



**REGULAR MEETING OF COUNCIL
MINUTES**

Monday, August 28, 2017

7:00 PM

Council Chambers

2021 Division Road N

Kingsville, Ontario N9Y 2Y9

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

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

A. CALL TO ORDER

Mayor Santos called the Regular Meeting to order at 7:00 p.m.

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. Michael Laba, Solicitor representing 1147160 Ontario Limited-
Request dated August 11, 2017 for extension of Amended Development
Agreement for the Mettawas Lane Development**

Mr. Laba presented his correspondence dated August 18, 2017 on behalf of his client, 1147160 Ontario Ltd. He also presented a copy of correspondence from Coco Paving Inc. which confirms that Coco Paving can commence the works on September 18, 2017 for completion no later than September 29, 2017. His client has requested a 60-day extension. He indicated that his client's request for a 60-day extension is most reasonable and does not prejudice the Town or its residents.

554-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

That Council receive correspondence from Coco Paving Inc., dated August 28, 2017 RE: Mettawas Subdivision Surface Course Asphalt as submitted by Solicitor Michael Laba.

CARRIED

Mayor Santos brought forward Staff Report G-1, being Report of K. Girard, Manager of Municipal Services RE: Mettawas Lane Development Extension Request, dated August 28, 2017

Director of Municipal Services A. Plancke was in attendance and presented the report in Mr. Girard's absence. Mr. Plancke stated that because there is commitment from both 1147160 Ontario Limited and Coco Paving Inc. to have the work completed by the end of September, he would take back the recommendation contained in the Staff Report and agree to an extension of the Amendment Agreement. He suggested that an extension of no more than 30 days would be appropriate at this point.

555-2017

Moved by Councillor Larry Patterson

Seconded by Councillor Tony Gaffan

That Council accept recommendation of Director of Municipal Services A. Plancke to allow the Developer a thirty-day extension of the September 1, 2017 date for its completion of the outstanding work at the Mettawas Lane development.

CARRIED AS AMENDED BY MOTION 556-2017

Amendment:

556-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

That Council amend Motion 555-2017 to allow the Developer a forty (40) day extension of the September 1, 2017 date for its completion of the outstanding work at the Mettawas Lane development.

CARRIED

2. William Parr, Resident, on behalf of residents of Lakeside Crescent and area, Request dated August 17, 2017

Mr. Parr, on behalf of residents of Lakeside Crescent and area, indicated he is strongly opposed to the placing of wildfowl hunting blinds off the Shores of Lake Erie. He indicated that the area residents respect the rights of hunters, however, that placing hunting blinds on a residential or recreational area is not wise, nor safe, for residents and visitors alike. He referred to correspondence filed with Council this evening as provided by the Causarano delegation and indicated that the residents feel that the letter provides Council with a clear direction to lobby the Province of Ontario, including members of the local Provincial Parliament, for an amendment to the Regulations under the *Fish and Wildlife Conservation Act* to prohibit hunting and the construction of duck blinds near the shores of Lake Erie within the Town of Kingsville, similar to that which is in place for the municipalities of Lakeshore and Tecumseh.

Mr. Parr read aloud his questions and concerns, thanked Council for allowing the residents to address the issue, and asked that Council address the matter with the Ministry of Natural Resources. He indicated the residents will stand ready to assist in any way that they can, and the residents feel there is a sense of urgency in this matter.

557-2017

Moved by Councillor Susanne Coghill

Seconded by Councillor Thomas Neufeld

That Council receive notes from William Parr, Resident, listing questions and concerns pertaining to Hunting Blinds in Lake Erie.

CARRIED

**3. Giovanni Causarano, Resident, on behalf of Mettawas Lane Residents,
Request dated August 18, 2017**

Mr. John Causarano, on behalf of Mettawas Lane residents, stated that as mentioned by Mr. Parr, he has distributed correspondence this evening to Council from his solicitor for Council's information. He explained that during the hunting season from September to January all the neighbours wake up at 6:15 a.m. because of the noise of the shotguns. He asked how it is possible for this to be allowed close to the residences. He indicated he cannot walk on the beach with his grandchildren and that the location may have been okay twenty to twenty-five years ago, but residents who live nearby are fearful. He stated that he hopes that Council will do something about this; that the location is not the right place for hunting.

558-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

That Council receive correspondence addressed to the Municipal Council for the Town of Kingsville from Solicitor Matthew M. Caron (Pearsall, Marshall, Halliwill & Seaton LLP) dated August 28, 2017 RE: Duck Hunting off the Shores of Lake Erie in the Town of Kingsville.

CARRIED

559-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

That Council direct Administration to research the matter of duck hunting off the Shores of Lake Erie to determine the ownership of the water lots adjacent to Town-owned land and how that may impact the municipality's jurisdiction; to identify the Town's legal jurisdiction over this issue; and further that Administration provide advertised notice to the public as to the date this Report is coming back to Council for consideration.

CARRIED

F. AMENDMENTS TO THE AGENDA

Deputy Mayor Queen added two Notices of Motion, and Councillor Neufeld added one Notice of Motion.

G. STAFF REPORTS

1. Mettawas Lane Development Extension Request

560-2017

Moved by Councillor Thomas Neufeld

Seconded by Councillor Susanne Coghill

That Council receive Report of K. Girard, Manager of Municipal Services, RE: Mettawas Lane Development Extension Request, dated August 28, 2017.

CARRIED

2. Kingsville Community Grant Fund Policy

Mayor Santos advised that Ms. Zwiers, Director of Financial Services, was not able to be in attendance to present her Report this evening.

561-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

That Council defer Report of S. Zwiers, Director of Financial Services RE: Community Grant Fund Policy, dated August 2, 2017, to a future Regular Meeting of Council.

CARRIED

3. Council Vacancy – Resignation of Councillor McIntyre

Director of Corporate Services J. Astrologo presented her Report for Council's consideration, providing Council with information relating to the resignation of Councillor McIntyre and the options available to fill said vacancy on Council.

562-2017

Moved by Councillor Larry Patterson

Seconded by Councillor Tony Gaffan

That Council declare the office of a member of Council vacant.

CARRIED

563-2017

Moved by Councillor Susanne Coghill
Seconded by Deputy Mayor Gord Queen

That Council receive the balance of the Report of J. Astrologo, Director of Corporate Services/Clerk RE: Council Vacancy-Resignation of Councillor McIntyre, dated August 17, 2017.

CARRIED

H. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

- 1. Prostate Cancer Canada--Request dated August 16, 2017 RE: Request to proclaim September 2017 as 'Prostate Cancer Awareness Month' in the Town of Kingsville**

564-2017

Moved by Councillor Larry Patterson
Seconded by Councillor Susanne Coghill

WHEREAS prostate cancer is the most common cancer to affect Canadian men; and

WHEREAS 1 in 7 Canadian men will be diagnosed with the disease in his lifetime; and

WHEREAS an estimated 21,300 Canadian men will be diagnosed with prostate cancer this year; and

WHEREAS the survival rate for prostate cancer can be over 90% when detected early; and

WHEREAS those with a family history of the disease, or those of African or Caribbean descent, are at a greater risk of developing prostate cancer; and

WHEREAS Prostate Cancer Canada recommends that men get a PSA test in their 40s to establish their baseline;

THEREFORE the Council of The Corporation of the Town of Kingsville does hereby recognize September 2017 as Prostate Cancer Awareness Month in the Town of Kingsville.

CARRIED

2. **Erie Shores Quilting Guild--Correspondence dated August 18, 2017 requesting waiver of fee for Unico Building**

565-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

That Council approve request for a period of six months to Erie Shores Quilting Guild for the Unico Building.

CARRIED AS AMENDED BY MOTION 566-2017

Amendment:

566-2017

Moved by Councillor Tony Gaffan

Seconded by Councillor Susanne Coghill

Council amend motion 565-2017 to specify a period of four (4) months.

CARRIED

I. MINUTES OF THE PREVIOUS MEETINGS

1. **Regular Meeting of Council--August 14, 2017**
2. **Special Meeting of Council--August 17, 2017**

567-2017

Moved by Councillor Susanne Coghill

Seconded by Deputy Mayor Gord Queen

That Council adopt the Regular Meeting of Council Minutes, dated August 14, 2017 and Special Meeting of Council Minutes, dated August 17, 2017.

CARRIED

J. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. **Kingsville BIA-July 11, 2017**

568-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

That Council receive Kingsville BIA Meeting Minutes dated, July 11, 2017.

CARRIED

2. Tourism and Economic Development-June 8, 2017

569-2017

Moved by Councillor Tony Gaffan

Seconded by Councillor Larry Patterson

That Council receive Tourism and Economic Development Committee Meeting Minutes dated, June 8, 2017.

CARRIED

3. Parks, Recreation, Arts and Culture--June 15, 2017

570-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Thomas Neufeld

That Council receive Parks, Recreation, Arts and Culture Meeting Minutes dated, June 15, 2017, along with the following Subcommittee Minutes: Migration Festival dated April 25, 2017, Fantasy of Lights dated April 25, 2017, and Communities in Bloom dated May 10, 2017.

CARRIED

K. BUSINESS CORRESPONDENCE - INFORMATIONAL

1. County of Essex--Correspondence from W. King, Manager, Planning Services RE: Town of Kingsville By-law 56-2017 duly approved under Section 50(7) of the Planning Act on July 25, 2017 (Millbrook Subdivision, Stage II, Phase 1, Plan 12M-552)

571-2017

Moved by Councillor Susanne Coghill

Seconded by Councillor Larry Patterson

That Council receive Business Correspondence-Information item 1, as presented, for Information.

CARRIED

L. NOTICES OF MOTION

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

That Council be provided a complete list of the 2018 bookings that presently exist for the Lakeside Park Pavilion noting the breakdowns by category as follows: i) Private Rentals for the full fee as per our fees by-law; ii) Rentals by the Schedule E list of Free and Reduced rate rentals; and iii) dates that the Town has on hold and not available for rent due to Town Committees such as Fantasy of Lights/Dinner with Santa and any planned Town events such as the Christmas Party; Such report to be provided to Council by December 31, 2017 with any staff recommendations for change.

572-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

That Council be provided a complete list of the 2018 bookings that presently exist for the Lakeside Park Pavilion noting the breakdowns by category as follows: i) Private Rentals for the full fee as per our fees by-law; ii) Rentals by the Schedule E list of Free and Reduced rate rentals; and iii) dates that the Town has on hold and not available for rent due to Town Committees such as Fantasy of Lights/Dinner with Santa and any planned Town events such as the Christmas party; Such report to be provided to Council by December 31, 2017 with any staff recommendations for change.

CARRIED

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

That Council direct Administration to communicate with resident Penny Horne regarding the Lakeview Road reconstruction project and provide Council with a follow-up report.

573-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

That Council direct Administration to communicate with resident Penny Horne regarding the Lakeview Avenue Road reconstruction project and provide Council with a follow-up report;

CARRIED

3. Councillor L. Patterson may move or caused to have moved:

That Senior Management review the matter of animals (including chickens and other livestock) roaming at large.

Councillor Patterson indicated that he spoke to Administration regarding this matter, and no such Motion was moved at this Regular Meeting.

4. Councillor L. Patterson may move or caused to have moved:

That the Town's Noise By-law (By-law 69-2003 as amended) be reviewed with the possibility of including noise generated by drums, guitars, horns and other musical instruments generating music greater than 65 decibels.

Councillor Patterson advised he spoke to Administration pertaining to this matter, and no such Motion was moved at this Regular Meeting.

Mayor Santos vacated the Chair and Deputy Mayor Queen assumed the Chair for the discussion of item L-5.

5. Mayor Santos may move or cause to have moved:

Deputy Mayor Queen, acting as Chairman, asked if there was motion for reconsideration of Council's previous decision on the matter of the inclusion of sidewalks on the southern side of Noah Court (Motion 447-2016).

574-2017

Moved by Mayor Nelson Santos

Seconded by Councillor Susanne Coghill

That Council Reconsider motion 477-2016, being its decision on the matter of the inclusion of sidewalks on the southern side of Noah Court.

CARRIED

575-2017

Moved by Mayor Nelson Santos

Seconded by Councillor Thomas Neufeld

That The Corporation of the Town of Kingsville accept an amendment to the Sun Valley Estates Development Agreement to remove the single sidewalk installation on Noah Court in concert with a new provision that the Developer provide to the municipality a contribution of \$10,000.00, representing the value of the Noah Court sidewalk installation;

And Further That the contribution be utilized for recognized improvements within the Hamlet of Ruthven for future sidewalk installations on Road 2 between Branco Drive and Mayfair and/or other identified areas in this immediate area in Ruthven to complement the Kingsville Active Transportation Plan.

CARRIED

Mayor Santos then assumed the Chair at 8:06 p.m.

6. Deputy Mayor Queen stated that he may, at the next Regular Meeting of Council, move or cause to have moved:

That Council and Administration enter into discussions with the Kingsville Community Church regarding Canada Day 2018 as to options and opportunities that may exist.

7. Deputy Mayor Queen may, at the next Regular Meeting, move or cause to have moved:

That Council again ask Staff to obtain and install a Christmas tree at Carnegie Parkette prior to the Santa Parade of November 18.

8. Councillor Neufeld may, at the next Regular Meeting, move or cause to have moved:

That Committee Members not be paid for Committee Meetings which last 15 minutes or less.

M. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

There were no unfinished business items, announcements or updates.

N. CLOSED SESSION

576-2017

Moved by Councillor Tony Gaffan

Seconded by Councillor Thomas Neufeld

Pursuant to Section 239(2) of the *Municipal Act, 2001* Council, at 8:08 p.m., entered into Closed Session to address the following items:

1. Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; being verbal report of CAO P. Van Mierlo-West pertaining to the potential acquisition of land for municipal purposes.

2. Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; being verbal report/update pertaining to 103 Park St.

CARRIED

O. REPORT OUT OF CLOSED SESSION

Upon rising from Closed Session at 8:19 p.m. Mayor Santos reported that the CAO provided two update reports for Council's information.

P. CONFIRMATORY BY-LAW

1. By-law 94-2017

577-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

That Council read By-law 94-2017, being a by-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its August 28, 2017 Regular Meeting a first, second and third and final time.

CARRIED

Q. ADJOURNMENT

578-2017

Moved by Councillor Thomas Neufeld

Seconded by Councillor Susanne Coghill

That Council adjourn this Regular Meeting at 8:20 p.m.

CARRIED

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo