



**REGULAR MEETING OF COUNCIL  
MINUTES**

**Monday, November 23, 2020  
6:30 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                J. Norton, CAO  
Administration  
  
                                 J. Astrologo, Director of Corporate Services  
                                 J. Galea, Human Resources Manager  
                                 S. Kitchen, Deputy Clerk-Council Services

**A.    CALL TO ORDER**

Mayor Santos, in attendance in Council Chambers, called the Regular Meeting to order at 6:15 p.m. All other members participated in the meeting through video conference 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.    CLOSED SESSION**

**641-2020**

**Moved By** Councillor Tony Gaffan

**Seconded By** Deputy Mayor Gord Queen

That Council, at 6:17 p.m., pursuant to Subsection 239(2) of the *Municipal Act, 2001*, enter into Closed Session to address the following items:

Subsection 239(2)(b) personal matters about an identifiable individual, including municipal employees; and Subsection 239(2)(d) being labour relations or employee negotiations, being an update from CAO J. Norton regarding Kingsville Fire Department matters; and

Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality; and Subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; RE: Conservation Review Board Case No. CRB2010; Brotto Investments Inc v. Kingsville; 183 Main St. East, Kingsville.

**CARRIED**

**D. CLOSED SESSION**

**E. REPORT OUT OF CLOSED SESSION**

Upon rising from Closed Session at 6:59 p.m. Mayor Santos reconvened the Regular Meeting of Council with all members of Council as listed above in attendance and with the following members of Administration in attendance: CAO J. Norton, Director of Legislative Services/Clerk J. Astrologo, Deputy Clerk-Administrative Services R. Baines, Director of Financial Services R. McLeod, Manager of Planning Services R. Brown, Deputy Fire Chief J. Quennell, Public Works Manager S. Martinho, Manager of Municipal Facilities and Property D. Wolicki, and Deputy Clerk-Administrative Services S. Kitchen.

Mayor Santos reported due to time constraints, one matter was dealt with in Closed Session (Item C, being an update from CAO J. Norton regarding Kingsville Fire Department matters. Information was provided and received by Council.

Closed Session Item D will be discussed later this evening.

**F. PRESENTATIONS/DELEGATIONS**

**1. 7:00 p.m. E.L.K. Energy Inc.--Mark Danelon, Director, Stakeholder Relations, and Norm MacAulay, Operations Manager**

CFO M. Danelon and Operations Manager N. MacAulay provided an update regarding E.L.K. Energy Inc. operations, capital assets, investment and infrastructure. Dr. Lydia Miljan, E.L.K. Energy Inc. Board representative was also in attendance.

**2. Kingsville Fire Department--Presentation of Kingsville Fire Services Review Report dated October 2020 by Amherstburg Fire Chief Bruce Montone**

Amherstburg Fire Chief Bruce Montone presented the Kingsville Fire Services Review Report dated October, 2020. Kingsville Fire Department Deputy Fire Chief John Quennell was also in attendance.

**642-2020**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Deputy Mayor Gord Queen

That Council receives the Kingsville Fire Services Review Report dated October 2020, and endorses the recommendations contained therein, with the understanding that Council will be provided with an update as to the status of the progress of the implementation of the recommendations.

**CARRIED**

**G. MATTERS SUBJECT TO NOTICE**

**1. PUBLIC MEETING--Draft Plan of Condominium POC/01/2020 by 2661288 Ontario Ltd. 140 Main St. E., Pt of Lot 1, Concession 1 ED, Part 1 and 2, RP 14569**

R. Brown, Manager of Planning Services.

i) Notice of Application for Approval of a Draft Plan of Condominium and Public Meeting, dated November 3, 2020;

ii) Report of R. Brown, dated November 12, 2020.

Mr. Brown presented the Planning Report, and noted that there are no new items for consideration from what was approved by Council in August of 2020.

Comments from the Applicant:

Mr. Davide Petretta (2661288 Ontario Ltd.) commented that Mr. Brown has provided all of the information outlining this project in his Planning Report.

Comments from the Public:

John Smith, neighbouring resident, expressed his concern that the proposed fence being constructed between his property and the development is a long vinyl fence, and he stated that a wooden fence would be more appropriate for aesthetic reasons. He also had concerns that the bollards will not dissuade people from using the fire access area and suggested the use of a swinging gate which may or may not meet the needs of the emergency vehicles.

Mr. Petretta stated that he would have no concern with a provision in the agreement to provide for a decorative wooden privacy fence. He also indicated there will be minimal traffic and the bollards are only being added at Cherry Lane for the safety of this building and future buildings.

Mr. Brown explained that the proposed 'knock-down' bollards are being installed to allow emergency vehicles access to the laneway. Mr. Brown also confirmed that this draft Plan of Condominium approval is relevant only to the land being the subject of this Application.

There were no further comments.

**643-2020**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Thomas Neufeld

That Council supports the draft plan of condominium, County of Essex File No. 37-CD-20003 for the proposed 30 unit residential condominium located at 140 Main St. E., Part of Lot 1, Concession 1, ED, Parts 1 and 2 RP 12R 14569, in the Town of Kingsville; and directs Administration to advise the approval authority, the Manager of Planning Services for the County of Essex, that Council is in support of the draft plan of condominium approval subject to the imposition of satisfactory conditions by the County including conformity with the approved site plan and entering into a development agreement with the Town.

**CARRIED**

2. **PUBLIC MEETING--Zoning By-law Amendment File ZBA/07/17 by Amy Smith and Wendy MacVicar, 158 County Road 34 E, Part Lot 269, Concession TRS Roll no. 37 11 560 000 02900**

R. Brown, Manager of Planning Services.

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment dated November 3, 2020;

ii) Report of K. Brcic, dated November 10, 2020;

iii) Proposed By-law 103-2020, 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.

Comments from the Applicants:

Amy Smith and Wendy MacVicar, the Applicants, were in attendance. Amy Smith commented that the four units are presently occupied, and advised for general information that the septic system, as installed, would support six units.

There were no further comments.

#### **644-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Laura Lucier

That Council approves Zoning By-law Amendment ZBA/07/17 to amend the current 'Residential Zone 4 Rural/Urban Exception (R4.2-4)' zone on lands known as 158 County Road 34 East, to permit four residential units total on the subject lands within the two existing buildings, and adopt the implementing by-law.

**CARRIED**

At 9:07 p.m. Mayor Santos called for a brief recess, and at 9:20 p.m. the Regular Meeting reconvened.

## **H. AMENDMENTS TO THE AGENDA**

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

## **I. STAFF REPORTS**

- 1. Application for Site Plan Amendment SPA/18/2020 by 1808278 Ontario Inc., 1975 Graham Side Road, Pt. Lot 6, Concession 6 ED, Pt. Part 2 & Part 5, RP 12R 18587**

R. Brown, Manager of Planning Services

**645-2020**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Laura Lucier

That Council approves Site Plan Amendment Application SPA/18/2020 to permit the additional construction of an 893 sq. m (9,613 sq. ft.) bunkhouse, subject to a financial security in the amount of \$250,000.00 to address the terms of the Amending Agreement and non-compliance of outstanding items of the 2012 Site Plan Agreement, and authorizes the Mayor and Clerk to sign the Amending Agreement and register said Agreement on title.

	<b>For</b>	<b>Against</b>
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	
<b>Results</b>	<b>6</b>	<b>1</b>

**CARRIED (6 to 1)**

2. **Application for Site Plan Approval SPA/11/2020 by** **Pattison**  
**Outdoor (applicant - lessor) /** **Essex Region Conservation**  
**Authority – (owner)**

R. Brown, Manager of Planning Services

Mr. Brown indicated that the Applicant has requested a deferral of the consideration of this Application for Site Plan Approval.

**646-2020**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Tony Gaffan

That Council defers the Application for Site Plan Approval SPA/11/2020.

**CARRIED**

**3. Multi-Year Accessibility Plan**

R. Baines, Deputy Clerk-Administrative Services

**647-2020**

**Moved By** Councillor Laura Lucier

**Seconded By** Councillor Kimberly DeYong

That Council adopts the Multi-Year Accessibility Plan and that it be posted on the Town of Kingsville website.

**CARRIED**

**4. Waste Collection Contract**

S. Martinho, Manager of Public Works

**648-2020**

**Moved By** Councillor Larry Patterson

**Seconded By** Councillor Tony Gaffan

That Council approves entering into an Agreement for Waste Collection Services for a total cost of \$633,057.63 with Green For Life Environmental Inc., and authorizes the Clerk and the Mayor to execute the associated Agreement.

**CARRIED**

**5. New Splash Pad Location**

D. Wolicki, Manager of Municipal Facilities and Property

**649-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Kimberly DeYong

That Council approves the location of Lakeside Park for a new splash pad and washroom facility as identified in Figure 1 of Report MS 2020-46.

**CARRIED**

**J. BUSINESS/CORRESPONDENCE-ACTION REQUIRED**

**1. December 2020 Regular Meeting Schedule**

**650-2020**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Councillor Tony Gaffan

That Council confirms that the December 14, 2020 Meeting is the only Regular Meeting of Council to be held in December.

**CARRIED**

**K. MINUTES OF THE PREVIOUS MEETINGS**

**1. Regular Meeting of Council--November 9, 2020**

**651-2020**

**Moved By** Councillor Laura Lucier

**Seconded By** Councillor Larry Patterson

That Council adopts Regular Meeting of Council Minutes dated November 9, 2020.

**CARRIED**

**L. MINUTES OF COMMITTEES AND RECOMMENDATIONS**

**1. Main Street Development Review Committee--August 25, 2020; September 29, 2020; and October 6, 2020**



**652-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

That Council receives Main Street Development Review Committee Meeting Minutes dated August 25, 2020, September 29, 2020 and October 6, 2020.

**CARRIED**

**2. Tourism and Economic Development Committee-- October 8, 2020**

**653-2020**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Kimberly DeYong

That Council receives Tourism and Economic Development Committee Meeting Minutes dated October 8, 2020.

**CARRIED**

**3. Kingsville B.I.A.--October 14, 2020**

**654-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Laura Lucier

That Council receives Kingsville B.I.A. Meeting Minutes dated October 14, 2020.

**CARRIED**

**M. BUSINESS CORRESPONDENCE - INFORMATIONAL**

- 1. City of Hamilton--Correspondence dated September 8, 2020 RE: Motion for Endorsement--Radial Separation from Other Cannabis Locations**
- 2. Municipality of St.-Charles--Resolution No. 2020-179 passed September 16, 2020 RE: Resolution to Support Grey County--Broadband Access**
- 3. OPP MPB Financial Services Unit--Correspondence dated September 28, 2020 together with 2021 OPP Annual Billing Statement package**

4. **County of Prince Edward--Correspondence dated November 3, 2020 RE: Proposed Changes to the Municipal Elections Act**
5. **Town of Grimsby--Correspondence dated November 4, 2020 RE: Proposed Regulation under the Ontario Heritage Act, Bill 108**
6. **Ministry of Agriculture, Food and Rural Affairs--Correspondence from Minister Hardeman to Mayor Santos dated November 6, 2020**
7. **Municipality of Meaford--Correspondence dated November 9, 2020 RE: Bill 218, Supporting Ontario's Recovery and Municipal Elections Act**
8. **City of Belleville--Correspondence dated November 10, 2020 RE: Bill 218, Proposing Changes to the Municipal Elections Act--Extension of Nomination Period--New Business-- 10, Belleville City Council Meeting November 9, 2020**
9. **Kingsville Historical Park Museum--Correspondence from K. Gunning, Secretary/Treasurer and W. Bagshaw, Board Chair, dated November 16, 2020 RE: Report to the Town of Kingsville**
10. **Township of Amaranth--Correspondence received November 9, 2020 RE: Bill 218**
11. **City of St. Catharines--Correspondence dated October 7, 2020 RE: Development Approval Requirements for Landfills (Bill 197)**

**655-2020**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Kimberly DeYong

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

**CARRIED**

**666-2020**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Councillor Tony Gaffan

That Council supports County of Prince Edward Resolution CW-407-2020 passed October 29, 2020 RE: Bill 218 and Proposed changes to the *Municipal Elections Act*.

**CARRIED**

**667-2020**

**Moved By** Councillor Kimberly DeYong

**Seconded By** Councillor Larry Patterson

That Council supports Town of Grimsby Resolution RE: Proposed regulation under the *Ontario Heritage Act*, Bill 108.

**CARRIED**

RE: Information Item M-9--Correspondence from Kingsville Historical Park Museum

Ms. DeYong commented that she wished to acknowledge the former Deputy Mayor Ms. Katherine Gunning, who has indicated in the Museum's report that she has resigned her volunteer position at the museum. She thanked Ms. Gunning for all her years of service, and wished her well in her future endeavours. Mayor Santos also thanked Ms. Gunning and the Gunning family, who have dedicated so many hours to the progress of the museum, which we are very fortunate to have in our community.

**N. NOTICES OF MOTION**

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

**668-2020**

**Moved By** Councillor Laura Lucier

**Seconded By** Councillor Larry Patterson

WHEREAS the Province has introduced Bill 229, Protect, Support and Recover from COVID 19 Act - Schedule 6 – Conservation Authorities Act;

AND WHEREAS the Legislation introduces a number of changes and new sections that could remove and/or significantly hinder the conservation authorities' role in regulating development, permit appeal process and engaging in review and appeal of planning applications;

AND WHEREAS we rely on the watershed expertise provided by local conservation authorities to protect residents, property and local natural resources on a watershed basis by regulating development and engaging in reviews of applications submitted under the *Planning Act*;

AND WHEREAS the changes allow the Minister to make decisions without CA watershed data and expertise;

AND WHEREAS the Legislation suggests that the Minister will have the ability to establish standards and requirements for non-mandatory programs which are negotiated between the conservation authorities and municipalities to meet local watershed needs;

AND WHEREAS municipalities require a longer transition time to put in place agreements with conservation authorities for non-mandatory programs;

AND WHEREAS municipalities believe that the appointment of municipal representatives on CA Boards should be a municipal decision; and the Chair and Vice Chair of the CA Board should be duly elected;

AND WHEREAS the changes to the 'Duty of Members' contradicts the fiduciary duty of a CA board member to represent the best interests of the conservation authority and its responsibility to the watershed;

AND WHEREAS conservation authorities have already been working with the Province, development sector and municipalities to streamline and speed up permitting and planning approvals through Conservation Ontario's Client Service and Streamlining Initiative;

AND WHEREAS changes to the legislation will create more red tape and costs for the conservation authorities, and their municipal partners, and potentially result in delays in the development approval process;

AND WHEREAS municipalities value and rely on the natural habitats and water resources within our jurisdiction for the health and well-being of residents; municipalities value the conservation authorities' work to prevent and manage the impacts of flooding and other natural hazards; and municipalities value the conservation authority's work to ensure safe drinking water;

NOW THEREFORE BE IT RESOLVED:

THAT the Province of Ontario work with conservation authorities to address their concerns by repealing and/or amending changes to the *Conservation Authorities Act* and the *Planning Act*

THAT the Province of Ontario delay enactment of clauses affecting municipal concerns

THAT the Province of Ontario provide a longer transition period up to December 2022 for non-mandatory programs to enable coordination of CA-municipal budget processes

THAT the Province respect the current conservation authority/municipal relationships

AND THAT the Province embrace their long-standing partnership with the conservation authorities and provide them with the tools and financial resources they need to effectively implement their watershed management role.

**CARRIED**

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

**669-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

That Council directs Administration to restart the Planning Advisory Committee of the Town of Kingsville, even if on Zoom, to invite more public input on matters of interest to our residents.

**CARRIED**

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

1. Councillor Gaffan thanked the Fantasy of Lights Committee, the Windsor Parade Corporation, and all those individuals who acknowledged all the hard work everyone put into the reverse Santa Claus parade event held this past weekend. Mayor Santos also expressed his thanks to all of the volunteers.

2. Deputy Mayor Queen echoed Councillor Gaffan's comments and specifically thanked the Windsor Parade Corporation. He also thanked Town of Kingsville Public Works Manager Shaun Martinho for his assistance in placing the sign up at the Kingsville District High School days before the event.

**P. BYLAWS**

**1. By-law 102-2020**

**670-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Kimberly DeYong

That Council reads By-law 102-2020, being a By-law authorizing the entering into of an Animal Control and Pound Services Agreement with the Corporation of the Municipality of Leamington and with Essex County K9 Services, a first, second and third and final time.

**CARRIED**

**2. By-law 103-2020**

**671-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Larry Patterson

That Council reads By-law 103-2020, being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/07/17; 158 County Road 34 East, Part of Lot 269, Concession TRS) a first, second and third and final time.

**CARRIED**

**672-2020**

**Moved By** Councillor Laura Lucier

**Seconded By** Councillor Kimberly DeYong

That Council, at 10:20 p.m., enter into Closed Session pursuant to Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality; and Subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; RE: Conservation Review Board Case No. CRB2010; Brotto Investments Inc. v. Kingsville; 183 Main St. East, Kingsville.

**CARRIED**

Upon rising from Closed Session at 11:03 p.m. Mayor Santos reported that Council received information and legal advice regarding Conservation Review Board Case No. CRB2010; Brotto Investments Inc. v. Kingsville; 183 Main St East. He indicated that these communications were necessary for the purpose of

presenting the Town's case to the Conservation Review Board, and the information was received.

**Q. CONFIRMATORY BY-LAW**

**1. By-law 104-2020**

**673-2020**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Kimberly DeYong

That Council reads By-law 104-2020, being a by-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its November 23, 2020 Regular Meeting, a first, second and third and final time.

**CARRIED**

**R. ADJOURNMENT**

**674-2020**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Tony Gaffan

That Council adjourns this Regular Meeting at 11:05 p.m.

**CARRIED**