



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, March 28, 2022
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 Administration: Town Clerk, Paula Parker
 CAO, John Norton

A. CALL TO ORDER

Mayor Santos called the Regular Meeting to order at 6:01 p.m. with all members in attendance. Members participated in the meeting electronically.

B. LAND ACKNOWLEDGEMENT

Mayor Santos read the following Land Acknowledgment Statement:

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 SILENT REFLECTION AND NATIONAL ANTHEM

Mayor Santos called for a moment of silence and reflection followed by the singing of O'Canada.

D. AMENDMENTS TO THE AGENDA

Councillor Lucier added one notice of motion.

E. 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 RE: N-1 (Vaccination Policy Update) for the reason that her husband is a volunteer firefighter for which he is compensated by the Town.

F. REPORT OUT OF CLOSED SESSION -- March 14, 2022

Mayor Santos reported that Council met in closed session at its Regular Meeting held March 14, 2022 at 8:48 p.m. to discuss one item as provided for under Section 239(2) of the Municipal Act. The item was heard under Section 239(2)(b) and Section 239(2)(d) of the Act and there is nothing further to report on the matter.

G. MATTERS SUBJECT TO NOTICE

1. Repair and Improvement of the Morley Wigle Drain

K. Vegh, Drainage Superintendent, Shane LaFontaine, M. Eng., P. Eng. and Dennis McCready, P. Eng. (RC Spencer Associates Inc.)

i) Notice of Meeting to Consider the Engineer's Report, dated February 24, 2022;

ii) Municipal Drainage Report dated January 14, 2022 for the Repair and Improvement of Part of the Morley Wigle Drain in the Town of Kingsville (RC Spencer Associates Inc. File No.14-424);

iii) Proposed By-law 18-2022, being a By-law to provide for the repair and improvement of part of the Morley Wigle Drain in the Town of Kingsville, in the County of Essex to be read a first and second time and provisionally adopted.

The Drainage Superintendent presented an overview of his Report dated March 22, 2022. Engineer Lafontaine and Engineer McCready then presented the Engineer's Report dated January 14, 2022 (RC Spencer Associates Inc.) and answered questions of Council.

Comments from affected property owners:

Robert Molliconi (representing Noah Homes; 270-31200) stated that they agree with the Engineer's Report and hopes the process moves forward in accordance with the *Drainage Act* requirements without delay.

Jim Malott (roll number: 270-30800) asked whether the work will involve the excavating of the old clay tiles near his natural wooded area. Mr. Vegh will schedule an onsite meeting with Mr. Malott to discuss the excavation in an effort to minimize any disruption or disturbance to the wooded area.

Bob Adams (roll number 270-00701) commented that he is in support of the project, stating that the proposed upgrades are necessary and useful, however, he proposes that the entire drain be upgraded from the catch basin all the way to the County Road 20 outlet at the same time, or at minimum, that a drain study be done from the pond to County Road 20. Engineer Lafontaine explained that the scope of the project extends from the existing Dieppe Estates pond all the way southerly to the existing catch basin at County Road 50 (Heritage Road) and then from that point southerly he explained that the outlet system has been improved through a recently constructed Stantec improvement. Mr. Vegh indicated that anything outside of the scope of this project would need to be looked at as another appointment. Mr. Vegh will schedule a meeting with Mr. Adams to discuss future repairs potentially under section 74 of the *Drainage Act*.

Jeremy Truax (270-31100) spoke about the dimension from the proposed drain alignment to the westerly boundary of 270-31100 in that it doesn't fall into what would be potentially the road allowance and asked if the works can be reviewed so that the drain would fall within the road allowance for future development. Mr. Lafontaine stated that the proposed alignment was reviewed with Mr. Truax and he had made note of potential future development of the property. At this stage it is relatively preliminary and Engineer Lafontaine feels there would be some significant costs associated with the additional engineering and construction costs associated with the modifications to the report to address the realignment as requested by Mr. Truax, and there will be some significant delays to the project timelines as well. Mr. Vegh requested that Mr. Truax provide further information in connection with his request, including any drawings he may have of lot depths, etc.

There were no further comments.

163-03282022

Moved By Councillor Larry Patterson

Seconded By Councillor Laura Lucier

1. That the engineer's report provided by RC Spencer Associates Inc., titled Repair and Improvement of Part of the Morley Wigle Drain, per Section 78 of the Drainage Act BE ADOPTED; and,
2. That By-law 18-2022 being a by-law to provide for the repair and improvement of part of the Morley Wigle Drain in the Town of Kingsville, in the County of Essex BE PROVISIONALLY ADOPTED by giving a first and second reading and the Mayor and Clerk BE AUTHORIZED to sign same.

CARRIED

H. REPORTS - COMMITTEES

No reports at this time.

I. REPORTS - COMMUNITY AND DEVELOPMENT SERVICES

1. Main St. East Interim Control By-law Extension

The Director of Community and Development Services provided an overview of the Report.

164-03282022

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Kimberly DeYong

1. That By-law 023-2022, being a By-law to extend Interim Control on certain land uses within the Town of Kingsville, for an additional period of one (1) year beginning May 10, 2022, be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

CARRIED

2. Central Main St. E. Secondary Plan Area

The Director of Community and Development Services provided an overview of the Report, and he and the Manager of Planning Services fielded questions of Council.

165-03282022

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

1. **That the Report of the Director of Community and Development Services RE: Central Main St. East Secondary Plan Area BE DEFERRED to a future Committee of the Whole Meeting.**

	For	Against	Abstain
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	7	0	0

CARRIED (7 to 0)

J. REPORTS - FINANCIAL SERVICES AND INFORMATION TECHNOLOGY

No reports at this time.

K. REPORTS - FIRE SERVICES

1. Replacement for Rescue 124 Apparatus

The Fire Chief presented an overview of the report.

166-03282022

Moved By Councillor Laura Lucier

Seconded By Councillor Larry Patterson

1. **That the tender for the replacement of the Rescue 124 apparatus at the North Fire Station in Cottam BE AWARDED to Safetek Emergency Vehicles Ltd and,**
2. **The Mayor and Clerk BE AUTHORIZED to execute an agreement with Safetek Emergency Vehicles Ltd for the purchase of a 2023 Metalfab Side Mount Rescue Fire Apparatus in the amount of \$442,500.00 + HST CAD.**

CARRIED

At 8:02 p.m. Mayor Santos called for a recess and the meeting reconvened at 8:10 p.m.

L. REPORTS - INFRASTRUCTURE AND ENGINEERING

1. Municipal Office Space Needs – Supplemental

The Director of Infrastructure and Engineering provided an overview of the report.

167-03282022

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

1. **That short-term, medium-term and long-term options for additional municipal office space, including the use of municipal facilities for that purpose, BE CONSIDERED after a facility needs assessment is complete.**

CARRIED

2. IED 2022-15 DWQMS Annual Summary Report and Update

The Public Works and Environmental Services Manager provided an overview of the report.

168-03282022

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

1. **That the information presented in this report BE RECEIVED to satisfy the regulatory requirements in the Safe Drinking Water Act; and,**

2. **The Kingsville Environmental Services Operational Plan, Revision 9, dated March 14, 2022 BE APPROVED.**

CARRIED

M. REPORTS - LEGAL AND CLERK SERVICES

1. 2022 02 22 – Committee of the Whole (COTW) Follow Up

The Town Clerk provided an overview of the report.

169-03282022

Moved By Councillor Larry Patterson

Seconded By Councillor Tony Gaffan

1. **That the Committee of the Whole recommendation from 2022 02 22 regarding Kingsville Water Meter Replacements and AMI Installation BE APPROVED as follows:**
 - a. **The Town of Kingsville implements AMI Technology to achieve both the non-financial and financial benefits associated with the business drivers listed in the report.**
 - b. **A “Turnkey” Procurement Strategy be implemented instead of soliciting the market for separate components for the AMI system.**
 - c. **Existing assets/infrastructure be allowed for during Procurement.**
 - d. **The Town changes all water meters ten (10) years or older as part of the project.**
 - e. **The Town installs mechanical meters up to 1.5” in diameter and non-mechanical meters for 2” and larger.**
 - f. **A 20% contingency on the installation portion of the project be budgeted to account for potential complications during meter replacements.**
 - g. **This project consists of a 6-month procurement phase beginning in 2022 with a 3-month startup and a 12-month implementation phase starting in 2023.**

CARRIED

2. Return to In-Person Meetings

The Town Clerk provided an overview of the report.

170-03282022

Moved By Councillor Laura Lucier

Seconded By Councillor Larry Patterson

1. **That the graduated return to in-person Council meetings with members of Council and Administration permitted to attend in-person commencing on April 11, 2022 and delegates, presenters and members of the public permitted to attend in-person commencing on May 9, 2022 BE APPROVED.**

CARRIED

N. REPORTS - CAO's OFFICE

1. Vaccination Policy Update

The Manager of Human Resources provided an overview of the report.

Councillor DeYong, having declared an interest, refrained from discussion.

171-03282022

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That the Mandatory Vaccination Policy for employees, members of Council, members of committees of Council, students and volunteers BE RESCINDED.

172-03282022

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That motion 171-03282022 be tabled.

CARRIED

O. CONSENT AGENDA

1. Kingsville BIA Meeting Minutes-February 8, 2022

2. **Kingsville Municipal Heritage Advisory Committee Meeting Minutes--
February 8, 2022**
3. **Union Water Supply System Joint Board of Management Meeting Minutes--
February 16, 2022**
4. **Highland Games--February 17, 2022**
5. **Regular Meeting of Council Minutes--March 14, 2022**
6. **Regular Closed Session Meeting of Council Minutes--March 14, 2022**
7. **Brianne Curry, Fund Development and Volunteer Coordinator, Autism
Ontario--Request that Kingsville proclaim April 2, 2022 as World Autism
Day (See Sample Proclamation attached)**
8. **Lynn McLaughlin, Resident--Request that Kingsville proclaim May as Brain
Tumour Awareness Month (SEE: draft Proclamation attached)**
9. **Township of Woolwich--RE: Resolution passed by Woolwich Township
Council-Mental Health Supports**
10. **Town of Wasaga Beach--RE: County of Simcoe Regional Government
Review Service Delivery Task Force-Fire Services**

Councillor DeYong requested that Items O-7 and O-8 be removed.

173-03282022

Moved By Councillor Tony Gaffan

Seconded By Councillor Laura Lucier

That Consent Agenda Items O-1 to O-6, O-9 and O-10 BE APPROVED.

CARRIED

Consent Agenda Item O-8.

174-03282022

Moved By Councillor Kimberly DeYong

Seconded By Councillor Larry Patterson

**WHEREAS the causes of and cure for brain tumours are unknown and early
detection and treatment is vital to prolonged and improved survival;**

**AND WHEREAS brain tumours strike people of all ages from newborns to
seniors, crossing all economic, social and ethnic boundaries;**

AND WHEREAS brain tumours are the most common cause of solid cancer death in children and young adults;

AND WHEREAS the Brain Tumour Registry of Canada is needed to know the number of Canadian children and adults diagnosed every day;

AND WHEREAS the mission of the Brain Tumour Foundation of Canada is to reach every Canadian affected by a brain tumour through support, education, information and research.

NOW THEREFORE BE IT RESOLVED that the Town of Kingsville proclaims May 2022 as Brain Tumour Awareness Month.

CARRIED

Consent Agenda Item O-7

175-03282022

Moved By Councillor Kimberly DeYong

Seconded By Councillor Larry Patterson

WHEREAS World Autism Day will be recognized on April 2, 2022 in Canada thanks to Senator Jim Munson's Bill S-206, *An Act Respecting World Autism Awareness Day*;

AND WHEREAS Autism Spectrum Disorder (ASD) affects more than 135,000 Ontarians. ASD is a neurodevelopmental disorder affecting 1 in every 66 Canadian children, as well as their friends, family, and community; and approximately 1 to 2% of the Canadian population is on the autism spectrum;

AND WHEREAS ASD is a spectrum disorder, which means it not only manifests itself differently in every individual in whom it appears, but its characteristics will change over the life of each person as well. A child on the autism spectrum will become an adult on the autism spectrum;

AND WHEREAS Autism Ontario is the leading source of information and referral on autism and one of the largest collective voices representing the autism community. Since 1973, Autism Ontario has been providing support, information, and opportunities for thousands of families and individuals across the province;

AND WHEREAS Autism Ontario is dedicated to increasing public awareness about autism and the day-to-day issues faced by individuals

with autism, their families, and the professionals with whom they interact. The association and its Regions share common goals of providing information and education, supporting research, and advocating for programs and services for the autism community

NOW THEREFORE The Council of the Corporation of the Town of Kingsville supports April 2, 2022 as World Autism Day.

CARRIED

P. CORRESPONDENCE

1. Municipality of Leamington--RE: Dedicated Gas Tax Funds for Public Transportation Program

176-03282022

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Thomas Neufeld

That Council endorses the Municipality of Leamington to act as the host municipality for the 2021-2022 Dedicated Gas Tax Funds for Public Transportation Program on the Town of Kingsville's behalf.

CARRIED

Q. NOTICES OF MOTION

Councillor Lucier indicated that at the next Regular Meeting of Council she may move, or cause to have moved the following:

Whereas there has been an increase of visible homelessness in Kingsville;

And Whereas there has likely been an increase in "hidden" homelessness including couch surfing, sleeping in vehicles, and people staying in unsafe living conditions;

And Whereas the pandemic has revealed pre-existing problems and worsened others such as rising rent, addictions, lack of diverse housing, heightened mental health demands, and transportation barriers in rural areas like Kingsville;

And Whereas this is a complex social issue and local/regional supports are limited and clearly not providing an effective solution;

And Whereas this problem is likely to continue to grow, bringing increased human suffering as well as economic and safety concerns.

NOW THEREFORE BE IT RESOLVED THAT COUNCIL:

1. Direct the CAO to organize a Homelessness Working Group consisting of representatives from the municipality, local agencies, businesses, service groups, and those with lived experience to gather information about the current local situation, conduct a review existing services, research best practices, and come up with recommendations to reduce the impact of homelessness on our community, and on the individuals in our community that are experiencing homelessness; and
2. Allocate \$15,000 from COVID Relief Funds to be used to hire a part-time employee on a 6-month contract to lead the Homelessness Working Group on the above initiative.

R. UNFINISHED BUSINESS AND ANNOUNCEMENTS

Mayor Santos reminded that the Kingsville For Ukraine fundraiser event to support the humanitarian relief for the citizens of Ukraine will be held on April 5.

S. BYLAWS

1. **By-law 24-2022**

T. CLOSED SESSION

177-03282022

Moved By Councillor Laura Lucier

Seconded By Deputy Mayor Gord Queen

At 8:41 p.m. pursuant to section 239(2) of the *Municipal Act, 2001*, Council enter into Closed Session to address the following items:

ITEM I) Ontario Land Tribunal Case No. OLT-21-001154; Brotto Investments v. Kingsville (Town); 183 Main Street East-Subsection 239(2)(f)-advice that is subject to solicitor-client privilege, including communications for that purpose and Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality. This is a verbal report from Solicitor S. Hirota;

ITEM II) Vaccination Policy Update discussion; Subsection 239(2)(f)-advice that is subject to solicitor-client privilege.

CARRIED

Upon rising from Closed Session at 9:55 p.m. the following Motion was passed:

178-03282022

Moved By Councillor Larry Patterson

Seconded By Councillor Laura Lucier

That this Regular Meeting continue beyond 10:00 p.m.

CARRIED

U. REPORT OUT OF CLOSED SESSION

Mayor Santos reported that Council had entered into closed session to address two items:

ITEM I) Ontario Land Tribunal Case No. OLT-21-001154; Brotto Investments v. Kingsville (Town); 183 Main Street East-Subsection 239(2)(f)-advice that is subject to solicitor-client privilege, including communications for that purpose and Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality. This is a verbal report from Solicitor S. Hirota; and

ITEM II) Vaccination Policy Update discussion; Subsection 239(2)(f)-advice that is subject to solicitor-client privilege.

In regard to Item I) above Mayor Santos reported that Council received communications and advice under Subsection 239(2)(f) and Subsection 239(2)(e). Council received information and provided direction to the Town Solicitor.

In regard to Item II) above Mayor Santos reported that Council received legal advice under Subsection 239(2)(f).

Council had tabled a motion previously this evening under Agenda Item N-1- Vaccination Policy update Report by Human Resources Manager J. Galea. Council had put forward a motion to support the recommendation as amended to not include volunteer firefighters.

Councillor DeYong, having declared an interest, refrained from discussion in connection with the following Vaccination Policy matters.

179-03282022

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That Council put motion 171-03282022 back on the table.

CARRIED

171-03282022

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Larry Patterson

That the Mandatory Vaccination Policy for employees, members of Council, members of committees of Council, students and volunteers BE RESCINDED.

LOST

180-03282022

Moved By Councillor Thomas Neufeld

Seconded By Councillor Laura Lucier

That the Mandatory Vaccination Policy for all employees, members of Council, members of committees of Council, students and volunteers and volunteer firefighters BE RESCINDED.

CARRIED

By-law 24-2022

181-03282022

Moved By Deputy Mayor Gord Queen

Seconded By Councillor Tony Gaffan

That By-law 24-2022 being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its March 28, 2022 Regular Meeting be read three times and finally passed and that the Mayor and Clerk be authorized to sign same.

CARRIED

V. ADJOURNMENT

182-03282022

Moved By Councillor Tony Gaffan

Seconded By Councillor Kimberly DeYong

That the Regular Meeting adjourn at 10:04 p.m.

CARRIED