



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, April 22, 2024
6:00 PM
Unico Community Centre
37 Beech Street
Kingsville, ON N9Y 1A9**

PRESENT

Mayor Dennis Rogers
Deputy Mayor Kimberly DeYong
Councillor Tony Gaffan
Councillor Debby Jarvis-Chausse
Councillor Sheri Lowrie
Councillor Thomas Neufeld
Councillor Larry Patterson

CAO, John Norton
Acting Clerk, Faren Kalmar

A. CALL TO ORDER

Mayor Rogers called the Regular Meeting to order at 5:11 p.m.

B. CLOSED SESSION

079-04222024

Moved By Councillor Jarvis-Chausse

Seconded By Councillor Gaffan

That Council move into Closed Session at 5:15 p.m. pursuant to section 239(2) of the *Municipal Act, 2001* to consider the following items:

Item I - Tender Awards: 2024 Kingsville Urban Road Resurfacing to be heard under Section 239(2)(f) being advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

Item II - BLRH Licensing By-law 3-2024 to be heard under Section 239(2)(f) being advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

CARRIED

080-04222024

Moved By Deputy Mayor DeYong

Seconded By Councillor Neufeld

That Council rise from Closed Session at 5:29 p.m.

CARRIED

The Regular Meeting of Council resumed at 6:02 p.m.

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

E. MAYOR'S WELCOME AND REMARKS

Mayor Rogers welcomed those in attendance including those viewing online.

F. AMENDMENTS TO THE AGENDA

Councillor Gaffan had one (1) Notice of Motion.

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.

Mayor Rogers declared a conflict on Item I-1 (Short Term Rental Units) as the owner of a STRU in the business district.

H. REPORT OUT OF CLOSED SESSION

The Acting Clerk gave the following report out of Closed Session:

Pursuant to Section 239(2) of the Municipal Act, 2001, Council entered into Closed Session at 6:25 p.m. on April 8, 2024, to discuss the following items:

Item I - Property Disposition - Lions Park and Lions Hall heard under Section 239(2)(c) being a proposed or pending acquisition or disposition of land by the municipality; Section 239(2)(f) being advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and Section 239(2)(k) being a position, plan, procedure, criteria, or instruction to be applied to negotiations. There is nothing further to report; and,

Item II - Property Acquisition - Surplus School Properties heard under Section 239(2)(c) being a proposed or pending acquisition or disposition of land by the municipality; Section 239(2)(f) being advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and Section 239(2)(k) being a position, plan, procedure, criteria, or instruction to be applied to negotiations. There is nothing further to report.

I. DELEGATIONS

1. Short Term Rental Units

Mayor Rogers vacated the Chair and Deputy Mayor DeYong assumed the Chair.

The following residents spoke:

- Liz Gates
- Linc Kesler

- Judi Lacey
- Rita Singor
- Tamara Stomp

Mayor Rogers resumed the Chair.

2. **Boarding, Lodging, Rooming House By-law 3-2024**

The following members of the public spoke:

- Caesar Colasanti (Col-Mac Orchards)
- Aaron Coristine (OGVG)
- Brenda Gagnier (resident)
- Elizabeth Ha (Justicia for Migrant Workers, Ontario Federation of Labour, Ontario Public Service Employees Union)
- Laura Mastronardi (Sunrise Farms)
- Kathy Mastronardi-Black (Lee & Maria's)
- Lydia Miljan (resident)
- Sarah Sacheli (resident)

J. **NOTICES OF MOTION**

1. **Boarding, Lodging, Rooming House (BLRH) Licensing - Councillor Neufeld**

Mayor Rogers explained that a Motion to Reconsider requires a 2/3 vote (5 of 7 members) to pass.

081-04222024

Moved By Councillor Neufeld

Seconded By Councillor Patterson

That Council **RECONSIDER** By-law 03-2024 (inclusive of Appendix "A") being a By-law to Licence Boarding, Lodging, Rooming Houses (BLRH) in the Town of Kingsville (which was approved on January 8, 2024).

For (4): Mayor Rogers, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Against (3): Deputy Mayor DeYong, Councillor Gaffan, and Councillor Jarvis-Chausse

LOST (4 to 3)

082-04222024

Moved by Councillor Patterson

Seconded by Councillor Gaffan

That Council take a 5 minutes **RECESS**

CARRIED

083-04222024

Moved by Deputy Mayor DeYong

Seconded by Councillor Gaffan

That Council **RESUME** the Regular Meeting.

CARRIED

K. PRESENTATIONS

1. 2024 Tourism Update

Sue Rice, Economic Development and Tourism, gave a presentation outlining the Town's tourism initiatives for 2024.

L. MATTERS SUBJECT TO NOTICE

1. 134 County Rd 34 W - Application for Consent B-2024-12 & Zoning By-law Amendment ZBA-2024-6

Mr. Jason Greenberg, resident, attended virtually.

Don Casmore, applicant, General Manager for Gosfield North Communications Co-operative Limited, attended in person and spoke to the applications.

084-04222024

Moved By Deputy Mayor DeYong

Seconded By Councillor Patterson

1. That Consent application B-2024-8, to create a lot that has an area of 1007.67 m² (10,846.44 ft²) and a frontage of 22.31 m (73.22 ft) on County Rd 34 W shown as Parts 2 on the Plan of Survey (Attached as Appendix B), on lands municipally known as 134 County Rd 34 W, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:
 - a. Prior to consent being endorsed on the deeds the property owners are to:
 - i. execute an agreement for drainage apportionment of each lot of record, approved by the Municipality. Drainage Apportionment Request, 12R plan shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.
 - ii. provide confirmation that the Concrete Block Garage, identified on the applicant's Survey in Appendix B, is demolished
 - iii. provide a lot grading plan acceptable to the municipality to serve the lands being conveyed, and the lands being retained, with the cost of such drainage being solely at the expense of the applicant. Lot Grading Plans shall be submitted to the Engineering Department a minimum of three months prior to the stamping of the deeds.
 - b. That the necessary deed(s), transfer or changes be submitted electronically, signed and fully executed, including a copy of the reference plan, prior to certification.
 - c. The conditions imposed above shall be fulfilled by April 22, 2026 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

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

CARRIED (7 to 0)

085-04222024

Moved By Councillor Patterson

Seconded By Councillor Gaffan

2. And that By-law 34-2024 being a By-law to amend the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville, **BE APPROVED** to amend the zoning in the following manner:

- a. The severed parcel (Part 2) from “Residential Zone 2 Rural/Urban (R2.2)”, “Residential Zone 2 Rural/Urban with exception 1 (R2.2-1)” and “Central Commercial with exception 2 (C2-2)” to “Central Commercial with exception 2 (C2-2)”; and
- b. The retained parcel (Part 1), from “Residential Zone 2 Rural/Urban (R2.2)”, “Residential Zone 2 Rural/Urban with exception 1 (R2.2-1)” and “Central Commercial with exception 2 (C2-2)” to “Residential Zone 2 Rural/Urban with exception 1 (R2.2-1)”; and
- c. 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 - PLANNING AND DEVELOPMENT SERVICES

1. York Subdivision Phase 4B – Final Acceptance

Mr. Norton, CAO, declared a conflict as he is a resident of the York Subdivision. Mr. Wyma assumed Administrative leadership.

086-04222024

Moved By Councillor Gaffan

Seconded By Councillor Patterson

That Council **APPROVE** final acceptance and assumption of the roadway and infrastructure for the York Subdivision Phase 4B.

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

CARRIED (7 to 0)

Mr. Norton, CAO, resumed Administrative leadership.

2. 2024 Urban Road Tender Awards

087-04222024

Moved By Councillor Patterson

Seconded By Councillor Neufeld

1. That Council **ENDORSE** the award of the 2024 Kingsville Urban Road Resurfacing Program to Mill-Am Corporation in the amount of \$820,050 (excluding HST) via formal award by the County of Essex.

2. That the Main Street East and Jasperson Drive Reconstruction Tender **BE AWARDED** to Piera Con Enterprises Inc. in the amount of \$1,150,000 (excluding HST) and the Mayor and Clerk **BE AUTHORIZED** to execute the requisite agreement, and further, Council **APPROVE** the revised budget for this project as described in the Financial Considerations section of this report.

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

CARRIED (7 to 0)

N. REPORTS - FINANCE AND CORPORATE SERVICES

No Reports at this time.

O. REPORTS - FIRE RESCUE SERVICES

No Reports at this time.

P. REPORTS - PUBLIC OPERATIONS

No Reports at this time.

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

No Reports at this time.

R. REPORTS - CAO's OFFICE

No Reports at this time.

S. CONSENT AGENDA

088-04222024

Moved By Councillor Lowrie

Seconded By Deputy Mayor DeYong

That Items 1 through 3 on the Consent Agenda, **BE RECEIVED:**

1. Regular Council Meeting Minutes - April 8, 2024
2. BIA Minutes - March 12, 2024
3. Accessibility Advisory Committee - November 29, 2023

CARRIED

T. CORRESPONDENCE

089-04222024

Moved By Councillor Neufeld

Seconded By Councillor Jarvis-Chausse

That Council **RECEIVE** for information.

1. Correspondence from the Town of Cobourg dated March 8, 2024, Regarding Proposed Amendments to the Ontario Heritage Act
2. Correspondence from the Town of Cobourg dated March 11, 2024, Regarding Affordability of Water and Wastewater Systems

3. Correspondence from the Town of Aurora dated March 6, 2024 Regarding Legislative Amendments to Improve Municipal Codes of Conduct and Enforcement

CARRIED

U. UNFINISHED BUSINESS AND ANNOUNCEMENTS

Councillor Gaffan may move or cause to have moved that at the next Regular Meeting of Council:

WHEREAS on March 16, 2022, Essex County Council determined that our lower-tier municipalities shall participate in the Regional Organic Waste Collection and Processing Program;

AND WHEREAS the County has established the level of service associated with such program;

AND WHEREAS it is estimated that the service will result in a 4.3% property tax increase for the Town of Kingsville in the first year of the program;

THEREFORE I move that Kingsville Council direct Deputy Mayor DeYong or Mayor Rogers to make a motion at County Council asking that the County Council agree to fund the cost of the Regional Organic Waste Collection and Processing Program through the County of Essex property tax levy. If changes are required to the by-laws and agreements to achieve this result, it is requested that the County of Essex amend these by-laws and agreements as required, such as with EWSWA, City of Windsor and others.

V. BYLAWS

090-04222024

Moved By Deputy Mayor DeYong

Seconded By Councillor Jarvis-Chausse

That the following By-laws receive a third reading and finally pass:

By-law 08-2024 being a By-law to 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;

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; and,

By-law 12-2024 being By-law 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.

CARRIED

091-04222024

Moved By Deputy Mayor DeYong

Seconded By Councillor Neufeld

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

By-law 32-2024 being a By-law to amend By-law 27-2021, as amended, being a By-law to regulate the outdoor parking or storage of recreational, commercial and motor vehicles on private property within the Town of Kingsville

CARRIED

092-04222024

Moved By Deputy Mayor DeYong

Seconded By Councillor Lowrie

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

By-law 33-2024 being a By-law to confirm the proceedings of the Council of the Corporation of the Town of Kingsville at its April 22, 2024 Regular Meeting of Council.

CARRIED

W. ADJOURNMENT

093-04222024

Moved By Councillor Gaffan

Seconded By Councillor Lowrie

That Council adjourns this Regular Meeting at 7:36 p.m.

CARRIED

MAYOR, Dennis Rogers

ACTING CLERK, Faren Kalmar