



**REGULAR MEETING OF COUNCIL  
MINUTES**

**Monday, May 8, 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 J. Alexander, Deputy Clerk - Administrative Services
Members of Administration	P. Van Mierlo-West, CAO R. Brown, Manager of Planning & Development Services K. Brcic, Planner S. Kitchen, Deputy Clerk-Council Services S. Zwiers, Director of Financial Services S. Martinho, Public Works Manager K. Girard, Municipal Services Manager

**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. Liz Daniel, Community Engagement Coordinator and Randy Flood--  
Windsor Essex Compassion Care Community**

Liz Daniel, Community Engagement Coordinator, and Kandy Flood, Kingsville Community Centre Director RE: Windsor-Essex Compassion Care Community (WECC) neighbourhood exchange initiative (Local host: Kingsville Community Centre)

Ms. Daniel and Ms. Flood presented the details of the pilot project which provides a way to build strong neighbourhoods where people feel connected, supported and valued. Council was invited to the WECC public launch to be held on June 30, 2017 at 7:00 p.m. The rolling launch also involves Windsor, Tecumseh, Leamington, and Lakeshore. If successful this initiative may potentially go Canada-wide. Brochures were distributed.

**349-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Susanne Coghill

Council receive Windsor-Essex Compassion Care Community (WECCC) presentation of Liz Daniel, Community Engagement Coordinator and Kandy Flood, Kingsville Community Centre Director, dated May 8, 2017.

**CARRIED**

**F. MATTERS SUBJECT TO NOTICE**

**1. PUBLIC MEETING - ZONING BY-LAW AMENDMENT ZBA/09/17--2126157  
Ontario Ltd. Part of Blk 'A', Plan 424, Part 1 RP 12R 23854 V/L southeast  
corner of the intersection of Main St. W & Wigle Ave. Roll No: 3711 240 000  
00711**

R. Brown, Manager of Planning and Development Services

Zoning By-law Amendment ZBA/09/17-2126157 Ontario Ltd. Part of Block A Plan 424, Part 1 RP 12R-23854 V/L southeast corner of the intersection of Main St. East and Wigle Avenue, Roll No. 3711-240-000-00711

i) Report of R. Brown, dated April 21, 2017

ii) Site Plan Agreement (SPA/04/17)

iii) Proposed By-law 57-2017, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

Mr. Brown presented his Report regarding the requested Site Plan Approval and removal of the H-Holding symbol from lands located in the southeast corner of the intersection of Main St. West and Wigle Ave. The development of the site consists of the construction of a single storey commercial structure. The centre two bay areas will accommodate the lube shop while the south bay will be for the automatic car wash. The front portion of the building along Main St. West will be the proposed Laundromat area.

Comments from members of Council:

Councillor Neufeld asked whether the site plan can be revised to show the exit from the car wash through the existing parking lot rather than the cut access that is proposed. Mr. Brown explained it would make an awkward turn. The car wash exit has been designed to provide more travel time on the pavement and roadway to allow the vehicles to dry.

Councillor Gaffan asked if there is enough space to turn left onto Wigle from that exit, stating that is a concern of a number of residents in the neighbourhood. He also inquired as to the building design. Mr. Brown stated the building elevations are provided on the last page of Appendix A to the Planning Report, and that Municipal Services was consulted in regard to traffic flow impacts and design.

Comments from the applicant's agent:

Jim George, Agent for the Applicant, indicated he has been involved in the car wash business for many years and introduced Jeff Boughazale (who was also in attendance in the audience). He stated that he has several car wash facilities and has a great deal of experience with these types of operations and would answer questions posed by Council with respect to this proposed operation. Councillor Neufeld asked is there a problem for the cash wash exit going through the existing IDA exit. Mr. George responded that the logistics of the operation exiting through private property would be problematic.

#### Public Comments:

Tony Taylor, 259 Main St. East indicated that he and his wife live at the opposite corner of the proposed facility and that their main concern is traffic. He stated that traffic backs up at the traffic light and asked "if a truck needs room will there be a stack up of cars to get out?"

He also stated that he had concerns regarding the potential of vehicle lights shining into their home but he sees that the site plan shows that those lights will not shine into his home, and will shine only into the garage area. He then asked how the noise from the blowers will be dealt with and whether the dryers will be operating when the doors are open, or whether the noise will be contained within closed doors.

Mr. George indicated that the blowers are completely encased within the building with sound attenuation devices. He is aware that there are sound requirements and the manufacturer will have to comply with the same. His responsibility is to maintain the minimum noise level. The doors will be open when drying.

Mrs. Taylor, 259 Main St. East, asked if there could be a requirement that vehicles exiting onto Wigle would have to make a right turn only and not be permitted to turn South on Wigle, She asked why the facility must be located close to a residential area. Mr. Brown explained the Zoning permits such a use. He also indicated that he would review and consider the question regarding a turning restriction and would look into that.

Mr. George explained that the building masks and buffers the vehicular activity, excepting the exit. He noted that the exit is located as far as possible away from the intersection.

Councillor Gaffan stated that any landscaping (bushes) should not block view at exit.

Mr. Taylor asked what the hours of operation may be and Mr. George responded that this is a site plan review discussion at this time.

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

**350-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Thomas Neufeld

Council approve zoning amendment application ZBA/09/17 to rezone the subject property from 'General Commercial-Holding (C4(h))' to 'General Commercial. (C4)' removing the (H) Holding Symbol and adopt the implementing by-law.

**CARRIED**

**351-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Thomas Neufeld

Council approve site plan application SPA/04/17, subject to the conditions outlined in the site plan agreement, for the construction of a 24.68 m x 18.28 m (81 ft x 60 ft) 415.28 sq. m (4,470 sq. ft.) single storey commercial structure and associated facilities and authorize the Mayor and Clerk to sign the sign plan agreement and register said agreement on title.

**CARRIED**

**G. AMENDMENTS TO THE AGENDA**

Deputy Mayor Queen added one Announcement and one Notice of Motion

Councillor Neufeld added one Notice of Motion

Councillor Gaffan added one Unfinished Business item.

**H. ADOPTION OF ACCOUNTS**

**Town of Kingsville Accounts** for the monthly period ended April 30, 2017, being TD cheque numbers 0061794 to 0062027 for a grand total of \$1,266,273.87

**352-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Susanne Coghill

Council approve Town of Kingsville Accounts for the monthly period ended April 30, 2017 being TD cheque numbers 0061794 to 0062027 for a grand total of \$1,266,273.87

**CARRIED**

**I. STAFF REPORTS**

**1. Kingsville Website RFP Responses**

Director of Financial Services S. Zwiers presented the Report of IT Manager T. Iacobelli.

**353-2017**

Moved by Councillor Thomas Neufeld

Seconded by Councillor Susanne Coghill

Council approve Administration award eSolutions Group of Waterloo, Ontario to replace the current Town of Kingsville website at a cost of \$28,045.00 plus applicable taxes

**CARRIED**

**2. Migration of MyKingsville website**

Director of Financial Services S. Zwiers presented the Report of IT Manager T. Iacobelli.

**354-2017**

Moved by Councillor Tony Gaffan

Seconded by Deputy Mayor Gord Queen

That Council approves the request to update and migrate MyKingsville website using template provided by eSolutions Group; and

That Council approves the transfer from IT reserve in the amount of \$4,300.00 to offset the cost of the MyKingsville.ca migration.

**CARRIED**

**3. PLC/01/17 – Exemption from Part Lot Control**

K. Brcic, Town Planner

**355-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Tony Gaffan

Council enact Part Lot Control Exemption By-law 56-2017 to allow Lots 74-79 on Plan 12M-552 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.

**CARRIED**

**4. Minor Development Agreement AGR/01/17 4191 Graham Side Road Scott & Michelle McElwain**

R. Brown, Manager of Planning and Development Services

**356-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council approves the proposed minor development agreement to permit a second single detached dwelling at 4191 Graham Side Road, temporarily during the construction of a new dwelling on the property, and authorize the Mayor and Clerk to sign the minor development agreement.

**CARRIED**

**5. County of Essex Agricultural Lot Size Study – Council Feedback**

R. Brown, Manager of Planning and Development Services

Mr. Brown reviewed and discussed the key points of the County of Essex Agricultural Lot Size Study with Kingsville Council, indicating that the purpose of this report is to gather feedback from Kingsville Council for review and consideration by the Steering Committee.

Mayor Santos questioned the potential of severances for dual purpose parcels. Deputy Mayor Queen commented that he is encouraged to hear flexibility of the Manager of Planning and Development Services this evening and that the Manager is willing to look at situations on a case-by-case basis. Mayor Santos also stated that it is not the intention to give the impression that severance is encouraged but recognizing the need to provide for flexibility in some circumstances. Mr. Brown will convey Council comments and input to the County's Agricultural Lot Size Study Steering Committee for report back to Essex County Council.

**357-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

Council receive Report of R. Brown, Manager of Planning and Development Services, dated April 20, 2017 outlining the rationale for support of a 40 ha (100 ac.) new farm parcel lot size minimum; and direct Mr. Brown to provide comments to share with the County of Essex Agricultural Lot Size Study Steering Committee for report back to Essex County Council.

**CARRIED**

Mayor Santos called for a recess at 8:44 p.m. and this Regular Meeting reconvened at 8:51 p.m.

**6. Contract MS17-102-01: Bridge #28 over Wigle Creek**

K. Girard, Manager of Municipal Services

**358-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Tony Gaffan

That Council receives the letter of recommendation from Dillon Consulting and authorizes the award of Contract Number MS17-102-01 for the rehabilitation of Bridge #28 over the Wigle Creek to Intrepid General Limited in the amount of \$492,122.40 (not including HST) Also, that Council approves Municipal Services to enter into an agreement for the contract administration and site inspection with Dillon Consulting in the amount of \$47,400 (not including HST).

**CARRIED**

**7. Road 11 Water Works Petition**

K. Girard, Manager of Municipal Services

**359-2017**

Moved by Councillor Larry Patterson

Seconded by Deputy Mayor Gord Queen

Council allow a question from the audience in connection with the proposed assessment schedule.

**CARRIED**

Mayor Santos recognized Ms. Mary Brennan, one of the petitioners listed in the Petition for Water Works.

Ms. M. Brennan indicated that as initiator of the petition and before the start of the petition, one of the questions asked was how the vacant farmland would be



dealt with, in that typically it is not charged at the same rate, but charged at a somewhat lesser rate.

Director of Financial Services S. Zwiers, who was also in attendance, explained that Council has approved a number of assessment schedules in the past and have identified vacant properties at an initial billing of 50 per cent of the capital cost, recognizing that at the time of billing the property does not have full use of the new service. The balance (remaining 50 per cent) is collected at the time the property owner applies for a permit to develop the vacant lands. In effect a vacant property is charged the same as all other benefiting properties; it is just the timing of collection that changes. The Town carries the 50 per cent uncollected portion as a receivable until the property is developed and the collection of the remaining balance offsets the receivable at that future point in time.

**360-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council receive the Engineer's Report from R. C. Spencer and Associates dated April 28, 2017 for the proposed water main on Road 11 East and direct Administration to present the Report and proposed assessment schedule to the petitioning residents.

**CARRIED**

**8. Public Input Session for Grandview Sidewalks**

K. Girard, Manager of Municipal Services

**361-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

That Council authorizes the installation of sidewalks on Grandview Avenue but not by cutting through existing driveways.

**CARRIED**

**9. Proposal for Engineering Services / Park St. Reconstruction**

K. Girard, Municipal Services Manager, presented the report of Director Plancke.

**362-2017**

Moved by Deputy Mayor Gord Queen  
Seconded by Councillor Larry Patterson

That Council approve the entering into of a Professional Services Agreement with Stantec Consulting Ltd. For the Park Street reconstruction project, as specified under the terms and conditions therein, and authorize the Mayor and Clerk to execute said Agreement.

**CARRIED**

**10. 2017 Farmers' Market and 5 Year Agreement**

Deputy Clerk-Council Services S. Kitchen presented Director Astrologo's report.

**363-2017**

Moved by Councillor Susanne Coghill  
Seconded by Councillor Larry Patterson

That Council approves the five (5) year Agreement between the Town and the Farmers' Market, which would be in effect for the 2017 through to the 2021 market season, and authorize the Mayor and Clerk to execute the Agreement on behalf of the Town.

**CARRIED**

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

**1. Jennifer Wood, Organizer, Kingsville District High School Reunion for years 1996/97/98**

**364-2017**

Moved by Deputy Mayor Gord Queen  
Seconded by Councillor Susanne Coghill

Council waive pavilion rental fee by fifty per cent (50%) for the Kingsville District High School 20 year reunion event with appropriate insurance coverage in accordance with parks and recreation facility rental agreement.

**CARRIED**

**2. Curling Club of Curling Club of Kingsville-Correspondences dated April 25, 2017 and March 6, 2017**

**365-2017**

Moved by Councillor Tony Gaffan

Seconded by Councillor Thomas Neufeld

Council sponsor a hole in the amount of \$50.00 for the annual Curling Club of Kingsville golf tournament to be held on June 3, 2017.

**CARRIED**

**3. Jennifer Fraser, Fundraising Committee, WonderBroad Dragon Boat team**

**366-2017**

Moved by Councillor Tony Gaffan

Seconded by Councillor Thomas Neufeld

Council authorize request of Jennifer Fraser on behalf of the WonderBroad Dragon Boat Team Fundraising Committee to reduce Lakeside Pavilion rental fee to \$350.00 for the fundraising event to be held on October 28, 2017.

**CARRIED**

**4. Windsor-Essex Provincial Offences Act Reports**

**367-2017**

Moved by Councillor Thomas Neufeld

Seconded by Councillor Larry Patterson

That Council receive the 2016 Windsor/Essex Provincial Offences (POA) Report and the 2016 Audited Financial Statements for the Windsor/Essex POA program.

**CARRIED**

**K. MINUTES OF THE PREVIOUS MEETINGS**

**1. Regular Meeting of Council - April 24, 2017**

**368-2017**

Moved by Councillor Tony Gaffan

Seconded by Councillor Thomas Neufeld

Council adopt Regular Meeting of Council Minutes dated April 24, 2017

**CARRIED**

**2. Special Meeting of Council - April 29, 2017**

**369-2017**

Moved by Councillor Larry Patterson

Seconded by Deputy Mayor Gord Queen

Council adopt Special Meeting of Council Minutes, dated April 29, 2017

**CARRIED**

**L. MINUTES OF COMMITTEES AND RECOMMENDATIONS**

**1. Court of Revision--April 24, 2017**

**370-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Thomas Neufeld

Council receive Court of Revision Minutes, dated April 24, 2017.

**CARRIED**

**M. BUSINESS CORRESPONDENCE-INFORMATIONAL**

- 1. Lanark County--Correspondence dated April 27, 2017 RE: Request for Provincial Support: Opioid Strategy**
- 2. Township of Lake of Bays--Correspondence dated April 20, 2017 RE: Resolution regarding Request for a Moratorium on the current Accommodation Review Process**
- 3. Township of Adjala-Tosorontio--Correspondence dated April 20, 2017 RE: Canada's 150th Birthday**
- 4. Town of Amherstburg, dated April 28, 2018 RE: Support for Postal Banking**

5. **P. G. Queen--Correspondence dated April 26, 2017 RE: Accessibility Forum Workshop at the University of Windsor**
6. **Ministry of Citizenship and Immigration-Call for Nomination letter, dated April 2017 received May 1, 2017**
7. **Town of LaSalle--Correspondence dated April 13, 2017 RE: Funding for the Great Lakes**

**371-2017**

Moved by Councillor Thomas Neufeld

Seconded by Councillor Larry Patterson

Council receive Business Correspondence Information Items 1 through 7 as presented.

**CARRIED**

Business Correspondence-Informational item #7 was brought forward, being Town of LaSalle correspondence dated April 13, 2017 RE: Funding for the Great Lakes and the following support motion was passed:

**372-2017**

Moved by Councillor Thomas Neufeld

Seconded by Councillor Tony Gaffan

Council support Town of Lasalle Resolution CR 142/17 requesting the Minister of Fisheries and Oceans Canada, Ontario Minister of Environment and Climate Change and the Mayors of Great Lakes and St. Lawrence Cities Initiative to lobby U.S. State representatives to overturn the decision by the U.S. federal government to drastically reduce spending on the health of the Great Lakes.

**CARRIED**

**N. NOTICES OF MOTION**

Deputy Mayor Queen indicated that he may move, or cause to have moved, at the next Regular Meeting that Administration direct that the speed hump on Grandview just north of Lakeview be removed.

Councillor Neufeld indicated he may move, or cause to have moved, at the next Regular Meeting that:

i) Administration be directed to ask that Gary Bain, being the Town's appointed representative to E.L.K. Energy Inc. Board of Directors, provide an annual update to Council as the Kingsville with E.L.K. in attendance.

ii) that Council move into Closed Session to address a personal matter about an identifiable individual.

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

Deputy Mayor Queen reminded Council that May 23-28 is the Communities in Bloom week in the Town of Kingsville. The flag raising event is at noon on Tuesday, May 23 at the Town Hall and there is also a Pollinator's Workshop to be led by Karen Batke from the Kingsville Horticultural Society at the Kingsville Arena.

Councillor Gaffan requested an update from Administration regarding municipal street signs (how many street signs are finished, how many are left, and an approximate idea as to when the rest of the street signs will be finished).

**P. BYLAWS**

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

**374-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

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 third and final time.

**CARRIED**

**2. By-law 41-2017**

**375-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council read By-law 41-2017, being a By-law authorizing the entering into of an Agreement with the partnership known as Community Farmers' Market (for the use of a portion of the parkette south of 28 Division St. South, Kingsville for the purpose of operating a Farmers' Market) a first, second and third and final time.

**CARRIED**

**3. By-law 56-2017**

**376-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

Council read By-law 56-2017, being a By-law to exempt certain lands from Part Lot Control (Millbrook Subdivision, Stage II, Phase 1 - Plan 12M-552) a first, second and third and final time.

**CARRIED**

**4. By-law 57-2017**

**377-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council read By-law 57-2017, being a by-law to amend By-law 1-2014, the Comprehensive By-law for the Town of Kingsville (ZBA/09/17) a first, second and third and final time.

**CARRIED**

**5. By-law 59-2017**

**378-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

Council read By-law 59-2017, being a By-law authorizing the entering into of a Professional Services Agreement with Stantec Consulting Ltd. for the Park Street Reconstruction Project (Stantec File: 165681083-001), a first, second and third and final time.

**CARRIED**

**Q. CONFIRMATORY BY-LAW**

**1. By-law 60-2017**

**379-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Thomas Neufeld

Council read By-law 60-2017, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its May 8, 2017 Regular Meeting a first, second and third and final time.

**CARRIED**

**R. ADJOURNMENT**

**380-2017**

Moved by Councillor Tony Gaffan

Seconded by Councillor Susanne Coghil

Council adjourn this Regular Meeting at 9:48 p.m.

**CARRIED**

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MAYOR, Nelson Santos

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CLERK, Jennifer Astrologo