



**REGULAR MEETING OF COUNCIL
MINUTES**

Monday, August 13, 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 Tony Gaffan Councillor Thomas Neufeld Councillor Larry Patterson Absent: Councillor John Driedger (on personal business)
Members of Administration	J. Astrologo, Director of Corporate Services R. Brown, Manager of Planning Services M. Durocher, Parks & Recreation Program Manager K. Brcic, Planner T. Del Greco, Municipal Services Manager S. Martinho, Public Works Manager R. McLeod, Director of Financial Services C. Parsons, Fire Chief A. Plancke, Director of Municipal Services P. Van Mierlo-West, CAO R. Baines, Deputy Clerk - Administrative Services

A. CALL TO ORDER

Mayor Santos called the Regular Meeting to order at 6:59 p.m.

B. MOMENT OF SILENCE AND REFLECTION

Mayor Santos asked those present to stand and observe a moment of silence and reflection to be followed by the playing of O'Canada.

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. Kingsville Fire Chief Chuck Parsons--Swearing-in ceremony of nine (9) firefighters

Chief Parsons swore in eight of nine new firefighters who all completed their one year probation: Lucas Beneteau, Michael DeVries, Matthew Dick, Edward Fabok, Shannon Inglall, Jeffrey McHardy, Jamie Reive and Timothy Souchuk. Rodney Tofflemire (who was not in attendance at this Regular Meeting) will be sworn in at the Fire Hall at a later date.

2. Edgar Klassen, Resident--Request dated July 13, 2018 RE: Potential removal of a 12' section of approach, to be replaced with 12' curb, in front of 24 Myrtle St., Kingsville (SEE: photographs submitted by Mr. Klassen (SEE ALSO: Staff Report I.5)

Mr. Klassen presented his request to maintain the 41 foot driveway and indicated that the contractor had done work without consulting him. The owner has confirmed that he is willing to absorb costs associated with removing the driveway and restoring the necessary portions of his driveway in the event that the Town needs to access municipal infrastructure in the right of way.

Mayor Santos brought forward Staff Report of Shaun Martinho, Manager of Public Works, being Report I-5.

Mr. Martinho presented his report with respect to the driveway approach at 24 Myrtle Street.

463-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Susanne Coghill

That Council receive Report of Public Works Manager S. Martinho dated August 2, 2018 on the driveway approach at 24 Myrtle Street;

AND that communication be sent to every builder in the Town of Kingsville making it clear as to the Town's standards for the construction of driveways;

AND that no action be taken in respect to Mr. Edgar Klassen's driveway.

CARRIED

3. Doug Plumb on behalf of Residents in the impact zone of the proposed sidewalk construction on Queen Street--Request dated July 23, 2018 RE: Sidewalk Construction (SEE: Staff Report I.6)

Mr. Plumb provided pictures and information for Council's review and expressed objection to the construction of the sidewalk. He requested that Council reconsider this project.

464-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council waive the requirements of the Procedure By-law to allow other residents to speak.

CARRIED

Mr. Gascoyne, 160 Queen St, presented his concerns for safety, snow removal, loss of landscaping and the issues of relocating several utilities. He stated that that required retaining walls were not included in the estimate and would be an added cost. He expressed a safety concern for pedestrians trying to cross at new sidewalk on west side into Lakeside Park.

465-2018

Moved By Councillor Tony Gaffan

Seconded By Deputy Mayor Gord Queen

That Council receive correspondence from Mr. Charles Gascoyne dated August 13, 2018.

CARRIED

Phil Piruzza 230 Queen - concurs with the comments made by previous speaker and that money can be better spent in other areas.

L. Trepanier, 224 Queen concurs with the comments made by previous speaker.

Judy Gollnitz , 212 Queen concurs with the comments made by previous speaker.

Mayor Santos brought forward Staff Report of Shaun Martinho, Manager of Public Works, being Report I-6.

466-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council extend the 2017 sidewalk contract and award the 2018 sidewalk program to Giorgi Bros. Inc., save and except the new construction of the sidewalk on Queen Street.

CARRIED

467-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Administration be permitted to use the funds not spent on the Queen Street sidewalk construction to rehabilitate other sidewalks within the municipality.

CARRIED

F. MATTERS SUBJECT TO NOTICE

- 1. Zoning By-Law Amendment 'H' Removal ZBA/13/18 Diane Balen, Andrea Shaughnessy, Tom Lawrence & Anthony Burrell 169 Prince Albert Street North Part of Lots 1 & 2, Concession 1, Western Division**

K. Brcic, Town Planner

i) Notice of Public Meeting, dated July 23, 2018;

ii) Report of K. Brcic dated August 1, 2018 with attached Appendices A, B and C;

iii) Proposed By-law 90-2018, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

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

468-2018

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That Council approve zoning by-law amendment application ZBA/15/18 for removal of the H-Holding symbol, from a portion of the subject lands, as shown on the amending by-law, as a condition of consent File B/08/18 on lands known as Part of Lots 1 and 2, Concession 1, WD, also known as 169 Prince Albert Street North, Town of Kingsville and adopt the implementing by-law.

CARRIED

2. Zoning By-law Amendment Application ZBA/16/18 by MOS Enterprises Ltd. – 1501, 1521, 1523 & 1527 County Road 34 Part of Lot 20, Concession 4 ED, Parts 1 to 8, RP 12R 14851, Parts 1

i) Notice of Public Meeting, dated July 24, 2018;

ii) Report of R. Brown, Manager of Planning Services, dated July 26, 2018 with attached Appendices A, B, C, D and E;

iii) Proposed By-law 95-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

Mr. Brown presented the Planning Report and fielded questions from Council.

Comments from applicant:

Cheryl Selig consultant from T. Johns Consulting Group Ltd. was in attendance, as well as buyer/applicant of the property Patrick Gagnier from Cannacure Corporation. Mr. Gagnier indicated that they are willing to work with residents to limit impact and stated that they will be using the latest technology. Mr. Gagnier indicated that there will be tomatoes and cucumbers grown as well as medical marijuana.

Comments from the audience:

Rick Vriesen 1520 Cty Rd 34 (on behalf of father) expressed concern with the zoning amendment, impact on property, security, privacy concerns and health effects.

Brenda Ryall, 1524 Cty Rd 34 expressed concern with odour, lighting, property value, and quality of life.

Ed Ryall 1524 Cty Rd 34 inquired as to what happens with the waste? The applicant indicated there will be reuse of some plant material and disposal handling of the rest. Mr. Ryall also expressed concern with his property value.

Trent Noland 1522 Cty Rd 34 expressed concern with odour.

Mrs Ryall inquired if any past applications were denied. Mr. Brown indicated that there have been only deferrals until more information is received.

Mr. Vriesen provided an additional comment on sufficient design on odour control. Mr. Brown clarified that individuals would have to prove that they have the qualifications and that he would be the one to review those qualifications.

469-2018

Moved By Councillor Thomas Neufeld

Seconded By Deputy Mayor Gord Queen

That Council defers Zoning By-law Amendment ZBA/16/18 to permit a medical marijuana production facility on property located at 1501, 1521, 1523 & 1527 County Road 34 until such time as the report on possible use of an interim control by-law is prepared by administration and returns to Council.

CARRIED

470-2018

Moved By Councillor Susanne Coghill

Seconded By Councillor Tony Gaffan

That Council receive correspondence from Brenda Ryall concerning ZBA/16/18 dated July 30, 2018.

CARRIED

Mayor Santos called for a recess at 8:59 p.m and the meeting reconvened at 9:11 p.m.

**3. Zoning By-law Amendment Application ZBA/17/18 by Kapital Produce Ltd.
– 1506, 1508 & 1526 County Road 34 & 1636 Road 4 E, Part of Lot 21,
Concession 4 ED, Parts 1 & 2, RP 12R 15280,**

R. Brown, Manager of Planning Services

- i) Notice of Public Meeting, dated July 24, 2018;
- ii) Report of R. Brown dated July 26, 2018 with attached Appendices A, A-2, B C, D, and E.
- iii) Proposed By-law 96-2018, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Public comments:

Rick Vriesen 1520 Cty Rd 34 (on behalf of father) expressed concern with the zoning amendment, impact on property, security, privacy concerns and health effects, stating that his submissions for ZBA/16/18 apply to this application as well.

471-2018

Moved By Councillor Thomas Neufeld

Seconded By Councillor Larry Patterson

That Council defers Zoning By-law Amendment ZBA/17/18 to permit a medical marihuana production facility on property located at 1506, 1508 & 1526 County Road 34 & 1632 Road 4 E until such time as the report on possible use of an interim control by-law is prepared by administration and returns to Council.

CARRIED

G. AMENDMENTS TO THE AGENDA

Councillor Neufeld added a Notice of Motion, Councillor Gaffan added two updates and one unfinished business item and Mayor Santos added an announcement.

H. ADOPTION OF ACCOUNTS

- 1. Town of Kingsville Accounts for the monthly period ended July 31, 2018
being TD cheque numbers 0065961 to 0066223 for a grand total of
\$1,555,000.86**

472-2018

Moved By Councillor Susanne Coghill

Seconded By Councillor Thomas Neufeld

That Council approves Town of Kingsville Accounts for the monthly period ended July 31, 2019 being TD cheque numbers 0065961 to 0066223 for a grand total of \$1,555,000.86

CARRIED

I. STAFF REPORTS

1. 2018 Water & Wastewater Rate Study

R. McLeod, Director of Financial Services

473-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council accepts the proposal from Watson & Associates Economists Ltd. for 2018 Water and Wastewater rate study and completion of the Ontario Regulation 453/07: Water Financial Plan.

CARRIED

2. Five Year Agreement with Kingsville Folk Festival

M. Durocher, Parks and Recreation Programs Manager

474-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Susanne Coghill

That Council defer review of proposed 5-year agreement between The Corporation of the Town of Kingsville and the Sun Parlour Folk Music Society until next council that is not "lame duck".

CARRIED

3. 2019 Kingsville Highland Games

M. Durocher, Parks and Recreation Programs Manager

475-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Susanne Coghill

Administration Recommends that if the event is the financial responsibility of the Town of Kingsville, terms of reference be drafted in preparation for the creation of a sub-committee of the Parks, Recreation, Arts and Culture Committee (PRAC);

And That funding for the 2019 Highland Games be included in the 2019 Operating Budget for Council's consideration;

And That subject to budget approval, the Highland Games be designated as an Event of Municipal Significance so that a Special Occasion Permit can be applied for.

CARRIED

4. Road 10 Bridge over Patterson Drain

T. Del Greco, Municipal Services Manager

476-2018

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

That Council direct the Mayor and Clerk to execute the Agreement with SLR Contracting Group Inc. for the replacement of the Road 10 Bridge over the Patterson Drain.

CARRIED

5. Driveway Approach at 24 Myrtle St

The Staff Report of S. Martinho, Manager of Public Works was presented earlier (SEE: Delegation Item E-2 above).

6. 2018 Sidewalk Program

The Staff Report of S. Martinho, Manager of Public Works was presented earlier (SEE: Delegation Item E-3 above).

7. Cemetery By-law Update

S. Martinho, Manager of Public Works

477-2018

Moved By Councillor Susanne Coghill

Seconded By Councillor Thomas Neufeld

That Council adopts the proposed cemetery By-law 67-2018 and repeals the existing by-law, By-law 90-2012.

CARRIED

8. Road Use Agreement – 2081967 Ontario Limited

G.A. Plancke, Director of Municipal Services

478-2018

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

That Council enters into a Road Use Agreement with 2081967 Ontario Limited, for the construction, maintenance, and operation of a Private Electrical Service Line within the Town road allowance as stipulated in the conditions listed within the document Road Use Encroachment Agreement between The Corporation of the Town of Kingsville and 2081967 Ontario Limited; and

That Council directs the Mayor and Clerk to execute said Agreement and adopt the applicable authorizing by-law (94-2018).

CARRIED

J. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

1. Brenda Layson and Pat Jackson - Correspondence RE: Grant/Donation Consideration, dated August 7, 2018

479-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Susanne Coghill

That Administration provide the Trinity Anglican Church with the grant policy;

And that information be obtained from the church about where the gazebo will be located;

And further that \$200 out of Deputy Mayor Queen's conference/convention account be allocated to Trinity Anglican Church's gazebo project, honouring Mr. Schinkelshoek.

CARRIED

480-2018

Moved By Councillor Tony Gaffan

Seconded By Councillor Larry Patterson

That \$200 from each of Councillors Patterson, Gaffan and Coghill conference/convention account be allocated to Trinity Anglican Church's gazebo project honouring Tom Schinkelshoek.

CARRIED

K. MINUTES OF THE PREVIOUS MEETINGS

1. Regular Meeting of Council--July 23, 2018

2. Regular Closed Session Meeting of Council--July 23, 2018

481-2018

Moved By Councillor Tony Gaffan

Seconded By Deputy Mayor Gord Queen

That Council adopts Regular Meeting of Council Minutes dated July 23, 2018 and Regular 'Closed Session' Meeting of Council Minutes dated July 23, 2018.

CARRIED

L. BUSINESS CORRESPONDENCE - INFORMATIONAL

1. **Judi Gollnitz--Email correspondence dated July 17, 2018 RE: Proposed sidewalk construction on the west side of Queen Street from Stewart Street to Herrington.**
2. **Town of Lakeshore--Correspondence dated July 16, 2018 RE: Safety Warnings on Vehicles to Remind the Public Not to Leave Children and/or Animals in Hot Vehicle.**
3. **Township of Howick--Correspondence dated July 19, 2018 RE: Request for Support of Resolution passed July 17, 2018 RE: Cemetery Funds**
4. **City of Niagara Falls--Resolution passed July 10, 2018 RE: Association of Municipalities of Ontario and NAFTA**
5. **Township of North Stormont--Resolution No. RES-1437-2018 RE: Ontario's Green Energy Act**

482-2018

Moved By Councillor Larry Patterson

Seconded By Deputy Mayor Gord Queen

That Council receives Business Correspondence-Informational items 1-5.

CARRIED

M. NOTICES OF MOTION

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

That Council direct Administration to have a Town of Kingsville by-law enforcement officer on-call after hours for enforcement purposes, and that the costs of such additional enforcement services be incorporated into the 2019 municipal budget.

483-2018

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That Council direct Administration to have a Town of Kingsville by-law enforcement officer on-call after hours for enforcement purposes, and that the costs of such additional enforcement services be considered into the 2019 municipal budget.

CARRIED

2. Deputy Mayor Queen may move, or cause to have moved:

That Council recognize Karen A. Batke as Citizen of the Year.

484-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council recognize the late Karen A. Batke as Citizen of the Year for her decades of volunteer service for horticulture for the Town of Kingsville.

CARRIED

N. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

1. Veterans Voices of Canada local members - Invitation and sponsorship form re: Flags of Remembrance Ceremony to be held September 22, 2018. Mayor Santos stated that Kingsville will be participating through the promotional fund and that members of Council are invited to attend.

2. Councillor Gaffan requested an update regarding Ford Road Beach as it has been fenced off for a year now.

3. Councillor Gaffan inquired as to the sculpture garden project that was proposed for Mettawas Park. Ms. Van Mierlo-West advised that there will be a report coming back to Council for the end of August on the development of a policy and whether there will be a sculpture garden.

4. Councillor Gaffan inquired whether the Town is compensated when the MV *Jiimaan* ferry does not run. It was noted that service will resume when the ship can be moved.

5. Councillor Neufeld indicated that he may, at the next Regular Meeting of Council, move or cause to have moved that etchline painting be applied at the appropriate time to Queen Street from Main Street West to adjoin with the lines on Harold Cull Drive.

6. Mayor Santos announced that Amy Howe-Wall a resident of Kingsville was crowned Ms. Health and Fitness 2018.

O. BYLAWS

1. By-law 59-2018

485-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council read By-law 59-2018, being a By-law to provide for the construction of a bridge over the 9th Concession Road Drain (Owner: Thomas and Melissa Neufeld and Kottoor Investments Inc.; 530-01900 and 530-01830) in the Town of Kingsville, in the County of Essex, a third and final time.

CARRIED

2. By-law 67-2018

486-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council read 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.

CARRIED

3. By-law 88-2018

487-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Susanne Coghill

That Council read By-law 88-2018, being a By-law authorizing the entering into of an Agreement with Sam's Shell & Used Cars o/a Sam's Service Facility for certain Fleet Maintenance Services, a first, second and third and final time.

CARRIED

4. By-law 89-2018

488-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Susanne Coghill

That Council read By-law 89-2018, being a By-law imposing special annual drainage rates upon land in respect of which money is borrowed under the Tile Drainage Act (93 Road 6 W, Cottam), a first, second and third and final time.

CARRIED

5. By-law 90-2018

489-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council read By-law 90-2018, being a by-law to amend the Comprehensive Zoning By-law (ZBA/13/18; 169 Prince Albert St. North, Kingsville), a first, second and third and final time.

CARRIED

6. By-law 93-2018

490-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council read By-law 93-2018, being a by-law to authorize the entering into of an Agreement with SLR Contracting Group Inc respecting the replacement and improvement of the culvert across Road 10 within the Patterson Drain, a first, second and third and final time.

CARRIED

7. By-law 94-2018

491-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Susanne Coghill

That Council read By-law 94-2018, being a by-law authorizing the entering into of a Road Use Agreement with 2081967 Ontario Ltd. o/a Thermo Energy Systems Inc, a first, second and third and final time.

CARRIED

P. CONFIRMATORY BY-LAW

1. By-law 97-2018

492-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council read By-law 97-2018, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its August 13, 2018 Regular Meeting, a first, second and third and final time.

CARRIED

Q. ADJOURNMENT

493-2018

Moved By Councillor Thomas Neufeld

Seconded By Councillor Susanne Coghill

That Council adjourn this Regular Meeting at 10:02 p.m.

CARRIED