



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**

April 4, 2022, 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 Richard Meloche
- Deputy Mayor Steve Bjorkman
- Ward 1 Councillor Joe Garon
- Ward 1 Councillor Morley Bowman
- Ward 2 Councillor Kim Verbeek
- Ward 3 Councillor Jason Matyi
- Ward 3 Councillor Chris Vander Doelen
- Ward 4 Councillor Sherry Bondy

Also Present:

- Doug Sweet, Chief Administrative Officer
- Lori Chadwick, Director, Development Services
- Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk
- Shelley Brown, Deputy Clerk, Legal and Legislative Services
- Kate Giurissevich, Director, Corporate Services
- Jake Morassut, Director, Community Services
- Corinne Chiasson, Assistant Planner
- Norm Nussio, Manager, Operations and Drainage

1. Call to Order

Mayor Meloche 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/Clerk, Legal and Legislative Services provided a verbal report on the Closed meeting held on April 4, 2022.

He reported that Council met electronically in Closed Session on April 4, 2022 at 5:00 PM as permitted to do so by Section 239 (2) (b) of the Municipal Act. At the Closed Meeting Council discussed a personnel matter about an identifiable individual. Council received a report with respect to that identifiable individual.

5. Declarations of Conflict of Interest

There were no declarations of conflict of interest noted at this time.

6. Adoption of Published Agenda

6.1 Regular Council Meeting Agenda for April 4, 2022

R22-04-130

Moved By Councillor Bowman

Seconded By Deputy Mayor Bjorkman

That the published agenda for the April 4, 2022 Regular Council Meeting be adopted with the following amendment:

1. That Agenda Item 17.2.1 be added to allow for the presentment of a Notice of Motion by Councillor Bondy.

Carried

7. Adoption of Minutes

7.1 Regular Council Meeting Minutes for March 21, 2022

R22-04-131

Moved By Councillor Vander Doelen

Seconded By Councillor Verbeek

That the minutes of the Regular Council Meeting held March 21, 2022 be adopted as circulated.

Carried

8. Public Presentations

9. Unfinished Business

10. Reports from Administration

10.1 Town Solicitor/Clerk's Verbal Report

RE: Procedural By-Law Matters

Robert Auger, Town Solicitor/Clerk, Legal and Legislative Services provided a verbal report regarding Procedural By-Law matters. He noted that after the March 21, 2022 Regular Council Meeting the Mayor requested that the Clerk address the procedural rules regarding the calling of a point of order and the rules regarding Agenda Item 18 entitled Reports and Announcements from Council Members. He further explained Robert's Rules of Order and noted that they only apply to Town of Essex meetings where the Procedural By-Law is silent on a particular procedural matter.

Mayor Meloche requested that Council where appropriate define certain words to ensure that the proper meaning of the word is being identified. He explained that he asked the Clerk to discuss these Procedural By-Law matters in

order to provide clarity for Council as they continue to move the business of the Town of Essex forward.

R22-04-132

Moved By Deputy Mayor Bjorkman

Seconded By Councillor Verbeek

That the verbal report by Robert Auger, Town Solicitor/Clerk entitled Procedural By-Law Matters be received.

Carried

10.2 Town Solicitor/Clerk's Verbal Report

RE: E.L.K. Board Appointment

Robert Auger, Town Solicitor/Clerk provided a verbal report on the current E.L.K. Energy Board vacancy and Council's options with respect to same. He stated that the vacancy can be filled to serve to the end of this current Council term. He noted that this vacancy was created by the resignation of Larry Snively and the subsequent appointment of Mayor Meloche to Mayor. He reminded Council that the Town of Essex is 100% shareholder of E.L.K. Energy which provides the Town the authority to appoint directors or remove directors and otherwise determine who shall serve on the E.L.K. Energy Board of Directors.

Council discussed how to fill the current E.L.K. Energy Board member vacancy.

Councillor Bondy explained that she has requested that the vacant seat on the E.L.K Energy Board should be filled by someone in our community such as a member of administration or someone qualified from the community as opposed to a Council member to provide the E.L.K. Energy Board with a different skill set and a change of direction to the Board.

Mr. Auger stated that he does not recommend a Town of Essex employee serving as a director on the E.L.K. Energy Board as it would potentially cause a direct conflict of interest between their role and their legal duty of loyalty as an employee and their duty to act in the best interest of E.L.K. Energy. He recommended that from a risk standpoint the legal duty of an E.L.K. Energy Board member shall be placed on either another Council member or another expert laypersons who is not employees of the Town of Essex. Mr. Auger stated that committee By-Law 1777 currently provides that the committee as appointed shall consist of the Mayor, Four (4) council members, a Ward 1 E.L.K. customer board member, a ward 4 E.L.K. customer board member and one member appointed/nominated from each of Kingsville and Lakeshore.

R22-04-134

Moved By Councillor Garon

Seconded By Councillor Verbeek

That the verbal report by Robert Auger, Town Solicitor/Clerk entitled E.L.K. Board Appointment be received.

Carried

R22-04-133

Moved By Councillor Bondy
Seconded By Councillor Matyi

That Agenda Item 17.1.1 be moved up Item 10.2 under Town Solicitor/Clerk's Verbal Report as it relates to the E.L.K. Board appointment.

Carried

10.2.1 Councillor Bondy

Councillor Bondy's Notice of Motion listed as Item 17.1.1 on the Agenda.

R22-04-135

Moved By Councillor Bondy
Seconded By Councillor Verbeek

That the vacant seat on the E.L.K Energy Board be filled by someone in the community through an application process based on qualifications and not another member of Essex Council.

Councillor Bondy requested a recorded vote:

	Support	Opposed
Mayor Meloche		X
Deputy Mayor Bjorkman		X
Councillor Garon		X
Councillor Bowman		X
Councillor Verbeek	X	
Councillor Matyi		X
Councillor Vander Doelen		X
Councillor Bondy	X	
Results	2	6
Defeated (2 to 6)		

R22-04-136

Moved By Councillor Bowman
Seconded By Councillor Vander Doelen

That Deputy Mayor Bjorkman be appointed to fill the vacant seat on the E.L.K. Energy Board of Directors.

Carried

10.3 Planning-2022-05

RE: Site Specific Zoning By-Law Amendment at 32 Arthur Avenue

Corrine Chiasson, Assistant Planner, Planning Services provided an overview of the site-specific zoning by-law amendment for 32 Arthur Avenue. Ms. Chiasson advised that the section of roadway along Arthur Avenue between Talbot Street South and Wilson Avenue restricts parking to 2 hours however, due to the availability of parking in the Southland Plaza, the parking spaces are underutilized for business purposes. She further advised that Administration would review the Parking By-Law to determine if it is feasible to remove the 2-hour parking signage along that section of Arthur Avenue.

R22-04-137

Moved By Councillor Bowman

Seconded By Councillor Verbeek

That Planning-2022-05 Report entitled Site Specific Zoning Amendment 32 Arthur Avenue (ZBA-02-22), prepared by Corinne Chiasson, Assistant Planner, dated April 4, 2022 be received;

That By-Law 2139, being a by-law to amend By-Law Number 1037, the Comprehensive Zoning By-law for the Town of Essex, for the lands identified as 32 Arthur Avenue (Essex Centre), be read a first, a second and a third time and finally passed on April 4, 2022; and

That Council direct Administration to review Parking By-Law 224 regarding the removal of the signage restricting parking to a 2-hour maximum on Arthur Avenue between Talbot Street South and Wilson Avenue.

Carried

10.4 Planning-2022-09

RE: Removal of Holding Zone Restriction for Part 2 on 12R27343

R22-04-138

Moved By Deputy Mayor Bjorkman

Seconded By Councillor Vander Doelen

That Planning-2022-09 Report entitled Removal of Holding Zone Restriction for Part 2 on 12R-27343 prepared by Rita Jabbour, RPP, Manager, Planning Services dated April 4, 2022 be received, and

That By-Law 2141, 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 April 4, 2022.

Carried

10.5 Drainage-2022-01

RE: Appointment of an Engineer under Section 78 of the Drainage Act to review the Walker Drain

R22-04-139

Moved By Councillor Bowman

Seconded By Councillor Garon

That Drainage-2022-01 entitled Appointment of an Engineer under Section 78 of the Drainage Act to review the Walker Drain prepared by Lindsay Dean, Drainage Superintendent dated April 4, 2022 be received, and

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

Carried

11. Reports from Youth Members

12. County Council Update

12.1 Essex County Council Regular Meeting Minutes - March 2, 2022

Deputy Mayor Bjorkman provided a verbal report regarding the County of Essex Official Plan Review and noted that there have been informal meetings with County Council to review. He stated that affordable housing was the top priority in all categories and the County is working with the individual municipalities on their Official Plans. He explained that currently the County is in Phase 1 until June 2022 with the final phase will concluding in December 2023.

R22-04-140

Moved By Deputy Mayor Bjorkman
Seconded By Councillor Bowman

That the minutes of the Regular County Council Meeting held March 2, 2022 be received.

Carried

13. Correspondence

13.1 Correspondence to be received

R22-04-141

Moved By Councillor Verbeek
Seconded By Councillor Bowman

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

Carried

13.1.1 Union Water Supply System

RE: February 16, 2022 Minutes

13.1.2 Greater Essex County District School Board

RE: New Kingsville School

13.1.3 Association of Municipalities of Ontario

RE: Policy Update - Child Care Agreement

13.1.5 Windsor-Essex Therapeutic Riding Association

RE: Essex Community Partnership Fund Letter of Thanks

13.1.6 Reform Gravel Mining Coalition

RE: Moratorium on all New Gravel Mining Approvals

13.1.7 Town of Halton Hills

RE: New Gravel Extraction Licensing Applications

13.1.8 The Corporation of the Municipality of Mississippi Mills

RE: Abandoned Cemeteries

13.1.9 Elections Ontario

RE: Municipal Voters List Program Newsletter

13.1.10 Leigh-Anne Siebert and Doug Daniels

RE: 6954 6th Concession Zoning By-Law Amendment

13.2 Correspondence to be considered for receipt and support

13.2.1 The Corporation of the City of Barrie

RE: Joint and Several Liability

As moved from Agenda Item 13.1.4.

R22-04-142

Moved By Councillor Bowman

Seconded By Deputy Mayor Bjorkman

That the correspondence dated March 17, 2022 from The Corporation of the City of Barrie regarding Joint and Several Liability be received and supported; and

That a letter of support be sent to the Honourable Peter Bethenfalvy, Minister of Finance, the Honourable Taras Natyshak, MPP and all local municipalities.

Carried

14. Committee Meeting Minutes

R22-04-143

Moved By Deputy Mayor Bjorkman

Seconded By Councillor Garon

That 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 Accessibility Advisory Committee - January 12, 2022

14.2 Court of Revision - February 10, 2022

15. Financial

15.1 December 2021 Capital Variance Report

R22-04-144

Moved By Councillor Bondy

Seconded By Deputy Mayor Bjorkman

That the December 2021 Capital Variance Report be received.

Carried

16. New Business

17. Notices of Motion

17.1 The following Notices of Motion were presented at the March 21, 2022 Regular Council Meeting and are being brought forward this evening for Council's consideration:

17.1.1 Councillor Bondy

Councillor Bondy's Notice of Motion was moved to Item 10.2.1 under Town Solicitor/Clerk's Verbal Reports as it relates to the E.L.K Board Appointment.

17.1.2 Councillor Bondy

Robert Auger, Town Solicitor/Clerk, Legal and Legislative Services noted that with respect to this proposed motion there is no legal distinction in law with respect to a Councillor appointed under the Municipal Act versus a Councillor holding office having been elected in a municipal election. If there was the intent to make a distinction the legislation would have provided for that. He further stated that the moment a Councillor member is sworn in all are considered as elected officials at that point with full accountability to the electorate. Mr. Auger stated that the determination therefore is not the manner in which they became a council member but rather what should determine the matter is that: at the time a person files their papers to run in the election are they the incumbent in the position that they are running for? If they are then they should have the opportunity to identify themselves to the electorate that they are the incumbent in the position with the key consideration being no candidates should use election signs in a manner that is inaccurate or misleading to the public.

Mr. Auger further stated that the Municipal Elections Act specifically gives the Municipal Clerk as the returning officer for the election specific independence from Council relating to the running of the election. It was Mr. Auger's opinion that Council can certainly ask the clerk to consider clarifying this issue in the election sign by-law or in a policy or procedure but there respectfully should be measured approach taken by Council with respect to mandating specific election policies or provisions.

R22-04-145

Moved By Councillor Bondy

Seconded By Councillor Verbeek

That as part of our policies and procedures governing our election sign by-law that "Re-Elect" only be permissible when a Candidate is duly elected to an office directly by the citizens during a general election or by-election, not by appointment of Council colleagues.

Defeated

17.2 The following Notice of Motion is being presented this evening and will be brought forward for Council's consideration at the April 19, 2022 Regular Council Meeting:

17.2.1 Councillor Bondy

Moved By Councillor Bondy

That Council have a public discussion about the stained accessible textured crosswalks at the Harrow Streetscape.

18. Reports and Announcements from Council Members

Councillor Bondy explained that all four wards will be participating in May 7, 2022 Town cleanup at 9:30 AM.

Councillor Garon and Mayor Meloche congratulated the Essex 73s in advancing to the junior finals against Lakeshore and wished them the best of luck.

19. By-Laws

19.1 By-Laws that require a third and final reading

19.1.1 By-Law 2140

Being a by-law to confirm the proceedings of the March 21, 2022, Regular Meeting of Council of The Corporation of the Town of Essex

R22-04-146

Moved By Councillor Matyi

Seconded By Deputy Mayor Bjorkman

That By-Law 2140 being a by-law to confirm the proceedings of the March 21, 2022, Regular Meeting of Council of The Corporation of the Town of Essex be read a third time and finally passed on April 4, 2022.

Carried

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

19.2.1 By-Law 2132

Being a by-law to authorize the use of vote-counting equipment and to establish Advance Voting dates for the 2022 Town of Essex Municipal Election

R22-04-147

Moved By Councillor Bondy

Seconded By Councillor Bowman

That By-law 2132 being a by-law to authorize the use of vote-counting equipment and to establish Advance Voting dates for the 2022 Town of Essex Municipal Election be read a first, a second and a third time and finally passed on April 4, 2022.

Carried

19.3 By-Laws that require a first and second reading

19.3.1 By-Law 2144

Being a by-law to confirm the proceedings of the April 4, 2022, Regular Meeting of Council of The Corporation of the Town of Essex

R22-04-148

Moved By Councillor Bowman
Seconded By Councillor Garon

That By-Law 2144 being a by-law to confirm the proceedings of the April 4, 2022, Regular Meeting of Council of The Corporation of the Town of Essex be read a first and a second time and provisionally adopted on April 4, 2022.

Carried

20. Adjournment

R22-04-149

Moved By Councillor Vander Doelen
Seconded By Councillor Matyi

That the meeting be adjourned at 7:37 PM.

Carried

Mayor

Clerk