



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, September 26, 2022
6:00 PM
Council Chambers
2021 Division Road N
Kingsville, Ontario N9Y 2Y9**

Members of Council	Deputy Mayor Gord Queen Councillor Kimberly DeYong Councillor Tony Gaffan Councillor Laura Lucier Councillor Larry Patterson
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Members Absent	Councillor Thomas Neufeld
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Members of Administration	Town Clerk, Paula Parker CAO, John Norton
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A. CALL TO ORDER

Deputy Mayor Queen called the Regular Meeting to order at 6:00 p.m. with all members present except Councillor Neufeld who was absent on personal business.

B. CLOSED SESSION

352-09262022

Moved by Councillor Laura Lucier

Seconded by Councillor Tony Gaffan

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

Item I) Personnel matter—Subsection 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees, and Subsection 239(2)(d) labour relations or employee negotiations.

Item II) Official Plan Amendment and Zoning By-law Amendment—Subsection 239(2)(f) advice that is subject to solicitor-client privilege, including communications for that purpose.

CARRIED

Deputy Mayor Queen reconvened the meeting in open session at 7:00 p.m.

1. CLOSED SESSION

C. REPORT OUT FROM CLOSED SESSION

The Town Clerk reported that Council, at 6:01 p.m., moved into Closed Session to discuss two items--Item I, being a Personnel matter, pursuant to subsection 239(2)(b) and Subsection 239(2)(d) and there is nothing further to report on that matter. She reported that Council also discussed Item II pursuant to Subsection 239(2)(f) and there is nothing further to report on that matter.

D. LAND ACKNOWLEDGEMENT

Deputy Mayor Queen read the following Land Acknowledgement Statement:

We acknowledge the Three Fires Confederacy (Ojibwe, Potawatomie and Odawa) and the Traditional ancestral, unceded territory of Caldwell First Nation; the original people of Point Pelee, Pelee Island and its surrounding waters. We recognize and respect the First Nations who are stewards of the land and waters of Turtle Island and who have embraced this stewardship since time immemorial. We would like to acknowledge other nearby First Nations Communities and First Nations across Turtle Island.

E. MOMENT OF SILENT REFLECTION AND NATIONAL ANTHEM

Deputy Mayor Queen called for a moment of silence and reflection to be followed by the playing of O'Canada.

F. AMENDMENTS TO THE AGENDA

There were no amendments to the agenda.

G. DISCLOSURE OF PECUNIARY INTEREST

There were no disclosures of interest. Deputy Mayor Queen 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.

H. DELEGATIONS

I. MATTERS SUBJECT TO NOTICE

1. Boarding, Lodging and Rooming Houses - Official Plan and Zoning By-law Amendments

The Director of Community and Development Services provided an overview of his Report through a PowerPoint presentation.

Deputy Mayor Queen then brought forward Delegation 2.a. Chief Commissioner Patricia DeGuire, Ontario Human Rights Commission.

2. DELEGATIONS

a. Chief Commissioner Patricia DeGuire, Ontario Human Rights Commission

Chief Commissioner Patricia DeGuire, participating electronically, addressed Council. She thanked Council for receiving the correspondences from the Ontario Human Rights Commission dated June 24 and August 30, 2022, referenced said correspondences in her presentation, and is encouraging Council to pass the Official Plan Amendments and Zoning By-law Amendments as acceptable first steps in this process.

b. Laura Mastronardi, Sunrise Farms

Laura Mastronardi on behalf of Sunrise Farms presented her written submission, indicating her concerns that the proposed Official Plan and Zoning By-law Amendments is "far over reaching on the part of the municipality". She provided a list of onsite employment and some directly related small businesses who service the agricultural sector, which list was also provided with her written submission.

c. Taneeta Doma, on behalf of Justicia/Justice for Migrant Workers

Taneeta Doma, participating electronically, stated that she is a staff lawyer with The Migrant Farm Worker Clinic at the University of Windsor's Faculty of Law. She stated that on behalf of a group of individuals associated with the clinic and with the Justice for Migrant Workers collective they do support the amendments as they exist on paper, but have concerns regarding aspects of the process and future implementation. She raised concerns that the amendments did not include meaningful and ongoing consultation with migrant workers, and commented on the importance of farm workers living in residential areas, with access to resources.

d. Chris Ramsaroop

Chris Ramsaroop, participating electronically, indicated he has spoken to thousands of migrant workers and expressed concerns that the workers were not consulted in regard to the proposed by-law amendments; he stated that the workers are the foundation of the agricultural sector but are excluded from decisions. He detailed specific concerns in regard to the proposed amendments and licensing scheme, and requested that the workers be added as key stakeholders. He asked for enforcement mechanisms to protect workers and not punish workers.

e. Elizabeth Ha, Member of Justice for Migrant Workers and an Equity Vice-President for the Ontario Federation of Labour.

Ms. Ha, attending in person, indicated she has spoken to workers and has seen the living conditions they experience. She appreciates that while consultation meetings were held, the workers may not understand what the by-laws entail. She asked that a process be put in place to provide protection for workers if they provide complaints about their living conditions.

f. Aaron Coristine, Ontario Greenhouse Vegetable Growers

Mr. Coristine stated that there has been a lot of work done since June, however, as a sector, the OGVG feel there is still room for further collaboration. He requested clarification on the proposed housing registry and licensing to avoid redundancies with Provincial legislation and Federal legislation. He asked that Council delay a decision just a little further and continue the collaboration between the sector and the community with new criteria to establish a new path forward that the greenhouse sector can champion for many municipalities going forward.

There were no further delegations.

The Town Clerk introduced the report and recommendation.

353-09262022

Moved By Councillor Larry Patterson

Seconded By Councillor Tony Gaffan

That the proposed Boarding, Lodging and Rooming Houses OPA and Zoning By-law amendments BE DEFERRED to the end of January, 2023.

	For	Against	Abstain	Conflict
Deputy Mayor Gord Queen		X		
Councillor Kimberly DeYong		X		
Councillor Tony Gaffan	X			
Councillor Laura Lucier		X		
Councillor Larry Patterson				
	2	3	0	0
Results				

LOST (2 to 3)

354-09262022
Moved By Councillor Kimberly DeYong
Seconded By Councillor Laura Lucier

1. That Official Plan Amendment Number 13 (OPA/01/22) to establish definitions and policies related to Boarding, Lodging and Rooming Houses (BLRH) in the Town of Kingsville BE APPROVED and Administration BE DIRECTED to forward the policies to the County of Essex for final approval;
2. That By-law 51-2022 being a Zoning By-Law Amendment ZBA/52/22 to implement OPA Number 13 and establish regulations regarding Boarding, Lodging and Rooming Houses (BLRH), be read three times and finally passed and the Deputy Mayor and Clerk BE AUTHORIZED to sign same, subject to final approval of OPA/01/22 by the County of Essex;
3. That Administration BE DIRECTED to prepare a further report for Council to review and approve a licensing regime for all Boarding, Lodging and Rooming Houses (BLRH); and,
4. That the Interim Control By-law which restricts Temporary Farm Worker housing off-site from agricultural lands, BE REPEALED effective on the date that the above Official Plan Amendment and Zoning Bylaw Amendment become effective; and,
5. That prior to the next step that Administration BE DIRECTED to consult with Ontario Greenhouse Vegetable Growers, the farm workers and others represented this evening.

	For	Against	Abstain	Conflict
Deputy Mayor Gord Queen	X			
Councillor Kimberly DeYong	X			
Councillor Tony Gaffan		X		
Councillor Laura Lucier	X			
Councillor Thomas Neufeld				
Councillor Larry Patterson		X		
Results	3	2	0	0

CARRIED (3 to 2)

355-09262022

Moved By Councillor Laura Lucier

Seconded By Councillor Tony Gaffan

That Administration BE DIRECTED to send correspondence to the federal and provincial governments requesting the development of a complaint process for the temporary farm workers.

CARRIED

J. REPORTS--COMMITTEES

No reports at this time.

K. REPORTS - COMMUNITY AND DEVELOPMENT SERVICES

No reports at this time.

L. REPORTS - FINANCIAL SERVICES AND INFORMATION TECHNOLOGY

1. Procurement By-law Update

The Town Clerk introduced the report and recommendation.

356-09262022

Moved By Councillor Larry Patterson

Seconded By Councillor Tony Gaffan

- 1. That By-law 053-2022 being a by-law to regulate the Procurement of Goods and Services by the Town of Kingsville be taken as having been read three times and finally passed and the Deputy Mayor and Clerk BE AUTHORIZED to sign same.**

CARRIED

M. REPORTS - FIRE SERVICES

No reports at this time.

N. REPORTS - LEGAL AND BUILDING SERVICES

1. Proposed Delegation of Authority Bylaw

The Town Clerk introduced the report and recommendation.

357-09262022

Moved By Councillor Laura Lucier

Seconded By Councillor Larry Patterson

1. That By-law 54-2022 being a by-law to delegate certain of its powers and duties to Administration be taken as having been read three times and finally passed and the Deputy Mayor and Clerk BE AUTHORIZED to sign same.

CARRIED

O. REPORTS - CAO's OFFICE

No reports at this time.

P. CONSENT AGENDA

1. Branco Estates Phase 1 - Initial Acceptance
2. Woodridge Estates Phase 2 – Initial Acceptance
3. Committee of the Whole Meeting Minutes--June 20, 2022
4. Regular Meeting of Council Minutes--September 12, 2022
5. Regular Closed Session Meeting of Council Minutes--September 12, 2022
6. Kingsville BIA Meeting Minutes--August 9, 2022
7. Human Rights Commission--Correspondence dated August 29, 2022 RE: Housing for migrant workers
8. Municipality of Brighton--Correspondence dated September 8, 2022 RE: Change to Healthcare Connect System for Members of the Canadian Armed Forces

Deputy Mayor Queen introduced the Consent Agenda items 1 through 8.

358-09262022

Moved By Councillor Larry Patterson

Seconded By Councillor Kimberly DeYong

That Consent Agenda items P.1 through P.8 BE ADOPTED.

CARRIED

Q. NOTICES OF MOTION

1. Councillor Lucier may move, or cause to have moved:

359-2022

Moved by Councillor Laura Lucier

Seconded by Councillor Larry Patterson

WHEREAS we have been promoting and marketing our municipality as Kingsville on the Lake;

AND WHEREAS our residents have limited public access to the Kingsville waterfront;

AND WHEREAS the water quality of our public beaches has deteriorated to the point that Lakeside Beach is closed permanently and Mettawas Beach has not been deemed safe to swim by the Windsor-Essex County Health Unit since May of 2022;

AND WHEREAS the most recent study of this problem dates back to 2006.

NOW THEREFORE BE IT RESOLVED THAT a new study be considered to identify causes and potential solutions to address ongoing water quality issues associated with Mettawas Beach and Lakeside Beach, along with actions to improve public access to the Kingsville waterfront for recreational uses; and that the new council be provided with background information in order to determine whether to include the cost of such study in the 2023 budget. AND FURTHER THAT Essex Region Conservation Authority be invited to provide an update to Council on their ongoing work on local water quality; AND FURTHER THAT consideration be given to forming a working group to provide technical feedback and recommendations to Council; AND FINALLY THAT an update on this matter be brought back to Council prior to 2023 budget deliberations.

Amendment:

360-09262022

Moved By Councillor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That Council direct that the motion be amended to strike out the last sentence being "AND FINALLY THAT an update on this matter be brought back to Council prior to 2023 budget deliberations".

CARRIED

Amendment:

361-09262022

Moved By Councillor Laura Lucier

Seconded By Councillor Tony Gaffan

That the motion be further amended to state that a new study be considered and that the new Council be provided with background information in order to determine whether to include the cost of such study in the 2023 budget.

CARRIED

Motion as Amended:

359-09262022

Moved By Councillor Laura Lucier

Seconded By Councillor Larry Patterson

WHEREAS we have been promoting and marketing our municipality as Kingsville on the Lake;

AND WHEREAS our residents have limited public access to the Kingsville waterfront;

AND WHEREAS the water quality of our public beaches has deteriorated to the point that Lakeside Beach is closed permanently and Mettawas Beach has not been deemed safe to swim by the Windsor-Essex County Health Unit since May of 2022;

AND WHEREAS the most recent study of this problem dates back to 2006.

NOW THEREFORE BE IT RESOLVED THAT a study be considered to identify causes and potential solutions to address ongoing water quality issues associated with Mettawas Beach and Lakeside Beach, along with actions to improve public access to the Kingsville waterfront for recreational uses and that the new Council be provided with background information in order to determine whether to include the cost of such study in the 2023 budget; AND FURTHER THAT Essex Region Conservation Authority be invited to provide an update to Council on their ongoing work on local water quality; AND FURTHER THAT consideration be given to forming a working group to provide technical feedback and recommendations to Council.

CARRIED

R. UNFINISHED BUSINESS AND ANNOUNCEMENTS

Councillor Lucier commented that the Town is accepting applications for the Kingsville Community Grant Fund until October 31, 2022.

S. BYLAWS

1. By-law 56-2022

363-09262022

Moved By Councillor Tony Gaffan

Seconded By Councillor Kimberly DeYong

That Council reads By-law 56-2022, being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its September 26, 2022 Regular Meeting a first, second and third and final time.

CARRIED

T. ADJOURNMENT

364-09262022

Moved By Councillor Kimberly DeYong

Seconded By Councillor Larry Patterson

That the Regular Meeting of Council BE ADJOURNED at 8:40 p.m.

CARRIED

DEPUTY MAYOR, Gord Queen

CLERK, Paula Parker