



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, February 5, 2024
6:00 PM
Unico Community Centre
37 Beech Street
Kingsville, ON N9Y 1A9**

MEMBERS OF COUNCIL Mayor Dennis Rogers
Deputy Mayor Kimberly DeYong
Councillor Tony Gaffan
Councillor Debby Jarvis-Chausse
Councillor Sheri Lowrie
Councillor Larry Patterson

John Norton, CAO
Angela Toole, 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. MAYOR'S WELCOME AND REMARKS

The Mayor welcomed several new employees to the Town of Kingsville including Sahar Jamshidi, Vitra Chodha, Jerell Perales, and Lu-Ann Marentette.

The Mayor encouraged members of the public to visit the Town's website and subscribe to receive news and other important updates from the Town.

E. AMENDMENTS TO THE AGENDA

Mayor Rogers noted that he would give a Notice of Motion.

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.

None noted.

G. REPORT OUT OF CLOSED SESSION

Pursuant to Section 239 of the *Municipal Act, 2001*, Council entered into Closed Session at 6:45 p.m. on January 29, 2024, to discuss the following items:

Item I - Committee Appointments heard under Section 239(2)(b) personal matters about an identifiable individual, including municipal or local board employees. There is nothing further to report.

Item II - Sale of Surplus Lands heard under Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board. There is nothing further to report.

Item III - West Side Collector Road heard under Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality or local board; Section 239(2)(e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, Section 239(2)(k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. There is nothing further to report.

H. DELEGATIONS

None.

I. PRESENTATIONS

None.

J. MATTERS SUBJECT TO NOTICE

1. Cameron Road Branch of the Billings Drain – 3 New Bridges

025-02052024

Moved By Councillor Gaffan

Seconded By Councillor Patterson

That the report provided by Peralta Engineering, dated January 5, 2024, on the Cameron Road Branch of the Billings Drain for three new bridges for owner of parcel # 610-00302, under a report of an engineer pursuant to Section 78 of the Drainage Act BE ADOPTED.

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

CARRIED (6 to 0)

2. Jamis Drain and Branches – New Petition Drain

026-02052024

Moved By Councillor Patterson

Seconded By Councillor Jarvis-Chausse

That the Report provided by Peralta Engineering, dated January 15, 2024, on the Jamis Drain and Branches, a new petition drain, for owner of parcels 1-7 under Roll # 290-08900, under a report of an engineer pursuant to Section 4 of the Drainage Act BE ADOPTED.

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

CARRIED (6 to 0)

3. Orton Drain – Legalize Bridge – 480-01600

027-02052024

Moved By Councillor Patterson

Seconded By Deputy Mayor DeYong

That report provided by Rood Engineering, dated January 4, 2024, on the Orton Drain for the legalization of a temporary bridge for owner of parcel # 480-001600, under a report of an engineer pursuant to Section 78 of the Drainage Act BE ADOPTED.

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

CARRIED (6 to 0)

4. Application for Zoning By-law Amendment (ZBA-2023-19) by Antonio Manuel Alberto and David Farias 297 Glass Avenue PLAN 1013 LOTS 23 & 24 371125000002000

028-02052024

Moved By Councillor Gaffan

Seconded By Councillor Jarvis-Chausse

1. That By-law 07-2024 being a By-law to amend the Comprehensive Zoning By-law for the Town of Kingsville, to amend the zoning on the subject parcel municipally known as 297 Glass Avenue, PLAN 1013 LOTS 23 & 24, in the Town of Kingsville, from ‘Residential Zone 1 Urban (R1.1)’ to ‘Residential Zone 1 Urban Exception 31 (R1.1-31)’ BE APPROVED; to permit:

- i. A semi-detached dwelling and semi-detached dwelling unit, and;**
- ii. Reduction of the required interior side yard setback from 3 m (10 ft.) to 2.2 m (7.33 ft.).**

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

CARRIED (6 to 0)

5. Application for Consent B-2024-1, Official Plan Amendment OPA-2024-1 & Zoning By-law Amendment Application ZBA-2024-1 by Kevin Kimball and L Kimball Lumber & Building 308 & 314 Road 8 W

029-02052024

Moved By Councillor Patterson

Seconded By Councillor Jarvis-Chausse

That Council:

- 1. APPROVE consent application B-2024-1 for the purpose of a lot-line adjustment, shown on the Applicants' Sketch, for the lands known as 308 and 314 Road 8 W, in the Town of Kingsville, subject to the following conditions:**
 - a. That a plan of survey be prepared, or a reference plan deposited in the registry office, *both an electronic and paper* copy be provided to the Town for the files of the Secretary-Treasurer.**
 - b. That the deeds, such plan of survey or reference plan, for property lines being newly created, shall be in accordance with the existing zoning requirements for the municipality including satisfactory proof as to compliance of the location of all buildings on the subject lands, either by way of a plan showing the location of all buildings located thereon, or a certificate from a qualified surveyor indicating the location and sizes of all buildings on the said lands and/or favorable minor variances shall have been processed for any non-compliances.**
 - c. That the owner shall provide that all municipal taxes be paid in full and that necessary apportionments of storm drainage be established pursuant to the provisions of the *Local Improvement Act* and/or the *Municipal Act*.**
 - d. That as a result of 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 the consent is being endorsed on the deeds.**
 - e. The conditions imposed above shall be fulfilled by February 5th, 2026, or this application shall be deemed to be denied in accordance with Section 53(41) of the *Planning Act*.**
- 2. Adopt Official Plan Amendment No. 17 (OPA 17) to re-designate parts of lands located at 308 road 8 W being added to 314 Road 8 W., from 'Agricultural' to 'Industrial' in the Town of Kingsville and direct administration to forward the amendment to the County of Essex for final approval.**
- 3. Approve Zoning By-law amendment application ZBA-2024-1, to implement OPA 17, parts of lands located at 308 road 8 W being added to 314 Road 8 W., from 'General Agricultural (A1)' to 'General Light Industrial (M1)' and adopt the implementing by-law subject to final approval of OPA 17 by the County of Essex.**

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

CARRIED (6 to 0)

K. REPORTS - PLANNING AND DEVELOPMENT SERVICES

1. Mettawas Park – Paving of Parking Lot

030-02052024

Moved By Councillor Patterson

Seconded By Deputy Mayor DeYong

1. That the Mettawas Park Parking Lot Tender BE AWARDED to J.C.S. Construction Inc. in the amount of \$406,848 (excluding HST) and the Mayor and Clerk BE AUTHORIZED to execute the requisite agreement.

2. That Administration BE DIRECTED to expense an additional \$30,000 from collected DC's and an additional \$10,000 from the Mettawas Park Reserve Account to fund an expected deficit.

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

CARRIED (6 to 0)

2. Marcovecchio Industrial Subdivision Phase 1

Tim Del Greco, Senior Manager of Capital Projects and Engineering, provided an update to Council on the progress of the development.

031-02052024

Moved By Councillor Gaffan

Seconded By Councillor Lowrie

1. That Council APPROVE for final acceptance and assumption the roadway and infrastructure for the Marcovecchio Industrial Subdivision Phase 1.

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

CARRIED (6 to 0)

3. Application for Part Lot Control Exemption (PLC-2024-1) by Supreme Homes Group Inc. 1582 & 1584 Jasperson Dr. Gosfield Con 1 ED Pt Lot 3

032-02052024

Moved By Councillor Patterson

Seconded By Councillor Lowrie

That Part Lot Control By-law 10-2024 to allow Part 2, 12R-29060 to be exempt from Section 50(5) of the Planning Act BE APPROVED.

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

CARRIED (6 to 0)

L. REPORTS - FINANCE AND CORPORATE SERVICES

No Reports at this time.

M. REPORTS - FIRE RESCUE SERVICES

No Reports at this time.

N. REPORTS - PUBLIC OPERATIONS

No Reports at this time.

O. REPORTS - BUILDING AND BY-LAW SERVICES

No Reports at this time.

P. REPORTS - CAO's OFFICE

No Reports at this time.

Q. CONSENT AGENDA

033-02052024

Moved By Councillor Jarvis-Chausse

Seconded By Councillor Patterson

That Items 1 and 2 on the Consent Agenda, BE RECEIVED.

- 1. Regular Council Meeting Minutes - January 29, 2024**
- 2. Police Services Board Minutes - November 22, 2023**

CARRIED

R. CORRESPONDENCE

No Correspondence at this time.

S. NOTICES OF MOTION

- 1. Live-streaming Committee of the Whole Meetings - Deputy Mayor DeYong**

Deputy Mayor DeYong read aloud and moved the following motion but found no seconder:

Whereas the *Municipal Act, 2001*, states that municipalities must be accountable to the public and that the process for making decisions must be transparent in order to provide good government;

And Whereas live-streaming public Council and Committee meetings is a way to foster accountability and transparency;

And Whereas on August 26, 2019, Council adopted resolution 444-2019, authorizing the Corporate Services Department to contract with eScribe to provide live-streaming services for its Council meetings;

And Whereas in January 2020, the Town of Kingsville began live-streaming and recording its Council meetings;

Therefore, Council directs Administration to make the necessary arrangements to live-stream its Committee of the Whole Meetings on a go-forward basis.

2. Illumination of Outdoor Commercial Signs - Mayor Rogers

Mayor Rogers vacated the Chair and Deputy Mayor DeYong assumed the Chair. Mayor Rogers read aloud the following Notice of Motion and asked that it be brought forward to the March 11, 2024 Regular Meeting of Council, for consideration:

That Council RECONSIDER By-laws 52-2023 and 68-2023 (which were approved by Council on August 14 and November 27, 2023), and which prohibited the illumination of Commercial Signs outside or on buildings between the hours of 11pm and 7am, unless the building contains a business that is open for retail sales to the general public between those hours.

Mayor Rogers resumed the Chair.

T. UNFINISHED BUSINESS AND ANNOUNCEMENTS

U. BYLAWS

034-02052024

That the following By-laws receive two readings and provisionally pass:

1. **By-law 08-2024** being a By-law provide for the three (3) new bridges over the Cameron Road Branch of the Billings Drain at a total estimated cost of \$83,328 in the Town of Kingsville, in the County of Essex.
2. **By-law 09-2024** being a By-law to provide for a new bridge over the Orton Drain at a total estimated cost of \$38,500 in the Town of Kingsville, in the County of Essex.
3. **By-law 12-2024** being a By-law to to provide for the new petition drain called Jamis Drain and Branches Project for Roll # 290-38900, in the Town of Kingsville, in the County of Essex.

And that the following By-laws receive a third and final reading and finally pass:

1. **By-law 85-2023** being a By-law to provide for the relief drain for the Gilboe Drain for the Ministry of Transportation Highway 3 Widening Project at a total estimated cost of \$150,000 in the Town of Kingsville, in the County of Essex.
2. **By-law 86-2023** being a By-law to to provide for the realignment of the Lane Drain and Highway Culvert Replacement for the Ministry of Transportation Highway 3 Widening Project at a total estimated cost of \$954,000 in the Town of Kingsville, in the County of Essex.

And that the following By-laws receive three readings and finally pass:

1. **By-law 17-2024** being a By-law to Appoint Phil Caruana to the Committee of Adjustment & Appeals.
2. **By-law 18-2024** being a By-law to confirm the proceedings of the Council of the Corporation of the Town of Kingsville at its February 5, 2024 Regular Meeting of Council.

V. CLOSED SESSION

No Closed Session at this time.

W. ADJOURNMENT

035-02052024

Moved By Councillor Patterson

Seconded By Councillor Jarvis-Chausse

That Council adjourns this Regular Meeting at 6:29 p.m.

CARRIED

MAYOR, Dennis Rogers

ACTING CLERK, Angela Toole