



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**

March 15, 2021, 6:00 pm

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

This meeting was hosted and chaired from the Essex Municipal Building. Due to the ongoing COVID-19 pandemic this meeting was not open to the public for in person attendance but was available electronically via livestream and also for viewing post-meeting on YouTube at www.youtube.com/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 4 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
Cassandra Roy, Legislative Clerk, Legal and Legislative Services

1. Call to Order

Mayor Snively called the meeting to order at approximately 6:00 P.M.

2. National Anthem

3. Closed Meeting Report

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk, provided a verbal report on the Closed Meeting held on March 5, 2021. He reported that Council met electronically in a Closed Session, as permitted to do so by Section 239 (2) (c), Section (2) (e) and Section 239 (2) (f) of the Municipal Act, S.O. 2001, C.25, as amended. He further reported as follows:

At the Closed Meeting Council received information with respect to matters relating to a potential land acquisition by the municipality, and a potential disposition of land by the Municipality.

Council also received legal advice subject to solicitor-client privilege in closed session concerning a litigation matter relating to By-Law enforcement.

At this meeting Council gave direction to Administration with respect to the By-Law enforcement matter, and also gave direction on the proposed purchase of land by the municipality.

Lastly, Council gave administration direction to disclose in public session this evening its intention to declare the property known as 96 County Road 50 West as being surplus to the needs of the municipality in accordance with the Surplus Property By-Law 855.

Further, Council gave direction to administration to disclose in open session that Council wishes administration to return to the April 6, 2021 Regular Council Meeting with a By-Law for Council's consideration which By-Law would approve the sale of 96 County Road 50 West by the way of direct sale on or before June 30, 2021 to the proponents who have submitted and offered to purchase the subject property.

R21-03-086

Moved By Councillor Vander Doelen

Seconded By Councillor Bowman

That Council declare the property known as 96 County Road 50 West as being surplus to the needs of the municipality and further that Administration be directed to provide the requisite public notice and then bring back to Council at the April 6, 2021 regular meeting a By-law authorizing the sale of the subject property by way of direct sale to the proponents James Flynn and Kim Lewis all in accordance with By-law 855 being a By-law to establish Policies and Procedures for the Sale and Disposition of Surplus land.

Carried

4. Declarations of Conflict of Interest

Councillor Bondy declared a conflict of interest pertaining to Item 7.1 and stated that the reason for the conflict was due to her being employed by Essex County Library.

5. Adoption of Published Agenda

5.1 Regular Council Meeting Agenda for March 15, 2021

R21-03-087

Moved By Councillor Garon

Seconded By Councillor Bjorkman

That the published agenda for the March 15, 2021 Regular Council Meeting be adopted as presented.

Carried

6. Adoption of Minutes

6.1 Regular Council Meeting Minutes for March 1, 2021

R21-03-088

Moved By Councillor Verbeek

Seconded By Deputy Mayor Meloche

That the minutes of the Regular Council Meeting held March 1, 2021 be adopted as circulated.

Carried

6.2 Special Council Meeting Minutes for February 8, 2021

RE: Essex Climate Adaptation Plan

R21-03-089

Moved By Councillor Garon

Seconded By Councillor Vander Doelen

That the minutes of the Special Council Meeting held February 8, 2021 be adopted as circulated.

Carried

7. Public Presentations

7.1 Robin Greenall, CEO/Chief Librarian, Essex County Library

RE: ECL Enhanced Community Access service at the McGregor Branch

Robin Greenall, CEO/Chief Librarian, Essex County Library explained the need for Enhanced Community Access at the McGregor Branch. Ms. Greenall discussed the service, the implementation plans, the anticipated concerns and the security features that this technology can provide to allow for self- service access to the Branch for patrons. She described this further by using information gathered from the pilot project at the Freelon Branch. Ms. Greenall said that at the Freelon branch there has seen an increase use of the library and no increase of theft or loss at this location.

Ms. Greenall elaborated on how McGregor would benefit from this program as this new technology would allow the library to be opened for 49 hours per week as opposed to 17 hours. She emphasized that this structure would provide flexible services for community members. She stated that the staff and community members would be trained to use tools and technology within the branch that supports patron services. Patrons will be informed of how to access the branch, not to invite or permit others that are not registered, to respect the space and how to check out resources.

R21-03-090

Moved By Councillor Vander Doelen

Seconded By Councillor Garon

That the presentation by Robin Greenall, CEO/Chief Librarian, Essex on Enhanced Community Access service at the McGregor Branch be received.

Carried

7.2 Tim Byrne, Shelley McMullen, Tania Jobin, Essex Region Conservation Authority

RE: Draft Budget/Implications of recent changes to Conservation Authorities Act.

Ms. Jobin spoke of the recent changes to the Conversation Authorities Act (the "Act") and the resulting impacts on the 2021 budget. She stated that the changes to the Act were contained within Bill 229 and that these changes have significant implications for operations and program delivery.

Ms. Jobin further explained that the Act has categorized the conservation authority services into mandatory and non-mandatory services. These mandatory programs are currently confined to risks of natural hazards conservation and management of lands, and drinking water source protection. The changes to the Act will redirect funding from non-mandatory services to mandatory services primarily in watershed management and corporate services.

Ms. Jobin gave a verbal report of the 2021 Draft Budget from the Essex Region Conversation Authority ("ERCA") and provided a breakdown of the requested increase in municipal levy contribution an increase of approximately \$0.26 per person in the watershed area to \$10.75 per person. Of that increase approximately 72% is tied to and will have to be dedicated to the mandatory services which means that many of the key programs in our area such as tree planting, trail development John R. Park Homestead museum operations, and various environmental education programs will now be considered non-mandatory programs and will be underfunded due to the changes in the Act. As a result Ms. Jobin further stated that by 2022 ERCA anticipates that it will need to obtain funding agreements with participating municipalities where and when municipal support is needed to fund various non-mandatory service programs.

In closing Ms. Jobin noted that Conversation Authorities in general and the various local programs that ERCA offers continue to play a critical role in protecting our environment and natural heritage by mitigating hazards and supporting municipal partners by providing an environmental and risk assessment on development applications.

R21-03-091

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That the presentation by Essex Region Conversation Authority as represented by Tim Byrne, Shelley McMullen, and Tania Jobin be received.

Carried

7.3 Perry Basden, Heritage Colchester

RE: Friends of Colchester Schoolhouse

Mr. Basden, President, Heritage Colchester provided Council with an update on Heritage Colchester stating they have now achieved not-for-profit status and are now incorporated in the Province of Ontario.

Mr. Basden stated that there are various stages of restoration that he intends to pursue and the first stage is working with the Architectural Conservancy of Ontario. He said he is also seeking to have the Bagot Street and Sullivan Street area declared as a heritage historical center for Colchester. Mr. Basden said he would like to continue to move forward towards the future goal of using the schoolhouse for public uses and a

tourist attraction. He stated that he has submitted his presentation and plan to the Town with the hopes that there can be future negotiations between Heritage Colchester and the Town in working towards an agreement with respect to restoration and future uses for the schoolhouse.

R21-03-092

Moved By Councillor Bondy
Seconded By Deputy Mayor Meloche

That the presentation and update regarding the Colchester Schoolhouse as presented by Perry Basden of Heritage Colchester be received and that Town administration meet with Heritage Colchester (with communications/updates to the Heritage Committee) to discuss proposals regarding future uses for the Colchester Schoolhouse.

Carried

7.4 James Flynn and Kim Lewis

RE: 96 County Road 50 West

James Flynn presented to Council their proposal for the development of a motor inn at 96 County Road 50 West. Mr. Flynn explained that after the proposal with Colchester Schoolhouse they wanted to demonstrate their ongoing commitment to the community. Mr. Flynn stated that site plans are currently being created but the plan is for a retro style motor inn with e-bike rentals and a food truck.

Mr. Flynn said this plan aligns with the Colchester Improvement Plan and Secondary Plan. He stated that the Inn would be on the corner of County Road 50 and Dunn which will open visually to the south and have little impact as possible to residents of the north. Mr. Flynn noted that it would be professionally managed by The Grove Hotel and the plan is to attract and promote tourism while supporting small businesses. He anticipated that this Inn would inject over 1.5 million dollars annually into the community.

R21-03-093

Moved By Councillor Vander Doelen
Seconded By Councillor Bjorkman

That the presentation regarding 96 County Road 50 West Street presented by James Flynn and Kim Lewis be received.

Carried

8. Unfinished Business

9. Reports from Administration

9.1 Legal and Legislative Services-2021-01

RE: Stray Cat Intake Agreement with Windsor Essex County Humane Society

R21-03-094

Moved By Councillor Bowman
Seconded By Councillor Bondy

That Legal and Legislative Services 2021-01 entitled Stray Cat Intake Agreement with Windsor-Essex County Humane Society prepared by Shelley Brown, Deputy Clerk, Legal and Legislative Services dated January 18, 2021 be received, and

That the agreement with Windsor-Essex County Humane Society for the intake of stray cats as approved in By-Law 1974, with the Town paying the Windsor-Essex County Humane Society amount of \$25.00 per stray cat, be extended for a one-year period, retroactive to January 1, 2021

Carried

9.2 Finance and Business Services-2021-01

RE: 2020 Funding of Financial Commitments

R21-03-095

Moved By Councillor Bjorkman

Seconded By Deputy Mayor Meloche

That Finance and Business Services-2021-01 entitled 2020 Funding of Financial Commitments prepared by Jeffrey R. Morrison, Director, Corporate Services dated March 15, 2021 be received,

That Council approve the funding of the balance of the Town's commitment to the John R. Park Homestead Education Centre for a designated Tourist Information Centre named for the Town of Essex that falls outside of the Colchester Community Improvement Plan (CIP) through the utilization of GG-20-0002 Council Contingency in the amount of \$34,793, with the balance remaining funded from the Town's Land Acquisition Reserve, and

That Council approve the temporary borrowing from the Landfill Reserve, for the deficit portion of waived development charges for hard and soft services in the amount of \$397,216.26 to be funded and repaid in the 2022 Budget.

Carried

9.3 Economic Development-2021-02

RE: Building Report and Development Overview February 2021

R21-03-096

Moved By Councillor Garon

Seconded By Councillor Vander Doelen

That Economic Development-2021-02 entitled Building Report and Development Overview February 2021 prepared by Nelson Silveira, Economic Development Officer dated March 15, 2021 be received for information.

Carried

9.4 Development Services-2021-01

RE: Electronic Building Permit and Inspection Software

R21-03-097

Moved By Deputy Mayor Meloche

Seconded By Councillor Verbeek

That Development Services Report-2021-01 entitled Electronic Building Permit and Inspection Software prepared by Lori Chadwick, Director, Development Services dated March 15, 2021 be received; and

That Council authorize Administration to procure and implement the electronic building permit and inspection software “Cloudpermit” through single source means according to Procurement By-Law 1043 Section 9.08 j) for a period of 5 years.

Carried

9.5 Planning-2021-06

RE: Notice of Intention to Designate (195 Bagot Street, Colchester Schoolhouse)

R21-03-098

Moved By Councillor Bjorkman

Seconded By Councillor Verbeek

That Planning-2021-06 entitled Notice of Intention to Designate (195 Bagot Street, Colchester Schoolhouse) prepared by Rita Jabbour, RPP, Manager, Planning Services dated March 15, 2021 be received,

That Council authorize the ‘Notice of Intention to Designate’ for the property municipally known as 195 Bagot Street (Colchester Schoolhouse), and

That the Notice be published in a newspaper having general circulation in the Municipality and the Notice be served on the Ontario Heritage Trust in accordance with subsection 29 (3) of the Ontario Heritage Act.

Carried

9.6 Planning-2021-04

RE: Natural Heritage Conservation Easement Agreement on 3rd Concession Road, Part Lot 17, CON 2, designated Part 1 on 12R-28527,

R21-03-099

Moved By Councillor Bjorkman

Seconded By Councillor Vander Doelen

That Planning-2021-04 entitled Natural Heritage Conservation Easement Agreement – Part Lot 17, CON 2, designated Part 1 on 12R-28527, prepared by Corinne Chiasson, Assistant Planner, dated March 15, 2021 be received, and

That Council adopt By-Law 1994 being a By-Law to enter into a Conservation Easement Agreement between the Owner of Part Lot 17, CON 2, designated Part 1 on 12R-28527 and The Corporation of the Town of Essex.

Carried

9.7 Planning-2021-03

RE: Subdivision Agreement for Parkland Woods (1552843 Ontario Limited)

R21-03-100

Moved By Councillor Bowman
Seconded By Councillor Verbeek

That Planning Report-2021-03 entitled Subdivision Agreement for Parkland Woods (1552843 Ontario Limited) prepared by Rita Jabbour, RPP, Manager, Planning Services dated March 15, 2021 be received,

That Council adopt By-Law 1993 being a bylaw to enter into a Subdivision Agreement between the Corporation of the Town of Essex and 1552843 Ontario Limited for the lands comprising Part of Lot 12, Second Range of the Gore (former Colchester South), and

That the Subdivision Agreement be registered against the lands to which it applies by the Municipality as notice to prospective purchasers.

Carried

10. Reports from Youth Members

11. County Council Update

The Deputy Mayor reminded the public of the County's work on the County Road 15 Bridge and its associated closures.

12. Correspondence

12.1 Correspondence to be received

R21-03-101

Moved By Councillor Bjorkman
Seconded By Councillor Bowman

That all of the correspondence listed below 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, Ministry of Municipal Affairs and Housing

RE: 2021 Recovery Funding for Municipalities program

12.1.1.2 Windsor-Essex County Health Unit

RE: Elected Representatives Weekly report on COVID-19 Case Counts in Windsor and Essex County

12.1.2 Niagara Region

RE: Homelessness, Mental Health and Addiction in Niagara

- 12.1.3 Township of The Archipelago
RE: Ontario Fire College - Planned Closure
- 12.1.4 Howick Township
RE: Ontario Fire College
- 12.1.5 The Corporation of the Township of Brock
RE: Ontario Fire College Closure
- 12.1.6 The Corporation of the Township of Brock
RE: Cannabis Licencing and Enforcement
- 12.1.7 Town of Essex
RE: New Youth Council Member

12.2 Correspondence to be considered for receipt and support

- 12.2.1 Town of Essex
RE: Urgent Need for Hospital Funding in Windsor-Essex

R21-03-102

Moved By Councillor Bowman

Seconded By Councillor Vander Doelen

That Essex Council join the other local Essex County municipalities in affirming its support for this transformational project, noting that our municipalities continue to grow and that our residents require access to a state-of-the-art hospital servicing the entire region; and

That the letter of support be sent to Taras Natyshak, MPP, Premiere Doug Ford, Minister Elliott, City of Windsor and all local municipalities.

Carried

- 12.2.2 The Corporation of the City of Sarnia and Township of Lake of Bays
RE: Colour Coded Capacity Limits and Capacity Limits for Restaurants in Stage 2 under the Reopening Ontario Act, 2020

R21-03-103

Moved By Councillor Verbeek

Seconded By Councillor Bondy

That the correspondence from The Corporation of the City of Sarnia and the Township of Lake of Bays regarding the colour coded capacity limits and capacity limits for restaurants in stage 2 under the Reopening Ontario Act, 2020 be received and supported, and

That a letter of support be sent to the Province of Ontario, the Windsor-Essex Health Unit, the Canadian Union of Public Employees, the Ontario Medical Association, the Nurses Association, The Corporation of the City of Sarnia and the Township of Lake of Bays.

Carried

13. Committee Meeting Minutes

R21-03-104

Moved By Councillor Bjorkman

Seconded By Councillor Verbeek

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 Arts, Culture and Tourism Minutes - January 20, 2021

13.2 Heritage Committee Minutes - January 28, 2021

13.3 Police Services Board - February 4, 2021

14. Financial

14.1 Section 284 - Statement of Remuneration and Expenses Paid 2020

R21-03-105

Moved By Councillor Garon

Seconded By Councillor Verbeek

That the Section 284 Statement of Remuneration and Expenses Paid 2020 be received.

Carried

15. New Business

16. Notices of Motion

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 1995

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

R21-03-106

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That by-law to confirm the proceedings of the March 1, 2021, Regular Meeting of Council of The Corporation of the Town of Essex, be read a third time and finally passed March 15, 2021.

Carried

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

18.2.1 By-Law 1998

Being a by-law to appoint a Building Inspector for the Town of Essex

R21-03-107

Moved By Councillor Bowman

Seconded By Councillor Vander Doelen

That By-Law 1998 being a by-law to Appoint a Building Inspector for the Town of Essex be read a first, a second and a third time and finally passed March 15, 2021.

Carried

18.2.2 By-Law 1997

Being a by-law to authorize a Lease Extension Agreement between Suncor Energy Products Partnership and the Town of Essex for the lease by the Town of the land located at 64 King Street West, Harrow.

R21-03-108

Moved By Councillor Bondy

Seconded By Councillor Bowman

That By-Law 1997 being a by-law to authorize a Lease Extension Agreement between Suncor Energy Products and the Town of Essex for the lease by the Town of the Land located at 64 King Street West, Harrow and legally described as Part Lots 2 and 3, Plan 180 (Geographic Township of Colchester & Town of Harrow) as in R765254 Town of Essex, County of Essex be read a first, a second and a third time and finally passed on March 15, 2021.

Carried

18.3 By-Laws that require a first and second reading

Moved By

18.3.1 By-Law 1996

Being a by-law to confirm the proceedings of the March 15, 2021, Regular Meeting of the Council of The Corporation of the Town of Essex.

R21-03-109

Moved By Councillor Bjorkman

Seconded By Councillor Vander Doelen

That By-Law 1996 being a by-law to confirm the proceedings of the March 15, 2021, Regular Meeting of Council of The Corporation of the Town of Essex be read a first and a second time and provisionally adopted on March 15, 2021.

Carried

19. **Adjournment**

R21-03-110

 Moved By Deputy Mayor Meloche

 Seconded By Councillor Verbeek

That the meeting be adjourned at 8:50 P.M.

Carried

Mayor

Clerk