



**REGULAR MEETING OF COUNCIL
MINUTES**

**Tuesday, May 23, 2023
6:00 PM**

**Council Chambers
2021 Division Road N
Kingsville, Ontario N9Y 2Y9**

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

John Norton, CAO
Paula Parker, Clerk

ABSENT Councillor Tony Gaffan

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. 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.

G. REPORT OUT OF CLOSED SESSION

147-05232023

Moved By Councillor Jarvis-Chausse

Seconded By Councillor Neufeld

That Councillor Lowrie **BE APPOINTED** to the Migration Festival Advisory Committee.

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

CARRIED (6 to 0)

H. PRESENTATIONS

- 1. Mike Cowan, CPA, CA, Partner, BDO Canada LLP--Presentation of 2022 Financial Statement Audit Report**

I. MATTERS SUBJECT TO NOTICE

- 1. Application for Zoning By-law Amendment and Consent for Severance by Craig Chevalier 169 South Talbot Road CON STR, PT LOT 268 Roll Number: 3711-560-000-00900**

Ms. Jessica Tracey, representing the Applicant, thanked Planning Administration for their assistance with the application process. Ms. Tracey had no further comments.

There were no comments from the public.

148-05232023

Moved By Councillor Patterson

Seconded By Councillor Lowrie

1. That Zoning By-law amendment application ZBA-2023-10 to amend the zoning on the subject parcel in the Town of Kingsville **BE APPROVED**;

2. That consent application B-2023-8 to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation on a 89 ha (7.14 ac.) lot shown as Parts 1 & 2 on the applicants' sketch, known as 169 South Talbot Road, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:

- a) That a reference plan be deposited in the registry office, both an electronic and paper copy of the registered plan is to be provided to the Town.
- b) That any special assessment imposed pursuant to the provisions of the Local Improvement Act and/or Municipal Act be paid in full along with all municipal taxes.
- c) That any necessary drainage apportionments be undertaken.
- d) That as a result of the 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 of certification of the deed.

- e) The zoning of the retained parcel be amended to prohibit future dwellings prior to certification (ZBA-2023-10).
- f) That the applicant provide confirmation to the satisfaction of the Town the location of any existing septic systems in relation to the revised lot line locations.
- g) That the necessary deed(s), transfer or changes be submitted in triplicate, signed and fully executed (no photocopies), including a copy of the reference plan, prior to certification.
- h) That each parcel have their own access to South Talbot Road and the applicant acquire an entrance or encroachment permit for access to both parcels to the satisfaction of the Town or County of Essex as applicable.
- i) The conditions imposed above shall be fulfilled by May 23, 2025 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

3. **By-law 37-2023** 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.

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

CARRIED (6 to 0)

2. ZBA-2023-4 – Zoning By-law Amendment for 14 and 40 Cameron Side Road

Public comments were received and are attached to the minutes as Appendix 'A'.

149-05232023

Moved By Councillor Neufeld

Seconded By Councillor Lowrie

1. That Zoning By-law amendment application ZBA-2023-4 to amend the zoning on the subject parcels in the Town of Kingsville from 'Agriculture (A1)' and 'Light Industrial (M1)' to 'Light Industrial Exception 12 (M1-12)' to facilitate a future lot addition and development of outdoor storage for the existing business **BE APPROVED** with the following:
 - i. Outdoor storage accessory to the industrial use permitted
 - ii. Minimum landscaped buffer setback for the outdoor storage from a residential zone of 5 m (16.4 ft.) or as established on an approved site plan, whichever is greater
 - iii. Minimum landscaped buffer setback for the outdoor storage on all other sides abutting an agricultural zone shall be 3 m (10 ft.)
 - iv. Increase to the permitted outdoor storage lot coverage allowance to 60%;
2. **By-law 36-2023** 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.

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

Against (2): Deputy Mayor DeYong, and Councillor Jarvis-Chausse

CARRIED (4 to 2)

3. ZBA-27-21 – Zoning By-law Amendment for 1666 and 1678 Division Road North - Jim Liovas Roll numbers: 3711-350-000-01000 and 3711-350-000-00900

Public comments were received and are attached to the minutes as Appendix 'A'.

150-05232023

Moved By Councillor Patterson

Seconded By Deputy Mayor DeYong

1. That the zoning by-law amendment application ZBA/27/21 **BE APPROVED**; to amend the zoning for the subject parcel(s) at 1666 and 1678 Division Road North in the Town of Kingsville, from Residential Zone 1 Urban 'R1.1' to a site-specific Residential Zone 4 Urban Exception 8 'R4.1-8' to permit:

- i. A 100-unit multiple dwelling building
- ii. ~~Reduce required parking ratio from 1.25 to 1.2 spaces per unit~~
- iii. Increase required side yard (north) from 4.5m (14.5 ft.) to 9 m (29.5 ft.)
- iv. Increase permitted maximum height from 11m (36 ft.) to 12.2m (40 ft.)

2. By-law 38-2023 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.

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

Against (2): Councillor Jarvis-Chausse, and Councillor Neufeld

CARRIED (4 to 2)

J. REPORTS - COMMITTEES

K. REPORTS - COMMUNITY AND DEVELOPMENT SERVICES

1. Application for Part Lot Control Exemption by Wobocorp Ltd. Lots 11 to 20 PLAN 12M689

151-05232023

Moved By Deputy Mayor DeYong

Seconded By Councillor Patterson

1. That Part Lot Control By-law 35-2023 to allow Lots 11 to 20, PLAN 12M-689 to be exempt from Section 50(5) of the Planning Act **BE APPROVED**, and;
2. That Administration **BE DIRECTED** to forward By-law 35-2023 and the Part Lot Control Exemption application to the County of Essex for final approval, and to register any by-laws on title as required.

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

CARRIED (6 to 0)

L. REPORTS - FINANCIAL SERVICES AND INFORMATION TECHNOLOGY

1. 2022 Financial Statements and Year End Review

151-05232023

Moved By Councillor Patterson

Seconded By Councillor Lowrie

1. That the Financial Statements for the Corporation of the Town of Kingsville for the year ending December 31, 2022, as audited by BDO Canada LLP, **BE APPROVED**;
2. That the 2022 Treasurer's Statement of Development Charge Reserve Funds, **BE APPROVED**;
3. That By-law 40-2023 to authorize the submission of an application to Ontario Infrastructure Lands Corporation (OILC) for a \$12,000,000 construction loan and the issuance of long-term debt upon completion of the capital works be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same;
4. That the 2022 Statement of Investment Activity, **BE APPROVED**; and
5. That the 2022 general budget surplus of \$742,589, be applied to the debt financed balance of the Arena Floor Cooling System Replacement capital project, **BE APPROVED**.

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

CARRIED (6 to 0)

M. REPORTS - FIRE SERVICES

N. REPORTS - INFRASTRUCTURE AND ENGINEERING

O. REPORTS - LEGAL AND BUILDING SERVICES

P. REPORTS - CAO's OFFICE

Q. CONSENT AGENDA

152-05232023

Moved By Councillor Patterson

Seconded By Councillor Neufeld

That consent agenda items 1-10 **BE RECEIVED**.

1. **Regular Council Meeting Minutes - May 8, 2023**
2. **Regular Closed Session Council Meeting Minutes - April 24, 2023**
3. **Regular Closed Session Council Meeting Minutes - May 8, 2023**
4. **Kingsville BIA Minutes - March 14, 2023**
5. **Kingsville BIA Minutes - April 12, 2023**

6. **Heritage Advisory Committee Minutes - April 4, 2023**
7. **Committee of Adjustment Minutes - April 18 2023**
8. **Association of Ontario Road Supervisors - Annual Trade Show**
9. **City of Cambridge - Highway Traffic Act Amendments**
10. **Town of Plympton-Wyoming - Support Resolution: Removing Addresses on Municipal Election Forms**

CARRIED

R. NOTICES OF MOTION

S. UNFINISHED BUSINESS AND ANNOUNCEMENTS

T. BYLAWS

154-05232023

Moved By Deputy Mayor DeYong

Seconded By Councillor Lowrie

That By-laws 41-2023 and 42-2023 be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same.

CARRIED

U. CLOSED SESSION

155-05232023

Moved By Councillor Jarvis-Chausse

Seconded By Councillor Lowrie

Pursuant to section 239(2) of the Municipal Act, 2001, Council will enter into Closed Session at 8:24 p.m. to address the following items:

Item I - Personnel Matters - Section 239(2)(b) personal matters about identifiable individuals, including municipal or local board employees; and, Section 239(2)(d) labour relations and employee negotiations.

CARRIED

V. ADJOURNMENT

156-05232023

That Council adjourn at 8:50 p.m.

CARRIED

MAYOR, Dennis Rogers

CLERK, Paula Parker