



Regular Council Meeting Agenda

June 15, 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 June 15, 2020

Moved by _____

Seconded by _____

That the published agenda for the June 15, 2020 Regular Council Meeting, be adopted as presented / amended.

5. Adoption of Minutes

5.1 Regular Council Meeting Minutes for June 1, 2020

1

Moved by _____

Seconded by _____

That the minutes of the Regular Council Meeting held June 1, 2020, be adopted as circulated.

6. Public Presentations

7. Unfinished Business

8. Reports from Administration

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

11

RE: COVID-19 Town Response and Updates

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

12

RE: Large Development Projects Toolbox

8.3 Legal and Legislative Services Report 2020-08

13

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, Town of Essex, County of Essex, Project REI2018D012

Moved by _____

Seconded by _____

That Legal and Legislative Services Report 2020-08, entitled "Court of Revision for Crystal Beach Drain", prepared by Robert Auger, Town Solicitor/Clerk, dated June 15, 2020, be received;

That Kirk Carter, Dan Boudreau and Percy Dufour be appointed to sit as members of the Court of Revision for the Crystal Beach Drain: Repair and Improvement of Covered Drains, Project REI2018D012, which Court is scheduled to convene on July 9, 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.

8.4 Economic Development Report 2020-06 21

RE: Business Support during COVID-19 Emergency

Moved by _____

Seconded by _____

That Economic Development Report 2020-06, entitled "Business Support during COVID-19 Emergency", prepared by Nelson Silveira, Economic Development Officer, dated June 15, 2020, be received; and

That Council approves \$15,000.00 in COVID-19 related funding to support the Town of Essex Digital Growth Grant in 2020.

8.5 Economic Development Report 2020-07 31

RE: Building Report and Development Overview May 2020

Moved by _____

Seconded by _____

That Economic and Development Report 2020-07, entitled "Building Report and Development Overview May 2020", prepared by Nelson Silveira, Economic Development Officer, dated June 15, 2020, be received.

8.6 Planning Report 2020-10 39

RE: Site Plan Control Approval for 2636 County Road 20 East (Colchester South, Ward 3)

- Revised Site Plan (May 26, 2020) Classy Cap Revisions
- By-Law 1919
Being a by-law to enter into a Site Plan Control Agreement between The Corporation of the Town of Essex and Classy Caps Mfg Inc.

Moved by _____

Seconded by _____

That Planning Report 2020-10, entitled "Site Plan Control Approval for 2636 County Road 20 East (Colchester South, Ward 3)", prepared by Rita Jabbour, Manager, Planning Services, dated June 15, 2020, be received; and

That By-Law 1919, being a by-law to enter into a Site Plan Control

Agreement between The Corporation of the Town of Essex and Classy Caps Mfg. Inc., be read a first, a second and a third time and finally passed on June 15, 2020.

8.7 **Planning Report 2020-11** 52

RE: Repeal of Site Plan Control Agreement (Parts 1 and 2 on 12R27717)

- By-Law 1921
 Being a by-law to release the Site Plan Control Agreement over Parts 1 and 2 on 12R27717

Moved by _____

Seconded by _____

That Planning Report 2020-11, entitled "Site Plan Control Agreement (Parts 1 and 2 on 12R27717)", prepared by Rita Jabbour, Manager, Planning Services, dated June 15, 2020, be received; and

That By-Law 1921 being a by-law to release the Site Plan Control Agreement over Parts 1 and 2 on 12R27717, be read a first, a second and a third time and finally passed on June 15, 2020; and

That the Town's Solicitor/Clerk be directed to execute all documents necessary to give effect to take the actions taken by this Council as described in By-Law 1921.

9. **Reports from Youth Members**

10. **County Council Update**

11. **Correspondence**

11.1 **Correspondence to be received on Consent**

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

Moved by _____

Seconded by _____

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.

11.1.1 **COVID-19 Virus Correspondence**

11.1.1.1 Media Release - Town of Essex 58

RE: Community Update (June 3, 2020) - Town of Essex agreed to the reopening of Colchester Beach as well as the Town's parks, excluding sports fields.

11.1.1.2 Association of Municipalities Ontario (AMO) - June 3, 2020 59

RE: COVID-19 Update - Broadband Funding Announcement, Emergency Extended and Pandemic Pay Webinar

11.1.1.3 Bereavement Authority of Ontario 61

RE: Registrar's Directive (May 26, 2020) - Organized groupings of visitors at funerals and visitations.

11.1.1.4	Alcohol and Gaming Commission of Ontario	68
	RE: June 8, 2020 - Ontario amends Regulation 719 under the Liquor Licence Act to support liquor sales licencees in temporarily extending their patios and provide additional flexibility for the location of tied houses.	
11.1.1.5	Ontario's Action Plan in response to COVID-19	76
	RE: A Framework for Reopening our Province - Stage 2 (June 8, 2020)	
11.1.1.6	Ontario Association of Cemetery and Funeral Professionals (OACFP)	97
	RE: COVID-19 Registrar's Directive (June 10, 2020)	
	<ul style="list-style-type: none">• Registrar's Directive: 10 is still the max at funerals, visitations and burials• Drive-Thru Visitations	
11.1.1.7	Windsor Essex County Health Unit	105
	RE: Public Health Memo COVID-19 (June 11, 2020)	
11.1.2	Essex-Windsor Solid Waste Authority	111
	Essex-Windsor Residential Waste Diversion 2019 (March 31, 2020)	
11.1.3	Windsor/Essex Provincial Offences (POA)	139
	RE: Annual Report 2019	
11.1.4	Media Release - Town of Essex	174
	RE: June 5, 2020 - Town of Essex Launches Interactive Capital Projects Map	
11.1.5	Media Release - Town of Essex	176
	RE: May 28, 2020 - Credit Card Payments No Longer Accepted at Town Hall	
11.1.6	Portuguese Club of Harrow	178
	RE: Property Tax Relief	
	Correspondence from the Portuguese Club of Harrow, dated June 9, 2020 inquiring if the Town of Essex has any programs available for property tax relief as their building has been vacant for the last three months.	

11.2 Correspondence to be considered for Receive and Support

No correspondence to be considered.

12. Committee Meeting Minutes

Moved by _____

Seconded by _____

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.

12.1	Essex Climate Adaptation Team Meeting - March 5, 2020	181
12.2	Essex Climate Adaptation Team Meeting - May 21, 2020	187
12.3	Court of Revision - May 21, 2020	191
	RE: Bayliss Drain: Bridge Replacements & Maintenance Schedule	
12.4	Drainage Board - May 21, 2020	197
	Consideration of Report RE: Crystal Beach Drain: Repair and Improvement of Covered Drains	
12.5	Committee of Adjustment - February 25, 2020	208
12.6	Arts, Culture and Tourism (ACT) Committee - May 13, 2020	240
13.	Financial	
14.	New Business	
15.	Notices of Motion	
15.1	Notice of Motion moved from the June 1, 2020 Regular Council Meeting:	
	Councillor Verbeek RE: Improving recycling efforts in the municipality.	
	Councillor Verbeek has asked that her Notice of Motion be deferred to the July 6, 2020 Regular Council Meeting.	
15.2	The following Notice of Motion was presented at the June 1, 2020 Regular Council Meeting and is brought forward for consideration this evening:	
15.2.1	Councillor Bondy	247
	RE: 50 km extended on Third Concession to McLean Sideroad	
	Moved by Councillor Bondy	
	Seconded by _____	
	That Council approve an extension of 50 km speed limit zone on the Third Concession, to include east of McLean Sideroad to act as a buffer zone.	
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 1917	248
	Being a by-law to confirm the proceedings of the June 1, 2020 Regular Meeting of the Council of The Corporation of the Town	

of Essex

Moved by _____

Seconded by _____

That By-Law 1917 being a by-law to confirm the proceedings of the June 1, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex, be read a third time and finally passed on June 15, 2010.

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

17.3 By-Laws that require a first and second reading

17.3.1 By-Law 1922 250

Being a by-law to confirm the proceedings of the June 15, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex

Moved by _____

Seconded by _____

That By-Law 1922 being a by-law to confirm the proceedings of the June 15, 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 June 15, 2020.

18. Adjournment

Moved by _____

Seconded by _____

That the meeting be adjourned at [TIME].

19. Future Meetings

19.1 Monday, July 6, 2020 - 6:00 - 9:00 PM - Regular Council Meeting

Location: TBD

19.2 Monday, July 20, 2020 - 6:00 - 9:00 Regular Council Meeting

Location: TBD



The Corporation of the Town of Essex

Regular Council Meeting Minutes

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

June 1, 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

Also Present: Robert Auger, Town Solicitor, Legal and Legislative
Services/Clerk
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

Regrets: Councillor Kim Verbeek
Ehva Hoffman, Youth Council Member
Cameron Soucie, Youth Council Member

1. Call to Order

The Mayor called the meeting to order at 6:05 PM.

2. Closed Meeting Report

Robert Auger, Town Solicitor/Clerk, Legal and Legislative Services provided a verbal report on the Closed Meeting held prior to tonight's regular council meeting. He stated that it was held pursuant to the Municipal Act, R.S.O. 2001, c.25, as amended, Section 239 (2) (c) a proposed pending acquisition or disposition of land by the municipality or local Board and Section 239 (2) (e) to discuss litigation or potential litigation affecting the municipality.

The Clerk advised that Council received an update and gave direction with regards to a potential land agreement and a litigation matter affecting the town.

3. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

4. Adoption of Published Agenda

4.1 Regular Council Meeting Agenda for June 1, 2020

Moved By Deputy Mayor Meloche
Seconded By Councillor Bowman

(R20-06-177) That the published agenda for the June 1, 2020 Regular Council Meeting be adopted as amended with the following changes and additions:

- a) Agenda item 15.1.2, Councillor Verbeek's Notice of Motion RE: Improving recycling efforts in the municipality, be moved to the June 15, 2020 Regular Council Meeting; and
- b) A Notice of Motion from Councillor Bondy, to be included as Agenda item 15.2.2.

Carried

5. Adoption of Minutes

5.1 Regular Council Meeting Minutes for May 19, 2020

Moved By Councillor Garon
Seconded By Councillor Bowman

(R20-06-178) That the minutes of the Regular Council Meeting held May 19, 2020 be adopted as circulated.

Carried

6. Public Presentations

There were no delegations for the June 1, 2020 Regular Council Meeting.

7. Unfinished Business

8. Reports from Administration

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

RE: COVID-19 Town's Response and Updates

Chief Administrative Officer, Chris Nepszy updated Council on the Town's response and updates regarding the COVID-19 situation.

1. Municipal Buildings

- Town Hall and Gesto Office have been opened between the hours of 11:30 AM and 1:30 PM
- protocols and procedures are in place for visitors, deliveries and staff

2. Windsor Essex County Health Unit COVID-19 Testing

- The Windsor Essex County Health Unit will be doing random testing for COVID-19 from 9 AM to 5 PM at the Essex Arena on June 2
- Notice of this testing has been posted to Facebook and the Health Unit is expecting a minimum of 200 people to be tested. The Health Unit is looking for a true random testing of people who tested positive for COVID-19 whether symptomatic or not

3. Food Hamper Program

- The Unemployment Health Centre and Unifor Local 444 are holding a food hamper program in Essex from 9 AM to 11 AM and in Harrow from 12 PM to 2 PM on Saturday, June 6th.

4. Beaches and Boot Camps/Physical Fitness Camps in Passive Parks

- The use of beaches and parks as passive parks do not present a problem provided the users are following social distancing regulations such as remaining two metres apart and in groups of less than five people.

5. Jeffrey Morrison, Director of Corporate Services/Treasurer

- Jeffrey Morrison provided Council with a verbal financial update and recommended the extension of waiving periods relating to penalty and interest.

Moved By Deputy Mayor Meloche

Seconded By Councillor Bowman

(R20-06-179) That Council direct Administration to extend the waiver of penalty and interest on property taxes until July 31, 2020, and

That the interest on water and wastewater be waived until July 31, 2020.

Carried

Moved By Councillor Bjorkman

Seconded By Councillor Vander Doelen

(R20-06-180) That the Verbal Report given by Chris Nepszy, Chief Administrative Officer regarding the Town's Response and Updates to COVID-19 be received.

Carried

8.2 Planning Report 2020-07

RE: Changes to Planning Act Timelines during COVID-19 Emergency

Lori Chadwick, Director, Development Services provided Council with a summary to Planning Report 2020-07, with respect to changes to the Planning Act timelines during the COVID-19 Emergency.

Moved By Councillor Bjorkman

Seconded By Councillor Vander Doelen

(R20-06-181) That Planning Report 2020-07, entitled "Changes to Planning Act Timelines during COVID-19 Emergency", prepared by Rita Jabbour, Manager, Planning Services, dated June 1, 2020, be received; and

That Administration be directed to bring forward to Council for consideration Planning Act applications during the period of COVID-19 emergency.

Carried

8.3 Planning Report 2020-08

RE: Provincial Policy Statement (PPS), 2020

Lori Chadwick, Director, Development Services and Rita Jabbour, Manager, Planning Services, spoke to Council concerning changes to the Provincial Policy Statement effective May 1, 2020.

Moved By Councillor Bowman

Seconded By Councillor Vander Doelen

(R20-06-182) That Planning Report 2020-08, entitled "Provincial Policy Statement (PPS), 2020", prepared by Rita Jabbour, Manager, Planning Services, dated June 1, 2020, be received.

Carried

8.4 Legal and Legislative Services Report 2020-07

RE: Court of Revision for James Shepley Drain Bolger Bridge

- By-Law 1918

Being a by-law to provide for the James Shepley Drain Bolger Bridge, Geographic Township of Colchester North, Project REI2020D002, Town of Essex, County of Essex

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

(R20-06-183) That Legal and Legislative Services Report 2020-07, entitled "Court of Revision for the James Shepley Drain Bolger Bridge, Geographic Township of Colchester North, Project REI2020D002, Town of Essex, County of Essex", prepared by Robert Auger, Town Solicitor/Clerk, dated June 1, 2020, be received; and

That Kirk Carter, Percy Dufour and Dan Boudreau be appointed to sit as members of the Court of Revision for the James Shepley Drain Bolger Bridge, Project REI2020D002, pursuant to the Report prepared by Gerard Rood, Professional Engineer, Rood Engineering Limited, dated April 8, 2020, scheduled to convene at 4:30 PM on June 24, 2020 via electronic meeting , and

That By-Law 1918, being a by-law to provide for the James Shepley Drain Bolger Bridge, Geographic Township of Colchester North, Project REI2020D002, Town of Essex, County of Essex, be read a first and second time and provisionally adopted on June 1, 2020.

Carried

8.5 Fire and Rescue Services Report 2020-01

RE: Results of Request for Proposal - Supply and delivery of New Custom Mini-Pumper/Rescue Fire Truck

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

(R20-06-184) That Fire and Rescue Services Report 2020-01, entitled "Results of Request for Proposal - Supply and Delivery of New Custom Mini-Pumper/Rescue Fire Truck, prepared by Jackson Tang, Assistant Manager, Business Services, dated June 1, 2020, be received; and

That Council awards the Request for Proposal - Supply and Delivery of New Custom Mini-Pumper/Rescue Fire Truck to Commercial Emergency Equipment Corporation in the total amount of \$359,931.73 including non-refundable HST; and

That Council approve the additional funding of \$59,931.73 above the approved 2020 Capital Budget of \$300,000.00 for the Supply and Delivery of one New Custom Mini-Pumper/Rescue Fire Truck (project FD-19-0012) by approving additional funding in the amount of \$59,931.73 from the Asset Management Lifecycle Reserve.

Carried

8.6 Infrastructure Services Report 2020-03

RE: 2020 Bridge and Culvert Inspections

- Procurement Section 22

Moved By Councillor Vander Doelen
Seconded By Councillor Bowman

(R20-06-185) That Infrastructure Services Report 2020-03, entitled "2020 Bridge and Culvert Inspections", prepared by Kevin Girard, Director, Infrastructure Services, dated June 1, 2020, be received; and

That Council appoints the engineering firm of Keystone Bridge Management Corporation (Keystone) to provide engineering services to complete the inspections of structures within the Town of Essex, in accordance with the completed request under Section 22(3) of the Town of Essex Procurement By-Law 1043.

Carried

9. Reports from Youth Members

There were no reports from the Youth Council Members.

10. County Council Update

Deputy Mayor Meloche advised Council that Mayor Snively and several other municipalities had brought up at County Council the issue of the slow delivery of the Southwestern Integrated Fibre Technology (SWIFT) project relating to bringing more fibre optic access to the region. It is believed that with the Provincial Government trying to implement at home virtual education system the process will be facilitated. He noted that Fort Erie has sent a letter requesting support to the County requesting the province dedicate more money to fibre optic access and expand it into the rural areas. He will provide that letter to Essex Town Council when it is available for their support.

The Deputy Mayor also advised Council that the provincial government has advised the County of Essex, Town of Kingsville and the Town of Leamington of their intention to move forward with the next section of the Highway 3 expansion.

11. Correspondence

11.1 Correspondence to be received on Consent

Moved By Councillor Bowman
Seconded By Councillor Bjorkman

(R20-06-186) That the correspondence items listed in Agenda item 11.1 be received on consent and, where applicable, to further share such information using suitable methods of communication.

Carried

11.1.1 COVID-19 Virus Correspondence

11.1.1.1 Association of Municipalities of Ontario (AMO)

RE: COVID-19 Update - Municipal Fiscal Request, Emergency Orders, Pandemic Pay, LTC Homes Commission, Extended School and Child Care Closures and Summer Camps (May 19, 2020)

11.1.1.2 Office of the Premier

NEWS (May 14, 2020)

RE: Ontario Announces Additional Workplaces that Can Reopen

Additional seasonal, retail and household businesses must follow public health guidelines

11.1.2 City of Kitchener

RE: Establishment of a Universal Basic Income

Correspondence from the City of Kitchener to Prime Minister Trudeau, dated May 15, 2020 urging the Provincial government to pursue a partnership with the Federal government for the establishment of a universal basic income.

11.1.3 Union Water Supply System - Joint Board of Management

- April 15, 2020 Regular Meeting Minutes
- April 15, 2020 Special Meeting Minutes

11.2 Correspondence to be considered to receive only, or to receive and support:

11.2.1 Town of Tecumseh

RE: Request to Postmedia to Reconsider Permanent Closure of Community Weekly Newspapers

Correspondence from the Town of Tecumseh to Postmedia Network Inc., dated May 14, 2020 requesting that they reconsider their decision to permanently close Shoreline Week and other local community weekly newspapers and to consider the introduction of alternative models to maintain local news coverage.

Moved By Councillor Bowman
Seconded By Deputy Mayor Meloche

(R20-06-187) That correspondence from the Town of Tecumseh to Postmedia Network Inc., dated May 14, 2020 requesting that they reconsider their decision to permanently close Shoreline Week and other local community weekly newspapers in an effort to preserve an open forum for accountability and transparency in local government and continue to facilitate community engagement; and to consider the introduction of alternative models to maintain local news coverage, be received and supported; and

That a letter of support be sent to Postmedia Network Inc.

Carried

12. Committee Meeting Minutes

12.1 Drainage Board - April 27, 2020

Consideration of Report

RE: James Shepley Drain Bridge for Herman Bolger and Wendy Sprague-Bolger

Moved By Deputy Mayor Meloche
Seconded By Councillor Bowman

(R20-06-188) That the minutes of the Drainage Board Meeting held April 27, 2020, together with the recommendations noted therein be received and adopted as circulated.

Carried

13. Financial

13.1 April Bank Payment Report

April Bank Payment Report

Moved By Councillor Garon
Seconded By Councillor Bjorkman

(R20-06-189) That the Bank Payments Report, including the April cheque register, cheque number 51323 to cheque number 51400 inclusive in the amount of \$620,388.79, the Preauthorized Payments for the month of April in amount of \$348,284.65; and the Payroll for April 2020 in the amount of \$400,258.92, be ratified as submitted.

Carried

14. New Business

15. Notices of Motion

15.1 The following Notices of Motions were presented at the May 19, 2020 Regular Council Meeting, and are being brought forward for consideration this evening:

15.1.1 Councillor Verbeek

RE: Outdoor spaces for businesses

Moved By Deputy Mayor Meloche

Seconded By Councillor Bowman

(R20-06-190) That Council and Administration look at ways to assist Town businesses, such as allowing outdoor spaces for businesses, in light of the limitations due the COVID pandemic.

Carried

15.1.2 Councillor Verbeek

RE: Improving recycling efforts in the municipality

Councillor Verbeek's Notice of Motion regarding improving recycling efforts in the municipality, is moved to the June 15, 2020 Regular Council Meeting agenda.

15.1.3 Councillor Bondy

RE: Geese Mitigation for Colchester Beach

Moved By Councillor Bondy

Seconded By Councillor Bjorkman

(R20-06-191) That Administration be directed to provide a Geese Mitigation Report for Colchester Beach, including the use of a walking dog to be used to scare geese in order to improve the beach user experience, water quality and student work load.

Carried

15.2 The following Notice of Motion is being presented at this evening's Council Meeting for consideration at the June 15, 2020 Regular Council Meeting:

15.2.1 Councillor Bondy

RE: 50 km extended on Third Concession to McLean Sideroad

(R20-06-192) That Council approve an extension of the 50 km speed limit zone on the Third Concession to include east of McLean Sideroad to act as a buffer zone.

15.2.2 Councillor Bondy

RE: 2018 Election Review

(R20-06-193) That Council hire a Consultant to review the 2019 election policies and by-laws, as seen as a priority to Council at the September 3 Council Meeting, and due to work load and nature of the review has not been completed yet and that Council sees the

review as necessary to have elections with public trust in mind in the future, and that we use the funds earmarked in the budget for Council wage increases.

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 1916

Being a by-law to confirm the proceedings of the May 19, 2020, Regular Meeting of The Corporation of the Town of Essex

Moved By Deputy Mayor Meloche
Seconded By Councillor Bowman

(R20-06-194) That By-Law 1916 being a by-law to confirm the proceedings of the May 19, 2020 Regular Meeting of The Corporation of the Town of Essex, be read a third time and finally passed on June 1, 2020.

Carried

17.1.2 By-Law 1904

Being a by-law to provide for Bayliss Drain (Bridge Replacements and Maintenance Schedule), Geographic Township of Colchester South, Project REI2016D024, Town of Essex, County of Essex

Moved By Councillor Bjorkman
Seconded By Councillor Vander Doelen

(R20-06-195) That By-Law 1904 being a by-law to provide for Bayliss Drain (Bridge Replacements and Maintenance Schedule), Geographic Township of Colchester South, Project REI2016D024, Town of Essex, County of Essex, be read a third time and finally passed on June 1, 2020.

Carried

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

17.3 By-Laws that require a first and second reading

17.3.1 By-Law 1917

Being a by-law to confirm the proceedings of the June 1, 2020, Regular Meeting of the Council of The Corporation of the Town of Essex

Moved By Councillor Garon
Seconded By Councillor Bowman

(R20-06-196) That By-Law 1917 being a by-law to confirm the proceedings of the June 1, 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 June 1, 2020.

Carried

18. Adjournment

Moved By Deputy Mayor Meloche
Seconded By Councillor Bjorkman

(R20-06-197) That the meeting be adjourned at 8:00 PM.

Carried

Mayor

Clerk

No advanced correspondence available for presentation

No advanced correspondence available for presentation



Report to Council

Department: Office of the CAO
Division: Legal and Legislative Services
Date: June 15, 2020
Prepared by: Robert W Auger, Town Solicitor/Clerk
Report Number: Legal and Legislative Services-2020-08
Subject: Court of Revision for Crystal Beach Drain
Number of Pages: 3

Recommendation(s)

That Legal and legislative Services Report 2020-08 be received,

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 of Revision to be convened for the Crystal Beach Drain: Repair and Improvement of Covered Drains, Geographic Township of Colchester South, Town of Essex, County of Essex, Project REI2018Do12 pursuant to the Report prepared by Gerard Rood, Professional Engineer, Rood Engineering Limited, and dated April 15th, 2020 (hereinafter the "Report"), such Court of Revision to be scheduled and convened for 4:30 pm on July 9, 2020, via electronic meeting (if a Declared Emergency still exists) or at a time and place to be announced if the Province and/or Municipality is no longer in a Declared Emergency, 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 REI2018Do12 be read a first and second time and be provisionally adopted on June 15, 2020.

Purpose

A Court of Revision is required in accordance with Section 46 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010 (hereinafter the "Drainage Act").

Background and Discussion

Rood Engineering was instructed by the Town of Essex on or about March 26th, 2018 to prepare a report for the above James Shepley Drain Bolger Bridge, pursuant to Section 78 of the Drainage Act.

On April 15th, 2020 the Report was prepared by Rood Engineering Inc. to provide the details, estimates and assessments therein.

A Consideration Meeting for this Report was held on May 21st, 2020. At this meeting the Drainage Board received public correspondence/delegations (if applicable) and heard the various concerns or comments made by those who attended. At this meeting the Drainage Board resolved and recommended that the said Report be adopted and that a provisional By-Law be prepared for Council's consideration (see Drainage Board minutes from the May 21st, 2020 consideration meeting, which minutes are included under Item 12 of the June 15th, 2020 Regular Council Meeting Agenda).

Appointment of Court of Revision Members:

The Court of Revision is to be comprised of three (3) members of the Drainage Board and so accordingly it is recommended that Court of Revision members when required to be convened shall be appointed on a rotating, alphabetical order basis. If an appointed member is not

available then that appointed member shall be replaced by the next available member of the Drainage Board (based on the aforementioned rotating, alphabetical order basis).

It is therefore recommended that Kirk Carter, Percy Dufour and Dan Boudreau be selected and appointed to sit as the Court of Revision for the James Shepley Drain Bolger Bridge.

It is further recommended that By-law 1918 adopting the recommendations in the Rood Engineering Report dated April 8, 2020 be provisionally adopted so that this project can proceed to the Court of Revision specified in this report.

The Court of Revision is the next step in the process in accordance with Section 46 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010.

Financial Impact

There is no financial impact

Consultations

Drainage Department

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:	Legal and legislative Services 2020-08 - Legal and Legislative Services-2020-08.docx
Attachments:	- By-Law No. 1920 Crystal Beach Drain.pdf
Final Approval Date:	Jun 8, 2020

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

No Signature - Task assigned to Chris Nepszy, Chief Administrative Officer was completed by workflow administrator Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk

Chris Nepszy, Chief Administrative Officer - Jun 8, 2020 - 1:37 PM

The Corporation of the Town of Essex

By-Law Number 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.

Whereas the Town of Essex Drainage Department recommended that Council appoint a Drainage Engineer to prepare a drainage report for the James Shepley Drain Bolger Bridge, Geographic Township of Colchester North, Project REI2020D002, Town of Essex, County of Essex;

And Whereas Section 78 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010, states that the Council of any municipality whose duty it is to maintain and repair the drainage works or any part thereof, may on the report of an Engineer appointed by it, complete the drainage works as set forth in such report;

And Whereas an Engineers Drainage report dated April 15, 2020 and considered by the Drainage Board at its May 21, 2020 Consideration of Report meeting, has been procured and made by Gerard Rood, Professional Engineer, Rood Engineering Inc. and that the said report is attached hereto and forms part of this by-law as Schedule "A" hereto;

And Whereas the Council of The Corporation of the Town of Essex is of the opinion that the said drainage works and/or improvements are warranted and desirable;

Now therefore the Council of The Corporation of the Town of Essex pursuant to the Drainage Act enacts as follows:

1. That the considered report dated April 15, 2020 and attached hereto as Schedule A to this By-law is hereby adopted and that the said drainage works and/or improvements as therein indicated and set forth are hereby authorized and shall be completed in accordance therewith.
2. That the Corporation of the Town of Essex may borrow on the credit of the Corporation the amount of \$374,000.00, the amount necessary for the construction of the said drainage works.
3. That the Corporation may issue debentures for the amount borrowed less the total amount of:

- Grants received under Section 85 of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended, 2010;
- Commuted payments made in respect of lands and roads assessed within the Municipality;
- Money paid under Section 61(3) of the Drainage Act, R.S.O. 1990, Chapter D. 17, as amended 2010;

and such debentures shall be made payable: a) in the case of assessments in value of between \$500.00 and \$9,999.99 within (5) five years from the date of the debenture and shall bear interest at a rate not higher than the lending rates published by Infrastructure Ontario for municipalities; or b) in the case of assessments in value of \$10,000.00 and greater, within (10) ten years from the date of the debenture and shall bear interest at a rate not higher than the lending rates published by Infrastructure Ontario for municipalities

4. That a special equal annual rate sufficient to redeem the principal and interest on the debentures shall be levied upon the lands and roads as set forth in the Schedule, to be collected in the same manner as other taxes collected in each year for (5) five or (10) ten years (as applicable) after the passing of this by-law.
5. For paying the amount assessed upon the lands and roads belonging to or controlled by the Municipality, a special rate sufficient to pay the amount assessed plus interest thereon, shall be levied upon the whole rateable property in the Town of Essex, in each year for five years after the passing of this by-law to be collected in the same manner and at the same time as other taxes are collected.
6. All assessments of \$499.99 or less are payable in the first year in which the assessment is imposed.
7. The by-law comes into force on the passing thereof and may be cited as-“James Shepley Drain Bolger Bridge”.

Read a first and a second time and provisionally adopted on June 15, 2020.

Mayor

Clerk

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

Mayor

Clerk



Report to Council

Department: Development Services
Division: Economic Development
Date: June 15, 2020
Prepared by: Nelson Silveira, Economic Development Officer
Report Number: Economic Development-2020-06
Subject: Business Support during COVID-19 Emergency
Number of Pages: 9

Recommendation(s)

That Economic Development -2020-06 entitled Business Support during COVID-19 Emergency prepared by Nelson Silveira, Economic Development Officer dated June 15, 2020 be received for information, and

That Council approve \$15,000.00 in COVID-19 related funding to support the Town of Essex Digital Growth Grant in 2020.

Purpose

To provide Council with an overview of Town of Essex business support to-date during the COVID-19 emergency. This report will also provide Council with a detailed outline of the proposed Town of Essex Digital Growth Grant intended to provide businesses with up to \$1,000.00 of one-time, non-repayable funding to allow a business to better focus on digital activities and strategies for a stronger online presence. In addition, Administration has also looked to the BIA and Chamber for additional ways the Town can further support local businesses during this pandemic.

Background and Discussion

Since the start of the COVID-19 Emergency, the Town of Essex has taken several steps to ensuring our business community has the support it needs to offset the impact. The following are examples of how Administration is assisting our local businesses:

Existing Assistance

1. Ongoing Communication with Partner Organizations and Individual Businesses

Administration continues to provide our community business organizations (Essex Centre BIA, Harrow and Colchester South Chamber of Commerce, Explore the Shore Committee) with information about changing government support programs to share with their members. Being knowledgeable on the rapidly-evolving available programs at all levels of government and ensuring our businesses have access to this information is critical.

Administration has also been in contact with over 40 individual businesses since the start of the emergency to assist with access to funding, making the shift to digital, and understanding the issues that our local businesses are facing. Providing businesses with an outlet for one on one dialogue has been helpful in steering our businesses through this uncharted territory.

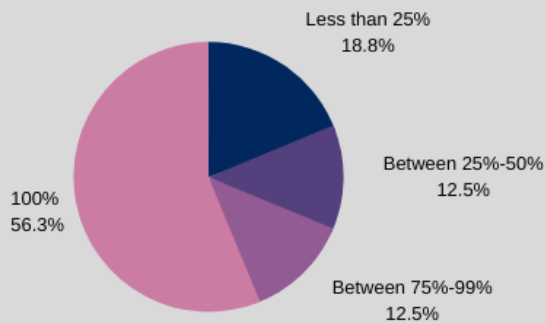
2. Business Impact Survey

On March 30, 2020, the Town of Essex initiated an online survey to grasp the impacts of the COVID-19 Emergency on the local business community and to understand the resources and support required to address the challenges being faced. Overall, 30 surveys were completed as summarized below:

COVID-19 BUSINESS IMPACT

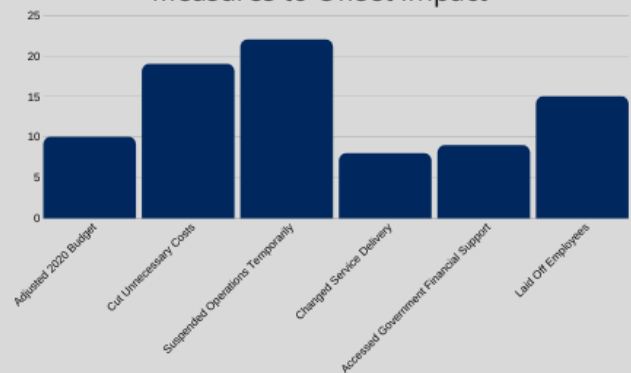
WORKFORCE

Percentage of Employees Laid Off



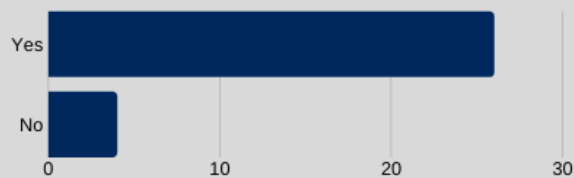
OPERATION CHANGE

Measures to Offset Impact



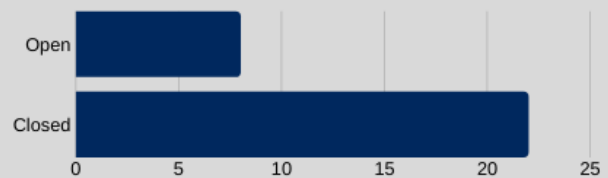
FINANCIAL IMPACT

Loss of Business



BUSINESS STATUS

Temporary Change in Operation



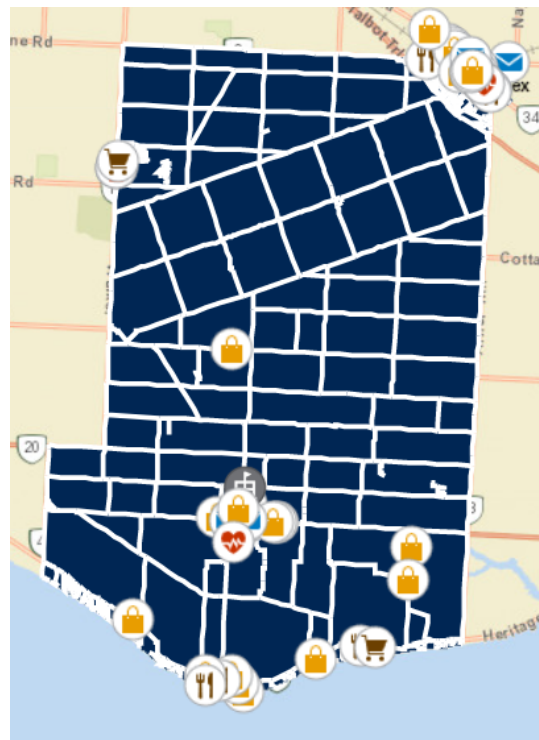
3. Shop Local Initiatives

Promotion of shopping local through social media campaigns and unique online giveaways has brought attention to many of our local businesses that are open to the public in some capacity. In April 2020, Administration launched a 12 Days of Giveaways where residents and visitors were able to win \$25.00 gift cards to local businesses that were still operating through curbside pick-up or delivery. New spring and summer Shop Local campaigns are also in the works.

4. Open for Business Interactive Map

Many of our local businesses continue to provide goods and services with modified operations to ensure the safety of our citizens and community. To assist residents and visitors with understanding what businesses are open and under what changes, Administration developed a mapping tool to provide an interactive platform of those changes.

The businesses and service providers on the map are broken down into the following categories: Grocery, Restaurant, Healthcare, Pharmacy, Social Services, Food Bank, Professional Services and Retail. The map also notes the changes each has undertaken during the COVID-19 pandemic. Some businesses in the community, for example, have introduced curb-side pickup to reduce person-to-person contact. Others have added additional in-store shopping hours for senior citizens and frontline medical workers. Users can click on each business or service providers' icon to view operational changes, as well as contact and location information. The Open for Business Map is also kept up to date as the current situation changes and businesses begin to reopen with restrictions.



Proposed Assistance

Town of Essex Digital Growth Grant

Main Street businesses that have traditionally relied on foot traffic in order to generate sales and attract new customers have been negatively impacted by the COVID-19 Emergency. As a result, Administration is proposing a one-time digital grant program in 2020 that would support businesses during- and post-COVID-19 Emergency. The fund would provide businesses access up to \$1,000.00 each and will focus on activities and strategies directly related to creating or developing a stronger online presence.

Eligible businesses must meet the following criteria in order to receive funding:

Business Criteria:

- Storefront located in the Town of Essex;
- Pays commercial property tax (directly or indirectly);
- Has 1-99 employees;
- Registered or incorporated for-profit business; and
- Business must not be a franchise, distributorship, pay-per-click, commissioned sales, multi-level marketing, single event or part-time/seasonal.

Business Owner Criteria:

- Over 18 years of age;
- Not a full-time student and not returning to school full-time; and
- A resident of Ontario.

Whether this is the first time a business has taken the steps to going digital, or they already have an online strategy, this grant can be utilized in many unique ways such as:

- Setting up an online store;
- Creating tools to provide services online (ie video classes);
- Subscription costs for online tools or services;

- Staff training for digital technology;
- Digital marketing (ie social media ads); or
- Other digital growth needs.

In order to help make this program a greater success, Administration has partnered with the Small Business Centre (SBC) and the Essex Centre Business Improvement Area (BIA). The SBC will provide administrative support in reviewing grant applications and approving the distribution of funds to eligible businesses. Furthermore, the SBC will provide eligible businesses with access to their Digital Service Squad, a team of highly trained recent graduates who help Main Street businesses grow and manage their business through the adoption of digital tools and technology.

The Essex Centre BIA has contributed financially to be a partner in the Town of Essex Digital Growth Grant program. Administration also reached out to the Harrow and Colchester South Chamber of Commerce to partner on this grant program, however, the organization was unable to support a financial contribution at this time. Administration will continue to work with both organizations to ensure that information about this new program is provided to their members.

The grant would be available on a first-come, first-serve basis, allowing up to 20 eligible businesses to receive a grant of \$1,000.00 each. Submissions for the Town of Essex Digital Growth Grant would commence upon Council approval and would be made available until August 31, 2020, or when all funds have been committed.

Additional Support

In follow up to the June 1, 2020 Regular Council Meeting, Administration has reached out to the Essex Centre Business Improvement Area and the Harrow & Colchester South Chamber of Commerce to obtain information from their memberships on other unique projects or proposals that the Town of Essex could support in providing safe and accessible shopping opportunities for visitors to both downtown centres. We have requested that the BIA and

Chamber provide us with this information by June 12, 2020 with internal review and technical evaluation to take place prior to a follow up report to Council in July 2020.

In the meantime, we offer the following preliminary information on examples of unique projects or proposals:

- **Encroaching Outdoor Cafés:** Encroachment of potential outdoor cafes into municipal sidewalks or parking spaces would require a thorough technical and legal review, as well as financial analysis should businesses request the waiver of encroachment fees. A proposal of this nature would require preparation of a Streetscape Social Distancing Plan to ensure proper physical distance separation between storefronts, outdoor seating, and pedestrian traffic as depicted in the image below from the City of Hamilton. A review of financial impacts would also be required should businesses request the waiver of encroachment fees.



- **Temporary Closure of Roads:** Should the BIA and/or Chamber propose to temporarily close main streets to provide additional pedestrian movement, a review of traffic impacts would be required, as well as insight into liability and/or costs incurred to the

Town. Application and consultation with the Administration and the Special Events Resource Team would be required.

- Sanitizer Product Distribution: Should businesses have difficulty in obtaining the necessary disinfectant products required to operate, the Town could consider partnering with local manufacturers and distributing to small businesses.

Financial Impact

The total pool of funding for the Town of Essex Digital Growth Grant is \$20,000.00 with the grant funding proposed as follows:

Town of Essex: \$15,000.00

Essex Centre BIA: \$5,000.00

In response to the impacts of the COVID-19 Emergency, Administration is recommending \$15,000 in COVID-19 related funding to support the Town of Essex Digital Growth Grant.

This will allow us to track the expense under the COVID-19 cost centre that was created so that we can quickly and easily identify in the case of other level future government funding.

Consultations

Lori Chadwick, Director, Development Services

Jeffrey Morrison, Director, Corporate Services

Kevin Girard, Director, Infrastructure Services

Doug Sweet, Director, Community Services/ Deputy CAO

Chris Nepszy, Chief Administrative Officer

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:	Business Support during COVID-19 Emergency - Economic Development-2020-06.docx
Attachments:	
Final Approval Date:	Jun 10, 2020

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



Lori Chadwick, Director, Development Services - Jun 9, 2020 - 9:58 AM



Chris Nepszy, Chief Administrative Officer - Jun 10, 2020 - 9:34 AM



Report to Council

Department: Development Services
Division: Economic Development
Date: June 15, 2020
Prepared by: Nelson Silveira, Economic Development Officer
Report Number: Economic Development-2020-07
Subject: Building Report and Development Overview May 2020
Number of Pages: 2, plus attachments

Recommendation(s)

That Economic Development -2020-07 entitled Building Report and Development Overview May 2020 prepared by Nelson Silveira, Economic Development Officer dated June 15, 2020 be received for information.

Purpose

To provide council with a monthly update on total construction values and real estate data in the Town of Essex.

Background and Discussion

Please refer to attached Building Report and Development Overview.

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:	Building Report and Development Overview May 2020 - Economic Development-2020-07.docx
Attachments:	<ul style="list-style-type: none">- Development Overview - May 2020.pdf- Building 2020-05.pdf
Final Approval Date:	Jun 10, 2020

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

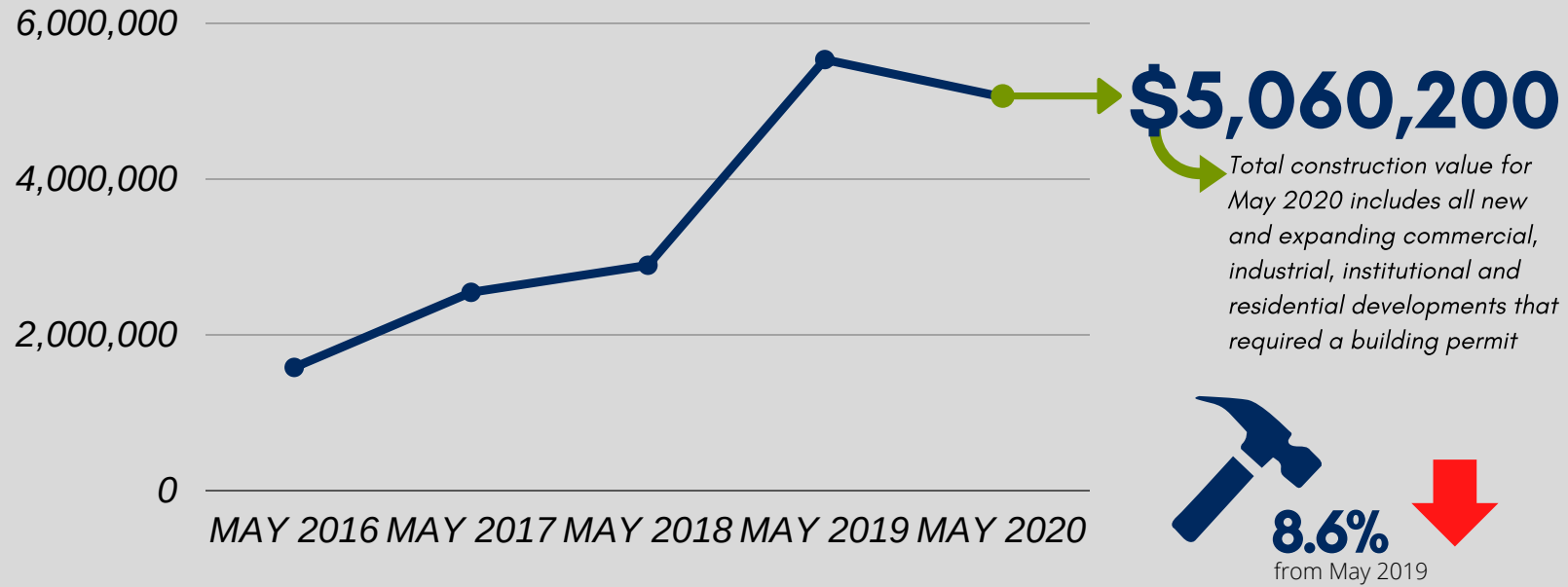


Lori Chadwick, Director, Development Services - Jun 9, 2020 - 9:53 AM



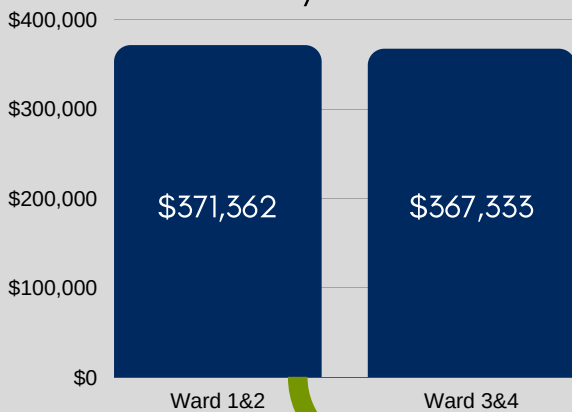
Chris Nepszy, Chief Administrative Officer - Jun 10, 2020 - 9:35 AM

Total Monthly Construction Value

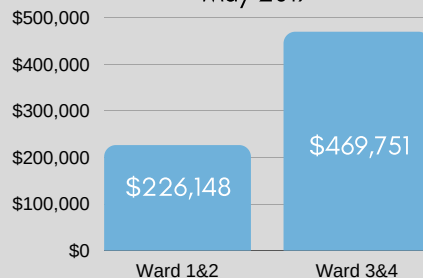


Real Estate

Average Sale Price May 2020



Average Sale Price May 2019



Total Single Family Dwellings Sold May 2020



Total Homes Sold 2020



Report Number: Building 2020-05
Date: June 1, 2020
Subject: May 2020 Building Report

Number of Permits and Construction Value

Permit Type	Permits Issued	Prior Months	Year Total	Cancelled Permits	Monthly Construction Value	Prior Months Construction Value	Less Cancelled Construction Values	Jan-May 2020 Construction Values	Jan-May 2019 Construction Values
Single Family Residence								\$ -	\$ -
Ward 1	5	31	36		\$ 2,628,000.00	\$ 15,570,000.00	\$ -	\$ 18,198,000.00	\$ 6,960,250.00
Ward 2	0	0	0		\$ -	\$ -	\$ -	\$ -	\$ 1,586,000.00
Ward 3	2	3	5		\$ 1,658,000.00	\$ 3,060,000.00	\$ -	\$ 4,718,000.00	\$ 2,000,975.00
Ward 4	0	0	0		\$ -	\$ -	\$ -	\$ -	\$ -
Multiple Residential	0	0	0		\$ -	\$ -	\$ -	\$ -	\$ -
Addition/Sunrooms	0	5	5		\$ -	\$ 297,650.00	\$ -	\$ 297,650.00	\$ 530,000.00
Garages/Carports	0	7	7		\$ -	\$ 188,102.00	\$ -	\$ 188,102.00	\$ 483,500.00
Decks/Porches	5	0	5		\$ 40,000.00	\$ -	\$ -	\$ 40,000.00	\$ 40,350.00
Fences/Pools	11	8	19		\$ 69,500.00	\$ 197,000.00	\$ -	\$ 266,500.00	\$ 295,500.00
Demolition	1	4	5		\$ 10,000.00	\$ 35,000.00	\$ -	\$ 45,000.00	\$ 35,000.00
House Raising	0	0	0		\$ -	\$ -	\$ -	\$ -	\$ 120,000.00
Pole Barns	5	9	14		\$ 203,000.00	\$ 1,321,000.00	\$ -	\$ 1,524,000.00	\$ 493,000.00
Commercial/Industrial	0	1	1		\$ -	\$ 1,302,400.00	\$ -	\$ 1,302,400.00	\$ 1,800,000.00
Miscellaneous	2	1	3		\$ 25,000.00	\$ 15,000.00	\$ -	\$ 40,000.00	\$ 531,700.00
Shed	2	1	3		\$ 26,700.00	\$ 35,000.00	\$ -	\$ 61,700.00	\$ 22,000.00
Roof	1	1	2		\$ 15,000.00	\$ 10,000.00	\$ -	\$ 25,000.00	\$ 50,000.00
Septic System	4	3	7		\$ 75,000.00	\$ 85,000.00	\$ -	\$ 160,000.00	\$ -
Sign	0	1	1		\$ -	\$ 2,500.00	\$ -	\$ 2,500.00	\$ 86,500.00
Green Houses/Winery	0	0	0		\$ -	\$ -	\$ -	\$ -	\$ -
Renovations	1	1	2		\$ 100,000.00	\$ 100,000.00	\$ -	\$ 200,000.00	\$ 204,500.00
Additions/Renovation-Commercial/Industrial/Inst	1	8	9		\$ 210,000.00	\$ 4,447,000.00	\$ -	\$ 4,657,000.00	\$ 243,000.00
Plumbing only	0	2	2		\$ -	\$ 30,000.00	\$ -	\$ 30,000.00	\$ -
Demolition Out Buildings	0	1	1		\$ -	\$ 5,000.00	\$ -	\$ 5,000.00	\$ -
Total Permits/Construction Value	40	87	127	0	\$ 5,060,200.00	\$ 26,700,652.00	\$ -	\$ 31,760,852.00	\$ 15,482,275.00

Permit Fee Totals	
Monthly Total	\$ 35,117.00
Yearly Total	\$ 194,444.46
Previous Year Total	\$ 121,384.70

Monthly Building Permit Totals

Permit Categories	January	February	March	April	May	June	July	August	September	October	November	December	Total	Cancelled	Year Total
														Permits	
Single Family Residence															
Ward 1	9	12	5	5	5							0	36		36
Ward 2	0	0	0	0	0								0		0
Ward 3	0	0	2	1	2								5		5
Ward 4	0	0	0	0	0								0		0
Multiple Residential	0	0	0	0	0								0		0
Addition/Sunrooms	2	0	2	1	0								5		5
Garages/Carports	2	1	3	1	0								7		7
Decks/Porches	0	0	0	0	5								5		5
Fences/Pools	0	1	6	1	11								19		19
Demolition	2	1	1	0	1								5		5
House Raising	0	0	0	0	0								0		0
Pole Barns	0	0	4	5	5								14		14
Commercial/Industrial	0	0	1	0	0								1		1
Miscellaneous	0	0	0	1	2								3		3
Shed	1	0	0	0	2								3		3
Roof	0	0	1	0	1								2		2
Septic System	0	1	1	1	4								7		7
Sign	0	0	1	0	0								1		1
Green Houses/Winery	0	0	0	0	0								0		0
Renovations	0	0	0	1	1								2		2
Additions/Renovation-Commercial/Industrial/Institutional	4	0	4	0	1								9		9
Plumbing only	1	1	0	0	0								2		2
Demolition Out Buildings	0	1	0	0	0								1		1
Total	21	18	31	17	40	0	0	0	0	0	0	0	127	0	127

Monthly Permit Fee Totals

Permit Categories	January	February	March	April	May	June	July	August	September	October	November	December	Total	Cancelled	Year Total
														Permits	
Single Family Residence	\$ 25,213.15	\$ 33,093.30	\$ 20,452.06	\$ 22,147.55	\$ 23,652.60								\$ 124,558.66	\$ -	\$ 124,558.66
Single Family Residence-Plumbing	\$ 5,400.00	\$ 7,200.00	\$ 4,200.00	\$ 3,600.00	\$ 4,200.00								\$ 24,600.00	\$ -	\$ 24,600.00
Single Family Residence-Septic	\$ -	\$ -	\$ 700.00	\$ 700.00	\$ 1,400.00								\$ 2,800.00	\$ -	\$ 2,800.00
Multiple Residential	\$ -	\$ -	\$ -	\$ -	\$ -								\$ -	\$ -	\$ -
Additions/Sunrooms	\$ 1,770.00	\$ 100.00	\$ 576.80	\$ 4,224.00	\$ -								\$ 6,670.80	\$ -	\$ 6,670.80
Garages/Carports	\$ 304.00	\$ 247.50	\$ 414.40	\$ 135.00	\$ -								\$ 1,100.90	\$ -	\$ 1,100.90
Decks/Porches	\$ -	\$ -	\$ -	\$ -	\$ -								\$ -	\$ -	\$ -
Fences/Pools	\$ -	\$ 60.00	\$ 360.00	\$ 60.00	\$ 700.00								\$ 1,180.00	\$ -	\$ 1,180.00
Demolition	\$ 200.00	\$ 100.00	\$ 100.00	\$ -	\$ 100.00								\$ 500.00	\$ -	\$ 500.00
House Raising	\$ -	\$ -	\$ -	\$ -	\$ -								\$ -	\$ -	\$ -
Pole Barns	\$ -	\$ -	\$ 2,333.60	\$ 2,866.60	\$ 1,420.40								\$ 6,620.60	\$ -	\$ 6,620.60
Commercial/Industrial	\$ -	\$ -	\$ 3,976.00	\$ -	\$ -								\$ 3,976.00	\$ -	\$ 3,976.00
Miscellaneous	\$ -	\$ -	\$ -	\$ 100.00	\$ 400.00								\$ 500.00	\$ -	\$ 500.00
Shed	\$ 100.00	\$ -	\$ -	\$ -	\$ 200.00								\$ 300.00	\$ -	\$ 300.00
Roof	\$ -	\$ -	\$ 100.00	\$ -	\$ 100.00								\$ 200.00	\$ -	\$ 200.00
Septic System	\$ -	\$ 700.00	\$ 700.00	\$ 700.00	\$ 2,200.00								\$ 4,300.00	\$ -	\$ 4,300.00
Sign	\$ -	\$ -	\$ 100.00	\$ -	\$ -								\$ 100.00	\$ -	\$ 100.00
Green Houses/Winery	\$ -	\$ -	\$ -	\$ -	\$ -								\$ -	\$ -	\$ -
Renovations	\$ -	\$ -	\$ -	\$ 912.28	\$ 100.00								\$ 1,012.28	\$ -	\$ 1,012.28
Additions/Renovation-Commercial/Industrial/Institutional	\$ 11,591.60	\$ -	\$ 3,439.62	\$ -	\$ 644.00								\$ 15,675.22	\$ -	\$ 15,675.22
Plumbing only	\$ 150.00	\$ 100.00	\$ -	\$ -	\$ -								\$ 250.00	\$ -	\$ 250.00
Demolition Out Buildings	\$ -	\$ 100.00	\$ -	\$ -	\$ -								\$ 100.00	\$ -	\$ 100.00
Total	\$ 44,728.75	\$ 41,700.80	\$ 37,452.48	\$ 35,445.43	\$ 35,117.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 194,444.46	\$ -	\$ 194,444.46

Monthly Construction Value Total

Permit Categories	January	February	March	April	May	June	July	August	September	October	November	December	Total	Cancelled Permits	Year Total
Single Family Residence															
Ward 1	\$ 4,459,000.00	\$ 5,771,000.00	\$ 2,706,000.00	\$ 2,634,000.00	\$ 2,628,000.00								\$ 18,198,000.00	\$ -	\$ 18,198,000.00
Ward 2	\$ -	\$ -	\$ -	\$ -	\$ -								\$ -	\$ -	\$ -
Ward 3	\$ -	\$ -	\$ 1,410,000.00	\$ 1,650,000.00	\$ 1,658,000.00								\$ 4,718,000.00	\$ -	\$ 4,718,000.00
Ward 4	\$ -	\$ -	\$ -	\$ -	\$ -								\$ -	\$ -	\$ -
Multiple Residential	\$ -	\$ -	\$ -	\$ -	\$ -								\$ -	\$ -	\$ -
Additions/Sunrooms	\$ 145,000.00	\$ 12,000.00	\$ 140,000.00	\$ 650.00	\$ -								\$ 297,650.00	\$ -	\$ 297,650.00
Garages/Carports	\$ 100,000.00	\$ 60,000.00	\$ 102.00	\$ 28,000.00	\$ -								\$ 188,102.00	\$ -	\$ 188,102.00
Decks/Porches	\$ -	\$ -	\$ -	\$ -	\$ 40,000.00								\$ 40,000.00	\$ -	\$ 40,000.00
Fences/Pool	\$ -	\$ 1,000.00	\$ 161,000.00	\$ 35,000.00	\$ 69,500.00								\$ 266,500.00	\$ -	\$ 266,500.00
Demolition	\$ 25,000.00	\$ 5,000.00	\$ 5,000.00	\$ -	\$ 10,000.00								\$ 45,000.00	\$ -	\$ 45,000.00
House Raising	\$ -	\$ -	\$ -	\$ -	\$ -								\$ -	\$ -	\$ -
Pole Barns	\$ -	\$ -	\$ 577,000.00	\$ 744,000.00	\$ 203,000.00								\$ 1,524,000.00	\$ -	\$ 1,524,000.00
Commercial/Industrial	\$ -	\$ -	\$ 1,302,400.00	\$ -	\$ -								\$ 1,302,400.00	\$ -	\$ 1,302,400.00
Miscellaneous	\$ -	\$ -	\$ -	\$ 15,000.00	\$ 25,000.00								\$ 40,000.00	\$ -	\$ 40,000.00
Shed	\$ 35,000.00	\$ -	\$ -	\$ -	\$ 26,700.00								\$ 61,700.00	\$ -	\$ 61,700.00
Roof	\$ -	\$ -	\$ 10,000.00	\$ -	\$ 15,000.00								\$ 25,000.00	\$ -	\$ 25,000.00
Septic System	\$ -	\$ 25,000.00	\$ 35,000.00	\$ 25,000.00	\$ 75,000.00								\$ 160,000.00	\$ -	\$ 160,000.00
Sign	\$ -	\$ -	\$ 2,500.00	\$ -	\$ -								\$ 2,500.00	\$ -	\$ 2,500.00
Green Houses/Winery	\$ -	\$ -	\$ -	\$ -	\$ -								\$ -	\$ -	\$ -
Renovations	\$ -	\$ -	\$ -	\$ 100,000.00	\$ 100,000.00								\$ 200,000.00	\$ -	\$ 200,000.00
Additions/Renovation-Commercial/Industrial/Institutional	\$ 3,570,000.00	\$ -	\$ 877,000.00	\$ -	\$ 210,000.00								\$ 4,657,000.00	\$ -	\$ 4,657,000.00
Plumbing only	\$ 15,000.00	\$ 15,000.00	\$ -	\$ -	\$ -								\$ 30,000.00	\$ -	\$ 30,000.00
Demolition Out Buildings	\$ -	\$ 5,000.00	\$ -	\$ -	\$ -								\$ 5,000.00	\$ -	\$ 5,000.00
Total	\$ 8,349,000.00	\$ 5,894,000.00	\$ 7,226,002.00	\$ 5,231,650.00	\$ 5,060,200.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 31,760,852.00	\$ -	\$ 31,760,852.00



Report to Council

Department: Development Services

Division: Planning

Date: June 15, 2020

Prepared by: Rita Jabbour, RPP, Manager, Planning Services

Report Number: PLANNING2020-10

Subject: Site Plan Control Approval for 2636 County Road 20 East (Colchester South, Ward 3)

Number of Pages: 5

Recommendation(s)

That PLANNING2020-10 entitled Site Plan Control Approval for 2636 County Road 20 East (Colchester South, Ward 3) prepared by Rita Jabbour, RPP, Manager, Planning Services dated June 15, 2020 be received, and

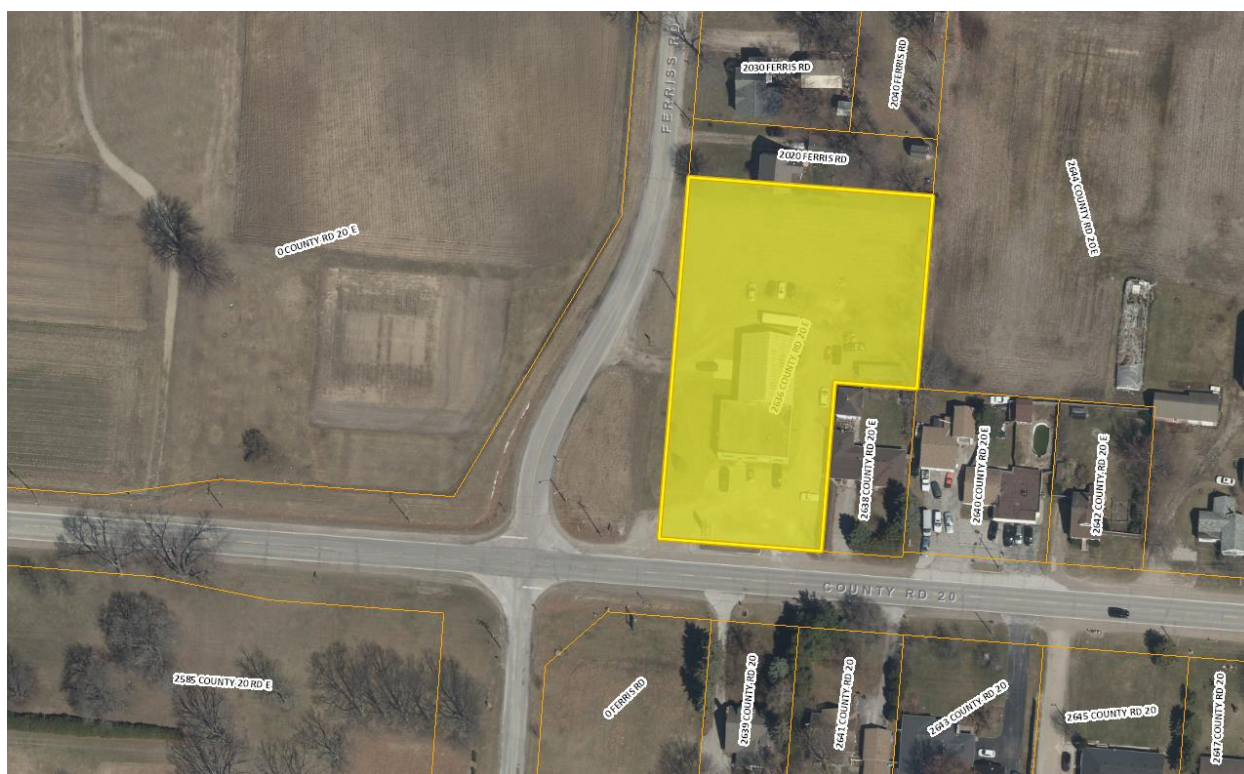
That Bylaw 1919, Being a Bylaw to enter into a Site Plan Control Agreement between: The Corporation of the Town of Essex and Classy Caps MFG. INC for the construction of a commercial warehouse at the intersection of County Road 20 East and Ferriss Road, be executed and registered.

Purpose

To obtain Council's authorization to execute a site plan control agreement for the construction of a 15,000 square foot commercial warehouse at the intersection of County Road 20 East and Ferriss Road in Ward 3.

Background and Discussion

The Town of Essex is in receipt of a site plan control application for the property located at the intersection of County Road 20 East and Ferriss Road in the former township of Colchester South (Ward 3). The property is identified municipally as 2636 County Road 20 East and is identified below:



The 0.508 hectare site is designated "Highway Commercial" under the Town of Essex Official Plan and is zoned Commercial District 3.1 (C3.1) for highway commercial uses

under Town of Essex Zoning Bylaw, Bylaw 1037. The property is currently occupied by an existing block building and attached pole structure.

The Proposal

As shown on the attached site plan, the applicants, Classy Caps MFG INC, wish to construct a 15,000 square foot warehouse addition to the existing building to accommodate their commercial operations.

Classy Caps MFG. INC. manufactures a number of unique outdoor solar lighting options and has almost twenty (20) years of success in the solar outdoor lighting market using the latest technology available. The proposed warehouse is a pre-engineered steel building to be used strictly for the warehouse of their products. The existing block building will be utilized as an office space and the existing pole barn will be utilized as a warehouse for the repackaging of products.

Access and Parking Area

As a result of the proposed development, the applicant is required to provide seven (7) 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 provided next and parallel to the accessible parking space. The applicants have proposed ten (10) parking spaces and one (1) accessible parking space, which meets the minimum requirement.

The parking area is proposed to consist of an asphalt surface save for the easterly driveway portion which will consist of gravel. 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.

The parking area will be accessed by way of the existing easterly access area off County Road 20. The applicants have proposed to remove the existing westerly access area off County Road 20 to comply with the recommendations of the County of Essex and Town of Essex Infrastructure Services.

Two (2) loading docks are proposed off Ferriss Road. The entrances to the loading docks have been combined with the existing entrance to the south. In addition, a new access area just north of the docks is proposed to accommodate access to the overhead doors of the proposed warehouse. Thus, in total, only two (2) access areas are proposed off Ferriss Road.

To improve site lines for those exiting the parking area onto County Road 20, the removal of the existing shrubs to the east of the subject property has been made a provision of the site plan control agreement.

Impact on Adjacent Properties

The subject property is bordered to the North and East by residential dwellings. To mitigate any potential adverse impacts on the abutting residential properties, the applicants have proposed the installation of emerald green arborvitae long the easterly and northerly lot lines.

Financial Impact

There is no negative financial impact to the municipality. The proposed development will visually enhance this intersection and allow for a diverse commercial base.

Consultations

This site plan was reviewed internally by staff from Infrastructure Services, Building Services and Fire. This site plan was also reviewed by the Essex Region Conservation Authority (ERCA), the County of Essex, the OPP and the Accessibility Committee for the Town of Essex. Comments were received from agencies noted above and amendments were coordinated with the proponent.

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 2636 County Road 20 East (Colchester South, Ward 3) .docx
Attachments:	<ul style="list-style-type: none">- (Revised Site Plan) Classy Cap Revisions May 26 2020 24x36_Page_1.jpg- By-law 1919 and Site Plan Control Agreement.docx
Final Approval Date:	Jun 10, 2020

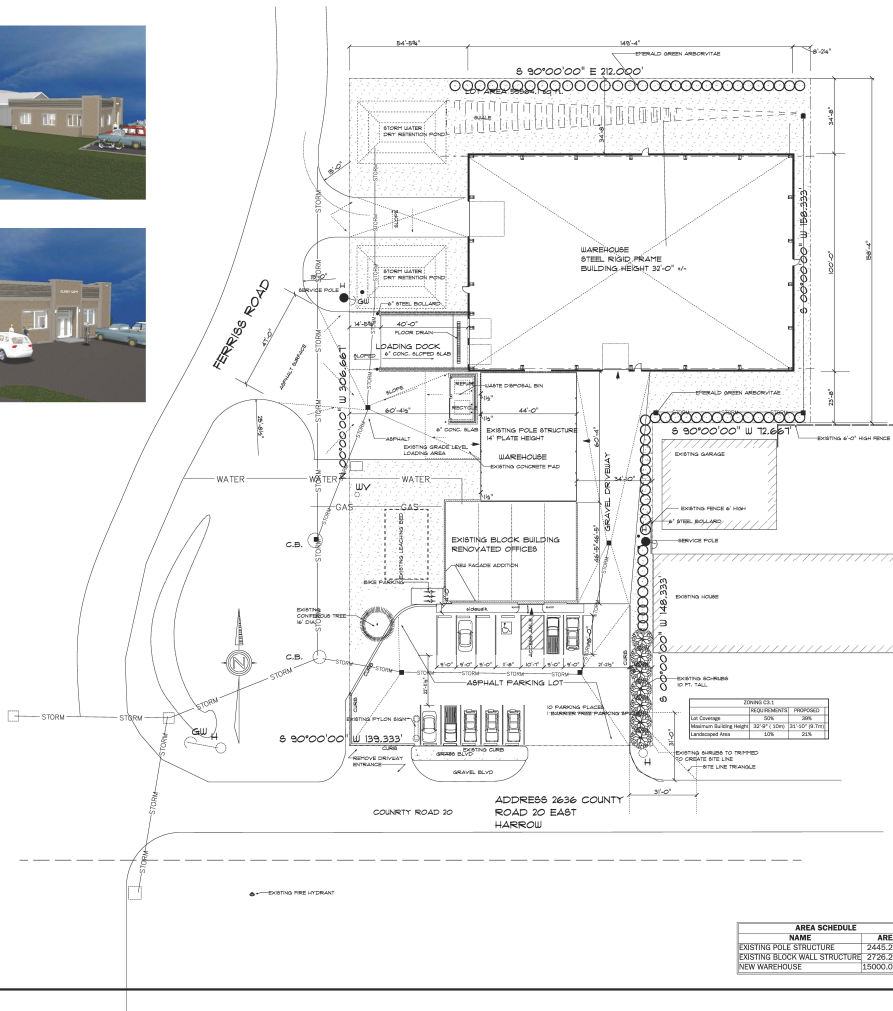
This report and all of its attachments were approved and signed as outlined below:



Lori Chadwick, Director, Development Services - Jun 9, 2020 - 9:53 AM



Chris Nepszy, Chief Administrative Officer - Jun 10, 2020 - 9:35 AM



202404 19.1	
I. Lawfully Existing Main Use	Any use permitted in the M1.1 District (subsection 21.1) Dwelling
II. Accessory Uses	Any use accessory to the main use, which may include, but not be limited to the following uses accessory to a small store: the installation of motor vehicle parts and accessories, the repair of boats, marine equipment, recreational vehicles and other products and equipment
b) Regulations	
I. Lot Coverage - Maximum	30% of the lot area
II. Building Height - Maximum	10m (33')
III. Landscaped Area - Minimum	10% of the lot area
IV. The maximum net floor area for a workshop shall be 500m ² (5300ft ²).	
V. The minimum lot width for an automobile sales lot shall be 30m (100').	
c) Supplementary Regulations: See Sections	
7. Definitions	10. Supplementary Building Regulations
8. Supplementary Use Regulations	11. Parking Space Regulations
9. Supplementary Lot Regulations	12. Parking Area Regulations

DRAWING SCHEDULE	
Site Plan and Sections for Building Renovations	1
PLAN	2
SECTIONS	3
ELEVATIONS	4
DETAILS	5
Electrical and Reflected Ceiling Plans	6
STEELWAY STRUCT	
THIRD COAST ENG.	
SITE DETAILS	7

AREA SCHEDULE	
NAME	AREA
EXISTING POLE STRUCTURE	2442.3 sq ft
EXISTING BLOCK WALL STRUCTURE	2726.2 sq ft
NEW WAREHOUSE	15000.0 sq ft

Site Plan and Sections for Building Renovations

APPROVED

1/7

CHECKED BY:

DATE: May 26, 2020

dan baudreau designs

2020 County Rd 20 East

Harlow, Ontario

danbaudreaudesigns@gmail.com

Classy Caps Inc.

2020 County Rd 20 East

Harlow, Ontario

danbaudreaudesigns@gmail.com

The Corporation of the Town of Essex

By-Law Number 1919

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

The Corporation of the Town of Essex and

Classy Caps Mfg. Inc.

Whereas pursuant to Section 41 of the Planning Act, R.S.O. 1990 and Amendments thereto, Classy Caps Mfg. Inc. is desirous of constructing a commercial warehouse at the intersection of County Road 20 East and Ferriss 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 June 15, 2020.

Mayor

Clerk

Schedule 1

The Corporation of the Town of Essex

Site Plan Control Agreement

This agreement made in triplicate, on June 15, 2020

Between:

Classy Caps Mfg. Inc.

hereinafter called

The Owner of the First Part

And

The Corporation of the Town of Essex

hereinafter 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 PT LT 12 CON 2 COLCHESTER AS IN R1246953; S/T R294321; ESSEX;

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 2636 County Road 20 East, at the intersection of County Road 20 East and Ferriss Road, in accordance with the site plan, prepared by Dan Boudreau Designs, 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 Dan Boudreau Designs 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 off-street 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. Once required parking spaces and manoeuvring aisles are paved with a hard surface, the Owner further agrees to delineate all required parking spaces by pavement markings to the satisfaction of the Corporation.
5. The Owner hereby agrees to provide one barrier free parking space placed in front of the main building pedestrian entrance, 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 Facilities

6. The Owner hereby agrees to complete an engineering analysis, prepared by a professional engineer registered by the Association of Professional Engineers of Ontario, to determine the effect of increased runoff due to the development of the site and to identify storm water management measures as necessary to control any increases in flows in downstream watercourses, up to and including the 1:100 year design storm. The

storm water management plan shall be completed to the satisfaction of the Corporation of the Town of Essex;

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 remove the existing shrubs to the east of the subject lands and as identified on the site plan on file with the Corporation, to the satisfaction of the Town's Chief Building Official, so as not to interfere with the use of the Highway;
10. The Owner hereby agrees to remove the existing westerly access area off County Road 20 as identified in the site plan on file with the Corporation.
11. The Owner hereby agrees to provide to the satisfaction of the Traffic Engineer for the County of Essex, in lieu of a full Traffic Impact Study (TIS), a memo stamped by a professional engineer registered by the Association of Professional Engineers of Ontario;

General Provisions

12. The Corporation hereby agrees to return the balance of the security deposit received on April 3, 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;
13. The Owner agrees to pay all outstanding Realty Taxes to the Corporation in advance of any building permit being issued for the proposed development;
14. 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;

15. 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;
16. 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;
17. 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;
18. The Owner agrees to commence and complete construction of the building addition, 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;
19. 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;
20. 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;
21. 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;
22. 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;
23. 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;
24. 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;

25. 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;
26. 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.
27. 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: _____

Darcey Grant

**I have the authority to sign on behalf of Classy
Caps Mfg. Inc**



Report to Council

Department: Development Services

Division: Planning

Date: June 15, 2020

Prepared by: Rita Jabbour, RPP, Manager, Planning Services

Report Number: Planning2020-11

Subject: Repeal of Site Plan Control Agreement (Parts 1 and 2 on 12R27717)

Number of Pages: 3

Recommendation(s)

That Planning report Planning2020-11 entitled Repeal of Site Plan Control Agreement (Parts 1 and 2 on 12R27717) prepared by Rita Jabbour, Manager, Planning Services, dated June 15, 2020 be received, and

That Council approve Bylaw 1921 to release the Site Plan Control Agreement executed on December 2, 2019 against the lands described as Parts 1 and 2 on 12R-27717, and

That the Town's Solicitor/Clerk be directed to execute all documents necessary to give effect to the actions taken by this Council as described in Bylaw 1921.

Purpose

Similar to Planning Report 2020-09 presented to Council on May 19, 2020 where Council approved the repeal of a subdivision agreement over the lands described as Parts 1 and 2 on 12R-27717, Council's approval of Bylaw 1921 is now being requested to remove the registered Site Plan Control Agreement between the Corporation of the Town of Essex and

Covey Investments Incorporated, over the lands described as Parts 1 and 2 on 12R-27717 to facilitate the sale of Parts 1 and 2 to the Ministry of Transportation (MTO).

Background and Discussion

A request was received at the Planning Division on June 5, 2020, from the solicitor representing the owners of the vacant lands located at the northeast corner of South Talbot Road after discovering title had not yet been fully cleared.

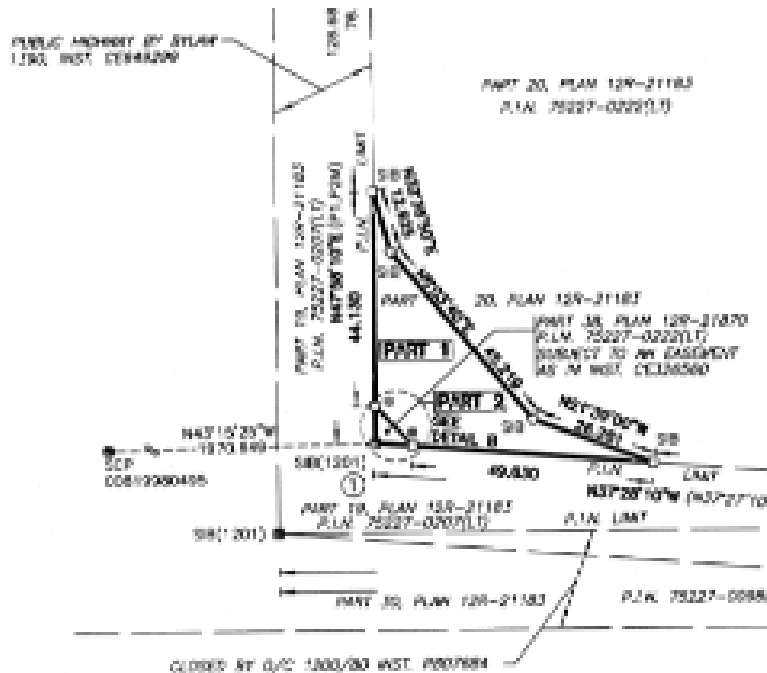
The location of the subject parcel is indicated below:



In his letter, the solicitor notes that the owners of the subject lands have entered into an agreement to convey a portion of their lands to her Majesty, the Queen in right of the Province of Ontario, as represented by the Minister of Transportation (MTO) for the Province of Ontario. These lands are being conveyed to the MTO in order to facilitate the reconfiguration of South Talbot Road. This is necessary to accommodate heavier traffic volumes when South Talbot Road and South Talbot Road North are connected from an arterial road connecting

Victoria Avenue to Maidstone Avenue to compensate for the elimination of the intersection at Victoria and Highway 3.

As a condition of the sale, the MTO has requested a clean title to Parts 1 and 2 as indicated below:



A Site Plan Control Agreement dated December 2, 2019 and registered on March 4, 2020 between the Corporation of the Town of Essex and Covey Investments Incorporated exists over title of the subject property including Parts 1 and 2. The MTO is requesting that the Agreement be removed against Part 1 and 2 on 12R27717 only in order to facilitate the sale of the lands. Reference plan 12R-27717 is attached to this report.

Financial Impact

There is no financial impact on the Municipality.

Consultations

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.



The Corporation of the Town of Essex

By-Law Number 1921

Being a By-Law to release the Site Plan Control

Agreement over Parts 1 and 2 on 12R27717

Whereas, pursuant to the terms of the Acknowledgement and Direction Agreement between Covey Investments INC and the Minister of Transportation for the Province of Ontario regarding the discharge of the Site Plan Control Agreement registered against the parcels legally described as Parts 1 and 2 on 12R27717;

And whereas it is desirable that the Town discharge the Site Plan Control Agreement registered upon Part 1 and 2 on 12R27717;

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

1. The Corporation of the Town of Essex hereby releases the Site Plan Control Agreement executed on December 2, 2019, as it applies to the parcels known as Parts 1 and 2 on 12R27717; and
2. That the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary to give effect to the actions taken by this Council as described in this by-law; and
3. This by-law shall come into full force and effect upon the final passing thereof.

Read a first, a second and a third time and finally passed on June 15, 2020.

Mayor

Clerk



Media Release

June 3, 2020

Community Update: COVID 19 Response, June 3

Essex- On Monday, June 1, Town of Essex Council agreed to the reopening of Colchester Beach as well as the Town's parks, excluding sports fields.

The beach is open to the public for passive use only. All non-sport fields parks, such as Heritage Park, Sadler's Pond, and Colchester Park, are also open for passive recreation activities, like walking and jogging. Sports fields remain closed until further notice.

Groups and individuals may also use parks for other fitness activities. All users must maintain physical distancing and limit groups to five or fewer individuals.

For a full summary of changes to Town of Essex operations and facilities, please visit www.essex.ca/COVID

Media Contact

Alex Denonville

Manager, Communications

adenonville@essex.ca

519-990-7546

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June 3, 2020

AMO COVID-19 Update – Broadband Funding Announcement, Emergency Extended, and Pandemic Pay Webinar

Province Launches the Improving Connectivity for Ontario Program

Today the Province [announced](#) the launch of the \$150 million provincial broadband and cellular infrastructure program, [Improving Connectivity in Ontario](#) or ICON. The program was initially announced in July 2019 as part of the [Up to Speed: Ontario's Broadband and Cellular Action Plan](#). AMO is pleased to see the Province moving forward, and believes the program is a vital step in addressing the market gaps that have left too many communities behind.

The program provides funding to help improve internet and connectivity services in unserved and underserved Ontario communities. In making today's announcement, Premier Doug Ford noted the critical need for partnerships with municipal governments and the private sector. In particular, the Premier also acknowledged that the importance of the federal government announcing the details of its broadband and connectivity [funding](#). An initial first project intake under ICON is expected this summer. As further details are announced AMO will update members.

Emergency Declaration Extended

Ontario has extended the provincial [Declaration of Emergency](#) to June 30th. This extension is to provide for the continued provincial COVID-19 response while planning for a measured and safe reopening. The extension, under s.7.0.7 of the *Emergency Management and Civil Protection Act*, was approved by the Ontario legislature yesterday.

This declaration supports the continued enforcement of emergency orders which include: allowing front-line care providers to redeploy staff where they are needed most, enabling public health units to redeploy or hire staff to support case management and contact tracing, and limiting long-term care and retirement home

staff to working at one home. The Declaration of Emergency may be further extended with the approval of the Legislature.

AMO COVID-19 Webinars Series: Discussing Pandemic Pay

The provincial government has committed to sending the pandemic pay funding details to employers that receive funding under this temporary program. These details should be available this week and will consider eligible full and part-time front-line staff in public health, paramedic services, long-term care homes, and housing and shelters.

Join AMO and the Ontario Municipal Human Resources Association (OMHRA) on **Friday, June 5, 2020, 12n - 1p EDT** to examine the latest information on the pandemic pay program.

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.

05/26/2020

COVID-19 Update and Information

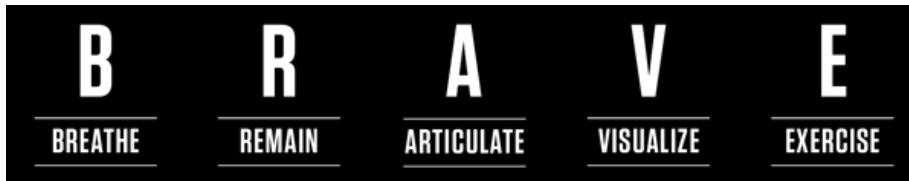
Notice to the Membership - May 26

Registrar's Directive: Organized groupings of visitors at funerals and visitations

Please see directive issued today by the Registrar. This directive provides further restrictions and prescription for attendance numbers at funerals and visitations.

[Registrar's Directive May 26th](#)

Action for Mental Health - Day 2



[BRAVE Campaign Video - Remain](#)

[BRAVE Campaign Infographics - Remain Poster](#)

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**The Ontario Association of Cemetery
and Funeral Professionals (OACFP)**

PO Box 24040
66 Josephine RPO

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Registrar's Directive:

Organized groupings of visitors at funerals and visitations

May 26, 2020

I am issuing a Registrar's Directive mandating organized and scheduled groupings of people at visitations (meaning by appointment) and funerals in order to further ensure safety of families and licensees.

This Registrar's Directive puts an end to the cycling of people through funeral homes (trading-off or substituting individuals) for funerals and visitations.

People waiting outside funeral homes, gathering closely, hugging, and cycling through funeral homes is threatening to spread the virus among mourners and funeral home staff.

This directive is effective starting 12:01 am., **May 29, 2020.**

This directive allows:

- **Funeral homes to offer a funeral and several scheduled visitations** for each decedent's family.
- **Guests to wait in their vehicle and family members, who live together, to wait in a vehicle together** for their appointment time.

This directive mandates:

- **Separate groupings of visitors**, rather than the cycling of people through funeral homes, as we've seen.
- **Scheduled, organized grouping of visitors** in gatherings of **10 or fewer** people, not counting funeral home staff. ***Note that all those, other than funeral home staff, who remain in the funeral home for each grouping will count against the maximum number of 10.**

An accurate visitors' appointment schedule, logging each set of visitors, with the time written in for each scheduled grouping of 10 people or fewer in the funeral home at one time. You must have a method of disinfecting pens between each visitor or choose to sign the book for each visitor.

- **Disinfecting cleaning of the funeral home** (especially washrooms if used, all surfaces) before each new grouping of people.
- **A minimum of a 15-minute waiting period between each grouping**, to enable funeral home staff to disinfect and clean the establishment before the next group enters.
- **The wearing of a mask by everyone in the funeral home during funerals and visitations is recommended.** (Surgical or non-medical masks permitted.)

This directive prohibits:

- **The gathering of people outside of funeral homes** waiting to enter, except for scheduled guests waiting in a vehicle.
- **The cycling or “trading-off” of people through funeral homes** for visitations and funerals.
- **Gatherings of more than 10 people**, not counting funeral home staff (as previously directed).

What has changed:

- **This Registrar’s Directive prescribes** how multiple groupings of visitors for a decedent are to be separated and scheduled.
- **People gathering in funeral home parking lots, outside of their cars, is prohibited.** Every effort needs to be made to keep people inside their cars coming to and from visitation or services. You are responsible for the conduct of people on your property.

What has not changed:

- **All Registrar’s Directives**, notices, guidance and provincial government restrictions remain in place.
- **The 10-max directive**. Keep in mind that the maximum number of people in each grouping, not counting funeral home staff, is 10. This means that family members who remain in the funeral home count against the maximum number of 10. For example, if a widow, daughter and son remain in the funeral home to greet people, then only seven new visitors may enter in the next scheduled grouping.
- **Two metres (six feet) physical distancing** between each person.

- **Notices and Obituaries** must inform the reader of attendance restrictions on funerals and visitations.

-Carey Smith, CEO/Registrar, BAO

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Jun 8, 2020

(La version française suit la version anglaise)

Ontario amends Regulation 719 under the *Liquor Licence Act* to support liquor sales licensees in temporarily extending their patios and provide additional flexibility for the location of tied houses

Liquor Sales Licensees may temporarily increase the size of their patios or add a new patio once they are again permitted to welcome patrons on-site and until January 1, 2021, provided that the municipality in which the establishment is located does not object and all other applicable requirements are met. During this temporary period, licensees who meet the eligibility criteria and requirements are not required to apply to the AGCO for a temporary extension of premises or pay any fee.

In addition, liquor manufacturers and other applicants for a tied house licence now have increased flexibility regarding the location of a proposed tied house. Interested applicants may apply through [iAGCO](#).

Please read additional details in:

- [AGCO News Release: Ontario Extending Outdoor Patios to Allow for Social Distancing During COVID-19](#)
- [Info Bulletin: Liquor sales licensees may extend their patios for the duration of 2020 once permitted to open](#)
- [Info Bulletin: Changes to Tied House Liquor Sales Licence Requirement](#)

What are the requirements for a temporary patio extension under these new temporary measures?

The Government has amended Regulation 719 under the *Liquor Licence Act* (LLA) to provide flexibility for liquor sales licensees (e.g. licensed bars and restaurants) to temporarily extend their physical premises beyond 14 days provided they have municipal approval and meet certain requirements.

In order to be eligible for a temporary patio extension, licensees must have a valid liquor sales licence and be permitted to open and welcome patrons on-site under the province's phased reopening process. In addition, the following requirements must be met:

1. The physical extension of the premises is adjacent to the premises to which the licence to sell liquor applies;
2. The municipality in which the premises is situated has indicated it does not object to an extension;
3. The licensee is able to demonstrate sufficient control over the physical extension of the premises;
4. There is no condition on the liquor sales licence prohibiting a patio; and,
5. The capacity of any new patio, or extended patio space where the licensee has an existing licensed patio, does not exceed 1.11 square metres per person.

What role do municipalities currently play in the temporary extension of premises application process and what has changed under the new temporary measures?

Usually, licensees who wish to extend their licensed patio are required to apply to the AGCO for a temporary extension of premises, which may be authorized for up to 14 days and for a maximum of four times each year. As part of that process, licensees are required to obtain a letter of non-objection from their municipality.

Under these new temporary measures and for the duration of 2020, licensees do not need to notify or submit an application to the AGCO for a temporary extension of premises, provided that they meet all the eligibility criteria and applicable requirements. One of the criteria is that the municipality in which the establishment is located does not object to an extension. This non-objection or approval can take a variety of forms. While licensees are not required to submit any documentation to the AGCO to demonstrate compliance with this requirement, licensees are required to produce such documentation, if requested by the AGCO.

Is there a certain document that municipalities are required to use to confirm they do not object to a patio extension?

The AGCO does not require a specific format for municipal non-objection. Municipalities have flexibility to determine how best to approve patio extensions. This might be by blanket resolution, by application process, by letter from the City Manager, or any other suitable format. Municipalities are not required to send their non-objection to the AGCO. Licensees are required to produce documentation demonstrating municipal approval, if requested by the AGCO.

Can patios be extended onto municipal sidewalks or roadways?

Municipalities have the flexibility to determine how best to permit temporary patio extensions on municipal property. The temporary physical extension of the premises must be adjacent to the premises to which the licence to sell liquor applies.

In accordance with section 48 of Regulation 719 under the LLA, the licensee or its employees may carry liquor between two licensed areas across an unlicensed area (e.g. from the establishment and across the sidewalk, in the case where the patio extension is on a roadway). However, patrons may only carry liquor across the area not under the licensee's control if it is in a closed container.

Are licensed establishments who do not currently have a patio space eligible under these temporary measures?

Provided that they have municipal approval and meet all other requirements, temporary new licensed patios are also permitted under this temporary measure. Licensees who wish to maintain the patio extension beyond January 1, 2021 must apply through iAGCO and must meet all applicable requirements and pay the required fees.

The capacity for a temporary new patio is 1.11 square metres per person, which is the maximum capacity of premises to which neither the *Building Code Act*, 1992 nor the *Fire Protection and Prevention Act*, 1997 applies. Please see [this](#) webpage for more information on calculating the dimensions of a proposed extended licensed area.

If a licensee with an existing patio now has an extended space, can they accommodate more patrons than their current maximum capacity as stated on their licence?

The maximum capacity for all existing patios continues to apply for the existing patio space. The licensee may accommodate patrons over and above their capacity as long as the capacity of any extended patio space allows for a minimum of 1.11 square metres per person. All physical distancing requirements, as well as any other requirements imposed by any level of government, continue to apply regardless of maximum capacity, and will likely mean that patios will operate at well below maximum capacity.

Can a licensee who does not meet the requirements for a patio extension under these temporary measures still be approved for a temporary patio extension?

Licensees that do not meet requirements under this temporary measure are required to follow the usual application process for a temporary extension of premises and apply

through [iAGCO](#). As part of the usual application process, a letter of municipal non-objection would be required.

How do I get more information?

The requirements for a temporary patio extension under this temporary measure and other helpful information can be found within the [Information Bulletin](#). Municipalities may also email municipal@agco.ca with additional questions.

Ontario Extending Outdoor Patios to Allow for Social Distancing During COVID-19

Monday, June 8, 2020

NEWS

The Ontario government will allow restaurants and bars to temporarily extend outdoor patio spaces to safely accommodate patrons and staff once licensed establishments are permitted to fully reopen for business. This action will help support hospitality sector workers and businesses impacted by the COVID-19 outbreak.

As a result of a regulation change, licensed establishments may create a patio adjacent to their premise or increase the size of their patio once they are permitted to welcome patrons on-site. This temporary measure will allow the public to safely enjoy service that meets social distancing requirements and other public health guidelines.

While the Alcohol and Gaming Commission of Ontario (AGCO) will not require licensees to apply or pay a fee for these temporary extensions, licensed establishments must ensure they have municipal approval and meet all other applicable requirements. These measures will be in effect until January 1, 2021 at 3:00 a.m.

The province is also providing enhanced choice and flexibility to Ontario liquor manufacturers regarding the location of “tied houses”, which are the restaurants and bars located at wineries, breweries and distilleries. Effective immediately, tied houses are no longer required to be located on the manufacturing site itself, but may be located anywhere at the same municipal or property address as the manufacturing site.

QUOTES

“During this difficult period, we are constantly looking for ways to be flexible with the hospitality sector, so when the time is right, they can open with the confidence that they will be able to keep customers and staff safe. By extending outdoor patio spaces, we hope it will help our licensed establishments get back on their feet more quickly.”

Jean Major, Registrar and CEO, AGCO

Information Bulletin: Liquor sales licensees may extend their patios for the duration of 2020 once permitted to open

June 8, 2020

As part of its broader package of relief measures for Ontarians and businesses impacted by the COVID-19 outbreak, the Government of Ontario has introduced new measures to support liquor sales licensees in temporarily extending their patios in order to safely reopen for business.

The Government has amended Regulation 719 under the *Liquor Licence Act* (LLA) to provide flexibility for liquor sales licensees (e.g. licensed bars and restaurants) to temporarily extend their physical premises beyond 14 days provided they have municipal approval and meet the criteria below.

Once they are again permitted to welcome patrons on-site and until January 1, 2021 at 3:00 a.m., liquor sales licensees who wish to temporarily extend the physical size of their existing licensed patio or to temporarily add a new licensed patio within the approved period, are authorized to do so, if the following criteria are met:

1. The physical extension of the premises is adjacent to the premises to which the licence to sell liquor applies;
2. The municipality in which the premises is situated has indicated it does not object to an extension;
3. The licensee is able to demonstrate sufficient control over the physical extension of the premises;
4. There is no condition on the liquor sales licence prohibiting a patio; and,
5. The capacity of any new patio, or extended patio space where the licensee has an existing licensed patio, does not exceed 1.11 square metres per person.

To minimize administrative burden for licensees, those who meet the above criteria are not required to apply to the AGCO or pay a fee to temporarily extend their patio or add a temporary new licensed patio.

Licensees are not required to submit any documentation to the AGCO to demonstrate compliance with the above criteria. However, licensees are required to produce such documentation, if requested by the AGCO.

Licensees that do not meet the above criteria are required to follow the usual application process for a temporary extension of premises and apply through [iAGCO](#). In addition, licensees who wish to maintain the patio extension beyond January 1, 2021, must apply for a permanent modification through iAGCO and must meet all applicable requirements.

Change to Partition Requirements

To provide additional flexibility for licensees, Regulation 719 under the LLA was also amended to remove the requirement that licensed service area boundaries must be defined by at least a 0.9

metre partition. Licensees must continue to ensure that all licensed areas are readily distinguishable from areas to which the licence does not apply. This change will remain in effect beyond the COVID-19 recovery period.

All licensees are expected to comply with physical distancing measures and any other public health guidelines or orders issued by the Ontario Government or by any other applicable level of government.

Licensees may continue to sell alcohol for off-site consumption and delivery to a residence in conjunction with takeout or delivery food orders until December 31, 2020 as prescribed in current regulation.

The AGCO remains committed to protecting public safety and ensuring that alcohol is sold, served, delivered and consumed in a responsible manner. Any conditions on a licence continue to apply and licensees must continue to meet all other existing requirements in the LLA and regulations.

The AGCO continues to work closely with the Government of Ontario to find ways of supporting Ontarians and the sectors we regulate.

Further information on these new measures can be obtained by calling AGCO Customer Service at 1-800-522-2876 or by visiting the AGCO webpage.

Links to electronic versions of the Liquor Licence Act and its regulations are available on our [Acts and Regulations](#) page.

FOR MORE INFORMATION CONTACT:

AGCO Customer Service
Telephone: 416-326-8700
Toll free in Ontario: 1-800-522-2876
Or via the [iAGCO online portal](#)

LINE OF BUSINESS:
[Alcohol](#)

TYPE:
[Information Bulletin](#)

NUMBER:
64

Information Bulletin: Changes to Tied House Liquor Sales Licence Requirements

June 8, 2020

The Government of Ontario has amended Regulation 719 under the *Liquor Licence Act* (LLA) to provide enhanced choice and flexibility for the location of a tied house establishment under a tied house liquor sales licence.

Effective today, licensed manufacturers or other potential tied house licence holders, may locate a proposed tied house anywhere within the same municipal or property address as a manufacturing site (i.e. a brewery, winery or distillery). Prior to the amendment, a tied house was required to be on the manufacturing site of a licensed manufacturer.

Interested applicants may apply to the AGCO through iAGCO, the AGCO's online portal.

Quick Facts:

- A tied house is a liquor sales licence (bar/restaurant) located anywhere on the same municipal or property address as a liquor manufacturing site where a manufacturer's products may be showcased on their own or in conjunction with other brands and types of liquor. Liquor manufacturers cannot otherwise hold liquor sales licences.
- The holder of a tied house liquor sales licence may also apply for a catering endorsement to sell and serve the manufacturer's products at any eligible location (i.e. including offsite the manufacturer's location).

The AGCO remains committed to protecting public safety and ensuring that alcohol is sold, served and consumed in a responsible manner. Licensees must continue to meet all existing requirements in the LLA and regulations.

Links to electronic versions of the LLA and its regulations are available on our [Acts and Regulations](#) page.

For more information contact:

AGCO Customer Service

Telephone: 416-326-8700

Toll free in Ontario: 1-800-522-2876

Or via the [iAGCO online portal](#)

LINE OF BUSINESS:

[Alcohol](#)

TYPE:

[Information Bulletin](#)

NUMBER:

65

A Framework for Reopening our Province

STAGE 2



June 8, 2020

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A Framework for Reopening our Province:

Phase 2: Restart — Stage 2

The government outlined Ontario's gradual, staged approach to reopening the province, restarting the economy and easing the restrictions put in place to stop the spread of the COVID-19 outbreak in [A Framework for Reopening our Province](#). Stage 1 of the plan helped more people safely get back to work and enjoy a return to some everyday recreational activities. Informed by public health advice and workplace safety guidance, and supported by the willingness of businesses, workers and families to make the changes necessary to limit potential spread of the virus, Ontario will begin to move into Stage 2.

This next stage introduces a new, regional approach to reopening, based on trends of key public health indicators outlined in the framework, including virus spread and containment, as well as health system and incidence-tracking capacity. The approach will reflect the evolving public health situation provincially and in each region. In close cooperation with our partners, Ontario's approach will continue to be informed by the best available medical and scientific advice.

Public health remains the government's top priority. The people of this province have demonstrated that they are willing to do what is necessary to contain the spread of COVID-19. They should also be confident that employers and businesses across Ontario will continue to follow public health advice, implement the necessary workplace safety measures to protect employees, customers and the general public and do their part to make Stage 2 a success.

Ontario's Action Plan in response to COVID-19



A FRAMEWORK FOR REOPENING OUR PROVINCE

Phase 1: PROTECT AND SUPPORT

\$17-billion in targeted support



Phase 2: RESTART

A gradual, staged approach



Phase 3: RECOVER

Long-term growth



Support and relief

Stage 1

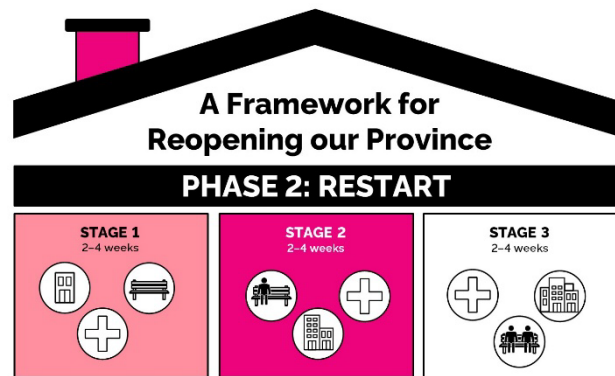
Stage 2

Stage 3

Long-term recovery

What Stage 2 Means for You

In Stage 2, additional restrictions will be loosened while emphasizing public health advice, workplace health and safety guidance, and personal and collective responsibilities. More businesses and services will be permitted to open, as well as community, recreational and outdoor spaces. The people and employers of the province must continue to act and work in the ways required to help stop the spread of COVID-19. As part of Ontario's responsible approach, protections for vulnerable people must remain a top priority throughout the next stages of reopening.



Stage 2 will allow more people to get back to work safely while not overburdening the critical services that support families, workers and Ontario's economy. Businesses, organizations and public spaces permitted to open or increase service during Stage 2 are strongly recommended to review and implement workplace health and safety guidance available and easy-to-access at [Ontario.ca/covidsafety](https://ontario.ca/covidsafety). There are more than 100 guidance documents published by the government and health and safety associations. Throughout reopening, many businesses and organizations across the province have used the government's guidance to develop their own workplace policies and safety plans.

Public & Social Gatherings

Regardless of where you live in Ontario, social gathering limits will be expanded to up to 10 people. People must still practice physical distancing, by keeping at least two metres away from others outside of their direct household. This change to social gathering size will apply to people across the province, regardless of whether their region has moved into Stage 2.

Places of Worship

Faith is a source of comfort and an important aspect of the lives of many people across Ontario. To support places of worship to reopen across the province and help to ensure the safety of worshippers, the government will make available guidance, including limiting attendance to 30 per cent of building capacity and practicing physical distancing. Guidance will also be provided for spiritual leaders and their staff.



How to Stay Safe

Ontario's fight against COVID-19 is not over. Everyone must do their part to keep each other, our families and our communities safe. Ontario's successful recovery depends on you. You can help by:

	Staying at home and away from others if you are feeling ill		Washing your hands frequently with soap and water
	Maintaining physical distancing of at least two metres from people outside your immediate household in public		Using an alcohol-based sanitizer if soap and water are not available
	Practising good hygiene (avoiding touching your face and covering your cough or sneeze)		Wearing a face covering in public where physical distancing is a challenge or not possible
	Limiting outings and public gatherings as per emergency orders		Increasing cleaning of frequently touched surfaces
	Minimizing travel and self-isolating for 14 days after all international travel		Working remotely or redesigning spaces and interactions to make them safer
	Getting tested if you are worried you have or have been in contact with someone who has COVID-19		Protecting the most vulnerable

Keeping Workplaces Safe

Keeping workplaces, employees and the general public safe as Ontario gradually reopens is essential for making the reopening of the province a success. That is why we are providing people, businesses and communities with the guidelines they need to prepare for Stage 2. The government and its health and safety association partners have released [more than 100 health and safety guidance documents](#) for multiple sectors, as well as a [guidance document for essential workplaces](#). These documents, available at [Ontario.ca/covidsafety](https://ontario.ca/covidsafety), will cover businesses able to open in Stage 2. More guidance will be available as Ontario continues to move through the next stages of reopening and recovery.

To reopen safely, employers must review the workplace health and safety guidance and ensure that appropriate measures are in place. Employers must also meet all existing occupational health and safety requirements.

With these measures, Ontario can continue to gradually and safely reopen workplaces and public spaces and rebuild the economy. Despite tremendous progress and the easing of restrictions, people are still encouraged to work from home as much as possible to limit potential spread of COVID-19.

Helping You Get Back to Work

As Ontario enters Stage 2 and more people return to work, the services that they rely on — from public transit to child care — need to be made available. Ontario's approach to Stage 2 includes a plan for the services that support our economy and our workers.

Child care centres across the province will shift away from providing only emergency child care to enabling the gradual reopening of regular child care, with strict public health measures in place, including to limit operational capacity. Clear workplace safety guidance for [child care](#) and [day camps](#) is available to protect the health and safety of staff, children and their families.

While working remotely should continue as much as possible, the government will also provide additional guidance on how to safely use public transit. To assist provincial and local transit agencies in protecting transit staff and riders in this new environment, the government recommends the following measures:

- Physical distancing of at least two metres by admitting fewer passengers and using physical markers between seats.
- Use of face coverings, particularly when physical distancing is not feasible.
- Making alcohol-based hand sanitizer available upon entering and exiting the vehicle.
- Implementing engineering controls like plexiglass windows between drivers and passengers.
- Enhanced cleaning, particularly of high-touch surfaces.

A Regional Approach

Every region in Ontario has experienced the COVID-19 outbreak differently. By grouping regions of the province by local public health units (PHUs), the government's approach reflects the unique realities of different communities in Ontario, recognizing that many areas of the province have seen fewer or no new cases of COVID-19 in the past two weeks. Directed by the Province, each region will be permitted to enter Stage 2 when safe to do so. The government's decision will be based on the public health criteria outlined in the framework being met locally, including virus spread and containment along with health system and incidence-tracking capacity.

The Province will allow the following regions to move into Stage 2 first:

- Algoma Public Health
- Brant County Health Unit
- Chatham-Kent Public Health
- Eastern Ontario Health Unit
- Grey Bruce Health Unit
- Haliburton, Kawartha, Pine Ridge District Health Unit
- Hastings Prince Edward Public Health
- Huron Perth Public Health
- Kingston, Frontenac and Lennox & Addington Public Health
- Leeds Grenville & Lanark District Health Unit
- Middlesex-London Health Unit
- North Bay Parry Sound District Health Unit
- Northwestern Health Unit
- Ottawa Public Health
- Peterborough Public Health
- Porcupine Health Unit
- Public Health Sudbury & Districts
- Region of Waterloo Public Health and Emergency Services
- Renfrew County and District Health Unit
- Simcoe-Muskoka District Health Unit
- Southwestern Public Health
- Thunder Bay District Health Unit
- Timiskaming Health Unit
- Wellington-Dufferin-Guelph Public Health

The following regions will remain in Stage 1 until trends of key public health indicators demonstrate readiness to move into Stage 2:

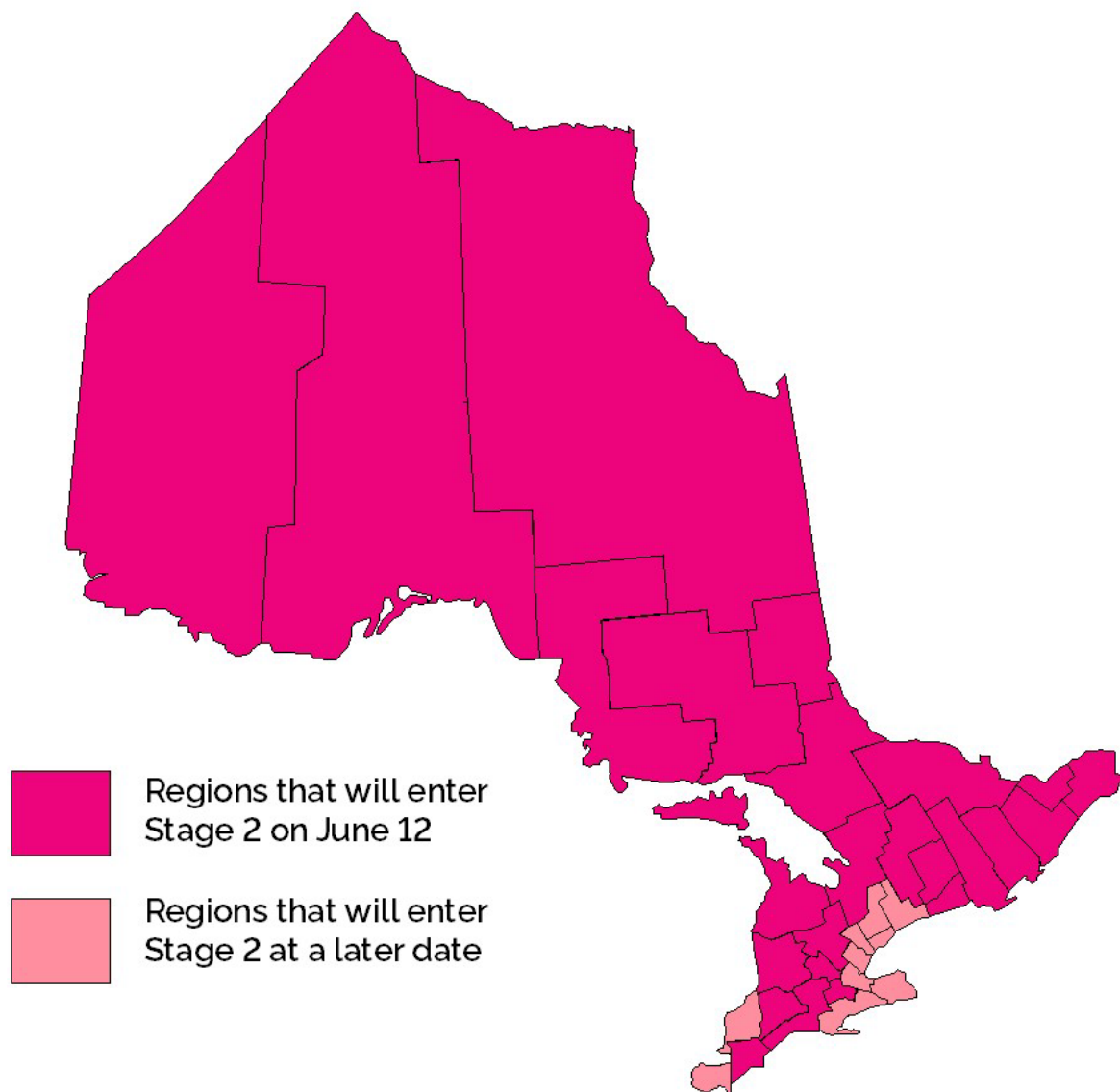
- Durham Region Health Department
- Haldimand-Norfolk Health Unit
- Halton Region Public Health
- Hamilton Public Health Services
- Lambton Public Health
- Niagara Region Public Health
- Peel Public Health
- Toronto Public Health
- Windsor-Essex County Health Unit
- York Region Public Health

At the beginning of each week, the government will provide an update on the ongoing assessment of these regions, and whether they are ready to move into Stage 2 at the end of the week.



Stage 2: A REGIONAL APPROACH

Map of Ontario Public Health Unit Regions



KEY PUBLIC HEALTH INDICATORS



Virus spread and
containment



Health system
capacity



Public health
System capacity



Incidence tracking
capacity



Personal Care Services

Establishments providing personal care services can open with the proper health and safety protocols in place.

- Examples include:
 - Hair services (including barber shops, hair salons, hairdressers/stylists, colour consulting services, scalp treatment services, hair weaving services, and hair replacement services)
 - Beauty salons, shops and parlours (including beauticians, estheticians, cosmetology shops or salons, manicure and pedicure salons)
 - Hair removal services
 - Diet centres (non-medical), diet workshops, weight control clinics, and weight-reduction centres (non-medical)
 - Piercing services
 - Day spas
 - Tanning salons
 - Tattoo studios
- Where physical distancing cannot be maintained, personal care service providers should ensure that:
 - Patrons wear face coverings at all times.
 - Workers wear face coverings and other appropriate personal protective equipment (PPE), including gloves.
- Personal care services must take measures to enable physical distancing between patrons, such as limiting the number of people who may be in the business at any one time.

KEEP PERSONAL SERVICES SAFE

Workplace guidance on measures to protect health and safety for [personal services](#) is available. The [Workplace PPE Supplier Directory](#) has a list of Ontario companies ready to supply PPE.

For example, hair salons and barber shops should consider implementing the following measures to keep customers safe:



Screening of customers and staff for symptoms and risk factors



Requiring all customers to book an appointment and prohibiting walk-in customers



Limiting the number of clients or workers in an establishment so that physical distancing can be maintained as much as possible



Increasing cleaning and disinfecting or sterilizing instruments, including scissors, hair clippers, nail files, and other equipment between clients



Assigning each worker a unique set of tools for their own use, and if not possible, limiting the number of people sharing equipment or tools



Getting tested if workers are worried they have or have been exposed to COVID-19

- Businesses should also consider operating by appointment and/or recording each patron's name and contact information for the purpose of contact tracing.
- Restrictions include:
 - Prohibiting services that tend to a customer's face, such as facials, facial hair grooming, eyebrow grooming and makeup, as well as oxygen bars.
 - Steam rooms, saunas and bath houses must remain closed.
 - Baths, hot tubs, floating pools and sensory deprivation pods are closed except for therapeutic purposes prescribed by or administered by a regulated health professional. Change rooms and showers for water amenities will be available to the public if operators have the ability to adequately sanitize and disinfect the facilities.
- For clarity, a business can open to offer other permitted services even if a restricted activity is its primary service (e.g., a facial salon can open to provide other services).

Personal Services

Businesses primarily engaged in providing other personal services can open with the proper health and safety protocols in place. All services must be provided with physical distancing of at least two metres.

- Examples include:
 - House sitting
 - Party, wedding planning and consulting services
 - Personal organizer services
 - Personal physical fitness trainer and sports trainers (outside of gyms only)
 - Personal shopping services
 - Porter services
 - Shoe services (e.g., shining, repair)
 - Check room services (e.g., coat check, suitcase storage)
 - Wedding chapels
- Personal services should use measures to enable physical distancing, such as limiting the number of people who may be in the business at any one time.
- Businesses should also consider operating by appointment and/or record each patron's name and contact information for the purpose of contact tracing.

Restaurants & Bars

Restaurants, bars, food trucks and other food and drink establishments (e.g., wineries, breweries and distilleries) can open for dining in outdoor areas only, such as patios, curbside, parking lots and adjacent premises.

- Establishments must take appropriate measures to ensure physical distancing of at least two metres between patrons from different households, including:
 - Using reservations.
 - Limiting number of patrons allowed in the outdoor space at one time.
 - Ensuring enough space between tables, including to allow for movement.
- Access to indoor facilities is limited to patio/outdoor dining area access, food pickup, payment, washrooms or other health and safety purposes.
- Liquor sales licensees who wish to temporarily extend the physical size of their existing licensed patio, or temporarily add a new licensed patio within the approved period are authorized to do so, if all the following criteria are met:
 - The physical extension of the premises is adjacent to the premises to which the licence to sell liquor applies.
 - The municipality in which the premises is situated does not object to an extension.
 - The licensee is able to demonstrate sufficient control over the physical extension of the premises.
 - There is no condition on the liquor sales licence prohibiting a patio.

KEEP CUSTOMERS SAFE



Practice physical distancing



Increase cleaning of frequently touched surfaces



Wear PPE at all times, at minimum an appropriate face covering



Wash your hands frequently and practice good hygiene



Get tested if you are worried you have or have been exposed to COVID-19

Food services in any workplace setting are strongly advised to review and adopt workplace guidance for [restaurants and bars](#). This includes food courts, food services on television, film and photography sets, and food services as part of tours. Workplaces are strongly recommended to review and adopt guidelines to keep employees and customers safe.

Shopping Malls & Centres

In addition to providing online, curbside pickup and delivery services, all shopping centres, malls and markets may open. Stores in these facilities must follow the same guidance as those set out for other retail services.

- Food services and restaurants with mall-only entrances may open for outdoor dining spaces, delivery and takeout. Dine-in at indoor food courts is prohibited.
- Entertainment amenities not permitted in Stages 1 or 2, such as movie theatres and waterparks, remain closed.
- Malls may need to institute the policies that were put in place by retail outlets that remained open as essential businesses or were permitted to reopen during Stage 1, including engineering and administrative controls, such as:
 - Alternative operating hours to address increased cleaning demands.
 - Enhanced security and limiting entrances.
 - Creation and enforcement of walking traffic patterns.
 - Operating by appointment or reservation.
 - Limiting the number of people who may be in one business at any one time.
 - Restricting fitting room access and implementing cleaning process between fitting room customers.
 - General building management, including signage and hand sanitizer at the entrance of building, and removing gathering settings (e.g., benches).
- Industry associations recommend that efforts to screen people for COVID-19 symptoms at shopping malls is best performed at the entry point of the shopping centre rather than at individual shops.

KEEP MALLS SAFE



Engineering controls

Make physical changes in the workplace that separate workers from the hazard or support physical distancing, disinfecting and hygiene.



Administrative controls

Make changes to the ways people work and interact, using methods such as policies, procedures, training and signage

Workplace safety guidance for the [retail sector](#) is available. Workplaces are strongly recommended to review guidelines and take appropriate measures to keep employees and customers safe.

Photography

All photography studios and services, including portrait, aerial, special event, commercial and industrial photography can reopen.

- Physical distancing must be maintained between all individuals on set whenever possible and must be taken into consideration when organizing the layout of the set.

Film & TV

All film and television production activities will be allowed to resume.

- Physical distancing must be maintained between all individuals on set whenever possible and must be taken into consideration when organizing the layout of the set.

Tour & Guide Services

Indoor and outdoor tour and guide services will be allowed to resume.

- This includes:
 - Resource-based tours (e.g., hunting, fishing and similar excursions)
 - Tastings and tours for operators of on-site retail stores at manufacturing sites (e.g., wineries, breweries and distilleries)
 - Trail riding, walking and bike tours
 - Motor vehicle and boat tours (e.g., for sightseeing)
- Businesses should consider operating by appointment and/or record each patron's name and contact information for the purpose of contact tracing.
- Patrons must adhere to physical distancing measures and limits to public gatherings.
- Equipment may be rented as needed as part of the tours. Equipment should be properly cleaned and disinfected in between rentals.
- Access to production areas for tours of food and beverage manufacturing sites is permitted, as long as operators can follow workplace guidance and public health advice to ensure quality and cleanliness of products. Eating or drinking can occur in licensed outdoor spaces but is not permitted indoors.





Water Recreational Facilities

All indoor and outdoor swimming pools and outdoor splash pads and wading pools may open to the public with no access to high-contact aquatic features such as slides and climbing structures.

- This includes public pools as well as pools situated in hotels, motels, condo parks, resorts and other private facilities.
- Waterparks, wave pools and water slides will not be permitted to reopen in Stage 2.
- Change rooms and showers will be available to the public if operators can adequately sanitize and disinfect the facilities.
- Persons in the place of business shall maintain physical distancing of at least two metres from each other at all times by:
 - Reducing resting areas and pool capacity.
 - Limiting and distancing pool-side seating.
 - Timed entry (e.g., appointment only).
- Equipment rented or loaned must be disinfected or quarantined appropriately between uses.
- Aquatic activities such as fitness classes and swim lessons must be in line with physical distancing measures. For example, only other household members can assist swimmers with physical contact.

KEEP RECREATIONAL ACTIVITIES SAFE



Practice physical distancing



Increase cleaning of frequently touched surfaces



Stay at home and away from others if you are feeling ill



Wash your hands frequently and practice good hygiene



Get tested if you are showing symptoms of COVID-19

Workplace guidance on measures to protect health and safety is available:

- [Facilities maintenance](#)
- [Parks and recreation](#)
- [Outdoor recreation, drive-in & drive-thru activities](#)

Workplaces are strongly recommended to review guidelines and take appropriate measures to keep employees and customers safe.

Outdoor Recreational Facilities

Outdoor-only recreational facilities that operate low-contact attractions and activities will be allowed to reopen.

- This includes activities such as paintball, mini-golf, archery ranges, go-cart tracks and other adventure activities.
- Locker rooms, change rooms, showers and clubhouses will remain closed, except to the extent they provide access to a washroom or a portion of the facility that is used to provide first aid.
- Equipment rented, loaned or utilized for outdoor adventure elements (e.g., ladders, ziplines, hand cables) must be disinfected or quarantined appropriately between uses. Activities where equipment cannot be sanitized are not permitted.
- Recreational activities or areas that do not allow for two-metre physical distancing between patrons are not permitted.
- Indoor recreational activities are not permitted except for indoor driving ranges and rod and gun clubs.
- Amusement parks and waterparks (including those attached to hotels) will remain closed.
- Playgrounds, play structures and outdoor fitness equipment will remain closed.

Beaches, Parks & Camping

In Stage 1, Ontario Parks opened limited backcountry camping including paddle and portage routes, access points and hiking trails. In Stage 2, Ontario Parks campgrounds and private campgrounds can also open for recreational vehicle, car camping and all other types of camping.

- Campers must adhere to social gathering size restrictions and maintain two-metre physical distancing with people outside their household and when outside of their campsites.
- Beach access at Ontario Parks will be permitted as part of Ontario Parks' gradual reopening, although measures including limited capacity will be taken at some parks to enable physical distancing.

Outdoor Recreational Team Sports

Outdoor team sports may resume, if physically distanced, for training only and with no scrimmages or games.

- This includes limited access to facilities (e.g., no locker rooms, no change rooms and no showers).
- Access to clubhouse and other amenities will be limited to washrooms, emergency aid and equipment management.



Drive-in & Drive-thru Venues

All existing and new drive-in and drive-thru venues can open for a variety of purposes, such as theatres, concerts, animal attractions and cultural appreciation, such as art installations.

- Food services are restricted to delivery to vehicles and drive-thru only.
- Operators must have in place procedures for staff to ensure people remain in their cars except for using the washroom or in an emergency.
- In addition to other workplace and public health measures, drive-ins and drive-thru venues should:
 - Limit the number of vehicles and how they are parked to ensure physical distancing.
 - Ensure that any washrooms open for use are cleaned and disinfected as frequently as is necessary to maintain a sanitary environment.

Weddings, Funerals and Similar Gatherings

Venues not otherwise restricted can open to conduct wedding ceremonies, funerals and similar gatherings within existing public health restrictions.

- Events will be required to comply with limits for social gatherings of up to 10 people.
- Dine-in and bar services must be in-line with the related guidelines and restrictions.
- Indoor and outdoor venues may open for weddings, funerals and similar gatherings, with limited access to facilities.
- Guests that are not part of the same household should follow physical distancing guidelines.



Libraries

All libraries can reopen with limited on-site services, such as computer access and contactless book pickup and drop-off.

- Patrons are not permitted to handle books or materials on shelves.
- Libraries should operate in adherence with public health guidelines on physical distancing, capacity and hygiene procedures (e.g., disinfecting returns and high-touch areas like computers).

Community Centres

Community centres can reopen to the public with limited or modified on-site programs and services that follow workplace guidance and public health advice.

- Recreational activities are restricted at indoor facilities, but these spaces can be used for other programs and services.
- Examples of physically distanced programs and services include in-person counselling, group counselling, computer access, education and tutoring.
- Food services are restricted to takeout, delivery and outdoor dining spaces.
- Indoor pools may open (see water recreational facilities).
- Access to locker rooms, change rooms, showers and communal kitchen areas is not allowed.

KEEP COMMUNITIES SAFE



Practice physical distancing



Wear appropriate protective equipment where physical distancing is a challenge



Increase cleaning of frequently touched surfaces



Stay at home and away from others if you are feeling ill



Wash your hands frequently and practice good hygiene



Get tested if you are showing symptoms of COVID-19

Workplace health and safety guidance on measures to protect health and safety is available:

- [Facilities maintenance](#)
- [Social & community service workers](#)

Workplaces are strongly recommended to review guidelines and take appropriate measures to keep employees and customers safe.

Attractions & Heritage Institutions

Museums, galleries, aquariums, zoos outdoor heritage institutions (e.g., landmarks, outdoor historic sites, botanical gardens), and other establishments primarily engaged in preserving and exhibiting objects, sites and natural wonders of historical, cultural and educational value are permitted to reopen with restrictions.

- Interactive and high-contact exhibits, amusement parks, water parks and conference centres will remain closed in Stage 2.
- Lockers will remain closed.
- The opening of commercial areas (e.g., restaurant, cafe, bookshop, giftshop) are subject to the related guidelines and restrictions.
- Persons in the place of business shall maintain physical distancing of at least two metres from each other at all times by:
 - Timed entry.
 - A limited number of visitors allowed in a place at one time.
 - Managed visitor flow (e.g., one-way flow).
- Establishments should consider operating by appointment and/or record each patron's name and contact information for the purpose of contact tracing.

Small Outdoor Events

Non-essential in-person gatherings of any size continue to be strongly discouraged. Small outdoor events, such as cultural celebrations, animal shows and fundraisers will be permitted in line with gathering-size restrictions, subject to local public health requirements.

- Event organizers should have in place measures to enable physical distancing for people when in the event space and while waiting to enter, such as one-way traffic, marked lineup areas, and timed entry and length of stay.
- Large outdoor events, such as concerts, large festivals, parades and amusement fairs, are not permitted.

Beyond Stage 2

The government will provide additional guidance on how the province will move into Stage 3. These decisions will be made with people's health as the top priority and based on the lessons learned in Stage 1 and 2.

Based on public health advice, Stage 3 will focus on reopening more workplaces and community spaces, while carefully and gradually relaxing restrictions, and sustaining and expanding workplace health and safety guidance. Large public gatherings such as concerts, night clubs and sporting events will continue to be restricted for the foreseeable future.

Stage 3

In Stage 3, Ontario will consider:



- Opening remaining workplaces and services responsibly, with remote work expected to continue wherever possible.
- Opening dine-in for restaurants, bars and other food services, with public health measures in place.
- Further relaxing restrictions on personal and personal care services, with public health measures in place.



- Opening all indoor and outdoor recreational facilities, including playgrounds and play structures and associated amenities like clubhouses, showers and change rooms with restrictions and public health measures in place.
- Allowing performing arts shows and cinemas with reduced capacity and other restrictions, such as assigned seating.
- Opening casinos and charitable gaming halls and events, including horse racing, with public health measures in place.
- Opening gyms, indoor sports facilities, fitness facilities and studios with public health measures in place, such as limits to the number of people, floor space, equipment, showers and change rooms.
- Opening amusement parks and waterparks with restrictions.
- Resuming training for indoor team sports and individual high-contact sports with measures in place to enable physical distancing.



- Maintaining protections for vulnerable populations and the continued practice of physical distancing, hand washing and respiratory hygiene, and significant mitigation plans to limit health risks.

A Path to Recovery

The health of the people of Ontario will continue to guide every step of the government's response to COVID-19. Stage 2 is a critical next step in the path to long-term economic recovery.

To effectively reopen communities and restart the economy on the path to Phase 3: Recover, collaboration is essential. The Ontario Jobs and Recovery Committee is continuing to consult with people from all walks of life across all regions and sectors of the province to inform the approach to Ontario's economic recovery. Ontario will continue to work with all levels of government to address the unique impacts of COVID-19 on each community, making sure people get the support they need to succeed as progress continues on the path to recovery. Our common focus will be on creating jobs and opportunity across the province, while working to restore long-term prosperity for the benefit of every individual and family in Ontario.

Working together, we will reignite Canada's economic engine once again.

Additional Resources

- [Find workplace safety guidance documents to prepare for reopening at Ontario.ca/covidsafety.](#)
- [Learn more about Stage 1 of reopening.](#)
[Learn more about *A Framework for Reopening our Province*.](#)
- [Learn more about the first phase of Ontario's Action Plan: Responding to COVID-19.](#)
- [Learn more about *A Measured Approach to Planning for Surgeries and Procedures During the COVID-19 Pandemic*.](#)
- [Learn more about the *COVID-19 Action Plan for Vulnerable People*.](#)
- [Learn more about the *COVID-19 Action Plan for Protecting Long-Term Care Homes*.](#)
- [Provide your input on the economic impacts of COVID-19 and the next phase of Ontario's Action Plan.](#)
- [Visit Ontario's website to learn more about how the government continues to protect people from COVID-19.](#)

06/10/2020

Update and Information

Notice to the Membership - June 10, 2020

Registrar's Directives

The CEO/Registrar of the Bereavement Authority of Ontario has issued two new directives regarding the sector's response to COVID-19. If you have not received these directive's you can read the complete communications by following the links below.

If you have questions regarding these new directives please join us for the Registrar's Update later today. Information on how to access the session is also below.

[Registrar's Directive June 9 - 10 Person Maximum Still in Effect](#)

[Registrar's Directive June 10 - Drive-Thru Visitations](#)

SPECIAL WEBCAST: COVID-19 BAO UPDATE

COVID-19: Registrar's Update

Wednesday, June 10, 2020, at 1:00 PM

COVID-19 Update and Information

Are you wondering:

- How does Stage Two reopening affect the Bereavement Sector?
- Does the reopening of places of worship across the Province apply to Funeral and Burial Services?

The Bereavement Authority of Ontario CEO/Registrar Carey Smith will provide an update and answer these and other questions regarding measures in place during the COVID-19 pandemic.

This webinar is open and free of charge to all those who work in the bereavement sector.

PLEASE NOTE: This is an update on the ever-changing situation brought on by the COVID-19 pandemic and is not eligible for CE credit.

[Register Here](#)

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Registrar's Directive: 10 is still the max at funerals, visitations and burials

June 9, 2020

All COVID-19 restrictions and BAO Registrar's Directives remain in place, until further notice.

The maximum number of visitors at a funeral service, visitation and burial remains at 10, regardless of the location.

This Registrar's Directive clarifies for the bereavement sector and the public that **10 is the maximum number of visitors allowed at a funeral/visitation/burial regardless of location**, inside or outside, including an event centre, private club, park, cemetery, church, mosque, synagogue and any religious locations.

If a funeral is conducted in a place of worship, the maximum number of people allowed is 10, notwithstanding the "30% capacity rule" otherwise for places of worship. We have confirmed that the Registrar's Directive is consistent with the Premier's Office announcement of June 8.

The maximum number of 10 includes family, visitors, clergy/officiant and anyone

other than funeral staff.

This Directive is issued to ensure everyone knows that the 10-max Directive is still in place as Ontario enters its reopening phases. This Directive remains in place until further notice.

Thank you.

-Carey Smith, CEO/Registrar

100 Sheppard Avenue East, Suite 505, Toronto, Ontario, M2N 6N5
Tel: 647-483-2645 Toll-free: 1-844-493-6356 Fax: 647-748-2645
Info@thebao.ca

Registrar's Directive: Drive-Thru Visitations

Effective today, June 10, 2020

The creativity of licensees is something the bereavement sector can be proud of during this pandemic period. In the last few weeks, the option of drive-thru visitations, with the approval of the police and regional medical officers of health, have been carried out by several funeral homes across Ontario, as those communities find ways to address the needs of grieving families while following all COVID-19 restrictions.

This Registrar's Directive supports this creativity with a set of safety-focused and respectful rules that must be followed **if you choose** to offer drive-thru visitations at your funeral home.

All other COVID-19 government restrictions, Registrar's Directives, Notices to the Profession and Guidance must continue to be followed.

Directive Measures – Effective June 10, 2020

For a drive-thru service, mourners may drive to a funeral home's outside

designated area to pay their respects to the deceased and the family.

If needed, funeral homes may add a secure tent or canopy on funeral home property to accommodate a drive-thru area.

Drive-thru visitations require a safe –

- **Appropriately laid-out funeral establishment property** on which to host these visitations. The property must be large enough to accommodate a line of vehicles. The line must not extend onto public streets, sidewalks or other people's property.
- **Marked, designated lane or path** on the funeral home property for automobiles to line-up and drive in toward the designated viewing area, such as a window, entranceway or tent/canopy area.
- **Designated viewing area** where the decedent's family can gather, in a group of fewer than 10 (observing physical distancing of two metres), to acknowledge those in their vehicles.
- **A funeral home traffic coordinator, if** the line of vehicles exceeds the capacity of the funeral home's parking property, in order to ensure people do not exit their vehicles and come in contact with other passengers and drivers, and to maintain general safety.

Prohibited are –

- **Standing outside of vehicles.** Mourners must stay inside their vehicles.
- **Mixing of vehicles and people,** standing outside, in a line-up.

-Carey Smith, CEO/Registrar

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PUBLIC HEALTH MEMO

COVID-19

June 11, 2020

Dear Stakeholders,

The COVID-19 pandemic has caused unprecedented changes in our community. The Windsor-Essex County Health Unit (WECHU) has been working diligently to manage the impacts of COVID-19 and share information that is locally focused, relevant, and timely. As the situation evolves in the province and locally, the WECHU remains dedicated to working with the Ministry of Health, local health care providers and municipal partners, to monitor and coordinate the response to COVID-19.

In an ongoing effort to provide timely and reliable information to local partners and decision-makers, and an opportunity for further communication, we will be providing weekly COVID-19 stakeholder updates. As always, please feel free to contact our health unit if you have any questions or concerns throughout this challenging time.

Sincerely,

Theresa Marentette, RN, MSc
CEO, Chief Nursing Officer

Dr. Wajid Ahmed, MBBS, MAS, MSc, FRCPC
Medical Officer of Health



PUBLIC HEALTH MEMO

COVID-19

This is a weekly stakeholder update for the week of June 8th, 2020.

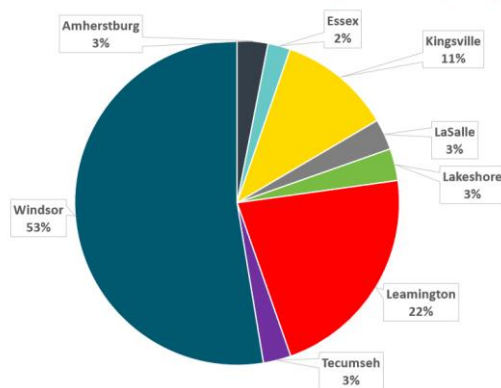
Current Statistics

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

Case Counts in Windsor and Essex County

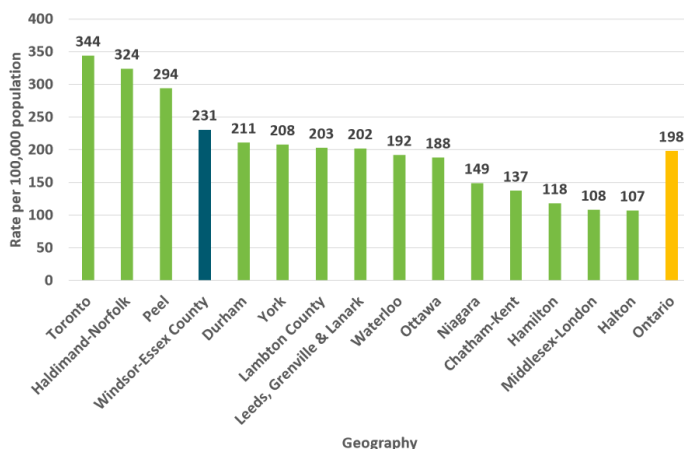
Confirmed Cases	Deaths
1,023	67
Resolved Cases	Current LTC & RH Outbreaks
577	0

Distribution of COVID-19 Cases by Municipality (as of June 5th)*



**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 June 5th)





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.

Federal

- Extension of the closure of all land border between the United States and Canada to non-essential travel. It was announced on June 8th, that there will be a limited exemption to allow immediate family members of citizens or residents to come to Canada. Anyone who enters the country will still have to self-quarantine for 14 days.
- Mandatory self-isolation for all travellers returning to Canada except for essential workers.

Provincial

The province is allowing twenty-four regions to transition to Stage 2, which will permit the re-opening of:

- Outdoor dine-in services at restaurants, bars and other establishments, including patios, curbside, parking lots and adjacent properties;
- Select personal and personal care services with the proper health and safety measures in place, including tattoo parlours, barber shops, hair salons and beauty salons;
- Shopping malls under existing restrictions, including food services reopening for take-out and outdoor dining only;
- Tour and guide services, such as bike and walking, bus and boat tours, as well as tasting and tours for wineries, breweries and distilleries;
- Water recreational facilities such as outdoor splash pads and wading pools, and all swimming pools;
- Beach access and additional camping at Ontario Parks;
- Camping at private campgrounds;
- Outdoor-only recreational facilities and training for outdoor team sports, with limits to enable physical distancing;
- Drive-in and drive-through venues for theatres, concerts, animal attractions and cultural appreciation, such as art installations;
- Film and television production activities, with limits to enable physical distancing; and
- Weddings and funerals, with limits on social gatherings to 10 people.

Windsor-Essex County, along with nine other regions mostly in the GTA, will remain in stage 1 of reopening. However, effective Friday, June 12th at 12:01 am, the limit on social gatherings will increase to ten people, and all places of worship will be permitted to open with physical distancing in place and attendance limited to no more than 30% of the building capacity. Other emergency orders are extended until June 30th, 2020, including the closure of bars and restaurants except for takeout and delivery only, and staff redeployment rules for long-term care homes and congregate settings like retirement homes and women's shelters.

- The province released [Protecting Ontarians Through Enhanced Testing](#). The expanded testing plan will focus on environments with many staff where social distancing may be difficult to achieve, including agri-food businesses.
- Ministry of Health released [guidance](#) on May 26th for the Health Sector to restart services. Once individual regulatory bodies grant approval, several healthcare providers such as dentists, chiropractors, optometrists, and



physiotherapists, will be allowed to reopen their doors.

Windsor-Essex County

- The WECHU has announced a collaboration with the “Miracle” planning group to assist with plans for the Windsor-Essex County Miracle on Saturday, June 27, 2020. On June 27th, the group aims to collect donated non-perishable food items from as many willing participants as possible in Windsor-Essex. For more information please visit www.june27miracle.com.
- As part of the provincial expanded testing strategy, WECHU is working in collaboration with provincial, regional and local partners to support increased COVID-19 testing within the agri-food sector. To date the health unit has investigated and tested workers as part of their role related to case and contact management. This enhanced testing model will include employees from farms and other agri-businesses within Windsor-Essex County.
 - As per the [class action order](#) issued on May 26th by Dr. Ahmed, under the Health Protection and Promotion Act, workplaces should be prepared with accurate and updated contact information for all employees including all permanent, temporary, and contract employees.
- The WECHU has launched the [Safe Return to Business: A Public Health Toolkit for the Windsor-Essex Business Community](#). The toolkit includes template signage and sector specific checklists and guidance documents to compliment resources provided by the government of Ontario.
- On May 29th, WECHU began drive-thru random testing in the community in collaboration with Essex Windsor Emergency Medical Services (EWEMS). Random testing for COVID-19 is important as it provides better quality data for analysis, planning, and intervention. Given that testing every person in our community at a point in time is not possible, a random sample of our community will provide the WECHU with enough information to make predictions and identify potential trends. For more information on testing guidance from the Ministry, review the [provincial testing guidance](#).
- Dr. Wajid Ahmed expanded his guidance from April 6th, recommending that residents wear a cloth mask when in public settings, and cannot ensure physical distancing (2 metres) from others. This can include, but is not limited to, trips to the grocery store, park, or when accessing public transit. More information related to masks can be found on our [website](#).

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.

- New document to minimize transmission from individuals working or residing in congregate living settings [Guidance for Congregate Living for Vulnerable Populations](#)
- New document to support [Summer Day Camps](#) that will operate during the months of July and August 2020.
- Updated documents for [Patient Screening, Testing Guidance, and Symptoms list](#)
- Specific recommendations on how to [choose, wear, and care for appropriate face coverings used in public](#) where physical distancing is not possible, along with [additional safety measures for provincial transit agencies](#)



Symptoms and Current Testing Guidance

Symptoms

Common symptoms of COVID-19 include:

- Fever (temperature of 37.8°C or greater)
- New or worsening cough
- Shortness of breath (dyspnea)

Other symptoms of COVID-19 can include:

- Sore throat
- Difficulty swallowing
- New olfactory or taste disorder
- Nausea/vomiting, diarrhea, abdominal pain
- Runny nose, or nasal congestion – in absence of underlying reason for these symptoms such as seasonal allergies, post nasal drip, etc.

If an individual feels ill, they can take the COVID-19 [self-assessment tool](#) and speak to the healthcare provider.

A list of all symptoms, including those that are atypical, can be found on the [Ministry of Health's COVID-19 Reference Document for Symptoms](#).

Case Definition

The [Case Definition](#) was updated on May 11th to include travel within Canada, and the definition of a probable case was expanded to include people living / working in a facility known to be experiencing an outbreak.

Testing

- Expanded testing criteria now allows the following populations to be tested:
 - Symptomatic testing:
 - All people with at least one symptom of COVID-19, even for mild symptoms.
 - Asymptomatic, risk-based testing:
 - People who are concerned that they have been exposed to COVID-19. This includes people who are contacts of or may have been exposed to a confirmed or suspected case.
 - People who are at risk of exposure to COVID-19 through their employment, including essential workers (e.g., health care workers, grocery store employees, food processing plants).
- Testing in Windsor-Essex County is available through primary care providers and through the following local assessment centres:
 - COVID-19 assessment centres at Windsor Regional Hospital Ouellette Campus and Erie Shores Healthcare in Leamington. For more information including hours of operation and addresses visit our [website](#).
 - Southwest Ontario Aboriginal Health Access Centre (SOAHAC)



FAQ

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

Now that businesses are open, can I visit with family and friends?

The Province of Ontario has prohibited social gatherings of more than ten people. To prevent the spread of COVID-19 and protect our community, the WECHU encourages residents to stay home, when possible, and reduce their interactions with others. Physical distancing means limiting the number of people you come in close contact with.

If you choose to meet up with others in a group of ten or less people, we would recommend continuing to practice frequent hand hygiene, physically distance and limit the number of people you interact with to reduce your risk of exposure. If you cannot maintain physical distancing it is recommended that you wear a cloth face mask.

Am I allowed to go fishing? Are marinas closed? Are boat launches closed?

Those that choose to fish in public areas should ensure they practice physical distancing and not gather in groups of more than 10 people. Marinas, boat clubs and public boat launches are open for recreational use as of Saturday, May 15th, 2020.

Who can I contact if I have questions about re-opening my business?

The province has an information line called 'Stop the Spread' that businesses can call with questions at 1-888-444-3659. This number is available 7 days a week.

Who should be wearing a non-medical mask (i.e. cloth mask)?

- If you are sick and seeking medical care:
 - If you are coughing or sneezing, wear a non-medical mask (i.e. cloth mask) to protect people around you from getting sick. This is very important if you go to an appointment, clinic, or a hospital. Do not go to other public places when you are sick, even if you are wearing a mask. If you are seeking medical care, an appropriate medical/surgical mask should be given to you upon arrival. Follow the instructions given to you in the health care setting about how to remove and store your non-medical mask (i.e. cloth mask) while you are there.
- If you are not sick and are going to a public place (e.g., grocery store or pharmacy):
 - If you are going to a place where physical distancing measures are difficult to maintain (such as the grocery store, pharmacy, or public transit), Dr. Ahmed asks residents to consider wearing a non-medical mask (i.e. cloth mask), as they may offer some additional protection to those around you.

Who should not wear a non-medical mask?

Non-medical masks (i.e. cloth masks) should not be placed on:

- Children under the age of 2.
- Anyone unable to remove the mask without help.
- Anyone who has trouble breathing or is unconscious.



Essex-Windsor Residential Waste Diversion 2019

Report Date: March 31, 2020

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Essex-Windsor Residential Waste Diversion

Annual Report for January – December 2019

1 Introduction

The Annual Waste Diversion Report provides information on the waste diversion activities carried out by the Essex-Windsor Solid Waste Authority during 2019 in compliance with Condition 5.2 of the Environmental Assessment Approval for the Essex-Windsor Regional Landfill.

1.1 Residential Waste Diversion Rate 2019

This report also provides the Authority with the ability to track any changes in the percentage of waste diverted through its waste diversion initiatives from year to year.

In 2019, the seven County of Essex municipalities and the City of Windsor delivered 102,452 tonnes of residential waste to the Regional Landfill. During the same time period, 56,047 tonnes of residential waste were diverted from the landfill via the blue and red box recycling program, municipal hazardous or special waste program, composting, and other waste diversion programs. These waste diversion initiatives resulted in a 2019 residential diversion rate of 34.4%. The 2018 diversion rate was 36.3%.

2019 Residential Diversion Rate is calculated as follows:

$$\frac{56,047 \text{ Tonnes Diverted (see Table 18, Page 23)}}{102,452 \text{ Tonnes of Residential Refuse Collected Curbside} + 4,513 \text{ Residuals} + 56,047 \text{ Diverted Tonnes}} = \frac{56,047}{163,012} \times 100 = 34.4\%$$

2018 Residential Diversion Rate is calculated as follows:

$$\frac{58,750 \text{ Tonnes Diverted (see Table 18, Page 23)}}{100,565 \text{ Tonnes of Residential Refuse Collected Curbside} + 2,440 \text{ Residuals} + 58,750 \text{ Diverted Tonnes}} = \frac{58,750}{161,755} \times 100 = 36.3\%$$

2 Programs

2.1 Residential Recycling Blue Box Program

The tonnes of residential recyclable materials collected curbside during 2019 totaled 25,426 tonnes. The overall tonnes of recyclables collected in 2019 were slightly lower compared to the 26,011 tonnes collected in 2018.

A monthly summary and comparison of the tonnes collected curbside from the City and the County in 2018 and 2019 is shown in Table 1. Collection of recyclables in the County was carried out under contract in 2019 by Windsor Disposal Services Ltd. Collection of recyclables in Windsor was carried out by Green For Life Environmental Inc.

All materials were processed at the Authority owned Essex-Windsor Material Recovery Facility (MRF), located at E.C. Row and Central Avenue in Windsor where Windsor Disposal Services via contract process delivered materials.

In addition to the residential recyclables collected curbside, 495 tonnes of recyclables were delivered to the Authority's Public Drop Off Depots in 2019. This is down 33% from 2018 where 735 tonnes were delivered.

**Table 1: Residential Recycling Blue Box Collection Tonnes by Month
Comparison: 2018 with 2019**

Month	2019 County of Essex Tonnes	2019 City of Windsor Tonnes	2019 Combined Tonnes	2018 Comparable Tonnes
January	1,099.61	1,075.24	2,174.85	2,343.65
February	972.63	917.59	1,890.22	1,955.57
March	945.63	932.95	1,878.58	2,090.20
April	1,063.56	1,119.42	2,182.98	2,038.99
May	1,287.05	1,283.19	2,570.24	2,521.74
June	1,007.06	1,031.30	2,038.36	2,146.27
July	1,086.20	1,110.90	2,197.10	1,980.10
August	1,025.06	1,053.24	2,078.30	2,210.14
September	998.25	1,030.87	2,029.12	2,039.40
October	1,127.57	1,097.80	2,225.37	2,231.67
November	1,040.92	1,032.53	2,073.45	2,296.10
December	1,075.17	1,012.20	2,087.37	2,156.72
Column Totals:	12,728.71	12,697.23	25,425.94	26,010.55

Notes: The County of Essex includes the Town of Amherstburg, the Town of Essex, the Town of Kingsville, the Town of Lakeshore, the Town of LaSalle, the Municipality of Leamington and the Town of Tecumseh.

2.2 Recycling Residual Disposal

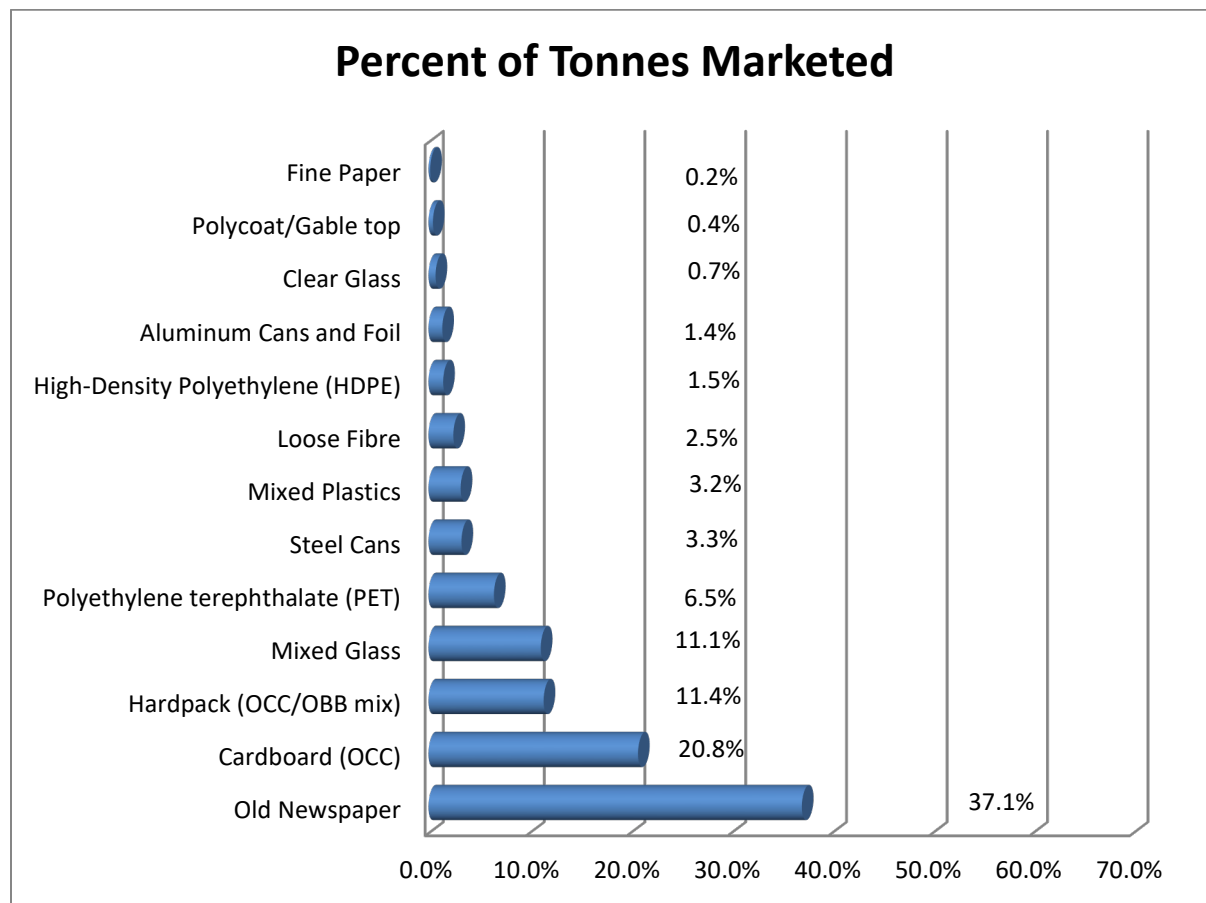
Recycling Residual is the material that is left over after the processing of the recyclable materials are collected and delivered to the MRF. The residuals consist of contaminated materials, non-recyclable materials, and packaging materials used to secure recyclables placed in the recycle box. A total of 4,513.29 tonnes of recycling residuals was disposed of in 2019.

3 Tonnes Marketed

For the purposes of waste diversion calculations, tonnes marketed are used instead of the tonnes collected curbside. The tonnes marketed by material type are shown in Table 2, 3 and 4. The Essex-Windsor Solid Waste Authority markets all materials processed through the MRF, and retains 100% of the revenue from the sale of materials. Revenue from the sale of

material in 2019 was approximately \$2,070,666 (see Table 5) representing a basket-of-goods revenue of approximately \$101/tonne compared to a basket-of-goods revenue of \$134/tonne in 2018. A brief discussion on market conditions and prices for each of the materials follows.

Figure 1: Percent of Tonnes for 2019 Marketed Recyclables



Note: Due to rounding total tonnes marketed does not total 100%.

3.1 Fibres

Old Newspaper (ONP)

Ontario market price trends are published annually by the Continuous Improvement Fund's (CIFs) Price Sheet (January 2020). For 2019, ONP prices started the year at a high of \$61 per tonne in January and then declined gradually to finally close out the year at \$33 per tonne in December. The EWSWA average price for 2019 was \$55 per tonne which is

higher than this provincially published CIF average of \$44 per tonne. The EWSWA 2018 average price for ONP was \$75 per tonne.

Old Corrugated Cardboard (OCC)

The EWSWA price for old corrugated cardboard again started the year high at \$122 per tonne and dropped due to global market conditions to a low of \$60 per tonne by the end of 2019. The 2019 EWSWA average price per tonne was \$81 compared to \$126 in 2018. The Authority's average price of \$81 per tonne was just short of the provincial average of \$84 per tonne per the CIF Price Sheet- January 2020.

Hardpack (OBB)

(Example: cereal boxes, cardboard)

EWSWA's prices for this cardboard/boxboard mix ranged from a high of \$88 to a low of \$1 per tonne in 2019. The 2019 EWSWA average price was \$17 compared to \$89 per tonne in 2018, again as a result of global market conditions. Even though market prices dropped severely in 2019, the Authority's average price of \$17 per tonne was slightly lower than the provincial average (\$19 per tonne) per the CIF Price Sheet- January 2020.

Fine Paper

Fine paper was sold in 2019 with an average price of \$207 per tonne. This is a decrease compared to the \$279 per tonne received in 2018 again as a result of the fibre market crisis.

Loose Fibre

As a result of a major equipment changeover in the Fibre MRF in 2019, the Fibre MRF was unable to process incoming delivered materials for a few days. Therefore, all incoming materials during this timeframe to the Fibre MRF were shipped loose to a fibre recycling processor with no charge to the Authority due to fibre market conditions.

3.2 Containers

Steel Cans

The pricing for steel cans ranged from a high of \$333 per tonne to a low of \$155 per tonne during 2019. The 2019 average price was \$248 per tonne compared to \$304 per tonne in 2018.

Aluminum Cans and Foil

The pricing for aluminium cans ranged from a high of \$1,615 per tonne to a low of \$1,338 per tonne. The 2019 average price was \$1,477 per tonne compared to \$1,761 in 2018. Aluminum foil was sold at an average price of \$374 during 2019.

Glass

The average price for clear glass, marketed for new containers, in 2019 was \$32 per tonne. This is slightly lower than the 2018 average price of \$36 per tonne. Clear glass is the only product that is not marketed FOB (Freight On Board) at the Essex-Windsor MRF. Mixed coloured glass was delivered to the Regional Landfill for use as road base.

Polyethylene terephthalate (PET)

(Example: Plastic Water Bottles)

PET prices ranged from a high of \$493 per tonne to a low of \$168 per tonne in 2019. The average price was \$363 per tonne in 2019 which is lower than the 2018 average price of \$438 per tonne.

High-Density Polyethylene (HDPE)

(Example: Laundry Soap Bottles)

HDPE prices ranged from a high of \$562 per tonne to a low of \$315 per tonne in 2019. The average price was \$431 per tonne in 2019 compared to the 2018 average price of \$497 per tonne.

Polycoat and Gable Top

(Example: Milk Cartons)

Five loads of polycoat were shipped out in 2019 at an average price of \$32 per tonne compared to the average price of \$76 per tonne in 2018.

Mixed Plastics

(Example: tubs & lids, clamshells, trays, cups, plastic bottles, excludes polystyrene and plastic film bags)

In 2019, mixed plastic prices ranged from a high of \$117 per tonne to a low of \$80 per tonne. The average price was \$110 per tonne in 2019 compared to the average price of \$72 per tonne in 2018.

Table 2: Marketed Fibres Summary Comparison: 2018 versus 2019

Fibre Material	2019 Tonnes	2018 Tonnes	% Change
Old Newspaper (ONP)	7,608	11,472	-33.7%
Cardboard (OCC)	4,269	4,062	5.1%
Hardpack (OCC/OBB mix)	2,346	1,647	42.4%
Fine Paper	36	81	-55.6%
Loose Fibre	507	237	113.9%
Totals:	14,766	17,499	-15.6%

Table 3: Marketed Containers Summary Comparison: 2018 versus 2019

Container Material	2019 Tonnes	2018 Tonnes	% Change
Clear Glass	145	207	-30.0%
Mixed Glass	2,288	2,446	-6.5%
Steel Cans	672	773	-13.1%
Aluminum Cans and Foil	281	298	-5.7%
Polyethylene terephthalate (PET)	1,334	1,554	-14.2%
High-Density Polyethylene (HDPE)	300	312	-3.8%
Polycoat/Gable top	91	97	-6.2%
Mixed Plastics	656	718	-8.6%
Totals:	5,767	6,405	-10.0%

Table 4: Residential Recyclables Marketed Comparison: 2018 versus 2019

Tonnes Marketed	2019 Tonnes	2018 Tonnes
a) Total Tonnes Marketed	20,533	23,904
b) ICI Tonnes	(435)	(746)
Net Marketed Residential Recyclables	20,098	23,158

Notes: a) Total Tonnes Marketed less b) ICI Delivered Tonnes = Net Marketed Residential Recyclables.

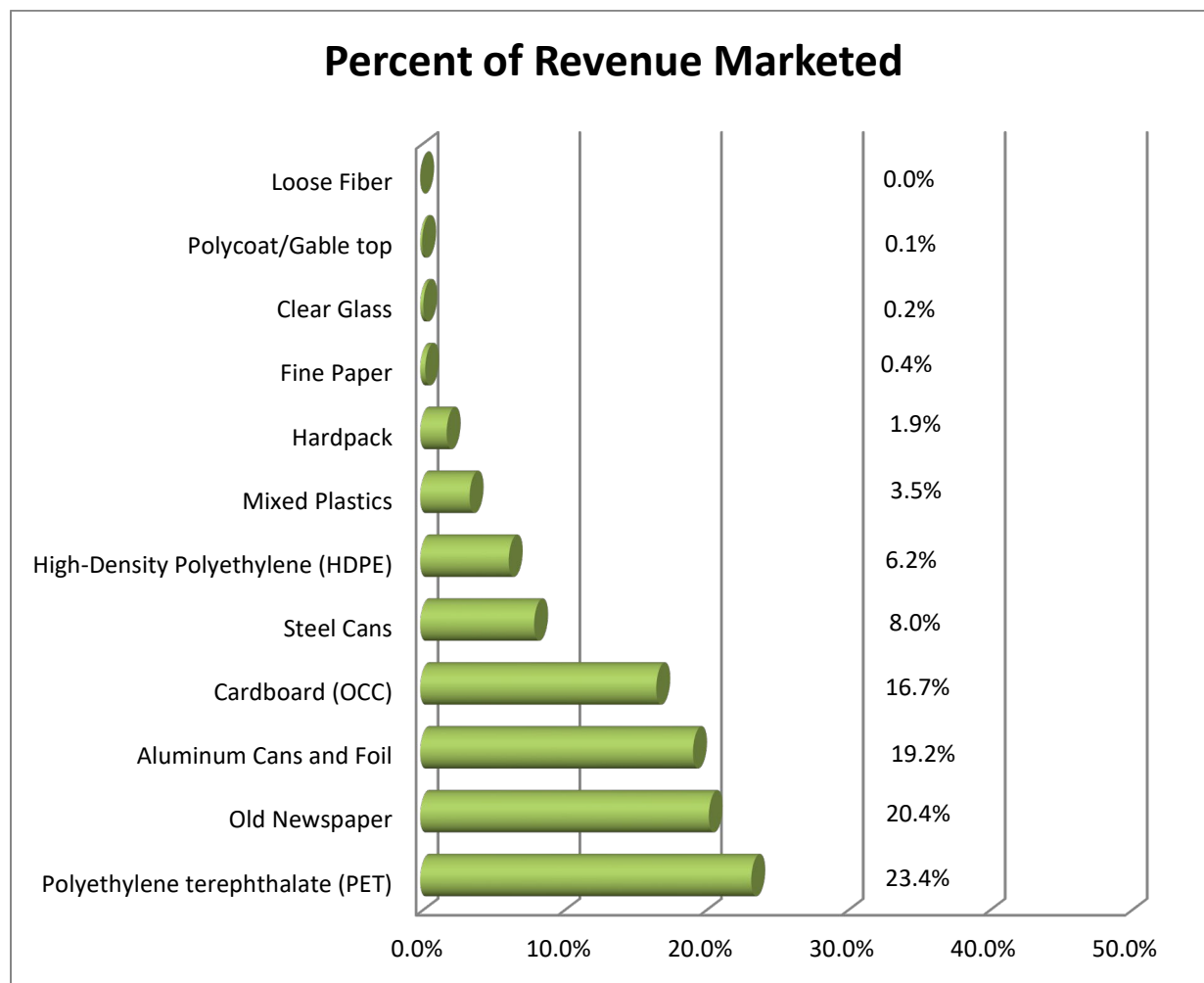
Table 5: Revenue Comparison: 2018 versus 2019

Recyclable Material	2019 Revenue	2018 Revenue
Old Newspaper (ONP#8)	\$421,670	\$858,637
Cardboard (OCC)	\$344,893	\$513,125
Hardpack	\$38,712	\$146,834
Fine Paper	\$7,416	\$22,470
Loose Fibre	\$0	\$1,182
Clear Glass	\$4,668	\$7,407
Steel Cans	\$166,520	\$235,222
Aluminum Cans and Foil	\$398,545	\$525,109
Polyethylene terephthalate (PET)	\$483,675	\$680,412
High-Density Polyethylene (HDPE)	\$129,411	\$155,100
Polycoat/Gable top	\$2,932	\$7,330
Mixed Plastics	\$72,224	\$51,916
Total Revenue	\$2,070,666	\$3,204,744

Table 6: Annual Revenue Comparison

Year	Revenue
2014	\$3,306,026
2015	\$3,101,234
2016	\$3,414,055
2017	\$4,241,411
2018	\$3,204,744
2019	\$2,070,666

Figure 2: Percent of Revenue Marketed in 2019



Note: Due to rounding total revenue marketed does not total 100%.

3.3 Markets

While delivered tonnages for 2019 were similar to 2018, there was a significant reduction in revenue generated in 2019 from the recycling markets. Due to import regulations changing in China, the North American recycling markets in 2019 finally hit an all-time low. This impacted domestic markets in 2019 as witnessed by oversaturation with recycling materials and thereby imposing greater demands (e.g., quality specifications enforced, dropping prices) to domestic sellers like EWSWA.

As a result, early in 2019, the fibre markets were hit hardest, as prices fell to an all-time low and eventually stabilized at this new low market price by the end of the year. Container market prices didn't start their decline until late summer. It is important to note that while prices for containers dropped, this decrease was nowhere near the significance of the hardship experienced in the fibre markets in 2019. These significant market changes are reflected in Table 5 on page 9 of this report. More importantly, due to many EWSWA strategies like: pre-establishment in the domestic market, efforts of Waste Diversion staff to produce higher quality materials through continuous improvement efforts and capital investment, and ongoing successful work with buyers and contractors, EWSWA was able to move all materials in 2019.

4 Other Residential Recycling Programs

4.1 White Goods

Since 1991, white goods, such as fridges, stoves, air conditioners, washers, dryers, freezers dishwashers, etc. have been restricted from landfill disposal. In 2019, curbside collection of white goods from County municipalities captured 1,738 white good units (approximately 156 tonnes).

While the City of Windsor did not operate a white goods collection program during 2019 there were also 193 tonnes of white goods delivered to the Public Drop Off Depots for a combined total of approximately 349 tonnes. Using the Resource Productivity & Recovery Authority (RPRA) Municipal Datacall residual percentage of 20%, approximately 279 tonnes of white goods were recycled and diverted. Table 8 details the white goods collection program for each of the municipalities in the County of Essex by month during 2019.

Table 7: Summary of White Goods Diversion for 2019

White Goods Summary	2019 Tonnes
Curbside Collection Converted to Tonnes	156.42
Drop Off Depots	192.92
Total White Goods Tonnes	349.34
Less 20% Residual Calculation Amount	(69.87)
Total Tonnes Recycled and Diverted	279.47

Table 8: 2019 White Goods Collected by Month in Municipalities across Essex County

Month	Tecumseh	Essex	LaSalle	Amherstburg	Leamington	Kingsville	Total for Month
January	7	13	22	21	11	24	98
February	8	18	20	29	16	20	111
March	12	15	19	24	14	17	101
April	11	18	32	29	17	20	127
May	18	9	34	29	34	27	151
June	17	25	39	43	24	29	177
July	16	20	32	44	22	28	162
August	22	21	20	32	25	33	153
September	20	30	30	35	26	12	153
October	14	22	42	34	35	28	175
November	28	31	37	42	30	30	198
December	15	26	20	22	17	32	132
Total Units	188	248	347	384	271	300	1,738

Notes: 1,738 units with the average weight of 90 kilograms per unit results in diversion of approximately 156.42 tonnes; there was no Tonnes reported for Lakeshore in 2019.

4.2 Tires

In 2019, EWSWA like all other municipalities transitioned their tire recycling program early in the year from the Ontario Tire Stewardship Used Tires Program to the Used Tire program under Resource Productivity and Recovery Authority (RPRA). RPRA's goal is to support a waste-free Ontario, where all resources are reused and recycled through the new Individual Producer Responsibility (IPR) framework. This is due to the Tires Regulation under the Resource Recovery and Circular Economy Act, 2016 (RRCEA) that designated tires as the first material under Ontario's IPR framework to transition.

While automotive tire recycling is now offered at many locations across Essex-Windsor, EWSWA does still collect and recycle used tires through the new RPRA program. In 2019, RPRA Datacall resulted in diversion of approximately 2,830.90 tonnes of used tires in the Essex-Windsor area.

4.3 Scrap Metal

There are 40-yard roll off bins located at the Public Drop-off Depot for collection of ferrous and non-ferrous scrap metal material. The metals are sold through a competitive bid process to local scrap dealers. In 2019, approximately 588.08 tonnes of metals were collected and recycled. While the Authority does not advertise that it accepts other metal household objects besides steel cans in the blue box program, the Authority does receive and does try to capture any metal objects which are called "mixed metal". An additional 71.86 tonnes of mixed metals were received in 2019 for a total of 660 tonnes of scrap metal.

4.4 Electronics Recycling

Under contract to the Authority, Greentec supplies roll off bins for the collection of electronics at the Authority's Public Drop-off Depots. EWSWA staff place the electronic items from the public in these bins. In 2019, a total of 316.61 tonnes of computers, televisions, audio visual equipment, and various electronic items were collected through the Waste Electrical and Electronics Equipment (WEEE) stewardship program. Based on a residual portion of 20%, the total electronics recycled was approximately 253.29 tonnes.

4.5 Deposit/Return Program

The Authority implemented a capture program at its Material Recovery Facility for deposit/return containers (i.e. aluminum beer cans; glass, wine and spirit bottles) that were placed curbside for blue box collection and continued to be successful in 2019. During 2019, approximately 39 tonnes of deposit/return containers were received at the MRF and are included as part of the 2,196.94 tonnes that were diverted throughout Essex-Windsor as part of the Deposit/Return & Stewardship Program. The 2,197 diversion tonnes figure is calculated as part of the 2019 Resource Productivity and Recovery Authority Datacall and is based on the Essex-Windsor population as determined by the latest Statistics Canada Census data.

Table 9: Other Recyclables Comparison: 2018 versus 2019

Recyclable Material	2019 Tonnes	2018 Tonnes	% Change
White Goods (all sites)	279	227	42.73%
Used Tire Program	2,831	2,831	0.00%
Scrap & Mixed Metal	660	644	2.48%
Electronics	253	270	-6.30%
Deposit/Return & Stewardship Program	2,197	2,197	0.00%
Total Other Recyclables	6,220	6,169	1.56%

Note: RPRA Datacall calculation is based on population for Used Tire Program and Deposit/Return & Stewardship Program in the Essex-Windsor area as reported by the Statistics Canada Census. .

5 Residential Organics

5.1 Yard Waste

Grass, leaves, tree trimmings and brush are restricted from disposal at the Essex-Windsor Regional Landfill Site. As a result many local municipalities have established separate collection systems for yard waste, including special collections in January for Christmas trees. Furthermore, individual residents and grounds maintenance contractors also brought yard waste to one of the three yard waste depots operated by the Essex-Windsor Solid Waste Authority in 2019.

The Essex-Windsor area accepts the use of paper bags, wheeled carts, garbage bins and cardboard boxes for the collection of yard waste. Plastic

bags are not accepted. Approximately 30,293 tonnes of yard waste was received in 2019, which a decrease of 12% compared to the 34,435 tonnes delivered in 2018.

Table 10: 2019 Yard Waste Summary for all sites

Material Type	Windsor Public Drop Off	Kingsville Transfer Station 2	Regional Landfill
Municipal Delivered	11,315	1,736	4,374
Residential Delivered	4,969	1,150	163
Total Res. Organics	16,284	2,886	4,537
ICI Organics and Pallets	492	341	5,753
Grand Total (Tonnes)	16,776	3,227	10,290

Note: ICI is Industrial, Commercial and Institutional delivered material type.

Table 11: Yard Waste Tonnes Comparison: 2018 versus 2019

Material Type	2019 Tonnes	2018 Tonnes
Municipal Delivered	17,425	15,959
Residential Delivered	6,282	7,462
Total Res. Organics	23,707	23,421
ICI Organics and Pallets	6,586	11,014
Grand TOTAL (Tonnes)	30,293	34,435

Note: ICI is Industrial, Commercial and Institutional delivered material type.

5.2 Screened Compost Sales

The Authority undertakes an in depth process to the organics and yard waste it receives to turn it into saleable, quality compost. The composting process involves grinding up yard waste and placing it in long rows called 'windrows'. The material is turned frequently and the temperature is maintained above 55 degrees Celsius in order to kill any pathogens or weed seeds. Once the compost has matured it is tested, screened, and then sold for use in landscaping, as well as flower and vegetable gardens.

In 2019 compost was sold as bulk (delivered or pick-up), bag your own, and prepackaged items as listed in Table 12.

Table 12: Compost Sales 2019 Summary

Compost Material	Quantity Sold	Tonnes
Delivered	750 cubic yards	441
Bulk Sales	25,251 cubic yards	14,848
Bag Your Own Compost	1,488 bags	40
Prepackaged Garden Gold Compost	11,998 bags	228
		Total: 15,557

Notes: Prepackaged bag weights are based on approximately 19 kg/bag; bag your own compost is approximately 27 kg/bag and bulk compost is approximately 588 kg/cubic yard.

Under contract to the Authority, Frank Dupuis Landscaping and Trucking provided delivery services for the sale of 441 tonnes of bulk compost to local residents. Also 14,848 tonnes in bulk sales were sold to residents and businesses at EWSWA Depots. Additionally, about 11,998 prepackaged bags of compost were sold at the Depots. Many residents also bagged their own compost at one of the depots. The combined total weight of compost sold was approximately 15,557 tonnes. In 2019, compost sales totaled \$227,185.

5.3 Backyard Composting

Backyard composters (BYC) with the brand name “The Earth Machine” and “The Green Cone” were sold to Essex-Windsor residents in 2019. The Earth Machine was sold through local Home Hardware stores year-round. Both units were sold during the Truckload Sale held in the City of Windsor. Approximately 37 Earth Machine units were sold through the Home Hardware stores and 217 units were sold during the truckload and miscellaneous sales for a total of 254 units sold in 2019. There were 94 Green Cones sold in 2019. This brings the cumulative total to 752 Green Cones distributed since 2010, which is when they were first introduced to the area. The combined BYC distributed in 2019 was 348 units bringing the total number of units sold since 1988 to 39,881 units.

Current research has indicated that approximately 100 kg/year/BYC is diverted as a result of the backyard composting program. This translates into 3,988 tonnes of organic waste diverted from the landfill through this program. This does not consider homemade composters or composting done independent of the Authority’s backyard composting program.

Table 13: Residential Organic Waste Reduction Comparison: 2017 — 2019

Residential Organic Programs	2019 Tonnes	2018 Tonnes	2017 Tonnes
BYC Program	3,988	3,953	3,912
Mulching Blades	1,343	1,343	1,343
Yard Waste (Residential)	23,707	23,421	19,099
Total Residential Organics	29,038	28,717	24,354

Notes: The mulching blade program was no longer directly offered through EWSWA after 2001. Even though mulching blades and mowers are used by residents in the area, it can't be measured for the purposes of this report; therefore, no increase in diversion is indicated.

6 Promotion and Education

6.1 School and Community Presentations

In 2019, Authority staff conducted 24 presentations at various locations where 2,544 people from community groups, events, open houses, schools etc. attended. The emphasis in 2019 presentations was placed on how to reduce, reuse and recycle plastic.

6.2 Special Community Events

Authority staff organized displays and talked to area residents at various special events scheduled at the Horticultural Show, Earth Day Celebrations and the Truckload Sale. There were 65 special events serviced with recycling in 2019. Many special event venues have implemented their own sustainable recycling program throughout the season (April through September) and do not require the per event service offered by EWSWA.

6.3 On-going Public Education Activities

The Authority maintains a Waste Reduction Hotline (1-800-563-3377), a website (www.ewswa.org), and an annual newsletter called EnviroTips which is delivered to each household and is available online.

E-newsletters are also part of the program as they are low cost and reach residents quickly and effectively. The Authority has 2,964 e-newsletter subscribers. Industry standards indicate that a decent open rate is anything between 20-33%. Open rates for e-newsletters are as follows: Truckload Sale 63%; Gold Box, 87%; Waste Reduction Week, 63%.

The EWSWA website (www.ewswa.org) is updated on a regular basis to provide detailed information and public education to residents. Topics covered range from waste management and reduction, to details about waste diversion activities. Residents have access to instructions, tenders, reports, calendars, acceptable recycle box materials, incentives, etc. In 2019 there were approximately 38,000 hits on the website bringing the total hits to 281,077 hits since the launch of the new website in 2012; the monthly average hits in 2019 had a duration of approximately 1.47 minutes. The 'What Goes Where' material search database resulted in 8,598 searches; municipal calendar searches were at 13,396 and PDO, Windsor at 8,164 searches in 2019. In 2019, method of access by device was 53.6% mobile; 39.5% desktop computer and 6.9% tablets.

Recycle Coach is an app which makes recycling and collection schedule information easy to find. The app is continuously developing new programs that combat complacency and gets people re-engaged in recycling. It promotes best practices ideas on better waste management to improve outcomes such as increasing the amount recycled, proper disposal and diversion of solid waste, etc. In 2019, EWSWA made it a priority to promote this app and get local residents onboard with accessing information around solid waste through this app. As a result, increased metrics listed below were noted for Recycle Coach in 2019:

- 9,619 total subscribers
- 130,743 resident interactions in 2019
- 10,895 average monthly resident interactions

EWSWA also continues to maintain a presence in social media sites such as Facebook and Twitter. EWSWA started with 30 Twitter followers in January 2015 and had 755 followers by December 2019. EWSWA has 1,130 followers on Facebook with the highest reach of 17,200 on the "What is the Oops Sticker?" in a 2019 post.

6.4 Gold Star Program

In 2016, the Authority launched a new recycling incentive program aimed at increasing public awareness regarding the red and blue box recycling program. Residents were encouraged to apply for a new "Gold Recycling Box" through a program that evaluated their curbside recycling, provided feedback and rewarded successful recyclers with a gold box. The program's

ultimate objective is to decrease the amount of contamination being put out by residents and thereby decrease the amount of contamination at the MRFs. The program was renewed in 2017 and 2,050 residents registered for the “Gold Star” program. In 2017, 1,000 households were inspected and 604 gold boxes were awarded. In 2018, the fourth round of inspections were undertaken to complete the inspections of all 2,050 residents who registered in 2017. During 2018, 613 gold boxes were awarded. The program continued in 2019 being offered to the first 300 online applicants; 284 gold boxes were awarded in 2019 to keep offering this positive brand to the public.

7 Municipal Hazardous or Special Wastes (MHSW) Program

7.1 MHSW Depots

The Essex-Windsor Solid Waste Authority opened its Windsor MHSW Depot in October 1995. In addition to the Windsor facility, the Authority opened a second MHSW Depot at Transfer Station No. 2 in the Town of Kingsville in 1997. A third depot was opened at the Essex-Windsor Regional Landfill Site in October 2013. The Depots replaced the annual Household Chemical Waste Days held in Essex-Windsor. All facilities were operated year-round in 2019. A total of 596,936 litres and 112,741 kg of MHSW materials were delivered to the sites in 2019. See Table 14 and 15 for details.

Reuse Centre

A Reuse Centre has been operational at the Windsor MHSW facility since 1995.

Paint is distributed in both 1-gallon and 5-gallon pails for reuse. According to the records, 2,785 residents accessed the Reuse Centre and took 57,908 products or approximately 83,516 kg of paint and miscellaneous materials in 2019 compared to 54,555 products or 77,853 kg of reusable materials in 2018.

Demand for the Reuse Centre remains high, however quantities available depend largely on how good the products are that are delivered by households to the facility.

Mercury Roundup Program

In June 2019, the Essex-Windsor Solid Waste Authority launched Mercury Roundup: an initiative designed to divert a toxic chemical—liquid mercury—from the waste stream. In partnership with Scout Environmental, and with funding from the Ontario Trillium Foundation, Essex-Windsor has become one of the first environmentally conscious municipalities to launch the Mercury Roundup program that will expand to six other Ontario municipalities by 2021. Residents who dropped off a product containing mercury received a free digital thermometer. Since June 2019, 118 products were received equalling about 0.6443 kilograms of mercury.

Table 14: Municipal Hazardous or Special Waste for 2019 in Litres

Material	MHSW from Facilities	Reuse Centre Quantities	Total Litres
Adhesives/Flammable Liquids	62,704	20,077	82,781
Aerosols	10,068	1,390	11,458
Antifreeze (Glycol)	9,447	0	9,447
Corrosive Liquid	6,162	343	6,505
Inorganic Acids	1,022	0	1,022
Paints & Coatings	222,554	52,927	275,481
Pesticides	6,600	692	7,292
Waste Oils (hydraulic fluid)	19,500	0	19,500
Recyclable Waste Oil	183,450	0	183,450
Total MHSW Litres	521,507	75,429	596,936

Table 15: Municipal Hazardous or Special Waste for 2019 in Kilograms

Material	MHSW from Facilities	Reuse Centre Quantities	Total Kgs
Car Batteries	30,350	0	30,350
Dry Cell Batteries	3,026	0	3,026
Fire Extinguishers	2,241	0	2,241
Fluorescents/Misc. Lamps/Ballasts	23,635	0	23,635
Inorganic Oxidizers	2,641	8,087	10,728
Mercury (HG items)/Lead	513	0	513
Pharmaceuticals	1,226	0	1,226
Plastic Used Oil Containers	16,991	0	16,991
Propane Cylinders	4,577	0	4,577
Propane Tanks/Misc. Tanks	18,093	0	18,093
Rechargeable & Mixed Batteries	1	0	1
Corrosive Solids (e.g. cement)	471	0	471
Waste Oil Filters	889	0	889
Total MHSW Kilograms	104,654	8,087	112,741

Table 16: MHSW Diversion Comparison: 2018 versus 2019

	2019 Tonnes	2018 Tonnes
MHSW Recycled or Reused	709	723
MHSW not Recycled	(18)	(19)
Total MHSW Diverted	691	704

7.2 Waste Motor Oil

Waste motor oil is collected curbside with the residential recycling program. As well, residents are able to deliver oil to the MHSW facilities. The quantity of waste motor oil collected during 2019 was 183,450 litres, which is down by 0.8% compared to the 184,950 litres collected in 2018. The quantity of oil collected by month is shown in Table 17 with historical data over four years.

Table 17: Motor Oil Collected (Litres) 2016 through 2019

Month	2019 Litres	2018 Litres	2017 Litres	2016 Litres
January	8,875	10,225	14,680	9,390
February	6,025	4,950	8,700	12,480
March	11,025	13,100	7,311	10,160
April	20,850	20,800	20,320	20,771
May	17,950	22,750	21,600	22,683
June	20,900	16,400	18,400	21,685
July	20,075	20,150	20,575	16,310
August	18,725	16,350	17,300	18,245
September	17,950	15,325	14,450	20,401
October	15,275	18,425	14,900	16,716
November	14,275	13,425	20,200	18,840
December	11,525	13,050	7,950	8,000
Total:	183,450	184,950	186,386	195,681

8 Overall Summary of Residential Diversion Quantities

8.1 Residential Waste Diversion

Table 18 summarizes the residential waste diversion activities detailed in this report.

Table 18: Residential Waste Diversion Activity

Residential Waste Diversion Summary	2019 Tonnes	2018 Tonnes
Net Marketed Recyclables-Table 4	20,098	23,158
Other Recycling Programs-Table 9	6,220	6,169
Yard Waste, BYC & Mulching Blades-Table 13	29,038	28,719
MHSW Waste including Motor Oil-Table 16	691	704
Total Residential Tonnes Diverted	56,047	58,750

Residential Waste Diversion 2019 Report

For further information please contact the Essex-Windsor Solid Waste Authority Hotline at 1-800-563-3377.

Catherine Copot-Nepszy
Manager, Waste Diversion



Eli Maodus
General Manager



Report prepared by: **Margaret Shires**, Administrative Assistant

Windsor/Essex Provincial Offences (POA) Annual Report

2019

The 2019 Annual Report is a detailed summary that highlights the activities and operations of the Windsor/Essex POA department throughout the year. It is provided to the Liaison Committee Members every year and includes an overall assessment of the operations and its structure, key performance indicators and financial results.

Issued on:
March 24,
2020

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MESSAGE TO OUR MUNICIPAL PARTNERS

In 2019, the Windsor/Essex Provincial Offences (POA) department had a very successful year in revenue collection efforts reaching levels that have not been attained since 2012. This incredible accomplishment was realized despite having to deal with a catastrophic fire that occurred in November 2019 which moved POA operations from the regular location at Westcourt Place to a temporary location at Windsor City Hall.

Our main goal this year was to focus on creating efficiencies in processes as well as increasing our collection efforts. We continued to review and implement operational efficiencies with a strong focus on process improvement, customer service delivery and the collection of defaulted fines.

The POA team members worked diligently throughout the year to meet its objectives and supported a number of new initiatives that had a positive impact on the overall business operations. Some of the key highlights include:

- Experienced a successful year in revenue collection reaching levels not attained since 2012.
- Initiated a new phone system to connect us to the City phone system. This switch allowed more control over the phone system and quick remedy to any phone issues. It also resulted in a decrease in annual telephone operating expenses.
- Court Administration staff were provided with dual monitors to be able to service customers efficiently by having access to both the provincial database system (ICON) as well as our internal database system (CAMS).
- Conducted approximately 15,539 Part I prosecutions and 7,487 Early Resolution Meetings in 2019.

In 2020, the department will focus on continuing its operations at a temporary location until a long term solution is achieved. We anticipate and look forward to legislative changes aimed at modernizing the provincial offences court system.

Sincerely,

Melissa Ryan

Manager of Provincial Offences

SECTION A - BACKGROUND & OPERATIONAL ACTIVITIES

In 1998, the province enacted Bill 108 which amended the Provincial Offences Act (“POA”) thereby enabling it to transfer various responsibilities of the POA Court system to municipalities across Ontario. Offences governed by the POA are regulatory in nature created pursuant to provincial statutes such as the *Highway Traffic Act*, the *Compulsory Automobile Insurance Act*, the *Liquor License Act*, and the *Trespass to Property Act*, to name a few. The transfer of POA responsibilities included court support and administration functions, the prosecution of ticketed offences under Part I of the POA (with the more serious charges under Part III continuing to be prosecuted provincially), as well as the collection and enforcement of most fines. Part II matters (also known as parking ticket) and the collections of those tickets are handled by the Parking Enforcement division of the City of Windsor under the administrative penalty system. The POA Transfer did not include criminal matters, which continue to be processed and prosecuted in a court system managed by the province.

The Windsor/Essex Provincial Offences Program (“POA Program”) was created as a special-purpose vehicle to accept the transfer of POA responsibilities from the province. It functions as a self-funding, net revenue positive operating division of the City of Windsor (“City”), having been established for the express purpose of locally implementing the POA Transfer at the regional level.

Although rooted in legislation, the POA Program is essentially governed by a number of contracts, consisting of the following agreements:

- The Transfer Agreement between the City and the province of Ontario as represented by the Ministry of the Attorney General (“MAG”), consisting of 2 contracts, namely a generic Memorandum of Understanding (“MOU”) and a Local Side Agreement (“LSA”). The Transfer Agreement sets forth the City’s responsibilities and duties, inclusive of various guidelines and standards;
- The Intermunicipal Court Service Agreement (“ISA”) entered into amongst the City and those other affected municipalities together constituting the Windsor/Essex Court Service Area (“Area”), which encompasses the geographic territory consisting of the City of Windsor, the County of Essex and Pelee Island. It serves as the liaison between the City and the 9 Served Municipalities on all matters relating to the operation of the POA Program.

The ISA provided for an initial term of six fiscal years, commencing on March 5, 2001 (the live transfer date) through December 31, 2006. The ISA has been renewed two times since the original agreement each time for a period of 5 years. The current agreement which was renewed in 2016 commenced January 1, 2017 and expires December 31, 2021.

The POA Program historically occupied a leased premises in Suite 300 of the Westcourt Place, located at 251 Goyeau Street, in the City of Windsor. On Tuesday, November 12, 2019 a fire occurred at the Westcourt building which resulted in the building being closed to occupants. The POA division acted quickly and were up and running at a temporary location as quickly as Thursday, November 14, 2019. Courts continued in temporary locations at City Hall including

council chambers and various meeting rooms. Throughout the course of the month following the fire, temporary measures were undertaken to ensure the continued operations of all POA tasks.

To date the landlord of Westcourt has not indicated a return to the building date. A short term lease agreement until the end of March 31, 2020 was signed off on and a new lease agreement is being circulated to enable us to hold our spot at Westcourt until the end of 2020 should we proceed to operate out of that building in the future.

We are exploring our location options on a permanent basis, including returning to Westcourt. An evaluation committee has formed to review alternatives and this task is ongoing in 2020. The initial plan was to go to Council in June with a recommendation, but given the Covid-19 pandemic, that timeline is extended.

The POA Program also has responsibility for various POA Court operations at the Leamington courthouse, where the POA Court presides the 1st, 3rd and 5th Thursday of every month.

The POA Program provides services and facilities to various stakeholders within the administration of justice system. These stakeholders include law enforcement personnel whose mandates entail the initiation of proceedings against defendants alleged to have violated provincial legislation and municipal by-laws, the defendants themselves as well as their legal representatives, victims of such violations, various provincial authorities, as well as an independent and impartial judiciary. Operations of the POA Program fall into four functional categories. These four sections together constitute the operational aspects of the POA Program:

Court Administration: This area has general carriage of the POA Court office. These responsibilities include the intake, processing, filing and preservation of charging documents (i.e. tickets) and associated certificate control lists received from law enforcement agencies; the intake of mail and allocation and processing of payments and legal documentation; tracking of on-line remittances via *www.Paytickets.ca*; staffing of cashier stations to handle payments and queries; generation of POA Court dockets including fail-to-respond, trial, first appearance, and Early Resolution; setting of trials; procuring interpreter services; liaising with police court services personnel; intake and processing of motions, re-openings, appeals and applications for extensions of time to pay fines; maintaining updated data in the provincial mainframe application known as the Integrated Courts Offences Network ("ICON"); enforcement of delinquent fines via driver's license suspensions; processing of daily financial matters; procurement of equipment/supplies; and overall maintenance of the facility.

Court Support: This area is composed of POA Court monitors, being a combination of court clerks/reporters whose responsibilities include ensuring that the POA Court dockets and associated charging documents are properly presented in court; paging defendants; assisting the Justices in arraignments and endorsements; issuing statutory warnings to defendants; generating payment slips to defendants wishing to immediately satisfy imposed fines; maintaining updated ICON data; ensuring that the proceedings are properly recorded; typing transcripts for use in appeals and other proceedings; logging and preserving exhibits including

disposal of same in accordance with judicial directions or retention requirements.

Prosecution: The Municipal Prosecutors appear in POA Court to call the trial list and to conduct trials, to deal with motions, to set trial dates; they meet with defendants and their representatives in conjunction with the Early Resolution process with a view to resolving matters; they review law enforcement files to ensure that matters should be proceeded with and assist with disclosure to Defendants and their Representatives and they appear in the higher courts on both prosecution and defence appeals. All area municipalities except for Windsor continue to prosecute their own by-laws. In 2019 Part III matters under the POA remained the prosecutorial responsibility of the Crown Attorney's office &/or specialist Prosecutors provided by various ministries.

On December 14, 2017, Bill 177 – *Stronger, Fairer Ontario Act* - was passed by the Legislative Assembly of Ontario that enables the Attorney General to enter into agreements with municipalities to transfer responsibility for certain prosecutions currently prosecuted by the Ministry's Criminal Law Division under Part III of the Provincial Offences Act. An exact date of the transfer to the municipal prosecutors has not been communicated and was previously expected sometime in 2020. Discussions between the local Crown Attorney's office have begun as well as meetings with the POA Part III Transitional Planning Working Group. The agenda items at these meetings are determining next steps to move forward with the transfer. The current Memorandum of Agreement (MOU) with the Province and the Local Side Agreement (LSA) are being revised and draft versions are being presented which will incorporate suggested changes from Municipalities. If Part III offences are transferred to the Municipalities the Crown Attorney's office will continue to monitor the more serious cases. Based on a preliminary review of the statistics regarding Part III matters it is expected that an additional prosecutor would need to be added to the permanent staff establishment.

The prosecution of City of Windsor By-laws was transferred to the POA Municipal Prosecutors from the Legal Department in 2017. The Municipal Prosecutors are also prosecuting charges laid by any of the Fire Services in Essex County.

Fines Enforcement (Collections): One POA Fines Enforcement Supervisor along with one POA Fines Enforcement Specialist is responsible for ensuring that POA Court judgments, being orders imposing monetary penalties, are honoured by Defendants including seeing to it that certificates of default are prepared and filed in a timely fashion at the Civil Court; for sending out dunning letters; for locating and meeting with defendants having defaulted fines and making arrangements for collecting; for ensuring that writs of seizure and sale and garnishments are proceeded with in appropriate cases; for attending on judgment debtor examinations primarily at the Small Claims Court level; for filing proofs of claim with trustees in bankruptcy and estate trustees; and for liaising with collection agencies and credit bureaus with which the POA Program has relationships.

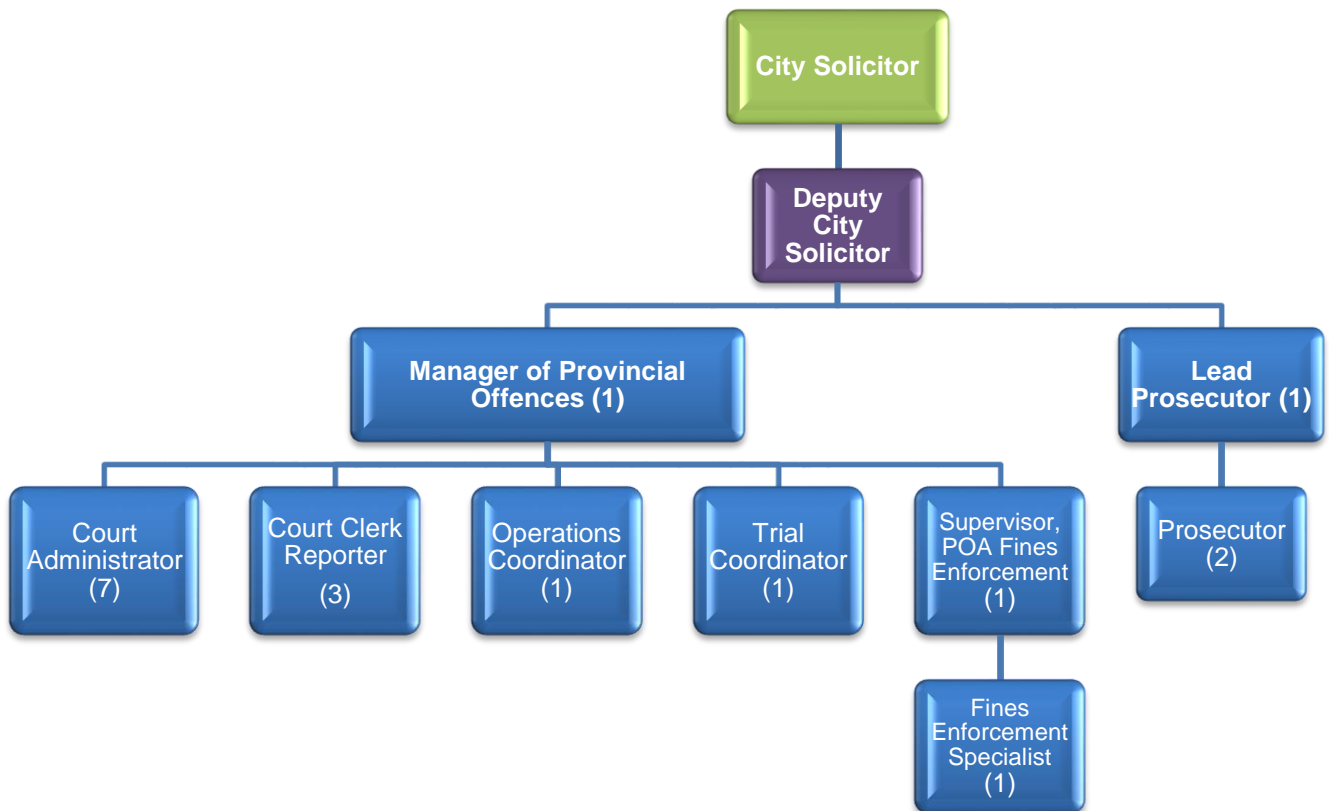
The Windsor Westcourt POA facility also houses a satellite office of the Police Court Services Branch. Among other things, that office works closely with the Prosecutors to ensure that law enforcement files are available for use at trials, at Early Resolution meetings and on appeals. The Court Services office also advises Police Officers of trial dates, summons lay witnesses, arranges for personal service of court documents, provides disclosure to Defendants and their legal

representatives, and procures necessary official documentation for use in court as evidence.

An organizational diagram of the POA Program is included and identified as CHART A-1, which was in effect for the subject reporting period.

CHART A-1

ORGANIZATIONAL CHART OF THE WINDSOR/ESSEX POA OFFICE



SECTION B - LIAISON COMMITTEE

The ISA calls for the setting up of an administrative advisory panel, being the Windsor/Essex Court Service Area Liaison Committee (“Liaison Committee”), composed of one representative from each participating municipality. Among other things, the 10-person Liaison Committee:

- Serves as the liaison between the City and the 9 Serviced Municipalities on all matters relating to the operation of the POA Program
- Reviews all reports submitted by the City Solicitor in conjunction with the Manager of Provincial Offences and makes recommendations to the operations of the POA Program
- Reviews and recommends for approval the annual budgets
- Generates an annual report for review by the respective councils of the participants

By virtue of the ISA, each party municipality provides a member of its administration as its Liaison Committee representative, with the Windsor representative currently being the City Solicitor. The latter is also the Chair.

For 2019, the final composition of the POA Liaison Committee was as follows:

MUNICIPALITY	MEMBER	POSITION
Amherstburg	Justin Rousseau	Treasurer
Essex (County)	Mary Birch	Director of Council Services/Clerk
Essex (Town)	Robert Auger	Clerk/Deputy Treasurer
Kingsville	Ryan McLeod	Director of Financial Services
Lakeshore	Rosanna Pellerito	Director of Finance
LaSalle	Dale Langlois	Director of Finance/ Treasurer
Leamington	Laura Rauch	Director of Finance & Business Services
Pelee	Michelle Feltz	Treasurer/Tax Collector
Tecumseh	Luc Gagnon	Director of Financial Services & Treasurer
Windsor	Shelby Askin Hager (Chair)	City Solicitor
Windsor	Melissa Ryan	Manager of Provincial Offences

The Liaison Committee is mandated by the ISA to convene at least twice annually. In 2019, there were two meetings that were held on the following dates and locations:

<u>Date</u>	<u>Location</u>
April 24, 2019	Essex County Civic Centre Committee Room D
October 25, 2019	Essex County Civic Centre Committee Room D

SECTION C – CASELOADS & STATISTICS

The POA Program's caseload is dependent upon charges laid by professional law enforcement personnel and agencies. The workflow of the POA Program commences with the initiation by Police and other Officers of legal proceedings against alleged violators of provincial legislation and municipal by-laws. Legal proceedings are instituted by personal service upon the Defendant of either a Provincial Offence Notice (also known as a Part I ticket) or a more formal Summons to Defendant requiring attendance at court (also known as a Part III ticket). These charges are ultimately disposed of by an independent and impartial judiciary presiding in the form of the POA Court. Pursuant to Part X of the POA and the Transfer Agreement, the POA Program receives fine revenue from Part I and Part III charges, provided that the fine revenue is not "dedicated" to some special purpose. Further detailed distinctions are possible, as indicated below:

- Charges laid by traditional Police forces being local police services including the OPP: all fine revenues belong to the POA Program virtually without exception unless the charges are laid under federal legislation or under certain municipal bylaws
- Charges laid by specialized Police forces, such as the OPP contingent securing Casino Windsor: for the most part all fine revenues belong to the POA Program, unless charges are laid under federal legislation (for example by the CNR or CPR police under the *Railway Safety Act* of Canada)
- Charges laid by specialized agencies and most Provincial Ministries, for example the Ministry of Labour under the *Occupational Health and Safety Act*: for the most part all fine revenues belong to the POA Program, unless there is statutory dedication
- Charges laid by Municipal Inspectors and Police Officers under bylaws (e.g. licensing, zoning, noise, prohibited turns, parking, etc.) and provincial statutes (e.g. *Building Code Act*): the fine revenues belong to the charging municipality, with the POA Program receiving no compensation for services rendered and facilities made available, other than relatively insignificant court costs/fees
- Charges laid under federal enactments, or by certain Provincial Ministries or bodies in situations where the fines are statutorily "dedicated" to special purposes: the POA Program receives no fine revenue or other compensation for services rendered and facilities made available, other than relatively insignificant court costs/fees.

In 2019, the POA Program took in a total of 29,682 charging documents, for a monthly average intake of approximately 2,474 tickets. This was up 16.3% from the prior year. TABLE C-1 which follows below depicts the absolute charging volume and the percentage of total volume over a three year period, by enforcement agency.

NOTE: *The numbers and/or percentages of charges do not necessarily translate into more or less fine revenue generation. The quality of the charges is important along with the final resolution of the fines.*

Table C-1: Absolute Charging Volumes

Agency	2019	% Chg. YTD '19 vs. '18		2018	% Chg. YTD '18 vs. '17	2017	% of Total Volume	% Chg. YTD '17 vs. '16
Windsor Police	15,453	32.9%		11,631	10.6%	10,516	38.4%	-7.9%
Windsor Police-Amherstburg	1,904	64.6%		1,157	-58.2%	2,765	10.1%	-17.6%
Ministry of Transportation	1,874	-8.0%		2,038	-7.4%	2,202	8.0%	-3.8%
Essex OPP	2,596	-23.7%		3,402	-15.1%	4,008	14.6%	43.7%
Tecumseh OPP	1,026	9.9%		934	-11.6%	1,057	3.9%	-33.4%
Leamington OPP	1,251	6.6%		1,174	-0.2%	1,176	4.3%	-16.5%
Lakeshore OPP	1,324	57.6%		840	-7.5%	908	3.3%	-24.6%
Essex Town OPP	696	-29.7%		990	64.2%	603	2.2%	-23.9%
Kingsville OPP	1,186	2.7%		1,155	1.4%	1,139	4.2%	-12.1%
LaSalle Police	1,208	16.4%		1,038	-39.7%	1,721	6.3%	85.9%
Essex Detachment Heat Unit	186	-1.1%		188	-44.7%	340	1.2%	-25.8%
Canadian Pacific Rail Police	107	-42.8%		187	-8.8%	205	0.7%	-16.0%
Ministry of Natural Resources	151	2.7%		147	-15.5%	174	0.6%	6.1%
Windsor Fire Department	63	-22.2%		81	35.0%	60	0.2%	-63.6%
Casino OPP	26	-49.0%		51	-42.7%	89	0.3%	-13.6%
Windsor Essex County Health Unit	69	155.6%		27	-22.9%	35	0.1%	-22.2%
Windsor Bylaw	184	37.3%		134	-10.1%	149	0.5%	-10.2%
Ministry of Finance	2	-50.0%		4	#DIV/0!	0	0.0%	-100.0%
Ministry of Labour	155	109.5%		74	0.0%	74	0.3%	-49.3%
Ministry of Environment	54	100.0%		27	-30.8%	39	0.1%	-56.2%
Humane Society – Windsor	13	-18.8%		16	6.7%	15	0.1%	-40.0%
Amherstburg Bylaw	18	260.0%		5	-61.5%	13	0.0%	-7.1%
Lakeshore Bylaw	8	100.0%		4	-33.3%	6	0.0%	50.0%
Electrical Safety Authority	1	#DIV/0!		0	N/A	2	0.0%	50.0%
Ontario Motor Vehicle Industry Council	15	-84.0%		94	422.2%	18	0.1%	50.0%
Essex Bylaw	2	-33.3%		3	200.0%	1	0.0%	50.0%
Leamington Bylaw	5	-64.3%		14	#DIV/0!	0	0.0%	50.0%
Essex Region Conservation Authority	2	100.0%		1	#DIV/0!	0	0.0%	50.0%
Workplace Safety & Insurance Board	4	-93.8%		64	#DIV/0!	0	0.0%	50.0%
Ministry of Agriculture & Food	2	-33.3%		3	#DIV/0!	0	0.0%	50.0%
Ministry of Government & Consumer Services	54	#DIV/0!						
Ministry of Environment, Conservation & Parks-Windsor	26	550.0%		4	#DIV/0!			
TOTALS	29,682	16.3%		25,517	-6.8%	27,387	100.0%	-5.1%
Average Mthly Charging Volumes	2,474			2,126		2,282		

EXTERNAL BENCHMARKING OF CASELOADS

Windsor experienced a substantial increase in charges filed in 2019 compared to 2018. Windsor ended the year with 29,336 charges which is a 16.3% increase in charges compared to 2018. The provincial total was -3.3% less than 2018 so Windsor experienced a positive trend in charges filed compared to the provincial total. TABLE C-2 below provides details on the charging volumes of various municipalities as well as Windsor and the total provincial charges filed.

Table C2: Charging Volume Comparator

Agency	2019 YTD	% Change '19 vs. '18	2018 YTD	% Change '18 vs. '17	2017 YTD	% Change '17 vs. '16
Windsor	29,336	16.3%	25,233	-7.6%	27,316	-5.3%
Barrie	59,354	10.5%	53,707	-9.2%	59,122	-17.6%
Durham	49,743	-7.9%	54,034	-13.0%	62,096	-3.5%
Hamilton	85,158	5.1%	81,033	2.6%	78,971	-5.7%
London	33,296	-11.2%	37,484	-4.9%	39,428	-4.0%
Niagara	35,000	12.5%	31,117	-7.9%	33,798	-12.6%
Ottawa	101,361	2.6%	98,838	24.9%	79,159	3.1%
Thunderbay	16,267	-4.8%	17,079	-13.7%	19,789	-7.0%
Toronto	327,084	-4.5%	342,632	-4.0%	356,947	2.3%
Waterloo	45,897	-11.9%	52,085	-11.4%	58,800	-0.7%
York	138,858	-7.5%	150,164	-1.8%	152,857	5.3%
Brampton	65,525	-8.5%	71,587	6.3%	67,375	1.6%
Brantford	9,693	-15.2%	11,430	-4.1%	11,916	-4.2%
Caledon	32,465	-3.0%	33,478	5.2%	31,810	-7.2%
Chatham	18,445	57.4%	11,717	-6.5%	12,532	-8.0%
Guelph	19,526	-0.4%	19,607	8.4%	18,088	-16.9%
Lambton	10,624	-7.5%	11,484	-2.1%	11,725	-7.6%
Provincial	1,478,986	-3.3%	1,529,498	-1.1%	1,546,397	-3.3%

Operational Statistics

In addition to having accepted and dealt with the filings of over 29,000 charges over the course of the year, the POA Program processed approximately:

- 7,487 Early Resolution meetings (Part I)
- 228 Appeals from convictions/acquittals/sentences (Parts I & III)
- 698 Re-opening applications of convictions in absentia (Parts I & III)

Section D- Defaulted Fines Enforcement

Under the Transfer Agreement with MAG, the responsibilities of the City include the collection and enforcement of POA fines for and on behalf of the area. The POA Fines Enforcement area currently has 2 full-time employees.

Efforts to enforce these defaulted fines continue to be aggressive and at the same time very challenging. Enforcement constitutes a highly labour-intensive activity which consumes a lot of resources and time. There are a variety of enforcement tools that are readily available and frequently used by the collection staff in order to encourage payment and/or to legally enforce payment of defaulted fines. Some of these include:

- Selectively adding defaulted fines to the tax roll of sole property owners for collection pursuant to section 441.1 of the Municipal Act.
- Registering Certificates of Default with the civil court having monetary jurisdiction, thereby constituting deemed orders or judgments for enforcement purposes.
- Filing and maintaining wage garnishment proceedings where the employer has been identified and the offender's employment status has been verified.
- Use of Collection Agencies. In addition to skip tracing and making the usual contacts with debtors, our collection agencies have reported numerous defaulters to the major credit bureaus, thereby impairing the creditworthiness of the offenders.
- Filing and maintaining Writs of Seizure and Sale with sheriff's offices, thereby erecting judicial liens against present and future proprietary interests.
- Driver's License suspensions and plate denials under various statutes and regulations
- Intercepting indemnity deposits with permit-issuing City departments, by redirecting the indemnity refunds to POA where the indemnitors have defaulted fines
- Exercise of prosecutorial discretion to encourage defendants presenting themselves with fresh charges, to finally honour monetary sentences previously imposed by the POA Court.

Although not frequently used due to operational challenges and privacy legislation, there are other enforcement tools that can be applied to ensure collection efforts are maximized:

- Examinations-in-Aid of Execution, whereby judgment debtors may be examined in depth as to their abilities and means to make good their monetary obligations including being compelled to fully disclose their assets, liabilities, sources of income, bank accounts, RRSP's etc.
- Contempt Hearings where debtors have refused or neglected to attend on examinations-in-aid.
- Garnishment proceedings whereby bank accounts, rentals from tenants, RRSP's etc. are attached as information and used for enforcement.
- Monitoring of death notices in the hopes of collecting from estates
- Encouraging revocation of CVOR certificates in liaison with the Ministry of Transportation, respecting businesses making use of commercial motor vehicles which operations perennially default on fines.

ACTIVE COLLECTION EFFORTS

In 2016, a significant change in direction and vision was undertaken. Recognizing the fact that the POA department has little to no control over charging volume, considerable efforts and resources were redirected towards implementing an active and aggressive collection model and procedures. These included an increased focus on adding fines to municipal taxes, garnishment of wages and the use of additional collection agencies to the operating mix. These robust collection efforts continued into 2019. The results of these efforts are summarized in the following sub-sections below.

Municipal Tax Rolling

Under Section 441.1 of the *Municipal Act, 2001*, a local municipality is permitted to add any part of a fine for a commission of a provincial offence that is in default under section 69 of the Provincial Offences Act to the tax roll for any property in the local municipality for which all of the owners are responsible for paying the fine. Accordingly, a Defaulted Fine can only be added if the offender in default is the sole owner of the property. The Defaulted Fine is collected in the same manner as municipal taxes at the request of a municipality.

The tax roll process continues to be a supplementary collection tool to utilize in 2019. An additional 14 accounts were added in 2019 and we continue to accumulate funds through this method of collection.

Garnishment of Wages

The process of finding where an offender is employed is one of the most challenging tasks due to the limited amount of information that is available to our staff. In many cases the offenders are either unemployed, working for cash, or on some form of assistance which cannot be garnished. However when employment is confirmed and the garnishment documents are in place, it becomes one of the most effective enforcement tools. In early 2016, changes were made to our collection processes with the expansion of research capabilities and methods. In 2019, there were 130 new garnishments issued. We also collected \$315,087 in revenue from garnishments. The Fines and Enforcement staff will continue to focus on further enhancing these efforts in years to come.

3rd Party Collections

On January 1, 2016 changes to our 3rd party collection process was also made. As a result of an RFP issued in late 2015 three new collection agencies (CBV, ARO and Gatestone) were procured. Table D-1 summarizes the year over year results.

Table D-1: Third Party Agency Collection Summary- Year Over Year Comparison			
Description	As of December 31, 2019	As of December 31, 2018	Increase/ (Decrease)
Revenues Collected from Third Party Agencies	\$618,588	\$764,208	(\$145,620)
# of Third Party Accounts Outstanding	66,409	64,618	1791

There was a decrease of \$145,620 in collected revenue from Third Party Agencies and the number of Third Party Accounts Outstanding has increased. Revenue from 3rd party collections represents approximately 10% of overall revenue collected.

Fines Paid at Service Ontario

In May of 2017, a plate renewal program was implemented by the Ministry of Transportation whereby all outstanding defaulted driver fines have to be paid in full before one can renew their plates. In 2019, 1,846 fines were collected at MTO through this program. From these payments, revenue of \$464,764 was received. This continues to be a positive and efficient method of collecting defaulted fines that may have not have been collected otherwise.

Outstanding Fines Paid

Regardless of how effective the active collection efforts are, there remains a significant number of outstanding fines. As of December 31, 2019, there were approximately 71,430 records of unpaid fines for a total outstanding amount of \$45,495,729. (See Table D-2 and D-3 for further details). The significant number of outstanding fines is not just a Windsor specific issue; it is a province wide epidemic.

Table D-2: Number of Unpaid Fines				
Description	2019		2018	
	#	% Change	#	% Change
Pre-Transfer	29,652	-0.9%	29,914	-1.4%
Post- Transfer	41,778	3.5%	40,361	2.3%
Total	71,430	2.6%	70,275	0.9%

Table D-3: Dollar Value of Unpaid Fines				
Description	2019		2018	
	#	% Change	#	% Change
Pre-Transfer	\$5,500,586	-1.5%	\$5,586,524	-1.6%
Post- Transfer	\$39,995,143	4.0%	\$38,440,501	2.4%
Total	\$45,495,729	2.5%	\$44,027,025	0.7%

Many of these older fines (i.e. pre-transfer) have been 'scrubbed' multiple times and all reasonable and appropriate measures to collect have been made. Therefore, it is prudent that a write-off policy be developed in order to address these efforts. POA administration will be looking to adopt a write off policy in 2020, which will be vetted through the Liaison Committee first and subsequently submitted to Windsor City Council for final approval. **It's important to note that a write-off policy refers to the cessation of active fine collections and is done for accounting purposes only. It does not absolve a convicted offender from the requirement to pay a fine, as debts to the Crown are owed in perpetuity and are never forgiven.**

Section E: Financial Results

The negotiated financial arrangement underpinning the POA Program is in essence a partnership, under which the participating municipalities annually share approximately \$1.2 million of net revenue or “profit”. The City as the managing partner, front-ends the operation and collects and enforces the monetary fines imposed by the POA Court. From the total revenue derived, all operating costs pertaining to the POA Program are deducted. These costs include such things as staff salaries, Windsor Police court security, facility rent and maintenance, office equipment and supplies, Victim Fine Surcharge remittances, and the adjudication expenses associated with running courtroom proceedings. The net revenue is then shared amongst the signatories to the ISA in proportion to their respective weighted assessments (See SECTION F for more details). In 2019, the net profit was allocated as follows:

County Contribution	49.47%
Pelee Contribution	0.27%
<u>City of Windsor Contribution</u>	<u>50.26%</u>
TOTAL	100.00%

In an extremely challenging economic environment and recognizing that fine imposition amounts have not been indexed for inflation, the POA Program still enjoys a successful self-funding model, delivering a net positive revenue budget which benefits all of our local taxpayers. Each benefiting municipality is free to allocate its respective portion to such municipal purposes as deemed appropriate by the elected council thereof.

TABLE E-1 provides a high level five year financial summary which can be used for internal benchmarking and comparative purposes.

TABLE E-1: ANNUAL FINANCIAL RESULTS - 5 YEAR SUMMARY

Description	2019 Actuals (\$)	2018 Actuals (\$)	2017 Actuals (\$)	2016 Actuals (\$)	2015 Actuals (\$)
Revenue:					
Court Fines	\$ 6,349,877	\$5,512,531	\$5,490,364	\$6,264,943	\$5,925,542
User Fees	-	159	-	141	528
By-Law Fines	53,198	43,890	42,192	48,988	-
Trfs from Reserve	-	-	-	-	-
Recovery of Internal Staff	-	-	-	-	20,089
TOTAL REVENUE	\$ 6,403,075	\$5,556,580	\$5,532,556	\$6,314,072	\$5,946,160
% Inc./(Dec.) YOY	15%	0.43%	-12.38%	6.19%	5.57%
Expenditures:					
Salaries & Wages	1,850,825	1,811,772	1,710,070	1,598,789	1,642,847
Administrative Overhead	354,341	354,957	374,992	392,501	333,210
Materials & Services	378,267	365,545	356,411	350,323	350,984
Provincial Charges	1,589,165	1,444,503	1,446,084	1,659,736	1,414,710
Facility Rental	308,389	328,495	332,889	318,742	325,708
TOTAL EXPENDITURES	\$ 4,480,987	\$4,305,272	\$4,220,446	\$4,320,090	\$4,067,459
NET SURPLUS	\$ 1,922,088	\$1,251,308	\$1,312,110	\$1,993,982	\$1,878,701
% Inc./(Dec.) YOY	54%	-4.63%	-34.20%	6.14%	21.99%

TABLE E-2 depicts the POA Program's operating results for 2019, specifically detailing out every operating expense and revenue account. The Provincial Offences program ended the year with a net operating profit of \$1,922,088.

Table E-2: 2019 Provincial Offences Financial Summary - As of December 31, 2019

Acct. #	Account Description	Product #	Account Description	2019 Budget A	2019 Actuals B	Surplus/ (Deficit) C (A-B)
REVENUES						
6485	Bylaw Fines - Courts	5117	Provincial Fines	\$5,924,000	\$ 6,349,877	\$ (425,877)
6485	Bylaw Fines - Courts	5118	Bylaw Fines	58,093	41,237	\$ 16,856
6485	Bylaw Fines - Courts	5613	Transcript Revenue	15,000	11,961	\$ 3,039
TOTAL REVENUES				\$5,997,093	\$ 6,403,074	\$ (405,981)
EXPENSES						
Salary & Benefits						
8110	Base - Salary	5115	STD - Provincial Offences	\$1,374,776	\$ 1,361,530	\$ 13,246
8130	Overtime - Salary	5115	STD - Provincial Offences	1,000	507	\$ 493
8140		5115	STD - Provincial Offences	-	-	\$ -
8150	Temp - Part-Time - Salary	5115	STD - Provincial Offences	25,234	35,418	\$ (10,184)
8170	Service Pay	5115	STD - Provincial Offences	-	-	\$ -
8190	Other Pay	5115	STD - Provincial Offences	-	1,543	\$ (1,543)
8380	Workers Comp. - Admin.	5115	STD - Provincial Offences	-	(3,346)	\$ 3,346
8381	Workers Comp. - Medical	5115	STD - Provincial Offences	-	203	\$ (203)
8382	Workers Comp. - Salary	5115	STD - Provincial Offences	-	-	\$ -
8383	Workers Comp. - Pension	5115	STD - Provincial Offences	-	-	\$ -
8384	Workers Comp - Ergonomic	5115	STD - Provincial Offences	-	-	\$ -
8399	Fringe Benefits (Dept.)	5115	STD - Provincial Offences	457,716	454,972	\$ 2,744
Total Salary & Benefits				\$1,858,726	\$ 1,850,825	\$ 7,900.74
Materials & Services						
2145	Housekeeping Supplies	5115	STD - Provincial Offences	\$ 3,420	\$ 2,308	\$ 1,112
3176	Facility Operations - Internal	5355	Caretaking	62,124	67,332	\$ (5,208)
2215	Bldg. Maintenance Services	5115	STD - Provincial Offences	5,000	1,569	\$ 3,431
2914	Non-Occ Medical	5115	STD - Provincial Offences	-	1,520	\$ (1,520)
2920	Legal Services	5115	STD - Provincial Offences	3,000	6,770	\$ (3,770)
2950	Other Professional - External	5115	STD - Provincial Offences	15,420	25,016	\$ (9,596)
2950	Other Professional - External	5341	Security Services -	259,960	259,960	\$ -
2950	Other Professional - External	5342	Security Services -	8,200	6,755	\$ 1,445
2951	Other Professional - Internal	5115	Maintenance- Internal	-	922	\$ (922)
2995	Other Purchased Services	5054	Language Line	12,000	6,115	\$ 5,885
Total Materials & Services				\$ 369,124	\$ 378,267	\$ (9,143)

Table E-2: Continued

Administrative Overhead						
2010	Office Supplies	5115	STD - Provincial Offences	\$ 16,000	\$ 16,508	\$ (508)
2020	Postage & Courier	5115	STD - Provincial Offences	28,560	26,647	\$ 1,913
2070	Outside Printing	5115	STD - Provincial Offences	20,000	4,656	\$ 15,344
2085	Publications	5115	STD - Provincial Offences	9,000	13,637	\$ (4,637)
2610	Travel Expense	5115	STD - Provincial Offences	3,000	1,790	\$ 1,210
2620	Car Allowance	5115	STD - Provincial Offences	2,500	1,174	\$ 1,326
2710	Telephone Equipment - Gener	5115	STD - Provincial Offences	9,660	7,098	\$ 2,562
2711	Cell Phones	5115	STD - Provincial Offences	950	549	\$ 401
3120	Rental Expense - External	5115	STD - Provincial Offences	4,000	4,256	\$ (256)
3175	Facility Rental - External	5115	STD - Provincial Offences	328,315	308,389	\$ 19,926
3210	Building Insurance	5115	STD - Provincial Offences	2,579	2,579	\$ -
3230	Liability Insurance	5115	STD - Provincial Offences	613	613	\$ -
4020	Membership Fees & Dues	5115	STD - Provincial Offences	8,900	8,551	\$ 349
4050	Training Courses	5115	STD - Provincial Offences	4,174	204	\$ 3,970
4155	Registrations & Conferences	5115	STD - Provincial Offences	2,500	2,227	\$ 274
4540	Bank Charges	5115	STD - Provincial Offences	59,500	52,987	\$ 6,513
4560	Collection Charges	5115	STD - Provincial Offences	185,900	160,383	\$ 25,517
5125	Computers - PCs	5115	STD - Provincial Offences	9,950	2,512	\$ 7,438
2925	Computer Maintenance	5115	STD - Provincial Offences	18,480	18,360	\$ 120
2927	Computer & SW Maint-Extern	5115	STD - Provincial Offences	6,500	14,458	\$ (7,958)
3180	Computer Rental - Internal	5115	STD - Provincial Offences	12,800	13,400	\$ (600)
5130	Office Furniture & Equipment	5115	STD - Provincial Offences	10,000	1,750	\$ 8,250
Total Administrative Overhead				\$ 743,881	\$ 662,728	\$ 81,153
Provincial Charges						
2950	Other Professional - External	5509	ICON Fees	\$ 56,555	\$ 58,235	\$ (1,680)
2950	Other Professional - External	5507	Adjudication Services	390,000	352,959	\$ 37,041
2950	Other Professional - External	5510	Prosecution Fees	49,050	46,499	\$ 2,551
2950	Other Professional - External	5511	Quality Assurance	45,748	43,884	\$ 1,864
2950	Other Professional - External	5116	Victim Fines	1,010,500	1,043,602	\$ (33,102)
2950	Other Professional - External	5508	Dedicated Fines	65,000	43,986	\$ 21,014
Total Provincial Charges				\$1,616,853	\$ 1,589,165	\$ 27,688
TOTAL EXPENSES (BEFORE COST SHARING)				\$4,588,584	\$ 4,480,986	\$ 107,598
Total Net Operating Revenue				\$1,408,509	\$ 1,922,088	\$ (513,579)
RECONCILIATION						
Cost Sharing Payments						
4295	County Contribution (49.08%)	5115	STD - Provincial Offences	\$ 682,050	\$ 950,849	\$ (268,799)
4295	Pelee Contribution (0.28%)	5115	STD - Provincial Offences	3,919	5,149	(1,230)
Total Cost Sharing Payments				\$ 685,969	\$ 955,998	\$ (270,029)
Balance to City of Windsor (50.64%)				\$ 722,540	\$ 966,091	\$ (243,551)
Total Net Operating Revenue				\$1,408,509	\$ 1,922,088	\$ (513,579)

Note: 2019 Budget was based on 2018 WA rates as that was the only available information at the time of budget preparation.

Since the local POA Transfer date of March 5, 2001 through to the end of 2019, this Area's POA Program has realized total combined net revenue of approximately \$46,963,000. The calculation is broken down by year by municipal partner in TABLE E-3 below:

TABLE E-3: CUMULATIVE ANNUAL NET REVENUE DISTRIBUTIONS-\$000's

Year	Amher.	Essex	Kings.	Lake.	LaSalle	Leam.	Tec.	Pelee	Wind.	Total
1999	164.7	135.9	141.8	263.4	195.2	184.8	267.5	7.4	2,115.6	3,476.3
2000	182.8	150.8	157.4	292.3	216.7	205.1	296.9	8.2	2,348.0	3,858.2
2001	155.3	128.9	134.3	241.6	182.5	172.1	242.3	7.5	1,898.8	3,163.3
2002	124.8	103.5	108.9	199.0	152.4	138.3	194.0	6.0	1,523.8	2,550.7
2003	120.6	100.3	107.4	199.2	147.3	135.1	180.5	6.3	1,447.4	2,444.1
2004	96.0	79.8	86.0	168.1	123.9	106.8	148.3	5.3	1,134.3	1,948.5
2005	124.3	103.0	112.7	226.4	162.0	139.4	190.0	7.0	1,467.5	2,532.2
2006	114.0	94.5	105.2	214.8	151.5	127.4	172.1	7.1	1,342.0	2,328.6
2007	99.3	82.9	92.8	189.8	133.6	111.8	149.4	6.2	1,159.2	2,025.1
2008	95.9	80.3	90.5	187.8	130.2	109.2	143.6	6.0	1,112.0	1,955.6
2009	98.8	81.7	94.4	193.0	129.3	113.2	144.6	6.0	1,047.7	1,908.8
2010	124.7	102.3	119.3	243.7	161.2	141.8	178.7	7.6	1,286.9	2,366.1
2011	135.4	110.4	130.9	267.3	174.5	152.7	191.5	8.3	1,369.9	2,540.7
2012	111.8	90.2	108.6	221.5	143.4	126.4	154.6	6.9	1,117.2	2,080.5
2013	104.2	84.3	101.9	134.4	203.3	115.9	138.2	5.7	997.9	1,885.9
2014	85.4	70.0	84.7	169.1	111.6	94.8	112.4	4.4	807.7	1,540.1
2015	105.5	85.7	105.8	210.4	138.9	113.4	138.0	5.6	975.4	1,878.7
2016	112.4	91.3	114.5	226.0	150.1	120.4	145.7	5.9	1,027.8	1,994.0
2017	73.2	59.3	74.7	151.8	103.2	77.4	97.6	3.8	671.2	1,312.1
2018	69.3	56.1	72.0	101.3	147.6	73.8	93.9	3.5	633.6	1,251.1
2019	106.4	85.9	110.5	159.9	229.9	114.3	143.9	5.2	966.0	1,922.0
Total	2,405	1,977	2,254	4,261	3,288	2,674	3,524	130	26,450	46,963

There are a number of factors that must always be taken into consideration when reviewing the financial results for any fiscal year, as well as when projecting potential results for subsequent reporting periods:

- As ticketing and the laying of charges decline so do current fine revenues. This has been a consistent trend not just in Windsor but also in the province over the past five years. Although the POA Program has other sources of revenue (notably aggressive enforcement efforts targeting old or defaulted fines) the bulk of receipts is highly dependent upon the number, type and quality of new charges laid, as well as the attendance of trained officers at trials in disputed cases
- Another significant and uncontrollable external revenue factor is the number of fines imposed by an independent and impartial judiciary in the exercise of their discretionary sentencing functions, in the event of the entering of convictions
- The POA Program is highly vulnerable to certain uncontrollable external expenses, notably the provincial charges for Victim Fines Surcharges, adjudication and those for Part III prosecutions, both of which are mandated by the Transfer Agreement

SECTION F - REVENUE DISTRIBUTION DETAILS

In accordance with the approved weighted assessment formula for 2019, distributions of net operating results over the course of the subject reporting year were effected as indicated in the detailed tabulation set forth in TABLE F-1 below:

TABLE F-1: Net Revenue Distribution Summary

	Weighted Assessment	(%)	% of County	2019 Budget	Q1 Jan - Mar	Q2 April - June	Q3 July- Sept	Q4 Oct - Dec	2019 Total	Surplus/ (Deficit)
Net County & Pelee Revenue				\$ 685,969.00	\$281,924.32	\$219,377.73	\$179,466.62	\$277,353.10	\$ 958,121.77	\$ 272,152.77
Net City of Windsor Revenue				\$ 723,657.00	\$284,887.01	\$217,413.07	\$181,352.61	\$280,267.75	\$ 963,920.44	\$ 240,263.44
TOTAL				\$ 1,409,626.00	\$566,811.33	\$ 436,790.80	\$360,819.23	\$557,620.85	\$ 1,922,042.21	\$ 512,416.21
<u>Allocation/Payment Summary</u>										
Amherstburg	2,383,221,349		11.20%	\$ 76,389.46	\$ 31,395.07	\$ 24,193.37	\$ 19,985.39	\$ 30,886.02	\$ 106,459.86	\$ 30,070.40
Essex	1,922,275,481		9.03%	61,614.75	25,322.86	19,514.06	16,119.96	24,912.26	85,869.14	24,254.39
Kingsville	2,474,393,432		11.62%	79,311.80	32,596.12	25,118.91	20,749.95	32,067.59	110,532.57	31,220.77
LaSalle	3,580,424,782		16.82%	114,763.45	47,166.28	36,346.84	30,024.99	46,401.51	159,939.62	45,176.17
Lakeshore	5,146,339,453		24.18%	164,955.76	67,794.67	52,243.29	43,156.55	66,695.42	229,889.92	64,934.16
Leamington	2,558,522,337		12.02%	82,008.39	33,704.38	25,972.95	21,455.44	33,157.88	114,290.65	32,282.27
Tecumseh	3,220,617,103		15.13%	103,230.53	42,426.40	32,694.23	27,007.68	41,738.48	143,866.80	40,636.28
Total County	21,285,793,937	49.471%	100.00%	\$ 682,274.13	\$280,405.78	\$216,083.65	\$178,499.95	\$275,859.18	\$ 950,848.56	\$ 268,574.44
Pelee	115,273,740	0.268%		\$ 3,694.87	\$ 1,518.54	\$ 1,170.21	\$ 966.67	\$ 1,493.92	\$ 5,149.34	\$ 1,454.47
Windsor	21,625,967,305	50.261%		\$ 723,657.00	\$284,887.01	\$219,536.94	\$181,352.60	\$280,267.75	\$ 966,044.30	\$ 242,387.30
TOTAL	43,027,034,982	100.0%		\$ 1,409,626.00	\$566,811.33	\$ 436,790.80	\$360,819.23	\$557,620.85	\$ 1,922,042.21	\$ 512,416.21

Total County & Pelee 21,401,067,677
County 99.46%
Pelee 0.54%

Notes:

2019 Budget was based on 2018 WA rates as that was the only available information at the time of budget preparation.

Quarter 1 actual revenue distribution was based on 2018 WA rates as that was the only available information available as of April 2019. A reconciliation occurred in Q2.

Quarter 2 revenue distribution includes the reconciliation of the quarter 1 revenue distribution based on 2019 WA rates.

Details of the quarterly payments are itemized below:

Quarter	Cheque Issuance Date	\$ Amount - County	\$ Amount - Pelee
Q1	May 16, 2019	\$280,405.78	\$1,518.54
Q2	August 26, 2019	\$216,083.65	\$1,170.21
Q3	December 2, 2019	\$178,499.95	\$966.67
Q4	March 10, 2020	\$275,859.18	1,493.92
TOTAL		\$950,848.56	\$5,149.34

APPENDIX A – GLOSSARY OF TERMS

Area ~ Windsor/Essex Court Service Area, which encompasses the geographic territory of the City of Windsor, Essex County and Pelee Island

ARO ~ ARO, Inc., one of the registered Canadian collection agencies who have been retained in 2016 to assist the POA Program in the collection of defaulted fines owed by Canadian residents

Bill 108 ~ amending legislation to the *Provincial Offences Act* which in 1998 added Part X thereto, enabling the transfer of administration of justice functions to the municipal sector

City ~ The Corporation of the City of Windsor, a single tier municipality continued as such under the *Municipal Act, 2001*

Council ~ the elected City of Windsor Municipal Council

CAMS ~ A Collection Agency Management System installed in 2014 used to track, record and document newly issued as well as defaulted fines.

CBV ~ CBV Collections Services, LTD, one of the registered Canadian collection agencies who have been retained in 2016 to assist the POA Program in the collection of defaulted fines owed by Canadian residents

Early Resolution ~ used to be known as First Attendance early resolution, slated for implementation in 2012. While taking a more formalistic approach, provision is made for convictions of those defendants who fail to appear for their meetings with the prosecutor

Gatestone ~ Gatestone & Co International Inc., one of the registered collection agencies who have been retained in 2016 to assist the POA Program in the collection of defaulted fines owed by Canadian residents

ICON ~ Integrated Courts Offences Network, being the provincial mainframe application used and relied upon by administration of justice staff in relation to all aspects of POA matters

ISA ~ the Intermunicipal Court Service Agreement underpinning the local POA Court operations for Windsor/Essex, entered into amongst the City and the other 9 municipalities together constituting the Area

Liaison Committee ~ the Windsor/Essex Court Service Area Liaison Committee erected pursuant to the ISA, being an advisory administrative body

LSA ~ Local Side Agreement, being one of the 2 contracts together constituting the Transfer Agreement

MAG ~ the Ministry of the Attorney General for the Province of Ontario

MOU ~ Memorandum of Understanding, being one of the 2 contracts comprising the Transfer Agreement

MBNCanada (previously OMBI) ~ The Municipal Benchmarking Network Canada (MBNCanada) is a groundbreaking initiative collecting data for more than 850 measures across thirty-seven (37) municipal service areas

Part I ~ that portion of the POA dealing with ticketing procedures for non-parking matters

Part II ~ that portion of the POA dealing with ticketing procedures for parking matters

Part III ~ that portion of the POA dealing with the issuance of summonses for persons to attend POA Court in order to be arraigned on Informations and thereafter to be dealt with by a Justice of the Peace. There are no provisions for out-of-court payments nor for failure-to-respond convictions

POA ~ *Provincial Offences Act* (Ontario)

POA Court ~ referring to that judicial complement of the Ontario Court of Justice, composed primarily of Justices of the Peace, whose duties include dealing with POA matters

POA Office ~ the premises where the City executes the POA administration of justice functions

POA Program ~ the City's operational structure for the delivery of POA administration of justice functions

POA Transfer ~ the transfer by the province to the City of POA administration of justice functions

Serviced Municipalities ~ those 9 signatories to the ISA for which the City is the service provider pursuant to the POA Transfer, consisting of Leamington, LaSalle, Tecumseh, Essex Town, Kingsville, Pelee, Amherstburg, Lakeshore and Essex County

Transfer Agreement ~ contractual arrangement between the City and MAG where the City became the local service provider for transferred administration of justice functions, composed of the MOU and the LSA

Victim Fine Surcharge ~ all fines levied under Part I and Part III of the POA are statutorily bumped-up by this surcharge. Where the base fine does not exceed \$1,000, the surcharge amount is applied in stepped amounts ranging from \$10 to \$125; fines over \$1,000 have a flat 25% surcharge added. All surcharge amounts are remitted without deduction to the province for appropriate application as determined by senior government

TO:	CHAIR AND MEMBERS CIVIC WORKS COMMITTEE MEETING ON FEBRUARY 20, 2019
FROM:	KELLY SCHERR, P. ENG., MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER
SUBJECT:	RED LIGHT CAMERA PROGRAM 2018 ANNUAL REPORT

RECOMMENDATION

That, on the recommendation of the Managing Director, Environmental and Engineering Services and City Engineer, the following 2018 Annual Report for the Red Light Camera Program **BE RECEIVED** for information in support of Vision Zero London.

PREVIOUS REPORTS PERTINENT TO THIS MATTER

- Civic Works Committee – January 5, 2016. II, 2. [Red Light Camera Program Implementation](#)
- Civic Works Committee – May 9, 2017. II, 11. [Vision Zero – London Road Safety Strategy](#)
- Civic Works Committee – May 15, 2018. IV, 1. [Automated Speed Enforcement](#)

2015-19STRATEGIC PLAN

The following report supports the [Strategic Plan](#) through the strategic focus areas of **Strengthening Our Community** by providing a safer city.

BACKGROUND

Purpose

The London Road Safety Strategy (LRSS) defined a system and process for setting out the targets, policies, and action plans to guide the City and its partners in creating safer roads in order to reduce the number and severity of motor vehicle collisions. One of the six target areas identified related to reducing red light running, as the crashes that result from this behaviour often result in serious injury or even fatality.

Context

The installation of Red Light Cameras (RLCs) began in mid-2017 and the full complement of ten intersections has now been implemented. This 2018 Annual Report provides a preliminary look at the first year of RLC operations within the City.

DISCUSSION

Multi-Municipality Agreement

On January 1, 2017, the Red Light Camera Agreement was established between the Ontario Ministry of Transportation (MTO), the City of London, and seven other Ontario municipalities. Under the Agreement, all RLC records are transported to the Joint Processing Centre operated by the City of Toronto, where they are scrutinized by Provincial Offenses Officers who issue a citation if warranted.

Vision Zero London – Public Awareness and Education

As part of the MTO Agreement requirements and Council direction, the City engaged in an annual public awareness campaign and educational program to promote activities on road safety. A public outreach and awareness plan was created using Vision Zero as the guiding principle. This plan creates opportunities to help Londoners understand their role reducing the number of motor vehicle collisions in the city and making the roads safer for everyone. The educational aspects of the campaign will continue through 2021, which marks the completion of the current RLC program.

Red Light Camera Locations

The following table shows the location of London's RLCs and the date they were commissioned. The data is up to and including November 2018. No data is yet available for Oxford Street E & Adelaide Street N, which was commissioned in December 2018.

Table 1: Red Light Camera Locations

RLC Location	Commissioning Date	Infractions Issued to Date	Average per Day
Commissioners Road East & Wellington Road South	August 9, 2017	926	1.9
Dundas Street & Clarke Road	July 4, 2017	1,170	2.3
Exeter Road & Wharncliffe Road South	September 18, 2017	231	0.5
Huron Street & Highbury Avenue	August 9, 2017	296	0.6
Oxford Street W & Wonderland Road North	July 18, 2017	456	0.9
Oxford Street E & Adelaide Street North	December 11, 2018	n/a	n/a
Queens Avenue & Adelaide Street	July 18, 2017	1,366	2.7
Queens Avenue & Talbot Street	June 25, 2018	560	3.5
Springbank Drive & Wonderland Road South	June 18, 2017	597	1.1
Windermere Road & Richmond Street	August 9, 2017	740	1.5
TOTALS		6,342	1.6

Collision History

Red light running usually results in right-angle collisions. The recent five-year and current year-to-date collision history was examined for this collision type on a city-wide basis, as shown in Table 1 and Figure 1. Right-angle collisions are arguably more problematic in their negative impacts than other collision types as injuries and fatalities and are more strongly correlated with right-angle collisions. In turn, red light running is a major contributing factor in right-angle collisions at signalized intersections.

As illustrated in Figure 1, a general downward trend emerges with respect to right-angle collision frequencies starting with the introduction of the Vision Zero and RLC programs in 2017 and continuing through 2018. At RLC locations, the overall monthly average injury rate was also reduced by 48% since the installation of the cameras. This measure considered injuries resulting from all collision types at the RLC camera locations.

Figure 1: Right-Angle Collision History 2013-2018 (City-wide)

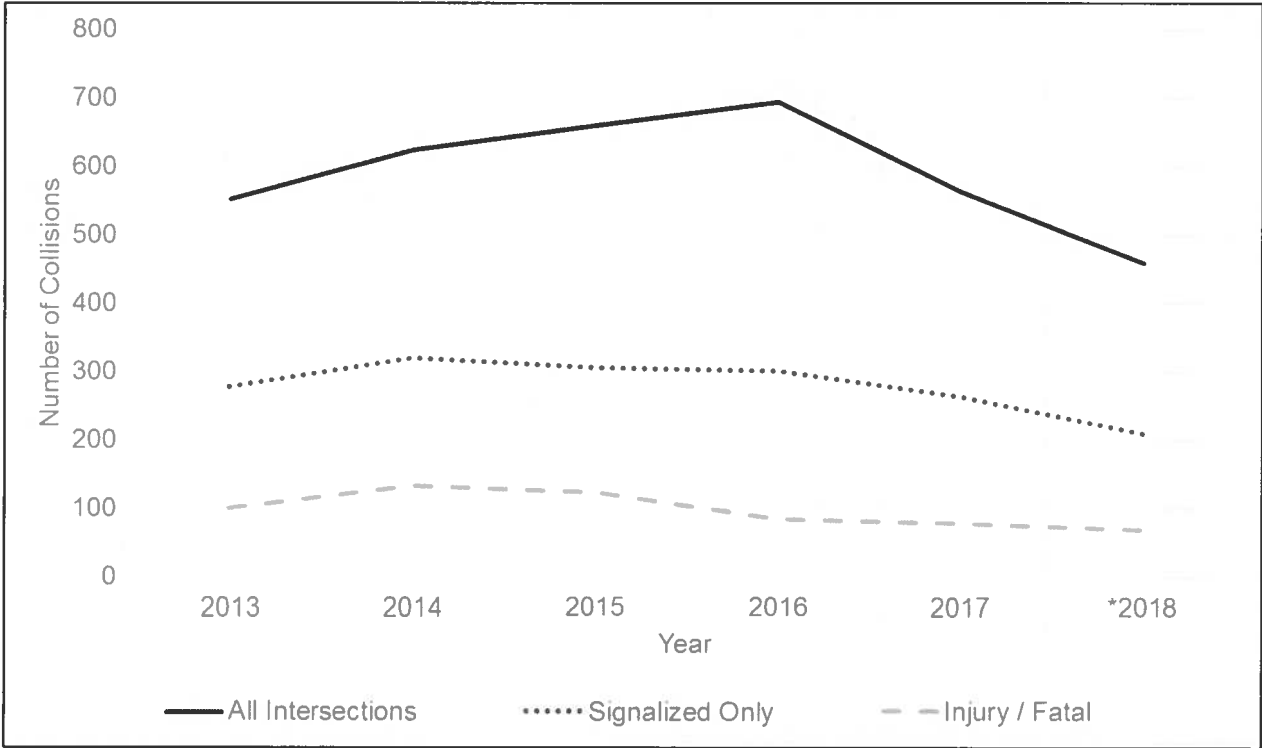


Table 2: Right-Angle 5-Year Collision Average vs. Post-RLC Reductions

Collision History	2017 Reduction	2018 Reduction
All Intersections	9%	26%
Signalized Only	10%	28%
Injury / Fatal	24%	34%

Note that the 2018 data included in the above figure and table use 2018 data includes collisions reported to the end of September 2018. Year-end values were projected using trend analysis.

Overall, the first year of the RLC program shows promise with respect to a reduction in both the number of collisions and the monthly average injury rate. While additional data is required to confirm the preliminary results, it appears that the City’s various public outreach campaigns and the use of RLC cameras may be contributing to improved roadway safety. It should be noted that the above only considers data from the first year of a five-year program, however, and additional monitoring is required.

Financial Update

The 2017 to 2021 budgeted five-year cost to run the RLC program was \$3.8 million, while the RLC violation revenue (excluding the victim surcharge) over the same period was anticipated to be approximately \$4.5 million.

Table 3 details the revenues and expenses associated with the RLC program. Expenses largely include contract administration, infraction processing, and educational campaigns. While the program was designed to be cost-neutral, the initial financial information identified below indicates a positive variance at this time. The surplus results from greater than anticipated fine revenues and lower than expected program costs.

Table 3: Financial Breakdown 2017-2018

Item	2017	2018
RLC Expenses	(\$241,000)	(\$448,000)
Infraction Payments	\$269,000	\$923,000
Variance	\$28,000	\$475,000

It is anticipated that with a continued 3E approach (education, engineering, and enforcement) to road safety, driving attitudes and awareness will improve and that the program will cease to generate revenues above the cost of delivering the RLC program. The surplus experienced in earlier years of the contract would thus balance future negative variances in later years. In the interim, the surplus revenue will be put into a reserve fund that will be used to address potential deficits in future years or for other road safety initiatives (e.g. education, engineering, automated speed enforcement, etc.).

2018 Activities and Next Steps

As of December 2018, the last of the ten RLCs within London was commissioned. There are no plans for additional RLC locations at this time. The number of RLCs and locations will be reviewed at the conclusion of the current contract in 2021.

AUTOMATED SPEED ENFORCEMENT




London is also pursuing another automated enforcement initiative that is in the process of being enabled by new provincial regulations. City staff are part of a working group of Ontario municipalities led by the City of Toronto that is exploring Automated Speed Enforcement (ASE) for communities across the province. In late 2018, the City of Toronto began testing ASE locations to inform the development of a new ASE program. It is anticipated that the Request for Proposals (RFPs) and testing proof-of-concept deployments will begin in the first half of 2019. City of London staff will participate in the RFP evaluation process for the ASE program as part of the working group. Following this process, implementation of the ASE program in Ontario is anticipated in late 2019. More information on this initiative will follow in future reports as it progresses.

CONCLUSION

The City’s current RLC program is now in its second year of a five-year joint contract with other municipalities across Ontario. While the results of the RLC program are still preliminary, collisions over the period between January 2012 and September 2018 show a general positive reduction against the previous one-year period and the five-year average. The relevant collision rates to the RLC program will continue to be monitored for the duration of the five-year contract.

Acknowledgments

This report was prepared by Jon Kostyniuk, P.Eng. of the Roadway Lighting and Traffic Control Division and Mark Ridley, CET of the Transportation Planning and Design Division.

SUBMITTED BY:	REVIEWED AND CONCURRED BY:
	
SHANE MAGUIRE, P. ENG. DIVISION MANAGER, ROADWAY LIGHTING AND TRAFFIC CONTROL	DOUG MACRAE, P.ENG., MPA DIRECTOR, ROADS AND TRANSPORTATION
RECOMMENDED BY:	
	
KELLY SCHERR, P.ENG., MBA, FEC MANAGING DIRECTOR, ENVIRONMENTAL AND ENGINEERING SERVICES AND CITY ENGINEER	

Y:\Shared\Administration\COMMITTEE REPORTS\Civic Works\2019\DRAFT\02-20\CWC - Red Light Camera Performance 2019-02-06v8.docx

February 7, 2019/jdk

- cc: Community Safety and Crime Prevention Advisory Committee
 London Middlesex Road Safety Committee
 London Police Service
 Transportation Advisory Committee

Subject: Additional Information - CQ 5/2019 - Implementing Red Light Cameras - City Wide

Reference:

Date to Council: April 29, 2020
Author: Shawna Boakes
Senior Manager Traffic Operations & Parking Services
255-6247 x6791
sboakes@citywindsor.ca
Public Works - Operations
Report Date: March 4, 2020
Clerk's File #: ST/13765

To: Mayor and Members of City Council

Recommendation:

THAT the additional information report in response to CQ5-2019 – Implementing Red Light Cameras and Photo Radar **BE RECEIVED** by Council for information.

Executive Summary:

N/A

Background:

At the meeting of City Council on February 25, 2019, Councillor Costante asked CQ5-2019 as follows:

“Asks that administration report back on implementing red light cameras and photo radars, including what other municipalities have these installed, pros and cons of implementation and costs of implementation. ST: 2019 February 25, 2019.”

An initial report SCM 401/2019 S 165/2019 was presented at Council on November 18, 2019. At the meeting, Council directed administration to prepare additional information, CR574/2019 ETPS 720:

“That administration BE REQUESTED to provide a report related to reviewing the potential locations for the use of red light cameras, and automated speed enforcement including location and quantity recommendations and that this information, when it is available BE BROUGHT FORWARD for Council’s consideration.”

Discussion:

This report discusses Red Light Cameras (RLC). A separate report (S 45/2020) related to Automated Speed Enforcement (ASE) is also being brought forward for Council consideration.

A red light running camera is a type of traffic enforcement camera that captures an image of a vehicle that enters an intersection in spite of the traffic signal indicating red (during red phase). The camera automatically takes two photos of the vehicle; one entering and one proceeding through the intersection. The photo is evidence that assists authorities in enforcing traffic laws. Generally, the camera is triggered by movement of a vehicle as it passes the stop bar after the associated signal has turned red.

The key reasons why municipalities have installed cameras are to change driving behaviour, reduce angled collisions, and increase safety. However, it has been reported that rear-end collisions increase.

Currently, the Highway Traffic Act requires Municipalities to be authorized to use red light cameras by amending Regulation 277/99. Changes to the Regulation as recent as December of 2019, still indicate this requirement. The process includes a submission letter to the Minister of Transportation, requesting permission to enforce this type of infraction. With this letter, documented approval from Council stating that support and intention to enter into the program must be provided.

The following are points of clarification regarding the issuance of tickets:

- Motorists already in an intersection when the signal changes to red will not be ticketed. This includes those drivers who pass the stop bar while the green or amber signal is illuminated. Only those who cross the stop bar while the red signal is illuminated will be ticketed.
- Red light cameras do not replace police officers. The red light cameras are used to complement police efforts in preventing motorists from running a red light.
- The registered license plate holder of the vehicle will receive the ticket, regardless of who is driving the vehicle. No demerit points are lost by the owner.
- Red light cameras are only capable of detecting one direction of travel at an intersection. If all 4 directions of approaches at an intersection are required to be implemented, 4 separate systems must be installed.
- Red light cameras are able to ticket right turning vehicles that do not come to a complete stop on a red light. However, this application is currently being used in a limited capacity in other Municipalities. In general, this is being utilized where there is a dedicated right turn lane only.
- Photograph images of the vehicles are taken from the rear of the vehicle and therefore no persons are identified in the photos. The Office of the Information and Privacy Commissioner was consulted during the pilot development to ensure privacy concerns were minimized.

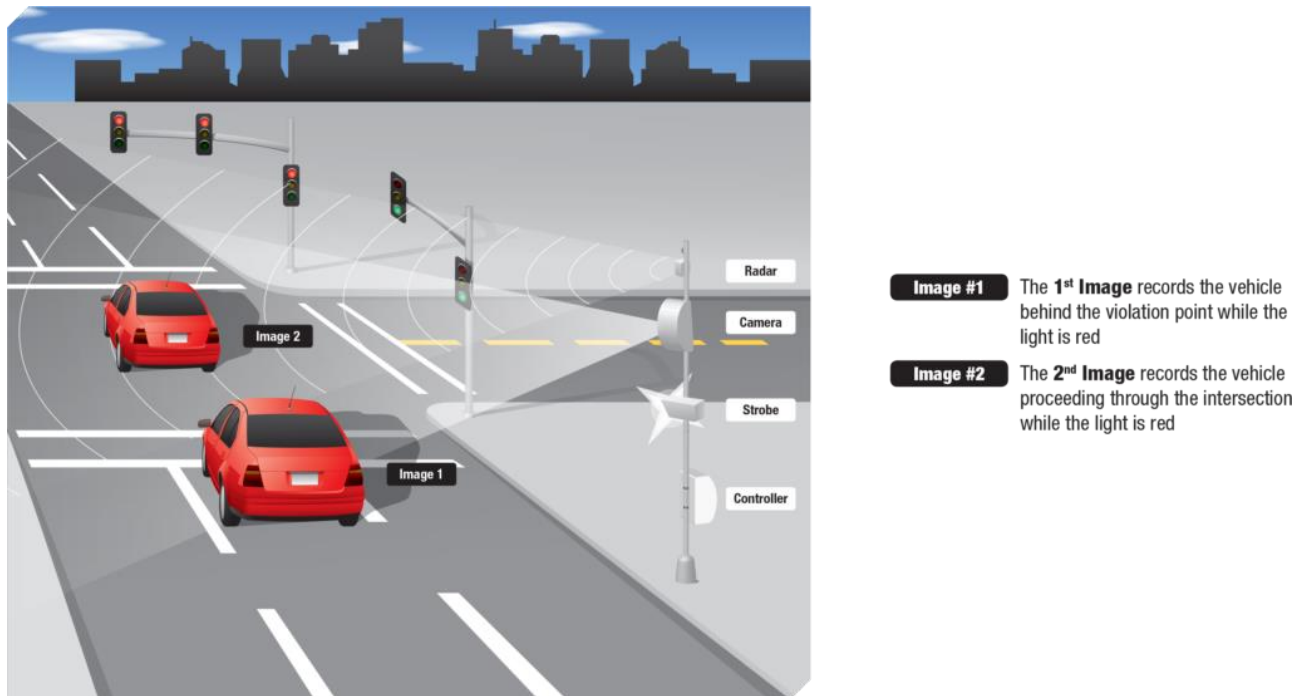


Figure 1 – Operation of Red Light Cameras

The Red Light Camera program is intended to reduce instances of motorists running red lights and hence reduce the instances of angled type collisions. Right-angled collisions typically result in more serious injuries including personal injury or death. Based on the data for the City of Windsor, from 2013 – 2017 there were a total of 7,335 collisions at signalized intersections, 0.54 collisions per million vehicles entering these intersections. During that time 873 (12%) were angle collisions, 3700 (50%) were rear end collisions, the remainder being single car collisions with pedestrians, bicycles or other infrastructure. Only 562 (64%) of angled collisions were noted by police as having disobeyed traffic control.

Should the City of Windsor wish to implement a Red Light Camera program and utilize the Joint Municipal Processing Centre operated by the City of Toronto, the City would first be required to apply to the Ministry of Transportation to obtain an amendment to the Ontario Regulation 277/99 and be added to the list of designated Municipalities. The City of Windsor would then be required to enter into an agreement with both the City of Toronto to use the Joint Municipal Processing Centre and with the vendor approved by the City of Toronto for installation and maintenance of the equipment. Contracts are done in 5-year terms, however Municipalities may enter during an existing 5 year term. The cost is pro-rated based on the number of years left in the contract, which increases the yearly cost for the balance of the 5-year term.

The current program will expire in 2022, however the City of Toronto intends to complete an expansion program in 2020. The City of Toronto intends to begin procurement of a vendor for the expansion program in early 2020 with the expectation that a number of technology changes will be made. The changes include:

- The use of wireless upload and download of data from the units.
- Microwave sensors above ground, no loops installed in the pavement.

The changes are expected to reduce maintenance requirements, costs, and to optimize the program as a whole.

Staffing requirements for Traffic Operations are minimal for the implementation of the RLC program. It is anticipated that it would take a small portion of the Manager of Traffic Operations' time to administer the program, answer public inquiries and provide reports to Council. However, additional staff may be required for the local Provincial Offences Office to process challenges and track payment of tickets. Additionally, discussions with CUPE 543 would be required prior to entering into an agreement with the vendor for installation of camera equipment.

Should Council wish to move forward with a Red Light Camera program in the City of Windsor, Administration recommends submitting the 10 locations listed in Table 1 below to the Ministry of Transportation Ontario. It is recommended that the City purchase ten (10) camera units. Cameras should be in place at each intersection for a minimum of two (2) years, however if significant improvements are measured for a consistent four month (4) time-period, the cameras may be moved earlier. It is not mandatory to relocate the cameras, however it has proven beneficial in other Municipalities.

Table 1 shows the top fifteen (15) intersections where the net collision total indicates a potential reduction in collisions with the use of red light cameras. They are listed in order of priority, therefore the first 10 would be recommended at this time for the use of red light cameras. The column entitled Total Collisions represents the total reduction in collisions expected based on the implementation of red light cameras. This result includes the rate of decrease expected for side impact collisions and the rate of increase expected for rear end collisions. The associated reduction in collisions with injuries or loss of life may be higher than the overall total due to the majority of rear end collisions only representing property damage.

Table 1 – Potential Red Light Camera Locations

Rank - Overall	Location	Projected Net Safety Benefit - Red Light Cameras (Collisions over 5 years)	
		Total Collisions	Injury & Fatal Collisions
Recommended Locations for Initial Installation of Red Light Cameras			
1	WYANDOTTE ST W @ PELISSIER ST	-5.3	-2.4
2	WYANDOTTE ST E @ MCDUGALL ST	-1.7	-1.92
3	WYANDOTTE ST E @ GOYEAU ST	-4.15	-1.92
4	WYANDOTTE ST E @ DROUILLARD RD	-2.9	-1.52
5	UNIVERSITY AVE W @ CAMPBELL AVE	-2.95	-1.44

6	WYANDOTTE ST E @ WINDSOR AVE	-2.05	-1.36
7	WYANDOTTE ST W @ JANETTE AVE	-3.05	-1.28
8	HURON CHURCH RD @ WYANDOTTE ST W	-1	-1.28
9	RIVERSIDE DR E @ PARENT AVE	-1.8	-1.04
10	EUGENIE ST E @ MCDOUGALL ST	-2.55	-0.88
Potential Future Locations for Red Light Cameras			
11	UNIVERSITY AVE W @ CRAWFORD AVE	-2.55	-0.8
12	UNIVERSITY AVE E @ MCDOUGALL ST	-1.8	-0.8
13	WYANDOTTE ST W @ VICTORIA AVE	-1.75	-0.8
14	ERIE ST W @ OUELLETTE AVE & ERIE ST E	-1.4	-0.48
15	ERIE ST E @ GOYEAU ST	-1.75	-0.48

The intersections above were selected based on total number of collisions, including right angle collisions, severity of injuries, geometric features of the intersection, and previous efforts to make the intersections safer.

Risk Analysis:

Increases in the number of rear end collisions may require additional time for Windsor Police Services. Additional time and effort would be required to respond to and process the increase in collisions.

Installations currently include the installation of loops in the roadway surface, which reduces the life of the asset. The City expects to use the above ground microwave sensors if we proceed with RLC implementation.

City of Windsor signal related infrastructure is installed and maintained by CUPE 543 staff. The installation and maintenance done by contractors for this program may be considered contracting out of work and require discussions with the union or alternatively an MOA and approval by the Union. Specifically the connections from the RLC device to the traffic signal controller.

The City of Windsor is a border city therefore a large number of drivers on our roads are out of province and out of Country. As such, there is a higher risk that a portion of the surplus revenue seen by other Municipalities may not be collectable in Windsor.

If the additional volume of tickets generated by the red light cameras is significant, there could be a significant impact on the service levels of the local municipal Provincial Offences Office (POA). Once the additional tickets are filed at the POA office, the POA staff will action all court administration activities related to these fines. There will also be additional prosecutor's time to deal with those individuals that choose to meet with the

prosecutor in an early resolution meeting and potential court time for those individuals that choose to go to trial. POA collections staff will also be tasked with following up on those offenders who have unpaid fines after their due date has passed. Specific numbers have not been released by other Municipalities but initial discussions indicate that there are a significant number of challenges to red light camera violations that are being submitted.

Financial Matters:

If the City was able to obtain amendments to add the City of Windsor as a designated municipality to Regulation 277/99 (Red Light Cameras) and to the future regulation pertaining to automated speed enforcement the following costs are anticipated:

RLC Program – The City would be required to enter into an agreement with the City of Toronto and the approved vendor. Payment to the program and vendor are done through one payment through the City of Toronto.

The Vendor installs, operates, and maintains the cameras and the system and then charges a monthly fee based on a minimum 5-year contract. Other Municipalities have estimated a yearly cost of \$52,000 per camera when the contract is entered during year one. The current contract is currently in year 3 and therefore prorated yearly costs are estimated to be in the range of \$80,000 to \$90,000, per camera until the end of the current contract. At the end of the 5 year contract, each Municipality may renew or leave the program.

Costs for the use of the Joint Processing Centre are based on the number of locations registered and the number of cameras in use. The value is based on the total number of cameras the processing center issues tickets from.

Costs would be offset by the revenue retained per violation by the Municipality.

Table 2, uses data from the City of London and provides estimated cost and revenue data, per intersection where red light cameras are used. In 2018, the City of London reported total revenue of \$923,000, which was generated from infractions from 10 cameras.

Table 2 – Potential Costs / Revenue Estimates / Camera

	Yearly Estimates *based on 1 intersection
Expenses*	(\$52,000)
Revenue**	\$92,300
Potential Surplus	\$40,300

**Assumes the City enters into year 1 of the new expansion program*

***Values are based average City of London reported revenues*

The City of London has indicated that the initial surplus is expected to reduce yearly as driver behaviour begins to change, to the point that they are preparing for the potential of a deficit to operate the RLC program in future years. Surplus revenue is being put into a reserve fund that can be used to address these potential deficits in future years and for other road safety initiatives such as education and engineering. Should Council move ahead with a RLC program, Administration recommends a similar approach in Windsor whereby a portion of the revenue generated be used for yearly educational costs (~\$2,000) and the remainder be put into a reserve. The reserve would be used to fund any POA staffing increases and Traffic Operation program expenses, if determined that the RLC program has become a burden on existing staff, and it would be available to cover the operational costs of the agreement in months where the revenue does not exceed the expenses.

Each Municipality that has implemented RLC and is intending to implement ASE has done so along side a public information and communications campaign. It is anticipated that for each program, the initial campaign may cost \$20,000 with ongoing yearly educational costs of \$2,000.

The costs above are estimates. Should Council decide to move forward with the program, Administration will begin negotiations with the vendor and the City of Toronto. Final costs will be based on these discussions. It should be noted however, that Administration does not recommend entering into the current contract. Rather, if the City of Toronto does successfully procure a vendor for the expansion program, it is recommended that the City begin with ten (10) camera units as part of the expansion program.

The City of Windsor Provincial Offences Office (POA) - Pursuing the RLC or the ASE program may result in additional costs for POA staff (court administration, prosecutors and/or collections). Maintaining adequate staffing will ensure the department upholds its current service levels for processing fines and the court administration of these fines. The request for additional staffing would be dependent on the expected number of tickets generated from RLC and/or ASE. If the volume is low, the impact could potentially be absorbed with current staffing levels.

The Provincial Offences Court in Windsor processes offences that occur not only in the City of Windsor but also in the eight surrounding municipalities. All of the participating municipalities contribute to the costs associated with operating the Provincial Offences Court and are entitled to share in the net revenue from the fines collected. The distribution is based on the annual regional weighted assessment rates for the year the fine revenue is collected. Revenue distribution is not based on the geographical area that the ticket was issued. In order to implement a Red Light Camera program or an Automated Speed Enforcement program the City of Windsor would incur significant costs but would be required to share the revenue with the other municipalities unless an amendment to the Inter-Municipal Court Services agreement was obtained. Alternatively, if the other Municipalities choose in the future to enter into the RLC program, this will also impact the POA office as the City court system would process these additional tickets. The above is also applicable for the Automated Speed Enforcement program, therefore if Council wishes to proceed with a revised agreement, both programs should be included in the wording.

In summary, should Council wish to proceed with a RLC program, one-time seed funding of up to \$520,000 for the first year implementation and operating costs for ten (10) red-light camera units, along with \$20,000 for initial public education related to the program could be required. However, this amount is subject to negotiations with the City of Toronto and the red light camera vendor. The City is unable to negotiate costs until Council approves moving forward with a letter of intent to the Minister of Transportation. No funding is currently budgeted in the operating or capital budgets for this program.

Consultations:

Transportation Planning

Provincial Offences Office

Windsor Police Services

Conclusion:

Should Council wish to proceed with the implementation of red light cameras in the City of Windsor and utilize the Joint Municipal Processing Centre operated by the City of Toronto, the City would first be required to apply to the Ministry of Transportation to obtain an amendment to Ontario Regulation 277/99 and be added to the list of designated Municipalities under this program. The City of Windsor would then be required to enter into an agreement with both the City of Toronto to use the Joint Municipal Processing Centre and with the vendor approved by the City of Toronto for installation and maintenance of the equipment. Administration would also need to begin discussions with Local 543 regarding installation and maintenance work and the County to amend the Inter-Municipal Court Services Agreement. The City is unable to negotiate costs until Council approval to move forward with a letter of intent is given. No funding is currently budgeted in the operating or capital budgets for this work. Should Council wish to proceed, direction is required for Administration to issue a letter of intent to the Ministry and to report back with recommended funding options related to the potential one-time implementation costs and other related matters.

Planning Act Matters:

N/A

Approvals:

Name	Title
Natasha Couvillon	Manager of Performance Measurement & Financial Administration
Dwayne Dawson	Executive Director of Operations
Mark Winterton	City Engineer

Name	Title
Vincenza Mihaló	Executive Director, Human Resources
Shelby Askin Hager	City Solicitor
Joe Mancina	Chief Financial Officer/City Treasurer
Onorio Colucci	Chief Administrative Officer

Notifications:

Name	Address	Email
Greg Wrigglesworth		gdw@kirwinpartners.com

Appendices:

From: [Auger, Robert](#)
To: [Hall, Robin](#); [Moroz, Lynn](#); [Brown, Shelley](#)
Subject: FW: Town of Essex Launches Interactive Capital Projects Map
Date: Friday, June 5, 2020 4:13:13 PM

[Pls add for June 15 agenda](#)

From: Denonville, Alex
Sent: Friday, June 5, 2020 4:11 PM
To: CouncilMembers <CouncilMembers@essex.ca>
Subject: Town of Essex Launches Interactive Capital Projects Map



Media Release

June 5, 2020

Town of Essex Launches Interactive Capital Projects Map

Essex- The Town of Essex launched its online [Capital Projects Map](#) this week which provides residents an overview of current and upcoming community and infrastructure projects throughout the municipality.

The interactive and mobile-friendly map provides a summary of capital projects, their location, as well as direct links to where each project can be found in the 2020 capital budget.

"This is another tool to give citizens and stakeholders an opportunity to see the investments taking place within the municipality," said Chris Nepszy, Chief Administrative Officer. "Whether you're looking for what's happening in your neighbourhood or at your favourite park, the map provides a simple, user-friendly way to learn more about new projects in our community."

The map will be updated annually and already includes projects from 2018 and 2019. Given the hundreds of capital projects every year, the map only lists notable and significant works happening throughout the community. For a full list of capital projects, please visit the [2020 Capital Budget](#).

The Capital Projects Map joins a number of other recent interactive additions to the Town's website and digital presence. In February, the Town launched the [EssexWorks system](#) for online problem reporting. To assist residents during the COVID-19 pandemic, the Town added an [Open for Business Map](#) to highlight local businesses offering modified services. In

2019, the Town also added an online [Available Lands tool](#) to help developers and business owners find commercial properties.

"By continuing to invest in digital tools, we're providing better access to information and new ways to educate and engage our citizens," Nepszy added.

Media Contact

Alex Denonville

Manager, Communications

adenonville@essex.ca

519-990-7546

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From: [Auger, Robert](#)
To: [Hall, Robin](#); [Moroz, Lynn](#); [Brown, Shelley](#)
Subject: FW: Credit Card Payments No Longer Accepted at Town Hall
Date: Friday, June 5, 2020 4:19:01 PM

[Pls add fro June 15 meeting](#)

From: Denonville, Alex
Sent: Thursday, May 28, 2020 1:58 PM
To: CouncilMembers <CouncilMembers@essex.ca>
Subject: Credit Card Payments No Longer Accepted at Town Hall



Media Release
May 28, 2020

Credit Card Payments No Longer Accepted at Town Hall

Essex– In an effort to reduce operating costs and the financial impact of COVID-19 on taxpayers, Town of Essex Council agreed to discontinue in-person credit card payments at Town Hall.

Fees associated with the processing of credit card payments represent a significant annual cost to the Town. Since 2010, the cost of those fees has nearly tripled to \$72,000 per year. In June of 2018, credit card transactions were limited to \$1,000 per day, per property tax account. These costs have been historically funded through property taxation and all residents of the municipality.

"This is the next step towards reducing the impact of credit card fees on the Town's operating costs," said Jeffrey Morrison, Treasurer/Director, Corporate Services. "While residents will no longer be able to pay with their credit cards in person, we offer a number of convenient alternatives."

Credit cards can still be used for property tax payments using the Virtual City Hall system, available online at www.essex.ca/VCH. The Virtual City Hall credit card transaction fee will also be waived until December 31, 2020.

Credits cards will also continue to be accepted for recreational services.

For a full list of property tax payment options, please visit www.essex.ca/Taxes

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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.

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From: [Auger, Robert](#)
To: [Hall, Robin](#); [Brown, Shelley](#)
Subject: FW: property tax relief
Date: Tuesday, June 9, 2020 3:25:39 PM

Could we pls add to agenda as correspondence with personal email redacted

From: Lucy Pretty <[REDACTED]>
Date: June 9, 2020 at 1:57:50 PM EDT
To: "Morrison, Jeffrey" <jmorrison@essex.ca>
Subject: Re: property tax relief

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

I would appreciate it being put on Council Agenda, any help we could get would be greatly appreciated.

Thank You,
Lucy

From: Morrison, Jeffrey <jmorrison@essex.ca>
Sent: June 9, 2020 10:50 AM
To: Lucy Pretty <[REDACTED]>
Cc: Giurissevich, Kate <kgiurissevich@essex.ca>; Woodiwiss, Michael <Mwoodiwiss@essex.ca>
Subject: RE: property tax relief

Lucy,

If you would like I can forward your e-mail to the clerks department and have it added to the next Council Agenda as correspondence.

Jeffrey

From: Lucy Pretty <[REDACTED]>
Sent: June 9, 2020 10:22 AM
To: Morrison, Jeffrey <jmorrison@essex.ca>
Cc: Giurissevich, Kate <kgiurissevich@essex.ca>; Woodiwiss, Michael <Mwoodiwiss@essex.ca>
Subject: Re: property tax relief

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

Good Morning,

I was hoping there would be a program for tax forgiveness, since our building has been vacant for the last 3 month. The tax deferral does not help us since the same amount still has to be paid, like I mentioned before we have lost 80% of our scheduled events for 2020.

These are extraordinary times and further assistance from council would be appreciated.

Lucy

From: Morrison, Jeffrey <jmorrison@essex.ca>
Sent: June 9, 2020 9:10 AM
To: Lucy Pretty <[REDACTED]>
Cc: Giurissevich, Kate <kgiurissevich@essex.ca>; Woodiwiss, Michael <Mwoodiwiss@essex.ca>
Subject: RE: property tax relief

Lucy,

The tools that have been approved by Council for property tax relief consist of the deferral of interest and penalty until July 31, 2020.

I note that you are currently signed up for the monthly preauthorized debit plan; you will need to contact one of the Tax Clerks at the Town to remove yourself. Furthermore if you reactivate your preauthorized debits for August 2020 your arrears amount will be evenly allocated over the final months of 2020 to further help.

If you have any further questions Michael Woodiwiss (Tax Coordinator) can help. Her contact is (519)776-7336 x1118 .

Thanks,

Jeffrey R. Morrison | CPA, CGA, Dipl.M.M., CMRP | Director, Corporate Services / Treasurer

Town of Essex | 33 Talbot Street South, Essex, ON N8M 1A8
Phone: 519-776-7336 ext 1127 | Fax: 519-776-8811

essex.ca

From: Lucy Pretty <[REDACTED]>
Sent: June 8, 2020 3:58 PM
To: Morrison, Jeffrey <jmorrison@essex.ca>

Subject: property tax relief

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

Good Afternoon,

I am inquiring about Property Tax Relief for the Portuguese Club of Harrow located at 390 Sinasac Street, Harrow. We have been closed for the past 3 months due to Covid 19 and have had no revenue. In addition we have lost 80% of our bookings for 2020. Are there any programs we can access to help us through these trying times.

Thank You,
Lucy Pretty,
Treasurer, Portuguese Club of Harrow.

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Essex Climate Adaptation Team Meeting Minutes

Thursday, March 5, 2020

Shaheen Room, Essex Centre Sports Complex

1. Roll Call

Present: Councillor Kim Verbeek

Amandeep Hans

Andrea Descargar

Brandi Bechard

Brian Hyland

Brian Lennie

Dan Metcalfe

Gina Pannuzio

Kelsey Amlin

Maddie Peters

Matthew Child

Megan Balsillie

Tyler Oglan

William Baker

Also Present: Niharika Bandaru, Climate Change Analyst

Jeff Watson, Planner, Planning Services

Corinne Chiasson, Assistant Planner, Planning Services

Sarah Aubin, Planning Assistant, Planning Services

Rita Jabbour, Manager, Planning Services

Lori Chadwick, Director, Development Services

Shelley Brown, Deputy Clerk

Alex Denonville, Manager, Communications

Claire Sanders, Climate Change Specialist, ERCA

2. Declarations of Conflict of Interest

None

3. Adoption of Published Agenda

Moved by: Brian Hyland

Seconded by: Councillor, Kim Verbeek

(ECAT 2020-03-01) That the March 5, 2020 Essex Climate Adaptation Team "ECAT"

Agenda be amended to add William Baker and be accepted with the amendments.

"Carried"

4. Adoption of Minutes

5. New Discussions

a) Introduction to the ECAT

Chair, Niharika Bandaru welcomes the members to the first Essex Climate Adaptation Team Meeting. She provides an introduction to the members on the purpose of the ECAT team.

She provides a presentation to the members with regards to the Climate Adaptation Plan and what the goals will be of the ECAT meetings. She states that the number one goal is preparing an Adaptation Plan for the Town of Essex. She continues to advise that the Town of Essex has been diligent in reviewing the changing impacts from 2009-2019 and has provided strategies and implementations to curve the effects.

The members discuss adaptation, mitigation and the differences.

b) Introduction to Adaptation Planning

Niharika advises members that Mitigation is the action to reduce the emissions that cause Climate Change, and that Adaptation is the action to maintain the risk of Climate Change. She states that there are things that fall in between adaptation and mitigation and these items can be done.

She states that tree planting is an item that falls in the middle. She advises that trees reduce urban heat but also reduce carbon in the atmosphere.

She advises that from March 2020 to January 2021 there will be 4 phases of the making and implementing the adaptation plan.

Phase 1 is currently assessing Climate Impacts.

Phase 2 is Risk Prioritization

Phase 3 Council Approval

Phase 4 Implementation

Bill Baker questions how the Essex Climate Adaptation Team can engage other parts of the community with regards to assessing impacts.

Niharika advises that the Town will be expanding to the community with regards to open houses where comments and concerns can be discussed. She states that the Essex Regional Conservation Authority and the County of Essex are also currently involved in Phase 1 of the plan.

Dan MetCalfe advises that he has participated in the Hazard Identification Risk Assessment for the area. He states that information from the current assessment may assist in reviewing current climate impacts.

c) Climate Projections for the Town of Essex

Niharika provides information that pertains to the adaptation programming and how to identify the impacts within the Town of Essex.

She states that she projects that the Town of Essex will experience warmer temperature. The general theme will be warmer, wetter and wilder for the region. She advises that the seasons will change, winter will have cold snaps with an earlier thaw, summer will be extended with increased heat waves, fall will have variable rain fall and spring will see higher levels of precipitation.

Dan Metcalfe advises that this year alone January / February 2020 we are seeing an increase in water levels from this time last year. He advises that Lower Thames Valley and other areas are already seeing the impacts of higher water levels.

Dan Metcalfe leaves the meeting at 6:19 pm

d) Group Visioning Exercise

Niharika requests that the members break into three groups and discuss the following topics

1. What keywords best describe the Town of Essex?

2. What keywords best describe climate action goals for the Town of Essex?

Table 1 states that the Keywords that describe the Town of Essex are: Growing Eco-diveristy, urban and rural mix, recreation, urban areas and shorelines.

They state that the keywords that best describe climate action goals is regenetation, sustainability and community support.

Table 2 states that Keywords that describe the Town of Essex are tourism, shoreline, transportation and connected community.

They state that the keywords that best describe climate action goals is outreach to a variety of audiences and education awareness.

Table 3 states that keywords that describe the Town of Essex are community based, variety of events, heritage preservation, sense of community, and a place to go and enjoy yourself.

They state that the keywords that best describe climate action goals is ensure community is prepared and understand the impacts, ensuring correct information is being sent out, rely on items in the past and be the first to implement an adaptation plan.

Niharika advises that a proper vision for adaptation plan will allow us to think about the community and have an insight in the direction we are seeking to be at within the next 10 to 20 years.

e) Climate Impacts for the Town of Essex

Niharika asks the members to discuss impacts from Climate Change that they have currently seen.

Members stated shoreline erosion, flooding, extreme storm events, wind damage, changes over growing season, natural heritage loss, Post Traumatic Stress Disorder (PTSD), cancer rates, economic impacts, algae blooms.

Niharika advises that in 2018 there was high lake levels and fast spring melts. She states that the Town of Essex has spent over 5 million dollars on ensuring the sewers are upgraded. She states that the Colchester Harbour also has floating docks that allowed them to remain open while other marinas were forced to close.

Claire Sanders, Special Advisor states that water levels are extremely high. She states that due to the high levels the lakes are backing up the storm sewers. She advises that when it rains there is no where for the water to flow to and there for is causing flooding.

Niharika states that farmers are currently experiencing the effects of Climate Change. Many crops are unharvested at this time.

Matthew Child states that lake levels have been fluctuating since 1900 and seem to do so on a 40 year cycle. He states that the last time the lake levels were so high was in the 1980's.

f) Impact Identification Workshop

Niharika advises the members that an Impact Identification activity will now be completed by the prospective tables.

Table 1 states that there will be an increase in hotter days, increase in energy consumption, greater stress on workers.

The recommendations would be to grow a variation of crops that can thrive in warmer weather.

Table 2 states precipitation leads to more flooding, interruptions to services such as gas, water, telecommunications and food spoilage. The recommendation would be to encourage individual preparedness and community alliance.

Table 3 states that a higher municipal cost to residence and staff, infrastructure overload, cost to healthcare emergency services. The recommendation is to ensure infrastructure is prepared, work with emergency services and the community to prepare for serious climate impacts.

Niharika thanks the members for participating in the activity and advises that all the items discussed will be sent to the members for review prior to the next proposed meeting.

h) Closing remarks

Niharika advises that the next steps will be to host a meeting on April 15th, a summary of impacts and statements will be provided to members for their review and a technical assessment will be completed by the members at the next proposed meeting.

6. Delegations

7. Future Meetings


Next meeting Wednesday, April 15th 2020

8. Adjournment

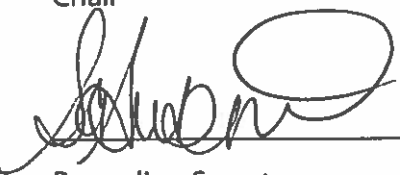
Moved by: Brian Lennie

Seconded by: Bill Baker

(ECAT 2020-03-02) That the meeting be adjourned at 7:59 p.m.



Chair



Recording Secretary



Essex Climate Adaptation Team Meeting Minutes

Thursday, May 21, 2020

Zoom Virtual Meeting

1. Roll Call

Present:	Councillor Kim Verbeek
	Amandeep Hans
	Andrea Descargar
	Dan Metcalfe
	Gina Pannunzio
	Maddie Peters
	Matthew Child
	Megan Balsillie
Also Present:	Niharika Bandaru, Climate Change Analyst
	Claire Sanders, Climate Change Specialist, ERCA
	Jeff Watson, Planner, Planning Services
	Corinne Chiasson, Assistant Planner, Planning Services
	Sarah Aubin, Planning Assistant, Recording Secretary
	Rita Jabbour, Manager, Planning Services
	Lori Chadwick, Director, Development Services
Regrets:	Kelsey Amlin
	William Baker
	Tyler Oglan
	Brandi Bechard
	Brian Hyland
	Brian Lennie

2. Declarations of Conflict of Interest

None

3. Adoption of Published Agenda

Moved by: Councillor Kim Verbeek

Seconded by: Gina Pannunzio

(ECAT 2020-05-03) That the May 21, 2020 Essex Climate Adaptation Team Agenda be adopted as presented.

"Carried"

4. Adoption of Minutes

Moved by: Megan Balsillie

Seconded by: Maddie Peters

(ECAT 2020-05-04) That the March 5th, 2020 Essex Climate Adaptation Team minutes be adopted as presented.

"Carried"

5. New Discussions

a) Impact Statement Summary

Chair, Niharika Bandaru welcomes the members to the Essex Climate Adaptation Team Meeting.

She provides a presentation to the members with regards to the Climate Impact Summary. She advises that there are 14 themes derived from Impact Identification assessments conducted at the March 5th 2020 meeting, internal Town discussions, as well as research.

Impacts include but not limited to, extreme weather in spring and summer that result in decrease use of outdoor recreation areas and facilities.

Milder winter temperatures leading to more ice and freezing rain and less snow.

Extreme hot days >30C and increase in humidity, less confidence in historical weather patterns, harvesting and planting schedules.

She advises that severe rainstorms leading to rising lake levels will cause shoreline erosion and impact water quality.

Matthew Child, states that we are currently experiencing high lake levels due to the recent wet years. He states that when reviewing models he has seen around climate, they are stating higher rapid loss of lake levels.

He advises there could be years with low lake levels and suggest we should look at high lake and low lake levels and prepare for both instances.

She states that increased annual temperatures will lead to pests, respiratory viruses and waterborne illnesses.

b) Vulnerability Assessment Discussion

Chair, Niharika Bandaru explains what vulnerabilities are.

She advises that there are two categories such as Sensitivity and Adaptive Capacity.

She advises that Sensitivity gives in idea on how stressed the current system is.

She advises that the Adaptive Capacity describes the ability of built, natural and human systems to accommodate changes in climate with the minimum disruption or additional cost.

She states there are several key determinants. Economic resources, technology, information and skills, social capital, institutions and equity.

She advises that there are differences in adaptive capacity for urban centres and rural communities.

She states that urban centres have greater access to financial resources, and access to technology.

She states that one of the limitations for urban centres is higher cost of living.

She states that rural communities have a greater sense of community and traditional ways and local knowledge. However a limitation would be economic resources in the rural community.

At this time the members discuss the Strengths and Limitations of urban centres and rural communities within the Town of Essex.

c) Vulnerability / Risk Assessment Discussion

Chair, Niharika Bandaru advises that the activity that the members will be participating in is Climate Vulnerability in Essex. She states that now that the adaptive capacities have been discussed, this activity would allow the members to look at the effects on a residential level. She states that the biographies the members will be reviewing are generalized. She states that this will help analyze and understand how climate change impacts each individual lifestyle differently.

The members discuss the vulnerabilities to all 5 profiles that were created with regards to generalized residence within the Town of Essex.

They determined that rural communities and farmers / growers have a large vulnerability when it comes to extreme weather occurrences such as colder winters, wetter months.

It was also determined that economics does also have an impact, those with fixed incomes may not have the resources accessible to them or the services available to them to either prepare for events or to adapt to climate change.

d) Adaptation Plan Discussion

Chair, Niharika Bandaru speaks about COVID-19 and the impacts that it has had on different sectors thus far. She states that the current discussion is that everyone will be facing a “new normal”. She poses three questions to the members via a poll questionnaire.

1. How has the COVID-19 pandemic impacted your industry or service sector?
Answer: 89% significantly affected
2. How do you think the COVID-19 pandemic will affect Climate Adaptation for the Town of Essex

Answer: 67% somewhat affect | 22% significantly affect

3. Have you experienced any of the climate impacts identified in the meeting today during the course of the COVID-19 pandemic?

Answer: 56% somewhat affected | 33% significantly affected | 11% not at all

The members discuss what they have specifically seen or been affected by during the COVID-19 pandemic and what they have learned during the adaptation period.

The discussion determined that the immediate impacts of COVID-19 saw closures of natural areas, outdoor activities, and community education activities. It also showed that the community turned to natural environment activities such as walking and biking.

Global labour market has been affected during COVID-19, farmers unable to secure immigrant workers during the pandemic.

COVID-19 has determined that there are Emergency Impacts in the community, should flooding occur, resources and spaces for those displaced may not be available due to capacity and distance requirements.

Plastic production increasing due to COVID-19, as reusable bags pose a health risk.

e) Questions and Comments

None

6. Delegations

None

7. Future Meetings

Next meeting Wednesday, July 14th 2020

8. Adjournment

Moved by: Megan Balsillie

Seconded by: Dan Metcalfe

(ECAT 2020-05-05)That the meeting be adjourned at 7:16 p.m.

Chair

Recording Secretary



Court of Revision Minutes

Location: Zoom Video Conferencing

Thursday, May 21, 2020 – 4:30 PM

The purpose of the meeting is to hold the Court of Revision for:

Bayliss Drain: Bridge Replacements & Maintenance Schedule

Geographic Township of Colchester South

Project REI2016D024, Town of Essex, County of Essex

This is pursuant to the report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated February 18, 2020, which was considered and adopted at a Consideration Meeting held March 16, 2020 and pursuant to By-Law 1904 which received two readings by Council at its regular meeting held April 20, 2020.

This sitting of this Court of Revision was duly appointed by Council on April 20, 2020.

Section 54 (1) of The Drainage Act provides that the decision of the Court of Revision can be appealed to the Drainage Tribunal within twenty-one (21) days from the date of the Court of Revision. The final day for appeal is June 11, 2020. At the first Council meeting after this date the third reading to By-Law number 1904 will be given.

1. Roll Call

Present: Felix Weigt-Bienzle

Luke Martin

Percy Dufour

Regrets: None

Also Present: Robert Auger, Town Solicitor/Clerk

Norm Nussio, Manager, Operations and Drainage

Lindsay Dean, Drainage Superintendent

Tanya Tuzlova, Operations/Drainage Clerk

Gerard Rood, Professional Engineer, Rood Engineering Inc.

General Public: Thaddeus Gorski, 6110 County Rd 11

The Clerk confirmed that all notices have been sent in accordance with The Drainage Act.

1. Nominations of the Chair for this Court of Revision meeting

Moved by Board Member Dufour

Seconded by Board Member Weigt-Bienzle

That Board Member Martin is elected as a Chair for this Court of Revision

2. Declarations of Conflict of Interest

None declared.

3. Adoption of Published Agenda

Court of Revision Agenda

Moved by Board Member Dufour

Seconded by Board Member Weigt-Bienzle

That the published agenda for the May 21, 2020 Court of Revision be adopted as presented.

4. Adoption of Minutes

i) Court of Revision for Shepley Drain: Defour & Quick Bridges

Moved by Board Member Weigt-Bienzle

Seconded By Board Member Dufour

That the minutes of the Court of Revision for Shepley Drain: Defour & Quick Bridges held on January 15, 2020 be adopted as circulated.

5. Appeals from Landowners

The Clerk advised that the purpose of the Court of Revision is to hear appeals regarding the Schedule of assessment only. The Schedule of Assessment may be altered but the total assessment must remain the same. If one assessment is reduced then another must be increased to balance.

6. List of Written Appeals of Assessment Received by the Clerk

The Chair asked if there were any appeals from landowners. The Clerk advised that there were no appeals.

7. Engineer to provide a Background on the Drain and the Proposed Project

Gerard Rood, Professional Engineer, Rood Engineering Inc.

Mr. Rood informed that report provides for bridge replacements and an updated maintenance schedule. Mr. Rood added that two owners had expressed concerns about the area affected by this drainage works and a topographic survey was arranged on Thaddeus Gorski parcel #710-01500 and Ron Renaud parcel #710-02100. Mr. Rood advised that he has reviewed previous reports, digital elevation data, and Chevalier Drainage drawings to review the acreage accessed to Gorski. Mr. Rood explained that he has reviewed Reid Drainage drawings to determine acreage accessed to Renaud parcel.

Mr. Rood advised that the watershed area of Gorski parcel should be moved slightly north to reflect lay out of the land and that the acreage assessed should be reduced from 14 to 11.6 acres.

Mr. Rood also explained that he has reviewed the topographic survey for the Renaud parcel and has determined that the southeastern part of the parcel drains into the Quick Drain therefore Mr. Rood recommended to reduce the area affected for the Renaud parcel from 11 acres to 0.99 acres.

Mr. Rood advised that both the construction and maintenance schedules were updated on March 30, 2020 and distributed before this Court of Revision. Mr. Rood recommended that the revised schedules to be accepted by the Court of Revision. Mr. Rood added that an error in the Construction schedule showed 4.45 ha for the Renaud Parcel should be updated to read 0.40 ha to match 0.99 acres which is shown correctly.

Mr. Rood added that a request was received from Thaddeus Gorski regarding the amount of land assessed to which explanations were provided regarding elevations from the topographic survey and Chevalier Drainage drawings.

8. Questions from Landowners

Mr. Gorski presented the elevation map and explained the location of high points on the north part of the field concluding that surface water drains into the Quick Drain.

Mr. Rood explained that a property has the ability to drain water into the Bayliss Drain and advised that the reduced area was calculated using a practical approach and is the most proper way to assess the benefit. Mr. Rood proposed options to direct water to the Bayliss Drain.

Mr. Gorski referred to the elevations map and stated that the water from the southeast part of the field is draining into the Quick Drain.

Mr. Rood referred to the elevation map and explained that he believes that there is an opportunity for the water to drain into Bayliss Drain from the north side of the field.

Mr. Gorski explained that it is not practical to him to cut through the banks to redirect the flow of water since it may cause erosion to the banks. He referred to the Chevalier Drainage map to note that several directions of the tiles are capturing water flow on the field concluding that water drains into the Quick Drain and it would be a poor practice to redirect it into the Bayliss Drain.

The Chair asked how many acres are assessed into Bayliss Drain and where is the watershed line.

Mr. Rood explained that he has adjusted the watershed area for the Gorski parcel by one third and explained where the assessed area was reduced based on his interpretation of the elevations map.

Board Member Weigt-Bienzle asked if the rest of Gorski parcel is assessed into Quick Drain.

Mr. Rood explained that he does not have this information readily available and that it could be necessary to prepare a subsequent connection or an updated maintenance schedule for the Quick Drain.

Board Member Weigt-Bienzle commented that according to his observation it looks like the assessment to Gorski property should be shifted to the Quick Drain.

Lindsay Dean, Drainage Superintendent, said that the Town can review the assessment of Gorski property into Quick Drain but at this time we need to make a decision about the Bayliss Drain.

The Chair commented that there could be a decision to postpone the meeting to review the assessed area, so it is reflected more accurately.

Board member Dufour asked Mr. Rood to provide his comments in regard to Board Member Weigt-Bienzle's statement.

Mr. Rood advised that he relies on his professional understanding of the flow and that the parcel has been historically assessed in this way, so it appears to be appropriate. Mr. Rood added that there is an opportunity for the Court of Revision to reduce the area and the value of assessment. In this case any reduction in the value of assessment to the Gorski's parcel needs to be allocated to either the Road Authority or to be distributed to the other assessed property

owners and in this case there should be another Court of Revision, so property owners could appeal their assessment.

The Chair commented that there should be some assessment to the Bayliss Drain for Gorski's property since there is a potential for water to drain into the Bayliss Drain.

Board Member Dufour asked about the dollar amount in question.

Mr. Rood replied that as per Court of Revision schedule, Gorski's property is assessed \$10,579.00 for 11.61 acres affected. Mr. Rood also said that if the value to Gorski's property is reduced as a result of the Court of Revision, than the values of Benefit and Outlet will need to be assessed to the Town Road Department at Fox Sideroad, so the Court of Revision will be finalized for today. If the Court of Revision goes to reassess the value to all the other parcels then a new Court of Revision should be called so those owners could appeal new assessments.

Board Member Dufour asked about the possible decision regarding the dollar amount.

Board Member Weigt-Bienzle moved a motion to access 7 acres of the initial 14 acres assessed to Gorski's property into the Bayliss Drain and the other 7 acres into the Quick Drain and to move on with the project.

Norm Nussio, Manager of Operations and Drainage asked how many acres the Gorski's farm has in total.

Mr. Gorski replied that the parcel has in total 118 acres, and explained that roughly 20-25 acres of it is draining into George White Drain and the balance is draining into the Quick Drain. Mr. Gorski also explained that the part if the assessment is for the culvert and the other part for the drainage. Mr. Gorski expressed a concern that in the future his property may be assessed into both drains and he would like to be assessed properly.

9. Court of Revision Decision

Moved by Board Member Weigt-Bienzle

Seconded by Board Member Dufour

That the assessments contained in the Court of Revision schedule dated March 30, 2020 for Bayliss Drain: Bridge Replacements & Maintenance Schedule, Geographic Township of Colchester South, Project REI2016D024, Town of Essex, County of Essex, as prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc. dated March 30, 2020, be confirmed as revised.

Board Member Dufour asked about the dollar amount and if some of the assessment for the Bayliss Drain is moving to the Quick Drain.

Mr. Rood informed that the assessment to the Gorski’s parcel involves Bridge # 8, the value of benefit for the bridge is \$7,407.00 for the bridge benefit and the balance of \$8,940.00 dollars is assessed to upstream lands and roads for this access bridge. The Clerk will make amendments to prorate the assessment values for the Gorski property from 11.61 acres to 7 acres for both the Construction and Maintenance Schedule of Assessment values and the difference in assessment will be added to Fox Sideroad.

10. Adjournment

Moved by Board Member Weigt-Bienzle
Seconded by Board Member Dufour
That the meeting be adjourned at 5:05 PM. “Carried”

Chair

Recording Secretary

Date



Drainage Board
Consideration of Report
Minutes

Thursday, May 21, 2020 5:00 p.m.

Location: Zoom Video Conferencing

Crystal Beach Drain: Repair and Improvement of Covered Drains
Geographic Township of Colchester South, Town of Essex,
County of Essex, Project REI2018D012

1. Roll Call

Present: Dan Boudreau
 Kirk Carter
 Percy Dufour
 Luke Martin
 Felix Weigt-Bienzle

Regrets: None

Also Present: Robert Auger, Town Solicitor/Clerk
 Norm Nussio, Manager, Operations and Drainage
 Lindsay Dean, Drainage Superintendent
 Tanya Tuzlova, Operations/Drainage Clerk
 Gerard Rood, Professional Engineer, Rood Engineering Inc.

General Public:

Gloria and John Stewart, 161 Crystal Beach Rd.
Barbara and Willie Ross, 104 Crystal Beach Rd.
Jill Jimmerfield and Ron Kennedy, 709 County Rd 50 W.
Allison Van Geest and Eric Campbell, 120 Crystal Beach Rd.
Ian Wright, 134 Crystal Beach Rd.
Frankie Ouimette & Bart Scott, 108 Crystal Beach Rd.
Stephanie and Brian Aspinall, 112 Crystal Beach Rd.
Elizabeth and Dominic Palomba, 100 Crystal Beach Rd.
Laura & Steve Hasulo, 145 Crystal Beach Rd.

Tamara Deneau and John Kay, 155 Crystal Beach Rd.

Kenneth Chapman, 139 Crystal Beach Rd. (joined during the meeting)

Kenneth William and John O'Neil, 117 Crystal Beach Rd.

Mark Hernandez, 111 Crystal Beach Rd (joined during the meeting)

Robin and William Young, 136 Crystal Beach Rd.

The meeting was called to order by Chair at 5:16 pm.

The Clerk confirmed that all notices have been sent in accordance with The Drainage Act.

2. Declarations of Conflict of Interest

None declared.

3. Adoption of Published Agenda

i) Drainage Board Meeting Agenda

Moved by Board Member Dufour

Seconded by Board Member Weight-Bienzle

That the published agenda for the May 21, 2020 Drainage Board Meeting be adopted as presented.

4. Adoption of Minutes

i) White Drain EWSWA Disconnect Section 65 and Contract Price for Shepley Drain Defour & Quick Bridges held on May 6, 2020.

Moved by Board Member Carter

Seconded by Board Member Weight-Bienzle

That the minutes of the Drainage Board Meeting held on May 6, 2020, be adopted as circulated.

5. List of Written Appeals

The Clerk informed that no written appeals were received by the Clerk's Office.

6. Public Presentations

i) Gerard Rood, Professional Engineer

Re: Report from Rood Engineering Incorporated dated April 15th, 2020 regarding Crystal Beach Drain: Repair and Improvement of Covered Drains, Geographic Township of Colchester South, Project REI2018D012

Mr. Rood presented the summary of the report. The report is prepared in accordance with Section 78 of the Drainage Act. The report provides for the construction of replacement covered drains with a sufficient outlet for the drain

located on the east and west sides of Crystal Beach Road and will address drainage issues caused by the deteriorated outlet to Lake Erie.

Mr. Rood explained that he has reviewed the 1968 report by C.G.R. Armstrong that established the creation of the drain. The report was utilized to establish the size parameters for the drain and watershed area. Mr. Rood informed about the on-site meeting where it was discussed the what measures could be taken to eliminate flooding to houses and roads.

Mr. Rood detailed the Essex Region Conservation Authority (ERCA) and Department of Fisheries and Oceans Canada (DFO) requirements and advised how those requirements will be satisfied.

Mr. Rood explained the technical characteristics of the proposed piping system and how it will provide for more durability of the drainage system and the outlet.

Mr. Rood recommended that a new drainage system with outlets be installed for both the north and south portions of the drain on both the east and west sides of Crystal Beach Road. The pipe sizing is based on a minimum conveyance of a 1:2 year storm event using the updated storm intensity parameters. Mr. Rood further detailed the design of each part of the proposed drainage system as per report.

Mr. Rood explained how the allowances and damages were calculated. Mr. Rood also explained how the cost of \$374,000.00 was calculated. Mr. Rood explained that the construction and maintenance schedules were prepared to assess the construction and future maintenance costs against the affected lands and roads.

Mr. Rood added that he has received a correspondence from several taxpayers & ERCA:

- Mr. & Mrs. Ross asked about the size of the property and Mr. Rood has provided the response confirmed by the Drainage department. Mr. Rood added that Barbara Ross has sent several pictures showing flooded areas by her property. Mr. Rood added that the Town has frequently attended to this problem.
- Mr. & Mrs. Stewart asked about the lay out of the drain at the back of the properties and there were no further questions.
- Allison Van Geest asked about the catch basin and lake levels and Mr. Rood provided the explanations.
- Mrs. Hasulo also provided the picture of the flooding by her property. Mr. Rood added that the proposed works will take care of this problem.

- Mr. Rood informed that an e-mail from ERCA was received with questions regarding the project and Mr. Rood has provided a detailed response to ERCA and the Town. Mr. Rood informed that there may be required modifications to the report depending on ERCA's recommendations.

Board Member Weight-Bienzle asked Mr. Rood if he is confident regarding the cost of the project.

Mr. Rood advised that he did a lot of research to review the cost of material and installation. Mr. Rood said that he is confident that the cost is accurate to go to tender.

Board Member Dufour asked if the name of the drain should be first approved by Council.

The Chair advised that the name of a drain is established by the Engineer and then that name and report is adopted by the Council and stays for the drain lifetime. The Chair explained that the name has changed from Maple Avenue Drain to Crystal Beach Drain to properly identify geographic position of the drain.

Mr. Rood confirmed that when the report is adopted by by-law the name of the drain is adopted as well. Mr. Rood added that sometimes names are updated to reflect any changes happened in drain location.

Board Member Weight-Bienzle asked about a coffer dam referring to page 8 of the Specifications part of the report.

Mr. Rood replied that a temporary coffer dam is necessary to carry work out in the dry to ensure safe, secure and stable foundation.

ii) Other public presentations.

The Clerk announced delegations as per the registration list.

Gloria Stewart, 161 Crystal Beach Road, asked how the situation will be handled if the price of works will be higher.

Mr. Rood advised that the project will be tendered out and if the Town receives a tender that exceeds 133% over the estimate in the engineer's report we will hold the other meeting to discuss this price in order to retender or to make modifications to the works to reflect the owners' concerns.

Mrs. Stewart also asked how the payment will be handled.

Mr. Rood advised that during the on-site meeting it was discussed that projects like this will always have a five year debenture option available. Mr. Rood advised

that if the cost is very high, the owners may ask the Council to extend the debenture to 10 years.

Barbara and Willie Ross, 104 Crystal Beach Road, asked if taxpayers will have to pay more for this project later.

Mr. Rood advised that drainage is a user pay system and if any maintenance works are required or in case of damages, the cost of works will be assessed to the affected owners.

Mr. Ross also asked how long it will take to complete the project.

Mr. Rood informed that after the tender is done he anticipates that construction works may take about four weeks.

Mr. Ross asked that if there is a revision of the proposed report and it is reconsidered if that will take more time to process.

Mr. Rood replied that if ERCA requests significant changes the Council may instruct the engineer to reconsider the report and the process will start over. In case ERCA instructs to introduce minor changes then the special provisions will be incorporated into tender documentation and the report will continue as per the Drainage Act process.

Mrs. Ross asked when the works will start.

Mr. Rood advised that a Court of Revision may be scheduled in July and after the appeal period the project can go to tender. Mr. Rood added that he expects construction to start in late September to October.

Jill Jimmerfield and Ron Kennedy, 709 County Road 50 West, informed that there is a tree that is located in the area of the drainage works and if it's removed that will be added cost.

Mr. Rood advised that the report provides for the cost estimates for removal of brush and any trees that are on the road in allowance. Mr. Rood added that trees that are on the road allowance are not compensated for. Mr. Rood added that he will make a note for the contractor to protect that tree and work around it if possible.

Allison Van Geest and Eric Campbell, 120 Crystal Beach Road did not provide any response.

Ian Wright, 134 Crystal Beach Road, said that he has a question about the special assessment and he will ask this question at the Court of Revision meeting.

Frankie Ouimette & Bart Scott, 108 Crystal Beach Road, asked if there are fish timelines when the works should not be done on the drain.

Mr. Rood replied that this drain is type F drain that allows for works during any time. There is a period from March 15 to June 30th where there is a fish window, but Mr. Rood advised that he hopes that works will be completed in fall so there should be no concerns with DFO requirements.

Mr. Scott asked if a stronger pipe material such as AML steel would last longer.

Mr. Rood replied that AML steel is more costly and more corrosive. Mr. Rood added that the proposed aluminized steel provides longer duration and is easier to install and maintain.

Stephanie and Brian Aspinall, 112 Crystal Beach Road, said they have no questions.

Elizabeth and Dominic Palomba, 100 Crystal Beach Road, had no questions.

Laura & Steve Hasulo, 145 Crystal Beach Road, informed that there is no drainage on her property and her property is flooded every time it rains or snows. Mrs. Hasulo said that as per the blueprints there is a catch basin 25 feet north of her driveway and asked if there will be a catch basin on her driveway.

Mr. Rood replied that Mrs. Hasulo's property is permitted to connect to the drainage works and that it was discussed that some properties may not have a connection and that it will be possible for her to connect and to provide her own catch basin.

Mrs. Hasulo commented that her cost is about seven thousand dollars and asked at which point she will know that she will get a catch basin.

Mr. Rood replied that it will be monitored along each property if there is an existing connection or not and if there is no established connection, the properties will be provided a lateral stub connection for owners to physically connect to the drain when they are ready. Mr. Rood added that sometimes the property owners can arrange the connection with a contractor.

Mrs. Hasulo asked if the cost to connect will be in addition to the \$7,238.00 she is expected to pay.

Mr. Rood replied that the cost to connect and the cost of the catch basin will be extra for the property owner since it is the property owner's choice to make that connection.

Tamara Deneau and John Kay, 155 Crystal Beach Road, asked Mr. Boudreau why the pipe at the end of the road couldn't have been fixed two years ago and that would have solved the problem instead of paying a large cost now to fix the drain.

The Chair replied that the condition of the pipe was in a state of disrepair and undersized, therefore, he had to proceed with a new report.

John Kay commented that he does not agree.

Norm Nussio, Manager of Operations and Drainage, commented that the Town is going to the area almost weekly, and flooding in the area is an ongoing issue and the Town addresses it upon request. Mr. Nussio added that the pipe was completely buried and it is not simple to install a replacement pipe. Mr. Nussio added that the report provides for a coffer dam to properly install the pipe and this will hopefully alleviate the problem. Mr. Nussio added that the works to clear the plugged outlet pipe were undertaken at no cost to the residents.

John Kay commented that he has received a bill a year ago.

Norm Nussio, Manager of Operations and Drainage, replied that cost was for pipe flushing, but this year's repair costs were not assessed back to the owners.

John Kay questioned why the owners were not given an opportunity to install a pipe which could cost about one thousand dollars.

Norm Nussio, Manager of Operations and Drainage, replied that the replacement of the pipe may not solve the problem and the Municipality has an obligation to ensure that the upstream owners are not affected by the maintenance works. Mr. Nussio added that the problem is not just in the outlet, but the whole system should be maintained. He reiterated that replacing just the outlet pipe would not solve the problem since the issue is more than the outlet and the whole system is in failure.

The Chair commented that there is a liability issue with private owners who may cause damage to the upstream lands that is why a municipality has to do drainage works under the report. The Chair added that the municipality has to go through the Drainage Act, permit procedures, and regulatory government agencies to do the works.

John Kay asked why the Town cannot replace 60-100 feet of the pipe.

The Chair replied that the responsibility of the municipality is going beyond the extent of the existing report. The Chair added that the system is old clay tile and needs to be replaced.

John Kay commented that he does not have drainage problems.

The Chair replied that it is because the low laying lands take the water.

Kenneth Chapman, 139 Crystal Beach Road, said that he is charged the most for no benefit to him and asked what benefit he is getting.

Mr. Rood read the definition of "benefit" as per Drainage Act.

Kenneth Chapman commented that his drainage is very good and asked why he needs to pay \$11,504 when only the outlet pipe could have been replaced.

The Chair answered that the drain is not repairable and it becomes not cost effective to continue fixing it.

Kenneth Chapman reiterated that he does not understand why he has to pay the highest amount of over eleven thousand dollars.

The Chair informed that at the Court of Revision the monetary issues will be discussed.

Kenneth Chapman asked to put on record that he is 100% opposed to the project.

Kenneth William and John O'Neil, 117 Crystal Beach Road, explained that for him the drain works well, and he has no issues and proposed to dig out the pipe and see where it goes before we dig out a whole street.

Mr. Rood said the drain requires replacement at this time and that the pipe should be larger than it was in the past and we need to ensure that everybody is properly serviced with an adequate outlet. Mr. Rood also added that storm intensity has increased and that the owners are responsible to drain the water to a sufficient outlet and therefore are assessed outlet liability and benefit and that relieves them from the liability if the water causes damages to the neighbouring properties.

Kenneth William replied that he still does not understand why there is a need to replace the whole drain when only 100 feet of the outlet pipe could be replaced.

Mr. Rood replied that the pipes are undersized and not up to the current standards and therefore should be replaced to meet the requirements at this time. Also the drainage system should meet the requirements of DFO and ERCA.

Kenneth William commented that residents are already paying taxes and there are many retirees on the street and people who lost jobs to COVID-19 and asked why the cost is put back on the residents.

The Chair replied that the municipal drainage system in the rural areas is a user pay system while in the towns like Essex and Harrow residents are paying a levy on their taxes to compensate for the use of storm sewers/municipal drains.

Kenneth William commented that the new drain will not improve the drainage due to high levels at the lake and noted that wind brings the water and it gets into the catch basins and onto the road.

The Chair replied that that new project will improve the drainage system.

Mr. Nussio, Manager of Operations and Drainage, added that the pipe was non-existent during the last year and he had to flush the pipe. Mr. Nussio added that if the new system is not completed, the taxpayers will have to pay for repairs and noted that there is a major benefit to install a new system then to make constant repairs for 40-50 years.

Kenneth William commented that 20 years ago an extension was put on the pipe and it lasted 20 years.

Mr. Nussio, Manager of Operations and Drainage, commented that the lake levels are higher now and this will not work.

Robin and William Young, 136 Crystal Beach Road, said they have no questions.

The Chair asked if anybody from public has any questions.

William Young commented that the cost of the proposed works is very high and he has proposed to implement only replacement up to the first catch basin at this time.

Mr. Rood advised that the Drainage Act does not have defined timelines and there is a possibility to phase works and to do the most important works first.

Lindsay Dean, the Drainage Superintendent, commented that the project can proceed with completing just that portion of the drainage works, but at some point the remaining failing infrastructure will have to be dealt with. It can be decided whether to proceed with the part of works or carry out the project as a whole.

William Young commented that he agrees that the pipe is corroded, but if the first catch basin is cleaned it may relieve the high water.

Lindsay Dean, Drainage Superintendent, advised that the Drainage Board can discuss and redefine the scope of the works to just deal with the outlet issues.

Mr. Rood advised that if the project will be done in multiple stages then most probably the project cost will increase due to the added cost to mobilize the equipment. Mr. Rood added that future works may be more expensive because of the cost of fuel, material and labor looks to be on the rise and the project may be more expensive if we do not proceed at the earliest opportunity.

The Chair advised that he believes that this is not up to the Drainage Board to redefine the scope of the project since the community of drain users have to make this decision and if the scope is redefined, then the new report should be prepared.

Lindsay Dean, Drainage Superintendent, agreed and noted that if residents would like to redefine the scope of the project, it could be addressed but that decision should be voiced by the landowners.

Norm Nussio, the Manager of Operations and Drainage, added that taking into consideration that the works will be done in the fall, and that the Town usually bills about six months later, the residents will not see a bill for this drain until the early spring of 2021. Mr. Nussio also reminded that the debenture options are

available. Mr. Nussio asked residents to take into consideration that there was a recent increase in prices for fuel, stone, and pipes. Mr. Nussio added that during the last five years there was a constant increase in prices.

Mr. Hernandez, 111 Crystal Beach Road, informed that Carol's (MacPerson) catch basin is right in front of her property and it could be a starting point of the repairs.

Board Member Dufour asked if there is a possibility to find out before the Court of Revision if a 10 year debenture will be available and the second question is if people with assessment issues be contacted before the Court of Revision.

Mr. Rood advised taxpayers to contact him or Drainage Department in case any concerns exist, so he addresses them before the Court of Revision.

Norm Nussio, the Manager of Operations and Drainage, advised that the debenture option is not available for maintenance. Mr. Nussio added that he believes that for construction projects the threshold are 5 years debenture for over \$5,000.00 and 10 years debenture for over \$10,000.00. Mr. Nussio added that there may be a relief of those thresholds for taxpayers at this time through Council or the Finance Committee.

Board Member Dufour asked if the debenture question may be answered by Finance before the Court of Revision.

Norm Nussio, Manager of Operations and Drainage, confirmed that he will inquire.

Mr. O'Neil, 117 Crystal Beach Road, asked if residents need to vote on this project since the majority of people do not have issues, or do not want to pay for this project or cannot afford the costs for this project.

Mr. Rood advised that he was appointed by Council to prepare the drainage report and his investigations have revealed that the drain is in poor condition and the Town becomes liable if we do not proceed. Mr. Rood added that at this point the owners should approach Council and convince them that the landowners want to take the liability risks and responsibilities for any damages which may occur if they do not proceed with this drainage report.

Norm Nussio, Manager of Operations and Drainage, commented that some owners who are assessed into the drain cannot access it and it is difficult to differentiate who wants and who does not want this project and there will be some people in between who are still requiring drainage.

Barbara Ross, 104 Crystal Beach Road, said that hers and Carol's property are the most affected by flooding, and that they are retirees, and this will be a financial strain for them. She mentioned that they have spent about ten thousand dollars doing repairs and they had to repair fences and backyards. Mr. Ross asked that if

the decision to partially complete the job was made and it does not work, how long would it take to fix the system. Mrs. Ross added that it costing her more not do this project and that she understands that some people may not have a problem because they are on a higher grade and their water comes down to her property. She concluded that there is a responsibility for all people to look after the drainage.

The Chair informed that there are avenues in the Drainage Act process for appeals and advised residents to contact the Drainage Department to assist with an appeal. The Chair added the monetary issues could be appealed at the Court of Revision.

Moved by Board Member Carter
Seconded by Board Member Dufour
That the presentation by Gerard Rood be received and that the Report for the **Crystal Beach Drain: Repair and Improvement of Covered Drains, Geographic Township of Colchester South, Town of Essex, County of Essex, Project REI2018D012** as prepared by Gerard Rood, Professional Engineer dated April 15th, 2020 be received and recommended for adoption, and that it be recommended that a provisional by-law be prepared for Council’s consideration and that the Report proceed to a Court of Revision to be scheduled.

7. Adjournment

Moved by Board Member Carter
Seconded by Board Member Weigt-Bienzle
That the meeting be adjourned at 6:38 pm. “Carried”

Chair

Recording Secretary

Date

The Corporation of the Town of Essex
Minutes of Regular Committee of Adjustment Meeting
Tuesday February 25th, 2020

A regular meeting of the Town of Essex Committee of Adjustment was held on Tuesday, February 25th, 2020 at 4:00 PM in the Community Room at the Harrow Community Centre, 243 McAfee Street, Harrow ON

1. Roll Call:

Members Present	Percy Dufour, Chair Brian Gray, Vice Chair Phil Pocock Ray Beneteau
Also Present	Rita Jabbour, Secretary Treasurer/Manager, Planning Services Corinne Chiasson, Assistant Planner Sarah Aubin, Planning Assistant
Regrets:	Dan Boudreau

2. Declaration of Conflict of Interest

None

3. Adoption of Published Agenda

3.1 That the published agenda for the February 25th, 2020 meeting of the Committee of Adjustment be adopted as circulated.

Moved by: Ray Beneteau

Seconded by: Brian Gray

(COA-2020-02-19) That the published agenda for February 25th, 2020 meeting of the Committee of Adjustment be adopted as circulated.

"Carried"

4. Adoption of Minutes

4.1 That the minutes of the January 21st, 2020 Committee of Adjustment meeting be adopted with amendments.

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(COA-2020-02-20) That the Regular Minutes from the Committee of Adjustment Meeting of January 21st, 2020 be adopted with the amendment to page 45 with regards to Brian Gray being added as a seconder to resolution CAO-2020-01-10.

"Carried"

5. Reports / Applications

5.1 Rita Jabbour, Planner RE:

Application B-07-20 J. Brush Farms LTD (Agent: Peggy Golden), 3259 County Road 11 (Colchester South, Ward 3)

A consent application has been received by the Town of Essex Committee of Adjustment for the vacant lands located at 3259 County Road 11 in the former township of Colchester South. The applicant is proposing to sever a ± 0.76 acre parcel from the existing ± 1.87 acre lot. The applicant is proposing this consent for the purpose of a lot addition. The severed parcel is proposed to be merged with the agricultural lands located directly to the West and identified as 3235 County Road 11. The retained parcel is proposed to have an area of ± 1.09 acres

Note: An application for consent has also been received for the subject lands (File Number: A-07-20). The public notice for the minor variance application has been included with this notice.

5.1.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: "Rural Residential"

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the vacant lands located at 3259 County Road 11 in the former township of Colchester South. The subject property is designated "Rural Residential" under the Town of Essex Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a ± 0.76 acre parcel from the existing ± 1.87 acre lot. The applicants are proposing this consent for the purpose of a lot addition. The severed parcel is proposed to be merged with the agricultural lands located directly to the West and identified municipally as 3235 County Road 11. The severed parcel is vacant and is actively farmed by the operators of the farm to the West. No new buildings are proposed to be constructed on the severed parcel. It will continue to be used for agricultural purposes.

Access to the retained parcel will continue to be by way of County Road 11. The proposed severance will have no adverse impact on access to the retained lot. The retained lot will continue to be held for the construction of a future single detached residential dwelling. The retained parcel is proposed to have an area of ± 1.09 acres (+47,480 square feet).

Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

- a) the proposal's consistency with Provincial legislation, policies and guidelines;
- b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment, and the consent is granted in accordance with section 50(3) of the Planning Act.

The applicant has submitted for a variance to accommodate the reduction in lot area for the retained parcel (see below). Comments were received from the Essex Region Conservation Authority (ERCA). They have no objections to the consent or accompanying application for minor variance. No additional comments were received from other public authorities or agencies as of Friday February 21, 2020.

- c) The continuation of an orderly development pattern:
The lot addition will not result in the creation of an irregular parcel. The lot addition will actually result in straighter dimensions for the retained lot.
- d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:
Water supply, sanitary sewage treatment and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.

Requirement for Minor Variance

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced from +1.87 acres, the existing lot size, to +1.09 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- a) The general intent of this Plan and the Zoning Bylaw are maintained:
The main use of the retained farm parcel will remain agricultural.
- b) The variance(s) is minor and desirable for the appropriate use of the land:
The variance will not have any adverse impact on adjoining land uses.
- c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:

Agricultural lot sizes vary greatly in the agricultural district. The variance will not result in any adverse impact on traffic or parking patterns.

d) The variance deals with circumstances particular to the site and development:

The variance is necessary to accommodate an application for consent to facilitate a lot addition.

Public Comment

As a result of the giving of public notice, no written correspondences have been received from members of the public as of Friday February 21, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands located at 3235 County Road 11. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before February 25, 2021.

Additional comments resulting from circulation:

Mike Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Mulder Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

ERCA has no regulatory concerns associated with this application for consent or minor variance.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the

PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

ERCA has no objection to this application for consent or application for minor variance.

Discussion:

Rita Jabbour, Secretary-Treasurer/Manager of Planning Services, explains the nature of the application.

Peggy Golden, the applicant's agent, introduces Chris Brush, resident of 3235 County Rd 11. Brian Gray questions the rural residential designation in the official plan and if it was previously designated as such under the Official Plan for Colchester South.

Rita advises that some designations were carried forward from the Colchester Official Plan into the Town of Essex Official Plan.

Brian questions if the property would be buildable even with the zoning of Agricultural.

Rita advises that the parcel will be buildable given the Official Plan Designation.

Ray asks if access to the severed parcel will be from the 4th concession.

Rita advises that the roads department will have to review and advise of the appropriate access location.

Percy asks if a subdivision agreement will be required in the future and what the limit is for the committee on granting severances before the applicant must be required to go before Council.

Rita advises that the application before them deals with a lot addition, not a lot creation. She states that a subdivision agreement is not required at this time, and that the Committee can consider any application that comes forward.

She continues to advise that if services are available and can support development then an application would come to the Committee of Adjustment for approval.

Moved by: Phil Pocock

Seconded by: Brian Gray

(CAO-2020-02-21) That application B-07-20 be granted to sever a +0.76 acre parcel from the existing +1.87 acre agricultural lot and be merged with 3235 County Rd 11 subject to the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands located at 3235 County Road 11. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant

shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.

f) That all of the above conditions be fulfilled on or before February 25, 2021.

"Carried"

Reasons: The Application is in keeping with subsection 6.4 of the Town of Essex Official Plan respecting consents.

5.2 Rita Jabbour, Planner RE:

Application A-07-20 J. Brush Farms LTD (Agent: Peggy Golden), 3259 County Road 11 (Colchester South, Ward 3)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 3259 County Road 11 in the former township of Colchester South. As a result of a proposed severance for lot addition, the lot area for the retained parcel will be reduced from ± 1.87 acres to ± 1.09 acres. The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

Note: An application for consent has also been received for the subject lands (File Number: B-07-20). The public notice for the consent application has been included with this notice.

5.2.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: "Rural Residential"

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the vacant lands located at 3259 County Road 11 in the former township of Colchester South. The subject property is designated "Rural Residential" under the Town of Essex Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a ± 0.76 acre parcel from the existing ± 1.87 acre lot. The applicants are proposing this consent for the purpose of a lot addition. The severed parcel is proposed to be merged with the agricultural lands located directly to the West and identified municipally as 3235 County Road 11. The severed parcel is vacant and is actively farmed by the operators of the farm to the West. No new buildings are proposed to be constructed on the severed parcel. It will continue to be used for agricultural purposes.

Access to the retained parcel will continue to be by way of County Road 11. The proposed severance will have no adverse impact on access to the retained lot. The retained lot will continue to be held for the construction of a future single detached residential dwelling. The retained parcel is proposed to have an area of ± 1.09 acres (+47,480 square feet).

Proposal Conformity with Town of Essex Official Plan Policies

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should have regard to:

- e) the proposal's consistency with Provincial legislation, policies and guidelines;
- f) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

Section 6.4 of the Town of Essex Official Plan states that consents should only be granted for lot adjustments or minor boundary changes provided both parcels comply with the provisions of the implementing zoning bylaw or such variances granted through the Committee of Adjustment, and the consent is granted in accordance with section 50(3) of the Planning Act.

The applicant has submitted for a variance to accommodate the reduction in lot area for the retained parcel (see below). Comments were received from the Essex Region Conservation Authority (ERCA). They have no objections to the consent or accompanying application for minor variance. No additional comments were received from other public authorities or agencies as of Friday February 21, 2020.

- g) The continuation of an orderly development pattern:

The lot addition will not result in the creation of an irregular parcel. The lot addition will actually result in straighter dimensions for the retained lot.

- h) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:

Water supply, sanitary sewage treatment and stormwater management is not required as the proposal will not result in the creation of a new vacant buildable lot.

Requirement for Minor Variance

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or the existing lot size. As a result of the proposed severance, the lot area for the retained farm parcel will be reduced from +1.87 acres, the existing lot size, to +1.09 acres. As such, a variance to accommodate a reduction in lot area for the retained farm parcel is required.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- e) The general intent of this Plan and the Zoning Bylaw are maintained:
The main use of the retained farm parcel will remain agricultural.
- f) The variance(s) is minor and desirable for the appropriate use of the land:
The variance will not have any adverse impact on adjoining land uses.
- g) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:

Agricultural lot sizes vary greatly in the agricultural district. The variance will not result in any adverse impact on traffic or parking patterns.

h) The variance deals with circumstances particular to the site and development:

The variance is necessary to accommodate an application for consent to facilitate a lot addition.

Public Comment

As a result of the giving of public notice, no written correspondences have been received from members of the public as of Friday February 21, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That the severed parcel be consolidated with the lands located at 3235 County Road 11. In accordance with Subsection 3 of Section 50 of the Planning Act, the applicant shall submit to the Secretary-Treasurer satisfactory evidence that the transferee of the severed portion of the property and the owner of the abutting property are identical, together with an undertaking from the applicant's solicitor to consolidate the severed portion and the abutting into one parcel. Within thirty days of the issuance of the certificate of consent to sever, the applicant shall provide evidence to the Secretary-Treasurer that an application to consolidate parcels has been filed with the Land Registry Office.
- f) That all of the above conditions be fulfilled on or before February 25, 2021.

Additional comments resulting from circulation:

Mike Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Mulder Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

ERCA has no regulatory concerns associated with this application for consent or minor variance.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the

PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

ERCA has no objection to this application for consent or application for minor variance.

Discussion:

Rita Jabbour, Secretary-Treasurer/Manager of Planning Services, explains the nature of the application.

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(CAO-2020-02-22) That application A-07-20 be granted to accommodate a lot area of ± 1.09 acres for the retained farm lot.

"Carried"

Reasons:

The Application is in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

5.3 Rita Jabbour, Planner RE:

Application B-08-20 J. Brush Farms LTD (Agent: Peggy Golden), 3235 County Road 11 (Colchester South, Ward 3)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 3235 County Road 11 in the former township of Colchester South. The applicants are proposing to sever a ± 1.23 acre parcel from the existing ± 19 acre agricultural lot. The retained parcel is proposed to have an area of ± 17.9 acres. The applicants are proposing this consent for the purpose of creating a new lot. The severed lot will be occupied by an existing dwelling, accessory building and accompanying infrastructure.

Note: An application for minor variance has also been received for the subject lands (File Number: A-08-20). The public notice for the minor variance application has been included with this notice.

5.3.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: "Agricultural" and "Rural Residential"

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the agricultural lands located at 3235 County Road 11 in the former township of Colchester South. The subject property is designated "Agricultural" and "Rural Residential" under the Town of Essex Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a $+1.23$ parcel from the existing $+19$ acre agricultural lot. The severed parcel will be occupied by an existing single detached dwelling, one (1) accessory building and accompanying infrastructure (i.e. water service connection, septic

system and access area). The retained parcel is proposed to have an area of +17.9 acres and will continue to be used for agricultural purposes.

Access to the severed parcel will be by way of County Road 11 via an existing access area.

Access to the retained parcel will continue to be way of 4th Concession Road via a separate existing access area.

Proposal Conformity with Town of Essex Official Plan Policies

The applicants are proposing this consent for the purpose of creating a new lot. The portion of the property to be severed is designated "Rural Residential" on Schedule A-3 of the Town of Essex Official Plan. In accordance with Town of Essex Official Plan policies, the "Rural Residential" land use designation recognized pockets of existing, zoned residential development situated throughout the agricultural area generally without an agricultural component. New development parcels within the "Rural Residential" designation must conform to the land division policies contained within Section 6 of the Official plan.

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

- a) the proposal's consistency with Provincial legislation, policies and guidelines:
- b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or accompanying application for minor variance. No further comments were received from other public authorities or agencies as of Friday February 21, 2020.

- c) The continuation of an orderly development pattern:

The proposed lot is not of a shape that would hinder adjoining land uses.

- d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:

The proposed lot has access to municipal water and is serviced by the Mulder Drain. The applicants will be required to obtain satisfactory confirmation that the existing septic system(s) meets Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate.

Requirement for Minor Variance

As a result of the proposed severance, the lot area for the severed and retained lots will decrease in size from +19 acres, the existing lot area, to +1.23 acres and 17.9 acres, respectively. The lot width of the severed parcel will also be reduced to +160 feet. The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares

(100 acres) or as existing. The minimum lot width required for lots zoned A1.1 under Bylaw 1037 is 60 metres (200 feet).

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- a) The general intent of this Plan and the Zoning Bylaw are maintained:
Consent for new development parcels are permitted for lands designated "Rural Residential" under the Town of Essex Official Plan;
- b) The variance(s) is minor and desirable for the appropriate use of the land:
Lot areas in the agricultural district vary greatly. Additionally, no agricultural land will be taken out of production;
- c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:
The dwelling and accompanying infrastructure are existing. Thus, no new entrances or buildings that would impact traffic patterns or neighbouring lots are proposed to be constructed;
- d) The variance deals with circumstances particular to the site and development:
The variance is necessary in order to accommodate a consent application.

Public Comment

As a result of the giving of public notice, no phone calls or written correspondence objecting to the severance have been received from members of the public as of Friday February 21, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
 - a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
 - b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
 - c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
 - d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

- e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
 - f) That all of the above conditions be fulfilled on or before February 25, 2021.
2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot width for the severed parcel and minimum lot area for the severed and retained parcel.

Additional comments resulting from circulation:

Mike Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA),
wrote

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Mulder Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

ERCA has no concerns associated with these applications from a regulatory perspective.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the

PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our

review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

ERCA has no objection to the application for consent or the application for minor variance.

Discussion:

Rita Jabbour, Secretary-Treasurer/Manager of Planning Services, explains the nature of the application.

Brian Gray leaves the bench and attends a phone call at 4:31 p.m.

Percy asks what the lot line separation is for the subject property and the property to the south.

Chris Brush, 3235 County Rd 11, advises that the distance is 20 – 25 feet.

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(CAO-2020-02-23) That application B-08-20 be granted to sever a +1.23 acre parcel from the existing +19 acre agricultural lot. The severed parcel will be occupied by an existing dwelling, accessory building and accompanying infrastructure subject to the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before February 25, 2021.

“Carried”

Reason: The Application is in keeping with subsection 1.1.5 of the Provincial Policy Statement (PPS) respecting development on rural lands in municipalities and subsections 5.11 and 6.4 of the Town of Essex Official Plan respecting development on lands designated “Rural Residential”, and consents.

Brian Gray returns to the bench at 4:35 p.m.

5.4 Rita Jabbour, Planner RE:

Application A-08-20 J. Brush Farms LTD (Agent: Peggy Golden), 3235 County Road 11 (Colchester South, Ward 3)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 3235 County Road 11 in the former township of Colchester South. As a result of a proposed severance, the lot width of the severed lot will be reduced to +160 feet. The lot area for the severed and retained parcel will be reduced from ± 19 acres to ± 1.23 acres and 17.9 acres, respectively. The minimum lot width for lots within Agricultural District 1.1 (A1.1) is 60 metres (200 feet). The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

Note: An application for consent has also been received for the subject lands (File Number: B-08-20). The public notice for the consent application has been included with this notice.

5.4.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: "Agricultural" and "Rural Residential"

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the agricultural lands located at 3235 County Road 11 in the former township of Colchester South. The subject property is designated "Agricultural" and "Rural Residential" under the Town of Essex Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a +1.23 parcel from the existing +19 acre agricultural lot. The severed parcel will be occupied by an existing single detached dwelling, one (1) accessory building and accompanying infrastructure (i.e. water service connection, septic system and access area). The retained parcel is proposed to have an area of +17.9 acres and will continue to be used for agricultural purposes.

Access to the severed parcel will be by way of County Road 11 via an existing access area. Access to the retained parcel will continue to be way of 4th Concession Road via a separate existing access area.

Proposal Conformity with Town of Essex Official Plan Policies

The applicants are proposing this consent for the purpose of creating a new lot. The portion of the property to be severed is designated "Rural Residential" on Schedule A-3 of the Town of Essex Official Plan. In accordance with Town of Essex Official Plan policies, the "Rural Residential" land use designation recognized pockets of existing, zoned residential

development situated throughout the agricultural area generally without an agricultural component. New development parcels within the "Rural Residential" designation must conform to the land division policies contained within Section 6 of the Official plan.

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

- e) the proposal's consistency with Provincial legislation, policies and guidelines:
- f) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:
Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or accompanying application for minor variance. No further comments were received from other public authorities or agencies as of Friday February 21, 2020.
- g) The continuation of an orderly development pattern:
The proposed lot is not of a shape that would hinder adjoining land uses.
- h) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:
The proposed lot has access to municipal water and is serviced by the Mulder Drain. The applicants will be required to obtain satisfactory confirmation that the existing septic system(s) meets Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate.

Requirement for Minor Variance

As a result of the proposed severance, the lot area for the severed and retained lots will decrease in size from +19 acres, the existing lot area, to +1.23 acres and 17.9 acres, respectively. The lot width of the severed parcel will also be reduced to +160 feet. The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or as existing. The minimum lot width required for lots zoned A1.1 under Bylaw 1037 is 60 metres (200 feet).

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- e) The general intent of this Plan and the Zoning Bylaw are maintained:
Consent for new development parcels are permitted for lands designated "Rural Residential" under the Town of Essex Official Plan;
- f) The variance(s) is minor and desirable for the appropriate use of the land:
Lot areas in the agricultural district vary greatly. Additionally, no agricultural land will be taken out of production;
- g) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:

The dwelling and accompanying infrastructure are existing. Thus, no new entrances or buildings that would impact traffic patterns or neighbouring lots are proposed to be constructed;

h) The variance deals with circumstances particular to the site and development:

The variance is necessary in order to accommodate a consent application.

Public Comment

As a result of the giving of public notice, no phone calls or written correspondence objecting to the severance have been received from members of the public as of Friday February 21, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before February 25, 2021.

2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot width for the severed parcel and minimum lot area for the severed and retained parcel.

Additional comments resulting from circulation:

Mike Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Mulder Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

ERCA has no concerns associated with these applications from a regulatory perspective.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the

PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

ERCA has no objection to the application for consent or the application for minor variance.

Discussion:

Rita Jabbour, Secretary-Treasurer/Manager of Planning Services, explains the nature of the application.

Moved by: Phil Pocock

Seconded by: Brian Gray

(CAO-2020-02-24) That application A-08-20 be granted to accommodate a lot area of ± 1.23 acres and ± 17.9 acres for the severed lot and retained farm lot, respectively, and to accommodate a lot width of ± 160 feet for the severed lot.

"Carried"

Reasons: The Application is in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

5.5 Rita Jabbour, Planner RE:

Application B-09-20 J. Brush Farms Limited (Agent: Peggy Golden) 3235 County Road 11 (Colchester South, Ward 3)

A consent application has been received by the Town of Essex Committee of Adjustment for the lands located at 3235 County Road 11 in the former township of Colchester South. The applicants are proposing to sever a ± 1.5 acre parcel from the existing ± 19 acre agricultural lot. The retained parcel is proposed to have an area of ± 16.5 acres. The applicants are proposing this consent for the purposes of creating a new lot. The severed lot will be occupied by an existing dwelling, accessory building and accompanying infrastructure.

Note: An application for minor variance has also been received for the subject lands (File Number: A-09-20). The public notice for the minor variance application has been included with this notice.

5.5.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: "Agricultural" and "Rural Residential"

Zoning: Agricultural District 1.1 (A1.1) – General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the lands located at 3235 County Road 11 in the former township of Colchester South. The subject property is designated "Agricultural" and "Rural Residential" under the Town's Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a ± 1.5 acre parcel from the existing ± 19 acre agricultural lot. The severed parcel will be occupied by an existing single detached dwelling, one (1) outbuilding and accompanying infrastructure (i.e. water service connection, septic

system and access area). The retained parcel is proposed to have an area of +16.5 acres and will continue to be used for agricultural purposes.

Access to the severed parcel will remain by way of County Road 11 via the existing access area. Access to the retained parcel will be by way of the 4th Concession Road via an existing access bridge.

Proposal Conformity with Town of Essex Official Plan Policies

The applicants are proposing this consent for the purpose of creating a new lot. The portion of the property to be severed is designated "Rural Residential" on Schedule A-3 of the Town of Essex Official Plan. In accordance with Town of Essex Official Plan policies, the "Rural Residential" land use designation recognized pockets of existing, zoned residential development situated throughout the agricultural area generally without an agricultural component. New development parcels within the "Rural Residential" designation must conform to the land division policies contained within Section 6 of the Official plan.

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

- i) the proposal's consistency with Provincial legislation, policies and guidelines:
- j) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or accompanying application for minor variance. No further comments were received from other public authorities or agencies as of Friday February 21, 2020.

- k) The continuation of an orderly development pattern:

The proposed lot is not of a shape that would hinder adjoining land uses.

- l) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:

The proposed lot has access to municipal water and is serviced by the Mulder Drain. The applicants will be required to obtain satisfactory confirmation that the existing septic system(s) meets Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate.

Requirement for Minor Variance

As a result of the proposed severance, the minimum lot area for the severed and retained parcel will be reduced from +19 acres to +1.5 acres, respectively. The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- m) The general intent of this Plan and the Zoning Bylaw are maintained:
Consent for new development parcels are permitted for lands designated "Rural Residential" under the Town of Essex Official Plan;
- n) The variance(s) is minor and desirable for the appropriate use of the land:
Lot areas in the agricultural district vary greatly. Additionally, no agricultural land will be taken out of production;
- o) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:
The dwelling and accompanying infrastructure are existing. Thus, no new entrances or buildings that would impact traffic patterns or neighbouring lots are proposed to be constructed;
- p) The variance deals with circumstances particular to the site and development:
The variance is necessary in order to accommodate a consent application.

Public Comment

As a result of the giving of public notice, no phone calls or written correspondence objecting to the severance have been received from members of the public as of Friday February 21, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:
 - a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
 - b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
 - c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
 - d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
 - e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
 - f) That all of the above conditions be fulfilled on or before February 25, 2021.

2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the severed and retained parcel.

Additional comments resulting from circulation:

Mike Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards as outlined by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Mulder Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

ERCA has no concerns with either of the applications from a regulatory perspective.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the

PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

ERCA has no objection to either of the applications.

Discussion:

Rita Jabbour, Secretary-Treasurer/Manager of Planning Services, explains the nature of the application.

Moved by: Phil Pocock

Seconded by: Brian Gray

(CAO-2020-02-25) That application B-09-20 be granted to sever a ± 1.5 acre parcel from the existing +19 acre agricultural lot. The severed parcel will be occupied by an existing dwelling, accessory building and accompanying infrastructure. Subject to the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before February 25, 2021.

"Carried"

Reasons: The Application is in keeping with subsection 1.1.5 of the Provincial Policy Statement (PPS) respecting development on rural lands in municipalities and subsections 5.11 and 6.4 of the Town of Essex Official Plan respecting development on lands designated "Rural Residential", and consents.

5.6 Rita Jabbour, Planner RE:

Application A-09-20 J. Brush Farms LTD (Agent: Peggy Golden), 3235 County Road 11 (Colchester South, Ward 3)

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands located at 3235 County Road 11 in the former township of Colchester South. The lot area for the severed and retained parcel will be reduced from ± 19 acres to ± 1.5 acres. The minimum

lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

Note: An application for consent has also been received for the subject lands (File Number: B-09-20). The public notice for the consent application has been included with this notice.

5.6.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: "Agricultural" and "Rural Residential"

Zoning: Agricultural District 1.1 (A1.1) – General agriculture and farm production support activities

An application for consent and minor variance has been submitted for the lands located at 3235 County Road 11 in the former township of Colchester South. The subject property is designated "Agricultural" and "Rural Residential" under the Town's Official Plan and zoned Agricultural District 1.1 (A1.1) for general agriculture and farm production support activities under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a +1.5 acre parcel from the existing +19 acre agricultural lot. The severed parcel will be occupied by an existing single detached dwelling, one (1) outbuilding and accompanying infrastructure (i.e. water service connection, septic system and access area). The retained parcel is proposed to have an area of +16.5 acres and will continue to be used for agricultural purposes.

Access to the severed parcel will remain by way of County Road 11 via the existing access area. Access to the retained parcel will be by way of the 4th Concession Road via an existing access bridge.

Proposal Conformity with Town of Essex Official Plan Policies

The applicants are proposing this consent for the purpose of creating a new lot. The portion of the property to be severed is designated "Rural Residential" on Schedule A-3 of the Town of Essex Official Plan. In accordance with Town of Essex Official Plan policies, the "Rural Residential" land use designation recognized pockets of existing, zoned residential development situated throughout the agricultural area generally without an agricultural component. New development parcels within the "Rural Residential" designation must conform to the land division policies contained within Section 6 of the Official plan.

In accordance with section 6.4 of the Town of Essex Official Plan, in considering an application for consent, the Committee of Adjustment should also have regard to:

- a) the proposal's consistency with Provincial legislation, policies and guidelines:
- b) The requirements and policies of the Official Plan for the Town of Essex and the comments of other public authorities and agencies:

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections to the application for consent or accompanying application for

minor variance. No further comments were received from other public authorities or agencies as of Friday February 21, 2020.

c) The continuation of an orderly development pattern:

The proposed lot is not of a shape that would hinder adjoining land uses.

d) The adequate provision of potable water supply, sanitary sewage treatment and disposal and stormwater management in accordance with the Official Plan and to the satisfaction of the Town and the statutory approval authority having jurisdiction:

The proposed lot has access to municipal water and is serviced by the Mulder Drain.

The applicants will be required to obtain satisfactory confirmation that the existing septic system(s) meets Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the consent certificate.

Requirement for Minor Variance

As a result of the proposed severance, the minimum lot area for the severed and retained parcel will be reduced from +19 acres to +1.5 acres, respectively. The minimum lot area for lots within Agricultural District 1.1 (A1.1) is 40 hectares (100 acres) or as existing.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

e) The general intent of this Plan and the Zoning Bylaw are maintained:

Consent for new development parcels are permitted for lands designated "Rural Residential" under the Town of Essex Official Plan;

f) The variance(s) is minor and desirable for the appropriate use of the land:

Lot areas in the agricultural district vary greatly. Additionally, no agricultural land will be taken out of production;

g) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns:

The dwelling and accompanying infrastructure are existing. Thus, no new entrances or buildings that would impact traffic patterns or neighbouring lots are proposed to be constructed;

h) The variance deals with circumstances particular to the site and development:

The variance is necessary in order to accommodate a consent application.

Public Comment

As a result of the giving of public notice, no phone calls or written correspondence objecting to the severance have been received from members of the public as of Friday February 21, 2020.

Actions:

1. Should the Committee choose to approve this application, approval should be subject to satisfying the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;
- d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;
- e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system(s) meet Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;
- f) That all of the above conditions be fulfilled on or before February 25, 2021.

2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the severed and retained parcel.

Additional comments resulting from circulation:

Mike Nelson, Watershed Planner, Essex Region Conservation Authority (ERCA), wrote

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The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Mulder Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the Conservation Authorities Act.

ERCA has no concerns with either of the applications from a regulatory perspective.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 Stormwater Management (PPS, 2014)

Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems as outlined in Section 2.1 of the

PPS. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance as defined by the Provincial Policy Statement (PPS). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

ERCA has no objection to either of the applications.

Discussion:

Rita Jabbour, Secretary-Treasurer/Manager of Planning Services, explains the nature of the application

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(CAO-2020-02-26) That application A-09-20 be granted to accommodate a lot area of +1.5 acres and ±16.5 acres for the severed lot and retained farm lot, respectively

“Carried”

Reasons: The Application is in keeping with the general intent and purpose of the Town of Essex Zoning Bylaw and the prescribed criteria for Minor Variances under subsection 9.8 of the Town of Essex Official Plan:

- a) the general intent of this Plan and the Zoning By-law are maintained;
- b) the variance(s) is minor and desirable for the appropriate use of the land;
- c) the variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) the variance deals with circumstances particular to the site and development

5.7

Rita Jabbour, Planner RE:

Application B-10-20 Atlas Tube Validation Certificate, 516 Roseborough & 374 Clark Street (Harrow Centre, Ward 4)

A consent for a Certificate of Validation under Section 57 (1) of the Planning Act, R.S.O 1990, c.P. 13, has been received by the Town of Essex Committee of Adjustment for the property at 516 Roseborough & 374 Clark Street in Harrow Centre, Ward 4.

The applicants are seeking approval in order to re-establish the previous property boundaries that existed for 516 Roseborough Road and 374 Clark Street prior to July 22, 2019, when they subsequently merged as a result of a registered transfer. In particular, the validation would allow for the separation of Parts 1 and 2 on 12R4912 from the remained of the property.

5.7.1 Public Presentations (if any)

Rita Jabbour, Planner wrote:

Official Plan Designation: "Industrial"

Zoning: Manufacturing District 2.1 (M2.1) General Industrial Uses

An application for Certificate of Validation has been submitted for the lands located at 516 Roseborough Road and 374 Clark Street in the township of Harrow. The subject property is designated "Industrial" under the Town's Official Plan and zoned Manufacturing District 2.1 (M2.1) for general industrial uses under Town of Essex Zoning Bylaw, Bylaw 1037.

The applicant is applying for a certificate of validation under Section 57(1) of the *Planning Act* in order to re-establish the previous property boundaries that existed for 516 Roseborough Road and 374 Clark Street. As recently as July 2019, the parcels were under separate ownership but through a transfer registered on July 22, 2019, they merged on title.

The validation would allow for the separation of Parts 1 and 2 on 12R4912 (516 Roseborough Road) from the remainder of the property (374 Clark Street). Both of these parcels are independently serviced and have their own separate access areas.

In considering whether to issue a certificate of validation, no certificate under Section 57 of the Act shall be issued by a Council unless the certificate conforms to the following:

- a) The official plan in effect in the municipality;
- b) The zoning bylaw of the municipality;
- c) The absence of any ministerial order prohibiting the granting of a consent (there are no such orders concerning Essex);
- d) Conformity to the criteria set out in Section 51(24) of the Planning Act R.S.O. 1990, c.P. 13, for the subdivision of land.

For lands designated "Industrial", section 5.16 (e) of the Official Plan maintains that residential dwellings existing at the date of adoption of the Official Plan (2009), may be recognized in the implementing Zoning By-law. Bylaw 1037 does not recognize a dwelling as a lawfully existing use under Manufacturing District 2.1 (M2.1). As noted in the applicant submission, however, the purpose of the validation is not to create a new lot,

but only to restore previously existing lot lines that were inadvertently lost through the consolidation of two parcels of land in the summer of 2019. (516 Roseborough is noted as a separate lot on Zoning Map 14).

No public notice is required for an application for Certificate of Validation.

Actions:

To be determined by the Committee.

Discussion:

Rita Jabbour, Secretary-Treasurer/ Manager of Planning Services, explains the nature of the application.

Amanda Camils, the applicant's agent, advises the members that the parcel was merged due to the two subject parcels being registered under the same name.

Brian Gray asks if the property at 516 is currently rented. He states that he believes noise is a concern due to the close proximity to the Atlas Tube Centre.

Amanda advises that at this time the residence is vacant. She states that the residence at 516 Roseborough is near a mill and that the property was purchased in good faith.

Moved by: Ray Beneteau

Seconded by: Phil Pocock

(CAO-2020-02-27) To grant an application for a Certificate of Validation under Section 57 (1) of the Planning Act, R.S.O 1990, c.P. 13 for the property at 516 Roseborough & 374 Clark Street in Harrow, Ward 4, in order to re-establish the previous property boundaries that existed for 516 Roseborough Road and 374 Clark Street prior to July 22, 2019, when they subsequently merged as a result of a registered transfer.

"Carried"

Reasons for Decision: The Application is in keeping with the prescribed criteria for issuing a certificate of validation under Ontario Regulation 144/95. In rendering their decision, the Committee of Adjustment for the Town of Essex had regard to the matters described under subsection 51(24) of the *Planning Act*.

6. Unfinished Business

7. Correspondence

8. New Business

8.1 Introduction to new assistant planner

Rita introduces Corinne Chiasson, Assistant Planner and future Secretary-Treasurer for the Committee of Adjustment.

The Committee members welcome Corinne to the Planning Department and the Committee of Adjustment.

8.2 General Discussion of evaluating lot severances in agricultural areas

Moved by: Brian Gray

Seconded by: Ray Beneteau

(CAO-2020-02-28) that **New Business item 8.2** be deferred until the March 17th Committee of Adjustment meeting.

"Carried"

8.3 Local Planning Appeal Tribunal (LPAT) appeal B-04-20 | A-04-20

Percy Dufour advises the members that the applicants on consent application B-04-20 & A-04-20 (1241 South Malden Road) have appealed the decision to the Local Planning Appeal Tribunal (LPAT).

Ray Beneteau asks if an outside Planner will be called to review the appeal and speak on the application.

Rita advises that she has spoken with the committee members and has advised that Percy Dufour, Phil Pocock, and Brian Gray be placed as witnesses that can speak to the application and the committee's decision at the meeting of LPAT.

She advises that she will speak with the Director of Development Services about obtaining an outside Planner for LPAT appeals. She continues to state that she does feel she is capable of attending the appeal and speaking to the application as it is a planning exercise and speaking to policy.

Ray advises that the Secretary Treasurer should stand behind the Committee's decision for the application and should be able to speak on behalf of the committee.

Rita advises that she will refer to the appropriate policy matters if asked to speak on the application by the LPAT.

9. Notices of Motion

10. Adjournment

Moved by: Phil Pocock


Seconded by: Brian Gray

(CAO-2020-02-29) That the meeting be adjourned at 5:10 p.m.

11. Next Meeting

11.1 March 17th, 2020 in the Large Meeting Room, 33 Talbot St. S, Town Hal


Chair


Secretary-Treasurer

Arts, Culture and Tourism Committee Meeting

The Arts Culture and Tourism (ACT) Committee meets in session this 13th day of May, 2020, by way of Zoom Video Conferencing.

The Chair, Anthony Paniccia called the meeting to order at 4:35 PM and welcomed all committee members.

1. Roll Call

Present: Anthony Paniccia, Chair

Patti Oshar, Vice Chair

Diane Quinn-Ouellette

Tracy Armstrong

Grant Maguire

Jeannette Kervoelen

Councillor Steve Bjorkman

Also Present: Cynthia Cakebread, Manager, Recreation and Culture

Janice Aloisio, Administrative Assistant, Community Services

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

Regrets: Joseph Cornwall

2. Introduction and Welcome of New Members

- Introductions were provided by all staff and committee members in attendance with a brief description of themselves;
- The Chair welcomed the new members to the committee

3. Declarations of Conflict of Interest

- None stated

4. Adoption of Published Agenda

- That the May 13, 2020 Zoom Video Conferencing Agenda be received as circulated.

Moved by: Steve Bjorkman

Seconded by: Tracy Armstrong

(ACT20-05-007) That the agenda of the Wednesday, May 13, 2020, 2020 Arts, Culture and Tourism Committee Zoom Video Conferencing meeting be adopted as presented. **"Carried"**

5. Adoption of Minutes

- Minutes of February 12, 2020

Moved by: Tracy Armstrong

Seconded by: Steve Bjorkman

(ACT20-05-008) That the minutes of the Wednesday, January 8, 2020, Arts, Culture and Tourism Committee meeting be adopted as circulated. **"Carried"**

6. Unfinished Business

a) Explore Eats Essex Update

- Tracy provided the committee with the concept of the Explore Eats Essex which was originally scheduled to commence in October through November;
- Discussion on the concept also including the potential of parties submitting restaurant receipts attached to a ballot they submit by dropping off in the drop box at one of our municipal locations in order to validate an entry for the prizes available for this event in order to be able to proceed on the same timelines as previously discussed merely by a tweak in the promotional material;
- Details of 'how we can do this event differently' to be brought forward to next committee meeting;

- Tracy advised that she initially contacted several area restaurants she assumed where 'Essex' without having the exact town boundaries and advised that one such location, Wolfhead Distillery and Restaurant, having an Amherstburg address, immediately said they would be interested in participating in our event and were the first to have mailed her the gift certificate for the prize basket;
- Tracy said that information she found showed their address in Essex and also their return envelope address had an Essex address but other sources found, show it to be Amherstburg;
- Discussion by the committee ensued as to whether to include or admit the error and return their gift certificate to Wolfhead, with the decision to include them this year as they were directly solicited and in the future, only restaurants physically within the town boundaries will be included in future events;

Moved by: Tracy Armstrong

Seconded by: Jeannette Kervoelen

(ACT20-05-009) That Wolfhead Distillery and Restaurant, although technically an Amherstburg restaurant, be allowed to participate in this years event as they were directly solicited and that in the future, only restaurants within the 'Essex' boundaries be included in our Explore Eats Essex event. **"Carried"**

- Tracy advised that initial contact with the restaurants she spoke with advised that their optimal timing that would be most beneficial to them was during October and November and that given the issues of the day, she will follow-up with these restaurants again to inquire if this timing has changed given so many restaurants and businesses have suffered such significant lose of business due to the Covid-19 pandemic and will bring their responses to the next meeting;
- Tracy to also ask of these restaurants if their timing of us hosting the event would be different than initially indicated and if there is a different way we could host this event that would better promote walk-in, delivery or pick-up traffic for them and advise committee at next meeting;

b) Tune Up The Parks Update

- Cynthia advised that past performers have been contacted and booked their requested dates between the two site locations from the beginning of June through to the end of August;
- Discussion by committee was had regarding a different delivery of this event;

Moved by: Tracy Armstrong

Seconded by: Patti Oshar

(ACT20-05-010) That the regularly scheduled Tune-Up-the Parks events move to artist submitted prerecorded 'Watch Parties' streamed from the Town's website until such time as the Provincial Guidelines allow our regular in-person – in the parks format to resume in the future. **"Carried"**

- At this time, due to the circumstances of the day, booked performers will be contacted and invited to submit a pre-recorded submission that will be available to view on the scheduled Monday or Wednesday dates until such time as the Province open parks and events to larger gathering numbers;
- If the artist wishes to set up a method to receive 'tip' during the viewing sessions, they are invited to do so on their own and the town will promote accordingly, however, the town is not in a position to receive any tips on behalf of artists at this time;
- Committee members will pre-record the introductions for the various scheduled artist once artist who submit a pre-recording; and
- Cynthia advised that the majority of dates for Essex's Heritage Park have been booked with a number of available dates for the Colchester Monday night location and that any interested parties are to book through Janice as usual until such time as we can return to the regular 'in-person' format.

c) Fall/Winter Christmas Community Engagement Event

- A brief description of the event was provided for the new members;

- As few plans or details around the event have been discussed, Cynthia asked Diane to working out a 'critical path' and present it to the committee at the next meeting for further committee discussion;
- Cynthia also indicated to any new members if they wish to help on any of the future ACT events, to contact either Tracy or Diane directly and let them know;
- Jeannette indicated she would like to help with the Explore Eats Essex event.

d) ACT Committee Golf Shirt Update

- Cynthia advised that the gulf shirts have not been ordered as yet and will be submitted with the next order by the town;
- Committee members advised of the size of shirt requested.
- Once shirts arrive, they will be sent out to be embroidered with the Town and ACT Committee logos as discussed previously.

e) Tune Up the Parks Advertising Banner Status

- Cynthia provided the committee with the mock up designs for the two locations the summer music series will occur in which are identical save for the stated location on them;
- She will have her staff price the banners and have the price available for the next meeting.

f) Essex Kite Fest Update – Cynthia

- The Committee is committed to this event as there are enough materials left over from last year's event and is set to go as previously discussed within the guidance of Provincial regulations of the day and tweak according to any measures regarding the social distancing and gatherings for some time in the fall.

7. New Business

a) Windsor Symphony Quintet Performance

- Cynthia advised that she has been in touch with the Windsor Symphony Quintet and they have indicated their interest in performing in the Essex Heritage Gardens on Saturday, August 29, 2020 and indicated their fee is within the committees budget allowance for such events and that she just requires committee approval to proceed.

Moved by: Patti Oshar

Seconded by: Tracy Armstrong

(ACT20-05-011) That the Windsor Symphony Quintet be given authorization to perform and the fee for the event not to exceed \$750. and be provided through the Committee's approved budget for 2020. **"Carried"**

b) September Planning Initiatives Meeting

- Cynthia advised the committee that she would like to see the committee have a two year 'initiatives' planning session at the September meeting to establish timelines and schedule events in for 2021 and 2022 so the committee has a plan in place of various events the committee is hosting and to continue thereafter with each subsequent year.

8. Next Scheduled Meeting

- Next scheduled meeting is set for Wednesday, June 10 with the meeting time and facilitation of the meeting to be determined pending current regulations of the day at the time of implementing an agenda.
- Patti advised that she may have a conflict in the future with meeting dates and times due to her new job however, we will adjust accordingly when this arises for any date and time change.

9. Adjournment

Moved by: Tracy Armstrong

Seconded by: Grant McGuire

(ACT20-05-012) That this meeting adjourns at 5:38 PM. **"Carried"**

Anthony Paniccia, Chair

Janice Aloisio, Recording Secretary

The following Notice of Motion was presented at the June 1, 2020 Regular Council Meeting and is being brought forward for consideration this evening:

Councillor Bondy

RE: 50 km extended on Third Concession to McLean Sideroad

Moved by Councillor Bondy

Seconded by

That Council approve an extension of 50 km speed limit zone on the Third Concession, to include east of McLean Sideroad to act as a buffer zone.

The Corporation of the Town of Essex

By-Law Number 1917

Being a by-law to confirm the proceedings of the June 1, 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 June 1, 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 June 1, 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 June 1, 2020.

Mayor

Clerk

Read a third time and finally adopted on June 15, 2020.

Mayor

Clerk

The Corporation of the Town of Essex

By-Law Number 1922

Being a by-law to confirm the proceedings of the June 15, 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 June 15, 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 June 15, 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 June 15, 2020.

Mayor

Clerk

Read a third time and finally adopted on July 6, 2020.

Mayor

Clerk