



The Corporation of the Town of Essex

Regular Council Meeting Minutes

September 3, 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 Malandrucolo, Director, Legal and Legislative Services/Clerk
Jake Morassut, Director, Community Services
Kate Giurissevich, Director, Corporate Services
Lori Chadwick, Director, Development Services
Kevin Girard, Director, Infrastructure Services
Shelley Brown, Deputy Clerk, Legal and Legislative Services
Lauryn Smith, Youth Council Member
Cassandra Roy, Legislative Clerk
David McBeth, Manager, Capital Works & Asset Management

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 6:01 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 August 12, 2024 at approximately 9:00 PM Council moved into Closed Session as permitted to do so pursuant to Section 239 2(c) of the *Municipal Act, 2001*, as amended, to discuss a proposed or pending acquisition or disposition of land by the municipality or local board.

Director Malandruccolo further reported that on September 3, 2024 at 5:30 PM Council moved into Closed Session as permitted to do so pursuant to Section 239 2(c) and 2(f) of the *Municipal Act, 2001*, as amended, to discuss a proposed or pending acquisition or disposition of land by the municipality or local board; for advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and to discuss a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization and to discuss a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value.

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 September 3, 2024

R24-09-357

Moved By Councillor Hammond

Seconded By Councillor McGuire-Blais

That the published agenda for the September 3, 2024 Regular Council Meeting be adopted with the following amendment:

That the attachment in Agenda Item 19.3 requiring a first, second, third and final reading of By-Law 2366, to establish the subsidy program in the Town of Essex be removed to allow for only the provisional adoption of By-Law 2366.

Carried

7. Adoption of Minutes

7.1 Regular Council Meeting Minutes for August 12, 2024

R24-09-358

Moved By Councillor Verbeek

Seconded By Deputy Mayor Shepley

That the minutes of the Regular Council Meeting held August 12, 2024 be adopted as circulated.

Carried

8. Public Presentations

9. Unfinished Business

10. Reports from Administration

10.1 Capital Works and Asset Management-2024-12

RE: Tree Planting Request Policy

David McBeth, Manager Capital Work and Asset Management explained that this policy allows residents to request a tree in front of their house in the Town's right-of-way. He noted that the Tree Planning Request Program aims to add 10 additional trees into the municipality per year, funded from the Operating Budget as well as Development Contributions.

R24-09-359

Moved By Councillor Matyi

Seconded By Councillor Verbeek

That Capital Works and Asset Management Report-2024-12 entitled Tree Planting Request Policy prepared by David McBeth, Manager, Capital Works and Asset Management, dated September 3, 2024 be received; and

That Council adopt Infrastructure Services Policy titled, Tree Planting Request Policy.

Carried

10.2 Capital Works and Asset Management-2024-13

RE: Shoreline Protection of Public Property

David McBeth, Manager, Capital Work and Asset Management provided an overview of 25 shoreline properties that were inspected and evaluated to determine the status of each property's current shoreline protection and condition of assets.

R24-09-360

Moved By Councillor Allard

Seconded By Councillor McGuire-Blais

That Capital Works and Asset Management Report-2024-13 entitled Shoreline Protection of Public Property by David McBeth, Manager, Capital Work and Asset Management, dated September 3, 2024, be received for information.

Carried

10.3 Capital Works and Asset Management-2024-14

RE: Engineering Services for the Maidstone-Arthur-Gosfield Intersection Improvements

R24-09-361

Moved By Councillor McGuire-Blais

Seconded By Councillor Matyi

That Capital Works and Asset Management Report-2024-14 entitled Engineering Services for the Maidstone-Arthur-Gosfield Intersection Improvements prepared by David McBeth, Manager, Capital Work and Asset Management dated September 3, 2024 be received; and

That Council approve the additional engineering and project management costs for PW-21-0037 Maidstone-Arthur-Gosfield Intersection Improvements in the

amount of \$42,024.39 including non-refundable Harmonized Sales Tax, as it results in a combined Request for Proposal award amount of greater than \$120,000.

Carried

10.4 Operations-2024-06

RE: Sidewalk Patios

David McBeth, Manager, Capital Works and Asset Management provided an overview of the Ontario Traffic Council (OTC) Restaurant Patio Guidelines within the Right of Way and Administration recommended to amend By-Law 2160, being a By-Law to permit Sidewalk Patios in the Town of Essex, to include the guidelines from the OTC.

R24-09-362

Moved By Councillor McGuire-Blais

Seconded By Deputy Mayor Shepley

That Operations Report-2024-06 entitled, Sidewalk Patios prepared by David McBeth, Manager, Capital Works and Asset Management, and Norm Nussio, Manager, Operations and Drainage, dated September 3, 2024, be received;

That Council adopt the guidelines from the Ontario Traffic Council Restaurant Patio Guidelines within the Right of Way; and

That Council direct Administration to amend By-Law 2160, being a By-Law to permit Sidewalk Patios in the Town of Essex, to include the criteria listed within this report.

Carried

10.5 Finance and Business Services-2024-03

RE: 2024 Capital Financing

R24-09-363

Moved By Councillor Verbeek

Seconded By Deputy Mayor Shepley

That Finance and Business Services Report-2024-03 entitled 2024 Capital Financing prepared by Ann Marie Unis, Manager, Finance and Business Services dated September 3, 2024 be received, and

That By-Law 2365 be read a first, a second, and a third time and finally passed on September 3, 2024.

Carried

10.6 Legal and Legislative Services-2024-04

RE: Reallocation of Funds for Spay and Neuter Voucher Program and Trap, Neuter and Return Program

Shelley Brown, Deputy Clerk, provided an overview of the Trap, Neuter, Return Program and requested Council to approve an additional \$6,175.84 in the 2024 year from the Animal Control reserve.

She further provided a review of the Spay and Neuter Voucher that allows for the redemption of \$75.00 which only covers a small fraction of the cost. She requested that Council raise the value of the voucher from \$75.00 to \$200.00 and the reduce the number of vouchers available to 64 for feral cats and 5 for owned dogs and cats of low-income families.

Council requested that a media post be released in the Spring to remind residents of the Spay and Neuter Voucher and to notify residents of the increased value of the voucher.

R24-09-364

Moved By Councillor Verbeek

Seconded By Councillor Allard

That Legal and Legislative Services Report-2024-04 entitled Reallocation of Funds for Spay and Neuter Voucher Program and Trap, Neuter and Return Program prepared by Shelley Brown, Deputy Clerk dated September 3, 2024 be received;

That Council approve an additional \$6,175.84 in the 2024 year for the Trap, Neuter, Return Program to be funded from the Animal Control reserve; and

That the Spay and Neuter Voucher value be increased from \$75.00 to \$200.00 and the number of vouchers available be reduced to 64 for feral cats and 5 for owned dogs and cats of low-income families.

Carried

10.7 Office of the CAO-2024-08

RE: Town Hall Expansion and Consolidation

Doug Sweet, Chief Administrative Officer, presented on the Town Hall Expansion and highlighted the importance of combining all mayor departments/divisions into the same building. He explained that the current proposed option allows for an expansion of Town Hall by consolidating the Gesto Office Facility which is a practical option for the Town of Essex and accommodates today staffing requirements with additional space on the second floor to accommodate the Town for the next 10-20 years.

Jake Morassut, Director of Community Services, provided the renderings and floor plans on the new Town Hall expansion which is designed to accommodate staff from both facilities and future growth.

Kate Giurissevich, Director of Corporate Service provided the estimated costs and proposed funding for the construction of the expansion of Town Hall.

Administration recommended that Council approve the recommendations and proceed with issuing tender documents for the construction and expansion of the current Town Hall.

R24-09-365

Moved By Councillor Hammond

Seconded By Councillor Garon

That Office of the CAO Report CAO-2024-084 entitled Town Hall Expansion and Consolidation prepared by Doug Sweet, Chief Administrative Officer dated September 3, 2024, be received; and

That Council direct Administration to proceed with issuing tender documents for the construction and expansion of the current Town Hall with a post budget approval in the amount of \$6,331,075 as per the financial plan as listed in report CAO-2024-08.

Carried

11. Reports from Youth Members

12. County Council Update

R24-09-366

Moved By Deputy Mayor Shepley

Seconded By Councillor Verbeek

That the County of Essex, Regular Meeting minutes listed in Agenda Item 12, be received.

Carried

12.1 County of Essex, Regular Council Meeting Minutes - June 19, 2024

13. Correspondence

13.1 Correspondence to be received

R24-09-367

Moved By Councillor Verbeek

Seconded By Councillor Matyi

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 Township of Nairn and Hyman

RE: Transportation and Deposition of Naturally Occurring Radioactive Material (NORM) at the Agnew Lake Tailings Management Area (ALTM)

13.1.2 Brian Masse, MP Windsor-West

RE: Response to Bill C-63 and the request for support for Bill C-27: Artificial Intelligence regulation, online privacy, and access to information

13.1.3 Township of Terrace Bay

RE: Ontario Immigrant Nominee Program (OINP)

13.1.4 Township of Stirling Rawdon

RE: Public Salary Disclosure

13.2 Correspondence to be considered for receipt and support

13.2.1 The Association of Municipal Managers, Clerks, and Treasurers of Ontario (AMCTO)

RE: Advocacy Update: Municipal Elections Act Recommendations

R24-09-368

Moved By Councillor Hammond

Seconded By Councillor McGuire-Blais

That the correspondence from the AMCTO dated August 26, 2024 regarding the Municipal Elections Recommendations be received and supported; and

That the Council of the Town of Essex adopt the following resolution:

Whereas elections rules need to be clear, supporting candidates and voters in their electoral participation and election administrators in running elections.

Whereas legislation needs to strike the right balance between providing clear rules and frameworks to ensure the integrity of the electoral process;

Whereas the legislation must also reduce administrative and operational burden for municipal staff ensuring that local election administrators can run elections in a way that responds to the unique circumstances of their local communities.

Whereas the Municipal Elections Act, 1996 (MEA) will be 30 years old by the next municipal and school board elections in 2026.

Whereas the MEA sets out the rules for local elections, the Assessment Act, 1990 and the Education Act, 1990 also contain provisions impacting local elections adding more places for voters, candidates, and administrators to look for the rules that bind the local democratic process in Ontario.

Whereas with rules across three pieces of legislation, and the MEA containing a patchwork of clauses, there are interpretation challenges, inconsistencies, and gaps to fill.

Whereas the Act can pose difficulties for voters, candidates, contributors and third-party advertisers to read, to interpret, to comply with and for election administrators to enforce.

Whereas while local elections are run as efficiently and effectively as can be within the current legislative framework, modernization and continuous improvement is needed to ensure the Act is responsive to today's needs and tomorrow's challenges.

Whereas to keep public trust and improve safeguards the Act should be reviewed considering the ever-changing landscape which impacts elections administration including privacy, the threats of foreign interference, increased spread of mis/disinformation and the increased use of technologies like artificial intelligence and use of digital identities.

Whereas the Association of Municipal Managers, Clerks, and Treasurers of Ontario (AMCTO) reviewed the Act and has provided several

recommendations including modernizing the legislation, harmonizing rules, and streamlining and simplifying administration.

And Whereas AMCTO put forward recommendations for amendments ahead of the 2026 elections and longer-term recommendations for amendments ahead of the 2030 elections.

Therefore Be It Resolved That the Town of Essex calls for the Province to update the MEA with priority amendments as outlined by AMCTO before Summer 2025 and commence work to review and re-write the MEA with longer-term recommendations ahead of the 2030 elections.

And Be It Further Resolved That this resolution will be forwarded to all municipalities in Ontario for support and that each endorsement be then forwarded to the Minister of Municipal Affairs and Housing (minister.mah@ontario.ca), the Minister of Education (minister.edu@ontario.ca), the Minister of Public and Business Service Delivery (todd.mccarthy@ontario.ca), Minister of Finance (Minister.fin@ontario.ca), the Premier of Ontario (premier@ontario.ca), Chris Lewis, MPP, Essex Riding and AMCTO (advocacy@amcto.com).

Carried

13.2.2 Youth Council Member

RE: Appointment of Youth Council Member

R24-09-369

Moved By Councillor Verbeek

Seconded By Councillor Allard

That the correspondence from Administration requesting Council to consider the nomination of a Youth Council Member to Town of Essex be received and supported; and

That Cole Foster be appointed as Youth Council Member for the remainder of the 2022-2026 Term of Council.

Carried

13.2.3 The Coaches Association of Ontario

RE: National Coaches Week - September 16 to September 22, 2024

R24-09-370

Moved By Deputy Mayor Shepley

Seconded By Councillor Allard

That the correspondence from the Coaches Association of Ontario asking Council to consider proclaiming National Coaches Week in the Town of Essex be received and supported; and

That Council proclaim September 16 to September 22, 2024, as National Coaches Week in the Town of Essex by adopting the following resolution:

Whereas, the Town of Essex recognizes the tremendous positive impact coaches have on athletes and communities;

Whereas, the purpose of National Coaches Week is to provide the 300,000 coaches who call Essex and Ontario home with the resources, representation, and recognition they deserve for the time they devote to ensuring Canadians live an active and healthy lifestyle; and

Whereas, we celebrate the many amazing coaches who live and volunteer in our communities for their selfless commitment to their athletes and participants by saying #ThanksCoach.

Therefore I, Sherry Bondy, Mayor of the Town of Essex, do hereby proclaim the week of September 16 to September 22, 2024 as National Coaches Week in the Town of Essex.

Carried

13.2.4 Affordable Housing Task Force

RE: Appointment of Affordable Housing Task Force Member

R24-09-371

Moved By Councillor Hammond

Seconded By Councillor Matyi

That Council move into Closed session to discuss personal matters about an identifiable individual, including municipal or local board employees as permitted to do so by Section 239 2(b) of the *Municipal Act*, 2001.

Carried

R24-09-372

Moved By Councillor Hammond

Seconded By Councillor Matyi

That Council move out of Closed session and move back into an Open Meeting.

Carried

R24-09-373

Moved By Councillor Verbeek

Seconded By Deputy Mayor Shepley

That the application by Lynda Leopold to be appointed to the Affordable Housing Task Force be received and supported.

Carried

14. Committee Meeting Minutes

R24-09-374

Moved By Deputy Mayor Shepley

Seconded By Councillor McGuire-Blais

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 Appeals Committee - July 16, 2024

14.2 Personnel Committee - August 12, 2024

15. Financial

16. New Business

17. Notices of Motion

18. Reports and Announcements from Council Members

Deputy Mayor Shepley thanked the Harrow Fair volunteers and announced that the Pie Auction raised nearly \$117,000 which is a Guinness Record for the most money spent on a pie.

Councillor Hammond provided his condolences to the family and friends of Francis (Sam) Deslippe who was former Councillor of Harrow.

Mayor Bondy provided a highlight of all the summer events.

19. By-Laws

19.1 By-Laws that require a third and final reading

19.1.1 By-Law 2349

RE: Being a by-law to confirm the proceedings of the August 12, 2024, Regular Meeting of Council of the Corporation of the Town of Essex

R24-09-375

Moved By Deputy Mayor Shepley
Seconded By Councillor Allard

That By-Law 2349 being a by-law to confirm the proceedings of the August 12, 2024, Regular Meeting of Council of the Corporation of the Town of Essex be read a third time and finally passed on September 3, 2024.

Carried

19.1.2 By-Law 2354

RE: Being a by-law to designate the Essex United Church located at 49 Talbot Street South as being of cultural heritage value or interest under the provisions of the Ontario Heritage Act, R.S.O. 1990, c.O.18

R24-09-376

Moved By Deputy Mayor Shepley
Seconded By Councillor Verbeek

That By-Law 2354 being a by-law to designate the Essex United Church located at 49 Talbot Street South as being of cultural heritage value or interest under the provisions of the Ontario Heritage Act, R.S.O. 1990, c.O.18 be read a third time and finally passed on September 3, 2024.

Carried

19.1.3 By-Law 2358

RE: Being a by-law to designate the John McIntyre Harness Hop Building at 103 King Street West in Harrow, as being of cultural heritage value or interest under the provisions of the Ontario Heritage Act, R.S.O. 1990, c.O.18.

R24-09-377

Moved By Councillor Matyi

Seconded By Councillor Verbeek

That By-Law 2358 being a by-law to designate the John McIntyre Harness Hop Building at 103 King Street West in Harrow, as being of cultural heritage value or interest under the provisions of the Ontario Heritage Act, R.S.O. 1990, c.O.18 be read a third time and finally passed on September 3, 2024.

Defeated

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

19.3 By-Laws that require a first and second reading

19.3.1 By-Law 2366

RE: Being a by-Law to establish a subsidy program in the Town of Essex

R24-09-378

Moved By Councillor Verbeek

Seconded By Councillor Matyi

That By-Law 2366 being a by-Law to establish a subsidy program in the Town of Essex be read a first and a second time and provisionally adopted on September 3, 2024.

Carried

19.3.2 By-Law 2367

RE: Being a by-law to confirm the proceedings of the September 3, 2024, Regular Meeting of Council of the Corporation of the Town of Essex

R24-09-379

Moved By Deputy Mayor Shepley

Seconded By Councillor Matyi

That By-Law 2367 being a by-law to confirm the proceedings of the September 3, 2024, Regular Meeting of Council of the Corporation of the Town of Essex be read a first and a second time and provisionally adopted on September 3, 2024.

Carried

20. Adjournment

R24-09-380

Moved By Councillor Garon

Seconded By Councillor McGuire-Blais

That the meeting be adjourned at 7:52 PM.

Carried

Mayor

Clerk