



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**

January 18, 2021, 6:00 pm

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

This meeting was hosted and chaired from the Essex Municipal Building, 33 Talbot Street South, Essex. Due to the ongoing COVID-19 pandemic and the Essex Municipal 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: 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
Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk
Shelley Brown, Deputy Clerk, Legal and Legislative Services
Rita Jabbour, Manager, Planning Services
Nelson Silveira, Economic Development Officer

1. Call to Order

Mayor Snively called the meeting to order at 6:00 PM

2. National Anthem

3. Closed Meeting Report

4. Declarations of Conflict of Interest

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

5. Adoption of Published Agenda

5.1 Regular Council Meeting Agenda for January 18, 2021

R21-01-001

Moved By Councillor Garon

Seconded By Councillor Bjorkman

That the published agenda for the January 18, 2021 Regular Council Meeting be adopted with the following amendments:

1. That Agenda Item 6.7 from the December 21, 2020 Regular Council Meeting Minutes be amended to reflect that the delegate was not in attendance and did not address Council as a delegate; and
2. That the Correspondence from Jeremy Parsons dated January 14, 2021 and in regard to the Colchester Schoolhouse, be added as Agenda Item 12.1.1.

Carried

6. Adoption of Minutes

6.1 Regular Council Meeting Minutes for December 21, 2020

R21-01-002

Moved By Councillor Verbeek

Seconded By Councillor Bowman

That the minutes of the Regular Council Meeting held December 21, 2020 be adopted as amended.

Carried

6.2 Special Council Meeting Minutes for December 1, 2020

R21-01-003

Moved By Councillor Garon

Seconded By Councillor Verbeek

That the minutes of the Special Council Meeting held December 1, 2020 be adopted as circulated.

Carried

7. Public Presentations

7.1 James Flynn and Kim Lewis

RE: 195 Bagot (Colchester School House Property)

James Flynn and Kim Lewis, the potential proponents to purchase the former Colchester schoolhouse property provided an overview by way of presentation of the development proposed for 195 Bagot Street. The proposed development would provide for 14 individual residential units for short term rental on the property plus accommodations in a rejuvenated schoolhouse building. The proponents stated that this proposed development will attract visitors and tourist spending in the area as well as promote new investment to the area. The proponents further stated that they would continue to work with the community and local residents to try to address any ongoing concerns they may have about the proposed development including noted concerns relating to Chimney swifts and heritage concerns and that they accordingly plan to take all reasonable steps to ensure that their proposed development fits within the fabric of the local community.

R21-01-004

Moved By Deputy Mayor Meloche

Seconded By Councillor Garon

That the presentation regarding 195 Bagot Street presented by James Flynn and Kim Lewis be received.

Carried

7.2 Laurie Brett, Town of Essex Heritage Committee

RE: 195 Bagot (Colchester School House Property)

Laurie Brett, Chairperson, Essex Municipal Heritage Committee, provided Council with an update on the January 14, 2021 Heritage Committee meeting where the committee met to discuss the declaration of surplus and proposed sale of 195 Bagot Street. In particular Ms. Brett provided Council with the following recommendations to Council that the Committee passed (subject to or pending adoption) at the January 14, 2021 meeting:

(EMHC 21-01-05) That Council promptly revise Bylaw #855 related to the Sale of Surplus Lands to provide special recognition, protections and safeguards for publicly owned property of cultural heritage significance; and that said revised bylaw ensure robust stakeholder involvement by including enhanced public notice requirements with extended periods of public consultation; that all public notices announcing the potential or actual sale of public lands containing cultural heritage assets identify the affected property by legal description as well as familiar and commonly used names, with specific mention of their heritage designation status; and that Schedule A to Bylaw #855 be updated to include a separate list of cultural assets of historical significance.

(EMHC 21-01-06) That Council defer the sale of 195 Bagot Street until other parties have had an opportunity to bring forward suggestions on possible uses for the property and preservation plans related thereto, including a group provisionally referred to as the Friends of Colchester Schoolhouse.

(EMHC 21-01-07) That Council initiate the designation process to ensure future protection of 195 Bagot St., known as Colchester Schoolhouse, and the preservation of its heritage attributes.

Discussion ensued amongst Council. Councillor Bondy moved and Councillor Bjorkman seconded a motion that Council move with the first recommendation noted by the Heritage Committee (EMHC 21-01-05). Councillor Bondy then withdrew this motion indicating a preference to hear first from all delegations this evening.

R21-01-005

Moved By Councillor Bondy

Seconded By Councillor Bjorkman

That the presentation by Laurie Brett, Chair, Essex Municipal Heritage Committee be received.

Carried

7.3 Lynda Leopold and Heidi Affleck

RE: 195 Bagot (Colchester School House Property)

Lynda Leopold and Heidi Affleck provided Council with the results of a survey they conducted regarding the sale and development of 195 Bagot Street.

R21-01-006

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That the verbal report and presentation by Lynda Leopold and Heidi Affleck be received.

Carried

7.4 Perry Basden

RE: 195 Bagot (Colchester School House Property)

Perry Basden presented Council with his concerns regarding the sale of the Colchester Schoolhouse. Mr. Basden further proposed the creation of the Friends of the Colchester Schoolhouse as a non-profit society. Mr. Basden expressed his commitment to the group and stated that it would take at minimum six to eight months.

R21-01-007

Moved By Councillor Bowman

Seconded By Deputy Mayor Meloche

That the presentation from Perry Basden be received.

Carried

8. Unfinished Business

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

At the December 21, 2020 Regular Council Meeting Resolution R20-12-470 was tabled by Resolution R20-12-471 until the January 18 2021 regular council meeting.

R21-01-008

Moved by Councilor Vander Doelen

Seconded by Mayor Snively

That Resolution R20-12-470 in respect of By-Law 1981 being a by-law for the Declaration of Disposition of Surplus Land at 195 Bagot Street by The Corporation of the Town of Essex be taken from the table. Result: Carried

R20-12-470

Moved By Councilor Bowman

Seconded By Councilor 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.

Discussion on R20-12-470 then ensued amongst Council.

R21-01-009

Moved By Deputy Mayor Meloche

Seconded By Councillor Bondy

That R20-12-470 in respect of By-law 1981 be tabled until Council's second meeting in March 2021 (March 15) and that the current proponents be asked if they would consider moving their extending their offer to purchase to such time.

Result: Carried

James Flynn stated that they were disappointed and would now need to consider what they heard and come back with their decision. Mr. Flynn stated that they were unsure at this point if they will withdraw the offer and seek other opportunities.

9. Reports from Administration

9.1 Economic Development-2021-01

RE: December 2020 Building Report and the Development Overview for 2020

Ms. Chadwick, Director of Development Services provided a brief overview of this report.

R21-01-010

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That Economic Development 2021-01 entitled Building Report and Development Overview 2020 prepared by Nelson Silveira, Economic Development Officer dated January 18, 2021 be received.

Carried

9.2 Economic Development-2021-03

RE: Agri-Tourism Strategy 2021

R21-01-011

Moved By Councillor Vander Doelen

Seconded By Deputy Mayor Meloche

That Economic Development 2021-03 entitled Agri-Tourism Strategy 2021 prepared by Nelson Silveira, Economic Development Officer dated January 18, 2021 be received.

Carried

10. Reports from Youth Members

11. County Council Update

12. Correspondence

12.1 Correspondence to be received

R21-01-012

Moved By Councillor Garon
Seconded By Councillor Bowman

That all of the correspondence listed in Agenda Item 12.1 be received and, where indicated, to further share such information with the community using suitable methods of communication.

Carried

12.1.1 Correspondence related to 195 Bagot (Colchester School House Property) matter.

12.1.2 Correspondence relating to COVID-19 Pandemic

- 12.1.2.1 Windsor-Essex County Health Unit

RE: Elected Representatives Weekly Report January 4, 2021
- 12.1.2.2 Town of Lincoln

RE: Funding for Community Groups and Service Clubs affected by Pandemic
- 12.1.2.3 Province of Ontario

RE: Enhancing Public Health and Workplace Safety Measures in the Provincewide Shutdown January 12, 2021
- 12.1.2.4 Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO)

RE: Second Provincial Declaration of Emergency
- 12.1.2.5 Province of Ontario

RE: Ontario Regulation 11/21: Stay at Home Order

12.1.3 Province of Ontario

RE: 2019-2020 Chief Drinking Water Inspector Annual Report

12.1.4 The Corporation of the Town of Amherstburg

RE: Bill C-213 The Canada Pharmacare Act

12.1.5 The Corporation of the Town of Amherstburg

RE: Bill 197 Development Approval Requirements for Landfills

12.1.6 Essex Region Conservation Authority

RE: 2021 Fee Schedule

12.1.7 Essex-Windsor Solid Waste Authority

RE: 2019 Regional Landfill Operations Report

12.1.8 Gravel Watch Ontario

RE: Gravel Watch Municipal Letter January 2021

12.1.9 Wridgeview Greenhouses Ltd.

RE: By-Law 79-20 (Light Abatement) (Bylaw) from Leamington Council

12.1.10 Union Water Supply System

RE: November 17, 2020 Meeting Minutes

12.1.11 The Corporation of the Town of Amherstburg

RE: Opposition to Further Amalgamation

12.1.12 The Corporation of the Town of Tecumseh

RE: Removal of the Windsor International Airport from NAV Canada closure list

12.1.13 The Corporation of the Town of Amherstburg

RE: Removal of Windsor International Airport from NAV Canada Closure List

12.1.14 Town of Kingsville

RE: Opposition to Further Amalgamation

12.1.15 Town of Lincoln

RE: Amending AGCO Process for Cannabis Retail Stores

12.1.16 Town of Lincoln

RE: Accessibility for Ontarians with Disabilities Act - Website Support

12.1.17 Province of Ontario

RE: Minister's Annual Report on Drinking Water (2020)

12.1.18 Municipality of Charlton and Dack

RE: Municipal Insurance in the Province of Ontario

12.1.19 Township of Huron-Kinloss

RE: Property Tax Exemptions for Veteran Clubs

12.2 Correspondence to be considered for receipt and support

13. Committee Meeting Minutes

R21-01-013

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That all the Committee Meeting minutes listed in Agenda Item 13, together with any recommendations to Council noted therein, be received, approved and adopted as circulated.

Carried

- 13.1 Essex Climate Adaptation Team Meeting October 7, 2020**
- 13.2 Police Service Board November 5, 2020**
- 13.3 Heritage Committee Meeting October 29, 2020**
- 13.4 Committee of Adjustment November 17, 2020**
- 13.5 Court of Revision January 6, 2021**
- 13.6 Drainage Board January 6, 2021**
- 14. Financial**
- 15. New Business**
- 16. Notices of Motion**

16.1 The following Notices of Motions was presented at the December 21, 2020 Regular Council Meeting and are being brought forward this evening for Council's consideration:

At the request of the Mover all of the Notice of Motions listed as Agenda item 16.1.1-16.1.3 on the January 18, 2021 Regular Council Meeting Agenda were deferred for consideration by Council to the February 1, 2021 Regular Meeting of Council.

16.1.1 Deputy Mayor Meloche

RE: Victoria Avenue in Essex Centre

Moved by: Deputy Mayor Meloche

Seconded by: _____

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.

16.1.2 Deputy Mayor Meloche

RE: Drainage Billings

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

16.1.3 Deputy Mayor Meloche

RE: Standards for Property Development

Moved by: Deputy Mayor Meloche

Seconded by: _____

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 been 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 story 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.

16.2 The following Notices of Motion are being presented this evening and will be brought forward for Council's consideration at the February 1, 2021 Regular Council Meeting

16.2.1 Councillor Bondy

RE: Declaring Cultural or Historic Property Surplus

That in advance of Council designating any public property surplus which has Cultural or Historic value, that the public is first consulted by means of social media, newspaper, town website, open houses, public meetings etc. and when properties are deemed to have heritage value, the Heritage Committee is also given notice and time to provide a recommendation to Council.

16.2.2 Councillor Bondy

RE: Designating Public Property as Surplus

That only two readings be given to by-laws for designating public property surplus followed by third and final reading on the next agenda to guarantee public notice and transparency.

16.2.3 Councillor Bondy

RE: Surplus Property Sold in Open Market

That when Council deems public property as surplus such property will be sold by request for proposal and/or listed on the open market to ensure that properties are sold in a transparent manner and for the highest price.

16.2.4 Councillor Bondy

RE: Ad-Hoc Committee

That Essex Council establish an Ad-Hoc committee to come together to propose regulations and policies around Short Term Rental accommodations in the Town of Essex.

17. Reports and Announcements from Council Members

18. By-Laws

18.1 By-Laws that require a third and final reading

18.1.1 By-Law 1977

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

R21-01-014

Moved By Councillor Bowman

Seconded By Councillor Garon

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 third time and finally passed on January 18, 2021.

Carried

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

18.2.1 By-Law 1982

Being a by-law to provide for an interim tax levy and to provide for payment of taxes and to provide for penalty and interest

R21-01-015

Moved By Deputy Mayor Meloche

Seconded By Councillor Bjorkman

That By-Law 1982 being a by-law to provide for an interim tax levy and to provide for the payment of taxes and to provide for penalty and interest be read a first, a second and a third time and finally passed on January 18, 2021.

Carried

18.2.2 By-Law 1983

Being a by-law to impose a local improvement charge and to provide for the issue of debentures in the amount of \$167,047.76 for shoreline assistance loans

R21-01-016

Moved By Councillor Verbeek

Seconded By Councillor Bowman

That By-Law 1983 being a by-law to impose a local improvement charge and to provide for the issuance of debentures in the amount of \$167,047.76 for shoreline assistance loans be read a first, a second and a third time and finally passed on January 18, 2021.

Carried

18.3 By-Laws that require a first and second reading

18.3.1 By-Law 1984

Being a by-law to confirm the proceedings of the January 18, 2021 Regular Meeting of the Council of The Corporation of the Town of Essex

R21-01-017

Moved By Deputy Mayor Meloche

Seconded By Councillor Verbeek

That By-Law 1984 being a by-law to confirm the proceedings of the January 18, 2021 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 January 18, 2021.

Carried

19. Adjournment

R21-01-018

Moved By Deputy Mayor Meloche

Seconded By Councillor Bjorkman

That the meeting be adjourned at 9:45 PM

Carried

Mayor

Clerk