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**Date:** May 13, 2020

**To:** Mayor and Council

**Author:** J. Astrologo, Director of Corporate Services/Clerk  
R. McLeod, Director of Financial Services/Treasurer

**RE:** Outstanding Action Items and Updates

**Report No.:** CS-2020-15

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## **AIM**

To provide Council with an update on a number of items that are currently outstanding.

## **BACKGROUND**

On or about April 22, 2020, Deputy Mayor Queen provided correspondence to the Director of Corporate Services with a list of unfinished business items for which updates are pending.

## **DISCUSSION**

For simplicity, the report lists out each item identified in the Deputy Mayor's correspondence, with an update as to where that matter stands.

### **1. Risk and Insurance**

In response to increasing insurance premium renewals, Administration previously indicated an intention to "go to market" for insurance in the 2020 calendar year. Since that time, AMO has published a report on rapidly increasing municipal liability and insurance costs, which reveals this issue is not unique to Kingsville. The decision to tender municipal insurance services should be based on market conditions and the status of the Town's claim history. Accordingly, Administration will prepare a report for a future Council meeting to discuss this issue in greater depth.

## **2. Request for ELK to appear before Council**

ELK has respectfully declined the invitation, but is open to meeting with members of Administration, the Mayor, and HydroOne (their supplier). ELK has advised that they continuously work with HydroOne for the safe and reliable provision of power.

## **3. Site Plan Compliance**

A report will be presented to Council at the May 25 Council Meeting regarding the issues involving 200 Main St. E.

## **4. By-law Enforcement Options**

This is an initiative originally managed by the former CAO. The CBO was directed to engage an outside law firm to review options available for enforcement and the drafting of a nuisance By-law to address the light and odor concerns. This matter was put on hold because of the increased workloads that resulted from the various orders issued by the Province following the emergency declaration.

## **5. Greenhouse Lights Compliance**

Report will be presented to Council at the May 25 Council Meeting.

## **6. Fibre Optics**

The Town, on its own, is not in a position to provide improved internet access for the residents and business of Kingsville. The Town relies on Internet Service Providers ("ISP") that are looking to expand their privately owned networks within the municipality. The Town can assist ISPs with streamlining and expediting approval processes under its jurisdiction, however, section 106 of the Municipal Act severely limits the Town's ability to create incentive programs for commercial enterprises. Further, from a policy perspective, it would be difficult to justify spending significant tax dollars to improve the internet service capabilities for a limited number of private property owners.

The Town of Kingsville is currently working with the County of Essex to expand high speed internet networks through the Southwestern Integrated Fibre Technology (SWIFT) program. This is a non profit, municipally-led broadband expansion project created to improve internet connectivity in underserved communities and rural areas across Southwestern Ontario.

## **7. Banner Pole Program**

Report was presented to Council at the May 11th Council Meeting and has been addressed.

## **8. Short Term Rentals and B&B's**

At the March 9, 2020, Council Meeting, the following motion was carried:

That Council receive a report as to what we do or require now for Bed and Breakfast and Airbnb<sup>TM</sup> establishments, along with any recommendations that staff

may be aware of, including safety, noise, public concerns, and fees, such report to be brought back to Council within six months.

Council recognized that some research was required to be put into this motion and while it is outstanding, Council provided Administration with a six-month timeline to conduct the necessary research and prepare a report. The Planning Department is in the process of gathering information from other municipalities.

#### **9. Access Road Improvements behind Tim Hortons**

The Director of Municipal Services will provide a supplemental, comprehensive report to address this specific inquiry by no later than June 30, 2020.

#### **10. Bunkhouse LPAT Appeals**

All timelines under LPAT are currently suspended.

There are currently two appeals to LPAT:

- i) Colasanti appeal for Road 3 E (ZBA/21/19 & ZBA/22/19)  
Jeff Hewitt was retained to represent the municipality. A third party planner was not yet retained. The hearing was cancelled as a result of the pandemic and it is likely, the matter won't be heard for at least 9-12 months once LPAT resumes operations.
- ii) Mastronardi appeal for Road 4 E (SPA/19/19)  
The appeal was received during the pandemic and Administration attempted to forward the documents to LPAT, however, they were returned. LPAT is not currently accepting the filing of appeal records. Given that the appeal cannot be filed with LPAT, we have not yet retained legal counsel. A hearing on this matter is likely more than 12 months away.

#### **11. Car Wash Noise (Main and Wigle)**

Administration thought the matter was close to being resolved; however, as of late that does not appear to be the case. Administration was working with the business owner to get the measurement criteria clarified up until the end of February and those efforts stalled as a result of other urgent matters and the current pandemic. The Manager of Planning Services is working with the Town's legal counsel to resume those discussions. However, if the Manager does not see progress within the next 30 days, a report to Council will be forthcoming to discuss enforcement of the site plan agreement.

#### **12. Lakeside Park Bridge**

Contractors have been contacted and the scope of work reviewed. Municipal Services is currently awaiting costing. However, Administration does not anticipate the cost of these repairs to exceed \$25,000.

### **13. Mettawas Park Swing**

Installation of the swings will occur if/when Council approves the installation of playground equipment at the site. Alternatively, Administration could contact the donors to determine if installing a swing structure at an alternative location would be acceptable.

Please refer to the update at #14 which discusses the Mettawas Park development.

### **14. Mettawas Park Phase 1**

During budget deliberations Council did not approve moving forward with Phase 1a (asphalt paving and servicing of the upper parking lot area) of the Mettawas Park Master Plan (Reference: Motion 96-2020). Amongst other considerations, Council requested that Administration further explore the location of the splash pad. Accordingly, apart from the Range Light re-location, no work is expected to occur this year at Mettawas Park.

With respect to the splash pad location, the Manager of Municipal Facilities and Property took a report to the Parks, Recreation, Arts and Culture Committee ("PRAC") on May 21, 2020, outlining the drawbacks and benefits three sites for the splash pad location. The next phase of this process will include public consultation.

### **15. Mettawas Park Expropriation**

A status update will come to Council in a separate report in Closed Session at a future meeting.

### **16. Update on Loop and Valente Subdivision Developments**

The Loop Development (Kingsville Golf Condos) has not progressed further and are currently waiting on the extension of water services to the area. There have been no changes to the development since presented to Council.

The Valente development is also awaiting water service extension. The developer completed a number of items that were part of the original approval, including storm water management, traffic study for the County and intersection design at County Road 20. A while back, there was an open house to review the proposed change in layout (the OMB approved plan lapsed) of the subdivision which was very well received. The plan proposes reducing the number of lots from 750 to 694 and the owner has had several discussions with individual land owners to resolve boundary issues. Administration expects a formal application to be brought forward once the current pandemic issues are over.

### **17. Road 2 to 20 Road and Waterline Project**

This project information was received by Council at the May 11, 2020, Council Meeting.

## **18. Grants 2020 and Beyond**

- (a) The grant application for Pickleball, along with the Dog Park and baseball diamond improvements, was submitted last fall by the former CAO under the “Investing in Canada: community, culture and recreation” funding stream. This is a combined initiative by the Federal and Provincial Governments. The Parks and Recreation Program Manager communicated with a representative of the Ministry of Tourism, Culture, Recreation and Leisure last week and was advised that applications were vetted provincially and have been forwarded to the Federal Government. The Town anticipates to receive a response to its application by the end of June.
- (b) The Parks and Recreation Program Manager and the Manager of Municipal Facilities and Property are currently reviewing the Parks and Recreation Masterplan with a view to putting something together. There have been preliminary discussion with PRAC.
- (c) PRAC adopted a motion earlier this year requesting that Administration look into playing arrangements for both the Pickleball and Tennis groups. Given the current pandemic and limitation of recreational facilities, the Parks and Recreation Program Manager and the Manager of Municipal Facilities and Property made a recommendation to PRAC to resurface the courts in Cottam for pickleball play, freeing up the courts at the arena for tennis play.

## **19. Harbour Dock Road**

Concrete blocks were placed approximately 50m short of the end of the east dock as a deterrent to vehicular traffic shortly after the Tall Ships Festival last summer. The road portion of that section of the dock is in disrepair and unsafe to drive or walk on. Concrete blocks have also been placed along the western limits of the property between Southwest Sales and Mettawas park.

There is no information on file indicating that the Town was consulted prior to the blocks being placed on the dock or along the western limit of the property. The Town is currently looking into its options for removal.

## **20. Port Users Agreement**

As of writing this report, Administration has not received the required information under the applicable agreements. This matter will be dealt with through the Town’s legal representative, as has been done in the past.

## **21. Port Users Meeting at Council**

Administration is not aware of any communication between the Town and the Kingsville Port Users Association inviting them to appear before Council.

## **22. School New and Old**

- (a) Since the official announcement, there have been no further updates received from the School Board in terms of the new school build.

- (b) Servicing of the new school property will be completed during the first phase of Jasperson Drive Reconstruction. This work is to start the week of May 25<sup>th</sup>, 2020 and is expected to be completed prior to September 2020. Realignment of Jasperson Drive in order to improve sight lines is also required prior to usage of the new school facility. Road realignment construction is tentatively scheduled for the summer of 2021, provided that the necessary land acquisitions can be secured. The Town is currently in negotiation with the land owner west of Kingsville Arena with intentions of purchasing the required land.
- (c) The former CAO was involved in discussions with respect to any interest the Town may have in the Migration Hall building. Administration will have to look into this matter further to determine where it left off.

### **23. Legal Update**

Council will be provided an update at a future meeting of Council.

### **24. Traffic Control By-law & Zoning**

The zoning by-law can be updated to reflect the addition of utility and construction trailers. A housekeeping amendment is needed to address a number of updates and this can be included as part of that update. As of writing this report, there is no timeline for bringing the housekeeping amendment to Council. All comprehensive zoning by-law amendments require public notification and given the current closure of the local newspaper, administration is exploring its options for circulation to the entire municipality to satisfy the requirements of the *Planning Act*.

### **25. Fire E&R Bylaw**

The bylaw has been drafted and is currently with legal for review.

Schedule D to the by-law is a new addition that utilizes the template from the Office of the Fire Marshal, breaking down the services and reflecting them in the proper form. The services listed are those currently provided. Nothing has been added or subtracted from the current service levels established by Council.

### **26. 190 Main Street East**

Refer back to item #3.

### **27. Doctors**

There were discussions headed up by the Mayor and then-CAO back in 2016 regarding a possible financial contribution from the Town toward the operation of the new medical clinic located at 200 Main St. East. However, those discussions never materialized into any funding or grant agreement.

Subsequently, the Town entered into a funding agreement with the Leamington and Area Family Health Team (the "Team"), and granted the sum of \$59,125.00 annually for the provision of health services in the Town of Kingsville. When this agreement was negotiated, it was expected that the Team would vacate the clinic at 59 Main St. E and relocate to 200 Main St. E once that space was available for use.

Administration has no information to suggest that this expectation outlined in the agreement won't materialize once construction of that facility is complete. This agreement will expire on October 31, 2024.

## **28. Sidewalks and the Development Manual**

An update was provided and direction given regarding this matter at the May 11, 2020 Council Meeting. A survey will be advertised to the public prior to June seeking feedback on sidewalk construction. Following review of such feedback, recommendations for any changes to the Development Manual will be presented to Council.

## **29. Grovedale and Other Rental Sites**

A report will be forthcoming at a future meeting of Council from the Parks and Recreation Program Manager regarding the vacancy rates for all rental facilities and the marketing plan in place to advertise these facilities.

## **30. Cottam Ridgeview Park Access Ramp**

An access ramp on the east side of the outdoor pavilion will be installed in the coming months. That installation will be coordinated with dedicated sidewalk entrance to the playground area, both of which are part of accessibility improvements for the park in 2020.

## **31. Main Street West and Conklin Hill**

These items were addressed in the reports of the Manager of Municipal Services at the April 27 and May 11 Council meetings.

## **32. Water Tower Property**

A new utility building is being proposed as part of the Kingsville Water Tower rehabilitation project. Although final specifications for this building have not been confirmed as of yet, the following initial design information can be shared. The size of the building is approximately 12 feet by 20 feet. The proposed location is the southwest corner of the fenced in area on this property (52 Pulford Street). The proposed building is prefabricated with a grey architectural block for an exterior finish.

## **33. Staffing and Organization Charts**

Administration recently completed a review of the draft report prepared by the consultant. The Director of Financial Services and Director of Corporate Services will be communicating with the Consultant to move the project forward and schedule a time for the Consultant to appear before Council.

## **34. Highland Games Terms of Reference**

The Terms of Reference have not yet been updated and warrants further discussion with Council at a future meeting.

## **LINK TO STRATEGIC PLAN**

There is no direct link to the strategic plan.

## **FINANCIAL CONSIDERATIONS**

There are no financial considerations as it is just an information report.

## **CONSULTATIONS**

Senior Management Team

## **RECOMMENDATION**

That Council receive the report regarding Outstanding Action Items and Updates for information.

*Jennifer Astrologo*

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