



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, September 27, 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 Laura Lucier

Absent: Councillor Kim DeYong

Members of R. Brown, Manager of Planning Services
Administration

 K. Brcic, Planner
 T. Del Greco, Manager of Engineering
 S. Kitchen, Deputy Clerk-Council Services
 R. McLeod, Director of Financial & IT Services
 A. Plancke, Director of Infrastructure & Engineering
 R. Baines, Deputy Clerk - Administrative Services
 J. Norton, CAO
 J. Quennell, Fire Chief
 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 6:00 p.m. with all members of Council present, except Councillor DeYong (absent on personal business). All members of Council present participated in the meeting through video conferencing technology from remote locations.

B. MOMENT OF SILENCE AND REFLECTION

Mayor Santos asked members to stand and observe a moment of silence to be followed by the singing of O'Canada.

C. PLAYING OF NATIONAL ANTHEM

Live singing of O'Canada by Simone Dicaire.

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.

E. MATTERS SUBJECT TO NOTICE

**1. Combined Consent and Zoning By-law Amendment Application for
Surplus Dwelling Severance File B/17/21 & ZBA/22/21 by David &
Anna Dyck 177 County Rd 14 E Part lot 17, Concession 9 Roll No.
3711 550 000 00500**

R. Brown, Manager of Planning Services

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment and Consent, dated September 3, 2021;

ii) Report of K. Brcic, dated September 13, 2021;

iii) Proposed By-law 75-2021 being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Deputy Mayor Queen commented on the importance of the Municipal Clerk's position when dealing with planning matters and read aloud the statement in the Notice of Complete Application that "If a person or public body does not make oral submissions at a public meeting, or make written submissions to the **Municipal Clerk** of the Town of Kingsville before the by-law is passed, the person or public body may not be added as a party to the hearing of an appeal....." Generally, he stated that it is important to note that while legislation does not mandate a planner's position, the Municipal Clerk's position is legislatively mandated for notice and other purposes.

There were no comments from the Applicant and there were no comments from the public

559-2021

Moved By Councillor Larry Patterson

Seconded By Councillor Laura Lucier

That Council:

Approve consent application B/17/21 to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation on a 0.5 ha (1.3 ac.) lot shown as Part 1 on the applicants' sketch, known as 177 County Road 14 East, in the Town of Kingsville, subject to the following conditions:

1. That a reference plan be deposited in the registry office, both an electronic and paper copy of the registered plan is to be provided to the Town.
2. That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or Municipal Act be paid in full along with all municipal taxes.
3. That any necessary drainage apportionments be undertaken.
4. That as a result of the severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date of certification of the deed.
5. The zoning of the retained parcel be amended to prohibit future dwellings prior to certification (ZBA/22/21).
6. That the applicant provide confirmation to the satisfaction of the Town the location of any existing septic systems in relation to the revised lot line locations.
7. That the necessary deed(s), transfer or changes be submitted in triplicate, signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.
8. The conditions imposed above shall be fulfilled by September 27, 2022 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

Approve zoning by-law amendment application ZBA/22/21 to rezone the retained parcel, in Part Lot 17, Concession 9, in the Town of Kingsville, from 'Agriculture (A1)' to 'Agriculture – Restricted (A2)' and adopt the implementing by-law.

CARRIED

**2. Zoning By-law Amendment File ZBA/17/21 by Julie Sherman - Dann
1775 Division Rd N Concession 1 WD, Pt Lot 1 Roll No.
3711 320 000 06600**

R. Brown, Manager of Planning Services

i) Notice of Complete Application and Public Meeting: Zoning By-law Amendment, dated September 1, 2021;

ii) Report of K. Brcic, dated September 14, 2021;

iii) Proposed By-law 74-2021, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

There were no comments from the public.

561-2021

Moved By Councillor Laura Lucier

Seconded By Deputy Mayor Gord Queen

That Council:

approve Zoning By-law Amendment application ZBA/17/21 to rezone the subject lands at 1775 Division Rd N (County Road 29), Concession 1 WD, Pt Lot 1, Town of Kingsville, from 'Rural Residential (RR)' to 'Rural Residential Exception 15 (RR-15)' and adopt the implementing by-law.

CARRIED

F. AMENDMENTS TO THE AGENDA

None.

G. ADOPTION OF ACCOUNTS

1. Town of Kingsville Accounts for the month ending August 31, 2021

562-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council receives Town of Kingsville Accounts for the monthly period ended August 31, 2021 being TD cheque numbers 0077087 to 0077431 for grand total of \$2,291,703.30

CARRIED

H. STAFF REPORTS

1. 2021 Engineering Services – Request For Quotes

T. Del Greco, Manager of Engineering

563-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council award engineering services for the replacement of watermain on Stonehedge Drive, Coghill Drive, Allen Court, and Long Court to RC Spencer in the amount of \$70,000 (excluding HST) and authorize the Mayor and Clerk to execute the requisite agreement;

And That Council award engineering services for resurfacing of Cedar Island Subdivision, replacement of sections of Lorna and Edith Street watermain, and reconstruction of the Cedar Island Park laneway to RC Spencer in the amount of \$43,000 (excluding HST), and further, reallocate the expected surplus from Account #130-360-71825 in order to fund the aforementioned engineering services.

CARRIED

2. Lions Park - Phase 2 Development

R. Wyma, Director of Community and Development Services

564-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council approve amendments to the Lions Park Development Phase 2 including the planting of additional trees as may be required, moving the shade structure from the basketball area to the proposed playground area (Phase 3), and relocate the Multi-Use Court to Ridgeview Park to replace the existing basketball court which is in disrepair; and further,

That Council accept the revised tender bid of \$182,175 from Greenlight General Contracting Inc. to complete the construction of Phase 2 of the Lions Park development; and further,

That Administration review the design of the proposed Washroom facilities to ensure the design and facility meets the needs of its users; and further,

That Administration develop a new Park Classification System based on the system included in the 2013 Official Plan and the 2018 Parks, Recreation, Arts and Culture Master Plan; and further,

That Administration explore the introduction of a Park Watch, or after-hours emergency program.

CARRIED

3. Highland Games Committee

J. Norton, CAO, presented the Manager of Human Resources' report.

565-2021

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

That Council approves the recommendation of applicants to the Highland Games Committee: Amanda Everaert, Wendy Mussleman, Tim Fuerth, and Victor Chepeka.

CARRIED

4. Shoreline Assistance Loan Program

R. McLeod, Director of Financial and IT Services

566-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council receive the 'Shoreline Assistance Loan Program' report in response to Motion 233-2021.

CARRIED

5. By-law 77-2021, being a by-law to govern the Calling, Place and Proceedings of Council and Committees (Procedure By-law)

S. Kitchen, Acting Clerk

567-2021

Moved By Councillor Thomas Neufeld

Seconded By Deputy Mayor Gord Queen

That Council directs Administration to amend Section 10.7.c) of the proposed Procedure By-law to read "c) to defer indefinitely (not debatable)", as has been the usual practice.

CARRIED

568-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council directs Administration to remove the requirement for a Motion to Recess.

CARRIED

569-2021

Moved By Councillor Tony Gaffan

Seconded By Councillor Larry Patterson

That Council directs Administration to amend Section 12.11. to state "On all other votes, the manner of determining the decision on a motion shall be at the

discretion of the Chair and may be by voice, show of hands, standing or otherwise."

CARRIED

570-2021

Moved By Councillor Larry Patterson

Seconded By Councillor Tony Gaffan

That Council pass the new Procedure By-law, being a by-law to govern the Calling, Place and Proceedings of Council and Committees for The Corporation of the Town of Kingsville, as amended.

CARRIED

I. MINUTES OF THE PREVIOUS MEETINGS

1. Regular Meeting of Council--September 13, 2021

2. Regular Closed Session Meeting of Council Minutes--September 13, 2021

571-2021

Moved By Councillor Laura Lucier

Seconded By Deputy Mayor Gord Queen

That Council adopts Regular Meeting of Council Minutes dated September 13, 2021 and Regular Closed Session Meeting of Council Minutes dated September 13, 2021.

CARRIED

J. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. Kingsville B.I.A.--July 13, 2021 and August 10, 2021

572-2021

Moved By Councillor Tony Gaffan

Seconded By Councillor Larry Patterson

That Council receives Kingsville B.I.A. Meeting Minutes dated July 13, 2021 and August 10, 2021

CARRIED

2. Kingsville Municipal Heritage Advisory Committee--July 20, 2021

573-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council receives Kingsville Municipal Heritage Advisory Committee Meeting Minutes dated July 20, 2021

CARRIED

3. Committee of Adjustment--July 20, 2021

574-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council receives Committee of Adjustment Meeting Minutes dated July 20, 2021

CARRIED

4. Planning Advisory Committee--July 20, 2021

575-2021

Moved By Councillor Larry Patterson

Seconded By Councillor Laura Lucier

That Council receives Planning Advisory Committee Meeting Minutes dated July 20, 2021

CARRIED

5. Union Water Supply System Joint Board of Management--July 21, 2021

576-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council receives Union Water Supply System Joint Board of Management Meeting Minutes dated July 21, 2021

CARRIED

6. Park Recreation Arts and Culture Committee--June 17, 2021

577-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council receives Park Recreation Arts and Culture Committee Meeting Minutes dated June 17, 2021 together with the following sub-committee minutes: Communities in Bloom - May 4, 2021 Fantasy of Lights - April 27, 2021 Migration Festival - April 27, 2021

CARRIED

K. BUSINESS CORRESPONDENCE - INFORMATIONAL

- 1. Town of Douro-Dummer--Correspondence dated August 24, 2021 RE: Bill C-21, An Act to amend Certain Acts and to make certain consequential amendments (firearms)**
- 2. Municipality of Trent Lakes--Correspondence dated September 9, 2021 RE: OHIP Eye Care Resolution R2021-593**
- 3. Gosfield North Sportsmen Association--Correspondence dated September 12, 2021 RE: 2021 Pheasant Release Program / Request that Council continue its partnership by contributing licence fees collected for the 2021 hunting season**
- 4. County of Essex correspondence dated September 15, 2021 RE: Regional Affordable Housing Strategy and Review of Social Housing Cost Sharing Agreement**

5. **Township of Scugog correspondence dated September 17, 2021 RE: Structure Inventory and Inspections**
6. **Town of Essex correspondence dated September 21, 2021 RE: Association of Municipalities of Ontario (AMO) 2021 Conference and Broadband Internet as essential service**
7. **Huron Kinloss correspondence dated September 21, 2021 RE: Provincial Offences Court and Bill 177**
8. **Save Eyecare in Ontario--Correspondences from local optometrists:**
 - a. **Correspondence from Dr. Mastronardi dated September 14, 2021**
 - b. **Correspondence from Dr. Mockler dated September 13, 2021**
 - c. **Correspondence from Dr. McCormick dated September 14, 2021**
 - d. **Draft form of requested Resolution**

578-2021

Moved By Councillor Tony Gaffan

Seconded By Councillor Laura Lucier

That Council receives Business Correspondence-Informational items 1 through 8.

CARRIED

Information item 3. Gosfield North Sportsmen Association

579-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council authorizes the continuation of the Town's partnership with the Gosfield North Sportsmen Association in its Pheasant Release Program through the contribution of the licence fees collected for the 2021 hunting season.

CARRIED

Information item 8. Save Eye Care in Ontario

WHEREAS routine eye care is critical in early detection of eye diseases like glaucoma, cataracts, and macular degeneration, and the health of eyes is critical to overall health and quality of life; and

WHEREAS conditions that may be detected with an annual eye exam include Diabetes mellitus, Glaucoma, Cataract, Retinal disease, Amblyopia (lazy eye), Visual field defects (loss of part of the usual field of vision), Corneal disease, Strabismus (crosses eyes), Recurrent uveitis (an inflammation of the uvea, the middle layer of the eye that consists of the iris, ciliary body and choroid), Optic pathway disease; and

WHEREAS payments from OHIP have only increased 9% over the last 30 years, which has not come close to matching inflation of costs (which include rent, staff, utilities, equipment, taxes and supplies); and

WHEREAS the lack of funding makes it difficult to invest in modern technology, and newer technology means earlier detection of eye disease; and

WHEREAS the Provincial government's refusal to formally negotiate with Optometrists for more than 30 years has forced the Optometrists to absorb approximately 173 Million dollars annually in the cost to deliver eye care to Ontarians; and

WHEREAS the 2021 Ontario Budget did not address OHIP-insured eye care, Ontario Optometrists took action and voted to withdraw OHIP services starting on September 1, 2021, unless the government agrees to legally-binding negotiations to fund these services at least to the cost of delivery; and

WHEREAS this job action will jeopardize good eyecare for those who need the care of an optometrist the most and will have the greatest impact on the most vulnerable groups. Children, who's lifetime ability to learn and develop depends on good vision and to the elderly, who are at the greatest risk for vision- threatening ocular diseases;

NOW THEREFORE BE IT RESOLVED THAT the Municipality of the Town of Kingsville requests that the Provincial government recognize the value that access to quality eye care brings to all Ontarians and act now to protect it; and further

THAT the Provincial government address the OHIP-insured eye care immediately and enter into legally-binding negotiations with Ontario Optometrists to fund these services at least to the cost of delivery, prior to any job action taking place; and further

THAT a copy of this resolution be forwarded to Premier Ford, Ontario Minister of Health Christine Elliot, MPP Taras Natyshak, to the Ontario Association of Optometrists, and to all municipalities in Ontario

L. NOTICES OF MOTION

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

581-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council enters into discussion as to the manner in which votes should be cast for the next municipal election that is scheduled to be held on October 24, 2022, and that Administration provide a Report by year end.

CARRIED

2. Councillor Lucier may move or cause to have moved:

582-2021

Moved By Councillor Laura Lucier

Seconded By Councillor Larry Patterson

That Council designate November 15 annually to raise awareness of Violence Against Women, encourage staff and residents to wear purple, and provide information on the Town website and social media.

CARRIED

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

Mayor Santos indicated that would be carried over to the next meeting.

583-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council defers Councillor DeYong's Notice of Motion re: ELK to the next Regular Meeting of Council.

CARRIED

M. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

None.

N. BYLAWS

1. By-law 74-2021

584-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council reads By-law 74-2021, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (1775 Division Road North, CON 1 WD, Pt Lot 1 ZBA/17/21) a first, second and third and final time.

CARRIED

2. By-law 75-2021

585-2021

Moved By Deputy Mayor Gord Queen

That Council reads By-law 75-2021, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (177 County Road 14 E, Part Lot 17, Conc 9, ZBA/22/21)a first, second and third and final time.

3. By-law 77-2021

586-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council reads By-law 77-2021, as amended, being a By-law to Govern the Calling, Place and Proceedings of Council and Committees a first, second and third and final time.

CARRIED

O. CONFIRMATORY BY-LAW

1. By-law 78-2021

587-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That Council reads By-law 78-2021, being a By-law to confirm the proceedings of the September 27, 2021 Regular Meeting of Council, a first, second and third and final time.

CARRIED

P. ADJOURNMENT

588-2021

Moved By Councillor Thomas Neufeld

Seconded By Councillor Laura Lucier

That Council adjourns this Regular Meeting at 7:14 p.m.

CARRIED