

THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

Council Minutes

Wednesday, December 13, 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
Lorie Fioze, Manager Strategic Initiatives
Jayne Jagelewski, Director of Community Services
Karen Kieffer, Manager of Recreation
Dwayne McNab, Manager of Development Services
Mark O'Leary, Manager of Environmental Services
Corey Voisin, Manager of Operations
Adam Weishar, Director of Infrastructure and Development
Nicole Bauman, Legislative Services Administrative Assistant

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 December 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 # 12/13/23 - 01

Moved by: Beth Blackwell

Seconded by: Doug Kennedy

That Council approve the following amendment to the agenda:

1. Appointment By-law Enforcement Officers (Municipal Support Services Inc) 2023 By-law be added as 8.4 D.

Carried.

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

Name: Beth Blackwell

Item of Business: 7.1 f - Bruce Power Water Agreement Completion of Phase I Work and Phase II Scope of Work, Environmental Services-2023-48

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

Name: Jennifer Prenger

Item of Business: 7.1 f - Bruce Power Water Agreement Completion of Phase I Work and Phase II Scope of Work, Environmental Services-2023-48

General Nature of Interest: Primary employment is with Bruce Power

Name: Amanda Steinhoff-Grey

Item of Business: 7.1 f - Bruce Power Water Agreement Completion of Phase I Work and Phase II Scope of Work, Environmental Services-2023-48

General Nature of Interest: Primary employment is with Bruce Power

Name: Rory Cavanagh

Item of Business: 7.1 j - Kincardine Skating Club Facility Use Agreement, Parks Facilities-2023-21

General Nature of Interest: indirect pecuniary interest for the Kincardine Skating Club Facility Use Agreement as I have children that are members of the program

Name: Andrea Clarke

Item of Business: 7.1 j - Kincardine Skating Club Facility Use Agreement, Parks Facilities-2023-21

General Nature of Interest: indirect pecuniary interest as my children are a member of the skating club.

Councillors Blackwell, Prenger, Steinhoff-Grey and Cavanagh and Deputy Mayor Clarke left the Council table and did not comment on the business item while the matter was considered.

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

Resolution # 12/13/23 - 02

Moved by: Rory Cavanagh

Seconded by: Bill Stewart

That the minutes of the Council meetings held on November 22, 2023 be adopted as printed.

Carried.

5. **Unfinished Business**

6. **Matters for Public Participation**

6.1 Presentations

a. Kincardine Cardinals

The Kincardine Cardinals were presented plaques as the Ontario Baseball Association 13U D Provincial Champions.

b. Kincardine Cubs

The Kincardine Cubs were presented plaques as the Baseball Ontario Senior AA Provincial Champions.

c. Employee Service Recognition, Human Resources-2023-33

The Municipality of Kincardine recognized employees and firefighters who reached 5, 10, and 15 years of continuous service in 2023 and retirees.

6.2 Public Meeting

a. Applicant: Brandon Finnie - 26 Parkwood Road

Planning Report:

Julie Steeper, Bruce County 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: Dana Kieffer, Cobide Engineering was in attendance to answer questions if required.

Presentations from the Public: None.

Questions and Clarifications from Council: None.

Resolution # 12/13/23 - 03

Moved by: Andrea Clarke

Seconded by: Mike Hinchberger

That Council approve Zoning By-law Amendment application Z-2023-073 for Brandon Finnie for 26 Parkwood Road, Municipality of Kincardine.

Carried.

- b. Applicant: Jeff and Sherri Eby - 4073 Highway 21

Planning Report:

Jake Bousfield-Bastedo, Bruce County 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: Jeff Eby was in attendance to answer questions if required.

Presentations from the Public: None

Questions and Clarifications from Council: None

Resolution # 12/13/23 - 04

Moved by: Rory Cavanagh

Seconded by: Bill Stewart

That Council approve Zoning By-law Amendment Application Z-2023-078 for Jeff and Sherri Eby for a portion of Concession 11, Lot 5 (4073 Highway 21) in the Geographic Township of Bruce in the Municipality of Kincardine

Carried.

- c. Applicant: Alex and Rebecca Austman - 554 Huron Terrace

Planning Report:

Julie Steeper, 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 and two comments received after the posting of the report were read.

Presentations from the Applicant: Rebecca and Alex Austman were in attendance and answered questions.

Presentations from the Public: None.

Questions and Clarifications from Council: Council inquired about history and original size of lot or when merged, and reduced side yard set backs.

Resolution # 12/13/23 - 05

Moved by: Beth Blackwell

Seconded by: Andrea Clarke

That Council approve Zoning By-law Amendment application Z-2023-085 for Alex and Rebecca Austman at 554 Huron Terrace, Municipality of Kincardine

Carried.

- d. Applicant: Municipality of Kincardine - Housekeeping Amendment
Julie Steeper, Planner will explain 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 # 12/13/23 - 06

Moved by: Mike Hinchberger

Seconded by: Rory Cavanagh

That Council approve Zoning By-law Amendment application Z-2023-096 for the Municipality of Kincardine.

Carried.

6.3 Delegations

- a. Dr. Chris Houser, Smart Beach

Dr. Chris Houser provided a presentation on the Smart Beach Project including the background, purpose of the project, beach user survey, and integrated sensor model and next steps.

Council inquired about monitor location, AI modeling and feedback from lifeguards, the general public and other local subject matter experts.

7. **Matters for Discussion and Direction**

7.1 **Staff Reports**

- a. Comprehensive Zoning By-law Project Update, Development Services-2023-40

Nick Bogaert from MHBC Planning, Urban Design & Landscape Architecture Consulting provided the presentation.

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

The motion on this report was deferred at the November 8, 2023 meeting.

Resolution # 12/13/23 - 07

Moved by: Bill Stewart

Seconded by: Jennifer Prenger

That this be deferred and be brought back to Council in Q1 2024.

Carried.

- c. Electric Vehicle ChargeON Grant, Operations-2023-26

Resolution # 12/13/23 - 08

Moved by: Mike Hinchberger

Seconded by: Rory Cavanagh

That Council direct staff to submit an application to the Ministry of Transportation for the Electric Vehicle (EV) ChargeON Program Grant.

Carried.

- d. Updated Frozen Water Procedure, Environmental Services-2023-41

Resolution # 12/13/23 - 09

Moved by: Amanda Steinhoff-Gray

Seconded by: Mike Hinchberger

That Council rescind the previous policy ES 5.1 Frozen Water Policy approved by Resolution #03/09/16-03, and support Report Environmental Services 2023-41 and implementing a new procedure for Frozen Water Services as presented.

Carried.

- e. Tiverton Water Supply, Environmental Services-2023-44

Resolution # 12/13/23 - 10

Moved by: Bill Stewart

Seconded by: Rory Cavanagh

That Council support the recommendation brought forward to begin an Environmental Assessment process for the review of the Tiverton Water Supply, and

Further that Council supports a 2024 pre-budget approval in the amount of \$200,000 to be funded from Water Reserve RF68 for this project.

Carried.

- f. Bruce Power Water Agreement Completion of Phase I Work and Phase II Scope of Work, Environmental Services-2023-48

Councillor Blackwell, Councillor Prenger and Councillor Steinhoff-Gray left the meeting.

Resolution # 12/13/23 - 11

Moved by: Bill Stewart

Seconded by: Doug Kennedy

That Council direct the Mayor and Clerk to execute the letter of agreement regarding phase 1 completion of work and waiver.

Carried.

Councillor Blackwell, Councillor Prenger and Councillor Steinhoff-Gray returned to the meeting.

- g. Mt. Forest Ave. Reconstruction Tender, Environmental Services-2023-47

Resolution # 12/13/23 - 12

Moved by: Beth Blackwell

Seconded by: Doug Kennedy

That Council award the contract for reconstruction of Mt. Forest Ave. to Omega Contractors Inc. in the amount of \$1,116,482.11 inclusive of the non-refundable portion of HST.

Carried.

- h. Mt. Forest Ave Cost Sharing Agreement, Development Services-2023-36

Resolution # 12/13/23 - 13

Moved by: Rory Cavanagh

Seconded by: Mike Hinchberger

That Council enter into a Cost Sharing Agreement with Ontario Peninsula Farms Ltd. and 13428290 Canada Inc. for the purpose of upgrading Mt. Forest Ave. to support future development while completing reconstruction of an amortized asset;

That the 2023 Capital Budget be amended to increase the municipal funding contribution by \$380,000 using the funding sources identified in staff report Development Services-2023-36;

That the Mayor and Clerk be authorized to sign all documentation.

Carried.

- i. Kincardine Ave Servicing Extension Tender, Development Services-2023-42

Resolution # 12/13/23 - 14

Moved by: Mike Hinchberger
Seconded by: Doug Kennedy

That Council award the Kincardine Avenue Servicing Extension tender contract to the low bidder Omega Contractors Inc. for the tendered amount of \$1,723,500.72 contingent upon a signed cost sharing agreement with benefitting landowners.

Carried.

- j. Kincardine Skating Club Facility Use Agreement, Parks Facilities-2023-21

Deputy Mayor Clarke and Councillor Cavanagh left the meeting.

Resolution # 12/13/23 - 15

Moved by: Amanda Steinhoff-Gray
Seconded by: Bill Stewart

That Council approve the Kincardine Skating Club Agreement for a one-year term.

Carried.

Deputy Mayor Clarke and Councillor Cavanagh returned to the meeting.

- k. Interim Ladders at the Kincardine Pier Motion, Parks Facilities-2023-22

Resolution # 12/13/23 - 16

Moved by: Bill Stewart
Seconded by: Beth Blackwell

That the Piers be closed until March 1st, 2024.

Carried.

7.2 Addendum Items

None.

8. Matters for Decision

8.1 Notice of Motion - Prior to the Meeting

None provided.

8.2 Notice of Motion - At the Meeting

None.

8.3 Motions

- a. Call for an Amendment to the Legislation Act, 2006

Resolution # 12/13/23 - 17

Moved by: Bill Stewart

Seconded by: Amanda Steinhoff-Gray

That the Municipality of Kincardine support the Township of McKellar's Resolution No. 23-671 regarding a call for an Amendment to the Legislation Act, 2006 to include digital publications as an acceptable means of publication and notice requirements for Provincial Acts and Regulations.

Carried.

- b. Support Bill C-310

Resolution # 12/13/23 - 18

Moved by: Jennifer Prenger

Seconded by: Bill Stewart

That the Municipality of Kincardine support the Municipality of Wawa's Resolution No. RC23265 requesting the Government of Canada to support Bill C-310 and enact amendments to subsections 118.06 (2) and 118.07 (2) of the Income Tax Act in order to increase the amount of the tax credits for volunteer firefighting and search and rescue volunteer services from \$ 3,000 to \$10,000; and

That a copy of the resolution be shared with the MP Ben Lobb, Association of Fire Chiefs of Ontario, and Association of Municipalities of Ontario.

Carried.

- c. Automated Speed Enforcement Systems on Municipal Roadways

Resolution # 12/13/23 - 19

Moved by: Rory Cavanagh

Seconded by: Amanda Steinhoff-Gray

That the Municipality of Kincardine support the Municipality of Wawa's Resolution No. RC23261 requesting the Ontario Government amend s.205. 1 of the Highway Traffic Act to permit municipalities to locate an Automated Speed Enforcement system permanently or temporarily on any roadway under the jurisdiction of municipalities and as determined by municipalities and not be restricted to only community safety zones and school safety zones.

Carried.

- d. Appoint Acting Clerk

Resolution # 12/13/23 - 20

Moved by: Beth Blackwell

Seconded by: Doug Kennedy

That Chief Administrative Officer Jillene Bellchamber-Glazier be appointed Acting Clerk, when it is necessary for the Clerk to leave the meeting, for the purpose of taking minutes for the December 13, 2023 closed and open meetings.

Carried.

8.4 Consideration of By-laws

- a. 2024 Rates and Fees Amendment (1) By-law

Resolution # 12/13/23 - 21

Moved by: Mike Hinchberger

Seconded by: Andrea Clarke

That the "2024 Rates and Fee Amendment (1) By-law" be deemed to be read a first, second and third time, finally passed and numbered as By-law No. 2023 - 197.

Carried.

- b. Appoint Ron Simmons and Matt Cottrill as Interim Acting Fire Chief

Resolution # 12/13/23 - 22

Moved by: Rory Cavanagh

Seconded by: Jennifer Prenger

That the “Appoint Ron Simmons and Matt Cottrill as Interim Acting Fire Chief” be deemed to be read a first, second and third time, finally passed and numbered as By-law No. 2023 - 198.

Yes (8): Kenneth Craig, Andrea Clarke, Beth Blackwell, Rory Cavanagh, Mike Hinchberger, Doug Kennedy, Jennifer Prenger, and Amanda Steinhoff-Gray

No (1): Bill Stewart

Carried.

- c. By-laws from Meeting

Resolution # 12/13/23 - 23

Moved by: Mike Hinchberger

Seconded by: Bill Stewart

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

1. Amendment to Comprehensive Zoning By-law 2003-25, CON 11 LOT 5, Municipality of Kincardine (Former Township of Bruce) (Eby) By-law No. 2023 - 199;

2. Amendment to Comprehensive Zoning By-law 2003-25, CON A PT LOTS 47 AND 48 RP; 3R1377 PT PARTS 2 AND 3 [Finnie] By-law No. 2023 - 200;

3. Amendment to Comprehensive Zoning By-law 2003-25, TP S PT LOT 21 N PT LOT 22; HURON TERRACE W/S [Austman] By-law No. 2023 - 201;

4. Amendment to Comprehensive Zoning By-law 2003-25, Municipality of Kincardine [Kincardine Housekeeping] By-law No. 2023 - 202;

5. Mount Forest Avenue (Omega Contractors Inc.) Tender Acceptance By-law No. 2023 - 203;

6. Mount Forest Avenue Cost Sharing Agreement (2023) By-law No. 2023 - 204;

7. 2023 Budget Amendment (3) By-law No. 2023 - 205; and

8. Award Tender #RFT ES 2023-21301 By-law 2023 - 207.

Carried.

- d. Appoint By-law Enforcement Officers (Municipal Support Services Inc.) 2023 By-law

Note - was added to the agenda but was not considered.

- e. Bruce Power Letter Agreement (2023) By-law No. 2023 - 206;

Councillor Blackwell, Councillor Prenger and Councillor Steinhoff-Gray left the table during consideration of this motion.

Resolution # 12/13/23 - 24

Moved by: Rory Cavanagh

Seconded by: Mike Hinchberger

That the “Bruce Power Letter Agreement (2023) By-law” be deemed to be read a first, second and third time, finally passed and numbered as By-law No. 2023 - 206.

Carried.

- f. Figure Skating Club Agreement (2023) By-law

Deputy Mayor Clarke and Councillor Cavanagh left the table during consideration of this motion.

Resolution # 12/13/23 - 25

Moved by: Mike Hinchberger

Seconded by: Bill Stewart

That the “Figure Skating Club Agreement (2023) By-law” be deemed to be read a first, second and third time, finally passed and numbered as By-law No. 2023 - 208.

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. Statistical and Information Reports
 - a. Environmental Services Compliance Report November 2023, Environmental Services-2023-45
 - b. November 2023 Building Report
- b. Minutes of Committees and Boards
 - a. Pier Safety Ad-Hoc Minutes - November 16, 2023
 - b. Accessibility Advisory Committee Minutes
 - c. Saugeen Valley Conservation Authority, October 19, 2023
- c. Communications
 - a. Rural Medicine Retreat Team - Thank you
 - b. Multi-Municipal Energy Working Group - Minutes and Letter to IESO
 - c. Saugeen Valley Conservation Authority - 2024 Meeting Schedule
 - d. AMO - Watchfile November 23, 2023
 - e. Municipality of South Bruce - Ontario Association of Sewage Industry Services
 - f. Municipality of Grey Highlands - Battery Energy Storage Systems
 - g. Motions other Municipalities
 - a. Amendment to the Legislation Act, 2006
 - b. Guaranteed Livable Income

- c. Gender-based and intimate partner violence an epidemic in Ontario
- d. Bill 21, Fixing Long-term Care Amendment Act
- e. Cigarette Producer Responsibility
- f. Support Tax Credit for Firefighters
- g. Proposal to Expand the use of Permit-by-Rule
- h. Conservation Officer Reclassification
- i. Chronic Pain Treatment Support
- j. Unnecessary Noise - Engine Brakes
- k. 1/3 Funding Grant Programs
- l. Provincial Consideration for Amendments to the Residential Tenancies Act
- m. Ontario Works Financial Assistance Rates
- n. Strong Mayor Powers and Leave to Construct Threshold
- o. Amend Highway Traffic Act for Use of Automated Speed Enforcement Systems
- p. Illegal Land Use Enforcement

9.1 Consent Agenda

- d. Acceptance of Consent Agenda

Resolution # 12/13/23 - 26

Moved by: Doug Kennedy

Seconded by: Bill Stewart

That Council approve the recommendations contained in the consent agenda dated December 13, 2023 and direct staff to proceed with all necessary administrative actions.

Carried.

9.2 Members of Council General Announcements

Resolution # 12/13/23 - 27

Moved by: Andrea Clarke
Seconded by: Rory Cavanagh

That the hour of automatic adjournment be extended to until the close of business

Defeated.

Resolution # 12/13/23 - 28

Moved by: Beth Blackwell
Seconded by: Rory Cavanagh

That the automatic hour of adjournment be extended to deal with the first issue in the closed session.

Carried.

9.3 Chief Administrative Officer Announcements

10. Closed Session

Resolution # 12/13/23 - 29

Moved by: Beth Blackwell
Seconded by: Rory Cavanagh

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

- 1) The minutes dated November 22, 2023;
- 2) A proposed or pending acquisition of land by the Municipality or Local Board (acquisition of land for Booster Station); and

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

Carried.

10.1 Matters Arising from Closed Session

Councillor Blackwell, Councillor Prenger, and Councillor Steinhoff-Gray declared a Pecuniary Interest in the Closed Session regarding the proposed or pending acquisition of land by the Municipality or Local Board (acquisition of land for Booster Station) item.

Mayor Craig reported that a closed session had been pursuant to Section 239 (2) of the Municipal Act, 2001, as amended and the following was considered:

- 1) The minutes dated November 22, 2023 were approved;
- 2) A proposed acquisition of land by the Municipality regarding the acquisition of land for Booster Station was discussed and direction on that topic was provided to staff.

11. Confirmatory By-law

Resolution # 12/13/23 - 30

Moved by: Andrea Clarke

Seconded by: Bill Stewart

That the By-law to confirm the proceedings of the Council of The Corporation of the Municipality of Kincardine of December 13th, 2023 be deemed to be read a first, second and third time, finally passed and numbered as By-law No. 2023 - 209.

Carried.

12. Adjournment

Resolution # 12/13/23 - 31

Moved by: Mike Hinchberger

Seconded by: Bill Stewart

That this Council Meeting adjourn at 8:09 p.m.

Carried.

Mayor

Clerk