The Corporation of the City of Kawartha Lakes

Additional Agenda

Committee of the Whole Meeting

COW2021-05
Tuesday, May 4, 2021
Commencing at 1:00 p.m. - Electronic Participation
Council Chambers
City Hall
26 Francis Street, Lindsay, Ontario K9V 5R8

Members:

Mayor Andy Letham
Deputy Mayor Patrick O'Reilly
Councillor Ron Ashmore
Councillor Pat Dunn
Councillor Doug Elmslie
Councillor Tracy Richardson
Councillor Kathleen Seymour-Fagan
Councillor Andrew Veale
Councillor Emmett Yeo

Accessible formats and communication supports are available upon request. The City of Kawartha Lakes is committed to accessibility for persons with disabilities. Please contact Agendaltems@kawarthalakes.ca if you have an accessible accommodation request.

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To: Mayor Latham From: Bruce Barrett Re: ORV Process Date: April 5, 2021

Dear Mayor Latham

I am writing to you as a gesture of concern and good faith regarding the manner in which the CKL Council is operating with respect to the ORV issue it has before them.

As an administrator with Trillium Lakelands District School Board for over twenty years there are significant problems with process that Council is currently engaged in. Problems that are so fundamental to effective decision making that I feel compelled to address them with you, and urge you to share this email with all Council members.

As a resident of Lindsay for 32 years and have always felt that, no matter the issue, the Council of the day made decisions based on the its stated vision for the town, aligned with Council's strategic directions document. Tough decisions that didn't have an emergency status took considerable time. They incorporated careful and thoughtful consideration for those most likely to be negatively impacted, sought voice from residents and taxpayers, and used comprehensive studies with data from town departments, police services, the health unit, and other regulatory agencies.

To that end, I offer the following perspective on what I see unfolding and the exposure that accompanies it.

As Mayor and CEO of the city, you are ultimately responsible for the conduct of Council and for any breaches in process. You are also responsible for any actions that oppose to the Strategic Directions 2020-2023 document authored by Council; specifically, your guiding principle to be *Open/Transparentm* and your strategic priority for *Good Government*.

The urgency and hurried approach that Council has adopted is the first of these process breaches. The speed of this motion does not reflect the thorough, comprehensive approach of past practice. This departure is a significant, and contributing, factor to residents who feel ill-informed and blindsided. When past practice changes so abruptly, people ask why.

Perhaps it's best if I follow the theme of "Why?" to point out some of the many areas of exposure I think are most striking in this case. These "Why?" questions address the process your Council has followed to date. A process which has implicates the Mayor and Council in 3 important tests; the test of transparency, the test of conduct beyond reproach, and the test of thorough, effective communication. The questions are intended to cause both personal and collective reflection. They may also resonate with some staff and councilors who have been uneasy with the process but, for whatever reason, have yet to speak out.

The Test for Transparency:

- 1. **Why** was the Initial motion of the December 15 Council the very last item on a very busy holiday agenda (13.3.1)?
- 2. Why would a matter so important to public safety publicize its search for community Task Force Members in Lindsay This Week on December 24th on the very last page (51) of the paper, and close the search January 8th? That's an awfully busy time of the year and even more stressful this past year. However, it is apparent that the Kawartha ATV Association was both aware, and anticipating, the search because on January 4th a "looking for your voice to be heard" rallying cry to members was posted. A post outlining the impending creation of Task Force and the imperative need for KATVA get representation on the Task Force to ensure "ATVers views (need to be heard)".

The Test for Conduct:

3. Why does a Task Force charged with creating a balanced view of an issue create a committee that is so blatantly skewed? I reference the personal introductions of the inaugural Task Force meeting of February 5th https://www.youtube.com/watch?v=Y Z99O2f22A

Five of the seven committee members own ATVs. All four of the community members own ATVs. One community member (D. Mitchell) recounts for the public record (min 8:17) that he has actually previously worked with two of the other three community members (S. Lane and C. Richards) to achieve similar ATV access in the municipality of Trent Lakes. One of those of those two with whom he worked to the same end is Carolyn Richards, who is the President of the Kawartha ATV Association.

Any quick analysis reveals the following: Four community members were to be selected through the interview process by Councilors Dunn, Richardson, and Seymour-Fagan. How did this process result in appointing three members who, by their own admission, had previously worked together to achieve the very thing the Task Force is supposed to be deliberating on without prejudice? And, how is it possible that with four community members there is no corresponding voice for the opposing view? Not one. The only other community member is also an ATV owner and "avid" snowmobiler. A new resident to rural CKL, hired just five months earlier in August of 2020, after transferring from Toronto.

4. **Why**, in that same meeting of Feb 5th, when Director of Works Brian Robinson, asks (min 0:55) for Task Force members to declare any pecuniary interest does Councilor Seymour Fagan not declare? The Councilor is clear that her intention is to bring ATV visitor traffic to the area by opening up municipal road access (whether or not trails exist) because it

helps the local tourism in her ward and in particular that of the community of Bobcaygeon. A community where the "bio" section of her webpage https://www.kathleenseymour-fagan.com/ explains she is the owner of the Kawartha Coffee Company and its three locations which are "popular gathering spots for our community ... and visitors.

5. Why has the Chair of the Task Force been allowed to maintain his position on the committee? During the virtual public deputations of the March 19th he behaved in a manner unbecoming an elected official? The video evidence https://www.youtube.com/watch?v=N7ORUhrq59A clearly shows a female resident who is having obvious difficulty with the audio of the meeting. She and the committee trade moments when they are unable to hear one another. Rather than suggest that the committee would come back to her at a later point in the que (and have staff work with her remotely to address the issue), the Chair instructs staff (min 57:37) "can you mute her". The entire exchange illustrates exactly the kind of misogynistic, bullying behaviour being highlighted and addressed throughout Western world. It's the very kind of conduct that quickly finds its way off the YouTube platform and into the twitter-sphere, Instagram world to bring pressure for change in such unacceptable behaviour. The fact that neither of the other councilor intervened is also telling.

The Test for Communication:

- 6. Why is the social media page of the Chair of the Task Force devoid of any mention to the ward 5 constituents he serves? Councilor Dunn has posted twice since the October inception of the proposed ATV access to the streets of Lindsay and Ward 5. The first was February 20th, three weeks after the Task Force had already met. The second was on March 10, nine days before the public meeting. At no time did he reach out to his constituents to inform them of what was at the council table. Not phone calls, not flyers, not social distance (masked) door knocking. All of which he found time for during the election campaign. The social media pages of the other two Councilor's are similarly thin on the topic and information, although Councilor Richardson's does contain a letter from the CKL outlining the poor condition of the trails in her area as a result of ATV use and behaviour.
- 7. Why not consider your own Strategic Directions 2020-2023 document. The opening statement celebrates the inclusive process followed for the Plan. In fact, "Open and Transparent" is one of the four guiding principles, and yet there is only veiled language as it pertains to the opening and connecting of trails with no mention of what multipurpose actually means. The headings of "Quality of Life" and "Healthy Environment" do show several large photos of beautiful scenery, a person on the trail walking a dog, cyclists, and paddleboard yoga. However, there is not a single word about ORV use. In fact, the only motorized object in any picture within the entire document is a waste disposal truck and moored houseboats.

I have a deep appreciation for how challenging the job is, and how difficult it is when vocal special interest groups lobby for change. The goal of pleasing everyone all the time is a certain impossibility. What isn't impossible is the fair, impartial deliberation of the leadership team, support staff and elected officials to do follow process and be above reproach.

I fear, for whatever reason, that you and council have somehow lost sight of this, and I urge you to reconsider the current course of action.

On the balance of the evidence provided the smart political move would be to slow this process down significantly, and put a moratorium on any further action by the current Task Force, until such time as these observations submitted as evidence of process breach can be fully investigated and acted upon.

The more decisive, and morally responsible Council move would be, as mayor to acknowledge the perception of general deceit, impropriety, and behaviour unbecoming public officials, and bring a motion to Council. A motion that is referenced in the Task Force Report RD2020-012 from the December 15th, 2020: Terms of Reference (page 535) which states, "At the discretion of Council the Task Force may be dissolved by resolution of Council." Such motion is further supported by the *Municipal Conflict of Interest Act*, the *City Code of Conduct Act for Task Force Members (CP2018-018*), and the guiding principle of *Open and Transparent* and your strategic priority of *Good Government* from the *Strategic Directions 2020-2023*.

At least then, if interest remained in pursuing ORV access, there would be an opportunity to establish a group/committee/task force consisting of Councilors who are free from pecuniary interest, residents most impacted by the change, and specialists who will listen to the presentations and concerns of the two opposing sides in this case to come to an informed decision. That would put you in a much better position to withstand the test of prejudicial bias to which you and Council are currently exposed.

The facts involving both procedural speed, and Task Force composition alone would attract the attention of any number of provincial watchdog and advocacy groups.

On a different, but equally important note, I have included the inset maps of the three major towns in the Muskoka's; Gravenhurst, Bracebridge, and Huntsville. Tourism in the Muskoka's is the engine that drives the community, yet not one of those towns allow ORVs inside the town limits. Visitors or residents must trailer their ORVs to connecting trailheads as per the bylaws set out and maintained by those mayors and their municipal councils.

Similarly, if you talk to your mayoral colleagues in the south you will find that neither Port Hope nor Cobourg allow ORVs in residential roads in their towns.

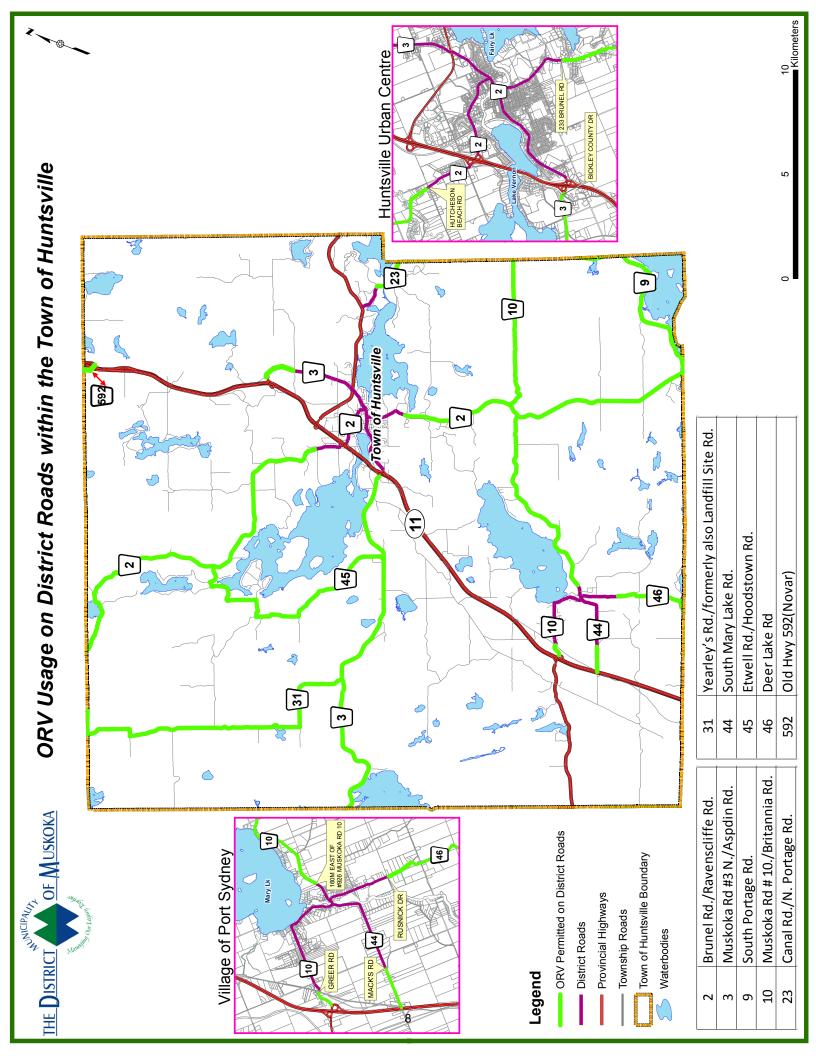
Comparing the town of Lindsay with a population of over 20,000 and growing to ORV access hamlets like Dorset or Buckhorn is simply irresponsible.

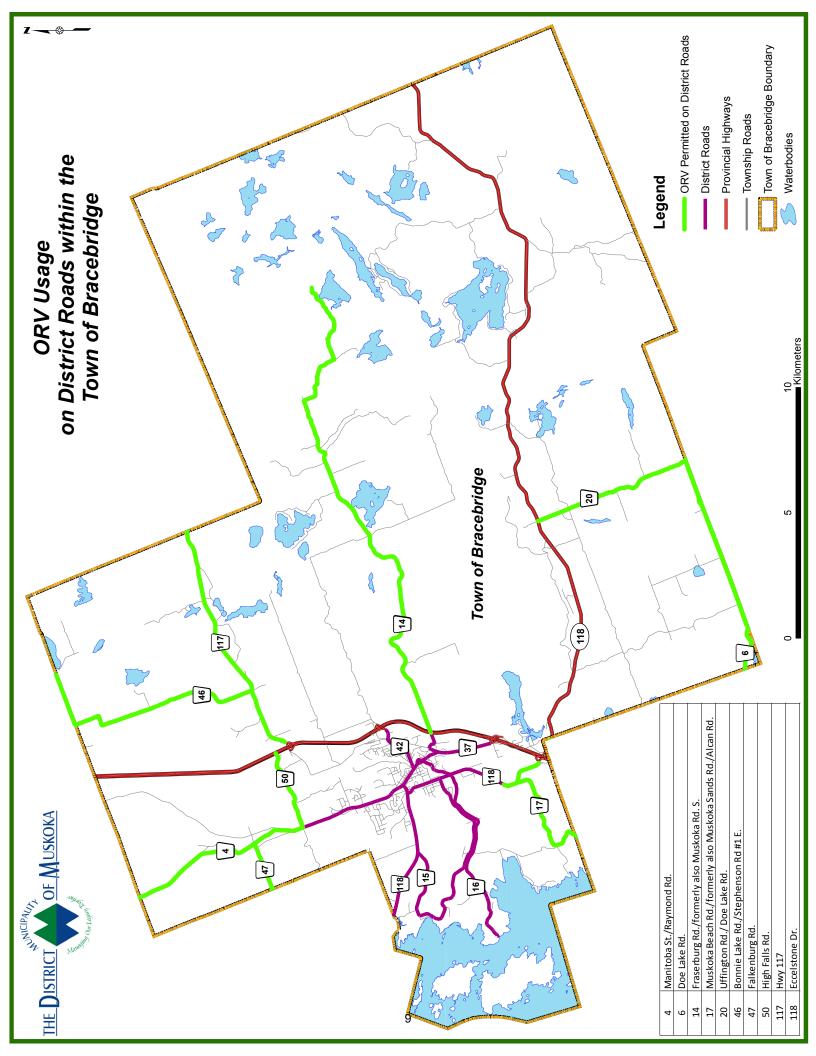
I trust you will share these observations a	and concerns for procedural fairness with Council in
the good faith intended. I wish you and y	our Council sound deliberations moving forward.

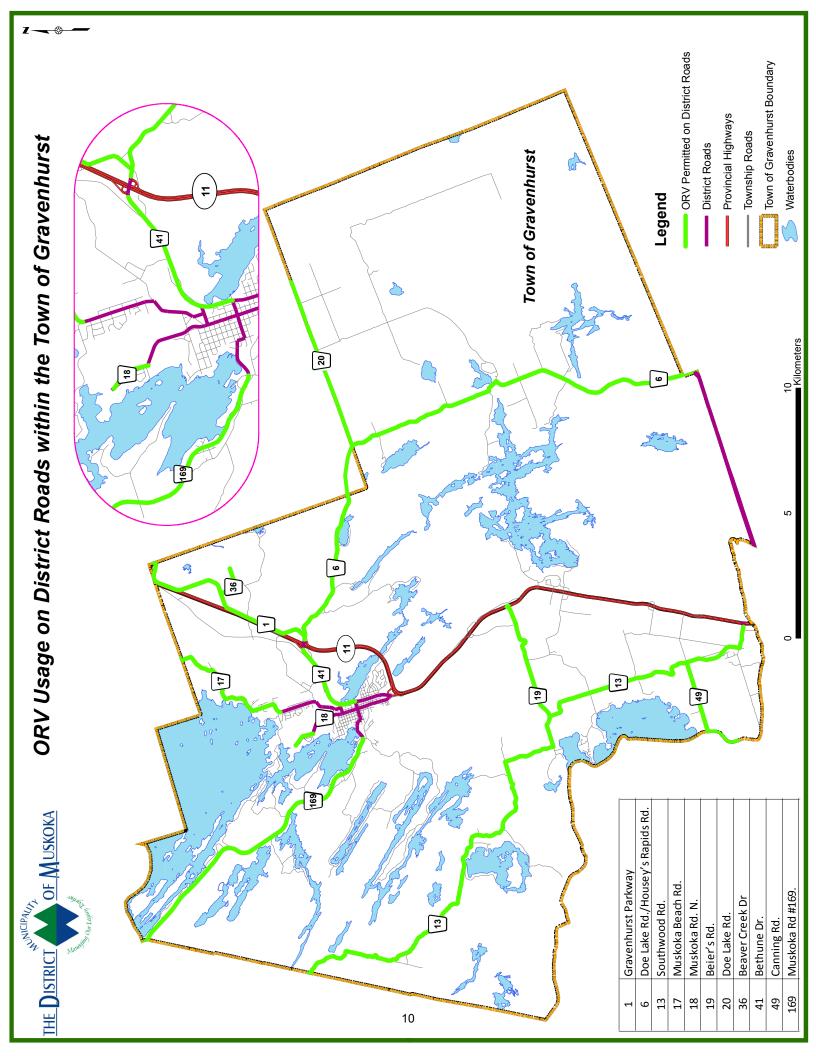
With respect,

Bruce

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From: Brenda Morrison

Sent: Wednesday, April 21, 2021 4:21:45 PM

To: aletham@kawarthalakes.ca <aletham@kawarthalakes.ca>

Subject: Off Road Vehicles

I disagree with Off Road Vehicles being allowed on City of Kawartha streets. Community safety is a top priority and Off Road Vehicles would pose a risk to themselves and others if allowed on our streets.

Sent from my iPhone

From: Kia Tsalavoutas < ktsalavoutas@kawarthalakes.ca>

Sent: Wednesday, April 21, 2021 12:50 PM

To: Brianne Harrison < bharrison@kawarthalakes.ca >

Subject: Interest for ORV

Hi Brianne,

I had a resident phone me today his name is Rowland Roberge, he lives at and he would like to give his support for the ORV use. He said that as long as everything is kept orderly and they are assigned routes, he thinks it will bring money to the coffee shops and gas stations. His number is and just wanted me to pass along his support. He does not require a call back.

Thank you!

Kia Tsalavoutas Executive Assistant to the Mayor and Council City of Kawartha Lakes (705) 324-9411, ext. 1310 www.kawarthalakes.ca From: Betty Hooper

Sent: Monday, April 26, 2021 3:05:00 PM

To: aletham@kawarthalakes.ca <aletham@kawarthalakes.ca>; pdun@kawarthalakes.ca

<pdun@kawarthalakes.ca>

Subject: No ATV'S on walking trails

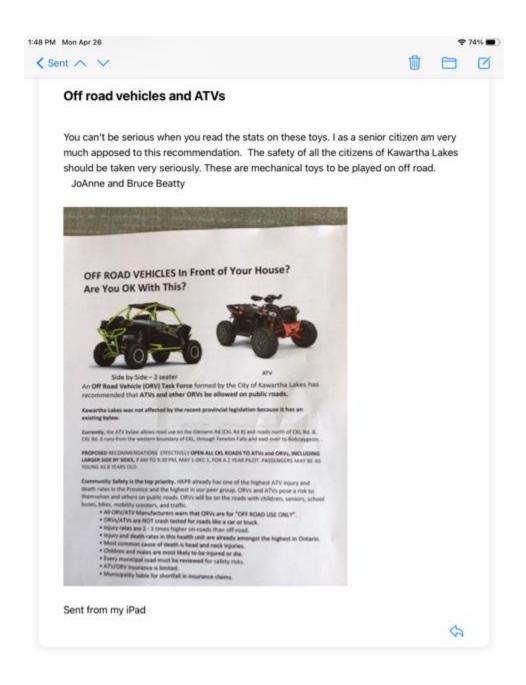
I was a member of the Bruce and Ganaraska trail associations for many years. It was our experience that Motorized vehicles and Pedestrians do not mix! I walk the trail and many times I meet a couple that have five children and I applaud them for getting their family out for fresh air and exercise. Riding a motorized vehicle is not exercise just polluting. PLEASE NO ATV'S OR DIRT BIKES ON THE TRAILS.. Buy property for this purpose.

From: JoAnne Beatty >

Sent: Monday, April 26, 2021 1:52:01 PM

To: Andy Letham <aleham@kawarthalakes.ca>

Subject:



Sent from my iPad

From: Grace And George <

Sent: Wednesday, April 28, 2021 5:39 PM

To: ORVTaskForce < orvtaskforce@kawarthalakes.ca

Subject: Off road vehicles

Off road means off road Please read your owner manual. Do something for your constituents not for your own interest.

Sent from my iPhone



Name: *		
Kerrie Bartlett		
Address: *		
177 Bury's Green Rd		
City/Town/Village:	Province: *	Postal Code:
Fenelon Falls	Ontario	K0M1N0
Telephone: *	Email: *	
There can be a maximum of two speal who will be speaking. The names that		
Deputant One:		
Kerrie Bartlett		
Deputant Two:		
First Name, Last Name		

Please provide details of the matter to which you wish to speak: *
Provide a deputation at the May 4th Committee of a Whole meeting Regarding Opening Roads to ATV travel and the road link through Lindsay
Please attach any additional supporting documents you wish to provide and submit with this completed form.
Have you discussed this matter with City Staff?
(F) Yes
If yes, Which department and staff member(s) have you spoken to?

What action are you hoping will result from your presentation	deputation? *
Support by the Committee to recommend a bylaw to allow ATV's of through Lindsay and Bobcaygeon	on roads south of County Rd 8 and
By signing this form you are acknowledging that all of the information and giving the City permission to collect your personal information for make a deputation to Committee or Council as outlined below. Signature: Kerrie Bartlett	
Kerne Bartiett	
Date:	
4/25/2021	#
The personal information is being collected by the City of Kawartha request to make a deputation to Committee or Council pursuant to the information, including all attachments submitted may be circulated to public and posted on the City website. Questions about the collection to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322. Do you agree to the publication of your name and contact information to the City Council agenda? *	he City's procedural by-law. This o members of Council, staff, the general on of this information should be directed 2.
Ĉ No	



Name: *		
George Pineau		
Address: *		
67 Victoria Ave. N.		
City/Town/Village:	Province: *	Postal Code:
Lindsay	Ontario	K9V 4G6
Telephone: *	Email: *	
There can be a maximum of two speak who will be speaking. The names that a Deputant One:		
George Pineau		
Deputant Two:		
Jamie Morris		

Please provide details of the matter to which you wish to speak: * The Off Road Vehicle Task Force's recommendations are coming to Council at the May 4th Committee of the Whole ZOOM meeting. We want to outline to Council our concerns about how those recommendations were arrived at. We also want to outline some facts and arguments that we're hoping Council will keep in mind as it decides whether or not to adopt the Task Force recommendations. Please attach any additional supporting documents you wish to provide and submit with this completed form. Have you discussed this matter with City Staff? Yes (No

If yes, Which department and staff member(s) have you spoken to?

What action are you hoping will result from your presentation/deputation? *
We are hoping Council will decide to retain current bylaw 2019 - 077 (A By-Law to Regulate the Operation of ATVs and ORVs in the City of Kawartha Lakes) and not permit Off Road Vehicles on any additional CKL roads.
By signing this form you are acknowledging that all of the information you are providing on this form is true and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below. Signature:
George Pineau
Date:
4/27/2021
The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the gene public and posted on the City website. Questions about the collection of this information should be direct to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.
Do you agree to the publication of your name and contact information on the City's website and the City Council agenda?*
🖫 Yes
Ĉ No



Name: *		
Peter Petrosoniak		
Address: *		
19 Francis Street		
City/Town/Village:	Province: *	Postal Code:
Lindsay	ON	K9V 3R7
Telephone: *	Email: *	
There can be a maximum of two speaker who will be speaking. The names that are		
Deputant One:		
Peter Petrosoniak		
Deputant Two:		
First Name, Last Name		

Please provide details of the matter to which you wish to speak: *
ORV Task Force recommendations
Please attach any additional supporting documents you wish to provide and submit with this completed form. Have you discussed this matter with City Staff?
Thave you discussed this matter with only order. The Yes
© No
If yes, Which department and staff member(s) have you spoken to?

What action are you hoping will result from your presentation/deputation	ion? *
I wish to emphasize the safety and health concerns regarding this issue and retain the present 2019 ORV by-law and to not adopt the ORV Task Force r	
By signing this form you are acknowledging that all of the information you are and giving the City permission to collect your personal information for the prin make a deputation to Committee or Council as outlined below. Signature: I attest to signing this electronically	
Date:	
4/28/2021	
The personal information is being collected by the City of Kawartha Lakes for request to make a deputation to Committee or Council pursuant to the City's prinformation, including all attachments submitted may be circulated to member public and posted on the City website. Questions about the collection of this to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.	procedural by-law. This rs of Council, staff, the general
Do you agree to the publication of your name and contact information the City Council agenda? *	on the City's website and
© Yes	
○ No	



Name: *		
Heather Stauble		
Address: *		
City/Town/Village:	Province: *	Postal Code:
Pontypool	ON	L0A 1K0
Telephone: *	Email: *	
There can be a maximum of two speakers who will be speaking. The names that are		
Deputant One:		
Heather Stauble		
Deputant Two:		
First Name, Last Name		

Please provide details of the matter to which you wish to speak: *
Speak to Council regarding recommendations in Report PW2021-002 ORV Task Force
Please attach any additional supporting documents you wish to provide and submit with this completed form.
Have you discussed this matter with City Staff?
© Yes
If yes, Which department and staff member(s) have you spoken to?

What action are you hoping will result from your presentation/deputation? *
Consideration of Report PW2021-002 Off Road Vehicle Task Force Recommendations
By signing this form you are acknowledging that all of the information you are providing on this form is true and giving the City permission to collect your personal information for the principal purpose of a request to
make a deputation to Committee or Council as outlined below. Signature:
Signature:
Signature: Heather Stauble
Heather Stauble Date: 4/29/2021 The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the gener public and posted on the City website. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322. Do you agree to the publication of your name and contact information on the City's website and
Heather Stauble Date: 4/29/2021 The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the gener public and posted on the City website. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.



Name: *		
WILLIAM STEFFLER		
Address: *		
9 NORDALE COURT		
City/Town/Village:	Province: *	Postal Code:
LINDSAY	ON	K9V 4V4
Telephone: *	Email: *	
There can be a maximum of two speak who will be speaking. The names that		
Deputant One:		
WILLIAM STEFFLER		
Deputant Two:		
First Name, Last Name		

Please provide details of the matter to which you wish to speak: *				
RE: Report PW2021-002 Off Road Vehicle Task Force Recommendations				
Please attach any additional supporting documents you wish to provide and submit with this completed form.				
Have you discussed this matter with City Staff?				
No No				
If yes, Which department and staff member(s) have you spoken to?				

What action are you hoping will result from your presentation/deputation? *
That Council will disagree with the Task Force Recommendations and take appropriate steps.
By signing this form you are acknowledging that all of the information you are providing on this form is true, and giving the City permission to collect your personal information for the principal purpose of a request to make a deputation to Committee or Council as outlined below.
Signature:
WILLIAM STEFFLER
Date:
4/29/2021
The personal information is being collected by the City of Kawartha Lakes for the principal purpose of a request to make a deputation to Committee or Council pursuant to the City's procedural by-law. This information, including all attachments submitted may be circulated to members of Council, staff, the general public and posted on the City website. Questions about the collection of this information should be directed to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.
Do you agree to the publication of your name and contact information on the City's website and the City Council agenda? *
Ĉ No



Name: *		
lesley barrett		
Address: *		
77 Wellington St		
City/Town/Village:	Province: *	Postal Code:
Lindsay	ON	K9V 3N8
Telephone: *	Email: *	
There can be a maximum of two speak who will be speaking. The names that a		
Deputant One:		
Lesley Barrett		
Deputant Two:		
First Name, Last Name		

Please provide details of the matter to which you wish to speak: *				
I wish to speak on the matter of the ORV Task Force motion to allow access to municipal roads in CKL				
Please attach any additional supporting documents you wish to provide and submit with this completed form.				
Have you discussed this matter with City Staff?				
(Yes				
○ No ○ N				
If yes, Which department and staff member(s) have you spoken to?				

What action are you hoping will result from your presentation/deputation? *	
I am looking for council to defeat any motion that allows ATV/SBS on the roads of L	indsay
By signing this form you are acknowledging that all of the information you are providir and giving the City permission to collect your personal information for the principal pumake a deputation to Committee or Council as outlined below. Signature: Lesley Barrett	
Date:	
4/30/2021	#
The personal information is being collected by the City of Kawartha Lakes for the prince request to make a deputation to Committee or Council pursuant to the City's procedu information, including all attachments submitted may be circulated to members of Co public and posted on the City website. Questions about the collection of this information to the City Clerk or Deputy Clerk at 705 324-9411 ext. 1295 or 1322.	ral by-law. This uncil, staff, the general
Do you agree to the publication of your name and contact information on the the City Council agenda? *	City's website and
(F) Yes	