

The Corporation of the Town of Essex
Regular Council Meeting Minutes

January 15, 2018, 6:00 pm
Essex Civic Centre
360 Fairview Avenue West
Essex, Ontario

Present: Mayor McDermott
Deputy Mayor Meloche
Councillor Bondy
Councillor Bjorkman
Councillor Rogers
Councillor Snively
Councillor Voakes

Also Present: Donna Hunter, Chief Administrative Officer
Chris Nepszy, Director, Infrastructure Services
Doug Sweet, Director, Community Services
Jeffrey Morrison, Director, Finance and Business Services/Treasurer
Nelson Silveira, Economic Development Officer
Robert Auger, Clerk, Legal and Legislative Services
Lynn Moroz, Administrative Assistant

1. Call to Order

The meeting was called to order at 6 PM.

2. Closed Meeting Report

3. Declarations of Conflict of Interest

There were no conflicts of interest.

4. Adoption of Published Agenda

4.1 Regular Council Meeting Agenda for January 15, 2018

Moved by Deputy Mayor Meloche
Seconded by Councillor Bondy

(R18-01-001) That the published agenda for the January 15, 2018 Regular Council Meeting be adopted as presented with the following amendments by Councillor Voakes:

Notice of Motion - That Administration provide information on the guidelines used when communicating with the media.

Notice of Motion - That Administration provide a report on its Request For Proposal (RFP) procedures and how the Town determines what proposals to accept or not accept.

Notice of Motion - That Administration provide the cost of the recent Fire Department third party investigation.

Carried

5. Adoption of Minutes

5.1 Regular Council Meeting Minutes for December 18, 2017

Moved by Councillor Rogers
Seconded by Councillor Bondy

(R18-01-002) That the minutes of the Regular Council Meeting held December 18, 2017 be adopted as circulated.

Carried

6. Public Presentations

7. Unfinished Business

8. Reports from Administration

8.1 Verbal Report - Winter Control in the Downtown Core

Provided by Chris Nepszy, Director, Infrastructure Services

Chris Nepszy, Director of Infrastructure Services gave a brief verbal report on winter control in the downtown core. He stated that with snow control the variables make it difficult to set a threshold. A forecast of more snow, extremely warm weather, or an upcoming special event can influence the decision, making it an operational based judgment.

Downtown snow removal does not happen very often. This year there has been one removal, last year there were none and in 2014, when our winter control budget doubled, four were done. The cost is approximately \$20,000 to do a removal for both the Harrow and Essex Centres. The work is contracted out as staff are needed for pushing snow. The Town follows safe working conditions so staff are out driving for thirteen or fourteen hours and resting for eight. Mr. Nepszy stated that we can't have them in the downtown areas doing snow removal when we need them driving snow plows or getting their rest. Another reason why staff does not do removal in the downtown is because we do not have the equipment for the detailed work around the streetlights and benches.

Mr. Nepszy noted that in future we could open up the winter control by-law and take a look at how much onus we put on the commercial store owners. As a Town we do take care of sidewalk control in the urban centre downtown but simply provide a clear swath. The by-law does have wording with respect to when and how much time they have to shovel. Mr. Nepszy suggested it might be realistic for businesses to provide a three or four foot access to the street, but he realizes that there will always be a push-pull between the town plowing snow up on the sidewalks and the businesses pushing it back.

Moved by Councillor Snively
Seconded by Councillor Rogers

(R18-01-003) That the verbal report provided by Chris Nepszy, Director, Infrastructure Services, on winter control in the downtown core, be received.

Carried

Moved by Councillor Voakes
Seconded by Councillor Rogers

(R18-01-004) That when the snowfall reaches an excess of six (6) inches on the curb or side of the road Administration direct the downtown snow removal contractors to haul the snow away.

Defeated

Moved by Councillor Voakes
Seconded by Councillor Rogers

(R18-01-005) That Administration provide a preliminary report or update at the February 5, 2018 Regular Council Meeting on the status of its review on preliminary recommendations as it relates to its ongoing review of the snow removal by-law.

Carried

8.2 Building Report 2017-12

RE: December 2017 Building Report.

Moved by Councillor Snively
Seconded by Deputy Mayor Meloche

(R18-01-006) That Building Report 2017-12, dated January 3, 2018 providing Council with building activity in the Town of Essex to December 31, 2017, be received.

Carried

8.3 Economic and Development Report 2018-01

RE: Hotel Feasibility Study Results

Advisory Report

RE: Hotel Feasibility Study Report prepared for the Town of Essex by CBRE Limited.

Moved by Councillor Bjorkman
Seconded by Councillor Rogers

(R18-01-007) That Economic Development Report 2018-01, prepared and submitted by Nelson Silveira, Economic Development Officer, entitled "Hotel Feasibility Study Results", dated January 15, 2018, providing Council with an overview and findings of the hotel feasibility study recently completed by CBRE Limited for the Town of Essex, be received.

Carried

8.4 Economic Development Report

RE: November and December 2017 Update

Moved by Councillor Snively

Seconded by Councillor Bjorkman

(R18-01-008) That Economic Development Report, prepared and submitted by Nelson Silveira, Economic Development Officer, providing Council with an Economic Development activity report for the months of November and December 2017 within the Town of Essex, be received.

Carried

8.5 Verbal Report - ELK Outages

RE: Harrow Service Area

Provided by Donna Hunter, Chief Administrative Officer

Donna Hunter, CAO, reported that a meeting was held in December by the ELK Board in which Mike Audet, CEO of ELK Energy, brought the board up to date on momentary outages occurring in the Harrow Service Area. She wished to update Council on the information that was provided.

There are two Hydro One feeders that supply Harrow. One is called the 3M1 Feeder that feeds central and south Harrow and the other one is the 3M7 which feeds north Harrow. From the data available it was found that the 3M1 is experiencing higher than average momentary outages. An average momentary outage is considered to be less than 3 minutes, with the average outage in most areas being .75 minutes per month. In the 3M1 area it was 2.4 outages per month.

Some of the steps that have been taken are:

November 20 - ELK contacted Hydro One to advise of the number of outages that were being experienced on the 3M1 feeder

November 21 - ELK contacted the meter service provider and was able to obtain some data to support the outages they were having

November 24 - ELK reached out to Hydro One for further information after analyzing the data from the meter service provider

November 28 - Hydro One found and repaired three defects on the 3M1 feeder line, and although they were fixed there were two outages after that

December 5 - Hydro One reported to ELK that they had performed a thermal vision on the feeder and found no issues but they did acknowledge the feeder was in poor condition

December 5 - ELK met with Hydro One who provided commitment to and has since demonstrated that they are determined to find the cause of the outages and fix it

At this point discussion is still being held between Mike Audet, CEO of ELK and Hydro One. Mrs. Hunter advised she will contact Mr. Audet as to the date of the next board meeting and ask to attend for a further update on the problem which she will inform Council of.

Moved by Councillor Bondy
Seconded by Deputy Mayor Meloche

(R18-01-009) That the verbal report provided by Donna Hunter, Chief Administrative Officer, on ELK Electrical Outages in the Harrow service area, be received.

Carried

9. Reports from Youth Members

10. County Council Update

11. Correspondence

11.1 Correspondence to be received

Moved by Councillor Rogers
Seconded by Councillor Snively

(R18-01-010) 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

11.1.1 Union Water Supply System Joint Board of Management

RE: October 18, 2017 Meeting Minutes

11.1.2 Town of Amherstburg

Amherstburg Council supported the following resolutions at their November 13, 2017 Council Meeting:

- 1) The Township of North Frontenac's resolution regarding the negative impacts of Bill 148.
- 2) The Town of Mono's resolution regarding the On-Call Provisions in Bill 148.

11.1.3 Erie St. Clair

RE: News Release that Erie St. Clair Local Health Integration Network (ESC LHIN) has received \$1.39 million that will be invested into Musculoskeletal Care to support capacity and operations to our regional Rapid Access Clinics.

11.1.4 Ministry of Finance, Charles Sousa

RE: Update on the Province's work underway to establish a retail and distribution channel for legal cannabis.

11.2 Correspondence to be considered for receipt and support

11.2.1 Town of Lakeshore

RE: Resolution regarding the Provincial Flood Insurance Program.

Moved by Deputy Mayor Meloche
Seconded by Councillor Bjorkman

(R18-01-011) That the copy of correspondence from the Town of Lakeshore to The Honourable Kathleen Wynne, Premier, dated October 11, 2017 requesting that the Government of Ontario create a Provincial Flood Insurance Program to cover those individuals, families and businesses who are unable to secure flood insurance for their properties, be received and supported;

And that if Council chooses to support the Town of Lakeshore's resolution a letter of support be sent to the Premier of Ontario, The Honourable Kathleen Wynne and the Town of Lakeshore.

Carried

11.2.2 Town of Amherstburg

RE: Resolution supporting Morris-Turnberry's resolution regarding the Tenanted Farm Tax Class.

Moved by Councillor Rogers

Seconded by Deputy Mayor Meloche

(R18-01-012) That correspondence from the Town of Amherstburg, dated December 20, 2017 advising Council of their support for the Municipality of Morris-Turnberry's resolution requesting that the Municipal Property Assessment Corporation (MPAC) conduct a review on the effects of the tax class shift from farm land to residential, be received and supported;

And that if Council chooses to support the Municipality of Morris-Turnberry's resolution, a letter of support be sent to the Premier of Ontario, The Honourable Kathleen Wynne, the Minister of Finance, MPAC and the Municipality of Morris-Turnberry.

Carried

12. Committee Meeting Minutes

13. Financial

14. New Business

15. Notices of Motion

15.1 The following Notices of Motion were presented at the December 18, 2017 Regular Council Meeting and are being brought forward for consideration this evening:

15.1.1 Councillor Bondy

RE: That the Town of Essex send a request to the Association of Municipalities of Ontario (AMO) and all other municipalities in Ontario requesting that when school boards make decisions to close schools, that they have to offer the building to the local municipality for a dollar.

Moved by Councillor Bondy

Seconded by Councillor Voakes

(R18-01-013) That the Town of Essex send a request to the Association of Municipalities of Ontario (AMO), ROMA and all other municipalities in Ontario requesting that when schools boards make decisions to close schools, that they have to offer the building to the local municipality for a dollar.

Carried

15.1.2 Councillor Bondy

RE: That Administration receive and review the Ward 4 Feedback items on the list provided and report back to Council with an update on same, or if required, obtain Council's endorsement for any further action items recommended by Administration.

Moved by Councillor Bondy

Seconded by Councillor Bjorkman

That Administration receive and review the Ward 4 Feedback items on the list provided and report back to Council with an update on same, or if required, obtain Council's endorsement for any further action items recommended by Administration.

A discussion was held on the motion. During discussion Mayor McDermott felt that Councillor Voakes was in contravention of the Town's Procedural By-law and was/or causing unnecessary disruption to the meeting and ordered Councillor Voakes to leave the meeting. Councillor Voakes did not leave the meeting.

The Mayor called a recess at 7:24 PM

Council reconvened at 7:46 PM.

Councillor Voakes and Councillor Bondy did not return to their chairs.

Discussion continued on the motion that was pending prior to the recess.

Moved by Councillor Bondy

Seconded by Councillor Bjorkman

(R18-01-014) That Administration receive and review the Ward 4 Feedback items on the list provided and report back to Council with an update on same, or it required, obtain Council's endorsement for any further action items recommended by Administration.

Defeated

15.2 The following Notices of Motion will be brought forward for consideration at the Regular Council Meeting of Monday, February 5, 2018

Councillor Bondy:

That Administration review the current speed limit and handicap sign on Ridge Road and report back to Council on recommended changes, if any.

Councillor Voakes:

That Administration provide information on the guidelines used when communicating with the media.

Councillor Voakes:

Notice of Motion - That Administration provide a report on its Request For Proposal (RFP) procedures and how the Town determines what proposals to accept or not accept.

Councillor Voakes:

Notice of Motion - That Administration provide the cost of the recent Fire Department third party investigation.

16. Reports from Council Members

17. Announcements

Councillor Snively - ATV and Snowmobiles

Councillor Snively announced that he had complaints from the farming industry regarding ATV's and snowmobiles riding on winter wheat crops. He asked that residents have consideration for the farming industry and keep off private property.

18. By-Laws

18.1 By-Laws that require a third and final reading

18.1.1 By-Law 1659

Being a by-law to amend By-Law 1037, the Comprehensive Zoning By-Law for the Town of Essex.

Moved by Councillor Snively
Seconded by Deputy Mayor Meloche

(R18-01-015) That By-Law 1659, being a by-law to amend By-Law 1037, The Comprehensive Zoning By-Law for the Town of Essex be read a third time and finally passed on January 15, 2018.

Carried

18.1.2 By-Law 1667

Being a by-law to confirm the proceedings of the December 18, 2017 Regular Meeting of the Council of The Corporation of the Town.

Moved by Councillor Rogers
Seconded by Councillor Snively

(R18-01-016) That By-Law 1667 being a by-law to confirm the proceedings of the December 18, 2017 Regular Meeting of the Council of The Corporation of the Town of Essex be read a third time and finally passed on January 15, 2018.

Carried

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

18.2.1 By-Law 1669

Regular Council Meeting Minutes – January 15, 2018

Being a by-law to Amend Position Titles for Certain Non-Union Staff of The Corporation of the Town of Essex

Moved by Councillor Bjorkman
Seconded by Councillor Snively

(R18-01-017) That By-Law 1669 being a by-law to Amend Position Titles for Certain Non-Union Staff of The Corporation of the Town of Essex be read a first, a second and a third time and finally passed on January 15, 2018.

Carried

18.2.2 By-Law 1670

Being a by-law to authorize an agreement between Her Majesty the Queen in Right of Ontario as represented by the Minister of Transportation (the "Province") and The Corporation of the Town of Essex (the "Recipient")

Re: Ontario Municipal Commuter Cycling (OMCC) Program

Moved by Deputy Mayor Meloche
Seconded by Councillor Bjorkman

(R18-01-018) That By-Law 1670 being a by-law to authorize an agreement between Her Majesty the Queen in Right of Ontario as represented by the Minister of Transportation (the "Province") and The Corporation of the Town of Essex (Ontario Municipal Commuter Cycling Program), be read a first, a second and a third time and finally passed on January 15, 2018.

Carried

18.3 By-Laws that require a first and second reading

18.3.1 By-Law 1671

Being a by-law to confirm the proceedings of the January 15, 2018 Regular Meeting of the Council of The Corporation of the Town of Essex.

Moved by Councillor Snively
Seconded by Councillor Rogers

(R18-01-019) That By-Law 1671 being a by-law to confirm the proceedings of the January 15, 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 January 15, 2018.

Carried

19. Adjournment

Moved by Councillor Snively
Seconded by Councillor Rogers

(R18-01-020) That the meeting be adjourned at 7:52 PM.

Carried

Mayor

Clerk