



Essex County Council Regular Meeting Minutes

Wednesday, September 2, 2020

6:45 PM

<https://video.isilive.ca/countyofessex/live.html>

Council: Gary McNamara, Warden, Mayor, Town of Tecumseh
Joe Bachetti, Deputy Mayor, Town of Tecumseh
Tracey Bailey, Deputy Mayor, Town of Lakeshore
Tom Bain, Mayor, Town of Lakeshore
Marc Bondy, Mayor, Town of LaSalle
Aldo DiCarlo, Mayor, Town of Amherstburg
Hilda MacDonald, Mayor, Municipality of Leamington
Crystal Meloche, Deputy Mayor, Town of LaSalle
Leo Meloche, Deputy Mayor, Town of Amherstburg
Richard Meloche, Deputy Mayor, Town of Essex
Nelson Santos, Deputy Warden, Mayor, Town of Kingsville
Gord Queen, Deputy Mayor, Town of Kingsville
Larry Verbeke, Deputy Mayor, Municipality of Leamington

Absent: Larry Snively, Mayor, Town of Essex

Administration: Mary Birch, Director of Council & Community Services/Clerk
Jayne Brooks Keller, Administrator - Sun Parlor Home
Rob Maisonville, Chief Administrative Officer
Jane Mustac, Director of Infrastructure Services/County Engineer
Greg Schlosser, Director Human Resources
Renée Trombley, Manager Communications and Organizational Development
Katherine Hebert, Deputy Clerk
Jeanie Diamond Francis, Community Services Coordinator
Crystal Sylvestre, Administrative Assistant to the Deputy Chiefs
EWEMS

1. Closed Meeting

There was a Closed Meeting scheduled for 6:45 p.m.

159-2020

Moved By Marc Bondy

Seconded By Richard Meloche

That Council move into a closed meeting pursuant to Section 239 (2) (f) of the Municipal Act, 2001, as amended for the following reason(s):

- advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Carried

161-2020

Moved By Tom Bain

Seconded By Marc Bondy

That Council rise from the closed meeting.

Carried

2. Moment of Reflection

3. Singing of 'O Canada'

4. Recording of Attendance

The Warden was present in Council Chambers, while all other members of Essex County Council were in attendance virtually, with the exception of Larry Snively who was absent.

5. Disclosure of Pecuniary Interest

There were no conflicts of pecuniary interest declared.

6. Adoption of Regular Meeting Minutes

August 12, 2020 Essex County Council - Regular Meeting Minutes

Minutes of August 12, 2020.

162-2020

Moved By Aldo DiCarlo

Seconded By Leo Meloche

That the minutes of the August 12, 2020 Regular Meeting of Essex County Council be adopted as presented.

Carried

7. County Warden's Welcome and Remarks

Warden McNamara welcomed the members of County Council, Administration and members of the public and delivered the following greetings:

Welcome all to the meeting. Congratulations to Mayor Hilda MacDonald on her election to the AMO Board of Directors Small Urban Caucus over the next 2 years.

I would like to begin by expressing my condolences to the family and friends of those who have died from COVID-19. We lost a Windsor and Essex County resident last week and we lost one more yesterday, bringing to 73 the number of local people killed by this terrible virus.

It serves as a grim reminder that COVID-19 is still stalking us, still waiting to strike and to spread when we let down our guard. It's easy to forget sometimes now that the economy has reopened and regular routines have resumed, but COVID-19 is not gone. There were 12 new cases reported Tuesday morning and we all need to remain vigilant and continue following health guidelines.

I know Windsor and Essex County residents are suffering from COVID-19 fatigue because I'm suffering from it as well. It hasn't been easy and it likely won't get easier in the short-term. But we must not undo all the good we've done by growing complacent now, especially with our children going back to school. Keep on doing what you've been doing. Steel yourself and stay the course. We'll get through this together.

The employees of the County of Essex have been rock-solid during this crisis, delivering essential services, completing vital infrastructure projects and backing up the frontline workers at Sun Parlor Home and Essex-Windsor EMS, who have been working around the clock, seven days a week, to keep this community safe and this virus at bay.

Members of the Vulnerable Patient Navigator Team at Windsor-Essex EMS helped test thousands of nursing home residents at the height of the pandemic. They are receiving certificates of recognition from Windsor-Tecumseh NDP MPP Percy Hatfield.

Congratulations to David Cakebread, Grace Morneau, Holly Beck, Jen Miner, Justin Lammers, Kim Schroeder, Krista Hillier, Mark Evon, Michella Mollicone, Nick Jovanovic, Prentice Scott, Shawn Arrand, Slav Pulcer, Stacey Shepley and Ziad Fatallah. You have represented the County of Essex with honour and distinction. I thank you, and all County of Essex employees, for the dedication, diligence and unwavering professionalism shown during this pandemic.

I'm pleased to announce that work has begun with the Essex Region Conservation Authority and our municipal partners on a Regional Energy Plan to address the pressing issue of climate change. This plan will identify consumption patterns and opportunities, develop green energy strategies and create economic development opportunities.

The team is currently seeking public input and residents are being asked to take a short survey. Please, members of County Council, fill out the survey and share it with your constituents. Their input is vital as we work together for a green and prosperous future.

8. Delegations and Presentations

There were no delegations for September 2, 2020.

9. Communications

9.1 Correspondence

163-2020

Moved By Hilda MacDonald

Seconded By Leo Meloche

That the correspondence listed on the regular agenda for September 2, 2020, be received and any noted action approved.

Carried

9.1.1 The Hon. Steve Clark - Minister of Municipal Affairs and Housing

August 12, 2020 - Letter RE Municipal Operating Funding Phase 1

9.1.2 Pathway to Potential

Newsletter August 2020

9.1.3 Pathway to Potential

Back to School Information Sharing

9.1.4 Windsor-Essex Compassion Care Community

August Newsletter

9.1.5 Town of Amherstburg

August 14, 2020 - Copy of correspondence RE Resolution supporting Town of Essex resolution requesting more detailed data on Positive COVID-19 Cases in Essex County.

9.1.6 Town of Amherstburg

August 14, 2020 - Copy of correspondence RE Council resolution supporting City of Windsor Resolution requesting Tax or Other Financial Relief to Non-Profit Service Clubs as a result of COVID-19.

9.1.7 Town of Amherstburg

August 14, 2020 - Copy of correspondence RE resolution supporting the County of Essex resolution requesting funding for Disability Tax Credit Recipients due to COVID-19.

9.1.8 Town of Amherstburg

August 14, 2020 - Copy of correspondence RE Resolution supporting Town of Gore Bay's resolution requesting common training requirements for all Police Services in Ontario.

9.1.9 Town of Amherstburg

August 14, 2020 - Copy of correspondence RE Resolution supporting City of Owen Sound's resolution in support of Private Member's Bill M-36 – Emancipation Day.

9.1.10 Town of Amherstburg

August 26, 2020 - Copy of correspondence RE Resolution supporting Greater Essex County District School Board resolution support for increased Provincial Funding to allow Boards to offer health and safety standards the school communities and municipal residents deserve.

9.1.11 Township of Huron-Kinloss

August 17, 2020 - Copy of correspondence RE Resolution supporting Township of Mapleton resolution requesting Review of the Farm Property Tax Class Rate Program.

9.1.12 Town of Mono

July 28, 2020 - Copy of correspondence regarding their resolution in support for Broadband Infrastructure Investment

9.1.13 City of Port Colburn

August 18, 2020 - Copy of correspondence RE Resolution Endorsing Private Members Bill 164 – Protecting Vulnerable Persons in Supportive Living Accommodation Act, 2019

9.1.14 City of Port Colburn

August 18, 2020 -Copy of correspondence RE Resolution supporting Township of South Glengarry's resolution requesting regular inspections and funding for Long Term Care homes.

9.1.15 Municipality of West Grey

August 13, 2020 - Copy of correspondence RE Council Resolution committing to working towards anti-racism, anti-oppression, diversity and inclusion, and the history of Aboriginal peoples.

9.1.16 Town of Gore Bay

August 18, 2020 - Copy of correspondence RE Resolution supporting Municipality of Chatham-Kent resolution in support of Private Member's Bill M-36 – Emancipation Day.

9.1.17 Town of Gore Bay

August 18, 2020 -Copy of correspondence RE Resolution supporting Township of South Glengarry's resolution requesting regular inspections and funding for Long Term Care homes.

9.1.18 Town of Gore Bay

August 18, 2020 - Copy of correspondence RE Resolution supporting City of Oshawa's resolution requesting COVID-19 Funding for Programs and Services.

9.1.19 Rural Ontario Municipal Association - Update

August 12, 2020 - ROMA is now on Facebook

9.1.20 Association of Municipalities of Ontario (AMO) - Policy Update

August 11, 2020 - AMO Policy Update – Court Security Funding Review, CCTV Grant Program, Windsor-Essex Goes to Stage 3

9.1.21 Association of Municipalities of Ontario (AMO) - Policy Update

August 12, 2020 - AMO Policy Update – Municipal Emergency Fiscal Relief, Quarter 1 Fiscal and COVID-19 Action Plan Updates

9.1.22 Association of Municipalities of Ontario (AMO)

August 13, 2020 - AMO Watchfile Online

AMO Watchfile Online

9.1.23 Association of Municipalities of Ontario (AMO) - Policy Update

August 14, 2020 - AMO Policy Update – New Recreational Facility Guidance, Canada Healthy Communities Initiative, and 2021-22 Connecting Links Program

9.1.24 Association of Municipalities of Ontario (AMO)

August 20, 2020 - AMO Watchfile Online

9.1.25 Association of Municipalities of Ontario (AMO)

August 27, 2020 - AMO Watchfile Online

AMO Watchfile Online

9.1.26 Association of Municipalities of Ontario (AMO) - Policy Update

August 24, 2020 - AMO Policy Update – Orders Extended, New Direction regarding Facilities

AMO Policy Update – Orders Extended, New Direction regarding Facilities

9.1.27 Association of Municipalities of Ontario (AMO) - Events

August 22, 2020 - AMO Conference Update: Thank you for Attending AMO 2020 Conference Wrap-up Video

AMO Conference Update: Thank you for Attending AMO 2020 Conference Wrap-up Video

9.2 Resolutions

There were no resolutions for September 2, 2020.

10. Consent Agenda

164-2020

Moved By Larry Verbeke

Seconded By Tom Bain

That the recommendation in the Administrative Report listed as item 10.1, on the Consent Agenda for September 2, 2020 be approved.

Carried

10.1 Approval of Invoices - Legal and Consulting Services

Report number 2020-0902-ADM-R12-RM, Approval of Invoices - Legal and Consulting Services dated September 2, 2020 from Robert Maisonville, Chief Administrative Officer.

11. Reports and Questions

11.1 Road Rationalization Study - Status Update Report

Report number 2020-0902-ISD-R024-JM, Road Rationalization Study - Status Update Report, dated September 2, 2020, from Jane Mustac, Director of Infrastructure Services Department/County Engineer.

Prior Associated Reports - 2019-0417-ISD-R011-JM Road Rationalization Update - Appendix - Consultant Report

2019-0417-ISD-R011-JM Road Rationalization Update

Prior Associated Reports - 2019-0417-ISD-R011-JM Road Rationalization Update - Appendix - Consultant Report

Appendix - Consultant Report

Robert Maisonville outlined there were outstanding concerns about the report as prepared therefore was recommending that Council defer the report to a future meeting. He advised that Administration was requesting the opportunity to return to the steering committee and for further discussion.

Marc Bondy requested a deadline of the second council meeting in October for presentation.

Hilda MacDonald requested the Steering committee be allowed sufficient time to report to their own Councils.

165-2020

Moved By Marc Bondy

Seconded By Aldo DiCarlo

That Report number 2020-0902-ISD-R024-JM, Road Rationalization Study - Status Update Report, dated September 2, 2020 be deferred to the October 21, 2020 regular meeting of County Council.

Carried

11.2 County Road 3 - Malden Road Environmental Assessment Update

Report number 2020-0902-ISD-R025-JM, County Road 3 - Malden Road Environmental Assessment (EA)Update, dated September 2, 2020, from Jane Mustac, Director of Infrastructure Services Department/County Engineer.

Robert Maisonville explained that the County Road 3, Malden Road EA report was tied to the Road Rationalization report and requested a deferral to a future meeting as well.

Marc Bondy requested a review of the by-law and current Connecting Link Agreement between the County and Town of LaSalle to clarify the process of amending the boundaries of Connect Link Agreements.

166-2020

Moved By Marc Bondy

Seconded By Joe Bachetti

That Report number 2020-0902-ISD-R025-JM, County Road 3 - Malden Road Environmental Assessment Update, dated September 2, 2020be deferred to the next regular meeting of County Council.

Carried

12. Unfinished Business

There were no items of unfinished business considered.

13. New Business

13.1 Public Reporting of Closed Meeting

Warden McNamara advised that a Closed Meeting of Essex County Council was held at 6:45 PM, prior to the regular Council meeting, pursuant to Section 239 (2) (f) of the Municipal Act, 2001

Administration provided Council with an update regarding a contractual legal matter subject to solicitor-client privilege

14. Adoption of By-Laws

167-2020

Moved By Tom Bain

Seconded By Aldo DiCarlo

That By-law 2020-32, having been read a first, second and third time, be finally passed and enacted.

Carried

14.1 By-law Number 2020-32

Being a by-law to confirm the proceedings of the Council of the Corporation of the County of Essex, for September 2, 2020.

15. Notice of Motion

15.1 Reserve Lands Limiting Access on County Road 42, as Related to Essex County By-law 50-2019

Joe Bachetti made a Notice of Motion pertaining to Reserve Lands Limiting Access on County Road 42, as related to Essex County By-law 50-2019.

Joe Bachetti made the following statement:

This Notice of Motion pertains to County By-law 50-2019, which was adopted by County Council on November 20, 2019. The By-law authorizes a 0.3-metre (one foot) reserve limiting additional access onto County Road 42 from the City of Windsor municipal boundary to Pike Creek in the Town of Lakeshore.

Included in the area affected by this By-law is that portion of County Road 42 that extends through the Tecumseh Hamlet in the Town of Tecumseh. Tecumseh Hamlet is an approved urban Settlement Area in the County's Official Plan and the Town's Official Plan.

The imposition of a 0.3-metre (one foot) reserve in this designated urban Settlement Area is an unwarranted form of corridor control and is not consistent with the County's Council-approved policy documents. The existing County Permitting process is sufficient to adequately regulate corridor control in urban settlement areas.

Currently, through the County's expropriation process, the Town of Tecumseh has commenced a Hearing of Necessity for affected Town lands primarily on the matter of the 0.3-metre (one foot) reserve. The intent of this request is to avoid the cost and time for the Town and the County to resolve this matter through legal proceedings.

The request of the Town of Tecumseh is for County Council to direct that County Administration prepare an amendment to the By-law that has the effect of removing the one-foot reserve for that portion of County Road 42 that is within the Tecumseh Hamlet.

Technical Background:

The Lauzon Parkway Improvements, Environmental Study Report (ESR) was completed on January 20, 2014 by the Ministry of Transportation, City of Windsor and the County of Essex. The study's main corridors included the Lauzon Parkway (and extension to Highway No.3), County Road 42 (Walker Road to County Road 25 (Puce Road)) and the future East-West Arterial in the City of Windsor.

The ESR went into great detail on the Recommended Preliminary Design Plates depicting alignments and required property, the appropriate locations for a 0.3-metre (one-foot) reserve, along with various road cross-sections of the corridors. On County Road 42 alone, the ESR detailed 14 different road cross-sections to suit the varying site constraints (three in the City of Windsor, four in the Town of Tecumseh and seven in the Town of Lakeshore).

The ESR had recognized the preferred plan for County Road 42 in the Town of Tecumseh to have a context sensitive design as it traversed through the Tecumseh Hamlet, a designated urban Settlement Area in the County's Official Plan (OP) and Tecumseh's OP. There are a number of sections and appendices within the ESR that underscore a deliberate recognition of the importance for unique street design elements that change along the entire County Road 42 corridor in Windsor, Tecumseh and Lakeshore. These unique design elements are in response to a changing context along the corridor and were given careful consideration after thoughtful input from a range of stakeholders throughout the development of the ESR, including Provincial, County and Municipal staff (from

Tecumseh, Windsor and Lakeshore), various agencies and the public.

More specifically the following excerpt from the ESR and County Official Plan are of relevance to this issue:

1. Page B.4-8 of the ESR (under the subheading "County of Essex: County Road 42 Corridor Protection Strategy") reads: "The County of Essex, through reviews of the Official Plan, should ensure there is sufficient policy direction to protect the long-term effectiveness of the Regional Road System". Page 28 of the County Official Plan, adopted February 19, 2014 (under the subheading "Section 2.8.1 Roads") reads: "When considering matters of land use planning, the County shall: e) strive to minimize conflict between local and non-local traffic by protecting the County Road system depicted on Schedule "D1" ... New development proposing access onto County Roads outside of "Settlement Areas" shall be managed according to the County's access policies" (bolding added for emphasis). The segment of County Road 42 of concern to the Town is within the Tecumseh Hamlet, a designated Settlement Area in the County Official Plan;
2. Page B.6-44 of the ESR (under the subheading "Access") reads: "A 0.3 m reserve is proposed along County Road 42 from County Road 19 (Manning Road) to County Road 25 (E. Puce Road)." Accordingly, the ESR does not provide for a 0.3-metre reserve on County Road 42 within the designated Settlement Area of Tecumseh Hamlet;
3. Starting on Page B.6-13 of the ESR (under the subheading "City/County Boundary to County Road 19 (Manning Road)") there are four Exhibits depicting the Typical Cross-Section of County Road 42 within the Town of Tecumseh (Exhibits B.6-9 to B.6-12). A 0.3 metre reserve is not depicted on those cross-sections, which is consistent with the description on Page B.6-44;
4. Starting on Page B.6-17 of the ESR (under the subheading "County Road 19 (Manning Road) to County Road 25 (E. Puce Road)") there are seven Exhibits depicting the Typical Cross-Section of County Road 42 within the Town of Lakeshore (Exhibits B.6-13 to B.6-19). A 0.3 m reserve has been depicted on those cross-sections and is consistent with the description on Page B.6-44;

5. The ESR clearly establishes the portions of County Road 42 that are to be subject to a 0.3-metre (one foot) reserve, and excludes the section of County Road within the Tecumseh Hamlet.

The County of Essex commenced the Detailed Design of County Road 42 from the City of Windsor municipal boundary to Pike Creek in the Town of Lakeshore in early 2018. The work generally includes widening the roadway to a five-lane cross-section with bike lanes, sidewalks and multi-use trails, roundabouts at County Road 43 and County Road 19, street lighting and utility improvements. The project also includes a section of the proposed County Road 43 diversion from Shields Avenue to south of County Road 42.

Notice of Motion:

Whereas By-law 50-2019 is a By-law that seeks to create a 0.3-metre (one foot) reserve limiting additional access onto County Road 42 from City of Windsor municipal limit, through the Town of Tecumseh to Pike Creek in the Town of Lakeshore;

And Whereas this By-law includes that portion of County Road 42 that extends through the Tecumseh Hamlet in the Town of Tecumseh;

And Whereas Council Report #2019-1120-IS-R030-JM recommended the adoption of the By-Law 50-2019, and stated: "As recommended in the EA, a 0.3 metre (one (1) foot) reserve limiting additional access onto CR 42 has been identified on the property plans.";

And Whereas this is contrary to the County approved Lauzon Parkway Improvements, Environmental Study Report (ESR), and the County Official Plan, as outlined in the Technical Background to this motion.;

Now Therefore Be It Resolved That direction be given to County Administration to prepare an amendment to By-Law 50-2019 for County Council's consideration, with said amendment to remove the 0.3 metre (one-foot) reserve within the Tecumseh Hamlet Settlement Area, more specifically described as follows:

- Parts 2, 4, 6, 8, 9, 10, 12, 13, 15, 16, 17, 32, 33, 36, 37, 40, 41, 44 and 45 of 12R-27997;
- Parts 2, 4, 6, 9, 11, 13, 15, 17, 19, 21, 23, 25, 27, 29, 31, 33, 35, 37, 39, 41, 44, 46, 49, 51, 53, 55, 58, 61, 65, 67 and 69 of 12R-27999;

- Parts 2, 3, 6, 7, 10, 11, 15, 18, 20, 22, 23, 26, 27, 30, 31, 34, 35, 38, 39, 42, 44, 45, 48, 49, 52, 53, 56, 57, 60, 61, 64, 65, 68, 69, 72, 73, 76, 77, 80, 81, 84, 85, 87, 90, 91 and 94 of 12R-28003;
- Parts 17, 20 and 21 of 12R-28000.

And further that the said amendment be prepared for County Council's consideration at their next regular meeting.

16. Adjournment

168-2020

Moved By Richard Meloche

Seconded By Marc Bondy

That the Essex County Council meeting for September 2, 2020 be adjourned at 7:39 PM.

Carried

Gary McNamara

Warden - County of Essex

Mary Birch

Director of Council and Community Services/Clerk

Date Signed