



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**

July 5, 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
- Kevin Girard, Director, Infrastructure Services
- Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk
- Shelley Brown, Deputy Clerk, Legal and Legislative Services
- Rick Arnel, Fire Chief
- Kate Giurissevich, Manager, Finance and Business Services/Deputy Treasurer

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 5, 2021. He reported that Council met electronically in Closed Session, on July 5, 2021 at 4:30 PM as permitted to do so by sections 239 (2) (e) of the Municipal Act.

At the Closed Meeting Council discussed a potential litigation matter involving the municipality and provided direction on same to Administration.

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 July 5, 2021

R21-07-277

Moved By Councillor Bondy

Seconded By Councillor Verbeek

That the published agenda for the July 5, 2021 Regular Council Meeting be adopted with the following amendments:

1. Councilor Verbeek requested the addition of a new business item (Agenda Item 16.1) re: that Council send a letter to the Federal government to demand completion of the 94 calls of action put forth in the truth and reconciliation commission; and

2. Deputy Mayor Meloche requested the addition of a new business item (Agenda Item 16.2) to allow a motion that Council supports the use of all four community centres in all 4 wards for cooling centres for those without air conditioning during extreme heat conditions when heat advisories have been issued by the Windsor-Essex County Health Unit (WECHU).

Carried

7. Adoption of Minutes

7.1 Regular Council Meeting Minutes for June 21, 2021

R21-07-278

Moved By Councillor Bjorkman

Seconded By Deputy Mayor Meloche

That the minutes of the Regular Council Meeting held June 21, 2021 be adopted as circulated.

Carried

7.2 Special Council Meeting Minutes for May 10, 2021

R21-07-279

Moved By Councillor Bowman

Seconded By Councillor Garon

That the minutes of the Special Council Meeting held May 10, 2021 be adopted as circulated.

Carried

8. Public Presentations

9. Unfinished Business

10. Reports from Administration

10.1 Economic Development-2021-08

RE: Essex Tourism Events Fund Applications

R21-07-280

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That Economic Development-2021-08 entitled Essex Tourism Events Fund prepared by Nelson Silveira, Economic Development Officer dated July 5, 2021 be received;

That Council approve the distribution of \$1,000.00 of funding to the Rotary Club of Harrow from the Essex Tourism Events Fund; and

That Council approve the distribution of \$1,000.00 of funding to Heritage Colchester from the Essex Tourism Events Fund.

Carried

10.2 Drainage-2021-08

RE: Appointment of an Engineer under Section 76 of the Drainage Act to provide updated cost sharing for the Lapoint Drain

R21-07-281

Moved By Deputy Mayor Meloche

Seconded By Councillor Bjorkman

That Drainage-2021-08 entitled Appointment of an Engineer under Section 76 of the Drainage Act to provide updated cost sharing for the Lapoint Drain prepared by Lindsay Dean, Drainage Superintendent dated July 5, 2021 be received; and

That Council appoint Rood Engineering Incorporated under Section 76 of the Drainage Act to provide cost sharing for future culvert replacements for the Lapoint Drain.

Carried

10.3 Development Services-2021-03

RE: Amended Development Charges By-Law

Lori Chadwick, Director, Development Services, provided a verbal report on the Amended Development Charges By-Law. The details of these Development Charges were introduced in May which required amendments under the Provincial legislation.

Nancy Neale, Manager, Watson and Associates, stated that the Amended Development Charges increases the charges but decreases funding for future projects related to parks and recreation and other projects.

Kate Giurissevich, Manager, Finance, Business Services, noted that Development Charges are incorporated into the operating budget and funds are set aside through the DC reserve.

R21-07-282

Moved By Councillor Bowman

Seconded By Councillor Verbeek

That Development Services Report-2021-03 entitled Amended Development Charges By-Law prepared by Lori Chadwick, Director, Development Services, dated July 5, 2021 be received; and

That By-Law 2043, being a by-law to amend By-Law 1850 respecting Development Charges be read a first, second, and third time and finally passed on July 5, 2021.

Carried

10.4 Community Services-2021-06

RE: St. Peter's ACHS College School Lease of Lions Hall

R21-07-283

Moved By Councillor Bjorkman

Seconded By Deputy Mayor Meloche

That Community Services Report-2021-012 entitled St. Peter's ACHS College School Lease of Lions Hall be received;

That Council approve entering into an agreement with The All Canadian Hockey School Inc. O/A St. Peter's ACHS College School (ACHS) for leased space at the Harrow Lions Hall located at 206 McAfee Street in Harrow for one year commencing on the first day of August, 2021 and concluding on July 31, 2022 with an option to renew for an additional two years beginning on August 1, 2022 subject to the general terms and conditions as outlined in By-Law 2044; and

That By-Law 2044 be read a first, second, third time and finally passed on July 5, 2021.

Carried

10.5 Community Services-2021-07

RE: SERT July Update

R21-07-284

Moved By Councillor Vander Doelen

Seconded By Councillor Bowman

That Community Services Report-2021-013 entitled Special Events Resource Team (SERT) July Update be received for information.

Carried

10.6 Capital Works and Infrastructure-2021-09

RE: King-Queen Traffic Signal Replacement

R21-07-285

Moved By Councillor Bondy

Seconded By Councillor Vander Doelen

That Capital Works and Infrastructure-2021-09 entitled, King-Queen Traffic Signal Replacement prepared by Kevin Girard, Director, Infrastructure Services dated July 5, 2021 be received; and

That Council approve the additional expenditure for the replacement of the traffic signals at the King Street and Queen Street intersection in the amount of \$170,820.00 (including applicable HST) as part of the Harrow Streetscape project (GG-20-0008).

Carried

10.7 Legal and Legislative Services-2021-13

RE: Appeal Hearing with respect to a Dangerous Dog Declaration and Issuance of a Notice to Muzzle

R21-07-286

Moved By Councillor Verbeek

Seconded By Councillor Bjorkman

That Legal and Legislative Services-2021-13 entitled Appeal Hearing with respect to a Dangerous Dog Declaration and Issuance of a Notice to Muzzle prepared by Shelley Brown, Deputy Clerk dated July 5, 2021 be received; and

That Council grant an exemption from the requirements of Section 4.01 of the Animal Control By-Law as it relates to the composition of the Appeal Committee, and direct that the members of the Appeal Committee for the upcoming appeal hearing(s) (to be scheduled) shall be comprised of three members of the general public to be appointed who have declared that they will serve impartially and that they do not have a conflict of interest in the matter to be adjudicated.

Carried

10.8 Legal and Legislative Services-2021-14

RE: Fireworks By-Law Review and Updates

- Current By-law 124 being a By-law regulating the sale and the setting off of fireworks in the Town of Essex.

Robert W. Auger, Town Clerk/Solicitor, Legal and Legislative Services, provided a verbal report on the proposed Fireworks By-Law stating that it was a collaborative effort from By-Law Enforcement, the Building Department, Fire

Services and Legal and Legislative Services. He noted that the current Fireworks By-Law (By-Law 124), is out of date, does not address certain health and safety concerns and is not practical in its application for both the residents and from an enforcement point of view. The new proposed By-Law 2011 expands the holidays when fireworks can be sold, extends the periods of time that licensed retailers can sell fireworks, prohibits the possession of fireworks to people under the age of 18, prohibits firecrackers and flying lanterns,

The proposed By-Law further expands the list of holidays that Family Fireworks can be set off (adding Independence Day, Civic Holiday, and Labour Day) and adds a period of time before and/or after each holiday that Family Fireworks can be set off without a permit.

The proposed By-Law makes a distinction between three (3) types of fireworks (family fireworks and the larger type Display and Pyrotechnic fireworks) each with their own definitions, restrictions and regulations. It was noted in the proposed By-Law that Family Fireworks is a low hazard, recreational firework while Display Fireworks and Pyrotechnic fireworks are high hazard. No person shall set off display fireworks in the Town unless they have been granted a permit and the event falls on the designated dates list in the By-Law.

Mr. Auger noted that permits are not required for family fireworks if set off on the prescribed dates but noted that the new by-law formalizes a detailed application/permit process for the larger Display and Pyrotechnic type fireworks. Mr. Auger also noted that there is currently no fee for Display and Pyrotechnic Permit applications and that administration is asking Council to support the possibility of a fee for such applications which would be consistent with other municipalities.

Councillor Vander Doelen expressed concerns with a By-law that prohibits firecrackers. Rick Arnel, Fire Chief, stated that family fireworks would not require a permit to set off fireworks. The only fireworks that would require a permit are display fireworks or pyrotechnics which are large events that require various regulations. He also noted that under the Explosive Act of Canada firecrackers are illegal.

Councillor Garon noted that he was not in favour of the permit fee as it would be difficult to enforce the fee. He also recommended that we should consider providing neighbours notice.

Mr. Auger explained that the Fire Department would have the discretion in the by-law to make it a requirement to provide notice when obtaining a permit for the larger type firework displays.

Deputy Mayor Meloche asked if fireworks could be set off on a day other than those listed.

Mr. Auger replied that yes it was possible but it would need to be authorized through a permit for the larger type fireworks or if otherwise approved in writing from the Fire Department.

R21-07-287

Moved By Councillor Bondy

Seconded By Councillor Vander Doelen

That Legal and Legislative Services-2021-14 entitled Fireworks By-Law Review and Updates prepared by Robert Auger, Town Solicitor/Clerk and Matthew Ducharme, Legal & Legislative Services Intern and dated July 5, 2021 be received; and

That By-Law 2011 being a by-law to prohibit and regulate the sale of fireworks and the setting off of fireworks in the Town of Essex be read a first, second time and provisionally adopted on July 5, 2021.

Carried

11. Reports from Youth Members

12. County Council Update

Deputy Mayor Meloche provided an update that the construction from County Road 10 in McGregor to the Bridge has been paved and noted that they are working on County Road 20 outside of Harrow.

Mayor Larry Snively noted that construction is taking place on Arner Townline.

13. Correspondence

13.1 Correspondence to be received

R21-07-288

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

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

13.1.1 Correspondence relating to COVID-19 Pandemic

13.1.1.1 Province of Ontario

RE: Three-Step Plan to Guide a Safe and Gradual Reopening of the Province

13.1.1.2 Bereavement Authority of Ontario

RE: New COVID-19 Indoor and Outdoor Funeral Restrictions

13.1.2 Union Water Supply System

RE: Joint Board of Management May 19, 2021 Minutes

13.1.3 The Harrow and Colchester South Chamber of Commerce

RE: Concern with the Current State of our Region's Power Supply

13.1.4 Telus Communications Inc.

RE: Public Consultation for Proposed Telecommunications Facility

13.1.5 Ministry of Attorney General

RE: Licensing to Permit Small Organizations to Hold Fundraisers

13.1.6 Ombudsman of Ontario

RE: Ombudsman Releases Annual Report

13.1.7 Chicken Farmers of Ontario

RE: Nomination of Community Frontline Hero

13.2 Correspondence to be considered for receipt and support

14. Committee Meeting Minutes

R21-07-289

Moved By Councillor Vander Doelen

Seconded By Councillor Bowman

That the Committee of Adjustment Meeting minutes of May 18, 2021 approved and adopted as circulated.

Carried

15. Financial

16. New Business

16.1 Councillor Verbeek

R21-07-290

Moved By Councillor Verbeek

Seconded By Deputy Mayor Meloche

That Council send a letter to the Federal government to demand completion of the 94 Calls of Action put forth in the Truth and Reconciliation Commission of Canada.

Carried

16.2 Deputy Mayor Meloche

R21-07-291

Moved By Deputy Mayor Meloche

Seconded By Councillor Bjorkman

That Council supports the use of all four community centres in all 4 wards for cooling centres for those without air conditioning during extreme heat conditions when heat advisories have been issued by the Windsor-Essex County Health Unit (WECHU) and that Administration be further directed to provide for a formal policy to provide guidelines for the use thereof.

Carried

17. Notices of Motion

17.1 The following Notices of Motion were presented at the June 21, 2021 Regular Council Meeting and are being brought forward this evening for Council's consideration:

17.1.1 Councillor Bondy

R21-07-292

Moved By Councillor Bondy
Seconded By Deputy Mayor Meloche

That Council have a discussion regarding barbeques at Town of Essex parks to determine what is and what is not permitted.

Carried

17.1.2 Councillor Bondy

R21-07-293

Moved By Councillor Bondy
Seconded By Deputy Mayor Meloche

That Council direct Administration to review the cost of investing in facilities to provide water for Dogs at the Harrow Soccer Complex as part of the upcoming Budget process for 2022.

Carried

17.1.3 Councillor Verbeek

R21-07-294

Moved By Councillor Verbeek
Seconded By Deputy Mayor Meloche

That the Town send a letter to County Council and the Essex-Windsor Solid Waste Authority (EWSWA) asking them to consider other alternative sites and not the Town of Essex site (on the property adjacent to the current Landfill site) with respect to the selection of a site(s) for the hosting of future organic waste programs.

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	7	1
Carried (7 to 1)		

17.1.4 Councillor Bondy

R21-07-295

Moved By Councillor Bondy

Seconded By Councillor Verbeek

That Council direct administration to work with the Essex Region Conservation Authority to determine if there is a need for and/or if it is feasible relating to the installation of a turtle/ snake crossing sign on Iler Road.

Carried

17.2 The following Notices of Motion are being presented this evening and will be brought forward for Council's consideration at the July 19, 2021 Regular Council Meeting:

17.2.1 Councillor Bondy

Moved By Councillor Bondy

That Essex Town Council request that E.L.K Energy's Board meeting minutes be open to Council and/or the Asset Management Plan be shared with Council; and

That Essex Town Council request Ron McDermott, Chair of E.L.K. Energy, raise this request at the next scheduled meeting as per Mayor Snively's suggestion at the June 21, 2021 council meeting.

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 2037

Being a by-law to confirm the proceedings of the June 21, 2021, Regular Meeting of Council of The Corporation of the Town of Essex

R21-07-296

Moved By Councillor Bowman

Seconded By Deputy Mayor Meloche

That By-Law 2037 being a by-law to confirm the proceedings of the June 21, 2021, Regular Meeting of Council of The Corporation of the Town of Essex be read a third time and finally passed on July 5, 2021.

Carried

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

19.2.1 By-Law 2045

Being a by-law to appoint an Assistant Deputy Fire Chief for the Town of Essex

R21-07-297

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That By-Law 2045 being a by-law to appoint an Assistant Deputy Fire Chief for the Town of Essex be read a first, a second and a third time and finally passed on July 5, 2021.

Carried

19.3 By-Laws that require a first and second reading

19.3.1 By-Law 2042

Being a by-law to confirm the proceedings of the July 5, 2021, Regular Meeting of Council of The Corporation of the Town of Essex

R21-07-298

Moved By Councillor Bjorkman

Seconded By Councillor Vander Doelen

That By-Law 2042 being a by-law to confirm the proceedings of the July 5, 2021, Regular Meeting of Council of The Corporation of the Town of Essex be read a first, a second time and provisionally adopted on July 5, 2021.

Carried

20. Adjournment

R21-07-298

Moved By Councillor Bjorkman

Seconded By Deputy Mayor Meloche

That the meeting be adjourned at 8:18 PM.

Carried

Mayor

Clerk