



The Corporation of the Town of Essex
Regular Council Meeting Minutes

May 19, 2020, 6:00 PM

This meeting was held electronically during a time of Declared Emergency pursuant to Town of Essex By-Law 1902.

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

Present: Mayor Larry Snively
Deputy Mayor Richard Meloche
Councillor Joe Garon
Councillor Morley Bowman
Councillor Kim Verbeek
Councillor Steve Bjorkman
Councillor Chris Vander Doelen
Councillor Sherry Bondy

Also Present: Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk
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

Regrets: Ehva Hoffman, Youth Council Member
Cameron Soucie, Youth Council Member

1. Call to Order

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

2. Closed Meeting Report

3. Declarations of Conflict of Interest

Mayor Larry Snively declared a conflict of interest with respect to agenda 12.1: Essex Police Services Board Meeting - May 7, 2020 minutes. The stated conflict was in relation to the Mayor's correspondence requesting a leave of absence from the Police Services Board and asking that Council appoint a Council Member to take his place.

4. Adoption of Published Agenda

4.1 Regular Council Meeting Agenda for May 19, 2020

Moved By Councillor Bowman
Seconded By Councillor Verbeek

(R20-05-152) That the published agenda for the May 19, 2020 Regular Council Meeting, be adopted as amended with the following additions and changes:

- Two Notices of Motions from Councillor Verbeek, to be included as agenda items 15.2.1 and 15.2.2;
- A Notice of Motion from Councillor Bondy, to be included as agenda item 15.2.3;
- Agenda item 8.3 Drainage Report 2020-04 RE: Adoption of Section 77(3) Engineer's letter of Opinion for the Essex Outlet Drain to be moved forward in the agenda to item 6.1, and agenda item 6.1 RE: E.L.K. Energy Inc., be moved to agenda item 6.2; and
- That David Cassidy, Essex Resident and Business Owner, be allowed to speak as a delegate, at this evening's meeting as agenda item 6.3.

Carried

5. Adoption of Minutes

5.1 Regular Council Meeting Minutes for May 4, 2020

Moved By Deputy Mayor Meloche
Seconded By Councillor Bjorkman

(R20-05-153) That the minutes of the Regular Council Meeting held May 4, 2020, be adopted as circulated.

Carried

5.2 Special Council Meeting Minutes for May 1, 2019

Moved By Councillor Bowman
Seconded By Deputy Mayor Meloche

(R20-05-154) That the minutes of the Special Council Meeting held May 1, 2019, to review the Town of Essex 2019 Development Charges Study, be adopted as circulated.

Carried

6. Public Presentations

6.1 Anthony Saraceni, P. Eng.

Project Engineer, Planning and Design – West Region
Ministry of Transportation

Mr. Saraceni appeared before Council to provide additional information and answer any questions that Council may have with regards to Engineer's Letter of Opinion recommending the movement of the Essex Outlet Drain.

Mr. Saraceni told Council that they are currently retaining a Design Build Consultant through the procurement process for the Highway 3 Widening Project and Essex Outlet Drain Relocation. He advised that they are hopeful that this particular phase is expected to be finalized in early October 2020. He told Council that the relocation of the Essex Outlet

Drain is a critical step in the widening of the highway and that it is hopeful that the Highway 3 Widening Project can begin in the 2021 construction season.

Drainage Report 2020-04

RE: Adoption of Section 77(3) Engineer's Letter of Opinion for the Essex Outlet Drain

- Letter of Opinion - Essex Outlet
- Appendix A - Essex Outlet Drain - Recommended Plan
- Appendix B - Final Hwy 3 Culvert Hydrology and Condition Report

By-Law 1913

Being a by-law to adopt the Section 77(3) Engineer's Letter of Opinion to relocate the Essex Outlet Drain within the Ministry of Transportation Corridor

Moved By Councillor Vander Doelen

Seconded By Councillor Verbeek

(R20-05-155) That Drainage Report 2020-04, entitled "Adoption of Section 77(3) Engineer's Letter of Opinion for the Essex Outlet Drain", prepared by Norm Nussio, Manager Operations Drainage, dated May 19, 2020, be received and supported; and

That By-Law 1913 being a by-law to adopt and approve the Section 77(3) Engineer's Letter of Opinion to relocate the Essex Outlet Drain within the Ministry of Transportation (MTO) corridor, be read a first, a second and third time and finally passed on May 19, 2020.

Carried

6.2 E.L.K. Energy Inc.

Mark Danelon, Chief Financial Officer (CFO) & Director of Stakeholders Relations, appeared before Council as a delegate to present E.L.K. Energy Inc.'s 2019 Financial Statements and to provide the historical background of E.L.K. Energy Inc., a general overview of the accounting methodology behind the financial statements and to speak about service quality indicators of the electricity sector of E.L.K.

Mr. Danelon advised Council that the Pacific Economics Group (PEG) Research Report, dated August 2019 reported that the Local Distribution Company (LDC) buy rates for E.L.K. Energy are some of the lowest rates in the province. He stated that E.L.K. continues to strive to provide electricity to customers in a safe and efficient manner and at a fair and reasonable cost. He advised that E.L.K. is regulated by the Ontario Energy Board (OEB) through their submissions of quarterly and yearly reporting and that the OEB yearly reviews tariffs and rates.

He provided Council with a list of some of the significant projects accomplished this year in the municipality.

Council then had an opportunity to ask Mr. Danelon various questions with respect to the financial statements.

- **2019 Financial Statements**
- **Resolutions of the Sole Shareholder of E.L.K. Energy Inc.**

Moved By Councillor Garon

Seconded By Councillor Vander Doelen

(R20-05-156) That the presentation by E.L.K. Energy Inc. Director, Finance and Regulatory Affairs, Mark Danelon of the 2019 Financial Statements for E.L.K. Energy Inc. for the year ending December 31, 2019, be received; and

That Council supports the signing of the annual resolutions of E.L.K. Energy Inc. appointing the Directors and KPMG LLP as Auditor; and

That the Mayor be thereby authorized to sign the documents on behalf of The Corporation of the Town of Essex.

Carried

6.3 David Cassidy, Essex Resident and Business Owner **RE: COVID-19**

Mr. Cassidy appeared before Council as a concerned business owner. He asked Council to consider lobbying the province to allow business owners to operate outdoors. He asked Council to consider ways to help reduce the tax burden on business owners, and asked if the Town would allow a boot-camp style class outside their facility, taking into consideration all of the proper precautions in place at this time. Administration advised that current restrictions affecting his business were not municipal restrictions but rather were restrictions put into place by provincial orders.

Moved By Councillor Bondy

Seconded By Councillor Garon

(R20-05-157) That a letter be sent to the Honourable Doug Ford, Premier of Ontario asking that restrictions be lifted so as to allow small businesses such as bootcamps or exercise facilities to operate outdoors provided proper social distancing measures are in place and being followed; and

That a copy of the letter be sent to Taras Natyshak, MPP Essex and Chris Lewis, MP Essex.

Carried

Moved by Councillor Bjorkman

Seconded by Councillor Verbeek

(R20-05-158) That a letter be sent to the Honourable Doug Ford, Premier of Ontario requesting that a support program be created for those businesses who don't qualify within the current \$40,000 grant program for businesses.

Carried

7. Unfinished Business

8. Reports from Administration

8.1 Chief Administrative Officer (CAO), Chris Nepszy Verbal Report

RE: COVID-19 Town's Response and Updates

- Harbour opening on May 16, 2020
- Pro rating seasonal berths costs (change from May 1 to June 1)
- Opening dog parks, tennis courts and benches
- Staffing
- Availability of Building and Construction permits
- Realistic timelines and procedures for reopening Town Hall
- Recommend the elimination of the use of credit card payments outside of Recreation Services and Virtual CityHall

Moved By Councillor Vander Doelen

Seconded By Councillor Bjorkman

(R20-05-159) That the cost of seasonal boat berths at the Colchester Harbour be pro-rated and changed from May 1 to June 1, 2020 for this boating season.

Carried

Moved By Councillor Bowman

Seconded By Councillor Vander Doelen

(R20-05-160) That the Town eliminate the use of credit cards for all payments that are processed outside of the Recreation Services and Virtual CityHall and extend the waiver of the processing fee for credit card transactions on Virtual CityHall until December 31, 2020.

Carried

8.2 Economic Development Report 2020-05

- April 2020 Building Report
- Development Overview

Moved By Deputy Mayor Meloche

Seconded By Councillor Bowman

(R20-05-161) That Economic Development Report 2020-05, entitled "Building Report and Development Overview April 2020", prepared by Nelson Silveira, Economic Development Officer, dated May 19, 2020, be received.

Carried

8.3 Parks and Facilities Report 2020-02

RE: Results of Request for Tender - Remove, Supply and Install Four Condensing Boilers

Moved By Councillor Bjorkman

Seconded By Councillor Vander Doelen

(R20-05-162) That Parks and Facilities Report 2020-02, entitled "Results of Request for Tender - Remove, Supply and Install Four Condensing Boilers", prepared by Jackson Tang, Assistant Manager, Business Services, dated May 19, 2020, be received; and

That Council awards the Request for Tender - Remove, Supply and Install Four Condensing Boilers to Lekter Industrial Services Inc. in the amount of \$68,992.27 including non-refundable HST; and

That Council approves the addition of a third domestic hot water boiler at the Essex Centre Sports Complex and the funding of this new capital asset in the amount of \$15,820.00 including non-refundable HST be purchased by re-allocating \$10,000.00 from project CS-20-0047 (new Mural) and that the remaining \$5,820.00 to be funded through a forecasted under expenditure in the Essex Centre Sports Complex 2020 operating budget account "Building and Repairs - Other (52900)".

Carried

8.4 Parks and Facilities Report 2020-05

RE: Results of Request for Tender for Colchester Harbour Dock B Replacement

Moved By Councillor Bondy

Seconded By Councillor Bjorkman

(R20-05-163) That Parks and Facilities Report 2020-05, entitled "Results of Request for Tender for Colchester Harbour Dock B Replacement", prepared by Jackson Tang, Assistant Manager, Business Services dated May 19, 2020, be received; and

That Council awards the Request for Tender for Colchester Harbour Dock B Replacement to Kropf Industrial Inc. in the amount of \$160,180.42 including non-refundable HST.

Carried

8.5 Operations Report 2020-02

RE: Results of Request for Tender - Supply and Application of Maintenance Stone 2020

Moved By Councillor Bowman

Seconded By Councillor Vander Doelen

(R20-05-164) That Operations Report 2020-02, entitled "Results of Request for Tender - Supply and Application of Maintenance Stone 2020", prepared by Jackson Tang, Assistant Manager, Business Services, dated May 19, 2020, be received; and

That Council awards the Request for Tender - Supply and Application of Maintenance Stone 2020 to Southwestern Sales Corporation Limited in the amount of \$160,000.00 including non-refundable HST.

Carried

8.6 Planning Report 2020-09

RE: Repeal of Subdivision Agreement (Parts 1 & 2 on 12R27717)

- By-Law 1915
Being a by-law to release the Subdivision Agreement over Parts 1 and 2 on 12R27717

Moved By Deputy Mayor Meloche
Seconded By Councillor Vander Doelen

(R20-05-165) That Planning Report 2020-09, entitled "Repeal of Subdivision Agreement (Parts 1 and 2 on 12R27717)", prepared by Rita Jabbour, Manager, Planning Services, dated May 19, 2020, be received; and

That By-Law 1915, being a by-law to release the Subdivision Agreement over Parts 1 and 2 on 12R27717, be read a first, a second and a third time and finally passed on May 19, 2020; and

That the Town's Solicitor/Clerk be directed to execute all documents necessary to give effect to the actions taken by this Council as described in By-Law 1915.

Carried

8.7 Operations Report 2020-03

RE: Results of Request for Tender - Supply of Winter Control Equipment for a Tandem Plow Truck and Supply of a Tandem Plow Truck Cab and Chassis 2020

Moved By Councillor Bowman
Seconded By Councillor Verbeek

(R20-05-166) That Operations Report 2020-03, entitled "Results of Request for Tender - Supply of Winter Control Equipment for a Tandem Plow Truck and Supply of a Tandem Plow Truck Cab and Chassis 2020, prepared by Jackson Tang, Assistant Manager, Business Services, be received; and

That Council awards the Request for Tenders as follows:

1. Supply of Winter Control Equipment for a Tandem Plow Truck with Stainless Steel Dump Body to Viking Cives Ltd. in the amount of \$144,888.94 including non-refundable HST.
2. Supply of Tandem Plow Truck Cab and Chassis 2020 to Team Truck Centres Ltd. in the amount of \$160,148.80 including non-refundable HST; and

That Council approves the additional funding of \$25,037.74 above the approved 2020 Capital Budget of \$280,000.00 for the Supply of Winter Control Equipment for a Tandem Plow Truck and Supply of a Tandem Plow Truck Cab and Chassis (project PW-20-0001) from the Town's Asset Management Lifecycle Reserve.

Carried

- 9. Reports from Youth Members**
- 10. County Council Update**
- 11. Correspondence**
 - 11.1 Correspondence to be received**

Moved By Councillor Bondy
Seconded By Councillor Bowman

(R20-05-167) That correspondence listed in agenda item 11.1 be received and, where indicated, to further share such information with the community using suitable methods of communication.

Carried

11.1.1 COVID-19 Virus Correspondence

11.1.1.1 Media Release - Town of Essex

RE: Fun Fest and spring programs cancelled, limit on gatherings continues (May 6, 2020)

11.1.1.2 Office of the Premier - NEWS

RE: Declaration of Emergency Extended While Ontario Gradually Reopens the Economy

11.1.2 Town of Grimsby

RE: Support for Commercial Rent Assistance Programs

Correspondence dated May 6, 2020 advising of the Town of Grimsby Council supports Commercial Rent Assistance Programs

11.1.3 AMO Releases OPP Detachment Boards Discussion Papers

- New Ontario Provincial Police Detachment Boards: Building a Framework for Better Policing Governance Discussion Paper (May 1, 2020)

11.1.4 Essex-Windsor Solid Waste Authority Landfill Liaison Committee Meeting

May 20, 2020 Agenda

- Dialing In Instructions

11.1.5 Windsor-Essex County Health Unit

RE: Proposed Cannabis Retailer in the Town of Essex, located at 6 King Street East, Harrow

Correspondence, dated May 13, 2020 providing Council with their response to the pending approval of the Cannabis Retail Store Authorization application of 6 King Street East, Harrow.

11.2 Correspondence to be considered for receipt and support

11.2.1 Township of Armour

RE: Support Resolution - High Speed Internet Connectivity in Rural Ontario

Correspondence from the Township of Armour, dated April 29, 2020 to the Honourable Doug Ford supporting the need to make substantial investments in high-speed internet connectivity in the rural areas of Ontario.

Moved By Deputy Mayor Meloche
Seconded By Councillor Verbeek

(R20-05-168) That correspondence from the Township of Armour, dated April 29, 2020 to the Premier of Ontario, supporting the need to make substantial investments in high-speed internet connectivity in the rural areas of Ontario, be received and supported; and

That a letter of support be sent to The Honourable Doug Ford, Premier of Ontario and that a copy of the letter of support be sent to Taras Natyshak, MPP, Essex, Chris Lewis, MP, Essex and the Township of Armour.

Carried

11.2.2 Alcohol and Gaming Commission of Ontario

RE: Applications Undergoing Public Notice

- Cannabis Application in Harrow - 6 King Street East

Moved By Councillor Vander Doelen
Seconded By Councillor Bondy

(R20-05-169) That correspondence from the Alcohol and Gaming Commission of Ontario notifying Council of an application for a Cannabis Retail Store at 6 King Street in Harrow, be received and supported.

Carried

12. Committee Meeting Minutes

Mayor Snively declared a conflict of interest with regards to the Essex Police Services Board (EPSB) Meeting minutes held May 7, 2020, as his request for a leave of absence from the EPSB Board was considered at that meeting.

Mayor Snively vacated the Chair and took no part in the discussion or vote.

Deputy Mayor Meloche assumed the Chair.

12.1 Essex Police Services Board - May 7, 2020

(EPSB-20-05-18) That the March 3, 2020 correspondence from Mayor Snively advising of a leave of absence as a member of the Police Services Board, be received and accepted;

That Essex Town Council be requested to appoint another Council member to serve on the Police Services Board during the Mayor's leave of absence period; and

That Vice Chair Verbeek serve as Chair of the Police Services Board in place of the Mayor during the Mayor's leave of absence.

Moved By Councillor Verbeek
Seconded By Councillor Bjorkman

(R20-05-170) That the Police Services Board Meeting minutes dated May 7, 2020, be received and adopted as circulated; and

That the Town of Essex Council appoints Councillor Morley Bowman, to serve on the Police Services Board for the duration of the Mayor's leave of absence.

Carried

Mayor Snively returned to the Chair.

13. Financial

14. New Business

15. Notices of Motion

15.1 The following Notice of Motion was presented at the May 4, 2020 Regular Council Meeting, and is being brought forward for consideration this evening:

15.1.1 Councillor Bondy - Mayor's List of Round Table Items "Shoreline Protection of Public Property"

Moved By Councillor Bondy

Seconded By Deputy Mayor Meloche

(R20-05-171) That Council bring forward the item listed as "Shoreline Protection of Public Property" from the Mayor's list of round table items, in order to discuss and give direction to Administration as it relates to potential liability, budget considerations, shoreline protection of public property policy, timelines and fallen trees policy during this time of historic water levels.

Carried

15.2 The following Notices of Motions were presented at this evening's Council Meeting for Council's consideration at the June 1, 2020 Regular Council Meeting:

15.2.1 Councillor Verbeek

That Council and Administration look at ways to assist Town businesses, such as allowing outdoor spaces for businesses, in light of the limitations due to the COVID pandemic.

15.2.2 Councillor Verbeek

That Administration be directed to look at new ways to improve recycling efforts in the municipality.

15.2.3 Councillor Bondy

That Administration be directed to provide a Geese Mitigation Report for Colchester Beach, including the use of a walking dog to be used to scare geese in order to improve the beach user experience, water quality and student work load.

16. Reports and Announcements from Council Members

Each Council member was provided an opportunity to discuss their latest news and activities in the municipality.

17. By-Laws

17.1 By-Laws that require a third and final reading

17.1.1 By-Law 1911

Being a by-law to confirm the proceedings of the May 4, 2020 Regular Meeting of the Council of The Corporation of Town of Essex

Moved By Councillor Bowman
Seconded By Councillor Verbeek

(R20-05-172) That By-Law 1911 being a by-law to confirm the proceedings of the May 4, 2020 Regular Meeting of the Council of The Corporation of the Town of Essex, be read a third time and finally passed on May 19, 2020.

Carried

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

17.2.1 By-Law 1912

Being a by-law to amend By-Law Number 1037 The Comprehensive Zoning By-Law for the Town of Essex

Moved By Councillor Vander Doelen
Seconded By Councillor Garon

(R20-05-173) That By-Law 1912 being a by-law to amend By-Law 1037 The Comprehensive Zoning By-Law for the Town of Essex, be read a first, a second and a third time and finally passed on May 19, 2020.

Carried

17.2.2 By-Law 1914

Being a by-law to authorize an agreement between: Her Majesty the Queen in Right of Ontario as represented by the Minister of Municipal Affairs & Housing (the "Province") and The Corporation of the Town of Essex (the "Recipient")
(Municipal Modernization Program - Ontario Transfer Payment Agreement)

Moved By Deputy Mayor Meloche
Seconded By Councillor Bjorkman

(R20-05-174) That By-Law 1914 being a by-law to authorize an agreement between: Her Majesty the Queen in Right of Ontario as represented by the Minister of Municipal Affairs & Housing (the "Province") and The Corporation of the Town of Essex (the "Recipient"), be read a first, a second and a third time and finally passed on May 19, 2020.

Carried

17.3 By-Laws that require a first and second reading

17.3.1 By-Law 1916

Being a by-law to confirm the proceedings of the May 19, 2020, Regular Meeting of the Council of The Corporation of the Town of Essex

Moved By Deputy Mayor Meloche
Seconded By Councillor Bowman

(R20-05-175) That By-Law 1916 being a by-law to confirm the proceedings of the May 19, 2020, Regular Meeting of The Corporation of the Town of Essex, be read a first and a second time and provisionally adopted of May 19, 2020.

Carried

18. Adjournment

Moved By Councillor Vander Doelen
Seconded By Deputy Mayor Meloche

(R20-05-176) That the meeting be adjourned at 9:15 PM.

Carried

Mayor

Clerk