



Regular Council Meeting Agenda

June 7, 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 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

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 June 7, 2021

Moved by _____

Seconded by _____

That the published agenda for the June 7, 2021 Regular Council Meeting be adopted as presented / amended.

6. Adoption of Minutes

6.1. Regular Council Meeting Minutes for May 17, 2021

1

Moved by _____

Seconded by _____

That the minutes of the Regular Council Meeting held May 17, 2021 be adopted as circulated.

6.2. Special Council Meeting Minutes for March 9, 2021

12

Moved by _____

Seconded by _____

That the minutes of the Special Council Meeting held March 9, 2021 be adopted as circulated.

6.3. Special Council Meeting Minutes for March 29, 2021

17

Moved by _____

Seconded by _____

That the minutes of the Special Council Meeting held March 29, 2021 be

adopted as circulated.

6.4. Special Council Meeting Minutes for April 6, 2021 23

Moved by _____

Seconded by _____

That the minutes of the Special Council Meeting held April 6, 2021 be adopted as circulated.

6.5. Special Council Meeting Minutes for April 12, 2021 28

Moved by _____

Seconded by _____

That the minutes of the Special Council Meeting held April 12, 2021 be adopted as circulated.

7. Public Presentations

7.1. Lisa Wallace, Chair, Essex Accessibility Advisory Committee 33

RE: Awareness Presentation of Town of Essex Accessibility Committee Initiatives

Moved by _____

Seconded by _____

That the presentation by Lisa Wallace, Chair, Essex Accessibility Committee be received.

7.2. Cynthia Swift, Lead Audit Engagement Partner, KPMG LLP 38

RE: 2020 Audited Financial Statements

Moved by _____

Seconded by _____

That the presentation of the 2020 Audited Financial Statements for the Town of Essex by Cynthia Swift, Lead Audit Engagement Partner, KPMG LLP, be received; and

That the 2020 Audited Financial Statements for the Town of Essex, be adopted as presented.

7.3. Peter Thyrring, Headmaster, St. Peter's ACHS College School 108

RE: Former Harrow High School

Moved by _____

Seconded by _____

That the presentation by Peter Thyrring, Headmaster, St. Peter's ACHS College School be received.

8. Unfinished Business

9. Reports from Administration

9.1. Finance and Business Services Report-2021-01 113

RE: Development Charges - Interest Rate By-Law

Moved by _____

Seconded by _____

That Finance and Business Services Report-2021-01 entitled

	Development Charges - Interest Rate By-Law prepared by Katelynn Giurissevich dated June 7, 2021 be received; and	
	That By-Law 2030 being a by-law to charge interest on outstanding development charges equal to the Town's borrowing rate plus 2% fixed at the date of building permit issuance or at the date of related planning application, compounded annually, be read a first, second, and third time and finally adopted on June 7, 2021.	
9.1.1.	By-Law 2030	121
9.2.	Finance and Business Services-2021-06	124
	RE: By-Law to Debenture 2021 Annual Drainage Maintenance Billings	
	Moved by _____	
	Seconded by _____	
	That Finance and Business Services-2021-06 entitled Annual Drainage Maintenance Billings Payment Terms prepared by Katelynn, Giurissevich, Manager, Finance and Business Services, dated June 7, 2021 be received; and	
	That By-Law 2031 being a By-Law to provide for the authorization to debenture certain Drainage Maintenance Billings at the Property Owners request, be read a first, second, and third time and finally adopted on June 7, 2021.	
9.2.1.	By-Law 2031	127
9.3.	Drainage-2021-04	129
	RE: Results of Request for Tender –Rush Drain & 14th Concession Drain Improvements	
	Moved by _____	
	Seconded by _____	
	That Drainage-2021-04 entitled Results of Request for Tender – Rush Drain and 14 th Concession Drain Improvements prepared by Lindsay Dean dated June 7, 2021 be received; and	
	That Council award the Request for Tender – Rush Drain and 14 th Concession Drain Improvements (RFT-ID-21-016) to Murray Mills Excavating & Trucking (Sarnia) Ltd. in the amount of \$661,345.36 including non-refundable Harmonized Sales Tax.	
9.4.	Drainage-2021-05	136
	RE: Drainage Cost Recovery Update	
	Moved by _____	
	Seconded by _____	
	That Drainage-2021-05 entitled Drainage Cost Recovery Update prepared by Norman Nussio, Manager, Operations and Drainage, dated May 17, 2021 be received.	
9.5.	Drainage-2021-06	141
	RE: Appointment of an Engineer under Section 78 & 76 to review crossings and updated cost sharing for the Elford Creek Drain	
	Moved by _____	

	<p>Seconded by _____</p> <p>That Drainage-2021-06 entitled Appointment of an Engineer under Section 78 & 76 to review crossings and updated cost sharing for the Elford Creek Drain prepared by Lindsay Dean, Drainage Superintendent dated June 7, 2021 be received;</p> <p>That Council under Section 76(1) make an application to receive approval from the Tribunal to appoint Rood Engineering Incorporated under Section 76 of the Drainage Act for the Elford Creek Drain; and</p> <p>That Council under Section 78 of the Drainage Act appoint Rood Engineering Incorporated to the Elford Creek Drain.</p>	
9.6.	Drainage-2021-07	146
	<p>RE: Appointment of an Engineer under Section 78 of the Drainage Act to replace a culvert in the Hicks Drain</p> <p>Moved by _____</p> <p>Seconded by _____</p> <p>That Drainage-2021-07 entitled Appointment of an Engineer under Section 78 of the Drainage Act to replace a culvert in the Hicks Drain prepared by Lindsay Dean, Drainage Superintendent dated June 7, 2021 be received; and</p> <p>That Council appoint Rood Engineering Inc. under Section 78 of the Drainage Act to replace a culvert in the Hicks Drain.</p>	
9.7.	Capital Works and Infrastructure-2021-08	150
	<p>RE: Victoria Avenue Improvements</p> <p>Moved by _____</p> <p>Seconded by _____</p> <p>That Capital Works and Infrastructure-2021-08 entitled, Victoria Avenue Improvements prepared by Kevin Girard, Director, Infrastructure Services dated June 7, 2021 be received;</p> <p>That Council authorize the additional expenditure for design and tendering services of the Victoria Avenue Improvements in the amount of \$134,628.48, including applicable taxes, to Stantec Consulting as part of Project No. GG-21-0001 for the Essex Centre Streetscape; and</p> <p>That Council authorize the over expenditure of GG-21-0001 for the Essex Centre Streetscape in the amount of \$21,915.01, including applicable taxes, to be funded from the Asset Management Lifecycle Reserve.</p>	
9.8.	Parks and Facilities-2021-07	155
	<p>RE: Harrow Splash Pad Engineering</p> <p>Moved by _____</p> <p>Seconded by _____</p> <p>That Parks and Facilities-2021-07 entitled, Engineering of New Public Washrooms/Change Rooms at Harrow Splash Pad prepared by Jay Affleck, Assistant Manager of Parks and Facilities, dated June 7, 2021 be received; and</p> <p>That Council appoint Architecttura Building Intelligence to provide engineering and design for the New Public Washroom/Change Rooms</p>	

at Harrow Splash Pad project (CS-21-0043) in the amount of \$18,569.37.00 including non-refundable HST, in accordance with the completed request under Section 22 of the Town of Essex Procurement By-Law 1043.

9.9.

Parks and Facilities-2021-08

161

RE: Results of Request for Proposal – Essex Tennis Courts

Moved by _____

Seconded by _____

That Parks and Facilities report 2021-008 entitled Results of Request for Proposal – Essex Tennis Courts prepared by Doug Sweet, Director of Community Services/Deputy CAO dated June 7, 2021 be received;

That Council approve the additional funding of \$3,206.40 above the approved budget for the new Essex Tennis Courts (Project Code: CS-20-0042 - \$240,000) with funds coming from the Parks Contingency Reserve account;

That Council approve the additional funding of \$8,649.60 (including the non-refundable HST) for wind screens with the additional funding coming from the Parks Contingency Reserve account;

That Council approve the additional funding of \$40,704 (including the non-refundable HST) for court lighting with the additional funding coming from the Parks Contingency Reserve account; and

That Council award the Request for Proposal – Essex Tennis Courts to GreenLight General Contracting Inc. in the total amount of \$292,560 including non-refundable Harmonized Sales Tax which includes the options for windscreens and court lighting.

9.10.

Legal and Legislative Services-2021-11

168

RE: Court of Revision for Graveline Drain: New Bridge at MN 1241 and Maintenance Schedule of Assessment

Moved by _____

Seconded by _____

That the following three (3) members of the Drainage Board: Janice Dougherty, Percy Dufour and Luke Martin be appointed to sit as members of the Court of Revision to be convened for the Graveline Drain: New Bridge at MN 1241 and Maintenance Schedule of Assessment, Geographic Township of Colchester North, Town of Essex, County of Essex, Project REI2020D031 pursuant to the Report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc., and dated April 28, 2021 (hereinafter the “Report”), such Court of Revision to be scheduled for 5:00 pm on July 6, 2021, via electronic meeting; and

That By-Law 2023 being a by-law to provide for the Graveline Drain: New Bridge at MN 1241 and Maintenance Schedule of Assessment, be read a first and second time and be provisionally adopted on July 6, 2021.

9.10.1.

By-Law 2023

240

9.11.

Legal and Legislative Services-2021-12

243

RE: Land Acknowledgement Statement

Moved by _____

Seconded by _____

That Legal and Legislative Services 2021-012 entitled “Land Acknowledgement Statement” prepared by Robert Auger, Town Solicitor/Clerk and Matthew Ducharme, Legal & Legislative Services (Summer Student Intern) and dated June 7, 2021 be received;

That the Land Acknowledgement Statement noted below be provisionally adopted for a six (6) month trial period so as to allow for an additional period of time for Indigenous community members to provide feedback on the proposed statement:

“We acknowledge that this land is the traditional territory of the Three Fires Confederacy of First Nations (comprised of the Ojibway, the Odawa, and the Potawatomi Peoples), and of the Huron-Wendat Peoples. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island who have been living and working on the land from time immemorial.”;

Further, that the Land Acknowledgement Statement noted in this Report be read at the beginning of all Regular Council Meetings and at other such special events as may be determined from time to time by the Mayor; and

That the Land Acknowledgement Statement noted be further placed on the website of the Town of Essex.

9.12.

Building and By-Law Enforcement-2021-01

251

RE: Fill and Grade Report

Moved by _____

Seconded by _____

That Building and By-Law Enforcement Report-2021-01 entitled Fill and Grade Report prepared by Mike Diemer dated June 07, 2021 be received.

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.

Township of McKellar

270

RE: Requesting Consideration of Tax Breaks on 2020 CERB payments

12.1.1.2.

Ministry of Municipal Affairs and Housing

274

	RE: Three-Step Roadmap to Safely Reopen the Province of Ontario and Amendment to Orders under the Reopening Ontario (A Flexible Response to COVID-19) Act (ROA)	
12.1.1.3.	Local 444 Unifor RE: Roadmap to Reopen	277
12.1.1.4.	The Town of Cochrane RE: Reopening of Greenwater Provincial Park	279
12.1.1.5.	The Corporation of The Town of Amherstburg Re: COVID-19 Shutdown, Support for Small Businesses	281
12.1.2.	Windsor/ Essex Provincial Offences (POA) RE: Provincial Offences Annual Report 2020	288
12.1.3.	Union Water Supply System RE: Agenda for Wednesday, May 19, 2021	310
12.1.4.	Union Water Supply System RE: Minutes for Wednesday, April 21, 2021	324
12.1.5.	Caldwell First Nation RE: Lowering of our Flags	329
12.1.6.	Township of The Archipelago RE: Bill 228 - Banning Unencapsulated Polystyrene Foam	330
12.1.7.	Township of The Archipelago RE: Bill 279 – Environmental Protection Amendment Act (Microplastics Filters for Washing Machines), 2021	332
12.1.8.	Ministry for Seniors and Accessibility RE: 2019 Accessibility for Ontarians with Disabilities Act, 2005 Annual Report	334
12.1.9.	The Corporation of the Township of Terrace Bay RE: Advocacy for Reform of the Municipal Freedom of Information and Protection to Privacy Act ("MFIPPA")	362
12.1.10.	The Corporation of The Town of Amherstburg RE: Advocacy for Reform of the Municipal Freedom of Information and Protection to Privacy Act ("MFIPPA")	364
12.2.	Correspondence to be considered for receipt and support	
12.2.1.	St .Paul's Anglican Church RE: New Community Flag Request for Windsor-Essex Pride	369

Festival 2021 - August 6 - August 8, 2021

Moved by _____

Seconded by _____

That the request for the Pride Flag to be flown in front of Town Hall during the week of August 6 - August 8, 2021 for Windsor-Essex Pride Festival 2021 be received and supported.

12.2.2. Trans Wellness Ontario 370

RE: New Community Flag Request for Transgender Day of Remembrance - November 19, 2021

Moved by _____

Seconded by _____

That the request for the Pride Flag to be flown in front of Town Hall on November 19, 2021 for Trans Wellness Day of Remembrance be received and supported.

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. Police Service Board - April 1, 2021 371

13.2. Committee of Adjustment - April 20, 2021 378

13.3. Police Service Board - May 6, 2021 439

13.4. Essex Accessibility Advisory Committee - May 10, 2021 445

14. Financial

14.1. March 2021 Capital Variance Report 451

Moved by _____

Seconded by _____

That the Capital Variance Report as at March 31, 2021 be received.

14.2. April 2021 Bank Payments Report 466

Moved by _____

Seconded by _____

That the Bank Payment Report, including the April 2021 cheque register, cheque number 52806 to cheque number 52933 and electronic funds transfer (EFT) payment number EFT0042371 to EFT004586 inclusive in the amount of \$2,337,962.86; the Preauthorized Payments for the month of April in the amount of \$354,078.65; and Payroll for the month of April in the amount of \$429,828.78, be ratified as submitted.

15. New Business

16. Notices of Motion

16.1. The Following Notice of Motion is being presented this evening and will be brought forward for Council's consideration at the June 21, 2021 Regular Council Meeting:

16.1.1. Councillor Bondy

That per resolution of Council R20-09-339, that 'Children at Play' signs only be installed within community areas such as parks, schools, and other institutions whose main purpose is to provide services to children, that a 'Children at Play' sign be installed on McAfee Street in Harrow at the entrance to the Harrow Fairgrounds and Arena.

17. Reports and Announcements from Council Members

17.1. Deputy Mayor Meloche, Verbal Report

RE: Report of the Meeting held on Friday, May 7, 2021 with Senior Officials at Ontario Hydro One

18. By-Laws

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

18.1.1. By-Law 2000 477

Being a by-law to provide for the Barrette Drain: Repair and Improvements, Geographic Township of Colchester North, Project REO2020D009, Town of Essex, County of Essex

Moved by _____

Seconded by _____

That By-Law 2000 being a by-law to provide for the Barrette Drain: Repair and Improvements, Geographic Township of Colchester North, Project REO2020D009, Town of Essex, County of Essex be read a third time and finally passed on June 7, 2021.

18.1.2. By-Law 2020 480

Being a by-law to confirm the proceedings of the May 17, 2021, Regular Meeting of Council of the Town of Essex

Moved by _____

Seconded by _____

That By-Law 2020 being a by-law to confirm the proceedings of the May 17, 2021, Regular Meeting of Council of The Corporation of the Town of Essex be read a third time and finally adopted on June 7, 2021.

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

18.2.1. By-Law 2026 482

Being a by-law to appoint designated members of the Canadian Corps of Commissioners Ottawa as Municipal By-Law Enforcement Officers for the Town of Essex

Moved by _____

Seconded by _____

That By-Law 2026 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 June 7, 2021.

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

18.3.1. By-Law 2027 492

Being a by-law to confirm the proceedings of the June 7, 2021, Regular Meeting of Council of The Corporation of the Town of Essex.

Moved by _____

Seconded by _____

That By-Law 2027 being a by-law to confirm the proceedings of the June 7, 2021, Regular Meeting of Council of The Corporation of the Town of Essex be read a first, a second time and provisionally adopted on June 7, 2021.

19. Adjournment

Moved by _____

Seconded by _____

That the meeting be adjourned at [TIME].

20. Future Meetings

20.1. Monday, June 21, 2021 - 4:30 - 6:00 PM Special Council Meeting

Re: Rezoning Short Term Rentals

Location: Electronic Meeting via Zoom

Livestream available at www.youtube.com/Essex/Ontario

20.2. Monday, June 21, 2021 - 6:00 - 9:00 PM Regular Council Meeting

Location: Electronic Meeting via Zoom

Livestream available at www.youtube.com/Essex/Ontario

20.3. Monday, July 5, 2021 - 6:00 - 9:00 PM Regular Council Meeting

Location: Electronic Meeting via Zoom

Livestream available at www.youtube.com/Essex/Ontario