



**REGULAR MEETING OF COUNCIL  
MINUTES**

**Monday, June 24, 2019  
7:00 PM  
Council Chambers  
2021 Division Road N  
Kingsville, Ontario N9Y 2Y9**

Members of Council	Mayor Nelson Santos Deputy Mayor Gord Queen Councillor Tony Gaffan Councillor Thomas Neufeld Councillor Larry Patterson Councillor Kimberly DeYong Councillor Laura Lucier
Members of Administration	J. Astrologo, Director of Corporate Services T. Del Greco, Municipal Services Manager R. McLeod, Director of Financial Services C. Parsons, Fire Chief A. Plancke, Director of Municipal Services K. Vegh, Drainage Superintendent P. Van Mierlo-West, CAO R. Baines, Deputy Clerk - Administrative Services G. Robinson, Planner

**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.

Mayor Santos declared a conflict with Item H8 Kingsville Historical Park request, for the reason that he serves as their coordinator for bingo fundraising.

#### **E. PRESENTATIONS/DELEGATIONS**

**1. Lexi Orawski, Student--Request dated June 3, 2019 that Council considers eliminating single-use plastics within the Municipality**

Ms. Orawski presented the dangers of single use plastics and the negative impacts on the environment. She requested that Council consider the ban of single use plastics in the Town.

**2. Addisyn Walker and Darragh Aston, Gr. 6 Students of Anderdon Public School--Request received through Ms. Jodi Nolin, Teacher, dated June 11, 2019 that Council considers banning/reducing all single use plastics and styrofoam within the Municipality**

Ms. Walker and Ms. Aston gave a presentation advocating for the banning of plastics bags, straws and all single use plastics because of the harmful effects on the environment. They stated that the Town of Amherstburg is conducting a feasibility study in consideration of a town-wide ban.

**337-2019**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That Council requests Administration to look into food and beverage provider contracts and to research what we can do as a municipality

**Amendment:**

**338-2019**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Kimberly DeYong

And that the municipality ban single use plastics at any town events.

**Motion as Amended:**

**337-2019**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That Administration research what the Town can do in regards to banning single use plastics, including conducting a review of the current food and beverage contracts that it has with outside providers and that the Town ban single use plastics at all Town events.

**CARRIED**

3. **Antonia Evers, Resident--Request received May 6, 2019 RE: Roaming Cats and requesting consideration of the implementation of a by-law to regulate cats (SEE: Staff Report Item H-1)**

Ms. Evers presented her concerns regarding cats on her property and creating a mess in her garden. She requested that cats be licensed and owners be held responsible for their cats running at large.

Mayor Santos brought forward Staff Report H-1.

Ms. Baines presented her report.

**339-2019**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Councillor Laura Lucier

That Council receives the report relating to licensing of cats for information purposes.

**CARRIED**

4. **Linda York, Resident and Tamara Stomp, Spokesperson--Request dated May 20, 2019 RE: Golfview Subdivision Street Name SEE: Undated correspondence from Ms. York (SEE: Staff Report H-7)**

On behalf of Ms. York, Ms. Stomp requested that the U-shaped road in the western part of the development be named York Blvd. Ms. Stomp referred to the

letter, dated June 12, 2000, wherein the York Family was advised that a street in the Wigle Creek Subdivision would be named "York Blvd".

Council was advised that the U-shaped street is currently named Meghan Agosta Drive and Administration has some concerns about renaming the street if building permits have been pulled for development on that street.

Ms. Stomp further recommended that Championship Way remain as named and one of the streets branching off of that Drive could be named Meghan Agosta Drive.

Mayor Santos brought forward Staff Report H-7: Championship Way Renaming  
C.A.O. Van Mierlo-West presented her Report.

**340-2019**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That the designated parklands within York Subdivision be named York Park, and that a plaque be placed at the park site in dedication of the York family.

**CARRIED**

Administration is directed to consult with the family with respect to the wording on the plaque.

**341-2019**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Councillor Thomas Neufeld

That Administration prepare a Report looking into the renaming Meghan Agosta Drive to York Blvd and to provide the York Family advance notice when the Report will be presented to Council for consideration.

**CARRIED**

**F. MATTERS SUBJECT TO NOTICE**

**1. Open Air Burning By-law**

C. Parsons, Fire Chief

i) Public Notice re: Proposed Open Air Burning By-law consideration, dated June 11, 2019;

ii) Report of C. Parsons dated June 19, 2019;

iii) Proposed By-law 57-2019, being a By-law of the Town of Kingsville to Regulate the Setting of Open Air Fires;

iv) Correspondence comments from residents:

a) P. Slingerland, dated July 26, 2018

b) C. Swaddling, dated June 15, 2019

c) C. Hallick, dated June 13, 2019

d) T. Stomp, dated June 18, 2019

Comments from the Public:

Scott Giles, 710 Seacliff - he is a farmer who burns on a regular basis and expressed concern with having to obtain burn permit. He requested that Council amend the by-law to exclude farmers.

Chief Parsons stated that the new by-law expands upon what farmers are able to do, but stressed the importance of inspections for safety and compliance.

Wayne Halpert, 22 Mettawas Lane - he inquired whether propane fire pits are covered under the new by-law.

Chief Parsons indicated that propane fire pits are.

Richard Melton, 197 Lakeview Ave - supported the by-law and suggested that agricultural burns should be free and recreational burns be charged a fee.

Richard Laporte, 62 Road 3 W - inquired if there was an age restriction under the by-law and whether he needs to call if he is burning branches. He was advised that the minimum age is 16 and that calling in is required for all agricultural burns.

Dineen Gauthier, 201 Lakeview Ave - inquired about the cost of a burn permit. Chief Parsons stated the permit is an annual fee.

Fred Evers, 728 Seacliff Dr - stated that he burns brush due to poison ivy.

Chief Parsons stated that this would create a nuisance to neighbours as it has to be dried brush only, not green. Poison ivy should never be burned but placed in yard waste.

Linda Liberato, 197 Lakeview Ave- inquired about what to do with washed up trees onshore.

Chief Parsons indicated that a burn permit could be issued, provided a burn could be safely carried out.

Chris Clements, 218 Sandybrook- inquired about outdoor firepits, what are setback requirements, and if there is any leniency.

Chief Parsons indicated that 15 feet is allowed per size of fire and that he has authority to provide a variance on the setback.

Natalie Bastow, 836 Cedar Island Dr- stated that summer renters should know fire regulations and inquired why the permit fee was an annual fee.

Chief Parsons indicated that the fee is for cost recovery for staff time to verify situation and a permit provides an education component.

**342-2019**

**Moved By** Councillor Laura Lucier

**Seconded By** Councillor Thomas Neufeld

That Council receive the correspondence from P. Slingerland, C. Swaddling, C. Hallick, and T. Stomp relating to the open air burning by-law.

**CARRIED**

**343-2019**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That Council receives the Report titled Open Air Burning Bylaw and adopts the implementing Bylaw 57-2019.

**CARRIED**

Council indicated that the fee structure proposed in the By-law will be discussed when the fees are presented for inclusion in the Fees and Charges By-law.

Mayor Santos called for a short recess at 8:50 p.m.

Mayor Santos reconvened the meeting at 9:01 p.m.

**2. PUBLIC MEETING--Application for Official Plan Amendment OPA/01/19 and Zoning Amendment ZBA/08/19 by Ray Wall and Scott Shilson 289 Main Street W Part of Lots 4 & 5, Concession 1 WD**

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

**344-2019**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Larry Patterson

That Council adopts Official Plan Amendment No. 10 (OPA 10) to redesignate the 'Agriculture' and 'Residential' portions of the subject parcel to Highway Commercial on the property currently known as 289 Main Street W, Part of Lots 4 & 5, Concession 1, in the Town of Kingsville and direct Administration to forward the amendment to the County of Essex for final approval;

And That Council approves Zoning By-law amendment application ZBA/08/19, to implement OPA 10, rezone the 'Agricultural, A1' and 'Residential Urban Zone 1, holding, R1.1(h)' portion of the subject parcel to 'General Commercial (C4)', and adopt the implementing by-law subject to final approval of OPA 10 by the County of Essex.

**CARRIED**

**3. PUBLIC MEETING--Application for Zoning By-law Amendment ZBA/32/18 by Sharkheat Holdings Ltd. (Jeff Shepley) (Owner) Edwin C. Hooker (Authorized Applicant) 1021 Oak Avenue Lot 63 & 64, Plan 1378 Gosfield South, and Part 1, 12R-10195, Pt Lot 16, Conc 1 WD**

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

**345-2019**

**Moved By** Councillor Larry Patterson

**Seconded By** Councillor Kimberly DeYong

That Council approves zoning by-law amendment application ZBA/32/18 to rezone the subject lands at 1026 Oak Avenue, Part of Lot 16, Concession 1 WD

in the Town of Kingsville, from 'Lakeshore Residential (LR)' to 'Lakeshore Residential Exception 33 (LR-33)' and adopts the implementing by-law.

**CARRIED**

**G. AMENDMENTS TO THE AGENDA**

Councillor DeYong had one update.

**H. STAFF REPORTS**

**1. Animal Control - Cats**

R. Baines, Deputy Clerk - Administrative Services

This report was discussed with Delegation item E-3.

**2. Train Court Update**

K. Vegh, Drainage Superintendent

**346-2019**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Councillor Larry Patterson

That Council provide an exception to the Procedure By-law to allow Mrs. Foldesi to speak

**CARRIED**

Mrs. Foldesi would like the matter resolved. She stated that she can't sleep at night when it rains because she is concerned about the water that going to accumulate on her property and possibly in her basement.

**347-2019**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

That Council receives this Report regarding drainage issues on Train Court for information purposes.

**CARRIED**

**3. Cottam Sanitary Lagoons – Engineering RFP**

T. Del Greco, Manager of Municipal Services

**348-2019**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Kimberly DeYong

That Council awards the Request for Proposal (File # 19-201) for engineering services pertaining to expansion of the Cottam Sanitary Sewage Lagoons to Dillon Consulting.

**CARRIED**

**4. 2019 Bridge Program Tender Results**

T. Del Greco, Manager of Municipal Services

**349-2019**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Councillor Laura Lucier

That Council authorizes the Mayor and Clerk to execute an agreement with Sterling Ridge Infrastructure for replacement of the South Talbot Road Culvert over Boose Drain;

And That Council authorizes the Mayor and Clerk to execute an agreement with Elmara Construction for rehabilitation of the Cedar Island Road Bridge;

And That Council authorizes the use of surplus funds from account # 130-360-71826 and account # 130-360-71827 in order to facilitate rehab of Cedar Island Bridge.

**CARRIED**

**5. Municipal Drainage Billing Policy**

R. McLeod, Director of Financial Services

**350-2019**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Thomas Neufeld

That Council adopts the Municipal Drainage Billing policy as presented;

And That Council authorizes the write-off of unbilled phragmites control expenses totaling \$290,847 and fund this expense from the Storm Water Lifecycle Reserve.

**CARRIED**

**6. Cemetery Bulk Purchase Policy**

J. Astrologo, Director of Corporate Services/Clerk

**351-2019**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Kimberly DeYong

That Council adopts the Cemetery Bulk Purchase Policy.

**CARRIED**

**7. Championship Way Renaming**

P. Van Mierlo-West, CAO

This report was discussed with Delegation item E-4.

**8. Kingsville Historical Park Request**

P. Van Mierlo-West, CAO

**352-2019**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Councillor Larry Patterson

That Council directs Administration to draft a 5 year funding agreement in conjunction with the Kingsville Historical Park Incorporated in the amount of \$10,000 annually.

**CARRIED**

**I. MINUTES OF THE PREVIOUS MEETINGS**

**1. Regular Meeting of Council--June 10, 2019**

**353-2019**

**Moved By** Councillor Laura Lucier

**Seconded By** Councillor Kimberly DeYong

That Council adopts Regular Meeting of Council Minutes, dated June 10, 2019.

**CARRIED**

**J. MINUTES OF COMMITTEES AND RECOMMENDATIONS**

**1. Tourism and Economic Development - April 11, 2019**

**354-2019**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Larry Patterson

That Council receives Tourism and Economic Development Committee Meeting Minutes dated April 11, 2019.

**CARRIED**

**2. Kingsville B.I.A. - May 14, 2019**

**355-2019**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Councillor Laura Lucier

That Council receives Kingsville B.I.A. Meeting Minutes dated May 14, 2019

**CARRIED**

**K. BUSINESS CORRESPONDENCE - INFORMATIONAL**

**1. Mettawas Lane Residents--Correspondence dated June 6, 2019 RE:  
Mettawas Park and Beach**

**2. Town of Georgina--Resolution No. C-2019-0370 passed June 5, 2019 RE:  
Reducing Litter and Waste in our Communities**

3. **Municipality of South Huron--Copy of Correspondence to Ontario Good Roads Association dated June 12, 2019 OGRA Combined Conference Resolution**
4. **City of St. Catharines--Correspondence dated June 19, 2019 RE: Resolution - Free Menstrual Products at City Facilities**

**356-2019**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Kimberly DeYong

That Council receives Business Correspondence-Informational Items 1-4.

**CARRIED**

C.A.O. Van Mierlo-West indicated that ERCA received the communication on shoreline erosion and are planning to attend the next C.A.O. meeting to discuss a regional solution. She added that Council will be provided with additional information when that comes forward.

**L. NOTICES OF MOTION**

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

**357-2019**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

WHEREAS the needs of Windsor and Essex County Population and Medical Needs have increased over the past 50 years, and the actual growth of the City of Windsor recognized the need for growth in 2003 with the annexation of Tecumseh lands for future development;

AND WHEREAS the new Mega Hospital Site selection process considered not only past needs but the future needs of the City and County Residents for years to come;

AND WHEREAS when the OMB appeal process was ended the Province indicated a desire to put more faith and consideration in the decisions of local elected councils;

AND WHEREAS the population growth within Essex County reflects the anticipation that near equal populations will exist between the two groups, called the City of Windsor and the County of Essex;

AND WHEREAS the two respective populations are expected to each contribute approximately 100 million dollars towards the Mega Hospital Construction, based on the Current proposed Site;

AND WHEREAS the residents of the County of Essex will not only benefit by reduced travel time, but the City of Windsor residents will remain with critical services in the core area of the old City Limits;

AND WHEREAS the anticipated site development plan, as indicated by a former City of Windsor Council member, indicated need for 60 acres;

AND WHEREAS the New Hospital, similar to London Victoria Hospital, will not only serve the residents but also enhance the Medical School opportunities for learning.

THEREFORE BE IT RESOLVED that the Town of Kingsville supports moving forward with the new Mega Hospital in the Proposed Location, to serve the entire combined region;

AND that this Resolution be sent to the City of Windsor, County of Essex, The Premier, The Minister of Health, The Minister of Municipal Affairs and Housing, The Local MPPs, and MPP Pettapiece.

**CARRIED**

**2. Councillor L. Patterson may move, or cause to have moved:**

**358-2019**

**Moved By** Councillor Larry Patterson

**Seconded By** Councillor Laura Lucier

That Administration provide a report to provide Council with an update and possible resolutions with respect to the status of the garbage pick-up at the Settrington Industrial Park because, while garbage has been picked up in that area for over 15 years, a decision has been made to not pick up garbage in that area.

**CARRIED**

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

Councillor DeYong provided an update on the highland games and that is was a successful event. The games were well attended.

Deputy Mayor Queen stated that the food options were terrific and suggested sharing the food vendor list with Folkfest.

Mayor Nelson thanked the committee and congratulated them on a successful event.

**N. BYLAWS**

**1. By-law 57-2019**

**359-2019**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Kimberly DeYong

That Council reads By-law 57-2019, being a By-law of the Town of Kingsville to Regulate the Setting of Open Air Fires, a first, second and third and final time.

**CARRIED**

**2. By-law 59-2019**

**360-2019**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

That Council reads By-law 59-2019, being a By-law authorizing the entering into of an Agreement with Henry Heyink Construction Ltd. for the Lakeside Park Sanitary Sewer Installation (Dillon Consulting Limited Project No. 18-7815; Lakeside Park Trunk Sanitary Sewer in the Town of Kingsville) (full contract document available for review in Department of Municipal Services), a first, second and third and final time.

**CARRIED**

**3. By-law 62-2019**

**361-2019**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Thomas Neufeld

That Council reads By-law 62-2019, being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/32/18; 1021 Oak Avenue), a first, second and third and final time.

**CARRIED**

**4. By-law 63-2019**

**362-2019**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That Council reads By-law 63-2019, being a By-law to amend the Official Plan of the Town of Kingsville (Official Plan Amendment No. 10; 289 Main St. West; Part of Lots 4 and 5, Concession 1 WD Part 1, RP 12R22209), a first, second and third and final time.

**CARRIED**

**5. By-law 64-2019**

**363-2019**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Laura Lucier

That Council reads By-law 64-2019, being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/08/19; 289 Main St. West), a first, second and third and final time.

**CARRIED**

**O. CLOSED SESSION**

**364-2019**

**Moved By** Councillor Laura Lucier

**Seconded By** Councillor Thomas Neufeld

That Council, at 10:41 p.m., enter into Closed Session to address the following item:

1) Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality, being a report from A. Plancke, Director of Municipal Services re: potential acquisition of land for municipal purposes.

**CARRIED**

**P. REPORT OUT OF CLOSED SESSION**

Upon rising from Closed Session at 10:52 p.m., Mayor Santos reported that Council received information regarding a potential land acquisition and that Administration will provide Council with future updates on the matter.

**Q. CONFIRMATORY BY-LAW**

**1. By-law 65-2019**

**365-2019**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Thomas Neufeld

That Council reads By-law 65-2019, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its June 24, 2019 Regular Meeting, a first, second and third and final time.

**CARRIED**

**R. ADJOURNMENT**

**366-2019**

**Moved By** Councillor Larry Patterson

**Seconded By** Councillor Tony Gaffan

That Council adjourn this Regular Meeting at 10:53 p.m.

**CARRIED**