



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**

May 3, 2021, 6:00 pm

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

This meeting was hosted and chaired from the Town of 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
Rick Arnel, Fire Chief
Cynthia Cakebread, Manager, Recreation and Culture
Jake Morassut, Manager, Parks and Facilities
Kate Giurissevich, Manager, Finance and Business Services/Deputy Treasurer
Alex Denonville, Manager, Strategic Communications
Edua Marczinko, Youth Council Member

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 at this time.

5. Adoption of Published Agenda

5.1 Regular Council Meeting Agenda for May 3, 2021

R21-05-167

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That the published agenda for the May 3, 2021 Regular Council Meeting be adopted with the following additions/amendments:

1. That Agenda Item 9.11 be changed to reflect the recommendation in Parks and Facilities-2021-05 Report to read:

That Council approve the additional budgeted expenditures of \$5,148.79 for the Capital Project: 2021 Automatic Door Replacement at the Essex Centre Sports Complex (CS-21-0035) through additional funding from the Asset Management Plan Reserve (AMP Reserve);

2. That Agenda Items 12.1.3 and 12.1.7 be moved to Correspondence to be Considered for Receipt and Support and added as Agenda item 12.2.1 and 12.2.2 respectively;

3. That a Notice of Motion by Councillor Bondy be added to the Agenda as Agenda Item 16.2 for presentment and to be brought back for Council's consideration at the next Regular Meeting of Council.

Carried

6. Adoption of Minutes

6.1 Regular Council Meeting Minutes for April 19, 2021

R21-05-168

Moved By Councillor Vander Doelen

Seconded By Councillor Garon

That the minutes of the Regular Council Meeting held April 19, 2021 be adopted as circulated.

Carried

7. Public Presentations

8. Unfinished Business

9. Reports from Administration

9.1 Office of the CAO-2021-01

RE: E.L.K. Valuation Request

R21-05-169

Moved By Councillor Bondy

Seconded By Councillor Garon

That Report Office of the CAO-2021-01 entitled E.L.K. Valuation Request prepared by Chris Nepszy, CAO dated May 3rd, 2021 be received, and

That Council requests the Board of E.L.K. Energy Incorporated (E.L.K.) to obtain and fund a valuation of E.L.K. Energy Incorporated.

Councillor Bondy Requested a Recorded Vote

	Support	Opposed
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	
Results	5	3
Carried (5 to 3)		

9.2 Legal and Legislative Services-2021-09

RE: Municipal Election Proxy Procedures Policy

Robert W Auger, Town Solicitor, Legal and Legislative Services/Clerk gave a summary of the Policy which is intended to supplement the existing Provincial requirements. The additional requirements under this proposed Policy will include the following:

- Clerk’s Office will only issue the required Form 3 directly to qualified electors who make a direct request (in person/by phone/email) that they wish to appoint another person to vote on their behalf;
- After confirming personal and voter information Clerks office will issue and stamp Form 3 with a distinctive serial number stamp and give/mail the form directly to the elector who requested the Form 3.
 - Only Proxy forms that have been issued and assigned a number will be accepted.
 - The person who ends up being appointed as a Proxy will bring the completed Form in person for review and certification by the Clerk as they normally would. However now they will additionally be required to bring with them acceptable proof of identification of the elector who appointed them.
 - Proxy Form Applications will no longer be received, processed and certified at the voting location itself. If a person wishes to be certified as a Proxy they will first need to go to Town Hall during designated hours for certification directly at the Clerks office.

The goal of this new policy is to strike strikes the right balance between enhanced controls (over and above provincial requirements) while still ensuring access to voting process.

R21-05-170

Moved By Councillor Bondy
Seconded By Councillor Verbeek

That Legal and Legislative Services-2021-09 entitled Municipal Election Proxy Procedures Policy prepared by Robert W Auger, Town Solicitor, Legal and Legislative Services/Clerk dated May 3, 2021, be received; and

That the Town of Essex Municipal Election Proxy Procedures Policy attached hereto to this Report be adopted as presented.

Councillor Bondy Requested a Recorded Vote

	Support	Opposed
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	
Results	8	0
Carried (8 to 0)		

9.3 Communications Report 2021-01

Quarterly Update on EssexWorks Platform and Customer Service Improvements

Mr. Denonville provided a summary to Council of his Report.

R21-05-171

Moved By Deputy Mayor Meloche
Seconded By Councillor Bowman

That Communications Report 2021-01, entitled Update on EssexWorks System prepared by Alex Denonville, Manager, Strategic Communications, dated May 3, 2021 be received.

Carried

9.4 Finance and Business Services-2021-05

RE: COVID-19 Financial Impact as at December 31, 2020

R21-05-172

Moved By Councillor Verbeek
Seconded By Councillor Bjorkman

That Finance and Business Services-2021-05 entitled COVID-19 Financial Impact at December 31, 2020 prepared by Katelynn Giurissevich, CPA, CA, Manager, Finance and Business Services dated May 3, 2021 be received.

Carried

9.5 Planning-2021-10

RE: Heritage Designation for 195 Bagot Street (Colchester South, Ward 3)

- From the March 15, 2021 Regular Council Meeting: Report Planning-2021-06 entitled Notice of Intention to Designate.

R21-05-173

Moved By Councillor Bjorkman

Seconded By Deputy Mayor Meloche

That Report Planning-2021-10 entitled Heritage Designation for 195 Bagot Street (Colchester South, Ward 3) prepared by Rita Jabbour, RPP, Manager, Planning Services dated May 3, 2021 be received;

That By-Law 2016 being a By-Law to designate the property known municipally as 195 Bagot Street (Colchester Schoolhouse Property), 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 first, a second and a third time and finally passed this May 3, 2021; and

That By-Law 2016 as passed be served on the Ontario Heritage Trust and be registered against the property in the proper land registry office, and notice of By-Law 2016 be published in a newspaper of general circulation in the Municipality.

Carried

9.6 Community Services-2021-04

2021 Essex Fun Fest Update

R21-05-174

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That Community Services Report 2021-007 entitled 2021 Essex Fun Fest Update be received; and

That Council approve the Essex Fun Fest Committee's recommendation to cancel the 2021 Essex Fun Fest scheduled July 8-11, 2021 due to the Covid-19 pandemic.

Carried

9.7 Fire and Rescue Services-2021-05

RE: Establishing and Regulating Fire Services Updated By-Law

Fire Chief Arnel provided a summary for Council of the updated by-law.

R21-05-175

Moved By Councillor Bowman
Seconded By Councillor Bjorkman

That Fire and Rescue Services-2021-05 entitled Establishing and Regulating Fire Services Updated By-Law prepared by Rick Arnel and dated May 3, 2021 be received;

That By-Law 2012 being a by-law to Establish and Regulate Fire Services be read a first, a second and finally passed on May 3, 2021; and

That By-Law 1870 be repealed accordingly.

Carried

9.8 Recreation and Culture-2021-01

RE: Lifesaving Society Affiliate Recognition Awards 2020

Ms. Cakebread spoke to her Report and provided an overview for Council of the Recognition Awards.

R21-05-176

Moved By Councillor Bowman
Seconded By Councillor Bjorkman

That Recreation and Culture-2021-01 entitled Lifesaving Society Affiliate Recognition Awards 2020 prepared by Cynthia Cakebread, Manager Recreation and Culture dated May 3, 2021 be received; and

That the Lifesaving Society Annual Report Affiliate Recognition 2020 be received for Council and public information.

Carried

9.9 Parks and Facilities-2021-01

RE: Results of Request for Proposal – Remove and Replace Surface for Colchester Park Playset

R21-05-177

Moved By Councillor Bondy
Seconded By Councillor Bjorkman

That Community Services Report 2021-001 entitled Results of Request for Proposal – Remove and Replace Surface for Colchester Park Playset be received for Council information; and

That Council award the Request for Proposal – Remove and Replace Rubber Surface for Colchester Playset in Colchester Park to Softline Solutions AB Inc.

Carried

9.10 Parks and Facilities-2021-04

RE: Results of Request for Proposal – Design, Supply, and Install Playground Equipment for Hunter Park

R21-05-178

Moved By Councillor Bowman
Seconded By Councillor Garon

That Community Services Report 2021-04 entitled Results of Request for Proposal – Design, Supply, and Install Playground Equipment for Hunter park be received; and

That Council award the Request for Proposal to Design, Supply, and Install Playground Equipment for Hunter Park to New World Park Solutions Inc.

Carried

9.11 Parks and Facilities-2021-05

RE: Reallocation of Funds Request for the Automatic Sliding Doors at the Essex Centre Sports Complex

R21-05-179

Moved By Councillor Bjorkman
Seconded By Councillor Bowman

That Parks and Facilities-2021-05 entitled Additional Funds Request for the Automatic Sliding Doors at the Essex Centre Sports Complex prepared by Jake Morassut, Manager of Parks and Facilities dated May 3, 2021 be received, and

That Council approve the additional budgeted expenditures of \$5,148.79 for the Capital Project: 2021 Automatic Door Replacement at the Essex Centre Sports Complex (CS-21-0035) through additional funding from the Asset Management Plan Reserve (AMP Reserve).

Carried

9.12 Drainage-2021-02

RE: Appointment of an Engineer under Section 78 & 76 of the Drainage Act for the 9th Concession Drain

R21-05-180

Moved By Deputy Mayor Meloche
Seconded By Councillor Vander Doelen

That Drainage-2021-02 entitled Appointment of an Engineer under Section 78 & 76 for the 9th Concession Drain prepared by Lindsay Dean, Drainage Superintendent dated May 3, 2021 be received; and

That Council appoint Rood Engineering Incorporated under Section 78 & 76 of the Drainage Act to provide an updated report on the 9th Concession Drain.

Carried

9.13 Drainage-2021-03

RE: Appointment of an Engineer under Section 78 of the Drainage Act to install a new culvert in the Bassett Drain

R21-05-181

Moved By Councillor Vander Doelen
Seconded By Councillor Bowman

That Drainage-2021-03 entitled Appointment of an Engineer under Section 78 of the Drainage Act to install a new culvert in the Bassett Drain prepared by Lindsay Dean, Drainage Superintendent dated May 3, 2021 be received; and

That Council appoint Rood Engineering Incorporated under Section 78 of the Drainage Act to install a new culvert in the Bassett Drain.

Carried

10. Reports from Youth Members

11. County Council Update

12. Correspondence

12.1 Correspondence to be received

R21-05-182

Moved By Councillor Vander Doelen
Seconded By Councillor Bjorkman

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 Municipality of Chatham-Kent

RE: Healthy, Professional News Media

12.1.1.2 Ministry of Municipal Affairs and Housing

RE: Enhanced Enforcement and New Order under the *Emergency Management and Civil Protection Act* (EMCPA)

12.1.2 Township of Springwater

RE: Clean Fuel Standard

12.1.3 Township of Georgian Bay

RE: Planning Act Timelines

12.1.4 Union Water Supply System

RE: Joint Board of Management March 17, 2021 Minutes

12.1.5 Union Water Supply System

RE: April 21, 2021 Agenda and 2020 Financial Report

12.1.6 Windsor International Airport

RE: NAV Canada Aeronautical Study at Windsor International Airport

- 12.1.7 Proposed Telus Cell Tower
 - 12.1.7.1 Residents John and Linda Mayor
 - 12.1.7.2 Resident Daniel Oriet
 - 12.1.7.3 Resident James Pernal
 - 12.1.7.4 Residents Brian and Diana Neels
 - 12.1.7.5 Resident Melissa Deschamps
 - 12.1.7.6 Deputy Mayor Meloche
 - 12.1.7.7 Land Solutions

12.2 Correspondence to be considered for receipt and support

12.2.1 Town of South Bruce Peninsula

RE: Lottery Licensing to Assist Small Organizations

R21-05-183

Moved By Deputy Mayor Meloche

Seconded By Councillor Bjorkman

That the correspondence from The Town of South Bruce Peninsula regarding lottery licensing to assist small organizations be received and supported, and

That a letter of support be sent to the Association of Municipalities of Ontario (“AMO”), MPP for Essex Taras Natyshak, the Attorney General, the Alcohol and Gaming Commission of Ontario (“AGCO”), all County of Essex Municipalities and The Town of South Bruce Peninsula.

Carried

12.2.2 Ministry of Municipal Affairs and Housing

RE: Municipal Code of Conduct Consultation

R21-05-184

Moved By Councillor Verbeek

Seconded By Councillor Bjorkman

That the correspondence from Ministry of Municipal Affairs and Housing regarding the Municipal Code of Conduct be received and supported, and

That Essex Town Council appoint Councillor Bondy to participate in the Consultation regarding Strengthening Accountability for Municipal Council Members.

Carried

13. Committee Meeting Minutes

R21-05-185

Moved By Councillor Garon

Seconded By Deputy Mayor Meloche

That all the Committee Meeting minutes listed in Agenda Item 13.1 and 13.2, together with any recommendations to Council noted therein, be received, approved and adopted as circulated.

Carried

13.1 Essex Accessibility Advisory Committee Minutes - April 14, 2021

13.2 Essex Fun Fest Committee Meeting Minutes - April 21, 2021

FF21-04-003

Moved by: Councillor Garon

Seconded by: Councillor Verbeek

Recommendation to Council: That due to the ongoing Provincial restrictions, that Council cancel the 2021 Fun Fest.

Carried

13.3 Striking Committee Minutes - April 26, 2021

Recommendations to Council:

SC21-04-004

Moved by: Deputy Mayor Meloche

Seconded by: Councillor Verbeek

That the 2018-2022 Striking Committee receive the Verbal Report regarding the temporary appointment of a Drainage Board member; and

That Janice Dougherty be recommended to Council for appointment to sit as a member of the Drainage Board for the period of May 3, 2021 to March 31, 2022.

Carried

SC21-04-005

Moved by: Councillor Verbeek

Seconded by: Deputy Mayor Meloche

That the 2018-2022 Striking Committee receive the Verbal Report regarding the temporary appointment of a Committee of Adjustment member; and

That Sherry Ducedre be recommended to Council for appointment to sit as a member of the Committee of Adjustment for the period of May 3, 2021 to March 31, 2022.

Carried

SC21-04-006

Moved by: Councillor Verbeek

Seconded by: Deputy Mayor Meloche

That the 2018-2022 Striking Committee receive the Verbal Report regarding the temporary appointment of a Property Standards Committee member; and

That Ray Beneteau be recommended to Council for appointment to sit as a member of the Property Standards Committee for the period of May 3, 2021 to March 31, 2022.

Carried

R21-05-186

Moved By Councillor Bondy

Seconded By Councillor Vander Doelen

That Council receive and adopt as circulated the April 26 2021 Striking Committee minutes and that Council together with the recommendations to Council noted hereby appoints:

Janice Dougherty to sit as a member of the Drainage Board for the period of May 3, 2021 to March 31, 2022;

Sherry Ducedre to sit as a member of the Committee of Adjustment for the period of May 3, 2021 to March 31, 2022; and

Ray Beneteau to sit as a member of the Property Standards Committee for the period of May 3, 2021 to March 31, 2022.

Carried

14. Financial

14.1 March 2021 Bank Payments Report

R21-05-187

Moved By Councillor Bjorkman

Seconded By Councillor Verbeek

That the Bank Payment Report, including the March 2021 cheque register, cheque number 52699 to cheque number 52784 and electronic funds transfer (EFT) payment number EFT004212 to EFT004370 inclusive in the amount of \$6,065,771.73; the Preauthorized Payments for the month of March in the amount of \$353,462.75; and Payroll for the month of March in the amount of \$418,941.68, be ratified as submitted.

Carried

15. New Business

16. Notices of Motion

16.1 The following Notices of Motion were presented at the April 19, 2021 Regular Council Meeting and are being brought forward this evening for Council's consideration:

16.1.1 Mayor Snively

RE: Recognizing Significant Dates

R21-05-188

Moved By Mayor Snively

Seconded By Deputy Mayor Meloche

That upon request , that the Town of Essex Council recognize by way of congratulatory certificates, significant anniversary milestone marker dates (25th ,50th , 60th , and 75th) and significant milestone marker birthdays (75, 80, 85, 90, 95, 100 years) for Essex residents.

Carried

16.1.2 Councillor Verbeek

RE: Fill By-Law

R21-05-189

Moved By Councillor Verbeek

Seconded By Councillor Bondy

That Administration be directed to review, with consultation with Deputy Mayor Meloche and Councillor Verbeek and prepare a Report with recommendations on the issues, pros, and cons related to fill sites and limitations on the number of sites, permits and their extensions thereof;

Carried

16.1.3 Councillor Verbeek

RE: Secondary Plan for McGregor

R21-05-190

Moved By Councillor Verbeek

Seconded By Deputy Mayor Meloche

That during the 5-year Official Plan review, consideration be given to thoroughly reviewing the long term needs of the McGregor Secondary Settlement Area in consultation with the Town of Amherstburg and McGregor residents for a stronger, healthier, economically-viable, and forward-looking community.

Carried

16.2 The following Notice of Motion is being presented this evening and will be brought forward for Council's consideration at the May 17, 2021 Regular Council Meeting:

16.2.1 Councillor Bondy

RE: Public Education Campaign

Moved By Councillor Bondy

That the Town of Essex do a public education campaign in print and social media regarding the dangers of blowing cut grass onto the road,

Whereas we do not have a question and answer period in our public agendas,

Whereas New Business items are up to the discretion of the Mayor,

Whereas this is a community and resident safety issue that has no by-law to address it,

Whereas increasing public awareness of the dangers is something council can do and should do, and

Therefore be it resolved that each Spring the Town of Essex will work to educate individuals on the impact grass on the road can have on cyclists and motorists.

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 2015

Being a by-law to confirm the proceedings of the April 19, 2021, Regular Meeting of Council of The Corporation of the Town of Essex

R21-05-191

Moved By Councillor Bowman

Seconded By Deputy Mayor Meloche

That By-Law 2015 being a by-law to confirm the proceedings of the April 19, 2021, Regular Meeting of Council of The Corporation of the Town of Essex be read a third time and finally passed May 3, 2021.

Carried

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

18.2.1 By-Law 2017

Being a by-law for Declaration and Disposition of Surplus Lands by the Corporation of the Town of Essex legally described as First Street, Second Street on Plan 1461 and Erie Drive on Plan 1461 being unopened road allowances within the property municipally known as 225 County Road 50 East, Harrow.

R21-05-192

Moved By Councillor Vander Doelen

Seconded By Councillor Bowman

That By-Law 2017 being a by-law for Declaration and Disposition of Surplus Lands by the Corporation of the Town of Essex and providing for such land interest to be released or disposed of by way of direct private transfer to the abutting land owner in accordance with the provisions of By-Law Number 855 be read a first, a second and a third time and finally passed May 3, 2021.

Carried

18.2.2 By-Law 2018

Being a by-law to deem Registered Plan 1461 in the former Township of Colchester South, now in the Town of Essex, County

of Essex as not being a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act.

R21-05-193

Moved By Councillor Bjorkman
Seconded By Councillor Verbeek

That By-Law 2018 being a by-law to deem Registered Plan 1461 in the former Township of Colchester South, now in the Town of Essex, County of Essex as not being a registered plan of subdivision for the purposes of Subsection 50(3) of the Planning Act be read a first, a second and a third time and finally passed May 3, 2021.

Carried

18.3 By-Laws that require a first and second reading

18.3.1 By-Law 2019

Being a by-law to confirm the proceedings of the May 3, 2021, Regular Meeting of Council of The Corporation of the Town of Essex.

R21-05-194

Moved By Councillor Bjorkman
Seconded By Councillor Garon

That By-Law 2019 being a by-law to confirm the proceedings of the May 3, 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 May 3, 2021.

Carried

19. Adjournment

R21-05-195

Moved By Deputy Mayor Meloche
Seconded By Councillor Vander Doelen

That the meeting be adjourned at 8:57 PM.

Carried

Mayor

Clerk