



**REGULAR MEETING OF COUNCIL
MINUTES**

Tuesday, October 9, 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
Members of Administration	J. Astrologo, Director of Corporate Services
	R. Brown, Manager of Planning Services
	S. Kitchen, Deputy Clerk-Council Services
	K. Vegh, Drainage Supervisor
	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 asked those present to stand and observe a moment of silence and reflection to be followed by the singing 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. Kim DeYong, Member, Kingsville Municipal Heritage Advisory Committee Presentation

Presentation recommending designation under the *Ontario Heritage Act* of 30 Main St. East, Kingsville, as a property of heritage value.

Ms. DeYong, Member of the Kingsville Municipal Heritage Advisory Committee presented the Committee's Report recommending designation of the property by way of a PowerPoint presentation.

572-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council receives correspondence from property owner consenting to have the property municipally known as 30 Main Street East (The Old Fire Hall) designated by the Town of Kingsville as a heritage building under the *Ontario Heritage Act* and further, that Council authorizes Publication of Notice of Intention to Designate the subject property.

CARRIED

F. MATTERS SUBJECT TO NOTICE

1. PUBLIC MEETING--Engineer's Report Consideration--3rd Concession-Clifford Drain

T. Peralta, P. Eng. and K. Vegh, Drainage Superintendent

i) Notice of Meeting to Consider the Engineer's Report, dated September 18, 2018;

ii) Engineer's Report, dated August 24, 2018;

iii) Proposed By-law 109-2018, being a by-law to provide for the replacement of a bridge and subsequent maintenance schedules over the 3rd Concession-Clifford Drain (Roll Number 370-07300), in the Town of Kingsville in the County of Essex (N. J. Peralta Engineering Ltd., Consulting Engineers, Project No. D-17-030).

Engineer Peralta presented the Engineer's Report.

Councillor Neufeld asked if there is an approximate life span of the new bridge. Engineer Peralta stated that the estimated life span of aluminized steel culverts is 75 years.

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

573-2018

Moved By Councillor Tony Gaffan

Seconded By Councillor Larry Patterson

That Council adopt the Engineer's Report dated August 24, 2018 for the 3rd Concession - Clifford Drain Improvements (N. J. Peralta Engineering Ltd. Project No. D-17-030); read By-law 109-2018, being a by-law to provide for the replacement of a bridge and subsequent maintenance schedules over the 3rd Concession - Clifford Drain (Roll No. 370-07300) in the Town of Kingsville a first and second time at this Regular Meeting; and schedule a Court of Revision for a future date.

CARRIED

2. PUBLIC MEETING--Application for Zoning By-law ZBA/24/18 by Coppola Farms Inc. 300 Road 2 E, Part of Lot 2, Concession 2 ED

R. Brown, Manager of Planning Services.

Tony Coppola, Vice-President, Coppola Farms Inc. was in attendance along with Solicitor Stephen M. Cheifetz

There was also in attendance in the audience a large gathering of residents.

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment, dated September 18, 2018;

ii) Report of R. Brown, dated September 26, 2018;

iii) Proposed By-law 116-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Mr. Brown presented his Planning report through a PowerPoint presentation and commented that he received a number of emails from residents objecting to the application.

Comments from the Applicant:

Stephen M. Cheifetz, Solicitor for the Applicant, emphasized that this is a Part 1 application and that the Applicant has no intention of creating a Part 2 facility. He stated that there is no existing application to Health Canada. He commented that Council approved the Zoning By-law Application for lands right behind his client's lands and it would be difficult for Council to explain to the Local Planning Appeal Tribunal approval of that application and not this application. He explained that this application complies with the Provincial Policy Statement, the Town's Official Plan and Zoning By-law, and the County's Official Plan.

Mr. Coppola, a principal of the Applicant, indicated that there are no plans for this property at present. He stated that nine other applications for Medical Marihuana Production Facilities (MMPFs) have already been approved by the Town, that he will abide by all requirements, and expressed that he feels that the Town cannot "segregate his application from the others" because of the fact that the farm is situated on the cusp of the residential area. He stated that his farm has been there for many years, that he is preparing for the future, and he would not do anything to negatively affect the community. He suggested that the Town present an offer to purchase the land and he would purchase another piece of property and go on with his business.

Solicitor Cheifetz added that the Town has asked for new criteria for MMPF Zoning By-law Amendment applications and he is asking that his client be treated the same as the other applicants and that the application for rezoning be approved.

Comments from the audience:

Brenda Gagnier, 342 Saddle Lane, Kingsville--Ms. Gagnier stated that she has no issue with medical marihuana production facilities, but does have issues with where this facility is proposed to be built due primarily to concerns regarding smell, lighting, and noise. She also expressed concerns regarding traffic, the effects of the proposal on the town's infrastructure, the effects of greenhouse lighting, and the general proximity of the greenhouses to the Town in general and specifically the neighbourhood. She stated that across the road from the proposed site is a community centre, soccer and baseball fields, and that the site is also down the road from a site being proposed for a new mega school. She expressed concerns regarding property values of homes in the vicinity with the greenhouses being built "almost on top of them".

Joanne Rivard, 222 Sandybrook Lane, stated she had handed out posters to residents to inform them of the application. She expressed concerns regarding the foul smell, property values, and the proximity of the proposed facility to the new school and to the arena.

Anne Roberts, 76 Hazel Crescent, asked why the Town is looking at the rezoning application if there are no immediate plans to develop. Mr. Brown explained that this is the first of 6 steps of the licensing application process.

Alex Gruening, 749 Road 3 E. expressed concerns regarding property values.

Doug Duff, 71 Robin Court, stated that as a chemist and chemical engineer, pollution control was his job. He explained that pollution has no borders; that the wind can easily push odours or particulates one to two miles away from the facility itself. He stated that if this application is approved it would result in ten possible sites and the concentration would result in odour issues, increased traffic, etc.

Bev Murray, 11 Leonard Dr. referenced Administration's recommendation in the Planning Report to defer this application, and asked that the application be denied.

Augustino Amicone, 1325 Road 3 East stated that he lives next to Sorenson Farm, which is a Part 2 facility. He commented that, by way of advice, "Part 1 is better than a Part 2" because the municipality has no jurisdiction over Part 2 facilities.

Tony Coppola, 145 Railway Court, asked where the idea is coming from that the greenhouse facilities are moving to the north.

Savuth Yen, 89 Millbrook Dr., Kingsville, stated that his main concerns are lighting, smell, and property values. His main concern is burning brimstone or Sulphur--the fumes are toxic and get vented into the air. He stated that the technology to deal with air pollution is available, but is very expensive.

Sandra Zwiers, 226 Prince Albert St. North asked Mr. Brown to explain the process regarding site plan amendment applications.

Mr. Brown described the site plan process in general terms, explaining that typically site plan is not a public meeting process. Council has adopted practices in the past to require a public open house for certain site plans.

Paul Repko, 400 Road 2 East, stated that he has odour and light concerns. He asked if the applicant sells the property and a new property owner goes through the process, obtains a contract, and then cannot control the smell, what are the repercussions and what about the effects on the adjoining landowners?

Laura Lucier, 69 Hillview Crescent presented an original, signed Petition from residents opposing any further zoning by-law approvals for marihuana greenhouse growers in Kingsville.

574-2018**Moved By** Councillor Tony Gaffan**Seconded By** Councillor Larry Patterson

That Council receive Petition of Residents as submitted by Laura Lucier stating opposition to any further zoning by-law approvals for marihuana greenhouse growers in Kingsville, dated October 9, 2018.

CARRIED

Dina Gignac, 73 Robin Court, indicated that the applicant has already offered a solution, to have the municipality buy the property.

Keith Johnson, 710 Road 3 East, stated some of the residents in attendance may not realize that lighting is included in the site plan agreements but is not enforced, and that substantial fines might ensure compliance. He stated that \$25,000 or \$50,000 fines are not sufficient.

Helen Eaton, 23 McCallum St., stated that the concerns are about the location of the proposed facility; that "we have to find a win-win solution", and that the main issue is the odour. She asked if the product can be processed off-site. Mr. Brown indicated that the production must be done on-site.

Patricia Statham, 220 Woodycrest, asked if all nine approved applications will become MMPFs? Mr. Brown indicated that if they meet with all requirements, the development of the facility would go ahead.

Gene Ingratta explained that he has an approved application (1851 Peterson Lane), and that only about 2.5 per cent of the applications will proceed. He spoke about starting a Kingsville Community Investment fund.

Doug Duff asked if the Town could petition that nothing can be grown in this County except "things we can eat", if that is possible.

575-2018**Moved By** Councillor Thomas Neufeld**Seconded By** Deputy Mayor Gord Queen

That Council deny Zoning By-law Amendment Application ZBA/24/18 (300 Road 2 East; Part Lot 2, Concession 2, ED).

Recorded**For****Against**

Mayor Nelson Santos	X	
Deputy Mayor Gord Queen	X	
Councillor Susanne Coghill	X	
Councillor Tony Gaffan	X	
Councillor Thomas Neufeld	X	
Councillor Larry Patterson	X	
Results	6	0

CARRIED (6 to 0)

3. PUBLIC MEETING--Application for Zoning By-law Amendment ZBA/21/18 by Great Northern Hydroponics 1270 Road 3 E, Part of Lot 8, Concession 3 ED

R. Brown, Manager of Planning Services

Guido Van het Hof of Great Northern Hydroponics, was also in attendance along with Applicant's Solicitor Stephen Cheifetz.

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment, dated September 18, 2018;

ii) Report of R. Brown, dated September 25, 2018;

iii) Proposed By-law 113-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Mr. Brown presented his Planning Report dated September 25, 2018.

Comments from the Applicant:

Mr. Van het Hof indicated that this project is not speculative, and is a Part 1 application. He stated that the initial site plan would comprise around 12.5 acre growing area, being a 7.5 acre flowering area located on the north of the property and ancillary growing area toward the centre. He indicated he has talked to a significant number of people with respect to the issues and how Great Northern Hydroponics will deal with the issues. He advised that there is a greenhouse adjacent on the east of this site including a co-generator with noise abatement enclosures on site and light abatement curtains in the walls and ceiling.

Comments from the audience:

Doug Duff, 71 Robin Court asked how far this location is from the previously discussed application, and what assurances the residents have that the odour won't travel. He asked that Council deny the application.

Gary Kessler, 1517 Lawson Lane stated that there has been some discussion about light abatement, and he asked if there are standards of odour that the applicant will be obliged to follow. He also asked if this application is specific to medical marihuana growing or could it also be for recreational marihuana after October 17, 2018. He asked if he detected an odour, would he then make a complaint to the Town? Mr. Brown verified that the zoning amendment applications are specific to medical marihuana production facilities and there are odour regulation requirements in place.

Marilyn Binder, 1766 Cottonwood Avenue, stated she is against heavy odours because children are unable to play outside at those times. She asked how can the Town be educated enough for emissions control, and how are the greenhouses going to be responsible for emissions that are checked over by an engineer.

Mr. Van het Hof stated that they know that they have to comply with the rules and regulations set by the municipality, the Province, and Health Canada. They have done extensive research pertaining to air flow and emissions controls.

Solicitor Cheifetz stated that the odour control technical plans are stamped by an environmental engineer.

Patty Brown, 71 Robin Court, asked which members of Council were involved when the Town started receiving the applications. Mayor Santos indicated that all members of Council were involved and described the public process during the past months to address and identify concerns, and provide appropriate by-law regulations.

Patty Brown suggested that a committee be established with growers, Council members, staff, and perhaps with some of the retired environmental experts who live in the community, who can help to provide information through proactive research.

Keith Johnston, 710 Road 3 East commented that at recent past Council meetings Deputy Mayor Queen and Councillor Driedger suggested that someone from Council visit an area with established MMPFs to see firsthand those facilities which have shown proven results.

Mr. Van het Hof stated that in the process leading up to this specific application they have spared no expense, and had retained consultative engineers from various geographic areas (California, British Columbia, Holland). By way of a technical explanation, he stated that the odour accumulates once the flowers come into action, and it is at maturity that the strongest odour is present. Therefore, not every phase or stage requires as rigorous odour control as it does in the beginning. Odour control happens in the processing of the plant through a carbon control filtration system.

Mr. Van het Hof stated that he is a horticultural engineer by trade, and as stated above, has done extensive research for these projects and has consulted with experts in the field of cannabis in many geographic areas.

Patricia Statham, 220 Woodycrest, asked whether any Council members have visited the Municipality of Leamington to experience the odour there.

Kevin Black, 317 Applewood, asked what is the definition of what would constitute an odour and commented that the industry deserves to have a specific, measurable definition for the benefit of the residents, the Town, and the greenhouses. Mr. Brown explained the requirement is 'no perceptible odour' at the property line, that everyone perceives smell differently and the Town has at present set the bar at 'zero'.

Helen Eaton, 23 McCallum stated that "we must learn from the mistakes out there" and the Town should be the locomotive rather than the engineer. As stated this evening although the Town has no control over Part 2 licensing, there is control over Part 1 licensing. She suggested that all the facilities be shut down.

Mr. Duff stated this is a terpenoid, and suggests Council go to the scientists in Germany and Uruguay before implementing this. He also stated that he agreed with a previous speaker, that there is no way anybody can determine how bad the smell is; that the best indicator is your nose.

Dan Anzovino, 3193 Graham Sideroad asked what is the current light abatement provision?

There were no further questions or comments from the public.

576-2018

Moved By Councillor Thomas Neufeld

Seconded By Deputy Mayor Gord Queen

That Council deny zoning amendment ZBA/21/18 for a medical marihuana production facility on property located at 1270 Road 3 E.

Recorded	For	Against
Mayor Nelson Santos		X
Deputy Mayor Gord Queen	X	
Councillor Susanne Coghill	X	
Councillor Tony Gaffan	X	
Councillor Thomas Neufeld	X	
Councillor Larry Patterson	X	
Results	5	1

CARRIED (5 to 1)

4. PUBLIC MEETING--Zoning By-law Amendment Application ZBA/22/18 by Domric International Inc. 3069 Graham Side Road, Part of Lot 18, Concession 5

R. Brown, Manager of Planning Services

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment, dated September 18, 2018;

ii) Report of R. Brown, dated September 25, 2018;

iii) Proposed By-law 114-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Solicitor Stephen Cheifetz, representing the applicant, was in attendance. The applicant was also in attendance.

Mr. Brown presented his Planning Report. He also informed Council of letters of concern that he had received, including correspondence of Sarah and Dan Anzovino of 3193 Graham Sideroad, which correspondence was included as Appendix C to said Planning Report.

Comments from the Applicant/Applicant's Solicitor:

Solicitor Cheifetz stated that the application is site specific, complies with the Zoning By-law, the Official Plan and the PPS, and has the recommendation of Administration to approve it. The applicant has taken time to look at the odour control, noise control and light abatement and will work with Mr. Brown in this regard.

Mr. Dominic Policella stated that there is no immediate need for the MMPF; that Domric intends to pursue this in 2 or 3 years.

Comments from the audience:

Sarah Anzovino, 3193 Graham Sideroad, expressed her and her husband's opposition to the application. She commented on the close proximity of the greenhouse to the backyard of her residence and read aloud the full correspondence (presented with the Planning Report as Appendix C) detailing such concerns.

577-2018

Moved By Councillor Tony Gaffan

Seconded By Councillor Larry Patterson

That Council receive the correspondence of Sarah and Dan Anzovino, 3193 Graham Sideroad, expressing opposition to Zoning By-law Amendment Application ZBA/33/28.

CARRIED

Vivian Whaley, 1972 Road 5 East, stated that she lives within one kilometer of the proposed facility. She asked: what stops anyone rejected here to then apply for Part 2 licensing; how any sulphur emissions would be contained, what pesticide regulations are in place for use inside the greenhouse operation, and whether orchards/farms would be affected. She stated that it is her personal thought that there have been nine approved, and that is enough.

Peter Vogt, 3081 Graham Sideroad, stated that he is very concerned and very discouraged. He has orchard trees on his property. He asked that the Town deny the application.

Mr. Policella indicated that he has addressed concerns and had relocated a bunkhouse on his property to the other side of the road for less impact on the adjacent properties.

Jack Lecot, 68 Road 2 East, is concerned about the condition of Road 2 East.

Sara Friesen, 3172 Graham Sideroad, stated that she and her husband moved to their home two years ago and spent \$200,000 so that they would be able to enjoy their property. They have horses and neighbours down the road have cattle. She is concerned about the air quality and the affect the odour will have on her lungs. She does not want to be a guinea pig in her own home. She asked that all concerns raised be considered.

578-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council deny Zoning By-law Amendment Application ZBA/22/18 to permit a medical marihuana production facility on property located at 3069 Graham Side Road.

CARRIED

579-2018

Moved By Councillor Thomas Neufeld

Seconded By Councillor Susanne Coghill

That Council continue this Regular Meeting past 11:00 p.m.

LOST

G. BYLAWS

1. By-law 109-2018

580-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council read By-law 109-2018, being a by-law to provide for the replacement of a bridge and subsequent maintenance schedules over the 3rd Concession--Clifford Drain Roll Number 370-07300, in the Town of Kingsville, in the County of Essex a first and second time.

CARRIED

H. CONFIRMATORY BY-LAW

1. By-law 117-2018

581-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Susanne Coghill

That Council read By-law 117-2018, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its October 9, 2018 Regular Meeting a first, second and third and final time.

CARRIED

I. ADJOURNMENT

582-2018

Moved By Councillor Tony Gaffan

Seconded By Councillor Susanne Coghill

That Council adjourn this Regular Meeting at 10:56 p.m.

CARRIED