



The Corporation of the Township of Billings
Council Meeting Minutes
April 4th, 2023 6:30 p.m.
Park Centre – 39 Henry Drive, Kagawong

Council Present

Bryan Barker, Mayor
David Hillyard, Deputy Mayor
Jim Cahill, Councillor
Vince Grogan, Councillor
Michael Hunt, Councillor

Staff Present

Emily Dance, CAO/Clerk
Todd Gordon, Municipal Project Manager
Arthur Moran, By-Law Enforcement Officer / H&S
Martin Connell, Fire Chief

1. Call to Order

Mayor Barker called the Council meeting of the Township of Billings to order at 6:30 p.m.

2. Approval of Agenda

2.1. Confirm approval of the agenda.

2023-141

Moved by Hunt Seconded by Hillyard

THAT the Township of Billings Council hereby approves the agenda as presented.

Carried.

3. Disclosure of Pecuniary Interest

None Noted.

4. Closed Session

4.1. **Motion to move to Closed Session**

2023-142

Moved by Grogan Seconded by Hunt

THAT the Township of Billings Council hereby moves into Closed Session pursuant to [s. 239(2)(b)] Personal matters about an identifiable individual; AND pursuant to [s. 239(2)(f)] advice that is subject to solicitor-client privilege including communications necessary for that purpose – STAR By-Law AND FURTHER returns to open session upon completion.

Carried.



5. Report out of Closed Session

Moved by Grogan Seconded by Hunt

THAT Mayor Barker reported a closed meeting was held where Council received information regarding a personnel matter AND FURTHER THAT communications subject to solicitor-client privilege was received regarding the Short-Term Accommodation Rental By-Law AND FURTHER THAT the information from the solicitor will be shared with the public at tonight's meeting during item 9.6.

Carried.

6. Adoption of Minutes

Motion to adopt the minutes of the following meetings of Council:

4.1 Regular Council Meeting – March 21st, 2023
2023-148

Moved by Hunt seconded by Cahill

THAT the March 21st, 2023 Regular Council Meeting Minutes adopted as presented.

Carried.

7. Delegation

7.1. Moray Watson – Re: Approval of Applications and Issuance of Licenses Under By-Law 2022-49 (STAR)

Moray Watson made a delegation regarding the approval of applications and issuance of Licenses Under By-Law 2022-49.

8. Committee Reports

8.1. Members of Council were provided with an opportunity to report on Committee and Board meetings.

8.1.1. Climate Action Committee – Earth Day Event April 22, 2023-

8.1.2. Parks, Recreation and Wellness Committee Minutes- March 6, 2023
2023-149

Moved by Hunt Seconded by Hillyard

THAT the Township of Billings Council hereby receives for information all items listed in Section 8, Committee Reports.

Carried.

9. Staff Reports

9.1. FIR-2023-04-01 Fire Department Status Report
2023-150

Moved by Grogan Seconded by Hillyard

THAT the Township of Billings Council hereby receives for information Report Number FIR-2023-04-01.

Carried.

9.2. PW-2023-04-01 Group Tendering Dust Suppressant and Hard Surfacing
2023-151



Moved by Hunt Seconded by Hillyard

THAT the Township of Billings Council hereby approves Report PW-2023-04-01 AND authorizes staff to participate in group tendering for dust suppressant and hard surfacing AND FURTHER grants pre-budget approval for 2023.

Carried.

9.3. BE-2023-04-06 Turkey Concerns
2023-152

Moved by Grogan Seconded by Cahill

That the Township of Billings hereby receives for information Report BE-2023-04-06 AND receives the Letter of the Ministry of Natural Resources and Forestry.

Carried.

9.4. MPM-2023-04-07 Firehall Renovation Project Update (6)
2023-153

Moved by Hunt Seconded by Grogan

THAT the Township of Billings Council hereby approves Report No. MPM-2023-04-07 AND authorizes the change order for Quinan for a revised contract price of \$1,563,800 AND FURTHER authorizes the appropriate By-Law coming forward on tonight's agenda.

Carried.

2023-154

Moved by Grogan Seconded by Hunt

THAT the Township of Billings Council authorizes the increase costs for Engineering Services from Tulloch in the amount of \$69,000 AND FURTHER authorizes the appropriate By-Law coming forward on tonight's agenda.

Carried.

9.5. MPM-2023-04-08 Accessibility Funding
2023-155

Moved by Grogan Seconded by Hillyard

THAT the Township of Billings Council hereby approves Report MPM-2023-04-08 AND directs staff to apply to the Inclusive Community Grants Program for new energy efficient LED lighting at the Small Craft Basin.

Carried.

9.6. CLK-2023-04-09 Short Term Accommodation Rental (STAR) By-Law
Background

As noted, when coming out of closed session earlier on the agenda, Mayor Barker reported that a legal opinion was requested regarding the STAR By-Law, the opinion will be included as part of the meetings minutes. Mayor Barker explained that the municipal solicitor confirmed that the role of Council for the STAR By-Law is to appoint a license issuer and that the issuer is an employee



of the Township, and that Council has no other legal authority to receive or approve individual STAR applications received With regards to reference to Schedule 'A' under the heading for office use only should be deleted to comply with the clear provisions of the by-law.

2023-156

Moved by Cahill Seconded by Hunt

THAT the Township of Billings Council hereby receives for information Report CLK-2023-04-09.

Carried.

9.7. CLK-2023-04-10 Motion for Reconsideration – Delegation of Authority

For simplicity and by request, the original motion was divided into separate motions.

2023-157

Moved by Grogan Seconded by Hunt

THAT the Township of Billings Council hereby receives for information Report CLK-2023-04-10.

Carried.

2023-158

Moved by Hillyard Seconded by Grogan

THAT the Township of Billings Council hereby approves Report CLK-2023-03-06.

Carried.

2023-159

Moved by Grogan Seconded by Hunt

THAT the Township of Billings Council hereby designates the Chief Administrative Officer as the "License Issuer" for the Short-Term Accommodation Licences AND authorizes the appropriate amending By-Law coming forward.

Carried.

2023-160

Moved by Hunt Seconded by CAHILL

THAT the Township of Billings Council hereby delegates the Clerk with the authority to issue Trailer permits AND authorizes the appropriate amending By-Law coming forward.

Carried.

2023-161

Moved by Hunt Seconded by Grogan



THAT the Township of Billings Council hereby delegates the Clerk with the authority to issue Backyard Chicken permits AND authorizes the appropriate amending By-Law coming forward.

Carried.

9.8. CLK-2023-04-11 Easement Agreement – 143 Grandor Road
2023-162

Moved by Grogan Seconded by Cahill

THAT the Township of Billings Council hereby approves Report CLK-2023-04-11 AND authorizes entering into an easement agreement with Daniel and Melissa Nicholson for the installation of a waterline under the unopened road allowance abutting 143 Grandor Road AND FURTHER authorizes the appropriate By-Law coming forward.

Carried.

10. Correspondence Requiring Direction

10.1. Jabbawong Story Telling Festival
2023-163

Moved by Grogan Seconded by Hunt

THAT the Township of Billings Council hereby waives the Park Centre rental fee for the two-day Jabbawong Story Telling Festival on July 8-9, 2023 as requested.

Carried.

10.2. Mothers Against Drunk Driving (MADD) Yearbook Donation
2023-164

Moved by Grogan Seconded by Cahill

THAT the Township of Billings Council hereby directs staff to purchase an Honour Roll listing to be published in the Mothers Against Drunk Driving (MADD) Message Yearbook similar to previous years.

Carried.

10.3. Manitoulin-Sudbury District Services Board Resolution 23-32 Food
Insecurity

2023-165

Moved by Cahill Seconded by Hillyard

THAT the Township of Billings Council hereby directs staff to write a letter of endorsement and support for the Manitoulin-Sudbury District Services Board Resolution 23-32 regarding food insecurity AND all Ontario municipalities

Carried.

10.4. Manitoulin-Sudbury District Services Board Resolution 23-33
Homelessness Crisis
2023-166



Moved by Grogan Seconded by Hillyard
THAT the Township of Billings Council hereby directs staff to write a letter of endorsement and support for the Manitoulin-Sudbury District Services Board Resolution 23-33 regarding the homelessness crisis in Ontario AND all Ontario municipalities.

Carried.

- 10.5. Public Engagement Idea – Nathalie Fert
2023-167

Moved by Grogan Seconded by Cahill
THAT the Township of Billings Council hereby receives for information the Email from Nathalie Fert AND thanks Ms. Fert for her input.

Carried.

- 10.6. Short Term Accommodation Rental (STAR) By-Law Delegation Bill
Concannon, March 21, 2023 – draft response.
2023-168

Moved by Grogan Seconded by Hillyard
THAT the Township of Billings Council hereby directs staff to forward the letter of response regarding the Short-Term Accommodation Rental Delegation as presented.

Carried.

- 10.7. Short Term Accommodation Rental (STAR) By-Law Comments.: Simon
Wheeler
2023-169

Moved by Grogan Seconded by Hunt
THAT the Township of Billings Council hereby receives for information the Email from Simon Wheeler.

Carried.

- 10.8. Short Term Accommodation Rental (STAR) By-Law Comments: Clayton
Berg
2023-170

Moved by Grogan Seconded by Hunt
THAT the Township of Billings Council hereby receives for information the Email from Clayton Berg.

Carried.

- 10.9. Short Term Accommodation Rental (STAR) By-Law Comments (2).:
Moray Watson
2023-171

Moved by Grogan Seconded by Hillyard
THAT the Township of Billings Council hereby receives for information the Email from Moray Watson.



Carried.

- 10.10. Short Term Accommodation Rental (STAR) By-Law Comments: Ardissa Fenske
2023-172
Moved by Grogan Seconded by Hunt
THAT the Township of Billings Council hereby receives for information the Email from Ardissa Fenske.

Carried.

- 10.11. Short Term Accommodation Rental (STAR) By-Law Comments: Ted Phillips
2023-173
Moved by Grogan Seconded by Hunt
THAT the Township of Billings Council hereby receives for information the Email from Ted Phillips.

Carried.

11. Information

- 11.1. Public Lands Act Amendment to Regulation 161/17
11.2. Manitoulin-Sudbury 2022 Fourth Quarter Activity Report & Unaudited Financial Report
11.3. Community Accord Colonized Rehab
11.4. Town of Petrolia Resolution to End Homelessness in Ontario-
11.5. Town of Petrolia Future Accuracy of the Permanent Register of Electors-
11.6. 2022 Billings Recycling Report
2023-174
Moved by Hunt Seconded by Grogan
THAT the Township of Billings Council hereby receives for information all items listed in Section 11 AND FURTHER directs staff to write a letter of endorsement and support of Item 11.4

Carried.

12. Accounts for Payment

- 12.1. Accounts for Payment March 30, 2023
2023-175
Moved by Hunt Seconded by Grogan
THAT the Township of Billings Council hereby approves, ratifies, and confirms the March 30, 2023 Accounts for Payment as presented.

Carried.

13. By-Laws and Agreements

- 13.1. By-Law No. 2023-24 Ontario Infrastructure and Lands Corporation Loan Application – Fire Hall (*direction from January 17, 2023 TR-2023-01-02*)
2023-176



Moved by Hunt Seconded by Cahill

THAT By-Law No. 2023-24 being the by-law to authorize the submission of an application to Ontario Infrastructure and Lands Corporation ("OILC") for financing of the firehall project of the Corporation of the Township of Billings (the "municipality"); to authorize temporary borrowing from OILC to meet expenditures in connection with such capital work(s); and to authorize long-term borrowing for such capital work(s) through the issue of debentures to OILC be read a first, second and third time AND finally passed this 4th day of April, 2023.

Carried.

- 13.2. By-Law No. 2023-25-Exotic Animal Amendment By-Law
2023-177

Moved by Grogan Seconded by Hunt

THAT By-Law No. 2023-25 being a by-law to amend the exotic animals by-law (1) be read a first, second and third time AND finally passed this 4th day of April, 2023.

Carried.

- 13.3. By-Law No. 2023-26- Authorize Change Order – Fire Hall Renovation-
Quinan
2023-178

Moved by Cahill Seconded by Hillyard

THAT By-Law No. 2023-26 being a by-law to authorize a change order for the Fire Hall Project – Quinan be read a first, second and third time AND finally passed this 4th day of April, 2023.

Carried.

- 13.4. By-Law No. 2023-27 – Authorize Contract Change – Engineer and Design
Fire Hall Renovation- Tulloch
2023-179

Moved by Cahill Seconded by Grogan

THAT By-Law No. 2023-27 being a by-law to authorize a scope change for the Fire Hall Project – Tulloch be read a first, second and third time AND finally passed this 4th day of April, 2023.

Carried.

14. Notice of Motions

By consensus of Council, following up from Item 10.5 regarding a resident suggestion for public engagement, Council directed staff to bring a report back this summer regarding a review of the Township of Billings Procedural By-Law.

15. Confirmatory By-Law

- 15.1. By-Law No. 2023-28 Being the April 4th, 2023 Confirmatory By-Law
2023-180



Moved by Grogan Seconded by Hunt
THAT By-Law No. 2023-28 being the April 4th, 2023 Confirmatory By-Law be
read a first, second and third time AND finally passed this 4th day of April, 2023.
Carried.

16. Adjournment

16.1. Motion to Adjourn
2023-181

Moved by Hunt Seconded by Hillyard
THAT the Township of Billings Council hereby adjourns at 9:25 p.m.
Carried.



Mayor Bryan Barker



CAO/Clerk Emily Dance

From: Steve Watt <[REDACTED]>
Sent: March 29, 2023 2:49 PM
To: Emily Dance <edance@billingstwp.ca>
Subject: RE: Short Term Accommodation Rental By-Law - Twp Billings

Hi Emily,

I wish to comment on your Issue 1 below.

I have reviewed By-law 2022-48 Of the Township of Billings respecting the regulation of short term accommodation rentals within the municipality. Nowhere in the by-law is legal authority provided for Council to receive or approve individual STAR applications received. This receipt and approval function is required to be delegated by Council to a "license issuer" , which is defined in definition section 1.22 as an employee having delegated authority by Council for issuing a license.

The By-law speaks to the delegation requirement in a number of its sections, including the preamble, which references the general power of municipal Councils to delegate to staff under the Municipal Act; the definitions of "designate" and "license issuer" as defined terms; and lastly section 4 entitled Licensing where the whole licensing scheme set out in the by-law [see subsections 4[1]-4[10] inclusive] requires the license issuer to review applications and issue a license upon receipt of the qualifying application and supporting documents.

Other than initially appointing a delegated license issuer from among its staff, Council has no further role or function in the approval of any STAR license applications, according to the clear language of By-law 2022-48. This remains the legal obligation of the license issuer.

The reference contained in Schedule A under the heading For Office Use Only is a clerical error and any reference to a function for Council review or sign off on individual applications is factually and legally incorrect, based on the existing provisions of By-law 2022-48. This reference should be deleted in order to comply with the clear provisions of the by-law, as outlined above.

Steve.

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