



Regular Meeting of Council

Minutes

Monday, December 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 6:00 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

D. Mayor's Welcome and Remarks

E. Amendments to the Agenda

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.

Councillor Gaffan declared a conflict of interest on item J.1 as he lives in the neighbourhood.

G. Report Out of Closed Session

Pursuant to Section 239 of the Municipal Act, 2001, Council entered into Closed Session at 5:00 p.m. on November 25, 2024, to discuss the following items:

Item I - Update on Development Matter heard under 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.

Item II - Update Legal Matter Related to User Group heard under 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.

Pursuant to Section 239 of the Municipal Act, 2001, Council entered into Closed Session at 5:00 p.m. on November 27, 2024, to discuss the following items:

Item I - Update on Development Matters and Litigation heard under Section 239(2)(e) being litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose. There is nothing further to report.

Item II - Annual Update on Litigation and Legal Files heard under Section 239(2)(e) being litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and, Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose. There is nothing further to report.

Item III - Land Acquisition and Disposition heard under Section 239(2)(c) being a proposed or pending acquisition or disposition of land(s) by the municipality. There is nothing further to report.

Item IV - Negotiations with Third Parties for Industrial Lands and Medical Centre heard under Section 239(2)(k) being a position, plan, procedure, criteria, or instruction to be applied to negotiations. There is nothing further to report.

H. Delegations

Mayor Rogers noted that there is one registered delegation for the Tully Meleg Drain and that they will be called forward when that item is brought forward on the agenda.

I. Presentations

None.

J. Matters Subject to Notice

Councillor Gaffan vacated his seat at 6:08 p.m.

1. 175 Wigle Avenue - 1364674 Ontario Limited Zoning By-law Amendment for residential plan of subdivision (ZBA-2023-16) and Draft Plan of Subdivision (SUB-2024-01) County of Essex File No.: 37-T-24007

Barry Wilson, 4 Katie Crescent, inquired whether the existing brush buffer would remain and asked about the status of Block 28.

Stephen Sebele, 5 Katie Crescent, expressed concerns regarding on-street parking.

Rob Brown, Agent, requested that Council approve an amendment to By-law 102-2024 to add a rear yard set back of 5.5 metres. Furthermore, he requested that the language in Table 2 of By-law 102-2024 be updated to clarify that the MECP requirements with respect to the woodlot and species at risk, requirements have been met.

241-12092024

Moved By: Councillor Patterson

Seconded By: Councillor Jarvis-Chausse

That Section 1 of By-law 102-2024, Being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville, **BE AMENDED** to add a minimum rear yard depth of 5.5 metres for semi-detached dwellings and semi-detached units;

And that Table 2 of By-law 102-2024, **BE AMENDED** to replace "all provincial and federal requirements have been met." with " the MECP requirements with respect to the woodlot and species at risk, requirements have been met"

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

Conflict (1): Councillor Gaffan

Carried (6 to 0)

242-12092024

Moved By: Councillor Patterson

Seconded By: Councillor Neufeld

1. That Zoning By-law Amendment Application ZBA 2024-16 to amend the zoning designation on parts of the subject land, municipally known as 175 Wigle Avenue, legally described as Part of Lots 64, 65 & 69, Part of Bauslaugh Avenue, Part of Lane Registered Plan 344, and Part of Block B Registered Plan 424 in the Town of Kingsville, **BE APPROVED** as presented in the attached Key Map (see Appendix A), in the following manner:
 - a. On parts of the subject land, the zoning be changed from "General Commercial - Holding [C4(h)]" to a site-specific "Low Density Urban Residential 2.1 - Holding with exception 19 [R2.1-19 (h)]"; where
 - i. Provisions of the (R2.1) Section 6.2 shall apply to the lands zoned R2.1-19.
 - ii. Notwithstanding the zone provisions of (R2.1), the regulations as outlined in this Council Report shall apply to lands zoned (R2.1-19) for Semi-detached dwellings and Semi-detached dwelling units only.
2. And That an additional Holding Provision be placed at the rear (eastern) portion of lots 14 to 18 to temporarily protect the natural features which include endangered species habitat until such time when the requirements of MECP have been satisfied;

3. And That By-law 102-2024, as amended, being a By-law to amend Kingsville's Comprehensive Zoning By-law No. 1-2014 **BE ADOPTED** during the By-law Stage of this Council Agenda;
4. And That Administration **BE DIRECTED** to advise the County of Essex that the Town of Kingsville has no concern or comment regarding the proposed draft plan of subdivision by 1364674 Ontario Limited, which is a County of Essex decision, and is subject to the required Zoning By-law Amendment, as described in this report.

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

Conflict (1): Councillor Gaffan

Carried (6 to 0)

Councillor Gaffan returned to his seat at 6:21 p.m.

2. Schiller Branch Drain – Realignment of a Portion of the Drain for the MTO Highway Widening Project

Mike Slade, 88 Division Road, appeared before Council to express his concerns about the Schiller Branch Drain.

Rob Lane, 98 County Road 29, appeared before the Council to express concerns about flooding on his property.

Tim Paquin, on behalf of his father, Randy Paquin, 96 County Road 29, expressed concerns about flooding on the property.

243-12092024

Moved By: Councillor Patterson

Seconded By: Councillor Lowrie

That the Engineer's Report prepared by Dillon Consulting, dated November 15, 2024 for the Schiller Branch Drain – Realignment of the Lower Portion for the MTO Widening Project, 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. Gibbs Drain - MTO Highway Widening Project

Ed Gibbs, 328 Inman Side Road, noted that his contractor will be doing the tile drainage work and expressed concerns about the new access road.

244-12092024

Moved By: Councillor Gaffan

Seconded By: Councillor Lowrie

That the Engineer's Report prepared by Dillon Consulting, dated November 15, 2024, regarding the Gibbs Drain for the MTO Widening Project, pursuant to Section 4 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. Tully Meleg Drain – MTO Highway Widening Project

Reiner Neuman, 39 Sout Talbot West, appeared before Council to request that the drain be relocated to the north side of a new road being constructed, which would allow him to proceed with his plans to expand the existing building on the property.

245-12092024

Moved By: Councillor Lowrie

Seconded By: Councillor Patterson

That the Engineer's Report provided by Dillon Consulting, dated November 15, 2024, regarding the Tully Meleg Drain for the MTO Widening Project, pursuant to Section 78 of the Drainage Act **BE REFERRED** back to the Engineer for reconsideration.

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

Carried (7 to 0)

5. Road 29 Drain – MTO Highway Widening Project

246-12092024

Moved By: Councillor Jarvis-Chausse

Seconded By: Councillor Patterson

That the Report prepared by Dillon Consulting, dated November 15, 2024, regarding the Road 29 Drain for the MTO Widening Project, pursuant to Section 4 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)

K. Reports - Finance and Corporate Services

1. Update to the Strategic Plan – A 2040 Vision for Kingsville

247-12092024

Moved By: Councillor Neufeld

Seconded By: Councillor Gaffan

That Council **APPROVES** the November 18, 2024, recommendation from the Committee of the Whole to replace Strategic Priority 3E.3. as contained in the “Strategic Plan – A 2040 Vision for Kingsville” which reads "develop and implement a plan for Mettawas Park and Grovedale Arts & Culture Centre" with "develop and implement a Waterfront Plan encompassing Lakeside Park to the docks" with a target start date of 2026;

And That Administration **BE DIRECTED** to update the Strategic Plan – A 2040 Vision for Kingsville accordingly.

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

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

Carried (5 to 2)

2. 2025 Insurance Renewal

248-12092024

Moved By: Councillor Patterson

Seconded By: Councillor Jarvis-Chausse

That Administration **BE DIRECTED** to renew the Town’s insurance program with Intact Public Entities Inc. for a one-year period beginning January 1, 2025.

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

Carried (7 to 0)

L. Consent Agenda

1. Fantasy of Lights Committee Minutes - September 17, 2024
2. Heritage Advisory Committee Minutes - November 5, 2024
3. Regular Council Meeting Minutes - November 25, 2024

249-12092024

Moved By: Councillor Neufeld

Seconded By: Councillor Jarvis-Chausse

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

Carried

M. Correspondence

None.

N. Notices of Motion

None.

O. Unfinished Business and Announcements

None.

P. By-laws

250-12092024

Moved By: Deputy Mayor DeYong

Seconded By: Councillor Jarvis-Chausse

That the following By-laws be given first and second readings:

98-2024 - Being a By-law to provide for the Realignment of the Lower Portion of the Schiller Branch Drain at a total estimated cost of \$423,800 in the Town of Kingsville, in the County of Essex

100-2024 - Being a By-law to provide for MTO Improvements to the Gibbs Drain at a total estimated cost of \$206,800 in the Town of Kingsville, in the County of Essex

101-2024 - Being a By-law to provide for MTO Improvements to the Road 29 Drain at a total estimated cost of \$173,700 in the Town of Kingsville, in the County of Essex

Carried

251-12092024

Moved By: Deputy Mayor DeYong

Seconded By: Councillor Jarvis-Chausse

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

102-2024 - Being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

103-2024 - Being a By-law to confirm the proceedings of the Council of the Corporation of the Town of Kingsville at its December 9, 2024 Regular Meeting of Council

Carried

Q. Closed Session

252-12092024

Moved By: Councillor Gaffan

Seconded By: Councillor Lowrie

That Council **ENTER** into Closed Session at 7:09 p.m. pursuant to Section 239 of the Municipal Act, 2001, to discuss the following item:

Item I - Employee Review to be heard under Section 239(2)(b) being personal matters about an identifiable individual, including municipal employees

Carried

R. Adjournment

253-12092024

Moved By: Councillor Gaffan

Seconded By: Councillor Jarvis-Chausse

That Council rise from Closed Session and adjourn the Regular Meeting at 9:29 p.m.

Carried

Mayor, Dennis Rogers

Acting Clerk, Angela Toole