



REGULAR MEETING OF COUNCIL

MINUTES

Monday, April 24, 2023

6:00 PM

Council Chambers

2021 Division Road N

Kingsville, Ontario N9Y 2Y9

PRESENT Mayor Dennis Rogers
 Deputy Mayor Kimberly DeYong
 Councillor Tony Gaffan
 Councillor Debby Jarvis-Chausse
 Councillor Sheri Lowrie
 Councillor Thomas Neufeld
 Councillor Larry Patterson

John Norton, CAO
Paula Parker, Clerk

A. CALL TO ORDER

Mayor Rogers called the Regular Meeting to order at 6:00 p.m.

B. LAND ACKNOWLEDGEMENT

Mayor Rogers acknowledged 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.

C. MOMENT OF SILENT REFLECTION AND NATIONAL ANTHEM

The National Anthem was performed by music students from Gosfield North Central Public School. The students in attendance are:

- Claire Osborne
- Callum Brett
- Tessa Vermast

D. MAYOR'S WELCOME AND REMARKS

Mayor Rogers welcomed everyone this evening and encouraged the community to attend meetings or watch from home, email questions and comments to Council, volunteer through Council committees, engage positively through Town owned media platforms and sign up for town news on the Town's website.

E. AMENDMENTS TO THE AGENDA

Deputy Mayor DeYong and Councillor Neufeld each added one announcement to the agenda during Item Q.

F. DISCLOSURE OF PECUNIARY INTEREST

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.

Councillor Lowrie disclosed an interest in Items G1 and 2 and I1 indicating that through discussion with the Integrity Commissioner she was advised she has an interest as an Erie North Shore Minor Hockey member, yet it is not pecuniary in nature and will be discussing and voting on the matter.

G. DELEGATIONS

1. Ice Slab Replacement - Raedeen Chambers, Skate Kingsville

Ms. Chambers addressed Council with respect to the arena ice slab replacement. She advised that Skate Kingsville is in agreement with the slab replacement as proposed.

2. Ice Slab Replacement - Gary Toupin, Erie North Shore Minor Hockey

Mr. Toupin addressed Council with respect to the ice slab replacement. Mr. Toupin introduced Nelson Ferreira, Treasurer and Heide Mikkelsen, who would also be representing the Board this evening. Mr. Toupin advised that Erie North Shore Hockey is in support of the ice slab replacement, however is unhappy with the timing of the replacement and suggested that communication with the user groups was lacking. Mr. Ferreira addressed Council with respect to concerns of additional costs and lost revenues for Erie North Shore Hockey. Mr. Mikkelsen requested reduced fees for their membership and as much communication as possible going forward.

H. MATTERS SUBJECT TO NOTICE

1. ZBA-2023-6 and B-2023-1 – Application for Surplus Dwelling Severance at 1520 Road 5 West by George and Theresa Verschueren Roll No. 3711-440-000-02800

Theresa Verschueren, Applicant and Dean Clark, Legal Counsel for the Applicant addressed Council on the ZBA. There were no other comments from the public.

128-04242023

Moved By Councillor Patterson

Seconded By Councillor Gaffan

1. That consent application B-2023-1 to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation on a 0.78 ha (1.928 ac.) lot shown as Parts 1 & 2 on the applicants' sketch, known as 1520 Road 5 W, 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-2023-6).
- 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 access to Road 5 W or Road 6 W and the applicant acquire an entrance or encroachment permit for access to both parcels to the satisfaction of the Town as applicable.
- i) That the applicant register an easement for mutual access over Part 2, and an easement for utilities over Part 3, if separate accesses are not completed, to the satisfaction of the Town.
- j) j)The conditions imposed above shall be fulfilled by April 24, 2025 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

2. By-law 29-2023 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 (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

2. ZBA-2023-07 and B-37-22 – Application for Surplus Dwelling Severance at 614 County Road 8 by John Samuel Olson & Dorothy Claire Olson Roll No. 3711-650-000-01800

Dean Clark, Legal Counsel for the Applicant addressed Council on the ZBA. There were no other comments from the public.

129-04242023

Moved By Councillor Patterson

Seconded By Councillor Jarvis-Chausse

1. That consent application B/37/22 to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation on a 0.81 ha (1.99 ac.) lot shown as Parts 1 & 2 on the applicants' sketch, known as 614 County Road 8, 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-2023-07).
- 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 8 or Graham Side Road 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 April 24, 2025 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

2. By-law 30-2023 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 (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

3. ZBA-2023-9 – Zoning By-law Amendment for 54 Spruce Street North Augustine Villas Roll number: 3711-140-000-06201

Brian Pearce, Baird AE, representative of the Applicant addressed Council regarding the ZBA. There were no other comments from the public.

130-04242023

Moved By Councillor Patterson

Seconded By Councillor Jarvis-Chausse

1. That Zoning By-law amendment application ZBA-2023-9 to amend the zoning on the subject parcel in the Town of Kingsville from Residential Zone 3 Urban, “R3.1” to a site-specific Residential Zone 3 Urban Exception

23, “R3.1-23” to permit two Townhouse dwellings BE APPROVED with the following:

- a) a Retirement Home be permitted as an additional use;**
- b) two Townhouse dwellings with a maximum of 6 Townhouse dwelling units each (12 units total);**
- c) minimum parking space requirement for the site is 58 spaces; and,**

2. By-law 31-2023 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 (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

I. REPORTS - COMMUNITY AND DEVELOPMENT SERVICES

1. Kingsville Arena - Ice Slab Replacement Project

Mayor Rogers moved Item H1 of the agenda regarding ice slab replacement after delegations.

Courtney Godfrey, Manager of Parks, Recreation and Facilities presented information with respect to the current condition of the arena ice slab to Council. Ms. Godfrey also presented the tender results to Council for consideration.

Deputy Mayor DeYong moved the motion with the inclusion of item 2.

131-04242023

Moved By Deputy Mayor DeYong

Seconded By Councillor Lowrie

- 1. That the Kingsville Arena – Ice Slab Replacement Project Tender BE AWARDED to Ball Construction for \$1,380,860.00 (excluding HST) beginning May 1, 2023 and subject to content review by the Director of Community and Development Services, legal review by the Town Solicitor, and financial review by the Town Treasurer, the Mayor and Clerk BE AUTHORIZED to execute the requisite agreement; and**
- 2. The Director of Financial, IT and Customer Services BE DIRECTED to have conversations with the ice users to better understand the financial impacts of the ice slab replacement project to determine if further Council consideration is required.**

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

2. Adoption of Official Plan 5-Year Conformity Review

132-04242023

Moved By Deputy Mayor DeYong

Seconded By Councillor Lowrie

- 1. That the Official Plan 5-Year Conformity Review, attached as Appendix "A", and associated Official Plan Schedules "A", "A-1", "A-2", "B", "B1", "C", "D", "E", "F", "G" and "H" and Official Plan Appendices "A", "B", and "C", as presented and updated to respond to comments from the County of Essex BE ADOPTED; and**
- 2. That Administration BE DIRECTED to forward the updated plan to the County of Essex for final approval; and**
- 3. That By-law 32-2023 being a by-law to amend the Official Plan of 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 (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

J. REPORTS - FINANCIAL SERVICES AND INFORMATION TECHNOLOGY

1. 2023 Final Tax Levy By-Law

133-04242023

Moved By Councillor Gaffan

Seconded By Councillor Jarvis-Chausse

- 1. That By-Law 24-2023 being a by-law for the establishment of the 2023 final tax levy be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.**

For (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

K. REPORTS - FIRE SERVICES

L. REPORTS - INFRASTRUCTURE AND ENGINEERING

M. REPORTS - LEGAL AND BUILDING SERVICES

N. REPORTS - CAO's OFFICE

1. Flag Policy Amendments

134-04242023

Moved By Councillor Jarvis-Chausse

Seconded By Councillor Neufeld

- 1. That the Flag Policy BE APPROVED, as amended.**

For (6): Mayor Rogers, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson
Against (1): Deputy Mayor DeYong

CARRIED (6 to 1)

2. April 17, 2023 Committee of the Whole

The CAO sought clarification on the April 17th Committee of the Whole motion. Discussion ensued and no additional direction was provided to Administration.

O. CONSENT AGENDA

Councillor Jarvis-Chausse advised that there were errors in item 2 of the consent agenda and this item was removed to be amended and brought back to Council.

135-04242023

Moved By Deputy Mayor DeYong

Seconded By Councillor Patterson

1. Committee of Adjustment and Appeals Minutes - March 21, 2023

2. Fantasy of Lights Committee Minutes - March 9, 2023

3. Kingsville Accessibility Committee Minutes - February 8, 2023

4. Kingsville Heritage Committee Minutes - March 7, 2023

5. Police Services Board Minutes - September 28, 2023

6. Regular Council Meeting Minutes - April 11, 2023

That consent agenda items 1 and 3-6 BE RECEIVED.

CARRIED

P. NOTICES OF MOTION

There were no notices of motion brought forward at this meeting.

Q. UNFINISHED BUSINESS AND ANNOUNCEMENTS

The Deputy Mayor provided information on 3 Jane's Walks in the Town of Kingsville on Sunday, April 30th, 2023 at 1pm, 2:15pm and 3:30pm.

Councillor Neufeld provided information on a Communities In Bloom dance on May 5th, 2023 at the Grovedale. Doors open at 6:30pm.

Councillor Patterson thanked Administration for their work in collecting over 2000lbs of garbage.

R. BYLAWS

136-04242023

Moved By Deputy Mayor DeYong

Seconded By Councillor Gaffan

1. By-law 33-2023

That By-law 33-2023 be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

CARRIED

S. CLOSED SESSION

137-04242023

Moved By Deputy Mayor DeYong

Seconded By Councillor Gaffan

Pursuant to section 239(2) of the *Municipal Act, 2001*, Council will enter into Closed Session at 7:51pm to address the following items:

ITEM I - Personal Matter - Section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees; and Section 3.1 education and training.

CARRIED

T. ADJOURNMENT

138-04242023

Moved By Councillor Gaffan

Seconded By Councillor Jarvis-Chausse

That Council adjourned at 9:23 p.m.

CARRIED

MAYOR, Dennis Rogers

CLERK, Paula Parker