



**REGULAR MEETING OF COUNCIL
MINUTES**

Monday, February 22, 2021

6:00 PM

Council Chambers

2021 Division Road N

Kingsville, Ontario N9Y 2Y9

Members of Council	Mayor Nelson Santos Deputy Mayor Gord Queen Councillor Tony Gaffan Councillor Thomas Neufeld Councillor Larry Patterson Councillor Kimberly DeYong Councillor Laura Lucier
Members of Administration	J. Astrologo, Director of Legislative Services/Solicitor/Clerk R. Brown, Manager of Planning Services J. Galea, Human Resources Manager T. Del Greco, Manager of Engineering S. Kitchen, Deputy Clerk-Council Services R. McLeod, Director of Financial & IT Services A. Plancke, Director of Infrastructure & Engineering D. Wolicki, Manager of Municipal Facilities and Property J. Norton, CAO John Quennell, Fire Chief

A. CALL TO ORDER

Mayor Santos, in attendance in the Council Chambers, called the Regular Meeting to order at 6:00 p.m. All other members of Council participated in the meeting through video conferencing technology from remote locations.

B. MOMENT OF SILENCE AND REFLECTION

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

C. PLAYING OF NATIONAL ANTHEM

D. DISCLOSURE OF PECUNIARY INTEREST

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.

1. Councillor Tony Gaffan - Heather Brown and Dennis Rogers--Request dated February 17, 2021 on behalf of a group of local business owners regarding support for small businesses in Kingsville (follow-up)

Councillor Gaffan is self employed and has a business uptown.

E. REPORT OUT OF CLOSED SESSION

Mayor Santos indicated that due to the technical difficulty experienced at the end of the streaming of the February 8, 2021 Regular Meeting, a rising report is being made this evening in connection with February 8 Agenda Item O-i. In that regard, Mayor Santos reported that Council provided direction to Administration towards an issue relating to legal matters and subject to solicitor-client privilege.

F. DELEGATIONS/PRESENTATIONS

1. Heather Brown and Dennis Rogers--Request dated February 17, 2021 on behalf of a group of local business owners regarding support for small businesses in Kingsville (follow-up)

Councillor Gaffan, having declared an interest, shut off his camera and left the Council table for this presentation.

Dennis Rogers (Greenheart Kitchen) addressed Council on behalf of the following local business owners: Jennifer and James Flynn of The Grove Hotel; Trevor Loop of Jack's, Banded Goose Brewery and Distinctive Inns of Kingsville; Beth Riddiford of My Cousin's Closet; Jodie Scherer of Tangles Hair Spa; Chris Bishop of Pinnacle Plus Realty; and Tony Smith of The Garage Gym. He had addressed Council at the December 14, 2020 Regular Meeting and is looking for tourism support assistance from the Town. Mr. Rogers indicated that the

business owners want to be a part of the solution, to see some action taken, and have a say at the table as a resource to the Town.

155-2021

Moved By Councillor Laura Lucier

Seconded By Councillor Thomas Neufeld

That Council refers the Delegation of Heather Brown and Dennis Rogers (on behalf of a group of local business owners) to the Kingsville Tourism & Economic Development Committee for discussion.

CARRIED

156-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council directs that the Town's Senior Management Team review the presentation by Dennis Rogers on behalf of the group of local business owners; And Further That Council receives the presentation.

CARRIED

Following the presentation, Councillor Gaffan returned to the meeting.

G. AMENDMENTS TO THE AGENDA

Councillor Neufeld added one Notice of Motion.

Councillor Lucier added one Notice of Motion, and one Update request.

H. ADOPTION OF ACCOUNTS

- 1. Town of Kingsville Accounts for the monthly period ended January 31, 2021 being TD cheque numbers 0075478 to 0075695 for a grand total of \$1,820,746.91**

157-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council receives Town of Kingsville Accounts for the period ended January 31, 2021 being TD cheques numbers 0075478 to 0075695 for a grand total of \$1,820,746.91.

CARRIED

I. STAFF REPORTS

1. 2021 Rural Roads Resurfacing Tender

T. Del Greco, Manager of Engineering

158-2021

Moved By Councillor Larry Patterson

Seconded By Councillor Laura Lucier

That Council awards the 2021 Rural Roads Resurfacing Tender to Shepley Road Maintenance in the amount of \$1,272,995 (excluding HST) and authorize the Mayor and Clerk to execute the requisite agreement.

CARRIED

2. Application for Site Plan Amendment SPA 01 2021 by Universal Greenhouse Structures Ltd. 1956 Settrington Dr., Part of Lot 12, Concession 3 ED Parts 1-4, RP 12R-18390

R. Brown, Manager of Planning Services

159-2021

Moved By Councillor Laura Lucier

Seconded By Councillor Larry Patterson

That Council approves Site Plan Amendment application SPA/01/2021 for the Phase Two addition of a 1,035 sq. m (11,141 sq. ft.) manufacturing space only, subject to the further amended terms of the site plan agreement; And Further That Council authorizes the Mayor and Clerk to sign the amending agreement and register said agreement on title.

CARRIED

3. Kingsville Pickleball and Bocce Facility – RFP Results

D. Wolicki, Manager of Municipal Facilities and Property

160-2021

Moved By Councillor Kimberly DeYong

Seconded By Deputy Mayor Gord Queen

That Council authorizes the Mayor and Clerk to execute an agreement with Greenlight General Contracting Inc. in the amount of \$330,000.00 (excluding HST) for the construction of the pickleball and bocce facility located at 1741 Jasperson Lane.

CARRIED

4. Lorna St. Conveyance

G. A. Plancke, Director of Infrastructure and Engineering

161-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council accepts the offer of conveyance of Lorna St. - Legally known as Parts 4, 5, 6, 7 and 8 Plan 12R 4461, Part of Lot 15 Concession 1 Western Division, Town of Kingsville formerly Gosfield South from the Cedar Island Yacht Club for the purchase price of \$1.00;

And Further That the Clerk's office enter or prepare a purchase and sale agreement and circulate a letter to Lorna St. residents formally advising them upon registration of the conveyance to the Town;

And Further That the Clerk prepare the necessary by-law for adoption at a future meeting of Council to reflect the assumption of Lorna St. as a public road allowance and ensure that the requisite paperwork is prepared and filed with the land registry office to reflect the adjustments as may be required.

CARRIED

5. Briarwood Lot Line Adjustments & Disposal of Surplus Municipal Land

G. A. Plancke, Director of Infrastructure and Engineering

162-2021

Moved By Councillor Larry Patterson

Seconded By Councillor Tony Gaffan

That Council deems Parts 1, 2, 3, 4, 5 of Registered Plans 1205 and 1372 (reference drawing #19-49-015-01,02 File # E-1205 Streets), surplus to the needs of the municipality and to dispose by lot line addition to adjacent properties;

And Further That Council approves a road allowance lot line adjustment performed by an OLS and registered with the Province of Ontario as outlined specifically that:

The municipal lands known as Parts 1, 2, be consolidated with Registered Plan 1205 BLK B (Roll # 310-04602), Part 3, be consolidated with Registered Plan 1372 Lot 3 (Roll # 310-04500), Part 4 be consolidated with Registered Plan 1372 Lot 6 (Roll # 310-04500), and Part 5 be consolidated with Registered Plan 1372 Block A (Roll #310-04300);

And Further That the Clerk prepare the necessary by-law, for adoption at a future meeting of Council, to reflect the lot line adjustment related to the Briarwood Crescent road allowance and ensure that the requisite paperwork is prepared and filed with the land registry office to reflect the adjustments and disposal of municipal land, as may be required.

CARRIED

6. Open Streets 2021

J. Norton, CAO

163-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council approves the agreement, in principle, to host the "2021 Open Streets" summer event in downtown Kingsville. Council further agrees and directs that:

- a. Open Streets will be a Town event;
- b. Open Streets will be led and managed through administration, as described in Option 1 above under the Senior Management Team comment section;

- c. That administration will prepare a further report for Council to propose a budget, dates, and other matters requiring Council review and approval; and
- d. That an Open Streets Advisory Committee of Council be created to obtain resident and business input and foster volunteer participation.

CARRIED

J. MINUTES OF THE PREVIOUS MEETINGS

- 1. **Special Meeting of Council--January 27, 2021**
- 2. **Regular Meeting of Council--February 8, 2021**
- 3. **Regular Closed Session Meeting of Council--February 8, 2021**

164-2021

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That Council adopts Special Meeting of Council Minutes dated January 27, 2021, Regular Meeting of Council Minutes dated February 8, 2021, and Regular Closed Session Meeting of Council Minutes dated February 8, 2021.

CARRIED

K. MINUTES OF COMMITTEES AND RECOMMENDATIONS

- 1. **Planning Advisory Committee - November 19, 2019**

165-2021

Moved By Councillor Laura Lucier

Seconded By Councillor Larry Patterson

That Council receives Planning Advisory Committee Meeting Minutes dated November 19, 2019.

CARRIED

2. **Main Street Development Review Committee - November 3, 2020, December 1, 2020 and January 5, 2021**

166-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council receives Main Street Development Review Committee Meeting Minutes of November 3, 2020, December 1, 2020 and January 5, 2021.

CARRIED

3. **Parks, Recreation, Arts and Culture Committee - November 26, 2020**

167-2021

Moved By Councillor Thomas Neufeld

Seconded By Deputy Mayor Gord Queen

That Council receives Parks, Recreation, Arts and Culture Committee Meeting Minutes dated November 26, 2020 together with the following sub-committee minutes Migration Festival - October 6, 2020, Fantasy of Lights - November 10, 2020 and Communities in Bloom - October 29, 2020.

CARRIED

4. **Kingsville BIA - January 12, 2021**

168-2021

Moved By Councillor Tony Gaffan

Seconded By Councillor Laura Lucier

That Council receives Kingsville BIA Meeting Minutes dated January 12, 2021.

CARRIED

L. BUSINESS CORRESPONDENCE - INFORMATIONAL

1. **Township of Conmee--Resolution passed January 26, 2021 RE: Criminal Records and Municipal Election Candidates**

2. Township of Baldwin--Resolution passed February 1, 2021 RE: Support of Kingsville Resolution re: Small Businesses
3. Town of Kingsville Integrity Commissioner--Annual Report of Paul Watson for 2020 dated February 2, 2021
4. Township of Nairn and Hyman--Correspondence dated February 3, 2021 RE: Support Resolution re: Support for Small Businesses
5. Town of Amherstburg--Correspondence dated February 8, 2021 RE: Support of Bill S-216, an Act to enact the Modern Slavery Act and to Amend the Customs Tariff
6. Township of Guelph/Eramosa--Correspondence dated February 8, 2021 RE: Advocacy for Reform - MFIPPA Legislation
7. Town of Gravenhurst--Correspondence dated February 11, 2021 RE: Ontario Fire College
8. Township of Emo--Correspondence dated February 12, 2021 RE: Support for re-opening small business
9. Town of Amherstburg--Correspondence dated February 12, 2021 RE: Ontario Fire College

169-2021

Moved By Councillor Larry Patterson

Seconded By Deputy Mayor Gord Queen

That Council receives Business Correspondence-Informational items 1 through 9.

CARRIED

M. NOTICES OF MOTION

1. Councillor Lucier may move, or cause to have moved:

170-2021

Moved By Councillor Laura Lucier

Seconded By Councillor Kimberly DeYong

WHEREAS the Ontario Fire College has been in existence since 1949; and

WHEREAS the Ontario Fire College is one of the primary sources of certified training for Ontario Firefighters; and

WHEREAS the Ontario Fire College has built a reputation of integrity, credibility, and reliability in providing some of the best training to our Fire Services within the Province of Ontario; and

WHEREAS the Ontario Fire College has been used to train and certify both Volunteer, Part-Time and Career firefighters throughout Ontario; and

WHEREAS the Ontario Fire College gives Ontario Firefighters another option other than Regional Training Centers to obtain National Fire Protection Association (NFPA) certifications; and

WHEREAS the Ontario Fire College is the most cost-effective method to certify Firefighters to NFPA Standards in Ontario; and

WHEREAS the Ontario Government enacted and revoked O. Reg. 379/18: Firefighter Certification in 2018; and

WHEREAS when the Ontario Government revoked O. Reg. 379/18: Firefighter Certification, it was made known by the Office of the Solicitor General that the act would be amended and brought back in the future; and

WHEREAS the Kingsville Fire Department has and would continue to use the services of the Ontario Fire College for its firefighter, specialty and senior officer training; and

THEREFORE, BE IT RESOLVED THAT the Council of the Corporation of the Town of Kingsville request that the Province of Ontario reverse their decision to close the Ontario Fire College as the College is one of the best and most cost-effective methods for municipalities to train their firefighters which assists us in protecting our residents. Should the College continue to be closed as announced, that the Funds associated with the operation of the Fire College be retained for the exclusive use of the Ontario Fire Service to offset the financial impact of Fire fighter training; and,

BE IT FURTHER RESOLVED THAT this Resolution is forwarded to the Honourable Doug Ford Premier of Ontario, the Honourable Sylvia Jones; Ontario Solicitor General, the Honourable Steve Clark, Minister of Municipal Affairs and Housing, the Ontario Fire Marshal; Jon Pegg, and all municipalities within the Province of Ontario.

CARRIED

KingsvilleWorks Summary Report

Councillor Lucier requested a KingsvilleWorks summary report be prepared for Council review. Director Plancke indicated he would provide the same, and Councillor Lucier, therefore, did not make a formal notice of motion.

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

RE: Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms), specifically Amendment 26, Section (58.01 (1-8))

Whereas, municipalities have never been responsible for gun control laws in Canada;

Whereas, law abiding Kingsville residents who own legal handguns have already been thoroughly vetted through the CFSC, PAL and ATT applications;

Whereas, illegal gun owners and smugglers do not respect postal codes;

Whereas, if one municipality enacts a ban and not a neighbouring municipality, this will create a patchwork of bylaws;

Whereas, a municipal ban would be difficult to enforce and easy to get around.

Be it resolved that The Corporation of the Town of Kingsville is OPPOSED to the adoption of any bylaws restricting the possession, storage and transportation of legally obtained handguns.

Be it further resolved that this resolution be forwarded to the following public officials: MP Chris Lewis, Essex, MPP Taras Natyshak, Essex, Premier of Ontario, the Honourable Doug Ford, Leader of the Official Opposition in Ontario, Andrea Horwath, Prime Minister of Canada, the Honourable Justin Trudeau; Leader of Official Opposition, the Honourable Erin O'Toole; The Minister of Public Safety & Emergency Preparedness, the Honourable Bill Blair, The Shadow Minister of Public Safety & Emergency Preparedness, MP Shannon Stubb; The Warden and Mayors of Essex County; and All Municipalities in the Province of Ontario.

N. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

Councillor Lucier requested an update on the status of the enforcement of the light nuisance By-law, and Mr. Norton responded that a report would be brought back to Council within thirty days.

O. CLOSED SESSION

171-2021

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

Pursuant to Subsection 239(2) of the *Municipal Act, 2001*, Council entered into Closed Session at 7:07 p.m. to address the following items:

- i) Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality; and Subsection 239(2)(f) legal advice that is subject to solicitor-client privilege; being an update RE: Conservation Review Board Case No. CRB2010; Brotto Investments Inc. v. Kingsville; 183 Main St. East, Kingsville;
- ii) Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality; and Subsection 239(2)(f) legal advice that is subject to solicitor-client privilege; being an update from Director of Legislative Services J. Astrologo RE: Robert Kissner and The Corporation of the Town of Kingsville ats G.H.;
- iii) Subsection 239(2)(b) personal matters about an identifiable individual, including municipal employees, being a report by CAO J. Norton pertaining to a member of Administration; and
- iv) Subsection 239(2)(f) legal advice that is subject to solicitor-client privilege; being a Report of CAO J. Norton RE: Kingsville Port Authority.

CARRIED

P. REPORT OUT OF CLOSED SESSION

Upon rising from Closed Session at 8:18 p.m. Mayor Santos advised that Council addressed four items, being items O.i), ii), iii), and iv) as outlined above.

He reported as follows:

RE: O.i) Council received an update for information;

RE: O.ii) Council received an update for information;

RE: O.iii) Information about an identifiable individual was received from CAO Norton; and

Item O.iv) Council received an update regarding the current status of the Kingsville Port Authority.

Q. CONFIRMATORY BY-LAW

1. By-law 20-2021

172-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council reads By-law 20-2021, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its February 22, 2021 Regular Meeting, a first, second and third and final time.

CARRIED

R. ADJOURNMENT

173-2021

Moved By Councillor Kimberly DeYong

Seconded By Councillor Larry Patterson

That Council adjourns this Regular Meeting of Council at 8:57 p.m.

CARRIED