REGULAR MEETING OF COUNCIL

MINUTES

Monday, March 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 K. Brcic, Planner S. Kitchen, Deputy Clerk-Council Services S. Martinho, Manager of Public Works and Environmental R. McLeod, Director of Financial & IT Services A. Plancke, Director of Infrastructure & Engineering J. Norton, CAO J. 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 those present to stand and 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.

E. PRESENTATIONS/DELEGATIONS

1. Leamington and Area Family Health Team (LAFHT)--Lead Physician Dr. Sheila Horen, Board Chair Bill Orawski and Interim Executive Director Jim Samson (Update report and presentation)

Executive Director Jim Samson presented a PowerPoint presentation entitled *Leamington & Area Family Health Team--Annual Presentation to the Town of Kingsville Council Meeting, March 22nd, 2021* including an overview of last year's activities, Kingsville Clinic Statistics, and updates pertaining to family physician recruitments and the COVID-19 vaccination process. He also announced that the Board of Directors of the LAFHT has passed a resolution to change its name to "Erie Shores Family Health Team" and is currently working through the details of making this name change with the Ministry of Health.

214-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Kimberly DeYong

That Council receives the Presentation of the Leamington and Area Family Health Team.

CARRIED

F. MATTERS SUBJECT TO NOTICE

1. PUBLIC MEETING--Application for Zoning By-law Amendment ZBA/18/19 by Brotto Investments Inc. 183 Main St. E., Part of Lot 2, Concession 1 ED

R. Brown, Manager of Planning Services.

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment, dated March 2, 2021;

ii) Report of R. Brown dated March 4, 2021 together with Appendices A through H; and

iii) Proposed By-law 29-2021, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law of the Town of Kingsville.

Mr. Brown presented his Report in detail.

Comments from representative of the Applicant (Harry Froussios, Planning Consultant, representing Brotto Investments Inc.):

Mr. Froussios indicated that he represents the Applicant, and that the Applicant, along with members of the project team, are also present this evening.

He provided a PowerPoint presentation outlining steps in the application process to date, including the Site Plan submitted with the original application (3 storey townhouse and 6-storey apartment building proposed for the rear of the property). He indicated his client has revised the application and provided a number of options leading to where we are today. The first revision was for two apartment buildings; to take the height down from 6 storeys to 4 storeys while maintaining the number of units.

More adjustments were made, and the present proposal is to retain the existing dwelling, to preserve the view of the existing dwelling, to permit a 3-storey apartment building with a maximum of 22 dwelling units, reduce required rear yard setback from 12.2 m to 7.5 m, reduce required lot frontage of the land to be retained as a result of the severance of the existing single detached dwelling from 25 m to 16 m, and increase the permitted maximum height from 11 m to 12.2. The rear yard setback of 7.5 m only applies to one portion of the building because of the configuration of the property and the building height of 12.2 metres is requested to allow for a pitched roof. He said this satisfies the PAC concerns, reduces density, and reduces traffic. He commented that he supports Mr. Brown's Planning Report and the recommendation contained therein.

Comments from the public:

Tony Youssef, Resident, commented that having heard the discussions and comments made so far this evening, he had no further comments.

Brenda Gagnier, Resident, pointed out that Appendix A of Mr. Brown's Planning Report "states 4 storeys on the right side of the drawing and 3 storeys in the centre of the drawing" and while she is aware that this has been amended by the developer to 3 storeys, she asked that that her comment in regard to this discrepancy be included in the record. She commented also that Appendix E still refers to 6 storeys (same issue). As well, she commented that the traffic study

contained in the Planner's report appears to have been presented in 2019, but the facts were gathered in 2018. She stated that the Town's population has changed drastically since that traffic study.

Ms. Gagnier stated she is opposed to the development of this property the way it is presented and that the property should be kept as a single family home. She has concerns regarding the close proximity of the existing home to the apartment complex and the potential loss of mature healthy trees. She also indicated that as a member of the Main Street Development Committee her comments this evening are not representative of the group of which she is a part, but only herself. She stated that the recommendations to be presented by the Committee at a future Council meeting are in direct conflict to what is being recommended by this proposal including: facade should be in keeping with buildings in the area, the front of the building should face Main Street, maximum height of 10 metres, and traffic concerns. She asked that Council defer this application until the Committee has presented its findings to Council. She feels the Town is focusing on not only providing additional housing in the area, but as well having those developments produce more taxes to maintain the Town's infrastructure. She wrote emails to Council regarding an idea of a tourism tax being imposed. In summary, Ms. Gagnier stated that while she appreciates the developer has amended the plan many times, she feels that allowing this would open the door for other lots to have apartment buildings squeezed in behind them as well.

Mayor Santos asked for clarification as to the discrepancy on the Appendices as mentioned by Ms. Gagnier, and Mr. Froussios confirmed that the current proposal is for 3 storeys and 22 units.

Anne Marie Lemire, 171 Main St. East, indicated that she lives in the Bon Jasperson House situated to the west of 183 Main St. East. She stated she is in opposition to the Application and has, along with 2,573 people to date, signed her online petition and 450 people have signed in person. The petitions were addressing both the issue of saving the home from demolition and stop the rezoning.

Ms. Lemire provided a history of the past Council and Planning Advisory Committee meetings attended. She indicated that this type of development will have a negative impact on her neighbouring property and stated that amendments to this latest proposal make an "already bad situation worse as they are asking for a taller building from 36 feet to 40 feet". Ms. Lemire described concerns relating to the proximity of the proposed building to the existing residence, the shared driveway access and insufficient parking, lack of secondary access, streetscape, and the proposal being an eye sore. She

commented that a heritage impact statement should have been done in regard to the impacts on 183 Main St. East and that the heritage advisory committee should have commented on this application. She read aloud an excerpt from a letter she received from Ms. Sarah Sacheli, the Chair of the Committee to Ms. Lemire. Ms. Lemire stated that this proposal will dramatically alter her family's enjoyment of their property and the value of their property.

Mr. Brown provided clarification as to parking, noting that the proposal meets parking requirements. As far as the shared driveway access, Mr. Froussios indicated that the intent is to share the driveway in perpetuity as a more efficient way of addressing traffic impact concerns. Mr. Brown stated that ideally a single family dwelling would have its own access but if there is a circumstance where it cannot happen, a formal right-of-way must be established.

Mr. Brown stated that a revised impact statement was done on 183 Main St. East (see: Appendix included with his Report) and clarified that the heritage committee was circulated with the application. Ms. Astrologo read aloud the list of specified identified heritage attributes included in the Notice of Intention to Designate. The outbuildings were not included.

A recorded vote was requested.

215-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Thomas Neufeld

That Council:

Approve zoning amendment application ZBA/18/19 to rezone a portion of the lands located at 183 Main St. E from Residential Zone 1 Urban, R1.1 to a site-specific Residential Zone 4 Urban R4.1-6 to:

Permit an apartment building with a maximum of 22 dwelling units;

Reduce the required rear yard setback from 12.2 m to 7.5 m;

Reduce the required lot frontage of the land to be retained as a result of the severance of the existing single detached dwelling from 25 m to 16 m; and

Increase the permitted maximum height from 11 m to 12. 2 m.

	For	**Against**
Mayor Nelson Santos		X

Deputy Mayor Gord Queen	X	
Councillor Tony Gaffan		X
Councillor Thomas Neufeld	X	
Councillor Larry Patterson		X
Councillor Kimberly DeYong		X
Councillor Laura Lucier		X
Results	**2**	**5**

LOST (2 to 5)

Mayor Santos abstained from voting, and such vote was recorded as a vote in the negative.

G. AMENDMENTS TO THE AGENDA

H. ADOPTION OF ACCOUNTS

1. Town of Kingsville Accounts for the monthly period ended February 28, 2021 being TD cheque numbers 0075696 to 0075951 for a grand total of $2,871,756.33

216-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Tony Gaffan

That Council receives Town of Kingsville Accounts for the monthly period ended February 28, 2021 being TD cheque numbers 0075696 to 0075951 for a grand total of $2,871,756.33

CARRIED

I. STAFF REPORTS

1. Application for Site Plan Approval SPA/06/2021 by Sun Brite Foods Inc. 1552 County Road 34, Part of Lot 10, Concession 3 ED Parts 1 to 7, RP 12R 25071

R. Brown, Manager of Planning Services

217-2021
Moved By Councillor Larry Patterson
Seconded By Councillor Laura Lucier

That Council:

Approve site plan application SPA/06/2021 to permit the construction of a 864 sq. m (9,105 sq. ft.) bunkhouse and associated amenity area, subject to the terms in the associated site plan agreement, and

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

CARRIED

2. Application for Minor Development Agreement AGR/01/21 by Jason & Bronwen Stenger (Owners) Roberto D'Alimonte - Silversprings Construction (Applicant) 627 Talbot Rd N Lot 6, Concession 11, Pt. 1, RP 12R-4224 Roll No.: 3711 670 000 01000

R. Brown, Manager of Planning Services

218-2021
Moved By Councillor Kimberly DeYong
Seconded By Deputy Mayor Gord Queen

That Council:

Approve the proposed minor development agreement to permit a second dwelling on 627 Talbot Rd N for a temporary time during the construction of a new dwelling on the same lot, and authorize the Mayor and Clerk to sign the minor development agreement, and register said agreement on title.

CARRIED

3. 2021 Final Tax Levy By-Law

R. McLeod, Director of Financial and IT Services

219-2021
Moved By Councillor Laura Lucier
Seconded By Councillor Thomas Neufeld

Council authorize By-law 23-2021 for the establishment of rates for the levy and collection of property taxes in the Town of Kingsville for the year 2021.

CARRIED

4. Statement of Remuneration & Expenses for 2020

R. McLeod, Director of Financial and IT Services

220-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Kimberly DeYong

Council receive the Statement of Remuneration & Expenses report for 2020.

CARRIED

5. Fleet Replacement Report

S. Martinho, Manager of Public Works and Environmental Services

221-2021
Moved By Councillor Laura Lucier
Seconded By Councillor Thomas Neufeld

That council approves the acquisition of the Fleet assets utilizing Fleet Management Reserves as follows:

One (1) 2021 Dodge Ram 1500 pick-up truck for the Public Works Department for the purchase price of $37,679.29 inclusive of the HST burden.

One (1) 2021 Dodge Ram 5500 with a dump body for the Public Works Department for the purchase price of $74,464.71 inclusive of the HST burden.

One (1) 2021 Vermeer BC1000 Wood Chipper for the Public Works Department for the purchase price of $51,647.81 inclusive of the HST burden.

Two (2) 2021 Ver-mac PCMS4800 Full Matrix Sign Boards for the combined purchase price of $37,640.70 inclusive of the HST burden.

Two (2) Kubota F3990 Front End Cutting Mowers for the combined purchase price of $65,468.94 inclusive of the HST burden.

CARRIED

6. 59 Mettawas Lane Offer to Purchase

G. A. Plancke, Director of Infrastructure and Engineering

222-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Thomas Neufeld

That Council authorize and direct administration to prepare an offer to purchase 59 Mettawas Lane for the agreed purchase price of $95,000 and further that,

Council authorizes the Treasurer to reallocate the purchase cost of $95,000 plus legal expenses from the P.W. Capital Reserve account # 03-000-032-39068.

CARRIED

7. West Side Collector Road (WSCR)

G. A. Plancke, Director of Infrastructure and Engineering

223-2021
Moved By Councillor Kimberly DeYong
Seconded By Councillor Tony Gaffan

That Council endorse the concept of a West Side Collector Road in principle and that,

Council accept the road alignment as recommended by the West Side Collector Road Committee with the provision that minor modifications may be required in order to secure land and,

Council direct administration to update the Town’s Development Charges list of projects to include the West Side Collector Road as an appropriate 90% growth related project based on a high level estimate for construction of $5,800,000, and further that,

Council direct administration to negotiate with AMICO for the costs of construction as directed by Council in Closed Session, and if an agreement on costs cannot be agreed upon, that administration issue a tender for the project exclusive of the subdivision development.

CARRIED

8. Council's Priorities for 2021-2022

J. Norton, CAO

224-2021
Moved By Councillor Kimberly DeYong
Seconded By Councillor Laura Lucier

That Council approve:

1) Council's 2021-2022 priorities include COVID-Health as the overarching priority and the priority list with rankings of these items, as outlined in this report;

2) The CAO Action Plan for 2021 and 2022 be approved as attached to this Report and the CAO directed to implement the Plan.

CARRIED

J. MINUTES OF THE PREVIOUS MEETINGS

1. Special Meeting of Council--March 3, 2021

2. Regular Meeting of Council--March 8, 2021

3. Regular Closed Session Meeting of Council--March 8, 2021

225-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Larry Patterson

That Council adopts Special Meeting of Council Minutes dated March 3, 2021, Regular Meeting of Council Minutes dated March 8, 2021, and Regular Closed Session Meeting of Council Minutes dated March 8, 2021.

CARRIED

K. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. Committee of Adjustment --December 22, 2020

226-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Laura Lucier

That Council receives Committee of Adjustment Meeting Minutes dated December 22, 2020.

CARRIED

2. Parks Recreation Arts and Culture Committee--January 21, 2021

227-2021
Moved By Councillor Thomas Neufeld
Seconded By Councillor Tony Gaffan

That Council receives Parks, Recreation, Arts and Culture Committee Meeting Minutes dated January 21, 2021 together with the following sub-committee minutes: Fantasy of Lights--December 15, 2020.

CARRIED

3. Kingsville B.I.A.--February 9, 2021

228-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Larry Patterson

That Council receives Kingsville BIA Meeting Minutes dated February 9, 2021.

CARRIED

L. BUSINESS CORRESPONDENCE - INFORMATIONAL

1. **Ontario Fire College Resolutions**
    a. **City of Port Colborne--Correspondence dated February 24, 2021**
    b. **Township of Brock--Correspondence dated February 25, 2021**
    c. **Township of Howick--Correspondence dated March 3, 2021**
    d. **Township of Limerick--Correspondence dated March 9, 2021**
    e. **Town of Bracebridge--Correspondence dated March 9, 2021**
    f. **Municipality of Morris-Turnberry--Correspondence dated March 10, 2021**
2. **Norfolk County--Correspondence dated February 23, 2021 RE: Carbon Tax on Primary Agriculture producers**
3. **Township of Adjala-Tosorontio--Correspondence dated February 26, 2021 RE: Tile Drainage Act**
4. **Request from Karen Pickle, resident that March 21 be proclaimed as World Down Syndrome Day in the Town of Kingsville**
5. **Township of South Glengarry--Resolution dated March 1, 2021 RE: Provincial Vaccine Rollout**
6. **Township of Brock--Correspondence dated March 2, 2021 RE: Cannabis Licensing and Enforcement**
7. **Lake of Bays--Correspondence dated March 2, 2021 RE: Capacity Limits for Restaurants in Stage 2 under the Reopening Ontario Act, 2020**
8. **Niagara Region--Correspondence dated March 4, 2021 RE: Schedule 6, Bill 197, COVID-19 Economic Recovery Act.**
9. **City of Sarnia--Correspondence dated March 4, 2021 RE: Colour Coded Capacity Limits**
10. **Niagara Region--Correspondence dated March 5, 2021 RE: Motion respecting Support for the Wine Sector**
11. **Municipality of Tweed--Correspondence dated March 10, 2021 RE: Advocacy for Reform of Joint and Several Liability**
12. **Municipality of Leamington--Correspondence dated March 15, 2021 RE: Support of Save the Ontario Fire College Resolution dated February 11, 2021 received from Chris McConnell, President, OPSEU Local 317**

229-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Kimberly DeYong

That Council receives Business Correspondence-Informational Items 1-12.

CARRIED

230-2021
Moved By Councillor Tony Gaffan
Seconded By Deputy Mayor Gord Queen

That Council supports that March 21, 2021 be recognized as World Down Syndrome day in the Town of Kingsville.

CARRIED

231-2021
Moved By Councillor Kimberly DeYong
Seconded By Councillor Larry Patterson

That Council supports the Township of Lake of Bays' Resolution #8(b)/03/02/21 passed March 2, 2021 RE: Capacity Limits for Restaurants in Stage 2 under the *Reopening Ontario Act, 2020*.

CARRIED

M. NOTICES OF MOTION

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

232-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Larry Patterson

1. That the letter of concern regarding speeding from a local parent and resident Melissa Statham be received into the public record;

2. That a copy of the letter be provided to our local Police Services Board;

3. That a copy of the letter be provided to the County of Essex;

4. That this Council approve and endorse the request for a School Safety Zone by the Gosfield North Public School with the necessary signage for same, with our request to the County of Essex.

CARRIED

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

233-2021
Moved By Councillor Laura Lucier
Seconded By Councillor Larry Patterson

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.

CARRIED

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

234-2021
Moved By Councillor Kimberly DeYong
Seconded By Councillor Tony Gaffan

That the Town of Kingsville participate in the global effort, Earth Hour, to bring awareness to our environmental issues by way of turning off municipal lights not required for safety, for one hour on March 27, 8:30 p.m. to 9:30 p.m. and to encourage others in our community to turn off their lights at the same time by way of media release and promotion on the Town's website and social media.

CARRIED

N. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

O. BYLAWS

1. By-law 23-2021

235-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Laura Lucier

That Council reads By-law 23-2021, being a By-law to provide for the establishment of rates for the levy and collection of property taxes in the Town of Kingsville for the year 2021 pursuant to the provisions of the Municipal Act a first, second and third and final time.

CARRIED

2. By-law 26-2021

236-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Larry Patterson

That Council reads By-law 26-2021, being a By-law under the Municipal Act, 2001, Part 13, Section 408; to authorize the issue of two series of debentures to consolidate the financing of construction and/or maintenance of numerous drains all in the Town of Kingsville a first, second and third and final time.

CARRIED

3. By-law 28-2021

237-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Tony Gaffan

That Council reads By-law 28-2021, 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 committee a first, second and third and final time.

CARRIED

P. CLOSED SESSION

238-2021
Moved By Councillor Tony Gaffan
Seconded By Councillor Kimberly DeYong

That Council, at 9:22 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 a Report from CAO J. Norton and Director of Legislative Services J. Astrologo re: selection of an Integrity Commissioner for the Town of Kingsville.

CARRIED

Q. REPORT OUT OF CLOSED SESSION

Upon rising from Closed Session at 9:26 p.m. Mayor Santos reported that Council reviewed an item for information and update about an identifiable individual selection of integrity commissioner for the Town of Kingsville.

R. CONFIRMATORY BY-LAW

1. By-law 30-2021

239-2021
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Kimberly DeYong

That Council reads By-law 30-2021, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its March 22, 2021 Regular Meeting a first, second and third and final time.

CARRIED

S. ADJOURNMENT

240-2021
Moved By Councillor Kimberly DeYong
Seconded By Councillor Tony Gaffan

That Council adjourns this Regular Meeting at 9:28 p.m.

CARRIED