



The Corporation of the Town of Essex

Regular Council Meeting Minutes

April 15, 2024, 6:00 pm

Location: Essex Municipal Building, 33 Talbot Street South and by livestream at
<https://www.youtube.com/user/EssexOntario>

Present:

- Mayor Sherry Bondy
- Deputy Mayor Rob Shepley
- Ward 1 Councillor Joe Garon
- Ward 1 Councillor Katie McGuire-Blais
- Ward 2 Councillor Kim Verbeek
- Ward 3 Councillor Brad Allard
- Ward 3 Councillor Jason Matyi
- Ward 4 Councillor Rodney Hammond

Also Present:

- Doug Sweet, Chief Administrative Officer
- Joseph Malandruccolo, Director, Legal and Legislative Services/Clerk
- Jake Morassut, Director, Community Services
- Kate Giurissevich, Director, Corporate Services
- Lori Chadwick, Director, Development Services
- David McBeth, Manager, Capital Works & Asset Management
- Norm Nussio, Manager, Operations and Drainage
- Lindsay Dean, Drainage Superintendent
- Cassandra Roy, Legislative Clerk, Legal and Legislative Services
- Lauryn Smith, Youth Council Member

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at clerks@essex.ca or 519-776-7336 extension 1100 or 1101.

1. Call to Order

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

2. Land Acknowledgement

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

3. National Anthem

4. Closed Meeting Report

Joe Malandruccolo, Director, Legal & Legislative Services/Clerk reported that on April 15, 2024 at 5:30 PM Council moved into Closed Session as permitted to do so pursuant to Section 239 2(f) and 239 (3.1) of the *Municipal Act, 2001*, as amended, to discuss advice that is subject to solicitor-client privilege, including communications necessary for that purpose and to receive education and training.

5. Declarations of Conflict of Interest

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

6. Adoption of Published Agenda

6.1 Regular Council Meeting Agenda for April 15, 2024

R24-04-140

Moved By Councillor Matyi

Seconded By Councillor Allard

That the published agenda for the April 15, 2024 Regular Council Meeting be adopted as presented.

Carried

7. Adoption of Minutes

7.1 Regular Council Meeting Minutes for April 2, 2024

R24-04-141

Moved By Deputy Mayor Shepley

Seconded By Councillor Verbeek

That the minutes of the Regular Council Meeting held April 2, 2024 be adopted as circulated.

Carried

8. Public Presentations

9. Unfinished Business

10. Reports from Administration

10.1 Development Services-2024-04

RE: Climate Change Adaptation Plan Annual Report

Lori Chadwick, Director, Development Services provided Council with an annual update on the action items that were addressed in the Climate Change Adaptation Plan from March 2023 to March 2024 and explained the framework on how to prepare and adapt to the future impacts of climate change.

R24-04-142

Moved By Councillor Verbeek

Seconded By Councillor Matyi

That Development Services Report-2024-04 entitled Climate Change Adaptation Plan Annual Report prepared by Lori Chadwick, Director, Development Services and Marc Tortola, Manager, Communications dated April 15, 2024 be received for information.

Carried

10.2 Drainage-2024-04

RE: Contractor Services for Drainage Works Roster List

R24-04-143

Moved By Councillor Hammond

Seconded By Deputy Mayor Shepley

That Drainage Report-2024-04 entitled Drainage Works Roster List prepared by Lindsay Dean, Drainage Superintendent dated April 2, 2024 be received; and

That Council authorize the acceptance of the prequalified bidders for RFPQ-ID-24-002 contained within this report for a term of 3 years.

Carried

10.3 Drainage-2024-06

RE: Engineering Services for Drainage Works Roster List

R24-04-144

Moved By Councillor Allard

Seconded By Councillor Hammond

That Drainage Report-2024-06 entitled Drainage Works Roster List prepared by Lindsay Dean, Drainage Superintendent dated April 15, 2024, be received, and

That Council authorize the acceptance of the prequalified bidders for RFPQ-ID-24-012 contained within this report.

Carried

10.4 Drainage-2024-05

RE: Results of Request for Tender - Richmond Drain

R24-04-145

Moved By Deputy Mayor Shepley

Seconded By Councillor Hammond

That Operations Report-2024-05 entitled Results of Request for Tender-Richmond Drain prepared by Norm Nussio Manager of Operations and Drainage dated April 15, 2024, be received; and

That Council award Request for Tender-Richmond Drain to South Shore Contracting of Essex County Inc. in the amount of \$894,353.38 including \$100,000.00 in contingency and non-refundable Harmonized Sales Tax.

Carried

10.5 Capital Works and Asset Management-2024-05

RE: Surface Treatment Tender for 2024

R24-04-146

Moved By Councillor Verbeek

Seconded By Deputy Mayor Shepley

That Capital Works and Asset Management Report-2024-05 entitled Surface Treatment Tender for 2024 by David McBeth, Manager, Capital Works and Asset Management dated April 15, 2024 be received; and

That Council award the Surface Treatment Tender for 2024 (RFT-ID-24-014) to Shepley Road Maintenance Ltd. in the amount of \$602,640.00, including non-refundable Harmonized Sales Tax.

Carried

10.6 Capital Works and Asset Management-2024-06

RE: Irwin Avenue Reconstruction – Tender Results

R24-04-147

Moved By Councillor McGuire-Blais

Seconded By Councillor Garon

That Capital Works and Asset Management Report-2024-06 entitled Irwin Avenue Reconstruction– Tender Results by David McBeth, Manager, Capital Works and Asset Management dated April 15, 2024 be received;

That Council award the Irwin Avenue Reconstruction (RFT-ID-24-006) to Shearock Construction Group Inc. in the amount of \$3,493,255.95, including non-refundable Harmonized Sales Tax; and

That Council approve the contract administration and onsite inspection, including drawing revisions and end of maintenance services to TYLin International Canada Inc. in the amount of \$204,720.77, including non-refundable Harmonized Sales Tax in accordance with the completed request under Section 22 of the Town of Essex Procurement By-Law 2129 per the Section 22 attached.

Carried

10.7 Capital Works and Asset Management-2024-07

RE: 2024 Hot Mix Asphalt Program Update

David McBeth, Manager, Capital Works and Asset Management explained that the Hot Asphalt Program aims to repair roads that only require asphalt to help prevent further deterioration. He noted that Wright Road was chosen as it is a major outlet for Colchester area and due to the large traffic volumes, it warrants replacing the road now to avoid a more extended shutdown and extensive cost.

Council directed questions to Administration regarding the next steps for other municipal roads.

R24-04-148

Moved By Deputy Mayor Shepley

Seconded By Councillor Garon

That Capital Works and Asset Management Report-2024-07 entitled 2024 Hot Mix Asphalt Program Update by David McBeth, Manager, Capital Works and Asset Management, dated April 15, 2024, be received for information.

Carried

10.8 Operations-2024-05

RE: Sidewalk Patio Policy

David McBeth, Manager, Capital Works and Asset Management presented Council with a proposed Sidewalk Patio Policy for downtown businesses within the Town of Essex to ensure sidewalk patios on Municipal sidewalks have proper traffic control and protection, accessibility for pedestrians, and a consistent aesthetic to match the new streetscape designs.

The recommended action was as follows:

That Operations Report-2024-05 entitled, Sidewalk Patio Policy prepared by David McBeth, Manager of Capital Works and Asset Management and Norm Nussio, Manager of Operations & Drainage, dated April 15, 2024, be received;

That Council adopt Infrastructure Services Policy #069 titled, Sidewalk Patio Policy; and

That Council direct Administration to adopt the fees and charges proposed herein, effective May 1st, 2024, and direct Administration to amend By-Law 2040 (fees and charges) to include a charge for the Setup/Takedown of Sidewalk Patios in the amount of \$1,000.00 for standard patios and \$2,000.00 for patios requiring traffic control measures, to be increased annually on January 1 by Consumer Price Index (CPI).

Council discussed the cost that local businesses owners would incur. Council deferred the motion and directed Administration to provide a cost analysis report.

R24-04-149

Moved By Councillor Verbeek

Seconded By Councillor McGuire-Blais

That Council defer this report to the Regular Council Meeting of May 6, 2024 or May 21, 2024, depending on Administration's priorities and direct Administration to prepare a cost analysis report to be presented at that time.

Carried

10.9 Community Services-2024-05

RE: Heritage Essex – Lease Agreement Renewal

R24-04-150

Moved By Councillor Allard

Seconded By Deputy Mayor Shepley

That Community Services Report-2024-05 entitled Heritage Essex – Lease Agreement Renewal prepared by Jake Morassut, Director, Community Services, be received;

That Council approve entering into an agreement with Heritage Essex for leased space at the Essex Railway Station located at 87 Station Street in Essex Centre for a five year lease commencing on April 15, 2024 and concluding on April 14, 2029 with an option to renew for an additional five years beginning on April 15, 2029 subject to the general terms and conditions as outlined in By-Law Number 2321; and

That By-Law Number 2321 be read a first, a second and a third time and finally passed on April 15, 2024.

Carried

10.10 Community Services-2024-06

RE: National Day of Mourning – April 28

R24-04-151

Moved By Councillor Verbeek

Seconded By Councillor Matyi

That Community Services Report-2024-06 entitled National Day of Mourning prepared by Jake Morassut, Director, Community Services dated April 15, 2024, be received for information.

Carried

11. Reports from Youth Members

12. County Council Update

Deputy Mayor Shepley provided an update and stated that the County approved EMS' Vulnerable Patient Navigator Program which will assist with the code blacks.

Mayor Bondy further advised that the County Engineering's recent report on County Road 15 and County Road 18 intersection recommended no changes.

13. Correspondence

13.1 Correspondence to be received

R24-04-152

Moved By Councillor Verbeek

Seconded By Councillor Hammond

That all of the correspondence listed in Agenda Item 13.1 be received and, where indicated, to further share such information with the community using suitable methods of communication.

Carried

13.1.1 Ministry of Municipal Affairs and Housing

RE: 2024 Annual Repayment Limit

13.1.2 The Corporation of the County of Prince Edward

RE: Deadline of an Accessible Ontario by 2025

13.1.3 The City of Windsor

RE: Cost Apportioning Agreement with ERCA

13.1.4 County of Prince Edward

RE: Accessible Ontario by 2025

13.1.5 Lakeshore Dog Pound Committee Meeting - April 16 2024

RE: Dog Pound Committee Meeting Agenda

13.2 Correspondence to be considered for receipt and support

13.2.2 Clearview Township

RE: Endorsement of Bill C-63 in the House of Commons

R24-04-154

Moved By Councillor Allard

Seconded By Councillor Verbeek

That the correspondence from Clearview Township dated March 27, 2024 regarding Bill C-63 in the House of Commons be received and supported; and

That a letter of support be sent to the Honourable Arif Virani, Minister of Justice and Attorney General, the Honourable Justin Trudeau, Prime Minister, the Honourable Jenna Sudds Ministry of Families, Children and Social Development, Chris Lewis, MP, Essex Ridding, Irek Kusmierczyk, MP, Windsor-Tecumseh and Brian Masse, MP, Windsor West

Carried

13.2.3 Town of Lincoln

RE: Heritage Registry List

R24-04-155

Moved By Councillor Hammond

Seconded By Councillor Matyi

That the correspondence from the Town of Lincoln dated April 3, 2024 regarding the Extension of Bill 23 Timelines be received and supported; and

That a letter of support be sent to the Honourable Doug Ford, Premier of Ontario, and the Minister of Citizenship and Multiculturalism.

Carried

13.2.4 Ministry for Seniors and Accessibility

RE: 2024 Ontario Senior of the Year Award: Request of Nominee

R24-04-156

Moved By Deputy Mayor Shepley

Seconded By Councillor Allard

That Council receives the correspondence received from the Ministry for Seniors and Accessibility and that Council nominates Teresa Slack as Town of Essex Senior of the year for 2024.

13.2.5 Essex Fire and Rescue Service

RE: International Firefighters Day - May 4, 2024

R24-04-157

Moved By Councillor McGuire-Blais

Seconded By Councillor Verbeek

That the correspondence from the Essex Fire and Rescue Service asking Council to consider proclaiming International Firefighters Day in the Town of Essex be received or received and supported, and if supported;

That Council proclaim May 4, 2024 as International Firefighters Day in the Town of Essex by adopting the following resolution:

Whereas, Firefighters dedicate their lives to the protection of life and property; and sometimes that dedication is in the form of countless hours volunteered over many years, in others it is many selfless years working in the industry; in all cases it risks the ultimate sacrifice of a firefighter's life; and

Whereas, International Firefighters' Day (IFFD) is a time where the community can recognize and honor the sacrifices that firefighters make to ensure that their communities and environment are as safe as possible; it is also a day in which current and past firefighters can be thanked for their contributions; and

Whereas, International Firefighters' Day is observed each year on the 4th of May on where we remember the past firefighters who have died while serving our community or dedicated their lives to protecting the safety of us all; and show our support and appreciation to the firefighters worldwide who continue to protect us so well throughout the year; and

Whereas, hailing from all walks of life, they are our mothers, fathers, brothers, sisters, aunts, uncles, grandparents, neighbors, and friends. They protect us without wanting of recognition or reward. In our time of need they are there with courage, compassion and loyalty. They are the essence of the true meaning of community.

Therefore, I, Sherry Bondy, Mayor of the Town of Essex, on behalf of the Town Council and community at large, now call upon all citizens of the Town of Essex and upon all patriotic, civic, and educational organizations to observe the day of May 4, 2024, in recognition of the patriotic service and dedicated efforts of our fire and emergency services personnel.

Carried

14. Committee Meeting Minutes

R24-04-158

Moved By Councillor McGuire-Blais

Seconded By Councillor Verbeek

That the Committee Meeting minutes listed in Agenda Item 14, together with any recommendations to Council noted therein, be received, approved and adopted as circulated.

Carried

14.1 Festival Committee - March 7, 2024

14.2 Arts, Culture, and Tourism Committee - March 13, 2024

14.3 Co-An Park - March 13, 2024

14.4 Finance Committee - March 19, 2024

14.5 Essex Business Improvement Area - March 19, 2024

Recommendations to Council:

BIA24-03-003

Moved by K. Dennison

Seconded by G. Laframboise

That Mesba Qasim be appointed as Board Treasurer of the Essex Centre BIA for the term ending November 15, 2026.

Carried

BIA24-03-003

Moved by K. Dennison

Seconded by G. Laframboise

That Andrea Schinkel be appointed as Board Member of the Essex Centre BIA for the term ending November 15, 2026.

Carried

That the resignation of Greg Schinkel and Jelena Adzic from the Essex Centre BIA be received; and

That Council direct Administration to write a letter of appreciation and thanks for their commitment to the Essex Centre BIA.

14.6 Striking Committee

Recommendations to Council:

SC-04-004

That Council appoint Eric Florjancic as Chair of the Appeals Committee for the term ending November 15, 2026; and

That Council appoint Jessica Paglia, Christopher Waters, Chris Ortner and Christopher Cowell as members of the Appeals Committee for the term ending November 15, 2026.

Carried

R24-04-159

Moved By Deputy Mayor Shepley

Seconded By Councillor Allard

That Council appoint Eric Florjancic as Chair of the Appeals Committee for the term ending November 15, 2026; and

That Council appoint Jessica Paglia, Christopher Waters, Chris Ortner and Christopher Cowell as members of the Appeals Committee for the term ending November 15, 2026.

Carried

15. Financial

16. New Business

17. Notices of Motion

17.1 The following Notice of Motion was first presented at the February 20, 2024 Regular Council Meeting and subsequently deferred at the April 2, 2024 Regular Council Meeting and is being brought forward this evening for Council's consideration:

17.1.1 Councillor Matyi

R24-04-160

Moved By Councillor Matyi

Seconded By Councillor Hammond

That Town Administration prepare a comprehensive report that compares water-tight manhole covers to standard manhole covers by completing the following:

1. Initiate a Study: Conduct a study to assess the feasibility and benefits of water-tight manhole covers in our specific context;
2. Conduct Research: review studies, collaborate with professional networks, and review municipal practices to determine the feasibility of standardizing water-tight manholes; and
3. Report Submission: Present the comparative report to Town Council.

Carried

17.2 The following Notices of Motion are for presentment only and will be brought forward for Council's consideration at the May 6, 2024 Regular Council Meeting:

17.2.1 Councillor Verbeek

Moved by Councillor Verbeek:

That Administration be directed to return with a report regarding creating a voluntary list of Town of Essex residents that would like or need the Town to check on them at a time of prolonged power outages, severe weather events or disasters and whether or not the Town should provide such services.

17.2.2 Councillor McGuire-Blais

Moved by Councillor McGuire-Blais

That Administration return with a report with recommendations regarding the use of Town owned banners within the municipality of the Town of Essex.

17.2.3 Mayor Bondy

Moved by Mayor Bondy

That Council direct Administration to prepare a report on information regarding lead pipes in the Town of Essex.

18. Reports and Announcements from Council Members

Councillor Matyi asked residents to continue to support local businesses located on County Road 50 during the construction.

Deputy Mayor Shepley thanked everyone for the support during the solar eclipse.

Councillor Allard advised residents to be mindful of grass shavings being blown onto the road.

Mayor Bondy announced that there would an upcoming garbage cleanup on Wright Road.

19. By-Laws

19.1 By-Laws that require a third and final reading

19.1.1 By-Law 2319

RE: Being a by-law to confirm the proceedings of the April 2, 2024, Regular Meeting of Council of the Corporation of the Town of Essex

R24-04-161

Moved By Councillor Garon

Seconded By Councillor Hammond

That By-Law 2319 being a by-law to confirm the proceedings of the April 2, 2024, Regular Meeting of Council of the Corporation of the Town of Essex be read a third time and finally passed on April 15, 2024.

Carried

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

19.2.1 By-Law 2318

RE: Being a by-law to Amend By-Law No. 2215 being a by-law to Establish and Appoint Town of Essex Boards and Committees for the 2022-2026 Term of Council

R24-04-162

Moved By Deputy Mayor Shepley

Seconded By Councillor Allard

That By-Law 2318 being a by-law to Amend By-Law No. 2215 being a by-law to Establish and Appoint Town of Essex Boards and Committees for the 2022-2026 Term of Council be read a first, a second, and a third time and finally passed on April 15, 2024.

Carried

19.2.2 By-Law 2322

RE: Being a by-law to designate Community Safety Zones within The Corporation of Essex

R24-04-163

Moved By Councillor Garon
Seconded By Councillor Matyi

That By-Law 2322 being a by-law to designate Community Safety Zones within The Corporation of the Town of Essex be read a first, a second, and a third time and finally passed on April 15, 2024.

Carried

19.3 By-Laws that require a first and second reading

19.3.1 By-Law 2323

RE: Being a by-law to confirm the proceedings of the April 15, 2024, Regular Meeting of Council of the Corporation of the Town of Essex

R24-04-164

Moved By Deputy Mayor Shepley
Seconded By Councillor Verbeek

That By-Law 2323 being a by-law to confirm the proceedings of the April 15, 2024, Regular Meeting of Council of the Corporation of the Town of Essex be read a first, a second, and provisionally passed on April 15, 2024.

Carried

20. Adjournment

R24-04-165

Moved By Councillor Garon
Seconded By Councillor Allard

That the meeting be adjourned at 7:36 PM.

Carried

Mayor

Clerk