



**REGULAR MEETING OF COUNCIL
MINUTES**

Monday, August 24, 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 Thomas Neufeld
 Councillor Larry Patterson
 Councillor Kimberly DeYong
 Councillor Laura Lucier

Members of Administration J. Astrologo, Director of Corporate Services

 J. Galea, Human Resources Manager
 T. Del Greco, Municipal Services Manager
 R. McLeod, Director of Financial Services
 A. Plancke, Director of Municipal Services
 R. Baines, Deputy Clerk - Administrative Services

A. CALL TO ORDER

Mayor Santos, in attendance in the Council Chambers, called the Regular Meeting to order at 6:00 p.m. All other members participated in the meeting through video conferencing technology from remote locations.

B. 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.

C. PRESENTATIONS/DELEGATIONS

- 1. John Hemeon, 351 Lakeview Ave. RE: Request for approval to be able to create a second curb-cut and U-shaped driveway. SEE: Correspondence dated August 7, 2020 and photographs SEE ALSO: Staff Report item F-1**

Mr. Hemeon presented his request for a second curb cut to allow for a u-shaped driveway at 351 Lakeview Ave. He also indicated that he would replace the broken sidewalk at his cost.

Mayor Santos brought forward Staff Report item F-1 as follows:

F-1. 351 Lakeview Avenue Request for Consideration

Director Plancke presented his Report, containing an overview of the second driveway approach request in relation to the requirements listed in the Town's Development Standards Manual.

499-2020

Moved By Councillor Larry Patterson

Seconded By Councillor Kimberly DeYong

That Council approve the request of Mr. Hemeon, the property owner of 351 Lakeview Ave., for a second driveway approach off Lakeview Ave as presented in the material

CARRIED

500-2020

Moved By Councillor Laura Lucier

Seconded By Councillor Tony Gaffan

That Council receives the report regarding 351 Lakeview Ave request for second driveway approach from the property owner.

CARRIED

D. AMENDMENTS TO THE AGENDA

Deputy Mayor Queen added one item under Unfinished Business. Councillor DeYong added one item under Announcements. Councillor Patterson added one item under Updates.

E. ADOPTION OF ACCOUNTS

- 1. Town of Kingsville Accounts for the monthly period ended July 31, 2020 being TD cheques numbers 0073567 to 0073791 for a grand total of \$2,254,368.75**

501-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council receives Town of Kingsville Accounts for the monthly period ended July 31, 2020 being TD cheque numbers 073567 to 0073791 for a grand total of \$2,254,368.75.

CARRIED

F. STAFF REPORTS

- 1. 351 Lakeview Avenue Request for Consideration**

G.A. Plancke, Director of Municipal Services

This report was discussed above (SEE: Delegation Item C-1).

- 2. 2020 Bridge Program Tender Results**

502-2020

Moved By Councillor Thomas Neufeld

Seconded By Councillor Laura Lucier

That Council awards the Road 11 Irwin Drain Culvert tender to D'Amore Construction (2000) Limited in the amount of \$446,773 (excluding HST) and authorizes the Mayor and Clerk to execute the requisite agreement.

CARRIED

- 3. Road Use Encroachment Agreement – Red Sun Farms Ontario Limited.**

503-2020

Moved By Councillor Laura Lucier

Seconded By Councillor Tony Gaffan

That Council enters into a Road Use Agreement with Red Sun Farms Ontario Limited for the construction, maintenance, and operation of a Private Sewage Line within the Town road allowances as stipulated in the conditions listed within the document titled Road Use Encroachment Agreement between the Corporation of the Town of Kingsville, and Red Sun Farms Ontario Limited. and,

Further That Council enters into an Agreement with the Her Majesty The Queen in Right of the Province of Ontario, Represented by the Minister of Transportation for the Province of Ontario (Reference No. CM20 0006) in order for private infrastructure to cross under Kings Hwy # 3; and,

That Council directs the Mayor and Clerk to execute said Agreements and adopt the applicable authorizing by-laws.

CARRIED

G. MINUTES OF THE PREVIOUS MEETINGS

1. Regular Meeting of Council--August 10, 2020

2. Regular Closed Session Meeting of Council--August 10, 2020

504-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council adopts Regular Meeting of Council Minutes dated August 10, 2020, and Regular Closed Session Meeting of Council Minutes dated August 10, 2020.

CARRIED

H. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. Tourism and Economic Development Committee--July 9, 2020

505-2020

Moved By Councillor Laura Lucier

Seconded By Councillor Larry Patterson

That Council receive Tourism and Economic Development Committee Meeting Minutes dated July 9, 2020

CARRIED

2. Kingsville Municipal Heritage Advisory Committee--July 15, 2020

506-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council receives Kingsville Municipal Heritage Advisory Committee Meeting minutes, dated July 15, 2020.

CARRIED

I. BUSINESS CORRESPONDENCE - INFORMATIONAL

- 1. Municipality of West Grey--Resolution passed by the Council of the Municipality of West Grey on July 7, 2020 RE: Anti-racism and anti-oppression**
- 2. Town of Essex--Correspondence dated August 6, 2020 RE: Further Request for Information/Data on Positive COVID-19 Cases in Essex County**
- 3. Town of Mono--Correspondence dated July 28, 2020 RE: Investment in Rural Broadband Infrastructure**
- 4. Municipality of Tweed--Correspondence dated August 10, 2020 RE: Support of Town of Kingsville's resolution requesting support for the Province to expand the Rent Assistance Program to include all businesses**
- 5. City of Elliot Lake--Resolution No. 249/20 passed at the August 10, 2020 Regular Meeting**
- 6. Town of Amherstburg--Correspondence dated August 14, 2020 RE: Request for more detailed information and data regarding the spread of COVID-19 in Essex County**
- 7. City of St. Catharines--Correspondence dated August 17, 2020 RE: Support to the City of Toronto in their Legal Challenge of the Amendments made under Bill 184, Section 83**

8. **Township of Huron-Kinloss--Correspondence dated August 17, 2020 RE: Farm Tax Credit Review**
9. **City of Port Colborne-Correspondence dated August 18, 2020 RE: Resolution--Funding and Inspections for Long Term Care Homes due to COVID-19 Pandemic**
10. **City of Port Colborne--Correspondence dated August 18, 2020 RE: Endorsement of Bill 164-Protecting Vulnerable Persons in Support Living Accommodation Act, 2019**

507-2020

Moved By Councillor Larry Patterson

Seconded By Councillor Kimberly DeYong

That Council receives Business Correspondence-Informational Items 1 through 10.

CARRIED

J. NOTICES OF MOTION

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

508-2020

Moved By Councillor Larry Patterson

Seconded By Councillor Kimberly DeYong

That at the appropriate time during this Meeting, Council move into Closed Session pursuant to Subsection 239(2)(k) of the *Municipal Act, 2001* for the purposes of reconsidering Council's motion (made at the May 25, 2020 Regular Closed Session Meeting of Council) to defer consideration of a proposal presented to the Town.

CARRIED

K. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

Councillor Patterson stated that he would like to see Council keep the early start time for Council Meetings. A report is required from administration regarding keeping the early start time. Ideally an answer is needed before the collection

calendar is printed with Council meeting times. Administration advised that a report could be prepared prior to the end of October.

509-2020

Moved By Councillor Larry Patterson

Seconded By Councillor Kimberly DeYong

That Administration provide a report to Council regarding keeping the early start time for meetings prior to the end of October

CARRIED

Deputy Mayor Queen inquired on the status of the report from administration regarding water shedding from one subdivision to another. Administration advised that a status update will be provided at the next Council meeting if the report is not on the agenda.

Councillor DeYong provided an update on attending the annual AMO conference.

L. BYLAWS

1. By-law 80-2020

510-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council reads By-law 80-2020 being a By-law to amend By-law 2-2019, as amended, 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

2. By-law 81-2020

511-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council reads By-law 81-2020, being a By-law to authorize the entering into of an Agreement with Her Majesty the Queen in Right of the Province of Ontario, represented by the Minister of Transportation for the Province of Ontario

(Reference No. CM20 0006) in order for private infrastructure to cross under Kings Highway 3, a first, second and third and final time.

CARRIED

3. By-law 82-2020

512-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council reads By-law 82-2020, being a by-law to authorize the entering into of a Road Use Encroachment Agreement with Red Sun Farms Ontario Limited for the construction, maintenance, and operation of a private sewage line within Town Road allowances (Schedule "A" being the Crossing Plan and Profile prepared by Dillon Consulting is available for review in Department of Municipal Services), a first, second and third and final time.

CARRIED

M. CLOSED SESSION

513-2020

Moved By Councillor Tony Gaffan

Seconded By Deputy Mayor Gord Queen

That Council, at 6:50 p.m., enter into Closed Session to address the following items:

1. Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality; being a verbal update by Mayor Santos in connection with a proposed or pending acquisition of land for roadway purposes;

2. Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality; being a verbal report of Director of Financial Services R. McLeod in connection with a proposed or pending acquisition and/or disposition of land by the municipality (210 Main St. East);

3. Subsection 239(2)(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality; being a proposal to the Town;

4. Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality; being a Report of Director of Financial Services R. McLeod dated August 19, 2020 in connection with the terms of certain existing commercial Lease Agreements of municipal lands within the Town of Kingsville.

5. Subsection 239(2)(b) personal matters about an identifiable individual, including municipal employees; being an update from the CAO Hiring Committee including a recommendation regarding the CAO position.

CARRIED

N. CLOSED SESSION Item 5

O. REPORT OUT OF CLOSED SESSION

Upon rising from Closed Session at 7:57 p.m., Mayor Santos reported that Council received update reports on five matters, being Closed Session Items N.1 to N.5 as listed above as follows:

N.1) Mayor Santos provided a formal update on a proposed or pending acquisition of land for roadway purposes and that there is no further direction at this time.

N.2) An update was provided regarding a proposed or pending acquisition and/or disposition of land by the municipality. Council provided direction to continue pursuit of the pending acquisition.

N.3) Council was provided an update regarding a notice of reconsideration for a timeline on a proposal to be reviewed. Council maintained its current position and not change its direction at this time.

N.4) Council received a verbal report from Director of Financial Services R. McLeod regarding the terms of certain existing commercial Lease Agreements of municipal lands with the Town of Kingsville. Mayor Santos sought direction from Council regarding Closed Session Item N-4:

514-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That the Municipality reduce the monthly rent for ACCESS in proportion to their decline in 2020 revenues up to a maximum decrease of 75% for same eligibility period as the current rent relief program

CARRIED

515-2020

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

That the lease be terminated with Mad Science of Windsor as of March 31, 2020

CARRIED

N.5) Council received additional information regarding personal matters about an identifiable individual and further direction was provided to Administration to pursue the matter.

P. CONFIRMATORY BY-LAW

1. By-law 83-2020

516-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council reads By-law 83-2020, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its August 24, 2020 Regular Meeting, a first, second and third and final time.

CARRIED

Q. ADJOURNMENT

517-2020

Moved By Councillor Larry Patterson

Seconded By Councillor Kimberly DeYong

That Council adjourns this Regular Meeting at 8:00 p.m.

CARRIED