



REGULAR MEETING OF COUNCIL

MINUTES

Monday, January 9, 2023

6:00 PM

Council Chambers

2021 Division Road N

Kingsville, Ontario N9Y 2Y9

Members of Council	Mayor Dennis Rogers Deputy Mayor Kimberly DeYong Councillor Tony Gaffan Councillor Debby Jarvis-Chausse Councillor Sheri Lowrie Councillor Thomas Neufeld Councillor Larry Patterson
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Members of Administration	Town Clerk Paula Parker CAO John Norton
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A. CALL TO ORDER

Mayor Rogers called the Regular Meeting to order at 6:00 p.m. with all members of Council in attendance.

B. CLOSED SESSION

1-01092023

Moved By Councillor Tony Gaffan

Seconded By Councillor Debby Jarvis-Chausse

That Council at 6:02 p.m. move into Closed Session pursuant to Subsection 239(2) of the *Municipal Act, 2001* to address the following item:

Item I) Speed zone on Road 5 East from Longlee Lane to County Road 31-- Subsection 239(2)(f) advice that is subject to solicitor client privilege, including communications for that purpose.

CARRIED

2-01092023

Moved By Councillor Larry Patterson

Seconded By Councillor Sheri Lowrie

That the Regular Meeting of Council reconvene in open session at 6:32 p.m.

CARRIED

C. REPORT OUT OF CLOSED SESSION – January 9, 2023

The Town Clerk reported that Council moved into Closed Session to discuss an item as provided for under Section 239(2) of the *Municipal Act*. Item I was heard under Subsection 239(2)(f) to discuss the Speed zone on Road 5 East from Longlee Lane to County Road 31, and Council will consider action on this matter under Section O.1 this evening.

D. REPORT OUT OF CLOSED SESSION--2022 12 12 Regular Meeting of Council

The Town Clerk reported that Council met in closed session on December 12, 2022 to discuss two items as provided for under Section 239(2) of the *Municipal Act*.

Item I was an update regarding Branco Estates Development heard under Subsection 239(2)(f) and there is nothing further to report on that matter.

Item II was a discussion regarding Essex County Library Board applications heard under Subsection 239(2)(b) and the Town Clerk was directed to recommend Lauren Segedin of 130 Train Court, Kingsville as Kingsville's lay person nominee to the Essex County Library Board.

E. LAND ACKNOWLEDGEMENT

Mayor Rogers read the Land Acknowledgement:

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.

F. NATIONAL ANTHEM

Mayor Rogers asked members to stand for the National Anthem.

G. AMENDMENTS TO THE AGENDA

The following items were added to the Agenda:

Deputy Mayor DeYong added one Announcement and one item under Unfinished Business.

Mayor Rogers added one item under Item S--Notice of Motion (Street renaming)

H. DISCLOSURE OF PECUNIARY INTEREST

Councillor Gaffan declared a pecuniary interest in regard to Item S.1 (Notice of Motion) because Jim Gaffan is his father. Mayor Rogers 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.

I. DELEGATIONS

1. Bradly Nelson--Resident--RE: Flag Policy at Municipal Buildings

Bradly Nelson requested Council to review and update its Flag Policy to fly the Remembrance Day Red Poppy Flag at the Municipal Town Hall during Veterans'

Week which runs annually from November 5 to November 11 to honour and remember Canada's past and present military servicemen and servicewomen.

2. Bill Bennett--Resident RE: Speed Reduction on Road 5 East

Mr. Bennett (Road 5 East resident) requested Council to reduce the speed limit on Road 5 East from Longlee Lane to County Road 31 indicating that he and several of his neighbours residing on Road 5 East are supporting Administration's recommendation that Kingsville Traffic By-law 21-2005 be amended to include a speed zone of 60 km per hr. at that location. Mr. Bennett described the research and reasoning in support of the reduction, which research and information had been provided by Mr. Bennett to Council prior to the meeting. He then read statements from his neighbours who also support the reduction to 60 km per hr.

Item O-1 Deferred Motion

Mayor Rogers then brought forward Item O.1 as deferred from the December 12, 2022 Regular Council Meeting:

That Kingsville Traffic By-law 21-2005 be amended to include a speed zone of 70 km/h on Road 5 East from Longlee Lane to County Road 31.

03-01292023

Moved By Councillor Tony Gaffan

Seconded By Councillor Debby Jarvis-Chausse

That Kingsville Traffic By-law 21-2005 be amended to include a speed zone of 70 km/h on Road 5 East from Longlee Lane to County Road 31.

	For	Against	Abstain	Conflict
Mayor Dennis Rogers		X		
Deputy Mayor Kimberly DeYong	X			
Councillor Tony Gaffan	X			
Councillor Debby Jarvis-Chausse		X		
Councillor Sheri Lowrie	X			
Councillor Thomas Neufeld	X			
Councillor Larry Patterson		X		
Results	4	3	0	0

CARRIED (4 to 3)

J. MATTERS SUBJECT TO NOTICE

1. Application for Zoning By-law Amendment and Consent by Carmel Edna Gerard, 236 County Road 34 West CON NTR PT LOT 272, Roll number 3711 600 000 04900

The Manager of Planning and Development Services was in attendance to answer questions in regard to the Application for Zoning By-law Amendment and Consent by Carmel Edna Gerard.

There were no comments from the public.

4-01092023

Moved By Councillor Thomas Neufeld

Seconded By Councillor Larry Patterson

1. That consent application B/36/22 to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation on a 0.4 ha (0.99 ac.) lot shown as Part 1 on the applicants' sketch, known as 236 County Road 34 West, in the Town of Kingsville, BE APPROVED, subject to the following conditions:

a) That a reference plan be deposited in the registry office, both an electronic and paper copy of the registered plan is to be provided to the Town.

b) That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or Municipal Act be paid in full along with all municipal taxes.

c) That any necessary drainage apportionments be undertaken.

d) That as a result of the severance, owners shall become liable by way of up front monies for the assessment and taxation of their properties for any waterworks or sanitary sewer systems affecting their properties, in accordance with the Fees By-law in effect on the date of certification of the deed.

e) The zoning of the retained parcel be amended to prohibit future dwellings prior to certification (ZBA-2022-19).

f) That the applicant provide confirmation to the satisfaction of the Town the location of any existing septic systems in relation to the revised lot line locations.

g) That the necessary deed(s), transfer or changes be submitted in triplicate, signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.

h) That each parcel have their own access to County Road 34 and the applicant acquire an entrance or encroachment permit for access to both parcels to the satisfaction of the Town or County of Essex as applicable.

i) The conditions imposed above shall be fulfilled by January 9, 2025 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

2. By-law 73-2022 being a by-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

	For	Against	Abstain	Conflict
Mayor Dennis Rogers	X			
Deputy Mayor Kimberly DeYong	X			
Councillor Tony Gaffan	X			
Councillor Debby Jarvis-Chausse	X			
Councillor Sheri Lowrie	X			
Councillor Thomas Neufeld	X			
Councillor Larry Patterson	X			
Results	7	0	0	0
CARRIED (7 to 0)				

**2. Proposed Development Charges By-law and Background Study-
Presentation by Daryl Abbs, BA, MBE, PLE, Manager, Watson & Associates
Economists Ltd.**

Mayor Rogers advised that this meeting of Council is being held under Section 12 of the *Development Charges Act, 1997*, as amended. The purpose of the meeting is to give the public an opportunity to ask questions, provide comments, and make representations on the Development Charges Background Study and proposed By-law. The by-law will be passed at the Special Meeting of Council to be held on January 25, 2023.

Daryl Abs provided an overview of the proposed By-law and Background Study through a PowerPoint presentation.

There were no comments from the public.

5-01092023

Moved By Councillor Thomas Neufeld

Seconded By Councillor Tony Gaffan

That the Presentation of Daryl Abbs of Watson & Associates Economists Ltd. BE RECEIVED.

CARRIED

K. REPORTS - COMMITTEES

There were no reports.

L. REPORTS - COMMUNITY AND DEVELOPMENT SERVICES

There were no reports.

M. REPORTS - FINANCIAL SERVICES AND INFORMATION TECHNOLOGY

There were no reports.

N. REPORTS - FIRE SERVICES

There were no reports.

O. REPORTS - INFRASTRUCTURE AND ENGINEERING

1. Annual Traffic By-law Amendments

This item was brought forward above immediately following Delegation Item I.2.

P. REPORTS - LEGAL AND BUILDING SERVICES

There were no reports.

Q. REPORTS - CAO's OFFICE

1. Committee Appointments and Terms of Reference

6-01092023

Moved By Deputy Mayor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That the Local Boards and Committees Terms of Reference BE ADOPTED, with an amendment to remove the sentence within the terms of reference limiting Council serving as Chair.

	For	Against	Abstain	Conflict
Mayor Dennis Rogers	X			
Deputy Mayor Kimberly DeYong	X			
Councillor Tony Gaffan	X			
Councillor Debby Jarvis-Chausse	X			
Councillor Sheri Lowrie	X			
Councillor Thomas Neufeld	X			
Councillor Larry Patterson		X		
Results	6	1	0	0
CARRIED (6 to 1)				

It was noted that Council has specific questions regarding qualifications of committee applicants and the Clerk and CAO advised that a Closed Session was warranted for those specific questions. This item was addressed at the end of the evening.

R. CONSENT AGENDA

- 1. Kingsville BIA Minutes dated November 8, 2022**
- 2. Committee of Adjustment and Appeals Meeting Minutes--November 8, 2022**
- 3. Inaugural Meeting of Council Minutes--November 15, 2022**
- 4. Special Meeting of Council Minutes--November 21, 2022**
- 5. Special Closed Session Meeting of Council Minutes--November 21, 2022**
- 6. Special Meeting of Council Minutes--November 25, 2022**
- 7. Special Closed Session Meeting of Council Minutes--November 25, 2022**

8. **Regular Meeting of Council Minutes--November 28, 2022**
9. **Regular Meeting of Council Minutes--December 12, 2022**
10. **Regular Closed Session Meeting of Council Minutes--December 12, 2022**

8-01092023

Moved By Councillor Thomas Neufeld

Seconded By Councillor Sheri Lowrie

That Consent Agenda Items R.1 to R.10 be RECEIVED.

CARRIED

S. NOTICES OF MOTION

Mayor Rogers vacated his seat as Chair and Deputy Mayor DeYong assumed the Chair.

1. Street Renaming

Councillor Gaffan, having declared a pecuniary interest, did not participate in the discussion in regard to this item S.1.

9-01092023

Moved By Mayor Dennis Rogers

Seconded By Councillor Sheri Lowrie

That Council authorizes that the rules of order requiring Notice of the Motion to consider the street renaming BE WAIVED.

CARRIED

Mayor Rogers recognized an outstanding citizen within our community, namely James (Jim) Gaffan, who sat on Kingsville Council for 29 years, serving 3 terms as Deputy Mayor and three terms as Mayor. He belonged to numerous community groups as well, including the Lions Club, Knights of Columbus and the Royal Canadian Legion, among many others. Mr. Gaffan's contributions to this community are immeasurable. He raised seven children and was a barber for 67 years in what is now a fourth generation business known as Gaffan's Apex Barber Shop. Mayor Rogers stated that the path that has been paved for elected official such as himself, those before him, and those who will come after because of gentlemen like Jim Gaffan, and Mayor Rogers stated that it is a fitting tribute that the Town honours him with the naming of Gaffan Drive.

10-01092023

Moved By Mayor Dennis Rogers

Seconded By Councillor Debby Jarvis-Chausse

That the new Peachwood Drive extension, located east of Jasperson Drive, included in the Branco Estates registered plan 12M 693, be renamed to Gaffan Drive in recognition of the invaluable contributions made by James Gaffan Sr.

	For	Against	Abstain	Conflict
Mayor Dennis Rogers	X			
Deputy Mayor Kimberly DeYong	X			
Councillor Tony Gaffan				X
Councillor Debby Jarvis-Chausse	X			
Councillor Sheri Lowrie	X			
Councillor Thomas Neufeld	X			
Councillor Larry Patterson	X			
Results	6	0	0	1

CARRIED (6 to 0)

Mayor Rogers assumed the Chair.

T. UNFINISHED BUSINESS AND ANNOUNCEMENTS

- 1. Certificate of Thanks to Town of Kingsville from Scouts Canada, and Card of Thanks from 2nd Cottam Scouts**
- 2. Unfinished Business List as of January 9, 2023**

The unfinished business list was presented for Council's information.

11-01092023

Moved By Deputy Mayor Kimberly DeYong

Seconded By Councillor Larry Patterson

That Council review and discuss the Town's Flag Policy at the February 2023 Committee of the Whole Meeting.

CARRIED

Deputy Mayor DeYong announced that on the weekend she had the pleasure, along with many members of Council, to attend a Communities in Bloom dinner and that evening, Joe Colasanti presented Council with a book titled "The Story of the Colasanti Family-from Grandfather to Grandchildren" written by local author Robert Lynch, to be retained at the Town of Kingsville and to be read, enjoyed and shared.

U. BYLAWS

- 1. By-law 1-2023**

Being a By-law to appoint a Fire Chief for The Corporation of the Town of Kingsville

- 2. By-law 2-2023**

Being a By-law to confirm the proceedings of the Council of The Corporation of the Town of Kingsville at its January 9, 2023 Regular Meeting

13-01092023

Moved By Deputy Mayor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That By-laws 1-2023 and 2-2023 be read three times and finally passed and that the Mayor and Clerk be authorized to sign same.

CARRIED

V. CLOSED SESSION

12-01092023

Moved By Councillor Sheri Lowrie

Seconded By Councillor Debby Jarvis-Chausse

Pursuant to Subsection 239(2) of the *Municipal Act, 2001*, Council at 7:51 p.m. moved into Closed Session to address the following items:

Item II) Citizen Appointments to Council Committees--Subsection 239(2)(f) advice that is subject to solicitor client privilege, including communications for that purpose; and

Item III) Ontario Land Tribunal Case No. OLT-22-004765 RE: 9 Gregory Avenue, Kingsville --Subsection 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board. This is a verbal update by Solicitor S. Hirota.

CARRIED

The Clerk advised that Council will no longer be discussing Item IV as listed in the agenda.

REPORT OUT FROM CLOSED SESSION – January 9, 2023

Council met in closed session as listed above. As a result of that discussion the following motion was before Council for consideration:

7-01092023

Moved By Deputy Mayor Kimberly DeYong

Seconded By Councillor Tony Gaffan

That the following applicants BE APPOINTED to the Committee of Adjustment and Appeals:

Doreen Lester

Sandra Zwiers

Gord Queen

Nicole Hackett-Winkels

The following applicants BE APPOINTED to the Accessibility Advisory Committee:

Michele Chauvin

Chris Anson

David Kfrerer

Phil Caruana

The following applicants BE APPOINTED to the Heritage Advisory Committee:

Stacey Jones

Carolyn Smith

Steve Allman Jr

Jeffrey Robinson

That Will Chisholm_ BE APPOINTED to the Police Services Board;
That the following applicants BE APPOINTED to the Kingsville Highland Games Advisory Committee:

- Doug Plumb
- Tim Fuerth
- Robyn Braybrook-Gard
- John Musselman
- Barry Wilson
- Karen Chevalier

That the following applicants BE APPOINTED to the Communities in Bloom Advisory Committee:

- Alan Batke
- Carol Dunn
- Heather Crewe
- Janet Willoughby
- Carolyn Smith

That the following applicants BE APPOINTED to the Fantasy of Lights Advisory Committee:

- Chris Anson
- Janet Willoughby
- Kristina Sanecki
- Dave Laman
- Leslie Pittendreigh

That the following applicants BE APPOINTED to the Migration Festival Advisory Committee:

- Leslie Pittendreigh
- Tom Coke
- Layne van Loo

	For	Against	Abstain	Conflict
Mayor Dennis Rogers	X			
Deputy Mayor Kimberly DeYong	X			
Councillor Tony Gaffan	X			
Councillor Debby Jarvis-Chausse	X			
Councillor Sheri Lowrie	X			
Councillor Thomas Neufeld	X			
Councillor Larry Patterson	X			
Results	7	0	0	0

CARRIED (7 to 0)

Council also met to discuss Item III) Ontario Land Tribunal Case No. OLT-22-004765
RE: 9 Gregory Avenue, Kingsville heard under Subsection 239(2)(e). There is nothing
further to report on this matter.

W. ADJOURNMENT

14-01092023

Moved By Councillor Larry Patterson

Seconded By Councillor Thomas Neufeld

That the meeting BE ADJOURNED at 8:45 p.m.

CARRIED

MAYOR, Dennis Rogers

CLERK, Paula Parker