



**REGULAR MEETING OF COUNCIL
MINUTES**

Monday, October 26, 2020

6:00 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. Brown, Manager of Planning Services
K. Brcic, Planner
S. Kitchen, Deputy Clerk-Council Services
R. McLeod, Director of Financial Services
A. Plancke, Director of Municipal Services
R. Baines, Deputy Clerk - Administrative Services
D. Wolicki, Manager of Municipal Facilities and Property

A. CALL TO ORDER

Mayor Santos, in attendance in Council Chambers, called the Regular Meeting to order at 6:01 p.m. All other members participated in the meeting through video conference 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. **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**

Project Manager Leonardo Gill, City of Windsor Commissioner Jelena Payne, and County of Essex Director of Council and Community Services/Clerk Mary Birch were in attendance

Mr. Gil presented the PowerPoint presentation, advising that the Province has legislated all municipalities under the *Police Services Act* to prepare and adopt a Community Safety and Well-Being (CSWB) Plan. In April 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. He explained that Community Safety and Well-Being Planning is an integrated approach to service delivery planning involving multi-sector partnerships to proactively enhance or develop strategies to address local priorities (e.g. risk factors) related to crime and complex social issues. The estimated project timeframe is June 2020 to November 2021.

593-2020

Moved By Councillor Kimberly DeYong

Seconded By Councillor Thomas Neufeld

That Council receives the PowerPoint presentation entitled 'Windsor-Essex Regional Community Safety and Well-being Plan; Town of Kingsville Presentation' as presented by Leonardo Gil, Project Manager (City of Windsor Social Policy and Planning Department).

CARRIED

2. **Bert Mucci and George Dekker, of Mucci Farms Ltd. RE: Proposed By-law 96-2020 being a By-law to Prohibit and Regulate Public Nuisances related to odours and lighting (SEE: Staff Report G-5-Report of CAO John Norton)**

Mr. Dekker described the Mucci Farms greenhouse operations and compliance efforts to date. He requested that the By-law be deferred to provide time for the industry to present comments for further dialogue, so that both the industry and community can be well-served by it. Currently the Mucci group has 95 acres in production and of those, 75 acres are in compliance. Mr. Dekker described the steps taken in Ohio, where operations with 90% blackout are deemed compliant and described those operations. He indicated that they are also seeking to have the Town pass two separate by-laws; one for light, and one for odour control, rather than all in one by-law.

Mr. Mucci then addressed Council, advising that blackout curtains are on order for the Allegro facility. Delays in shipment have occurred due to the COVID-19 pandemic. He invited Council to view their facilities to see the odour and light control measures they have taken.

594-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council receives the information as presented by Mucci Farms representatives, George Dekker and Bert Mucci.

CARRIED

**3. Joanne Rivard (Spokesperson) on behalf of Kingsville Citizens' Alliance
RE: Proposed By-law 96-2020, being a By-law to Prohibit and Regulate
Public Nuisances related to odours and lighting**

Joanne Rivard, Spokesperson for the Kingsville Citizens' Alliance, commented that the Kingsville Citizens' Alliance has presented on these issues in the past, and they are pleased to see the proposed By-law. She provided various comments in connection with the draft document as follows: request that mushroom farms be added to address odour concerns; request for additional provision to address noise concerns caused from greenhouse exhaust fans, ventilation fans and other types of fans; she asked whether this proposed by-law will include designated growers (formerly known as Part 2 growers) and requested shorter compliance timelines (for example a 6-month to one-year compliance timeline, rather than two years). The Alliance's written comments, as outlined above, will be provided to the Clerk of the Municipality.

595-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council receives the presentation of Joanne Rivard, Spokesperson for the Kingsville Citizens' Alliance RE: Draft By-law 96-2020, being a by-law to regulate nuisances related to odour and lighting.

CARRIED

596-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council waives the requirement of written request for delegation status and allow Guido Van het hof and Brad Nelson to address Council at this Regular Meeting.

CARRIED

Comments from Guido Van het hof, President, Great Northern Hydroponics

Mr. Van het hof requested that Council defer the approval of the proposed by-law so that some of the operators get a chance to partake in discussions as stakeholders in the composition of the by-law. He stated it is important to provide clarity for today, as well as for the future, with a clear list of requirements for operators so they know exactly what they have to adhere to, without ambiguity or confusion. He stated that the greenhouse owners could contribute to that process so they know when they are in compliance, and when they are not, through a clear matrix.

597-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council receives the request of Mr. Guido Van het hof, President of Great Northern Hydroponics.

CARRIED

Comments from B. Nelson

Immediately following the presentation by Mr. Van het hof, Mayor Santos asked whether Brad Nelson was available to address Council and there was no response. Mayor Santos indicated that he would try to make the connection with Mr. Nelson later in the evening.

D. CLOSED SESSION

598-2020

Moved By Councillor Tony Gaffan

Seconded By Councillor Kimberly DeYong

That Council, at 7:35 p.m., pursuant to Subsection 239(2) of the *Municipal Act, 2001*, 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.

CARRIED

Upon rising from Closed Session at 9:00 p.m., the Regular Meeting reconvened.

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**

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.

Ms. Brcic presented the Planning Report, including Appendix C (concerns and comments from residents, and a Petition from residents in opposition to the proposal). She indicated that since the preparation of the Report, additional concerns and objections to the proposal were received from the public which were circulated to Council and Staff.

Comments from the Applicant:

Mario Buchcic, the Applicant's son, explained that he was also the builder for other newer-constructed homes on Malo and this application for a four-unit townhome is being made because it is aesthetically a better fit for the subdivision. The existing two buildings on either side will match the townhome, with the difference being that there will be four door entrances instead of one. The building proposed will be a one-storey split-level vs. a two-storey highrise. The units will be tiny and intended for use by retirees or small families without children, and a professional company will maintain the yard space. He stated that water runoff will not be a problem, and he is not sure yet whether the properties will be rentals or sold.

Comments from the Public:

Ed Neves, 619 Malo Street, thanked Members of Council for taking the time to thoroughly review this request and for visiting the neighbourhood to view the site. He stated that the developer is looking to develop "way beyond what the original lot plans of this site are" and asked how a fourplex could possibly fit on the lot. He stated that his communications and concerns were provided in the Planning Report (concerns regarding increased density on the street with regard to traffic, creation of bottlenecks at the intersection of Malo and Conservation, etc.).

Dale Wales, 601 Malo, stated that he didn't have a lot of time to comment (his wife is still waiting for notification in the mail). He stated that he shares ERCA's concerns with respect to water runoff because during rain events their basement shower does not drain. The road is a single-lane road with no sidewalks. The street is very narrow. The addition of 6 more units will cause additional cars and will add to the congestion. The sewers do not drain well, the road is flooding with even small rain events, and the area needs attention from the Town and anyone

building there. He and his wife support single detached family dwellings with conditions (water and drainage issues resolved). He stated also that there are drainage issues on the lot across from 606 Malo and that adding high density buildings will cause more issues for everyone. Finally, he stated that prior to their move in late July 2020, their real estate agent contacted the contractor who had built their house and the contractor assured them that single family dwellings would be built on either side. He stated he is disappointed that he and his wife made a major investment in the neighbourhood and after they moved in things changed.

There were no further comments from the public.

599-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council denies 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)'.

CARRIED

**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**

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.

Ms. Brcic presented the Planning Report and Appendices thereto. She advised that the comments received from the public in connection with this Application are similar to those received in connection with Application ZBA/11/2020.

Comments from the Applicant:

Mario Buchcic (the applicant's son) stated that he does not see a difference for water runoff for a single family dwelling of the same size as the semi proposed; nor does he see any difference in regard to any increased traffic because a larger home will have more residents/more cars. He is trying to maximize profits, and does not see the profit in constructing a single family home. He added that he is not aware of any flooding concerns.

Comments from the Public:

Ed Neves, 619 Malo, commented that the Planner's Report references his comments and concerns, as well as the Petition of residents opposing the application. He added that the duplexes constructed in the York Subdivision are on a much wider lot. He expressed concerns with the small size of the units, as well as the potential for basement flooding. The grade of the road is low there and whatever is built there will have that issue to be dealt with. The neighbours do not want a high density/maximum profit neighbourhood; they want a quiet neighbourhood.

Dale Wales, 601 Malo, added that his concerns are the same as stated for the previous application ZBA/11/20. All dwellings in this neighbourhood are single-family detached dwellings, and he was quite happy when he collected signatures on the petition how well everyone pulled together to discuss the issues. Not one person who signed the Petition would not support the contractor to build single detached family dwellings.

There were no further comments.

600-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council denies 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)'.

CARRIED

F. AMENDMENTS TO THE AGENDA

Mayor Santos stated that earlier this evening Council allowed a Delegation for Brad Nelson (to speak to the matter of the draft Odour and Nuisance By-law) and there was no connection at that time. Mayor Santos attempted to bring him back into the Meeting, and again, there was no response.

Councillor Neufeld added one Announcement, Councillor Lucier added one update, and Councillor Patterson added one Announcement.

G. STAFF REPORTS

1. Kingsville Pickleball and Bocce Facility RFP

D. Wolicki, Manager of Municipal Facilities and Property

601-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

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.

CARRIED

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

R. Brown, Manager of Planning Services

602-2020

Moved By Councillor Kimberly DeYong

Seconded By Deputy Mayor Gord Queen

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.

CARRIED

3. Animal Control Services Contract Extension

R. Baines, Deputy Clerk-Administrative Services

603-2020

Moved By Councillor Kimberly DeYong

Seconded By Councillor Larry Patterson

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.

CARRIED

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

J. Astrologo, Director of Corporate Services

604-2020

Moved By Councillor Larry Patterson

Seconded By Councillor Kimberly DeYong

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.

CARRIED

5. Lighting and Odour Nuisance By-law

J. Norton, CAO

605-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council adopts By-law 96-2020, being a proposed 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 authorizes enforcement of the By-law with an additional \$10,000 in overtime, and approval of \$25,000.00 in legal enforcement costs.

	For	Against
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	
Results	7	0

CARRIED (7 to 0)

H. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

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

606-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

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

CARRIED

I. MINUTES OF THE PREVIOUS MEETINGS

- 1. Regular Meeting of Council--October 13, 2020**
- 2. Regular Closed Session Meeting of Council--October 13, 2020**
- 3. Special Meeting of Council--October 16, 2020**
- 4. Special Closed Session Meeting of Council--October 16, 2020**

607-2020

Moved By Councillor Laura Lucier

Seconded By Councillor Thomas Neufeld

That Council adopts Regular Meeting of Council Minutes dated October 13, 2020, Regular Closed Session Meeting of Council Minutes dated October 13, 2020, Special Meeting of Council Minutes dated October 16, 2020, and Special Closed Session Meeting of Council Minutes dated October 16, 2020.

CARRIED

J. MINUTES OF COMMITTEES AND RECOMMENDATIONS

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

608-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

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

CARRIED

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

609-2020

Moved By Councillor Thomas Neufeld

Seconded By Deputy Mayor Gord Queen

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

CARRIED

K. BUSINESS CORRESPONDENCE - INFORMATIONAL

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

610-2020

Moved By Councillor Larry Patterson

Seconded By Councillor Laura Lucier

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

CARRIED

611-2020

Moved By Councillor Thomas Neufeld

Seconded By Deputy Mayor Gord Queen

That Council supports Township of Blandford-Blenheim Correspondence dated October 13, 2020 RE: Unlicensed and unmonitored cannabis grow operations.

CARRIED

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.

Deputy Mayor Queen did not move the Motion, and expressed that he hoped before year end Council will be provided an update.

M. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

1. Councillor Lucier is seeking an update on the progress of Main St. West construction.

2. Councillor Neufeld reminded everyone of the third Annual Pumpkin Parade event to be held on November 1, 2020.

3. Councillor Patterson advised that Cottam has opened its first pharmacy location.

N. BYLAWS

1. By-law 96-2020

612-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

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 to create certain penalties related thereto, a first, second and third and final time.

CARRIED

2. By-law 99-2020

613-2020

Moved By Councillor Larry Patterson

Seconded By Councillor Laura Lucier

That Council reads By-law 99-2020, 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, a first, second and third and final time.

CARRIED

O. REPORT OUT OF CLOSED SESSION

Mayor Santos reported that Council met earlier this evening to deal with Closed Session matters Di), ii) and iii). He reported as follows:

D.i) Council received the update from Director Astrologo RE: LPAT File PL 20290, and provided direction to Administration.

D.ii) Council received legal advice regarding the Odours and Light Nuisance By-law, which has been adopted.

D.iii) Information was provided to Council regarding the Motion Tracking tool utilized by Administration.

P. CONFIRMATORY BY-LAW

1. By-law 100-2020

614-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council reads By-law 100-2020, 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, a first, second and third and final time.

CARRIED

Q. ADJOURNMENT

615-2020

Moved By Councillor Tony Gaffan

Seconded By Councillor Kimberly DeYong

That Council adjourns this Regular Meeting at 11:00 p.m.

CARRIED