



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, June 26, 2017
6:00 PM
Council Chambers
2021 Division Road N
Kingsville, Ontario N9Y 2Y9**

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| 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 | J. Astrologo, Director of Corporate Services S. Kitchen, Deputy Clerk-Council Services P. Van Mierlo-West, CAO |

A. CALL TO ORDER

Mayor Santos called the Regular Meeting to order at 6:00 p.m. and reminded Council that any declaration of pecuniary interest 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.

Solicitor C. Riley and Solicitor J. Hewitt were also in attendance.

B. CLOSED SESSION

447-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Susanne Coghill

Council, at 6:01 p.m., pursuant to Section 239(2) of the *Municipal Act, 2001*, entered into Closed Session to address the following item:

Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; being an update report from Solicitor Christine Riley regarding the status of expropriation of a portion of waterfront lands for park purposes.

CARRIED

C. MOMENT OF SILENCE AND REFLECTION

Mayor Santos reconvened the Regular Meeting of Council at 7:00 p.m. with all members of Council in attendance, along with the following members of Administration: CAO P. Van Mierlo-West, Director of Corporate Services J. Astrologo, Director of Financial Services S. Zwiers, Deputy Clerk-Administrative Services J. Alexander, Deputy Clerk-Council Services S. Kitchen, Manager of Municipal Services S. Martinho, and Drainage Superintendent K. Vegh.

Mayor Santos asked those present to stand and observe a moment of silence and reflection to be followed by the playing of O'Canada.

D. PLAYING OF NATIONAL ANTHEM

E. DISCLOSURE OF PECUNIARY INTEREST

Mayor Santos again 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.

F. PRESENTATIONS/DELEGATIONS

1. Tourism Windsor Essex Pelee Island (TWEPI)--Gordon Orr, CEO and Lynnette Bain, VP, Tourism Programs and Development

Mr. Orr and Ms. Bain presented the 2016 Year in Review and Tourism Month activities. Mr. Orr also distributed TWEPI's Official Visitor Guide booklet to each member of Council.

G. MATTERS SUBJECT TO NOTICE

1. ENGINEER'S REPORT CONSIDERATION-McDonald Drain Improvements, Town of Kingsville

Tony Peralta, P. Eng. and K. Vegh, Drainage Superintendent.

Engineer Peralta presented the Engineer's Report, dated April 28, 2017, prepared under Section 78 of the Drainage Act to provide for general improvements to the McDonald Drain, along with the replacement and improvements to existing access bridges and road crossing culverts within the McDonald Drain. The request to provide an engineer's report to address the repair and improvements to the McDonald Drain was submitted by Triple K. Farms (390-01200).

Comments from Council:

Councillor Gaffan asked whether these improvements are a 'bandaid' solution.

Engineer Peralta indicated the proposed improvements will help carry the water downstream further and will give the McDonald Drain more life. With good maintenance provisions and good upkeep he stated the improvements will last a long time.

Drainage Superintendent Vegh explained that this project started as a result of Mr. Keller from Triple K. Farms having issues with his farmland draining. Drain maintenance was performed on Mr. Keller's section of land and through that, the Town found it helped the situation and solved his problem temporarily. As a result, Mr. Keller initiated the request to provide an engineer's report. The Town will perform maintenance on Mr. Keller's section of the drain every 5 years. The centre channel will keep the water focused to the centre. As a result, as the waters rise in a storm event there should not be any major erosion. Engineer Peralta further clarified that in efforts to increase conveyance and blockages caused by sedimentation within the McDonald Drain, the Report recommends that the drain be cleaned out by means of a centre channel within the bottom of the drain and prohibit any excavation of the existing drain banks. The centre channel will assist in maximizing conveyance of base flows and increase velocities to improve self-cleaning of debris and sedimentation.

Councillor Patterson asked whether the noxious weed known as phragmites is an issue at this drain. Engineer Peralta confirmed that there are none.

Questions from the audience:

Rita Coste, 2503 County Road 31 (340-10100) indicated she agrees with the Engineer's Report, and asked that the Town ensure that it maintains the drain after the works are completed. She stated that the drain always flows; that it doesn't matter what the depth of the water is, 2 feet or 2 inches, that the water always flows.

Tom Keller of Triple K. Farms commented that he is satisfied with the Report as presented by Mr. Peralta. There were no other questions or comments from anyone in attendance in the audience.

448-2017

Moved by Councillor Larry Patterson

Seconded by Councillor Tony Gaffan

Council adopt Engineer's Report dated April 28, 2017 for the McDonald Drain Improvements (N. J. Peralta Engineering Ltd. Project D-13-028), read By-law 61-2017 being a by-law to provide for improvements for the McDonald Drain in the Town of Kingsville, a first and second time at this Regular Meeting, and schedule Court of Revision for a future date.

CARRIED

H. AMENDMENTS TO THE AGENDA

Deputy Mayor Queen added two Notices of Motion.

Councillor Neufeld added one Unfinished Business item.

I. ADOPTION OF ACCOUNTS

There were no accounts presented.

J. STAFF REPORTS

1. Rabies Clinic

Jennifer Alexander, Deputy Clerk-Administrative Services

449-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

That Council receives Report from J. Alexander, Deputy Clerk-Administrative Services RE: 2017 Rabies Clinic, dated May 30, 2017, for information.

CARRIED

2. Long Term Financial Planning and Capital Budgeting

Director of Financial Services S. Zwiers

450-2017

Moved by Councillor Tony Gaffan

Seconded by Councillor Susanne Coghill

That Council approves in principle a 10-year plan to fully fund the infrastructure deficit in Kingsville which amounts to a 2.9% annual levy increase dedicated to lifecycle reserve contributions.

CARRIED

3. Branch of Smith Newman Drain Extension Section 4

K. Vegh, Drainage Superintendent

451-2017

Moved by Councillor Larry Patterson

Seconded by Councillor Susanne Coghill

Council appoint the engineering firm of RC Spencer Associates Inc. to extend the Branch of the Smith Newman Drain upstream and design the necessary improvements required by the requesting landowners.

CARRIED

4. Lane Drain Improvements Section 78 (1)

K. Vegh, Drainage Superintendent

452-2017

Moved by Councillor Larry Patterson

Seconded by Deputy Mayor Gord Queen

Council appoint the engineering firm of N. J. Peralta Engineering Ltd. to design the necessary improvements to the Lane Drain and extend the Lane Drain to a sufficient outlet as outlined in Section 78 (1) of the *Drainage Act*.

CARRIED

5. Road 11 Water Works Petition

K. Girard, Manager of Municipal Services

453-2017

Moved by Councillor Sandy McIntyre

Seconded by Councillor Larry Patterson

Council receive the results of the Road 11 Water Works Petition and authorize Municipal Services to enter into an agreement with RC Spencer Associates Inc. for the complete design and tender of the approved water main and required appurtenances.

CARRIED

6. Bridge and Culvert Inspections

K. Girard, Manager of Municipal Services

454-2017

Moved by Councillor Thomas Neufeld

Seconded by Councillor Tony Gaffan

Council approves Administration to proceed with the tendering for services to complete a Bridge and Culvert Study; and Council approves the transfer from the Development Charges Reserve in the amount of \$16,750 to be applied against the cost of the Bridge and Culvert Study.

CARRIED

7. Lions Hall Park Development

Mayor Santos called for a recess at 8:40 p.m. and the Regular Meeting reconvened at 8:47 p.m.

Manager of Municipal Services K. Girard presented the Report of Manager Del Greco in his absence.

455-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council reallocate 2017 capital funding in account 01-171-360-71645 for the purpose of hiring a Landscape Architect and creating a site master plan for developing Lions Park.

CARRIED

8. Kings Landing Architectural / Engineering Services

Manager of Municipal Services K. Girard presented the Report of Mr. Del Greco.

456-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council approve the proposal of Glos Associates Incorporated in the amount of \$79,800.00 for architectural and engineering services in order to facilitate demolition of the former Kings Landing Restaurant and construction of a new recreational facility.

CARRIED

9. Marina Fuel Pump Location

Manager Girard presented the Report of Manager Del Greco.

457-2017

Moved by Councillor Tony Gaffan

Seconded by Councillor Susanne Coghill

Council endorse the current location at 599 Cedar Island Road as the continued location for fuel sales and service; and Council consider the cost of developing a Marina Master Plan during the 2018 budget deliberations.

CARRIED

10. Vote by Mail – 2018 Election Service Provider

J. Astrologo, Director of Municipal Services

458-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council dispense with the requirements of the Procurement Policy and authorize the Director of Corporate Services to negotiate with Dominion Voting Systems Corporation for the supply of Vote by Mail services for the 2018 municipal election.

CARRIED

11. Medical Marihuana

J. Astrologo, Director of Municipal Services

459-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Larry Patterson

Council receives the Report of J. Astrologo, Director of Corporate Services, regarding medical marihuana regulations, dated May 23, 2017, for information.

CARRIED

K. BUSINESS/CORRESPONDENCE-ACTION REQUIRED

1. Ontario Municipal Fire Prevention Officers Association

Request for Endorsement in their 2017 yearbook magazine.

460-2017

Moved by Councillor Larry Patterson
Seconded by Councillor Tony Gaffan

Council receive Ontario Municipal Fire Prevention Officers Association request for endorsement in their 2017 yearbook magazine.

CARRIED

L. MINUTES OF THE PREVIOUS MEETINGS

- 1. Special Meeting of Council--June 6, 2017**
- 2. Special Meeting of Council-June 9, 2017**
- 3. Special 'Closed Session' Meeting of Council--June 9, 2017**
- 4. Regular Meeting of Council--June 12, 2017**
- 5. Regular 'Closed Session' Meeting of Council--June 12, 2017**

461-2017

Moved by Councillor Sandy McIntyre
Seconded by Councillor Tony Gaffan

Council adopt Special Meeting of Council Minutes dated June 6, 2017, Special Meeting of Council Minutes dated June 9, 2017, Special 'Closed Session' Meeting of Council Minutes dated June 9, 2017, and Regular Meeting of Council Minutes dated June 12, 2017.

CARRIED

462-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Sandy McIntyre

Council defer adoption of Regular 'Closed Session' Meeting of Council Minutes dated June 12, 2017 pending discussion in Closed Session at the appropriate time later this evening.

CARRIED

M. MINUTES OF COMMITTEES AND RECOMMENDATIONS

1. Kingsville Heritage Advisory Committee Meeting Minutes for May 9, 2017

463-2017

Moved by Councillor Tony Gaffan
Seconded by Councillor Larry Patterson

Council receive Kingsville Municipal Heritage Advisory Committee Meeting Minutes dated, May 9, 2017.

CARRIED

2. Economic Development and Tourism Committee Minutes for May 11, 2017

464-2017

Moved by Councillor Tony Gaffan
Seconded by Deputy Mayor Gord Queen

Council receive Economic Development and Tourism Committee Meeting Minutes dated, May 11, 2017.

CARRIED

3. Drainage Advisory Committee Minutes for February 16, 2017

465-2017

Moved by Councillor Thomas Neufeld
Seconded by Councillor Sandy McIntyre

Council receive Drainage Advisory Committee Meeting Minutes dated, February 16, 2017.

CARRIED

4. Parks and Recreation and Arts and Culture Committee from May 11, 2017.

466-2017

Moved by Councillor Thomas Neufeld

Seconded by Deputy Mayor Gord Queen

That Council receive the Parks, Recreation, Arts and Culture Committee Meeting Minutes dated, May 18, 2017.

CARRIED

N. BUSINESS CORRESPONDENCE - INFORMATIONAL

- 1. Union Gas - Correspondence dated June 2017 RE: Initiation of Environmental Study for Union Gas Kingsville Transmission Reinforcement Project**
- 2. The College of Physicians and Surgeons of Ontario--Correspondence dated June 2017 calling for Nominations for the 2018 Council Award**
- 3. Ministry of Tourism, Culture and Sport and Ministry of Transportation--Correspondence dated June 15, 2017 RE: Ontario Municipal Commuter Cycling Program**
- 4. County Council Resolution and Change to Traffic By-law**
- 5. Ontario Municipal Board Decision Issued, By-law No. 64-2016 Town of Kingsville**

467-2017

Moved by Councillor Thomas Neufeld

Seconded by Deputy Mayor Gord Queen

Council receive business correspondence items 1-5 for information.

CARRIED

RE: **Information item N-4**--Copy of correspondence from County of Essex to OPP RE: County Council Resolution and Change to County Traffic By-law-- Mayor Santos noted the County's notification of an amendment to its Traffic By-law (Schedule H to Amending By-law 26-2002) to implement certain speed limit reductions.

RE: **Information Item N-3**--Ministry of Tourism, Culture and Sport and Ministry of Transportation--Correspondence dated June 15, 2017 RE: Ontario Municipal Commuter Cycling Program--Ms. Van Mierlo-West advised that a report will

come back to Council regarding certain projects anticipated in regard to Information Item N-3.

468-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

Council direct that a Report come back to Council (including previous Reports) regarding Information Item 5, being Decision and Order of the Board issued June 1, 2017 (Ontario Municipal Board Case No. PL160749--Appellant-Anthony Tannous)

CARRIED

Councillor McIntyre left the Council Chambers at 9:30 p.m. and did not return.

O. NOTICES OF MOTION

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

That Council receive a Report from Administration including Fire Department and Parks and Recreation Dept. staff regarding First Aid and CPR Training that Council authorized, and details as to the program success; and the ability to assist with other community groups and community functions in the provision of back-up First Aid services or Emergency Service.

469-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council receive a report from Administration including the Fire Department and Parks and Recreation Department Staff regarding:

1. The First Aid and CPR Training that Council authorized with details as to the Program Success and Suggestions for the provision of same in the year 2018;
2. The ability to assist with other community groups and community functions in the provision of back-up First Aid Services or Emergency Service with detail as to what was done in the past years, with detail as to what is done now, and with recommendations to Council as to what might be done in future;

Such written report on both topics to be provided back to Council by end of 2017.

CARRIED

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

That Council approve the cost of fire hydrants for the Road 11 Water Line Extension Project as a pre-approved expense from the 2018 municipal budget.

470-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Larry Patterson

Council approve the cost of fire hydrants for the Road 11 Waterline Extension Project at an estimated cost of \$60,000 as a pre-approved expense from the 2018 municipal budget.

CARRIED

3. Deputy Mayor Queen indicated that he may at the next Regular Meeting move, or cause to have moved, that Council approve the name change of the Older Adults Advisory Committee to 'The 55+ Advisory Committee'.
4. Deputy Mayor Queen (in reference to Motion 447-2016 passed July 25, 2016 RE: Planned Installation of Sidewalks along the south side of Noah Court) indicated that he may at the next Regular Meeting move, or cause to have moved, that if the developer has not yet installed the sidewalks, that the Town install the sidewalks this year.
5. Deputy Mayor Queen (in reference to By-law 76-2010 / Noah Homes) indicated he may move or cause to have moved that Administration provide an update to Council to report specifically on options available to bring the subject property into compliance.

P. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES

Councillor Neufeld asked for an update regarding Motion tracker details and timelines. Ms. Van Mierlo-West advised that the motion tracker program is set to track back to January of 2017 and earlier tracking can be investigated as well.

Mayor Santos thanked everyone for their contributions to the Community Compassion awards and invited everyone to return to the arena this weekend for fireworks, train rides and other Canada 150 / Canada Day celebration activities.

Q. BYLAWS

1. By-law 61-2017

471-2017

Moved by Deputy Mayor Gord Queen

Seconded by Councillor Susanne Coghill

Council read By-law 61-2017, being a by-law to provide for improvements to the McDonald Drain, in the Town of Kingsville, in the County of Essex, a first and second time.

CARRIED

472-2017

Moved by Councillor Susanne Coghill
Seconded by Deputy Mayor Gord Queen

Council move into Closed Session at 9:40 p.m. to address an item pertaining to the Regular 'Closed Session' Meeting of Council Minutes dated June 12, 2017 pertaining to Section 239(2)(b) a personal matter about an identifiable individual.

CARRIED

R. REPORT OUT OF CLOSED SESSION

Mayor Santos reported that earlier this evening Council entered into Closed Session and received as information an update report from Solicitor C. Riley in connection with Item B-1, being status of expropriation of waterfront lands for park purposes.

He also stated that Regular 'Closed Session' Meeting Minutes were reviewed and a motion is in order to adopt such minutes (Agenda Item L-5, as amended).

473-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Susanne Coghill

Council adopt Regular 'Closed Session' Meeting of Council Minutes dated June 12, 2017, as amended.

CARRIED

S. CONFIRMATORY BY-LAW

1. By-law 73-2017

474-2017

Moved by Deputy Mayor Gord Queen
Seconded by Councillor Tony Gaffan

Council read By-law 73-2017, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its June 26, 2017 Regular Meeting a first, second and third and final time.

CARRIED

T. ADJOURNMENT

475-2017

Moved by Councillor Tony Gaffan

Seconded by Councillor Larry Patterson

Council adjourn this Regular Meeting at 9:46 p.m.

CARRIED

MAYOR, Nelson Santos

CLERK, Jennifer Astrologo