



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**

December 21, 2020, 6:00 pm

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

This meeting was hosted and chaired from the Essex County Civic Centre Council Chambers, 360 Fairview Avenue West, Essex. Due to the ongoing COVID-19 pandemic and the Essex County Civic Centre building not being open to the public at this time, this meeting was only available electronically to the public via livestream on YouTube with delegates as well only being able to participate electronically.

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

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
Jeffrey Morrison, Director, Corporate Services/Treasurer
Lori Chadwick, Director, Development Services
Kevin Girard, Director, Infrastructure Services

1. Call to Order

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

2. Closed Meeting Report

The Clerk reported that earlier this evening Council met in closed session to discuss a land matter and such discussion in closed session was permitted by Section 239 (2) (c) of the Municipal Act. In that closed meeting Council gave further direction with respect to that proposed land matter.

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 December 21, 2020

R20-12-464

Moved By Councillor Garon

Seconded By Councillor Bowman

That the published agenda for the December 21, 2020 Regular Council Meeting be adopted with the following changes and additions:

1. That the following be added as delegations regarding Agenda Item 17.2.4 and By-Law 1981:
 - i. Agenda Item 6.5: Anne Beneteau and Monica Caruthers representing the Old Schoolhouse Community Group
 - ii. Agenda Item 6.6 :Perry Basden
 - iii. Agenda Item 6.7: Sandra McKee
 - iv. Agenda Item 6.8 : Carol and Lynn
2. That Agenda Item 17.2.4 be moved to Agenda Item 6.9
3. That Thomas Brew be added as a delegation regarding Agenda Item 8.5 and that Agenda Item 8.5 be moved to Agenda Item 6.10
4. At the request of the mover, that the Notion of Motion in Agenda Item 15.1.1 be deferred to the Special Meeting where Council will have a roundtable discussion.

Carried

5. Adoption of Minutes

5.1 Regular Council Meeting Minutes for December 7, 2020

R20-12-465

Moved By Deputy Mayor Meloche

Seconded By Councillor Bowman

That the minutes of the Regular Council Meeting held December 7, 2020 be adopted as circulated.

Carried

6. Public Presentations

6.1 Grahame Soley and Mitchell Johnson, Cogeco Connexion Inc.

RE: Update to Council on the Southwestern Integrated Fibre Technology Initiative (SWIFT) and the broadband internet Cogeco-SWIFT Project

- Power Point Presentation

Mr. Soley and Mr. Johnson provided Council with an overview on the SWIFT-Cogeco Project to expand the delivery of fibre broadband into the rural parts of the county with the funding available. Approximately 1,544 additional homes in the town of Essex are expected to have access to high-speed broadband internet as a result of this project by the end of 2022. Upon completion of this Project it is expected that broadband

coverage in the Town of Essex County will increase from 67% of premises to 85% of premises.

R20-12-466

Moved By Councillor Vander Doelen
Seconded By Councillor Bowman

That the presentation by Grahame Soley and Mitchell Johnson, Cogeco Connexion Inc. be received.

Carried

6.2 Kathy Beaudoin, Essex Food Basket

RE: Request to use the Scout Hall on McAfee Street in Harrow during the pandemic to store non-perishable goods.

R20-12-467

Moved By Councillor Garon
Seconded By Councillor Verbeek

That the Essex Food Bank be permitted to use the Scout Hall on McAfee Street in Harrow during the pandemic to store non-perishable goods.

Carried

6.3 Zachary Bastien and Hans Kogel, Haerko Inc.

RE: Essex Non-Profit Homes Inc. (ENPH) Renewal and Repair Project and Request for Support.

Mr. Bastien and Mr. Kogel advised Council on their Renewal and Repair Project to make certain improvements designed to stabilize their housing units. This project requires additional government funding and so applications for funding are being made with the Central Mortgage Housing Corporation and the Federation of Canadian Municipalities. The group is also seeking support and/or funding from Municipalities in Essex County.

R20-12-468

Moved By Councillor Bondy
Seconded By Councillor Bjorkman

That the presentation be received and that a Letter of Support for the Project be sent to the County of Essex.

Carried

6.4 Jill Kennedy, 709 County Road 50 West

RE: Request for Tender - Construction of Crystal Beach Drain

Ms. Kennedy spoke to her letter of Appeal and request that this Drainage project be reconsidered.

6.4.1 Drainage-2020-14

RE: Results of Request for Tender – Construction of Crystal Beach Drain

- Letter of Appeal received from Resident

R20-12-469

Moved By Councillor Vander Doelen

Seconded By Councillor Verbeek

That Drainage-2020-14 Report entitled "Results for Request for Tender - Construction of Crystal Beach Drain" prepared by Lindsay Dean, Drainage Superintendent dated December 21, 2020, be received, and

That Council award the Request for Tender - Construction of Crystal Beach Drain (RFT-ID-20-021) to Sterling Ridge Infrastructure Inc. in the amount of \$457,207.68 including non-refundable Harmonized Sales Tax.

Carried

6.5 Anne Beneteau and Monica Carruthers, Old Schoolhouse Community Garden

The delegate (s) spoke to their concerns over the proposed sale of 195 Bagot.

6.6 Perry Basden, 70 Harrison Street

The delegate (s) spoke to their concerns over the proposed sale of 195 Bagot.

6.7 Sandra McKee, 325 Prado

The delegate (s) spoke to their concerns over the proposed sale of 195 Bagot.

6.8 Carol and Lynn Quick, 55 Sullivan

The delegate (s) spoke to their concerns over the proposed sale of 195 Bagot.

6.9 By-Law 1981

Being a by-law for the Declaration and Disposition of Surplus Land at 195 Bagot by The Corporation of the Town of Essex

R20-12-470

Moved By Councillor Bowman

Seconded By Councillor Vander Doelen

That By-Law 1981 being a by-law for the Declaration and Disposition of Surplus Land at 195 Bagot by The Corporation of the Town of Essex be read a first, a second and a third time and be finally passed.

Tabled

R20-12-471

Moved By Councillor Bondy

Seconded By Deputy Mayor Meloche

That By-Law 1981 being a by-law for the Declaration and Disposition of Surplus Land at 195 Bagot by The Corporation of the Town of Essex be tabled until the January 18, 2021 regular meeting of Council.

Carried

R20-12-472

Moved By Councillor Bowman
Seconded By Councillor Bjorkman

That the delegations in respect of Agenda item 6.5 be received

6.10 Thomas Brew, 3714 3rd Concession

Mr. Brew spoke to his continuing concerns over the amount of truck traffic and speeding that he and other neighbors along the third concession have witnessed. He further spoke to his petition request regarding the same.

6.10.1 Infrastructure Services-2020-10

RE: 3rd Concession Truck Traffic Petition

R20-12-473

Moved By Councillor Bowman
Seconded By Councillor Bondy

That Infrastructure Services-2020-10 report entitled "3rd Concession Truck Traffic Petition" prepared by Kevin Girard, Director, Infrastructure Services dated December 21, 2020, be received;

That the petition filed by the residents of the 3rd Concession between County Road 11 (Walker Road) and County Road 23 (Arner Townline), be received; and

That the 3rd concession remain a Class "B" road but that the resident concerns and subsequent speed limit reduction petition be addressed through the Town's Policy for Establishing Speed Limits.

Carried

7. Unfinished Business

8. Reports from Administration

8.1 Chief Administrative Officer Verbal Report

RE: Update on Large Development Projects Toolbox

Mr. Auger , Town Solicitor/Clerk, provided on behalf of the CAO, an update to Council and advised that a proposed agreement with a local developer to finance the costs of infrastructure for a local large scale residential development was close to being finalized , which agreement could serve as a model policy to guide the Town in the future relating to the ability of the town to assist in the up front financing of infrastructure costs relating to other large scale residential and/or commercial developments. Mr. Auger further reported that it was expected that the proposed model policy would come to Council in the early new year hopefully at the first meeting in January.

R20-12-474

Moved By Deputy Mayor Meloche
Seconded By Councillor Garon

That the verbal report regarding the Large Development Projects Toolbox be received.

Carried

8.2 Director, Community Services/Deputy Chief Administrative Officer Verbal Report

RE: Waiving of fees for Town leases during lockdown (Grey)

Mr. Sweet spoke to the recommendation that the Town waive Town lease fees during this current level of COVID-19 restrictions (Grey status).

R20-12-475

Moved By Deputy Mayor Meloche

Seconded By Councillor Bowman

That the Town waive all fees for Town leases for the duration of the current level of COVID-19 restrictions (Grey).

Carried

8.3 Economic Development-2020-20

RE: Building Report and Development Overview November 2020

R20-12-476

Moved By Councillor Bjorkman

Seconded By Councillor Verbeek

That Economic Development -2020-20 Report entitled "Building Report and Development Overview November 2020" prepared by Nelson Silveira, Economic Development Officer dated December 21, 2020 be received for information.

Carried

8.4 Corporate Services Report-2020-05

RE: Revised Schedules to By-Laws 1812, 1331 and 1850

R20-12-477

Moved By Councillor Bjorkman

Seconded By Councillor Verbeek

That Corporate Services Report-2020-05 report entitled "Revised Schedules to By-Laws 1812, 1331 and 1850" be received, and

That the following three schedules be revised as indicated effective as of January 1, 2021:

- i. Schedule "C" to By-Law Number 1812, being a by-law respecting the maintenance, management, regulation and control of any cemetery owned by The Corporation of the Town of Essex,
- ii. Schedule "A" to By-Law Number 1331, being a by-law to establish a schedule of miscellaneous fees and charges, and
- iii. Schedule "B" to By-Law Number 1850, being a by-law for the imposition of Development Charges.

Carried

8.5 Infrastructure Services-2020-14

RE: Proposed Allocation of Remaining Union Water Supply System ("UWSS") Treatment Capacity

Mr. Girard, Director of Infrastructure Services, provided a brief summary of the report.

R20-12-478

Moved By Councillor Bowman

Seconded By Councillor Vander Doelen

That Infrastructure Services-2020-14 report entitled "Proposed Allocation of Remaining Union Water Supply Sewer Treatment Capacity" prepared by Kevin Girard, Director, Infrastructure Services dated December 21, 2020, together with the attached correspondence from Union Water Supply System dated November 2, 2020 be received, and

That Council authorize the Director, Infrastructure Services to draft and send a response letter of non-support for the correspondence received on November 2, 2020 from Union Water Supply System regarding the proposed allocation of remaining water treatment capacity.

Carried

8.6 Infrastructure Services-2020-13

RE: Sanitary Service Area Amendment

R20-12-479

Moved By Councillor Vander Doelen

Seconded By Councillor Bowman

That Infrastructure Services-2020-13 report entitled "Sanitary Sewer Area Amendment" prepared by Kevin Girard, Director, Infrastructure Services, dated December 21, 2020 be received, and

That Council appoint Stantec Consulting Ltd. to provide consulting services to complete an amendment to the "Town of Essex Improvements to Ward 1 Community Sanitary Sewer System - Class Environmental Assessment (EA) Phase 1 and 2 Report" dated December 7, 2015, in accordance with the completed request under Section 22 of the Town of Essex Procurement By-Law 1043.

Carried

8.7 Planning-2020-29

RE: Site Specific Zoning Amendment and Site Plan Control Approval (1110 Ridge Road, Colchester South, Ward 3)

R20-12-480

Moved By Councillor Bowman

Seconded By Councillor Garon

That Planning Report 2020-29 entitled "Site Specific Zoning Amendment and Site Plan Control Approval (1110 Ridge Road, Colchester South, Ward 3): prepared by Rita Jabbour, RPP, Manager, Planning Services dated December 21, 2020 be received;

That By-law 1978, Being a By-law to amend By-law 1037 (the Comprehensive Zoning By-law for the Town of Essex), to permit the construction of two (2) new ancillary dwellings to accommodate the housing of farm help; and the use of the existing single detached dwelling(s) to accommodate the housing of farm help, be read a first, a second and a third time and be finally passed; and

That By-law 1979, being a By-law to enter into a Site Plan Control Agreement between the Corporation of the Town of Essex and Upper Canada Growers (UGC) Land INC for the establishment of two (2) ancillary dwellings for the accommodation of housing farm help at 1110 Ridge Road, be read a first, a second and a third time and be finally passed.

Carried

9. Reports from Youth Members

10. County Council Update

11. Correspondence

11.1 Correspondence to be received

R20-12-481

Moved By Councillor Garon

Seconded By Deputy Mayor Meloche

That all of 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 - COVID-19 Municipal Financial Impacts

11.1.1.2 AMO Policy Update - New Stronger Public Health Measures

11.1.1.3 Public Health Memo COVID-19

RE: Elected Representatives Weekly Report
December 14, 2020

11.1.1.4 Corporation of the Town of Carleton Place

RE: COVID-19 and Childcare Funding Impacts

11.1.2 Windsor Essex County Environmental Committee

RE: November 7, 2020 Meeting

11.1.3 Dog Pound Committee Meeting Agenda

RE: December 2, 2020 Agenda

11.1.4 Ministry of Heritage, Sport, Tourism and Culture Industries

RE: Tourism Economic Development and Recovery Fund

11.1.5 Dillon Consulting Limited

RE: Notice of Study of Commencement (Highway 3 Widening in the Town of Essex)

11.1.6 Municipality of Southwest Middlesex

RE: Municipal Drainage Matters and need for coordination with the national railways.

11.1.7 Dufferin County

RE: Changes to the Aggregate Resource Property Valuation Assessment Criteria

11.1.8 Town of Howick Resolution

RE: Amending Tile Drainage Installation Act

11.1.9 Essex Business Improvement Area (BIA)

RE: Small Business Support Letter dated December 15, 2020

11.2 Correspondence to be considered for receipt and support

11.2.1 Municipality of Leamington

RE: Support of Municipality of Tweed Resolution 343 regarding Cannabis Production Facilities, the Cannabis Act, and Health Canada Guidelines

R20-12-482

That the correspondence listed in Agenda Item 11.2.1 be received and supported and that the appropriate letter of support be sent.

12. Committee Meeting Minutes

R20-12-483

Moved By Councillor Vander Doelen

Seconded By Councillor Bowman

That all of the Committee Meeting minutes listed in Agenda item 12, together with any recommendations to Council noted therein, be received, approved and adopted as circulated.

Carried

12.1 Arts, Culture and Tourism Committee November 18, 2020

12.2 Arts, Culture and Tourism Committee December 10, 2020

12.3 Essex Accessibility Advisory Committee November 25, 2020

EAAC20-11-014

Moved by: Sherry Bondy

Seconded by: Ron McDermott

Recommendation to Council : That council support a recommendation to have administration draft a letter to all municipal businesses informing them of the availability of potential accessibility funding through the Town's CIP program and further advising them that the funding will lapse at the end of 2021 and ensure circulation to all businesses within the

Town and further to support a promotional social media campaign setting forth the same information and promoted through the Town’s various social media platforms. **Carried**

EAAC20-11-017

Motion by: Sherry Bondy

Seconded by: Ron McDermott

Recommendation to Council That Council support the Committee’s recommendation and instruct administration in the Public Works department to complete the connection on Cranberry Court by providing a curb-cut and sidewalk connections between the two existing roads and to report back to the Committee on a time-line for completion. **Carried**

EAAC20-11-019

Moved by: Lisa Wallace

Seconded by: Ron McDermott

Recommendation to Council: That Council support the Committee’s recommendation that the Manager of Planning Services or an alternate from the Development Services Department take the course and that funds for the course come from the Accessibility Committee’s budget. **Carried**

EAAC20-11-020

Moved by: Lisa Wallace

Seconded by: Geraldine Dozois

Recommendation to Council: That Council support and direct administration to complete a town Facility Accessibility Design Standards document including all applicable AODA regulations and Ontario Building Code standards as they relate to Town’s policies and make the same available on the Town’s website under the Accessibility Committee’s. **Carried**

12.4 Drainage Board December 9, 2020

RE: Consideration of Contract Price for Crystal Beach Drain: Repair and Improvement of Covered Drains

13. Financial

13.1 November Bank Payments Report

R20-12-484

Moved By Deputy Mayor Meloche

Seconded By Councillor Bjorkman

That the Bank Payments Report, including the November cheque register, cheque number 52149 to cheque number 52255 inclusive in the amount of \$1,525,705.87, the Preauthorized Payments for the month of November in the amount of \$333,582.23; and Payroll for the month of November in the amount of \$396,073.64, be ratified as submitted.

Carried

14. New Business

15. Notices of Motion

15.1 The following notice of Motion was presented at the December 7, 2020 Regular Council Meeting and is being brought forward this evening for Council's consideration:

15.1.1 Councillor Bondy

RE: Bill 229 Conservation Authorities Act

At the request of Councillor Bondy, this Notice of Motion was deferred to the Special Meeting of Council (Roundtable Discussion) to be scheduled.

Moved by: Councillor Bondy

Seconded by: _____

WHEREAS the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act;

WHEREAS the Legislation introduces a number of changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, permit appeal process and engaging in review and appeal of planning applications;

WHEREAS the changes allow the Minister to make decisions without CA watershed data and expertise;

WHEREAS the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs;

WHEREAS municipalities require a longer transition time to put in place agreements with conservation authorities for non-mandatory programs;

WHEREAS municipalities believe that the appointment of municipal representatives on CA Boards should be a municipal decision; and

WHEREAS changes to the legislation will create more red tape and costs for the conservation authorities, and their municipal partners, and potentially result in delays in the development approval process

THEREFORE BE IT RESOLVED

THAT the Province of Ontario work with conservation authorities to address their concerns by repealing and/or amending changes to the Conservation Authorities Act and the Planning Act;

THAT the Province of Ontario delay enactment of clauses affecting municipal concerns;

THAT the Province of Ontario provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of CA-municipal budget processes;

THAT the Province respect the current conservation authority/municipal relationships;

AND THAT the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

AND THAT a copy of this resolution accordingly be forwarded to the Province of Ontario.

Moved By Councillor Bondy

15.2 That the following Notice of Motion is being presented this evening and will be brought forward at the January 18, 2021 Regular Council Meeting for Council's consideration:

15.2.1 Deputy Mayor Meloche

RE: Victoria Avenue in Essex Centre

That in view of the fact that Victoria Avenue in Essex Centre is one of premier routes in and out of Essex Centre, and that this road has been in disrepair for many years, that the Victoria Avenue rehabilitation road project be included as part of the Downtown Essex Centre Revitalization Project scheduled for 2022.

15.2.2 Deputy Mayor Meloche

RE: Drainage Billings

That in order for Council to be fully aware of outstanding billing's for drainage projects, it is hereby requested that a detailed Drainage Billing's Report be brought by Administration to Council in January/February 2021 for a full review of the Town's standing on such bills.

15.2.3 Deputy Mayor Meloche

RE: Standards for Property Development

That with regard to Administration's current review of property development standards, that Council request the following additional change be brought forward to Administration as part of its property development standards review;

Whereas if a builder has be given relief on yard depths, including any side yard, as compared to our standard, that the type of home built on the property be thereby limited to one storey meaning no second story and/or no back split; and

As well, the shortened requirement would be inclusive of any allowable additional structure such as a deck that may be permitted as part of the new structure.

16. Reports and Announcements from Council Members

Each of the Council Members were 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 1973

Being a by-law to confirm the proceedings of the December 7, 2020 Regular Meeting of Council of The Corporation of the Town of Essex

R20-12-485

Moved By Councillor Bowman

Seconded By Deputy Mayor Meloche

That By-Law 1973 being a by-law to confirm the proceedings of the December 7, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex, be read a third time and finally passed on December 21, 2020.

Carried

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

17.2.1 By-Law 1975

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 (Pathway to Potential).

R20-12-486

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That By-Law 1975 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 December 21, 2020.

17.2.2 By-Law 1976

Being a by-law to authorize an agreement between Her Majesty the Queen in Right of Ontario as represented by the Minister of Heritage, Sport, Tourism and Culture (the "Province") and The Corporation of the Town of Essex (Agri-Tourism Grant)

R20-12-487

Moved By Councillor Vander Doelen

Seconded By Deputy Mayor Meloche

That By-Law 1976 being a by-law to authorize an Agreement between Her Majesty the Queen in Right of Ontario as represented by the Minister of Heritage, Sport, Tourism and Culture Industries (the "Province") and The Corporation of the Town of Essex be read a first, a second and a third time and finally passed on December 21, 2020.

Carried

17.2.3 By-Law 1980

Being a by-law to Amend By-Law 1953 Being a by-law to enter into an Agreement between The Corporation of the Town of Essex and its Non-Union Employees.

R20-12-488

Moved By Councillor Garon

Seconded By Councillor Bjorkman

That By-Law 1980 Being a by-law to Amend By-Law 1953 Being a by-law to enter into an Agreement between The Corporation of the Town of Essex and its Non-Union Employees, be read a first, a second time and a third time and finally adopted on December 21, 2020.

Carried

17.3 By-Laws that require a first and second reading

17.3.1 By-Law 1977

Being a by-law to confirm the proceedings of the December 21, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex.

R20-12-489

Moved By Councillor Garon

Seconded By Councillor Bowman

That By-Law 1977 being a by-law to confirm the proceedings of the December 21, 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 December 21, 2020.

Carried

18. Adjournment

R20-12-490

Moved By Councillor Verbeek

Seconded By Councillor Vander Doelen

That the meeting be adjourned at 9:38 PM.

Carried

Mayor

Clerk