



**REGULAR MEETING OF COUNCIL  
MINUTES**

**Monday, April 27, 2020  
6:00 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 Larry Patterson  
                                 Councillor Kimberly DeYong  
                                 Councillor Laura Lucier

Members of                J. Astrologo, Director of Corporate Services  
Administration        T. Iacobelli, Manager of Information Technology  
                                 S. Kitchen, Deputy Clerk-Council Services  
                                 R. McLeod, Director of Financial Services

**A.     CALL TO ORDER**

Mayor Santos, in attendance at the Council Chambers, called the Regular Meeting to order at 6:00 p.m. All other members of Council participated in the meeting through video conferencing technology from remote locations, except Councillor Neufeld, who was absent on personal business.

Solicitor David Halliwill and Solicitor Shannel Diewold (Pearsall, Marshall, Halliwill and Seaton LLP) were also in attendance through video conferencing technology for Closed Session Item B-1.

**B.     CLOSED SESSION**

## **270-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That Council, at 6:01 p.m., pursuant to Section 239(2) of the *Municipal Act, 2001* Council, enter into Closed Session to address the following items:

1. Subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; being an update from Solicitor David Halliwill regarding 190-200 Main St. East, being Part of Lot 2 Concession 1 ED Part 1 12R-26799, and Part of Lot 2 Concession 1 ED Part 2 12R-26799 respectively;
2. Subsection 239(2)(d) labour relations or employee relations, being an update report from J. Galea, Human Resources Officer, regarding Hickson Grievance (IBEW Local 636).

## **CARRIED**

Upon rising from Closed Session at 6:30 p.m., Mayor Santos called for a half-hour recess, and the meeting reconvened at 7:00 p.m. with the following Members of Council in attendance (electronic participation): Mayor N. Santos, Deputy Mayor G. Queen, Councillors K. DeYong, T. Gaffan, L. Lucier, and L. Patterson (Absent: Councillor T. Neufeld, on personal business).

The following members of Administration in attendance (Electronic participation): Director of Corporate Services J. Astrologo, Director of Financial Services R. McLeod, Manager of Planning Services R. Brown, Manager of Municipal Services T. Del Greco, Information Technology Manager T. Iacobelli, and Deputy Clerk-Council Services S. Kitchen.

### **C. 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.

### **D. REPORT OUT OF CLOSED SESSION**

Mayor Santos reported that Members in attendance (all present, except Councillor Neufeld who was absent on personal business) had entered into Closed Session earlier this evening to address Closed Session Items B-1 and B-2 as follows:

B-1) Subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications for that purposes; being an update Report from Solicitor D. Halliwill regarding the property municipally known 190 and 200 Main St. East, being described as Part of Lot 2, Concession 1, Eastern Division, Part 1 12R-26799; and Part of Lot 2, Concession 1 Eastern Division, Part 2 12R-26799, respectively.

Mayor Santos reported that Council received the update from Solicitor Halliwill, and Council provided further direction to Administration on that item.

B-2) Subsection 239(2)(d) labour relations or employee relations, being an update report from Ms. Jennifer Galea, Human Resources Manager regarding Hickson Grievance (IBEW Local 636).

Mayor Santos reported that Ms. Galea provided an informational update pertaining to the resolution of the Hickson Grievance.

**E. AMENDMENTS TO THE AGENDA**

Deputy Mayor Queen added one Announcement, Councillor Patterson added one Announcement, and Mayor Santos added two Updates.

**F. ADOPTION OF ACCOUNTS**

1. **Town of Kingsville Accounts for the monthly period ended March 31, 2020 being TD cheque numbers 0072446 to 0072700 for a grand total of \$1,311,099.62**

**271-2020**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Laura Lucier

That Council receives Town of Kingsville Accounts for the monthly period ended March 31, 2020, being TD cheque numbers 0072446 to 0072700 for a grand total of \$1,311,099.62.

**CARRIED**

**G. STAFF REPORTS**

1. **Reconstruction of Jasperson Drive**

T. Del Greco, Manager of Municipal Services

**272-2020**

**Moved By** Councillor Larry Patterson

**Seconded By** Deputy Mayor Gord Queen

That Council award the Jasperson Drive reconstruction tender to Sherway Contracting (Windsor) Limited in the amount of \$1,646,782 (excluding HST) and authorize the Mayor and Clerk to execute the requisite agreement.

**CARRIED**

2. **Site Plan Amendment Application SPA/07/2020 by Tay Inc.  
200 Main St. E., Part of Lot 2, Concession 1 ED, Part 2, RP 12R 26799**

R. Brown, Manager of Planning Services

Mr. Karl Tanner (Dillon Consulting Limited) was also in attendance (electronic participation) to present his independent Planning Opinion.

**273-2020**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Larry Patterson

That Council receives the planning opinion on the requested site plan amendment from Karl Tanner, Dillon Consulting Limited for information purposes,

And that Council approves the requested site plan amendment to:

replace the existing single-storey elevation drawings, Appendix C, with the new two-storey elevation drawings included as Appendix D;

replace the existing site plan drawing for the medical clinic only with a revised site plan drawing Appendix B, showing the increased square footage, increase in height and addition of the covered entrance at the rear of the building;

both subject to the conditions outlined in the amended site plan agreement including the requirement for permanent privacy screening acceptable to the Town on all second floor easterly facing windows.

**LOST**

3. **Application for Site Plan Amendment SPA/06/2020 by Agris Co-Operative Ltd., 8 County Road 27 West, Part of Lot 270, Concession STR, Pts. 1, 2,**

**and 3 RP 12R 12889, Pt 2 , RP 12R 13556, Pt. 1 RP 12R 16608 and Pt. 1 12R 26186**

R. Brown, Manager of Planning Services.

**274-2020**

**Moved By** Councillor Larry Patterson

**Seconded By** Deputy Mayor Gord Queen

That Council approves Site Plan Amendment Application SPA/06/2020 for the construction of a 29.3 m x 17.2 m (96 ft. x 60 ft.) warehouse and associated updates to subject property along with the inclusion of the vacant lands added to the site as approved lot addition Consent B/11/15; and

That Council authorizes the Mayor and Clerk to sign the Amending Site Plan Agreement and register said Amendment on title.

**CARRIED**

- 4. Application for Site Plan Amendment SPA/04/2020 by Golden Acres Farms Inc. and 1797540 Ontario Inc., 2011 Graham Sideroad and V/L Graham Sideroad , Part of Lot 6, Concession 2, ED, Parts 1 and 2, RP 12R 20174**

R. Brown, Manager of Planning Services

Ms. Jackie Lassaline (Lassaline Planning Consultants-LPC) was in attendance (electronic participation) on behalf of the Applicants.

**275-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

That Council approves Site Plan Amendment Application SPA 04 2020 for the requested changes to the greenhouse development on the subject lands including the service building and warehouse additions, new bunkhouse, hot water tank and repositioned greenhouse in Part of Lot 6, Concession 2 ED, Parts 1 and 2, RP 12R 20174, subject to the conditions outlined in the Amending Site Plan Agreement, and

That Council authorizes the Mayor and Clerk to sign the Amending Agreement and register said Agreement on title.

**CARRIED**

5. **Application for Minor Development Agreement AGR 01 2020 by David Golden and Dawn DeYong; 411 Road 2 West, Part of Lot 7, Concession 1, WD**

R. Brown, Manager of Planning Services

**276-2020**

**Moved By** Councillor Tony Gaffan

**Seconded By** Deputy Mayor Gord Queen

That Council approves the proposed Minor Development Agreement to permit a second single detached dwelling at 411 Road 2 W, temporarily during the construction of a new dwelling on the property; and

That Council authorizes the Mayor and Clerk to sign the Minor Development Agreement and register it on title.

**CARRIED**

6. **Planning Act Application Processing**

R. Brown, Manager of Planning Services

**277-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

That Council receives the Report of R. Brown, Manager of Planning Services, on the options for the continued processing of Planning Act applications during the COVID-19 declaration of emergency timeframe for information purposes;

And That Council requests more detail be provided back from Administration in connection with Option 3 of the Report, being the option to proceed with basic applications utilizing an electronic or virtual format.

**CARRIED**

7. **Main Street Development Policy Review and Interim Control By-law**

R. Brown, Manager of Planning Services

Upon request of Councillor DeYong, Mayor Santos divided the question into two parts and the following motions were passed.

**278-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Kimberly DeYong

That Council receives the Report on the Main Street Development Policy Review and Interim Control By-law for information purposes;

And That Council approves the terms of reference for the establishment of a Main Street Development Review Committee.

**CARRIED**

Membership in the Main Street Development Review Committee will be extended to a youth member, in addition to those suggested in the Report of R. Brown (i.e. BIA, economic development, tourism, Council, heritage committee, development industry, real estate).

**279-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Kimberly DeYong

That Council directs Administration to prepare a final interim control by law for consideration at a future Regular Meeting, and directs that consideration of such by-law be not later than thirty (30) days after the coronavirus (COVID-19) emergency declaration has been terminated.

**CARRIED**

**8. COVID-19 Financial Relief & Flood Mitigation Efforts**

R. McLeod, Director of Financial Services

**280-2020**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Deputy Mayor Gord Queen

That Council authorizes the following financial relief measures in response to the economic implications of COVID-19:

- No late payment charges on property tax and water/wastewater accounts in either form, penalty and/or interest, through the period ending June 30, 2020.
- Charges for Non-Sufficient Funds on any property tax and water/wastewater payments will be waived through the period ending June 30, 2020.
- Amend By-law 26-2020 to defer the implementation of the new residential sewage rate structure as follows:
  - Sewage Area 1 Rates (Cottam Facility) – effective January 15, 2021.
  - Sewage Area 2 Rates (Lakeshore West Facility) – effective March 15, 2021
  - Sewage Area 3 Rates (Kingsville Facility) – effective February 15, 2021
- Authorize the Director of Financial Services to adjust any seasonal based fees and charges in proportion to the time for which the services will be available;

And That Council approves up to \$50,000 for flood mitigation efforts to be financed from the Town's budget stabilization reserve (03-000-032-31063)

**CARRIED**

#### **H. MINUTES OF THE PREVIOUS MEETINGS**

- 1. Special Meeting of Council--March 18, 2020**
- 2. Special Closed Session Meeting of Council--March 18, 2020**
- 3. Regular Meeting of Council--March 23, 2020**
- 4. Regular Closed Session Meeting of Council--March 23, 2020**

**281-2020**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Kimberly DeYong

That Council adopts Special Meeting of Council Minutes dated March 18, 2020, Special Closed Session Meeting of Council Minutes dated March 18, 2020, Regular Meeting of Council Minutes dated March 23, 2020, and Regular Closed Session Meeting of Council Minutes dated March 23, 2020.



**CARRIED**

**I. MINUTES OF COMMITTEES AND RECOMMENDATIONS**

**1. Committee of Adjustment - February 19, 2020**

**282-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Laura Lucier

That Council receives Committee of Adjustment Meeting Minutes dated February 19, 2020.

**CARRIED**

**2. Union Water Supply System Joint Board of Management - February 19, 2020**

R. McLeod, Director of Financial Services

**283-2020**

**Moved By** Councillor Larry Patterson

**Seconded By** Deputy Mayor Gord Queen

That Council receives Union Water Supply System Board of Management Meeting Minutes dated February 19, 2020.

**CARRIED**

**J. BUSINESS CORRESPONDENCE - INFORMATIONAL**

**1. Town of Grand Valley--Correspondence dated March 11, 2020 RE: Letter of Support for Bill 156, Security from Trespass and Protecting Food Safety Act**

**2. City of Sault Ste. Marie--Correspondence from Mayor Provenzano to Premier Ford et al dated March 13, 2020 RE: Support for Conservation Authorities**

3. **Grey County--Correspondence from Clerk Morrison, dated March 16, 2020 RE: Grey County Council Resolution Supporting 100% Canadian Wines Excise Exemption**
4. **Arts Society of Kingsville--Letter of Thanks from Ann Ducharme and Executive, and Members of ASK, received March 17, 2020**
5. **Municipality of Chatham-Kent--Correspondence dated March 24, 2020 RE: Support for Ban of Single-Use Disposable Wipes**
6. **Municipality of Chatham-Kent--Correspondence dated March 24, 2020 RE: Support for Legislative Changes in Bill 132**
7. **Office of the Fire Marshal and Emergency Management (OFMEM)--Letter of compliance dated March 31, 2020 from the Chief of Emergency Management in accordance with the Emergency Management and Civil Protection Act**
8. **Grey Highlands--Correspondence dated April 2, 2020 RE: Support for Ministers to allow for Electronic Delegations**
9. **Town of Kingsville Media Release dated April 3, 2020 RE: Cancellation of 2020 Kingsville Highland Games.**
10. **Town of Midland--Correspondence from Municipal Clerk of the Town of Midland received April 6, 2020 RE: Requesting Support of Letter from Midland's Mayor and CAO (Interim) to the Prime Minister--Financial Aid Plan**
11. **Township of Mapleton--Correspondence dated April 21, 2020 RE: A Resolution to Request the Province of Ontario Review the Farm Property Class Tax Rate Programme In Light of Economic Competitiveness Concerns between Rural and Urban Municipalities**

**284-2020**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Laura Lucier

That Council receives Business Correspondence-Informational items 1 to 11.

**CARRIED**

## **K. NOTICES OF MOTION**

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

**285-2020**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Councillor Tony Gaffan

That Council directs Administration to provide a Report from our Director of Corporate Services on exactly what content and facts from the discussions, reports, investigations and negotiations regarding 190 Main Street East are able to be shared with the public so that Council may address the concerns and questions from residents without risk of being in contravention to our Code of Conduct.

**CARRIED**

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

That Council review the status of the legal and any appeal actions that may be in place in respect to 190 Main St. East, Kingsville property development that does not appear to be in keeping with the site plan that WAS approved by Council.

Deputy Mayor Queen indicated that he would not be moving this motion.

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

That Council authorize that \$1,000.00 of Councillor Neufeld's allotted conference budget be donated to the Kingsville Food Bank as a cash donation.

In Councillor Neufeld's absence, Mayor Santos indicated that this Notice of Motion would be deferred to a future meeting.

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

That the Mayor and Deputy Mayor of Kingsville, being voting members of Essex County Council, request that a controlled lighted intersection for County Road 20 and County Road 23 be moved to a top priority.

In Councillor Neufeld's absence, Mayor Santos deferred this item.

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

1. Deputy Mayor Queen commented that the healthcare workers are continuing their hard work, and expressed his thanks to everyone in the community who showed up to support the 'drive-by' initiative for the Country Village Health Care Centre last week.

2. Councillor Patterson thanked everyone for following the social distancing and other rules and regulations for COVID-19. Citizens in the Town have sewn scarves, hats, and masks for the frontline workers, and he expressed his thanks to all who have stepped up to help. He reminded everyone to continue to assist our local restaurants through using their take-out services, and requested continued support for the food banks and blood services.

3. Mayor Santos updated as to the Town's COVID-19 pandemic response and our continuing concern for small businesses. He invited everyone to a business retention and expansion forum workshop to be held from 6:00 p.m. to 8:00 p.m. on Tuesday, April 28, 2020.

4. Finally, Mayor Santos sadly announced the recent passing of former Town Councillor and former Gosfield South Mayor, Mr. Robert Peterson. Mayor Santos acknowledged Mr. Peterson's dedicated years of local government representation, and noted that the late Mr. Patterson was a strong voice in the agricultural community as well. On behalf of Council, Mayor Santos expressed sincere condolences to Councillor Neufeld and his family.

**M. BYLAWS**

**1. By-law 40-2020**

**286-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Laura Lucier

That Council reads By-law 40-2020, being a by-law to provide for the collection of the cost 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 42-2020**

**287-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

That Council reads By-law 42-2020, being a By-law authorizing the entering into of an Agreement with Shepley Road Maintenance Ltd. for the 2020 Rural Road Program, a first, second and third and final time.

**CARRIED**

**3. By-law 43-2020**

**288-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Kimberly DeYong

That Council reads By-law 43-2020, being a By-law authorizing the entering into of an Agreement with Coco Paving Inc. for the 2020 Urban Road Program, to be read a first, second and third and final time.

**CARRIED**

**4. By-law 45-2020**

**289-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That Council reads By-law 45-2020, being a By-law authorizing the entering into of an Agreement for Professional Engineering Services with RC Spencer Associates Inc. for Road 2 East Reconstruction a first, second and third and final time.

**CARRIED**

**5. By-law 46-2020**

**290-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

That Council reads By-law 46-2020, being a By-law to amend By-law 2-2019, being a By-law to appoint certain members of Council and individuals to boards and committees, a first, second and third and final time.

**CARRIED**

**6. By-law 47-2020**

**291-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Laura Lucier

That Council reads By-law 47-2020, being a by-law under the Municipal Act, 2001, Part 13, Section 408; to authorize the issue of debentures to finance the construction of the Road 11 Watermain in the Town of Kingsville, a first, second and third and final time.

**CARRIED**

**7. By-law 48-2020**

**292-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Kimberly DeYong

That Council reads By-law 48-2020, being a By-law to amend the implementation dates of the sewage rate structure of By-law 26-2020, being a by-law to impose a Water Rate and Sewage Rates, a first, second and third and final time.

**CARRIED**

**8. By-law 49-2020**

**293-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

That Council reads By-law 49-2020, being a by-law to authorize the entering into of an Agreement with Sherway Contracting (Windsor) Limited for the Jasperson Drive Road Reconstruction (N. J. Peralta Engineering Ltd. Project No. E-18-064) a first, second and third and final time.

**CARRIED**

**N. CONFIRMATORY BY-LAW**

**1. By-law 50-2020**

**294-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Laura Lucier

That Council reads By-law 50-2020, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its April 27, 2020 Regular Meeting, a first, second and third and final time.

**CARRIED**

**O. ADJOURNMENT**

**295-2020**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Councillor Tony Gaffan

That Council adjourns this Regular Meeting at 9:17 p.m.

**CARRIED**