



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**

February 1, 2021, 6:00 pm

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

Present: Mayor Larry Snively
Deputy Mayor Richard Meloche
Ward 1 Councillor Joe Garon
Ward 1 Councillor Morley Bowman
Ward 2 Councillor Kim Verbeek
Ward 3 Councillor Steve Bjorkman
Ward 3 Councillor Chris Vander Doelen
Ward 4 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

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.

1. Call to Order

Mayor Snively called the meeting to order at approximately 6:05 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 February 1, 2021

R21-01-019

Moved By Councillor Vander Doelen

Seconded By Councillor Bowman

That the published agenda for the February 1, 2021 Regular Council Meeting be adopted with the following amendment:

1. That Agenda Item 18.2.1 and its By-Law 1985 be amended to reflect an effective date of appointment of February 1, 2021.

Carried

6. Adoption of Minutes

6.1 Regular Council Meeting Minutes for January 18, 2021

R21-01-020

Moved By Deputy Mayor Meloche

Seconded By Councillor Bowman

That the minutes of the Regular Council Meeting held January 18, 2021 be adopted as circulated.

Carried

6.2 Special Council Meeting for November 30, 2020

R21-01-021

Moved By Councillor Garon

Seconded By Councillor Bjorkman

That the minutes of the Special Council Meeting held November 30, 2020 to introduce the 2021 Proposed Budget, be adopted as circulated.

Carried

6.3 Special Council Meeting December 14, 2020

R21-01-022

Moved By Councillor Garon

Seconded By Councillor Bjorkman

That the minutes of the Special Meeting Minutes held on December 14, 2020 to deliberate the 2021 Proposed Budget, be adopted as circulated.

Carried

6.4 Special Council Meeting for January 11, 2021

R21-01-023

Moved By Councillor Verbeek

Seconded By Deputy Mayor Meloche

That the minutes of the Special Council Meeting held January 11, 2021 to deliberate the 2021 Proposed Capital Budget, be adopted as circulated.

Carried

6.5 Special Council Meeting for January 13, 2021

R21-01-024

Moved By Councillor Verbeek

Seconded By Councillor Garon

That the minutes of the Special Council Meeting held on January 13, 2021 to present the 2021 - 2026 Draft Climate Adaptation Plan, be adopted as circulated.

Carried

7. Public Presentations

7.1 COVID-19 Impacts on Small Business and Community

At its Special Meeting of January 18, 2021 Council for the Town of Essex received presentations from a number of local residents and small business owners to discuss how they have been impacted by the current COVID-19 pandemic and its subsequent restrictions. Council directed Town administration to send correspondence to convey these concerns and ask both levels of government to take immediate steps to mitigate the damage that COVID-19 continues to inflict on both our residents and our business community.

Council also asked the Town to invite representatives from our local Health Unit and our respective members of Federal and Provincial Parliament to attend this evening's Council meeting so that further discussion can take place.

Council and the delegates engaged in a free flowing discussion through the Chair which discussion focused on questions relating to the process the government takes in reaching and making COVID-19 decisions concerning restrictions that affect businesses. A majority of the comments from the Council members focused on the belief that the current restrictions are inconsistent in their application and that there should be restriction standards that are more proportional in nature. A restriction model based on square footage of the business was proposed as perhaps a model that would be fairer to small businesses.

Discussion also focused on COVID-19 and migrant farm worker conditions together with comments that small businesses need to have the same opportunity to open and to open safely as big box stores and manufacturing facilities.

At the end of the discussion the Mayor thanked the respective delegates for their time and continuing devotion to trying to help the residents of Essex County during this difficult time.

R21-01-025

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That Council add and welcome M.P.P. Rick Nicholls as a delegate at this meeting.

Carried

R21-01-026

Moved By Councillor Bjorkman
Seconded By Councillor Bowman

That the presentations by the delegations listed in Agenda Item 7.1 be received.

Carried

- 7.1.1 Chris Lewis, M.P. Member of Federal Parliament-Essex
- 7.1.2 Taras Natyshak, M.P.P. Member of Provincial Parliament -Essex
- 7.1.3 Dr. Wajid Ahmed, Medical Officer of Health, Windsor-Essex County Health Unit
- 7.1.4 Rick Nicholls, M.P.P. Member of Provincial Parliament, Chatham-Kent/Leamington

8. Unfinished Business

9. Reports from Administration

9.1 Fire and Rescue Services-2021-01

RE: Digital Radio-Communication System Contract

R21-01-027

Moved By Councillor Bjorkman
Seconded By Councillor Bowman

That Fire and Rescue Services-2021-01 entitled Digital Radio-Communications System Contract Extension prepared by Richard Arnel, Fire Chief, dated February 1, 2021, be received, and

That Council approve the Digital Radio-Communication System Contract Extension (Appendix A) with Kelcom Co. Ltd. for an additional three (3) years.

Carried

9.2 Drainage-2021-01

RE: Appointment of Engineer for Malden Road West Drain New Culvert

R21-01-028

Moved By Deputy Mayor Meloche
Seconded By Councillor Bowman

That Drainage-2021-01 entitled Appointment of an Engineer under Section 78 of the Drainage Act to install a new culvert in the Malden Road West Drain prepared by Lindsay Dean, Drainage Superintendent, dated February 1, 2021, be received, and

That Council appoint Rood Engineering Incorporated pursuant to Section 78 of the Drainage Act for the project to install a new culvert in the Malden Road West Drain.

Carried

9.3 Verbal Report, Director, Development Services

RE: Year-End Development Update

R21-01-029

Moved By Councillor Garon

Seconded By Councillor Verbeek

That the verbal report presented by Lori Chadwick, Director, Development Services regarding the Year-End Development Update be received.

Carried

9.4 Economic Development-2021-02

RE: Community Improvement Plan 2020 Summary

R21-01-030

Moved By Councillor Verbeek

Seconded By Councillor Garon

That Economic Development-2021-02 entitled Community Improvement 2020 Summary prepared by Nelson Silveira, Economic Development Officer dated February 1, 2021, be received.

Carried

9.5 Infrastructure Services-2021-01

RE: Engineering Services for Essex Centre Streetscape

R21-01-031

Moved By Councillor Bowman

Seconded By Deputy Mayor Meloche

That Infrastructure Services-2021-01 entitled Engineering Services for Essex Centre Streetscape prepared by Kevin Girard, Director, Infrastructure Services dated February 1, 2021 be received, and

That Council appoint Stantec Consulting Ltd. to provide engineering services in the amount of \$347,286.53 (including non-refundable HST) to design, assist in procurement, and administer project GG-21-0001 - Essex Streetscaping in accordance with the completed request under Section 22 of the Town of Essex Procurement By-Law 1043.

Carried

9.6 Legal and Legislative Services-2021-02

RE: Relocation of the Rush Drain

R21-01-032

Moved By Councillor Vander Doelen

Seconded By Councillor Garon

That the following three (3) members of the Drainage Board: Kirk Carter, Percy Dufour and Felix Weigt-Bienzle be appointed to sit as members of the Court of Revision to be convened for the Relocation of the Rush Drain, Former Township

of Colchester North now in the Town of Essex, File No. 19-1023, pursuant to the Report prepared by Tim R. Oliver, Professional Engineer, Dillon Consulting, and dated January 8, 2021 (hereinafter the "Report"), such Court of Revision to be scheduled for 5:00 pm on February 24, 2021, via electronic meeting, and

That By-Law 1987 being a by-law to provide for the Relocation of the Rush Drain, Former Township of Colchester North Now in the Town of Essex, File No. 19-1023, be read a first and second time and be provisionally adopted on February 1, 2021.

Carried

9.7 Operations-2021-01

RE: Loading Zone Parking Space

R21-01-033

Moved By Deputy Mayor Meloche

Seconded By Councillor Verbeek

That Operations-2021-01 entitled Loading Unloading Zone Parking Spaces prepared by Norm Nussio, Manager, Operations dated February 1, 2021, be received, and

That Council direct administration to amend By-Law 224 (the by-law to regulate Parking), as recommended in this report, so as to provide for loading zone parking spaces on Centre Street from approximately 34m west of Talbot Street North to approximately 48m west of Talbot Street North, and on Wilson Avenue from approximately 22m east of Talbot Street North to approximately 30m east of Talbot Street North from Monday to Saturday between 8:30am to 11:30am, holidays excepted.

Carried

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

RE: Removing Ice at Town Facilities

Doug Sweet, Director, Community Services/Deputy CAO spoke to the recommendation that given the current status of COVID-19 and low likelihood of usage that two of the ice pads be removed at this time.

R21-01-034

Moved By Councillor Bondy

Seconded By Councillor Bowman

That the Town of Essex remove ice from two of the three ice pads effective immediately from the Harrow Arena and the Shaheen Rink at the Essex Centre Sports Complex leaving only the main Libro Rink available.

Carried

10. Reports from Youth Members

11. County Council Update

Deputy Mayor Meloche commented that starting with the McGregor branch as a pilot the County Libraries would be looking to start a new program (similar to one used in Hamilton) which will allow the branch to remain open for 49 hours a week using a automated system complete with cameras in which library users will be able to use their cards to enter the branch and use the library services and borrow books in an automated unstaffed environment.

12. Correspondence

12.1 Correspondence to be received

R21-01-035

Moved By Councillor Bjorkman

Seconded By Councillor Vander Doelen

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 relating to COVID-19 Pandemic

12.1.1.1 Province of Ontario

RE: Enhancing Public Health and Workplace Safety Measures in the Provincewide Shutdown

12.1.1.2 Province of Ontario

RE: Ontario Expands Workplace Enforcement Campaigns

12.1.1.3 Province of Ontario

RE: COVID-19 Vaccine Distribution Task Force Update #6

12.1.2 Chris Lewis, MP

RE: 2021 Canada Summer Jobs program

12.1.3 Essex Region Conservation Authority

RE: 2020 Annual Report

12.1.4 Ministry of Municipal Affairs and Housing

RE: Municipal Modernization Program Intake 2

12.2 Correspondence to be considered for receipt and support

12.2.1 Youth Council Member

RE: Appointing a Youth Council Member for the remainder of the current term of Council

- Excerpt from Procedural By-law 1926 re: Youth Council Members

Council gave direction to the Clerk to draw a name from a hat in order to randomly select an appointment. The Mayor drew the applicant Edua Marczinko.

R21-01-036

Moved By Councillor Verbeek
Seconded By Councillor Garon

That Council appoint Edua Marczinko as Youth Council Member for the remainder of the current term of Council.

Carried

12.2.2 Essex Region Conservation Authority

RE: Essex Region Source Protection Committee - Municipal Representation

R21-01-037

Moved By Councillor Bowman
Seconded By Councillor Vander Doelen

That the correspondence from Essex Region Conservation Authority ("ERCA") dated January 25, 2021, and sent to all of the Clerks of member municipalities, which correspondence asks for the endorsement of all member municipalities regarding the nomination of Kevin Webb, as the City of Windsor representative to be appointed to the Essex Source Protection Committee, be received and supported; and If supported that a letter advising of the Town of Essex endorsement of said appointment be sent to ERCA no later than March 1, 2021.

Carried

13. Committee Meeting Minutes

R21-01-038

Moved By Councillor Bjorkman
Seconded By Councillor Vander Doelen

That the Committee Meeting minutes listed in Agenda Item 13 excluding Agenda Item 13.6, together with any recommendations to Council noted therein, be received, approved and adopted as circulated.

Carried

R21-01-039

Moved By Councillor Bjorkman
Seconded By Councillor Garon

That the Committee Meeting minutes listed in Agenda item 13.6, together with any recommendations to Council noted therein, be received and approved as circulated.

Carried

13.1 Heritage Committee November 26, 2020

13.2 Police Services Board December 3, 2020

13.3 Drainage Board December 9, 2020

- 13.4 Arts, Culture and Tourism December 10, 2020
- 13.5 Committee of Adjustment December 15, 2020
- 13.7 Drainage Board January 21, 2021
- 13.6 Heritage Committee Special Meeting January 14, 2021

EMHC 21-01-05

Moved by: Laurie Brett

Seconded by: Richard Kokovai

Recommendation to Council: 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.

Carried

EMHC 21-01-06

Moved by: Richard Kokovai

Seconded by: Councillor Steve Bjorkman

Recommendation to Council: 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.

Carried

EMCH 21-01-07

Moved by: Councillor Steve Bjorkman

Seconded by: Richard Kokovai

Recommendation to Council: That Council initiate the designation process to ensure future protection of 195 Bagot Street also as known as the Colchester Schoolhouse and the preservation of its heritage attributes.

Carried

14. Financial

14.1 Ministry of Municipal Affairs and Housing

RE: Town of Essex 2019 Financial Indicator Review/Profiles

R21-01-040

Moved By Deputy Mayor Meloche

Seconded By Councillor Bjorkman

That the Town of Essex 2019 Financial Indicator Review/Profiles from the Ministry of Municipal Affairs and Housing be received.

Carried

14.2 December 2020 Bank Payments Report

R21-01-041

Moved By Councillor Verbeek

Seconded By Councillor Garon

That the Bank Payments Report, including the December 2020 cheque register, cheque number 52257 to cheque number 52500 inclusive in the amount of \$8,650,483.32, the Preauthorized Payments for the month of December 2020 in the amount of \$305,421.92; and Payroll for the month of December 2020 in the amount of \$636,400.30, be ratified as submitted.

Carried

15. New Business

16. Notices of Motion

16.1 The following Notices of Motion was presented at the December 21, 2021 Regular Council Meeting and are being brought forward this evening for Council's consideration:

16.1.1 Deputy Mayor Meloche

RE: Victoria Avenue in Essex Centre

R21-01-042

Moved By Deputy Mayor Meloche

Seconded By Councillor Garon

That in view of the fact that Victoria Avenue in Essex Centre is one of the 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 the Downtown Essex Centre Revitalization.

Carried

16.1.2 Deputy Mayor Meloche

RE: Drainage Billings

R21-01-043

Moved By Deputy Mayor Meloche

Seconded By Councillor Bondy

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 February/March 2021 for a full review of the Town's standing on such bills.

Carried

16.1.3 Deputy Mayor Meloche

RE: Standards for Property Development

Deputy Mayor Meloche withdrew his Notice of Motion. Administration to review and a Report be brought back to Council regarding Zoning By-Law Amendments.

Moved By Deputy Mayor Meloche

Seconded By Councillor Bowman

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 standards, 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.

This motion was withdrawn by the Mover with support from the Seconder.

16.2 The following Notices of Motion were presented at the January 18, 2021 Regular Council Meeting and are being brought forward this evening for Council's consideration:

16.2.1 Councillor Bondy

RE: Declaring Cultural or Historical Property Surplus

R21-01-044

Moved By Councillor Bondy

Seconded By Deputy Mayor Meloche

That in advance of Council designating any public property surplus that is a listed or designated Heritage property that the public is first consulted by means of social media, newspaper, town website, open houses, public meetings etc. and for such properties that the Heritage Committee is also given notice and time to provide a recommendation to Council.

Councillor Bondy requested a recorded vote.

| Recorded | Support | Against |
|--------------------------|----------------|----------------|
| Mayor Snively | | x |
| Deputy Mayor Meloche | x | |
| Councillor Garon | x | |
| Councillor Bowman | x | |
| Councillor Verbeek | x | |
| Councillor Bjorkman | x | |
| Councillor Vander Doelen | | x |
| Councillor Bondy | x | |
| Result | 6 | 2 |
| Carried (6 to 2) | | |

Carried

16.2.2 Councillor Bondy

RE: Designating Public Property as Surplus

R21-01-045

Moved By Councillor Bondy

Seconded By Councillor Verbeek

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

Councillor Bondy requested a recorded vote.

| Recorded | Support | Against |
|--------------------------|----------------|----------------|
| Mayor Snively | | x |
| Deputy Mayor Meloche | x | |
| Councillor Garon | | x |
| Councillor Bowman | | x |
| Councillor Verbeek | x | |
| Councillor Bjorkman | x | |
| Councillor Vander Doelen | | x |
| Councillor Bondy | x | |
| Result | 4 | 4 |
| Defeated (4 to 4) | | |

Defeated

16.2.3 Councillor Bondy

RE: Surplus Property Sold in Open Market

At the request of Councillor Bondy, this motion has been deferred to the February 16, 2021 Regular Council meeting.

Moved By Councillor Bondy

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

At the request of Councillor Bondy, this motion has been deferred to the February 16, 2021 Regular Council meeting.

Moved By Councillor Bondy

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.

16.3 The following Notice of Motion is being presented only this evening and will be brought forward at the March 1, 2021 Regular Council Meeting for Council's consideration:

16.3.1 Councillor Bondy

RE: Council Committee Meeting Videos

Moved By Councillor Bondy

That the Council Committee meeting videos be uploaded and put online.

17. Reports and Announcements from Council Members

17.1 2021 Rural Ontario Municipal Association ("ROMA") Virtual Conference

Verbal Report from the Members of Council who virtually attended the ROMA 2021 Conference.

At the request of Council this Verbal Report has been deferred to the February 16, 2021 Regular Council meeting.

18. By-Laws

18.1 By-Laws that require a third and final reading

18.1.1 By-Law 1984

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

R21-01-046

Moved By Deputy Mayor Meloche

Seconded By Councillor Bowman

That By-Law 1984 being a by-law to confirm the proceedings of the January 18, 2021 Regular Meeting of the Council of the Town Corporation of the Town of Essex, be read a third time and finally passed on February 1, 2021.

Carried

18.1.2 By-Law 1968

Being a by-law to provide for the Szakacs Drain: Repair and Improvement, Geographic Township of Colchester South, Project REI2016D004, Town of Essex, County of Essex

R21-01-047

Moved By Councillor Vander Doelen

That By-Law 1968 being a by-law to provide for the Szakacs Drain: Repair and Improvement, Geographic Township of Colchester South, Project REI2016D004, Town of Essex, County of Essex, be read a third time and be finally passed on February 1, 2021.

Carried

18.1.3 By-Law 1969

Being a by-law to provide for the Shepley Drain: Bridge Replacement for Gorski Land Holdings Inc., Geographic Township of Colchester South, Project REI2020D012, Town of Essex, County of Essex

R21-01-048

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That By-Law 1969 being a by-law to provide for the Shepley Drain: Bridge Replacement for Gorski Land Holdings Inc., Geographic Township of Colchester South, Project REI2020D012, Town of Essex, County of Essex be read a third time and finally passed on February 1, 2021.

Carried

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

18.2.1 By-Law 1985

Being a by-law to appoint a Manager, Parks and Facilities for the Town of Essex

R21-01-049

Moved By Deputy Mayor Meloche

Seconded By Councillor Bjorkman

That By-Law 1985 being a by-law to appoint a Manager, Parks and Facilities be read a first, a second and a third time and finally passed on February 1, 2021.

Carried

18.3 By-Laws that require a first and second reading

18.3.1 By-Law 1986

Being a by-law to confirm the proceedings of the February 1, 2021 Regular Meeting of the Council of The Corporation of the Town of Essex

R21-01-050

Moved By Deputy Mayor Meloche

Seconded By Councillor Bjorkman

That By-Law 1986 being a by-law to confirm the proceedings of the February 1, 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 February 1, 2021.

Carried

19. Adjournment

R21-01-051

Moved By Councillor Verbeek

Seconded By Councillor Bjorkman

That the meeting be adjourned at 10:20 PM.

Carried

Mayor

Clerk