



**REGULAR MEETING OF COUNCIL  
MINUTES**

**Monday, January 27, 2020**

**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
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Members of Administration	J. Astrologo, Director of Corporate Services R. McLeod, Director of Financial Services P. Van Mierlo-West, CAO R. Baines, Deputy Clerk - Administrative Services
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**A. CALL TO ORDER**

Mayor Santos called the Regular Meeting to order at 6:30 p.m.

**B. CLOSED SESSION**

**63-2020**

**Moved By** Councillor Larry Patterson

**Seconded By** Councillor Tony Gaffan

That Council, at 6:30 p.m., pursuant to section 239(2) of the *Municipal Act, 2001*, Council enter into Closed Session to address the following items:

1. Subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; being an update from Solicitor David Halliwill regarding 281 Main St. East.

2. Subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; being an update from Solicitor David Halliwill regarding 190 Main St. East, being Part of Lot 1, Concession 2, ED Part 2, 12R 26799.

## **CARRIED**

Upon rising from Closed Session at 7:38 p.m. Mayor Santos called for a short recess.

At 7:45 p.m. Mayor Santos reconvened the Regular Meeting of Council with the members of Council listed above in attendance and with the following members of Administration in attendance: CAO P. Van Mierlo-West, Director of Corporate Services/Clerk J. Astrologo, Deputy Clerk Administrative Services R. Baines, Director of Financial Services R. McLeod, Manager of Planning Services R. Brown and Town Planner K. Brcic.

### **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 received update reports on two matters, being Closed Session Items B.1 and B.2 as listed above, as follows:

B.1) Update report from Solicitor D. Halliwill regarding 281 Main St East

B.2) Update report from Solicitor D. Halliwill regarding 190 Main St East

Mayor Santos reported that Council provided direction to Solicitor Halliwill in regards to these matters.

### **G. PRESENTATIONS/DELEGATIONS**

#### **1. Bill Jamieson, request dated January 22, 2020 RE: Greenhouse Light Pollution**

Mayor Santos reported that Mr. Jamieson wished to defer his presentation until a later time and he would reach out to Corporate Services to make those arrangements.

## **H. MATTERS SUBJECT TO NOTICE**

### **1. Combined Application for Consent & Zoning By-Law Amendment File B/24/19 & ZBA/25/19 by David Roy Golden 411 Road 2 West, Part of Lot 7, Concession 1, WD Roll No. 3711 280 000 3250**

Ms. Brcic presented the report of D. French, interim Town Planner.

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

**64-2020**

**Moved By** Councillor Laura Lucier

**Seconded By** Councillor Tony Gaffan

That:

Council approve consent application B/24/19 to sever an existing dwelling, deemed surplus to the needs of the owner on a 0.4 ha (0.992 ac.) parcel shown as Part 1, WD, in the Town of Kingsville, 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 January 27, 2021 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/25/19 to rezone the retained parcel, known as 411 Road 2 West, in Part of Lot 7, Concession 1, WD, in the Town of Kingsville, from 'Agriculture (A1)' to 'Agriculture – Restricted (A2)' and adopt the implementing by-law.

**CARRIED**

**2. Combined Application for Consent & Zoning By-Law Amendment  
File B/26/19 & ZBA/26/19 by Paul & Beverly Chortos 1321 County Rd 20,  
Part of Lot 21, Concession 1, WD**

Ms. Brcic presented her report.

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

**65-2020**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Larry Patterson

That Council:

- 1. Approves Consent Application B/26/19 to sever an existing dwelling, deemed surplus to the needs of the prospective purchaser, on a 5.002 ha (12.361 ac.)

parcel, shown as Part 1 on the applicants' sketch, and sever and convey a 5.637 ha (13.930 ac.) parcel, shown as Part 3 on the applicants' sketch to the Essex Region Conservation Authority, 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 for the files of the Secretary-Treasurer.
- b. That the deeds, such plan of survey of reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality.
- c. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or the Municipal Act be paid in full along with all municipal taxes be paid in full.
- d. That any necessary drainage reapportionments be undertaken.
- e. That as a result of 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. That the severed and retained parcels be transferred to the purchaser, J. Krushelniski, himself, as outlined in the Agreement of Purchase and Sale.
- g. That Part 3, the lands being conveyed to ERCA, be consolidated with ERCA's abutting holding and that Section 50 (3 or 5) of the Planning Act applies to any subsequent conveyance of or transaction involving the parcel of land that is the subject of this consent.
- h. That the deeds are endorsed for the lot addition lands and permanent right-of-way (Consent File B/27/19) prior to endorsing the deeds for B/26/19.

- i. That the necessary deed(s), transfers or changes be submitted in triplicate; signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.
- j. The conditions imposed above shall be fulfilled by January 27, 2021 or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act;

2. And Further That Council approves Zoning By-law Amendment Applications ZBA/26/19 to rezone the retained parcel, known as 1321 County Rd 20, Part of Lot 21, Concession 1, WD, in the Town of Kingsville, to:

rezone the retained farm parcel (shown in red on the location map) from 'Agriculture (A1)' to 'Agriculture Restricted (A2)' to prohibit dwellings as per Provincial and Town policies;

recognize the reduced frontage of the retained farm parcel;

rezone a portion of Part 3, the ERCA lands, to 'Wetland (WE)' to match the surrounding lands;

extend the existing 'Wetland (WE)' zone on a portion of the proposed severed parcel to include the lot addition lands being conveyed as part of consent application B/27/19, and

adopt the implementing by-law.

**CARRIED**

**3. PUBLIC MEETING--Greenhouse Policy Review – Official Plan Policy Updates and Zoning By-law Amendment Updating the Current Regulations for Greenhouse Development**

Mr. Brown presented his report.

Comments from the audience:

Joanne Rivard, 222 Sandybrook – expressed concerns with the definition of sensitive land use requested that it be the same as the Provincial Policy

Statement. She also requested the addition of the definition for adverse effects as there isn't one currently and that it be consistent with Provincial Policy Statement.

Sherry DaSilva, 1691 Noah Court – inquired whether this policy applies only to new greenhouses. Mr. Brown responded that it applies to new developments and to greenhouse expansions. Ms. DaSilva also expressed concern about greenhouses that grow marihuana and wanted to know what policies the Town has in place to protect residents.

Mayor Santos briefly explained the difference between Part 1 and Part 2 applications and the public meeting process for the Part 1 applications.

There were no other comments from the audience.

#### **66-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Kimberly DeYong

That Council receives the Report RE: Official Plan Policy Updates and Zoning By-law Amendment Updating the Current Regulations for Greenhouse Development; And That Administration include more detail in terms of adverse effect in terms of the "Sensitive Use" definition and bring a report back to Council for further consideration.

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Mayor Nelson Santos		X
Deputy Mayor Gord Queen	X	
Councillor Tony Gaffan		X
Councillor Thomas Neufeld	X	
Councillor Larry Patterson	X	
Councillor Kimberly DeYong	X	
Councillor Laura Lucier	X	
<b>Results</b>	<b>5</b>	<b>2</b>

**CARRIED (5 to 2)**

#### **I. AMENDMENTS TO THE AGENDA**

Deputy Mayor Queen added one notice of motion.

#### **J. STAFF REPORTS**

**1. Site Plan Control Update 2019**

**67-2020**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Councillor Larry Patterson

That Council receive the 2019 site plan update report for information purposes.

**CARRIED**

**K. BUSINESS/CORRESPONDENCE-ACTION REQUIRED**

There were none.

**L. MINUTES OF THE PREVIOUS MEETINGS**

- 1. Special Meeting of Council--January 6, 2020**
- 2. Special Closed Session Meeting of Council--January 6, 2020**
- 3. Regular Meeting of Council--January 13, 2020**
- 4. Special Meeting of Council (Budget #1)--January 16, 2020**

**68-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That Council adopt Special Meeting of Council Minutes dated January 6, 2020, Special Closed Session Meeting Minutes of Council dated January 6, 2020, Regular Meeting of Council Minutes dated January 13, 2020 and Special Meeting of Council (Budget #1) Minutes dated January 16, 2020

**CARRIED**

**M. MINUTES OF COMMITTEES AND RECOMMENDATIONS**

- 1. Kingsville Accessibility Advisory Committee - September 19, 2019**

**69-2020**

**Moved By** Councillor Laura Lucier

**Seconded By** Councillor Thomas Neufeld



That Council receive Kingsville Accessibility Advisory Committee Meeting Minutes dated September 19, 2019

**CARRIED**

**2. Tourism and Economic Development Committee - October 10, 2019**

Council asked for copy of the presentation.

**70-2020**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Laura Lucier

That Council receive Tourism and Economic Development Committee Meeting Minutes dated October 10, 2019

**CARRIED**

**3. Kingsville B.I.A. - December 10, 2019**

**71-2020**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Larry Patterson

That Council receive Kingsville B.I.A. Meeting Minutes dated December 10, 2019

**CARRIED**

**4. Union Water Supply System Joint Board of Management - December 18, 2019**

**72-2020**

**Moved By** Councillor Larry Patterson

**Seconded By** Deputy Mayor Gord Queen

That Council receive Union Water Supply System Joint Board of Management Meeting Minutes dated December 18, 2019

**CARRIED**

**N. BUSINESS CORRESPONDENCE - INFORMATIONAL**

- 1. Township of Stone Mills--Correspondence dated December 27, 2019  
RE: Support Resolution of Conservation Authorities**
- 2. Town of Deep River--Correspondence dated January 8, 2020 RE: Premiers  
to Develop Small Modular Nuclear Reactor Technology**
- 3. City of Quinte West--Copy of correspondence from Mayor Jim Harrison to  
AMO President J. McGarvey dated January 15, 2020 RE: Resolution--  
Conservation Authorities**
- 4. Municipality of Dutton Dunwich-Resolution passed January 15, 2020 in  
support of Conservation Authorities**
- 5. Ministry of Agriculture, Food and Rural Affairs--Correspondence dated  
January 20, 2020 RE: Rural Economic Development (RED) program**
- 6. Deputy Mayor Queen--Correspondence dated January 21, 2020, RE: ROMA  
Conference report**

**73-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That Council receive information items 1-6 as outlined.

**CARRIED**

**74-2020**

**Moved By** Councillor Laura Lucier

**Seconded By** Councillor Larry Patterson

WHEREAS the Town of Kingsville has been well served by the Essex Region Conservation Authority;

AND WHEREAS we have a working service agreement with the Authority;

AND WHEREAS we value the efforts of the Conservation Authority to monitor floods, to manage source water protection and to ensure the integrity of the watershed within our municipality and conserve our natural environment;

AND WHEREAS the Provincial government is reviewing the mandate and potential funding to Conservation Authorities;

BE IT RESOLVED THAT the Town of Kingsville supports the resolution of the City of Quinte West passed January 13, 2020 requesting that the Provincial Government improve their funding of Conservation Authorities to provide a more stable funding base that would prevent any downloading of costs to municipalities;

AND FURTHER THAT the Provincial Government will maintain and not diminish the core mandate of Conservation Authorities;

AND FURTHER THAT we forward this motion to the Minister of Environment, Conservation and Parks, the Minister of Natural Resources, the Premier, the Leaders of all opposition parties, all of our local municipal partners, and AMO to seek their support and concurrence.

**CARRIED**

**O. NOTICES OF MOTION**

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

That there be an amendment to the delegation of authority by-law in respect to site plan control.

Deputy Mayor Queen requested a recorded Vote.

**75-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That there be an amendment to the Site Plan Control By-law 128-2015 section 5(iii) to reflect that all Site Plan amendments will be reviewed by the Manager of Planning and Development Services, who will then refer the amendment to Council for approval.

<b>Recorded</b>	<b>For</b>	<b>Against</b>
Mayor Nelson Santos	X	
Deputy Mayor Gord Queen	X	
Councillor Tony Gaffan	X	
Councillor Thomas Neufeld	X	

Councillor Larry Patterson	X	
Councillor Kimberly DeYong	X	
Councillor Laura Lucier	X	
<b>Results</b>	<b>7</b>	<b>0</b>

**CARRIED (7 to 0)**

**2. Councillor DeYong may move, or cause to have moved:**

**76-2020**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Councillor Larry Patterson

That Council direct Administration to advertise for the open position on the Heritage Advisory Committee so the Striking Committee may fill the vacancy.

**CARRIED**

**3. Councillor DeYong may move or cause to have moved:**

That Administration provide a final accounting of the cost of construction for the Grovedale Building for the next budget meeting on January 29, 2020.

Councillor DeYong clarified that she was looking for total project costs, from land acquisition to end of construction.

**77-2020**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Councillor Laura Lucier

That Administration provide a final accounting of the cost of construction for the Grovedale building for the next budget meeting on January 29, 2020.

**CARRIED**

Deputy Mayor Queen introduced a Notice of Motion, indicating that at the next Regular Meeting, he may move, or cause to have moved:

That Council receive the attached calendar or Schedule of meeting dates for both the Committee of Adjustment and Planning Advisory Committee meetings that was distributed last year.

**P. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES**

There were no unfinished business items, announcements or updates.

**Q. BYLAWS**

**2. By-law 3-2020**

**78-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Kimberly DeYong

That Council reads By-law 3-2020, being a by-law to amend By-law 21-2005 as amended, being a By-law to Regulate Traffic and Parking on Highways within the Town of Kingsville a first, second and third and final time.

**CARRIED**

**3. By-law 4-2020**

**79-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

That Council reads By-law 4-2020, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville a first, second and third and final time.

**CARRIED**

**4. By-law 8-2020**

**80-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Laura Lucier

That Council reads By-law 8-2020, being a by-law to authorize the entering into of an Agreement with South Shore Contracting of Essex County Inc. for the repair and improvement of the Esseltine Drain (full contract documents available

for review in Department of Municipal Services) a first, second and third and final time.

**CARRIED**

**5. By-law 9-2020**

**81-2020**

**Moved By** Councillor Larry Patterson

**Seconded By** Councillor Kimberly DeYong

That Council reads by-law 9-2020, being a by-law appointing members to the Committee of Adjustment for the 2020 calendar year a first, second and third and final time.

**CARRIED**

**6. By-law 10-2020**

**82-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That Council reads By-law 10-2020, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville a first, second and third and final time.

**CARRIED**

**7. By-law 11-2020**

**83-2020**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Laura Lucier

That Council reads By-law 11-2020, being a By-law to provide an Interim Tax Levy and to provide for the Payment of Taxes a first, second and third and final time.

**CARRIED**

**R. CONFIRMATORY BY-LAW**

**1. By-law 12-2020**

**84-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Kimberly DeYong

That Council reads By-law 12-2020, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its January 27, 2020 Regular Meeting of Council a first, second and third and final time.

**CARRIED**

**S. ADJOURNMENT**

**85-2020**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Councillor Larry Patterson

That Council adjourn this Regular Meeting at 9:05 p.m.

**CARRIED**