



**TOWN OF KINGSVILLE**  
**REGULAR MEETING OF COUNCIL**  
**AGENDA**

**Monday, October 28, 2024, 6:00 PM**

**Unico Community Centre**

**37 Beech Street**

**Kingsville, ON N9Y 1A9**

View Livestream at the time of the proceedings at  
<https://www.kingsville.ca/livestream>

For information pertaining to this agenda or to arrange for any additional accessibility needs please contact the Clerk at [atoole@kingsville.ca](mailto:atoole@kingsville.ca)

**Pages**

**A. Call to Order**

**B. Closed Session**

**Recommended Action**

That Council **ENTER** into Closed Session at 5:30 p.m. pursuant to Section 239 of the Municipal Act, 2001, to discuss the following item:

**Item I - Appointment to Committee of Adjustment and Appeals** to be heard under Section 239(2)(b) being personal matters about an identifiable individual, including municipal employees.

**C. Land Acknowledgement**

We acknowledge the Three Fires Confederacy (Ojibwe, Potawatomi 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**

**E. Mayor's Welcome and Remarks**

**F. Amendments to the Agenda**

## **G. Disclosure of Pecuniary Interest**

When a member of Council has any pecuniary interest, direct or indirect, in any matter which is the subject of consideration at this Meeting of Council (or that was the subject of consideration at the previous Meeting of Council at which the member was not in attendance), the member shall disclose the pecuniary interest and its general nature, prior to any consideration of the matter.

## **H. 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 October 7, 2024, to discuss the following items:

**Item I - Subdivision Application** to be 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 - Disposition of Lions Hall** to be 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.

Pursuant to Section 239 of the Municipal Act, 2001, Council entered into Closed Session at 8:12 p.m. on October 7, 2024, to discuss the following items:

**Item I - Information Supplied to the Town by Another Level of Government** to be heard under Section 239(2)(h) being information supplied in confidence to the municipality by another level of government; and, Section 239(2)(b) being personal matters about an identifiable individual, including municipal employees. There is nothing further to report.

**Item II - Update on Legal Agreement with the Port Authority** to be 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.

## **I. Delegations**

## **J. Presentations**

## **K. Matters Subject to Notice**

1. Application for Consent and Zoning By-Law Amendment (B 2024-23 and ZBA 2024-18): Surplus Dwelling Severance at 27 Road 8 East

### **Recommended Action**

That consent application B-2024-23, to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation with an area of 1.4 ac (0.57 ha) lot shown as Part 1 on the applicants' sketch, known as 27 Road 8 East, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:

- a. Execute an agreement for drainage apportionment due to lands severance or sale approved by the Municipality for each parcel being severed. Drainage Apportionment Request, 12R plan shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.
- b. That the necessary deed(s), transfer or changes be submitted electronically, signed and fully executed, including a copy of the reference plan, prior to certification.
- c. The conditions imposed above shall be fulfilled by October 28<sup>th</sup>, 2026, or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

And that corresponding By-law 79-2024 being a by-law to amend the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville, **BE ADOPTED** during the by-law section of this council agenda.

## L. Reports - Planning and Development Services

1. Millbrook Estates Stage 2 Phase – Final Acceptance	8
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### Recommended Action

That Council **APPROVE** the final acceptance and assumption of the roadway and infrastructure for the Millbrook Estates Subdivision Stage 2 Phase 2.

2. Subdivision Agreement (AGR 2024-1) for King's Valley at the Lake (Valente)	12
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### Recommended Action

That the Subdivision Agreement for Kings Valley at the Lake (Valente) Subdivision in the Town of Kingsville for 149 single detached dwelling lots, 28.5 blocks for a total of 434 semi-detached dwelling units, 4.5 blocks for a total of 59 townhouse dwelling units, 1 commercial block, and 2 blocks for parkland **BE APPROVED**;

And that the Mayor and Clerk **BE AUTHORIZED** to execute the agreement;

And that Administration **BE DIRECTED** to register the agreement on title;

And that corresponding By-law 80-2024 to amend the zoning on Phase 1 of the Draft Plan of Subdivision in the Town of Kingsville from Lakeshore Residential Exception 31 (holding) (LR-31(h)) to 'Lakeshore Residential Exception 31 (LR-31)'; and from Lakeshore Residential Exception 32 (holding) (LR-32(h)) to 'Lakeshore Residential Exception 32 (LR-32)' **BE ADOPTED** during the by-law section of this council agenda.

## M. Reports - Finance and Corporate Services

1. Appointment to the Committee of Adjustment & Appeals	29
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**Recommended Action**

That \_\_\_\_\_ **BE APPOINTED** to the Committee of Adjustment & Appeals for a term set to expire with the expiration of the current Term of Council;

And that the Clerk **BE DIRECTED** to prepare the requisite appointment By-law for inclusion on the November 4, 2024, Regular Meeting Agenda.

**N. Reports - Public Operations**

1. Grant Application to Community Sport and Recreation Infrastructure Fund	32
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**Recommended Action**

That Council **DIRECTS** Administration to apply for the Community Sport and Recreation Infrastructure Fund; Stream 1: Repair and Rehabilitation to restore and revitalize various sections of the Kingsville Recreation Sports Complex.

**O. Consent Agenda**

1. Committee of Adjustment & Appeals Minutes - August 20, 2024	34
2. BIA Minutes - September 10, 2024	41
3. Committee of Adjustment & Appeals Minutes - September 17, 2024	49
4. Regular Council Meeting Minutes - October 7, 2024	53

**P. Correspondence**

1. Woman Abuse Prevention Month/Shine the Light Campaign	61
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**Q. Notices of Motion**

**R. Unfinished Business and Announcements**

**S. By-laws**

**Recommended Action**

That the following By-laws receive a third and final reading and finally pass:

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

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

**Recommended Action**

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

79-2024 – Being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

80-2024 - Being a By-law to amend By-law No. 1-2014, the Comprehensive Zoning By-law for the Town of Kingsville

81-2024 - Being a By-law to confirm the proceedings of the Council of the Corporation of the Town of Kingsville at its October 7, 2024, Regular Meeting of Council

**T. Adjournment**

**Recommended Action**

That Council adjourns this Regular Meeting at p.m.



**Date:** October 28, 2024

**To:** Mayor and Council

**Author:** Vitra Chodha, Planner

**RE:** Application for Consent and Zoning By-Law Amendment (B 2024-23 and ZBA 2024-18): Surplus Dwelling Severance at 27 Road 8 East

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## **RECOMMENDED ACTION**

That consent application B-2024-23, to sever an existing dwelling, deemed surplus to the needs of the applicants' farming operation with an area of 1.4 ac (0.57 ha) lot shown as Part 1 on the applicants' sketch, known as 27 Road 8 East, in the Town of Kingsville, **BE APPROVED**, subject to the following conditions:

- a. Execute an agreement for drainage apportionment due to lands severance or sale approved by the Municipality for each parcel being severed. Drainage Apportionment Request, 12R plan shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.
- b. That the necessary deed(s), transfer or changes be submitted electronically, signed and fully executed, including a copy of the reference plan, prior to certification.
- c. The conditions imposed above shall be fulfilled by October 28<sup>th</sup>, 2026, or this application shall be deemed to be refused in accordance with Section 53(41) of the Planning Act.

And that corresponding By-law 79-2024 being a by-law to amend the Comprehensive Zoning By-law 1-2014 for the Town of Kingsville, **BE ADOPTED** during the by-law section of this council agenda.

## **BACKGROUND**

The Town of Kingsville has received the above-noted applications for lands located on the North of Road 8 East, West of 39 Road 8 East (see location map attached as Appendix A). The subject parcel is designated 'Agricultural' by the Official Plan and is zoned 'General Agricultural with Exception 43 (A1-43)' under the Kingsville Comprehensive Zoning By-law.

The subject parcel is 14.67 ha (36.3 ac) with a frontage of 217.9 m (714.8 ft) and contains a dwelling. It is proposed that the dwelling deemed surplus to the owner's farming needs be severed on a new lot. The proposed severed parcel is shown as Part 1 on the applicant's survey (attached as Appendix B), the severed parcel has an area of 5,806.5 m<sup>2</sup> (0.58 ha).

As a result of the consent, an application to rezone the retained farm parcel from 'General Agricultural with Exception 43 (A1-43)' to 'Restricted Agricultural with Exception 3 (A2-3)' and rezone the severed parcel with the house from 'General Agricultural with Exception 43 (A1-43)' to 'Rural Residential (RR)' is submitted in conjunction with the consent application to prohibit future houses on the farm lot and recognize the residential nature of the surplus dwelling lot.

## **DISCUSSION**

### **1) Provincial Policy Statement (PPS), 2020:**

When reviewing a planning application to determine if it represents sound planning, it is imperative that the proposed development is consistent with the Provincial Policy Statement (PPS). Section 2.3.4.1(c) permits, "a residence surplus to a farming operation as a result of farm consolidation," to be severed, "provided that the planning authority ensures that new residential dwellings are prohibited on any vacant remnant parcel of farmland created by the severance."

The application is consistent with the PPS definition of a residence surplus to a farming operation and future dwellings will be prohibited on the retained farm parcel as a condition of consent, in that the retained parcel must be rezoned to "Restricted Agriculture with Exception 3 (A2-3)".

### **2) County of Essex Official Plan**

The County of Essex Official Plan provides direction on matters of County interest related to land use planning and development within the County of Essex.

The subject properties are located outside the settlement area boundary of the County of Essex. Section 3.3.3.4 c) of the County Official Plan permits consent for the purpose of undertaking a surplus farm dwelling severance. The proposed application is in compliance with the County of Essex Official Plan.

### **3) Town of Kingsville Official Plan**

The Official Plan for the Town of Kingsville designates the severed and retained lands as 'Agriculture'.

The requested consent to sever the surplus dwelling conforms to the policies of Section 7.3.1, Agriculture Land Division, of the Official Plan. The proposed severed parcel is within the recommended size limit of 0.8 ha (1.97 ac.) or less.

The severed parcel, Part 1 has an area of 5,806.5 m<sup>2</sup> (0.58 ha) therefore the application conforms with Section 7.3.1 of the Kingsville Official Plan.

Section 7.3.1.2 c) of the Kingsville Official Plan that was amended on December 1<sup>st</sup>, 2023, states that "c) the surplus residential dwelling must have been in existence prior to the date of the adoption of this plan and in a habitable condition".

The surplus residential dwelling existed prior to December 1<sup>st</sup>, 2023, and it believed to be in habitable conditions as per Section 7.3.1.2 c).

### **4) Comprehensive Zoning By-law**

The severed parcel, Part 1, has an area of 5,806.5 m<sup>2</sup> (0.58 ha) and frontage of 76.2 m (250 ft) and will have access and frontage on Road 8 East. The retained parcel will have access and frontage on Road 8 East

There is no zoning issues created as a result of the creation of the surplus dwelling lot. The retained farm parcel will be rezoned from 'General Agricultural with Exception 43 (A1-43)' to 'Restricted Agricultural with Exception 3 (A2-3)' to prohibit future dwellings as required by the surplus dwelling consent policies. All other zoning requirements are met.

## **FINANCIAL CONSIDERATIONS**

The impact to assessment resulting from the severance of the dwelling from the farm parcel is anticipated to be minimal.

## **ENVIRONMENTAL CONSIDERATIONS**

There are no anticipated environmental impact resulting from the severance of the dwelling from the farm parcel.

## **CONSULTATIONS**

### **1) Essex Region Conservation Authority (ERCA) (Appendix C)**

- a. No objection to the proposed application.

## **2) Town of Kingsville Technical Advisory Committee**

- a. Ensure retained parcel and newly created parcel maintains and manages their own storm water on each lot. Ensure that the property has legal access to their assessed drain. This will be confirmed by the Town of Kingsville's Drainage Superintendent.
- b. Drainage apportionment required.
- c. Confirmation to the satisfaction of the Town, of existing septic system on the property that meets Ontario Building Code requirements and setbacks in relation to the revised lot line locations
- d. Ensure all services are contained within existing property lines and do not cross over into newly established property lines.

### **PREPARED BY:**



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Vitra Chodha  
Planner

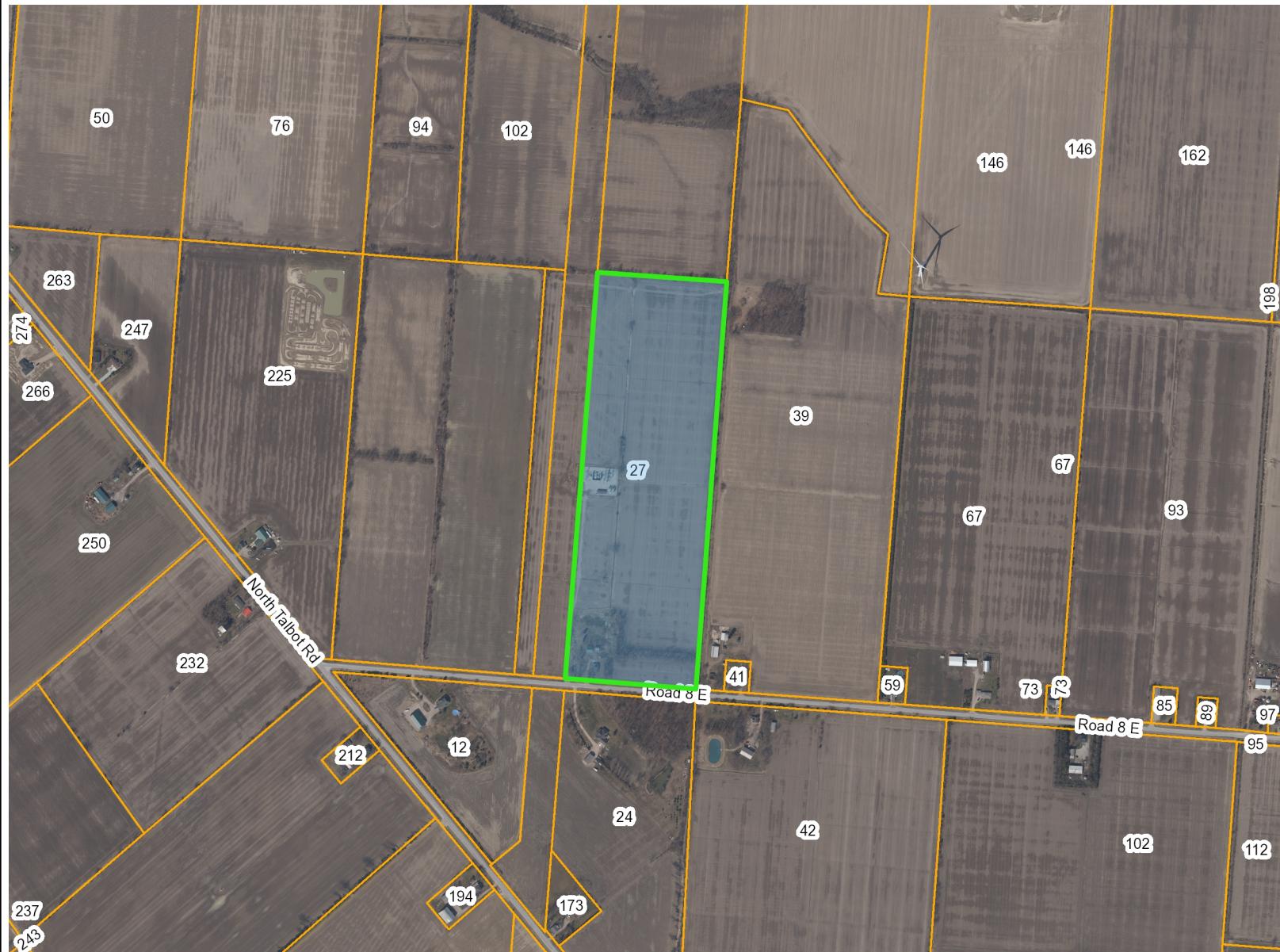
### **REVIEWED BY:**



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Richard J.H. Wyma CSLA  
Director of Planning and Development

## 27 Road 8 East


**Notes**

### Appendix A

THIS MAP IS NOT TO BE USED FOR NAVIGATION  
 Copyright the Corporation of the County of Essex, 2012. Data herein is provided by the Corporation of the County of Essex on an 'as is' basis.  
 Assessment parcel provided by Teranet Enterprises Inc. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.


**Legend**

- Essex Municipalities
  - <all other values>
  - Kingsville
- Street
- Kingsville Assessment

0 165.86 331.7 Meters

1: 9,950 5/28/2024

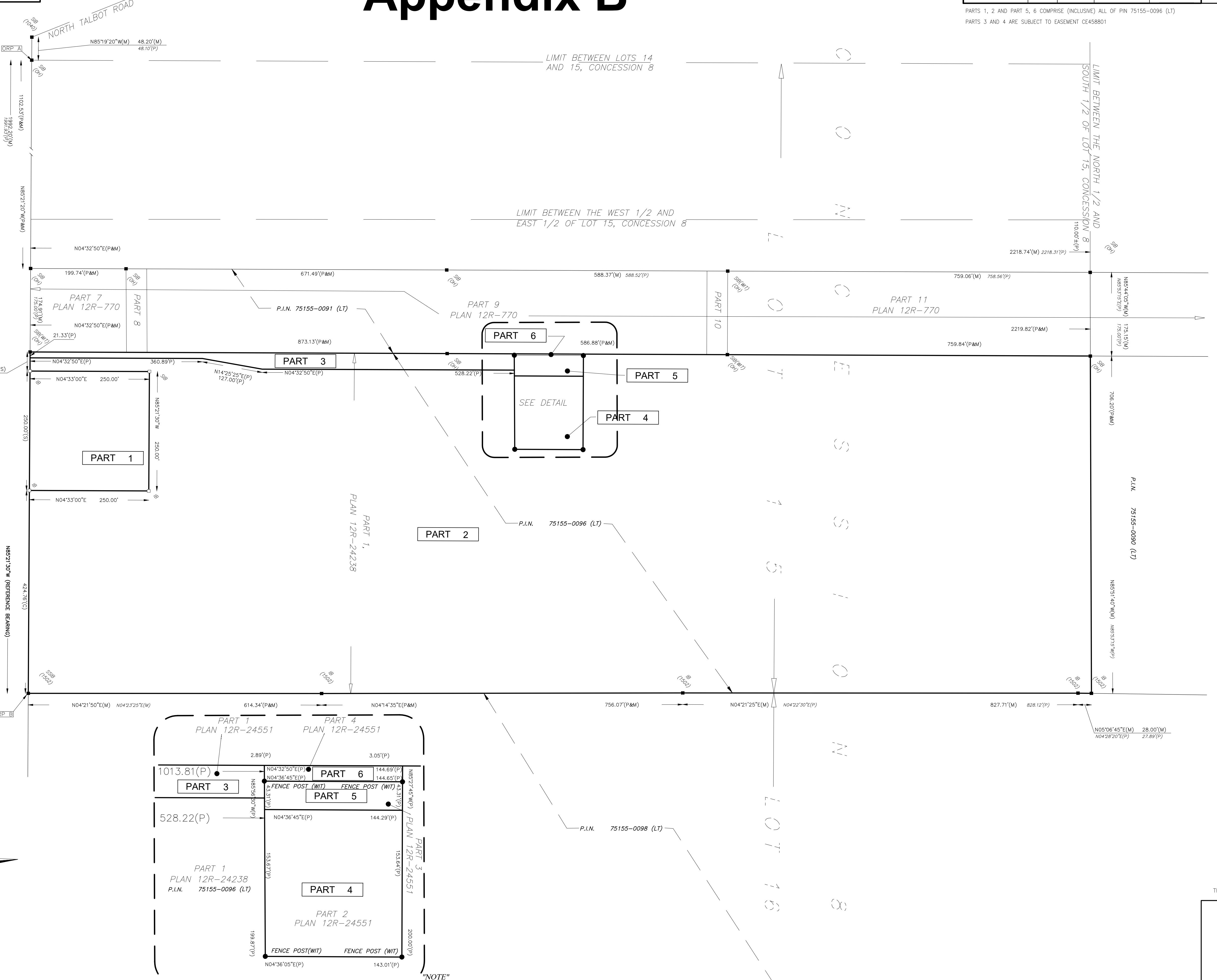
COORDINATES ARE DERIVED FROM GRID OBSERVATIONS USING THE SMART-NET NETWORK SERVICE AND ARE REFERRED TO UTM ZONE 17 (81° WEST LONGITUDE, NAD83 UTM ZONE 17 (2010)). COORDINATE VALUES ARE TO AN UTM ACCURACY IN ACCORDANCE WITH SECTION 14(2) OREG 216/10

POINT ID	NORTHING	EASTING
ORP-A	15306004.263	1174100.705
ORP-B	15305843.106	1176086.011

COORDINATES CANNOT, IN THEMSELVES, BE USED TO RE-ESTABLISH CORNERS OR BOUNDARIES SHOWN ON THIS PLAN.

# Appendix B

ORIGINAL ROAD ALLOWANCE BETWEEN CONCESSIONS 7 AND 8



# Appendix C

## Essex Region Conservation

the place for life



September 18, 2024

planning@erca.org

P.519.776.5209

F.519.776.8688

360 Fairview Avenue West  
Suite 311, Essex, ON N8M 1Y6

### Ms. Vitra Chodha

Town Planner

The Corporation of the Town of Kingsville  
2021 Division Road North  
Kingsville Ontario, N9Y 2Y9

Dear Ms. Vitra Choda:

RE: Zoning By-Law Amendment ZBA-2024-18, and Consent B-2024-23 27 ROAD 8 E  
ARN 371152000001200; PIN: 751550096  
Applicant: BRADY KEVIN ANTHONY

The Town of Kingsville has received application for Zoning By-law Amendment ZBA-2024-18 and Application for Consent B-2024-23 for the above noted subject property. The applicant is proposing to sever a surplus farm dwelling. The severed parcel containing the house and an accessory structure will be rezoned to "Rural Residential (RR)" zone and the retained farm parcel will be rezoned to "Restricted Agricultural (A2)" zone to prohibit any future dwelling.

The following is provided as a result of our review of Zoning By-Law Amendment ZBA-2024-18, and Consent B-2024-23.

### **NATURAL HAZARDS AND REGULATORY RESPONSIBILITIES UNDER THE CONSERVATION AUTHORITIES ACT, O. REG 686/21, PPS**

The following comments reflect ERCA's role in protecting people and property from the threats of natural hazards and regulating development hazards lands under Section 28 of the *Conservation Authorities Act*.

The above noted lands are subject to our Regulation under the *Conservation Authorities Act* (Ontario Regulation No. 41/24). The parcel falls within the regulated area of the Upcott Drain.

### **FINAL RECOMMENDATION**

Our office has **no objection** to ZBA-2024-18 and B-2024-23. If you have any questions or require any additional information, please contact the undersigned.

Sincerely,

Alicia Good, Watershed Planner /ag

Page 1 of 1



**Date:** **October 28, 2024**

**To:** **Mayor and Council**

**Author:** **Jerell Penales, Development Engineer**

**RE:** **Millbrook Estates Stage 2 Phase – Final Acceptance**

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## **RECOMMENDED ACTION**

That Council **APPROVE** the final acceptance and assumption of the roadway and infrastructure for the Millbrook Estates Subdivision Stage 2 Phase 2.

## **BACKGROUND**

In a formal written request to Planning and Development Services, dated September 26<sup>th</sup>, 2024, the developer has provided a General Conformance letter requesting that the municipality grant final acceptance and assume all underground and surface infrastructure.

As per the Town's current Development Standards Manual, the developer is to formally request final acceptance from the Director of Planning & Development for the Town to accept the subdivision as complete. Subsequently, Council must agree to final acceptance of the subdivision to transfer responsibility of the roadway and infrastructure to the Municipality. Once approval is given, the developer is no longer obligated to maintain or repair the infrastructure in the subdivision.

## **DISCUSSION**

The Millbrook Estates Stage 2 Phase 1 subdivision was assumed on February 8, 2017, encompassing the western and southern portion of Hazel Crescent. The subsequent Millbrook Estates Stage 2 Phase 2 subdivision includes the eastern portion of Hazel Crescent and Woodland Street. This phase of the development consists of forty-one (41) single-family residential lots. The overall progress of the development stands at 93% build out, with only three lots remaining vacant.

All infrastructure has been satisfactorily constructed and installed including surface asphalt. All previous outstanding deficiencies have been rectified and all Development Agreement requirements for this phase have been fully satisfied.



Figure 1: Millbrook Estates Stage 2 Phase 2 Aerial

## FINANCIAL CONSIDERATIONS

Infrastructure assets are added to the municipalities Tangible Capital Assets (TCA) inventory upon final acceptance. The associated infrastructure will be included in future Asset Management Plans and lifecycle reserve strategies.

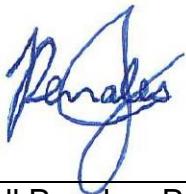
## ENVIRONMENTAL CONSIDERATIONS

The Stormwater Management system has been designed in conformance with the Windsor/Essex Region Stormwater Management Standards Manual. This phase of the development is fully serviced by sanitary sewers.

## CONSULTATIONS

Cindy Prince & Kyle Mastronardi – Amico Properties  
Tim Del Greco, Senior Manager, Capital Works & Engineering  
Richard Wyma, Director of Planning and & Development

### PREPARED BY:



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Jerell Penales, P.Eng.  
**Development Engineer**

### REVIEWED BY:



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Tim Del Greco, P. Eng.  
**Senior Manager, Capital Projects and Engineering**



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Richard Wyma, CSLA  
**Director of Planning and Development**



September 26, 2024

The Corporation of the Town of Kingsville  
2021 Division Road North  
Kingsville, On  
N9Y 2Y9

Attention: Tim Del Greco, P.Eng.  
Senior Manager, Capital Projects and Engineering

Dear Sir:

**RE: Millbrook Estates Stage 2 Phase 2  
Final Acceptance**

Amico Engineering Inc. certifies that all Services constructed in association with the Millbrook Estates Stage 2 Phase 2 project are complete and built in accordance with the Plans and Specifications for this development. All deficiencies, defects or faults have been corrected and there is no outstanding work on this project.

We recommend that this subdivision be granted Final Acceptance, and that all securities be returned to the Developer, Amico Properties Inc. Should you have any questions or comments, please contact me at (519) 737-1577 Ext 258.

Sincerely,

**Amico Engineering Inc.**



Kyle Mastronardi, P.Eng.  
Engineering Manager

C.c. Cindy Prince – Amico Properties Inc.



**Date:** **October 28, 2024**

**To:** **Mayor and Council**

**Author:** **Richard J.H. Wyma CSLA**  
**Director of Planning and Development**

**RE:** **Subdivision Agreement (AGR 2024-1) for King's Valley at the Lake (Valente)**

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## **RECOMMENDED ACTION**

That the Subdivision Agreement for Kings Valley at the Lake (Valente) Subdivision in the Town of Kingsville for 149 single detached dwelling lots, 28.5 blocks for a total of 434 semi-detached dwelling units, 4.5 blocks for a total of 59 townhouse dwelling units, 1 commercial block, and 2 blocks for parkland **BE APPROVED**;

And that the Mayor and Clerk **BE AUTHORIZED** to execute the agreement;

And that Administration **BE DIRECTED** to register the agreement on title;

And that corresponding By-law 80-2024 to amend the zoning on Phase 1 of the Draft Plan of Subdivision in the Town of Kingsville from Lakeshore Residential Exception 31 (holding) (LR-31(h))' to 'Lakeshore Residential Exception 31 (LR-31)'; and from Lakeshore Residential Exception 32 (holding) (LR-32(h))' to 'Lakeshore Residential Exception 32 (LR-32)' **BE ADOPTED** during the by-law section of this council agenda.

## **BACKGROUND**

In 2012, a zoning amendment was brought forward to Council for a proposed subdivision. The application was refused by Council. The County of Essex, as the approval authority for plans of subdivision, failed to make a decision on the draft plan of subdivision. The applicants appealed the non-decision and refusal to the Ontario Municipal Board (OMB, now Ontario Land Tribunal), which subsequently granted the draft approval for up to 750 lots along with the requested zoning by-law amendment. The County issued final approval on the Draft Plan of Subdivision as ordered by the OMB, however that approval lapsed in 2018. After discussions with the Town, a new draft plan of subdivision was submitted in 2021 in keeping with the approved zoning which remained in place. The new draft plan of subdivision included some adjustments to the original plan to address lot frontage requirements for semi-detached and townhouse developments.

The lands are located on the south side of County Road 20 which extend toward Heritage Road and abuts the Golfside subdivision to the west and Cottage Grove subdivision to the east. The lands are designated Lakeshore Residential West by the Official Plan and zoned Lakeshore Residential Exception 31 and 32 (h), Parkland (PG) and Neighbourhood Commercial Exception 2 – holding (C102(h)) under the Comprehensive Zoning by-law.

The revised plan of subdivision (Appendix A), approved by Council, includes a total of 642 units with a mix of single-detached (149), semi-detached (434) and townhouse dwellings (59). The plan also includes the original commercial block abutting County Road 20 (0.527 ha/1.3 acres) and a total of 6.45 ha (15.94 acres) of parkland in two blocks. The revised draft plan of subdivision also addressed concerns from the public and input gathered through individual landowner meetings to address issues.

On August 31, 2022, the County of Essex issued a Notice of Decision granting draft plan of subdivision (File 37-T-21002, Appendix B) approval on the subject lands and provided a list of required conditions (Appendix C). Planning staff have undertaken drafting of the required Subdivision Agreement to reflect those County conditions as well as municipal conditions.

## **DISCUSSION**

The Subdivision Agreement is largely based on a standard agreement template developed by the Town's Legal Services team. It was prepared and circulated to the applicants for review and includes standard wording for subdivision developments including:

- Engineering and Review and Inspection
- Phasing
- Required Services and Facilities
- Sanitary Sewage Treatment and Potable Water Supply (committing water and sanitary capacity to Phase 1 only, with no services available to subsequent phases until completion of SWWSA infrastructure)
- Storm Water Management
- Conservation Authority Requirements
- Conveyances and Contributions (Including conveyance of blocks of land to abutting landowners on Essex Street as committed to in 2021)
- Parkland Dedication and Subdivision Trees
- Development Charges
- Performance Securities, Maintenance Securities, Indemnity and Insurance
- Acceptance of Work
- Building Permits and Model Homes
- Road Construction and Construction Traffic (which will access the site from County Road 20)
- Sidewalks Including Location and Timing,

- Lighting
- Street Naming

The Agreement also incorporates review and comment from Stantec Consulting who undertook Municipal Consolidated Linear Infrastructure-Environmental Compliance Approvals (CLI-ECA) review on behalf of the Town of Kingsville (CLI-ECA are issued for components of municipal sewage collection systems and municipal stormwater management systems. These approvals were formerly completed by the Ministry of Environment and Energy but delegated to municipalities in 2023). In its review, Stantec also reviewed the servicing plans in the context of the Town's Development Manual. Further, the Stormwater Management Plan was reviewed by the Essex Region Conservation Authority to ensure compliance with the Essex County Stormwater Management Guidelines.

These plans are in final review with the applicant and subject to final approval by the Town. Once this review is complete, the final revised drawing sets will be appended as a Schedule in the Subdivision Agreement. It is not anticipated that the final review will require any changes to the conditions described in the Agreement.

The Agreement confirms that the subdivision is a mix of single-family, semi-detached, and townhouses and will be developed in thirteen phases over a ten-year term. Development of each phase will include all roads, and services and facilities in keeping with the requirements of the Development Manual, as amended from time to time, and in effect at the time of construction. Extension of the Agreement will require application by the Owner and consent of the Town.

As noted, the zoning includes a hold on both residential and commercial lands. The lands were placed on hold based on a 2017 Study of the South West Water Service Area (SWWSA) that confirmed that there was not sufficient water supply for the proposed development. In 2023, the Town engaged Stantec to assess water capacity for Phase 1 of the Valente subdivision (52 units) and confirmed that there was sufficient water to support development of Phase 1.

To that end, the Development Agreement allows for lifting of holds to allow for Phase 1 to proceed, but re-affirms that there are no water services available for subsequent phases until completion of the SWWSA infrastructure.

## **FINANCIAL CONSIDERATIONS**

There will be an increase in assessment once the plan of subdivision is registered and lots created. New construction will generate building permit fees and collection of development charges.

Parkland dedication for the subdivision will be dedicated to the town in accordance with the *Planning Act*, R.S.O. 1990, c.P. 13, Subsection 42. The parkland dedication exceeds what is required under the Act.

## **ENVIRONMENTAL CONSIDERATIONS**

The approved subdivision includes dedication of two blocks of parkland 6.45 ha (15.94 acres) including a large block on the South End which abuts the Linden Beach Relief Drain and abuts York Park and the Dog Park. These blocks of park land provide opportunities for restoration along the drain, a large block of open recreation space, and additional active transportation connections to the Town's active transportation networks. A Trail currently exists on the property.

The approved subdivision is subject to the installation of a storm water management system. Two key elements of those systems is the control of not only quantity of water discharge but also the quality. These systems are designed to help safeguard storm water discharge by the use of controls in the system to remove dirt and debris.

## **CONSULTATIONS**

The draft agreement was drafted by Kingsville legal counsel and adapted to this application by planning and engineering. The agreement was circulated to the Technical Advisory Committee and Senior Management Team. The draft agreement was also circulated to the applicant for confirmation.

### **PREPARED BY:**



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Richard J.H. Wyma  
Director of Planning and Development

### **REVIEWED BY:**



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Ryan McLeod, CPA, CA  
Director of Finance and Corporate Services

37-~~4~~21002

Part 1,  
Plan 12R-5076  
P. I. N. 75184-0142

**Block 196**  
0.30 RESERVE

**STREET 'A'**

**Road To Be Transferred To The Municipality By Property Owner**

**Widening and Daylight Corners To Be Transferred To The County of Essex By Property Owner**

**Part 1, 12R-21935**

**Part 2**  
P. I. N. 75184-0734

**ESSEX COUNTY ROAD 20**

**DETAIL 'A' - NOT TO SCALE**

**NOTES:**  
NOTES SHOWN ON THE PLAN ARE IN METRES TO CANADIAN DATUM

**REMARKS:**  
REMARKS SHOWN ON THE FACE OF PLAN

**GENERAL INFORMATION**  
GENERAL INFORMATION SHOWN ON THE PLAN

**LEGEND:**

- (G) AS SHOWN ON PLAN
- (H) PIPED MUNICIPAL
- (I) SILTY SAND WITH TRACE CLAY DEPOSITS
- (J) AS SHOWN ON PLAN
- (K) ALL SERVICES TO BE PROVIDED
- (L) AS SHOWN ON PLAN

**NOTES:**

- NOTES 25mm X 25mm X 1.22m STANDARD IRON BAR
- NOTES 25mm X 25mm X 0.61m SHORT STANDARD IRON BAR
- NOTES 16mm X 16mm X 0.61m IRON BAR
- NOTES 19mm diameter X 0.61m ROUND IRON BAR
- NOTES CUT-CROSS
- NOTES 5mm X 50mm STEEL PIN
- NOTES SURVEY MONUMENT FOUND
- NOTES SURVEY MONUMENT SET AND MARKED 1528
- NOTES WITNESS  $\perp$  DENOTES PERPENDICULAR
- NOTES SET (M) DENOTES MEASURED (D) DENOTES DEED
- NOTES ON THIS PLAN HAVE BEEN SET IN LIEU OF SIB'S WHERE THE CITY THAT UNDERGROUND UTILITIES EXIST.
- NOTES SET PROPORTIONALLY (OU) DENOTES ORIGIN UNKNOWN
- NOTES PLAN 12R-21935 (P1) DENOTES PLAN 12M-526
- NOTES PLAN 12R-17052
- NOTES VERHAEGEN STUBBERFIELD HARTLEY BREWER BEZAIRE INC., O.L.S.
- NOTES C.G.R. ARMSTRONG, O.L.S.
- NOTES WILLIAM J. SETTERINGTON, O.L.S.
- NOTES MINISTRY OF TRANSPORTATION, ONTARIO
- NOTES RICHARD W. MURRAY, O.L.S.
- NOTES CATCH BASIN
- NOTES CABLE TV PEDESTAL
- NOTES TELEPHONE PEDESTAL
- NOTES GW DENOTES GUY WIRE
- NOTES TR<sub>w</sub> DENOTES TRAFFIC SIGN
- NOTES UP<sub>w</sub> DENOTES UTILITY POLE WOOD
- NOTES H DENOTES OVERHEAD HYDRO LINE

**LENGTH OF ROADS TO BE BUILT IN CASES 1 to 5 (INCLUSIVE) = 2070 metres.**



**Rebecca Belanger, MCIP, RPP**  
Manager of Planning Services

August 31, 2022

## **VIA EMAIL ONLY**

Fazio Giorgi LLP  
Attention: Frank Fazio  
333 Wyandotte St E  
Windsor, ON N9A 3H7

**Subject: Draft Plan Approval Letter**

## **Municipality: Town of Kingsville**

**Location: Part Lots 8, 9, 10, Concession 1, Western Division  
(former Gosfield South)**

**Applicant: 1646322 Ontario Ltd. (Valente)**

File No.: 37-T-21002

Dear Mr. Fazio:

Pursuant to Subsection 51(31) of the Planning Act the above-noted draft plan of subdivision is hereby approved. A list of conditions that must be fulfilled prior to final approval is also attached.

The approval of this draft plan will lapse on **August 31, 2025**. The approval may be extended pursuant to subsection 51(33) of the Act.

Please see the attached Notice of Decision for further information regarding this decision.

Yours truly,

## **REBECCA BELANGER, MCIP, RPP**

C.C. Town of Kingsville  
Brian Coad  
WECDSB  
GECDSB

ERCA  
MMAH  
Canada Post  
MPAC

Peter Valente  
Bell Canada



<b>Applicant:</b> 1646322 Ontario Ltd.	<b>Date of Decision:</b> August 31, 2022
<b>File No.:</b> 37-T-21002	<b>Date of Notice:</b> August 31, 2022
<b>Municipality:</b> Town of Kingsville	<b>Last Date of Appeal:</b> September 20, 2022
<b>Location:</b> PT LOTS 8, 9, and 10, Con 1, Western Division (Former Gosfield South)	<b>Lapsing Date:</b> August 31, 2025

## NOTICE OF DECISION

### On Application for Approval of Draft Plan of Subdivision Subsection 51(37) of the Planning Act

Approval of Draft Plan of Subdivision to the application in respect of the subject lands noted above, is proposed to be given by the County of Essex. All submissions were considered as part of the decision-making process. Refinements to the conditions of draft approval reflect the public/agency input and submissions. A copy of the decision is attached.

#### When and How to File an Appeal

Notice to appeal the decision to the Ontario Land Tribunal (OLT), formerly LPAT, must be filed with the County of Essex no later than 20 days from the date of this notice as shown above as the last date of appeal.

The notice of appeal should be sent to the attention of the Manager, Planning Services at the address shown below and it must,

- (1) include the reasons for the appeal, and a completed ***Appeal Form (A1) Planning Act*** available from the OLT website:  
<https://olt.gov.on.ca/appeals-process/forms/>
- (2) be accompanied by the prescribed filing fee payable by certified cheque or money order to the Minister of Finance.

#### Who Can File An Appeal

Only individuals, corporations or public bodies may appeal the decision of the County of Essex to the Tribunal. An appeal may not be filed by an unincorporated association or group. However, a notice of appeal may be filed in the name of an individual who is a member of the association or group on its behalf.

No person or public body shall be added as a party to the hearing of the appeal to the decision of the County, including the lapsing provisions or the conditions, unless the person or public body, before the decision of the County, made oral submission at a public meeting or written submissions to the Council or, in the Tribunal's opinion, there is reasonable grounds to add the person or public body as a party.

#### Right of Applicant or Public Body to Appeal Conditions

The applicant, the Minister, the Municipality, or any public body that, before the County made its decision,

made oral submissions at a public meeting or written submissions to the County, may at any time before the final plan of subdivision is approved, appeal any of the conditions imposed by the County to the Tribunal by filing with the County a notice of appeal.

#### How to receive Notice of Changed Conditions

The conditions of an approval of draft plan of subdivision may be changed at any time before the final approval is given. You will be entitled to receive notice of any changes to the conditions of approval of the proposed plan of subdivision if you have made a written request to be notified of changes to the conditions.

No person or public body shall be added as a party to the hearing of an appeal of the decision of the County, including the lapsing provisions or the conditions, unless the person or public body, before the County made its decision, made oral submissions at a public meeting or written submissions to the County, or made a written request to be notified of the changes to the conditions or, in the Tribunal's opinion, there are reasonable grounds to add the person or public body as a party.

#### Getting Additional Information

Additional information about the application is available for public inspection during regular office hours at the County of Essex at the address noted below or from the Town of Kingsville.

#### Mailing Address for Filing a Notice of Appeal:

County of Essex  
Attention: Rebecca Belanger, Manager, Planning Services  
360 Fairview Avenue West  
Essex, ON N8M 1Y6  
Tel: (519) 776-6441, Ext. 1325 Fax: (519) 776-4455

<b>Applicant:</b> 1646322 Ontario Ltd.	<b>Date of Decision:</b> August 31, 2022
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<b>Municipality:</b> Town of Kingsville	<b>Last Date of Appeal:</b> September 20, 2022
<b>Location:</b> PT LOTS 8, 9, and 10, Con 1, Western Division (Former Gosfield South)	<b>Lapsing Date:</b> August 31, 2025

The County of Essex conditions and amendments to final plan of approval for registration of this Subdivision are as follows:

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#### **No. Conditions**

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1. That this approval applies to the draft plan of subdivision prepared by Brian Coad, OLS, Verhaegan Land Surveyors, a division of J.D. Barnes Ltd., dated August 16, 2019, which shows:
  - One-hundred and forty-nine (149) single detached lots
  - Twenty-eight and a half (28.5) blocks for a total of 434 semi-detached units
  - Four and a half (4.5) blocks for a total of 59 townhouses
  - One (1) commercial block
  - Two (2) blocks for parkland
2. That the Owner enters into a subdivision agreement with the Municipality wherein the Owner agrees to satisfy all the requirements, financial and otherwise, of the Municipality concerning the payment of development charges (including educational development charges), provisions of roads, installation and capacity of services, including sanitary sewage collection systems, water distribution system, private utilities and stormwater management facilities for the development of the lands within the plan.
3. That the subdivision agreement between the Owner and Municipality contain provisions requiring financial contributions be made and/or secured to the Municipality including all required letters of credit, cash securities and insurances. Securities will not be released or reduced until after final completion of all required municipal infrastructure and services and any and all deficiencies have been addressed to the satisfaction of the Municipality.
4. That the Owner be required to enter into a subdivision agreement with the Municipality and that the Owner shall register the agreement against the title of the lands.
5. That the road allowances included in this draft plan shall be shown and dedicated as public highways, and that dead ends and open sides of road allowances created by this plan of subdivision, shall be terminated in 0.3 metre reserves to be conveyed to the Municipality.
6. That the streets shall be named to the satisfaction of the Municipality.

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7. That the Owner convey to the Municipality for a park or other recreational purposes up to 5% of the land included in the plan. This shall include Blocks 184 and 185 as shown on the draft plan. Alternatively, the Municipality may require cash-in-lieu of all or a portion of the conveyance. Payment of cash-in-lieu for park or other recreational purposes shall be made prior to the issuance of building permits pursuant to Section 42(6) of the Planning Act, R.S.O. 1990, c.P.13, as amended.
8. That prior to final approval by the County of Essex, the County is to be advised by the Municipality that this proposed subdivision conforms to the zoning by-law in effect. The Owner shall provide to the Municipality a table of lot areas and lot frontages certified by an Ontario Land Surveyor confirming compliance with the Zoning By-law.
9. That prior to final approval of any phase in the development, the Municipality shall confirm that sewage treatment conveyance and capacity, and water supply conveyance and capacity, are available for all lots in the proposed phase of the development.
10. That the subdivision agreement between the Owner and the Municipality contain provisions to the satisfaction of the Municipality regarding the phasing or timing of the development. That the Owner shall submit plans showing any revised phasing to the Municipality for review and approval if this subdivision is to be developed in more than one registration.
11. That the Owner shall provide easements as may be required for services, utility or drainage purposes, and where required by the Municipality, daylight corners and/or 0.3 metre reserves shall be shown on the final plan and conveyed in a form satisfactory to the Municipality and the relevant agency.
12. That the Owner provide to the municipality all servicing plans and reports for the review and final approval by the Municipality in accordance with the Development Standards Manual.
13. That the Owner provide to the municipality a final storm water management report for the review and final approval by the Municipality in accordance with the Development Standards Manual.
14. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Municipality and the Essex Region Conservation Authority, that stipulate that the Owner will finalize the engineering analysis to identify stormwater quality and quantity measures as necessary to control any increase in flows in downstream watercourses, up to and including the 1:100 year design storm and in accordance with the Windsor-Essex Stormwater Management Standards Manual.

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15. That the subdivision agreement between the Owner and the Municipality contain provisions that requires that the Owner installs the stormwater management measures identified in the engineering analysis completed as part of the development for the site and undertake to implement the recommendations contained therein, to the satisfaction of the Municipality and the Essex Region Conservation Authority.
16. That prior to final approval, the Essex Region Conservation Authority shall require a copy of the fully executed subdivision agreement between the Owner and the Municipality, in wording acceptable to the Essex Region Conservation Authority, containing provisions to carry out the recommendations of the final plans, reports and requirements noted above.
17. That prior to final approval of any phase of the subdivision, the municipality and ERCA shall be provided with a final stormwater management analysis and grading plan addressing the phase proposed for final approval, and associated impacts of adjacent lands and phases and to ensure that there is no adverse impact.
18. That prior to undertaking construction or site alteration activities, any necessary permits or clearances be received from the Essex Region Conservation Authority in accordance with Section 28 of the Conservation Authorities Act. If the works are located within an area not regulated by Section 28 of the Conservation Authorities Act, then a Development Review Clearance must be obtained from the Essex Region Conservation Authority prior to undertaking construction or site alteration activities.
19. The Developer and the Town covenant and agree that any subdivision agreement entered into between them shall contain provisions requiring the Developer to install, at its own expense, curb cuts, new gates, signs and new trail entrances at the intersection of the Crossing and the Greenway in accordance with ERCA requirements and to their satisfaction.
20. That the subdivision agreement between the Owner and the Municipality contain a provision, to the satisfaction of the Municipality, whereby the Owner shall submit a temporary drainage plan to ensure that the drainage of the surrounding lands and the lands to be developed are not adversely impacted by stormwater.
21. That the subdivision agreement between the Owner and the Municipality contains the following clause:
  - (a) The Owner acknowledges that improperly constructed, maintained or abandoned oil, gas and water wells ("Wells") present a safety risk to humans as well as a potential risk to pollute groundwater resources. The Owner represents and warrants

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that it has researched Oil, Gas and Salt Resources Library and the Ministry of the Environment and Climate Change Well Records (the "Records") and has made itself aware of the presence of any Wells on the Lands. The Owner acknowledges that not all Wells are recorded or located accurately in the Records. The Owner further represents and warrants that it has:

- i. Systematically searched the lands for potential Well sites; and
- ii. Taken all other necessary steps to ensure that there are no Wells on the Lands and that any Well that is found has been or will be capped in accordance with the applicable legislation, regulations or guidelines, the proof of which shall be submitted to the Municipality.

22. There is a water feature on Lots 4, 5 and 6. That the subdivision agreement between the Owner and the Municipality shall contain a provision which states prior to final approval of the phase that contains the water feature, the feature can be filled in. A geotechnical study shall be submitted to the municipality prior to final approval.
23. That the subdivision agreement between the Owner and the Municipality shall contain a provision that the Owner agrees to submit a Construction Management Plan which addresses among other matters, site access, construction traffic, safety of the ERCA Chrysler Canada Greenway crossing, parking for construction trades, material delivery and storage, staging, mud, dust and noise controls to the satisfaction of the Municipality, prior to commencement of subdivision servicing.
24. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Municipality and the County of Essex, that requires that the Owner construct the roads and highway improvements in accordance with the Traffic Impact Study prepared by F.R. Berry & Associates, dated January 30, 2019.
25. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Municipality and the County of Essex, that requires that a new Traffic Impact Study or revised study be completed for every phase or phases seeking final approval until the roadworks are assumed by the Municipality. At this time, the current TIS was unable to predict all of the requirements for traffic signals or road geometry modifications due to the long project duration. As such, future TIS reports will need to review trip generation and patterns resulting from changes at that time and the developer will be responsible for future mitigation such as geometry modification, safety improvements, traffic operation and signalization of the intersection(s) if required by updated traffic impact studies.

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26. That the subdivision agreement between the Owner and the Municipality shall contain provisions stipulating that the detailed design of Street "A" intersection at CR 20, must be in accordance with the Geometric Design Guide for Canadian Roads, most recent edition, for the County's review and approval including the issuance of a County entrance permit. Further that active transportation facilities must be incorporated into the design/analysis.
27. That the subdivision agreement between the Owner and the Municipality shall contain provisions, to the satisfaction of the Municipality and County Infrastructure Services that the TIS identifies the use of a temporary haul road during construction along the alignment of the future Street "A" with access from County Road 20. The County will require permits for the temporary roadway as well the County will require access to be secured during construction to prevent public access to the site. Also, it should be noted that CR 50 and CR 23 are seasonal load limit highways.
28. That the subdivision agreement between the Owner and the Municipality contain a provision, to the satisfaction of the Municipality, that prior to site alteration of any kind, and final approval by the County of Essex, the Owner shall undertake to ensure that any site alteration will be completed in accordance with the Endangered Species Act, 2007, and more specifically in compliance with the Permit issued under clause 17(2)(c) AYL-C-008-17 issued by the Ministry of Natural Resources and Forestry, and a certified biologist shall confirm in writing that any site alteration has been completed in accordance with the requirements of the Permit No. AYL-C-008-17, and any subsequent letters/authorizations/directions issued under the Endangered Species Act, 2007.
29. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Greater Essex County District School Board, the Windsor Essex Catholic District School Board, and the Municipality, requiring sidewalks as per municipal requirements to facilitate pedestrian movement, bus routing stops and the safety of school children.
30. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of the Greater Essex County District School Board, the Windsor Essex Catholic District School Board, and the Municipality, requiring notice in every agreement of purchase and sale for purchasers of lots to be aware that students may not be able to attend the closest neighbourhood school and could be bused to a distant school with available capacity.
31. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of Canada Post Corporation and the Municipality, requiring notice in every agreement of purchase and sale for purchasers of lots to be aware of the

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locations of any community mailboxes within or serving the plan and that mail delivery will be provided via community mailboxes.

32. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of Canada Post Corporation and the Municipality, that the Owner shall provide the following for each community mail box site and to include these requirements on the appropriate servicing plans: any required walkway across the boulevard, per municipal standards; any required curb depressions for wheelchair access, with an opening of at least two metres (consult Canada Post for detailed specifications) and a community mail box concrete base pad per Canada Post specifications.
33. That the subdivision agreement between the Owner and the Municipality contain provisions, to the satisfaction of Bell Canada and the Municipality, which states that “the Owner agrees that should any conflict arise with existing Bell Canada facilities where a current and valid easement exists within a subject area, the Owner shall be responsible for the relocation of any such facilities or easements at their own cost”.
34. That prior to final approval by the County of Essex, the Owner shall submit for review and approval by the Municipality and the County, a draft of the final 12M plan for every phase.
35. That prior to final approval by the County of Essex, the County is advised in writing by the Municipality how Conditions 2 to 17 inclusive, 19 to 33 inclusive, have been satisfied.
36. That prior to final approval by the County of Essex, the County Planning Services Department is advised in writing by the County of Essex Infrastructure Services Department how Conditions 25 to 27 have been satisfied.
37. That prior to final approval by the County of Essex, the County is advised in writing by the Essex Region Conservation Authority how Conditions 14 to 19 have been satisfied.
38. That prior to final approval by the County of Essex, the County is advised in writing by the Greater Essex County District School Board how Conditions 29 and 30 have been satisfied.
39. That prior to final approval by the County of Essex, the County is advised in writing by the Windsor Essex Catholic District School Board how Conditions 29 and 30 have been satisfied.
40. That prior to final approval by the County of Essex, the County is advised in writing by the Canada Post Corporation how Conditions 31 and 32 have been satisfied.

**Applicant:** 1646322 Ontario Ltd.  
**File No.:** 37-T-21002  
**Municipality:** Town of Kingsville  
**Location:** PT LOTS 8, 9, and 10, Con 1, Western Division  
(Former Gosfield South)

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41. That prior to final approval by the County of Essex, the County is advised in writing by Bell Canada how Condition 33 has been satisfied.

**Applicant:** 1646322 Ontario Ltd.  
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### **NOTES TO DRAFT APPROVAL**

1. It is the applicant's responsibility to fulfill the conditions of draft approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the County of Essex, quoting the file number "**37-T-21002**".
2. We suggest that you make yourself aware of section 144 of the Land Titles Act and subsection 78(10) of the Registry Act.
3. Inauguration or extension of a piped water supply, a sewage system or a storm drainage system is subject to the approval of the Ministry of Environment under Section 23 and Section 24 of the Ontario Water Resources Act, R.S.O. 1980.
4. The Ministry of the Environment did not review this subdivision with respect to any groundwater, soil or soil atmosphere testing to fully discount the possibility that waste materials and/or other contaminants are present within or in close proximity to this subdivision. If either the Municipality or the Owner requires this assurance before proceeding any further with this plan of subdivision, a consultant(s) should be engaged to conduct the necessary investigations.
5. The Ministry of the Environment must be advised immediately should waste materials or other contaminants be discovered during the development of this plan of subdivision. If waste materials or contaminants are discovered, a further approval under Section 46 of the Environmental Protection Act may be required from that Ministry.
6. The costs of any relocations or revisions to Hydro One facilities or any other local electrical utility that are necessary to accommodate the subdivision will be borne by the developer.
7. Any easement rights of Hydro One or any other local electrical utility are to be respected.
8. The developer should contact the local Hydro One office or other local electrical utility to verify if any low voltage distribution lines may be affected by this proposal.
9. The developer is hereby advised that prior to commencing any work within the plan, the developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the developer is hereby advised that the developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the developer elects not to pay for

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such connection to and/or extension of the existing communication/telecommunication infrastructure, the developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services, i.e., 911 Emergency Services.

10. The Municipality shall register the subdivision agreement as provided by subsection 51(26) of the Planning Act, R.S.O. 1990 against the land to which it applies, as notice to prospective purchasers.

11. Clearances are required from the following agencies:

Manager of Planning Services  
Town of Kingsville  
2021 Division Road North  
Kingsville, Ontario  
N9Y 2Y9

Planning Services  
Essex Region Conservation Authority  
360 Fairview Avenue West  
Essex, ON N8M 1Y6

Manager of Transportation Planning & Development  
County of Essex  
360 Fairview Avenue West  
Essex, ON N8M 1Y6

Greater Essex County District School Board  
451 Park Street West  
P.O. Box 210  
Windsor, ON N9A 6K1

Windsor Essex Catholic District School Board  
1325 California Avenue  
Windsor, ON N9B 3Y6

Mr. Bruno DeSando  
Canada Post Corporation

**Applicant:** 1646322 Ontario Ltd.  
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955 Highbury Avenue North  
London, ON N5Y 1A3

Manager- Planning and Development, Bell Canada  
Email : [planninganddevelopment@bell.ca](mailto:planninganddevelopment@bell.ca)

If the agency's clearance concerns a condition in the subdivision agreement, a copy of the agreement should be sent to them. This will expedite clearance of the final plan. The County of Essex does not require a copy of the agreement. Please note that some agencies may have a fee to provide a clearance letter.

12. All measurements in subdivision and condominium final plans must be presented in metric units.
13. The approval of the draft plan will lapse on **August 31, 2025**. It is the responsibility of the applicant to request an extension of the draft approval if one is needed.

A request for extension should be made at least 60 days before the approval lapses because no extension can be given after the lapsing date. The request should include the reasons why an extension is needed and a resolution in support of the extension from the Town of Kingsville.



**Date:** **October 28, 2024**

**To:** **Mayor and Council**

**Author:** **Angela Toole, Acting Manager of Municipal Governance & Clerk**  
**Jennifer Galea, Manager of Human Resources**

**RE:** **Appointment to the Committee of Adjustment & Appeals**

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## **RECOMMENDED ACTION**

That \_\_\_\_\_ **BE APPOINTED** to the Committee of Adjustment & Appeals for a term set to expire with the expiration of the current Term of Council;

And that the Clerk **BE DIRECTED** to prepare the requisite appointment By-law for inclusion on the November 4, 2024, Regular Meeting Agenda.

## **BACKGROUND**

The Town of Kingsville's Committee of Adjustment & Appeals operates as a multi-function and cross-disciplinary committee and has the authority to make decisions and carry out a variety of statutory duties and quasi-judicial functions. Currently, the Committee of Adjustment & Appeals (hereafter the "Committee") is inclusive of the following committee/matter types, which are either subject to and governed by specific legislation, Terms of Reference and/or Town of Kingsville By-laws as follows:

### **Committee of Adjustment Hearings**

Hearings held under this heading are subject to provisions of the Planning Act, 1990. The Committee makes decisions with respect to applications for minor variance, consent and permissions to extend or enlarge legal non-conforming uses.

### **Court of Revision Hearings**

Court of Revision Hearings are subject to provisions of the Drainage Act, 1990. The Committee (serving as the Court of Revision) hears appeals of landowners wishing to challenge their drainage assessments quickly and informally on grounds that land or road has been assessed too high; or land or road should have been assessed but has not; or due consideration has not been given to the land's use. The Committee's only authority is limited to re-allocating funds in a drainage assessment schedule (which forms part of an Engineer's Report for specific drainage works).

## **Property Standards Appeal Hearings**

Property Standards Appeal Hearings are subject to provisions of the Ontario Building Code Act, 1990. The Committee (serving as the Property Standards Committee) hears appeals of landowners respecting “Orders to Remedy” as issued pursuant to a municipality’s Property Standards By-law. The Committee’s authority is limited to confirming orders to demolish or repair, rescinding orders, modifying orders, or extending the deadline for compliance with an order.

## **By-law Appeal Hearings**

By-law Appeal Hearings are subject to specific Town By-laws where appeal rights are provided for. For example, Boarding, Lodging, and Rooming House By-law 3-2024 provides any applicant with the right to appeal any decision the Clerk makes pursuant to By-law 3-2024. The By-law further provides that the Committee has the authority to substitute or change the decision of the Clerk.

## **DISCUSSION**

The Committee of Adjustment & Appeals currently has a vacancy due to the retirement of Committee Chair Gord Queen effective September 30, 2024. To satisfy the composition requirements subject to the legislation corresponding to the various committee types which fall under the Town’s Committee of Adjustment & Appeals, the Committee must maintain a composition of either 3 or 5 members. Currently, Russell Horrocks, Nicole Hackett-Winkels, Phil Caruana, and Councillor Thomas Neufeld serve on the Committee. Administration has advertised the vacancy and received several satisfactory applications. Council must appoint a 5<sup>th</sup> (fifth) person to meet the composition requirements previously noted. A new chair will be elected by the members at the next Committee Meeting.

The Planning Act requires that members of the Committee of Adjustment be appointed by by-law. The requisite appointment by-law will be included on the November 4, 2024, Regular Meeting Agenda following Council’s decision with respect to the Recommended Action.

## **FINANCIAL CONSIDERATIONS**

None.

## **ENVIRONMENTAL CONSIDERATIONS**

None.

## **CONSULTATIONS**

Jennifer Galea, Manager of Human Resources

PREPARED BY:



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Angela Toole  
Acting Manager of Municipal Governance and Clerk

REVIEWED BY:



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Ryan McLeod  
Director of Finance and Corporate Services/Treasurer



**Date:** **October 28, 2024**

**To:** **Mayor and Council**

**Author:** **Courtney Godfrey, Manager of Parks, Recreation and Facilities**

**RE:** **Grant Application to Community Sport and Recreation Infrastructure Fund**

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## **RECOMMENDED ACTION**

That Council **DIRECTS** Administration to apply for the Community Sport and Recreation Infrastructure Fund; Stream 1: Repair and Rehabilitation to restore and revitalize various sections of the Kingsville Recreation Sports Complex.

## **BACKGROUND**

In the Spring of 2024, the Ontario Government released that it was investing up to \$200 million over three years to support Ontario's growing communities with new and revitalized local sport and recreation facilities across the province. The new Community Sport and Recreation Infrastructure Fund was announced as part of the 2024 Budget: Building a Better Ontario.

In the Fall of 2024, applications opened for Stream 1 of the Community Sport and Recreation Infrastructure Fund.

## **DISCUSSION**

This grant presents an opportunity for the Town to restore and revitalize various sections of the Kingsville Recreation Sports Complex.

Key areas of focus include; Pickleball courts, upgrades to lighting on Diamonds 1 & 2, and electrical servicing to Diamonds 4 & 5.

The areas of focus align with existing priorities and are capable of being completed within the required timeline.

The application is quite extensive and is expected to be highly competitive. There is no guarantee the Town will be successful.

## **FINANCIAL CONSIDERATIONS**

Applicants can request up to 50 percent of eligible project costs, up to \$1 million.

If successful, a follow up report will be provided to Council to address the Town's share of project costs prior to signing a transfer payment agreement.

## **ENVIRONMENTAL CONSIDERATIONS**

Switching from High Intensity Discharge (Halogen) to LED lighting is far more energy efficient.

## **CONSULTATIONS**

Administration  
Kingsville Pickleball Inc.  
Kingsville Minor Baseball

### **PREPARED BY:**



Courtney Godfrey  
Manager of Parks, Recreation and Facilities

### **REVIEWED BY:**



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Shaun Martinho  
Director of Public Operations



## **The Corporation of the Town of Kingsville**

### **Minutes of the Committee of Adjustment and Appeals of the Town of Kingsville**

Tuesday, August 20, 2024

6:00 p.m.

Unico Community Centre  
37 Beech Street  
Kingsville, ON N9Y 1A9

Members Present:

Gord Queen, Chair  
Russell Horrocks  
Nicole Hackett-Winkels  
Phil Caruana

Members Absent:

Thomas Neufeld, Councillor

Administration Present:

Vitra Chodha, Town Planner  
Lu-Ann Marentette, Drainage Superintendent  
Yuxi Liu, Acting Office Support  
Matthew Ducharme, Recording Secretary

#### **A. Call to Order**

The Chair called the meeting to order at 6:00 p.m.

#### **B. Disclosures of Pecuniary Interest**

The Chair asked members if there were any disclosures of pecuniary interest. None were noted.

### C. Adoption of Minutes

#### **CA-33-2024**

Moved By: Phil Caruana  
Seconded By: Nicole Hackett-Winkels

That the Minutes of the Committee of Adjustment and Appeals meeting dated July 16, 2024, **BE ADOPTED** as presented.

**Carried**

### D. Committee of Adjustment Hearings

#### 1. Requests for Withdrawal or Deferral

None noted.

#### 2. Current Applications

##### 1. A-2024-7 - Application for Minor Variance

Vitra Chodha, Town Planner, presented the application.

The applicant and their representative from Peralta Engineering were present and spoke to the application, and were available for questions from the members.

The following members of the public spoke in opposition to the application:

- Jeanne and Riley McKellar (75 Victoria Avenue)
- Fred Grant (83 Victoria Avenue)
- Jeff Caron (68 Walker Drive)

#### **CA-34-2024**

Moved By: Russell Horrocks  
Seconded By: Phil Caruana

That the correspondence from Michael Klassen (89 Mill Street East) and Jeff Caron (68 Walker Drive) **BE RECEIVED** into the public record by the Committee of Adjustment and Appeals.

**Carried**

**CA-35-2024**

Moved By: Russell Horrocks  
Seconded By: Phil Caruana

That the Committee of Adjustment and Appeals **DENY** minor variance application A-2024-7, to increase the lot coverage of accessory buildings and structures for the land known as 79 Victoria Avenue from 12% to 16%.

**Carried**

2. B-2023-20 - Application for Consent

Vitra Chodha, Town Planner, presented the application.

**CA-36-2024**

Moved By: Russell Horrocks  
Seconded By: Nicole Hackett-Winkels

That the Committee of Adjustment and Appeals **APPROVE** consent application B-2024-20 for the purpose of a lot-line adjustment, shown on the Applicant's Sketch, for the lands known as 3249 Olinda Sideroad & 3181 Olinda Sideroad, in the Town of Kingsville, subject to the following conditions:

1. Prior to consent being endorsed on the deeds the property owners are to execute an agreement for drainage apportionment due to land severance or sale approved by the Municipality for each parcel being severed. Drainage Apportionment Request, 12R plan shall be submitted to the Municipality a minimum of one month prior to the stamping of the deeds.
2. Prior to consent being endorsed on the deeds a lot grading plan acceptable to the municipality, shall be provided by the applicant to serve the lands being conveyed, and the lands being retained, with the cost of such drainage being solely at the expense of the applicant. Lot Grading Plans shall be submitted to the Engineering Department a minimum of three months prior to the stamping of the deeds.
3. Prior to consent being endorsed on the deeds, confirmation from the Building Department is required that the septic system on the retained lot at 3249 Olinda Sideroad is

adequately setback from the proposed lot lines and is operational to the satisfaction of the Building Department.

4. Prior to consent being endorsed on the deeds, confirmation that no servicing is being provided to the barn from 4249 Olinda Side Road is required by means of private locates.
5. That, prior to consent being endorsed on the deeds the property owners are to execute an agreement for drainage apportionment due to lands severance approved by the Municipality.
6. That the necessary deed(s), transfer or changes be submitted electronically, signed and fully executed, including a copy of the reference plan, prior to certification.
7. The conditions imposed above shall be fulfilled by **August 20, 2026**, or this application shall be deemed to be denied in accordance with Section 53(41) of the *Planning Act*.

**Carried**

## **E. Court of Revision**

### 1. Moroun Pumping Scheme - Improvements

Matthew Ducharme, Recording Secretary, advised that this drainage work affects landowners in a neighbouring municipality (Town of Essex).

Section 97(3) of the Drainage Act requires that the Court of Revision consist of two members from the Town of Kingsville, of whom one shall be the chair, and one member from the Town of Essex. The Court of Revision for this drainage work consisted of Gord Queen (Chair, Town of Kingsville), Russell Horrocks (Town of Kingsville), and Tiffany Pocock (appointed by the Town of Essex).

#### 1. Engineer's Report

Lu-Ann Marentette, Drainage Superintendent, and Tony Peralta, N.J. Peralta Engineering Ltd., presented the report.

#### 2. List of Appeals

None noted.

3. Deliberation and Decision

**CA-37-2024**

Moved By: Tiffany Pocock, Town of Essex  
Seconded By: Russell Horrocks

That the Schedule of Assessment for the Moroun Pumping Scheme Improvements, forming part of the Engineer's Report as prepared by N.J. Peralta Engineering Ltd. and dated June 21, 2024, **BE APPROVED** as presented.

**Carried**

2. Cottam Sideroad Branch of the 7th Concession Drain

1. Engineer's Report

Lu-Ann Marentette, Drainage Superintendent, and Tim Oliver, Dillon Consulting Ltd, presented the report.

2. List of Appeals

None noted.

3. Deliberation and Decision

**CA-38-2024**

Moved By: Nicole Hackett-Winkels  
Seconded By: Russell Horrocks

That the Schedule of Assessment for the Cottam Sideroad Branch of the 7th Concession Drain, forming part of the Engineer's Report as prepared by Dillon Consulting Ltd. and dated June 10, 2024, **BE APPROVED** as presented.

**Carried**

3. 8th Concession Drain

1. Engineer's Report

Lu-Ann Marentette, Drainage Superintendent, and Tim Oliver, Dillon Consulting Ltd, presented the report.

2. List of Appeals

None noted.

3. Deliberation and Decision

**CA-39-2024**

Moved By: Nicole Hackett-Winkels  
Seconded By: Phil Caruana

That the Schedule of Assessment for the 8th Concession Drain, forming part of the Engineer's Report as prepared by Dillon Consulting Ltd. and dated June 10, 2024, **BE APPROVED** as presented.

**Carried**

4. 9th Concession Drain

Lu-Ann Marentette, Drainage Superintendent, noted that under Section 78(5) of the Drainage Act, a Court of Revision is not required for this drainage work.

1. ~~Engineer's Report~~

2. ~~List of Appeals~~

3. Deliberation and Decision

**CA-40-2024**

Moved By: Russell Horrocks  
Seconded By: Phil Caruana

That the verbal update of the Drainage Superintendent regarding the 9th Concession Drain **BE RECEIVED** by the Committee of Adjustment and Appeals.

**Carried**

**H. Next Meeting Date**

**CA-41-2024**

Moved By: Russell Horrocks  
Seconded By: Phil Caruana

That the Committee of Adjustment and Appeals hold its next regularly scheduled meeting on September 17, 2024 at 6:00 p.m. at the Unico Community Centre.

**Carried**

**I. Adjournment**

**CA-42-2024**

Moved By: Phil Caruana  
Seconded By: Nicole Hackett-Winkels

That the meeting **BE ADJOURNED** at 6:46 p.m.

**Carried**

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Chair

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Recording Secretary



# COMMITTEE MINUTES

SEPTEMBER 10, 2024, 6:15 PM  
CARNEGIE ARTS & VISITORS CENTER

## A. CALL TO ORDER

Jason Martin called the Meeting to order at 6:17p.m. with the following Members in attendance:

### MEMBERS OF BIA BOARD:

Jason Martin - Chair  
Tony Gaffan – Vice-Chair  
Councillor Sheri Lowrie  
Heather Brown  
Amanda Everaert - Late  
Abby Jakob - Late  
Maria Edwards  
Delilah Carreira

### MEMBERS OF ADMINISTRATION:

Jodie McIntyre

### MEMBER(S) OF TOWN:

Sue Rice – Town Liaison

### ABSENT:

Roberta Weston

### GUESTS:

1. NONE

## B. LAND ACKNOWLEDGEMENT

Councillor Lowrie read the Land Acknowledgement.

## C. DISCLOSURE OF PECUNIARY INTEREST

Jason Martin reminded the Committee 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.

## D. PRESENTATIONS/DELEGATIONS

1. NONE

## E. AMENDMENTS TO THE AGENDA

### 1. PARKING

- 2 Hour Limit
  - The current by-law lists various times of day and time limits for parking depending on where you are downtown.
  - Shaun recommended amend the by-law to create one time of day where we limit parking to 2 hours max. between the hours of 9am and 6pm (as currently signed downtown).
  - Two additional 2-hour signs will be located on each side of Main St. E., mid-way.
  - The BIA supports these recommendations.
- Loading Zones
  - The by-law lists loading zones in places that are currently not in areas where there are parking spaces. For example, the loading zone on Main St E is on the south side of the road, before on-street parking begins. These areas do not have signs.
  - Shaun does **not** recommend keeping them as loading zones and recommends amending the by-law dedicating four spaces in the downtown as loading zones with specific times. He supports the BIA's request to amend the by-law and to sign four parking spaces as loading zones during the specific times of 6am – 12pm. He has **five** potential candidates - In front of My Cousin Closet, Old Vet Clinic, Century 21, WM Decor.
  - The BIA recommend we review with Division South businesses if they want to lose a parking spot from 6am – 12pm as the initial request was to add a spot ahead of the fire hydrant but adding a space is not possible because it would reduce the driving lane below the recommended 3 meter minimum. The BIA will also review with Shaun if we can put a new parking/loading zone in front the Northeast side of division just before Cherry St. and if not, they recommend making the Food Bank loading zone for everyone rather than lose a space and if there are 2 loading zones in this location the Food Bank one is removed in the event the Food Bank moves.. The current Chestnut St. loading zone and the one in front of My Cousin's Closet will remain with 6am-12pm times posted and that there has not been an identified need for one in front of Century 21.

- Additional Parking Spaces – East Main St.
  - The BIA also suggested shortening parking spaces on the North Side of Main St E to potentially gain additional spaces. It does appear that the spaces are a bit bigger on the North side (7.5 m versus 8.0 meters). But entrances limit the addition of spaces. Even if we shortened them, we would not gain an extra space.

**NEXT STEPS:** Once the 3-meter minimum on Division S. is reviewed and four loading zones have been identified, the next step would be to make a recommendation to Council to amend the By-law. This would need to come from the board directly to Council. Administration would take directive from them, draft a report, and amend the by-law.

## F. ADOPTION OF ACCOUNTS

**BIA-523-2024**      Moved to receive the accounts ending JULY 2024 by Abby Jakob and seconded by Tony Gaffan.

**CARRIED**

## G. STAFF REPORTS

BIA Coordinator presented highlights from her report, incorporating the key elements of the KBIA Strategic Plan including:

### 1. Engagement/Support

#### #1: ENGAGEMENT/SUPPORT:

- Attended Blush & Bloom Rejuvenation ribbon cutting ceremony.
- Met with Sue & Courtney regarding the grant.
- Met with Shaun regarding parking and the current flower program.
- Met with Courtney from Town, regarding the events the BIA would like to hold at the Carnegie.
- Ian Murry Seminar
  - The Town has reserved the Grovedale facility.
  - Utilizing the stage, tables & chairs.
  - Ian has been kind enough to provide the “Traction” book for each registered person.
- Collateral for newsletter & social is complete.
- Members Mix & Mingle– September 4th – 5:30pm – 8pm

- Vernon's worked well, had twenty-eight people attend with some new faces such as Altr Thrift, Ursa Major, Fox & Hare.
- There was a lot of food and networking.
- Other
  - Met with the Leamington Chamber of Commerce & Sue Rice regarding collaborations.
  - Met with Financial Committee regarding the 2025 budget.
  - Attended the LGBTQ+ Tourism working group meeting at Caesars Windsor.

## 2. Promotion

- Block Party – August 17th – 5pm – 10pm
  - Utilized a QR code for the survey.
  - Did not have as many people approach the booth. Most were there for the music.
  - Survey Results: 91% live in Kingsville, 86% shopped in Kingsville before the block party, 73% knew what the BIA was & 50% followed us on social media

### COMING UP:

- Kingsville Trick or Treat – October 26th – 11am – 1pm
  - Meet with DelFrescoPure & ASK regarding providing some kids activity in the BIA office. They are talking about some decorations and a photo op in the BIA office and having a storyteller from ASK.
  - This year we will allow BIA businesses outside of the core district and Associate Members to put a table at the Carnegie lawn to give out candy and/or promote their businesses to trick or treaters.
  - Met with KEYS EarlyON to discuss our collaboration again this year and the event will run the same as the previous 2 years and they will have the choice of being located at the Carnegie or in front of EYES.
- Christmas at the Carnegie – November 16th – 3pm – 5:30pm
  - Ballots – will run the ballot program (same as last year) with the expectation of 25+ businesses participating again this year.
  - Have the 360-degree photo op.
  - Looking to rent the inflatable hockey game again from Top Shots.
  - WFCU is reviewing if they can provide a tent again.
  - Want to have more presence with some music, either live band or DJ. Will reach out to Kingsville Music Society and/or the Kingsville School of Music.

- Contacting the Sweet Adelines for a potential appearance. Sweet Adelines gather in celebration of the art form of a cappella singing, barbershop style.

### 3. Policies & Procedures

- No new report.

### 4. Beautification

- Mums are coming up next. Possibly Sept. 17-18. Reached out to Shaun again regarding Jason's email.
- Doing the bows (which we have) and 16 corn stalks again at the 4-corners for Migration Festival.

### 5. Maintenance

- Jason and Jodie will drop the red truck off to Ivan at Southern Collison for the truck bed to be repaired at 10am on Monday, Sept. 16<sup>th</sup>.

**BIA-524-2024** Motion to receive the Coordinator report by Abby Jakob and seconded by Tony Gaffan.

**CARRIED**

## H. BUSINESS/CORRESPONDENCE – ACTION REQUIRED

### 1. SOUND SYSTEM COMPLAINTS

- The Town forwarded a complaint to the BIA, but it was unclear if the Town had responded or not.
- I reached out to Vicky, from the Town and let her know I'd like to work with the Town to come up with some language that is customer friendly but consistent from both parties regarding the music playing downtown.

## I. MINUTES OF THE PREVIOUS MEETING

**BIA-525-2024** Motion to receive the minutes by Heather Brown, seconded by Tony Gaffan.

**CARRIED**

## J. NEW AND UNFINISHED BUSINESS

### 1. 2025 Budget Approval

**BIA-526-2024** Motion increase the levy by 2% in 2025 to avoid a large future increase, by Delilah Carreira and seconded by Abby Jakob.

**CARRIED**

**BIA-527-2024** Motion to utilize reserves in the event of a budget shortfall, by Tony Gaffan and seconded by Amanda Everaert.

**CARRIED**

- A detailed explanation will be provided to the membership regarding the 2% increase and the overall impact on businesses at the 2025 AGM.

**2. Flower RFQ**

- RFQ will request the bidders to quote price per unit for planters and for hanging baskets as the actual number may be adjusted once budget approval is finalized.
- The RFQ will request a quote with and/or without the cost of water.
- Other options were discussed regarding other potential contractors, increased costs of the flower program, the number of contractors that usually bid and the role the Town of Kingsville plays in the flower program.

**BIA-528-2024** Motion to extend the meeting for an additional 20 minutes by Maria Edwards and seconded by Tony Gaffan.

**CARRIED**

**3. TWEPI Holiday Gift Guide AD**

- The Board reviewed the cost of the TWEPI ad and determined the value of having a print ad was not beneficial. It was noted that the Town of Kingsville is also not placing an ad this year.

**4. My Main Street Grant Update**

- The Town of Kingsville is currently working on the following:
  - Placing custom "K" lights on the poles at the 4-corners.
  - Custom toppers to replace the current 41 deteriorating ones.
  - Have 2 sets of seasonal lights that will run beyond the toppers to Heritage and Pelee Winery.
  - At the Carnegie – there will be 6 new picnic tables, one accessible, 2 sails and outdoor lighting. Fixing the sign making it watertight, a sandwich board for A.S.K. & the BIA to use.
  - Planters – purchasing as many possible within budget and the BIA will purchase the remaining required to attain 8 matching planters.

**BIA-529-2024**

Motion to request allocation of reserves for the purchase of the remaining matching planters needed for the four corners, which the Town will not provide, as proposed by Maria Edwards and seconded by Abby Jakob.

**CARRIED**

**5. Christmas Window Décor Program**

- Due to time constraints this will be pushed to October's meeting.

**K. OTHER REPORTS****1. FINANCIAL COMMITTEE** – Delilah & Tony

- No new report

**2. BEAUTIFICATION COMMITTEE** – Maria & Amanda

- A meeting is set for September 12<sup>th</sup>.

**3. PROMOTIONS COMMITTEE** – Jason & Abby

- No new report

**4. PERSONNEL COMMITTEE** – Roberta & Heather

- No new report

**5. COUNCIL REPRESENTATIVE** – Sheri Lowrie

- Thank You to Jodie for representing the BIA at the Council meeting on September 9th. She was there to support Sue in her presentation of the "Walk the Block" My Main Street federal grant that has been received.
- Authorized a settlement of the appeal before the Ontario Land Tribunal related to 183 Main Street.
- The Migration Festival is coming up next month with our Kickoff featuring Jody Raffoul, a Vendor Marketplace, Children's Activities and Parade.
- Organizational restructuring - Sue Rice will be spending some time on economic development and adding support to our Planning & Building departments, working closely with the Mayor and CAO.

**6. TOWN LIASON**– Sue Rice

- The BIA will co-sponsor the Putting Contest and Silent Auction for the Mayor's Golf Tournament.

**L. NEXT MEETING DATE**

- Tuesday, October 8th, at 6:15pm.

**M. ADJOURNMENT**

Meeting adjourned at 8:28pm

**BIA-530-2024** Motioned to adjourn by Abby Jakob, seconded by Heather Brown.

*Jason Martin*  
**CHAIR, Jason Martin**

*Jodie McIntyre*  
**RECORDING SECRETARY,  
Jodie McIntyre**



## **The Corporation of the Town of Kingsville**

### **Minutes of the Committee of Adjustment and Appeals of the Town of Kingsville**

Tuesday, September 17, 2024

6:00 p.m.

Unico Community Centre  
37 Beech Street  
Kingsville, ON N9Y 1A9

Members Present:

Gord Queen, Chair  
Thomas Neufeld, Councillor  
Russell Horrocks  
Nicole Hackett-Winkels  
Phil Caruana

Administration Present:

Richard Wyma, Director of Planning and Development  
Lu-Ann Marentette, Drainage Superintendent  
Angelina Pannunzio, Office Support  
Matthew Ducharme, Recording Secretary

#### **A. Call to Order**

The Chair called the meeting to order at 6:00 p.m.

#### **B. Disclosures of Pecuniary Interest**

The Chair asked members if there were any disclosures of pecuniary interest.  
None were noted.

**C. Adoption of Minutes**

**CA-43-2024**

Moved By: Phil Caruana  
Seconded By: Russell Horrocks

That the Draft Minutes of the Committee of Adjustment and Appeals meeting dated August 20, 2024, **BE RECIEVED** and considered for adoption at the October 15, 2024, Committee of Adjustment and Appeals meeting.

**Carried**

**D. Recognitions**

1. Recognition of Chair Gord Queen by Director Wyma

Richard Wyma, Director of Planning and Development, thanked Mr. Queen for his service as Chair of the Committee of Adjustment and Appeals, noting he has resigned effective September 30, 2024.

**E. Committee of Adjustment Hearings**

1. Requests for Withdrawal or Deferral

None noted.

2. Current Applications

1. B-2024-22 - Application for Consent

Richard Wyma, Director of Planning and Development, presented the application.

Jackie Lassaline, representative for the applicant, was present and available for questions from the members.

**CA-44-2024**

Moved By: Phil Caruana  
Seconded By: Nicole Hackett-Winkels

That the Committee of Adjustment and Appeals **APPROVE** consent application B-2024-22 to establish a permanent easement over 2011 Graham Side Road for the use of underground electrical services in favour of 891 Road 3 East shown as, Part 1 on the Applicant's Survey (Appendix B), subject to the following conditions:

1. A reference plan (R-Plan) be prepared and deposited in the registry office; an electronic copy be provided to the Town for the files of the Planning Department.
2. The conditions imposed above shall be fulfilled by **September 17, 2026**, or this application shall be deemed to be denied in accordance with Section 53(41) of the Planning Act.

**Carried**

## **F. Court of Revision**

1. 4th Concession Road Drain

1. Engineer's Report

Lu-Ann Marentette, Drainage Superintendent, presented the report.

2. List of Appeals

None noted.

3. Deliberation and Decision

### **CA-45-2024**

Moved By: Thomas Neufeld, Councillor

Seconded By: Russell Horrocks

That the Schedule of Assessment for improvements to the Upper Portion of the 4th Concession Road Drain for the MTO Widening Project, forming part of the Engineer's Report as prepared by Dillon Consulting Limited and dated July 23, 2024, **BE APPROVED** as presented.

**Carried**

2. No. 5 Drain

1. Engineer's Report

Lu-Ann Marentette, Drainage Superintendent, presented the report.

2. List of Appeals

None noted.

3. Deliberation and Decision

**CA-46-2024**

Moved By: Russell Horrocks  
Seconded By: Phil Caruana

That the Schedule of Assessment for improvements to the Upper Portion of the No. 5 Drain for the MTO Widening Project, forming part of the Engineer's Report as prepared by Dillon Consulting Limited and dated July 23, 2024, **BE APPROVED** as presented.

**Carried**

**G. Property Standards Appeal Hearings**

None at this time.

**H. By-law Appeal Hearings**

None at this time.

**I. Next Meeting Date**

That the Committee of Adjustment and Appeals hold its next regularly scheduled meeting on October 15, 2024 at 6:00 p.m. at the Unico Community Centre.

**J. Adjournment**

**CA-47-2024**

Moved By: Nicole Hackett-Winkels  
Seconded By: Thomas Neufeld, Councillor

That the meeting **BE ADJOURNED** at 6:18 p.m.

**Carried**

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Chair

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Recording Secretary



## Regular Meeting of Council Minutes

**Monday, October 7, 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 5:06 p.m. and Council immediately moved in Closed Session.

### **B. Closed Session**

**187-10072024**

Moved By: Councillor Patterson  
Seconded By: Councillor Neufeld

That Council **ENTER** into Closed Session at 5:06 p.m. pursuant to Section 239 of the Municipal Act, 2001, to discuss the following items:

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

**Item II - Disposition of Lions Hall** 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, Potawatomi 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 the lands of Turtle Island.

**D. Moment of Silent Reflection and National Anthem**

**E. Mayor's Welcome and Remarks**

Mayor Rogers highlighted that October is an important month for the community, with Thanksgiving and the annual Migration Festival taking place. The festival will begin on Friday, October 18, with a kickoff event featuring a performance by Jody Raffoul. Proceeds from this event will be going to the 2nd Kingsville Scouts. On Saturday, October 19, there will be a market at the Grovedale from 10:00 a.m. to 4:00 p.m., and a parade starting around 10:00 a.m. He explained that the Migration Festival has been recognized as an excellent showcase for local artists and visiting artists, with events such as the Quick Paint event on Saturday, followed by a show and sale on Sunday. In addition, there will be kids' activities at Lions Park from 11:30 a.m. to 3:00 p.m. on Saturday, and the Jack Miner Bird Sanctuary will host children's activities throughout the weekend, including a car show on Sunday.

Mayor Rogers stated that he recently participated in the 2nd Cottam Scouts' Apple Days event this past Saturday and expressed thanks to the Cottam community for their support. He will also attend the second scheduled Kingsville Scouts' Apple Days later in the month.

Mayor Rogers reminded members of the public that every quarter, the Town organizes a "Meet and Greet" with the Mayor to allow residents to share their thoughts, feedback, and concerns. The next "Meet and Greet" will focus on seniors and is scheduled for Tuesday, November 19, at the Kingsville Community Centre.

**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.

Councillor Gaffan declared a conflict on item K.3. due to being a resident in the affected neighbourhood.

**H. Report Out of Closed Session**

The Clerk reported that pursuant to Section 239 of the *Municipal Act, 2001*, Council entered into Closed Session at 7:33 p.m. on September 23, 2024, to discuss the following items:

**Item I - Road Naming** to be heard under Section 239(2)(b) being personal matters about an identifiable individual, including municipal employees. There is nothing further to report.

**Item II - Development Plan** to be 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.

## I. Delegations

### 1. Kingsville Military Museum

Tim Dobson, Director, along with Dave Marsh, Chair of the Board of Directors, and Bob Lynch, Director, of the Kingsville Military Museum, appeared before Council, thanked the Town for the years of support, and shared the museum's future plans to expand.

## J. Presentations

### 1. Recognition of Gord Queen

On behalf of the Town of Kingsville, Mayor Rogers thanked Gord Queen for his 24 years of exemplary service and dedication to the Town as a member of Council and committees, as well as his volunteer work.

### 2. Heritage Advisory Committee - Assessment of Main Street Properties

Jeffrey Robinson, Chair of the Heritage Advisory Committee, presented the report.

#### **188-10072024**

Moved By: Deputy Mayor DeYong

Seconded By: Councillor Jarvis-Chausse

That the Report from the Heritage Advisory Committee regarding the Assessment of the Main Street Properties **BE REFERRED** to Administration for review and further comment.

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

**Carried (7 to 0)**

## K. Matters Subject to Notice

### 1. Irwin Drain

#### **189-10072024**

Moved By: Councillor Patterson

Seconded By: Councillor Gaffan

That the Report prepared by Rood Engineering dated September 6, 2024, regarding new access over the Irwin Drain for parcel 620-03300 under 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)**

### 2. West Townline Drain Upper

#### **190-10072024**

Moved By: Councillor Patterson

Seconded By: Councillor Neufeld

That the Report prepared by Rood Engineering dated August 28, 2024, regarding new access over the West Townline Drain Upper for parcel 580-01006 under 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. 175 Wigle Ave Draft Plan of Subdivision (SUB-2024-01) County of Essex  
File No.: 37-T-24007

Councillor Gaffan declared a conflict on this item because he is a resident in the affected area and abstained from voting.

Gail Stiffler, 55 Wigle Avenue, appeared before Council and expressed her concerns about traffic in the area.

Tyler Vickerman, appeared before Council and inquired about how traffic and noise related to the industrial plants will be addressed in the new Subdivision Plan.

Barry Wilson, 4 Katie Crescent, appeared before Council and raised concerns about traffic and safety in the area and proposed amendments to the Subdivision Plan.

Alfredo Lozano, 191 Grandview Avenue, appeared before Council and expressed his concerns about speeding vehicles in the neighbourhood.

Robert Brown, Agent on behalf of Anthony Abraham, appeared before Council to address the questions and concerns that were raised.

**191-10072024**

Moved By: Deputy Mayor DeYong  
Seconded By: Councillor Patterson

That the proposed Draft Plan of Subdivision for 175 Wigle Avenue **BE AMENDED** to add a second access road to Grandview Boulevard through Block 28 and that Katie Crescent provide full emergency, pedestrian, and active transportation corridor.

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

Against (1): Mayor Rogers

Conflict (1): Councillor Gaffan

**Carried (5 to 1)**

**192-10072024**

Moved By: Deputy Mayor DeYong  
Seconded By: Councillor Lowrie

That Administration **BE DIRECTED** to advise the County of Essex that the Town of Kingsville has no concern or comment, except as per the amended motion, regarding the proposed Draft Plan of Subdivision for 175 Wigle by 1364674 Ontario Limited, which is a County of Essex decision, and is subject to the required Zoning By-law Amendment to be considered by Council at a later date, as described in the report presented at the October 7, 2024, Council Meeting;

And further that the proposed Draft Plan of Subdivision for 175 Wigle **BE AMENDED**, as may be required, to meet Town of Kingsville design guidelines for cul-de-sac radius recognizing that such amendment may impact block and lot boundaries.

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)**

**L. Reports - Finance and Corporate Services**

1. Pelee Island Winery – Application for a “By-the-Glass Endorsement” to a Winery Licence

**193-10072024**

Moved By: Deputy Mayor DeYong  
Seconded By: Councillor Gaffan

That the Council of The Corporation of the Town of Kingsville **SUPPORTS** Pelee Island Winery’s Application to the Alcohol and Gaming Commission of Ontario (“AGCO”) for a “By the Glass” Manufacturer’s Limited Liquor Sales Licence at its manufacturing site (455 Seacliff Drive, Kingsville).

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

**Carried (7 to 0)**

**194-10072024**

Moved By: Deputy Mayor DeYong  
Seconded By: Councillor Patterson

That Council take a 5 minute recess at 7:45 p.m.

**Carried**

**195-10072024**

Moved By: Councillor Jarvis-Chausse  
Seconded By: Councillor Patterson

That Council resumes at 7:52 p.m.

**Carried**

**M. Consent Agenda**

**196-10072024**

Moved By: Councillor Lowrie  
Seconded By: Councillor Gaffan

That Council **DIRECT** the Mayor and Deputy Mayor to bring forward a Notice of Motion to the County of Essex requesting that County Administration bring forward a report respecting the delegation of its approval authority for plans of subdivision and plans of condominium to lower-tier municipalities;

And further to request that the County's administration consult with the administration of each lower-tier municipality in regard to the timing and implementation of this delegation.

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

**Carried (7 to 0)**

**197-10072024**

Moved By: Councillor Jarvis-Chausse  
Seconded By: Councillor Gaffan

That Items 2 through 8 on the Consent Agenda, **BE RECEIVED**.

**Carried**

1. Ontario's Planning Process for Plan of Subdivision and Zoning By-law Amendment
2. Migration Festival Minutes - May 28, 2024
3. Communities in Bloom Minutes - June 11, 2024
4. Heritage Advisory Committee - August 13, 2024
5. Heritage Advisory Committee - September 3, 2024
6. Communities in Bloom Minutes - September 3, 2024
7. Committee of the Whole Minutes - September 16, 2024
8. Regular Council Meeting Minutes - September 23, 2024

**N. Correspondence**

1. Letter from Municipality of Tweed Regarding Provincial Absorption of Costs Related to the Ontario Provincial Police

**198-10072024**

Moved By: Councillor Lowrie  
Seconded By: Councillor Jarvis-Chausse

That Council **SUPPORTS** the Municipality of Tweed's correspondence dated April 23, 2024, regarding Provincial Absorption of Costs Related to the Ontario Provincial Police;

And that Council **DIRECTS** Administration to draft correspondence relevant to the Town of Kingsville's population, regarding the absorption of costs related to the Ontario Provincial Police;

And that Council **DIRECTS** Administration to circulate this correspondence to Premier Doug Ford, the Ministry of the Solicitor General, the Ministry of Finance, and the Association of Municipalities of Ontario, and all local MPPs.

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

**Carried (7 to 0)**

**O. Notices of Motion**

None.

**P. Unfinished Business and Announcements**

None.

**Q. By-laws**

**198-10072024**

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

74-2024 - Being a By-law to provide for the enclosure over the Irwin Drain for Parcel No. 620-03300 at a total estimated cost of \$92,000 in the Town of Kingsville, in the County of Essex

75-2024 - Being a By-law to provide for the enclosure over the West Townline Drain (Upper) for Parcel No. 580-01006 at a total estimated cost of \$32,000 in the Town of Kingsville, in the County of Essex

**199-10072024**

Moved By: Deputy Mayor DeYong

Seconded By: Councillor Gaffan

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

76-2024 - Being a By-law to appoint a Drainage Superintendent, Drainage Inspector, and Weed Inspector for the Town of Kingsville

77-2024 - Being a By-law imposing special annual drainage rates upon land in respect of which money is borrowed under the Tile Drainage Act (provisionally adopted)

78-2024 - Being a By-law to confirm the proceedings of the Council of the Corporation of the Town of Kingsville at its October 7, 2024 Regular Meeting of Council

**Carried**

**R. Closed Session**

**200-10072024**

Moved By: Councillor Patterson

Seconded By: Councillor Jarvis-Chausse

That Council **ENTER** into Closed Session at 8:12 p.m. pursuant to Section 239 of the Municipal Act, 2001, to discuss the following items:

**Item I - Information Supplied to the Town by Another Level of Government**  
to be heard under Section 239(2)(h) being information supplied in confidence to the municipality by another level of government; and, Section 239(2)(b) being personal matters about an identifiable individual, including municipal employees; and,

**Item II - Update on Legal Agreement with the Port Authority** to be heard under Section 239(2)(f) being advice that is subject to solicitor-client privilege, including communications necessary for that purpose.

**Carried**

**S. Adjournment**

**202/10/07**

Moved By: Councillor Gaffan

Seconded By: Councillor Jarvis-Chausse

That Council rise from Closed Session and adjourn the Regular Meeting at 10:26 p.m.

**Carried**

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Mayor, Dennis Rogers

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Acting Clerk, Angela Toole



# Women Abuse Prevention Month



August 29, 2024

Mayor Dennis Rogers and Members of Council  
Town of Kingsville  
2021 Division Road North  
Kingsville, ON N9Y 2Y9

Re: **Woman Abuse Prevention Month/Shine the Light Campaign**

Dear Mayor Rogers and members of Council:

November is *Woman Abuse Prevention Month* throughout Ontario. Hiatus House will once again be hosting the *Shine the Light™ on Woman Abuse* and *Wrapped in Courage* campaigns in Windsor-Essex to raise awareness about the issue of woman abuse and its impact on all of us. The campaign has grown substantially since its inception (2010) and we are looking forward to our biggest year yet with the inclusion of our partners across Windsor and Essex County.

The goal of the *Shine the Light™ on Woman Abuse* campaign is to show women who are experiencing abuse that the community supports them and believes that everyone has a right to a life free from violence. We want to turn our communities in Windsor/Essex purple during the month of November and will be inviting all sectors of Windsor and Essex County to join us and decorate in purple, light up in purple, attend **the Tree Lighting November 1st at Charles Clark Square**, donate to the campaign, or purchase some of our purple merchandise.

This year **Wear Purple Day is November 15<sup>th</sup>, 2024**. We are encouraging everyone in Windsor/Essex to wear purple to show your support for abused women and girls. We need your help to spread awareness about the issue of men's violence against women. Take a photo or short video clip of how you are going purple and share with us on social media using the hashtag #WEShinetheLight and don't forget to tag us!

Lookout for our purple merchandise on sale at select locations across Windsor-Essex. We encourage you to wear these purple items to show your support. Use this time to spark dialogue and educate others to help end the cycle of domestic violence.

We need your support! You can help in the following ways:

- Attend our Tree Lighting Ceremony on November 1st in Charles Clark Square at 6:00 pm
- Go **PURPLE** in November.
- Hold a **PURPLE** event and tag us on Social Media
- Buy or sell *Wrapped in Courage* merchandise.
- Decorate your buildings in purple lights
- Wear **PURPLE** on November 15th
- Attend one of our *Shine the Light™* events posted on our Facebook page

[www.facebook.com /shinethelightwindsor/essex](https://www.facebook.com/shinethelightwindsor/essex) page.

We truly hope you will be able to join us in our community effort to end violence against women. Please contact Maggie Durocher at (519) 252-1143 extension 2283 or by email at [maggiedurocher@hiatushouse.com](mailto:maggiedurocher@hiatushouse.com) to discuss your involvement in Women Abuse Prevention Month/*Shine the Light*™ and *Wrapped in Courage*!

Thank you so much for your time and consideration.

Sincerely,

Maggie Durocher  
Coordinator of Fundraising and Development

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 59 - 2024

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**Being a By-law to provide for MTO Improvements to the Upper Portion of the 4<sup>th</sup> Concession Drain at a total estimated cost of \$570,800 in the Town of Kingsville, in the County of Essex**

**WHEREAS** the Council of the Town of Kingsville, in the County of Essex, has procured reports under section 78 of the *Drainage Act*;

**AND WHEREAS** the reports have been authored by Tim R. Oliver, P. Eng, Dillon Consulting under date of July 23, 2024, and the attached reports form part of this by-law;

**AND WHEREAS** \$570,800 is the amount to be contributed by Ministry of Transportation for the drainage works;

**AND WHEREAS** Council is of the opinion that the report of the area is desirable;

**THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE, PURSUANT TO THE DRAINAGE ACT ENACTS AS FOLLOWS:**

**1. AUTHORIZATION**

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

**2. SCHEDULE OF ASSESSMENTS OF LAND AND ROADS**

One hundred percent (100%) of the cost for this report is to be assessed to the Ministry of Transportation.

**3. CITATION**

This by-law comes into force on the passing thereof and may be cited as the “4<sup>th</sup> Concession Drain – MTO Improvements” by-law.

**READ A FIRST AND SECOND TIME AND PROVISIONALLY ADOPTED THIS 9<sup>th</sup> DAY OF SEPTEMBER, 2024.**

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**Mayor, Dennis Rogers**

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**Acting Clerk, Angela Toole**

**READ A THIRD TIME AND FINALLY PASSED THIS 28<sup>th</sup> DAY OF OCTOBER, 2024.**

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**Mayor, Dennis Rogers**

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**Acting Clerk, Angela Toole**

# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 60 - 2024

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**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**

**WHEREAS** the Council of the Town of Kingsville, in the County of Essex, has procured reports under section 78(1) of the *Drainage Act*;

**AND WHEREAS** the reports have been authored by Tim R. Oliver, P. Eng, Dillon Consulting, dated July 23, 2024, and the attached reports form part of this by-law;

**AND WHEREAS** \$1,094,000 is the amount to be contributed by Ministry of Transportation for the drainage works;

**AND WHEREAS** Council is of the opinion that the report of the area is desirable;

**THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE, PURSUANT TO THE DRAINAGE ACT ENACTS AS FOLLOWS:**

**1. AUTHORIZATION**

The attached report is adopted and the drainage works is authorized and shall be completed as specified in the report.

**2. SCHEDULE OF ASSESSMENTS OF LAND AND ROADS**

One hundred percent (100%) of the cost for this report is to be assessed to the Ministry of Transportation.

**3. CITATION**

This by-law comes into force on the passing thereof and may be cited as the "No. 5 Drain – MTO Improvements" by-law.

**READ A FIRST AND SECOND TIME AND PROVISIONALLY ADOPTED THIS 9<sup>th</sup> DAY OF SEPTEMBER, 2024.**

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**Mayor, Dennis Rogers**

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**Acting Clerk, Angela Toole**

**READ A THIRD TIME AND FINALLY PASSED THIS 28<sup>th</sup> DAY OF OCTOBER, 2024.**

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**Mayor, Dennis Rogers**

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**Acting Clerk, Angela Toole**

**THE CORPORATION OF THE TOWN OF KINGSVILLE**  
**BY-LAW 79-2024**

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

**WHEREAS** By-law No. 1-2014 is the Town's Comprehensive Zoning By-law to regulate the use of land and the character, location and use of buildings and structures in the Town of Kingsville;

**AND WHEREAS** the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to further amend By-law No. 1-2014 as herein provided;

**AND WHEREAS** the application conforms to the Official Plan of the Town of Kingsville;

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. Schedule "A", Map 31 of By-law 1-2014 is hereby amended by changing the zone symbol on an approximately 0.58 ha (1.43 ac.) portion of land, known municipally as 27 Road 8 East, Part of Lot 15, Concession 8, as shown on Schedule 'A' in cross-hatch attached hereto from 'General Agricultural with exception 43 (A1-43)' to 'Rural Residential (RR)'.
2. Schedule "A", Map 31 of By-law 1-2014 is hereby amended by changing the zone symbol on an approximately 14.09 ha (34.82 ac.) portion of land, known municipally as V/L Road 8 East, Part of Lot 15, Concession 8, as shown on Schedule 'A' in diagonal-hatch attached hereto from 'General Agricultural with exception 43 (A1-43)' to 'Restricted Agricultural with exception 3 (A2-3)'.
3. This by-law shall come into force and take effect from the date of passing by Council and in accordance with Section 34 of the Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS  
28<sup>th</sup> DAY OF OCTOBER 2024.**

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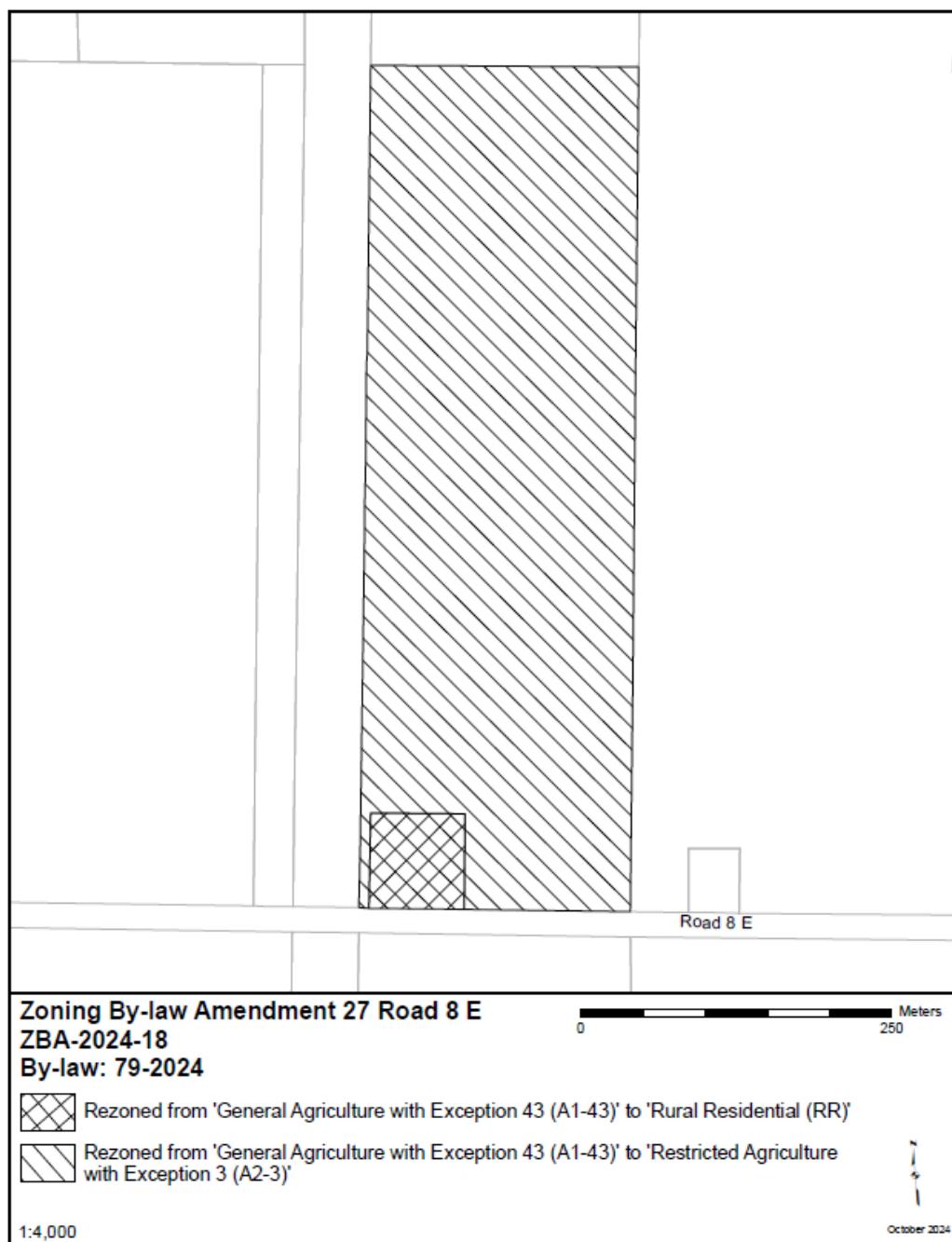
**Mayor, Dennis Rogers**

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**Acting Clerk, Angela Toole**

## SCHEDULE 'A'

### BY-LAW 79-2024



# THE CORPORATION OF THE TOWN OF KINGSVILLE

## BY-LAW 80-2024

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

**WHEREAS** By-law No. 1-2014 is the Town's Comprehensive Zoning By-law to regulate the use of land and the character, location and use of buildings and structure in the Town of Kingsville;

**AND WHEREAS** the Council of the Corporation of the Town of Kingsville deems it expedient and in the best interest of proper planning to further amend By-law No. 1-2014 as herein provided;

**AND WHEREAS** there is an Official Plan in effect in the Town of Kingsville and this By-law is deemed to be in conformity with the Town of Kingsville Official Plan;

### **NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. Schedule "A", Map 64 of By-law 1-2014 is hereby amended by removing the Holding symbol (h) on parts of the lands legally described as Part of Lots 8, 9, and 10, Concession 1 WD in the Town of Kingsville; specifically removing the hold only in the area shown as PHASE 1 in the draft plan of subdivision, and further shown on Schedule 'A' of this by-law in cross-hatching, from 'Lakeshore Residential Exception 31 (holding) (LR-31(h))' to 'Lakeshore Residential Exception 31 (LR-31); and from 'Lakeshore Residential Exception 32 (holding) (LR-32(h))' to 'Lakeshore Residential Exception 32 (LR-32)'.
2. This by-law shall come into force and take effect from the date of passing by Council and shall come into force in accordance with Section 36 of the Planning Act.

**READ A FIRST, SECOND AND THIRD TIME AND FINALLY PASSED THIS 28TH DAY OF OCTOBER, 2024.**

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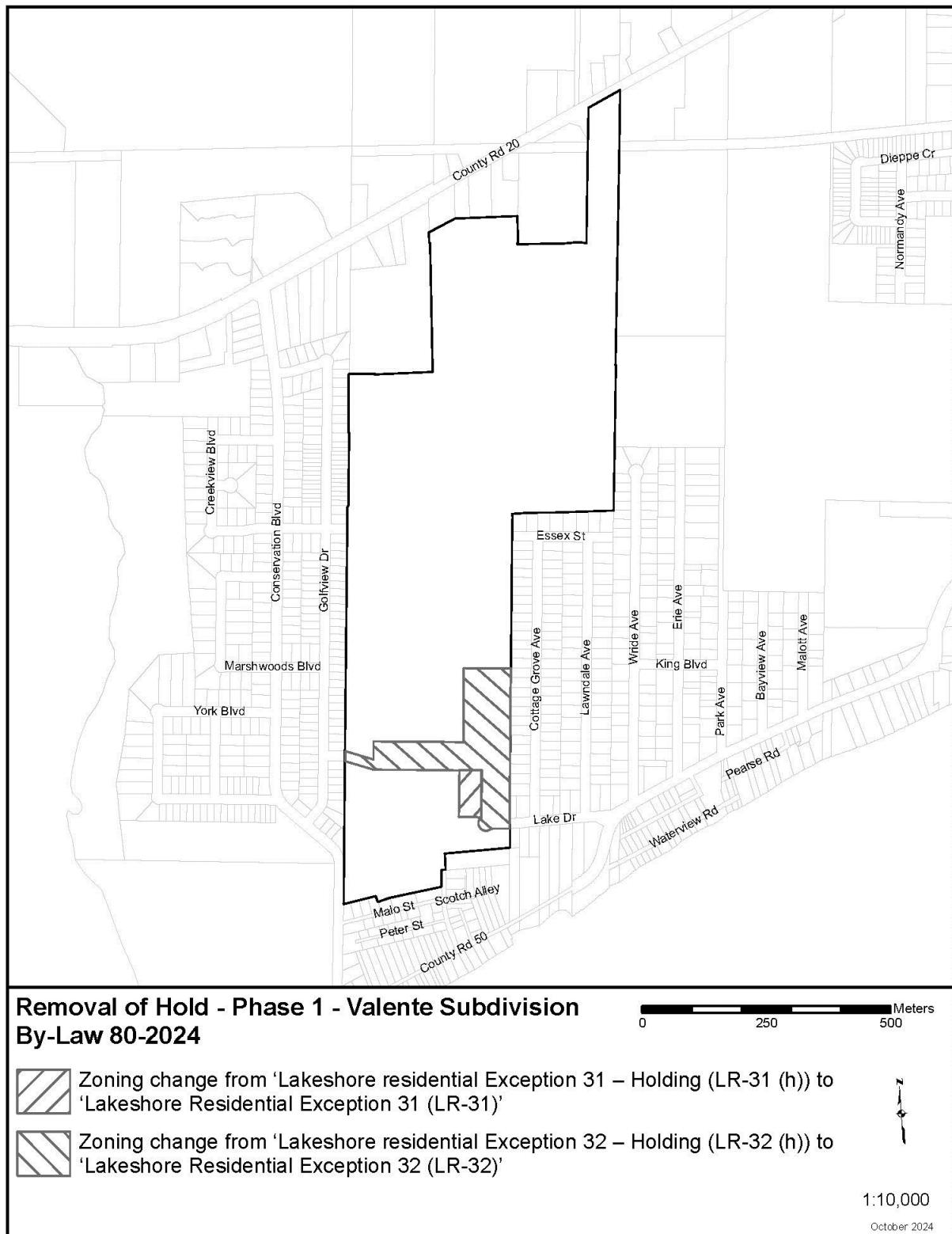
**Mayor, Dennis Rogers**

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**Acting Clerk, Angela Toole**

## SCHEDULE “A”

### BY-LAW 80-2024



**THE CORPORATION OF THE TOWN OF KINGSVILLE**  
**BY-LAW 81 - 2024**

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**Being a By-law to confirm the proceedings of the  
Council of the Corporation of the Town of Kingsville at its  
October 28, 2024 Regular Meeting of Council**

**WHEREAS** sections 8 and 9 of the *Municipal Act, 2001* S.O. 2001 c. 25, as amended, (the “Act”) provides that a municipality has the capacity, rights, powers and privileges of a natural person for the purpose of exercising the authority conferred upon a municipality to govern its affairs as it considers appropriate.

**AND WHEREAS** section 5(3) of the Act provides that such power shall be exercised by by-law, unless the municipality is specifically authorized to do so otherwise.

**AND WHEREAS** it is deemed expedient that the proceedings of the Council of The Corporation of the Town of Kingsville (the “Town”) be confirmed and adopted by by-law.

**NOW THEREFORE THE COUNCIL OF THE CORPORATION OF THE  
TOWN OF KINGSVILLE ENACTS AS FOLLOWS:**

1. The actions of the Council at its October 28, 2024, Regular Meeting in respect of each report, motion, resolution or other action taken or direction given by the Council at its meeting, is hereby adopted, ratified and confirmed, as if each resolution or other action was adopted, ratified and confirmed by its separate by-law.
2. The Chief Administrative Officer and/or the appropriate officers of the Town are hereby authorized and directed to do all things necessary to give effect to the actions set out in paragraph 1, or obtain approvals, where required, and, except where otherwise provided, the Mayor and the Clerk are hereby directed to execute all documents necessary and to affix the corporate seal to all such documents.
3. This By-law comes into force and takes effect on the day of the final passing thereof.

**READ A FIRST, SECOND, AND THIRD TIME AND FINALLY PASSED THIS  
28<sup>th</sup> DAY OF OCTOBER, 2024.**

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**Mayor, Dennis Rogers**

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**Acting Clerk, Angela Toole**