



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, July 10, 2017
6:00 PM
Council Chambers
2021 Division Road N
Kingsville, Ontario N9Y 2Y9**

Members of Council Mayor Nelson Santos
 Councillor Tony Gaffan
 Councillor Thomas Neufeld
 Councillor Susanne Coghill
 Councillor Larry Patterson
 Deputy Mayor Gord Queen

Absent Councillor Sandy McIntyre

Members of P. Van Mierlo-West, CAO
Administration J. Astrologo, Director of Corporate Services
 S. Kitchen, Deputy Clerk-Council Services

A. CALL TO ORDER

Mayor Santos called the Regular Meeting to order at 6:00 p.m. with all members of Council in attendance, except Councillor S. McIntyre who was absent on personal business.

Solicitor Suzanne Porter was also in attendance.

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

1. **Section 239(2)(e) (litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board) being an update Report by Solicitor S. Porter RE: Status of Town of Kingsville, et al. ats Wood.**
2. **Section 239(2)(e) being Report of R. Brown, Manager of Planning and Development Services RE: Decision and Order of OMB Board issued June 1, 2017 Case No. PL160749-Appellant -Tannous-Solicitor D. Halliwill will be in attendance**

479-2017

Moved by Councillor Larry Patterson

Seconded by Councillor Thomas Neufeld

Council, pursuant to Section 239(2) of the *Municipal Act*, moved into Closed Session at 6:01 p.m. to address the following items:

- i) Section 239(2)(e) (litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board) being an update Report by Solicitor S. Porter RE: Status of Town of Kingsville, et al. ats Wood
- ii) Section 239(2)(e) being Report of R. Brown, Manager of Planning and Development Services RE: Decision and Order of Ontario Municipal Board issued June 1, 2017; Case No. PL160749-Appellant - Tannous

CARRIED

At 6:56 p.m. Council rose from Closed Session. Director of Corporate Services/Clerk Jennifer Astrologo left the meeting at 6:56 p.m., as she was required to attend to a personal business matter, and did not return.

At 7:00 p.m. Mayor Santos reconvened the Regular Meeting of Council with all members in attendance, except Councillor S. McIntyre who was absent on personal business as mentioned above.

The following members of Administration were also in attendance: CAO P. Van Mierlo-West, Deputy Clerk-Council Services S. Kitchen, Director of Financial Services S. Zwiers, and Manager of Planning and Development Services R. Brown.

D. 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.

E. PLAYING OF NATIONAL ANTHEM

After the playing of the National Anthem, Mayor Santos asked if there were any declarations as to any pecuniary interest.

DISCLOSURE OF PECUNIARY INTEREST:

Deputy Mayor Queen declared an interest in Item F-1, being Ontario Power Generation presentation for the reason that he is a member of the Power Workers Union Retired Workers Chapter, a member of the Society of Energy Professionals, and the Hydro Pensioners Association of Ontario-Windsor District of which the parent organization has a contractual agreement with OPG. Deputy Mayor Queen left the Council table during said presentation.

F. PRESENTATIONS/DELEGATIONS

1. Ontario Power Generation

Fred Kuntz, Ontario Power Generation Manager, Corporate Relations and Communications--Bruce County presented a PowerPoint presentation updating as to the status of the proposed Deep Geologic Repository (DGR) Project, including a brief history of the project and next steps in the approval process.

480-2017

Moved by Councillor Thomas Neufeld

Seconded by Councillor Susanne Coghill

Council receive Ontario Power Generation PowerPoint Presentation of Fred Kuntz, OPG Manager, Corporate Relations and Communications--Bruce County.

CARRIED

Deputy Mayor Queen returned to the Council table.

2. JLT - Municipal Insurance Overview and Risk Discussion

Gwen Tassone (Vice President Public Sector), Sasha Alexander (Vice-President Account Executive Public Sector) and Robin McCleave (Vice President Risk Manager Public Sector) presented an overview of Jardine Lloyd Thompson Canada Inc.'s Public Sector Division, including its Municipal Insurance Program.

3. Walter Branco / Noah Homes

Mr. Branco advised Council that Noah Homes has just completed the last unit of Phase 1 of the Sun Valley Estates residential development. Parkland is being transferred to the municipality on August 1, 2017 and Phase 2 will commence after Phase 1 wrap up. He asked Council to consider an amendment to the

Development Agreement to allow 5-foot concrete sidewalks on Branco Drive rather than the 8-foot wide multi-purpose trail, and to allow planting of ornamental pear trees in place of sidewalks on the south side of Noah Court.

Deputy Mayor Queen, for clarification, asked if Mr. Branco is suggesting the elimination of sidewalks on one side of Noah Court. Mr. Branco stated that was correct and that he proposes to plant ornamental trees on Branco Drive or would provide the funding for such trees. Deputy Mayor Queen indicated he is opposed to eliminating any sidewalks this contractor or any contractor is obligated to provide.

481-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Larry Patterson

Council receive the delegation request of Walter Branco (Noah Homes) regarding Sun Valley Subdivision for the public record.

CARRIED

482-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Tony Gaffan

Council authorize the Developer of Sun Valley Estates Subdivision to eliminate the 8-foot wide multi-purpose trail and to allow the installation of 5-foot concrete sidewalks on each side of Branco Drive for that portion as required under the Town of Kingsville's Development Manual.

CARRIED

G. MATTERS SUBJECT TO NOTICE

1. PUBLIC MEETING--Zoning By-law Amendment (ZBA/15/17) and Site Plan Approval (SPA/12/17) Kingsville Distributors Ltd. (Mark Muzzan) 140 Park St., Part of Lot 1, Concession 1 ED

i) Report of R. Brown, Manager of Planning and Development Services, dated June 19, 2017.

ii) Proposed By-law 68-2017, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Comments from Council:

Councillor Gaffan inquired as to whether the parking lot will be paved eventually. Mr. Brown indicated that paving is not planned at present, save and except for the access points and accessible parking spaces at the front of the property.

Councillor Neufeld also inquired regarding paving. Mr. Brown indicated that it is not an intensive residential neighbourhood, and it is recommended that the bulk of the parking area remain a dust-controlled gravel surface to minimize overall impact to storm water run-off.

Comments from the Applicant and the audience:

An unidentified resident in the audience asked if there will be live music on the premises. She also mentioned that Wheatley Harbour has a tar and chip application as part of their parking area, which keeps the dust down.

Mr. Muzzan responded that there will be no live bands outside on the patio.

Wayne Halpert, 22 Mettawas Lane commented that it is great that someone wants to develop in the dock area and make it more of a 'people place'. He commented that the gravel issue seems to him a non-issue, having in mind the existing Southwestern Sales gravel dock and gravel issues at that location.

Cathy Fox, 132 Train Court, asked what plans are in place for lighting security for the parking lot at the rear and side of the building for people who are parking in the evening hours, and inquired as to any potential micro-brewery odours. Mr. Muzzan responded the area will be lighted, and that the fermenting process is a completely enclosed process.

Hugh Carey, 152 Lakeview, inquired about truck traffic. He stated that the Town owns a lane in front of his commercial building and that he is experiencing dust and pothole problems. Mr. Brown indicated that the truck traffic and pothole issue is separate and apart from this operational review.

There were no further questions or comments from anyone in attendance in the audience.

483-2017

Moved by Councillor Larry Patterson

Seconded by Deputy Mayor Gord Queen

It is recommended that Council:

1. approve zoning amendment application ZBA/15/17 to amend the zoning of the subject property to a site specific 'Waterfront Commercial Exception 3

(C5-3)' to increase the permit size of a micro-brewery as per the By-law definition and permit the required parking to be gravel surfaced and adopt the implementing by-law.

2. approve the proposed site plan, subject to the conditions outlined in the site plan agreement, for the construction of a 16.3 m x 16.3 m (53.5 ft. x 53.5 ft.) patio, drive way modification and parking area and authorize the Mayor and Clerk to sign the site plan agreement and register said agreement on title.

CARRIED

2. PUBLIC MEETING-Zoning By-law Amendment - ZBA/12/17 1552843 Ontario Ltd. – 150 Heritage Road Part of Lot 4, Concession 1 WD

i) Report of R. Brown, Manager of Planning and Development Services, dated July 4, 2017

ii) Proposed Zoning By-law 76-2017, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for The Corporation of the Town of Kingsville (150 Heritage Road)

Comments from Council:

Councillor Neufeld asked what happens if the Town does not provide affordable housing in the ratios recommended. Mr. Brown indicated that nothing would happen in that event.

Councillor Patterson asked if the roads planned in this area becomes Town roads in twenty years does this area have to go through a subdivision application process?

Councillor Gaffan commented that the Town has a need for this type of housing, but suggested that the Town consider blending areas rather than having a large block of homes identified as affordable housing.

Mayor Santos asked if a specified block could be identified as traditional semis, and another specific block or area be allocated for affordable housing. Mayor Santos also cited servicing concerns (i.e. how does the Town identify that the servicing standards would be put in place now; and how can the Town ensure sidewalks would be installed prior to the Town taking ownership).

Comments from the Applicant:

Walter Branco (President, 1552843 Ontario Ltd.) stated that he wants to provide a variety of opportunities to provide individuals with a sense of home ownership and that he does not intend to devalue anyone's current home values. He

indicated that he will only be able to potentially obtain grant funding, if any, for a portion of the units (10-20 units for example).

Comments from the Audience:

Roxanne Pratt, 221 James, asked about garbage pick-up and indicated she appreciated Councillor Gaffan's previous comments.

Mr. Branco stated he would pay the costs of garbage pick-up, snow removal, and landscaping.

Deana Hurley, Allen Court, asked about exterior maintenance.

Mr. Branco stated that he is responsible to maintain the exterior for a minimum of twenty years.

Joe Prout, 148 Heritage, commented that this proposal will bring neighbourhood property values down. He asked if his property taxes would go down as well.

Mayor Santos stated that the Municipal Property Assessment Corporation (MPAC) assesses properties and assessment rates.

Mr. Branco clarified that the units are not totally funded. He also stated that funding may not be available and Mr. Branco may have to fund all of the development on his own.

Joe Prout suggested that the Town consider constructing affordable homes closer to the Town where residents can walk to stores.

Dale Cook, 2005 Dieppe commented that he appreciated the Town for recognizing low water pressure in Dieppe area and hopes they look at that.

Mr. Branco described the size and style of the proposed semi-detached units.

Rene Everaert, 233 Owenwood, stated that this plan is different from a proposal put forward in 2015 and he is not in favour of this proposal. He stated that he concurs with Councillor Gaffan's comments to blend in the homes in the Town (4 here; 4 there; not all in one region).

Matt Marthino, 33 Normandy, asked why he is seeing this revised plan only today? He indicated that as stated at the Planning Advisory Committee meeting held on June 20, 2017 there are several issues and concerns.

Mayor Santos clarified that zoning is being looked at today; that the plan is not being adopted at this time. The concept plan will come up for review at a future meeting.

Scott Groh, 41 Normandy, indicated that while he agrees with affordable housing because all communities need that, he does not want to see it all in one spot. He likes the idea of spreading it out.

Phil Fraser, 225 James commented that the Prospect St. area affordable housing units do not have as many neighbours; that there are no neighbours to the back of the properties. He wanted to make the point that this area will involve 20-30 neighbouring properties.

Mr. Malott indicated he is not in favour of the proposal and the densities proposed.

Mr. Brown clarified that the current zoning on the subject property does permit a mix of housing styles including single detached, semi-detached and townhouses.

Cathy Fox, 132 Train Court stated she lived north of the Prospect development and is impressed with its design and style. She stated that in the newspaper advertisement the design shows as semi-detached units with garages out front. She wondered if the garages could be pushed back with part of the house coming out into the back yard so that police could address security issues. Mr. Brown explained that this meeting is specifically to address zoning.

Tm Dobson, 35 Normandy, asked that Council take a look at this again and "maybe find a way to make it work but that it needs more time", that "the needs of the many outweigh the needs of the few" and stated concerns about the future of the area and potential problems with the tenants. He asked Council to allow some time to review this further.

There were no other comments from anyone in attendance in the audience.

Comments from Council:

Deputy Mayor Queen commented that the existing Strategic Plan states in part "The Town of Kingsville values the beautiful environment of its small town culture inhabitants and strives to ensure a healthy legacy for current and future generations". He indicated that to prepare for the future "we need to consider the past" and cited past examples of how housing needs were determined then including The Belleview Apartment building, Augustine Villas, two apartment buildings on Division St. North. and various Windsor Essex Housing Authority multi-unit buildings. He indicated that the Planning Advisory Committee did not approve or support the application or subdivision design. He reminded that it is Council, not an advisory committee that has authority to approve or reject the Recommendation and that it is Council that is elected to represent the community. He expressed concerns regarding the width of the proposed road

and densities. He referred to the Development Manual which requires sidewalks be located on both sides of roads. He suggested that perhaps the Town is moving too fast in the consideration of this proposal and asked Council to preserve its standard terms of development.

A recorded vote was requested.

484-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council deny Zoning Amendment Application ZBA/12/17 (1552843 Ontario Ltd.-- 150 Heritage Road, Part of Lot 4, Concession 1 WD).

Recorded	YEA	NAY
Mayor Nelson Santos		X
Councillor Tony Gaffan	X	
Councillor Thomas Neufeld	X	
Councillor Susanne Coghill	X	
Councillor Larry Patterson	X	
Deputy Mayor Gord Queen	X	
Councillor Sandy McIntyre		
Results	5	1

CARRIED

Mayor Santos called for a recess at 9:33 p.m. The meeting reconvened at 9:44 p.m.

H. AMENDMENTS TO THE AGENDA

Deputy Mayor Queen added one notice of motion.

Councillor Neufeld added 3 notices of motion

I. ADOPTION OF ACCOUNTS

1. Town of Kingsville Accounts for the monthly period ended June 30, 2017

485-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Susanne Coghill

Council approve Town of Kingsville Accounts for the monthly period ended June 30, 2017 being TD cheque numbers 0062278 to 0062581 for a grand total of \$1,059,784.69.

CARRIED

J. STAFF REPORTS

1. Fence By-law 96-2005 Update

R. Brown, Manager of Planning and Development Services

486-2017

Moved by Councillor Thomas Neufeld
Seconded by Councillor Susanne Coghill

Council receive the report of R. Brown, Manager of Planning and Development Services, dated June 7, 2017 on possible updates and changes to the Fence By-law (96-2005) for information purpose, and direct Administration to prepare a draft revision of the current Fence By-law for consideration of Council.

CARRIED

2. Wayne and Connie Stockwell – Development Agreement

R. Brown, Manager of Planning and Development Services

487-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Thomas Neufeld

Council approve the proposed Development Agreement for the residential lots created by consent (File B/22/16) between the Town and Wayne and Connie Stockwell, as drafted, and authorize the Mayor and Clerk to sign the agreement and have said agreement registered on title.

CARRIED

K. MINUTES OF THE PREVIOUS MEETINGS

1. Regular Meeting of Council--June 26, 2017

2. **Regular 'Closed Session' Meeting of Council--June 26, 2017**
3. **Special Meeting of Council-June 27, 2017**

488-2017

Moved by Councillor Tony Gaffan

Seconded by Councillor Susanne Coghill

Council adopt Regular Meeting of Council Minutes dated June 26, 2017, Regular 'Closed Session' Meeting of Council Minutes dated June 26, 2017, and Special Meeting of Council Minutes dated June 27, 2017.

CARRIED

L. MINUTES FROM COMMITTEES AND RECOMMENDATIONS

1. **Planning Advisory Committee--February 28, 2017**
2. **Committee of Adjustment--May 16, 2017**
3. **Kingsville Accessibility Advisory Committee--May 24, 2017**
4. **Kingsville Police Services Board-May 24, 2017**
5. **Union Water Supply System Joint Board of Management-May 31, 2017**
6. **Court of Revision--May 23, 2017**

489-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council receive Planning Advisory Committee Minutes dated February 28, 2017, Committee of Adjustment Minutes dated May 17, 2017, Kingsville Accessibility Advisory Committee Minutes dated May 24, 2017, Kingsville Police Services Board Meeting Minutes dated May 24, 2017, Union Water Supply System Joint Board of Management Minutes dated May 31, 2017 and Court of Revision Minutes dated May 23, 2017.

CARRIED

M. BUSINESS CORRESPONDENCE - INFORMATIONAL

1. **Town of Essex--Correspondence dated June 21, 2017 RE: Request for Province to Halt All Wind Turbine Approvals in Unwilling Host Communities**

2. **Township of Edwardsburgh/Cardinal--Correspondence dated June 29, 2017
RE: Property Standards Downloading**
3. **Town of Amherstburg--Correspondence dated June 20, 2017 RE:
Resolution 20170612-742 re: Ontario's Nuclear Emergency Response Plan**
4. **Ministry of Education-Correspondence dated June 28, 2017 RE: Launch of
Ontario's Plan to Strengthen Rural and Northern Education**

490-2017

Moved by Councillor Larry Patterson

Seconded by Councillor Thomas Neufeld

Council receive Business Correspondence / Information Items 1-4 as presented.

CARRIED

N. NOTICES OF MOTION

1. **Deputy Mayor Gord Queen may move, or cause to have moved, that
Council approve the name change of the Older Adults Advisory Committee
to The 55+ Advisory Committee**

491-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Thomas Neufeld

Council approve the name change of the Older Adults Advisory Committee to
'The 55+ Advisory Committee'.

CARRIED

2. **Deputy Mayor Gord Queen may move, or cause to have moved, that
Council receive the information attached from the Municipal Act for their
own information and enlightenment**

492-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghil

Council receive the information filed by Deputy Mayor G. Queen from the
Municipal Act for information.

CARRIED

3. **Deputy Mayor Queen (in reference to Motion 447-2016 passed July 25, 2016 RE: Planned installation of sidewalks along the south side of Noah Court) may move, or cause to have moved:**

That if the developer has not yet installed the sidewalks, that the Town install the sidewalks this year.

493-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

That if the Developer of the Sun Valley Subdivision has not yet installed sidewalks along the south side of Noah Court by the Fall of this year, then the Town will install sidewalks by end of calendar year.

CARRIED

4. **Deputy Mayor Queen (in reference to By-law 76-2010 / Noah Homes) may move or cause to have moved:**

That Administration provide an update to Council to report specifically on options available to bring the subject property into compliance.

494-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

Council direct that Administration provide an update report to Council to report specifically on options available to bring the Noah Homes Seacliff property into compliance (other than zoning change), said Report to be provided end of 2017.

CARRIED

5. **Councillor Neufeld indicated that he may at the next Regular Meeting of Council move, or cause to have moved, that Council direct that Communication Tower Applications for municipally-owned land follow the Town's notice policy, regardless of height.**
6. **Councillor Neufeld indicated that he may at the next Regular Meeting move, or cause to have moved:**

That the policy for live trapping of animals be considered to be increased to two animals per cage, rather than one, and that the said motion be sent to the

Kingsville-Leamington Animal Control Committee for discussion and recommendation.

7. **Councillor Neufeld indicated that he may at the next Regular Meeting move, or cause to have moved, that the Mayor invite local citizens who want to sing the National Anthem to attend the first Regular Meeting of each month, starting in 2018.**
8. **Deputy Mayor indicated that he may at the next Regular Meeting move, or cause to have moved:**

That the Town's Development Manual be amended at Section 4.1.1 to remove the sentence "The Municipality may accept 15 metre wide rights-of-way with 2.5 metre easements on each side for utilities on cul-de-sac streets and "P Loop" streets."

O. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

P. BYLAWS

1. By-law 36-2017

495-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Thomas Neufeld

Council read By-law 36-2017, being a by-law to provide a report for bridge maintenance sharing on the Henderson Drain & Branches in the Town of Kingsville, in the County of Essex (Rood Engineering Inc. Consulting Engineers Project 2015D019) a third and final time.

CARRIED

2. By-law 68-2017

496-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council read By-law 68-2017, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/15/17) a first, second and third and final time.

CARRIED

3. By-law 75-2017

497-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

Council read By-law 75-2017, being a By-law to Repeal By-law 64-2016, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (as Ordered by the Ontario Municipal Board) a first, second and third and final time.

CARRIED

Q. CLOSED SESSION

1. Section 239(2)(e) being litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board described as follows:

Update Report from CAO P. Van Mierlo-West regarding the status of expropriation of a portion of waterfront lands for park purposes.

2. Section 239(2)(d) labour relations or employee negotiations, being:

Verbal Report of CAO P. Van Mierlo-West regarding the compensation of a member of Senior Management.

498-2017

Moved by Councillor Tony Gaffan

Seconded by Councillor Susanne Coghill

Council at 10:05 p.m. and pursuant to Section 239(2) of the Municipal Act, entered into Closed Session to address the following items:

1. Section 239(2)(e) being litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board, described as follows: Update Report from CAO P. Van Mierlo-West regarding the status of expropriation of a portion of waterfront lands for park purposes;

and

2. Section 239(2)(d) labour relations or employee negotiations, being Verbal Report of CAO P. Van Mierlo-West regarding the compensation of a member of Senior Management.

CARRIED

R. REPORT OUT OF CLOSED SESSION

Mayor Santos reported on the following items:

Item C-1 RE: Update report by Solicitor S. Porter RE: Status of Town of Kingsville, et al. ats Wood--Mayor Santos reported that Council provided direction on this matter which is subject to solicitor-client privilege.

Item C-2 RE: Decision and Order of Ontario Municipal Board issued June 1, 2017 Case No. PL160749 - Appellant - Tannous--Mayor Santos reported that Council received an update report from Manager of Planning and Development Services R. Brown and Solicitor D. Halliwill.

Item Q-3- RE: Update Report from CAO P. Van Mierlo-West regarding the status of expropriation of a portion of waterfront lands for park purposes--Mayor Santos reported that Direction was provided to Administration in this regard.

Item Q-4 --RE: Verbal Report of CAO P. Van Mierlo-West regarding the compensation of a member of Senior Management--Mayor Santos reported that final direction regarding the compensation of a member of Senior Management was provided to Administration.

S. CONFIRMATORY BY-LAW

1. By-law 77-2017

499-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

Council read By-law 77-2017, being a by-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its July 10, 2017 Regular Meeting a first, second and third and final time.

CARRIED

T. ADJOURNMENT

500-2017

Moved by Councillor Tony Gaffan

Seconded by Councillor Susanne Coghil

Council adjourn this Regular Meeting at 10:17 p.m.

CARRIED

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo