



**REGULAR MEETING OF COUNCIL  
MINUTES**

**Monday, March 26, 2018**

**7:00 PM**

**Council Chambers**

**2021 Division Road N**

**Kingsville, Ontario N9Y 2Y9**

Members of Council    Mayor Nelson Santos  
                                 Deputy Mayor Gord Queen  
                                 Councillor Susanne Coghill  
                                 Councillor Tony Gaffan  
                                 Councillor Thomas Neufeld

Absent: Councillor John Driedger (on personal business)

Absent: Councillor Larry Patterson (on personal business)

Members of                    J. Astrologo, Director of Corporate Services  
Administration              Jennifer Galea, Human Resources Manager  
   T. Del Greco, Manager of Municipal Facilities and Property  
   S. Kitchen, Deputy Clerk-Council Services  
   S. Martinho, Public Works Manager  
   K. Vegh, Drainage Supervisor (@7:03 p.m.)  
   P. Van Mierlo-West, CAO

**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 to be followed by the singing 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. Richard Wyma, General Manager/Secretary-Treasurer, Essex Region Conservation Authority-Delegation Request dated January 26, 2018 RE: Presentation of 2017 Annual Report and Video, and 2018 Budget**

Mr. Wyma presented the 2017 Annual Report and video.

In response to a question from Councillor Neufeld as to what specific items ERCA has completed with respect to drainage and conservation within the last four years in Kingsville, Mr. Wyma provided a brief outline of its actions (implementing and setting protocols, collectively issuing drainage permits working with local municipalities, providing comments regarding various planning applications, etc.). He indicated correspondence will be supplied to Council regarding same.

Councillor Gaffan indicated that the biggest complaints are coming from farmers. Mr. Wyma indicated ERCA works closely with farmers and is open to communication and outreach. He stated that while ERCA assists with the formal drainage process, individual municipalities have a larger role in accordance with the *Drainage Act*.

Deputy Mayor Queen commented on the recent 'The Friends of the John R. Park Homestead' Newsletter and included therein was a listing of Volunteers who will be receiving service awards from the Province in April. He stated he is happy to see that the volunteers from the lay community are recognized. He thanked Mr. Wyma for that acknowledgment. He also commented on the success of various drainage workshops that have been presented by the Town of Kingsville Drainage Superintendent along with ERCA representatives on the subject of phragmites control.

**F. MATTERS SUBJECT TO NOTICE**

**1. PUBLIC MEETING--ENGINEER'S REPORT CONSIDERATION--LOYST DRAIN**

G. Rood, P. Eng. and K. Vegh, Drainage Superintendent were in attendance.

i) Notice of Meeting to Consider the Engineer's Report, dated February 23, 2018;

ii) Report of Rood Engineering Inc. dated January 9, 2018 RE: Loyst Drain (Replacement Bridge for Todd Porter and Monica Totten); Part of Lot 264, Concession N.T.R., Geographic Township of Gosfield South;

iii) Proposed By-law 25-2018, being a by-law to provide for the construction of a replacement bridge over the Loyst Drain; Owner: Todd Porter and Monica Totten (590-07500) in the Town of Kingsville, in the County of Essex

Engineer Rood presented a summary of the Report to Council. He indicated the Town received questions from Henry Armstrong and Linda Armstrong (420-02450), that Mr. and Mrs. Armstrong's questions were responded to, and that they had no further questions or concerns with respect to the Report.

Comments from property owners:

Ms. Monica Totten inquired as to the timeline for completion of this project indicating that their home's roof is in need of replacement and workers will not drive their trucks over the bridge in its present condition. Drainage Superintendent Vegh explained the timelines in accordance with the *Drainage Act*, and suggested that the construction of the bridge might be able to be commenced in early May of 2018.

There were no other questions or comments from anyone in attendance.

### **233-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Susanne Coghill

That Council adopt Engineer's Report dated January 9, 2018 for the Loyst Drain (Replacement Bridge for Todd Porter and Monica Totten; Part Lot 264, Concession N.T.R.; Rood Engineering Inc. Project 2016D049); read By-law 25-2018 being a by-law to provide for the construction of a replacement bridge over the Loyst Drain a first and second time, and schedule Court of Revision for a future date.

**CARRIED**

## **2. PUBLIC MEETING--617885 Ontario Limited o/a JEM Farms 1581 County Road 34 E Part of Lot 9, Concession 2 ED**

R. Brown, Manager of Planning Services

- i) Notice of Public Meeting, dated February 26, 2018
- ii) Report of R. Brown, dated March 15, 2018 with attached Appendices A to D;
- iii) Proposed By-law 38-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

Mr. Brown presented the Planning Report.

Comments from the Public:

Brian Bermudes, 1575 County Road 34 E, indicated he is a recent home buyer and stated concerns regarding light pollution, odour, security, and property assessment impacts, and wondered how the zoning can be changed with residences being situated so close to the facility.

Mr. Brown explained the site plan approval process which will address lighting, security, fencing, and other items, and explained that Health Canada has taken a more active approach to control the odour generated from these facilities, and it will be a requirement of the Applicant's Part 1 Licence that the odour be controlled (eg. through scent masking, charcoal filtration, etc.). Mr. Brown also explained zoning compliance through setback requirements, and that property assessments cannot be commented on; that this is a new use on a portion of the property.

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

**234-2018**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Councillor Tony Gaffan

That Council approve the second part of Zoning application ZBA/01/18 to permit a medical marijuana property facility at 1581 County Road 34 E and address the required relief or exemption from Section 4.46 of the Kingsville Zoning By-law 1-2014 as outlined in the attached amendment and adopt the implementing by-law.

**CARRIED**

**G. AMENDMENTS TO THE AGENDA**

1. **Councillor Neufeld added one Unfinished Business Item and Deputy Mayor Queen added one Notice of Motion.**

**H. STAFF REPORTS**

**1. Minor Development Agreement AGR/01/18 140 Road 3 E Part of Lot 1, Concession 3, ED Jeremy Wood**

R. Brown, Manager of Planning and Development Services

**235-2018**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Susanne Coghill

That Council approve the proposed minor development agreement to permit a second single detached dwelling at 140 Road 3 E, temporarily during the construction of a new dwelling on the property, and authorize the Mayor and Clerk to sign the minor development agreement.

**CARRIED**

**2. Minor Development Agreement AGR/02/18 267 Road 3 E Part of Lot 2, Concession 2, ED Dean Bernardes**

R. Brown, Manager of Planning and Development Services

**236-2018**

**Moved By** Councillor Tony Gaffan

**Seconded By** Deputy Mayor Gord Queen

That Council approve the proposed minor development agreement to permit a second single detached dwelling at 267 Road 3 E, temporarily during the construction of a new dwelling on the property, and authorize the Mayor and Clerk to sign the minor development agreement.

**CARRIED**

**3. E.L.K. Energy Connection Agreement – Grovedale House**

T. Del Greco, Manager of Municipal Facilities and Property

**237-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Susanne Coghill

That Council approve the Mayor and Clerk to sign and execute the E.L.K. Energy Offer to Connect Agreement in order to facilitate the electrical distribution system required for the Grovedale House.

**CARRIED**

**4. Statement of Remuneration & Expenses 2017**

CAO P. Van Mierlo-West presented the Report in Director of Financial Services R. McLeod's absence.

**238-2018**

**Moved By** Councillor Susanne Coghill

**Seconded By** Deputy Mayor Gord Queen

That Council receives the Statement of Remuneration & Expenses report for 2017.

**CARRIED**

**5. Fleet Replacement Report**

S. Martinho, Public Works Manager

**239-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That Council approves the acquisition of the Fleet assets as follows:

One (1) 2019 International 7400 from Leamington International outfitted with a snowplow and salter for \$198,406.15 inclusive of the HST burden.

**CARRIED**

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

**1. Gosfield North Sportsmen Association-Correspondence dated December 18, 2017 RE: 2018 GNSA Fundraising**

**240-2018**

**Moved By** Councillor Tony Gaffan

**Seconded By** Deputy Mayor Gord Queen

That Council approve request of Ken Roadhouse, Secretary, Fundraising Committee Member, Gosfield North Sportsmen Association, to sponsor its 28th Annual Wild Game Dinner to be held April 7, 2018 through the purchase of a 1/2 page advertisement at a cost of \$50.00; and further, that Council support the Annual Fish Fry on September 22, 2018 through the donation of door prizes.

**CARRIED**

**2. The Jack Miner Migratory Bird Foundation--Correspondence from M. Baruth, Executive Director, dated March 13, 2018 requesting that Council consider creating two proclamations**

**241-2018**

**Moved By** Councillor Susanne Coghill

**Seconded By** Deputy Mayor Gord Queen

WHEREAS Jack Miner was born on April 10, 1865 in Dover Centre, Ohio, (now Westlake);

AND WHEREAS at the age of 13 he moved with his family to Kingsville, Ontario, Canada where he became a professional trapper and market hunter to help supplement the family income and later established a brick and tile manufacturing business;

AND WHEREAS in 1904 he founded the Jack Miner Migratory Bird Sanctuary for the conservation of migratory wildfowl;

AND WHEREAS in 1909 he began the practice of tagging wild ducks as they passed through his Sanctuary to better understand their migratory routes;

AND WHEREAS in 1915 he began the practice of tagging Canada geese and other geese as they passed through his Sanctuary to better understand their migratory routes;

AND WHEREAS the information collected led to the establishment of the *Migratory Bird Act* between the United States of America and Canada in 1916 and the *Migratory Bird Convention Act* in 1917, 101 years ago;

AND WHEREAS seventy-one years ago the Canadian Government established National Wildlife Week to take place across Canada each year during the week of Jack Miner's birthday, April 10th, as a lasting tribute to his contribution to Canadian wildlife conservation;

NOW THEREFORE BE IT RESOLVED THAT Council proclaims Tuesday, April 10, 2018 as "Jack Miner Day" in the Town of Kingsville.

**CARRIED**

**242-2018**

**Moved By** Councillor Susanne Coghill

**Seconded By** Deputy Mayor Gord Queen

WHEREAS a deserved and enduring tribute was paid to the world's greatest naturalist and founder of the Jack Miner Migratory Bird Sanctuary in Kingsville, Ontario, which bears his name, when the Canadian Parliament passed an Act fixing the week of his birthday, April 10th, as National Wildlife Week;

AND WHEREAS countless thousands of people have been privileged to visit the Sanctuary and continue to enjoy this unique spot year after year;

AND WHEREAS at the time of his death in 1944, Jack Miner was referred to as one of the 5 best known men in North America alongside Henry Ford, Thomas Jefferson, Charles Lindbergh, and Eddie Rickenbacker;

AND WHEREAS The Jack Miner Migratory Bird Foundation was founded in 1931 in the United States and 1936 in Canada to continue the Legacy of Jack Miner and continues to bring environmental and wildlife conservation issues to a new generation;

AND WHEREAS across Canada celebrations of the 71st Anniversary of National Wildlife Week are taking place.

NOW THEREFORE BE IT RESOLVED that Council declares the week of April 8, 2018 as National Wildlife Week in the Town of Kingsville.



**CARRIED**

- 3. Ontario Municipal Fire Prevention Officers Association (OMFPOA)--Request from OMFPOA Chapter 8 Windsor, Essex County, Chatham-Kent Region for support of event (June 10-14 at Windsor) through purchase of advertisement in conference book**

**243-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That Council receive request of the Ontario Municipal Fire Prevention Officers Association (OMFPOA) Chapter 8 Windsor, Essex County, Chatham-Kent Region RE: 62nd Annual Training and Educational Symposium

**CARRIED**

**J. MINUTES OF THE PREVIOUS MEETINGS**

- 1. Regular Meeting of Council--March 12, 2018**

**244-2018**

**Moved By** Councillor Tony Gaffan

**Seconded By** Deputy Mayor Gord Queen

That Council adopts Regular Meeting of Council Minutes, dated March 12, 2018.

**CARRIED**

**K. MINUTES OF COMMITTEES AND RECOMMENDATIONS**

- 1. Tourism and Economic Development Committee - February 8, 2018**

**245-2018**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Susanne Coghill

That Council receives Tourism and Economic Development Committee Meeting Minutes, dated February 8, 2018 as amended.

**CARRIED**

Motion 03-2018 will be corrected to name the correct mover and seconder.

**2. Kingsville B.I.A. - February 13, 2018**

**246-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That Council receives Kingsville B.I.A. Meeting Minutes dated February 13, 2018.

**CARRIED**

**L. BUSINESS CORRESPONDENCE - INFORMATIONAL**

- 1. Ministry of Tourism, Culture and Sport--Correspondence from Minister Vernile dated March 20, 2018 RE: Safe Cycling Education Fund 2017-18**
- 2. Kingsville Historical Park Inc.--Letter of thanks from K. Gunning, Secretary-Treasurer, Kingsville Historical Park Museum, dated March 17, 2018**
- 3. City of Hamilton--Correspondence dated March 13, 2018 RE: Offering School Property to Municipalities**
- 4. Township of South Stormont RE: Landfill Approval We Demand the Right--South Stormont Resolution No. 062/2018 passed March 14, 2018**
- 5. Township of South Stormont RE: Support for Township of Norwich with regard to the intent of legislation and regulations relative to the Ontario Building Code--South Stormont Resolution No. 048/2018 passed March 14, 2018**
- 6. Ed Dujlovic, President, Ontario Chapter, Canadian Public Works Association--Correspondence dated March 12, 2018 RE: 2018 National Public Works Week May 20-26, 2018**
- 7. Minister of Senior Affairs--Call for nominations for the 2018 Senior of the Year Award**
- 8. Town of Essex--Correspondence dated March 12, 2018 RE: User Pay Childcare Services at AMO and FCM Conferences**

**247-2018**

**Moved By** Councillor Thomas Neufeld

**Seconded By** Deputy Mayor Gord Queen

That Council receives Business Correspondence-Informational items 1 through 8.

**CARRIED**

With respect to Item L-1, being correspondence from the Ministry of Tourism Culture and Sport regarding the Safe Cycling Education Fund grant funding, Ms. Van Mierlo-West reported that such funds would be used towards cycling programs and marketing material.

With respect to Item L-8, being Town of Essex correspondence dated March 12, 2018 RE: User Pay Childcare Services at AMO and FCM conferences, Mayor Santos informed that the County of Essex has supported the direction taken by the Town of Essex and the County has forwarded similar correspondence to AMO, requesting that the issue be explored.

**M. NOTICES OF MOTION**

**1. Deputy Mayor Queen, at the next Regular Meeting of Council, may move or cause to have moved:**

Council invite our Director of Municipal Services Mr. Andrew Plancke that he might provide Council with an estimate as to when a) the Engineering work on the Waterline proposed to go west of the Old Town to the Golf Course area might be started and completed; and b) if the Engineering work is done in 2018, when might Council reasonably expect completion of the same said waterline.

**N. UNFINISHED BUSINESS, ANNOUNCEMENTS AND UPDATES**

**1. Councillor Neufeld asked for an update pertaining the status of the maintenance of one of the Town's natural watercourses on Road 2.**

**O. BYLAWS**

**1. By-law 25-2018**

**248-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Thomas Neufeld

That Council read By-law 25-2018 being a By-law to provide for the construction of a replacement bridge over the Loyst Drain; Owner: Todd Porter and Monica Totten (590-07500) in the Town of Kingsville, in the County of Essex a first and second time.

**CARRIED**

**2. By-law 38-2018**

**249-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Susanne Coghill

That Council read By-law 38-2018, being a By-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville (1581 County Road 34 E, ZBA/01/18) a first, second and third and final time.

**CARRIED**

**3. By-law 39-2018**

**250-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That Council read By-law 39-2018, being a By-law authorizing the entering into of a Minor Development Agreement with Jeremy Wood a first, second and third and final time.

**CARRIED**

**4. By-law 40-2018**

**251-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Susanne Coghill

That Council read By-law 40-2018, being a By-law authorizing the entering into of a Minor Development Agreement with Dean Bernardes a first, second and third and final time.

**CARRIED**

**5. By-law 41-2018**

**252-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Thomas Neufeld

That Council read By-law 41-2018, being a By-law to amend By-law 99-2016, being a by-law to exempt certain lands from Part Lot Control (Winterberry Subdivision--Plan 12M-627) to correct and change a typographical error in the legal description from "Blocks 1-15 (inclusive)" to be corrected to identify "Lots 1-15 (inclusive)" a first, second and third and final time.

**CARRIED**

**6. By-law 42-2018**

**253-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That Council read By-law 42-2018, being a By-law authorizing the entering into of Amendment No. 2 to an Ontario Transfer Payment Agreement under the Source Protection Implementation Fund (SPMIF\_1516\_004) with Her Majesty the Queen in Right of Ontario as represented by the Minister of the Environment and Climate Change a first, second and third and final time.

**CARRIED**

**7. By-law 43-2018**

**254-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Tony Gaffan

That Council read By-law 43-2018, being a by-law authorizing the entering into of an Offer to Connect with E.L.K. Energy Inc. to construct the distribution system upgrade/expansion required for supplying electrical service to The Corporation of the Town of Kingsville at the property known municipally as 103 Park St., Kingsville a first, second and third and final time.

**CARRIED**

**P. CLOSED SESSION**

**254-2018**

**Moved By** Councillor Tony Gaffan

**Seconded By** Councillor Thomas Neufeld

That Council enter into Closed Session at 8:29 p.m. to address the following items:

- i) Section 239(2)(d) labour relations or employee negotiations, being an update for Council regarding Part-Time Collective Agreement Negotiations;
- ii) Section 239(2)(d) labour relations or employee negotiations, being Report of J. Galea, Human Resources Manager RE: Non-Union Employee 'Salary Step' increases; and
- iii) Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; being Report of CAO P. Van Mierlo-West RE: Status Update re: Agreement of Purchase and Sale.

**CARRIED**

**Q. REPORT OUT OF CLOSED SESSION**

Upon rising from Closed Session at 9:12 p.m., Mayor Santos reported that Council dealt with three items in Closed Session--two dealing with direction provided to Administration regarding the Part-Time Collective Agreement Negotiations (Item P.i) and Non-Union Employee 'Salary Step' Increases (Item

P.ii); and one dealing with an update on the status of an Agreement of Purchase and Sale (Item P.iii).

**R. CONFIRMATORY BY-LAW**

**1. By-law 44-2018**

**256-2018**

**Moved By** Deputy Mayor Gord Queen

**Seconded By** Councillor Susanne Coghill

That Council read By-law 44-2018, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its March 26, 2018 Regular Meeting a first, second and third and final time.

**CARRIED**

**S. ADJOURNMENT**

**257-2018**

**Moved By** Councillor Susanne Coghill

**Seconded By** Councillor Thomas Neufeld

That Council adjourn this Regular Meeting at 9:13 p.m.

**CARRIED**