

The Corporation of the Town of Essex
Regular Council Meeting Minutes

June 3, 2019, 6:00 pm
Essex Civic Centre
360 Fairview Avenue West
Essex, Ontario

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

Also Present: Chris Nepszy, Chief Administrative Officer
Jeffrey Morrison, Director, Finance & Corporate Services/Treasurer
Doug Sweet, Director, Community Services
Jeff Watson, Policy Planner
Alex Denonville, Manager, Communications
Robert Auger, Town Solicitor/Clerk, Legal and Legislative Services
Shelley Brown, Deputy Clerk, Legal and Legislative Services
Robin Hall, Administrative Assistant

Cameron Soucie, Youth Council Member

1. Call to Order

2. Closed Meeting Report

Robert Auger, Town Solicitor/Clerk, Legal and Legislative Services provided a verbal report on the Closed Meeting held prior to tonight's regular council meeting. He stated that it was held pursuant to the Municipal Act, R.S.O. 2001, c.25, as amended, Section 239 (2) (c) a proposed pending acquisition or disposition of land by the municipality or local board, and Section 239 (2) (e) to discuss litigation or potential litigation affecting the municipality.

The Clerk advised that Council received an update and gave directions with regards to a proposed land transaction and a separate litigation matter affecting the town.

3. Declarations of Conflict of Interest

There were no declarations of conflict of interest.

4. Adoption of Published Agenda

4.1 Regular Council Meeting Agenda for June 3, 2019

Moved By Councillor Vander Doelen
Seconded By Councillor Bowman

(R19-06-236) That the published agenda for the June 3, 2019 Regular Council Meeting, be adopted with the following amendments:

- a) The addition of By-Law 1827, being a by-law to appoint a By-Law Enforcement Officer for the Town of Essex;
- b) A change to By-Law 1825 and its Schedule A: Development Agreement re: the deletion of Section 17 (a) as published, and its replacement as follows: "The Owner shall file with the MOE and be issued a Record of Site Condition (RSC) prior to any new construction permits being issued"; and
- c) Deputy Mayor Meloche advised that he has a Notice Motion to be presented this evening for consideration at the next regular meeting of Council.

Carried

5. Adoption of Minutes

5.1 Regular Council Meeting Minutes for May 21, 2019

Moved By Councillor Verbeek
Seconded By Councillor Garon

(R19-06-237) That the minutes of the Regular Council Meeting held May 21, 2019, be adopted as circulated.

Carried

5.2 Special Council Meeting Minutes for April 1, 2019

Moved By Councillor Bowman
Seconded By Deputy Mayor Meloche

(R19-06-238) That the minutes of the Special Council Meeting held April 1, 2019, for the purpose of amending the General Zoning By-Law 1037 under the provisions of the Planning Act, R.S.O. 1990 to permit the use of the subject property for the storage of fireworks, a use which is not currently permitted under the existing A1.1 General Agricultural Zoning, be adopted as circulated.

Carried

6. Public Presentations

6.1 Tourism Windsor Essex Pelee Island

Gordon Orr, Chief Executive Officer and Kris Racine, Director Marketing distributed to those in attendance the Windsor Essex Pelee Island Official Visitors Guide, "Where Can W.E. Take You?" 2018 Year In Review and their 2019/2020 Destination Development Strategy and Marketing Plan. Together with a powerpoint presentation they summarized their current and future plans to attract tourism to the area. Council thanked them for the presentation.

Moved By Councillor Bowman
Seconded By Councillor Bjorkman

(R19-06-239) That the presentation by Tourism Windsor Essex Pelee Island, Gordon Orr, CEO and Kris Racine, Director Marketing, providing a 2018 Year in Review, plans for 2019 and their new 2019/2020 Official Visitor's Guide, be received. **Carried**

6.2 Monarch Butterfly Enthusiasts of Windsor and Essex County

Leo and Theresa Silvestri, representing the Monarch Butterfly Enthusiasts of Windsor and Essex County, appeared before Council to share the history of the group and expressed the need to preserve pollinating species and to encourage the continuation of the spectacular monarch migration. Mr. Silvestri shared with Council the value of the Monarch Waystations and that with little effort a Monarch Waystations can be added to existing gardens or maintaining natural habitats areas by simply adding milkweeds and nectar sources.

Moved By Councillor Verbeek
Seconded By Councillor Bondy

(R19-06-240) That the presentation by Leo and Theresa Silvestri, Monarch Butterfly Enthusiasts of Windsor and Essex County, bringing forward to Council their concerns with the declining numbers of the monarch butterfly and asking Council to consider creating butterfly pollinator gardens in the our parks, be received and supported; and

That Administration be directed to investigate areas in the municipality to promote the growth of the Waystations.

Carried

6.3 Jerome Parent - Sign Permit

103 King Street West, Harrow Centre

- Planning Report 2019-30RE: Sign By-Law Revision 103 King Street, Harrow Jerome Parent, Applicant

Jerome Parent appeared before Council to ask that they consider granting permission to erect a sign on the side of his building at 103 King Street West. He feels that a large multi business sign erected on the side of building at 103 King Street, will bring attention to the businesses in Town and hopes that it will promote pedestrian traffic. He asked Council to consider an exemption to the Town's sign by-law and allow him to place large multi business signs on the side of his building.

Moved By Councillor Bondy
Seconded By Councillor Vander Doelen

(R19-06-241) That the presentation by Jerome Parent, requesting a sign permit for 103 King Street West in Harrow Centre and Planning Report 2019-30, entitled "Sign By-Law Revision for 103 King Street, Harrow, Jerome Parent, Applicant", dated June 3, 2019, prepared by Jeff Watson, Policy Planner and submitted by Chris Nepszy, CAO, recommending that Council not approve an amendment to By-Law 1350, be postponed to the Regular Council Meeting on July 2, 2019 to allow the Harrow Chamber of Commerce an opportunity to provide remarks.

Carried

6.4 Steve Taylor, President of BT Engineering

RE: Hanlan Street Extension
Environmental Assessment

- Infrastructure and Development Report 2019-09 RE: Hanlan Street Extension - Environmental Assessment

Moved By Councillor Bowman
Seconded By Councillor Vander Doelen

(R19-06-242) That the PowerPoint Presentation by Steve Taylor of BT Engineering Incorporated together with Infrastructure and Development Report 2019-09, prepared by Richard Beausoleil, Manager, Capital Works and submitted by Chris Nepszy, CAO, both the Powerpoint and the report entitled "Hanlan Street Extension - Environmental Assessment", dated June 3, 2019, be received;

That Council endorses the recommended plan for the Hanlan Street Extension as presented by BT Engineering Incorporated; and

That Council approves and directs Administration through BT Engineering to proceed with the 30 day public review process for the Hanlan Street Extension Environmental Assessment.

Carried

7. Unfinished Business

8. Reports from Administration

8.1 Planning Report 2019-28

RE: Delegation of Approval Authority

Moved By Councillor Bondy
Seconded By Councillor Vander Doelen

(R19-06-243) That Planning Report 2019-28, entitled "Delegation of Approval Authority", prepared by Jeff Watson, Policy Planner and submitted by Chris Nepszy, CAO, dated June 3, 2019, setting out an option for Council to seek delegation of approval authority, be received; and

That Administration be directed to advise the Warden for the County of Essex that the Town of Essex is requesting delegation of approval authority for plans of subdivision and condominium and part lot control exemption.

Carried

8.2 Planning Report 2019-29

RE: Rezoning Application, Noah Homes (Applicant)
East side of County Road 13, South of Pollard Drive, Colchester South (Ward 3)

Moved By Councillor Bondy
Seconded By Councillor Garon

(R19-06-244) That Planning Report 2019-29, entitled "Rezoning application, Noah Homes, East side of County Road 13, south of Pollard Drive, Colchester

South (Ward 3)", prepared by Jeff Watson, Policy Planner and submitted by Chris Nepszy, CAO, dated June 3, 2019, be received;

That Council authorizes the preparation of a rezoning by-law to rezone the lands comprising of Part of Lot 12 on Second Range of Gore in Colchester South from A1.1, General Agricultural to R2.2, Low Density Residential, and to provide for site specific supplementary zoning such that the minimum width of an exterior side yard shall be 1.2 meters, subject to the regulation that no vehicular entrance to a garage shall be permitted on the garage wall facing the exterior side yard;

That an increase in the width of an attached garage to 70 percent, be approved; and

That a reduction of the required front yard from 6m (20 feet) to 4.5m (15 feet), not be approved.

Carried

8.3 Planning Report 2019-31

RE: Former Harrow Junior School Property Development Agreement for 2484775 Ontario Incorporated

- By-Law 1825 Being a by-law to enter into a Development Agreement between The Corporation of the Town of Essex and 2484775 Ontario Incorporated

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

(R19-06-245) That Planning Report 2019-31, entitled "Former Harrow Junior School Property Development Agreement for 2484775 Ontario Incorporated", prepared by Jeff Watson, Policy Planner and submitted by Chris Nepszy, CAO, dated June 3, 2019, be received; and

That Council approves and authorizes the execution of a development agreement (as amended) for the lands comprising 230 Centre Street (former Harrow Junior School); and

That By-Law 1825 being a by-law to enter into a Development Agreement between The Corporation of the Town of Essex and 2484775 Ontario Incorporated, be read a first, a second and a third time and finally passed on June 3, 2019.

Carried

8.4 Municipal Drainage Report 2019-03

RE: Appointment of an Engineer for Repairs and Improvements to the Batten Drain

Moved By Councillor Bjorkman

Seconded By Councillor Verbeek

(R19-06-246) That Municipal Drainage Report 2019-03, entitled "Appointment of an Engineer for Repairs and Improvements to the Batten Drain", prepared by Norm Nussio, Manager, Operations and Drainage, and submitted by Chris

Nepszy, Director, Infrastructure and Development, dated June 3, 2019, be received; and

That Council appoints the engineering firm of Rood Engineering to develop a report for repairs and improvements to the Batten Drain agricultural access to better serve the lands of Abram Harms.

Carried

8.5 Infrastructure and Development Report 2019-07

RE: Results of Request for Tender for the Supply of Pick-Up Truck

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

(R19-06-247) That Infrastructure and Development Report 2019-07, entitled "Results of Request for Tender for the Supply of Pick-Up Truck", prepared by Jackson Tang, Assistant Manager, Business Services and submitted by Chris Nepszy, CAO, dated June 3, 2019, be received; and

That Council awards the Request for Tender for the Supply of Pick Up Truck 2019 to Ken Knapp Ford in the amount of \$46,258.06 including non-refundable sales tax; and

That Council approves the additional funding of \$6,258.06 above the allocated 2019 Supply of Pick-Up Truck capital budget of \$40,000 through utilizing current savings from the 2019 Capital Equipment budget projects PW-19-0041 Shop Lawnmower Replacement and PW-19-0037 Roadside Moving Tractor.

Carried

8.6 Infrastructure and Development Report 2019-08

RE: Results of Request for Proposal - Supply of Winter Control Equipment for a Single Axle Plow Truck 2019 and Request for Tender - Supply of Single Axle Plow Truck Cab and Chassis 2019

Moved By Deputy Mayor Meloche

Seconded By Councillor Verbeek

(R19-06-248) That Infrastructure and Development Report 2019-08, entitled "Results of Request for Proposal - Supply of Winter Control Equipment for a Single Axle Plow Truck 2019 and Request for Tender - Supply of Single Axle Plow Truck Cab and Chassis 2019", dated June 3, 2019, be received; and

That Council awards the Request for Proposal and the Request for Tender as follows:

- a. ID-19-009 Supply of Winter Control Equipment for a Single Axle Plow Truck 2019 to Viking-Cives Ltd. in the amount of \$123,430.80 including applicable taxes,
- b. ID-19-008 Supply of Single Axle Plow Truck Cab and Chassis 2019 to 401 Truck Source in the amount of \$130,201.31 including applicable taxes; and

That Council approves the additional funding of \$3,632.11 above the allocated 2019 capital budget of \$250,000 through utilizing current savings from the

2019 Capital Equipment budget projects PW-19-0041 Shop Lawnmower Replacement and PW-19-0037 Roadside Mowing Tractor. **Carried**

8.7 Clerks Report 2019-014

RE: Court of Revision for Sydenham Street Drain (East Side) and Bagot Street Drain (West Side) (Petition for Drainage)

- By-Law 1824 Being a by-law to provide for Sydenham Street Drain (East Side) and Bagot Street Drain (West Side) (Petition for Drainage) Part of Lots 11, 12 & 13, Registered Plan 18, Geographic Twp. of Colchester South, Project REI2015D036, Town of Essex, County of Essex

Moved By Councillor Bondy
Seconded By Councillor Bowman

(R19-06-249) That Clerks Report 2019-014, entitled "Court of Revision for Sydenham Street Drain (East Side) and Bagot Street Drain (West Side) (Petition for Drainage) Part of Lots 11, 12 & 13, Registered Plan 18, Geographic Twp. of Colchester South, Project REI2015D036, Town of Essex, County of Essex, prepared by Robert Auger, Town Solicitor, Clerk and submitted by Chris Nepszy, CAO, dated June 3, 2019, be received; and

That Kirk Carter, Luke Martin and Percy Dufour be appointed to sit as members of the Court of Revision scheduled to convene at 4:30 PM on July 2, 2019 in the County of Essex Civic Centre Council Chambers, 360 Fairview Avenue West, Essex, with respect to the Sydenham Street Drain (East Side) and Bagot Street Drain (West Side) (Petition for Drainage) Part of Lots 11, 12 & 13, Registered Plan 18, Geographic Twp. of Colchester South, Project REI2015D036, pursuant to the report prepared by Gerard Rood, Professional Engineer, Rood Engineering Ltd., dated April 10, 2019; and

That By-Law 1824, being a by-law to provide for Sydenham Street Drain (East Side) and Bagot Street Drain (West Side) (Petition for Drainage) Part of Lots 11, 12 & 13, Registered Plan 18, Geographic Twp. of Colchester South, Project REI2015D036, Town of Essex, County of Essex, be read a first and a second time and provisionally adopted on June 3, 2019.

Carried

9. Reports from Youth Members

Cameron Soucie, Youth Council Members reported that Essex High School had an amazing Relay for Life fundraising event and he will be reporting more on this event in the future.

10. County Council Update

11. Correspondence

11.1 Correspondence to be received

11.1.1 Union Water Supply System

Joint Board of Management
April 24, 2019 Minutes

11.1.2 Essex-Windsor Solid Waste Authority

Essex-Windsor Residential Waste Diversion 2018 Annual Report

11.1.3 Windsor Essex Provincial Offences (POA)

2018 Annual Report, Issued on April 24, 2019

11.1.4 Committee of Adjustment

Regular Meeting Agenda - June 18, 2019

11.1.5 2019 Prime Minister's Awards

Presentation of awards ceremony for Teaching Excellence in STEM and Excellence in Early Childhood Education available on Facebook, May 28, 2019 at 4:00 p.m., www.facebook.com/canadianinnovation.

11.1.6 Township of Pickle Lake

Correspondence from the Township of Pickle Lake, dated May 14, 2019 advising Council that they support the Township of Tudor and Cashel's motion that Hydro One and the Ontario Energy Board should review its plans regarding delivery services to ensure that the cost of delivery is fair to everyone.

11.1.7 2484775 Ontario Inc.

Correspondence from 2484775 Ontario Inc., dated April 25, 2019 asking that Council consider granting them an extension for "development charges exemptions" for approximately two years to complete their project at 230 Centre Street Development in Harrow Centre.

Moved by Councillor Bowman

Seconded by Councillor Garon

(R19-06-250) That correspondence listed in Agenda Item 11.1 be received and, where indicated, to further share such information with the community using suitable methods of communication.

Carried

11.2 Correspondence to be considered for receipt and support

11.2.1 Township of McNab/Braeside

RE: Government of Ontario E-Learning Resolution

Moved By Councillor Vander Doelen

Seconded By Councillor Verbeek

(R19-06-251) That correspondence from Township of McNab/Braeside, dated April 16, 2019, asking that Council consider supporting their resolution that requests that the Premier of Ontario reconsider that secondary school students be required to take four (4) out of the thirty (30) high school credits as online courses until rural Ontario students can be given the same opportunity to access the internet as urban students, be received and supported; and

That a letter of support be sent to the Premier of Ontario, the Minister of Education, and to the Township of McNab/Braeside.

Carried

11.2.2 Town of Lakeshore

RE: Support of new regional hospital for Windsor-Essex County
Resolution

Moved By Councillor Vander Doelen

Seconded By Councillor Bowman

(R19-06-252) That correspondence from the Town of Lakeshore, dated May 24, 2019, asking Council to consider supporting their resolution that any new regional hospital services for Windsor-Essex County should be placed in a location that serves the majority of residents of Windsor-Essex County and that the current proposed location will serve the region as a whole and help improve healthcare in the region, be received and supported; and

That a letter of support be sent to the Honourable Doug Ford, Premier of Ontario, the Honourable Andrea Horwath, Leader of the New Democratic Party, the Honourable Christine Elliott, Minister of Health and Long-Term Care, Mr. Taras Natyshak, MPP for Essex and to the Town of Lakeshore.

Carried

11.2.3 Resolutions - Opposition to Bill 108

Correspondence received from the Town of Grimsby and the Township of The Archipelago, both asking for Council's support in petitioning the Ontario Government to halt the legislative advancement of Bill 108, and to properly engage and consult with Municipalities before further consideration of the proposed legislation.

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

(R19-06-253) That correspondence from the Town of Grimsby and the Township of The Archipelago, dated May 17, 2019, each municipality asking that Council support their resolutions requesting that the Ontario Government halt the legislative advancement of Bill 108 to properly engage and consult with Municipalities before further considering the proposed legislation, be received and supported; and

That a letter of support be sent to The Honourable Doug Ford, Premier of Ontario, The Honourable Christine Elliott, Deputy Premier, The Honourable Steve Clark, Minister of Municipal Affairs, Andrea Horwath, Leader of the New Democratic Party and the Town of Grimsby and the Township of The Archipelago.

Carried

12. Committee Meeting Minutes

12.1 Drainage Board

Consideration of Report - May 21, 2019

RE: Sydenham Street Drain (East Side) and Bagot Street Drain (West Side)
(Petition from Drainage)

Moved By Deputy Mayor Meloche
Seconded By Councillor Garon

(R19-06-254) That the Drainage Board minutes of May 21, 2019, together with any recommendations noted therein, be received, approved and adopted as circulated.

Carried

13. Financial

13.1 2019 Operating Expense Budget Variance Report

(For month ending April 30, 2019)

Moved By Councillor Bowman
Seconded By Deputy Mayor Meloche

(R19-06-255) That the 2019 Operating Expense Budget Variance Report for the month ending April 30, 2019, be received.

Carried

14. New Business

15. Notices of Motion

The following Notice of Motion will be presented at the June 17, 2019 Regular Council Meeting for Council's consideration:

Deputy Mayor Meloche
RE: Eliminate Bullying/Foul Language in our Parks

That Council requests a report from the Director of Community Services, Mr. Doug Sweet, in which the report would offer potential solutions to eliminate and/or minimum combat bullying and foul language currently being experienced in the parks within the municipality of the Town of Essex.

16. Reports and Announcements from Council Members

Each of the 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 1807

Being a by-law to provide for James Shepley Drain (Updated Maintenance Schedule of Assessment and Bridge for Karl Neudorf, Parcel 510-00300), Geographic Township of Colchester North, Project REI2015D015, Town of Essex, County of Essex

Moved By Councillor Bjorkman
Seconded By Councillor Bowman

(R19-06-256) That By-Law 1807, being a by-law to provide for James Shepley Drain (Updated Maintenance Schedule of Assessment and Bridge for Karl Neudorf, Parcel 51000300), Geographic Township of Colchester North, Project REI2015D015, Town of Essex, County of Essex, be read a third time and finally passed on June 3, 2019.

Carried

17.1.2 By-Law 1808

Being a by-law to provide for 8th Concession West Drain (Bridge for Frank Preston, Parcel 370-05800), Geographic Township of Colchester North, Project REI2018D013, Town of Essex, County of Essex

Moved By Councillor Bowman

Seconded By Councillor Vander Doelen

(R19-06-257) That By-Law 1808 being a by-law to provide for 8th Concession West Drain (Bridge for Frank Preston, Parcel 370-05800), Geographic Township of Colchester North, Project REI2018D013, Town of Essex, County of Essex, be read a third time and finally passed on June 3, 2019.

Carried

17.1.3 By-Law 1823

Being a by-law to confirm the proceedings of the May 21, 2019, Regular Meeting of the Council of The Corporation of the Town of Essex

Moved By Councillor Verbeek

Seconded By Deputy Mayor Meloche

(R19-06-258) That By-Law 1823 being a by-law to confirm the proceedings of the May 21, 2019, Regular Meeting of the Council of The Corporation of the Town of Essex, be read a third time and finally passed on June 3, 2019.

Carried

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

17.2.1 By-Law 1827

Being a by-law to appoint a Property Standards Officer for the Town of Essex

Moved By Councillor Bowman

Seconded By Councillor Garon

(R19-06-259) That By-Law 1827 being a by-law to appoint a Property Standards Officer for the Town of Essex, be read a first, a second and a third time and finally passed on June 3, 2019.

Carried

17.3 By-Laws that require a first and second reading

17.3.1 By-Law 1826

Being a by-law to confirm the proceedings of the June 3, 2019, Regular Meeting of the Council of the Corporation of the Town of Essex

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

(R19-06-260) That By-Law 1826, being a by-law to confirm the proceedings of the June 3, 2019, 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 June 3, 2019.

Carried

18. Adjournment

Moved By Councillor Vander Doelen
Seconded By Councillor Verbeek

(R19-06-261) That the meeting be adjourned at 8:15 PM.

Carried

Mayor

Clerk