



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, June 25, 2018
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 Thomas Neufeld Councillor Larry Patterson Absent: Councillor T. Gaffan (on personal business) Absent: Councillor J. Driedger (on personal business)
Members of Administration	J. Astrologo, Director of Corporate Services R. Brown, Manager of Planning Services S. Martinho, Public Works Manager R. McLeod, Director of Financial Services P. Van Mierlo-West, CAO R. Baines, Deputy Clerk - Administrative Services

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 to be followed by the singing 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. MATTERS SUBJECT TO NOTICE

1. PUBLIC MEETING--Application for Official Plan Amendment (OPA/02/18) & Zoning By-law Amendment (ZBA/06/18) by 2263391 Ontario Ltd. 609 Road 3 E & V/L SS Road 3 E, Part of Lot 4, Concession 2 ED,

R. Brown, Manager of Planning Services

i) Notice of Complete Application and Public Meeting: Official Plan Amendment and Zoning By-law Amendment, dated June 4, 2018;

ii) Report dated June 15, 2018;

iii) Proposed By-law 74-2018, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville; and

iv) Proposed Authorizing By-law 75-2018, being a By-law to Amend the Official Plan of the Town of Kingsville (Official Plan Amendment No. 7)

Mr. Brown presented his Report and indicated that several property owners residing near the subject lands had expressed concerns via email regarding odour and lighting. He fielded questions from Council, including an explanation regarding recourse and the appeal process should this not be approved.

Comments from the audience:

Keith Johnson 710 Road 3 E - Expressed concern regarding traffic, speeding and that there are no shoulders on Road 3. He suggested possible security issues, questioned future taxation and assessment values. He stated that traditional farming practices cannot compete with the marihuana greenhouse movement, and expressed concern with protecting land for future generations.

Alex Gruening 749 road 3 E - Expressed concerns with traffic and speeding, and the number of facility workers and bikers on that road. His concerns with the Application are related to assessment values, odour and lighting. He suggested that the greenhouse owner plant cedar hedging around property. Mr. Brown indicated that landscaping screening can be incorporated into the site plan.

Mark Stannard, (481) 523 Road 3 E - Expressed concern with the impact that this Application would have on his family dairy farm business, specifically related to the affect that any light projected at night would have on the animals. He explained that light intensity and hours of darkness disrupt cycles and have a

huge impact on milk production. He indicated any future investment in his dairy farm has been put on hold. He cannot compete with greenhouses and has concerns with tax assessment and property values. Mr. Brown indicated that the site plan agreement will outline the need to control light and odour.

Margaret Laman, 235 Lansdowne - (Farm at 547 Road 3) Inquired if there was flexibility in the site plan to make changes. She is concerned with what will happen to the taste of her vegetables being near a marihuana greenhouse.

Victor Huebert, 26 Robin Court - Inquired whether existing greenhouses were grandfathered in by-law regarding lighting. Mr. Brown responded that older greenhouses proposing any additions will have to comply with new provisions on being dark sky compliant.

Fred Driedger 930 Road 4 E - expressed concern on odour and impact on neighbourhood. He has conducted research on odour elimination and is requesting that greenhouse growers fully disclose products being used for health reasons. He discussed researching CERES, a greenhouse supplier in Colorado that builds energy efficient greenhouses with minimal discharge. He suggested that the municipality hold a 100% performance bond to hold the owner responsible. Mr. Brown indicated that air treatment control can be incorporated into site plan.

Mr. Gruening - Provided an additional comment that no greenhouse operations should be approved until bylaw is in place.

Dave Laman, 71 Golfview Cres - Concerned about the neighbourhood and asked if the greenhouse owners are willing to meet with neighbours. He expressed concerns with building a family home on the farm that will be next door to a marihuana production facility and not sure he wants to do that now.

Comments from applicant:

Bert Mucci - Stated that the facility will have all the features to deal with lighting, odour and security. He appreciated the comments received and will address light pollution. He stated that they aim to have a 100% blackout for this facility and are exploring all options. He advised that a new facility would have solid walls with a glass ceiling.

Mr. Dreidger - Added comment that charcoal filtering works and would like the greenhouse owner to consider it.

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

384-2018**Moved By** Deputy Mayor Gord Queen**Seconded By** Councillor Larry Patterson

That Council deny the application for an Official Plan Amendment (OPA/02/18) and the application for a Zoning By-law Amendment (ZBA/06/18).

Recorded	For	Against
Mayor Nelson Santos		X
Deputy Mayor Gord Queen	X	
Councillor Susanne Coghill		X
Councillor Thomas Neufeld		X
Councillor Larry Patterson	X	
Results	2	3

LOST (2 to 3)

385-2018**Moved By** Councillor Thomas Neufeld**Seconded By** Councillor Larry Patterson

It is recommended that Council:

Adopt Official Plan Amendment No. 7 (OPA 7) to establish a site-specific policy area to permit a new build greenhouse for the establishment of a Medical Marihuana Production Facility on the property currently known as 609 Road 3 E and V/L SS Road 3 E, Part of Lot 4, Concession 2 ED, Part 1, RP 12R 11488 and Part 1 RP 12R 22191, in the Town of Kingsville and direct administration to forward the policies to the County of Essex for final approval.

Approve Zoning By-law amendment application ZBA/06/18, to implement OPA 7 once final approval is granted by the County of Essex, permit a medical

marihuana production facility and establish site-specific regulations for said medical marihuana production facility and adopt the implementing by-law, subject to the inclusion of a provision that only Health Canada approved odour control agents are used.

CARRIED

2. PUBLIC MEETING-Application for Removal of the H-Holding Symbol ZBA/15/18 by 2496186 Ontario Ltd. & Colasanti Orchards Ltd. Lots 1 to 33 & Block 34, Plan 12M 609 3, 7, 11, 15, 19, 23, 27, 31, 4, 8

R. Brown, Manager of Planning Services

i) Notice of an Intention to Pass an Amending By-law to Remove a Holding Symbol dated June 4, 2018;

ii) Staff Report, dated June 13, 2018;

iii) Proposed by-law 73-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

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

386-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

It is recommended that Council approve zoning by-law amendment application ZBA/15/18 for removal of the H-Holding symbol on lands known as Lots 1 to 33 and Block 34, inclusive, Plan 12M 609 in the Town of Kingsville and adopt the implementing by-law.

CARRIED

F. AMENDMENTS TO THE AGENDA

Councillor Neufeld added one announcement.

G. STAFF REPORTS

1. Items in Municipal Cemeteries

387-2018

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

That Municipal Services continues to review cemetery damage complaints on a case-by-case basis and provide relief to families when the damage is caused by Town staff or one of the Town's sub-contractors.

CARRIED

2. Cemetery By-law 90-2012 Amendment

388-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That council adopt the proposed Cemetery By-Law 67-2018 and repeal the existing by-law, By-law 90-2012, subject to amendments.

CARRIED

3. Appointment of Members to the Compliance Audit Committee

389-2018

Moved By Councillor Susanne Coghill

Seconded By Councillor Larry Patterson

That Council adopts By-law 79-2018, appointing members to the Compliance Audit Committee for the 2018-2022 Council Term, at this Regular Meeting.

CARRIED

4. Restricted Acts of Council after Nomination Day - Lame Duck Period

390-2018

Moved By Councillor Larry Patterson

Seconded By Councillor Susanne Coghill

That Council receives this report regarding Section 275 of the *Municipal Act, 2001*.

That Council delegate to the Chief Administrative Officer, for the period of time during which section 275 of the *Municipal Act, 2001* is in effect (the *Lame Duck* period), the following authority:

- Hiring or dismissing any employee, save and except those officers of the municipality whose appointment is required under the *Municipal Act, 2001*,
- Disposing of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal, unless provided for in the current budget, and
- Making any expenditure or incurring any other liability which exceeds \$50,000, unless provided for in the current budget.

That prior to the exercise of the delegation of authority, the Chief Administrative Officer consult with the Director of Financial Services on those matters involving the disposition of property and unbudgeted expenditures and consult with the Director of Corporate Services on employee matters.

That prior to the exercise of the delegation of authority, the Chief Administrative Officer advise Council in writing of the exercise of the authority.

That By-law 78-2018, being a by-law to authorize the delegated authority for restricted acts during the “lame duck” period be adopted.

CARRIED

5. BIA Request Regarding Pop Up Shops

391-2018

Moved By Councillor Susanne Coghill

Seconded By Councillor Thomas Neufeld

That this report be forwarded onto the BIA Board for informational purposes and that the Town’s current practices regarding business registration and inspection be maintained and that when a business is registered that the BIA is informed.

CARRIED

6. Cottam Rotary – Bus Shelter Donation

392-2018

Moved By Councillor Larry Patterson

Seconded By Councillor Susanne Coghill

That Council approve the Cottam Bus Shelter Project in principle and that Administration continue to work with the Cottam Rotary on an encroachment agreement, and that this agreement be presented to Council.

CARRIED

H. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

1. Petition, dated May 29, 2018 RE: Bocce Courts

393-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council receives the Petition dated May 29, 2018, and that the petition be included in the next Parks, Recreation, Arts and Culture Committee (PRAC) Agenda for discussion and action.

CARRIED

I. MINUTES OF THE PREVIOUS MEETINGS

1. Regular Meeting of Council--June 11, 2018

2. Regular 'Closed Session' Meeting of Council--June 11, 2018

394-2018

Moved By Councillor Susanne Coghill

Seconded By Councillor Larry Patterson

That Council adopts Regular Meeting of Council Minutes dated May 28, 2018 and Regular 'Closed Session' Meeting of Council Minutes dated May 28, 2018

CARRIED

J. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. Parks, Recreation, Arts and Culture Committee - March 29, 2018

395-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Susanne Coghill

That Council receives Parks, Recreation, Arts and Culture Committee Meeting Minutes dated March 29, 2018 together with Minutes of the following sub-committees:

Migration Festival - February 6, 2018

Communities in Bloom - February 21, 2018

55+ Advisory - February 22, 2018

CARRIED

2. Parks, Recreation, Arts and Culture Committee - April 25, 2018

396-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Susanne Coghill

That Council receives Parks, Recreation, Arts and Culture Committee Meeting Minutes dated April 25, 2018 together with Minutes of the following sub-committees:

Migration Festival - March 6, 2018

Communities in Bloom - March 13, 2018

55+ Advisory - March 29, 2018

CARRIED

3. Kingsville Accessibility Advisory - April 17, 2018

397-2018

Moved By Councillor Thomas Neufeld

Seconded By Councillor Larry Patterson

That Council receives Kingsville Accessibility Advisory Meeting Minutes dated April 17, 2018

CARRIED

4. Police Services Board - April 25, 2018

398-2018

Moved By Councillor Susanne Coghill

Seconded By Councillor Larry Patterson

That Council receives Police Services Board Meeting Minutes dated April 25, 2018

CARRIED

5. Kingsville B.I.A. - May 8, 2018

399-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council receives Kingsville B.I.A. Meeting Minutes dated May 8, 2018

CARRIED

6. Tourism and Economic Development Committee-May 10, 2018

400-2018

Moved By Councillor Susanne Coghill

Seconded By Councillor Larry Patterson

That Council receives Tourism and Economic Development Committee Meeting Minutes dated May 10, 2018

CARRIED

7. Kingsville Municipal Heritage Advisory Committee - May 22, 2018

401-2018

Moved By Councillor Larry Patterson

Seconded By Deputy Mayor Gord Queen

That Council receives Kingsville Municipal Heritage Advisory Meeting Minutes dated May 22, 2018

CARRIED

K. BUSINESS CORRESPONDENCE - INFORMATIONAL

- 1. Courageous Companions--Email Request for sponsorship advertisement or message of support in the upcoming annual edition of Courageous K9 Magazine**
- 2. Windsor-Essex Humane Society--Correspondence from E. Amlin, Events and Community Relations Coordinator, notifying of fundraising campaign to be held July 12 through July 14**
- 3. Windsor-Essex County Health Unit--Correspondence from T. Marentette, Acting CEO, dated June 12, 2018 RE: Smoke-Free Ontario Act, 2017**

402-2018

Moved By Councillor Thomas Neufeld

Seconded By Deputy Mayor Gord Queen

That Council receives Business Correspondence-Informational items 1 through 3 as outlined.

CARRIED

L. NOTICES OF MOTION

- 1. Councillor Neufeld may move, or cause to have moved:**

403-2018

Moved By Councillor Thomas Neufeld

Seconded By Councillor Larry Patterson

That this Council formally request through our County representatives that the intersection of County Road 34 and County Road 27 in downtown Cottam, otherwise known as Old Highway 3 and Belle River Road, be changed to a four-way stop

Amendment:

404-2018

Moved By Councillor Thomas Neufeld

Seconded By Councillor Larry Patterson

That Council defer the motion pending receipt of further information to support the four-way stop at the intersection of County Road 34 and County Road 27.

CARRIED

M. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

Council Coghill requested an update regarding the gate request for the private parking lot on Main St W. Mr. Brown indicated that the gate is contrary to the site plan agreement. Ms. Van Mierlo-West reported that they are working on possible solutions and a mutual agreement with the owner.

Councillor Neufeld announced that Communities in Bloom will be in Cottam Rotary Park for clean up on June 27, 2018 from 6:00 to 7:00 p.m. and everyone is welcome.

N. BYLAWS

1. By-law 25-2018

405-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Susanne Coghill

That Council reads By-law 25-2018, being a by-law to provide for the construction of a replacement bridge over the Loyst Drain, in the Town of Kingsville, in the County of Essex, a third and final time.

CARRIED

2. By-law 73-2018

406-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council reads By-law 73-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/15/18; Part of Lot 10, Conc. 2 ED), a first, second and third and final time.

CARRIED

3. By-law 74-2018

407-2018

Moved By Councillor Thomas Neufeld

Seconded By Councillor Susanne Coghill

That Council reads By-law 74-2018, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/06/18; 609 Road 3 East and V/L SS Road 3 East), a first, second, third and final time.

CARRIED

4. By-law 75-2018

408-2018

Moved By Councillor Larry Patterson

Seconded By Councillor Susanne Coghill

That Council reads By-law 75-2018, being a By-law to amend the Official Plan of the Town of Kingsville (Official Plan Amendment No. 7; 2623391 Ontario Limited), a first, second and third and final time.

CARRIED

5. By-law 77-2018

409-2018

Moved By Councillor Thomas Neufeld

Seconded By Councillor Susanne Coghill

That Council reads By-law 77-2018, being a by-law to provide for the collection of the costs incurred for drainage works completed for numerous drains all in the Town of Kingsville, a first, second and third and final time.

CARRIED

6. By-law 78-2018

410-2018

Moved By Councillor Larry Patterson

Seconded By Councillor Susanne Coghill

That Council reads By-law 78-2018, being a By-law to authorize the delegation of authority to the Chief Administrative Officer for certain acts during a "lame duck" period, a first, second and third and final time.

CARRIED

7. By-law 79-2018

411-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council reads By-law 79-2018, being a by-law to establish a Compliance Audit Committee and appoint members thereto, a first, second and third and final time.

CARRIED

8. By-law 80-2018

412-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council reads By-law 80-2018, being a by-law authorizing the entering into of an Agreement with Sherway Contracting (Windsor) Limited for the construction of Road 11 East Watermain (RC Spencer Associates Inc. Project No. MS17-201) (full contract document available for review in Department of Corporate Services), a first, second and third and final time.

CARRIED

O. CLOSED SESSION

413-2018

Moved By Councillor Susanne Coghill

Seconded By Councillor Larry Patterson

That at 9:56 p.m. Council enter into Closed Session to address the following items:

CARRIED

1. **Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; being an update report of CAO P. Van Mierlo-West regarding a proposed purchase of land by the municipality**
2. **Section 239(2)(d) labour relations or employee negotiations, being an update regarding the part-time collective agreement**
3. **Section 239(2)(e) litigation or potential litigation; being update from Director of Corporate Services regarding the status of an application for expropriation of a portion of waterfront lands for park purposes**

P. REPORT OUT OF CLOSED SESSION

Upon rising from Closed Session at 10:24 p.m., Mayor Santos reported that the Town reviewed the terms of the Memorandum of Settlement between the Town and IBEW Local Union 636 Unit 26.

414-2018

Moved By Councillor Susanne Coghill

Seconded By Councillor Larry Patterson

That Council endorse the Memorandum of Settlement as presented between Local Union 636, Unit 26 of the International Brotherhood of Electrical Workers and The Corporation of the Town of Kingsville.

CARRIED

Q. CONFIRMATORY BY-LAW

1. By-law 81-2018

415-2018

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council reads By-law 81-2018, being a by-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its June 25, 2018 Regular Meeting, a first, second and third and final time.

CARRIED

R. ADJOURNMENT

416-2018

Moved By Councillor Larry Patterson

Seconded By Councillor Susanne Coghill

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

CARRIED