



REGULAR MEETING OF COUNCIL

MINUTES

Monday, June 12, 2023

6:00 PM

Council Chambers

2021 Division Road N

Kingsville, Ontario N9Y 2Y9

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

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

Mayor Rogers said a few words of welcome and spoke about Council and Administration's tour of the Town of LaSalle's facilities on June 7, 2023.

E. AMENDMENTS TO THE AGENDA

Councillor Gaffan had 1 item under unfinished business. Deputy Mayor DeYong had 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.

G. REPORT OUT OF CLOSED SESSION

Pursuant to section 239(2) of the Municipal Act, 2001, Council entered into Closed Session at 8:25 pm on May 23, 2023 to address the following items:

Item I - Personnel Matters heard under Section 239(2)(b) and (d). There was nothing further to report on this matter.

~~**H. RECOGNITION**~~

~~**1. The KYIV Project – Gary Taveirne**~~

~~Mayor Rogers presented a certificate to Mr. Taveirne~~

I. MATTERS SUBJECT TO NOTICE

1. Application for Part Lot Control Exemption by 1552843 Ontario Ltd. Lots 16 to 27 PLAN 12M693

There were no other comments from the public.

157-06122023

Moved By Councillor Patterson

Seconded By Councillor Gaffan

1. That Part Lot Control **By-law 44-2023** to allow Lots 16 to 27, PLAN 12M-693 to be exempt from Section 50(5) of the Planning Act be taken as having been read three times and finally passed and the Mayor and Clerk **BE AUTHORIZED** to sign same; and,
2. That Administration **BE DIRECTED** to forward By-law 44 -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 (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

2. ZBA-2023-11 and B-2023-9 - Application for Surplus Dwelling Severance at 217 County Road 27 by Kevin & Tammy Brady GOSFIELD NORTH CON 9 PT LOT 12 Roll Number: 3711-640-000-03902

There were no other comments from the public.

158-06122023

Moved By Councillor Patterson

Seconded By Councillor Jarvis-Chausse

1. That consent application B-2023-9 to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation on a 0.8 ha (1.98 ac.) lot shown on the applicants' sketch, known as 217 County Road 27, 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-2023-11).
 - 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 County Road 27 or North 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) That the existing house be moved onto the location indicated prior to finalization of the severance, and that the applicant provide confirmation that the new location meets all applicable zoning provisions, to the satisfaction of the Town.
 - j) The conditions imposed above shall be fulfilled by June 12, 2025 or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.
2. **By-law 45-2023** 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 (7): Mayor Rogers, Deputy Mayor DeYong, Councillor Gaffan, Councillor Jarvis-Chausse, Councillor Lowrie, Councillor Neufeld, and Councillor Patterson

CARRIED (7 to 0)

3. Applications for Zoning By-law Amendment (ZBA-2023-8) and Draft Plan of Subdivision (SUB-05-2022) by 1552843 Ontario Limited (Noah Homes) 150 Heritage Road Roll #: 3711-270-000-31204

David Cour, 39 Normandy Avenue, is not opposed to the development but has concerns regarding the environmental impact if the developer is going to be removing the trees on the property line. He would like to see no construction traffic or on-street parking within the current subdivision and suggests using Heritage Road instead.

Karen Wadsworth, 209 James Avenue, is concerned about the change from 44 units to 48 units.

Robert Molliconi, Agent for the Applicant, will be addressing tree protection fencing to mitigate the impact of this development. He also confirmed that the original draft plan of subdivision included the 48 units, not 44 units.

159-06122023

Moved By Councillor Lowrie

Seconded By Deputy Mayor DeYong

1. That Zoning By-law amendment application ZBA-2023-8 to amend the zoning on the subject parcel in the Town of Kingsville from Lakeshore Residential - holding "LR (h)" to a site-specific Lakeshore Residential Exception 35, "LR-35" to permit single and semi-detached dwellings **BE APPROVED** with the following:
 - a) semi-detached dwellings be permitted as an additional use;
 - b) rear yard setback requirement reduced from 7.5 m (25 ft) to 6 m (19.7 ft);
 - c) exterior side yard setback requirement reduced from 4.5 m (15 ft) to 1.5 m (5 ft); and,
2. **By-law 43-2023** 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.
3. A resolution in support of the draft plan of subdivision, County File No. 37-T-23003, **BE APPROVED** subject to conditions outlined by the County in the draft approval and subject to approval of the necessary development agreement between the applicant and Town.
4. Administration **BE DIRECTED** to forward the resolution of support to the County Planner for final approval.

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

CARRIED (7 to 0)

J. REPORTS - COMMITTEES

K. REPORTS - COMMUNITY AND DEVELOPMENT SERVICES

L. REPORTS - FINANCIAL SERVICES AND INFORMATION TECHNOLOGY

M. REPORTS - FIRE SERVICES

N. REPORTS - INFRASTRUCTURE AND ENGINEERING SERVICES

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

P. REPORTS - CAO's OFFICE

Q. CONSENT AGENDA

160-06122023

Moved By Councillor Jarvis-Chausse

Seconded By Councillor Lowrie

That Consent Agenda items 1 and 2 **BE RECEIVED**.

CARRIED

1. Regular Council Meeting Minutes - May 23 2023

2. Regular Closed Session Council Meeting Minutes - May 23, 2023

3. Police Services Board Minutes - April 26, 2023

161-06122023

Moved By Councillor Neufeld

Seconded By Councillor Jarvis-Chausse

That Consent Agenda item 3 **BE RECEIVED.**

CARRIED

R. CORRESPONDENCE

S. NOTICES OF MOTION

T. UNFINISHED BUSINESS AND ANNOUNCEMENTS

1. Councillor Gaffan inquired about the status of Road 2 between Division and Jasperson. Manager of Engineering, T. Del Greco, explained the contractors are still in the process of pressure testing the watermain before it can be opened to traffic.
2. Deputy Mayor DeYong invited everyone to attend the grand opening of the Community Garden Café on Tuesday, June 13 from 10 am to noon at Kingsville Community Centre, 1860 Division Road North.
3. Deputy Mayor DeYong reminder of Highland Games event on Saturday, June 24 at Jack Miner.

U. BYLAWS

162-06122023

Moved By Deputy Mayor DeYong

Seconded By Councillor Neufeld

CARRIED

1. By-law 46-2023

2. By-law 47-2023

V. CLOSED SESSION

163-06122023

Moved By Councillor Gaffan

Seconded By Deputy Mayor DeYong

Pursuant to section 239(2) of the Municipal Act, 2001, Council will enter into Closed Session at 6:55 pm to address the following item:

Item I - Board Appointments - Section 239(2)(b) personal matters about identifiable individuals, including municipal or local board employees.

CARRIED

W. ADJOURNMENT

164-06122023

That Council adjourn at 8:00 p.m.

CARRIED

MAYOR, Dennis Rogers

ACTING DEPUTY CLERK,
Stephanie Olewski