



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, May 10, 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 T. Del Greco, Manager of Engineering 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 P. Valore, Chief Building Official R. Baines, Deputy Clerk - Administrative Services D. Wolicki, Manager of Municipal Facilities and Property J. Norton, CAO J. Quennell, Fire Chief

A. CALL TO ORDER

Mayor Santos, in attendance at the Council Chambers, called the Regular Meeting to order at 6:01 p.m. All other members of Council participated in the meeting through video conference technology from remote locations, except Councillor Lucier who participated in the meeting by telephone.

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. Mary Ellen Bench-Town of Kingsville's Integrity Commissioner

Mayor Santos welcomed and introduced Ms. Mary Ellen Bench, the Town's Integrity Commissioner.

Mary Ellen Bench presented the PowerPoint presentation entitled *Council, Committee and Board Code of Conduct and the Integrity Commissioner*, including the role of the Integrity Commissioner, key principles identified in the Council Code of Conduct, the complaint process, and other items.

311-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council receives the presentation of Mary Ellen Bench, Town of Kingsville Integrity Commissioner, entitled *Council, Committee and Board Code of Conduct and the Integrity Commissioner*.

CARRIED

F. MATTERS SUBJECT TO NOTICE

- 1. Zoning By-law Amendment File ZBA/04/21 by Giuseppe Quadrini380
Inman Side Road Part Lot 264, Concession NTR, Part 1, RP 12R 25434
Roll No. 3711 590 000 07800**

K. Brcic, Town Planner

- i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment, dated April 19, 2021;
- ii) Report of K. Brcic dated April 26, 2021;
- iii) Proposed By-law 41-2021, being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Ms. Brcic presented the Planning Report and recommendation, indicating that the Applicant is seeking an amendment to the current zoning to permit a residential dwelling to be constructed on the site.

Comments from the Applicant's Solicitor:

William Good (Scaddan & Jakob LLP) representing the Applicant (Giuseppe Quadri) and also representing, Norm Zorzit, an abutting neighbour who submitted correspondence in support of the application.

Mr. Good stated that he is in support of the Planner's recommendation presented this evening. He confirmed that his client has gone through multiple studies and soil test samples and the property is free and clear of any contaminants. He indicated that setbacks are best dealt with during site plan review.

Comments from the Public:

Norm Zorzit commented that he and his wife have lived at the property at the corner of the Inman Sideroad and County Road 34 East since 1980, and his wife since 1950. He indicated that any contaminants were removed and properly disposed of. He indicated he is in support of the application at this time, stated he was present at the meeting nine years ago when this application was rejected, that the cattle are gone, there has been no farm expansion for cattle, and he does not believe there will be any expansion.

Bruce Boyd, 367 County Road 34 E indicated that he in fact had cattle in his barns until about a year ago and that the only thing that has happened on this property is that it has become a dump site and further, that the current owner has been draining his land onto Mr. Boyd's and he had to disconnect the drain. He stated that he wants the right to farm and understands from the planner that he is being limited to what he can do on his farm. He stated that the application does not comply with provincial law, and is concerned that if the application is approved, he will receive noise complaints, complaints about livestock, and complaints about general farming operations (weed control/spraying). He asked for clarification as to the number of livestock he would be allowed to have and

commented that he was of the understanding that a home could not be built within 1,000 feet of his barns. He asked that Council deny the application, but if the application proceeds, that the property be cleaned up.

Mr. Brown explained the legislative updates and the minimum distance separation calculations in terms of setbacks for livestock and that the 1,000 foot setback is a dated requirement, and no longer applies. There are a number of factors that are taken into consideration to calculate the minimum distance separation requirements under the Nutrient Management Act.

Solicitor Good indicated he attended the site and there is a ditch that is approximately 2 1/2 feet deep on the applicant's property surrounding the fence perimeter. The ditch directs water to the ditches that abut the main roads. He suggested that all of the road and the property would have to be flooded for any water from the applicant's site to go on the adjacent parcel.

Mr. Boyd explained that the headland furl is on his property, it is not a ditch; the school property was higher in that corner so he was forced to do that. The fence is on his property to keep the cattle in. He reiterated his drainage concerns.

312-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council not approve the Zoning By-law Amendment Application ZBA/04/21 to amend the zoning of the subject parcel given the setbacks as shown on Appendix C of the Report of Town Planner K. Brcic.

LOST

313-2021

Moved By Councillor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That Council approves Zoning By-law Amendment Application ZBA/04/21 to amend the zoning of the subject parcel, Part Lot 264, Concession NTR, Part 1 RP 12R 25434, known as 380 Inman Side Road in the Town of Kingsville, being 'Agriculture-Exception 52 (A1-52)' to permit the construction of a residential dwelling and adopt the implementing by-law.

CARRIED

Following the discussion, Mayor Santos called for a brief recess due to technical difficulties being experienced with the video streaming. The technical issue was resolved, and the meeting reconvened in live video stream mode at 7:08 p.m.

G. AMENDMENTS TO THE AGENDA

Mayor Santos indicated there were two requests for delegation status to speak on the Main Street East Interim Control By-law Staff Report (Agenda Item I.1); one request from Patty and Henry Van Minnen; and one from Tony Youseff.

314-2021

Moved By Councillor Kimberly DeYong

Seconded By Councillor Larry Patterson

That Council waive the requirements of the Procedure By-law and allow Patty Van Minnen and Henry Van Minnen to speak as a delegation at this Regular Meeting.

CARRIED

Ms. Van Minnen indicated her opposition to the proposed interim control by-law, which affects the property she intends to build on (190 Main St. East). They are within a few weeks to build their apartment building, and asked whether this would affect them in obtaining a building permit. Mr. Brown explained that the by-law would have the effect of pausing her development, but it would not undo what was already approved. She also addressed Council in regard to access availability (i.e. the potential connection at Woodycrest in the future) to take some of the impact off of Main St. in the event that there is any development proposed at the existing Kingsville District High School location. Mr. Van Minnen stated that if their project was paused, they would not consider allowing the north access.

315-2021

Moved By Councillor Tony Gaffan

Seconded By Councillor Larry Patterson

That Council waives the requirement of the Procedure By-law and allow Tony Youssef to speak as a delegation at this Regular Meeting.

CARRIED

Tony Youssef, owner of 195 Main St. East (property to the south of the existing Kingsville District High School location) objected to the proposed Interim Control By-law. He indicated that 3 or 4 months ago he began preliminary conversations with Mr. Brown and Mr. Plancke regarding a proposed subdivision. A concept plan was submitted for the subdivision. He retained an architect who provided the first concept plan. He is not asking for any access to Main St. for the subdivision to the south. He's asking for consideration that the north part of the property only be affected by this interim by-law and that he be allowed to continue his development to the south. The property to the south does not affect Main St. directly. Council viewed a draft concept plan onscreen for the apartment/condo.

316-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council receives the presentation of Tony Youssef, resident.

CARRIED

Deputy Mayor Queen added a Notice of Motion.

H. ADOPTION OF ACCOUNTS

- 1. Town of Kingsville Accounts for the monthly period ended April 30, 2021 being TD cheques numbers 0076276 to 0076436 for a grand total of \$750,696.23**

317-2021

Moved By Councillor Tony Gaffan

Seconded By Deputy Mayor Gord Queen

That Council receives Town of Kingsville Accounts for the monthly period ended April 30, 2021 being TD cheque numbers 0076276 to 0076436 for a grand total of \$750,696.23.

CARRIED

I. STAFF REPORTS

- 1. Main St. East Interim Control By-law**

R. Brown, Manager of Planning Services.

318-2021

Moved By Councillor Kimberly DeYong

Seconded By Deputy Mayor Gord Queen

That Council directs that the question be divided.

CARRIED

319-2021

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That Council establish a secondary plan study area for the lands outlined in the attached interim control bylaw, Schedule "A", and directs Administration to begin preparation of a secondary plan, hereinafter referred to as the Main St. E. Secondary Plan Area.

CARRIED

A recorded vote was requested.

320-2021

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That Council approve and adopt the interim control by-law, including Schedule "A" affecting only those lands outlined in Schedule "A" and for the time period outlined in the by-law, with the exception of and excluding 190 Main St. East, 224 Main Street East, and the southern portion of 195 Main St. East; and with the frontage on 195 Main Street East to be maintained within the interim control by-law.

	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	4	3

CARRIED (4 to 3)

Mayor Santos called for a brief recess at 8:29 p.m. and the meeting reconvened at 8:37 p.m.

2. Road 2 East Reconstruction – Phase 1 Tender Results

T. Del Greco, Manager of Engineering

321-2021

Moved By Councillor Larry Patterson

Seconded By Councillor Kimberly DeYong

That Council awards the Road 2 East Reconstruction Tender (Phase 1) to J&J Lepera Infrastructures in the amount of \$5,825,000 (excluding HST) and authorizes the Mayor and Clerk to execute the requisite agreement.

CARRIED

3. New Playground Equipment – Cottam Rotary Park & Ruthven Park

D. Wolicki, Manager of Municipal Facilities and Property

322-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council approves the proposal submitted by New World Park Solutions in the amount of \$54,665.92 (excluding HST) for the supply and installation of playground equipment at Cottam Rotary Park;

And that Council approves the proposal submitted by New World Park Solutions in the amount of \$75,820.24 (excluding HST) for the supply and installation of playground equipment at Ruthven Park.

CARRIED

4. Fleming Wigle Drain Improvements (Section 78 (1))

S. Martinho, Manager of Public Works and Environmental Services

323-2021

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

That Council appoints N. J. Peralta Engineering Ltd. to design a drain enclosure for the Mucci Farms development adjacent to the Fleming Wigle Drain.

CARRIED

5. Public Works Support for Enhancements in the BIA District

S. Martinho, Manager of Public Works and Environmental Services

324-2021

Moved By Councillor Thomas Neufeld

Seconded By Councillor Kimberly DeYong

That Council approves allotting up to a maximum of 350 person-hours per annum in the Public Works Department to support enhanced beautification and streetscape works in the BIA district.

CARRIED

6. BIA Rent Relief

325-2021

Moved By Councillor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That Council waives the Kingsville BIA's rent from March 1, 2021 through December 31, 2021.

CARRIED

7. Community Safety and Policing Act, 2019 (CPSA): OPP Detachment Board Framework and Proposal

326-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council receives the Report of Nelson Santos, Mayor and Chair of the Kingsville Police Services Board dated April 29, 2021 for information;

And Further That Council confirms that The Corporation of the Town of Kingsville wishes to maintain representation on the new detachment board;

And Further That Council directs our Mayor and CAO to communicate the concerns of Administration articulated on page 203 of the Agenda to the local affected municipalities, but does not endorse the proposed composition for the new Essex County Detachment Board as provided in the report;

And further that this resolution and report be circulated to each municipality and current police service board for their information.

CARRIED

J. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

1. Municipality of Leamington--Correspondence dated April 27, 2021 RE: Dedicated Gas Tax Funds for Public Transportation Program

327-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council endorses the Municipality of Leamington to act as the host municipality for the 2020-2021 Dedicated Gas Tax Funds for Public Transportation Program on the Town of Kingsville's behalf.

CARRIED

2. **S. Sacheli, Chair, Kingsville Municipal Heritage Advisory Committee--
Correspondence dated April 9, 2021 RE: 49 Division Street North**

328-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council instructs the Clerk of the municipality to remove 49 Division St. North from the Register of Properties of Cultural Heritage Value or Interest.

CARRIED

K. MINUTES OF THE PREVIOUS MEETINGS

1. **Special Meeting of Council--April 19, 2021**
2. **Regular Meeting of Council--April 26, 2021**
3. **Regular Closed Session Meeting of Council--April 26, 2021**

329-2021

Moved By Councillor Tony Gaffan

Seconded By Deputy Mayor Gord Queen

That Council adopts Special Meeting of Council Minutes dated April 19, 2021, Regular Meeting of Council Minutes dated April 26, 2021 and Regular Closed Session Meeting of Council Minutes dated April 26, 2021.

CARRIED

L. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. **Union Water Supply System Joint Board of Management--March 17, 2021**

330-2021

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 March 17, 2021.

CARRIED

2. Police Services Board--March 24, 2021

331-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council receives Police Services Board Meeting Minutes dated March 24, 2021.

CARRIED

M. BUSINESS CORRESPONDENCE - INFORMATIONAL

- 1. Resolutions in Support of Town of Kingsville's Motion RE: Bill C-21, An Act to Amend Certain Acts and to Make Certain Consequential Amendments**
 - a. Township of Harley--Correspondence dated April 14, 2021**
 - b. Municipality of Mattice-Val Cote--Resolution No. 21-92 passed April 16, 2021**
 - c. Township of Armour--Correspondence dated April 20, 2021**
 - d. Municipality of Killarney--Correspondence dated April 21, 2021**
 - e. Town of Marathon--Correspondence dated April 23, 2021**
 - f. City of Temiskaming Shores--Correspondence dated April 27, 2021**
 - g. Township of Ramara--Correspondence dated April 28, 2021**
- 2. Municipality of Chatham-Kent--Correspondence dated April 22, 2021 RE: Support Healthy, Professional News Media**
- 3. Town of South Bruce Peninsula--Correspondence dated April 23, 2021 RE: Lottery Licensing to Assist Small Organizations**
- 4. Ministry of Municipal Affairs and Housing--Invitation from Minister Clark to participate in Townhall session, dated April 27, 2021**
- 5. Town of Shelburne--Correspondence dated April 27, 2021 RE: Support for Universal Paid Sickdays**

6. **Town of Fort Erie--Correspondence dated April 27, 2021 RE: Province Investigating and Updating Source Water Protection Legislation**
7. **Municipality of Calvin--Correspondence dated April 27, 2021 RE: Motion for Fire Department support**
8. **Municipality of Calvin--Correspondence dated April 27, 2021 RE: Motion for 3-digit suicide line**
9. **City of Brantford--Correspondence dated April 30, 2021 RE: Request to withdraw prohibition of golf**

332-2021

Moved By Councillor Kimberly DeYong

Seconded By Councillor Tony Gaffan

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

CARRIED

333-2021

Moved By Councillor Larry Patterson

Seconded By Councillor Kimberly DeYong

That Council supports City of Brantford resolution RE: request to withdraw prohibition of golf.

CARRIED

N. NOTICES OF MOTION

Deputy Mayor Queen indicated that at the next Regular Meeting of Council he may move, or cause to have moved, that Council consider and discuss the advisability or possibility of changing the park by-law curfew to 'dusk' for the Lions Park site for the year 2021.

O. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

1. **R. Brown, Manager of Planning Services-Verbal update re: 71 Division Street North, Kingsville.**

Mr. Brown indicated that after reviewing past correspondence with the applicant and the Town, the business operating at 71 Division St. North is operating in compliance with the home occupation regulations based on the information that he has been provided.

334-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council receives the update information as provided by Robert Brown, Manager of Planning Services re: 71 Division St. North.

CARRIED

P. BYLAWS

1. By-law 32-2021

335-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council reads By-law 32-2021, 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 committees a first, second and third and final time.

CARRIED

2. By-law 41-2021

336-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council reads By-law 41-2021, being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/04/21) a first, second and third and final time.

CARRIED

3. By-law 42-2021

337-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council reads By-law 42-2021, being a by-law to establish Interim Control on certain land uses within The Corporation of the Town of Kingsville, as amended, a first, second and third and final time.

CARRIED

Q. CLOSED SESSION

338-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council, at 9:53 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)(e) litigation or potential litigation affecting the municipality, and Subsection 239(2)(f) advice that is subject to solicitor-client privilege RE: Update RE: Car wash and laundromat operating at 281 Main St. East; and
- ii) Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality; being an update regarding 183 Main St. East, Kingsville.

CARRIED

339-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council extends the meeting beyond 10:00 p.m.

CARRIED

R. REPORT OUT OF CLOSED SESSION

Upon rising from Closed Session at 10:25 p.m. Mayor Santos reported as follows:

Q.i) Council received an information update and provided direction to Administration regarding the Car Wash and Laundromat operating at 281 Main St. East;

Q.ii) Council received an information update RE: 183 Main St. East, Kingsville.

S. CONFIRMATORY BY-LAW

1. By-law 43-2021

340-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council reads By-law 43-2021, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its May 10, 2021 Regular Meeting a first, second and third and final time.

CARRIED

T. ADJOURNMENT

341-2021

Moved By Councillor Tony Gaffan

Seconded By Councillor Thomas Neufeld

That Council adjourns this Regular Meeting at 10:26 p.m.

CARRIED