



**REGULAR MEETING OF COUNCIL
MINUTES**

Tuesday, November 14, 2017

6:30 PM

Council Chambers

2021 Division Road N

Kingsville, Ontario N9Y 2Y9

Members of Council	Mayor Nelson Santos
	Deputy Mayor Gord Queen
	Councillor Susanne Coghill
	Councillor John Driedger
	Councillor Tony Gaffan
	Councillor Thomas Neufeld
	Councillor Larry Patterson
Members of Administration	J. Astrologo, Director of Corporate Services
	M. Durocher, Parks & Recreation Program Manager
	K. Girard, Municipal Services Manager
	T. Del Greco, Manager of Municipal Facilities and Property
	S. Kitchen, Deputy Clerk-Council Services
	R. McLeod, Manager of Financial Services
	A. Plancke, Director of Municipal Services
	P. Van Mierlo-West, CAO

A. CALL TO ORDER

Mayor Santos called the Regular Meeting to order at 6:30 p.m.

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

1. **Pursuant to Section 239(2) of the Municipal Act, 2001 Council will enter into Closed Session to address the following item:**

702-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

Council enter into Closed Session at 6:30 p.m. pursuant to section 239(2) of the *Municipal Act, 2001* to address the following item:

Update Report by Legal Counsel regarding the status of ongoing litigation pertaining to the expropriation of a portion of waterfront lands for park purposes; (Section 239(2)(e) of the *Municipal Act, 2001* (litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board)).

CARRIED

At 7:06 p.m. Council rose from Closed Session and the Regular Meeting reconvened in Open Session with all members of Council in attendance along with the following members of Administration: CAO P. Van Mierlo-West, Director of Corporate Services J. Astrologo, Deputy Clerk-Council Services S. Kitchen, Director of Municipal Services A. Plancke, Manager of Parks and Recreation Programs M. Durocher, Manager of Municipal Services K. Girard, Manager of Financial Services R. McLeod, and Manager of Municipal Facilities and Property T. Del Greco.

D. 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.

F. DISCLOSURE OF PECUNIARY INTEREST

G. PRESENTATIONS/DELEGATIONS

1. **Karen Pickle on behalf of Andrew Banar and Group Hug Apparel will speak to the activities and blue and gold ribbon campaign of Canadian Down Syndrome Awareness Week that was held November 1-7, 2017**

Andrew Banar outlined some of the activities that he participated in this past week in honour of Canadian Down Syndrome Awareness week that was held November 1-7, 2017.

2. **Susan Dupont Baptista, Joan Cotte, Andrea Mercier, Arlene Murphy of Artisan Alley--Request dated October 30, 2017 RE: Presentation on Grant Funding Request of Artisan Alley initiative**

Ms. Dupont Baptista and Ms. Mercier presented the Artisan Alley initiative.

703-2017

Moved by Councillor Thomas Neufeld

Seconded by Councillor Tony Gaffan

Council direct Administration to prepare a Report identifying the property owners of the alley behind the northwest block of businesses at the corner of Division St. North and Main St. and a costing of the paving of the area.

CARRIED

H. AMENDMENTS TO THE AGENDA

Deputy Mayor Queen added one Notice of Motion

Mayor Santos added one Announcement and one Update.

I. ADOPTION OF ACCOUNTS

1. **Town of Kingsville Accounts for the monthly period ended October 31, 2017 being TD cheque numbers 0063370 to 0063641 for a grand total of \$1,792,128.94**

704-2017

Moved by Councillor Thomas Neufeld

Seconded by Councillor John Driedger

That Council approve Town of Kingsville Accounts for the monthly period ended October 31, 2017 being TD cheque numbers 0063370 to 0063641 for a grand total of \$1,792,128.94

CARRIED

J. STAFF REPORTS

1. **Fantasy of Lights Sip and Shop**

M. Durocher, Parks and Recreation Programs Manager.

705-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Susanne Coghill

Council approves the request for Event of Municipal Significance status for the 2017 Fantasy of Lights Festival.

CARRIED

2. Q3 Financial Status Update Report to September 30 2017

Ryan McLeod, Manager of Financial Services, presented the report in Ms. Zwiers' absence.

706-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Susanne Coghill

That the Building, Information Technology and Financial Services Departments work together to improve the technology available to the Building Department to enhance efficiencies in that department.

CARRIED

707-2017

Moved by Councillor Thomas Neufeld
Seconded by Councillor Larry Patterson

That Council approve the transfer of any unspent balances in General Administration Professional Services (60319) and General Insurance Deductible (60313) to the General Administration Working Capital Reserve (31060) for use against future legal and claim expenses.

That Council approve the transfer of \$11,500 from Donations and Grants (60390) to the Affordable Housing Initiative Reserve (31060) representing the approved 2017 allocation to Habitat for Humanity.

That Council approve the transfer of any positive budget variance from the Marina budget to the Marina Reserve (31057).

CARRIED

3. External Audit Services – Extension Agreement

R. McLeod, Manager of Financial Services

708-2017

Moved by Councillor Larry Patterson

Seconded by Councillor Tony Gaffan

Council authorize the municipality to engage BDO Canada LLP for the audit of the municipality's Financial and Trust Fund statements for the years ending 2017 through 2021.

CARRIED

4. Royal Oak at the Creek Phase 8b (Robin Crt. / Lukas Dr.) Initial Acceptance

A. Plancke, Director of Municipal Services

709-2017

Moved by Councillor Tony Gaffan

Seconded by Councillor Thomas Neufeld

That Council concur with the request of the Developer's Consultant to initially accept the Royal Oak at the Creek Phase 8b Subdivision onto "Maintenance" for a period of no less than one year, and that the Clerk provide written confirmation to the Developer of the date of initial acceptance of the development by Council resolution.

CARRIED

5. Millbrook Phase 2 Stage 2 (Woodland St. Hazel Cr.) Initial Acceptance

A. Plancke, Director of Municipal Services

710-2017

Moved by Councillor Larry Patterson

Seconded by Councillor John Driedger

That Council concur with the request of the Developer's Consultant to initially accept the Millbrook Phase 2 Stage 2 Subdivision onto "Maintenance" for a period of no less than one year, and that the Clerk provide written confirmation to the Developer of the date of initial acceptance of the development by Council resolution.

CARRIED

6. Contract No. MS17-202 - County Road 18 Watermain Extension

K. Girard, Manager of Municipal Services

711-2017

Moved by Councillor Thomas Neufeld

Seconded by Councillor Tony Gaffan

That Council:

Receive the letter of recommendation from Stantec Consulting and authorize the award of Contract Number MS17-202 for the County Road 18 Watermain Extension to Coco Paving in the amount of \$536,959.20 (not including HST); and

Pre-approve the oversizing capital cost of \$26,833.90 (not including HST), which will form part of the 2018 Water Capital Budget and be funded by a transfer from the Water Future Waterline Maintenance Reserve; and

Direct Administration to prepare the necessary authorizing by-law.

CARRIED

7. Bridge and Culvert Inspections Report

K. Girard, Manager of Municipal Services

712-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

That Council receives the 2017 Bridge and Culvert Inspections report.

CARRIED

8. Dog Park Fence Screening

T. Del Greco, Manager of Municipal Facilities and Property

713-2017

Moved by Councillor Thomas Neufeld

Seconded by Councillor Susanne Coghill

Council receive this report regarding dog park fencing for their information and administration to monitor and address any concerns received following the annual tree planting program.

CARRIED

9. Arena Generator

T. Del Greco, Manager of Municipal Facilities and Property

714-2017

Moved by Councillor Tony Gaffan

Seconded by Councillor Susanne Coghill

Council approve the proposal submitted by Phasor Industrial in the amount of \$74,995 (excluding HST) for the supply of a 300kw Sommers generator to Kingsville Arena.

CARRIED

10. Posthumus v Ontario, Tribunal Hearing, Case No.: 16-110

J. Astrologo, Director of Corporate Services/Clerk

715-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

That Council authorize Administration to further investigate participating in the Environmental Land Tribunal Hearing (Case No: 16-110) involving Matthew Posthumus and the Ministry of Environment and Climate Change as either a Participant or Presenter and to provide the requisite notification to the Case Coordinator of same.

CARRIED

11. Animal Control Committee Matters – Tender, Pound Budget, and temporary Pound use by Amherstburg

J. Astrologo, Director of Corporate Services/Clerk

716-2017

Moved by Councillor Susanne Coghill

Seconded by Councillor Thomas Neufeld

That Council authorize the entering into of an agreement with Essex County K9 Services for the provision of animal control and pound services in the Town of Kingsville and Municipality of Leamington for a term of three years at an annual cost of \$70,000, plus HST; and a cost of \$70, plus HST for each wildlife removal call.

CARRIED

717-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

That Council receive the recommendation from the Joint Animal Control Committee to pre-approve the 2018 Joint Animal Control Committee Budget and to defer the recommendation for discussion during the 2018 Municipal Budget Deliberations.

CARRIED

718-2017

Moved by Councillor Susanne Coghill

Seconded by Councillor John Driedger

Council approve the entering into of an agreement with the Town of Amherstburg to utilize the dog pound facility from October 25, 2017 until December 31, 2017 at a per diem rate of \$25.00 and one-time fee of \$75.00 per dog; and further, that the Municipality of Leamington and Town of Kingsville enter into an agreement with Larry Wood to pay a per diem rate of \$25.00 in respect of the care of dogs received from the Town of Amherstburg and housed at the dog pound facility during the period commencing October 25, 2017 until December 31, 2017.

CARRIED

K. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

- 1. MADD Message Yearbook Advertising Information--Request for supportive advertisement (business card \$279) in last edition of the MADD message yearbook.**

719-2017

Moved by Councillor Thomas Neufeld

Seconded by Councillor Tony Gaffan

That Council approve Business Card Size ad in the last edition of the MADD Message Yearbook.

CARRIED

2. WindsorEssex Economic Development Corporation--Request for Council Resolution highlighting the importance of the auto industry to Municipalities in Ontario

720-2017

Moved by Councillor Larry Patterson

Seconded by Deputy Mayor Gord Queen

WHEREAS, the auto sector directly employs over 101,000 people in Ontario, and indirectly supports the creation of more than 300,000 good jobs in communities nationwide; and

WHEREAS, the automotive industry represents Canada's largest manufacturing sector, Ontario's chief export and the economic lifeblood of hundreds of Canadian communities; and

WHEREAS a thriving auto sector is an essential part of Kingsville's local economy, stimulating growth, innovation and good, high-paying jobs; and

WHEREAS the Windsor-Essex Region is Canada's automotive "epicentre", employing over 18,000 workers, including home to FCA Canada's Windsor Assembly Plant, the country's single biggest manufacturing facility by employment; and

WHEREAS, Canada's auto sector has been deeply integrated with that of the United States since the early-20th century, as indicated by the 1965 Canada-US Auto Pact; and

WHEREAS the North American Free Trade Agreement governs nearly every aspect of Canada and the United States' economic relationship, including the import and export of auto parts and vehicles; and

WHEREAS, even minor changes to the established trade relationship between Canada and the United States could have enormous consequences for workers and consumers on both side of the border; and

WHEREAS, in 2016 the government of Ontario and Michigan signed a Memorandum of Understanding calling for increased cooperation and partnership between their two automotive sectors; and

WHEREAS, Canada's economic future and continued wellbeing of Kingsville's economy depend on a thriving automotive sector.

THEREFORE BE IT RESOLVED COUNCIL:

Join with Councils across Ontario in calling on the federal government to recognize Canada's automotive sector as a key priority throughout the NAFTA negotiations.

CARRIED

L. MINUTES OF THE PREVIOUS MEETINGS

- 1. Regular Meeting of Council-October 23, 2017**
- 2. Regular 'Closed Session' Meeting of Council--October 23, 2017**
- 3. Special Meeting of Council--November 6, 2017**

721-2017

Moved by Councillor John Driedger

Seconded by Councillor Thomas Neufeld

That Council adopt Regular Meeting of Council Minutes dated October 23, 2017, Regular 'Closed Session' Meeting of Council Minutes dated October 23, 2017, and Special Meeting of Council Minutes dated November 6, 2017.

CARRIED

M. MINUTES OF COMMITTEES AND RECOMMENDATIONS

- 1. Kingsville BIA--September 12, 2017**

722-2017

Moved by Councillor Tony Gaffan

Seconded by Councillor Susanne Coghil

That Council receive Kingsville B.I.A. Meeting Minutes dated, September 12, 2017.

CARRIED

2. Planning Advisory Committee--September 19, 2017

723-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

That Council receive the Planning Advisory Committee Meeting Minutes, dated September 19, 2017.

CARRIED

3. Parks, Recreation, Arts and Culture Committee--September 21, 2017

724-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

That Council receive the Parks, Recreation, Arts and Culture Committee Meeting Minutes dated September 21, 2017 together with the Minutes of the following sub-committees: Fantasy of Lights, dated June 20, 2017; Communities in Bloom, dated July 14, 2017; Migration Festival Committee, dated July 25, 2017; and The 55+ Committee, dated July 12, 2017.

CARRIED

4. Kingsville Police Services Board--September 27, 2017

725-2017

Moved by Councillor Larry Patterson

Seconded by Councillor Susanne Coghill

That Council receive Kingsville Police Services Board Meeting Minutes, dated September 27, 2017.

CARRIED

5. Kingsville Municipal Heritage Advisory Committee--September 28, 2017

726-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

That Council receive Kingsville Municipal Heritage Advisory Committee Meeting Minutes dated, September 28, 2017.

N. BUSINESS CORRESPONDENCE - INFORMATIONAL

- 1. Town of Essex--Correspondence dated October 13, 2017 to Town of Halton Hills in support of Town of Halton Hills resolution supporting zero tolerance for racism of any kind**
- 2. Town of Essex--Notice of Public Meeting for Revisions to the Zoning By-law of the Town of Essex**
- 3. Municipality of Morris-Turnberry--Correspondence dated October 17, 2017 RE: Resolution concerning the Tenanted Farm Tax Class properties being changed to the Residential Tax Class**
- 4. Town of Tecumseh--Correspondence from Mayor McNamara and CAO Haddad to Minister of Labour, dated November 3, 2017 RE: Bill 148, Fair Workplaces, Better Jobs Act**
- 5. Town of Mono--Correspondence dated October 30, 2017 to Premier of Ontario RE: Resolution by Town of Mono Council supporting the Township of Montague's resolution regarding the on-call provision of Bill 148**
- 6. Township of North Frontenac--Correspondence dated October 19, 2017 for support of Motion 470-17 re: the negative impacts of Bill 148, including potential increase of costs on Volunteer Fire Departments.**
- 7. Town of Amherstburg--Correspondence dated October 20, 2017 from Deputy Clerk T. Fowkes advising of Amherstburg Town Council Resolution in support of concrete barriers on Highway 401**
- 8. Tracey Ramsey MP-Essex--Correspondence dated October 24, 2017 to Minister of Environment and Climate Change**
- 9. Ontario Minister of Finance--Correspondence dated October 27, 2017 RE: Cannabis Legalization**
- 10. Email correspondence to Mayor Santos from Lynn Dollin, Association of Municipalities of Ontario President dated October 20, 2017, with link to AMO 2016 Federal Gas Tax Fund Annual Report**
- 11. Minister of Housing / Minister Responsible for the Poverty Reduction Strategy--Correspondence dated October 20, 2017 about the Fair Housing Plan**

727-2017

Moved by Councillor Larry Patterson

Seconded by Councillor Tony Gaffan

That Council receive Business Correspondence -Informational items 1 to 11.

CARRIED

O. NOTICES OF MOTION

- 1. Councillor Neufeld may move, or cause to have moved, that in light of the ammonia leak that occurred in an arena in British Columbia, which resulted in the deaths of three men:**

728-2017

Moved by Councillor Thomas Neufeld

Seconded by Councillor Tony Gaffan

That in light of the ammonia leak that occurred in an arena in British Columbia which resulted in the deaths of 3 men, that Administration provide a report to Council outlining the preventative maintenance schedule at the arena and best practices that should be implemented to prevent this type of incident from occurring at the arena in Kingsville.

CARRIED

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

729-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghil

That in follow up to the matter involving lands at 194 Division St. North, Council direct Administration to explore the possibility of seeking a resolution that will satisfy all interested parties.

CARRIED

- 3. Deputy Mayor Queen may move, or cause to have moved, that Administration provide an update regarding lands and contracts that affect lands owned by the Town at 85 Park Street (correspondence attached)**

730-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

That Council direct Administration to provide an update regarding lands and contracts that affect lands owned by the Town at 85 Park St.

CARRIED

- 4. Deputy Mayor Queen may, at the next Regular Meeting, move or cause to have moved, that**

Council direct Administration and another member or members of Council to deal with the issue of Migration Hall as it relates to Community Use and Community interest, with the assistance of the Clerk/Director of Corporate Services.

P. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

Mayor Santos invited members to the upcoming 25th Annual Fantasy of Lights events.

Mayor Santos advised of correspondence received from the Minister in regards to Bill 148 to address the on-call pay and 96 hours' notice scheduling rules.

Q. BYLAWS

- 1. By-law 110-2017**

731-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Thomas Neufeld

That Council read By-law 110-2017, being a by-law to provide for the collection of the costs incurred for drainage works for numerous drains all in the Town of Kingsville, a first, second and third and final time.

CARRIED

- 2. By-law 112-2017**

732-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor John Driedger

Council read By-law 112-2017, being a by-law under the *Municipal Act, 2001*, Part 8, Section 408; to authorize the issue of three series of debentures to

consolidate the financing of construction and/or maintenance of numerous drains all in the Town of Kingsville, a first, second and third and final time.

CARRIED

3. By-law 117-2017

733-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council read By-law 117-2017, being a By-law authorizing the entering into of an Agreement with Shilson Excavation and Trucking Inc. for the general improvements to the McDonald Drain (Geographic Township of Gosfield South), along with the replacement and improvements to the existing access bridges and road crossing culverts within the McDonald Drain (N. J. Peralta Engineering Ltd. Project No.: D-13-028) a first, second and third and final time.

CARRIED

R. REPORT OUT OF CLOSED SESSION

Mayor Santos reported that Council received an update report from its legal counsel with respect to the status of ongoing litigation pertaining to the expropriation of a portion of waterfront lands for park purposes and direction was provided to counsel in this regard.

S. CONFIRMATORY BY-LAW

1. By-law 119-2017

734-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

That Council read By-law 119-2017, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its November 14, 2017 Regular Meeting a first, second and third and final time.

CARRIED

T. ADJOURNMENT

735-2017

Moved by Councillor Larry Patterson

Seconded by Councillor Tony Gaffan

Council adjourn this Regular Meeting at 8:46 p.m.

CARRIED

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo