



The Corporation of the Town of Essex
Regular Council Meeting Minutes

July 20, 2020, 6:00 pm

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

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

Regrets: Councillor Kim Verbeek
Cameron Soucie, Youth Council Member

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

1. Call to Order

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

2. Closed Meeting Report

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

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

3. Declarations of Conflict of Interest

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

4. Adoption of Published Agenda

4.1 Regular Council Meeting Agenda for July 20, 2020

R20-07-235

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

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

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

Carried

5. Adoption of Minutes

5.1 Regular Council Meeting Minutes for July 6, 2020

R20-07-236

Moved By Deputy Mayor Meloche

Seconded By Councillor Garon

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

Carried

6. Public Presentations

7. Unfinished Business

8. Reports from Administration

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

RE: COVID-19 Town Response and Updates

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

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

R20-07-237

Moved By Councillor Bowman
Seconded By Councillor Garon

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

Carried

8.2 Economic Development Report 2020-09

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

R20-07-238

Moved By Councillor Bondy
Seconded By Councillor Bjorkman

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

Carried

8.3 Economic Development Report 2020-10

RE: Building Report and Development Overview June 2020

R20-07-239

Moved By Councillor Bowman
Seconded By Councillor Bjorkman

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

Carried

8.4 Planning Report 2020-15

RE: Climate Change Adaptation Plan - Progress Report 2

R20-07-240

Moved By Councillor Bjorkman
Seconded By Deputy Mayor Meloche

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

Carried

8.5 Parks and Facilities Report 2020-06

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

R20-07-241

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

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

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

Carried

8.6 Legal and Legislative Services Report 2020-02

RE: Columbarium at Colchester Memorial Cemetery

R20-070-242

Moved By Councillor Bowman

Seconded By Deputy Mayor Meloche

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

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

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

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

Carried

8.7 Legal and Legislative Services Report 2020-08

RE: Court of Revision for Crystal Beach Drain

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

R20-07-243

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

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

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

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

Carried

8.8 Legal and Legislative Services-2020-09

RE: Procedural By-Law Amendments and Consolidation

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

R20-07-244

Moved By Deputy Mayor Meloche
Seconded By Councillor Bowman

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

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

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

Carried

8.9 Legal and Legislative Services-2020-10

RE: Delegation of Authority By-Law Amendments

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

R20-07-245

Moved By Councillor Garon
Seconded By Councillor Bjorkman

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

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

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

Carried

8.10 Legal and Legislative Services Report 2020-11

RE: Election Review of Policies and Procedures

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

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

R20-07-246

Moved By Deputy Mayor Meloche
Seconded By Councillor Bjorkman

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

Carried

8.11 Legal and Legislative Services Report 2020-12

RE: Cemetery By-Law Amendments

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

R20-07-247

Moved By Councillor Bowman
Seconded By Councillor Garon

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

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

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

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

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

Carried

9. Reports from Youth Members

There were no reports from the Youth Council Members.

10. County Council Update

No updates given.

11. Correspondence

11.1 Correspondence to be received

R20-07-248

Moved By Deputy Mayor Meloche
Seconded By Councillor Bjorkman

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

Carried

11.1.1 COVID-19 Virus Correspondence

11.1.1.1 AMO Policy Update

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

11.1.1.2 Ministry of Municipal Affairs and Housing

RE: COVID-19 Economic Recovery Act, 2020

11.1.1.3 AMO Policy Update

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

11.1.2 Township of Perth South

RE: Farm Property Class Tax Rate Program

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

11.1.3 Jeffrey Morrison, Director, Corporate Services

RE: 2021 Budget and Five-Year Financial Plan

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

11.2 Correspondence to be considered for receipt and support

No items for receipt and support.

12. Committee Meeting Minutes

R20-07-249

Moved By Councillor Bowman

Seconded By Councillor Vander Doelen

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

Carried

12.1 Heritage Meeting - February 27, 2020

12.2 Drainage Board Meeting - July 9, 2020

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

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

12.4 Essex Climate Adaptation Team Meeting - May 21, 2020

13. Financial

13.1 May 2020 Bank Payments Report

R20-07-250

Moved By Deputy Mayor Meloche

Seconded By Councillor Bjorkman

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

Carried

14. New Business

14.1 Councillor Bondy

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

R20-07-251

Moved By Councillor Bondy

Seconded By Councillor Bjorkman

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

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

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

Carried

15. Notices of Motion

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

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

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

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

15.2.1 Deputy Mayor Meloche

RE: Drainage on Property

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

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

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

16. Reports and Announcements from Council Members

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

17. By-Laws

17.1 By-Laws that require a third and final reading

17.1.1 By-Law 1930

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

R20-07-252

Moved By Councillor Bowman

Seconded By Deputy Mayor Meloche

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

Carried

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

17.2.1 By-Law 1932

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

R20-07-253

Moved By Councillor Garon

Seconded By Councillor Bjorkman

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

Carried

17.3 By-Laws that require a first and second reading

17.3.1 By-Law 1933

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

R20-07-254

Moved By Councillor Vander Doelen

Seconded By Councillor Bowman

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

Carried

18. Adjournment

R20-07-255

Moved By Deputy Mayor Meloche

Seconded By Councillor Garon

That the meeting be adjourned at 7:30 PM.

Carried

Mayor

Clerk