



Essex County Council Regular Meeting Minutes

Wednesday, February 21, 2018

7:00 PM

Council Chambers, 2nd Floor

360 Fairview Avenue West

Essex, Ontario N8M 1Y6

519-776-6441, ext. 1335

Council:

Warden Tom Bain
Marc Bondy, Deputy Mayor, Town of LaSalle
Aldo DiCarlo, Mayor, Town of Amherstburg
Al Fazio, Deputy Mayor, Town of Lakeshore
Hilda MacDonald, Deputy Mayor, Municipality of Leamington
Ron McDermott, Mayor, Town of Essex
Gary McNamara, Mayor, Town of Tecumseh
Richard Meloche, Deputy Mayor, Town of Essex
John Paterson, Mayor, Municipality of Leamington
Gord Queen, Deputy Mayor, Town of Kingsville
Nelson Santos, Mayor, Town of Kingsville

Absent:

Deputy Warden Ken Antaya, Mayor, Town of LaSalle
Joe Bachetti, Deputy Mayor, Town of Tecumseh
Bart DiPasquale, Deputy Mayor, Town of Amherstburg

Administration:

Mary Birch, Director of Council and Community Services/Clerk
Bruce Krauter, Chief, Essex Windsor EMS
Rob Maisonville, Chief Administrative Officer
Tom Bateman, Director of Transportation Services/Engineer
Lynda Monik, Administrator, Sun Parlor Home
Greg Schlosser, Director Human Resources
Sandra Zwiers, Director of Financial Services/Treasurer
Jeanie Diamond-Francis, Community Services Co-ordinator
Katherine Hebert, Council Services Administrative Assistant

1. Closed Meeting

There was no Closed Meeting scheduled for the February 21st, 2018 meeting.

2. Moment of Reflection

3. Singing of 'O Canada'

4. Recording of Attendance

Warden Bain noted that Councillors Antaya, Bachetti and DiPasquale were absent from the meeting.

5. Disclosure of Pecuniary Interest

There were no conflicts of pecuniary interest declared.

6. Adoption of Regular Meeting Minutes

35-2018

Moved By Mr. McNamara

Seconded By Mr. Fazio

That the minutes of the February 7, 2018 Regular Meeting of Essex County Council be adopted as presented.

Carried

7. County Warden's Welcome and Remarks

Warden Bain welcomed the members of Council, Administration as well as the members of the home viewing audience and media. He noted his participation in the following events:

- Attended the Bulimia Anorexia Nervosa Association 35th Anniversary event.
- Attended the Citizens' Table Meeting for Hospice. He noted the group welcomed member representatives from a cross section of healthcare interest groups with the goal of creating a collective dynamic for working collaboratively in the community where services are needed.
- Attended Family Day events in the community
- Attended Ontario Premier Kathleen Wynne's Town Hall Meeting hosted at the St. Clair Centre for the Arts. He noted that Premier Wynne committed to setting a meeting with the Minister of Transportation regarding the Highway 3 widening concerns and that he had been advised that the meeting had been scheduled.

8. Delegations and Presentations

36-2018

Moved By Mr. Bondy

Seconded By Mr. McDermott

That Mr. Maodus and Mrs. Bishop be permitted to address County Council.

Carried

8.1 Essex-Windsor Solid Waste Authority

Mr. Eli Maodus, General Manager and Mrs. Michelle Bishop, Manager, Finance/Administration, Essex Windsor Solid Waste Authority (EWSWA) seeking approval of the 2017 and 2018 EWSWA Budget from County Council.
(Refer to Item 11.2, to view the report)

Item 8.1 Essex-Windsor Solid Waste Authority Delegation was considered with item 11.2, being a report on the Essex-Windsor Solid Waste Authority 2017 and 2018 Budget Approval.

9. Communications

9.1 Correspondence

39-2018

Moved By Mr. DiCarlo

Seconded By Mr. Meloche

That the correspondence listed on the regular agenda for February 21, 2018 be received and any noted action approved.

Carried

9.1.1 Association of Municipalities of Ontario (AMO)

View the online version of the AMO Watch File Newsletter, dated February 8 and 16, 2018.

9.1.2 AMO

Received e-mail, dated February 2, 2018 - AMO Policy Updated - a Call to Action - Fire Medic Protection Needed for Municipal Governments.

Mr. McNamara indicated that support for the AMO call to action was warranted.

40-2018

Moved By Mr. McNamara

Seconded By Mr. Santos

WHEREAS Bill 160, the Strengthening Quality and Accountability for Patients Act amended the Ambulance Act to permit the Ministry of Health and Long Term Care to enable two pilot projects hosted by willing municipal governments to allow fire fighters, certified as paramedics, to treat patients while on duty with a fire department; and

WHEREAS the Government of Ontario is committed to proceeding with the pilots and enabling the fire-medical model despite the absence of objective evidence to show that it would improve patient outcomes or response times; and

WHEREAS the current interest arbitration model, particularly in the fire services sector, allows arbitrators to impose awards on unwilling employers that directly impact the employer's ability to determine how it will deploy its workforce, as evidenced by the experience of many municipalities in regards to the 24-hour shift; and

WHEREAS in the absence of legislative protection, unwilling municipalities may be forced to enter into a pilot or adopt a fire-medical model as a result of interest arbitration; and

WHEREAS the Association of Municipalities of Ontario and its municipal members have called on the Government of Ontario to introduce legislative amendments to the Fire Protection and Prevention Act, 1997 and the Ambulance Services Collective Bargaining Act to preclude arbitrators from expanding the scope of work for fire fighters and paramedics respectively through interest arbitration awards; and

WHEREAS there is precedent for a restriction on the scope of jurisdiction of arbitrators in section 126 of the Police Services Act which precludes arbitrators from amending the core duties of police officers; and

WHEREAS the Government of Ontario has committed that no unwilling municipal government will have a fire-medical pilot or program imposed upon them.

NOW THEREFORE be it resolved that:

1. The County of Essex calls on the Government of Ontario to act immediately so that legislative amendments, that will protect unwilling municipalities from being forced by arbitrators to have a fire medic pilot or program, are placed within the upcoming Budget Bill before the Ontario Legislature rises for the provincial election.
2. A copy of this resolution be forwarded to Premier Kathleen Wynne, Office of the Premier; Hon. Dr. Eric Hoskins, Minister of Health and Long Term Care; Hon. Marie-France Lalonde, Minister of Community Safety and Correctional Services; Hon. Kevin Flynn, Minister of Labour, Hon. Bill Mauro, Minister of Municipal Affairs; Local MPPs; and the Association of Municipalities of Ontario.

Carried

9.1.3 AMO

Received e-mail, dated February 7, 2018 regarding AMO Social Media Webinar Series.

9.1.4 AMO

Received e-mail, dated February 12, 2018 referring to an AMO Policy Update regarding AMO Makes Submission on Policing - Bill 175, Safer Ontario Act.

9.1.5 AMO

Received e-mail, dated February 13, 2018 stating that the Early Bird Deadline is March 2, 2018.

9.1.6 Ministry of Transportation

Received correspondence, dated February 12, 2018 from Minister of Transportation Kathryn McGarry, responding to the County's letter of support regarding the expansion of Highway 3.

9.1.7 County of Simcoe

Received correspondence, dated February 2, 2018 from John Daly, County Clerk regarding their Council's approved recommendation referring to - White Paper - Building a Seniors Campus and supporting correspondence from Mark Aitken, Chief Administrative Officer.

View the online version of the "[Building a Seniors Campus](#)", dated November 2017.

9.1.8 Tourism Windsor Essex Pelee Island (TWEPI)

Received e-mail, dated February 13, 2018 from TWEPI regarding their 2017 Year in Review. (Online version)

9.1.9 Great Lakes and St. Lawrence Cities Initiative

Received e-mail, dated February 15, 2018 regarding the 2018 Wege Small Cities Sustainability Best Practices Award.

9.1.10 Explore Ontario By Bike!

Received e-mailed copy of Ontario By Bike E-News: Mid Winter. (online version)

9.1.11 Nicholson Family

Received card of appreciation for thoughtfulness shown during their time of sorrow.

(Late Donald Nicholson - former Essex County Councillor)

9.2 Resolutions

There were no resolutions for consideration for the February 21, 2018 meeting.

10. Consent Agenda

41-2018

Moved By Mr. Bondy

Seconded By Mr. Fazio

That the information item(s) listed as item(s) 10.1 to 10.3 on the Consent Agenda for February 21, 2018 be received.

Carried

10.1 Windsor Essex Housing Advisory Committee

Minutes of the meeting held on November 21, 2017. (online version)

10.2 Windsor Essex County Environment Committee

Minutes of the meeting held on January 25, 2018.

10.3 Windsor Essex County Health Unit

Minutes of the meeting held on January 18, 2018. (online version).

11. Reports and Questions

11.1 Essex Windsor Solid Waste Authority (EWSWA)

Report of the EWSWA Board Meeting Minutes, dated November 7, 2017, Mr. Ron McDermott, Past Chair.

Mr. McDermott noted that Ms. MacDonald was elected as the EWSWA Vice Chair for 2018 and Ed Sleiman of the City of Windsor was elected the Chair.

42-2018

Moved By Mr. McDermott

Seconded By Mrs. MacDonald

That the Essex Windsor Solid Waste Authority minutes, dated November 7, 2017 be received.

Carried

11.2 Essex Windsor Solid Waste Authority (EWSWA) 2017 and 2018 Budget Approval

EWSWA Administrative Report, dated February 21, 2018 from Eli Maodus, General Manager, Essex-Windsor Solid Waste Authority.

Item 8.1 Essex-Windsor Solid Waste Authority Delegation presented the report under item 11.2, being the Essex-Windsor Solid Waste Authority 2017 and 2018 Budget Approval report.

Mr. Maodus provided a brief overview of the process undertaken for the EWSWA budget approval including the dispute resolution procedure. He noted that the EWSWA budget was only binding once it had been approved by the EWSWA Board, Essex County Council and the City of Windsor Council.

Mr. Maodus noted that the dispute resolution procedure took place over the course of 2017. He noted the report before Council had an appended report co-authored by the City of Windsor CAO Onorio Colucci and County of Essex CAO Robert Maisonville which included the recommendation regarding the 2017 and 2018 for County Council's consideration

Mr. McDermott requested the recommendation be split into separate motions and voted on separately.

Mr. Santos expressed that large increases in the budget are unpalatable but when considering the long term effect that zero increases present, it becomes evident that a plan for managing the

reserves and their use to mitigate the rates over the long term is necessary. He noted it has been fortunate that for unforeseen reasons, the reduction in expenditures or the increased revenue had offset the amount that would have been required in the budget for 2017, but noted that was not a sustainable situation. He questioned what was the plan for managing the reserves going forward?

Mr. Maodus noted that the plan was to proceed as recommended by the City and County CAOs and to formulate a sustainable plan for the use of the reserves so that they are at optimal balances and that the rate stabilization reserve, in particular, was not exhausted prematurely.

Discussion took place with regard to establishing a long-term plan for the EWSWA reserves over the 6-10 year time frame. It was noted that the extended dispute resolution process was to ensure that all parties were keenly aware of the importance of maintaining the reserves at optimal balances while working to ensure that municipalities are assessed amounts that would sustainably support the operations of the Authority.

Discussion took place regarding the upcoming changes to the blue box program and how those changes may impact operations of the Authority.

Mr. McNamara expressed a duty to ensure that the Regional Landfill was treated as a protected asset and that municipalities take financial responsibility for the true cost of operating the site.

Mr. Santos questioned how the greenhouse vines have been managed in the budget, since there had not been any real commitment from the industry to bring the vines to the Authority.

Ms. Bishop indicated that greenhouse vines have been included in projections for 'episodic waste' along with contaminated soil and other waste of that unpredictable nature and further she noted that the Authority had included the revenue from this source conservatively, but reports to the EWSWA Board quarterly on this issue.

38-2018

Moved By Mr. McNamara

Seconded By Mr. Queen

That for 2018 the Council of the County of Essex approve the 2018 Essex-Windsor Solid Waste Authority budget and a 2% increase, representing \$220,268, to the fixed cost allocation calculated on

population. The Total Waste Management Fee is to remain unchanged for 2018 at \$36.44 per tonne fee for refuse delivered for disposal.

Carried

37-2018

Moved By Mrs. MacDonald

Seconded By Mr. Bondy

That for 2017 the Council of the County of Essex approve the 2017 Essex-Windsor Solid Waste Authority budget and a 0% increase, or freeze, to the 2016 level of \$11,013,400 based on a fixed cost allocation calculated on population and a Total Waste Management Fee of \$36.44 per tonne fee for refuse delivered for disposal.

Carried

11.3 Community Services / Housing with Supports Update

Report Number 2018-0221-CCS-R004-MB, dated February 21, 2018 from Mary Birch, Director of Council and Community Services/Clerk.

Ms. Birch introduced Jeanie Diamond-Francis, Community Services Coordinator for the County. She noted that Ms. Diamond-Francis supervised the Housing with Supports program and would provide Council with an overview of the program. She noted that some of the Owners/Operators of the Housing with Supports homes the County had service contracts with had been in touch with the County, expressing concern and hardship as it relates to cost of staffing since the passing of Bill 148 and the resultant minimum wage increase. She noted Council could anticipate a delegation in the future from one or more representatives from the contracted Housing with Supports service providers to discuss the potential for a per diem increase from the CHPI funding.

Ms. Diamond-Francis presented a broad overview of the Housing with Supports program and detailed how funds are allocated to support the residents. She outlined the criteria for residents to qualify for the program and provided some statistics regarding the complex health challenges that many of the individuals have.

Mr. Paterson welcomed Ms. Diamond-Francis to the County team and invited her to meet with Leamington Administration to discuss some of their concerns. He further questioned if Administration had or would consider moving to an RFP process to determine which

Housing with Support service providers were contracted for subsidized residents with the County. He questioned the amount of discretionary funds allocated in the budget, which Ms. Diamond-Francis indicated was under \$10,000.

Mr. Paterson expressed further concern regarding the cost to taxpayers indirectly from the Housing with Support program, due to their draw on municipal emergency services.

Mrs. MacDonald expressed a desire to continue to work with the County on monitoring of the Housing with Supports contracted homes and suggested seeking input from the community surrounding these homes.

Ms. Diamond-Francis noted that a great deal of collaboration had taken place over the past few months with many organizations to identify and arrange for additional supports to address the needs of the residents in the Housing with Support Program and welcomed the opportunity to work with Leamington to gather their concerns and update them on the progress that had been made.

She shared with Council, that from her extensive background in the mental health field she could assure Council that no one aspires to have Mental Health or addiction disabilities and that there was a need for community support to assist residents with those disabilities so they can become productive members of the community.

Ms. Diamond-Francis indicated that she would provide Council with quarterly updates on the program.

Mr. Queen expressed a concern with regard to the 'program standards' which were noted as being reviewed in conjunction with the City of Windsor to become a regional standard. He cautioned that the County should be vigilant with any changes to the standards that are currently being delivered.

43-2018

Moved By Mr. Bondy

Seconded By Mr. DiCarlo

That Report 2018-0221-CCS-R004-MB be received for information.

Carried

11.4 Proposed Revisions to Fees and Charges By-law

Report Number 2018-0221-CCS-R003-MB, dated February 21, 2018 from Mary Birch, Director of Council and Community Services/Clerk.

Ms. Birch discussed the Fees and Charges by-law and provided a detailed overview of the changes.

44-2018

Moved By Mr. McNamara

Seconded By Mr. Bondy

That County Council adopt By-law 12-2018 which establishes the fees and charges for the Corporation of the County of Essex for 2018.

Carried

11.5 Bill 68 - Modernizing Ontario's Municipal Legislation Act, 2016

Report Number 2018-0221-CCS-R002-MB, dated February 21, 2018 from Mary Birch, Director of Council and Community Services.

Ms. Birch provided a brief overview of Bill 68 and how it may impact the County of Essex. She provided some details on implications for the procedural by-law and discussed other matters to be considered by Council including the definition of a meeting, the code of conduct, electronic participation in meetings, additional options for holding a closed meeting, alternate members of County Council and parental leave among other items.

Ms. Birch outlined the recommendations for Council to consider at the present time and noted that additional reports would be forthcoming to Council including the appointment of a new Integrity Commissioner.

45-2018

Moved By Mr. Fazio

Seconded By Mr. DiCarlo

That Essex County Council approve the recommendations outlined in Report 2018-R002-CSS-0221-MB resulting from Bill 68, Modernizing Ontario's Municipal Legislation Act being:

- Review the need for amendments to Council Code of Conduct prior to March 1, 2019;

- Provide a subsequent report recommending the appointment of a new Integrity Commissioner, following the evaluation of proposals received for Integrity Commissioner services;
- Amend the County's Procedure By-law to include the new definition of a "meeting", as defined in Section 238 (1) of the Municipal Act, 2001, as amended;
- Continue to prohibit electronic meeting participation, pending further clarification of the definition of 'participation' and improvements to technology available;
- Develop Parental Leave Policy for members of County Council;
- Approve the proposed rules for temporary replacement members of County Council; and
- Develop Council-Staff Relations Policy prior to March 1, 2019.

Carried

11.6 Ontario Municipal Commuter Cycling (OMCC) Program

Report Number 2018-0221-IS-R005-TRB, dated February 21, 2018 from Tom Bateman, Director of Infrastructure Services/County Engineer.

Mr. Bateman provided a summary of the application process and criteria for qualification for funding under the OMCC Program. He noted that part of the obligation for the acceptance of the funding for the projects, was that the municipality had to contribute 20% of the cost of the project(s). He noted the County had put forth several projects and had been awarded funding for year 1 of 4 thus far. He advised that since the funding awarded did not cover the costs of all of the projects submitted for consideration, the County would have to evaluate how the funds would be best utilized. He noted that there was no stipulation that the funds awarded in year one would have to be also spent in year one, thus, they may be bulked with funding from years two through four should the County receive additional funds in each year.

Mr. Bateman noted that the recommendation was that Council approve the required actions in order to execute the acquisition of the transfer payment from the Province.

Mr. Santos questioned whether the funding committed was only for year one, or if the funding was year over year for each of the four years?

Mr. Bateman indicated that the funding was for year one, but additional funding may be awarded for the remaining 3 years based on the projects submitted for consideration.

Mr. Queen expressed appreciation for the inclusion of safety upgrades to existing cycling areas in addition to the new cycling projects.

46-2018

Moved By Mr. Santos

Seconded By Mr. McNamara

- That County Council adopt the enabling By-Law #09-2018 for the Ontario Municipal Commuter Cycling (OMCC) Program;
- That the Warden and Clerk be authorized to execute the Transfer Payment Agreement and all other documents required by the Provincial Government;
- That the County contribution to support the 2018 OMCC allocation be funded from the CWATS reserve;
- That the Chief Administrative Officer be delegated the authority to execute any additional documents required on behalf of the Corporation.

Carried

11.7 Limited Loads on Highways

Report Number 2018-0221-IS-R006-TRB, dated February 21, 2018 from Tom Bateman, Director of Infrastructure Services/County Engineer.

Mr. Bateman reviewed the details of the report and summarized the changes required to the load limits on County roads.

47-2018

Moved By Mr. McDermott

Seconded By Mr. Bondy

That By-Law Number 08-2018 be adopted to amend (Load Limited Highways – Seasonal) Schedule “K” of By-law Number 26-2002.

Carried

11.8 Tender Summary - 2018 Structure Rehabilitations (2)

Report Number 2018-0221-IS-R007-TRB, dated February 21, 2018 from Tom Bateman, Director of Infrastructure Services/County Engineer,

Mr. Bateman discussed the tender process undertaken for the 2018 Structure Rehabilitation projects noting the recommendation.

48-2018

Moved By Mr. DiCarlo

Seconded By Mr. Santos

That Essex County Council award the tender for Project Number – 685-2018 – County Road 12 Bridge over McLean Drain to Front Construction Industries Inc. for a total tender amount of \$193,200.00, plus HST.

Carried

11.9 Tender Summary – 2018 Road Rehabilitation Program (2)

Report Number 2018-0221-IS-R008-TRB, dated February 21, 2018 from Tom Bateman, Director of Infrastructure Services/County Engineer.

Mr. Bateman discussed the tender process undertaken for the 2018 Road Rehabilitation projects noting the recommendation.

49-2018

Moved By Mr. Fazio

Seconded By Mr. Meloche

That Essex County Council award the tender for Hot Mix Resurfacing over CIREAM and Hot Mix Overlay to Mill-Am Corporation for a total tender amount of \$4,687,770.00 plus H.S.T.

Carried

12. Unfinished Business

13. New Business

13.1 Premier Wynne Comments RE New Hospital Location

Mr. McNamara raised an issue regarding the recent Town Hall Meeting with Ontario Premier Kathleen Wynne. He noted that at the meeting Premier Wynne commented that the location of the new hospital had not yet been finally determined. He expressed concern that it was the understanding of those involved in our area, that the location had been approved and that the next phase of the project was to now be discussed. He expressed the need for clarification on this issue from the Minister of Health and Long Term Care, Minister Dr. Eric Hoskins.

Warden Bain agreed and noted he would request clarification and confirmation on the new hospital site.

14. Adoption of By-Laws

50-2018

Moved By Mr. McDermott

Seconded By Mrs. MacDonald

That By-law(s) 08-2018 through 14-2018, having been read a first, second and third time, be finally passed and enacted.

Carried

14.1 By-law Number 08-2018

A By-law to Amend By-law Number 26-2002, Being a By-law to Regulate Traffic and Parking on Highways within the Essex County Roads System.

14.2 By-law Number 09-2018

A By-law to Authorize the Execution of an Agreement with Her Majesty the Queen in Right of the Province of Ontario as Represented by the Minister of Transportation for the Province of Ontario - Ontario Municipal Commuter Cycling Program 2018.

14.3 By-law Number 10-2018

A By-law to establish Tax Ratios for the year 2018 for The Corporation of the County of Essex and its Constituent Lower Tier Municipalities.

14.4 By-law Number 11-2018

A By-law to Adopt the Estimates for the Sums Required During the Year 2018 for The Corporation of the County of Essex and to Establish Tax Rates for Same Against its Constituent Lower Tier Municipalities.

14.5 By-law Number 12-2018

A By-law to Establish Fees and Charges for The Corporation of the County of Essex for the year 2018.

14.6 By-law Number 13-2018

A By-law to Authorize the Execution of Agreements Relative to Tendered Contracts for the Construction and Maintenance or Supply of Materials for the Construction and Maintenance of County Roads and Bridges.

14.7 By-law Number 14-2018

A By-law to Confirm the Proceedings of the Council of The Corporation of the County of Essex.

(February 21, 2018)

15. Notice of Motion

16. Adjournment

51-2018

Moved By Mr. Paterson

Seconded By Mr. Santos

That the Essex County Council meeting for February 21, 2018 be adjourned at 8:36 PM.

Carried

Tom Bain

Warden - County of Essex

Mary Birch

Director of Council and Community Services/Clerk