



**REGULAR MEETING OF COUNCIL
MINUTES**

**Monday, May 6, 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 Larry Patterson

Members Absent Councillor Thomas Neufeld

Staff Present CAO, John Norton
Acting Clerk, Angela Toole

A. CALL TO ORDER

Mayor Rogers called the Regular Meeting to order at 6:01 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 welcomed everyone to the May 6, 2024, Regular Meeting of Council and remarked that May has been a busy month so far.

Mayor Rogers wished Fire Chief Jason Suchiu and his team a happy International Firefighters Day on Saturday, May 4, 2024, and expressed how proud Council and Administration are of the men and women serving as firefighters for the Kingsville community.

Mayor Rogers noted that he was fortunate to attend the media release for the Kingsville Music Society's Kingsville Music Festival. He noted that the Festival is a world class event that started in a small music store 10 years ago.

Mayor Rogers attended the Gosfield North Sportsmen Association's 31st Annual Wild Game Supper and said that the event was great and that he enjoyed the wild boar sausage. He also attended the Hogs for Hospice Blessing of the Bikes on Sunday, May 5, 2024, at the First Lutheran Church and said that a record-breaking almost 600 bikes attended.

Lastly, Mayor Rogers remarked that community partners are part of what make the Kingsville community great, and noted that the Town will continue to collaborate with those who continue to enrich residents, businesses and our community.

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 conflict on Item K.2 - Hogs for Hospice, as he operates a business in the area of the proposed road closure.

Mayor Rogers declared a conflict on Item K.2 - Hogs for Hospice, as he operates a business in the area of the proposed road closure.

G. REPORT OUT OF CLOSED SESSION

The Clerk gave the following Report out of Closed Session:

Pursuant to Section 239 of the *Municipal Act, 2001*, Council entered into Closed Session at 5:15 p.m. on April 22, 2024, to discuss the following items:

Item I - Tender Awards: 2024 Kingsville Urban Road Resurfacing heard under Section 239(2)(f) being advice that is subject to solicitor-client privilege, including communications necessary for that purpose. There is nothing further to report.

Item II - BLRH Licensing By-law 3-2024 heard under Section 239(2)(f) being advice that is subject to solicitor-client privilege, including communications necessary for that purpose. There is nothing further to report.

H. DELEGATIONS

No Delegations at this time.

I. PRESENTATIONS

No Presentations at this time.

J. MATTERS SUBJECT TO NOTICE

This Item was not heard or considered by Council. See Item E - Amendments to the Agenda.

1. ZBA-2023-2 - Applications for Zoning By-law Amendment by 1000057229 Ontario Inc. - 0 Seacliff Drive

1. That By-law 36-2024 being a by-law to amend the Comprehensive Zoning By-law 1-2014, for the Town of Kingsville **BE APPROVED** to amend the zoning for the vacant parcel of land, municipally known as 0 Seacliff Dr.

(Part of Lot 4, Concession 1, Eastern Division Town of Kingsville as shown on Appendix A - Location Map), in the following manner:

- a. Amend the zoning on lots 19-26 inclusive, and lots 30-37 inclusive, as shown on the Appendix C - Draft Plan of Subdivision, from “Lakeshore Residential-Holding (LR (h))” to “Lakeshore Residential Exception 36-Holding (LR-36 (h))” to include semi-detached dwellings as an additional permitted use (as shown on Appendix B - Zoning Amendment);
 - b. Amend the zoning on Block 64, and the southern portion of the Lots 56 to 59 inclusive (Appendix C - Draft Plan of Subdivision) from “Lakeshore Residential-Holding (LR (h))” to “Environmental Reserve District-Holding (ERD (h))” along the lake to prohibit any improvements or construction (Appendix B – Zoning Amendment);
 - c. Amend the zoning on Block 60 and Block 63 (Appendix C - Draft Plan of Subdivision) from “Lakeshore Residential-Holding (LR (h))” to “Public Utilities/Facilities (MG)-Holding (MG (h))” to allow for the placement of the required municipal storm and sanitary sewer infrastructure to service the entire subdivision (Appendix B – Zoning Amendment); and
2. The Mayor and Clerk **BE AUTHORIZED** to sign same.

K. REPORTS - PLANNING AND DEVELOPMENT SERVICES

1. Kingsville Pro Rodeo

094-05062024

Moved By Deputy Mayor DeYong

Seconded By Councillor Jarvis-Chausse

1. That Administration **PROVIDE** a letter of “Municipal Significance” for the Kingsville Pro Rodeo, to be held at Trimble Farms from July 26 to July 28, 2024, for the purpose of allowing the event to obtain a licence to serve alcohol.

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

CARRIED (6 to 0)

2. Hogs for Hospice

Mayor Rogers vacated the Chair due to a declared conflict. Deputy Mayor DeYong assumed the Chair.

095-05062024

Moved By Councillor Lowrie

Seconded By Councillor Patterson

1. That road closures of Main Street (from Spruce Street to Queen Street) and Division Street (from King Street to Pearl Street) from 10:00 am to 2:00 pm on Saturday, August 3, 2024, for the Hogs for Hospice Registered Ride **BE APPROVED**.

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

Conflict (2): Mayor Rogers, and Councillor Gaffan

CARRIED (4 to 0)

Mayor Rogers resumed the Chair.

3. Notice of Intention to Designate the Pastorius House (12 Main Street East) under the Ontario Heritage Act

096-05062024

Moved By Councillor Gaffan

Seconded By Deputy Mayor DeYong

1. That the Town Clerk **PUBLISH** a Notice of Intention to Designate the Pastorius House, at 12 Main Street East, in accordance with Part IV of the *Ontario Heritage Act* according to the Statement of Cultural Heritage Value or Interest attached in Appendix 'A'; and,
2. That Administration **PREPARE** the necessary By-law for Council to designate the property in accordance with the requirements of the *Ontario Heritage Act*.

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

CARRIED (6 to 0)

L. REPORTS - FINANCE AND CORPORATE SERVICES

1. 2024 Final Tax Levy By-Law

097-05062024

Moved By Councillor Patterson

Seconded By Councillor Gaffan

1. That **By-Law 37-2024** being a By-law for the establishment of the 2024 final tax levy be taken as having been read three times and finally passed; and that the Mayor and Clerk **BE AUTHORIZED** to sign same.

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

CARRIED (6 to 0)

M. REPORTS - FIRE RESCUE SERVICES

No Reports at this time.

N. REPORTS - PUBLIC OPERATIONS

1. Banar Subdivision Phase 3 Construction

Erica Allen, Manager of Public Works and Environmental Services, was present to provide details of the Banar Subdivision Phase 3 Construction.

098-05062024

Moved By Councillor Jarvis-Chausse

Seconded By Councillor Lowrie

1. That Phase 3 of the Banar Subdivision Watermain Replacement Project Tender **BE AWARDED** to D'Amore Construction (2000) Ltd. in the amount

of \$844,000.00 (excluding HST) and the Mayor and Clerk **BE AUTHORIZED** to execute the requisite agreement.

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

CARRIED (6 to 0)

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

No Reports at this time.

P. REPORTS - CAO's OFFICE

1. Council Appointments to Boards and Committees - Update

099-05062024

Moved By Councillor Gaffan

Seconded By Councillor Patterson

1. That the appointment of Councillor Thomas Neufeld to the Communities in Bloom Committee **BE RESCINDED**, and that Deputy Mayor Kimberly DeYong **BE APPOINTED** to the Communities in Bloom Committee, effective immediately, for a term set to expire on November 14, 2026; and,
2. That the appointment of Deputy Mayor Kimberly DeYong to the ERCA Board of Directors **BE RESCINDED**, and that Mayor Dennis Rogers **BE APPOINTED** to the ERCA Board of Directors, effectively immediately, for a term set to expire on November 14, 2026.

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

CARRIED (6 to 0)

Q. CONSENT AGENDA

100-05062024

Moved By Councillor Gaffan

Seconded By Deputy Mayor DeYong

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

1. Regular Council Meeting Minutes - April 22, 2024
2. Migration Festival Minutes - November 27, 2023

CARRIED

R. CORRESPONDENCE

1. Correspondence from the City of Sarnia dated January 19, 2024, regarding Carbon Tax
2. Correspondence from the Municipality of St. Charles dated March 20, 2024, regarding Expanding the Life Span of Fire Apparatus

S. NOTICES OF MOTION

1. Regional Organic Waste Collection and Processing Program - Councillor Gaffan

101-05062024

Moved By Councillor Gaffan

Seconded By Councillor Patterson

Whereas on March 16, 2022, Essex County Council determined that all lower-tier municipalities shall participate in the regional organic waste collection and processing program;

And whereas County Council has established the level of service associated with such program;

And whereas it is estimated that this service will result in a 4.3% property tax increase for the Town of Kingsville in the first year of the program;

It is moved that Kingsville Council **DIRECTS** Deputy Mayor DeYong or Mayor Rogers to make a Motion at County Council asking that the County Council agree to fund the cost of the regional organic waste collection and processing program through the County of Essex property tax levy. If changes are required to by-laws and agreements to achieve this result, it is requested that the County of Essex amend these by-laws and agreements as required, such as with EWSWA, City of Windsor, and others.

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

CARRIED (6 to 0)

2. Short Term Rental Survey Next Steps - Councillor Gaffan

Mayor Rogers vacated the Chair due to a declared conflict. Deputy Mayor DeYong assumed the Chair.

102-05062024

Moved By Councillor Gaffan

Seconded By Councillor Patterson

Whereas Administration has been conducting an online Short Term Rental Survey since January 29, 2024;

And Whereas Council has heard directly from many residents about the need for restrictions and controls on Short Term Rentals;

Therefore, Council **DIRECTS** Administration to close and bring forward the results of the Short Term Rental Survey at the May 13, 2024, Committee of the Whole Meeting for review and discussion.

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

Conflict (1): Mayor Rogers

CARRIED (5 to 0)

Mayor Rogers resumed the Chair.

3. Disposition of Lions Hall - Councillor Jarvis-Chausse

Councillor Jarvis-Chausse read aloud the following Notice of Motion regarding the disposition of Lions Hall for consideration at the May 27, 2024, Regular Meeting of Council:

On October 16, 2003, the Lions Club of Kingsville donated lands and buildings to the Town of Kingsville, including “Lions Hall” which is the main building located inside Lions Park;

In 2003 the Lions Club entered into an agreement with the Town of Kingsville indicating that the Lions Club would occupy the main parts of the building and further that the Town of Kingsville would maintain the building and additionally pay the Lions Club a one-time payment of \$53,000;

The Town of Kingsville and Lions Club now agree that the building could serve a greater community purpose under the ownership and leadership of Lions Club for the benefit of various not-for-profit agencies and organizations;

The Town of Kingsville and Lions Club now also agree that the Town of Kingsville should retain the remaining lands, known as Lions Park, for the benefit of the community;

Therefore, Kingsville Council **DIRECTS** Administration to do the following:

1. Bring forward a By-law for Council consideration to declare Lions Hall building surplus to municipal purposes, pursuant to the requirements of the *Municipal Act, 2001*, and to be conveyed to the Lions Club under an exemption from the requirements of the Town of Kingsville’s property disposition policy; and
2. Enter into an agreement with the Lions Club on the following terms and conditions:
 - a. Transfer of the Lions Hall building for \$1, in an “as is, where is” condition to the Lions Club;
 - b. Sever the Lions Hall building from the rest of the property and park;
 - c. Retain a right of first refusal over any future conveyance;
 - d. Require the Lions Club to only use the building for not-for-profit uses;
 - e. Agree to pay an annual grant for five years to the Lions Club equal in the amount of property taxes levied, with a right to renew for an additional five years subject to Council approval and Town budget;
 - f. Register an easement in favour of the Lions Club over the park entranceway and parking area, which shall be maintained and the responsibility of the Town of Kingsville for the use of visitors to the Lions Hall as well as Lions Park;
 - g. Terminate any ongoing obligations between the Town of Kingsville and the Lions Club that arise from the Agreements executed in 2003 and any amendment to the same; and
 - h. Require the Lions Club to have a volunteer board of directors to oversee management of the building, representing various community groups and interests as well as holding various skills, backgrounds, and professional expertise.

T. UNFINISHED BUSINESS AND ANNOUNCEMENTS

No Unfinished Business or Announcements.

U. BYLAWS

103-05062024

Moved By Deputy Mayor DeYong

Seconded By Councillor Gaffan

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

By-law 39-2024 being a By-law to provide for the collection of the costs incurred for drainage works completed for numerous drains all in the Town of Kingsville; and,

By-law 40-2024 being a By-law to confirm the proceedings of the Council of the Corporation of the Town of Kingsville at its May 6, 2024 Regular Meeting of Council.

CARRIED

V. CLOSED SESSION

104-05062024

Moved By Councillor Lowrie

Seconded By Deputy Mayor DeYong

That Council enter into Closed Session at 6:34 p.m. pursuant to Section 239 of the *Municipal Act, 2001*, to discuss the following items:

Item I - Sanitary Sewer Connections to be heard under Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and, a position, plan, procedure, criteria, or instruction to be applied to negotiations; and,

***Item II - Legal Matter** to be heard under Section 239(2)(f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose; and,

***Item III - Use of Email** to be heard under Section 239(3.1) being educating or training members of a council, a local board or committee; and,

Item IV - Personnel Matter to be heard under Section 239(2)(b) being personal matters about an identifiable individual, including municipal employees.

CARRIED

W. ADJOURNMENT

105-05062024

Moved By Councillor Gaffan

Seconded By Councillor Patterson

That Council rise from Closed Session and adjourn the Regular Meeting at
8:50 p.m.

CARRIED

MAYOR, Dennis Rogers

ACTING CLERK, Angela Toole