



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, February 11, 2019
7:00 PM
Council Chambers
2021 Division Road N
Kingsville, Ontario N9Y 2Y9**

Members of Council	Mayor Nelson Santos Deputy Mayor Gord Queen Councillor Tony Gaffan Councillor Thomas Neufeld Councillor Larry Patterson Councillor Kimberly DeYong Councillor Laura Lucier
Members of Administration	J. Astrologo, Director of Corporate Services P. Van Mierlo-West, CAO T. Hong, Manager of Financial Services G. Robinson, Planner

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 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. Tony and Mary Taylor--Request dated January 17, 2019 RE: Concerns regarding noise issues re: Car Wash, Planning Issues

Mayor Santos brought Staff Report I-3 forward for discussion. Staff Report I-3 was presented by George Robinson, Planner.

112-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council receive the report "Compliance Timeline - 281 Main St. W" and direct staff to continue with full enforcement actions to achieve the required noise limit of 60 dBs at the nearest residential property line as per Section 22 (v) of the site plan agreement; and that Administration provide an update about what actions have been taken within the next 30 days.

CARRIED

F. MATTERS SUBJECT TO NOTICE

1. 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

Scott Allen, of MHBC Planning, Urban Design, & Landscape Architecture, and Mary Fox, of Fox D Consulting, appeared on behalf of the Applicant, MOH Enterprises Ltd. Mr. Allen stated that the Applicant supports the findings and recommendations in the staff report. Ms. Fox provided a summary of the Health Canada approval process and compliance requirements at the federal level.

Comments from the Public:

Ugo DiCarlo - 1632 Road 4 E - speaking on behalf of the property owners that live adjacent to the greenhouse operation, stated that they are in support of the application.

Richard Krebs - 2918 Olinda Sideroad - Expressed concerns about the ventilation system that is going to be used, the noise resulting from the ventilation system and the odour issues.

Fred Driedger - 930 Road 4 E - Expressed concern about the odour issue and would like to know what system will be used to meet the "no perceptible odour" requirements.

Elma Warkentin - 1628 Road 5 E - Expressed concern about the odour issue.

Vivian Whaley - 1972 Road 5 E - Expressed concern about the impacts on air quality resulting from the odour elimination system that will be used.

Ernest Warkentin - 1628 Road 5 E - commented that existing greenhouses cannot properly modify their operation to comply with requirements put in place for cannabis production.

Sarah Anzovino - 3193 Graham Sideroad - Expressed concern about noise, odour, dark sky compliance, and the impact on infrastructure and water services as it relates to this application. She also expressed concern about the provision of notice since the light and odour complaints extend beyond the 120 metre radius.

Deputy Mayor Queen requested a recorded vote.

113-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That Council approve zoning by-law amendment ZBA/16/18 to permit a medical marihuana production facility on property located at 1501, 1521, 1523 & 1527 County Road 34;

AND THAT Council address the required relief or exemption from specific provisions in Section 4.46 of the Kingsville Zoning By-law as detailed in the amending by-law;

AND THAT odour control provisions be added as outlined in the attached amendment;

AND FURTHER THAT Council adopts the implementing by-law.

Recorded	For	Against
Mayor Nelson Santos	X	

Deputy Mayor Gord Queen		X
Councillor Tony Gaffan	X	
Councillor Thomas Neufeld	X	
Councillor Larry Patterson	X	
Councillor Kimberly DeYong	X	
Councillor Laura Lucier	X	
Results	6	1

CARRIED (6 to 1)

Mayor Santos called for a brief recess at 8:54 pm.

Mayor Santos reconvened the meeting at 9:06 pm.

**2. 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,**

Scott Allen, of MHBC Planning, Urban Design, & Landscape Architecture, appeared on behalf of the Applicant, Kapital Produce Ltd. Mr. Allen stated that the Applicant supports the findings and recommendations in the staff report.

There were no comments from members of the public in attendance at the meeting.

114-2019

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

That Council approve zoning by-law amendment ZBA/17/18 to permit a medical marihuana production facility on property located at 1506, 1508 & 1526 County Road 34 & 1636 Road 4 E;

AND THAT Council address the required relief or exemption from specific provisions in Section 4.46 of the Kingsville Zoning By-law as defined in the amending by-law;

AND THAT odour provisions be added as outlined in the attached amendment;

AND FURTHER THAT Council adopts the implementing by-law.

CARRIED

G. AMENDMENTS TO THE AGENDA

None.

H. ADOPTION OF ACCOUNTS

1. **Town of Kingsville Accounts for the monthly period ended January 31, 2019 being TD cheque numbers 0067753 to 0068165 for grand total of \$3,118,726.38**

115-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council approve Town of Kingsville Accounts for the monthly period ended January 31, 2019 being TD cheque numbers 0067753 to 0068165 for grand total of \$3,118,726.38.

CARRIED

I. STAFF REPORTS

1. **Cat Intake Program – Windsor Essex County Humane Society**

116-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Thomas Neufeld

That Council approves the two-year agreement between the Windsor/Essex County Humane Society and the Town of Kingsville for the continuation of the 2019-2020 Cat Intake Program, and adopts Authorizing By-law 9-2019 at this Regular Meeting.

CARRIED

2. **Councillor Remuneration – Impact of 1/3 Tax Exemption Changes**

117-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council adopt by-law 18-2019 which reflects an increase in council remuneration in response to the elimination of the 1/3 tax exemption provisions for elected officials.

CARRIED

3. Compliance Timeline – 281 Main St W.

The Compliance Timeline - 281 Main St. W Report was brought forward and discussed as part of Agenda Item E.1, delegation of Tony and Mary Taylor.

4. Site Plan Public Input Process

118-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council receive the report on site plan public input and direct administration to incorporate the suggested notice process in the Site Plan Application Standard Operating Procedure (SOP); and that Administration enhance communication to residents through the website and other methods of communication.

CARRIED

5. Application for Part Lot Control - PLC/01/19 York Subdivision Phase 4A &4B (correction and update)

119-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Larry Patterson

That Council repeal by-laws 116-2016 and 117-2016;

AND THAT Council enact Part Lot Control Exemption By-law 12-2019 to allow Lots 9, 10 and 11 inclusive on Plan 12M 587 and Lots 19 through 36, inclusive on Plan 12M 619 to be exempt from Section 50(5) of the Planning Act;

AND FURTHER THAT Council authorize staff to forward the by-law for approval to the County of Essex Planner and register the final approved by-law on title.

CARRIED

J. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

- 1. Tecumseh Police Services Board Chair Christopher Hales--Discussion paper on the subject of Amalgamation of Essex Detachment Police Services Boards, dated June 29, 2018**

120-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council authorize the Mayor to convey the message that Kingsville wishes to maintain a Kingsville Police Services Board and if that is not possible, the Town wishes to maintain adequate representation on any amalgamated board to ensure that the the needs of the Town are represented and communicated.

CARRIED

- 2. Autism Ontario - World Autism Awareness Day RE: Raise the Flag on April 2, 2019**

121-2019

Moved By Councillor Larry Patterson

Seconded By Councillor Kimberly DeYong

That Council participate in Autism Ontario's 'Raise the Flag' campaign and declare Tuesday, April 2, 2019 as Autism Awareness Day in the Town of Kingsville, and further, direct Administration to register forthwith with Autism Ontario for the "Raise the Flag" event.

CARRIED

- 3. Municipality of Leamington--Correspondence dated January 28, 2019 RE: Dedicated Gas Tax for Public Transportation Program**

122-2019

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That Council endorses the Municipality of Leamington to act in the capacity of host community in the 2018/2019 Dedicated Gas Tax Funds for Public Transportation Program;

And That Council be provided with additional information regarding the expanded transportation system between Leamington and Windsor.

CARRIED

4. Lions Club--Correspondence dated January 31, 2019 RE: Grant Funding Project

123-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That Council release the grant funds to the Lions Club in accordance with motion No. 96-2019 passed at the January 30, 2019 Special Meeting of Council.

CARRIED

5. By-law Appeal Committee appointments

124-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council appointment the following Members to the By-law Appeal Committee: Mayor Santos, Deputy Mayor Queen, Councillor Lucier, Councillor Neufeld, Councillor Patterson; and that Council adopt By-law 20-2019.

CARRIED

K. MINUTES OF THE PREVIOUS MEETINGS

1. **Regular Meeting of Council-January 14, 2019**
2. **Special Meeting of Council-January 17, 2019**
3. **Special Meeting of Council-January 18, 2019**
4. **Special Meeting of Council--January 30, 2019**

Council noted that the funds granted to Artisan Alley through the grant process amounted to \$2,500.

125-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That Council adopts Regular Meeting of Council Minutes dated January 14, 2019 and Special Meeting of Council Minutes, dated January 17, 2019 (Budget Deliberations #1), January 18, 2019 (Council Orientation Session #4) and January 30, 2019 (Budget Deliberations #2), as amended.

CARRIED

L. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. **Union Water Supply System Joint Board of Management - November 21, 2018**

126-2019

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

That Council receive Union Water Supply System Joint Board of Management Meeting Minutes dated November 21, 2018

CARRIED

2. **Police Services Board - November 28, 2018**

127-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council receive Police Services Board Meeting Minutes dated November 28, 2018

CARRIED

3. Kingsville B.I.A. - December 11, 2018

128-2019

Moved By Councillor Tony Gaffan

Seconded By Deputy Mayor Gord Queen

That Council receive Kingsville B.I.A. Meeting Minutes dated December 11, 2018

CARRIED

M. BUSINESS CORRESPONDENCE - INFORMATIONAL

- 1. Ministry of Agriculture, Food and Rural Affairs, Environmental Management Branch-Memorandum from Tim Brook, Drainage Program Coordinator dated January 11, 2019 RE: Agricultural Drainage Infrastructure Program**
- 2. Municipal Property Assessment Corporation-Memorandum dated December 14, 2018 from Carla Y. Nell, Vice-President, Municipal and Stakeholder Relations with attached 2018 Year-End Assessment Report**
- 3. Town of Georgina-Correspondence from C. Lance, Council Services Coordinator, Clerk's Division, dated January 21, 2019 with accompanying Resolution No. C-2019-0021 passed January 16, 2019 RE: Bill 66-Restoring Ontario's Competitiveness Act**
- 4. Town of Orangeville-Correspondence from S. Greatrix, Clerk, dated January 17, 2019 RE: Resolution passed by the Council of the Town of Orangeville on January 14, 2019 opposing planned changes to the Planning Act in proposed Bill 66**
- 5. Township of Mattice-Val Cote--Correspondence dated January 11, 2019 requesting Support of Resolution No. 18-190 passed by the Council of the Township of Mattice-Val Cote RE: Council members' Declaration of Office**
- 6. Town of Shelburne--Resolution No. 8 dated January 14, 2019 endorsing and supporting the re-establishment of the multi-stakeholder working group in**

exploring and identifying ways to create and maintain the Voters' List for Municipal Elections

- 7. Town of Mono--Correspondence from Mayor L. Ryan dated January 22, 2019 including Mono's Res. No. 12-1-2019 passed January 8, 2019 endorsing and supporting the Town of Kearney's resolution regarding the inadequacy of the Municipal Election Voters' List.**
- 8. Patterson Taxi--Correspondence from D. Renaud dated October 26, 2018
RE: Taxi Driver Licences**

129-2019

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

That Council receive information items 1-8.

CARRIED

130-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Laura Lucier

BE IT RESOLVED THAT the Council of the Corporation of the Town of Kingsville received the resolution and correspondence from the Township of Mattice-Val Cote regarding Council Members' Declaration of Office;

AND THAT Council endorses and supports the replacement of paragraph four of the Declaration of Office with the following wording: "I will be faithful and bear true allegiance to my country, Canada, and to its three founding nations",

AND THAT a copy of this resolution be forwarded to the Ministry of Municipal Affairs and Housing, to the Premier of Ontario, and to our provincial and federal parliament representatives and to all Ontario municipalities.

CARRIED

Councillor DeYong indicated that she intends to bring a Motion at the next Regular Meeting of Council regarding the Voters' List.

N. NOTICES OF MOTION

O. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

None.

P. BYLAWS

1. By-law 95-2018

131-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council reads By-law 95-2018, being a By-law to amend By-law No. 1-2014 the Comprehensive Zoning By-law a first, second and third and final time.

CARRIED

2. By-law 96-2018

132-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council reads By-law 96-2018, being a By-law to amend By-law No. 1-2014 the Comprehensive Zoning By-law a first, second and third and final time.

CARRIED

3. By-law 120-2018

133-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council reads By-law 120-2018, 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 third and final time.

CARRIED

4. By-law 7-2019

134-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council reads By-law 7-2019, being a By-law authorizing the entering into of a Licence Agreement with the Sun Parlour Folk Music Society a first, second and third and final time.

CARRIED

5. By-law 9-2019

135-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council reads By-law 9-2019, being a By-law authorizing the entering into of an agreement with Windsor/Essex County Humane Society a first, second and third and final time.

CARRIED

6. By-law 12-2019

136-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council reads By-law 12-2019, being a By-law to exempt certain lands from Part Lot Control (York Subdivision, Phase 4A - 12M 587 and Phase 4B - Plan 12M 619) a first, second and third and final time.

CARRIED

7. By-law 16-2019

137-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council reads By-law 16-2019, being a By-law authorizing the entering into of an Agreement with Pro-Bid Contractors Limited respecting 3rd Concession-Clifford Drain Improvements (N. J. Peralta Engineering Ltd. Project No.: D-17-030) a first, second and third and final time.

CARRIED

8. By-law 18-2019

138-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council reads By-law 18-2019, being a By-law respecting remuneration and expenses for Members and Council and Local Boards a first, second and third and final time.

CARRIED

9. By-law 19-2019

139-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council reads By-law 19-2019, being a by-law to assume Bruner Court as a public highway in the Town of Kingsville a first, second and third and final time.

CARRIED

10. By-law 20-2019

140-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council reads By-law 20-2019, being a By-law to amend By-law No. 2-2019 appointing certain members of Council and individuals to boards and committees a first, second and third, and final time.

CARRIED

Q. CLOSED SESSION

141-2019

Moved By Councillor Tony Gaffan

Seconded By Councillor Larry Patterson

That pursuant to section 239 of the *Municipal Act, 2001*, Council, at 10:05 p.m. enter into Closed Session to discuss the following items:

1. Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, being LPAT Case No. PL180865.
2. Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; being an application for expropriation of a portion of waterfront lands for park purposes.

CARRIED

1. **Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, being LPAT Case No. PL180865**
2. **Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; being an application for expropriation of a portion of waterfront lands for park purposes.**

R. REPORT OUT OF CLOSED SESSION

Upon rising from Closed Session at 10:39 p.m., Mayor Santos reported that information was provided to Council with respect to litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, being LPAT Case No. PL180865 and an application for expropriation of a portion of waterfront lands for park purposes.

Mayor Santos indicated that in both cases, Council has requested additional information from Administration to be brought to a future meeting.

S. CONFIRMATORY BY-LAW

1. By-law 21-2019

142-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council reads By-law 21-2019, being a By-law to confirm the proceedings of the Council for The Corporation of the Town of Kingsville at its February 11, 2019 Regular Meeting of Council a first, second and third and final time.

CARRIED

T. ADJOURNMENT

143-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That Council adjourns this Regular Meeting at 10:40 p.m.

CARRIED