



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**

March 7, 2022, 6:00 pm

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

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

Present: Mayor Richard Meloche
Deputy Mayor Steve Bjorkman
Ward 1 Councillor Joe Garon
Ward 1 Councillor Morley Bowman
Ward 2 Councillor Kim Verbeek
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
Jake Morassut, Director, Community Services
Kevin Carter, Manager, Building Services/Chief Building Official
Rita Jabbour, Manager, Planning Services

1. Call to Order

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

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

5. Declarations of Conflict of Interest

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

6. Adoption of Published Agenda

6.1 Regular Council Meeting Agenda for March 7, 2022

R22-03-082

Moved By Deputy Mayor Bjorkman

Seconded By Councillor Garon

That the published agenda for the March 7, 2022 Regular Council Meeting be adopted with the following amendment:

1. That the recommended action in Agenda Item 10.4 entitled Finance-2022-06 be revised to read that "Council approve the reallocation of wages as detailed in Table A, including the contract extension of the Financial Analyst through to December 31, 2022 and the creation of a full-time permanent, Assistant Manager, Capital Works and Asset Management."

Carried

7. Adoption of Minutes

7.1 Regular Council Meeting Minutes for February 22, 2022

R22-03-083

Moved By Councillor Bondy

Seconded By Councillor Bowman

That the minutes of the Regular Council Meeting held February 22, 2022 be adopted as circulated.

Carried

8. Public Presentations

8.1 Essex Region Conservation Authority ("ERCA")

RE: Recent Changes to the Conservation Authorities Act, ERCA's Transition Plan and Draft 2022 Budget

- 2021 Annual Report
- Transition Plan
- Draft 2022 Budget

Tania Jobin, Chair, Essex Region Conservation Authority ("ERCA") together with Kieren McKenzie, Vice-Chair and Tim Byrne, COA/Secretary-Treasurer provided Council with an overview of ERCA's Transition Plan explaining that the Plan outlines timelines associated with compliance with current regulations. Ms. Jobin advised that some of the deliverables identified in the Plan have been accomplished within the 2022 Budget.

Ms. Jobin further provided Council with highlights pertaining to ERCA's 2022 Budget including its emphasis on improving building and maintaining conservation areas, providing solutions to increased demands on departments due to legislated responsibilities, and addressing improved security efficiency and customer services. Ms. Jobin stated that the increase to the levy is

approximately 2.5% or \$26.15 per household (based on an assessed value of \$300,000).

Ms. Jobin stated that the Transition Plan requires that, prior to the end of 2023, ERCA enter into agreements with participating municipalities where municipal support is needed to fund non-mandatory as required and identified within the Transition Plan to ensure Windsor-Essex region becomes resilient and sustainable.

R22-03-084

Moved By Councillor Verbeek

Seconded By Councillor Vander Doelen

That the presentation by Essex Region Conservation Authority regarding the recent changes to the Conservation Authorities Act, ERCA's Transition Plan and Draft 2022 Budget be received.

Carried

9. Unfinished Business

9.1 Robert W. Auger, Town Solicitor/Clerk

RE: Council Vacancy - Ward 3 Councillor

Robert Auger, Town Solicitor/Clerk provided Council with a summary of the Call for Application process highlighting the February 28, 2022 Special Council meeting whereby the Applicants were noted and provided with the opportunity to appear as a delegate before Council with Council deferring to this evening the decision as to which applicant to appoint to fill the noted vacancy. Mr. Auger reminded Council that the proposed nomination and voting process would be as noted previously procedures were detailed. Mr. Auger advised that upon conclusion of the nomination and voting process, he will declare to be appointed the successful nominee and that person shall become the successful appointee subject to taking the declaration of consent, declaration of qualification, passing of the confirming by-law and the taking of the oath or declaration of office.

R22-03-085

Moved By Councillor Bowman

Seconded By Councillor Vander Doelen

That Council defer the administering of the required Declarations/oaths of Office to the successful nominee together with passage of the appointment confirming by-law to a special meeting to be set for March 14, 2022.

Carried

The Chair then opened the nomination process and invited nominations to be put forward by Members of Council.

The following applicants were nominated:

Nomination for Jason Matyi

Moved By Councillor Verbeek

Seconded By Councillor Garon

Nomination for Mac Goslin

Moved By Deputy Mayor Bjorkman
Seconded By Councillor Bondy

Nomination for Bill Caixeiro

Moved By Councillor Vander Doelen
Seconded By Councillor Bowman

R22-03-086

Moved By Councillor Bondy
Seconded By Deputy Mayor Bjorkman

That Council direct the Chair to close the nominations that were brought forward by Council for the Ward 3 Council vacancy.

Carried

Once nominations closed, the voting was conducted as a Recorded Vote in accordance with the procedures previously proposed and described further in Legal & Legislative Services Reports (2022-06 February 7, 2022), 2022-04 dated January 31, 2022 and 2022-03 dated January 24, 2022.

The results of the first recorded vote were as follows:

	Jason Matyi	Mac Goslin	Bill Caixeiro
Mayor Meloche			X
Deputy Mayor Bjorkman		X	
Councillor Garon	X		
Councillor Verbeek	X		
Councillor Bowman			X
Councillor Vander Doelen			X
Councillor Bondy	X		
Total:	3	1	3

Mr. Auger announced the results of the first recorded vote and advised that according to the voting procedures Matt Goslin as the nominee with the fewest number of votes is eliminated as a potential appointee and a subsequent recorded vote is to be conducted by the Municipal Clerk as between the remaining nominees Jason Matyi and Bill Caixeiro.

The results of the second recorded vote were as follows:

	Jason Matyi	Bill Caixeiro
Mayor Meloche		X
Deputy Mayor Bjorkman	X	
Councillor Garon	X	
Councillor Verbeek	X	
Councillor Bowman		X
Councillor Vander Doelen		X
Councillor Bondy	X	
Total:	4	3

The Clerk announced the results of the recorded vote and declared Jason Matyi as the successful nominee and the appointee to the office of Ward 3 Councillor subject to being administered the required declarations/oath of office together with passage of a confirming by-law on March 14, 2022.

10. Reports from Administration

10.1 Office of the CAO-2022-01

RE: Town of Essex Support to Essex Region Conservation Authority ("ERCA") for the Acquisition of the Abandoned Canada Southern Railway Company ("CASO") Railway Line

Doug Sweet, Chief Administrative Officer, stated that the report provides various details and highlighted that ERCA is working with CP and CN Railway to acquire the abandoned Canada Southern Railway Company (CASO) that runs through the municipalities of Lakeshore, Essex and Tecumseh. He noted that the portion that runs through the Town of Essex is under three kilometers from County Road 23 (Naylor Side Road) to County Road 8 (Maidstone Avenue) which is adjacent to Essex High School. He explained that this is an important connection in Essex Center which runs through Heritage Park to Sadler's Park and the Greenway Trail. He advised that Administration is requesting a resolution to provide financial commitment for the Town of Essex's portion of the railway and to support ERCA on their negotiations.

R22-03-087

Moved By Councillor Vander Doelen

Seconded By Councillor Bowman

That Community Services-2022-05 Report entitled Town of Essex Support to Essex Region Conservation Authority ("ERCA") for the acquisition of the abandoned Canada Southern Railway Company ("CASO") railway line be received; and

That Council approve a financial commitment to the Essex Region Conservation Authority towards the acquisition of the Canada Southern Railway Company line for the Town of Essex portion of the line in the amount \$28,553.00 and the funds for the Town's commitment be funded from the Land Acquisition Reserve.

Carried

10.2 Legal and Legislative Services-2022-09

RE: 2022 Municipal Election Voting Method

Mr. Auger provided a summary of the following administration recommendations as to methods of voting for the 2022 election:

- **In-person voting only for Advance Polls** with an advance poll period commencing 12:00 a.m. on October 10, 2022 and ending at 12:00 p.m. on October 21, 2022; and
- **In-person voting only on Voting Day** (October 24, 2022) using paper ballots with optical scan vote tabulators with voting locations to be determined and located in each of the four (4) Town centres (Essex Centre, Harrow, McGregor and Colchester).

R22-03-088

Moved By Councillor Verbeek

Seconded By Councillor Bondy

That Council direct Administration to review and report back at the next Regular Council meeting on the cost for the following two additional options for voting in the 2022 election:

- In-person voting only on both Voting Day (October 24) using paper ballots with optical scan vote tabulators and at Advance Polls on dates to be determined with such voting to take place at locations in each of the four (4) Town centres (Essex Centre, Harrow, McGregor and Colchester); and
- In-person voting on Voting Day (October 24, 2022) using paper ballots with optical scan vote tabulators at voting locations in each of the four (4) Town centres together with providing a hybrid option for advance voting consisting of Internet Voting from October 10 to October 21 and in-person voting at advance polls located in each of the four Town Centres on dates to be determined.

Carried

10.3 Legal and Legislative Services-2022-05

RE: Appeal Hearing with respect to a Dangerous Dog Declaration and Issuance of a Notice to Muzzle

R22-03-089

Moved By Councillor Bondy

Seconded By Councillor Bowman

That Legal and Legislative Services-2022-05 Report entitled Appeal Hearing with respect to a Dangerous Dog Declaration and Issuance of a Notice to Muzzle prepared by Shelley Brown, Deputy Clerk dated March 7, 2022 be received, and

That Council grant an exemption from the requirements of Section 4.01 of the Animal Control By-Law as it relates to the composition of the Appeal Committee, and direct that the members of the Appeal Committee for the upcoming appeal hearing (s) (to be scheduled) shall be comprised of three members of the general public to be appointed who have declared that they will serve impartially and that they do not have a conflict of interest in the matter to be adjudicated.

Carried

10.4 Finance-2022-06

RE: 2022 Wage Reallocations

Kate Giurissevich, Director, Corporate Services/Treasurer, explained the Finance-2022-06 Report recommends various changes to the approved 2022 budget. She noted that since the budget development begun in August of 2021 and through deliberations it has become apparent that it is difficult to fill certain roles such as the Asset Management Specialist and the Manager, Finance and Business Services. She stated that both these roles play an integral part of the legislative asset management plan update it is recommended to divert funds that held in reserve for this update to a consultant to assist the Town in meeting the legislative deadlines given the July 1, 2022 date and the reduced staff resources. She also noted that the unfilled manager position was previously approved a contract position of the financial analyst to last through April 30 to assist in this transition. She stated that Administration is recommending the extension of this contract position through to December 31, 2022.

Kevin Girard, Director, Infrastructure Services, explained that the Town conducted an internal review of the Capital Works Asset Management position and identified the need for an Assistant Manager to continue the Town's current level of service in the Capital Works and Asset Management division.

R22-03-090

Moved By Councillor Vander Doelen

Seconded By Deputy Mayor Bjorkman

That Finance-2022-06 Report entitled 2022 Wage Reallocations prepared by the Administration Team dated March 7, 2022 be received;

That Council approve the reallocation of funds currently held in the Contingency Reserve for an Asset Management Specialist, to instead be used for consulting services to assist in the Ontario Regulation 588 Mandatory Asset Management Plan update in the amount of \$56,000.00; and

That Council approve the reallocation of wages as detailed in Table A, including the contract extension of the Financial Analyst through to December 31, 2022 and the creation of a full-time permanent, Assistant Manager, Capital Works and Asset Management.

Carried

10.5 Development Services-2022-04

RE: Annual Development Update

Lori Chadwick, Director, Development Service, provided a verbal report of the Annual Development Update and outlined major residential, commercial and industrial development projects in the Town of Essex. She further advised of the Development Charges 2021 summary along with the 2022 forecast.

R22-03-091

Moved By Councillor Garon

Seconded By Councillor Bowman

That Development Services-2022-04 Report entitled Annual Development Update prepared by Lori Chadwick, Director, Development Services dated March 7, 2022 be received.

Carried

10.6 Planning-2022-02

RE: Release of Performance Securities for Phase 1 of the Parkland Woods Residential Subdivision (Ward 3)

R22-03-092

Moved By Councillor Vander Doelen

Seconded By Councillor Bondy

That Planning-2022-02 Report entitled Release of Performance Securities for Phase 1 of the Parkland Woods Residential Subdivision (Ward 3) prepared by Rita Jabbour, RPP, Manager, Planning Services dated March 7, 2022, be received; and

That the commercial letter of credit from 1552843 Ontario Limited (Noah Homes), be reduced by \$209,746.90, leaving a remaining credit amount of \$390,253.10.

Carried

11. Reports from Youth Members

12. County Council Update

12.1 Essex County Council Regular Meeting Minutes - February 2, 2022

R22-03-093

Moved By Deputy Mayor Bjorkman

Seconded By Councillor Garon

That the minutes of the Regular County Council Meeting held February 2, 2022 be received.

Carried

13. Correspondence

13.1 Correspondence to be received

R22-03-094

Moved By Councillor Vander Doelen

Seconded By Councillor Bowman

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 Union Water Supply System

RE: Annual Report (2021) Requirement Section 11, Reg. 170/03 and Summary Report (2021) Requirement Schedule 22, Reg. 170/03: Essex Water Distribution System

13.1.2 Ontario Clean Water Agency

RE: Safe Drinking Water Act, O. Reg. 170/03 Schedule 22 Summary Report: Harrow-Colchester South Water Treatment Plant

13.1.3 Union Water Supply System

RE: Joint Board of Management Minutes of January 19, 2022

13.1.4 Essex Region Conservation Authority

RE: Essex Region Conservation Authority 2022 Draft Budget 30 Day Notice to Member Municipalities

13.1.5 Norfolk County

RE: Year of the Garden Proclamation

13.1.6 Township of Alnwick/Haldimand

RE: Year of Garden Proclamation

13.1.7 Town of Aurora

RE: Request to Dissolve Ontario Land Tribunal

13.1.8 Province of Ontario

RE: Ontario Eliminating Licence Plate Renewal Fees and Stickers

13.1.9 The Corporation of the Town of Tecumseh

RE: Consideration for support for Windsor-Essex Workers

13.1.10 The Corporation of the Town of Tecumseh

RE: Small Business Support in Essex-Windsor

13.1.11 Town of South Bruce Peninsula

RE: Municipal Accommodation Tax and Crown Campgrounds

13.2 Correspondence to be considered for receipt and support

14. Committee Meeting Minutes

R22-03-094

Moved By Deputy Mayor Bjorkman

Seconded By Councillor Bowman

That 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 Essex FunFest Committee meeting minutes of February 24, 2022

EFFC 22-02-005

Moved by Ron McDermott

Seconded by Katie McGuire-Blais

Recommendation to Council: That the FunFest Committee recommend to Council that the Essex FunFest be held Thursday, July 7, 2022 to Sunday, July 10, 2022.

Carried

15. Financial

15.1 January 2022 Bank Payments Report

R22-03-095

Moved By Deputy Mayor Bjorkman

Seconded By Councillor Vander Doelen

That the Bank Payments Report, including January 2022 cheque register, cheque number 53943 to cheque number 54094 and electronic funds transfer (EFT) payment number EFT005937 to EFT006123 inclusive in the amount of \$5,275,429.86; the Preauthorized Payments for the month of January in the amount of \$297,286.38; and Payroll for the month of January in the amount of \$363,628.15, be ratified as submitted.

Carried

16. New Business

17. Notices of Motion

17.1 The following Notice of Motion is being presented this evening and will be brought forward for Council's consideration at the March 21, 2022 Regular Council Meeting

17.1.1 Councillor Bondy

Moved By Councillor Bondy

That Council have a discussion regarding the lack of progress on a new High School being built in the Kingsville area for high school students of the Harrow/Colchester area.

18. Reports and Announcements from Council Members

Deputy Mayor Bjorkman noted that at County Council the CAO was directed to continue to request that the City of Windsor share funding for housing in the County as homelessness is more than a City of Windsor issue

Councillor Vander Doelen stated that the Annual Development Update list presented by Director Chadwick of the current projects is a testament of how much work has been done over the last three years and noted that Essex has never seen anything like it.

19. By-Laws

19.1 By-Laws that require a third and final reading

19.1.1 By-Law 2134

Being a by-law to confirm the proceedings of the February 22, 2022, Regular Meeting of Council of The Corporation of the Town of Essex

R22-03-096

Moved By Councillor Verbeek

Seconded By Deputy Mayor Bjorkman

That By-Law 2134 being a by-law to confirm the proceedings of the February 22, 2022, Regular Meeting of Council of The Corporation of the Town of Essex be read a first third time and finally passed on March 7, 2022.

Carried

19.1.2 By-Law 2127

Being a by-law to authorize the execution of a lease agreement between the Town of Essex and Richard R. Brett for the Management and Operation of a Skate Sharpening and Pro Shop at the Essex Centre Sports Complex located at 60 Fairview Avenue West, Essex, Ontario

R22-03-097

Moved By Councillor Bowman

Seconded By Councillor Garon

That By-Law 2127 being a by-law to authorize the execution of a lease agreement between the Town of Essex and Richard R. Brett for the Management and Operation of a Skate Sharpening and Pro Shop at the Essex Centre Sports Complex located at 60 Fairview Avenue West, Essex, Ontario be read a third time and finally passed on March 7, 2022.

Carried

19.1.3 By-Law 2129

Being a by-law to adopt a policy for the procurement and disposal of goods and services

R22-03-098

Moved By Councillor Garon

Seconded By Councillor Verbeek

That By-Law 2129 being a by-law to adopt a policy for the procurement and disposal of goods and services be read a third time and finally passed on March 7, 2022.

Carried

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

19.2.1 By-Law 2136

RE: Agritourism Ambassador Program and Toolkit

Being a by-law to enter into a Contribution Agreement between Her Majesty The Queen in Right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs (the "Province") and The Corporation of the Town of Essex (the "Recipient")

R22-03-099

Moved By Councillor Vander Doelen

Seconded By Councillor Verbeek

That By-Law 2136 being a by-law to enter into a Contribution Agreement between Her Majesty The Queen in Right of Ontario as represented by the Minister of Agriculture, Food and Rural Affairs (the "Province") and The Corporation of the Town of Essex (the "Recipient") be read a first, a second and third time and finally passed on March 7, 2022.

Carried

19.3 By-Laws that require a first and second reading

19.3.1 By-Law 2137

Being a by-law to confirm the proceedings of the March 7, 2022, Regular Meeting of Council of The Corporation of the Town of Essex

R22-03-100

Moved By Deputy Mayor Bjorkman

Seconded By Councillor Garon

That By-Law 2137 being a by-law to confirm the proceedings of the March 7, 2022, Regular Meeting of Council of The Corporation of the Town of Essex be read a first and a second time and provisionally adopted on March 7, 2022.

Carried

20. Adjournment

R22-03-101

Moved By Councillor Bondy

Seconded By Councillor Garon

That the meeting be adjourned at 8:50PM.

Carried

Mayor

Clerk