



**REGULAR MEETING OF COUNCIL  
MINUTES**

**Monday, July 9, 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 Tony Gaffan Councillor Thomas Neufeld Councillor Larry Patterson Absent: Councillor John Driedger (on personal business)
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Members of Administration	J. Astrologo, Director of Corporate Services R. Brown, Manager of Planning Services M. Durocher, Parks & Recreation Program Manager S. Kitchen, Deputy Clerk-Council Services R. McLeod, Director of Financial Services A. Plancke, Director of Municipal Services P. Van Mierlo-West, CAO L. Brohman, Tax Collector
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**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 called for a moment of silence to be followed by the playing of the National Anthem.

**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--Supplemental Report Application for Zoning By-law Amendment ZBA/08/18 by Great Northern Seedlings - 1507 Road 3 E Part of Lot 9, Concession 2 ED, Parts 1 & 2, PL 12R 16606**

R. Brown, Manager of Planning Services

i) Notice of Public Meeting (Supplemental): Zoning By-law Amendment, dated June 19, 2018;

ii) Supplementary Report of R. Brown, dated June 27, 2018;

iii) Proposed By-law 63-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

iv) Original Report of R. Brown, dated May 11, 2018.

Mr. Brown presented the Supplementary Report and fielded questions from Members of Council.

Comments from the audience:

Dorothy Johnson, 710 Road 3 East--Ms. Johnson commented that she and her husband agree that medical marihuana is a good thing, however, she is concerned about an "over-concentration of greenhouses". She stated in her area alone she counts approximately 50 greenhouse operations within a radius of 5 miles. She indicated concerns regarding odour, traffic, security, lighting, etc. and additional concerns with respect to the legalization of recreational marihuana that will also be coming into play. She asked if Council has a plan as to how many MMPFs will be allowed, and asked Council to consider that the decisions made will affect Kingsville for future generations.

Keith Johnson, 710 Road 3 East, mentioned that he viewed the "No smoking" poster in the municipal entranceway and asked how enforcement in regard to the marihuana legislation will be handled. He asked how the Town can differentiate between those purchasing illegally or legally. He stated that a plan needs to be in place to accommodate medical marihuana, but also asked Council to be vigilant so that quality of life remains for future generations.

Fred Driedger, 930 Road 4 East, commented that he and his resident group who are researching this matter are not speaking against greenhouses, nor are they speaking against marihuana greenhouses. He emphasized that the "no perceptible odour" standard does not mean getting close to no odour, but rather the target standard is "no odour".

He made several comments in regard to the MMPFs: he has learned that are outside investors interested in establishing MMPFs in this area; that enforcement is an important consideration (through performance bonds, letters of credit, etc.) to give incentive to do it right the first time; and, finally, education and fact-finding, suggesting that Council and/or staff, at time of site plan review, actually ask "where does it work?" and then send staff to that regional area with a successful odour plan to investigate.

Gary Atkinson, 1573 County Rd. 34 East, stated that he is not against greenhouse marihuana but he would like to see a larger setback requirement. Mr. Brown explained how the Town established the 100 m (328 ft. setback) as set out in the initial planning report and explained the odour control system requirements which will be dealt with as part of the site plan approval process.

Comments from the Applicant's agent:

Solicitor Josh Cheifetz, representing the Applicant, explained that the vent installations will be different installations, through new roof design and construction. He stated that the intent is for no perceptible odour at the property line for this part 1 application. Mr. Cheifetz also inquired whether, having in mind there will be no odour at the property line, setback minimum can be reduced?

Comments from the audience:

Rudy Mastronardi, 1156 Road 3 East, (Rico Roots Plant Farm Inc.) stated that Rico Roots' MMPF application was pre-approved in March and a by-law amendment in that regard is being discussed this evening (Item E-4; ZBA/18/18). He expressed that he appreciates the residents' stated concerns about the odour, and added that he wished to take this opportunity to comment on another issue that is somewhat related. He informed Council that upon learning a few years ago that his child was extremely sensitive to exposure to pesticides and herbicides, he installed odour control carbon filters in his home to take chemicals out of his home. At the time, his home was situated adjacent to outdoor agricultural fields. He has since moved into an urban area in Kingsville, and as people still spray their lawns in Town, he asks for a 'courtesy call' when herbicide or pesticide spraying is planned nearby. He then shuts off his home's air exchange before the spraying occurs.

He commented that he feels that decisions made here should set a precedent for what is done on farms and on residential properties; that marihuana odour is an inconvenience, but that he feels the more important issue is the use of pesticides and herbicides, particularly to children and those individuals who may have a sensitivity to such chemicals.

Joanne Winger of Cottam requested that larger setback requirements (more than 100 m.) should be put in place for schools (so that children's playgrounds and other school areas are not impacted).

**417-2018**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Tony Gaffan

That Council approve zoning by-law amendment ZBA/08/18 to:

permit a medical marihuana production facility on property located at 1507 Road 3 E;

address the required relief or exemption from specific provisions in Section 4.46 of the Kingsville Zoning By-law 1-2014;

add odour control provisions as outlined in the attached amendment, and adopt the implementing by-law.

**CARRIED**

**2. PUBLIC MEETING--Supplemental Report Application for Zoning By-law Amendment ZBA/10/18 by J.C. Fresh Farms Ltd. - 2415-2495 Graham Side Road Part of Lot 6, Concession 3 ED, Part 1, PL 12R 24954**

R. Brown, Manager of Planning Services

i) Notice of Public Meeting (Supplemental): Zoning By-law Amendment, dated June 19, 2018;

ii) Supplementary Report of R. Brown, dated June 27, 2018;

iii) Proposed By-law 65-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville;

iv) Original Report of R. Brown, dated May 11, 2018.

Mr. Brown presented his report.

Comments from the audience:

No questions or comments from the audience.

**418-2018**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Susanne Coghill

That Council approves Zoning By-law Amendment ZBA/10/18 to permit a medical marihuana production facility on property located at 2415-2495 Graham Side Road and address the required relief or exemption from specific provisions in Section 4.46 of the Kingsville Zoning By-law 1-2014 and odour control provisions as outlined in the attached amendment, and adopt the implementing by-law.

**CARRIED**

Mayor Santos called for a recess at 8:30 p.m. and the meeting reconvened at 8:40 p.m.

**3. PUBLIC MEETING--Zoning By-law Amendment Application ZBA/14/18 by Allegro Acres Inc. – 1851 Peterson Lane Part of Lot 8, Concession 2 ED, Part 1, RP 12R 11577 & Parts 3 & 4, RP 12R 23455**

R. Brown, Manager of Planning Services

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment, dated June 19, 2018;

ii) Report of R. Brown, dated June 27, 2018;

iii) Proposed By-law 85-2018, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Public Comments:

There were no public comments received related to this application, and there was no questions or comments from anyone in attendance in the audience.

**419-2018**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Susanne Coghill

That Council approve zoning by-law amendment ZBA/14/18 to:

permit a medical marihuana production facility on property located at 1851 Peterson Lane;

address the required relief or exemption from specific provisions in Section 4.46 of the Kingsville Zoning By-law as detailed in the amending by-law;

add odour control provisions as outlined in the attached amendment, and adopt the implementing by-law.

**CARRIED**

**4. PUBLIC MEETING--Application for Zoning Amendment ZBA/18/18 for 617885 o/a Jem Farms, Rico Root Farms Inc., Hillside Hothouse Limited, 1659437 Ontario Limited & Giovanni & Franca Vespa**

R. Brown, Manager of Planning Services

i) Notices of Public Meeting: Zoning By-law Amendment, dated June 19, 2018;

ii) Report of R. Brown, dated June 21, 2018;

iii) Proposed By-law 84-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Mr. Brown indicated that this application (and recommendation for additional odour control provisions) pertains to those five greenhouse operations that had been approved prior to the odour being identified as a significant issue.

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

**420-2018**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Tony Gaffan

That Council approve zoning amendment application ZBA/18/18 to:

Amend Agriculture Zone 1 Exception 62 for lands located at 1581, 1583 and 1585 County Road 34 E to add odour control provisions as outlined in the amending by-law;

Amend Agriculture Zone 1 Exception 63 for lands located at 1156 Road 3 E to add odour control provisions as outlined in the amending by-law;

Amend Agriculture Zone 1 Exception 64 for lands located at 1555 and 1557 County Road 34 E to add odour control provisions as outlined in the amending by-law;

Amend Agriculture Zone 1 Exception 65 for lands located at 1541 County Road 34 E to add odour control provisions as outlined in the amending by-law;

Amend Agriculture Zone 1 Exception 67 for lands located at 1000 County Road 34 to add odour control provisions as outlined in the amending by-law, and adopt the implementing by-law.

**CARRIED**

**5. PUBLIC MEETING--Election Sign By-law (76-2018)**

J. Astrologo, Director of Corporate Services

i) Public Notice, dated June 18, 2018;

ii) Report of J. Astrologo, dated June 19, 2018;

iii) Proposed By-law 76-2018, being a by-law to regulate election signs in the Town of Kingsville.

Ms. Astrologo presented her report and fielded questions of Council.

Comments from the public:

Wayne Gunning, 4 Elwood, Cottam, commented that the length of time to display election signage must be sufficient enough to give new candidates an opportunity to get their names out there. He also stated that many signs were vandalized during the last municipal election--signs were thrown sometimes blocks away from where they were originally put up.

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

**421-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

That Council adopt By-law 76-2018, being a by-law to regulate election signs in the Town of Kingsville at this Regular Meeting, as amended to include a billboard provision and to clarify the provision regarding the security deposit.

**Amendment:**

**422-2018**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Susanne Coghill

That the by-law be further amended at section 2.6.2 (sign area to be a maximum of 3.0 square metres).

**CARRIED**

**Motion as Amended:**

**421-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

Motion as amended: That Council adopt By-law 76-2018, being a by-law to regulate election signs in the Town of Kingsville at this Regular Meeting, as amended to include a billboard provision, to clarify the provision regarding the security deposit, and as further amended at section 2.6.2 (sign area to be a maximum of 3.0 square metres).

**CARRIED**

**F. AMENDMENTS TO THE AGENDA**

Councillor Neufeld added one Notice of Motion and two Unfinished Business items and Councillor Gaffan added one Unfinished Business item.

**G. ADOPTION OF ACCOUNTS**

- 1. Town of Kingsville Accounts for the monthly period ended June 30, 2018 being TD cheque numbers 0065698 to 0065960 for a grand total of \$1,096,292.23**

**423-2018**

**Moved By** Councillor Larry Patterson

**Seconded By** Councillor Susanne Coghill

That Council approves Town of Kingsville Accounts for the monthly period ended June 30, 2018 being TD cheque numbers 0065698 to 0065960 for a grand total of \$1,096,292.23

**CARRIED**

**H. STAFF REPORTS**

**1. Kingsville Historical Park Inc. Exemption By-Law (162 Lansdowne Avenue)**

L. Brohman, Tax Collector

**424-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

Council authorize By-law 86-2018 to authorize exempt the lands known municipally as 162 Lansdowne Avenue from taxation for municipal and school purposes.

**CARRIED**

**2. Kingsville Pickleball Update**

M. Durocher, Parks and Recreation Programs Manager

**425-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Thomas Neufeld

That Council approve the following recommendations;

That Administration be directed to draft a user agreement with the Kingsville Pickle Ball for the 2019 Pickleball season for the appropriate use of Kingsville owned recreational facilities

That staff be directed to enter into a fundraising agreement with Kingsville Pickleball Association for the construction of Pickleball courts,

That a consultant be hired to develop more detailed plans regarding the construction of Pickleball courts at the Kingsville Arena.

**CARRIED**

**I. MINUTES OF THE PREVIOUS MEETINGS**

- 1. Regular Meeting of Council--June 25 2018**
- 2. Regular 'Closed Session' Meeting of Council--June 25, 2018**

**426-2018**

**Moved By** Councillor Susanne Coghill

**Seconded By** Councillor Tony Gaffan

That Council adopts Regular Meeting of Council Minutes dated June 25, 2018, and Regular 'Closed Session' Meeting of Council Minutes dated June 25, 2018.

**CARRIED**

**J. BUSINESS CORRESPONDENCE - INFORMATIONAL**

- 1. Association of Municipalities of Ontario Communications, dated June 25, 2018 RE: Policy Update-AMO Stands with Canada and Ontario on NAFTA**

**427-2018**

**Moved By** Councillor Larry Patterson

**Seconded By** Councillor Tony Gaffan

That Council receives Business Correspondence-Informational item 1.

**CARRIED**

**K. NOTICES OF MOTION**

1. Councillor Neufeld, at the next Regular Meeting, may move or cause to have moved that Council direct Administration to have a Town of Kingsville by-law enforcement officer on-call after hours for enforcement purposes, and that the costs of such additional enforcement services be incorporated into the 2019 municipal budget.

**L. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES**

**1. Four-Way Stop at Cottam intersection**

Further to the deferred motion presented at the June 25, 2018 Regular Meeting (to change the intersection of County Road 34 and County Road 27 in downtown Cottam to a four-way stop) Councillor Neufeld presented a signed supporting petition of residents.

**428-2018**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Tony Gaffan

That Council receive Petition of Residents filed at this Regular Meeting, and further that Council formally request the County of Essex, through our County representatives, to consider that the intersection of County Road 34 and County Road 27 in downtown Cottam, be changed to a four-way stop.

**CARRIED**

2. Councillor Neufeld requested an update regarding his past Motion pertaining to the official plan review (to give consideration to predominant development). Ms. Van Mierlo-West advised that all motions regarding the Official Plan have been forwarded to the consultant for review.

3. Councillor Gaffan requested an update on the status of the installation of the decorative street signs (not all have been replaced). Ms. Van Mierlo-West advised that she would look into the matter with Municipal Services and provide an update.

**M. BYLAWS**

**1. By-law 55-2018**

**429-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Susanne Coghil

That Council read By-law 55-2018, being a By-law to accept and assume Mettawas Lane in the Mettawas Lane Development, a first, second and third and final time.

**CARRIED**

**2. By-law 60-2018**

**430-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

That Council read By-law 60-2018, being a by-law to provide for the construction to replace and improve the Road 10 Crossing over the Patterson Drain in the Town of Kingsville, a third and final time.

**CARRIED**

**3. By-law 63-2018**

**431-2018**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Susanne Coghill

That Council read By-law 63-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/08/18; 1507 Road 3 East) a first, second and third and final time.

**CARRIED**

**4. By-law 65-2018**

**432-2018**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Susanne Coghill

That Council read By-law 65-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/10/18; 2415-2495 Graham Sideroad), a first, second and third and final time.

**CARRIED**

**5. By-law 76-2018**

**433-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

That Council read By-law 76-2018, being a by-law to regulate election signs in the Town of Kingsville, as amended, a first, second and third and final time.

**CARRIED**

**6. By-law 84-2018**

**434-2018**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Susanne Coghill

That Council reads By-law 84-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/18/18; 1000 County Road 34; 1156 Road 3 East; 1581, 1583 and 1585 County Road 34 East; 1541 County Road 34; and 1555-1557 County Road 34 East), a first, second and third and final time.

**CARRIED**

**7. By-law 85-2018**

**435-2018**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Thomas Neufeld

That Council reads By-law 85-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/14/18; 1851 Peterson Lane) a first, second and third and final time.

**CARRIED**

**8. By-law 86-2018**

**436-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

That Council reads By-law 86-2018, being a by-law to exempt the lands municipally known as 162 Lansdowne Avenue from taxation for municipal and school purposes, a first, second and third and final time.

**CARRIED**

**N. CONFIRMATORY BY-LAW**

**1. By-law 87-2018**

**437-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Susanne Coghill

That Council reads By-law 87-2018, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its July 9, 2018 Regular Meeting a first, second and third and final time.

**CARRIED**

**O. ADJOURNMENT**

**438-2018**

**Moved By** Councillor Larry Patterson

**Seconded By** Councillor Susanne Coghill

That Council adjourn this Regular Meeting at 9:36 p.m.

**CARRIED**