



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

June 7, 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 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
- Kate Giurissevich, Manager, Finance and Business Services/Deputy Treasurer
- Heather MacDonald, Assistant Manager, Finance
- Kevin Carter, Manager, Building Services/Chief Building Official
- Cassandra Roy, Legislative Clerk, Legal and Legislative Services
- Lindsay Dean, Drainage Superintendent
- Jay Affleck, Assistant Manager, Parks and Facilities
- Norm Nussio, Manager Operations and Drainage

1. Call to Order

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

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 May 18, 2021. He reported that Council met

electronically in Closed Session, on May 18, 2021 at 5:00 PM as permitted to do so by sections 239 (2) (b) of the Municipal Act.

At the Closed Meeting Council discussed personal matters about identifiable individuals including municipal or local board employees and provided direction with respect to a municipal employee.

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 June 7, 2021

R21-06-216

Moved By Councillor Bjorkman

Seconded By Deputy Mayor Meloche

That the published agenda for the June 7, 2021 Regular Council Meeting be adopted as presented.

Carried

6. Adoption of Minutes

6.1 Regular Council Meeting Minutes for May 17, 2021

R21-06-217

Moved By Councillor Bjorkman

Seconded By Deputy Mayor Meloche

That the minutes of the Regular Council Meeting held May 17, 2021 be adopted as circulated.

Carried

6.2 Special Council Meeting Minutes for March 9, 2021

R21-06-218

Moved By Councillor Verbeek

Seconded By Councillor Vander Doelen

That the minutes of the Special Council Meeting held March 9, 2021 be adopted as circulated.

Carried

6.3 Special Council Meeting Minutes for March 29, 2021

R21-06-219

Moved By Councillor Vander Doelen

Seconded By Councillor Bowman

That the minutes of the Special Council Meeting held March 29, 2021 be adopted as circulated.

Carried

6.4 Special Council Meeting Minutes for April 6, 2021

R21-06-220

Moved By Councillor Garon

Seconded By Councillor Bowman

That the minutes of the Special Council Meeting held April 6, 2021 be adopted as circulated.

Carried

6.5 Special Council Meeting Minutes for April 12, 2021

R21-06-221

Moved By Councillor Verbeek

Seconded By Deputy Mayor Meloche

That the minutes of the Special Council Meeting held April 12, 2021 be adopted as circulated.

Carried

7. Public Presentations

7.1 Lisa Wallace, Chair, Essex Accessibility Advisory Committee

RE: Awareness Presentation of Town of Essex Accessibility Committee Initiatives

Lisa Wallace, Chair, Essex Accessibility Advisory Committee noted that last week the Town of Essex participated in the National Accessibility Week. Ms. Wallace provided information on this year's theme of "Disability Inclusion 2021 Leaving No One Behind."

Ms. Wallace stated that when barriers are removed Canadians with disabilities can participate fully in society and workplaces which helps our community thrive and our society prosper so all Canadians benefit. The Essex Accessibility Advisory Committee is committed to securing grants and funding opportunities to promote inclusion and accessibility while raising awareness of disability issues and creating a culture of inclusion.

Ms. Wallace explained that affordable housing is a common term we use to describe a specific housing option but what is missing is accessible and supportive. Supportive housing is a blend of supports that enable people to live as independently as possible in their community. Affordable, accessible and supportive housing increases capacity and keeps people in our community. Ms. Wallace noted that living in the community is much safer and less expensive than living in a long-term care home. It places the value and importance of everyone being welcomed in the Town of Essex

R21-06-222

Moved By Councillor Bondy

Seconded By Councillor Verbeek

That the presentation by Lisa Wallace, Chair, Essex Accessibility Committee be received,

That we adopt a vision for planning and development that takes a new approach to the approval processes for affordable, accessible, and supportive housing. One that promotes a how might we attitude; and

That Administration include a link to the Engagement Survey for the Disability Inclusion Action Plan on the Town of Essex website.

Carried

7.2 Cynthia Swift, Lead Audit Engagement Partner, KPMG LLP

RE: 2020 Audited Financial Statements

Cynthia Swift, Lead Audit Engagement Partner, KPMG LLP provided a summary of the 2020 Audited Financial Statements for the Town of Essex and advised that the Town was in strong financial health.

Jeffrey Morrison, Director, Corporate Services/Treasurer, provided an introduction to the 2020 Audited Financial Statement. Mr. Morrison advised that the Finance Committee was given a detailed overview of the financial statements.

R21-06-223

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That the presentation of the 2020 Audited Financial Statements for the Town of Essex by Cynthia Swift, Lead Audit Engagement Partner, KPMG LLP, be received; and

That the 2020 Audited Financial Statements for the Town of Essex, be adopted as presented.

Carried

7.3 Peter Thyrring, Headmaster, St. Peter's ACHS College School

RE: Former Harrow High School

Peter Thyrring, Headmaster, St. Peter's ACHS College School, described the accomplishments of St. Peter's ACHS College School. Mr. Thyrring stated that the school is in immediate need of a new location with their new school year expected to start in August 2021. Mr. Thyrring then asked for consideration and support for his school to become a tenant at the former Harrow High School property. Council advised that while they would welcome the opportunity for the St. Peters school to move to Essex, the Town does not currently own the Harrow High school property and even if it were to acquire the property in the near future there is no way it would be able to accommodate a tenant in that building on such short notice. Council then advised Mr. Thyrring that the **Town's Economic development Officer could contact him to advise of any** other short notice opportunities to lease in the Town of Essex.

R21-06-224

Moved By Councillor Bondy

Seconded By Deputy Mayor Meloche

That the presentation by Peter Thyrring, Headmaster, St. Peter's ACHS College School be received.

Carried

8. Unfinished Business

9. Reports from Administration

9.1 Finance and Business Services Report-2021-01

RE: Development Charges - Interest Rate By-Law

R21-06-225

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That Finance and Business Services Report-2021-01 entitled Development Charges - Interest Rate By-Law prepared by Katelynn Giurissevich dated June 7, 2021 be received; and

That By-Law 2030 being a by-law to charge interest on outstanding **development charges equal to the Town's borrowing rate plus 2% fixed at the** date of building permit issuance or at the date of related planning application, compounded annually, be read a first, second, and third time and finally adopted on June 7, 2021.

Carried

9.2 Finance and Business Services-2021-06

RE: By-Law to Debenture 2021 Annual Drainage Maintenance Billings

Jeffrey Morrison, Director, Corporate Services/Treasurer, explained that Infrastructure Services and the Finance Department collaborated to allow residents flexibility when paying drain maintenance invoices. Residents can now request that drainage maintenance invoices be debentured over a period of 5 or 10 years at an interest rate prescribed by the Town.

R21-06-226

Moved By Councillor Garon

Seconded By Councillor Bowman

That Finance and Business Services-2021-06 entitled Annual Drainage Maintenance Billings Payment Terms prepared by Katelynn, Giurissevich, Manager, Finance and Business Services, dated June 7, 2021 be received; and

That By-Law 2031 being a By-Law to provide for the authorization to debenture certain Drainage Maintenance Billings at the Property Owners request, be read a first, second, and third time and finally adopted on June 7, 2021.

Carried

9.3 Drainage-2021-04

RE: Results of Request for Tender –Rush Drain & 14th Concession Drain Improvements

R21-06-227

Moved By Councillor Vander Doelen

Seconded By Councillor Bowman

That Drainage-2021-04 entitled Results of Request for Tender – Rush Drain and 14th Concession Drain Improvements prepared by Lindsay Dean dated June 7, 2021 be received; and

That Council award the Request for Tender – Rush Drain and 14th Concession Drain Improvements (RFT-ID-21-016) to Murray Mills Excavating & Trucking (Sarnia) Ltd. in the amount of \$661,345.36 including non-refundable Harmonized Sales Tax.

Carried

9.4 Drainage-2021-05

RE: Drainage Cost Recovery Update

R21-06-228

Moved By Councillor Bjorkman

Seconded By Councillor Garon

That Drainage-2021-05 entitled Drainage Cost Recovery Update prepared by Norman Nussio, Manager, Operations and Drainage, dated May 17, 2021 be received.

Carried

9.5 Drainage-2021-06

RE: Appointment of an Engineer under Section 78 & 76 to review crossings and updated cost sharing for the Elford Creek Drain

R21-06-229

Moved By Councillor Bjorkman

Seconded By Councillor Vander Doelen

That Drainage-2021-06 entitled Appointment of an Engineer under Section 78 & 76 to review crossings and updated cost sharing for the Elford Creek Drain prepared by Lindsay Dean, Drainage Superintendent dated June 7, 2021 be received;

That Council under Section 76(1) make an application to receive approval from the Tribunal to appoint Rood Engineering Incorporated under Section 76 of the Drainage Act for the Elford Creek Drain; and

That Council under Section 78 of the Drainage Act appoint Rood Engineering Incorporated to the Elford Creek Drain.

Carried

9.6 Drainage-2021-07

RE: Appointment of an Engineer under Section 78 of the Drainage Act to replace a culvert in the Hicks Drain

R21-06-230

Moved By Deputy Mayor Meloche

Seconded By Councillor Bjorkman

That Drainage-2021-07 entitled Appointment of an Engineer under Section 78 of the Drainage Act to replace a culvert in the Hicks Drain prepared by Lindsay Dean, Drainage Superintendent dated June 7, 2021 be received; and

That Council appoint Rood Engineering Inc. under Section 78 of the Drainage Act to replace a culvert in the Hicks Drain.

Carried

9.7 Capital Works and Infrastructure-2021-08

RE: Victoria Avenue Improvements

R21-06-231

Moved By Councillor Bowman

Seconded By Councillor Garon

That Capital Works and Infrastructure-2021-08 entitled, Victoria Avenue Improvements prepared by Kevin Girard, Director, Infrastructure Services dated June 7, 2021 be received;

That Council authorize the additional expenditure for design and tendering services of the Victoria Avenue Improvements in the amount of \$134,628.48, including applicable taxes, to Stantec Consulting as part of Project No. GG-21-0001 for the Essex Centre Streetscape; and

That Council authorize the over expenditure of GG-21-0001 for the Essex Centre Streetscape in the amount of \$21,915.01, including applicable taxes, to be funded from the Asset Management Lifecycle Reserve.

Carried

9.8 Parks and Facilities-2021-07

RE: Harrow Splash Pad Engineering

R21-06-232

Moved By Councillor Bjorkman

Seconded By Deputy Mayor Meloche

That Parks and Facilities-2021-07 entitled, Engineering of New Public Washrooms/Change Rooms at Harrow Splash Pad prepared by Jay Affleck, Assistant Manager of Parks and Facilities, dated June 7, 2021 be received; and

That Council appoint Architecttura Building Intelligence to provide engineering and design for the New Public Washroom/Change Rooms at Harrow Splash Pad project (CS-21-0043) in the amount of \$18,569.37.00 including non-refundable HST, in accordance with the completed request under Section 22 of the Town of Essex Procurement By-Law 1043.

Carried

9.9 Parks and Facilities-2021-08

RE: Results of Request for Proposal – Essex Tennis Courts

Doug Sweet, Director, Community Services/Deputy CAO, provided background information regarding the recommendations being brought forward and explained that the purpose for listing each one separately was to provide Council with the opportunity to review and approve all or some of the recommendations.

R21-06-233

Moved By Councillor Bondy

Seconded By Councillor Bjorkman

That Parks and Facilities report 2021-008 entitled Results of Request for Proposal – Essex Tennis Courts prepared by Doug Sweet, Director, Community Services/Deputy CAO dated June 7, 2021 be received;

That Council approve the additional funding of \$3,206.40 above the approved budget for the new Essex Tennis Courts (Project Code: CS-20-0042 - \$240,000) with funds coming from the Parks Contingency Reserve account;

That Council approve the additional funding of \$8,649.60 (including the non-refundable HST) for wind screens with the additional funding coming from the Parks Contingency Reserve account;

That Council approve the additional funding of \$40,704 (including the non-refundable HST) for court lighting with the additional funding coming from the Parks Contingency Reserve account; and

That Council award the Request for Proposal – Essex Tennis Courts to GreenLight General Contracting Inc. in the total amount of \$292,560 including non-refundable Harmonized Sales Tax which includes the options for windscreens and court lighting.

Carried

9.10 Legal and Legislative Services-2021-11

RE: Court of Revision for Graveline Drain: New Bridge at MN 1241 and Maintenance Schedule of Assessment

R21-06-234

Moved By Councillor Bowman

Seconded By Councillor Vander Doelen

That the following three (3) members of the Drainage Board: Janice Dougherty, Percy Dufour and Luke Martin be appointed to sit as members of the Court of Revision to be convened for the Graveline Drain: New Bridge at MN 1241 and Maintenance Schedule of Assessment, Geographic Township of Colchester North, Town of Essex, County of Essex, Project REI2020D031 pursuant to the Report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc., **and dated April 28, 2021 (hereinafter the "Report")**, such Court of Revision to be scheduled for 5:00 pm on July 6, 2021, via electronic meeting; and

That By-Law 2023 being a by-law to provide for the Graveline Drain: New Bridge at MN 1241 and Maintenance Schedule of Assessment, be read a first and second time and be provisionally adopted on June 7, 2021.

Carried

9.11 Legal and Legislative Services-2021-12

RE: Land Acknowledgement Statement

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk, provided a verbal report on the Land Acknowledgement Statement and noted Administrations efforts to consult with our local First Nations. He stated that the report is aimed to allow other local First Nations to continue to give feedback for the proposed six month trial period commencing with the June 21, 2021 meeting and at the end of the full consultation period, Council can adopt and continue to use the Land Acknowledgement Statement.

R21-06-235

Moved By Councillor Verbeek

Seconded By Councillor Bowman

That Legal and Legislative Services 2021-012 entitled “**Land Acknowledgement Statement**” prepared by Robert Auger, Town Solicitor/Clerk and Matthew Ducharme, Legal & Legislative Services (Summer Student Intern) and dated June 7, 2021 be received;

That the Land Acknowledgement Statement noted below be provisionally adopted for a six (6) month trial period so as to allow for an additional period of time for Indigenous community members to provide feedback on the proposed statement:

“We acknowledge that this land is the traditional territory of the Three Fires Confederacy of First Nations (comprised of the Ojibway, the Odawa, and the Potawatomi Peoples), and of the Huron-Wendat Peoples. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island who have been living and working on the land from time immemorial.”;

Further, that the Land Acknowledgement Statement noted in this Report be read at the beginning of all Regular Council Meetings and at other such special events as may be determined from time to time by the Mayor; and

That the Land Acknowledgement Statement noted be further placed on the website of the Town of Essex.

Carried

9.12 Building and By-Law Enforcement-2021-01

RE: Fill and Grade Report

R21-06-236

Moved By Councillor Vander Doelen

Seconded By Councillor Bjorkman

That Building and By-Law Enforcement Report-2021-01 entitled Fill and Grade Report prepared by Mike Diemer dated June 07, 2021 be received; and

That Administration comes back with a report that includes a possible amendment to the by-law that states that Administration or Town Council will have a choice whether to proceed.

Carried

- 10. Reports from Youth Members
- 11. County Council Update
- 12. Correspondence
 - 12.1 Correspondence to be received

R21-06-237
Moved By Councillor Garon
Seconded By Councillor Verbeek

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 Township of McKellar
 - RE: Requesting Consideration of Tax Breaks on 2020 CERB payments
 - 12.1.1.2 Ministry of Municipal Affairs and Housing
 - RE: Three-Step Roadmap to Safely Reopen the Province of Ontario and Amendment to Orders under the Reopening Ontario (A Flexible Response to COVID-19) Act (ROA)
 - 12.1.1.3 Local 444 Unifor
 - RE: Roadmap to Reopen
 - 12.1.1.4 The Town of Cochrane
 - RE: Reopening of Greenwater Provincial Park
 - 12.1.1.5 The Corporation of The Town of Amherstburg
 - Re: COVID-19 Shutdown, Support for Small Businesses
- 12.1.2 Windsor/ Essex Provincial Offences (POA)
 - RE: Provincial Offences Annual Report 2020
- 12.1.3 Union Water Supply System
 - RE: Agenda for Wednesday, May 19, 2021
- 12.1.4 Union Water Supply System
 - RE: Minutes for Wednesday, April 21, 2021

12.1.5 Caldwell First Nation

RE: Lowering of our Flags

12.1.9 The Corporation of the Township of Terrace Bay

RE: Advocacy for Reform of the Municipal Freedom of Information and Protection to Privacy Act ("MFIPPA")

12.2 Correspondence to be considered for receipt and support

12.2.1 St .Paul's Anglican Church

RE: New Community Flag Request for Windsor-Essex Pride Festival 2021
- August 6 - August 8, 2021

R21-06-238

Moved By Deputy Mayor Meloche

Seconded By Councillor Bowman

That the request for the Pride Flag to be flown in front of Town Hall during the week of August 6 - August 8, 2021 for Windsor- Essex Pride Festival 2021 be received and supported.

Carried

12.2.2 Trans Wellness Ontario

RE: New Community Flag Request for Transgender Day of Remembrance - November 19, 2021

R21-06-239

Moved By Councillor Bondy

Seconded By Councillor Verbeek

That the request for the Pride Flag to be flown in front of Town Hall on November 19, 2021 for Transgender Day of Remembrance be received and supported.

Carried

13. Committee Meeting Minutes

R21-06-240

Moved By Councillor Bowman

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 Police Service Board - April 1, 2021

13.2 Committee of Adjustment - April 20, 2021

13.3 Police Service Board - May 6, 2021

13.4 Essex Accessibility Advisory Committee - May 10, 2021

14. Financial

14.1 March 2021 Capital Variance Report

R21-06-241

Moved By Deputy Mayor Meloche

Seconded By Councillor Bowman

That the Capital Variance Report as at March 31, 2021 be received.

Carried

14.2 April 2021 Bank Payments Report

R21-06-242

Moved By Councillor Garon

Seconded By Councillor Bjorkman

That the Bank Payment Report, including the April 2021 cheque register, cheque number 52806 to cheque number 52933 and electronic funds transfer (EFT) payment number EFT0042371 to EFT004586 inclusive in the amount of \$2,337,962.86; the Preauthorized Payments for the month of April in the amount of \$354,078.65; and Payroll for the month of April in the amount of \$429,828.78, be ratified as submitted.

Carried

15. New Business

16. Notices of Motion

16.1 The Following Notice of Motion is being presented this evening and will be brought forward for Council's consideration at the June 21, 2021 Regular Council Meeting:

16.1.1 Councillor Bondy

That per resolution of Council R20-09-339, that 'Children at Play' signs only be installed within community areas such as parks, schools, and other institutions whose main purpose is to provide services to children, **that a 'Children at Play' sign be installed on McAffee Street in Harrow at the entrance to the Harrow Fairgrounds and Arena.**

Moved By Councillor Bondy

That per resolution of Council R20-09-339, that 'Children at Play' signs be installed within community areas such as parks, schools, and other institutions whose main purpose is to provide services to children, **that a 'Children at Play' sign be installed on McAffee Street in Harrow at the entrance to the Harrow Fairgrounds and Arena.**

17. Reports and Announcements from Council Members

17.1 Deputy Mayor Meloche, Verbal Report

RE: Report of the Meeting held on Friday, May 7, 2021 with Senior Officials at Ontario Hydro One

18. By-Laws

18.1 By-Laws that require a third and final reading

18.1.1 By-Law 2000

Being a by-law to provide for the Barrette Drain: Repair and Improvements, Geographic Township of Colchester North, Project REO2020D009, Town of Essex, County of Essex

R21-06-243

Moved By Councillor Vander Doelen

Seconded By Councillor Bowman

That By-Law 2000 being a by-law to provide for the Barrette Drain: Repair and Improvements, Geographic Township of Colchester North, Project REO2020D009, Town of Essex, County of Essex be read a third time and finally passed on June 7, 2021.

Carried

18.1.2 By-Law 2020

Being a by-law to confirm the proceedings of the May 17, 2021, Regular Meeting of Council of the Town of Essex

R21-06-244

Moved By Councillor Garon

Seconded By Councillor Verbeek

That By-Law 2020 being a by-law to confirm the proceedings of the May 17, 2021, Regular Meeting of Council of The Corporation of the Town of Essex be read a third time and finally adopted on June 7, 2021.

Carried

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

18.2.1 By-Law 2026

Being a by-law to appoint designated members of the Canadian Corps of Commissionaires Ottawa as Municipal By-Law Enforcement Officers for the Town of Essex

R21-06-245

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That By-Law 2026 being a by-law to Appoint Municipal By-Law Enforcement Officers for the Town of Essex be read a first, a second and a third time and finally passed on June 7, 2021.

Carried

18.3 By-Laws that require a first and second reading

18.3.1 By-Law 2027

Being a by-law to confirm the proceedings of the June 7, 2021, Regular Meeting of Council of The Corporation of the Town of Essex.

R21-06-246
Moved By Councillor Bjorkman
Seconded By Councillor Garon

That By-Law 2027 being a by-law to confirm the proceedings of the June 7, 2021, Regular Meeting of Council of The Corporation of the Town of Essex be read a first, a second time and provisionally adopted on June 7, 2021.

Carried

19. **Adjournment**

R21-06-247
Moved By Deputy Mayor Meloche
Seconded By Councillor Bjorkman

That the meeting be adjourned at 8:20 PM.

Carried

Mayor

Clerk