



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, November 22, 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 Kimberly DeYong
 Councillor Tony Gaffan
 Councillor Laura Lucier
 Councillor Thomas Neufeld
 Councillor Larry Patterson

Members of J. Norton, CAO
Administration

 Town Clerk, Paula Parker

A. CALL TO ORDER

Mayor Santos called the Regular Meeting to order at 6:04 p.m. with all members of Council present in Council Chambers.

B. LAND ACKNOWLEDGEMENT

Mayor Santos read the following Land Acknowledgement:

We acknowledge the Three Fires Confederacy (Ojibwe, Potawatomie and Odawa) and the Traditional ancestral, unceded territory of Caldwell First Nation; the original people of Point Pelee, Pelee Island and its surrounding waters. We recognize and respect the First Nations who are stewards of the land and waters of Turtle Island and who have embraced this stewardship since time immemorial.

We would also like to acknowledge other nearby First Nations Communities and First Nations across Turtle Island.

C. MOMENT OF SILENCE AND REFLECTION AND NATIONAL ANTHEM

O'Canada by Sage Stapleton

D. AMENDMENTS TO THE AGENDA

Councillor Gaffan added one Announcement.

Deputy Mayor Queen added one Notice of Motion.

E. DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of 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.

F. PRESENTATIONS

1. **Diana Radulescu (County of Essex Active Transportation Coordinator), Jerry Behl (County of Essex Manager Transportation, Planning and Development), and Tim Del Greco, Town of Kingsville Manager of Engineering RE: County Wide Active Transportation System.**

Ms. Radulescu presented the PowerPoint presentation. A final report will be brought forward in the New Year for Council approval.

631-2021

Moved By Councillor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That the Presentation by D. Radulesco, Active Transportation Coordinator for the County of Essex, entitled 'CWATS Overview Presentation to Town of Kingsville Council' be received.

CARRIED

G. CONSENT AGENDA

1. **Town of Kingsville Accounts for the monthly period ended October 31, 2021**
2. **Update on By-Law to prohibit and regulate nuisances related to Greenhouse Odours and Lighting**

3. **Kingsville B.I.A. Minutes--October 13, 2021**
4. **County of Essex--Correspondence dated October 19, 2021 RE: Resolution of County Council--Agricultural Community Liaison**
5. **County of Essex--Correspondence from Warden McNamara to Prime Minister dated November 9, 2021 RE: Support of Municipality of Leamington Resolution re: Federal Support of Long-Term Care**
6. **Mattice-Val Cote--Resolution no. 21-247 passed November 8, 2021 RE: MPAC assessment**
7. **Committee of the Whole Meeting Minutes dated October 18, 2021**
8. **Regular Meeting of Council Minutes--November 8, 2021**

With respect to Consent Agenda Item 2 (Update on By-law to prohibit and regulate nuisances related to Greenhouse Odours and Lighting) Councillor DeYong thanked the resident who submitted a written comment relating to curtain gapping to vent heat and humidity and she hopes Administration will conduct independent research in that regard.

632-2021

Moved By Councillor Laura Lucier

Seconded By Councillor Larry Patterson

That Council adopts Consent Agenda items G1-8.

CARRIED

H. REPORTS--COMMUNITY AND DEVELOPMENT SERVICES

1. **Statement of Concurrence Request for Proposed Telecommunications Tower – 2804 Upcott Side Road, Part of Gore Lot A, Concession STR & Part 1, RP 12R 12215**

K. Brcic, Town Planner, presented an overview of the report.

633-2021

Moved By Councillor Laura Lucier

Seconded By Councillor Tony Gaffan

1. **That Council authorize Administration to provide the applicant with a Statement of Concurrence that sufficient public consultation has occurred and the Town's policy has been addressed.**

CARRIED

- 2. Application for Site Plan Approval File SPA/17/21 by 5021103 Ontario Inc. (Golden Acre Farms Inc.) Part of Lot 6, Concession 2 ED Roll No. 3177 350 000 03700**

K. Brcic, Town Planner, presented an overview of the report.

The Applicant's representative, Jackie Lassaline, was present for Council questions.

634-2021

Moved By Councillor Larry Patterson

Seconded By Councillor Laura Lucier

- 1. That Council approve site plan application SPA/17/21 for the construction of a new two-phase greenhouse with associated support facilities and a new bunkhouse on lands located at 913 Rd 3 E and surrounding vacant farm land, 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. Temporary Farm Worker Housing Study**

R. Wyma, Director of Community and Development Services, presented an overview of the report.

635-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

- 1. That Council approve the award of the Temporary Farm Worker Housing Study to WSP Canada and SHS Consulting at a cost of \$49,690 plus applicable taxes.**

CARRIED

I. REPORTS - FINANCIAL AND INFORMATION TECHNOLOGY SERVICES

No reports at this time.

J. REPORTS - FIRE SERVICES

No reports.

K. REPORTS - INFRASTRUCTURE AND ENGINEERING SERVICES

1. West Side Collector Road – Memorandum of Understanding

T. Del Greco, Manager of Engineering, presented an overview of the report.

636-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

1. That Council authorize the Mayor and Clerk to sign a Memorandum of Understanding regarding the acquisition of lands and construction of a West Side Collector Road and connector roads between the Corporation of the Town of Kingsville, 1552843 Ontario Inc. (operating as Noah Homes), 1903357 Ontario Inc., and Amico Properties Inc. on the terms and conditions described within this report and as depicted on the map in Appendix A;
2. That Council authorize Administration to commence an Application for Approval to Expropriate approximately 1.3 acres of land located at 280 Main Street West, and shown approximately as Parcel “A” on the map in Appendix A; and,
3. That By-law 92-2021 being a by-law to authorize the acquisition of certain lands for the development of a West Side Collector Road be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same.

CARRIED

2. Sun Valley Estates Phase 4 - Initial Acceptance

637-2021

Moved By Councillor Larry Patterson

Seconded By Councillor Tony Gaffan

1. That Council initially accept Sun Valley Estates Phase 4 onto “Maintenance” for a period of no less than one year; and,

2. **The Clerk be directed to provide written confirmation to the Developer of the date of Initial Acceptance of the development by Council resolution.**

CARRIED

3. Sun Valley Estates Phase 2 – Final Acceptance

G. A. Plancke, Director of Infrastructure and Engineering presented an overview of the report.

638-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

1. **That Council grant “Final Acceptance” and assume the roadway and infrastructure for the Sun Valley Estates Phase 2 subdivision and further that;**
2. **The Clerk provide formal notification to the Developer (Noah Homes) of the Council decision to grant Final Acceptance of the Sun Valley Estates Phase 2 subdivision.**

CARRIED

L. REPORTS - LEGAL AND CLERK SERVICES

1. Alternative Voting Method – 2022 Election

P. Parker, Town Clerk, presented an overview of the report.

639-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

1. **That Vote by Mail with electronic vote tabulators BE APPROVED as the voting method for the 2022 municipal election;**
2. **That drop off locations, to be determined by the Clerk, be provided to voters on Election Day; and,**
3. **That By-law 96-2021 being a By-law to authorize vote by mail and the use of optical scanning vote tabulators for municipal elections in the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk be authorized to sign same.**

CARRIED

2. Delegation of Authority during the Restricted Period between Nomination Day and the Commencement of the new Term of Council

Ms. Parker presented an overview of the report.

640-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

1. That authority **BE DELEGATED** to the Chief Administrative Officer or delegate for the period when certain acts of Council are in effect, pursuant to section 275 of the Municipal Act, 2001, S.O. 2001, c.25, to address matters as follows:
 1. Hire or dismiss any employee, except where delegation of authority is not allowed by the Act;
 2. The disposition of any real or personal property of the municipality which has a value exceeding \$50,000 at the time of disposal; and,
 3. Making any unbudgeted expenditures or incurring any other liability which exceeds \$50,000.
2. The Chief Administrative Officer or delegate consult with the Town Solicitor and, where appropriate, the Director of Financial and IT Services or designate prior to exercising the delegated authority;
3. The Chief Administrative Officer or delegate **BE DIRECTED TO ADVISE** the newly elected Council in writing, at the new Council's first regularly scheduled meeting, of any exercising of delegated authority under By-law 95-2021; and,
4. By-law 95-2021 being a by-law to authorize the delegated authority for restricted acts during the restricted period be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

CARRIED

M. REPORTS - CAO's OFFICE

N. NOTICES OF MOTION

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

That a section for environmental considerations be added and addressed in all staff reports to Council under a new heading to be titled 'Environmental Considerations' beginning with the December 13 Regular Meeting.

641-2021

Moved By Councillor Laura Lucier

Seconded By Councillor Kimberly DeYong

That a section for environmental considerations be added and addressed in all staff reports to Council under a new heading to be titled 'Environmental Considerations' beginning with the December 13 Regular Meeting.

CARRIED

2. Deputy Mayor Queen indicated that, in accordance with the new procedure by-law, he provided a written Notice of Motion to the Clerk for the next Regular Meeting wherein he may move or cause to have moved that Council approve a Resolution of Thanks pertaining to School Crossing Guards.

O. UNFINISHED BUSINESS AND ANNOUNCEMENTS

1. Councillor Gaffan commented on the success of the Fantasy of Lights Santa Claus parade and fireworks event held this past weekend, and thanked all of staff, the Fantasy of Lights committee, those who built the floats, walked through the route, and everyone who came out to watch the spectacular event.
2. Mayor Santos echoed the comments and thanked members of Council for attending, and congratulated staff and volunteers for the great success of the first weekend of the event, and looks forward to the continuation of the Fantasy of Lights display throughout the rest of the season.

P. BYLAWS

1. By-law 98-2021

642-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Laura Lucier

That Council reads By-law 98-2021, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at

its November 22, 2021 Regular Meeting of Council, a first, second and third and final time.

CARRIED

Q. CLOSED SESSION

643-2021

Moved By Councillor Larry Patterson

Seconded By Councillor Tony Gaffan

At 7:31 p.m., pursuant to section 239(2) of the *Municipal Act, 2001*, Council will enter into Closed Session to address the following item:

ITEM i) Subsection 239(2)(f) [advice that is subject to solicitor-client privilege, including communications necessary for that purpose] and Subsection 239(2)(e) [litigation or potential litigation, including matters before administrative tribunals, affecting the municipality] RE: Brotto Investments Inc. v. Kingsville, 183 Main St. E., Conservation Review Board CRB2010 and Ontario Land Tribunal Appeals (OLT-21-001154, OLT-21-001289 and PL210281); and

ITEM ii) Subsection 239(2)(d) [labour relations or employee negotiations] RE: Update regarding the Town's contract negotiations with International Brotherhood of Electrical Workers (IBEW) Local 636.

CARRIED

R. CLOSED SESSION

S. REPORT OUT OF CLOSED SESSION

Upon rising from Closed Session, the meeting resumed at 9:10 p.m.

Mayor Santos reported as follows:

RE: Closed Session ITEM R ii)

Mayor Santos reported that Council had entered into closed session to obtain an update regarding the Town's contract negotiations with International Brotherhood of Electrical Workers (IBEW) Local 636 and the following motion was passed.

644-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council approve the collective agreement that has been negotiated with the IBEW Local 636 Full-Time Agreement, pending ratification by the Union, and that Administration be instructed to sign the new Collective Agreement.

CARRIED

RE: Closed Session Item Q i)

Mayor Santos also reported that Council had entered into closed session RE: Brotto Investments Inc. v. Kingsville, 183 Main Street E. CRB2010 and OLT Appeals OLT-21-001154, OLT-21-001289 and PL210281, and that Council provided direction to Administration for future consideration.

T. ADJOURNMENT

645-2021

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

That Council adjourns this Regular Meeting at 9:12 p.m.

CARRIED