



Regular Meeting of Council

Minutes

Monday, September 9, 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
 Deputy Clerk, Natalie Sharp

A. Call to Order

Mayor Rogers called the Regular Meeting to order at 6:05 p.m.

B. Closed Session

162-09092024

Moved By: Councillor Jarvis-Chausse

Seconded By: Councillor Lowrie

That Council enter into Closed Session at 5:00 p.m., pursuant to Section 239 of the Municipal Act, 2001, to discuss the following items:

Item I - Update on Matter Before an Administrative Tribunal to be heard under Section 239(2)(e) being litigation or potential litigation, including matters before administrative tribunals, affecting the municipality; and

Item II - Sports Business Relocation to be heard under Section 239(2)(k) being a position, plan, procedure, criteria, or instruction to be applied to negotiations;

Carried

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 the public to the first meeting in September. He expressed his gratitude to the Town's building department for the overtime hours and extra effort to ensure that the new Erie Migration District School was ready to open for the first day of school. He also thanked the teachers and administrators who dedicated extra hours to prepare classrooms for the students.

Mayor Rogers stated that Sunday, September 15, is the 60th Annual Fall Fair & Horse Festival from 10 a.m. until 4 p.m. will take place at Ridgeview Park in Cottam. The event will feature children's activities, a vendors market, food trucks and a parade at noon. He extended his thanks to the Rotary Club of Cottam for organizing a great event.

Additionally, the annual Terry Fox Run will be held at 10:30 a.m. on Sunday, September 15, at Lakeside Park. Participants can choose to run, walk or bike the 2K or 5K routes. Residents are encouraged to sign up or donate online at run.terryfox.ca/kingsville.

Mayor Rogers stated that the last Block Party of the year, themed "Glow Night," is on Saturday, September 21, at the intersection of King and Chestnut from 5 p.m. to 10 p.m. The event will feature food, music, games, and more.

Mayor Rogers reminded residents that Thursday, September 26 is the Mayor's Spotlight on Business Golf Tournament. The tournament proceeds will support the Kingsville Recreation fund, which aims to provide sports and programming opportunities for children and youth facing financial barriers. To sign up for the tournament, residents can contact srice@kingsville.ca.

F. Amendments to the Agenda

None.

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.

None disclosed.

H. Report out of Closed Session

Pursuant to Section 239 of the Municipal Act, 2001, Council entered into Closed Session at 6:00 p.m. on August 8, 2024, to discuss the following items:

Item I - Development Update heard under Section 239(2)(b) being personal matters about an identifiable individual; and; 239(2)(e) being litigation or potential litigation, including matters before administrative tribunals, affecting the municipality. There is nothing further to report.

Item II - Sale of Municipal Lands 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 - Update on Matter Before an Administrative Tribunal heard under Section 239(2)(e) being litigation or potential litigation, including matters before administrative tribunals, affecting the municipality. A public report on this matter will be provided in this Open Session. There is nothing further to report.

Pursuant to Section 239 of the Municipal Act, 2001, Council entered into Closed Session at 5:00 p.m. on August 12, 2024, to discuss the following items:

Item I - Board and Committee Appointments (Kingsville Municipal Heritage Advisory Committee) heard under Section 239(2)(b) being personal matters about an identifiable individual including municipal employees. Council considered applications for appointment to the Kingsville Municipal Heritage Advisory Committee and gave direction to Administration with respect to an appointment which will be considered by way of a By-law in this Open Session. There is nothing further to report.

Item II - Union Water Supply System (UWSS Inc.) Annual General Meeting heard under Section 239(2)(b) being personal matters about an identifiable individual, including municipal employees; and, Section 239(2)(k) being a position, plan, procedure, criteria, or instruction to be applied to negotiations. Council appointed the Directors of Finance and Public Operations to attend and vote on behalf of the Town of Kingsville at the UWSS Annual General Meeting and gave direction to Administration on issues to bring forward for discussion at the Annual General Meeting by way of resolution in the succeeding Open Session. There is nothing further to report.

I. Delegations

None.

J. Presentations

1. Parks and Recreation Department Review

Shaun Martinho, Director of Public Operations, appeared before Council to present an overview of the Parks and Recreation Department.

K. Matters Subject to Notice

1. Zoning By-Law Amendment (ZBA-2024-17) for 2014 Road 3 East

163-09092024

Moved By: Councillor Gaffan

Seconded By: Deputy Mayor DeYong

1. That Zoning By-law amendment application ZBA-2024-17 to amend the zoning on the subject parcel from “General Agricultural (A1)” to a site specific “General Agricultural with exception 89 (A1-89)” to the site known as 2014 Road 3 E **BE APPROVED** to add the following uses:

a. Primary uses:

- i. Those uses permitted under Section 7.1 (Rural Residential).
- ii. A micro-brewery as an agricultural related primary use on the subject site

b. Accessory uses to micro-brewery as primary use:

- i. Permit an outdoor pavilion that is accessory use
- ii. Permit a fenced off-leash dog play area

- iii. Permit the sales of brews produced on site including accessory merchandise associated with the agricultural related micro-brewery business
 - c. Permitted buildings and Structures
 - i. Those buildings and structures permitted under Section 7.1 (Rural Residential) in the (A1) zone
 - ii. Buildings and structures accessory to the permitted uses.
- 2. That the corresponding By-law (By-law 63-2024) **BE ADOPTED**, during the By-law section of this Council agenda.

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

Carried (6 to 0)

- 2. Consent (B-2024-18) and Zoning By-law Amendment for 719 Seacliff Drive (ZBA-2024-9)

164-09092024

Moved By: Councillor Lowrie

Seconded By: Councillor Neufeld

- 1. That Consent application B-2024-18, to create a lot that has an area of 1,954.63 m² (21,039.46 ft²) and a frontage of 22.88 m (74.80 ft) on Seacliff Drive (County Road 20) shown as Part 3 on the draft survey (Attached as Appendix B) and an easement for storm sewer shown as Part 2 on the Plan of Survey, on lands municipally known as 719 Seacliff Drive, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:
 - a. That a reference plan (R-Plan) be prepared and deposited in the registry office; and that a copy of the R-Plan be provided to the Town;
 - b. That a permit be obtained from the County of Essex for a new driveway on the retained parcel and that copy of the permit provided to the Town;
 - c. That the retained and severed properties meet all Ontario Building Code requirements for septic systems; or that the applicant install septic systems on both lots as required subject to Ontario Building Code requirements and setbacks
 - d. That the applicant obtain a permit, including lot grading plan, to connect both the severed and retained lots to a municipal storm sewer from the Town of Kingsville.
 - e. That the applicant provide private locates to confirm that no municipal services cross the property lines of the severed and retained lots.
- 2. That Zoning By-law application ZBA-2024-2 to amend the Comprehensive zoning by-law for the Town of Kingsville on the retained parcel seen as Part 1 on the applicant's survey in Appendix B for the parcel municipally known as 719 Seacliff Road, from "Lakeshore Residential with exception 2 (LR-2)" to "Lakeshore Residential (LR)", **BE APPROVED**.

3. That the corresponding Zoning By-law Amendment (By-law 69-2024) **BE ADOPTED**, during the By-law section of this Council agenda.

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

Carried (6 to 0)

Councillor Patterson joined the meeting at 6:45 p.m., via electronic participation.

L. Reports - Planning and Development Services

1. Climate-Resilient Coastal Communities Program Funding

165-09092024

Moved By: Councillor Lowrie

Seconded By: Councillor Neufeld

That Council **DIRECT** Administration to apply \$10,000 from its 2024 operating budget to fund its 2024 commitment to the \$1.2 million, three-year Pelee Climate-Resilient Coastal Communities Program; and to include \$10,000 in the 2025 and 2026 Budgets for consideration by Council.

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

Carried (7 to 0)

2. Moroun Pump Station Improvements – Tender Award

166-09092024

Moved By: Deputy Mayor DeYong

Seconded By: Councillor Gaffan

That the tender for the Moroun Pump Station Improvements **BE AWARDED** to Sherway Contracting (Windsor) Limited in the amount of \$390,045.70 before H.S.T.

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 - Finance and Corporate Services

1. My Main Street Grant

Sue Rice, Economic and Tourism Development Officer, provided an overview of the My Main Street Grant.

N. Reports - Fire Rescue Services

No Reports.

O. Reports - Public Operations

No Reports.

P. Reports - Building and By-law Services

No Reports.

Q. Reports - CAO's Office

1. Pound Agreement – St. Clair College Veterinary Technician Program

167-09092024

Moved By: Deputy Mayor DeYong

Seconded By: Councillor Lowrie

That Administration **BE AUTHORIZED** to enter into an Agreement with St. Clair College of Applied Arts and Technology respecting the provision of adoption and euthanasia services for dogs from the Leamington Kingsville Pound, subject to certain conditions.

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

Carried (7 to 0)

2. Ontario Land Tribunal Appeal – 183 Main Street

168-09092024

Moved By: Councillor Lowrie

Seconded By: Councillor Neufeld

That Council **AUTHORIZE** a settlement of the appeal before the Ontario Land Tribunal related to 183 Main Street (Lead Case Number: OLT-23-001148; Related Case Number: OLT-23-001149), on terms and conditions satisfactory to the Manager of Legal Services.

For (5): Mayor Rogers, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

Against (2): Deputy Mayor DeYong, and Councillor Gaffan

Carried (5 to 2)

R. Consent Agenda

169-09092024

Moved By: Councillor Jarvis-Chausse

Seconded By: Councillor Gaffan

That Items 1 through 11 on the Consent Agenda, **BE RECEIVED.**

1. Regular Meeting Minutes - August 12, 2024
2. Committee of the Whole Minutes - May 13, 2024
3. Committee of the Whole Minutes - June 17, 2024
4. Kingsville Accessibility Advisory Committee Minutes - April 10, 2024
5. Committee of Adjustment & Appeals Minutes - May 21, 2024
6. Committee of Adjustment & Appeals Minutes - June 18, 2024
7. Fantasy of Lights Minutes - June 18, 2024

8. Heritage Advisory Committee Minutes - July 2, 2024
9. BIA Minutes - July 9, 2024
10. Committee of Adjustment & Appeals Minutes - July 16, 2024
11. Fantasy of Lights Minutes - July 16, 2024

S. Correspondence

None.

T. Notices of Motion

None.

U. Unfinished Business and Announcements

None.

V. By-laws

170-09092024

Moved By: Deputy Mayor DeYong

Seconded By: Councillor Jarvis-Chausse

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

By-law 59-2024 being a By-law to provide for MTO Improvements to the Upper Portion of the 4th Concession Drain at a total estimated cost of \$570,800 in the Town of Kingsville, in the County of Essex.

By-law 60-2024 being a By-law to provide for MTO Improvements to the Upper Portion of the No. 5 Drain at a total estimated cost of \$1,094,000 in the Town of Kingsville, in the County of Essex.

Carried

171-09092024

Moved By: Deputy Mayor DeYong

Seconded By: Councillor Neufeld

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

By-law 43-2024 being a By-law to exempt certain lands from Part Lot Control (Lot 61, Plan 12M-598; Lukas Drive)

By-law 63-2024 being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

By-law 64-2024 being a By-law to amend By-law 21-2005 as amended, being a By-law to regulate traffic and parking on highways within the Town of Kingsville.

By-law 67-2024 being a By-law to appoint a member to the Kingsville Municipal Heritage Advisory Committee.

By-law 69-2024 being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville.

By-law 70-2024 being a By-law to confirm the proceedings of the Council of the Corporation of the Town of Kingsville at its September 9, 2024 Regular Meeting of Council.

Carried

W. Closed Session

172-09092024

Moved By: Councillor Lowrie

Seconded By: Councillor Gaffan

That Council enter into Closed Session at 7:06 p.m., pursuant to Section 239 of the Municipal Act, 2001, to discuss the following item:

Item II - Development Update to be heard under Section 239(2)(b) being personal matters about an identifiable individual; and; 239(2)(e) being litigation or potential litigation.

Carried

X. Adjournment

173-09092024

Moved By: Deputy Mayor DeYong

Seconded By: Councillor Gaffan

That Council rise from Closed Session and adjourn its Regular Meeting at 8:30 p.m.

Carried

Mayor, Dennis Rogers

Acting Clerk, Angela Toole