



REGULAR MEETING OF COUNCIL

MINUTES

Monday, September 25, 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 5:03 p.m. and Council immediately moved into Closed Session.

B. CLOSED SESSION

Moved by Councillor Lowrie
Seconded by Councillor Jarvis-Chausse

Pursuant to Section 239(2) of the Municipal Act, 2001, Council will enter into Closed Session at 5:03 pm to address the following items:

Item 1 - Ontario Housing Affordability - Section 239(3.1) - education and training.

CARRIED

210-09252023

Moved by Councillor Gaffan
Seconded by Deputy Mayor DeYong

That Council resume public session at 6:00 p.m.

CARRIED

C. LAND ACKNOWLEDGEMENT

Mayor Rogers acknowledged the Three Fires Confederacy (Ojibwe, Potawatome 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.

Mayor Rogers read the Call of Action for Truth and Reconciliation for Public Servants:

We call upon federal, provincial, territorial, and municipal governments to provide education to public servants on the history of Aboriginal peoples, including the history and legacy of residential schools, the United Nations Declaration on the Rights of Indigenous Peoples, Treaties and Aboriginal rights, Indigenous law, and Aboriginal–Crown relations. This will require skills based training in intercultural competency, conflict resolution, human rights, and anti-racism.

D. MOMENT OF SILENT REFLECTION AND NATIONAL ANTHEM

Mayor Rogers invited everyone to stand for a moment of silent reflection and the national anthem.

E. 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 Gaffan declared an interest in item I-1 because he owns a business in the affected area.

Mayor Rogers declared an interest in item I-1 because he owns a business in the affected area.

F. AMENDMENTS TO THE AGENDA

Deputy Mayor DeYong added 1 unfinished business item. Councillor Gaffan added 1 notice of motion. Councillor Neufeld added 1 notice of motion. Mayor Rogers added 1 announcement.

G. MAYOR'S WELCOME AND REMARKS

Mayor Rogers said there were several comments and questions regarding meeting procedure following the September 11, 2023 meeting. He reminded everyone that procedure exists because everyone deserves a fair, effective and efficient order of business.

Mayor Rogers read Section 6 of the Town's Procedure By-law which sets out the rules for delegations and presentations This Section states that the Clerk may reduce the time limit allotted for speaking for each delegation as the total time limit for all delegations shall be 30 minutes. It further states that where there are numerous delegations taking the same position on a matter, delegates are encouraged to select a spokesperson to speak on behalf of the group and delegations are not permitted to assume any unused time allocated to another delegation.

He reminded everyone that Council understands that residents are passionate about their Town and items on the agenda; however, every person has the right to a respectful environment and decorum will be maintained.

H. REPORT OUT OF CLOSED SESSION - September 11, 2023

Pursuant to Section 239(2) of the Municipal Act, 2001, Council met in Closed Session at 4:30 pm on September 11, 2023 to address the following items:

Item I - Code of Conduct heard under Section 239 (3.1). There will be more to report on this matter at a later date in public session.

Item II - Significant Weather Events heard under Section 239(2)(f). There is nothing further to report on this matter.

I. MATTERS SUBJECT TO NOTICE

1. Main Street Corridor – Official Plan and Zoning By-law Amendments

The Director of Planning and Development provided an overview of the report before Council for consideration. Considerable discussion ensued and Council requested legal advice in Closed Session.

Moved by Tony Gaffan
Seconded by Sheri Lowrie

Pursuant to Section 239(2) of the Municipal Act, 2001, Council moved into Closed Session at 7:16 pm to address the following items:

Item I – Main Street Corridor heard under Section 239(2)(f) - Advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

Moved by Councillor Gaffan
Seconded by Councillor Jarvis-Chausse

That Council resume public session at 7:36 pm.

CARRIED

211-09252023

Moved by Deputy Mayor DeYong
Seconded by Councillor Patterson

1. That Official Plan Amendment Number 16 (OPA/01/23) to establish definitions and policies related to land use within the Main Street Corridor in the Town of Kingsville BE APPROVED pending County approval of the Town of Kingsville Official Plan Five-Year Conformity Review;

Sub-Area One - Main Street Core – Height as recommended maximum of 11 m (3 storeys).

Sub-Area Two - Main Street Neighbourhoods – Height maximum of 14.5 m (4 storeys)

Sub-Area Three - Main Street Gateways – height maximum of 22 m (6 storeys)

2. That Administration BE DIRECTED to forward the Official Plan Amendment Number 16 (OPA/01/23) to the County of Essex for final approval;

3. That Zoning By-Law Amendment OPA & ZBA 2023-1 to implement Official Plan Amendment Number 16 and establish regulations related to the creation of the following zones within the Main Street Corridor BE APPROVED:

- a) **Main Street Corridor – Core (MS1) Height as recommended maximum of 11 m (3 storeys).**
 - b) **Main Street Corridor – Neighbourhoods (MS2) Height maximum of 14.5 m (4 storeys) extended to eastern end of the corridor.**
 - c) **Main Street Corridor – Gateways (MS3) height maximum of 22 m (6 storeys)**
4. **That By-law 58-2023, as amended, 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 (6): Mayor Rogers, Deputy Mayor DeYong, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld and Councillor Patterson

Against (1): Councillor Gaffan

CARRIED (6 to 1)

J. REPORTS - PLANNING AND DEVELOPMENT SERVICES

1. **Application for Extension for Branco Estates Subdivision Approval - County of Essex File 37-T-13001**

212-09252023

Moved By Councillor Jarvis-Chausse

Seconded By Councillor Patterson

- 1. **That the request for an extension of approval for Branco Estates Subdivision (County file 37-T-13001) for a period of two years BE SUPPORTED; and,**
- 2. **That Administration BE DIRECTED to forward a copy of this resolution to the County of Essex for their approval.**

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

CARRIED (7 to 0)

At 7:58 pm Mayor Rogers called for a brief recess and the meeting reconvened at 8:04 pm.

K. REPORTS - FINANCIAL AND CORPORATE SERVICES

1. **Asset Management Plan and Reserve Strategy**

213-09252023

Moved By Councillor Gaffan

Seconded By Councillor Lowrie

- 1. **That the Asset Management Plan for Core Assets dated August 30, 2023 as prepared by Watson & Associates Economists Ltd BE APPROVED; and,**
- 2. **That Administration BE DIRECTED to incorporate the reserve strategy proposed in Table 4 into the 2024, 2025 and 2026 draft Municipal budgets.**

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

CARRIED (7 to 0)

2. Policing Contract Renewal and Service Delivery Changes

214-09252023

Moved By Deputy Mayor DeYong

Seconded By Councillor Neufeld

- 1. That Administration BE DIRECTED to notify the Ministry of the Solicitor General of its intention to remove the Municipal Liaison Officer enhancement position from its Police Services contract;**
- 2. That an amending agreement for the provision of Police Services under Section 10 of the *Police Services Act* between His Majesty the King in Right of Ontario as represented by the Solicitor General (“Ontario”) and the Town of Kingsville BE EXTENDED for a period of two years ending December 31, 2025;**
- 3. That Administration BE DIRECTED to provide the landlord of 116 County Rd 34, Cottam, ON with written notice of its intention to terminate its lease agreement effective March 31, 2024.**

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

CARRIED (7 to 0)

L. REPORTS - FIRE RESCUE SERVICES

There were no reports.

M. REPORTS – PUBLIC OPERATIONS

There were no reports.

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

There were no reports.

O. REPORTS - CAO's OFFICE

1. Committee of the Whole – September 18, 2023

215-09252023

Moved By Councillor Neufeld

Seconded By Councillor Patterson

- 1. That Administration BE DIRECTED to continue to explore interest of third parties that wish to commit to a contract for canteen services, if there is no sufficient interest, that Arena Canteen Services be considered at 2024 budget as a new service level provided by the Town as a one year trial.**

For (5): Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Neufeld and Councillor Patterson

Against (2): Mayor Rogers Councillor Lowrie

CARRIED (5 to 2)

P. CONSENT AGENDA

216-09252023

Moved By Councillor Neufeld

Seconded By Councillor Patterson

That Consent Agenda items 1 to 3 BE RECEIVED

- 1. Communities in Bloom Minutes - June 6 2023**
- 2. BIA Minutes - July 11 2023**
- 3. Multi-Year Accessibility Plan Status Update**

CARRIED

Q. CORRESPONDENCE

- 1. Ontario Housing Affordability**

217-09252023

Moved By Councillor Patterson

Seconded By Deputy Mayor DeYong

That Council directs Administration to respond on its behalf with the following priorities and recommendations arising from the Minister's request.

- 1. Bill 23 removes Development Charges for attainable and affordable housing. This eliminates the long-standing principle that "Growth should pay for Growth". The removal of Development Charges means that growth will have to be paid by existing taxpayers, unless the province or federal government is willing to make municipalities whole for these lost charges. To make matters worse, this government has failed to clarify the definition of attainable housing throughout 2023 which leaves municipalities with uncertainty. Kingsville asks the government to clarify that development charges will only be removed as recommended in the Task Force Recommendations, which is for affordable and subsidized housing and only those which have a commitment to remain affordable for 40 years.**
- 2. Although not included in the Task Force Recommendations, the provincial government has proposed changes under Bill 98 to allow closed schools to be sold to municipalities at nominal cost if the property is utilized for housing. We ask the government to sell the three Kingsville school properties to the Town for \$1 each and to trust the Town to utilize these lands for good purposes, including housing or other community and municipal needs.**
- 3. Town of Kingsville requests that the province direct MPAC to implement new property valuations or assessments. The current assessments are dated and resulting in an unfair tax burden on some members of our community. Fairness should be a goal of the provincial government and this policy of deferring assessments results in unfairness.**

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

CARRIED (7 to 0)

R. NOTICES OF MOTION

218-09252023

Moved By Councillor Neufeld

Seconded By Councillor Gaffan

That the Procedure By-law rules for notice be waived to consider the notice of motion this evening.

CARRIED

219-09252023

Moved By Councillor Neufeld

Seconded By Councillor Gaffan

That Council increase the Basement Flooding Protection Subsidy program by the plumbing permit fee for a period of 12 months effective October 1, 2023; and those that have already applied in 2023 and paid a permit fee be reimbursed for the amount of the permit fee.

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

220-09252023

Moved By Deputy Mayor DeYong

Seconded By Councillor Jarvis-Chausse

The Town of Kingsville DECLARE Intimate Partner Violence (IPV) as an epidemic; and,

Correspondence stating such BE FORWARDED to the Honourable Doug Ford, Premier of Ontario, Local MPPs, and the Minister of Women’s Social and Economic Opportunity.

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

CARRIED (7 to 0)

The County of Essex presentation is attached to and forms a part of the September 25, 2023 Minutes for information.

Mayor Rogers advised that last week, at the Ontario Professional Planners Institute Annual Conference and AGM, the Town of Kingsville was recognized with a Plan Ontario Vision Award for Planning documentation – one of only 8 awards were handed out.

In the words of Plan ON, the ON Vision Award for Planning Documentation celebrates planners that have “exemplified excellence in upholding the public interest through their approach to solving the most important issues facing the planning profession in Ontario such as, climate change, affordable housing, technology, inclusivity, and more”.

Kingsville was recognized for its Farm Worker Housing and Boarding, Lodging, and Rooming House program. It’s great to see Kingsville recognized as leaders

in the Ontario Planning community. Thank you to Director Wyma, Manager of Planning, Mr. Robinson, and their team for all their work.

T. BYLAWS

1. By-law 60-2023

221-09252023

Moved By Deputy Mayor DeYong

Seconded By Councillor Lowrie

That By-law 60-2023 be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

CARRIED

U. ADJOURNMENT

222-09252023

Moved by Councillor Lowrie

Seconded by Councillor Jarvis-Chausse

That Council adjourn this Regular Meeting at 9:10 p.m.

CARRIED

MAYOR, Dennis Rogers

CLERK, Paula Parker