



**REGULAR MEETING OF COUNCIL
MINUTES**

Monday, August 26, 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 R. Brown, Manager of Planning Services T. Del Greco, Municipal Services Manager S. Martinho, Public Works Manager R. McLeod, Director of Financial Services P. Van Mierlo-West, CAO

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. Tom Kissner, Resident--Request dated August 19, 2019 RE: Petition of Bernath Street Property Owners for the cancellation of installment of a sidewalk on Bernath St. in Kingsville

Mr. Kissner spoke on behalf of the signatories to the submitted Petition opposing the installation of sidewalks on either side of Bernath Street. He thanked Council for the opportunity to speak this evening on behalf of the Bernath Street residents.

434-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Thomas Neufeld

That Council receives the Petition of Bernath Street Residents along with Memorandum dated August 16, 2019, as presented by Tom Kissner.

CARRIED

A recorded vote was requested on the following:

435-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Kimberly DeYong

That Council respect the residents' request and directs Administration to cancel the sidewalk installation on both sides of the cul de sac known as Bernath Street, and further that Council directs that edge line painting be carried out.

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 Kimberly DeYong	X	
Councillor Laura Lucier	X	
Results	5	2

CARRIED (5 to 2)

2. **Dave Elliott, President and Dan D'Alimonte, Treasurer, representing Lakeview Private Park Preservation Society (a non-profit Corporation)--Request dated August 19, 2019 that damaged shoulder of Waterview Road be repaired**

Mr. Elliott expressed his concerns with respect to the damaged shoulder of Waterview Road, and indicated that he has recently been contacted by staff, who assured him that staff is committed to resolving the issue.

436-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council receives the presentation of Dave Elliott and Dan D'Alimonte on behalf of the Lakeview Private Park Preservation Society regarding concerns about a section of the shoulder of Waterview Road that needs repair.

CARRIED

F. MATTERS SUBJECT TO NOTICE

1. **PUBLIC MEETING--Application for Zoning By-law Amendment ZBA/12/19 by Joe & Joseph Moavro 20, 24, 28, 34 & 40 Jasperson Drive Parts 1 to 6 and 9 to 12, RP 12R 8589**

Mr. Brown, Manager of Planning Services

i) Notice of Complete Application and Public Meeting (Revised), dated August 1, 2019;

ii) Report of R. Brown, dated July 25, 2019;

iii) Proposed By-law 79-2019, 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. He stated that the Applicant's planner, who had prepared the justification report, is also in attendance this evening.

Comments from the Applicant's Agent:

Ms. Jackie Lassaline, appearing on behalf of the Applicant, presented a brief PowerPoint presentation. She stated that the proposed Zoning By-law Amendment will establish a regulatory framework that supports an appropriate conversion that will fit well within the existing neighbourhood. She stated that the Town has a significant need for rental apartments, and that the proposed duplex dwellings will provide alternative reasonable-sized residential units.

Comments from the public:

Joanne Rivard, 222 Sandybrook Way, expressed the concern that the duplex dwellings proposed are to be utilized as rooming houses, not rentals and asked how the Town can guarantee these won't be occupied by international workers vs. families.

Matt McCracken, 646 Jasperson Lane, stated that he agrees with Ms. Rivard with respect to the duplex units potentially being utilized as rooming houses. He expressed concerns about garbage pails being left on the properties, parking, and the potential for an increase in the number of vehicles that may be parked in front of the units.

Joe Wilds, 56 Jasperson. stated that he is not opposed to the usage, but is concerned about how it will affect the flavour of the neighbourhood in the future.

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

A recorded vote was requested on the following Motion:

437-2019

Moved By Councillor Larry Patterson

Seconded By Councillor Laura Lucier

That Council approves Zoning By-law Amendment Application ZBA/12/19 to rezone property located at 20, 24, 28, 34 and 40 Jasperson Drive from 'Residential Zone 1 Urban, R1.1' to a site-specific 'Residential Zone 2 Urban Exception 17, R2.1-17' and adopt the implementing by-law.

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 Kimberly DeYong	X	
Councillor Laura Lucier	X	
Results	4	3

CARRIED (4 to 3)

G. AMENDMENTS TO THE AGENDA

Deputy Mayor Queen added one Announcement, and Councillor Neufeld added one Announcement.

Mayor Santos then brought forward for discussion Staff Report Item H-4, being Report of T. Del Greco, Manager of Municipal Services (RE: CWATS 2020 Application).

H. STAFF REPORTS

1. CWATS 2020 Application

T. Del Greco, Manager of Municipal Services

438-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council receives the update from Manager of Municipal Services T. Del Greco with respect to 2019 CWATS construction in the Town of Kingsville; and further, that Council endorses the 2020 CWATS Application for Kings 8.

CARRIED

Mayor Santos called for a recess at 8:40 p.m. and the meeting reconvened at 8:49 p.m.

2. Introduction of Street & Road Naming Policy

R. Brown, Manager of Planning Services

A recorded vote was requested on the following motion:

439-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council directs Administration to remove Section 6.3 b) (subtitle: Two Word Names) on page 5 of the draft Street and Road Naming Policy.

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 Kimberly DeYong		X
Councillor Laura Lucier	X	
Results	6	1

CARRIED (6 to 1)

440-2019

Moved By Councillor Thomas Neufeld

Seconded By Councillor Laura Lucier

That Council adopts the Municipal Street and Road Naming Policy, as amended.

CARRIED

3. Application for Site Plan Approval by JC Fresh Farms Ltd. (Jeremy Capussi)

R. Brown, Manager of Planning Services

441-2019

Moved By Councillor Tony Gaffan

Seconded By Councillor Thomas Neufeld

That Council approves Site Plan Application SPA/01/19, as revised, for a multi-phase 25.8 ha (63.8 ac.) greenhouse development, subject to the conditions and requirements outlined in the Site Plan Agreement; and authorizes the Mayor and Clerk to sign the Agreement and register said Agreement on title.

CARRIED

4. Timbercreek Waiver of Remaining Sewer Contribution

R. Brown, Manager of Planning Services

442-2019

Moved By Councillor Larry Patterson

Seconded By Deputy Mayor Gord Queen

That Council approves the waiver of the remaining sewer contribution for the Timbercreek Estates Subdivision.

CARRIED

5. Phragmites Control Resolution

S. Kitchen, Deputy Clerk-Council Services

443-2019

Moved By Councillor Tony Gaffan

Seconded By Councillor Larry Patterson

WHEREAS *Phragmites australis* (herein referred to as "Phragmites") is an invasive perennial grass that continues to cause severe damage to our wetlands, beaches and municipal drainage systems across Essex County;

AND WHEREAS Phragmites grows and spreads rapidly, allowing the plant to invade new areas and grow into large monoculture stands in a short amount of time, and is a plant that secretes toxins from its roots into the soil which impede the growth of neighbouring plant species;

AND WHEREAS Phragmites results in loss of biodiversity and species richness, loss of habitat, changes in hydrology due to its high metabolic rate, changes in nutrient cycling as it is slow to decompose, an increased fire hazard due to the combustibility of its dead stalks, and can have an adverse impact on agriculture, particularly in drainage ditches;

AND WHEREAS invasive Phragmites has been identified as Canada's worst invasive plant species by Agriculture and AgriFood Canada;

AND WHEREAS controlling invasive Phragmites before it becomes well established reduces environmental impacts, time, and costs;

AND WHEREAS according to the Ministry of the Environment, best management practices for Phragmites include early detection, herbicide application, mowing, compressing or rolling, prescribed burning, and controlled flooding;

AND WHEREAS these best management practices are most effective when used in tandem as opposed to when used as stand-alone control measures;

AND WHEREAS herbicides containing surfactants are prohibited for use in aquatic environments in Canada, meaning that Canadians are not able to fully implement best management practices.

NOW THEREFORE BE IT RESOLVED that the Federation of Canadian Municipalities calls on the Canadian Federal Government to take the appropriate regulatory measures to expedite and approve the use of herbicides in aquatic environments for the control of Phragmites by local governments.

CARRIED

6. Broadcasting Council Meetings Follow up

J. Astrologo, Director of Corporate Services

444-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That Council authorizes Administration to engage eSCRIBE to provide broadcasting and closed captioning services for its Council Meetings with funding for implementation to be drawn from the one-time funding that was received earlier this year to improve service delivery and efficiency.

CARRIED

7. 2019 2nd Quarter Operational Report

P. Van Mierlo-West, CAO

445-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Thomas Neufeld

That Council receives the 2019 2nd Quarter Operational Report of CAO P. Van Mierlo-West.

CARRIED

Councillor Neufeld indicated he is looking for an update report from the Town of Kingsville Tourism and Economic Development Committee.

Deputy Mayor Queen indicated that he is looking forward to the Grant Policy report coming to Council in the near future.

I. MINUTES OF THE PREVIOUS MEETINGS

1. Regular Meeting of Council--August 12, 2019

2. Regular 'Closed Session' Meeting of Council--August 12, 2019

446-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Thomas Neufeld

That Council adopts Regular Meeting of Council Minutes dated August 12, 2019 and Regular 'Closed Session' Meeting of Council Minutes dated August 12, 2019.

CARRIED

J. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. Tourism and Economic Development Committee - July 18, 2019

447-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council receives Tourism and Economic Development Committee Meeting Minutes dated July 18, 2019.

CARRIED

2. Kingsville B.I.A. - July 9, 2019

448-2019

Moved By Councillor Tony Gaffan

Seconded By Councillor Laura Lucier

That Council receives Kingsville B.I.A. Meeting Minutes dated July 9, 2019

CARRIED

K. BUSINESS CORRESPONDENCE - INFORMATIONAL

- 1. The City of Windsor Housing and Children's Services--Correspondence from D. Cercone, Executive Director, dated July 29, 2019 RE: 2019 Rental Housing Component of the Ontario Priorities Housing Initiatives (OPHI RHC)**
- 2. Sandy Smith, Resident--Correspondence dated August 7, 2019 RE: Street Name change**
- 3. Township of South Frontenac--Correspondence dated August 9, 2019 RE: Endorsement for Safety on Family Farms**
- 4. Norfolk County--Correspondence dated August 13, 2019 RE: Request for Provincial Response to address Gas Well issues**
- 5. Town of Bradford West Gwillimbury-Correspondence dated August 14, 2019 RE: Resolution of Support for the Never Forgotten National Memorial**

6. **Municipality of Bluewater--Correspondence dated August 13, 2019 RE: Resolution support for Reducing Litter and Waste in our Communities**
7. **Municipality of Chatham-Kent--Correspondence dated August 13, 2019 RE: Safety on Family Farms**
8. **Municipality of Thames Centre--Correspondence dated August 13, 2019 RE: Safety on Family Farms**

449-2019

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

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

CARRIED

450-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Laura Lucier

That Council directs that CAO Van Mierlo-West bring back a Report for Council consideration in respect to Item K-1, being Correspondence from City of Windsor Housing and Children's Services RE: 2019 Rental Housing Component of the Ontario Priorities Housing Initiatives (OPHI-RHC).

CARRIED

L. NOTICES OF MOTION

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

A recorded vote was requested.

451-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That the Council of the Town of Kingsville publicly acknowledges and expresses our thanks and support to Parks and Recreation Programs Manager Maggie Durocher and the three Parks and Recreation staff members, as well as the

hundreds of community volunteers that aided in making the Tall Ships visit to Kingsville a success.

Amendment:

452-2019

Moved By Councillor Tony Gaffan

Seconded By Deputy Mayor Gord Queen

That the motion be amended to state that the Council of the Town of Kingsville publicly acknowledges and expresses thanks to all involved for their patience and support for such an historical event.

CARRIED

Motion as Amended:

451-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That the Council of the Town of Kingsville publicly acknowledges and expresses our thanks to all involved during the 'Tall Ships' visit to Kingsville for their patience and support for such an historical event.

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 Kimberly DeYong	X	
Councillor Laura Lucier	X	

Results

7

0

CARRIED (7 to 0)

2. Deputy Mayor Queen may move, or cause to have moved:

That the Council of the Town of Kingsville order the immediate removal of any such recently installed stop signs installed in the last 30 days. And further, that Staff undertake to have discussion with and approval of Council for non-emergency and proposed long-term traffic lights, stop signs and like items, before installing same.

Upon the request of Deputy Mayor Queen, Mayor Santos divided the question into two parts.

453-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council order the immediate removal of any stop signs installed in the last thirty days.

CARRIED

454-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

The Administration undertakes to have discussion with, and approval of Council for, non-emergency and proposed long-term traffic lights, stop signs and like items, before installing same.

CARRIED

3. Deputy Mayor Queen may move, or cause to have moved:

455-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That the Town of Kingsville acquire and install once more a Christmas Tree to be installed at the Carnegie Park location, south of the Old Library, also known as the Carnegie Arts and Visitor Centre, prior to Santa's Arrival with the Fantasy of Lights Santa Parade in November.

CARRIED

4. Deputy Mayor Queen may move, or cause to have moved:

456-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council approves the idea of having a public meeting of Council within the next six (6) months to discuss Sidewalks and Active Transportation options, as well as suggestions to update the Development Standards Manual.

CARRIED

5. Councillor DeYong may move, or cause to have moved:

457-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Laura Lucier

That the Municipal Services Department be directed to provide Council with a Report at the next available Regular Meeting with details on the allocation of the remaining Main Street Revitalization funds, being the quantity and location of new benches, garbage pails, bike racks, etc.

CARRIED

6. Councillor Lucier may move, or cause to have moved:

That Administration prepare a report on the traffic concerns noted by businesses at 375 Main St. East and possible measures to improve traffic flow at the FreshCo Plaza and reduce back up for vehicles making a left turn out of the businesses on the south side.

458-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Tony Gaffan

That Administration prepare a report on the traffic concerns noted by businesses at 375 Main St. East and possible measures to improve traffic flow at the FreshCo Plaza and reduce back-up for vehicles making a left turn out of the businesses on the south side, and that Administration investigate an advance left turn lane into the plaza, in the westerly travelling lane at the corner of Main St. East and Jasperson.

CARRIED

7. Councillor Lucier may move, or cause to have moved:

459-2019

Moved By Councillor Laura Lucier

Seconded By Councillor Kimberly DeYong

That a representative on E.L.K. Energy Inc. and a representative on Hydro One be requested to attend a Council meeting to provide updates on operations and capital projects benefitting the Town of Kingsville.

CARRIED

M. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

1. Deputy Mayor Queen reminded that that the Harrow Fair will be held this upcoming Labour Day Weekend, and reminded Members of the annual pie auction, for which proceeds go to the John McGivney Children's Centre.
2. Deputy Mayor Queen reminded of the upcoming September 15, 2019 Cottam Rotary Fall Fair and Horse Festival; the Club is soliciting for participants in the chili cook-off contest.
3. Councillor Neufeld indicated he was a witness to a single vehicle accident recently, he telephoned 911, and was impressed with the speed and professionalism of the EMS, police and firefighters who arrived on scene.
4. Councillor Lucier stated that Council is waiting on Administration's report regarding water dispensing stations.

N. BYLAWS

1. By-law 79-2019

460-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council reads By-law 79-2019, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/12/19; 20, 24, 28, 34 and 40 Jasperson Drive, Part Lot 3, Concession 1, ED, Parts 1 to 6 and 9 to 12, RP 12R-8589) a first, second and third and final time.

CARRIED

O. CONFIRMATORY BY-LAW

1. By-law 80-2019

461-2019

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council reads By-law 80-2019, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its August 26, 2019 Regular Meeting, a first, second and third and final time.

CARRIED

P. ADJOURNMENT

462-2019

Moved By Councillor Kimberly DeYong

Seconded By Councillor Larry Patterson

That Council adjourns this Regular Meeting at 10:00 p.m.

CARRIED