

**The Corporation of the Town of Essex**  
**Regular Council Meeting Minutes**

**July 18, 2016**

A Regular Meeting of the Council of the Town of Essex was held on Monday, July 18, 2016 at 6:08 PM in the County of Essex Council Chambers, 360 Fairview Avenue West, Essex, Ontario.

**1. Roll Call**

Present: Mayor Ron McDermott  
Deputy Mayor Richard Meloche  
Ward 1 Councillor Steve Bjorkman  
Ward 1 Councillor Randy Voakes  
Ward 3 Councillor Bill Caixeiro  
Ward 3 Councillor Larry Snively  
Ward 4 Councillor Sherry Bondy

Also Present: Tracey Pillon-Abbs, Chief Administrative Officer  
Jeffrey Morrison, Manager, Finance & Business Services and Acting Director of Corporate Services  
Chris Nepszy, Director of Infrastructure and Development  
Doug Sweet, Director of Community Services  
Tara McGowan, Manager, Human Resources  
Rick Arnel, Fire Chief  
Robert Auger, Manager of Legislative Services/Clerk  
Lynn Moroz, Administrative Assistant

**2. Declarations of Conflict of Interest**

Councillor Bondy declared a conflict of interest with the public presentation by Lara Klymko regarding the labour dispute at the Essex County Library.

**3. Adoption of Published Agenda**

a) Monday, July 18, 2016 Regular Council Meeting Agenda

Moved by Councillor Caixeiro

Seconded by Councillor Snively

(R16-07-288) That the published agenda for the July 18, 2016 Regular Council Meeting, be adopted with the following additions:

1) Robert Auger, Manager, Legislative Services/Clerk advised two meetings were held prior to the Regular Council Meeting:

i) A Special Meeting of Council was held at 4:00 p.m. to review information on the Election of a Deputy Mayor.

ii) A Closed Meeting of Council was held at 5:30 p.m. regarding the proposed acquisition of land by the municipality pursuant to Section 239 (2) ( c) of the Municipal Act. and;

2) Councillor Snively's request to discuss ATV's on public roads under New Business.

"Carried"

Councillor Caixeiro called a point of order as the motion had not been moved and seconded.

#### **4. Adoption of Minutes**

a) July 4, 2016 Regular Council Meeting

Moved by Councillor Bondy

Seconded by Councillor Bjorkman

(R16-07-289) That the minutes of the Regular Council Meeting held July 4, 2016 be adopted as circulated. "Carried"

#### **5 . Public Presentations**

Councillor Bondy removed herself from her chair and took no part in the discussion concerning Agenda Item 5 (a).

a) Lara Klymko

➤ Labour Dispute at the Essex County Library

Lara Klymko, a resident of Harrow and taxpayer of Essex presented at Council regarding the Labour Dispute between the Essex County Library and CUPE 2974 to speak on behalf of the residents of the Town of Essex. Ms. Klymko is requesting Council to respond to the cessation of bargaining between the two parties which she feels is negatively affecting the residents who use the library facilities and programs, which are paid for with tax dollars.

Moved by Councillor Voakes

Seconded by Councillor Bjorkman

(R16-07-290) That the Town of Essex send a letter to the National Representative for CUPE 2974 and the Essex County Library C.E.O. encouraging both sides to immediately return to the negotiating table for the purposes of negotiating a collective agreement so that service can be returned to residents as soon as possible.

Deputy Mayor Meloche excused himself from the motion.

"Carried"

Moved by Councillor Voakes

Seconded by Councillor Bjorkman

(R16-07-291) That the presentation by Lara Klymko concerning the labour dispute at the Essex County Library be received. "Carried"

Councillor Bondy returned to her chair.

b) Fire Chief Rick Arnel

➤ Ontario's New Disaster Recovery Programs

Moved by Councillor Caixeiro

Seconded by Deputy Mayor Meloche

(R16-07-292) That the power point presentation by Fire Chief Rick Arnel on Ontario's New Disaster Recovery Programs, advising of changes to the program for disaster victims and municipalities, be received. "Carried"

## **6. Unfinished Business**

## **7. Reports from Administration**

a) Building Department – Report Number 2016-06

Re: June 2016 Building Report

Moved by Councillor Caixeiro

Seconded by Councillor Voakes

(R16-07-293) That Building Report Number 2016-06, dated July 4, 2016 providing Council with summary of building activity in the Town of Essex to June 30, 2016 be received.

"Carried"

b) Corporate Services Department – Report Number Clerk 2016-004

Re: Court of Revision –Batten Drain (Hoffman & Litster)

Replacement Bridge & Maintenance Schedule: Part Lot 26, N.M.R., Geographic Township of Colchester North

Recommendation: That three Council members be appointed to sit as members of the Court of Revision for the Batten Drain (Hoffman & Litster) Replacement Bridge &

Maintenance Schedule: Part Lot 26, N.M.R. Geographic Twp. of Colchester North

(hereinafter "Batten Drain") to be scheduled for Monday, August 22, 2016 at 5:30 PM in the County of Essex Civic Centre Council Chambers, 360 Fairview Avenue West, Essex, Ontario.

Moved by Councillor Voakes

Seconded by Councillor Bondy

(R16-07-294) That Corporate Services Department – Report Number Clerk 2016-004, prepared by Robert Auger, Manager of Legislative Services/Clerk and submitted by Jeffrey Morrison, Acting Director of Corporate Services dated July 18, 2016 recommending to Council that three Council members be appointed to sit as members of the Court of Revision for the Batten Drain (Hoffman & Litster) Replacement Bridge & Maintenance

Schedule: Part Lot 26, N.M.R. Geographic Twp. of Colchester North (hereinafter "Batten Drain") to be scheduled for Monday, August 22, 2016 at 5:30 PM in the County of Essex Civic Centre Council Chambers, 360 Fairview Avenue West, Essex, Ontario, be received and that the following Council members be appointed to the Court: Councillor Bjorkman, Deputy Mayor Meloche and Mayor McDermott. "Carried"

c) Community Services – Report Number 2016-025

Re: Office Accommodation and Life Cycle Report

Recommendation: The following three recommendations are provided for Council's consideration:

- a) That Community Services Report 2016-025 entitled "Office Accommodation and Life Cycle Report" be received and further
- b) That Council award the project to Stephenson Engineering in the amount of \$28,250 (inclusive of Harmonized Sales Tax) based on the allocation of \$15,000 to the approved 2016 Community Services capital budget; and further
- c) That Council approve the remaining balance of \$13,250 to be allocated to the 2017 Community Services capital budget to be able to have the project completed in 2016.

Moved by Councillor Snively

Seconded by Councillor Caixeiro

(R16-07-295) That Community Services Report Number 2016-025 prepared and submitted by Doug Sweet, Director of Community Services, dated July 18, 2016 entitled "Office Accommodation and Life Cycle Report", be received and that Council concurs with the recommendations contained in the report and the project be awarded to Stephenson Engineering in the amount of \$28,250 (inclusive of Harmonized Sales Tax); that \$15,000 be allocated to the 2016 Community Services capital budget and further that Council approves the remaining balance of \$13,250 to be allocated to the 2017 Community Services capital budget to be able to have the project completed in 2016. "Carried"

d) Community Services – Report Number 2016-026

Re: Bell Box Mural Project – Harrow Centre

Recommendation: The following recommendation is provided for Council's consideration:

- 1. That Community Services Report Number 2016-026 entitled "Bell Box Mural Project – Harrow Centre" be received for Council information.

Moved by Councillor Bjorkman

Seconded by Councillor Bondy

(R16-07-296) That Community Services Report Number 2016-026 prepared by Cynthia Cakebread, Manager, Recreation and Culture and submitted by Doug Sweet, Director of Community Services, dated July 7, 2016 entitled "Bell Box Mural Project – Harrow Centre", advising Council of the Bell Box Mural Project to paint on eight Bell Canada utility boxes in Harrow Centre between July 25 and 29, 2016, be received. "Carried"

e) Community Services – Report Number 2016-024

Re: Harrow Day Care Lease Renewal

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

- a) That Report Community Services 2016-024 entitled "Harrow Day Care Lease Renewal" be received; and
- b) That Council approve By-Law Number 1540 to renew the Harrow Day Care lease to operate at the Harrow Arena under the same terms and conditions for an additional five (5) years commencing August 1, 2016; and
- c) That By-Law 1540 receive a first and second reading at the July 18, 2016 Council Meeting and the third reading and adoption at a subsequent Council meeting.
  - By-Law Number 1540  
Being a by-law to authorize the execution of a lease agreement between The Corporation of the Town of Essex and Harrow Day Care Inc. for the operation of a day care centre located at 243 McAfee Street, Harrow Ontario

Moved by Councillor Caixeiro

Seconded by Councillor Snively

(R16-07-297) That Community Services Department Report Number 2016-024, prepared and submitted by Doug Sweet, Director of Community Services, dated July 18, 2016 entitled "Harrow Day Care Lease Renewal", seeking Council's approval to renew the lease with the Harrow Day Care Centre to operate a day care centre at the Harrow and Colchester South Recreation Complex under the same terms and conditions for an additional five (5) years commencing August 1, 2016, be received; that Council approves the lease renewal and By-Law Number 1540 being a by-law to authorize the execution of a lease agreement between The Corporation of the Town of Essex and the Harrow Day Care Centre Inc. for the operation of a day care centre located at 243 McAfee Street, Harrow, Ontario be read a first and a second time and provisionally adopted on July 18, 2016. "Carried"

## **8. Reports from Youth Members**

## **9. County Council Update**

## **10. Correspondence**

### **a) Correspondence to be received by Council:**

- i. The College of Physicians and Surgeons of Ontario  
Call for Nominations – Outstanding Ontario Physician in our community

Moved by Councillor Snively

Seconded by Councillor Bjorkman

(R16-07-298) That correspondence from The College of Physicians and Surgeons of Ontario, dated July, 2016 advising of a Call for Nominations to nominate an outstanding

Ontario Physician in our community, be received and that this information be shared with the community using suitable methods of communication. "Carried"

**b) Correspondence to be considered for receipt and support by Council:**

i. Ken Broadbent and Kristi Webb

Request for relief from Town's Noise By-Law No. 690

- Response from Wayne Mills, CBO and By-Law Enforcement Official regarding request

Moved by Councillor Caixeiro

Seconded by Councillor Voakes

(R16-07-299) That correspondence from Ken Broadbent and Kristi Webb, dated July 12, 2016 requesting relief from the Town's Noise By-Law No. 690 on July 30, 2016 at 119 Oak Drive in Essex for their wedding reception and the email from Wayne Mills, Chief Building Official and By-Law Enforcement Official in response to their request, be received and that Council supports the request for an exemption to the Town's noise by-law be granted on July 30, 2016 and that they be reminded that all vehicles need to be legally parked in respect of public safety. "Carried"

ii. City of Windsor

Excessive Idling of Vehicles By-Law – Possible Regional Standard

Moved by Councillor Bondy

Seconded by Councillor Bjorkman

(R16-07-300) That correspondence from the City of Windsor, dated July 7, 2016 providing Council with a copy of their recent amendments to their by-law that prohibits excessive idling of vehicles and requesting that Council consider supporting a possible regional standard to reduce emissions that may contribute to climate change and poor air quality, be received and supported. "Carried"

A discussion was held on the idling of vehicles within the Town of Essex.

Deputy Mayor called a point of order citing Councillor Voakes was off topic in his discussion concerning Agenda Item 10 (b) (ii).

Council gave direction to Administration be start reviewing the possible creation of a by-law regarding excessive idling of vehicles.

Councillor Bjorkman directed Administration to contact the City of Windsor for a copy of their chart identifying idling and to have discussion concerning best practices in connection with the development of an idling by-law.

iii. Dave and Jen Cassidy

Fitness Fury- Request to lease space in the basement at the Essex Recreation Centre

Moved by Councillor Voakes

Seconded by Deputy Mayor Meloche

(R16-07-301) That the email from Dave and Jen Cassidy owners of Fitness Fury, dated July 13, 2016 asking Council to consider leasing space in the basement at the Essex Recreation Centre, be received and supported. "Carried"

Discussion ensued as to the Essex Youth Centre organization and its current status.

Council then directed Administration to set up a meeting with the Essex Youth Centre to determine the status moving forward.

## **11. Committee Meeting Minutes**

### **a) Co-An Park Committee**

- July 6, 2016
- Co-An Park Costing Report – Actual vs. Budget 2016

### **b) Communities In Bloom Committee**

- April 26, 2016
  - (CIB-2016-04-012) That in collaboration with the Old Schoolhouse Community Garden Group, the Communities In Bloom Committee and the department of Community Services, that the town proceed in putting a variety of graduating contained garden beds to develop a community garden for the Colchester community at the Colchester Community Centre/old schoolhouse property.
  - (CIB-2016-04-015) That the committee recommends to Council that a purple martin "condo" be erected in Colchester at County Road 50 West and Jackson and that funding of the condo come from Bill Caixeiro's discretionary funds and any balance from the CIB budget and that a donation and information plaque be installed through a partnership with the Ontario Purple Martin Association.
- May 24, 2016
  - (CIB 2016-05-019) That council accepts the committee's recommendation and provide staff with instruction to proceed with an application for Canada's Garden Route "150<sup>th</sup> Celebration Gardens' on behalf of the committee.
- June 28, 2016

### **c) Essex Police Services Board**

- July 7, 2016

Moved by Deputy Mayor Meloche

Seconded by Councillor Caixeiro

(R16-07-302) That the Committee Meeting Minutes in items 11. a) through c) be received, adopted and the recommendations contained therein be approved as recommended. "Carried"

## 12. Financial

## 13. New Business

### a) Councillor Voakes

#### ➤ “No Parking Signs” on Queensway

Councillor Voakes noted that there is an issue with the parking signs on Queensway and the ticketing of vehicles parked on the road. The Director of Infrastructure advised Council that Queensway is an alternate parking street, which the Town designates in order to allow street cleaning in winter and summer. A complaint had come into the office regarding the ticketing of a vehicle on Queensway which had been parked on the prohibited side of Queensway that month and when investigated found the signage did not clearly indicate where the alternate parking was. He noted that the cul-de-sac was not the regular circular shape but rather a flattened “T” so they had split the road in two to designate the area for parking and erected the signs accordingly.

Moved by Councillor Voakes

Seconded by Councillor Caixeiro

(R16-07-303) That Ted Connoy, a resident of Queensway, be allowed to address Council.

“Carried”

Ted Connoy advised that he had been the complainant and that there was now too many signs on Queensway.

Moved by Councillor Voakes

Seconded by Councillor Bjorkman

(R16-07-304) That a date be set for the Director of Infrastructure, the Operations Manager and the residents in the area to meet and revisit the signage on the street. “Carried”

### b) Councillor Snively

#### ➤ ATV's on Public Roads

Councillor Snively recalled that a report had been requested on the use of ATV's on public roads and wondered if it had ever been done. He is getting requests by ratepayers to ride ATV's on the road and with other municipalities allowing it he proposed we go ahead with a resolution tonight allowing for ATV usage on rural municipal roads. Discussion then ensued with some Councillors expressing the opinion that Administration should come back with a report first.

Moved by Councillor Snively

Seconded by Councillor Voakes

(R16-07-305) That the Town of Essex allow ATV's on rural municipal roads.

Councillor Voakes requested a recorded vote.

Councillor Voakes            - Support

Councillor Bjorkman        - Opposed



Councillor Caixeiro - Opposed  
Councillor Snively - Support  
Deputy Mayor Meloche - Opposed  
Mayor McDermott - Opposed  
Councillor Bondy - Opposed

With a recorded vote of five (5) opposed and two (2) in support of the motion is "Defeated".

Council directed Administration to prepare a report on ATV use on municipal roads together with consultation with O.P.P. and bring back said Report to the Council meeting to be held on Monday, August 22, 2016.

## **14. Notices of Motion**

## **15. Announcements**

### **a) Councillor Bjorkman**

#### **➤ Explore the Shore**

Councillor Bjorkman announced that Explore the Shore was being held this weekend, July 23 and 24 and invited everyone to pick up a passport and visit some of the unique businesses on County Road 50.

### **b) Mayor McDermott**

#### **➤ Essex Fun Fest**

Mayor McDermott congratulated those involved in participating in the Essex Fun Fest for the great weekend and thanked all those who had donated of their time to provide the event.

## **16. By-Laws**

### **i. By-Law Number 1531**

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

Moved by Councillor Caixeiro

Seconded by Councillor Bondy

(R16-07-306) That By-Law Number 1531 being a by-law to amend By-Law Number 1037 The Comprehensive Zoning By-Law for the Town of Essex be read a third time and finally passed on July 18, 2016. "Carried"

### **ii. By-Law Number 1539**

Being a by-law to confirm the proceedings of the July 4, 2016 Regular Meeting of Council of The Corporation of the Town of Essex

Moved by Councillor Voakes

Seconded by Councillor Bjorkman

(R16-07-307) That By-Law Number 1539 being a by-law to confirm the proceedings of the July 4, 2016 Regular Meeting of the Council of The Corporation of the Town of Essex be read a third time and finally passed on July 18, 2016. "Carried"

**b) By-Laws that require a first, second, third and final reading:**

i. By-Law Number 1542

Being a by-law to authorize the execution of a Letter of Agreement and a Letter of Understanding between The Corporation of the Town of Essex and Her Majesty the Queen in Right of Ontario as represented by the Minister of Transportation for the Province of Ontario

(Re: Hanlan Road Extension)

Moved by Councillor Voakes

Seconded by Councillor Bjorkman

(R16-07-308) That By-Law Number 1542 being a by-law to authorize the execution of a Letter of Agreement and a Letter of Understanding between The Corporation of the Town of Essex and Her Majesty the Queen in Right of Ontario as represented by the Minister of Transportation for the Province of Ontario (Re: Hanlan Road Extension) be read a first, a second and a third time and finally passed on July 18, 2016. "Carried"

**c) By-Laws that require a first and second reading:**

i. By-Law Number 1541

Being a by-law to provide for the Batten Drain (Hoffman & Litster) – Replacement Bridge & Maintenance Schedule: Part Lot 26, N.M.R., Geographic Twp. of Colchester North

Moved by Councillor Voakes

Seconded by Councillor Bjorkman

(R16-07-309) That By-Law Number 1541 being a by-law to provide for the Batten Drain (Hoffman & Litster) – Replacement Bridge & Maintenance Schedule: Part Lot 26, N.M.R., Geographic Twp. of Colchester North be read a first and a second time and provisionally adopted on July 18, 2016. "Carried"

ii. By-Law Number 1543

Being a by-law to confirm the proceedings of the July 18, 2016 Regular Meeting of the Council of The Corporation of the Town of Essex

Moved by Councillor Snively

Seconded by Councillor Caixeiro

(R16-07-310) That By-Law Number 1543 being a by-law to confirm the proceedings of the July 18, 2016 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 July 18, 2016. "Carried"

**14. Adjournment**

Moved by Deputy Mayor Meloche

Seconded by Councillor Caixeiro

(R16-07-311) That the meeting be adjourned at 7:40 p.m. "Carried"

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
Clerk