

THE CORPORATION OF THE MUNICIPALITY OF KINCARDINE

Committee of the Whole Agenda

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Wednesday, January 16, 2019

1.0 **CALL TO ORDER**

The Committee of the Whole (C O W) meeting of the Council of The Corporation of the Municipality of Kincardine will be called to Order at ____ p.m. on Wednesday, January 16, 2019, in the Council Chambers at the Municipal Administration Centre.

2.0 **ROLL CALL**

Mayor Anne Eadie
Deputy Mayor Marie Wilson
Councillor Maureen Couture
Councillor Dave Cuyler
Councillor Gerry Glover
Councillor Laura Haight
Councillor Doug Kennedy
Councillor Randy Roppel
Councillor Bill Stewart

Staff Present

Sharon Chambers, Chief Administrative Officer
Donna MacDougall, Clerk
Michele Barr, Director of Building & Planning

3.0 **AMENDMENTS, ADDITIONS OR DELETIONS TO/FROM THE AGENDA**

4.0 **DISCLOSURE OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

| <u>Name</u> | <u>Item of Business</u> | <u>General Nature of Interest</u> |
|--------------------|--------------------------------|--|
|--------------------|--------------------------------|--|

5.0 **ADOPTION OF MINUTES OF C O W MEETINGS**

Motion #01/16/19 C O W -

Moved by:

Seconded by:

THAT the minutes of the C O W meeting held on [January 9, 2019](#) be adopted as printed.

6.0 **ITEMS FOR DISCUSSION FROM COUNCIL MEETING**

7.0 **DELEGATIONS**

7.1 **Warren Howard, Wind Concerns Ontario – [Delegation Request Form, Presentation](#)**

7.2 **Kim Scott and Kathleen Davey, The Grey Bruce We C.A.R.E. Project – [Delegation Request Form, Presentation](#)**

8.0 REPORTS**8.1 Building and Planning****Report No: CBO 2019-01****Subject: Exemption to the Sign By-law – Rowe Motors**

Recommendation: THAT the Council of the Municipality of Kincardine hereby authorize an exemption to Section 4.4 (iv) of By-law No. 2003-136 in order to allow Rowe Motors to erect a pylon sign with 0 metres minimum clear distance from grade to underside of sign at 520 Broadway Street subject to a survey being provided to clarify the property location.

Date to be considered by Council: January 16, 2019

Report Summary: Rowe Motors has submitted an application to erect a pylon sign, approximately 5.7 metres (18' 8") in height by 2.2 metres (85") wide at 520 Broadway Street.

The Sign By-law requires a minimum clear distance of 2.4 metres from grade to underside of sign. As a result, the request requires an exemption to the Sign By-law.

The sign is proposed to be erected in the current location of the existing sign along Broadway Street replacing the current sign. See Schedule 'A'. The owner has verbally indicated that the sign will be 1 metre from the property line. The Municipality has no survey on file to clarify the location of the sign and from previous correspondence there has been discussion on the cars parked along Broadway being on the road allowance.

Recommendation that a survey be provided to clarify the property boundary to address both the sign and vehicle parking.

Origin: Applicant Request

Existing Policy: By-law No. 2003-136 being a By-law to Regulate or Prohibit Signs within the Municipality of Kincardine.

Background/Analysis: Rowe Motors has submitted an application to erect a pylon sign, approximately 5.7 metres (18' 8") in height by 2.2 metres (85") wide and be continuous to grade level, at 520 Broadway Street.

The sign is proposed to be erected in the current location of the existing sign along Broadway Street replacing the current sign. See Schedule 'A'. The owner has verbally indicated that the sign will be 1 metre from the property line. The Municipality has no survey on file to clarify the location of the sign and from previous correspondence there has been discussion on the cars parked along Broadway being on the road allowance.

In February 2018, a zoning compliance letter was issued to the current owner's lawyer indicating that vehicle parking has encroached onto the municipal road allowance. It was noted that the vehicles must be on the subject property as laid out by the Site Plan. Public Works has indicated that the cars are subject to damage during the snow ploughing. The parking has not been resolved to date.

I would suggest that the owners provide a survey to clarify the property lines and address both issues.

520 Broadway Street is zoned commercial as per the Comprehensive Zoning By-law No. 2003 - 25.

Section 4.4 (iv) of the sign By-law states that *A pylon sign shall have a minimum clear distance of 2.4 meters (7.9 feet) from grade to underside of sign.*

Therefore, Rowe Motors is requesting an exemption to the sign by-law to allow for a pylon sign with a maximum height of approximately 5.7 metres (18' 8") and a minimum clear distance of 0 metres from grade of underside of sign.

Community Plan and Integrated Community Sustainability Plan (ICSP)

Considerations: n/a

Financial Implications: 2018 Rates and Fees By-law

Attachments: [Schedule 'A' – Sign Site Plan](#) & [Schedule 'B' – Sign Design](#)

8.2 Corporate Services**(A) CLE 2019-01**

Subject: Procedure By-law Amendment (Day/Time of Council Meetings)

Recommendation: Council finalise decision on potential change in meeting day/time.

Date to be considered by Council: January 23, 2019

Report Summary: In response to proposal to change the day/time of the meetings of Council/Committee of the Whole (C O W), information is being provided regarding the implications of making a change.

Origin: Council member's proposal

Existing Policy: Procedure By-law No. 2013 - 161, as amended

Background/Analysis: At the December 19th C O W meeting, Staff were directed to prepare a report on the proposal put forth by Councillor Kennedy of changing the day/time of the meetings of Council/COW from Wednesday at

5:00 p.m. to Mondays at 4:00 p.m. After preliminary discussion, suggestion put forth for 5:00 p.m. meeting time.

Section 238 (2) of the Municipal Act requires a municipality to pass a procedure by-law for governing the calling, place and proceedings of meetings. In the event, the day/time of meetings are to be changed, this necessitates amendment of sections of the Procedure By-law as set out below.

The following assumes that whatever start time is selected, it will be consistent across regular, inaugural, rescheduled (due to holiday) meetings.

A4.1 Inaugural Meeting

The Inaugural meeting is to be held the first Wednesday in December at 5:00 p.m.

With the change in term set out in the Municipal Elections Act, this section would have required amendment anyway. Under the Act, the term of Council has been changed so that it commences on November 15 in the year of a regular election. However, for transition purposes, the term for the current Council is December 01, 2018 to November 14, 2022.

A5 Regular Meetings

A5.1 and A5.2 set out meetings are on first, second and third Wednesday at 5:00 p.m. except in July and August when they are only held the first and second Wednesday and in January when they are held the second, third and fourth Wednesday.

A5.3 Meeting Day is a Holiday

Where the regular Wednesday meeting day falls on a holiday, the meeting day moves to the next business day at 5:00 p.m.

Holidays falling on Wednesday are not common, however, a number of holidays fall on Monday and thus the need to move the meeting to an alternate day would occur on a more frequent basis. If it is desired to have the meetings broadcast, then they would have to move to Wednesday as Rogers already has other commitments on Tuesday.

A5.5 Hour of Automatic Adjournment

Regular meetings are scheduled for 3 hours and shall not extend beyond the hour of 8:00 p.m. If the start time of meetings is changed, then the hour of automatic adjournment should be modified if the 3 hour maximum length of meetings is desired.

A7.2 Availability of Agendas to Council Members

The Clerk will endeavour to ensure agendas are available to Council members 48 hours prior to a regular meeting.

Currently, for the Wednesday meetings, agendas are finalised and posted Friday afternoons (Thursday afternoon if the Friday is a holiday). Direction would be needed as to whether Friday afternoon (which is still 48 hours prior to meetings) is sufficient or if more lead time is needed for Council members.

In the event, the agendas are required to be finalised earlier than Friday afternoon, this will require modifications in other sections. A13.3 sets out correspondence received prior to noon on the Thursday preceding the regular meeting will be included in the agenda. A15.3 requires Delegations to register by Thursday noon and the Delegation Request Form (Section "D" of the By-law) indicates this information. If agenda preparation deadlines are altered, then these will have to be moved back as well to allow Staff the necessary turnaround time.

A11.3 Public Forum Registry

If meetings start time is changed, then this section will have to be modified as it sets out that the registry is available from 4:30 p.m. to 4:55 p.m. for individuals to register.

B5.1 Report Schedule

This section identifies the day of the meetings as Wednesday.

Municipal Notice By-law

The Municipal Notice By-law requires notice of matters to be considered by Council, in the Committee of the Whole meeting, to be posted on the municipal website at least 10 days prior to the meeting and to be published in newspaper at least 7 days in advance of the meeting. With Wednesday meetings, the ad is placed in the preceding Wednesday paper. However, with a Monday meeting, the ad would have to be in the paper a week earlier to meet the 7 day requirement. Elimination of the need to publish notice in the newspaper has been discussed by Council in the past, however, the direction has been to maintain this method of public notice.

Effective Date of Change

It is preferred that there be some lead time if the day/time of meetings is to be altered to allow public notice of the change and enable Staff to plan appropriately for future meetings. Therefore, an effective date of no earlier than March 01, 2019 is recommended.

Other Amendments

There are a couple of other items that should be considered for amendment, regardless of whether a decision is made to change the meeting day/time.

1. A5.3 change reference from Interpretation Act to Legislation Act.
2. A7.3 indicates paper copies of the agenda will be made available to the news media and the public at the time the meeting commences. In an effort to be environmentally friendly, a paper copy is placed in the foyer of the Council Chambers for viewing, however, no other paper copies are distributed to the public/media.
3. A4.1 as noted above. With the change in term of Council, even if the meeting day is not modified, then the inaugural meeting would be held the first Wednesday following November 15.

Community Plan and Integrated Community Sustainability Plan (ICSP)

Considerations: n/a

Financial Implications: There are no specific financial implications with a change in meeting day/time.

Attachments: [Procedure By-law No. 2013 - 161, as amended](#); [Notice By-law No. 2008 - 126](#)

C O W RECOMMENDATION

(B) CLE 2019-02

Subject: Set Fines for Refreshment Vehicles/Seasonal Mobile Watersport Equipment Rentals

Recommendation: Council approve submission of set fines schedule for approval to the Ministry of the Attorney General for Refreshment Vehicle Licensing By-law No. 2014 - 042 and Seasonal Mobile Watersport Equipment Rental Licensing By-law 2015 - 049.

Date to be considered by Council: January 16, 2019 as a Matter Arising from Committee of the Whole.

Report Summary: Both the Refreshment Vehicle Licensing By-law No. 2014 - 042 and Seasonal Mobile Watersport Equipment Rental Licensing By-law 2015 - 049 set out that every person who contravenes a provision of the by-law is guilty of an offence and is subject to the penalties as prescribed in the Provincial Offences Act. However, at present, the Municipality would have to proceed under Part III of the Act by laying an information. It is preferred that set fines be established so that the Municipality can commence proceedings under Part I of the Act.

Origin: Staff initiative

Existing Policy: Refreshment Vehicle Licensing By-law No. 2014 - 042;
Seasonal Mobile Watersport Equipment Rental Licensing By-law No. 2015 - 049

Background/Analysis: Municipal by-laws may create offences for which proceedings may be commenced against individuals. Proceedings under the Provincial Offences Act may be under Part I, II or III.

Part I proceedings are commenced by filing a certificate of offence alleging the offence (referred to as ticketing process). These tend to be less serious offences and the process is less time consuming. The individual still has the right to appeal if they wish.

Part II deals with parking infraction proceedings.

Part III proceedings are commenced by laying an information and tend to be used for more serious offences and larger fines. A summons must be served on the defendant and the officer must attend before a justice to swear an information.

After issuing a ticket under Part I, the Municipality may still escalate to Part III if the situation requires. Part I fines do not preclude using Part III if necessary.

Both the Refreshment Vehicle Licensing By-law No. 2014 - 042 and Seasonal Mobile Watersport Equipment Rental Licensing By-law 2015 - 049 set out that persons who contravene a provision of the by-law are guilty of an offence and are subject to the penalties. However, at present, there are no set fines and the Municipality would have to proceed under Part III of the Provincial Offences Act by laying an information. It is preferred that set fines be established so that the Municipality can commence proceedings under Part I of the Act. The municipal solicitor has recommended some minor amendments to the existing by-laws so these have been incorporated into the drafts provided with the report.

Community Plan and Integrated Community Sustainability Plan (ICSP)

Considerations: n/a

Financial Implications: There would be costs associated with the municipal solicitor submitting the fines to the Ministry of the Attorney General for approval. Staff time involved in issuing tickets under the set fines is less than having to proceed under Part III.

Attachments: Drafts of:

- [Set Fines Refreshment Vehicles](#)
- [Set Fines Seasonal Mobile Watersport Equipment Rentals](#)
- [Amended Refreshment Vehicle Licensing By-law](#)
- [Amended Seasonal Mobile Watersport Equipment Rental Licensing By-law](#)

9.0 ADJOURNMENT

Motion #01/16/19 C O W -

Moved by:

Seconded by:

THAT this C O W adjourn at

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