



**REGULAR MEETING OF COUNCIL  
MINUTES**

**Tuesday, May 23, 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 Deputy Mayor Gord Queen Councillor Sandy McIntyre
Absent	Councillor Susanne Coghill
Members of Administration	P. Van Mierlo-West, CAO K. Vegh, Drainage Supervisor M. Durocher, Parks & Recreation Program Manager R. Brown, Manager of Planning & Development Services K. Brcic, Planner J. Astrologo, Director of Corporate Services S. Kitchen, Deputy Clerk-Council Services R. McLeod, Manager 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. Dr. Lydia Miljan, Chair, Kingsville Municipal Heritage Advisory Committee**

Dr. Miljan presented a PowerPoint update of the Committee's activities. In 2016, 17 site visits were conducted, out of which 3 properties were recommended for designation--research reports will be presented in the coming months. 6 of the 17 properties visited were not recommended, either because they did not meet the threshold of 75 points, or that further historical information has yet to be provided. 8 homes remain on the wait-list, and the Committee is now scheduling site visits.

Plaque Presentations:

Dr. Miljan then presented the heritage plaque to the property owners of 1500 County Road 34 (The John C. Fox House) and to the property owners of 126 Division St. North (The Warren R. Watters House). The remaining plaques will be presented at a later date.

**2. 2016 (Draft) audit Financial Statements of The Corporation of the Town of Kingsville**

Mr. Mike Cowan highlighted the Auditor's Report and (Draft) audited Consolidated Financial Statements of The Corporation of the Town of Kingsville.

Manager McLeod highlighted the Financial Statements, Notes and Schedules through a powerpoint presentation. Director of Financial Services S. Zwiers was not in attendance.

**380-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

Council approves the audited Financial Statements of The Corporation of the Town of Kingsville for the year ended December 31, 2016 as audited by BDO Canada LLP.

**CARRIED**

**3. Mr. Matthew Martinho RE: Request dated May 9, 2017 RE: Use of All Terrain Vehicles**

Mayor Santos indicated that Mr. Martinho had contacted the Clerk earlier today to advise that he was unable to attend this evening, however, asked that his correspondence remain on the Agenda. His correspondence requested that Council make a motion "allowing the use of All Terrain Vehicles (ATV) on our county roads".

Councillor Patterson asked whether Mr. Martinho is referring to County roads or Kingsville roads. Deputy Mayor Queen commented that the Town's authority rests with its own municipal roads and that this request should be dealt with one step at a time. Mayor Santos clarified that the request references both Kingsville and County roads and concessions, and further, that Agenda item J-9, being Police Services Board comments and recommendations, will be reviewed later this evening.

**381-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Tony Gaffan

Council receive correspondence of Matthew Martinho, dated April 28, 2017, review OPP material and recommendations contained therein, and further Council refer said correspondence request of Mr. Martinho to Administration for Report.

**CARRIED**

**F. MATTERS SUBJECT TO NOTICE**

**1. ZBA/01/17 - Zoning By-law Amendment SPA/07/17 – Site Plan Amendment 1933892 Ontario Inc. 6 Park Street Part of Lot 1, Concession 1 ED Roll No. 3711 180 000 02500**

K. Brcic, Town Planner and R. Brown, Manager of Planning and Development Services R. Brown

i) Report, dated May 16, 2017)

ii) Proposed By-law 44-2017, being a By-law to amend By-law 1-2014, the comprehensive zoning by-law for the Town of Kingsville

Ms. Brcic presented the Planning Report.

Comments from Council:

Councillor Neufeld requested clarification pertaining to the proposed setbacks "not including exterior staircases and balconies and architectural features of the building" as set out within Planner Brcic's Report.

Manager of Planning and Development Services R. Brown stated the Town's comprehensive Zoning By-law includes some allowances for exterior staircases and balconies, that setbacks are generally measured to the wall of a building, and that this proposal is in compliance. He also clarified the specific locations of the front, rear, interior and exterior yard setbacks on the site plan.

Councillor Gaffan commented that a development of this type is needed in the Town.

Mayor Santos indicated that the calculation of the visitor parking allocation amount is incorrectly shown as '13' and should be corrected to read '10' (1.25 parking spaces per unit with 0.25 of those spaces devoted to visitor parking). Mr. Brown agreed with the figure of '10' allocated visitor parking spaces, and indicated that revision would be made to the proposed document.

Comments from the audience:

Bruce Pottle, Kingsville resident, referred to his email correspondence dated May 10, 2017 (Appendix D to Planning Report) stating that one of his concerns is that the building does not have enough land to provide adequate on-site parking for the residents' needs. He stated that young people are also looking at these 2 bedroom units, who would generally have two vehicles. He commented on the narrow width of the parking spaces; i.e. that by his calculations there will only be 20 inches in total between parked vehicles (approx. ten inches on either side of each parking space). He also asked "if the residents each have two cars per unit, where will the visitors park"? He has no problem with the building, but stated that it will take away from the tranquility of the area. He asked that Kingsville Council give this matter careful consideration before accepting the zoning by-law amendment.

Comments from Applicant's Planner/Agent:

Cindy Prince, Principal Planner, Prince and Associates stated that the Applicant presently has 20 reservations for the potential 39 units. The local market indicates that the townhouse design was hurting the sales. The buyers are mature adults, with many singles looking to move into the building. She stated that they have 2 prospective purchasers who do not have automobiles, yet would purchase a parking space in any event to rent out to others by them. The other 18 purchasers each need only 1 parking space. There are a few extra spaces and they have not seen the demand yet. There is also some room on site for

parking if that becomes necessary but the applicant wants to keep the site green if possible. In addition, there is an interior garbage room. Garbage will be contained inside, sorted and rolled out one hour before pick-up, and then rolled back in when picked up.

Mr. Pottle suggested that parking be implemented now, not 'down the road'. He stated that a lot of people own pick-up trucks which will be difficult to park there.

Ms. Prince advised that the building has been architect-designed to fit pick-up trucks in the underground parking. Ms. Prince further advised that a construction management plan will be filed with the Town to minimize construction impacts.

Wayne Halpert, 22 Mettawas, stated he feels that parking is not really satisfactory at this location, suggesting that residents of the building might choose to park at Lakeside Park or perhaps at the traffic circle at the bottom of Division St. South in years to come.

Ms. Prince indicated the parking space provision is in complete compliance both as to size and number. She confirmed that sewers are to be constructed underground and below the parking garage.

Eckart Scheuing, 1 Mettawas Lane, stated concerns regarding previous sanitary sewage flooding that affected lower units at the Mettawas Development and concerns re: capacity. Mayor Santos indicated there is sufficient capacity for this proposed development, and there will not be any pressure on the Park St. side.

There were no further questions or comments.

### **382-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

Council:

- approves Zoning Amendment Application ZBA/01/17 (1933892 Ontario Inc., 6 Park St.) to amend the current zone 'Residential Zone 3 Urban Exception 13 (R3.1-13)' to permit changes in the number of units, building height, lot coverage and setbacks, and adopt the implementing by-law; and
- approves the proposed site plan amendment to the 2015 site plan agreement, subject to the conditions outlined in the site plan revised agreement, for a 6 storey, 39-unit condominium development and authorize the Mayor and Clerk to sign the site plan agreement and register said agreement on title.

**CARRIED**

**G. AMENDMENTS TO THE AGENDA**

Councillor Patterson, Councillor Gaffan and Mayor Santos each indicated they had one Announcement to make at this meeting.

**H. STAFF REPORTS**

**1. Vacancy Rebate Proposed Changes**

Manager of Financial Services R. McLeod presented the report in Director Zwiers' absence.

**383-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Sandy McIntyre

Council approves Administration to proceed, in principle, on a collective basis with the County Tax Collectors and Treasurers group to conduct a county wide public consultation session to propose the elimination of the Vacancy Rebate Program in Essex County effective for the 2018 taxation year.

**CARRIED**

**2. Tax Adjustments Under Section 357 of the Municipal Act, 2001**

Manager of Financial Services R. McLeod presented the report in Ms. Brohman's absence.

**384-2017**

Moved by Councillor Thomas Neufeld

Seconded by Deputy Mayor Gord Queen

Council authorizes tax reductions totaling \$157,298.48 for the 2016 taxation year.

**CARRIED**

Mayor Santos called for a recess at 8:47 p.m. and this Regular Meeting reconvened at 8: 55 p.m.

**3. Grovedale House Community Response**

**385-2017**

Moved by Councillor Thomas Neufeld

Seconded by Deputy Mayor Gord Queen

Council approves Municipal Services to move forward with the next step of this project, in keeping with the parameters as defined by the public information sessions.

**CARRIED**

**4. Contract No. MS17-103-01: 2017 Sidewalk Program**

Director G. A. Plancke presented the Report in Mr. Girard's absence.

**386-2017**

Moved by Councillor Larry Patterson

Seconded by Deputy Mayor Gord Queen

Council authorizes the award of the 2017 Sidewalk Program contract to Giorgi Bros (1994) Inc. in the amount of \$74,143.25 (not including HST) and direct Administration to prepare the necessary authorizing by-law.

**CARRIED**

**5. M & M Farms Ltd Water Works Petition Next Steps**

**387-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Tony Gaffan

Council authorizes Municipal Services to proceed to the next step in the M&M Farms Water Works Water Petition process; being to authorize final plan and specification preparation, and tendering in accordance with the defined steps pursuant to the Water Works Policy as previously endorsed by Council.

**CARRIED**

**6. 1088003 Ontario Ltd. (Albuna Plant Farm) 341 County Road 14 E Part of Lot 21, Concession 9 & Part 2 RP 12R 18894**

**388-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

Council approves the proposed site plan, subject to the conditions outlined in the site plan agreement, for a four phase 4.87 ha (12 ac.) greenhouse addition/expansion and associated storm water management pond (1088003

Ontario Ltd.; Albuna Plant Farm) and authorize the Mayor and Clerk to sign the site plan agreement and register said agreement on title.

**CARRIED**

**7. Draft Plan of Subdivision – Queen Valley Subdivision – Cristina Porrone – Amended Draft Plan & Transfer of Blocks**

**389-2017**

Moved by Councillor Tony Gaffan

Seconded by Councillor Larry Patterson

Council acknowledges the amended draft plan for the Queen Valley Subdivision showing an additional block (Appendix 'A' - Block 134) to be conveyed to the Town of Kingsville and agrees to the transfer of ownership of the other noted blocks (Appendix 'A' – Blocks 132, 133 & 135 to 142) for storm water management, drainage, one foot reserves and servicing easements

**CARRIED**

**8. Draft Plan of Subdivision – Valente Lands – 1646322 Ontario Ltd. Change of County Conditions & Acceptance of Ontario Municipal Board Ordered Concept Plan to Draft Plan Form**

**390-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Sandy McIntyre

Council acknowledges that the amended draft Plan of Subdivision (Valente - 1646322 Ontario Limited; County of Essex File No.: 37-T-12005) attached as Appendix 'B' to Report of R. Brown, Manager of Planning and Development Services, dated May 5, 2017, accurately reflects the Concept Plan (Appendix 'A' to said Report) that was approved by the Ontario Municipal Board; and further that Council endorses the proposed change of Item #1 of the County of Essex draft plan conditions.

**Recorded**

**YEA**

**NAY**

Mayor Nelson Santos

X

Councillor Tony Gaffan

X

Councillor Thomas Neufeld	X	
Councillor Susanne Coghill		
Councillor Larry Patterson	X	
Deputy Mayor Gord Queen		X
Councillor Sandy McIntyre	X	
<b>Results</b>	<b>5</b>	<b>1</b>

**CARRIED**

**I. MINUTES OF THE PREVIOUS MEETINGS**

**1. Regular Meeting of Council - May 8, 2017**

**391-2017**

Moved by Councillor Thomas Neufeld

Seconded by Deputy Mayor Gord Queen

Council adopts Regular Meeting of Council Minutes dated May 8, 2017

**CARRIED**

**J. MINUTES OF COMMITTEES AND RECOMMENDATIONS**

**1. Union Water Supply System Joint Board of Management--February 15, 2017**

**392-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Thomas Neufeld

Council receives Union Water Supply System Joint Board of Management Minutes, dated February 15, 2017.

**CARRIED**

**2. Union Water Supply System Joint Board of Management--Special Meeting--March 9, 2017**

**393-2017**

Moved by Councillor Thomas Neufeld

Seconded by Councillor Sandy McIntyre

Council receives Union Water Supply System Joint Board of Management Special Meeting Minutes, dated March 9, 2017.

**CARRIED**

**3. Union Water Supply System Joint Board of Management Special Meeting--April 4, 2017**

**394-2017**

Moved by Councillor Tony Gaffan

Seconded by Councillor Thomas Neufeld

Council receives Union Water Supply System Joint Board of Management Special Meeting Minutes, dated April 4, 2017.

**CARRIED**

**4. Kingsville BIA--March 7, 2017**

**395-2017**

Moved by Councillor Tony Gaffan

Seconded by Deputy Mayor Gord Queen

Council receives Kingsville BIA Minutes, dated March 7, 2017.

**CARRIED**

**5. Committee of Adjustment--March 21, 2017**

**396-2017**

Moved by Councillor Sandy McIntyre

Seconded by Councillor Thomas Neufeld

Council receives Committee of Adjustment Meeting Minutes, dated March 21, 2017.

**CARRIED**

**6. Marina Committee--April 3, 2017**

**397-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Thomas Neufeld

Council receives Marina Committee Minutes, dated April 3, 2017.

**CARRIED**

**7. Kingsville Municipal Heritage Advisory Committee--April 12, 2017**

**398-2017**

Moved by Councillor Sandy McIntyre

Seconded by Councillor Tony Gaffan

Council receives Kingsville Municipal Heritage Advisory Committee Meeting Minutes, dated April 12, 2017.

**CARRIED**

**8. Tourism and Economic Development Committee--April 13, 2017**

**399-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Tony Gaffan

Council receives Tourism and Economic Development Committee Meeting Minutes, dated April 13, 2017.

**CARRIED**

**9. Police Services Board--March 29, 2017**

**400-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Sandy McIntyre

Council receives Police Services Board Meeting Minutes, dated March 29, 2017.

**CARRIED**

**401-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

Council requests that a Special Meeting of Council be convened so that OPP Constable Gord Keen can appear at such Meeting to present information regarding the use of all terrain vehicles (ATVs) on municipal roads.

**CARRIED**

**K. BUSINESS CORRESPONDENCE-INFORMATIONAL**

- 1. Ministry of Municipal Affairs--Correspondence dated May 11, 2017 from Minister Mauro RE: Proposed Building Code--Septic System Pump Out requirement**
- 2. Deputy Mayor G. Queen--Note of Thanks, dated May 15, 2017 RE: Kingsville Public School Track and Field Event, May 11, 2017**
- 3. Township of Essa--Correspondence dated May 5, 2017 RE: Request for support of Resolution pursuing the recognition of "New Driver" sign**
- 4. Township of Cavan Monaghan--Correspondence dated May 4, 2017 to AMO RE: Resolution Distribution**
- 5. Royal Canadian Legion Branch #188--Invitation to Council, Committee Members, and citizens of the Municipality of Kingsville to annual Memorial Sunday Service on June 4, 2017 at 2:00 p.m. at Greenhill Cemetery**
- 6. Windsor-Essex County Humane Society--Correspondence from E. Truswell, Events and Community Relations Coordinator, notifying of fundraising initiative**
- 7. Minister of Seniors Affairs--Correspondence dated May 9, 2017 from Minister Damerla RE: June as Seniors Month in the Community of Kingsville**
- 8. Town of Lakeshore--Request for support of Resolution of Lakeshore Council requesting the Province to ease restrictions of surplus dwelling severances in Areas Zoned Agriculture**
- 9. Ministry of Tourism Culture and Sport--Correspondence dated May 8, 2017 RE: Cycling update from Ministry of Transportation and Ministry of Tourism, Culture and Sport Ministers**

**402-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Sandy McIntyre

Council receives Business Correspondence Information items number 1 to 9 as presented.

**CARRIED**

**L. NOTICES OF MOTION**

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

That the speed hump on Grandview just north of Lakeview be removed.

**403-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Sandy McIntyre

That the speed hump on Grandview just north of Lakeview be removed.

**CARRIED**

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

That Council enter into Closed Session at this Regular Meeting to address an item pertaining to personal matters about an identifiable individual RE: Committee and Council meeting attendance.

**404-2017**

Moved by Councillor Thomas Neufeld

Seconded by Councillor Larry Patterson

That Council enters into Closed Session at the appropriate time to address an item pertaining to personal matters about an identifiable individual RE: Committee and Council Meeting attendance.

**CARRIED**

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

That 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 with E.L.K. in attendance.

**405-2017**

Moved by Councillor Thomas Neufeld

Seconded by Councillor Tony Gaffan

That 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 with E.L.K. in attendance, by December 31, 2017.

**CARRIED**

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

Deputy Mayor Queen updated on upcoming Communities in Bloom week activities, including a CIB compost workshop to be held on May 25 and a Mayor's Walk to be held at Lakeside Park on May 28.

Councillor Patterson reminded of the annual Cottam Yard Sale to be held Saturday, June 3.

Mayor Santos commented on the success of the Memorial Cup Community Tour activities held on May 23, 2017 including a stop at the Jack Miner Bird Sanctuary with Grade 7 Jack Miner Public School students, followed by a 'puck-drop' at the four corners at Main and Division, and finally, a tour of the Charlie Campbell Military Museum.

**N. BYLAWS**

**1. By-law 40-2017**

**406-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Thomas Neufeld

Council read By-law 40-2017, being a by-law to declare the inapplicability of a public highway as it relates to Parts 103 and 109 12R-14638, in the Town of Kingsville, a first, second and third and final time.

**CARRIED**

**2. By-law 44-2017**

**407-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

Council read By-law 44-2017, being a by-law to amend Zoning By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (ZBA/01/17) a first, second and third and final time.

**CARRIED**

**3. By-law 58-2017**

**408-2017**

Moved by Councillor Sandy McIntyre

Seconded by Councillor Tony Gaffan

Council read By-law 58-2017 to provide for the establishment of rates for the levy and collection of property taxes in the Town of Kingsville for the year 2017 pursuant to the provisions of the Municipal Act, a first, second and third and final time.

**CARRIED**

**4. By-law 62-2017**

**409-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Tony Gaffan

Council read By-law 62-2017, being a By-law authorizing the entering into of an agreement with Windsor-Essex County Humane Society (stray cats) a first, second and third and final time.

**CARRIED**

**5. By-law 63-2017**

**410-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Thomas Neufeld

Council read By-law 63-2017, being a By-law authorizing the entering into of an Agreement with Intrepid General Limited for the Rehabilitation of Road 2 West Bridge (#028) over Wigle Creek in the Town of Kingsville (Contract No. MS17-102-01) a first, second, third and final time.

**CARRIED**

**O. CLOSED SESSION**

- 1. Personal matters about an identifiable individual, including municipal or board employees RE: committee and council meeting attendance (S. 239(2)(b))**

**411-2017**

Moved by Councillor Tony Gaffan

Seconded by Councillor Larry Patterson

Council at 10:19 p.m., pursuant to Section 239(2)(b) of the *Municipal Act, 2001*, entered into Closed Session to consider a matter pertaining to personal matters about an identifiable individual, including municipal or local board employees RE: Committee and Council Meeting attendance.

**CARRIED**

The Regular Meeting reconvened in Open Session at 10:31 p.m.

**P. REPORT OUT OF CLOSED SESSION**

Mayor Santos reported out of Closed Session with respect to Item O-1, stating that a discussion was held in Closed Session pertaining to Town policy and attendance at Committee and Council meetings. No action was taken and there were no further items to Report.

**Q. CONFIRMATORY BY-LAW**

**1. By-law 64-2017**

**412-2017**

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

Council read By-law 64-2017, being a By-law to confirm the proceedings of The Corporation of the Town of Kingsville at its May 23, 2017 Regular Meeting, a first, second and third and final time.

**CARRIED**

**R. ADJOURNMENT**

**413-2017**

Moved by Councillor Larry Patterson

Seconded by Councillor Tony Gaffan

Council adjourn this Regular Meeting at 10:32 p.m.

**CARRIED**

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MAYOR, Nelson Santos

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CLERK, Jennifer Astrologo