



**REGULAR MEETING OF COUNCIL
AGENDA**

Monday, June 24, 2019, 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. PRESENTATIONS/DELEGATIONS

1. Lexi Orawski, Student--Request dated June 3, 2019 that Council considers eliminating single-use plastics within the Municipality
2. Addisyn Walker and Darragh Aston, Gr. 6 Students of Anderdon Public School--Request received through Ms. Jodi Nolin, Teacher, dated June 11, 2019 that Council considers banning/reducing all single use plastics and styrofoam within the Municipality
3. Antonia Evers, Resident--Request received May 6, 2019 RE: Roaming Cats and requesting consideration of the implementation of a by-law to regulate cats (SEE: Staff Report Item H-1)
4. Linda York, Resident and Tamara Stomp, Spokesperson--Request dated May 20, 2019 RE: Golfview Subdivision Street Name SEE: Undated correspondence from Ms. York (SEE: Staff Report H-7)

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F. MATTERS SUBJECT TO NOTICE

1. Open Air Burning By-law

3

C. Parsons, Fire Chief

- i) Public Notice re: Proposed Open Air Burning By-law consideration, dated June 11, 2019;
- ii) Report of C. Parsons dated June 19, 2019;
- iii) Proposed By-law 57-2019, being a By-law of the Town of Kingsville to Regulate the Setting of Open Air Fires;
- iv) Correspondence comments from residents:
 - a) P. Slingerland, dated July 26, 2018
 - b) C. Swaddling, dated June 15, 2019
 - c) C. Hallick, dated June 13, 2019
 - d) T. Stomp, dated June 18, 2019

Recommended Action

That Council receives the Report titled Open Air Burning Bylaw and;
Adopts the implementing Bylaw 57-2019.

2. PUBLIC MEETING--Application for Official Plan Amendment OPA/01/19 and Zoning Amendment ZBA/08/19 by Ray Wall and Scott Shilson 289 Main Street W Part of Lots 4 & 5, Concession 1 WD

30

G. Robinson, Town Planner

- i) Notice of Complete Application and Public Meeting: Official Plan Amendment, Zoning By-law Amendment, and Site Plan Approval, dated June 3, 2019;
- ii) Report of G. Robinson, Town Planner, dated June 14, 2019;
- iii) Proposed By-law 63-2019, being a By-law to Amend the Official Plan of the Town of Kingsville;
- iv) Proposed By-law 64-2019, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

Recommended Action

That Council:

Adopts Official Plan Amendment No. 10 (OPA 10) to redesignate the 'Agriculture' and 'Residential' portions of the subject parcel to Highway Commercial on the property currently known as 289 Main Street W, Part of Lots 4 & 5, Concession 1, in the Town of Kingsville and direct Administration to forward the amendment to the County of Essex for final approval.

Approves Zoning By-law amendment application ZBA/08/19, to implement

OPA 10, rezone the 'Agricultural, A1' and 'Residential Urban Zone 1, holding, R1.1(h)' portion of the subject parcel to 'General Commercial (C4)', and adopt the implementing by-law subject to final approval of OPA 10 by the County of Essex.

3. **PUBLIC MEETING--Application for Zoning By-law Amendment ZBA/32/18 by Sharkheat Holdings Ltd. (Jeff Shepley) (Owner) Edwin C. Hooker (Authorized Applicant) 1021 Oak Avenue Lot 63 & 64, Plan 1378 Gosfield South, and Part 1, 12R-10195, Pt Lot 16, Conc 1 WD**

57

G. Robinson, Town Planner

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment dated May 22, 2019;

ii) Report of G. Robinson, Town Planner, dated June 14, 2019;

iii) Proposed Zoning By-law 62-2019, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

Recommended Action

That Council approve zoning by-law amendment application ZBA/32/18 to rezone the subject lands at 1026 Oak Avenue, Part of Lot 16, Concession 1 WD in the Town of Kingsville, from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 33 (LR-33)' and adopt the implementing by-law.

G. AMENDMENTS TO THE AGENDA

H. STAFF REPORTS

1. **Animal Control - Cats**

69

R. Baines, Deputy Clerk-Administrative Services

Recommended Action

That Council receives the report relating to licensing of cats for information purposes.

2. **Train Court Update**

75

K. Vegh, Drainage Superintendent

Recommended Action

That Council receives this Report regarding drainage issues on Train Court for information purposes.

3. **Cottam Sanitary Lagoons – Engineering RFP**

78

T. Del Greco, Manager of Municipal Services

Recommended Action

That Council awards the Request for Proposal (File # 19-201) for engineering services pertaining to expansion of the Cottam Sanitary

Sewage Lagoons to Dillon Consulting.

4. **2019 Bridge Program Tender Results** 81
- T. Del Greco, Manager of Municipal Services
- Recommended Action**
That Council authorizes the Mayor and Clerk to execute an agreement with Sterling Ridge Infrastructure for replacement of the South Talbot Road Culvert over Boose Drain;
- And That Council authorizes the Mayor and Clerk to execute an agreement with Elmara Construction for rehabilitation of the Cedar Island Road Bridge;
- And That Council authorizes the use of surplus funds from account # 130-360-71826 and account # 130-360-71827 in order to facilitate rehab of Cedar Island Bridge.
5. **Municipal Drainage Billing Policy** 88
- R. McLeod, Director of Financial Services
- Recommended Action**
That Council adopts the Municipal Drainage Billing policy as presented;
- And That Council authorizes the write-off of unbilled phragmites control expenses totaling \$290,847 and fund this expense from the Storm Water Lifecycle Reserve.
6. **Cemetery Bulk Purchase Policy** 98
- J. Astrologo, Director of Corporate Services/Clerk
- Recommended Action**
That Council adopts the Cemetery Bulk Purchase Policy.
7. **Championship Way Renaming** 102
- P. Van Mierlo-West, CAO
- Recommended Action**
That Council approves the name change of Championship Drive to York Boulevard, and;
- That, the designated parklands within York Subdivision be named York Park, and;
- That; a plaque be placed at the park site in dedication of the York family.
8. **Kingsville Historical Park Request** 105
- P. Van Mierlo-West, CAO
- Recommended Action**

That Council directs Administration to draft a 5 year funding agreement in conjunction with the Kingsville Historical Park Incorporated in the amount of \$10,000 annually.

I. MINUTES OF THE PREVIOUS MEETINGS

1. Regular Meeting of Council--June 10, 2019 107

Recommended Action

That Council adopts Regular Meeting of Council Minutes, dated June 10, 2019.

J. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. Tourism and Economic Development - April 11, 2019 116

Recommended Action

That Council receives Tourism and Economic Development Committee Meeting Minutes dated April 11, 2019.

2. Kingsville B.I.A. - May 14, 2019 119

Recommended Action

That Council receives Kingsville B.I.A. Meeting Minutes dated May 14, 2019

K. BUSINESS CORRESPONDENCE - INFORMATIONAL

1. Mettawas Lane Residents--Correspondence dated June 6, 2019 RE: Mettawas Park and Beach 123

2. Town of Georgina--Resolution No. C-2019-0370 passed June 5, 2019 RE: Reducing Litter and Waste in our Communities 125

3. Municipality of South Huron--Copy of Correspondence to Ontario Good Roads Association dated June 12, 2019 OGRA Combined Conference Resolution 127

4. City of St. Catharines--Correspondence dated June 19, 2019 RE: Resolution - Free Menstrual Products at City Facilities 129

Recommended Action

That Council receives Business Correspondence-Informational Items 1-4.

L. NOTICES OF MOTION

1. Deputy Mayor G. Queen may move, or cause to have moved: 131

WHEREAS the needs of Windsor and Essex County Population and

Medical Needs have increased over the past 50 years, and the actual growth of the City of Windsor recognized the need for growth in 2003 with the annexation of Tecumseh lands for future development;

AND WHEREAS the new Mega Hospital Site selection process considered not only past needs but the future needs of the City and County Residents for years to come;

AND WHEREAS when the OMB appeal process was ended the Province indicated a desire to put more faith and consideration in the decisions of local elected councils;

AND WHEREAS the population growth within Essex County reflects the anticipation that near equal populations will exist between the two groups, called the City of Windsor and the County of Essex;

AND WHEREAS the two respective populations are expected to each contribute approximately 100 million dollars towards the Mega Hospital Construction, based on the Current proposed Site;

AND WHEREAS the residents of the County of Essex will not only benefit by reduced travel time, but the City of Windsor residents will remain with critical services in the core area of the old City Limits;

AND WHEREAS the anticipated site development plan, as indicated by a former City of Windsor Council member, indicated need for 60 acres;

AND WHEREAS the New Hospital, similar to London Victoria Hospital, will not only serve the residents but also enhance the Medical School opportunities for learning.

THEREFORE BE IT RESOLVED that the Town of Kingsville supports moving forward with the new Mega Hospital in the Proposed Location, to serve the entire combined region;

AND that this Resolution be sent to the City of Windsor, County of Essex, The Premier, The Minister of Health, The Minister of Municipal Affairs, The Local MPPs, and MPP Pettipiece.

2. Councillor L. Patterson may move, or cause to have moved:

That Administration be directed to provide an update with respect to the status of the garbage pick-up at the Settrington Industrial Park because, while garbage has been picked up in that area for over 15 years, a decision has been made to not pick up garbage in that area; and further, that garbage pick-up at the Settrington Industrial Park remain until there is a resolution going forward.

M. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

N. BYLAWS

1. By-law 57-2019

Being a By-law of the Town of Kingsville to Regulate the Setting of Open Air Fires

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

2. By-law 59-2019 148

Being a By-law authorizing the entering into of an Agreement with Henry Heyink Construction Ltd. for the Lakeside Park Sanitary Sewer Installation (Dillon Consulting Limited Project No. 18-7815; Lakeside Park Trunk Sanitary Sewer in the Town of Kingsville) (full contract document available for review in Department of Municipal Services)

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

3. By-law 62-2019 152

Being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/32/18; 1021 Oak Avenue)

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

4. By-law 63-2019 155

Being a By-law to amend the Official Plan of the Town of Kingsville (Official Plan Amendment No. 10; 289 Main St. West; Part of Lots 4 and 5, Concession 1 WD Part 1, RP 12R22209)

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

5. By-law 64-2019 166

Being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/08/19; 289 Main St. West)

To be read 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 item:

1. **Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality, being report from A. Plancke, Director of Municipal Services re: potential acquisition of land for municipal purposes**

P. REPORT OUT OF CLOSED SESSION

Q. CONFIRMATORY BY-LAW

1. By-law 65-2019 169

Being a By-law to confirm the proceedings of the Council of The

Corporation of the Town of Kingsville at its June 24, 2019 Regular Meeting

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

R. ADJOURNMENT

Linda York

Kingsville, Ontario

Town of Kingsville
2021 Division Road North
Kingsville, Ontario
N9Y 2Y9

Dear Kingsville Town Council,

I am sending this letter regarding a street name issue in the Golfview subdivision (York subdivision), west of Kingsville. As some of you may be aware, the land for the subdivision belonged to my family, in which my parents farmed for nearly 60 years. This land has allowed the town of Kingsville to progress and develop – the water treatment plant at the back end of the farm and the connecting sewer pipeline, extending from the treatment center down the middle of the farm to County Road 20 – today's progress and future growth is a direct result.

Please see the attached document enclosed, which is a photocopy of the original letter that I still possess. In this letter you will see that Town of Kingsville stated that they were honouring my family's name with blessings, noting that the 'York' name would be included as one of the subdivision's street names. Interestingly, York Blvd. has shown up on the internet 'Maps App' for the past three years and is still present on the internet as I write this letter to you now.

Apparently the two names previously given for the third phase of the development have been changed. I am requesting that the street name be reversed to York Blvd., what has already been promised by the Town of Kingsville on June 12, 2000. Anything less would be a breach of ethical standards and justice, requiring further action.

Thank you for taking the time to review my request. I trust that you will handle this situation with integrity.

Sincerely,

Linda York

CORPORATION OF THE TOWN OF KINGSVILLE

2021 Division Road North
Kingsville, Ontario N9Y 2Y9
Phone: (519) 733-2305 FAX: (519) 733-8108

June 12, 2000

Nancy York

[REDACTED]
Kingsville, ON [REDACTED]

Dear Mrs. York:

Council for the Town of Kingsville is pleased to announce that the Wigle Creek Subdivision has included "York Blvd." as one of their street names in honour of your family with Council's blessings.

I trust that your family will be pleased with this news.

Yours truly,

Dan DiGiovanni,
Clerk

DDG/ks

c.c. D. Black, Public Works Manager



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

PUBLIC NOTICE

PROPOSED OPEN AIR BURNING BYLAW

TAKE NOTICE that Council of The Corporation of the Town of Kingsville will consider By-law 57-2019, being a By-law to change the Open Air Burning Bylaw at its Regular Meeting to be held on Monday, June 24, 2019 at 7:00 p.m. at Kingsville Council Chambers, 2021 Division Road North, Kingsville.

Anyone wishing to appear before Council to speak to this matter may advise the Clerk in writing not later than 12:00 noon on the Wednesday prior to the meeting.

Comments which are made at the meeting or in writing will become part of the public record which is available for anyone to view on the Town of Kingsville website.

DATED at Kingsville, Ontario this 11th day of June, 2019.

Chuck Parsons, Fire Chief
The Corporation of the Town of Kingsville
1720 Division Road North
Kingsville, Ontario N9Y 3S2



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

Date: June 19, 2019
To: Mayor and Council
Author: Chuck Parsons
RE: Open Air Burning Bylaw
Report No.: FD-2019-01

AIM

To provide Council with information regarding proposed enhancements to the Open Air Burn Bylaw #69-2015.

BACKGROUND

At the June 11th 2018 Regular Council meeting, the Administration presented to council enhancements to the current Open Air Burn Bylaw #69-2015. These proposed changes came through an annual review of the bylaw and from concerns brought forward by residents and staff regarding the following:

- The lack of ability for residential fires,
- Improved definition of agricultural burn,
- Communication,
- Updated list of types of materials prohibited to be burned,
- Enforcement.

Council provided the following motion:

“Council received the report regarding open air burning bylaw and requested that Administration conduct further follow up”.

DISCUSSION

The Ontario Fire Code 2.4.4.4 does not permit open burning unless approved by the Chief Fire Official or for the sole purpose of cooking with specific conditions. The approval of an

open air burn by the Chief Fire Official is guided by the contents of the Open Air Burning bylaw (currently Bylaw #69-2015).

To assist in gathering a greater perspective regarding the residents' concerns the department used an online survey, maintained phone records regarding inquiries and monitored social media. Local municipal Open Air Burn bylaws were also reviewed for similarities.

The following is a list of enhancements to the bylaw:

Recreational Fires

Current Bylaw

Upon review of the current bylaw it was discovered that the current bylaw does not have a provision for recreational backyard fires. Currently under the Fire Code in Section 2.4.4.4 only permits the following:

- (1) Open-air burning shall not take place unless
 - (a) it has been approved, or
 - (b) the open-air burning consists of a small, confined fire that is
 - (i) used to cook food on a grill, barbecue or spit,
 - (ii) commensurate with the type and quantity of food being cooked, and
 - (iii) supervised at all times.

However, the current bylaw or the Fire Code does not permit a backyard fire for the provision of enjoyment. It should be noted that administration received 50 inquiries for recreational fire permits and the requirements surrounding these fires.

Proposed Bylaw

The proposed bylaw does include a provision for recreational fires under the campfire definition.

Campfire - shall mean a Fire, having a maximum fuel volume of 1 metre x 1 metre x 1 metre height. (3 feet x 3 feet x 3 feet), that is set and maintained solely for the purposes of cooking food, providing warmth or recreational enjoyment and where;

- i) The site of the fire is on non-combustible material,*
- ii) The fire is at least 3 metres (9.9 feet) from any flammable material,*
- iii) The space above the fire is at least 3 metres (9.9 feet) from vegetation,*
- iv) The fire is at least 4.75 metres (15 feet) from the property line,*
- v) The fire is at least 4.75 metres (15 feet) from a structure, and,*
- vi) The flame length does not exceed 1 metre (3.3 feet) in height and 1 metre (3.3 feet) in diameter.*

These fires can be used for cooking as well as recreational purposes. The conditions that are defined provide for safe fires that would not be a nuisance to neighbouring residents.

The location would be inspected by staff and public education provided to ensure that conditions are followed. An annual permit would be required but notification to dispatch would not be required to conduct the fire. The number of events would be unlimited over the life of the permit.

Public Comments

When survey respondents answered this question, 86% were in support of recreational fires. With proper controls in place, which are addressed in the bylaw, these fires can safely be accomplished. These controls can be found under section 2 of the of proposed Bylaw 57-2019. These include controls such as; permitting, designation of location, types of material prohibited to be burned, special approvals for significant functions and cancellation of permits.

Agricultural Burns

The Farming and Food Production Protection Act, 1998 allows agricultural properties to burn as a normal farm practice. The definition is as follows:

1. (1) *“normal farm practice” means a practice that,*
 - (a) *is conducted in a manner consistent with proper and acceptable customs and standards as established and followed by similar agricultural operations under similar circumstances.*

Burning crop remnants and diseased orchards are considered proper and acceptable customs and standards.

Current Bylaw

Agricultural properties may burn without permit any agricultural items produced on the farm. This is restricted to crop remnants. Persons conducting the agriculture burns are required to contact our dispatch centre and be in attendance at all times during the fire.

Persons calling to inform of an agricultural burn to our dispatch centre often believe they are getting permission to conduct a fire. In reality, they are only reporting that they are conducting a fire and dispatch has no knowledge if the caller is having a legitimate legal burn or what the regulations are surrounding the requirements.

It is noted that in the first quarter of 2019, only 4 of the 45 agricultural burns reported to the dispatch centre met the definition as an agricultural burn.

Proposed Bylaw

The intent of the enhanced bylaw is to ensure that agricultural burns are controlled properly with safety measures in place and are environmentally responsible. The Town of Kingsville is currently the only municipality in the county that does not require a permit to burn agricultural products or waste.

The permit process for all fires makes permission clear to our dispatch centre when a resident contacts the centre about an agricultural/contractor fire. Through proper

inspection and communication with the property owner, dispatch is assured that articles being burned fall within the town's Open Air Burning bylaw. It reduces confusion with residents regarding the need for a permit and those who are fraudulently contacting dispatch using an agricultural burn for other means.

Communication

Current bylaw

When a burn permit is requested, education is provided by the inspecting officer which provides clarification of the Open Air Burning bylaw requirements and conditions and answers all resident's questions.

All agricultural burning reported to dispatch is forwarded to fire staff for analysis and if it falls outside of the current bylaw, the person responsible is contacted and educated on the permit procedures.

Proposed bylaw

Education would be continued in the same manner related to the Open Air Burning bylaw but the requirements for permits for all fires eliminates the confusion to residents and ensures those that contact dispatch have been permitted to burn.

Definitions are clear and conditions are listed to ensure residents understand what actions are required.

Approved Items for Burning

Current Bylaw

The current bylaw does list a number of prohibited items for burning. This includes straw, leaves and grass clippings but the list does not include many environmentally sensitive materials.

There is no provision of a burning ban if conditions (i.e. drought) warrant a ban.

Proposed bylaw

The list of items that are environmentally dangerous for burning is listed with the definitions and through the burn permit procedure, items would be evaluated for compliance. The need for this provision in the bylaw has been demonstrated numerous times during burn permit inspections.

The addition of a definition of a Burn Ban during hazardous conditions ensures that fire responses are reduced to out of control fires set during these times.

Enforcement

Current bylaw

Currently, The Ontario Provincial Police (OPP) are the enforcement agency for the Open Air Burn bylaw. Residents often call the fire department to report open air burning and are under the impression that fire services are the enforcement agency. It is extremely inefficient to have OPP as the sole enforcement agency as they do not have the expertise in fire related matters.

Proposed Bylaw

For the purposes of the bylaw, senior fire staff would be added to enforce the Open Air Burn bylaw, in addition to the OPP. Senior fire services staff are deemed Provincial Offences Officers by the Fire Prevention and Protection Act and have the knowledge to enforce laws related to fire matters.

Emphasis has been placed on education during the whole process from informing the public of the procedure through to providing information on safe burning when the permit is issued. Enforcement of a monetary fine is only considered in extreme circumstances or repeat offenders.

Burn Permits

When a municipality establishes a burning bylaw, the bylaw may be used to identify fire safety provisions that are conditions of approval, recognize the existence of a burn permit form, and describe associated costs for permits. It is important to note that, while the bylaw may be used to set out administrative procedures, provisions and requirements in the Fire Code relating to open air burning in proximity to buildings must still be met.

Alternatively, a municipality may use permits to facilitate the approval process for controlling open air burning in proximity to buildings without passing a bylaw. For instance, permits could be issued based on the conditions of approval stipulated in a fire department's operating procedures. Again, it should be noted that provisions and requirements in the Fire Code relating to open air burning in proximity to buildings must still be met.

Applications for open air burning permits are available currently online and by attending the South Fire Station during business hours. An inspection is conducted typically within one business day and permits are issued at the site for a specific period of time (which can be extended if conditions are not optimal for burning during the timeframe).

The cost to issue a permit would be reflected in the Fees Bylaw and approved by Council. Typical costs from surrounding municipalities is \$20 per permit. This cost is related to the staff costs for issuing the permit and entering it into the fire records management system (FirePro).

LINK TO STRATEGIC PLAN

To promote a safe community.

FINANCIAL CONSIDERATIONS

Administration is currently proposing an annual fee of \$20.00 per residence for the permit. However, we would recommend that these fees not be implemented until 2021 to provide the residents of Kingsville an opportunity to become familiarized with the process and to allow for the Fire Department to provide further public education forums.

CONSULTATIONS

Jeff Dean, Deputy Chief
Scott Moore, Fire Prevention Officer
Local municipalities

RECOMMENDATION

That council receive the report titled Open Air Burning Bylaw and;
Adopt the implementing Bylaw 57-2019.

Chuck Parsons

Chuck Parsons, CMM III
Fire Chief/C.E.M.C.

Peggy Van Mierlo-West

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

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 57 - 2019

Being a By-law of the Town of Kingsville to Regulate the Setting of Open Air Fires

WHEREAS Section 391(1) of the *Municipal Act, 2001*, S.O. c. 25 provides that the Council of a Municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

AND WHEREAS the *Fire Protection and Prevention Act, 1997*, S.O. c.4, s.7.1 (1) (a) provides that a Council of a Municipality may pass By-laws regulating fire prevention, including the prevention of the spreading of fires;

AND WHEREAS the *Fire Protection and Prevention Act, 1997*, S.O. c.4, s.7.1. (1) (b) provides that a Council of a Municipality may pass By-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set;

AND WHEREAS, the Council of the Town of Kingsville deems it necessary and prudent to set out laws governing open air fires to protect persons and property within the limits and boundaries of the municipality from open air fires that may become out of control;

NOW THEREFORE the Council of the Town of Kingsville hereby enacts as follows:

SECTION 1: DEFINITIONS

1.1 For the purpose of this By-Law:

Adverse Effect means one or more of,

- i) Impairment of the quality of the natural environment for any use that can be made of it,
- ii) Injury or damage to property or to plant or animal life,
- iii) Harm or material discomfort to any person,
- iv) An adverse effect on the health of any person,
- v) Impairment of the safety of any person,
- vi) Rendering any property or plant or animal life unfit for human use,

vii) Loss of enjoyment of normal use of property, and

viii) Interference with the normal conduct of business.

Approved – shall mean permission granted and a Permit issued by the Fire Chief.

Approved Incinerator Fire - shall mean a fire set in a container designed for incineration purposes and shall conform to the National Fire Protection Association 82 Standard “Incinerators and Waste Linen Handling Systems and Equipment”. This does **not** include a barrel.

Burn Ban – shall mean absolutely no Open Air Burning including Campfires or Cooking Fires, but does not include the use of propane which is equipped with a shutoff mechanism or a charcoal barbecue.

Building - shall mean any structure used or intended for supporting or sheltering any use or occupancy.

Bylaw – shall mean Bylaw 57-2019

Campfire - shall mean a Fire, having a maximum fuel volume of 1 metre x 1 metre x 1 metre height. (3 feet x 3 feet x 3 feet), that is set and maintained solely for the purposes of cooking food, providing warmth or recreational enjoyment and where;

- i) The site of the fire is on non-combustible material,
- ii) The fire is at least 3 metres (9.9 feet) from any flammable material,
- iii) The space above the fire is at least 3 metres (9.9 feet) from vegetation,
- iv) The fire is at least 4.75 metres (15 feet) from the property line,
- v) The fire is at least 4.75 metres (15 feet) from a structure, and,
- vi) The flame length does not exceed 1 metre (3.3 feet) in height and 1 metre (3.3 feet) in diameter.

Contractor/Agricultural Fire - shall mean an Open Air Fire, having been approved, that is set and maintained for the sole purpose of burning cut piled wood or brush, the disposal of certain paper based refuse or non- toxic building materials.

Cooking Fire – Shall mean a small contained fire, no greater than 12 inches (30 centimetres) in diameter and used to cook food on a grill. The Fire shall be in a pit or a permanent structure designed and intended for the cooking of food on a grill or within a smoker.

Council - shall mean the Council of the Town of Kingsville.

Dangerous Condition - means:

- i) A lack of precipitation which, in the opinion of the Fire Chief, increases the risk of the spread of fire; or
- ii) Winds or wind direction which in the opinion of the Fire Chief increases the risk of spread of fire; or
- iii) The issuance, by the Fire Chief, Fire Marshall, or other fire officials in the exercise of their statutory powers, of a fire ban or prohibition against any and all Open Air Fires; or
- iv) Any other condition declared by the Fire Chief to be a dangerous condition from time to time, which increases the risk of the spread of fire.

Extinguish – Put out or quenched completely with no smoke, hot or glowing embers remaining.

Fire - shall mean any fire set out in open air for the purpose of burning, cut piled brush, the disposal of certain paper based refuse or non-toxic building materials or campfire, but shall **not** include:

- i) Fires emanating from blow torches, cutting or welding torches, paving equipment or other such apparatus as associated with a service or occupation.
- ii) Small confined fires used for the purpose of cooking which is supervised at all times by a competent person and shall include a grill or barbecue.

Fire Chief - shall mean the Chief of the Town of Kingsville Fire Department, or his/her designate.

Household Waste – shall mean combustible material such as plastics, polyethylene terephthalate (PET), paints, oils, solvents, rubber, insulation, batteries, acids, polystyrenes (styrofoam), pressure treated or painted lumber, tires, upholstered furniture, synthetic fabrics, diapers, hazardous wastes and other materials as defined in the *Environmental Protection Act* R.S.O 1990,c.e. 19, as amended and all other similar and like materials but shall not include untreated wood and wood fiber products such as un-laminated paper and cardboard and boxboard and brush.

Municipal Law Enforcement Officer - shall mean any Ontario Provincial Police Officer acting on behalf of the Town of Kingsville.

Municipal By-law Enforcement Officer shall mean the officer(s)

so appointed by the Town of Kingsville and those officers appointed as fire officers by the Town of Kingsville authorities to enforce local by-laws including open air burning regulations.

Ontario Fire Code - shall mean O.Reg. 388/97 made under the *Fire Protection and Prevention Act*, S.O. 1997, C.4, as amended.

Open Air Burning – shall mean the same definition as Fire.

Open Air Fire – shall mean the same definition as a Fire.

Out Of Control – shall mean a fire which spreads beyond the boundaries of the parcel of land or containment area in which it was first ignited, or threatens to do so, or when it endangers any life, Building or property, or when the flying ash or burning brands are causing or have the potential to cause other fires, or when such fire is left unattended.

Owner- shall mean any person, firm, company or corporation having ownership or control of the property(s) and shall include the persons occupying such property.

Person - shall mean any individual, association, firm, partnership, Corporation, agent or trustee and their heirs, executors, or other legal representatives thereof.

Permit- shall mean a permit issued by the Fire Chief signifying permission to set or maintain or allow to be set or maintained a Fire and establishing the conditions under which the permission is granted.

Prohibited Materials - includes “*Household Waste*”, rubber or rubber products, plastic or plastic products, and waste petroleum products and any material or materials which are prohibited by the *Environmental Protection Act*, R.S.O. 1990, Chapter E.19, as amended.

Town - shall mean the Corporation of the Town of Kingsville.

Town of Kingsville Fire Department – shall mean the fire department operated by the Town.

SECTION 2: REQUIREMENTS

- 2.1 The provisions of the By-Law shall apply to all land and areas so designated as being within the legal boundaries of the Town of Kingsville.
- 2.2 No Person shall set out Fire without first obtaining a fire Permit. Fees for said Permits shall be located within the fees & charges by-law.

- 2.3 Permits shall be issued only to the Owner of the property where the Fire is to be set out save for an authorized person or agent acting upon the Owners behalf who has dated and signed written authorization by the Owner.
- 2.4 No Permit shall be issued to a property owner where Open Air Burning will have a detrimental effect on his/her neighbors because of the substance(s) being burned or the size or the location of the burn area.
- 2.5 Upon obtaining a Permit in accordance with 2.3 the Owner or his agent shall:
- i) Ensure that the fire is supervised at all times by a competent person who is at least 16 years of age or older.
 - ii) In the opinion of fire department member so authorized or the person responsible shall have sufficient resources available to control the fire at all times.
 - iii) Ensure all special requirements imposed by the Fire Chief within the Permit are met.
 - iv) Ensure that any Fire set out is never left unattended.
 - v) Ensure that where debris is to be burned, the Fire shall be properly contained.
 - vi) Ensure that any Contractor/Agricultural Fire set out shall not be within a distance of 10 metres of any Building or within 10 metres of any other combustibles, vehicular roadway of any kind or nature, overhead wiring or property lines.
 - vii) Ensure that any Fire set out is not larger than approved.
- 2.6 Where in the opinion of the Fire Chief, a potentially dangerous situation exists due to fire, smoke, weather, environmental or health concerns the Fire Chief may rescind, suspend or cancel any or all Permits.
- 2.7 Permits must be obtained through the Town of Kingsville Fire Department.
- 2.8 Notwithstanding any provisions herein, no Person shall set or maintain a Fire;
- i) In contravention of the Ontario Fire Code, the *Environmental Protection Act*, or any other statutory requirements of the Province of Ontario or the Government of Canada;
 - ii) Containing Prohibited Materials

- iii) In any property owned or operated by the Town without the written permission of the Town;
 - iv) In any outdoor fireplace or any other burning appliance or container unless same complies with the requirements contained within 2.2 and 2.5 of the bylaw.
 - v) Burn any allowed material without obtaining and having on their person a Permit for those types of Open Air Burns requiring one;
 - vi) Which does not meet the definition of a Cooking Fire, Approved Incinerator Fire or is an appliance that is in conformance with the *Technical Standards and Safety Act, 2000*, is for outdoor use and is installed in accordance with the manufacturer's instructions, without having obtained a Permit;
 - vii) When a Burn Ban has been declared and put in place by the Fire Chief.
- 2.9 No Open Air Burning shall be commenced or maintained when the wind is in such a direction or intensity to cause any or all of the following:
- i) The possible spread of the Fire beyond the approved burn site;
 - ii) A decrease in the visibility on any highway or roadway;
 - iii) Any odor to such an extent or degree so as to cause discomfort to the persons in the immediate areas;
 - iv) Excessive smoke or any other Adverse Effect;
 - v) Any Dangerous Condition;
- 2.10 No Open Air Burning shall be commenced or maintained when rain or fog is present or weather conditions prevent the ready dispersion of smoke.
- 2.11 No Permit shall be required for domestic barbeques or permanent outdoor fireplaces used for the purpose of cooking of food on a grill and extinguished immediately upon completion of its use to cook, is an appliance that is in conformance with the *Technical Standards and Safety Act, 2000*, is for outdoor use and is installed in accordance with the manufacturer's instructions or Approved Incinerator Fires.
- 2.12 No Person shall allow any Cooking Fire to create an Adverse Effect.

- 2.13 No Person shall cause to be burned more than one pile at any one time, without the written approval of the Fire Chief.
- 2.14 No hay, straw, leaves, grass clippings or standing material may be burned, unless approved by the Fire Chief.
- 2.15 The time indicated for no burning does not apply to a Cooking Fire, if a Burn Ban is not in place and all precautions have been taken as defined and outlined.
- 2.16 The Town of Kingsville Fire Department is exempt from this by-law.
- 2.17 A blanket Permit for all campfires at a trailer park, resort, or campground may be issued by the Fire Chief. The issuance of a Permit will require an inspection by the Fire Chief and a detailed diagram of the grounds showing each campfire site.
- 2.18 The Fire Chief may grant special approval for a variance to the open air burning regulations contained in this by-law.
- 2.19 Any person may make application in writing to the Fire Chief for special approval of Open Air Burning with religious, cultural or environmental significance, as an exception to the provisions of this By-law. Any such application shall include statement(s) to describe the purpose, reason and intent of the request, location and size of the fire, date and time of the fire, safety measures and supervision arrangements. The application shall also include a site diagram including distances showing the fire location relative to Buildings, trees, shrubs, hedges, fences, overhead obstructions, flammable materials and property lines.
- 2.20 Permits may be cancelled at any time by the Fire Chief. Upon receiving notice of such cancellation or suspension, the holder of the permit shall immediately Extinguish the fire(s) started under said permit.

SECTION 3: ISSUANCE OF PERMIT

- 3.1 The issuance of a Permit will require the prior inspection of the proposed burn site by the Fire Chief.
- 3.2 In applying for a Permit, no Person shall furnish false or misleading information.
- 3.3 Permit(s) may be obtained from Town of Kingsville Fire Department.
- 3.4 It is the responsibility of the Person granted a Permit to check and monitor burning conditions and adhere to any Burn Ban that may be in place.

- 3.5 It is the responsibility of the Person who is burning to have immediately available to them the Permit which they were issued for inspection by the Fire Chief, Municipal By-law Enforcement Officer or the Municipal Law Enforcement Officer.
- 3.6 Any prosecution under a provision of this By-law that requires a Permit, the onus is on the Person charged to prove that the Person had a Permit at the time the offense is alleged to have been committed.
- 3.7 In the event a Permit is revoked for non-compliance or any violation of this Bylaw, the property owner will be banned from the issuance of a permit for ninety (90) days.

SECTION 4: FIRE DEPARTMENT RESPONSE

- 4.1 In the event that the Town of Kingsville Fire Department is called to respond to an alarm to Extinguish any Open Air Fire which is Out Of Control, the cost of said response shall be charged against the Person and / or Owner in accordance with Schedule "C" as set out in this By-Law.

SECTION 5: ADMINISTRATION AND ENFORCEMENT

- 5.1 The Fire Chief, Municipal Law Enforcement Officer, Municipal By-Law Enforcement Officer and any person so appointed by the Town shall have the authority to administer this By-Law in its entirety.
- 5.2 The Fire Chief may, at any time, and in the exercise of his or her sole discretion, issue a Burn Ban, effective for a specified period of time, prohibiting the setting of any and all Open Air Fires within any area of the Town.
- 5.3 Notwithstanding Section 2 of this By-Law, the Fire Chief may revoke any or all Permits, or refuse to issue Permits where, in the opinion of the Fire Chief, that the ability to control the Fire is hampered by the existence of a Dangerous Condition, which exists on or in the proximity of the proposed Open Air Burning site.
- 5.4 Any Person and/or Owner who fails to comply with the provisions of this By-law, or who fails to properly supervise and maintain a fire, or who fails to Extinguish a Fire once notification to do so has been given to him/her by the Fire Chief shall, in addition to any penalty provided for herein, be liable to the Town for all expenses incurred for the purposes of Extinguishing of any Fire so set or left to burn and such expenses may be recovered by court action. The expenses for which the Person and/or Owner may be liable cover the cost of sufficient personnel and equipment required to control a Fire, as set out within Schedule "D" hereof. Such expenses shall be equally chargeable in the

event that a deliberately set Fire burns out of control, such that the services of the Kingsville Fire Department are necessary.

- 5.5 Any costs chargeable to any Person and/or Owner pursuant to section hereof shall be invoiced to the Person and/or Owner and paid to the Town within thirty (30) days of the date of such invoice.
- 5.6 No action or other proceeding for damages shall be brought against the Town or any employee or agency of the Town, as a result of any act done in good faith in the issuance of approval, permission, or authorization under this By-law. Notwithstanding the above, the Person who receives approval, permission or authorization under this By-law, shall indemnify and hold the Town harmless from any damages, causes of action, claims or costs of any kind arising from or resulting from any damages or injuries caused by Fire, smoke, or other causes.
- 5.7 It shall be the responsibility of the Person and/or Owner to ensure that no damage is done to any property or injury caused to any person while setting a Fire or permitting a Fire to burn, and shall otherwise jointly and severally be responsible for any damage or injury to persons or property as a result of setting the fire or permitting the fire to burn.

SECTION 6: VIOLATIONS AND PENALTIES

- 6.1 In addition to any other penalty prescribed by this By-law, any Person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine or penalty for each offence, exclusive costs and upon conviction is liable to a fine as set out in the *Provincial Offences Act* R.S.O. 1990 Chapter P.33 and the *Fire Protection and Prevention Act*, 1997 S.O. 1997.

- 6.2 Any person who sets a Fire;

- without first obtaining the necessary Permit, or;
- without following the conditions detailed in this By-law or any special requirements of the Permit to set out a Fire;

Shall be liable for a fine as per Schedule "D", and, if the services of the Kingsville Fire Department are necessary due to the Fire being Out of Control, charges as set out in Schedule "C" shall also be payable.

SECTION 7: SCHEDULES AND SEVERABILITY

- 7.1 Schedules "A", "B", "C" and "D" attached to this by-law shall also be read with and form part of this By-law.

- 7.2 The provisions of this By-law are severable. If any provision, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.

SECTION 8: VALIDITY

- 8.1 This By-Law shall come into force effective the _____.

SECTION 9: REPEAL

- 9.1 That all previous By-laws to regulate the setting of Open Air Fires be repealed effective.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
_____.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo



Schedule A
**** APPLICATION FOR OPEN AIR BURNING ****



Kingsville Fire Department
1720 Division Rd. North
Kingsville, ON
N9Y 3S2
www.kingsvillefire.ca

Phone: (519) 733-2314

Fax: (519) 733-2399

Applicant:

Name:		Phone:	
Title :		Cell:	
Address:		Date of Birth (D/M/Y):	
City:	Postal Code:	Email:	

Owner of Property (Location of Burn):

☐ SAME AS APPLICANT

If owner is different than the applicant this form must be signed by the property owner and be faxed, emailed or delivered to the fire department.

Name:		Phone:	
Title :		Cell:	
Address:		Date of Birth (D/M/Y):	
City:	Postal Code:	Email:	
I, _____, authorize the burn proposed for this application. (Print Property Owner's Name)			
Signature:		Date:	

TYPE OF PERMIT: Annual Agricultural: ☐ Residential: ☐ Single Event: ☐

Date(s) & Time(s) of burn: _____

Describe proximity of proposed burn in feet or metres to:

- ☐ buildings: _____
- ☐ vegetation: _____
- ☐ overhead wires: _____
- ☐ other combustibles: _____

Describe material(s) to be burned: _____

Estimated size of burn area: _____

Method of containment and/or extinguishment: _____

Access route to burn location: _____

The above information is accurate to the best of my knowledge. I understand that any false information given will void this application. If my application is approved, I agree to abide by the provisions evoked by the Kingsville Fire Department (KFD) to ensure that my open burn is done in the safest manner possible and under the requirements of the Open Air Burn By-law. I agree to extinguish the open burn outlined in this application immediately upon order of the KFD. I will have the open burn permit on site when the open burn takes place and understand that not having the said permit on site is grounds to have the open burn extinguished.

☐ Check here to indicate that you have read and agree to the terms presented

Applicant's Signature

Date

SCHEDULE "B"

Open Burning Permit

By-law 57-2019

TYPE OF PERMIT: *Annual Agricultural: _____ Residential: _____ *Single Event: _____
Date of Inspection: ____/____/____ Valid Through: ____/____/____
Owner: _____ Applicant: _____
Address of Fire: _____
Type of Appliance: _____ Items to be Burned: _____
Phone Number: _____ Method of Containment: _____
Method of Payment: Cheque _____ Cash _____

NOTE: COPY OF PERMIT MUST BE ON SITE AT TIME OF BURN

To maintain the Fire Department's approval the following requirements MUST be met:

- The owner shall have sufficient equipment or means of controlling the fire so it does not spread or get out of hand.
- The lumber being burned must be dry and fit within the approved fire pit or appliance.
- The fire shall be continuously monitored by a "responsible person" and be completely out before the person monitoring leaves the site.
- No person shall set fire so as to cause any or all of the following:
 - Smoke or odour nuisance to neighbouring residences or buildings
 - A decrease in visibility on any highway or roadway
 - A rapid spread of fire through grass, crops, brush or any wooded area
- No hazardous materials, such as plastics, rubber, oils, treated lumber or any items that could adversely affect the environment shall be burned.
- Any person who contravenes the towns Open Air Fire By-law may be subject to a fine, as set out in By-law 57-2019. A copy of the By-law is available at Town Hall or the Fire Department.
- Complaints to the Kingsville Fire Department, generated by an approved open air fire, will be investigated by the duty officer. If the duty officer finds the open air fire guidelines have been followed the complainant will be directed to contact the Ministry of Environment at 519-948-1464 for information of any possible further action.
- If it is found the burn does not comply with the above guidelines, it will be extinguished by the owner upon request by the Fire Chief. If the owner is unable or unwilling to extinguish the open air fire themselves, a fire crew will attend and a response charge will be assessed by the town.
- The owner shall be solely liable for any or all damage resulting from open burning.
- Every person is obligated to comply with the provisions of By-law 57-2019. If any clarification is required, inquiries can be made at 519-733-2314 (Monday – Friday 8:00am – 4:30pm).

***FOR ANNUAL AGRICULTURAL AND SINGLE EVENT PERMITS:**

- An owner wishing to burn shall provide a minimum of 2 hours notice to the fire department by calling 519-733-2313. Burning shall only take place between sun up and sun down. An inspection may be completed by the officer on duty and will be at their discretion. Burning is not permitted on the road allowances and/or below any overhead cables or wires.

Signature of Fire Chief
Or Designate

Signature of Applicant

SCHEDULE "C"

FEE SCHEDULE

The expenses for which the Person or Owner may be liable, cover the cost of sufficient personnel and equipment required to control a Fire, as referred to within Section 6 of By-law 57-2019, and such costs have been deemed as being:

RESPONSE FEES

First hour or part thereof per fire unit vehicle MTO Rate

Each half hour thereafter or part thereof per fire unit vehicle MTO Rate

This shall be calculated from the initial dispatch of the fire department or any fire department under contract or agreement, until such time as each vehicle is back in service (defined as when the vehicle is back at the hall and has been replenished with the requirements for the unit to respond to the next activation)

These fees are in addition to any fines or penalties established elsewhere, in accordance with this By-law.

SCHEDULE “D”

FINE SCHEDULE

THE TOWN OF KINGSVILLE

Part 1 Provincial Offences Act

DRAFT

Burn Bylaw Comparison for Essex County						
	Kingsville (Current)	Kingsville (Proposed)	Amhurstburg	Essex	Lakeshore	Leamington
Recreational Fire	Not Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Distance from structures	Not Permitted	4.5 m	15 m	3 m	3 m	Determined by FD
Distance from property line	Not Permitted	4.5 m	15 m	4.5 m	4.5 m	Determined by FD
Requires permit	Not Permitted	Yes	Yes	No	No	Yes
Size	Not Permitted	1 metre	1 metre	61 cm	61 cm	Determined by FD
Open Burn	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Permit required	Yes	Yes	Yes	Yes	Yes	Yes
Distance to structures	Determined by FD	Determined by FD	90 metres	7 metres	7 metres	Determined by FD
Agricultural Fires	Permitted	Permitted	Permitted	Permitted	Permitted	Permitted
Permit required	No	Yes	Yes	Yes	Yes	Yes
Enforcement	OPP	OPP/Fire Service	Fire Service/Bylaw	OPP/Fire Service	OPP/Fire Service	OPP/Fire Service

Tecumseh
Permitted
Determined by FD
Determined by FD
No
61 cm
Permitted
Yes
Determined by FD
Permitted
Yes
Fire Service

Stephanie Olewski

To: Sandy Kitchen
Subject: RE: Ammendment to bylaw 72-2001

----- Original message -----

From: Peter Slingerland [REDACTED]
Date: 2018-07-26 4:12 PM (GMT-05:00)
To: Nelson Santos <nsantos@kingsville.ca>
Subject: Ammendment to bylaw 72-2001

I would like to take this opportunity to encourage the council to ammend bylaw 72-2001 in order to allow residential open air burns.

Our neighbouring municipalities have variances of this bylaw. All, with the exception of The City of Windsor, allow a small open air burn within their residences.

Please accept the following as examples of how other municipalities are handling their burn bylaws.

The Town of Amherstburg requires \$25 permit fee seasonally with a site inspection.

The Town of Essex allows campfires and do not require a permit, provided they fall within the limits set out in their by-law.

Lakeshore requires no permissions if rules are followed for all categories.

Lasalle allows recreational fires within the confines of their bylaw.

The municipality of Leamington requires a \$20 annual fee with an initial site inspection.

Thank you for your attention to this matter. I look forward to enjoying a crackling fire in the cool of a fall evening.

Peter Slingerland

Stephanie Olewski

From: Sandy Kitchen
Sent: Thursday, June 20, 2019 10:28 AM
To: Stephanie Olewski
Subject: FW: Air Fire By-law

From: Tamara Stomp [REDACTED]
Sent: Wednesday, June 19, 2019 2:33 PM
To: Jennifer Astrologo <jastrologo@kingsville.ca>
Subject: Air Fire By-law

Ms. Astrologo,

Please accept this comment for the public record for the upcoming decision about the open air fire by-law. I request that the by-law prohibiting an open air marshmallow fire be decriminalized. Perhaps it needs regulation but not the subject of a fine. Responsible property owners need a legal means of having an open air fire.

Tamara Stomp/b
Barrister and Solicitor
721 Walker Road
Windsor, Ontario
N8Y 2N2

Telephone: [REDACTED]
Facsimile: [REDACTED]
E-mail: [REDACTED]

IMPORTANT NOTICE: This message and the information contained therein is intended only for the use of the individual or entity to which it is addressed. The message may be protected by solicitor client-privilege and contain information that is confidential and exempt from disclosure under applicable law. If the reader of this message is not the intended recipient, or the employee or agent responsible for delivering the message to the intended recipient, you are notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify Tamara Stomp Law Office immediately by contacting [REDACTED] and delete this electronic message from your computer system and that of your Internet Service Provider.

Stephanie Olewski

From: Sandy Kitchen
Sent: Thursday, June 20, 2019 10:30 AM
To: Stephanie Olewski
Subject: FW: Fire Pits

From: Charlene Swaddling [REDACTED]
Sent: Saturday, June 15, 2019 10:21 AM
To: Jennifer Astrologo <jastrologo@kingsville.ca>
Subject: Fire Pits

To Whom it may Concern.

I would like to vote yes to fire pits.

I find them relaxing and a nice addition to family time.

Sincerely,
Charlene Swaddling

Stephanie Olewski

From: Sandy Kitchen
Sent: Thursday, June 20, 2019 10:54 AM
To: Stephanie Olewski
Subject: FW: Thoroughly confused regarding open air burning

----- Original message -----

From: Cindy Hallick [REDACTED]
Date: 2019-06-13 12:45 AM (GMT-05:00)
To: Jennifer Astrologo <jastrologo@kingsville.ca>
Subject: Thoroughly confused regarding open air burning

Jennifer,

I understand that June 21st council will be reviewing this bylaw. As a tax paying citizen I would like to encourage this bylaw to be changed. I see no reason why we cannot enjoy the fire pit in our backyard as long as we take the proper safety precautions to keep the fire contained.

I recently purchased this fire pit so that I could enjoy some fireside chats with my family. When I ask around people are under the assumption that as long as you have a grill and you are cooking something on it you are fine. I pm'd Wendy Parson (wife of leamington fire chief) and she told me this was not the case. I then stopped into the kingsville municipality office. I spoke to Ms. Santos. She pulled up the bylaw on her computer and she also said as long as you are cooking on it your fine.

Can I please get some clarification. If fire pits are not allowed I will be sadly disappointed.

Cindy Hallick

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

APPLICATIONS: **OFFICIAL PLAN AMENDMENT OPA/01/19**
(Section 22 of the Planning Act, R.S.O. 1990, C.P. 13)

ZONING BY-LAW AMENDMENT - ZBA/08/19
(Section 34 of the Planning Act, R.S.O. 1990, C.P. 13)

SITE PLAN APPROVAL - SPA/12/19
(Section 41 of the Planning Act, R.S.O. 1990, C.P. 13)

APPLICANTS: **Scott Shilson (Owner)**
Ray Wall (Authorized Applicant)

LOCATION OF PROPERTY: **289 Main Street W, Part of Lots 4 & 5, Concession 1 WD**

PURPOSE OF APPLICATION: The Town of Kingsville has received the above-noted applications for lands located on the south side of County Road 20, west of Heritage Road. The subject property is designated a mix of 'Agricultural', 'Highway Commercial', and 'Residential' by the Official Plan, and zoned 'Agriculture (A1)', 'General Commercial (C4)', and 'Residential Zone 1 Urban - holding (R1.1(h))' under the Kingsville Comprehensive Zoning By-law.

The subject land totals 0.5 ha (1.238 ac.) and is currently used as a retail store. The applicant is proposing to develop the site for a fitness centre, constructing an addition to the existing accessory building, changing the use of the former dwelling from retail to office, and expanding on site parking. In order to proceed with the development several planning approvals are required. The applicant is seeking an Official Plan Amendment to designate the entire site as 'Highway Commercial', and a Zoning Amendment to re-zone the site to 'General Commercial (C4)' and establish any required site-specific regulations.

A PUBLIC MEETING OF COUNCIL will be held on:

WHEN: **June 24, 2019**
WHERE: Town of Kingsville Municipal Building – Council Chambers
TIME: 7:00 p.m.

Your input on these matters are important. If you have comments on this application, they may be forwarded in writing via email or mail, to the attention of: **George Robinson, Town Planner**, 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.

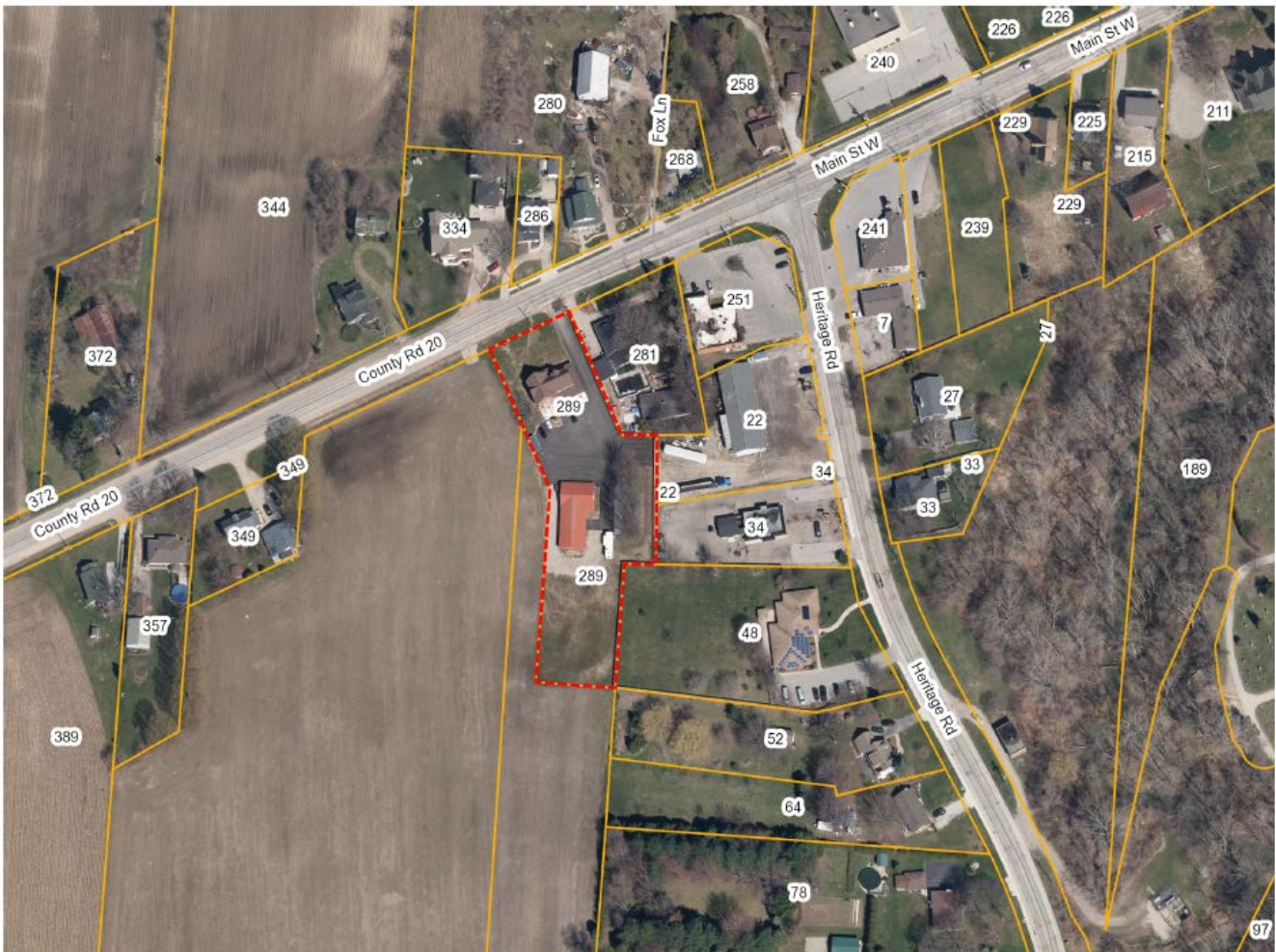
IF A PERSON or public body does not make oral submissions at the public meeting or make written submissions to Council before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council to the Local Planning Appeal Tribunal.

IF A PERSON or public body does not make oral submissions at the public meeting, or make written submission to Council before the 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 do so.

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
on June 3rd, 2019.

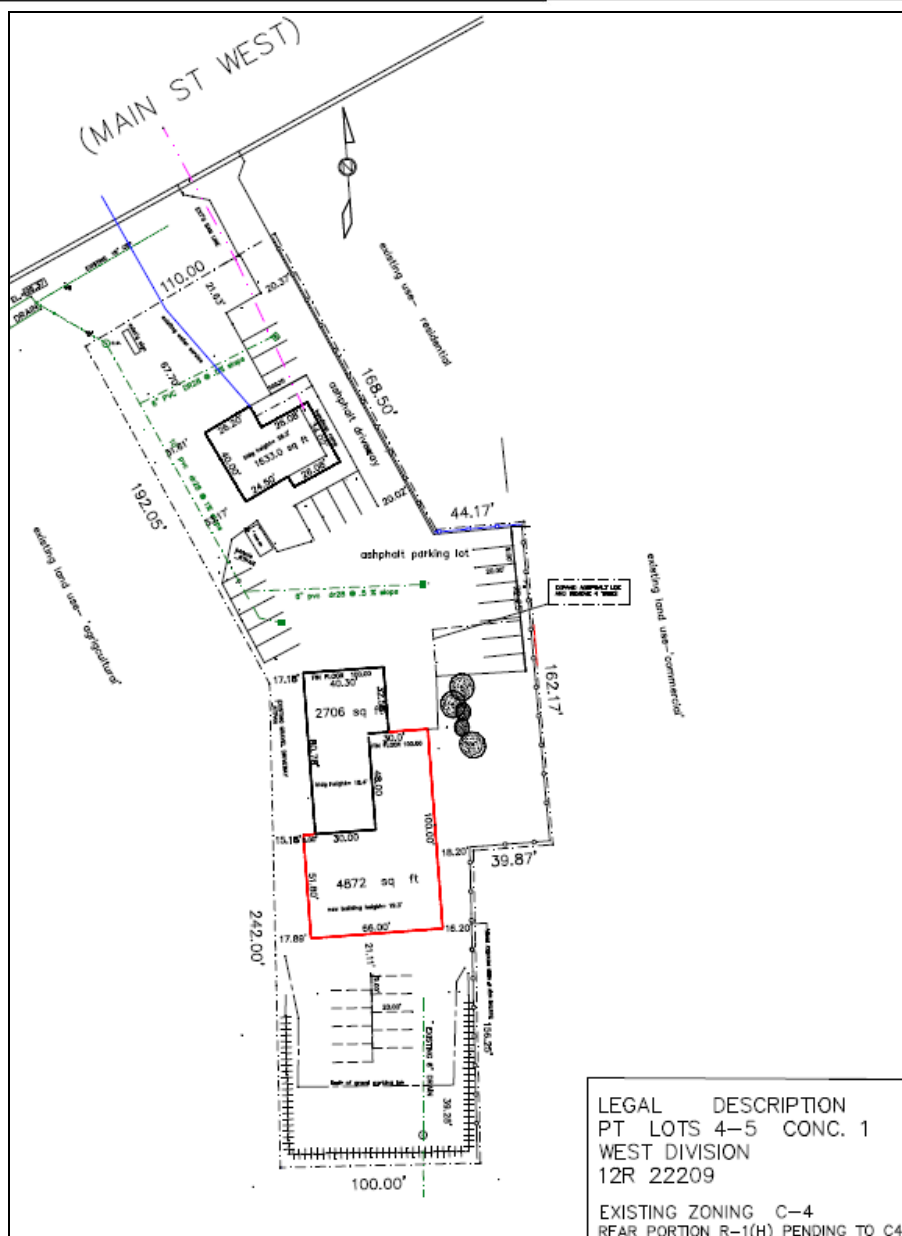
George Robinson, BFA, BURPI, CPT
519-733-2305 (x 249)
grobinson@kingsville.ca



Notes

Red - 289 Main Street W

THIS MAP IS NOT TO BE USED FOR NAVIGATION
Copyright the Corporation of the County of Essex, 2012. Data herein is
provided by the Corporation of the County of Essex on an 'as is' basis.
Assessment parcel provided by Teranet Enterprises Inc. Data layers that
appear on this map may or may not be accurate, current, or otherwise reliable.





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

Date: June 14, 2019

To: Mayor and Council

Author: George Robinson, BFA, BURPI, CPT
Town Planner

RE: Application for Official Plan Amendment OPA/01/19 and
Zoning Amendment ZBA/08/19 by
Ray Wall and Scott Shilson
289 Main Street W
Part of Lots 4 & 5, Concession 1 WD

Report No.: PDS 2019-028

AIM

To provide the Town of Kingsville Council with information regarding a proposed Official Plan Amendment (OPA) to change the land use designation to allow commercial development, and a Zoning By-law Amendment (ZBA) to zone the proposed lot to an appropriate commercial classification.

BACKGROUND

The subject land totals 0.5 ha (1.238 ac.) and is located at what is considered the easterly limit of the Primary Settlement Area boundary for Kingsville (see Appendix A). The former dwelling and detached accessory building were converted for retail use in 2016. The prospective purchaser (applicant) currently operates a fitness centre located at 106 Wigle Ave. They are proposing to relocate to the subject property, constructing an addition to the existing accessory building to accommodate their fitness centre, renovate the former dwelling from the current retail use to office space, and expand the parking lot (see Appendix B).

In order to proceed with the development several planning approvals are required as follows:

- 1) an Official Plan Amendment to designate the entire property from its current mix of Highway Commercial, Residential, and Agriculture to Highway Commercial;

- 2) a zoning by-law amendment to change the area currently zoned 'Residential Zone 1 Urban - holding (R1.1(h))' to 'General Commercial (C4)' and establish any required site-specific regulations.

The property does not currently have an approved site plan in place so if the requested amendments are approved the next step would be approval of a site plan for the proposed addition and development of the parking area.

DISCUSSION

1) Provincial Policy Statement (PPS), 2014:

Part V Policies Section 1.1.1(b) supports "accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs."

Section 1.3.1(c): "Planning authorities shall promote economic development and competitiveness by providing opportunities for a diversified economic base, including maintaining a range and choice of suitable sites for employment uses which support a wide range of economic activities and ancillary uses, and take into account the needs of existing and future businesses."

The Provincial Policy Statement encourages creation of new employment uses in the settlement areas and appropriate employment uses compatible with adjacent residential uses.

Comment: The area in which the subject property is located is adjacent to primarily a mix of other commercial uses. There is one remaining residential use to the east and residential to the southeast. There is a good distance buffer from the proposed use, however the zoning and site plan are structured to include additional safeguards.

2) County of Essex Official Plan

The County of Essex is the final approval authority for all Official Plan amendments. As the lands on which the proposed are inside a primary settlement area, Section 3.2 of the Official Plan applies. The County Official Plan Section 3.2.1.1 encourages a mix of uses on municipal water and sewer services, which are available at this site. The application meets the Goals and Policies of the County Official Plan.

3) Town of Kingsville Official Plan

The Official Plan for the Town of Kingsville designates the subject property 'Highway Commercial,' under Section 3.2.3 and 'Residential' under Section 3.6.1 and Agriculture under Section 3.1. The proposed Official Plan Amendment will designate the entire property to 'Highway Commercial' to allow for the rezoning and more comprehensive development of the site.

The lands designated Agriculture occupy a small portion of the property, approx. 214 sq. m (2,300 sq. ft.), in the northwest corner abutting County Road 20. While this portion of the property is simply front yard area and not being developed it is recommended that this portion of the property also be amended to the 'Highway Commercial' designation as the extent of the designation is approximate and currently does not correspond with a lot line.

Section 8.11.1 outlines the Amendment Procedures for consideration of an application for an Official Plan Amendment. The subject site is already a commercial use, and the requirements of the amendment criteria have been met. This application meets the Goals and Policies of the Official Plan.

4) Comprehensive Zoning By-law – Town of Kingsville

The site is currently zoned 'General Commercial (C4)', 'Residential Zone 1 Urban - holding (R1.1(h))' and 'Agriculture, (A1)'. The application for a Zoning Bylaw Amendment (ZBA/08/19) proposes to change the area of the site currently zoned 'Residential Zone 1 Urban - holding (R1.1(h))' and 'Agriculture (A1)' to 'General Commercial (C4)' resulting in one zone across the site.

The 'General Commercial (C4)' zone contains a diversity of uses and is intended to ensure the commercial needs of town residents are met. This application is an expansion of the existing zoning of the site to facilitate an addition to an existing building. The applicant is proposing to use the site for a fitness centre, which is a permitted use in the zone.

While the portion of the property that is being proposed for redesignation and rezoning abuts existing residential development to the east, there is a significant buffer already in place on those lands. The use of the subject property in this particular area will be a portion of the new building addition, rear yard space, and potential parking, if needed.

Considering the abutting Residential zoned lands and concern for potential noise issues, the following zoning regulation is proposed:

Openings (detailed in an approved site plan) on the east and south sides of a structure within 15.24 m (50 ft) of a Residential zone shall be limited to:

- i) fixed pane windows and/or;
- ii) fire exits as required by the Ontario Building Code.

Since the site consists of a mix of uses on an irregular shaped lot with existing buildings, and considering the need for buffering from abutting Residential zoned lands, the following zoning regulation is proposed:

Notwithstanding Section 5.17 Table 5, the minimum number of *parking spaces* required for this site shall be 30 spaces.

Through the site plan approval process appropriate screening can be included to minimize any impact on the abutting residential lands.

LINK TO STRATEGIC PLAN

Manage growth through sustainable planning.

FINANCIAL CONSIDERATIONS

The development of this lot will result in an increase in assessment value.

CONSULTATIONS

In accordance to O. Reg 545/06 of the *Planning Act*, property owners within a minimum 120m 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.

Planning Advisory Committee (PAC)

The application was reviewed by PAC at their May 21st 2019 meeting. The meeting was attended by the applicant and neighbouring residents who had concerns regarding drainage, traffic, and noise. The site is subject to drainage review under a required Site Plan Agreement. The existing Noise Bylaw 28-2006 would apply the same as any other site. The applicant was able to address the concerns and Administration has noted that many of the items can be addressed through the site plan approval process. As noted in the Zoning Bylaw Amendment section of this report, two site-specific regulations are proposed to address concerns raised at PAC. The committee moved a recommendation that the application move forward for Council's consideration:

PAC – 08 – 2019

Moved by, Lorrie M seconded by Wayne Lattam that the Planning Advisory Committee supports the Official Plan Amendment to designate the entire property from its current mix of Highway Commercial, Residential and Agriculture to Highway Commercial as well to re-zone to change the area currently zoned 'Residential Zone 1 Urban - holding (R1.1(h))' to 'General Commercial (C4)' and establish any required site-specific regulations to the subject property, on lands known at 289 Main Street West, and recommend to move forward to Council for consideration of the requested Official Plan and Zoning By-law amendment.

CARRIED

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.

Agency or Administrator	Comment
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none">• No concerns or objections.• See Appendix C.

County of Essex	<ul style="list-style-type: none"> • The County as the Official Plan amendment approval authority was circulated but did not raise any concerns. • See Appendix D.
Town of Kingsville Management Team	<ul style="list-style-type: none"> • Site Plan Agreement required for new building. • Lot grading plan will be required. • New construction will have to comply with Ontario Building Code. • Property is not a designated heritage property, but is on the heritage inventory as a property of interest.

RECOMMENDATION

It is recommended that Council:

Adopt Official Plan Amendment No. 10 (OPA 10) to redesignate the 'Agriculture' and 'Residential' portions of the subject parcel to Highway Commercial on the property currently known as 289 Main Street W, Part of Lots 4 & 5, Concession 1, in the Town of Kingsville and direct administration to forward the amendment to the County of Essex for final approval.

Approve Zoning By-law amendment application ZBA/08/19, to implement OPA 10, rezone the 'Agricultural, A1' and 'Residential Urban Zone 1, holding, R1.1(h)' portion of the subject parcel to 'General Commercial (C4)' and adopt the implementing by-law subject to final approval of OPA 10 by the County of Essex.

George Robinson

George Robinson, BFA, BURPI, CPT
Town Planner

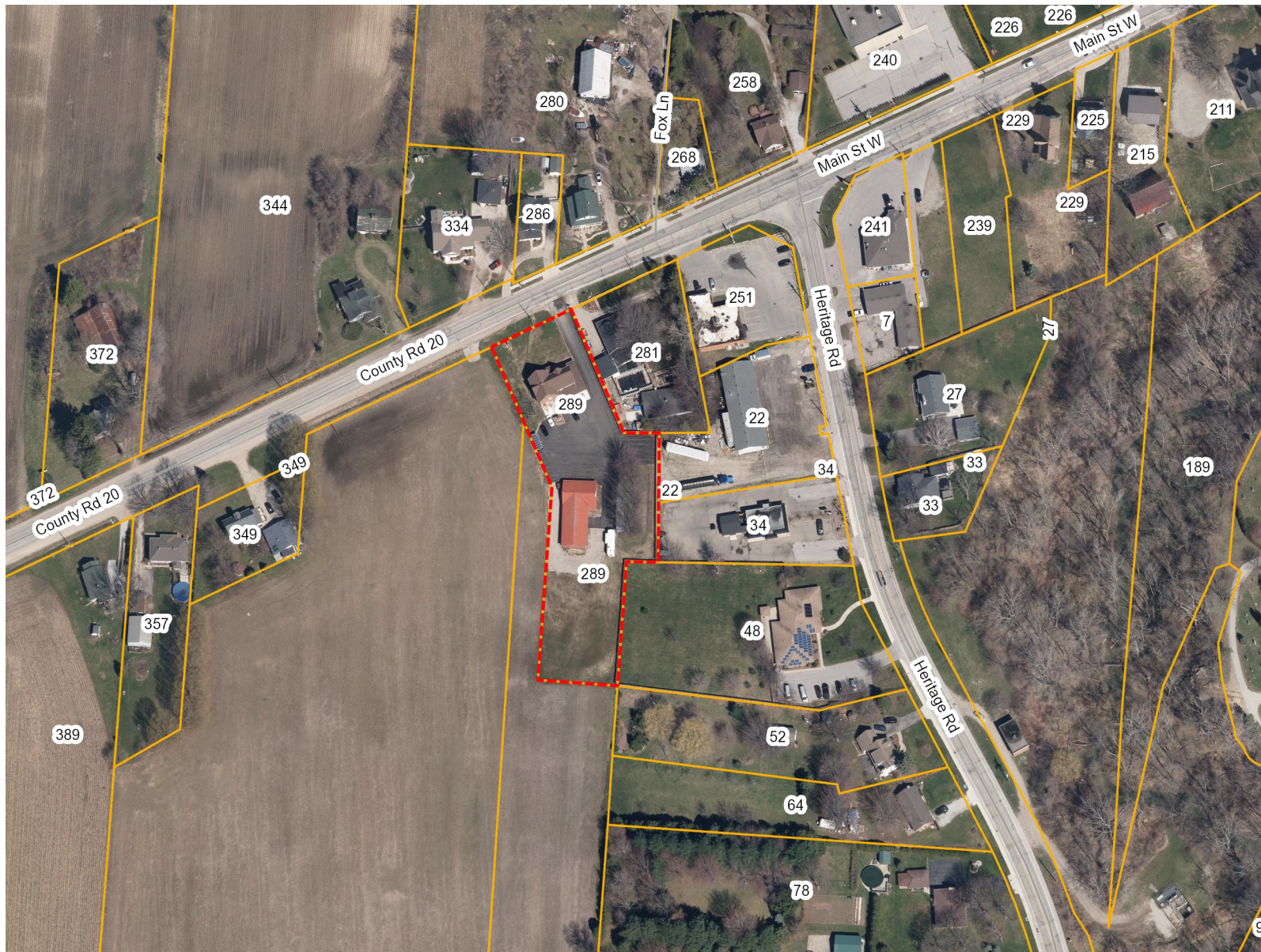
Robert Brown

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

Peggy Van Mierlo-West

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

Location Map - OPA/01/19 and ZBA/08/19



Legend

- Essex Municipalities
 - <all other values>
 - Kingsville
- Street
- Severance
- Kingsville Assessment

Notes

Red - 289 Main Street W

THIS MAP IS NOT TO BE USED FOR NAVIGATION
 Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

0 38.10 76.2 Meters

1: 2,285



4/12/2019



planning@erca.org

P.519.776.5209

F.519.776.8688

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

April 26, 2019

Mr. George Robinson, Town Planner
The Corporation of the Town of Kingsville
2021 Division Road North
Kingsville, Ontario, N9Y 2Y9

Dear Mr. Robinson:

RE: Zoning By-Law Amendment ZBA-08-19, Official Plan Amendment
OPA-01-19, 289 MAIN ST W
ARN 371102000001810; PIN: 751840862
Applicant: Ray Wall & Scott Shilson

The following is provided as a result of our review of applications for Zoning By-Law Amendment ZBA-08-19, and Official Plan Amendment OPA-01-19. We understand that the applicants wish to amend the Official Plan designation to allow for the addition to an existing accessory structure, which will be used as a fitness centre. Accordingly, it is also being requested that the Zoning be changed from the current "Residential Zone 1 Urban - holding (R1.1 (h) to "General Commercial (C4) with site specific regulations.

DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS (PPS, 2014) AND REGULATORY RESPONSIBILITIES OF THE CONSERVATION AUTHORITIES ACT

The following comments reflect our role as representing the provincial interest in natural hazards encompassed by Section 3.1 of the Provincial Policy Statement of the Planning Act as well as our regulatory role as defined by Section 28 of the Conservation Authorities Act.

We have reviewed our floodline mapping for this area and it has been determined this site is **not** located within a regulated area that is under the jurisdiction of the ERCA (Section 28 of the *Conservation Authorities Act*). As a result, a permit is not required from ERCA for issues related to Section 28 of the *Conservation Authorities Act*, Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservations Authorities Act*, (Ontario Regulation No. 158/06). We have also reviewed these applications with regard to the natural hazard policies of the PPS and have no objections.

WATERSHED BASED RESOURCE MANAGEMENT AGENCY

The following comments are provided in an advisory capacity as a public commenting body on matters related to watershed management.

SECTION 1.6.6.7 PPS, 2014 - Stormwater Management



Mr. Robinson
April 26, 2019

We recommend that the municipality ensure that the release rate for this 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., Windsor-Essex Region Stormwater Management Standards Manual).

We further recommend that the stormwater management analysis be completed to the satisfaction of the Municipality.

We do not require further consultation on this file with respect to stormwater management.

PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2014

The following comments are provided from our perspective as a service provider to the Municipality on matters related to natural heritage and natural heritage systems. The comments in this section do not necessarily represent the provincial position and are advisory in nature for the consideration of the Municipality as the planning authority.

The subject property is not within or adjacent to any natural heritage feature that may meet the criteria for significance under the Provincial Policy Statement (PPS 2014). Based on our review, we have no objection to the application with respect to natural heritage policies.

FINAL RECOMMENDATION

We have no objections to these applications for Official Plan Amendment or Zoning By-law Amendment.

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

Sincerely,



Corinne Chiasson
Resource Planner
/cor



April 15, 2019

Mr. George Robinson
Town of Kingsville
2021 Division Road North
Kingsville, Ontario
N9Y 2Y9

Dear Mr. Robinson:

Re: ZBA-08-19 & OPA-01-19, Ray Wall and Scott Shilson, Part Lots 4 & 5, Concession 1 WD, PT 1 12R-22209, South Side of County Road No. 20, West of County Road No. 50, Municipal Number 289 Main Street

Please be advised that the County Of Essex has reviewed the aforementioned application and the comments provided are engineering related only. This application has not been reviewed from a planning perspective. The subject lands have frontage on County Road No. 20. The Applicant will be required to comply with the following County Road regulations:

County By-Law Number 2481 – A By-Law to Provide for the Protection of Highways and to Provide for the Installation of Entrance Ways.

County By-Law 2480 – A By-Law of the Corporation of the County of Essex to Regulate the Location of Buildings and Structures on Land Adjacent To County Roads.

The minimum setback for any proposed structures on this property must be 85 feet from the centre of the original right of way of County Road No. 20. Permits are necessary for any changes to existing entrances and structures, of the construction of new entrances and structures.

We are requesting a copy of the Decision of the aforementioned application. Thank you for your assistance and cooperation in this matter.


April 6, 2019

Should you require further information, please contact Terri Marentette by email at tmarentette@countyofessex.ca or by phone at extension 1564

Regards,



Rebecca Belanger, MCIP, RPP
Manager, Planning Services

 519-776-6441 ext. 1325
TTY 1-877-624-4832

 360 Fairview Ave. W.
Suite # 302 Essex, ON N8M 1Y6

 countyofessex.ca



CORPORATION OF THE TOWN OF KINGSVILLE

OFFICIAL PLAN AMENDMENT NO. 10

Ray Wall - Howe Fit Inc.
289 Main Street West
Part of Lots 4 & 5, Concession 1 WD
PART 1, RP 12R22209
JUNE 2019

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	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. 63-2019

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW NO. 63-2019

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. 10 (OPA 10); 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 24th DAY OF JUNE 2019.

Mayor - Nelson Santos

Clerk - Jennifer Astrologo



2.0 Background

The former dwelling and detached accessory building were converted for retail use in 2016. The prospective purchaser (applicant) currently operates a fitness centre located at 106 Wile Ave. They are proposing to relocate to the subject property, constructing an addition to the existing accessory building to accommodate their fitness centre, renovate the former dwelling from the current retail use to office space, and expand the parking lot.

3.0 Purpose of this Amendment

The purpose of this amendment is to designate the entire property from its current mix of Highway Commercial, Residential, and Agriculture to Highway Commercial.

4.0 Location of this Amendment

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

Item 1:

Lands approximately 0.5 hectares (1.24 acres) in area as indicated on the attached schedule are to be designated as Highway Commercial on Schedule “A-2” in the Kingsville Official Plan.

5.0 Basis of this Amendment

The subject land totals 0.5 ha (1.238 ac.) and is located at what is considered the easterly limit of the Primary Settlement Area boundary for Kingsville. The former dwelling and detached accessory building were converted for retail use in 2016. The prospective purchaser (applicant) currently operates a fitness centre located at 106 Wigle Ave. They are proposing to relocate to the subject property, constructing an addition to the existing accessory building to accommodate their fitness centre, renovate the former dwelling from the current retail use to office space, and expand the parking lot. In order to proceed with the development a number of planning approvals are required as follows:

- 1) an Official Plan Amendment to designate the entire property from its current mix of Highway Commercial, Residential, and Agriculture to Highway Commercial;
- 2) a zoning by-law amendment to change the area currently zoned 'Residential Zone 1 Urban - holding (R1.1(h))' to 'General Commercial (C4)' and establish any required site-specific regulations.

The property does not currently have an approved site plan in place so if the requested amendments are approved the next step would be approval of a site plan for the proposed addition and development of the parking area.

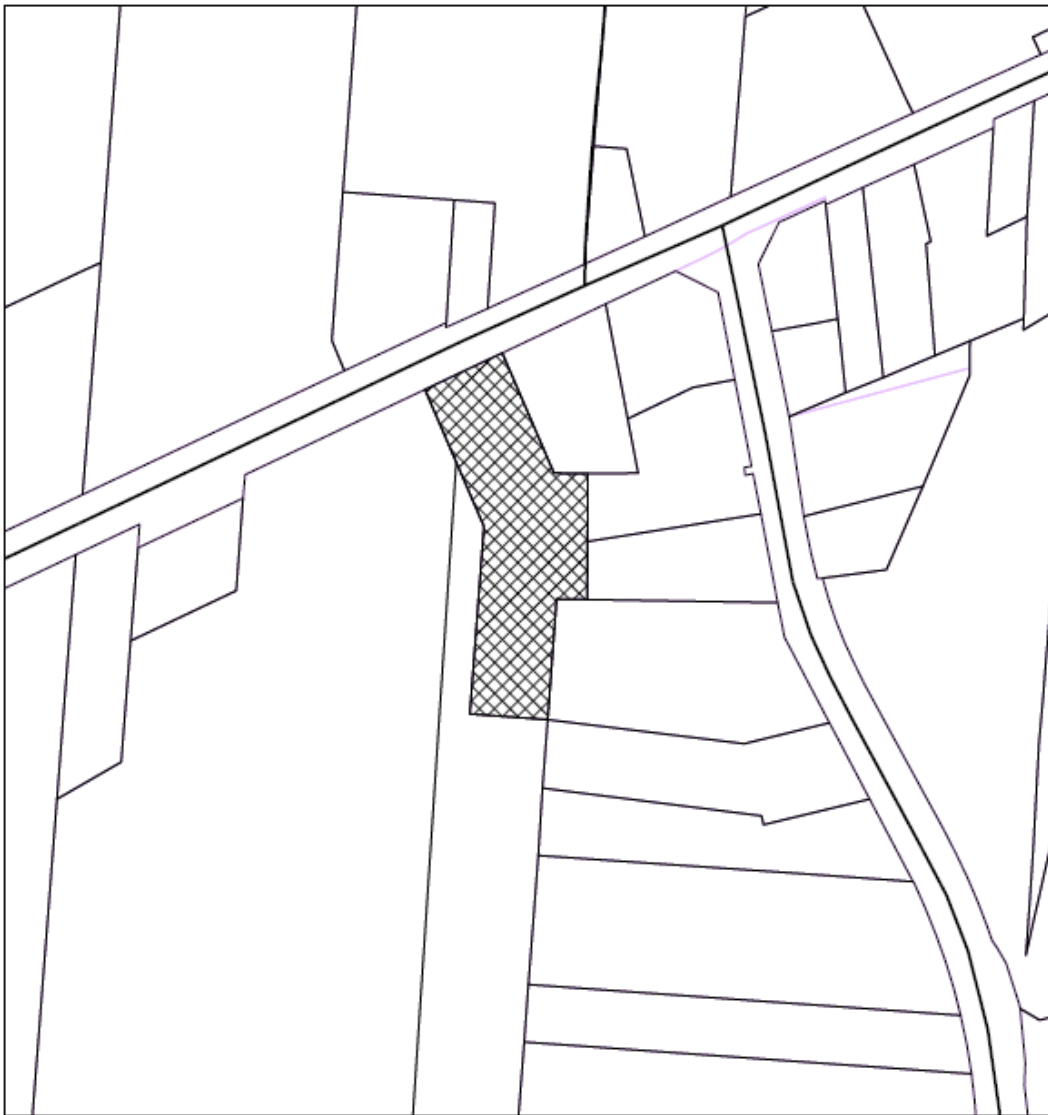
PART “B” - THE AMENDMENT

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. 10 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 the ‘Highway Commercial’ land use designation.

Schedule 1



0 20 40 80 120 160 Meters

289 MAIN STREET W
PART OF LOTS 4 & 5, CONCESSION 1
OPA/01/19



Map Schedule "A", (Land Use Plan) is hereby amended by changing the land use as shown on Schedule "1" in cross-hatch attached hereto from 'Agricultural', 'Highway Commercial', and 'Residential', to 'Highway Commercial'.

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 64 - 2019

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. 10 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 Subsection 8.4 e) GENERAL COMMERCIAL (C4) EXCEPTIONS is amended with the addition of the following new subsection:

8.4.6 'General Commercial Exception 6 (C4-6)'

For lands shown as C4-6 on Map 64 and Map 68 Schedule "A" of this By-law.

- a) ***Permitted Uses***
Those *uses permitted* under Section 8.4 General Commercial (C4).
 - b) ***Permitted Buildings and Structures***
Those *buildings and structures* for the *permitted uses*.
 - c) ***Zone Provisions***
All lot and building requirements shall be in accordance with the following:
 - i) All lot and building requirements for the permitted buildings and structures shall be in accordance with Subsection 8.4 of this By-law;
 - ii) Notwithstanding regulations and provisions for the (C4) zone the following special provisions shall apply to lands zoned (C4-6):
 - a) *Openings* (detailed in an approved site plan) on the east and south sides of a structure within 15.24 m (50 ft) of a Residential zone shall be limited to:
 - i) fixed pane windows and/or;
 - ii) fire exits as required by the Ontario Building Code.
 - iii) Notwithstanding Section 5.17 Table 5, the minimum number of *parking spaces* required for this site shall be 30 spaces.
2. Schedule "A", Map 64 and Map 68 of By-law 1-2014 are hereby amended by changing the zone symbol on an approximately 0.5 ha (1.24 ac) portion of land, known municipally as 289 Main Street W, in Part of Lots 4 & 5, Concession 1, as shown on Schedule 'A' in cross-hatch attached hereto from 'Agriculture (A1)', 'General Commercial (C4)', and 'Residential Zone 1 Urban – holding (R1.1(h))', to 'General Commercial Exception 6 (C4-6)'.

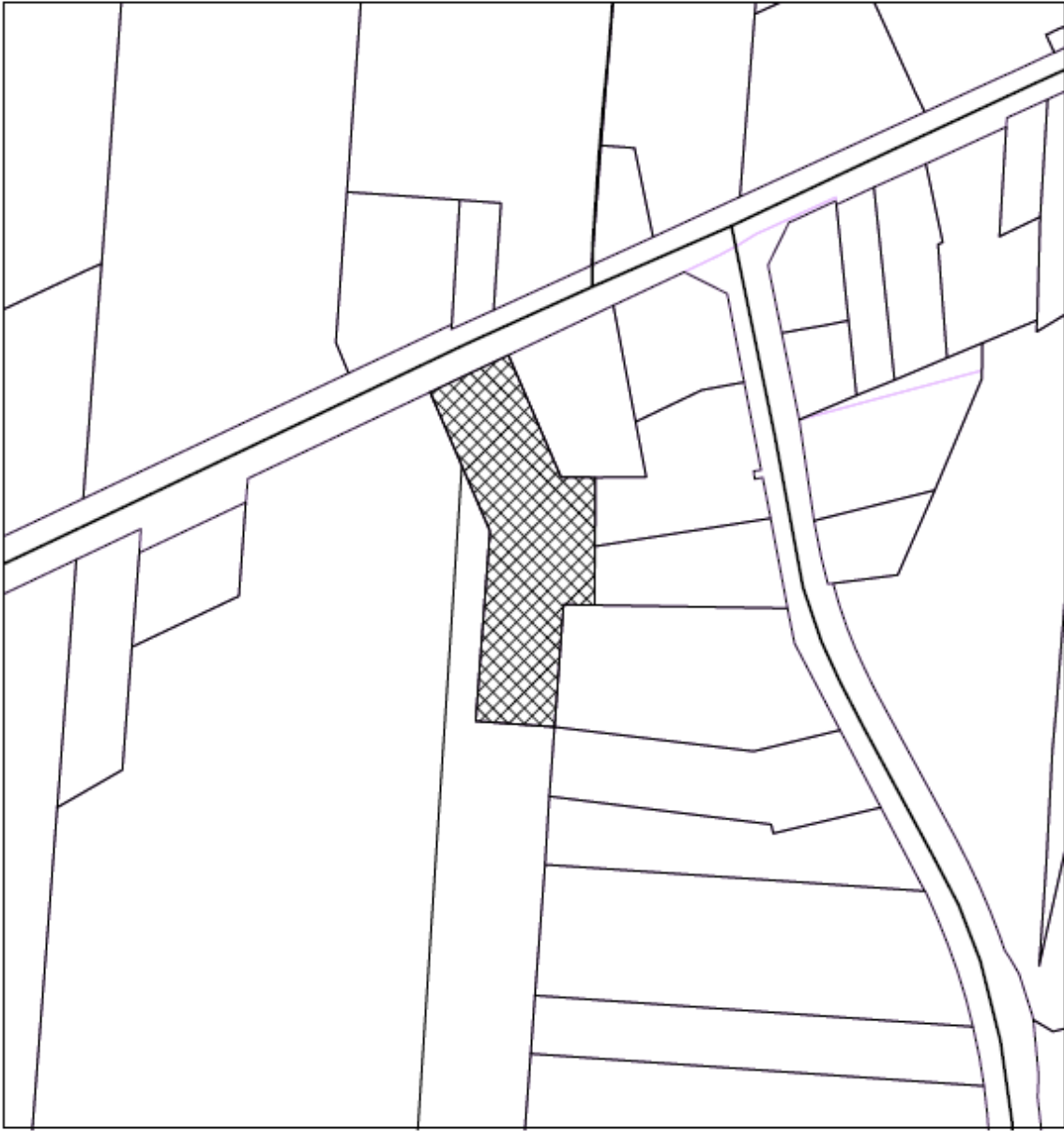
3. This by-law shall come into force and take effect from the date of passing by Council and shall come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990 Chapter P.13, as amended.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
24th DAY OF JUNE, 2019.**

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

Schedule A



0 20 40 80 120 160 Meters

289 MAIN STREET W
PART OF LOTS 4 & 5, CONCESSION 1
ZBA/08/19



Schedule "A", Map 64 and Map 68 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 (A1)', 'General Commercial (C4)', and 'Residential Zone 1 Urban – holding (R1.1(h))', to 'General Commercial Exception 6 (C4-6)'.

NOTICE OF COMPLETE APPLICATION AND PUBLIC MEETING: ZONING BY-LAW AMENDMENT

APPLICATION: **ZONING BY-LAW AMENDMENT - ZBA/35/18**
(Section 34 of the Planning Act, R.S.O. 1990, C.P. 13)

APPLICANTS: **Sharkheat Holdings Ltd. (Jeff Shepley)**

LOCATION OF PROPERTY: **1021 Oak Avenue, Part of Lot 16, Concession 1 WD**

PURPOSE OF APPLICATION: The Town of Kingsville has received the above-noted application for lands located on the south side of Oak Avenue, and on the corner of McCain Sideroad. The subject property is designated 'Lakeshore Residential West' by the Official Plan and zoned 'Lakeshore Residential (LR)' under the Kingsville Comprehensive Zoning By-law.

The subject land is approximately 854 sq m (9200 sq ft) with 24.4 m (80 ft) frontage onto McCain Sideroad. The applicant is looking to build a semi-detached dwelling on the property, with frontage onto Oak Avenue. The current zoning of the property only permits single detached dwellings. A site-specific zoning amendment is proposed to permit semi-detached dwellings, and address other site-specific regulations.

A PUBLIC MEETING OF COUNCIL will be held on:

WHEN: **June 24, 2019**
WHERE: Town of Kingsville Municipal Building – Council Chambers
TIME: 7:00 p.m.

Your input on these matters are important. If you have comments on this application, they may be forwarded in writing via email or mail, to the attention of: **George Robinson, Town Planner**, 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.

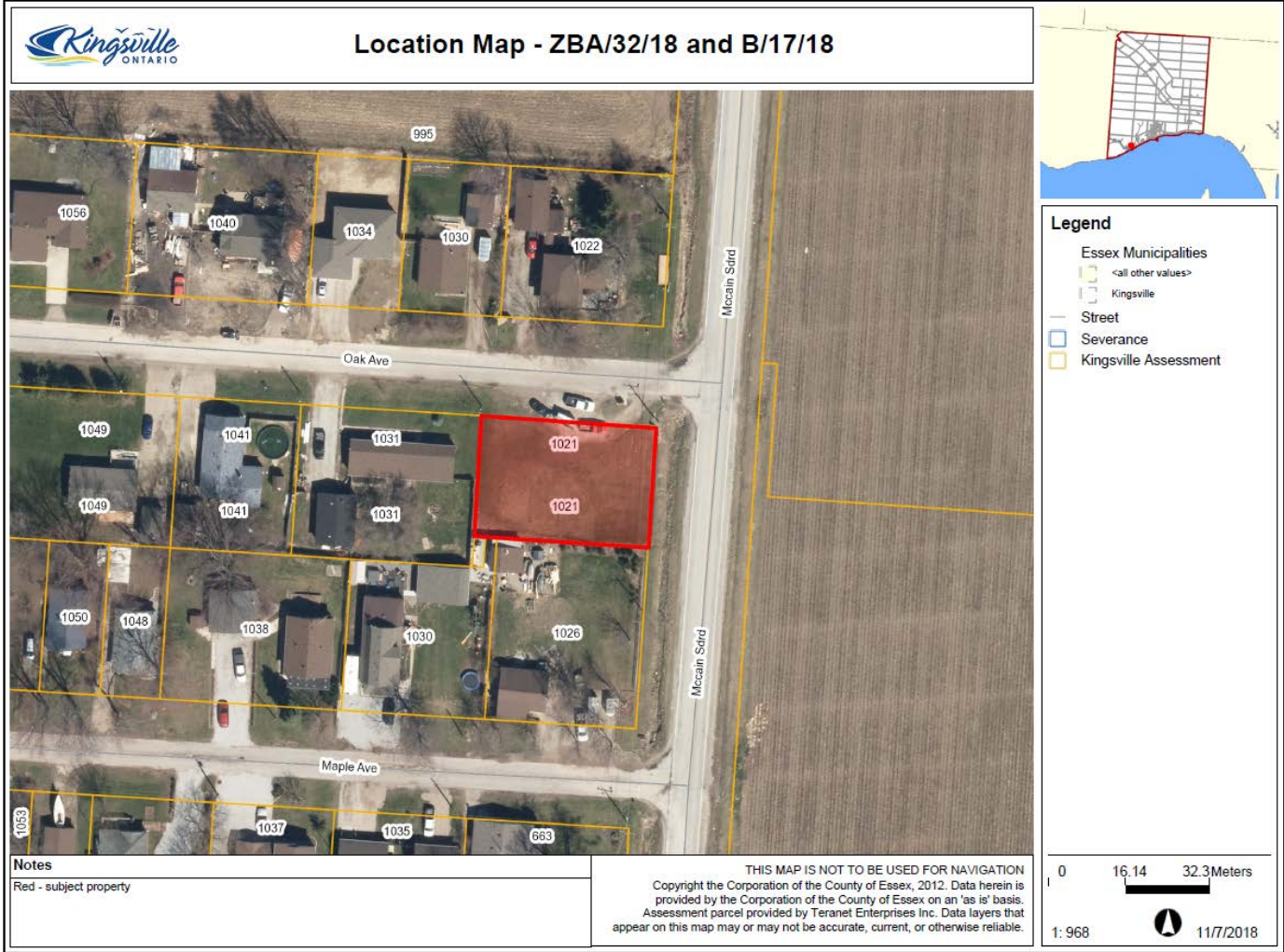
IF A PERSON or public body does not make oral submissions at the public meeting or make written submissions to Council before the by-law is passed, the person or public body is not entitled to appeal the decision of the Council to the Local Planning Appeal Tribunal.

IF A PERSON or public body does not make oral submissions at the public meeting, or make written submission to Council before the 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 do so.

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
on May 22, 2019.

George Robinson, BFA, BURPI, CPT
519-733-2305 (x 249)
grobinson@kingsville.ca





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

Date: June 14, 2019

To: Mayor and Council

Author: George Robinson, BFA, BURPI, CPT
Town Planner

RE: Application for Zoning By-law Amendment ZBA/32/18 by
Sharkheat Holdings Ltd. (Jeff Shepley) (Owner)
Edwin C. Hooker (Authorized Applicant)
1021 Oak Avenue
Lot 63 & 64, Plan 1378 Gosfield South, and Part 1, 12R10195, Part of
Lot 16, Concession 1 WD Roll number 3711 280 000 35700

Report No.: PDS 2019-027

AIM

To provide the Town of Kingsville Council with information regarding a requested Zoning By-law Amendment for lands known as 1021 Oak Avenue.

BACKGROUND

The subject land has an approximate lot area of 854 sq. m (9,200 sq. ft.) with 24.4 m (80 ft.) of frontage onto McCain Sideroad (see Appendix A). The applicant is proposing to build a semi-detached dwelling on the property, with frontage onto Oak Avenue. The current zoning of the property only permits single detached dwellings. A site-specific zoning amendment is proposed to permit semi-detached dwellings, and address other site-specific regulations based on the size of the existing parcel.

DISCUSSION

1) Provincial Policy Statement (PPS), 2014:

PPS, Section 1.1.3.1 states that, "Settlement areas shall be the focus of growth and development, and their vitality and regeneration shall be promoted." Section 1.1.3.3 further outlines that, "Planning authorities shall identify appropriate locations and promote opportunities for intensification and redevelopment where this can be accommodated taking into account existing building stock or areas, including

brownfield sites, and the availability of suitable existing or planned infrastructure and public service facilities required to accommodate projected needs.”

Comment: Semi detached housing development, such as that proposed, has been very limited for quite some time in this neighbourhood making the availability of this particular type of housing in short supply. The subject lot has been vacant since 1999.

2) County of Essex Official Plan

The County Official Plan is very similar to that of PPS in terms of applicable policies and encouragement of intensification of development within the Settlement Area boundaries. The proposed development would be consistent with the County Official Plan.

3) Town of Kingsville Official Plan

The subject property is designated ‘Lakeshore Residential West’ by the Official Plan and is within a Settlement Area. Goals and Policies for the ‘Lakeshore Residential West’ area are outlined in Section 3.6.4 (Page 48) of the Official Plan. Infilling of the existing development pattern where full municipal servicing exists is encouraged. The proposed development would be consistent with the Town of Kingsville Official Plan.

4) Comprehensive Zoning By-law

The subject property is currently zoned ‘Lakeshore Residential (LR)’ under the Kingsville Comprehensive Zoning By-law. The lot size is consistent with the existing lot fabric in the surrounding area, which has a variety of different lot sizes. Current zoning only permits Single detached housing where the applicant has applied to allow Semi-detached dwellings. This application would change the zoning to ‘Lakeshore Residential Exception 33 (LR-33)’ with the following regulations:

6.7.31 ‘Lakeshore Residential Exception 33 (LR-33)’ For lands shown as LR-33 on Map 64 Schedule “A” of this By-law.

a) *Permitted Uses*

Those uses permitted under Section 6.7 Lakeshore Residential (LR).

b) *Permitted Buildings and Structures*

- i) Those buildings and structures permitted in Section 6.7
- ii) Semi-detached dwelling
- iii) Semi-detached dwelling unit

c) *Zone Provisions*

All lot and building requirements shall be in accordance with the following:

- i. Provisions of the (LR) Section 6.7 shall apply to the lands Zoned (LR-33);

- ii. Notwithstanding the Zone provisions of Section 6.7, the following additional provisions shall apply to lands Zoned (LR-33):

	Single Detached dwelling	Semi-detached dwelling	Semi-detached dwelling unit
Lot area (min)	850 sq. m	850 sq. m	365 sq. m
Lot frontage (min)	24 m	24 m	19 m for an interior lot, and 15 m for a lot with an exterior side yard
Lot coverage (max)	50%	50%	50%
Building height (max)	11 m	11 m	11 m
Front yard (min)	6 m	4.5 m	5.48 m
Interior Side yard (minimum)	1.5 m	3.66 m	3.66 m
Exterior Side yard (min)	4.5 m	5.48 m	5.48 m
Rear yard (min)	7.5 m	7.5 m	3.66 m

LINK TO STRATEGIC PLAN

Manage residential growth through sustainable planning.

FINANCIAL CONSIDERATIONS

There will be an increase in assessed value as a result of this zoning amendment.

CONSULTATIONS

Public Consultations

In accordance to O. Reg 545/06 of the Planning Act, property owners within 120m of the subject site boundaries received the Notice of Public Meeting by mail. To date, no written comments have been received by members of the public. One phone call was received from a resident who was seeking additional information after receiving the public notice, but did not object to the application.

1) 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 mail and/or email.

Agency or Administrator	Comment
Essex Region Conservation Authority	<ul style="list-style-type: none">• No objections (See Appendix B).
Town of Kingsville Management Team	<ul style="list-style-type: none">• No concerns with the requested rezoning.• New service connections will be required to new buildings.• Entrance permits required for new driveways.• Lot grading plans required with any new Building Permit applications.
County of Essex	<ul style="list-style-type: none">• No comments received and none expected.

RECOMMENDATION

It is recommended that Council approve zoning by-law amendment application ZBA/32/18 to rezone the subject lands at 1026 Oak Avenue, Part of Lot 16, Concession 1 WD in the Town of Kingsville, from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 33 (LR-33)' and adopt the implementing by-law.

George Robinson

George Robinson, BFA, BURPI, CPT
Town Planner

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

Location Map - ZBA/32/18 and B/17/18



Legend

Essex Municipalities

<all other values>

Kingsville

Street

Severance

Kingsville Assessment

Notes

Red - subject property

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis. Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

0 16.14 32.3 Meters

1: 968



11/7/2018



regs@erca.org

P.519.776.5209

F.519.776.8688

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

April 5, 2019

Jeff Shepley
2964 County Rd 12
Essex ON N8M 2X6

Re: Application for Permit #195 - 19
Construct A 2-Unit Dwelling
Town of Kingsville
1021 OAK AVE

This is to inform you that your application has been approved. Your permit is enclosed. This permit is issued based on the fact that the proposed work complies with ERCA policies under Section 28 of the Conservation Authorities Act.

Please sign your permit, return a copy to this office by mail, e-mail or fax, and retain a copy for your records.

The minimum required provincial flood proofing elevation for all openings into this structure, including garage floor, basement window sills, vents etc., is 0.3 metres above the centreline of the roadway.

This approval does not negate your responsibility to obtain any other authorizations or clearances that may be necessary.

If you have any questions, please contact the undersigned at this office at (519)776-5209

Yours truly,

Dan Jenner
Regulations Analyst
/ag

C/ Peter Valore, *Chief Building Official* Town of Kingsville

**Permit For Development
Interference with Wetlands and
Alterations to Shorelines and Watercourses**

Permit No.
195 - 19

This permit is issued under the authority and provisions of the following indicated Provincial Act(s) and their regulations, and is subject to the limitations and provisions thereof and is also subject to the terms and conditions herein.

Section 28, Conservation Authorities Act as amended

In accordance with the above referenced legislation permission has been granted to:

Name of Permittee	Jeff Shepley	Telephone	519-776-4601
Address	2964 County Rd 12, Essex ON N8M 2X6		
Location of Works	1021 OAK AVE		
Legal description	Lot 16	Concession	CON 1 WESTERN DIVISION
Municipality	Town of Kingsville		

For the following works:

Development (Construct A 2-Unit Dwelling) within the regulated area of the McCain Sideroad Drain

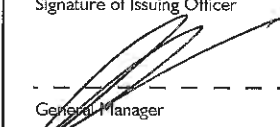
For the period commencing April 2019 and expiring April 2020

Subject to the following general and specific conditions:

General Conditions: **See Reverse Side.**

- Specific Conditions:
- The Permittee shall keep this permit or a true copy thereof on the work permit area.
 - The person in charge of the operation conducted under this permit shall produce and show this permit or the true copy kept on the work permit area to any representative of the ERCA or The Crown when requested by same.
 - Other conditions as listed on the reverse side of this permit, as well as the information contained in Schedule(s) "B" attached, form part of this permit and must be implemented in order that the true intent of the permit be achieved.

I agree to carry out or cause to be carried out the work(s) indicated above in compliance with the general and specific conditions set out herein, and in accordance with the information contained in the application and any accompanying plans. I realize that should I carry out the work(s) contrary to the terms of this permit that this permit may be revoked.

Signature of Issuing Officer	Signature of Applicant
	
General Manager	

Dated at Essex, Ontario this **5th** day of **April 2019**.

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 62 - 2019

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. That Subsection 6.7 e) LAKESHORE RESIDENTIAL (LR) EXCEPTIONS is amended with the addition of the following new subsection:

6.7.33 'Lakeshore Residential Exception 33 (LR-33)'

For lands shown as LR-33 on Map 64 Schedule "A" of this By-law.

- a) ***Permitted Uses***
Those uses permitted under Section 6.7 Lakeshore Residential (LR).
- b) ***Permitted Buildings and Structures***
 - i) Those buildings and structures permitted in Section 6.7
 - ii) Semi-detached dwelling
 - iii) Semi-detached dwelling unit

c) *Zone Provisions*

All lot and building requirements shall be in accordance with the following:

- i. Provisions of the (LR) Section 6.7 shall apply to the lands Zoned (LR-33);
- ii. Notwithstanding the Zone provisions of Section 6.7, the following additional provisions shall apply to lands Zoned (LR-33):

	Single Detached dwelling	Semi-detached dwelling	Semi-detached dwelling unit
Lot area (min)	850 sq. m	850 sq. m	365 sq. m
Lot frontage (min)	24 m	24 m	19 m for an interior lot, and 15 m for a lot with an exterior side yard
Lot coverage (max)	50%	50%	50%
Building height (max)	11 m	11 m	11 m
Front yard (min)	6 m	4.5 m	5.48 m
Interior Side yard (minimum)	1.5 m	3.66 m	3.66 m
Exterior Side yard (min)	4.5 m	5.48 m	5.48 m
Rear yard (min)	7.5 m	7.5 m	3.66 m

2. Schedule "A", Map 62 of By-law 1-2014 is hereby amended by changing the zone symbol on an approximately 854 m² (9200 sq ft) portion of land, known municipally as 1021 Oak Avenue, in Part of Lot 16, Concession 1, as shown on Schedule 'A' in cross-hatch attached hereto from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 33 (LR-33)'.
3. 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 34 of the Planning Act.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24th DAY OF JUNE, 2019.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

Schedule A



0 15 30 60 90 120 Meters

1021 OAK AVENUE
PART OF LOT 16, CONCESSION 1
ZBA/32/18



Schedule "A", Map 60 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 33 (LR-33)'



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

Date: June 24, 2019
To: Mayor and Council
Author: Roberta Baines, Deputy Clerk – Administrative Services
RE: Animal Control - Cats
Report No.: CS-12-2019

AIM

To provide Mayor and Council with an overview of animal control relating to cats.

BACKGROUND

On May 7, 2019, a complaint was received through the Kingsville Works email regarding cats and the need for better animal control enforcement. Corporate Services also received a delegation request from a resident who is seeking a cat licensing by-law.

The Town's current animal control by-law (By-law 23-2001 Keeping of Animals) states in section 2(b) that no person shall keep in any urban area more than three (3) cats. The fine for contravention to this section of the by-law is \$105. Urban area is defined as those areas within the Town of Kingsville that are zoned residential. Also, section 5(a) states that no person who owns any animal shall permit such animal to be at large within the Town of Kingsville. This also carries a \$105 fine, but proving cat ownership is a challenge.

DISCUSSION

The issue of cats trespassing on neighbouring properties is not new. In addition to the Town's animal control by-laws, there have been two initiatives implemented over the years to help control the cat population. In 2005, the Town entered into an agreement with the Humane Society for the Cat Intake Program. The intent of this program is to control the number of stray cats (lost and abandoned pets) running at large within the Town. The Humane Society acts as the drop-off location for residents to drop off these stray cats. When cats are brought in, they are examined, vaccinated, spayed or neutered if needed, and either put up for adoption or released back in the area. Since its inception, over 1600 cats have been brought in to the Humane Society. In 2011, the cat intake program peaked

at 210 cats and since 2015 it has been holding steady at an average of 113 cats per year brought in by Kingsville residents.

A second initiative, the Spay or Neuter Voucher Program, was implemented in 2014. This program is designed to help control the overpopulation of feral cats. With the implementation of the ear-tipping requirement in 2017 for feral cats, this program continues to be in high demand with residents. (Please see information leaflet attached as Appendix A). All of the vouchers for 2019 have been issued and there is a waiting list of residents wanting vouchers. Each voucher is worth \$75 and is valid for 90 days. Trapping the feral cat is a challenge and the main reason why some vouchers are not redeemed. Expired and unused vouchers are re-issued as new vouchers to residents on the waiting list.

Licensing cats is not as common as dog licensing. Some of the larger municipalities across the province such as Guelph, London, Toronto and Brampton have imposed mandatory cat licensing. Interestingly, in the City of Hamilton, registration is voluntary. Residents are encouraged to buy a cat registration tag for a one-time fee of \$13 to help their lost or strayed cat return to their homes. None of the municipalities in Essex County license cats. Instead, those municipalities have implemented by-laws to limit the number of cats per dwelling.

Kingsville shares animal control services with the Municipality of Leamington, including operation of the pound facilities. The Town's Animal Control Officer is not authorized to seize and impound cats found running at large. Such authority is outside the scope of the contract and is not provided for within any Town by-laws. Moreover, the Town does not have the facilities to house impounded cats. As previously mentioned, the Town regulates the number of cats per household in an urban area and the Animal Control Officer can enforce this provision of the by-law.

In addition to the animal control contract and by-law restrictions, the following are some additional reasons why the Town would not be able to implement cat licensing:

- Lack of office staff and by-law enforcement resources
- Lack of facilities to house impounded cats
- Budget constraints
- Contract provider for animal control does not have the staff resources

Aside from moving to a licensing regime, there are other means to address this issue and enhance the policies and programs currently in effect:

- When the animal control by-law is reviewed and consolidated, there may be an opportunity to strengthen the language dealing with responsible pet ownership and nuisance control.
- Additional advertising may assist to further promote the Spay/Neuter and Cat Intake Programs.
- Council may want to consider increasing the budget in 2020 for the Spay/Neuter Program given its demand.

Whether it be letting the pet cat roam outdoors beyond their control, feeding strays or taking care of a feral cat colony, residents need to take responsibility and help prevent neighbourhood conflicts from arising. Responsible pet owners make good neighbours.

LINK TO STRATEGIC PLAN

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

FINANCIAL CONSIDERATIONS

None

CONSULTATIONS

Animal Control Officer for Kingsville
Windsor Essex Humane Society

RECOMMENDATION

That Council receives the report relating to licensing of cats for information purposes.

Roberta Baines

Roberta Baines, BA
Deputy Clerk – Administrative Services

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

Have you seen a cat with an ear like this?



Ear tipped means “taken care of”

These cats have been ear tipped to mark them as spayed, neutered and vaccinated as part of a Trap-Neuter-Return (TNR) Program. These cats should never be re-trapped or brought to the humane society, unless they are sick or injured. They are cared for and monitored right where they are, in their outdoor home.

Studies have shown by just being there, they prevent other cats from moving into the area. And because they have been fixed, they will never have litters of kittens, which means over time, the population will be reduced.



For more information, contact the Windsor/Essex County Humane Society at 519-966-5751 or email ferals@windsorhumane.org



5 Easy Steps for Humanely Deterring Cats

1. Talk to your neighbors. Determine whether the cats are pets, stray, or feral, and if they have been spayed or neutered. If not, make an appointment with a feral-friendly veterinarian and find tips for TNR at alleycat.org/TNR.
2. Apply nontoxic deterrents around your yard.
3. Put a tight lid on your trash can.
4. Block gaps in the foundation of sheds and porches.
5. Use a cover to keep paw prints off your car.

Local Organization Contact:



7920 Norfolk Avenue, Suite 600
Bethesda, MD 20814-2525
Phone: (240) 482-1980

alleycat.org



How to Live With Cats in Your Neighborhood



What is a community cat?

Community cats, also called feral cats, are unowned cats who live outdoors. Like indoor cats, they belong to the domestic cat species (*felis catus*). However, community cats are generally not socialized, or friendly, to people, and are therefore unadoptable. They live full, healthy lives with their feline families, called colonies, in their outdoor homes.

Cats living outdoors is nothing new. It wasn't until kitty litter was invented in the late 1940s that some cats began living strictly indoors. But community cats truly thrive in their outdoor homes. The tips in this brochure will help you coexist with community cats.

Why do I see community cats in my neighborhood?

Community cats live outdoors. Like all animals, community cats settle where food and shelter are available, and they are naturally skilled at finding these on their own.

Because they are unsocialized, community cats can't live indoors with people, and are therefore unadoptable. Community cats should not be taken to animal shelters—nationwide, virtually 100 percent of community cats taken to shelters are killed there. Trap-Neuter-Return (TNR) is the humane, effective, and mainstream approach to addressing community cat populations.

What is Trap-Neuter-Return?

In a TNR program, community cats are humanely trapped, brought to a veterinarian to be spayed or neutered, vaccinated, eartipped (the universal sign that a cat is part of a TNR program), and then returned to their outdoor homes. Kittens less than 8 weeks old can be socialized and then adopted. Adult cats who are socialized can be adopted, but they can also be returned outdoors, where they will continue to thrive.

TNR improves cats' lives and provides an effective, humane, and collaborative way for communities to coexist with cats. To learn more, including how to conduct TNR, visit alleycat.org/TNR.

What does the Vacuum Effect have to do with TNR?

The Vacuum Effect has been documented worldwide in many species, including community cats. Animal control's typical approach has been to catch and kill community cats. While this may temporarily reduce the number of community cats in a given area, it is ultimately counterproductive, as the population of cats rebounds. Other cats move into the newly available territory and continue to breed—this phenomenon is called the Vacuum Effect. It's why catch and kill doesn't work. TNR is the only effective and humane approach to address community cat populations. Learn more at alleycat.org/VacuumEffect.



What You Should Do If...

Cats are getting into your trash.

REASON: Cats are looking for food.

QUICK TIPS:

- **Secure your trash can with a tight lid or bungee cords.** This will protect your trash from wildlife as well.
- **Find out if neighbors are feeding the cats.** If they are, make sure they are following best practices. Learn more at alleycat.org/BestPractices.
- **Consider feeding the cats yourself if you find no regular caregiver.** Feeding cats using best practices will help ensure they don't get hungry enough to get into trash.



Feeding stations provide cats with a designated area to eat. Find tips for building or buying feeding stations at alleycat.org/FeedingStations.

Cats are digging in your garden.

REASON: It is a cat's natural instinct to dig in soft or loose soil, moss, mulch, or sand.

QUICK TIPS:

- **Put out fragrances that keep cats away.** Scatter fresh orange or lemon peels. Wet coffee grounds—which you may be able to get for free from coffee houses and fast food chains—and metal pans filled with vinegar also deter cats.
- **Make an outdoor litter box away from your garden** by tilling the soil or placing sand in an out-of-the-way spot in your yard. Clean the area frequently.
- **Use plastic carpet runners**, spike-side up, covered lightly in soil. They can be found at hardware or office supply stores. You can also set chicken wire firmly into the dirt (roll sharp edges under), arrange branches or sticks in a lattice pattern, or put wooden or plastic fencing over soil.
- **Get the Cat Scat Mat**, a nonchemical cat deterrent consisting of plastic mats that are cut into smaller pieces and pressed into the soil (seen below). Each mat has flexible plastic spikes that are harmless to cats and other animals but discourage digging.



The Cat Scat Mat is a safe deterrent to use in your garden.

- **Get motion-activated sprinklers.**
- **Cover exposed ground in flower beds** with large river rocks to prevent cats from digging. Rocks have the added benefit of deterring weeds.

Cats are lounging in your yard or porch, or on your car.

REASON: Cats tend to remain close to their food source.

QUICK TIPS:

- **Shift the cats' food source to a less central location**, where you won't mind if they hang out.
- **Apply fragrances that deter cats** around the edges of your yard, the tops of fences, and on any favorite digging areas or plants. See "Cats are digging in your garden" for a list of cat-detering fragrances.
- **Install an ultrasonic deterrent** or a motion-activated sprinkler. You can find humane deterrent products at garden supply stores.
- **Use a car cover** or place carpet runners on top of your car to avoid paw prints.



Cats who are missing the tip of one ear have been eartipped—the universal sign that a cat is part of a TNR program.

Cats are sleeping under your porch or in your shed.

REASON: The cats are looking for a dry, warm shelter away from the elements.

QUICK TIPS:

- **Provide covered shelter.** Or, if the cats have a caregiver, ask the caregiver to provide covered shelter. Shelters should be placed in quiet areas away from traffic. Find tips to build or buy shelters at alleycat.org/ShelterGallery.
- **Block or seal the area where the cats enter** with chicken wire or lattice, but only once you are absolutely certain no cats or kittens are inside.

Feeding cats attracts insects and wildlife.

REASON: Leaving food out for too long can attract other animals.

QUICK TIPS:

- **Feed the cats at the same time and location each day.** They should be given only enough food to finish in one sitting. If another person is caring for the cats, ask them to follow these guidelines. For more colony care guidelines, visit alleycat.org/ColonyCare.
- **Keep the feeding area neat** and free of leftover food and trash.

Cats are yowling, fighting, spraying, roaming, and having kittens.

REASON: These are mating behaviors. Once the cats are spayed or neutered, these behaviors will stop.

QUICK TIPS:

- **Conduct TNR for the cats.** TNR stops mating behaviors and ensures no new kittens are born.
- **Find more information about TNR at alleycat.org/TNR.** Get help from local community cat experts by requesting a list of Alley Cat Allies' Feral Friends Network members in your area at alleycat.org/FindFeralFriends.

Please remember: **Do not** take community cats to animals shelters. They are feral—or unsocialized to people—and therefore unadoptable. This means virtually 100 percent of community cats taken to shelters are killed there. Instead, community cats should be neutered, vaccinated, and returned to their outdoor homes.



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

Date: June 17, 2019
To: Mayor and Council
Author: Ken Vegh, CRS
RE: Train Court Update
Report No.: MS 2019-30

AIM

The aim of this report is to provide Council with an update of the drainage issues of Train Court.

BACKGROUND

286-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly Deyong

That Council direct Administration to provide an update as to the past drainage studies regarding the site (field) and adjacent lands near Train Court, including options and recommendations, and further, That Council directs Administration to notify the Train Court and other residents in the vicinity as to the date the report is being presented to Council.

The Municipal Services Department has been aware of the drainage concerns within this area Since July of 2015. A petition was submitted under Section 4 of the Drainage Act in July of 2015. The three (3) signatures on the petition were as follows:

1. Michael and Rebecca Foldesi
2. Anna Jugovic
3. Town of Kingsville (as a landowner and not the Road Authority)

In September of 2015 the engineering firm of N.J. Peralta was appointed to deal with the drainage works described in the petition.

Notices were issued to all potentially affected landowners to attend a meeting on January 6, 2016. A total of 17 people attended with 13 properties being represented.

At this meeting the landowners were advised that a Drainage Petition was submitted to address the current flooding situation. Considerable discussions regarding the extent of the flooding and each landowner expressed their concerns. Many landowners expressed their opinion that the flooding had been ongoing since the homes were initially constructed.

In accordance with Section 4 of the Drainage Act a review of the “Area Requiring Drainage” was performed by the engineer. The review found that there are eight (8) properties that require drainage. This area consists of approximately 6,418 square metres.

Section 4. (1) (a) requires that “the majority in number of the owners, as shown by the last revised assessment roll of lands in the area, including any owners of roads in the area”.

Based on the review of the engineer only three (3) of the eight (8) properties within the Area Requiring Drainage signed the petition and at least two (2) more landowners would need to sign the petition to make it valid. Without a valid petition we could no longer proceed under the laws of the Drainage Act.

Since the attempt to solve the drainage issues through the Drainage Act process failed, the process of entering into a Mutual Drain Agreement with the lands owned by Sam Youssef, Essex Region Conservation Authority and the Town of Kingsville. Negotiations between the three (3) parties was a challenging process. It was during these negotiations that the Municipal Services, in an attempt to alleviate the drainage concerns constructed a surface water catchment system on Town property at the east of Gladstone Ave. This catchment system was installed in the spring of 2017.

It was not until the spring of 2019 that we were informed that the catchment system was not sufficient during significant rain events such as the three (3) day rain event which occurred Easter weekend 2019. It was at this time Municipal Services began internal discussions to develop additional catchment system designs.

DISCUSSION

Municipal Services is currently in the process of obtaining easement rights to install additional catchment systems on two properties. Once the legal requirements have been achieved then construction of the surface water collection system that has been approved by our drainage engineer will begin. It is anticipated that this process will commence in the summer of 2019

LINK TO STRATEGIC PLAN

To become a leader in sustainable infrastructure renewal and development.

FINANCIAL CONSIDERATIONS

The estimated cost of \$30,000 to obtain the easements as well as the construction of the surface water catchment system will be absorbed within the Municipal Services drainage budget.

CONSULTATIONS

Municipal Services- Internal Review
N.J. Peralta Engineering

RECOMMENDATION

That Council receive this report regarding drainage issues on Train Court for information purposes.

Ken Vegh

Ken Vegh, CRS
Drainage Superintendent

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: June 17, 2019

To: Mayor and Council

Author: Tim Del Greco, Manager of Municipal Services

RE: Cottam Sanitary Lagoons – Engineering RFP

Report No.: MS 2019 – 29

AIM

To seek Council approval to award a Request for Proposal (“RFP”) for engineering services pertaining to the Cottam Sanitary Sewage Lagoons.

BACKGROUND

Sanitary sewage within the Cottam Collection System flows to a lagoon facility located at 168 County Road 27. This facility, which consists of two cells (ponds) and an intermittent sand filter bed, provides the required treatment of sanitary influent.

New sanitary connections during recent years has led to increased flows within the collection system. As a result, Cottam Lagoons are now operating at or near peak capacity. Consequently, development within the Cottam Collection Area is on indefinite hold until additional sanitary capacity is secured.

Increasing capacity of the Cottam Lagoons through expansion is a project that is identified in the 2017 Kingsville Development Charges Background Study. Further, funding is allocated in the 2019 Kingsville Capital Budget for procurement of engineering services pertaining to an expansion of Cottam Lagoons.

DISCUSSION

In 2009, Stantec Consulting was retained to perform an analysis of the Cottam Lagoons and provide recommendations for increasing treatment capacity. The analysis concluded with a recommendation that an aeration pond as well as a third cell (pond) be constructed. Upon completion, it is approximated that an additional 500 cubic meters of daily sanitary sewage treatment will be available. This equates to approximately 265 new residential connections. It has further been identified that this construction can be sub-phased allowing for a portion of capital costs to be deferred and triggered by community growth while still providing a marginal increase in capacity. A sub-phased approach would consist

of third cell construction followed by future construction of an aeration pond once warranted.

With this sub-phased approach in mind, a RFP for engineering services (pertaining to third cell construction only) was advertised to the public on February 12th, 2019 and closed on March 22nd, 2019.

The results (excluding HST) are as follows:

Contractor/Vendor Name	Bid Amount
Dillon Consulting Inc.	\$ 118,340.40

Only one proposal was submitted in response to this tender. Workload and availability of personnel was a key concern from other vendors likely resulting in their no-bid response.

Dillon's proposal was evaluated against several criteria including experience with similar projects, qualifications of personnel, understanding of project scope, proposed work plan and overall cost. Dillon is able to satisfy requirements relating to the above criteria and therefore the recommendation is to proceed with this vendor.

Dillon is capable of completing all engineering and design prior to year end. Tendering for construction can be completed in the first quarter of 2020 should Council approve of such works in the 2020 Capital Budget.

LINK TO STRATEGIC PLAN

To become a leader in sustainable infrastructure renewal and development.

FINANCIAL CONSIDERATIONS

\$240,000 is approved in the 2019 Capital Budget for engineering services associated with increasing capacity of the Cottam Lagoons.

Should the Town elect to proceed with construction following completion of engineering, significant working capital will be required. Estimates, which include engineering and both third cell and aeration pond construction, hover around \$3,000,000.

All of the above project costs are eligible for funding via development charges (DC's). However, it is unlikely the Town will have sufficient DC funding in 2020 to proceed with construction. Other growth related projects, including Lakeside Park sanitary twinning and the expansion of watermain into the south west service area, are likely to exhaust the current availability of DC funds.

The Town can fund this project through unrelated reserve accounts so long as such accounts are re-paid through the collection of future development charges. Negotiating an agreement with interested developers to pre-pay their DC's is also an option.

CONSULTATIONS

Municipal Services Department

Dillon Consulting

Stantec Consulting

Various Developers of the Cottam Area

RECOMMENDATION

That Council award the Request for Proposal (File # 19-201) for engineering services pertaining to expansion of the Cottam Sanitary Sewage Lagoons to Dillon Consulting.

Tim Del Greco

Tim Del Greco, P.Eng
Manager of Municipal Services

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: June 10, 2019
To: Mayor and Council
Author: Tim Del Greco, Manager of Municipal Services
RE: 2019 Bridge Program Tender Results
Report No.: MS 2019 – 28

AIM

To seek approval from Council on various bridge rehabilitation and reconstruction projects.

BACKGROUND

Biennial inspection of bridges and culverts with a span equal to or exceeding 3.0 meters in length is mandated by the Public Transportation and Highway Improvement Act. In 2017, Keystone Bridge Management Corporation was procured to facilitate such inspection within the Town of Kingsville. Following inspection, a report was generated for each bridge and culvert indicating current condition ratings, recommendations for rehabilitation or replacement if required, and an estimation of costs for any recommended works.

DISCUSSION

The 2019 Kingsville Capital Budget includes three bridge rehabilitation and reconstruction projects.

North Talbot Road – Maddox Drain Culvert Rehabilitation

\$30,000 is allocated in the capital budget for engineering and minor rehab of this structure. The intent was to address the deficiencies identified during the 2017 bridge inspection program. However, during further site review in 2019, it was determined that the recommended rehab is mainly cosmetic in nature (not structural). Therefore, the recommendation is to not proceed with any repairs in 2019.

South Talbot Road – Boose Drain Culvert Reconstruction

South Talbot Road Culvert over Boose Drain is a concrete culvert built in 1930 and measures 6.6 meters in length and 3.85 meters in width. The 2017 bridge inspection report indicates the following deficiencies:

- Cracking throughout walls and soffit

- Scaling of concrete walls
- Disintegration of wingwalls and footings
- Poor material condition

Based on the above conditions, the engineer's recommendation is to remove and replace the culvert.

Dillon Consulting was retained in 2018 to begin preparation of the necessary drawings, specifications, and tender documents. The final tender package seeking culvert replacement was advertised to the public on May 24th, 2019 with a closing date of June 7th, 2019. The results (excluding HST) are as follows:

Contractor/Vendor Name	Bid
Sterling Ridge Infrastructure	\$ 296,800
Southshore Contracting	\$ 333,323
Nevan Construction	\$ 333,870

Sterling Ridge is able to satisfy requirements relating to experience with similar projects, bonding, and insurance while providing the lowest cost proposal. Therefore, the recommendation is to proceed with this vendor. Dillon Consulting also conducted a review of the tender results (see Appendix A) and have provided the same endorsement of Sterling Ridge.

Cedar Island Road – Wigle Creek Bridge Rehabilitation

Cedar Island Bridge is a steel girder bridge built in 1957 and measures 32 meters in length and 7.8 meters in width. The 2017 bridge inspection report indicates the following deficiencies:

- Spalling and disintegration of sidewalk
- Disintegration of retaining walls
- Steel railings splitting and unstable

Based on the above conditions, the engineer's recommendation is to proceed with rehabilitation.

Art Engineering was retained in 2019 to begin preparation of the necessary drawings, specifications, and tender documents. The final tender package seeking rehabilitation was advertised to the public on May 7th, 2019 with a closing date of May 21st, 2019. The results (excluding HST) are as follows:

Contractor/Vendor Name	Bid
Elmara Construction	\$ 93,250
Facca Incorporated	\$ 154,963

Elmara Construction is able to satisfy requirements relating to experience with similar projects, bonding, and insurance while providing the lowest cost proposal. Therefore, the recommendation is to proceed with this vendor. Art Engineering also conducted a review of the tender results (see Appendix B) and have provided the same endorsement of Elmara Construction.

LINK TO STRATEGIC PLAN

To become a leader in sustainable infrastructure renewal and development.

FINANCIAL CONSIDERATIONS

The following table provides a financial summary of the 2019 bridge program:

Project Name	Cost (including engineering)	Budget	(Surplus) / Deficit
North Talbot Road – Maddox Drain Culvert Rehabilitation	\$ 0	\$ 30,000	(\$ 30,000)
South Talbot Road – Boose Drain Culvert Reconstruction	\$ 378,800	\$ 547,000	(\$ 168,200)
Cedar Island Road – Wigle Creek Bridge Rehabilitation	\$ 107,250	\$ 50,000	\$ 57,250
		Total	(\$ 140,950)

Results of the Cedar Island Bridge Rehabilitation Tender were higher than expected. Regardless, a surplus is still anticipated upon completion of the 2019 bridge program. Therefore, reallocating funds in order to facilitate rehab of Cedar Island Bridge is recommended.

CONSULTATIONS

Dillon Consulting
Art Engineering
Kingsville Municipal Services Department
E.R.C.A.

RECOMMENDATION

That Council authorize the Mayor and Clerk to execute an agreement with Sterling Ridge Infrastructure for replacement of the South Talbot Road Culvert over Boose Drain;

And That Council authorize the Mayor and Clerk to execute an agreement with Elmara Construction for rehabilitation of the Cedar Island Road Bridge;

And That Council authorize the use of surplus funds from account # 130-360-71826 and account # 130-360-71827 in order to facilitate rehab of Cedar Island Bridge.

Tim Del Greco

Tim Del Greco, P.Eng
Manager of Municipal Services

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



Our File: 18-7521 (Corr.)

June 10, 2019

SENT VIA EMAIL AND MAIL

Corporation of the Town of Kingsville
2021 Division Road North
Kingsville, ON
N9Y 2Y9

Attention: Tim Del Greco,
Manager of Municipal Services

**Replacement of South Talbot Road Culvert (#46)
Over #5 Drain in the Town of Kingsville
Summary of Tender Results**

Three tenders were received on June 7, 2019, for this project. The tender results are summarized as follows:

Tenderer	Total Tender Price (Excluding applicable taxes)
Sterling Ridge Infrastructure Inc.	\$296,800.00
South Shore Contracting of Essex County Inc.	\$333,323.00
Nevan Construction Inc.	\$333,870.00

There were no irregularities identified in the tenders received for this work.

All Tenderers submitted the required 10% Bid Bond which you have retained. All Tenderers acknowledged receipt of the Addendum Nos. 1 and 2.

We have confirmed with Kevin D'Amore of Sterling Ridge Infrastructure Inc. that Sterling Ridge Infrastructure Inc. is prepared to proceed with this project in accordance with the Contract Documents and their tender submission.

Based on their lowest tender submission, we recommend that the tender be awarded to Sterling Ridge Infrastructure Inc. for the Total Tender Price of \$296,800.00 (excluding applicable taxes).

3200
Deziel Drive,
Suite 608,
Windsor, Ontario,
Canada
N8W 5K8
Telephone
(519) 948-5000
Fax
(519) 948-5054

**Dillon Consulting
Limited**

Corporation of the Town of Kingsville

Page 2

June 10, 2019

Subject to Council's approval of our recommendation, we will prepare the necessary agreements for signing.

Yours sincerely,

DILLON CONSULTING LIMITED

A handwritten signature in black ink, appearing to read 'W. Ormshaw', written over the company name.

Wayne Ormshaw, P.Eng.,
Project Engineer

WAO:d



art engineering inc.

310 Main St. East • Unit 203 • Milton • Ontario • L9T 1P4 • Canada
 (289) 429-1416 • Fax: (613) 836-1226
 www.artengineering.ca

Project No: 4608

SUMMARY OF TENDER RESULTS

DATE: May 31, 2019
CLIENT: THE CORPORATION OF THE TOWN OF KINGSVILLE
PROJECT: CEDAR ISLAND BRIDGE (#32) REHABILITATION

Two (2) tenders were received on May 21, 2019 for the Cedar Island Bridge (#32) rehabilitation project. The tender results as shown on the Schedule of Prices are as follows:

Proponent	Total Tender Price (Excluding Applicable Taxes)
Elmara Construction CO. LTD.	\$ 88,250.52* + \$ 5,000.00 Contingency
Facca INC.	\$ 149,963.00* + \$ 5,000.00 Contingency

*Item 2.8A in the Schedule of Prices was a provisional item and was included in the total tender price above. Either the combination of items 2.8 and 2.9 or the provisional item 2.8A will be carried out to complete the scope of work for this project. As such, the following tender results assuming the provisional item is not included are as follows:

Proponent	Total Tender Price Excluding Provisional Item 2.8A (Excluding Applicable Taxes)
Elmara Construction CO. LTD.	\$ 75,050.52 + \$ 5,000.00 Contingency
Facca INC.	\$ 148,463.00 + \$ 5,000.00 Contingency

The following tender results assuming the provisional item is included are as follows:

Proponent	Total Tender Price Including Provisional Item 2.8A (Excluding Applicable Taxes)
Elmara Construction CO. LTD.	\$ 80,008.50 + \$ 5,000.00 Contingency
Facca INC.	\$ 145,823.00 + \$ 5,000.00 Contingency

All Proponents submitted the required Bid Bond of 10% of the Total Tender Price. All Proponents acknowledged receipt of Addendum 1 and 2. All Proponents submitted the required WSIB Clearance Certificate and the Accessibility Agreement.

Based on their lowest tender submission, we recommend that the contract be awarded to Elmara Construction CO. LTD. for the total price of \$ 75,050.52 + \$ 5,000.00 Contingency. All prices exclude applicable taxes. If more than fifty (50) reinforced steel dowels are determined to be replaced in the retaining walls, as shown in item 2.8, it is expected that the supply and installation fee of \$43.50 per dowel will be charged to a maximum total of two hundred and sixteen (216) dowels as shown on the Contract Documents.

Subject to council's approval of our recommendation, we will prepare the necessary agreements for signing.

Should you have any further questions, please do not hesitate to call our office at (289) 429-1416.

Peter de Haan, P. Eng.



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

Date: June 5, 2019
To: Mayor and Council
Author: Ryan McLeod, CPA, CA
Director of Financial Services
RE: Municipal Drainage Billing Policy
Report No.: FS-2019-12

AIM

To formalize the Town's Municipal Drainage Billing Policy.

BACKGROUND

The Town is currently responsible for 347 drains which service over 2/3rds of the properties within the Municipality. On average, the Town issues 2,000 – 3,000 bills per year for the construction, improvement or maintenance of these drains. Refer to Appendix A for a map of the Town's Municipal Drain network.

Over the years, Administration has developed the following practices for billing and collecting Municipal drainage works;

- The Town invoices all drainage works with a value over \$1,500.
- Projects under \$1,500 and individual invoices under \$10 are expensed to the Public Works Drainage expense account (01-130-099-60427)
- Property owners have the option to finance any drainage charges over \$100 on their tax roll for a term of 2 or 5 years. A 10-year option is available upon request for those with a very large balance due.
- Interest rates were based on the average of the Bank of Canada's GIC and Mortgage Rates

These practices have been developed informally by Administration. There is currently no official drainage billing policy adopted by Council.

DISCUSSION

Administration is in the process of billing drainage work completed in 2018 and felt that it was appropriate to formalize the Town's policy for billing municipal drainage works, as well as update certain thresholds to ensure the process remains efficient and fair to all tax payers. The *Municipal Drainage Billing Policy* attached to this report reflects the following key items.

Minimum Bills and Thresholds

There is a significant amount of administrative costs associated with every drainage project the Town bills. Staff time is required to review and update apportionment schedules, ensure ownership details are accurate, calculate the appropriate charges and respond to resident inquiries. There is currently no means for residents to pay their drainage bills on-line, so any payments must be manually processed by staff. Every resident receives a copy the apportionment schedule along with their bill which adds to postage and printing costs.

On this basis, it makes practical financial sense for the Town to establish a minimum threshold for billing drainage projects. Administration is proposing to set the minimum project cost for billing purposes at \$2,500 per drain and the minimum amount per individual bill at \$25. Any expenses falling below these thresholds will be charged directly to the Public Works Drainage account.

Not only will these increased threshold reduce administrative time, but it will also provide the Drainage Superintendent with more flexibility to respond to minor maintenance issues when up-to-date Engineer schedules are not available.

The number of invoices that would be issued with no minimum threshold is as follows:

Type of Work	Number of Drains Assessed	Total Properties Assessed	Amount to be Invoiced
Phragmites	87	4,206	\$290,847
Maintenance	18	1,322	\$121,170
Construction	3	303	\$208,819
Total	108	5,831	\$620,836

Please see appendix B for a detailed summary of pending 2019 drainage bills.

By expensing all individual invoices under \$25, the Town would reduce the number of invoices it issues by 3,536 (a 61% reduction) for a financial impact on taxation of \$23,462. Given the level of drainage works to date, the Town should be able to accommodate this expense within the 2019 Drainage expense budget.

Type of Work	Total Properties Assessed	No. of Invoices Less than \$25	Amount to Funded by Taxation	Average bill not issued
Phragmites	4,206	2,632	\$17,884	\$6.79
Maintenance	1,322	893	\$5,409	\$6.06
Construction	303	11	\$169	\$15.36
Total	5,831	3,536	\$23,462	\$6.64

Payment Terms

The draft policy proposes the following payment terms:

- Individual property assessments of more than \$25, but less than \$250, will be placed directly on the property tax roll. Owners will receive a statement advising them of the charges added to their tax roll. The charges will be payable in accordance with normal tax installment due dates.
- Properties with assessments exceeding \$250 but less than \$2,500 will be issued an invoice and have the option to finance their cost over 2 years.
- Properties with assessments of \$2,500 and over will be issued an invoice and have the option to finance their cost over 5 years.
- Properties with assessments exceeding \$10,000 may request a 10-year financing option that will be approved at the discretion of the Director of Financial Services.
- Interest rates will be based on the rates established by Infrastructure Ontario + 2.0%.
- All financing options are subject to an administration fee of \$25 per roll number

There are many benefits of adding small drainage charges directly onto a tax roll for both the Town and the property owner. From an administrative stand point, it makes tracking outstanding drainage charges incredibly more efficient. From the property owner's perspective, it allows them to pay a bill online that they would otherwise have to physically visit the office or mail a cheque to pay.

The payment terms noted above for larger drainage charges were determined based on what is considered reasonable for the average property owner and what can be efficiently managed by the municipality. The interest rates and \$25 finance charge, although very competitive, provide more incentive for property owners to pay their drainage charges upon receipt of their bill, which is important for the Municipality's cash flow management.

Phragmites

Phragmites is an invasive grass species which requires annual maintenance activities, such as cutting and herbicide application to keep this weed from spreading and impeding flow of water in the Municipal Drains. Under the Drainage Act, the Town is permitted to accumulate maintenance costs over a 5 year period prior to billing. As phragmite control activities for any given drain, in any given year, typically fell below the \$1,500 threshold, Administration has been accumulating the cost of these maintenance activities. To date, no phragmites control activities have been billed.

Based on his experience and research over the past 5 years, the Drainage Superintendent believes that phragmites control will be an ongoing, annual expense to properly maintain our municipal drains. Further, if left unchecked this grass species would spread, leading to higher drainage maintenance costs for other property owners. On this basis, Administration is recommending that the Town build the cost of these control activities into our Public Works Drainage Budget. These expenses amount to approximately \$60,000 / per year, after recovering a portion through provincial grants for eligible farm properties, and would directly or indirectly benefit 2/3 rds of the property owners within the Town of Kingsville.

If Council adopts this policy going forward, Administration would recommend that the accumulated costs of unbilled phragmites control activities of \$290,847 be written off. This expense could be funded by the Storm Water Lifecycle reserve. As annual storm sewer and catch basin maintenance are currently funded by taxation, this is considered equitable to all property owners within the Town of Kingsville.

LINK TO STRATEGIC PLAN

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

FINANCIAL CONSIDERATIONS

The Storm Water Lifecycle Reserve (03-000-032-39084) currently has a balance of \$450,000 which is sufficient to finance the write-off of \$290,847 in unbilled phragmites control expenses.

If Council supports Administration's recommendation to expense phragmites control activities on a go forward basis, they should anticipate an increase in the annual Public Works Drainage Expense budget of approx. \$60,000.

CONSULTATIONS

Ken Vegh, Drainage Superintendent
Diane Broad, Payroll and Billing Supervisor
Senior Management Team

RECOMMENDATION

That council adopt the Municipal Drainage Billing policy as presented.

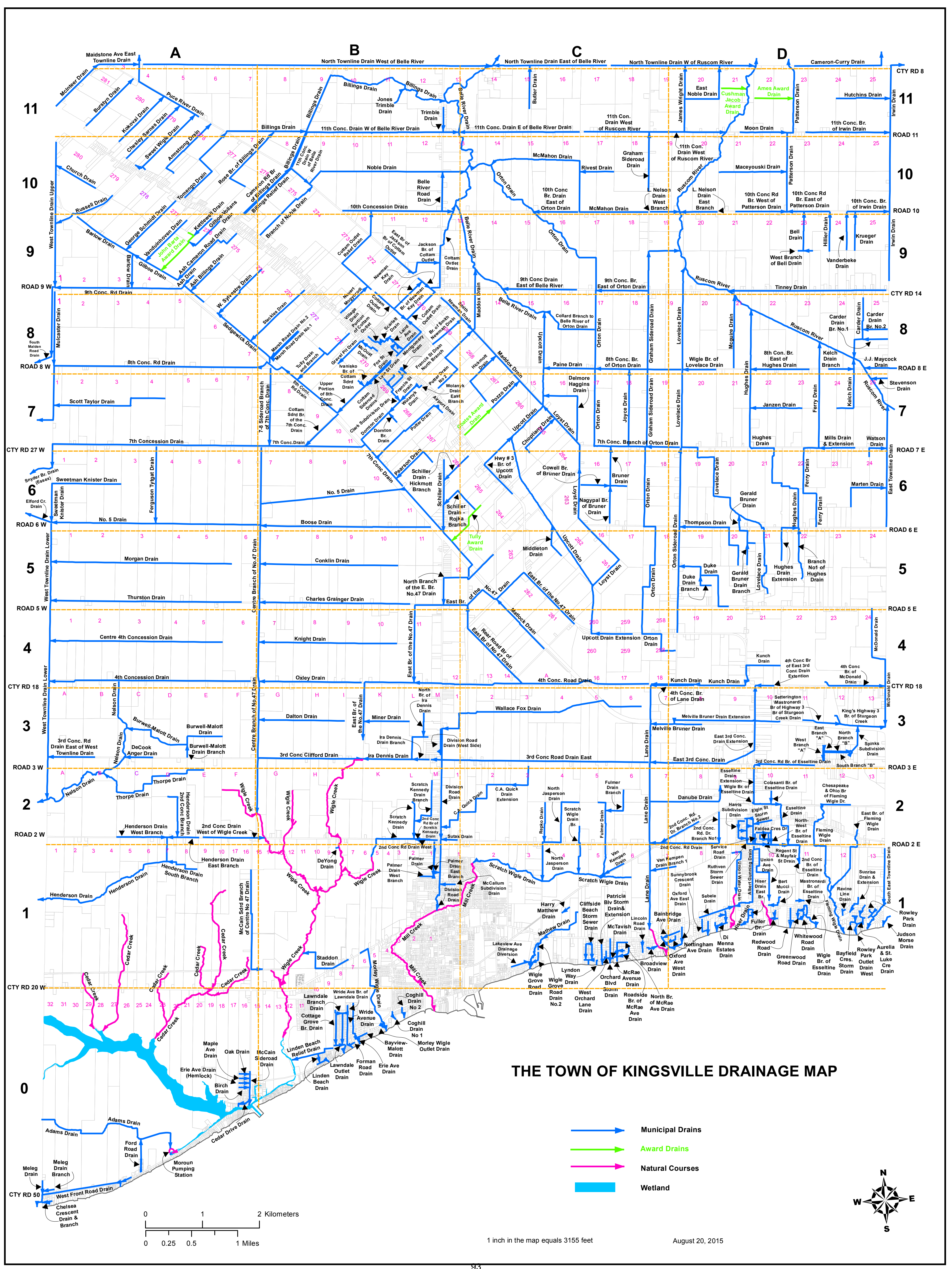
That council authorize the write-off unbilled phragmites control expenses totaling \$290,847 and fund this expense from the Storm Water Lifecycle Reserve.

Ryan McLeod

Ryan McLeod, CPA, CA
Director of Financial Services

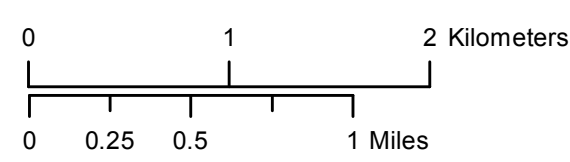
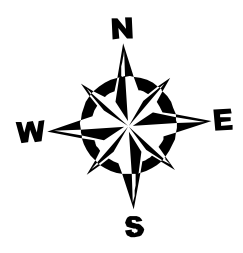
Peggy Van Mierlo-West

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



THE TOWN OF KINGSVILLE DRAINAGE MAP

- Municipal Drains
- Award Drains
- Natural Courses
- Wetland



1 inch in the map equals 3155 feet
August 20, 2015

PHRAGMITES

Total Number of Drains Assessed:	87
Full Cost of All Drains (less HST rebate):	\$ 374,539.66
Less Amount of Grant Applied For:	\$ (83,692.53)
Total to be "Billed" or Distributed:	\$ 290,847.13

	Amount	Value
Kingsville:	171	\$ 37,441.34
County of Essex:	64	\$ 20,209.71
M.T.O.:	15	\$ 4,280.11
\$10 & Under:	2052	\$ 7,367.42
\$25 & Under:	632	\$ 10,516.28
\$50 & Under:	390	\$ 14,275.72
\$100 & Under:	315	\$ 23,224.77
\$500 & Under:	481	\$ 105,868.06
\$1,000 & Under:	71	\$ 47,870.19
Over \$1,000:	15	\$ 19,793.50
Total Assessed:	4206	\$ 290,847.10

	Amount	Value
Assessed (less Grant):	4206	\$290,847.10
Less Kingsville Assessments:	171	\$ (37,441.34)
Less Assessments Under \$10:	2052	\$ (7,367.42)
To Be Invoiced:	1983	\$246,038.34

MAINTENANCE

Total Number of Drains Assessed:	18
Full Cost of All Drains (less HST rebate):	\$ 153,609.86
Less Amount of Grant Applied For:	\$ (32,440.08)
Total to be "Billed" or Distributed:	\$ 121,169.78

	Amount	Value
Kingsville:	33	\$ 4,866.35
County of Essex:	14	\$ 8,433.04
M.T.O.:	4	\$ 3,755.94
\$10 & Under:	731	\$ 2,759.99
\$25 & Under:	162	\$ 2,648.62
\$50 & Under:	114	\$ 4,160.51
\$100 & Under:	109	\$ 7,954.04
\$500 & Under:	125	\$ 28,427.23
\$1,000 & Under:	18	\$ 12,755.40
Over \$1,000:	12	\$ 45,408.67
Total Assessed:	1322	\$ 121,169.79


	Amount	Value
Assessed (less Grant):	1322	\$121,169.79
Less Kingsville Assessments:	33	\$ (4,866.35)
Less Assessments Under \$10:	731	\$ (2,759.99)
To Be Invoiced:	558	\$113,543.45

CONSTRUCTION

Total Number of Drains Assessed:	3
Full Cost of All Drains (less HST rebate):	\$ 259,054.39
Less Amount of Grant Applied For:	\$ (50,235.39)
Total to be "Billed" or Distributed:	\$ 208,819.00

	Amount	Value
Kingsville:	8	\$ 8,882.51
County of Essex:	6	\$ 12,309.37
M.T.O.:	0	\$ -
\$10 & Under:	4	\$ 29.16
\$25 & Under:	7	\$ 140.06
\$50 & Under:	42	\$ 1,501.59
\$100 & Under:	52	\$ 3,626.80
\$500 & Under:	106	\$ 25,798.99
\$1,000 & Under:	54	\$ 36,316.14
Over \$1,000:	24	\$ 120,214.39
Total Assessed:	303	\$ 208,819.01

	Amount	Value
Assessed (less Grant):	303	\$208,819.01
Less Kingsville Assessments:	8	\$ (8,882.51)
Less Assessments Under \$10:	4	\$ (29.16)
To Be Invoiced:	291	\$199,907.34

	FINANCIAL SERVICES MUNICIPAL DRAINAGE BILLING POLICY	
Policy #:	Issued:	Reviewed/Revised:
Prepared By: Diane Broda	Reviewed By: Ryan McLeod	Approved By:

1.0 PURPOSE

To formalize the Town's policy for the billing of municipal drains.

2.0 SCOPE

All properties assessed to municipal drains as outlined in the *Drainage Act*.

3.0 DEFINITIONS

The following definitions are applicable to this Policy:

Drainage Act – refers to the *Drainage Act*, R.S.O. 1990, C. D.17.

Drainage Superintendent – the individual appointed by the Municipality via by-law to oversee drainage maintenance.

Construction or Improvements - Drainage works conducted under the supervision of an appointed Engineer to improve or construct a municipal drain.

Maintenance - Drainage work required to preserve an existing drain. This work is conducted under the supervision of the Drainage Superintendent under the authority of the most recent Engineer's Report.

OMAFRA - Ontario Ministry of Agriculture, Food and Rural Affairs

Phragmites - An invasive perennial grass that is damaging to ecosystems and impairs the function of a municipal drain.

4.0 REFERENCE DOCUMENTS

Drainage Act, R.S.O. 1990, Chapter D.17

5.0 RESPONSIBILITIES

Drainage Superintendent – Inspect municipal drains to determine if drainage works are necessary and if so, ensure that the works are undertaken in accordance with the *Drainage Act*. If works are required under Maintenance, determine if the last Engineer's Report is current enough to fairly assess the affected properties. If works require Construction or Improvements, coordinates activities with the appointed Engineer.

Payroll & Billing Supervisor - Track all drainage work expenses per project. Create drainage assessment schedules based on the most recent Engineer's Report and invoice those properties in accordance with this policy. Prepare grant applications on behalf of property owners in the Farm Tax Class.

Director of Financial Services - Monitor Drainage Sub-Ledger balance and ensure that staff are invoicing affected properties in a timely manner and grant applications are submitted within the legislated timelines set by OMAFRA.

6.0 PROCEDURE

Construction or Improvements and Maintenance Work

Completed drainage works with a total cost more than \$2,500 are to be assessed to all affected properties in the watershed area in accordance with the last Engineer's report.

Drainage works that are under \$2,500 and individual assessments of \$25 or less are not invoiced and to be charged to the Public Works Drainage Account.

Properties that are in the Farm Tax Class will be calculated with the 1/3 grant allowance currently offered by OMAFRA. In the event the grant is denied, the property owner will be billed for the balance.

Individual property assessments of more than \$25, but less than \$250, will be placed directly on the property tax roll. Owners will receive a statement advising them of the charges added to their tax roll. The charges will be payable in accordance with normal tax installment due dates.

Properties with assessments exceeding \$250 but less than \$2,500 will be issued an invoice and have the option to finance their cost over 2 years.

Properties with assessments of \$2,500 and over will be issued an invoice and have the option to finance their cost over 5 years.

Properties with assessments exceeding \$10,000 may request a 10-year financing option that will be approved at the discretion of the Director of Financial Services.

Interest rates will be based on the rates established by Infrastructure Ontario + 2.0%.

All financing options are subject to an administration fee of \$25 per roll number.

Phragmites

As Phragmites control represents an annual maintenance activity, individual property owners will not be assessed for Phragmites control activities. These expenses will be charged directly to the Public Works Drainage account.

7.0 REVIEW/REVISIONS

No.	Revision Details (incl. provision #)	Revision By	Date
1.			
2.			
3.			
4.			
5.			
6.			
7.			
8.			

Questions about this policy can be referred to Director of Financial Services.



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

Date: May 27, 2019
To: Mayor and Council
Author: Jennifer Astrologo, Director of Corporate Services/Clerk
RE: Cemetery Bulk Purchase Policy
Report No.: CS-2019-10

AIM

To provide Council with a draft policy for consideration with respect to the bulk purchase of cemetery lots.

BACKGROUND

At the March 11, 2019, Council Meeting, Council was presented with a request from the Old Colony Mennonite Church (the "Church") to purchase 40 full burial graves at a reduced price of \$24,000 (\$600.00 per lot), plus applicable tax. At that meeting, Council passed the following motion:

That Council directs Administration to prepare a policy regarding the bulk sale of cemetery lots.

DISCUSSION

The bulk purchase of cemetery lots is not commonplace and Town records indicate that since amalgamation, the Church is the only entity that has ever brought forward a request of this nature. As discussed in the "Graceland Cemetery – Bulk Purchase Request" Report, which was presented to Council on March 11, 2019, the Church made 2 previous requests, in 1994 and 2016 respectively.

Members of the Corporate Services Department reached out to a number of municipalities across the province, including our sister municipalities in Essex County, and conducted on-line research to determine whether any other municipality has considered this issue or has a policy in place to address it. No other municipality offers a bulk purchase discount for cemetery lots, nor do they have formal policies in place to deal with this type of request. However, a municipality in Alberta has language in their by-law requiring that bulk

purchases must be done by rows and that the next available row must be purchased, leaving no opportunity for the individual/group to select the lot locations.

The draft policy prepared for Council's consideration is attached as Appendix A. Below are the key features of the policy:

- A written request for a bulk lot purchase must be received from the purchaser
- The threshold number of lots that must be purchased to be recognized as a "bulk purchase" is 40 lots and those lots must be adjacent to each other
- Pre-tax discount of 10%
- Lots must be purchased in one transaction and paid in full
- The Town will consider specific lot requests from a purchaser, however it retains the discretion to refuse the lot requests and offer alternate lots for purchase

LINK TO STRATEGIC PLAN

There is no direct link to the Strategic Plan.

FINANCIAL CONSIDERATIONS

Currently, lots cost \$750.00 in the cemeteries in which the Town could consider a bulk purchase. Therefore, on a 40 lot purchase, the purchaser would receive a \$3000.00 discount (\$75.00 per lot).

CONSULTATIONS

Senior Management Team
Ontario Municipalities

RECOMMENDATION

That Council adopt the Cemetery Bulk Purchase Policy.

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

Policy #: Issued: Reviewed/Revised:

Prepared By: J. Astrologo Reviewed By: SMT Approved By:

1.0 PURPOSE

This Policy establishes the circumstances in which a Purchaser may purchase Cemetery Lots from the Town at a reduced rate.

2.0 SCOPE

This Policy applies to the purchase of cemetery lots within Town owned cemeteries.

3.0 DEFINITIONS

3.1 In this Policy:

Bulk Purchase means the purchase of 40 or more lots in a Town owned Cemetery

Cemetery means any one of the active cemeteries owned and operated by the Town;

Contract means the agreement entered into between the Town and the Purchaser with respect to the sale of a Lot;

Lot means an area of land in a Cemetery set aside to contain interred human remains;

Purchaser means an individual, partnership, group, association, corporation or other entity or organization that have legal rights and responsibilities separate from those of other entities and/or of its owners or members;

Plot means 2 or more Lots in respect of which the interment rights have been sold as a unit;

Town means The Corporation of the Town of Kingsville.

4.0 REFERENCE DOCUMENTS

Town By-law #120-2018

Cemetery Services Contract - Sale

Funeral, Burial and Cremation Services Act, 2002

5.0 RESPONSIBILITIES

The Deputy Clerk – Administrative Services is responsible for the oversight and administration of this Policy and will consult with employees in the Municipal Services Department, as may be necessary, when a Bulk Purchase request is received.

6.0 PROCEDURE

- 6.1 A Purchaser wishing to make a Bulk Purchase of Lots must submit a request in writing to the Corporate Services Department identifying the:
- 6.1.1 Number of Lots to be purchased;
 - 6.1.2 Cemetery in which the Lots are located; and
 - 6.1.3 Contact information of the Purchaser.
- 6.2 In order for the Town to consider the Bulk Purchase request, the following conditions must be met:
- 6.2.1 The Purchaser must commit to purchase a minimum of 40 Lots;
 - 6.2.2 The Lots must be adjacent to each other, and within the same Cemetery; and,
 - 6.2.3 The purchase is finalized in one transaction.
- 6.3 The location of the Lots to be transferred in a Bulk Purchase shall be determined by the Town, having regard to the conditions outlined in paragraph 6.2, Lot availability, specific requests submitted by the Purchaser, and any other considerations necessary for the efficient and effective operation of the Cemetery.
- 6.4 If the Bulk Purchase request is approved, a pre-tax discount of 10% shall be applied to the purchase price.
- 6.5 Payment must be received in full at the time of entering into the Contract.
- 6.6 The provisions of the relevant legislation, any applicable Town by-laws and the Contract continue to apply to all Bulk Purchases.

7.0 REVIEW/REVISIONS

No.	Revision Details (incl. provision #)	Revision By	Date
1.			
2.			
3.			
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7.			
8.			

Questions about this policy can be referred to the Deputy Clerk – Administrative Services.



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

Date: June 19, 2019
To: Mayor and Council
Author: Peggy Van Mierlo-West, CAO
RE: Championship Way Renaming
Report No.: CAO 13-2019

AIM

To provide Council with information regarding the renaming of Championship Way to York Boulevard and to have the parkland located within the Wigle Creek Subdivision be named York Park.

BACKGROUND

On June 12th, 2000 the Town of Kingsville provided Nancy York with a letter providing confirmation that the Town of Kingsville would include the name York Boulevard as one of the street within the Wigle Creek Subdivision in honour of the family.

On May 21st, 2019 Ms. Linda York requested a delegation in front of Council to request that York Boulevard be included within the Wigle Creek Subdivision. As York Phase 4B has received initial acceptance without having York Boulevard being included as a name for this area.

DISCUSSION

Administration have contacted Ms. York regarding her request. During discussions she was favorable to having a stone and plaque placed at York Park as a dedication to the family however it was strongly requested that the renaming of a street be reviewed further.

Administration have provided their recommendation for naming of the road to the Ms. York and her representative via email however at the time of drafting of this report we had not yet received comment. The location of the street is located in Schedule A of this report.

Unfortunately, Administration cannot make comment regarding how the naming of the road was missed. However, we are truly apologetic and currently have the tools in place to assist in mitigating this occurrence.

LINK TO STRATEGIC PLAN

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

FINANCIAL CONSIDERATIONS

There is no implication to the budget.

CONSULTATIONS

Planning Manager
Ms. Linda York

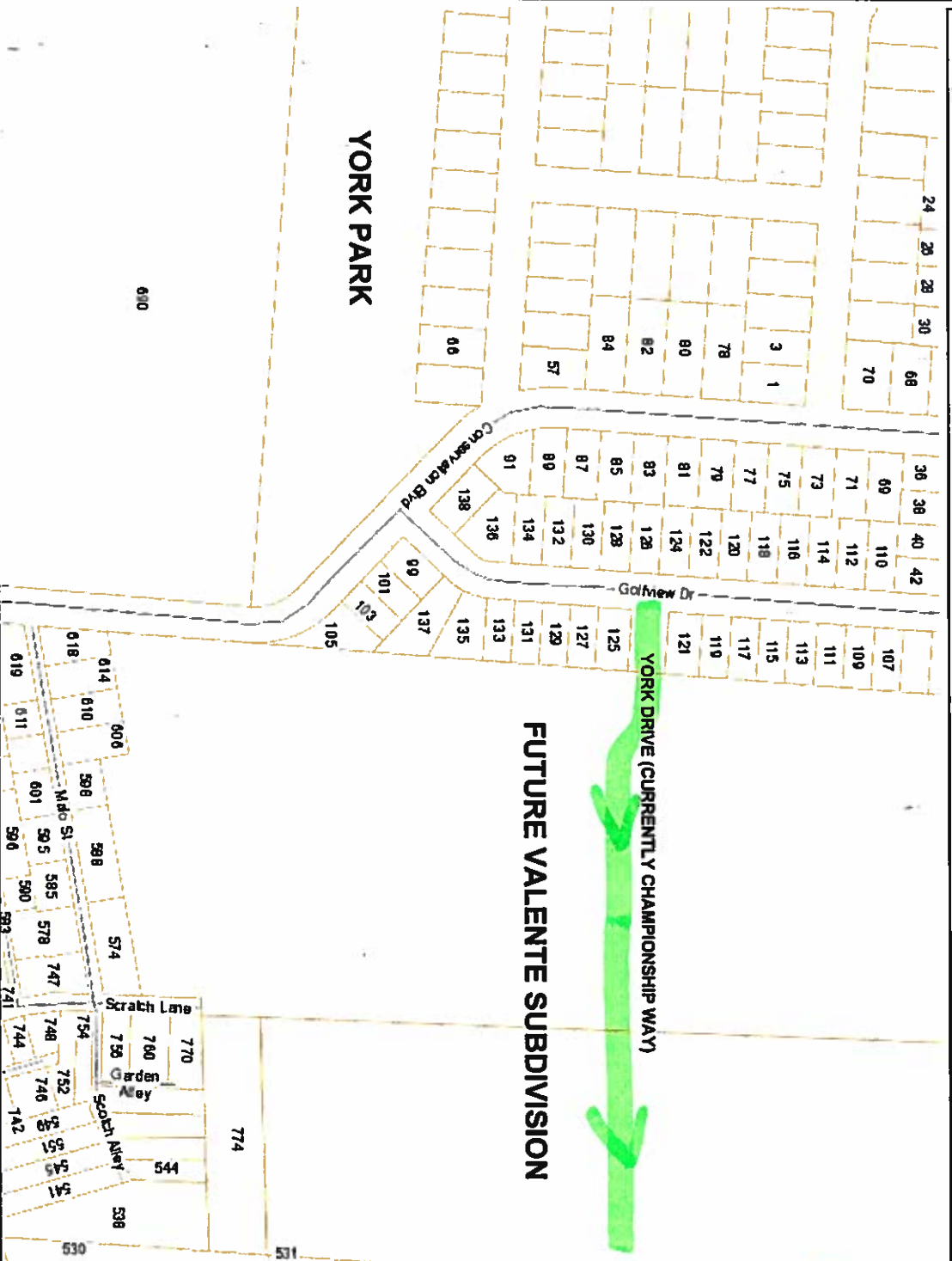
RECOMMENDATION

That Council approve the name change of Championship Drive to York Boulevard, and;
That, the designated parklands within York Subdivision be named York Park, and;
That; a plaque be placed at the park site in dedication of the York family.

Peggy Van Mierlo-West

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

Street Naming



Notes

York Drive/York Park

THIS MAP IS NOT TO BE USED FOR NAVIGATION

Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an "as is" basis. Assessment parcels provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.



Legend

- Essex Municipalities
- <all other values>
- Kingsville
- Street
- Severance
- Kingsville Assessment

0 53.62 107.2Meters

1:3,217

6/18/2019



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

Date: June 19, 2019
To: Mayor and Council
Author: Peggy Van Mierlo-West, CAO
RE: Kingsville Historical Park Request
Report No.: CAO 10-2019

AIM

To provide Council with background information regarding a long term funding request from the Kingsville Historical Park Incorporated (KHPI).

BACKGROUND

Kingsville Historical Park Incorporated (KHPI) is dedicated to the preservation of the region's history and culture. Exhibitions include military artifacts from all Canadian conflicts and items of local significance. The Museum recognizes the service of veterans of all wars from the Windsor and Essex County region. KHPI provide an informal and family-friendly venue to discover Kingsville's armed forces past.

DISCUSSION

The Kingsville Historical Park Incorporated (KHPI) recently met with Administration to discuss the opportunity to enter into a long term (5 year) funding agreement between the Town of Kingsville and KHPI. The Town has previously provided KHPI with an annual operational grant through the municipal grant program.

The requested amount has changed over the years as originally the request included an amount to offset taxes. However, in 2019 with the assistance of Finance staff, this amount was waived by MPAC.

The KHPI Committee is a small group of volunteers who operate the museum 5 days a week. Currently the museum relies on various fund raising opportunities including bingo, memberships, and grants. To provide a 5 year funding agreement to this organization would allow for the committee to plan future events and leverage the partnership between the organization and the Town for future grants with larger organizations.

LINK TO STRATEGIC PLAN

Improve recreational and cultural facilities and opportunities within the Town of Kingsville.

FINANCIAL CONSIDERATIONS

Over the past 5 years, Council has provided KHPI the following grant amounts:

Year	General / Staffing	Property Taxes
2019	\$10,000	N/A *
2018	\$10,000	\$3,989
2017	\$10,000	\$3,990
2016	\$3,334	\$4,149
2015	\$3,334	\$3,958

This request should not impact the annual budget as the current grant allocation is funded through taxation.

CONSULTATIONS

Kingsville Historical Park
Director of Finance

RECOMMENDATION

That Council direct Administration to draft a 5 year funding agreement in conjunction with the Kingsville Historical Park Incorporated in the amount of \$10,000 annually.

Peggy Van Mierlo-West

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



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, June 10, 2019
7:00 PM
Council Chambers
2021 Division Road N
Kingsville, Ontario N9Y 2Y9**

Members of Council	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 S. Kitchen, Deputy Clerk-Council Services R. McLeod, Director of Financial Services A. Plancke, Director of Municipal Services D. Wolicki, Manager of Municipal Facilities and Property

A. CALL TO ORDER

Deputy Mayor Queen, acting as Chair, called the Regular Meeting to order at 7:00 p.m., noting all members in attendance except Mayor Santos, who is absent on municipal business. He also noted that Director of Financial Services R. McLeod is in attendance this evening in the absence of CAO P. Van Mierlo-West (also absent on municipal business).

B. MOMENT OF SILENCE AND REFLECTION

Deputy Mayor Queen 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

Deputy Mayor Queen 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. AMENDMENTS TO THE AGENDA

Councillor Patterson added one Notice of Motion.

F. ADOPTION OF ACCOUNTS

1. **Town of Kingsville Accounts for the monthly period ended May 31, 2019 being TD cheque numbers 0069036 to 0069338 for a grand total of \$1,167,986.41**

323-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That Council receives Town of Kingsville Accounts for the monthly period ended May 31, 2019 being TD cheque numbers 0069036 to 0069338 for a grand total of \$1,167,986.41.

CARRIED

G. STAFF REPORTS

1. **Applewood Park Playground Equipment**

D. Wolicki, Manager of Municipal Facilities and Property

324-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Larry Patterson

That Council approves the proposal submitted by New World Park Solutions in the amount of \$57,418.00 (excluding HST) for the installation of playground equipment at Applewood Park.

CARRIED

2. **Pipeline Easement Agreement**

G. A. Plancke, Director of Municipal Services

325-2019

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That the Town of Kingsville enters into a Pipeline Easement Agreement with Enbridge Gas Inc. for perpetual access to their new Transmission Reinforcement station site on Road 2 East;

And that the Mayor and Clerk execute the Agreement on behalf of the Town and advise Enbridge Gas Inc. accordingly.

CARRIED

3. Sanitary Master Plan Progress

G. A. Plancke, Director of Municipal Services

326-2019

Moved By Councillor Larry Patterson

Seconded By Councillor Laura Lucier

That Council receives the Report of Director of Municipal Services G. A. Plancke titled Sanitary Master Plan Progress; and

That Dillon Consulting Inc. be retained to complete the Kingsville Sanitary System Master Plan in the amount of \$92,200 plus HST; and

That the funds for this project be allocated through the Capital Sewer Reserves for Kingsville / Lakeshore West.

CARRIED

4. Lakeview Avenue Restoration Concerns

G. A. Plancke, Director of Municipal Services

327-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Laura Lucier

That Council receives the Report of Director of Municipal Services G. A. Plancke titled Lakeview Avenue Restoration Concerns and;

That Municipal Services be directed to contract George Kroeker Landscaping to complete the necessary site mediation on the following properties: 358 Lakeview Avenue, 346 Lakeview Avenue and 211 Grandview Avenue, and to attempt to obtain confirmation from the property owner that they are satisfied with the restoration when completed.

LOST

328-2019

Moved By Councillor Thomas Neufeld

Seconded By Councillor Larry Patterson

That Council receives the Report of Director of Municipal Services G. A. Plancke titled Lakeview Avenue Restoration Concerns; and

That Municipal Services be directed to contract George Kroeker Landscaping to complete the necessary site mediation on the following properties: 358 Lakeview Avenue, 346 Lakeview Avenue, and 211 Grandview Avenue.

CARRIED

5. Strategic Asset Management Policy

R. McLeod, Director of Financial Services

329-2019

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That Council supports and approves of the Town's Strategic Asset Management Policy.

CARRIED

H. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

1. **The Terry Fox Foundation--Request for Support RE: September 15, 2019
Terry Fox Run Kingsville**

330-2019

Moved By Councillor Larry Patterson

Seconded By Councillor Laura Lucier

That Council directs Administration to determine suitable donation of Town of Kingsville merchandise to the September 15, 2019 Terry Fox Run Kingsville.

CARRIED

Administration will circulate information to the Foundation, for their consideration in the future, advising them of the Town's grant application process.

I. MINUTES OF THE PREVIOUS MEETINGS

1. **Regular Meeting of Council--May 27, 2019**
2. **Regular 'Closed Session' Meeting of Council--May 27, 2019**

331-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Kimberly DeYong

That Council adopts Regular Meeting of Council Minutes, dated May 27, 2019, and Regular 'Closed Session' Meeting of Council Minutes, dated May 27, 2019.

CARRIED

J. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. **Police Services Board - April 24, 2019**

332-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Larry Patterson

That Council receives Police Services Board Meeting Minutes dated April 24, 2019.

K. BUSINESS CORRESPONDENCE - INFORMATIONAL

- 1. Town of Lakeshore--Copy of correspondence to Mayor Drew Dilkens dated May 24, 2019 RE: Support of a new regional hospital for Windsor-Essex County**
- 2. Township of McNab/Braeside--Resolution #131-2019 passed April 16, 2019 RE: Government of Ontario E-Learning**
- 3. Municipality of East Ferris--Resolution 2019-151 passed May 28, 2019 RE: Support of OGRA/ROMA Combined Conference**
- 4. Town of New Tecumseth--Correspondence dated May 30, 2019 RE: Reduction in Provincial Funding to Libraries**
- 5. Correspondence from Ontario Municipalities RE: Bill 108, More Homes, More Choice Act**
 - a. Regional Municipality of York, dated May 17, 2019**
 - b. City of Toronto, dated May 28, 2019**
 - c. City of Guelph, dated May 8, 2018**
 - d. City of Markham, dated May 24, 2019**
 - e. Grey County, dated May 28, 2019**
 - f. Township of Muskoka Lakes, dated May 17, 2019**
 - g. Town of Grimsby, dated May 27, 2019**
 - h. Town of Halton Hills, dated May 28, 2019**
 - i. Town of Georgina, dated May 30, 2019**
 - j. Town of Orangeville, dated May 29, 2019**
 - k. Town of Newmarket, dated June 3, 2019**
 - l. Municipality of Southwest Middlesex, dated May 22, 2019**
 - m. Regional Municipality of Halton, dated May 31, 2019**
 - n. Town of Arnprior, dated May 29, 2019**

333-2019

Moved By Councillor Thomas Neufeld

Seconded By Councillor Kimberly DeYong

That Council receives Business Correspondence-Informational items 1-5(n).

CARRIED

RE: Item K-1--Town of Lakeshore Council Motion in support of a new regional hospital for Windsor-Essex County.

Councillor DeYong shared information/quotes from the Ontario Health Coalition briefly summarized as follows: The existing hospital has too few beds, and the proposal has no additional capacity planned. She stated that across Ontario new megamergers are consistently built with fewer beds than projected and the Coalition is concerned that the new hospital will be smaller than the existing proposal shows. She stated that the plan was set without analysis and is potentially removing services from the Leamington Hospital, which serves Leamington and the southern part of the County, forcing those residents to travel further to receive such services. She stated the debate is not 'where', but rather 'why' are we settling for one single site. Councillor DeYong advised that the Municipalities of Huntsville and Bracebridge declined a megamerger. Those municipalities are looking for two hospitals for two communities far smaller than our region.

Deputy Mayor Queen advised that he supports the mega merger and suggested that Members of Council read Mr. Hilary Payne's Letter to the Editor in The Windsor Star's edition of Saturday last, setting out reasoning for support of the proposed new regional hospital.

L. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

1. Councillor Patterson indicated that he may, at the next Regular Meeting, move or cause to have moved: That Administration be directed to provide an update with respect to the status of the garbage pick-up at the Settrington Industrial Park because, while garbage has been picked up in that area for over 15 years, a decision has been made to not pick up garbage in that area; and further, that garbage pickup at the Settrington Industrial Park remain until there is a resolution going forward.

2. Deputy Mayor Queen noted the 'Celebrate Canada Day! in Kingsville' flyer handout provides the schedule for all events to be held at the Kingsville Arena on Monday, July 1st from 11:00 a.m. to 11:00 p.m.

3. Deputy Mayor Queen reminded that the Kingsville Highland Games are coming up rapidly and invited all to attend the Saturday, June 22 event.

4. Deputy Mayor Queen advised that the Outdoor Movie Night has been scheduled for July 26 and August 23 at Lakeside Park.

M. BYLAWS

1. By-law 60-2019

334-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Laura Lucier

That Council reads By-law 60-2019, being a By-law authorizing the entering into of a Pipeline Easement Agreement with Enbridge Gas Inc. (Part Lot 9, Con 2, Eastern Division, designated as Part 7, Plan 12R25448, Town of Kingsville) a first, second and third and final time.

CARRIED

N. CONFIRMATORY BY-LAW

1. By-law 61-2019

335-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That Council reads By-law 61-2019, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its June 10, 2019 Regular Meeting a first, second and third and final time.

CARRIED

O. ADJOURNMENT

336-2019

Moved By Councillor Tony Gaffan

Seconded By Councillor Larry Patterson

That Council adjourns this Regular Meeting at 7:59 p.m.

CARRIED



MINUTES

**TOURISM AND ECONOMIC DEVELOPMENT COMMITTEE
THURSDAY, APRIL 11, 2019 @ 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:

T. Gaffan
B. Durward
M. Somerville
M. Law
S. Lowrie
Mayor N. Santos
D. Hunt

Members of Administration:

CAO, P. Van Mierlo-West
Executive Assistant to the Mayor and CAO, T. Hewitt
Tourism Coordinator, N. Cobby
BIA Coordinator, C. 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. None were reported

C. DELEGATIONS/PRESENTATIONS

N. Santos welcomed Joe Deneau, Jamie Lees and Frank D'Angelo from J@nk Media & Design who presented information on their My Kingsville Digital Advertising "Partner Program" which aims to drive more traffic to mykingsville.ca and allow for more targetable, trackable digital advertising for the Town and its corporate partners. Sales and creative would be the responsibility of J@nk and it would be a revenue neutral initiative. Accessibility requirements were discussed. P. Van Mierlo-West will bring a report back to the next meeting with further detail. J. Deneau, J. Lees and F. D'Angelo left the meeting at 6:10pm.

D. STAFF REPORTS

1. Tourism and Economic Development Budget vs. Actuals – P. Van Mierlo-West

P. Van Mierlo-West provided the committee with an overview of the budget and touched on the current expenses. There was discussion about selling merchandise to business owners for resale in their own establishments.

2. Report – Project Status Update Apr 2019 – N. Cobby

N. Cobby summarized the tourism initiatives taken in April. She has sold 38/39 of the passport ads. She stated that tracking will be done by a sticker/initial system. It will be ready for print by the next meeting.

11-2019 Moved by T. GAFFAN, seconded by B. DURWARD, to receive the reports.

CARRIED

3. TOK Passport Proof 3 – N. Cobby

The committee reviewed the passport proof.

4. Mayor Round Table Update – P. Van Mierlo-West

P. Van Mierlo-West provided an overview of the Mayor Round Table on Art. She stated there are five more Round Tables scheduled and the next one will be on Sports. Marketing strategies will be discussed when the strategic plan is finalized. She stated that our summer student will be developing a “selfie trail”. It was recommended that we touch on threats in our SWOT. There was discussion on the questions that will be asked in the next Mayor’s Round Table. P. Van Mierlo-West will send out packages on facilitation.

5. Staycation Volunteers – P. Van Mierlo-West

P. Van Mierlo-West requested volunteers to help N. Cobby at the Staycation. T. Hewitt or M. Somerville will help with set up. N. Santos will assist over lunch. S. Lowrie will assist on Saturday. M. Law can help coordinate volunteers with set up. T. Hewitt will reach out to all staff via email to recruit other volunteers.

E. MINUTES OF THE PREVIOUS MEETING

1. Tourism/Economic Development Committee Meeting Minutes—March 14, 2019

12-2019 Moved by T. GAFFAN, seconded by B. DURWARD, to approve the minutes of Tourism/Economic Development Committee Meeting dated March 14, 2019.

CARRIED

F. NEW AND UNFINISHED BUSINESS

1. C. Bedal provided an update on the BIA – including a graffiti clean-up. She stated that the Water Quench Buggy is confirmed and that there will be a Highland Games decorating contest. They are also in the process of refreshing banners.
2. There was discussion about the J@nk Media presentation and what marketing can be handled internally. There was also concern about competing with businesses for ad revenue.

G. NEXT MEETING DATE

1. The next meeting of the Tourism and Economic Development Committee is Thursday, June 6, 2019 at COMMITTEE ROOM A, 2021 DIVISION RD N. @ 5:30 p.m.

H. ADJOURNMENT

13-2019 Moved by D. HUNT, seconded by M. LAW, to adjourn this Meeting at 7:01 p.m.

CARRIED

CHAIR, Nelson Santos

RECORDING SECRETARY, T. Hewitt



MINUTES

REGULAR MEETING OF KINGSVILLE BIA

WEDNESDAY, MAY 14 , 2019 AT 6:15 P.M.

Carnegie Arts & Visitor Centre, 28 Division St. S, Kingsville, Ontario

A. CALL TO ORDER

Beth Riddiford called the Meeting to order at 6:15 pm with the following persons in attendance:

Members of BIA Board: Beth Riddiford, Laura Lucier, , Trevor Loop, Izabel Muzzin, Jason Martin, Maria Edwards, Amanda Everaert, Sarah Trudell, Paul Thompson, Heather Brown, Roberta Weston

Regrets: Tony Gaffan

Absent:

Guests:

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

D. AMENDMENTS TO THE AGENDA

E. DISCLOSURE OF PECUNIARY INTEREST

F. ADOPTION OF ACCOUNTS

BIA Coordinator – Re: BIA Accounts as recorded in the monthly period ending April 2019.

BIA-104-2019 – Motion by Trevor Loop and seconded by Maria Edwards to approve report. **CARRIED.**

F. STAFF REPORTS

1. **BIA Coordinator Christina Bedal – Re: Monthly Activity**
The Coordinator presented her written report.
2. **COUNCIL REP**
Laura Lucier reviewed her report.
- 3 **EDDK**
Izabela Muzzin reviewed her report.

G. BUSINESS/CORRESPONDENCE – ACTION REQUIRED

1. Associate Membership Application – Blinds By Glenna
BIA-105-2019 – Motion by Trevor Loop and seconded by Heather Brown to approve application. **CARRIED.**
2. Facelift Grant Application – Annabelle's
BIA-106-2019 – Motion by Jason Martin and seconded by Laura Lucier to approve application. **CARRIED.**

H. MINUTES OF THE PREVIOUS MEETINGS

BIA-107-2019 – motion to approve the minutes from the April 9, 2019 meeting made by Maria Edwards and seconded by Laura Lucier. **CARRIED**

I. BUSINESS/ CORRESPONDENCE – INFORMATIONAL

1. Tony Gaffan Email Reviewed
2. Town of Kingsville Correspondence Reviewed

J. NEW AND UNFINISHED BUSINESS

1. **GRAFFITI DONATION**
BIA-108-2019 – motion to donate \$500 to St. Leonard's House made by Heather Brown and seconded by Izabela Muzzin. **CARRIED**

2. BANNERS

- Sarah will work with BIA Coordinator to communicate Banner Contest guidelines. The winning artist(s) will be invited to the AGM and receive social media recognition as well as other media recognition.

3. TALL SHIPS

- BIA Coordinator updated on progress in planning and no music will be provided for the event

4. SPRING GUIDE

- No spring guide will be published this year
- Holiday Guide ideas from Windsor Life will go onto a summer agenda for further review

5. FACELIFT GRANT

- BIA Coordinator to make updates and present it at the next meeting
- BIA Coordinator to prepare a proposed one time program to promote security enhancements for members

6. COUPON BOOK

- BIA Coordinator to work with Web Planet to determine layout and confirm pricing.
BIA-109-2019 – motion to adjourn pursue the coupon book project with the quantity of 5000 booklets made by Trevor Loop and seconded by Jason Martin. **CARRIED**

7. BOARD OF MANAGERS TOWN WALK ABOUT

- To take place on May 28th at 6 PM

8. BLOOD DONOR CLINIC

- The BIA will sponsor a clinic in July
- Board members have been asked to each create a team

9. CAR SHOW 2020

- The board discussed and decided not to take on this event

10. FUND RAISING/EVENT IDEA 2020

- Trevor Whaling to be invited as Delegate to June meeting for further discussion with the Board

11.NETWORKING EVENT IDEA

- Trevor Whaling to be invited as Delegate to June meeting for further discussion with the Board

12.PARKING SIGNS

- BIA Coordinator to obtain pricing for largest signs we are allowed to post
- BIA Coordinator to obtain sizes permitted for this type of sign

13.POP UP BEST PRACTICES

- Board reviewed and approved the best practices document that is to be made available to the membership as a resource via email and website.
BIA-110-2019 – motion to distribute best practices guide to membership via email and website made by Jason Martin and seconded by Trevor Loop.
CARRIED

J. NEXT MEETING DATE

Tuesday, June 11, 2019

K. ADJOURNMENT

BIA-111-2019 – motion to adjourn at 8:15 PM made by Izabela Muzzin and seconded by Maria Edwards. **CARRIED**



CHAIR, Beth Riddiford



RECORDING SECRETARY, Christina Bedal

The residents of Mettawas Lane

June 6, 2019

To the Town of Kingsville

Mayor Nelson Santos

Deputy Mayor Gordon Queen

Councillors Kimberly De Yong, Tony Gaffan, Laura Lucier, Thomas Neufeld and Larry Patterson

Re. Mettawas Park and Beach

Dear Mayor and councillors,

Mettawas Park is one of the largest park and outdoor space improvement projects the Town is planning. Its appeal depends in large part on the preservation and enhancement of Mettawas Beach.

We residents living in close proximity have urged Town staff on several occasions over the last few years – long before the water levels reached their current height – that preservation of the existing beach should get a lot more attention.



The point, Eastern beach section



Western beach section

One crucial example is the point at the east end of the beach that provides both a visual screen towards the unsightly piles of aggregate at Southwestern Aggregates and even more importantly against erosion of the eastern beach section. Years ago we suggested that the soil layer around the tree cover of the

point should be protected by a ring of boulders, rather than just watching the black soil wash ashore after each storm. It was basically shrugged off with remarks like "ERCA would never agree to this". The west side of Mettawas beach has receded at least 10m over the last few years. Soon there might not be much left of it.

According to press and other media reports ERCA seems to share the concerns for the area beaches and appears to put a lot more emphasis on measures to prevent or at least mitigate further erosion. This has become even more urgent with the higher lake levels.

We would like to hereby urge the Kingsville Town Council to develop and implement a plan that would preserve and possibly restore the remaining beach sections.

Sincerely,

Undersigned Mettawas Lane residents

PS Please contact any one of the following residents for any additional information. We would also appreciate to be notified when this issue is included in a council meeting agenda:

Colin Ball [redacted] or [redacted] Larry Bebee [redacted] or [redacted]

Eckart Scheuing [redacted] or [redacted]

Nick Penzari [redacted]

[redacted]

[redacted]

[redacted]

Patricia L. Jamisse [redacted]

Pauline Rice [redacted]

deRice [redacted]

Mark Sempinger [redacted]
Janice Sempinger [redacted]

Paula Hamilton [redacted]

Tim Fuerth [redacted]

Larry Bebee [redacted]

Gloria Smith [redacted]

Diane Dinning [redacted]

Edwin J. Bell [redacted]

[redacted]

Lynn & Dave Downing [redacted]

Dave Radford [redacted]
in absentia

Edith Schering [redacted]

Jude Halpert [redacted]

Bruce & Marie Pottle [redacted]

Lynne Joubert [redacted]

Sue Enns [redacted]

Wanda Bebee [redacted]

Stephanie Olewski

To: Sandy Kitchen
Subject: RE: Reducing Litter and Waste, June 5th, 2019

From: Carolyn Lance [<mailto:clance@georgina.ca>]
Sent: Friday, June 14, 2019 12:21 PM
Subject: Reducing Litter and Waste, June 5th, 2019

Good afternoon.

Please be advised that on June 5th, Town Council for the Corporation of the Town of Georgina passed the following motion concerning 'Reducing Litter and Waste in our Communities', for your consideration. Thank you.

Moved by Regional Councillor Grossi, Seconded by Councillor Waddington

RESOLUTION NO. C-2019-0370

WHEREAS the Town of Georgina has been a leader when it comes to waste management in the Province of Ontario;

AND WHEREAS the Town of Georgina instituted a user pay garbage program over 20 years ago;

AND WHEREAS the Province of Ontario, through the Ministry of the Environment, has posted a discussion paper entitled 'Reducing Litter and Waste in our Communities';

AND WHEREAS producer responsibility has not been adequately addressed by the Province of Ontario and its time has come;

AND WHEREAS a successful deposit/return program for single use plastic, aluminum and metal drink containers has been in existence in other Provinces in Canada including Newfoundland, Nova Scotia and British Columbia;

AND WHEREAS these successful programs have eliminated many of these containers from the natural environment;

BE IT THEREFORE RESOLVED that the Council of the Town of Georgina call upon the Province of Ontario through the discussion paper 'Reducing Litter and Waste in our Communities' to review and implement a deposit/return program for all single use plastic, aluminum and metal drink containers;

BE IT FURTHER RESOLVED that the Province of Ontario review current producer requirements and look for extended producer responsibility for all packaging;

BE IT FURTHER RESOLVED that a copy of this motion be sent to the Minister of the Environment, the Premier, the Minister of Municipal Affairs, the Association of Municipalities of Ontario, the Region of York and all Municipalities in the Province of Ontario.

Carried unanimously.



Carolyn Lance

Council Services Coordinator

Clerk's Division | Town of Georgina

26557 Civic Centre Road, Keswick, ON | L4P 3G1

905-476-4301 Ext. 2219 | georgina.ca

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CORPORATION OF THE MUNICIPALITY OF SOUTH HURON

322 Main Street South P.O. Box 759

Exeter Ontario

N0M 1S6

Phone: 519-235-0310 Fax: 519-235-3304

Toll Free: 1-877-204-0747

June 12, 2019

Ontario Good Roads Association
1525 Cornwall Road
Unit 22
Oakville, ON L6J 0B2

Attention: Rick Kester, President

Re: 2019 Ontario Good Roads Association combined conference resolution

At the Municipality of South Huron Council meeting of June 3, 2019, Council passed the following resolution:

Motion: 329-2019

Moved: T. Oke

Seconded: B. Willard

Whereas on the May 21, 2019 Regular Council agenda, correspondence item 11.6 was received from the Ontario Good Roads Association (OGRA); and

Whereas at the 2019 OGRA conference AGM a resolution was passed regarding the re-establishment of an annual combined conference for both OGRA & Rural Ontario Municipalities (ROMA); and

Whereas included in item 11.6 was correspondence from ROMA to OGRA dated March 22, 2019 which responded that the ROMA Board is not prepared to enter into discussions with OGRA for the purpose of combining the respective conferences at this time; and

Whereas South Huron Council discussed this item and noted as a past attendee of the combined conferences, it makes great sense for the OGRA & ROMA conferences to be returned to a combined conference effort each February, not only financially for the municipality but also for availability for participation of members of Council and staff;

Now Therefore Be It Resolved that the Council of the Municipality of South Huron support the original resolution passed at the OGRA AGM to re-establish a combined OGRA & ROMA conference; and

Furthermore that a letter be sent to the ROMA Board of Directors, outlining our support for a collaborative OGRA ROMA annual combined conference, and that this letter of support be circulated to the Ontario Municipalities, and the OGRA Board of Directors. Disposition: Carried

The above is for your consideration and any attention deemed necessary.

Sincerely,



Rebekah Msuya-Collison, Director of Legislative Services/Clerk
Municipality of South Huron
519-235-0310 x227
clerk@southhuron.ca

c. Rural Ontario Municipal Association
c. All Huron County municipalities

June 19, 2019

Sent via email

Re: Resolution - Free Menstrual Products at City Facilities

At its meeting held on June 10, 2019, St. Catharines City Council approved the following motion:

WHEREAS people who menstruate need adequate and appropriate access to menstrual products so that they can experience their full health potential, maintain dignity and participate fully in community; and

WHEREAS according to Plan Canada International study, one-third of Canadian women under the age of 25 struggled to afford menstrual products; and

WHEREAS the inability to afford menstrual products is a health equity issue; and

WHEREAS there is a need for low or no cost menstrual products; and

WHEREAS menstruating is a natural bodily function, and access to menstrual products is as necessary as access to toilet paper; and

WHEREAS universal access to menstrual products contributes to the normalization of menstruation and enhanced access in a dignified way; and

WHEREAS other Canadian cities, including London and Sarnia are already piloting and/or assessing the feasibility of menstrual product access programs; and

WHEREAS recreation centres and libraries service a large population, diverse in age and socioeconomic status; and

WHEREAS public-facing City of St. Catharines facilities can be accessed by all members of the community at no cost;

THEREFORE BE IT RESOLVED that the City of St. Catharines work towards providing free menstrual products (pads and tampons) in all public-facing municipally-run facilities in the following ways:

.../2

1. That staff report back to Council outlining options and costs for a pilot project that would offer menstrual products in select recreation centres and library locations;
2. That the evaluation of the pilot project also include qualitative data from people using the products;
3. That the results of the pilot project inform the feasibility of expanding the provision of free menstrual products in all public-facing municipal buildings;
4. That if passed, the Clerk's Office notify all school boards and municipalities in Ontario of the City of St. Catharines' initiative and encourage them to do the same.

This resolution, passed by our Council on June 10, 2019, is being forwarded to you for your consideration and support. Please consider forwarding this to your local school board.

If you have any questions, please contact the Office of the City Clerk at extension 1524.



Bonnie Nistico-Dunk, City Clerk
Legal and Clerks Services, Office of the City Clerk
:em



Gord Queen, 28 Pulford Street, Kingsville, Ontario N9Y 1B4

June 10th. 2019

To Council of the Town of Kingsville
2021 Division Street North
Kingsville, Ontario

Kingsville, Windsor, and Essex County Have Changed
Background &
Notice of Motion, Proposed Mega Hospital

Following the second world war (in 1946) the Kinsmen Club of Kingsville purchased our first ambulance to serve the needs of this community. In 1949 I was born in the Grace Hospital located in the City of Windsor.

Kingsville once had a Maternity Home called the Green home. My great Uncle Ernie Queen often spoke of driving ladies to this site when running a taxi service. Timing was important then as it is now.

Over the past few years, I have attended, Leamington, Hotel Dieu, Met , St Joseph's, and the new London Victoria Hospitals.

County Tax Payer Funds for the New Mega Hospital proposed to be built within the City of Windsor to serve the residents of the City of Windsor, and County of Essex.

Therefore at the Next Regular Meeting of Council I may move, or Cause to have Moved:

Whereas the needs of Windsor and Essex County Population and Medical Needs have increased over the past 50 years, and the actual growth of the City of Windsor recognized the need for growth in 2003 with the annexation of Tecumseh lands for future development.

Whereas the new Mega Hospital Site selection process considered not only past needs but the future needs of the City and County Residents for years to come.

Whereas when the OMB appeal process was ended the Province indicated a desire to put more faith and consideration in the decisions of local elected councils.

Whereas the population growth within Essex County reflects the anticipation that near equal populations will exist between the two groups, called the City of Windsor and County of Essex

Whereas the two respective populations are expected to each contribute approximately 100 million towards the Mega Hospital Construction, based on the Current proposed Site.

Whereas the residents of the County of Essex will not only benefit by reduced travel time, but the City of Windsor Residents will remain with critical services in the core area of the old City Limits.

Whereas the anticipated site development plan indicated as indicated by a former City of Windsor Council member indicated need for 60 acres.

Whereas the New Hospital similar to London Victoria Hospital will not only serve the residents but also enhance the Medical School opportunities for learning.

Therefore be it resolved that the Town Of Kingsville supports moving forward with the new Mega Hospital in the Proposed Location, to serve the entire combined region.

And that upon passing, such Resolution be sent to the City of Windsor, County of Essex, The Premier, The Minister of Health, The Minister of Municipal Affairs, The Local MPPS and MPP Pettipiece.

Gord Queen

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 57 - 2019

Being a By-law of the Town of Kingsville to Regulate the Setting of Open Air Fires

WHEREAS Section 391(1) of the *Municipal Act, 2001*, S.O. c. 25 provides that the Council of a Municipality may pass by-laws imposing fees or charges on any class of persons for services or activities provided or done by or on behalf of it;

AND WHEREAS the *Fire Protection and Prevention Act, 1997*, S.O. c.4, s.7.1 (1) (a) provides that a Council of a Municipality may pass By-laws regulating fire prevention, including the prevention of the spreading of fires;

AND WHEREAS the *Fire Protection and Prevention Act, 1997*, S.O. c.4, s.7.1. (1) (b) provides that a Council of a Municipality may pass By-laws regulating the setting of open air fires, including establishing the times during which open air fires may be set;

AND WHEREAS, the Council of the Town of Kingsville deems it necessary and prudent to set out laws governing open air fires to protect persons and property within the limits and boundaries of the municipality from open air fires that may become out of control;

NOW THEREFORE the Council of the Town of Kingsville hereby enacts as follows:

SECTION 1: DEFINITIONS

1.1 For the purpose of this By-Law:

Adverse Effect means one or more of,

- i) Impairment of the quality of the natural environment for any use that can be made of it,
- ii) Injury or damage to property or to plant or animal life,
- iii) Harm or material discomfort to any person,
- iv) An adverse effect on the health of any person,
- v) Impairment of the safety of any person,
- vi) Rendering any property or plant or animal life unfit for human use,

vii) Loss of enjoyment of normal use of property, and

viii) Interference with the normal conduct of business.

Approved – shall mean permission granted and a Permit issued by the Fire Chief.

Approved Incinerator Fire - shall mean a fire set in a container designed for incineration purposes and shall conform to the National Fire Protection Association 82 Standard “Incinerators and Waste Linen Handling Systems and Equipment”. This does **not** include a barrel.

Burn Ban – shall mean absolutely no Open Air Burning including Campfires or Cooking Fires, but does not include the use of propane which is equipped with a shutoff mechanism or a charcoal barbecue.

Building - shall mean any structure used or intended for supporting or sheltering any use or occupancy.

Bylaw – shall mean Bylaw 57-2019

Campfire - shall mean a Fire, having a maximum fuel volume of 1 metre x 1 metre x 1 metre height. (3 feet x 3 feet x 3 feet), that is set and maintained solely for the purposes of cooking food, providing warmth or recreational enjoyment and where;

- i) The site of the fire is on non-combustible material,
- ii) The fire is at least 3 metres (9.9 feet) from any flammable material,
- iii) The space above the fire is at least 3 metres (9.9 feet) from vegetation,
- iv) The fire is at least 4.75 metres (15 feet) from the property line,
- v) The fire is at least 4.75 metres (15 feet) from a structure, and,
- vi) The flame length does not exceed 1 metre (3.3 feet) in height and 1 metre (3.3 feet) in diameter.

Contractor/Agricultural Fire - shall mean an Open Air Fire, having been approved, that is set and maintained for the sole purpose of burning cut piled wood or brush, the disposal of certain paper based refuse or non- toxic building materials.

Cooking Fire – Shall mean a small contained fire, no greater than 12 inches (30 centimetres) in diameter and used to cook food on a grill. The Fire shall be in a pit or a permanent structure designed and intended for the cooking of food on a grill or within a smoker.

Council - shall mean the Council of the Town of Kingsville.

Dangerous Condition - means:

- i) A lack of precipitation which, in the opinion of the Fire Chief, increases the risk of the spread of fire; or
- ii) Winds or wind direction which in the opinion of the Fire Chief increases the risk of spread of fire; or
- iii) The issuance, by the Fire Chief, Fire Marshall, or other fire officials in the exercise of their statutory powers, of a fire ban or prohibition against any and all Open Air Fires; or
- iv) Any other condition declared by the Fire Chief to be a dangerous condition from time to time, which increases the risk of the spread of fire.

Extinguish – Put out or quenched completely with no smoke, hot or glowing embers remaining.

Fire - shall mean any fire set out in open air for the purpose of burning, cut piled brush, the disposal of certain paper based refuse or non-toxic building materials or campfire, but shall **not** include:

- i) Fires emanating from blow torches, cutting or welding torches, paving equipment or other such apparatus as associated with a service or occupation.
- ii) Small confined fires used for the purpose of cooking which is supervised at all times by a competent person and shall include a grill or barbecue.

Fire Chief - shall mean the Chief of the Town of Kingsville Fire Department, or his/her designate.

Household Waste – shall mean combustible material such as plastics, polyethylene terephthalate (PET), paints, oils, solvents, rubber, insulation, batteries, acids, polystyrenes (styrofoam), pressure treated or painted lumber, tires, upholstered furniture, synthetic fabrics, diapers, hazardous wastes and other materials as defined in the *Environmental Protection Act* R.S.O 1990,c.e. 19, as amended and all other similar and like materials but shall not include untreated wood and wood fiber products such as un-laminated paper and cardboard and boxboard and brush.

Municipal Law Enforcement Officer - shall mean any Ontario Provincial Police Officer acting on behalf of the Town of Kingsville.

Municipal By-law Enforcement Officer shall mean the officer(s)

so appointed by the Town of Kingsville and those officers appointed as fire officers by the Town of Kingsville authorities to enforce local by-laws including open air burning regulations.

Ontario Fire Code - shall mean O.Reg. 388/97 made under the *Fire Protection and Prevention Act*, S.O. 1997, C.4, as amended.

Open Air Burning – shall mean the same definition as Fire.

Open Air Fire – shall mean the same definition as a Fire.

Out Of Control – shall mean a fire which spreads beyond the boundaries of the parcel of land or containment area in which it was first ignited, or threatens to do so, or when it endangers any life, Building or property, or when the flying ash or burning brands are causing or have the potential to cause other fires, or when such fire is left unattended.

Owner- shall mean any person, firm, company or corporation having ownership or control of the property(s) and shall include the persons occupying such property.

Person - shall mean any individual, association, firm, partnership, Corporation, agent or trustee and their heirs, executors, or other legal representatives thereof.

Permit- shall mean a permit issued by the Fire Chief signifying permission to set or maintain or allow to be set or maintained a Fire and establishing the conditions under which the permission is granted.

Prohibited Materials - includes “*Household Waste*”, rubber or rubber products, plastic or plastic products, and waste petroleum products and any material or materials which are prohibited by the *Environmental Protection Act*, R.S.O. 1990, Chapter E.19, as amended.

Town - shall mean the Corporation of the Town of Kingsville.

Town of Kingsville Fire Department – shall mean the fire department operated by the Town.

SECTION 2: REQUIREMENTS

- 2.1 The provisions of the By-Law shall apply to all land and areas so designated as being within the legal boundaries of the Town of Kingsville.
- 2.2 No Person shall set out Fire without first obtaining a fire Permit. Fees for said Permits shall be located within the fees & charges by-law.

- 2.3 Permits shall be issued only to the Owner of the property where the Fire is to be set out save for an authorized person or agent acting upon the Owners behalf who has dated and signed written authorization by the Owner.
- 2.4 No Permit shall be issued to a property owner where Open Air Burning will have a detrimental effect on his/her neighbors because of the substance(s) being burned or the size or the location of the burn area.
- 2.5 Upon obtaining a Permit in accordance with 2.3 the Owner or his agent shall:
- i) Ensure that the fire is supervised at all times by a competent person who is at least 16 years of age or older.
 - ii) In the opinion of fire department member so authorized or the person responsible shall have sufficient resources available to control the fire at all times.
 - iii) Ensure all special requirements imposed by the Fire Chief within the Permit are met.
 - iv) Ensure that any Fire set out is never left unattended.
 - v) Ensure that where debris is to be burned, the Fire shall be properly contained.
 - vi) Ensure that any Contractor/Agricultural Fire set out shall not be within a distance of 10 metres of any Building or within 10 metres of any other combustibles, vehicular roadway of any kind or nature, overhead wiring or property lines.
 - vii) Ensure that any Fire set out is not larger than approved.
- 2.6 Where in the opinion of the Fire Chief, a potentially dangerous situation exists due to fire, smoke, weather, environmental or health concerns the Fire Chief may rescind, suspend or cancel any or all Permits.
- 2.7 Permits must be obtained through the Town of Kingsville Fire Department.
- 2.8 Notwithstanding any provisions herein, no Person shall set or maintain a Fire;
- i) In contravention of the Ontario Fire Code, the *Environmental Protection Act*, or any other statutory requirements of the Province of Ontario or the Government of Canada;
 - ii) Containing Prohibited Materials

- iii) In any property owned or operated by the Town without the written permission of the Town;
 - iv) In any outdoor fireplace or any other burning appliance or container unless same complies with the requirements contained within 2.2 and 2.5 of the bylaw.
 - v) Burn any allowed material without obtaining and having on their person a Permit for those types of Open Air Burns requiring one;
 - vi) Which does not meet the definition of a Cooking Fire, Approved Incinerator Fire or is an appliance that is in conformance with the *Technical Standards and Safety Act, 2000*, is for outdoor use and is installed in accordance with the manufacturer's instructions, without having obtained a Permit;
 - vii) When a Burn Ban has been declared and put in place by the Fire Chief.
- 2.9 No Open Air Burning shall be commenced or maintained when the wind is in such a direction or intensity to cause any or all of the following:
- i) The possible spread of the Fire beyond the approved burn site;
 - ii) A decrease in the visibility on any highway or roadway;
 - iii) Any odor to such an extent or degree so as to cause discomfort to the persons in the immediate areas;
 - iv) Excessive smoke or any other Adverse Effect;
 - v) Any Dangerous Condition;
- 2.10 No Open Air Burning shall be commenced or maintained when rain or fog is present or weather conditions prevent the ready dispersion of smoke.
- 2.11 No Permit shall be required for domestic barbeques or permanent outdoor fireplaces used for the purpose of cooking of food on a grill and extinguished immediately upon completion of its use to cook, is an appliance that is in conformance with the *Technical Standards and Safety Act, 2000*, is for outdoor use and is installed in accordance with the manufacturer's instructions or Approved Incinerator Fires.
- 2.12 No Person shall allow any Cooking Fire to create an Adverse Effect.

- 2.13 No Person shall cause to be burned more than one pile at any one time, without the written approval of the Fire Chief.
- 2.14 No hay, straw, leaves, grass clippings or standing material may be burned, unless approved by the Fire Chief.
- 2.15 The time indicated for no burning does not apply to a Cooking Fire, if a Burn Ban is not in place and all precautions have been taken as defined and outlined.
- 2.16 The Town of Kingsville Fire Department is exempt from this by-law.
- 2.17 A blanket Permit for all campfires at a trailer park, resort, or campground may be issued by the Fire Chief. The issuance of a Permit will require an inspection by the Fire Chief and a detailed diagram of the grounds showing each campfire site.
- 2.18 The Fire Chief may grant special approval for a variance to the open air burning regulations contained in this by-law.
- 2.19 Any person may make application in writing to the Fire Chief for special approval of Open Air Burning with religious, cultural or environmental significance, as an exception to the provisions of this By-law. Any such application shall include statement(s) to describe the purpose, reason and intent of the request, location and size of the fire, date and time of the fire, safety measures and supervision arrangements. The application shall also include a site diagram including distances showing the fire location relative to Buildings, trees, shrubs, hedges, fences, overhead obstructions, flammable materials and property lines.
- 2.20 Permits may be cancelled at any time by the Fire Chief. Upon receiving notice of such cancellation or suspension, the holder of the permit shall immediately Extinguish the fire(s) started under said permit.

SECTION 3: ISSUANCE OF PERMIT

- 3.1 The issuance of a Permit will require the prior inspection of the proposed burn site by the Fire Chief.
- 3.2 In applying for a Permit, no Person shall furnish false or misleading information.
- 3.3 Permit(s) may be obtained from Town of Kingsville Fire Department.
- 3.4 It is the responsibility of the Person granted a Permit to check and monitor burning conditions and adhere to any Burn Ban that may be in place.

- 3.5 It is the responsibility of the Person who is burning to have immediately available to them the Permit which they were issued for inspection by the Fire Chief, Municipal By-law Enforcement Officer or the Municipal Law Enforcement Officer.
- 3.6 Any prosecution under a provision of this By-law that requires a Permit, the onus is on the Person charged to prove that the Person had a Permit at the time the offense is alleged to have been committed.
- 3.7 In the event a Permit is revoked for non-compliance or any violation of this Bylaw, the property owner will be banned from the issuance of a permit for ninety (90) days.

SECTION 4: FIRE DEPARTMENT RESPONSE

- 4.1 In the event that the Town of Kingsville Fire Department is called to respond to an alarm to Extinguish any Open Air Fire which is Out Of Control, the cost of said response shall be charged against the Person and / or Owner in accordance with Schedule "C" as set out in this By-Law.

SECTION 5: ADMINISTRATION AND ENFORCEMENT

- 5.1 The Fire Chief, Municipal Law Enforcement Officer, Municipal By-Law Enforcement Officer and any person so appointed by the Town shall have the authority to administer this By-Law in its entirety.
- 5.2 The Fire Chief may, at any time, and in the exercise of his or her sole discretion, issue a Burn Ban, effective for a specified period of time, prohibiting the setting of any and all Open Air Fires within any area of the Town.
- 5.3 Notwithstanding Section 2 of this By-Law, the Fire Chief may revoke any or all Permits, or refuse to issue Permits where, in the opinion of the Fire Chief, that the ability to control the Fire is hampered by the existence of a Dangerous Condition, which exists on or in the proximity of the proposed Open Air Burning site.
- 5.4 Any Person and/or Owner who fails to comply with the provisions of this By-law, or who fails to properly supervise and maintain a fire, or who fails to Extinguish a Fire once notification to do so has been given to him/her by the Fire Chief shall, in addition to any penalty provided for herein, be liable to the Town for all expenses incurred for the purposes of Extinguishing of any Fire so set or left to burn and such expenses may be recovered by court action. The expenses for which the Person and/or Owner may be liable cover the cost of sufficient personnel and equipment required to control a Fire, as set out within Schedule "D" hereof. Such expenses shall be equally chargeable in the

event that a deliberately set Fire burns out of control, such that the services of the Kingsville Fire Department are necessary.

- 5.5 Any costs chargeable to any Person and/or Owner pursuant to section hereof shall be invoiced to the Person and/or Owner and paid to the Town within thirty (30) days of the date of such invoice.
- 5.6 No action or other proceeding for damages shall be brought against the Town or any employee or agency of the Town, as a result of any act done in good faith in the issuance of approval, permission, or authorization under this By-law. Notwithstanding the above, the Person who receives approval, permission or authorization under this By-law, shall indemnify and hold the Town harmless from any damages, causes of action, claims or costs of any kind arising from or resulting from any damages or injuries caused by Fire, smoke, or other causes.
- 5.7 It shall be the responsibility of the Person and/or Owner to ensure that no damage is done to any property or injury caused to any person while setting a Fire or permitting a Fire to burn, and shall otherwise jointly and severally be responsible for any damage or injury to persons or property as a result of setting the fire or permitting the fire to burn.

SECTION 6: VIOLATIONS AND PENALTIES

- 6.1 In addition to any other penalty prescribed by this By-law, any Person who contravenes any provision of this By-law is guilty of an offence and is liable to a fine or penalty for each offence, exclusive costs and upon conviction is liable to a fine as set out in the *Provincial Offences Act* R.S.O. 1990 Chapter P.33 and the *Fire Protection and Prevention Act*, 1997 S.O. 1997.
- 6.2 Any person who sets a Fire;
- without first obtaining the necessary Permit, or;
 - without following the conditions detailed in this By-law or any special requirements of the Permit to set out a Fire;

Shall be liable for a fine as per Schedule "D", and, if the services of the Kingsville Fire Department are necessary due to the Fire being Out of Control, charges as set out in Schedule "C" shall also be payable.

SECTION 7: SCHEDULES AND SEVERABILITY

- 7.1 Schedules "A", "B", "C" and "D" attached to this by-law shall also be read with and form part of this By-law.

- 7.2 The provisions of this By-law are severable. If any provision, section or word is held to be invalid or illegal, such invalidity or illegality shall not affect or impair any of the remaining provisions, sections or words.

SECTION 8: VALIDITY

- 8.1 This By-Law shall come into force effective the _____.

SECTION 9: REPEAL

- 9.1 That all previous By-laws to regulate the setting of Open Air Fires be repealed effective.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
_____.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo



Schedule A
**** APPLICATION FOR OPEN AIR BURNING ****



Kingsville Fire Department
1720 Division Rd. North
Kingsville, ON
N9Y 3S2
www.kingsvillefire.ca

Phone: (519) 733-2314

Fax: (519) 733-2399

Applicant:

Name:		Phone:	
Title :		Cell:	
Address:		Date of Birth (D/M/Y):	
City:	Postal Code:	Email:	

Owner of Property (Location of Burn):

☐ SAME AS APPLICANT

If owner is different than the applicant this form must be signed by the property owner and be faxed, emailed or delivered to the fire department.

Name:		Phone:	
Title :		Cell:	
Address:		Date of Birth (D/M/Y):	
City:	Postal Code:	Email:	
I, _____, authorize the burn proposed for this application. <small>(Print Property Owner's Name)</small>			
Signature:		Date:	

TYPE OF PERMIT: Annual Agricultural: ☐ Residential: ☐ Single Event: ☐

Date(s) & Time(s) of burn: _____

Describe proximity of proposed burn in feet or metres to:

- ☐ buildings: _____
- ☐ vegetation: _____
- ☐ overhead wires: _____
- ☐ other combustibles: _____

Describe material(s) to be burned: _____

Estimated size of burn area: _____

Method of containment and/or extinguishment: _____

Access route to burn location: _____

The above information is accurate to the best of my knowledge. I understand that any false information given will void this application. If my application is approved, I agree to abide by the provisions evoked by the Kingsville Fire Department (KFD) to ensure that my open burn is done in the safest manner possible and under the requirements of the Open Air Burn By-law. I agree to extinguish the open burn outlined in this application immediately upon order of the KFD. I will have the open burn permit on site when the open burn takes place and understand that not having the said permit on site is grounds to have the open burn extinguished.

☐ Check here to indicate that you have read and agree to the terms presented

Applicant's Signature

Date

SCHEDULE "B"

Open Burning Permit

By-law 57-2019

TYPE OF PERMIT: *Annual Agricultural: _____ Residential: _____ *Single Event: _____
Date of Inspection: ____/____/____ Valid Through: ____/____/____
Owner: _____ Applicant: _____
Address of Fire: _____
Type of Appliance: _____ Items to be Burned: _____
Phone Number: _____ Method of Containment: _____
Method of Payment: Cheque _____ Cash _____

NOTE: COPY OF PERMIT MUST BE ON SITE AT TIME OF BURN

To maintain the Fire Department's approval the following requirements MUST be met:

- The owner shall have sufficient equipment or means of controlling the fire so it does not spread or get out of hand.
- The lumber being burned must be dry and fit within the approved fire pit or appliance.
- The fire shall be continuously monitored by a "responsible person" and be completely out before the person monitoring leaves the site.
- No person shall set fire so as to cause any or all of the following:
 - Smoke or odour nuisance to neighbouring residences or buildings
 - A decrease in visibility on any highway or roadway
 - A rapid spread of fire through grass, crops, brush or any wooded area
- No hazardous materials, such as plastics, rubber, oils, treated lumber or any items that could adversely affect the environment shall be burned.
- Any person who contravenes the towns Open Air Fire By-law may be subject to a fine, as set out in By-law 57-2019. A copy of the By-law is available at Town Hall or the Fire Department.
- Complaints to the Kingsville Fire Department, generated by an approved open air fire, will be investigated by the duty officer. If the duty officer finds the open air fire guidelines have been followed the complainant will be directed to contact the Ministry of Environment at 519-948-1464 for information of any possible further action.
- If it is found the burn does not comply with the above guidelines, it will be extinguished by the owner upon request by the Fire Chief. If the owner is unable or unwilling to extinguish the open air fire themselves, a fire crew will attend and a response charge will be assessed by the town.
- The owner shall be solely liable for any or all damage resulting from open burning.
- Every person is obligated to comply with the provisions of By-law 57-2019. If any clarification is required, inquiries can be made at 519-733-2314 (Monday – Friday 8:00am – 4:30pm).

***FOR ANNUAL AGRICULTURAL AND SINGLE EVENT PERMITS:**

- An owner wishing to burn shall provide a minimum of 2 hours notice to the fire department by calling 519-733-2313. Burning shall only take place between sun up and sun down. An inspection may be completed by the officer on duty and will be at their discretion. Burning is not permitted on the road allowances and/or below any overhead cables or wires.

Signature of Fire Chief
Or Designate

Signature of Applicant

SCHEDULE "C"

FEE SCHEDULE

The expenses for which the Person or Owner may be liable, cover the cost of sufficient personnel and equipment required to control a Fire, as referred to within Section 6 of By-law 57-2019, and such costs have been deemed as being:

RESPONSE FEES

First hour or part thereof per fire unit vehicle MTO Rate

Each half hour thereafter or part thereof per fire unit vehicle MTO Rate

This shall be calculated from the initial dispatch of the fire department or any fire department under contract or agreement, until such time as each vehicle is back in service (defined as when the vehicle is back at the hall and has been replenished with the requirements for the unit to respond to the next activation)

These fees are in addition to any fines or penalties established elsewhere, in accordance with this By-law.

SCHEDULE “D”

FINE SCHEDULE

THE TOWN OF KINGSVILLE

Part 1 Provincial Offences Act

DRAFT

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 59 - 2019

Being a By-law authorizing the entering into of an Agreement with Henry Heyink Construction Ltd. for the Lakeside Park Sanitary Sewer Installation (Dillon Consulting Limited Project No. 18-7815; Lakeside Park Trunk Sanitary Sewer in the Town of Kingsville)

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;

AND WHEREAS The Corporation of the Town of Kingsville (the “Town”) deems it expedient for the Town to enter an Agreement with Henry Heyink Construction Ltd. for the Lakeside Park Sanitary Sewer Installation (Dillon Consulting Limited Project No. 18-7815).

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

1. **THAT** the Town enters into and executes with Henry Heyink Construction Ltd. for the Lakeside Park Sanitary Sewer Installation 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 24th DAY OF JUNE, 2019.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

THIS AGREEMENT made (in triplicate) this 28th day of May A.D. 2019

BETWEEN:

CORPORATION OF THE TOWN OF KINGSVILLE

hereinafter called the "OWNER"

Of the First Part;

- and -

HENRY HEYINK CONSTRUCTION LTD.

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 27th day of May 2019.

THEREFORE THIS AGREEMENT WITNESSETH that in 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 15th day of May 2019 and the contract documents, including the general conditions of the contract, the plans and drawings and specifications prepared by DILLON CONSULTING LIMITED 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 Lakeside Park Sanitary Sewer Installation and for the price or sum of ONE MILLION, FIVE HUNDRED AND FORTY-SIX THOUSAND DOLLARS AND ZERO CENTS (H.S.T. Included) (\$1,546,000.00).

2. The Contractor further covenants and agrees to undertake and complete the said work in a proper workmanlike manner 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 Bond and a Labour and Material Payment Bond each in the amount equivalent to one hundred percent (100%) of the Total Tender Price, in such form and issued by such surety as may be approved by the Owner's Solicitor, 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 part thereof, unless and until the Contractor has been instructed in writing to do so.

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 enure 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.

OWNER'S SEAL

CORPORATION OF THE TOWN OF KINGSVILLE

Owner

Owner's Signature

Owner's Signature

Date

CONTRACTOR'S SEAL

HENRY HEYINK CONSTRUCTION LTD.

Contractor



Contractor's Signature

Contractor's Signature

29 MAY 2019
Date

275 Colborne Street, P.O. Box 1341

Chatham, ON N7M 5R9

Contractor's Address

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 62 - 2019

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. That Subsection 6.7 e) LAKESHORE RESIDENTIAL (LR) EXCEPTIONS is amended with the addition of the following new subsection:

6.7.33 'Lakeshore Residential Exception 33 (LR-33)'

For lands shown as LR-33 on Map 64 Schedule "A" of this By-law.

- a) ***Permitted Uses***
Those uses permitted under Section 6.7 Lakeshore Residential (LR).
- b) ***Permitted Buildings and Structures***
 - i) Those buildings and structures permitted in Section 6.7
 - ii) Semi-detached dwelling
 - iii) Semi-detached dwelling unit

c) *Zone Provisions*

All lot and building requirements shall be in accordance with the following:

- i. Provisions of the (LR) Section 6.7 shall apply to the lands Zoned (LR-33);
- ii. Notwithstanding the Zone provisions of Section 6.7, the following additional provisions shall apply to lands Zoned (LR-33):

	Single Detached dwelling	Semi-detached dwelling	Semi-detached dwelling unit
Lot area (min)	850 sq. m	850 sq. m	365 sq. m
Lot frontage (min)	24 m	24 m	19 m for an interior lot, and 15 m for a lot with an exterior side yard
Lot coverage (max)	50%	50%	50%
Building height (max)	11 m	11 m	11 m
Front yard (min)	6 m	4.5 m	5.48 m
Interior Side yard (minimum)	1.5 m	3.66 m	3.66 m
Exterior Side yard (min)	4.5 m	5.48 m	5.48 m
Rear yard (min)	7.5 m	7.5 m	3.66 m

2. Schedule "A", Map 62 of By-law 1-2014 is hereby amended by changing the zone symbol on an approximately 854 m² (9200 sq ft) portion of land, known municipally as 1021 Oak Avenue, in Part of Lot 16, Concession 1, as shown on Schedule 'A' in cross-hatch attached hereto from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 33 (LR-33)'.
3. 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 34 of the Planning Act.

READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 24th DAY OF JUNE, 2019.

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

Schedule A



1021 OAK AVENUE
PART OF LOT 16, CONCESSION 1
ZBA/32/18



Schedule "A", Map 60 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 33 (LR-33)'



CORPORATION OF THE TOWN OF KINGSVILLE

OFFICIAL PLAN AMENDMENT NO. 10

Ray Wall - Howe Fit Inc.
289 Main Street West
Part of Lots 4 & 5, Concession 1 WD
PART 1, RP 12R22209
JUNE 2019

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Appendix ‘B’ – Public submissions

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PART “A” - THE PREAMBLE

1.0 Authorizing By-law No. 63-2019

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW NO. 63-2019

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. 10 (OPA 10); 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 24th DAY OF JUNE 2019.

Mayor - Nelson Santos

Clerk - Jennifer Astrologo



2.0 Background

The former dwelling and detached accessory building were converted for retail use in 2016. The prospective purchaser (applicant) currently operates a fitness centre located at 106 Wile Ave. They are proposing to relocate to the subject property, constructing an addition to the existing accessory building to accommodate their fitness centre, renovate the former dwelling from the current retail use to office space, and expand the parking lot.

3.0 Purpose of this Amendment

The purpose of this amendment is to designate the entire property from its current mix of Highway Commercial, Residential, and Agriculture to Highway Commercial.

4.0 Location of this Amendment

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

Item 1:

Lands approximately 0.5 hectares (1.24 acres) in area as indicated on the attached schedule are to be designated as Highway Commercial on Schedule “A-2” in the Kingsville Official Plan.

5.0 Basis of this Amendment

The subject land totals 0.5 ha (1.238 ac.) and is located at what is considered the easterly limit of the Primary Settlement Area boundary for Kingsville. The former dwelling and detached accessory building were converted for retail use in 2016. The prospective purchaser (applicant) currently operates a fitness centre located at 106 Wigle Ave. They are proposing to relocate to the subject property, constructing an addition to the existing accessory building to accommodate their fitness centre, renovate the former dwelling from the current retail use to office space, and expand the parking lot. In order to proceed with the development a number of planning approvals are required as follows:

- 1) an Official Plan Amendment to designate the entire property from its current mix of Highway Commercial, Residential, and Agriculture to Highway Commercial;
- 2) a zoning by-law amendment to change the area currently zoned 'Residential Zone 1 Urban - holding (R1.1(h))' to 'General Commercial (C4)' and establish any required site-specific regulations.

The property does not currently have an approved site plan in place so if the requested amendments are approved the next step would be approval of a site plan for the proposed addition and development of the parking area.

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. 10 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 the ‘Highway Commercial’ land use designation.

Schedule 1



0 20 40 80 120 160 Meters

289 MAIN STREET W
PART OF LOTS 4 & 5, CONCESSION 1
OPA/01/19



Map Schedule "A", (Land Use Plan) is hereby amended by changing the land use as shown on Schedule "1" in cross-hatch attached hereto from 'Agricultural', 'Highway Commercial', and 'Residential', to 'Highway Commercial'.

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 64 - 2019

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. 10 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 Subsection 8.4 e) GENERAL COMMERCIAL (C4) EXCEPTIONS is amended with the addition of the following new subsection:

8.4.6 'General Commercial Exception 6 (C4-6)'

For lands shown as C4-6 on Map 64 and Map 68 Schedule "A" of this By-law.

- a) ***Permitted Uses***
Those *uses permitted* under Section 8.4 General Commercial (C4).
 - b) ***Permitted Buildings and Structures***
Those *buildings and structures* for the *permitted uses*.
 - c) ***Zone Provisions***
All lot and building requirements shall be in accordance with the following:
 - i) All lot and building requirements for the permitted buildings and structures shall be in accordance with Subsection 8.4 of this By-law;
 - ii) Notwithstanding regulations and provisions for the (C4) zone the following special provisions shall apply to lands zoned (C4-6):
 - a) *Openings* (detailed in an approved site plan) on the east and south sides of a structure within 15.24 m (50 ft) of a Residential zone shall be limited to:
 - i) fixed pane windows and/or;
 - ii) fire exits as required by the Ontario Building Code.
 - iii) Notwithstanding Section 5.17 Table 5, the minimum number of *parking spaces* required for this site shall be 30 spaces.
2. Schedule "A", Map 64 and Map 68 of By-law 1-2014 are hereby amended by changing the zone symbol on an approximately 0.5 ha (1.24 ac) portion of land, known municipally as 289 Main Street W, in Part of Lots 4 & 5, Concession 1, as shown on Schedule 'A' in cross-hatch attached hereto from 'Agriculture (A1)', 'General Commercial (C4)', and 'Residential Zone 1 Urban – holding (R1.1(h))', to 'General Commercial Exception 6 (C4-6)'.

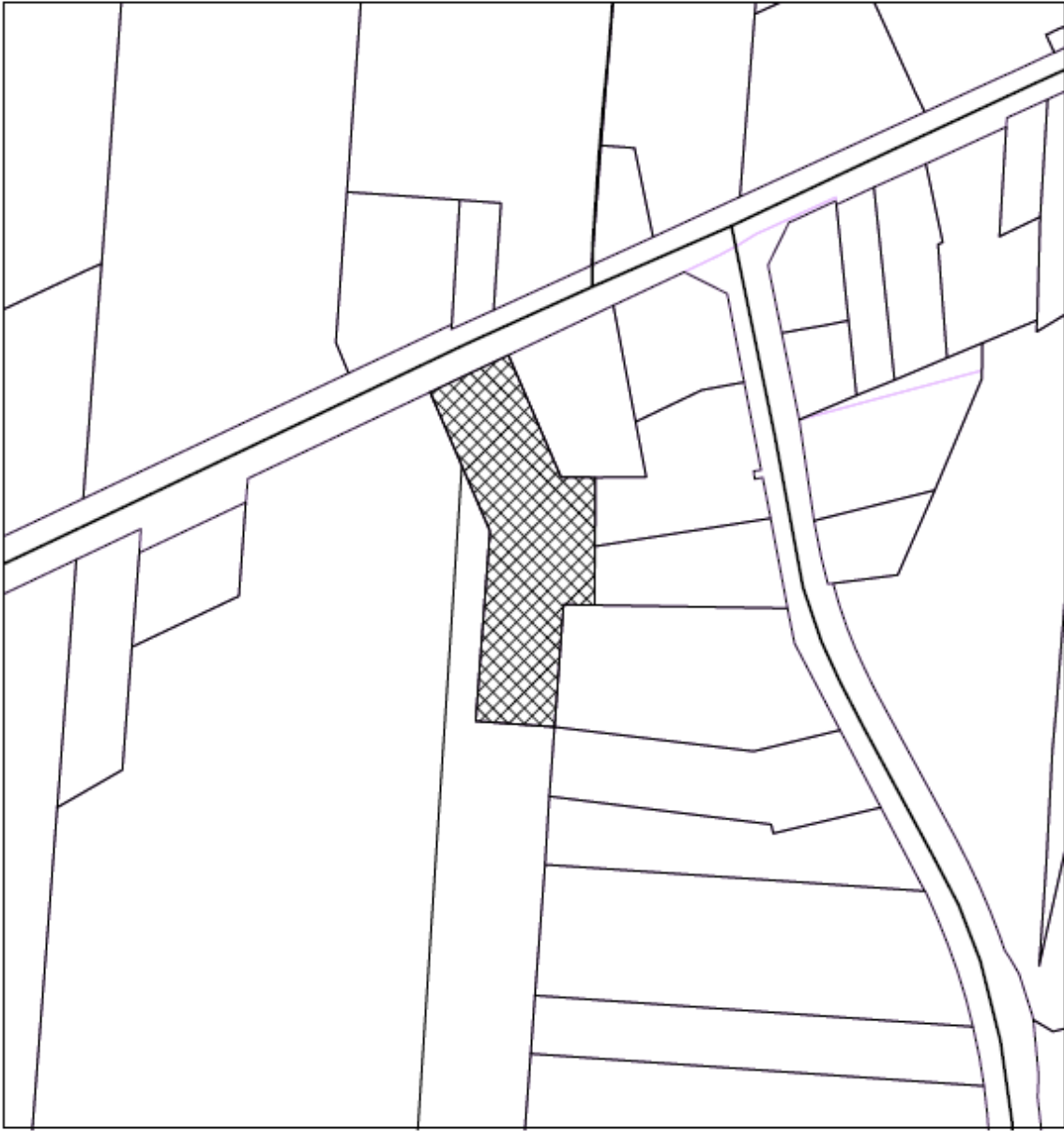
3. This by-law shall come into force and take effect from the date of passing by Council and shall come into force in accordance with Section 34 of the Planning Act, R.S.O. 1990 Chapter P.13, as amended.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS
24th DAY OF JUNE, 2019.**

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo

Schedule A



0 20 40 80 120 160 Meters

289 MAIN STREET W
PART OF LOTS 4 & 5, CONCESSION 1
ZBA/08/19



Schedule "A", Map 64 and Map 68 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 (A1)', 'General Commercial (C4)', and 'Residential Zone 1 Urban – holding (R1.1(h))', to 'General Commercial Exception 6 (C4-6)'.

THE CORPORATION OF THE TOWN OF KINGSVILLE

BY-LAW 65-2019

Being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its June 24, 2019 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 24, 2019 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
24th DAY OF JUNE, 2019.**

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo