



**REGULAR MEETING OF COUNCIL  
MINUTES**

**Monday, February 26, 2024  
6:00 PM  
Unico Community Centre  
37 Beech Street  
Kingsville, ON N9Y 1A9**

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

John Norton, CAO  
Angela Toole, Acting Clerk

**Members Absent** Deputy Mayor Kimberly DeYong

**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. OPENING REMARKS**

Mayor Rogers reminded the audience to respect the proceedings of Council and asked anyone wishing to have conversations to step outside the building.

Mayor Rogers addressed the recent naming of Kingsville's new K-12 school, which is scheduled to open in September. He thanked the public for sharing their concerns and noted that while Council is unhappy with the chosen name, they have no authority over Greater Essex County School Board (GECSB) decisions.

Mayor Rogers commended Kingsville students for engaging civically, and fighting for what they believe in. He noted that their actions have been peaceful, respectful and impactful. Mayor Rogers also thanked the community for supporting the students. Despite displeasure with the chosen name, it is Council's goal to continue to have a good working relationship with the GECD SB and highlighted an opportunity to turn a negative into a positive as the issue motivated young people to stand up for what they believe in. He noted that a young person started a petition for change that had received almost 2000 signatures and that youth voices have been heard in Queen's Park, as local MPP Anthony Leardi has released a letter of support. Mayor Rogers asked people to imagine the confidence and pride Kingsville students will feel if the GECD SB moves to reconsider the name. He further asked people to imagine the faith people will have in local education leaders if they move to reconsider.

**E. AMENDMENTS TO THE AGENDA**

Councillor Patterson noted that he would make an announcement.

**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(2) of the *Municipal Act, 2001*, Council entered into Closed Session on February 12, 2024 to address the following items:**

**Item I - West Side Collector Road** heard under Section 239(2)(c) being a proposed or pending acquisition or disposition of land by the municipality. There is nothing further to report.

**Item II - School Properties** heard under Section 239(2)(c) being a proposed or pending acquisition or disposition of land by the municipality. There is nothing further to report.

**Item III - Official Plan and Zoning By-law Amendments to Create Height Limits** heard under Section 239(2)(e) being litigation or potential litigation including matters before administrative tribunals, affecting the municipality. There is nothing further to report.

**H. DELEGATIONS**

None.

**I. PRESENTATIONS**

None.

**J. MATTERS SUBJECT TO NOTICE**

**1. OPA & ZBA-2024-2 - 1119 County Road 20**

Wayne Cox, resident at 1039 Maple, appeared in opposition to the subject application.

Jodie Malott, resident at 1055 Hemlock Avenue, appeared in opposition to the subject application.

Nick Onya, resident at 1041 Cedar Drive, appeared in opposition to the subject application.

Stephen Higgins, resident at 1054 Birch Avenue, appeared in opposition to the subject application.

Jay McGuffin, Principal Planner and Martha Paluch, Intermediate Planner, of Monteith Brown Planning Consultants, appeared via Zoom on behalf of the applicant and spoke to the application and provided clarification on some of the concerns raised by members of the public.

Brian Lewis, applicant, appeared via Zoom and noted that he planned to continue farming the subject lands.

Richard Frayne, resident at 1055 Cherry Avenue, appeared in opposition to the subject application.

Kristina Sanecki, resident at 1055 Spruce Avenue, appeared in opposition to the subject application.

Robert Quick, resident at 1113 Cedar Drive, appeared in opposition to the subject application.

**043-02262024**

**Moved By** Councillor Neufeld

**Seconded By** Councillor Gaffan

**That the application for Item J.1 - OPA & ZBA-2024-2 1119 County Road 20, BE DENIED.**

**For (4):** Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Neufeld and Councillor Patterson

**Against (2):** Mayor Rogers and Councillor Lowrie

**CARRIED (4 to 2)**

## **K. REPORTS - PLANNING AND DEVELOPMENT SERVICES**

### **1. Consent (B-2024-2) and Zoning By-law Amendment (2024-2) - 292 County Rd 34 W & V/L County Rd 34 W**

**044-02262024**

**Moved By** Councillor Patterson

**Seconded By** Councillor Jarvis-Chausse

- 1. That consent application B-2024-2 to sever and add 4.01 ha (9.91 ac) of lands shown as Part 2 on the applicant's sketch from 292 County Road 34 West, CON NTR PT. LOT 273 to V/L County Road 34, CON STR PT LOTS 272 273 274 BE APPROVED, 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 to 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 favourable 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. That each parcel be required to have its own independent, properly working onsite septic/sewage system designed to meet the Ontario Building Code for inspection by the Town of Kingsville Building Department, to the satisfaction of the Chief Building Official.
  - f. That each parcel be required to drain separately and if it cannot be drained separately then a Mutual Drain Agreement is acceptable.
  - g. The conditions imposed above shall be fulfilled by February 26<sup>th</sup>, 2026, or this application shall be deemed to be denied in accordance with Section 53(41) of *The Planning Act*.
2. That By-law 19-2024 to amend the Comprehensive Zoning By-law for the Town of Kingsville on the retained portion of the parcel municipally known as 292 County Road 34 West, CON NTR PT. LOT 273, in the Town of Kingsville, seen as Part 1 on Applicant's sketch, from 'General Agricultural' to 'Rural Residential (RR)' BE APPROVED.

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

**CARRIED (6 to 0)**

**2. Kingsville Arena – Condenser Replacement**

**045-02262024**

**Moved By** Councillor Gaffan

**Seconded By** Councillor Neufeld

1. That replacement of the Kingsville Arena Condenser Unit BE AWARDED to Black & McDonald (single sourced) in the amount of \$159,853 (excluding HST) and that Administration BE AUTHORIZED to execute the requisite agreement.

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

**CARRIED (6 to 0)**

**3. Application for Development Agreement (AGR 2023-1) for Heritage Estates (154 Heritage Road)**

**046-02262024**

**Moved By** Councillor Patterson

**Seconded By** Councillor Jarvis-Chausse

**1. That the Development Agreement for Heritage Estates Subdivision in the Town of Kingsville for a 25 lot (50 semi-detached residential lots) BE APPROVED.**

**2. That the Mayor and Clerk BE AUTHORIZED to execute the agreement; and,**

**3. That Administration BE DIRECTED to register the agreement on title.**

**For (6):** Mayor Rogers, 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**

**1. 2023 Drinking Water Summary Report**

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

No Reports at this time.

**P. REPORTS - CAO's OFFICE**

No Reports at this time.

**Q. CONSENT AGENDA**

**047-02262024**

**Moved By** Councillor Patterson

**Seconded By** Councillor Lowrie

**That Items 1 through 8 on the Consent Agenda, BE RECEIVED.**

**1. Special Council Meeting Minutes - February 12, 2024**

**2. Regular Council Meeting Minutes - February 5, 2024**

**3. Committee of Adjustment Minutes - January 16, 2024**

**4. Heritage Advisory Committee Minutes - January 9, 2024**

**5. BIA Minutes - January 9, 2024**

**6. Fantasy of Lights Minutes - December 19, 2023**

**7. Communities in Bloom Minutes - November 7, 2023**

**8. Communities in Bloom Minutes - October 3, 2023**

**CARRIED**

**R. CORRESPONDENCE**

No Correspondence at this time.

**S. NOTICES OF MOTION**

Councillor Neufeld read aloud the following Notice of Motion regarding cellular communication towers for consideration at the March 11, 2024, Regular Meeting of Council.

At the next Regular Meeting of Council, I may move or have caused to have moved that Administration develop a policy with regards to cell towers in relationship to residential developments using best practices as seen across Canada.

**T. UNFINISHED BUSINESS AND ANNOUNCEMENTS**

Councillor Patterson wished long-time Kingsville resident, Frieda Meyer, a Happy 101st Birthday.

**U. BY-LAWS**

**048-02262024**

**Moved By** Councillor Gaffan

**Seconded By** Councillor Jarvis-Chausse

That the following By-law receives three readings and finally pass:

**By-law 22-2024** being a By-law to confirm the proceedings of the Council of the Corporation of the Town of Kingsville at its February 26, 2024, Regular Meeting of Council.

**CARRIED**

**V. CLOSED SESSION**

No Closed Session.

**W. ADJOURNMENT**

**049-02262024**

**Moved By** Councillor Neufeld

**Seconded By** Councillor Lowrie

**That Council adjourns this Regular Meeting at 7:30 p.m.**

**CARRIED**

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MAYOR, Dennis Rogers

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ACTING CLERK, Angela Toole