the right.

Robert W. Auger, L.L.B.
The Corporation of the Town of Essex
Town Solicitor, Legal and Legislative Services/Clerk
Ext. 1132
Email: rauger@essex.ca

c.c. Paula Parker, Municipal Clerk/Risk Manager
Town of Amherstburg
Email: pparker@amherstburg.ca

Valerie Critchley, City Clerk
City of Windsor



Email: clerks@citywindsor.ca

Jennifer Astrologo, Director of Corporate Services/Clerk

Town of Kingsville

Email: jastrologo@kingsville.ca

Agatha Robertson, Director of Council Services/Clerk

Town of LaSalle

Email: arobertson@lasalle.ca

Kristen Newman, Director of Legislative and Legal Services/Clerk

Town of Lakeshore

Email: knewman@lakeshore.ca

Brenda Percy, Municipal Clerk/Manager of Legislative Services

Municipality of Leamington

Email: bpercy@leamington.ca

Laura Moy, Director of Corporate Services/Clerk

Town of Tecumseh

Email: lmoy@tecumseh.ca

Mary Birch, Director of Council and Community Services/Clerk

County of Essex

Email: mbirch@countyofessex.ca



The Corporation of The Town of Amherstburg

July 28, 2020

Taras Natyshak, MPP (Essex)
Room 369
Legislative Building, Queen's Park
Toronto, ON M7A 1A5
Email: Tnayshak-qp@ndp.on.ca

VIA EMAIL

Taras Natyshak, MPP
Constituency Office
316 Talbot St. N.
Essex, ON, N8M 2E1
Email: HayesP@ndp.on.ca

RE: COVID-19 Financial Relief for Municipalities

Dear Mr. Natyshak,

At its meeting of July 13th, 2020, Council passed the following resolution for your consideration:

That Administration BE DIRECTED to send correspondence in support of the Town of Essex's resolution regarding their request to the Ontario Government to provide immediate relief/and or financial support in order to assist Municipalities as a result of the COVID-19 pandemic.

Enclosed is a copy of the Town of Essex's resolution for convenience and reference purposes.

Regards,

Tammy Fowkes
Deputy Clerk, Town of Amherstburg
(519) 736-0012 ext. 2216
tfowkes@amherstburg.ca

cc:

Chris Lewis, MP
Email: chris.lewis@parl.gc.ca

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk - Town of Essex
Email: rauger@essex.ca

Jennifer Astrologo, Director of Corporate Services/Clerk - Town of Kingsville
Email: jastrologo@kingsville.ca

Agatha Robertson, Director of Council Services/Clerk - Town of LaSalle
Email: arobertson@lasalle.ca

Kristen Newman, Director of Legislative and Legal Services/Clerk - Town of Lakeshore
Email: knewman@lakeshore.ca

Brenda Percy, Municipal Clerk/Manager of Legislative Services - Municipality of Leamington
Email: bpercy@leamington.ca

Laura Moy, Director of Corporate Services/Clerk - Town of Tecumseh
Email: lmoy@tecumseh.ca

Mary Birch, Director of Council and Community Services/Clerk -County of Essex
Email: mbirch@countyofessex.ca

Valerie Critchley, City Clerk – City of Windsor
Email: clerks@citywindsor.ca

Association of Municipalities of Ontario (AMO)
Email: amo@amo.on.ca



July 3, 2020

To: Taras Natyshak, MPP (Essex)
Room 369
Legislative Building, Queen's Park
Toronto, ON M7A 1A5
Email: tnayshak-qp@ndp.on.ca

AND TO: Taras Natyshak, MPP
Constituency Office
316 Talbot St. N.
Essex, On, N8M 2E1
Email: HayesP@ndp.on.ca

RE: COVID-19 Financial Relief for Municipalities

Dear Mr. Natyshak,

At its Special Council meeting of June 29, 2020 Essex Town Council passed the following resolution for your consideration:

Moved By Mayor Snively
Seconded By Councilor Bondy

That a letter be sent to Tara Natyshak, Member of Provincial Parliament for Essex, asking Mr. Natyshak if he could read such letter in the House and request the Ontario Government to provide immediate relief and/or financial support in order to assist with the additional financial burdens that Municipalities all across Ontario have had to bear and will continue to bear as a result of the COVID-19 pandemic.

"Carried"

During this unique and unparalleled time, Municipalities all across Ontario have had to deal with the additional financial pressures associated with providing and continuing to provide critical services while at the same time suffering unprecedented revenue losses. These



pressures are further compounded by the fact that municipalities are unable to run budgetary deficits and have limited revenue generating tools. Further, running deficits as a way to manage municipal financial challenges as a result of the pandemic would not be in the public interest. Accordingly, without fiscal relief from other levels of government, the concern is that municipalities facing unparalleled financial hardship may be forced to make difficult decisions to reduce the level of services being provided to their residents.

We therefore ask the Ontario Government to immediately evaluate the COVID-19 pandemic's impact to municipal budgets and discuss the need for immediate provincial support for municipalities.

I trust you will find this satisfactory, but should you have any questions regarding this matter please feel free to contact the undersigned.

Yours truly,

A handwritten signature in black ink, appearing to read "R. Auger", with a long horizontal flourish extending to the right.

Robert W. Auger, L.L.B.
Town Solicitor, Legal and Legislative Services/Clerk
Ext. 1132
Email: rauger@essex.ca

RWA

c.c. Chris Lewis, MP
Email: chris.lewis@parl.gc.ca

Paula Parker, Municipal Clerk/Risk Manager
Town of Amherstburg
Email: pparker@amherstburg.ca



Valerie Critchley, City Clerk
City of Windsor
Email: clerks@citywindsor.ca

Jennifer Astrologo, Director of Corporate Services/Clerk
Town of Kingsville
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Agatha Robertson, Director of Council Services/Clerk
Town of LaSalle
Email: arobertson@lasalle.ca

Kristen Newman, Director of Legislative and Legal Services/Clerk
Town of Lakeshore
Email: knewman@lakeshore.ca

Brenda Percy, Municipal Clerk/Manager of Legislative Services
Municipality of Leamington
Email: bpercy@leamington.ca

Laura Moy, Director of Corporate Services/Clerk
Town of Tecumseh
Email: lmoy@tecumseh.ca

Mary Birch, Director of Council and Community Services/Clerk
County of Essex
Email: mbirch@countyofessex.ca



The Corporation of the Town of Tecumseh

June 16, 2020

The Honourable Navdeep Bains.
Minister of Innovation, Science and Industry
Navdeep.Bains@parl.gc.ca

The Honourable Catherine McKenna
Minister of Infrastructure and Communities
Catherine.McKenna@parl.gc.ca

The Honourable Maryam Monsef
Minister of Rural Economic Development
Minister for Women and Gender Equality
Maryam.Monsef@parl.gc.ca

Dear Ministers,

The Council of the Town of Tecumseh, at its regular meeting held Tuesday, June 09, 2020, gave consideration to correspondence from The Honourable Steve Clark, Minister of Municipal Affairs and Housing, requesting urgent federal action to provide immediate funding for reliable broadband access across Ontario.

At their meeting, Tecumseh Council passed the following resolution:

“That Tecumseh Council **support** the request of The Honourable Steve Clark, Minister of Municipal Affairs and Housing, and other Ontario Municipalities calling for urgent federal action to provide immediate funding for reliable broadband access across Ontario;

And that a copy of Council’s resolution **be sent** to the Minister of Innovation, Science and Industry; Minister of Infrastructure and Communities; Minister of Rural Economic Development and Minister for Women and Gender Equality; Minister of Municipal Affairs and Housing, as well as the Local MPPs, area municipalities and Association of Municipalities of Ontario.

Carried

Please consider this letter as confirmation of the Town of Tecumseh’s support on the above matter.

Yours very truly,


Laura Moy, Dipl.M.M., CMMIII HR Professional
Director Corporate Services & Clerk

LM/kc

CC: Minister of Municipal Affairs and Housing, minister.mah@ontario.ca
MPP – Provincial Windsor West, lgretzky-qp@ndp.on.ca
MPP – Provincial Windsor-Tecumseh, phatfield-qp@ndp.on.ca
MPP – Essex, Tnatyshak-qp@ndp.on.ca
Association of Municipalities of Ontario, amo@amo.on.ca
Town of LaSalle, arobertson@lasalle.ca
Town of Leamington, bpercy@leamington.ca
Town of Kingsville, jastrologo@kingsville.ca
Town of Lakeshore, knewman@lakeshore.ca
Town of Amherstburg, pparker@amherstburg.ca
Town of Essex, rauger@essex.ca
City of Windsor, clerks@citywindsor.ca

Arts, Culture and Tourism Committee Meeting

The Arts Culture and Tourism (ACT) Committee meets in session this 8th day of July, 2020, by way of Zoom Video Conferencing.

The Vice-Chair, Patti Oshar called the meeting to order at 4:33 PM and welcomed all committee members.

1. Roll Call

Present: Anthony Paniccia, Chair (4:40 pm)

Patti Oshar, Vice Chair

Diane Quinn-Ouellette

Tracy Armstrong

Grant Maguire

Councillor Steve Bjorkman

Also Present: Cynthia Cakebread, Manager, Recreation and Culture

Janice Aloisio, Administrative Assistant, Community Services

Regrets: Jeannette Kervoelen

Joseph Cornwall

2. Declarations of Conflict of Interest

- None stated

3. Adoption of Published Agenda

- July 8, 2020 Zoom video conferencing meeting agenda

Moved by: Grant Maguire

Seconded by: Tracy Armstrong

(ACT20-07-016) That the agenda of the Wednesday, June 10, 2020, 2020 Arts, Culture and Tourism Committee Zoom Video Conferencing meeting be adopted as presented. **“Carried”**

4. Adoption of Minutes

- Minutes of June 10, 2020 Zoom Video Conferencing meeting

Moved by: Grant Maguire

Seconded by: Tracy Armstrong

(ACT20-07-017) That the minutes of the Wednesday, June 10, 2020, Arts, Culture and Tourism Committee Zoom Video Conferencing meeting be adopted as circulated. **“Carried”**

5. Unfinished Business

a) Explore Eats Essex Update

- Tracy advised she still requires some additional prize gift cards and once she has received a couple more, she will create a gift basket that pictures can be taken of and used for promotion of the event on the Town’s social media sites;
- Tracy further mentioned Ure’s and although advised that it is an Amherstburg restaurant, Cynthia advised that precedents have included another restaurant outside of Essex and if they are interested in participating, to let them as they are very close;
- Tracy indicated she was in need of help collecting some of the gift cards from the Harrow/Colchester areas and both Grant and Steve will work together with her to give her assistance in that regard.

b) Tune Up The Parks Update

- Cynthia advised that the first five performers that submitted have been played and as no new performances have been received other than the initial five, she is providing encore presentations of their performances and should any new ones come in, she will present them;
- Viewings of the submissions received ranged between 500 up to 2400 views and had lots of ‘sharing’ of the videos, so they have been very well received;

- Asked how the virtual tipping has gone, she advised there is no means to tell as they are private and of the 5 submissions, 3 asked for no tips;
- Cynthia further advised that she has posted on town's social media sites several times looking for new presenters and although it would appear there is interest, no new submissions of interest have been received;
- Cynthia provided the committee with a look at the new 'Tune-up the Parks' in-ground banner and advised that they ran around \$275 each; Committee was very pleased with them;
- Once provincial and local health unit guidelines and restrictions are lifted, performances will resume in the parks as previously scheduled;
- There remain a number of openings available for interested artists.

c) Fall/Winter Christmas Community Engagement Event

- Diane has her proposal circulated prior to the meeting;
- The proposal was reviewed by the committee and discussion was had by the committee on the designing of a platform for the event and timelines involved;
- Diane will look into corporate sponsorship, particularly with the local hardware store in the area in the coming weeks and report back at the next meeting;
- Online submissions with photo upload to commence on November 16 and finish on the 3rd of December;
- Janice will create the electronic form for submissions/entries;
- Of the submissions received, based on pictures, can be wittled down to top 10 to be physically judged by committee members of the evaluation sub-committee;
- Physical judging can be done between December 6th – 10th;
- Contest rules can state to have lights on between 6 – 9 pm during the judging dates;
- Category of best block can get 'bragging rights' and have an honourable mention in the awarding;
- Other categories can win gift cards for possibly 1st, 2nd, and 3rd place;

- 'Wow Factor' category is another one, other categories can be chosen by the committee at another meeting when the basic contest rules get created like just town residents; front yards and balconies only;
- Winners can also receive a certificate presentation and a lawn sign similar to the CIB contest;
- Winners to be announced at the Essex Christmas parade typically held the 2nd Saturday in December (December 12, 2020);
- Diane will update the event proposal based on committee input and have it distributed at the next meeting.

6. New Business

- a) None stated

7. Next Meeting

- The next meeting is scheduled for Wednesday August 12, 2020 via Zoom Video Conferencing at 4:30 pm. In the event that the declared emergency is rescinded, the meeting will be held in the Large Meeting Room at the Essex Town Hall at 5:30 pm.

8. Adjournment

Moved by: Steve Bjorkman

Seconded by: Tony Paniccia

(ACT20-07-018) That this meeting adjourns at 5:11 PM. **"Carried"**

Patti Oshar, Vice-Chair

Janice Aloisio, Recording Secretary

This Notice of Motion was originally presented at the May 19, 2019 Regular Council Meeting and is being brought forward this evening for Council's consideration:

Moved by Councillor Verbeek

Seconded by

That Administration be directed to look at new ways to improve recycling efforts in the municipality.

Notice of Motion

Moved by Deputy Mayor Meloche

Seconded by

That Council request the Town of Essex Planning Department include as part of their site plan control procedures notification to property owners abutting a new subdivision of potential for water pooling if the existing property owners lack rear-yard drainage; and

That these neighbours are notified with direct mail outs so that the existing properties have full comprehension of potential outcomes for example water pooling of their own water shed at side yard or back yard; and

That the Town of Essex will act in the resident's best interest with aiding conversation between the new subdivision builder and the existing neighbourhood in coming to a solution with regards to rear-yard drainage.

From: "Bondy, Sherry" <sbondy@essex.ca>

Date: July 28, 2020 at 8:37:18 PM EDT

To: "Auger, Robert" <rauger@essex.ca>, "Nepszy, Chris" <cnepszy@essex.ca>,

CouncilMembers <CouncilMembers@essex.ca>

Subject: NOM

Robert. Pls add the following notice of motion

Request for a report tracker similar to the picture below used in Lakeshore.

NOTICE OF CONFIDENTIALITY This communication, including any attachments, is intended only for the use of the addressee(s) to this email and is confidential. If you are not an intended recipient or acting on behalf of an intended recipient, any review, disclosure, conversion to hard copy, dissemination, reproduction or other use of any part of this communication is strictly prohibited. If you receive this communication in error or without authorization, please notify the originator immediately and remove it from your system.

Issue	Assignee	Date	Council Assignee	Description	Alignment to Strategic Plan	Level of Research required	Consultant Support Required	Staff Time Required	Opportunity for Alternate Approach
31-2019	LLS	12/11/19	M-Councillor Winkler S-Councillor Senterossa	Prepare a report to Council on the compensation of Council members.	Medium - Organizational Excellence	Medium	No	Low	Aug. 11, 2020 meeting
4-2019	LLS	02/05/19	M-Councillor Janisse S-Councillor Winkler	Prepare a report to Council on Fee recovery / subrogation.	Medium - Organizational Excellence	High	No	High	Aug. 11, 2020 meeting
9-2019	EIS	03/05/19	M-DM Bailey S-Councillor McKrilly	Collaborate with the ECATV Club on a plan for the use of off-road vehicles on designated roads in Lakeshore and prepare a report to Council.	Weak	Low	No	High	Report required, proposed in Q4.
12-2019	EIS	03/05/19	M-Councillor Kari S-Councillor Winkler	Prepare a report to Council with the community involvement to restore passive site access on Ruston Cr.	Weak	High	No	High	Administration has provided Council a recommendation that was provided in Closed Session. The further reporting will be a summary of the reporting to date as no new actions are available.
13-2019	FIN	03/19/19	M-Councillor Winkler S-Councillor Senterossa	Classification for overall form part of the current OC Study.	Medium - Sustainable Community Development	Low	Yes	Low (as part of current OC Bylaw Review work)	This can be addressed when the OC Bylaw is brought to Council. The current bylaw has been extended to Dec. 2, as per COVID-19. The Background Study is to be released second week of Sept.
15-2019	EIS	03/19/19	M-Councillor Winkler S-Councillor Winkler	Prepare a report to Council regarding half load designations on Class B roads.	Weak	Medium	No	Medium	Can be addressed in the updated consolidated Traffic plan for 2021.
26-2019	EIS	05/21/19	M-Councillor Janisse S-Councillor Winkler	Prepare a report to Council regarding a regulatory bylaw for garbage cans, recycle bins and debris.	Weak	Low	No	Low	Can be addressed in the Road Funding Bylaw plan.
46-2019	LLS	06/13/19	M-Councillor Winkler S-Councillor Senterossa	Prepare a report to Council on the viability of creating an OVP tracking report for speeding and other traffic complaints to the OVP.	Weak	High	No	High	Reassessing challenge, unlikely to get much OVP. Best to look for operational opportunities.
119	CDS	06/19/19	M-Councillor Winkler S-Councillor Senterossa	Prepare a report to Council with an action plan to implement the Parks Master Plan.	Medium - Sustainable Community Development	Medium	No	Medium	Report required in Q3.
EDO		10/06/19	M-Councillor Senterossa S-Councillor Winkler	Prepare a report regarding a SAT tax for road room short-term accommodation.	Weak	Medium	No	Medium	Economic Development Officer to

Sherry Bondy
Councillor Town of Essex

519-566-3105

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The Corporation of the Town of Essex

By-Law Number 1926

**Being a by-law to provide Rules of Procedure
for the Conduct of Meetings of the Municipal
Council and its Committees and Boards**

Whereas Section 238 of the *Municipal Act*, 2001, S.O. 2001, c.25 as amended, requires that every municipality and local board shall pass a procedure by-law for governing the calling, place and proceedings of Meetings;

And whereas on March 19, 2018, Council of the Town of Essex enacted By-Law Number 1681 to provide procedural rules for the conduct of its Meetings;

And whereas By-Law Number 1784 is hereby repealed as of the date and time of this By-Law coming into force and effect;

And whereas By-Law Number 1788 is hereby repealed as of the date and time of this By-Law coming into force and effect;

And whereas By-Law Number 1902 is hereby repealed as of the date and time of this By-Law coming into force and effect;

And whereas the Council of the Town of Essex deems it desirable to repeal and replace By-Law 1681, as amended;

And whereas the Council of the Town of Essex deems it desirable and necessary to amend, consolidate, revise and update its Procedural By-Law for the Town of Essex;

By-Law Number 1926 shall come into force and take effect upon the final passing thereof;

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

Part I – Interpretation

1.1 Short Title

- 1.1.1 This by-law may be cited as the “Procedural By-Law”.

1.2 Application

- 1.2.1 The rules of procedure contained in this by-law shall be observed in all proceedings of Council and, unless specifically provided otherwise, shall apply to all meetings of Committees, Sub-Committees or Local Boards.
- 1.2.2 All Points of Order or procedure for which rules have not been provided in this by-law shall be decided by the Chair in accordance with, and as far as is reasonably practicable, the rules of parliamentary procedure contained in Robert’s Rules of Order.

1.3 Definitions

In this by-law:

“Accessible”, in relationship to documents, means documents that have been prepared using plain language, proper text formatting, alternative text, etc. and that pass the accessibility checking tools provided in software such as Microsoft Word and Adobe Acrobat X Pro without errors;

“Ad Hoc Committee” means a Committee appointed by Council to perform a specific task which is dissolved when the task is completed. An Ad Hoc Committee has no authority for decision making or independent actions;

“Administration” means an employee or a group of employees who have been charged with the responsibility for administering business operations or segments of business operations of the Town of Essex;

“Agenda” means the document issued in accordance with this by-law that sets out the order of proceedings for a meeting and the business to be considered at a meeting;

“By-law” means an enactment, in a form approved by Council, passed for the purpose of governing matters within the jurisdiction of the Town of Essex or giving effect to a decision or proceedings of Council;

“Chair” means the person presiding over a meeting, including the Mayor, Deputy-Mayor, Chair or Vice-Chair or any other Member of Council, a Committee, Sub-

Committee or Local Board appointed to act as Chair and is charged with the responsibility to decide questions and points of order or practice, preserve order and maintain decorum in the proceeding;

“Chief Administrative Officer” means the Chief Administrative Officer of The Corporation of the Town of Essex or his or her designate;

“Civic or Public Holiday” means those dates listed as “Paid Holidays” in the current Collective Agreement between the Town of Essex and the Canadian Union of Public Employees, Local 702.3, and the Agreement between the Town and its non-union employees;

“Clerk” means the Clerk of The Corporation of the Town of Essex and includes the Deputy Clerk or anyone designated by the Clerk to carry out duties of the Clerk;

“Closed Meeting” means a meeting, or a part of a meeting of Council, a Committee, Sub-Committee or Local Board, which is closed by resolution, to the public as permitted by the *Municipal Act*, S.O. 2001, Chapter 25;

“Committee” means an Advisory or other Committee, Sub-Committee or similar entity;

“Committee of the Whole” means all Members of Council of the Town of Essex, sitting as Committee of the Whole for the purpose of facilitating discussion by using less strict rules than those used in a formal meeting of the Council;

“Confidential Information” means information in the possession of, or received in confidence by the Town that the Town is either prohibited from disclosing, is required to refuse to disclose under the *Municipal of Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, Chapter M.56, or other legislation. Confidential information includes information that concerns personnel, labour relations, litigation or potential litigation, advice that is subject to solicitor-client privilege, negotiations, disposal and acquisition of property, the security of property of the Town and matters authorized in other legislation;

“Council” means the Council of The Corporation of the Town of Essex, comprised of the Mayor, Deputy Mayor and Councillors;

“Councillor” means a Member of Council, other than the Mayor and Deputy-Mayor;

“Delegation” means a person or group making a presentation to Council;

“Deputy Mayor” means that Member of Council elected by general vote to assist or act in the place of the Mayor in accordance with this By-Law;

“Director” means an employee of the Town of Essex where the designation of Director forms part of his or her formal job title;

“Disorderly Conduct” means conduct which results in any obstruction to the deliberations of or impedes the a meeting or other proceeding of Council;

“Electronic Participation” shall mean shall mean that a Member can participate electronically in a Meeting only to the extent and in the manner set out in this By-law.

“Employee” means an employee of the Town of Essex, including any union or non-union employee, regular full-time, part-time, temporary, casual or contract employee, and includes volunteer firefighters;

“Emergency Meeting” means a Meeting of the Council called to address circumstances that arise suddenly and require immediate consideration;

“Ex officio” means that, by virtue of his or her office or position, a person has the right to participate fully in a Committee, Sub-Committee or Local Board and to vote, unless prohibited by law;

“Friendly Amendment” means an amendment offered by someone who is in sympathy with the purposes of the main motion, in the belief that the amendment will either improve the statement or effect of the main motion, presumably to the satisfaction of its maker, or will increase the chances of the main motion’s adoption;

“Inaugural Meeting” means the first meeting of the term of Council held after a municipal election in a regular election year;

“Local Board” means a municipal service board, transportation commission, public library board, board of health, police services board, planning board, or any other board, commission, committee, body or local authority established or exercising any power under any Act with respect to the affairs or purposes of one or more municipalities, excluding a school board and a conservation authority;

“Majority” means, for the purpose of voting, more than half the total number of Members of Council, Committee, Sub-Committee or Local Board present at the vote and not prohibited by any Act from voting;

“Mayor” means the Head of Council elected by general vote;

“Meeting” means any regular, special or other meeting of Council, a Local Board or a Committee of either of them, where,

(a) a Quorum of Members is present, and

(b) Members discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of Council, a Local Board, or a Committee.

Member” means a Member of Council, a Committee, a Sub-Committee or a Local Board of the Town of Essex;

“Minor”, for purposes of permitting the addition of New Business to an Agenda, means matters that do not require extensive research and background information and do not have a significant cost or impact on the Town or resident(s) of the Town;

“Motion” means a proposed resolution brought forward for adoption by a Member and seconded by another Member, for the consideration of Council, a Committee, Sub-Committee or a Local Board (see Schedule B);

“Municipal Act” means the *Municipal Act*, 2001, S.O. 2001, c.25 as amended from time to time;

“Municipal Freedom and Protection of Privacy Act (MFIPPA)” means the *Municipal Freedom of Information and Protection of Privacy Act*, R.S.O. 1990, Chapter M.56 as amended from time to time;

“Municipality” means The Corporation of the Town of Essex;

“Non-Pecuniary (Non-Financial) Interest” means a direct or indirect pecuniary interest within the provisions of the *Municipal Conflict of Interest Act*, 1990, chapter M.50, as amended.

“Notice” means notice provided to Members and to the public which advises of the time and place of a meeting;

“Order of Business” means the sequence of business to be introduced and considered in a meeting;

“Pecuniary Interest” means a direct or indirect pecuniary interest within the provisions of the *Municipal Conflict of Interest Act*, 1990, chapter M.50, as amended.

“Point of Order” means a matter that a Member wishes to call attention to as a departure from or a violation of the rules of procedure (see Schedule B);

“Question of Privilege” means a direct or indirect pecuniary interest within the provisions of the *Municipal Conflict of Interest Act*, 1990, chapter M.50, as amended;

“Quorum” means a majority of Members of Council, a Committee, a Sub-Committee or a Local Board;

“Regular Meeting” means a scheduled meeting held at regular intervals in accordance with the approved Council calendar/schedule of Meetings;

“Reports and Announcements from Council Members” as it relates to the Order of Business in an Agenda, means a brief statement for the purpose of sharing information about events, activities/community functions and general work by Council Members on behalf of their constituents;

“Rules of Procedure” means the applicable procedural rules and rules of conduct set out in this by-law;

“Secretary” means the staff person assigned by the Clerk to attend at and take minutes of any Committee, Sub-Committee or Local Board meeting;

“Special Meeting” means a meeting that is separate from a Regular Meeting and is called for a specific time and for specific purposes to deal with important matters that arise between Regular Meetings;

“Sub-Committee” means a sub-committee of a Committee appointed by and directly reporting to the Committee on matters which the Committee has deemed appropriate for the Sub-Committee to consider;

“Task Force” means a Committee formed by Council with approved terms of reference to examine and provide recommendations related to a specific problem;

“Unfinished Business” means matters listed in the meeting agenda which have not been dealt with in their entirety at a previous meeting;

“Urgent”, for purposes of permitting the addition of New Business to an Agenda, means a matter that is time sensitive and which, if delayed until the next scheduled Meeting, could result in or cause:

- 1) danger to the life, health or safety of individuals;
- 2) damage to property;
- 3) an interruption of essential services provided by the Town;
- 4) loss of revenue by the Town, or
- 5) prejudice the Town.

“Vice Chair” means a Member of a Committee, a Sub-Committee or Local Board appointed by the Committee, Sub-Committee of Local Board who shall have all the power and duties of the Chair in their absence; and

“Youth Member” means an individual who is, is enrolled as a full-time student in secondary or post-secondary school, is a resident of the Town of Essex and has been appointed by Council to sit as a Youth Member of Council.

Part II – Roles, Responsibilities and Duties

2.1 Mayor

2.1.1 It is the role of the Mayor to:

- 1) act as the Chief Executive Officer of the municipality;
- 2) review and approve Agenda items in consultation with the Clerk and Chief Administrative Officer or designate prior to publishing or distributing an Agenda to ensure items meet the requirements of the Procedural By-Law, and that there is sufficient information provided for each item to facilitate Council deliberations;
- 3) preside over Council meetings so that its business can be carried out efficiently and effectively;
- 4) assign the seating arrangements in Council Chambers for all Members of Council;
- 5) provide leadership to the Council;
- 6) provide, without limiting clause (3) above, information and recommendations to the Council with respect to the role of Council;
- 7) represent or assign a designate to represent the municipality at official functions;
- 8) carry out the duties of the Head of Council as defined under the Municipal Act or any other Act;
- 9) sit as an Ex-officio Member of all Committees of Council with the right to vote at meetings;
- 10) act as Council’s representative and provide information/updates to Council where appropriate when dealing with other levels of government, their agencies and the private sector; and
- 11) act as head of the municipality for purposes of the Municipal Freedom of Information and Protection of Privacy Act.

2.1.2 It is the duty of the Mayor to preside over meetings and to:

- 1) open the meeting of Council by taking the chair and calling the meeting to order;
- 2) receive and submit, in the proper manner, all motions presented by Members of Council;
- 3) put to a vote all Motions which are moved and seconded, and to announce the result of a vote;
- 4) decline to put Motions to a vote which infringe upon the Rules of Procedure or are outside Council's jurisdiction;
- 5) inform the Members of the proper procedure to be followed and to enforce the Rules of Procedure;
- 6) enforce, on all occasions, the observance of order and decorum among all present at a meeting;
- 7) permit questions to be asked through the Mayor of any Member of Administration for information to assist in any debate, when the Mayor deems it proper;
- 8) provide information to Members on any matter relating to the business of the Town;
- 9) authenticate by signature all By-Laws and minutes of Council;
- 10) rule on any points of order raised by Members;
- 11) represent and support the Council;
- 12) maintain order and, where it is not possible to maintain order, to adjourn the meeting to a time to be named by the Mayor without any Motion being put;
- 13) call for adjournment of the meeting when the business is concluded; and
- 14) act in accordance with his or her Declaration of Office.

2.1.3 Only the elected Mayor shall wear the Chain of Office, save and except if the Mayor resigns the office and Council appoints a new Mayor from its own ranks. The Chain of Office shall be worn at all Regular Meetings and otherwise at the discretion of the Mayor.

2.2 Deputy Mayor

2.2.1 It is the role of the Deputy Mayor to:

- 1) fulfill the normal duties of a Member of Council as established in Section 224 of the Municipal Act, 2001, and outlined in section 2.4.1 of this by-law;
- 2) assist the Mayor in carrying out the Mayoral responsibilities as established in Section 225 of the Municipal Act, and as delegated to the Mayor in the Town of Essex Delegation of Authority By-law; and
- 3) serve as a member of County Council and attend all regular and special meetings of County Council, as well as any committees to which the Deputy Mayor may be appointed.

- 2.2.2 In the event the Mayor is absent, refuses to act, has declared a pecuniary interest, or resigns from office, it is the duty of the Deputy Mayor to act in the place of the Mayor and, while so acting, shall have all of the powers and duties of the Mayor with respect to presiding at meetings and fulfilling the delegated duties set out in the Town of Essex Delegation of Authority by-law.
- 2.2.3 In the event that the Deputy Mayor is unable to act in the place and stead of the Mayor with respect to presiding at meetings, the Clerk shall call the meeting to order and a Council Member shall be appointed by a resolution of Council Members present to act as the presiding Chair and shall preside over the meeting and have all the powers and authority of the Deputy Mayor while so acting.
- 2.2.4 This by-law does not authorize the Deputy Mayor to take the place of the Mayor as a municipal representative on, or to assume any of the rights, power and authority of the Head of Council on boards or committees that require a resolution to appoint its members, without being duly appointed.

2.3 Council

- 2.3.1 It is the role of Council to:
- 1) represent the public and to consider the well-being and interests of the municipality;
 - 2) develop, evaluate, and promote the policies and programs of the municipality;
 - 3) determine which services the municipality provides;
 - 4) ensure that administrative policies, practices and procedures are in place to implement the decisions of Council;
 - 5) ensure the accountability and transparency of the operations of the municipality, including the activities of the Administration of the municipality;
 - 6) maintain the financial integrity of the municipality; and
 - 7) carry out the duties of Council under the Municipal Act or any other Act.

2.4 Councillor

- 2.4.1 It is the role of a Councillor to:
- 1) participate at Council meetings so that its business can be carried out effectively and efficiently;
 - 2) ensure that administrative policies, practices and are in place to implement the decisions of Council;
 - 3) ensure the accountability and transparency of the operations of the municipality, including the activities of Administration of the municipality;
 - 4) seek information and recommendations from Administration;

- 5) represent the municipality at official functions, as directed by the Mayor; and
- 6) carry out the duties of Council under the Municipal Act or any other Act.

2.4.2 It is the duty of a Councillor to:

- 1) prepare for meetings, including reviewing the Agenda and background information prior to the meeting;
- 2) declare any conflict of interest at a meeting where a conflict exists;
- 3) speak only to the subject under debate at a meeting;
- 4) vote on all Motions before the Council unless prohibited from voting by law;
- 5) observe proper procedure and decorum at all meetings;
- 6) refrain from disturbing, through disorderly conduct, other Members, speakers or Delegations in attendance;
- 7) refrain from the use of profane or offensive words or insulting expressions at a meeting;
- 8) state questions to be asked through the Mayor or Chair at a meeting;
- 9) support decisions of Council;
- 10) act in accordance with his/her Declaration of Office
- 11) notify the Clerk when the Member is aware that he or she will be absent from a scheduled Meeting; and
- 12) attend Meetings of Committees, Sub-Committees, and Local Boards to which the Member has been appointed by Council.

2.5 Youth Members

- 2.5.1 Youth Members shall be appointed by Council after the Inaugural Meeting of the new Council and thereafter from time to time as required.
- 2.5.2 The number of Youth Members shall be limited to two residents from the Town of Essex with preference in appointment to be given, when possible, to one appointee from Ward 4, the former Town of Harrow or Ward 3, the former Township of Colchester South, and one appointee from Ward 1, the former Town of Essex or Ward 2, the former Township of Colchester North.
- 2.5.3 Youth Members will attend, participate and /or report in Regular Meetings of Council for the purpose of bringing a youth perspective to Council matters or discussions.
- 2.5.4 Youth Members shall not be permitted to move or second any resolution, nor shall the Youth Members be counted for the purpose of deciding a vote of the Council.
- 2.5.5 Youth Members shall not be included in constituting a quorum of Council.

2.5.6 The term of office for a Youth Member shall be established with the appointment, but shall not exceed the current term of Council.

2.5.7 Youth Members shall not be compensated with wage or per diem.

2.6 Clerk

2.6.1 It is the duty of the Clerk or Secretary to:

- 1) record, without note or comment, all resolutions, decisions and other proceedings of Council, Committees, Sub-Committees or Local Boards;
- 2) record the name and vote of every member voting on any matter or question, if requested by any member present at a vote;
- 3) keep the originals or copies of all by-laws and minutes of the proceedings of Council, Committees, Sub-Committees or Local Boards;
- 4) perform other duties required under the Municipal Act or any other Act; and
- 5) to perform such other duties as are assigned by the municipality.

2.7 Code of Conduct for Members of Council

2.7.1 Members of Council shall adhere to the Code of Conduct for Members of Council and Local Boards/Committees, as adopted by Council and, as amended from time to time.

2.8 Council-Staff Relationship and Roles

2.8.1 No Member of Council, a Committee, Sub-Committee or Local Board shall have the authority to direct or interfere with the performance of any work being carried out by an employee of the Town of Essex. Employees are subject only to direction provided by their supervisors, as established in the formal organizational structure of the Town.

2.8.2 Council shall request reports from or give direction to Administration by Council motion only.

2.8.3 The role of Council is to develop policies for the municipality, while the role of Administration, under the direction of the Chief Administrative Officer, is to implement and develop strategies for the implementation of the policies established by Council.

2.8.4 Council Members are encouraged to contact the appropriate Director or the Chief Administrative Officer in a timely manner prior to the meeting to raise questions or clarify issues relevant to matters on the Council meeting agenda and to secure additional information as may be required.

- 2.8.5 Directors shall have regard to providing a verbal response to the matters raised and will make every reasonable effort to provide the information to the Council Member at the meeting or within a reasonable period of time thereafter.

Part III – Meetings, Agendas and Minutes

3.1 Inaugural Meeting

- 3.1.1 The Inaugural Meeting of the newly-elected Council shall be held on the first Monday in December in each regular municipal election year.
- 3.1.2 The location and time of the Inaugural Meeting shall be determined by the Chief Administrative Officer.
- 3.1.3 The Clerk shall prepare the agenda for the Inaugural Meeting and the order of business shall be as follows:
- 1) Call to Order
 - 2) National Anthem
 - 3) Declarations of Elected Office
 - 4) Address by the Mayor
 - 5) Address by Councillors
 - 6) Business matters incidental to the above or of an urgent matter
 - 7) Adjournment
- 3.1.4 The business of the Inaugural Meeting shall be taken up in the order in which it stands on the Agenda unless otherwise decided by the Mayor or a majority vote of the Members present.
- 3.1.5 No business shall be conducted at the Inaugural Meeting until the Council Members have made their Declaration of Office.

3.2 Regular Meeting

- 3.2.1 Regular Meetings of Council shall be held in the County of Essex Civic Centre Council Chambers, 360 Fairview Avenue West, Essex, Ontario on the first and third Mondays of each month commencing at 6:00 PM., unless otherwise decided by a majority of Members.
- 3.2.2 When a Regular Meeting falls on a Monday that is a Civic or Public Holiday, or on a day when Town Hall is closed for business, the Regular Meeting shall be held on the next following date that is not a public holiday or on a date agreed to by Council. For greater certainty, Council shall not hold a Regular Council Meeting or

Special Meeting on Family Day or Remembrance Day, unless an emergency meeting of Council has been called.

- 3.2.3 Council may, by resolution, alter the time, date and location of any Regular Meeting approved under Section 3.2.1 or Section 3.2.2.
- 3.2.4 The Clerk or Secretary shall prepare the Agenda for Regular Meetings and the order of business shall be as listed on Schedule "A" to this By-Law, as amended from time to time. The Agenda for Regular Meetings of Committees, Sub-Committees and Local Boards may exclude some of the Agenda Sections listed in Schedule "A" that are not relevant to the Committee, Sub-Committee or Local Board, such as Reports from Youth Members, County Council Update, Committee Meeting Minutes.
- 3.2.5 The business of the Regular Meeting shall be taken up in the order in which it stands on the Agenda unless otherwise decided by the Mayor or a majority vote of the Members present.
- 3.2.6 The deadline for receipt of material by the Clerk to be included on the Agenda for Regular Council Meetings shall be the time stated on Schedule "A" attached to this by-law, as amended from time to time.
- 3.2.7 The Mayor, in consultation with the Clerk and Chief Administrative Officer, may defer or remove an item from the Agenda if, in the Mayor's opinion, it does not meet the requirements of the Procedural By-Law, there is insufficient information provided to facilitate Council deliberations or the item is operational and should first be referred to Administration for follow-up.
- 3.2.8 The Mayor, in consultation with the Chief Administrative Officer, may cancel a Regular Meeting if it is determined there is not sufficient business to be conducted or special circumstances or an emergency (for example, weather/pandemic) has arisen. Council Members, senior staff, the public and the media will be advised immediately after making the decision to cancel a Regular Meeting.
- 3.2.9 The Mayor may reschedule a cancelled Regular Meeting or may include the Agenda items from the cancelled meeting on the next Regular Meeting Agenda or a Special Meeting.

3.3 Special Meeting

- 3.3.1 The Mayor or the Clerk, in consultation with the Mayor or the Chief Administrative Officer, may, at any time, call a Special Meeting of Council.

- 3.3.2 The Mayor shall also call a Special Meeting of Council when so requested by a majority of the Members of Council.
- 3.3.3 No business other than the business stated in the Agenda of the Special Meeting shall be transacted at the Special Meeting.
- 3.3.4 The business of the Special Meeting shall be taken up in the order in which it stands on the Agenda unless otherwise decided by the Mayor or a majority vote of the Members present.

3.4 Closed Meeting

- 3.4.1 A Meeting that is closed to the public may only be held as permitted by the Municipal Act. The subject matters that may be discussed at a Closed Meeting are as follows:
- 1) the security of the property of the municipality or local board;
 - 2) personal matters about an identifiable individual, including municipal or local board employees;
 - 3) a proposed or pending acquisition or disposition of land by the municipality or local board;
 - 4) labour relations or employee negotiations;
 - 5) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
 - 6) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
 - 7) a matter in respect of which a Council, a Board, Committee or other body may hold a Closed Meeting under another Act;
 - 8) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
 - 9) 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;
 - 10) 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; or
 - 11) 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.

- 3.4.2 As per subsection 3.4.1 (7) above, additional subject matters that may be considered at a Closed Meeting are as follows:
- 1) the consideration of a request under the Municipal Freedom of Information and Protection of Privacy Act if the Council, Board, Commission or other body is the head of an institution for the purposes of that Act; or
 - 2) an ongoing investigation respecting the municipality, a local board or a municipally controlled corporation by the Ombudsman appointed under the *Ombudsman Act*, an Ombudsman appointed by Council in accordance with Section 223.13 (1) of the Municipal Act or a closed meeting Investigator appointed by Council in accordance with section 239.2 (1) of the Municipal Act.
- 3.4.3 A Meeting of Council, a Committee, Sub-Committee or Local Board may be closed to the public if, as set out in the Municipal Act, the following conditions are both satisfied:
- 1) The Meeting is held for the purpose of educating or training the Members; and
 - 2) At the Meeting, no Member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of the Council, Committee, Sub-Committee or Local Board.
- 3.4.4 The Mayor or the Clerk, in consultation with the Mayor or the Chief Administrative Officer, may, at any time, call a Closed Meeting of Council.
- 3.4.5 The Mayor shall also call a Closed Meeting when so requested by a majority of the Members of Council.
- 3.4.6 The Clerk may only delegate, in writing, the duties of the Clerk with respect to recording minutes in a Closed Meeting of Council to a full-time employee of the Town.
- 3.4.7 The Rules of Procedure, as outlined in the Procedural By-law, shall apply during Closed Meetings.
- 3.4.8 The business of the Closed Meeting shall be taken up in the order in which it stands on the Agenda unless otherwise decided by the Chair or a majority vote of the Members present.
- 3.4.9 If Council or its Local Board receives a report from a closed meeting investigator, and if the report determined that a meeting was held contrary to subsection 3.4.1 of this by-law, then Council or the Local Board, as the case may be, shall pass a resolution at the next regular meeting of Council or its Local Board stating how it intends to address the report.

3.5 Emergency Meeting

- 3.5.1 An Emergency Meeting of Council to deal with an emergency or extraordinary situation may be called by the Mayor at any time and at any location within or outside the municipality as may be convenient.
- 3.5.2 Only business dealing directly with the emergency shall be transacted at the Meeting.
- 3.5.3 The business of the Emergency Meeting shall be taken up in the order in which it stands on the Agenda unless otherwise decided by the Mayor or a majority vote of the Members present.

3.6 Committee of the Whole Meetings

- 3.6.1 Council may, by resolution in a meeting, move into a Committee of the Whole meeting. While sitting as a Committee of the Whole no formal or binding decisions or actions can be taken as the Committee can only make by resolution, recommendations to Council that would still need to be introduced, considered and adopted in a Council meeting to be considered as formal decisions or actions made by Council.
- 3.6.2 The rules governing the procedure of Council and conduct of Members of Council shall be observed in a Committee of the Whole meeting so far as applicable and with the necessary modifications, provided that or to the extent that:
 - 1) The number of times of speaking on any question shall not be limited; and
 - 2) A member shall not speak more than once to a motion until every other member who desires to speak has spoken once.
 - 3) The Mayor shall serve as the presiding Officer over the proceedings of the Committee of the Whole or may appoint another Member of Council or the Chief Administrative Officer as presiding officer and shall then vacate the chair for such proceedings.
 - 4) The Mayor or presiding officer shall have the discretion and/or authority while so presiding to modify, relax or amend any of the procedural rules currently governing Council proceedings except as may be otherwise noted by Council in the resolution to move into a Committee of the Whole: and
 - 5) Upon the adjournment of the Committee of the Whole proceeding, the Council meeting shall reconvene and the presiding officer of the Committee of the Whole shall then Rise and Report to Council as to any Recommendations to Council that were made by resolution during the Committee of the Whole.

3.7 Notice of Meetings

3.7.1 Regular Meeting

3.7.1.1 The Clerk or Secretary shall electronically deliver to each member of Council, a Committee, Sub-Committee or Local Board, an Agenda for each Regular Meeting of Council, based on the time requirements set out in Schedule "A" to this By-Law. In the case of Regular Council Meetings, the Agenda shall also be electronically delivered to the Chief Administrative Officer and Directors.

3.7.1.2 The Agenda of the Regular Council Meeting shall be posted on the Town's website based on the time requirements set out in Schedule "A" to this By-Law.

3.7.1.3 The order of business for a Regular Meeting will be as set out in Schedule "A" to this By-Law, as amended from time to time.

3.7.2 Special Meeting

3.7.2.1 The Clerk or Secretary shall electronically deliver to each member of Council, a Committee, Sub-Committee or Local Board, an Agenda for each Special Meeting, based on the time requirements set out in Schedule "A" to this By-Law. In the case of Special Council Meetings, the Agenda shall also be electronically delivered to the Chief Administrative Officer and Directors.

3.7.2.2 The Agenda of the Special Council Meeting shall note the date, time and location of the Special Meeting and shall be posted on the Town's website based on the time requirements set out in Schedule "A" to this By-Law.

3.7.3 Closed Meeting

3.7.3.1 The Clerk or Secretary shall electronically deliver to each member of Council, a Committee, Sub-Committee or Local Board, an Agenda for each Closed Meeting based on the time requirements set out in Schedule "A" to this By-Law. In the case of Closed Council Meetings, the Agenda shall also be electronically delivered to the Chief Administrative Officer and Directors.

3.7.3.2 A notice of the Closed Meeting, including date, time and location shall be posted on the Town's website, based on the time requirements set out in Schedule "A" to this By-Law.

3.7.4 Emergency Meeting

3.7.4.1 The Clerk shall attempt to notify all Council Members of an Emergency Meeting as soon as practicable after the Meeting is called and in the most expedient manner.

3.7.4.2 A notice of the Emergency Meeting, including date, time and location shall be posted on the Town's website based on the time requirements set out in Schedule "A" to this By-Law.

3.8 Lack of Notice of Meeting or Agenda

3.8.1 Lack of receipt of notice of an Agenda by the Members of Council, a Committee, Sub-Committee or Local Board shall not affect the validity of the Meeting or any action otherwise lawfully taken at the Meeting.

3.9 Closed Meeting Protocol

3.9.1 Council, a Committee, Sub-Committee or Local Board shall move into a Closed Meeting from a Meeting that is open to the public. To enter into a Closed Meeting from an open Meeting, a motion to move into Closed Meeting is required. Once the matters in the Closed Meeting have been dealt with, the Members shall pass a motion to adjourn the Closed Meeting and, if applicable, move back into open session.

3.9.2 The Closed Meeting Agenda shall note:

- 1) the general nature of the matter(s) being considered at the Closed Meeting and the appropriate section(s) of the Municipal Act that provide for the Meeting to be closed; or
- 2) in the case of a Closed Meeting for the purpose of educating or training the Members, the general nature of the subject matter and the relevant section of the Municipal Act that provides for the Meeting to be closed.

3.9.3 The information noted in Section 3.8.2 of this By-Law shall be announced by the Chair, Clerk or Secretary in the open Meeting just prior to considering a Motion to move into a Closed Meeting.

3.9.4 After moving into the Closed Meeting, the Chair, Clerk, or Secretary will remind Members that the Closed Meeting matters are Confidential Information within the meaning of this By-Law and shall not be discussed after the meeting with any person(s) not related to the subject matter outside of the Closed Meeting.

3.9.5 In a Closed Meeting, the Council, Committee, Sub-Committee or Local Board shall only vote on motions pertaining to procedural matters or for giving directions or instructions to officers, employees or agents of the Town.

3.9.6 Immediately after moving from a Closed Meeting to an open Meeting, the Clerk or Secretary shall disclose, in a general manner, how the agenda items were dealt with in the Closed Meeting.

- 3.8.7 If an open Meeting does not immediately follow a Closed Meeting, the Clerk or Secretary shall disclose, at the outset of the next Regular Meeting and in a general manner, how the agenda items were dealt with in the Closed Meeting.

3.10 Quorum

- 3.10.1 As soon after the published time for a Meeting as a quorum is present, the Meeting shall be called to order by the Mayor or Chair.
- 3.10.2 If there is no quorum present within thirty minutes after the time published for the Meeting, the Meeting shall stand adjourned until the next established Meeting date and the Clerk or Secretary shall record the names of the members present upon adjournment.
- 3.10.3 If during the course of any type of Meeting, quorum is lost, then the Meeting shall stand adjourned to reconvene as determined by the Chair. If, in the opinion of the Chair, it is not essential that the balance of the agenda be dealt with before the next regularly scheduled Meeting, then the Chair shall announce that the unfinished business will be considered at that time.

3.11 Electronic Participation during a Personal Emergency

- 3.11.1 A Council Member may participate in Meeting(s) electronically during such time that there is a Personal Emergency (an extraordinary or emergency situation preventing a Council Member (s) from participating in the Meeting in person), subject to the following:
- 1) For the purposes of this Section the Mayor or Deputy Mayor, in consultation with the Chief Administrative Officer or Deputy Chief Administrator Officer, shall have the final and binding discretion to make a personal emergency determination and the duration thereof;
 - 2) The form and manner of such electronic participation shall be determined at the discretion of the Clerk acting reasonably and in consultation with the Chief Administrative Officer or Deputy Chief Administrative Officer.
 - 3) Requests for Electronic Participation by a Council Member shall be made to the Clerk in writing or by email transmission at least one (1) business day prior to the Meeting.
 - 4) No more than three (3) Council Members may participate in the same Meeting electronically.
 - 5) Council Members may not participate electronically in any Meeting or in any portion of a Meeting that is closed to the public.

- 6) A Council Member participating in a Meeting electronically shall be considered to be present at such meeting but shall not count towards the determination of Quorum.
- 7) The Chair must be present in person at a Meeting.

3.12 Electronic Participation during a Declared Emergency under the Emergency Management and Civil Protection Act. R.S.O. 1990. C. E.9 as am.

3.12.1 A Member may participate in Meeting(s) electronically during such time that there is a Declared Emergency subject to the following:

- 1) For the purposes of this Section, A Declared Emergency shall be that period of time during which an emergency has been declared to exist in all or part of the Municipality pursuant to or under section 4 or 7.01 of the *Emergency Management and Civil Protection Act*. In the event of such a Declared Emergency and during such period thereof the provisions of this section shall apply notwithstanding or despite the provisions of Section 3.10 of this By-law.
- 2) The form and manner of such electronic participation during a Declared Emergency shall be determined at the discretion of the Clerk acting reasonably and in consultation with the Chief Administrative Officer or Deputy Chief Administrative Officer.
- 3) A Member may participate electronically during a Declared Emergency in any Meeting or in any portion of a Meeting that is closed to the public.
- 4) A Member participating in a Meeting electronically during a Declared Emergency shall be considered to be present at such meeting and shall count towards the determination of Quorum at any point in time.
- 5) A Delegation may request to participate electronically at a Meeting during this time provided it is deemed to be an emergency delegation as determined by the Chair of the Meeting in consultation with the Chief Administrative Officer.
- 6) A Member participating in a Meeting of a committee or local board may only participate electronically if otherwise permitted to do so under other applicable legislation.

3.13 Electronic Participation in Meeting Practices

3.13.1 The requirements or practices of a Member participating in a Meeting(s) electronically shall be determined by the Clerk acting reasonably and in consultation with the Chief Administrative Officer or Deputy Chief Administrative Officer but shall include the following:

- 1) The Member shall be available at least Fifteen (15) minutes before the beginning of the Meeting so as to assist Town staff in establishing the electronic connection.
- 2) The Member will mute their electronic device when that Member is not speaking.
- 3) The Chair will canvass the Member about their intention to speak to a matter on the floor and will notify the Member when it is the Members turn to speak.
- 4) After a motion has been put or called for a vote, the Member will be required to identify verbally how he or she wishes to vote.
- 5) The Member shall inform the Chair about his or her intentions to leave the Meeting either or on a temporary or permanent basis.
- 6) A Member shall be deemed to have left the meeting when they are no longer electronically connected to the meeting.
- 7) In the event of a Members inadvertent loss of connection due to connectivity or technical issues experienced while participating in an electronic meeting, the meeting will continue without required further attempts by either staff or the Member (s) to reconnect.

Part IV – Rules of Order and Debate

4.1 Formalities to be Observed

- 4.1.1 The Mayor shall be addressed as “Mayor (*surname*) or as “Your Worship”.
- 4.1.2 The Deputy Mayor shall be addressed as “Deputy Mayor (*surname*)”.
- 4.1.3 All Members of Council, except the Mayor and Deputy Mayor, shall be addressed as “Councillor (*surname*).”
- 4.1.4 Chairs or Vice-Chairs of Committees, Sub-Committees and Local Boards shall be addressed as “Chair (*surname*) or “Vice-Chair (*surname*)”, as the case may be.
- 4.1.5 Staff of the Town of Essex shall be addressed as “Mr. or Ms. (*surname*), (*position title*)”;
- 4.1.6 Members of Council, a Committee, Sub-Committee or Local Board, members of Administration, and members of the public shall only speak at a Meeting when they have been recognized by the individual chairing a meeting.
- 4.1.7 Members of Council, a Committee, Sub-Committee or Local Board and members of Administration shall raise their hand at a Meeting and wait to be recognized by the individual chairing a meeting.
- 4.1.8 Members of Council, a Committee, Sub-Committee or Local Board, members of Administration, and members of the public shall address only the individual chairing the meeting, or address each other through the individual chairing the meeting.
- 4.1.9 The observance of order and decorum at all Meetings shall be enforced by the individual chairing the meeting.
- 4.1.10 When, in the opinion of the individual chairing a Meeting, the words or conduct of any person, including a Member, is in contravention of the Procedural By-Law, or is causing unreasonable disruption to the Meeting, or, in the case of a Council Member, is in contravention of the Town’s Code of Conduct, the individual chairing a Meeting may rule the person out of order and require the person to cease the activity. If the person refuses to cease the activity, the Chair may order the person to vacate their seat or leave the meeting.
- 4.1.11 Any Council Member or Member of a Committee, Sub-Committee or Local Board may require that the question or motion under discussion be read by the Clerk or Secretary at any time during the debate but not so as to interrupt the member who has the floor.

- 4.1.12 When a Member is speaking, no other Member shall pass between that Member and the Chair, or interrupt the Members except to raise a Point of Order or to raise a Question of Privilege.
- 4.1.13 No Member shall leave his or her seat while a vote is being taken and until the result of the vote is declared.
- 4.1.14 No Member shall leave a Meeting when he or she does not intend to return without first advising the Chair.
- 4.1.15 Members shall respect the rules set out in this By-Law and shall not disobey the decision of the Chair on questions of order or practice, or upon the interpretations of the rules of order.
- 4.1.16 During Meetings, all Members, employees of the Town and members of the public shall have their smart phones or electronic devices turned to vibrate and shall only answer a call in the event of an emergency and only upon leaving the Meeting.
- 4.1.17 The Chair or Members may call upon the Clerk, Secretary or Chief Administrative Officer to provide advice with respect to interpretation of the Rules of Procedure.

4.2 Disclosure of Conflict of Interest

- 4.2.1 It is the responsibility of each Member to identify and disclose any pecuniary interest, direct or indirect as defined by the *Municipal Conflict of Interest Act*, R.S.O. 1990, Chapter M.50, as amended, on any item or matter before Council, a Committee, Sub-Committee or Local Board and the general nature thereof.
- 4.2.2 Where a Member, either on his or her own behalf or while acting with or through another, has any pecuniary interest, direct or indirect, in any matter and is present at a Meeting of Council, a Committee, Sub-Committee or Local Board at which the matter is the subject of consideration, the Member shall:
- 1) prior to any consideration of the matter at the Meeting, disclose the interest and the general nature thereof;
 - 2) at the meeting or within Seventy-Two (72) Hours after declaring or disclosing the interest, file a written statement on the prescribed form which indicates the interest and its general nature thereof with the Clerk or the recording secretary of the committee, or local board, as the case may be, for inclusion on the Conflict of Interest Registry.
 - 3) abstain from taking part in the discussion of, or vote on, any question in respect of the matter (unless and effective as of March 1, 2019 the member wishes to take part in the discussion of, but not vote on any question in respect of the matter if the matter is related to the consideration of a penalty to that

member under Section 223.4 (5) or (6) of the Municipal Act) with respect to an Inquiry by the Integrity Commissioner;

- 4) not attempt in any way, whether before, during or after the meeting, to influence the voting of any such question.

4.2.3 In addition to complying with the requirements noted in Subsection 4.2.2 above, when the Meeting is a Closed Meeting, the Member shall leave the Meeting or the part of the Meeting during which the matter is under consideration.

4.2.4 Where the interest of a Member has not been disclosed as required by Subsection 4.2.1 above, by reason of a Member's absence from the Meeting referred to therein, the Member shall disclose the interest and otherwise comply with Subsection 4.2.2 at the first Meeting of Council, Committee, Sub-Committee or Local Board, as the case may be, attended by the Member after the Meeting at which the conflict of interest arose and within Seventy-Two (72) Hours thereafter shall file a written statement on the prescribed form which indicates the interest and its general nature thereof with the Clerk or the recording secretary of the committee, or local board, as the case may be, for inclusion on the Conflict of Interest Registry.

4.2.5 The Clerk or Secretary shall record the declaration of a conflict of interest and the general nature thereof made by a Member and any such record shall appear in the minutes of that particular Meeting. If a Member fails to disclose the nature of the pecuniary interest, the Clerk or Secretary shall immediately request this information.

4.2.6 Where the Meeting is not open to the public, every declaration of a conflict of interest made under subsection 4.2.1 above, but not the general nature of that interest, shall be recorded in the minutes of the next Meeting that is open to the public.

4.2.7 The Municipality and its local board (s) shall establish and maintain a Conflict of Interest Registry in which shall be kept a copy of each statement filed under Section 5.1 of the *Municipal Conflict of Interest Act* and a copy of each declaration recorded under Section 6 of the *Municipal Conflict of Interest Act*. The Conflict of Interest Registry shall be available for public inspection on the Town Website.

4.2.8 Where the number of Members who, by reason of the provisions of the *Municipal Conflict of Interest Act*, R.S.O. 1990, Chapter M.50, are disabled from participating in a Meeting and the remaining Members are not of sufficient number to constitute a Quorum, then, despite any other general or special Act, the remaining

number of Members at this meeting shall be deemed to constitute a Quorum for the Meeting, provided such number is not less than two.

4.3 Public Presentations and Delegations

4.3.1 Any person who wishes to appear before Council as a Delegation shall submit the prescribed "Delegation Request Form" to the Clerk by 2:00 PM on the Tuesday preceding the Regular Council Meeting.

4.3.1.1 Notwithstanding Subsection 4.3.1, any person who wishes to appear before Council as a Delegation on a matter that relates specifically to a matter contained in the Regular Council Meeting Agenda shall submit a Delegation Request Form no later than 4:30 PM on the Friday immediately preceding the date of the Regular Council Meeting. The Clerk shall have the sole authority to determine if the subject matter does in fact relate specifically to a matter contained in the Regular Council Meeting Agenda for purposes of allowing or denying the Delegation and the Clerk will introduce such Delegation Request Form(s) at the time of adopting the Published Agenda.

4.3.2 The Clerk, Mayor, Chief Administrative Officer shall review the Delegation Request Form to determine if the subject matter and nature of the request falls within the jurisdiction of Council, or if the request needs to be referred to Administration for comments.

4.3.3 The Clerk shall contact the Delegation to advise if and when their submission will be presented to Council and will ensure that they have been provided with the "Guide to Delegations" information brochure.

4.3.4 The Mayor, in consultation with the Chief Administrative Officer, has the authority to deny Delegation requests under the following circumstances:

- 1) the request is not submitted within the time required of this By-Law;
- 2) no written submission together with handouts or materials is provided with the request or the submission is incomplete;
- 3) the subject matter is deemed to be beyond the jurisdiction of Council;
- 4) the issue is specific to a labour/management dispute, or other matter properly held in closed session;
- 5) the issue has been or is to be considered by the Committee of Adjustment;
- 6) Council has previously considered or made a decision on the issue and a Delegation has appeared before Council with respect to the same issue previously considered or decided by council within a period of twelve (12) months following the date on which the issue was last considered or decided by Council;

- 7) Council previously indicated it will not hear further from this Delegation; or
 - 8) the issue should first be referred to Administration for action.
- 4.3.5 A Delegation shall not be received by Council on matters relating to litigation or potential litigation affecting the Town, including matters which are before and under the jurisdiction of any court or tribunal, unless such matter is referred to Council by the said court or tribunal or, in the alternative, Council deems the matter to be sufficiently important to allow the Delegate to be heard.
- 4.3.6 If applicable, Delegations shall provide a copy of their presentation materials to the Clerk, together with the Delegation Request Form. If using presentation software, such as PowerPoint, Delegations shall provide an electronic version to the Clerk, which shall be uploaded onto a Town-supplied laptop that Delegations will use during the Meeting. Presentation materials shall be attached to the circulated Meeting agenda.
- 4.3.7 Delegations shall not distribute printed materials on the Council floor. All printed materials must be submitted to the Clerk prior to the commencement of the Meeting.
- 4.3.8 The display of placards and signs is not permitted during a Meeting.
- 4.3.9 The Clerk will only circulate material that complies with the provisions of Municipal Freedom of Information and the Protection of Privacy Act, RSO 1990, cM.56.
- 4.3.10 Delegations that are for the sole purpose of generating publicity for an event shall not be permitted.
- 4.3.11 Delegations will be scheduled in the order in which they were received by the Clerk.
- 4.3.12 No more than four (4) Delegations shall be permitted at any Meeting.
- 4.3.13 Delegations shall confine their remarks to the business stated in the Delegation Request Form.
- 4.3.14 Delegations shall be permitted to speak for up to five (5) minutes. A Delegation of two (2) or more persons shall be permitted to speak for up to ten (10) minutes.
- 4.3.15 The Chair shall, at the conclusion of the permitted time limit, inform the Delegation that the time limit has expired. An extension to the time limit may be granted by a majority vote of the Members present at the Meeting.
- 4.3.16 Delegations shall address their remarks through the Chair.
- 4.3.17 Except on matters of order, Members shall not interrupt a Delegation while he or she is addressing Council.
- 4.3.18 Members may address a Delegation only to ask questions and not to express opinions or enter into debate or discussion.

- 4.3.19 Once a Motion to receive the presentation has been moved and seconded, no further representation or questions of the Delegation shall be permitted.
- 4.3.20 The Chair may curtail any Delegation, any questions of a Delegation or debate during the presentation, as a result of disorder or other breach of the Procedural By-Law. If the Chair rules that the Delegation is concluded, the person or persons appearing before Council shall withdraw from the table.
- 4.3.21 If a Delegation is not registered with the Clerk, and Council, by a two-thirds vote of the Members present at the Meeting, gives the Delegation permission to address Council, the Delegation shall only address Council with respect to an item on the published Agenda.
- 4.3.22 All of the general rules to address Council as established for Delegations will apply to public presentations unless otherwise noted.

4.4 Public Attendance at Meetings

- 4.4.1 During Meetings, members of the public shall not:
- 1) speak disrespectfully of Members, employees or any other person;
 - 2) use offensive words or gestures;
 - 3) speak on any subject other than the subject for which they have received approval to address Council;
 - 4) disobey a decision of the Chair;
 - 5) display placards or signs; or
 - 6) enter into debate with other Delegations, Members or employees.
- 4.4.2 During Meetings, members of the public shall:
- 1) conduct themselves respectfully; and
 - 2) refrain from public outbursts, shouting, or behaviour intended to disrupt the debate, discussion and general proceedings of the Meeting.
- 4.4.3 In the event the Chair does not address the member of the public who is disrupting the Meeting, a Member may make a Point of Order.
- 4.4.4 The Chair may request that a Member or members of the public vacate the Council Chambers, or the room in which the Meeting is taking place, if their behaviour is deemed to be disruptive to the business at hand. The Chair may unilaterally recess the Meeting until order is restored.

4.5 Reports from Administration

- 4.5.1 Reports from Administration, written or verbal shall be listed in the section on Regular Meeting Agendas designated for "Reports from Administration". The

Reports must be presented to the appropriate senior staff and the Chief Administrative Officer for review and concurrence prior to submitting the report to the Clerk or Secretary.

- 4.5.2 Notwithstanding the foregoing, if a report from Administration relates specifically to a matter located earlier in the Agenda (for example, a Delegation), such report may be listed in the earlier section of the Agenda.

4.6 Correspondence

- 4.6.1 Items of correspondence shall be legible, contain no obscene language or defamatory allegations, and shall be signed by the author(s) together with their return mailing address or email address.
- 4.6.2 No person, except the Clerk or Secretary, shall, before or during a Meeting, place on the desks of Members or otherwise distribute any material whatsoever. Materials for distribution shall be provided to the Clerk or Secretary prior to the commencement of the Meeting.
- 4.6.3 Correspondence or petitions containing obscene or defamatory language shall not be included on the Meeting Agenda, and shall be directed to the Chief Administrative Officer.
- 4.6.4 Requests from persons, organizations, associations and other municipal governments to endorse resolutions shall be included in the Correspondence section of the Agenda.
- 4.6.5 Where the subject matter of the correspondence is within the jurisdiction of a Committee, Sub-Committee or Local Board, such correspondence shall be forwarded directly to the appropriate Committee, Sub-Committee or Local Board.
- 4.6.6 Correspondence of a routine administrative nature shall be referred directly to the appropriate senior staff member.
- 4.6.7 For each Agenda of Council, the Clerk shall prepare an item entitled "Correspondence to be received on Consent" for receipt by Council without debate. Prior to the approval of such items, any such items can firstly be removed, so as to be considered individually, at the request of any Member of Council at that meeting, who wishes to discuss and/or support that item.

4.7 New Business

- 4.7.1 Members of Council, a Committee, Sub-Committee or Local Board may, after the Agenda has been published, introduce matters that are minor and urgent in nature

to an Agenda during a Regular Meeting under the heading “New Business”, if the Member introducing the New Business is able to demonstrate, to the satisfaction of the Chair, that the matter is in fact Minor and Urgent in nature, as defined in Section 1.3 of this By-Law and should be added to the Agenda. The decision of the Chair in determining whether an item will be added as New Business shall be final.

- 4.7.2 At the sole discretion of the Chair, the question of whether a New Business item meets the requirement of being minor and urgent in nature may be referred to the whole of Council, a Committee, Sub-Committee or Local Board to be decided by a majority vote.

4.8 Reports and Announcements from Council Members

- 4.8.1 Each Council Member will be provided with a maximum of five (5) minutes, to make a report or announcement that is non-controversial in nature to the rest of Council for the purpose of sharing information about events, activities/community functions and general work by Council Members on behalf of their constituents.
- 4.8.2 Items brought forward by Council under Reports and Announcements from Council Members, shall not be discussed by any other Council Member, are not debatable and shall not be the subject of a motion or resolution of Council.

4.9 Discussion with No Motion on the Table

- 4.9.1 Members are permitted to speak more than once on a matter prior to the introduction of a Motion, provided the information being presented by the Member is new and does not repeat any prior discussion by that Member.
- 4.9.2 At the sole discretion of the Chair, a Member who has spoken on a matter more than once may be asked to cease speaking if, in the opinion of the Chair, the information being presented is not new and repeats prior discussion by that Member.

4.10 Motions

- 4.10.1 Motions shall be seconded before being debated or put to a vote.
- 4.10.2 Types of Motions
 - 4.10.2.1 Schedule “B” to this By-Law provides a description of the most common types of Motions encountered at a Meeting, together with a table entitled “Rules Relating to Motions”. This table summarizes the ranking of Motions and other characteristics of Motions, such as whether a Motion can be amended, debated, etcetera.

4.10.3 Speaking to a Motion

4.10.3.1 Each Member shall be permitted to speak only once to a Motion.

4.10.3.2 When speaking to a Motion, a Member shall confine his or her discussion to the Motion and, in speaking, will be limited to a maximum of 5 minutes unless otherwise decided by the Chair.

4.10.3.3 Notwithstanding Section 4.10.3.2, the Member who made the Motion shall be permitted to reply for a maximum of five (5) minutes, after all other Members who wish to speak to the Motion have spoken.

4.10.3.4 When a Motion is under debate, a Member may ask a concisely worded question through the Chair to the Chief Administrative Officer, the Clerk or another Employee of the Town regarding the Motion, prior to the Motion being put to a vote by the Mayor.

4.10.3.5 A Member may request that the Motion under debate be read at any time during the debate, but shall not interrupt a Member who is speaking.

4.10.3.6 If the Chair wishes to speak to a Motion for the purposes of taking a position on the Motion and endeavouring to persuade other Members to support his/her position, the Chair shall first leave his or her chair and request that the Deputy Mayor, Vice Chair or another Member, take over as Chair until such time as the Chair has finished speaking to the Motion.

4.10.4 Friendly Amendment

4.10.4.1 A friendly amendment to a Motion may be offered by someone who is in sympathy with the purpose of the main Motion, in the belief that the amendment will either improve the statement or effect of the main Motion, or will increase the chances of the main Motion's adoption.

4.10.4.2 A friendly amendment to a Motion may be made providing there is consent from the mover and the seconder.

4.10.5 Motion to Direct Administration

4.10.5.1 A Motion directing Administration to undertake certain action with respect to any item on the Agenda shall be in order, provided it is moved, seconded and carried by Council.

4.10.6 Notice of Motion

4.10.6.1 A Notice of Motion is an advance notice to Members regarding a matter on which Council, a Committee, Sub-Committee or Local Board will be asked to make a decision.

4.10.6.2 A Notice of Motion shall be given in writing to the Clerk or Secretary prior to the Regular Meeting and shall include the name of the mover. Any Notice of Motion not given in writing to the Clerk will not be presented. The Clerk or Secretary shall then present the Notice of Motion at the appropriate location on the Agenda and advise that the Motion will be brought to the next Regular Meeting for Council consideration.

4.10.6.3 A Notice of Motion once presented, shall not be debated or discussed by Members until the next Regular Meeting.

4.10.7 Motion to Change the Order of Business

4.10.7.1 A motion changing the order of business shall not be amendable or debatable and requires a majority vote of Council, a Committee, Sub-Committee or Local Board.

4.11 Rules of Voting

4.11.1 Every Member present at an open or Closed Meeting of Council, a Committee, Sub-Committee or Local Board, when a question is put, shall vote, unless prohibited by statute. If prohibited, the Clerk or Secretary shall record the name of the Member and the reason that he or she is prohibited from voting.

4.11.2 A Member of Council may request that the Chair "call the question", at which time the Chair may accept or deny the request with the decision of the Chair being final.

4.11.3 If any Member does not vote when a question is put, they shall be deemed to have voted in the negative, except where the Member has not voted as a result of declaring a conflict of interest in the matter or question before Council.

4.11.4 After a question is put by the Chair, no Member shall speak to the question nor shall any other Motion be made until after the vote is taken and the result has been declared.

4.11.5 When the Chair calls for a vote on a question, each Member shall occupy their seat and shall remain in their seat until the result of the vote has been declared by the Chair.

4.11.6 When a vote is taken and a tie results, the motion is defeated.

- 4.11.7 Upon making a Motion to Divide the Question, the question may be divided, and the vote upon each question shall be taken separately. The parts of the motion must be able to stand alone for division of a question to be in order (refer to Schedule B, "Motions", Section B.3).
- 4.11.8 A Motion to amend an amendment shall be voted on first.
- 4.11.9 Voting of the main Motion and amending Motions shall be conducted in the following order:
- 1) a Motion to amend a Motion to amend the main Motion;
 - 2) a Motion, as amended, to amend the main Motion; and
 - 3) the main Motion, as amended.
- 4.11.10 Voting for a Motion shall not be permitted by ballot or by any other method of secret voting, and every vote so taken will be of no effect.
- 4.11.11 The Chair shall announce the result of every vote taken as either Carried or Defeated.
- 4.11.12 If a Member disagrees with the result announced by the Chair, he or she may object immediately and the vote shall be retaken, and this shall be noted in the minutes by the Clerk.
- 4.11.13 The Clerk shall not record dissenting votes in the Minutes unless the member(s) of Council voting against the motion has made such a request.
- 4.11.14 In any vote required of the whole Council, a Committee, Sub-Committee or Local Board, the number of members constituting the whole Council, a Committee, Sub-Committee or Local Board shall be determined by excluding:
- 1) the number of Members who are present at the Meeting but who are excluded from voting by reason of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50, as amended; and
 - 2) the number of Member seats that are vacant by reason of Section 259 of the Municipal Act, "Vacant Seat".
- 4.11.15 The Chair, except where disqualified from voting by reason of interest or otherwise, may vote with the Members on all questions. If the Chair desires to introduce a Motion, he or she shall leave the Chair for that purpose and shall call upon the Deputy Mayor or Vice Chair to fill his or her place while the matter is being considered. Upon completion of the matter, the Chair shall resume the Chair and preside over the Meeting.

4.12 Recorded Vote

- 4.12.1 A Recorded Vote shall be taken when called for by any Member. The Clerk or Secretary shall call upon each Member of Council, a Committee, Sub-Committee or Local Board entitled to vote on the Motion, to answer "support" or "opposed" beginning with the member who requested the recorded vote and then proceeding in a clock-wise direction to the other Members.
- 4.12.2 A Member may call for a Recorded Vote immediately prior to or immediately after the taking of the vote.
- 4.12.3 When a Recorded Vote is taken, the names of the Members who voted in support and those who voted in opposition to the motion shall be entered in the minutes. The names of the members declaring a conflict of interest shall be entered in the minutes.
- 4.12.4 All Members present shall vote when a Recorded Vote is called for, except when they have been disqualified from voting by reason of the *Municipal Conflict of Interest Act*, R.S.O. 1990, c. M.50 or any other Act.

4.13 By-Laws

- 4.13.1 By-Laws shall be introduced in the section on the Council agenda designated for By-Laws. However, if a By-Law is attached to a Report from Administration, the By-Law may be given the required readings at the time the report is received and the recommendations contained therein are approved.
- 4.13.2 Every By-Law shall receive First Reading, Second Reading and Third Reading by Council before being enacted, unless provided otherwise by law.
- 4.13.3 Unless prohibited by law, a By-Law may proceed to second reading at the same Meeting that it received first reading, provided the first reading was supported by at least two-thirds of the Members of Council present and entitled to vote. A By-Law shall not proceed to third reading at the same Meeting that it received first and second reading unless specifically approved by the Clerk, and the third reading was supported by at least two-thirds of the members of Council present and entitled to vote.
- 4.13.4 By-Laws of an urgent nature that were not included on the Regular Council Meeting Agenda prior to distribution, may be included as "New Business" and introduced as an addition to the published Agenda prior to adoption of the published Agenda.

- 4.13.5 Every By-Law shall contain no blanks except such as may be required to conform to accepted procedure or to comply with the provisions of any Act.
- 4.13.6 Every By-Law enacted by Council shall be numbered and shall be signed by the Mayor and the Clerk, sealed with the seal of the Corporation and shall show the dates of the three readings by Council.
- 4.13.7 Every By-Law shall be kept in numerical order in the specified By-Law book and in the electronic filing system.
- 4.13.8 A confirmatory By-Law shall be considered at the end of each Regular Meeting, immediately prior to adjournment, to confirm all proceedings and resolutions passed by Council, except for those resolutions that require or are still subject to the approval of the Ontario Municipal Board or other mandatory statutory approval.
- 4.13.9 The Clerk may make changes to By-Laws or resolutions to:
- 1) correct spelling, punctuation or grammatical errors, or errors that are of a clerical, typographical or similar nature;
 - 2) alter the style or presentation of text or graphics to improve electronic or print presentation and accessibility;
 - 3) replace a description of a date or time with the actual date or time;
 - 4) if a provision provides that it is contingent on the occurrence of a future event and the event occurs, remove text referring to the contingency and make any other changes that are required as a result;
 - 5) when the name, title, location or address of a body, office, person, place or thing has been altered, change any reference to the name, title, location or address to reflect any alteration in name, title, location or address;
 - 6) correct errors in the numbering of provisions or other portions of a By-Law and make any changes in cross-references that are required as a result;
 - 7) if a provision of a transitional nature is contained in a By-Law, make any changes that are required as a result;
 - 8) make a correction, if it is apparent both that an error has been made and what the correction should be.

4.14 Petitions

- 4.14.1 Petitions must adhere to guidelines provided in the Town of Essex Petition Policy.
- 4.14.2 Petitions from residents requesting Council to consider the introduction, expansion, enhancement, restoration, reduction, alteration or cessation of a

service or program of the Town of Essex, must be directed to the Clerk for inclusion on an agenda, including those received by the Mayor or a Member of Council.

4.14.3 A motion directing receipt of the petition and the action required shall be in order.

4.14.4 Petitions to Council to be included on the agenda may be submitted by residents and included under Correspondence. Any such petition must be submitted to the Clerk, in accordance with the Agenda deadlines pursuant to Section 3.2.6 of this by-law.

Part V – Committees, Sub-Committees and Local Boards of Council

5.1 Appointments to Committees, Sub-Committees and Local Boards of Council

- 5.1.1 Council shall appoint Council Members and members of the public to its Committees, Sub-Committees and Local Boards after the Inaugural Meeting of the new Council.
- 5.1.2 As soon as practicable after the Inaugural Meeting , the Clerk shall provide the Town of Essex Striking Committee and all Members of Council with a list of Committees, Sub-Committees and Local Boards to which Council appoints member(s) to sit together with any applicable terms of reference for such Committees, Sub-Committees and Local Boards. The Town of Essex Striking Committee for the new term of Council shall consist of the Mayor, the Deputy Mayor and one other Member of Council to be appointed by Council.
- 5.1.3 As soon as practicable after the Inaugural meeting of the new Council, the Town of Essex Striking Committee shall meet to consider and make recommendations as to Council and public member appointments to Committees, Sub-Committees and Local Boards (where and as applicable). Such recommended appointments shall be considered and/or confirmed by Council at a public Council Meeting thereafter.

5.2 Committee, Sub-Committee and Local Board Meeting Minutes

- 5.2.1 Committee, Sub-Committee and Local Board Meeting minutes must be completed and circulated by the Secretary to the Committee, Sub-Committee or Local Board Chair and then forwarded to the Clerk within one week of the Meeting date.
- 5.2.2 Recommendations to Council as a result of Committee, Sub-Committee or Local Board Meeting Minutes shall be listed with the Minutes on the Council Agenda. Council may vote on the recommendations collectively or may vote on each resolution separately if it is capable of standing on its own.

5.3 General Information for Committees and Local Boards

- 5.3.1 The Mayor is Ex-officio of all Committees of Council.
- 5.3.2 Where a Committee or Sub-Committee is established with a specified number of Members that does not provide for the membership of the Mayor as an Ex-Officio Member, such number of committee members will be automatically increased by one, except where prohibited by law. The Mayor, as an Ex-Officio Member, may

vote and otherwise participate in such Committee or Sub-Committee on the same basis as any other Member.

- 5.3.3 The term of the Committee, Sub-Committee or Local Board shall be for four (4) years and generally ends at the conclusion of Council's term.
- 5.3.4 The Clerk will advertise for interested citizens to make application to serve on Committees, Sub-Committees and Local Boards as soon as practicable after the municipal election. Once applications have been received, they will be reviewed by the Clerk and Council Members elected to the new term of Council.
- 5.3.5 Vacancies on Committees, Sub-Committees and Local Boards that occur during the term will be filled as soon as practicable.
- 5.3.7 Council shall establish Ad Hoc Committees or Task Forces, as required and shall provide a mandate for each Ad Hoc Committee or Task Force.
- 5.3.8 Committee, Sub-Committee and Local Board members will be provided with a copy of the Town of Essex Local Boards/Committees Procedures and Best Practices Manual adopted by Council, as amended from time to time, and will be required to adhere to the procedures and best practices outlined in the manual.

Part VI – General

6.1 Repeal

6.1.1 By-law 1681 and all amendments thereto are hereby repealed.

6.2 Severability

6.2.1 Should any section, subsection, clause, paragraph or provision of this by-law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of this by-law as a whole or any part thereof, other than the provision so declared to be invalid.

6.3 Effective Date

6.3.1 This by-law shall come into force and take effect on the final passing.

Read a first and a second time and provisionally adopted on July 20, 2020.

Mayor

Clerk

Read a third time and finally passed on August 4, 2020.

Mayor

Clerk

Schedule “A” to By-Law Number 1926

Agenda - Order of Business, Deadlines and Notice

A.1 Order of Business for Regular Meetings

A.1.1 The order of business for Regular Meetings shall be as follows:

1. Call to Order
2. National Anthem
3. Closed Meeting Report
4. Declarations of Conflict of Interest
5. Adoption of Published Agenda
6. Adoption of Minutes
7. Public Presentations
8. Unfinished Business
9. Reports from Administration
10. Reports from Youth Members
11. County Council Update
12. Correspondence
13. Committee Meeting Minutes
14. Financial
15. New Business
16. Notices of Motion
17. Reports and Announcements from Council Members
18. By-Laws
19. Adjournment

A.2 Deadline for Material Included in Regular Meeting Agenda

A.2.1 The deadline for receipt of material by the Clerk to be included on the Agenda for Regular Meetings shall be 2:00 PM on the Tuesday preceding the Regular Meeting.

A.3 Notice of Meetings

A.3.1 Regular Meeting

A.3.1.1 The Agenda for a Regular Meetings shall be posted on the Town of Essex website and electronically delivered in accordance with Section 3.6.1 of this By-Law, by no later than ninety-six (96) hours before the hour appointed for the holding of the Regular Meeting.

A.3.2 Special Meeting

A.3.2.1 The Agenda for a Special Meeting shall be posted on the Town of Essex website and electronically delivered in accordance with Section 3.6.2 of this By-Law by no later than 24 hours before the hour appointed for the holding of the Special Meeting.

A.3.3 Closed Meeting

A.3.3.1 Notice for a Closed Meeting shall be posted on the Town's website no later than twenty-four (24) hours before the hour appointed for the holding of the Closed Meeting. The Agenda for the Closed Meeting shall be electronically delivered in accordance with Section 3.6.3 of this By-Law.

A.3.4 Emergency Meeting

A.3.4.1 Notice for an Emergency Meeting shall be posted on the Town of Essex website no less than two (2) hours before the hour appointed for the holding of the Emergency Meeting.

Schedule “B” to By-Law Number 1681

Motions

B.1 Point of Order

- B.1.1 When a Member desires to call attention to a departure from or a violation of the rules of procedure, including a breach of the rules of procedure related to Delegations and members of the public, he or she shall ask leave of the Chair to raise a Point of Order promptly and at the time that the breach occurs.
- B.1.2 After leave is granted, he or she shall briefly state the reasons for a Point of Order and the Chair shall then decide upon the Point of Order and advise the Members of his or her decision.
- B.1.3 The Mayor or Chair has the ability to refer the Point of Order to the rest of Council for debate when in doubt as how to rule on an important point.
- B.1.4 Points of Order shall be noted in the Minutes by the Clerk and shall include any rulings made by the Chair or the Members.
- B.1.5 Unless a Member immediately appeals the Chair’s decision to the Council, the decision of the Chair shall be final.
- B.1.6 When the Chair calls a Member to order, that Member shall immediately refrain from speaking until the Point of Order is dealt with. The Member shall not speak again to the matter under discussion without the permission of the Chair.

B.2 Appeal the Decision of the Chair

- B.2.1 Any two Members have the right to Appeal the decision of the Chair on a Point of Order by one Member making the Appeal and another seconding it.
- B.2.2 An appeal has the effect of taking the question from the Chair and vesting it with the Members for a final decision.
- B.2.3 If any debate or business has intervened since the Chair made the decision on a Point of Order, it is too late to appeal.

B.3 Motion to Divide the Question

- B.3.1 Where a series of resolutions related to a single subject exist, a Member may request one or more of the resolutions be considered separately by making a Motion to Divide the Question, which is adopted by a majority vote.

- B.3.2 Where a series of resolutions relate to completely different subjects and a Motion to Divide is adopted, any resolutions in the series must be voted on separately.

B.4 Motion to Withdraw

- B.4.1 If a Motion has not been received by the Chair, it is the property of its mover, who can withdraw it or modify it without asking the consent of anyone.
- B.4.2 After a Motion is received by the Chair, it is deemed to be in possession of Council, a Committee, Sub-Committee or Local Board, but may, at the request of the mover and with the permission of Members, be withdrawn at any time before decision or amendment.

B.5 Motion to Adjourn

- B.5.1 A Motion to Adjourn is made for the purpose of closing a Meeting and, once adopted, has the effect of closing the meeting immediately.
- B.5.2 All Regular Council Meetings shall stand adjourned when Council, a Committee, Sub-Committee or Local Board has completed the business as listed on the Agenda, or upon the arrival of 11:00 PM.

B.6 Motion to Recess (while business is pending)

- B.6.1 Members may make a motion to recess while another question is pending for the purpose of securing information relevant to the pending question or to allow for informal consultation on the pending question.
- B.6.2 A Motion to Recess while business is pending provides for an immediate intermission which does not close the meeting. A Motion to Recess can only be amended as to the length of the recess.
- B.6.3 Following the recess, the meeting immediately resumes at the exact point where it was interrupted.
- B.6.4 When a Motion to Recess has been adopted for the purpose of informal discussion on the pending question, all Members shall be present at the discussion.

B.7 Motion to Recess (while no business is pending)

- B.7.1 Members may make a Motion to Recess while no business is pending, with the recess either beginning immediately or at a future time.

B.8 Question of Privilege

- B.8.1 Raising a Question of Privilege permits a Member to make a request relating to the rights and privileges of the Members as a whole or any one Member.
- B.8.2 A Question of Privilege with respect to the Members as a whole may be related to the comfort of the Members (for example, heating, ventilation, lighting, noise, et cetera), the conduct of employees or visitors, the accuracy of published reports, et cetera.
- B.8.3 A Question of Privilege with respect to a Member, may relate to an incorrect record of a Member's participation in a meeting contained in minutes adopted in that Member's absence, a factual error relating to a Member that arises during debate or discussion, or to charges against a Member's character.
- B.8.4 A Question of Privilege shall take precedence over all other matters.
- B.8.5 If a Question of Privilege related to the Members as a Whole and a Question of Privilege related to any one Member are raised consecutively, the Question of Privilege relating to the privileges of the Members as a whole takes precedence over the Question of Privilege relating to an individual Member.
- B.8.6 In raising a Question of Privilege, a Member addresses the Chair who will ask the Member to state the Question of Privilege at which time the Member will either describe the situation briefly and ask that it be remedied, or if the Member believes that the matter will require formal action by Council, make a Motion covering the Question of Privilege.
- B.8.7 When the Question of Privilege has been disposed of, the business of the Meeting is resumed at the point at which it was interrupted.
- B.8.8 Questions of Privilege shall be noted in the Minutes, including any rulings by the Chair or Motions.
- B.8.9 A Member may appeal a decision by the Chair immediately after the Chair has rendered a decision, at which time the Chair will turn the appeal over to the Members as a whole.

B.9 Motion to Table

- B.9.1 A Motion to Table a particular matter removes the subject from consideration until Members vote to take it from the table. A matter can be tabled for a specific period of time or tabled indefinitely.

- B.9.2 A Motion to Table applies to the main Motion and any amendments to it under debate at the time the Motion to Table was made. A Motion to Table shall not include additional statements.
- B.9.3 A Motion to Take from the Table is required to bring the matter back before the Members for consideration.

B.10 Motion to Postpone (or Defer) to a Certain Time

- B.10.1 A Motion to Postpone or Defer to a Certain Time is a motion requesting that a pending question be delayed to a definite day, Meeting, or hour, or until after a certain event.
- B.10.2 A Motion to Postpone or Defer to a Certain Time is debatable as to its merits only, with no discussion of the main question and is amendable only to change the length of the postponement.
- B.10.3 A Motion to Postpone or Defer to a Certain Time shall include a fixed date for the question to come back before consideration, must be made while the main Motion or an amendment is on the floor and takes precedence over that motion or amendment.

B.11 Motion to Refer

- B.11.1 A Motion to Refer is a Motion to request that a pending Motion be referred to Administration, a Committee, Sub-Committee, a Local Board, or elsewhere to be investigated before bringing the matter back to the Members for consideration.
- B.11.2 A Motion to Refer should include:
- 1) the name of the Department, Committee, Sub-Committee, Local Board or other body to whom the request is to be referred; and
 - 2) instructions or directions respecting the information requested.

B.12 Motion to Amend

- B.12.1 A Motion to Amend is a Motion to modify the wording of a pending Motion before the pending motion is acted upon.
- B.12.2 A Motion to Amend is debatable if the Motion to be amended is debatable.
- B.12.3 A Motion to Amend shall:
- 1) be made only to a previous Motion or to amend an amendment to the Motion;

- 2) be relevant to the question to be decided; and
- 3) take precedence over the Motion to which it is applied, even if that Motion ranks higher than Motion to Amend in the regular order of precedence of Motions.

B.13 Motion to Reconsider

- B.13.1 A Motion to Reconsider is a Motion requesting to bring back, for further consideration, a Motion that has already been decided on by Council, a Committee, Sub-Committee or Local Board.
- B.13.2 If the action approved in the original Motion cannot be reversed, the Motion cannot be reconsidered.
- B.13.3 A Motion may be reconsidered at the same Meeting or any Meeting following the Meeting when the Motion was considered provided that a Member who voted with the majority on the original Motion moves for reconsideration of the original Motion.
- B.13.4 Each Member shall be responsible for making a determination on how the Member voted on a specific matter.
- B.13.5 A Motion to reconsider a decided matter shall only be moved and seconded by two members who voted with the majority on the original Motion.
- B.13.6 A Motion to Reconsider suspends action on the Motion to which it applies until it has been decided.
- B.13.7 No discussion of the main question which is proposed for reconsideration shall be allowed until the Motion to reconsider is carried.
- B.13.8 No motion shall be reconsidered more than once during a period of twelve (12) months following the date on which the question was decided.
- B.13.9 When a question is brought before a succeeding Council, it shall be deemed to be new business and not a matter of reconsideration.
- B.13.10 The following motions cannot be reconsidered:
- 1) Motion to Adjourn;
 - 2) Motion to Recess;
 - 3) Motion to Suspend the Rules; and
 - 4) Motion to Reconsider.

B.13.11 A Motion to Reconsider a decided matter shall require the approval of two-thirds support of the whole of Council, a Committee, Sub-Committee or Local Board.

B.14 Motion to Rescind

B.14.1 A Motion to Rescind is a motion requesting that a previous action or resolution be cancelled or reversed. Motions cannot be rescinded when something has been done as a result of the vote on the main Motion that is impossible to undo.

B.15 Motion to Extend

B.15.1 In the event that the business before Council has not been completed by 11:00 PM, then Council, by majority vote of the Members present, may approve an extension of the Meeting in thirty (30) minute increments.

B.15.2 If other business on the Agenda is not completed after an extension or extensions, the Meeting shall reconvene at 6:00 PM on the subsequent day or on another day and time as agreed upon by Council by a majority vote.

Rules Relating to Motions

(Based on Robert’s Rules of Order)

Order of Preference	In Order when Member has Floor	Must be Seconded	Is Amend-able	Is Debat-able	Vote Required for Adoption
<u>No Ranking</u>					
Point of Order	Yes	No ¹	No	No	No Vote (Ruled on by Chair)
Appeal the Decision	No	Yes	No	Yes	50% vote sustains the Chair
Divide the Question	No	Yes	Yes	No	Majority
Withdraw	Yes/No ²	Yes/No ²	No	No	Majority
<u>Ranked</u>					
Adjourn	No	Yes	No	No	Majority
Recess (while business is pending)	No	Yes	Yes	No	Majority
Recess (while no business is pending)	No	Yes	Yes	Yes	Majority
Question of Privilege	Yes	No/Yes ³	No	No	No Vote (Chair decides)
Table	No	Yes	No	No	Majority
Postpone Definitely	No	Yes	Yes	Yes	Majority
Refer to Committee	No	Yes	Yes	Yes	Majority
Amend	No	Yes	Yes	Yes (motion to be amended is)	Majority
Postpone Indefinitely	No	Yes	No	Yes	Majority
Main Motion	No	Yes	Yes	Yes	Majority

¹Chair can permit full explanation and can submit question to Members.

²If not granted by unanimous consent, can be moved by person requesting permission, or by another while the former has the floor. Motion must be seconded if motion is made by

person requesting permission, but does not need to be seconded if it is made by another Member.

³Does not need to be seconded unless the Question of Privilege raised is in the form of a Motion, in which case the Motion must be seconded.

The order of precedence of the motions in the chart above is **top to bottom**. A motion higher in precedence (rank) is higher in the chart. If a motion is pending, any motion listed above it is in order. Those listed below it are not in order.

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¹ The Table of Contents is provided for reference purposes only.

The Corporation of the Town of Essex

By-Law Number 1933

Being a by-law to confirm the proceedings of the July 20, 2020, Regular Meeting of Council of The Corporation of the Town of Essex

Whereas pursuant to Section 5(1) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, the powers of a municipality shall be exercised by its Council;

And whereas pursuant to Section 5(3) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

And whereas it is deemed expedient that a by-law be passed to authorize the execution of Agreements and other documents and that the proceedings of the Council of The Corporation of the Town of Essex at its meetings be confirmed and adopted by by-law.

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. That the actions of the Council of The Corporation of the Town of Essex in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all other actions passed and taken by the Council of The Corporation of the Town of Essex, documents and transactions entered into during the July 20, 2020 meeting of Council, are hereby adopted and confirmed as if the same were expressly contained in this by-law.
2. That the Mayor and proper officials of The Corporation of the Town of Essex are hereby authorized and directed to do all the things necessary to give effect to the actions of the Council of The Corporation of the Town of Essex during the said July 20, 2020 meeting referred to in paragraph 1 of this by-law.
3. That the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary to the actions taken by this Council as described in Section 1 of this by-law and to affix the Corporate Seal of The Corporation of the Town of Essex to all documents referred to in said paragraph 1.

Read a first and a second time and provisionally adopted on July 20, 2020.

Mayor

Clerk

Read a third time and finally adopted on August 4, 2020.

Mayor

Clerk

RATING BY-LAW

Tile Drainage Act, R.S.O. 1990, c. T.8, s.8

THE CORPORATION OF THE
Town of Essex

BY-LAW NUMBER 1934

A by-law imposing special annual drainage rates upon land in
respect of which money is borrowed under the Tile Drainage Act.

WHEREAS owners of land in the municipality have applied to the council under the Tile Drainage Act for loans for the purpose of constructing subsurface drainage works on such land;

AND WHEREAS the council has, upon their application, lent the owners the total sum of \$25,100.00 to be repaid with interest by means of rates hereinafter imposed;

The council, pursuant to the Tile Drainage Act, enacts as follows:

1. That annual rates as set out in the Schedule 'A' attached hereto are hereby imposed upon such land as described for a period of ten years, such rates shall have priority lien status, and shall be levied and collected in the same manner as taxes.

First Reading 2020-Aug-04
yyyy/mm/dd

Second Reading 2020-Aug-04
yyyy/mm/dd

Provisionally adopted this 04 day of August, 2020

Larry Snively
Name of Head of Council

Signature

Robert Auger
Name of Clerk

Signature

Third Reading 2020-Aug-04

Enacted this 04 day of August, 2020

Larry Snively
Name of Head of Council

Signature

Corporate Seal

Robert Auger
Name of Clerk

Signature

I, Robert Auger, clerk of the Corporation of the Town of Essex certify that the above by-law was duly passed by the council of the Corporation and is a true copy thereof.

Robert Auger
Name of Clerk

Signature

Corporate Seal

Property Owner Information*				Description of Land Parcel to Which the Repayment Charge Will be Levied					Proposed date of loan (YYYY-MM-DD)	Sum to be loaned \$	Annual rate to be imposed \$		
Kasereka Busiku	Kahindo Bajeme	0		Lot: 6		Con: NMR			2020-Sep-01	\$ 25,100.00	\$ 3,410.29		
-	-												
2043 Trembley Road		Essex	ONT	Roll #:	3754	520	000	01800					
0	0	0		Lot:		Con:							
-	-												
				Roll #:									
0	0	0		Lot:		Con:							
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				Roll #:									
0	0	0		Lot:		Con:							
-	-												
				Roll #:									
0	0	0		Lot:		Con:							
-	-												
				Roll #:									
* If property is owned in partnership, all partners must be listed. If property is owned by a corporation, list the corporation's name and the name and corporate position of the authorized officer in the last blank space provided.Only the owner(s) of the property may apply for a loan.													
TOTAL *										\$ 25,100.00	\$ 3,410.29		

TILE DRAINAGE DEBENTURE

Tile Drainage Act, R.S.O. 1990, c. T.8, subs. 2(1)

\$25,100.00

No. 1934

The Corporation of the _____ Town _____ of _____ Essex _____ hereby promises to pay to the Minister of Finance, the principal sum of \$25,100.00 of lawful money of Canada, together with interest thereon at the rate of 6 per cent per annum in ten equal instalments of \$3,410.29 on the 1st day of September, in the years 2021 to 2030, both inclusive.

The right is reserved to The Corporation of the _____ Town _____ of _____ Essex _____ to prepay this debenture in whole or in part at any time or times on payment, at the place where and in the money in which this debenture is expressed to be payable, of the whole or any amount of principal and interest owing at the time of such prepayment.

This debenture, or any interest therein, is not, after a Certificate of Ownership has been endorsed thereon by the Treasurer of this Corporation, or by such other person authorized by by-law of this Corporation to endorse such Certificate of Ownership, transferable.

Dated at the _____ Town _____ of _____ Essex _____ in the Province of Ontario, this 1st day of September, 2020, under the authority of By-law No. 61 of the Corporation entitled "A by-law to raise money to aid in the construction of drainage works under the *Tile Drainage Act*."

Corporate Seal

Larry Snively

Name of Head of Council

Signature

Jeffrey Morrison

Name of Treasurer

Signature

The Corporation of the Town of Essex

By-Law Number 1938

Being a by-law to appoint a Tile Drainage Inspector for The Corporation of the Town of Essex

Whereas Section 4 of the Tile Drainage Act, R.S.O. 1990, c. T.8, (the "Act") authorizes the Council of a local municipality to pass a By-Law appointing a Tile Drainage inspector who shall inspect the drainage work and file with the clerk an inspection and completion certificate in the prescribed form, together with a sketch indicating the location, spacing, direction and depth of the tile as laid, and the cost of such services by the inspector shall be charged against the drainage work inspected and shall be paid out of the money borrowed and deducted from the amount loaned under section 7 of the Act.;

And whereas Section 227 of the Municipal Act, 2001, S.O. 2001, c. 25, as amended, authorizes municipalities to appoint such officers and employees as may be necessary to implement Council's decisions and establish administrative practices and procedures to carry out Council's decisions, to undertake research and provide advice to Council on the policies and programs of the municipality, and to carry out other duties required under this or any Act and other duties assigned by the municipality;

And whereas Council of The Corporation of the Town of Essex desires to appoint Lindsay Dean as Tile Drainage Inspector;

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. Lindsay Dean is hereby appointed as Tile Drainage Inspector for The Corporation of the Town of Essex.
2. The Tile Drainage Inspector shall carry out the duties as prescribed by the Tile Drainage Act, R.S.O. 1990, c. T.8.
3. This by-law shall come into force and effect upon its final passing thereof.

Read a first, a second and a third time and finally passed on August 4, 2020.

Mayor

Clerk

The Corporation of the Town of Essex
By-Law Number 1940
Being a by-law for the declaration of surplus
lands by The Corporation of the Town of
Essex

Whereas Council of The Corporation of the Town of Essex did pass By-Law Number 855, being a by-law to establish policies for the sale of disposition of surplus lands, on November 7, 2007;

And whereas the Town has an interest in the land legally described as Plan 176, Part Alley, Reference Plan 12R-6198 Parts 1 and 2. Municipality of Essex, County of Essex, Province of Ontario and as further described in the Notice of Declaration of Surplus Lands posted to the Town of Essex website a copy of which is attached hereto as Schedule A to this By-law 1940.

And whereas such interest in this land so described was hereby first presented to Council to be declared as surplus to the needs of the town and whereas such lands were so declared at its Special Meeting on July 13, 2020

And whereas notice of the Towns intention to sell the subject land was provided at the July 13, 2020 Special meeting of Council and posted to the Towns Website on July 24, 2020.

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. That the Town's interest in the land legally described as Plan 176, Part Alley, Reference Plan 12R-6198 Parts 1 and 2. Municipality of Essex, County of Essex, Province of Ontario and as further identified in Schedule A attached hereto to this By-law 1940, is hereby declared to be surplus to municipal needs and may therefore be released or disposed of by way of private sale in accordance with the provisions of By-Law Number 855; and
2. That this By-Law shall come into full force upon the final passing thereof.

Read a first, a second and a third time and finally passed on August 4, 2020.

Mayor

Clerk

SCHEDULE “A”



Notice of Consideration of Declaration of Surplus Lands (Talbot Street North)

Posted on Friday, July 24, 2020



At its July 13, 2020 Special Council Meeting, Council for the Town of Essex declared the following property as surplus land in accordance with **By-Law 855** (Policies & Procedures for the Sale and Disposition of Surplus Lands By-law):

- **Legal description:** Registered Plan 176, Part Alley, Reference Plan 12 R-6198, Parts 1 & 2, Municipality of Essex, County of Essex, Province of Ontario.
- **Location description:** Vacant land on northeast side of Talbot Street North, fronting on the east side of North Talbot having a frontage of 22.24 feet and an irregular depth and a total area of approximately 2,222 square feet.

Under Section 270(1) of the Municipal Act, 2001, municipalities shall adopt and maintain policies with respect to the sale and other disposition of surplus land.

Council will consider a by-law approving a sale of the property via private sale as per the requirements set out in By-law 855 at its August 4, 2020 Regular Council Meeting,

Individuals or organizations may submit written comments regarding the declaration of surplus land to clerks@essex.ca or by mail to Clerks' Office, 33 Talbot Street South, Essex, ON, N8M1A8, with the subject line "Surplus Lands".

For more information, please contact:

Rob Auger
Town Solicitor/Clerk
519-776-7336 ext 1132
rauger@essex.ca

Contact Us

Town of Essex

33 Talbot Street South
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The Corporation of the Town of Essex

By-Law Number 1939

Being a by-law to confirm the proceedings of the August 4, 2020, Regular Meeting of Council of The Corporation of the Town of Essex

Whereas pursuant to Section 5(1) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, the powers of a municipality shall be exercised by its Council;

And whereas pursuant to Section 5(3) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

And whereas it is deemed expedient that a by-law be passed to authorize the execution of Agreements and other documents and that the proceedings of the Council of The Corporation of the Town of Essex at its meetings be confirmed and adopted by by-law.

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. That the actions of the Council of The Corporation of the Town of Essex in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all other actions passed and taken by the Council of The Corporation of the Town of Essex, documents and transactions entered into during the August 4, 2020 meeting of Council, are hereby adopted and confirmed as if the same were expressly contained in this by-law.
2. That the Mayor and proper officials of The Corporation of the Town of Essex are hereby authorized and directed to do all the things necessary to give effect to the actions of the Council of The Corporation of the Town of Essex during the said August 4, 2020 meeting referred to in paragraph 1 of this by-law.
3. That the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary to the actions taken by this Council as described in Section 1 of this by-law and to affix the Corporate Seal of The Corporation of the Town of Essex to all documents referred to in said paragraph 1.

Read a first and a second time and provisionally adopted on August 4, 2020.

Mayor

Clerk

Read a third time and finally adopted on August 24, 2020.

Mayor

Clerk