



## Regular Council Meeting Agenda

April 6, 2021, 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](mailto:clerks@essex.ca) or 519-776-7336 extension 1100 or 1101.

This meeting will be hosted and chaired from the Town of Essex Municipal Building. Due to the ongoing COVID-19 pandemic this meeting is not currently open to the public for in person attendance.

This meeting can only be viewed by the public electronically via livestream on YouTube at [www.youtube.com/EssexOntario](https://www.youtube.com/EssexOntario)

Pages

1. **Call to Order**

2. **National Anthem**

3. **Closed Meeting Report**

4. **Declarations of Conflict of Interest**

5. **Adoption of Published Agenda**

5.1. **Regular Council Meeting Agenda for April 6, 2021**

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the published agenda for the April 6, 2021 Regular Council Meeting be adopted as presented / amended.

6. **Adoption of Minutes**

6.1. **Regular Council Meeting Minutes for March 15, 2021**

1

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the minutes of the Regular Council Meeting held March 15, 2021 be adopted as circulated.

6.2. **Special Council Meeting Minutes for December 21, 2020**

13

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the minutes for the Special Council Meeting held December 21, 2020 be adopted as circulated.

6.3. **Special Council Meeting Minutes for February 16, 2021**

19

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the minutes of the Special Council Meeting held February 16, 2021 be adopted as circulated.

**6.4. Special Council Meeting Minutes for March 1, 2021** 21

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the minutes of the Special Council Meeting held March 1, 2021 be adopted as circulated.

**7. Public Presentations**

**7.1. Ken Knapp Ford** 24

RE: Requesting the use of Spitfire Park to host Event

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the delegation by Randy Voakes and James Knapp on behalf of Ken Knapp Ford be received.

**8. Unfinished Business**

**9. Reports from Administration**

**9.1. Chief Administrative Officer (CAO), Chris Nepszy Verbal Report**

- Noise By-Law Exemption - Parkland Estates
- COVID-19 - Town Facilities

**9.2. Legal and Legislative Services-2021-05** 29

RE: Prohibition on the Use of Corporate Resources during an Election

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** Legal and Legislative Services-2021-05 entitled Policy: Prohibition on the Use of Corporate Resources during an Election prepared by Robert W Auger, Town Solicitor/Clerk dated April 6, 2021 be received, and

**That** the Town of Essex Policy: Prohibition on the Use of Corporate Resources during an Election attached hereto as Schedule "B" to this report be adopted as presented and in replacement of the current policy.

**9.3. Legal and Legislative Services-2021-06** 50

RE: Front End Financing for Municipal Capital Facilities and a Policy for Future Large Scale Developments

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** Legal and Legislative Services-2021-06 entitled Front End Financing for Municipal Capital Facilities and a Policy for Future Large Scale Developments be received;

**That** Council approves the Town of Essex entering into an Agreement with Essex Town Centre Ltd. for the provision of municipal capital facilities in accordance with the terms and conditions of the said Agreement attached hereto as Schedule "A" to this Report;

**That** By-Law 1937 being a by-law to enter into an Agreement between Essex Town Centre Ltd. and the Town of Essex for the Provision of

	Municipal Capital Facilities be read a first, second and third time and be finally adopted on April 6 2021; and	
	<b>That</b> in accordance with this Report and its Agreement that Council direct Administration to formulate a formal policy to serve or guide future requests for assistance in relation to large scale developments in the Town of Essex.	
9.3.1.	By-Law 1937	68
	RE: By-law to enter into an Agreement between Essex Town Centre Ltd. and the Town of Essex for the Provision of Municipal Capital Facilities	
9.4.	<b>Legal and Legislative Services-2021-07</b>	106
	RE: Integrity Commissioner Annual Report 2020 and Extension of Service	
	Moved by _____	
	Seconded by _____	
	<b>That</b> Legal and Legislative Services 2021-07 entitled Integrity Commissioner Annual Report 2020 and Extension of Services prepared by Robert W Auger and dated April 6, 2021 be received;	
	<b>That</b> the Integrity Commissioner Annual Report for 2020 attached hereto as Schedule “A” to this Report be received for Council and public information, and	
	<b>That</b> Council approve the two year extension of the current Integrity Commissioner Agreement up to and including December 31, 2023 OR	
	<b>That</b> Council does not approve the two year extension of the current Integrity Commissioner Agreement and further directs Administration as follows: _____.	
9.5.	<b>Legal and Legislative Services-2021-08</b>	117
	RE: Court of Revision for Barrette Drain: Repair and Improvements	
	Moved by _____	
	Seconded by _____	
	<b>That</b> the following three (3) members of the Drainage Board: Kirk Carter, Percy Dufour and Felix Weigt-Bienzle be appointed to sit as members of the Court of Revision to be convened for the Barrette Drain: Repair and Improvements, Geographic Township of Colchester North, Town of Essex, County of Essex, Project REI2020D009 pursuant to the Report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc., and dated January 25, 2021 (hereinafter the “Report”), such Court of Revision to be scheduled for 5:00 pm on May 5, 2021, via electronic meeting, and	
	<b>That</b> By-Law 2000 being a by-law to provide for the Barrette Drain: Repair and Improvements, Geographic Township of Colchester North, Town of Essex, County of Essex, Project REI2020D009, be read a first and second time and be provisionally adopted on April 6, 2021.	
9.6.	<b>Community Services-2021-02</b>	223
	RE: Special Events Resource Team (SERT) April Update	

- Moved by \_\_\_\_\_  
 Seconded by \_\_\_\_\_  
**That** Community Services-2021-002 entitled Special Events Resource Team (SERT) April Update be received for Council information.
- 9.7. Community Services-2021-03** 228
- RE: Colchester Beach and Parking Enforcement
- Moved by \_\_\_\_\_  
 Seconded by \_\_\_\_\_  
**That** Community Services-2021-003 entitled Colchester Beach and Parking Enforcement - 2021 be received, and
- That** Council approve contracting Commissionaires Security to provide parking enforcement around Colchester Park and Colchester Beach areas, and in addition provide staffing for beach security on the Colchester Beach for the 2021 summer operating season.
- 9.8. Capital Works and Infrastructure-2021-03** 233
- RE: Results of Request for Tender for the Supply and Application of Maintenance Stone
- Moved by \_\_\_\_\_  
 Seconded by \_\_\_\_\_  
**That** Capital Works and Infrastructure-2021-03 entitled, Results of Request for Tender-2021 Supply and Application of Maintenance Stone prepared by Kevin Girard, Director, Infrastructure Services dated April 6, 2021 be received, and
- That** Council award the Request for Tender – 2021 Supply and Application of Maintenance Stone to Southwestern Sales Corporation Limited up to the amount of \$185,000.00 including non-refundable Harmonized Sales Tax.
- 9.9. Capital Works and Infrastructure-2021-04** 237
- RE: Results of Request for Tender for the Supply of Articulated Grader
- Moved by \_\_\_\_\_  
 Seconded by \_\_\_\_\_  
**That** Capital Works and Infrastructure 2021-04 entitled, Results of Request for Tender-2021 Supply of Articulated Grader prepared by Kevin Girard, Director, Infrastructure Services dated April 6, 2021 be received,
- That** Council award the Request for Tender–2021 Supply of Articulated Grader to Brandt Tractor Ltd. in the amount of \$469,897.32 including additional attachments, extended warranty, and non-refundable Harmonized Sales Tax, and
- That** Council approve the additional funding of \$19,897.32 above the approved 2021 Capital Budget for the articulated grader (Project No. PW-21-0005) to be financed from the Public Works Equipment Reserve.
- 9.10. Capital Works and Infrastructure-2021-05** 243
- RE: Results of Request for Tender for the Single Axle Plow Truck and Winter Control Equipment 2021

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** Capital Works and Infrastructure-2021-05 entitled, Results of Request for Tender–Single Axle Plow Truck and Winter Control Equipment 2021 prepared by Kevin Girard, Director, Infrastructure Services dated April 6, 2021 be received,

**That** Council award the Request for Proposals as follows:

- a. Supply of Single Axle Plow Truck Cab and Chassis 2021 to Team Truck Centres Ltd. in the amount of \$124,577.65 including non-refundable HST,
- b. Supply of Winter Control Equipment for a Single Axle Plow Truck with Stainless Steel Dump Body to Viking-Cives Ltd. in the amount of \$155,447.56 including non-refundable Harmonized Sales Tax, and

**That** Council approve the additional funding of \$4,861.86 including non-refundable HST above the approved 2021 Capital Budget of \$280,000.00 for Project PW-21-0041 for the Supply of Winter Control Equipment for a Single Axle Plow Truck, Supply of a Single Axle Plow Truck Cab and Chassis from the Public Works Equipment Reserve.

9.11.

**Drainage-2021-02**

248

Appointment of an Engineer under Section 78 of the Drainage Act to enclose a portion of the Bassett Drain

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** Drainage-2021-02 entitled Appointment of an Engineer under Section 78 of the Drainage Act to enclose a portion of the Bassett Drain prepared by Lindsay Dean, Drainage Superintendent dated April 6, 2021 be received, and

**That** Council appoint Rood Engineering Incorporated under Section 78 of the Drainage Act to enclose a portion of the Bassett Drain.

9.12.

**Planning-2021-07**

252

RE: Site Specific Zoning Amendment: 0 County Road 50 East (ZBA-01-21) and 3900 North Malden Road (ZBA-02-21) and 0 South Talbot Road (ZBA-03-21) ,

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** Planning-2021-07 entitled Site Specific Zoning Amendment: 0 County Road 50 East (ZBA-01-21 ) and 3900 North Malden Road (ZBA-02-21) and 0 South Talbot Road (ZBA-03-21) prepared by Rita Jabbour, RPP, Manager, Planning Services dated April 6, 2021 be received,

**That** By-Law Number 2003, being a by-law to amend By-law Number 1037 for the property at 3900 North Malden Road be read a first, a second, and a third time and finally passed on April 6, 2021,

**That** By-Law Number 2004, being a by-law to amend Bylaw Number 1037 for the lands comprising Parts 1 and 2 on 12R28489 be read a first, a second, and a third time and finally passed on April 6, 2021, and

**That** By-Law Number 2005, being a by-law to amend By-law Number 1037 for the lands comprising lots 40-52 on Registered Plan Number

1390 be read a first, a second, and a third time and finally passed on April 6, 2021.

9.12.1.	By-Law 2003	312
	RE: By-Law to Amend By-Law 1037 for the lands municipally known as 3900 North Malden Road	
9.12.2.	By-Law 2004	313
	RE: By-Law to Amend By-Law 1037 for the lands comprising of Part of Lot 284 and 285 Concession South Talbot Road	
9.12.3.	By-Law 2005	314
	RE: By-Law to Amend By-Law 1037 for the lands comprising Lots 40-52 on Registered Plan 1390	

10. Reports from Youth Members

11. County Council Update

12. Correspondence

12.1. Correspondence to be received

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** all of the correspondence listed in Agenda Item 12.1 be received and, where indicated, to further share such information with the community using suitable methods of communication.

12.1.1.	Correspondence relating to COVID-19 Pandemic	
12.1.1.1.	Ministry of the Solicitor General	315
	RE: Amendments to Orders under the <i>Reopening Ontario (A Flexible Response to COVID-19) Act, 2020</i> (ROA)	
12.1.1.2.	Ministry of Municipal Affairs and Housing	319
	RE: Capacity Limit Changes for some events in Grey-Lockdown, Phase 1 COVID Vaccination Plan, and new COVID Border Testing Orders	
12.1.1.3.	Ministry of Solicitor General	321
	RE: Phase 1 COVID-19 Vaccinations for Frontline Police Officers	
12.1.1.4.	Corporation of The Township of South Glengarry	324
	RE: COVID-19 Vaccine Distribution and Vaccination Rate	
12.1.1.5.	Ministry of the Solicitor General	325
	RE: New COVID Border Testing Orders under the <i>Quarantine Act</i>	

12.1.1.6.	Office of the Fire Marshal and Emergency Management RE: COVID-19 Relief Funding for Municipalities Program	
12.1.1.7.	Windsor-Essex County Health Unit RE: Confirmed Active COVID-19 Cases in Windsor and Essex County for the week of March 8 to March 14, 2021	329
12.1.1.8.	Windsor-Essex County Health Unit RE: Confirmed Active COVID-19 Cases in Windsor and Essex County for the week of March 22 to March 28, 2021	332
12.1.1.9.	Ontario Recreation Facilities Association RE: Open Letter to ORFA Members and Industry Employers	335
12.1.1.10.	WEVax Vaccination Awareness Campaign Launch	337
12.1.1.11.	Town of Niagara-on-the-Lake RE: Reform the Ontario Wine Industry	338
12.1.2.	The Corporation of the Town of Plympton-Wyoming Re: Carbon Tax on Primary Agriculture Producers	339
12.1.3.	Association of Municipalities Ontario Re: Provincial Budget Highlights and Bill 257 Referred to Committee	340
12.1.4.	Union Water Supply System RE: Agenda for Wednesday, March 17, 2021	343
12.1.5.	Dillon Consulting Limited RE: Highway 3 Notice of Completion - Design and Construction Report	366
12.1.6.	Essex County Federation of Agriculture RE: New President of the Essex County Federation of Agriculture (ECFA)	375
12.1.7.	Office of the Solicitor General RE: Update on the new Ontario Provincial Police (OPP) detachment boards under the <i>Community Safety and Policing Act, 2019</i> (CSPA)	377
12.1.8.	Ministry of Finance RE: Ontario Cannabis Legalization Implementation Fund	385
12.1.9.	Corporation of the Town of LaSalle	388

12.1.10.	Windsor-Essex Therapeutic Riding Association	391
	RE: Letter of thanks from Windsor-Essex Therapeutic Riding Association (WETRA) for donation	

**12.2. Correspondence to be considered for receipt and support**

12.2.1.	RE: Request for Leave of Absence from Drainage Board, Property Standards Committee, and the Committee of Adjustment.	392
	Moved by _____	
	Seconded by _____	
	<b>That</b> the correspondence from Dan Boudreau requesting a leave of absence up to a one year period from the Drainage Board, Property Standards Committee, and the Committee of Adjustment, be received and supported ; and	
	<b>That</b> Administration proceed with the necessary steps to fulfill the temporary vacancies on the respective committees for a period of up to one year.	

**13. Committee Meeting Minutes**

Moved by \_\_\_\_\_  
Seconded by \_\_\_\_\_  
**That** all the Committee Meeting minutes listed in Agenda Item 13, together with any recommendations to Council noted therein, be received, approved and adopted as circulated.

13.1.	Committee of Adjustment Meeting January 19 2021	394
13.2.	Arts, Culture and Tourism Committee February 10, 2021	408
13.3.	Court of Revision February 24, 2021	411
	RE: Relocation of the Rush Drain	
13.4.	Drainage Board March 17, 2021	422
	RE: Long Marsh Drain Replacement and Future Bridge and Barrette Drain Repair and Improvements	
13.5.	Finance Committee Meeting Minutes March 22, 2021	431
	FC21-03-003	
	Moved by Councillor Bowman	
	Seconded by Councillor Vander Doelen	
	<b>Recommendation to Council</b> that Finance and Business Services-2021-03 entitled Cash Control Policy prepared by Heather MacDonald, Assistant Manager, Finance and Katelynn Giurissevich, Manager, Finance and Business Services dated March 22, 2021 be received and approved.	
	<b>Carried</b>	

**14. Financial**



**14.1. 2020 Council Discretionary Fund Summary 452**

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the 2020 Council Discretionary Fund Summary be received for information.

**14.2. February Bank Payments Report 453**

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** the Bank Payment Report, including the February 2021 cheque register, cheque number 52621 to cheque number 52698 and electronic funds transfer (EFT) payment number EFT004028 to EFT004211 inclusive in the amount of \$1,716,984.04; the Preauthorized Payments for the month of February in the amount of \$341,040.60; and Payroll for the month of February in the amount of \$350,577.23, be ratified as submitted.

**15. New Business**

**16. Notices of Motion**

**16.1. The following Notices of Motion are being presented this evening and will be brought forward for Council's consideration at the April 19, 2021 Regular Council Meeting**

**16.1.1. Mayor Snively**

RE: Land Acknowledgement

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** Administration research and consult with local First Nations, indigenous organizations and other community champions in creating or developing a land acknowledgement statement for the Town of Essex.

**16.1.2. Councillor Bondy**

RE: Safe and Reliable Supply of Electricity from Hydro One

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** Essex Council send a letter to Hydro One to let them know of the concerns we have in our municipality of frequent power outages that are negatively impacting both our residential homes and businesses.

**17. Reports and Announcements from Council Members**

**18. By-Laws**

**18.1. By-Laws that require a third and final reading**

**18.1.1. By-Law 1987**

Being a by-law to provide for the Relocation of the Rush Drain, Former Township of Colchester North Now in the Town of Essex, File No. 19-1023

463

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** By-Law Number 1987 being a by-law to provide for the Relocation of the Rush Drain, Former Township of Colchester North Now in the Town of Essex, File No. 19-1023, be read a third time and finally passed on April 6, 2021.

18.1.2. By-Law 1996 466

Being a by-law to confirm the proceedings of the March 15, 2021, Regular Meeting of Council of The Corporation of the Town of Essex

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** By-Law Number 1996 Being a by-law to confirm the proceedings of the March 15, 2021, Regular Meeting of Council of The Corporation of the Town of Essex, be read a third time and finally passed on April 6, 2021.

**18.2. By-Laws that require a first, second, third and final reading**

18.2.1. By-Law 1999 468

Being a by-law to appoint a By-Law Enforcement Officer for the Town of Essex

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** By-Law 1999 being a by-law to Appoint a By-Law Enforcement Officer for the Town of Essex be read a first, second and a third time and finally passed on April 6, 2021.

18.2.2. By-Law 2001 470

Being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Essex and St. Clair College of Applied Arts and Technology

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** By-Law Number 2001 being a by-law to authorize the execution of an Agreement between The Corporation of the Town of Essex and St. Clair College of Applied Arts and Technology be read a first, second and a third time and finally passed on April 6, 2021.

18.2.3. By-Law 2002 477

Being a by-law for the Declaration and Disposition of Surplus Lands (96 County Road 50 West) by The Corporation of the Town of Essex

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** By-Law 1999 being a by-law for the Declaration and Disposition of Surplus Lands (96 County Road 50 West) by The Corporation of the Town of Essex be read a first, a second and a third time and finally passed on April 6, 2021.

Being a by-law to enter into an Agreement between The Corporation of the Town of Essex (“the Recipient”) and Her Majesty the Queen in Right of Ontario as represented by the Office of the Fire Marshal (the “Province”)

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** By-Law Number 2006 being a by-law to enter into an Agreement between The Corporation of the Town of Essex (“the Recipient”) and Her Majesty the Queen in Right of Ontario as represented by the Office of the Fire Marshal (the “Province”) be read a first, second and a third time and finally passed on April 6, 2021.

### **18.3. By-Laws that require a first and second reading**

#### 18.3.1. By-Law 2007

496

Being a by-law to confirm the proceedings of the April 6, 2021 Regular Meeting of the Council of the Corporation of the Town of Essex

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

**That** By-Law 2007 being a by-law to confirm the proceedings of the April 6, 2021 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 April 6, 2021.

### **19. Adjournment**

Moved by \_\_\_\_\_

Seconded by \_\_\_\_\_

That the meeting be adjourned at [TIME].

### **20. Future Meetings**

#### **20.1. Monday, April 12, 2021 - 3:00 - 5:00 PM Special Council Meeting**

RE: Community Services Roundtable

Location: Electronic Meeting via Zoom

Livestream available at [www.youtube.com/EssexOntario](http://www.youtube.com/EssexOntario)

#### **20.2. Monday, April 19, 2021 - 6:00 - 9:00 PM Regular Council Meeting**

Location: Electronic Meeting via Zoom

Livestream available at [www.youtube.com/EssexOntario](http://www.youtube.com/EssexOntario)

#### **20.3. Monday, May 3, 2021 - 4:30 - 6:00 PM Special Council Meeting**

RE: Background Study and Draft Amendment to Development Charges By-Law

Location: Electronic Meeting via Zoom

Livestream available at [www.youtube.com/EssexOntario](http://www.youtube.com/EssexOntario)

**20.4. Monday, May 3, 2021 - 6:00 - 9:00 PM Regular Council Meeting**

Location: Electronic Meeting via Zoom

Livestream available at [www.youtube.com/EsexOntario](http://www.youtube.com/EsexOntario)