



**REGULAR MEETING OF COUNCIL  
MINUTES**

**Monday, March 13, 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 Larry Patterson Councillor Sandy McIntyre
Absent	Councillor Susanne Coghill Deputy Mayor Gord Queen
Members of Administration	P. Van Mierlo-West, CAO K. Vegh, Drainage Supervisor 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 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**

**1. Cherrin Meleg--on behalf of Kingsville Farmers' Market**

Request for use of B.I.A. Parkette for another market season commencing May 20, 2017 through to and including October 9, 2017 on Saturdays from 7:00 a.m. until 2:30 p.m.

**245-2017**

Moved by Councillor Thomas Neufeld

Seconded by Councillor Tony Gaffan

Council authorize administration to prepare a Licence Agreement for the operation of the Kingsville Farmers' Market, for a five-year term, and bring back the necessary authorizing by-law for passage at a future Regular Meeting.

**CARRIED**

**F. MATTERS SUBJECT TO NOTICE**

Engineer Lou Zarlenga (R. C. Spencer Associates Inc.) and K. Vegh, Drainage Superintendent

Engineer's Report Consideration - 2nd Concession Branch of the Esseltine Drain - Replacement of Farm Crossing; Owner: Mucci Farms Ltd. (290-38700), in the Town of Kingsville, in the County of Essex

i) Notice of Meeting to Consider Engineer's Report, dated February 22, 2017;

ii) Engineer's Report dated December 22, 2016 (Project Ref. No. 16-568) including Schedule of Assessment for Construction and Schedule of Maintenance;

iii) Proposed By-law 28-2017, being a by-law to provide for the construction of a bridge over the 2nd Concession Branch of the Esseltine Drain; Owner: Mucci Farms Ltd., in the Town of Kingsville, in the County of Essex.

Engineer Zarlenga presented the Engineer's Report prepared in accordance with Section 78 of the Drainage Act, stating that the proposed work involves the replacement of an existing farm crossing. The owner is paying the full cost for the replacement of this culvert; the cost has been assessed entirely against Roll No. 290-38700 as a special benefit based upon the owner agreeing to pay 100% per

cent of the cost. An additional cost of \$17,000 has also been assessed as a special benefit to Roll No. 290-387000 for previous engineering work carried out at their request. Engineer Zarlenga stated that the construction has been upgraded and is based on a 25-year storm event.

Comments from the audience:

Steve Stephenson, 1607 County Road 34 E., Ruthven, stated that his main concern is truck traffic. He wondered what the circumstances will be 5 to 10 years from now with possible expansions of the business, and whether trucks will be going through the small neighbourhood.

Mr. Vegh explained that Road 2 is a 'no truck route' and will remain that way.

Carol Stockwell, 1777 Road 3 East, asked "Where does the bridge begin and where does it end"? Engineer Zarlenga stated that the bridge is located on private property near the middle of Mucci Farms.

Milka Pieper, 1684 Nevan Court also expressed safety concerns regarding truck traffic, stating that children are playing in the Sun Valley subdivision. She also asked for an explanation as to maintenance charges.

Mr. Vegh explained the provisions of Section 74 of the Drainage Act; that drainage works' maintenance and repair is completed by the municipality at the expense of all assessed upstream lands and roads, in the proportion determined by the relevant by-law pertaining to the works. He explained that the upstream properties drain to the same drain the Mucci Bridge is on.

John Penner, 1542 County Road 34, stated that his tax bill has recently gone up and he wondered how the Town made the calculations. Mayor Santos clarified that property tax billing is not associated with the drainage report. Director of Financial Services S. Zwiers indicated she would assist Mr. Penner and explain his property tax billing.

George Dekker asked on behalf of Mucci Farms if Council, pending approval, would consider by-passing the Court of Revision and proceed directly to tendering. Mayor Santos indicated that the property owner could file a signed Waiver of Appeal Rights and should Council accept the signed Waiver the Town Drainage Superintendent would be instructed to obtain Contractor quotations. The Court of Revision would still be scheduled in accordance with the Drainage Act.

John Penner asked how wide the ditch would be in the front of his yard after the works are completed and Mr. Vegh responded that his ditch would not be altered or touched.

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

**246-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Sandy McIntyre

Council adopt the Engineer's Report prepared by R. C. Spencer & Associates, dated December 22, 2016 (Project No. 16-568); read By-law 28-2017, being a by-law to provide for the construction of a bridge over the 2nd Concession Branch of the Esseltine Drain; Owner: Mucci Farms Ltd. (290-38700) in the Town of Kingsville, in the County of Essex, a first and second time at this Regular Meeting; and schedule Court of Revision for a future date.

**CARRIED**

**G. AMENDMENTS TO THE AGENDA**

- 1. Councillor Patterson added one (1) Notice of Motion.**

**H. ADOPTION OF ACCOUNTS**

**Town of Kingsville Accounts** for the monthly period ended February 28, 2017 being TD cheque numbers 0061242 to 0061500 for a grand total of \$1,355,635.15

**247-2017**

Moved by Councillor Thomas Neufeld

Seconded by Councillor Sandy McIntyre

Council approve Town of Kingsville Accounts for the monthly period ended February 28, 2017 being TD cheque numbers 0061242 to 0061500 for a grand total of \$1,355,635.15

**CARRIED**

**I. STAFF REPORTS**

- 1. Animal Control to Tender**

J. Alexander, Deputy Clerk-Administrative Services

Director of Corporate Services J. Astrologo presented the report.

**248-2017**

Moved by Councillor Larry Patterson  
Seconded by Councillor Tony Gaffan

Council receive the Report of J. Alexander, Deputy Clerk-Administrative Services RE: Animal Control for Tender, dated March 1, 2017 for information; and further Council authorize Administration to work with members of Leamington Administration to prepare the requisite tender document for Animal Control Services.

**CARRIED**

**2. Marina Public Input Session**

P. Van Mierlo-West, CAO

**249-2017**

Moved by Councillor Larry Patterson  
Seconded by Councillor Thomas Neufeld

Council approve the implementation plan for the Marina Community Input Sessions.

**CARRIED**

**J. BUSINESS/CORRESPONDENCE-ACTION REQUIRED**

**1. Deanna Sinasac--Request for Purple Day for Epilepsy proclamation**

**250-2017**

Moved by Councillor Larry Patterson  
Seconded by Councillor Thomas Neufeld

Council proclaim March 26, 2017 as Purple Day for Epilepsy in the Town of Kingsville

**CARRIED**

**2. Nancy Goucher, Manager, Partnerships, Freshwater Future RE: Lake Erie and potential resolution**

**251-2017**

Moved by Councillor Thomas Neufeld  
Seconded by Councillor Sandy McIntyre

WHEREAS harmful algal blooms in Lake Erie threaten one of Ontario's most important natural and economic resources by negatively impacting the use of water for drinking, fishing, boating, and swimming; and

WHEREAS in 2015 Lake Erie experienced the largest harmful algal bloom in its history; and

WHEREAS toxins from algal blooms can damage the kidneys and liver, and can cause nausea, vomiting, diarrhea, paralysis, and potentially death; and

WHEREAS communities that depend on Lake Erie as a source for their drinking water have made significant investments to ensure it is free from dangerous levels of algal toxins and nuisance algae; and

WHEREAS toxins from algal blooms threaten the health of anglers, boaters, and swimmers exposed to contaminated water; and

WHEREAS algal blooms limit the enjoyment of Lake Erie beaches and other recreational activities on and in the water; and

WHEREAS local tourism, commercial and residential property values may be negatively impacted if algal blooms continue to increase in intensity and frequency; and

WHEREAS algal blooms may negatively impact Lake Erie's commercial and recreational fishing industry.

THEREFORE BE IT RESOLVED that the Town of Kingsville request the Ontario and federal governments to be leaders in the development and implementation of action plans that will protect drinking water and effectively address algal blooms and protect and restore the health of Lake Erie;

BE IT FURTHER RESOLVED that a copy of this resolution be forwarded to the:

Ontario Minister of the Environment and Climate Change; and

Ontario Minister of Agriculture and Rural Affairs; and

Ontario Minister of Natural Resources; and

Federal Minister of Environment and Climate Change; and

Federal Minister of Agriculture and Agri-Food; and

the local Member of Provincial Parliament and Member of Parliament.

**CARRIED**

**K. MINUTES OF THE PREVIOUS MEETINGS**

**1. Special Meeting of Council - February 22, 2017**

**252-2017**

Moved by Councillor Thomas Neufeld

Seconded by Councillor Sandy McIntyre

Council adopt Special Meeting of Council Minutes dated February 22, 2017

**CARRIED**

**2. Regular Meeting of Council--February 27, 2017**

**3. Regular Closed Session Meeting of Council - February 27, 2017**

**253-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Tony Gaffan

Council adopt Regular Meeting of Council Minutes dated February 27, 2017 and Regular Closed Session Meeting of Council Minutes dated February 27, 2017

**CARRIED**

**L. MINUTES OF COMMITTEES AND RECOMMENDATIONS**

**1. Parks, Recreation, Arts and Culture Committee--January 19, 2017, together with the Minutes of the following sub-committees: Older Adults Advisory--November 17, 2016 and Mettawas Park Fundraising Committee--October 18, 2016**

**254-2017**

Moved by Councillor Sandy McIntyre

Seconded by Councillor Tony Gaffan

Council receive Parks, Recreation, Arts and Culture Committee Meeting Minutes dated January 19 2017, together with the following sub-committee meeting minutes: Older Adults Advisory dated November 17, 2016 and Mettawas Park Fundraising Committee dated October 18, 2016

**CARRIED**

**2. Police Services Board--January 25, 2017**

**255-2017**

Moved by Councillor Thomas Neufeld

Seconded by Councillor Tony Gaffan

Council receive Police Services Board Meeting Minutes, dated January 25, 2017.

**CARRIED**

**3. Kingsville B.I.A. Annual General Meeting-February 26, 2016**

**256-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Tony Gaffan

Council receive Kingsville B.I.A. Annual General Meeting Minutes dated, February 26, 2016.

**CARRIED**

**4. Kingsville B.I.A.-February 7, 2017**

**257-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Sandy McIntyre

Council receive the Kingsville B.I.A. Meeting Minutes dated, February 7, 2017.

**CARRIED**

**M. BUSINESS CORRESPONDENCE-INFORMATIONAL**

- 1. Deputy Mayor G. Queen, Correspondence dated March 2, 2017 RE: Physician Recruitment**
- 2. Minister of Seniors Affairs--Call for Nomination for Senior of the Year**
- 3. Ontario Farmland Trust-Invitation to 2017 Ontario Farmland Forum hosted by the Ontario Farmland Trust, in partnership with the University of Guelph, the Simcoe County Greenbelt Coalition and the Ontario Professional Planners Institute**

4. **Township of Zorra--Correspondence to The Hon. K. Wynne, Premier of Ontario dated March 1, 2017 RE: Installation of Automated External Defibrillators in all schools in Ontario**
5. **Municipality of Thames Centre--Correspondence to The Hon. K. Wynne, Premier of Ontario, dated February 28, 2017 RE: Automated External Defibrillators in all schools in Ontario**
6. **Ministry of Education--Correspondence from Minister of Education Mitzie Hunter and Minister of Infrastructure Bob Chiarelli, dated March 6, 2017 RE: Update--Pupil Accommodation Reviews and Support for Education Rural and Remote Communities**
7. **Ministry of Agriculture, Food and Rural Affairs - Office of the Parliamentary Assistant dated March 2, 2017 RE: Delegation during ROMA Conference**
8. **Town of Essex--Notice of Public Meeting for Revisions to the Official Plan of the Town of Essex, dated March 3, 2017**

**258-2017**

Moved by Councillor Sandy McIntyre

Seconded by Councillor Thomas Neufeld

Council receive information items 1-8 as outlined.

**CARRIED**

RE: Item M-4--Township of Zorra Correspondence and Item M-5 Municipality of Thames Centre Correspondence

**259-2017**

Moved by Councillor Thomas Neufeld

Seconded by Councillor Tony Gaffan

That the Town of Kingsville supports the Resolutions of the Township of Zorra (passed February 14, 2017 at Zorra's Regular Meeting); and the Municipality of Thames Centre (passed at Thames Centre's February 22, 2017 Regular Meeting), both relating to Automated External Defibrillators to be allowed in all Schools in Ontario; and further,

That the Town of Kingsville similarly requests that the Premier and Minister of Education develop a policy that enables all schools and school boards in Ontario, including the Greater Essex County District School Board and the Windsor Catholic District School Board that allows individual elementary and secondary schools to have an AED installed in their schools; and that the Town of Kingsville

requests that the said local School Boards and all other school boards in Ontario develop a policy to install AEDs in all schools in Ontario as soon as possible for the safety of our children.

**CARRIED**

**N. NOTICES OF MOTION**

**1. Councillor Neufeld may move or cause to have moved:**

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

**260-2017**

Moved by Councillor Thomas Neufeld

Seconded by Councillor Tony Gaffan

Council direct Administration to provide a report pertaining to the New Designs flower shop property realignment.

**CARRIED**

**2. Councillor Neufeld 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.

**261-2017**

Moved by Councillor Thomas Neufeld

Seconded by Councillor Tony Gaffan

Council direct administration to provide Council with a semi annual report on the Tourism and Economic Development Committee initiatives and projects.

**CARRIED**

**3. Councillor Neufeld may move or cause to have moved:**

That Administration provide a report that will identify options available to reduce the traffic congestion along Main St. East from the Wigle/Remark intersection to Kratz Rd. with associated costs.

**262-2017**

Moved by Councillor Thomas Neufeld

Seconded by Councillor Tony Gaffan

That Administration provide to Council, in the next 90 days, a written report that will identify detailed options available to reduce the traffic congestion along Main St. East, specifically from the Wigle / Remark Intersection to Kratz Road, with associated costs.

**CARRIED**

Councillor Patterson may, at the next Regular Meeting of Council, move or cause to have moved, a motion as to what are the rights of medical marijuana growers and the rights of the neighbouring property owners.

**O. UNFINISHED BUSINESS, ANNOUNCEMENT, AND UPDATES**

**P. BYLAWS**

**1. By-law 28-2017**

**263-2017**

Moved by Councillor Sandy McIntyre  
Seconded by Councillor Thomas Neufeld

Council read By-law 28-2017 being a by-law to provide for the construction of a bridge over the 2nd Concession Branch of the Esseltine Drain; Owner: Mucci Farms Ltd. (290-38700) in the Town of Kingsville, in the County of Essex, a first and second time.

**CARRIED**

**2. By-law 33-2017**

**264-2017**

Moved by Councillor Sandy McIntyre  
Seconded by Councillor Thomas Neufeld

Council read By-law 33-2017 being a by-law authorizing the entering into of an Amendment to the Development Agreement with 147160 Ontario Limited (Mettawas Development) a first, second, and third and final time.

**CARRIED**

**3. By-law 34-2017**

**265-2017**

Moved by Councillor Sandy McIntyre  
Seconded by Councillor Larry Patterson

Council read by-law 34-2017 being a by-law to authorize the entering into of an Agreement with M & M Farms Ltd. for a water works extension project in the Town of Kingsville a first, second, and third and final time.

**CARRIED**

**Q. CONFIRMATORY BY-LAW**

**1. By-law 35-2017**

**266-2017**

Moved by Councillor Sandy McIntyre  
Seconded by Councillor Tony Gaffan

Council read By-law 35-2017 being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville, a first, second, and third and final time.

**CARRIED**

**R. ADJOURNMENT**

**267-2017**

Moved by Councillor Larry Patterson  
Seconded by Councillor Thomas Neufeld

Council adjourn this Regular Meeting at 7:59 p.m.

**CARRIED**

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MAYOR, Nelson Santos

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CLERK, Jennifer Astrologo

