

REGULAR MEETING OF COUNCIL MINUTES

Monday, December 9, 2019 6:30 PM Council Chambers 2021 Division Road N Kingsville, Ontario N9Y 2Y9

Members of Council Mayor Nelson Santos

Deputy Mayor Gord Queen Councillor Tony Gaffan Councillor Thomas Neufeld Councillor Larry Patterson Councillor Kimberly DeYong Councillor Laura Lucier

Members of Administration

S. Kitchen, Deputy Clerk-Council Services

P. Van Mierlo-West, CAO

R. Baines, Deputy Clerk - Administrative Services

Absent: Director of Corporate Services/Clerk J. Astrologo (on

personal business)

A. CALL TO ORDER

Mayor Santos called the Regular Meeting to order at 6:30 p.m. with all Members of Council in attendance.

B. CLOSED SESSION

621-2019

Moved By Councillor Thomas Neufeld Seconded By Councillor Kimberly DeYong

That Council, at 6:31 p.m. move into Closed Session to address the following items:

- i) Section 239(2)(e) (litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board) being an update Report by CAO P. Van Mierlo-West regarding the status of Town of Kingsville, et al. ats Wood;
- ii) Section 239(2)(c) (a proposed or pending acquisition or disposition of land by the municipality) being an update Report by CAO P. Van Mierlo-West regarding the Agreement of Purchase and Sale with the Greater Essex County District School Board; and
- iii) Section 239(2)(k) (a position, plan, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality) being an update Report by Mayor Santos regarding a proposal to the Town.

CARRIED

Upon rising from Closed Session at 6:51 p.m., Mayor Santos called for a short recess.

At 7:00 p.m. Mayor Santos reconvened this Regular Meeting with all members of Council present, along with the following members of Administration: CAO P. Van Mierlo-West, Manager of Planning Services R. Brown, Director of Municipal Services A. Plancke, Manager of Public Works S. Martinho, Parks and Recreation Programs Manager M. Durocher, Director of Financial Services R. McLeod, Manager of Municipal Facilities and Property D. Wolicki, Deputy Clerk-Council Services S. Kitchen, and Deputy Clerk-Administrative Services R. Baines.

C. MOMENT OF SILENCE AND REFLECTION

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

D. PLAYING OF NATIONAL ANTHEM

E. DISCLOSURE OF PECUNIARY INTEREST

Mayor Santos reminded Council that any declaration is to be made prior to each item being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

F. REPORT OUT OF CLOSED SESSION

Mayor Santos reported that Council addressed three closed session items, as listed above and that updates were provided on each (Bi, ii, and iii).

G. PRESENTATIONS/DELEGATIONS

1. Jay Atkin, on behalf of the 'Salute to Veterans Banner Project' Group--Request dated December 3, 2019 RE: To provide an update on the project

On behalf of the Salute to Veterans Project Committee (co-founded by Jay Atkin, Mary-Maureen Atkin, Daisy Stewart and Murray Stewart), Mr. Atkin provided an update in regard to the overwhelming response from the community to our Veterans. He thanked the entire Municipal Services staff for their assistance with the Banner Project. Mr. Atkin also provided the Group's comments and recommendations with regard to the draft Streetlight Banner Policy which had been presented by the Town's Public Works Manager, Mr. Shaun Martinho, at a previous Regular Meeting of Council.

622-2019

Moved By Councillor Tony Gaffan **Seconded By** Councillor Larry Patterson

That Council receives Mr. Jay Atkin's presentation on behalf of the Salute to Veterans Banner Project Committee entitled 'Presentation Handout for: Salute to Veterans Banner Project' dated December 9, 2019.

CARRIED

Ms. Van Mierlo-West stated that Administration will bring the full approach back to Council, including an updated draft policy, some time during the first quarter of 2020.

2. William Taylor--Request dated December 3, 2019 RE: Parking issues on Lansdowne near the Park Street intersection (SEE Excerpt --Regular Meeting of Council Motion 598-2019)

Mr. Taylor presented his concerns in regard to the parking on Lansdowne Street and the Amendment to the Traffic By-law in connection therewith (Motion 598-2019). He suggested that controlled delivery parking would be a good solution to the parking issues i.e. no parking from the stop sign to the corner and another sign for commercial loading permitted between 7 a.m. and 11 a.m. Monday to Friday. He disagrees with the no parking on the east side of Lansdowne, and requested that the amending by-law restrict parking on the west side of Lansdowne.

Mayor Santos indicated that the situation would be continued to be monitored, and that Administration needs time to get the parking signs up and work with the approved amendment as passed.

623-2019

Moved By Deputy Mayor Gord Queen **Seconded By** Councillor Laura Lucier

That Council receives the comments from Mr. William Taylor, Lansdowne St. resident, in connection with his concerns regarding the parking restrictions on Lansdowne, for the public record.

CARRIED

H. MATTERS SUBJECT TO NOTICE

- 1. PUBLIC MEETING--Combined Application for Consent & Zoning By-Law Amendment File B/21/19 & ZBA/23/19 by Bardow Holdings Ltd. 354 Road 11, Part of Lot 15, Concession 10
 - R. Brown, Manager of Planning Services.
 - i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment and Consent, dated November 14, 2019;
 - ii) Report of D. French, Interim Town Planner, dated November 29, 2019;
 - iii) Proposed By-law 102-2019, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

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

624-2019

Moved By Councillor Larry Patterson
Seconded By Councillor Kimberly DeYong

That Council approves Consent Application B/21/19 to sever an existing dwelling, deemed surplus to the needs of the prospective purchaser, together with an access easement over the severed parcel, in favour of the retained parcel, on a 0.543 ha (1.343 ac.) parcel shown as Parts 1 and 2 on the applicant's sketch, subject to the following conditions:

a. That a reference plan be deposited in the registry office, both an electronic and paper copy of the registered plan is to be provided.

- b. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or Municipal Act be paid in full along with all municipal taxes be paid in full.
- c. That any necessary drainage reapportionments be undertaken.
- d. A clearance letter of approval for the septic system on the severed parcel (surplus dwelling lot) must be obtained from the Town's Building Department.
- e. That as a result of the severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date the consent is being endorsed on the deeds.
- f. The Zoning By-law be amendment to prohibit future dwellings on the retained farm parcel prior to the consent being endorsed on the deeds.
- g. That the necessary deed(s), transfer or charges be submitted in triplicate; signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.
- h. The conditions imposed above shall be fulfilled by December 9, 2020 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act;
- i. The conditions imposed above shall be fulfilled by December 9, 2020 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act; And Further That Council approves Zoning By-law Amendment Application ZBA/23/19 to rezone the retained parcel, known as 354 Road 11, Part of Lot 15, Concession 10, in the Town of Kingsville, from 'Agriculture (A1)' to 'Agriculture Restricted (A2)' and adopt the implementing by-law.

- 2. PUBLIC MEETING--Application for Zoning By-law Amendment by Rock Island Investments Inc.; 1562 Road 3 East; Part of Lot 9, Concession 3 ED
 - R. Brown, Manager of Planning Services
 - i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment, dated November 19, 2019;

- ii) Report of R. Brown, Manager of Planning Services, dated November 27, 2019;
- iii) Proposed By-law 106-2019, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Comments from Council:

Deputy Mayor Queen asked how many residents may be accommodated if the Application is approved, noting concerns about traffic and bicycles.

Comments from the Applicant:

Richard Colasanti, of Rock Island Investments Inc., indicated that there is a need for local greenhouse growers to house some of their workers, and the proposed conversion of the existing dwelling would comply with all fire, building and health unit regulations. He explained the property is fenced and would accommodate approximately twelve individuals. He commented that he lives next door to the property and maintains his properties very well.

Comments from the audience:

Agostino Amicone, 1325 Road 3 East, objected to the application, stating that he has a bunkhouse on his property, but it is there for his own farm. He stated that the growers would rather rent homes (through rezoning) rather than place bunkhouses on their own farms, and he stated that in his opinion that's wrong.

Steven Cziraky, 1557 Road 3 East, stated that the property in question (1562 Road 3 East) was traditionally a residential property with an accessory use and should be taxed as residential. He indicated that the total square footage would allow for twenty people to live in the residence, and he does not agree with the application.

A recorded vote was requested.

625-2019

Moved By Deputy Mayor Gord Queen **Seconded By** Councillor Kimberly DeYong

That Council rejects Zoning By-law Amendment Application ZBA/21/19 (1562 Road 3 East, Kingsville).

Recorded	For	Against
Mayor Nelson Santos		X

Deputy Mayor Gord Queen	X	
Councillor Tony Gaffan	X	
Councillor Thomas Neufeld		Χ
Councillor Larry Patterson	Χ	
Councillor Kimberly DeYong	X	
Councillor Laura Lucier	X	
Results	5	2

CARRIED (5 to 2)

- 3. PUBLIC MEETING--Application for Zoning By-law Amendment by Rock Island Investments Inc.; 1335, 1361 and 1415 Road 3 E, Part of Lot 8, Concession 2 ED, Part 1, RP 12R 8670, Part 1 RP 12R 25914 and Parts 5 to 8, RP 12R 25474
 - R. Brown, Manager of Planning Services
 - i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment dated November 19, 2019;
 - ii) Report of R. Brown, Manager of Planning Services, dated November 26, 2019;
 - iii) Proposed By-law 107-2019, being a By-law to amend the Comprehensive Zoning By-law for the Town of Kingsville.

Mr. Brown presented his Planning Report. He commented that 1415 Road 3 East and 1361 Road 3 East were converted through a building permit process.

Comments from the Applicant:

Mr. Richard Colasanti, of Rock Island Investments Inc., indicated that he is halfway through the proposed conversions, and has now been told that the rules had changed as detailed within Mr. Brown's Planning Report.

Comments from the audience:

Agostino Amicone, 1325 Road 3 East, commented that as the proposed conversion for 1335 Road 3 East is located right next door to his own home, the conversion of that property to a bunkhouse will negatively impact the value of his house.

Mr. Steven Cziraky, 1557 Road 3 East, stated that he is opposed to any residential house being labelled as a bunkhouse.

A recorded vote was requested.

626-2019

Moved By Councillor Laura Lucier Seconded By Councillor Thomas Neufeld

That Council approves Zoning By-law Amendment Application ZBA/22/19 to rezone the subject lands located at 1361 & 1415 Road 3 E from 'Agriculture Zone 1 (A1)' to a special 'Agriculture Zone 1 Exception 80, (A1-80)' to permit the conversion of an existing single detached dwelling to a non-accessory bunkhouse; Further That Council directs Administration to remove reference to the 1335 Road 3 E property; And Further That Council adopt the implementing by-law, as amended to remove reference to 1335 Road 3 East, at this Regular Meeting.

Recorded	For	Against
Mayor Nelson Santos	Χ	
Deputy Mayor Gord Queen		Χ
Councillor Tony Gaffan		Χ
Councillor Thomas Neufeld	X	
Councillor Larry Patterson	X	
Councillor Kimberly DeYong		X
Councillor Laura Lucier	X	
Results	4	3

CARRIED (4 to 3)

I. AMENDMENTS TO THE AGENDA

Councillor DeYong added two Notices of Motion.

J. ADOPTION OF ACCOUNTS

1. Town of Kingsville Accounts for the monthly period ended November 30, 2019 being TD cheque numbers 0071025 to 0071372 for a grand total of \$2,366,616.44.

R. McLeod, Director of Financial Services

627-2019

Moved By Deputy Mayor Gord Queen **Seconded By** Councillor Tony Gaffan

That Council receives Town of Kingsville Accounts for the monthly period ended November 30, 2019 being TD cheque numbers 0071025 to 0071372 for a grand total of \$2,366,616.44.

CARRIED

K. STAFF REPORTS

- 1. Application for Site Plan Amendment by Tay Inc. 190 Main St. E., Part of Lot 1, Concession 2 ED Part 2, RP 12R 26799
 - R. Brown, Manager of Planning Services

628-2019

Moved By Deputy Mayor Gord Queen **Seconded By** Councillor Larry Patterson

That Council rejects Site Plan Amendment Application SPA/24/19 (190 Main St. E., Part of Lot 1, Concession 2 ED; Part 2, RP 12R-26799); And Further That Council directs Administration to prepare a Report outlining measures to be taken to ensure that this does not happen again.

CARRIED

Mayor Santos called for a recess at 9:05 p.m. and the Regular Meeting reconvened at 9:17 p.m.

2. Cottam Community Improvement Plan Application by Bernard & Kathryn Cormier 125 County Road 34 W Pt. Lot 270, Concession STR, Part 5 & 10 RP 12R 16608

R. Brown, Manager of Planning Services

629-2019

Moved By Deputy Mayor Gord Queen **Seconded By** Councillor Laura Lucier

That Council approves the Cottam Community Improvement Plan funding application for the purchase and installation of a new HVAC system as an energy efficiency improvement for 125 County Road 34 West in the amount of \$2,500.00, representing the maximum funding allowance per application.

3. Application for Site Plan Amendment by DT Enterprise Farms Limited, 2001 Peterson Lane, Part of Lot 8, Concession 2 ED, Parts 1 and 2, RP 12R 17600

R. Brown, Manager of Planning Services

630-2019

Moved By Deputy Mayor Gord Queen **Seconded By** Councillor Laura Lucier

That Council approves Site Plan Amendment Application SPA/22/19 for a 5.57 ha (13.76 ac.) addition to an existing greenhouse and 262 sq. m (2,820 sq. ft. addition to existing bunkhouse) subject to the terms outlined in the Amending Agreement and authorizes the Mayor and Clerk to sign the Agreement and register said Agreement on title.

CARRIED

4. Lake Drive to Conservation Blvd Easement Agreement "Revised"

G. A. Plancke, Director of Municipal Services

631-2019

Moved By Councillor Kimberly DeYong **Seconded By** Councillor Thomas Neufeld

That the Town enters into a revised Easement Agreement with 1646322 Ontario Limited for the purpose of constructing and maintaining an active transportation trail connection from Lake Drive to Conservation Boulevard; And Further That the Mayor and Clerk be authorized to execute the revised Easement Agreement on behalf of the Town.

CARRIED

5. Facility Rental Advertisement

M. Durocher, Parks and Recreation Programs Manager

632-2019

Moved By Deputy Mayor Gord Queen **Seconded By** Councillor Tony Gaffan

That Administration develop a facility booking advertising campaign and furthermore that this campaign provide a more detailed pricing and amenity list relative to each facility, and to include the availability of booking with the Town's Parks and Recreation Staff.

CARRIED

6. Investing in Canada Infrastructure Program Green Stream Intake 1

G. A. Plancke, Director of Municipal Services

633-2019

Moved By Councillor Larry Patterson **Seconded By** Councillor Thomas Neufeld

That Council endorses the Cottam Sewage Upgrade Phase 2 project for consideration as the appropriate project submission under the Investing in Canada Infrastructure Program Green Stream Intake 1.

CARRIED

7. Cottam Rotary Lease Agreement

D. Wolicki, Manager of Municipal Facilities and Property

634-2019

Moved By Deputy Mayor Gord Queen
Seconded By Councillor Kimberly DeYong

That Council directs the Mayor and Clerk to execute the Amending Agreement with the Cottam Rotary Club for partial usage of the recreational facility located at 124 Fox Street in Cottam.

8. 2020 Draft Budget – Executive Summary

R. McLeod, Director of Financial Services

635-2019

Moved By Councillor Tony Gaffan
Seconded By Councillor Kimberly DeYong

That Council receives the 2020 Draft Budget; and Further That Council sets the following Budget Deliberation dates: January 16, 2020 commencing at 9:00 a.m. and January 29, 2020 commencing at 9:00 a.m. which budget deliberation dates to be so advertised.

CARRIED

L. MINUTES OF THE PREVIOUS MEETINGS

- 1. Regular Meeting of Council--November 25, 2019
- 2. Special Meeting of Council--December 2, 2019

636-2019

Moved By Councillor Tony Gaffan
Seconded By Councillor Thomas Neufeld

That Council adopts Regular Meeting of Council Minutes dated November 25, 2019, and Special Meeting of Council Minutes, dated December 2, 2019.

CARRIED

M. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. Union Water Supply System Joint Board of Management - October 16, 2019

637-2019

Moved By Councillor Larry Patterson **Seconded By** Councillor Laura Lucier

That Council receives Union Water Supply System Joint Board of Management Meeting Minutes dated October 16, 2019

2. Police Services Board - October 23, 2019

638-2019

Moved By Councillor Laura Lucier Seconded By Deputy Mayor Gord Queen

That Council receives Police Services Board Meeting Minutes dated October 23, 2019

CARRIED

3. Parks, Recreation, Arts and Culture Committee - October 24, 2019

639-2019

Moved By Councillor Larry Patterson **Seconded By** Councillor Kimberly DeYong

That Council receives Parks, Recreation, Arts and Culture Committee Meeting Minutes dated October 24, 2019 together with Minutes of the following subcommittees: Fantasy of Lights - September 10, 2019; Migration Festival - September 17, 2019; Highland Games - September 16, 2019; and Communities in Bloom - June 23, 2019.

CARRIED

N. BUSINESS CORRESPONDENCE - INFORMATIONAL

- 1. Resolutions of Endorsement of Town of Kingsville Resolution 533-2019 RE: Local Health Care Services:
 - a. Municipality of Killarney
 - b. Township of Front of Yonge
 - c. Township of Armour
 - d. Township of St. Joseph
 - e. Town of Rainy River

- f. Municipality of Northern Bruce Peninsula
- g. Town of Laurentian Hills
- h. Township of Schreiber
- i. Township of Nairn and Hyman
- 2. Petition of Residents on Woodlawn Crescent, dated September 15, 2019 RE: Request for signage

640-2019

Moved By Councillor Kimberly DeYong **Seconded By** Councillor Laura Lucier

That Council receives Business Correspondence-Informational Items 1a.-i. and 2.

CARRIED

O. NOTICES OF MOTION

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

641-2019

Moved By Deputy Mayor Gord Queen **Seconded By** Councillor Kimberly DeYong

That the Town of Kingsville obtain and install a Christmas tree in the Park area south of the old Library, known as Carnegie Park in the Fall of 2020. Such tree to be prepared with lights prior to the opening of the Fantasy of Lights so that the lights may be connected or lit the same evening as the Fantasy of Lights opening; the tree would then become just one more part of our great Fantasy of Lights celebration. The Fantasy of Lights Committee could then assist our Parks and Recreation staff with the planning and coordination of the local school children to decorate the tree with their own decorations. The continued help, support and assistance of Municipal Services Staff along with the Fire Department Staff is acknowledged, appreciated and requested in 2020 and future years.

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

642-2019

Moved By Deputy Mayor Gord Queen **Seconded By** Councillor Tony Gaffan

That Council request a comprehensive report that includes Planning, Municipal Services (Engineering), and Building to demonstrate to Council: i) How the subdivision site plans are designed with levels of drains and catch basins; ii) how Subdivisions constructed are checked to ensure compliance with the engineered designs; iii) how Subdivisions constructed do not, or will not, have an adverse effect on adjacent property owners; iv) such report expected within ninety (90) days (See: Notice of Motion, dated November 21, 2019)

CARRIED

Councillor DeYong introduced two Notices of Motion, indicating that at the next Regular Meeting, she may move, or cause to have moved:

- i) that Administration provide a report pertaining to the Esseltine Drain, specifically for the property located at 1824 Road 3 East to confirm that the property's approximately one acre of trees has been properly assessed and in keeping with how other tree covered areas were assessed. The report to include what the monetary difference is if the trees were assessed accordingly; and
- ii) In an attempt to be transparent and accountable, that Administration provide a report on the vacancy rate of the municipality's rental facilities for the purposes of effectively knowing what kind of promotional effort is required and also to measure the success of any promotional effort taken.

P. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

Mayor Santos noted that this being the last Regular Meeting of 2019, he wished to express his thanks to Council and administration. He commented that 2019 has been an extensively busy year for the municipality.

Q. BYLAWS

1. By-law 102-2019

643-2019

Moved By Deputy Mayor Gord Queen
Seconded By Councillor Kimberly DeYong

That Council reads By-law 102-2019, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/23/19; 354 Road 11, Part of Lot 15, Concession 10) a first, second and third and final time.

CARRIED

2. By-law 105-2019

644-2019

Moved By Deputy Mayor Gord Queen **Seconded By** Councillor Thomas Neufeld

That Council reads By-law 105-2019, being a by-law authorizing the entering into of an Easement Agreement with 1646322 Ontario Limited for the purpose of constructing and maintaining an active transportation trail connection from Lake Drive to Conservation Boulevard, a first, second and third and final time.

CARRIED

3. By-law 107-2019

645-2019

Moved By Deputy Mayor Gord Queen
Seconded By Councillor Larry Patterson

Being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/22/19; 1361 and 1415 Road 3 E, Part of Lot 8, Concession 2, ED, Part 1, RP 12R 8670, Part 1, RP12R-25914 and Parts 5 to 8, RP 12R 25474, as amended, a first, second and third and final time.

CARRIED

4. By-law 109-2019

646-2019

Moved By Deputy Mayor Gord Queen
Seconded By Councillor Tony Gaffan

That Council reads By-law 109-2019 to amend By-law 2-2019, being a By-law to appoint certain members and individuals of Council and individuals to boards and committees, a first, second and third and final time.

CARRIED

5. By-law 110-2019

647-2019

Moved By Deputy Mayor Gord Queen **Seconded By** Councillor Laura Lucier

That Council reads By-law 110-2019, being a By-law under the Municipal Act, 2001, Part 13, Section 408; to authorize the issue of two series of debentures to consolidate the financing of construction and/or maintenance of numerous drains all in the Town of Kingsville, to be read a first, second and third and final time.

CARRIED

6. By-law 111-2019

648-2019

Moved By Deputy Mayor Gord Queen
Seconded By Councillor Kimberly DeYong

That Council reads By-law 111-2019, being a By-law to authorize the entering into of an Amending Agreement with Rotary Club of Cottam, a first, second and third and final time.

CARRIED

R. CONFIRMATORY BY-LAW

1. By-law 112-2019

649-2019

Moved By Deputy Mayor Gord Queen
Seconded By Councillor Kimberly DeYong

That Council reads By-law 112-2019, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its December 9, 2019 Regular Meeting, a first, second and third and final time.

CARRIED

S. ADJOURNMENT

650-2019
Moved By Councillor Tony Gaffan
Seconded By Councillor Thomas Neufeld

That Council adjourns this Regular Meeting at 10:13 p.m.