



**REGULAR MEETING OF COUNCIL
MINUTES**

Tuesday, October 13, 2020

7:00 PM

Council Chambers

2021 Division Road N

Kingsville, Ontario N9Y 2Y9

Members of Council Mayor Nelson Santos
 Deputy Mayor Gord Queen
 Councillor Kimberly DeYong
 Councillor Tony Gaffan
 Councillor Laura Lucier
 Councillor Thomas Neufeld
 Councillor Larry Patterson

Members of J. Norton, CAO
Administration

J. Astrologo, Director of Corporate Services
R. McLeod, Director of Financial Services
A. Plancke, Director of Municipal Services
R. Brown, Manager of Planning Services
J. Galea, Human Resources Manager
K. Brcic, Planner
T. Del Greco, Municipal Services Manager
S. Kitchen, Deputy Clerk-Council Services
S. Martinho, Public Works Manager

A. CALL TO ORDER

Mayor Santos, in attendance in Council Chambers, called the Regular Meeting to order at 7:01 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. Dan Green, P. Eng, GHD, and Graydon Botsford MTO--Presentation re: Highway 3 Widening and Safety Enhancements, Technically Preferred Plan and Results of Online Public Information Centre

Mr. Green presented the PowerPoint presentation entitled 'Highway 3, Windsor to Leamington--Phase 3, Contract 2', dated October 13, 2020.

564-2020

Moved By Councillor Thomas Neufeld

Seconded By Councillor Laura Lucier

That Council receives presentation by Dan Green, P. Eng., GHD and Graydon Botsford, P. Eng., Ministry of Transportation of Ontario (MTO) entitled 'Highway 3, Windsor to Leamington--Phase 3, Contract 2', dated October 13, 2020.

CARRIED

2. Sarah Sacheli, Chair, Kingsville Municipal Heritage Advisory Committee--Update Report RE: By-law 12-2017; Heritage Designation of 107 Elm Street (The Cowan-Valentine House)

Ms. Sacheli presented the Update Report, noting that Notice of the proposed amendment to By-law 12-2017 (to remove the five old growth giant native trees from the original designation) has been served on the owners of the property and no notice of objection has been received within the time set out in the *Ontario Heritage Act*.

565-2020

Moved By Councillor Thomas Neufeld

Seconded By Councillor Kimberly DeYong

That Council pass the Amending By-law in relation to 107 Elm Street (Amending By-law 89-2020) at this Regular Meeting.

CARRIED

3. Strategy Corp--Town of Kingsville: Service Delivery Review--Current State Report and Opportunities Generation Overview for Council

Chris Loreto (Engagement Principal), Konner Fung-Kee-Fung and Srusti Pandya (Consultants) were in attendance.

Mr. Loreto presented the Town of Kingsville Service Delivery Review PowerPoint presentation on behalf of StrategyCorp.

566-2020

Moved By Councillor Kimberly DeYong

Seconded By Deputy Mayor Gord Queen

That Council receives the presentation of StrategyCorp entitled 'Town of Kingsville: Service Delivery Review--Current State Report and Opportunities Generation Overview for Council', dated October 2020.

CARRIED

D. CLOSED SESSION

567-2020

Moved By Councillor Tony Gaffan

Seconded By Councillor Thomas Neufeld

That Council, at 8:30 p.m., pursuant to Subsection 239(2) of the *Municipal Act, 2001* enter into Closed Session to address the following item:

i) Subsection 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality; being a proposed or pending acquisition of land for the Jasperson Drive Reconstruction.

CARRIED

Upon rising from Closed Session at 8:59 p.m. Mayor Santos called for a recess, and the Meeting reconvened in open session at 9:12 p.m.

E. MATTERS SUBJECT TO NOTICE

1. PUBLIC MEETING--Application for Zoning By-law Amendment File ZBA/10/20 by 617812 Ontario Limited (Owner); Carlos Martens Braun (Purchaser); 1771 Talbot Road, Part of Lot 11, Concession 2 ED, Roll No. 3711 290 000 22200

K. Brcic, Town Planner

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment, dated September 22, 2020;

ii) Planning Report of K. Brcic, Town Planner, dated September 28, 2020;

iii) Proposed By-law 92-2020, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Ms. Brcic presented the Planning Report. As stated within the Report, one comment had been received from a resident that the zoning should be limited to the church use and the commercial zoning removed. Ms. Brcic advised Council that since the preparation of the report one additional comment was received from a resident with a similar concern that the property should not be allowed to have multiple zoning usages, and that the zoning should be solely limited to the church use.

Comments from the Applicant's Representative:

Solicitor David Hummel, representing the Purchaser (Carlos Braun) and the Words of Light Church in Staples, stated that his client has no intention to use the property for any other use, except as a place of worship. He indicated his client does intend to keep a few of the bowling lanes in the building for the children to use.

Mayor Santos advised that a similar application was made several years ago at Main St. West near Heritage Road (a former commercial facility at that location was rezoned to permit a Church use). Ms. Brcic was not aware of such prior application.

Ms. Brcic, upon reviewing the Town's Planning records in regard to that site, confirmed that in that circumstance there was a site specific re-zone and the permitted uses (general commercial) were included, along with a place of worship, however, the word 'or' was included in the Permitted Uses section of the by-law.

Ms. Brcic indicated that she would add the word 'or' in the permitted uses section of proposed By-law 92-2020, if that is the direction of Council, so that the

Permitted Uses would read: "i) Those uses permitted under Section 8.6 Rural Commercial (C6); **or** ii) A church;".

Solicitor Hummel commented that he believed his client would have no concerns with such an amendment.

There were no further comments or questions.

568-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council approves Zoning By-law Amendment Application ZBA/10/20 to rezone the subject parcels, Part of Lot 11, Concession 2 ED, known as 1771 Talbot Road in the Town of Kingsville, from 'Rural Commercial (C6)' to 'Rural Commercial Exception 13 (C6-13)' to add a church as an additional site-specific permitted use (i.e. for those uses permitted under Section 8.6 Rural Commercial (C6) **or** for a church); And That Council adopts the implementing by-law as amended.

CARRIED

F. AMENDMENTS TO THE AGENDA

Councillor Patterson added two Notices of Motion and one announcement.

Councillor DeYong added one item under Unfinished Business.

Mayor Santos added one update and one Notice of Motion.

G. ADOPTION OF ACCOUNTS

- 1. Town of Kingsville Accounts for the monthly period ended September 30, 2020 being TD cheque numbers 0074102 to 0074451 for a grand total of \$3,641,213.55**

569-2020

Moved By Councillor Larry Patterson

Seconded By Councillor Tony Gaffan

That Council receives Town of Kingsville Accounts for the monthly period ended September 31, 2020 being TD cheque numbers 0074102 to 0074451 for a grand total of \$3,641,213.55.

CARRIED

H. STAFF REPORTS

1. Road Salt Alternatives

S. Martinho, Manager of Public Works

570-2020

Moved By Councillor Tony Gaffan

Seconded By Deputy Mayor Gord Queen

That Council receive the information related to road salt alternatives and that given the current resources and capabilities of Public Works, that road salt continues to be the primary anti-icing and deicing chemical used for winter control.

CARRIED

2. Range Light Restoration

S. Martinho, Manager of Public Works

571-2020

Moved By Councillor Thomas Neufeld

Seconded By Councillor Kimberly DeYong

That Council directs Administration to proceed with Options 2 and 3 as contained in Report of Public Works Manager (Option 2: restoration of the range light working with Kingsville District High School teacher Matt Daudlin and students; and Option 3: proceed with application for funding through Building Communities through Arts and Heritage Legacy Fund); And Further That the sum of \$23,000.00 be included in the 2021 Capital Budget for expenses related to restoring the structure.

CARRIED

**3. Application for Site Plan Amendment SPA/14/2020 by Allegro Acres Inc.;
1851 Peterson Lane, Pt. Lot 8, Concession 2 ED, Part 1, RP 12R 11577 and
Parts 3 and 4, RP 12R 22455**

R. Brown, Manager of Planning Services

572-2020

Moved By Councillor Larry Patterson

Seconded By Councillor Tony Gaffan

That Council approves Site Plan Amendment Application SPA/14/2020 to permit an expansion of the existing combined service building and bunkhouse, subject to amended terms in the Site Plan Agreement, and That Council authorizes the Mayor and Clerk to sign the Amending Agreement and register said Agreement on title.

CARRIED

4. Application for Minor Development Agreement by 2615453 Ontario Inc., 42 Division Street North, Lot 5, Plan 184 and 185

R. Brown, Manager of Planning Services

573-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council approves Minor Development Agreement AGR/04/2020 for the widening of an existing access at 42 Division St. N. in the Town of Kingsville, subject to the Town Development Standards and at the cost of the owner.

CARRIED

5. Jasperson Drive Reconstruction--Land Expropriation

T. Del Greco, Manager of Municipal Services

574-2020

Moved By Councillor Kimberly DeYong

Seconded By Deputy Mayor Gord Queen

That Council authorizes Administration to commence an Application for Approval to Expropriate lands located at 319 Road 2 East;

And That Council authorizes Administration to negotiate with the owners and return to Council to consider approval of an offer to purchase should the owners choose to sell privately rather than proceed with the expropriation process.

CARRIED

I. MINUTES OF THE PREVIOUS MEETINGS

- 1. Special Meeting of Council--September 21, 2020**
- 2. Special Closed Session Meeting of Council--September 21, 2020**
- 3. Regular Meeting of Council--September 28, 2020**
- 4. Regular Closed Session Meeting of Council--September 28, 2020**

575-2020

Moved By Councillor Larry Patterson

Seconded By Deputy Mayor Gord Queen

That Council adopts Special Meeting of Council Minutes dated September 21, 2020, Special Closed Session Meeting of Council Minutes dated September 21, 2020, Regular Meeting of Council Minutes dated September 28, 2020, and Regular Closed Session Meeting of Council Minutes dated September 28, 2020.

CARRIED

J. MINUTES OF COMMITTEES AND RECOMMENDATIONS

- 1. Committee of Adjustment--August 18, 2020**

576-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council receives Committee of Adjustment Meeting Minutes dated August 18, 2020.

CARRIED

2. Police Services Board Minutes--August 26, 2020

577-2020

Moved By Councillor Larry Patterson

Seconded By Councillor Tony Gaffan

That Council receives Police Services Board Meeting Minutes dated August 26, 2020.

CARRIED

K. BUSINESS CORRESPONDENCE - INFORMATIONAL

- 1. Town of Essex--Correspondence dated August 13, 2020 RE: Formal Apology from Canadian Government to African Canadians for Slavery**
- 2. Township of North Glengarry--Resolution #12 passed September 14, 2020 RE: Long Term Care Homes**
- 3. Ministry of Transportation (MTO)--Notice of Completion--Design and Construction Report re: Advance work for Highway 3 Widening Contract 1, Town of Essex issued September 17, 2020**
- 4. Township of Wollaston--Correspondence dated September 16, 2020 RE: Resolution requesting changes to Municipal Elections Act**
- 5. Petition of residents received September 25, 2020 requesting reduction of the speed limit on the Graham Sideroad from Seacliff Drive to the 2nd Concession to 60 km/hr**
- 6. Kingsville BIA--Correspondence from Christina Bedal, BIA Coordinator dated September 28, 2020 Re: Kingsville Business Relaunch Program**
- 7. Township of North Glengarry--Resolution #6 passed September 28, 2020 RE: Safe Restart Agreement**

578-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council receives Business Correspondence - Informational Items 1 through 7.

CARRIED

579-2020

Moved By Councillor Kimberly DeYong

Seconded By Deputy Mayor Gord Queen

That Council submit Item #K-5 (Petition of residents requesting reduction of the speed limit on the Graham Sideroad) to Administration for a Report back to Council.

CARRIED

580-2020

Moved By Councillor Tony Gaffan

Seconded By Councillor Thomas Neufeld

That Council reconsiders Motion 479-2020 being a motion that those participating businesses in Open Streets are not also eligible for additional grant funds through the Town's Business Relaunch Fund program.

| | For | Against |
|----------------------------|------------|----------------|
| Mayor Nelson Santos | X | |
| Deputy Mayor Gord Queen | X | |
| Councillor Kimberly DeYong | | X |
| Councillor Tony Gaffan | X | |
| Councillor Laura Lucier | X | |
| Councillor Thomas Neufeld | X | |
| Councillor Larry Patterson | | X |
| Results | 5 | 2 |

CARRIED (5 to 2)

581-2020

Moved By Councillor Tony Gaffan

Seconded By Councillor Thomas Neufeld

That if the Town continues to pay staff for Open Streets, that those participating businesses in Open Streets are not also eligible for additional grant funds through the Town's Business Relaunch Fund program.

| | For | Against |
|----------------------------|------------|----------------|
| Mayor Nelson Santos | | X |
| Deputy Mayor Gord Queen | | X |
| Councillor Kimberly DeYong | X | |
| Councillor Tony Gaffan | | X |
| Councillor Laura Lucier | | X |
| Councillor Thomas Neufeld | | X |
| Councillor Larry Patterson | X | |
| Results | 2 | 5 |

LOST (2 to 5)

L. NOTICES OF MOTION

Mr. Norton indicated he will be bringing a report to Council at the next meeting to address the outstanding motions list. He is also proposing that a question-and-answer period between Council and staff be included at the end of Council meetings. Details will be provided in the upcoming report.

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

That staff research and provide Council with an update as to the plans in place to improve and expand internet service within our community with Fibre and other

sources as may enhance and improve service for our local businesses and residents alike.

Deputy Mayor Queen asked that this Notice of Motion be deferred to the next meeting.

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

That this Council be provided with a copy of the site plan agreement for the Greenhouse development currently underway on Road 3 East on the south side of the road between Division Road and the Graham Sideroad. And the site plan for the development on Road 2 that is just south, that same may be reviewed by Council and Staff to ensure compliance with both Site Plans and the concept of Dark Sky to be received at the next meeting.

Deputy Mayor Queen asked that this Notice of Motion be deferred to the next meeting.

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

That Administration bring a report to Council regarding the annual staff/volunteer party and provide an alternative option that includes two separate events: one event for staff appreciation and a second event exclusive to volunteer appreciation that would include volunteers from committees and Town events. Such report to include current budgeted amounts for the staff and various volunteer appreciation events typically held each year compared to approximate expected amounts for the alternative. The report to be available to Council in time to be considered for the 2021 Budget deliberations.

This item was not moved.

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

582-2020

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That a Report be submitted by the Kingsville O.P.P. Detachment Commander and the Police Services Board identifying: A: Data of theft and mischief reports in the municipality of Kingsville year over year; B: Does Kingsville have a 'Street Crimes' unit; C: If so, what initiatives have been taken to curb petty theft and mischief; D: If not, why not?; E: How active is the "Lock it or Lose It" program; F: Now that the O.P.P. Auxiliary Program has been recalled, how can we be better served to deter theft and mischief within Kingsville, Cottam and Ruthven?

CARRIED

There were no further Notices of Motion.

M. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

1. Councillor Patterson acknowledged the efforts of the Town's By-law Officers who have taken steps again recently to monitor dark sky compliance.
2. Councillor DeYong asked for an update regarding the Car Wash on Main Street East and Wigle. Manager of Planning Services Brown advised that the last noise assessment was completed recently and a meeting is scheduled for October 15 to discuss the item.

There were no further announcements or updates.

N. BYLAWS

1. By-law 89-2020

583-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council reads By-law 89-2020, being a By-law to amend By-law 12-2017, being a by-law to designate a certain property, including land and buildings, known as The Cowan-Valentine House (107 Elm Street, Kingsville) as being of cultural heritage value or interest under the provisions of the *Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended*, a first, seconded, third and final time.

CARRIED

2. By-law 91-2020

584-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council reads By-law 91-2020, 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

3. By-law 92-2020

585-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council reads By-law 92-2020, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (1771 Talbot Road, Part of Lot 11, CON 2 ED; ZBA/10/20) as amended, a first, second and third and final time.

CARRIED

4. By-law 93-2020

586-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council reads By-law 93-2020, being a By-law to authorize the acquisition of certain land for the realignment of Jasperson Drive between Woodycrest Avenue and Road 2 East, a first, second and third and final time.

CARRIED

O. CLOSED SESSION

587-2020

Moved By Councillor Tony Gaffan

Seconded By Councillor Kimberly DeYong

At 10:56 p.m., pursuant to Subsection 239(2) of the *Municipal Act, 2001* Council entered into Closed Session to address the following items:

i) Subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; being an update Report of Director of Corporate Services J. Astrologo RE: LPAT File PL 20290;

ii) Subsection 239(2)(b) personal matters about an identifiable individual, including municipal employees; being an Update by CAO J. Norton for Council information.

CARRIED

P. REPORT OUT OF CLOSED SESSION

Upon rising from Closed Session at 11:01 p.m. Mayor Santos reported that Council had entered into Closed Session to address two items, and both matters have been deferred to a future meeting for discussion at that time.

Q. CONFIRMATORY BY-LAW

1. By-law 94-2020

588-2020

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council reads By-law 94-2020, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its October 13, 2020 Regular Meeting a first, second and third and final time.

CARRIED

R. ADJOURNMENT

589-2020

Moved By Councillor Kimberly DeYong

Seconded By Councillor Laura Lucier

That Council adjourns this Regular Meeting at 11:01 p.m

CARRIED