# Regular Council Meeting Agenda

August 24, 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.

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 24, 2020**

   Moved by _____
   Seconded by _____
   **That** the published agenda for the August 24, 2020 Regular Council Meeting, be adopted as presented / amended.

5. **Adoption of Minutes**

   5.1 **Regular Council Meeting Minutes for August 4, 2020**

   Moved by _____
   Seconded by _____
   **That** the minutes of the Regular Council Meeting held August 4, 2020, be adopted as circulated.

6. **Public Presentations**

   6.1 **Randy Voakes**

   RE: Steel Street Art in Essex Centre

   Moved by _____
   Seconded by _____
   **That** the public presentation by Randy Voakes asking Council to consider supporting a piece of Steel Street Art in Essex Centre at the intersection in the downtown corridor (in front of CIBC), be (received/received and supported).

   6.2 **Darrel Dufour**

   Seeking Council's consideration to re-instate In-Fill Permit for 6790 Concesssion 6

   Moved by _____
   Seconded by _____
   **That** the public presentation by Darrel Dufour asking Council to consider reinstating the Infill permit for his property at 6790 6th Concession, be (received/received and supported).

   6.3 **Eric Naylor**

RE: Kona Ice Windsor Essex

Seeking an exemption for the provisions in the Town of Essex By-Law 629 that restricts a Transient Vendor from operating at locations in the Town of Essex other than Commercial, Industrial or Institutional zoned properties.

- By-Law 629 - Licensing of Businesses
- Application for Transient Trader Licence in the Town of Essex

Moved by _____
Seconded by _____
**That** the public presentation by Eric Naylor, Kona Ice Windsor Essex, asking Council to consider granting an exemption for their food truck called KEV (Kona Entertainment Vehicle) to operate as a Transient Vendor within the Town of Essex on properties other than commercial, industrial and institutional zoned properties, be (received/received and supported); and

If Council chooses to approve the exemption, that the requirements of the transient vendor by-law and the Transient Vendor application be otherwise complied with.

## 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 Parks and Facilities Report 2020-07

RE: Essex Centre Sports Complex Foundation Repairs

Moved by _____
Seconded by _____
**That** Parks and Facilities Report 2020-07, entitled "Essex Centre Sports Complex Foundation Repairs", prepared by Doug Sweet, Director of Community Services/Deputy CAO, dated August 24, 2020, be received; and

**That** Council awards the "Request for Tender - Slab Repair and Reconstruction at the Essex Centre Sport Complex" to Vince Ferro Construction Ltd. in the amount of $329,421.00 excluding non-refundable HST; and

**That** Council approves CIMCO Refrigeration to perform all refrigeration work including but not limited to draining the system, removing and installing all current refrigeration pipes in the repair area in the amount of $175,000.00 excluding non-refundable HST; and

**That** Council approves an overall budget for the Essex Centre Sports Complex Foundation Repair project in the amount of up to $625,000.00 which includes items number 2 and 3 above, and the consultant costs (Haddad Morgan and Associates and CT Soils), the boiler removal and installation from mechanical room, the rubber floor removal and installation and repair work from damaged underground electrical conduit for the Shaheen Rink; and

**That** Council approves funding for the Essex Centre Sports Complex Foundation Repair project in the amount of $625,000.00 by utilizing the $85,000 in approved project CS-20-0018 Essex Arena Floor Repairs ($42,500 coming from Asset Management Lifecycle Reserve and the other $42,500 from property taxation) and the remaining unfunded balance of $540,000.00 being funded accordingly: $169,259.00 - General Arena Reserve, $84,600.00 - Essex Arena Expansion Reserve and the remaining $286,141.00 - Asset Management Lifecycle Reserve.

### 8.3 Community Services Report 2020-04

RE: Reopening of Town of Essex Indoor Recreation Facilities

Moved by _____
Seconded by _____
**That** Community Services Report 2020-04, entitled "Reopening of Town of Essex Indoor Recreation Facilities", prepared by Doug Sweet, Director of Community Services/Deputy CAO, dated August 24, 2020; and

**That** Council approves the opening of the Harrow Arena, McGregor Community Centre, Colchester Community Centre, Maedel Community Centre, and the Essex Centre Sports Complex-Shaheen Room as of Tuesday, September 8 as per the provinces Stag 3 reopening plan and guidelines; and

**That** Council concurs with Administration following the Town's Ice Allocation Policy when allocating ice at the Harrow Arena, while repairs occur at the Essex Centre Sports Complex.

### 8.4 Economic Development Report 2020-11

RE: Building Report and Development Overview July 2020

Moved by _____
Seconded by _____
**That** Economic and Development Report 2020-11, entitled "Building Report and Development Overview July 2020", prepared by Nelson Silveira, Economic Development Officer, dated August 24, 2020, be received.

### 8.5 Planning Report 2020-10

RE: TELUS Communications Tower Relocation Request, Ben van Reekum, Land Solutions, Agent

- Site Lease
- By-Law 1943
  Being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Essex and Telus Communications Inc.
  (2225 Roseborough Road)

Moved by _____
Seconded by _____
**That** Planning Report 2020-10, entitled "TELUS Communications Tower Relocation Request, Ben Van Reekum, Land Solutions Agent", prepared by Jeff Watson, Policy Planner, Development Services, dated August 24, 2020, be received; and

**That** By-Law 1943, being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Essex and Telus Communications INC., be read a first, a second, and a third time and finally passed on August 24, 2020.

### 8.6 Planning Report 2020-16

RE: Redline Revisions and Street Closing and Opening Requests, Dalla Bona Construction (East Side of Queen Street, North of Colio Drive, Ward 4)

- Appendix A - Plan of Subdivision
- Appendix B - Revised Draft Plan of Subdivision
- Appendix C - Plan of Survey
- Correspondence Fazio Giorgi LLP

- By-Law 1936

  Being a by-law to close and convey a Public Right of Way

- By-Law 1935
  Being a by-law to provide that Part Lot Control shall not apply to certain lands within Registered Plan 12M-558 in Harrow

Moved by _____
Seconded by _____
**That** Planning Report 2020-16, entitled "Redline Revisions and Street Closing and Opening Requests, Dalla Bona Construction (East Side of Queen North, North of Colio Drive, Ward 4), prepared by Rita Jabbour, Manager, Planning Services, dated August 24, 2020, be received; and

**That** By-Law 1936, being a by-law to Close and Convey a Public Right of Way, be read a first, a second and a third time and finally passed on August 24, 2020; and

**That** By-Law 1935, being a by-law to provide that Part Lot Control shall not apply to certain lands within Registered Plan 12M-558 in Harrow, be read a first, a second and a third time and finally passed on August 24, 2020.

### 8.7 Planning Report 2020-17

RE: Reduction and Release of Securities for Phase 5 of the Kimball Estates Development (Ward1)

Moved by _____
Seconded by _____
**That** Planning Report 2020-17, entitled "Reduction and Release of Securities for Phase 5 of the Kimball Estates Development (Ward 1)", prepared by Rita Jabbour, Manager, Planning Services, dated August 24, 2020, be received; and

**That** the securities for the end of the maintenance period for Phase 5 of the Kimball Estates Development be reduced to $8,483.48; and

**That** the maintenance securities in the amount of $259,828.25 for the completion of civil construction work and street lighting, be returned to the developer, Kimball Estates INC.

### 8.8 Planning Report 2020-19

RE: Site Plan Control Approval for 178 County Road 50 East (Colchester South, Ward 3)

- Site Plan

- By-Law 1941
  Being a by-law to enter into a Site Plan Control Agreement between The Corporation of the Town of Essex and Magnolia Ranch INC.

Moved by _____
Seconded by _____
**That** Planning Report 2020-19, entitled "Site Plan Control Approval for 178 County Road 50 East", prepared by Rita Jabbour, Manager, Planning Services, dated August 24, 2020, be received; and

**That** By-Law 1941, being a by-law to enter into a Site Plan Control Agreement between The Corporation of the Town of Essex and Magnolia Ranch INC., be read a first, a second and a third time and finally passed on August 24, 2020.

### 8.9 Drainage Report 2020-07

RE: Appointment of an Engineer under Section 76 of the Drainage Act to provide updated cost sharing for the Brooks Drain

Moved by _____
Seconded by _____
**That** Drainage Report 2020-07, entitled "Appointment of an Engineer under Section 76 of the Drainage Act to provide updated cost sharing for the Brooks Drain", prepared by Lindsay Dean, Drainage Superintendent, dated July 29, 2020, be received; and

**That** Council appoints Rood Engineering Incorporated under Section 76 of the Drainage Act to provide cost sharing for future culvert replacements for the Brooks Drain.

### 8.10 Drainage Report 2020-08

RE: Appointment of an Engineer under Section 78 of the Drainage Act to review the Brush Drain

Moved by _____
Seconded by _____
**That** Drainage Report 2020-08, entitled "Appointment of an Engineer under Section 78 of the Drainage Act to review the Brush Drain", prepared by Lindsay Dean, Drainage Superintendent, dated August 7, 2020, be received; and

**That** Council appoints Rood Engineering Incorporated under Section 78 of the Drainage Act to review the Brush Drain.

### 8.11 Drainage Report 2020-09

RE: Appointment of an Engineer under Section 78 of the Drainage Act to install a new culvert in the Graveline Drain

Moved by _____
Seconded by _____
**That** Drainage Report 2020-09, entitled "Appointment of an Engineer under Section 78 of the Drainage Act to install a new culvert in the Graveline Drain", prepared by Lindsay Dean, Drainage Superintendent, dated August 12, 2020, be received; and

**That** Council appoints Rood Engineering Incorporated under Section 78 of the Drainage Act to install a new culvert in the Graveline Drain.

### 8.12 Development Services Report 2020-02

RE: Results of Development Standards Manual Request for Proposal

Moved by _____
Seconded by _____
**That** Development Services Report 2020-02, entitled "Results of Development Standards Manual Request for Proposal", prepared by Lori Chadwick ,Director, Development Services, dated August 24, 2020, be received; and

**That** Council awards the consulting services contract for the Development Standards Manual to Dillon Consulting Limited in the amount of $79,576.32 including non-refundable HST; and

**That** Council approves the reallocation of $9,576.32 from Capital Project PZ-20-0002 (Official Plan Amendment) to PZ 19-0007 (Development Standard Manual).

## 9. Reports from Youth Members

## 10. County Council Update

## 11. Correspondence

### 11.1 Correspondence to be received

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 Virus Correspondence

11.1.1.1 Ministry of the Solicitor General

RE: Proclamation of the Reopening Ontario (A Flexible Response to COVID-19) Act, 2020

11.1.1.2 Bereavement Authority of Ontario (BAO)

RE: Registrar's Directive: Windsor-Essex enters Stage 3 gathering limits at funerals and visitations

11.1.1.3 Ontario Association of Cemetery and Funeral Professionals (OACFP)

RE: August 14, 2020 Recent Updates

11.1.1.4 Town of Essex Media Release - August 12, 2020

COVID-19 Response: Mayor's Message
Stage 3 is here, but citizens should continue to follow public health guidelines

11.1.1.5 Taras Natyshak MPP

Correspondence dated August 14, 2020 advising the Town of Essex Council that he will read their resolution passed by at the June 29, 2020
Special Council Meeting in the Legislature as soon as proceedings resume.

- Correspondence from Jeff Burch MPP Niagara Centre and ONDP Municipal Affairs critic, dated July 3, 2020 to the Premier calling on the Premier to provide immediate and long-term funding for municipalities.
- Copy of correspondence from the Town of Essex dated July 3, 2020

11.1.1.6 Association of Municipalities of Ontario (AMO) Policy Update - August 11, 2020

RE: Court Security Funding Review, CCTV Grant Program, Windsor-Essex Goes to Stage 3

11.1.1.7 Association of Municipalities of Ontario (AMO) Policy Update - August 12, 2020

RE: Municipal Emergency Fiscal Relief, Quarter 1 Fiscal and COVID-19 Action Plan Updates

11.1.1.8 Ministry of Municipal Affairs and Housing

RE: Safe Restart Agreement

Correspondence dated August 12, 2020 advising Council that the Town of Essex will receive a payment of $543,800 to support COVID-19 operating costs and pressures.

11.1.2 Canadian Association of Municipal Administrators (CAMA)

RE: Long Service Recognition Awards Program

Correspondence dated July 13, 2020 recognizing Chief Administrative Officer Chris Nepszy for his ten years of municipal services in a management capacity.

11.1.3 Town of Amherstburg

- RE: Request for Raw Data on Positive COVID-19 Cases in Essex County

  Resolution supporting the Town of Essex's request that the Windsor Essex County Health Unit provide a detailed breakdown of data reporting on positive COVID-19 cases in our municipality and region.

- RE: Support Federal Assistance for People with Disabilities - COVID-19 Pandemic

  Resolution supporting the Essex County Accessibility Advisory Committee's (ECAAC) initiative to seek additional funding from the Federal government for certified holders of the Disability Tax Credit (DTC) to assist with the added financial burden during the COVID-19 Pandemic.

- RE: Providing Tax or Other Financial Relief to Non-Profit Services Clubs as a result of COVID-19
  Resolution supporting a request for the Province to look into all possible ways of providing tax and/or other financial relief to our community non-profit service clubs and organizations as a result of not being able to operate and be open as a result of the COVID-19 pandemic.

11.1.4 Municipality of West Grey

Resolution acknowledging that the Municipality of West Grey will actively work towards anti-racism and anti-oppression at every opportunity beginning with annual training for council, committee members and employees for anti-racism, anti-oppression, diversity and inclusion, and the history of Aboriginal peoples.

11.1.5 Ministry of Transportation Safety Program Development Branch

RE: School Bus Stop Arm Camera Program

- Provincial Guidelines

Correspondence from the Ministry of Transportation, Safety Program Development Branch, dated August 7, 2020 introducing a school bus stop arm camera program.

11.1.6 Ministry of Infrastructure, Director of Intergovernmental Policy

RE: Investing in Canada Infrastructure Program: Community, Culture, and Recreation Stream

Correspondence dated August 7, 2020 notifying Council that the Construction of an Outdoor Sports Complex project that was submitted under the Community, Culture and Recreation funding stream of the Investing in Canada Infrastructure Program (ICIP) was not nominated for federal review and approval.

## 11.2 Correspondence to be considered for receipt and support

### 11.2.1 County of Essex

RE: Support for Federal Assistance for People with Disabilities - COVID-19 Pandemic

Moved by _____
Seconded by _____
**That** correspondence from the County of Essex, dated July 29, 2020 supporting the request from the Essex County Accessibility Advisory Committee (ECAAC) to the Federal Government to provide additional funding for certified holders of the Disability Tax Credit (DTC) to assist with the added financial burden during the COVID-19 Pandemic, be (received/received and supported); and

**That** if Council chooses to support their resolution, a letter of support be sent to the Prime Minister, the Minister of Employment, Workforce Development and Disability Inclusion and a copy of the letter of be sent to the ECAAC.

### 11.2.2 Essex Region Conservation

RE: Essex Region Source Protection Committee - Municipal Representation

Moved by _____
Seconded by _____
**That** correspondence from the Essex Region Conservation Authority, dated July 31, 2020 introducing municipal candidates prior to their appointment to the Source Protection Committee (SPC), be (received/received and supported); and

**That** if Council chooses to endorse the following individual's appointment to the Essex Region Source Protection Committee:

- Albert Dionne, Town of Lakeshore, appointment date: September 10, 2020; expiration of appointment September 10, 2025;
- Ian Wilson, City of Windsor, appointment date: September 10, 2020; expiration of appointment September 10, 2021;
- Nelson Santos, Union Water Supply System, appointment date: September 10, 2020; expiration of appointment November 30, 2022, and

**That** a letter of support be sent to the Essex Region Source Property Committee, prior to August 31, 2020.

### 11.2.3 Greater Essex County District School Board

RE: Request for support for additional funding from Province for Health and Safety Standards in schools

Moved by _____
Seconded by _____
**That** correspondence from the Greater Essex County District School Board, dated August 14, 2020 asking Council to consider supporting their efforts to have the Ministry of Education, through the provincial government, provide a substantial increase in funding for additional health and safety standards in the schools to prevent the spread of the COVID-19 virus, be (received/received and supported); and

If Council chooses to support their request, a letter of support be sent to the Ministry of Education and a copy of the letter be sent to the school board.

11.2.4 City of Elliot Lake

RE: Resolution supporting Private Member Bill by Majid Jowhari, M-36, Emancipation Day

Moved by _____
Seconded by _____
**That** correspondence from the City of Elliot Lake, supporting the Private Member Bill put forward by Majid Jowhari, that August 1 of every year be designated as "Emancipation Day" in Canada, recognizing the heritage of Canada's peoples of African descent and the contributions they have made and continue to make to Canada, be (received/received and supported); and

If Council chooses to support the Private Member Bill by Majid Jowhari, that a letter of support be sent to Majid Jowhari, MP Richmond Hill and Chris Lewis, MP Essex, and a copy of the letter be sent to the City of Elliot Lake.

## 12. Committee Meeting Minutes

Moved by _____
Seconded by _____
**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.

### 12.1 Drainage Board - June 24, 2020

RE: Consideration of Contract Price for Shepley Drain: Replacement Bridges for Elwood Defour and Garry and Bonny Quick

### 12.2 Co-An Park Committee

- June 10, 2020
- July 28, 2020 (including July 27, 2020 Costing Report)
- August 6, 2020

### 12.3 Court of Revision - June 24, 2020

RE: James Shepley Drain: Bridge for Bolger

### 12.4 Committee of Adjustment Meeting - July 21, 2020

### 12.5 Personnel Committee - August 11, 2020

**(PC-20-02) Recommendation to Council** that the Personnel Committee provide the

following recommendation for Council consideration regarding the final approval for CAO recruitment:

1. Approval to hire a CAO must be passed with a majority plus one (1) of those Council members in attendance.

## 13. Financial

### 13.1 June 2020 Bank Payments Report

Moved by _____
Seconded by _____
**That** the Bank Payments Report, including the June cheque register, cheque number 51491 to 51587 inclusive in the amount of $3,750,810.98; the Preauthorized Payments for the month of June of $320,580.57; and the Payroll for June 2020 in the amount of $406,455.78, be ratified as submitted.

## 14. New Business

## 15. Notices of Motion

### 15.1 The following Notices of Motions were brought forward at the August 4, 2020 Regular Council Meeting and are brought forward this evening for Council's consideration:

15.1.1 Councillor Bondy

RE: Council Report Tracker

Moved by _____
Seconded by _____
Moved by Councillor Bondy
Seconded by

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

15.1.2 Mayor Snively

RE: Hunting License Review

- By-Law 633
  Licence Fees - Hunting Ring-Necked Pheasants Rabbits

Moved by _____
Seconded by _____
Moved by Mayor Snively
Seconded by

**That** Council direct Administration to review if it is 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.

### 15.2 The following Notices of Motions will be presented at the September 8, 2020 Regular Council Meeting for Council's consideration:

15.2.1 Councillor Bondy

RE: Earlier Mailout for Notices of Drain Maintenance Works

That Town of Essex Council directs Administration to send out Notices of Drain Maintenance Works in December and January if possible before planting season, to minimize the impact to our farming community during planting and harvesting season.

15.2.2 Councillor Bondy

RE: Review Regular Council Meeting Agenda and Procedural By-Law

That Town of Essex Council discuss and direct Administration to review the agenda and procedural by-law for our regular council meetings. For example the registering of delegations speaking to agenda items, roll call of votes, the notice of motion process and the submission of verbal reports to be discussed along with any other suggestions from councillors to make improvements to public service.

## 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 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

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 third time and finally passed on August 24, 2020.

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

17.2.1 By-Law 1942

Being a by-law to approve the submission of an application to the Ontario Infrastructure and Lands Corporation ("OILC") for the long-term financing of certain capital work(s) of The Corporation of the Town of Essex (the "Municipality"); and to authorize entering into a Rate Offer Letter Agreement pursuant to which the Municipality will issue debentures to OILC

Moved by _____
Seconded by _____
**That** By-Law 1942 being a by-law to approve the submission of an application to the Ontario Infrastructure and Lands Corporation ("OILC") for the long-term financing of certain capital work(s) of The Corporation of the Town of Essex (the "Municipality"); and to authorize entering into a Rate Offer Letter Agreement pursuant to which the Municipality will issue debentures to OILC, be read a first, a second and a third time and finally adopted this August 24, 2020.

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

17.3.1 By-Law 1944

Being a by-law to confirm the proceedings of the August 24, 2020 Regular Meeting of the Council of the Corporation of the Town of Essex

Moved by _____

Seconded by _____

**That** By-Law 1944 being a by-law to confirm the proceedings of the August 24, 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 August 24, 2020.

## 18. Adjournment

Moved by _____

Seconded by _____

**That** the meeting be adjourned at [TIME].

## 19. Future Meetings

### 19.1 Tuesday, September 8, 2020 - 6:00 - 9:00 PM - Regular Council Meeting

Location: TBD

### 19.2 Monday, September 21, 2020 - 6:00 - 9:00 PM - Regular Council Meeting

Location: TBD