



REGULAR MEETING OF COUNCIL

MINUTES

Monday, November 27, 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
Margaret Schroeder, Acting 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 also like to acknowledge all the moccasins who have walked lands of Turtle Island.

C. MOMENT OF SILENT REFLECTION AND NATIONAL ANTHEM

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

D. AMENDMENTS TO THE AGENDA

Councillor Neufeld advised that he would bring forward a Notice of Motion.

Deputy Mayor DeYong advised that she would bring forward a Notice of Motion and make an announcement.

Councillor Lowrie advised that she would bring forward a Notice of Motion.

E. MAYOR'S WELCOME AND REMARKS

Mayor Rogers said a few words of welcome and noted that it is an exciting time of year in Kingsville because of the Fantasy of Lights and the Santa Claus

Parade. Mayor Rogers thanked the Fantasy of Lights Committee, Administration, and all volunteers for their dedication and commitment to

Mayor Rogers reminded the public of the Town's online engagement tool "Have Your Say Kingsville", which currently hosts several topics of interest in which Council is interested in feedback for such as the 2024 Draft Budget, Strategic Plan, and a Fact Check tool. He further noted that the engagement tool is important as Council wants its residents to engage and the Town is committed to providing clear and transparent information.

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.

Mayor Rogers declared a conflict on Item P.2.3 regarding Open Streets 2024 as the Mayor owns a business encompassed by the proposed road closures.

G. REPORT OUT OF CLOSED SESSION – October 23, 2023

Pursuant to section 239(2) of the Municipal Act, 2001, Council entered into Closed Session at 7:55 pm on October 23, 2023 to address the following items:

Item I - 183 Main Street East heard under Section 239(2)(f) - advice that is subject to solicitor-client privilege, including communications necessary for that purpose. There is nothing further to report.

Item II - Personnel Matters heard under Section 239(2)(b) - personal matters about an identifiable individual, including municipal or local board employees; and Section 239(2)(d) - labour relations or employee negotiations. There is nothing further to report.

H. RECOGNITION

Council recognized Joe Colasanti for his induction into the Hospitality Hall of Fame.

I. MATTERS SUBJECT TO NOTICE

- 1. Highway 3 Widening Project – Ministry of Transportation – Section 78 Reports for Repairs and Improvements to Existing Municipal Drains
246-11272023**

Moved By Councillor Patterson

Seconded By Councillor Jarvis-Chausse

- 1. That the following reports provided by Dillon Consulting for the Highway 3 Widening project for improvements to the drains and crossing within the MTO right of way, under date of November 8, 2023, pursuant to Section 78 of the *Drainage Act* BE ADOPTED;**

- a. Sedgewick Drain, Bridge Extension at a total estimated cost of \$495,000**
- b. 7th Concession Road Drain, Bridge Extension at a total estimated cost of \$840,000**
- c. Boose Drain, Bridge Extension at a total estimated cost of \$785,000**

- d. East Branch No. 47 Drain, Bridge Extension at a total estimated cost of \$570,000
 - e. North Branch of the East Branch of No. 47 Drain, Culvert Extension at a total estimated cost of \$220,000
 - f. Wallace Fox Drain, Culvert Extension at a total estimated cost of \$385,000
 - g. Melville Bruner Drain, Culvert Replacement at a total estimated cost of \$640,000
 - h. East 3rd Concession Drain, Upstream Relocation at a total estimated cost of \$25,000
 - i. Gilboe Relief Drain, Drain Improvements at a total estimated cost of \$150,000
 - j. Lane Drain, Culvert Replacement at a total estimated cost of \$954,000
2. By-law 072-2023 authorizing the work BE PRESENTED to Council for 1st and 2nd reading and that the Clerk send, by mail, a copy of the By-law and Notice of Court of Revision to each of the affected parties;
 3. A Court of Revision be held and that Tim Oliver, P. Eng., and Lu-Ann Marentette, Drainage Superintendent BE APPOINTED as Commissioners to let and superintend the drainage works; and
 4. That the Essex Regional Conservation Authority (ERCA) BE ADVISED of the proposed improvements.

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 - PLANNING AND DEVELOPMENT SERVICES

1. Road 11 Bridge over Patterson Drain

247-11272023

Moved By Deputy Mayor DeYong

Seconded By Councillor Lowrie

1. That the Road 11 Bridge over Patterson Drain Tender BE AWARDED to Rudak Excavating Inc. in the amount of \$586,900 (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)

K. REPORTS – FINANCIAL AND CORPORATE SERVICES

No reports at this time.

L. REPORTS - FIRE RESCUE SERVICES

1. Emergency Management Program and Emergency Response Plan

248-11272023

Moved By Councillor Patterson

Seconded By Councillor Gaffan

- 1. That the Kingsville Emergency Management Program and Emergency Response Plan BE APPROVED, as submitted; and,**
- 2. That By-law 74-2023 being a by-law to adopt an Emergency Management Program and Emergency Response Plan governing the provisions of necessary services during emergencies 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. PRESENTATIONS

Gordon Orr, Lynnette Bain, and Jason Toner gave a presentation on behalf of Tourism Windsor Essex Pelee Island (TWEPI).

N. REPORTS – PUBLIC OPERATIONS

No reports at this time.

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

1. By-law to Regulate Outdoor Illumination

249-11272023

Moved By Councillor Neufeld

Seconded By Deputy Mayor DeYong

That amendments to the restrictions on outdoor illumination BE APPROVED to:

Allow businesses to operate an outdoor illuminated commercial sign between the hours of 11:00 pm and 7:00 am provided that the business is open to the general public for retail sales.

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

Abstain (1): Tony Gaffan

CARRIED (6 to 0)

250-11272023

Moved By Councillor Neufeld

Seconded By Councillor Gaffan

That Council move into Closed Session pursuant to Section 239(2) of the Municipal Act, 2001 to address the following item:

Item I - Holiday Lighting - Section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees and Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

Council moved into Closed Session at 6:56 pm.

251-11272023

Moved By Councillor Gaffan
Seconded By Councillor Patterson

That Council resume Open Session at 7:39 pm.

CARRIED

252-11272023

Moved By Councillor Lowrie
Seconded By Councillor Patterson

That the amendment to the restrictions on outdoor illumination BE APPROVED to:

1. **Allow holiday lighting during the time period of November 15 to January 15;**

AND that Council directs Administration to prepare recommendations for the next meeting of Council, to help control and manage nuisances to the neighbours caused by extreme holiday light displays and shows for which the Town has received complaints;

AND that By-Law 31-1999 be repealed and By-law 68-2023, being a Property Standards By-law, be taken as having been read three times and finally and the Mayor and the Clerk be authorized to sign the same.

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

CARRIED (7 to 0)

P. REPORTS - CAO's OFFICE

1. **2024 Council and Committee of the Whole Meeting Schedule**

253-11272023

Moved By Councillor Gaffan
Seconded By Councillor Neufeld

1. **That the 2024 Council and Committee of the Whole Meeting Schedule BE APPROVED as presented; and,**
2. **The Clerk BE AUTHORIZED to move any impacted holiday Mondays in the same manner going forward into future years.**

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

CARRIED (7 to 0)

2. Committee of the Whole – November 20, 2023

254-11272023

Moved By Councillor Neufeld

Seconded By Councillor Jarvis-Chausse

That the 2024 Fees and Charges By-law BE APPROVED, with the removal of the penalty for failure to obtain a dog licence (\$150.00) from Schedule A of the same.

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

CARRIED (7 to 0)

255-11272023

Moved By Councillor Neufeld

Seconded By Councillor Patterson

That the 2024 Water and Sewage Rates By-law BE APPROVED

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

CARRIED (7 to 0)

Deputy Mayor DeYong assumed the Chair.

256-11272023

Moved By Councillor Jarvis-Chausse

Seconded By Councillor Neufeld

That Council APPROVE,

- 1. The road closures of King St. (Chestnut St. to Division St. N), Chestnut St. (from King St. to Main St.), and Walnut St. (from Chestnut St. to the driveway from the municipal parking lot) for the Kingsville Block Party (formerly Kingsville Open Streets) BE APPROVED on the following dates and times.**

- 1. Saturday, July 20, 2024 from 4:00 pm to 10:30 pm**

- 2. Saturday, August 17, 2024 from 4:00 pm to 10:30 pm**

- 3. Saturday, September 21, 2024 from 4:00 pm to 10:30 pm**

- 2. And that Administration BE DIRECTED to request County Council to close County Road 34 West from Victoria Street to County Road 27 from 4:00 pm to 10:30 pm to host events in Cottam on Saturday, June 15, 2024.**

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

Conflict (1): Mayor Rogers

CARRIED (6 to 0)

Mayor Rogers resumed the Chair.

Q. CONSENT AGENDA

Councillor Patterson requested that Item 1 be pulled from the Consent Agenda for consideration.

257-11272023

Moved By Deputy Mayor DeYong

Seconded By Councillor Lowrie

That Consent Agenda items 2 to 7 BE RECEIVED

- 1. Essex Region Conservation Authority – Category 3 Non-Mandatory Programs and Services**
- 2. Regular Council Meeting Minutes - October 23 2023 353**
- 3. Special Council Meeting Minutes - November 10 2023 359**
- 4. Fantasy of Lights Minutes - September 19 2023 360**
- 5. Police Services Board Minutes - September 23 2023 364**
- 6. Heritage Advisory Committee Minutes - October 3 2023 367**
- 7. Committee of Adjustment Minutes - October 17 2023**

CARRIED (7 to 0)

258-11272023

Moved By Deputy Mayor DeYong

Seconded By Councillor Lowrie

- 1. That Council supports funding the ERCA non mandatory programs, in an amount of between \$57,372 and \$59,254 for the first year, and**
- 2. That Administration is directed to enter into an agreement with ERCA for this funding for one year.**

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

CARRIED (7 to 0)

R. CORRESPONDENCE

- 1. City of Cambridge - Support for Bill 21, Fixing Long-Term Care Amendment Act**

259-11272023

Moved By Deputy Mayor DeYong

Seconded By Councillor Gaffan

That Council directs Administration to send a letter of support to the Honourable Premier Ford, Members of Provincial Parliament, the Region of Waterloo, Province of Ontario, and All Ontario Municipalities.

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

Against (1): Councillor Patterson

CARRIED (6 to 1)

S. NOTICES OF MOTION

260-11272023

Moved By Councillor Neufeld

Seconded By Councillor Gaffan

That Council waive its procedural rules to vote on the boundary expansion motion.

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

CARRIED (7 to 0)

261-11272023

Moved By Councillor Neufeld

Seconded By Councillor Gaffan

WHEREAS the County of Essex Official Plan has established growth projections for municipalities within Essex County;

AND WHEREAS the Growth Analysis Report (October 2022) and the Growth Management Report (November 2023) recommends balanced growth for the County population, resulting in a total of 87.07 hectares of additional vacant lands required;

AND WHEREAS the Growth Management Report allocates the full 87.07 hectares of additional vacant land required for residential growth to the Municipality of Leamington;

AND WHEREAS Kingsville's agricultural lands have higher density due to greenhouses than traditional agriculture, which results in underestimating the number of jobs and population growth;

AND WHEREAS the Town of Kingsville estimates, based on proposed development and County growth projections, that Kingsville's settlement area lands will be fully developed within 15 years, the minimum time frame that for municipalities must plan for under the Provincial Policy Statement;

AND WHEREAS the Town of Kingsville has no lands within its primary and secondary settlement area boundaries that are not currently under consideration within a planning process;

AND WHEREAS Kingsville's primary settlement area boundary was approved by the County in prior decades on the west side of Kingsville, which created settlement lands that do not abut settlement areas, and so now there should be an expansion of settlement boundaries to infill and take advantage of existing infrastructure;

THEREFORE, Kingsville Council requests that the Mayor and Deputy Mayor bring forward to County Council this resolution, and make notice of motion, to have the County include additional lands in the urban boundaries for residential development, in discussion with Kingsville's administration.

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

CARRIED (7 to 0)

T. UNFINISHED BUSINESS AND ANNOUNCEMENTS

1. Town of Kingsville letter to ELK Energy

262-11272023

Moved By Deputy Mayor DeYong

Seconded By Councillor Lowrie

That the Town of Kingsville send the letter regarding ELK Energy to the Town of Essex.

CARRIED

2. Deputy Mayor DeYong said that on November 21, 2023, the Town together with the Kingsville Community Centre hosted the "Not in My Town" event which focused on the current public health crisis at the Grovedale. Deputy Mayor DeYong thanked everyone involved, including the 15 community resources that were present. The event saw 79 attendees, many of whom received naloxone training.

U. BYLAWS

263-11272023

Moved By Deputy Mayor DeYong

Seconded By Councillor Patterson

That By-laws 70-2023 and 75-2023 be taken as having been read three times and finally passed and the Mayor and Clerk BE AUTHORIZED to sign same.

CARRIED

V. REPORT OUT OF CLOSED SESSION – November 27, 2023

Pursuant to section 239(2) of the Municipal Act, 2001, Council entered into Closed Session at 6:56 pm on November 27, 2023 to address the following items:

Item 1 – Outdoor Illumination By-law 68-2023 heard under Section 239(2)(b) being personal items about an identifiable individual and 239(2)(f) being advice subject to solicitor-client privilege with John Norton acting as solicitor to the Corporation. There is nothing further to report.

W. CLOSED SESSION

264-11272023

Moved by Councillor Patterson

Seconded by Councillor Neufeld

Pursuant to Section 239(2) of the Municipal Act, 2001, Council will enter into Closed Session to address the following item:

Item I - Fire Department Update - Section 239(2)(d) - Labour relations and employee negotiations

Item II - Cyber Security Update - Section 239(2)(a) - Security of the property of the municipality or local board

Item III - Litigation Settlement - Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose

X. ADJOURNMENT

CARRIED

265-11272023

Moved by Councillor Jarvis-Chausse

Seconded by Deputy Mayor DeYong

That Council adjourn this Regular Meeting at 9:20 p.m.

CARRIED

MAYOR, Dennis Rogers

DEPUTY CLERK, John Norton