

# THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

## Council Minutes

Wednesday, September 13, 2023

|                 |  |
|-----------------|--|
| Council Present | Mayor Kenneth Craig<br>Deputy Mayor Andrea Clarke<br>Councillor Beth Blackwell<br>Councillor Rory Cavanagh<br>Councillor Mike Hinchberger<br>Councillor Doug Kennedy - left the meeting at 7:37 p.m.<br>Councillor Amanda Steinhoff-Gray<br>Councillor Bill Stewart  |
| Council Absent  | Councillor Jennifer Prenger  |
| Staff Present   | Jillene Belchamber-Glazier, Chief Administrative Officer<br>Jennifer Lawrie, Manager of Legislative Services/Clerk<br>Roxana Baumann, Director of Corporate Services<br>Lorie Fioze, Manager Strategic Initiatives<br>Jayne Jagelewski, Director of Community Services<br>Dwayne McNab, Manager of Development Services<br>Corey Voisin, Manager of Operations<br>Adam Weishar, Director of Infrastructure and Development<br>Nicole Bauman, Legislative Services Administrative Assistant<br>Tracey Guy, Deputy Clerk |

### 1. **Call to Order/Roll Call**

Mayor Craig called to order the Regular Meeting of the Council of The Corporation of the Municipality of Kincardine at 5:00 p.m. on Wednesday, September 13, 2023 in the Council Chambers at the Municipal Administration Centre.

#### 1.1 **Land Acknowledgment Statement**

Councillor Blackwell opened the meeting with the Land Acknowledgment Statement.

**2. Amendments, Additions or Deletions To/From the Agenda**

**Resolution # 09/13/23 - 01**

**Moved by:** Amanda Steinhoff-Gray

**Seconded by:** Andrea Clarke

That Council approve the following amendment to the agenda:

1. 6.1 d) Gordon Vala-Webb be added as a delegation on the Sunset Drive Lakeshore Protection Update.

Carried.

**3. Disclosure of Pecuniary Interest and the General Nature Thereof**

Name: Amanda Steinhoff Grey

Item of Business: 6.1 a - Bruce Power Water Supply Agreement, Environmental Services 2023-29

General Nature of Interest: An employee of Bruce Power

Name: Amanda Steinhoff Grey

Item of Business: 6.1.f. 30 Rae Street Karn-Request for Review to Ontario Land

General Nature of Interest: Role as the appellant on this matter and subsequent settlement through the OLT.

Name: Beth Blackwell

Item of Business: 6.1 a - Bruce Power Water Supply Agreement, Environmental Services 2023-29

General Nature of Interest: Partner is an employee of Bruce Power.

Councillor Steinhoff-Grey and Councillor Blackwell left the Council table and did not comment on the business item while these matters were considered.

**4. Adoption of Minutes from Regular and Special Meetings of Council**

**Resolution # 09/13/23 - 02**

**Moved by:** Bill Stewart

**Seconded by:** Mike Hinchberger

That the minutes of the Meetings held on August 9, 2023 (Council) and August 14, 2023 (Council, Public Meeting and Committee of Whole) be adopted as printed.

Carried.

## **5. Matters for Public Participation**

### **5.1 Committee of Adjustment**

**Resolution # 09/13/23 - 03**

**Moved by:** Rory Cavanagh

**Seconded by:** Amanda Steinhoff-Gray

That Council move into Committee of Adjustment and upon completion return to Council.

Carried.

### **5.2 Public Meeting**

#### **a. Jon Wilken - 1380 Concession 11**

Bruce County Planner David Welwood, explained the report and recommendation. Any comments received from Agencies and the Public received by the time of writing the report are in the written report.

**Presentations from the Applicant:** None

**Presentations from the Public:** None

**Questions and Clarifications from Council:** None

**Resolution # 09/13/23 - 04**

**Moved by:** Mike Hinchberger

**Seconded by:** Bill Stewart

That Council Approve Zoning By-law Amendment Application Z-2023-040 for Jon Wilken for 1380 Concession 11, Municipality of Kincardine.

Carried.

### **5.3 Delegations and Presentations**

#### **a. Bruce County Stakeholder Meeting - Development Charges**

Edward Henley, Director of Corporate Services and Treasurer for the County of Bruce, made a presentation on the County's Development Charges including the reasons for the County of Bruce to do development charges and what they would be used for.

Council discussed impact on development charges for affordable and attainable housing, development charge for a new home by the County, that the local municipality will be collecting the fee on behalf of the County, services will be charged by assessment value, and investigating aligning the exemptions and reductions with the lower tiers.

## 6. **Matters for Discussion and Direction**

### 6.1 **Staff Reports**

Councillor Steinhoff-Gray and Councillor Blackwell left the Council Chambers.

- a. Bruce Power Water Supply Agreement, Environmental Services-2023-29

John Peevers, Jennifer Eadie, and Nancy Green from Bruce Power and Andrew Garland from BM Ross were in attendance.

#### **Resolution # 09/13/23 - 05**

**Moved by:** Bill Stewart

**Seconded by:** Rory Cavanagh

That Council direct staff to enter into an agreement with Bruce Power for the supply of Municipal water, to be considered at the October 11, 2023 Council Meeting.

Carried.

Councillor Steinhoff-Gray and Councillor Blackwell returned to the Council Chambers.

- b. Award Durham Street Lift Station Tender, Environmental Services-2023-35

#### **Resolution # 09/13/23 - 06**

**Moved by:** Mike Hinchberger

**Seconded by:** Beth Blackwell

That Council accept the recommendation to award a contract to Birnam Excavating in the amount of \$1,454,690.45 (inclusive of municipal share of HST) for the re-construction of the Durham Street Lift Station; and further

That Council authorize the use of reserve funds from RF67 sewer reserves for the required hydro servicing works and additional engineering costs estimated at \$200,000 associated with the Durham Street Lift Station capital project.

Carried.

- c. One Ton Dump Truck, Operations-2023-20

**Resolution # 09/13/23 - 07**

**Moved by:** Rory Cavanagh

**Seconded by:** Beth Blackwell

That Council award contract OPS RFT 2023-12- 4-Wheel Drive, One-Ton Truck to Montgomery Ford Limited for the tendered amount of \$71,522.01 (including the HST rebate) and;

Further That Council award contract OPS RFT 2023-12-01 Supply and Install of Aluminum Dump Body to the lowest compliant bidder Commander Industries for the tendered amount of \$27,306.28 (including the HST rebate) as per Report Number Operations-2023-20.

Carried.

- d. Sunset Drive Lakeshore Protection Update, Operations-2023-21

**Resolution # 09/13/23 - 08**

**Moved by:** Mike Hinchberger

**Seconded by:** Beth Blackwell

That Council approve the budget increase of \$60,000 for project 9176 Sunset Drive Lakeshore Protection funded from Lifecycle Reserve Fund 82; and

Further that a budget amendment be brought forward at a future council meeting.

Yes (4): Kenneth Craig, Beth Blackwell, Rory Cavanagh, and Doug Kennedy

No (4): Andrea Clarke, Mike Hinchberger, Amanda Steinhoff-Gray, and Bill Stewart

Defeated.

a. Gordon Vala-Webb Delegation

Addition to the Agenda

Mr. Vala-Webb spoke to his objection to the project and requested that the project stopped.

e. Development Agreement – Bradstones Developments Inc.,  
Development Services-2023-30

**Resolution # 09/13/23 - 09**

**Moved by:** Rory Cavanagh

**Seconded by:** Mike Hinchberger

That the Council of the Municipality of Kincardine pass a bylaw to enter into a Development Agreement with Bradstones Developments Inc. and

That the Mayor and Clerk be authorized to execute any documents and agreements on behalf of the Municipality

Carried.

Councillor Steinhoff-Gray left the Council Chambers.

f. 30 Rae Street Karn-Request for Review to Ontario Land Tribunal,  
Development Services-2023-28

**Resolution # 09/13/23 - 10**

**Moved by:** Mike Hinchberger

**Seconded by:** Bill Stewart

That Council direct staff to submit to a Request for Review to the Ontario Land Tribunal to confirm that the approved storm water design and site layout aligns with the Tribunal's decision for Case No PL190104.

Carried.

Councillor Steinhoff-Gray returned to the Chambers.

- g. Transfer of Easements Kelden Development, Development Services-2023-25

**Resolution # 09/13/23 - 11**

**Moved by:** Beth Blackwell

**Seconded by:** Amanda Steinhoff-Gray

That the properties identified as LT 1 PL 664; Huron Terrace, Municipality of Kincardine being part of PIN 33304-0061 and PLAN 10 PARK PT LOT 1, Queen Street Municipality of Kincardine; being Part 1 of PIN 33304-0123 and Part 2 of PIN 33304-0061; be registered as easements by the Municipality of Kincardine for municipal servicing purposes; and

Further that Council authorize the Mayor and Clerk to execute all required documentation on behalf of the Municipality.

Carried.

- h. Petition for Drainage Works - Lot 19 and 20 Concession 8, Bruce Twp, Legislative Services-2023-20

**Resolution # 09/13/23 - 12**

**Moved by:** Bill Stewart

**Seconded by:** Mike Hinchberger

That Council accept the Petition for Drainage Works by Owners for lands at Concession 8 Lot 19 and 20 (former Township of Bruce) filed under Section 4(1) of the Drainage Act, R.S.O. 1990, c.D.17 for a new municipal drain; and further

That Council direct staff to proceed with the required notices under Section 5 of the Drainage Act; and further

That Council appoint R.J. Burnside & Associates Limited to prepare a report for the construction of a new municipal drain based on the petitions received from the Owners.

Carried.

- i. Governance Review Update and Committee Policies, Legislative Services-2023-21

**Resolution # 09/13/23 - 13**

**Moved by:** Andrea Clarke

**Seconded by:** Rory Cavanagh

That Council approve by By-law the Recruitment and Appointment of Advisory Committees of Council and Local Boards Policy, the Advisory Committees of Council and Local Boards Administration Policy; and further

That Council approve the Committee Terms of Reference Template.

Carried.

- j. Proposed Ad-hoc Pier Safety Committee, Emergency Services-2023-05

**Resolution # 09/13/23 - 14**

**Moved by:** Rory Cavanagh

**Seconded by:** Amanda Steinhoff-Gray

That Council approve the establishment of an Ad-hoc Committee for the purposes of seeking recommendations for pier safety at the Kincardine Waterfront.

Carried.

**Amendment:**

**Resolution # 09/13/23 - 15**

**Moved by:** Rory Cavanagh

**Seconded by:** Andrea Clarke

Amend the motion to add "and the immediate adjacent waterfront areas of Station Beach and McPherson Beach; and further

That Council approve the Terms of Reference as amended."



Defeated.

- k. Physician Recruitment Expo Opportunity, Strategic Initiatives-2023-08

**Resolution # 09/13/23 - 16**

**Moved by:** Bill Stewart

**Seconded by:** Mike Hinchberger

That Council approve the international travel required for Municipality of Kincardine staff to participate in two international physician recruitment expos within one trip, as per Policy GG.1.4 and described in Report Strategic Initiatives-2023-08.

Carried.

## **6.2 Addendum Items**

None.

## **7. Matters for Decision**

### **7.1 Notice of Motion - Prior to the Meeting**

- a. Secord Monument

**Resolution # 09/13/23 - 17**

**Moved by:** Andrea Clarke

**Seconded by:** Bill Stewart

That staff be directed to prepare a report with recommendations for Council's consideration related to the Secord Monument including possible options for public engagement.

Carried.

- b. Policy GG. 1.9 Remuneration for Council and Others Update

Councillor Blackwell was not present in the Council Chambers during this vote.

**Resolution # 09/13/23 - 18**

**Moved by:** Andrea Clarke

**Seconded by:** Rory Cavanagh

Whereas HR.03 Compensation and Benefits Policy was approved in August 2023, identifying a standardized process for determining proposed rates for annual staff salary increases; and

Whereas Policy HR.03 identifies that proposed annual increases will be adjusted for inflation using the July to July CPI rates for the previous year, with a maximum increases of 4% and minimum increases of 1% per year; and

Whereas Council compensation increases are guaranteed based on CPI with no identified maximum; and

Whereas Council believes that their compensation increases should be consistent with, rather than potentially higher than, those provided to staff;

Now therefore be it resolved that Policy GG. 1.9 Remuneration for Council and Others be amended to require that actual annual increases to salary and per diem rates be consistent with the annual increase approved for organizational staff through the annual budget cycle process; and further

That other updates and amendments be made as needed to align Policy GG 1.9 with the newly adopted Procedure By-law.

Carried.

Councillor Kennedy left the meeting

c. Short Term Rental Accommodations

**Resolution # 09/13/23 - 19**

**Moved by:** Rory Cavanagh

**Seconded by:** Mike Hinchberger

Whereas an increasing number of residential properties in Ontario are being utilized as short-term rental (STR) accommodations, with the fastest growth occurring in rural areas and small towns (David Wachsmuth, Canada Research Chair in Urban Governance at McGill University); and

Whereas while vacation rentals, in-home bed and breakfasts and temporary rental accommodations have existed for decades, the number of properties being used for short-term rentals has exploded with the advent of multi-national online platforms such as Airbnb and Vrbo; and

Whereas this trend is significantly disrupting traditional housing markets and communities, putting sharp upward pressure on housing prices and depleting scarce long-term rental stock through conversion into short-term accommodations (Impact of Short-Term Rentals on Canadian Housing, CMHC report); and

Whereas across the province, communities are experiencing increased complaints and rising by-law enforcement costs due to parking, noise infractions, garbage, fire safety and neighbourhood disturbances related to STR's; and

Whereas the time required to consult, evaluate options and adopt short-term rental regulations and policies and the licensing and enforcement required to monitor listings and properties represents a significant new cost and responsibility for municipalities, particularly in small and rural areas; and

Whereas other jurisdictions and organizations (Quebec, Scotland, the Union of BC Municipalities) have acknowledged that a comprehensive regulatory approach is more effective than the inconsistent and patchwork polices being introduced at the municipal level in Ontario; now therefore be it

Resolved that the Municipality of Kincardine requests the Government of Ontario to:

1. Establish a provincial regulatory framework for STR's, as soon as possible, in to reduce the administrative and financial burdens borne by municipalities, particularly those in small and rural areas; and
2. Legislate platform accountability for services such as Airbnb and Vrbo, requiring them to validate business licences or permits and to remove listing that do not comply with relevant provincial and municipal regulations; and
3. Work with MPAC to explore options to split or change property classification so that the commercial / hospitality

focused use of a property for short-term rental accommodations is accurately reflected in property tax assessments and rates; and

4. Increase provincial contributions to affordable and subsidized rental housing to address the disruption to long-term housing stock caused by the growth in STRs.

Further that a copy of this resolution be forwarded to the Premier of Ontario (Hon. Doug Ford), the Minister of Municipal Affairs and Housing (Hon. Paul Calandra), local MPPs and the Association of Municipalities of Ontario (AMO).

Carried.

## **7.2 Notice of Motion - At the Meeting**

None.

## **7.3 Motions**

- a. Water and Wastewater Master Plan Update

**Resolution # 09/13/23 - 20**

**Moved by:** Bill Stewart

**Seconded by:** Mike Hinchberger

That Council adopt the final report entitled 2022 Water and Wastewater Servicing Master Plan Update prepared by BM Ross and Associates, dated June 9, 2023 per Report Environmental Services 2023-25.

Carried.

## **7.4 Consideration of By-laws**

**Resolution # 09/13/23 - 21**

**Moved by:** Andrea Clarke

**Seconded by:** Mike Hinchberger

That the following By-laws are hereby read a first, second and third time and finally passed this 13th day of September, 2023:

1. Amendment to Zoning By-law 2003-25, 1380 Concession 11, Municipality of Kincardine (Wilken) By-law 2023 - 149;
2. Award Durham Street Lift RFT #9465 By-law 2023 - 150;
3. Award OPS RFT 2023-12 Contract By-law 2023 - 151;
4. Award OPS RFT 2023-12-01 Contract By-law 2023 - 152;
5. Bradstones Development (2023) Agreement By-law 2023 - 153;
6. Recruitment and Appointment of Advisory Committees of Council and Local Boards Policy By-law 2023 - 154; and
7. Advisory Committees of Council and Local Boards - Administration Policy By-law 2023 - 155

Carried.

## **8. Matters for Information**

### **8.1 Consent Agenda**

Items listed under the Consent Agenda are considered routine and are enacted in one motion as a Matter Arising. The exception to this rule is that a Council member or the Chief Administrative Officer may request one or more items to be removed from the consent agenda for separate discussion and action.

- a. Statistical and Information Reports
  - a. Association of Ontario Municipalities (AMO) Conference Report
  - b. Development Services, July 2023
  - c. Development Services, August 2023
  - d. Environmental Services Compliance Report August 2023, Environmental Services-2023-36
- b. Minutes of Committees and Boards
  - a. Drinking Water Source Protection Committee, March 31, 2023
- c. Communications
  - a. Association of Municipalities of Ontario

- a. Watchfile, August 3, 2023
- b. Watchfile, August 24, 2023
- c. Watchfile, August 31, 2023
- b. Bruce Power - Water Agreement
- c. Emily Jones - Unsafe Walking Routes for our Students Concern
- d. electHER Now - Networking Event
- e. Community Living Kincardine & District August 2023 Newsletter
- f. Motions other Municipalities
  - a. Municipality of Arran-Elderslie - Inclusion and Accessibility Committee
  - b. Municipality of St.Charles - Homelessness
  - c. Town of Plympton-Wyoming - MFIPPA Reform
  - d. Township of Emo - Black Ash Tree - Endangered Species Classification
  - e. Township of Severn - Climate Emergency Just Transition Transfer
  - f. Township of the Archipelago - Request to Establish a Regulatory Framework for Online Travel Agencies

## 8.1 Consent Agenda

- d. Acceptance of Consent Agenda

### **Resolution # 09/13/23 - 22**

**Moved by:** Bill Stewart

**Seconded by:** Andrea Clarke

That Council approve the recommendations contained in the consent agenda dated September 13, 2023 and direct staff to proceed with all necessary administrative actions except 8.1 cc Emily Jones - Unsafe Walking Routes for our Students Concern.

Carried.

**8.2 Members of Council General Announcements**

**8.3 Chief Administrative Officer Announcements**

**9. Confirmatory By-law**

**Resolution # 09/13/23 - 23**

**Moved by:** Amanda Steinhoff-Gray

**Seconded by:** Andrea Clarke

That the By-law to confirm the proceedings of the Council of The Corporation of the Municipality of Kincardine of September 13, 2023 be deemed to be read a first, second and third time, finally passed and numbered as By-law No. 2023 - 156.

Carried.

**10. Adjournment**

**Resolution # 09/13/23 - 24**

**Moved by:** Rory Cavanagh

**Seconded by:** Mike Hinchberger

That this Council Meeting adjourn at 7:55 p.m.

Carried.

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Mayor

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Clerk