



**REGULAR MEETING OF COUNCIL  
REVISED AGENDA**

**Monday, June 25, 2018, 7:00 PM**

**Council Chambers**

**2021 Division Road N**

**Kingsville, Ontario N9Y 2Y9**

**Pages**

- A. CALL TO ORDER**
- B. MOMENT OF SILENCE AND REFLECTION**
- C. PLAYING OF NATIONAL ANTHEM**
- D. DISCLOSURE OF PECUNIARY INTEREST**

When a member of Council has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of Council (or that was the subject of consideration at the previous Meeting of Council at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter.

**E. MATTERS SUBJECT TO NOTICE**

- 1. PUBLIC MEETING--Application for Official Plan Amendment (OPA/02/18) & Zoning By-law Amendment (ZBA/06/18) by 2263391 Ontario Ltd. 609 Road 3 E & V/L SS Road 3 E, Part of Lot 4, Concession 2 ED,**

**1**

R. Brown, Manager of Planning Services

i) Notice of Complete Application and Public Meeting: Official Plan Amendment and Zoning By-law Amendment, dated June 4, 2018;

ii) Report dated June 15, 2018;

iii) Proposed By-law 74-2018, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville; and

iv) Proposed Authorizing By-law 75-2018, being a By-law to Amend the Official Plan of the Town of Kingsville (Official Plan Amendment No. 7)

**Recommended Action**

It is recommended that Council:

Adopt Official Plan Amendment No. 7 (OPA 7) to establish a site-specific policy area to permit a new build greenhouse for the establishment of a Medical Marihuana Production Facility on the property currently known as 609 Road 3 E and V/L SS Road 3 E, Part of Lot 4, Concession 2 ED, Part 1, RP 12R 11488 and Part 1 RP 12R 22191, in the Town of Kingsville and direct administration to forward the policies to the County of Essex for final approval.

Approve Zoning By-law amendment application ZBA/06/18, to implement OPA 7 once final approval is granted by the County of Essex, permit a medical marihuana production facility and establish site-specific regulations for said medical marihuana production facility and adopt the implementing by-law.

**2. PUBLIC MEETING-Application for Removal of the H-Holding Symbol ZBA/15/18 by 2496186 Ontario Ltd. & Colasanti Orchards Ltd. Lots 1 to 33 & Block 34, Plan 12M 609 3, 7, 11, 15, 19, 23, 27, 31, 4, 8**

42

R. Brown, Manager of Planning Services

i) Notice of an Intention to Pass an Amending By-law to Remove a Holding Symbol dated June 4, 2018;

ii) Staff Report, dated June 13, 2018;

iii) Proposed by-law 73-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

**Recommended Action**

It is recommended that Council approve zoning by-law amendment application ZBA/15/18 for removal of the H-Holding symbol on lands known as Lots 1 to 33 and Block 34, inclusive, Plan 12M 609 in the Town of Kingsville and adopt the implementing by-law.

**F. AMENDMENTS TO THE AGENDA**

**G. STAFF REPORTS**

**1. Items in Municipal Cemeteries**

49

S. Martinho, Public Works Manager

**Recommended Action**

That Municipal Services continues to review cemetery damage complaints on a case-by-case basis and provide relief to families when the damage is caused by Town staff or one of the Town's sub-contractors.

**2. Cemetery By-law 90-2012 Amendment**

52

S. Martinho, Public Works Manager

**Recommended Action**

That council adopt the proposed Cemetery By-Law 67-2018 and repeal the existing by-law, By-law 90-2012.

**3. Appointment of Members to the Compliance Audit Committee**

75

J. Astrologo, Director of Corporate Services

**Recommended Action**

That Council adopts By-law 79-2018, appointing members to the Compliance Audit Committee for the 2018-2022 Council Term, at this Regular Meeting.

**4. Restricted Acts of Council after Nomination Day - Lame Duck Period**

79

J. Astrologo, Director of Corporate Services

**Recommended Action**

That Council receives this report regarding Section 275 of the *Municipal Act, 2001*.

That Council delegate to the Chief Administrative Officer, for the period of time during which section 275 of the *Municipal Act, 2001* is in effect (the Lame Duck period), the following authority:

- Hiring or dismissing any employee, save and except those officers of the municipality whose appointment is required under the *Municipal Act, 2001*,
- Disposing of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal, unless provided for in the current budget, and
- Making any expenditure or incurring any other liability which exceeds \$50,000, unless provided for in the current budget.

That prior to the exercise of the delegation of authority, the Chief Administrative Officer consult with the Director of Financial Services on those matters involving the disposition of property and unbudgeted expenditures and consult with the Director of Corporate Services on employee matters.

That prior to the exercise of the delegation of authority, the Chief Administrative Officer advise Council in writing of the exercise of the authority.

That By-law 78-2018, being a by-law to authorize the delegated authority for restricted acts during the “lame duck” period be adopted.

**5. BIA Request Regarding Pop Up Shops**

84

P. Van Mierlo-West, CAO

**Recommended Action**

That this report be forwarded onto the BIA Board for informational

purposes and that the Town's current practices regarding business registration and inspection be maintained and that when a business is registered that the BIA is informed.

**6. Cottam Rotary – Bus Shelter Donation**

88

P. Van Mierlo-West, CAO

**Recommended Action**

That Council approve the Cottam Bus Shelter Project in principle and that Administration continue to work with the Cottam Rotary on an encroachment agreement, and that this agreement be presented to Council.

**H. BUSINESS/CORRESPONDENCE-ACTION REQUIRED**

**1. Petition, dated May 29, 2018 RE: Bocce Courts**

90

**Recommended Action**

That Council receives the Petition dated May 29, 2018, and that the petition be included in the next Parks, Recreation, Arts and Culture Committee (PRAC) Agenda for discussion and action.

**I. MINUTES OF THE PREVIOUS MEETINGS**

**1. Regular Meeting of Council--June 11, 2018**

91

**2. Regular 'Closed Session' Meeting of Council--June 11, 2018**

**Recommended Action**

That Council adopts Regular Meeting of Council Minutes dated May 28, 2018 and Regular 'Closed Session' Meeting of Council Minutes dated May 28, 2018

**J. MINUTES OF COMMITTEES AND RECOMMENDATIONS**

**1. Parks, Recreation, Arts and Culture Committee - March 29, 2018**

101

**Recommended Action**

That Council receives Parks, Recreation, Arts and Culture Committee Meeting Minutes dated March 29, 2018 together with Minutes of the following sub-committees:

Migration Festival - February 6, 2018

Communities in Bloom - February 21, 2018

55+ Advisory - February 22, 2018

**2. Parks, Recreation, Arts and Culture Committee - April 25, 2018**

114



**Recommended Action**

That Council receives Parks, Recreation, Arts and Culture Committee Meeting Minutes dated April 25, 2018 together with Minutes of the following sub-committees:

Migration Festival - March 6, 2018

Communities in Bloom - March 13, 2018

55+ Advisory - March 29, 2018

3. **Kingsville Accessibility Advisory - April 17, 2018** 125

**Recommended Action**

That Council receives Kingsville Accessibility Advisory Meeting Minutes dated April 17, 2018

4. **Police Services Board - April 25, 2018** 128

**Recommended Action**

That Council receives Police Services Board Meeting Minutes dated April 25, 2018

5. **Kingsville B.I.A. - May 8, 2018** 131

**Recommended Action**

That Council receives Kingsville B.I.A. Meeting Minutes dated May 8, 2018

6. **Tourism and Economic Development Committee-May 10, 2018** 134

**Recommended Action**

That Council receives Tourism and Economic Development Committee Meeting Minutes dated May 10, 2018

7. **Kingsville Municipal Heritage Advisory Committee - May 22, 2018** 138

**Recommended Action**

That Council receives Kingsville Municipal Heritage Advisory Meeting Minutes dated May 22, 2018

**K. BUSINESS CORRESPONDENCE - INFORMATIONAL**

1. **Courageous Companions--Email Request for sponsorship advertisement or message of support in the upcoming annual edition of Courageous K9 Magazine** 142
2. **Windsor-Essex Humane Society--Correspondence from E. Amlin, Events and Community Relations Coordinator, notifying of fundraising campaign to be held July 12 through July 14** 144
3. **Windsor-Essex County Health Unit--Correspondence from T. Marentette,** 146

**Recommended Action**

That Council receives Business Correspondence-Informational items 1 through 3 as outlined.

**L. NOTICES OF MOTION**

**1. Councillor Neufeld may move, or cause to have moved:**

That this Council formally request through our County representatives that the intersection of County Road 34 and County Road 27 in downtown Cottam, otherwise known as Old Highway 3 and Belle River Road, be changed to a four-way stop.

**M. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES**

**N. BYLAWS**

**1. By-law 25-2018**

147

Being a by-law to provide for the construction of a replacement bridge over the Loyst Drain; Owner: Todd Porter and Monica Totten (590-07500) in the Town of Kingsville, in the County of Essex

To be read a third and final time.

**Recommended Action**

That Council reads By-law 25-2018, being a by-law to provide for the construction of a replacement bridge over the Loyst Drain, in the Town of Kingsville, in the County of Essex, a third and final time.

**2. By-law 67-2018**

153

Being a By-law to establish rules and regulations to be used in connection with all cemeteries owned and operated by The Corporation of the Town of Kingsville

To be read a first, second and third and final time.

**Recommended Action**

That Council reads By-law 67-2018, being a By-law to establish rules and regulations to be used in connection with all cemeteries owned and operated by The Corporation of the Town of Kingsville, a first, second and third and final time.

**3. By-law 73-2018**

163

Being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/15/18; Part of Lot 10, Conc. 2 ED)

To be read a first, second and third and final time

**Recommended Action**

That Council reads By-law 73-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/15/18; Part of Lot 10, Conc. 2 ED), a first, second and third and final time.

**4. By-law 74-2018**

165

Being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/06/18; 609 Road 3 East and V/L SS Road 3 East)

To be read a first, second, third and final time

**Recommended Action**

That Council reads By-law 74-2018, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/06/18; 609 Road 3 East and V/L SS Road 3 East), a first, second, third and final time.

**5. By-law 75-2018**

168

Being a By-law to amend the Official Plan of the Town of Kingsville (Official Plan Amendment No. 7; 2623391 Ontario Limited)

To be read a first, second and third and final time.

**Recommended Action**

That Council reads By-law 75-2018, being a By-law to amend the Official Plan of the Town of Kingsville (Official Plan Amendment No. 7; 2623391 Ontario Limited), a first, second and third and final time.

**6. By-law 77-2018**

179

Being a by-law to provide for the collection of the costs incurred for drainage works completed for numerous drains all in the Town of Kingsville

To be read a first, second and third and final time.

**Recommended Action**

That Council reads By-law 77-2018, being a by-law to provide for the collection of the costs incurred for drainage works completed for numerous drains all in the Town of Kingsville, a first, second and third and final time.

**7. By-law 78-2018**

181

Being a By-law to authorize the delegation of authority to the Chief Administrative Officer for certain acts during a "lame duck" period

To be read a first, second and third and final time.

**Recommended Action**

That Council reads By-law 78-2018, being a By-law to authorize the delegation of authority to the Chief Administrative Officer for certain acts during a "lame duck" period, a first, second and third and final time.

**8. By-law 79-2018**

183

Being a by-law to establish a Compliance Audit Committee and appoint members thereto

To be read a first, second and third and final time.

**Recommended Action**

That Council reads By-law 79-2018, being a by-law to establish a Compliance Audit Committee and appoint members thereto, a first, second and third and final time.

**9. By-law 80-2018**

185

Being a by-law authorizing the entering into of an Agreement with Sherway Contracting (Windsor) Limited for the construction of Road 11 East Watermain (RC Spencer Associates Inc. Project No. MS17-201) (full contract document available for review in Department of Corporate Services)

To be read a first, second and third and final time.

**Recommended Action**

That Council reads By-law 80-2018, being a by-law authorizing the entering into of an Agreement with Sherway Contracting (Windsor) Limited for the construction of Road 11 East Watermain (RC Spencer Associates Inc. Project No. MS17-201) (full contract document available for review in Department of Corporate Services), a first, second and third and final time.

**O. CLOSED SESSION**

Pursuant to section 239(2) of the *Municipal Act, 2001*, Council will enter into Closed Session to address the following items:

1. Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; being an update report of CAO P. Van Mierlo-West regarding a proposed purchase of land by the municipality
2. Section 239(2)(d) labour relations or employee negotiations, being an update regarding the part-time collective agreement
- \*3 Section 239(2)(e) litigation or potential litigation; being update from Director of Corporate Services regarding the status of an application for expropriation of a portion of waterfront lands for park purposes

**P. REPORT OUT OF CLOSED SESSION**

**Q. CONFIRMATORY BY-LAW**

**1. By-law 81-2018**

189

Being a by-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its June 25, 2018 Regular Meeting

To be read a first, second and third and final time

**Recommended Action**

That Council reads By-law 81-2018, being a by-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its June 25, 2018 Regular Meeting, a first, second and third and final time.

**R. ADJOURNMENT**



**NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING:  
OFFICIAL PLAN AMENDMENT & ZONING BY-LAW AMENDMENT**

**APPLICATIONS:** **OFFICIAL PLAN AMENDMENT OPA/01/18**  
(Section 22 of the Planning Act, R.S.O. 1990, C.P. 13)  
**ZONING BY-LAW AMENDMENT FILE ZBA/06/18**  
(Section 34 of the Planning Act, R.S.O. 1990, C.P. 13)

**OWNER:** **2623391 Ontario Limited**

**LOCATION OF PROPERTIES:** **609 Road 3 E & V/L SS Road 3 E**  
**Part of Lot 4, Concession 2 ED, Part 1, RP 12R 11488**  
**& Part 1, RP 12R 22191**  
**Town of Kingsville**

**PURPOSE OF APPLICATION:** The Town of Kingsville has received the above-noted applications for lands located on the south side of Road 3 E, east of Division Rd. N. The subject properties are designated Agriculture by the Official Plan and zoned Agriculture, (A1) and Restricted Agriculture, (A2) under the Kingsville Comprehensive Zoning By-law.

The subject land consists of two farm lots one with an existing dwelling and outbuildings and one vacant farm parcel. The properties total 38 ha (94 ac.) and currently under active farm use. The lands will be consolidated into one lot for the purpose of the proposed development. The applicant is proposing to develop a greenhouse complex on the subject lands however the proposed use is for a medical marihuana production facility (MMPF). Under Section 4.46 of the Kingsville Zoning By-law an amendment would be required to permit an MMPF subject to the provisions of that section. It will also be necessary to rezone the A2 parcel to match that of the abutting A1 farm to permit any proposed bunkhouse in the future. However, the Kingsville Official Plan limits consideration of zoning amendments for an MMPF to only existing greenhouses and not new builds. Therefore, in addition to the required zoning amendment the Official Plan would require a site-specific amendment to permit a new greenhouse build for use as a MMPF.

A **PUBLIC MEETING** OF COUNCIL will be held on:

**WHEN:** **JUNE 25, 2018**  
**WHERE:** Town of Kingsville Municipal Building (Council Chambers)  
**TIME:** **7:00 p.m.**

Your comments on these matters are important. If you have comments on this application, they may be forwarded in writing by email, or letter mail to the attention of: **Robert Brown, Manager, Planning Services**, 2021 Division Road North, Town of Kingsville, ON N9Y 2Y9. Comments and opinions submitted on these matters, including your name and address, may become part of the public record and may be viewed by the general public and may be published in a planning report or reproduced in a Council agenda and/or minutes.

**TAKE NOTICE** that the meeting is open to any person and any person who attends the meeting shall be afforded an opportunity to make representation either in support of or in opposition to the proposed Official Plan and Zoning By-law Amendment.

**IF A PERSON** or public body would otherwise have an ability to appeal the decision of Council for the Town of Kingsville to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submission to the Town of Kingsville before the proposed official plan or zoning by-law is adopted, the person or public body is not entitled to appeal the decision.

**IF A PERSON** or public body does not make oral submissions at a public meeting, or make written submission to Council before the proposed official plan amendment or zoning by-law is adopted or the zoning by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

**DATED AT**  
**THE TOWN OF KINGSVILLE**  
**THIS 4<sup>TH</sup> DAY OF JUNE, 2018**

**Robert Brown, H. Ba., MCIP, RPP**  
**Tel: 519-733-2305, ext 250**  
**E-mail: rbrown@kingsville.ca**





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**Date:** June 15, 2018

**To:** Mayor and Council

**Author:** Robert Brown, H. Ba, MCIP, RPP  
Manager, Planning Services

**RE:** Application for Official Plan Amendment (OPA/02/18) & Zoning By-law  
Amendment (ZBA/06/18) by 2263391 Ontario Ltd.  
609 Road 3 E & V/L SS Road 3 E, Part of Lot 4, Concession 2 ED,

**Report No.:** PDS 2018-031

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## **AIM**

To provide the Town of Kingsville Council with information regarding a proposed Official Plan Amendment (OPA) to site-specifically permit the establishment of a new build greenhouse for the growing of medical marihuana and a Zoning By-law Amendment (ZBA) to add a medical marihuana production facility as an additional permitted use on the subject lands, in the Town of Kingsville.

## **BACKGROUND**

In April of 2014 Council approved new Official Plan policies to address the pending changes to Federal legislation governing the growing of medical marihuana which was transitioning from individual or designated growers to a commercial based industrial type of format. The initial version of these policies limited operations as-of-right to industrial properties subject to certain criteria designed to provide buffering from potentially land conflicts with sensitive lands uses such as residential, institutional or open space areas. As part of the public consultation process the agricultural sector presented interest in also being permitted to explore the establishment of MMPFs. Council supported this however with the limitation that development would be within existing greenhouse operations subject to individual site-specific zoning and site plan control. To date five such amendment have been approved however, none have been licensed by Health Canada or are in operation.

Much of the rationale for this approach was based on the perception at the time that cannabis production was viewed as an industrial use and not an appropriate use in the



agricultural areas. This situation has evolved since then with the input of OMAFRA and Ministry of Municipal Affairs providing feedback that the production of medical cannabis is considered an agricultural use. The industry itself has also recognized that the greenhouse setting is better suited to large-scale production as it takes advantage of natural sunlight, an existing infrastructure and knowledge base well suited to indoor crop production.

With the rapid development of interest in the establishment of cannabis facilities in Kingsville and other communities in Ontario there has been some hesitation both publically and by Councils to approve facilities, regardless of location, primarily because of odour generation issues. This aspect of the requested approval will be discussed in greater detail in the Discussion section of this report.

## **DISCUSSION**

### **1) Provincial Policy Statement (PPS), 2014:**

Both the Ministry of Municipal Affairs and Ontario Ministry of Agriculture, Food and Rural Affairs have recognized that medical marihuana production can be considered an agricultural use similar to a greenhouse or winery. As such the proposed Official Plan and zoning amendment would be consistent with Provincial Policy Section 2.3.

### **2) County of Essex Official Plan**

The County of Essex is the final approval authority for all Official Plan amendments. Information has been circulated to the County Planner for review however since the proposed amendment is related to local policy the County has no comment.

### **3) Town of Kingsville Official Plan**

The subject property is designated 'Agriculture'. The proposed application to rezone the parcel is for the retrofit or replace of an existing greenhouse operation which is consistent with the MMPF policies develop through Official Plan Amendment #3, however because the application is for a new build greenhouse a site-specific Official Plan amendment would be necessary. The applicant was required to provide a Planning Justification Report to address this change. The report is attached as Appendix A.

Comment: The main item that must be addressed in the requested amendment is to permit a new build greenhouse for use as a medical marihuana production facility. Specifically relief from Section 3.1 q) i). All other section of Official Plan Amendment #3 would remain applicable to the development.

There are a number of advantages to a new build including:

- i) knowing that the use is for a MMPF setbacks and buffering are designed specific to the use rather than being adapted to an existing location;
- ii) use of new construction and implementation of best technology and design to address the principle odour control issue;
- iii) ability to provided added buffering and setback to mitigate potential impact;

One of the cautionary points from the development of OPA #3 was, 'having regard to limiting the amount of prime farmland being removed from typical agricultural production.'

Comment: The protection of prime agricultural lands is a principle hallmark of Provincial Policy which is echoed in both the County and Kingsville Official Plans. This point was raised in discussion with OMAFRA and MMA staff at a recent roundtable discussion. The comment which resulted was that greenhouses, regardless of the type of crops, represent a very small portion of the overall inventory of agricultural lands. (Kingsville – approx. 55,000 acres with 1,400 acres of greenhouse = 2.5%) Greenhouse production per acre in both value and quantity far exceeds that of traditional cash crop production. In addition, because greenhouses rarely rely on the soil on which they are built as a growing media they can be located anywhere and actually significantly add to the productivity per acre of traditionally lower quality soils.

#### **4) Comprehensive Zoning By-law – Town of Kingsville**

The subject parcel is zoned 'Agriculture Zone 1, (A1)' and Agriculture – Restricted Zone 2, (A2)' by the Kingsville Zoning By-law. The specific zoning amendment required for the subject property is as follows:

- i) permit medical marihuana as a permitted use in the agricultural zoning specific to the subject property;

Comment: The zoning amendment requested for the subject lands is necessary to address several items as follows:

- a) implement the requested Official Plan amendment to permit a new build greenhouse;
- b) amend the zoning to add a medical marihuana production facility as an additional site-specific use;
- c) zone the consolidated parcels which are the subject of these applications to a single zoning classification, and
- d) grant relief or exemption from the following Sections of 4.46 (Medical Marihuana Production Facilities - MMPF):
  - i. item c) which prohibits residential uses on lots having medical marihuana production facilities;

Comment: To prohibit a residential use on an agricultural lot which is operating an agricultural use is not standard practice save and exception the prohibition of dwelling on lands that have been the subject of a surplus dwelling severance. In similar fashion a residential use is not prohibited on a farm parcel with a livestock operation. The assumption in this case would be that the resident in the dwelling is either the farmer or farm help who are aware of the impacts of the use.

- ii. item d) which prohibits a MMPF as a secondary /accessory use;

Comment: Anything of an agricultural nature, growing crops, raising livestock etc. is not considered an accessory use or even secondary it is part of a diversified agricultural operation. However, since the applicant may continue to utilize the other greenhouse facilities in the interim for continued vegetable production it is important to clarify this point.

- iii. item e) outlines that secondary/accessory uses must be 100% associated with the MMPF;

Comment: By definition the proposed facility on the subject property will not have any secondary or accessory uses associated with the MMPF.

- iv. item g) which requires a minimum distance separation of 100 m (328 ft.) between a MMPF and any structure currently used for residential or institutional purposes (dwellings, schools, churches etc.)

Comment: The 100 m (328 ft.) setback was established based on an MOECC best practices standard for the location of light industrial uses which is 70 m (230 ft.) This was then rounded to 100 m as a precautionary measure given the absence of real world potential impact from a MMPF. As there has been some limited experience with Part 2 operations in Kingsville and the Aphria operations in Leamington the principle impact has become evident in the form of odour generation. This has more recently been further confirmed in consultation with other areas that also see interest in or development of medical marihuana facilities.

Because the development is a new build greenhouse the 100 m setback will be required from all surrounding dwellings.

- v. item i) require that the use of a MMPF on a lot not co-exist with any other use on the lot.

Comment: This is a limiting provision in the context of the definition of a MMPF. During the original development of the MMPF policies it was assumed that these facilities would be in industrial areas in large industrial buildings utilizing 100% artificial growing environments. These types of facilities draw a significant amount of energy through the use of grow lights. Now that greenhouse growing has become a possible alternative, utilizing nature light and supplementing with artificial it provides an alternative crop for greenhouse growers. However, as with any business, particularly farming, restrictions, which limit production to a single crop, limit the owner's ability to diversify the business. The limitation also would appear to be inconsistent with Provincial Policy that notes in Section 2.3.3 Permitted Uses, 2.3.3.1 states that, 'In prime agricultural areas permitted use and activities are: agricultural uses, agriculture-related uses and on-farm diversified uses. Section 2.3.3.2 also noted, 'In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards.'

With the above items in mind the zoning on the property will be amended to permit a MMPF on the subject lands. The amendment will also address each of the provisions in Section 4.46 which require relief or amendment as follows:

- i) item c) will be amended to permit residential uses accessory to or supportive of the agricultural uses on-site, including a MMPF;
  - ii) item d), e) and i) will not be applicable to the subject property
  - iii) item g) will be amended to exempt on-site residential uses from the 100 m setback requirement.
- e) include odour control provisions as a requirement of any MMPF establishment on the site.

Comment: Based on recent input from neighbouring landowners and the experience of the Town with Part 2 operations it has been determined that there is a need to more directly address odour control as a requirement of zoning versus solely relying on site plan control or the Health Canada licensing requirements. Inclusion in the site-specific zoning amendment, particularly for MMPF establishments, will provide local input and enforcement without overstepping Federal regulations since Health Canada requires all Part 1 operations to maintain odour control of their operations. This approach was most recently utilized by the County of Norfolk who undertook consultation with MMA, OMAFRA and Health Canada in the development of an acceptable approach. Locally there has been consultation with both neighbouring residents and the interested growers to provide a local level of control and review specific to odour control. The two key issues are the establishment of odour control so that there is no perceptible marijuana odour escaping the property in question and how the odour control system(s) are designed by a qualified person specific to marijuana production.

The specific provisions in the by-law will require the installation of an air treatment control system that will incorporate the use of a combination of multi-stage carbon filtration, ozonisation, odour neutralization or similar technology. This must be designed by a qualified person and the owner must demonstrate that the system has been installed and is operational as per the design specification prior to the start of any growing operations. As part of the design process for the odour control the owner will also be required to provide a maintenance schedule for the system to insure that it remains operationally efficient.

As a final note regarding the zoning it is important to understand that the approval of the requested zoning on the property does not automatically permit a MMPF to start operations. Item a) of Section 4.46 requires the applicant to have a current valid Part 1 license issued by Health Canada prior to starting production. The applicants are aware of this and would need to proceed with the licensing process if the requested amendment is approved and they move forward with establishment of a MMPF.

### **Site Plan Approval**

Both the Site Plan Control By-law and Section 4.46 b) of the Kingsville Zoning By-law required site plan approval of the proposed development. A conceptual layout has been

provided. (See Appendix B). If the initial zoning and official plan amendment are approved the applicant would then be in a position to finalize the site layout and plans.

Although the odour control aspect of MMPFs will be specifically addressed and enforced through the provisions of the zoning the required design reports will a required appendices to the site plan agreement. In addition to odour internal greenhouse lighting has been raised as an ongoing item of concern with several operations in Kingsville. As we are aware that MMPFs will rely even more heavily on grow lighting the current wording in site plan agreements is no longer sufficient to address this issue. Moving forward with all greenhouse developments owners will be required to provide a lighting design and control plan to demonstrate that they will be dark sky compliant. This would include such details as the type of lighting along with both wall and roof shading that mitigates the impact on night sky.

## **LINK TO STRATEGIC PLAN**

Support growth of the business community.

## **FINANCIAL CONSIDERATIONS**

The proposed development will result in an increase in assessment along with collection of building permit fees and development charges applicable to the non-growing area of the greenhouse.

## **CONSULTATIONS**

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within a minimum 120m (actually was 500 m) of the subject site boundaries received the Notice of Public Meeting by mail. Information of the proposed amendment was also posted to the Town website.

Consultation has been ongoing with the public in general on odour issues specific to the addition of a MMPF as a permitted use to several agricultural properties in Kingsville. These types of operations have also raised an issue that has been raised again related to light emissions from several existing operations.

Comment: Odour is a new issue related specific to the MMPFs. What is proposed to address this is a combination of zoning provisions which will require an air treatment control system that is engineered by a qualified person. As part of the design and installation of the control system it will be necessary to insure that it is reviewed prior to operations. This could include peer review of the design, review of any odour control agents being used and implementation of a maintenance schedule.

Lighting will be addressed directly through site plan control and will incorporate a rework of the current lighting provisions in the standard site plan agreement to more specifically outline the requirements.

Other items which have been raised that are more specific to greenhouse development versus that of the MMPF relate to traffic from the proposed operation on Road 3 E, increased land values and possible impact to taxes, safety of increased bike and

pedestrian traffic resulting from worker housing and impact to existing agricultural operations greenhouse versus traditional cash crop.

### **Agency & Administrative Consultations**

In accordance with O. Reg 545/06 of the *Planning Act*, Agencies and Town Administration received the Notice of Public Meeting by email.

<b>Agency or Administrator</b>	<b>Comment</b>
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none"><li>• Comment is attached as Appendix C</li><li>• The two items, sensitive ground water recharge area and natural heritage can be addressed at the site plan stage.</li></ul>
County of Essex	<ul style="list-style-type: none"><li>• The County as the Official Plan amendment approval authority was circulated but did not have any comment</li></ul>
Town of Kingsville Management Team	<ul style="list-style-type: none"><li>• The Management Team has reviewed the requested amendment and has not expressed any objections. Items such as lighting, fencing location and landscaping will be addressed at the site plan amendment stage. Odour control requirements are outlined in the amending by-law.</li></ul>

### **RECOMMENDATION**

It is recommended that Council:

Adopt Official Plan Amendment No. 7 (OPA 7) to establish a site-specific policy area to permit a new build greenhouse for the establishment of a Medical Marihuana Production Facility on the property currently known as 609 Road 3 E and V/L SS Road 3 E, Part of Lot 4, Concession 2 ED, Part 1, RP 12R 11488 and Part 1 RP 12R 22191, in the Town of Kingsville and direct administration to forward the policies to the County of Essex for final approval.

Approve Zoning By-law amendment application ZBA/06/18, to implement OPA 7 once final approval is granted by the County of Essex, permit a medical marihuana production facility and establish site-specific regulations for said medical marihuana production facility and adopt the implementing by-law.

Robert Brown

Robert Brown, H. Ba, MCIP, RPP  
Manager, Planning Services

Peggy Van Mierlo-West

Peggy Van Mierlo-West, C.E.T.  
Chief Administrative Officer

## MEMORANDUM

TO: Robert Brown, Manager of Planning Services

FROM: Jackie Lassaline, Principal Planner Lassaline Planning Consultants

DATE: May 02, 2018

REGARDING: OPA and ZBA Planning Justification

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**APPENDIX A – LOCATIONAL MAP**  
**APPENDIX B – SITE AERIAL PLAN**  
**APPENDIX C – MMPR OFFICIAL PLAN POLICIES**  
**APPENDIX D – MMPR ZONE PROVISIONS**

The subject property is designated 'Agricultural' in the Official Plan and has a dual zone of 'Agricultural (A1)' and 'Agricultural (A2)' in the Comprehensive Zoning By-law (CZB) for the Town of Kingsville.

The applicant has requested a site specific Official Plan Amendment (OPA) to recognize a licenced producer facility under the Access to Cannabis for Medical Purposes Regulations (ACMPR) in a new greenhouse facility on the subject lands. The new (ACMPR) federal legislation replaces the previous Marihuana for Medical Purposes Regulations (MMPR) federal legislation.

Municipal Official Plan policies (please refer to attached APPENDIX C) preceded the new Federal (ACMPR) legislation, resulting in a differential in the policy direction provided by the existing municipal policies and the new (ACMPR) legislation respecting the growing facilities for medical marijuana. The (ACMPR) allows for the growing of medical marijuana in a licenced facility while municipal (MMPR) OP policies require new growing facilities must be located in an existing greenhouse through retro-fit measures:

***“Section 3.1 Agriculture - Council shall be satisfied that the following criteria is met:***  
***i. that the proposed facility is replacing, or making retrofits to, an existing agricultural structure (excluding accessory structures), or a greenhouse structure;***

A site specific OPA is required to permit the use of a newly constructed greenhouse on the subject site for a licenced growing facility. The site specific amendment will allow for the new greenhouse building as a licenced producer facility as controlled through the (ACMPR) under the Drugs and Substance Act.

The applicant has requested a (ZBA) to remove the (A2) zone on the west side of the parcel and apply the (A1) zone regulations consistently to the entire parcel.

## **DEVELOPMENT PROPOSAL:**

The subject lands were merged in title to create a parcel with 490 m frontage on Road 3 East with 38.9 ha in area. The land owner is proposing the construction of a new, 21 ha greenhouse designed for the growing and production of cannabis for medical purposes as a licenced facility under the (ACMPR) legislation. The new greenhouse facility will result in 54 % lot coverage for the merged parcel.

The land owner owns the farmland known as 609 Road 3 East and 573 Road 3 East. The lands

### **(1) CONSISTENCY WITH THE PPS 2014:**

When reviewing a planning application to determine if the requested official plan amendment and zoning by-law amendment makes sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statements (PPS): "The Provincial Policy Statement provides policy direction for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural environment. It (PPS) recognizes that the wise management of development may involve directing, promoting or sustaining growth. Land use must be carefully managed to accommodate appropriate development to meet the full range of current and future needs, while achieving efficient development patterns."

***"2.3.3.2 Agricultural Permitted Uses: In prime agricultural areas, all types, sizes and intensities of agricultural uses and normal farm practices shall be promoted and protected in accordance with provincial standards." (PPS 2014)***

***"2.1.1 PPS Criteria for Agricultural Uses (Guidelines on Permitted Uses in Ontario's Prime Agricultural Areas: OMAFRA Publication):***

*The PPS criteria for agricultural uses recognize that these uses include the growing of crops and raising of animals. They may be of any type, size or intensity and should respect normal farm practices. Agricultural uses may also include associated on-farm buildings and structures.*

- 1. The growing of crops, raising of livestock and raising of other animals for food, fur or fibre. (from the PPS agricultural uses definition)*

*The PPS definition of agricultural uses is purposefully broad, with a range of examples provided.*

*To qualify as an agricultural use, **crops generally produce a harvestable product** such as fruit, vegetables, mushrooms, field crops including cereal crops, corn, soybeans and forage crops, biomass, nursery crops, trees for harvest/agro-forestry, **medicinal herbs**, sod/turf grass and seeds.*



Crops may be used for a variety of purposes such as food for humans, livestock feed, bedding, medicinal purposes, bio-products, firewood and Christmas trees. Cover crops planted to improve soil health (e.g., reduce soil erosion, improve soil fertility) or reduce weeds or pests, may or may not be harvested. These are also considered crops under agricultural uses.

2. Includes associated on-farm buildings and structures, including, but not limited to livestock facilities, manure storages, value-retaining facilities and accommodation for full-time farm labour when the size and nature of the operation requires additional employment. (from the PPS agricultural uses definition)

On-farm buildings and structures that are used for agricultural purposes and that are integral to the farm operation are agricultural uses. Such buildings and structures are used by the farm operator. Examples include livestock barns, manure storages, feed storages, silos, grain bins, drive sheds, tobacco kilns, farm implement buildings/drivesheds, greenhouses for growing plants, a primary farm residential dwelling and value-retaining facilities.

*Value-retaining facilities located on farms serve to maintain the quality of raw commodities produced on the farm (i.e., prevent spoilage) to ensure they remain saleable. Value-retaining facilities may also include operations that provide a minimum amount of processing to make a farm commodity saleable, such as grading eggs, evaporating maple syrup and extracting honey. Agricultural commodities undergoing value-retaining processes are often shipped in bulk to value-added operations.”*

OMAFRA considers a greenhouse an agricultural use that is supported in the agricultural areas of the municipality and permitted and protected use in the PPS for the ‘Agricultural’ designation. Though cannabis is not considered a food product, the function of growing cannabis in a greenhouse is considered by OMAFRA as an agricultural activity. Additionally, value added activities include use of a minimal amount of the buildings for processing and packing of the product for distribution to the market.

In light of the new (ACMPR) federal legislation and subsequent change in licensing facilities and producers for the growing of cannabis, the land owner is proposing the development of the site for a 21 ha greenhouse to contain the Mucci Group licenced cannabis production facility.

Greenhouses support the economy of the agricultural area while providing a diversification of land use and employment opportunities. The Owner owns approximately 82 ha of greenhouses within the area. As well, the MMPR facility will provide for a diversification of greenhouse operations with an additional crop for the Mucci Group, supporting a variety of crops rather than mono-culture.

The subject lands are located in the agricultural area within the Town of Kingsville. The new greenhouse will be utilized for a land use that is considered appropriate in the agricultural area of the municipality. The background information provided in support of OPA# 3, the policy framework for licenced facilities under the (ACMPR) identifies the agricultural area as an appropriate location for a licenced cannabis growing facility.

The requested OPA and the policy supporting the use of a newly constructed greenhouse facility for a licenced growing facility will support the diversification of land uses and employment within the agricultural area of Kingsville. In my professional opinion, the requested OPA is consistent with the PPS 2014 in supporting the development of the site for a (ACMPR) greenhouse facility.

### **(3) CONFORMITY WITH THE OFFICIAL PLAN:**

OPA # 3 established a policy framework for Medical Marihuana Production Facilities (MMPR) within the Town of Kingsville.

The Background component to the OPA # 3 for MMPR directs new MMPR facilities to either Industrial designated lands or to existing greenhouse facilities within the Agricultural designation:

*“The Amendment establishes policies that have regard to limiting the amount of prime farmland being removed from typical agricultural production. This is accomplished by requiring that such facilities replace or retrofit any existing agricultural building or take place in a greenhouse-type structure. (page 6, Background OPA# 3).”*

This direction principally was to reduce the conversion of prime agricultural lands to MMPR greenhouse facilities. The subject lands were purchased with the intent of developing them for greenhouses as a component of Mucci Group. The establishment of an additional crop to the variety of crops presently grown by Mucci Group will support the diversification of crops for the farm holding.

Significantly, the removal of farmland for greenhouse development is a positive when addressing yield and the wise use and management of the prime land. It has been proven by farmers and OMAFRA that greenhouse production yields far exceed the yields from prime agricultural lands. The construction of greenhouses in prime agricultural areas is a supported farming practice.

The site specific OPA will address:

*“Section 3.1 Agriculture MMPR policy: Council shall be satisfied that the following criteria is met:*

- i. that the proposed facility is replacing, or making retrofits to, an existing agricultural structure (excluding accessory structures), or a greenhouse structure;”*

When addressing an OPA, the following criteria under Subsection 8.11.1 of the OP is used to evaluate the amendment:

**a) *the need for the proposed use;***

The greenhouse is a permitted building and growing crops in a greenhouse is a permitted land use in the Agricultural designation.

Existing OP policies require licenced growing facilities to be located within an existing building as a retrofit. The subject lands are in close proximity to other Mucci Group greenhouses. Logically the crop will be grown in the new greenhouse to be constructed on the site for this specific crop.

The OPA will permit the new (ACMPR) growing facility in a newly constructed greenhouse that is built and designed to accommodate the licenced growing operation rather than retrofitting an existing greenhouse. A new greenhouse will be able to accommodate a licenced growing facility easier than trying to retro fit an existing older structure.

The licenced growing facility with the new crop will allow for the diversity of crops grown by Mucci Group.

The proposed greenhouse is best suited at this location outside of the urban area and in an agricultural area.

**b) *the extent to which the existing areas in the proposed categories are developed, and the nature and adequacy of such existing development;***

The neighbourhood is comprised of agricultural land uses including cash cropping and greenhouses. The proposed greenhouse and subsequent (ACMPR) growing facility will be comparable to other neighbourhood greenhouse uses.

**c) *the physical suitability of the land for such proposed use, and in the case of lands exhibiting a potential hazard, consideration shall be given to:***

The site does not have a natural hazard or feature located on the site or on adjacent lands.

The site is flat and well suited for a greenhouse. Adjacent lands contain Mucci Group greenhouses. The proposed greenhouse will be located within a neighbourhood of like and similar uses.

**d) *the location of the area under consideration with respect to:***

**i) *the adequacy of the existing and proposed highway system in relation to the development of such proposed areas;***

The proposed (ACMPR) licenced growing facility will be serviced by Road 3 East, a municipal road. The road is sufficient to accommodate the traffic generated by the greenhouse.

**ii) *the convenience and accessibility of the site for vehicular and pedestrian traffic, and the traffic safety in relation thereto;***

On site traffic configuration will be designed and confirmed under a registered Site Plan Control (SPC) agreement.

**iii) *the adequacy of the potable water supply and distribution system, sanitary sewage collection and treatment facilities, stormwater management facilities, and other municipal services in view of the policies contained in this Plan;***

Storm Water Management for the proposed greenhouse will be designed by Peralta Engineering and approved by ERCA and the Town of Kingsville.

A septic system will be designed for the site to accommodate the offshore housing and the greenhouse with office facility. A municipal permit will be obtained for the septic system.

Potable water will be provided through a municipal service line.

All services (water, hydro, septic, and storm water management) will be reviewed and approved under the SPC agreement.

**e) *the compatibility of the proposed use with uses in adjoining areas;***

There are two residents on adjacent properties to the north that are greater than 100 m setback from the proposed greenhouse. This setback of 100 m is a minimum requirement established in the regulatory by-law. The separation distance will be in compliance with the by-law.

On adjacent lands to the south are existing greenhouses. Lands to the west are vacant lands used for cash cropping agricultural activities.

The proposed agricultural greenhouse is compatible with adjacent agricultural uses.

**f) *the impact of such proposed use on the surrounding areas with respect to any possible depreciating or deteriorating effects;***

New greenhouse design and operational technology provides for a better air circulation system that does not involve open greenhouse ends. The result is that the greenhouse will not be blowing fumes into the neighbourhood and having a negative deleterious affect on the existing residences in the neighbourhood.

Retrofitting an existing greenhouse is not as positive as the construction of a new greenhouse range. An existing greenhouse range would utilize older technology and building features that may allow for outside emissions of noxious fumes, resulting in a negative impact on existing neighbourhood residences.

New greenhouse designs will allow for the new greenhouse MMPR facility to be located within the neighbourhood without negative affects.

**g) *the potential effect of the proposed use on the financial position of the Town and its capacity to provide proper municipal services;***

The proposed (ACMPR) licenced facility will provide for an increase of taxes from the present cash cropping land use to a greenhouse facility. This will have a positive financial impact on the Town of Kingsville.

**h) *the potential effect of the proposed use in relation to the intent and implementing regulations of the Environmental Protection Act, Ontario Resources Act, Pesticides Act, Safe Drinking Water Act and Environmental Assessment Act;***

The allowance of the proposed greenhouse to be used for a new licenced facility will not have a negative impact on these Acts.

**j) *compliance with the general development policies and the more specific and relevant land use policies of this Plan, as well as the specific requirements for the particular use in the Zoning By-law;***

The greenhouse and agricultural land use are permitted uses of the 'Agricultural' designation. The owner has requested an OPA to allow for the (ACMPR) growing facility to be established in a new greenhouse facility, not be retrofit into an existing greenhouse. The use of new technology in a newly constructed greenhouse is a positive alternative for reducing impact on the residential neighbourhood than the retrofitting of an older greenhouse with antiquated technology.

**k) conformity with the County Official Plan and Provincial Policy;**

The proposed greenhouse building and use of the building for growing a crop is a permitted use in the 'Agriculture' area of the County of Essex Official Plan. Policies support the vital agricultural economy of the agricultural area of the County of Essex.

The requested OPA will recognize an (ACMPR) licenced growing facility use of a new greenhouse construction on a site specific basis for the agricultural lands. In my professional opinion, the requested OPA will allow the (ACMPR) licenced facility to access new technology within the new greenhouse to the betterment of the neighbourhood and existing residences.

**(3) COMPLIANCE WITH ZONING BY-LAW:**

With the merger of the title of the two parcels, the new subject property will be dual zoned with the west side zoned 'Agriculture (A2)' and the east side of the property zoned 'Agriculture (A1)'.

A rezoning to unify the zoning and apply one regulatory framework to the property is optimum for the administration of by-law regulations. The requested ZBA will rezone the lands to apply the '(A1)' zone category across the property rather than maintaining a dual zone.

Each portion of the subject lands must be in compliance with the respective zone category regulations in order to comply with the CZB. The portions of land presently comply with the (A1) and (A2) zone regulations respectively and the new greenhouse will comply with both the (A1) and the (A2) zone category provisions.

The (A2) zone is a zone category applied to properties that have received a consent and created a separate residential lot from the existing agricultural land holdings. The intent of the application of (A2) zone is to provide direction to future land owners and administrators of the by-law that a consent had been approved for these lands and additional residential buildings are prohibited on the (A2) lands.

The Owner has merged the properties together to create a unified parcel, effectively creating one agricultural parcel from two agricultural parcels. Changing the zone category on the west side of the property from (A2) to (A1) will create a singular zone that is easily administered.

The bunkhouses and one single detached residence are required for the greenhouses and are presently permitted on the (A1) portion of the subject lands. The by-law amendment to zone the entire parcel to (A1) will not be permitting any additional residential development than what is permitted presently on the merged parcel. This is consistent with the PPS and OP policies that direct that no new residential development in the agricultural area will be supported through the creation of additional residential (new) lots.



The change of the portion of lands from (A2) to (A1) will maintain the intent of the Comprehensive Zoning By-law by not permitting any further residential development on the subject lands than what is presently permitted on the existing (A1) portion of the property.

#### **(4) APPROPRIATE DEVELOPMENT/SOUND PLANNING?**

In my professional opinion, the requested OPA that will support the development of the subject lands with a new greenhouse to be utilized for a new (ACMPR) growing facility makes sound planning. The new (ACMPR) licenced facility will be accessing new greenhouse technology to the benefit of the neighbourhood and will be providing for a diversity of crops for a greenhouse growing organization.

#### **CONCLUSIONS:**

In my professional opinion, the proposed development, after adoption of the OPA and ZBA:

- i) is consistent with the PPS 2014;
- ii) will conform with the Official Plan policies;
- ii) will comply with the Comprehensive Zoning By-law;
- iii) makes sound planning; and
- iv) will allow for appropriate development.

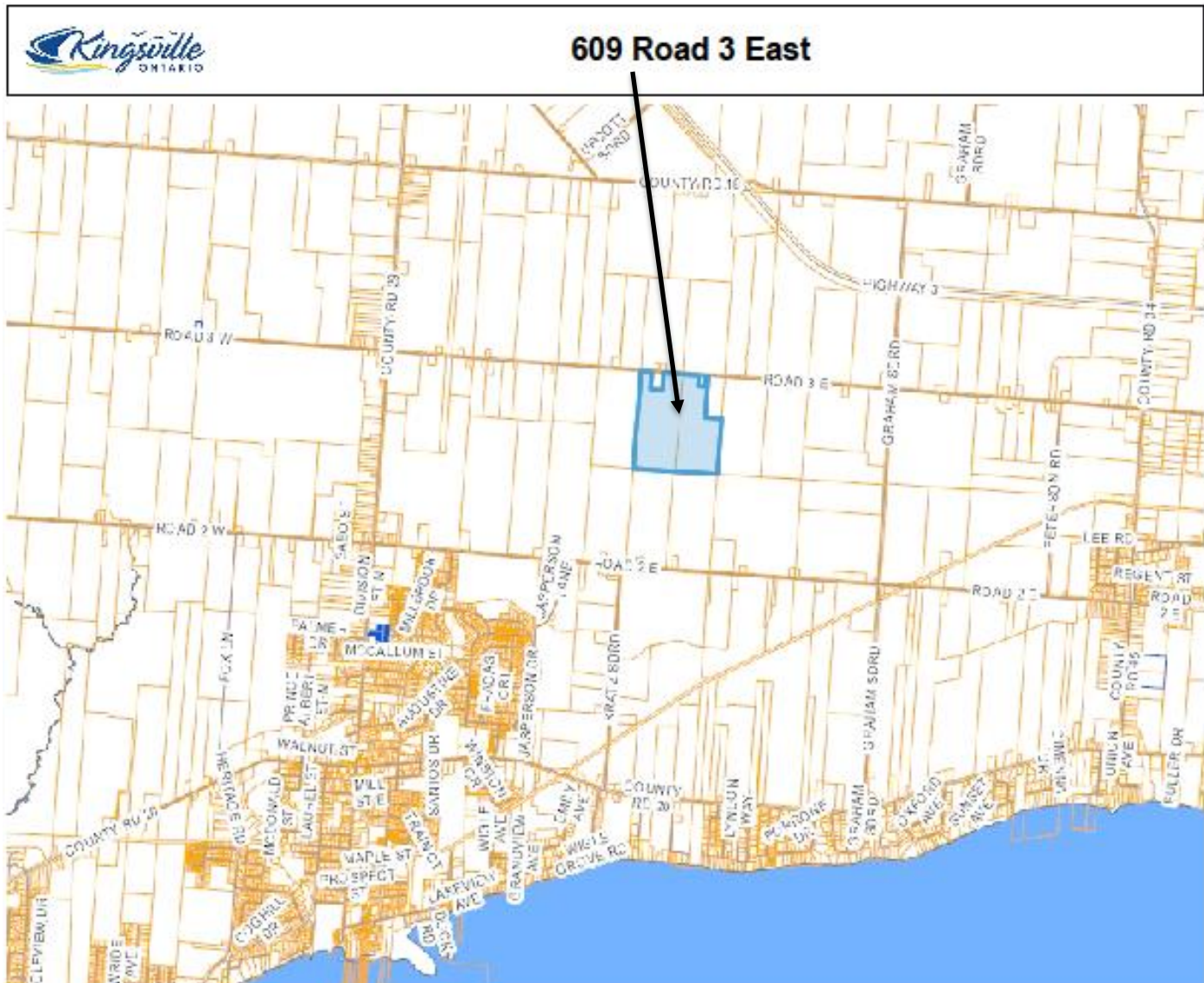
Lassaline Planning Consultants



Jackie Lassaline BA MCIP RPP  
Owner, Principal Planner

## APPENDIX A - LOCATIONAL MAP





## APPENDIX B - SITE AERIAL PLAN



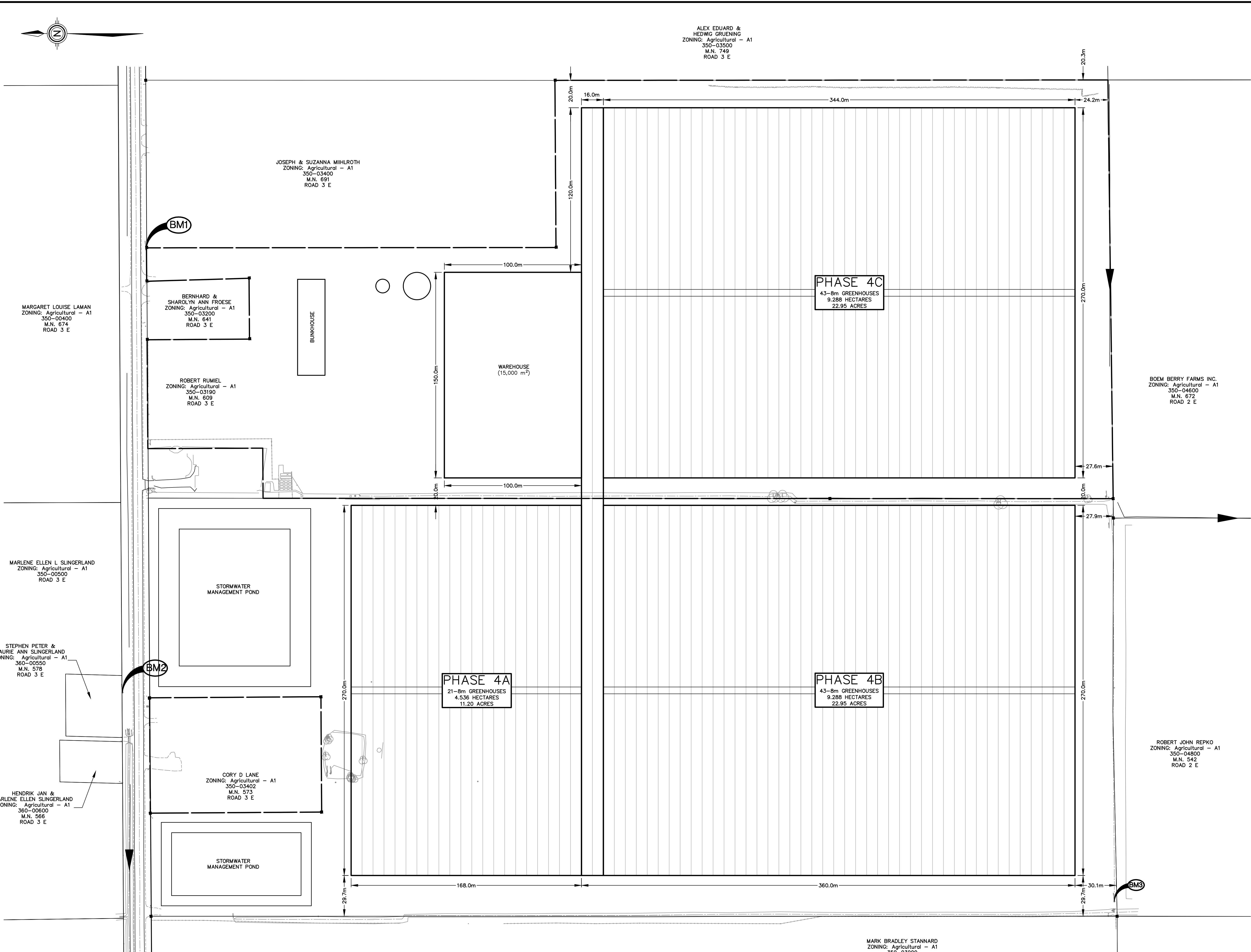
## 609 Road 3 East, Kingsville



## APPENDIX C - MMPR OFFICIAL PLAN POLICIES

## APPENDIX D - (MMPR) ZONE PROVISIONS

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NOTES:

- THE ACCURACY OF THE UTILITIES SHOWN ON THESE DRAWINGS ARE NOT GUARANTEED BY THE OWNER OR N. J. PERALTA ENGINEERING LTD. OTHER UTILITIES MAY BE PRESENT OR THE UTILITIES SHOWN MAY DIFFER IN SIZE OR LOCATION SHOWN.
- ALL ELEVATIONS SHOWN IN METRES.
- TS 191.200 DENOTES EXISTING SITE ELEVATIONS.
- TS 191.200 APPROXIMATE PROPOSED TOP SOIL ELEVATION.
- FG 191.500 APPROXIMATE PROPOSED FINISHED GRADES.
- 189.400 DENOTES PROPOSED INVERTS.
- 1:10.00 APPROXIMATE PROPOSED SWALE GRADES.
- ALL POND SIDE SLOPES NO STEEPER THAN 4 (Hor.) TO 1 (Vert.).
- PLACE TOPSOIL ON ALL SLOPES AND DISTURBED AREAS AND SEED TO GRASS.
- ALL NEW COVERED DRAINS AND SURFACE SWALES TO HAVE OUTLET EROSION PROTECTION.
- EROSION PROTECTION TO COMPRISE OF 300mm THICK QUARRIED LIMESTONE RIP RAP ON NON-WOVEN FILTER CLOTH MINIMUM 2.0m WIDE.
- PROVIDE RODENT GRATES ON ALL DRAIN OUTLETS.
- TOP ELEVATION OF DETENTION POND BANK IS TO BE NO LESS THAN
- STORM EVENTS IN EXCESS OF THE 1:100 YEAR STORM MAY CAUSE FLOODING.
- STORM DRAINAGE AND DETENTION DESIGN BASED ON SITE LAYOUT ESTABLISHED BY OWNER. ADEQUACY OF SITE LAYOUT IS THE RESPONSIBILITY OF THE OWNER.
- THIS PLAN IS TO BE READ IN CONJUNCTION WITH THE STORMWATER MANAGEMENT REPORT DATED MARCH 8th, 2018.
- OWNER/CONTRACTOR IS RESPONSIBLE TO PROVIDE ADEQUATE SEDIMENT CONTROL MEASURES DURING CONSTRUCTION. FOR DETAILS SEE OPSS 577.
- DETAILS FOR SEDIMENT CONTROL MEASURES ARE AVAILABLE IN APPENDIX 'D' OF THE STORMWATER MANAGEMENT REPORT.
- CATCH BASINS WITHIN PARKING/TRUCK AREA TO BE PRECAST CONCRETE WITH CAST IRON OR HEAVY DUTY STEEL GRATE OR EQUIVALENT.

**BENCHMARKS**

- TOP NUT OF FIRE HYDRANT K912, APPROX. 25m EAST OF M.N. 641, ON THE SOUTH SIDE OF RD 3.  
**ELEV. = 199.945m**
- NAIL ON THE SOUTH SIDE OF HYDRO POLE LOCATED ON THE NORTH OF RD 3 AT M.N. 578.  
**ELEV. = 198.066m**
- OBVERT OF FARM ACCESS BRIDGE BIG'O PIPE LOCATED AT SOUTHWEST CORNER OF PROPERTY.  
**ELEV. = 195.751m**

SWM REPORT/PERMIT	W.L.L.	MAR. 8th, 2018
ISSUED FOR:	BY	DATE

REVISIONS

**N. J. Peralta  
Engineering Ltd.**  
Consulting Engineers

Kingsville Ontario

ENGINEERING STAMPS:

**MUCCI FARMS  
GREENHOUSE  
REPKO LANDS SITE**

**609 ROAD 3 E**

TOWN OF KINGSVILLE, ONTARIO

SHEET TITLE:

**SITE PLAN**

DESIGNED BY:	DATE:
H.C.M.	MAY 2nd, 2018

DRAWN BY:	SCALE:
W.Z.	AS SHOWN

SHEET No.:	OF:
1	1

PROJECT No.: **E18-024**





regs@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

April 10, 2018

Mr. Robert Brown, Manager of Planning & Development Services  
The Corporation of the Town of Kingsville  
2021 Division Road North  
Kingsville, ON, N9Y 2Y9

Dear Mr. Brown:

RE: Zoning By-Law Amendment ZBA-06-18, & Official Plan Amendment  
OPA-01-18 ROAD 3 E & 609 Road 3 E  
ARN 371135000003100, 371135000003190; PIN: 751690173, 751690160  
Applicant: 2623391 Ontario Ltd.

The following is provided for your information and consideration as a result of our review of Zoning By-Law Amendment ZBA-06-18, and Official Plan Amendment OPA-01-18. We understand that the subject lands are two farmlot parcels that will be consolidated into one parcel for the purpose of developing a greenhouse complex for medical marijuana production. This application will amend the zoning and Official Plan to permit this site specific use.

## **NATURAL HAZARD POLICIES OF THE PPS, 2014**

Portions of the above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulations under the *Conservation Authorities Act*, (Ontario Regulation No. 158/06). The subject parcels falls within the regulated area of the following watercourses: Jasperson Drain and the 3rd Concession Drain East. The property owner will be required to obtain a Permit and/or Clearance from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by the regulations.

## **WATER RESOURCE MANAGEMENT**

We are concerned with the potential impact of the quality and quantity of runoff in the downstream watercourse due to future development of this site. We recommend that the municipality ensure through the Site Plan Control process that the release rate for any future development is controlled to the capacity available in the existing storm sewers/drains. In addition, that stormwater quality and stormwater quantity are addressed up to and including the 1:100 year storm event and be in accordance with the guidance provided by the Stormwater Management Planning and Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and any other Municipal requirements (e.g., Development Standards Manual).

Mr. Brown  
April 04, 2018

We understand that this development will be subject to Site Plan Control, and therefore we request to be included in the circulation of the Site Plan Control application. We reserve to comment further on storm water management concerns until we have had an opportunity to review the specific details of the proposal through the site plan approval stage.

We also advise that the subject property is identified as being located within a significant groundwater recharge area (SGRA) as determined through the Essex Region Source Water Protection Plan. We are concerned with the potential for significant developments in the area to have a negative impact on the groundwater system. These comments are offered as part of our advisory role to the municipality through plan review services, and are specifically provided to the municipality with respect to Section 2.2.1 of the PPS 2014: "Planning authorities shall protect, improve or restore the quality and quantity of water by: d) maintaining linkages and related functions among ground water features, hydrologic functions, natural heritage features and areas and surface water features including shoreline areas" and "e) implementing necessary restrictions on development and site alteration to:

1. protect all municipal drinking water supplies and designated vulnerable areas; and
2. protect, improve or restore vulnerable surface and ground water, sensitive surface water features and sensitive ground water features, and their hydrologic functions".

In addition to the policies of the PPS 2014, the County of Essex Official Plan identifies highly vulnerable aquifers (HVA) and significant recharge areas on Schedules C4 and C5, which can be found at this link <http://weblink8.countyofessex.on.ca/weblink/browse.aspx?startid=40699&cr=1>. Accordingly, Section 2.5.2 b) of the County OP states: "Development and site alteration that may be a significant threat will only be permitted within an HVA or SGRA where it has been demonstrated by way of the preparation of a groundwater impact assessment that there will be no negative impact on the HVA or SGRA. We also note that the Essex Chatham Kent Groundwater Study was completed in 2004 by Dillon Consulting Ltd and Golder Associates Ltd, which delineated the highly vulnerable aquifers and significant recharge areas and would provide background information for any further water budget or hydrologic study requirements.

We would like to have further discussions with the Municipality about the potential use of a groundwater impact assessment or other mechanisms to identify the appropriate means of ensuring no negative impact on the groundwater system. As it is the Planning Authority's responsibility to ensure that Section 2.2.1 of the PPS is satisfied, we would be interested in working in partnership with the municipality to ensure these concerns are appropriately addressed.





Mr. Brown  
April 04, 2018

### **NATURAL HERITAGE POLICIES OF THE PPS, 2014**

The subject property is adjacent to (within 120 metres of), a natural heritage feature that is identified as a significant woodland under the Provincial Policy Statement (PPS, 2014).

Section 2.1.8 of the PPS 2014 states – “Development and site alteration shall not be permitted on adjacent lands to the natural heritage features and areas identified in policies 2.1.4, 2.1.5 and 2.1.6 unless the ecological function of the adjacent lands has been evaluated and it has been demonstrated that there will be no negative impacts on the natural features or on their ecological functions.” The required demonstration of no negative impact, in accordance with the relevant PPS policies outlined above, is most effectively accomplished through the completion of an Environmental Impact Assessment (EIA). We strongly recommended that prior to initiating an EIA, the applicant contacts our office to determine the scale and scope of the analysis. Initiation of the EIA process is recommended to take place at the Site Plan Control stage of the development approval process.

### **FINAL RECOMMENDATION**

As the purpose of this application is for a minor amendment to the existing agricultural zone and Official Plan designation, which would only add the specific site use for a medical marihuana facility, on a property that would already permit greenhouse development (under Agricultural (A1) zone), we would have no objection to this application.

As the proposed greenhouse development will be subject to the site plan control, it is recommended that the above noted concerns be addressed through that process, and that the ERCA be included in the circulation.

If you have any questions or require any additional information, please contact the undersigned.

Sincerely,



Corinne Chiasson  
Resource Planner  
/cor



# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 74-2018

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### **Being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville**

**WHEREAS** By-law No. 1-2014 is the Town's Comprehensive Zoning By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Kingsville;

**AND WHEREAS** the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to further amend By-law No. 1-2014 as herein provided;

**AND WHEREAS** the application will conform to the Official Plan of the Town of Kingsville upon the coming into effect of proposed Amendment No. 7 to the Official Plan of the Town of Kingsville and final adoption by the County of Essex;

### **NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. That Section 3 Definitions is hereby amended by adding the following, Subsection 3.1.10.1 "Air Treatment Control" between Subsection 3.1.10 and 3.1.11.

3.1.10.1 "**Air Treatment Control**" shall mean the functional use of industrial grade multi-stage carbon filtration or similar technology, to reduce and/or treat the emission of pollen, dust and odours expelled from a facility and sized accordingly in comparison to the facility it services as designed by a qualified person.

2. That Section 3 Definitions is hereby amended by adding the following, Subsection 3.9.38, "Qualified Person" after Subsection 3.9.37.

3.9.38 "**Qualified Person**" is defined as one who by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training and experience, has successfully demonstrated their ability in the field which they are employed and for which they are being engaged to provide professional advice, design or direction related but not limited to such items as noise, odour control, traffic, structural, landscaping etc.

3. That Subsection 7.1 e) AGRICULTURE ZONE 1 A1 EXCEPTIONS is amended with the addition of the following new subsection:

#### **7.1.69 'AGRICULTURE ZONE 1 EXCEPTION 69 (A1-69)'**

- a) For lands shown as A1-69 on Map 52 Schedule "A" of this By-law.

- b) **Permitted Uses**

- i) Those uses permitted under Section 7.1;
- ii) A medical marihuana production facility (MMPF)

c) **Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
- ii) Buildings and structures accessory to the permitted uses.

d) **Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, for lands zoned A1-69 a medical marihuana production facility shall require the installation and maintenance of an Air Treatment Control (ATC) system designed by a qualified person. Prior to the beginning of any growing operations of the licensed MMPF the owner/operator must demonstrate to the satisfaction of the Town, including the submission of a maintenance schedule that the ATC is installed and operational as per the design specifications to maintain no perceptible marihuana odour or transmission of chemical odour control agents beyond the property line.

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- i) Item c) is deleted and replaced as follows: An existing residential use accessory to or supportive of the agricultural uses on-site, including a MMPF, is permitted
- ii) Items d), e) and i) are not applicable to lands zoned A1-69;
- iii) Item g) is deleted and replaced as follows:
  - a. an MMPF growing area shall be located a minimum of 100 m from an existing off-site residential use or institutional use;
  - b. item g) shall not be applicable to an on-site bunkhouse.

All other items listed under Section 4.46 remain applicable to lands zoned A1-69.

- 4. Schedule "A", Map 52 of By-law 1-2014 is hereby amended by changing the zone symbol on lands known municipally as Part of Lot 9, Concession 2 ED, and locally known as 609 Road 3 E and V/L SS Road 3 E as shown on Schedule 'A' cross-hatched attached hereto from 'Agriculture Zone 1 (A1)' and 'Agriculture – Restricted Zone 2 (A2)' to 'Agriculture Zone 1 Exception 69 (A1-69)'.
- 5. This by-law shall come into force and take effect from the date of passing by Council and in accordance with Section 34 of the Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25<sup>th</sup> DAY OF JUNE, 2018.**

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**MAYOR, Nelson Santos**


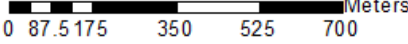
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**CLERK, Jennifer Astrologo**

Schedule 'A'



Part of Lot 4, Concession 2 ED  
609 Road 3 E & V/L SS Road 3 E  
Zoning By-law Amendment ZBA/06/18

  Meters

 Schedule "A", Map 52 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Agriculture Zone 1 (A1)' & Agriculture - Restricted Zone 2 to 'Agriculture Zone 1 Exception 69 (A1-69)'



## CORPORATION OF THE TOWN OF KINGSVILLE

### **OFFICIAL PLAN AMENDMENT NO. 7**

2623391 Ontario Limited  
609 Road 3 E and VL SS Road 3 E  
Part of Lot 4, Concession 2 ED. Part 1, RP 12R 11488 &  
Part 1, RP 12R 22191

JUNE 2018

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### **PART “C” – THE APPENDICES**

Appendix ‘A’ – Minutes of Public Meeting

Appendix ‘B’ – Public submissions

Appendix ‘C’ – Planning report to Council

## **PART “A” - THE PREAMBLE**

### **1.0 Authorizing By-law No. 75-2018**

THE CORPORATION OF THE TOWN OF KINGSVILLE

#### **BY-LAW NO. 75-2018**

BEING A BY-LAW TO AMEND THE OFFICIAL PLAN  
OF THE TOWN OF KINGSVILLE

WHEREAS the Town of Kingsville Official Plan is the Town’s policy document that contains objectives and policy direction established by Council to provide guidance for the physical development of the Town while providing for the future pattern of development for the Town;

AND WHEREAS the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to amend the Official Plan;

NOW THEREFORE the Council of the Corporation of the Town of Kingsville, in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P. 13 hereby enacts as follows:

1. That the attached amendment to the Town of Kingsville Official Plan is hereby adopted as Official Plan Amendment No. 7 (OPA 7); and,
2. This By-law shall come into force and take effect on the day of the final approval thereof by the County of Essex.

READ A FIRST, A SECOND AND A THIRD TIME AND FINALLY ENACTED THIS 25<sup>th</sup> DAY OF JUNE 2018.

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Mayor Nelson Santos

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Clerk Jennifer Astrologo



## **2.0 Background**

In April of 2014 Council approved new Official Plan policies to address the pending changes to Federal legislation governing the growing of medical marihuana which was transitioning from individual or designated growers to a commercial based industrial type of format. The initial version of these policies limited operations as-of-right to industrial properties subject to certain criteria designed to provide buffering from potentially land conflicts with sensitive lands uses such as residential, institutional or open space areas. As part of the public consultation process the agricultural sector presented interest in also being permitted to explore the establishment of MMPFs. Council supported this however with the limitation that development would be within existing greenhouse operations subject to individual site-specific zoning and site plan control.

## **3.0 Purpose of this Amendment**

The purpose of this amendment is to permit a medical marihuana production facility to be established in a new build greenhouse, i.e. no greenhouses are currently located on the lands which are the subject of this OPA

## **4.0 Location of this Amendment**

This amendment consists of one part that shall be known as Item 1.

### Item 1:

Lands approximately 38 hectares (94 acres) in area as indicated on the attached schedule are to be included in site-specific special policy area 3.1.2 in the Kingsville Official Plan.



## 5.0 Basis of this Amendment

The subject lands consist of two farm parcels with a combined total lot area of 38 ha (94 ac.) and frontage of 359.6 m (1,180 ft.) on Road 3 E. The applicant is proposing to construct a new greenhouse in three phases along with supporting infrastructure. A greenhouse is a permitted use in the Agriculture designation however, the applicant is proposing to utilize the new build greenhouse for the establishment of a medical marihuana production facility. In order to proceed with development on the property there are three approvals that are required as follows:

- i) An Official Plan Amendment to site-specifically permit a new build greenhouse on the subject lands to be used for the establishment of a medical marihuana production facility;
- ii) A Zoning By-law Amendment to rezone the subject lands to add a medical marihuana production facility as an additional permitted use and establish odour control requirements;
- iii) Site Plan Approval which will outline the details and full requirements of the overall build-out of the proposal including lighting control requirements.

## PART “B” - THE AMENDMENT

All of this part of the document, entitled “Part B” – The Amendment”, consisting of the following text and one (1) map (entitled Schedule “1”) together constitute Amendment No. 7 to the Kingsville Official Plan.

Item 1:

Map Schedule “A” (Land Use Plan) is amended by placing the lands so depicted on Map Schedule “1” in a site-specific special policy area.

Item 2:

A new section is added to Section 3.1 Agriculture after subsection 3.1.1 Minimum Distance Separation to be worded as:

### 3.1.2 **Agriculture Site-Specific Policies**

Item 3:

A special policy is added to Section 3.1 **Agriculture**, after subsection 3.1.1 to be worded as follows:

#### **“3.1.2 2623391 Ontario Ltd. – Road 3 E**

For the lands identified on Schedule “A” Land Use Plan as “Site Specific Special Policy Area 3.1.2” and located at 609 Road 3 E and V/L SS Road 3 E, notwithstanding, or in addition to, other policies of the Official Plan, the following policies will apply:

- a) A medical marihuana production facility shall be permitted in a new build greenhouse.

## **PART “C” - THE APPENDICES**

The following appendices do not form part of the Amendment but are included for information purposes:

Appendix “A” – Minutes of Public Meeting

Appendix “B” – Public Submissions

Appendix “C” – Planning Report to Council

## **Appendix A Minutes of Public Meeting**

## **Appendix B**

### **Public submissions**

## **Appendix C**

### **Planning Report to Council**



2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
Phone: (519) 733-2305  
www.kingsville.ca

## NOTICE OF AN INTENTION TO PASS AN AMENDING BY-LAW TO REMOVE A HOLDING SYMBOL

**APPLICATION:** ZONING BY-LAW AMENDMENT ZBA/15/18  
(Section 36 of the Planning Act, R.S.O. 1990, C.P. 13)  
**OWNERS:** 2496186 Ontario Ltd. / Colasanti Orchards Ltd.  
**LOCATION OF PROPERTY:** Lots 1 to 33 and Block 34, Plan 12M 608  
3, 7, 11, 15, 19, 23, 27, 31, 4, 8, 12, 16, 20, 24, 28 & 32  
Dimar Drive and V/L Dimar Drive

**TAKE NOTICE** that the Council for the Corporation of the Town of Kingsville intends to pass a by-law on **June 25, 2018** to remove the holding symbol on a portion of the property described above in the Town of Kingsville (see attached map). The subject property is currently zoned "Light Industrial Zone 1 Exception 1 - Holding (M1-1(h))".

**THE PROPOSED** amendment intends to remove the Holding (h) Symbol from the Phase 1 portion of the property to which it applies shown on Map 54, Schedule "A" to Comprehensive Zoning By-law 1-2014, as amended. The property is currently subject to a development agreement. Removal of the holding on the Phase 1 portion of the property is subject to service availability. The necessary services to the property have been installed and the first half of Phase 1 has been opened with the construction of the road and servicing of 15 of the 33 lots.

A **PUBLIC MEETING** OF COUNCIL has been SCHEDULED to be held on:

**WHEN:** June 25, 2018  
**WHERE:** Town of Kingsville Municipal Building  
**TIME:** 7:00 p.m.

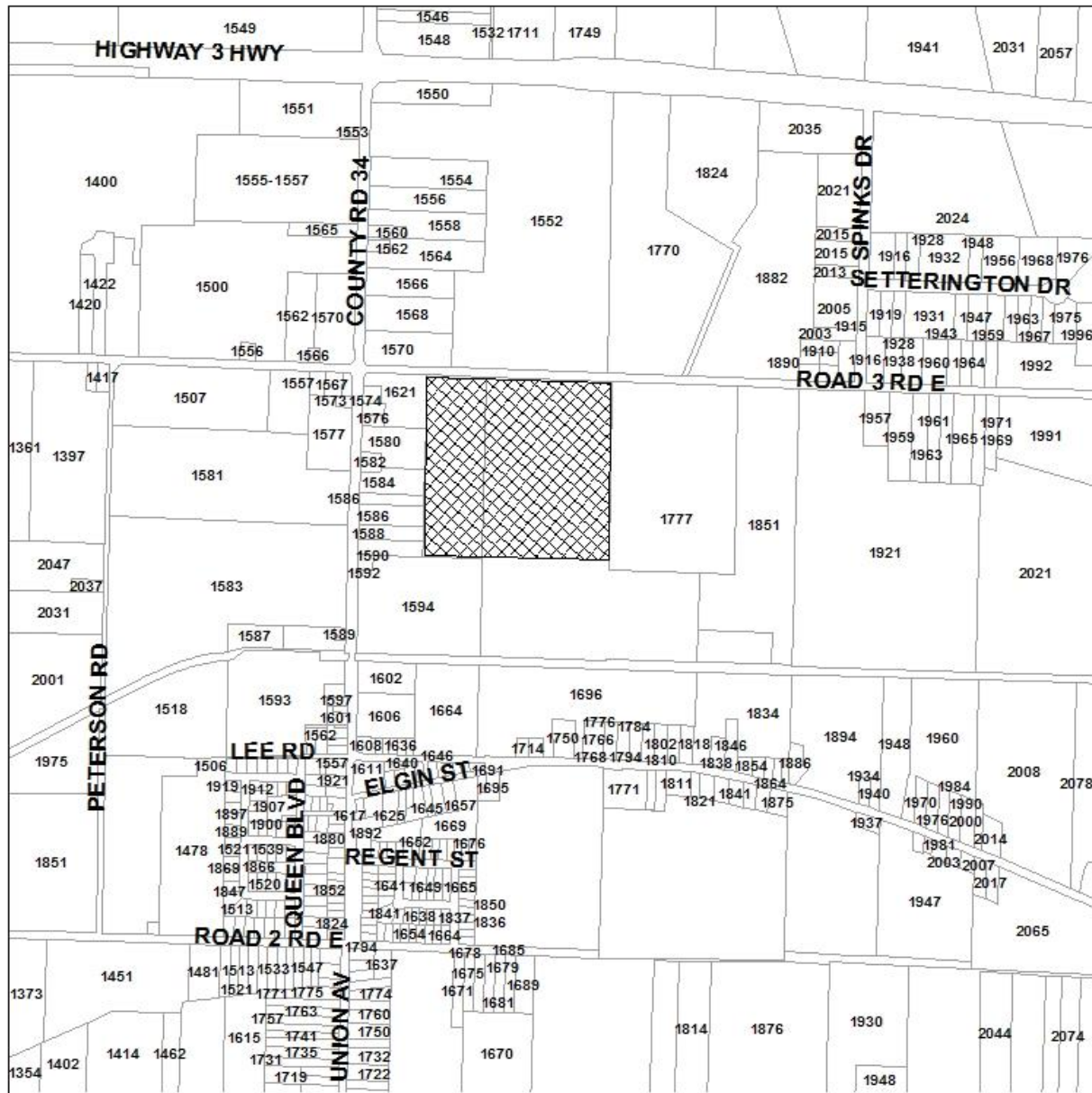
If you have comments on this application, they may be forwarded in writing by email, or letter mail to the attention of: **Robert Brown**, Town of Kingsville, 2021 Division Road North, Town of Kingsville, ON N9Y 2Y9. Comments and opinions submitted on these matters, including your name and address, may become part of the public record and may be viewed by the general public and may be published in a planning report or reproduced in a Council agenda and/or minutes.

**ADDITIONAL INFORMATION** relating to this matter is available for review at the Kingsville Municipal Office during regular office hours.

**DATED AT**  
**THE TOWN OF KINGSVILLE**  
**THIS 4<sup>th</sup> Day of June, 2018.**

**Robert Brown, H. Ba, MCIP, RPP**  
**Tel: 519-733-2305 (x 250)**  
**Email: rbrown@kingsville.ca**

# KEY MAP- ZBA/15/18



Zoning By-law Amendment ZBA/15/18



0 100 200 300 400 Meters



SUBJECT PROPERTY





2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
(519) 733-2305  
www.kingsville.ca  
kingsvilleworks@kingsville.ca

**Date:** June 13, 2018

**To:** Mayor and Council

**Author:** Robert Brown, H. Ba, MCIP, RPP  
Manager, Planning Services

**RE:** Application for Removal of the H-Holding Symbol ZBA/15/18 by  
2496186 Ontario Ltd. & Colasanti Orchards Ltd.  
Lots 1 to 33 & Block 34, Plan 12M 609  
3, 7, 11, 15, 19, 23, 27, 31, 4, 8

**Report No.:** PDS 2018-032

---

## **AIM**

To provide Council with information regarding the request to remove the Holding (h) symbol from Phase one of Ruthven Industrial Subdivision, Plan 12M 609, Lots 1 to 33 and Block 34.

## **BACKGROUND**

The Ruthven Industrial Subdivision is located on the south side of Road 3 E, just east of County Road 34, in the community of Ruthven. The subdivision received draft approval in 2013 with development to proceed in phases. A development agreement was completed, and approved for the subject portion of the development in March of 2015.

The original approval showed the development of the entire subject area as a single phase of development for all 33 lots. (See Appendix A) The developer has proceeded with only the westerly half which includes a total of 15 lots (Phase 1A) and the construction of half of the proposed crescent.

## **DISCUSSION**

The Holding symbol on the subject lands was implemented at the initial stages of approval and required servicing, water and sanitary sewer, to be available to the development. All municipal services have been installed along Road 3 E to the development and the developer has completed the extension into the subdivision itself with servicing to each of the lots. The road and storm water management pond have also been completed and the

road has been placed on one-year maintenance. As such conditions for removal of the H - Holding symbol have been completed to the satisfaction of the Town. The Holding symbol will remain in place on the undeveloped portion of the lands which were originally part of Phase 2. Removal on these lands will only be considered once draft plan approval is granted, a development is in place and servicing has been extend to these lands.

## **LINK TO STRATEGIC PLAN**

Support growth of the business community.

## **FINANCIAL CONSIDERATIONS**

The zoning amendment to remove the H-Holding symbol will move the lands one-step closer to development and the issuance of permits for construction will result in increased assessment on the subject lands.

## **CONSULTATIONS**

In accordance to O. Reg 545/06 Subsection 8 of the *Planning Act*, property owners within 120 m of the subject site boundaries received the Notice of Intention to Remove the Holding Zone symbol by mail. The request for lifting of the Holding symbol is subject to Town review and satisfactory completion of the conditions for removal but is not an appealable application under the *Act*.

## **RECOMMENDATION**

It is recommended that Council approve zoning by-law amendment application ZBA/15/18 for removal of the H-Holding symbol on lands known as Lots 1 to 33 and Block 34, inclusive, Plan 12M 609 in the Town of Kingsville and adopt the implementing by-law.

*Robert Brown*

Robert Brown, H. Ba, MCIP, RPP  
Manager, Planning Services

*Peggy Van Mierlo-West*

Peggy Van Mierlo-West, C.E.T.  
Chief Administrative Officer

37-T-12004

This final Plan of Subdivision is approved under the provisions of the Planning Act by the Planning Board of the Township of Gosfield South on the 27th day of September, 2015.

William J. Harty  
Mayor, Township of Gosfield South

PLAN 12M-609

I CERTIFY THAT THIS PLAN IS REGISTERED IN THE LAND REGISTRY OFFICE FOR THE LAND TOWNSHIP OF ESSEX (12) ON THE 27th day of September, 2015, and ENTERED IN THE PUBLIC REGISTER FOR PROPRIETOR RECORD.

27-09-2015

PATRICIA

REGISTERED FOR LAND REGISTRY

THIS PLAN COMPREHENDS ALL OF THE LAND SHOWN HEREON AND PART OF LOT 23 AND PART OF DIMAR DRIVE AND PART OF LOT 25 AND PART OF CONFESSION 2, REG. NO. C135311.

PLAN OF SUBDIVISION

PART OF LOT 10

CONFESSION 2, EASTERN DIVISION

GEOGRAPHIC TOWNSHIP OF GOSFIELD SOUTH

NOW IN THE

TOWN OF KINGSVILLE

COUNTY OF ESSEX, ONTARIO

VENNESEN • STUBBSFIELD • HARTLEY • BREWER • BEZARE INC.

SCALE = 1:1500

"METRIC" DISTANCES AND COORDINATES SHOWN ON THIS PLAN ARE IN METERS AND CAN BE CONVERTED TO FEET BY DIVIDING BY 0.3048

LEGEND

- 1. DENOTES STATION 1, 21.1m STATIONED FROM THE
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OWNER'S CERTIFICATE

1. THIS SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
2. THIS SURVEY WAS COMPLETED ON THE 27th DAY OF JANUARY, 2014.
3. THE STREET IS HEREBY DEDICATED TO THE CORPORATION OF THE TOWN OF KINGSVILLE AS A PUBLIC HIGHWAY.

DATE: JAN 23, 2014.

SURVEYOR'S CERTIFICATE

1. I CERTIFY THAT:
2. THE SURVEY AND PLAN ARE CORRECT AND IN ACCORDANCE WITH THE SURVEY ACT, THE SURVEYORS ACT AND THE LAND TITLES ACT AND THE REGULATIONS MADE UNDER THEM.
3. THIS SURVEY WAS COMPLETED ON THE 27th DAY OF JANUARY, 2014.

DATE: JAN 23, 2014.

VENNESEN • STUBBSFIELD • HARTLEY • BREWER • BEZARE INC.  
18770 Highway 10  
P.O. Box 100  
Kingsville, Ontario N9Y 4G9  
Tel: 519-862-2375  
Fax: 519-862-2375  
www.vennesen-stubbsfield.com

WINDSOR  
VENNESEN • STUBBSFIELD • HARTLEY • BREWER • BEZARE INC.  
18770 Highway 10  
P.O. Box 100  
Kingsville, Ontario N9Y 4G9  
Tel: 519-862-2375  
Fax: 519-862-2375  
www.vennesen-stubbsfield.com

ESSEX COUNTY ROAD No. 34

(AS SHOWN ON M.T.O. PLAN P-1518-14, REGISTERED AS INSTRUMENT NO. R292870)  
(TRANSFERRED TO THE COUNTY OF ESSEX BY O/C 1726/83 - M.T.O. PLAN P-2234-25 - REG'D AS INSTR. NO. R884237)

EASTERN

DIVISION

ROAD 3 EAST (ROAD ALLOWANCE BETWEEN CONCESSIONS 2 AND 3)

(ACCORDING TO THE COMPLETION OF THE TOWNSHIP OF GOSFIELD SOUTH BY-LAW 11-1881, REGISTERED AS INSTRUMENT NO. R848893)

Phase 1A

Phase 1B

P.L.N. 75146-0035

P.L.N. 75146-0134

Plan 12R-25178

Part 2  
Plan 12R-16421

P.L.N. 75146-0052

LOT 11

2



COORDINATES ARE DERIVED FROM GPS OBSERVATIONS USING THE CAN-MET NETWORK SERVICE AND ARE REFERRED TO THE ZONE 17 (81° WEST LONGITUDE) MAPS (3505) (1997/0)		
COORDINATE VALUES ARE TO 4 DECIMAL PLACES IN ACCORDANCE WITH SECTION 14(2) OF THE 1992/10		
POINT ID	NORTHING	EASTING
A	4431247.337	431181.845
B	4431247.337	431181.845
COORDINATES CANNOT BE TRUSTED SINCE THEY ARE NOT TO BE ESTABLISHED CORNERS OR BOUNDARY CORNERS OF THE PLAN.		

CURVE SCHEDULE

CURVE	NO.	ARC	CHORD	CHORD BEARING
C1	20.00	45.84	34.43	N 68° 46' 42" W
C2	20.00	14.33	14.02	N 68° 46' 42" W
C3	20.00	4.51	4.50	N 68° 46' 42" W
C4	20.00	9.82	9.72	N 68° 46' 42" W

**THE CORPORATION OF THE TOWN OF KINGSVILLE**

**BY-LAW NUMBER 73-2018**

---

***Being a By-law to amend By-law No. 1-2014,  
the Comprehensive Zoning By-law for the Town of Kingsville***

**WHEREAS** By-law No. 1-2014 is the Town's Comprehensive Zoning By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Kingsville;

**AND WHEREAS** the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to further amend By-law No. 1-2014 as herein provided;

**AND WHEREAS** there is an Official Plan in effect in the Town of Kingsville and this By-law is deemed to be in conformity with the Town of Kingsville Official Plan;

**NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. Schedule "A", Map 54 of By-law 1-2014 is hereby amended by removing the Holding symbol (h) on lands known municipally as Concession 2 ED, Part of Lot 10, Lots 1 to 33 and Block 34, inclusive, Plan 12M 609 as shown on Schedule 'A' cross-hatched attached hereto from 'Light Industrial Zone1 Exception 1 – Holding (M1.1(h))' to 'Light Industrial Zone 1 Exception 1 (M1.1)'.
2. This by-law shall come into force and take effect from the date of passing by Council and shall come into force in accordance with Section 36 of the Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
25<sup>th</sup> DAY OF JUNE, 2018.**

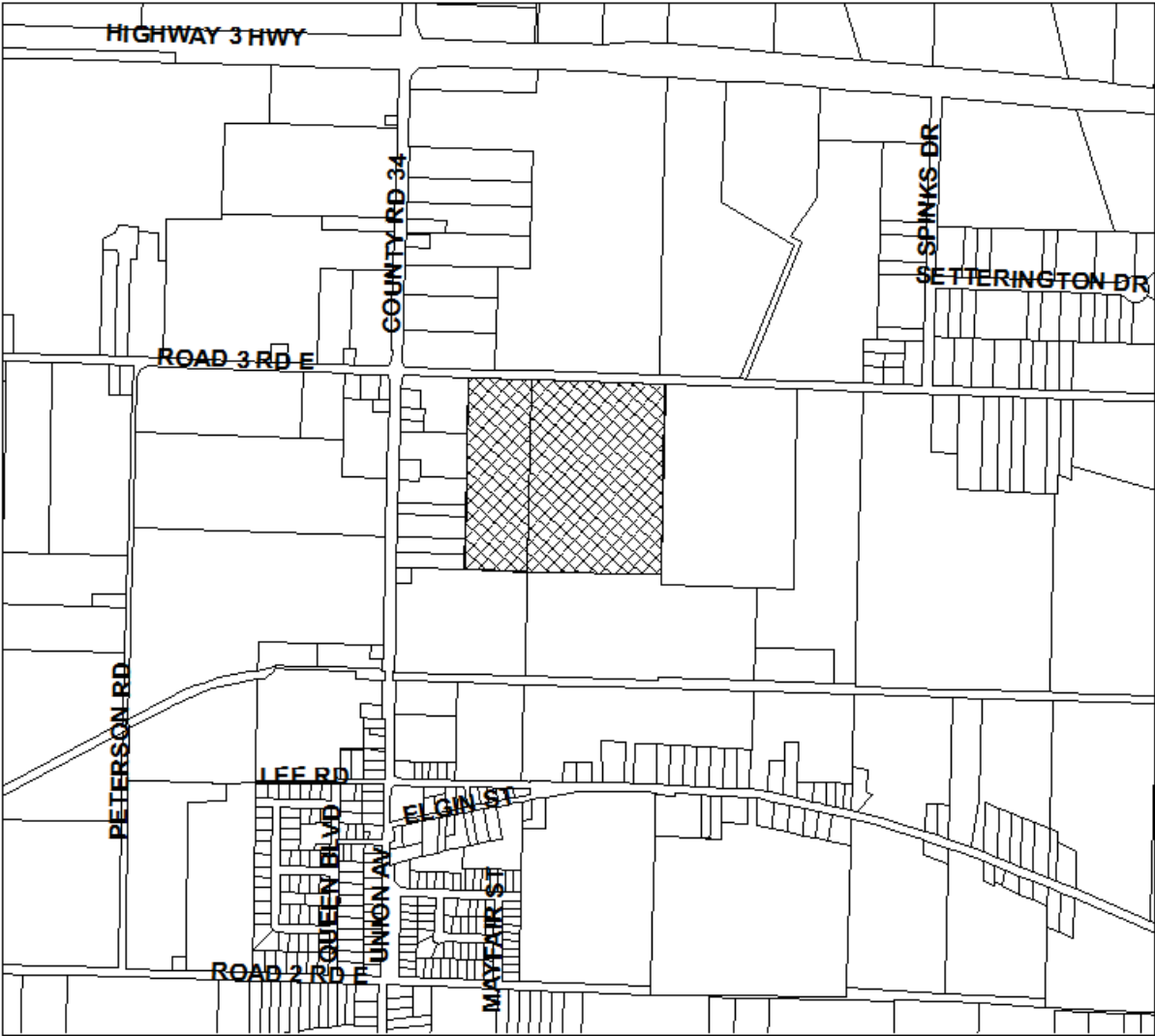
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NELSON SANTOS, MAYOR

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JENNIFER ASTROLOGO, CLERK


Schedule 'A'



Part of Lot 10, Concession 2 ED  
Lots 1 to 33 & Block 34, Plan 12M 609  
Zoning By-law Amendment ZBA/15/18

N

0 90 180 360 540 720 Meters

 Schedule "A", Map 54 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Light Industrial Zone 1 Exception 1 - holding (M1.1 (h))' to 'Light Industrial Zone 1 Exception 1 (M1.1)'



2021 Division Road North  
Kingsville, Ontario, N9Y 2Y9  
(519) 733-2305  
[www.kingsville.ca](http://www.kingsville.ca)  
[kingsvilleworks@kingsville.ca](mailto:kingsvilleworks@kingsville.ca)

**Date:** May 10, 2018  
**To:** Mayor and Council  
**Author:** Shaun Martinho, Manager of Public Works  
**RE:** Items in Municipal Cemeteries  
**Report No.:** MS 2018- 19

---

## **AIM**

To advise council as to how Municipal Services replaces damaged or destroyed items, by employees or contractors, in our cemeteries.

## **BACKGROUND**

Due to the size of rural properties it is necessary to have mailboxes within the Municipal Right-of-Way for the safe and efficient delivery of mail. During Winter Control Operations, wet and heavy snow can cause damage to mailboxes. To provide some relief to our rural residents we have setup a mailbox replacement program. This winter we received a total of 11 complaints and issued 4 mailboxes for replacement.

Since 2008, Municipal Services has received 18 complaints regarding damaged items in Town owned cemeteries. Most of the work orders reviewed reported damage to permanent vases or turf damage around headstones. In almost all documented cases Municipal Services provided relief to customers by replacing the damaged goods or repairing the damaged area.

Due to space restrictions in some of our cemeteries, damage can occur to headstones when completing burials. Since 2008 we have had 30 requests to repair headstones. In total, only 5 work orders reported physical damage to the headstone with the balance being requests to level sinking monuments. In all cases, Municipal Services investigated and repaired all of the reported damage.

Unfortunately, we have also received complaints about vandalism in our cemeteries. In several cases, it was reported that vandals knocked over headstones, broke vases, stole wreaths, and damaged flowers. In response to the vandalism, Municipal Services repaired damaged monuments and engaged in clean-up activities.

## **DISCUSSION**

When dealing with damage to mailboxes during winter maintenance, the investigation required to discover cause and ownership is relatively straight forward and easy to accomplish. Municipal Services would prefer to keep the right-of-way free from obstructions, but we understand that mailboxes must be placed at the edge of the road for the efficient delivery of mail. To provide some relief to our rural residents, in the event that a mailbox becomes damaged, Municipal Services created a mailbox replacement program.

Our inability to determine cause and ownership of goods damaged in our cemeteries makes it difficult to set up a similar replacement program. Each damage claim needs to be thoroughly investigated to determine if the items were placed in accordance with the Regulations for Cemeteries, Lots and Plots section of the cemetery by-law. Furthermore, according to section 38 of By-law 90-2012:

38. Except as otherwise indicated in the Act, the Regulations and this by-law, the Town is not responsible to maintain, nor is the Town liable for loss or damage to any articles left in the Cemeteries or upon any Lot or Plot.

Historically, if it is apparent that the municipality is liable for the damage, we have assumed financial responsibility for the repairs. Municipal Services has always aimed to provide the highest level of service possible when dealing with issues that arise in our cemeteries. This is evident by the low frequency of complaints and the current condition of all our cemeteries.

Going forward, the most practical and efficient way in dealing with damage complaints is to review each instance on a case-by-case basis. Municipal Services will continue to show the utmost respect and courtesy to the families visiting our cemeteries and assume any and all responsibility for damage's caused by Town staff or our contractors.

## **LINK TO STRATEGIC PLAN**

Effectively manage corporate resources and maximize performance in day-to-day operations.

## **FINANCIAL CONSIDERATIONS**

It should be noted, that our cemeteries are operated with the goal of full cost recovery. Any additional costs incurred, due to the creation of a damaged item replacement program, will need to be accounted for in the Care and Maintenance portion of our price schedule.

## **CONSULTATIONS**

Municipal Services Department  
Corporate Services  
Public Works Staff

## RECOMMENDATION

That Municipal Services continues to review cemetery damage complaints on a case-by-case basis and provide relief to families when the damage is caused by Town staff or one of the Town's sub-contractors.

Respectfully submitted,

*Shaun Martinho*

Shaun Martinho, H.B.Sc., C.E.T.  
Public Works Manager

*G.A. Plancke*

G.A. Plancke, Civil Eng. Tech (Env.)  
Director of Municipal Services

*Peggy Van Mierlo-West*

Peggy Van Mierlo-West, C.E.T.  
Chief Administrative Officer





2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
(519) 733-2305  
www.kingsville.ca  
kingsvilleworks@kingsville.ca

**Date:** May 9, 2018  
**To:** Mayor and Council  
**Author:** Shaun Martinho, Manager of Public Works  
**RE:** Cemetery By-law 90-2012 Amendment  
**Report No.:** MS-2018-18

---

## **AIM**

To update Cemetery By-law 90-2012 and incorporate changes passed by motion of council 463-2013.

## **BACKGROUND**

In April 2013, a request was made by council for the Cemetery By-law to be brought forward together with a report outlining options for addressing concerns about items allowed in municipally owned cemeteries. At the regular meeting of Council on June 24<sup>th</sup>, 2013 the following Motion was passed:

463-2013 Moved by G. Queen, seconded by S. McIntyre Council amend By-law 90-2012 to include plastic vases, plastic flower pots and shepherd's hook; (between April.1-Oct.31) and provide provisions for Legion stones and supplementary vase stones.

Unfortunately, the amended By-law was not presented at the next regular meeting of Council for passage.

In addition, administration would like to take this opportunity to update several other outdated clauses in the Cemetery By-law. This includes provisions for the Notice of Resale and Transfer of Interment Rights and removal of the prohibited items list from the Regulations For Cemeteries, Lots and Plots.

## **DISCUSSION**

A copy of the proposed By-law is attached for Council's Reference in Appendix A. The following changes are being proposed by administration:

### Regulations for Interments and Disinterment's

3. No Interment or Disinterment will be performed on any Sunday or Statutory Holiday unless approved by The Manager of Public Works. All services performed outside of the times specified in Schedule "C" of the Cemetery Services Price List will be done at cost.

### Notice of Resale and Transfer of Interment Rights

10. The Town prohibits the resale of interment rights to a third party and will repurchase these rights at the price set out in the Cemetery Services Price List, less any care and maintenance contribution amount previously paid. The Town is not required to repurchase unused interment rights in a plot if one of the interment rights in the plot has been exercised.
11. The Town permits the interment rights holder to transfer their interment rights to a third party, at the current price set out in the Cemetery Service Price List, so long as the transfer is conducted through the Town.

### Supplementary Markers

27. Legion Stones and Supplementary Vase Stone War Memorial markers placed on veteran's graves by the Royal Canadian Legion will be permitted to remain as a permanent marker, in addition to other markers and monuments allowed. Only head stones consistent with those approved by Veterans Affairs Canada are permitted.

### General Care and Maintenance

36. Nails, wires, wooden crosses, articles of glass or pottery are prohibited in the Cemeteries (Removed and incorporated into Section 41e of the new By-law)
- 39c. between April 1 and October 31 each year, plastic vases, plastic flower pots, potted plants and shepherd's hooks on top of the ground, but not buried, and placed as close to a Monument or Marker base as practical.

### Rules for Contractors

- 44i. not remove any marker or monument without written permission of the Public Works Manager.

### **LINK TO STRATEGIC PLAN**

Promote the betterment, self-image and attitude of the community.

### **FINANCIAL CONSIDERATIONS**

It should be noted that our cemeteries are operated with the intention of full cost recovery. Any additional costs incurred due to the placement of objects around monuments or

markers should be accounted for in the Care and Maintenance portion of our price schedule.

## **CONSULTATIONS**

Municipal Services Department  
Corporate Services Department

## **RECOMMENDATION**

That Council adopt the proposed Cemetery By-Law 67-2018 and repeal the existing by-law, By-law 90-2012.

Respectfully Submitted,

*Shaun Martinho*

Shaun Martinho, H.B.Sc., C.E.T.  
Public Works Manager

*G.A. Plancke*

G.A. Plancke, Civil Eng. Tech (Env.)  
Director of Municipal Services

*Peggy Van Mierlo-West*

Peggy Van Mierlo-West, C.E.T.  
Chief Administrative Officer

**THE CORPORATION OF THE TOWN OF KINGSVILLE**  
**BY-LAW 90-2012**

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*Being a by-law to establish rules and regulations  
to be used in connection with all cemeteries owned and  
operated by The Corporation of the Town of Kingsville*

**WHEREAS** section 10 of the *Municipal Act, 2001* S.O. 2001, c. 25 provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public and may pass by-laws respecting such service.

**AND WHEREAS** The Corporation of the Town of Kingsville (the "Town") is the owner and operator of certain cemeteries within the boundaries of the Town, which cemeteries are listed in Schedule "A" attached hereto and forming part of this By-law, the locations of which cemeteries are more specifically indicated on a map attached hereto as Schedule "B" and forming part of this By-law.

**AND WHEREAS** section 150 of Regulation 30/11 (the "Regulations") made under the *Funeral, Burial and Cremation Services Act, 2002* S.O. 2002, c. 33 (the "Act") provides that a cemetery operator may make by-laws governing the operation of the cemetery and, in particular, governing rights, entitlements and restrictions with respect to interment and scattering rights.

**AND WHEREAS** section 151(1) of the Regulations provides that no cemetery by-law is effective until the cemetery operator has filed it with the registrar appointed under section 3 of the Act (the "Registrar") in an approved form and manner; provided notice of the filing in accordance with subsection 151(3) of the Regulations; and the Registrar has approved it.

**AND WHEREAS** it is expedient to repeal By-law 30-2003 being a by-law to establish rules and regulations to be used in connection with all cemeteries owned by the Town.

**THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

**Definitions**

1. For the purpose of this By-law, the following further definitions are applicable:
  - a) "Cemetery" means any one of the cemeteries owned and operated by the Town and listed in Schedule "A" herein and "Cemeteries" shall have a corresponding meaning;
  - b) "Contract" means a contract complying with the provisions of section 40 of the Act;
  - c) "Fee" means the corresponding fee charged for a service pursuant to the Town's Fees and Charges By-law, as amended from time to time, and as set out in a price list as required by section 33 of the Act.
  - d) "Inter" means the burial of human remains and includes the placing of human remains in a Lot and "Interred" and "Interment" shall have corresponding meanings;
  - e) "Interment Rights" includes the right to require or direct the Interment of human remains in a Lot;
  - f) "Holiday" means:

New Year's Day  
Family Day  
Good Friday  
Easter Monday  
Victoria Day  
Canada Day  
Civic Holiday

Labour Day  
Thanksgiving Day  
Remembrance Day  
December 24  
Christmas Day  
Boxing Day  
December 31

- g) "Lot" means an area of land in a Cemetery being approximately 3'4" x 8' containing, or set aside to contain, Interred human remains;
- h) "Manager" means the person assigned by the Town from time to time to manage the Cemeteries or his or her designate;
- i) "Marker" means any permanent memorial set flush with the surface of the ground and used to mark the location of a Lot;
- j) "Monument" means any permanent memorial projecting above the ground level and used to mark the location of a Lot;
- k) "Open Hours" means between 8:00 a.m. and sundown;
- l) "Plot" means two (2) or more Lots in respect of which the Interment Rights have been sold as a unit;
- m) "Rights Holder" means the person who holds the Interment Rights with respect to a Lot; and
- n) "Town" means The Corporation of the Town of Kingsville.

#### **Regulations For Interments And Disinterments**

##### **Generally**

- 2. A Rights Holder or his or her authorized representative shall provide notice of a proposed Interment in writing to the Manager by noon, two (2) days prior to the proposed date of Interment.
- 3. No Lot shall be opened for Interment or disinterment by a person not in the employ of; acting as agent of; or under the express direction of the Town.
- 4. The Town assumes no responsibility or liability for loss or damage to any person or property during Interment or disinterment.

##### **Requirements Prior to Interment**

- 5. In addition to any other requirement under the Act and the Regulations and any other legislation that may be in force from time to time, the following shall be received by the Town prior to an Interment in a Cemetery:
  - a) a Contract for the Interment;
  - b) if the remains to be Interred are not those of a Rights Holder, the written consent of all Rights Holders or their authorized representatives to such Interment; and
  - c) payment in full of the Fee for the Interment.

##### **Requirements Prior to Disinterment**

- 6. In addition to any other requirement under the Act and the Regulations and any other legislation that may be in force from time to time, the following shall be received by the Town prior to an Interment in a Cemetery:

- a) a Contract for the Disinterment; and
- b) payment in full of the Fee for the Disinterment.

#### Interments

7. The following may be Interred in one (1) Lot:
  - a) not more than four (4) cremated remains; or
  - b) one (1) non-cremated remains, and
    - i) one (1) 12"x 24" container containing infant remains to be Interred at the head of the Lot, provided space is available; or
    - ii) not more than two (2) cremated remains.
8. Remains to be Interred in a Lot shall be enclosed in a container which container shall be:
  - a) sealed securely;
  - b) of sufficient strength to permit Interment with the container remaining intact; and
  - c) of a size to permit Interment within the Lot.

#### Regulations For Markers And Monuments

##### Generally

9. Subject to sections 22 and 23, one (1) Marker or one (1) Monument that otherwise complies with the regulations contained in this By-law may be installed on a Lot or Plot.
10. No person shall erect, install, move, alter or remove or cause to be erected, installed, moved, altered or removed, a Marker or Monument in a Cemetery without written authorization from the Manager.
11. No person shall deliver to a Cemetery or cause to be delivered to a Cemetery a Marker or Monument without written authorization from the Manager and unless the foundation is prepared and the Marker and Monument is to be immediately installed.
12. Every person who wishes to deliver to a Cemetery or, erect, install, place, move, alter or remove a Marker or Monument in a Cemetery shall provide such information in connection with the Marker or Monument and the erection, installation, placement, movement, alteration or removal of the Marker or Monument as the Manager may require.
13. Vases permanently attached to a Marker or Monument shall be:
  - a) constructed of bronze;
  - b) of sufficient strength to protect the vase in an inverted position; and
  - c) attached to the Marker or Monument with a chain long enough to invert, and the Town shall assume no responsibility nor liability for the loss or damage to vases attached to any Marker or Monument.
14. Despite anything else in this By-law, no Marker, Monument or Foundation shall extend over the side of any Lot or Plot.

##### Requirements Prior to Installation

15. In addition to any other provision of this By-law, the following shall be received by the Town prior to the installation of a Marker or Monument:
  - a) written authorization for the installation of the Monument or Marker from all Rights Holders or the authorized representatives of the Rights Holders; and

- b) payment in full of the Fee for the Marker or Monument Care and Maintenance.

#### Markers

- 16. When measuring a Marker, depth shall refer to the distance from front to back and width shall refer to the distance from left to right.
- 17. A Marker shall:
  - a) be flat;
  - b) be constructed of marble, granite or bronze;
  - c) be set level with the ground so that a lawnmower may pass safely over the Marker;
  - d) not have any inscription which is not in keeping with the dignity and decorum of the Cemeteries;
  - e) be a minimum thickness of 4”;
  - f) be a minimum size of 10” in depth x 20” in width;
  - g) be a maximum size of:
    - i) 16” in depth x 30” in width if placed on a Lot; or
    - ii) 18” in depth x 42” in width if placed on a Plot.
  - h) be placed such that the Marker does not interfere with future Interments.
- 18. If the Marker has a skirt, such skirt shall be no more than 2” greater than the size of the Marker.

#### Monuments

- 19. Notwithstanding any other provision of this By-law, Monuments are prohibited in the following Cemeteries:
  - a) Sections A, B, C, D, and E, of the Greenhill Cemetery; and
  - b) Graceland Expanded Cemetery.
- 20. When measuring a Monument or its base, height shall refer to the distance from top to bottom; width shall refer to the distance from left to right; and depth shall refer to the distance from front to back.
- 21. A Monument shall:
  - a) not have any inscription which is not in keeping with the dignity and decorum of the Cemeteries;
  - b) be a maximum size of:
    - i) 24” in height x 24” in width if placed on a Lot; or
    - ii) 30” in height x 48” in width if placed on a Plot;
  - c) if it includes a base, have a base a maximum size of:
    - i) 8” in height x 32” in width x 14” in depth if placed on a Lot; or
    - ii) 8” in height x 60” in width x 14” in depth if placed on a Plot;
  - d) have only a family name on its back;
  - e) not be placed “back-to-back” against another Monument; and
  - f) be placed at the centre of the head of the Lot or Plot, unless otherwise authorized or directed by the Manager.

#### Supplementary Markers

- 22. Supplementary Markers may be installed on a Lot or Plot in accordance with section 23.

23. Supplementary Markers shall be a maximum size of 16" in depth and 24" in width and the maximum number to be installed shall be one (1) if on a Lot and two (2) if on a Plot and such supplementary Marker shall be installed as follows:
- a) flush to and centred under a Marker; or
  - b) at the opposite end of and centred under a Monument,
- and if two (2) supplementary Markers are installed in accordance with this By-law, such shall be installed one beside the other.

#### Foundations

24. Every Monument shall have foundation.
25. A foundation shall:
- a) be constructed between March 31 and November 14;
  - b) have a surface area that is flush with the surrounding ground level;
  - c) provide a level surface free of defects;
  - d) be cured for a minimum of forty-eight (48) hours before the installation of the Monument; and
  - e) have a skirt no more than two (2) inches greater than the size of the Monument base.

#### Removal by Manager

26. The Manager, in his or her sole discretion, may remove from a Cemetery, Lot or Plot any Marker or Monument that does not comply with the regulations in this By-law.

#### Maintenance

27. The Town shall be responsible for the general care and maintenance of the Markers and Monuments once installed on a Lot or Plot in accordance with the regulations in this By-law.
28. Notwithstanding any other provision of this By-law, if any Marker or Monument is found to pose a hazard or risk to public safety, the Town may remove such risk or hazard.
29. Any person who finds a Marker or Monument in need of care or maintenance shall notify the Town.
30. The Town assumes no responsibility nor liability for the proper installation of any Marker or Monument, nor for any loss or damage to any Marker or Monument resulting from normal wear and tear, including, but not limited to, minor scraping of the base of Monuments due to turf mowing operations.

#### Regulations For Cemeteries, Lots And Plots

##### General Care and Maintenance

31. The Town shall be responsible for the general care and maintenance of the Cemeteries, Lots and Plots.
32. Nails, wires, wooden crosses, articles of glass or pottery are prohibited in the Cemeteries.

##### Lots and Plots

33. No person may alter any Lot or Plot in any manner whatsoever, including, but not limited to the changing of the grade, the addition of sod, grass seed, or loose stone, the construction of curbing, coping, fencing or walkways of any kind.
34. No person shall place, leave, install or erect any article, item, memorial, structure, object or thing of any kind whatsoever in a Cemetery or upon any Lot or Plot unless otherwise permitted by this By-law.



35. Subject to section 39, the following articles are permitted to be left upon a Lot or Plot by any person:
- a) fresh and artificial flowers;
  - b) between November 1 and March 31 each year, Christmas wreaths and blankets or artificial wreaths without glass or plastic covers, provided the same are securely fastened to a Monument, or where there is no Monument, mounted on a stand of at least thirty (30) inches high and securely anchored to the ground; and
  - c) between April 1 and October 31 each year, potted plants on top of the ground, but not buried, and placed as close to the Monument or Marker base as practical.
36. Subject to section 39, flower beds not exceeding twelve (12) inches in width are permitted around the base of a Monument.

#### Maintenance

37. Any person who leaves any article permitted by this By-law on a Lot or Plot shall care for and maintain the article while it is left on the Lot or Plot and shall remove the article when the article is no longer permitted under this By-law.
38. Except as otherwise indicated in the Act, the Regulations and this By-law, the Town is not responsible to maintain, nor is the Town liable for loss or damage to any articles left in the Cemeteries or upon any Lot or Plot.

#### Removal by Manager

39. The Manager, in his or her sole discretion, may remove from the Cemetery, Lot or Plot:
- a) anything that is not authorized under this By-law;
  - b) any article if that article may not be left on a Lot or Plot after a certain date if that date has passed;
  - c) any article that is not cared for or maintained, including, but not limited to dead plants or flowers and pots or urns not filled with plants or flowers;
  - d) any trees or shrubs situated in any Lot or Plot that have become, by means of their roots or branches or in any other way detrimental to the adjacent Lot, drains, roads or walks, or prejudicial to the general appearance of the grounds or inconvenient to the public; and
  - e) any article which is detrimental to efficient maintenance or constitutes a hazard to machinery, employees or visitors, or does not conform with the natural beauty or design of the Cemetery.

#### Rules For Contractors

40. In section 41, "Contractor" shall mean any person undertaking work in the Cemeteries who is not an employee of the Town, whether party to a contract with the Town or not.
41. Contractors shall:
- a) respect the integrity and decorum of the Cemeteries;
  - b) cease work, if in the immediate vicinity of a funeral, until the conclusion of the funeral service;
  - c) indemnify and hold harmless the Town, its directors, officers, employees, agents and elected officials, from and against all claims, losses, suits, judgments, legal expenses and for any and all liability for damages to property and injury to persons, including death, which the Town may incur or suffer directly or indirectly as a result of or arising out of or in relation to the Contractor's work within the Cemeteries;

- d) at its own expense, take out and maintain, general liability insurance of not less than two million dollars (\$2,000,000.00) and such policy shall be written on a comprehensive basis with coverage for any one occurrence or claim of not less than two million dollars (\$2,000,000.00) and shall contain a provision for cross liability or severability of interest and non-owned automobile coverage with blanket contractual and physical damage coverage for hired automobiles and provide proof of such insurance as required by the Town;
- e) comply with all applicable laws, regulations, orders, by-laws and requirements of governmental or other public authorities having jurisdiction at any time, including, but not limited to, the following:
  - i) *Occupational Health and Safety Act R.S.O. 1990, c. O.1*, including the Town's Violence and Harassment in the Workplace Policy and Program, which shall be in place from time to time;
  - ii) *Workplace Safety and Insurance Act, 1997, S.O. 1997, c. 16, Schedule A*; and
  - iii) *Accessibility for Ontarians with Disabilities Act, 2005, S.O. 2005, c. 11*, including the Town's Accessible Customer Service Standards Policy, which shall be in place from time to time,

and, upon request, provide proof of such compliance in the prescribed form or in any other form as required by the Town;

- f) undertake all work during Open Hours, unless under special written permission of the Manager;
- g) undertake no work on a Saturday that cannot be finished on that day;
- h) do no work on a Sunday;
- i) not transport heavy loads in the Cemeteries when, in the opinion of the Manager, driveways or any other areas are in an unfit condition;
- j) lay planks on Lots and areas over which materials are to be moved;
- k) restore or replace any surface damaged by any work undertaken;
- l) not park on the grassy areas of the Cemeteries unless directed to do so by the Manager;
- m) place all implements and materials used in the performance of any work in accordance with the direction of the Manager; and
- n) remove all rubbish and surplus earth; refuse, litter and debris in such manner as the Manager directs.

#### **Rules For Visitors**

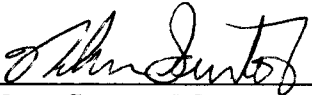
- 42. Funeral corteges within Cemeteries shall follow the route as may be directed by the Manager, when required.
- 43. All persons visiting the Cemeteries shall:
  - a) attend during Open Hours;
  - b) respect the integrity and decorum of the Cemeteries and not engage in any noisemaking, picnicking nor improper conduct;
  - c) not walk on any Marker nor sit, lean nor climb on any Monument;
  - d) drive vehicles in the Cemeteries at a moderate rate of speed on the designated driveways and not park on the grassy areas unless directed to do so by the Manager;
  - e) not drive any all-terrain vehicle or snowmobiles in the Cemeteries;

- f) not discharge any firearm unless in accordance with the provisions of any by-law of the Town that may be in effect from time to time regulating the discharge of firearms.
- g) not bring any dogs or other animals into the Cemeteries, except service animals;
- h) remove all rubbish, refuse, litter and debris from the Cemeteries or place the same in designated receptacles; and
- i) be responsible for any damage to the Cemeteries caused by any failure to comply with the rules set out in these By-laws.

**General**

- 44. Calculation of time periods within this By-law shall exclude the day on which the first event happens and include the day on which the second event happens and such calculation shall not include Saturdays, Sundays and Holidays.
- 45. This By-law shall come into effect upon approval by the Registrar.
- 46. By-law 30-2003 and any amendments thereto are hereby revoked.

**READ a FIRST, SECOND and THIRD TIME and FINALLY PASSED this 27th day of August, 2012.**

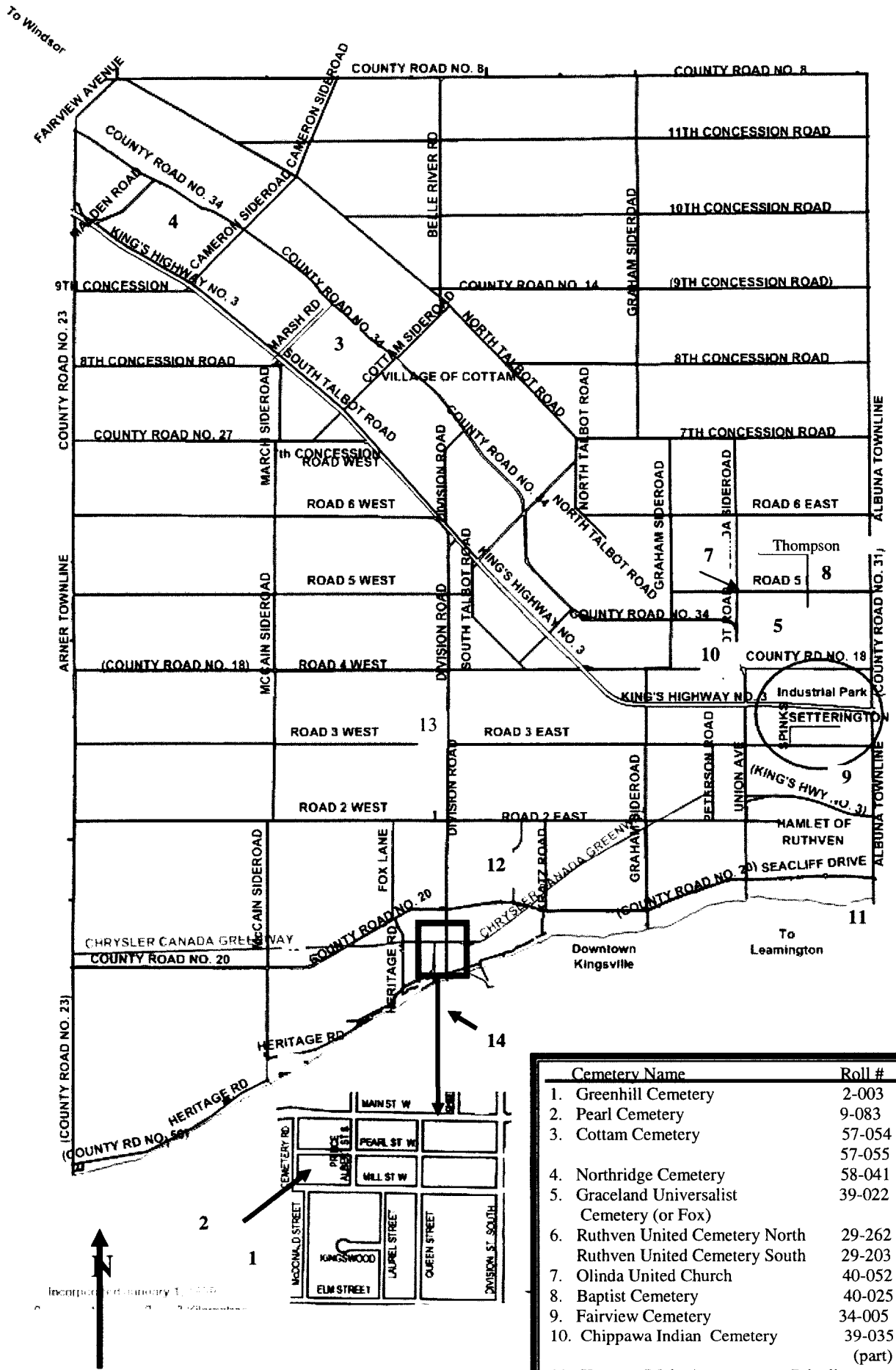
  
\_\_\_\_\_  
**Nelson Santos, Mayor**

  
\_\_\_\_\_  
**Ruth Orton-Pert, Clerk**

# SCHEDULE "A"

Cemetery Name	Location	Description	Status	Roll No.
Augustine	Farm Lot, Road 2 East	Lot: 1 Conc. 1 Pt. 3 12R15587	Inactive	None
Greenhill	Mill Street West	Lot: 4 Conc. 1	Active	020-00300
Pearl Street	Pearl Street West	Lot: 2 Conc. 1 WD	Inactive	090-08300
Cottam Cemetery	s/s County Road 34	Lot: 271 Conc. STR Part 1 Plan 12R12365	Active-Anglic. Active-Other	570-05400 570-05500
Northridge	South Talbot Road	Lots: 277, 278 Conc. STR Part 1 12R15809	Active	580-04100
Baptist	e/s Thompson Crescent	Lot: 21 Conc. 5 E.D.	Active	400-02500
Chippawa Indian	Farm Lot, Road 4 East	s/e corner Lot: 20 Conc. 4 E.D.	Inactive	390-03500
Fairview	n/s Road 3 East	Lot: 11 Conc. 3 E.D.	Active	340-00500
Graceland Universalist (or Fox) + Expansion	Road 5 East at Olinda Sideroad	Lot: 21 Conc. 4 E.D Part of Part 1 12R6602.	Active	390-02100
Kenyon (Malott)	Farm Lot 12, w/s Kenyon Point Rd.	Lot: Farm Lt. 12 Kenyon Point Road	Inactive	Road Allowance
Negro	Division Road	s/w corner Lot: M Conc 3 W.D.	Inactive	370-08600
Malott	Heritage Road	Lot: 4 Conc. 1 W.D. Parts 1 to 3 12R5593	Inactive	270-31502
Olinda United Church	w/s Olinda Sideroad	Lot: 20 Conc. 5 E.D. Part 1 12R11510	Active	400-05200
Ruthven United Church (north) (south)	n/s Hwy. 3 at Albuna Townline s/s Hwy. 3 at Albuna Townline	Lot: 13 Conc. 2 E.D. Lot: 13 Conc. 2 E.D.	Active Active	290-26200 290-20300

# SCHEDULE "B"



Cemetery Name	Roll #
1. Greenhill Cemetery	2-003
2. Pearl Cemetery	9-083
3. Cottam Cemetery	57-054
4. Northridge Cemetery	57-055
5. Graceland Universalist Cemetery (or Fox)	58-041
6. Ruthven United Cemetery North	39-022
Ruthven United Cemetery South	29-262
7. Olinda United Church	29-203
8. Baptist Cemetery	40-052
9. Fairview Cemetery	40-025
10. Chippawa Indian Cemetery	34-005
	39-035 (part)
11. Kenyon (Malott) Cemetery	Rd. allowance w/s Kenyon Rd.
12. Augustine Cemetery	Pt. 22 12R17586
13. Negro Cemetery	37-086
14. Malott Cemetery	27-31502

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 67- 2018

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***Being a By-law to establish rules and regulations to be used in connection with all cemeteries owned and operated by The Corporation of the Town of Kingsville***

**WHEREAS** section 10 of the *Municipal Act, 2001* S.O. 2001 c. 25 provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public and may pass by-laws respecting such service.

**AND WHEREAS** The Corporation of the Town of Kingsville (the "Town") is the owner and operator of certain cemeteries within the boundaries of the Town, which cemeteries are listed in Schedule "A" attached hereto and forming part of this By-law, the locations of which cemeteries are more specifically indicated on a map attached hereto as Schedule "B" and forming part of this By-law.

**AND WHEREAS** section 150 of Regulation 30/11 (the "*Regulations*") made under the *Funeral, Burial and Cremation Services Act, 2002* S.O. 2002, c. 33 (the "*Act*") provides that a cemetery operator may make by-laws governing the operation of the cemetery and, in particular, governing rights, entitlements and restrictions with respect to interment and scattering rights.

**AND WHEREAS** section 151(1) of the Regulations provides that no cemetery by-law is effective until the cemetery operator has filed it with the registrar appointed under section 3 of the Act (the "Registrar") in an approved form and manner; provided notice of the filing in accordance with subsection 151(3) of the Regulations; and the Registrar has approved it.

**AND WHEREAS** it is expedient to repeal By-law 90-2012, being a by-law to establish rules and regulations to be used in connection with all cemeteries owned by the Town.

**THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

### Definitions

1. For the purpose of this By-law, the following further definitions are applicable:
  - a) "Care and Maintenance Fund" means a percentage of the purchase price of all interment rights and set amounts for marker and monument installations as a requirement under the *Funeral, Burial and Cremation Services Act, 2002*
  - b) "Cemetery" means any one of the cemeteries owned and operated by the Town and listed in Schedule "A" herein and "Cemeteries" shall have a corresponding meaning;
  - c) "Contract" means a contract complying with the provisions of section 40 of the *Act*;
  - d) "Fee" means the corresponding fee charged for a service pursuant to the Town's Fees and Charges By-law, as amended from time to time, and as set out in a price list as required by section 33 of the *Act*;
  - e) "Inter" means the burial of human remains and includes the placing of human remains in a Lot and "Interred" and "Interment" shall have corresponding meanings;
  - f) "Interment Rights" includes the right to require or direct the Interment of human remains in a Lot;

g) Holiday” means:

New Year’s Day	Labour Day
Family Day	Thanksgiving Day
Good Friday	Remembrance Day
Easter Monday	December 24
Victoria Day	Christmas Day
Canada Day	Boxing Day

and the day designated by the Town to observe the above listed holidays

- h) “Lot” means an area of land in a Cemetery being approximately 3’4” x 8’ containing, or set aside to contain, Interred human remains;
- i) “Manager” means the person assigned by the Town from time to time to manage the Cemeteries or his or her designate;
- j) “Marker” means any permanent memorial set flush with the surface of the ground and used to mark the location of a Lot;
- k) “Monument” means any permanent memorial projecting above the ground level and used to mark the location of a Lot;
- l) “Open Hours” means between 8:00 a.m. and 8:00 p.m.;
- m) “Plot” means two (2) or more Lots in respect of which the Interment Rights have been sold as a unit;
- n) “Rights Holder” means the person who holds the Interment Rights with respect to a Lot; and
- o) “Town” means The Corporation of the Town of Kingsville

## **Regulations for Interments and Disinterment’s**

### **Generally**

- 2. A Rights Holder, or his or her authorized representative, shall provide at least forty-eight (48) hours notice (excluding Sundays and holidays) of a proposed date and time of Interment in writing to the Manager.
- 3. No Interment or Disinterment will be performed on any Sunday or Statutory Holiday unless the Town is ordered to do so by a representative of the Ministry of Health.
- 4. No Lot shall be opened for Interment or Disinterment by a person not in the employ of; acting as agent of; or under the express direction of the Town.
- 5. The Town assumes no responsibility or liability for loss or damage to any person or property during Interment or Disinterment.

### **Requirements Prior to Interment**

- 6. In addition to any other requirement under the *Act* and the Regulations and any other legislation that may be in force from time to time, the following shall be received by the Town prior to an Interment in a Cemetery:
  - a. a Contract for the Interment;
  - b. if the remains to be Interred are not those of a Rights Holder, the written consent of all Rights Holders, or their authorized representatives, to such Interment; and
  - c. payment in full of the Fee for the Interment

### Requirements Prior to Disinterment

7. In addition to any other requirement under the *Act* and the Regulations and any other legislation that may be in force from time to time, the following shall be received by the Town prior to a Disinterment in a Cemetery:
  - a. a Contract for the Disinterment; and
  - b. payment in full of the Fee for the Disinterment

### Interments

8. The following may be Interred in one (1) Lot:
  - a. not more than four (4) cremated remains; or
  - b. one (1) non-cremated remains; and
    - i. one (1) 12"x24" container containing infant remains to be Interred at the head of the Lot, provided space is available; or
    - ii. not more than two (2) cremated remains
9. Remains to be Interred in a Lot shall be enclosed in a container which container shall be:
  - a. sealed securely;
  - b. of sufficient strength to permit Interment with the container remaining intact; and
  - c. of a size to permit Interment within the Lot

### Notice of Resale and Transfer of Interment Rights

10. The Town prohibits the resale of Interment Rights to a third party and will repurchase these rights at the price set out in the Town's Fees and Charges By-law, as may be amended from time to time, less any care and maintenance contribution amount previously paid. The Town is not required to repurchase unused Interment Rights in a plot if one of the Interment Rights in the plot has been exercised.
11. The Town permits the Interment Rights holder to transfer their Interment Rights to a third party, at the current price set out in the Cemetery Service Price List, so long as the transfer is conducted through the Town.

### Regulations for Markers and Monuments

#### Generally

12. Subject to sections 22 and 23, one (1) Marker or one (1) Monument that otherwise complies with the regulations contained in this By-law may be installed on a Lot or Plot.
13. No person shall erect, install, move, alter or remove or cause to be erected, installed, moved, altered or removed, a Marker or Monument in a Cemetery without written authorization from the Manager.
14. No person shall deliver to a Cemetery or cause to be delivered to a Cemetery a Marker or Monument without written authorization from the Manager and unless the foundation is prepared and the marker and Monument is to be immediately installed.
15. Every person who wishes to deliver to a Cemetery or, erect, install, place, move, alter or remove a Marker or Monument in a Cemetery shall provide such information in connection with the Marker or Monument and the erection, installation, placement, movement, alteration or removal of the Marker or Monument as the Manager may require.
16. Vases permanently attached to a Marker or Monument shall be:
  - a. constructed of bronze;
  - b. of sufficient strength to protect the vase in an inverted position; and



- c. attached to the Marker or Monument with a chain long enough to invert, and the Town shall assume no responsibility nor liability for the loss or damage to vases attached to any Marker or Monument.

17. Despite anything else in this By-law, no Marker, Monument or Foundation shall extend over the side of any Lot or Plot.

#### Requirements Prior to Installation

18. In addition to any other provisions of this By-law, the following shall be received by the Town prior to the installation of a Marker or Monument:
- a. Written authorization for the installation of the Monument or Marker from all Rights Holders or the authorized representatives of the Rights Holders; and
  - b. Payment in full of the Fee for the Marker or Monument Care and Maintenance

#### Markers

19. When measuring a Marker, depth shall refer to the distance from front to back and width shall refer to the distance from left to right.

20. A Marker shall:

- a. be flat;
- b. be constructed of marble, granite or bronze;
- c. be set level with the ground so that a lawnmower may pass safely over the Marker;
- d. not have any inscription which is not in keeping with the dignity and decorum of the Cemeteries;
- e. be a minimum thickness of 4"
- f. be a minimum size of 10" in depth x 20" in width
- g. be a maximum size of:
  - i. 16" in depth x 30" in width if placed on a Lot; or
  - ii. 18" in depth x 42" in width if placed on a Plot
- h. be placed such that the Marker does not interfere with future Interments

21. If the Marker has a skirt, such skirt shall be no more than 2" greater than the size of the Marker

#### Monuments

22. Notwithstanding any other provision of this By-law, Monuments are prohibited in the following Cemeteries:

- a. Sections A, B, C, D and E of the Greenhill Cemetery; and
- b. Graceland Cemetery

23. When measuring a Monument or its base, height shall refer to the distance from top to bottom; width shall refer to the distance from left to right; and depth shall refer to the distance from front to back.

24. A Monument shall:

- a. not have any inscription which is not in keeping with the dignity and decorum of the Cemeteries;
- b. be a maximum size of:
  - i. 24" in height x 24" in width if placed on a Lot; or
  - ii. 30" in height x 48" in width if placed on a Plot;
- c. if it includes a base, have a base a maximum size of:
  - i. 8" in height x 32" in width if placed on a Lot; or
  - ii. 8" in height x 60" in width if placed on a Plot;
- d. have only a family name on its back;
- e. not be placed "back-to-back" against another Monument; and
- f. be placed at the centre of the head of the Lot or Plot, unless otherwise authorized or directed by the Manager.

### Supplementary Markers

25. Supplementary Markers may be installed on a Lot or Plot in accordance with section 23.
26. Supplementary Markers shall be a maximum size of 16" in depth and 24" in width and the maximum number to be installed shall be one (1) if on a Lot and two (2) if on a Plot and such Supplementary Marker shall be installed as follows:
- a. flush to and centered under a Marker; or
  - b. at the opposite end of and centered under a Monument, and if two (2) Supplementary Markers are installed in accordance with this By-law, such shall be installed one beside the other

### Legion Stones and Supplementary Vase Stone

27. War Memorial markers placed on veteran graves by the Royal Canadian Legion will be permitted to remain as a permanent marker, in addition to other markers and monuments allowed. Only head stones, consistent with those approved by Veterans Affairs Canada are permitted.

### Foundations

28. Every Monument shall have a foundation.
29. A Foundation shall:
- a. be constructed between March 31 and November 14;
  - b. have a surface area that is flush with the surrounding ground level;
  - c. provide a level surface free of defects;
  - d. be cured for a minimum of forty-eight (48) hours before the installation of the Monument; and
  - e. have a skirt no more than two (2) inches greater than the size of the Monument base

### Removal by Manager

30. The Manager, in his or her sole discretion, may remove from a Cemetery, Lot or Plot any Marker or Monument that does not comply with the regulations in this By-law.

### Maintenance

31. The Town shall be responsible for the general care and maintenance of the Markers and Monuments once installed on a Lot or Plot in accordance with the regulations in this By-law.
32. Notwithstanding any other provisions of this By-law, if any Marker or Monument is found to pose a hazard or risk to public safety, the Town may remove such risk or hazard.
33. Any person who finds a Marker or Monument in need of care or maintenance shall notify the Town.
34. The Town assumes no responsibility nor liability for the proper installation of any Marker or Monument, nor for any loss or damage to any Marker or Monument resulting from normal wear and tear, including, but not limited to, minor scraping of the base of Monuments due to turf mowing operations.

### Regulations for Cemeteries, Lots and Plots

#### General Care and Maintenance

35. The Town shall be responsible for the general care and maintenance of the Cemeteries, Lots and Plots.

### Lots and Plots

36. No person may alter any Lot or Plot in any manner whatsoever, including, but not limited to the changing of the grade, the addition of sod, grass seed, or loose stone, the addition of flower beds, trees, shrubbery or plants, the construction of curbing, coping, fencing or walkways of any kind.
37. No person shall place, leave, install or erect any article, item, memorial, structure, object or thing of any kind whatsoever in a Cemetery or upon any Lot or Plot unless otherwise permitted by this By-law.
38. Subject to section 41, the following articles are permitted to be left upon a Lot or Plot by any person:
- a. fresh and artificial flowers;
  - b. between November 1 and March 31 each year, Christmas wreaths and blankets or artificial wreaths without glass or plastic covers, provided the same are securely fastened to a Monument, or where there is no Monument, mounted on a stand of a least thirty (30) inches high and securely anchored to the ground; and
  - c. between April 1 and October 31 each year, plastic vases, plastic flower pots, potted plants and shepherd's hook on top of the ground, but not buried, and placed as close to a Monument or Marker base as practical

### Maintenance

39. Any person who leaves any article permitted by this By-law on a Lot or Plot shall care for and maintain the article while it is left on the Lot or Plot and shall remove the article when the article is no longer permitted under this By-law.
40. Except as otherwise indicated in the Act, the Regulations and this By-law, the Town is not responsible to maintain, nor is the Town liable for loss or damage to any articles left in the Cemeteries or upon any Lot or Plot.

### Removal by Manager

41. The Manager, in his or her sole discretion, may remove from the Cemetery, Lot or Plot:
- a. anything that is not authorized under this By-law;
  - b. any article if that article may not be left on a Lot or Plot after a certain date if that date has passed;
  - c. any article that is not cared for or maintained, including, but not limited to dead plants or flowers and pots or urns not filled with plants or flowers;
  - d. any trees or shrubs situated in any Lot or Plot that have become, by means of their roots or branches or in any other way detrimental to the adjacent Lot, drains, roads or walks, or prejudicial to the general appearance of the grounds or inconvenient to the public; and
  - e. any article, such as nails, wires, glass, or pottery, which is detrimental to efficient maintenance or constitutes a hazard to machinery, employees or visitors, or does not conform with the natural beauty or design of the Cemetery.

### Rules for Contractors

42. In section 43, "Contractor" shall mean any person undertaking work in the Cemeteries who is not an employee of the Town, whether party to a contract with the Town or not.
43. Contractors shall:
- a. Respect the integrity and decorum of the Cemeteries;
  - b. Cease work, if in the immediate vicinity of a funeral, until the conclusion of the funeral service;

- c. Indemnify and hold harmless the Town, its directors, officers, employees, agents and elected officials, from and against all claims, losses, suits, judgements, legal expenses and for any and all liability for damages to property and injury to persons, including death, which the Town may incur or suffer directly or indirectly as a result of or arising out of or in relation to the Contractor's work within the Cemeteries;
- d. at his own expense, take out and maintain, general liability insurance of not less than two million dollars (\$2,000,000.00) and such policy shall be written on a comprehensive basis with coverage for any one occurrence or claim of not less than two million dollars (\$2,000,000.00) and shall contain a provision for cross liability or severability of interest and non-owned automobile coverage with blanket contractual and physical damage coverage for hired automobiles and provide proof of such insurance as required by the Town;
- e. comply with all applicable laws, regulations, orders, by-laws, and requirements of governmental or other public authorities having jurisdiction at any time, including, but not limited to, the following:
  - i. *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, including the Town's Violence and Harassment in the Workplace Policy and Program, which shall be in place from time to time;
  - ii. *Workplace Safety and Insurance Act*, 1997, S.O. 1997, c.16, Schedule A; and
  - iii. *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c.11, including the Town's Accessible Customer Service Standards Policy, which shall be in place from time to time

and, upon request, provide proof of such compliance in the prescribed form or in any other form as required by the Town;

- f. undertake all work during Open Hours, unless under special written permission of the Manager;
- g. undertake no work on a Saturday that cannot be finished on that day;
- h. undertake no work on a Sunday absent written permission or direction from the Manager of Public works;
- i. not remove any marker or monument without written permission of the Manager
- j. not transport heavy loads in the Cemeteries when, in the opinion of the Manager, driveways or any other areas are in an unfit condition;
- k. lay planks on Lots and areas over which materials are to be moved;
- l. restore or replace any surface damaged by any work undertaken;
- m. not park on the grassy areas of the Cemeteries unless directed to do so by the Manager;
- n. place all implements and materials used in the performance of any work in accordance with the direction of the Manager; and
- o. remove all rubbish and surplus earth, refuse, litter and debris in such manner as the Manager directs

### **Rules for Visitors**

44. Funeral corteges within Cemeteries shall follow the route as may be directed by the Manager, when required.

45. All persons visiting the Cemeteries shall:

- a. attend during Open Hours;
- b. respect the integrity and decorum of the Cemeteries and not engage in any noisemaking, picnicking nor improper conduct;
- c. not walk on any Marker nor sit, lean nor climb on any Monument;
- d. not drive vehicles within the Cemeteries at a speed of more than ten (10) kilometres per hour, or elsewhere than upon the roadways provided for vehicles
- e. not park on the grassy areas unless directed to do so by the Manager;

- f. not drive any all-terrain vehicle or snowmobiles in the Cemeteries;
- g. not discharge any firearm unless in accordance with the provisions of any by-law of the Town that may be in effect from time to time regulating the discharge of firearms
- h. not bring any dogs or animals into the Cemeteries, except service animals;
- i. not bring alcohol
- j. remove all rubbish, refuse, litter and debris from the Cemeteries or place the same in designated receptacles; and
- k. be responsible for any damage to the Cemeteries caused by any failure to comply with the rules set out in these By-laws

General

46. Calculation of time periods within this By-law shall exclude the day on which the first event happens and include the day on which the second event happens and such calculation shall not include Saturdays, Sundays and Holidays.
47. This By-law shall come into effect upon approval by the Registrar.
48. By-law 90-2012 and any amendments thereto are hereby revoked.

**READ a FIRST, SECOND and THIRD time and FINALLY PASSED this 11<sup>th</sup> day of June, 2018.**

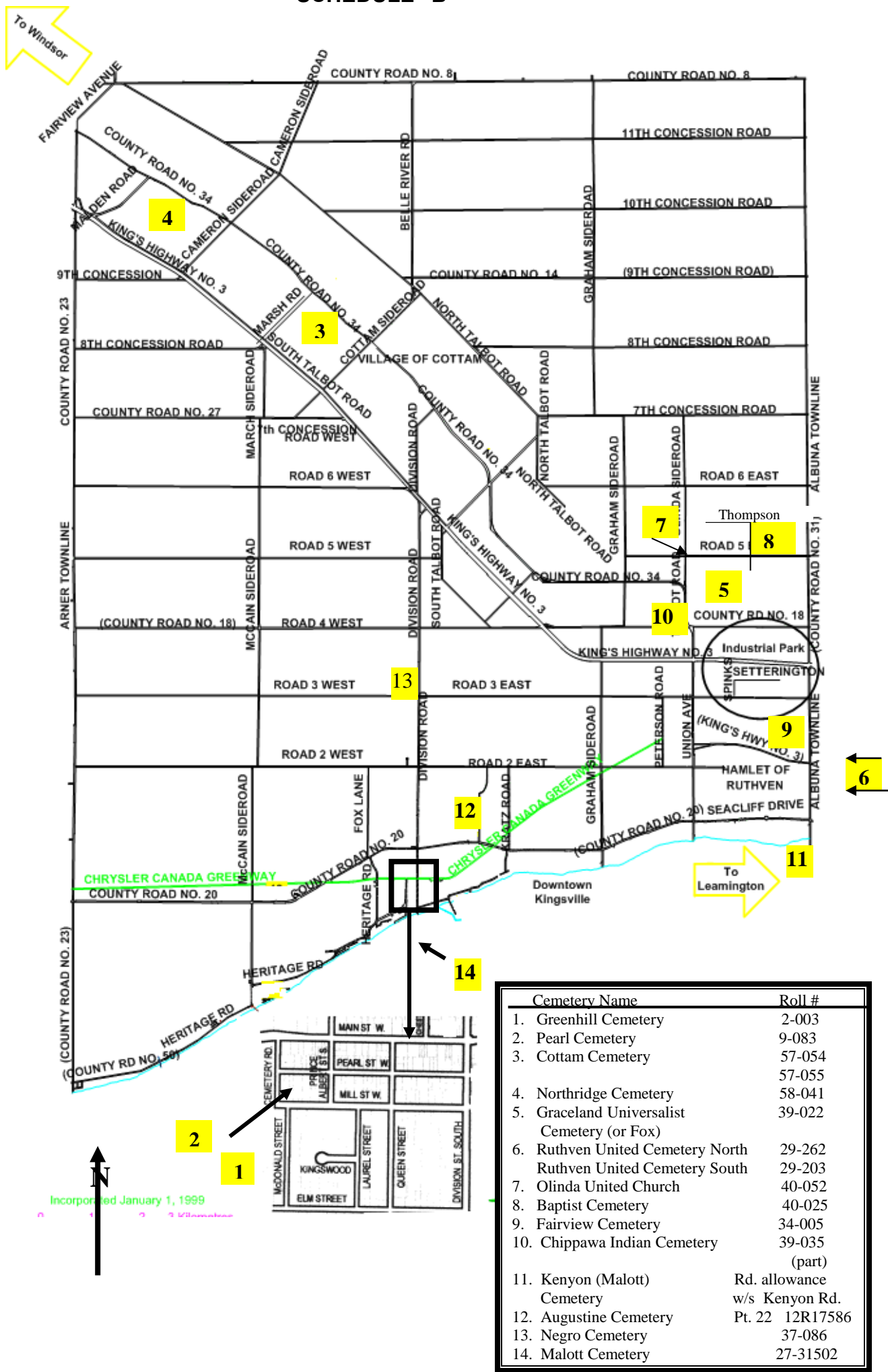
\_\_\_\_\_  
**MAYOR, Nelson Santos**

\_\_\_\_\_  
**CLERK, Jennifer Astrologo**

## SCHEDULE "A"

Cemetery Name	Location	Description	Status	Roll No.
Augustine	Farm Lot, Road 2 East	Lot: 1 Conc. 1 Pt. 3 12R15587	Inactive	None
Greenhill	Mill Street West	Lot: 4 Conc. 1	Active	020-00300
Pearl Street	Pearl Street West	Lot: 2 Conc. 1 WD	Inactive	090-08300
Cottam Cemetery	s/s County Road 34	Lot: 271 Conc. STR Part 1 Plan 12R12365	Active-Anglic. Active-Other	570-05400 570-05500
Northridge	South Talbot Road	Lots: 277, 278 Conc. STR Part 1 12R15809	Active	580-04100
Baptist	e/s Thompson Crescent	Lot: 21 Conc. 5 E.D.	Active	400-02500
Chippawa Indian	Farm Lot, Road 4 East	s/e corner Lot: 20 Conc. 4 E.D.	Inactive	390-03500
Fairview	n/s Road 3 East	Lot: 11 Conc. 3 E.D.	Active	340-00500
Graceland Universalist (or Fox) + Expansion	Road 5 East at Olinda Sideroad	Lot: 21 Conc. 4 E.D Part of Part 1 12R6602.	Active	390-02100
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Malott	Heritage Road	Lot: 4 Conc. 1 W.D. Parts 1 to 3 12R5593	Inactive	270-31502
Olinda United Church	w/s Olinda Sideroad	Lot: 20 Conc. 5 E.D. Part 1 12R11510	Active	400-05200
Ruthven United Church (north) (south)	n/s Hwy. 3 at Albuna Townline s/s Hwy. 3 at Albuna Townline	Lot: 13 Conc. 2 E.D. Lot: 13 Conc. 2 E.D.	Active Active	290-26200 290-20300

SCHEDULE "B"





2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
(519) 733-2305  
www.kingsville.ca  
kingsvilleworks@kingsville.ca

**Date:** June 14, 2018  
**To:** Mayor and Council  
**Author:** Jennifer Astrologo, Director of Corporate Services  
**RE:** Appointment of Members to the Compliance Audit Committee  
**Report No.:** CS-2018-15

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## **AIM**

To recommend appointment of members to the Election Compliance Audit Committee (the "Committee") for the 2018-2022 Council Term.

## **BACKGROUND**

At the May 14<sup>th</sup> Council Meeting, Council approved the draft Terms of Reference for the Committee and authorized the Director of Corporate Services to recruit potential candidates to sit on the Committee.

As mentioned at that meeting, 2 of the current Committee Members, Dr. Lloyd Brown-John and Mr. Russell Horrocks have indicated their willingness to remain on the Committee for another term.

## **DISCUSSION**

Notice of the recruitment initiative was published in all three newspapers which service the Town of Kingsville, on the Town's website and on the Town's social media accounts.

As previously mentioned, the Committee must be comprised of 3 members of the community. As outlined in the Terms of Reference, Committee members are drawn from the following groups: accounting, academic, legal, or individuals with knowledge of campaign finance rules under the *Municipal Elections Act*.

Dr. Brown-John is a retired professor Emeritus from the University of Windsor and Mr. Horrocks is a lawyer. Ms. Sandra Zwiers was the sole applicant who submitted her application to sit on this Committee. Ms. Zwiers is a Chartered Professional Accountant, Chartered Accountant, bringing 15 years of municipal accounting experience to this



Committee. This group of individuals presents a nice balance of the types of community members sought to sit on this Committee.

Accordingly, it is recommended that the following individuals be appointed to the Compliance Audit Committee for the 2018-2022 Council Term:

- Russell Horrocks
- Dr. Lloyd Brown-John
- Sandra Zwiers

#### **LINK TO STRATEGIC PLAN**

No direct link to the strategic plan.

#### **FINANCIAL CONSIDERATIONS**

Members are paid \$100 per meeting.

#### **CONSULTATIONS**

C.A.O., Peggy Van Mierlo-West

#### **RECOMMENDATION**

That Council adopts By-law 79-2018, appointing members to the Compliance Audit Committee for the 2018-2022 Council Term, at this Regular Meeting.

*Jennifer Astrologo*

Jennifer Astrologo, B.H.K. (hons), LL.B  
Director of Corporate Services/Clerk

*Peggy Van Mierlo-West*

Peggy Van Mierlo-West, C.E.T.  
Chief Administrative Officer

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 79-2018

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### Being a by-law to establish a Compliance Audit Committee and appoint members thereto

**WHEREAS** Section 88.37 of the *Municipal Elections Act, 1996* (the "Act") requires municipalities to appoint a Compliance Audit Committee to deal with matters regarding election campaign finances before October 1 in the election year.

**AND WHEREAS** Section 88.37 of the Act provides that the term of the Kingsville 2018 Election Compliance Audit Committee is the same as the term of the Council that takes office following the election, being December 1, 2018 to November 14, 2022.

**AND WHEREAS** the Council of The Corporation of the Town of Kingsville deems it expedient to appoint members to the Kingsville 2018 Election Compliance Audit Committee for the term the Committee.

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. A Compliance Audit Committee is hereby established to deal with the matters provided for in Section 88.33, 88.34 and 88.36 of the *Municipal Elections Act, 1996*.
2. The business of the Compliance Audit Committee shall be conducted in accordance with the Terms of Reference set out in Schedule "A" attached hereto, which shall form part of this By-law.
3. The following members be and they are hereby appointed to the Compliance Audit Committee for the term of the committee:

Dr. C. Lloyd Brown-John

Russell L. Horrocks

Sandra Zwiers


**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
25<sup>th</sup> DAY OF JUNE, 2018.**

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**MAYOR, Nelson Santos**

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**CLERK, Jennifer Astrologo**

	<b>TERMS OF REFERENCE</b>  <b>COMPLIANCE AUDIT COMMITTEE</b>
<b>Approved: May 14, 2018</b>	

COMMITTEE PARTICULARS			
<b>Type:</b>  Statutory		<b>Authorizing or Mandating Legislation:</b>  <i>Municipal Elections Act, 1996 – section 88.37</i>	
<b>Date of Formation:</b>		<b>Term:</b>  December 1, 2018 to November 14, 2022	
<b>Meeting Frequency:</b>  As may be required under the <i>Municipal Elections Act, 1996</i> .			
<b>Resource:</b>  Internal: Director of Corporate Services / Clerk		<b>Staff Support:</b>  Deputy Clerk – Administrative Services	
<b>Number of Council Members:</b>  None		<b>Number of Community Members:</b>  Three, drawn from the following groups: <ul style="list-style-type: none"><li>a) accounting and audit – accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;</li><li>b) academic – college or university professors with expertise in political science or local government administration;</li><li>c) legal; and/or</li><li>d) other individual with knowledge of the campaign financing rules of the <i>Municipal Elections Act, 1996</i>.</li></ul>	
<b>Procedural By-law:</b>  By-law 55-2016, as amended from time to time		<b>Remuneration:</b>  \$100.00 per attendance	
LINK TO STRATEGIC PLAN			
None			
PURPOSE			
To fulfill the mandatory requirements of section 88.37 of the <i>Municipal Elections Act, 1996</i>			
SCOPE OF WORK			
The Committee shall perform the functions relating to a compliance audit as outlined in sections 88.33, 88.34 and 88.36 the <i>Municipal Elections Act, 1996</i> , including: <ul style="list-style-type: none"><li>• receive and decide whether to grant or reject applications for compliance audit of candidates' and registered third party election campaign finances;</li><li>• review reports submitted by the Clerk with respect to any contributor who appears to have contravened the contribution limits established in the <i>Municipal Election Act, 1996</i>;</li><li>• appointing an auditor, if the application is granted;</li><li>• receiving the auditor's report; and</li><li>• considering the auditor's report and decide whether legal proceedings should be commenced.</li></ul>			
REQUIRED SKILLS			
Strategy	Project Management	<b>X</b> Finance/ Accounting	<b>X</b> Communications
Risk Management	Business Management	<b>X</b> Legal	<b>X</b> Critical Thinking / Analysis
Stakeholder Relations	Land Use Planning	<b>X</b> Organization	



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**Date:** June 11, 2018  
**To:** Mayor and Council  
**Author:** Jennifer Astrologo, Director of Corporate Services  
**RE:** Restricted Acts of Council after Nomination Day - Lame Duck Period  
**Report No.:** CS-2018-15

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## **AIM**

To provide Council with information relating to section 275 of the *Municipal Act, 2001* (the "Act"), also known as the "lame duck period", and an update regarding its potential application during the 2018 election year.

## **BACKGROUND**

Section 275 of the *Act* provides that if the new council includes less than three-quarters of the members of the outgoing council between Nomination Day (July 27, 2018) and the commencement of the new term of Council (December 1, 2018), Council may not:

- i) Appoint or remove an officer from office;
- ii) Hire or dismiss any employee of the municipality;
- iii) Dispose of any real or personal property of the municipality with a value exceeding \$50,000, unless provided for in the current budget; and
- iv) Make any expenditure or incur any other liability which exceeds \$50,000, unless provided for in the current budget.

Nothing in that section prevents the Town from taking action in the event of an emergency, nor does it prevent any officer or employee from exercising any authority that is delegated to any person or body, pursuant to section 23.1 of the *Act*, provided that said delegation is made prior to Nomination Day.

Of the listed actions, Council may not delegate its authority to appoint or remove from office an officer of the municipality whose appointment is required by the *Act*.<sup>1</sup> Council has not delegated its authority to Administration in respect of the remaining areas of responsibility, with the exception of the hiring of temporary employees.

## **DISCUSSION**

There are 2 dates in which the acts of Council may be restricted based on section 275:

- i) after Nomination Day but before Voting Day, or
- ii) after Voting Day, once results are declared.

Council is comprised of 7 members. To meet the three-quarter threshold prescribed in the *Act*, 6 current members of Council must officially declare candidacy through the filing of nomination papers with the Clerk. Upon review of the nominations filed to date, only 4 of members of Council are candidates in the 2018 election. Therefore, it appears that Council will be in a “lame duck” position as of July 27 until the start of the new term of Council (December 1).

The Town has undergone a significant amount of recruitment as of late and Council has not delegated its authority to hire or dismiss employees. While Administration does not anticipate this being an issue, any vacancies which arise will remain vacant until the next term of Council commences.

With respect to capital projects, there are a number of projects that are in the process of completion and which must still be tendered. If any of the tenders exceed the budgeted amount, Council will not be able to award those projects by operation of section 275.

The impact of section 275 could be substantial and will likely take effect as of Nomination Day. In order to maintain normal business operations during this time, Administration recommends that Council delegate its authority for the duration of the “lame duck period”.

## **LINK TO STRATEGIC PLAN**

No direct link to the strategic plan.

## **FINANCIAL CONSIDERATIONS**

None.

## **CONSULTATIONS**

Senior Administration

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<sup>1</sup> Section 23.3(1) paragraph 1.

## RECOMMENDATION

That Council receives this report regarding Section 275 of the *Municipal Act, 2001*.

That Council delegates to the Chief Administrative Officer, for the period of time during which section 275 of the *Municipal Act, 2001* is in effect (the *Lame Duck* period), the following authority:

- Hiring or dismissing any employee, save and except those officers of the municipality whose appointment is required under the *Municipal Act, 2001*,
- Disposing of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal, unless provided for in the current budget, and
- Making any expenditure or incurring any other liability which exceeds \$50,000, unless provided for in the current budget.

That prior to the exercise of the delegation of authority, the Chief Administrative Officer consult with the Director of Financial Services on those matters involving the disposition of property and unbudgeted expenditures and consult with the Director of Corporate Services on employee matters.

That prior to the exercise of the delegation of authority, the Chief Administrative Officer advise Council in writing of the exercise of the authority.

That By-law 78-2018, being a by-law to authorize the delegated authority for restricted acts during the “lame duck” period be adopted.

*Jennifer Astrologo*

Jennifer Astrologo, B.H.K. (hons), LL.B  
Director of Corporate Services/Clerk

*Peggy Van Mierlo-West*

Peggy Van Mierlo-West, C.E.T.  
Chief Administrative Officer

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 78-2018

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### **Being a By-law to authorize the delegation of authority to the Chief Administrative Officer for certain acts during a “Lame Duck” Period**

**WHEREAS** Section 275 of the *Municipal Act, 2001*, c. 25, as amended (the “Act”) provides that in an election year the acts of Council are restricted when it can be determined with certainty that the new members of council will be comprised of less three quarters of the current members of council, known as the “Lame Duck” period;

**AND WHEREAS** the determination of the three-quarter threshold is made after Nomination Day (July 27, 2018), once nominations are certified, or after Voting Day (October 22, 2018), once the results are declared;

**AND WHEREAS** Section 275 (3) of the Act restricts Council from taking certain action on the following:

- a) The appointment or removal from office of any officer of the municipality;
- b) The hiring or dismissal of any employee of the municipality;
- c) The disposition of any real or personal property of the municipality, which has a value exceeding \$50,000 at the time of disposal; and
- d) Making any expenditures or incurring any other liability which exceeds \$50,000;

**AND WHEREAS** Section 275 (6) of the Act states that nothing in this section prevents any person or body exercising authority of a municipality that is delegated to the person or body prior to Nomination Day for the election of the new council;

**AND WHEREAS** section 23.1 of the Act provides that a municipality may delegate its powers and authority;

**AND WHEREAS** Council deems it expedient to delegate authority to the Chief Administrative Officer to take action, where necessary, on certain acts during the “Lame Duck” period.

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. **THAT** Council delegates authority to the Chief Administrative Officer of The Corporation of the Town of Kingsville to:
  - a) hire or dismiss any employee, save and except those officers of the municipality whose appointment is required under the *Municipal Act, 2001*;
  - b) dispose of any real or personal property of The Corporation of the Town of Kingsville which has a value exceeding \$50,000 at the time of disposal, unless provided for in the current budget; and
  - c) Make any expenditure or incur any other liability which exceeds \$50,000, unless provided for in the current budget.
2. **THAT** the delegated authority as outlined above shall only take effect and be limited to the “Lame Duck” period of Council.
3. **THAT** prior to the exercise of the delegation of authority outlined in Section 1.a), b) and c) above.<sup>82</sup>

- i) the Chief Administrative Officer will consult with the Director of Financial Services on those matters involving the disposition of property and unbudgeted expenditures, and with the Director of Corporate Services on employee matters; and
  - ii) the Chief Administrative Officer will advise Council in writing of the exercise of the authority.
4. This By-law shall come into force and effect upon its final passage and shall expire on Monday, December 3, 2018.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25<sup>th</sup> DAY OF JUNE, 2018.**

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**MAYOR, Nelson Santos**

---

**CLERK, Jennifer Astrologo**





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**Date:** June 20, 2018  
**To:** Mayor and Council  
**Author:** Peggy Van Mierlo-West, CAO  
**RE:** BIA Request Regarding Pop Up Shops  
**Report No.:** CAO 02-2018

---

## **AIM**

Aim to provide information regarding a request from the BIA to investigate pop ups and the requirement of membership within the BIA.

## **BACKGROUND**

At the April 23<sup>rd</sup> Council meeting, Council requested that administration review the following request from the Kingsville BIA.

**“BIA-042-2018      Move J. Martin, seconded by H. Brown, to send a letter to the Town of Kingsville Council regarding pop up businesses and request notifications of business licenses granted.**

This motion is to respectfully ask the Town of Kingsville to conduct research to learn of any legal methods to prevent pop up businesses from conducting business in the designated BIA Boundaries.

A Business Improvement Area (BIA) allows local business people and commercial property owners and tenants to join together and, with the support of the municipality, to organize, finance, and carry out physical improvements and promote economic development in their district.

Traditionally, a BIA is a body established by a municipality using the specific business improvement area provisions in the Municipal Act, 2001. It is governed by a board of management.

Once a traditional BIA is approved by municipal council, businesses within its boundaries become members and pay the BIA levy along with their property taxes. A traditional BIA view is that this structure reflects the principle that all who benefit should be required to bear their fair share of the cost of the program. In addition, the arrangement provides a secure source of funding for BIA activities.

Non-traditional ways of receiving funding include; private-public partnerships (ie advertisements), grants and associate memberships.

The Town registers businesses and reviews the businesses for appropriate zoning, usage, building approvals etc. Inspections are conducted to verify that these businesses are conducting themselves in a safe manner according to the Municipal bylaws. Businesses that have not registered are requested to comply with our bylaws and should they not be able to comply are closed.

## **DISCUSSION**

The question regarding the legality of a pop up shop, or restrictions on pop up shops within a shopping district can be a tricky to navigate. It should be noted that the BIA levy is levied onto the parcel of land within the catchment area. Should a property be vacant or leased the levy is still charged to the property and in return allocated to the BIA for annual initiatives.

A temporary store or shop, open for no more than six months, which sells merchandise or food. Pop-ups create short-term stores and/or restaurants that utilize vacant property or serve a temporary need/use. Pop-up stores are a way for business owners to launch a new product, test a business idea or market, gauge interest in their product, and vet a business idea or location before investing in a permanent space.

There are benefits to hosting a pop-up shop such as: they provide a visible presence in Kingsville for local and regional retail establishments, they highlight available vacant properties and create opportunity for potential long-term leases, they reduce start-up costs for entrepreneurs by leasing temporary space and they provide an opportunity for retail incubators or micro-business development.

For a pop-up shop to start the prospective business owner must;

- Identify a potential location.
- Contact the property owner for permission to utilize the space for a pop-up shop.
- Obtain written approval from the property owner. Develop an agreement regarding rental costs, utilities, hours of operation and any other terms of the short-term use of space.
- Review that the zoning is appropriate for the business
- Submit building applications should any renovations occur
- Submit a registration business application to the Corporate Services Department
- Have the appropriate municipal and county departments inspect the premises

Ultimately a pop-up shop requires to complete the same approval process that any business would have to complete.

The question arose regarding the Town mandating these pop up shops becoming Associates Members with the BIA. It would not be recommended that the Town mandate these memberships. Any business that is located within the BIA catchment area essentially pays into the BIA levy through their rent of the space. To request that these businesses also become Associates Members would essentially be double billing the patron.

The ultimate question was can the Town not permit pop up shops within the Town. Simply the Town could change our bylaws to not permit a pop up shop however, this would be going against all of the goals of the Town's Strategic Plan.

- Adopt a community-based focus
- Grow specific business sectors
- Encourage a positive community business culture
- Align and inspire town resources
- Attract and retain a new generation of entrepreneurs and workforce

Also it would be essentially be over stepping the Town's bounds for private enterprise as the Town would be mandating lengths of leases.

However, there are other circumstances that the Town currently does enforce the non-registered businesses. Should a business set up on a sidewalk the Town will request the business to be removed. However, the current issue with this is that the Town currently does not have the resources to have by-law enforcement on weekends and evenings. Should Council wish to review the costing of increased by law enforcement Administration would be willing to provide this information within another report.

## **LINK TO STRATEGIC PLAN**

Support growth of the business community.

## **FINANCIAL CONSIDERATIONS**

None

## **CONSULTATIONS**

## **RECOMMENDATION**

That this report be forwarded onto the BIA Board for informational purposes and that the Town's current practices regarding business registration and inspection be maintained and that when a business is registered that the BIA is informed.

*Peggy Van Mierlo-West*  
Peggy Van Mierlo-West, C.E.T.

Chief Administrative Officer



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**Date:** June 20, 2018  
**To:** Mayor and Council  
**Author:** Peggy Van Mierlo-West  
**RE:** Cottam Rotary – Bus Shelter Donation  
**Report No.:** CAO 05-2018

---

## **AIM**

To provide Council an update regarding negotiations with the Cottam Rotary bus shelter donation.

## **BACKGROUND**

Council provided the following motion regarding the above noted project.

**“Council direct that the CAO work with the Rotary Club of Cottam regarding the installation of a School Bus Shelter.”**

On May 29<sup>th</sup>, 2018 Administration met with the Cottam Rotary to discuss the project and to address the concerns that were brought forth through the report that was presented.

## **DISCUSSION**

The discussion at the meeting surrounded the following items;

- Maintenance of the property
- Insurance
- Ownership
- Concerns regarding graffiti

The Rotarians have agreed to maintain the bus shelter. They are also in agreement that they will hold insurance indemnifying the Town. The Rotarians have verified that they will solely own the bus shelter and will pay for the installation and construction. Should the bus shelter have reoccurring vandalism Cottam Rotary has stated that they will remove the structure.

Administration is currently drafting an encroachment agreement between the Cottam Rotary and the Town of Kingsville. The encroachment permit will lay out these recommendations.

The Cottam Rotary would like to install the shelter by the start of the 2018/2019 school year however there is a substantial lag time for the shelter to be delivered. The Cottam Rotary are requesting that Council approve the shelter in principle to allow for the ordering.

A draft encroachment agreement will be presented to Council at a later date.

### **LINK TO STRATEGIC PLAN**

Promote the betterment, self-image and attitude of the community.

### **FINANCIAL CONSIDERATIONS**

There are no financial considerations.

### **CONSULTATIONS**

Cottam Rotary  
Manager of Recreational Facilities and Properties

### **RECOMMENDATION**

That Council approve the Cottam Bus Shelter Project in principle and that Administration continue to work with the Cottam Rotary on an encroachment agreement, and that this agreement be presented to Council.

*Peggy Van Mierlo-West*

Peggy Van Mierlo-West, C.E.T.  
Chief Administrative Officer

May 29, 2018

First we like to thank the council for the bocce courts in their current location. We enjoy playing on these courts every Tuesday & Friday mornings. We the undersigned wish to continue to play at this current site and thus are opposed to moving these courts to any other location.

Audrey Peterson  
Robert Peterson  
Eda Thorsberg  
Lynne Chann  
Gail Bell  
Gary Thimmesberg  
Bob Bell  
Shonda MacPherson

Mike MacPherson  
Cheryl Swaddling  
Pat Myer  
Lynne Lapostolle  
Mary Hodgson  
Nicholas Berio  
Cynthia Thompson  
Amy New  
Anne Black  
Shonda Chann  
Kg  
Anne Chitt



**REGULAR MEETING OF COUNCIL  
MINUTES**

**Monday, June 11, 2018  
7:00 PM  
Council Chambers  
2021 Division Road N  
Kingsville, Ontario N9Y 2Y9**

Members of Council	Mayor Nelson Santos Deputy Mayor Gord Queen Councillor Susanne Coghill Councillor John Driedger Councillor Tony Gaffan Councillor Thomas Neufeld Councillor Larry Patterson
Members of Administration	J. Astrologo, Director of Corporate Services R. Brown, Manager of Planning Services S. Kitchen, Deputy Clerk-Council Services R. McLeod, Director of Financial Services S. Moore, Fire Prevention Officer C. Parsons, Fire Chief P. Van Mierlo-West, CAO

**A. CALL TO ORDER**

Mayor Santos called the Regular Meeting to order at 7:00 p.m.

**B. MOMENT OF SILENCE AND REFLECTION**

Mayor Santos called for a moment of silence to be followed by the playing of the National Anthem.

**C. PLAYING OF NATIONAL ANTHEM**

**D. DISCLOSURE OF PECUNIARY INTEREST**



Mayor Santos reminded Council that any declaration is to be made prior to each item being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

**E. PRESENTATIONS/DELEGATIONS**

1. **Douglas J. Plumb, on behalf of Kingsville Highland Games group--Request dated May 18, 2018 RE: Proposal to bring back the Highland Games (SEE: Draft Proposal, previously provided on the May 28, 2018 Regular Meeting of Council Agenda)**

**366-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Susanne Coghill

That Council, having considered the request of Douglas Plumb on behalf of the Highland Games Committee (along with the draft Proposal to hold the Games at Lakeside Park from June 22 to 23, 2019) directs Douglas Plumb and other Kingsville Highland Games organizers to attend Special Events Resource Task Force (SERT) meetings in accordance with the Town's Special Events Policy with a follow-up update to Council to be provided following such SERT process.

**CARRIED**

2. **Paul Driedger, Vice President and Architectural Manager, Glos Associates Inc. - Presentation regarding the Grovedale House project (handouts to be provided at time of meeting)**

Paul Driedger, of Glos Associates Inc., and Tim Del Greco, Manager of Municipal Facilities and Property were in attendance

Mayor Santos brought forward Staff Report of Tim Del Greco, Manager of Municipal Facilities and Property, being Report I-4.

Mr. Del Greco presented his update with respect to the status of the Grovedale construction.

**367-2018**

**Moved By** Councillor John Driedger

**Seconded By** Councillor Susanne Coghill

That Council directs Administration to proceed with the Grovedale House Project.

**CARRIED**

**F. MATTERS SUBJECT TO NOTICE**

**1. PUBLIC MEETING--Application for Zoning By-law Amendment ZBA/12/18 by Paul Allan Repko, 400 Road 2 East, Part of Lot 3, Concession 2, ED**

R. Brown, Manager of Planning Services

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment, dated May 17, 2018;

ii) Report of D. French, Interim Town Planner, dated June 1, 2018;

iii) Proposed By-law 71-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

There were no comments from anyone in attendance in the audience.

**368-2018**

**Moved By** Councillor Larry Patterson

**Seconded By** Councillor Thomas Neufeld

That Council approves Zoning By-law Amendment application ZBA/12/18 to rezone the retained farm lands as a condition of consent File B/05/18 from 'Agriculture (A1)' to 'Agriculture – Restricted Exception 1 (A2-1)' located in Part of Lot 3 Concession 2, ED, as known as 400 Road 2 E, Town of Kingsville, and adopt the implementing by-law.

**CARRIED**

**G. AMENDMENTS TO THE AGENDA**

**1. Councillor Gaffan added one Unfinished business item and Councillor Neufeld added one unfinished business item.**

**H. ADOPTION OF ACCOUNTS**

**1. Town of Kingsville Accounts for the monthly period ended May 31, 2018 being TD cheque numbers 0065447 to 0065697 for a grand total of \$1,747,873.54**

**369-2018****Moved By** Councillor Tony Gaffan**Seconded By** Deputy Mayor Gord Queen

That Council approves Town of Kingsville Accounts for the monthly period ended May 31, 2018 being TD cheque numbers 0065447 to 0065697 for a grand total of \$1,747,873.54

**CARRIED****I. STAFF REPORTS****1. Open Air Burning Bylaw**

Chuck Parsons, Fire Chief

**370-2018****Moved By** Deputy Mayor Gord Queen**Seconded By** Councillor Thomas Neufeld

That Council receives the Open Air Burning By-law 70-2018 as presented.

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Mayor Nelson Santos	X	
Deputy Mayor Gord Queen		X
Councillor Susanne Coghill	X	
Councillor John Driedger	X	
Councillor Tony Gaffan		X
Councillor Thomas Neufeld	X	
Councillor Larry Patterson	X	
<b>Results</b>	<b>5</b>	<b>2</b>

**CARRIED (5 to 2)**

**371-2018**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Susanne Coghill

That Council directs Administration conduct additional follow-up with respect to the proposed Open Air Burning By-law.

**CARRIED**

**2. Application for Site Plan Amendment SPA/05/18**

R. Brown, Manager of Planning Services

**372-2018**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Tony Gaffan

That Council approves Site Plan Amendment SPA/05/18 for lands located at 410 Main Street West, subject to the conditions outlined in the Site Plan Agreement and Amendment for the development of a multi-stage commercial expansion consisting of three buildings detailed in the revised site plan drawings, and subject to the placement of the storm water management pond at the rear of the subject property where it will be permanently; and authorizes the Mayor and Clerk to sign the Site Plan Amendment Agreement, and register said Amendment Agreement on title.

**CARRIED**

**3. Affordable Housing Policy Development – Next Steps**

R. Brown, Manager of Planning Services

**373-2018**

**Moved By** Councillor Susanne Coghill

**Seconded By** Councillor Larry Patterson

That Council receives the Report of R. Brown, Manager of Planning Services, dated May 24, 2018 on next steps regarding Affordable Housing Policy Development, and directs Administration to proceed with a draft of the Affordable Housing Strategic Plan.

**CARRIED**

Public notice will be given as the matter proceeds.

**4. Grovedale Construction Progress**

The Staff Report of T. Del Greco, Manager of Municipal Facilities and Property was presented earlier (SEE: Delegation Item D-2 above).

**J. BUSINESS/CORRESPONDENCE-ACTION REQUIRED**

There were no Business/Correspondence-Action Items.

**K. MINUTES OF THE PREVIOUS MEETINGS**

**1. Regular Meeting of Council--May 28, 2018**

**2. Regular 'Closed Session' Meeting of Council--May 28, 2018**

**374-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That Council adopts Regular Meeting of Council Minutes dated May 28, 2018 and Regular 'Closed Session' Meeting of Council Minutes dated May 28, 2018.

**CARRIED**

**L. MINUTES OF COMMITTEES AND RECOMMENDATIONS**

**1. Kingsville Accessibility Advisory Committee--April 17, 2018**

**375-2018**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Tony Gaffan

That Council receives Kingsville Accessibility Advisory Committee Meeting Minutes dated April 17, 2018.

**CARRIED**

**2. Kingsville Municipal Heritage Advisory Committee--April 18, 2018**

**376-2018**

**Moved By** Councillor Susanne Coghill

**Seconded By** Councillor John Driedger

That Council receives Kingsville Municipal Heritage Advisory Committee Meeting Minutes dated April 18, 2018.

**CARRIED**

**3. Police Services Board--April 25, 2018**

**377-2018**

**Moved By** Councillor Larry Patterson

**Seconded By** Deputy Mayor Gord Queen

That Council receives Kingsville Police Services Board Meeting Minutes dated April 25, 2018.

**CARRIED**

**M. BUSINESS CORRESPONDENCE - INFORMATIONAL**

- 1. Deputy Mayor G. Queen--Correspondence dated May 26, 2018 RE: 1933, The Old Home Week, Old Boys' Reunion, Bands, Parade, Special Events and a Small Committee**
- 2. City of Quinte West--Copy of correspondence from Mayor Jim Harrison to Association of Municipalities of Ontario dated May 28, 2018 RE: Resolution-Cannabis Grace Period Request**
- 3. Town of Tecumseh--Correspondence dated May 15, 2018 RE: Bill 16 Respecting Municipal Authority for Landfilling Sites**
- 4. Town of Espanola--Correspondence dated May 24, 2018 RE: Town of Espanola support of the Municipality of East Ferris' resolution re: the right to approve landfill projects in their communities**
- 5. City of Hamilton--Correspondence from Mayor Fred Eisenberger dated May 24, 2018 RE: Municipalities call on the Province for the "Right to Approve" Landfill Developments**

6. **Alcohol and Gaming Commission of Ontario--Notice of Extension of Hours for 2018 FIFA World Cup**
7. **Union Water Supply System--Correspondence dated May 25, 2018 RE: Temporary Switch to Free Chlorine for Secondary Disinfection**
8. **Municipality of Killarney--Resolution No. 18-159 RE: Support of Bill 16, Respecting Municipal Authority over Landfilling Sites Act**

**378-2018**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Susanne Coghill

That Council receives Business Correspondence-Informational items 1 through 8 as outlined.

**CARRIED**

RE: Informational Item M-2, being Mayor of City of Quinte West correspondence to Ms. Lynn Dollin, President of Association of Municipalities of Ontario (Resolution - Cannabis Grace Period Request)

**379-2018**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Thomas Neufeld

That Council supports City of Quinte West Resolution passed at a meeting of its Council held on May 22, 2018 requesting that once the cannabis legislation is passed "that a six month grace period be enacted to ensure that municipal law enforcement officers and the Ontario Provincial Police are adequately trained to enforce the said legislation".

**CARRIED**

## **N. NOTICES OF MOTION**

There were no notices of motion.

## **O. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES**

Councillor Gaffan requested an update on the status of Administration's Report regarding the review of the Town of Kingsville Committee Structure. Ms. Van Mierlo-West advised the report is in progress.

Councillor Neufeld requested an update on the status of the scheduling by Administration of a Municipal Road tour. Ms. Van Mierlo-West reported that a Municipal Road Tour would be scheduled to be held before the end of the Council term. Councillor Neufeld requested that a confirmed date for the tour be provided by the next Regular Meeting of Council.

**P. BYLAWS**

**1. By-law 70-2018**

**2. By-law 71-2018**

**380-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Susanne Coghill

That Council reads By-law 71-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/12/18; 400 Road 2 East) a first, second and third and final time.

**CARRIED**

**Q. CLOSED SESSION**

**381-2018**

**Moved By** Councillor Susanne Coghill

**Seconded By** Councillor John Driedger

That Council at 8:28 p.m. enter into Closed Session to address the following item:

i) Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; being an update report of CAO P. Van Mierlo-West regarding a proposed purchase of land by the municipality.

**CARRIED**

**R. REPORT OUT OF CLOSED SESSION**

Upon rising from Closed Session at 8:38 p.m., Mayor Santos reported that Council received an update report from CAO P. Van Mierlo-West pertaining to



Closed Session Item Q-i), regarding a proposed acquisition of land by the municipality.

**S. CONFIRMATORY BY-LAW**

**1. By-law 72-2018**

**382-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Thomas Neufeld

That Council read By-law 72-2018, being a by-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its June 11, 2018 Regular Meeting, a first, second, and third and final time.

**CARRIED**

**T. ADJOURNMENT**

**383-2018**

**Moved By** Councillor Susanne Coghill

**Seconded By** Councillor Larry Patterson

That Council adjourn this Regular Meeting of Council at 8:39 p.m.

**CARRIED**



## MINUTES

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### REGULAR MEETING OF PARKS/RECREATION/

### ARTS AND CULTURE COMMITTEE

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**THURSDAY March 29 2018**

**KINGSVILLE ARENA**

**7:00 P.M**

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#### **A. CALL TO ORDER**

Deputy Mayor Queen called the meeting to order at 7:00 p.m. with the following persons in attendance:

Mayor N. Santos  
Councilor Gaffan  
B. Riddiford  
S. l'Anson  
M. Tremaine-Snip  
Program Manager M. Durocher  
Facilities Manager T. Del Greco

#### **Regrets:**

None

#### **B. DISCLOSURE OF PECUNIARY INTEREST**

Deputy Mayor Queen reminded members that any declaration and its general nature be made prior to each item being discussed.

#### **C. DELEGATIONS/PETITIONS/CORRESPONDENCE**

##### **Doug Plumb-Highland Games**

The representative introduced the committee to the proposed highland games for 2019

1. The last highland games were held in the 1980's in Kingsville
2. Proposing a full Celtic event with Pipers, Dance and Sheep Shearing
3. Working with the Pipers and Pipe Band Society of Ontario
4. Proposed dates are June 21 and 22 as those are the dates that the Society has agreed to
5. There is currently a wedding booked at Lakeside Park for that weekend
6. Event will feature live music on Friday night featuring the Mudmen

**P&R 20-2018** Moved by Councillor T. Gaffan and seconded by B. Riddiford to request that the wedding be moved to Grovedale house to allow for the Highland Games to be held at Lakeside Park June 21 and 22 2019

**CARRIED**

**Correspondence from S. Langlois-Monteith Brown**

The committee was provided with a quote from Monteith Brown Planning Consultants for the review of the Parks, Recreation, Arts and Culture Master Plan

**P&R 21-2018** Moved by S. l'Anson and seconded by Councillor T. Gaffan that administration prepare a report for council asking to amend the procurement by-law to allow for single source bids in order to allow Monteith Brown to undertake the work on the review of the PRAC master plan.

**CARRIED**

**Parade of Champions**

**P&R 22-2018** Moved by Councillor T. Gaffan and seconded by B. Riddiford to request that a parade of champions be held in Kingsville honouring our Olympic Silver Medalists and minor hockey champions

**CARRIED**

**D. AMENDMENTS TO THE AGENDA**

**None**

**E. STAFF REPORTS**

**Facility Managers Report**

**P&R 23-2018** Moved by S. l'Anson and seconded by Councillor T. Gaffan to receive report by T. Del Greco as presented

**CARRIED**

**Program Managers Report**

**P&R 24-2018** Moved by Councillor T. Gaffan and seconded by M. Tremaine-Snip to receive the report as presented by M. Durocher

**CARRIED**

**F. Minutes of Previous Meetings**

Regular Committee Minutes dated Thursday February 22 2018

**P&R 25-2018**      Motion made by Mayor N. Santos    and seconded by B. Riddiford to receive minutes of Parks, Recreation, Arts and Culture meeting dated February 22 2018.

**CARRIED**

**G. Committee Reports**

**P&R 26-2018**      Motion made by Councillor T. Gaffan and seconded Mayor N. Santos to receive minutes of the Communities in Bloom Committee meeting dated February 21 2018

**CARRIED**

**P&R 27-2018**      Motion made by S. l’Anson and seconded B. Riddiford to receive minutes of the 55+ Committee meeting dated February 22 2018

**CARRIED**

**P&R 28-2018**      Motion made by S. l’Anson and seconded Mayor N. Santos to receive minutes of the Migration Fest Committee meeting dated February 6 2018

**CARRIED**

**H.      New and Unfinished Business**

**1. SERT Meeting Minutes**

.Folk Festival

**P&R 29-2018**      Moved by Mayor N. Santos and seconded by S. l’Anson to approve the SERT recommendations related to the Kingsville Folk Fest.

Carnegie Social

**P&R 30-2018**      Moved by S. l’Anson and seconded by Councillor T. Gaffan to approve the SERT recommendations related to the Carnegie Social.

Super Ethan Walk

**P&R 31-2018**      Moved by B. Riddiford and seconded by M. Tremaine-Snip to approve the SERT recommendations related to the Super Ethan Walk.

Tu Tu Run

**P&R 32-2018** Moved by S. l’Anson and seconded by Councillor T. Gaffan to approve the SERT recommendations related to the Tu Tu Run

Move to Closed Session

**P&R 33-2018** Motion made by Councillor T. Gaffan and seconded B. Riddiford to move to closed session

**CARRIED**

**P&R 34-2018** Motion made by M. Tremaine Snip and seconded Councillor T. Gaffan to move out of closed session

**CARRIED**

**I. Notice of Motion**

**J. Next Meeting**

**The Next meeting of the  
Parks Recreation and Culture Committee  
Will take place Thursday April 25 at 6:30 pm  
Kingsville Arena Room B**

**P&R 35-2018** Moved by S. l’Anson and seconded by B. Riddiford to adjourn the meeting at 8:15 pm.

**CARRIED**

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**CHAIR: DEPUTY MAYOR GORD QUEEN**

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**RECORDING SECRETARY: M.  
DUROCHER**



# Minutes

**MINUTES**  
**THE CORPORATION OF THE TOWN OF KINGSVILLE**  
**MIGRATION FESTIVAL**  
**FEBRUARY 6 @ 6:00 PM**  
**Kingsville Arena Room D 1741 Jasperson Lane,**  
**Kingsville, Ontario**

**A. CALL TO ORDER**

Chair T Brown called the meeting to order at 6:08pm with the following members in attendance.

P. Bain  
M. Baruth  
L. Lucier  
N. Hickmott  
S. Girardin  
Councillor S. Coghill  
Durocher-Manager of Parks and Recreation Programs

Regrets: S. Allen-Santos

**B. DISCLOSURE OF PECUNIARY INTEREST**

T. Brown reminded members that any declaration and its general nature is to be made prior to each item being discussed

**C. DELEGATIONS/PETITIONS/CORRESPONDENCE**

**None.**

**D. AMENDMENTS TO THE AGENDA**

**E. STAFF REPORTS**

**NONE**

**F. MINUTES OF THE PREVIOUS MEETINGS**

**None**

**G. NEW AND UNFINISHED BUSINESS**

**Opening Ceremonies**

Opening Ceremonies were successful, however the committee would like to see a change for 2018 in location. A wine and cheese and assorted Hors D'Oeuvres will be served.

**MF 01-2018**

Motion made by M. Baruth and seconded by L. Lucier that the opening ceremonies be held on October 18 at 6:30 pm at Jack Miner Bird Sanctuary.

**CARRIED**

**Children's Events**

The events at the park were well attended. Hosting the events right after the parade helped. Sunday events at Jack Miner were well attended and will continue in 2018

**Parade**

M. Durocher expressed a concern about the lack of community entries in the parade. M. Baruth indicated that perhaps having awards for entries would entice more groups to participate. Awards could include Best Corporate Entry, Best Not for Profit Entry, Most Creative Entry, Best Band. Cost of awards to be shared between the Town and Jack Miner. The committee will chose the judges. M. Baruth asked that the call for entries documentation be sent to her for review to determine if we could augment it to attract more entries. M. Durocher to provide.

**Photo Contest**

The Photo Contest will not include Art this year. Looking to add a student and adult category. The hours of the show will be:

- Thursday 6-10 during opening ceremonies
- Friday 10-4
- Saturday 10-4
- Sunday 10-4

The Photo Contest will be held at Jack Miner

**Food Sales**

L. Lucier indicated that there was not enough return on investment for the committee to continue with the food sales. Perhaps a local not for profit could be approached to take it over, or the canteen.

**Marketing**

The Committee would like to continue with the same marketing as in previous years. The Rack Card needs to be ready for April so that it can be circulated during national wildlife week activities. M. Durocher to circulate the 2017 rack card for updates.

**Market Place**

The application forms need to be changed for the market place. S. Girardin to send changes to M. Durocher for updates.

**H. DATE OF NEXT MEETING**

The next meeting of the Migration Festival Committee shall take place on March 6, 2018 at 6pm in Room C at the Arena.

**MF 02-2018**

Motion made by L. Lucier and seconded by S. Girardin that  
the meeting be adjourned at 6:55 pm

**CARRIED**

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**CHAIR, T. Brown**

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**RECORDING SECRETARY,  
MAGGIE DUROCHER**





## MINUTES

**COMMUNITIES IN BLOOM COMMITTEE  
THURSDAY FEBRUARY 21 2018 @ 8:00 A.M.  
Kingsville Arena 1741 Jasperson Lane, Kingsville ON**

### **A. CALL TO ORDER**

Deputy Mayor Queen called the meeting to order at 8:00 A.M. with the following persons in attendance:

Councillor T. Neufeld  
J. Cope  
S. Cosford  
L. Rogers  
J. Dupuis  
A. Batke  
J. Washburn  
C. Bedal-*BIA Coordinator*  
M. Durocher – *Manager of Parks and Rec Programs*

Regrets:  
K. Batke  
Melissa Tremaine Snip

### **B. DISCLOSURE OF PECUNIARY INTEREST**

When a member of the Committee has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of the Committee (or that was the subject of consideration at the previous Meeting of the Committee at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter. There were no disclosures.

### **C. AMENDMENTS TO THE AGENDA**

Deputy Mayor Queen used this time to facilitate introductions and welcome Christina Bedal the new BIA coordinator to the committee. He listed the process whereby the BIA is involved with the committee.

### **D. COMMUNICATIONS**

M. Durocher reviewed the communication from the CIB program coordinator with regard to Spring Events and possible handouts

**CIB 09-2018** Moved by S. Cosford, seconded by J. Cope to provide CIB National with a list of our 2018 project dates and events.

**CARRIED**

**E. MINUTES OF THE PREVIOUS MEETING**

1. Communities in Bloom Committee Meeting Minutes of January 25 2018 meeting

**CIB 10-2018** Moved by J. Dupuis, seconded by S. Cosford to receive the minutes of the Communities in Bloom Committee meeting dated January 25 2018.

**CARRIED**

**F. NEW AND UNFINISHED BUSINESS**

1. **CIB Ontario Communication**

A phone call was received on February 6 2018 from Communities in Bloom Ontario and directed to M. Durocher. The caller noted that he had been informed by one of our CIB committee members that M. Durocher had indicated the CIB Ontario had folded, and he was calling to indicate to the contrary. Question was asked by Deputy Mayor Queen as to whom had contacted CIB Ontario with no response from the committee. This item will now go to the PRAC committee for further review and direction.

2. **Communities in Bloom National**

The application to participate in CIB National has been submitted at a cost of \$1181.25 with preferred tour dates of July 23-27 being submitted.

3. **C. Minielly**

C. Minielly is confirmed for February 26 from 1-3pm

4. **Draft List of Sites for 2018**

Deputy Mayor Queen presented a draft list of tour stops for 2018 along with the scoring for each site. The sites that were included on his spread sheet were those that had been identified by the committee at the January meeting.

5. **Key Recommendations from 2017**

**CIB 11-2018** Moved by T. Neufeld, seconded by L. Rogers to defer this item until after the presentation by C. Minielly

**CARRIED**

6. **Projects for 2018-L. Rogers**

The committee listed a number of potential projects for the 2018 including:

1. Pollinator workshop
2. Library project
3. Composting workshop
4. Mayor's Walk
5. Earth Day
6. Tree Planting
7. Phragmites Workshop
8. Recycling Workshop
9. Carolinian planting workshop
10. Butterfly house construction
11. Stone Wall Construction

**Other recommendations from the committee included:**

1. Updating the pamphlet created in 2017 for distribution
2. Coordinating the Clean Sweep Day with the BIA. J. Cope to contact other groups
3. Inclusion in the Home Hardware Charity Calendar-photo submissions

**CIB 12-2018** Moved by S. Cosford , seconded by J. Cope to list Clean Sweep Day as a tentative initiative for 2018

**CARRIED**

**7. Business by Email-J. Cope**

Question was raised by J. Cope as to what the definition and parameters of business by email are. T. Neufeld indicated that it was anything that furthered the business of the committee which was prohibited.

**8. Community Profile**

The 2018 community profile will need more committee support and input. M. Durocher indicated that the committee should start to consider what research was required and also they should review some of the community profiles for national competitors which are available on line as a point of reference.

**9. Pay it Forward Signs-L. Rogers**

L. Rogers has approached Retco Signs in Leamington about the creation of 12 signs similar to Leamington's .

**10. Library Project-S. Cosford**

The Library is on line to assist in this project. They will print the materials for it, M. Durocher to send the town logo to them.

**G. Notice of Motion**

**CIB 13-2018** Moved by J. Cope seconded by L. Rogers that the week of May 21-27 be designated Communities in Bloom Week.

**CARRIED**

## **H. NEXT MEETING DATE**

1. The date of the next Communities in Bloom Committee meeting is Monday February 26 at 1:00 pm. At the Kingsville Arena with guest C. Minielly

## **I. ADJOURNMENT**

**CIB 14-2018** Moved by A. Batke and seconded by J. Cope to adjourn the meeting at 9:02 a.m.

**CARRIED**

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**CHAIR, G. Queen**

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**RECORDING SECRETARY, M. Durocher**



# Minutes

**MINUTES**  
**THE CORPORATION OF THE TOWN OF KINGSVILLE**  
**55+ ADVISORY COMMITTEE**  
**FEBRUARY 22 2018 3:00 PM**  
**Kingsville Arena**

**A. CALL TO ORDER**

S. Hughes called the meeting to order at 3:00 pm with the following members in attendance

M. Laman  
S. Child  
A. Burrell  
Councilor J. Driedger

**B. DISCLOSURE OF PECUNIARY INTEREST**

S. Hughes reminded members that any declaration and its general nature is to be made prior to each item being discussed.

**C. PRESENTATIONS/DELEGATIONS**

None

**D. AMENDMENTS TO THE AGENDA**

**E. STAFF REPORTS**

None

**F. MINUTES OF THE PREVIOUS MEETINGS**

January 18 2018

**OAC 03-2018**

Moved by Councillor J. Driedger and seconded by M. Laman to adopt Regular Meeting of 55+ Advisory Committee dated January 18 2018

**CARRIED**

**G. NEW AND UNFINISHED BUSINESS**

### **Décor for Tea**

M. Durocher has indicated that she has access to the following items for the Tea.  
Flags  
Lattice  
Charger Plates

Committee also looking for

Vines  
Bunting

### **Servers for Tea**

M. Laman has confirmed 9 volunteers from Horticultural society-5 for the kitchen  
And 4 servers

Committee would like to see "Wear your hat" on flyers, and tickets  
Colour scheme to be red, white and blue  
M. Laman to look after flowers  
M. Durocher to check with M. Baruth about tea cups from Jack Miner  
M. Durocher to ask Anne Gerhardt to make additional desserts for Tea

### **Entertainment**

M. Durocher inquired if they would like to book a Classic movie for August 21  
What type of activities would they like to wrap around it, and where to have it

### **Trivia**

Like to host Trivia night with Migration Fest-M. Durocher to inquire with Migration  
Fest Committee

### **Cultural Entertainment**

M. Durocher has booked Windsor Symphony Quintet, and is looking for additional  
suggestions

## **H. Adjournment**

**OAC-04-2018** Moved by S. Child and seconded by M. Laman to  
adjourn the meeting at 4:04 pm

**CARRIED**

**Next meeting:  
Thursday March 29 at 3pm  
Kingsville Arena**

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**RECORDING SECRETARY,  
M. Durocher**

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**COMMITTEE CHAIR  
S. Hughes**



## MINUTES

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**REGULAR MEETING OF PARKS/RECREATION/  
ARTS AND CULTURE COMMITTEE**

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**Wednesday April 25 2018  
KINGSVILLE ARENA  
6:30 P.M**

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**A. CALL TO ORDER**

Deputy Mayor Queen called the meeting to order at 6:30 p.m. with the following persons in attendance:

Mayor N. Santos  
Councilor Gaffan  
B. Riddiford  
S. l'Anson  
M. Tremaine-Snip  
Program Manager M. Durocher

**Regrets:**

None

**B. DISCLOSURE OF PECUNIARY INTEREST**

Deputy Mayor Queen reminded members that any declaration and its general nature be made prior to each item being discussed.

**C. DELEGATIONS/PETITIONS/CORRESPONDENCE**

**D. AMENDMENTS TO THE AGENDA**

None

**E. STAFF REPORTS**

**Program Managers Report**

**P&R 36-2018** Moved by B. Riddiford and seconded by S. l'Anson to receive the report as presented by M. Durocher with regard to Tall Ships 2019 and furthermore that the Parks Recreation Arts and Culture committee support the event

**CARRIED**

**P&R 37-2018** Moved by Councilor T. Gaffan and seconded by M. Tremaine-Snip to receive the report as presented by M. Durocher.

**CARRIED**

## **F. Minutes of Previous Meetings**

Regular Committee Minutes dated Thursday March 29 2018

**P&R 38-2018** Motion made by S. l'Anson and seconded by Mayor N. Santos to receive minutes of Parks, Recreation, Arts and Culture meeting dated March 29 2018.

**CARRIED**

## **G. Committee Reports**

**P&R 39-2018** Motion made by Mayor N. Santos and seconded B. Riddiford to receive minutes of the 55+ Committee meeting dated March 29 2018

**CARRIED**

**P&R 40-2018** Motion made by Councilor T. Gaffan and seconded by S. l'Anson to send a letter of thanks to J. Dupuis and 2<sup>nd</sup> Kingsville Scouts for cleanup efforts undertaken at the harbor.

**CARRIED**

**P&R 41-2018** Motion made by Councilor T. Gaffan and seconded B. Riddiford to receive minutes of the CIB Committee meeting dated March 13 2018

**CARRIED**

**P&R 42-2018** Motion made by Mayor N. Santos and seconded B. Riddiford to receive minutes of the Migration Fest Committee meeting dated March 6 2018

**CARRIED**



**P&R 43-2018** Motion made by S. l'Anson and seconded Councilor T. Gaffan to receive minutes of the Fantasy of Lights Committee meeting dated February 22 2018

**CARRIED**

**H. New and Unfinished Business**

Tall Ships Report

Report by M. Durocher was shared with committee during Program Managers Report.

Monteith Brown Report to Council

M. Durocher shared upcoming council report with committee which will be presented to council on May 14

Highland Games Update

M. Durocher updated the committee on required actions which were requested following the last meeting.

**P&R 44-2018** Motion made by B. Riddiford and seconded Councilor T. Gaffan that a letter of thanks be sent to K. Di Ponio in recognition of their cooperation with regard to accommodating the requested dates for the Highland Games.

**CARRIED**

**I. Notice of Motion**

**J. Next Meeting**

**The Next meeting of the  
Parks Recreation and Culture Committee  
Will take place Thursday May 24 at 7:00 pm  
Kingsville Arena Room B**

**P&R 45-2018** Moved by M. Tremaine-Snip and seconded by S. l'Anson to adjourn the meeting at 7:14 pm.

**CARRIED**

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**CHAIR: DEPUTY MAYOR GORD QUEEN**

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**RECORDING SECRETARY: M.  
DUROCHER**



# Minutes

**MINUTES**  
**THE CORPORATION OF THE TOWN OF KINGSVILLE**  
**MIGRATION FESTIVAL**  
**MARCH 6 2018 @ 6:00 PM**  
**Kingsville Arena Room D 1741 Jasperson Lane,**  
**Kingsville, Ontario**

**A. CALL TO ORDER**

Chair T Brown called the meeting to order at 6:08pm with the following members in attendance.

P. Bain  
N. Hickmott  
S. Girardin  
M. Uprichard  
Durocher-Manager of Parks and Recreation Programs

Regrets: S. Allen-Santos, M. Baruth, L. Lucier, Councillor S. Coghill

**B. DISCLOSURE OF PECUNIARY INTEREST**

T. Brown reminded members that any declaration and its general nature is to be made prior to each item being discussed

**C. DELEGATIONS/PETITIONS/CORRESPONDENCE**

None.

**D. AMENDMENTS TO THE AGENDA**

**E. STAFF REPORTS**

**MF 03-2018**

Motion made by N. Hickmott and seconded by M. Uprichard to receive report of M. Durocher as presented.

**CARRIED**

**F. MINUTES OF THE PREVIOUS MEETINGS**

**MF 04-2018**

Motion made by S. Girardin and seconded by P. Bain to receive the minutes of the February 6 meeting as presented

**CARRIED**

**G. NEW AND UNFINISHED BUSINESS**

**Opening Ceremonies**

Opening Ceremonies are set for Jack Miner

**Children’s Events**

P. Bain provided an update on events for the children’s area including:

- 1. Jangles the clown
- 2. Sailor Sue
- 3. Birds of Prey
- 4. Medieval Heritage Society
- 5. Scouts
- 6. Train
- 7. Zoo to you

P. Bain indicated that Bulldawg soccer might be a good addition to the activities.

M. Durocher to inquire with regard to insurance regulations

P. Bain also inquired about slushie, Candy Floss and Pop Corn. S. Girardin to contact Nick Longo with regard to this.

**Parade**

M. Durocher asked committee for ideas for parade theme, as that is necessary for the applications forms to be completed

**MF 05-2018**                      Motion made by M. Uprichard and seconded by S. Girardin that the parade theme be The Colours of Fall

**CARRIED**

**Photo Contest**

No updates

**Food Sales**

No updates

**Marketing**

Rack Card is in process  
Will continue with AM 800  
Insert in Reporter  
Social Media  
Essex Free Press  
Media Releases

**Market Place**

The application forms need to be changed for the market place. S. Girardin to send changes to M. Durocher for updates.

**H.      DATE OF NEXT MEETING**

The next meeting of the Migration Festival Committee shall take place on April 10 at 6pm in Room B at the Arena.

**MF 06-2018**                      Motion made by M. Uprichard and seconded by P. Bain that the meeting be adjourned at 7:02 pm

**CARRIED**

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**CHAIR, T. Brown**

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**RECORDING SECRETARY,  
MAGGIE DUROCHER**



## MINUTES

**COMMUNITIES IN BLOOM COMMITTEE  
TUESDAY MARCH 13 2018 @ 1:00 P.M.  
Kingsville Arena 1741 Jasperson Lane, Kingsville ON**

### **A. CALL TO ORDER**

Deputy Mayor Queen called the meeting to order at 1:00 P.M. with the following persons in attendance:

Councillor T. Neufeld  
J. Cope  
S. Cosford  
L. Rogers  
J. Dupuis  
A. Batke  
K. Batke  
J. Washburn  
M. Tremaine-Snip  
C. Bedal-*BIA Coordinator*  
M. Durocher – *Manager of Parks and Rec Programs*

### **B. DISCLOSURE OF PECUNIARY INTEREST**

When a member of the Committee has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of the Committee (or that was the subject of consideration at the previous Meeting of the Committee at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter. There were no disclosures.

### **C. AMENDMENTS TO THE AGENDA**

### **D. COMMUNICATIONS**

The communication from CIB Ontario with regard to upcoming workshops in Hanover and Kingston was reviewed.

### **E. MINUTES OF THE PREVIOUS MEETING**

1. Communities in Bloom Committee Meeting Minutes of February 21 2018 meeting

**CIB 15-2018** Moved by M. Tremaine-Snip, seconded by S. Cosford to receive the minutes of the Communities in Bloom Committee meeting dated February 21 2018, with amendments

**CARRIED**

2. Communities in bloom meeting minutes of February 26 2018 meeting

**CIB 16-2018** Moved by M. Tremaine-Snip, seconded by J. Cope to receive the minutes of the Communities in Bloom Committee meeting dated February 26 2018.

**CARRIED**

## **F. NEW AND UNFINISHED BUSINESS**

### **1. Projects for 2018**

A list of projects for 2018 was reviewed with responsibilities for each being agreed to

### **2. Pay it forward signs**

L. Rogers had originally been working on these. Deputy Mayor Queen requested that a copy of the proof be sent to administration.

### **3. Status of Committee**

J. Washburn requested an update on the status of the committee following the March 12 presentation to Council. Deputy Mayor Queen clarified that the committee would remain at the provincial level for 2018 in the noncompetitive Friend of CIB category. At the end of this year all committees will be reviewed.

### **4. Round Table Discussion**

Committee engaged in round table discussion on various topics pertaining to CIB

## **G. Notice of Motion**

## **H. NEXT MEETING DATE**

1. The date of the next Communities in Bloom Committee meeting is Tuesday April 10 at 3:30 pm. At the Kingsville Arena

## **I. ADJOURNMENT**

**CIB 17-2018** Moved by M. Tremaine-Snip and seconded by J. Washburn to adjourn the meeting at 2:15 p.m.

**CARRIED**

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**CHAIR, G. Queen**

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**RECORDING SECRETARY, M. Durocher**



# Minutes

**MINUTES**  
**THE CORPORATION OF THE TOWN OF KINGSVILLE**  
**55+ ADVISORY COMMITTEE**  
**MARCH 29 2018 3:00 PM**  
**Kingsville Arena**

**A. CALL TO ORDER**

S. Hughes called the meeting to order at 3:00 pm with the following members in attendance

M. Laman  
S. Child  
A. Burrell  
B. Peterson  
Councilor T. Neufeld

**B. DISCLOSURE OF PECUNIARY INTEREST**

S. Hughes reminded members that any declaration and its general nature is to be made prior to each item being discussed.

**C. PRESENTATIONS/DELEGATIONS**

None

**D. AMENDMENTS TO THE AGENDA**

**E. STAFF REPORTS**

M. Durocher presented report on items that had been delegated to the Parks and recreation department for completion.

**OAC-05-2018**

Moved by M. Laman and seconded by B. Peterson to receive report from M. Durocher as presented

**CARRIED**

**F. MINUTES OF THE PREVIOUS MEETINGS**

February 22 2018

**OAC 06-2018** Moved by M. Laman and seconded by S. Child to adopt Regular Meeting of 55+ Advisory Committee dated February 22 2018

**CARRIED**

**G. NEW AND UNFINISHED BUSINESS**

**Tea**

**OAC-07-2018** Moved by B. Peterson and seconded by A. Burrell to move Forward with the tea and approach Red Lantern coffee for additional items

**CARRIED**

**Movie**

**OAC-08-2018** Moved by B. Peterson and seconded by A. Burrell proceed with the classic movie, at a cost of \$5 per car for entry.

**CARRIED**

M. Durocher to work with Big Silver to find Classic movie titles. Committee suggested Elvis movies, Grease, Caddy Shack. M. Durocher to report back at next meeting

**Expo**

The committee does not want musical entertainment at the expo, they want groups to entertain as they expect that will keep visitors longer and be more of a draw

**OAC-09-2018** Moved by T. Neufeld and seconded by S. Child to direct M. Durocher to obtain entertainment for the Expo through her contacts.

**CARRIED**

**Gord Ciliska**

Group discussed their desire for a fall dance.

**OAC-10-2018** Moved by B. Peterson and seconded by A. Burrell direct M. Durocher to book Gord Ciliska for a fall dinner dance

**CARRIED**

**Additional Entertainment**

**OAC-11 -2018** Moved by B. Peterson and seconded by A. Burrell to direct M. Durocher to book Riverlight Harmony Chorus for a Christmas Concert and Music Express for a Fall Concert at Lakeside/Grovedale

**CARRIED**



## **Trivia Night**

Date is scheduled for October 19 at 7pm at Lakeside. Committee would like to have a BBQ.

### **OAC-12-2018**

Moved by T. Neufeld and seconded by S. Child to direct M. Durocher to complete further research on the trivia night and report back.

**CARRIED**

**Next meeting:  
Thursday April 19 at 3pm  
Kingsville Arena**

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**RECORDING SECRETARY,  
M. Durocher**

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**COMMITTEE CHAIR  
S. Hughes**



# MINUTES

**KINGSVILLE ACCESSIBILITY ADVISORY COMMITTEE  
APRIL 17, 2018 at 4:00 P.M.  
Committee Room 'A', 2021 Division Road North, Kingsville**

## **A. CALL TO ORDER**

Chairperson, Thomas Neufeld called the Meeting to order at 4:13 p.m. with the following persons in attendance:

### **Members:**

Thomas Neufeld  
Corey Gosselin  
Jackie Barraco  
Michele (Missy) Chauvin

### **Members of Administration:**

Deputy Clerk – Administrative Services R. Baines  
Manager of Facilities & Property – T. DelGreco

Absent: Todd Bradley

## **B. DISCLOSURE OF PECUNIARY INTEREST**

Chairperson, Thomas Neufeld reminded members that any declaration and its general nature are to be made prior to each item being discussed.

## **C. PRESENTATIONS/DELEGATIONS**

NONE

## **D. FINANCIAL REPORTS**

### **1. Financial Report – 2018 Budget vs Actuals**

**07-2018** Moved by Jackie Barraco, seconded by Corey Gosselin the Committee adopts the Financial Report for the 2018 Budget vs Actuals for March 31.

**CARRIED**

## **E. STAFF REPORTS**

NONE

## **F. BUSINESS CORRESPONDENCE**

1. Improving Accessibility Standard for Employment – survey  
For information purposes only.

**08-2018** Moved by Jackie Barraco, seconded by Missy Chauvin to receive the correspondence regarding accessibility standard for employment survey

**CARRIED**

## **G. MINUTES OF THE PREVIOUS MEETING**

1. Kingsville Accessibility Advisory Committee Meeting Minutes —February 20, 2018

**09-2018** Moved by Corey Gosselin, seconded by Jackie Barraco receive the minutes of the Kingsville Accessibility Advisory Committee Meeting dated February 20, 2018

**CARRIED**

Jackie inquired whether the design changed for the concrete islands in the Grovedale House parking lot. Tim stated that there is a site meeting tomorrow and the parking matter will be discussed at that time.

Tim stated that the self-help desk is still on the radar for completion.

## **H. NEW AND UNFINISHED BUSINESS**

1. Playground Proposals: Prince Albert Park and Larry Santos Park  
Tim presented the drawings for accessibility and requested comments from the committee. The Committee approves drawings and recommends that the swings match at both parks.

**10-2018** Moved by Missy Chauvin, seconded by Jackie Barraco to receive the playground proposal drawings for Prince Albert and Larry Santos Parks.

**CARRIED**

2. Mare Nostrum Patio Request  
Committee discussion and concerns noted with taking away the accessible parking spot.



## MINUTES

- 11-2018** Moved by Missy Chauvin, seconded by Jackie Barraco recommend the designated accessible parking spot on Main Street W be re-designated if removed due to the patio request.

**CARRIED**

**3. 2<sup>nd</sup> quarter newsletter**

The newsletter was reviewed and corrections were noted. This will be included in the next paystub for council and staff.

- 12-2018** Moved by Jackie Barraco, seconded by Corey Gosselin to receive and accept the 2<sup>nd</sup> quarter newsletter.

**CARRIED**

### **I. NEXT MEETING DATE**

1. The next meeting of the Kingsville Accessibility Advisory Committee shall take place at the call of the Chair.

### **J. ADJOURNMENT**

- 13-2018** Moved by Jackie Barraco, seconded by Missy Chauvin to adjourn this Meeting at 4:54 p.m.

**CARRIED**

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**CHAIR, Thomas Neufeld**

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**DEPUTY CLERK – ADMINISTRATIVE SERVICES,  
Roberta Baines**



# MINUTES

**POLICE SERVICES BOARD MEETING**  
**Wednesday, April 25, 2018 at 4:00 p.m.**  
**Council Chambers, Municipal Offices**  
**2021 Division Road N., Kingsville, ON N9Y 2Y9**

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## A. CALL TO ORDER

Chairperson, Nelson Santos called the Meeting to order at 3:59 p.m. with the following persons in attendance:

Nelson Santos	-	Chairperson
Nancy Wallace-Gero	-	Vice Chairperson
Larry Patterson	-	Board member
Gary Bain	-	Board member
Glen Miller	-	O.P.P. Inspector
Brian Higgins	-	O.P.P. Sergeant
Stuart Bertram	-	O.P.P. Staff Sergeant

Member of Administration: Roberta Baines, Deputy Clerk-Administrative Services

## B. DISCLOSURE OF PECUNIARY INTEREST

Chairperson, Nelson Santos reminded members that any declaration and its general nature are to be made prior to each item being discussed.

## C. PRESENTATIONS/DELEGATIONS

## D. ADOPTION OF ACCOUNTS

- 1. Police Services Accounts – RE: Budget actuals ending April 19, 2018**  
Question on funding and administration to provide clarity at next meeting.

**20-2018** Moved by Nancy Wallace-Gero, seconded by Gary Bain to receive the financial report as information.

CARRIED

## E. REPORTS

### 1. Monthly Status Reports

- i.) Town of Kingsville PSB report and Crime Stoppers report for March 2018

Staff Sergeant Bertram provided an overview of the reports for March. He informed members about the Cop Camp grocery day in conjunction with Tecumseh OPP that raised in total \$14,000. The new generator for Kingsville detachment has been tendered and in progress. The retirement party for Mike Beattie at the Pelee Island Winery was well attended and a success.

Chairperson Nelson Santos inquired whether a similar media release/blitz on 911 hangups would be beneficial for Kingsville. Inspector Miller agreed and Staff

Sergeant Bertram stated that a community welcome package for migrant workers has been developed.

**21-2018** Moved by Larry Patterson, seconded by Gary Bain to receive Kingsville PSB Report and Crime Stoppers report for March 2018 as information.

**CARRIED**

## **F. BUSINESS/CORRESPONDENCE**

### **1. Ministry of Community Safety and Correctional Services:**

- i.) Memorandum: RE: Firearms Interest Police (FIP) Files, issued March 27, 2018. (Index:18-0022)
  - ii.) Memorandum: RE: Criminal Investigator Training (CIT) Pilot Course: April 16<sup>th</sup> – April 27<sup>th</sup>, 2018, issued: March 28, 2018. (Index 18-0023)
  - iii.) Memorandum: RE: 2018/2019 Constable Joe MacDonald Public Safety Officers' Survivors Scholarship Fund (CJMPSOSSF) Call for Applications, issued: March 29, 2018. (Index:18-0024)
  - iv.) Memorandum: RE: Responding to Hate Motivated Incidents and Violent Extremism Conference – April 23, 2018, issued: April 3, 2018. (Index 18-0025)
  - v.) Memorandum: RE: Patient Safety Death Review Committee (PSDRC) Report – MCSCS Response to Report Recommendations, issued: April 6, 2018 (Index 18-0026)
  - vi.) Memorandum: RE: 2018/19 – 2019/20 Reduce Impaired Driving Everywhere (R.I.D.E.) Grant Program – Call for Applications, issued: April 6, 2018 (Index 18-0027)
  - vii.) Memorandum: RE: 2018 Ending Violence Against Indigenous Women (EVAIW) Workshop – May 7, 2018, issued April 12, 2018 (Index 18-0028)
  - viii.) Memorandum: RE: Police Week 2018 May 13-19, 2018 Provincial Theme "Celebrating Policing and Community Partnerships", issued April 17, 2018 (Index 18-0029)
  - ix.) Memorandum: RE: The National Missing Persons DNA Program, issued April 17, 2018 (Index 18-0030)
  - x.) Memorandum: RE: Supporting Police Response to Sexual Violence and Harassment Grant Program 2018/19 – 2019/20 Call for Applications, issued April 19, 2018 (Index 18-0031)
2. News Release RE: Statement of Condolences– Durham Regional Police Services Board issued: March 29, 2018
  3. News Release RE: 9<sup>th</sup> Annual Law of Policing Conference reminder May 1-2, 2018, issued: April 3, 2018
  4. News Release RE: Ontario Transforming Police Response and Training, issued April 4, 2018
  5. News Release RE: 2018 Budget Community Safety Highlights, issued April 3, 2018
  6. News Release RE: 2018 Spring Conference reminder, issued April 12, 2018

**22-2018** Moved by Larry Patterson, seconded by Gary Bain to receive these communications as presented.

**CARRIED**

## **G. ADOPTION OF MINUTES OF PREVIOUS MEETING**

- 1. Adoption of Police Services Board Minutes – held on March 28, 2018.**

**23-2018** Moved by Gary Bain, seconded by Larry Patterson to adopt the Police Services Board meeting minutes held on March 28, 2018.

**CARRIED**

## **H. NEW AND UNFINISHED BUSINESS**

- 1. Email from J. Morrison Town of Essex RE: OPP Auxiliary Training Rental**

Inspector Miller provided some background information on the auxiliary training rental and stated that money will come from operating budget to absorb this cost. A report will be coming forward outlining the amount of time and costs involved. Chairperson Nelson Santos suggested taking this matter to the Joint OPP Board for discussion and possible sharing of costs.

- 2. Email from Deputy Mayor Queen RE: Parking in No Parking Areas**

Staff Sergeant Bertram stated that OPP staff members were notified of the issue.

## **I. CLOSED SESSION**

None presented.

## **J. ADJOURNMENT**

**24-2018** Moved by Gary Bain, seconded by Nancy Wallace-Gero that Police Services Board adjourns the meeting at the hour of 4:25 p.m. and to meet again on May 30, 2018 or at the call of the Chair.

**CARRIED**

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**CHAIRPERSON, Nelson Santos**

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**DEPUTY CLERK – ADMINISTRATIVE SERVICES,  
Roberta Baines**

**REGULAR MEETING OF KINGSVILLE BIA**

**TUESDAY, MAY 8, 2018 AT 6:00 P.M.**

**Carnegie Arts & Visitor Centre, 28 Division St. S, Kingsville, Ontario**

**A. CALL TO ORDER**

Beth Riddiford called the Meeting to order at 6:00 pm with the following persons in attendance:

Members of BIA Board: Beth Riddiford, Tim Sala, Brian Sanford, Roberta Weston, Gord Queen, Heather Brown, Izabel Muzzin, Jason Martin, Trevor Loop

Regrets: Tony Gaffan, Mike Lauzon

Absent:

Guests: Ann McLean, Cor Boon, Henry Noestheden, Kelly O'Rourke,

Members of Administration: Christina Bedal

**B. DISCLOSURE OF PECUNIARY INTEREST**

Beth Riddiford reminded members that any declaration and its general nature is to be made prior to each item being discussed.

**C. DELEGATIONS**

Kelly O'Rourke from Canadian Cancer Society – Presentation regarding Relay for Life

Ann McLean of Mary Kathryn Ladies Shop – Shared opinion regarding patios and parking

**D. AMENDMENTS TO THE AGENDA**

HIGHLAND GAMES – PLANNING IS TAKING PLACE FOR JUNE 2019 IN THE  
PARK AND PAVILLION



**E. ADOPTION OF ACCOUNTS**

**BIA Coordinator** – Re: BIA Accounts as recorded in the monthly period ending April 2018. **BIA-047-2018** MOTION BY ROBERTA WESTON AND SECONDED BY TREVOR LOOP, TO APPROVE THE ACCOUNTS FOR APRIL 2018. **CARRIED**

**F. STAFF REPORTS**

**1. BIA Coordinator Christina Bedal – Re: Monthly Activity**

The Coordinator presented her written report.

**2. COUNCIL REP Gord Queen – Report was reviewed**

**3 EDDK – Heather Brown updated new EDDK signs are going up at their membership locations.**

**G. BUSINESS/CORRESPONDENCE – ACTION REQUIRED**

1. Patio Request – Mare Nostrum – Board discussion took place. Coordinator provided response to send to Town of Kingsville expressing concerns over loss of curbside parking on Main Street.

2. Patio Request– Elite – Board discussion took place. Coordinator provided response to send to Town of Kingsville expressing concerns over loss of curbside parking on Main Street.

**H. MINUTES OF THE PREVIOUS MEETINGS**

**BIA-048-2018** – motion to approve the minutes from the April 10, 2018 meeting made by Tim Sala and seconded by Brian Sanford. **CARRIED**

**I. BUSINESS/ CORRESPONDENCE - INFORMATIONAL**

1. Letter to Town Council – Pop Up Businesses reviewed
2. Letter to Town Council – Requesting Lease Amendment reviewed
3. Letter to Economic Development & Tourism – Bazaar Nights reviewed and discussed

**J. NEW AND UNFINISHED BUSINESS**

**1. Lease Amendment Request –**

- Beth Riddiford and Christina Bedal attended town council meeting and no further update at this time

**2. Kingsville Pocket Map –**

- Quote information and advertising options discussed. Coordinator to request to see if 3 additional spots can be created in existing map and then move forward with Tourism to complete the map.

**3. Kingsville Bazaar Nights**

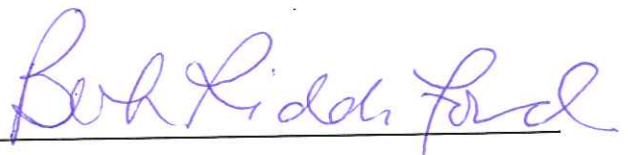
- Event was further discussed by the Board. Coordinator instructed to send a follow up letter to the Economic Development & Tourism Committee.

**4. Public Parking Lot Signage and Parking**

- Discussion took place to identify options for better signs and parking constraints in the downtown area. Tabled to June meeting for further discussion.

**K. Adjournment**

**BIA-049-2018** Motion by Brian Sanford and seconded by Heather Brown to adjourn the meeting at 8:05 p.m. **CARRIED**



**CHAIR, Beth Riddiford**



**RECORDING SECRETARY, Christina Bedal**



# MINUTES

## TOURISM AND ECONOMIC DEVELOPMENT COMMITTEE

MAY 10, 2018 @ 5:30 P.M.

Committee Room 'A', 2021 Division Rd N, Kingsville

### A. CALL TO ORDER

Mayor Santos called the Regular Meeting to order at 5:30 p.m. with the following persons in attendance:

#### Members:

Mayor N. Santos  
T. Gaffan  
D. Hunt  
D. Quick  
J. Gaffan  
M. Stranak  
M. Lauzon

#### Members of Administration:

Executive Assistant to the Mayor and CAO, J. Settingington  
Tourism Coordinator, N. Cobby  
BIA Coordinator, Christina Bedal

### B. DISCLOSURE OF PECUNIARY INTEREST

When a member of the Committee has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of the Committee (or that was the subject of consideration at the previous Meeting of the Committee at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter.

### C. PRESENTATIONS/DELEGATIONS

1. Peter Scherer – Grapevine Tours  
Sent his regrets.
2. SimpleTec – New App Technology

S. MacDonald and R. Al-aubaidy presented their new app proposal to the Committee. This started out as a school project, they created a companion app for the Town of Kingsville. This app will bring everything to one location, available on your smartphone – i.e. Town of Kingsville Facebook, Twitter, Pelee Island ferry schedule, soccer registrations etc. Not an alternative for what has already been created – want to incorporate everything into one place. The demo is up and running and they were able to share with the committee. The next step is to work on getting the app on the app store, and talking to businesses about advertising –



## MINUTES

looking at cost of \$29/month. There is no cost to the Town – the revenue is some retail advertising only.

Currently MyKingsville is open to all businesses in Kingsville at a cost.

Discussion around the table re: ability to keep up with demand, policy for push notifications for advertisers, possibility that this app would drive more traffic to the website.

As of right now the app is built, with all the coding, working on the paperwork, then adding/building content for the app.

C. Bedal extended invitation for SimpleTec to speak to the BIA Board.

**11-2018** Moved by JIM GAFFAN seconded by DOUG QUICK to support the business and allow MyKingsville to become a monthly subscriber for one year.

**CARRIED**

### **D. STAFF REPORTS**

1. N. Cobby gave an overview of Tourism and Economic Development projects.

Kingsville Foldout Map – the Kingsville BIA wants to stick with the current format, looked at adding 1 panel to the map, this would increase the cost by 80%. Look at keeping the map the same size, and adding more advertisements. Can add extra ads along the side and shrink the size of the map.

Discussion around the table re: adding more ads vs taking away from the value of the map, people using the map are generally older, making the map portion could be a concern.

The 2016 cost for an ad was \$250 + HST, if we increase the number of ads to 36, can break even at \$285 per ad, if keep same number of ads need to increase the cost to \$350. The ad space is 2016 sold out extremely fast. The committee would support cost of \$300 per ad.

N. Cobby reported that the Staycation Expo at Devonshire Mall was successful.

N. Cobby updated the Committee that Bazaar Nights wasn't approved by SERT. Feedback received – too many issues related to closing Chestnut Street, including fire access, restaurant access for staff – it was not a good fit. Suggestion – use parking lot on King Street, had experience using that lot in the past. N. Cobby suggested look ahead to 2019 – start preparations & planning now, look at communications, different opportunities for partnership. The ground work has been done, regroup and bring suggestions back to the committee.

Discussion around the table re: hosting event in 2019 at Mettawas Park & Grovedale – branding it as an “Art in the Park” type event. Can utilize the new park & facilities, it is outside the BIA boundaries – no limit/restrictions. Perhaps looking at a theme for each event.

**12-2018** Moved by DAVE HUNT seconded by TONY GAFFAN to receive the report as presented.

**CARRIED**

2. C. Bedal provided Committee with BIA Update. Seven new members have been welcomed into the BIA district and there has been an increase in the number of artists hosting receptions at the Carnegie Centre. The Art Society of Kingsville (ASK) will be at the Carnegie next month. On April 24 the BIA hosted the first small business seminar – 15 businesses registered and 12 attended.

Discussion around the table that as a committee, should be working to draw people to Kingsville. May is considered birding season, yet not doing anything to welcome birders. How can we keep them here? What can we do as a group? The BIA & Tourism need to work together – tap into the after birding hours.

T. Gaffan suggested looking at drive-thru art – similar to at Jack Miner. We can market that, will help arts & culture – it could be a very minimal cost, that would draw people into the Town. M. Lauzon commented that need to look at providing money for the artists. N. Santos stated that would need to become a budget item.

## **E. BUSINESS CORRESPONDENCE – ACTION REQUIRED**

NONE



## F. MINUTES OF THE PREVIOUS MEETING

1. Tourism and Economic Development Committee Meeting Minutes — MARCH 8, 2018

**13-2018** Moved by MARIAN STRANAK, seconded by MICHAEL LAUZON to receive the minutes of the Tourism and Economic Development Committee Meeting dated MARCH 8, 2018.

**CARRIED**

## G. NEW AND UNFINISHED BUSINESS

1. Sub-Committee for Mayors Business Awards –

Sub-committee members were picked/volunteered to review submitted nominations for the Mayors Business Awards. Members of the sub-committee are: M. Stranak, D. Hunt and M. Lauzon. Meeting day/time will be set next week.

**14-2018** Moved by TONY GAFFAN, seconded by DOUG QUICK to accept the Sub-Committee members.

**CARRIED**

## H. NEXT MEETING DATE

1. The next meeting of the Tourism and Economic Development Committee shall take place on JUNE 14, 2018 at COMMITTEE ROOM A, 2021 DIVISION RD N. @ 5:30 p.m.

## I. ADJOURNMENT

**15-2018** Moved by TONY GAFFAN, seconded by MICHAEL LAUZON to adjourn this Meeting at 6:45 p.m.

**CARRIED**

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**CHAIR, Mayor Santos**

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**RECORDING SECRETARY,  
J. Settingington**



# MINUTES

**KINGSVILLE MUNICIPAL HERITAGE ADVISORY COMMITTEE  
WEDNESDAY, MAY 22, 2018 AT 7:00 P.M  
Council Chambers, 2021 Division Rd N, Kingsville**

## **A. CALL TO ORDER**

Chair Miljan called the Meeting to order at 7:04 p.m. with the following Members in attendance:

### **MEMBERS OF MUNICIPAL HERITAGE ADVISORY COMMITTEE:**

Dr. Lydia Miljan  
Annetta Dunnion  
Anna Lamarche  
Margie Luffman  
Corey Gosselin

### **MEMBERS OF ADMINISTRATION:**

Sandra Kitchen, Deputy Clerk-  
Council Services

Absent: D. Truax (on personal business)  
E. Cacciavillani (on personal business)  
K. DeYong (on personal business)  
N. Santos (on municipal business)

## **B. DISCLOSURE OF PECUNIARY INTEREST**

Dr. Miljan reminded the Committee that any declaration is to be made prior to each items being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

## **C. REPORTS**

### **1. V. Brown-Research Report**

- i) The Alfred J. Allworth House (designated in 2017); 755 Seacliff--photograph

Further to the Committee's request at the April meeting, Ms. Brown produced the oldest, recently-found photograph along with a comparison old picture of the house viewed at a similar angle, which confirms that the oldest (undated) photograph is the same residence. The roofline was changed. The owners of the home have been provided with a copy of the photograph, and this update is provided for general interest and information only.

ii) 257 Lakeview Avenue--Ms. Brown advised that she is going to speak to an individual who may be able to provide additional historical information.

iii) 120 Main St. East—The new owners of 120 Main St E requested information on their home. While responding to the request, the following information was compiled:

- 110 Main St E: built in 1911 for the Waderlow brothers and their mother
- 116 Main St E: built in 1900 for Worthy and Lena Waggott – Worthy provided ice-cutting, excavating and gravelling work
- 120 Main St E: built in 1881 for Henry and Mary Malott – Henry was a blacksmith in Kingsville for nearly 50 years
- 124 Main St E: built in 1924 for Byron Squire, retired farmer
- 128 Main St E: built in 1921 for Philip C. and Christina Fox – long time farmers, Philip was Reeve of Gosfield South and Mayor of Leamington
- 134 Main St E: built in 1907 for Dominique and Sarah Valade – retired farmers

**INFORMATION** Sheets will be created for architectural reference and information.

iv) It was noted that 93 Main St. East was built in 1915 for H.P. Evans, Manager of Molsons Bank

## 2. Research Report Updates

Ms. Dunnion advised that she has completed the research report write-up for 192 County Road 14. She provided the research report to S. Kitchen and the report will be circulated and reviewed at the next meeting.

3. Committee Accounts to the period ended April 30, 2018—This item was not discussed (the attachment was not included in the agenda package).

## D. MINUTES OF THE PREVIOUS MEETING

1. Committee Meeting Minutes —April 18, 2018

**MH6-2018** Moved by C. Gosselin, seconded by M. Luffman to adopt the minutes of the Kingsville Heritage Advisory Committee Meeting dated April 18, 2018 as presented.

**CARRIED**



## **E. BUSINESS CORRESPONDENCE – INFORMATIONAL**

### **1. Discussion re: Town of Kingsville 5-year Official Plan Review**

- The Committee agreed that the existing language in Section 4.1 of the Town's Official Plan (the Cultural Heritage and Archaeological Resources provisions and policies) does not require any amendments or revisions.
- Part 1 of Appendix B (the Heritage Register) containing the Designated Heritage Properties will be updated to add the designations from and after 2010 (and revised to only include identification by Designation Name, Address and By-law number; remove names of property owners).
- Part 2 of Appendix B (Inventory of Heritage Properties of Interest) requires some typographical corrections (i.e. Seacliff Dr.), and will need to be updated with additional properties (and/or removal of properties) for Council review and approval.
- The relevant portions of Section 3.2 of the Official Plan will be brought back for review at the next Committee meeting for discussion. Section 3.2 contains the the existing "Central Commercial" and "Central Commercial/Residential" Goals and Policies.

## **F. NEW AND UNFINISHED BUSINESS**

### **1. Approved Invoices:**

- i) V. Brown—Invoice for Research Services—April 2018
- ii) Solicitor D. Halliwill—Invoice dated May 4, 2018

The approved invoices were received for information.

- 2. 1884 County Road 20—An application for demolition was received on the property. The Arner Post office was located at this residence. Ms. Lamarche will attend to take photographs of the property from the exterior of the premises.
- 3. Dr. Miljan has received a number of telephone calls from people about the Jasperson House seeking generalities about heritage designation.



## MINUTES

4. Dr. Miljan has cancelled her registration to the Ontario Heritage Conference as the conference dates conflict with the Provincial Election and she will be in Toronto.

### **G. NEXT MEETING DATE**

The next meeting date of the Committee is Wednesday, June 13, 2018.

### **H. ADJOURNMENT**

**MH7-2018** The Meeting of the Kingsville Municipal Heritage Advisory Committee adjourned at 7:51 p.m.

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**CHAIR, Dr. Lydia Miljan**

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**DEPUTY CLERK-COUNCIL SERVICES,  
Sandra Kitchen**

## Sandy Kitchen

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**From:** Sandy Kitchen  
**Sent:** Thursday, June 21, 2018 10:41 AM  
**To:** Sandy Kitchen  
**Subject:** FW: Courageous Companions-Support

Sandra Kitchen, Deputy Clerk-Council Services Corporate Services Department The Corporation of the Town of Kingsville  
2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
Phone: (519) 733-2305  
Web: [www.kingsville.ca](http://www.kingsville.ca)

This email message is for the sole use of the intended recipient and may not be copied. If you are not the intended recipient, please destroy all copies of this email and notify the sender immediately.  Please consider the environment before printing this email.

-----Original Message-----

**From:** Sandy Kitchen  
**Sent:** Wednesday, June 20, 2018 8:44 AM  
**To:** Sandy Kitchen <[SKitchen@kingsville.ca](mailto:SKitchen@kingsville.ca)>  
**Subject:** FW: Courageous Companions-Support

-----Original Message-----

**From:** [sponsor@courageousk9.ca](mailto:sponsor@courageousk9.ca) <[sponsor@courageousk9.ca](mailto:sponsor@courageousk9.ca)>  
**Sent:** Friday, June 1, 2018 1:20 PM  
**To:** Stephanie Olewski <[solewski@kingsville.ca](mailto:solewski@kingsville.ca)>  
**Subject:** Courageous Companions-Support

Dear Stephanie,

Thank you for your interest in Courageous Companions, an extraordinary organization which provides certified service dogs to military veterans and first responders who suffer with physical and/or psychological injuries as a result of their service. Service dogs are provided at no charge, which is why Courageous Companions relies entirely on the support of individuals, service organizations and the business community. Please help by placing a sponsorship ad or message of support in our upcoming annual edition of Courageous K9 Magazine. You will be supporting the efforts of Courageous Companions in its mission to help military veterans and first responders, and in return, we will send you a full colour copy of the yearbook once it has been published. To learn more and to see our rates and our last edition, please visit

our website, [www.courageusk9.ca](http://www.courageusk9.ca) or call 866-767-1731. Without the support of the business community, this important publication would not be possible. We ho

pe to count on your participation.

Yours Truly,

Mike Bennett



We speak for those who cannot speak for themselves.

1375 Provincial Road  
Windsor, ON N8W 5V8  
Phone: 519 - 966 - 5751  
Fax: 519 - 966 - 1848  
[info@windsorhumane.org](mailto:info@windsorhumane.org)

Dear Kingsville Town Council,

We are writing to you to ensure your officers are aware of our large fundraising initiative taking place in July, as it will involve several people stationed throughout Amherstburg and Windsor/Essex County at major intersections and storefronts.

Strays on Streetcorners is one of the Windsor/Essex County Humane Society's most recognized fundraising events. This initiative involves the coordination of hundreds of volunteers stationed around Windsor and Essex County to collect donations and hand out newsletters with information on our humane initiatives.

This year's campaign will run from Thursday, July 12 through Saturday, July 14.

Our volunteers will be collecting donations from the public on any or all of the following dates and times:

- Thursday, July 12 from 7:15AM-9:15AM and 3:30PM-5:30PM
- Friday, July 13 from 7:15AM-9:15AM and 3:30PM-5:30PM
- Saturday, July 14 from 10:30AM-12:30PM and/or 12:30PM-2:30PM

As a not-for-profit that relies entirely on the generosity of our community to continue operating, and all of the funds raised through our Strays on Streetcorners campaign are critical in keeping our humane programs running.

All funds raised go directly toward supporting:

- The fight against animal cruelty with our Cruelty Investigations program.
- Providing medical treatment for animals in need, including our Pumpkin Fund, which helps to save animals in desperate need of urgent surgeries and extensive medical care.
- Educating the community through our Humane Education program.
- Operating our public spay/neuter clinic, which offers low cost surgeries to members of our community, which in turn helps to control the animal population.
- Maintaining our adoption programs and finding animals their forever homes.

Safety is our primary concern during this event. All volunteers will be wearing nametags and branded Strays on Streetcorners WECHS t-shirts in bright orange for maximum visibility. All volunteers will also have gone through an orientation session, which will outline proper safety procedures and precautions.

If you have any questions, suggestions or concerns regarding our campaign, please contact me directly at [events@windsorhumane.org](mailto:events@windsorhumane.org) or 519-966-5751 ext 23.

Thank you for your support!

Sincerely,

Emma Amlin  
Events & Community Relations Coordinator  
Windsor/Essex County Humane Society



# STRAYS<sub>on</sub> STREETCORNERS

Your change can change a life.

**July 12, 13, 14**

*Get Involved.* **Donate. Volunteer.**

Watch for our volunteers on street corners throughout Windsor and Essex County collecting donations for the Windsor/Essex County Humane Society. 100% of proceeds go toward helping the animals in your community!





June 12, 2018

Ms. Peggy Van Mierlo-West  
Township of Kingsville  
2021 Division Road North  
Kingsville, ON N9Y 2Y9

Dear Ms. Van Mierlo-West:

**SMOKE-FREE ONTARIO ACT, 2017**

Effective July 1, 2018, the *Smoke-Free Ontario Act, 2017 (SFAO, 2017)* will become law, repealing the existing *Smoke-Free Ontario Act (SFOA)* and *Electronic Cigarettes Act, 2015*. This new act will regulate the sale, supply, use, display, and promotion of tobacco and vapour products (e-cigarettes), and the smoking and vaping of medical cannabis. In future, additional substances may also be subject to the *SFOA, 2017* regulation.

The *SFOA, 2017* prohibits the smoking of tobacco, the use of e-cigarettes to vape any substance, and the smoking and vaping of medical cannabis in all enclosed public spaces and enclosed workplaces. The *SFOA, 2017* also includes other locations where smoking of tobacco was previously prohibited under the *SFOA*, such as child care centres and playgrounds.

In addition to a number of spaces prescribed under previous legislation, as those noted above, new prohibitions for the use of these products as defined in the *SFOA, 2017* include:

- Smoking or vaping on **school property** and within 20m of the perimeter of school grounds
- Smoking or vaping on all **bar and restaurant patios** and within 9m of their perimeter
- Smoking or vaping on **recreation facility property** and within a 20m perimeter of their grounds

The Windsor-Essex County Health Unit (WECHU) is working with community stakeholders by contacting all municipalities to discuss these changes, the implications for municipal properties, effects on special events, fairs, and festivals, and how local smoke-free bylaws are impacted.

The WECHU's Tobacco Enforcement Officers, are designated to enforce the *SFOA, 2017* and will continue to work with owners, operators, and proprietors of properties to ensure compliance with provincial requirements. With ongoing communication, collaboration, and a commitment to due diligence, we are confident that compliance can be achieved and maintained.

We look forward to working together to support the continued efforts to protect all Windsor-Essex County residents from tobacco and other smoking related harms. For additional information, please contact Eric Nadalin, Manager of Chronic Disease and Injury Prevention at 519-258-2146 ext. 3115 or [enadalin@wechu.org](mailto:enadalin@wechu.org).

Sincerely,



Theresa Marentette  
Acting CEO

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 25-2018

*Being a by-law to provide for the construction of  
a replacement bridge over the Loyst Drain  
Owner: Todd Porter & Monica Totten [590-07500]  
in the Town of Kingsville, in the County of Essex*

WHEREAS the Council of the Town of Kingsville, in the County of Essex, has procured a report under section 78 of the *Drainage Act* for the bridge construction over the Loyst Drain;

AND WHEREAS the report dated January 9<sup>th</sup>, 2018 has been authored by Gerard Rood, P. Eng. and the attached report forms part of this by-law;

AND WHEREAS \$26,900.00 is the amount to be contributed by the Town of Kingsville for the drainage works;

AND WHEREAS Council is of the opinion that the report of the area is desirable;

THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE, PURSUANT TO THE DRAINAGE ACT ENACTS AS FOLLOWS:

**1. AUTHORIZATION**

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

**2. BORROWING**

The Corporation of the Town of Kingsville may borrow on the credit of the Corporation the amount of \$26,900.00 being the amount necessary for the completion of the drainage works.

**3. DEBENTURES**

The Corporation may arrange for the issue of debenture(s) on its behalf for the amount borrowed less the total amount of:

- a) Grants received under section 85 of the *Drainage Act*;
- b) Monies paid as allowances;
- c) Commuted payments made in respect of lands and roads assessed with the municipality;
- d) Money paid under subsection 61(3) of the *Drainage Act*; and
- e) Money assessed in and payable by another municipality.

**4. PAYMENT**

Such debenture(s) shall be made payable within 2 (two) or 5 (five) years (as determined by the Director of Financial Services or designate) from the date of the debenture(s) and shall bear interest at a rate not higher than 2% more than the municipal lending rates as posted by Infrastructure Ontario on the date of sale of such debenture(s).

- 1) A special equal annual rate sufficient to redeem the principal and interest on the debenture(s) shall be levied upon the lands and roads as shown in the schedule and shall be collected in the same manner and at the same as other taxes are collected in each year for 2 (two) or 5 (five) years (as determined by the Director of Financial Services or designate) after the passing of this by-law.
- 2) For paying the amount \$26,900.00 being the amount assessed upon the lands and roads belonging to or controlled by the municipality a special rate sufficient to pay the amount assessed plus interest thereon shall be levied upon the whole rateable property in the Town of Kingsville in each year for 2 (two) or 5 (five) years (as determined by the Director of Financial Services or designate) after the passing



of this by-law to be collected in the same manner and at the same time as other taxes collected.

- 3) All assessments of \$100.00 or less are payable in the first year in which the assessments are imposed.

## **5. SCHEDULE OF ASSESSMENTS OF LAND AND ROADS**

**SCHEDULE OF ASSESSMENT**

**LOYST DRAIN**  
**(Porter & Totten Bridge)**  
**Town of Kingsville**

**3. MUNICIPAL LANDS:**

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Acres Owned	Hectares Aff'd	Acres Aff'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
		County Road 34		2.430	6.00	County of Essex	\$ -	\$ 864.00	\$ -	\$ 864.00
		North Talbot Road		4.320	10.67	Town of Kingsville	\$ -	\$ 1,538.00	\$ -	\$ 1,538.00
		Inman Side Road		1.100	2.72	Town of Kingsville	\$ -	\$ 392.00	\$ -	\$ 392.00
		Road 7 East		0.150	0.37	Town of Kingsville	\$ -	\$ 53.00	\$ -	\$ 53.00
		Road 6 East		0.485	1.20	Town of Kingsville	\$ -	\$ 173.00	\$ -	\$ 173.00
Total on Municipal Lands							\$ -	\$ 3,020.00	\$ -	\$ 3,020.00

**4. PRIVATELY OWNED - NON-AGRICULTURAL LANDS:**

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Acres Owned	Hectares Aff'd	Acres Aff'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
410-00520	STR	P1 Lot 259	0.89	0.360	0.89	Andreas & Elvira Miller	\$ -	\$ 36.00	\$ -	\$ 36.00
410-00650	STR	P1 Lot 260	1.14	0.461	1.14	Dale Chen	\$ -	\$ 43.00	\$ -	\$ 43.00
420-00700	NTR	P1 Lot 259	1.69	0.684	1.69	Ronald & Emily Hicks	\$ -	\$ 55.00	\$ -	\$ 55.00
420-00901	NTR	P1 Lot 260	1.10	0.445	1.10	Heinrich & Helena Redecop	\$ -	\$ 42.00	\$ -	\$ 42.00
420-02500	NTR	P1 Lot 263	0.48	0.194	0.48	Frank Shepley & Judith Pfohl	\$ -	\$ 45.00	\$ -	\$ 45.00
420-02701	NTR	P1 Lot 262	0.86	0.348	0.86	Chad & Sonya Bedal	\$ -	\$ 70.00	\$ -	\$ 70.00
420-02900	5	P1 Lot 16	2.00	0.809	2.00	Jack & Cheryl Robinson	\$ -	\$ 121.00	\$ -	\$ 121.00
480-00270	6	P1 Lot 16	0.55	0.223	0.55	Douglas & Ruby Cowell	\$ -	\$ 49.00	\$ -	\$ 49.00
480-00510	6	P1 Lot 16	0.46	0.186	0.46	Brian & Sharon Haggins	\$ -	\$ 45.00	\$ -	\$ 45.00
590-07500	NTR	P1 Lot 264	0.28	0.057	0.14	Todd Porter & Monica Totten	\$ 9,873.00	\$ 15.00	\$ -	\$ 9,888.00
Total on Privately Owned - Non-Agricultural Lands							\$ 9,873.00	\$ 521.00	\$ -	\$ 10,394.00

5. PRIVATELY OWNED - AGRICULTURAL LANDS (grantable):

Tax Roll No.	Con or Plan No.	Lot or Part of Lot	Acres Owned	Hectares Altd	Acres Altd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
410-00400	STR	Pt Lot 259	49.80	10.117	25.00	Julius & Martha Iles	\$ -	\$ 328.00	\$ -	\$ 328.00
410-00600	STR	Pt Lot 260	65.95	20.234	50.00	Hillside Holthouse Limited	\$ -	\$ 655.00	\$ -	\$ 655.00
410-00800	STR	Pt Lot 260	53.95	3.237	8.00	John & Linda Upcott	\$ -	\$ 105.00	\$ -	\$ 105.00
420-00600	NTR	Pt Lot 259	50.00	4.047	10.00	John Sinclair	\$ -	\$ 131.00	\$ -	\$ 131.00
420-00800	NTR	Pt Lot 259 & 260	125.29	42.221	104.33	Richard & Jennifer Hicks	\$ -	\$ 1,708.00	\$ -	\$ 1,708.00
420-00900	NTR	Pt Lot 260 & 261	49.00	18.656	46.10	Gordon Daniher	\$ -	\$ 604.00	\$ -	\$ 604.00
420-01000	NTR	Pt Lot 261	21.00	6.475	16.00	John & Linda Upcott	\$ -	\$ 210.00	\$ -	\$ 210.00
420-01100	NTR	Pt Lot 261	59.01	9.915	24.50	Jeffrey & Stewart Stevenson	\$ -	\$ 321.00	\$ -	\$ 321.00
420-01200	NTR	Pt Lot 261	115.00	32.375	80.00	Roger & Bonita Moore	\$ -	\$ 1,048.00	\$ -	\$ 1,048.00
420-02400	NTR	Pt Lot 263	47.90	4.280	10.58	Kelly Armstrong	\$ -	\$ 277.00	\$ -	\$ 277.00
420-02450	NTR	Pt Lot 263	49.42	20.000	49.42	Linda & Henry Armstrong	\$ -	\$ 1,295.00	\$ -	\$ 1,295.00
420-02600	NTR	Pt Lot 262	50.00	10.522	26.00	James Stevenson	\$ -	\$ 681.00	\$ -	\$ 681.00
420-02700	NTR	Pt Lot 262	49.14	10.578	26.14	Wanda Stevenson	\$ -	\$ 685.00	\$ -	\$ 685.00
420-02800	5	Pt Lot 16	16.60	6.718	16.60	Faye DeVries	\$ -	\$ 435.00	\$ -	\$ 435.00
420-03000	5	Pt Lot 17	92.26	6.455	15.95	Delellis Farms Limited	\$ -	\$ 418.00	\$ -	\$ 418.00
480-00300	6	Pt Lot 16	55.94	5.145	12.71	Douglas & Ruby Cowell	\$ -	\$ 333.00	\$ -	\$ 333.00
480-00400	6	Pt Lot 16	39.60	4.047	10.00	405851 Ontario Limited	\$ -	\$ 262.00	\$ -	\$ 262.00
480-00500	6	Pt Lot 16	49.54	5.463	13.50	Raymond & Brian Haggins	\$ -	\$ 354.00	\$ -	\$ 354.00
590-00100	NTR	Pt Lot 264	72.75	10.927	27.00	Thomas & Carole Boyd	\$ -	\$ 707.00	\$ -	\$ 707.00
590-00300	NTR	Pt Lot 264	45.90	3.238	8.00	Gordon Daniher	\$ -	\$ 210.00	\$ -	\$ 210.00
590-07600	NTR	Pt Lot 264	26.55	8.596	21.24	Patrick Gaspar	\$ -	\$ 557.00	\$ -	\$ 557.00
590-07700	NTR	Pt Lot 264	51.30	20.760	51.30	Robert Boyd	\$ -	\$ 1,344.00	\$ -	\$ 1,344.00
Total on Privately Owned - Agricultural Lands (grantable):							\$ -	\$ 12,668.00	\$ -	\$ 12,668.00

5. PRIVATELY OWNED - AGRICULTURAL LANDS (non-grantable):

Tax Roll No.	Con. or Plan No.	Lot or Part of Lot	Acres Owned	Hectares Aff'd	Acres Aff'd	Owner's Name	Value of Benefit	Value of Outlet	Value of Special Benefit	TOTAL VALUE
410-00510	STR	Pt Lot 259	48.85	19.769	48.85	John & Jennifer Fritter	\$ -	\$ 640.00	\$ -	\$ 640.00
480-00301	6	Pt Lot 16	29.4	2.746	6.79	Richard & Debra Cowell	\$ -	\$ 178.00	\$ -	\$ 178.00
Total on Privately Owned - Agricultural Lands (non-grantable):							\$ -	\$ 818.00	\$ -	\$ 818.00
TOTAL ASSESSMENT							\$ 9,873.00	\$ 17,027.00	\$ -	\$ 26,900.00

1 Hectare = 2.471 Acres  
Project No REI20160049  
January 9th, 2018

**6. CITATION**

This by-law comes into force on the passing thereof and may be cited as the "Bridge over the Loyst Drain – Todd Porter & Monica Totten [590-07500]" by-law.

**READ A FIRST AND SECOND TIME AND PROVISIONALLY ADOPTED  
THIS 26<sup>th</sup> DAY OF MARCH, 2018.**

  
\_\_\_\_\_  
MAYOR, Nelson Santos

  
\_\_\_\_\_  
CLERK, Jennifer Astrologo

**READ A THIRD TIME AND FINALLY PASSED THIS      DAY OF  
2018.**

\_\_\_\_\_  
MAYOR, Nelson Santos

\_\_\_\_\_  
CLERK, Jennifer Astrologo

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 67- 2018

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***Being a By-law to establish rules and regulations to be used in connection with all cemeteries owned and operated by The Corporation of the Town of Kingsville***

**WHEREAS** section 10 of the *Municipal Act, 2001* S.O. 2001 c. 25 provides that a municipality may provide any service or thing that the municipality considers necessary or desirable for the public and may pass by-laws respecting such service.

**AND WHEREAS** The Corporation of the Town of Kingsville (the "Town") is the owner and operator of certain cemeteries within the boundaries of the Town, which cemeteries are listed in Schedule "A" attached hereto and forming part of this By-law, the locations of which cemeteries are more specifically indicated on a map attached hereto as Schedule "B" and forming part of this By-law.

**AND WHEREAS** section 150 of Regulation 30/11 (the "*Regulations*") made under the *Funeral, Burial and Cremation Services Act, 2002* S.O. 2002, c. 33 (the "*Act*") provides that a cemetery operator may make by-laws governing the operation of the cemetery and, in particular, governing rights, entitlements and restrictions with respect to interment and scattering rights.

**AND WHEREAS** section 151(1) of the Regulations provides that no cemetery by-law is effective until the cemetery operator has filed it with the registrar appointed under section 3 of the Act (the "Registrar") in an approved form and manner; provided notice of the filing in accordance with subsection 151(3) of the Regulations; and the Registrar has approved it.

**AND WHEREAS** it is expedient to repeal By-law 90-2012, being a by-law to establish rules and regulations to be used in connection with all cemeteries owned by the Town.

**THEREFORE, THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

### Definitions

1. For the purpose of this By-law, the following further definitions are applicable:
  - a) "Care and Maintenance Fund" means a percentage of the purchase price of all interment rights and set amounts for marker and monument installations as a requirement under the *Funeral, Burial and Cremation Services Act, 2002*
  - b) "Cemetery" means any one of the cemeteries owned and operated by the Town and listed in Schedule "A" herein and "Cemeteries" shall have a corresponding meaning;
  - c) "Contract" means a contract complying with the provisions of section 40 of the *Act*;
  - d) "Fee" means the corresponding fee charged for a service pursuant to the Town's Fees and Charges By-law, as amended from time to time, and as set out in a price list as required by section 33 of the *Act*;
  - e) "Inter" means the burial of human remains and includes the placing of human remains in a Lot and "Interred" and "Interment" shall have corresponding meanings;
  - f) "Interment Rights" includes the right to require or direct the Interment of human remains in a Lot;

g) Holiday” means:

New Year’s Day	Labour Day
Family Day	Thanksgiving Day
Good Friday	Remembrance Day
Easter Monday	December 24
Victoria Day	Christmas Day
Canada Day	Boxing Day

and the day designated by the Town to observe the above listed holidays

- h) “Lot” means an area of land in a Cemetery being approximately 3’4” x 8’ containing, or set aside to contain, Interred human remains;
- i) “Manager” means the person assigned by the Town from time to time to manage the Cemeteries or his or her designate;
- j) “Marker” means any permanent memorial set flush with the surface of the ground and used to mark the location of a Lot;
- k) “Monument” means any permanent memorial projecting above the ground level and used to mark the location of a Lot;
- l) “Open Hours” means between 8:00 a.m. and 8:00 p.m.;
- m) “Plot” means two (2) or more Lots in respect of which the Interment Rights have been sold as a unit;
- n) “Rights Holder” means the person who holds the Interment Rights with respect to a Lot; and
- o) “Town” means The Corporation of the Town of Kingsville

## **Regulations for Interments and Disinterment’s**

### **Generally**

- 2. A Rights Holder, or his or her authorized representative, shall provide at least forty-eight (48) hours notice (excluding Sundays and holidays) of a proposed date and time of Interment in writing to the Manager.
- 3. No Interment or Disinterment will be performed on any Sunday or Statutory Holiday unless the Town is ordered to do so by a representative of the Ministry of Health.
- 4. No Lot shall be opened for Interment or Disinterment by a person not in the employ of; acting as agent of; or under the express direction of the Town.
- 5. The Town assumes no responsibility or liability for loss or damage to any person or property during Interment or Disinterment.

### **Requirements Prior to Interment**

- 6. In addition to any other requirement under the Act and the Regulations and any other legislation that may be in force from time to time, the following shall be received by the Town prior to an Interment in a Cemetery:
  - a. a Contract for the Interment;
  - b. if the remains to be Interred are not those of a Rights Holder, the written consent of all Rights Holders, or their authorized representatives, to such Interment; and
  - c. payment in full of the Fee for the Interment

### Requirements Prior to Disinterment

7. In addition to any other requirement under the *Act* and the Regulations and any other legislation that may be in force from time to time, the following shall be received by the Town prior to a Disinterment in a Cemetery:
  - a. a Contract for the Disinterment; and
  - b. payment in full of the Fee for the Disinterment

### Interments

8. The following may be Interred in one (1) Lot:
  - a. not more than four (4) cremated remains; or
  - b. one (1) non-cremated remains; and
    - i. one (1) 12"x24" container containing infant remains to be Interred at the head of the Lot, provided space is available; or
    - ii. not more than two (2) cremated remains
9. Remains to be Interred in a Lot shall be enclosed in a container which container shall be:
  - a. sealed securely;
  - b. of sufficient strength to permit Interment with the container remaining intact; and
  - c. of a size to permit Interment within the Lot

### Notice of Resale and Transfer of Interment Rights

10. The Town prohibits the resale of Interment Rights to a third party and will repurchase these rights at the price set out in the Town's Fees and Charges By-law, as may be amended from time to time, less any care and maintenance contribution amount previously paid. The Town is not required to repurchase unused Interment Rights in a plot if one of the Interment Rights in the plot has been exercised.
11. The Town permits the Interment Rights holder to transfer their Interment Rights to a third party, at the current price set out in the Cemetery Service Price List, so long as the transfer is conducted through the Town.

### Regulations for Markers and Monuments

#### Generally

12. Subject to sections 22 and 23, one (1) Marker or one (1) Monument that otherwise complies with the regulations contained in this By-law may be installed on a Lot or Plot.
13. No person shall erect, install, move, alter or remove or cause to be erected, installed, moved, altered or removed, a Marker or Monument in a Cemetery without written authorization from the Manager.
14. No person shall deliver to a Cemetery or cause to be delivered to a Cemetery a Marker or Monument without written authorization from the Manager and unless the foundation is prepared and the marker and Monument is to be immediately installed.
15. Every person who wishes to deliver to a Cemetery or, erect, install, place, move, alter or remove a Marker or Monument in a Cemetery shall provide such information in connection with the Marker or Monument and the erection, installation, placement, movement, alteration or removal of the Marker or Monument as the Manager may require.
16. Vases permanently attached to a Marker or Monument shall be:
  - a. constructed of bronze;
  - b. of sufficient strength to protect the vase in an inverted position; and



- c. attached to the Marker or Monument with a chain long enough to invert, and the Town shall assume no responsibility nor liability for the loss or damage to vases attached to any Marker or Monument.

17. Despite anything else in this By-law, no Marker, Monument or Foundation shall extend over the side of any Lot or Plot.

#### Requirements Prior to Installation

18. In addition to any other provisions of this By-law, the following shall be received by the Town prior to the installation of a Marker or Monument:
- a. Written authorization for the installation of the Monument or Marker from all Rights Holders or the authorized representatives of the Rights Holders; and
  - b. Payment in full of the Fee for the Marker or Monument Care and Maintenance

#### Markers

19. When measuring a Marker, depth shall refer to the distance from front to back and width shall refer to the distance from left to right.

20. A Marker shall:

- a. be flat;
- b. be constructed of marble, granite or bronze;
- c. be set level with the ground so that a lawnmower may pass safely over the Marker;
- d. not have any inscription which is not in keeping with the dignity and decorum of the Cemeteries;
- e. be a minimum thickness of 4"
- f. be a minimum size of 10" in depth x 20" in width
- g. be a maximum size of:
  - i. 16" in depth x 30" in width if placed on a Lot; or
  - ii. 18" in depth x 42" in width if placed on a Plot
- h. be placed such that the Marker does not interfere with future Interments

21. If the Marker has a skirt, such skirt shall be no more than 2" greater than the size of the Marker

#### Monuments

22. Notwithstanding any other provision of this By-law, Monuments are prohibited in the following Cemeteries:

- a. Sections A, B, C, D and E of the Greenhill Cemetery; and
- b. Graceland Cemetery

23. When measuring a Monument or its base, height shall refer to the distance from top to bottom; width shall refer to the distance from left to right; and depth shall refer to the distance from front to back.

24. A Monument shall:

- a. not have any inscription which is not in keeping with the dignity and decorum of the Cemeteries;
- b. be a maximum size of:
  - i. 24" in height x 24" in width if placed on a Lot; or
  - ii. 30" in height x 48" in width if placed on a Plot;
- c. if it includes a base, have a base a maximum size of:
  - i. 8" in height x 32" in width if placed on a Lot; or
  - ii. 8" in height x 60" in width if placed on a Plot;
- d. have only a family name on its back;
- e. not be placed "back-to-back" against another Monument; and
- f. be placed at the centre of the head of the Lot or Plot, unless otherwise authorized or directed by the Manager.

### Supplementary Markers

25. Supplementary Markers may be installed on a Lot or Plot in accordance with section 23.
26. Supplementary Markers shall be a maximum size of 16" in depth and 24" in width and the maximum number to be installed shall be one (1) if on a Lot and two (2) if on a Plot and such Supplementary Marker shall be installed as follows:
- a. flush to and centered under a Marker; or
  - b. at the opposite end of and centered under a Monument, and if two (2) Supplementary Markers are installed in accordance with this By-law, such shall be installed one beside the other

### Legion Stones and Supplementary Vase Stone

27. War Memorial markers placed on veteran graves by the Royal Canadian Legion will be permitted to remain as a permanent marker, in addition to other markers and monuments allowed. Only head stones, consistent with those approved by Veterans Affairs Canada are permitted.

### Foundations

28. Every Monument shall have a foundation.
29. A Foundation shall:
- a. be constructed between March 31 and November 14;
  - b. have a surface area that is flush with the surrounding ground level;
  - c. provide a level surface free of defects;
  - d. be cured for a minimum of forty-eight (48) hours before the installation of the Monument; and
  - e. have a skirt no more than two (2) inches greater than the size of the Monument base

### Removal by Manager

30. The Manager, in his or her sole discretion, may remove from a Cemetery, Lot or Plot any Marker or Monument that does not comply with the regulations in this By-law.

### Maintenance

31. The Town shall be responsible for the general care and maintenance of the Markers and Monuments once installed on a Lot or Plot in accordance with the regulations in this By-law.
32. Notwithstanding any other provisions of this By-law, if any Marker or Monument is found to pose a hazard or risk to public safety, the Town may remove such risk or hazard.
33. Any person who finds a Marker or Monument in need of care or maintenance shall notify the Town.
34. The Town assumes no responsibility nor liability for the proper installation of any Marker or Monument, nor for any loss or damage to any Marker or Monument resulting from normal wear and tear, including, but not limited to, minor scraping of the base of Monuments due to turf mowing operations.

### Regulations for Cemeteries, Lots and Plots

#### General Care and Maintenance

35. The Town shall be responsible for the general care and maintenance of the Cemeteries, Lots and Plots.

### Lots and Plots

36. No person may alter any Lot or Plot in any manner whatsoever, including, but not limited to the changing of the grade, the addition of sod, grass seed, or loose stone, the addition of flower beds, trees, shrubbery or plants, the construction of curbing, coping, fencing or walkways of any kind.
37. No person shall place, leave, install or erect any article, item, memorial, structure, object or thing of any kind whatsoever in a Cemetery or upon any Lot or Plot unless otherwise permitted by this By-law.
38. Subject to section 41, the following articles are permitted to be left upon a Lot or Plot by any person:
- a. fresh and artificial flowers;
  - b. between November 1 and March 31 each year, Christmas wreaths and blankets or artificial wreaths without glass or plastic covers, provided the same are securely fastened to a Monument, or where there is no Monument, mounted on a stand of a least thirty (30) inches high and securely anchored to the ground; and
  - c. between April 1 and October 31 each year, plastic vases, plastic flower pots, potted plants and shepherd's hook on top of the ground, but not buried, and placed as close to a Monument or Marker base as practical

### Maintenance

39. Any person who leaves any article permitted by this By-law on a Lot or Plot shall care for and maintain the article while it is left on the Lot or Plot and shall remove the article when the article is no longer permitted under this By-law.
40. Except as otherwise indicated in the Act, the Regulations and this By-law, the Town is not responsible to maintain, nor is the Town liable for loss or damage to any articles left in the Cemeteries or upon any Lot or Plot.

### Removal by Manager

41. The Manager, in his or her sole discretion, may remove from the Cemetery, Lot or Plot:
- a. anything that is not authorized under this By-law;
  - b. any article if that article may not be left on a Lot or Plot after a certain date if that date has passed;
  - c. any article that is not cared for or maintained, including, but not limited to dead plants or flowers and pots or urns not filled with plants or flowers;
  - d. any trees or shrubs situated in any Lot or Plot that have become, by means of their roots or branches or in any other way detrimental to the adjacent Lot, drains, roads or walks, or prejudicial to the general appearance of the grounds or inconvenient to the public; and
  - e. any article, such as nails, wires, glass, or pottery, which is detrimental to efficient maintenance or constitutes a hazard to machinery, employees or visitors, or does not conform with the natural beauty or design of the Cemetery.

### Rules for Contractors

42. In section 43, "Contractor" shall mean any person undertaking work in the Cemeteries who is not an employee of the Town, whether party to a contract with the Town or not.
43. Contractors shall:
- a. Respect the integrity and decorum of the Cemeteries;
  - b. Cease work, if in the immediate vicinity of a funeral, until the conclusion of the funeral service;

- c. Indemnify and hold harmless the Town, its directors, officers, employees, agents and elected officials, from and against all claims, losses, suits, judgements, legal expenses and for any and all liability for damages to property and injury to persons, including death, which the Town may incur or suffer directly or indirectly as a result of or arising out of or in relation to the Contractor's work within the Cemeteries;
- d. at his own expense, take out and maintain, general liability insurance of not less than two million dollars (\$2,000,000.00) and such policy shall be written on a comprehensive basis with coverage for any one occurrence or claim of not less than two million dollars (\$2,000,000.00) and shall contain a provision for cross liability or severability of interest and non-owned automobile coverage with blanket contractual and physical damage coverage for hired automobiles and provide proof of such insurance as required by the Town;
- e. comply with all applicable laws, regulations, orders, by-laws, and requirements of governmental or other public authorities having jurisdiction at any time, including, but not limited to, the following:
  - i. *Occupational Health and Safety Act*, R.S.O. 1990, c. O.1, including the Town's Violence and Harassment in the Workplace Policy and Program, which shall be in place from time to time;
  - ii. *Workplace Safety and Insurance Act*, 1997, S.O. 1997, c.16, Schedule A; and
  - iii. *Accessibility for Ontarians with Disabilities Act*, 2005, S.O. 2005, c.11, including the Town's Accessible Customer Service Standards Policy, which shall be in place from time to time

and, upon request, provide proof of such compliance in the prescribed form or in any other form as required by the Town;

- f. undertake all work during Open Hours, unless under special written permission of the Manager;
- g. undertake no work on a Saturday that cannot be finished on that day;
- h. undertake no work on a Sunday absent written permission or direction from the Manager of Public works;
- i. not remove any marker or monument without written permission of the Manager
- j. not transport heavy loads in the Cemeteries when, in the opinion of the Manager, driveways or any other areas are in an unfit condition;
- k. lay planks on Lots and areas over which materials are to be moved;
- l. restore or replace any surface damaged by any work undertaken;
- m. not park on the grassy areas of the Cemeteries unless directed to do so by the Manager;
- n. place all implements and materials used in the performance of any work in accordance with the direction of the Manager; and
- o. remove all rubbish and surplus earth, refuse, litter and debris in such manner as the Manager directs

### **Rules for Visitors**

44. Funeral corteges within Cemeteries shall follow the route as may be directed by the Manager, when required.

45. All persons visiting the Cemeteries shall:

- a. attend during Open Hours;
- b. respect the integrity and decorum of the Cemeteries and not engage in any noisemaking, picnicking nor improper conduct;
- c. not walk on any Marker nor sit, lean nor climb on any Monument;
- d. not drive vehicles within the Cemeteries at a speed of more than ten (10) kilometres per hour, or elsewhere than upon the roadways provided for vehicles
- e. not park on the grassy areas unless directed to do so by the Manager;

- f. not drive any all-terrain vehicle or snowmobiles in the Cemeteries;
- g. not discharge any firearm unless in accordance with the provisions of any by-law of the Town that may be in effect from time to time regulating the discharge of firearms
- h. not bring any dogs or animals into the Cemeteries, except service animals;
- i. not bring alcohol
- j. remove all rubbish, refuse, litter and debris from the Cemeteries or place the same in designated receptacles; and
- k. be responsible for any damage to the Cemeteries caused by any failure to comply with the rules set out in these By-laws

General

46. Calculation of time periods within this By-law shall exclude the day on which the first event happens and include the day on which the second event happens and such calculation shall not include Saturdays, Sundays and Holidays.
47. This By-law shall come into effect upon approval by the Registrar.
48. By-law 90-2012 and any amendments thereto are hereby revoked.

**READ a FIRST, SECOND and THIRD time and FINALLY PASSED this 11<sup>th</sup> day of June, 2018.**

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**MAYOR, Nelson Santos**

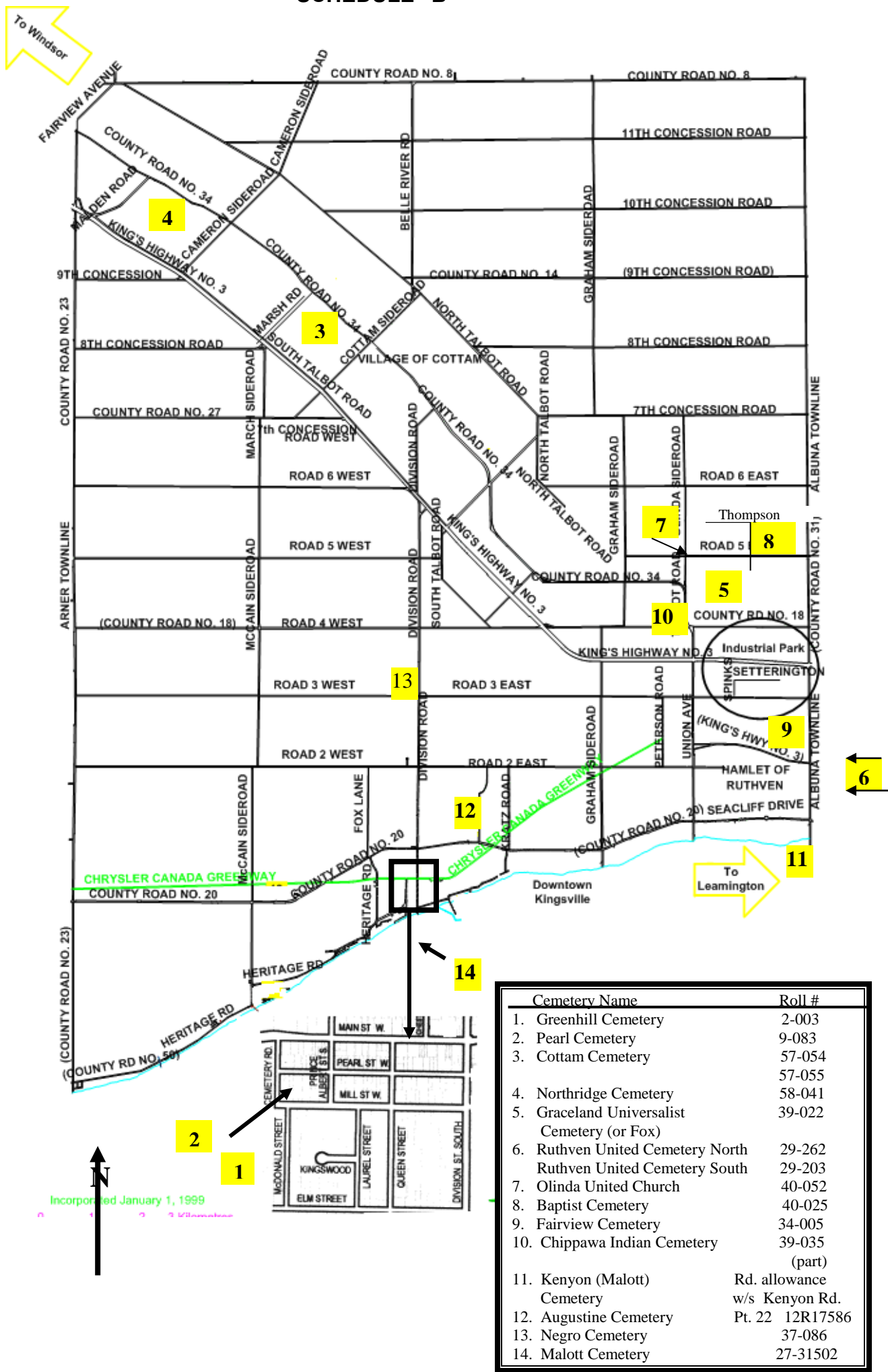
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**CLERK, Jennifer Astrologo**

## SCHEDULE "A"

Cemetery Name	Location	Description	Status	Roll No.
Augustine	Farm Lot, Road 2 East	Lot: 1 Conc. 1 Pt. 3 12R15587	Inactive	None
Greenhill	Mill Street West	Lot: 4 Conc. 1	Active	020-00300
Pearl Street	Pearl Street West	Lot: 2 Conc. 1 WD	Inactive	090-08300
Cottam Cemetery	s/s County Road 34	Lot: 271 Conc. STR Part 1 Plan 12R12365	Active-Anglic. Active-Other	570-05400 570-05500
Northridge	South Talbot Road	Lots: 277, 278 Conc. STR Part 1 12R15809	Active	580-04100
Baptist	e/s Thompson Crescent	Lot: 21 Conc. 5 E.D.	Active	400-02500
Chippawa Indian	Farm Lot, Road 4 East	s/e corner Lot: 20 Conc. 4 E.D.	Inactive	390-03500
Fairview	n/s Road 3 East	Lot: 11 Conc. 3 E.D.	Active	340-00500
Graceland Universalist (or Fox) + Expansion	Road 5 East at Olinda Sideroad	Lot: 21 Conc. 4 E.D Part of Part 1 12R6602.	Active	390-02100
Kenyon (Malott)	Farm Lot 12, w/s Kenyon Point Rd.	Lot: Farm Lt. 12 Kenyon Point Road	Inactive	Road Allowance
Negro	Division Road	s/w corner Lot: M Conc 3 W.D.	Inactive	370-08600
Malott	Heritage Road	Lot: 4 Conc. 1 W.D. Parts 1 to 3 12R5593	Inactive	270-31502
Olinda United Church	w/s Olinda Sideroad	Lot: 20 Conc. 5 E.D. Part 1 12R11510	Active	400-05200
Ruthven United Church (north) (south)	n/s Hwy. 3 at Albuna Townline s/s Hwy. 3 at Albuna Townline	Lot: 13 Conc. 2 E.D. Lot: 13 Conc. 2 E.D.	Active Active	290-26200 290-20300

SCHEDULE "B"



# **THE CORPORATION OF THE TOWN OF KINGSVILLE**

## **BY-LAW 73-2018**

---

### **Being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville**

**WHEREAS** By-law No. 1-2014 is the Town's Comprehensive Zoning By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Kingsville;

**AND WHEREAS** the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to further amend By-law No. 1-2014 as herein provided;

**AND WHEREAS** there is an Official Plan in effect in the Town of Kingsville and this By-law is deemed to be in conformity with the Town of Kingsville Official Plan;

### **NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. Schedule "A", Map 54 of By-law 1-2014 is hereby amended by removing the Holding symbol (h) on lands known municipally as Concession 2 ED, Part of Lot 10, Lots 1 to 33 and Block 34, inclusive, Plan 12M 609 as shown on Schedule 'A' cross-hatched attached hereto from 'Light Industrial Zone1 Exception 1 – Holding (M1.1(h))' to 'Light Industrial Zone 1 Exception 1 (M1.1)'.
2. This by-law shall come into force and take effect from the date of passing by Council and shall come into force in accordance with Section 36 of the Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
25<sup>th</sup> DAY OF JUNE, 2018.**

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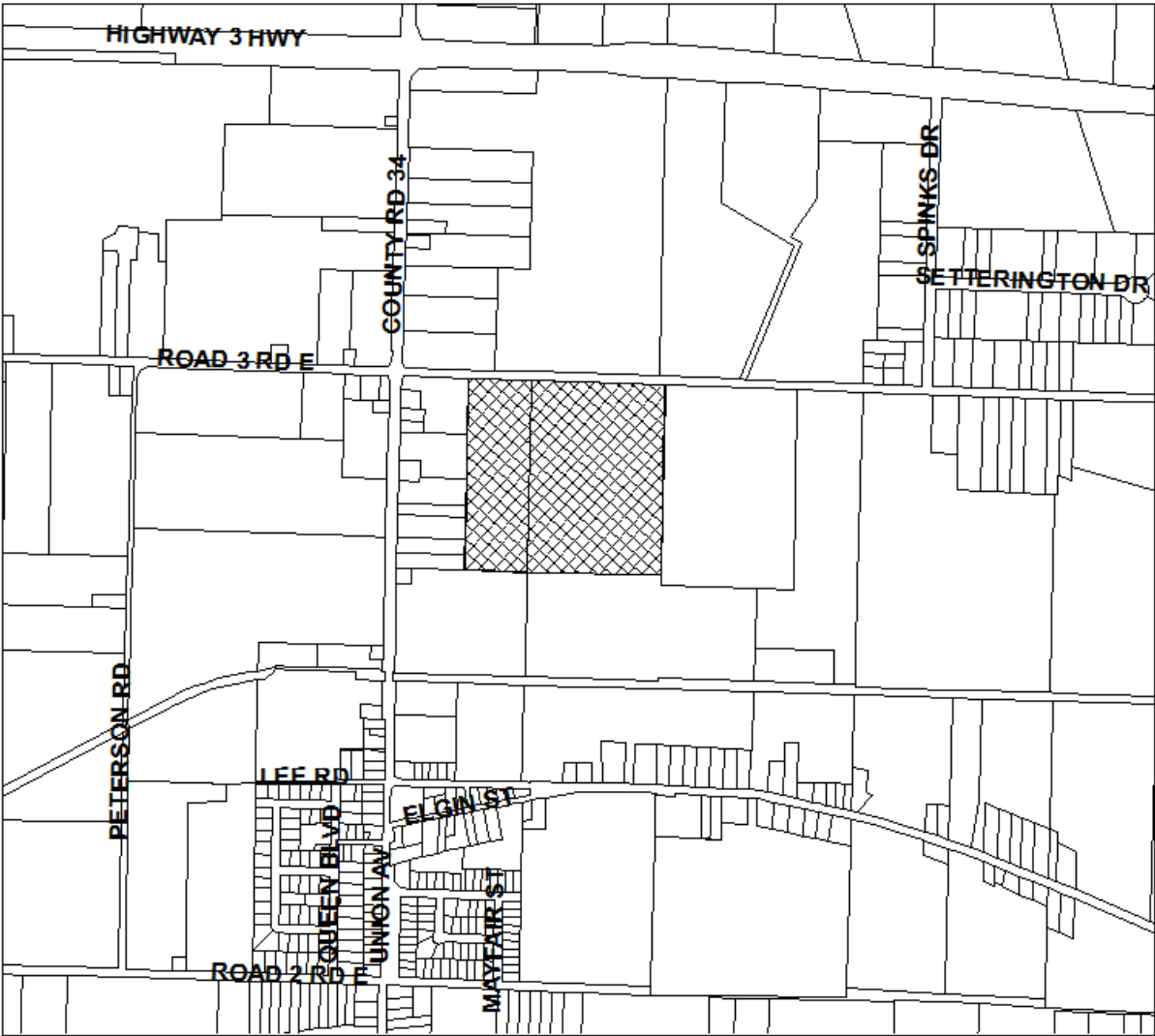
**MAYOR, Nelson Santos**

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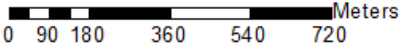

**CLERK, Jennifer Astrologo**




# Schedule 'A'



Part of Lot 10, Concession 2 ED  
Lots 1 to 33 & Block 34, Plan 12M 609  
Zoning By-law Amendment ZBA/15/18



 Schedule "A", Map 54 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Light Industrial Zone 1 Exception 1 - holding (M1.1 (h))' to 'Light Industrial Zone 1 Exception 1 (M1.1)'

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 74-2018

---

### **Being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville**

**WHEREAS** By-law No. 1-2014 is the Town's Comprehensive Zoning By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Kingsville;

**AND WHEREAS** the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to further amend By-law No. 1-2014 as herein provided;

**AND WHEREAS** the application will conform to the Official Plan of the Town of Kingsville upon the coming into effect of proposed Amendment No. 7 to the Official Plan of the Town of Kingsville and final adoption by the County of Essex;

### **NOW THEREFORE THE COUNCIL FOR THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. That Section 3 Definitions is hereby amended by adding the following, Subsection 3.1.10.1 "Air Treatment Control" between Subsection 3.1.10 and 3.1.11.

3.1.10.1 "**Air Treatment Control**" shall mean the functional use of industrial grade multi-stage carbon filtration or similar technology, to reduce and/or treat the emission of pollen, dust and odours expelled from a facility and sized accordingly in comparison to the facility it services as designed by a qualified person.

2. That Section 3 Definitions is hereby amended by adding the following, Subsection 3.9.38, "Qualified Person" after Subsection 3.9.37.

3.9.38 "**Qualified Person**" is defined as one who by possession of a recognized degree, certificate, or professional standing, or who by extensive knowledge, training and experience, has successfully demonstrated their ability in the field which they are employed and for which they are being engaged to provide professional advice, design or direction related but not limited to such items as noise, odour control, traffic, structural, landscaping etc.

3. That Subsection 7.1 e) AGRICULTURE ZONE 1 A1 EXCEPTIONS is amended with the addition of the following new subsection:

#### **7.1.69 'AGRICULTURE ZONE 1 EXCEPTION 69 (A1-69)'**

- a) For lands shown as A1-69 on Map 52 Schedule "A" of this By-law.

- b) **Permitted Uses**

- i) Those uses permitted under Section 7.1;
- ii) A medical marihuana production facility (MMPF)

c) **Permitted Buildings and Structures**

- i) Those buildings and structures permitted under Section 7.1 in the (A1) zone;
- ii) Buildings and structures accessory to the permitted uses.

d) **Zone Provisions**

All lot and building requirements for the permitted buildings and structures shall be in accordance with Section 7.1 of this By-law.

Notwithstanding any other provision of By-law 1-2014, as amended, to the contrary, for lands zoned A1-69 a medical marihuana production facility shall require the installation and maintenance of an Air Treatment Control (ATC) system designed by a qualified person. Prior to the beginning of any growing operations of the licensed MMPF the owner/operator must demonstrate to the satisfaction of the Town, including the submission of a maintenance schedule that the ATC is installed and operational as per the design specifications to maintain no perceptible marihuana odour or transmission of chemical odour control agents beyond the property line.

Notwithstanding Section 4.46 of the by-law to the contrary the following shall apply:

- i) Item c) is deleted and replaced as follows: An existing residential use accessory to or supportive of the agricultural uses on-site, including a MMPF, is permitted
- ii) Items d), e) and i) are not applicable to lands zoned A1-69;
- iii) Item g) is deleted and replaced as follows:
  - a. an MMPF growing area shall be located a minimum of 100 m from an existing off-site residential use or institutional use;
  - b. item g) shall not be applicable to an on-site bunkhouse.

All other items listed under Section 4.46 remain applicable to lands zoned A1-69.

- 4. Schedule "A", Map 52 of By-law 1-2014 is hereby amended by changing the zone symbol on lands known municipally as Part of Lot 9, Concession 2 ED, and locally known as 609 Road 3 E and V/L SS Road 3 E as shown on Schedule 'A' cross-hatched attached hereto from 'Agriculture Zone 1 (A1)' and 'Agriculture – Restricted Zone 2 (A2)' to 'Agriculture Zone 1 Exception 69 (A1-69)'.
- 5. This by-law shall come into force and take effect from the date of passing by Council and in accordance with Section 34 of the Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25<sup>th</sup> DAY OF JUNE, 2018.**

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**MAYOR, Nelson Santos**


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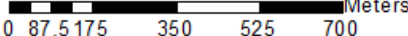
**CLERK, Jennifer Astrologo**


Schedule 'A'



Part of Lot 4, Concession 2 ED  
609 Road 3 E & V/L SS Road 3 E  
Zoning By-law Amendment ZBA/06/18

 N

 0 87.5 175 350 525 700 Meters

 Schedule "A", Map 52 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Agriculture Zone 1 (A1)' & Agriculture - Restricted Zone 2 to 'Agriculture Zone 1 Exception 69 (A1-69)'



## CORPORATION OF THE TOWN OF KINGSVILLE

### **OFFICIAL PLAN AMENDMENT NO. 7**

2623391 Ontario Limited  
609 Road 3 E and VL SS Road 3 E  
Part of Lot 4, Concession 2 ED. Part 1, RP 12R 11488 &  
Part 1, RP 12R 22191

JUNE 2018

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### **PART “A” - THE PREAMBLE**

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3.0	Purpose of this Amendment	pg. 4
3.0	Location of this Amendment	pg. 4
4.0	Basis of this Amendment	pg. 5

### **PART “B” - THE AMENDMENT No. 7 (OPA # 7)**

	The Amendment	pg. 6
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### **PART “C” – THE APPENDICES**

Appendix ‘A’ – Minutes of Public Meeting

Appendix ‘B’ – Public submissions

Appendix ‘C’ – Planning report to Council

## **PART “A” - THE PREAMBLE**

### **1.0 Authorizing By-law No. 75-2018**

#### **THE CORPORATION OF THE TOWN OF KINGSVILLE**

#### **BY-LAW NO. 75-2018**

##### **Being a By-law to Amend the Official Plan of the Town of Kingsville**

**WHEREAS** the Town of Kingsville Official Plan is the Town’s policy document that contains objectives and policy direction established by Council to provide guidance for the physical development of the Town while providing for the future pattern of development for the Town;

**AND WHEREAS** the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to amend the Official Plan;

**NOW THEREFORE** the Council of the Corporation of the Town of Kingsville, in accordance with the provisions of Sections 17 and 21 of the Planning Act, R.S.O. 1990, c.P. 13 hereby enacts as follows:

1. That the attached amendment to the Town of Kingsville Official Plan is hereby adopted as Official Plan Amendment No. 7 (OPA 7); and,
2. This By-law shall come into force and take effect on the day of the final approval thereof by the County of Essex.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25<sup>th</sup> DAY OF JUNE, 2018.**

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**MAYOR, Nelson Santos**

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**CLERK, Jennifer Astrologo**



## **2.0 Background**

In April of 2014 Council approved new Official Plan policies to address the pending changes to Federal legislation governing the growing of medical marihuana which was transitioning from individual or designated growers to a commercial based industrial type of format. The initial version of these policies limited operations as-of-right to industrial properties subject to certain criteria designed to provide buffering from potentially land conflicts with sensitive lands uses such as residential, institutional or open space areas. As part of the public consultation process the agricultural sector presented interest in also being permitted to explore the establishment of MMPFs. Council supported this however with the limitation that development would be within existing greenhouse operations subject to individual site-specific zoning and site plan control.

## **3.0 Purpose of this Amendment**

The purpose of this amendment is to permit a medical marihuana production facility to be established in a new build greenhouse, i.e. no greenhouses are currently located on the lands which are the subject of this OPA

## **4.0 Location of this Amendment**

This amendment consists of one part that shall be known as Item 1.

### Item 1:

Lands approximately 38 hectares (94 acres) in area as indicated on the attached schedule are to be included in site-specific special policy area 3.1.2 in the Kingsville Official Plan.



## 5.0 Basis of this Amendment

The subject lands consist of two farm parcels with a combined total lot area of 38 ha (94 ac.) and frontage of 359.6 m (1,180 ft.) on Road 3 E. The applicant is proposing to construct a new greenhouse in three phases along with supporting infrastructure. A greenhouse is a permitted use in the Agriculture designation however, the applicant is proposing to utilize the new build greenhouse for the establishment of a medical marihuana production facility. In order to proceed with development on the property there are three approvals that are required as follows:

- i) An Official Plan Amendment to site-specifically permit a new build greenhouse on the subject lands to be used for the establishment of a medical marihuana production facility;
- ii) A Zoning By-law Amendment to rezone the subject lands to add a medical marihuana production facility as an additional permitted use and establish odour control requirements;
- iii) Site Plan Approval which will outline the details and full requirements of the overall build-out of the proposal including lighting control requirements.

## PART “B” - THE AMENDMENT

All of this part of the document, entitled “Part B” – The Amendment”, consisting of the following text and one (1) map (entitled Schedule “1”) together constitute Amendment No. 7 to the Kingsville Official Plan.

Item 1:

Map Schedule “A” (Land Use Plan) is amended by placing the lands so depicted on Map Schedule “1” in a site-specific special policy area.

Item 2:

A new section is added to Section 3.1 Agriculture after subsection 3.1.1 Minimum Distance Separation to be worded as:

### 3.1.2 **Agriculture Site-Specific Policies**

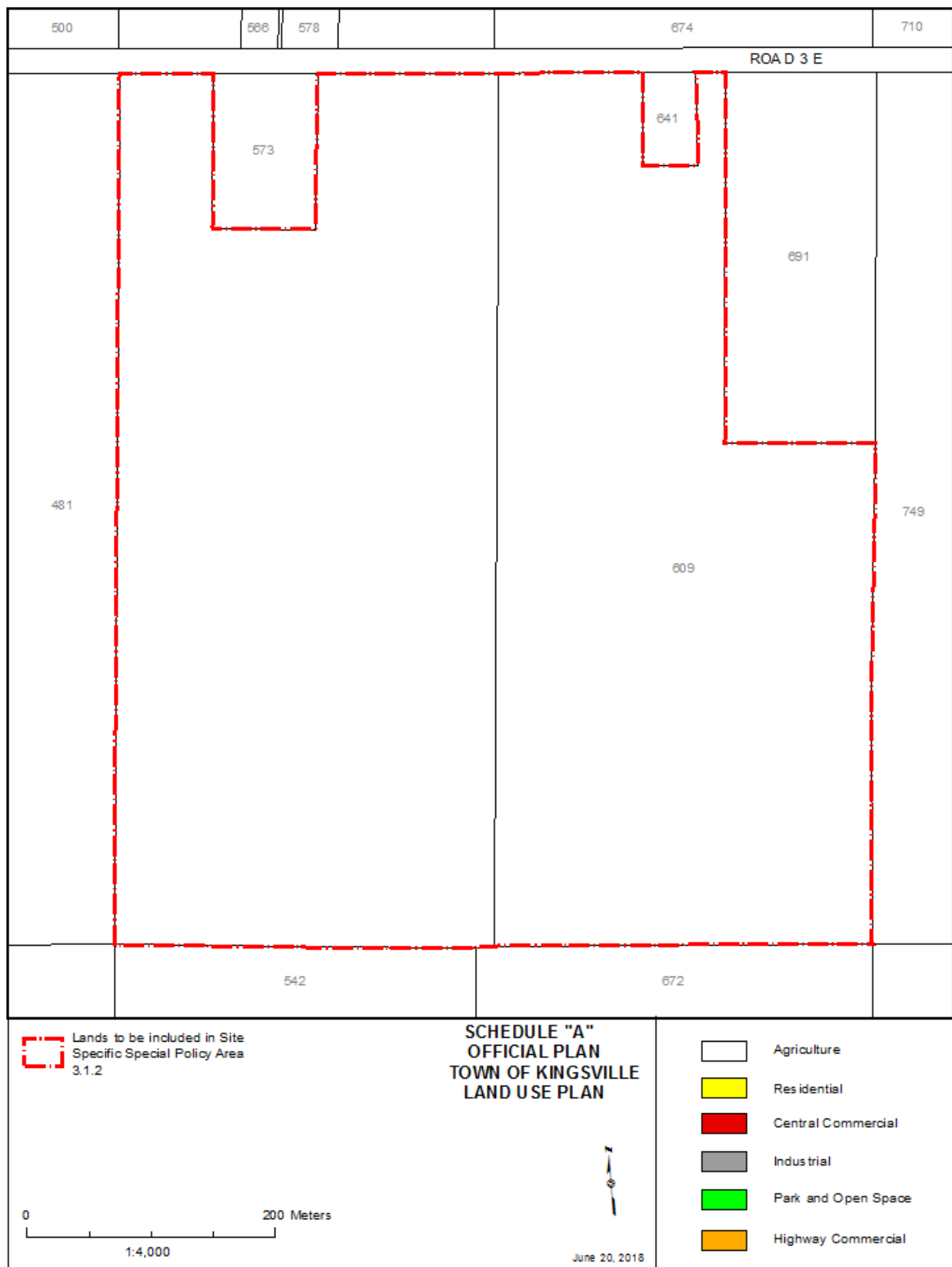
Item 3:

A special policy is added to Section 3.1 **Agriculture**, after subsection 3.1.1 to be worded as follows:

#### “3.1.2 **2623391 Ontario Ltd. – Road 3 E**”

For the lands identified on Schedule “A” Land Use Plan as “Site Specific Special Policy Area 3.1.2” and located at 609 Road 3 E and V/L SS Road 3 E, notwithstanding, or in addition to, other policies of the Official Plan, the following policies will apply:

- a) A medical marihuana production facility shall be permitted in a new build greenhouse.



## **PART “C” - THE APPENDICES**

The following appendices do not form part of the Amendment but are included for information purposes:

Appendix “A” – Minutes of Public Meeting  
Appendix “B” – Public Submissions  
Appendix “C” – Planning Report to Council

## **Appendix A Minutes of Public Meeting**

## **Appendix B**

### **Public submissions**

## **Appendix C**

### **Planning Report to Council**

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 77-2018

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**Being a by-law to provide for the collection of the costs incurred for drainage works completed for numerous drains all in the Town of Kingsville.**

**WHEREAS** the Council of the Town of Kingsville, in the County of Essex, has accepted petitions in accordance with the provisions of Section 74 of the Drainage Act, R.S.O. 1990, c. D. 17, requesting that maintenance and repair be carried out on these drains,

**AND WHEREAS** the Council of the Town of Kingsville has incurred costs for the said works to date as follows:

- 8<sup>th</sup> Concession Road Drain
- 9<sup>th</sup> Concession Road Drain
- Armstrong Drain
- Ash Billings Drain
- Billings Relief Drain
- Burstyn Drain
- Cameron Road Drain
- Centre Branch of the No. 47 Drain
- Chesley-Sarnes Drain
- Church Drain
- Clark Subdivision Drain
- Conklin Drain
- Cottam Outlet Drain
- Cottam Sideroad Drain
- Dornton Drain
- East Branch of the No. 47 Drain
- East Townline Drain
- Ferguson Tytgat Drain
- Gilboe Drain
- Graham Sideroad Drain
- Henderson Drain
- Kokovai Drain
- Kunch Drain
- Lovelace Drain
- McCain Sideroad Branch of No. 47 Drain
- McDonald Drain
- Melville Bruner Drain
- Middleton Drain
- Morley Wigle Drain
- Moroun Pump Station
- North Branch of the East Branch of the No. 47 Drain
- North Townline Drain East of Belle River
- Patterson Drain
- Rose Branch of Billings Drain
- Ruscom River Drain
- Scott Taylor Drain
- Steckles Drain
- Sweetman Knister Drain
- Tully Drain and Branch
- Upcott Drain
- Vanduinhoven Drain
- West Townline Drain – Lower Portion
- West Townline Drain – Upper Portion

for a total cost of approximately \$1,113,821.19.



**AND WHEREAS** the said amount to be collected on a pro rata basis on the lands and roads assessed by the Corporation of the Town of Kingsville for such maintenance and repair;

**AND WHEREAS** Council is of the opinion that the repair of the area was desirable.

**THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE, PURSUANT TO THE DRAINAGE ACT, R.S.O 1990, c. D. 17, ENACTS AS FOLLOWS:**

1. The actual costs are hereby adopted as set forth in the final schedules of assessment.
2. The Corporation of the Town of Kingsville may borrow on the credit of the Corporation the amount to be contributed by the Corporation for the maintenance repair of the drainage works less the amount of
  - a) Grants received under Section 85 of the Act; and
  - b) Commuted payments made in respect of lands assessed.
3.
  - i) For paying of the amount of \$1,113,821.19 being:
    - (a) The amount assessed upon the lands and roads, except the lands and roads belonging to or controlled by the Corporation;
    - (b) The amount required to pay interest on the portion of the amount borrowed represented by the amount in clause (a);
    - (c) Grants received under the Section 85 of the Act;
    - (d) Monies paid pursuant to Subsection 3 of Section 61 of the Act;
    - (e) Commuted payments made in respect of the lands and roads assessed;a special rate shall be levied upon the land and roads as set forth in the Schedules of Assessment to be collected in the manner and at the same time as other taxes are collected.
  - ii) The amount of the special rate levied upon each parcel of land or part thereof shall be divided into two or five equal amounts and one such amount shall be collected in each year for two or five years at an interest rate to be determined at the time of issuance, after the passing of this By-Law.
4. All assessments of \$ 100.00 or less are payable in the first year in which the assessment is imposed.
5. This by-law comes into force on the passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25<sup>th</sup> DAY OF JUNE, 2018.**

---

**MAYOR, Nelson Santos**

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**CLERK, Jennifer Astrologo**

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 78-2018

---

### **Being a By-law to authorize the delegation of authority to the Chief Administrative Officer for certain acts during a “Lame Duck” Period**

**WHEREAS** Section 275 of the *Municipal Act, 2001*, c. 25, as amended (the “Act”) provides that in an election year the acts of Council are restricted when it can be determined with certainty that the new members of council will be comprised of less three quarters of the current members of council, known as the “Lame Duck” period;

**AND WHEREAS** the determination of the three-quarter threshold is made after Nomination Day (July 27, 2018), once nominations are certified, or after Voting Day (October 22, 2018), once the results are declared;

**AND WHEREAS** Section 275 (3) of the Act restricts Council from taking certain action on the following:

- a) The appointment or removal from office of any officer of the municipality;
- b) The hiring or dismissal of any employee of the municipality;
- c) The disposition of any real or personal property of the municipality, which has a value exceeding \$50,000 at the time of disposal; and
- d) Making any expenditures or incurring any other liability which exceeds \$50,000;

**AND WHEREAS** Section 275 (6) of the Act states that nothing in this section prevents any person or body exercising authority of a municipality that is delegated to the person or body prior to Nomination Day for the election of the new council;

**AND WHEREAS** section 23.1 of the Act provides that a municipality may delegate its powers and authority;

**AND WHEREAS** Council deems it expedient to delegate authority to the Chief Administrative Officer to take action, where necessary, on certain acts during the “Lame Duck” period.

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. **THAT** Council delegates authority to the Chief Administrative Officer of The Corporation of the Town of Kingsville to:
  - a) hire or dismiss any employee, save and except those officers of the municipality whose appointment is required under the *Municipal Act, 2001*;
  - b) dispose of any real or personal property of The Corporation of the Town of Kingsville which has a value exceeding \$50,000 at the time of disposal, unless provided for in the current budget; and
  - c) Make any expenditure or incur any other liability which exceeds \$50,000, unless provided for in the current budget.
2. **THAT** the delegated authority as outlined above shall only take effect and be limited to the “Lame Duck” period of Council.
3. **THAT** prior to the exercise of the delegation of authority outlined in Section 1.a), b) and c) above<sup>181</sup>

- i) the Chief Administrative Officer will consult with the Director of Financial Services on those matters involving the disposition of property and unbudgeted expenditures, and with the Director of Corporate Services on employee matters; and
  - ii) the Chief Administrative Officer will advise Council in writing of the exercise of the authority.
4. This By-law shall come into force and effect upon its final passage and shall expire on Monday, December 3, 2018.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25<sup>th</sup> DAY OF JUNE, 2018.**

---

**MAYOR, Nelson Santos**

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**CLERK, Jennifer Astrologo**

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 79-2018

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### Being a by-law to establish a Compliance Audit Committee and appoint members thereto

**WHEREAS** Section 88.37 of the *Municipal Elections Act, 1996* (the "Act") requires municipalities to appoint a Compliance Audit Committee to deal with matters regarding election campaign finances before October 1 in the election year.

**AND WHEREAS** Section 88.37 of the Act provides that the term of the Kingsville 2018 Election Compliance Audit Committee is the same as the term of the Council that takes office following the election, being December 1, 2018 to November 14, 2022.

**AND WHEREAS** the Council of The Corporation of the Town of Kingsville deems it expedient to appoint members to the Kingsville 2018 Election Compliance Audit Committee for the term the Committee.

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. A Compliance Audit Committee is hereby established to deal with the matters provided for in Section 88.33, 88.34 and 88.36 of the *Municipal Elections Act, 1996*.
2. The business of the Compliance Audit Committee shall be conducted in accordance with the Terms of Reference set out in Schedule "A" attached hereto, which shall form part of this By-law.
3. The following members be and they are hereby appointed to the Compliance Audit Committee for the term of the committee:

Dr. C. Lloyd Brown-John

Russell L. Horrocks

Sandra Zwiers


**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
25<sup>th</sup> DAY OF JUNE, 2018.**

---

**MAYOR, Nelson Santos**

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**CLERK, Jennifer Astrologo**

	<b>TERMS OF REFERENCE</b>  <b>COMPLIANCE AUDIT COMMITTEE</b>
<b>Approved: May 14, 2018</b>	

COMMITTEE PARTICULARS			
<b>Type:</b>  Statutory		<b>Authorizing or Mandating Legislation:</b>  <i>Municipal Elections Act, 1996 – section 88.37</i>	
<b>Date of Formation:</b>		<b>Term:</b>  December 1, 2018 to November 14, 2022	
<b>Meeting Frequency:</b>  As may be required under the <i>Municipal Elections Act, 1996</i> .			
<b>Resource:</b>  Internal: Director of Corporate Services / Clerk		<b>Staff Support:</b>  Deputy Clerk – Administrative Services	
<b>Number of Council Members:</b>  None		<b>Number of Community Members:</b>  Three, drawn from the following groups: <ul style="list-style-type: none"><li>a) accounting and audit – accountants or auditors with experience in preparing or auditing the financial statements of municipal candidates;</li><li>b) academic – college or university professors with expertise in political science or local government administration;</li><li>c) legal; and/or</li><li>d) other individual with knowledge of the campaign financing rules of the <i>Municipal Elections Act, 1996</i>.</li></ul>	
<b>Procedural By-law:</b>  By-law 55-2016, as amended from time to time		<b>Remuneration:</b>  \$100.00 per attendance	
LINK TO STRATEGIC PLAN			
None			
PURPOSE			
To fulfill the mandatory requirements of section 88.37 of the <i>Municipal Elections Act, 1996</i>			
SCOPE OF WORK			
The Committee shall perform the functions relating to a compliance audit as outlined in sections 88.33, 88.34 and 88.36 the <i>Municipal Elections Act, 1996</i> , including: <ul style="list-style-type: none"><li>• receive and decide whether to grant or reject applications for compliance audit of candidates' and registered third party election campaign finances;</li><li>• review reports submitted by the Clerk with respect to any contributor who appears to have contravened the contribution limits established in the <i>Municipal Election Act, 1996</i>;</li><li>• appointing an auditor, if the application is granted;</li><li>• receiving the auditor's report; and</li><li>• considering the auditor's report and decide whether legal proceedings should be commenced.</li></ul>			
REQUIRED SKILLS			
Strategy	Project Management	<b>X</b> Finance/ Accounting	<b>X</b> Communications
Risk Management	Business Management	<b>X</b> Legal	<b>X</b> Critical Thinking / Analysis
Stakeholder Relations	Land Use Planning	<b>X</b> Organization	

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 80 - 2018

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**Being a By-law authorizing the entering into of an Agreement with Sherway Contracting (Windsor) Limited for the construction of Road 11 East Watermain (RC Spencer Associates Inc. Project No. MS17-201)**

**WHEREAS** Section 9 of the *Municipal Act, 2001*, S.O. c. 25 confers natural person powers on municipalities which include the power to enter into agreements with individuals and corporations.

**WHEREAS** The Corporation of the Town of Kingsville (the “Town”) deems it expedient for the Town to enter into an Agreement with Sherway Contracting (Windsor) Limited for the construction of Road 11 East Watermain (RC Spencer Associates Inc. Project No. MS17-201).

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. **THAT** the Town enters into and executes with Sherway Contracting (Windsor) Limited an Agreement for the Road 11 East Watermain attached hereto as Schedule “A” and forming part of this By-law.
2. **THAT** the Mayor and Clerk are hereby authorized and directed on behalf of the Town to execute the Agreement attached as Schedule “A”.
3. This By-Law comes into force and takes effect on the day of the final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 25<sup>th</sup> DAY OF JUNE, 2018.**

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**MAYOR, Nelson Santos**

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**CLERK, Jennifer Astrologo**

**AGREEMENT  
FOR**

**ROAD 11 EAST WATERMAIN  
CONTRACT NO. MS17-201**

**THIS AGREEMENT** made (in triplicate) this 11th day of June 2018 A.D.

**BETWEEN:**

**THE CORPORATION OF THE TOWN OF KINGSVILLE  
hereinafter called the "OWNER"**

Of the First Part;

- and -

hereinafter called the "CONTRACTOR"

Of the Second Part.

**WHEREAS** the tender of the Contractor respecting the construction work, hereinafter referred to and described, was accepted by The Corporation of the Town of Kingsville on the 28th day of May, 2018.

**THEREFORE THIS AGREEMENT WITNESSETH** that the consideration of the premises and the covenants hereinafter contained, the Parties hereto agree as follows:

1. The Contractor hereby covenants and agrees to provide and supply at its expense, all and every kind of labour, machinery, equipment and materials for and to undertake and complete in strict accordance with its tender dated the 11th day of May, 2018 and the contract documents, including the general conditions of the contract, the plans and drawings and specifications all of which said documents are annexed hereto and form part of this agreement to the same extent as if fully embodied herein, for the

**ROAD 11 EAST WATERMAIN**

and for the price or sum of

Four Hundred and Forty-Four Thousand Four Hundred and Forty-Four Dollars and

Forty-Four Cents

(Excluding all Taxes) \$ 444,444.44

2. The Contractor further covenants and agrees to undertake and complete the said work in a proper workmanlike manner to the entire satisfaction of the Owner within the period of time specified in the said tender.

3. The Contractor further covenants and agrees that it will at all times indemnify And save harmless the Owner, its officers, servants and agents, from and against all loss or damage, and from and against all actions, suits, claims and demands whatsoever which may be made or brought against the Owner, its officers, servants and agents by reason or in consequence of the execution and performance or maintenance of the said work by the Contractor, its servants, agents or employees.
4. The Contractor further covenants and agrees to furnish in accordance with the above specifications a Performance and Maintenance Bond and a Labour and Material Payment Bond each in the amount equivalent as specified in Section 2, Item #8.0 in such form and issued by such surety as may be approved by the Owner, guaranteeing the faithful performance of the said work, in accordance with the terms of this agreement.
5. It is understood and agreed that the Contractor will not commence or proceed with the construction work herein before described or any party thereof, unless and until the Contractor has been instructed in writing so to do.
6. The Owner hereby covenants and agrees that if the said work shall be duly and properly executed and materials provided as aforesaid, and if the Contractor shall carry out, perform and observe all of the requirements and conditions of this agreement, the Owner will pay to the Contractor the contract price herein set forth in its tender, such payment or payments to be made in accordance with the provisions of the general conditions of the contract referred to above.
7. This agreement and everything herein contained shall ensure to the benefit of and be binding upon the Parties hereto, their successors and assigns, respectively.



IN WITNESS WHEREOF the Parties hereto have hereunto affixed their corporate seals duly attested by the hands of their proper Officers in that behalf, respectively.

THE CORPORATION OF THE  
TOWN OF KINGSVILLE

SEAL

\_\_\_\_\_  
Corporation - Mayor

\_\_\_\_\_  
Corporation - Clerk

\_\_\_\_\_  
Date

CONTRACTOR

SEAL

  
Contractor's Signature and Seal

Sherway Contracting (Windsor) Limited  
Contractor's Name

5390 Outer Dr., Windsor, ON N9A 6J3  
Contractor's Address

June 20/2018  
Date

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 81-2018

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### Being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its June 25, 2018 Regular Meeting

**WHEREAS** sections 8 and 9 of the *Municipal Act, 2001* S.O. 2001 c. 25, as amended, (the “Act”) provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority conferred upon a municipality to govern its affairs as it considers appropriate.

**AND WHEREAS** section 5(3) of the Act provides that such power shall be exercised by by-law, unless the municipality is specifically authorized to do so otherwise.

**AND WHEREAS** it is deemed expedient that the proceedings of the Council of The Corporation of the Town of Kingsville (the “Town”) be confirmed and adopted by by-law.

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. The actions of the Council at its June 25, 2018 Regular Meeting in respect of each report, motion, resolution or other action taken or direction given by the Council at its meeting, is hereby adopted, ratified and confirmed, as if each resolution or other action was adopted, ratified and confirmed by its separate by-law.
2. The Chief Administrative Officer and/or the appropriate officers of the Town are hereby authorized and directed to do all things necessary to give effect to the actions set out in paragraph 1, or obtain approvals, where required, and, except where otherwise provided, the Mayor and the Clerk are hereby directed to execute all documents necessary and to affix the corporate seal to all such documents.
3. This By-Law comes into force and takes effect on the day of the final passing thereof.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
25<sup>th</sup> DAY OF JUNE, 2018.**

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**MAYOR, Nelson Santos**

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**CLERK, Jennifer Astrologo**