



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**

August 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 3 Councillor Chris Vander Doelen
- Ward 4 Councillor Sherry Bondy

Also Present:

- Chris Nepszy, Chief Administrative Officer
- Doug Sweet, Director, Community Services/Deputy CAO
- Lori Chadwick, Director, Development Services
- Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk
- Shelley Brown, Deputy Clerk, Legal and Legislative Services
- Kate Giurissevich, Acting Director, Corporate Services
- Lindsay Dean, Drainage Superintendent
- Rita Jabbour, Manager, Planning Services

1. Call to Order

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

2. Land Acknowledgement

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.

3. National Anthem

4. Closed Meeting Report

Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk, provided a verbal report on the Closed Meeting held on July 22, 2021. He reported that Council met

electronically in Closed Session, on July 22, 2021 at 3:00 PM as permitted to do so by sections 239 (2) (b) of the Municipal Act.

At the Closed Meeting Council discussed personal matters about an identifiable individual and provided direction with respect to a municipal employee.

5. Declarations of Conflict of Interest

There were no conflicts of interest noted at this time.

6. Adoption of Published Agenda

6.1 Regular Council Meeting Agenda for August 3, 2021

R21-08-320

Moved By Councillor Bowman

Seconded By Deputy Mayor Meloche

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

1. That Agenda Item 8.1 be removed to allow for the delegate Grahame Soley, Director of Marketing, Cogeco Connexion Inc. to revise his presentation and return to Council at a later date; and
2. That Agenda Item 8.2 be moved to Agenda Item 8.1.

Carried

7. Adoption of Minutes

7.1 Regular Council Meeting Minutes for July 19, 2021

R21-08-321

Moved By Councillor Garon

Seconded By Councillor Bjorkman

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

Carried

8. Public Presentations

8.1 Michelle Bishop, General Manager, and Tom Marentette, Manager of Waste Disposal, Essex-Windsor Solid Waste Authority

RE: Regional Landfill Monitoring Biennial Report for the Reporting Year 2019/2020

Tom Marentette, Manager of Waste Disposal, Essex-Windsor Solid Waste Authority provided an overview of the 2020 Annual Operations Report. Mr. Marentette advised that the Operations Report was a requirement of the Environmental Compliance Approval (ECA).

Mr. Marentette explained various items in the Operations Report such as the landfill and waste bans/restrictions, EWSWA contracts, traffic control, inspections, disposal areas, volume analysis and compaction, composting, site maintenance, gas management, leachate system, monitoring programs, and weather monitoring.

R21-08-322

Moved By Councillor Bowman

Seconded By Councillor Garon

That the presentation by Michelle Bishop, General Manager and Tom Marentette, Manager of Waste Disposal, Essex-Windsor Solid Waste Authority together with the Annual Operations Report and Regional Landfill Biennial Report be received for information.

Carried

9. Unfinished Business

10. Reports from Administration

10.1 Planning-2021-14

RE: Release of Maintenance Securities for Phase 5 of the Kimball Estates Development (Ward 1)

R21-08-323

Moved By Councillor Verbeek

Seconded By Councillor Vander Doelen

That Planning-2021-14 entitled Release of Maintenance Securities for Phase 5 of the Kimball Estates Development (Ward 1) prepared by Rita Jabbour, Manager, Planning Services dated August 3, 2021 be received; and

That the maintenance securities in the amount of \$8,483.48 for the completion of surface course asphalt be returned to the developer, Kimball Estates INC.

Carried

10.2 Planning-2021-15

RE: Zoning By-Law Amendment to Permit Second Dwelling Units in the Town of Essex

Rita Jabbour, Manager, Planning Services, reported that the County of Essex approved Official Plan Amendment 8 which allows for second dwelling policies in our Official Plan to permit second dwelling units in main dwellings and an ancillary building. Ms. Jabbour advised that there have been some revisions to By-Law 2035 since it has been provisionally adopted. Revisions include prohibiting the location of a secondary dwelling unit in an ancillary building located in a required yard (front or rear), prohibiting a gross floor area (GFA) for a secondary dwelling unit in an ancillary building which exceeds the gross floor area (GFA) of the main dwelling and prohibiting the use of a secondary dwelling unit as a short term rental.

Deputy Mayor Meloche asked if the number of permits for secondary dwelling units and the amount of permits issued could be restricted.

Lori Chadwick, Director, Development Services noted that the development charges are exempt and the number of permits cannot be restricted. She recommended that Administration review the development charges waved this year and after a full year impact in 2022.

Councillor Bondy asked if By-Law 2035 prevents someone from creating a two story secondary dwelling in an urban area with one story housing.

Ms. Jabbour stated that the units were restricted to the floor size and that the height could be restricted in By-Law 2035 which would prevent a two story secondary dwelling unit when the main unit is one story.

R21-08-324

Moved By Deputy Mayor Meloche
Seconded By Councillor Bowman

That Planning-2021-15 entitled Zoning By-Law Amendment to Permit Second Dwelling Units in the Town of Essex prepared by Rita Jabbour, RPP, Manager, Planning Services dated August 3, 2021 be received; and

That Council direct Administration to further amend By-Law 2035 to include a provision to restrict detached second dwelling units to a maximum height of one story in Residential districts.

Carried

10.3 Drainage-2021-09

RE: Results of Request for Tender - Construction of Barrette Drain (Repairs and Improvements)

R21-08-325

Moved By Councillor Bjorkman
Seconded By Councillor Bowman

That Drainage-2021-09 entitled Results of Request for Tender – Construction of Barrette Drain (Repairs and Improvements) prepared by Norman Nussio, Manager, Operations and Drainage dated August 3, 2021 be received; and

That Council award the Request for Tender – Construction of Barrette Drain (Repairs and Improvements) (RFT-ID-21-17) to Barrette Excavating Inc. in the amount of \$120,890.88 including non-refundable Harmonized Sales Tax.

Carried

10.4 Community Services-2021-10

RE: St. Peter's ACHS College School Lease of 2nd Floor at Harrow Arena

Doug Sweet, Director, Community Services, provided a verbal report of St. Peter's ACHS College School Lease of the 2nd Floor at Harrow Arena.

R21-08-326

Moved By Councillor Garon
Seconded By Councillor Bowman

That Community Services Report 2021-015 entitled St. Peter's ACHS College School Lease of 2nd floor at Harrow Arena be received;

That Council approve the entering into of an Agreement with The All Canadian Hockey School Inc. O/A St. Peter's ACHS College School (ACHS) for leased space at the Harrow Arena (2nd floor) located at 243 McAfee Street in Harrow for an initial term commencing on the 16 day of August, 2021 and concluding on July 31, 2022 with an option to renew for an additional two year term beginning on August 1, 2022 subject to the general terms and conditions as outlined in By-Law 2049;

That By-Law 2049 be read a first, a second, and a third time and finally passed on August 3, 2021; and

That By-Law 2044 being a by-law to authorize the execution of a lease agreement between the Town of Essex and The All Canadian Hockey School Inc. O/A St. Peter's ACHS College School be repealed effective immediately.

Carried

11. Reports from Youth Members

12. County Council Update

Deputy Mayor Meloche advised that the County of Essex is currently looking into the feasibility of contracting insurance services for municipalities within the County. Municipalities would buy into the coverage however they would continue to manage their claims and budgetary requirements.

13. Correspondence

R21-08-327

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That all of the correspondence listed in Agenda Item 13.1 be received and, where indicated, to further share such information with the community using suitable methods of communication.

Carried

13.1 Correspondence to be received

13.1.1 Union Water Supply System (UWSS)

RE: Joint Board of Management June 16, 2021 Minutes

13.1.2 Premier of Ontario

RE: Automatic Speed Enforcement

13.1.3 City of Stratford

RE: Resolution to Phase Out Ontario's Gas Plants

13.1.4 Enbridge Gas Inc.

RE: Ontario Energy Board 2022 Rates (Phase 1) - Application and Evidence

13.2 Correspondence to be considered for receipt and support

13.2.1 Haley Mastronardi

RE: Request for Variance from Noise By-Law 690

R21-08-328

Moved By Councillor Bjorkman

Seconded By Deputy Mayor Meloche

That Hailey Mastronardi's request for a variance from Noise By-Law 690 to extend her wedding reception at Magnolia Ranch to 12:00 AM be received.

Carried

13.2.2 Childcan: The Childhood Cancer Research Association

RE: Proclamation: Childhood Cancer Awareness Month

R21-08-329

Moved By Deputy Mayor Meloche

Seconded By Councillor Verbeek

That the correspondence by Childcan: The Childhood Cancer Research Association's, Windsor Support Liaison Lorraine Jewell, asking Council to consider proclaiming Childhood Cancer Awareness Month in the Town of Essex, be received and supported; and

That Council proclaims the month of September, 2021 as Childhood Cancer Awareness in the Town of Essex by adopting the following resolution:

Whereas, September is officially recognized internationally as Childhood Cancer Awareness Month;

Whereas, the most recent data shows that cancer remains the leading cause of disease-related death in children;

Whereas, cancer in children affects aspects of their physical, emotional, and social development, as well as their family and school life, effects which research shows are long-lasting;

Whereas, Childcan believes childhood cancer must be designated a child health priority, and that support services for families are critical;

Whereas, Childcan raises awareness and funds to provide personalized, responsive and compassionate programs and services to families facing the childhood cancer journey, from diagnosis, through treatment, to recovery or bereavement;

Whereas, organizations which support families dealing with childhood cancer are working together to raise awareness of this disease and its devastating effects, as well as raising fund to support the affected families and children; and

Whereas, raised awareness and funds will help these families and children deal with the emotional and financial toll.

Therefore, I Mayor Larry Snively, Mayor of Essex do hereby proclaim September, 2021 as Childhood Cancer Awareness Month in the Town of Essex.

Carried

14. Committee Meeting Minutes

R21-08-330

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That the Personnel Committee Meeting minutes dated June 23, 2021 together with any recommendations noted therein, be received, approved and adopted as circulated.

Carried

14.1 Personnel Committee Meeting Minutes - June 23, 2021

15. Financial

16. New Business

17. Notices of Motion

18. Reports and Announcements from Council Members

19. By-Laws

19.1 By-Laws that require a third and final reading

19.1.1 By-Law 2046

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

R21-08-331

Moved By Councillor Verbeek

Seconded By Councillor Bowman

That By-Law 2046 being a by-law to confirm the proceedings of July 19, 2021 Regular Meeting of Council of the Corporation of the Town of Essex be read a third time and finally passed on August 3, 2021.

Carried

19.1.2 By-Law 2023

Being a by-law to provide for the Graveline Drain, New Bridge at MN 1241 and Maintenance Schedule of Assessment, Geographic Township of Colchester North Project REI2020D031, Town of Essex, County of Essex

R21-08-332

Moved By Councillor Vander Doelen

Seconded By Councillor Bjorkman

That By-Law 2023 being a by-law to provide for the Graveline Drain, New Bridge at MN 1241 and Maintenance Schedule of Assessment, Geographic Township of Colchester North Project REI2020D031, Town of Essex, County of Essex be read a third time and finally passed on August 3, 2021.

Carried

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

19.3 By-Laws that require a first and second reading

19.3.1 By-Law 2050

Being a By-Law to Recover the Capital Costs related to the watermain installation crossing Highway 3 at the 14th Concession for those receiving a present or future benefit from the services and activities of the Town of Essex to extend services.

R21-08-333

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That By-Law 2050 being a by-law to Recover the Capital Cost related to the watermain installation crossing Highway 3 at the 14th Concession for those receiving a present or future benefit from the services and activities of the Town of Essex to extend services be read a first and a second time and provisionally adopted on August 3, 2021.

Carried

19.3.2 By-Law 2048

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

R21-08-334

Moved By Councillor Vander Doelen

Seconded By Councillor Bjorkman

That By-Law 2048 being a by-law to confirm the proceedings of the August 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 August 3, 2021.

Carried

20. Adjournment

R21-08-335

Moved By Councillor Bjorkman

Seconded By Deputy Mayor Meloche

That the meeting be adjourned at 7:46 PM.

Carried

Mayor

Clerk