

THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

Council Minutes

Wednesday, November 8, 2023

Council Present

Mayor Kenneth Craig
Deputy Mayor Andrea Clarke
Councillor Beth Blackwell
Councillor Rory Cavanagh
Councillor Mike Hinchberger
Councillor Doug Kennedy
Councillor Jennifer Prenger
Councillor Amanda Steinhoff-Gray
Councillor Bill Stewart

Staff Present

Jillene Bellchamber-Glazier, Chief Administrative Officer
Jennifer Lawrie, Manager of Legislative Services/Clerk
Roxana Baumann, Director of Corporate Services
Lorie Fioze, Manager Strategic Initiatives
Jayne Jagelewski, Director of Community Services
Mark O'Leary, Manager of Environmental Services
Corey Voisin, Manager of Operations
Adam Weishar, Director of Infrastructure and Development

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 November 8, 2023 in the Council Chambers at the Municipal Administration Centre.

1.1 **Land Acknowledgment Statement**

Councillor Hinchberger opened the meeting with the Land Acknowledgment Statement.

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

None.

3. Disclosure of Pecuniary Interest and the General Nature Thereof

Name: Rory Cavanagh

Item of Business: 10.1 Dr. Pamela Gill Physician Recruitment Agreement By-law
General Nature of Interest: spouse's professional position and income, as well as having a shareholder interest in the Dr. Angela Cavanagh Medicine Professional Corporation.

Councillor Cavanagh left the Council table and did not comment on the business item while this matter was considered.

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

Resolution # 11/08/23 - 01

Moved by: Rory Cavanagh

Seconded by: Bill Stewart

That the minutes of the Council meetings held on October 25, 2023 be adopted as printed.

Carried.

5. Unfinished Business

None.

6. Matters for Public Participation

6.1 Committee of Adjustment

Resolution # 11/08/23 - 02

Moved by: Beth Blackwell

Seconded by: Mike Hinchberger

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

Carried.

6.2 Public Meeting

a. Applicant: Breyark Homes - Maple Street, Tiverton

Planning Report:

Coreena Smith, Planner, 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: Genevieve Scott, Cuesta Planning, provided a presentation on behalf of the applicant regarding the draft plan of subdivision and draft plan of condominium. The presentation included the types of homes, termination of Maple Street in a cul-de-sac, the required approvals, key policy considerations and the Provincial Policy Statement, information on the traffic study, stormwater management and source water protection.

Keith Reycraft from Breyark Homes and Alexander Orakwue & Chris Togeretz, from Meritech Engineering were present to answer questions.

Presentations from the Public:

Ward Cox spoke to concerns regarding removal of the existing vegetation and trees, snow removal going into Nile Creek, flooding and SVCA flood plains, traffic in the area with only one way in and one way out, loss of green space in the Village of Tiverton, the height of the units and loss of privacy, drainage concern with the clay soil, location of school bus pick up and receiving input from the fire department.

Sara Catto spoke to concerns over the traffic study and the number of cars used in the calculations, flooding issue and SVCA restrictions, privacy issues due to height of proposed development, fencing, and the increase in vehicles in an area near a park.

Jonathon Butt spoke to concerns that the condos do not meet character of the village.

Sandra Newsham spoke to concerns over the height of the development, the traffic study and the number of cars used in the calculations based on current residents in the area, snow removal location, current flooding issues and natural springs, the neighbouring back yards will be lower than development and runoff concerns, and how would it best fit into the village.

Kawa Hasan questioned if there could be an extension of Maple Street to Highway 21 to accommodate new developments in the area.

Questions and Clarifications from Council: Council inquired about the traffic study and the numbers used, PPS 1.6.6.7 re stormwater management and pervious surfaces and the potential to create more pervious services, opening up Maple Street to Manse, sufficient water supply, stormwater management outlet to Nile Creek, maximum building heights, review of impact of other developments with outlets to the Nile Creek, tree protection, affordable housing, and infrastructure concerns and consideration of by-pass.

No decision was required at this meeting. Council will consider the application at a future meeting.

6.3 Delegations and Presentations

a. Stephen Rouse, Airport Update

Stephen Rouse, Airport Manager for the Kincardine Airport, provided an update on the airport. Presentation included repairs to airport runways that have been completed, day to day maintenance of the airport, working with various companies to set up businesses at the airport, food service at the airport, GPS approach has been added, and events at the airport (Walk the Runway, Trillium Fly In).

Council inquired about obtaining a pilot training school, tracking the number of Ornge flights, nature of flights (business or private recreation), and the reasons for the increase in flights.

7. Matters for Discussion and Direction

7.1 Staff Reports

a. Draft Plan of Subdivision S-2022-004 and Zoning By-law Amendment Z-2022-054 (Fast Holdings Ltd.)

Coreena Smith, Planner, explained the report and recommendation.

Resolution # 11/08/23 - 03

Moved by: Andrea Clarke

Seconded by: Doug Kennedy

That Council send notice to the County of Bruce Approval Authority, to approve Draft Plan of Subdivision S-2022-004 by Fast Holdings Ltd. in accordance with the Draft Plan and Conditions of Draft Approval; and

That Council approve Zoning By-law Amendment Z-2022-054 by Fast Holdings Ltd. as attached and the necessary by-law be forwarded to Council for adoption; and

Further that Council resolve that no further notice is necessary with respect to the minor change in the proposed Zoning By-law Amendment in accordance with the provisions of Section 34(17) of the Planning Act.

Carried.

- b. IT Services Agreement, -2023-31

CAO Derrick Thomson and Mike Kirkpatrick, Director, Information Technology and Services from the County of Bruce were present.

Resolution # 11/08/23 - 04

Moved by: Rory Cavanagh

Seconded by: Beth Blackwell

That Council approve the attached IT Services Agreement with the County of Bruce; and

Further that the Base Cost of \$100,000 be included in the draft 2024 budget.

Carried.

- c. 2023 Budget Amendment Dredging, Parks Facilities-2023-19

Resolution # 11/08/23 - 05

Moved by: Rory Cavanagh

Seconded by: Doug Kennedy

That Council approve a budget amendment of an additional \$167,505 for the purposes of dredging the Kincardine Marina, for a total project cost of \$317,505; and

Further that, the project be funded from the Marina Reserve Fund 69 (\$74,000), Kincardine Yacht Club financial contribution of (\$85,000) and through the 2024 Marina Operating Budget (\$158,505).

Carried.

- d. Budget Amendment Fuel Tanks, Parks Facilities-2023-20

Resolution # 11/08/23 - 06

Moved by: Rory Cavanagh

Seconded by: Mike Hinchberger

That Council approve a 2023 budget amendment in the amount of \$328,000 for the removal and installation of above-ground fuel tanks located at the Kincardine Marina; and

That the replacement of the tanks be funded through any balance remaining in the Marina RF 69 such that this fund in is depleted entirely (estimated at \$150,000); and

Further that the estimated unfunded portion remaining of (\$178,000) be funded by a repayment of the annual Marina profits until the amount is repaid in full (estimated at 3 - 4 years payback).

Carried.

- e. Expansion of the Kincardine Water Supply System and Treatment Plant Schedule 'C' EA Update, Environmental Services-2023-43

Resolution # 11/08/23 - 07

Moved by: Mike Hinchberger

Seconded by: Bill Stewart

That Council direct staff to issue the Notice of Expansion of the Kincardine Water Supply System and Treatment Plant Schedule C Municipal Class Environmental Assessment Environmental Study Report (ESR) for public review.

Carried.

- f. Roach Mutual Agreement Drain, Environmental Services-2023-38

Resolution # 11/08/23 - 08

Moved by: Doug Kennedy

Seconded by: Rory Cavanagh

That Council accepts the Mutual Agreement Drain (MAD) report as provided and pass a By-law to authorize the Agreement.

Carried.

- g. The Use and Installation of Community Safety Zones and Traffic Calming Implementation Policy, Operations-2023-25

Resolution # 11/08/23 - 09

Moved by: Bill Stewart

Seconded by: Andrea Clarke

That Council approve The Use and Installation of Community Safety Zones Policy as presented; and further

That Council approve the Traffic Calming Implementation Policy as presented.

Deferred.

Amendment:

Resolution # 11/08/23 - 10

Moved by: Beth Blackwell

Seconded by: Doug Kennedy

That this motion be deferred for four weeks to allow for additional review.

Carried.

- h. Traffic and Parking By-Law Amendment, Operations-2023-24

Resolution # 11/08/23 - 11

Moved by: Rory Cavanagh

Seconded by: Andrea Clarke

That the amendments as set out in Report Operations-2023-34 to the Traffic and Parking By-law No. 2019-165 be approved as amended with removal of the reference to mobility scooters; and

That the section on mobility scooters be referred to the Accessibility Advisory Committee for comment with a report to come back to Council in January.

Carried.

7.2 Addendum Items

None.

8. Matters for Decision

8.1 Notice of Motion - Prior to the Meeting

- a. Enhancing Quality of Life

Resolution # 11/08/23 - 12

Moved by: Mike Hinchberger

Seconded by: Doug Kennedy

Whereas the Integrated Strategy 2.0 contains Focus Area C: Enhancing quality of life; and

Whereas this focus area includes Strategic Objective 9: Enhance the experience at the lakefront; and

Whereas this focus area also includes Strategic Objective 8: Create vibrant parks, green space, recreation facilities and programs for residents or visitors of all ages and abilities; and

Whereas this strategic objective includes Action 8.5: Enhance pedestrian and cycling amenities to improve active and safe transportation networks;

Whereas it is recognized that the value of having active transportation networks extends to all seasons; and

Whereas the completion of Project 9165 Durham St/Lambton St/Saugeen St (Parent) resulted in the construction of a multi-use asphalt surface running parallel to Saugeen Street on the West side of the roadway between Durham Street and Lambton Street, and

there being no other sidewalk for pedestrian travel along this section of Saugeen Street; and

Whereas there is also a multi-use asphalt surface running in a North-South direction through an unopened road allowance between Dunsmoor and MacPherson Parks, connecting Lambton Street and Harbour Street; and

Whereas many pedestrians use these routes in all seasons in an active transportation capacity, for reasons that include the enjoyment of the experience at the lakefront; and

Further that Council direct Staff to consider these two (2) sections of asphalt surface to be sidewalks during the period of NOV15 – APR 15 annually; and included in the municipal winter maintenance program for sidewalks during this period of time.

Carried.

8.2 Notice of Motion - At the Meeting

None.

8.3 Motions

None.

8.4 Consideration of By-laws

a. Motion to Pass By-laws

Resolution # 11/08/23 - 13

Moved by: Bill Stewart

Seconded by: Mike Hinchberger

That the following By-laws are hereby read a first, second and third time, and finally passed this 8th day of November, 2023:

1. Information Technology Services (2023) By-law 2023 - 184
3. Roach Drain Agreement (2023) By-law 2023 - 185
4. Traffic and Parking Amendment (3) By-law 2023 - 186

Carried.

Resolution # 11/08/23 - 14

Moved by: Beth Blackwell

Seconded by: Amanda Steinhoff-Gray

That the hour of automatic adjournment be extended to the completion of tonight's business.

Carried.

- b. Fast Holding

Resolution # 11/08/23 - 15

Moved by: Bill Stewart

Seconded by: Andrea Clarke

That the "Amendment to Zoning By-law 2003-25 - Fast Holdings Ltd. By-law" be deemed to be read a first, second and third time, finally passed and numbered as By-law No. 2023 - 183.

Yes (7): Kenneth Craig, Andrea Clarke, Beth Blackwell, Rory Cavanagh, Mike Hinchberger, Doug Kennedy, and Bill Stewart

No (2): Jennifer Prenger, and Amanda Steinhoff-Gray

Carried.

9. Matters for Information

9.1 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. Administrative Motions
- b. Statistical and Information Reports
 - a. Finance Statement of Operations - to 10/30/23
 - b. Finance Capital Variance Report - To 10/30/23
 - c. Water Testing Program, Environmental Services-2023-42

- d. Environmental Services Compliance Report September and October 2023, Environmental Services-2023-40
- e. Integrity Commissioner Service Proposal, Legislative Services-2023-25
- c. Minutes of Committees and Boards
 - a. Heritage Kincardine Minutes - September 5, 2023
 - b. Saugeen Mobility and Regional Transit, September 15, 2023
 - c. Saugeen Valley Conservation Authority, September 21, 2023
 - d. Saugeen Valley Conservation Authority Special Meeting, September 21, 2023
 - e. BASWR, October 26, 2023
 - f. BIA, September 19, 2023
 - g. BIA, October 17, 2023
- d. Communications
 - a. Association of Municipalities of Ontario
 - a. Watchfile, October 19, 2023
 - b. Ministry of Transportation - Micromobility Pilot Transformation
 - c. County of Bruce - Bill 134 - Changes to the Definition of Affordable Residential Unit under the Development Charges Act
 - d. SVCA - Draft Budget 2024
 - e. Clean Energy Frontier October 2023 Newsletter
 - f. Motions other Municipalities
 - a. City of Thunder Bay - Intimate Partner Violence
 - b. Greater Napanee - Catch and Release Justice
 - c. Greater Napanee - Provincial Legislation for Third-Party Short-Term Rental Companies

- d. Municipality of Wawa - Provincial Legislation for Third-Party Short-Term Rental Companies
- e. Municipality of West Grey - Childcare availability in Ontario
- f. Municipality of North Perth - Catch and Release Justice in Ontario
- g. Municipality of North Perth - Social and Economic Prosperity Review
- h. Municipality of North Perth - Till Death Do Us Part Act
- i. Town of Aurora - Cannabis Retail Applications for the Town of Aurora
- j. Town of Goderich - Illegal Car Rally - Provincial Task Force
- k. Town of Parry Sound - Request to Change Highway Traffic Act to allow Automated Enforcement Systems on all Roadways
- l. Town of Rainy River - Water Treatment Training
- m. Township of Clearview - Establishing a Guaranteed Livable Income
- n. Township of Clearview - Illegal Car Rallies
- o. Township of East Hawkesbury - Support for Bill 21, Fixing Long-Term Care Amendment Act
- p. Township of Machar - Provincial Legislation for Third-Party Short-Term Rental Companies
- q. Township of Terrace Bay - Opposition to Strong Mayor Powers
- r. Township of West Lincoln - Intimate Partner Violence as an Epidemic
- s. Town of Huntsville - Floating Accommodations

9.1 Consent Agenda

- e. Acceptance of Consent Agenda

Resolution # 11/08/23 - 16

Moved by: Beth Blackwell
Seconded by: Rory Cavanagh

That Council approve the recommendations contained in the consent agenda dated November 8th, 2023 and direct staff to proceed with all necessary administrative actions.

Carried.

9.2 Members of Council General Announcements

9.3 Chief Administrative Officer Announcements

10. Closed Session

Resolution # 11/08/23 - 17

Moved by: Beth Blackwell
Seconded by: Amanda Steinhoff-Gray

That Council move into closed session pursuant to Section 239 (2) of the *Municipal Act, 2001*, as amended for the following:

- 1) Approval of Minutes dated October 25, 2023;
- 2) For the Purpose of a trade secret or scientific, technical, commercial or financial information that belongs to the Municipality or Local Board and has monetary value or potential monetary value, (Integrity Commissioner);
- 3) For the purpose of personal matters about an identifiable individual, including municipal or Local Board employees, or potential appointees to a Local Board, Ad-Hoc Committee, or other municipally controlled organization (Physician Recruitment Update); and

Further, that Council return to Regular open meeting upon completion.

Carried.

10.1 Matters Arising from Closed Session

Councillor Cavanagh declared a pecuniary interest in the closed session on the item considering the Physician Recruitment Update (3).

Mayor Craig reported that a closed session had been held and

1. The Closed minutes of the October 25, 2023 meeting were approved,

2. Council discussed the Integrity Commissioner RFP (a trade secret or scientific, technical, commercial or financial information that belongs to the Municipality or Local Board and has monetary value or potential monetary value) and Staff were directed to place a by-law on the open meeting agenda of November 22, 2023 to consider the of appointment of Principles Integrity as the Integrity Commissioner.

3. Council received a Physician Recruitment Update (personal matters about an identifiable individual) and direction was provided to staff in the closed session regarding physician recruitment agreements. Staff were directed to place a by-law on the open meeting agenda for consideration of a new physician recruitment agreement.

Resolution # 11/08/23 - 18

Moved by: Bill Stewart

Seconded by: Doug Kennedy

That the “Dr. Pamela Gill Physician Recruitment Agreement By-law” be deemed to be read a first, second and third time, finally passed and numbered as By-law No. 2023 - 187.

Carried.

11. Confirmatory By-law

Resolution # 11/08/23 - 19

Moved by: Rory Cavanagh

Seconded by: Andrea Clarke

That the By-law to confirm the proceedings of the Council of The Corporation of the Municipality of Kincardine of November 8, 2023 be deemed to be read a first, second and third time, finally passed and numbered as By-law No. 2023 - 188.

Carried.

12. Adjournment

Resolution # 11/08/23 - 20

Moved by: Bill Stewart

Seconded by: Beth Blackwell

That this Council Meeting adjourn at 8:31 p.m.

Carried.

Mayor

Clerk