



REGULAR MEETING OF COUNCIL

MINUTES

Monday, September 13, 2021

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 R. Brown, Manager of Planning Services

 J. Galea, Human Resources Manager
 S. Kitchen, Acting Clerk
 R. McLeod, Director of Financial & IT Services
 A. Plancke, Director of Infrastructure & Engineering
 R. Baines, Deputy Clerk - Administrative Services
 D. Wolicki, Manager of Municipal Facilities and Property
 J. Norton, CAO
 J. Quennell, Fire Chief
 K Loney, Manager of Recreation Programs and Special Events
 S. Hirota, Director of Legal and Clerk Services/Town Solicitor

A. CALL TO ORDER

Mayor Santos in attendance in the Council Chambers called the Regular Meeting to order at 6:01 p.m. Members participated in the meeting through video conferencing technology from remote locations.

B. MOMENT OF SILENCE AND REFLECTION

Mayor Santos asked those present to stand and observe a moment of silence and reflection to be followed by the playing of O'Canada.

C. SINGING OF NATIONAL ANTHEM

Live Singing of O'Canada by Rylee Redekop.

D. 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.

Councillor DeYong declared an interest in respect to Agenda item J-1 (Vaccination Policy) because her husband is a volunteer firefighter.

Councillor Gaffan declared an interest in respect to Agenda Item N.1 (Kingsville BIA correspondence dated August 11, 2021) because he is a business owner in the BIA District.

E. PRESENTATIONS/DELEGATIONS

1. Mackenzie Porter on behalf of the 'Better Laws for Paws' Advocacy Group for animal welfare--Presentation pertaining to the Bettering of Animal Care and Control by-laws

Mackenzie Porter presented the Slide Presentation.

532-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council receives the presentation of Mackenzie Porter on behalf of the 'Better Laws for Paws' Advocacy Group for animal welfare.

CARRIED

F. MATTERS SUBJECT TO NOTICE

**1. Zoning By-law Amendment (Corrections) by Town of
Kingsville 380 Inman Side Road and 244B County Road 34 W**

- i) Notice of Public Meeting: Zoning By-law Amendment (Correction) dated August 23, 2021;
- ii) Notice of Public Meeting: Zoning By-law Amendment (Correction) dated August 23, 2021;
- iii) Report of R. Brown dated August 23, 2021;
- iv) Proposed By-law 72-2021, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

R. Brown presented his Report.

In connection with the property municipally known as 380 Inman Side Road there were the following comments from the Public:

Comments from the Applicant Re: 380 Inman Side Road

Solicitor W. Jakob, Solicitor for the Applicant, commented that he had no further comments, and agreed with the Planner's description and recommendation.

Public Comments:

Bruce Boyd, 380 Inman, indicated that he had no problem with what was being presented and discussed.

Neil Derbyshire, 380 Inman, indicated that he had no comments.

533-2021

Moved By Councillor Thomas Neufeld
Seconded By Deputy Mayor Gord Queen

That Council split the question.

CARRIED

534-2021

Moved By Councillor Tony Gaffan
Seconded By Councillor Larry Patterson

That Council approves Zoning Amendment Application ZBA/23/2021 to correct the following: Amend the existing 'Agriculture Exception 52 Zone (A1-52)' to

reduce the lot frontage from 100 m to 50 m and reduce the lot area from 7,000 sq. m to 6,400 sq. m consistent with the actual lot area and frontage.

CARRIED

Mr. Brown then presented the Report in connection with the property municipally known as 244B County Road 34 West.

There were no comments from the Applicant.

Comments from the public:

Mr. Bruce Boyd, 380 Inman, commented that he was confused by the content of the report, and it was clarified that the application is a dual application and this part of the discussion pertains only to 244B County Road 34 West. Mr. Boyd was satisfied with such explanation.

There were no further public comments.

535-2021

Moved By Councillor Larry Patterson

Seconded By Councillor Laura Lucier

That Council approves Zoning Amendment Application ZBA/23/2021 to correct the following: Amend the Light Industrial Exception 11 Zone (M1-11) to limit the uses to the existing cabinet manufacturer and establish the associated site-specific zoning regulations for the use.

CARRIED

G. AMENDMENTS TO THE AGENDA

Mayor Santos added one announcement.

H. CLOSED SESSION

536-2021

Moved By Councillor Tony Gaffan

Seconded By Councillor Thomas Neufeld

That Council at 6:43 p.m. pursuant to Subsection 239(2) of the Municipal Act, 2001, enter into closed session to address the following item: Subsection 239(2)(f) [advice that is subject to solicitor client privilege, including communications necessary for that purpose] in regard to the vaccination policy.

CARRIED

I. REPORT OUT OF CLOSED SESSION

Upon rising from Closed Session Mayor Santos indicated that there were technical difficulties being experienced with the audio portion of the meeting. He called for a brief recess and the meeting reconvened with all audio restored.

He reported Council was provided advice subject to solicitor-client privilege in regard to the vaccination policy for information purposes.

J. STAFF REPORTS

1. Vaccination Policy

Councillor Kimberly DeYong declared a conflict on this item. (Councillor DeYong's husband is a volunteer firefighter employed by the Town.)

J. Galea, Manager of Human Resources

537-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council, at 8:28 p.m., enter into Closed Session pursuant to Subsection 239(2)(f) [advice that is subject to solicitor-client privilege, including communications necessary for that purpose] to obtain legal advice.

CARRIED

The meeting reconvened in open session at 8:35 p.m.

538-2021

Moved By Councillor Thomas Neufeld
Seconded By Deputy Mayor Gord Queen

That Council, at 8:52 p.m. pursuant to Subsection 239(2)(b) of the *Municipal Act, 2001* [personal matters about an identifiable individual, including municipal or local board employees] enter into closed session.

CARRIED

Mayor Santos reconvened the meeting in open session at 8:59 p.m.

539-2021

Moved By Deputy Mayor Gord Queen
Seconded By Councillor Thomas Neufeld

That Council approves a mandatory COVID-19 vaccination policy for the Town of Kingsville in the form presented.

	For	Against
Mayor Nelson Santos	X	
Deputy Mayor Gord Queen	X	
Councillor Tony Gaffan		X
Councillor Thomas Neufeld	X	
Councillor Larry Patterson	X	
Councillor Kimberly DeYong		
Councillor Laura Lucier		X
Results	4	2

CARRIED (4 to 2)

Amendment:

538-2021

Moved By Councillor Tony Gaffan

Seconded By Councillor Thomas Neufeld

To amend the motion to state that the Town of Kingsville will pay for the employees' antigen testing as required at Section 6.5.3 of the policy.

LOST

2. **Application for Site Plan Approval SPA/14/2021 by Michael & Donna Mastronardi & 2780530 Ontario Inc (Ridge Farms); Part of Lot 13, Concession 3 ED, Parts 1 and 2, RP 12R-2141, Part 1 RP 12R-12637 and Part 3, RD 292**

R. Brown, Manager of Planning Services

540-2021

Moved By Councillor Thomas Neufeld

Seconded By Councillor Larry Patterson

That Council Approves site plan application SPA/14/2021 for the construction of a new three phase 16.6 h a (41 ac.) vegetable greenhouse facility and associated support facilities on lands located at 2461 Albuna Town Line (County Road 31), subject to the conditions and requirements outlined in the site plan agreement and authorize the Mayor and Clerk to sign the agreement and register said agreement on title.

CARRIED

3. **Application for Site Plan Amendment SPA/15/2021 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

541-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council rejects the Application for Site Plan Amendment SPA/15/2021 by Tay Inc.

LOST

542-2021

Moved By Councillor Tony Gaffan

Seconded By Councillor Kimberly DeYong

That Council approve Site Plan Amendment Application SPA/15/2021 for 200 Main St. E. for the installation of one (1) ground mounted sign subject to the following conditions: Maximum height of 3.65 m (12 ft); front yard setback of 7.62 m (25 ft) minimum; side yard setback of 4.5 (15 ft.) minimum, Lighting associated with the sign must be dark sky compliant and full cut-off standard and include a timer to limit lighting to the hours of 7 am to 9 pm daily, the signage be limited to the display of tenants located in the building and the name of the building only, and Authorize the Mayor and Clerk to sign the amending agreement and register said amendment on title

LOST

543-2021

Moved By Councillor Kimberly DeYong

Seconded By Deputy Mayor Gord Queen

That Council approves site plan amendment application SPA/15/2021 for 200 Main St. E. for the installation of one (1) ground mounted sign subject to the following conditions: Maximum height of 3.65 m (12 ft.); Front yard setback of 7.62 m (25 ft.), minimum; Side Yard setback 4.5 m (15 ft.), minimum; The signage be limited to the display of tenants located in the building and the name of the building only, and Authorize the Mayor and Clerk to sign the amending agreement and register said amendment on title.

CARRIED

4. **Application for Site Plan Amendment SPA/23/21 by Nello Holdings Inc. 19 Dimar Drive, Pt. Lot 10, Concession 2 ED Lot 5, Plan 12M 609**

R. Brown, Manager of Planning Services

544-2021

Moved By Councillor Kimberly DeYong

Seconded By Deputy Mayor Gord Queen

That Council approves site plan approval application SPA/23/21 for a three phase industrial development at 19 Dimar Drive, subject to the conditions and requirement outlined in the site plan agreement and authorize the Mayor and Clerk to sign the agreement and register said agreement on title.

CARRIED

5. **Application for Site Plan Amendment SPA/12/2021 by Bull Market Farms Inc., 1921 Road 3 E, Part Lots 11 and 12, Concession 2 ED, Parts 1 and 3 and Pt. Pt. 2 RP 12R-14705**

R. Brown, Manager of Planning Services

545-2021

Moved By Councillor Thomas Neufeld

Seconded By Councillor Laura Lucier

That Council approves site plan amendment application SPA/12/2021 for the expansion of an existing greenhouse facility including 5.18 ha (12.8 ac.) of growing area, 880 sq. m (9,472.5 sq. ft.) of warehouse additions and additional storm water management facilities at 1921 Road 3 E, subject to the conditions and requirements outlined in the amending site plan agreement and authorize the Mayor and Clerk to sign the agreement and register said agreement on title.

CARRIED

6. **Carnegie Arts and Visitor Centre – A Cultural Hub**

K. Loney, Manager of Recreation Programs, Special Events, Tourism

546-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council defers the discussion of the Carnegie Arts and Visitor Centre 5-year lease agreement, pending review of lease and drawings.

LOST

547-2021

Moved By Councillor Laura Lucier

Seconded By Councillor Kimberly DeYong

That Council approves Administration to enter into a five-year lease agreement with the Arts Society of Kingsville to use the Carnegie Arts and Visitor Centre, in form satisfactory to the CAO and Director of Legal and Clerk Services.

CARRIED

7. National Truth and Reconciliation Holiday

548-2021

Moved By Councillor Laura Lucier

Seconded By Councillor Tony Gaffan

That Council participates, and encourages others to participate in learning about the history and legacy of residential schools through the National Centre for Truth and Education Learning Series; and that Council honours Truth and Reconciliation Day by engaging in Actions described in this report.

CARRIED

549-2021

Moved By Councillor Laura Lucier

Seconded By Councillor Kimberly DeYong

That Council extend the meeting curfew time to go beyond the hour of 10 o'clock pm.

LOST

8. Lions Park--Phase 2 Development

This report was not dealt with at this meeting, due to the late hour.

9. Lakeside Park Multi-Use Paved Trail Construction – Tender Results

550-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council authorizes the Mayor and Clerk to execute an agreement with Quinlan Inc. in the amount of \$155,315.05 (excluding HST) for the construction of the multi-use paved trail in Lakeside Park located at 315 Queen Street.

And that Council authorize up to an additional \$49,636.00 (excluding HST) to be funded from the Parks Property Reserve (03-000-032-31043).

CARRIED

K. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

1. Consul of Mexico--Correspondence dated August 23, 2021 RE: Request to Raise the Mexican Flag at Town Hall from September 13-16, 2021

551-2021

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That Council support the municipality in joining with the Consul of Mexico, Vanessa Calva Ruiz and raise the national flag of Mexico on September 15, 2021 in recognition of Independence Day and honouring the thousands of guest workers who support our agricultural industry and local economies.

CARRIED

2. Association des communautés francophones de L'Ontario Windsor, Essex, Chatham, Kent (ACFO WECK)--Request to participate in flag raising ceremony on Friday, September 24, 2021

That Council support the raising of the flag on Franco-Ontarian Day, held every year on September 25 to recognize and celebrate Francophone heritage across the province

552-2021

Moved By Councillor Laura Lucier

Seconded By Councillor Larry Patterson

That Council support the raising of the flag event on Friday, September 24, 2021, to celebrate Franco-Ontarian Day, held every year on September 25 across the province.

CARRIED

L. MINUTES OF THE PREVIOUS MEETINGS

1. Special Meeting of Council--August 16, 2021

2. Special Closed Session Meeting of Council--August 16, 2021

3. Regular Meeting of Council--August 23, 2021

553-2021

Moved By Councillor Tony Gaffan

Seconded By Councillor Thomas Neufeld

That Council adopts Special Meeting of Council Minutes dated August 16, 2021, Special Closed Session Meeting of Council Minutes dated August 16, 2021, and Regular Meeting of Council Minutes dated August 23, 2021.

CARRIED

M. MINUTES OF COMMITTEES AND RECOMMENDATIONS

This item was not dealt with at this meeting due to the late hour.

N. BUSINESS CORRESPONDENCE - INFORMATIONAL

1. **Kingsville BIA--Correspondence dated August 11, 2021 RE: Request that Council consider offering a financial relief grant to all businesses that have been financially impeded by the forced restrictions implemented as a result of the pandemic**
2. **Town of Essex-Correspondence dated August 13, 2021 RE: PSA Test for men**
3. **Municipality of Leamington--Correspondence dated August 17, 2021 RE: Joint and Several Liability reform**
4. **T. Del Greco, Manager of Engineering--Email correspondence RE: Cedar Island Subdivision**
5. **Municipality of Mississippi Mills--Correspondence dated August 26, 2021 Re: Bill C-21, An Act to Amend Certain Acts and to make certain consequential amendments (firearms)**

554-2021

Moved By Councillor Larry Patterson

Seconded By Deputy Mayor Gord Queen

That Council receives Business Correspondence-Informational items 1-5.

CARRIED

555-2021

Moved By Councillor Thomas Neufeld

Seconded By Councillor Larry Patterson

That Council refers Kingsville BIA correspondence dated August 11, 2021 (Re: Request that Council consider offering a financial relief grant to all businesses that have been financially impeded by the forced restrictions implemented as a result of the pandemic) to Administration.

CARRIED

O. NOTICES OF MOTION

This item was not dealt with at this meeting due to the late hour.

P. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

This item was not dealt with at this meeting due to the late hour.

Q. BYLAWS

1. By-law 72-2021

556-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council reads By-law 72-2021, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville a first, second and third and final time.

CARRIED

R. CONFIRMATORY BY-LAW

1. By-law 73-2021

557-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council reads By-law 73-2021, being a by-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its September 13, 2021 Regular Meeting a first, second and third and final time.

CARRIED

S. ADJOURNMENT

558-2021

Moved By Councillor Larry Patterson

Seconded By Councillor Tony Gaffan

That Council adjourns this Regular Meeting at 10:00 pm.

CARRIED