



REGULAR MEETING OF COUNCIL

MINUTES

Monday, July 8, 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

Staff Present CAO, John Norton
 Acting Clerk, Angela Toole

A. CALL TO ORDER

Mayor Rogers called the Regular Meeting to order at 6:02 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

Mayor Rogers thanked staff, volunteers and council members for all their hard work with the Canada Day celebrations and gave special thanks to Sophie for singing the National Anthem.

Mayor Rogers noted two (2) construction updates: the installation of a westbound righthand turn lane at Main & Jasperson and Graham Sideroad from Road 3 to Highway 3.

On Thursday, July 4, SK Cornerstone unveiled its new truck trailer, revealing the Town of Kingsville's new tourism asset [VisitKingsvilleOntario.ca](https://www.visitkingsvilleontario.ca). The truck drives

routes across Canada and the USA and will showcase Kingsville as a prime destination for visitors seeking a unique vacation experience.

Mayor Rogers reminded all of the Kingsville Block Party happening on Saturday, July 20 at the intersection of King and Chestnut from 5:00 - 10:00 pm. The theme is Christmas in July.

The next "Coffee Time with the Mayor" is scheduled for Wednesday, July 24 from 5:00 - 7:00 pm at the Kingsville Legion with Councillor Jarvis-Chausse.

E. AMENDMENTS TO THE AGENDA

Councillor Lowrie added one (1) notice of motion. Mayor Rogers added one (1) 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 of the Municipal Act, 2001, Council entered into Closed Session at 7:07 p.m. on June 24, 2024, to discuss the following items:

Item I - Board and Committee Appointments (Communities in Bloom and Joint OPP Detachment Board) heard under Section 239(2)(b) being personal matters about an identifiable individual including municipal employees. Council considered applications for appointment to Communities in Bloom and the Joint OPP Detachment Board and as a result, appointed Sue Novotny to Communities in Bloom by way of a By-law in the succeeding Open Session. Council gave direction to Administration with respect to an appointment to the Joint OPP Detachment and information on the successful appointee will be made public when available. There is nothing further to report.

Item II - Status of Crossing Guard Program heard under Section 239(2)(f) being advice that is subject to solicitor-client privilege, including communications necessary for that purpose. Council considered a report on Crossing Guards in the succeeding Open Session. There is nothing further to report.

Item III - Legal Matter heard under Section 239(2)(f) being advice that is subject to solicitor-client privilege, including communications necessary for that purpose. No action resulted from the discussion and there is nothing further to report.

Item IV - Procurement Contract Involving the Province of Ontario heard under Section 239(2)(f) being advice that is subject to solicitor-client privilege including communications necessary for that purpose. Council gave direction to Administration and information will be made public when available. There is nothing further to report.

H. DELEGATIONS

Mr. Michael Laba made representations to a site plan application concerning the property municipally known as 460 Main Street East.

I. PRESENTATIONS

1. ERSOA 2023 Annual Progress Report

Dr. Katie Stammler, Water Quality Scientist/Source Protection Manager at ERCA, gave a presentation on the Essex Region Source Protection Authority's 2023 Annual Report.

J. MATTERS SUBJECT TO NOTICE

1. Moroun Pump Station Improvements

Tony Peralta, Engineer of Record, spoke to the Engineer's Report. He spoke to several meetings held with respect to the report including Indigenous consultations and consultations with different environmental agencies: MNECP, DFO, MNRF. They need to de-water the properties which are currently flooded.

130-07082024

Moved By Deputy Mayor DeYong

Seconded By Councillor Jarvis-Chausse

That the Report provided by N.J. Peralta Engineering Inc, dated June 21, 2024, on the Moroun Pumping Station for Improvements under a Report under Section 78 of the Drainage Act, **BE ADOPTED.**

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

CARRIED (7 to 0)

2. 8th Concession Drain – MTO Highway Widening Project

131-07082024

Moved By Councillor Jarvis-Chausse

Seconded By Councillor Gaffan

That the Report provided by Dillon Consulting, dated June 10, 2024, on the 8th Concession Drain for improvements on the drain for the MTO Highway Widening Project, under a Report of an Engineer pursuant to Section 78 of the Drainage Act, **BE ADOPTED.**

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

CARRIED (7 to 0)

3. 9th Concession Drain – MTO Highway 3 Culvert Extension

132-07082024

Moved By Councillor Patterson

Seconded By Councillor Lowrie

That the Report provided by Dillon Consulting, dated June 10, 2024, on the 9th Concession Drain for the MTO Highway 3 culvert extension, under a report of an Engineer pursuant to Section 78(5) of the Drainage Act, **BE ADOPTED.**

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

CARRIED (7 to 0)

4. Cottam Sideroad Branch of the 7th Concession Drain – Improvements for MTO Highway Widening Project

Steve Merritt, resident, and Dave Kendrick, resident, appeared to speak to the Engineer's Report.

133-07082024

Moved By Councillor Neufeld

Seconded By Councillor Patterson

That the Report provided by Dillon Consulting, dated June 10, 2024, on the Cottam Sideroad Branch of the 7th Concession Drain for improvements on the drain for the MTO Highway Widening Project, under a Report of an Engineer pursuant to Section 78 of the Drainage Act **BE ADOPTED**.

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

CARRIED (7 to 0)

5. Union Avenue Drain – Extending to Outlet

134-07082024

Moved By Councillor Patterson

Seconded By Councillor Gaffan

That the Report dated April 10, 2024, prepared by Baird AE for the abandonment of the Extension Drain as per Section 40 of the Drainage Act, **BE ADOPTED**.

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

CARRIED (7 to 0)

6. Application for Consent and Zoning By-Law Amendment (B 2024-15 and ZBA 2024-11): Surplus Dwelling Severance at 1738 Arner Townline

The Clerk noted that the subject application is that of a Town employee.

There were no comments from the public.

135-07082024

Moved By Councillor Neufeld

Seconded By Deputy Mayor DeYong

1. That consent application B-2024-15, to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation with an area of 1.079 ac (0.44 ha) lot shown as Part 1 on the applicants' sketch, known as 1738 Arner Townline, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:

- a. 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.
- b. That an easement for water service shall be signed and fully executed to the satisfaction of the town, prior to certification
- c. The conditions imposed above shall be fulfilled by July 8th, 2026, or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

2. And that By-law 49-2024 being a By-law to amend the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville, to amend the zoning on the retained farm parcel municipally known as VL Arner Townline from 'General Agricultural (A1)' to 'Agricultural - Restricted (A2)' and the severed residential parcel known as 1738 Arner Townline from 'General Agricultural (A1)' to 'Rural Residential (RR)' **BE APPROVED**; 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)

7. Application for Consent and Zoning By-Law Amendment (B 2024-17 and ZBA 2024-10): Surplus Dwelling Severance at 4336 Graham Sideroad

Wayne Mills, Agent for the Applicant, was available for Council questions.

There were no comments from the public.

136-07082024

Moved By Councillor Patterson

Seconded By Councillor Neufeld

1. That consent application B-2024-17, to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation with an area of 1.6 ac (0.65 ha) lot shown as Part 1 on the applicants' sketch, known as 4336 Graham Sideroad, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:
 - a. Provide confirmation to the satisfaction of the Town of existing septic system on the property that meets Ontario Building Code requirements and setbacks in relation to the revised lot line locations.
 - b. The building must comply with the Ontario Building Code for exposing building face and limiting distance. The applicant must provide calculations, documentation and complete any necessary construction to comply with the OBC.
 - c. Provide proof of drainage, acceptable to the municipality, to serve the lands being conveyed and the lands being retained, with the costs of such drainage being solely at the expense of the applicant. Proof of Drainage shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.
 - d. Execute an agreement for drainage apportionment due to lands severance or sale approved by the Municipality for each parcel being severed. Drainage Apportionment Request, 12R plan shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.
 - e. 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.
 - f. The conditions imposed above shall be fulfilled by July 8th, 2026 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.
2. And that By-law 50-2024 being a By-law to amend the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville, to amend the zoning on the retained farm parcel municipally known as VL Graham Sideroad from

‘General Agricultural (A1)’ to ‘Agricultural - Restricted (A2)’ and the severed residential parcel known as 4336 Graham Sideroad from ‘General Agricultural (A1)’ to ‘Rural Residential (RR)’ **BE APPROVED**; 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)

8. Application for Redline Amendment SUB 2022-5 and Application for Rezoning ZBA 2024-12 of Heritage Estates Subdivision by 1552843 Ontario Ltd. (Noah Homes)

Mr. Wyma, Director of Planning and Development, presented the report.

Robert Molliconi, Nevan Developments, Agent for the Applicant, was present.

There were no comments from the public.

137-07082024

Moved By Deputy Mayor DeYong

Seconded By Councillor Lowrie

1. A resolution in support of the Redline Amendment of the approved Draft Plan of Subdivision, County File No. 37-T-23003, for a revised total of 29 lots and a mix of 15 single family and 28 semi-detached dwellings (43 residential units total) **BE APPROVED** subject to any additional conditions that may be outlined by the County in its approval, and
2. That Zoning By-law Amendment application ZBA 2024-12 to amend the current Lakeshore Residential West Exception 35 – holding (LR-35 (h)) zoning on the subject parcel in the Town of Kingsville **BE APPROVED** to include the following:
 - a. Lot frontages in Lots 11 – 25 for single family residential use reduced from 18m (59 ft) to 12.5 m (42 feet);
 - b. Minimum lot areas in Lots 11 - 25 for single family residential use reduced from 557 m² (5,995 ft²) to 440 m² (4,736 sq.ft.);
 - c. Maximum lot coverage, where there are no legal Additional Dwelling Units, be increased from 40% to 50%;
 - d. Maximum lot coverage, where there are legal Additional Dwelling Units, be increased from 40% to 60%;
 - e. Maximum lot coverage for accessory buildings and structures for the purposes of building a legal Additional Dwelling Units, be increased from 12% to 15%
 - f. Front yard depth be reduced from 6, (20 ft.) to 5.5m (18 ft.)
 - g. Interior side yard depth for main buildings with an attached garage be reduced from 1.5m (5 ft) to 1.2 m (4 ft); and an interior side yard depth for main buildings with an attached garage on Block 6 of 1.5m (5 ft).
3. By-law 51-2024 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.

4. The Registered Development Agreement (CE1173875) between the applicant and Town be amended to reflect the Redline Amendment and the associated rezoning, and to reflect that the development will be completed in one phase;
5. That By-law 54-2024, being a by-law to amend By-law 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville to remove the Holding symbol (h) on the subject lands 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)

K. REPORTS - PLANNING AND DEVELOPMENT SERVICES

No reports at this time.

L. REPORTS - FINANCE AND CORPORATE SERVICES

1. Council and Committee – Conference, Travel and Other Expense Policy Update

138-07082024

Moved By Councillor Patterson

Seconded By Councillor Lowrie

That the amendments to the Council and Committee – Conference, Travel and other Expense Policy, as recommended by Committee of the Whole and Administration, **BE APPROVED**.

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)

M. REPORTS - FIRE RESCUE SERVICES

No reports at this time.

N. REPORTS - PUBLIC OPERATIONS

No reports at this time.

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

No reports at this time.

P. REPORTS - CAO's OFFICE

1. Essex County Nurse Practitioner-Led Clinic and Physician Recruitment and Retention Grants

John Norton, CAO, presented the report.

139-07082024

Moved By Deputy Mayor DeYong

Seconded By Councillor Jarvis-Chausse

1. That Council **APPROVES** a grant for the Essex County Nurse Practitioner-Led Clinic ("ECNPLC") for the provision of Nurse Practitioner services out of the medical clinic located at 273 Main Street East Kingsville, in the total

amount of \$35,000.00 to be paid from the Town's Health Care Reserve in monthly installments over a 1-year period, subject to certain conditions;

- 2. The CAO and Director of Finance/Treasurer **BE AUTHORIZED** to enter into the requisite Grant Agreement with the ECNPLC on behalf of the Town;
- 3. Council **APPROVES** a grant for the TMC Urgent Care Clinic – Kingsville, to assist in their efforts to recruit and retain physicians to practice out of the medical clinic at 273 Main Street East, Kingsville, in the total amount of \$30,000.00, to be paid from the Town's Health Care Reserve in annual installments of \$6000.00 over a 5-year period, subject to certain conditions;
- 4. That the CAO and Director of Finance/Treasurer **BE AUTHORIZED** to enter into the requisite Grant Agreement with the TMC Urgent Care Clinic – Kingsville on behalf of the Town; and
- 5. Council **APPROVES** a policy and practice of not bringing forward for consideration future requests for financial support for medical services or medical practitioners, with an understanding that health care is a provincial responsibility and should be funded and provided to residents without requiring financial support by municipalities which have limited resources and many competing priorities.

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

CARRIED (7 to 0)

Q. CONSENT AGENDA

140-07082024

Moved By Councillor Neufeld

Seconded By Councillor Patterson

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

- 1. Regular Council Meeting Minutes - June 24, 2024
- 2. BIA Minutes - May 14, 2024

CARRIED

R. CORRESPONDENCE

No Correspondence.

S. NOTICES OF MOTION

Councillor Lowrie introduced one Notice of Motion regarding Crossing Guards for consideration at the August 12, 2024 Regular Meeting of Council:

That Council **DIRECTS** Administration to employ crossing guards for the new K – 12 school at Jasperson and Woodycrest, and that Council further **DIRECTS** Administration to change the PXO crosswalk on Jasperson in front of the new school to a fully signalized push-button traffic light.

T. UNFINISHED BUSINESS AND ANNOUNCEMENTS

Mr. Michael Laba made further representations to a site plan application concerning the property municipally known as 460 Main Street East.

141-07082024

Moved By Councillor Gaffan

Seconded By Deputy Mayor DeYong

That Council **SUPPORTS** the restriction of a left turn out from the proposed development at 460 Main Street East and such other terms and conditions as determined by Administration.

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

CARRIED (7 to 0)

U. BYLAWS

142-07082024

Moved By Deputy Mayor DeYong

Seconded By Councillor Patterson

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

By-law 45-2024 being a By-law to provide for the improvements to the 8th Concession Drain and new maintenance schedule for the Ministry of Transportation Highway 3 Widening Project at a total estimated cost of \$1,828,000 in the Town of Kingsville, in the County of Essex

By-law 46-2024 being a By-law to provide for the realignment of the 9th Concession Drain and Kings Highway No. 3 Culvert Extension for the Ministry of Transportation Highway 3 Widening Project at a total estimated cost of \$640,000 in the Town of Kingsville, in the County of Essex

By-law 47-2024 being a By-law to provide for the realignment and extension of the Cottam Sideroad Branch of the 7th Concession Drain for the Ministry of Transportation Highway 3 Widening Project at a total estimated cost of \$1,669,000 in the Town of Kingsville, in the County of Essex

By-law 55-2024 being a By-law to provide for the improvements for the Moroun Pumping Scheme at a total estimated cost of \$686,257.00 in the Town of Kingsville, in the County of Essex

CARRIED

143-07082024

Moved By Deputy Mayor DeYong

Seconded By Councillor Jarvis-Chausse

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

By-law 53-2024 being a By-law to Amend the Traffic By-law (Jasperson Drive - no stopping)

By-law 56-2024 being a By-law to confirm the proceedings of The Council of the Corporation of the Town of Kingsville at its July 8, 2024 Regular Meeting of Council.

CARRIED

V. CLOSED SESSION

144-07082024

Moved By Councillor Lowrie

Seconded By Councillor Gaffan

That Council enter into Closed Session at 8:17 pm, pursuant to Section 239(2) of the *Municipal Act, 2001*, to discuss the following item:

Item I - Property Acquisition - Surplus School Properties to be heard under Section 239(2)(c) a proposed or pending acquisition or disposition of land by the municipality; and, Section 239(2)(k) a position, plan, procedure, criteria, or instruction to be applied to negotiations.

CARRIED

W. ADJOURNMENT

145-07082024

Moved By Councillor Patterson

Seconded By Councillor Neufeld

That Council rise from Closed Session and **ADJOURN** the Regular Meeting at 9:51 p.m.

CARRIED

MAYOR, Dennis Rogers

ACTING CLERK, Angela Toole