



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, March 25, 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 R. Brown, Manager of Planning Services S. Kitchen, Deputy Clerk-Council Services R. McLeod, Director of Financial Services A. Plancke, Director of Municipal Services P. Van Mierlo-West, CAO D. Wolicki, Manager of Municipal Facilities and Property T. Hong, Manager of Financial Services

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. Jason Martin, Resident--Request dated January 22, 2019 RE: Concerns regarding the need for improved internet service in the Town of Kingsville

Jason Martin, Owner, Cindy's Home & Garden, 585 Seacliff Dr., raised the concern that Kingsville lacks reliable, quality high-speed internet service, and he stated that it is imperative that businesses are able to run at full speed to remain competitive. He stated that this is a major problem for local businesses and residents. As Kingsville BIA member, he brought this matter to the Board's attention a few meetings ago and every member agreed to the need for improved internet services. He added that he received a letter of support from one of the Board members, who is also a business owner, and would provide the same to Council upon request.

2. Gary Scandlan, Managing Partner and Director, Municipal Finance, Watson & Associates Economists Ltd. -Presentation of Water and Wastewater Rate Study

Mr. Scandlan presented the Town of Kingsville Water and Wastewater Rate Study, through a powerpoint presentation dated March 25, 2019.

F. MATTERS SUBJECT TO NOTICE

1. PUBLIC MEETING-2019 Water & Wastewater Rates

Director of Financial Services, R. McLeod

i) Notice of Consideration of Amendments to the Water Rate and Sewage Rates By-law, dated March 5, 2019;

ii) Report of R. McLeod, dated March 15, 2019;

iii) Proposed By-law 34-2019, being a by-law to impose a Water Rate and Sewage Rates.

Comments from the audience:

Agostino Amicone, 1325 Road 3 East, Kingsville asked for additional information about the proposed future implementation of an alternative rate structure for

wastewater charges and charge limits or caps, so that he might have a comparison to the amount he may be charged, to what he is paying now.

Jo-Anne Winger, 104 Fox St., Cottam, stated it appears that the total number of existing Cottam wastewater customers has dropped between the year 2014 and now. She asked how the Town quantifies the number of users on both services, and why there are presently both variable rate calculations and flat rate calculations. Ms. Winger also asked about past expenditures.

Mr. McLeod stated that user data included in the study is based on the Town's existing customer data base. He explained that the Town has a number of commercial, industrial and multi-residential customers on variable rates for flows, but that residential users are charged a fixed-cost monthly base rate.

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

201-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council receives the 2019 Water and Wastewater Rate study; and

That Council approves the 2019 water and wastewater rates as proposed, effective April 1, 2019; and

That Council directs Administration to explore the implementation of a fixed and variable residential wastewater rate structure for 2020 and bring those options back to Council for consideration.

CARRIED

2. Application for Zoning By-law Amendment ZBA/04/19 by Great Northern Seedlings 1507 Road 3 E Part of Lot 9, Concession 2 ED, Parts 1 & 2, PL 12R 16606

Mayor Santos indicated that Agenda Item F-3 would be brought forward for discussion ahead of Agenda Item F-2.

3. Application for Zoning By-law Amendment by Great Northern Hydroponics 1270 Road 3 E, Part of Lot 8, Concession 3 ED

R. Brown, Manager of Planning Services

- i) Notice of Public Meeting, dated March 4, 2019;
- ii) Report of R. Brown, Manager of Planning Services, dated March 6, 2019 with attached Appendices;
- iii) Proposed By-law 33-2019, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law.

Mr. Brown presented the Planning Report.

Comments from the Applicant:

Mr. Van het Hof commented that, as presented by Mr. Brown, this new application has been submitted seeking approval to construct a new build facility at 1270 Road 3 East, and demonstrate for 12 consecutive months 100% compliance with all by-laws and agreements.

Comments from the audience:

Mr. John Faust, 1320 Road 3 East, indicated that he and his wife live just to the east of the subject lands. He had provided written comments at the time of the initial application, and wished to reiterate the contents of that letter. The facility will be located 144 feet west of their property line and while they have no objection to the operation, they have odour and dust concerns. He also asked that a retail outlet not be allowed on the property.

Mr. Brown stated that there will be no retail sales of cannabis from production sites, that all internal laneways will be dust controlled, and odour is addressed through zoning.

Mr. Van het Hof commented that at the current greenhouse operation which surrounds Mr. and Mrs. Faust's residential property, a driveway leads to a service building, and to the west of that is a hedgerow of evergreens. The hedgerow will remain there, and then the operations will be moved as far back as possible. Stormwater ponds will be located at the south side.

Agostino Amicone, 1325 Road 3 East, asked for clarification as to the 100 m setback requirement, and asked how far back the facility will be from the drainage ditch. Dimensions will be provided for Mr. Amicone's information.

John Wieler, 1344 Road 3 East commented that he had concerns regarding property values and concerns regarding odour.

202-2019

Moved By Councillor Tony Gaffan

Seconded By Councillor Larry Patterson

That Council approves Zoning Amendment ZBA/05/19 to:

permit a medical marihuana production facility on property located at 1270 Road 3 E;

grant 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;

include odour control provisions as outlined in the attached amendment, and

adopt the implementing by-law.

CARRIED

Mayor Santos brought forward Agenda Item F-2 as follows:

2. Application for Zoning By-law amendment ZBA/04/19 by Great Northern Seedlings, 1507 Road 3 E, Part of Lot 9, Concession 2 ED, Parts 1 and 2, PL 12R-16606

i) Notice of Public Meeting, dated March 4, 2019;

ii) Report of R. Brown, Manager of Planning Services, dated March 4, 2019 with attached Appendices; and

iii) Proposed By-law 32-2019, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law

Mr. Brown presented the Planning Report.

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

203-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council approves Zoning By-law Amendment ZBA/04/19 to amend the existing site-specific 'Agricultural, (A1-66)' to add the H-Holding provision to prohibit a medical marihuana production facility until such time as it has been demonstrated, to the satisfaction of the Town, that odour control, lighting abatement and items directly related to the operation of a medical marihuana production facility have been in full compliance with the applicable regulations for a minimum of one year on property located at 1270 Road 3 East.

CARRIED

At 8:53 p.m. Mayor Santos called for a brief recess, and the meeting reconvened at 9:03 p.m.

G. AMENDMENTS TO THE AGENDA

Deputy Mayor Queen added one Notice of Motion.

H. STAFF REPORTS

1. Sun Valley Estates Phase 3 (Regent St. Extension) Initial Acceptance

G. A. Plancke, Director of Municipal Services

204-2019

Moved By Councillor Thomas Neufeld

Seconded By Deputy Mayor Gord Queen

That Council initially accept Sun Valley Estates Phase 3 onto “Maintenance” for a period of no less than one year, and that the Clerk provide written confirmation to the Developer of the date of initial acceptance of the development by Council resolution.

CARRIED

2. Janitorial Maintenance Contract

D. Wolicki, Manager of Municipal Facilities and Property

205-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council approves the award of the janitorial maintenance contract of various municipal buildings as identified in Table 1 to Cheema Cleaning Services Ltd. beginning on April 1st, 2019 through March 31st, 2022; and that the by-law authorizing the Mayor and Clerk to execute the janitorial maintenance contract be adopted at the next Regular Meeting of Council.

CARRIED

3. Application for Part Lot Control Exemption PLC/02/19 by HTM Management Inc. 15 & 17 Mettawas Lane, Part of Block D, Pt. Lots 30 & 31, Pt. Walkway Plan 965

R. Brown, Manager of Planning Services

206-2019

Moved By Councillor Tony Gaffan

Seconded By Councillor Kimberly DeYong

That Council enacts Part Lot Control By-law 35-2019 to allow Part of Block D, Pt. Lots 30 and 31, and Pt. Walkway, Plan 965 to be exempt from Section 50(5) of the Planning Act, and that Council authorize and direct Planning Services to forward the by-law to the County of Essex for final approval, subject to the following condition:

The applicant provide a lot servicing plan to confirm both individual servicing of each lot and the final alignment of the services consistent with proposed lot fabric to the satisfaction of the Town, prior to final approval of the Part Lot Control by-law by the County of Essex.

CARRIED

4. Surplus Dwelling Severance – Process Update

R. Brown, Manager of Planning Services

207-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Thomas Neufeld

That Council receives the Report of Manager of Planning Services R. Brown dated March 12, 2019 on the Surplus Dwelling Severance Process update.

CARRIED

5. Status Update for Telecommunications Tower – 1133 County Road 20 West Part of Lot 18, Concession 1 WD, RP 12R3097 Part 1 Roll No. 3711 280 000 32800 0000

R. Brown, Manager of Planning Services

208-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Thomas Neufeld

That Council directs Administration to reissue an updated Statement of Concurrence for a Telecommunications Tower located at 1133 County Road 20 West.

CARRIED

I. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

- 1. Gosfield North Sportsmen Association--Request for support of 29th Annual Wild Game Dinner to be held on March 30, 2019 and 19th Annual Fish Fry to be held Saturday, September 21, 2019**

209-2019

Moved By Councillor Larry Patterson

Seconded By Councillor Kimberly DeYong

That Council supports the Gosfield North Sportsmen Association 29th Annual Wild Game Dinner and the 19th Annual Fish Fry through the purchase of a 1/2 page advertisement in the Dinner Book, and the donation of door prizes.

CARRIED

J. MINUTES OF THE PREVIOUS MEETINGS

- 1. Regular Meeting of Council--March 11, 2019**

210-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Larry Patterson

That Council adopts Regular Meeting of Council Minutes, dated March 11, 2019.

CARRIED

K. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. Kingsville Accessibility Advisory Committee - September 5, 2018

211-2019

Moved By Councillor Larry Patterson

Seconded By Councillor Tony Gaffan

That Council receives Kingsville Accessibility Advisory Committee Meeting Minutes dated September 5, 2018.

CARRIED

2. Kingsville B.I.A. - February 12, 2019

212-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Tony Gaffan

That Council receives Kingsville B.I.A. Meeting Minutes dated February 12, 2019.

CARRIED

L. BUSINESS CORRESPONDENCE - INFORMATIONAL

- 1. City of Quinte West--Correspondence from Mayor Jim Harrison dated March 8, 2019 RE: Resolution No. 19-058 passed by the Council of the City of Quinte West on March 4, 2019 re: Bottled Water**
- 2. Kingsville Historical Park Inc.--Letter of Thanks from the Kingsville Historical Park Museum dated March 20, 2019**
- 3. Solange Rennie, Business Lead, uWinLoop-SpaceX and TBC Hyperloop Pod Competition--Request for Support SEE: 2019 Sponsorship Information Package and Email from Nancy Creighton, Sr. Business Advisor, Ministry of Economic Development, Job Creation and Trade**

213-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Larry Patterson

That Council receives Business Correspondence-Informational items 1-3.

M. NOTICES OF MOTION

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

214-2019

Moved By Councillor Thomas Neufeld

Seconded By Councillor Laura Lucier

WHEREAS *Phragmites australis* (herein referred to as "Phragmites") is an invasive perennial grass that continues to cause severe damage to our wetlands, beaches and municipal drainage systems across Essex County;

AND WHEREAS *Phragmites* grows and spreads rapidly, allowing the plant to invade new areas and grow into large monoculture stands in a short amount of time, and is a plant that secretes toxins from its roots into the soil which impede the growth of neighbouring plant species;

AND WHEREAS *Phragmites* results in loss of biodiversity and species richness, loss of habitat, changes in hydrology due to its high metabolic rate, changes in nutrient cycling as it is slow to decompose, an increased fire hazard due to the combustibility of its dead stalks, and can have an adverse impact on agriculture, particularly in drainage ditches;

AND WHEREAS invasive *Phragmites* has been identified as Canada's worst invasive plant species by Agriculture and AgriFood Canada;

AND WHEREAS controlling invasive *Phragmites* before it becomes well established reduces environmental impacts, time, and costs;

AND WHEREAS according to the Ministry of the Environment, best management practices for *Phragmites* include early detection, herbicide application, mowing, compressing or rolling, prescribed burning, and controlled flooding;

AND WHEREAS these best management practices are most effective when used in tandem as opposed to when used as stand-alone control measures;

AND WHEREAS herbicides containing surfactants are prohibited for use in aquatic environments in Canada, meaning that Canadians are not able to fully implement best management practices.

NOW THEREFORE BE IT RESOLVED that the Municipality of Kingsville, having recognized the need to implement best management practices, and being a

leader among Ontario municipalities in efforts to control Phragmites, calls on the Canadian Federal Government to take the appropriate regulatory measures to expedite and approve the use of herbicides in aquatic environments by the 2019 growing season as well as the use of aerial control measures; and

BE IT FURTHER RESOLVED that this Resolution be forwarded to Essex County municipalities, the local MP and MPP for Essex, the Premier of Ontario, Conservation Ontario, the Association of Municipalities of Ontario (AMO), the Federation of Canadian Municipalities (FCM), the Leader of the Official Opposition, and the Prime Minister of Canada.

CARRIED

2. Deputy Mayor Queen may, at the next Regular Meeting of Council, move or cause to have moved that the Senior Members of Administration research and report back to Council within six (6) months the options and costs that may be incurred for better "improved" internet within the Town of Kingsville.

N. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

There were no Unfinished Business items, Announcements or Updates.

O. BYLAWS

1. By-law 32-2019

215-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council reads By-law 32-2019, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/04/19; 1507 Road 3 East), a first, second and third and final time.

CARRIED

2. By-law 33-2019

216-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council reads By-law 33-2019, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/05/19; 1270 Road 3 East) a first, second and third and final time.

CARRIED

3. By-law 34-2019

217-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council reads By-law 34-2019, being a By-law to impose a Water Rate and Sewage Rates, a first, second and third and final time.

CARRIED

4. By-law 35-2019

218-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council reads By-law 35-2019 being a by-law to exempt certain lands from Part Lot Control (Mettawas Subdivision - Registered Plan 965) a first, second and third and final time.

CARRIED

5. By-law 36-2019

219-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council reads By-law 36-2019, being a By-law to amend By-law 101-2004, as amended, and to Appoint Inspectors under the *Building Code Act, 1992 S.O. 1992, c. 23*, a first, second and third and final time.

CARRIED

P. CLOSED SESSION

220-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Tony Gaffan

That Council at 9:34 p.m. move into Closed Session to address the following item:

i) 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 the Agreement of Purchase and Sale with the Greater Essex County District School Board (Section 239(2)(c))

CARRIED

Q. REPORT OUT OF CLOSED SESSION

Upon rising from Closed Session at 9:58 p.m. Mayor Santos reported that Council received an update report of CAO P. Van Mierlo-West regarding the conditional Agreement of Purchase and Sale with the Greater Essex County District School Board.

R. CONFIRMATORY BY-LAW

1. By-law 37-2019

221-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council reads By-law 37-2019, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its March 25, 2019 Regular Meeting a first, second and third and final time.

CARRIED

S. ADJOURNMENT

222-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Larry Patterson

That Council adjourns this Regular Meeting at 9:59 p.m.

CARRIED