



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, January 9, 2017
7:00 PM
Council Chambers
2021 Division Road N
Kingsville, Ontario N9Y 2Y9**

Members of Council	Mayor Nelson Santos Councillor Tony Gaffan Councillor Thomas Neufeld Councillor Susanne Coghill Councillor Larry Patterson Deputy Mayor Gord Queen Councillor Sandy McIntyre
Members of Administration	P. Van Mierlo-West, CAO K. Vegh, Drainage Supervisor R. Brown, Manager of Planning & Development Services J. Astrologo, Director of Corporate Services S. Kitchen, Deputy Clerk-Council Services S. Zwiers, Director of Financial Services Jennifer Alexander

A. CALL TO ORDER

Mayor Santos called the Regular Meeting to order at 7:00 p.m.

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. PLAYING OF NATIONAL ANTHEM

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. PRESENTATIONS/DELEGATIONS

None.

F. MATTERS SUBJECT TO NOTICE

1. Engineer's Report Consideration - N. J. Peralta Engineering Ltd.

Engineer Peralta presented the Engineer's Report. There were no questions or comments from anyone in attendance in the audience.

1-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

Council adopt Engineer's Report prepared by N. J. Peralta Engineering Ltd. dated November 7, 2016 (Project No. D-15-015), read By-law 2-2017, being a by-law to provide for the construction of a bridge over the Graham Sideroad Drain; Owner: Roger and Gloria Congdon (510-00800) in the Town of Kingsville, in the County of Essex a first and second time; and schedule Court of Revision for a future date

CARRIED

2. Right of Access By-law

Mr. Brown presented his report providing Council with a draft version of the possible by-law to permit access to adjoining properties for the purpose of repair and maintenance. He indicated that various Cedar Island residents had contacted him. The questions raised by the residents centred around the proposed timelines of the by-law and the type of work that would be permitted (i.e. repairs vs. regular maintenance such as window, siding or gutter cleaning, etc.). Mr. Brown indicated that once all public feedback is received, and the final proposed draft by-law is prepared, it will be circulated to legal counsel for review and comment. Mr. Brown will also prepare and provide a form of notice which residents utilizing the right-of-way access by-law would circulate to an adjoining property owner.

Comments from the Cedar Island residents in attendance:

Irene Schneider stated that she is in favour of the proposed by-law. A fence on an adjoining property is built six inches from her cottage. She advised that water sits around the property foundation because it has no place to go. She inquired about the erosion issues and how the property owner was allowed to erect the 8-foot fence in the first place..

Mr. Brown advised that erosion and run-off is a separate issue.

Barbara Langlois stated that she cannot access the back of her property because a gate was put up on one adjacent property and a fence was erected on another. She asked what avenues she can use to arrive at a solution, or in the event that does not work, that this proposed right-of-access by-law would be used.

Cindy Morel indicated that she may find herself in the same situation as all the lots on the island are 25 foot lots. She indicated she is in favour of the proposed by-law.

Gary Janisse stated that he wondered if it might be helpful for the Town to consider requiring fence construction permits.

Mr. Brown stated he would follow-up on the fence height issue. He also indicated he would look at the yard maintenance by-law to determine whether there are any provisions in that by-law that would apply.

2-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council direct Administration to present a final version of the Right-of-Access By-law for consideration at the February 13, 2017 Regular Meeting of Council.

CARRIED

G. AMENDMENTS TO THE AGENDA

Deputy Mayor Queen added seven Notices of Motion.

H. ADOPTION OF ACCOUNTS

Town of Kingsville Accounts for the monthly period ended December 31, 2016

3-2017

Moved by Councillor Sandy McIntyre

Seconded by Councillor Susanne Coghill

Council approve Town of Kingsville Accounts for the monthly period ended December 31, 2016 being TD Cheque numbers 0060587 to 0060902 for a grand total of \$1,960,643.43

CARRIED

I. STAFF REPORTS

1. Capital Financing and Debt Management Policy

4-2017

Moved by Councillor Thomas Neufeld

Seconded by Councillor Larry Patterson

That Council approves the Capital Financing and Debt Management Policy FIN-03.

CARRIED

2. PLC/03/16 - Exemption from Part Lot Control 1156722 Ontario Limited; Lots 9 and 19-36 on Plan 12M-619, York Subdivision, Phase 4B

R. Brown, Manager of Planning and Development Services presented the report in Ms. Brcic's absence.

5-2017

Moved by Councillor Thomas Neufeld

Seconded by Councillor Tony Gaffan

It is recommended that Council enact Part Lot Control Exemption By-law 117-2016 to allow Lots 9 and 19-36 on Plan 12M-619 to be exempt from Section 50(5) of the Planning Act, and that Council authorize and direct Development Services to register the by-law on title.

Recorded	YEA	NAY
Mayor Nelson Santos	X	
Councillor Tony Gaffan	X	
Councillor Thomas Neufeld	X	
Councillor Susanne Coghill	X	

Councillor Larry Patterson	X	
Deputy Mayor Gord Queen		X
Councillor Sandy McIntyre	X	
Results	6	1

CARRIED

3. 2017 Cat Intake Program – Windsor Essex County Humane Society

6-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

That Council receives the 2017 Cat Intake Program Report for information and postpone consideration of continuing the program to upcoming budget deliberations.

CARRIED

4. 2017 Cat Spay and Neuter Voucher Program

7-2017

Moved by Councillor Tony Gaffan

Seconded by Councillor Susanne Coghill

That Council receives the 2017 Cat Spay and Neuter Voucher Program for information and postpone consideration of the 2017 Program, in the amount of \$6,500 and the requirement of ear tipping for all feral cat vouchers, to upcoming budget deliberations.

CARRIED

5. Records Management Plan

8-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Sandy McIntyre

That Council receives this report regarding the Records Management Plan and considers the request for \$10,000 to move forward with the Plan at an upcoming budget meeting.

CARRIED

J. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

1. Windsor-Essex County Health Unit Correspondence, dated November 21, 2016

9-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

That Council accept the offer of the Windsor-Essex County Health Unit that it appear before Council to further discuss the matter of beach sampling, including a discussion of past and current environmental assessments.

CARRIED

2. Municipality of Leamington

3. Federal Economic Development Agency for Southern Ontario

A further report will be provided with additional details.

11-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

That Council endorses the Town of Kingsville's Canada 150 Community Infrastructure Program Project Application #809576 - Renovation of Grovedale Arts and Culture Centre which has been approved by the Federal Economic Development Agency for Southern Ontario in the amount of up to \$181,500 and authorizes the execution of the CIP 150 contribution agreement.

CARRIED

4. Corporation of the County of Essex

12-2017

Moved by Councillor Larry Patterson
Seconded by Councillor Tony Gaffan

Council authorize the entering into of an Agreement to Amend the Emergency Medical Services Lease Agreement with the Corporation of the County of Essex

CARRIED

5. Amendment of Appointment By-law 1-2015

13-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Tony Gaffan

That Council amend the appointment by-law for the Personnel Committee to appoint Councillors Susanne Coghill and Thomas Neufeld for the term starting January 1, 2017 to December 31, 2017; and further that Council appoint Susanna Child to fill a vacancy in the Older Adults Advisory Committee.

CARRIED

K. MINUTES OF THE PREVIOUS MEETINGS

1. Regular Meeting of Council - December 12, 2016

14-2017

Moved by Councillor Thomas Neufeld
Seconded by Councillor Sandy McIntyre

Council adopt Regular Meeting of Council Minutes dated December 12, 2016

CARRIED

2. Regular 'Closed Session' Meeting of Council - December 12, 2016

15-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Larry Patterson

Council Adopt Regular 'Closed Session' Meeting Minutes dated December 12, 2016

CARRIED

L. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. Kingsville BIA--November 8, 2016

16-2017

Moved by Councillor Tony Gaffan

Seconded by Councillor Susanne Coghill

Council receive Kingsville BIA Minutes dated November 8, 2016

CARRIED

2. Accessibility Advisory Committee--November 8, 2016

17-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Sandy McIntyre

Council receive Kingsville Accessibility Advisory Committee Meeting Minutes dated November 8, 2016

CARRIED

3. Municipal Heritage Advisory Committee--November 22, 2016

18-2017

Moved by Councillor Susanne Coghill

Seconded by Councillor Sandy McIntyre

Council receive Kingsville Municipal Heritage Advisory Committee Meeting Minutes dated November 22, 2016

CARRIED

4. Union Water Supply System Joint Board of Management-November 16, 2016

19-2017

Moved by Councillor Thomas Neufeld

Seconded by Councillor Larry Patterson

Council receive Union Water Supply System Joint Board of Management Meeting Minutes dated November 16, 2016

CARRIED

M. BUSINESS CORRESPONDENCE-INFORMATIONAL

- 1. MPAC**
- 2. Essex Region Conservation Authority**
- 3. Essex Region Conservation Authority**
- 4. Township of Hornepayne**
- 5. Megan Wise, Bursary Recipient**
- 6. Township of Zorra**
- 7. AMO-Office of the President**
- 8. Ontario Trillium Foundation**
- 9. Town of Richmond Hill**
- 10. Town of Amherstburg**

20-2017

Moved by Councillor Susanne Coghill

Seconded by Councillor Tony Gaffan

Council receive information items 1-10 as outlined.

CARRIED

N. NOTICES OF MOTION

- 1. Councillor S. McIntyre may move, or cause to have moved, a motion that the balance of funds in her Convention Account (2016) be allocated to the Mettawas Park Project**

21-2017

Moved by Councillor Sandy McIntyre

Seconded by Councillor Susanne Coghill

That the balance of Councillor McIntyre's funds in her convention account from 2016 be allocated to the Mettawas Park project.

CARRIED

2. Notices of Motion received from Deputy Mayor Queen at this Regular Meeting

i) RE: Kings Landing

At the next Regular Meeting of Council G. Queen may move or cause to have moved that Council be provided with the detail as to the date and time of the Public Input Sessions planned by the Parks and Recreation Program Manager and the Manager of Municipal Facilities and Property to gain the public input required in respect to the property commonly known as King's Landing or The Grovedale House. (Reference Nov. 14/16 Motion 642-2016);

ii) RE: Parks Master Plan

At the next Regular Meeting of Council G. Queen may move or cause to have moved that Administration provide Council with a detailed cost estimate for the in-depth review of the Parks Master Plan with such scope and detail as was provided by the original firm that provided the 2013 plan. Such detail and estimated cost to be provided prior to completion of the 2017 Town of Kingsville Budget

iii) RE: Ontario Greenhouse Vegetable Growers' request RE: Motion 341-2016 "Administration to conduct further research in regard to the Ontario Greenhouse Vegetable Growers' request for Kingsville Sanitary Sewer Expansion and bring back a report to Council"

Motion for Council to receive an update report on the above-noted project (Ref. Minutes and May 5/16 Letter and Petitions)

iv) RE: ATI

At the next Regular Meeting of Council G. Queen may move or cause to have moved that Council be provided with a status update in respect to the site commonly referred to as ATI. Such report may include an update noting the current status of any legal actions between the property owners, ATI and the Town of Kingsville. .

v) RE: Harbour Dredging

At the next Regular Meeting of Council G. Queen may move or cause to have moved that Council be provided with information as to the state of any dredging that may be undertaken at Kingsville Harbour in 2017. (Reference: Notes from August 10, 2015 Regular Minutes following Motion 523-2015)

vi) RE: Home Office and Contractor's Yard Construction

At the next Regular Meeting of Council G. Queen may move or cause to have moved a request for follow-up information to be provided to Council on the following matter: Home Office and Contractor's Yard Construction County Road 20, North Side; 1552843 Ontario Ltd. o/a Noah Homes (Reference: Danielle Stevenson, Planner, Report dated Feb 13/08 and By-law 76-2010 that included an undertaking to construct a home on the site within two years).

O. UNFINISHED BUSINESS, ANNOUNCEMENT, AND UPDATES

1. Unfinished Business

Consideration of Kingsville Accessibility Advisory Committee Motion KAAC 27-2016

Councillor Neufeld asked Council to consider KAAC Recommendation #27-2016 (Agenda Item L-2) that Council consider adopting and installing a limited mobility parking spot at 2021 Division Road North in 2017.

22-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

Council request that Administration prepare a Report regarding a limited mobility parking space at 2021 Division Road North, including Administration's recommendation as to where the parking space and signage will be placed.

CARRIED

P. BYLAWS

1. By-law 117-2016

23-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council read By-law 117-2016, being a by-law to exempt certain lands from Part Lot Control (York Subdivision, Phase 4B-Plan 12M-619), a first, second and third and final time.

CARRIED

2. By-law 1-2017

24-2017

Moved by Councillor Susanne Coghill
Seconded by Councillor Sandy McIntyre

Council read By-law 1-2017, being a by-law appointing members to the Committee of Adjustment for the 2017 calendar year, a first, second and third and final time.

CARRIED

3. By-law 2-2017

25-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Larry Patterson

Council ready By-law 2-2017, being a by-law to provide for the construction of a bridge over the Graham Sideroad Drain; Owner: Roger and Gloria Congdon (510-00800) in the Town of Kingsville, in the County of Essex a first and second time.

CARRIED

4. By-law 3-2017

26-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Thomas Neufeld

Council read By-law 3-2017, being a by-law authorizing the entering into of an Agreement Amending the Emergency Medical Services Station Lease Agreement between The Corporation of the Town of Kingsville and The Corporation of the County of Essex, a first, second and third and final time.

CARRIED

5. By-law 6-2017

27-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Sandy McIntyre

Council read By-law 6-2017, being a by-law to amend By-law 1-2015, being a By-law to appoint certain members of Council and individuals to Boards and Committees a first, second and third and final time.

CARRIED

Q. CLOSED SESSION

28-2017

Moved by Councillor Sandy McIntyre

Seconded by Councillor Susanne Coghill

Council, pursuant to Section 239(2) of the Municipal Act, 2001, at 9:11 p.m. entered into Closed Session to address the following item:

1. Section 239(2)(f) being advice subject to solicitor-client privilege, including communications necessary for that purpose, being Report of the Director of Corporate Services J. Astrologo RE: Mettawas Park Phase 1

CARRIED

The Regular Meeting reconvened in Open Session at 9:32 p.m.

1. **Section 239(2)(f) being advice subject to solicitor-client privilege, including communications necessary for that purpose, being Report of the Director of Corporate Services, J. Astrologo RE: Mettawas Park Phase 1**

R. REPORT OUT OF CLOSED SESSION

There were no items to report.

S. CONFIRMATORY BY-LAW

1. **By-law 7-2017**

29-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

Council read By-law 7-2017, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its January 9, 2017 Regular Meeting, a first, second and third and final time.

CARRIED

T. ADJOURNMENT

30-2017

Moved by Councillor Susanne Coghill

Seconded by Councillor Tony Gaffan

Council adjourn this Regular Meeting at 9:33 p.m.

CARRIED

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo