



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, September 11, 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 meeting to order at 4:31 p.m. and Council immediately moved into Closed Session.

B. CLOSED SESSION

Moved by Councillor Jarvis-Chausse
Seconded by Councillor Neufeld

Pursuant to Section 239(2) of the Municipal Act, 2001, Council will enter into Closed Session at 4:31 pm to address the following items:

Item I - Code of Conduct - Section 239 (3.1) - education and training;

Item II - Significant Weather Events - Section 239(2)(f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

198-09112023

Moved by Councillor Gaffan
Seconded by Councillor Lowrie

That Council resume public session at 6:05 p.m.

CARRIED

C. 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 also like to acknowledge all the moccasins who have walked lands of Turtle Island.

D. MOMENT OF SILENT REFLECTION AND NATIONAL ANTHEM

Mayor Rogers wished to honour those that lost their lives during the tragic events of September 11, 2001 with a moment of silent reflection followed by the national anthem.

E. AMENDMENTS TO THE AGENDA

There were no additions to the agenda.

F. MAYOR'S WELCOME AND REMARKS

Mayor Rogers said a few words of welcome. He stated that it has been a hard 10 months with a number of significant weather events that have hit our communities with ice, wind, water and tree damage. He commended the Emergency Management Committee, Fire Department, Public Works employees and hydro employees who have put in countless hours of quick and high level response. The August storm hit all communities hard and Council is speaking with the Province to explore available funding for impacted homeowners. Mayor Rogers reiterated that infrastructure is a priority at Strategic Planning beginning this week.

G. 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.

H. REPORT OUT OF CLOSED SESSION – August 14, 2023

Pursuant to section 239(2) of the Municipal Act, 2001, Council entered into Closed Session at 8:33 pm on August 14, 2023 to address the following items:

Item I - Personnel Matters heard under Section 239(2)(b). There is nothing further to report on this matter.

Item II - New Designs, 23/25 Division Street heard under Section 239(2)(c) and Section 239(2)(f). There is nothing further to report on this matter.

Item III - EWSWA heard under Section 239(2)(f) and Section 239(2)(k). There is nothing further to report on this matter.

I. RECOGNITION

Mayor Rogers congratulated Mr. Carruthers for his well-deserved Induction to the Contract Bridge Hall of Fame. Mr. Carruthers is an accomplished player, writer and administrator. He holds 4 North American titles, 4 Canadian National Team Championships, and has most recently been inducted into the Hall of Fame in July of this year. Mr. Carruthers was presented with a certificate from the Town recognizing his many accomplishments.

J. MATTERS SUBJECT TO NOTICE

1. OPA-2023-1 – Official Plan Amendment for 1478 Road 2 E and Vacant Land Road 2 E – Mivita Estates (Walter Branco)

The Mayor invited members of the public present for this item to address Council. There were no comments from the public.

199-09112023

Moved By Councillor Patterson

Seconded By Councillor Neufeld

1. That Official Plan Amendment No. 15 (OPA 15) to re-designate lands located at 1478 Road 2 E in the Town of Kingsville, from ‘Agricultural’ to ‘Hamlet’, and from ‘Hamlet’ to ‘Agriculture’ **BE APPROVED**; and,
2. That Administration **BE DIRECTED** to forward the amendment to the County of Essex for final approval.

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-09-22 and SUB-03-22 - Applications for Zoning By-law Amendment and Draft Plan of Subdivision by 770022 Ontario Limited (Tony Youssef)

Councillor Lowrie declared a conflict with her home being in close proximity to the development, however advised that it is not pecuniary in nature and will be discussing and voting on this matter.

The Mayor invited members of the public present for this item to address Council. There were a number of residents present to address Council. Please refer to Appendix A which forms apart of these minutes.

200-09112023

Moved By Councillor Patterson

Seconded By Councillor Lowrie

1. That Zoning By-law amendment application ZBA-09-22 to amend the zoning on the subject parcel in the Town of Kingsville from “Residential Zone 1 Urban (R1.1(h))” and “Light Industrial (M1(h))” to:
 - i. “Residential Zone 2 Urban (R2.1)” to permit Single and semi-detached dwellings,
 - ii. “Residential Zone 4 Urban (R4.1-9)” to permit one 6 storey apartment building on the south side of the parcel (105 rental units total), and;
 - iii. “Residential Zone 4 Urban - holding (R4.1(h))” to permit a mixed use building on the north side abutting Main Street (subject to approval of future Main Street Corridor Official Plan and Zoning By-law amendments);
 - iv. “Public Utilities/Facilities (MG)” for the storm water management pond; and
 - v. “Parkland (PG)” for the proposed park parcel **BE APPROVED**.
2. **By-law 55-2023** 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.

3. A resolution in support of the draft plan of subdivision, County File No. 37-T-23007, **BE APPROVED** subject to conditions outlined by the County in the draft approval and subject to approval of the necessary development agreement between the applicant and Town.
4. Administration **BE DIRECTED** to forward the resolution of support to the County Planner for final approval.

For (5): Mayor Rogers, Deputy Mayor DeYong, Councillor Lowrie, Councillor Neufeld and Councillor Patterson

Against (2): Councillor Gaffan and Councillor Jarvis-Chausse

CARRIED (5 to 2)

At 7:57 pm Mayor Rogers called for a brief recess and the meeting reconvened at 8:06 pm.

K. REPORTS - GROWTH AND DEVELOPMENT SERVICES

1. Migration Fall Festival and Fantasy of Lights Updates

201-09112023

Moved By Councillor Patterson

Seconded By Councillor Gaffan

That the following road closures to vehicle traffic on Saturday, October 21, 2023, for the Migration Fall Festival Parade **BE APPROVED**;

- Staging area at 8 am: Wigle Avenue from Main Street to Lakeview Avenue
- Parade route at 9:30 am heading north on Wigle Avenue, turning west onto Main Street East, turning south onto Division Road South, turning east onto Park Street
- De-staging area to be closed based on the number of parade entries; Park Street from Division Road to 103 Park Street (Grovedale Arts & Culture Centre)

That the following road closures to vehicle traffic on Saturday, November 18, 2023, for the Fantasy of Lights Parade **BE APPROVED**;

- Staging area 2:00 pm: Wigle Avenue from Main Street to Lakeview Avenue
- Parade route at 5:00 pm: heading north on Wigle Avenue, turning west onto Main Street East, turning south onto Division Road South, turning east onto Park Street
- De-staging area to be closed based on the number of parade entries; Park Street from Division Road to 103 Park Street (Grovedale Arts & Culture Centre)

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

CARRIED (7 to 0)

2. Site Plan Approvals: January 1, 2023 to August 1, 2023

202-09112023

Moved By Deputy Mayor DeYong

Seconded By Councillor Lowrie

1. That the Director of Growth and Development **BE DIRECTED** to report on approved Site Plans annually.

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

Against (1): Councillor Neufeld

CARRIED (6 to 1)

L. REPORTS - FINANCIAL, INFORMATION TECHNOLOGY AND CUSTOMER SERVICE

1. External Audit Services - Award of Contract

203-09112023

Moved By Councillor Patterson

Seconded By Deputy Mayor DeYong

1. That By-law 54-2023 to appoint HMID LLP as the auditors for The Corporation of the Town of Kingsville for the fiscal years of 2023 through 2026 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)

M. REPORTS – FIRE SERVICES

There were no reports.

N. REPORTS - PUBLIC OPERATIONS

1. Watermain Relocation- Division Road at Highway 3

204-09112023

Moved By Deputy Mayor DeYong

Seconded By Councillor Lowrie

1. That the Watermain Relocation- Division Road at Highway 3 Tender **BE AWARDED** to SheaRock Construction Group Inc. in the amount of \$990,000.00 (excluding HST) and the Mayor and Clerk **BE AUTHORIZED** to execute the requisite agreement.

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

CARRIED (7 to 0)

O. REPORTS – LEGAL, BUILDING AND BY-LAW SERVICES

There were no reports.

P. REPORTS – CAO’s OFFICE

There were no reports.

Q. CONSENT AGENDA

205-09112023

Moved By Councillor Gaffan

Seconded By Councillor Neufeld

That Consent Agenda items 1 to 7 BE RECEIVED

- 1. Regular Meeting Minutes - August 14 2023**
- 2. Regular Closed Session Meeting Minutes - August 14 2023**
- 3. Special Meeting Minutes - August 24 2023**
- 4. Fantasy of Lights Minutes - June 20 2023**
- 5. Fantasy of Lights Minutes - July 18 2023**
- 6. Committee of Adjustment Minutes - July 18 2023**
- 7. Heritage Advisory Committee Minutes - August 1 2023**

CARRIED

R. NOTICES OF MOTION

- 1. Hydro One Update - Deputy Mayor DeYong**

206-09112023

Moved By Deputy Mayor DeYong

Seconded By Councillor Patterson

That Council request Hydro One to attend a Council Meeting, at their earliest availability, to provide an update on regional upgrades and service reliability.

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

CARRIED (7 to 0)

S. UNFINISHED BUSINESS AND ANNOUNCEMENTS

Councillor Jarvis-Chausse attended the AMO Conference (Aug 20-23). She appreciated the experience of being a part of the delegations with the Minister of Health, Sylvia Jones and MPP, Anthony Leardi. She indicated it was a great learning experience overall and a chance to get to know other councillors throughout Essex County.

T. BYLAWS

1. By-law 59-2023

207-09112023

Moved By Deputy Mayor DeYong

Seconded By Councillor Lowrie

That By-law 55-2023 be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

CARRIED

U. CLOSED SESSION

208-09112023

Moved By Councillor Jarvis-Chausse

Seconded By Councillor Lowrie

Pursuant to section 239(2) of the Municipal Act, 2001, Council re-entered Closed Session at 8:30 pm to address the following item that was not addressed during the 4:30 pm Closed Session due to time:

Item II - Significant Weather Events - Section 239(2)(f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

V. ADJOURNMENT

209-09112023

Moved by Councillor Jarvis-Chausse

Seconded by Councillor Neufeld

That Council adjourn this Regular Meeting at 9:44 p.m.

CARRIED

MAYOR, Dennis Rogers

CLERK, Paula Parker