REGULAR MEETING OF COUNCIL

MINUTES

Monday, February 13, 2017
7:00 PM
Council Chambers
2021 Division Road N
Kingsville, Ontario N9Y 2Y9

Members of Council	Mayor Nelson Santos
	Councillor Tony Gaffan
	Councillor Thomas Neufeld
	Councillor Larry Patterson
	Deputy Mayor Gord Queen
	Councillor Sandy McIntyre
Members of Administration	P. Van Mierlo-West, CAO
	A. Plancke, Director of Municipal Services
	R. Brown, Manager of Planning & Development Services
	K. Galinac, Planner
	J. Astrologo, Director of Corporate Services
	S. Kitchen, Deputy Clerk-Council Services
	S. Zwiers, Director of Financial Services
	J. Dean, Acting Fire Chief

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. Mr. Ali Fayaz (PEACO Contracting) and William Jean, P. Eng.

Request dated February 2, 2017 RE: Mettawas Subdivision (SEE: Staff Report Item I-4, being report of Director of Municipal Services A. Plancke)

Solicitor Michael Laba (representing 1147160 Ontario Ltd.), Mr. Ali Fayaz, and Mr. William Jean, P. Eng. (Valdez Engineering Ltd., Consulting Engineers) were in attendance. Mr. A. Katebian (1147160 Ontario Ltd.) was also in attendance in the audience.

Solicitor Laba explained that Valdez Engineering had been retained by the developer to review the existing conditions and provide a report on the remedial construction and costs. Solicitor Laba outlined the contents of said engineer's report (a copy of which had been provided to Mr. Plancke earlier today). Timelines to carry out the work were discussed. It is estimated that the work will be completed in July or August and it was suggested by the developer that the Town might consider the Park Street construction be completed at the same time as the Mettawas construction project.

162-2017
Moved By Councillor Tony Gaffan
Seconded By Councillor Sandy McIntyre

Council receive Report of Wm. Jean, P. Eng (Valdez Engineering Ltd.) dated February 12, 2017 RE: Mettawas Lane Subdivision, Kingsville, Ontario.

CARRIED

Mayor Santos then brought forward Agenda Item I-4, being Report of A. Plancke, dated February 3, 2017 RE: Mettawas Lane Development Deficiencies (MS 2017-09)

Mr. Plancke stated that it seems the Town now has a workable timeframe within which to have this work completed by the developer, and advising that the Town was ready to move ahead to have the works completed this year in the event that an agreement could not be reached. An amending agreement to the existing Development Agreement will be duly prepared and executed.

163-2017
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Tony Gaffan

Council direct Administration to prepare the amending agreement to the Development Agreement for the Mettawas Lane Development (1147160 Ontario Ltd.) within thirty (30) days, with a completion date of the project by September 1, 2017.

CARRIED

F. MATTERS SUBJECT TO NOTICE

1. Zoning By-law Amendment ZBA/15/16 Elivira & Andreas Miller 851 County Road 34 CON STR, PT LOT 259 Roll No. 3711 410 000 00500

PUBLIC MEETING

Ms. Kristina Brcic presented the Planning Report, dated February 6, 2017 and proposed By-law 16-2017, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

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

164-2017
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Thomas Neufeld

Council approve Zoning By-law Amendment ZBA/15/16 to rezone the retained lands relative to the granted consent (B/20/16) from ‘Agriculture (A1)’ to ‘Agriculture - Restricted (A2)’ on lands currently known as 851 County Road 34.

CARRIED

2. ZBA/12/16 Application for Removal of the H – Holding Symbol 1552843 Ontario Ltd. (Sunvalley Estates Subdivision) Part of Lot 10, Concession 2 ED, Plan 12M 628, Phase 2/3

Mr. Brown presented the Planning Report dated January 19, 2017 and the Proposed By-law 22-2017, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

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

It was noted and confirmed by Mr. Brown that sidewalk construction is an expectation as provided for within the terms of the Development Agreement.

165-2017
Moved By Councillor Larry Patterson
Seconded By Councillor Tony Gaffan

Council approve the removal of the Holding (h) symbol on lands known as Lots 1 through 19, inclusive, Plan 12M 628 in the Town of Kingsville and adopt the implementing by-law.

CARRIED

G. AMENDMENTS TO THE AGENDA

1. Deputy Mayor Queen added one Notice of Motion item and Councillor Gaffan added one announcement.

H. ADOPTION OF ACCOUNTS

Ms. Zwiers presented the Accounts.

166-2017
Moved By Councillor Thomas Neufeld
Seconded By Councillor Sandy McIntyre

Council approve Town of Kingsville Accounts for the monthly period ended January 31, 2017, being TD cheque numbers 0060903 to 0061241 for a grand total of $1,493,034.34

CARRIED

I. STAFF REPORTS

1. Agreement between Town of Kingsville & Brighton Beach Power

J. Dean, Acting Fire Chief.

167-2017
Moved By Councillor Larry Patterson
Seconded By Councillor Thomas Neufeld

Council approve the Agreement between The Corporation of the Town of Kingsville (Fire Department) and Brighton Beach Power and authorizes the Mayor and Clerk to sign the aforementioned agreement.

CARRIED

2. Angel Court Extension (Bruner Court) Final Acceptance of Services

A. Plancke, Director of Municipal Services

168-2017
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Tony Gaffan

Council concur with the request of the Developer's Consultant and the Director of Municipal Services for the Town to grant final acceptance of services for Angel Court Extension known as Bruner Court, and for the Clerk to draft the appropriate By-Law in order to transfer the ownership of the roadway and services to the Municipality.

CARRIED

3. Millbrook Stage 2 Phase 1 Final Acceptance

A. Plancke, Director of Municipal Services

169-2017
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Sandy McIntyre

Council concur with the request of the Developer's consultant and the Director of Municipal Services for the Town to grant "Final Acceptance" of the services for

the Millbrook Stage 2 Phase 1 subdivision, and for the Clerk to draft the appropriate By-Law in order to transfer ownership of the roadway and services to the Municipality.

CARRIED

4. Mettawas Lane Development Deficiencies

A. Plancke, Director of Municipal Services

This Report was discussed above (See: Item E-1 / Mr. A. Fayaz delegation)

170-2017
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Thomas Neufeld

Council receive Report of A. Plancke, Director of Municipal Services, dated February 3, 2017 RE: Mettawas Lane Development Deficiencies (MS 2017-09)

CARRIED

5. Right-of-Access By-law Implementation

R. Brown, Manager of Planning and Development Services

171-2017
Moved By Councillor Tony Gaffan
Seconded By Councillor Thomas Neufeld

Council adopt the proposed Right-of-Access by-law as presented, and further, direct Administration to schedule a review of the current Fencing By-law for 2017 and provide an information report to Council on possible updates.

CARRIED

6. Public Notice Requirements under the Planning Act

R. Brown, Manager of Planning and Development Services.

Deputy Mayor Queen, in response to the Planning Report and recommendation, indicated that teamwork and communication is critical for success; that Council needs to know what is going on with matters such as grant applications, major projects; and with planning matters from a strategic or large overview perspective. He suggested that it is very important that the public is aware of what events are occurring in respect to Council matters, and matters relating to Committees of Council. He provided an example of a print notice/advertisement that had been placed in the Kingsville Reporter pertaining to a planning matter and suggested that because not every resident has the ability to log on to social media and twitter, that print notice is an excellent method of communication that still works. Mr. Queen requested a recorded vote on the following motion:

172-2017
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Thomas Neufeld

Council receive the report of R. Brown, Manager of Planning and Development Services for information purposes on the details of public notice standards in the Planning Act and the rationale for their continued use as the accepted standard of public notice for Planning Act applications filed with the Town of Kingsville, and further, Council direct Administration to continue to enhance the information and communication provided to the public for Planning Act applications filed with the Town.

Recorded	**For**	**Against**
Mayor Nelson Santos	X	
Councillor Tony Gaffan	X	
Councillor Thomas Neufeld	X	
Councillor Susanne Coghill		
Councillor Larry Patterson	X	
Deputy Mayor Gord Queen	X	
Councillor Sandy McIntyre	X	
Results	**6**	**0**

CARRIED (6 to 0)

7. Medical Centre Lease Agreements and Long Term Agreements

173-2017
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Sandy McIntyre

That Council receive the Report of J. Astrologo, Director of Corporate Services, dated January 25, 2017 regarding Medical Centre Lease Agreements and Long Term Agreements for information.

CARRIED

J. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

K. MINUTES OF THE PREVIOUS MEETINGS

1. Regular Meeting of Council--January 23, 2017

2. Regular Closed Session Meeting--January 23, 2017

3. Special Meeting of Council Budget #2--January 31, 2017

4. Special Meeting of Council Strategic Planning Session--February 6, 2017

5. Special Meeting of Council--February 6, 2017

6. Special Closed Session Meeting of Council--February 6, 2017

174-2017
Moved By Councillor Larry Patterson
Seconded By Councillor Tony Gaffan

Council adopt January 23, 2017 Regular Meeting of Council Minutes, January 23, 2017 Regular Closed Session Meeting of Council Minutes, January 31, 2017 Special Meeting of Council Minutes (Budget #2), February 6, 2017 Special Meeting of Council Minutes (Strategic Planning), and February 6, 2017 Special Meeting of Council (Open and Closed Session).

CARRIED

L. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. Committee of Adjustment--December 13, 2016

175-2017
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Sandy McIntyre

Council receive Committee of Adjustment Meeting Minutes dated December 13, 2016

CARRIED

2. Parks, Recreation, Arts and Culture Committee--November 17, 2016

176-2017
Moved By Councillor Tony Gaffan
Seconded By Councillor Sandy McIntyre

Council receive Parks, Recreation, Arts and Culture Committee Meeting Minutes dated November 17, 2016 together with the following subcommittee meeting minutes: Older Adults Advisory October 20, 2016, Fantasy of Lights October 25, 2016 and Communities in Bloom October 4, 2016

CARRIED

3. Kingsville Police Services Board--November 23, 2016

177-2017
Moved By Councillor Larry Patterson
Seconded By Deputy Mayor Gord Queen

Council receive Police Services Board Meeting Minutes dated November 23, 2016

CARRIED

M. BUSINESS CORRESPONDENCE-INFORMATIONAL

1. Town of Atikokan

Resolution of the Town of Atikokan in support of Town of Fort Frances' resolution regarding property taxation on railroad right-of-way properties

2. The Hon. Jeff Leal, Minister of Agriculture, Food and Rural Affairs

Correspondence dated January 30, 2017 RE: Rural Economic Development (RED) Program

3. Town of New Tecumseth

Correspondence dated January 26, 2017 RE: Municipal Fire Dept. Infrastructure

4. Progressive Conservative Party of Ontario

Correspondence from Patrick Brown, MPP and Leader of the Official Opposition

5. Town of Fort Frances

Resolution 682 as passed January 9, 2017 to address inequity in Property Taxation on Railway Rights-of-Way collected by Ontario Municipalities

6. County of Essex

Correspondence dated February 3, 2017 RE: Essex County Council Resolution RE: Essex County Library Board Refund of Surplus Funds

7. County of Prince Edward

Correspondence dated January 26, 2017 RE: Request to Minister of Education to Initiate Immediate Stay of Execution on Accommodation Review Process

8. County of Prince Edward

Correspondence dated January 26, 2017 RE: Request to Minister of Education to Rewrite the Pupil Accommodation Review Guidelines (PARG)

9. Township of Montague

Correspondence dated December 22, 2016 RE; Funding for Internet Connectivity in Libraries Across Ontario

10. Explore the Shore

Correspondence dated February 2, 2017 requesting $2,500 in funding to support the 7th Explore the Shore Weekend event.

178-2017
Moved By Councillor Thomas Neufeld
Seconded By Councillor Sandy McIntyre

Council receive Information Items 1 through 10.

CARRIED

RE: Information Item 10--Explore the Shore--Correspondence dated February 2, 2017 requesting $2,500 in funding to support the 7th Explore the Shore Weekend.

Council directed administration to invite Explore the Shore to apply for grant for 2018.

N. NOTICES OF MOTION

Deputy Mayor Queen may, at the next Regular Meeting of Council, move or cause to have moved that Council enter into Closed Session to address an item pursuant to Section 239(2)(b), being a personal matter about an identifiable individual, including municipal or local board employees, being a member of Senior Administration.

179-2017
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Larry Patterson

Council review and update the Town Grant Policy with input from Administration.

CARRIED

180-2017
Moved By Councillor Thomas Neufeld
Seconded By Councillor Tony Gaffan

Council request administration to review and amend the Town of Kingsville's current flag policy to include the following dates for flags to be flown at half-mast at the municipal office building: April 28th (National Day of Mourning for Persons Killed or Injured in the Workplace), June 23rd (National Day of Remembrance for Victims of Terrorism) and December 6th (National Day of Remembrance and Action on Violence against Women)

CARRIED

O. UNFINISHED BUSINESS, ANNOUNCEMENT, AND UPDATES

Councillor Gaffan noted that Mr. Henry Denotter, a local farmer and businessman, has had the honour of being inducted into the Agriculture Hall of Fame.

P. BYLAWS

1. By-law 16-2017

181-2017
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Sandy McIntyre

Council read By-law 16-2017, being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/15/16) a first, second and third and final time.

CARRIED

2. By-law 20-2017

182-2017
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Larry Patterson

Council read By-law 20-2017, being a By-law to Permit Access onto Adjoining Lands for Maintenance within the Town of Kingsville (Right of Access for Maintenance By-law) a first, second and third and final time

CARRIED

3. By-law 21-2017

183-2017
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Tony Gaffan

Council read By-law 21-2017, being a By-law authorizing the entering into of an Agreement with Brighton Beach Power L.P. to provide technical rope rescue services, a first, second and third and final time.

CARRIED

4. By-law 22-2017

184-2017
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Thomas Neufeld

Council read By-law 22-2017, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville, a first, second and third and final time.

CARRIED

Q. CLOSED SESSION

185-2017
Moved By Councillor Sandy McIntyre
Seconded By Councillor Tony Gaffan

Pursuant to Section 239(2) of the Municipal Act, 2001, Council at 8:34 p.m. entered into Closed Session to address the following item:

1. Section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees, being a verbal report of CAO P. Van Mierlo-West RE: a member of Senior Administration.

CARRIED

The Regular Meeting reconvened in Open Session at 8:56 p.m.

R. REPORT OUT OF CLOSED SESSION

There were no items to report.

S. CONFIRMATORY BY-LAW

1. By-law 23-2017

186-2017
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Tony Gaffan

Council read By-law 23-2017, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its February 13, 2017 Regular Meeting a first, second and third and final time.

CARRIED

T. ADJOURNMENT

187-2017
Moved By Deputy Mayor Gord Queen
Seconded By Councillor Larry Patterson

Council adjourn this Regular Meeting at 8:58 p.m.

CARRIED