



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**

December 6, 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 currently open to the public for in person attendance. This meeting can be viewed by the public electronically via livestream and 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:

- Doug Sweet, Chief Administrative Officer
- 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, Director, Corporate Services
- Jeff Watson, Policy Planner, Development Services
- Corinne Chiasson, Assistant Planner
- Jake Morassut, Manager, Parks and Facilities

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

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 December 6, 2021

R21-12-463

Moved By Councillor Garon

Seconded By Councillor Bjorkman

That the published agenda for the December 6, 2021 Regular Council Meeting be adopted with the following amendment:

1. That a New Business item be added as Item 16.1 to the Agenda re: a request from Councillor Bondy for a letter to be sent to the Windsor-Essex County Health Unit regarding their Letter of Instruction dated December 5, 2021.

Carried

7. Adoption of Minutes

7.1 Regular Council Meeting Minutes for November 15, 2021

R21-12-464

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That the minutes of the Regular Council Meeting held November 15, 2021 be adopted as circulated.

Carried

8. Public Presentations

8.1 Diana Radulescu, Active Transportation Coordinator, and Jerry Behl, Manager, Transportation, County of Essex

RE: County-Wide Active Transportation System (CWATS) Master Plan Update

By way of presentation Diana Radulescu, Active Transportation Coordinator discussed the 2012 County Wide Active Transportation System (CWATS) Master Plan and provided Council with an overview of the key components of the Plan. The main goal of the Master Plan is to implement a County-wide network of active transportation routes to encourage healthy, active living and to enhance regional recreational opportunities Ms. Radulescu further outlined how the program works and its achievements in Essex to date. A summary was also provided of proposed future CWATS Networks and phasing including proposed future routes in Essex.

Ms. Radulescu advised that they are seeking comments from the Town of Essex on the draft/proposed Network to be provided to the County by January 10, 2022. After this date they will continue refining the CWATS Master Plan Network and Implementation Chapters. Once prepared, a full draft of the Master Plan Update Report will be presented to Essex Council for approval.

R21-12-465

Moved By Councillor Bowman

Seconded By Councillor Vander Doelen

That the presentation by Diana Radulescu, Active Transportation Coordinator and Jerry Behl, Manager, Transportation, County of Essex regarding the County-Wide Active Transportation System (CWATS) Master Plan be received.

Carried

8.2 Perry Basden, President, Heritage Colchester

RE: Update on the restoration of the Colchester Schoolhouse

Perry Basden from Heritage Colchester provided an update on the efforts to restore the Colchester School House including fundraising efforts and the proposed Agreement with the Town for Heritage Colchester to operate at the facility which Agreement by way of by-law was expected to receive third reading at this meeting. He explained that Heritage Colchester requested the Architectural Conservancy of Ontario to have an inspection of the schoolhouse which was provided through a program called the Preservation Works. He also noted that he is now preparing for future events to promote the Schoolhouse and its restoration through partnerships with the University of Windsor and other organizations to host events in Colchester.

R21-12-466

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That the delegation by Perry Basden on behalf of Heritage Colchester regarding the Colchester Schoolhouse be received.

Carried

9. Unfinished Business

10. Reports from Administration

10.1 Parks and Facilities-2021-20

RE: Short-Term Seasonal Rentals and Commercial Operations at Colchester Harbour

During deliberations on this Report a friendly amendment to the motion was requested and accepted thereby changing the original motion to read as “two short-term rental units” from “two short-term operators”.

R21-12-467

Moved By Deputy Mayor Meloche

Seconded By Councillor Bowman

That Parks and Facilities-2021-20 report entitled Short Term Rentals and Commercial Operations at Colchester Harbour prepared by Jake Morassut, Manager, Parks and Facilities dated December 6, 2021 be received;

That a 50% premium for short-term rentals and/or those utilizing the slips outside of recreational Harbour operations be added to the current base rate;

That two short-term rental units be permitted to operate per season at the Colchester Harbour; and

That the current short-term rental unit at the Colchester Harbour be allowed to continue operating in addition to the proposed two short-term operators permitted per season.

Carried

10.2 Finance and Business Services-2021-14

RE: Revised Fees and Charges for Schedules to By-Laws 1812, 2040, and 1850

Kate Giurissevich, Director, Corporate Services provided a verbal report on the fees and charges for schedules to By-Law 1812, 2040 and 1850. She noted that the September Consumer Price Index (CPI) of 4.4% was applied to By-Laws 1812 and 2040.

Ms. Giurissevich further advised that the development charge inflator applied to the Schedules B-1 and B-2 to the Development Charge By-Law equated to 11.6% which was the most recently published Construction Price Index. She explained that this increase is mandated through our Development Charge By-Law and after speaking with the Town's development charge consultant, Watson and Associates, it was determined that the Town must remain consistent in the inflators as they are defined in our Development Charge By-Law.

R21-12-468

Moved By Councillor Bowman

Seconded By Councillor Garon

That Corporate Services Report 2018-018 report entitled Revised Schedules to By-Laws 1812, 2040 and 1850 be received; and

That the following three schedules be revised with an effective date of January 1, 2022:

1. Schedule "C" to By-Law Number 1812, being a by-law respecting the maintenance, management, regulation and control of any cemetery owned by The Corporation of the Town of Essex,
2. Schedule "A" to By-Law Number 2040, being a by-law to establish a schedule of miscellaneous fees and charges, and
3. Schedule "B-1" and "B-2" to By-Law Number 1850, being a by-law for the imposition of Development Charges.

Carried

10.3 Planning-2021-25

RE: Revisions to Rear Yard Encroachments for Porches, Decks and Sunrooms

Rita Jabbour, Manger, Planning Services provided an overview of the revisions proposed to rear yard encroachments for porches, decks and sunrooms into required yards.

R21-12-469

Moved By Councillor Bondy

Seconded By Councillor Bowman

That Planning-2021-25 report entitled Revisions to Rear Yard Encroachments for Porches, Decks and Sunrooms prepared by Rita Jabbour, RPP, Manager, Planning Services dated December 6, 2021 be received; and

That By-Law Number 2098, being a by-law to amend By-Law Number 1037, the Comprehensive Zoning By-Law for the Town of Essex to limit the encroachment of decks, porches, and sunrooms into a required rear yard, be read a first, a second and a third time and finally passed on December 6, 2021.

Carried

10.4 Planning-2021-29

RE: Short Term Rental (STR) update

Rita Jabbour, Manager, Planning Services, by way of formal presentation outlined the proposed recommendations and expected timelines and consultation relating to the future regulation of short-term rentals in specific zoning districts throughout the Town.

R21-12-470

Moved By Councillor Bjorkman

Seconded By Councillor Vander Doelen

That Planning-2021-29 report entitled Short Term Rental (STR) Update prepared by Rita Jabbour, RPP, Manager, Planning Services dated December 6, 2021 be received;

That Administration be directed to prepare a zoning by-law amendment as outlined in Option 3 of the attached presentation to permit one (1) short term rental in a main single detached dwelling in any Residential and Agricultural zoning district, and in a dwelling unit in any commercial district; and

That Administration be directed to prepare a licensing by-law for short term rentals.

Carried

10.5 Planning-2021-30

RE: Removal of Holding Zone Restrictions for Phase 1 of the Parkland Woods Residential Development

R21-12-471

Moved By Councillor Bowman

Seconded By Councillor Vander Doelen

That Planning-2021-30 report entitled Removal of Holding Zone Restrictions for Phase 1 of the Parkland Woods Residential Development prepared by Rita Jabbour, RPP, Manager, Planning Services dated December 6, 2021 be received; and

That By-Law 2099, Being a by-law to remove the Holding Zone Restrictions for Phase 1 of the Parkland Woods Subdivision (Ward 3) be read a first, a second and a third time and finally passed on December 6, 2021.

Carried

11. Reports from Youth Members

12. County Council Update

Mayor Snively advised that at its last meeting the County of Essex approved in principle their 2022 Budget at a 1.56% tax increase. He further advised that as part of the 2022 budget the County will be hiring 12 additional EMS personnel and will be purchasing additional ambulances.

12.1 Essex County Council Regular Meeting Minutes - October 20, 2021

R21-12-472

Moved By Councillor Bjorkman
Seconded By Councillor Bowman

That the minutes of the Regular County Council Meeting held October 20, 2021 be received.

Carried

13. Correspondence

13.1 Correspondence to be received

R21-12-473

Moved By Deputy Mayor Meloche
Seconded By Councillor Garon

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 County of Essex

RE: Windsor-Essex Regional Community Safety and Well-Being Plan,
2022-2026

13.1.2 City of Kitchener

RE: Liquor License Sales and Patio Extensions

13.1.3 Union Water Supply System

RE: Joint Board of Management Minutes of October 20, 2021

13.1.4 Town of Plympton-Wyoming

RE: Concerns with the Continued Postponement of Property
Assessments

13.1.5 Township of Alnwick

RE: Endorsing National Teen Driver Safety Week and Requesting the Ministry of Transportation to Review Measures Impacting New Licensed Drivers

13.1.6 E.L.K. Energy Inc.

RE: Town of Kingsville Resolution on Electricity Supply

13.1.7 Windsor-Essex Food Policy Council

RE: Provincial Food and Organic Waste Framework and Ontario's Food Waste Policy Statement

13.2 Correspondence to be considered for receipt and support

13.2.1 County of Essex

RE: Food and Organics Waste Management Program

County of Essex Council at its October 20, 2021 meeting received Administrative Report entitled Essex-Windsor Solid Waste Authority (EWSWA)-Regional Food and Organics Waste Management Project (as attached to this Agenda) and further approved the EWSWA recommendation to present to and obtain comments from all of the County Municipalities relating to desire to participate as part of a regional approach to the Food and Organics Waste Management Project. On November 15, 2021 Essex Town Council received the noted presentation from EWSWA. The aforementioned Administrative Report was brought to this meeting to allow Essex Town Council an opportunity to direct its County Council representatives to provide comments if any to County Council relating to Town of Essex interest in participating in a regional approach to the proposed Food and Organics Waste Management Project.

During Council deliberation on this Agenda item there was no mover or direction to provide comments indicative of Town of Essex support or interest to participate as a proposed regional approach to the Project.

R21-12-474

Moved By Councillor Bowman

Seconded By Councillor Garon

That Council receive the Administrative Report entitled Essex-Windsor Solid Waste Authority (EWSWA)-Regional Food and Organics Waste Management Project as dated October 20, 2021 and presented to Essex County Council at its meeting of October 20, 2021.

Carried

13.2.2 3rd Essex Scouting

RE: Flag Request from 3rd Essex Scouts for 100 years of scouting in the Town of Essex

R21-12-475

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That the request from the 3rd Essex Scouting for their flag to be flown at Town Hall on February 22, 2022 in support of 100 years of scouting in the Town of Essex be received and supported.

Carried

13.2.3 Sherry Ducedre

RE: Extension of Sherry Ducedre's Term with the Committee of Adjustment

R21-12-476

Moved By Councillor Bjorkman

Seconded By Deputy Mayor Meloche

That the request from Sherry Ducedre requesting that her appointment to the Committee of Adjustment be extended to November 30, 2022 to coincide with the end of the current term of Council be received and supported.

Carried

14. Committee Meeting Minutes

R21-12-477

Moved By Councillor Bowman

Seconded By Councillor Garon

That all the Committee Meeting minutes listed in Agenda Item 14, together with any recommendations to Council noted therein, be received, approved and adopted as circulated.

Carried

14.1 Committee of Adjustment - September 21, 2021

14.2 Essex Centre Business Improvement Area - October 12, 2021

14.3 Essex Municipal Heritage Committee - October 28, 2021

14.4 Essex Police Service Board - November 4, 2021

14.5 Court of Revision Minutes - November 10, 2021

Re: Legalization of a culvert over the Lawrence Quick Drain and the Malden Road West Drain: Bridge for McGuire and Laramie and Maintenance Schedule

14.6 Personnel Committee - November 26, 2021

PC-21-07

Moved by Councillor Bondy

Seconded by Councillor Garon

Recommendation to Council: That HR Policy 05-04 entitled Non-Union Salary Administration Policy as presented by Brandi Sieben, Manager, Human Resources to the Finance Committee at its November 26, 2021 meeting be adopted as presented.

Carried

PC-21-08

Moved by Councillor Bondy
Seconded by Councillor Bowman

Recommendation to Council: That HR Policy 03-21 entitled Hybrid Working Model Policy (1 Year Trial) as presented by Brandi Sieben, Manager, Human Resources to the Personnel Committee at its November 26, 2021 meeting be adopted as presented.

Carried

PC-21-09

Moved by Councillor Bondy
Seconded by Councillor Garon

Recommendation to Council: That the Personnel Committee Terms of Reference as presented by Brandi Sieben, Manager, Human Resources to the Personnel Committee at its November 26, 2021 meeting be adopted as presented.

Carried

15. Financial

15.1 October 2021 Bank Payments Report

R21-12-478

Moved By Councillor Vander Doelen
Seconded By Councillor Bjorkman

That the Bank Payments Report, including October 2021 cheque register, cheque number 53552 to cheque number 53730 and electronic funds transfer (EFT) payment number EFT005381 to EFT005602 inclusive in the amount of \$3,628,958.01; the Preauthorized Payments for the month of October in the amount of \$294,474.30; and Payroll for the month of October in the amount of \$406,273.07, be ratified as submitted.

Carried

15.2 Ministry of Municipal Affairs and Housing

Re: Town of Essex Financial Indicator Review and Municipal Financial Profile based on 2020 Financial Information Return

R21-12-479

Moved By Councillor Bjorkman
Seconded By Councillor Bowman

That the Financial Indicator Review and the Municipal Financial Profile issued by the Ministry of Municipal Affairs and Housing be received for information.

Carried

16. New Business

16.1 Councillor Bondy

RE: Letter of Instruction issued December 5th 2021 by the Windsor-Essex County Health Unit ("WECHU").

R21-12-480

Moved By Councillor Bondy

Seconded By Councillor Bjorkman

That Essex Council let the WECHU know that we oppose, The Letter of Instruction dated Dec 5th, 2021 which limits the indoor capacity of bars and restaurants to be only at 50 percent of their total capacity.

Whereas residents in Windsor- Essex are able to cross the border to attend sporting events, restaurants and concerts without capacity restrictions.

Whereas residents are able to attend local sporting events, shop in big box stores locally without capacity limits.

Whereas grants and subsidies for businesses that have struggled since March 2020, have now been cancelled and businesses are expected to start making repayments all while entering into a reduced capacity period.

Whereas Windsor- Essex residents have a high vaccination rate and businesses are legislated to already check vaccination documents and these businesses cannot afford to lose more patrons during the month of December.

Whereas many of our local business owner/operators are mentally exhausted and have suffered personal financial hardships over the last two years struggling to provide for their families and pay their bills.

Whereas last year our businesses were shut down around the same time and Windsor- Essex residents were told that with vaccination and the checking of vaccination records we would get back to normal and here we are hurting our business industry once again.

Therefore we issue this letter from Essex Council to WECHU, all local municipalities impacted, County council, our MPP Taras Natyshak and Premier Doug Ford requesting that the Letter of Instruction be revoked so our businesses can operate on an equal playing field.

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)		

17. Notices of Motion

17.1 The following Notice of Motion is being presented this evening and will be brought forward for Council's consideration at the December 20, 2021 Regular Council Meeting:

17.1.1 Councillor Bondy

Moved By Councillor Bondy

That Council have a discussion regarding persistent dog barking and the negative impact it may have on the quality of life for residents of the Town of Essex and how complaints regarding this matter are to be enforced in accordance with the Town of Essex Noise By-Law.

18. Reports and Announcements from Council Members

Councillor Verbeek announced that the Stroll by Santa event will take place on December 17, 2021 in McGregor.

Councillor Bondy advised that the Essex Food Basket will be at the Harrow Soccer Complex this Sunday, December 11, 2021, from 10:00AM until 2:00PM.

Councillor Bjorkman reminded residents that the Town of Essex parade will be held on December 11, 2021 and to decorate for the Marion Bright Christmas Decorating contest.

19. By-Laws

19.1 By-Laws that require a third and final reading

19.1.1 By-Law 2097

Being a by-law to confirm the proceedings of the November 15,2021, Regular Meeting of Council of The Corporation of the Town of Essex

R21-12-481

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That By-Law 2097 being a by-law to confirm the proceedings of the November 15, 2021, Regular Meeting of Council of The Corporation of the Town of Essex be read a third time and finally passed on December 6, 2021.

Carried

19.1.2 By-Law 2041

Being a by-law to authorize the execution of an agreement between the Town of Essex and Heritage Colchester for the use and operation of the Colchester Schoolhouse Building located at 195 Bagot Street, Colchester, Ontario

R21-12-482

Moved By Councillor Bowman

Seconded By Deputy Mayor Meloche

That By-Law 2041 being a by-law to authorize the execution of an agreement between the Town of Essex and Heritage Colchester for the use and operation of the Colchester Schoolhouse Building located at 195 Bagot Street, Colchester, Ontario to be read a third time and finally passed on December 6, 2021.

Carried

19.1.3 By-Law 2022

Being a by-law to provide for the Lawrence Quick Drain Reconsidered Report: Legalization of a Culvert Roll No. 840-00501 in the Town of Essex, File Reference 21-023

R21-12-483

Moved By Deputy Mayor Meloche

Seconded By Councillor Garon

That By-Law 2022 being a by-law to provide for the Lawrence Quick Drain Reconsidered Report: Legalization of a Culvert Roll No. 840-00501 in the Town of Essex, File Reference 21-023 be read a third time and finally passed on December 6, 2021.

Carried

19.1.4 By-Law 2076

Being a by-law to provide for the Malden Road West Drain: Bridge for McGuire and Laramie and Maintenance Schedule, Geographic Township of Colchester North, Project REI2021D007, Town of Essex, County of Essex

R21-12-484

Moved By Deputy Mayor Meloche

Seconded By Councillor Bowman

That By-Law 2076 being a by-law to provide for the Malden Road West Drain: Bridge for McGuire and Laramie and Maintenance Schedule, Geographic Township of Colchester North, Project REI2021D007, Town of Essex, County of Essex be read a third time and finally passed December 6, 2021.

Carried

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

19.2.1 By-Law 2100

RE: Grant Funding Agreement: Online Dog Tag Software

Being a by-law to enter into an Agreement between The Corporation of the Town of Essex ("the Recipient") and Her Majesty in right of Ontario as represented by the Minister of Municipal Housing Affairs and Housing (the "Province")

R21-12-485

Moved By Councillor Vander Doelen

Seconded By Councillor Bowman

That By-Law 2100 being a by-law to enter into an Agreement between The Corporation of the Town of Essex ("the Recipient") and Her Majesty in right of Ontario as represented by the Minister of Municipal Housing Affairs and Housing (the "Province") be read a first, second and third time and finally passed on December 6, 2021.

Carried

19.2.2 By-Law 2101

Being a by-law to authorize the execution of an agreement to appoint Local Authority Services (LAS) to act as an agent in respect to all matters relating to the supply of natural gas

R21-12-486

Moved By Deputy Mayor Meloche

Seconded By Councillor Bjorkman

That By-Law 2101 Being a by-law to authorize the execution of an agreement to appoint Local Authority Services (LAS) to act as an agent in respect to all matters relating to the supply of natural gas be read a first, second and third time and finally passed December 6, 2021.

Carried

19.2.3 By-Law 2104

RE: Grant Funding Agreement: e-Permitting Software

Being a by-law to enter into an Agreement between The Corporation of the Town of Essex ("the Recipient") and Her Majesty in right of Ontario as represented by the Minister of Municipal Housing Affairs and Housing (the "Province")

R21-12-487

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That By-Law 2104 being a by-law to enter into an Agreement between The Corporation of the Town of Essex ("the Recipient") and Her Majesty in right of Ontario as represented by the Minister of Municipal Housing Affairs and Housing (the "Province") be read a first, second and a third time and finally passed on December 6, 2021.

Carried

19.3 By-Laws that require a first and second reading

19.3.1 By-Law 2102

Being a by-law to confirm the proceedings of the December 6, 2021, Regular Meeting of Council of The Corporation of the Town of Essex

R21-12-488

Moved By Councillor Vander Doelen

Seconded By Councillor Bjorkman

That By-Law 2102 being a by-law to confirm the proceedings of the December 6, 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 December 6, 2021.

Carried

20. Adjournment

R21-12-489

Moved By Deputy Mayor Meloche

Seconded By Councillor Bowman

That the meeting be adjourned at 8:35 PM.

Carried

Mayor

Clerk