



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, February 27, 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
Absent	Councillor Sandy McIntyre
Members of Administration	A. Plancke, Director of Municipal Services K. Vegh, Drainage Supervisor R. Brown, Manager of Planning & Development Services K. Galinac, Planner J. Astrologo, Director of Corporate Services S. Kitchen, Deputy Clerk-Council Services S. Zwiers, Director of Financial Services

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 called for a moment of silence and reflection and the playing of the National Anthem.

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

1. Richard Wyma, General Manager/Secretary-Treasurer of Essex Region Conservation Authority

Mr. Richard Wyma presented the 2016 ERCA annual report and video, and 2017 Budget.

213-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council receive 2016 Essex Region Conservation Authority Report, video presentation, and 2017 Budget as presented by R. Wyma, General Manager/Secretary Treasurer.

CARRIED

F. MATTERS SUBJECT TO NOTICE

1. Zoning By-law Amendment ZBA/02/17 & Site Plan Approval SPA/01/17 M & M Farms Ltd. 1755 Road 4 E (County Rd. 18) Part of Lot 11, Concession 3 ED

R. Brown, Manager of Planning and Development Services

i) Planning Report, dated February 13, 2017;

ii) Proposed By-law 30-2017, being a By-law to Amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville, 1755 Road 4 East (County Road 18)

There were no questions from anyone in attendance in the audience.

214-2017

Moved by Councillor Thomas Neufeld

Seconded by Councillor Tony Gaffan

Council:

1. approve zoning amendment application ZBA/02/17 (M & M Farms Ltd., 1755 Road 4 East (County Rd. 18)) to rezone a portion of the subject property from 'Extractive Industrial (M4)' to 'Agriculture Zone 1 (A1)', and adopt the implementing by-law.
2. approve the proposed site plan, subject to the conditions outlined in the site plan agreement, for a two phase 9.8 ha (24.34 ac.) greenhouse with auxiliary warehouse and supporting facilities and authorize the Mayor and Clerk to sign the site plan agreement and register said agreement on title (SPA/01/17).

CARRIED

2. Zoning By-law Amendment ZBA/04/17 & Site Plan Approval SPA/02/17 720 Road 4 W

R. Brown, Manager of Planning and Development Services

- i) Planning Report dated February 14, 2017;
- ii) Proposed By-law 31-2017, being a By-law to Amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville
- iii) Comments from resident, P. Welker, 653 Road 4 West dated February 21, 2017.

Comments from the audience:

Richard Welker, of Welker Farms Ltd, 160 Road 5 West, Cottam indicated that he opposes the proposed application for a small scale manufacturing operation. He outlined the concerns set out in Paul Welker's email correspondences (item 2iii) including traffic that may turn around in the yard across the street from the site, garbage collection, noise, setbacks, ventilation, whether retail sales will occur from the building, and potential odours emanating from the site. He farms the adjacent lands and will be spraying the crops and conducting the ordinary course of his farming practices.

Ron Tomlin, residing at 653 Road 4 West, stated that he has concerns regarding traffic, the width of the existing driveway at the subject property, fire response accessibility, ventilation, water runoff, and dust. He feels any zoning change will be detrimental to the property and the neighbourhood and requested Council to consider deferring the matter to a later date to provide him time to accumulate more information and provide more input.

Mr. Brown confirmed the proponent will sell the manufactured product off-site through existing retailers in other areas and that the site plan agreement will address proper access, drainage and so forth to minimize any potential impact to the area. The Town's Fire Department did not have any objections to this application. Mr. Brown does not feel there will be a negative impact on the surrounding farm.

There were no further comments from anyone in attendance in the audience.

Deputy Mayor Queen commented that the actual traffic will not be greater than what existed in the past and explained that no farmland is being taken out of the equation.

215-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council:

1. approve zoning amendment application ZBA/04/17 (720 Rd. 4 West (County Road 18)) to rezone the subject property to a site specific 'Agriculture Zone 1 Exception 59 (A1-59)' to permit a manufacturing use, limited to the production of decorative concrete products and adopt the implementing by-law.
2. approve the proposed site plan, subject to the conditions outlined in the site plan agreement, for the construction of a 19.5 m x 24.4 m (64 ft. x 80 ft.) building and associated driveway and parking area and authorize the Mayor and Clerk to sign the site plan agreement and register said agreement on title.

CARRIED

3. ZBA/03/17 - Application for Zoning Amendment Sunvalley Hydroponics Ltd. 1579 Albuna Townline Pt. Lot 18, Concession 8 Roll No. 3711 290 000 19701

K. Brcic, Town Planner.

i) Planning Report dated February 14, 2017

ii) Proposed By-law 13-2017, 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 anyone in attendance in the audience.

216-2017

Moved by Councillor Tony Gaffan

Seconded by Deputy Mayor Gord Queen

Council approve Zoning By-law Amendment ZBA/03/17 to rezone the retained lands relative to the granted consent (B/16/16) from 'Agriculture Zone 1 (A1)' to 'Agriculture – Restricted Zone 2 (A2)' on lands currently known as 1579 Albuna Townline, and adopt the implementing by-law 13-2017.

CARRIED

4. ZBA/13/16 - Application for Zoning By-law Amendment Wayne & Connie Stockwell 182 County Road 27 E CON NTR, PT Lot 269 Roll # 3711 270 000 06100

K. Brcic, Town Planner

i) Planning Report, dated February 15, 2017

ii) Proposed By-law 25-2017, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Comments from the audience:

Solicitor William Kendrick, representing Ridgeview Parks Estates Limited, explained that Ridgeview Park Estates is a 2-phased development that is presently awaiting sewage capacity for completion of Phase 2. He stated that he feels this application should be delayed until capacity issues in Cottam are dealt with. He also has concerns regarding the rear yards collecting weeds and debris and potentially creating a fire hazard. For background information, he distributed a draft Plan of Ridgeview Park Estates (Part of Lot 270, Concession N.T.R.) as prepared by Thames Valley Engineering Inc. dated April, 1988.

217-2017

Moved by Councillor Tony Gaffan

Seconded by Councillor Larry Patterson

Council receive handout sketch as provided at this Regular Meeting by Solicitor William Kendrick on behalf of Ridgeview Park Estates Limited.

CARRIED

Linda Burling, 185 County Rd. 27 East asked for clarification pertaining to drainage, sewage capacity, and permitted uses under the proposed 'Rural

Residential Exception 12 (RR-12)' designation. Ms. Brcic responded that the Applicants will be providing an engineer's report for the drainage; that sewage provisions will be dealt with in the Development Agreement; and that single family dwelling housing and accessory structures are allowed under the RR-12 zoning.

Dan Newman, 192 County Road 27, asked if the drainage will be in place as each individual lot is sold. He has seen properties raised 3-4 feet for purposes of building construction, and run-off is a concern, as is maintenance of the buffer. He asked if the residents would be able to comment on the engineer's report once available and commented that the Newman-Smith Drain is a shallow drain and may have to be dug deeper to get the flow to the back.

Mr. Brown indicated that a storm water management plan will be required. In terms of the development agreement and the impact the development may have on municipal drains, the Town will address that.

Don Moore, 170 County Rd 27, asked if there any restrictions on how far back the homes can be built on the proposed development; stated concerns regarding flooding/run-off if the lots are built up. He stated that his home was built in the 1970s, he has never experienced any water problems, and that he would look to the Town if he experiences flooding issues once the development is constructed.

Comments from Applicants' Solicitor:

Michael Laba commented that the Committee of Adjustment addressed the issues, and that this application is for a rezoning of property that is already in the urban boundary of Cottam and within the Official Plan designation. An Engineer's report will be prepared to address the issues of drainage and water-run off and a development agreement beneficial to the abutting land owners and the persons acquiring these lands will be prepared.

Comments from Municipal Services:

Director of Municipal Services A. Plancke clarified that the proposed lots would be part of Phase 2 of the Cottam Sewage Works project. Lines will be capped for future use, when capacity is available. Mr. Plancke also confirmed that at present there is no unreserved capacity left.

Mr. Laba confirmed that the homes will be serviced by septic systems and when and if capacity comes available, the septic system(s) would be disconnected and the homes would connect to the Town lines in accordance with the terms of the development agreement to be prepared.

There were no other questions or concerns from anyone in attendance in the audience.

218-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

Council approve Zoning By-law Amendment ZBA/13/16 as a condition of Consent B/22/16, to rezone the subject lands from 'Agriculture Zone 1 (A1)' to 'Rural Residential Exception 12 (RR-12)' on lands known as 182 County Road 27 East, and adopt the implementing by-law.

CARRIED

G. AMENDMENTS TO THE AGENDA

Councillor Neufeld added two notices of motion.

H. ADOPTION OF ACCOUNTS

None.

Mayor Santos called for a ten minutes recess at 9:10 p.m. and the Meeting reconvened at 9:20 p.m.

I. STAFF REPORTS

1. Kingsville Website Draft RFP

219-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Thomas Neufeld

Council approved the scope of the draft RFP and authorized Administration to proceed with the public advertising of the RFP on the Bids and Tenders website.

CARRIED

2. Section 65 (3) Report for Z.D.S Greenhouses

220-2017

Moved by Councillor Tony Gaffan

Seconded by Councillor Thomas Neufeld

Council adopt the Engineer's Report prepared by Baird AE dated October 25, 2016 for a change in assessment to the lands owned by Z.D.S. Farms Ltd., Roll No. 660-01600 as well as the determination by the Engineer that the increased flow volumes will not negatively impact the McDonald Drain.

CARRIED

3. M&M Farms Ltd Water Works Petition

221-2017

Moved by Councillor Larry Patterson

Seconded by Councillor Tony Gaffan

Council authorize the Director of Municipal Services to appoint Stantec Consulting Limited as the engineer on this project and to proceed with the preparation of the construction plans, tendering, and oversee construction of the water works after the engineer's report is presented to Council.

That Council approve the draft agreement and accept the signed Petition for Waterworks for the provision of water services to the lands identified as vacant farmland described as Con 3 ED PT LOT 11 RP 12R8331 Part 2 located adjacent to Road 4 East (CR18), Roll No. 340-08200, as requested by Mr. Mike Mastronardi of M&M Farms Ltd, and authorize Administration to prepare the necessary by-law for passage at the next Regular Meeting.

CARRIED

4. Road 11 East Water Works Petition

222-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

That Council authorizes Municipal Services to retain an engineer through the Request for Quotation (RFQ) process and that the selected engineering firm prepare a report representing associated costs for the development of construction plans, tendering, and construction of the listed waterworks project for endorsement or denial of the petitioners and that a subsequent report to Council defining the project status and parameters is prepared and presented at a future regular meeting of Council.

CARRIED

5. Statement of Remuneration & Expenses 2016

223-2017

Moved by Councillor Thomas Neufeld

Seconded by Councillor Susanne Coghill

That Council receives the Statement of Remuneration & Expenses Report for 2016.

CARRIED

J. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

1. Union Water Supply System

224-2017

Moved by Councillor Larry Patterson

Seconded by Councillor Tony Gaffan

Council receive Annual Report for the Kingsville Water Distribution System supplied by the Union Water Supply System (Sec. 11, Reg. 170/03), provide the same at no charge to the public on request; and post on the municipal website; and further: That Council receive Summary Report for the Kingsville Water Distribution System supplied by the Union Water Supply System (Schedule 22, Reg. 170/03).

CARRIED

2. Union Water Supply System

225-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

Council receive Union Water Supply System Annual Report for 2016 in accordance with Section 11. 0. Reg. 170/03; provide a copy of the report to anyone who requests it, free of charge; authorize administration to post a copy of the report on the municipal website; and authorize administration to include a

notice that the report is available at the municipal office and at the Ruthven Water Treatment Plant in any newsletter or other notice issued to residents.

CARRIED

3. Gosfield North Sportsmen Association

226-2017

Moved by Councillor Larry Patterson

Seconded by Councillor Tony Gaffan

Council authorize the purchase of 3 3/4 x 5 page advertisement in the program booklet for the 27th Annual Wild Game Dinner hosted by the Gosfield North Sportsmen Association at a cost of \$50.00.

CARRIED

K. MINUTES OF THE PREVIOUS MEETINGS

1. Regular Meeting of Council - February 13, 2017

2. Regular Closed Session Meeting of Council - February 13, 2017

227-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

Council adopt Regular Meeting of Council Minutes and Regular Closed Session Council Minutes dated February 13, 2017

CARRIED

L. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. Tourism and Economic Development Committee--December 8, 2016

228-2017

Moved by Councillor Tony Gaffan

Seconded by Councillor Susanne Coghil

Council receive the Tourism and Economic Development Committee Meeting Minutes dated, December 8, 2016.

CARRIED

2. Kingsville BIA--January 10, 2017

229-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

Council receive the Kingsville BIA Meeting Minutes dated, January 10, 2017.

CARRIED

3. Drainage Advisory Committee-November 9, 2016

230-2017

Moved by Councillor Thomas Neufeld

Seconded by Councillor Susanne Coghill

Council receive the Drainage Advisory Committee Meeting Minutes dated,
November 9, 2016.

CARRIED

4. Heritage Advisory Committee-January 11, 2017

231-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

Council receive the Heritage Advisory Committee Meeting Minutes dated,
January 11, 2017.

CARRIED

5. Union Water Supply System Joint Board of Management--December 21, 2016

232-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Larry Patterson

Council receive the Union Water Supply System Joint Board of Management Meeting Minutes dated, December 21, 2016.

CARRIED

6. Union Water Supply System Joint Board of Management--January 18, 2017

233-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Tony Gaffan

Council receive Union Water Supply Joint Board of Management Meeting Minutes dated, January 18, 2017.

CARRIED

M. BUSINESS CORRESPONDENCE-INFORMATIONAL

- 1. Municipality of Neebing--Correspondence dated February 7, 2017 RE: Carbon Tax Credits for Municipalities**
- 2. Windsor-Essex County Health Unit--Copy of correspondence dated February 3, 2017 to The Hon. Dr. Eric Hoskins, Minister of Health and Long-Term Care RE: Opioid Addiction and Overdose**
- 3. Windsor-Essex County Health Unit--Copy of correspondence dated February 3, 2017 to The Hon. Dr. Eric Hoskins, Minister of Health and Long-Term Care RE: Marijuana controls under Bill 178, Smoke-Free Ontario Amendment Act, 2016**
- 4. Municipality of Port Hope--Resolution Petitioning the Province to recognize the municipal fire service as critical infrastructure by including funding for Fire Dept. infrastructure**
- 5. ERCA and Ontario Invasive Plant Council-Invitation to Creating an Invasive Plant Management Strategy Workshop on Thursday, March 9, 2017 at Essex Centre Sports Complex**

6. **Township of Muskoka--Copy of correspondence to the Premier of Ontario, dated February 9, 2017 RE: Resolution RE: Fire Protection and Prevention Act, 1997**

7. **Thames Centre-Correspondence dated February 7, 2017 RE: Fire Dept. Infrastructure**

234-2017

Moved by Councillor Thomas Neufeld

Seconded by Councillor Tony Gaffan

Council receive information items 1-7.

CARRIED

N. NOTICES OF MOTION

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

That Administration prepare and advertise for members to the Communities in Bloom Committee.

235-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

Council direct that Administration of the Town of Kingsville prepare and advertise for Members of the Community to Volunteer for Council Appointment to the Communities in Bloom Committee.

CARRIED

2. **Deputy Mayor G. Queen may move or cause to have moved:**

That Council enter into Closed Session to address an item pursuant to Section 239(2)(b), being a personal matter about an identifiable individual, including municipal or local board employees, being a member of Senior Administration (See Closed Session)

3. **Councillor Thomas Neufeld at the next Regular Meeting of Council may move or cause to have moved:**

That Administration provide a Report pertaining to the New Designs flower shop property realignment.

- 4. Councillor Thomas Neufeld, at the next Regular Meeting of Council, may move or cause to have moved:**

That Administration update Council with a quarterly report on the Tourism and Economic Development Committee initiatives and projects.

O. UNFINISHED BUSINESS, ANNOUNCEMENT, AND UPDATES

None.

P. BYLAWS

1. By-law 13-2017

236-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Thomas Neufeld

Council read By-law 13-2017, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/03/17), a first, second and third and final time.

CARRIED

2. By-law 14-2017

237-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council read By-law 14-2017, being a By-law to designate a certain property, including land and buildings, known as The Alfred J. Allworth House (755 Seacliff Dr., Kingsville) as being of cultural heritage value or interest under the provisions of the Ontario Heritage Act, R.S.O. 1990, c. O.18, as amended a first, second and third and final time.

CARRIED

3. By-law 25-2017

238-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

Council read By-law 25-2017, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/13/16) a first, second and third and final time

CARRIED

4. By-law 29-2017

239-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Thomas Neufeld

Council read By-law 29-2017, being a By-law authorizing the entering into of an Application-Based Component Agreement with Her Majesty the Queen in Right of Ontario, as represented by the Minister of Agriculture, Food and Rural Affairs for the Province of Ontario (Ontario Community Infrastructure Fund Top-Up Application Component / Park Street Road Reconstruction Project; File Number OCIF AC3-3147)

CARRIED

5. By-law 30-2017

240-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council read By-law 30-2017, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/02/17), a first, second and third and final time.

CARRIED

6. By-law 31-2017

241-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

Council read By-law 31-2017, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/04/17) a first, second and third and final time.

CARRIED

Q. CLOSED SESSION

242-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council, at 9:52 p.m. and pursuant to Section 239(2) of the Municipal Act, 2001, entered into Closed Session to address the following item:

1. Section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees, being a member of Senior Administration.

CARRIED

1. **Section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees, being a member of Senior Administration.**

R. REPORT OUT OF CLOSED SESSION

At 9:58 p.m. the Regular Meeting reconvened in Open Session.

There were no items to report out of closed session.

S. CONFIRMATORY BY-LAW

1. **By-law 32-2017**

243-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council read By-law 32-2017, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its February 27, 2017 Regular Meeting a first, second and third and final time.

CARRIED

T. ADJOURNMENT

244-2017

Moved by Councillor Susanne Coghill

Seconded by Councillor Tony Gaffan

Council adjourn this Regular Meeting at 9:59 p.m.

CARRIED

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo