REGULAR MEETING OF COUNCIL

MINUTES

Monday, March 8, 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 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 J. Norton, CAO John Quennell, Fire Chief

A. CALL TO ORDER

Mayor Santos, in attendance at 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. 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

181-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Kimberly DeYong

That Council, at 6:02 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 for that purpose; being a Report of Director of Legislative Services J. Astrologo RE: Cottam Sanitary Sewage Lagoons; and

ii) Subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications for that purpose; being a Report of Director of Legislative Services J. Astrologo regarding mandatory retirement at age 60 for salaried firefighters.

CARRIED

D. REPORT OUT OF CLOSED SESSION

Upon rising from Closed Session at 6:36 p.m. Mayor Santos reconvened the Regular Meeting with all members of Council in attendance and with the following members of Administration in attendance: CAO J. Norton, Director of Legislative Services J. Astrologo, Director of Financial and IT Services R. McLeod, Manager of Planning Services R. Brown, Fire Chief J. Quennell, Manager of Public Works and Environmental Services S. Martinho, Manager of Engineering T. Del Greco, Manager of Recreation Programming and Special Events K. Loney, and Deputy Clerk-Council Services S. Kitchen.

Mayor Santos reported that Council addressed Items C.i) and C.ii) in Closed Session as outlined above as follows:

C.i) and C.ii) Mayor Santos reported that Council received legal advice from Director Astrologo on both items.

E. MOMENT OF SILENCE AND REFLECTION

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

F. PLAYING OF NATIONAL ANTHEM

G. MATTERS SUBJECT TO NOTICE

1. 2021 Fee By-law Amendments

R. McLeod, Director of Financial and IT Services

i) Notice of Consideration of Amendments to Fees and Charges By-law, Building Services Fees By-law, and Water and Sewage Rate By-law dated February 19, 2021;

ii) Report dated February 22, 2021;

iii) Draft By-law 15-2021, being a By-law to impose fees and charges by The Corporation of the Town of Kingsville;

iv) Draft By-law 16-2021, being a By-law to regulate Permits Issued under the Building Code Act, Set Fees, and Establish a Code of Conduct for the Chief Building Official and Inspectors.

182-2021
Moved By Councillor Thomas Neufeld
Seconded By Councillor Laura Lucier

That Council direct that an additional section be added to Parks and Recreation Ramp Pass for Daily Fees (Page 6 of Schedule A of proposed By-law 15-2021) to include a rate of $6.00 per day for seniors 65 and older effective April 1, 2021.

CARRIED

Chief Building Official P. Valore clarified that the proposed minimum fee for Demolition Permit for non-residential buildings (i.e. all other buildings) on Schedule A of By-law 16-2021 be shown as an increase from $175.00 to $200.00.

183-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Thomas Neufeld

That Council directs that the proposed Local Improvement Charges fee amendment (Page 4 of Schedule A) be removed until such time as Council

receives a substantial report on the subject, with background information and the updated Local Improvement Policy.

CARRIED

Director Plancke indicated that he would be able to bring back a report to Council in a few months' time. He has updated the Local Improvement Policy, however, the background information will take some time to prepare.

Deputy Mayor Queen commented that as there are no local improvements coming forward in the near future, that timeline is sufficient.

184-2021
Moved By Councillor Tony Gaffan
Seconded By Councillor Laura Lucier

That Council adopts By-law 15-2021, as amended, being a by-law to impose fees and charges; and

That Council adopts By-law 16-2021, as amended, being a by-law to regulate permits issued under the Building Code Act, set fees, and establish a Code of Conduct for the Chief Building Official and Inspectors; and

That Council authorizes the Director of Financial and IT Services to reduce recreational fees, by a maximum of 50%, in accordance with occupancy limits as a result of COVID-19 restrictions.

CARRIED

2. 2021 Water and Wastewater Rates

R. McLeod, Director of Financial and IT Services

i) Report dated February 22, 2021;

ii) Draft By-law 17-2021, being a By-law to impose a Water Rate and Sewage Rates.

185-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Thomas Neufeld

That Council adopts By-Law 17-2021, being a by-law to impose a water rate and sewage rates.

CARRIED

H. AMENDMENTS TO THE AGENDA

Councillor Lucier added one Notice of Motion.

I. STAFF REPORTS

1. Cottam Lagoons Capacity Upgrade – Tender Results

T. Del Greco, Manager of Engineering

186-2021
Moved By Councillor Thomas Neufeld
Seconded By Councillor Larry Patterson

That Council awards construction of increased sanitary treatment capacity at the Cottam Lagoons to BGL Contractors in the amount of $2,002,600 (excluding HST) and authorizes the Mayor and Clerk to execute the requisite agreement.

CARRIED

2. Comprehensive Transportation Master Plan

T. Del Greco, Manager of Engineering

187-2021
Moved By Councillor Laura Lucier
Seconded By Deputy Mayor Gord Queen

That Council awards the development of a Comprehensive Transportation Master Plan to WSP Canada Incorporated in the amount of $119,905 (excluding HST).

CARRIED

3. 2020 DWQMS Annual Summary Report

S. Martinho, Manager of Public Works and Environmental Services

188-2021
Moved By Councillor Thomas Neufeld
Seconded By Deputy Mayor Gord Queen

That Council receives the Report of S. Martinho, Manager of Public Works and Environmental Services RE: 2020 Drinking Water Quality Management Standard (DWQMS) Annual Summary Report with thanks.

CARRIED

4. Healthy Communities Initiative Grant

K. Loney, Manager of Recreation Programming and Special Events

189-2021
Moved By Councillor Kimberly DeYong
Seconded By Councillor Larry Patterson

That Council directs administration to submit a Healthy Communities Initiative grant application of $250,000 called "Kingsville Plays Outdoors."

CARRIED

5. Application for Site Plan Amendment SPA/04/2021 by 617885 Ontario Limited – JEM Farms Part of Lot 9, Concession 2 ED Pt. Part 1, RP 12R 2445 & Pts. 1, 2, 4 & 5, RP 12R 6875 1581 & 1585 County Road 34 E

R. Brown, Manager of Planning Services

190-2021
Moved By Councillor Tony Gaffan
Seconded By Councillor Larry Patterson

That Council approves Site Plan Amendment Application SPA/04/2021 for 0.828 ha (2.046 ac.) stand alone greenhouse structure (research and development area), a 720 sq. m (7,750 sq. ft.) addition to the existing irrigation room attached to the Phase 3 greenhouse and a 466.8 sq. m (5,025 sq. ft.) addition to the existing main service building, subject to the further amended terms of the site

plan agreement; and authorizes the Mayor and Clerk to sign the Amending Agreement and register said Agreement on title.

CARRIED

6. Cottam Community Improvement Plan Application by Tim Lindsay. 105/107 County Road 34 W Pt. Lot 270, Concession STR, Part 1, RP 12R 5537

R. Brown, Manager of Planning Services

191-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Kimberly DeYong

That Council approves the Cottam Community Improvement Plan funding application for the purchase and installation of new energy efficient HVAC systems as an energy efficiency improvement for 105/107 County Road 34 W in the amount of $2,500 for each proposed unit representing the maximum funding allowance per request.

CARRIED

7. Request to Dispose of Surplus Land Victor Lane - Cottam

R. Brown, Manager of Planning Services

192-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Larry Patterson

That Council:

Declares Victor Lane surplus to the needs of the Town and convey the lands to the abutting landowner, subject to the following conditions:

That costs associated with the conveyance of Victor Lane are the responsibility of the abutting landowner; and

That the developer will make the modification to the agreement to accommodate the required additional water storage to alleviate flooding issues; and

Further That Council agrees to waive the standard surplus land or road allowance disposition process based on the lands being part of a long established but undeveloped plan of subdivision.

CARRIED

8. Phosphorus Reduction Demonstration Project

G. A. Plancke, Director of Infrastructure and Engineering

193-2021
Moved By Councillor Larry Patterson
Seconded By Councillor Laura Lucier

That Council authorizes the completion of a pilot test of RE300, with project partners OCWA and Bishop Water Technologies, at the Lakeshore West Wastewater Pollution Control Plant whereby RE300 is added to the Pollution Control Plant's wastewater;

And That Council authorizes Administration to execute the Transfer Payment Agreement with the Ministry of Environment Conservation and Parks in order to access the funding for this project in the amount of $99,500.

CARRIED

9. Open Streets Ad hoc Advisory Committee Appointments

194-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Kimberly DeYong

That Council endorses the following appointments and update the municipal committee appointment by-law to include the Open Streets Advisory Committee membership as presented to include: Amy McMillan, Dave Hunt, Kyle Sala, Jodi Brush, Heather Brown, Jennifer Flynn, Brenda Necic, Troy Loop, Tony Gaffan, Chelsea Zammit, Meghan Bolton, Rose Marie Roach, and Council representative Laura Lucier.

CARRIED

At 8:05 p.m. Mayor Santos called for a 5-minute recess and the meeting reconvened at 8:11 p.m.

J. MINUTES OF THE PREVIOUS MEETINGS

1. Regular Meeting of Council--February 22, 2021

2. Regular Closed Session Meeting of Council Minutes--February 22, 2021

3. Special Meeting of Council Minutes--February 24, 2021

195-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Tony Gaffan

That Council adopts Regular Meeting of Council Minutes dated February 22, 2021, as amended (correction of time on the rising from closed session to 8:55 p.m.) and Regular Closed Session Meeting of Council Minutes dated February 22, 2021.

CARRIED

196-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Larry Patterson

That Council adopts Special Meeting of Council Minutes dated February 24, 2021.

CARRIED

K. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. Kingsville Accessibility Advisory Committee--November 26, 2020

197-2021
Moved By Councillor Laura Lucier
Seconded By Councillor Tony Gaffan

That Council receives Kingsville Accessibility Advisory Committee Meeting Minutes dated November 26, 2020.

CARRIED

2. Kingsville BIA--December 8, 2020

198-2021
Moved By Councillor Thomas Neufeld
Seconded By Councillor Laura Lucier

That Council receives Kingsville BIA Meeting Minutes dated December 8, 2020.

CARRIED

3. Tourism and Economic Development Committee--December 10, 2020

199-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Kimberly DeYong

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

CARRIED

4. Kingsville Municipal Heritage Advisory Committee--December 22, 2020 and January 20, 2021

200-2021
Moved By Councillor Larry Patterson
Seconded By Councillor Tony Gaffan

That Council receives Kingsville Municipal Heritage Advisory Committee Meeting Minutes dated December 22, 2020 and January 20, 2021.

CARRIED

5. Union Water Supply System Joint Board of Management--January 20, 2021

201-2021
Moved By Councillor Larry Patterson
Seconded By Deputy Mayor Gord Queen

That Council receives Union Water Supply System Joint Board of Management Meeting Minutes dated January 20, 2021.

CARRIED

6. Police Services Board--January 27, 2021

202-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Tony Gaffan

That Council receives Police Services Board Meeting Minutes dated January 27, 2021.

CARRIED

L. BUSINESS CORRESPONDENCE - INFORMATIONAL

1. Resolutions re: Ontario Fire College Campus Closure in Gravenhurst

- **a. Township of Baldwin--Resolution passed February 1, 2021**
- **b. Township of Perry--Correspondence dated February 19, 2021**
- **c. Township of Tiny--Correspondence from Mayor Cornell dated February 19, 2021**
- **d. Township of Strong--Correspondence dated February 25, 2021**
- **e. Town of Mono--Correspondence dated February 25, 2021**

2. Municipality of Leamington--Notice of a Public Meeting to Consider a Municipally Initiated Official Plan and Zoning By-law Amendment Boarding Houses and Farm Help Dwellings

3. Perth County--Correspondence dated February 2, 2021 RE: Significant Negative Impacts of Current Value Assessments in Perth County

4. City of St. Catharines--Correspondence dated February 9, 2021 RE: Universal Paid Sick Days in Ontario

5. Town of Orangeville-Correspondence received February 10, 2021 RE: Greenhouse Gas Emissions.

6. AMCTO-Correspondence from President Tremblay dated February 18, 2021

7. Township of The Archipelago--Correspondence dated February 19, 2021 RE: Requested Amendments to the Municipal Elections Act

8. Township of Perry--Correspondence dated February 19, 2021 RE: Community Safety & Well-Being Plan--Extension Request

9. ERCA-Correspondence dated February 22, 2021 RE: Essex Region Conservation Authority 2021 Draft Budget -- 30-Day Notice to Member Municipalities

10. Migrant Worker Community Program--Letter of thanks from MWCP Chair Martin Varela dated February 23, 2021.

203-2021
Moved By Councillor Kimberly DeYong
Seconded By Councillor Larry Patterson

That Council receives Business Correspondence-Informational items 1 through 10.

CARRIED

M. NOTICES OF MOTION

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

At 8:16 p.m. Deputy Mayor Queen assumed the Chair and asked that Mayor Santos present the Notice of Motion marked as Agenda item M-1.

204-2021
Moved By Mayor Nelson Santos
Seconded By Councillor Larry Patterson

WHEREAS the Ontario wine industry supports directly and indirectly over 18,000 full-time equivalent jobs; and Ontario is the largest wine growing region in Canada responsible for over 2/3 of Canada's grape production;

AND WHEREAS with 2.4 million annual visitors to Ontario's wine regions, Lake Erie North Shore's wine sector has developed unique experiential destination tourism, enhanced by the proximity to the City of Windsor;

AND WHEREAS COVID-19 has had significant impacts on Ontario's wine industry--a key contributor to Lake Erie North Shore's economy and tourism sector;

AND WHEREAS to build back a stronger, more sustainable economy, there is a need to unlock the potential of Ontario's grape and wine industry.

NOW THEREFORE BE IT RESOLVED:

That the Town of Kingsville calls on the Province of Ontario to pursue a level playing field and to provide Ontario's entrepreneurial wine industry with opportunities to invest more into innovation and job creation while providing consumer choice and convenience for the purchase of Ontario wines;

And Further That the Province undertake the following:

- Eliminate or reduce the 6.1% tax applied to VQA (100% Ontario-grown) wines on sales in the 2021 Budget;
- Enable Ontario wines to offer direct delivery, with margin, to grocery stores;
- Establish long-term VQA wine support programs at the LCBO that would increase shelf space for VQA wines; and
- Eliminate import taxes on 100% Ontario VQA wines;

And Further That this motion BE CIRCULATED to municipalities in Niagara and Prince Edward County and to MPP Taras Natyshak, MPP Rick Nicholls, the Premier, the Minister of Finance and the Minister of Agriculture, Food and Rural Affairs.

CARRIED

At 8:21 p.m. Mayor Santos re-assumed the Chair.

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

205-2021
Moved By Councillor Thomas Neufeld
Seconded By Councillor Larry Patterson

A Resolution concerning Bill C-21, An Act to amend certain Acts and to make certain consequential amendments (firearms), specifically Amendment 26, Section (58.01 (1-8), Conditions-bylaws.

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

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

AND WHEREAS illegal gun owners and smugglers do not respect postal codes;

AND WHEREAS if one municipality enacts a ban and not a neighbouring municipality, this will create a patchwork of by-laws;

AND WHEREAS a municipal ban would be difficult to enforce and easy to get around.

NOW THEREFORE BE IT RESOLVED that The Corporation of the Town of Kingsville is OPPOSED to the adoption of any by-laws restricting the possession, storage and transportation of legally obtained handguns;

AND 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 Andrew Horwath, Prime Minister of Canada The Honourable Justin Trudeau, and Leader of Official Opposition The Honourable Erin O'Toole.

CARRIED

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

206-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Tony Gaffan

WHEREAS the health and safety of our Communities is dependent on the collective strengths of all three levels of government (Federal, Provincial and Municipal) working together;

AND WHEREAS the residents of our Communities include many, such as our permanent residents, our tourists and the many temporary workers aiding in the food and agricultural sector;

AND WHEREAS the health of all is important to all within and outside our municipal boundaries; and

THEREFORE, in appreciation of the work of many we give thanks:

To the Federal Government for their past and ongoing support of Temporary Foreign Workers;

and

To the Minister of Labour for the Inspectors that enforce and work to ensure compliance with the Labour Law requirements;

and

To the Building Inspectors that ensure compliance with the building Code;

and

To the Fire Department Inspectors that strive to ensure compliance with the Fire Code;

and

To the Ministry of Health that may provide advice and guidance to the Local Health Units;

and

To the Ministers of Municipal Affairs and Housing, as well as Ontario Ministry of Agriculture, Food and Rural Affairs as they strive to develop a strategy considering COVID-19 with plans to reduce the political silos with "a one-window approach"

AND FURTHER MAY IT BE RESOLVED that we once more ask that the local Municipalities be included in the communication from the Local Health Units when they are making inspections that the needs of Fire and Building Safety may also be addressed.

CARRIED

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

207-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Larry Patterson

WHEREAS the Federal Government has recently changed the way that they treat Temporary Farm or Workers that work in our farm Communities;

AND WHEREAS the Mayor of the City of Windsor has indicated that the current and past expenses for the workers that enter Canada under the Temporary Foreign Workers should not fall on the tax paying residents of the City of Windsor;

AND WHEREAS the City of Windsor has been helpful in aiding actions necessary to help the workers that may be impacted by COVID-19;

AND WHEREAS the residents of the County of Essex or any of the lower tier municipalities should not be held to pay the COVID-19 added mandated health care costs;

AND WHEREAS we do want to keep all healthy within our Communities.

NOW THEREFORE BE IT RESOLVED that our Town of Kingsville ask the Federal Government how they intend to keep these and all our residents safe without just transferring the costs of same to lower levels of government;

And

That we specifically ask our local MP Chris Lewis what he is and can do to resolve this issue;

And

That our senior Administration reviews all options and make suggestions at the next meeting of Council.

CARRIED

Councillor Lucier introduced a Notice of Motion, indicating that at the next Regular Meeting she may move or cause to have moved that Administration investigate and prepare a report in consultation with ERCA on the possibility of implementing a program to provide shoreline property owners with loans to repair or construct breakwalls to guard against high water and flooding.

N. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

O. BYLAWS

1. By-law 15-2021

208-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Thomas Neufeld

That Council reads By-law 15-2021, being a By-law to impose fees and charges by The Corporation of the Town of Kingsville, as amended, a first, second and third and final time.

CARRIED

2. By-law 16-2021

209-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Larry Patterson

That Council reads By-law 16-2021, being a By-law to Regulate Permits issued under the Building Code Act, Set Fees, and Establish a Code of Conduct for the Chief Building Official and Inspectors, as amended, a first, second and third and final time.

CARRIED

3. By-law 17-2021

210-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Laura Lucier

That Council reads By-law 17-2021, being a By-law to impose a Water Rate and Sewage Rates, a first, second and third and final time.

CARRIED

4. By-law 22-2021

211-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Tony Gaffan

That Council reads By-law 22-2021, being a By-law to amend By-law 21-2005 as amended, being a By-law to Regulate Traffic and Parking on Highways within the Town of Kingsville, a first, second and third and final time.

CARRIED

P. CONFIRMATORY BY-LAW

1. By-law 25-2021

212-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Kimberly DeYong

That Council reads By-law 25-2021, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its March 8, 2021 Regular Meeting a first, second and third and final time.

CARRIED

Q. ADJOURNMENT

213-2021
Moved By Councillor Larry Patterson
Seconded By Councillor Kimberly DeYong

That Council adjourns this Regular Meeting at 8:34 p.m.

CARRIED