



Regular Council Meeting Agenda

December 17, 2018, 6:00 pm

Essex Civic Centre

360 Fairview Avenue West

Essex, Ontario

Accessible formats or communication supports are available upon request. Please contact the Clerk's Office at clerks@essex.ca or 519-776-7336 extension 1100 or 1101.

Pages

1. **Call to Order**
2. **Closed Meeting Report**
3. **Declarations of Conflict of Interest**
4. **Adoption of Published Agenda**
 - 4.1 **Regular Council Meeting Agenda for December 17, 2018**

Moved by
Seconded by

That the published agenda for the December 17, 2018 Regular Council Meeting be adopted as presented / amended.
5. **Adoption of Minutes**
 - 5.1 **Regular Council Meeting Minutes - November 19, 2018** 1

Moved by
Seconded by

That the minutes of the Regular Council Meeting held November 19, 2018 be adopted as circulated.
 - 5.2 **Special Council Meeting Minutes - November 19, 2018** 10

Moved by
Seconded by

That the minutes of the Special Council Meeting held November 19, 2018, for the purpose of hearing submissions concerning the rezoning application for lands located at 230 Jackson Street, be adopted as circulated.
 - 5.3 **Inaugural Meeting Minutes - December 3, 2018** 14

Moved by
Seconded by

That the minutes of the Inaugural Meeting held December 3, 2018, be adopted as circulated.
6. **Public Presentations**

- **Windsor-Essex County Health Unit**
Eric Nadalin, Manager of Chronic Disease and Injury Prevention
Power Point Presentation - Municipal Considerations for Cannabis Retail
- **Sargeant Kelly Labonte, Essex County O.P.P.** West Operations Manager, Member of Community Street Crimes Unit

Moved by

Seconded by

That the powerpoint presentation by the Windsor-Essex County Health Unit, Eric Nadalin, Manager of Chronic Disease and Injury Prevention entitled "Municipal Considerations for Cannabis Retail", and the presentation by Sargeant Kelly Labonte, Essex County Ontario Provincial Police (O.P.P.) West Operations Manager, regarding Recreational Cannabis Retail Stores, be received.

6.1.1 Planning Department Report 2018-47

36

RE: Cannabis Retail Stores

Moved by

Seconded by

That Planning Report 2018-47, entitled "Cannabis Retail Stores", prepared by Rita Jabbour, Planner, submitted by Chris Nepszy, Deputy CAO/Director, Infrastructure and Development, dated December 17, 2018, be received;

That Council, for now, opt out of allowing cannabis retail stores in the Town of Essex, in order to allow for consultation with stakeholders and members of the public to facilitate the development of a Municipal Cannabis Retail Policy Statement;

That Council adopt the proposed Communications Plan for Public Consultation identified under Appendix "C" of this report;

That the Clerk be directed to provide the Alcohol and Gaming Commission of Ontario (AGCO) Registrar with written emailed notification of Council's decision to opt out of cannabis retail stores within the Town of Essex no later than three (3) business days following the passing of this resolution and in accordance with the manner prescribed under section 22 of Ontario Regulation 468/18; and

That Council direct Administration to report back to Council no later than March 4, 2019 concerning the results of the public consultation initiative.

6.2 Suzanne Allison, Raymond Gould, Bruce Tribute

49

RE: Park Bench in Heritage Gardens in Honour of William (Bill) Gould

Moved by

Seconded by

That the Public Presentation by Suzanne Allison, Raymond Gould and

Bruce Tribute seeking Council's permission to allow a new steel park bench to be donated and placed in the Heritage Gardens in Honour of William (Bill) Gould; and

That the Town prepare the ground with the required cement foundation as their donation, be (received/received and supported).

7. Unfinished Business

7.1 From the November 19, 2018 Regular Council Meeting: 51

Planning Report 2018-44
RE: 2275694 Ontario Inc. - Site Specific Rezoning for 1466 County Road 13

"Moved by Councillor Bondy
Seconded by Councillor Snively
(R18-11-508) That Planning Report 2018-44, prepared by Rita Jabbour, Planner and submitted by Chris Nepszy, Director, Infrastructure and Development, dated November 19, 2018, entitled "2275694 Ontario Incorporated, Site Specific Rezoning for 1466 County Road 13 (Ward 3)" together with the enclosed letters of opposition be tabled to the December 17, 2018 Regular Meeting of Council to allow Administration, the Developer and the residents an opportunity to address their concerns. Carried"

Moved by
Seconded by

That motion (R18-11-508) tabled at the November 19, 2018 Regular Council Meeting, be taken from the table and Planning Report 2018-44 entitled "2275694 Ontario Incorporated, Site Specific Rezoning for 1466 County Road 13 (Ward 3)", dated November 19, 2018, be filed and substituted with Planning Report 2018-50, entitled "2275694 Ontario Incorporated, Site Specific Rezoning for 1466 County Road 13 (Ward 3)", dated December 17, 2018.

7.1.1 Planning Report 2018-50 52

- RE: 2275694 Ontario Incorporated
Site Specific Rezoning for 1466 County Road 13 (Ward 3)
- By-Law 1759
Being a by-law to amend By-Law 1037, The Comprehensive Zoning By-Law for the Town of Essex
 - DELEGATIONS
Brad and Alice Laporte
Max Abraham Applicant, 2275694 Ontario Inc.

Moved by
Seconded by

That Planning Report 2018-50, entitled "2275694 Ontario Incorporated, Site Specific Rezoning for 1466 County Road 13 (Ward 3)", prepared by Rita Jabbour, Planner and submitted by Chris Nepszy, Deputy CAO/Director, Infrastructure and Development, dated December 17, 2018, be received; and

That the public presentations by Brad and Alice Laporte and Max Abraham Applicant, 2275694 Ontario Inc., be received;

and

That By-Law 1759 being a by-law to amend By-Law 1037, The Comprehensive By-Law for the Town of Essex, be read a first, a second and a third time and finally adopted on December 17, 2018.

8. Reports from Administration

8.1 Chief Administrative Officer (CAO) Report 2018-06

66

RE: Council Remuneration 2019

Moved by

Seconded by

That CAO Report 2018-06, entitled "Council Remuneration", prepared and submitted by Donna Hunter, Chief Administrative Officer, dated November 16, 2018, be received; and

That Council approve the increase in Council remuneration noted in said Report effective January 1, 2019 in order to compensate for the elimination of the one-third tax exemption previously available to municipal elected officials.

8.2 Community Services Report 2018-035

69

RE: Heritage Essex Lease Renewal to Operate the Essex Railway Station

- By-Law 1767
Being a by-law to authorize the execution of an agreement between the Town of Essex and Heritage Essex Incorporated for the operation of the Essex Railway Station located at 87 Station Street, Essex, Ontario

Moved by

Seconded by

That Community Services Report 2018-035, prepared and submitted by Doug Sweet, Director of Community Services, dated December 17, 2018, entitled "Heritage Essex Lease Renewal to Operate the Essex Railway Station", be received;

That Council approve renewing the Heritage Essex lease to operate the Essex Railway Station for an additional five (5) years commencing January 1, 2019; and

That By-Law 1767, being a by-law to authorize the execution of an agreement between the Town of Essex and Heritage Essex Incorporated for the operation of the Essex Railway Station located at 87 Station Street, Essex, Ontario, be read a first, a second and a third time and finally passed on December 17, 2018.

8.3 Community Services Report 2018-039

78

RE: Significant Event Status - Chaps and Spurs Country Festival Kickoff Party - Saturday, March 2, 2019

Moved by

Seconded by

That Community Services Report 2018-039, entitled "Significant Event

Status - Chaps and Spurs Country Festival Kickoff Party - Saturday, March 2, 2019", prepared and submitted by Doug Sweet, Director of Community Services, dated December 17, 2018, be received; and

That Council approve the 2019 Chaps and Spurs Kickoff Party for Significant Event Status for the purpose of applying for their Special Occasion Permit (SOP) for their event on Saturday, March 2, 2019 at the Essex Recreation Complex Auditorium.

8.4 Fire Report 2018-008 81

RE: Fire Department Radio System Update and Lease Agreement Extension

Moved by
Seconded by

That Fire Report 2018-008, entitled "Fire Department Radio System Update and Lease Agreement Extension", prepared by Richard Arnel, Fire Chief and submitted by Doug Sweet, Director of Community Services, dated December 17, 2018, be received; and

That Council approve extending the Fire Department Radio System Update and Lease Agreement (Appendix A) with Kelcom Radio Co. Ltd. for an additional two years as per the conditions in the Agreement.

8.5 Building Department Report 2018-11 90

RE: November 2018 Building Report

Moved by
Seconded by

That Building Department Report 2018-11, entitled "November 2018 Building Report", dated December 5, 2018 providing Council with an update on building activity within the Town of Essex for the month of November, be received.

8.6 Corporate Services Report 2018-14 94

RE: Extension Agreement - 140 000 01900 00000

- By-Law 1762
Being a by-law to authorize an Extension Agreement with the Owners of Roll 140 000 01900 0000 for the payment of outstanding taxes as at November 27, 2018 in the amount of \$13,234.98

Moved by
Seconded by

That Corporate Services Report 2018-14, entitled "Extension Agreement - 140 000 01900 0000", prepared and submitted by Jeffrey Morrison, Director, Corporate Services/Treasurer, dated December 17, 2018, be received; and

That By-Law 1762 being a by-law to authorize an Extension Agreement retroactive to November 27, 2018, for the payment of outstanding taxes in the amount of \$13,234.98, be read a first, a second and a third time and finally passed on December 17, 2018.

8.7 Corporate Services Report 2018-15 100

RE: Extension Agreement - 560 000 140000 0000

- By-Law 1763
Being a by-law to authorize an Extension Agreement with the Owners of Roll 560 000 140000 0000 for the payment of outstanding taxes as at November 26, 2018 in the amount of \$10,327.61

Moved by
Seconded by

That Corporate Services Report 2018-15, entitled "Extension Agreement - 560 000 140000 0000", prepared and submitted by Jeffrey Morrison, Director, Corporate Services/Treasurer, dated December 17, 2018, be received; and

That By-Law 1763 being a by-law to authorize an Extension Agreement retroactive to November 26, 2018, for the payment of outstanding taxes in the amount of \$10,327.61, be read a first, a second and a third time and finally passed on December 17, 2018.

8.8 Corporate Services Report 2018-016 106

RE: 2019 Water and Sanitary Sewer Rates

- By-Law 1764
Being a by-law to establish water and sanitary sewer rates and charges

That Corporate Services Report 2018-016, entitled "2019 Water and Sanitary Sewer Rates", prepared and submitted by Jeffrey Morrison, Director, Corporate Services/Treasurer, dated December 17, 2018, be received; and

That By-Law 1764, being a by-law to establish Water and Sanitary Sewer Rates and Charges, be read a first, a second and a third time and finally passed on December 17, 2018

8.9 Corporate Services Report 2018-018 113

RE: Revised Schedules to By-Laws 1186, 1331 and 1344

Moved by
Seconded by

That Corporate Services Report 2018-018, entitled "Revised Schedules to By-Laws 1186, 1331 and 1344", prepared and submitted by Jeffrey Morrison, Director, Corporate Services/Treasurer, dated December 17, 2018, be received; and

That Council approve revisions to the following schedules, effective January 1, 2019;

1. Schedule "C" to By-Law 1186, 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 1331, being a by-law to establish a schedule of miscellaneous fees and charges, and
3. Schedule "B" to By-Law 1344, being a by-law for the imposition

- 8.10 Drainage Report 2018-09** 120
- RE: Appointment of an Engineer to install a new access culvert in the Thompson Drain
- Moved by
Seconded by
- That** Drainage Report 2018-09, entitled "Appointment of an Engineer to install a new access culvert in the Thompson Drain", prepared by Norm Nussio, Manager, Operations and Drainage and submitted by Chris Nepszy, Deputy CAO/Director, Infrastructure and Development, dated December 17, 2018, be received; and
- That** Council appoint Rood Engineering to develop the access culvert installation report for the Thompson Drain.
- 8.11 Infrastructure and Development Report 2018-19** 124
- RE: Snow Plow Mailbox Damage Policy
- Moved by
Seconded by
- That** Infrastructure and Development Report 2018-19, entitled "Mailbox Damage Policy", prepared by Norm Nussio, Manager, Operations and Drainage and Robert Auger, Town Solicitor/Clerk and submitted by Chris Nepszy, Deputy CAO/Director, Infrastructure and Development, dated December 17, 2018, be received; and
- That** Council direct Administration to complete a policy in accordance with said Report, and bring back to Council for future approval.
- 8.12 Planning Report 2018-51** 128
- RE: Event signage for non-profit organizations
- Moved by
Seconded by
- That** Planning Report 2018-51, entitled "Event signage for non-profit organizations", prepared by Jeff Watson, Policy Planner and submitted by Chris Nepszy, Deputy CAO/Director, Infrastructure and Development, dated December 17, 2018, be received; and
- That** Council approve the placement of one event advertising sign on an annual basis for the Essex Optimist Recreational Soccer League (EORSL) announcing soccer registration for 2019 for a period of 30 days, in accordance with the Town's sign By-Law 1350; and
- That** permission for the placement of non-profit community serving special event signage on lands of the Essex Sports Complex and other institutional lands of the Town be hereinafter delegated to the Director of Community Services, without the need for prior authorization of Council.
- 8.13 Planning Report 2018-48** 132
- RE: Jason McKee Rezoning Application
230 Jackson Street, Colchester (Ward 3)

- By-Law 1765
Being a by-law to amend By-Law 1037, The Comprehensive Zoning By-Law
- By-Law 1766
Being a by-law to enter into a Site Plan Control Agreement between The Corporation of the Town of Essex and Jason McKee

Moved by
Seconded by

That Planning Report 2018-48, entitled "Jason McKee Rezoning Application, 230 Jackson Street, Colchester (Ward 3), be received;

That By-Law 1765 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 December 17, 2018; and

That By-Law 1766 being a by-law to enter into a Site Plan Control Agreement between The Corporation of the Town of Essex and Jason McKee be read a first, a second and a third time and finally passed on December 17, 2018.

8.14 Planning Department Report 2018-49

149

RE: Essex Town Centre Limited Rezoning Application
R. Valente Agent (Essex Centre - Ward 1)

- Letters of opposition
- By-Law 1768
Being a by-law to amend By-Law 1037 The Comprehensive Zoning By-Law for the Town of Essex

Moved by
Seconded by

That Planning Department Report 2018-49, entitled "Essex Town Centre Limited Rezoning Application, R. Valente, Agent (Essex Centre - Ward 1)", prepared by Jeff Watson, Policy Planner, submitted by Chris Nepszy, Deputy CAO/ Director, Infrastructure and Development, dated December 17, 2018, together with enclosed letters of opposition, be received; and

That By-Law 1768, being a by-law to amend By-Law 1037, The Comprehensive Zoning By-Law for the Town of Essex be read a first and a second time and provisionally adopted this December 17, 2018.

9. Reports from Youth Members

10. County Council Update

11. Correspondence

11.1 Correspondence to be received

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.

11.1.1	Union Water Supply System (UWSS) Joint Board of Management September 27, 2018 Minutes	179
11.1.2	Ministry of the Environment, Conservation and Parks (MECP) 2017-2018 Chief Drinking Water Inspector Annual Report Now Available	183
11.1.3	Ministry of Finance RE: Ontario Cannabis Legalization Implementation Fund (OCLIF) <ul style="list-style-type: none"> • Correspondence to Council providing an update on the OCLIF and the distribution process • Correspondence to Treasurer setting out terms and conditions to receiving money under the Fund • 2018-19 First Payment - Allocation Notice 	184
11.1.4	Ministry of Municipal Affairs and Housing, Minister Steve Clark RE: Update on Cross-Government Working Group to reduce municipal reporting requirements	192
11.1.5	Ministry of Transportation, Minister Jeff Yurek RE: Response to Town's concerns regarding the widening of Highway 3 within the Town of Essex	193
11.1.6	Greater Essex County District School Board RE: Cannabis Retail Stores Proximity to Schools - Greater Essex County District School Board Comments Correspondence from the Greater Essex County District School Board to Premier Ford and Minister Mulroney regarding their concerns with Cannabis Retail Stores Proximity to Schools	195
11.1.7	Canadian Association of Municipal Administrators (CAMA) RE: Message from the Federation of Canadian Municipalities - FCM's Special Advocacy Fund Email providing Council with an update on FCM's Special Advocacy Fund.	197
11.2	Correspondence to be considered for receipt and support	
11.2.1	Municipality of Northern Bruce Peninsula RE: The Creation, Maintenance and General Quality of the Municipal Voters' List <ul style="list-style-type: none"> • Town of Kearney Resolution <p>Moved by Seconded by</p> <p>That correspondence from the Municipality of Northern Bruce</p>	198

Peninsula, dated December 4, 2018 advising that their Council supports the re-establishment of the multi-stakeholder working group between The Ministry of Municipal Affairs, Ministry of Finance, AMCTO, MPAC and Elections Ontario to explore and identify ways to create, maintain the Voters' List for Municipal Elections, be (received/received and supported); and

If Council choses to support the Town of Kearney's resolution, a letter of support be sent to the Ministry of Municipal Affairs, Ministry of Finance, the Municipal Property Assessment Corporation and the Town of Kearney.

12. Committee Meeting Minutes

Moved by
Seconded by

That the minutes list in Agenda Item 12, together with the recommendations noted therein be received, and adopted as circulated.

12.1	Essex Municipal Heritage Committee (EMHC) - November 29, 2018	200
12.2	Committee of Adjustment (COA) - November 20, 2018	205

13. Financial

14. New Business

15. Notices of Motion

- 15.1 The following Notice of Motion will be presented at the January 14, 2019 Regular Council Meeting for consideration:
- Moved by Mayor Snively
Seconded by
- That Administration begin to investigate opportunities to pre-service the industrial zoned, expanded settlement lands, south of Kings Highway #3 and County Road 8, and the methods of cost recovery.

16. Reports and Announcements from Council Members

17. By-Laws

17.1	By-Laws that require a third and final reading	
17.2	By-Laws that require a first, second, third and final reading	
17.2.1	By-Law 1769	220
	Being a by-law to provide for financing in the amount of \$852,396.66 for capital works within Community Services	
	Moved by Seconded by	
	That By-Law 1769 being a by-law to provide for financing in the amount of \$852,396.66 for capital works within Community Services, be read a first, a second and a third time and finally passed this 17th day of December, 2018.	

17.3 By-Laws that require a first and second reading

17.3.1 By-Law 1771

222

Being a by-law to confirm the proceedings of the December 17, 2018 Regular Meeting of the Council of The Corporation of the Town of Essex

Moved by

Seconded by

That By-Law 1771 being a by-law to confirm the proceedings of the December 17, 2018 Regular Meeting of the Council of The Corporation of the Town of Essex, be read a first, and a second time and provisionally adopted on December 17, 2018.

18. Adjournment

That the meeting be adjourned at [TIME].

19. Future Meetings

19.1 Monday, January 14, 2019 - 4:30 - 6:00 PM - Special Council Meeting

Communication and Economic Development Presentation

Location: County of Essex Civic Centre, 360 Fairview Avenue West, Essex, Committee Room C

19.2 Monday, January 14, 2019 - 6:00 - 9:00 PM - Regular Council Meeting

Location: County of Essex Council Chambers, 360 Fairview Avenue West, Essex,

The Corporation of the Town of Essex
Regular Council Meeting Minutes

November 19, 2018, 6:05 pm
Essex Civic Centre
360 Fairview Avenue West
Essex, Ontario

Present: Mayor McDermott

Deputy Mayor Meloche

Councillor Bjorkman

Councillor Bondy

Councillor Snively

Councillor Voakes

Councillor Rogers

Also present

Donna Hunter, Chief Administrative Officer

Chris Nepszy, Deputy C.A.O., Director Infrastructure Services

Jeffrey Morrison, Director of Finance and Business Services/Treasurer

Doug Sweet, Director of Community Services

Shelley Brown, Deputy-Clerk

Rita Jabbour, Planner

Jeff Watson, Policy Planner

Alex Denonville, Manager, Communications

Jason Jolicoeur, Assistant Manager - Programs

Robert Auger, Town Solicitor/Clerk, Legal and Legislative Services

Robin Hall, Administrative Assistant

Ethan Robinson, Youth Council Representative

Ehva Hoffman, Youth Council Representative

3. Declarations of Conflict of Interest

Councillor Voakes advised that he would be declaring a conflict of interest on agenda item 11.2.1 Office of the Integrity Commissioner.

2. Closed Meeting Report

4. Adoption of Published Agenda

4.1 Regular Council Meeting Agenda for November 19, 2018

Moved By Councillor Bondy

Seconded By Councillor Snively

(R18-11-498) That the published agenda for the November 19, 2018 Regular Council Meeting be adopted as presented / amended.

Carried

5. Adoption of Minutes

5.1 Regular Council Meeting - November 5, 2018

Moved By Councillor Rogers
Seconded By Councillor Bjorkman

(R18-11-499) That the minutes of the Regular Council Meeting held November 5, 2018, be adopted as circulated.

Carried

5.2 Special Council Meeting - November 6, 2018

Moved By Councillor Bondy
Seconded By Deputy Mayor Meloche

(R18-11-500) That the minutes of the Special Council Meeting held November 6, 2018 for the purpose of hearing submissions concerning the rezoning application in reference to the property located at 1466 County Road 13, be adopted as circulated.

Carried

5.3 Special Council Meeting - October 29, 2018

Moved By Councillor Bjorkman
Seconded By Councillor Snively

(R18-11-501) That the minutes of the Special Council Meeting held October 29, 2018 for the purpose of hearing submissions concerning the rezoning application for lands located south of Maidstone Avenue West, east of Highway 3, be adopted as circulated.

Carried

5.4 Special Council Meeting - April 23, 2018

Moved By Councillor Bjorkman
Seconded By Mayor McDermott

(R18-11-502) That the minutes of the Special Council Meeting held April 23, 2018 to present and receive public input on a proposed amendment to By-Law 1344, be adopted as circulated.

Carried

5.5 Consideration of Report - 8th Concession West Drain

RE: Bridge for Frank Preston

Moved By Councillor Rogers
Seconded By Deputy Mayor Meloche

(R18-11-503) That the minutes of the Consideration of Report Meeting, dated October 15, 2018 held for the 8th Concession West Drain (Bridge for Frank Preston), be adopted as circulated.

Carried

5.6 Consideration of Report - Bowler/South Malden Road Drain

RE: Bridge for Keith Shepley

Moved By Councillor Rogers

Seconded By Councillor Bjorkman

(R18-11-504) That the minutes of the Consideration of Report Meeting, dated October 15, 2018 held for the Bowler/South Malden Road Drain (Bridge for Keith Shepley, Parcel 440-00300), be adopted as circulated.

Carried

8. Reports from Administration

8.1 Community Services Report 2018-037

RE: 2018 Program Successes and Growth - Recreation and Culture

Moved By Councillor Snively

Seconded By Deputy Mayor Meloche

(R18-11-505) That Community Services Report 2018-037, prepared by Jason Jolicoeur, Assistant Manager - Programs and submitted by Doug Sweet, Director of Community Services, dated November 19, 2018, entitled "2018 Program Successes and Growth - Recreation and Culture", be received for council information.

Carried

8.2 Community Services Report 2018-038

RE: New Year's Town Sponsored Events

Moved By Councillor Rogers

Seconded By Councillor Bondy

(R18-11-506) That Community Services Report 2018-038, prepared and submitted by Doug Sweet, Director of Community Services, dated November 19, 2018, entitled "New Year's Town Sponsored Events", be received; and

That Council supports the Town sponsored New Year's events as noted in said report which includes free public skating sessions on December 31, 2018 at both the Essex Centre Sports Complex from 4:00 PM to 6:00 PM and the Harrow and Colchester South Community Centre from 6:00 PM to 9:00 PM, and a free public swim session at the Essex Recreation Complex on January 1, 2019 from 1:30 PM to 3:30 PM.

Carried

8.3 Drainage Report 2018-08

RE: Appointment of an Engineer: Relocation of Rush Drain for Essex Town Centre Development

Moved By Councillor Bjorkman

Seconded By Deputy Mayor Meloche

(R18-11-507) That Drainage Report 2018-08, prepared by Norm Nussio, Manager, Operations and Drainage and submitted by Chris Nepszy, Director, Infrastructure and Development, dated November 19, 2018, entitled "Appointment of an Engineer: Relocation of Rush Drain for Essex Town Centre Development", be received; and

That Council appoints Dillon Consulting Limited to develop the Rush Drain Relocation report for the Essex Town Centre Development.

Carried

8.4 Planning Report 2018-44

RE: 2275694 Ontario Inc. - Site Specific Rezoning for 1466 County Road 13

- Letters of Opposition (2)
- By-Law 1759
Being a by-law to amend By-Law 1037, The Comprehensive Zoning By-Law for the Town of Essex

Moved By Councillor Bondy

Seconded By Councillor Snively

(R18-11-508) That Planning Report 2018-44, prepared by Rita Jabbour, Planner and submitted by Chris Nepszy, Director, Infrastructure and Development, dated November 19, 2018, entitled "2275694 Ontario Incorporated, Site Specific Rezoning for 1466 County Road 13 (Ward 3)" together with the enclosed letters of opposition be tabled to the December 17, 2018 Regular Meeting of Council to allow Administration, the Developer and the residents an opportunity to address their concerns.

Carried

8.5 Planning Report 2018-45

RE: Essex Town Centre Limited Rezoning Application (Essex Centre - Ward 1)

Moved By Councillor Rogers

Seconded By Councillor Bjorkman

(R18-11-509) That Planning Report 2018-45, prepared by Jeff Watson, Policy Planner and submitted by Chris Nepszy, Director, Infrastructure and Development, dated November 19, 2018, entitled "Essex Town Centre Limited Rezoning Application, R. Valente, agent (Essex Centre - Ward 1)", be received; and

That Council approve in principle the Zoning By-Law recommended revisions to By-Law 1037, as outlined in this report for lands within Registered Plan 12M-545, Essex Town Centre subdivision, located south of Maidstone Avenue West, east of Highway 3; and that Council direct Administration to bring a final report together with the proposed amending by-law to the first Regular Meeting of Council in January 2019; and

That Council approve Essex Town Centre Incorporated and its consultants meet with Administration to determine the distribution of dwelling unit types

and total dwelling unit density over the entire subdivision in order to develop an updated development and servicing plan.

Carried

8.6 Clerk's Report 2018-017

RE: 2019 Regular Council Meeting Dates

Moved By Councillor Snively

Seconded By Councillor Bondy

(R18-11-510) That Clerk's Report 2018-017, prepared by Shelley Brown, Deputy Clerk and submitted by Robert Auger, Clerk, dated November 19, 2018, entitled "2019 Regular Council Meeting Dates", be received; and

That the Regular Meeting dates proposed therein are approved.

Carried

9. Reports from Youth Members

11. Correspondence

11.1 Correspondence to be received

11.1.1 Windsor-Essex County Health Unit (WECHU) Board of Health

RE: Cannabis Resolution

Correspondence from the Windsor-Essex County Health Unit (WECHU) Board of Health, dated November 8, 2018 providing Council with a copy of a resolution recommendation passed at the their recent Board of Health meeting on October 18, 2018.

Moved By Councillor Bondy

Seconded By Deputy Mayor Meloche

(R18-11-511) That correspondence listed in Agenda Item 11.1.1 be received and, where indicated, to further share such information with the community using suitable methods of communication.

Carried

11.2 Correspondence to be considered for receipt and support

Councillor Voakes declared a conflict of interest concerning the Integrity Commissioner's report, dated November 19, 2018 as the subject matter and recommendations related to himself. Councillor Voakes vacated his seat.

11.2.1 Office of the Integrity Commissioner

RE: November 19, 2018 Report to Council in Open Session by Robert Swayze, Integrity Commissioner for the Town of Essex.

Moved By Councillor Rogers

Seconded By Councillor Bondy

(R18-11-512) That the report by Robert Swayze, Integrity Commissioner, dated November 19, 2018 concerning the investigation of a Code of Conduct Complaint, be received.

Mayor McDermott vacated the Chair to participate in the discussion and Deputy Mayor Meloche assumed the Chair.

Mayor McDermott resumed the Chair once he had the opportunity to speak to the report.

Mayor McDermott requested a recorded vote:

Recorded	Support	Against
Mayor McDermott		X
Deputy Mayor Meloche	X	
Councillor Bjorkman	X	
Councillor Rogers	X	
Councillor Snively	X	
Councillor Bondy	X	
Results	5	1

On a recorded vote of five in favour and one opposed, the motion is “**Carried**”.

Councillor Voakes returned to his seat.

12. Committee Meeting Minutes

Moved By Councillor Rogers
Seconded By Councillor Bjorkman

(R18-11-513) That the minutes in agenda item 12; Essex Police Services Board – November 1, 2018, Co-An Park – October 16, 2018 and the Heritage Committee – October 25, 2018, together with the recommendations noted therein be received, and adopted as circulated.

Carried

13. Financial

13.1 Bank Payments Report

RE: October 2018

Moved By Councillor Bondy
Seconded By Councillor Snively

(R18-11-514) That the Bank Payments Report, including October cheque register, cheque number 47840 to cheque number 48189 inclusive in the amount of \$2,121,168.55, the Preauthorized Payments for October 2018 in the amount of \$321,200.29, and the Payroll for October 2018 in the amount of \$345,498.09, be ratified as submitted.

Carried

13.2 2018 Capital Report

RE: For month ending September 30, 2018

Moved By Deputy Mayor Meloche
Seconded By Councillor Bjorkman

(R18-11-515) That the 2018 Capital Report for the month ending September 30, 2018, be received.

Carried

13.3 2018 Operating Expense Budget Variance Report by Division

RE: For month ending September 30, 2018

Moved By Councillor Bjorkman
Seconded By Councillor Snively

(R18-11-516) That the 2018 Operating Expense Budget Variance Report by Division for the month ending September 30, 2018, be received.

Carried

14. New Business

15. Notices of Motion

15.1 The following Notices of Motions were presented at the November 5, 2018 Regular Council Meeting and are being brought forward for consideration this evening:

15.1.1 Councillor Voakes

RE: Cost Recovery for Contracted Towing Companies

Moved By Councillor Voakes
Seconded By Councillor Rogers

(R18-11-517) That the Town of Essex create a policy for accident cost recovery for local towing companies that includes; towing, clean up and demurrage and that this policy be developed and presented within the next term of Council.

Carried

15.1.2 Councillor Bondy

RE: Proxy voting

The Clerk reminded Council that agenda item 15.1.2 has been deferred (pursuant to Section 3.2.7 of the Procedural By-Law) to a later meeting of Council due to a pending legal review of a related matter.

16. Reports and Announcements from Council Members

Council Members were provided an opportunity to discuss their latest news, upcoming events, and activities in the municipality.

17. By-Laws

17.1 By-Laws that require a third and final reading

17.1.1 By-Law 1756

Being a by-law to confirm the proceedings of the November 5, 2018 Regular Meeting of the Council of The Corporation of the Town of Essex

Moved By Councillor Bondy
Seconded By Councillor Rogers

(R18-11-518) That By-Law 1756 being a by-law to confirm the proceedings of the November 5, 2018 Regular Meeting of the Council of The Corporation of the Town of Essex, be read a third time and finally passed on November 19, 2018.

Carried

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

17.2.1 By-Law 1761

Being a by-law to appoint Deputy Chief Administrative Officer/Director, Infrastructure Services for the Town of Essex

Moved By Councillor Bjorkman
Seconded By Deputy Mayor Meloche

(R18-11-519) That By-Law 1761 being a by-law to appoint Deputy Chief Administrative Officer/Director, Infrastructure Services for the Town of Essex, be read a first, a second and a third time and finally passed on November 19, 2018.

Carried

17.2.2 By-Law 1760

Being a by-law to confirm the proceedings of the November 19, 2018 Regular Meeting of the Council of The Corporation of the Town of Essex

Moved By Councillor Snively
Seconded By Councillor Bjorkman

(R18-11-520) That By-Law 1760 being a by-law to confirm the proceedings of the November 19, 2018 Regular Meeting of the Council of The Corporation of the Town of Essex, be read a first, a second and a third time and finally adopted on November 19, 2018.

Carried

On behalf of Council, Mayor McDermott thanked the Youth Members, Ethan Robinson and Ehva Hoffman for sharing their time by volunteering to serve and represent the youth in our community at Essex Council Meetings.

The Mayor also thanked and gave recognition to the outgoing members of Council.

Each Council member was then given the opportunity to provide parting words for the end of this term of Council.

18. Adjournment

Moved By Mayor McDermott
Seconded By Councillor Voakes

(R18-11-521) That the meeting be adjourned at 7:25 PM. **"Carried"**

Mayor

Clerk

The Corporation of the Town of Essex

Special Council Meeting Minutes

November 19, 2018

A Public Meeting was held on Tuesday, November 19, 2018 at 5:04 PM in the County of Essex Chambers, 360 Fairview Avenue West, Essex, Ontario, for the purpose of hearing submissions concerning the rezoning application of Jason McKee with respect to the property located at 230 Jackson.

1. Roll Call

Present:	Mayor Ron McDermott
	Deputy Mayor Richard Meloche
	Ward 1 Councillor Steve Bjorkman
	Ward 1 Councillor Randy Voakes
	Ward 3 Councillor Ron Rogers
	Ward 3 Councillor Larry Snively
	Ward 4 Councillor Sherry Bondy
Also Present:	Donna Hunter, Chief Administrative Officer
	Chris Nepszy, Director, Infrastructure/Deputy CAO
	Jeff Watson, Policy Planner
	Rita Jabbour, Planner
	Sarah Girard, Planning Assistant
	Shelley Brown, Deputy Clerk, Legal and Legislative Services
	Members of the Public (Sign-in sheet attached)

2. Declarations of Conflict of Interest

A conflict of interest was declared by Ward 1 Councillor Bjorkman as he and/or his spouse have a real estate and/or commercial interest in the area immediate to the address of the zoning application.

3. Adoption of Published Agenda

a) Special Council Meeting Agenda

Moved by Councillor Bondy

Seconded by Councillor Meloche

(SP18-11-005) That the published agenda for the November 19, 2018 Special Council Meeting be adopted as presented. "Carried"

4. Reports from Administration

a) Jeff Watson, Policy Planner

Re: Planning Report 2018-46: Jason McKee Rezoning Application (Colchester – Ward 3)

Mr. Watson explained the nature of the application to Council and advised that the property located at 230 Jackson is currently zoned R1.1 and that the applicant is requesting supplementary zoning to the existing R1.1 to allow for cottages and parking on the subject property.

Mr. Watson explained that the downtown area, under the Official Plan, is Main Street and that the land use is for tourists which allows for a variety of uses. Mr. Watson felt that the Colchester area would be a great tourist area not only for those boating but for those who are biking through from County Road 50 and that these cottages would allow for a rest area for those travelling by water or by bicycle.

Mr. Watson further explained that the property would be under site plan control before the provisions and permit would be issued to the applicant. Mr. Watson advised [ds](#) Council that the application conforms to Provincial Policy Statement 1.3 Employment and 1.7 Long Term Economic Prosperity.

Mr. Watson displayed a presentation detailing what the applicant is proposing for the cottages and the parking area. He stated that there will be nine parking spaces and six cottages including the existing building.

Mr. Watson advised Council that there was a previous application with a similar plan made in 2005 but was turned down as it was under the old Provincial Policy Statement, Official Plan and Zoning By-Law. He advised that the current application meets all the requirements and addresses the concerns from the application made in 2005.

Mr. Watson explained that the addition of Colchester Park and Frosty's Restaurant along with the elimination of the single-detached dwellings help the application to show that this particular area in Colchester is a family friendly, tourist area that can provide lodging. He advised Council to review the application carefully and decide if this could meet the need for lodging in this area.

Mr. Watson advised that the Site Plan Control and By-Law will be brought to council at the December 17, 2018 Regular Council Meeting.

Moved by Councillor Rogers

Seconded by Councillor Snively

(**SP18-11-006**) that Council receive Planning Report 2018-46. "Carried"

5. Public Presentations

The Chair asked if members of the public present would like to provide comments:

a) Deputy Mayor Meloche

Deputy Mayor Meloche asked if the application would be reviewed by the Ontario Municipal Board if Council approves it.

Mr. Watson advised that Council would not be making a decision under December 17th and that the Ontario Municipal Board has been dissolved and is now the Local Planning Appeal Tribunal (LPAT).

b) Councillor Bondy, Ward 4

Councillor Bondy stated that she likes the idea of having lodging in this area for tourists and that Council has been working hard to ensure this area is frequented and visited by locals and those afar and thinks this would be a great addition to the area.

c) Mayor McDermott

Mayor McDermott asked if there is a common area on the property where those who are lodging can attend.

Mr. Watson advised that there is a common area that can be used for sitting. He stated that the cottages are designed to keep with the nautical theme that is prescribed in the official plan.

d) Councillor Snively, Ward 3

Councillor Snively asked the applicant if this is seasonal or all-season lodging.

Jason McKee advised that he would like it to predominately be a summer rental but is winterizing the buildings. Mr. McKee is open to spring and fall reservations as well.

e) Councillor Snively, Ward 3

Councillor Snively questioned whether there is enough parking to accommodate trucks and trailers.

Mr. McKee advised that there are 9 spaces and believes there is adequate space for trucks and trailers.

f) Milton Dzodin, 68 Sullivan

Mr. Dzodin stated that he was the opponent in 2005 and advised Council that he has the Ontario Municipal Board decision on hand and would like to distribute to Council for review.

Mr. Dzodin stated that back in 2011 when he build Frosty’s the planner at the time advised that the entire area would be zoned commercial which has not happened yet. He stated that he would like to see the current application have one cottage that is accessible.

Mr. Dzodin advised that all his concerns from 2005 appear to be addressed in the current application and would like to see this application move forward. He expressed interest in reviewing the plans as he too is considering cottages on his property.

Mr. Watson advised Council that he would like to see the entire area dedicated to lodging for tourists and that he and Rita Jabbour, Planner will be reviewing the Plan for Colchester and possibly rezone the area.

g) Kim Verbeek, Council-Elect, Ward 2

Council-Elect Verbeek questioned whether the applicant would consider expanding the cottages to allow for more guests per cottage.

Mr. McKee advised that he would consider making the cottages accessible but would like to keep the interior and exterior consistent. He stated that he would like to keep occupancy to a maximum of 5 people as he would like to keep it family friendly.

6. Adjournment

Moved by Councillor Bondy
Seconded by Councillor Meloche

(SP18-11-007) That the meeting be adjourned at 5:34 p.m. “Carried”

Mayor

Clerk

The Corporation of the Town of Essex

Inaugural Meeting of Council Minutes

December 3, 2018

The Inaugural Meeting of the Council of the Town of Essex was held on Monday, December 3, 2018 at 6 PM in the Council Chambers of the Essex Civic Centre, 360 Fairview Avenue West, Essex.

Council-Elect was led into the Council Chambers by Piper Ryan Burchiel.

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

Also Present: Mayor Ron McDermott
Donna Hunter, Chief Administrative Officer
Chris Nepszy, Deputy Chief Administrative Officer/ Director,
Infrastructure Structures
Doug Sweet, Director, Community Services
Jeff Morrison, Director, Corporate Services and Treasurer
Alex Denonville, Manager, Communications
Robert Auger, Town Solicitor/Clerk, Legal and Legislative Services
Shelley Brown, Deputy Clerk, Legal and Legislative Services
Lynn Moroz, Administrative Assistant

Evha Hoffman, Youth Council Representative

1. Call to Order

The Clerk called the Inaugural Meeting to order and welcomed the audience, administration and council-elect. He then called on County Connection for the presentation of the National Anthem.

2. Declarations of Elected Office

The Clerk administered the Declaration of Office to council elect.

3. Mayoral Address

Mayor Snively welcomed those in attendance and congratulated Council on their election to office. He then delivered his Inaugural meeting address.

4. Address by Members of Council

Each Council member presented their address to Council and the audience.

5. Adjournment

Moved by Councillor Vander Doelen
Seconded by Councillor Verbeek
(R18-12-000) That the meeting be adjourned at 6:45 PM

Carried

Council was then led out of the Council Chambers by Piper Burchiel.

Mayor

Clerk

Hello,

Please note the following response to Delegation Request Form has been submitted at Wednesday December 12th 2018 12:00 PM with reference number 2018-12-12-001.

- **Name**
Eric Nadalin, Manager of Chronic Disease and Injury Prevention
- **Date of Request**
12/12/2018
- **Are you representing a group?**
Yes
- **Name of Group (if applicable)**
Windsor-Essex County Health Unit
- **Provide details on the issue(s) you wish to present to Council and any actions you will be asking Council to take.**
Municipal Considerations for Cannabis Retail
- **Have you consulted with Town staff on this issue?**
Yes
- **If this is a property matter, are you an owner?**
Not applicable
- **Have you appeared before Council in the past regarding this issue?**
No
- **Will you have written or printed materials to distribute? If so, please submit 12 copies of printed materials to the Clerk before the meeting.**
No
- **Will you be delivering an electronic presentation that requires access to a computer and software? If so, please submit your presentation on CD, DVD or flash drive by noon on the Friday before the Council meeting.**
Yes
- **Your Address or Group Contact Address (full mailing address including postal code)**
360 Fairview Ave. West, Suite 215, Essex, N8M 3G4
- **Work**
519-258-2146 ext. 3115
- **Email Address**
enadalin@wechu.org
- **Name and address of all representatives attending, including their positions**
Eric Nadalin, Manager, Chronic Disease and Injury Prevention

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Municipal Considerations for Cannabis Retail

Eric Nadalin - Manager, Chronic Disease and Injury Prevention

Presentation Outline

1. Cannabis in Windsor and Essex County
2. WE Board of Health Resolutions
3. Retail of Other Legal Substances
4. Cannabis and Vulnerable Populations/Areas
5. Opt In/Opt Out



Prevalence of Cannabis Use

Most commonly used illegal substance in Canada

- Past year use: 12% (15 years+)
- Higher rates among:
 - Men (15%) vs. Women (10%)
 - Youth, 15-19 (21%) and Young Adults, 20-24 (30%) vs. Adults (10%)
(Canadian Tobacco Alcohol and Drugs Survey, 2015)
- In **Windsor-Essex:**
 - Young Adults, 15-29 (23%) [95% CI: 14.6-31.4%] vs Adults, 18+ (9.5%) [95% CI: 7.9-11.3%]
(WECHU Community Needs Assessment, 2016)



Health Effects

Mental Health	Physical Health	Risk of Injury
Difficulty Concentrating	Coughing, Wheezing Shortness of Breath	Unintentional consumption/Poisoning
Poor Coordination and Psychomotor skills	Hyperemesis	Overdose
Impaired Memory	Bronchitis	Motor Vehicle Collision
Reduced Cognitive Function	Heart Disease	
Psychosis, Depression, Anxiety	Chronic Obstructive Pulmonary Disease (COPD)	
Addiction/Dependence <i>Cannabis Use Disorder</i>	Cancer	



Windsor-Essex Board of Health Resolutions

January 14, 2016

- Supporting a public health approach to cannabis legalization in Ontario with strong health-centered and age-restricted regulations to reduce health and societal harms associated with cannabis use.

October 18, 2017

- Encouraging Windsor-Essex municipalities to develop strict licensing, planning, and zoning regulations
- Working with enforcement agencies and municipalities to support smoking prohibitions
- Promoting *Canada's Lower-Risk Cannabis Use Guidelines* to reduce harms of cannabis use



Windsor-Essex Board of Health Resolutions

October 18, 2018

- Municipalities OPT OUT of the cannabis retail model as proposed by the provincial government in their respective communities.
- The province establish limits on the number of retailers in a geographic area to prevent clustering and reduce retail outlet density.
- The province set additional regulations with respect to the proximity of retail outlets in relation to areas which may unfairly target vulnerable populations.
- The province providing for the ability of municipalities to create licensing and zoning regulations which would be reflective of the unique needs of individual communities.
- Municipalities amend existing smoke-free by-laws to include “cannabis” in the definition, and expand spaces where the use of substances is prohibited (e.g., cannabis consumption venues or vape lounges).



Cannabis Retail in Ontario

- Minimum distance of 150 m (500 ft) between cannabis retail stores and schools.
- No cap on the number of retailers per municipality.
- Municipalities are prohibited from using licensing or land-use by-laws to control the placement or number of cannabis retail outlets.
- All private recreational cannabis retail storefronts to be stand-alone stores only.
- Retailers will not be permitted to allow anyone under the age of 19 to enter their stores.
- Zero-tolerance (enforced by AGCO) for any retailer who provides cannabis to anyone under the age of 19.



Cannabis Retail in Ontario

- Private stores will be permitted to open between 9:00 a.m. and 11:00 p.m. on any day.
- AGCO will begin accepting applications on December 17, 2018 and private retailing will begin April 1, 2019.
- The government has committed to providing \$40 million over two years to help municipalities with the implementation costs of recreational cannabis legalization.



AGCO - Licensing Framework

Retail Operator Licence

- Allows you to operate one or more retail store in Ontario.

Retail Store Authorization

- Permits store layout and location.
- 15-day public consultation window on location.

Cannabis Retail Manager Licence

- Most responsible person for operations of store.

Municipalities have the ability to Opt Out of cannabis retail storefronts up to January 22nd.



Concerns for Municipalities

Consumption permitted in all areas not covered by *Smoke-free Ontario Act*.

- Interaction with municipal smoking bylaws
- Smoking/loitering and nuisance concerns around retailers
- Fewer restrictions on where cannabis, tobacco and vapes can be used increases the risk of normalization, second-hand smoke exposure and impairment

Increased density and number of access points can lead to:

- Increased consumption and associated harms
- Normalization of use
- Decreased success in attempts to abstain from use
- Undermining of health warnings

Exposure to vulnerable populations:

- Children and youth
- Individuals seeking treatment for substance use
- Individuals susceptible to addiction or with mental illness
- Low income neighbourhoods



Summary of Evidence from Tobacco and Alcohol Retail

Retail outlet density contributes to increased consumption and harms.

1. Babor, T, Caetano R, Cassell S, Edwards G, Giesbrecht N, Graham K, Rossow I. (2010). Alcohol no ordinary commodity: Research and public policy (Second ed.). New York, USA: Oxford University Press. Ottawa, ON.
2. Popova S, Giesbrecht N, Bekmuradov D, Patra J. (2009). Hours and days of sale and density of alcohol outlets: impacts on alcohol consumption and damage: a systematic review. Alcohol Oct;44(5):500-16.
3. World Health Organization (2010). Global strategy to reduce the harmful use of alcohol. Available from: http://www.who.int/substance_abuse/msbalcstrategy.pdf
4. Borodovsky JT, Lee DC, Crosier BS et al. (2017). US cannabis legalization and use of vaping and edible products among youth. Drug Alcohol Depend 177:299-306. Available from: <https://www.ncbi.nlm.nih.gov/pubmed/28662974>
5. Mair C, Freisthler B, Ponicki WR, Gaidus A. NIHMS705271; The impacts of marijuana dispensary density and neighborhood ecology on marijuana abuse and dependence (2015). Drug Alcohol Depend 154:111-6. Available from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4536157>

Retail outlet proximity to youth-serving facilities normalizes and increases substance use.

1. U.S. Department of Health and Human Services (HHS), Office of the Surgeon General (2016). Facing Addiction in America: The Surgeon General's Report on Alcohol, Drugs, and Health. Available from: <https://addiction.surgeongeneral.gov/surgeon-generals-report.pdf>
2. Canadian Paediatric Society. Cannabis and Canada's children and youth (2016) Ottawa, ON: Canadian Paediatric Society. Available from: <https://www.cps.ca/en/documents/position/cannabis-children-and-youth>.

Retail outlet proximity to other sensitive areas may negatively influence vulnerable residents.

1. Mair C, Freisthler B, Ponicki WR, Gaidus A. NIHMS705271; The impacts of marijuana dispensary density and neighborhood ecology on marijuana abuse and dependence (2015). Drug Alcohol Depend 154:111-6. Available from: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4536157>
2. Alberta Health Services (2018). AHS recommendations on cannabis regulations for Alberta municipalities. Available from: <http://rmalberta.com/wp-content/uploads/2018/05/Webinar-recording-Cannabis-and-Public-Health-AHS-Cannabis-Information-Package-for-Municipalities.pdf>

Fewer restrictions on where substances can be used may increase the risk of normalization, second-hand smoke exposure and impairment.

1. Smoke-Free Ontario Scientific Advisory Committee, Ontario Agency for Health Protection and Promotion (Public Health Ontario). Evidence to guide action: Comprehensive tobacco control in Ontario (2016). Toronto, ON: Queen's Printer for Ontario; 2017. Available from: https://www.publichealthontario.ca/en/eRepository/SFOSAC%202016_FullReport.pdf.
2. Sparacino, CM, Hyldborg PA & Hughes TJ. Chemical and biological analysis of marijuana smoke condensate. NIDA Res Monogr 99(1990): 121-40.
3. Smoke-Free Ontario Scientific Advisory Committee. Evidence to Guide Action: Comprehensive Tobacco Control in Ontario (2010). Toronto, Ontario: Ontario Agency for Health Protection and Promotion. Retrieved from <http://otru.org/wp-content/uploads/2012/06/Evidence-to-Guide-Action-2010.pdf>
4. Linkenbach, J. The Main Frame: Strategies for Generating Social Norms News. Montana, US: Montana State University, 2002.
5. Smoking and Health Action Foundation. Secondhand Marijuana Smoke: Health effects of exposure (2016). Smoking and Health Action Foundation. Retrieved from: <https://nsra-adnf.ca/key-issue/secondhand-marijuana-smoke/>





Concerns for Municipalities

Lessons learned from Tobacco and Alcohol control:

- Retail outlet density contributes to increased consumption and harms.
 - Positive association between alcohol outlet density and excessive alcohol consumption and related harms.
- Retail outlet proximity to youth-serving facilities normalizes and increases substance use.
 - Schools with a greater number of retailers surrounding them have higher smoking rates.
- Retail outlet proximity to other sensitive areas may negatively influence vulnerable residents.
 - Higher concentration of tobacco retailers in lower income neighbourhoods.
- Less restrictions on where substances can be consumed increases the risk of normalization, exposure, and impairment.



WECHU Recommendations:

Opt Out

- One time window to **OPT-OUT** of retail stores in your municipality
- Can opt back in at later date
- ***Deadline – January 22nd, 2019***
 - 3 months from election, but shortly after swearing in of new council

Opt Out Allows for:

- Time to conduct a more formal public and stakeholder engagement process
- Integrate lessons learned from other Ontario municipalities
- Learn more about provincial regulations and create a local regulatory framework that is reflective of the best interests of Windsor-Essex Residents



Thank You

***Eric Nadalin;** Manager of Chronic Disease and Injury Prevention
enadalin@wechu.org*

wechu.org/cannabis



REFERENCES

- Association of Municipalities of Ontario. (2018). Provincial framework: Federal cannabis legalization. Retrieved from https://www.amo.on.ca/AMO-PDFs/Cannabis/Provincial-Cannabis-Framework_AMO_May-4-2018.aspx
- Canadian Centre on Substance Abuse. (2016). Clearing the smoke on cannabis: Highlights. Retrieved from <http://www.ccdus.ca/Resource%20Library/CCSA-Clearing-the-Smoke-on-Cannabis-Highlights-2016-en.pdf>
- Federation of Canadian Municipalities. (2017). Cannabis legalization primer: How municipalities can get ready. Retrieved from https://fcm.ca/Documents/issues/Cannabis_Legislation_Primer_EN.pdf
- Federation of Canadian Municipalities. (2018). Municipal guide to cannabis legalization. Retrieved from <https://fcm.ca/Documents/issues/Cannabis-Guide-EN.pdf>
- Government of Canada. (2017). Canadian cannabis survey 2017: Summary. Retrieved from <https://www.canada.ca/en/health-canada/services/publications/drugs-health-products/canadian-cannabis-survey2017-summary.html>
- Government of Canada. (2017). Canadian Tobacco Alcohol and Drugs Survey (CTADS): 2015 summary. Retrieved from <https://www.canada.ca/en/health-canada/services/canadian-tobacco-alcohol-drugs-survey/2015-summary.html>
- Government of Canada. (2018). Cannabis legalization and regulation. Retrieved from <http://www.justice.gc.ca/eng/cj-ip/cannabis/>
- Government of Ontario. (2018). Cannabis legalization. Retrieved from www.ontario.ca/cannabis
- Locally Driven Collaborative Project, cycle 2. (2014). Addressing Alcohol Consumption and Alcohol-Related Harms at the Local Level: A resource for public health professionals in Ontario. Retrieved from http://www.oninjuryresources.ca/downloads/news/LDCP_report_rev_Oct_14_6.pdf
- National Academies of Sciences, Engineering, and Medicine. (2017). The health effects of cannabis and cannabinoids: The current state of evidence and recommendations for research. Retrieved from <https://www.nap.edu/read/24625/chapter/1>



REFERENCES

- Parachute Vision Zero Network (2018). Cannabis and drug impaired driving: What's happening in Canada right now? Retrieved from https://static1.squarespace.com/static/58e54d1c4402436420372909/t/5a9ed91371c10bfaf031754f/1520359701449/PVZN-Case_Study_04-Cannabis_and_impaired-driving.pdf
- Smoke-Free Ontario Scientific Advisory Committee [SAC], Ontario Agency for Health Protection and Promotion (Public Health Ontario). Evidence to guide action: Comprehensive tobacco control in Ontario (2016). Toronto, ON: Queen's Printer for Ontario; 2017.
- Smoking and Health Action Foundation. (2016). Secondhand marijuana smoke: Health effects of exposure. Retrieved from https://nsra-adnf.ca/wp-content/uploads/2016/11/health_effects_of_exposure_to_secondhand_mj_smoke_2016-final2.pdf
- Tilson M. (2011). Reducing availability of tobacco products at retail: Policy analysis. Non-Smokers' Rights Association. Accessed from: https://nsra-adnf.ca/wpcontent/uploads/2016/07/Reducinq_Retail_Availably_policy_analysis_final_2011.pdf
- Warner, T., Roussos-Ross, D., & Behnke, M. (2014). It's not your mother's marijuana: Effects on maternal-fetal health and the developing child. Retrieved from <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4254522/pdf/nihms626138.pdf>
- Windsor-Essex County Health Unit (2016). Community needs assessment report. Windsor, Ontario.
- World Health Organization. (2016). Cannabis : The health and social effects of nonmedical cannabis use. Retrieved from http://www.who.int/substance_abuse/publications/cannabis_report/en/

WECHU Recommendations:

Proximity and Density

That Cannabis-related businesses be:

- no less than **500m** from any *school, library, park, recreational centre* and any other *youth-serving facility*,
- no less than **500m** from *subsidized or low-income housing*,
- no less than **500m** from *correctional facilities, addiction and mental health facilities, hospitals and places of worship*, and
- no less than **500m** from any *alcohol, tobacco, or other cannabis-related business* (i.e., cannabis consumption lounges or production facility)

WECHU Recommendations:

Other Considerations

That municipalities:

- Establish limits on the *number* of retailers in a geographic area to prevent clustering and reduce retail outlet *density*.
- Amend existing smoke-free by-laws to explicitly *include the word “cannabis”* in their definition of smoking.
- Work *collaboratively* with public health and school boards to consider impacts of legalization across different sectors.



No advanced correspondence available for discussion.



Report to Council

Department: Planning

Date: December 17, 2018

Prepared by: Rita Jabbour, Planner

Submitted by: Chris Nepszy, P.Eng., PE
Deputy CAO
Director, Infrastructure and Development

Report Number: Planning 2018-47

Subject: Cannabis Retail Stores

Number of Pages: 13

RECOMMENDATION(S)

It is recommended that:

1. Planning report Planning 2018-47, entitled “Cannabis Retail Stores” be received;
2. Council, for now, opt out of allowing cannabis retail stores in the Town of Essex, in order to allow for consultation with stakeholders and members of the public to facilitate the development of a Municipal Cannabis Retail Policy Statement;
3. Council adopt the proposed Communications Plan for Public Consultation identified under Appendix ‘C’ of this report;
4. The Clerk be directed to provide the Alcohol and Gaming Commission of Ontario (AGCO) Registrar with written emailed notification of Council’s decision to opt out of cannabis retail stores within the Town of Essex no later than three (3) business days following the passing of this resolution and in accordance with the manner prescribed under section 22 of Ontario Regulation 468/18; and,
5. Council direct Administration to report back to Council no later than March 4, 2019 concerning the results of the public consultation initiative.

REASON FOR REPORT

To inform Council of the regulatory framework concerning private cannabis retail stores in Ontario and to advise of the options facing Council as it relates to the decision to Opt In or Opt Out with respect to cannabis retail stores in the Town of Essex.

BACKGROUND

Recreational cannabis was legalized on October 17, 2018 by the Federal Government of Canada. The Government of Ontario has committed to allowing private recreational cannabis retail stores throughout the Province beginning on April 1, 2019. It has also established a regulatory framework through Ontario Regulation 468/18 that provides further clarity on how these stores will be licensed and regulated.

It is worthy to note that this report only addresses the retail aspects of cannabis in the municipality and does not address other regulatory aspects related to cultivation, consumption and enforcement and the corresponding impact on municipalities.

Opt-in or Opt-out Option

Municipalities have a one-time window to opt out of hosting cannabis retailers within their boundaries. Opting out, although reversible, is the appropriate mechanism for not permitting cannabis retail stores in a municipality permanently or until such time a 'Municipal Cannabis Retail Policy Statement' can be established.

Licensing and Regulation of Recreational Cannabis Retail Stores

The Alcohol and Gaming Commission of Ontario (AGCO) is the provincial regulator of private recreational cannabis retailing in Ontario. The AGCO currently licenses, regulates and ensures compliance in the alcohol, gaming and horse racing industries in Ontario. The AGCO, as the independent provincial regulator of retail cannabis stores, will be responsible for:

- Issuing a Retail Store Authorization to a licensed Retail Operator for the operation of a specified retail store after a local public notice process (administered by the AGCO) and upon confirmation of meeting certain requirements (e.g. safety and security plans in place);
- Conducting compliance and audit processes including store inspection prior to opening;
- Issuing a Retail Operator Licence after investigation (i.e. due diligence) into the business; and,
- Issuing certain individuals a Cannabis Retail Manager Licence.

AGCO Cannabis Retail Store Authorization Public Notice Process

Once a complete Retail Store Authorization application is received by the AGCO:

1. The applicant will be notified and will have 24 hours to post a placard at the location of the proposed retail store location. The placard will indicate that an application has been submitted for a cannabis retail store at that location and must be posted for 15 calendar days;
2. All cannabis Retail Store Authorization applications that are placed under the public notice process will be searchable on the AGCO's website through the iAGCO portal.

A Cannabis Retail Store Authorization may be issued by the AGCO unless the Registrar finds it is not in the *public interest*. The following matters are matters of *public interest* under Ontario Regulation 468/18:

1. Protecting public health and safety;
2. Protecting youth and restricting their access to cannabis; and,
3. Preventing illicit activities in relation to cannabis.

Written submissions opposing a Retail Store Authorization as not being in the public interest can only be made to the Registrar by:

- A resident of the municipality in which the proposed store is located; and,
- The municipality representing the area in which the proposed store is located. If the municipality is a lower-tier municipality, then the upper-tier municipality of which it forms a part may also make a submission.

Submissions must be received by the AGCO on or before the date set out in the Public Notice. The AGCO may provide copies of any submissions to the applicant. Anonymous submissions will not be considered.

COMMENTS

Recreational cannabis is a legal, controlled and regulated product and is to be treated like any other type of retail product. A decision to allow or prohibit cannabis retail stores within the Town of Essex, however, has implications on various municipal departments, programs, services and development initiatives (see **Appendix A**).

Matters Affecting Bylaw Making Authorities

In accordance with subsection 42 (2) of the *Cannabis Licence Act*, Council:

- **DOES NOT** have the authority to pass or amend a bylaw that would distinguish between a use of land, building or structure that includes the retail sale of cannabis and a use of land, building or structure that does not include the sale of cannabis. They are permitted wherever retail stores are permitted;
- **DOES NOT** have the authority to pass a bylaw providing for a system of business licences respecting the sale of cannabis, holders of a licence or authorization issued under the *Cannabis Licence Act* or cannabis retail stores.

Thus, no zoning amendment is required or permitted to accommodate cannabis retail stores. The provincial licensing process does not however remove the requirement to comply with the zoning by-law and other municipal planning documents governing retail stores. The definitions within a municipality’s Official Plan and Zoning By-law are applicable to all retail, including cannabis retail stores. Additionally, the Building Code applies to cannabis retail

store locations. Therefore, where a building permit is required, the building inspector will undertake duties as usual. Fire Code compliance is also mandatory.

Distances from Public and Private Schools

Ontario Regulation 468/18 does restrict a cannabis retail store from being located within a distance of 150 metres of a public school or most private schools as defined in the *Education Act*. **Appendix B** provides a map indicating for discussion purposes the 150 metre buffer from public and private schools within the Town of Essex and zones in which retail sales are permitted. The precise boundaries will be determined by the AGCO in consultation with the Ontario Ministry of Education.

A municipality cannot adopt a greater distance from public or private schools. No buffer from any other use has been specified by the regulation. A municipal Council can however adopt a 'Municipal Cannabis Retail Policy Statement' which recommends that the AGCO consider parameters around other youth facilities such as libraries and community centres if appropriate, or other sensitive facilities that serve persons with mental or addiction challenges. The AGCO is not obligated to adhere to these municipal "guidelines" but the presumption is that they will influence their decision-making when considering one or more site specific applications.

The Provincial Notification and Licensing Process

If Council wishes to opt out of allowing retail cannabis stores within the Town of Essex, the *Cannabis Licence Act, 2018* requires them to pass a resolution to that effect by **January 22, 2019**. The Alcohol and Gaming Commission of Ontario (AGCO) Registrar must be provided with written and signed notification by email by the Clerk, CAO or Mayor no later than January 22 indicating the municipality's decision to opt out. Such decision must include when the decision was taken and in what form (i.e. Council resolution), and the official name of the municipality. The resolution must be submitted no later than three (3) business days following the passing of the resolution.

If the AGCO does not receive written notification by January 22 and in the manner described above, then a municipality will be deemed to have Opted-in and licensed private cannabis retail stores will be permitted within the municipality and may be open for business on or after April 1, 2019, provided all other eligibility criteria have been met.

It is important to reiterate that a municipality that decides to opt out may reverse its decision at a later date. **However a decision by a municipality to allow (opt in) cannabis retail stores, is final and may not be reversed.**

If a municipality decides to allow cannabis retail stores within its jurisdiction, it is encouraged to notify the Alcohol and Gaming Commission of Ontario (AGCO) as soon as possible. Early

notification to the AGCO will not affect the date that licensed retail stores may open, which remains April 1, 2019. It will simply allow the AGCO to process applications for retail stores, complete the public notice process and provide more time for stores to set up their operations.

The AGCO plans to begin accepting on-line applications for cannabis-related licences on December 17, 2018. Should a municipality decide to opt out following this date, the Registrar will refuse any applications that are outstanding at the time the resolution is passed for a retail store authorization in respect of a proposed cannabis retail store to be located in the municipality.

Should Council decide to opt in, it is recommended that they identify a key senior staff lead for proposed cannabis store notices from the AGCO and to provide a one-window approach to coordinate municipal input within the 15-day commentary period. This key contact should be able to gather information from various municipal departments, provide maps and be able to convey council policy.

Adoption of a Municipal Cannabis Retail Policy Statement

Many municipal programs are directly impacted by the provincial legislative framework governing the sale and use of cannabis (bylaw enforcement, policing, land use conflicts, use of parks and other outdoor facilities, public health and nuisance impacts). As such, a municipality should consider alternative methods to communicate local concerns to the Alcohol and Gaming Commission of Ontario (AGCO). A Municipal Cannabis Retail Policy Statement would serve to identify specific and locally sensitive considerations or uses to direct municipal staff response to the AGCO within its 15-day review period for a site specific retail store license application.

This municipal policy (for adoption by Council) would be developed by Administration in conjunction with public consultation and community stakeholders. This Policy would assist as a guide in assessing and providing municipal feedback for AGCO consideration as it relates to pending future applications for retail store authorizations. If such a Municipal policy were to be developed and adopted by Council then it may be possible for Council to delegate to administration the role of providing submissions directly and in a timely manner to the AGCO (in accordance with said Municipal Policy) as it pertains to Retail Store Applications from time to time.

CONCLUSIONS

The Association of Municipalities of Ontario (AMO) suggests that a 'Municipal Cannabis Retail Policy Statement' be adopted by Council. There is no regulatory requirement for the AGCO to act on municipal input and care must be taken so that the policy statement would not prohibit any cannabis retail store from locating in a municipality.

Administration is recommending that for now, Council opt-out of permitting cannabis retail stores to allow for proper consultation with the public and key stakeholders in order to develop a municipal cannabis retail policy. To direct this process, administration has developed a timeline and communications plan for public and stakeholder consultation (See **Appendix C**). **Appendix D** includes a list of stakeholders expected to be consulted on a municipal cannabis retail policy.

This will be an interdepartmental initiative involving Planning, Communications, Economic Development, Building and Bylaw Enforcement, Community Services and Legal and Legislative Services. Planning is expected to facilitate the public and stakeholder meetings however and serve as the point of contact for Council members, staff and the public throughout the consultation process.

FINANCIAL IMPACT

The Province of Ontario will provide \$40 million in funding over two years to assist municipalities with the implementation costs of recreational cannabis legalization. The Ontario Cannabis Legalization Implementation Fund (OCLIF) is provided to municipalities to help with the implementation costs of recreational cannabis legalization.

The Province will distribute \$15 million of the fund between all municipalities for the first payment in January based on 2018 MPAC household numbers; a 50/50 split in household numbers between lower and upper tier municipalities; and, adjustments to provide at least \$5000 to each municipality. The Town of Essex will receive **\$11,382** for the first payment in 2018-19.

The Province will distribute the second payment based on 2018 MPAC household numbers to opted-in municipalities hosting private retail stores. If a municipality has opted-out, it will receive a maximum second payment amount of \$5000. Additionally, if a municipality opts out by January 22, 2019 and opts back in at a later date, that municipality will not be eligible for additional funding beyond the \$5000 second payment. Notice to municipalities setting out the second payment will be provided to municipalities by March 2019.

Lower tier and upper tier municipalities would receive a 50/50 split of the allocation. Decisions to adjust the split in allocation can be made at the local level. Upper tier municipalities would receive funding in relation to opt-out decisions made by the lower tier municipality.

The Province is also considering setting aside a certain portion of the municipal funding for unforeseen circumstances and priority would be given to municipalities that have not opted out. Additionally, if Ontario's portion of the federal excise duty on recreational cannabis over the first two years of legalization exceeds \$100 million, the Province would provide 50 percent of the surplus only to municipalities that have not opted out as of January 22, 2019. Exact payments to municipalities are not known nor can they be determined at this time.

Reviewed by:

Donna Hunter, Chief Administrative Officer -concurs

Chris Nepszy, Deputy CAO/Director, Infrastructure and Development –concur

Robert Auger, Town Solicitor/Clerk --concurs

Jeff Watson, Policy Planner – concurs

Nelson Silveira, Economic Development Officer – non -concurs

Alex Denonville, Manager, Communications-concurs

Appendix A –
Benefits and Implications of Cannabis Retail Stores

Services and programs	Benefits of Cannabis Retail Stores	Implications of Cannabis Retail Stores
Land Use Planning and Business Licensing		<ul style="list-style-type: none"> No planning or business licensing authority over retail stores raises concerns over siting of stores
By-law Enforcement		<ul style="list-style-type: none"> By-law enforcement officers will be called upon to address concerns related to cannabis Bylaw officers do not have the necessary training or the same tools as police New training requirements for Bylaw officers due to new authorities Additional staffing may be required to cover new by-law enforcement activities A Bylaw enforcement officer will not have the powers of enforcement that the OPP has and may be exposed to harmful situations requiring a police presence
Emergency Services (Ambulance, Fire)		<ul style="list-style-type: none"> Increase in calls regarding distressed cannabis users could impact Ambulance operations and paramedic services Increased burden on first responders and the healthcare related institutions (i.e. community clinics and hospitals)
Public Health		<ul style="list-style-type: none"> Increase in demand for public programs (i.e. smoking cessation) Exposure to vulnerable populations Normalization of Use
Public Safety	<ul style="list-style-type: none"> Legal retail sales may curtail illegal “Black Market” sales of cannabis within a community Provides a safe venue for the purchase of cannabis 	<ul style="list-style-type: none"> Increase in demand for police services to attend to accidents or altercations as a result of cannabis consumption (impaired driving)
Economic Development	<ul style="list-style-type: none"> Potential commercial tax revenue Tourism attraction A municipality who decides to “opt in” may be viewed as a “progressive” community that is open to new types of industry 	<ul style="list-style-type: none"> Loss of commercial tax revenue at least while opted out A municipality which decides to “opt-out” may be viewed as not being a “progressive” community that is open to new types of industry

Appendix B –

Map Outlining 150 Metre Buffer from Public and Private Schools

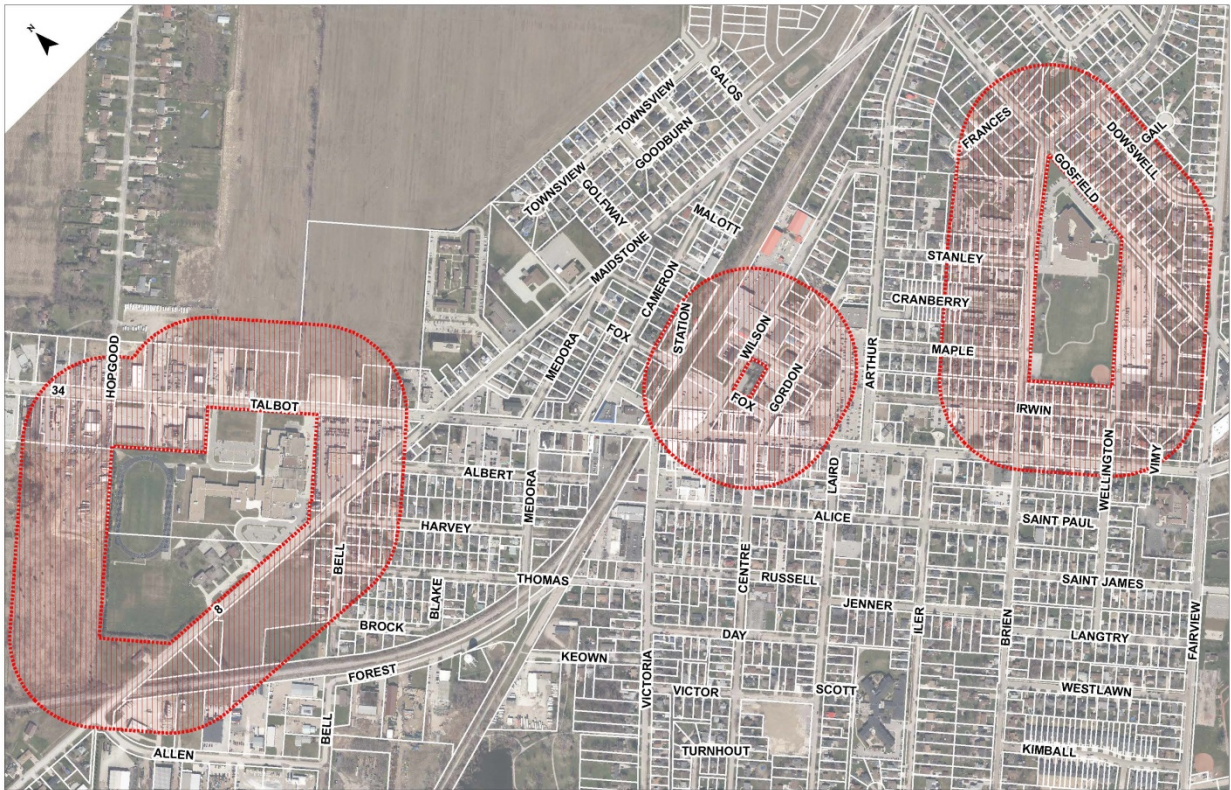


Figure 1. 150 metre buffer from Essex High, Rock of Help and Essex Public in the Essex Centre



Figure 2. 150 metre buffer from Holy Names in the Essex Centre



Figure 3. 150 metres from Colchester North Public School

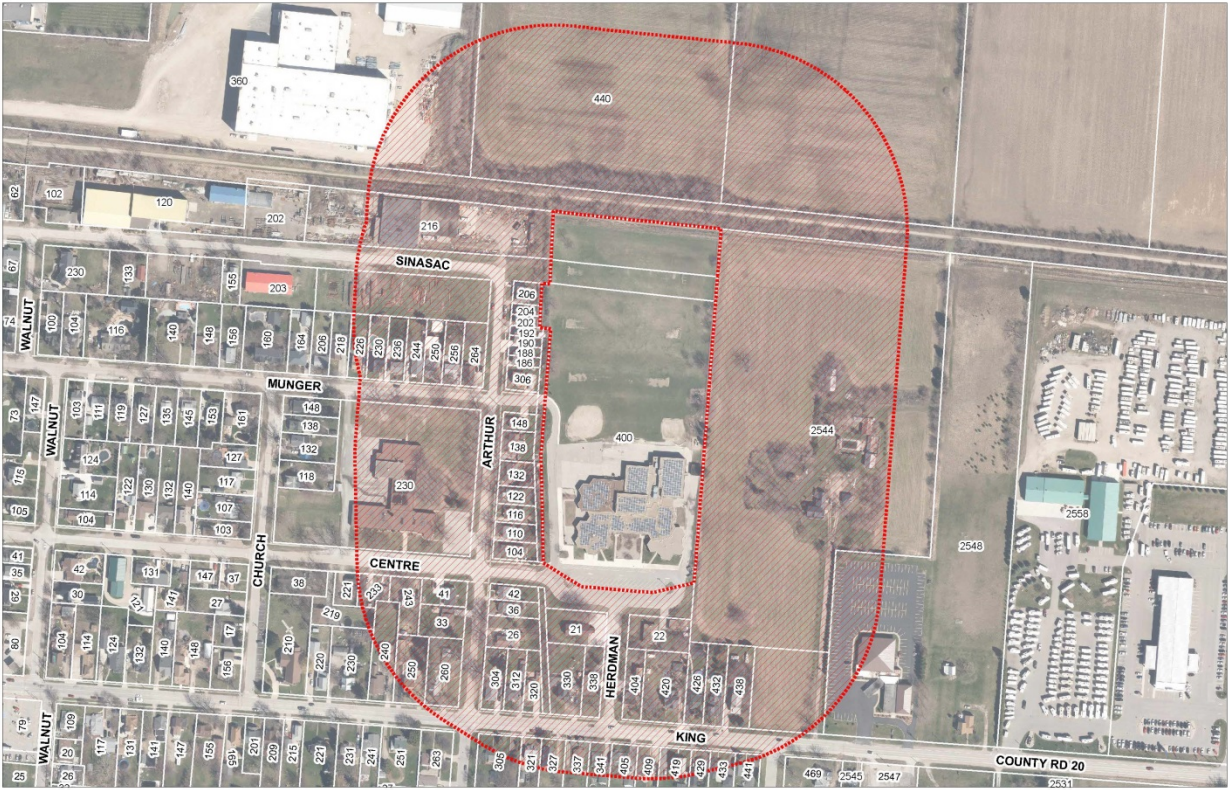


Figure 4. 150 metres from Harrow Senior School



Figure 5. 150 metres from St. Anthony's Catholic Elementary School

Appendix C –
Communications Plan for Public Consultation

Schedule of Dates	Task	Departmental Lead
December 18, 2018	<ul style="list-style-type: none"> Resolution submitted to AGCO of Council's decision Media Release Distributed Advising of Council's desire for public input Survey to go Live Webpage on Cannabis to go live 	Legal and Legislative Services Communications
December 18-January 4	<ul style="list-style-type: none"> Establishing dates and material for advertisements and public information sessions 	Planning Communications Legal and Legislative Services
January 21-31, 2019	<ul style="list-style-type: none"> Stakeholder Consultation 	Planning
February 4-15, 2019	<ul style="list-style-type: none"> Public Information Sessions in Essex Centre and Harrow 	Planning
February 18-22, 2019	<ul style="list-style-type: none"> Analysis of Public Input Development of Municipal Cannabis Retail Policy Statement 	Communications Planning Legal and Legislative Services
March 4, 2019	<ul style="list-style-type: none"> Results of public engagement presented to Council 	Planning
March 4, 2019	<ul style="list-style-type: none"> Council to decide on whether or not to Opt In 	Planning Legal and Legislative Services
March 5, 2019	<ul style="list-style-type: none"> Media Release of Results of Survey and Council's Decision Resolution Submitted to AGCO if Council Opts In 	Communications Legal and Legislative Services

Appendix C continued–
Stakeholder List

Recommended Stakeholders
Windsor Essex Catholic District School Board (WECDSB)
Greater Essex County District School Board (GECDSB)
Rock of Help Private School
Windsor-Essex County Health Unit (WECHU)
Ontario Provincial Police (OPP)
Town of Essex Fire and Rescue Services
Essex-Windsor Emergency Medical Services
Windsor Essex Community Housing Corporation (WECHC)
Essex Centre Business Improvement Area (BIA)
Harrow Chamber of Commerce
County of Essex

From: <noreply@esolutionsgroup.ca>
Date: December 10, 2018 at 9:38:02 AM EST
To: <clerks@essex.ca>
Subject: New Response Completed for Delegation Request Form
Reply-To: <clerks@essex.ca>

Hello,

Please note the following response to Delegation Request Form has been submitted at Monday December 10th 2018 9:37 AM with reference number 2018-12-10-004.

- **Name**
Suzanne Allison, Raymond Gould, and Bruce Tribute
- **Date of Request**
12/10/2018
- **Are you representing a group?**
No
- **Provide details on the issue(s) you wish to present to Council and any actions you will be asking Council to take.**
As Past Chair of the Essex Memorial Spitfire Committee and Marketing Manager of Fierce Metalworks, I am submitting this Delegation Request. Raymond Gould and Bruce Tribute will be joining me at the delegation desk to say a few words and/or answer questions about Raymond's brother William (Bill) Gould.
Our request is to appear before council on Mon. Dec 17th, to ask permission to donate a new steel park bench to Heritage Gardens in Honour of Raymond Gould's brother William (Bill) Gould, AND to have the Town prepare the ground with the required cement foundation as their donation.
Bill Gould was a life long Essex resident, a WWII Royal Canadian Air Force Veteran, and his name is included with the 1,837 names lasered onto the Honour Wall. Bill passed away on May 17, 2015 at 90 years of age. He was the loving husband to Rosemary, and father to Dan, Billy and Judy. Bill was also very proud of his 62 year membership at Royal Canadian Legion Branch 201, Essex. We will be asking permission for the donated park bench to be installed in front of the Spitfire monument, facing the Honour Wall, near where the spotlight and short brush are located to the right hand side. The bench will also be personalized with an image of Bill's face, as well as his personal details, birth/death, and a phrase "I've topped the wind-swept heights" from the poem "High Flight".
- **Have you consulted with Town staff on this issue?**
Yes
- **If you've consulted with Town staff, please provide the names of staff members you've talked to and the details of those discussions.**
Briefly mentioned to Sherry Bondy and to Doug Sweet that we will be approaching council asking for permission to donate the bench on Town land, and have the Town of Essex prepare and pay for the cement foundation for installation. I will take a photograph and distribute 12 copies of the desired area to submit to council.
- **If this is a property matter, are you an owner?**
No
- **Have you appeared before Council in the past regarding this issue?**
No
- **Will you have written or printed materials to distribute? If so, please submit 12 copies of printed materials to the Clerk before the meeting.**
Yes

- **Will you be delivering an electronic presentation that requires access to a computer and software? If so, please submit your presentation on CD, DVD or flash drive by noon on the Friday before the Council meeting.**

No

- **Your Address or Group Contact Address (full mailing address including postal code)**

Suzanne Allison
104 Belle River Road
Box 301
Cottam, ON
N0R1B0

- **Cell**

519-566-8125

- **Email Address**

suzanne.allison1@yahoo.ca

Name and address of all representatives attending, including their positions

Raymond Gould - Brother of William Gould
1302 Shoreline Ave, Belle River, ON N0R 1A0

Bruce Tribute - Sargeant at Arms, RCL Branch 255 Windsor, ON
Long-time friend of William Gould
1284 Highnoon Drive Windsor, ON N9G 2X2

Tabled Motion

November 19, 2018 Regular Council Meeting

Planning Report 2018-44

RE: 2275694 Ontario Inc. - Site Specific Rezoning for 1466 County Road 13

- Letters of Opposition (2)
- By-Law 1759
Being a by-law to amend By-Law 1037, The Comprehensive Zoning By-Law for the Town of Essex

Moved By Councillor Bondy

Seconded By Councillor Snively

(R18-11-508) That Planning Report 2018-44, prepared by Rita Jabbour, Planner and submitted by Chris Nepszy, Director, Infrastructure and Development, dated November 19, 2018, entitled "2275694 Ontario Incorporated, Site Specific Rezoning for 1466 County Road 13 (Ward 3)" together with the enclosed letters of opposition be tabled to the December 17, 2018 Regular Meeting of Council to allow Administration, the Developer and the residents an opportunity to address their concerns. **Carried**



Report to Council

Department: Planning
Date: December 17, 2018
Prepared by: Rita Jabbour, Planner
Submitted by: Chris Nepszy, P.Eng., PE
Director, Infrastructure and Development
Report Number: Planning 2018-50
Subject: 2275694 Ontario Incorporated
Site Specific Rezoning for 1466 County Road 13
(Ward 3)
Number of Pages: 6

Recommendation(s)/Conclusion(s)

It is recommended that:

1. Planning report Planning2018-50, entitled "Site Specific Rezoning for 1466 County Road 13 (Ward 3)", be received, and;
2. Council adopt Bylaw 1759.

Reason for Report

A rezoning application has been made by 2275694 Ontario Incorporated for the rezoning of lands with municipal address 1466 County Road 13 in the former township of Colchester South, Ward 3. It is requested that a site specific rezoning be granted for the ± 3433 square metre (± 39956 square foot) property to permit as an additional use, the development of a medical office and any use accessory to the main use. A map indicating the location of the property is attached as **Appendix A**.

Background

In accordance with the mandates of the Planning Act, a statutory public meeting was held on Tuesday September 4 and Tuesday November 6 to permit Council to hear and receive public comments and submissions concerning the rezoning of the vacant +3433 square metre (+39956 square foot) parcel at 1466 County Road 13.

The subject property is presently designated "Rural Residential" in the Town of Essex Official Plan and zoned Residential District 1.3 (R1.3) under Zoning Bylaw, Bylaw 1037, for low density residential development in agricultural areas. It is located immediately south of the Harrow Dental Clinic and west of the Harrow Health Centre and Harrowood Senior Community Living.

The properties located directly south of the subject lands and on the west side of County Road 13 are also designated "Rural Residential" under the Town's Official Plan and zoned Residential District 1.3 (R1.3) for low density residential development in agricultural areas under Bylaw 1037. All neighbouring properties with a rural residential designation are built up with low density single detached dwellings.

The applicant has requested a site specific zoning amendment to permit as additional uses the development of a medical office, pharmacy and any use accessory to the main use.

Bylaw 1037 defines a medical office as the office of any one (1) or more of the following persons: chiropodist, acupuncturist, alternative medicine practitioner, chiropractor, dentist, denturist, dietician, nurse, nutritionist, occupational therapist, optometrist, osteopath, physician, physiotherapist, podiatrist, psychiatrist, surgeon, and any other licensed professional person offering treatment services for the physical, mental or emotional health of people.

A pharmacy is separately defined under Bylaw 1037 to mean a retail store in which the main use is the retail sale of drugs, pharmaceutical products, medicines and drug sundries. An accessory use is defined as a use which is customarily incidental, subordinate and exclusively devoted to the main use and is carried on with such main use on the same lot. A parking area would be considered an accessory use to a medical office or pharmacy, for example.

The subject property is currently vacant. It has approximately 26 metres (85 feet) of frontage and is 133 metres (439 feet) deep. Sanitary and water services are available along County Road 13. A storm sewer maintained by the County of Essex is also available along the frontage of the property.

Proposal's Conformity with the Town of Essex Official Plan

The subject property is designated "Rural Residential" under the Town of Essex Official Plan. Lands designated "Rural Residential" in the Plan recognize pockets of existing, zoned residential development situated throughout the agricultural area. The goal for lands designated "Rural Residential" include recognition of contiguous areas of existing rural residential development generally without an agricultural component. Thus, the Plan lists permitted uses as a single detached dwelling, home occupations, second dwelling units and garden suites by site specific rezoning.

The "Rural Residential" designation will not be affected by this rezoning.

Comments

Written comments were received from circled agencies and members of the public in advance of the September 4 and November 6 public meetings. Public comments were also heard at the September 4 and November 6 meeting (see **Appendix B**). Comments received from the County of Essex's Manager of Planning Services, William J. King, advised that the applicant will be required to comply with County By-Law Number 248- A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways. He noted that county permits are necessary for any changes to existing entrances and structures, or the construction of new entrances or structures.

Comments were also received from the Essex Region Conservation Authority (ERCA). They had no objections to the zoning bylaw amendment.

Several letters from affected neighbours and business owners were received in advance of the September and November meeting. Letters received from the Harrow Health Centre, Harrow Dental Centre, Shoppers Drug Mart, Dr. Carly LeBlanc Chiropractor, the Harrow Chiropractic Clinic and the Harrow Physiotherapy Centre argued that the existing medical

facilities adequately meet the needs of the residents of Harrow. Letters received from residential neighbours expressed concerns with the development's impact on property value; the development's potential to draw people away from the downtown core; and, a potential increase in traffic volume as a result of the development.

Comments heard at the September and November public meeting were both in support and opposition to the proposal. Residents in support of the proposal stated that they were in favour of a diagnostic imaging facility and a blood laboratory. Residents in opposition to the proposal noted the availability of properties zoned for medical offices throughout the community of Harrow. The applicant noted the advantages of the site's location in facilitating the creation of a future medical hub.

Since this time, the applicant has provided Planning with a letter from Erie St. Clair Radiology noting their interest in working with the applicant on any future opportunities to operate at this location.

Planning noted Council's ability to tailor a future bylaw to exclude certain services included within the definition of a medical office as well as impose any restrictions on building height, building floor area, the types of accessory uses permitted and setbacks from the front lot line. Planning also noted Council's ability to increase the minimum amount of required landscaped area. It was also noted that a traffic impact study could be made a condition of a site plan control application.

Council, however, did not provide direction to administration on how they preferred any future bylaw be drafted. Consequently, Bylaw 1759 has been drafted based on public input. It places a limit on the height of any future building to one storey and excludes a pharmacy as an additional permitted use.

The office of a general dentist and chiropractor has been removed from the definition of a medical office due to the proximity of the Harrow Dental Centre to the subject site and the concerns raised by the existing chiropractors in Harrow. It should be noted that the exclusion of a general dentist does not exclude the office of a specialized dentist such as an orthodontist or oral surgeon. It should also be noted that Bylaw 1759 does not specifically exclude the offices of a primary care physician or physiotherapist, also services that are

duplicated in the community of Harrow, and offices from which letters of concern were also received.

Financial Impact

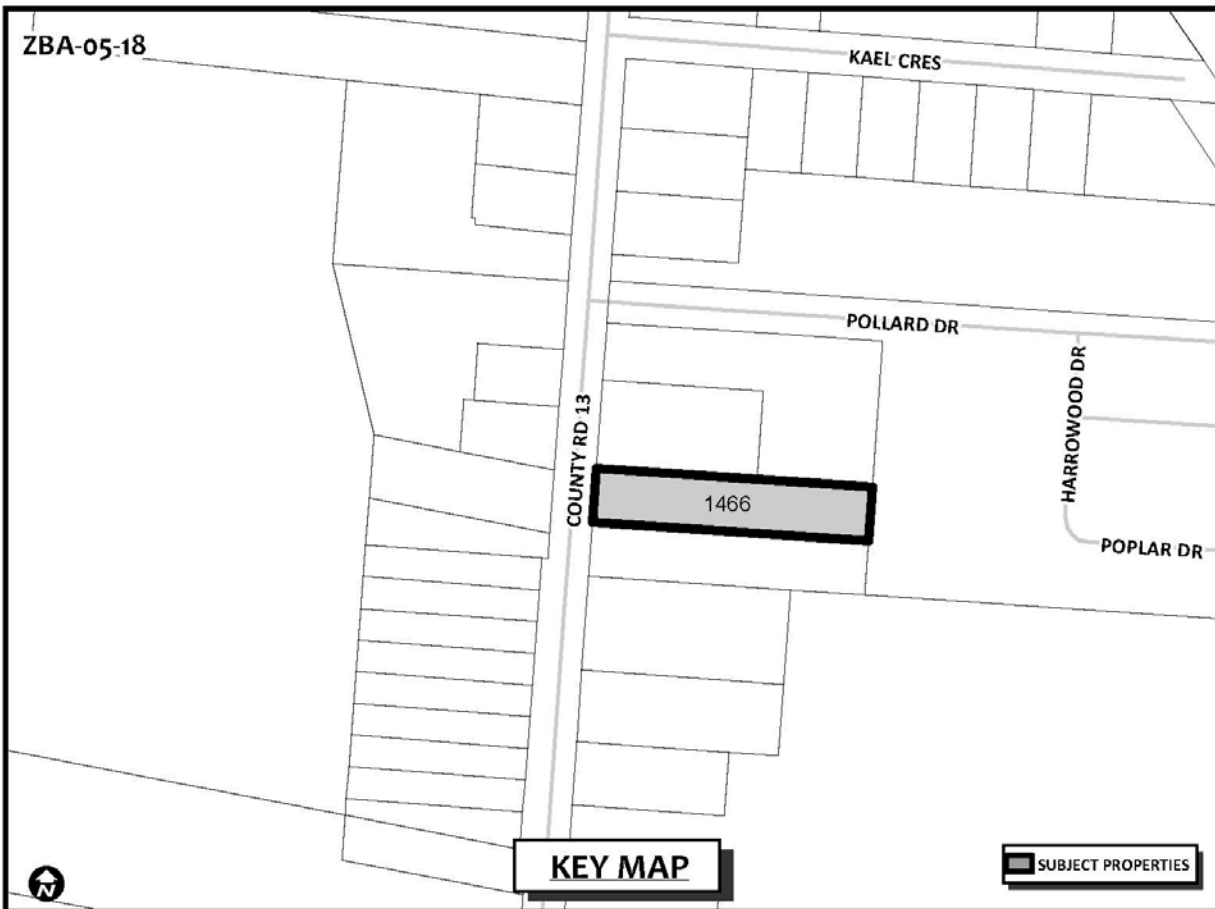
No financial impact.

Reviewed by:

Chris Nepszy, Director, Infrastructure and Development–concur

Jeff Watson, Policy Planner –concur

Appendix 'A' – Site Map



The Corporation of the Town of Essex

By-Law Number 1759

Being a By-Law to Amend By-Law Number 1037

The Comprehensive Zoning By-Law for the Town of Essex

Whereas By-law Number 1037 is the Town's Comprehensive Zoning By-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Essex;

And whereas the Council of the Corporation of the Town of Essex deems it expedient and in the best interest of proper planning to amend By-law Number 1037;

Now therefore the Corporation of the Town of Essex enacts as follows:

1. That subsection 1, of Section 28, of By-law 1037, is hereby amended by adding the following paragraph:

"40. For the lands comprising Part Lot 12, Con Gore, Part 3 on 12R-15021, the following provisions shall apply:

- i. Additional permitted main uses: The medical office of a licensed professional person offering treatment and diagnostic services for the physical, mental or emotional health of people excluding the offices of a general dentist and chiropractor.
- ii. And, for the lands comprising Part Lot 12, Con Gore, Part 3 on 12R-15021, a medical office subject to the provisions of subsection 18.4, C1.4 district, except that the building height maximum for a main building shall not exceed 1 storey.
- iii. And the following accessory uses: any use accessory to the main use, not including an outdoor storage yard.

ZDM 14"

2. That Zoning District Map number 14 be amended accordingly
3. This bylaw shall come into force and take effect on the date of its passing thereof by Council.

Read a first, second and third time and finally adopted on December 17, 2018.

Mayor

Clerk

Schedule A

Description of Zoning Bylaw Amendment for 1466 County Road 13

Amendments to Zoning By-law 1037 will be considered for the vacant property located on the east side of County Road 13 and directly south of 1470 County Road 13.

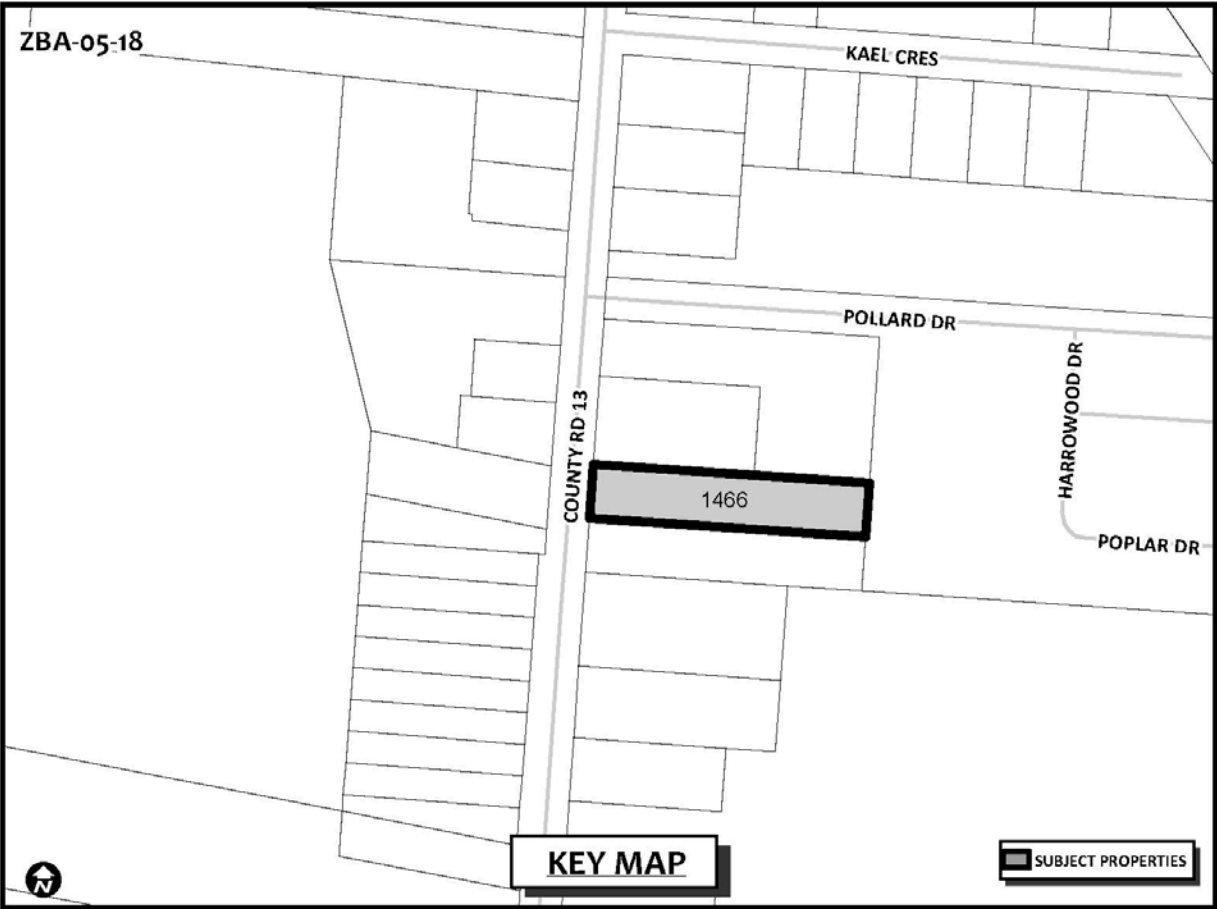
The lands are designated "Residential" in the Town of Essex Official Plan and zoned Residential District 1.3 (R1.3) under Zoning By-law, By-law 1037, which is primarily devoted to low density residential development in agricultural areas.

The applicant is proposing a site specific zoning amendment for the +3433 square metre (+39956 square feet) parcel to permit as an additional use, the development of a medical office and pharmacy and any use accessory to the main use.

A location map is attached. It is noted that the medical office, pharmacy and accessory structures would conform to the building regulations for medical offices and accessory structures under the Commercial District 1.4 (C1.4) zoning category for site specific office uses.

Access to the development is proposed to be by way of County Road 13. Should the applicant be successful in obtaining approval for the rezoning, site plan control will apply to any commercial development on the property.

Schedule B – Key Map





Delegation Request Form

This form must be completed and submitted to the Clerk of the Town of Essex by all persons wishing to address Council at a scheduled meeting of Council. **Delegation requests must be submitted by 2:00 p.m. on the Tuesday prior to the scheduled meeting.** Please refer to our online Community Calendar at www.essex.ca for scheduled Council meetings.

Presentations to Council are limited to 5 minutes per person to a maximum of 10 minutes for a group of two persons or more.

Name: BRAD LAPORTE

Date of Request: DECEMBER 10, 2018

Are you representing a group? Yes ☐ No ☒

Name of group (if applicable): _____

Please provide details on the issue(s) you wish to present to Council and any actions you will be asking Council to take:

☒ IF Council votes yes to change zoning bylaw to Commercial, these are some of the stipulations to be in place in the event this happens.

1) Building must be setback from the road (no further ahead than my house to the road)

2) must be a medical facility (Not retail sales)

3) One Storey, with hip roof similar to dentist office.

4) Parking along south side of lot (on dentist office side).

5) must put up a large decorative fence/sound Barrier/Privacy wall starting at our house to the back of our property.

6) Compensation for loss of property value, would like my sewer hook-up fees waived.

Have you consulted with Town staff on this issue? Yes ☒ No ☐

If yes, please provide the names of staff consulted and the details of your discussions:

all staff and council know about this issue!

7) Nice landscaping in the front with decorative trees etc.

Cont'd

If this is a property matter, are you an owner? Yes ☒ No ☐ N/A ☐

Have you appeared before Council in the past regarding this issue? Yes ☒ No ☐

If so, please tell us the year in which you appeared: _____

Will you have written or printed materials to distribute? Yes ☒ No ☐

Please submit 12 copies of printed materials to the Clerk before the meeting.

Will you be delivering an electronic presentation that requires access to a computer and software? Yes ☐ No ☒

Please submit your presentation on CD, DVD or flash drive by noon on the Friday before the Council meeting.

Do you have any additional special needs for your presentation? Yes ☐ No ☒

If yes, please describe your special needs:

Your address or group contact address (including postal code):

RR#3 1460 ERIE ST. S. (COUNTY RD. 13).

Your phone numbers:

Home 519-738-4605
Work wife's cell Alice (819-1205).
Cell 519-980-4106.

Your email address: abdoors14@gmail.com.

Name and address of all representatives attending, including their positions:

1.	
2.	
3.	

Personal information that you provide on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of responding to your request. Please note that this form, if approved, will appear in the published Council Agenda and may be included in the Council Meeting minutes, both of which become part of the public record and are posted on our municipal website.

Please remit this form and copies of material being presented to:

Robert Auger, Manager of Legislative Services/Clerk
33 Talbot Street South, Essex, Ontario N8M 1A8
Telephone: 519-776-7336 x1132 | Fax: 519-776-8811
Email: rauger@essex.ca



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Presentations to Council are limited to 5 minutes per person to a maximum of 10 minutes for a group of two persons or more.

Name: _____

2275694 Ontario Inc

Date of Request: _____

Dec 7/18

Are you representing a group? Yes ☐ No ☐

Name of group (if applicable): _____

Please provide details on the issue(s) you wish to present to Council and any actions you will be asking Council to take:

To speak at the time
of presentation for
1466 County Road
13. We have spoken
to Rita Jabbour.

Have you consulted with Town staff on this issue? Yes ☐ No ☐

If yes, please provide the names of staff consulted and the details of your discussions:

If this is a property matter, are you an owner? Yes ☒ No ☐ N/A ☐
Have you appeared before Council in the past regarding this issue? Yes ☐ No ☒
If so, please tell us the year in which you appeared: _____

Will you have written or printed materials to distribute? Yes ☐ No ☐
Please submit 12 copies of printed materials to the Clerk before the meeting.

Will you be delivering an electronic presentation that requires access to a computer and software? Yes ☐ No ☒
Please submit your presentation on CD, DVD or flash drive by noon on the Friday before the Council meeting.

Do you have any additional special needs for your presentation? Yes ☐ No ☒
If yes, please describe your special needs:

Your address or group contact address (including postal code):

Your phone numbers: Home _____
Work _____
Cell _____

Your email address: _____

Name and address of all representatives attending, including their positions:

1.	
2.	
3.	

Personal information that you provide on this form is collected pursuant to the Municipal Freedom of Information and Protection of Privacy Act and will be used for the purpose of responding to your request. Please note that this form, if approved, will appear in the published Council Agenda and may be included in the Council Meeting minutes, both of which become part of the public record and are posted on our municipal website.

Please remit this form and copies of material being presented to:
Robert Auger, Manager of Legislative Services/Clerk
33 Talbot Street South, Essex, Ontario N8M 1A8
Telephone: 519-776-7336 x1132 | Fax: 519-776-8811
Email: rauger@essex.ca

December 11, 2018

Re: 1466 County Rd 13, Harrow, ON N0R 1G0

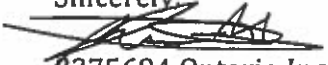
Dear Essex Town Council

After discussing the zoning change with our residential neighbour, Brad Laporte at 1460 County Road 13, I would like the following to be included in the zoning by-law amendment to ensure resolution of his and the surrounding neighbour's concerns to be met.

1. Building to be set back at equal distance or more to Brad Laporte's residence
2. In addition to removal of the Pharmacy use, we also ask that General Dental Practice be removed as well
3. Residential style (sloped roof), single-storey building with the rural characteristics of the neighbourhood maintained with building style and landscape
4. Driveway be located on the northside of the property (towards the Dental Office) and building placed abutting the Laporte's residence
5. Appropriate privacy fencing along the Laporte's residence
6. No charge for septic tie in for the Laporte's residence
7. An amendment that would prevent any further alteration of zoning for 10 years.

I thank council and administration for their consideration of our concerns regarding this development to ensure responsible development and are excited for the changes and growth happening in our community today and in the future!

Sincerely,


2275694 Ontario Inc. (c/o Max Abraham)
1466 County Road 13, Harrow ON



Report to Council

Department: Office of the Chief Administrative Officer

Date: November 16, 2018

Prepared by: Donna E. Hunter, Chief Administrative Officer

Submitted by: Donna E. Hunter, Chief Administrative Officer

Report Number: CAO Report 2018-06

Subject: Council Remuneration - 2019

Number of Pages: 3

Recommendation(s)/Conclusion(s)

It is recommended that CAO Report 2018-06 entitled "Council Remuneration – 2019" be received and that, effective January 1, 2019, Council remuneration be increased as follows to compensate for the elimination of the the one-third tax exemption previously applicable to remuneration earned by municipal elected officials.

Council Position	2019 Revised Remuneration
Mayor	\$39,217
Deputy Mayor	\$23,864
Councillors	\$20,053

Purpose

To obtain Council's approval to adjust Council's remuneration as a result of the elimination of the one-third tax exemption previously available to municipal elected officials.

Background

In its 2017 Budget the Federal government made legislative changes to eliminate the one-third tax exemption that a Council could previously implement for its elected officials by by-law. The purpose of the one-third exemption was to recognize the expenses Council Members incur in relation to the discharge of their duties.

The 2019 remuneration for Council included an increase from 2018 rates of 1.5%, in line with the increases negotiated by the Canadian Union of Public Employees, Local 702.3 and non-union employees. Based on this increase the Mayor's, Deputy Mayor's and Councillors' annual remuneration would be \$36,557, \$22,245 and \$19,006, respectively.

With the elimination of the one-third exemption, 100% of Council's remuneration will now be subject to taxes, thereby effectively reducing Council's remuneration for 2019 by an average of 7.3% for the Mayor and Deputy Mayor and 5.5% for Councillors. The following increases are proposed to ensure that Council Members do not realize a reduction in remuneration as a result of the elimination of the one-third tax exemption and are based on a 7.3% increase for the Mayor and Deputy Mayor and a 5.5% increase for Councillors.

Council Position	2019 Annual Remuneration	2019 Revised Annual Remuneration	Total Increase in Annual Remuneration
Mayor	\$36,557	\$39,217	\$2,660
Deputy Mayor	\$22,245	\$23,864	\$1,619
Councillors (6)	\$19,006	\$20,053	\$6,282
			\$10,561

Compared to other municipalities in the County, Council's remuneration before introducing an increase for the elimination of the one-third tax exemption, is generally in line with the average remuneration in the County, namely \$34,000 for Mayor, \$23,000 for Deputy-Mayor and \$19,000 for Councillors.

Financial Impact

The increase in expenditures for 2019 resulting from the increase in Council remuneration is \$10,561 and will be accounted for in the 2019 Operating Budget. This increase is in line with the increase in expenses that was anticipated by the Association of Municipalities of Ontario for southwestern municipalities with a population of 24,000.

Link to Strategic Priorities

This report is linked to the Strategic Priority:

- Manage the Town's finances and human resources in a responsible manner.

Reviewed by:

Jeffrey Morrison, Director, Corporate Services/Treasurer, Concur

Robert Auger, Town Solicitor/Clerk, Concur

Department: Community Services

Date: December 17, 2018

Prepared by: Doug Sweet, Director of Community Services

Submitted by: Doug Sweet, Director of Community Services

Report Number: Community Services Report 2018-035

Subject: Heritage Essex Lease Renewal to Operate the Essex Railway Station

Number of Pages: 3

Recommendation(s)/Conclusion(s)

The following three (3) recommendations are provided for Council's consideration:

1. That Community Services Report 2018-035 entitled "Heritage Essex Lease Renewal to Operate the Essex Railway Station" **be received**;
2. That Council **approve** renewing the Heritage Essex lease to operate the Essex Railway Station for an additional five (5) years commencing January 1, 2019; and further
3. That Bylaw 1767 **receive** First, Second and Third readings at the December 17, 2018 Council meeting.

Reason for Report

To obtain Council approval to renew the lease with Heritage Essex to operate the Essex Railway Station in Essex Centre.

Background

Heritage Essex has operated the Essex Railway Station as a cultural facility on behalf of the Town of Essex since 1993. The current Heritage Essex lease to operate the Essex Railway Station will expire on December 31, 2018 and by way of a letter dated November 15, 2018

(see appendix A), Heritage Essex Incorporated has requested that the lease be renewed with no changes from the previous lease conditions.

Financial Impact

The Town of Essex recognizes that Heritage Essex will not be able to recover full cost of operations of the facility through fees and sales, and therefore, the Town of Essex has provided an annual grant of approximately twenty to twenty-five thousand dollars (\$20,000 - \$25,000) over the past twenty (20) years to help offset the costs of operating the station. The Town of Essex requires Heritage Essex to provide a copy of its annual audited financial statements during each year of the term of this Agreement as a condition of receiving the annual grant. Any surplus or deficit resulting from the operation of the Station shall be the responsibility of Heritage Essex.

In addition, in 2015 Heritage Essex requested that the Town of Essex take over the electricity account for the station as the Town was hosting more events in Heritage Park and obtaining power directly from the train station. Council approved this request in July of 2015.

Link to Strategic Priorities

This report contributes to the following Council strategic policies:

- Manage the Town's Infrastructure in a responsible and efficient manner;
- Promote healthy and active living through recreational and cultural opportunities.

Reviewed by:

Donna Hunter, Chief Administrative Officer

Concur

Jeffrey Morrison, Director of Corporate Services

Concur

Appendix A – Heritage Essex Renewal Letter Request

Essex Railway Station

87 Station St., Essex, ON N8M 2C5 Ph: 519-776-9800 Fax: 519-776-7241 heritageessex@bellnet.ca
Operated by Heritage Essex Inc.

November 15, 2018

Mr. Doug Sweet
Director of Community Services
Town of Essex

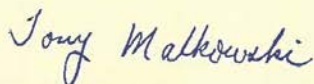
This letter is to inform you that Heritage Essex Inc. is in favor of renewing the joint operating agreement for the Essex Railway Station. As in past, we would suggest a five year term.

At this time we have no suggested changes or issues in regards to the site.

Since the original restoration 25 years ago, the station remains a proud symbol of our rich heritage and a point of pride for the entire community.

We would like to say thank you for all the work the town has done to the Railway Station recently.

Sincerely,



Tony Malkowski
President of Heritage Essex Inc.

The Corporation of the Town of Essex

By-Law No. 1767

Being a by-law to authorize the execution of an agreement between the Town of Essex and Heritage Essex Incorporated for the operation of the Essex Railway Station located at 87 Station Street, Essex, Ontario

WHEREAS the Town of Essex is the owner of hereinafter referred to as the "Station";

AND WHEREAS the Town of Essex wishes to enter into an agreement with Heritage Essex, hereinafter referred to as "Heritage", to operate the Essex Railway Station;

AND WHEREAS the Town of Essex will retain control of the facility;

AND WHEREAS Heritage will use the Essex Railway Station for the purpose of operating as a cultural facility for the benefit of the residents of the Town;

Now, therefore, the Municipal Council of the Corporation of the Town of Essex enacts as follows:

1. That the Mayor and Clerk are hereby authorized to execute a Lease Agreement between The Corporation of the Town of Essex and Heritage Essex Incorporated operating as a cultural facility located at 87 Station Street in Essex, Centre Ontario, as designated in By-Law 1767 a copy of which is attached hereto.
2. This by-law shall come into full force and effect upon the final passing thereof.
3. That By-Law 1294 dated March 3, 2014 is hereby repealed.

Read a first, a second and a third time and finally passed on December 17, 2018.

Mayor

Clerk

Schedule “A” to By-Law Number 1767

This Agreement made in duplicate this 17th day of December, 2018

Between:

The Corporation of the Town of Essex

“Corporation”

And

Heritage Essex Incorporated

“Heritage”

Of the Second Part

With respect to the Essex Railway Station

“Station”

Witnesseth:

Whereas the Municipal Act, 2001, S.O. 2001, Chapter 25, provides the Municipality may, for its own purposes, exercise its powers under the culture, park, recreation and heritage sphere of jurisdiction in the Municipality;

And Whereas Section 11 provides that the Municipality may pass By-Laws respecting matters relating to culture, parks, recreation and heritage;

And Whereas the Corporation is the Owner of the historic Essex Railway Station (‘Station’) located at 87 Station Street, Essex, Ontario;

And Whereas the Corporation leases the land on which the Station is situated from the Canadian National Railways;

And Whereas the Corporation has caused the Station to be restored with the intention that it be operated as a cultural facility for the benefit of the residents of the Town;

And Whereas Heritage has agreed to operate said Station as a cultural facility on behalf of the Town;

Now Therefore the parties agree as follows:

1. The Station is owned by the Corporation.
 - a. Heritage will operate the Station on behalf of the Corporation in a manner acceptable to the Council of the Corporation.

Schedule "A" to By-Law Number 1767

- b. The Station will be operated in such a manner as to be accessible to all residents of the Town of Essex, to promote knowledge and appreciation of the heritage of the Essex area and to promote economic activity in the Essex area.
2. The Town will be responsible for:
- a. Insuring the building against all perils including liability;
 - b. Long-term upkeep and maintenance of the building;
 - c. Repairs to the building, as required;
 - d. General maintenance of the grounds on which the building is situated (example: snow removal, lawn care, weed control); and
 - e. Payment of any and all property taxes and the monthly hydro bill.
3. Heritage will be responsible for:
- a. Insuring the contents of the building including all furniture, fixtures, artifacts, artwork, either owned, on loan or on consignment as well as, all inventory of goods for sale;
 - b. Insuring Heritage for liability;
 - c. All normal operating costs other than those specifically assumed by the Town, including, but not limited to: staffing, advertising, supplies, janitorial services;
 - d. Recommending for the consideration of Council any capital repairs or preventative maintenance deemed necessary or desirable;
4. The following list describes the general nature of events which are intended to take place at the station:
- a. Art shows, displays and sales;
 - b. Craft shows, displays and sales;
 - c. Other shows and sales of interest to the general public;
 - d. Events designed to educate the public on the heritage of the Essex area;
 - e. Provision of information to tourists and residents;
 - f. Sale of souvenirs and locally produced arts and crafts;
 - g. Rental of premises to local non-profit and for-profit organizations; and

Schedule "A" to By-Law Number 1767

- h. Any other event, activity or display which is in the keeping with the purpose of the Station and Heritage Park and deemed to be in the public interest.
5. Heritage shall be solely responsible for all decisions regarding the scheduling of events, charging of fees and general operating policies.
 6. Heritage will make a reasonable effort to recover as large a portion of operating costs as possible through the charging of user fees, scheduling of events and the sale of appropriate goods.
 7. It is recognized by the Corporation and Heritage that it will not be possible to recover the full cost of operations through fees and sales. The Corporation, therefore, will annually grant to Heritage the amount of \$25,000.00 (twenty-five thousand dollars) to be used solely to offset the cost of operating the Station. Said funds will be dispersed to Heritage in two equal installments of \$12,500 (twelve thousand, five hundred dollars) each on day fifteen (15) of January and June yearly for the duration of this Agreement.
 8. Heritage will provide to the Town a copy of its annual audited financial statements during each year of the term of this Agreement.
 9. Heritage will maintain separate Station accounts in such a manner that a separate income statement can be produced annually for the Station operation.
 10. Any surplus or deficit resulting from the operation of the Station shall be the responsibility of Heritage.
 11. It is further agreed between the parties hereto that wherever the singular and masculine are used throughout this Lease they shall be construed as if the plural or feminine had been used, where the context or the party or parties hereto so require, and the rest of the sentence shall be construed as if the grammatical and terminological changes thereby rendered had been made.
 12. This Agreement may be terminated by either party upon ninety (90) days written notice, one party to the other. In the event of termination of this Agreement, it is recognized that equipment and furnishings purchased by Heritage belong to Heritage, to be disposed of by Heritage at its discretion.
 13. The following addresses are provided for the Corporation and Heritage for purposes of providing notice:

Corporation Contact Information:

Contact Name:	The Corporation of the Town of Essex
Attention:	Manager of Legislative Services/Town Clerk
Contact Address:	33 Talbot Street South, Essex, Ontario, N8M 1A8
Contact Facsimile:	519-776-8811

Schedule “A” to By-Law Number 1767

In the case of Heritage, all correspondence or notification will be addressed or directed as follows:

Heritage Contact Information:

Contact Name: Heritage Essex Incorporated
Attention: President, Tony Malkowski
Contact Address: 87 Station Street, Essex, Ontario
Contact Telephone: 519-776-9800

14. This Agreement shall be in effect for a period of five (5) years commencing on the first day of January, 2019 and terminating on day 31 of December, 2023.

In witness whereof The Corporation of the Town of Essex and Heritage Essex Incorporated have hereunto affixed their respective corporate seals duly attested by the hands of their proper officers, respectively, the day and year first above written.

In Witness Whereof the said parties hereto have duly executed this Agreement.

Signed, Sealed and Delivered in the presence of:

Heritage Essex Incorporated

Witness as to signature of

President, Tony Malkowski

Witness as to signature of

Secretary,

Signed, Sealed and Delivered in the presence of:

The Corporation of the Town of Essex

Witness as to signature of

Mayor, Larry Snively

Witness as to signature of

Clerk, Robert Auger

We have authority to bind the Corporation

Receipt of Lease Agreement:

I hereby acknowledge receiving a duplicate original copy of the herein lease agreement
this _____ day of December, 2018.

Heritage Essex Incorporated

President, Tony Malkowski

Department: Community Services

Date: December 17, 2018

Prepared by: Doug Sweet, Director of Community Services

Submitted by: Doug Sweet, Director of Community Services

Report Number: Community Services Report 2018-039

Subject: Significant Event Status – Chaps and Spurs Country Festival
Kickoff Party – Saturday March 2, 2019

Number of Pages: 3

Recommendation(s)/Conclusion(s)

The following two (2) recommendations are provided for Council's consideration:

1. That Community Services Report 2018-039 entitled "Significant Event Status – Chaps and Spurs Country Festival Kickoff Party– Saturday March 2, 2019" **be received:** and further
2. That Council **approves** the 2019 Chaps and Spurs Kickoff Party for Significant Event Status for the purpose of applying for their Special Occasion Permit (SOP) for their event on Saturday March 2, 2019 at the Essex Recreation Complex Auditorium.

Reason For Report

To obtain Council approval for Significant Municipal Event Status for the 2019 Chaps and Spurs Kickoff Party on Saturday March 2, 2019 at the Essex Recreation Complex.

Background

The Department of Community Services received a request (see attached Appendix A) to host the Chaps and Spurs Kickoff Party at the Essex Recreation Complex on Saturday March 2, 2019. The proponent is organizing a country music night and they plan on obtaining a Special

Occasion Permit for the event. The Alcohol and Gaming Commission of Ontario (AGCO) requires a municipality to designate a special event as 'Significant Event Status' for the purpose of those applying for liquor licensing permits and approval, regarding their operation of liquor services during their event. In order for the AGCO to issue the permits allowing the sale of liquor during events on municipal property, they require the municipal designation. The AGCO regulations also state that this designation must be secured annually for the organization to obtain a Special Occasion Permit.

Town Administration and the Special Events Resource Team (SERT) Committee (which also has AGCO representatives on the committee) have reviewed the request and have no objection to declaring Significant Event Status for this event.

Financial Impact

There is no financial impact.

Link to Strategic Priorities

This report contributes to the following Council strategic policies:

- Promote healthy and active living through recreational and cultural opportunities.

Reviewed by: Donna Hunter, Chief Administrative Officer

Concur

Appendix 'A' – Chaps and Spurs Kickoff Party Request Letter



November 26, 2019

Dear Council,

The 3rd annual Chaps and Spurs Country Festival has been scheduled for August 16th and 17th, 2019, in Windsor ON, and this year we are adding a kickoff concert in March to help boost county interest.

We will once again be partnering with Autism Ontario Windsor-Essex in hopes of helping them raise the funds needed to support their incredible program. All dollars raised stay in Windsor and Essex County.

Chaps and Spurs Country Festival was voted one of the Top 5 Best Music Festivals of 2017 as per voters of Tourism Windsor-Essex-Pelee Island. We hope to be included in that category again for 2018.

We are excited to include the Town of Essex as the location for our inaugural Chaps and Spurs Country Festival Kickoff Party. The event will take place Saturday, March 2, 2019 at the high school auditorium within the Essex Recreation Complex. The purpose of the event is to boost county interest in our brand, inform the media and public of our list of entertainment for this year's festival, and to provide a special concert featuring country recording artist, Eric Ethridge, and local up-and-comers, Buck Twenty. Essentially, all eyes will be on Essex on this date as we officially release publicly, our festival lineup.

There is no better place for this event than Essex Centre as it is the Hub of the County, and that makes for easy accessibility for our audience. The plan is to make this an annual event each year, and hopefully grow it into an event that is just as big as our country festival, in it's own way.

For us to be successful we need to be able to maximize our revenue potential. Please accept this letter as our official request to deem Chaps and Spurs Country Festival Kickoff Party a municipally significant event. This is needed for the AGCO's Special Occasion Permit application. The organizer's of this event are aware of the Town of Essex' Municipal Alcohol Policy and are more than willing to work closely with the Town SERT committee as well as town staff to meet all requirements.

If you should have any questions regarding this event, please contact myself. Thank you for your time. We look Forward to hearing back from you soon!

Regards,

Joe Garon
Organizer
Chaps and Spurs Country Festival
(519) 980-8405
www.chapsandspurs.com

Department: Fire

Date: December 17, 2018

Prepared by: Richard Arnel, Fire Chief

Submitted by: Doug Sweet, Director of Community Services

Report Number: Fire Report 2018-008

Subject: Fire Department Radio System Update and Lease Agreement
Extension

Number of Pages: 9

Recommendation(s)/Conclusion(s)

The following recommendations are provided for Council's consideration:

1. That Fire Report 2018-008 entitled "Fire Department Radio System Update and Lease Agreement Extension" **be received**; and
2. Council **approve** extending the Fire Department Radio System Update and Lease Agreement Extension (Appendix A) with Kelcom Radio Co. Ltd. for an additional two (2) years as per the conditions in the Agreement

Reason For Report

To obtain approval of Council to enter into the Fire Department Radio System Update and Lease Agreement Extension with Kelcom Radio Co. Ltd for an additional two (2) years.

Background

From 1962 through to the early 2000's most of the Essex County Fire Departments communicated on the Very High Frequency (VHF) radio channel that was used for both pager

activation and 2-way radio communications. Multiple fire departments responding to emergencies at the same time created confusion, congestion and safety concerns on the single channel.

Following amalgamation of several County municipalities into the present seven (7) municipalities, a Regional Radio System Advisory Committee was established to review options and costs for a multi-channel, interoperable radio system. While this study was occurring, some departments implemented their own systems. In 2005, after presenting several regional radio system opportunities and associated costs, County Council consensus could not be reached. It was decided that each municipality would determine their own solution. Lakeshore, Tecumseh, Essex and Amherstburg all agreed to work together and implement a Ultra High Frequency (UHF) system through Kelcom infrastructure that provided interoperability between the four (4) departments with separate channels to communicate. Kelcom also improved the paging system from a single tower site located in the Town of Essex to multiple sites providing both regional paging and network radio coverage. That change required each of the four (4) municipalities to replace all their radio equipment and commit to a ten (10) year lease with Kelcom until February 2016. Kelcom invested in multiple tower sites and supporting infrastructure to establish a regional network communication system that guaranteed one hundred percent (100 %) street level radio coverage throughout Essex County.

The four (4) fire services paid a monthly fee per radio under the lease agreement that covered the infrastructure operational cost and included radio maintenance. In 2013, the system required upgrading to modernize the communication network. The following system enhancements at no additional cost were implemented:

- Change the existing analog system to a new digital encrypted network;
- Replace the existing analog radios and hardware with new digital equipment;
- Global Positioning Service (GPS) and inter-network text messaging services were made available;
- Full user equipment maintenance and lifetime warranty; and
- Replacement batteries.

In exchange for upgrading and refreshing the system components of the Kelcom agreement the existing lease rates continued until the original February 2016 Contract completion and then an additional three (3) year lease extension was initiated. At that time (2016), the Lease introduced a fifteen percent (15%) rate reduction for network radio costs, which is still enjoyed today.

Essex Fire and Rescue pays approximately thirty-one thousand, eight hundred and sixty dollars (\$31,860) annually for the network portion of the radio system and ten thousand, five hundred and sixty dollars (\$10,560) annually for paging service fees.

The current lease agreement is scheduled to expire in February of 2019. All affected Fire Departments have had discussions regarding the reorganization of the zones and frequencies with the Kelcom system to enable and enhance the ability of Departments to:

- Request channel assignment changes to enable recording of operations at incidents;
- Consider in vehicle repeaters to resolve interference challenges in large buildings and underground parking;
- Improve Fire Fighter Safety to include an emergency button feature enablement on portable radios, and if activated would connect users in that talk group;
- Consider adding additional municipalities to the system; and
- Further determine system requirements to enhance interoperability and future technology improvements.

The Fire Chiefs who participate together presently, along with potential new partners met recently and determined that more time is necessary to properly investigate other potential requirements and changes and associated costs. This review and proper financial analysis is necessary and cannot be completed before the expiry of the current lease (February 2019). A discussion with Kelcom Representatives has taken place to consider the above identified requirement changes and to investigate a possible contract lease agreement extension. Kelcom has responded back to the Chief and has confirmed all of the required changes identified to date can be accommodated. In addition, Kelcom is willing to extend the current Agreement conditions for twenty-four (24) additional months to February of 2021 and with

further include an additional rate reduction for Radio system fees of thirty-four percent (34%) and a reduction in pager service fees of twenty percent (20%).

Risk Analysis

Without extending the service agreement to the Kelcom proposal, Town of Essex is committed to the existing system agreement until February 2019. At that time, another system would need to be in place.

Including:

- Financing new radios and their installation;
- Potentially experiencing higher network fees, and
- Paying for equipment maintenance and battery replacement.

Conclusion

There are no other know radio solutions or vendors in this region that provide guaranteed Essex County wide street level coverage, interoperability with inclusive maintenance costs and demonstrated service as that provided by Kelcom and their system.

Fire Administration recommends the Lease extension knowing the current system has the capacity to further include other County Fire Services not currently on the system and provides opportunity for other municipal departments to obtain network access and realize significant savings.

Financial Impact

The financial impact of Fire Department Radio System Update and Lease Agreement Extension is as follow:

Radio Monthly Fees:

The monthly fee for each two-way radio active on the system (currently have forty-five (45) active radios) will be reduced to thirty-nine dollars (\$39.00) per month compared to the fifty-nine dollars (\$59.00) per month the Town is currently paying.

Paging Monthly Fee

The monthly fee for paging support will be a flat annual rate of seven hundred and four dollars (\$704) which is a reduction from the eight hundred and eighty dollars (\$880) per month currently paying.

The extended agreement would reduce the Town's annual costs for both Radio and Paging from forty-two thousand, four hundred and twenty dollars (\$42,420) to twenty-nine thousand, five hundred and eight dollars (\$29,508) for a total reduction of twelve thousand, nine hundred and twelve dollars (\$12,912) per year or a twenty-five thousand, eight hundred and twenty-four dollars (\$25,824) savings over the extended two (2) years of the contract.

Link to Strategic Priorities

This report contributes to the following Council strategic policies:

- Manage the Town's finances and human resources in a responsible manner; and
- Promote a healthy, safe and environmentally conscious community.

Reviewed by: Donna Hunter, Chief Administrative Officer

Concur

Reviewed by: Jeffrey Morrison, Director of Corporate Services

Concur

Reviewed by: Doug Sweet, Director of Community Services

Concur

Additional Consultation With:

- Bruce Montone, Fire Chief, Town of Amherstburg
- Doug Pitre, Fire Chief, Town of Tecumseh
- Don Williamson, Fire Chief, Town of Lakeshore
- Tim Schweyer, Kelcom Technical Division

Appendix 'A' –Kelcom Digital Radio-Communication System

Contract Extension



DIGITAL RADIO-COMMUNICATION SYSTEM CONTRACT EXTENSION

This agreement made this 1st day of November 2018

BETWEEN:

RadioCo Ltd. o/a KELCOM (hereinafter called "KELCOM")

and

Town of Essex Fire Department (hereinafter called "Essex")

OVERVIEW

This Agreement between KELCOM and Essex is designed to enable access to the Digital Essex County Wide Radio-Communication System utilized by multiple agencies.

By executing this Agreement, KELCOM and Essex agree to an additional two (2) years of current service delivery based on the following terms and conditions. This contract will take effect March 1 2019 thru Feb 28th 2021

AIRTIME SERVICES PROVIDED – VOICE AND OPTIONAL DATA

Monthly service fees, as outlined below, will include flat-rate, unlimited use. Multiple talk-groups will be included and interoperability access to other system users will also be included.

In addition to voice services, Users can also make use of data services such as GPS / AVL and Text Messaging, if desired, at no additional cost.

SERVICE AND SUPPORT

The monthly fee also includes full user equipment maintenance for as long as the equipment remains active on the network (Lifetime Warranty). This warranty program also includes coverage for physical damage, as well as regular use, and portable battery replacement as required. Parts and labour are included in these repairs. Any onsite service for mobile/base station repairs will also be covered in this agreement. The above rates also include all Industry Canada licence fees, network maintenance fees, site rental fees and site linking fees, generator maintenance/repairs.

MONTHLY FEES

See attached Solution Proposal for service schedule (1).

TERM OF AGREEMENT

This agreement will take effect once executed and remain in force through February 28th, 2021. Essex will keep a minimum of 45 active units on the network for the duration of this agreement.

SYSTEM COVERAGE AND CAPACITY

KELCOM agrees to maintain the system including regular maintenance, repairs and enhancements required to continue to ensure the stated coverage levels throughout the municipal boundaries of Essex and make reasonable efforts to overcome coverage deviation from the stated required levels due to changes in the built environment or identifiable sources of harmful interference, where such solutions are within their control. It is understood by the parties however, that signal coverage may fluctuate due to circumstances beyond the parties' control. The system was designed to provide street level coverage throughout Essex County. In building coverage is not guaranteed two (2) "talk around" conventional channels have been dedicated for this purpose. Some examples, but not limited to, that may cause signal variances are Industry Canada or FCC nearby frequency allocation and outside radio frequency interference.

UPTIME

Kelcom will make all reasonable efforts to ensure the radio system is functional and available for reliable use at all times. Planned maintenance will be scheduled in advance with minimal down-time and/or alternate system coverage plans agreeable between the parties. Emergency service and repairs will be available at all times to immediately address operational failures within the system without delay.

Channel Capacity

1. The digital radio system provides priority access for Essex Fire Department on multiple channels (talk paths). The radio system is designed to provide connection with Lakeshore, Tecumseh, Amherstburg and LaSalle Fire Services for any multi-agency event and includes a direct link to Windsor Fire Dispatch.

Paging Network Support

The existing County wide paging system will also be supported and maintained during the contract extension period.

ENTIRE AGREEMENT

This agreement and all attached schedules constitute the entire agreement between the parties to this agreement pertaining to the subject matter hereof and supersede all prior agreements, understandings, negotiations and discussions, whether oral or written, of the parties and there are no warranties, representations, or other agreements between the parties in connection with the subject matter of this agreement except as specifically set forth herein.

GOVERNING LAW

This agreement shall be governed by and construed in accordance with the laws of the Province of Ontario.

Proposal for service schedule (1).

RADIO MONTHLY FEES

The monthly fee for each two-way radio active unit on the system will be \$39.00 for the duration of this agreement. Currently \$59.00

PAGING MONTHLY FEES

The monthly fee for paging support will be a flat rate of \$704 for the duration of this agreement. Currently \$880

IN WITNESS WHEREOF the parties have executed this agreement the day, month and year first written above.

RadioCo Ltd. o/a KELCOM

Per: _____

Tim Schweyer

I have the authority to bind the Corporation.

Town of Essex

Per: _____

Print Name: _____

I have the authority to bind the Corporation.

Report Number: Building 2018-11
Date: December 5, 2018
Subject: November 2018 Building Report

Number of Permits and Construction Value

Permit Type	Permits Issued	Prior Months	Year Total	Cancelled Permits	Monthly Construction Value	Prior Months Construction Value	Less Cancelled Construction Values	Jan - Nov 2018 Construction Values	Jan - Nov 2017 Construction Values
Single Family Residence								\$ -	\$ -
Ward 1	1	54	55		\$ -	\$ 14,713,000.00	\$ -	\$ 14,713,000.00	\$ 6,719,000.00
Ward 2	0	7	7		\$ -	\$ 3,090,000.00	\$ -	\$ 3,090,000.00	\$ 3,105,000.00
Ward 3	1	12	13		\$ 400,000.00	\$ 4,170,950.00	\$ -	\$ 4,570,950.00	\$ 4,079,000.00
Ward 4	0	0	0		\$ -	\$ -	\$ -	\$ -	\$ 620,000.00
Multiple Residential	0	0	0		\$ -	\$ -	\$ -	\$ -	\$ -
Addition/Sunrooms	2	31	33		\$ 82,000.00	\$ 2,781,000.00	\$ -	\$ 2,863,000.00	\$ 1,406,500.00
Garages/Carports	2	25	27		\$ 125,000.00	\$ 902,500.00	\$ -	\$ 1,027,500.00	\$ 244,000.00
Decks/Porches	0	22	22		\$ -	\$ 200,500.00	\$ -	\$ 200,500.00	\$ 161,300.00
Fences/Pools	1	51	52		\$ 16,000.00	\$ 705,400.00	\$ -	\$ 721,400.00	\$ 318,800.00
Demolition	2	15	17		\$ 20,000.00	\$ 90,750.00	\$ -	\$ 110,750.00	\$ 131,150.00
House Raising	4	10	14		\$ 205,000.00	\$ 201,510.00	\$ -	\$ 406,510.00	\$ 130,000.00
Pole Barns	1	27	28		\$ 60,000.00	\$ 1,093,464.00	\$ -	\$ 1,153,464.00	\$ 828,000.00
Commercial/Industrial	1	1	2		\$ 1,500,000.00	\$ 644,000.00	\$ -	\$ 2,144,000.00	\$ 396,000.00
Miscellaneous	2	44	46		\$ 3,800.00	\$ 889,150.00	\$ -	\$ 892,950.00	\$ 728,282.00
Shed	0	12	12		\$ -	\$ 85,200.00	\$ -	\$ 85,200.00	\$ 165,900.00
Roof	1	14	15		\$ 10,000.00	\$ 322,500.00	\$ -	\$ 332,500.00	\$ 91,500.00
Septic System	0	12	12		\$ -	\$ 294,200.00	\$ -	\$ 294,200.00	\$ 225,500.00
Sign	2	26	28		\$ 50,500.00	\$ 43,650.00	\$ -	\$ 94,150.00	\$ 66,045.00
Green Houses/Winery	0	1	1		\$ -	\$ 25,000.00	\$ -	\$ 25,000.00	\$ -
Renovations	2	22	24		\$ 50,000.00	\$ 964,900.00	\$ -	\$ 1,014,900.00	\$ 542,300.00
Additions/Renovation-Commercial/Industrial/Inst	3	17	20		\$ 180,000.00	\$ 2,828,700.00	\$ -	\$ 3,008,700.00	\$ 264,500.00
Plumbing only	1	3	4		\$ 70,000.00	\$ 30,000.00	\$ -	\$ 100,000.00	\$ 45,000.00
Demolition Out Buildings	0	0	0		\$ -	\$ -	\$ -	\$ -	\$ 10,000.00
Total Permits/Construction Value	26	406	432	0	\$ 2,772,300.00	\$ 34,076,374.00	\$ -	\$ 36,848,674.00	\$ 20,277,777.00

Permit Fee Totals

Permit Fees	
Monthly Total	\$ 17,839.00
Yearly Total	\$ 409,384.05
Previous Year Total	\$ 283,662.35

Monthly Building Permit Totals

Permit Categories	January	February	March	April	May	June	July	August	September	October	November	December	Total	Cancelled Permits	Year Total
Single Family Residence															
Ward 1	0	0	7	11	1	10	6	2	6	11	1	0	55		55
Ward 2	0	1	2	3	1	0	0	0	0	0	0		7		7
Ward 3	0	0	2	2	2	0	1	2	1	2	1		13		13
Ward 4	0	0	0	0	0	0	0	0	0	0	0		0		0
Multiple Residential	0	0	0	0	0	0	0	0	0	0	0		0		0
Addition/Sunrooms	0	0	4	3	2	3	4	5	4	6	2		33		33
Garages/Carports	0	1	1	3	3	3	2	1	8	3	2		27		27
Decks/Porches	0	0	2	0	3	8	5	1	2	1	0		22		22
Fences/Pools	0	0	11	5	6	15	4	5	2	3	1		52		52
Demolition	1	0	3	2	0	0	1	1	3	4	2		17		17
House Raising	0	0	0	2	1	0	2	2	1	2	4		14		14
Pole Barns	4	1	1	6	3	3	0	2	5	2	1		28		28
Commercial/Industrial	0	0	0	0	1	0	0	0	0	0	1		2		2
Miscellaneous	4	1	5	5	9	4	3	4	8	1	2		46		46
Shed	1	0	0	2	1	3	1	2	1	1	0		12		12
Roof	1	1	2	1	1	2	2	1	3	0	1		15		15
Septic System	1	1	0	0	1	1	0	0	3	5	0		12		12
Sign	4	1	7	3	1	5	1	1	1	2	2		28		28
Green Houses/Winery	0	0	0	0	0	0	0	0	1	0	0		1		1
Renovations	7	2	1	0	2	2	3	2	0	3	2		24		24
Additions/Renovation-Commercial/Industrial/Institutional	0	1	5	1	0	4	3	2	0	1	3		20		20
Plumbing only	1	0	0	0	0	1	1	0	0	0	1		4		4
Demolition Out Buildings	0	0	0	0	0	0	0	0	0	0	0		0		0
Total	24	10	53	49	38	64	39	33	49	47	26	0	432	0	432

Monthly Permit Fee Totals

Permit Categories	January	February	March	April	May	June	July	August	September	October	November	December	Total	Cancelled	Year Total
														Permits	
Single Family Residence	\$ 637.68	\$ -	\$ 34,061.00	\$ 60,859.85	\$ 13,726.30	\$ 36,967.50	\$ 21,189.15	\$ 16,701.25	\$ 24,075.50	\$ 33,197.60	\$ 4,131.00		\$ 245,546.83	\$ -	\$ 245,546.83
Single Family Residence-Plumbing	\$ -	\$ 3,026.03	\$ 6,600.00	\$ 9,600.00	\$ 2,400.00	\$ 6,000.00	\$ 3,600.00	\$ 2,400.00	\$ 4,200.00	\$ 7,800.00	\$ 600.00		\$ 46,226.03	\$ -	\$ 46,226.03
Single Family Residence-Septic	\$ -	\$ -	\$ 2,100.00	\$ 3,500.00	\$ 1,400.00	\$ -	\$ 700.00	\$ 700.00	\$ -	\$ 700.00	\$ 700.00		\$ 9,800.00	\$ -	\$ 9,800.00
Multiple Residential	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -
Additions/Sunrooms	\$ -	\$ -	\$ 3,070.00	\$ 2,010.00	\$ 790.00	\$ 411.00	\$ 3,514.00	\$ 2,161.20	\$ 1,245.20	\$ 5,765.00	\$ 585.00		\$ 19,551.40	\$ -	\$ 19,551.40
Garages/Carports	\$ -	\$ 400.00	\$ 150.00	\$ 390.00	\$ 420.00	\$ 350.00	\$ 420.00	\$ 300.00	\$ 1,267.50	\$ 604.00	\$ 837.00		\$ 5,138.50	\$ -	\$ 5,138.50
Decks/Porches	\$ -	\$ -	\$ 200.00	\$ -	\$ 300.00	\$ 700.00	\$ 700.00	\$ 100.00	\$ 200.00	\$ 100.00	\$ -		\$ 2,300.00	\$ -	\$ 2,300.00
Fences/Pools	\$ -	\$ -	\$ 880.00	\$ 300.00	\$ 460.00	\$ 900.00	\$ 240.00	\$ 300.00	\$ 180.00	\$ 180.00	\$ 60.00		\$ 3,500.00	\$ -	\$ 3,500.00
Demolition	\$ 100.00	\$ -	\$ 450.00	\$ 300.00	\$ -	\$ -	\$ 100.00	\$ 200.00	\$ 475.00	\$ 650.00	\$ 800.00		\$ 3,075.00	\$ -	\$ 3,075.00
House Raising	\$ -	\$ -	\$ -	\$ 200.00	\$ 220.00	\$ -	\$ 200.00	\$ 400.00	\$ 100.00	\$ 200.00	\$ 1,119.00		\$ 2,439.00	\$ -	\$ 2,439.00
Pole Barns	\$ 1,649.80	\$ 500.00	\$ 240.00	\$ 1,320.00	\$ 420.00	\$ 600.00	\$ -	\$ 300.00	\$ 1,560.00	\$ 1,338.00	\$ 360.00		\$ 8,287.80	\$ -	\$ 8,287.80
Commercial/Industrial	\$ -	\$ -	\$ 100.00	\$ -	\$ 6,440.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 6,372.00		\$ 12,912.00	\$ -	\$ 12,912.00
Miscellaneous	\$ 300.00	\$ -	\$ 500.00	\$ 3,500.00	\$ 828.00	\$ 425.00	\$ 1,500.00	\$ 640.00	\$ 1,250.00	\$ 100.00	\$ 100.00		\$ 9,143.00	\$ -	\$ 9,143.00
Shed	\$ 100.00	\$ -	\$ -	\$ 200.00	\$ 100.00	\$ 300.00	\$ 100.00	\$ 200.00	\$ 100.00	\$ 100.00	\$ -		\$ 1,200.00	\$ -	\$ 1,200.00
Roof	\$ 100.00	\$ 200.00	\$ 200.00	\$ 100.00	\$ 108.00	\$ 300.00	\$ 200.00	\$ 200.00	\$ 400.00	\$ -	\$ 100.00		\$ 1,908.00	\$ -	\$ 1,908.00
Septic System	\$ 100.00	\$ 700.00	\$ -	\$ -	\$ 700.00	\$ 700.00	\$ -	\$ -	\$ 1,550.00	\$ 3,500.00	\$ -		\$ 7,250.00	\$ -	\$ 7,250.00
Sign	\$ 175.00	\$ 25.00	\$ 175.00	\$ 75.00	\$ 100.00	\$ 275.00	\$ 100.00	\$ 25.00	\$ 250.00	\$ 125.00	\$ 275.00		\$ 1,600.00	\$ -	\$ 1,600.00
Green Houses/Winery	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 100.00	\$ -	\$ -		\$ 100.00	\$ -	\$ 100.00
Renovations	\$ 1,560.00	\$ 2,654.95	\$ 100.00	\$ -	\$ 466.50	\$ 425.00	\$ 910.00	\$ 200.00	\$ -	\$ 500.00	\$ 205.00		\$ 7,021.45	\$ -	\$ 7,021.45
Additions/Renovation-Commercial/Industrial/Institutional	\$ -	\$ 978.00	\$ 2,600.00	\$ 100.00	\$ -	\$ 800.00	\$ 9,962.04	\$ 800.00	\$ -	\$ 100.00	\$ 845.00		\$ 16,185.04	\$ -	\$ 16,185.04
Plumbing only	\$ 150.00	\$ -	\$ -	\$ -	\$ -	\$ 150.00	\$ 150.00	\$ -	\$ -	\$ -	\$ 750.00		\$ 1,200.00	\$ -	\$ 1,200.00
Demolition Out Buildings	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -
Total	\$ 4,872.48	\$ 8,483.98	\$ 51,426.00	\$ 82,454.85	\$ 28,878.80	\$ 49,303.50	\$ 43,585.19	\$ 25,627.45	\$ 36,953.20	\$ 54,959.60	\$ 17,839.00	\$ -	\$ 404,384.05	\$ -	\$ 404,384.05

Monthly Construction Value Total

Permit Categories	January	February	March	April	May	June	July	August	September	October	November	December	Total	Cancelled Permits	Year Total
Single Family Residence															
Ward 1	\$ -	\$ -	\$ 1,823,000.00	\$ 2,800,000.00	\$ 300,000.00	\$ 2,800,000.00	\$ 1,380,000.00	\$ 580,000.00	\$ 1,550,000.00	\$ 3,480,000.00	\$ -		\$ 14,713,000.00	\$ -	\$ 14,713,000.00
Ward 2	\$ -	\$ 500,000.00	\$ 675,000.00	\$ 1,015,000.00	\$ 900,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ 3,090,000.00	\$ -	\$ 3,090,000.00
Ward 3	\$ -	\$ -	\$ 400,000.00	\$ 950.00	\$ 365,000.00	\$ -	\$ 400,000.00	\$ 1,600,000.00	\$ 400,000.00	\$ 1,005,000.00	\$ 400,000.00		\$ 4,570,950.00	\$ -	\$ 4,570,950.00
Ward 4	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -
Multiple Residential	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -
Additions/Sunrooms	\$ -	\$ -	\$ 405,000.00	\$ 345,000.00	\$ 198,000.00	\$ 40,000.00	\$ 635,000.00	\$ 118,000.00	\$ 92,000.00	\$ 948,000.00	\$ 82,000.00		\$ 2,863,000.00	\$ -	\$ 2,863,000.00
Garages/Carports	\$ -	\$ 40,000.00	\$ 150,000.00	\$ 52,000.00	\$ 100,000.00	\$ 32,000.00	\$ 267,000.00	\$ 30,000.00	\$ 157,000.00	\$ 74,500.00	\$ 125,000.00		\$ 1,027,500.00	\$ -	\$ 1,027,500.00
Decks/Porches	\$ -	\$ -	\$ 10,000.00	\$ -	\$ 23,000.00	\$ 84,500.00	\$ 58,500.00	\$ 10,000.00	\$ 4,500.00	\$ 10,000.00	\$ -		\$ 200,500.00	\$ -	\$ 200,500.00
Fences/Pool	\$ -	\$ -	\$ 190,600.00	\$ 93,000.00	\$ 140,000.00	\$ 80,200.00	\$ 41,000.00	\$ 15,100.00	\$ 97,000.00	\$ 48,500.00	\$ 16,000.00		\$ 721,400.00	\$ -	\$ 721,400.00
Demolition	\$ 5,950.00	\$ -	\$ 13,000.00	\$ 13,500.00	\$ -	\$ -	\$ 7,800.00	\$ 5,000.00	\$ 14,500.00	\$ 20,000.00	\$ 20,000.00		\$ 99,750.00	\$ -	\$ 99,750.00
House Raising	\$ -	\$ -	\$ -	\$ 16,000.00	\$ 22,000.00	\$ -	\$ 13,800.00	\$ 50,000.00	\$ 34,000.00	\$ 65,710.00	\$ 205,000.00		\$ 406,510.00	\$ -	\$ 406,510.00
Pole Barns	\$ 151,000.00	\$ 319,564.00	\$ 24,000.00	\$ 182,900.00	\$ 58,000.00	\$ 93,000.00	\$ -	\$ 17,000.00	\$ 233,000.00	\$ 15,000.00	\$ 60,000.00		\$ 1,153,464.00	\$ -	\$ 1,153,464.00
Commercial/Industrial	\$ -	\$ -	\$ -	\$ -	\$ 644,000.00	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 1,500,000.00		\$ 2,144,000.00	\$ -	\$ 2,144,000.00
Miscellaneous	\$ 55,200.00	\$ 3,900.00	\$ 170,350.00	\$ 395,000.00	\$ 40,350.00	\$ 1,850.00	\$ 40,000.00	\$ 41,000.00	\$ 81,500.00	\$ 60,000.00	\$ 3,800.00		\$ 892,950.00	\$ -	\$ 892,950.00
Shed	\$ 5,000.00	\$ -	\$ -	\$ 14,700.00	\$ 2,000.00	\$ 7,500.00	\$ 5,000.00	\$ 15,000.00	\$ 30,000.00	\$ 6,000.00	\$ -		\$ 85,200.00	\$ -	\$ 85,200.00
Roof	\$ 19,000.00	\$ 12,000.00	\$ 35,000.00	\$ 2,000.00	\$ 12,000.00	\$ 31,000.00	\$ 50,000.00	\$ 20,000.00	\$ 141,500.00	\$ -	\$ 10,000.00		\$ 332,500.00	\$ -	\$ 332,500.00
Septic System	\$ 1,200.00	\$ 15,000.00	\$ -	\$ -	\$ 25,000.00	\$ 23,000.00	\$ -	\$ -	\$ 85,000.00	\$ 145,000.00	\$ -		\$ 294,200.00	\$ -	\$ 294,200.00
Sign	\$ 1,300.00	\$ 1,800.00	\$ 1,150.00	\$ 600.00	\$ 3,800.00	\$ 2,600.00	\$ 5,500.00	\$ 400.00	\$ 25,400.00	\$ 1,100.00	\$ 50,500.00		\$ 94,150.00	\$ -	\$ 94,150.00
Green Houses/Winery	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 25,000.00	\$ -	\$ -		\$ 25,000.00	\$ -	\$ 25,000.00
Renovations	\$ 149,300.00	\$ 505,600.00	\$ 20,000.00	\$ -	\$ 65,000.00	\$ 58,000.00	\$ 92,000.00	\$ 15,000.00	\$ -	\$ 60,000.00	\$ 50,000.00		\$ 1,014,900.00	\$ -	\$ 1,014,900.00
Additions/Renovation-Commercial/Industrial/Institutional	\$ -	\$ 9,000.00	\$ 895,000.00	\$ 8,000.00	\$ -	\$ 321,700.00	\$ 1,430,000.00	\$ 125,000.00	\$ -	\$ 40,000.00	\$ 180,000.00		\$ 3,008,700.00	\$ -	\$ 3,008,700.00
Plumbing only	\$ 5,000.00	\$ -	\$ -	\$ -	\$ -	\$ 20,000.00	\$ 5,000.00	\$ -	\$ -	\$ -	\$ 70,000.00		\$ 100,000.00	\$ -	\$ 100,000.00
Demolition Out Buildings	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -		\$ -	\$ -	\$ -
Total	\$ 392,950.00	\$ 1,406,864.00	\$ 4,812,100.00	\$ 4,938,650.00	\$ 2,898,150.00	\$ 3,595,350.00	\$ 4,430,600.00	\$ 2,641,500.00	\$ 2,970,400.00	\$ 5,978,810.00	\$ 2,772,300.00	\$ -	\$ 36,837,674.00	\$ -	\$ 36,837,674.00



Report to Council

Department: Corporate Services

Date: December 17, 2018

Prepared by: Jeffrey R. Morrison, CPA, CGA
Director, Corporate Services / Treasurer

Submitted by: Jeffrey R. Morrison, CPA, CGA
Director, Corporate Services / Treasurer

Report Number: Corporate Services Report 2018-14

Subject: Extension Agreement – 140 000 01900 0000

Number of Pages: 6, including By-Law

Recommendation(s)/Conclusion(s)

The following two recommendations are provided for Council's consideration:

1. That Corporate Services Report Number 2018-14 entitled "Extension Agreements – 140 000 01900 0000" be received; and
2. That By-Law Number 1762, being a by-law to authorize an Extension Agreement is retroactive to November 27, 2018 between Gregory James St. Louis and the Town of Essex for the payment of outstanding taxes as at November 27, 2018 in the amount of \$13,234.98 receive a first, second and third reading and be passed on December 17, 2018.

Purpose

By-Laws to enter into Extension Agreements for the payment of outstanding taxes must be adopted by Council if the Tax Arrears Certificate is registered prior to January 01, 2018.

Background

On November 29, 2017 a Tax Arrears Certificate was registered against a property at 175 Albert Street, Essex, Ontario (Roll Number 140-000-01900-0000), owned by Gregory James St. Louis. In the absence of a payment of the outstanding amount during the one-year redemption period following registration, Gregory James St. Louis has requested that the Town enter into an Extension Agreement to allow repayment of outstanding amounts.

Schedule "B" to By-Law Number 1762 provides for full payment of the outstanding amount over a eleven-month period. The total payment as of October 31, 2019, for all outstanding taxes, including legal fees, interest and penalty is estimated at \$17,347.48. The monthly payments are subject to revision if a lump-sum payment is received at the beginning of the eleven-month period.

In the event that either property owner fails to make a payment as outlined in Schedule "B" to the By-Law, the tax registration process will resume, which includes the sale of lands for tax arrears.

Financial Impact

The Extension Agreement in itself has no financial impact as amounts collected will be applied against outstanding taxes.

Link to Strategic Priorities

This report is linked to the Strategic Priority: "Manage the Town's finances and human resources in a responsible manner".

Reviewed by: Michaele Woodiwiss, Tax Coordinator

Concur

Reviewed by: Kate Giurissevich, Manager, Finance & Business Services

Concur

BY-LAW No. 1762

Being a by-law of the CORPORATION OF THE TOWN OF ESSEX
to authorize an EXTENSION AGREEMENT

Name of Municipality or Board

WHEREAS the *Municipal Act*, 2001, provides that after the registration of the tax arrears certificate and before the expiry of the one-year period following the date of the registration of the tax arrears certificate, the Municipality or Board may authorize an extension agreement with the owner of the land, the spouse of the owner, a mortgagee or a tenant in occupation of the land extending the period of time in which the cancellation price is to be paid;

AND WHEREAS Gregory James St. Louis has
Name of owner requesting extension agreement

petitioned the Municipality or Board to pass a by-law to authorize an extension agreement with respect to certain land against which a tax arrears certificate has been registered, which land is described in Schedule "A" attached hereto and forming part of this by-law, hereinafter referred to as "the land";

AND WHEREAS the statutory period within which such a by-law may be enacted has not elapsed;

NOW THEREFORE, the CORPORATION OF THE TOWN OF ESSEX
enacts as follows:

Name of Municipality or Board

- 1 - The Municipality or Board shall enter into an agreement with the owner of the land for extending to October 31, 2019
the time period in which the cancellation price payable in respect of the land is to be paid.
Final date of extension
2. The agreement shall be substantially the same form and contain the same terms and conditions as the agreement set out on Schedule "B" attached hereto and forming part of this by-law.
3. The Head of Council and the Clerk of the Municipality, or the Chair and authorized employee of the Board are hereby authorized and directed to execute the agreement on behalf of the Municipality or Board.
4. This by-law comes into force when it is passed and may be cited as the "Town of Essex &
Gregory James St. Louis Extension Agreement By-law."

FIRST READING December 17, 2018

SECOND READING December 17, 2018

READ A THIRD TIME AND PASSED

this 17th day of December

Head of Council or Chair of Board

Clerk or Other Authorized Employee

EXTENSION AGREEMENT

Page 1 of 3 pages

This Agreement made this 27th day of November, 2018
in pursuance of subsection 378 (3) of the *Municipal Act, 2001*,

BETWEEN The Corporation of the Town of Essex
Municipality or Board, hereinafter called "the Authority"
and Gregory James St. Louis
Hereinafter called "the Owner"

WHEREAS the Authority has by By-law (number and title) By-Law # 1762 Gregory James St. Louis - Extension Agreement By-Law 1762
authorized an Extension Agreement with the Owner to extend to (final date of extension) October 31, 2019 the
payment period for the cancellation price payable in respect of the Land described in Schedule "A" attached hereto, hereinafter
referred to as "the Land,"

NOW THEREFORE the Authority and Owner agree as follows:

1. The Authority will extend to (final date of extension) October 31, 2019 the payment period for the cancellation price payable in respect of the land.
2. The Owner will make payments to the Authority in accordance with Schedule "B" attached hereto.
3. In addition to paying the amounts provided for in paragraph 2, the Owner will pay:
 - (a) as they become due, all real property taxes levied on the Land that became due and payable during the term of this Agreement; and
 - (b) not later than 14 days following the due date of the last payment under paragraph 2, such additional charges added to the roll, any additional penalty & interest and any additional legal costs.
4. As long as this Agreement is a subsisting Agreement, the Authority and its officers will not, except as otherwise provided in this Agreement, enforce the collection of real property taxes that, at the time of entering into this Agreement, are overdue or in arrears in respect of the Land but compliance with this provision does not constitute a waiver of the rights of the Authority or its officers to enforce collection of such taxes in the future if the Owner is in default under this Agreement.
5. If the Owner fails to make a payment as required by paragraph 2 or by clause (a) of paragraph 3 within fourteen days following the day that the payment is due, or fails to make the payment as required by clause (b) of paragraph 3, the Owner is in default and on the day that notice of the default is sent to the Owner by the Authority in accordance with paragraph 8, this Agreement shall cease to be considered a subsisting Agreement.
6. This Agreement shall cease to be considered a subsisting Agreement upon the date of the sale or other disposition of the Land by the Owner.
7. Notwithstanding paragraphs 2 and 3, the Owner or any other person may pay the cancellation price at any time and this Agreement terminates when the cancellation price is so paid.
8. Notice to the Owner under this Agreement is sufficiently given if sent by registered post to the Owner at the following address:
175 Albert Street, Essex, Ontario N8M 2E5

In witness whereof the said parties hereto have hereunto set their hands and seals.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Witness



Signature of Owner

Witness

Signature of Head of Council
or Chair of Board

Corporate Seal

Witness

Signature of Clerk
or Other Authorized Employee

Cancellation price - means an amount equal to all the tax arrears owing at any time in respect of land together with all current real property taxes owing, interest and penalties thereon and all reasonable costs incurred by the municipality after the treasurer becomes entitled to register a tax arrears certificate under section 373 in proceeding under this Part or in contemplation of proceeding under this Part and may include,

- (a) legal fees and disbursements,
- (b) the costs of preparing an extension agreement under section 378,
- (c) the costs of preparing any survey required to register a document under this Part, and
- (d) a reasonable allowance for costs that may be incurred subsequent to advertising under section 379. *Municipal Act, 2001, c. 25, s. 371 (1).*

SCHEDULE "A"

to EXTENSION AGREEMENT NO. 1762

between the Authority and Gregory James St. Louis

Name of Owner

DESCRIPTION OF THE LAND

Municipality of the Town of Essex

in the County of Essex

whole/part Lot Concession

Lot No. 8-9 Plan No. 190 Colchester, S/T Spousal Interest in R1136397 Block No.

Parcel Section

as set out in Instrument No. PIN 75226-0153 (LT) registered in the

Land Registry Office for the Registry/Land Titles Division of Ontario

Street Albert Street No. 175

SCHEDULE "B"

to EXTENSION AGREEMENT NO. 1762

between the Authority and Gregory James St. Louis

Name of Owner

DATE PAYMENT DUE		BALANCE OF CANCELLATION PRICE	PAYMENT OF CANCELLATION PRICE	ACCRUED INTEREST	TOTAL PAYMENT
OPENING BALANCE		\$ 13,234.98			\$17,347.48
1	December 29, 2018		\$ 1,577.00	\$	\$
2	January 31, 2019		\$1,577.00		
3	February 28, 2019		\$1,577.00		
4	March 29, 2019		\$1,577.00		
5	April 30, 2019		\$1,577.00		
6	May 31, 2019		\$1,577.00		
7	June 28, 2019		\$1,577.00		
8	July 31, 2019		\$1,577.00		
9	August 30, 2019		\$1,577.00		
10	September 30, 2019		\$1,577.00		
11	October 31, 2019		\$1,577.48		
12	(cancellation price				
13	calculated as of				
14	October 31, 2019				
15	penalty & interest will				
16	be added, additional				
17	legal fees & future				
18	installments, which				
19	be paid by the final				
20	payment.)				
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Report to Council

Department: Corporate Services

Date: December 17, 2018

Prepared by: Jeffrey R. Morrison, CPA, CGA
Director, Corporate Services / Treasurer

Submitted by: Jeffrey R. Morrison, CPA, CGA
Director, Corporate Services / Treasurer

Report Number: Corporate Services Report 2018-15

Subject: Extension Agreement – 560 000 14000 0000

Number of Pages: 6, including By-Law

Recommendation(s)/Conclusion(s)

The following two recommendations are provided for Council's consideration:

1. That Corporate Services Report Number 2018-15 entitled "Extension Agreements – 560 000 14000 0000" be received; and
2. That By-Law Number 1763, being a by-law to authorize an Extension Agreement is retroactive to November 26, 2018 between Jennifer Beasley and the Town of Essex for the payment of outstanding taxes as at November 26, 2018 in the amount of \$10,327.61 receive a first, second and third reading and be passed on December 17, 2018.

Purpose

By-Laws to enter into Extension Agreements for the payment of outstanding taxes must be adopted by Council if the Tax Arrears Certificate is registered prior to January 01, 2018.

Background

On November 29, 2017 a Tax Arrears Certificate was registered against a property at 42 Cherry Street, McGregor, Ontario (Roll Number 560-000-14000-0000), owned by Jennifer Beasley. In the absence of a payment of the outstanding amount during the one-year redemption period following registration, Jennifer Beasley has requested that the Town enter into an Extension Agreement to allow repayment of outstanding amounts.

Schedule "B" to By-Law Number 1763 provides for full payment of the outstanding amount over a nine-month period. The total payment as of August 30, 2019, for all outstanding taxes, including legal fees, interest and penalty is estimated at \$11,904.52. The monthly payments are subject to revision if a lump-sum payment is received at the beginning of the nine-month period.

In the event that either property owner fails to make a payment as outlined in Schedule "B" to the By-Law, the tax registration process will resume, which includes the sale of lands for tax arrears.

Financial Impact

The Extension Agreement in itself has no financial impact as amounts collected will be applied against outstanding taxes.

Link to Strategic Priorities

This report is linked to the Strategic Priority: "Manage the Town's finances and human resources in a responsible manner".

Reviewed by: Michael Woodiwiss, Tax Coordinator

Concur

Kate Giurissevich, Manager, Finance & Business Services

Concur

BY-LAW No. 1763

Being a by-law of the CORPORATION OF THE TOWN OF ESSEX
Name of Municipality or Board
to authorize an EXTENSION AGREEMENT

WHEREAS the *Municipal Act*, 2001, provides that after the registration of the tax arrears certificate and before the expiry of the one-year period following the date of the registration of the tax arrears certificate, the Municipality or Board may authorize an extension agreement with the owner of the land, the spouse of the owner, a mortgagee or a tenant in occupation of the land extending the period of time in which the cancellation price is to be paid;

AND WHEREAS Jennifer Beasley has
Name of owner requesting extension agreement

petitioned the Municipality or Board to pass a by-law to authorize an extension agreement with respect to certain land against which a tax arrears certificate has been registered, which land is described in Schedule "A" attached hereto and forming part of this by-law, hereinafter referred to as "the land";

AND WHEREAS the statutory period within which such a by-law may be enacted has not elapsed;

NOW THEREFORE, the CORPORATION OF THE TOWN OF ESSEX
Name of Municipality or Board
enacts as follows:

- 1 - The Municipality or Board shall enter into an agreement with the owner of the land for extending to August 30, 2019
Final date of extension
the time period in which the cancellation price payable in respect of the land is to be paid.
2. The agreement shall be substantially the same form and contain the same terms and conditions as the agreement set out on Schedule "B" attached hereto and forming part of this by-law.
3. The Head of Council and the Clerk of the Municipality, or the Chair and authorized employee of the Board are hereby authorized and directed to execute the agreement on behalf of the Municipality or Board.
4. This by-law comes into force when it is passed and may be cited as the "Town of Essex & Jennifer Beasley Extension Agreement By-law."

FIRST READING December 17, 2018

SECOND READING December 17, 2018

READ A THIRD TIME AND PASSED

this 17th day of December

Head of Council or Chair of Board

Clerk or Other Authorized Employee

EXTENSION AGREEMENT

Page 1 of 3 pages

This Agreement made this 26th day of November, 2018,
in pursuance of subsection 378 (3) of the *Municipal Act, 2001*,

BETWEEN The Corporation of the Town of Essex
Municipality or Board, hereinafter called "the Authority"
and Jennifer Beasley
Hereinafter called "the Owner"

WHEREAS the Authority has by By-law (number and title) By-Law # 1763 Jennifer Beasley - Extension Agreement By-Law 1763
authorized an Extension Agreement with the Owner to extend to (final date of extension) August 30, 2019 the
payment period for the cancellation price payable in respect of the Land described in Schedule "A" attached hereto, hereinafter
referred to as "the Land;"

NOW THEREFORE the Authority and Owner agree as follows:

1. The Authority will extend to (final date of extension) August 30, 2019 the payment period for the cancellation price payable in respect of the land.
2. The Owner will make payments to the Authority in accordance with Schedule "B" attached hereto.
3. In addition to paying the amounts provided for in paragraph 2, the Owner will pay:
 - (a) as they become due, all real property taxes levied on the Land that became due and payable during the term of this Agreement; and
 - (b) not later than 14 days following the due date of the last payment under paragraph 2, such additional charges added to the roll, any additional penalty & interest and any additional legal costs.
4. As long as this Agreement is a subsisting Agreement, the Authority and its officers will not, except as otherwise provided in this Agreement, enforce the collection of real property taxes that, at the time of entering into this Agreement, are overdue or in arrears in respect of the Land but compliance with this provision does not constitute a waiver of the rights of the Authority or its officers to enforce collection of such taxes in the future if the Owner is in default under this Agreement.
5. If the Owner fails to make a payment as required by paragraph 2 or by clause (a) of paragraph 3 within fourteen days following the day that the payment is due, or fails to make the payment as required by clause (b) of paragraph 3, the Owner is in default and on the day that notice of the default is sent to the Owner by the Authority in accordance with paragraph 8, this Agreement shall cease to be considered a subsisting Agreement.
6. This Agreement shall cease to be considered a subsisting Agreement upon the date of the sale or other disposition of the Land by the Owner.
7. Notwithstanding paragraphs 2 and 3, the Owner or any other person may pay the cancellation price at any time and this Agreement terminates when the cancellation price is so paid.
8. Notice to the Owner under this Agreement is sufficiently given if sent by registered post to the Owner at the following address:
42 Cherry St, McGregor, Ontario, N0R 1J0

In witness whereof the said parties hereto have hereunto set their hands and seals.

SIGNED, SEALED AND DELIVERED
IN THE PRESENCE OF

Witness


Signature of Owner

Witness

Signature of Head of Council
or Chair of Board

Corporate Seal

Witness

Signature of Clerk
or Other Authorized Employee

Cancellation price - means an amount equal to all the tax arrears owing at any time in respect of land together with all current real property taxes owing, interest and penalties thereon and all reasonable costs incurred by the municipality after the treasurer becomes entitled to register a tax arrears certificate under section 373 in proceeding under this Part or in contemplation of proceeding under this Part and may include,

- (a) legal fees and disbursements,
- (b) the costs of preparing an extension agreement under section 378,
- (c) the costs of preparing any survey required to register a document under this Part, and
- (d) a reasonable allowance for costs that may be incurred subsequent to advertising under section 379. *Municipal Act, 2001*

SCHEDULE "A"

to EXTENSION AGREEMENT NO. 1763

between the Authority and Jennifer Beasley

Name of Owner

DESCRIPTION OF THE LAND

Municipality of the Town of Essex

in the County of Essex

whole/part Lot Unit 366, Level 1 Concession

Lot No. Plan No. Essex Vacant Land Condominium Plan No 163 Block No.

Parcel Section

as set out in Instrument No. PIN 01913-0366 (LT) registered in the

Land Registry Office for the Registry/Land Titles Division of Ontario

Street Cherry St. No. 42

SCHEDULE "B "

to EXTENSION AGREEMENT NO. 1763

between the Authority and Jennifer Beasley

Name of Owner

DATE PAYMENT DUE		BALANCE OF CANCELLATION PRICE	PAYMENT OF CANCELLATION PRICE	ACCRUED INTEREST	TOTAL PAYMENT
OPENING BALANCE		\$ 10,327.61			11,904.52
1	December 21, 2018		\$ 1,325.00	\$	\$
2	January 31, 2019		\$1,325.00		
3	February 28, 2019		\$1,325.00		
4	March 29, 2019		\$1,325.00		
5	April 30, 2019		\$1,325.00		
6	May 31, 2019		\$1,325.00		
7	June 28, 2019		\$1,325.00		
8	July 31, 2019		\$1,325.00		
9	August 30, 2019		\$1,304.52		
10					
11	(cancellation price				
12	calculated as of				
13	August 30, 2019				
14	penalty & interest will				
15	be added, additional				
16	legal fees & future				
17	installments, which				
18	be paid by the final				
19	payment.)				
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Report to Council

Department: Corporate Services

Date: December 17, 2018

Prepared by: Jeffrey R. Morrison, CPA, CGA
Director, Corporate Services / Treasurer

Submitted by: Jeffrey R. Morrison, CPA, CGA
Director, Corporate Services / Treasurer

Report Number: Corporate Services Report 2018-016

Subject: 2019 Water and Sanitary Sewer Rates

Number of Pages: 7, including by-law

Recommendation(s)/Conclusion(s)

The following two recommendations are provided for Council's consideration:

1. That Corporate Services Report Number 2018-016 entitled "2019 Water and Sanitary Sewer Rates" be received; and
2. That By-Law Number 1764, being a By-Law to establish Water and Sanitary Sewer Rates and Charges receive a first, second and third reading at the Regular Meeting on December 17, 2018.

Purpose

A By-Law to establish rates and charges must be adopted by Council.

Background

In October, 2015, Watson & Associates Economists Ltd. completed a water and wastewater study that determined the rates for 2016 to 2025. The by-law which set the rates for 2018 expires on December 31, 2018, therefore a new by-law to establish the 2019 rates is required.

Schedule “A” to this report provides a comparison by ward, of the impacts of the 2019 rates compared to the 2018 rates. As noted in this schedule water rates will result in an increase in annual water charges of 1% in all wards in 2018, while increases in annual sanitary sewer charges will vary by ward—2% for Ward 1, 3% for Ward 3 and 2% for Ward 4. Combined water and sanitary sewer charges will increase 1% in Ward 1 or \$13.96 per annum, and 2% in Wards 3 and 4 for an annual increase of \$21.60 in Ward 3 and \$15.96 in Ward 4. Sanitary sewer charges are not applicable to Ward 2.

By-Law Number 1764, being a by-law to establish water and sanitary sewer rates and charges is attached for purposes of receiving first, second and third reading. The schedules attached to this by-law include the rates as determined in the Watson & Associates study. The Water Turn on and Turn-off Charge as well as the Deposit for new water and sanitary sewer accounts has been adjusted by the Consumer Price Index – All Items – Ontario as in prior years.

Financial Impact

Increases in water and sanitary sewer rates have the effect of offsetting increases in expenses resulting from increases in the Consumer Price Index and providing for the required lifecycle reserves.

Link to Strategic Priorities

This report is linked to the Strategic Priorities:

- Manage the Town's finances and human resources in a responsible manner;

Reviewed by: Donna E. Hunter, Chief Administrative Officer

Concur

Chris Nepszy, Director, Infrastructure

Concur

Andy Graf, Manager, Environmental Services

Concur

Description of Charge	Ward 1 - 2018	Ward 1 - 2019	Ward 1 - Increase	Ward 2 - 2018	Ward 2 - 2019	Ward 2 - Increase	Ward 3 - 2018	Ward 3 - 2019	Ward 3 - Increase	Ward 4 - 2018	Ward 4 - 2019	Ward 4 - Increase
Schedule "A" to Corporate Services Report 2018-016												
Town of Essex												
Water & Sanitary Sewer Charges												
For the Year 2019(with comparative figures for 2018)												
Water												
Base Charge per Year	\$ 231.60	\$ 233.88	\$ 2.28	\$ 231.60	\$ 233.88	\$ 2.28	\$ 231.60	\$ 233.88	\$ 2.28	\$ 231.60	\$ 233.88	\$ 2.28
Consumption per Year	\$ 248.50	\$ 250.25	\$ 1.75	\$ 248.50	\$ 250.25	\$ 1.75	\$ 238.50	\$ 241.50	\$ 3.00	\$ 238.50	\$ 241.50	\$ 3.00
Total Water per Year	\$ 480.10	\$ 484.13	\$ 4.03	\$ 480.10	\$ 484.13	\$ 4.03	\$ 470.10	\$ 475.38	\$ 5.28	\$ 470.10	\$ 475.38	\$ 5.28
Percentage Increase			1%			1%			1%			1%
Sanitary Sewer												
Base Charge per Year	\$ 238.56	\$ 243.24	\$ 4.68	Note 1	Note 1	Note 1	\$ 245.64	\$ 252.96	\$ 7.32	\$ 238.56	\$ 243.24	\$ 4.68
Consumption per Year	\$ 241.50	\$ 246.75	\$ 5.25	Note 1	Note 1	Note 1	\$ 312.00	\$ 321.00	\$ 9.00	\$ 277.50	\$ 283.50	\$ 6.00
Total Sanitary Sewer per Year	\$ 480.06	\$ 489.99	\$ 9.93	Note 1	Note 1	Note 1	\$ 557.64	\$ 573.96	\$ 16.32	\$ 516.06	\$ 526.74	\$ 10.68
Percentage Increase			2%			Note 1			3%			2%
Total Water and Sanitary Sewer per Year	\$ 960.16	\$ 974.12	\$ 13.96	Note 1	Note 1	Note 1	\$ 1,027.74	\$ 1,049.34	\$ 21.60	\$ 986.16	\$ 1,002.12	\$ 15.96
Percentage Increase			1%						2%			2%
Total Water and Sanitary Sewer per Day	\$ 2.63	\$ 2.67	\$ 0.04	Note 1	Note 1	Note 1	\$ 2.72	\$ 2.87	\$ 0.15	\$ 2.96	\$ 2.75	\$ (0.21)
Total Water per Day	\$ 1.32	\$ 1.33		\$ 1.32	\$ 1.33		\$ 1.29	\$ 1.30		\$ 1.29	\$ 1.30	
Water - Monthly Base Charge	\$ 19.30	\$ 19.49	\$ 0.19	\$ 19.30	\$ 19.49	\$ 0.19	\$ 19.30	\$ 19.49	\$ 0.19	\$ 19.30	\$ 19.49	\$ 0.19
Water - Consumption Charge per m ³	\$ 1.42	\$ 1.43	\$ 0.01	\$ 1.42	\$ 1.43	\$ 0.01	\$ 1.59	\$ 1.61	\$ 0.02	\$ 1.59	\$ 1.61	\$ 0.02
Sanitary Sewer - Monthly Base Charge	\$ 19.88	\$ 20.27	\$ 0.39	Note 1	Note 1	Note 1	\$ 20.47	\$ 21.08	\$ 0.61	\$ 19.88	\$ 20.27	\$ 0.39
Sanitary Sewer - Consumption Charge per m ³	\$ 1.38	\$ 1.41	\$ 0.03	Note 1	Note 1	Note 1	\$ 2.08	\$ 2.14	\$ 0.06	\$ 1.85	\$ 1.89	\$ 0.04
Average consumption by Ward	175	175		175	175		150	150		150	150	
Note 1 - Sanitary Sewer rates are not applicable to Ward 2												

The Corporation of the Town of Essex

By-Law Number 1764

Being a By-law to Establish Water and Sanitary Sewer Rates and Charges

Whereas pursuant to Section 391(1) of the Municipal Act, 2001 and amendments thereto a municipality may pass By-Laws imposing fees or charges on persons in certain instances as outlined in a) to c) below—

- a) for services or activities provided or done by or on behalf of it;
- b) for costs payable by it for services or activities provided or done by or on behalf of any other municipality or local board; and
- c) for use of its property including property under its control.

And whereas the Council of the Town of Essex did retain the services of Watson & Associates Economists Ltd. in 2015 to undertake a study to determine the cost of providing water and sanitary sewer services;

And whereas at a Special Meeting held on November 10, 2015, the Council of the Town of Essex did approve the base charges and consumption charges for water and sanitary sewer as provided in the Town of Essex Water and Wastewater Study dated October 30, 2015, prepared by Watson & Associates Economists Ltd., by Resolution Number SP15-11-087;

And whereas the Council of the Town of Essex deems it desirable and expedient to pass a By-Law to impose upon owners or occupants of lands who use the water system, a water rate and charge;

And whereas the Council of the Town of Essex deems it desirable and expedient to pass a By-Law to impose upon owners or occupants of lands who use the sanitary sewer system, a sanitary sewer rate and charge.

Now therefore the Council of The Corporation of the Town of Essex hereby enacts as follows:

1. A water rate and charge is hereby imposed upon the owners or occupants of lands which are supplied with water service, and each user shall be charged a water rate and charge as set out in the attached Schedule "A";
2. A sanitary sewer rate and charge is hereby imposed upon the owners or occupants of lands which are supplied with sanitary sewer service, and each

user shall be charged a sanitary sewer rate and charge as set out in the attached Schedule "B";

- 3. The monthly base charge as set out in the attached Schedule "A" and Schedule "B" shall be imposed upon the owners or occupants of lands which are supplied with water and sanitary sewer service regardless of whether the water service is turned on or off;
- 4. A deposit will be imposed upon tenants occupying lands which are supplied with water or sanitary services for the first time as set out in the attached Schedules "A" and "B"; and
- 5. The said water and sanitary sewer rates and charges described in Schedule "A" and Schedule "B" attached hereto shall become effective for water and sanitary sewer services provided on and after January 1, 2019.
- 6. Any costs incurred to collect charges for water and sanitary sewers that are in arrears shall be added to the amounts deemed owing.

Read a first, second, and third time and adopted on December 17, 2018.

Mayor

Clerk

Schedule "A" to By-Law Number 1764	
Water Rates and Charges Effective January 1, 2019	
Description of Water Charge and Ward in which Charge Applies	Amount of Charges
Monthly Base Charge:	
Ward 1	\$ 19.49
Ward 2	\$ 19.49
Ward 3	\$ 19.49
Ward 4	\$ 19.49
Charge per Cubic Metre of Water Consumed:	
Ward 1	\$ 1.43
Ward 2	\$ 1.43
Ward 3	\$ 1.61
Ward 4	\$ 1.61
Water Turn on and Turn-Off Charge ¹	\$ 82.27
Deposit - New Water Accounts (Tenants) ¹	\$ 109.76
¹ Deposits and Turn on/off charge increased by Consumer Price Index - All Items - Ontario, September 2018 of 2.2%	

Schedule "B" to By-Law Number 1764	
Sanitary Sewer Rates and Charges Effective January 1, 2019	
Description of Sanitary Sewer Charge and Ward in which Charge Applies	Amount of Charges
Monthly Base Charge	
Ward 1	\$ 20.27
Ward 2	Not applicable
Ward 3	\$ 21.08
Ward 4	\$ 20.27
Charge per Cubic Metre of Water Consumed:	
Ward 1	\$ 1.41
Ward 2	Not applicable
Ward 3	\$ 2.14
Ward 4	\$ 1.89
Deposit - New Sanitary Sewer Accounts (Tenants) ¹	\$ 109.76
¹ Deposits increased by Consumer Price Index - All Items - Ontario, September 2018 of 2.2%	



Report to Council

Department: Corporate Services

Date: December 17, 2018

Prepared by: Jeffrey Morrison, CPA, CGA
Director, Corporate Services / Treasurer

Submitted by: Jeffrey Morrison, CPA, CGA
Director, Corporate Services / Treasurer

Report Number: Corporate Services Report 2018-018

Subject: Revised Schedules to By-Laws 1186, 1331 and 1344

Number of Pages: 7, including revised schedules

Recommendation(s)/Conclusion(s)

It is recommended that:

- a) Corporate Services Report 2018-018 entitled "Revised Schedules to By-Laws 1186, 1331 and 1344" be received; and
- b) The following three schedules be revised effective January 1, 2019:
 - I. Schedule "C" to By-Law Number 1186, being a by-law respecting the maintenance, management, regulation and control of any cemetery owned by The Corporation of the Town of Essex,
 - II. Schedule "A" to By-Law Number 1331, being a by-law to establish a schedule of miscellaneous fees and charges, and
 - III. Schedule "B" to By-Law Number 1344, being a by-law for the imposition of Development Charges.

Purpose

A By-Law and revisions to a by-law, including any related schedules, must be adopted by Council.

Background

1. Schedule C to By-Law Number 1186

Schedule C to By-Law Number 1186, being a by-law respecting the maintenance, management, regulation and control of any cemetery owned by the Town, provides the tariff of rates related to cemetery lot sales, interment, headstone moving, markers. Annually, the tariff of rates is updated to reflect the change in the Consumer Price Index. A revised Schedule C to By-Law Number 1186 is attached and has been updated to reflect the year over year change in the Consumer Price Index of 2.2% as at September 2018.

2. Schedule A to By-Law Number 1331

By-Law Number 1331, being a by-law to establish a schedule of miscellaneous fees and charges, provides that miscellaneous fees and charges shall be adjusted annually, on January 1 in any given year by the year over year change in the Consumer Price Index as published for the third quarter of the prior year. Accordingly, Schedule "A" to By-Law Number 1331 attached has been revised to reflect the year over year change of 2.2% for all fees except lottery licences, which are provincially regulated.

3. Schedule B to By-Law Number 1344

The Development Charges Act, 1997 (the "Act") requires that Development Charges shall be adjusted annually, on the first day of every year based on the Statistics Canada Quarterly, Construction Price Statistics. The change in the Construction Price Statistics reported for the third quarter of 2018 is 5.2% and the attached Schedule B to By-Law Number 1344 has been revised to reflect this change.

Financial Impact

The new rates for miscellaneous fees and charges will provide for increased revenues to offset an increase in expenses resulting from changes in the consumer price index, and in the case of the Development Charges, the Construction Price Statistics.

Link to Strategic Priorities

This report is linked to the Strategic Priorities:

- Manage the Town's finances and human resources in a responsible manner;

Reviewed by: Donna E. Hunter, Chief Administrative Officer

Concur

Robert Auger, Legislative Services / Clerk

Concur

By-Law Number 1186 (Amended)		
Schedule C		
Tariff of Rates		
(effective January 1, 2019)		
Lot Sales - Resident ¹		
Burial Rights	\$	625.30
Perpetual Care	\$	416.50
Total	\$	1,041.80
Lot Sales - Non-Resident ¹		
Burial Rights	\$	937.30
Perpetual Care	\$	625.00
Total	\$	1,562.30
Interment - Casket	\$	984.80
Interment - Cremated Remains	\$	842.30
Interment - Infants	\$	526.60
Headstone Moving	\$	489.10
Lot Transfer	\$	150.10
Markers		
Flat Marker less than 173 square inches ¹	\$	-
Flat Marker greater than 173 square inches ¹	\$	50.00
Upright Monument up to 4 feet in height/width ¹	\$	100.00
Upright Monument greater than 4 feet in height/width	\$	200.00
Lots purchased prior to January 1, 1955 where no previous care and maintenance has been paid - Resident	\$	417.30
Lots purchased prior to January 1, 1955 where no previous care and maintenance has been paid - Non-Resident	\$	627.20
¹ Maximum permitted under Cemeteries Act, Ontario Regulation 132/92		

Schedule "A" to By-Law Number 1331				
(Effective January 1, 2019)				
Department	Description of Fee or Charge	Unit	Fee or Charge	Subject to Applicable Taxes
Finance	Tax Certificate or Statement per Section 352(1) of the Municipal Act (Note 1)	Each	\$ 73.28	No
	Payment Dishonoured or Returned as Non-Sufficient Funds	Each	\$ 27.65	No
	Tax Certificate or Statement Rush (required within 3 business days) per Section 352(1) of the <i>Municipal Act, 2001</i>	Each	\$ 143.44	
	Tax Receipt/Account Information/Duplicate/Reprint ¹	Per property	\$ 10.60	No
	Refund of Credit on Account	Each	\$ 26.45	No
	Misposting of Payment	Each	\$ 26.50	No
	Accounts Receivable - Invoices outstanding over 30 days	Per month	1.25%	No
	Financing Administration	Per property	\$ 105.81	No
	Research (for Tax, Accounting for Financial Information more than 3 years)	Per property	\$ 52.91	No
	Photocopy (letter, legal, 11 x 17)	Each	\$ 0.43	No
Legislative Services (Clerk)	Lottery Licences:			
	Bingo	Percentage of prizes	2% of prizes for bingo	No
	Raffle	Percentage of prizes	2% of prizes for raffle	No
	Break Open Ticket	Percentage of prizes	2% of prizes for break open ticket	No
	Marriage Licence	Each	\$ 137.82	No
	Burial Permit	Each	\$ 16.53	No
	Administering Oaths or Declarations - Resident	Each	No charge	No
	Administering Oaths or Declarations - Non-Resident	Each	\$ 11.02	Yes
Geographic Information System	Standard Map Products:			
	1) 8.5 x 11 inches selected area specified by customer (colour)	Each	\$ 2.19	Yes
	2) 8.5 x 11 inches selected area specified by customer (black and white)	Each	\$ 1.14	Yes
	3) 11 x 17 inches selected are specified by customer (colour)	Each	\$ 3.32	Yes
	4) 11 x 17 inches selected area specified by customer (black and white)	Each	\$ 2.19	Yes
	5) 11 x 17 inches digital aerial photography (colour)	Each	\$ 8.73	Yes
	Standard Products - Wide Format:			
	1) Selected area or digital file (black and white) - maximum 42 inches wide	Per square foot	\$ 2.70	Yes
	2) Selected area or digital file (colour) - maximum 42 inches wide (per square foot)	Per square foot	\$ 3.32	Yes

Schedule "A" to By-Law Number 1331				
(Effective January 1, 2019)				
Department	Description of Fee or Charge	Unit	Fee or Charge	Subject to Applicable Taxes
	3) Slected area specified by customer with aerial photography - 42 inches wide	Per square foot	\$ 4.47	Yes
	Wide Format Scans:			
	Size 22 x 34 inches or 24 x 36	Per scan	\$ 4.99	Yes
	Size 34 x 44 inches or 36 x 48	Per scan	\$ 5.93	Yes
	Other:			
	Custom mapping	Per hour	\$ 60.59	Yes
	Drawing format printing	Per square foot	\$ 0.52	Yes
	Compact Disk (CD)/Digital Video Disk (DVD)	Per burn	\$ 11.02	Yes
Business or Other Licensing	Transient Trader or Vendor's Licence	Per unit	\$ 330.83	No
Other Miscellaneous Fees and Charges	Fire Report/Inspection Report/Certificate	Per report	\$ 55.09	Yes
	Tile Drainage Loan Inspection	Per inspection	\$ 110.27	Yes
	Entrance Permit	Each	\$ 165.47	No
	Driveway Apron Improments	Per address	\$ 55.09	No
	Weed Lot Cutting	Per hour	\$ 112.46	Yes
	Telecommunications Agreement	Each	\$ 2,426.63	Yes
	Incident Report	Each	\$ -	Yes
¹ Fee will be eliminated up to two times per year for customers whos tax bills are paid by their mortgage company as per Finance and Business Services Report 2017-05.				

Schedule "B"							
to By-Law Number 1344							
Schedule of Development Charges							
(Effective January 1, 2019)							
Service	Residential - Single and Semi- Detached Dwelling	Residential - Apartments - 2 Bedrooms +	Residential - Apartments - Bachelor and 1 Bedroom	Residential - Other Multiples	Non- Residential - (per square foot of Gross Floor Are)	Wind Turbines and Telecommu- ication Towers	Solar Farms (per square foot)
Municipal Wide Services							
Roads and Related	\$ 1,476.89	\$ 858.18	\$ 655.55	\$ 1,018.55	\$ 0.90	\$ 1,476.89	\$ 0.90
Fire Protection Services	\$ 624.13	\$ 361.91	\$ 276.31	\$ 431.26	\$ 0.38	\$ 624.13	\$ 0.38
Police Services	\$ 527.69	\$ 306.65	\$ 235.13	\$ 364.08	\$ 0.31	\$ 527.69	\$ 0.31
Ourdoor Recreation Services	\$ 895.02	\$ 519.03	\$ 395.50	\$ 617.63	\$ 0.08	\$ -	\$ -
Indoor Recreation Services	\$ 3,639.68	\$ 2,109.69	\$ 1,614.50	\$ 2,512.78	\$ 0.29	\$ -	\$ -
Library Services	\$ 196.12	\$ 112.69	\$ 85.60	\$ 135.45	\$ 0.01	\$ -	\$ -
Administration	\$ 111.61	\$ 65.01	\$ 49.84	\$ 76.93	\$ 0.05	\$ 111.61	\$ 0.05
Total Municipal Wide Services	\$ 7,471.15	\$ 4,333.16	\$ 3,312.44	\$ 5,156.66	\$ 2.03	\$ 2,740.32	\$ 1.65
Area Specific Charges - Wastewater							
Ward 1	\$ 3,858.56	\$ 2,168.17	\$ 1,657.95	\$ 2,579.50	\$ 2.26	\$ -	\$ -
Ward 2	\$ 827.84	\$ 464.98	\$ 355.58	\$ 552.30	\$ -	\$ -	\$ -
Ward 3	\$ 1,997.00	\$ 1,121.43	\$ 857.38	\$ 1,334.99	\$ 1.27	\$ -	\$ -
Ward 4	\$ 2,816.17	\$ 1,582.21	\$ 1,208.75	\$ 1,882.03	\$ 1.57	\$ -	\$ -



Report to Council

Department: Drainage

Date: December 17, 2018

Prepared by: Norm Nussio C.E.T., CRS
Manager, Operations and Drainage

Submitted by: Chris Nepszy, P.Eng., PE
Deputy CAO / Director, Infrastructure and Development

Report Number: Drainage 2018-09

Subject: Appointment of an engineer to install a new access culvert in the Thompson Drain.

Number of Pages: 4

Recommendation(s)/Conclusion(s)

It is recommended that:

1. Drainage Report 2018-09 entitled "Appointment of an engineer to install a new access culvert in the Thomspn Drain" as per severenace application B-25-2018 for Cindy Brockman be received; and
2. Council appoint Rood Engineering to develop the access installation report for the Thompson Drain .

Background

The Thompson Drain is located entirely within the Town of Essex. The drainage basin served by the Thompson Drain consists of approximately 133.10 hectares (328.9 acres). The Thompson Drain starts at the outlet located on the east side of Batten Road, Pt. Lot 31, N.M.R.

Concession, and proceeds easterly along the north side of County Road 12 for approximately 1463 meters.

Drainage Act

Section 78

According to Section 78 of the Drainage Act Revised Statutes of Ontario 1990.

Improving, upon examination and report of the engineer

Section 78 (1)

If a drainage works has been constructed under a by-law passed under this Act or any predecessor of this Act, and the council of the municipality that is responsible for maintaining and repairing the drainage works considers it appropriate to undertake one or more of the projects listed in subsection (1.1) for the better use, maintenance or repair of the drainage works or of lands or roads, the municipality may undertake and complete the project in accordance with the report of an engineer appointed by it and without the petition required by section 4. 2010, chapter. 16, Schedule. 1, section. 2 (27).

Projects

(1.1) The projects referred to in subsection (1) are:

1. Changing the course of the drainage works.
2. Making a new outlet for the whole or any part of the drainage works.
3. Constructing a tile drain under the bed of the whole or any part of the drainage works.
4. Constructing, reconstructing or extending embankments, walls, dykes, dams, reservoirs, bridges, pumping stations or other protective works in connection with the drainage works.
5. Otherwise improving, extending to an outlet or altering the drainage works.

6. Covering all or part of the drainage works.

7. Consolidating two or more drainage works. 2010, chapter 16, Schedule. 1, section. 2 (27).

Notice to conservation authority

Section 78(2)

An engineer shall not be appointed under subsection (1) until thirty days after a notice advising of the proposed drainage works has been sent to the secretary-treasurer of each conservation authority that has jurisdiction over any of the lands that would be affected.

Revised Statutes of Ontario 1990, chapter D.17, section 78 (2); 2010, c. 16, Schedule 1, section 2 (28)

Powers and duties of an engineer

Section 78(3)

The engineer has all the powers and shall perform all the duties of an engineer appointed with respect to the construction of a drainage works under this Act. Revised Statutes of Ontario 1990, chapter D.17, section 78 (3).

Proceedings

Section 78(4)

All proceedings, including appeals, under this section, shall be the same as on a report for the construction of a drainage works. Revised Statutes of Ontario 1990, chapter D.17, section 78 (4).

The Drainage Act prescribes the process and timelines that must be followed for a report, under Section 4 of the Drainage Act, for a municipal drain. In brief, the process includes:

- Consideration of the Report by Council; and the appointment of an Engineer to prepare a preliminary report;

- Conduct an On-site Meeting with affected landowners to review their drainage requirements;
- Conduct a Meeting to consider the preliminary report and recommendation whether or not to proceed with the preparation of an Engineer's Report
- Council approval of the Committee recommendation;

Schedule

Should Council appoint an Engineer, the estimated schedule will be as follows:

- Council approval and appointment of Engineer – December 2018
- On-Site Meeting –January 2019
- Preparation of the report – February 2019
- Submission of report and notification period – March 2019
- Consideration of the Report by Council – April 2019
- Preparation of Provisional By-law – May 2019
- Court of Revision –June 2019
- Construction- July 2019

Financial Impact

There will be no financial impact to the 2019 budget as the cost of the report and construction will be borne by the landowner requiring the access.



Report to Council

Department: Infrastructure and Development

Date: December 17, 2018

Prepared by: Norm Nussio, C.E.T., CRS
Manager, Operations and Drainage
Robert Auger, L.L.B.
Town Solicitor/Clerk

Submitted by: Chris Nepszy, P.Eng., PE
Director, Infrastructure and Development

Report Number: Infrastructure and Development Report 2018-19

Subject: Mailbox Damage Policy

Number of Pages: 3

Recommendation(s)/Conclusion(s)

It is recommended that:

1. Infrastructure and Development Report 2018-019 entitled "Mailbox Damage Policy" be received; and
2. Council direct Administration to complete a policy in accordance and as outlined in this report and bring back to Council for future approval.

Purpose

To outline and establish property owner responsibility for the installation and maintenance of mailboxes within the Municipal Right-of-Way so as to help reduce the chances of damage

during winter operations. In addition, to establish criteria regarding mailbox repair and/or replacement due to damage (caused by the Town's winter control operations) on roads maintained by the Town.

Background

In order to provide a fair and uniform resolution to incidents involving mailboxes damaged by the Town winter control operations, Administration is recommending to formalize the current past practice concerning repair/ replacements of mail boxes.

It is the role of Operations to remove snow from road surfaces. At times Snow removal being thrown by the plow can sometimes impact a mailbox and cause damage. However that is a part of normal winter operations and there is nothing that can be done to prevent snow from being thrown from the plow blade. It is only damage caused from the Town's Snow removal equipment physically hitting a mailbox and/or post that this future policy aims to address.

Property Owner's Responsibilities

All Mailboxes and installations shall meet all applicable Canada Post standards and specifications.

In particular Mailbox post size shall not exceed 100 mm (4") by 100 mm (4") for a wooden post or 50mm (2") diameter for a steel pipe post (standard wall thickness), for roadside barrier safety. Posts that are more substantial in construction are considered obstructions and are not permitted within the Municipal Right-of-Way.

Mailboxes must be installed at a height of at least 1060 mm (42") to provide clearance for Operations.

Mailboxes shall be placed on the side of the property owner's driveway or on the opposite side of the road 600 mm (24") away from edge of pavement. Canada Post requires that all

property owners maintain the boulevard in front of their mailboxes to avoid issues with delivering mail.

The Town recommends the use of an extended arm type of post with a free-swinging suspended mailbox. This allows for Operations to work near or under mailboxes without damage to supports and provides easy access to the mailboxes by carrier and customers. It is also recommended that reflective material be placed on the side of the mail box visible to approaching traffic, as well as, 100 mm (4") high address letters to assist in identification.

Mailbox Damage and Repair/Replacement

The Municipal Act views mailboxes as an allowable encroachment in the Town Right-of-Way, and when constructed improperly put their Owner's at risk. The Town is not liable for any damage or repairs to mailboxes due to Winter Control Operations and the Town assumes no responsibility in these replacements.

When the Town has determined that Mailboxes have been constructed or installed improperly and/or not in accordance with the standards established by this Policy then the Town will not be held liable for any damage or repairs to mailboxes due to Winter Control Operations and will assume no responsibility for any repair or replacement.

However, in cases where mailboxes have been constructed or installed and maintained in accordance with the standards established by this Policy and if damage to a Mailbox is determined by Town staff to be the result of Town snow removal equipment, then the Town at its sole option will repair or replace the damaged mailbox (as weather and manpower permits).

If replaced, the Town will supply the property owner with a rural standard mailbox and post only. Installation and maintenance shall remain the responsibility of the property owner. The Town will not supply or reimburse for custom made mailboxes, ornate posts, etc.

For the purposes of the future policy, damage shall mean the plow or truck physically hitting the mailbox and/or post. Damage associated with thrown snow from winter control

operations will not be repaired as it is the Owners responsibility to ensure the mailbox is installed and maintained such that it can withstand winter operations while remaining in compliance with the rules and standards of the future policy.

Financial Impact

The cost to supply rural standard mailboxes and posts vary each season, but are minimal and incorporated into the yearly supplies of the Operating budget.

Reviewed by: Jeffrey R. Morrison, Director, Corporate Services	Concur
Reviewed by: Doug Sweet, Director, Community Services	Concur
Reviewed by: Jack Barron, Manager, Information Technology	Concur
Reviewed by: Kate Bailey, Manager, Finance and Business Services	Concur
Reviewed by: Norman Nussio, Manager, Operations	Concur
Reviewed by: Kevin Houf, Geographic Information Services Technician	Concur



Report to Council

Department: Planning

Date: December 17, 2018

Prepared by: Jeff Watson, Policy Planner

Submitted by: Chris Nepszy, P.Eng., PE
Director, Infrastructure and Development

Report Number: Planning 2018-51

Subject: Event signage for non-profit organizations

Number of Pages: 4

RECOMMENDATION(S)

It is recommended that:

1. Planning report Planning 2018-51, entitled "Event Signage for non-profit organizations" be received and
2. That, by resolution, Council permit the placement of one event advertising sign on an annual basis for the Essex Optimist Recreational Soccer League (EORSL) announcing soccer registration for 2019 for a period of 30 days, in accordance with By-law 1350, the Town of Essex Sign By-law, and
3. That permission for the placement of non-profit community serving special event signage on lands of the Essex Sports Complex and other institutional lands of the Town be the responsibility of the Director of Community Services, without the prior authorization of Council.

REASON FOR REPORT

The EORSLL has requested permission to place a soccer registration notice sign on the property of the Essex Sports Complex and permission from Council is required.

COMMENTS

The Town's sign by-law, By-law 1350, has special provisions for event advertising signage for non-profit and charitable organizations. Off-site event advertising signage may be placed on other properties with the permission of the property owner. No permit is necessary for the sign but, like commercial advertising signs, it can be placed for a maximum of 30 days.

The Town Hall frontage has been a desirable location for such signage and there is interest in non-profit sports related community activity announcements at the Essex Sports Complex. Council can authorize the placement of such signage by resolution. In doing so permission can be granted without limit on the number of years such signage can be placed or the number of events advertised. In other words granting permission can allow the non-profit organization to place signs for all events sponsored by them each year. By doing so, Council shows its support for such initiatives and helps to maintain a sustainable and viable commercial center.

However, rather than have administration report to Council to permit a special event sign on Town lands for each request, it is recommended that the Director of Community Services be assigned permission to do so. Several organizations already have permission to place signage on an annual or more frequent basis for Essex Fun Fest, the Blood Donor Clinic and the Essex Centre BIA for example. As such the Director is in a good position to give permission and to coordinate the placement and timing of signs at community facilities in Essex Centre and elsewhere.

Link to Strategic Priorities

This project helps to enhance the Town's commitment to new economic development and a sustainable commercial base in our urban center.

Financial Impact

N/A

Reviewed by:

Chris Nepszy, Director of Infrastructure and Development - concurs

Doug Sweet, Director of Community Services - concurs

Dec. 7th, 2018

To Whom It May Concern,

I, Tammy Blair, the president of Essex Optimist Recreational Soccer and the Executive Board Members, are requesting the approval to place a portable sign on the lawn in front of the Essex arena to advertise the upcoming 2019 soccer registration dates. Our current avenues of advertising have limits surrounding them. This will help serve as a reminder during these busy times. We would like to place this sign as soon as possible and no later than this coming Friday, Dec.14th, 2018. This sign will be removed after our last registration date (Jan. 26th, 2019). If you have any questions or concerns, please do not hesitate to contact me.

Thanks in advance for your support,

Tammy Blair

President of EORSL

(519)817-4645



Report to Council

Department: Planning

Date: December 17, 2018

Prepared by: Jeff Watson, Policy Planner

Submitted by: Chris Nepszy, P.Eng., PE
Director, Infrastructure and Development

Report Number: Planning 2018-48

Subject: Jason McKee rezoning application
230 Jackson Street, Colchester (Ward 3)

Number of Pages: 6

RECOMMENDATION(S)

It is recommended that:

1. Planning report Planning 2018-48, entitled “Jason McKee rezoning application” (Colchester-Ward 3) be received and
2. That By-law 1765 be approved to permit the development of the property at 230 Jackson Street for tourist accommodations according to the provisions of the zoning by-law, and
3. That By-law 1766 be approved to adopt the site plan and authorize the execution of a site plan control agreement.

REASON FOR REPORT

A rezoning application has been applied for, for the lands at 230 Jackson Street in Colchester. to develop the site for 6 single-detached dwellings for tourist accommodation. A statutory public meeting was held on November 19, 2018 to permit Council to hear public representations. One person spoke in favour of the proposal, subject to the by-law and site plan agreement addressing matters raised at the related Ontario Municipal Board hearing of November 3, 2005.

COMMENTS

The subject lands are located on the east side of Jackson Street across from Colchester Park. It is the third property north of Sullivan Street and adjacent to Frosty’s Restaurant. The property

is zoned R1.1, which permits a single-detached dwelling and an accessory dwelling unit or a bed and breakfast facility.



The east side of Jackson Street is designated 'Main Street Area' under the Colchester Secondary Plan. Subject to a successful rezoning, lands under this designation may be developed for a variety of retail, other commercial activities and roofed accommodation to accommodate tourists. A number of development provisions apply to a rezoning, including but not limited to the adequacy of municipal services, the height and massing of buildings on-site, a pedestrian oriented environment and provision for bicycle parking and architectural elements that bring out the nautical, old England seaside town theme adopted for Colchester. All of the permitted uses and development provisions can be found in the Town of Essex Official Plan Section 3.2, Main Street Area, of the Colchester Secondary Plan.

Mr. Mckee proposes to renovate the existing single detached dwelling on the site at present and to add 5 additional small dwellings to the rear of the existing dwelling. He has submitted a site plan and building elevation drawings to illustrate how the buildings would be sited on the lot, their overall dimensions and character. As noted above, a similar application was made in 2005 for this site and the zoning by-law approving the rezoning was appealed. The appeal was upheld by the OMB for several reasons, particularly, that the proposed use was contrary to the Town of Essex Official Plan (OP), it was not subject to site plan control review, there were no by-law provisions related to building size, intensity and siting or the number of on-site parking spaces and there was the question of on-site supervision to mitigate nuisance complaints.

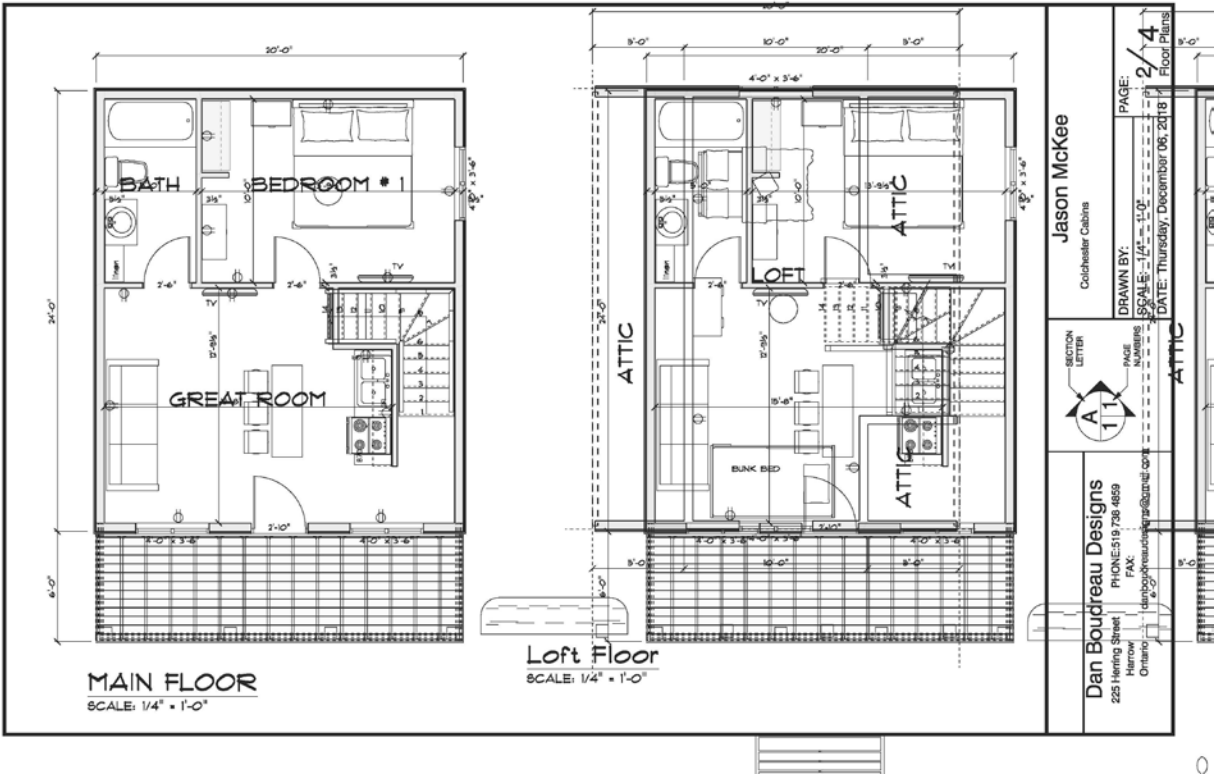
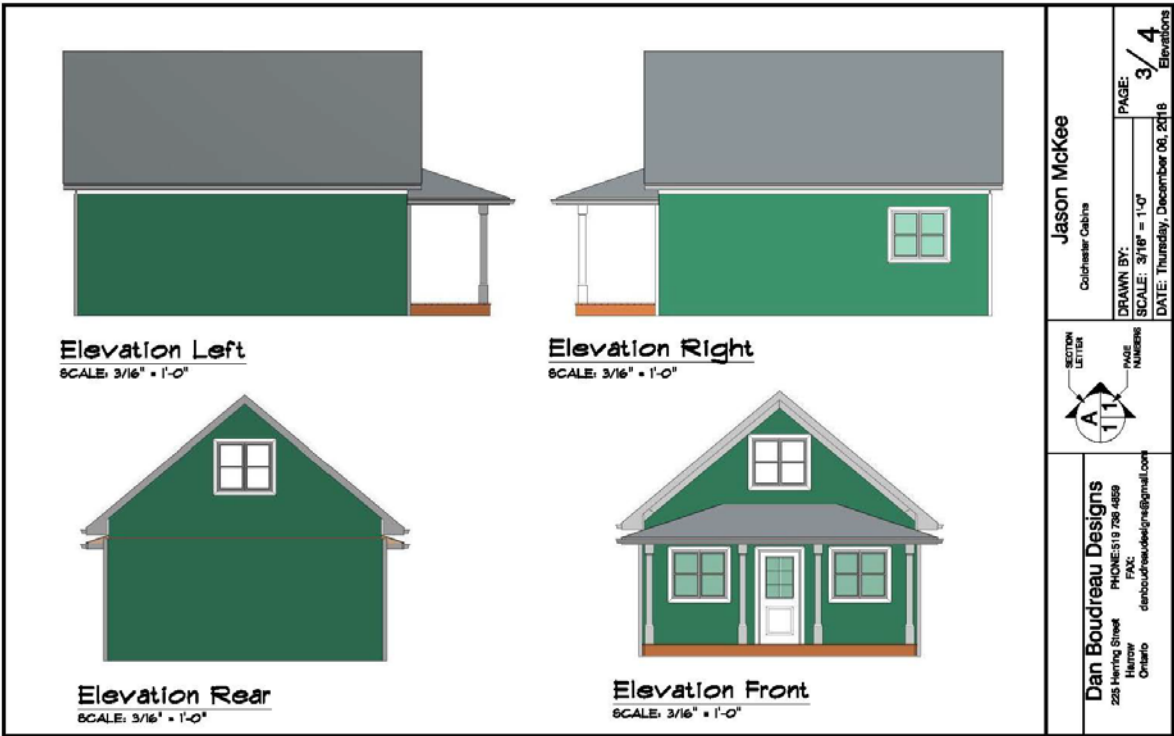
Since that time, there have been notable changes within and around Colchester:

- 1. A secondary land use plan was adopted in 2009 and integrated into the Official Plan;
- 2. Lands were acquired along the west side of Jackson Street for the expansion of Colchester Park to CR50;
- 3. Colchester Park has been developed for more active recreational uses and ancillary facilities and it is a popular location for entertainment venues and regional events;
- 4. The beach is experiencing greater usage from people further afield and the harbor community center has proven to be every popular;
- 5. Colchester is now the center of two major active transportation routes, the Windsor to Colchester connection via the Chrysler Greenway and Dunn Road and the Lake Erie Trail;
- 6. Frosty’s Restaurant has been constructed immediately south of the subject property;
- 7. There has been a significant expansion of wineries and tourist related activities along County Road 50.

All of these changes increase the demand for visitor accommodation. Currently there is limited provision for overnight and longer stays in Colchester.

The proposal consists of 6 single detached dwellings, one of which is existing, which will be renovated, and 5 new dwellings located to its rear. On-site parking for 9 vehicles, including one handicapped parking space, would be provided in the front yard abutting the south lot line and Frosty’s restaurant driveway.





The proposed 5 new dwellings would be 24' x 20' one and one half storey units with one main floor bedroom and a loft bedroom. They would be aligned side by side along the north side lot line, approximately 8' apart and 4' from the north lot line. They would be accessed by means of a sidewalk in front of them. On-site parking for 9 vehicles is proposed to be located in the front yard facing Frosty's Restaurant's driveway.

It should be noted that the development is subject to site plan control approval. The zoning by-law itself can also incorporate such measures as on site supervision, building setback, building size, lot coverage provisions and parking provisions, in response to public input.

The site is served by storm and sanitary sewers. There are no servicing impediments to this development.

The Provincial Policy Statement (PPS - S1.3, Employment) provides that planning authorities shall promote economic development and competitiveness by providing an appropriate mix and range of employment, providing opportunities for a diversified economic base and encouraging mixed-use development that incorporates compatible employment uses and ancillary activities (tourist accommodation for example). Under PPS 1.7, Long Term Economic Prosperity, the Town shall provide opportunities for sustainable tourism development. Colchester is developing as a significant regional tourist attraction itself, with its harbor, public beach, community center and bicycling corridors, which is complemented by an expanding wine industry and other tourist related activities along County Road 50.

It is recommended that a rezoning by-law be approved in conjunction with site plan approval. Between them, along with the secondary plan provision of the Official Plan in place for Colchester, the concerns expressed by the OMB in 2005 are addressed. The proposed zoning by-law regulates the number and size of the dwellings and the required parking. The site plan by-law approves the site plan shown and the building elevations. The provision of additional elements to enhance the appearance of the dwellings and property according to the Colchester nautical theme is encouraged.

FINANCIAL IMPACT

This development will add to our tax. As it is on an infill lot there will be no extension of municipal services required.

LINK TO STRATEGIC PRIORITIES

Provide opportunities for roofed accommodation in accordance with the provisions of the Town of Essex Official Plan for a diversified and sustainable tourist economy.

Reviewed by:

Chris Nepszy, Director of Infrastructure and Development -concurs
Rita Jabbour, Assistant planner - concurs

The Corporation of the Town of Essex

By-Law Number 1765

Being a By-Law to Amend By-Law Number 1037

The Comprehensive Zoning By-Law for the Town of Essex

Whereas By-law Number 1037 is the Town's Comprehensive Zoning By-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Essex;

And whereas the Council of the Corporation of the Town of Essex deems it expedient and in the best interest of proper planning to amend By-law Number 1037;

Now therefore the Corporation of the Town of Essex enacts as follows:

1. That Section 28, subsection 1, Site Specific Zoning Provisions, of By-law 1037, is hereby amended by adding the following paragraph:

"40. For the lands comprising Part Lot 5, west side of Sydenham, Plan 18, Colchester, as in R1402988, Essex, municipal address 230 Jackson Street, on the east side of Jackson Street, north of Sullivan Street, a maximum of six single-detached dwelling units are permitted subject to the following provisions:

 - i. The maximum ground floor area of the dwelling shall be 45 square meters and the maximum height of the dwelling shall be 1.5 storeys;
 - ii. On-site parking shall be provided at a ratio of 1.5 parking spaces per dwelling unit, with one space being a barrier free motor vehicle parking space.
 - iii. One dwelling unit shall be used exclusively for the occupancy of an on-site superintendent or such other person responsible for the maintenance of the property and the supervision of activities carried thereon.
 - iv. The minimum rear yard depth shall be 1.8 meters. (ZDM 17)"
2. This By-law shall come into force and take effect on the date of its passing thereof by Council.

Read a first , a second and third time and finally passed on December 17, 2018.

Mayor

Clerk

Explanatory Note

By-law 1765 applies to lands at 230 Jackson Street. This 0.4 acre parcel is zoned R1.1, a residential zoning category permitting a single-detached dwelling, with or without a secondary dwelling unit, a bed and breakfast dwelling and uses accessory thereto. By-law 1765 changes the zoning by adding a supplementary zoning provision to permit up to six dwellings units on the property and accessory uses. The by-law sets out specific provisions related to the use of the property.

Persons seeking more information or assistance concerning the appeal process can contact the Local Planning Appeal Support Centre at <http://LPASC.ca> or by telephone at 1-800-993-8410

Prior to adoption of By-law 1765 written and oral submissions were received from the public concerning the rezoning. Revisions to the by-law were made consequently in response to the submissions heard by Council. The Key Map below shows the location of the lands affected by this rezoning by-law.

Key Map

Key map showing the location of the lands to be granted a supplementary zoning permission.



The Corporation of the Town of Essex

By-Law Number 1766

Being a By-Law to enter into a Site Plan Control Agreement between:

The Corporation of the Town of Essex and

Jason McKee

Whereas pursuant to Section 41 of the Planning Act, R.S.O. 1990 and Amendments thereto, the Jason McKee is desirous of constructing tourist accommodation on lands being municipal address 230 Jackson Street, Colchester, and as such is required to enter into a Site Plan Control Agreement with the Town of Essex;

And Whereas the subject lands are designated as a site plan control area pursuant to Section 41 of the Planning Act, R.S.O. 1990 and Amendments thereto;

And Whereas pursuant to Section 41 of the Planning Act, R.S.O. 1990 and Amendments thereto, municipalities may enter into such agreements;

Now therefore be it resolved that the Council of the Town of Essex enacts as follows:

That the Mayor and Clerk be directed to affix their signatures, on behalf of the Corporation of the Town of Essex, to Schedule 1 attached hereto and forming part of this by-law, for the purpose of executing the Site Plan Control Agreement.

Read a first, a second and a third time and finally passed on December 17, 2018.

Mayor

Clerk

Schedule '1' to By-law 1766

Schedule 1

The Corporation of the Town of Essex

Site Plan Control Agreement

This agreement made in triplicate, on December 17, 2018

Between:

Jason McKee

hereinafter called

The Owner of the First Part or Owner

And

The Corporation of the Town of Essex

hereinafter called

The Corporation of the Second Part or the Town

Whereas an application has been made by the Owner for approval of a development within the limits of the Town of Essex which lands are more particularly described in Schedule A (the subject lands);

And Whereas the proposed development is in accordance with the Official Plan of the Corporation as amended from time to time;

And Whereas the Corporation has enacted by-laws being by-laws designating the said lands as a site plan control area, pursuant to Section 41(2) of the Planning Act, R.S.O. 1990, as amended;

And Whereas where site plan control is in effect, Section 41 of the Planning Act, R.S.O. 1990, as amended requires the approval of plans and drawings by the Corporation prior to development and the Corporation may require the Owner to enter into an agreement respecting certain prescribed matters;

And Whereas the Owner wishes to undertake a development on the lands described in Schedule B, in accordance with the site plan prepared by Dan Boudreau Designs;

Now Therefore This Agreement Witnesseth that in consideration of the aforesaid mentioned premises and in consideration of the sum of Five Dollars (\$5.00) now paid by the Owner to the Corporation (the receipt of which is hereby expressly acknowledged), the parties hereto covenant and agree one with the other as follows:

1. The Owner hereby agrees to construct, provide, install and maintain for the life of the proposed development, to the satisfaction of and at no expense to the Corporation, all buildings, structures, landscaping, fencing, light standards, walkways, vehicular and bicycle parking, garbage disposal facilities, grading and the provision for storm, surface and waste water and other facilities in accordance with the site plan shown in Schedule B, the building elevations shown in Schedule C and in accordance with all the applicable provisions of the Corporation's Zoning By-law and such other relevant by-laws, as amended, and to the satisfaction of the Corporation. It is understood that this may be a phased development whereby dwelling units are constructed over a undetermined time period; however, the required on-site parking and screening fence shall be constructed within the time limit of this agreement;
2. The Owner hereby agrees to provide hard surfaced off-street parking spaces and manoeuvring aisles, in accordance with the Town's Comprehensive Zoning By-law Number 1037, in the areas depicted on Schedule B. Once completed with a hard surface, the Owner further agrees to delineate all required parking spaces by pavement markings to the satisfaction of the Corporation, as shown on Schedule B;
3. The Owner hereby agrees to prepare a landscaping and planting plan, which may include a phasing plan, to the satisfaction of the Corporation. All such landscaping must be installed in accordance with the said landscaping and planting plan and to the satisfaction of the Corporation in accordance with the plan. The owner agrees that all existing screening vegetation along the north and east lot lines shall be maintained in good practice exclusively for landscaping purposes. The owner shall construct a 1.8 meter high wooden screening fence, of a design satisfactory to the Corporation's Chief Building Official, along the south limit of the subject lands. The fence shall extend from the southeast corner of the property to a distance westward of 37 meters along the south lot line;
4. The Owner hereby agrees that in advance of obtaining a building permit for the building addition, a security deposit in the amount of \$5,000 shall be provided to the Corporation to ensure that the works as set out in this agreement are complied with. The Owner agrees to deliver the required security to the Corporation, either as an irrevocable letter of credit (in a form satisfactory to the Corporation's solicitor) or as cash to be kept in an interest bearing account by the Corporation. The Corporation hereby agrees to return the security deposit to the Owner within 30 days of being notified by the Town's Manager of Capital Projects and Chief Building Official that all required works as set out in this agreement have been completed and any deficiencies corrected to the satisfaction of the Corporation and are in compliance with any applicable federal, provincial or municipal statute, by-law or regulation;
5. The Owner agrees to pay all outstanding Realty Taxes to the Corporation in advance of any building permit being issued for the proposed commercial building;

6. The Owner hereby agrees to remove at no expense to the Corporation all snow from all driveways, parking and access areas and to remove and dispose of all refuse from the Subject Lands;
7. The Owner shall keep the public roads adjacent to the Subject Lands free from dirt and debris caused by the construction on the Subject Lands;
8. The Owner shall, at its entire expense, restore any pavements, drains or landscaped areas on the public roads which are damaged during construction and construct any new curbs, gutters, pavements, sidewalks, drains and landscaped areas on the municipal roads abutting the Subject Lands, all to the satisfaction of the Corporation and the County of Essex;
9. All lighting erected on light standards shall be directed inward and downward within the property and shielded so as to reduce, as much as technically possible, direct light penetration beyond the property lines. The Owner hereby agrees to orient, shield, install and maintain all other outside lighting in such a manner so as to direct all outside lighting away from abutting public road allowances and all other properties. The Owner further agrees to use only full cut-off fixtures for any and all new outside lighting purposes;
10. The Owner agrees to commence and complete construction of the buildings, parking, landscaping and all other facilities required under this agreement and zoning by-law within three (3) years of the date of issuance of the construction permit for the first dwelling of this agreement, all to the satisfaction of the Town, unless otherwise dictated by this agreement, or this agreement may, at the option of the Corporation, be deemed to be null and void;
11. The Owner hereby agrees to obtain approval from the Town's Chief Building Official before installing any signage on the Subject Lands. As part of his approval, the Chief Building Official, in consultation with the Town Planner, will review the size, location, type and design of any signage proposed, to ensure that the signs are in accordance with the approved site plan, landscape plan and signage plans and or with the municipal sign bylaw;
12. The Owner hereby agrees to pay to the Corporation the applicable development charges, in accordance with the Town's Development Charges By-law, as may be amended from time to time, in advance of any building permit being issued by the Corporation;
13. The Owner hereby agrees to pay all costs incurred by the Corporation with respect to this Agreement, and without limiting the generality of the foregoing, shall include legal, planning, engineering and administrative costs;
14. The Owner acknowledges and agrees that pursuant to subsection (11) of Section 41 of the Planning Act, R.S.O. 1990, as amended, Section 325 of the Municipal Act applies to all requirements of this agreement. If the Owner neglects to undertake any matter or

thing required to be done by this agreement and such default continues, in addition to other remedies available to it, the Corporation may direct that such matter or thing shall be done at the expense of the Owner and the Corporation may recover the expense incurred in doing it and the Owner hereby authorizes the Corporation to enter upon the said land and do such matter or thing;

15. This agreement may be amended at any time with the consent of the Corporation and the registered Owner of the said lands at the time of such amendment;
16. The Corporation shall not be required to issue a building permit for the said development until all the preconstruction provisions of this Agreement have been complied with;
17. If any term, covenant or condition of this agreement shall, to any extent, be declared invalid or unenforceable, the remainder of this Agreement shall not be affected thereby and each term, covenant or condition of this agreement shall be valid and be enforced to the fullest extent permitted by law;
18. The Owner hereby agrees to the registration of the within agreement in the Land Registry Office for the County of Essex (No. 12) by the Corporation's solicitor and at the entire expense of the Owner;
19. This Agreement is not assignable by the Owner (or any person claiming through or under the Owner) unless the assignee thereof shall first in writing covenant and agree with the Corporation to assume the burdens and obligations imposed upon the Owner under this Agreement and to undertake with the Corporation to observe and perform the obligations herein imposed upon the Owner;
20. This agreement shall inure to the benefit of the Corporation and shall be binding upon the Owners and their respective heirs, executors, administrators, successors and authorized agents.

In Witnesseth Whereof, the said parties hereunto affixed their signatures and corporate seals attested to by the hands of their proper officers, duly authorized in that behalf.

Signed, sealed and delivered in the presence of:

The Corporation of the Town Of Essex

Per: _____
Mayor

Per: _____
Clerk


Per: _____
Jason McKee

Schedule A

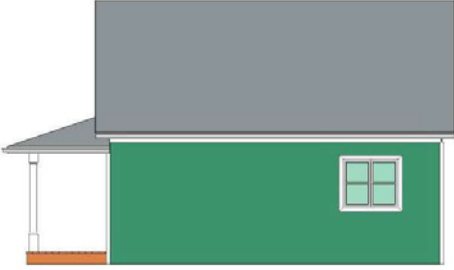
Municipal Address:	230 Jackson Street
Legal Description:	Part Lot 5, west side of Sydenham, Plan 18, Colchester, as in R1402988, on the east side of Jackson Street, north of Sullivan Street, municipal address 230 Jackson Street, in the Town of Essex, County of Essex, Ontario

Building Elevation Plan







Elevation Left
SCALE: 3/16" = 1'-0"



Elevation Right
SCALE: 3/16" = 1'-0"



Elevation Rear
SCALE: 3/16" = 1'-0"



Elevation Front
SCALE: 3/16" = 1'-0"

Jason McKee
Coldwater Cabins

DRAWN BY: **Jason McKee**
SCALE: 3/16" = 1'-0"
DATE: Thursday, December 06, 2018

SECTION LETTER: **A**
PAGE: **3/4**
Elevations

Dan Boudreau Designs
225 Herby Street
Harrow
Ontario
PHONE: 519 704 4859
FAX: 519 704 4859
danboudreaudesigns@gmail.com



Report to Council

Department: Planning

Date: December 17, 2018

Prepared by: Jeff Watson, Policy Planner

Submitted by: Chris Nepszy, P.Eng., PE
Director, Infrastructure and Development

Report Number: Planning 2018-49

Subject: Essex Town Centre Limited Rezoning Application,
R. Valente, agent (Essex Centre-Ward 1)

Number of Pages: 24

RECOMMENDATION(S)

It is recommended that:

1. Planning report Planning 2018-33, entitled “Essex Town Centre Limited Rezoning Application”, (Essex Centre-Ward 1) be received and
2. For the lands within Registered Plan 12M-545, Essex Town Centre subdivision, located south of Maidstone Avenue West, east of South Talbot Road, the following zoning by-law revisions to By-law 1037 be adopted by By-law 1768
 - i) Adds a supplementary provision permitting R2.2 uses, namely single and semi-detached and townhome dwellings, on that part of Block 8 fronting on the west side of Peters Street, subject to the R2.2 regulations, of By-law 1037;
 - ii) Amends the R2.2 zoning by supplementary provision to permit single-detached dwellings on lots having a minimum lot width of 12m (40 feet) and lot area of 370m² (4000 sq ft); and an attached garage be a maximum of 6.1 meters (20 feet) for a single detached dwelling on a lot having a lot frontage of 12 to 12.8 meters in width;
 - iii) By supplementary regulation provides that the minimum required exterior side yard width be reduced from 4.5m (15 feet) to 3m (10 feet) where the lot abuts a 15m (50 foot) public right of way and 1.2m (4ft) where it abuts a 20m (66 foot)

right of way, except that for a garage entrance providing access to the garage by a motor vehicle, the minimum setback from an exterior lot line shall be 6m (20 feet);

- iv) By supplementary regulation, provides that the maximum width of an attached garage for a townhome or semi-detached dwelling unit shall be equal to 70% of the width of the dwelling unit and with a maximum lot coverage of 60%, exclusively for Blocks 8, 9, 17 and 18 and for townhome and semi-detached dwellings fronting on the east side of Blocks 3, 4, 5 and 6;
- v) By supplementary regulation, for the lot at the southwest corner of Bear Street, the minimum rear yard depth shall be 4.5m;
- vi) By supplementary regulation provides that the lands comprising Block 1, on the north side of Bear Street, east of Peters Street, permits exclusively single detached dwellings on lots having a minimum width of 15m (50 feet) and that no vehicular access be permitted to Peters Street;

REASON FOR REPORT

A rezoning application has been submitted by Essex Town Centre Limited, Remo Valente, agent, for lands comprising Blocks 1 to 18, Registered Plan 12M-545, situated south of Maidstone Avenue West and east of Highway 3. The zoning revisions requested are related to future commercial uses and to the mix of dwellings and their design within this large residential subdivision of potentially 400 to 600 dwelling units. Two meetings were held specifically to receive comments from the public concerning the zoning provisions requested. In attendance were residents of Maidstone Avenue immediately north of Block 1 in the Essex Town Centre subdivision. They requested that a buffer block of single-detached dwellings on 15m (50 foot) lots be maintained along the rear of their properties. Having heard from the public, Planning is now in position to recommend specific zoning changes to Council.

BACKGROUND

With reference to the map below, the property that is the subject of this rezoning application was known as the Essex Crossing subdivision located behind the Canadian Tire Store and Tim Hortons and McDonald's restaurants. The 34 ha (85 ac) property is subdivided into street blocks on a registered plan of subdivision.



With the exception of two neighbourhood commercial blocks at the future entrance to the subdivision, on Street A (now Peters Street), the balance of the property is zoned R2.2, low density residential, under General Zoning By-law 1037. The commercial two blocks, Block 7 and Part of Block 8, on Street A, at the entrance to the subdivision, are zoned C1.1, neighbourhood commercial.

The applicants are requesting revisions to the regulations of the C1.1 and R2.2 zoning to accommodate a wider range of housing and to potentially reduce the size of the neighbourhood commercial district.

Zoning History:

See Appendix A for a summary of the zoning changes formally requested in 2018, granted in 2006 and 2013 and denied in 2013.

The Essex Crossing subdivision was part of a larger mixed use development bounded by Maidstone Avenue West and Highway 3, which was the subject of an Official Plan Amendment and rezoning in the mid 2000’s. The lands were re-designated from Industrial to Special Commercial and Residential and rezoned to mixed commercial – highway commercial along South Talbot Road, tourist oriented commercial at the corner of Highway 3 and Maidstone, big box retail along Maidstone, neighbourhood commercial at the southwest corner of Maidstone and Street A (Peters Street) and to residential in the future subdivision.

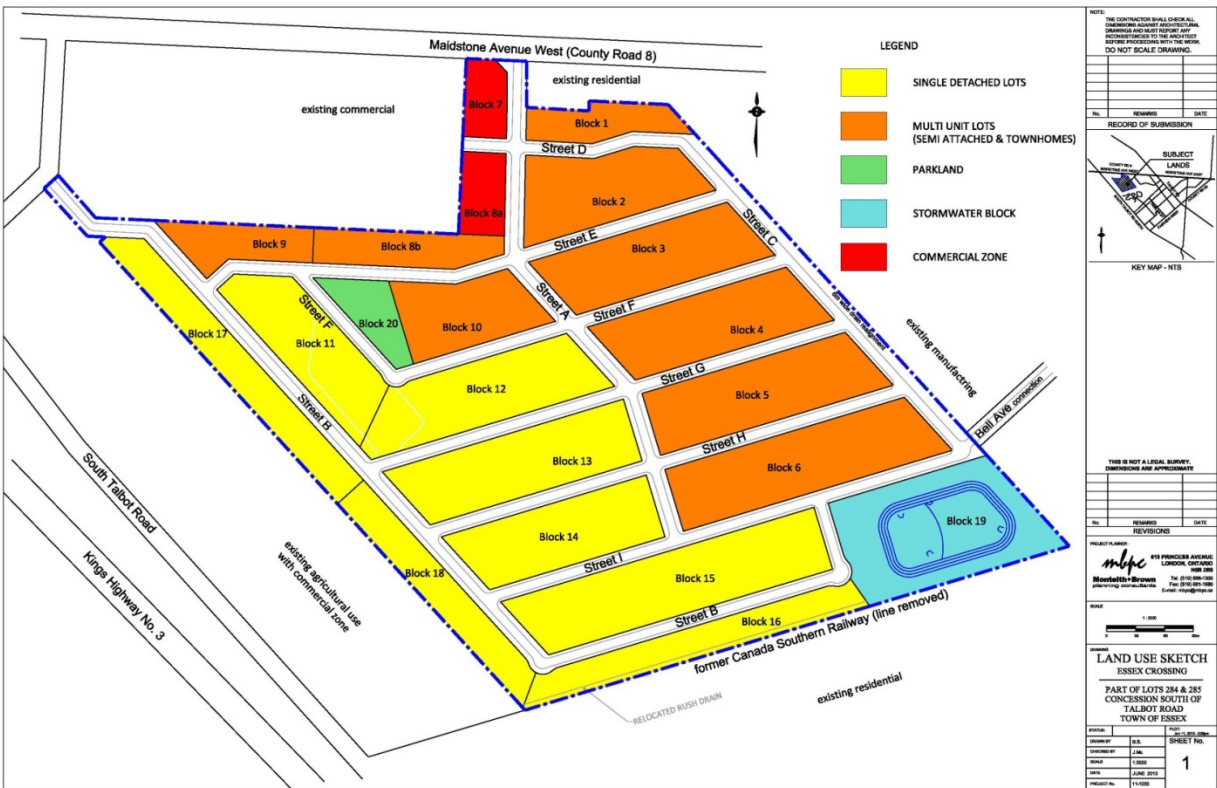
Relevant to this rezoning application, the neighbourhood commercial blocks, Block 7 and part of Block 8, on the west side of Peters Street at Maidstone, are zoned C1.1, which permits retail stores, personal service shops, business and professional offices and other uses intended to serve this residential subdivision. A neighbourhood plaza located at the entrance to a large subdivision, such as this one, provide local convenience and service facilities to the residents and reduce traffic demands on the main street because residents are not forced to travel beyond the limits of the subdivision.

The residential subdivision was rezoned from industrial to residential zoning to permit single detached, semi-detached and townhome dwellings. The current R2.2 zoning permits a single-detached, semi-detached, town home dwelling unit, as well as a secondary dwelling unit within each of them.

While currently serviced with the intention (in 2006) to build single detached dwellings on 15m (50 foot) wide lots, it is estimated that, under the R2.2 zoning, up to 600 dwellings units of various types could be accommodated with the incorporation of approved storm water management and sanitary facilities. How the dwelling units will be distributed and at what ratio of single and semi-detached and townhome dwellings has yet to be determined.

In 2013 a development concept plan submitted by DBS-Hearn, the then owners of the property, for the proposed subdivision for discussion purposes related to the zoning requests made by the proponent at that time.

No action was taken by Council to approve this plan, nor was approval requested.



On November 19, 2018, Council adopted the following resolution:

“That Essex Town Centre Incorporated and its consultants meet with administration to determine the distribution of dwelling unit types and total dwelling unit density over the entire subdivision in order to develop an updated development and servicing plan. It is understood that the H holding restriction will be removed and part lot control exemption granted on a phased basis once the comprehensive development plan and an updated agreement for the entire subdivision have been completed and executed.”

Rezoning Considerations:

In accordance with the mandates of the Provincial Policy Statement (PPS) and our own Official Plan, the Town is committed to the provision of adequate and varied housing accommodation to meet the needs of all of its residents. With rising land, material and labour costs and higher Provincial building construction standards, it is difficult to meet basic housing needs affordably. As has been discussed recently, this is an ongoing problem affecting seniors, modest income families and people with special needs.

The housing industry is constantly searching for cost savings that make their products more attractive and affordable to a broader range of buyers. Municipalities have helped to address this through various means, including relief from Development Charges, zoning to permit a variety of housing options, not just single-detached dwellings, and reduced building regulations to permit, for example, smaller building lots and greater lot coverage.

The Provincial Policy Statement (PPS) provides that Planning Authorities shall (S1.4.3) provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents by:

Permitting and facilitating all forms of housing required to meet the social, health and well-being requirements of current and future residents including special needs requirements and establishing development standard for new residential development which minimize the cost of housing and facilitate compact form, while maintaining appropriate levels of public health and safety.

Part A Zoning change requests by Essex Town Centre Incorporated-2018

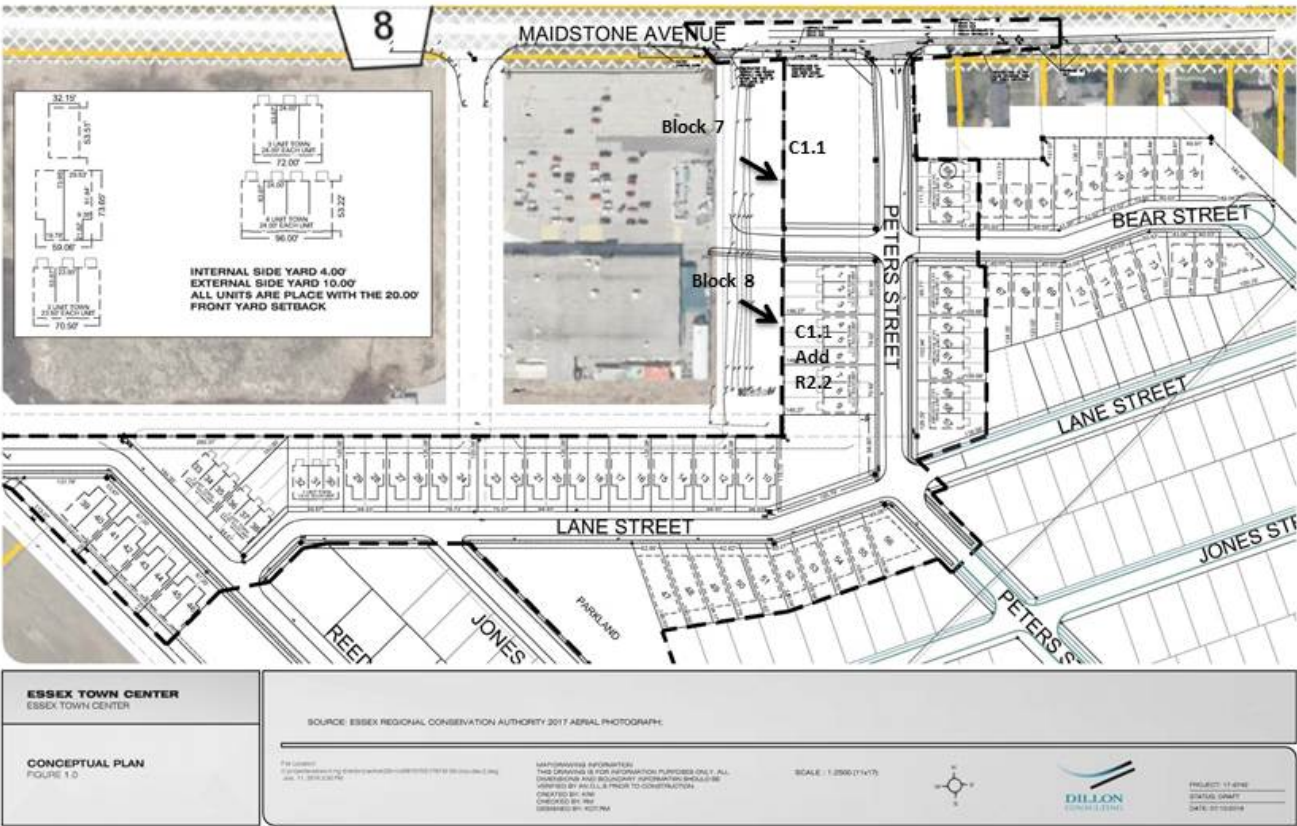
COMMERCIAL ZONING REQUEST:

- A. As noted above the C1.1 zoning applies to Block 7 and Part of Block 8 facing Peters Street. Between Blocks 7 and 8 is a road right of way which will provide access to the Canadian Tire store from Street A.

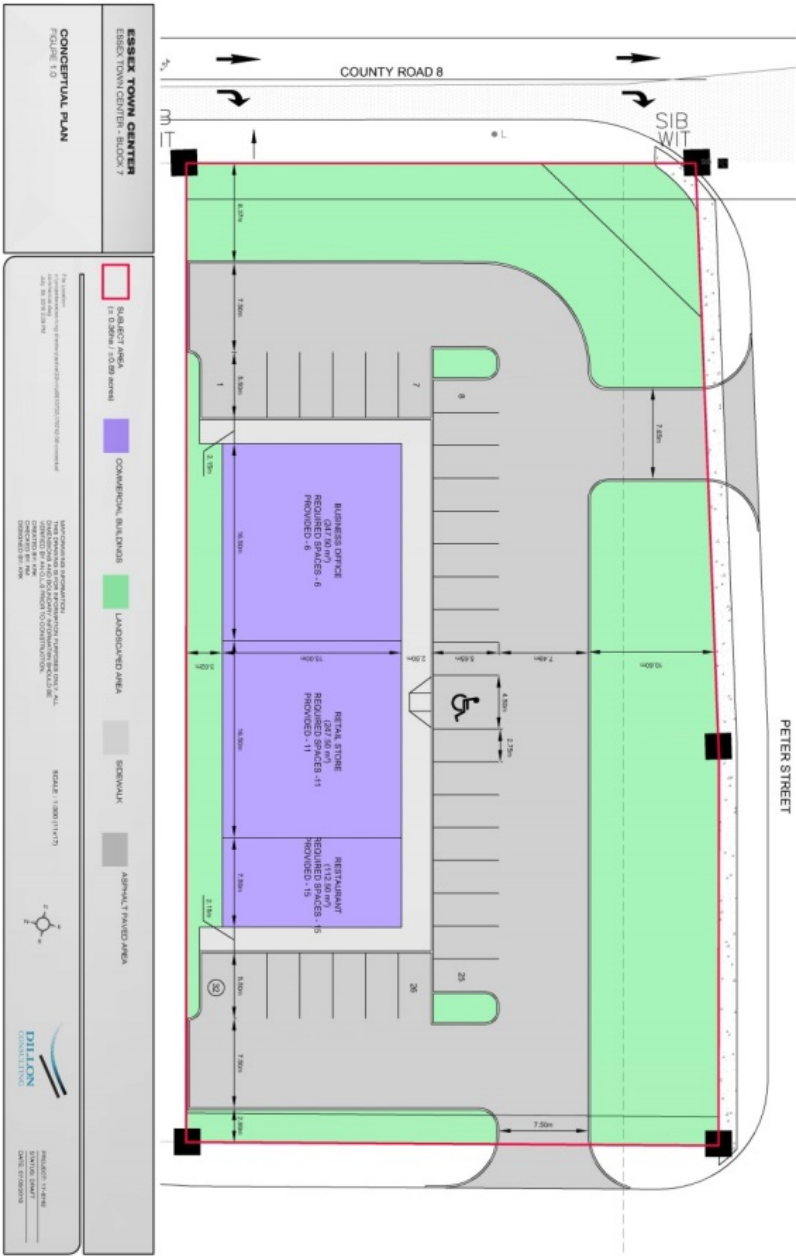
With reference to the map below, the applicants are requesting that Block 8, south of the future Canadian Tire roadway, permit R2.2 uses (single detached, semi-detached

and townhome dwellings), as well as neighbourhood commercial uses, to provide for the option of developing the block for residential purposes should demand for neighbourhood commercial space be limited to Block 7.

Phase 1 Development Plan



In response to the request for reduced neighbourhood commercial space, Planning requested a site plan demonstrating how neighbourhood commercial uses could be accommodated exclusively on Block 7. The draft site plan below shows a possible commercial development suitable for a subdivision of this size. Overlaying R2.2 zoning on Block 8 would give the option for either future commercial or residential uses while still maintaining the integrity of Block 7 strictly for neighbourhood commercial uses.



Note: This is a concept plan only for discussion purposes. Driveway access will be limited to the future Canadian tire service road so as to limit traffic conflicts at the intersection of Peters Street and Maidstone Avenue.

Recommendation:

- 1. That supplementary zoning be added to Block 8, to provide that R2.2 uses shall be permitted uses in addition to the C1.1 uses currently permitted.

RESIDENTIAL REZONING REQUESTS

On July 23, 2018 and November 5, 2018, meetings of Council were held to receive public representation regarding the rezoning requests. At both meetings, local residents, as occupants of dwellings on Maidstone Avenue abutting the subject lands, asked that Council permit exclusively single detached dwellings on lots having a minimum width of 15m (50 feet) on Block 1 behind their properties. Planning supports this request as it provides a buffer and transition against the higher residential densities proposed for the balance of the subdivision. Mr. Valente as agent for Essex Town Centre Limited, has agreed to this request.

Request A. 12m (40 foot) wide single-detached dwelling lots -

Permit the construction of a single-detached dwelling on a lot having a minimum width of 12 meters (40 feet) and a lot area of 370 meters² (4000 square feet). Currently the minimum lot width and lot area are 15m (50 ft) and 460m² (5000 sq ft) respectively.



East Riverside example of a dwelling on a 12m (40 ft) wide lot

Planning supports the provision of 40 foot wide single detached dwelling lots in the Essex Town Centre subdivision. While not widely accepted in the County, yet, that is the minimum standard in the City of Windsor. Yard depths (front rear and side) would remain the same as required for larger lots. Compared with 50 foot wide lots, residential density would increase from 8.7 units per gross acre to 10.9 units per gross acre.

The R2.2 minimum lot widths for semi-detached and townhome dwellings are 30 feet and 26 feet respectively. The smaller single detached dwelling and smaller 40 foot wide lot offer a viable alternative to semi-detached and townhomes, especially for families. Planning notes that this subdivision is uniquely situated in that it does not abut existing subdivisions built to more traditional local standards. As such, this presents an opportunity to permit more variety in housing accommodation and subdivision design. As homes become less affordable, as our population ages and there is more demand for housing to accommodate persons with special needs, the provision of an expanded variety of housing types and prices becomes more important. The Provincial Policy Statement (PPS) and our own Official plan (OP) mandate an appropriate range and mix of housing types and densities to meet the needs of current and future residents.

It is the opinion of Planning that a 12m lot width is acceptable and desirable in the Essex Town Centre subdivision. It provides a good option for families desirous of more yard space and greater physical separation from adjacent dwellings in comparison with semi-detached

and townhome dwellings. There are many examples of houses that can be accommodated on a 12m -15m wide lot while maintaining the required separation between dwellings in accordance with the zoning by-law.

Recommendation:

- 1. That that R2.2 zoning be amended by supplementary provision to permit single-detached dwellings on lots having a minimum lot width of 12m (40 feet) and lot area of 375m2 (4000 sq ft).

Request B. Reduced exterior sideyard widths -

Reduce the width of an exterior side yard from 4.5m (15ft). The exterior side yard is the side yard abutting a public road. It is requested that the side yard width be reduced from 4.5m to:

1.2m (4 ft) where the lot abuts a road right of way having a width of 20m (66 ft) and 3m (10 ft) where the lot abuts a road right of way of under 20m in width.

This subdivision is divided into blocks having frontages on 20m and 15m rights of way. The pictures below illustrate a dwelling with a fenced 15 foot side yard compared with one having a fenced 8 foot wide side yard abutting a 15m (50ft right of way). A 1.2m side yard would be represented by one of the 2 -1.2m panels in the fence.



A 4.5m (15 foot) wide exterior side yard above.

A 2.4m (8 foot) wide side yard below. One fence panel equals 1.2m (4 ft).





The intent of the wider exterior side yard is to have that side yard more closely emulate the required front yard of the abutting dwelling on the first interior lot. If the by-law prohibited the erection of a screening fence around the exterior side yard to more closely resemble a front yard that intent would be realized. This is not the case, however, when the yard is fenced entirely.

Functionally, municipal and associated services can be accommodated in the existing (50 foot wide) rights of way in Essex Town Centre with the required 8 foot wide easements. But it is a tight fit, however, and not the best solution, which would be provided by a 66 foot wide right of way. The proponent's request to provide 10 foot wide exterior side yards against a 15m (50 foot) right of way exceeds the minimum functional width requirement for the provision of services. So approval of the reduced yard width or not should be considered within the context of neighbourhood aesthetics, namely, the aesthetic pluses and minuses of smaller side yards relative to the merits of reduced building costs.

Recommendation:

1. That, by supplementary regulation, the minimum required exterior side yard width be reduced from 4.5m (15 feet) to 3m (10 feet) where the lot abuts a 15m (50 foot) public right of way and 1.5m (5 feet) where it abuts a 20m (66 foot) right of way, except that a vehicular entrance to a garage shall be a minimum of 6m (20 ft) from an exterior lot line.

(Note: This condition was included in a Committee of Adjustment approval of a variance request for reduced exterior side yards in the Townsview and Jakana subdivisions and accepted by the same proponent.)

Request C. Eliminate the attached garage width restriction for semi-detached and townhome dwellings -

Currently the width of an attached garage is limited to the equivalent of 60% of the width of the dwelling. e.g. a 9m (30 foot) wide dwelling is permitted a 5.5m (18 foot) wide front garage. Elimination of this regulation would permit a garage of up to 9m (30 feet), the entire width of the dwelling.

A townhome meeting the 60% garage width limit



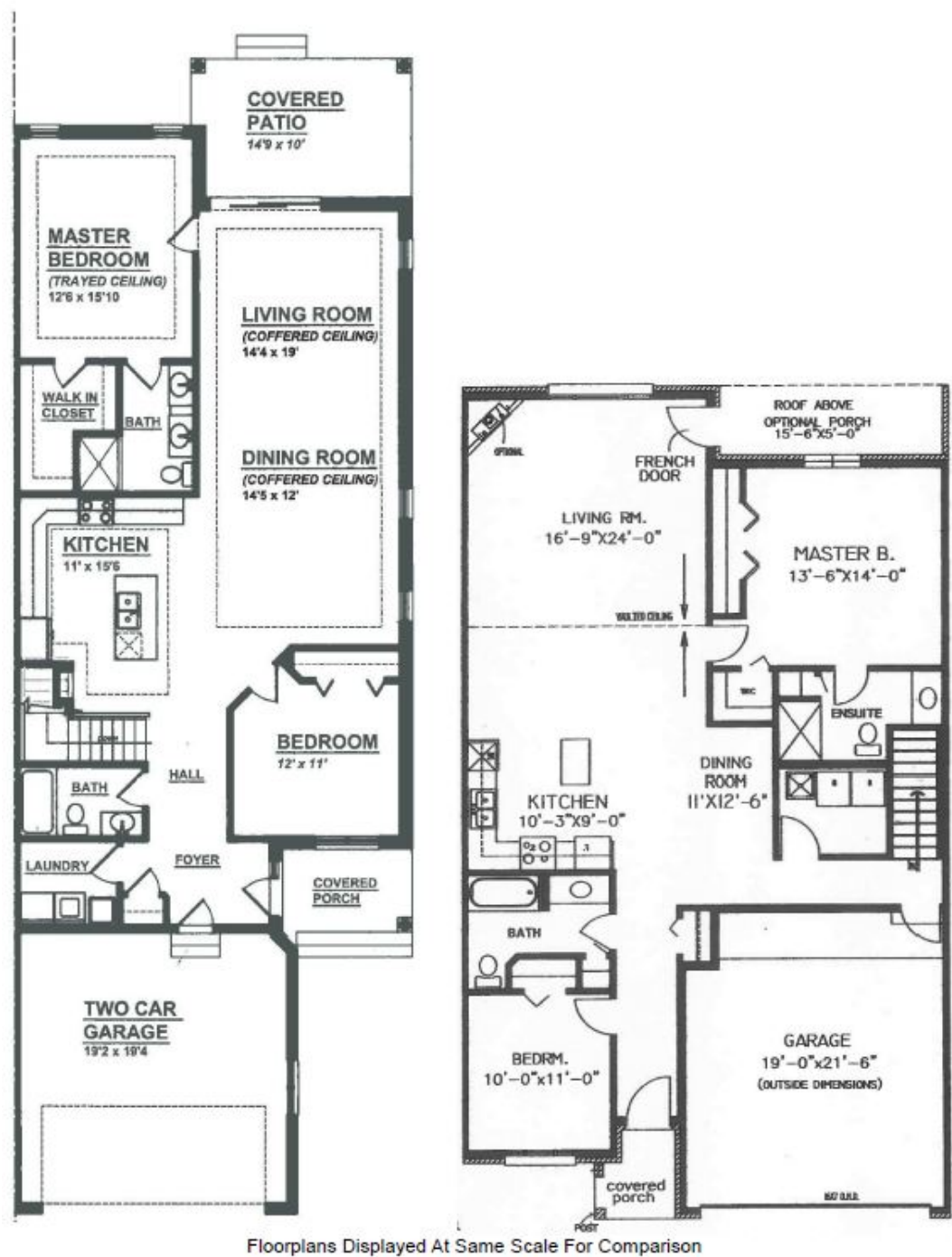
This current garage restriction helps to reduce the neighbourhood image that cars, garages and driveways are the dominant characteristic of the neighbourhood -“Cars live here” - and it provides for more “eyes on the street” for public safety. See **Appendix B** regarding Crime Prevention Through Environmental Design CEPTD from Windsor Police Services to review comments regarding the deficiencies of snout house designs. Dominant garages, with most of the house, including the main entry door, hidden behind it, have been given the derogatory name of “Snout House”. By design, they discourage neighbourhood interaction and potentially reduce public safety.

A townhome example exceeding the 60% garage width limit (70%)



The difference in construction between a snout house and a more traditional townhome, like those at Eagle’s Nest, is almost entirely in the lot width needed to accommodate them, a difference of approximately 1.5m (5 feet) for a conventional townhome with comparable amenities and floor area.

In addition to the CEPTD benefits of eyes on the street, the conventional townhome has the potential for a deeper front yard to accommodate vehicular parking and or a deeper rear yard for more on site amenity and significantly greater separation from the rear yard neighbor.



Council must balance the negative impacts of snout houses with their perceived “affordability”. They might be considered on a limited basis i.e. restricted to specific blocks, to provide more housing options. Building them exclusively is detrimental to the creation of interactive and safe neighbourhoods and it would reflect negatively on our sense of community.

If snout houses are accepted as one option, it should be on a limited basis and on lots of sufficient depth to accommodate them while still maintaining our minimum yard depths under the zoning by-law. They should only be permitted on one side of the street to reduce their visual impact of continuous garages, driveways and cars, reduce the dwelling unit block density and to help meet the PPS and Town Official Plan mandate for variety in housing accommodation.

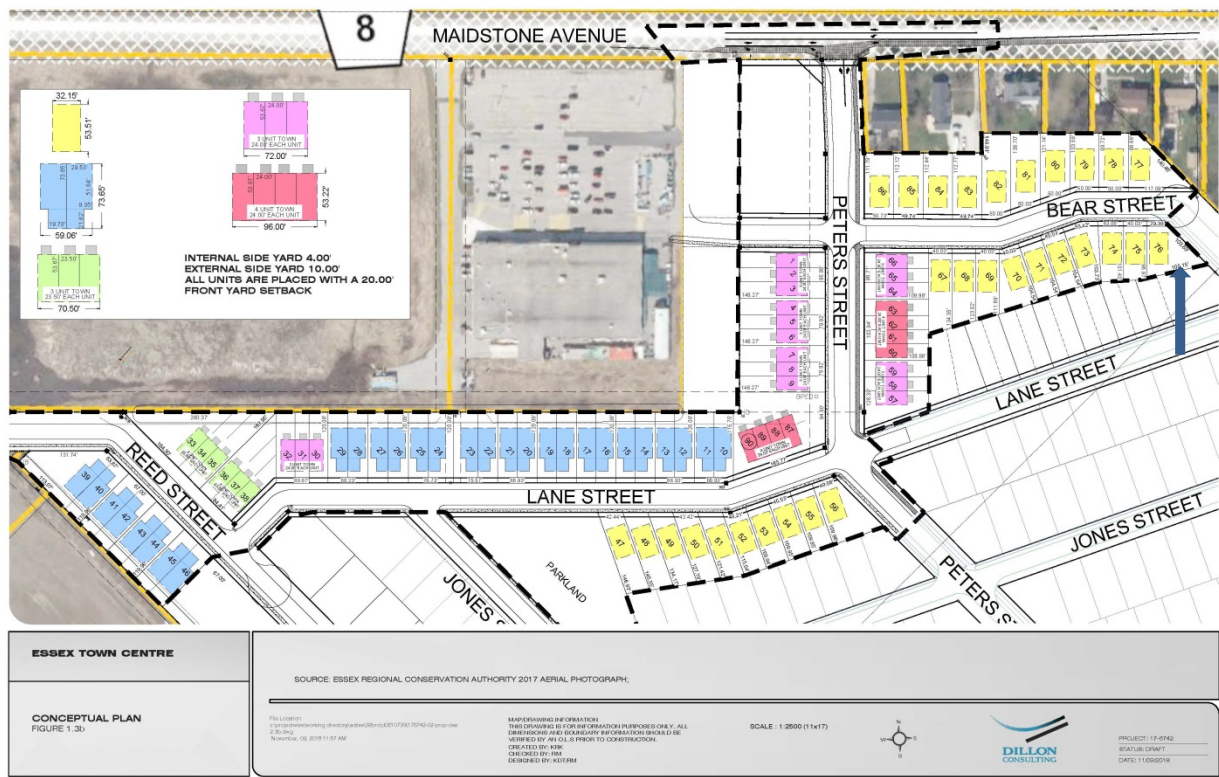
A typical house of this type would have a front garage that extends across approximately 70% of the dwelling, as illustrated above.

Recommendation:

- 1. That by supplementary regulation the maximum width of an attached garage for a town home or semi-detached dwelling unit be equal to 70% of the width of the dwelling unit and with a maximum lot coverage of 60% exclusively for Blocks 9, 17 and 18 and part of Blocks 3, 4, 5, 6 and 8 (east 36m, 120 feet) shown on the map below:



Request D: Rear yard depth reduction for a specific lot on Bear Street



With reference to the map above the arrow points to a lot at the end of Bear Street that will have a dwelling with a deficient rear yard of approximately 4.5m (15ft) in depth (7.5m 25ft required). This is compensated for by the greater width of the side yard for this particular single detached dwelling lot.

Recommendation:

- 1. That, by supplementary regulation, for the lot at the southwest corner of Bear Street, the minimum rear yard depth shall be 4.5m.

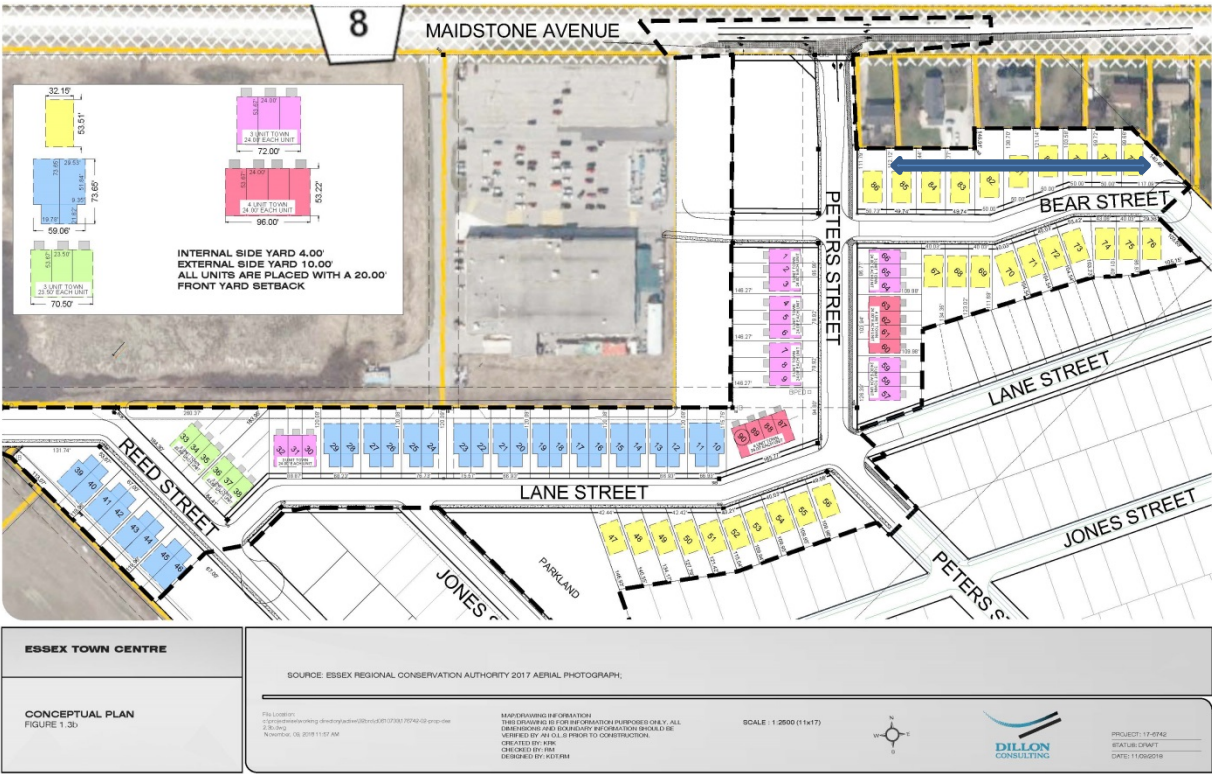
Part B Other Planning Matters for Decision

A. Public Response to rezoning notification

At the statutory public meeting held on July 23, 2018, and subsequently at the second public meeting on November 5, 2018, verbal and written submissions were received from residents of Maidstone Avenue whose properties abut the Essex Town Centre subdivision. They back onto Block 1, located on the north side of Bear Street.



They have requested that the dwellings behind them be single-detached dwellings, exclusively, preferably on 15m (50 foot) wide lots. Planning supports this request. It is reasonable to provide a transition between the existing low density residential properties and the higher density development proposed. It is also important to reduce the impact of driveways leading directly onto Peters Street for proper traffic control. As shown on the map below, for that portion of Peters Street between Maidstone Avenue and Bear Street (Street B) should not have driveways leading to it. As noted above, Mr. Valente has agreed to this neighbourhood request.



For the neighbourhood commercial block (Block 7) on the west side of Peters Street, access to it would be by way of the future service road leading to the Canadian Tire store. The east side of the street would be flanked by the exterior side yard of the lots backing onto the

With the proposed increase in dwelling unit range and density in Phase 1 and the proponent's desire to have more flexibility in housing type and land allocation, it is necessary to adopt a new development servicing plan based on today's standards and the probable higher density. Administration has been working with the proponent's consultant, Dillon Consulting, and the Essex Region Conservation Authority on this.

What is lacking is a comprehensive plan showing how the various types of dwelling units will be distributed over each of the development blocks. This is particularly important with the introduction of snout townhomes (greater lot coverage) and single detached dwellings on 40 foot wide lots. The 2013 DBS-Hearn plan is shown in the Background above. The proposed Phase 1 development plan alone differs from the DBS-Hearn plan and introduces townhomes and semis as well as single detached dwellings on 40 foot wide lots where they were not proposed before.

We will be meeting with the proponent to discuss in detail the allocation of housing types over the entire subdivision and the impacts that will have on servicing. Such discussions will involve ERCA and the Ministry of Transportation and potentially the Ministry of Natural Resources and Forestry. A traffic impact assessment is also being produced to determine the impact of higher residential density on Maidstone and South Talbot.

In order to develop and ensure adherence to a proper servicing plan and broad range and mix of housing types, each block should be identified for a specific type or range of dwelling units and locked in prior to the removal of the H holding status and the adoption of a part lot control exemption by-law.

SUMMARY:

This is a complex housing project that is the subject of a rezoning application to change a number of land use regulations, in addition to those previously granted by Council in 2006 and 2013. These include requested actions to permit single-detached dwellings on 40 foot wide lots, reduce the width of exterior side yards and permit the construction of a wider attached garage for townhome and semi-detached dwellings.

Local residents have asked that Block 1 at the entrance to the subdivision, accommodate exclusively single detached dwellings on 50 foot wide lots. Planning is requesting that "snout houses" be restricted to specific blocks and agrees with the request of the local residents for a buffer zone.

The lack of a comprehensive plan for the entire subdivision hinders the ability to produce a proper servicing plan and to ensure a broad mix of housing types. Further discussion to determine and to lock in the ultimate development plan is necessary prior to the removal of the H holding restriction or the granting of part lot control exemption beyond Phase 1.

FINANCIAL IMPACT

The development of this 400 to 600 unit subdivision will add to our tax base, with the provision of interior roads and other municipal services the responsibility of the developer.

LINK TO STRATEGIC PRIORITIES

Provide opportunities for the accommodation of a wide range of housing types to meet the current and future needs of residents while promoting a healthy, safe and environmentally conscious community.

Reviewed by:

Donna Hunter, Chief Administrative Officer -

Chris Nepszy, Director of Infrastructure and Development -

Rita Jabbour, Assistant planner -

Essex Town Centre Zoning Comparison

Essex Town Centre	Existing Zoning Regulation	Requested Zoning Regulation
Minimum lot width and lot area - single detached dwelling	50' x 5000 sq ft	40' x 4000 sq ft
Minimum exterior side yard width – all dwellings	15'	4' against a 66' road right of way 10' against a 50' road right of way
Maximum attached garage width – all dwellings	60% of the permitted width of the dwelling eg a 32' wide single detached dwelling (permitted on a 40' lot) can have an 19.5' wide garage. (Note: the maximum lot coverage for a townhome or semi-detached dwelling is 50% of the lot area)	Unrestricted (100%) for townhomes and semi-detached dwellings eg a 30' wide dwelling could have 30' wide garage and 20' for a single detached house on a 40' wide lot. (Note: this would require an increase in the permitted lot coverage from 50% to as high as 65% for a “snout house”)
Previous zoning revisions granted by Council for the Essex Town Centre (formerly Essex Crossing) subdivision in 2006 and 2013		
Minimum front yard depth -all dwellings (2006)	25'	20'
Minimum public right of way width (2006)	66'	50'
Minimum lot coverage for a townhome or semi-detached dwelling unit (2013)	40% of the lot area	50% of the lot area (52% requested)
Minimum lot width for a townhome dwelling (2013)	82'	79' (and reduced lot area)
Minimum lot width for a semi-detached dwelling (2013)	69'	55.5' (and reduced lot area)
Zoning requests not approved in 2013: Increase in garage width from 60% to 72%, reduction in the exterior side yard width from 15' to 4' and reduction in rear yard depth from 25' to 20'.		

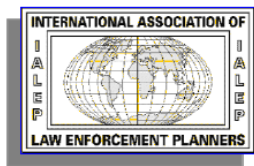
CRIME PREVENTION THROUGH ENVIRONMENTAL
DESIGN ASSESSMENT

Essex Crossing Subdivision

Location: Essex, Ontario

Date of Assessment: July 2nd, 2013

Assessed by: Barry Horrobin, B.A., M.A., CLEP, CMM-III
Professional Planner – Board Certified Expert in C.P.T.E.D.



NOTE: *The findings and recommendations stated here are based on known, universally recognized principles and the expertise of the author in how they are interpreted and applied. The goal of this assessment is to illustrate the impact the impending residential design will have on public safety and security.*

INTRODUCTION

This assessment has been carried out according to the universally recognized principles of **Crime Prevention Through Environmental Design (CPTED)**; defined as:

“The proper design and effective use of the built environment, leading to a reduction in the fear and incidence of crime and disorder. This in turn leads to an improvement in the overall quality of life of a building, space, or area.”

As such, the general architectural design of the homes proposed to be constructed in the Essex Crossing subdivision has been assessed through its physical configuration according to the following core principles of CPTED:

- **Natural Surveillance**
 - The capacity to observe what is occurring without having to take special measures to do so. This is achieved by direct views through windows, passing cars or pedestrians, or someone on a bench looking outward.
- **Access Control**
 - The ability to limit who or what can gain entry to a building or space, and how. This can come in the form of well designed landscaping elements, gates in fences, or the presence of existing physical barriers like railroad tracks, walls, or waterways.

- **Vandalism/Property Damage** – Homes where the majority of the structure that fronts the road consists of unoccupied space (the garage), minimizes natural street-oriented monitoring capability. This in turn makes it easier for someone to apply graffiti and reduces the ability for residents and other witnesses to identify such unlawful activity.
- **Loitering** – House designs that do not encourage panoramic observation of their surroundings create visual isolation, limiting the ability of neighbours to watch out for each other. This allows an undesirable activity such as loitering to persist.
- **Break and Enter** – The house layout proposed whereby the front door is practically unobservable from the roadway increases the risk for break and enter crimes to be committed. Of particular note is a break-in technique known as “lock bumping” whereby a person can gain entry into a dwelling easily and without any visible signs of forced entry. The best defense against this is for a witness to observe the suspicious activity that characterizes this crime. Once this kind of crime occurs, the street develops a negative perception which socially detracts from the overall character and quality of the neighbourhood.



A garage-dominated front building elevation increases vulnerability because the front door is essentially “unobservable” from the abutting roadway

It must be clearly understood that a residential subdivision is a valuable community asset that needs to be designed and constructed in a manner that is safe for all users. This optimizes its comfort level and overall ability to attract residents. The key to a safe, healthy, and desirable neighbourhood starts with a sound design and any efforts to ensure this should be given strong consideration and acceptance.

- **Territoriality**
 - The means by which authority/ownership/usage of space is established over a building or area to clearly identify who is in control, who belongs, and who is an outsider. This can come in the form of such elements as signs, thematic images/graphics, and the presence of housing staff.
- **Activity Management**
 - The concept of placing safe, positive, legitimate activity (that will attract lawful users) in a building or space to either displace negative behaviour that is occurring or to prevent problematic behaviour from getting established in the first place.
- **Target Hardening**
 - The physical fortification or reinforcement of a building to prevent unlawful access by intruders. This is typically accomplished through the installation of proper locks and the use of robust building methods.
- **Behaviour Engineering**
 - The practice of establishing or re-establishing positive behaviour and functioning of a building or space at the expense of unlawful behaviour. This is achieved through changes in the placement or arrangement of physical components to eliminate vulnerability.

According to the late noted CPTED expert Timothy Crowe, how space is designed and then ultimately used greatly affects profit, productivity, and quality of life. This is further supported by contemporary research findings suggesting that space that is widely shared by people but poorly identified will result in low morale, reduced productivity, and greater tolerance for misbehaviour. The financial, physical, and psychological effects of crime and disorder reduce public trust and social cohesion.

The proposed architectural design of homes within the Essex Crossing subdivision gives indication problems may occur, at least to some discernable degree. Most notably, compromises to natural surveillance, access control, activity management, and behaviour engineering are anticipated. Therefore, efforts directed at preventing problems rooted in the design of these houses will be a key catalyst to the long term social stabilization of the neighbourhood.

Safety Problems Likely to Arise:

The architectural design being proposed presents some very clear safety and security issues, all of which really need to be properly addressed. In no particular order, these include the following:

- **Crime “Casing”** – The manner in which homes are proposed to be oriented greatly inhibits natural surveillance capability. This in turn makes it easier for a criminal to “case” the neighbourhood (a targeting technique used to assess a property’s vulnerability for coming back later to commit a crime). The physical design offers discretion and less chance such behaviour will be detected.

Summary & Recommendations

The results of the Crime Prevention Through Environmental Design (CPTED) assessment point to the opportunity for implementing measures that will collectively enhance the safety and security of the Essex Crossing Subdivision development. Taking this information into consideration will create a solid foundation for making the right decision for the long term viability of the neighbourhood.

Design-triggered root causes of crime and disorder are not uncommon in many urban neighbourhoods in most North American cities nor are they too onerous to be effectively addressed and corrected. The big difference in this situation is that many of the concerns identified here can be rectified now before the neighbourhood gets constructed. Having an understanding that root cause factors, such as those identified in the CPTED assessment, are significantly correlated to a neighbourhood's social health is therefore very important.



To whom it may concern Essex town council July 9th 2018

I'm writing my concerns about the amendment to the proposed Zoning By-law change 1037

I'm apposed to the change of a 50 ft lot changed to a 40 ft lot in block 1 right behind my house. I would like to see it remain a 50 Ft lot with a single detached dwelling and no snub nose housing in block 1 which we already disapproved of this a few years ago.

Please accept my concerns in writing as I will be away on vacation

Thank You Gary and Trish Peer

244 Maidstone Ave West Essex

519 776-5825

Gary Peer
Patricia Peer

To whom it may concern Essex town council July 18th 2018

I'm writing my concerns about the amendment to the proposed Zoning By-law change 1037

I'm apposed to the change of a 50 ft lot changed to a 40 ft lot in block 1 right behind my house. I would like to see it remain a 50 Ft lot or larger with a single detached dwelling and no snub nose housing at all in this subdivision which we already disapproved of this a few years ago.

Please accept my concerns in writing as I will be away on vacation

I'm also wondering since I have never flooded before that in the future if I do flood will the town of Essex pay for mine & my neighbors damage repairs?

Thank You Jim and Terry Renaud

230 Maidstone Ave West Essex

519 776-8017

A handwritten signature in cursive script that reads "James Renaud". The signature is written in dark ink and is positioned below the printed contact information.

The Corporation of the Town of Essex

By-Law Number 1768

Being a By-Law to Amend By-Law Number 1037

The Comprehensive Zoning By-Law for the Town of Essex

Whereas By-law Number 1037 is the Town's Comprehensive Zoning By-law regulating the use of lands and the character, location and use of buildings and structures within the Town of Essex;

And whereas the Council of the Corporation of the Town of Essex deems it expedient and in the best interest of proper planning to amend By-law Number 1037;

Now therefore the Corporation of the Town of Essex enacts as follows:

1. That Section 28, subsection 1, Site Specific Zoning Provisions, of By-law 1037, is hereby amended by adding the following paragraph:

"41. For the lands comprising Blocks 1 to 6, 9 to 18 and Part of Block 8, Registered Plan 12M-545, comprising the Essex Town Centre subdivision, located south of Maidstone Avenue West, east of South Talbot Road, the following regulations apply:

 - i. for that part of Block 8 zoned Commercial 1.1 (C1.1), located on the west side of Peters Street, south of Bear Street, any uses permitted in the Residential 2.2 (R2.2) District of By-law 1037, shall be additional permitted uses;
 - ii. for Blocks 2 to 6 both inclusive and Blocks 8 to 18 both inclusive the minimum lot width for a single detached dwelling shall be 12 metres, the minimum lot area shall be 370 square meters and an attached garage shall be a maximum of 6.1 meters (20 feet) in width for a single detached dwelling on a lot having a lot frontage of 12 to 12.8 meters;
 - iii. for Blocks 1 to 6 both inclusive, Block 8 and Blocks 9 to 18 both inclusive the minimum width of an exterior side yard shall be 3 meters when the exterior side yard flanks a street having a right of way width of 15 meters and 1.2 meters when the exterior side yard flanks a street having a right of way width of 20 meters, save and except that, for a garage entrance providing access to the garage by a motor vehicle, the minimum setback from an exterior lot line shall be 6 meters;
 - iv. for Blocks 9, 17 and 18 and for the a lot fronting on the west side of Blocks 3 to 6 both inclusive, for a semi-detached or townhome dwelling the maximum width of a garage shall be equal to 70 percent of the width of the dwelling unit and the maximum lot coverage shall be equal to 60 percent of the lot area devoted to that dwelling unit;
 - v. for Block 1, no dwelling except a single-detached dwelling and any accessory thereto shall be permitted and such dwelling shall be on a lot having a

minimum lot width of 15 meters, nor shall a driveway or other vehicular entrance be permitted to Peters Street;

- vi. for a lot located at the southwest corner of Bear Street the minimum rear yard depth shall be 4.5 meters. (ZDM 3)''

2. This By-law shall come into force and take effect on the date of its passing thereof by Council.

Read a first and second time on December 17, 2018.

Mayor

Clerk

Read a third time and finally passed this 14th day of January 2019.

Mayor

Clerk

Explanatory Note

By-law 1768 applies to lands forming the Essex Town Centre subdivision comprising Blocks 1 to 20, Registered Plan 12M-545230, situated south of Maidstone Avenue West, east of South Talbot Road. Blocks 7 and Part of Block 8, at the west entrance to the subdivision, are zoned C1.1, neighbourhood commercial, while Blocks 1 to 6, 9 to 18 and part of Block 8 are zoned R2.2, permitting single-detached, semi-detached and townhome dwellings. Block 19 will serve as a storm water management pond while Block 20 is the future park for the subdivision.

This amending by-law adds supplementary provisions related to the lands described above. In general, it will permit R2.2 uses on that portion of Block 8 zoned C1.1. On the blocks zoned R2.2, it permits single-detached dwellings on lots having a width of 12 meters and a lot area of 370 square meters. It reduces the width of a required exterior side yard (a side yard that abuts a street) from 15 meters to 3 meters where the side yard abuts a street right of way of 15 meters in width and 1.2 meters where the side yard abuts a street right of way of 20 meters in width.

It permits the construction of townhome and semi-detached dwellings having a garage width in excess of the permitted maximum width equal to 60 percent of the dwelling width. The garage width may be up to 70 percent of the dwelling unit width, exclusively at specific locations within the subdivision. It restricts the development of Block 1, situated to the rear of the existing dwellings fronting on the south side of Maidstone Avenue, to single detached dwellings on lots having a minimum width of 15 meters.

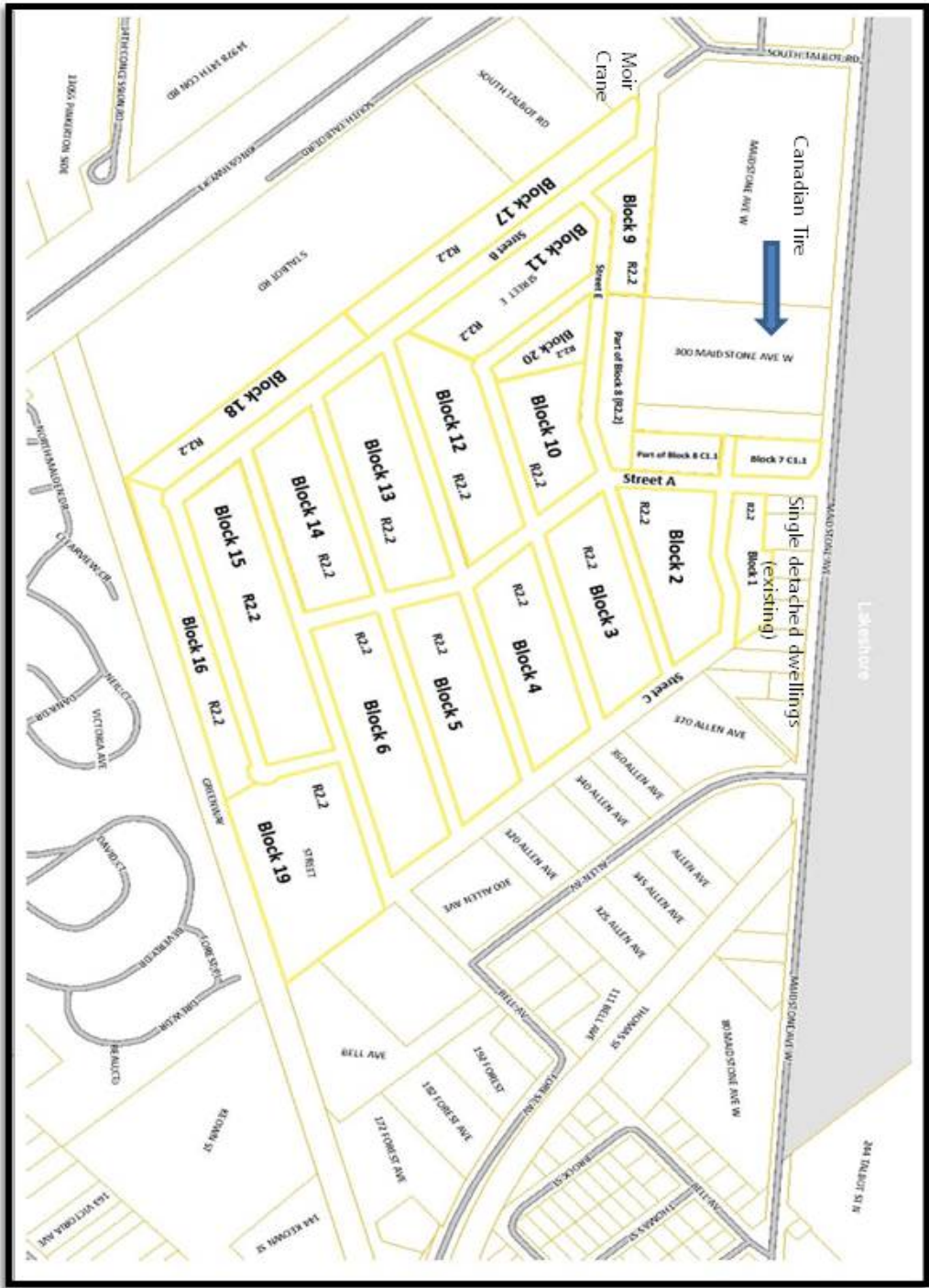
Persons seeking more information or assistance concerning the appeal process can contact the Local Planning Appeal Support Centre at <http://LPASC.ca> or by telephone at 1-800-993-8410

Prior to adoption of By-law 1768 oral submissions were received from the public concerning the rezoning. Revisions to the by-law were made consequently in response to the submissions heard by Council. The Key Map below shows the location of the lands affected by this rezoning by-law.

Key Map

Key map showing the location of the lands to be granted supplementary zoning permission.

Note: Street A is now Peters Street, Street C is now Bear Street and Street E is Lane Street





JOINT BOARD OF MANAGEMENT

Thursday, September 27, 2018
9:00 AM

Ruthven Water Treatment Plant,
Board Room
1615 Union Avenue
Ruthven, Ontario

MINUTES

Members Present: Deputy Mayor MacDonald (Chair); Councillors Dunn, Jacobs, Hammond, Verbeke - Leamington
Mayor Nelson Santos (Vice-Chair); Deputy Mayor Queen,
Councillors Gaffan, Neufeld, Patterson - Kingsville
Mayor McDermott - Essex

Members Absent: Mayor Paterson - Leamington
Councillor Diemer - Lakeshore

UWSS Staff

Present: Rodney Bouchard, UWSS Manager
Khristine Johnson, Recording Secretary

Municipal

Staff Present: Shaun Martinho - Kingsville

OCWA Staff

Present: Dale Dillen, Ken Penney

Call to Order: 9:01 am

Disclosures of Pecuniary Interest: none

Adoption of UWSS Minutes:

No. UW-42-18

Moved by: Councillor Jacobs

Seconded by: Deputy Mayor Queen

That Minutes of the UWSS Joint Board of Management meeting of July 18, 2018
be received.

Carried

Adoption of UWSS Special Minutes:

No. UW-43-18

Moved by: Councillor Patterson

Seconded by: Councillor Hammond

That the Minutes of the UWSS Joint Board of Management Special meeting of Thursday, July 26, 2018 be received.

Carried

Business Arising Out of the Minutes:

There was none.

Reports/Correspondence

Report UW/22/18 dated September 21, 2018 re: Status Update of the UWSS Operations & Maintenance Activities and Capital Works to September 21, 2018

The Manager notes that he wanted to ensure that this meeting was slightly shorter than normal due to the upcoming elections he wanted to keep things simple, but still provide information to members of the board.

The Manager notes that the Essex Water Tower (EWT) rehabilitation project has been completed. The EWT was put back into service on August 21st and the Notice of Completion form was issued on August 28th. He reminds members that the warranty inspection will take place two (2) years from now and then the final release of warranty and maintenance holdbacks will occur at that time. He also informs the board members that more lights will be added around the tower bowl, however, OCWA staff will take care of this item.

The Leamington Water Tower (LWT) warranty inspection took place over the summer and the new cathodic protection system was installed. The LWT was put back into service on August 2, 2018 with no issues. The Manager notes that he is very pleased with the work the contractor, JDCMI, has done on both LWT and EWTs.

Last month he had reported High Lift Pump #1 had a vibration. Since that time the motor has been inspected, repaired and returned to service.

The UWSS is currently undertaking a water rate study for the financial plan and working with Watson & Associates. He confirms that all data has been provided and he expects to have a draft of the study completed by the end of October.

The CO₂ pH Adjustment system project is moving along nicely. He confirms that the geotechnical study has been completed and the 90% design report should be completed shortly. He is hoping to break ground before the end of this year and everything in place for operations in the spring of 2019. He also confirms that so far this project is within the approved budget. The Manager also confirms that UWSS has entered into a five (5) year contract with Air Liquide to provide the bulk CO₂, the tank, monitoring and filling when needed.

The SCADA project is also moving along well with most of the background gathering information completed. The Wonderware platform has been chosen for this system and it is anticipated that construction of the project will be awarded by December 2018. He believes this project will then take one (1) year to complete.

The shop roof has been replaced and the warranty has been received. The surge tanks have been inspected by PW Makar. As they have never been inspected there was some worry, however all seems well. These tanks protect the system against water hammer and prevent pipes from bursting.

C3 has been retained to assist with the updated water model and will be working with the municipalities to calibrate and obtain actual data to better understand water use. The C3 Water team was arriving the next day to do actual pump testing.

The Manager notes that the residual management pile is going to be smaller as DiMenna Excavating will be removing 1500 tons. There is a small charge to bring it to the EWSWA to be used for daily cover, but there is still no approval from the MOECC to use anywhere else.

The Town of Kingsville has received a 100% rating on its MOE inspection.

The Manager then discusses restructuring and notes that the legal and financial team have developed all the necessary documents, investigating credit rating and working towards developing agreements and bylaws. The Board asks the Manager which towns UWSS is waiting for. The Manager indicates that Leamington and Kingsville have provided approvals, but Lakeshore received the information and Essex is waiting on a staff report.

The Manager then notes that flows are up quite a bit over last year, however, there is still lots of capacity in the system. There is then a small discussion regarding the chlorine smell. The Manager then discusses the switch to free chlorine.

No. UW-44-18

Moved by: Mayor McDermott

Seconded by: Councillor Jacobs

That report UW/22/18 dated June 15, 2017 re: Status Update of the UWSS Operations & Maintenance Activities and Capital Works to September 21, 2018 is received.

Carried (UW/22/18))

Report UW/23/18 dated September 21, 2018, re: Payments from July 13 to September 21, 2018

No. UW45-18

Moved by: Councillor Verbeke

Seconded by: Councillor Dunn

That Report UW/23/18 dated September 21, 2018 re: Payments from July 13 to September 21, 2018 is received.

Carried (UW23/18)

New Business:

The Manager briefly discusses the new UWSS wall map that is being developed.

Adjournment:

Moved by: Councillor Patterson

Seconded by: Councillor Hammond

That the meeting adjourn at 9:30 am

Carried

Date of Next Meeting: Wednesday, October 17, 2018 at 9 am at the Ruthven Water Treatment Plant, Board Room

/kmj

From: "Water, Drinking (MECP)" <Drinking.Water@ontario.ca>

Date: November 27, 2018 at 3:08:18 PM EST

To: "rauger@essex.ca" <rauger@essex.ca>

Subject: 2017-2018 Chief Drinking Water Inspector Annual Report Now Available/ Publication du Rapport annuel 2017-2018 de l'inspectrice en chef de l'eau potable

The Ministry of the Environment, Conservation and Parks has released the [2017-2018 Chief Drinking Water Inspector Annual Report](#).

This report highlights efforts to provide the people of Ontario with high quality drinking water that is among the best protected in the world.

Visit Ontario's Open Data Catalogue to see our supporting [Drinking Water Quality and Enforcement data](#).



7th Floor, Frost Building South
7 Queen's Park Crescent
Toronto ON M7A 1Y7
Telephone: 416-314-6331

7^e étage, Édifice Frost Sud
7 Queen's Park Crescent
Toronto ON M7A 1Y7
Téléphone: 416-314-6331

November 20, 2018

Dear Head of Council (elect):

Recently, Ontario's Government for the People moved to a new cannabis retail model to meet our key priorities of combatting the illegal market and keeping our children and communities safe.

Today, the Province is beginning the fulfillment of its commitment to provide \$40 million in funding over two years to municipalities to help with the implementation costs of recreational cannabis legalization.

The Ontario Cannabis Legalization Implementation Fund (OCLIF) will be distributed as follows:

- In early January, the first payment of \$15 million will be made to all municipalities on a per household basis, adjusted so that at least \$5,000 is provided to each municipality. This will enable all municipalities to proceed with their planned legalization activities.
- A second payment of \$15 million will then be distributed following the deadline for municipalities to opt-out under the *Cannabis Licence Act*, which is January 22, 2019.
 - Municipalities that have not opted-out as of January 22, 2019 will receive funding on a per household basis, adjusted so that at least \$5,000 is provided to each municipality. This funding will support initial costs related to hosting retail storefronts.
 - Municipalities that have opted-out will receive only a second \$5,000 each.
- The Province is setting aside \$10 million of the municipal funding to address costs from unforeseen circumstances related to the legalization of recreational cannabis, and priority will be given to municipalities that have not opted-out. Further details will be provided at a later date.

.../cont'd

- Finally, if Ontario's portion of the federal excise duty on recreational cannabis over the first two years of legalization exceeds \$100 million, the Province will provide 50 per cent of the surplus only to municipalities that have not opted-out as of January 22, 2019.

Our government is committed to respecting taxpayers and their hard-earned money. We believe municipalities have an obligation to do likewise.

As such, municipalities must use this funding to address the costs that directly relate to the legalization of recreational cannabis. Examples of permitted costs include:

- increased enforcement (e.g. police, public health and by-law enforcement, court administration, litigation);
- increased response to public inquiries (e.g. 311 calls, correspondence);
- increased paramedic services;
- increased fire services; and
- by-law / policy development (e.g. police, public health, workplace safety policy).

Lower-tier and upper-tier municipalities will receive a 50/50 split of the allocation. The household numbers will be split between the upper- and lower-tier, and the allocation calculated accordingly. Decisions to adjust the split in allocation and transfer funding can be made at the local level as needed. Upper-tier municipalities will receive funding in relation to opt-out decisions made by the lower-tier municipality.

The Deputy Minister of Finance will write to your Treasurer with further details on the administration of this funding and attach each municipality's specific allocation notice.

To assess the impact of the funding, the Association of Municipalities of Ontario and the City of Toronto have been asked to work with the Ministry of Finance to establish a process by which a sample group of municipalities can assess the use and impact of these funds. More information on this process will be provided at a later date.

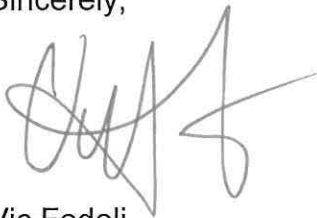
Our government is committed to building a retail system for cannabis sales that will help eliminate the illegal market and is safe and reliable with rules that keep cannabis out of the hands of children and youth, while keeping our roads safe. Complementary to this municipal funding, the Province continues to do the following:

.../cont'd

- Increase the capacity of law enforcement to help detect drug impaired driving through training. The Province has also created a specialized legal team to support drug impaired driving prosecutions, increased capacity at the province's Centre of Forensic Sciences, and has created a Cannabis Intelligence Coordination Centre.
- Support local boards of health (public health units) by providing a suite of tools and resources for enforcement of the *Smoke-Free Ontario Act, 2017*, which includes rules for smoking and vaping of cannabis.
- Conduct an integrated public awareness campaign to communicate the rules and regulations for recreational cannabis and educate Ontarians about the health and safety measures in place to protect them.

We appreciate the efforts of municipalities in the implementation of the federal government's legalization of cannabis and look forward to continuing to work together.

Sincerely,



Vic Fedeli
Minister of Finance

c: The Honourable Caroline Mulroney, Attorney General
The Honourable Steve Clark, Minister of Municipal Affairs and Housing
Paul Boniferno, Deputy Attorney General
Greg Orencsak, Deputy Minister of Finance
Laurie LeBlanc, Deputy Minister of Municipal Affairs and Housing
Renu Kulendran, Ontario Legalization of Cannabis Secretariat, Ministry of Attorney General
Nicole Stewart, Executive Lead, Cannabis Retail Implementation Project, Ministry of Finance
Kate Manson-Smith, Assistant Deputy Minister, Local Government and Planning Policy Division, Ministry of Municipal Affairs and Housing
Dan Miles, Chief of Staff

Ministry of FinanceOffice of the Deputy
MinisterFrost Building South, 7th
Floor
7 Queen's Park Crescent
Toronto, ON M7A 1Y7Tel (416) 325-0420
Fax (416) 325-1595**Ministère des Finances**

Bureau du sous-ministre

Édifice Frost Sud 7e étage,
7 Queen's Park Crescent
Toronto, ON M7A 1Y7Tél 416-325-0420
(416) 325-1595

November 26, 2018

Dear Treasurer:

Re: Ontario Cannabis Legalization Implementation Fund

In his November 20, 2018 letter to Heads of Council (elect), the Minister of Finance announced funding for all municipalities through the Ontario Cannabis Legalization Implementation Fund ("Fund"). This Fund will provide \$40 million in funding over two years to municipalities across Ontario to help with the implementation costs of recreational cannabis legalization.

This letter sets out the terms and conditions of receiving money under the Fund.

1. First Payment of Funds

For the first payment in January, the Province will distribute \$15 million of the Fund between all municipalities based on the following:

- 2018 MPAC Household numbers
- 50/50 split in household numbers between lower- and upper-tier municipalities
- Adjustments to provide at least \$5,000 to each municipality

Municipalities will receive a first payment in the amount set out in the attached allocation notice.

2. Second Payment of Funds

For the second payment, the Province will distribute \$15 million of the Fund between all municipalities based on the following:

- If a municipality has not opted-out of hosting private retail stores in accordance with *Cannabis Licence Act*, it will receive funding based on the 2018 MPAC household numbers, adjusted so that at least \$5,000 is provided to each municipality.

.../cont'd

- If a municipality has opted-out of hosting private retail stores in accordance with the *Cannabis Licence Act*, it will receive a maximum amount of \$5,000. Please note that if a municipality opts-out by January 22, 2019, and opts back in at a later date, that municipality will not be eligible for additional funding.

Municipalities will receive a second payment based on the above criteria. The Province will send an allocation notice to municipalities setting out the amount of the second payment by March 2019.

The amount of the Fund allocated to each municipality in Ontario will be posted at www.fin.gov.on.ca/en/budget/oclif/ in December.

3. Use of Funds

Municipalities must use the money they receive from the Fund solely for the purpose of paying for implementation costs directly related to the legalization of cannabis.

Examples of permitted costs include:

- Increased enforcement (e.g., police, public health and by-law enforcement, court administration, litigation)
- Increased response to public inquiries (e.g., 311 calls, correspondence)
- Increased paramedic services
- Increased fire services
- By-law / policy development (e.g., police, public health, workplace safety policy)

Municipalities must not use the money they receive from the Fund to pay for:

- Costs that have been, or will be, funded or reimbursed by any other government body, or third party
- Costs not related to cannabis legalization

4. Transfer of Funds Within Upper-Tier and Lower-Tier Municipalities

Upper-tier municipalities and lower-tier municipalities may transfer any money that they receive from the Fund between each other. Despite any transfer of money that may occur under this section, municipalities remain responsible for ensuring compliance with the terms and conditions of this letter with respect to the transferred money.

.../cont'd

5. Funding Assessment

To assess the impact of this funding, the Province has requested that the Association of Municipalities of Ontario and the City of Toronto work with the Ministry of Finance to establish a process by which a sample group of municipalities will provide information on use of funds and impact of funding. More information will be available as this process is developed.

If municipalities are asked to provide information on the use of the money received under the Fund and impact of such funding, they must provide the information requested, in a timely manner. As such, municipalities must keep and maintain all records relating to money received from the Fund.

In addition, the Province or any authorized representative or identified independent auditor, may request to review the records or conduct an audit in respect of the expenditure of money a municipality has received from the Fund.

If you have any further questions, please contact:

Cannabis Retail Implementation Project
Ministry of Finance
Email: OCLIF@ontario.ca

Yours sincerely,



Greg Orensak
Deputy Minister

Attachment

- c. Paul Boniferno, Deputy Attorney General
Laurie LeBlanc, Deputy Minister of Municipal Affairs and Housing
Nicole Stewart, Executive Lead, Cannabis Retail Implementation Project
Allan Doheny, Assistant Deputy Minister, Provincial-Local Finance Division
Renu Kulendran, Ontario Legalization of Cannabis Secretariat, Ministry of Attorney General

Ontario Cannabis Legalization Implementation Fund
2018-19 First Payment - Allocation Notice



Town of Essex
County of Essex

3754

The Ontario Cannabis Legalization Implementation Fund (OCLIF) is provided to municipalities to help with the implementation costs of recreational cannabis legalization.

Funding Allocation

\$11,382

A Funding Amount based on Number of Households ($A1 \times A2 \div 100$)

\$11,382

1. Number of Households

8,927

2. Funding Amount per 100 Households

\$127.50

Notes and Data Sources

A - funding amount is rounded up to the nearest dollar.

A1 - household figures are based on the 2018 returned roll provided by the Municipal Property Assessment Corporation (MPAC).

A2 - represents the funding amount per 100 households for lower-tier municipalities.

Kate Manson-Smith, Assistant Deputy Minister, Local Government and Planning
Policy Division, Ministry of Municipal Affairs and Housing
Pat Vanini, Executive Director, Association of Municipalities of Ontario

**Ministry of
Municipal Affairs
and Housing**

Office of the Minister

777 Bay Street, 17th Floor
Toronto ON M5G 2E5
Tel.: 416 585-7000

**Ministère des
Affaires municipales
et du Logement**

Bureau du ministre

777, rue Bay, 17^e étage
Toronto ON M5G 2E5
Tél. : 416 585-7000



DEC 05 2018

RE: Municipal Reporting Burden

Dear Heads of Council,

As you have heard me say, reducing the provincial reporting burden affecting the municipal sector is a priority for the government. I addressed municipal concerns about the reporting burden at the Association of Municipalities of Ontario (AMO) conference in Ottawa this past summer. I have heard from municipalities that the province asks for too many reports, which impacts the ability of municipalities to focus on local priorities.

I have struck a team in my ministry to lead the reduction of the municipal reporting burden across government. In addition to reducing the number of reports, we must make sure any remaining information collected is necessary for the province's work. We must confirm the information requested is not duplicative, and that the reporting requirements for small municipalities are appropriate.

To address these goals, my ministry will be convening a cross-government working group to bring together ministries with municipal reporting requirements. This group will be tasked with reducing reporting and undertaking the work to meet the aforementioned commitments.

In addition to our cross-government working group, in 2018, my team will be convening a stakeholder working group of various municipal associations with a shared common interest in municipal reporting requirements.

I invite you to share your thoughts on what changes can be made to municipal reporting directly to my office, as well.

Thank you for your support.

A handwritten signature in black ink, appearing to read "Steve Clark".

Steve Clark
Minister, Ministry of Municipal Affairs and Housing

c: Laurie LeBlanc, Deputy Minister, MMAH

Ministry of
Transportation

Office of the Minister

Ferguson Block, 3rd Floor
77 Wellesley St. West
Toronto ON M7A 1Z8
416 327-9200
www.ontario.ca/transportation

Ministère des
Transports

Bureau du ministre

Édifice Ferguson, 3^e étage
77, rue Wellesley Ouest
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416 327-9200
www.ontario.ca/transport



DEC 06 2018

M2018-3034

Mr. Robert W. Auger, L.L.B.
Clerk, Legal and Legislative Services
Town of Essex
rauger@essex.ca

Dear Mr. Auger:

Thank you for your letter regarding the widening of Highway 3 in the Essex area, and for forwarding the Town of LaSalle's letter about this matter. I welcome this opportunity to respond.

Ontario's Government for the People is committed to improving the transportation network across the province to reduce congestion and get people moving.

We are currently reviewing all projects and spending committed to by the last government, and we are taking the necessary steps to make sure we are best positioned to provide quality and efficient transportation options to all Ontarians.

The ministry is completing engineering work for Highway 3 within the Town of Essex, including assessing environmental impacts, identifying utility conflicts and determining structural, geotechnical, grading and drainage requirements. The ministry is continuing to work with the Town of Essex to improve infrastructure locally with the design of the Hanlan Street extension.

The ministry is also starting work to update the Preliminary Design and Environmental Assessment Study, completed in 2006, for the design of Highway 3 from Essex Road 23 easterly to 1.1km east of Essex County Road 34.

Thanks again for reaching out and this opportunity to respond. Ontario's Government for the People is committed to giving Ontarians a direct say in how we can improve the effectiveness and efficiency of provincial programs and services.

.../2

If you would like to discuss the Highway 3 widening project in more detail, please contact Michael Nadeau, Manager of Engineering, at 519-873-4373 or Michael.Nadeau@ontario.ca.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jeff Yurek', with a long horizontal flourish extending to the right.

Honourable Jeff Yurek
Minister of Transportation

- c. Brenda Andreatta, Director of Council Services/Clerk, Corporation of the Town of LaSalle
Taras Natyshak, MPP, Essex



VIA EMAIL ONLY

November 30, 2018

The Government of Ontario
c/o The Honourable Doug Ford, MPP
Premier of the Government of Ontario
Queen's Park, Legislative Building, Room 281
Toronto, Ontario M7A 1A1
Email: premier@ontario.ca

The Government of Ontario
c/o The Honourable Caroline Mulroney, MPP
Attorney General and Minister of Francophone Affairs
McMurtry-Scott Building, 720 Bay Street, 11th Floor
Toronto, Ontario M7A 2S9
Email: caroline.mulroney@ontario.ca

Dear Premier Ford and Minister Mulroney:

Re: Cannabis Retail Stores Proximity to Schools – Greater Essex County District School Board Comments

This correspondence is in response to the above-noted Ministry of the Attorney General led process that addressed limits of Cannabis Retail Stores proximity to schools. Please be advised that the Greater Essex County District School Board has had an opportunity to review and at the November 20, 2018 Board of Trustee's Meeting, passed a motion to write a letter of concern regarding the proximity of Cannabis Retail Stores to schools.

The Board is aware that Ontario Regulation 468/18, being the General Regulations pursuant to the *Cannabis Licence Act, 2018*, were approved and ordered by the Lieutenant Governor of Ontario, through an Order In Council on November 14, 2018. The Regulations came into force on November 16, 2018, when the Lieutenant Governor of Ontario proclaimed the Act to come into force, based on the recent passage of Bill 36, Cannabis Statute Law Amendment Act, 2018, receiving Royal Assent on October 17, 2018.

Under the Act, this gave the ability for the Ministry of the Attorney General to recommend the Regulations thereto. As such, Section 11 of the Regulation under the Act, established a minimum 150 metre separation distance between Cannabis Retail Stores and schools.

The Board is concerned with the minimum distance established by the Government of Ontario. By amending the Regulations to enhance the separation distance of Cannabis Retail Stores

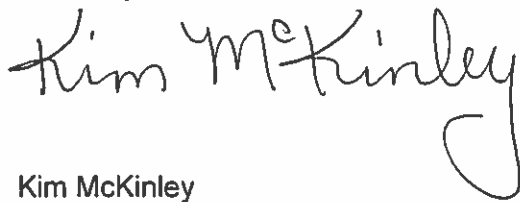
proximity to schools immediately, this will achieve one of the key principles of the legislation – to protect youth and to take whatever steps are necessary to ensure that cannabis remains out of the hands of people under the age of 19.

The Government of Ontario needs to help ensure that we protect the student community of the schools through ensuring public health and safety, protecting youth and reducing illegal sales.

The Board requests that the Ministry of the Attorney General re-commence the consultations with a wider stakeholder group in revising the Regulations and then have the draft regulations open to board public consultation and then make recommendations to the Lieutenant Governor of Ontario to amend the Regulations thereafter.

Should you have any questions or concerns on the above, please do not hesitate to contact the undersigned.

Sincerely,



Kim McKinley
Chairperson of the Board

cc.

Honourable Bill Blair, Minister of Border Security and Organized Crime Reduction Bill.Blair@parl.gc.ca

Honourable Lisa Gretzky, MPP, Windsor West (Email: lgretzky-qp@ndp.on.ca)

Honourable Percy Hatfield, MPP, Windsor – Tecumseh (Email: phatfield-qp@ndp.on.ca)

Honourable Taras Natyshak, MPP Essex (Email: tnatyshak@ndp.on.ca)

Honourable Rick Nicholls, MPP, Chatham-Kent – Leamington (Email: rick.nicholls@pc.ola.org)

Honourable Andrea Horwath, MPP, Leader of the Official Opposition (Email: ahorwath-qp@ndp.on.ca)

Honourable Sara Singh, MPP, Attorney General Critic (Email: ssingh@ndp.on.ca)

Honourable Lisa M. Thompson, MPP, Minister of Education (Email: minister.edu@ontario.ca)

Honourable Marit Stiles, MPP, Education Critic (Email: mstiles-qp@ndp.on.ca)

The City of Windsor, vcritchley@citywindsor.ca

Municipality of Leamington, bpercy@leamington.ca

Town of Amherstburg, pparker@amherstburg.ca

Town of Essex, rauger@essex.ca

Town of Kingsville, jastrologo@kingsville.ca

Town of Lakeshore, knewman@lakeshore.ca

Town of LaSalle, bandreatta@lasalle.ca

Town of Tecumseh, lmoy@tecumseh.ca

Township of Pelee, k.digiovanni@pelee.ca

From: CAMACAM Administration [<mailto:admin@camacam.ca>]

Sent: Tuesday, December 11, 2018 9:38 AM

To: CAMACAM Administration <admin@camacam.ca>

Subject: A Message from the Federation of Canadian Municipalities - FCM's Special Advocacy Fund / Un message de la Fédération canadienne des municipalités - sur le Fonds spécial de représentation de la FCM

A Message from the Federation of Canadian Municipalities

Dear members,

Election 2019 is an incredible opportunity to propel local governments to new heights. It's an opportunity to modernize our partnership with the federal government so we can do what we do best—improve the lives of Canadians.

We need your help to seize this moment.

Last March, the Federation of Canadian Municipalities Board of Directors approved a two-year Special Advocacy Fund to drive its most ambitious election effort ever. Using the latest campaign techniques, FCM will lead an intensive, multi-faceted strategy to bring your municipal priorities to the federal parties *like never before*. Municipalities across Canada have already stepped up with contributions to FCM's Special Advocacy Fund. From big cities to regional districts to small towns, they all recognize the same thing: **the stakes in next year's election are higher than ever. We need the right tools to be ready.**

FCM has delivered unprecedented results for local governments, from the Gas Tax Fund to game-changing infrastructure investments. Now it's time to take the next step. This is our moment to solidify our gains and to empower municipalities as full partners in this country's future. We simply can't risk seeing the federal parties move on from local priorities. All of us have an important role to play.

If your municipality is an FCM member, you will have already received this information. To learn more about FCM's Special Advocacy Fund, visit fcm.ca/advocacyfund. As the order of government closest to daily life, Canadians count on us to build a more prosperous and vibrant Canada. With your support, we can continue to deliver.

Vicki-May Hamm

President, Federation of Canadian Municipalities

Jennifer Goodine
Executive Director/Directrice Générale
CAMA National Office/Bureau national de l'ACAM
PO Box 128, Station A/CP 128, succursale A
Fredericton, NB
E3B 4Y2
Tel: 1-866-771-2262
Fax: 1-506-460-2134
E-Mail / Courriel: admin@camacam.ca



Municipality of Northern Bruce Peninsula

56 Lindsay Road 5, R.R. #2, Lion's Head, ON N0H 1W0
Telephone: (519) 793-3522 • Fax: (519) 793-3823
www.northbrucepeninsula.ca

December 4, 2018

TOWN OF KEARNEY
8 MAIN STREET
KEARNEY, ON
P0A 1M0

Att: Cindy Filmore

Dear Ms. Filmore:

Re: The Creation, Maintenance and General Quality of the Municipal
Voters' List

The resolution received by the Town of Kearney (attached), was reviewed by the Council of the Municipality of Northern Bruce Peninsula on December 3, 2018, relating to the above noted item. At this meeting, Resolution # 28-07-2018 was carried and adopted by Council:

"THAT Council supports the attached resolution No. 10.(d)(iii)/21/11/2018 from The Corporation of the Town of Kearney in regards to the creation, maintenance and general quality of the municipal voters' list. "

The above is being provided for your information.

Yours truly,

A handwritten signature in black ink, reading "Mary Lynn Standen". The signature is written in a cursive style with a large, stylized 'M' and 'S'.

Mary Lynn Standen
Clerk

Encl.

Subject:

Council Resolution re Voters' List for Municipal Elections

Good afternoon,

In light of the recent municipal election, the Council of the Corporation of the Town of Kearney passed the following resolution in regard to the creation, maintenance and general quality of the Municipal Voters' List:

Resolution #

10.(d)(iii)/21/11/2018

WHEREAS concern over the quality of the Municipal Voters' List is not a new phenomenon;
AND WHEREAS in 2012, the Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) published a "Voters' List Position Paper" and since that time has been advocating for transformational changes to the way that Ontario creates and maintains the Voters' List for municipal elections;

AND WHEREAS the Preliminary List of Electors which forms the Voters' List in Ontario is supplied by data from the Municipal Property Assessment Corporation (MPAC);

AND WHEREAS despite the incremental changes made by MPAC, MPAC has a limited ability to fix the currency and accuracy issues that impairs the current process and the Voters' List continues to be flawed with data inaccuracies and outdated information;

AND WHEREAS a transformational solution to the way that the Voters' List is created and managed is required;

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Kearney supports the re-establishment of the multi-stakeholder working group between the Ministry of

Municipal Affairs, Ministry of Finance, AMCTO, MPAC and Elections Ontario in exploring and identifying ways to create and maintain the Voters' List for Municipal Elections;

AND FURTHER Council requests an update be provided from this 'Voters' List Working Group' on the transformational solutions being discussed;

AND FURTHER that this resolution be circulated to all Ontario Municipalities for their consideration and support.

CARRIED

We hope that this resolution will be of interest to your Municipality, and that you will support this endeavour moving forward.

Sincerely,

Cindy Filmore

Senior Office Assistant
Town of Kearney
Ph# (705) 636-7752
Fax (705) 636-0527



Essex Municipal Heritage Committee (EMHC)

Regular Meeting Minutes

Essex Municipal Building, 33 Talbot Street South, Large Meeting Room– Thursday November
29, 2018 - 5:00 PM

“The EMHC is the resource base for information and knowledge for Council, administration
and the community on all matters of heritage”

1. Roll Call

Present: Deputy Mayor Richard Meloche, Chair
Claudette Gauthier, Vice – Chair
Laurie Kowtiuk
Phil Pocock
Joseph Lucas
Megan Meloche

Also Present: Rita Jabbour, Planner
Sarah Aubin, Planning Assistant

Regrets: Fred Groves
Linda Iler

2. Declarations of Conflict of Interest

None

3. Adoption of Published Agenda

- a) Thursday November 29, 2018 Regular EMHC Meeting Agenda
Moved by Claudette Gauthier
Seconded by Joseph Lucas

(HCIP-11-21) That the published agenda for the November 29, 2018 Regular EMHC meeting, be adopted as presented.

Carried

4. Adoption of Minutes

- a) October 25, 2018 2018 EMHC Meeting

Moved by Megan Meloche

Seconded by Joseph Lucas

(HCIP-11-22) That the minutes of the October 25, 2018 Regular EMHC Meeting, be adopted as circulated.

Carried

5. Public Presentations

None.

6. Unfinished Business

- a) Greater Marketing and Public Education about Heritage– Ongoing

Rita asks the committee members if they have any information on greater marketing and public education.

Laurie Kowtiuk advises the committee that ECHRS was looking at having an event called “not my kid” in February / March of 2019. She states the event would bring awareness to those who have mental health and drug addictions. She states the event is for all ages ranging from young to old.

Deputy Mayor Meloche suggests Laurie speak with Doug Sweet, Director of Community Services, and look into partnering with the Town of Essex on the event.

Laurie advises she would require a room to rent for the event.

Rita states that Doug Sweet and Laurie should communicate to ensure we can promote the event as well as provide a rental room for the event.

- b) PA Day Heritage Programming–ongoing
- c) Cemeteries –ongoing
- d) Listing –ongoing
- e) Heritage Designation and Interpretive Plaque Program – ongoing

- f) Designation By-Law Revisions –Ongoing
- g) Section 33 (15) of the Ontario Heritage Act - Ongoing
- h) Heritage Property Standards By-Law – Ongoing
- i) Master Plan for Heritage - Ongoing
- j) Cultural and Archaeological Mapping – Ongoing
- k) Friends of the Colchester Schoolhouse
- l) Heritage Week 2019

Rita advises the committee members that Sarah Aubin, Planning Assistant, has contacted the school boards as well as the Essex High School about the colouring books and the contest that the committee will be hosting during heritage week 2019. She states that the deadline date for submissions for poems, short stories and artwork will be January 30th. The members will then vote and a student or students will be awarded at the council meeting during heritage week.

Sarah advises the committee that the revised colouring books will now also be an activity book for the elementary students to enjoy. She states that the colouring pages will also be revised to follow the 2019 theme of “The Tie that Binds”. The expected release date of the books will be February 19th.

7. Reports from Administration

- a) Town of Essex Heritage Grant Program

Rita advises the committee that the grant program was launched in 2017 but that we have not had any residents utilize the grant as of yet.

Laurie advises that she will be looking to use the grant in 2019 on a possible new roof for her designated home.

Meghan states that the grant monies could be used as a yearly lottery for those properties that are listed. She believes that the grant is not being used because we only have a few homes designated heritage, and those that are listed are concerned due to the stigma of designation.

She suggest that Rita contact the properties that are listed and find out why they do not want to designate and/or advise of the grant program and the benefits that the homes could get from utilizing it. She states getting feedback from those properties that are listed will help with determining what the committee can do. Rita advises the committee that the provided grant would cover 50% of the work completed, but that the resident is required to pay for the upgrades upfront and provide receipts for reimbursement. She states sometimes that could be difficult, but advises she has seen banks loan the monies required for the work to be completed.

Rita states that may be another reason residents are not using the grant money. She advises that a marketing strategy will be reviewed and put in place to try and get the grant utilized.

8. Correspondence

None.

9. New Business

a) 345 Talbot Street North

Rita asks Phil Pocock if he knows of any heritage significance of 345 Talbot Street North. Phil advises that he is unsure of the historical significance but states that the home is dated with original wood floors. He also advises that the daughter would like to see the home listed to protect it from being demolished in the future. Laurie advises that she was able to find that the property in question was crowned out in 1845, but she is unsure when the home in question was built as the parcel of land was on a much larger scale.

b) 2014-2018 Essex Municipal Heritage Committee Review

Rita thanks the committee for all their hard work over the past 4 years. She states that the Committee has unveiled numerous plaques within the Town of Essex, listed and designated many properties, and overall brought heritage to life. She

advises that a slide show was prepared for their review of their accomplishments over the 4 year term.

c) Boards and Committees

Rita advises the committee that December 7th, is the deadline date for submissions to return to the committee, she encourages everyone to re-apply.

Richard Meloche states that the current Committee has much more work to be done, and that everyone has done an amazing job over the last term and would like to see that keep going.

10. Adjournment

Moved by Laurie Kowtiuk

(HCIP-11-23) that the meeting be adjourned at 6:30 pm

"Carried"

Next Meeting Date – Thursday January 31, 2019 at 5pm, 33 Talbot Street South, Essex Centre, Large Meeting Room

The Corporation of the Town of Essex
Minutes of Regular Committee of Adjustment Meeting
Tuesday, November 20, 2018

A regular meeting of the Town of Essex Committee of Adjustment was held on Tuesday, November 6, 2018 at 4:00 PM in the Council Chambers of the Municipal Building at 33 Talbot Street South, Essex, Ontario.

1. Roll Call

Members Present: Percy Dufour
Councillor Sherry Bondy
Councillor Larry Snively
Ray Beneteau

Also Present: Rita Jabbour, Planner
Sarah Aubin, Planning Assistant

Regrets: Joe latonna

Members of Public in Attendance: See sign-in sheet attached hereto

2. Declaration of Conflict of Interest

None

3. Adoption of Minutes

Moved by Councillor Bondy
Seconded by Percy Dufour
(COA-2018-11-89) That the minutes of the October 17, 2018 Committee of Adjustment meeting be adopted as circulated
"Carried"

4. Adoption of Published Agenda

Moved by Councillor Snively
Seconded by Ray Beneteau
(COA-2018-11-90) That the published agenda for the November 20, 2018 meeting of the Committee of Adjustment be adopted as circulated.
"Carried"

5. Applications

The following applications were heard:

a) A-26-18 1552906 Ontario Ltd. (Agent: Remo Valente), Plan 12M-600, Lots 1,5,15,44,50,51,57,58,62 (Essex Centre, Ward 1

A-26-18

An application for minor variance has been received by the Town of Essex Committee of Adjustment for Lots 1, 5, 15, 44, 50, 51, 57, 58 and 62 on Registered Reference Plan 12M-600. The subject lands are located just west of Hanlan Street South in the Essex Centre, Ward 1. The applicant is requesting relief from the Town of Essex Zoning Bylaw, Bylaw 1037, to permit a setback of 1.2 metres (4 feet) from exterior side lot lines and buildings and structures on these corner lots. The minimum setback from an exterior side lot line in Residential District 1.1 (R1.1) is 4.5 metres (15 feet). The applicant is seeking this variance to accommodate larger homes on corner lots.

Rita Jabbour, Planner, wrote:

Official Plan Designation: "Residential"

Zoning: Holding Zone Residential District 1.1 (R1.1) –low density housing on urban lots

An application for minor variance has been submitted for the lands located just west of Hanlan Street South in the Essex Centre and described as lots 1, 5, 15, 44, 50, 51, 57, 58 and 62 on registered Plan 12M-600. The subject property is designated "Residential" under the Town's Official Plan and zoned Holding Zone Residential District 1.1 (HR1.1) for low density housing on urban lots under the Town of Essex Zoning Bylaw, Bylaw 1037.

The holding symbol applies to land where development is to be delayed until such time as specific preconditions have been met. Preconditions might include the provision of adequate infrastructure or the approval of a subdivision plan.

The applicant is requesting relief from Bylaw 1037 to permit a setback of 1.2 metres (4 feet) from the exterior side lot lines and any future buildings and structures on the subject lots, to accommodate larger homes. An *exterior lot line* means a lot line which parallels and abuts a street. An *exterior side yard* is the side yard of a corner lot between an exterior side lot line and the nearest wall of a main building on such lot. The minimum side yard width for an exterior side yard is 4.5 metres (15 feet) in the R1.1 zoning district.

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- a) The general intent of this Plan and the Zoning Bylaw are maintained. The main use of the property will remain a single detached dwelling;
- b) The variance(s) is minor and desirable for the appropriate use of the land;
- c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns. Hanlan Street is an established neighbourhood with houses fronting directly on Hanlan and having 7.5 metre (25 foot) setbacks from the front lot line. Any building constructed on lots 1 and 62, which parallel Hanlan Street, should have a greater exterior side lot line setback as it more closely relates to the front line setback requirements of the adjacent properties. The remainder of the lots that are subject s of this application, are located within the subdivision which is not yet built up. Thus, a variance on these lots would not conflict with any established neighbourhood character or traffic and parking pattern;
- d) The variance deals with circumstances particular to the site and development.

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of Thursday November 15, 2018. Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No further comments were received from circulated agencies as of Thursday November 15, 2018.

It should be noted that a similar application for corner lots located within the Townsview subdivision was approved in September (File No. A-26-18) with the condition that the minimum separation between the vehicular entrance to a garage and the exterior side lot line shall be 6 metres (20 feet).

Actions:

To be determined by the Committee.

Additional comments resulting from circulation.

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

The following is provided for your information and consideration as a result of our review of Application for Minor Variance A-26-18. The applicant is requesting relief to permit a setback of 1.2 metres from the exterior side lot lines of the subject corner lots for building and structures. The applicant is requesting relief to accommodate larger homes on corner lots.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards encompassed by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act. We have reviewed our floodline mapping for this area and it has been determined this site is not located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the Conservation Authorities Act). As a result, a permit is not required from ERCA for issues related to Section 28 of the Conservation Authorities Act, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservations Authorities Act, (Ontario Regulation No. 158/06).

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management. Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority. The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to this Minor Variance application.

Discussions:

Rita Jabbour, Planner, explains the nature of the application.

She advises the Committee that residents Scott and Christine Brady sent an email advising of their concerns with the application. She explains that they have concerns with the increase of traffic and the line of sight being hindered due to the requested reduction in exterior side yard for the two corner lots along Hanlan Street.

Ray Beneteau asks if when a plan of subdivision is received is the layout of that subdivision known and decided upon with the Planning department. He states that he does not understand how these revisions to the exterior side yards are continuing to come to the Committee for decision.

Rita states that the subdivision currently conforms with the regulations. She states that the applicant would like to vary from the zoning bylaw building regulations thus the reason for the minor variance.

Remo Valente, applicant, advises that the subdivision is 20 years old and that market demand has changed. He advises the Committee that he discussed 4 foot side yards with the Planners who advised that they have no concerns with the reduced side yards

as residents erect fences on their lot lines which also reduces line of sight on corner lots.

Rita advises the committee members that the applicant spoke with the Policy Planner, Jeff Watson and that she is in agreement with him with regards to the exterior side yard. She states that it is up to the Committee members to decide the outcome of the application not the planners.

Remo states that a condition could be placed that the fence be placed against the dwelling instead of on the lot line to ensure line of sight is not obstructed.

Scott Brady, 113 Hanlan Street, states that Hanlan is an extremely busy road already. He states traffic will increase with the 60 plus dwellings proposed for the subdivision and states that he has concerns with the line of sight being obstructed and a serious fatal accident occurring due to such.

Rita reminds the committee that they previously approved a similar application for the Townsview / Galos subdivision where applicant Remo Valente requested a 4 foot exterior side yard.

Councillor Snively asks Rita if other municipalities have 4 foot exterior side yards.

Rita states that the City of Windsor zoning bylaw permits a 5 foot setback from any exterior lot line but with a provision for a 20ft setback with a garage.

Councillor Snively asks applicant Remo Valente if he would be willing to go with an 8 foot exterior side yard on lots 1 and 62.

Remo advises that he would be in acceptance of this change for those specific lots.

Richard Pascoe, 224 Brien Ave West, states that he also has concerns with the traffic on Halan Street and believes that a fence should be erected against the dwelling to ensure line of sight is visible when coming onto and leaving the subdivision.

Moved by Councillor Snively

Seconded by Ray Beneteau

(COA-2018-11-91) That application A-26-18 for Lots 1 and 62 on 12M-600 with a 2.4 metre (8 foot) exterior side yard, with conditions that the minimum separation between the vehicular entrance to a garage and the exterior side lot line shall be 6 metres (20 feet), and no fence shall be permitted along the exterior side lot line or within the required exterior side yard.

"Carried"

Moved by Councillor Snively

Seconded by Councillor Bondy

(COA-2018-11-92) That application A-26-18 be granted for Lots 5,15,44,50,51,57,58 on 12M-600 with the condition that the minimum separation between the vehicular entrance to a garage and the exterior side lot line shall be 6 metres (20 feet).

"Carried"

Reasons:

The Committee of Adjustments is of the opinion that the four (4) tests for minor variances under Section 45(1) of the Planning Act have been satisfied.

b) A-25-18 Wayne & Janine Bissonette, 2386 County Road 12 (Colchester North, Ward 2)

A-25-18

An application for minor variance has been received by the Town of Essex Committee of Adjustment for the lands at 2386 County Road 12 in the former township of Colchester North, Ward 2. As a result of a proposed severance, the lot area for both the retained and severed parcel will decrease in size from ± 20.7 hectares (± 51.7 acres) to ± 20.2 hectares (± 50.6 acres) and ± 0.4 hectares (± 1.087 acres), respectively. The total lot width for the severed parcel will be reduced to ± 57 metres (± 188 feet).

The required minimum lot area for properties within the General Agricultural District (A1.1) under the Town of Essex Zoning Bylaw 1037 is 40 hectares (100 acres) or as existing. The required minimum width for lots in the General Agricultural District (A1.1) under Bylaw 1037 is 60 metres (200 feet) or as existing. Thus, variances are being sought to accommodate the reduction in total lot area for the retained and severed parcels and a reduction in lot width for the severed parcel

Rita Jabbour, Planner, wrote:

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

Applications for minor variance and consent have been submitted for the lands located at 2386 County Road 12 in the former township of Colchester North. The subject property is designated "Agricultural" under the Town's Official Plan and zoned Agricultural District 1.1(A1.1) for general agriculture and farm production support activities under the Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a ± 0.4 hectare (± 1.087 acre) parcel from the existing ± 20.7 hectare (± 51.7 acre) lot. The severed parcel will be occupied by the existing single detached dwelling and accompanying infrastructure (i.e. septic system and access area). Access to the severed lot will be by way of County Road 12.

The retained lot is proposed to have an area of ± 20.2 hectares (± 50.6 acres) and will continue to be used for agricultural purposes. Access to the retained lot is by way of County Road 12 and an existing access bridge.

The applicants are proposing this consent due to the residence being surplus as a result of farm consolidation. In addition to the subject parcel, the applicants own 8 hectares (20

acres) of agricultural land just east of 3514 North Malden Road. The Provincial Policy Statement (PPS) states that a surplus dwelling, namely a dwelling that is acquired as part of farm land acquisition, may be severed and sold, with the stipulation that no new dwelling will be permitted on the retained farm parcel.

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or as existing. The required minimum width for lots in the General Agricultural District 1.1 (A1.1) under the Town of Essex Zoning Bylaw 1037 is 60 metres (200 feet) or as existing. As a result of the proposed severance, the lot area for the retained and severed parcel will decrease in size from +20.7 hectares to 20.2 hectares and 0.4 hectares, respectively. The total width for the severed parcel will be reduced to +57 metres (+188 feet).

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- a) The general intent of this Plan and the Zoning Bylaw are maintained;
- b) The variance(s) is minor and desirable for the appropriate use of the land;
- c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns;
- d) The variance deals with circumstances particular to the site and development.

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of Thursday November 15, 2018.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No further comments were received from circulated agencies as of November 15, 2018.

Actions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;
- b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;
- c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid

in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system meets Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;

f) That all of the above conditions be fulfilled on or before November 20, 2019.

2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel and the reduction in lot width for the severed lot.

Additional comments resulting from circulation.

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

The following is provided for your information and consideration as a result of our review of Application for Consent B-31-18, and Minor Variance A-25-18. The applicants are proposing to sever a 0.4 hectare (1.087 acre) parcel from the existing 20.7 hectare farm parcel, as a result of a farm consolidation. Relief is being requested to recognise the reduced farm lot size.

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS, (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards encompassed by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act. The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act, (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Mckenize Drain, Nolan Drain and Malden Road Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management. Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority. The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to these applications for Consent and Minor Variance.

Discussions:

Rita Jabbour, Planner, explains the nature of the application.

Moved by Councillor Bondy

Seconded Councillor Snively

(COA-2018-11-93) That application A-25-18 be granted

“Carried”

Reasons:

The Committee of Adjustments is of the opinion that the four (4) tests for minor variances under Section 45(1) of the Planning Act have been satisfied.

c) B-31-18 Wayne & Janine Bissonette, 2386 County Road 12 (Colchester North, Ward 2)

B-31-18

A consent application has been received by the Town of Essex Committee of Adjustment for the lands at 2386 County Road 12 in the former township of Colchester North, Ward 2. The applicants are proposing to sever a 0.4 hectare (1.087 acre) parcel from the existing 20.7 hectare (51.7 acre) lot. The retained parcel is proposed to have an area of 20.2 hectares (50.6 acres). The applicants are proposing this consent as a result of farm consolidation

Note: An application for minor variance has also been received for the subject lands (File Number A-25-18). The public notice for the minor variance application has been included with this notice.

Rita Jabbour, Planner, wrote:

Official Plan Designation: "Agricultural"

Zoning: Agricultural District 1.1 (A1.1) –General agriculture and farm production support activities

Applications for minor variance and consent have been submitted for the lands located at 2386 County Road 12 in the former township of Colchester North. The subject property is designated "Agricultural" under the Town's Official Plan and zoned Agricultural District 1.1(A1.1) for general agriculture and farm production support activities under the Town of Essex Zoning Bylaw, Bylaw 1037.

The applicants are proposing to sever a ± 0.4 hectare (± 1.087 acre) parcel from the existing ± 20.7 hectare (± 51.7 acre) lot. The severed parcel will be occupied by the existing single detached dwelling and accompanying infrastructure (i.e. septic system and access area). Access to the severed lot will be by way of County Road 12.

The retained lot is proposed to have an area of ± 20.2 hectares (± 50.6 acres) and will continue to be used for agricultural purposes. Access to the retained lot is by way of County Road 12 and an existing access bridge.

The applicants are proposing this consent due to the residence being surplus as a result of farm consolidation. In addition to the subject parcel, the applicants own 8 hectares (20 acres) of agricultural land just east of 3514 North Malden Road. The Provincial Policy Statement (PPS) states that a surplus dwelling, namely a dwelling that is acquired as part of farm land acquisition, may be severed and sold, with the stipulation that no new dwelling will be permitted on the retained farm parcel.

The minimum lot area required for lots zoned A1.1 under Bylaw 1037 is the lesser of 40 hectares (100 acres) or as existing. The required minimum width for lots in the General Agricultural District 1.1 (A1.1) under the Town of Essex Zoning Bylaw 1037 is 60 metres (200 feet) or as existing. As a result of the proposed severance, the lot area for the retained and severed parcel will decrease in size from ± 20.7 hectares to 20.2 hectares and 0.4 hectares, respectively. The total width for the severed parcel will be reduced to ± 57 metres (± 188 feet).

As per section 9.8 of the Town of Essex Official Plan, when reviewing applications for minor variance to the Zoning Bylaw, the Committee of Adjustment should be satisfied that:

- a) The general intent of this Plan and the Zoning Bylaw are maintained;
- b) The variance(s) is minor and desirable for the appropriate use of the land;

c) The variance is compatible with the established character of the neighbourhood, traffic and parking patterns;

d) The variance deals with circumstances particular to the site and development.

As a result of the giving of public notice, no phone calls or written correspondence have been received from members of the public as of Thursday November 15, 2018.

Comments were received from the Essex Region Conservation Authority (ERCA). They had no objections.

No further comments were received from circulated agencies as of November 15, 2018.

Actions:

a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system meets Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;

f) That all of the above conditions be fulfilled on or before November 20, 2019.

2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel and the reduction in lot width for the severed lot.

Additional comments resulting from circulation.

Corinne Chiasson, Resource Planner, Essex Region Conservation Authority (ERCA), wrote:

The following is provided for your information and consideration as a result of our review of Application for Consent B-31-18, and Minor Variance A-25-18. The applicants are proposing to sever a 0.4 hectare (1.087 acre) parcel from the existing 20.7 hectare farm parcel, as a result of a farm consolidation. Relief is being requested to recognise the reduced farm lot size.

DELEGATED RESPONSIBILITY TO REPRESENT PROVINCIAL INTEREST IN NATURAL HAZARDS, (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards encompassed by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act. The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the Conservation Authorities Act, (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Mckenize Drain, Nolan Drain and Malden Road Drain. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management. Our office has reviewed the proposal and has no concerns relating to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority. The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to these applications for Consent and Minor Variance.

Discussions:

Rita Jabbour, Planner, explains the nature of the application.

Councillor Snively questions if there has been a severance in the past.

Rita advises that there was a severance in 1981 and a second in 1994 second. She explains that a condition of the severance from 1994 was placed to merge the residential lot with the farmland.

Peggy Golden, Agent, advises that the previous owner of the property passed away and the house became property of the applicants in 2006. She advises that the applicants would like to remain living in the dwelling and sell the farmland.

Ray Beneteau questions if there is a buyer for the farmland at this time and what the purpose of the severance is.

Peggy Golden advises that currently there is no buyer, and the purpose is estate planning.

Rita advises that the committee has seen applications where a farmer purchases land with a dwelling attached and applies to have the surplus dwelling severed from the farmland. She states in this case the applicants would like to keep the dwelling and severe the farmland. Rita explains that she spoke with the Province but they could not provide clarification on eligibility for this type of severance one way or the other.

Percy Dufour, Chair, asks if the applicant belongs to OMAFRA

Wayne Bissonnette, Applicant, advises that he is not a member but he does have farmland on North Malden and currently on County Rd 12 but he rents his farmland to farmers.

Rita states that policy 2.3.4 under the PPS discourages lot creation in prime agricultural areas and may only be permit them if the house is surplus to a farming operation as a result of farm consolidation. She refers the Committee to the definition of a residence surplus to a farming operation.

Percy suggests to the committee that the application be deferred to the new committee in January 2019.

Councillor Snively states that this committee should deal with the application and that there is a Planner present who advised that under the Provincial Policy Statement that this type of severance is allowed. He suggests that the committee approve the application as shown.

Percy expresses concern for the approval of this application.

Moved by Councillor Bondy

Seconded by Councillor Snively

(COA-2018-11-94) That application B-30-18 be granted subject to the following conditions:

- a) That at the time the conveyance is prepared for certification, three hard copies and one digital copy in a format compatible with AutoCAD 2000 of a reference plan prepared

by an Ontario Land Surveyor, which has been numbered, dated, signed and registered, must be submitted to the Town;

b) That the appropriate documents for the conveyance be prepared in triplicate (three copies) and suitable for registration. All copies shall have original signatures and one copy will remain as a record with the Town;

c) That at the time the conveyance is presented for certification, a tax certificate from the Treasurer of the Town or evidence showing all taxes for the current year have been paid in full to the date of consent approval, as well as any and all arrears owing on the total parcel, shall be submitted to the Town;

d) That an apportionment of assessment pursuant to Section 65 of The Drainage Act, R.S.O. 1990, and amendments thereto, be provided to the satisfaction of the Drainage Superintendent for the Town of Essex, if deemed necessary by the Town;

e) That a septic test report be completed and filed with the municipality by a Certified Septic System Installer confirming that the septic system meets Part 8 of the Ontario Building Code (OBC) regulations prior to the stamping of the Deeds and/or the issuance of the certificate;

f) That all of the above conditions be fulfilled on or before November 20, 2019.

2. That, prior to the granting of this consent, the requested variance should be granted by the Committee of Adjustment to accommodate the reduction in minimum lot area for the retained and severed parcel and the reduction in lot width for the severed lot.

“Carried”

Reasons:

In the opinion of the Committee, approval of this consent application is in keeping with the policies of the Town of Essex Official Plan, the requirements of the Planning Act and the policies mandated under the Provincial Policy Statement (PPS).

d) Old Business

None

e) New Business

Rita takes a moment to thank the current committee members for their service and reminds the members that the deadline to reapply for the committee is December 7.

f) Next Meeting

TBD

g) Adjournment

Moved by Councillor Bondy
(COA-2018-11-95) That the meeting be adjourned at 4:56 pm.
“Carried”

Chair

Secretary-Treasurer/Assistant Planner

The Corporation of the Town of Essex

By-Law Number 1769

**Being a by-law to provide for financing in the
amount of \$852,396.66 for capital works within
Community Services**

Whereas Section 418 (1) of the Municipal Act, 2001 provides that a municipality may invest money in a reserve fund;

And whereas the Town of Essex Landfill Reserve has sufficient funds to finance the costs incurred in 2017 and 2018 to complete the works set forth below:

Capital Project	Unfinanced Amount
Harbour Building Conversion to Community Room	\$77,285.61
New Stairs at Harbour Restaurant	\$180,891.04
Ditching and Consulting on Recreation Lands	\$61,820.21
Engine 1 Station 1	\$532,399.80
	\$852,396.66

Now therefore the Council of The Corporation of the Town of Essex hereby enacts as follows:

1. That the Landfill Reserve of the Town of Essex shall finance the costs incurred, as described above, by way of a loan in the amount of \$852,396.66
2. That the loan shall bear interest at a fixed rate of 3.45% per annum amortized over a 5-year term;
3. That the loan shall be dated the 18th day of December, 2018 and shall be payable in one annual installment of principal commencing on the 18th day of December in each of years 2019 to 2023, inclusive and shall bear interest payable annually commencing on the 18th day of December, 2018, as outlined in Schedule "A" attached hereto; and
4. This by-law shall come into force and effect on December 17th, 2018.

Read a first, a second and a third time and finally passed this 17th day of December 2018.

Mayor

Clerk

The Corporation of the Town of Essex

Schedule "A" to By-Law Number 1769

Long-Term Borrowing Repayment - Community Services Capital Works

Year	Principal Payment	Interest Payment	Total Principal and Interest	Unmatured Prinicpal
2018			\$0.00	\$852,396.66
2019	\$158,939.93	\$26,910.07	\$185,850.00	\$693,456.73
2020	\$164,510.89	\$21,339.11	\$185,850.00	\$528,945.84
2021	\$170,277.14	\$15,572.86	\$185,850.00	\$358,668.70
2022	\$176,245.49	\$9,604.51	\$185,850.00	\$182,423.21
2023	\$182,423.21	\$3,426.99	\$185,850.20	\$0.00

The Corporation of the Town of Essex

By-Law Number 1771

Being a by-law to confirm the proceedings of the December 17, 2018 Regular Meeting of Council of The Corporation of the Town of Essex

Whereas pursuant to Section 5(1) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, the powers of a municipality shall be exercised by its Council;

And whereas pursuant to Section 5(3) of The Municipal Act, 2001, S.O. 2001, c.25 as amended, a municipal power, including a municipality's capacity, rights, powers and privileges under Section 8 of the Municipal Act, 2001, S.O. 2001, c.25, as amended, shall be exercised by by-law unless the municipality is specifically authorized to do otherwise;

And whereas it is deemed expedient that a by-law be passed to authorize the execution of Agreements and other documents and that the proceedings of the Council of The Corporation of the Town of Essex at its meetings be confirmed and adopted by by-law.

Now therefore be it resolved that the Council of The Corporation of the Town of Essex enacts as follows:

1. That the actions of the Council of The Corporation of the Town of Essex in respect of all recommendations in reports and minutes of committees, all motions and resolutions and all other actions passed and taken by the Council of The Corporation of the Town of Essex, documents and transactions entered into during the December 17, 2018 meeting of Council, are hereby adopted and confirmed as if the same were expressly contained in this by-law.
2. That the Mayor and proper officials of The Corporation of the Town of Essex are hereby authorized and directed to do all the things necessary to give effect to the actions of the Council of The Corporation of the Town of Essex during the said December 17, 2018 meeting referred to in paragraph 1 of this by-law.
3. That the Mayor and the Clerk are hereby authorized and directed to execute all documents necessary to the actions taken by this Council as described in Section 1 of this by-law and to affix the Corporate Seal of The Corporation of the Town of Essex to all documents referred to in said paragraph 1.

Read a first and a second time and provisionally adopted on December 17, 2018.

Mayor

Clerk

Read a third time and finally adopted on January 14, 2019.

Mayor

Clerk