



**REGULAR MEETING OF COUNCIL
MINUTES**

Monday, July 22, 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 Laura Lucier
Members of Administration	J. Astrologo, Director of Corporate Services
	R. Brown, Manager of Planning Services
	S. Kitchen, Deputy Clerk-Council Services
	R. McLeod, Director of Financial Services
	A. Plancke, Director of Municipal Services
	P. Van Mierlo-West, CAO
	G. Robinson, Planner

A. CALL TO ORDER

Mayor Santos called the Regular Meeting to order at 7:00 p.m. with the aforementioned members of Council in attendance. He noted that Councillor DeYong is absent on personal business.

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 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 Zoning Amendment ZBA/09/19 and Site Plan Approval SPA/09/19 by Olivito Dentistry Prof. Corp (Owner) and Amanda Woolgar (Authorized Applicant) 87 Main Street E and 17 Spruce St., Part of Lot 1, Concession 1 ED

G. Robinson, Town Planner

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment and Site Plan Approval, dated June 19, 2019;

ii) Report of G. Robinson, Town Planner, dated July 8, 2019;

iii) Proposed By-law 72-2019, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Mr. Robinson presented the Planning Report. There were no questions or comments from anyone in attendance in the audience.

386-2019

Moved By Councillor Larry Patterson

Seconded By Councillor Laura Lucier

That Council approves Zoning By-law Amendment Application ZBA/09/19 to rezone the subject lands at 87 Main Street E., Part of Lot 1, Concession 1 ED in the Town of Kingsville, from 'Residential Zone 1 Urban (R1.1)' to 'Residential Zone 1 Urban Exemption 14 (R1.1-14)' and adopt the implementing by-law;

And That Council approves Zoning By-law Amendment Application ZBA/09/19 to rezone the subject lands at 17 Spruce Street, Part of Lot 1, Concession 1 ED in the Town of Kingsville, from 'Residential Zone 1 Urban (R1.1)' to 'Residential Zone 1 Urban Exemption 28 (R1.1-28)' and adopt the implementing by-law;

And That Council Approves Site Plan Application SPA/09/19 for the proposed parking lot development, subject to the conditions outlined in the Site Plan Agreement and authorizes the Mayor and Clerk to sign the Site Plan Agreement and register said Agreement on title.

CARRIED

2. PUBLIC MEETING--Application for Zoning By-law Amendment ZBA/10/19 by 2073834 Ontario Limited 795 Road 3 E Part of Lots 5 & 6, Concession 3 ED

R. Brown, Manager of Planning Services

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment, dated June 24, 2019;

ii) Report of Brown, dated July 4, 2019;

iii) Proposed By-law 73-2019, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Mr. Brown presented the Planning Report and the recommendation to defer the Application for Zoning By-law Amendment ZBA/10/19 (795 Road 4 East) as detailed in said Planning Report.

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

387-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Thomas Neufeld

That Council defers Zoning By-law Amendment Application ZBA/10/19 to rezone lands outlined in Appendix A attached, to permit a medical marihuana production facility as an additional site-specific permitted use until such time as: i) the Greenhouse Policy Review Committee has concluded and any recommended policy updates approved by Council; and ii) Council has lifted the moratorium on further zoning approvals to permit medical marihuana production facilities.

CARRIED

F. AMENDMENTS TO THE AGENDA

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

Councillor Patterson added one Announcement item.

G. STAFF REPORTS

1. Sign Truck Replacement

A. Plancke, Director of Municipal Services, presented the Report on behalf of Mr. Martinho.

388-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council approves the use of \$149,888.41 in unallocated fleet reserves for the early replacement of unit 12-08 for an Altec AT37G mounted on a Ford 550 chassis.

CARRIED

2. Garbage Collection in Spinks Gravel Industrial Park

A. Plancke, Director of Municipal Services, presented the Report on behalf of Mr. Martinho.

389-2019

Moved By Councillor Larry Patterson

Seconded By Councillor Tony Gaffan

That Council receives the Report of S. Martinho, Public Works Manager, Re: Garbage Collection in Spinks Gravel Industrial Park for information; and that garbage collection in Spinks Gravel Industrial Park continues to be the responsibility of commercial property owners in accordance with By-law 25-2001; and further, that those commercial property owners be notified of this decision.

CARRIED

3. Mill Creek Bridge in Lakeside Park

A. Plancke, Director of Municipal Services, presented the Report on behalf of Mr. Martinho.

390-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council reallocate the \$17,427.00 remaining from the Patterson Taxi Demolition for the purchase of a decorative railing for the Bridge over Mill Creek in Lakeside Park.

CARRIED

4. Name Change Impact – Meghan Agosta Dr. to York Blvd.

R. Brown, Manager of Planning Services

391-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council receives the Report of R. Brown, Manager of Planning Services, on the impact of changing Meghan Agosta Drive to York Blvd. for information purposes.

CARRIED

392-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Tony Gaffan

That Council waive the notice requirements under the procedure by-law to allow representatives to address Council in regard to Staff Report G-4 (Name Change Impact-Meghan Agosta Dr. to York Blvd.)

CARRIED

Ms. Tamara Stomp indicated that the York Family is not agreeable to having the small connector road (Corbin Watson Way) named York Blvd. and indicated they are in attendance to request that Meghan Agosta Drive be changed to York Blvd. This solution has symmetry because the street faces the lands the York family still retains, and is adjacent to York Park.

393-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council approves the renaming of Corbin Watson Way to York Boulevard as an alternative solution to the earlier oversight, and direct that Administration identify the road which will be named Corbin Watson Way.

Amendment:

394-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council approves the renaming of Meghan Agosta Drive to York Boulevard as an alternative solution to the earlier oversight, with no change to the existing street named Corbin Watson Way.

CARRIED

Motion as Amended:

393-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council approves the renaming of Meghan Agosta Drive to York Boulevard as an alternative solution to the earlier oversight.

CARRIED

5. **Cottam Community Improvement Plan Application by Cottam United Church V/L County Road 34 W Pt. Lot 270, Concession STR, Part 2, RP 12R 5967**

R. Brown, Manager of Planning Services

395-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council approves the Cottam Community Improvement Plan funding application for the design, purchase and installation of permanent landscaping

infrastructure associated with the proposed prayer garden for Cottam United Church as follows:

Phase One - \$2,500

Phase Two - \$2,500

CARRIED

6. Application for Site Plan Approval by Great Northern Hydroponics 1270 Road 3 E Part of Lot A, Concession 3 ED

R. Brown, Manager of Planning Services

A recorded vote was requested.

396-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council approves the development of a two phase 6.63 ha (16.4 ac.) greenhouse and support facilities for a medical marihuana production facility, subject to the conditions outlined in the site plan agreement and authorize the Mayor and Clerk to sign the site plan agreement and register said agreement on title;

And That Council requires a security deposit equal to 50% of the total cost of the odour control system and light control system to be deposited with the Town prior to release of any building permits.

Recorded	For	Against
Mayor Nelson Santos	X	
Deputy Mayor Gord Queen	X	
Councillor Tony Gaffan	X	
Councillor Thomas Neufeld	X	
Councillor Larry Patterson	X	
Councillor Laura Lucier	X	

CARRIED (6 to 0)

Mayor Santos called for a recess at 8:46 p.m. and the meeting reconvened at 8:55 p.m.

H. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

- 1. Motion to Amend Something Previously Adopted--Email from M. Durocher, Parks and Recreation Program Manager dated July 12, 2019 RE: Alcohol and Gaming Commission of Ontario Request**

397-2019

Moved By Councillor Tony Gaffan

Seconded By Deputy Mayor Gord Queen

That Council amends Motion 252-2019 previously adopted by Council to replace the phrase "Significant Event status" and the phrase "Significant Status" with the phrase "Municipal Significance status" such that the motion reads as follows:

That Council authorizes Municipal Significance status for the identified events which include: Kingsville Highland Games, Carnegie Social, Kingsville Folk Fest, Tall Ships Kingsville, Kingsville Migration Fest and Fantasy of Lights Festival, and furthermore, that Council authorizes Administration to author a recommendation for Municipal Significance status for these events to secure a special occasion permit for each.

CARRIED

I. MINUTES OF THE PREVIOUS MEETINGS

- 1. Regular Meeting of Council--July 8, 2019**

398-2019

Moved By Councillor Laura Lucier

Seconded By Deputy Mayor Gord Queen

That Council adopts Regular Meeting of Council Minutes, dated July 8, 2019.

CARRIED

J. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. Parks, Recreation, Arts and Culture Committee - May 16, 2019

399-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council receives Parks, Recreation, Arts and Culture Committee Meeting Minutes dated May 16, 2019 together with Minutes of the following sub-committees: Highland Games - March 6 and April 3, 2019.

CARRIED

2. Kingsville B.I.A. - June 11, 2019

400-2019

Moved By Councillor Tony Gaffan

Seconded By Councillor Thomas Neufeld

That Council receives Kingsville B.I.A. Meeting Minutes dated June 11, 2019.

CARRIED

3. Kingsville Municipal Heritage Advisory Committee--June 26, 2019

401-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Tony Gaffan

That Council receives Kingsville Municipal Heritage Advisory Committee Meeting Minutes dated June 26, 2019.

CARRIED

402-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council authorizes Administration to remove the property municipally known as 850 Seacliff from the Town's Heritage Inventory List, given that the Committee has no heritage objections to the demolition of the property.

CARRIED

K. BUSINESS CORRESPONDENCE - INFORMATIONAL

- 1. Town of Tecumseh--Correspondence dated June 27, 2019 RE: Support of a New Regional Hospital Site for Windsor Essex County**
- 2. Township of Warwick--Correspondence dated June 26, 2019 RE: Resolution Regarding Enforcement for Safety on Family Farms**
- 3. Town of Plympton-Wyoming--Correspondence dated July 15, 2019 RE: Resolution Regarding Enforcement for Safety on Family Farms**
- 4. County of Huron--Correspondence dated July 3, 2019 RE: Support for Combined OGRA-ROMA Conference.**
- 5. Township of Prince--Correspondence dated July 10, 2019 RE: Resolution Opposing the idea of the Combined OGRA-ROMA Conference**
- 6. Village of Oil Springs--Correspondence received July 12, 2019 RE: Support for Warwick Resolution**
- 7. Town of Oakville--Correspondence dated July 22, 2019 RE: Traffic Calming and Speed Limit Review**
- 8. The College of Physicians and Surgeons of Ontario--Call for Nominations for the 2020 Council Award.**

403-2019

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That Council receives Business Correspondence-Informational Items 1-8.

CARRIED

L. NOTICES OF MOTION

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

That Administration be directed to create a policy with regard to dimming streetlights during fishfly season to a level that will decrease the accumulation of the flies but also maintain a level of security for the residents.

404-2019

Moved By Councillor Thomas Neufeld

Seconded By Councillor Laura Lucier

That Administration be directed to provide a fishfly abatement policy to provide mitigation measures or techniques that may be utilized in an effort to deal with the seasonal accumulation of the fishflies.

CARRIED

Notice of Motion

Councillor Neufeld commented that in 2015, former MPP Dave Cooke and Mr. David Musyj (President and CEO of Windsor Regional Hospital) addressed a crowd in Kingsville at Migration Hall to discuss and answer questions from the public regarding the megahospital project. At that time, a location had not been chosen by the steering committee. He indicated that now, in 2019, a location has been chosen, however, not without controversy.

Councillor Neufeld stated that at the next Regular Meeting he may move, or cause to have moved, that Administration be directed to invite Mr. Musyj and Mr. Cooke back to Kingsville to provide our Council and residents an update on the proposed new megahospital, and how the plan has changed from what was originally presented.

M. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

Councillor Patterson informed that the Ruthven Apple Festival will not include a parade this year, and that a children's entertainer has been added as an event.

Councillor Neufeld commented that the new pedestrian crossovers will be installed shortly, and asked if Administration could investigate the cost and feasibility to have the pavement markings painted in rainbow colours in both

locations. Director Plancke advised that he would look into the matter and provide information back to Council.

N. BYLAWS

1. By-law 69-2019

405-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council reads By-law 69-2019, 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

2. By-law 70-2019

406-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council reads By-law 70-2019, being a By-law authorizing the entering into of an Agreement with Sterling Ridge Infrastructure Inc. for Replacement of South Talbot Road Culvert (#46) Over #5 Drain in the Town of Kingsville, a first, second and third and final time.

CARRIED

3. By-law 71-2019

407-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council reads By-law 71-2019, being a By-law authorizing the entering into of an Agreement with Elmara Construction Co. Ltd. for the 2019 Bridge Program (File No. MS19-104 Cedar Island Bridge) a first, second and third and final time.

CARRIED

4. By-law 72-2019

408-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

Being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/09/19; 87 Main St. East) a first, second and third and final time.

CARRIED

O. CLOSED SESSION

409-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Tony Gaffan

That Council enter into Closed Session at 9:14 p.m. to address the following item: A proposed or pending acquisition of land by the municipality [Section 239(2)(c)], being a proposed Agreement of Purchase and Sale for a potential acquisition of land by the municipality.

CARRIED

P. REPORT OUT OF CLOSED SESSION

Upon rising from Closed Session at 9:24 p.m. Mayor Santos reported that Council discussed the terms of a proposed Agreement of Purchase and Sale for a potential acquisition of land by the municipality. The following motion was then passed in open session:

410-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council direct Administration to continue to negotiate for the acquisition of land for municipal purposes under the terms discussed.

CARRIED

Q. CONFIRMATORY BY-LAW

1. By-law 74-2019

411-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council reads By-law 74-2019, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its July 22, 2019 Regular Meeting, a first, second and third and final time.

CARRIED

R. ADJOURNMENT

412-2019

Moved By Councillor Thomas Neufeld

Seconded By Councillor Larry Patterson

That Council adjourns this Regular Meeting at 9:25 p.m.

CARRIED