



**REGULAR MEETING OF COUNCIL  
AGENDA**

**Monday, October 26, 2020, 6:00 PM**

**Council Chambers**

**2021 Division Road N**

**Kingsville, Ontario N9Y 2Y9**

**Pages**

**A. CALL TO ORDER**

In light of the ongoing COVID-19 pandemic, this Regular Meeting of Council is being held electronically. Members will meet via electronic participation. Members of the public can view the meeting at [www.kingsville.ca/meetings](http://www.kingsville.ca/meetings) and select the VIDEO icon.

**B. 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.

**C. PRESENTATIONS/DELEGATIONS**

1. **6:00 p.m. to 7:00 p.m. Regional Community Wide Safety Plan Development Engagement Meeting--Leonardo Gil, CSWB Project Manager (City of Windsor Social Policy and Planning Dept.) and City of Windsor Commissioner Jelena Payne**

**1**

SEE: PowerPoint presentation entitled 'Windsor-Essex Regional Community Safety and Well-Being Plan; Town of Kingsville Presentation'

**D. CLOSED SESSION**

Pursuant to section 239(2) of the *Municipal Act, 2001*, Council will enter into Closed Session to address the following items:

- i) Subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; being an update Report of Director of Corporate Services J. Astrologo RE: LPAT File PL 20290;
- ii) Subsection 239(2)(f) advice that is subject to solicitor-client privilege,

including communications necessary for that purpose; being legal advice in connection with the proposed Odours and Light Nuisance By-law;

iii) Subsections 239(2)(b) personal matters about identifiable individuals, including municipal employees and 239(3.1) an education or training session to be held for the purpose of educating or training, at which meeting no member will discuss or otherwise deal with any matter in a way that materially advances the business or decision-making of council RE: Motion Tracking Tool used by Administration.

## **E. MATTERS SUBJECT TO NOTICE**

1. **PUBLIC MEETING--Application for Zoning By-law Amendment ZBA/11/20 by Pigeon Bay Home Construction 595 Malo St. Lots 76 & 77, Plan 1434 Roll No. 3711 270 000 06505**

24

K. Brcic, Town Planner

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment dated October 6, 2020;

ii) Report of K. Brcic dated October 16, 2020;

iii) Proposed By-law 97-2020, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

### **Recommended Action**

That Council approves Zoning By-law Amendment application ZBA/11/20 to rezone the subject parcel, Lots 76 and 77 on Plan 1434, known as 595 Malo Street in the Town of Kingsville, from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 34 (LR-34)'; to permit a four-unit townhouse, establish site-specific regulations and adopt the implementing by-law.

2. **PUBLIC MEETING--Application for Zoning By-law Amendment ZBA/12/20 by Pigeon Bay Home Construction V/L Malo St. Lots 72 & 73, Plan 1434 Roll No. 3711 270 000 06500**

47

K. Brcic, Town Planner

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment dated October 6, 2020;

ii) Report of K. Brcic dated October 16, 2020;

iii) Proposed By-law 98-2020, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

### **Recommended Action**

That Council approves Zoning By-law Amendment Application ZBA/12/20 to rezone the subject parcel, Lots 72 and 73 on Plan 1434, known as V/L Malo Street in the Town of Kingsville, from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 35 (LR-35)'; to permit a semi-detached

dwelling, establish site-specific regulations and adopt the implementing by-law.

**F. AMENDMENTS TO THE AGENDA**

**G. STAFF REPORTS**

**1. Kingsville Pickleball and Bocce Facility RFP**

76

D. Wolicki, Manager of Municipal Facilities and Property

**Recommended Action**

That Council endorses the proposed Pickleball and Bocce Court facility located at 1741 Jasperson Lane;

And That, Council directs Administration to proceed with the competitive bidding process prior to year-end to allow for construction to commence in early 2021;

And That, Council provides consent to eliminate the proposed bocce courts from the concept Master Plan for the future development of Lions Park as presented at the July 23, 2018 Regular Meeting of Council.

**2. Application for Site Plan Amendment SPA/17/2020 by Hillside Hothouse Limited; 1533, 1535, 1537, 1539 and 1541 County Road 34 E, Part of Lot 9, Concession 3 ED**

107

R. Brown, Manager of Planning Services

**Recommended Action**

That Council:

Approves Site Plan Amendment Application SPA/17/2020 to permit a new bunkhouse and addition for new cooler and loading area for existing greenhouse operation, subject to: Amended terms in the Site Plan Agreement, and Approval of Minor Variance Application A/14/2020;

And Authorizes the Mayor and Clerk to sign the Amending Agreement and register said Agreement on title.

**3. Animal Control Services Contract Extension**

115

R. Baines, Deputy Clerk-Administrative Services

**Recommended Action**

That the current contract between the Town of Kingsville, Municipality of Leamington and Essex County K9 Services for Animal Control Services for the Town of Kingsville and Municipality of Leamington be extended for a three year term commencing on January 1, 2021 at the annual cost of \$80,000, plus HST for years one and two and \$81,600 for year three; and a cost of \$70, plus HST for each wildlife removal call.

118

#### **4. Procedure By-law Amendments – Start Times and Closed Session**

J. Astrologo, Director of Corporate Services

##### **Recommended Action**

That Council directs Administration to amend the Procedure By-law to reflect the start time for Regular Meetings of Council to commence at 6:00 p.m. (with a curfew time of 10:00 p.m.) to be effective January 1, 2021, and that Public Notice of said change be provided on the Town's website and social media pages; and

That Council adopts Amending By-law 99-2020 at this Regular Meeting.

#### **5. Lighting and Odour Nuisance By-law**

123

J. Norton, CAO

##### **Recommended Action**

That Council adopts By-law 96-2020, being a By-law to Prohibit and Regulate Public Nuisances related to odours and lighting from the cultivation of plants within the Town of Kingsville;

And That Council authorize enforcement of the By-law with an additional \$25,000 in overtime, and approval \$25,000 in legal enforcement costs.

#### **H. BUSINESS/CORRESPONDENCE-ACTION REQUIRED**

##### **1. Gosfield North Sportsmen Association--Correspondence dated September 20, 2020 RE: 2021 Hunting Fees**

132

##### **Recommended Action**

That Council authorizes Administration to include the proposed pheasant hunting licence fees in the 2021 fees and charges by-law.

#### **I. MINUTES OF THE PREVIOUS MEETINGS**

##### **1. Regular Meeting of Council--October 13, 2020**

133

##### **2. Regular Closed Session Meeting of Council--October 13, 2020**

##### **3. Special Meeting of Council--October 16, 2020**

148

##### **4. Special Closed Session Meeting of Council--October 16, 2020**

#### **J. MINUTES OF COMMITTEES AND RECOMMENDATIONS**

##### **1. Tourism and Economic Development Committee--September 10, 2020**

151

##### **Recommended Action**

That Council receives Tourism and Economic Development Committee Meeting Minutes dated September 10, 2020.



2. **Kingsville B.I.A.--August 11, 2020 and September 8, 2020** 154

**Recommended Action**

That Council receives Kingsville B.I.A. Meeting Minutes dated August 11, 2020 and September 8, 2020.

**K. BUSINESS CORRESPONDENCE - INFORMATIONAL**

1. **County of Wellington--Correspondence dated October 2, 2020 RE: Ontario-Wide Request to Pass County of Wellington Aggregate Resolution** 161
2. **Township of Wellington North--Stand-alone Resolution 2020-299 passed October 13, 2020 RE: Ontario-Wide Request to Pass County of Wellington Aggregate Resolution** 168
3. **Loyalist Township--Correspondence dated October 9, 2020 RE: Funding for Community Groups and service clubs affected by pandemic** 169
4. **Township of Blandford-Blenheim--Correspondence dated October 13, 2020 RE: Unlicensed and unmonitored cannabis grow operations** 171

**Recommended Action**

That Council receives Business Correspondence-Informational items 1 through 4.

**L. NOTICES OF MOTION**

1. **Deputy Mayor Queen may move, or cause to have moved:**
- That staff research and provide Council with an update as to the plans in place to improve and expand internet service within our community with Fibre and other sources as may enhance and improve service for our local businesses and residents alike.
2. **Deputy Mayor Queen may move, or cause to have moved:** 172
- That this Council be provided with a copy of the site plan agreement for the Greenhouse development currently underway on Road 3 East on the south side of the road between Division Road and the Graham Sideroad. And the site plan for the development on Road 2 that is just south, that same may be reviewed by Council and Staff to ensure compliance with both Site Plans and the concept of Dark Sky to be received at the next meeting. (SEE Notice of Motion dated October 7, 2020 RE: Site Plan Compliance and Night Lighting).

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

**N. BYLAWS**

1. **By-law 96-2020** 174

Being a By-law to Prohibit and Regulate Public Nuisances related to odours and lighting from the cultivation of plants within the Town of Kingsville and to create certain penalties related thereto

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

**2. By-law 97-2020** 179

Being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (595 Malo St, Lots 76 and 77, Plan 1434; ZBA/11/20).

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

**3. By-law 98-2020** 182

Being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (V/L Malo St., Lots 72 and 73, Plan 1434; ZBA/12/20)

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

**4. By-law 99-2020** 185

Being a By-law to amend By-law 55-2016, as amended, being a By-law to Govern the Calling, Place and Proceedings of Council and Committees

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

**O. REPORT OUT OF CLOSED SESSION**

**P. CONFIRMATORY BY-LAW**

**1. By-law 100-2020** 187

Being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its October 26, 2020 Regular Meeting.

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

**Q. ADJOURNMENT**

# Windsor-Essex Regional Community Safety and Well-Being Plan

## Town of Kingsville Presentation

**Presentation Date:** Monday, October 26<sup>th</sup> 2020

**Presentation By:** **Leonardo Gil**, Project Manager  
City of Windsor



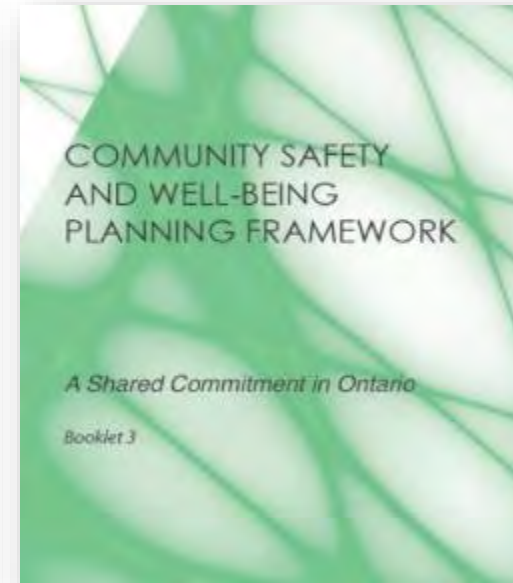
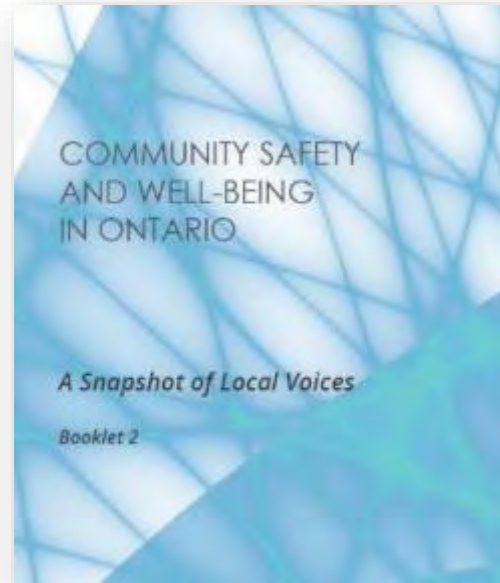
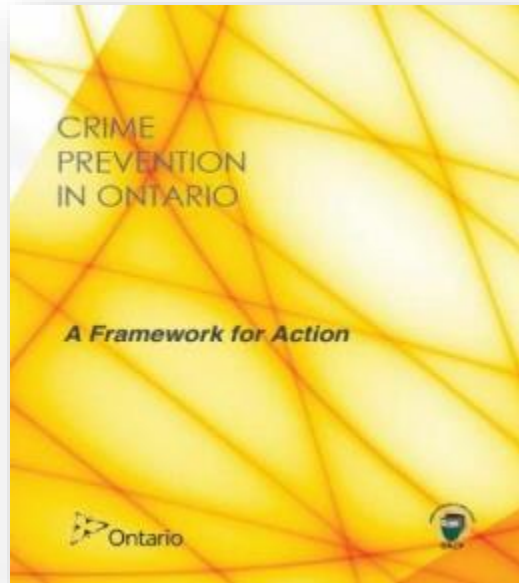
# Overview

- Background
  - Legislative Requirements
  - What is Community Safety and Well-Being Planning?
  - CSWB Planning Framework
- Key Project Updates
  - Risk Factor Data Categories
  - Asset Mapping
- Project Methodologies
  - Consultation and Engagement Approaches
  - Enhanced Sector Network
  - Project Timelines





# Context



2012

2014

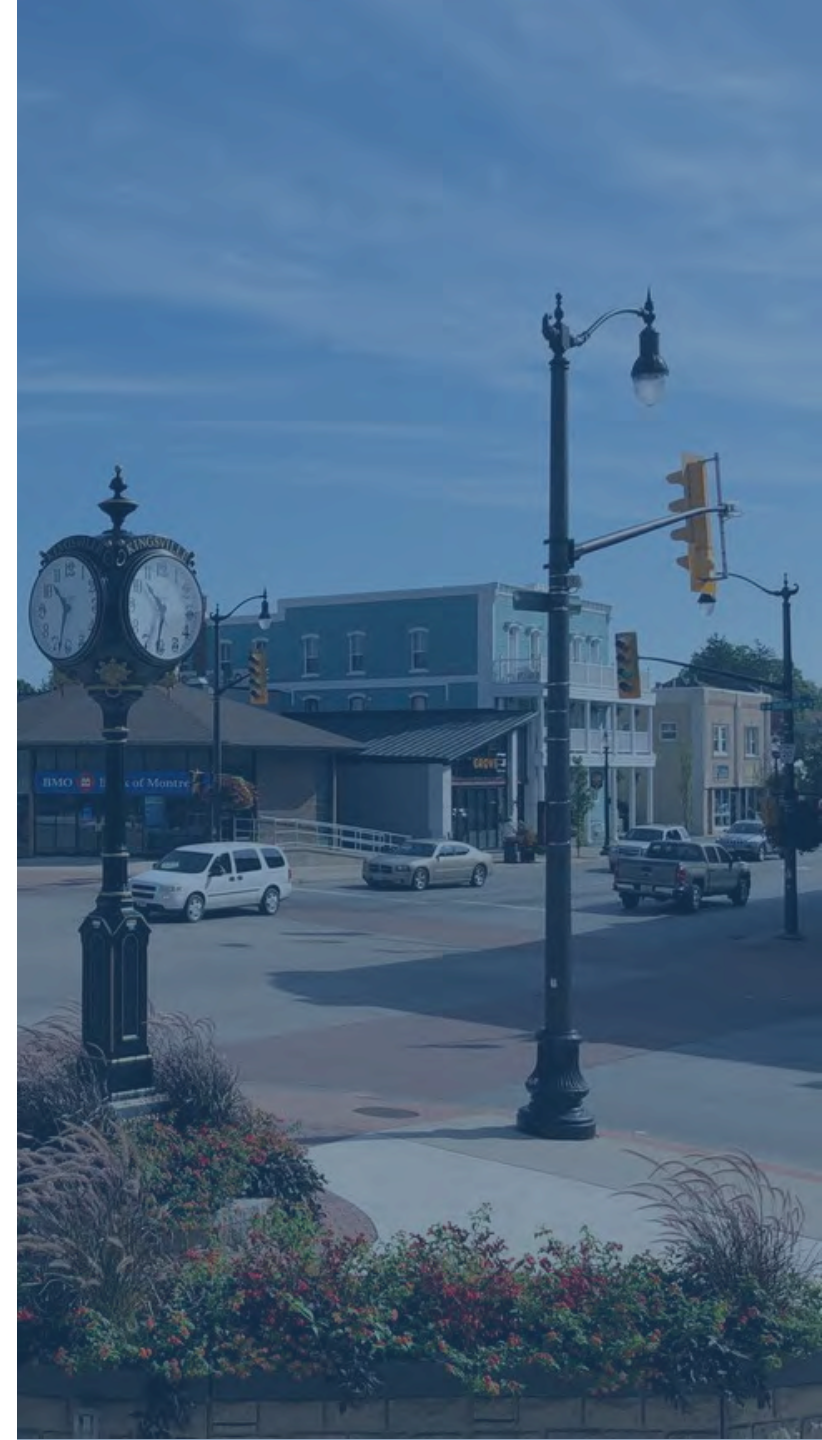
2017

# Background – Legislative Requirements

- The Province has legislated all municipalities under the *Police Services Act* to prepare and adopt a Community Safety and Well-Being (CSWB) Plan.
- In consideration of COVID-19, on April 14, 2020, the Province passed the *Coronavirus (COVID-19) Support and Protection Act, 2020* which allowed an extension to the submission deadline past January 1, 2021 to a date yet to be determined.
- **Additional legislative requirements related to CSWB planning include:**
  - Establishing a multi-sectoral advisory committee (must include 7 key sectors identified in the legislation);
  - Conducting consultations with the advisory committee, members of public, including youth, members of racialized groups and of First Nations, Métis and Inuit communities, as well as community organizations that represent these groups.
- **Contents of the plan must include:**
  - Identifying priority risk factors
  - Identifying strategies to reduce the prioritized risk factors (e.g. new services, changing or coordinating existing services)
  - Setting measurable outcomes

# What is Community Safety and Well-Being Planning?

- An integrated approach to service delivery planning that involves multi-sector partnerships to proactively enhance or develop strategies to address local priorities (e.g. risk factors) related to crime and complex social issues.
- This approach recognizes that:
  - Community safety and well-being goes beyond the incidence of crime
  - For every risk there is a community strength, asset, and protective factor
  - Great work is currently being done and can be leveraged
  - Complex social issues cannot be addressed in isolation
  - All members in a community have a role to play
  - Strategies must be culturally responsive





# Defining CSWB in Windsor-Essex

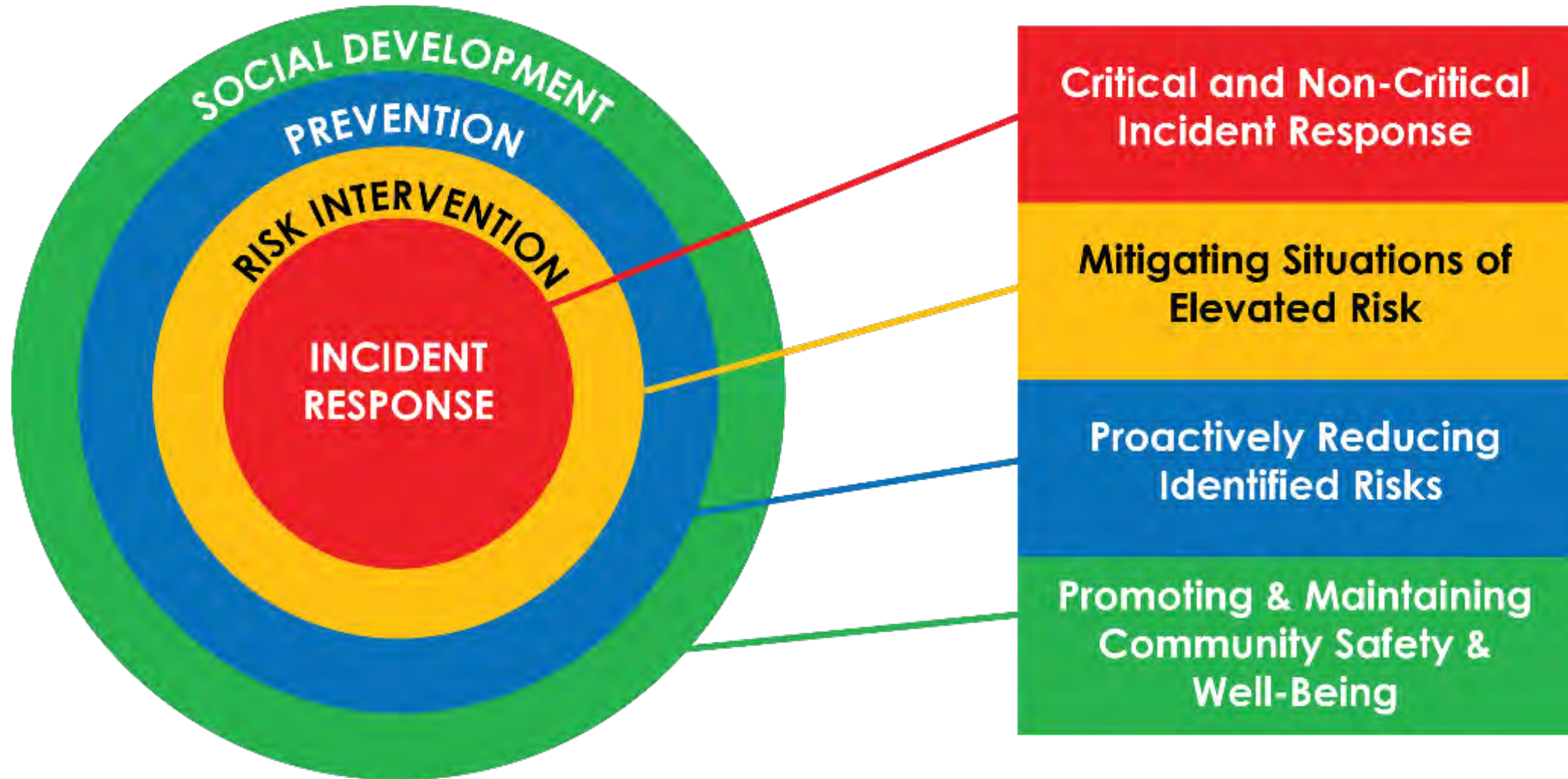
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**“ A community where everyone feels safe, has a sense of belonging, equitable access to services and opportunities and can have their needs met across Windsor and Essex County ”**

Windsor-Essex Regional CSWB Systems Leadership Table



# The CSWB Planning Framework



# SOCIAL DEVELOPMENT



- Long-term investment to improve the social determinants of health and well-being (i.e. the underlying conditions shaping daily life)
- Address complex social issues (e.g. poverty, mental health, homelessness) using an integrated, multi-sectoral approach
- Ensure awareness of/access to services in the community
- Challenge institutional boundaries and organizational culture at the system level
- Outcomes include quality of life indicators (e.g. health status, educational attainment rates)

# PREVENTION



- Proactively identify and address local risk factors before they escalate
- Use evidence and data to inform programs/policies
- Implement integrated programs that involve various sectors working together to address priority issues for vulnerable groups
- Engage non-traditional groups in crime prevention efforts (e.g. local Business Improvement Areas, Libraries, etc.)
- Outcomes focused on the result of prevention efforts (e.g. increased feeling of safety)

# RISK INTERVENTION



- Reduce harm before critical or non-critical response is required (e.g. situations of acutely elevated risk)
- Implement immediate multi-sector responses (e.g. situation tables, the Violent Threat Risk Assessment Protocol) to address multiple risk factors
- Collaborate with acute care agencies (e.g. mental health, addictions, transitional housing)
- Collect risk-based data (e.g. Risk-Driven Tracking Database)
- Outcomes focused on mitigating harm (e.g. reduction in emergency room visits and victimization rates)

# INCIDENT RESPONSE



- Critical and non-critical incidents requiring first responders (e.g. Police, Fire, EMS)
- Police as the primary response to persons in crisis often non-criminal in nature
- Significant resources that could be better dedicated to reducing the number of incidents requiring enforcement/corrections (e.g. reactive vs. proactive)
- Limited information being shared about the incident at hand
- Focused on output measures (e.g. number of calls for services, number of complaints received, response times)

# The CSWB Planning Framework (cont.)

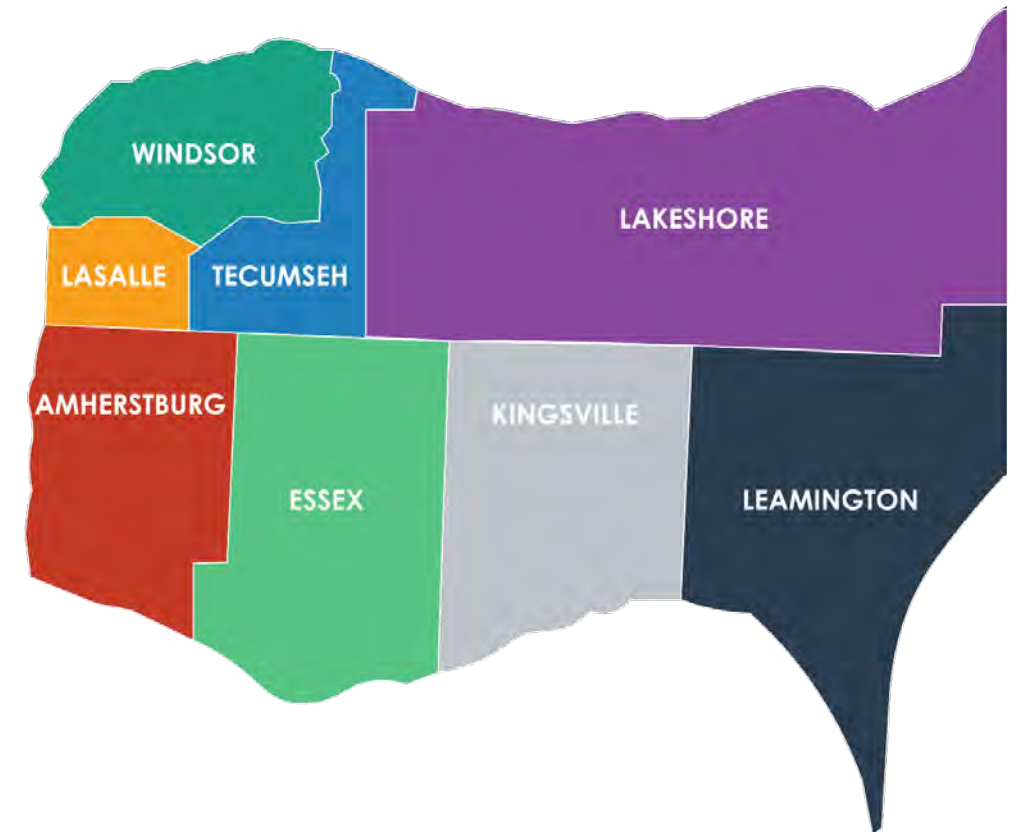
- CSWB Plans result in integrated approaches to service delivery that involve multi-sectoral partnerships to proactively address local priorities related to crime and complex social issues.
- The CSWB planning framework promotes upstream activities by focusing on social development, prevention, and risk intervention.
- CSWB Plans leverage and build upon existing efforts and partnerships and encourages the development of shared goals across sectors.
- Upon endorsement of the Plan, partners can work toward implementing shared goals and strategies.
- CSWB Plans are living documents which involve an ongoing process of issue identification and planning through continued collaboration with community organizations, leaders and residents.
- Ultimately, all members in a community are seen to have a role to play and as such, identified strategies must strive to be culturally and socially responsive.



# Key Project Updates

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- Project Updates
- Risk Factor Data Categories
- Asset Mapping



# Key Project Updates

Since the July 13<sup>th</sup> Council Report (CR337/2020), the following key steps have taken place:

- Finalization of revised project methodologies and timelines.
- Discussions with AMO and OMSSA representatives including a Province wide CSWB working group have been completed to assess the status of other municipalities as well as the provincial deadline.
  - Discussions have lead to a presumed deadline of December 31, 2021. As of the writing of this presentation a Provincial deadline has not yet been established.
- Finalization of Consulting Agreement. Consulting firm **StrategyCorp** has been successfully awarded the contract through a RFP.
- Presentation to Regional CAOs table to provide project updates.
- Re-engagement of the Data team has been completed to establish current state analysis data categories and indicators.
- Completion of an interactive Regional Asset Map developed in partnership with the City of Windsor's Geomatics Department.
- Held first virtual Regional Systems Leadership Table meeting since the project pause.



# Risk Factor Data Categories

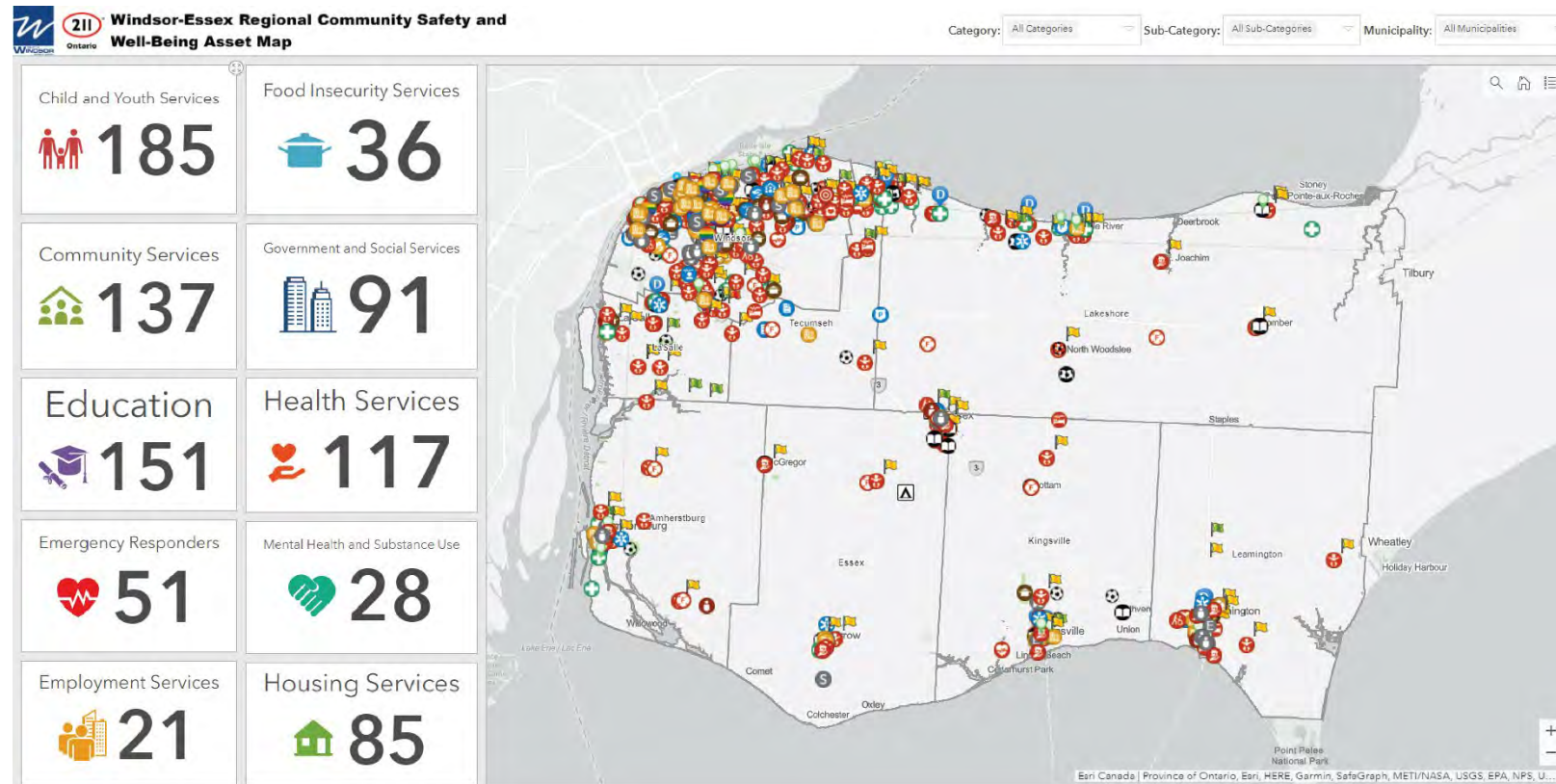
- Through research and in consultation with the Data Team, 21 risk and protective factor categories identified in the CSWB Framework were synthesized into the following 7 data categories.
  1. Crime and Victimization
  2. Education
  3. Financial Security
  4. Mental Health & Substance Use
  5. Physical Health
  6. Housing & Neighbourhoods
    - A. Housing
    - B. Environment
  7. Covid-19 Impact
    - A. Health
    - B. Economic
- Publicly available databases were used to identify indicators relevant to the seven categories.
- Data team members have been consulted through an online survey, group meeting and one-on-one meetings to finalize indicators for each category.
- These data categories and indicators will form the basis of the Current State Analysis as well as inform the development of the online survey.
- To support the Regional Systems Leadership Table in identifying and prioritizing local issues, qualitative approaches will be used throughout the consultation phase to contextualize data.

# Asset Mapping

- Asset mapping within the Framework includes the following:
  1. **Existing Body Inventory:** Collating a list of existing committees and leadership bodies.
  2. **Strategy Inventory:** Establishing a list of existing strategies, plans and frameworks.
  3. **Asset Map:** Mapping community assets.

## RCSWB Asset Map









































- Completed in partnership with the City of Windsor's Geomatics Department.
- Assets were compiled in consultation with 211 and the County of Essex Geomatics department.
- **Over 900 assets** were mapped throughout Windsor and Essex County.



# Asset Mapping – Town of Kingsville

Child and Youth Services  <b>7</b>	Food Insecurity Services  <b>2</b>
Community Services  <b>5</b>	Government and Social Services  <b>7</b>
Education  <b>5</b>	Health Services  <b>10</b>
Emergency Responders  <b>4</b>	Mental Health and Substance Use  <b>0</b>
Employment Services  <b>2</b>	Housing Services  <b>6</b>



Legend	
 2SLGBTQ+	 Housing with Supports
 Accessibility Services	 Housing Services
 BIPOC Services	 Indigenous Services
 Camps	 Legal Assistance
 Child Care	 Library
 Clinics	 Long-Term Care Homes
 Community/Recreation Center	 Mental Health Support Services
 Dentist	 Methadone Clinics
 Domestic Violence Shelters	 Newcomer Services
 EarlyON Centres	 Non-Profit Organizations
 Elementary School	 Police Station
 Elementary and Secondary	 Post Secondary
 Emergency Shelters	 Rehabilitation Centres
 Employer Supports	 Retirement Homes
 Employment Services	 Secondary School
 EMS	 Senior Services
 Fire Station	 Social Housing
 Food Bank	 Temporary Shelter (COVID-19)
 Government Office	 Youth Centre
 Health Organizations	
 Hospital	

Updated as of 10-14-2020



# Project Methodologies

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- Consultation and Engagement Approach
- Enhance Sector Network
- Project Timeline

# Consultation and Engagement Approach

- Due to considerations and restrictions related to COVID-19, an online engagement process will be used.
- Dial in options and CSWB Tool Kits which include paper copies of the survey will be used to mediate barriers to participation.

## Engagement Approach

### **1. Municipal Council Presentations | Oct. – Nov. 2020**

- Presentations will ensure all elected officials within the region are informed of the CSWB planning efforts.

### **2. Enhanced Sector Network | Oct. – Dec. 2020; Jan. – Jul. 2021**

### **3. Online and Print Public Surveys | Feb. – Mar. 2021**

### **4. Virtual Town Halls | Feb. – Mar. 2021**

- Nine sessions will be conducted: 1 session per municipality; 2 sessions for the City of Windsor.

### **5. Virtual Focus Groups with CAOs and Elected Officials | Apr. 2021**

# Enhanced Sector Network Approach

## Purpose

- To leverage existing strategies and leadership within Windsor and Essex County.
- To best inform the CSWB process and Regional Systems Leadership Table through the contextualization of community data from multiple population lenses.
- To ensure diverse voices from historically underrepresented communities are heard and priorities are woven throughout the planning process.

## Structure

- The ESN will consist of eight (8) network groups. Each group will be comprised of representatives from existing committees and community organizations.

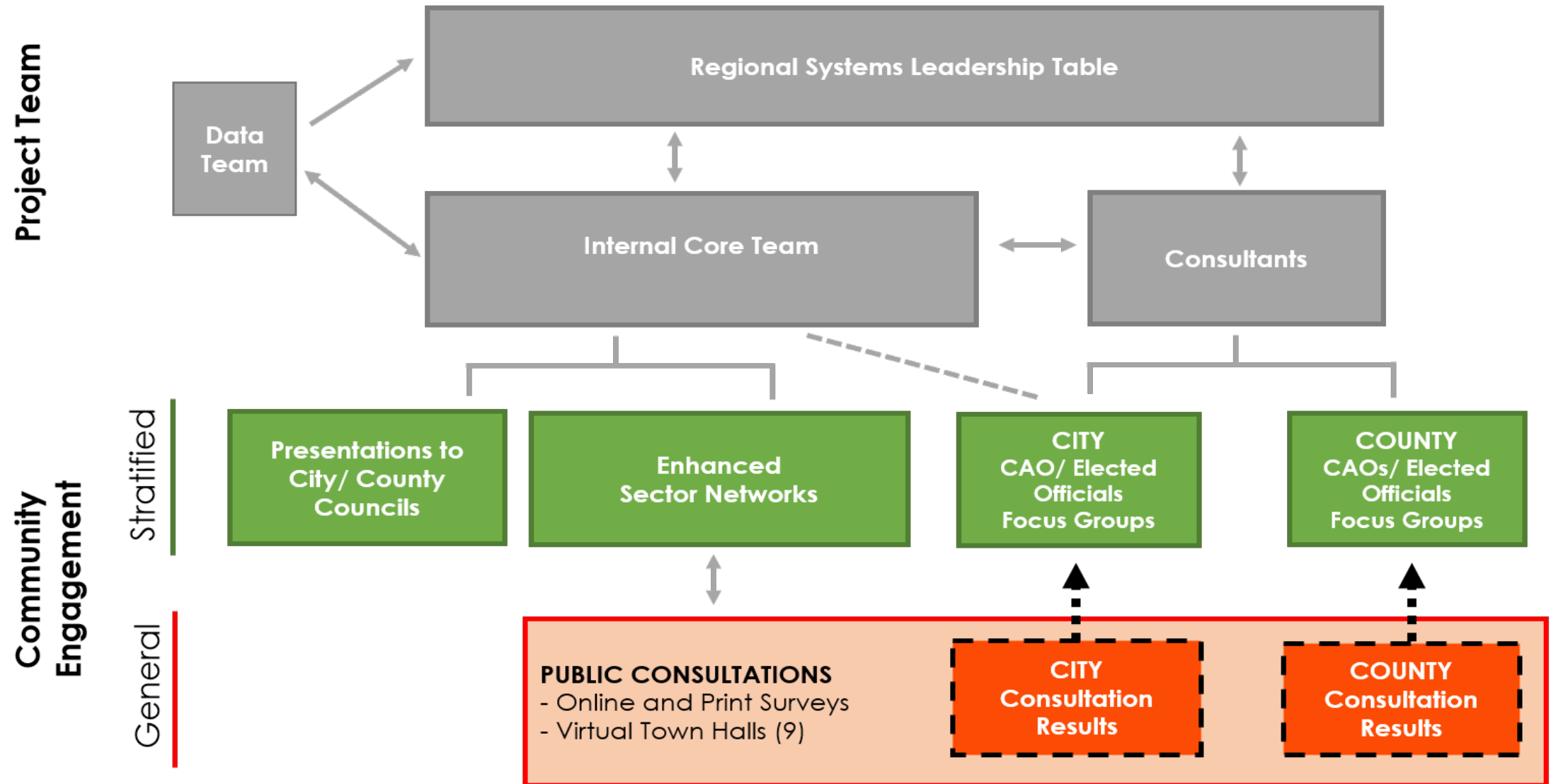
1. Indigenous Communities
2. Racialized Persons
3. Newcomers
4. Youth

5. Seniors
6. 2SLGBTQ+
7. Accessibility Communities
8. Broader Community Groups

## Meetings

- Group members will be asked to participate in two (2) meetings over the course of the project.
- Meetings will involve qualitative activities piloted in previous community conversations as well as a prioritization process based on the results of public consultation data analyses.

# Engagement Structure Overview



# Project Timeline

## Estimated Project Timeframe

- June, 2020 – November, 2021 (16 months)

## Factors Considered in Timeline Development

- Impact of COVID-19 on community and resident priorities
- Impact of COVID-19 on community assets as well as risk and protective factor data
- Need for greater diversity and inclusion in the planning process.
- Extended deadline advocacy through AMO and OMSSA
- Presumed extended deadline of Dec. 31, 2021

## Key Milestones

- **Municipal Council Presentations:** October – November
- **Public Consultation Period:** February 1, 2021- March 12, 2021 (6 week consultation)
- **Report submission to City Council:** September, 2021
- **Report submission to County Council(s):** October – November 2021



# Thank You

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**Leonardo Gil**

Project Manager, Community Safety &  
Well Being Plan

Social Policy & Planning Dept., CDHS



[lgil@citywindsor.ca](mailto:lgil@citywindsor.ca)



519-255-5200 x 5432

DANKE!  
THANK YOU!  
MERCI!  
GRAZIE!  
GRACIAS!  
DANK JE WEL!

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Kingsville, Ontario N9Y 2Y9  
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www.kingsville.ca  
kingsvilleworks@kingsville.ca

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

**APPLICATION:** ZONING BY-LAW AMENDMENT FILE ZBA/11/2020  
(Section 34 of the Planning Act, R.S.O. 1990, C.P. 13)

**APPLICANT:** Pigeon Bay Home Construction

**LOCATION OF PROPERTY:** 595 Malo St.  
Lots 76 & 77, Plan 1434

### PURPOSE OF APPLICATION:

The Town of Kingsville has received the above-noted application for lands located on the south side of Malo Street, between Scratch Lane and Conservation Blvd. 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 property is a 513 sq. m (5,526 sq. ft.) vacant lot. The applicant is proposing to develop a four unit townhouse structure. A site-specific zoning amendment is necessary to permit the proposed use and establish regulations such as a reduced side yard for a townhouse without garages, a reduced rear yard in favour of increased front yard to accommodate parking, and to recognize 42% lot coverage.

### A PUBLIC MEETING OF COUNCIL will be held on:

**WHEN:** October 26, 2020  
**WHERE:** ELECTRONIC MEETING ON ZOOM  
**TIME:** 7:00 p.m.

If you have comments on this application, they may be forwarded by email, or letter mail to the attention of: **Kristina Brcic, 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 would otherwise have an ability to appeal the decision of Council for the Town of Kingsville to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submission to the Town of Kingsville before the zoning by-law is adopted, the person or public body is not entitled to appeal the decision.

**IF A PERSON** or public body does not make oral submissions at a public meeting, or make written submission to Council before the zoning by-law is adopted or the zoning 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 add the person or public body as a party.

**ADDITIONAL INFORMATION** relating to this matter is available for review at the Kingsville Municipal Office during regular office hours.

**DATED this 6th day of OCTOBER, 2020**

Kristina Brcic, MSc, BURPI, Town Planner



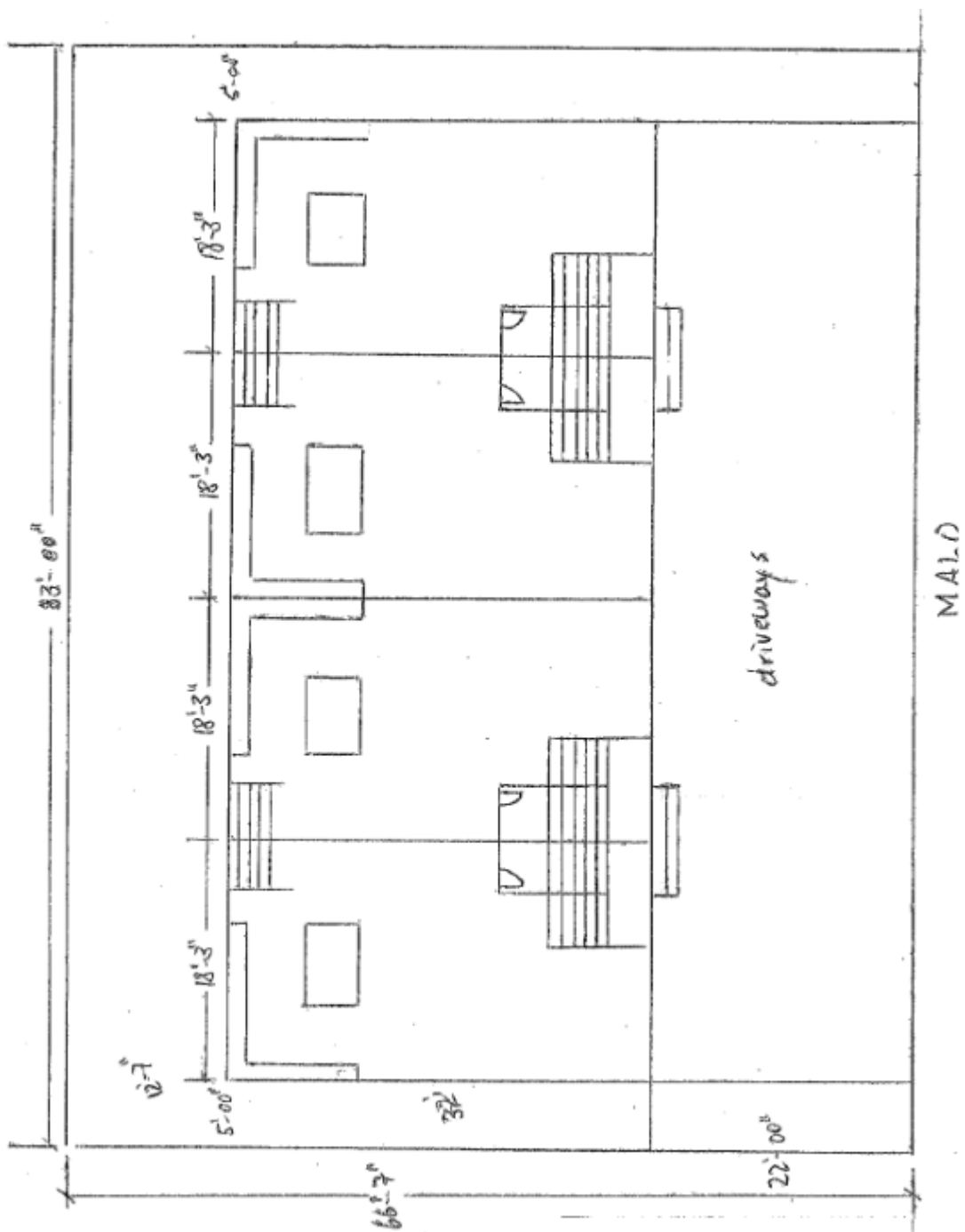
- Legend**
- Essex Municipalities
  - all other values
  - Kingsville
  - Street
  - Severance
  - Kingsville Assessment

**Notes**  
Zoning Amendment

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 11.66 23.3 Meters  
1:669 9/8/2020

SITE PLAN LOT 76+77  
Lot coverage 5526 sq.ft  
House coverage 2336 sq.ft.  
coverage of lot 42%





## Electronic Participation

This Meeting will be held through Electronic Participation in accordance with the Town of Kingsville's Procedure By-law, by-law 55-2016, as amended, and the provision of the Municipal Act, 2001

The Town of Kingsville continues to take COVID-19 seriously, and in following the advice of provincial and federal governments, is making significant changes to services and programming to help protect health and wellbeing of the community. In this regard, Council and Committee meetings are being conducted electronically until further notice.

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### Remote Participation

The electronic public meeting will take place via Zoom. Elected Officials, Committee Members, Town Staff and Applicants or those representing them will be given access to the meeting. If you wish to participate please read the instructions below.

### Public Comments

**a) Submit comments in writing: WRITTEN COMMENTS ARE STRONGLY ENCOURAGED.**

Please provide your name (first and last), your address and which item you are commenting on. They may be submitted in writing or by email, to Kristina Brcic, Town Planner (see contact info).

Comments received **by 4:00 PM on Monday, October 19th** will be part of the Council Agenda package prior to the meeting. Comments received after this time will be forwarded to Members of Council as soon as possible, and prior to the meeting on October 26th.

**b) Request to speak at the Council Meeting:** Prior to 4:00 PM on Wednesday, October 21st you must contact Kristina Brcic, Town Planner (see contact info), to request to speak during the meeting. Please provide your name (first and last), your address, the item/application you wish to speak on and your email address.

### Remote participation for public comments

Upon receipt of your request to speak at the meeting participants will be provided the Zoom meeting details and password prior to the meeting.

Please note that neither a computer, nor a video sharing device, is required to participate in the meeting via Zoom. You may also opt to call in from a cell phone or landline. Persons who intend to participate during the meeting may wish to register/sign up in Zoom, if they have not already done so. The following information is provided for your consideration and guidance during remote participation in the meeting:

- Please join the meeting at 6:50 PM in order to avoid any delays. If you have not joined the public meeting while your Agenda Item is up for public comment you will have forfeited your request.
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- After providing your comments and answering any questions that may be directed to you, the Meeting Coordinator will disconnect you from the Zoom meeting.

### For more information, please contact:

Kristina Brcic, Town Planner

Phone: 519-733-2305 Ext. 249

Email: [kbrbic@kingsville.ca](mailto:kbrbic@kingsville.ca)



2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
(519) 733-2305  
[www.kingsville.ca](http://www.kingsville.ca)  
[kingsvilleworks@kingsville.ca](mailto:kingsvilleworks@kingsville.ca)

**Date:** October 16, 2020

**To:** Mayor and Council

**Author:** Kristina Brcic, MSc, BURPI

**RE:** Application for Zoning By-law Amendment ZBA/11/20 by  
Pigeon Bay Home Construction  
595 Malo St.  
Lots 76 & 77, Plan 1434  
Roll No. 3711 270 000 06505

**Report No.:** PS 2020-053

---

## **AIM**

To provide the Mayor and Council with information regarding a Zoning By-law Amendment to permit the construction of a four-unit townhouse, on lands known as 595 Malo St, in the Town of Kingsville.

## **BACKGROUND**

The Town of Kingsville has received the above-noted application for lands located on the south side of Malo Street, between Scratch Lane and Conservation Blvd. 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 property is a 513 sq. m (5,526 sq. ft.) vacant lot. The applicant is proposing to develop a four unit townhouse structure. A site-specific zoning amendment would be necessary to permit the proposed use and establish regulations such as a reduced side yard for a townhouse without garages and a reduced rear yard in favour of increased front yard to accommodate parking, and to increase lot coverage to 42%.

## **DISCUSSION**

### **1) Provincial Policy Statement**

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS): "The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment."

Section 1.1.3.2 states that "Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment".

Section 1.4.3 states that " Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

b) permitting and facilitating:

1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;"

Comment: The proposed zoning by-law is consistent with Provincial Policy Statement as it provides opportunity to expand the type and variety of housing in the subject area which is currently limited to single detached only.

### **2) Town of Kingsville Official Plan**

The Official Plan for the Town of Kingsville designates the subject properties as 'Lakeshore Residential West'. Section 3.6.4, states that "The purpose of the "Lakeshore Residential West" designation is to recognize the residential development south of County Road 20 along the Lake Erie shoreline and west of the Town's main urban centre."

The Goals and Policies support amendments to the zoning for such development and include:

- "a) to recognize existing residential development and areas previously designated for residential development;
- d) to provide the opportunity for the provision of affordable housing in accordance with Provincial Policy;
- a) residential development shall consist primarily of single unit dwellings but may also include single unit detached two unit (semi-detached), and single unit attached dwellings(townhouses)."

Comment: The applicant applied for a Zoning By-law Amendment in order to permit the construction of a four-unit townhouse. The applicant would like to provide an additional type of housing than what is currently available in the immediate neighbourhood. Since the subject property is currently made up of 2 lots of record, the applicant can separately convey one of these lot. As a result, a semi-dwelling could be built on either lot. Instead, the applicant would like to develop the lands in a townhouse style comprising for 4 units. Therefore, the application conforms to the goals and policies outlined in the Town's Official Plan.

### **3) Town of Kingsville Comprehensive Zoning By-law**

The subject parcel is currently zoned 'Lakeshore Residential (LR)' which permits a single detached dwelling as the main use. The existing lot fabric in this area varies, as do the style and size of homes. While the zoning only permits single detached housing, the applicant has applied to permit a 4-unit town home on the subject property. In addition, the applicant is seeking an amendment to permit a reduced side yard for a townhouse without garages to allow 1.5 m (5 ft.) on both sides of the dwelling, a reduced rear yard from 7.5 m (25 ft.) to 3.84 (12.583 ft.) in favour of increased front yard from 6 m (20 ft.) to 6.7 m (22 ft.) to accommodate parking, and to increase the lot coverage from 40% to 42%, as shown on the applicants sketch in Appendix B.

Comment: The proposed amendment would permit the construction of a 4-unit townhouse on the subject lands. Currently, the property is made up of 2 lots of record which could be separately conveyable and could result in separate developments on each lot. However, the applicant would like to design the dwelling in a townhouse style made up of a total of 4 units. Since the design would not include garages, the applicant would like to increase the front yard to accommodate any extra parking needs and in turn reducing the rear yard depth. Since the design does not allow for the construction of detached garages in the rear yard, the 10 ft. side yard requirement for a house without an attached garage is not applicable, hence the request for only 1.5 m (5 ft.) side yard setback on either side of the dwelling. Due to the increased lot coverage permitted, the owners would not be permitted to erect any accessory structures or buildings. Therefore a site-specific Lakeshore Residential is proposed.

### **LINK TO STRATEGIC PLAN**

Manage residential growth through sustainable planning.

### **FINANCIAL CONSIDERATIONS**

There will be an increase in assessment once the lot is developed.

### **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. At the time of writing this report, a number of residents phoned in with questions and concerns and they also provided written comments. The residents in the area have also submitted a petition against the proposed zoning amendment. The submitted comments can be view in

Appendix C and are mainly concerned with the density and type of the development and its impact on traffic and drainage.

Comment: Both the Malo St. and Peter St. areas are low density but in part due to several potential infilling opportunities and vacant lots. Care is required to properly manage storm water for all new development. Variety of housing is also an important consideration. New development that has occurred in other areas of the Town has led to overall improvement of the area.

### **Agency & Administrative Consultation**

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. At the time of writing, the following comments have been received.

#### **1) Essex Region Conservation Authority (ERCA)**

- ERCA has no objection to the Application for a Zoning By-Law Amendment.
- See full comment in Appendix D.

#### **2) Town of Kingsville Management Staff**

- Any encroachment to the lot lines may lead to spatial separation concerns.
- Ensure all Ontario Building Code requirements are met as this may have an impact on design, construction and costs.

### **RECOMMENDATION**

That Council:

Approve zoning by-law amendment application ZBA/11/20 to rezone the subject parcel, Lots 76 & 77 on Plan 1434, known as 595 Malo Street in the Town of Kingsville, from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 34 (LR-34)'; to permit a four-unit townhouse, establish site-specific regulations and adopt the implementing by-law.

*Kristina Brcic*

Kristina Brcic, MSc, BURPI  
Town Planner

*Robert Brown*

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

*John Norton*


John Norton, B.A., M.A., LL.B  
Chief Administrative Officer






### Legend


#### Essex Municipalities

 <all other values>

 Kingsville

 Street

 Severance

 Kingsville Assessment

### Notes

Zoning Amendment

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.

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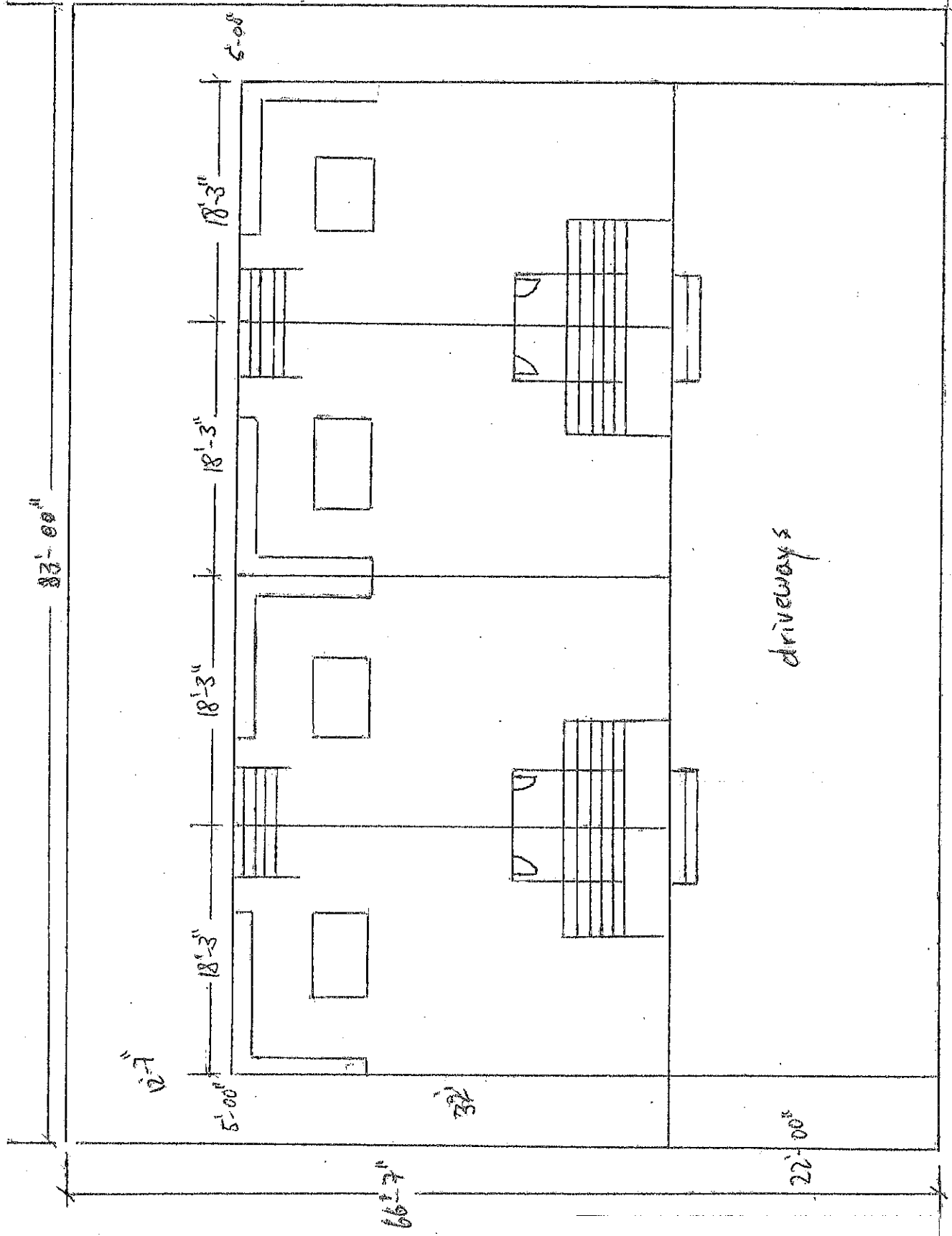
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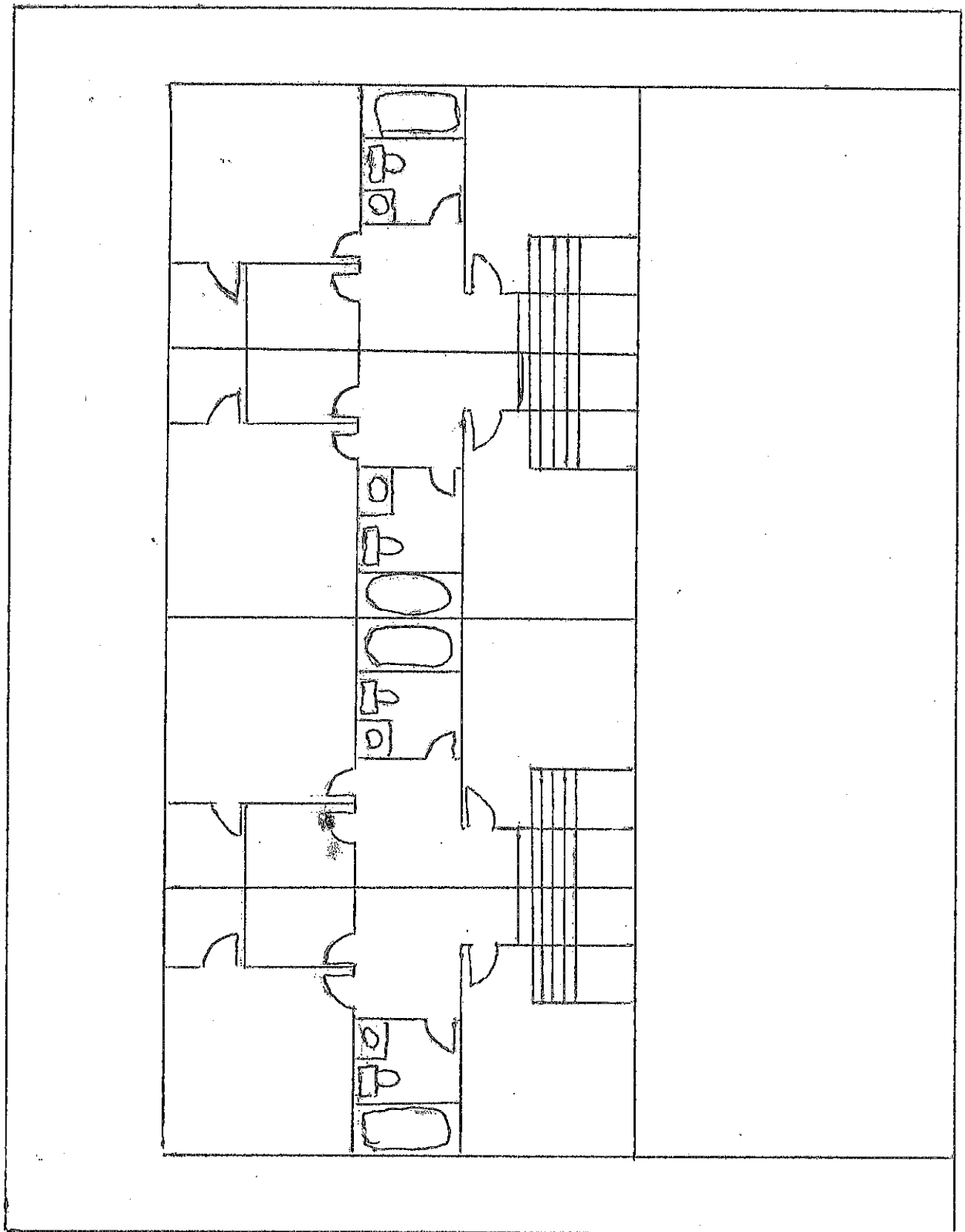
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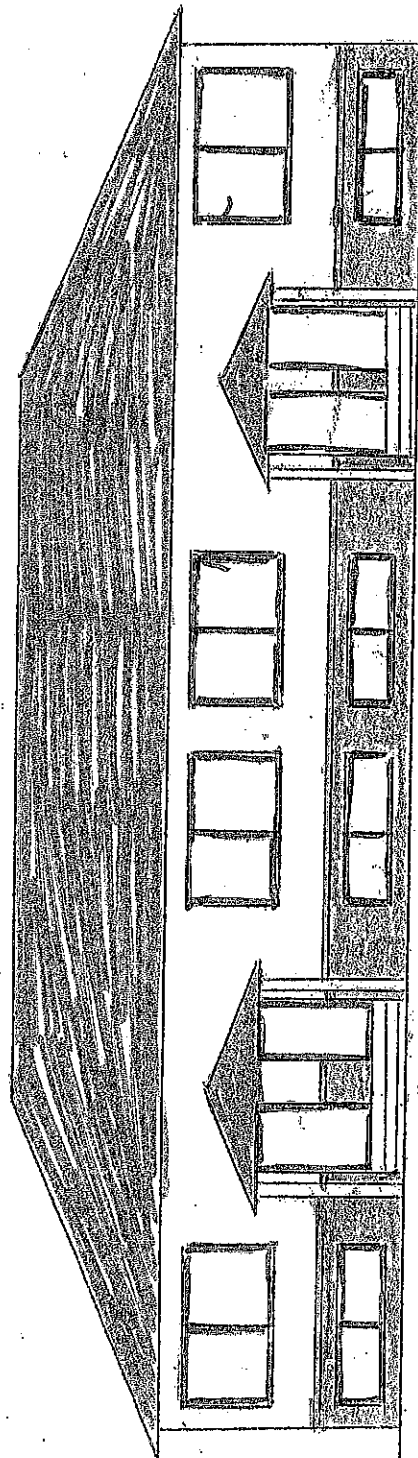
# Appendix B - Applicants Sketch

SITE PLAN LOT 76+77  
 Lot coverage 5526 sq.ft  
 House coverage 2336 sq.ft.  
 coverage of lot 42%



MALD





## Appendix C – Public Comments

From: Ed Neves [REDACTED]  
Sent: Thursday, October 15, 2020 7:45 PM  
To: Kristina Brcic  
Subject: Zoning amendment for lots 72,73&76,77 on Malo St

Kristina

Just submitting my concerns with the current proposal for these lots.

My overriding concern is the increased density on our street with regards to traffic. This proposal would add Six houses to a street that is not even wide enough for traffic to pass in both directions. And now adding six homes would create additional bottle necks at the intersection of Malo and Conservation that is also not wide enough for bidirectional traffic.

If we consider the existing lots as they are then four dwellings is what should be permitted since that would satisfy previously established lots/dwelling density for our street.

With regards to what I see as an opportunity to develop attainable housing within Kingsville. Between Malo, Scratch, and Peter St our community already offers our fair share towards this metric. With that being said adding six additional units will generate an imbalance within this neighbourhood. And I know that the town of Kingsville is looking to ensure well rounded communities throughout our town.

Thank you for your time and consideration.

From: Dale Wales [REDACTED]  
Date: Thursday, October 15, 2020  
Subject: Zoning By-Law Amendment - Malo  
To: [REDACTED] com" [REDACTED]  
[REDACTED]

Hi Tony,

I have received the info from the planning department on the proposed by-law amendment. (Found it in my spam) I will be sending my concerns and objection to this proposal to Kristina as well as asking to be part of the public meeting on zoom.

Our one lane street with poor drainage cannot handle an additional 6 units on 2 extremely small lots. There is water laying on the road with the rain we had today. I am very concerned that changes to the zoning by-law will greatly affect the quality of life and reduce the property values with in this area.

In speaking with a few of the neighbours, it is quite evident that this change is unacceptable. We hope that you and your colleagues on council will encourage the builder to continue building single family detached dwellings in this neighbourhood.

Please feel free to forward this to your colleagues on council and the mayor.

Thank you,

Dale and Debbie Wales



From: Dale Wales [REDACTED]  
Sent: Monday, October 19, 2020 11:32 AM  
To: Kristina Brcic  
Cc: [REDACTED]  
Subject: Petitions to Zoning By-Law amendments ZBN/11/2020 and ZBN/12/2020  
Attachments: Petition By-Law ammendment ZBN-11-2020.pdf; Petition By-Law ammendment ZBN-12-2020.pdf

Importance: High

Dear Kristina,  
Attached are copies of 2 signed petitions in opposition to Zoning By-Law amendments ZBN/11/2020 and ZBN/12/2020.

Our concerns and objections are listed on each petition. All signatories are in agreement with the objections.

Both Debbie Wales and I are requesting to speak to council on October 26, 2020 during the electronic zoom meeting at 7pm. We are both requesting separate access to the zoom meeting since I will be out of town on business.

Thank you,

Dale Wales  
601 Malo St.,  
Kingsville, ON  
N9Y 3G7  
[REDACTED]

# Petition to oppose By-Law Amendment ZBN/11/2020

October 17, 2020

Written by Dale and Debbie Wales, 601 Malo St.,

Kingsville, ON N9Y 3G7



Summary	This petition is being presented to The Town of Kingsville in opposition to the proposed zoning By-Law ZBN/11/2020 amendment to change the designated Lakeshore Residential West of the Official Plan and zoned Lakeshore Residential, (LR) under the Kingsville Comprehensive Zoning By-law.
Actions petitioned for	<p>We are asking that the proposed amendment be opposed by Council for the following reasons:</p> <ul style="list-style-type: none"><li>- The timeframe allowed for input to these amendments is inadequate. The writer of this petition is still waiting official notification by mail in writing from the municipality. We are not asking for an extension, but an immediate and total denial of this amendment by council so the property owner is able to proceed with construction of single family dwelling on the property.</li><li>- Malo Street is a one lane street designed for travel limited to single family dwellings. It currently does not accommodate parking spaces for visitors or residents with more than 2 vehicles. The addition of 4 residences with 2 parking spaces (total of 8) on a single lot will exasperate parking and traffic issues for residents and their visitors.</li><li>- Enbridge has contracted G-Tel to conduct surveys of the underground services in this area to check for sewer lines blocked by natural gas pipelines. As a result, the G-Tel technician has advised residents that the area is high risk for these blockages and that there are other sewer obstructions presently causing plumbing concerns on this street.</li><li>- All dwellings on Malo Street are currently single family detached dwellings. The excess rainfall drainage from these properties currently lays in low spots on the street until it evaporates or soaks into surrounding properties. The proposed 42% lot coverage will increase the accumulation and possibly cause basement flooding in existing residences. There are drainage issues on this street with catch basins installed above the low lying areas on the road.</li><li>- The design of homes on Malo Street is single family dwellings. A 4 unit townhouse will not fit aesthetically with current homes.</li><li>- Furthermore, the residents object to a variation allowing the properties to be built closer to the property line than permitted by current by-laws.</li></ul>

**We the undersigned request the Council of the Town of Kingsville deny the Zoning By-Law ZBA/11/2020 amendment.**

Name (Please Print)	Address	Phone	Email	Signature
DALE WALES	601 MALO			
Andrzej MUSIEJ	585 MALO			







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

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

**APPLICATION:** ZONING BY-LAW AMENDMENT FILE ZBA/11/2020  
(Section 34 of the Planning Act, R.S.O. 1990, C.P. 13)

**APPLICANT:** Pigeon Bay Home Construction

**LOCATION OF PROPERTY:** 595 Malo St.  
Lots 76 & 77, Plan 1434

**PURPOSE OF APPLICATION:**

The Town of Kingsville has received the above-noted application for lands located on the south side of Malo Street, between Scratch Lane and Conservation Blvd. 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 property is a 513 sq. m (5,526 sq. ft.) vacant lot. The applicant is proposing to develop a four unit townhouse structure. A site-specific zoning amendment is necessary to permit the proposed use and establish regulations such as a reduced side yard for a townhouse without garages, a reduced rear yard in favour of increased front yard to accommodate parking, and to recognize 42% lot coverage.

**A PUBLIC MEETING OF COUNCIL will be held on:**

**WHEN:** October 26, 2020  
**WHERE:** ELECTRONIC MEETING ON ZOOM  
**TIME:** 7:00 p.m.

If you have comments on this application, they may be forwarded by email, or letter mail to the attention of: **Kristina Brcic, 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 would otherwise have an ability to appeal the decision of Council for the Town of Kingsville to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submission to the Town of Kingsville before the zoning by-law is adopted, the person or public body is not entitled to appeal the decision.

**IF A PERSON** or public body does not make oral submissions at a public meeting, or make written submission to Council before the zoning by-law is adopted or the zoning 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 add the person or public body as a party.

**ADDITIONAL INFORMATION** relating to this matter is available for review at the Kingsville Municipal Office during regular office hours.

**DATED this 6th day of OCTOBER, 2020**

Kristina Brcic, MSc, BURPI, Town Planner



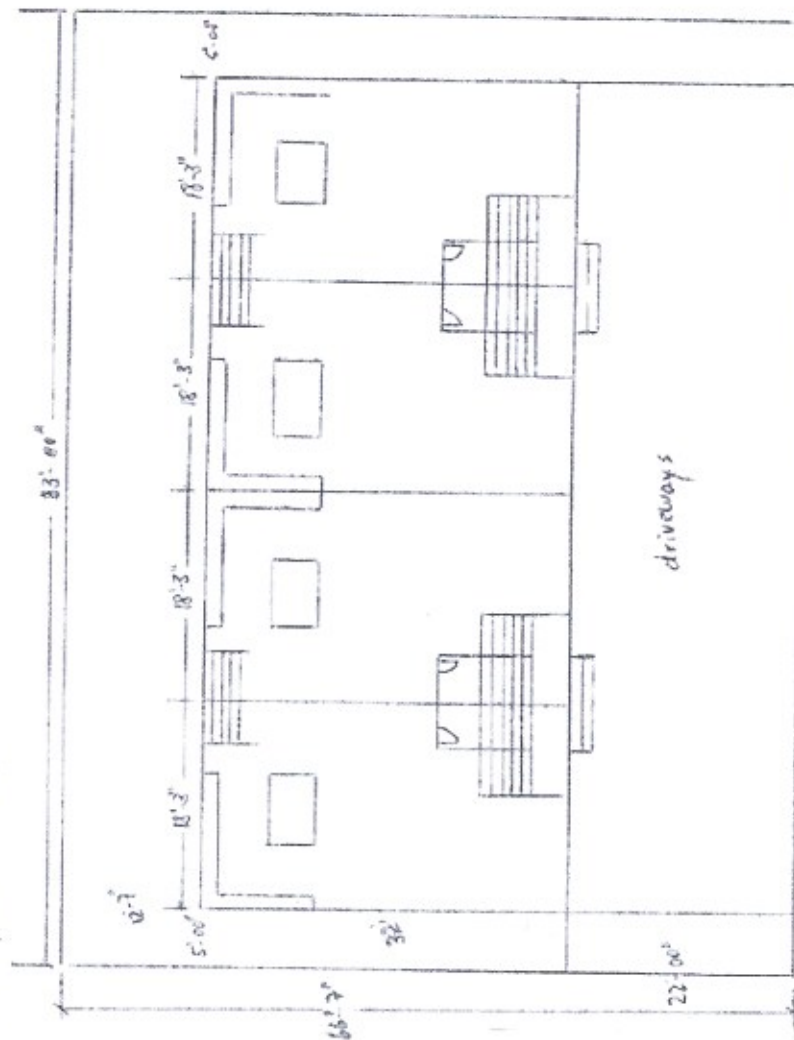
- Legend**
- Exeter Municipalities
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  - Street
  - Severance
  - Kingsville Assessment

Notes  
Zoning Amendment

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 provided by Teraviva Enterprises Inc. Data is not  
guaranteed to be accurate, current or otherwise reliable.  
appear in this map may or may not be accurate, current or otherwise reliable.

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5/9/2020

SITE PLAN LOT 76+77  
Lot coverage 5526 sq.ft.  
House coverage 2336 sq.ft.  
Coverage of Lot 427%



MALO



## Electronic Participation

This Meeting will be held through Electronic Participation in accordance with the Town of Kingsville's Procedure By-law, by-law 55-2016, as amended, and the provision of the Municipal Act, 2001

The Town of Kingsville continues to take COVID-19 seriously, and in following the advice of provincial and federal governments, is making significant changes to services and programming to help protect health and wellbeing of the community. In this regard, Council and Committee meetings are being conducted electronically until further notice.

---

### Remote Participation

The electronic public meeting will take place via Zoom. Elected Officials, Committee Members, Town Staff and Applicants or those representing them will be given access to the meeting. If you wish to participate please read the instructions below.

### Public Comments

a) **Submit comments in writing: WRITTEN COMMENTS ARE STRONGLY ENCOURAGED.** Please provide your name (first and last), your address and which item you are commenting on. They may be submitted in writing or by email, to Kristina Brcic, Town Planner (see contact info). Comments received **by 4:00 PM on Monday, October 19th** will be part of the Council Agenda package prior to the meeting. Comments received after this time will be forwarded to Members of Council as soon as possible, and prior to the meeting on October 26th.

b) **Request to speak at the Council Meeting:** Prior to 4:00 PM on Wednesday, October 21st you must contact Kristina Brcic, Town Planner (see contact info), to request to speak during the meeting. Please provide your name (first and last), your address, the item/application you wish to speak on and your email address.

### Remote participation for public comments

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### For more information, please contact:

Kristina Brcic, Town Planner  
Phone: 519-733-2305 Ext. 249  
Email: [kbrbic@kingsville.ca](mailto:kbrbic@kingsville.ca)



## **Important Safety Information**

### **Re: Natural Gas Sewer Safety Inspection in your area / Access to sewer lines**

Dear Homeowner/Occupant,

The natural gas pipelines serving this address may have been installed using underground tunnelling, or "trenchless" installation methods. Utilities often use trenchless installation methods because they create less traffic disruption and less damage to roads and property than digging trenches.

However, in some isolated instances, pipelines installed using trenchless methods may have inadvertently intersected sewer lines. These instances are known as **sewer cross bores**. Sewer cross bores do not pose a safety risk unless the natural gas line is damaged and damage can occur if motorized rotating equipment (commonly known as power augers, rodders or snakes) or high pressure water jetting equipment is used to clear a blocked sewer line. This can lead to an immediate and serious safety risk. To avoid this risk, Enbridge has a program to identify and eliminate cross bores in our natural gas distribution system.

As a precaution, Enbridge Gas has contracted G-Tel Engineering to locate the natural gas and sewer lines servicing your property to ensure there is no cross bore and it is safe for you or a plumber to use mechanical methods to clear a blocked sewer if it became necessary. It is our intention to complete the investigation of the sewer system from the sewer main. This means you may notice G-Tel and Pipetek Infrastructure Services vehicles in the neighborhood and technicians marking the location of utilities above ground. In some circumstances it may be necessary for G-Tel to contact you directly to complete an inspection of your sewer lateral from inside. These inspections will be completed at **no cost to you** and if an intersection is identified, it will also be fixed at no cost to you.

If you have questions please contact:

Linda Vande Sompel, Sewer Safety Inspection Supervisor, G-Tel Engineering at  
1-866-692-0208 x237

or

Maxwell Bennett, Sewer Safety Program, Enbridge Gas at +1 (705) 790-7679 Or  
Scott Parker, Sewer Safety Program, Enbridge Gas at +1 (647) 643-4651

Thank you for your cooperation,

The Enbridge Gas sewer safety program team

For more information about the Enbridge Gas sewer safety program visit [www.uniongas.com/sewersafety](http://www.uniongas.com/sewersafety)

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 97-2020

---

### 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 conforms to the Official Plan of the Town of Kingsville;

### **NOW THEREFORE THE COUNCIL OF 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:

#### **6.7.34 'Lakeshore Residential Exception 34 (LR-34)'**

For lands shown as LR-34 on Map 64 Schedule "A" of this By-law.

##### *a) Permitted Uses*

- i) Those uses *permitted* under Section 6.7 Lakeshore Residential Zone (LR).
- ii) *A townhouse dwelling*
- iii) *A townhouse dwelling unit*

##### *b) Permitted Buildings and Structures*

- i) Those *buildings and structures permitted in Section 6.7*
- ii) *Townhouse dwelling, maximum four units;*
- iii) *Townhouse dwelling unit*
- iv) *Buildings and structures accessory to the permitted uses.*

##### *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-34);
- ii) Notwithstanding the Zone provisions of Section 6.7, the following additional provisions shall apply to lands Zoned (LR-34):
  - a) *Minimum interior side yard –1.5 m (5 ft.);*
  - b) *Minimum rear yard - 3.8 (12.6 ft.);*
  - c) *Maximum lot coverage – 42%.*

2. Schedule "A", Map 64 of By-law 1-2014 is hereby amended by changing the zone symbol on lands known municipally as Lots 76 & 77, on Plan 1434, and locally known as 595 Malo Street as shown on Schedule 'A' cross-hatched attached hereto from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 34 (LR-34)'.

3. This by-law shall come into force upon third reading and being finally passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
26<sup>TH</sup> DAY OF OCTOBER, 2020.**

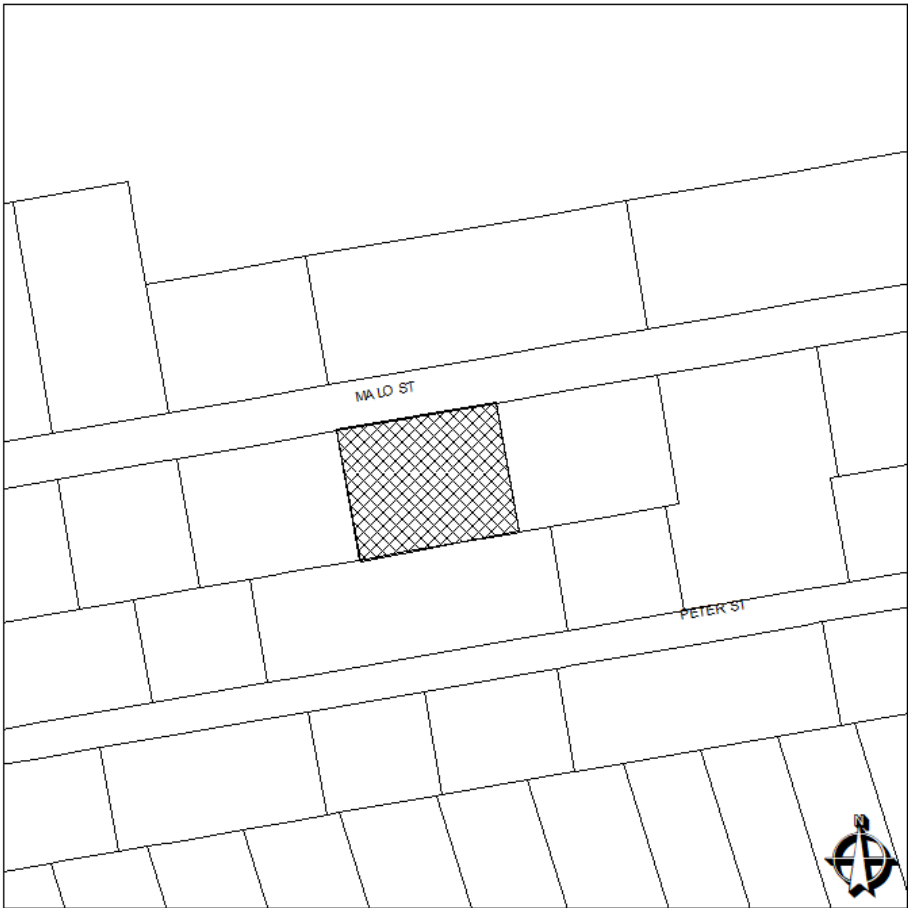
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**MAYOR, Nelson Santos**

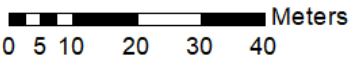
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**CLERK, Jennifer Astrologo**

Schedule A



**595 Malo St**  
**Lots 76 & 77, Plan 1434**  
**ZBA/11/20**



Schedule "A", Map 64 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Lakehore Residential (LR)' to 'Lakeshore Residential Exception 34 (LR-34)'.



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

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

**APPLICATION:** **ZONING BY-LAW AMENDMENT FILE ZBA/12/2020**  
**(Section 34 of the Planning Act, R.S.O. 1990, C.P. 13)**

**APPLICANT:** **Pigeon Bay Home Construction**

**LOCATION OF PROPERTY:** **V/L Malo St.**  
**Lots 72 & 73, Plan 1434**

### **PURPOSE OF APPLICATION:**

The Town of Kingsville has received the above-noted application for lands located on the south side of Malo Street, between Scratch Lane and Conservation Blvd. 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 property is a 385 sq. m (4,148 sq. ft.) vacant lot. The applicant is proposing to develop a semi-detached dwelling. A site-specific zoning amendment would be necessary to permit the proposed use and establish regulations a reduced rear yard in favour of increased front yard to accommodate parking and regulations specific to establishing the each unit as a freehold.

### **A PUBLIC MEETING OF COUNCIL will be held on:**

**WHEN:** **October 26, 2020**  
**WHERE:** **ELECTRONIC MEETING ON ZOOM**  
**TIME:** **7:00 p.m.**

If you have comments on this application, they may be forwarded by email, or letter mail to the attention of: **Kristina Brcic, 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 would otherwise have an ability to appeal the decision of Council for the Town of Kingsville to the Local Planning Appeal Tribunal but the person or public body does not make oral submissions at a public meeting or make written submission to the Town of Kingsville before the zoning by-law is adopted, the person or public body is not entitled to appeal the decision.

**IF A PERSON** or public body does not make oral submissions at a public meeting, or make written submission to Council before the zoning by-law is adopted or the zoning 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 add the person or public body as a party.

**ADDITIONAL INFORMATION** relating to this matter is available for review at the Kingsville Municipal Office during regular office hours.

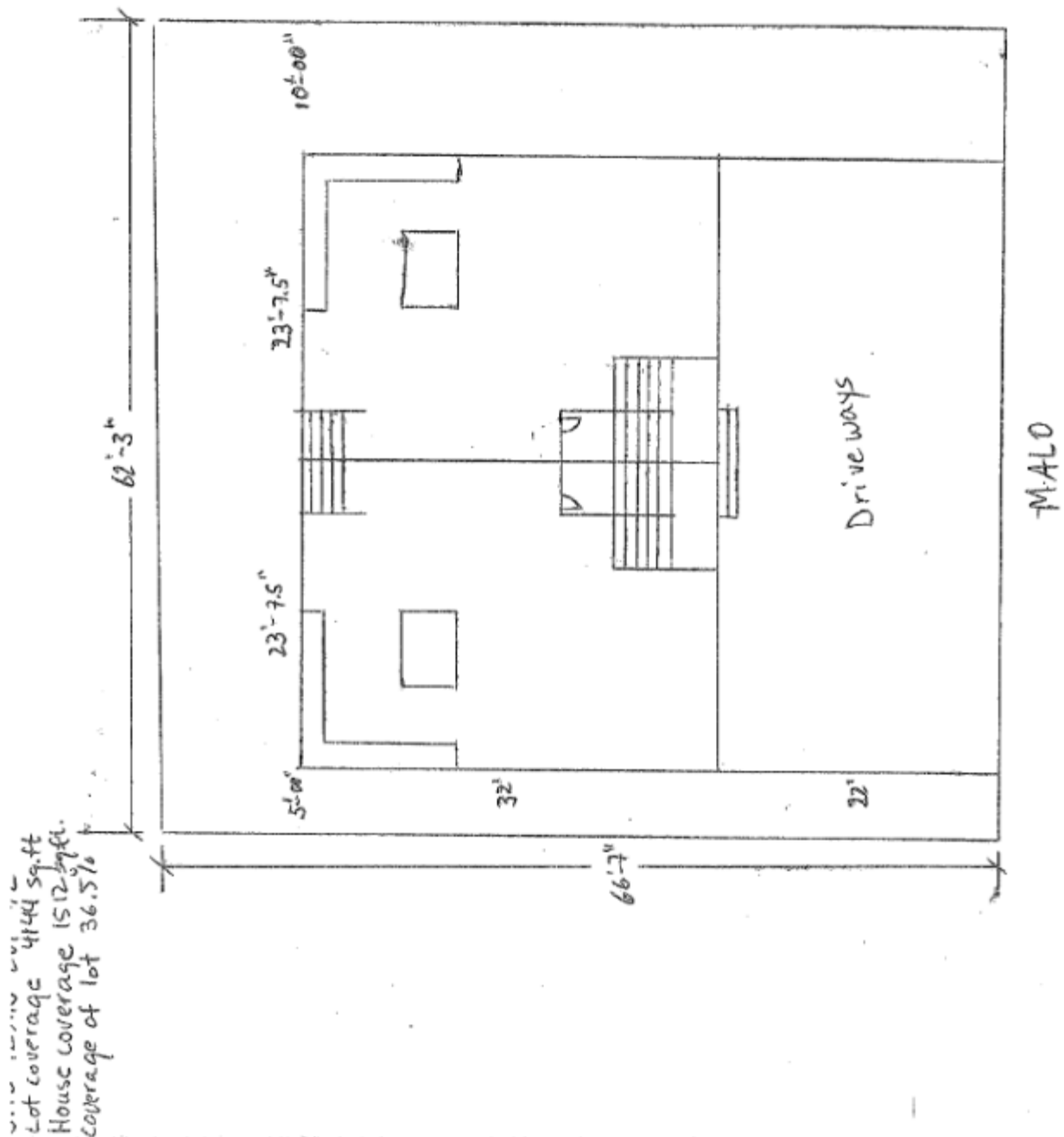
**DATED AT THE TOWN OF KINGSVILLE on October 6th, 2020**

**Kristina Brcic, MSc, BURPI**  
Town Planner  
[kbrbic@kingsville.ca](mailto:kbrbic@kingsville.ca)









## Electronic Participation

This Meeting will be held through Electronic Participation in accordance with the Town of Kingsville's Procedure By-law, by-law 55-2016, as amended, and the provision of the Municipal Act, 2001

The Town of Kingsville continues to take COVID-19 seriously, and in following the advice of provincial and federal governments, is making significant changes to services and programming to help protect health and wellbeing of the community. In this regard, Council and Committee meetings are being conducted electronically until further notice.

---

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The electronic public meeting will take place via Zoom. Elected Officials, Committee Members, Town Staff and Applicants or those representing them will be given access to the meeting. If you wish to participate please read the instructions below.

### Public Comments

**a) Submit comments in writing: WRITTEN COMMENTS ARE STRONGLY ENCOURAGED.**

Please provide your name (first and last), your address and which item you are commenting on. They may be submitted in writing or by email, to Kristina Brcic, Town Planner (see contact info).

Comments received **by 4:00 PM on Monday, October 19th** will be part of the Council Agenda package prior to the meeting. Comments received after this time will be forwarded to Members of Council as soon as possible, and prior to the meeting on October 26th.

**b) Request to speak at the Council Meeting:** Prior to 4:00 PM on Wednesday, October 21st you must contact Kristina Brcic, Town Planner (see contact info), to request to speak during the meeting. Please provide your name (first and last), your address, the item/application you wish to speak on and your email address.

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**For more information, please contact:**

Kristina Brcic, Town Planner

Phone: 519-733-2305 Ext. 249

Email: [kbrbic@kingsville.ca](mailto:kbrbic@kingsville.ca)



2021 Division Road North  
Kingsville, Ontario N9Y 2Y9  
(519) 733-2305  
[www.kingsville.ca](http://www.kingsville.ca)  
[kingsvilleworks@kingsville.ca](mailto:kingsvilleworks@kingsville.ca)

**Date:** October 16, 2020

**To:** Mayor and Council

**Author:** Kristina Brcic, MSc, BURPI

**RE:** Application for Zoning By-law Amendment ZBA/12/20 by  
Pigeon Bay Home Construction  
V/L Malo St.  
Lots 72 & 73, Plan 1434  
Roll No. 3711 270 000 06500

**Report No.:** PS 2020-054

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## **AIM**

To provide the Mayor and Council with information regarding a Zoning By-law Amendment to permit the construction of a semi-detached dwelling, on lands known as V/L Malo St, in the Town of Kingsville.

## **BACKGROUND**

The Town of Kingsville has received the above-noted application for lands located on the south side of Malo Street, between Scratch Lane and Conservation Blvd. 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 property is a 385 sq. m (4,148 sq. ft.) vacant lot. The applicant is proposing to develop a semi-detached dwelling. A site-specific zoning amendment would be necessary to permit the proposed use and establish regulations for a reduced rear yard in favour of increased front yard to accommodate parking and regulations specific to establishing each unit as a freehold.

## **DISCUSSION**

### **1) Provincial Policy Statement**

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS): "The Provincial Policy Statement provides for appropriate development while protecting resources of provincial interest, public health and safety, and the quality of the natural and built environment."

Section 1.1.3.2 states that "Land use patterns within settlement areas shall also be based on a range of uses and opportunities for intensification and redevelopment".

Section 1.4.3 states that " Planning authorities shall provide for an appropriate range and mix of housing types and densities to meet projected requirements of current and future residents of the regional market area by:

b) permitting and facilitating:

1. all forms of housing required to meet the social, health and well-being requirements of current and future residents, including special needs requirements; and
2. all forms of residential intensification, including second units, and redevelopment in accordance with policy 1.1.3.3;"

Comment: The application is consistent with the Provincial Policy Statement as it help to support a wider variety of housing forms.

### **2) Town of Kingsville Official Plan**

The Official Plan for the Town of Kingsville designates the subject properties as 'Lakeshore Residential West'. Section 3.6.4, states that "The purpose of the "Lakeshore Residential West" designation is to recognize the residential development south of County Road 20 along the Lake Erie shoreline and west of the Town's main urban centre."

The Goals and Policies support amendments to the zoning for such development and include:

"a) to recognize existing residential development and areas previously designated for residential development;

d) to provide the opportunity for the provision of affordable housing in accordance with Provincial Policy;

a) residential development shall consist primarily of single unit dwellings but may also include single unit detached, two unit (semi-detached) and single unit attached dwellings (townhouse)."



Comment: The applicant applied for a Zoning By-law Amendment in order to permit the construction of a semi-detached dwelling. The application would like to provide an alternative type of housing of what is currently available in the immediate neighbourhood, however semi-dwellings are commonly found in the York subdivision just northwest of the subject property. As stated in the Official Plan, two unit attached dwellings shall be supported. Therefore, the application conforms to the goals and policies outlined in the Town's Official Plan.

### **3) Town of Kingsville Comprehensive Zoning By-law**

The subject parcel is currently zoned 'Lakeshore Residential (LR)' which currently permits a single detached dwelling as the main use. The existing lot fabric in this area varies, as do the style and size of homes. While the currently zoning only permits single detached housing, the applicant has applied to permit a semi-detached dwelling on the subject property. In addition, the applicant is seeking an amendment to permit a reduced rear yard from 7.5 m (25 ft.) to 3.84 m (12.583 ft.) in favour of increased front yard from 6 m (20 ft.) to 6.7 m (22 ft.) to accommodate parking.

Comment: The proposed amendment would permit the construction of a semi-detached dwelling on the subject lands. Since the design would not include garages, the applicant would like to increase the front yard to accommodate any extra parking needs and in turn reducing the rear yard depth. There are no issues with lot coverage as the applicants are proposing a 36.5% lot coverage of a total 40% permitted, as shown on the Applicants Sketch in Appendix B. As a result the applicants seek a site specific Lakeshore Residential zone amendment.

Therefore, the proposed amendment has been determined to be good planning.

### **LINK TO STRATEGIC PLAN**

Manage residential growth through sustainable planning.

### **FINANCIAL CONSIDERATIONS**

There will be an increase in assessment once the lot is developed.

### **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. At the time of writing this report, a number of residents phoned in with questions and concerns and they also provided written comments. The residents in the area have also submitted a petition against the proposed zoning amendment. The submitted comments can be view in Appendix C and are mainly concerned with the density and type of the development and its impact on traffic and drainage.

Comment: The area in question offers a number of vacant lots along with infilling opportunities. It is important in all areas of the Town to provide a variety of housing types.

Drainage consideration for all new development have to be undertaken with care and attention to not impact on existing development.

### **Agency & Administrative Consultation**

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. At the time of writing, the following comments have been received.

#### **1) Essex Region Conservation Authority (ERCA)**

- ERCA has no objection to the Application for a Zoning By-Law Amendment.
- See full comment in Appendix D.

#### **2) Town of Kingsville Management Staff**

- Any encroachment to the lot lines may lead to spatial separation concerns.
- Ensure all Ontario Building Code requirements are met as this may have an impact on design, construction and costs.

### **RECOMMENDATION**

That Council:

Approve zoning by-law amendment application ZBA/12/20 to rezone the subject parcel, Lots 72 & 73 on Plan 1434, known as V/L Malo Street in the Town of Kingsville, from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 35 (LR-35)'; to permit a semi-detached dwelling, establish site-specific regulations and adopt the implementing by-law.

*Kristina Brcic*

Kristina Brcic, MSc, BURPI  
Town Planner

*Robert Brown*

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

*John Norton*

John Norton, B.A., M.A., LL.B  
Chief Administrative Officer

# Appendix A - Location Map



595 Malo St.



## Legend

Essex Municipalities

<all other values>

Kingsville

Street

Severance

Kingsville Assessment

## Notes

Zoning Amendment

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.

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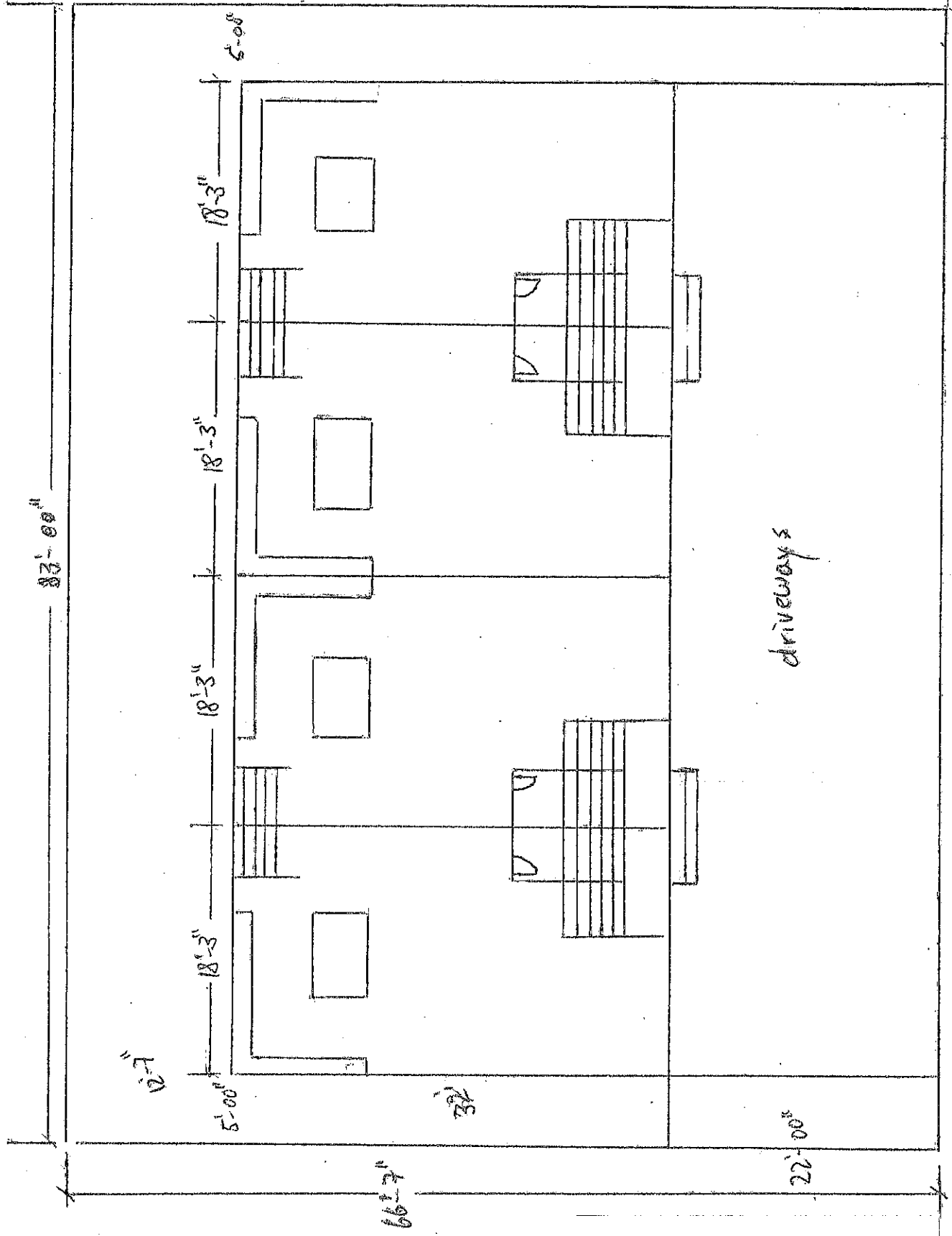
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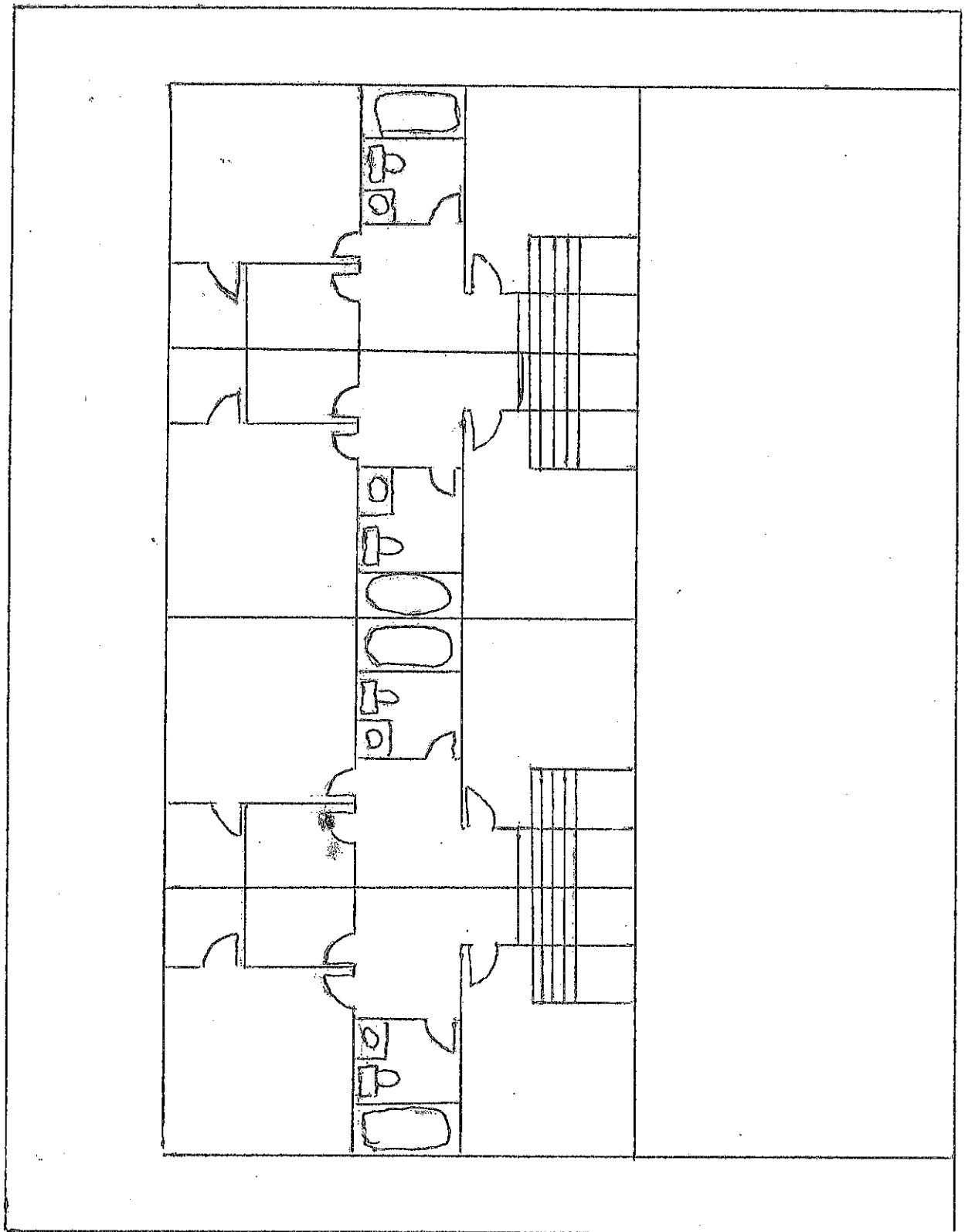
9/8/2020

# Appendix B - Applicants Sketch

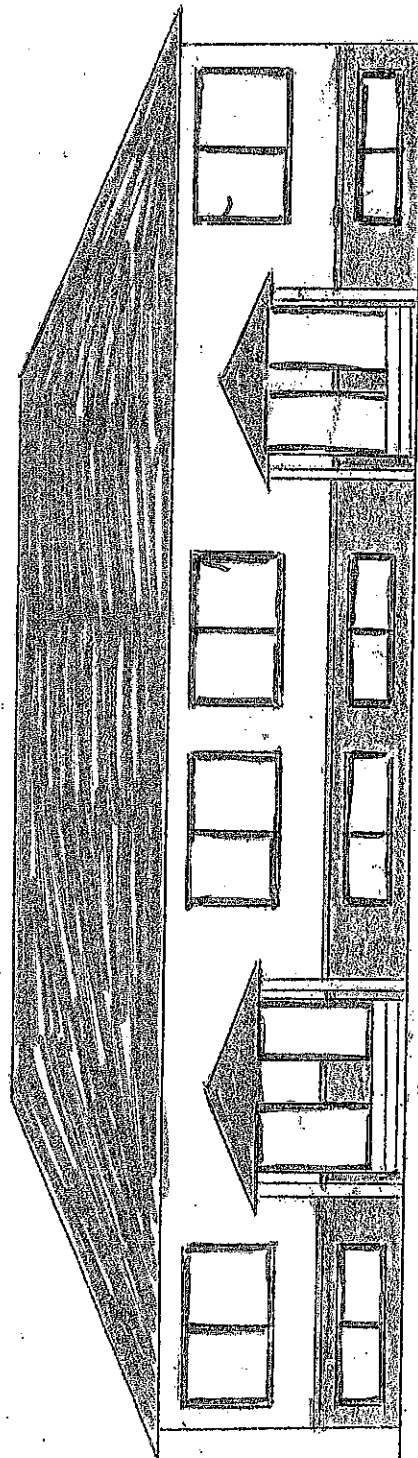
SITE PLAN LOT 76+77  
 Lot coverage 5526 sq.ft  
 House coverage 2336 sq.ft.  
 coverage of lot 42%



MALD







## Appendix C – Public Comments

From: Ed Neves [REDACTED]  
Sent: Thursday, October 15, 2020 7:45 PM  
To: Kristina Brcic  
Subject: Zoning amendment for lots 72,73&76,77 on Malo St

Kristina

Just submitting my concerns with the current proposal for these lots.

My overriding concern is the increased density on our street with regards to traffic. This proposal would add Six houses to a street that is not even wide enough for traffic to pass in both directions. And now adding six homes would create additional bottle necks at the intersection of Malo and Conservation that is also not wide enough for bidirectional traffic.

If we consider the existing lots as they are then four dwellings is what should be permitted since that would satisfy previously established lots/dwelling density for our street.

With regards to what I see as an opportunity to develop attainable housing within Kingsville. Between Malo, Scratch, and Peter St our community already offers our fair share towards this metric. With that being said adding six additional units will generate an imbalance within this neighbourhood. And I know that the town of Kingsville is looking to ensure well rounded communities throughout our town.

Thank you for your time and consideration.

From: Dale Wales [REDACTED]  
Date: Thursday, October 15, 2020  
Subject: Zoning By-Law Amendment - Malo  
To: [REDACTED]  
[REDACTED]

Hi Tony,

I have received the info from the planning department on the proposed by-law amendment. (Found it in my spam) I will be sending my concerns and objection to this proposal to Kristina as well as asking to be part of the public meeting on zoom.

Our one lane street with poor drainage cannot handle an additional 6 units on 2 extremely small lots. There is water laying on the road with the rain we had today. I am very concerned that changes to the zoning by-law will greatly affect the quality of life and reduce the property values with in this area.

In speaking with a few of the neighbours, it is quite evident that this change is unacceptable. We hope that you and your colleagues on council will encourage the builder to continue building single family detached dwellings in this neighbourhood.

Please feel free to forward this to your colleagues on council and the mayor.

Thank you,

Dale and Debbie Wales

From: Dale Wales [REDACTED]  
Sent: Monday, October 19, 2020 11:32 AM  
To: Kristina Brcic  
Cc: [REDACTED]  
Subject: Petitions to Zoning By-Law amendments ZBN/11/2020 and ZBN/12/2020  
Attachments: Petition By-Law ammendment ZBN-11-2020.pdf; Petition By-Law ammendment ZBN-12-2020.pdf  
  
Importance: High

Dear Kristina,  
Attached are copies of 2 signed petitions in opposition to Zoning By-Law amendments ZBN/11/2020 and ZBN/12/2020.

Our concerns and objections are listed on each petition. All signatories are in agreement with the objections.

Both Debbie Wales and I are requesting to speak to council on October 26, 2020 during the electronic zoom meeting at 7pm. We are both requesting separate access to the zoom meeting since I will be out of town on business.

Thank you,

Dale Wales  
601 Malo St.,  
Kingsville, ON  
N9Y 3G7  
[REDACTED]

# Petition to oppose By-Law Amendment ZBN/12/2020

October 17, 2020

Written by Dale and Debbie Wales, 601 Malo St.,

Kingsville, ON N9Y 3G7

<b>Summary</b>	This petition is being presented to The Town of Kingsville in opposition to the proposed zoning By-Law ZBN/12/2020 amendment to change the designated Lakeshore Residential West of the Official Plan and zoned Lakeshore Residential, (LR) under the Kingsville Comprehensive Zoning By-law.			
<b>Actions petitioned for</b>	<p>We are asking that the proposed amendment be opposed by Council for the following reasons:</p> <ul style="list-style-type: none"><li>- The timeframe allowed for input to these amendments is inadequate. The writer of this petition is still waiting official notification by mail in writing from the municipality. We are not asking for an extension, but an immediate and total denial of this amendment by council so the property owner is able to proceed with construction of single family dwelling on the property.</li><li>- Malo Street is a one lane street designed for travel limited to single family dwellings. It currently does not accommodate parking spaces for visitors or residents with more than 2 vehicles. The addition of 2 residences with 2 parking spaces (total of 4) on a single lot will exasperate parking and traffic issues for residents and their visitors.</li><li>- Enbridge has contracted G-Tel to conduct surveys of the underground services in this area to check for sewer lines blocked by natural gas pipelines. As a result, the G-Tel technician has advised residents that the area is high risk for these blockages and that there are other sewer obstructions presently causing plumbing concerns on this street.</li><li>- All dwellings on Malo Street are currently single family detached dwellings. The excess rainfall drainage from these properties currently lays in low spots on the street until it evaporates or soaks into surrounding properties. The proposed lot coverage and reduced rear yard will increase the accumulation and possibly cause basement flooding in existing and new residences. There are drainage issues on this street with catch basins installed above the low lying areas on the road.</li><li>- The design of homes on Malo Street is single family dwellings. A semi-detached will not fit aesthetically with current homes.</li><li>- Furthermore, the residents object to a variation allowing the properties to be built closer to the property line than permitted by current by-laws.</li></ul>			
<b>We the undersigned request the Council of the Town of Kingsville deny the Zoning By-Law ZBA/12/2020 amendment.</b>				
<b>Name (Please Print)</b>	<b>Address</b>	<b>Phone</b>	<b>Email</b>	<b>Signature</b>
DALE WALES	601 MALO			







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

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

**APPLICATION:** ZONING BY-LAW AMENDMENT FILE ZBA/12/2020  
(Section 34 of the Planning Act, R.S.O. 1990, C.P. 13)

**APPLICANT:** Pigeon Bay Home Construction

**LOCATION OF PROPERTY:** V/L Malo St.  
Lots 72 & 73, Plan 1434

**PURPOSE OF APPLICATION:**

The Town of Kingsville has received the above-noted application for lands located on the south side of Malo Street, between Scratch Lane and Conservation Blvd. The subject property is designated Lakeshore Residential West by the Official Plan and zoned Lakeshore Residential, (LR) under the Kingsville Comprehensive Zoning By-law.

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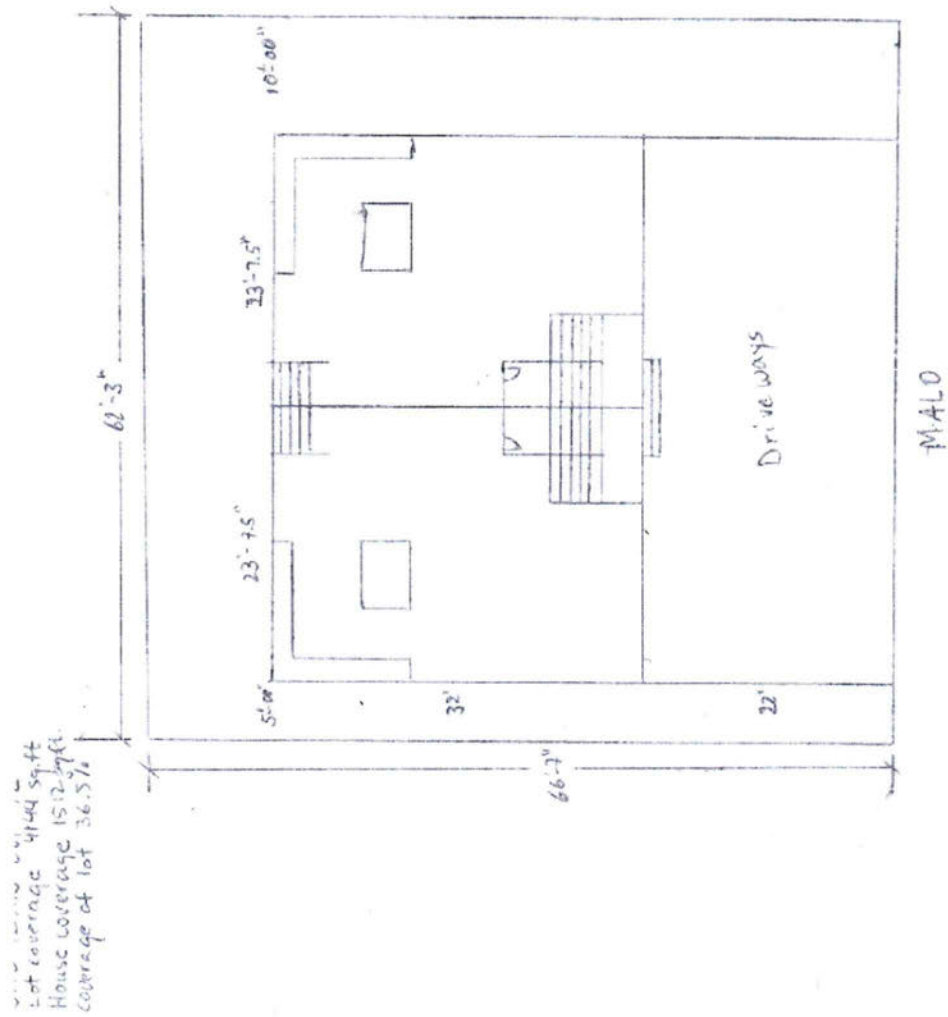
**IF A PERSON** or public body does not make oral submissions at a public meeting, or make written submission to Council before the zoning by-law is adopted or the zoning by-law is passed, the person or public body may not be added as a party to the hearing of an appeal before the Local Planning Appeal Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to add the person or public body as a party.

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**DATED AT THE TOWN OF KINGSVILLE on October 6th, 2020**

**Kristina Brcic, MSc, BURPI**  
Town Planner  
[kbrbic@kingsville.ca](mailto:kbrbic@kingsville.ca)







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**For more information, please contact:**

Kristina Brcic, Town Planner

Phone: 519-733-2305 Ext. 249

Email: [kbrbic@kingsville.ca](mailto:kbrbic@kingsville.ca)

## Important Safety Information

### Re: Natural Gas Sewer Safety Inspection in your area / Access to sewer lines

Dear Homeowner/Occupant,

The natural gas pipelines serving this address may have been installed using underground tunnelling, or "trenchless" installation methods. Utilities often use trenchless installation methods because they create less traffic disruption and less damage to roads and property than digging trenches.

However, in some isolated instances, pipelines installed using trenchless methods may have inadvertently intersected sewer lines. These instances are known as **sewer cross bores**. Sewer cross bores do not pose a safety risk unless the natural gas line is damaged and damage can occur if motorized rotating equipment (commonly known as power augers, rodders or snakes) or high pressure water jetting equipment is used to clear a blocked sewer line. This can lead to an immediate and serious safety risk. To avoid this risk, Enbridge has a program to identify and eliminate cross bores in our natural gas distribution system.

As a precaution, Enbridge Gas has contracted G-Tel Engineering to locate the natural gas and sewer lines servicing your property to ensure there is no cross bore and it is safe for you or a plumber to use mechanical methods to clear a blocked sewer if it became necessary. It is our intention to complete the investigation of the sewer system from the sewer main. This means you may notice G-Tel and Pipetek Infrastructure Services vehicles in the neighborhood and technicians marking the location of utilities above ground. In some circumstances it may be necessary for G-Tel to contact you directly to complete an inspection of your sewer lateral from inside. These inspections will be completed at **no cost to you** and if an intersection is identified, it will also be fixed at no cost to you.

If you have questions please contact:

Linda Vande Sompel, Sewer Safety Inspection Supervisor, G-Tel Engineering at  
1-866-692-0208 x237

or

Maxwell Bennett, Sewer Safety Program, Enbridge Gas at +1 (705) 790-7679 Or  
Scott Parker, Sewer Safety Program, Enbridge Gas at +1 (647) 643-4651

Thank you for your cooperation,

The Enbridge Gas sewer safety program team

For more information about the Enbridge Gas sewer safety program visit [www.uniongas.com/sewersafety](http://www.uniongas.com/sewersafety)





September 22, 2020

Mr. Robert Brown, Manager of Planning Services  
Planning & Development Services Department  
The Corporation of the Town of Kingsville  
2021 Division Road North  
Kingsville Ontario, N9Y 2Y9

planning@erca.org  
P.519.776.5209  
F.519.776.8688  
360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

Dear Mr. Brown:

RE: Zoning By-Law Amendment ZBA-11-2020 595 MALO ST  
ARN 371127000006505; PIN: 751841094  
Applicant: Pigeon Bay Home Construction

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-11-2020 for the proposed development of a four unit townhouse structure.

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

The following comments reflect our role as representing the provincial interest in natural hazards as outlined 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*.

The above noted lands are subject to our Development, Interference with Wetlands and Alteration to Shorelines and Watercourses Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 158/06). The parcel falls within the regulated area of the Cedar Creek. The property owner will be required to obtain a Permit from the Essex Region Conservation Authority prior to any construction or site alteration or other activities affected by Section 28 of the *Conservation Authorities Act*.

### **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 Stormwater Management (PPS, 2020)**

ERCA has concerns with the potential impact of the quality and quantity of runoff in the downstream watercourse due to the proposed development on this site. ERCA recommends that stormwater quality and stormwater quantity will need to be 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



Mr. Brown  
September 14, 2020

Guidance Manual, prepared by the Ministry of the Environment (MOE, March 2003) and the "Windsor-Essex Region Stormwater Management Standards Manual".

We further recommend that the stormwater management analysis be completed to the satisfaction of the Municipality as the current outlet is into a municipal storm sewer. 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, 2020**

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.

Based on our review, we have no objections to the Application with respect to natural heritage policies.

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

Sincerely,



Michael Nelson, BSc, MSc (Planning)  
*Watershed Planner*  
/mn

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 98-2020

---

### 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 conforms to the Official Plan of the Town of Kingsville;

### **NOW THEREFORE THE COUNCIL OF 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:

#### **6.7.35 'Lakeshore Residential Exception 35 (LR-35)'**

For lands shown as LR-35 on Map 64 Schedule "A" of this By-law.

##### *a) Permitted Uses*

- i) Those uses *permitted* under Section 6.7 Lakeshore Residential (LR).
- ii) A semi-detached dwelling
- iii) A semi-detached dwelling unit

##### *b) Permitted Buildings and Structures*

- i) Those *buildings and structures permitted in Section 6.7*
- ii) *A semi-detached dwelling;*
- iii) *A semi-detached dwelling unit*
- iv) *Buildings and structures accessory to the permitted uses.*

##### *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-35);
- ii) Notwithstanding the Zone provisions of Section 6.7, the following additional provisions shall apply to lands Zoned (LR-35):
  - a) *Minimum rear yard* - 3.8 (12.6 ft.).

2. Schedule "A", Map 64 of By-law 1-2014 is hereby amended by changing the zone symbol on lands known municipally as Lots 72 & 73, on Plan 1434, and locally known as V/L Malo Street as shown on Schedule 'A' cross-hatched attached hereto from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 35 (LR-35)'.

3. This by-law shall come into force upon third reading and being finally passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26<sup>TH</sup> DAY OF OCTOBER, 2020.**

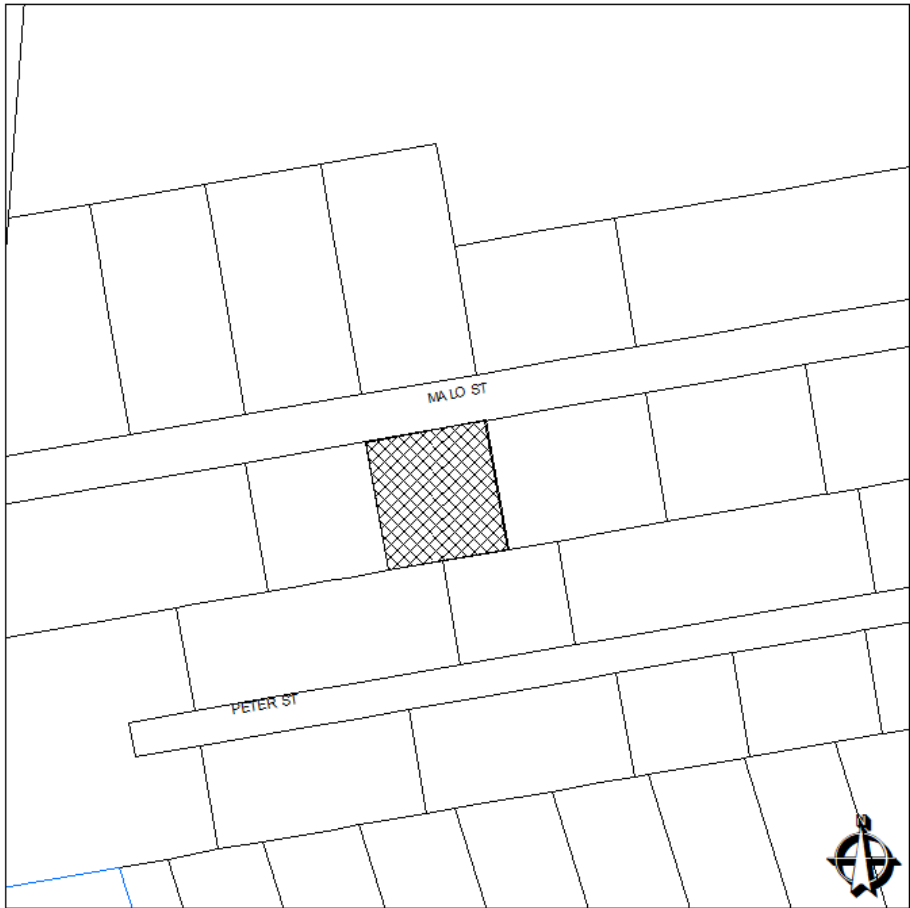
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**MAYOR, Nelson Santos**

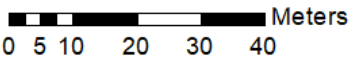
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**CLERK, Jennifer Astrologo**

Schedule A



**V/L Malo St**  
**Lots 72 & 73, Plan 1434**  
**ZBA/12/20**



Schedule "A", Map 64 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Lakehore Residential (LR)' to 'Lakeshore Residential Exception 35 (LR-35)'.





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

**Date:** October 26, 2020  
**To:** Mayor and Council  
**Author:** Dan Wolicki, Manager of Municipal Facilities and Property  
**RE:** Kingsville Pickleball and Bocce Facility RFP  
**Report No.:** MS 2020-42

---

## **AIM**

To seek Council approval to proceed with the competitive bidding process for the construction of the proposed Pickleball and Bocce Court facility located at 1741 Jasperson Lane.

## **BACKGROUND**

The Town has witnessed an upturn of interest for recreational activities that have become increasingly popular amongst active seniors within the community. Recognizing the importance and need for connectivity within the community that encourages physical activity, the Town satisfied the public's desire by instituting the sports of pickleball and bocce.

In 2013, Kingsville Pickleball was established and shared the existing tennis courts as a pilot program to gauge interest and determine whether permanent outdoor courts were warranted.

In 2016, the sport of bocce was introduced to the community as temporary courts were constructed to gauge interests similar to the intent of pickleball.

The Parks and Recreation Master Plan which had been reviewed and updated in 2018 identifies emerging needs and recommends to venture into constructing a dedicated facility to satisfy the continued growing interest amongst both recreational offerings of pickleball and bocce.

## **DISCUSSION**

Town administration had investigated and presented several location options that would accommodate new pickleball courts, however, the location at 1741 Jasperson Lane

situated within the northeastern area of the Arena complex was most favourable as it encompassed amenities including adequate parking, washroom facilities and a central location that is easily accessible that provides synergies with the existing land use.

In 2019, the Kingsville Pickleball, Inc (KPI) and participants of bocce were presented with the proposal for the future development of new pickleball and bocce courts in which both parties were satisfied with the intent and support its location within the lands of 1741 Jasperson Lane.

The Parks, Recreation, Arts and Culture (PRAC) Committee also support the new development and its location.

Furthermore, the Town had submitted a grant application in the Fall of 2019 under the Investing in Canada Infrastructure Program (ICIP) in supporting the purpose of constructing a new designated facility for pickleball and bocce. In July of 2020, the Province issued a formal response to the Town that the application had been unsuccessful.

At the July 13<sup>th</sup> Regular Meeting, Council approved the following recommendations as presented in the MS 2020-31 report:

- *‘That Council authorizes the Mayor and Clerk to execute the contribution agreement with Kingsville Pickleball, Inc. to construct a new eight (8) court pickleball facility located within the lands of 1741 Jasperson Lane;’*
- *‘And That, if the Town is unsuccessful in its ICIP grant application, Council pre-approve an additional \$150,829, which amount is to be included in the 2021 Parks capital budget for the construction of Pickleball Courts.’*

In light of the response from the Province and following Council’s approval of the pickleball contribution agreement, the Kingsville Pickleball Inc. (KPI) had promptly secured the minimum contribution amount through fundraising efforts in order to proceed with the project. In fact, the Kingsville Pickleball, Inc. has funded nearly 70% of the full contribution amount since the agreement was approved and even acquired a generous donation for the naming rights of the pickleball facility.

Pending Council approval, the Town intends to issue a Request for Proposal (RFP) by the end of 2020 to ensure that construction is completed within an appropriate timeframe to accommodate the upcoming pickleball and bocce season in 2021.

The proposed project highlights the following to be constructed at 1741 Jasperson Lane:

- Eight (8) Pickleball Courts
- Two (2) Bocce Courts

The estimated cost for this project is \$350,000 (Excluding HST).  
A summary of the total project budget is provided below:

	Amount
Pickleball Courts	\$275,000
Bocce Courts	\$50,000
Project Contingency	\$25,000
<b>Total</b>	<b>\$350,000</b>

Attached in Appendix A of this report is the Request for Proposal (RFP) document prepared by the Town.

## LINK TO STRATEGIC PLAN

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

## FINANCIAL CONSIDERATIONS

With the \$150,829 'pre-approved' in the 2021 budget, the Town has confirmed \$275,000 in funding for this project. The breakdown of the approved funding is outlined below.

	Amount
Kingsville Pickleball Inc. Contribution	\$75,000
2019 Pickleball Reserves	\$25,000
2020 Budget Allocation	\$24,171
2021 Budget – Pre-approval	\$150,829
<b>Confirmed Funding</b>	<b>\$275,000</b>

Administration recommends funding the additional \$75,000 for the Bocce Courts and Contingency from the Lion's Hall Property Development Reserve (03-000-032-31049). It should be noted, the money previously earmarked for the development of Bocce Courts was allocated to this reserve in anticipation that the courts would be located at Lion's Park.

## CONSULTATIONS

Parks, Recreation, Arts and Culture Committee  
Kingsville Pickleball, Incorporated  
Bocce Participants  
Administration Management Group  
Financial Services  
Municipal Services

## RECOMMENDATION

That Council endorse the proposed Pickleball and Bocce Court facility located at 1741 Jasperson Lane;

And That, Council direct Administration to proceed with the competitive bidding process prior to year-end to allow for construction to commence in early 2021;

And That, Council provide consent to eliminate the proposed bocce courts from the concept Master Plan for the future development of Lions Park as presented at the July 23,2018 Regular Meeting of Council.

*Dan Wolicki*

Dan Wolicki  
Manager of Municipal Facilities and Property

*G. A. Plancke*

G.A. Plancke, Civil Eng. Tech (Env.)  
Director of Municipal Services



REQUEST FOR PROPOSAL

**File No. PR-2020-03**

**KINGSVILLE PICKLEBALL AND BOCCE FACILITY**



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APPENDIX B – Proposal Fee Submission Form

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## 1. **INTRODUCTION**

The Town of Kingsville was amalgamated combining the former Townships of Gosfield North, Gosfield South and Town of Kingsville and provides a unique blend of picturesque small urban centres to live in such as, the Village of Cottam and Hamlet of Ruthven in addition to the former Town of Kingsville. The current population of the Town of Kingsville is approximately 21,000.

## 2. **DELIVERY OF PROPOSAL**

### a. **Closing Date and Time**

Proposals shall be submitted on or before **TBD November xx, 2020 at 11:00 a.m.** local time. Any proposals received after the specified closing date and time will not be considered.

The proposal schedule is as follows:

Task	Date
Issue Request for Proposal	TBD xx, 2020
Receive Proposals	TBD xx, 2020
Proponent Interviews (if required)	December of 2020
Award of Contract	January of 2021
Completion of Contract (Construction Completed by)	June of 2021

### b. **Corporate Contacts**

Additional information regarding this Request for Proposals can be obtained by contacting the following person(s) by email:

Dan Wolicki  
Manager of Municipal Facilities and Properties  
Phone: 519-733-2123 x422  
Email: [dwolicki@kingsville.ca](mailto:dwolicki@kingsville.ca)

### c. **Acceptance of Proposals**

The lowest bid of any Proposal may not necessarily be accepted. The Corporation of the Town of Kingsville also reserves the right to delete any part, or parts from the

Proposal without stating reasons thereof. In the event of any deletion, it is agreed that the proponents will have no claim for loss of potential profit or overhead costs.

### 3. **PROPOSAL SUBMISSIONS**

Submissions shall, at a minimum, address all of the following:

#### **a. Statement of Qualifications**

A statement of qualifications including the following:

- a) Expertise and experience of the firm and project team members relative to the scope of work contained in this RFP;
- b) References and samples of comparable projects completed by the Proponent within the last five (5) years;
- c) Identification and statement of qualifications of the principal(s) and all project team members who will be assigned to the projects. A description of their role(s) on the project team, and,
- d) Current workload and ability of Contractor to complete project(s) in a timely manner.

The Town of Kingsville may investigate other works performed by a Proponent as it deems necessary to determine the ability of the Proponent to perform the work. The Town reserves the right to reject any proposal if the evidence submitted by or investigation of a Proponent fails to satisfy it that the Proponent is qualified to carry out the obligations of the contract.

#### **b. Understanding the Scope of Work**

Proposals shall include:

- a) Acknowledgement of the Scope of Work and Deliverables;
- b) A clear description of the Contractor's approach to the project with a clear statement of work responsibilities, time commitments and proposal fees;
- c) Identification of any statutory requirements that may impact the project,
- d) A proposed project schedule, including details on project milestones
- e) A schedule of proposed man hours supporting the project schedule and fee proposal.
- f) A total proposal fee. The Proposal Fee shall be a firm price (upset limit) and include all payroll costs, benefits, overhead and profit. All disbursement costs for printing, telephone charges, approved travel, etc. shall be included and would be reimbursable at cost. Invoices must accompany all expenses.
- g) A description of cost control measures that will be employed to effectively handle the project budget must be included. The Contractor must specify in

the proposal, the total consulting fees required to satisfy the terms of reference.

- h) Identification and detail for all costs for each stage of the work plan, by project task, specific time and cost breakdown for each major activity and workload by staff and sub contractor s assigned to this project.
- i) Identification of total man hours for each stage of the work plan, by project task and staff allocated for each major activity assigned to this project.
- j) The fee structure shall be based on milestones and deliverables to the Town of Kingsville over the duration of the contract period.

**c. Deliverables**

The following shall make up the sections of the proposal document uploaded to the Town of Kingsville's electronic tendering system. Failure to upload all sections listed below will result in significant reduction in the overall scoring as described in Section 6 of this document. (Evaluation of Proposals)

- a) Introduction/Understanding of Project Scope (Max. 3 pages)
- b) Qualifications of project personnel (Max. 3 pages)
- c) Experience with projects of similar size and scope (Max. 3 pages)
- d) Project work plan, schedule, approach and methodology (Max. 3 pages)
- e) As-built drawings or design shall be supplied to the Town of Kingsville in a digital PDF format
- f) Proposal fee, manpower involvement and availability of key personnel (Max. 3 pages)
- g) Cost control measures (Max. 2 pages)
- h) Accessibility Agreement (Provided in Appendix A)
- i) Proposal Fee Submission Form (Provided in Appendix B)

**4. PROPOSAL COSTS**

The Town is not liable for any costs incurred by the Proponents in preparing responses to this RFP or for any work performed prior to official appointment by the Town.

**5. EVALUATION OF PROPOSALS**

The Contractor shall specify in their Request for Proposal, a detailed summary of the activities that the contractor will require the Municipal staff to carry out. Municipal Staff will have limited involvement in this project.

The proposal submission should be clear, concise and complete. The Town of Kingsville shall be the sole, final decision in the selection process.

A combined quality and cost based comparison will be used, where the Evaluation Committee weighs and combines scores of the technical and financial portion of the proposal to obtain final ranking of the proposals and recommendation for award. The criteria used to evaluate technical proposals and the points (or weights) given to each are noted below:

<b>Criteria</b>	<b>Maximum Score</b>
Fee Proposal	30
Experience with Similar Projects and Qualifications of Key Personnel	25
Understanding of Project Scope and Proposal Quality	15
Proposed Work Plan and Schedule	20
Value Added / Innovative Concepts	10
<b>Total Points</b>	<b>100</b>

All Proponents should carefully review this Request for Proposal for errors or questionable matter. Comments or the need for clarification must be made in writing as requested in this RFP. Disputes based on any omission or error, or on the content of the solicitation, will be disallowed if these faults have not been brought to the attention of the Town of Kingsville as per the terms set out in this Request for Proposal.

## **6. INSURANCE**

### **a. Insurance Coverage**

Contractors are required to maintain the following insurance coverage for the full term of the Contract and any subsequent maintenance periods. There are to be no lapses in insurance at anytime during the Contract. Failure for the Firm to maintain its insurance current will result in the Contract being terminated.

The minimum insurance requirements of the Town of Kingsville, in Canadian dollars, shall be as follows:

#### **i. General Liability Insurance**

To an amount not less than Five Million Dollars (\$5,000,000.00) per occurrence including but not limited to bodily injury, death, personal injury, property damage, tenant legal liability, contractual liability, cross liability/severability of interest provisions, product and completed operations coverage, Town of Kingsville's protective coverage and non-owned automobile coverage.

Coverage shall not contain any exclusions or limitations in respect of tunneling, shoring, underpinning, raising or demolition of any building or structure, pile driving, caisson work, collapse of any structure or land from any cause. The Tenderer shall be solely responsible for all damage, loss or costs resulting directly or indirectly from such use.

Coverage shall be endorsed to include all of the following parties listed below as additional named insurers all of whom shall also be indemnified from and against all claims, demands, losses, costs or any incidental, indirect, special or consequential damages, or any loss of use, revenue or profit arising out of or in any way related to the performance of the Contractor's obligations under the contract.

- Corporation of the Town of Kingsville

The successful Proponent shall be responsible for any loss or losses within the deductible limit. The coverage shall be primary and the insurer will act as first loss insurer against the risk covered and not excess to any other insurance available to the additional insured.

#### **ii. Automobile Liability Insurance**

The successful Proponent shall also carry coverage for a minimum of Two Million Dollars (\$2,000,000) per occurrence in third party liability insurance on the vehicles (both owned and not owned by the Firm) used in the performance of the Work inclusive for bodily injury, including death, personal injury and property damage arising from any one accident or occurrence.

#### **iii. Professional Liability Insurance**

The successful Proponent shall also carry Professional Liability Insurance in a minimum of Two Million Dollars (\$2,000,000) per occurrence subject to an annual aggregate of Four Million Dollars (\$4,000,000.00).

#### **b. Change in Coverage**

If the Client requests, in writing, to have the amount of coverage increased or to obtain other special insurance for this Project then the Contractor shall endeavour forthwith to obtain such increased or special insurance at the Client's expense as a disbursement.

It is understood and agreed that the coverage provided by these policies will not be changed or amended in any way nor cancelled by the Contractor until thirty (30) days after written notice of such change or cancellations has been personally delivered to the Client.

#### **c. Proof of Insurance**



Proof of such insurance is to be submitted and filed to the Town of Kingsville contact listed in Section 2.2 of the Information to Proponents before commencing any work.

**7. EMPLOYMENT INSURANCE AND WORKPLACE SAFETY AND INSURANCE ACT**

The Contractor shall at all times, pay or cause to be paid, any assessment or compensation required to be paid pursuant to the *Workplace Safety and Insurance Act*. The Contractor shall, at the time of entering into a contract with the Town, provide to the Town satisfactory proof that all assessments or compensation payable to the Board have been paid and the Town may, at any time during the performance or upon the completion of such contract require a further declaration that such assessments or compensations have been paid.

A Certificate of Clearance shall be submitted with every invoice during the project term.

The Contractor clearly understands and agrees that they are not covered by the Town of Kingsville under the Workplace Safety and Insurance Board, the *Unemployment Act*, or any Act, whether Provincial or Federal, in respect of the Contractor, their employees and operations, and shall upon request furnish the Town of Kingsville with such satisfactory evidence that he has complied with the provisions of any such Acts.

If the Contractor fails to do so, the Town of Kingsville shall have the right to withhold payments of such sum or sums of money due to them that would be sufficient to cover their default and the Town of Kingsville shall have the right to pay same. Information on coverage under the Workplace Safety and Insurance Act can be obtained directly from the Workplace Safety and Insurance Board. The Town is not to be deemed the employer or the supplier of a Contractor's personnel under any circumstances whatsoever.

**8. OCCUPATIONAL HEALTH AND SAFETY ACT**

The Successful Proponent shall comply with all conditions and regulations of the *Occupational Health and Safety Act* and all applicable regulations and amendments thereto and any other Federal or Provincial Statute or Local By-Law concerning safety during the term of their work on this contract. The Contractor will agree to take full responsibility for any Health and Safety violations as well as the cost to defend such charges as a result of any violation.

**9. ACCESSIBILITY FOR ONTARIANS WITH DISABILITIES ACT**

Contractors will provide the Town with documentation indicating that training in accordance with the requirements of regulation 429/07 has been provided to all of their staff who will be providing services on behalf of the Town of Kingsville. Refer to Appendix A – Contractor Accessibility Agreement. Information on accessible customer service training is available online from the Ministry of Community and Social Services at [www.accesson.ca/index.aspx](http://www.accesson.ca/index.aspx).

**10. RESERVATION OF RIGHTS**

Proponents will not have the right to change conditions, terms or prices of the proposal once the proposal has been submitted in writing to the Town, but shall have the right to withdraw a proposal once it has been submitted up to the closing date and time provided in Section 2.1 of this document.

**11. ADDENDA**

The Town reserves the right to issue addenda to this Request for Proposal. It is the responsibility of Proponents to review and include addenda in their submissions for any addenda issued following the issuance of this Request for Proposal.

Addendum/Addenda will typically be issued through the Town of Kingsville's electronic tendering system, Forty-eight (48) Hours prior to Closing Time and Date.

In the event an addendum is issued within Forty-eight (48) Hours prior to Closing Time and Date, it may include an extension of the Closing Time and Date. It is the responsibility of the proponent to have received all Addendum/Addenda that have been issued. Proponents should check online at <https://kingsville.bidsandtenders.ca> prior to submitting their Proposal and up until closing time and date in the event additional addendums are issued.

The Corporation encourages Proponents **not** to submit their Proposal **prior to** forty-eight (48) hours before the Bid closing time and date, in the event that an addendum is issued. If a Proponent submits their proposal prior to this or at any time prior to the closing and an addendum/addenda is issued by the Corporation, the Town of Kingsville shall **WITHDRAW** their submission. The Proponent is solely responsible to:

- i) make any required adjustments to their Proposal; and
- ii) acknowledge the addendum/addenda; and
- iii) Ensure the re-submitted Proposal is **RECEIVED** by the Town of Kingsville no later than **11:00:00 a.m. (11:00:00 hours) local time**, on the Closing Date.

**12. CONFLICT OF INTEREST**

Proponents participating in this Request for Proposal process shall disclose, prior to entering into an agreement, any potential conflict of interest. If such a conflict exists, the Town of Kingsville may, at its discretion, withhold the award of a contract from the Proponent until the matter is resolved.

**13. CONFIDENTIALITY**

The Town and the Proponent agree that the content of each response to this RFP will be held in the strictest confidence, and details of any response will not be discussed

with any other party. By submitting a response to this RFP, each Proponent agrees not to disclose, at any times, these details. Only information subject to the *Freedom of Information and Privacy Act R.S.O. 1990, C.M. 56* may be disclosed. The Town agrees to notify the Proponent should a request for information be received.

**14. PRICING TO REMAIN FIRM**

Pricing provided under this Request for Proposal shall remain firm for a period of sixty (60) days from the date of closing this Request for Proposal.

Final acceptance of the proposal will be subject to the successful negotiation and execution of a written contract meeting the expenditure limits and required terms and conditions acceptable to the Town.

**15. PAYMENT OF FEES**

The Contractor's Proposal will provide the Town with a timeline of deliverables with their associated cost. The Town will pay the Contractor its fees based on the completion of milestones as defined within the Contractor's proposal.

The timeline provided by the Proponent will provide the number of person hours, the amount of fees, and the amount for disbursements for each task.

**16. AGREEMENT**

The successful Proponent will be required to enter into an agreement with the Town upon Town Council authorizing the execution of an agreement.

**17. PROCUREMENT POLICY BY-LAW/GOVERNING LAW**

Proposals will be called, received, evaluated, accepted and processed in accordance with the Town's Procurement and Purchasing Policy By-Law. By submitting a Proposal for this subject, the Proponent agrees to be bound by the terms and conditions of such By-Law and any amendments thereto, as fully as if it were incorporated herein.

Any Contract resulting from this Request for Proposal shall be governed by and interpreted in accordance with the laws of the Province of Ontario.

**18. ACCURACY OF RFP AND RELATED DOCUMENTS**

The Town has provided herein information as accurately as possible, but assumes no responsibility whatsoever for the completeness or the accuracy of the information presented in this RFP or otherwise distributed or made available formally or informally during this procurement process. Without limiting the generality of the foregoing, the Town will not be bound by, or be responsible for, any explanation or interpretation of the proposed documents other than those prepared in writing. All the information contained

in this document, or from a separate written request from the Town, is subject to the provisions of this section.

## **19. TOWN'S RIGHTS AND OPTIONS**

The Town also reserves and may exercise, at its sole discretion, the following rights and conditions with regard to this RFP and the procurement process. By submitting a Proposal, the Contractor acknowledges and consents to the following conditions relative to the procurement process and selection of the Contractor. The Town reserves the right to:

- a) waive any technicalities or immaterial irregularities in the Proposals/Submissions;
- b) seek clarifications from any or each of the Contractors in order to fully understand the nature of the submissions and evaluate and rank the Proposals;
- c) discuss different or additional terms to those included in the RFP or received in any Proposal, and to amend or modify any terms of this RFP;
- d) postpone or change the date for receipt of Proposals or any other deadlines and dates specified in this RFP upon notice to proponents, and, a Contractor, by submitting a Proposal, agrees to be bound by any modifications made by the Town;
- e) conduct investigations with respect to the information provided by each Contractor, and to request additional evidence to support the information included in the Proposal;
- f) accept or reject, for any reason, at its sole discretion, any and all Proposals and components thereof to eliminate any and all Contractors from further
- g) consideration for this procurement and to abandon this procurement process at the Town's convenience at any time;
- h) eliminate any Contractor who submits incomplete or inadequate responses or is not responsive to the requirements of this RFP;
- i) require Contractors to send representatives to the Town for interviews and presentations;
- j) discontinue negotiations with any Contractor.

All Proposals become the property of the Town and will not be returned.

All activities related to the Project shall be subject to the applicable laws.

Neither the Town, its staff, representatives, nor any of its contractors or agents will be liable for any claims or damages resulting from solicitation, collection, review or evaluation of Proposals.

**20. PROFESSIONAL RESPONSIBILITY**

The successful Proponent will be required to seal all documents issued for the project. Only qualified and experienced engineering professionals will be considered.

**21. METHOD OF SUBMISSION**

All Proposals are to be completed and submitted utilizing the Corporation of the Town of Kingsville's electronic tendering system, on or before the closing date and time at the web address below.

<https://kingsville.bidsandtenders.ca/Module/Tenders/en>

**No hard copies of the Proposal will be accepted or considered.**

All Proponents shall have a Bidding System Vendor account and be registered as a Plan Taker for this Bid opportunity, which will enable the Bidder to download the Bid Call Document, to receive Addenda/Addendum email notifications, download Addendums and to submit their bid electronically through the Bidding System.

Bid submissions shall be received by the Town of Kingsville's electronic tendering system not later than **11:00:00 a.m. (11:00:00 hours)** Eastern local time, on the specified closing date. The closing time shall be determined by the Bidding System web clock.

Bidders are cautioned that the timing of Bid Submission is based on when the Bid is **RECEIVED** by the Bidding System, **not** when a Bid is submitted by a Bidder, as Bid transmission can be delayed in an ***"Internet Traffic Jam"*** due to file transfer size, transmission speed, etc.

**a. Mandatory Requirements**

Submissions under this Request for Proposal must include all of the following documents:

- a) Vendor Accessibility Agreement (Appendix A)
- b) Proposal Fee Submission Form (Appendix B)
- c) WSIB Clearance Certificate
- d) Proposal Document as Prepared by Proponent

## 1. **INTRODUCTION**

The Town is currently seeking Proponents for the design and construction services for the development of a new pickleball and bocce facility located within the lands of 1741 Jasperson Lane (Kingsville Recreation Complex).

## 2. **EXTENT AND LOCATION OF WORK**

Site	Street
Kingsville Recreation Complex	1741 Jasperson Lane, Kingsville ON N9Y 3J4

Proposals at a minimum shall address the following criteria:

### a. **Design**

The design shall include details on storm water management and drainage, fencing, playing surface, pickleball and bocce court layout (elevations and dimensions) and all specifications used to design and construct an eight (8) pickleball court and two (2) bocce court facility. The successful Proponent shall be required to ensure that the foundation and storm water management is designed by a professional engineer registered in Ontario and all applicable engineering drawings are stamped.

### b. **As-Built Drawings**

A minimum of three (3) hard copy sets of the as-built drawings shall be supplied to the Town of Kingsville as well as in a digital PDF format.

### c. **Construction**

The Project will require:

- **Survey on Layout**  
Including acquisition of necessary permits and utility locates.
- **Foundation** – the Tenderer will be responsible:
  - To strip the organics and removal of any trees deemed necessary;
  - Excavation to grade;
  - Design and supply geotextiles;
  - Supply grading and compacting of sub-grade as required;
  - Design/supply and place granular subbase material;
  - Design/supply and place granular base material;



- Design/supply and place a subsurface structure which will support the cushioned acrylic court playing surface (or equivalent);
  - Supply and install root barrier;
  - Supply and install a top cushion acrylic court playing surface (or equivalent);
- **Storm Water / Drainage**

The Pickleball and Bocce Courts will be designed to address rainwater or runoff. No water will be allowed to pond on the playing surfaces of the courts or directly adjacent land areas.
- **Perimeter Fencing**

The perimeter fencing of the Pickleball and Bocce Court facility will be a minimum of 820-feet x 10-feet along with appropriate amount of interior fencing within the Pickleball court area. The size and specification of interior fencing should be as appropriate to prevent the passing of a Pickleball ball; Perimeter fencing of the pickleball courts shall include the applicable wind screening.
- **Access Gates**

At a minimum, there shall be two (2) access gates with available connections to building automation.
- **Net Post and Support System**

The Tenderer will be responsible to design, supply and install eight (8) regulation Pickleball courts net posts and support system.
- **Top Playing Surface**
  - Pickleball Courts: The speed of the surface will be designed for standard mid-range Pickleball players. Colours of the courts and lines are to be determined. The layout of the courts and lines will conform to Pickleball Canada standards and/or regulations
  - Bocce Courts: Landscape synthetic turf preferred (or equivalent) with timber edging along court interior and rubber plankings at the court ends.
- **Storage**

Suitable storage areas to house applicable equipment for Pickleball and Bocce.

- **Seating**  
Seating area within the Pickleball court area and within the Bocce courts to include the option of a shade canopy.
- **Plantings**  
Supply and Install plantings (coniferous species) along the northern perimeter fencing to create segregations between the surrounding land use.

### 3. **SCOPE OF SERVICES**

#### 3.1 **Project Management**

The Project Management Team will consist of the Town's Project Manager and the Proponent's Project Manager.

The Proponent is requested to identify one senior individual by name, email and telephone number who will act as the Proponents primary contact with the Town with regard to all of the projects included as part of this RFP. It is the Proponent's responsibility to understand all aspects of the RFP and to obtain clarification if necessary before submitting their Proposal.

The Proponent's Project Manager will make all day-to-day decisions, address requests for information, and provide direction to design staff. The Town's Project Manager is to be:

- Kept informed of the progress regularly.
- Copied on all correspondence.
- Advised of significant problems/issues, options considered and solutions adopted.
- Consulted regarding deviations from standards, specification and procedures prior to their implementation.
- Involved in any meetings with stakeholders, if applicable.
- Advised of any potentially controversial issues.
- Consulted prior to changes to the project schedule.

#### 3.2 **Agency Consultation**

Agencies to be included in the consultation process include, but are not limited to:

- Major Utility Companies (ie. HydroOne, Union Gas, Bell Canada, GofieldTel)

- Essex Region Conservation Authority (ERCA)
- County of Essex
- Ontario Ministry of Culture
- Ontario Ministry of the Environment and Climate Change
- Ontario Ministry of Natural Resources and Forestry
- Fisheries and Oceans Canada (DFO)
- Aboriginal Communities
- Emergency Services

The Proponent will be responsible for confirming the list of affected agencies and for coordinating all activities and submittals with these agencies. The Proponent should expect that a design aspect that affects an Agency would have to be reviewed, commented upon and/or approved by that entity prior to its acceptance by the Town.

#### **4. COST AND QUALITY CONTROL**

If additional work is necessary due to a change in requirements, the successful Proponent will notify the Town's Project Manager in writing immediately. No work shall be undertaken which is additional or supplemental to or in substitution of the work specified, unless approved in advance.

If necessary, a budget amendment will be approved by the Town's Project Manager once a full description of the work and rationale has been provided by the successful Proponent for the completion of this work. An approval of increased costs associated with the additional work will be required prior to proceeding.

Only one invoice per month will be accepted by the Town for the duration of the project. The invoice shall indicate the Town's file number, payment number, the actual amount billed to date versus the approved amount, along with any and all approved changes.

All Invoices shall include unit rates as listed in the proposal submitted by the successful Proponent and invoice by actual time spent by each individual.

#### **5. DELIVERABLES / MEETING SCHEDULE**

Within two (2) weeks of the assignment award, the successful Proponent will submit to the Town of Kingsville, a work plan for completion of the works described herein. The plans must contain a detailed description of all tasks to be performed, staff responsible for each task and activities and timetables for completing the work.

The successful Proponent will review the schedule monthly and provide an updated copy when any changes are made.

**6. CONSULTANTS RESPONSIBILITY**

The Successful Proponent will ensure that all staff assigned to work on this project have the necessary education, experience, licenses and certifications where necessary.

**7. WARRANTY**

The Contractor warrants that with ordinary wear and tear, the Work shall, for a period of **twenty four (24) months** following project completion, remain in such condition as will meet the approval of the Town, and that the Contractor will upon being required by the Town, make good in permanent manner, satisfactory to the Town, any imperfections due to materials or workmanship used in the construction of the Work. The decision of the Town is to be final as to the nature and cause of such imperfections and the necessity for remedying the same. Should the Contractor fail to comply with the directions of the Town, the Town may, after giving the Contractor twenty four (24) hours written notice to perform the necessary work, and the cost thereof may be deducted from the Contractor. If the Town notifies the Contractor in writing of imperfections prior to the termination of the Warranty Period, then the contractor shall make good the imperfections as specified above, notwithstanding that the Work may commence after or extend beyond the end of the warranty period.

# **APPENDIX A**

**ACCESSIBILITY AGREEMENT**

**File No. PR-2020-03  
KINGSVILLE PICKLEBALL AND BOCCE FACILITY**

**VENDOR ACCESSIBILITY AGREEMENT  
REQUEST FOR PROPOSAL  
(Must be returned with proposal documents)**

Proponent Name: \_\_\_\_\_

Name of Contact Person: \_\_\_\_\_ (please print)

**Accessible Customer Service Training:**

☐ I confirm that all staff and subcontractors providing goods and services to the public or third parties on behalf of the Town of Kingsville have received Accessible Customer Service training in compliance with Regulation 429/07 Accessible Standards for Customer Service of the AODA.

\_\_\_\_\_  
**Signature of Person Authorized to Bind  
the Proponent Organization**

\_\_\_\_\_  
**Date**



## **APPENDIX B**



**APPENDIX B - PROPOSAL FEE SUBMISSION FORM**

**File No. PR-2020-03**

**KINGSVILLE PICKLEBALL AND BOCCE FACILITY**

I/WE \_\_\_\_\_ hereby submit this

(Company Name)

Proposal for the provision of the Goods and/or Services as described within the Request for Proposal document for

**File No. PR-2020-03 – KINGVILLE PICKLEBALL AND BOCCE FACILITY**

I/WE DECLARE that no person, firm or corporation, other than the one whose proper officer has submitted this Proposal, has any interest in this Proposal or in the Contract.

I/WE DECLARE that this Proposal is made without any connection, knowledge, comparison of figures or arrangement with any other Proponent, firm, or person making a similar Proposal and is in all respects fair and without collusion or fraud.

I/WE DECLARE that the statements contained in the Proposal are in all respect true.

I/WE DECLARE that I/WE examined the locality of the site(s) of the proposed works, as well as all the Specifications/Terms of Reference relating to them, prepared, submitted and rendered available on behalf of the Town and hereby acknowledged to be an integral part of the Contract.

I /WE have carefully examined the documents, have a clear and comprehensive knowledge of the requirements, and have submitted all relevant data.

I/WE agree, if selected, to provide those Goods/Services to the Town in accordance with the Terms of Conditions, Instructions to Proponents, Specifications and Terms of Reference contained in the Request for Proposal document and in our Proposal submission.

I/WE hereby propose and offer to enter into the Contract on the terms and conditions and under the provisions set forth in the Request for Proposal and to accept in full payment therefore, the sums calculated in accordance with the actual measured quantities and unit prices attached to the Proposal.

I/WE agree that this Proposal is an offer which is open for acceptance by the Town until the formal Contract is executed, or a Purchase Order issued, or for 60 calendar days following the Official Closing Time, whichever occurs first, and that the Town may at any time within that period and without notice, accept this Proposal whether any other Proposals have been previously accepted or not.

I/WE confirm, upon Award, we will be able to provide insurance certificates to the Town of Kingsville, in the amounts as specified in the RFP documents.

I/WE confirm all of our employees are covered by the insurance plan under the Workplace Safety and Insurance Act, 1997, as amended and provide current Certificate of Clearance by attaching it to this form.

I/WE propose to complete the works as described in the Request for Proposal for the following Total Proposal Price including all applicable taxes in Canadian funds.

<b>KINGSVILLE PICKLEBALL AND BOCCE FACILITY</b>	
Design and Construction Services (Upset Limit)	\$
<b>Sub Total Fee</b>	\$
<b>Disbursements</b>	\$
<b>Total (not including HST)</b>	\$

Provide in the "Proposal fee, manpower involvement and availability of key personnel" section of your submission a detailed cost breakdown of the Total Proposal Price itemizing; professional fees, disbursements, per diem rates, etc.

I/WE agree that the undersigned is/are authorized and empowered to sign and submit this Proposal on behalf of our Company.

Company Name

Street Address

City/Town

Postal Code

Phone No.

E-mail address

Print Name & Title of Person Signing for the Company

Signature (I have the authority to bind the Company)

Signed at \_\_\_\_\_ this \_\_\_\_\_ day of \_\_\_\_\_, 2020

Completing this form as supplied is Mandatory – do not retype.

This form shall bear a handwritten signature in ink by an officer with authority to bind the Company and must be submitted with the Proposal in the document upload section in the electronic tendering system to be considered a valid offer.

The highest scoring Proponent, the lowest cost Proposal, or any Proposal will not necessarily be accepted.

## **APPENDIX C**

**Site Plans:** Kingsville Pickleball and Bocce Facility**NEW PICKLEBALL COURTS**

**KINGSVILLE RECREATION COMPLEX**  
1741 JASPERSON LANE

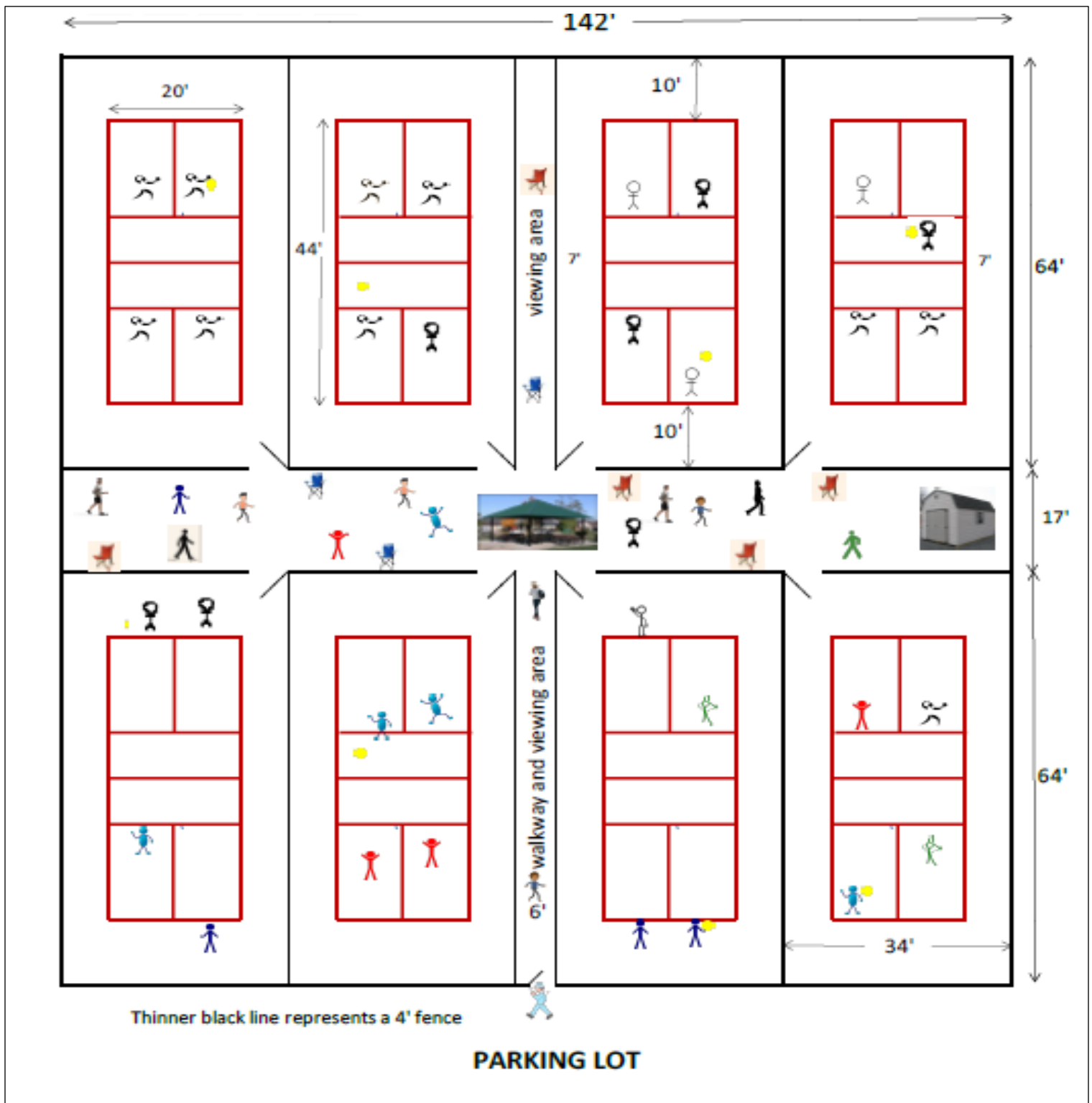


## NEW PICKLEBALL COURTS



**KINGSVILLE RECREATION COMPLEX**  
1741 JASPERSON LANE

*Preferred court layout for Pickleball:*





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

**Date:** October 19, 2020

**To:** Mayor and Council

**Author:** Robert Brown, H. Ba, MCIP, RPP  
Manager, Planning Services

**RE:** Application for Site Plan Amendment SPA/17/2020 by  
Hillside Hothouse Limited  
1533, 1535, 1537, 1539 & 1541 County Road 34 E  
Part of Lot 9, Concession 3 ED

**Report No.:** PS 2020-052

---

## **AIM**

To provide the Mayor and Council with details regarding a request for a site plan amendment to permit the construction of an expanded bunkhouse and cooler addition with loading area to an existing greenhouse operation.

## **BACKGROUND**

The subject parcel consists of a farm lot and four existing rural residential lots with a combined area of 10.28 ha (25.4 ac.). The farm lot contains 6.55 ha (16.2 ac.) of greenhouse along with support buildings. Three of the four rural residential lots contain existing dwellings used for worker housing. In 2009 a site plan agreement on the property was executed with the Town. In 2010 an amendment was requested to the 2009 agreement for the expansion of a service building and construction of a bunkhouse. The service building was completed however the bunkhouse was not built. The applicant is now seeking a further amendment to expand on the previously approved bunkhouse and construct a new cooler building attached to the northeast corner of the existing greenhouse along with a new loading area.

## **DISCUSSION**

### **1.0 Provincial Policy Statement**

There are no issues of Provincial significance raised by this application.

## **2.0 Official Plan**

The subject property is designated 'Agriculture' and subject to the policies under Section 3.1 of the Official Plan for the Town of Kingsville. The proposed use is permitted in the agricultural area. The property has also been assessed under the Site Suitability criteria of Section 2.8 and conforms or will conform through the site plan process.

## **3.0 Comprehensive Zoning By-Law – Town of Kingsville**

The subject property is zoned 'Agriculture Zone 1, Exception 65, (A1-65)' which permits cannabis production. No conversion to that use is proposed at this time. Further amendment to the site plan would be necessary if cannabis production is proposed in the future. The proposed new bunkhouse will have a front yard setback of 15 m (49.2ft.) the same as what was approved in the 2010 site plan amendment. Since that time the greenhouse regulations have been updated to require a 20 m (65.6 ft.) setback. The proposed cooler has a proposed setback of 1.9 m (6.2 ft.) which is also less than the required 15 m setback. A minor variance application has been filed to request relief from both regulations. At the time of writing the application was scheduled for the Oct 20<sup>th</sup> Committee of Adjustment. All other zoning requirements are in full compliance.

## **4.0 Site Plan**

The amendment to the subject site includes the following as shown on Appendix A:

- a new 445.8 sq. m (4,800 sq. ft.) bunkhouse
- a new 745 sq. m (8,020 sq. ft. addition for a new cooler with loading area;
- a new septic system for the new bunkhouse;
- inclusion of the rural residential lots to be consolidated with the farm.

The addition of the bunkhouse will provide added space on the farm for worker housing in keeping with the updated greenhouse policy. The applicant is also planning to consolidate the existing lots shown on the attached plan. These dwellings have been used for worker housing in the past but will require updates to met requirements under both Building and Fire Code for future use as worker housing. Once completed this will bring the farm into full compliance for its housing needs. As part of all greenhouse amendments wording has been updated to address any future grow light usage and update ERCA storm water requirements.

## **LINK TO STRATEGIC PLAN**

Support growth of the business community.

## **FINANCIAL CONSIDERATIONS**

Building permits and development charges will be applicable to the proposed development.

## CONSULTATIONS

Agency or Administrator	Comment
Essex Region Conservation Authority Watershed Planner	<ul style="list-style-type: none"><li>• Full comment is attached as Appendix 'B';</li><li>• ERCA has indicated no objection with the proposed amendment</li></ul>
Town of Kingsville Management Team	<ul style="list-style-type: none"><li>• The proposed building needs to comply with the requirements of the OBC.</li><li>• A letter of update for the storm water management was provided for review of the changes. The existing system was designed with some of the proposed expansion in mind. The minor increase will not impact negatively on the current system. (Appendix 'C')</li><li>• There were no objections to the proposed development moving forward subject to conditions outlined in the agreement.</li></ul>
County of Essex	<ul style="list-style-type: none"><li>• Permit will required from the County for any new access and any new structures</li></ul>
MTO	<ul style="list-style-type: none"><li>• The property is within the MTO permitting corridor</li></ul>

## RECOMMENDATION

That Council:

Approve site plan amendment application SPA/17/2020 to permit a new bunkhouse and addition for new cooler and loading area for existing greenhouse operation, subject to:

Amended terms in the site plan agreement, and

Approval of minor variance application A/14/2020.

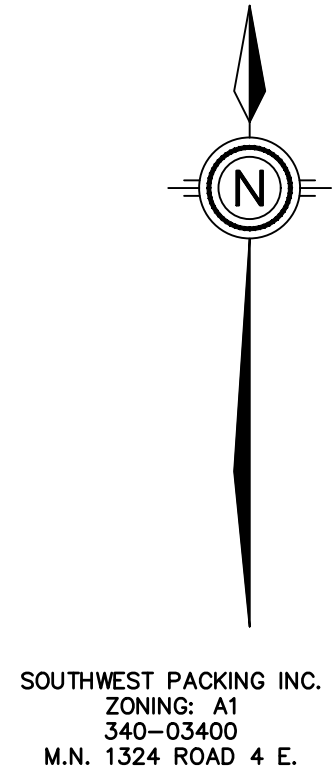
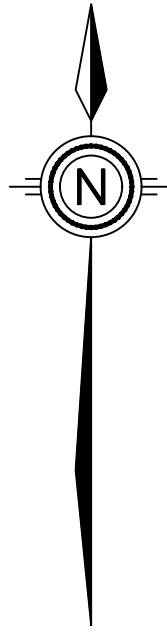
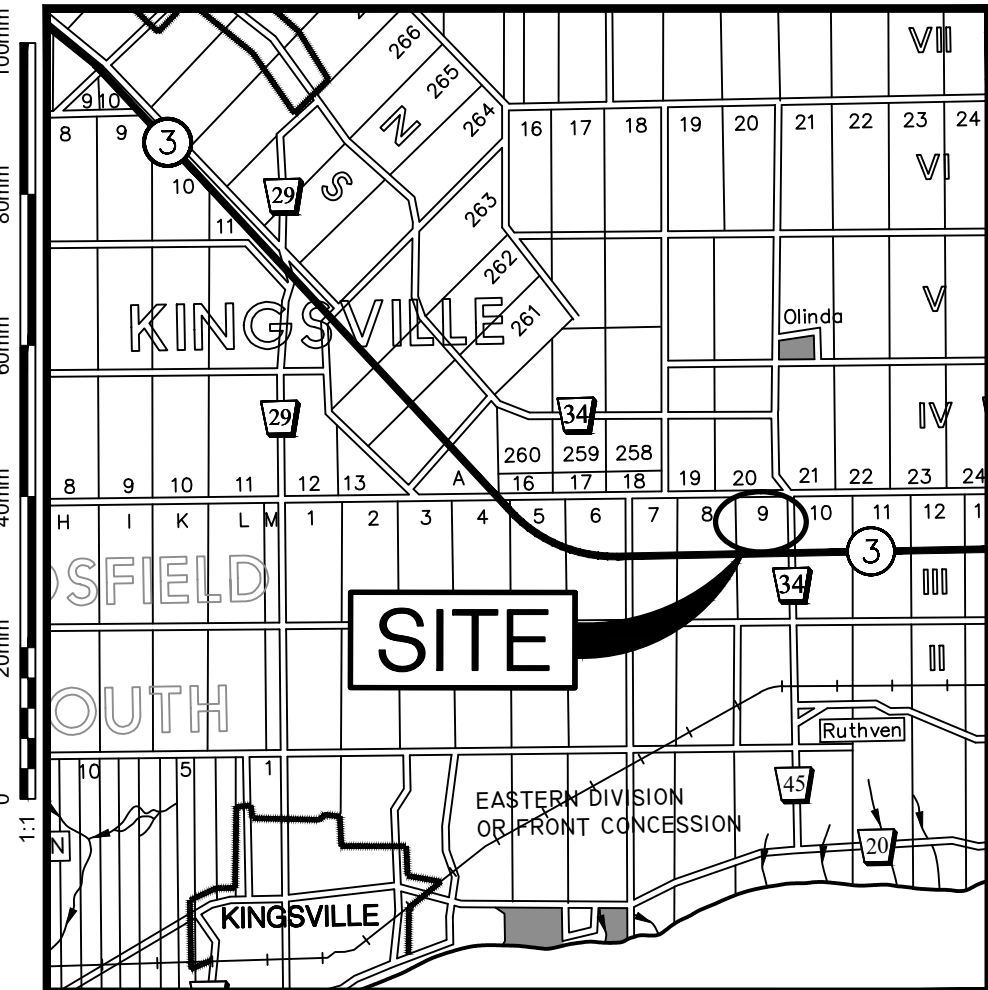
Authorize the Mayor and Clerk to sign the amending agreement and register said agreement on title.

Robert Brown

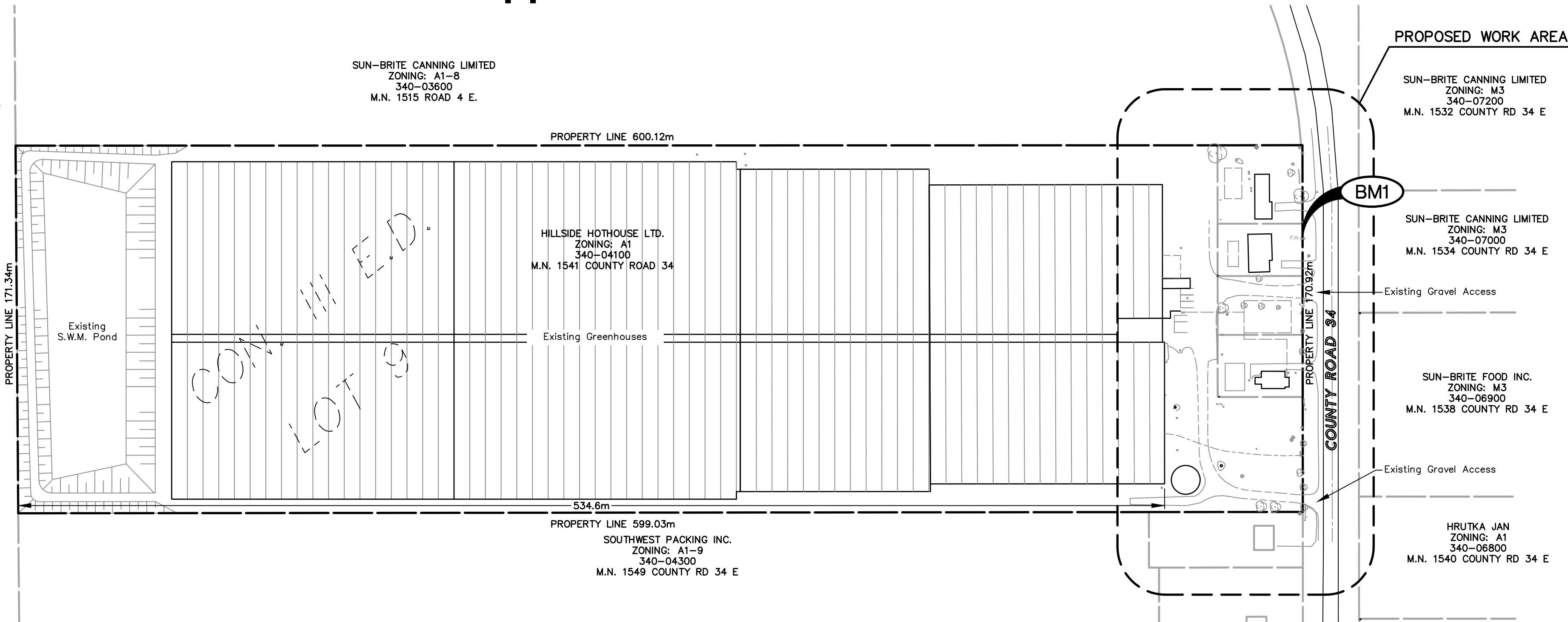
Robert Brown, H. Ba, MCIP, RPP  
Manager, Planning Services

John Norton

John Norton, B.A., M.A., LL.B  
Chief Administrative Officer



## Appendix A

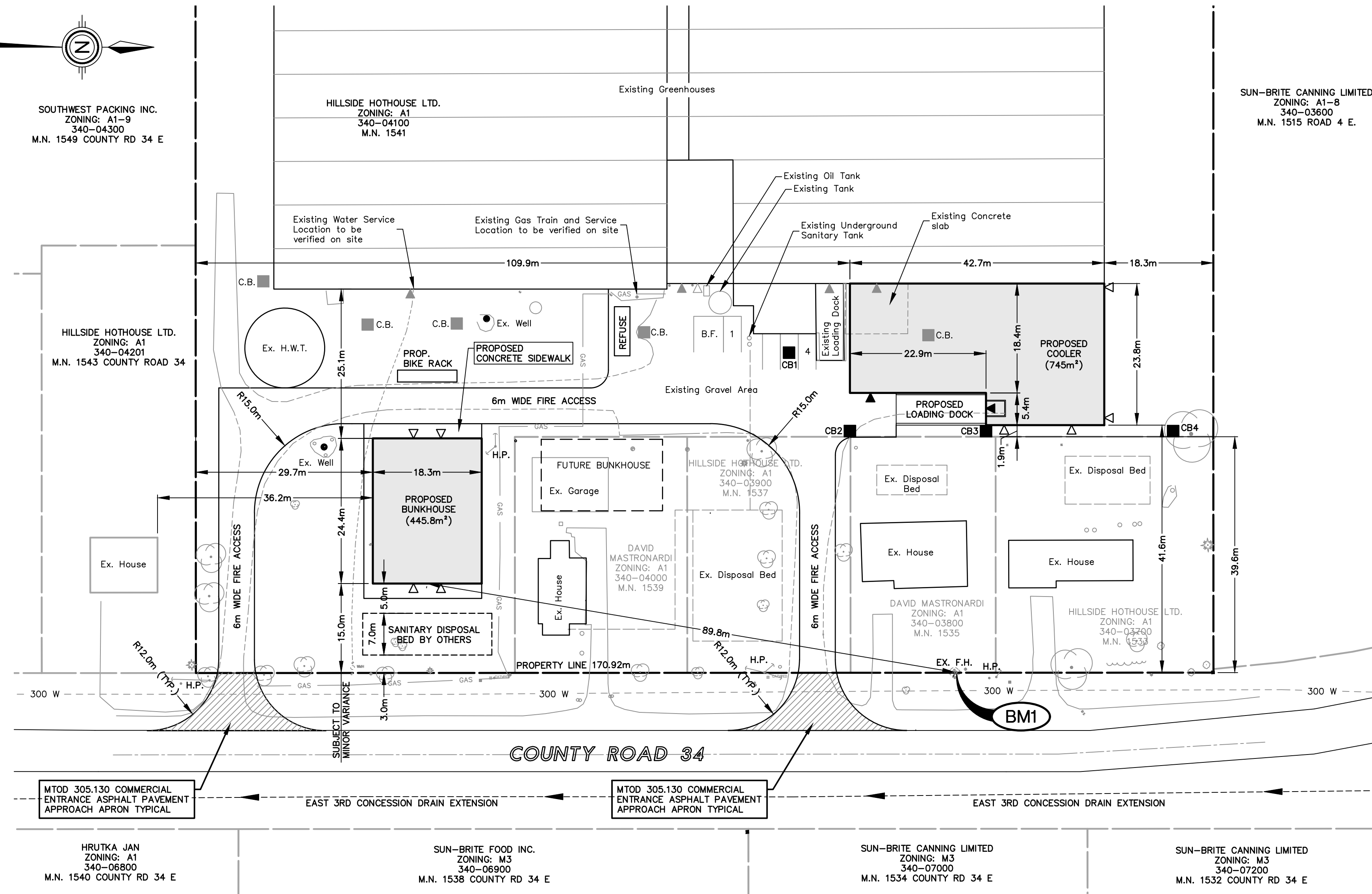


OVERALL SITE PLAN

Scale = 1:1500

SITE STATISTICS (340-04100)		
ZONING: AGRICULTURE - A1		
ZONE CATEGORY	REQUIRED	PROPOSED
GROSS LOT AREA	2,000 ha. (4.94 ac.)	10,260 ha. (25.35 ac.)
LOT FRONTAGE (MIN.)	30.00m	170.92m
FRONT YARD SETBACK (MIN.)	20.00m	15.0m
REAR YARD SETBACK (MIN.)	5.00m	534.6m
INTERIOR SIDE YARD SETBACK (MIN.)	3.00m	18.3m
EXTERIOR SIDE YARD SETBACK (MIN.)	4.50m	NA
LOT COVERAGE		
EXISTING BUILDING AREA	7,016 ha. (17.34 ac.)	
PROPOSED MAIN BUILDING AREA	0,075 ha. (0.19 ac.)	
ACCESSORY STRUCTURE AREA	0,045 ha. (0.11 ac.)	
FUTURE MAIN BUILDING AREA	0,000 ha. (0.00 ac.)	
TOTAL LOT COVERAGE	69.55%	MAX. = 80%
LOADING SPACES		
NUMBER OF LOADING SPACES	-	2
DIMENSIONS OF LOADING SPACES (E.A.)	5m x 20m	
PARKING		
REGULAR SPACE SIZE	3m x 6m	
BARRIER FREE SPACE SIZE	5m x 6m	
PARKING SPACE REQUIREMENT	1 SPACE PER 2 ha. GREENHOUSE	
REGULAR SPACES PROVIDED	4	
BARRIER FREE SPACES PROVIDED	1	
BUILDING HEIGHTS		
MAIN BUILDING (MAX.)	15.00m	(GREENHOUSE)
ACCESSORY BUILDING(S) (MAX.)	15.00m	(WAREHOUSE)

LEGEND			
△	MANDOOR	△	EXISTING
▲	OVERHEAD DOOR	▲	EXISTING
⬢	WALL PACK LIGHT	⬢	EXISTING



PARTIAL SITE PLAN

Scale = 1:500

- NOTES:
- THE ACCURACY OF THE UTILITIES SHOWN ON THIS DRAWING ARE NOT GUARANTEED BY THE OWNER OR N. J. PERALTA ENGINEERING LTD. OTHER UTILITIES MAY BE PRESENT OR THE UTILITIES SHOWN MAY DIFFER IN SIZE AND/OR LOCATION SHOWN.
  - ALL DIMENSIONS AND ELEVATIONS SHOWN IN METRES UNLESS OTHERWISE NOTED.
  - ADEQUACY OF SITE PLAN AND LAYOUT IS THE RESPONSIBILITY OF THE OWNER OR THEIR REPRESENTATIVE.
  - THIS DRAWING DOES NOT CONTAIN ANY STRUCTURAL BUILDING DESIGN INFORMATION. THE ADEQUACY OF THE STRUCTURES AND THEIR FIELD LAYOUT IS THE RESPONSIBILITY OF THE OWNER AND/OR THEIR REPRESENTATIVE.
  - ALL BARRIER FREE PARKING SPACES TO BE SIGNED WITH R6-93.
  - ALL EXTERIOR LIGHTS TO BE DARK SKY COMPLIANT.

### BENCHMARKS

- TOP HUT OF FIRE HYDRANT ON THE WEST SIDE OF COUNTY ROAD 34, IN FRONT OF M.N. 1535

ELEV. = 216.196m

REVISIONS	DATE	BY
REVIEW AND APPROVAL	H.C.M.	10 SEP. 2020
REVIEW AND APPROVAL	W.L.L.	28 AUG. 2020
REVIEW AND APPROVAL	W.L.L.	28 JULY 2020
OWNER REVIEW	W.L.L.	24 JULY 2020
ISSUED FOR:	BY	DATE

**N. J. Peralta**  
**Engineering Ltd.**

Consulting Engineers

Kingsville Ontario

### ENGINEERING STAMPS:



**HILLSIDE HOTHOUSE**  
**GREENHOUSE**

**COOLER ADDITION**  
**AND**  
**BUNKHOUSE**

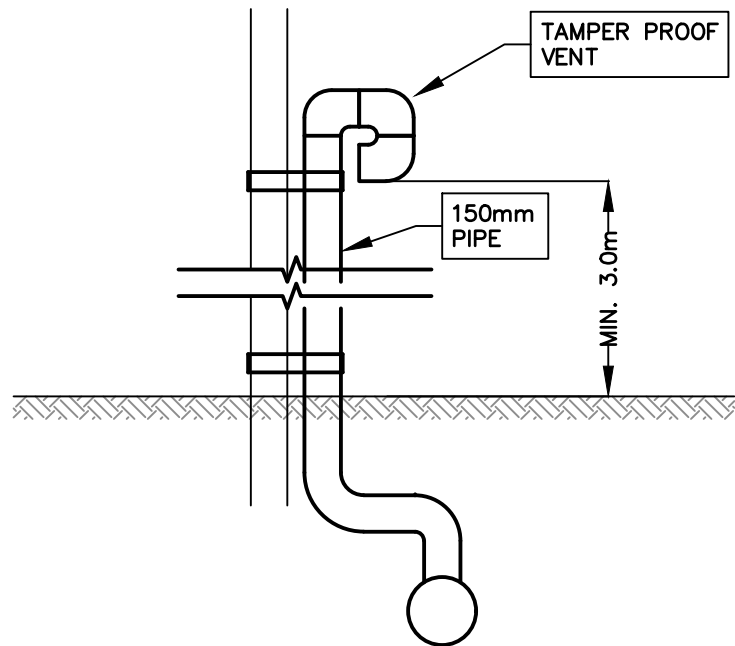
**1541 COUNTY ROAD 34**  
**KINGSVILLE, ONTARIO**

SHEET TITLE:

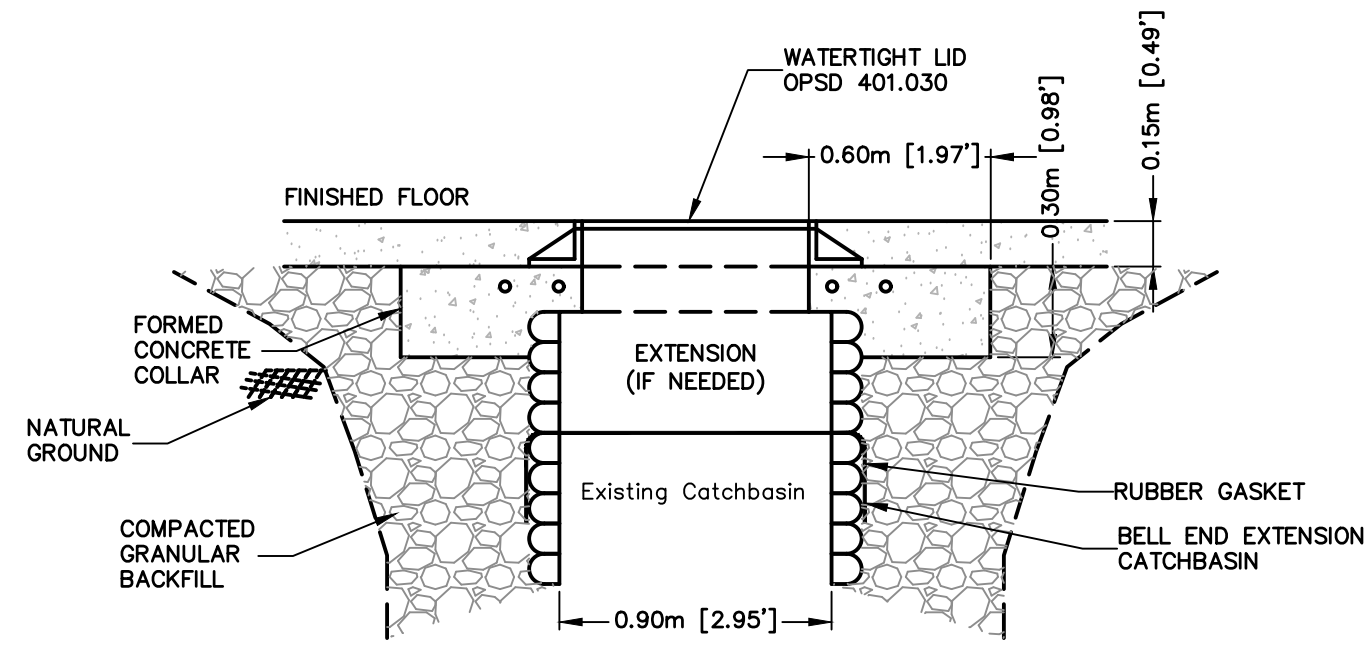
SITE PLAN

DESIGNED BY:	DATE:
H.C.M.	JULY 28, 2020
DRAWN BY:	SCALE:
C.M.S	AS SHOWN
SHEET No.:	OF:
1	2
PROJECT No.:	
E20-077	

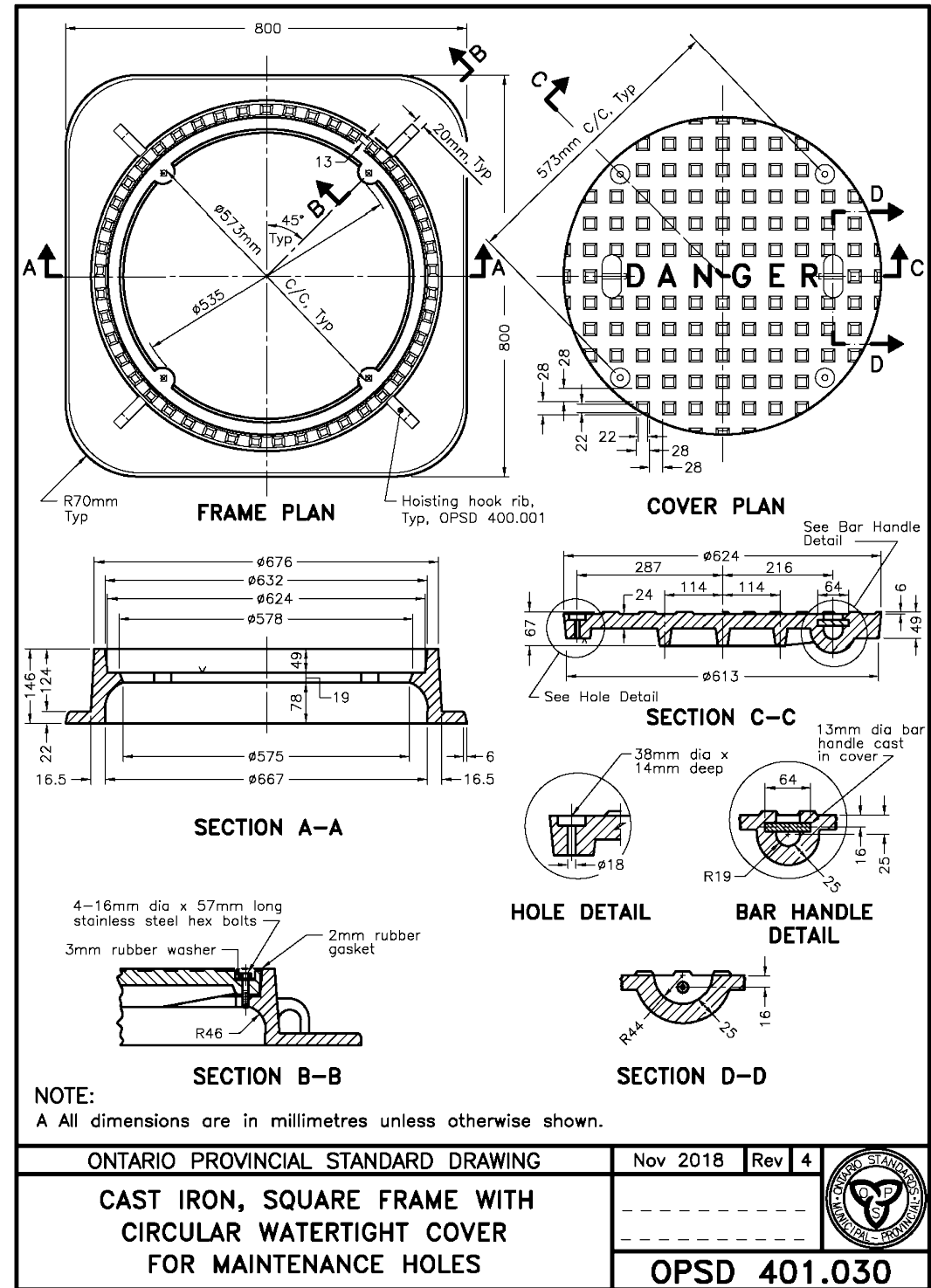




DRAINAGE PIPE VENT DETAIL  
Scale = N.T.S.



EXISTING CATCH BASIN EXTENSION DETAIL  
Scale = N.T.S.



- NOTES:
1. THE ACCURACY OF THE UTILITIES SHOWN ON THIS DRAWING ARE NOT GUARANTEED BY THE OWNER OR N. J. PERALTA ENGINEERING LTD. OTHER UTILITIES MAY BE PRESENT OR THE UTILITIES SHOWN MAY DIFFER IN SIZE AND/OR LOCATION SHOWN.
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  5. ALL BARRIER FREE PARKING SPACES TO BE SIGNED WITH R8-93.
  6. ALL EXTERIOR LIGHTS TO BE DARK SKY COMPLIANT.

BENCHMARKS

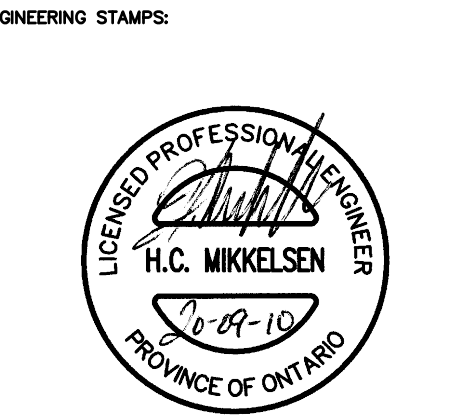
1. TOP HUT OF FIRE HYDRANT ON THE WEST SIDE OF COUNTY ROAD 34, IN FRONT OF MN. 1535

ELEV. = 216.196m

REVIEW AND APPROVAL H.C.M. 10 SEP, 2020  
ISSUED FOR: BY DATE

REVISIONS

**N. J. Peralta**  
**Engineering Ltd.**  
Consulting Engineers  
Kingsville Ontario



HILLSIDE HOTHOUSE GREENHOUSE

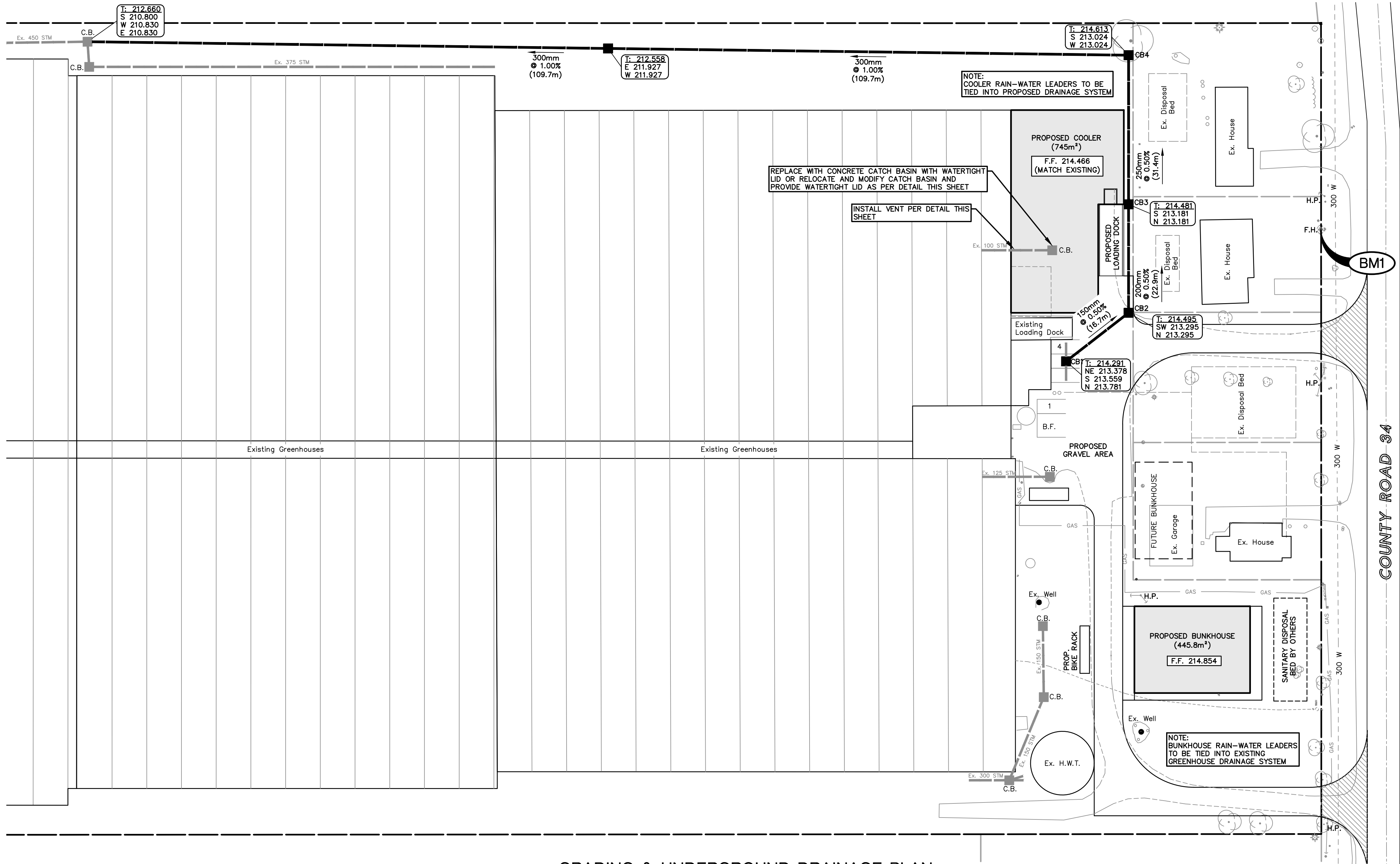
COOLER ADDITION AND BUNKHOUSE

1541 COUNTY ROAD 34  
KINGSVILLE, ONTARIO

SHEET TITLE:

GRADING & UNDERGROUND DRAINAGE PLAN

DESIGNED BY: H.C.M. DATE: JULY 28, 2020  
DRAWN BY: E.J.T. SCALE: AS SHOWN  
SHEET No.: 2 OF: 2  
PROJECT No.: E20-077



GRADING & UNDERGROUND DRAINAGE PLAN  
Scale = 1:500



planning@erca.org

P.519.776.5209

F.519.776.8688

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

October 16, 2020

Mr. Robert Brown, Manager of Planning Services  
Planning & Development Services Department  
The Corporation of the Town of Kingsville  
2021 Division Road North  
Kingsville Ontario, N9Y 2Y9

Dear Mr. Brown:

RE: Application for Site Plan Control (SPA-17-2020)  
1533,1537,1539,1541 County Road 34  
ARN 371134000004100, 371134000004000, 371134000003900,  
371134000003800, 371134000003700; PIN: 751450258,751450257,  
751450256, 751450255,751450254

The following is provided as a result of our review of Application for Site Plan Control SPA-17-2020. In 2010 an amendment was requested to the 2009 agreement for the expansion of a service building area and construction of a bunkhouse, the service building was completed however the bunkhouse was not build. Applicant is now seeking a further amendment to construct a new cooler building and expand on the previously approved bunkhouse. A minor variance has also been requested to address the proposed setback of the new cooler and the reduced front yard of the proposed larger bunkhouse.

**DELEGATED RESPONSIBILITY TO REPRESENT THE PROVINCIAL INTEREST IN NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES ASSOCIATED WITH THE CONSERVATION AUTHORITIES ACT**

The following comments reflect our role as representing the provincial interest in natural hazards as outlined 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).

Mr. Brown  
October 16, 2020

### **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 Stormwater Management (PPS, 2020)**

Our office has reviewed the proposal and has no concerns relating to stormwater management.

### **PLANNING ADVISORY SERVICE TO MUNICIPALITIES - NATURAL HERITAGE POLICIES OF THE PPS, 2020**

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 as outlined in Section 2.1 of the Provincial Policy Statement of the *Planning Act*. 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 as defined by the PPS. Based on our review, we have no objection to the application with respect to the natural heritage policies of the PPS.

### **FINAL RECOMMENDATION**

With the review of background information and aerial photograph, ERCA has no concerns in terms of Stormwater, Natural Heritage and Natural Hazard.

Therefore, ERCA has no objection to this application for Site Plan Control.

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

Sincerely,



Vitra Vimalananthan  
Resource Planner  
/vv



**Appendix C**  
**N. J. Peralta Engineering Ltd.**

Consulting Engineers

September 10th, 2020

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

Attention: Andrew Plancke, Director of Municipal Services

**SUBJECT:** Stormwater Management Review

**PROJECT:** HILLSIDE HOTHOUSE LTD.  
COOLER ADDITION AND BUNKHOUSE  
1541 County Road 34, Kingsville, Ontario  
Project No. E-20-077

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We have reviewed the latest Stormwater Management (S.W.M.) Report and Drawings on file for the Hillside Hothouse greenhouse development, which were prepared by this office and dated August 31st, 2009. The current S.W.M. design already provides for a future covered area of approximately 0.250 acres.

Based on our review of the current S.W.M. facility and reports from the Owner, that there have been no issues with flooding since the last greenhouse expansion (i.e. circa 2009), we are of the opinion that the construction of the proposed Cooler Addition and Bunkhouse will have little to no impact on the existing S.W.M. facility. However, if the Owner wishes to proceed with any additional greenhouse related expansions, a complete S.W.M. review may be required.

We trust that you will find the above satisfactory at this time; however, should you have any questions relating to same, please contact us immediately. Thank you for your co-operation and assistance with this project.

Yours very truly,

**N. J. PERALTA ENGINEERING LTD.**

  
\_\_\_\_\_  
William LeBel, P.Eng.

WLL/nf

Encl. Peralta 2009 S.W.M. Report and Drawings



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**Date:** October 26, 2020  
**To:** Mayor and Council  
**Author:** Roberta Baines, Deputy Clerk – Administrative Services  
**RE:** Animal Control Services Contract Extension  
**Report No.:** CS-2020-22

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## **AIM**

To request that Council endorse a three-year extension of the contract between The Town of Kingsville, Municipality of Leamington and Essex County K9 Services for the provision of Animal Control Services, commencing January 1, 2021.

## **BACKGROUND**

Following amalgamation the Town of Kingsville entered into an agreement with the Municipality of Leamington to create a Joint Animal Control Committee (the "Committee") comprised of the two municipalities and to set out the terms of joint animal control and the operation of the joint pound facility located in Kingsville.

On January 25, 2017, the Committee passed a motion that a tender for animal control services for Kingsville and Leamington be prepared and released. A Request for Proposals ("RFP") was released and two proposals were submitted. Essex County K9 Services was the successful proponent and was retained to provide animal control and pound services in the Town of Kingsville and the Municipality of Leamington for a term of three years at an annual cost of \$70,000 plus HST; and a cost of \$70 plus HST for each wildlife removal call.

The current contract with Essex County K9 Services is set to expire December 31, 2020.

According to the agreement, the costs of maintaining and operating the pound facility, including expenses for utilities, minor repairs, insurance, maintenance and replacement of equipment, snow removal, accounting, wages and salaries are apportioned based upon the use of each party averaged over the past three years.

Any capital repairs and improvements to the pound are shared equally between Kingsville and Leamington.

## **DISCUSSION**

Essex County K9 Services has proposed an extension of the current contract for a three-year term with certain price adjustments. The Joint Animal Control Committee met on September 30, 2020 via Zoom to discuss the proposed contract extension. The alternative to an extension of the current contract would be to issue an RFP for the services. Committee members were in agreement that they were pleased with the animal control services being offered by Essex County K9 Services and adopted the following resolution recommending the extension of the contract:

That Kingsville Leamington Municipal Animal Control Advisory Committee recommend to the respective Councils of the Town of Kingsville and the Municipality of Leamington that Essex County K9 Services be retained to provide animal control and pound services in the Town of Kingsville and the Municipality of Leamington for a term of three years at an annual cost of \$80,000 plus HST for years one and two and \$81,600 for year three; and a cost of \$70 plus HST for each wildlife removal call.

## **LINK TO STRATEGIC PLAN**

To promote a safe community.

## **FINANCIAL CONSIDERATIONS**

Essex County K9 Services proposed an extension of the current contract for a three-year term with certain price adjustments for pound costs and maintenance as follows:

- Years one and two at an annual cost of \$80,000 plus HST and a cost of \$70 plus HST for each wildlife removal call
- Year three at an annual cost of \$81,600 plus HST and a cost of \$70 plus HST for each wildlife removal call

## **CONSULTATIONS**

Joint Animal Control Committee

## **RECOMMENDATION**

That the current contract between the Town of Kingsville, Municipality of Leamington and Essex County K9 Services for Animal Control Services for the Town of Kingsville and Municipality of Leamington be extended for a three year term commencing on January 1, 2021 at the annual cost of \$80,000, plus HST for years one and two and \$81,600 for year three; and a cost of \$70, plus HST for each wildlife removal call.



*Roberta Baines*

Roberta Baines, B.A.  
Deputy Clerk – Administrative Services

*Jennifer Astrologo*

Jennifer Astrologo, B.H.K (Hons), LL.B  
Director of Corporate Services/Clerk



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**Date:** October 9, 2020  
**To:** Mayor and Council  
**Author:** Jennifer Astrologo, Director of Corporate Services  
**RE:** Procedure By-law Amendments – Start Times and Closed Session  
**Report No.:** CS-2020-22

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## **AIM**

To recommend that Council consider changing the start time of Regular Meetings to 6:00 p.m. (from the current 7:00 p.m. start), which change shall be effective January 1, 2021

-and-

To recommend that Council adopt By-law 99-2020, being a housekeeping amendment to the Procedure By-law, to add four additional permitted closed session exceptions.

## **BACKGROUND**

At its Regular Meeting held on June 22, 2020 Council adopted the following resolution:

389-2020 Moved by Councillor Patterson, seconded by Councillor DeYong that the start time for the Regular Meetings of Council be changed, for the summer months, to commence at 6:00 p.m., rather than the current 7:00 p.m. start, with a curfew time of 10:00 p.m., rather than 11:00 p.m.; And Further That the matter of the start time for Regular Meetings be reviewed at the end of this year.

At the last August 24 Regular Meeting, Council requested that Administration prepare a report to retain the early start time permanently; said report to be provided prior to the end of October (Motion 509-2020 passed August 24) so that any changes could be captured in the collection calendar.

*Bill 68, or the Modernizing Ontario's Municipal Legislation Act, 2017* amended the *Municipal Act, 2001* (the "Act") to expand upon the list of matters for which councils may

move into closed session. Under the *Act*, councils can now move into closed session to discuss matters as they relate to:

- information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency or any of them
- a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
- a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
- a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board

## **DISCUSSION**

Historically, Council meetings commenced at 7:00 p.m. with an 11:00 p.m. curfew. Over the summer months Council met four times and each meeting commenced at 6:00 p.m.

The early start was well-received by Administration. Not only did it reduce the time spent by staff “waiting around” for the meeting to begin, but the 10:00 p.m. curfew was also appreciated. Staff reported an improved work-life balance with the earlier start time. Moreover, the earlier start time did not conflict with public meeting participation and in fact, the Procedure By-law provides Council with the flexibility to adjust the order of business items to ensure public participation in its meetings. None of the Administrative staff reported receiving any concerns from the public in regard to the 6:00 p.m. start time during the four meetings held in July and August.

If Council elects to permanently change the start time of its Regular Meetings, the change will be presented in an amending by-law at a future meeting or as part of the comprehensive update that the by-law is currently undergoing. Additionally, notice of the time change will be posted to the Town’s website and on its social media pages to communicate the change to the public. The change to start time is proposed to take effect on January 1, 2021.

## **Housekeeping amendment RE: Closed Meetings**

It is important that the Procedure By-law reflect the changes to the closed meeting rules outlined in the *Act*. Attached at Appendix A is By-law 99-2020, being a by-law to add four additional permitted exceptions to the closed meeting rules. In addition to those exceptions listed under Paragraph 22.a) through g) of the Town’s procedure by-law, the amending By-law adds provisions h) through k), as listed above. As Council is aware, the entire Procedure By-law is undergoing a comprehensive update, however, this addition should not be further delayed.

## **LINK TO STRATEGIC PLAN**

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

## **FINANCIAL CONSIDERATIONS**

There are no financial considerations with respect to this report.

## **CONSULTATIONS**

Administration

## **RECOMMENDATION**

That Council directs Administration to amend the Procedure By-law to reflect the start time for Regular Meetings of Council to commence at 6:00 p.m. (with a curfew time of 10:00 p.m.) to be effective January 1, 2021, and that Public Notice of said change be provided on the Town's website and social media pages; and

That Council adopts Amending By-law 99-2020 at this Regular Meeting.

*Jennifer Astrologo*  
Jennifer Astrologo, B.H.K. (hons), LL.B  
Director of Corporate Services/Clerk

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 99 - 2020

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**Being a By-law to amend By-law 55-2016, as amended,  
being a By-law to Govern the Calling, Place and Proceedings of Council  
and Committees**

**WHEREAS** By-law 55-2016, as amended, governs the calling, place and proceedings of Council and Committees of The Corporation of the Town of Kingsville;

**AND WHEREAS** the *Modernizing Ontario's Municipal Legislation Act, 2017*, amended the *Municipal Act, 2001* by adding subsections 239(2)(h) to (k), which sections allow municipal councils to conduct a meeting or part of a meeting closed to the public;

**AND WHEREAS** the Council of The Corporation of the Town of Kingsville hereby deems it expedient to further amend its procedure by-law to incorporate those four additional specific and permissive exceptions.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE  
TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. **THAT** By-law 55-2016, as amended by By-laws 36-2020, 54-2020, and 66-2020 is hereby further amended as follows:

### **Closed Meetings**

- a) Under the heading **Closed Meetings**, to add the following subparagraphs h), i), j) and k) under Paragraph 22 (being four additional closed meeting exceptions) as follows:
  - “h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
  - i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
  - j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
  - k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.”
2. **THAT** all other terms set out in said By-law 55-2016, as amended, shall remain in full force and effect.

3. THAT this By-Law shall come into effect upon third reading and being finally passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this 26<sup>th</sup> day of October, 2020.**

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**MAYOR, Nelson Santos**

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**CLERK, Jennifer Astrologo**





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**Date:** October 16, 2020  
**To:** Mayor and Council  
**Author:** John Norton, CAO  
**RE:** Lighting and Odour Nuisance By-law  
**Report No.:** CAO2020-01

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## **AIM**

To provide Council with information regarding a Light and Odour Nuisance By-law. Council can choose to adopt and approve the By-law for immediate effect or defer the decision to the next regular meeting of Council to give time for public input and comment.

## **BACKGROUND**

Since 2018, both Council and Administration recognized the need for enhanced regulations with respect to light pollution being emitted from greenhouse operations and the odour issues arising from the production and/or processing of cannabis. In and around the same time, a number of zoning by-law amendment applications were being filed by greenhouse operations in Kingsville, requesting an amendment to permit medical marihuana as a permitted use on specific agricultural properties, prompting the concern about odour.

In response to the concerns raised regarding the zoning by-law amendment applications, language was included in the zoning by-law amendment to regulate odour as it related to medical marihuana production facilities. These regulations are only applicable to those greenhouses which received approval for a zoning by-law amendment and not those growing cannabis as designated growers (formerly referred to as Part 2 growers).

With respect to light pollution, the Manager of Planning Services previously began revising the language in the site plan agreements in an effort to clearly outline the Town's expectations in this regard. It is important to note that greenhouse facilities that are not subject to a site plan agreement are not bound by any lighting provisions.

In the fall of 2019 Council approved the investigation of area greenhouses to determine to what extent grow lighting was in use and which greenhouse operations were in compliance

with their site plan agreements in terms of lighting, if applicable. Inspection of grow light usage in Kingsville commenced in November of 2019. Shortly thereafter, an information letter was circulated to all 85 property owners advising that if grow lighting was being used that appropriate mitigation measures must be employed.

In December 2019, inspections were again conducted. A total of eight greenhouse operations were non-compliant. Of those eight, three greenhouses are not subject to site plan approval. The remaining five have site plan agreements in place with some form of lighting control provisions. Additional inspections were completed in January 2020 and at that time 7 greenhouses were not compliant and included three greenhouses with no site plan approval.

In the spring of this year, a follow-up letter was prepared for each of the offending greenhouse operations noting the need for dark sky compliance. Following delivery of this correspondence, approximately half of the growers with site plan agreements in place contacted the Town directly to determine what was required to get into compliance. Staff indicated that proper wall and/or ceiling curtains needed to be installed as soon as possible; the general goal being by fall of 2020 but no later than the end of 2020.

## **DISCUSSION**

Notwithstanding the Town's efforts to persuade compliance, the Town is still experiencing issues with light and odour nuisance.

Accordingly and to address these issues, Administration has prepared a Nuisance By-law (the "By-law") specifically relating to nuisances related to odours and lighting from the cultivation of plants for Council's consideration and adoption.

Provisions 3-5 of the draft By-law specifically address light nuisance and prohibit a person, owner or occupier of land from permitting light used in the cultivation of plants from shining upon the land of others or into the dark night sky so as to cause a nuisance. The draft By-law does not provide any timeframes in which light emitted is expressly prohibited. As drafted, the by-law prohibits light nuisance at all times. If Council wishes, Administration could include a provision in the By-law to permit grow lighting when it is less of a nuisance to residents, such as during the early evening and morning hours (i.e. between 6am-10pm). Including such a provision would demonstrate Council's commitment to support the greenhouse industry balanced against the public interest.

Provisions 6 and 7 of the draft By-law prohibits the emission of an odour from the cultivation of cannabis plants which causes a nuisance to any person or the public generally.

The Enforcement section of the By-law gives the Town extensive authority, as provided for in the *Municipal Act, 2001* and other relevant legislation, to issue orders, fines, and take broad powers the necessary steps to conduct inspections and enforce the provisions of the By-law.

## **Enforcement**

There are eight repeat violators with respect to light nuisance. Three other facilities have resolved their light nuisance violations and are periodically inspected for maintenance purposes. The enforcement of light nuisance is predominately for greenhouse operations that are emitting excess light from grow lamps when daylight hours are limited. This is seasonal in nature and typically occurs from September to March. Council has directed administration to make this enforcement a priority.

Enforcement will require increased staffing levels. Inspections will be necessary outside normal working hours. The current workload of the department is overwhelming and projections for 2021 are showing volumes will continue in an upward trend.

To properly enforce the By-law, overtime for By-Law Enforcement Officers must be expanded to compensate for weekend and evening/midnight shifts, which will necessarily require an increase in the budget.

In addition, an additional By-Law Enforcement Officer is recommended to be hired on a part time temporary basis.

Administration expects that once the violators are in compliance, ongoing enforcement of the light nuisance by-law can be maintained under regular operations with shifting of schedules for enforcement personnel. It is expected that full compliance will take up to two years to achieve.

If enforcement efforts are successful and greenhouse operations install the required devices and equipment to comply with the By-law, the resources needed for continued enforcement will lessen.

Odour nuisance can be investigated and enforced during normal business hours.

## **Summary**

Administration recognizes that there is potential for controversy associated with the implementation of this By-law. Accordingly, although it is recommended that Council adopt same, Council may wish to defer consideration of the By-law to the November 9, 2020 Regular Meeting to allow Administration to gather public comments. If Council elects to proceed in that manner, Administration will bring back the comments received from the public for Council in a Staff Report.

## **LINK TO STRATEGIC PLAN**

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

## **FINANCIAL CONSIDERATIONS**

The estimated cost of enforcement activity related to light nuisance issues is approximately \$10,000 in overtime costs, using two officers for an additional 80 hours each.

Enforcement of the odour provisions would be payable at the same overtime rate if the work cannot be completed during regular working hours due to workload demands.

There may also be additional costs associated with enforcement of orders or prosecution/defence under the by-law. Identifying these amounts would be purely speculative as these costs depend on the nature of the enforcement activity necessary, whether the Town needs to retain external legal counsel, and the number of orders in which the Town would be required to take action. While Administration cannot definitely provide Council with a cost associated with general enforcement, it would be prudent for Council to set aside no less than \$25,000 toward enforcement initiatives/defence.

## **CONSULTATIONS**

Building Services  
Planning Services  
Senior Management Team

## **RECOMMENDATION**

That Council adopts By-law 96-2020, being a By-law to Prohibit and Regulate Public Nuisances related to odours and lighting from the cultivation of plants within the Town of Kingsville;

And That Council authorize enforcement of the By-law with an additional \$25,000 in overtime, and approval \$25,000 in legal enforcement costs.

*John Norton*

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John Norton, B.A., M.A., LL.B  
Chief Administrative Officer

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## By-Law 96-2020

**Being a By-law to Prohibit and Regulate Public Nuisances related to odours and lighting from the cultivation of plants within the Town of Kingsville and to create certain penalties related thereto**

**WHEREAS** the Municipal Council of the Town of Kingsville deems it appropriate to enact a by-law to prohibit and regulate certain public nuisances within the Town of Kingsville pursuant to sections 128 and 129 of the *Municipal Act, 2001*, S.O. 2001, c. 25, ("*Municipal Act, 2001*") as amended;

**AND WHEREAS** section 444 of the *Municipal Act, 2001* authorizes municipalities to make orders requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

**AND WHEREAS** sections 445 and 446 of the *Municipal Act, 2001* authorize municipalities to issue work orders and in default of a work order being completed by the person directed or required to do it, the work shall be done by the Town at the person's expense by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

**AND WHEREAS** in the opinion of the Council for the Town of Kingsville, the following are or could become a public nuisance:

- (a) odours from the cultivation of cannabis plants; or
- (b) lighting from the cultivation of plants of any kind.

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

### PART I - INTERPRETATION

#### Definitions

1. In this By-law:

**"By-law"** means this by-law to prohibit and regulate certain nuisances related to odours and lighting from the cultivation of plants in the Town of Kingsville;

**“Town”** means the municipal corporation of the Town of Kingsville;

**“Cannabis Plant”** means a plant that belongs to the genus *Cannabis* and, in the absence of evidence to the contrary, includes any plant described as cannabis or by a name that is commonly applied to cannabis;

**“Cultivate, Cultivated, Cultivating or Cultivation”** in respect of plants, means to grow, propagate, harvest plants, process, or maintain or operate a facility for these purposes;

**“Nuisance”** means anything that is injurious to health, indecent, offensive to any of the Senses, or results in the loss of enjoyment of normal use of property;

**“Officer”** means a Police Officer or a Municipal By-Law Enforcement Officer appointed under any federal or provincial statute or regulation or Town by-law or any other person assigned or appointed by the Town to administer or enforce this By-Law and includes a person employed by the Town whose duties are to enforce this By-Law; and

**“Senses”** means a faculty by which the human body perceives an external stimulus and includes one or more of the faculties of sight, smell, hearing, taste and touch;

## **Application**

2. This By-law applies to all persons, lands and properties in the Town of Kingsville.

## **PART II - RESTRICTIONS**

### **Lighting from the Cultivation of Plants**

3. No person shall cause, create or permit light from the Cultivation of plants of any kind to shine upon the land of others so as to be or to cause a Nuisance to any person or to the public generally.
4. Every owner or occupier of land shall ensure that no light from the Cultivation of plants of any kind shines upon the land of others, or shines into the dark night sky, so as to be or to cause a Nuisance to any person or to the public generally.
5. Outdoor lighting and indoor lighting from the Cultivation of plants of any kind that can be seen outdoors shall be operated, placed and maintained, or have a barrier placed and maintained, so as to prevent or block direct illumination of the interior of a building on adjoining land or lands regardless of whether such a building has or may have a barrier, shades, drapes or other interior window coverings.

### **Odours from the Cultivation of Cannabis Plants**

6. No person shall cause, create or permit the emission of an odour from the Cultivation of Cannabis Plants so as to be or to cause a Nuisance to any person or to the public generally.

7. Every owner or occupier of land shall ensure that no emission of an odour from the Cultivation of Cannabis Plants on his or her land is or causes a Nuisance to any person or to the public generally.

### **PART III - ENFORCEMENT**

#### **Enforcement**

8. The provisions of this By-law may be enforced by an Officer.
9. If an Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.
10. An order under section 9 shall set out:
  - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
  - (b) the date or dates by which there must be compliance with the order.
11. If an Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.
12. An order under section 11 shall set out:
  - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
  - (b) the work to be completed;
  - (c) and the date by which the work must be complete.
13. An order under sections 9 or 11 may require work to be done even though the facts which constitute the contravention of the By-law were present before this By-law came into force.
14. An order made under sections 9 or 11 may be served personally or by registered mail to the last known address of:
  - (a) the person who caused, created or permitted the offence; and
  - (b) the owner or occupier of the lands where the contravention occurred.
15. Where an owner or occupier of the land on which the contravention occurred, who has been served with an order and fails to comply with the order, then an Officer, or any authorized agent on behalf of the Town may enter on the land at any reasonable time



and complete the work required to bring the land into compliance with the provisions of this By-law as set out in the order.

16. Where the work required to bring the land into compliance with the By-law has been performed by or for the Town, the costs incurred in doing the work may be collected by action or the costs may be added to the tax roll for the land and collected in the same manner as taxes.
17. An Officer may enter on land, and into buildings, at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law or an order made under this By-law is being complied with, although an Officer may not enter into a private residence or dwelling unit.
18. For the purposes of conducting an inspection pursuant to this By-law, an Officer may:
  - (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (c) require information from any person concerning a matter related to the inspection; and
  - (d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
19. No person shall prevent, hinder or obstruct, or attempt to hinder or obstruct an Officer who is exercising a power or performing a duty under this By-law.

### **Offence and Penalty**

20. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.
21. Any person other than a corporation who contravenes any provision of this By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$5,000 for a first offence, and a maximum fine of \$10,000 for a subsequent offence.

### **Same re Corporations**

22. Any corporation which contravenes any provision of this By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$50,000 for a first offence and \$100,000 for any subsequent offence.

### **Other Remedies**

23. If a person or corporation is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

### **Continuing Offence**

24. Each day or a part of a day that a contravention of this By-law continues is deemed to be a separate offence.

## **PART IV – MISCELLANEOUS**

### **Severability**

25. Where a court of competent jurisdiction declares any provision of this By-law invalid, or to be of no force or effect, the provision shall be deemed conclusively to be severable from the By-law and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

### **Short Title**

26. The short title of this By-law is the “Odours and Light Nuisance By-law”.

### **Enactment**

27. This By-law comes into force and effect on the day it is passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26<sup>th</sup> DAY OF OCTOBER, 2020.**

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**MAYOR, Nelson Santos**

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**CLERK, Jennifer Astrologo**

# Gosfield North Sportsmen Association



84 County Road 14 East, RR#1  
Cottam, Ontario N0R 1B0  
(519) 839-5665

**Working to Preserve our Hunting Heritage**

**Established in 1985**

September 20, 2020

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

Attention: Mr. Mayor and Councilors

Re: 2021 Hunting Fees

Dear Sirs/Madams;

On behalf of the Gosfield North Sportsmen Association, please accept our deepest gratitude for your contribution of the hunting license fees collected for the many years past. These monies helped tremendously towards the continuation of our pheasant release program. Our club have annually raised and released 1000-1500 mature pheasants into the Town of Kingsville. We have received many compliments on the appearance and condition of our birds that we raise and release. We are rewarded in the fact that our pheasants are very healthy, beautiful and appreciated. Credit is due to the hard work of our members, the strict quality guidelines of our processes and the financial contributions by our "heritage friends", such as the Town of Kingsville.

The present pheasant hunting fees have been in effect for many years. The license fees received from the Town of Kingsville in the past 7 years have been approximately 50% of the fees collected prior to 2013. For whatever reason, the number of pheasant hunters dropped dramatically in 2013 and held that pattern to 2020. The club however only adjusted our number of pheasants released since 2013 due to the number of the birds available to release, not the decrease in license fees. The costs of raising the birds, especially feed costs, have increased significantly since 2013.

Several objects of our Gosfield North Sportsmen are to promote the preservation of our hunting heritage and to promote and educate our youth of our heritage. Our club is committed to continue our pheasant release program for many years to comply with our mandate. In this regard, we would ask the Town of Kingsville to consider the following changes to the pheasant hunting fees for the 2021 calendar year:

Resident	Increase from \$12.50	to	\$20.00
Non-Resident	Increase from \$18.00	to	\$25.00

Your considerations would be greatly appreciated.

Yours sincerely;

Ken Roadhouse  
Secretary



**REGULAR MEETING OF COUNCIL  
MINUTES**

**Tuesday, October 13, 2020  
7:00 PM  
Council Chambers  
2021 Division Road N  
Kingsville, Ontario N9Y 2Y9**

Members of Council    Mayor Nelson Santos  
                                 Deputy Mayor Gord Queen  
                                 Councillor Kimberly DeYong  
                                 Councillor Tony Gaffan  
                                 Councillor Laura Lucier  
                                 Councillor Thomas Neufeld  
                                 Councillor Larry Patterson

Members of                J. Norton, CAO  
Administration  
  
                                 J. Astrologo, Director of Corporate Services  
                                 R. McLeod, Director of Financial Services  
                                 A. Plancke, Director of Municipal Services  
                                 R. Brown, Manager of Planning Services  
                                 J. Galea, Human Resources Manager  
                                 K. Brcic, Planner  
                                 T. Del Greco, Municipal Services Manager  
                                 S. Kitchen, Deputy Clerk-Council Services  
                                 S. Martinho, Public Works Manager

**A.     CALL TO ORDER**

Mayor Santos, in attendance in Council Chambers, called the Regular Meeting to order at 7:01 p.m. All other members participated in the meeting through video conferencing technology from remote locations.

**B. 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.

**C. PRESENTATIONS/DELEGATIONS**

**1. Dan Green, P. Eng, GHD, and Graydon Botsford MTO--Presentation re: Highway 3 Widening and Safety Enhancements, Technically Preferred Plan and Results of Online Public Information Centre**

Mr. Green presented the PowerPoint presentation entitled 'Highway 3, Windsor to Leamington--Phase 3, Contract 2', dated October 13, 2020.

**564-2020**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Laura Lucier

That Council receives presentation by Dan Green, P. Eng., GHD and Graydon Botsford, P. Eng., Ministry of Transportation of Ontario (MTO) entitled 'Highway 3, Windsor to Leamington--Phase 3, Contract 2', dated October 13, 2020.

**CARRIED**

**2. Sarah Sacheli, Chair, Kingsville Municipal Heritage Advisory Committee--Update Report RE: By-law 12-2017; Heritage Designation of 107 Elm Street (The Cowan-Valentine House)**

Ms. Sacheli presented the Update Report, noting that Notice of the proposed amendment to By-law 12-2017 (to remove the five old growth giant native trees from the original designation) has been served on the owners of the property and no notice of objection has been received within the time set out in the *Ontario Heritage Act*.

**565-2020**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Kimberly DeYong

That Council pass the Amending By-law in relation to 107 Elm Street (Amending By-law 89-2020) at this Regular Meeting.

**CARRIED**

**3. Strategy Corp--Town of Kingsville: Service Delivery Review--Current State Report and Opportunities Generation Overview for Council**

Chris Loreto (Engagement Principal), Konner Fung-Kee-Fung and Srusti Pandya (Consultants) were in attendance.

Mr. Loreto presented the Town of Kingsville Service Delivery Review PowerPoint presentation on behalf of StrategyCorp.

**566-2020**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Deputy Mayor Gord Queen

That Council receives the presentation of StrategyCorp entitled 'Town of Kingsville: Service Delivery Review--Current State Report and Opportunities Generation Overview for Council', dated October 2020.

**CARRIED**

**D. CLOSED SESSION**

**567-2020**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Thomas Neufeld

That Council, at 8:30 p.m., pursuant to Subsection 239(2) of the *Municipal Act, 2001* enter into Closed Session to address the following item:

i) Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality; being a proposed or pending acquisition of land for the Jasperson Drive Reconstruction.

**CARRIED**

Upon rising from Closed Session at 8:59 p.m. Mayor Santos called for a recess, and the Meeting reconvened in open session at 9:12 p.m.

**E. MATTERS SUBJECT TO NOTICE**

**1. PUBLIC MEETING--Application for Zoning By-law Amendment File ZBA/10/20 by 617812 Ontario Limited (Owner); Carlos Martens Braun (Purchaser); 1771 Talbot Road, Part of Lot 11, Concession 2 ED, Roll No. 3711 290 000 22200**

K. Brcic, Town Planner

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment, dated September 22, 2020;

ii) Planning Report of K. Brcic, Town Planner, dated September 28, 2020;

iii) Proposed By-law 92-2020, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Ms. Brcic presented the Planning Report. As stated within the Report, one comment had been received from a resident that the zoning should be limited to the church use and the commercial zoning removed. Ms. Brcic advised Council that since the preparation of the report one additional comment was received from a resident with a similar concern that the property should not be allowed to have multiple zoning usages, and that the zoning should be solely limited to the church use.

Comments from the Applicant's Representative:

Solicitor David Hummel, representing the Purchaser (Carlos Braun) and the Words of Light Church in Staples, stated that his client has no intention to use the property for any other use, except as a place of worship. He indicated his client does intend to keep a few of the bowling lanes in the building for the children to use.

Mayor Santos advised that a similar application was made several years ago at Main St. West near Heritage Road (a former commercial facility at that location was rezoned to permit a Church use). Ms. Brcic was not aware of such prior application.

Ms. Brcic, upon reviewing the Town's Planning records in regard to that site, confirmed that in that circumstance there was a site specific re-zone and the permitted uses (general commercial) were included, along with a place of worship, however, the word 'or' was included in the Permitted Uses section of the by-law.

Ms. Brcic indicated that she would add the word 'or' in the permitted uses section of proposed By-law 92-2020, if that is the direction of Council, so that the



Permitted Uses would read: "i) Those uses permitted under Section 8.6 Rural Commercial (C6); **or** ii) A church;".

Solicitor Hummel commented that he believed his client would have no concerns with such an amendment.

There were no further comments or questions.

**568-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Laura Lucier

That Council approves Zoning By-law Amendment Application ZBA/10/20 to rezone the subject parcels, Part of Lot 11, Concession 2 ED, known as 1771 Talbot Road in the Town of Kingsville, from 'Rural Commercial (C6)' to 'Rural Commercial Exception 13 (C6-13)' to add a church as an additional site-specific permitted use (i.e. for those uses permitted under Section 8.6 Rural Commercial (C6) **or** for a church); And That Council adopts the implementing by-law as amended.

**CARRIED**

## **F. AMENDMENTS TO THE AGENDA**

Councillor Patterson added two Notices of Motion and one announcement.

Councillor DeYong added one item under Unfinished Business.

Mayor Santos added one update and one Notice of Motion.

## **G. ADOPTION OF ACCOUNTS**

- 1. Town of Kingsville Accounts for the monthly period ended September 30, 2020 being TD cheque numbers 0074102 to 0074451 for a grand total of \$3,641,213.55**

**569-2020**

**Moved By** Councillor Larry Patterson

**Seconded By** Councillor Tony Gaffan

That Council receives Town of Kingsville Accounts for the monthly period ended September 31, 2020 being TD cheque numbers 0074102 to 0074451 for a grand total of \$3,641,213.55.

**CARRIED**

**H. STAFF REPORTS**

**1. Road Salt Alternatives**

S. Martinho, Manager of Public Works

**570-2020**

**Moved By** Councillor Tony Gaffan

**Seconded By** Deputy Mayor Gord Queen

That Council receive the information related to road salt alternatives and that given the current resources and capabilities of Public Works, that road salt continues to be the primary anti-icing and deicing chemical used for winter control.

**CARRIED**

**2. Range Light Restoration**

S. Martinho, Manager of Public Works

**571-2020**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Kimberly DeYong

That Council directs Administration to proceed with Options 2 and 3 as contained in Report of Public Works Manager (Option 2: restoration of the range light working with Kingsville District High School teacher Matt Daudlin and students; and Option 3: proceed with application for funding through Building Communities through Arts and Heritage Legacy Fund); And Further That the sum of \$23,000.00 be included in the 2021 Capital Budget for expenses related to restoring the structure.

**CARRIED**

**3. Application for Site Plan Amendment SPA/14/2020 by Allegro Acres Inc.; 1851 Peterson Lane, Pt. Lot 8, Concession 2 ED, Part 1, RP 12R 11577 and Parts 3 and 4, RP 12R 22455**

R. Brown, Manager of Planning Services

**572-2020**

**Moved By** Councillor Larry Patterson

**Seconded By** Councillor Tony Gaffan

That Council approves Site Plan Amendment Application SPA/14/2020 to permit an expansion of the existing combined service building and bunkhouse, subject to amended terms in the Site Plan Agreement, and That Council authorizes the Mayor and Clerk to sign the Amending Agreement and register said Agreement on title.

**CARRIED**

**4. Application for Minor Development Agreement by 2615453 Ontario Inc., 42 Division Street North, Lot 5, Plan 184 and 185**

R. Brown, Manager of Planning Services

**573-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Laura Lucier

That Council approves Minor Development Agreement AGR/04/2020 for the widening of an existing access at 42 Division St. N. in the Town of Kingsville, subject to the Town Development Standards and at the cost of the owner.

**CARRIED**

**5. Jasperson Drive Reconstruction--Land Expropriation**

T. Del Greco, Manager of Municipal Services

**574-2020**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Deputy Mayor Gord Queen

That Council authorizes Administration to commence an Application for Approval to Expropriate lands located at 319 Road 2 East;

And That Council authorizes Administration to negotiate with the owners and return to Council to consider approval of an offer to purchase should the owners choose to sell privately rather than proceed with the expropriation process.

**CARRIED**

**I. MINUTES OF THE PREVIOUS MEETINGS**

- 1. Special Meeting of Council--September 21, 2020**
- 2. Special Closed Session Meeting of Council--September 21, 2020**
- 3. Regular Meeting of Council--September 28, 2020**
- 4. Regular Closed Session Meeting of Council--September 28, 2020**

**575-2020**

**Moved By** Councillor Larry Patterson

**Seconded By** Deputy Mayor Gord Queen

That Council adopts Special Meeting of Council Minutes dated September 21, 2020, Special Closed Session Meeting of Council Minutes dated September 21, 2020, Regular Meeting of Council Minutes dated September 28, 2020, and Regular Closed Session Meeting of Council Minutes dated September 28, 2020.

**CARRIED**

**J. MINUTES OF COMMITTEES AND RECOMMENDATIONS**

- 1. Committee of Adjustment--August 18, 2020**

**576-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Laura Lucier

That Council receives Committee of Adjustment Meeting Minutes dated August 18, 2020.

**CARRIED**

**2. Police Services Board Minutes--August 26, 2020**

**577-2020**

**Moved By** Councillor Larry Patterson

**Seconded By** Councillor Tony Gaffan

That Council receives Police Services Board Meeting Minutes dated August 26, 2020.

**CARRIED**

**K. BUSINESS CORRESPONDENCE - INFORMATIONAL**

- 1. Town of Essex--Correspondence dated August 13, 2020 RE: Formal Apology from Canadian Government to African Canadians for Slavery**
- 2. Township of North Glengarry--Resolution #12 passed September 14, 2020 RE: Long Term Care Homes**
- 3. Ministry of Transportation (MTO)--Notice of Completion--Design and Construction Report re: Advance work for Highway 3 Widening Contract 1, Town of Essex issued September 17, 2020**
- 4. Township of Wollaston--Correspondence dated September 16, 2020 RE: Resolution requesting changes to Municipal Elections Act**
- 5. Petition of residents received September 25, 2020 requesting reduction of the speed limit on the Graham Sideroad from Seacliff Drive to the 2nd Concession to 60 km/hr**
- 6. Kingsville BIA--Correspondence from Christina Bedal, BIA Coordinator dated September 28, 2020 Re: Kingsville Business Relaunch Program**
- 7. Township of North Glengarry--Resolution #6 passed September 28, 2020 RE: Safe Restart Agreement**

**578-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That Council receives Business Correspondence - Informational Items 1 through 7.

**CARRIED**

**579-2020**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Deputy Mayor Gord Queen

That Council submit Item #K-5 (Petition of residents requesting reduction of the speed limit on the Graham Sideroad) to Administration for a Report back to Council.

**CARRIED**

**580-2020**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Thomas Neufeld

That Council reconsiders Motion 479-2020 being a motion that those participating businesses in Open Streets are not also eligible for additional grant funds through the Town's Business Relaunch Fund program.

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

**CARRIED (5 to 2)**

**581-2020**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Thomas Neufeld

That if the Town continues to pay staff for Open Streets, that those participating businesses in Open Streets are not also eligible for additional grant funds through the Town's Business Relaunch Fund program.

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

**LOST (2 to 5)**

**L. NOTICES OF MOTION**

Mr. Norton indicated he will be bringing a report to Council at the next meeting to address the outstanding motions list. He is also proposing that a question-and-answer period between Council and staff be included at the end of Council meetings. Details will be provided in the upcoming report.

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

That staff research and provide Council with an update as to the plans in place to improve and expand internet service within our community with Fibre and other



sources as may enhance and improve service for our local businesses and residents alike.

Deputy Mayor Queen asked that this Notice of Motion be deferred to the next meeting.

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

That this Council be provided with a copy of the site plan agreement for the Greenhouse development currently underway on Road 3 East on the south side of the road between Division Road and the Graham Sideroad. And the site plan for the development on Road 2 that is just south, that same may be reviewed by Council and Staff to ensure compliance with both Site Plans and the concept of Dark Sky to be received at the next meeting.

Deputy Mayor Queen asked that this Notice of Motion be deferred to the next meeting.

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

That Administration bring a report to Council regarding the annual staff/volunteer party and provide an alternative option that includes two separate events: one event for staff appreciation and a second event exclusive to volunteer appreciation that would include volunteers from committees and Town events. Such report to include current budgeted amounts for the staff and various volunteer appreciation events typically held each year compared to approximate expected amounts for the alternative. The report to be available to Council in time to be considered for the 2021 Budget deliberations.

This item was not moved.

**4. Councillor Neufeld may move, or cause to have moved:**

**582-2020**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Tony Gaffan

That a Report be submitted by the Kingsville O.P.P. Detachment Commander and the Police Services Board identifying: A: Data of theft and mischief reports in the municipality of Kingsville year over year; B: Does Kingsville have a 'Street Crimes' unit; C: If so, what initiatives have been taken to curb petty theft and mischief; D: If not, why not?; E: How active is the "Lock it or Lose It" program; F: Now that the O.P.P. Auxiliary Program has been recalled, how can we be better served to deter theft and mischief within Kingsville, Cottam and Ruthven?

**CARRIED**

There were no further Notices of Motion.

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

1. Councillor Patterson acknowledged the efforts of the Town's By-law Officers who have taken steps again recently to monitor dark sky compliance.
2. Councillor DeYong asked for an update regarding the Car Wash on Main Street East and Wigle. Manager of Planning Services Brown advised that the last noise assessment was completed recently and a meeting is scheduled for October 15 to discuss the item.

There were no further announcements or updates.

**N. BYLAWS**

**1. By-law 89-2020**

**583-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

That Council reads By-law 89-2020, being a By-law to amend By-law 12-2017, being a by-law to designate a certain property, including land and buildings, known as The Cowan-Valentine House (107 Elm Street, Kingsville) as being of cultural heritage value or interest under the provisions of the *Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended*, a first, seconded, third and final time.

**CARRIED**

**2. By-law 91-2020**

**584-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Laura Lucier

That Council reads By-law 91-2020, being a By-law to amend By-law 2-2019, as amended, being a By-law to appoint certain members of Council and individuals to boards and committees, a first, second and third and final time.

**CARRIED**

**3. By-law 92-2020**

**585-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Thomas Neufeld

That Council reads By-law 92-2020, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (1771 Talbot Road, Part of Lot 11, CON 2 ED; ZBA/10/20) as amended, a first, second and third and final time.

**CARRIED**

**4. By-law 93-2020**

**586-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Kimberly DeYong

That Council reads By-law 93-2020, being a By-law to authorize the acquisition of certain land for the realignment of Jasperson Drive between Woodycrest Avenue and Road 2 East, a first, second and third and final time.

**CARRIED**

**O. CLOSED SESSION**

**587-2020**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Kimberly DeYong

At 10:56 p.m., pursuant to Subsection 239(2) of the *Municipal Act, 2001* Council entered into Closed Session to address the following items:

- i) Subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; being an update Report of Director of Corporate Services J. Astrologo RE: LPAT File PL 20290;

ii) Subsection 239(2)(b) personal matters about an identifiable individual, including municipal employees; being an Update by CAO J. Norton for Council information.

**CARRIED**

**P. REPORT OUT OF CLOSED SESSION**

Upon rising from Closed Session at 11:01 p.m. Mayor Santos reported that Council had entered into Closed Session to address two items, and both matters have been deferred to a future meeting for discussion at that time.

**Q. CONFIRMATORY BY-LAW**

**1. By-law 94-2020**

**588-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Kimberly DeYong

That Council reads By-law 94-2020, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its October 13, 2020 Regular Meeting a first, second and third and final time.

**CARRIED**

**R. ADJOURNMENT**

**589-2020**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Councillor Laura Lucier

That Council adjourns this Regular Meeting at 11:01 p.m

**CARRIED**



**SPECIAL MEETING OF COUNCIL  
MINUTES**

**Friday, October 16, 2020  
12:00 PM  
Council Chambers  
2021 Division Road N  
Kingsville, Ontario N9Y 2Y9**

Members of Council    Mayor Nelson Santos  
                                 Deputy Mayor Gord Queen  
                                 Councillor Kimberly DeYong  
                                 Councillor Tony Gaffan  
                                 Councillor Thomas Neufeld  
                                 Councillor Larry Patterson

Absent                    Councillor Laura Lucier

Members of            J. Norton, CAO  
Administration  
  
                                 J. Astrologo, Director of Corporate Services  
                                 J. Galea, Human Resources Manager  
                                 S. Kitchen, Deputy Clerk-Council Services

**A.    CALL TO ORDER**

Mayor Santos, in attendance in the Council Chambers, called the Special Meeting to order at 12:01 p.m. All other members participated in the meeting through video conferencing technology from remote locations. All members were in attendance except Councillor Lucier.

**B.    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.

**C. CLOSED SESSION**

**590-2020**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

That Council at 12:03 p.m. pursuant to Subsection 239(2) of the *Municipal Act, 2001* enter into Closed Session to address the following item:

i) Subsection 239(2)(b) personal matters about an identifiable individual, including municipal employees; being an Update regarding the Kingsville Fire Department by CAO J. Norton for Council information.

**CARRIED**

**D. REPORT OUT OF CLOSED SESSION**

Upon rising from Closed Session at 12:24 p.m. Mayor Santos advised that Council had entered into Closed Session to address the item described as C.i) above, and reported that Council provided direction to Administration.

**E. CONFIRMATORY BY-LAW**

**1. By-law 95-2020**

**591-2020**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

That Council reads By-law 95-2020, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its October 16, 2020 Special Meeting a first, second and third and final time.

**CARRIED**

**F. ADJOURNMENT**

**592-2020**

Moved by Councillor Larry Patterson

Seconded by Councillor Thomas Neufeld

That Council adjourns this Special Meeting at 12:25 p.m.

**CARRIED**

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MAYOR, Nelson Santos

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CLERK, Jennifer Astrologo





## MINUTES

**TOURISM AND ECONOMIC DEVELOPMENT COMMITTEE  
THURSDAY, SEPTEMBER 10, 2020 @ 5:30 P.M.  
ZOOM**

### **A. CALL TO ORDER**

Mayor Santos called the Regular Meeting to order at 5:30 p.m. with the following persons in attendance via ZOOM:

Members:  
M. Somerville  
T. Gaffan  
D. Hunt  
S. Lowrie  
M. Law

Members of Administration:  
CAO, John Norton  
Executive Assistant to the Mayor and CAO, T. Hewitt

Regrets:  
B. Durward

### **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. STAFF REPORTS**

#### **1. Budget vs. Actuals for the period ending August 31, 2020**

N. Santos presented the budget vs. actuals for the period ending August 31, 2020.

**36-2020** Moved by M. Law, seconded by D. Hunt to receive the report.

**CARRIED**

## **D. MINUTES OF THE PREVIOUS MEETING**

### **1. Tourism/Economic Development Committee Meeting Minutes—Thursday, August 13, 2020**

**37-2020** Moved by D. Hunt, seconded by T. Gaffan to adopt the minutes of the Tourism/Economic Development Committee Meeting dated August 13, 2020.

**CARRIED**

## **E. NEW AND UNFINISHED BUSINESS**

### **1. BIA Update – T. Gaffan**

T. Gaffan reported that the BIA discussed the Open Streets event. There was discussion on Open Streets and adopting it for the last weekend of every month next year. He stated that the BIA is working on their flower program for summer and fall. The self hanging baskets being considered will not need to be watered as frequently. C. Bedal has been brought back to assist the BIA in the interim while they search for a new coordinator. T. Gaffan will bring back a proposal regarding Holiday promotions. D. Hunt would like to see future plans for Open Streets to be more inclusive of all Kingsville businesses.

### **2. Business Awards**

#### **a) Awards Quote**

#### **b) Proposed Date for Presentations: Thursday, October 1, 2020**

(i) alert sponsors

(ii) FB Live & Video of Presentations

T. Hewitt advised the committee of the Business Innovation winner. The list of Award winners was presented to the committee. T. Hewitt presented a quote for the awards.

**38-2020** Moved by T. Gaffam, seconded by M. Somerville to order the awards from RKM Promotional.

**CARRIED**

N. Santos stated the proposed date for the awards presentation is Thursday, October 1, 2020 and that sponsors will be invited to participate in the presentations. T. Hewitt will connect with the sponsors and winners to coordinate times.

A video of all the presentations will be created and it will mention nominees as well as winners.

### **3. Video to help launch our strategy for specific targeted promotions**

N. Santos advised the committee that the Town has been working in conjunction with Leamington and Kingsville BIA to create a grassroots “Southshore Strong” video campaign to highlight Kingsville businesses in shaking off the stigma of being held back in Stage 1 and 2. The video was presented to the Minister of Labour and part two will expand to include an intro, extro from the Mayors, and additional businesses. This campaign will continue to evolve and Phase 2 is on the way.

**4. Ontario SW grants for business (up to \$1000)**

N. Santos presented information about Ontario’s Southwest Safe Opening Program that gives eligible tourism-related businesses up to \$1000 in grant dollars. He stated that TWEPI had shared this information with their distribution list, but invited the committee to pass it along to any other businesses that may qualify. There was discussion about the limited eligibility. Potential businesses that may qualify include hotels, theatres, arts, etc. The committee will pass this information along to their contact.

N. Santos introduced Kingsville’s new CAO, John Norton to the committee. J. Norton stated he is looking forward to working with the committee as he has a background in Economic Development.

**F. NEXT MEETING DATE**

1. The next meeting of the Tourism and Economic Development Committee is on Thursday, October 8, 2020 via ZOOM @ 5:30 p.m.

**G. ADJOURNMENT**

**39-2020** Moved by T. Gaffan seconded by D. Hunt to adjourn this Meeting at 6:05pm.

**CARRIED**

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**CHAIR, Nelson Santos**

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**RECORDING SECRETARY, T. Hewitt**

**KINGSVILLE BIA**  
**AUGUST 11, 2020 @ 6:15 P.M.**  
**Carnegie Arts & Visitor Centre, 28 Division St. S, Kingsville**

**A. CALL TO ORDER**

Beth Riddiford called the Meeting to order at 6:05 p.m. with the following Members in attendance:

**MEMBERS OF BIA BOARD:**

Beth Riddiford  
Councilor Tony Gaffan  
Councilor Laura Lucier  
Heather Brown  
Roberta Weston  
Trevor Loop  
Amanda Everaert  
Dave Debergh  
Maria Edwards  
Izabel Muzzin  
Jason Martin

**MEMBERS OF ADMINISTRATION:**

Absent: NONE

Guests: Christina Bedal  
Michelle Law

**B. DISCLOSURE OF PECUNIARY INTEREST**

Beth Riddiford reminded the Committee that any declaration is to be made prior to each items being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

**C. PRESENTATIONS/DELEGATIONS**

Michelle Law of Kingsville Migration Festival Committee discussed the idea of hosting an Open Streets type of event on Saturday October 17 from 10-4 as well as the idea of a Bubble Walk. The BIA will share information and encourage

businesses to decorate storefronts. The BIA supports events but did not feel it necessary to close streets.

**D. AMENDMENTS TO THE AGENDA**

NONE

**E. ADOPTION OF ACCOUNTS**

1. **BIA Accounts** – RE: Budget actuals ending JULY 2020

**BIA-188-2020**      Moved by Izabela Muzzin, seconded by Jason Martin to receive the accounts ending JULY 2020

**CARRIED**

**F. STAFF REPORTS**

1. **BIA VOLUNTEER PRESENTED HER REPORT-** Christina Bedal updated that she had processed bills to be paid, checked emails, managed the online contest and managing social media needs and worked with member concerns
2. **TONY GAFFAN PRESENTED HIS REPORT –** Tony Gaffan discussed construction approved for Main St. W., a home school approved on Queen St, site plan amendment for 140 Main St and \$750 grant approved for reopening businesses.
3. **EDDK REPORT –** Nothing to report.

**G. BUSINESS/CORRESPONDENCE – ACTION REQUIRED**

NONE

**H. MINUTES OF THE PREVIOUS MEETING**

1. Kingsville BIA Committee Meeting Minutes—July 14, 2020

**BIA-189-2020**      Moved by Heather Brown, seconded by Maria Edwards to receive the minutes of the Kingsville BIA Meeting dated July 14, 2020

**CARRIED**

**I. NEW AND UNFINISHED BUSINESS**

1. OPEN STREETS – discussed how the event had gone
2. \$10,000 BIA DOLLAR SUMMER GIVEAWAY – in process and well received by public
3. FLOWER PROGRAM – RFP process has begun and quotes coming in
4. BIA COORDINATOR- position was posted
5. WFCU \$100 DONATION FOR COUPON BOOKS
6. \$750 REOPENING GRANT –Criteria was discussed for qualifying for the grant

**BIA-190-2020**      Moved by Izabela Muzzin, seconded by Heather Brown to send a letter to Council from the Board asking for reconsideration of the disqualifying criteria for those participating in ongoing Open Street event.

**CARRIED**

**ADDITIONAL ITEMS:**

**J. NEXT MEETING DATE**

The next meeting of the Committee will be held on Tuesday, September 8<sup>th</sup>, 2020 at 6:15 PM

**K. ADJOURNMENT**

The meeting adjourned 8:00 p.m.



CHAIR, Beth Riddiford



RECORDING SECRETARY,  
Laura Lucier



**KINGSVILLE BIA**  
**SEPTEMBER 8 , 2020 @ 6:15 P.M.**  
**Carnegie Arts & Visitor Centre, 28 Division St. S, Kingsville**

**A. CALL TO ORDER**

Beth Riddiford called the Meeting to order at 6:15 p.m. with the following Members in attendance:

**MEMBERS OF BIA BOARD:**

Beth Riddiford  
Councilor Tony Gaffan  
Councilor Laura Lucier  
Heather Brown  
Roberta Weston  
Amanda Everaert  
Maria Edwards  
Izabel Muzzin  
Jason Martin

**MEMBERS OF ADMINISTRATION:**

None

Absent: Dave Debergh  
Trevor Loop

Guests: None

**B. DISCLOSURE OF PECUNIARY INTEREST**

Beth Riddiford reminded the Committee that any declaration is to be made prior to each items being discussed and to identify the nature of the conflict, if any, as the agenda items come forward.

**C. PRESENTATIONS/DELEGATIONS**

None

**D. AMENDMENTS TO THE AGENDA**

NONE

**E. ADOPTION OF ACCOUNTS**

1. **BIA Accounts** – RE: Budget actuals ending AUGUST 2020

**BIA-191-2020**      Moved by Izabela Muzzin, seconded by Jason Martin to receive the accounts ending AUGUST 2020

**CARRIED**

**F. STAFF REPORTS**

1. LAURA LUCIER PRESENTED HER REPORT – Migration Festival support will be encouraged through window decorating in the district.
2. EDDK REPORT – Nothing to report.

**G. BUSINESS/CORRESPONDENCE – ACTION REQUIRED**

NONE

**H. MINUTES OF THE PREVIOUS MEETING**

1. Kingsville BIA Committee Meeting Minutes—August 11, 2020

**BIA-192-2020**      Moved by Heather Brown, seconded by Tony Gaffan to receive the minutes of the Kingsville BIA Meeting dated August 11, 2020

**CARRIED**

**I. NEW AND UNFINISHED BUSINESS**

1. BIA DOLLARS – discussed that RBC is unable to participate this year due to pandemic constraints. David from Libro will investigate to see if their branch can assist

2. OPEN STREETS – discussion the event and the membership will be asked for feedback and recommendations

**BIA-193-2020** Moved by Roberta Weston, seconded by Izabela Muzzin to request a report from the Town of Kingsville sharing feedback and recommendations.

**CARRIED**

3. BUDGET– 2021 budget reviewed and discussed
4. PUBLIC RESTROOMS – it was asked when the restrooms at Carnegie will be open to provide facilities to patrons and visitors.

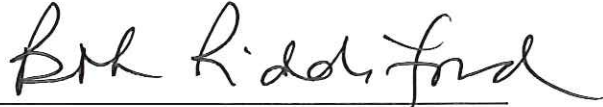
**ADDITIONAL ITEMS:**


**J. NEXT MEETING DATE**

The next meeting of the Committee will be held on Wednesday, October 14<sup>th</sup>, 2020 at 6:15 PM

**K. ADJOURNMENT**

The meeting adjourned 8:00 p.m.

  
CHAIR, Beth Riddiford

  
RECORDING SECRETARY,  
Beth Riddiford



KIM COURTS  
DEPUTY CLERK  
T 519.837.2600 x 2930  
F 519.837.1909  
E kimc@wellington.ca

74 WOOLWICH STREET  
GUELPH, ONTARIO  
N1H 3T9

October 2, 2020

Sent via email to all Ontario Municipal Clerks

Dear Municipal Clerks,

At its meeting held September 24, 2020, Wellington County Council approved the following recommendation from the Administration, Finance and Human Resources Committee:

**WHEREAS previous assessment methodologies for aggregate resource properties valued areas that were used for aggregate resources or gravel pits at industrial land rates on a per acre basis of the total site and such properties were formally classified and taxed as industrial lands; and**

**WHEREAS Wellington County Council supports a fair and equitable assessment system for all aggregate resource properties; and**

**WHEREAS the Municipal Property Assessment Corporation determined, with the participation only of the Ontario Stone, Sand and Gravel Association, revised criteria for assessing aggregate resource properties; and**

**WHEREAS Wellington County Council has concerns that the revised criteria does not fairly assess the current value of the aggregate resource properties.**

**NOW THEREFORE BE IT RESOLVED:**

**(a) That Wellington County Council does not consider the revised criteria for assessment of aggregate resource properties as a fair method of valuation for these properties; and**

**(b) That Wellington County Council believes there is a need to review the current assessment scheme for aggregate resource properties to address the inequity of property values; and**

**(c) That Wellington County Council hereby calls upon the Province to work with the Municipal Property Assessment Corporation to address the assessment issue so that aggregate resource properties are assessed for their industrial value; and**

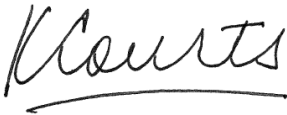
**(d) That Wellington County Council direct the Clerk to provide a copy of this motion to the Ministers of Finance; Municipal Affairs and Housing; and Natural Resources and Forestry; and to AMO, ROMA, and all Ontario municipalities and local MPP(s).**

Please find the Aggregate Resource Property Valuation and Advocacy report and Municipal Resolution enclosed.

Wellington County Council is requesting that all Ontario municipalities adopt the Municipal Resolution and forward to Donna Bryce, Wellington County Clerk at [donnab@wellington.ca](mailto:donnab@wellington.ca) upon passing.

Should you have any questions please contact Ken DeHart, County Treasurer, at [kend@wellington.ca](mailto:kend@wellington.ca) or call 519.837.2600 ext 2920.

Sincerely,

A handwritten signature in black ink that reads "Kim Courts". The signature is written in a cursive style with a horizontal line underneath the name.

Kim Courts  
Deputy Clerk



## COMMITTEE REPORT

**To:** Chair and Members of the Administration, Finance and Human Resources Committee  
**From:** Ken DeHart, County Treasurer  
**Date:** Tuesday, September 15, 2020  
**Subject:** **Aggregate Resource Property Valuation and Advocacy Report**

---

### Background:

Through the County's Assessment Base Management Policy and Programme approved in 2016; Wellington County has made significant efforts to maintain, protect and enhance the quality of the assessment roll. This includes reviewing the accuracy of individual assessments and ensuring the equitable distribution of the tax burden. The County remains a strong advocate for the accurate and equitable valuation and property tax treatment of all properties, including gravel pit and aggregate resource properties in the County and throughout Ontario.

The County has been actively pursuing fair and accurate assessment valuations for gravel pits through two streams:

1. Assessment appeals heard by the Assessment Review Board
2. Advocacy through the province on a permanent policy solution

### Assessment Appeals

The County has filed assessment appeals on all aggregate producing properties in its three southern-most municipalities, being Puslinch, Erin and Guelph/Eramosa for the 2017 to 2020 taxation years. The purpose of these appeals is to ensure that the current value assessment of these properties is captured through the existing legislation, and to deal with how those properties are classified for taxation purposes.

The effect of the current property tax valuation structure by the Municipal Property Assessment Corporation ("MPAC") unfairly sees active gravel pits incurring less property tax than many single-family homes and small businesses as a result of unduly low and inaccurate current value assessments. It also leads to properties that are located in the same areas and are similar to gravel pits receiving vastly different property valuations, which contradicts the principle of fairness and transparency underpinning our taxation system that similar properties should be treated and taxed equally. Arbitrarily classifying gravel pits as among the lowest form of farmland (Class 5) sets an artificial cap on these producers' property assessments and keeps their property taxes well below what they should be paying. In turn, residents and businesses are subsidizing the break that gravel producers are receiving.

In terms of next steps for these appeals, a settlement conference is scheduled to take place on September 16 and hearings are scheduled for the weeks of November 16 and 23.

### **Advocacy for a Permanent Policy Solution**

The County has been working with its colleagues through the Top Aggregate Producing Municipalities of Ontario (TAPMO) to raise awareness of the assessments and the inequitable treatment of these properties and ask the government to review how these properties are assessed and treated from a property tax policy perspective through the MPAC review that is currently taking place.

Through this work, TAPMO endorsed the attached municipal resolution to be shared with TAPMO municipalities for consideration at local Councils. The resolution formally asks the province to review how these properties are assessed in light of the inequitable treatment in comparison to other residential and business properties in the municipality. Several municipalities across the province have approved and forwarded this resolution to the province and local MPPs.

To be clear, the County believes MPAC's property valuation is incorrect even within the current legislation, however, the County is looking for further direction and possible legislative or regulatory changes that will eliminate future disputes. This kind of permanent policy change is in everyone's best interest to resolve this issue once and for all.

Staff recommend that the Administration, Finance and Human Resources Committee support the resolution and pass it along to County Council for approval. This is also an opportunity for the County to remind its member municipalities to review and give consideration to this resolution as well.

### **AMO Delegation Meeting**

On August 18, 2020, in collaboration with the Top Aggregate Producing Municipalities of Ontario (TAPMO), County representatives met with Stan Cho, Parliamentary Assistant to the Minister of Finance, to discuss the need to improve how aggregate properties are assessed across Ontario under an equitable valuation system. The meeting was held during the Association of Municipalities of Ontario (AMO) conference. This is where municipal and provincial policymakers come together to discuss pressing issues facing both levels of government.

Wellington County and other TAPMO members presented several policy-driven solutions to Mr. Cho that would make MPAC's property tax valuations accurate and equitable. There are many possible legislative, regulatory or policy changes that can achieve a permanent solution. These include:

- Creating a separate class for aggregate producing properties (as was done for landfills in 2015);
- Directive (or regulation) from the Minister to MPAC regarding how to assess these types of properties to reflect their true market or industrial value;
- Remove the aggregate exemption from the *Assessment Act* (as was the situation prior to 2008).

This would enable municipalities to maintain stability in local taxation levels and meet the needs of their communities. Directing MPAC on how to assess these properties based on their true market value makes common sense and will result in stability and accuracy in the assessment process. The solution to remove the exemption of aggregate in the *Assessment Act* would allow MPAC to assess the full value of the property.



## Summary

Aggregate sites are important job creators and an increasingly critical element of public works that help to fuel steady economic growth across Ontario, especially as part of municipalities' post-pandemic recovery. Yet, under the current MPAC valuation formula, their current value assessment is inaccurate such that these sites generate significantly less revenue for municipalities and the Province than other possible uses for the same land. This costs Ontario municipalities millions of dollars in lost tax revenue every year and negatively impacts their abilities to deliver more fulsome services and programmes to residents. The current system also generates less Education property taxes which shifts even more tax burden onto homeowners and small businesses. Municipalities are therefore eager to find a solution that is fair for all involved: the municipality, taxpayers, and aggregate producers.

COVID-19 has highlighted the urgency for a policy-driven, equitable approach. Municipalities across Ontario are fighting to continue providing a high standard of services to our families and businesses who need them now more than ever. The lost tax revenue undermines our ability to enhance those services and make key infrastructure investments at a time when our residents are suffering. The County wants to be fair to aggregate producers while recognizing that they should be part of the solution in terms of helping families and businesses get back on their feet – the very people who are carrying the burden of the current MPAC system.

## Recommendation:

That the Aggregate Resource Property Valuation and Advocacy Update Report be received for information; and

That the attached resolution be supported by County Council and sent to the Ministry of Finance.

Respectfully submitted,



Ken DeHart, CPA, CGA  
County Treasurer

## **SCHEDULE A – MUNICIPAL RESOLUTION**

WHEREAS previous assessment methodologies for aggregate resource properties valued areas that were used for aggregate resources or gravel pits at industrial land rates on a per acre basis of the total site and such properties were formally classified and taxed as industrial lands; and

WHEREAS Wellington County Council supports a fair and equitable assessment system for all aggregate resource properties; and

WHEREAS the Municipal Property Assessment Corporation determined, with the participation only of the Ontario Stone, Sand and Gravel Association, revised criteria for assessing aggregate resource properties; and

WHEREAS Wellington County Council has concerns that the revised criteria does not fairly assess the current value of the aggregate resource properties;

NOW THEREFORE BE IT RESOLVED:

- (a) That Wellington County Council does not consider the revised criteria for assessment of aggregate resource properties as a fair method of valuation for these properties; and
- (b) That Wellington County Council believes there is a need to review the current assessment scheme for aggregate resource properties to address the inequity of property values; and
- (c) That Wellington County Council hereby calls upon the Province to work with the Municipal Property Assessment Corporation to address the assessment issue so that aggregate resource properties are assessed for their industrial value; and
- (d) That Wellington County Council direct the Clerk to provide a copy of this motion to the Ministers of Finance; Municipal Affairs and Housing; and Natural Resources and Forestry; and to AMO, ROMA, and all Ontario municipalities and local MPP(s).

## MUNICIPAL RESOLUTION

WHEREAS previous assessment methodologies for aggregate resource properties valued areas that were used for aggregate resources or gravel pits at industrial land rates on a per acre basis of the total site and such properties were formally classified and taxed as industrial lands; and

WHEREAS (*Name of Municipality*) Council supports a fair and equitable assessment system for all aggregate resource properties; and

WHEREAS the Municipal Property Assessment Corporation determined, with the participation only of the Ontario Stone, Sand and Gravel Association, revised criteria for assessing aggregate resource properties; and

WHEREAS (*Name of Municipality*) Council has concerns that the revised criteria does not fairly assess the current value of the aggregate resource properties.

NOW THEREFORE BE IT RESOLVED:

(a) That (*Name of Municipality*) Council does not consider the revised criteria for assessment of aggregate resource properties as a fair method of valuation for these properties; and

(b) That (*Name of Municipality*) Council believes there is a need to review the current assessment scheme for aggregate resource properties to address the inequity of property values; and

(c) That (*Name of Municipality*) Council hereby calls upon the Province to work with the Municipal Property Assessment Corporation to address the assessment issue so that aggregate resource properties are assessed for their industrial value; and

(d) That (*Name of Municipality*) Council direct the Clerk to provide a copy of this motion to the Ministers of Finance; Municipal Affairs and Housing; and Natural Resources and Forestry; and to AMO, ROMA, and all Ontario municipalities and local MPP(s).

**From:** [Sandy Kitchen](#)  
**To:** [Sandy Kitchen](#)  
**Subject:** FW: Ontario-Wide Request to Pass County of Wellington Aggregate Resolution  
**Date:** Thursday, October 22, 2020 10:19:03 AM

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**Subject:** FW: Ontario-Wide Request to Pass County of Wellington Aggregate Resolution

Please be advised this was passed at our October 13, 2020 meeting of Council  
RESOLUTION: 2020-299

Moved: Councillor Burke

Seconded: Councillor McCabe

*WHEREAS previous assessment methodologies for aggregate resource properties valued areas that were used for aggregate resources or gravel pits at industrial land rates on a per acre basis of the total site and such properties were formally classified and taxed as industrial lands; and*

*WHEREAS Council of the Corporation of the Township of Wellington North supports a fair and equitable assessment system for all aggregate resource properties; and*

*WHEREAS the Municipal Property Assessment Corporation (MPAC) determined, with the participation only of the Ontario Stone, Sand and Gravel Association, revised criteria for assessing aggregate resource properties; and*

*WHEREAS Council has concerns that the revised criteria does not fairly assess the current value of the aggregate resource properties;*

**NOW THEREFORE BE IT RESOLVED:**

*THAT Council of the Corporation of the Township of Wellington North does not consider the revised criteria for assessment of aggregate resource properties as a fair method of valuation for these properties; and*

*AND FURTHER THAT Council believes there is a need to review the current assessment scheme for aggregate resource properties to address the inequity of property values; and*

*AND FURTHER THAT Council hereby calls upon the Province to work with the Municipal Property Assessment Corporation to address the assessment issue so that aggregate resource properties are assessed for their industrial value; and*

*AND FURTHER THAT Council direct the Clerk to provide a copy of this motion to the Ministers of Finance; Municipal Affairs and Housing; and Natural Resources and Forestry; and to AMO, ROMA, and all Ontario municipalities and local MPP(s).*

**CARRIED**

**Karren Wallace, Director Legislative Services/Clerk**

Phone) 519-848-3620 ext 4227

Email) [kwallace@wellington-north.com](mailto:kwallace@wellington-north.com)

October 9, 2020

The Right Honourable Justin Trudeau  
Prime Minister of Canada  
Email: [justin.trudeau@parl.gc.ca](mailto:justin.trudeau@parl.gc.ca)

The Honourable Doug Ford  
Premier of Ontario  
Email: [premier@ontario.ca](mailto:premier@ontario.ca)

**Re: Funding for community groups and service clubs affected by pandemic**

Please be advised that at the Regular Meeting of Council on September 28, 2020, the Council of Loyalist Township passed the following resolution:

**Resolution No. 2020.35.16**

**Moved by: Deputy Mayor Hegadorn**

**Seconded by: Councillor Porter**

“Whereas, the world health organization characterized covid-19 as a pandemic on March 11, 2020

And whereas, travel restrictions were put in place March 21st, 2020 with emergency orders being established under the quarantine act

And whereas, the province of Ontario entered a state of emergency on March 17, 2020

And whereas Loyalist Township declared a state of emergency on March 26, 2020

And whereas the Kingston, Frontenac, Lennox and Addington Public Health Unit have enacted orders under Section 22 of the Ontario Health Protection and Promotion Act, 1990

And whereas the above noted state of emergencies and orders restricted the ability for charities, community groups and service clubs to raise or acquire funds through conventional methods

And whereas these charities, community groups and service clubs provide vital resources and support critical to community members

And whereas these charities, community groups and service clubs' partner with municipal governments reducing the financial pressures on the government while enhancing the lives of residents

Therefore be it resolved that Loyalist Township council requests confirmation from the governments of Ontario and Canada that funding will be available for these local smaller charities, community groups and service clubs.

AND FURTHER THAT a copy of this resolution be circulated to the Right Honourable Prime Minister of Canada; the Honourable Premier of Ontario; MP Derek Sloan, Hastings - Lennox and Addington ; the Honourable Daryl Kramp, MPP Hasting-Lennox and Addington; the Association of Municipalities Ontario; Rural Ontario Municipalities Association and all Municipalities within the Province of Ontario".

Regards,

A handwritten signature in cursive script that reads "B Teeple".

Brandi Teeple  
Deputy Clerk  
Loyalist Township

cc. MP Derek Sloan- Hastings-Lennox and Addington  
MPP Daryl Kramp- Hastings- Lennox and Addington  
Association of Municipalities Ontario  
Rural Ontario Municipalities Association  
All Ontario Municipalities



## Township of Blandford-Blenheim

47 Wilmot Street South  
Drumbo, Ontario N0J 1G0

Phone: 519-463-5347  
Fax: 519-463-5881  
Web: [www.blandfordblenheim.ca](http://www.blandfordblenheim.ca)

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October 13, 2020

Emailed to the Federal Minister of Health, Federal Minister of Justice and Attorney General, Federal Minister of Public Safety and Emergency Preparedness, Oxford MP, Oxford MPP, the Association of Municipalities of Ontario and all municipalities in Ontario.

### **Re: Unlicensed and unmonitored cannabis grow operations**

Please be advised that at the Regular Meeting of Council on October 7<sup>th</sup>, 2020, the Council of the Township of Blandford-Blenheim passed the following resolution:

#### **Resolution Number: 2020-14**

**Moved by: Councillor Nancy Demarest**

**Seconded by: Councill Bruce Banbury**

**“That Whereas unlicensed and unmonitored cannabis grow operations have increasingly become a problem in communities in Ontario as well as across the Country; and,**

**Whereas these operations are allowed to establish with little or no consultation with the local community and municipalities are often only made aware of their existence after conflicts arise with neighboring land owners; and,**

**Whereas loopholes in existing Federal legislation allow these large scale grow op’s to establish and operate without any of the regulations or protocols that licensed and monitored operations need to adhere to,**

**BE IT RESOLVED that the Council of the Township of Blandford-Blenheim urges the Federal Government to amend the legislation under which these facilities operate to ensure the safety and rights of the local communities in which they are situated are respected; and,**

**That this resolution be forwarded to the Federal Minister of Health, Federal Minister of Justice and Attorney General, Federal Minister of Public Safety and Emergency Preparedness, Oxford MP, Oxford MPP, the Association of Municipalities of Ontario and all municipalities in Ontario.”**

Regards,

Sarah Matheson  
Deputy Clerk  
Township of Blandford-Blenheim





28 Pulford Street, Kingsville, Ontario N9Y 1B4  
gqueen@kingsville.ca

October 7, 2020

Jennifer Astrologo, B.H.K. (Hons.), LL.B.  
Director of Corporate Services / Clerk  
Town of Kingsville,  
2021 Division Road North  
Kingsville, Ontario N9Y 2Y9

Notice of Motion

### **Subject Site Plan Compliance and Night Lighting**

Over the years we have had ample discussion regarding the lights that are emitted from greenhouses and the farm sites that they occupy. Recently a new development on road 3 east has not only commenced building but seen by some, AS adding to the problem of lightning in the in this rural farm area bounded by houses and traditional farms.



This photo looking south from road 3, is the western section of the new development. You will note a light standard on the east side of the driveway projecting light westerly.



**Where as:**

**Council of the Town have always promoted the concept of Good Planning**

**And**

**Where as:**

**The Town has also been seen to encouraged good neighbors and a friendly community**

**And**

**Where as:**

**The Town also on several occasions promoted the concept of dark sky with all our recent greenhouse developments**

**And**

**Where as:**

**The lighting at this site on Road 3 E as well as the development of another greenhouse site just south on the north side of road 2 east appears to have lighting that may be seen from distances away.**

**Therefore:**

**At the next regular meeting of Council,**

**I may move, or cause to have moved,**

**That this Council be provided with a copy of the site plan agreement for the Greenhouse development currently underway on Road 3 east on the south side of the road between Division Road and the Graham sideroad. And the site plan for the development on Road 2 that is just south, that same may be reviewed by Council and Staff to ensure compliance with both Site plans and the concept of Dark Sky to be received at the next meeting.**

Gord Queen

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## By-Law 96-2020

**Being a By-law to Prohibit and Regulate Public Nuisances related to odours and lighting from the cultivation of plants within the Town of Kingsville and to create certain penalties related thereto**

**WHEREAS** the Municipal Council of the Town of Kingsville deems it appropriate to enact a by-law to prohibit and regulate certain public nuisances within the Town of Kingsville pursuant to sections 128 and 129 of the *Municipal Act, 2001*, S.O. 2001, c. 25, ("*Municipal Act, 2001*") as amended;

**AND WHEREAS** section 444 of the *Municipal Act, 2001* authorizes municipalities to make orders requiring the person who contravened the by-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred to discontinue the contravening activity;

**AND WHEREAS** sections 445 and 446 of the *Municipal Act, 2001* authorize municipalities to issue work orders and in default of a work order being completed by the person directed or required to do it, the work shall be done by the Town at the person's expense by action or by adding the costs to the tax roll and collecting them in the same manner as property taxes;

**AND WHEREAS** in the opinion of the Council for the Town of Kingsville, the following are or could become a public nuisance:

- (a) odours from the cultivation of cannabis plants; or
- (b) lighting from the cultivation of plants of any kind.

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

### PART I - INTERPRETATION

#### Definitions

1. In this By-law:

**"By-law"** means this by-law to prohibit and regulate certain nuisances related to odours and lighting from the cultivation of plants in the Town of Kingsville;

**“Town”** means the municipal corporation of the Town of Kingsville;

**“Cannabis Plant”** means a plant that belongs to the genus *Cannabis* and, in the absence of evidence to the contrary, includes any plant described as cannabis or by a name that is commonly applied to cannabis;

**“Cultivate, Cultivated, Cultivating or Cultivation”** in respect of plants, means to grow, propagate, harvest plants, process, or maintain or operate a facility for these purposes;

**“Nuisance”** means anything that is injurious to health, indecent, offensive to any of the Senses, or results in the loss of enjoyment of normal use of property;

**“Officer”** means a Police Officer or a Municipal By-Law Enforcement Officer appointed under any federal or provincial statute or regulation or Town by-law or any other person assigned or appointed by the Town to administer or enforce this By-Law and includes a person employed by the Town whose duties are to enforce this By-Law; and

**“Senses”** means a faculty by which the human body perceives an external stimulus and includes one or more of the faculties of sight, smell, hearing, taste and touch;

## **Application**

2. This By-law applies to all persons, lands and properties in the Town of Kingsville.

## **PART II - RESTRICTIONS**

### **Lighting from the Cultivation of Plants**

3. No person shall cause, create or permit light from the Cultivation of plants of any kind to shine upon the land of others so as to be or to cause a Nuisance to any person or to the public generally.
4. Every owner or occupier of land shall ensure that no light from the Cultivation of plants of any kind shines upon the land of others, or shines into the dark night sky, so as to be or to cause a Nuisance to any person or to the public generally.
5. Outdoor lighting and indoor lighting from the Cultivation of plants of any kind that can be seen outdoors shall be operated, placed and maintained, or have a barrier placed and maintained, so as to prevent or block direct illumination of the interior of a building on adjoining land or lands regardless of whether such a building has or may have a barrier, shades, drapes or other interior window coverings.

### **Odours from the Cultivation of Cannabis Plants**

6. No person shall cause, create or permit the emission of an odour from the Cultivation of Cannabis Plants so as to be or to cause a Nuisance to any person or to the public generally.

7. Every owner or occupier of land shall ensure that no emission of an odour from the Cultivation of Cannabis Plants on his or her land is or causes a Nuisance to any person or to the public generally.

### **PART III - ENFORCEMENT**

#### **Enforcement**

8. The provisions of this By-law may be enforced by an Officer.
9. If an Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to discontinue the contravening activity.
10. An order under section 9 shall set out:
  - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred; and
  - (b) the date or dates by which there must be compliance with the order.
11. If an Officer is satisfied that a contravention of this By-law has occurred, he or she may make an order requiring the person who contravened the By-law or who caused or permitted the contravention or the owner or occupier of the land on which the contravention occurred, to do work to correct the contravention.
12. An order under section 11 shall set out:
  - (a) reasonable particulars of the contravention adequate to identify the contravention and the location of the land on which the contravention occurred;
  - (b) the work to be completed;
  - (c) and the date by which the work must be complete.
13. An order under sections 9 or 11 may require work to be done even though the facts which constitute the contravention of the By-law were present before this By-law came into force.
14. An order made under sections 9 or 11 may be served personally or by registered mail to the last known address of:
  - (a) the person who caused, created or permitted the offence; and
  - (b) the owner or occupier of the lands where the contravention occurred.
15. Where an owner or occupier of the land on which the contravention occurred, who has been served with an order and fails to comply with the order, then an Officer, or any authorized agent on behalf of the Town may enter on the land at any reasonable time

and complete the work required to bring the land into compliance with the provisions of this By-law as set out in the order.

16. Where the work required to bring the land into compliance with the By-law has been performed by or for the Town, the costs incurred in doing the work may be collected by action or the costs may be added to the tax roll for the land and collected in the same manner as taxes.
17. An Officer may enter on land, and into buildings, at any reasonable time for the purpose of carrying out an inspection to determine whether any provision of this By-law or an order made under this By-law is being complied with, although an Officer may not enter into a private residence or dwelling unit.
18. For the purposes of conducting an inspection pursuant to this By-law, an Officer may:
  - (a) require the production for inspection of documents or things relevant to the inspection;
  - (b) inspect and remove documents or things relevant to the inspection for the purpose of making copies or extracts;
  - (c) require information from any person concerning a matter related to the inspection; and
  - (d) alone, or in conjunction with a person possessing special or expert knowledge, make examinations or take tests, samples or photographs necessary for the purpose of the inspection.
19. No person shall prevent, hinder or obstruct, or attempt to hinder or obstruct an Officer who is exercising a power or performing a duty under this By-law.

### **Offence and Penalty**

20. Every person who contravenes any provision of this By-law is guilty of an offence and upon conviction is liable to a fine as provided for in the *Provincial Offences Act*, R.S.O. 1990, Chapter P.33, as amended.
21. Any person other than a corporation who contravenes any provision of this By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$5,000 for a first offence, and a maximum fine of \$10,000 for a subsequent offence.

### **Same re Corporations**

22. Any corporation which contravenes any provision of this By-law or who fails to comply with an order made under this By-law or who obstructs or attempts to obstruct an Officer in carrying out his or her duties under this By-law is guilty of an offence and on conviction is liable to a maximum fine of \$50,000 for a first offence and \$100,000 for any subsequent offence.

### **Other Remedies**

23. If a person or corporation is convicted of an offence under this By-law, in addition to any other remedy or any penalty imposed, the court in which the conviction has been entered, and any court of competent jurisdiction, may make an order prohibiting the continuation or repetition of the offence by the person convicted.

### **Continuing Offence**

24. Each day or a part of a day that a contravention of this By-law continues is deemed to be a separate offence.

## **PART IV – MISCELLANEOUS**

### **Severability**

25. Where a court of competent jurisdiction declares any provision of this By-law invalid, or to be of no force or effect, the provision shall be deemed conclusively to be severable from the By-law and every other provision of this By-law shall be applied and enforced in accordance with its terms to the extent possible according to law.

### **Short Title**

26. The short title of this By-law is the “Odours and Light Nuisance By-law”.

### **Enactment**

27. This By-law comes into force and effect on the day it is passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26<sup>th</sup> DAY OF OCTOBER, 2020.**

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**MAYOR, Nelson Santos**

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**CLERK, Jennifer Astrologo**



# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 97-2020

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### 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 conforms to the Official Plan of the Town of Kingsville;

### **NOW THEREFORE THE COUNCIL OF 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:

#### **6.7.34 'Lakeshore Residential Exception 34 (LR-34)'**

For lands shown as LR-34 on Map 64 Schedule "A" of this By-law.

##### *a) Permitted Uses*

- i) Those uses *permitted* under Section 6.7 Lakeshore Residential Zone (LR).
- ii) *A townhouse dwelling*
- iii) *A townhouse dwelling unit*

##### *b) Permitted Buildings and Structures*

- i) Those *buildings and structures permitted in Section 6.7*
- ii) *Townhouse dwelling, maximum four units;*
- iii) *Townhouse dwelling unit*
- iv) *Buildings and structures accessory to the permitted uses.*

##### *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-34);
- ii) Notwithstanding the Zone provisions of Section 6.7, the following additional provisions shall apply to lands Zoned (LR-34):
  - a) *Minimum interior side yard –1.5 m (5 ft.);*
  - b) *Minimum rear yard - 3.8 (12.6 ft.);*
  - c) *Maximum lot coverage – 42%.*

2. Schedule "A", Map 64 of By-law 1-2014 is hereby amended by changing the zone symbol on lands known municipally as Lots 76 & 77, on Plan 1434, and locally known as 595 Malo Street as shown on Schedule 'A' cross-hatched attached hereto from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 34 (LR-34)'.

3. This by-law shall come into force upon third reading and being finally passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26<sup>TH</sup> DAY OF OCTOBER, 2020.**

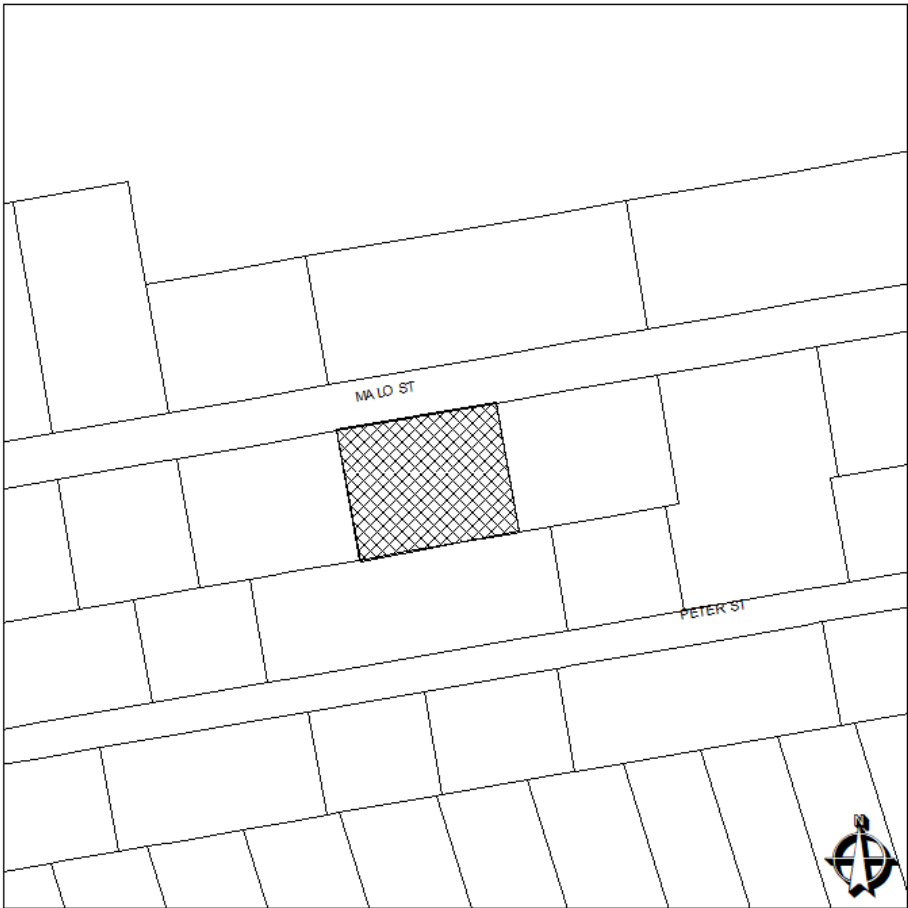
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**MAYOR, Nelson Santos**

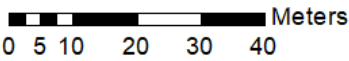
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**CLERK, Jennifer Astrologo**

Schedule A



**595 Malo St**  
**Lots 76 & 77, Plan 1434**  
**ZBA/11/20**



Schedule "A", Map 64 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Lakehore Residential (LR)' to 'Lakeshore Residential Exception 34 (LR-34)'.

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 98-2020

---

### 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 conforms to the Official Plan of the Town of Kingsville;

### **NOW THEREFORE THE COUNCIL OF 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:

#### **6.7.35 'Lakeshore Residential Exception 35 (LR-35)'**

For lands shown as LR-35 on Map 64 Schedule "A" of this By-law.

##### *a) Permitted Uses*

- i) Those uses *permitted* under Section 6.7 Lakeshore Residential (LR).
- ii) A semi-detached dwelling
- iii) A semi-detached dwelling unit

##### *b) Permitted Buildings and Structures*

- i) Those *buildings and structures permitted in Section 6.7*
- ii) *A semi-detached dwelling;*
- iii) *A semi-detached dwelling unit*
- iv) *Buildings and structures accessory to the permitted uses.*

##### *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-35);
- ii) Notwithstanding the Zone provisions of Section 6.7, the following additional provisions shall apply to lands Zoned (LR-35):
  - a) *Minimum rear yard* - 3.8 (12.6 ft.).

2. Schedule "A", Map 64 of By-law 1-2014 is hereby amended by changing the zone symbol on lands known municipally as Lots 72 & 73, on Plan 1434, and locally known as V/L Malo Street as shown on Schedule 'A' cross-hatched attached hereto from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 35 (LR-35)'.

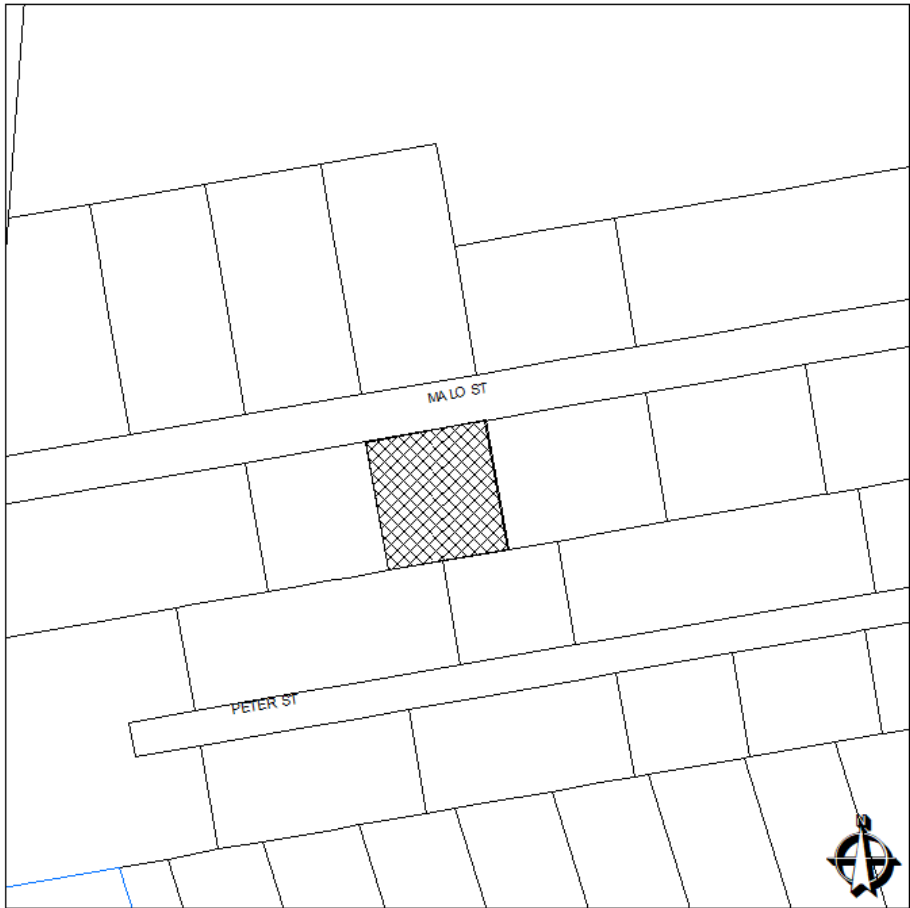
3. This by-law shall come into force upon third reading and being finally passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 26<sup>TH</sup> DAY OF OCTOBER, 2020.**

\_\_\_\_\_  
**MAYOR, Nelson Santos**

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**CLERK, Jennifer Astrologo**

Schedule A



**V/L Malo St**  
**Lots 72 & 73, Plan 1434**  
**ZBA/12/20**

Meters

Schedule "A", Map 64 of By-law 1-2014 is hereby amended by changing the zone symbol as shown on Schedule 'A' in cross-hatch attached hereto from 'Lakehore Residential (LR)' to 'Lakeshore Residential Exception 35 (LR-35)'.

## Appendix B

### THE CORPORATION OF THE TOWN OF KINGSVILLE

#### BY-LAW 99 - 2020

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**Being a By-law to amend By-law 55-2016, as amended,  
being a By-law to Govern the Calling, Place and Proceedings of Council  
and Committees**

**WHEREAS** By-law 55-2016, as amended, governs the calling, place and proceedings of Council and Committees of The Corporation of the Town of Kingsville;

**AND WHEREAS** the *Modernizing Ontario's Municipal Legislation Act, 2017*, amended the *Municipal Act, 2001* by adding subsections 239(2)(h) to (k), which sections allow municipal councils to conduct a meeting or part of a meeting closed to the public;

**AND WHEREAS** the Council of The Corporation of the Town of Kingsville hereby deems it expedient to further amend its procedure by-law to incorporate those four additional specific and permissive exceptions.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE  
TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. **THAT** By-law 55-2016, as amended by By-laws 36-2020, 54-2020, and 66-2020 is hereby further amended as follows:

**Closed Meetings**

- a) Under the heading **Closed Meetings**, to add the following subparagraphs h), i), j) and k) under Paragraph 22 (being four additional closed meeting exceptions) as follows:
    - “h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;
    - i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or interfere significantly with the contractual or other negotiations of a person, group of persons, or organization;
    - j) a trade secret or scientific, technical, commercial or financial information that belongs to the municipality or local board and has monetary value or potential monetary value;
    - k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board.”
2. **THAT** all other terms set out in said By-law 55-2016, as amended, shall remain in full force and effect.

3. THAT this By-Law shall come into effect upon third reading and being finally passed.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED this  
13th day of October, 2020.**

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**MAYOR, Nelson Santos**

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**CLERK, Jennifer Astrologo**



# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 100 - 2020

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### Being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its October 26, 2020 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 October 26, 2020 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  
26<sup>th</sup> day of October, 2020.**

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**MAYOR, Nelson Santos**

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**CLERK, Jennifer Astrologo**