



The Corporation of the Town of Essex

Regular Council Meeting Minutes

This meeting was held electronically during a time of Declared Emergency pursuant to Town of Essex By-Law 1902

January 17, 2022, 6:00 pm

Location: <https://www.youtube.com/user/EssexOntario>

Present: Deputy Mayor Richard Meloche
Ward 1 Councillor Joe Garon
Ward 1 Councillor Morley Bowman
Ward 2 Councillor Kim Verbeek
Ward 3 Councillor Steve Bjorkman
Ward 3 Councillor Chris Vander Doelen
Ward 4 Councillor Sherry Bondy

Also Present: Doug Sweet, Chief Administrative Officer
Lori Chadwick, Director, Development Services
Kevin Girard, Director, Infrastructure Services
Robert Auger, Town Solicitor, Legal and Legislative Services/Clerk
Shelley Brown, Deputy Clerk, Legal and Legislative Services
Kate Giurissevich, Director, Corporate Services
Cynthia Cakebread, Manager, Recreation and Culture
Brandi Sieben, Manager, Human Resources
Jake Morassut, Manager, Parks and Facilities
Ehva Hoffman, Youth Council Member

This meeting was hosted and chaired from the Town of Essex Municipal Building. Due to the ongoing COVID-19 pandemic this meeting was not currently open to the public for in person attendance. This meeting can be viewed by the public electronically via livestream and post-meeting on YouTube at www.youtube.com/EssexOntario

1. Call to Order

Deputy Mayor Meloche called the meeting to order at 6:00 PM.

2. Land Acknowledgement

We acknowledge that this land is the traditional territory of the Three Fires Confederacy of First Nations (comprised of the Ojibway, the Odawa, and the Potawatomi Peoples), and of the Huron-Wendat Peoples. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island who have been living and working on the land from time immemorial.

3. National Anthem

4. Closed Meeting Report

Robert Auger, Town Solicitor/Clerk, Legal and Legislative Services provided a verbal report on the Closed meeting held on January 7, 2022. He reported that Council met electronically in Closed Session on January 7, 2022 at 2:00 PM as permitted to do so by sections 239 2 (b) and 239 2 (f) of the Municipal Act.

At the Closed Session Council discussed personnel matters about an identifiable individual and received legal advice that is subject to solicitor-client-privilege in relation to a matter that was before the courts. Council received information concerning that matter and was provided with legal advice in connection with that information.

5. Declarations of Conflict of Interest

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

6. Adoption of Published Agenda

6.1 Regular Council Meeting Agenda for January 17, 2022

R22-01-001

Moved By Councillor Bowman

Seconded By Councillor Vander Doelen

That the published agenda for the January 17, 2022 Regular Council Meeting be adopted as presented.

Carried

7. Adoption of Minutes

7.1 Regular Council Meeting Minutes for December 20, 2021

R22-01-002

Moved By Councillor Bjorkman

Seconded By Councillor Bondy

That the minutes of the Regular Council Meeting held December 20, 2021 be adopted as circulated.

Carried

7.2 Special Council Meeting Minutes for August 23, 2021

R22-01-003

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That the minutes of the Special Council Meeting held August 23, 2021 be adopted as circulated.

Carried

7.3 Special Council Meeting Minutes for October 4, 2021

R22-01-004

Moved By Councillor Verbeek

Seconded By Councillor Vander Doelen

That the minutes of the Special Council Meeting held October 4, 2021 be adopted as circulated.

Carried

7.4 Special Council Meeting for October 12, 2021

R22-01-005

Moved By Councillor Garon

Seconded By Councillor Bjorkman

That the minutes of the Special Council Meeting held October 12, 2021 be adopted as circulated.

Carried

7.5 Special Council Meeting for October 18, 2021

R22-01-006

Moved By Councillor Bowman

Seconded By Councillor Garon

That the minutes of the Special Council Meeting held October 18, 2021 be adopted as circulated.

Carried

8. Public Presentations

8.1 Cynthia Cakebread, Manager, Recreation and Culture on behalf of the Arts, Culture and Tourism Committee

RE: Candy Cane Lane Contest 2021 Winners

Cynthia Cakebread, Manager, Recreation and Culture explained that the Candy Cane Land Contest 2021 was an initiative of the Arts, Culture, and Tourism Committee which was created in partnership with the Essex BIA through sponsorship of prizes. The Arts, Culture and Tourism Committee challenged all residents and businesses in the Town of Essex to put their best lights forward. Ms. Cakebread announced the winners in the Business Category and in the Merry and Bright Category followed by a video presentation of all homes and businesses who entered the competition. Ms. Cakebread congratulated all winners and thanked everyone who participated.

R22-01-007

Moved By Councillor Bowman

Seconded By Councillor Garon

That the presentation by Cynthia Cakebread, Manager, Recreation and Culture announcing the Candy Cane Lane Winners on behalf of the Arts Culture and Tourism Committee, be received.

Carried

8.2 David Mota, Resident

RE: Affordable Housing

This delegation was deferred to the February 7, 2022 Regular Council Meeting to allow Mr. Mota time to submit his presentation.

R22-01-008

Moved By Councillor Bjorkman
Seconded By Councillor Verbeek

That the delegation by David Mota be deferred to the Regular Council Meeting on February 7, 2022.

Carried

9. Unfinished Business

10. Reports from Administration

10.1 Town Solicitor/Clerk's Verbal Report

Re: Council Vacancy

- Mayor Snively Letter of Resignation

Robert Auger, Town Solicitor/Clerk, Legal and Legislative Services advised that on January 12, 2022 the Municipal Clerk received notice in writing from Mayor Larry Snively advising of his immediate resignation as Head of Council of the Corporation of the Town of Essex. Mr. Auger further stated that he is satisfied that this is a resignation received in accordance with Section 259 of the Municipal Act and after reviewing the notice the resignation is official through Section 260 of the Municipal Act. It was recommended that Council direct the Clerk to call a special meeting to be held on January 24, 2022 at 5 PM at which meeting Council shall meet to consider and decide to either appoint a person to fill the vacancy or pass a by-law requiring a by-election to be held.

R22-01-009

Moved By Councillor Bondy
Seconded By Councillor Verbeek

Whereas the Municipal Act (the "Act"), Section 259(d) provides for a council seat to become vacant as a result of the resignation of a member;

And Whereas Section 260 of the Act provides that a member may resign the office "by notice in writing filed with the clerk of the municipality";

And Whereas Mayor Snively did provide to the Clerk Notice in Writing of his resignation on January 12, 2022 effective immediately;

And Whereas Section 262 (1) of the Act provides that if the office of a member of Council becomes vacant under section 259, the council shall at its next meeting declare the office to be vacant;

And Whereas Section 263 of the Act states that Council shall within sixty (60) days after declaring the seat to be vacant, appoint a person to fill the vacancy or pass a by-law requiring a by-election to be held to fill the vacancy

Now Therefore the Council of the Corporation of the Town of Essex hereby resolves as follows:

1. **That** as the resignation of Mayor Snively has been received by the Clerk on January 12, 2022 and effective immediately, this Council does hereby declare the office of Mayor/Head of Council of the Corporation of the Town of Essex to be vacant;

2. **And That** Council hereby directs the Clerk to call a Special Council Meeting to be held on January 24, 2022 at which meeting Council, upon receiving the Clerk's Council Vacancy Report shall decide to either 1) appoint a person to fill the vacancy (and if so deciding to appoint the manner in which such appointment shall be made) or 2) pass a by-law requiring a by-election be held to fill the vacancy as prescribed and in accordance with the Municipal Act and the Municipal Elections Act.

Carried

10.2 Town Solicitor/Clerk Verbal Report

RE: End of Land Acknowledgement Statement Trial Period

R22-01-010

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That the Verbal Report provided by Robert Auger, Town Solicitor/Clerk, entitled End of Land Acknowledgement Statement Trial Period be received; and

That the Land Acknowledgement Statement noted below, provisionally adopted on June 7, 2021, be now permanently adopted and read at the beginning of all Regular Council Meetings and at other special events as may be determined from time to time by the Mayor:

"We acknowledge that this land is the traditional territory of the Three Fires Confederacy of First Nations (comprised of the Ojibway, the Odawa, and the Potawatomi Peoples), and of the Huron-Wendat Peoples. We value the significant historical and contemporary contributions of local and regional First Nations and all of the Original Peoples of Turtle Island who have been living and working on the land from time immemorial."

Carried

10.3 Legal and Legislative Services-2022-01

RE: Court of Revision for 10-11 Sideroad Drain: Replacement Bridges for Rivest and Campbell

R22-01-011

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That the following three (3) members of the Drainage Board: Kirk Carter, Janice Dougherty and Felix Weigt-Bienzle be appointed to sit as members of the Court of Revision to be convened for 10-11 Sideroad Drain: Replacement Bridges for Rivest and Campbell, Geographic Township of Colchester North, Project REI2021D002 pursuant to the Report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc., and dated November 24, 2021 (hereinafter the "Report"), such Court of Revision to be scheduled for 5:00 pm on February 10, 2022 via electronic meeting; and

That By-Law 2110 being a by-law to provide for the 10-11 Sideroad Drain: Replacement Bridges for Rivest and Campbell, Geographic Township of Colchester North, Project REI2021D002, be read a first and second time and be provisionally adopted on January 17, 2022.

Carried

10.4 Legal and Legislative Services-2022-02

RE: Court of Revision for Bassett Drain: Replacement Bridge and Enclosure for 730-01300

R22-01-012

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That the following three (3) members of the Drainage Board: Kirk Carter, Janice Dougherty and Felix Weigt-Bienzle be appointed to sit as members of the Court of Revision to be convened for Bassett Drain: Replacement Bridge and Enclosure for 730-01300, Geographic Township of Colchester South, Project REI2021D008 pursuant to the Report prepared by Gerard Rood, Professional Engineer, Rood Engineering Inc., and dated November 16, 2021 (hereinafter the "Report"), such Court of Revision to be scheduled for 5:00 pm on February 10, 2022 via electronic meeting; and

That By-Law 2111 being a by-law to provide for the Bassett Drain: Replacement Bridge and Enclosure for 730-01300, Geographic Township of Colchester South, Project REI2021D008, be read a first and second time and be provisionally adopted on January 17, 2022.

Carried

10.5 Economic Development-2022-01

RE: Building Report December 2021 and Development Overview Annual Summary 2021

R22-01-013

Moved By Councillor Vander Doelen

Seconded By Councillor Garon

That Economic Development-2022-01 report entitled Building Report December 2021 and Development Overview Annual Summary 2021 prepared by Nelson Silveira, Economic Development Officer dated February 7, 2022, be received for information.

Carried

10.6 Human Resources-2022-01

RE: COVID-19 Vaccination Policy – Three (3) Month Review

Brandi Sieben, Manager, Human Resources, provided a verbal report of the COVID-19 Vaccination Policy and noted that all staff, Council Members and Committee members were required to declare one of seven options. She stated that there was 100% compliance by all staff on this requirement. She noted that the rapid antigen testing program began November 7, 2021 for staff who opted to not declare their vaccination status or were unvaccinated. The rapid antigen test is required twice a week and are performed by the Nurse Practitioner at no cost to the employee.

R22-01-014

Moved By Councillor Bjorkman
Seconded By Councillor Bowman

That Human Resources-2022-01 report entitled COVID-19 Vaccination Policy – Three (3) Month Review prepared by Brandi Sieben, Manager, Human Resources dated January 17, 2022, be received; and

That Council approves Administration's continuing implementation of the Town's COVID-19 Vaccination Policy.

Carried

10.7 Operations-2022-01

RE: Results of Request for Tender-Road Salt Hauling

R22-01-015

Moved By Councillor Vander Doelen
Seconded By Councillor Garon

That Operations-2022-01 entitled Result of Request for Tender- Road Salt Hauling prepared by Norm Nussio Manager, Operations and Drainage dated January 17, 2022 be received;

That Council award the Results of Request for Tender- Road Salt Hauling (RFT-ID-21-025) to Quinlan Incorporated, contract period is from February 01, 2022 to April 30, 2024; and

That Council permit the Treasurer (with Chief Administrative Officer Approval) to fund any over expenditure in relation to the Salt Hauling contract, from the Winter Control Reserve.

Carried

11. Reports from Youth Members

Ehva Hoffman, Youth Council Member, discussed the internet services that are being provided to rural areas and asked Council to consider/discuss future options for internet in the rural part of Essex.

Deputy Mayor Meloche noted that Council is trying to be proactive on this issue and that he will continue to discuss additional options with Administration.

12. County Council Update

12.1 Essex County Council Regular Meeting Minutes - December 1, 2021

R22-01-016

Moved By Councillor Bowman
Seconded By Councillor Garon

That the minutes of the Regular County Council Meeting held December 1, 2021 be received.

Carried

13. Correspondence

13.1 Correspondence to be received

R22-01-017

Moved By Councillor Vander Doelen

Seconded By Councillor Garon

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

Carried

13.1.1 Correspondence relating to COVID-19 Pandemic

13.1.1.1 Town of Kingsville

RE: Letter of Instruction from Windsor-Essex County Health Unit

13.1.1.2 Ministry of Municipal Affairs and Housing

RE: Extension of Emergency Orders and Provincial Response to the Omicron Variant

13.1.1.3 County of Essex

Letter from the County of Essex Warden RE: Consideration for support for Windsor-Essex Workers

13.1.2 City of Kitchener

RE: Conversion Therapy

13.1.3 Essex Region Conservation Authority

RE: 2022 Fee Schedule

13.1.4 Ministry of the Environment, Conservation and Parks

RE: Minister's Annual Report on Drinking Water 2021 and 2020-21 Chief Drinking Water Inspector Annual Report

13.1.5 Ministry of the Environment, Conservation and Parks

RE: Essex Drinking Water System (Harrow-Colchester South) Inspection Report

13.1.6 Tay Valley Township

RE: Province-Wide Assessment Update

13.1.7 The Corporation of the City of Sarnia

RE: Catch and Release Justice

13.1.8 Union Water Supply System

RE: Joint Board of Management Minutes of November 17, 2021

13.1.9 Town of Bradford West Gwillimbury

RE: Motion Against Quebec's Bill 21 (Religious Symbols at Work Ban)

13.1.10 House of Commons Chambre Des Communes Canada

RE: 2022 Canada Summer Jobs (CSJ) Funding Application

13.1.11 Canadian Union of Postal Workers

RE: Delivering Community Power Campaign to Provide Additional Services at Canada Post.

13.2 Correspondence to be considered for receipt and support

13.2.1 Janice Dougherty

RE: Extension of Janice Dougherty's Term with the Drainage Board

R22-01-018

Moved By Councillor Bowman

Seconded By Councillor Bjorkman

That the request from Janice Dougherty requesting that her appointment to the Drainage Board be extended to November 30, 2022 to coincide with the end of the current term of Council be received or received and supported.

Carried

14. Committee Meeting Minutes

R22-01-019

Moved By Councillor Bondy

Seconded By Councillor Verbeek

That all the Committee Meeting minutes listed in Agenda Item 14, together with any recommendations to Council noted therein, be received, approved and adopted as circulated.

Carried

14.1 Property Standard Committee - August 18, 2021

14.2 Essex Accessibility Advisory Committee - November 3, 2021

14.3 Essex Centre BIA Board - November 24, 2021

14.4 Essex Police Service Board - December 2, 2021

14.5 Arts, Culture and Tourism Committee - December 8, 2021

14.6 Court of Revision - December 8, 2021

14.7 Finance Committee - December 13, 2021

14.8 Drainage Board - December 16, 2021

15. Financial

16. New Business

17. Notices of Motion

18. Reports and Announcements from Council Members

Councillor Bondy noted that the community should call their electricity providers when there is a power flicker and advise of the time/place when this occurred. She asked if the Mayor or the Deputy Mayor could provide a follow-up on the ELK meeting

Deputy Mayor Meloche requested that Administration add the follow-up to the ELK Meeting as an update to be provided on the next Regular Council Meeting Agenda of February 7, 2022.

19. By-Laws

19.1 By-Laws that require a third and final reading

19.1.1 By-Law 2108

Being a by-law to confirm the proceedings of the December 20, 2021, Regular Meeting of Council of The Corporation of the Town of Essex

R22-01-020

Moved By Councillor Vander Doelen

Seconded By Councillor Bowman

That By-Law 2108 being a by-law to confirm the proceedings of the December 20, 2021, Regular Meeting of Council of The Corporation of the Town of Essex be read a third time and finally passed on January 17, 2022.

Carried

19.1.2 By-Law 2096

Being a by-law to provide for Bassett Drain: Bridge for MN 2432 County Road 20, Harrow Centre, Former Geographic Township of Colchester South, Project REI2021D012, Town of Essex, County of Essex

R22-01-021

Moved By Councillor Bjorkman

Seconded By Councillor Bowman

That By-Law 2096 being a by-law to provide for Bassett Drain: Bridge for MN 2432 County Road 20, Harrow Centre, Former Geographic Township of Colchester South, Project REI2021D012, Town of Essex, County of Essex be read a third time and finally passed on January 17, 2022.

Carried

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

19.2.1 By-Law 2114

Being a by-law to impose rates, fees, and charges pursuant to an Agreement between Essex Town Centre Ltd. and the Corporation of the Town of Essex and relating to the Provision of Municipal Capital Facilities

R22-01-022

Moved By Councillor Bjorkman

Seconded By Councillor Verbeek

That By-Law 2114 being a by-law to impose rates, fees, and charges pursuant to an Agreement between Essex Town Centre Ltd. and the Corporation of the Town of Essex and relating to the Provision of Municipal Capital Facilities be read a first time, a second time and a third time and finally passed on January 17, 2022.

Carried

19.3 By-Laws that require a first and second reading

19.3.1 By-Law 2113

Being a by-law to confirm the proceedings of the January 17, 2021, Regular Meeting of Council of The Corporation of the Town of Essex

R22-01-023

Moved By Councillor Garon

Seconded By Councillor Verbeek

That By-Law 2113 being a by-law to confirm the proceedings of the January 17, 2022, Regular Meeting of Council of The Corporation of the Town of Essex be read a first and a second time and provincially passed on January 17, 2022.

Carried

20. Adjournment

R22-01-024

Moved By Councillor Bjorkman

Seconded By Councillor Garon

That the meeting be adjourned at 7:00 PM.

Carried

Mayor

Clerk