

Minutes of Council
October, 4, 2016

Time: 6:30 PM

Location: Council Chambers



Meeting # 29

Present: Mayor Ron Vandewal, Pat Barr, John McDougall, Alan Revill, Norm Roberts, Mark Schjerning, Ron Sleeth, Ross Sutherland

Staff: Wayne Orr, Chief Administrative Officer, Lindsay Mills, Planner, Mark Segsworth, Public Works Manager, Angela Maddocks, Executive Assistant.

1. Call to Order

a) Resolution

Resolution No. 2016-29-1
Moved by Deputy Mayor Sutherland
Seconded by Councillor Sleeth

THAT the Council meeting of October 4, 2016 be called to order at 6:30 p.m.

Carried

2. Declaration of pecuniary interest and the general nature thereof

a) Mayor Vandewal declared a pecuniary interest with respect to labour negotiations in closed session and did not take part.

Deputy Mayor Sutherland chaired the closed session.

3. Scheduled Closed Session

a) Resolution - Move to Closed Session

Resolution No. 2016-29-2
Moved by Councillor Sleeth
Seconded by Deputy Mayor Sutherland

THAT Council move into closed session to discuss labour negotiations.

Carried

b) Labour Negotiations

c) Resolution - Move out of Closed Session

Resolution No. 2016-29-3
Moved by Deputy Mayor Sutherland
Seconded by Councillor Sleeth

THAT Council move out of closed session.

Carried

4. ***Recess - reconvene at 7:00 p.m. for Open Session

5. Rise and Report from Closed Session

a) Labour Negotiations

Mayor Vandewal removed himself as Chair and Deputy Mayor Sutherland acted as Chair for the purposes of the following resolution only and resumed the Chair after the motion was passed.

Resolution No. 2016-29-4
Moved by Councillor Revill
Seconded by Councillor Sleeth

THAT Council rise and report from closed session and ratify the terms of the collective agreement with CUPE, with an expiry date of March 31, 2019, as negotiated.

AND THAT the changes to wages, benefits and vacation for non-union staff be adjusted on the same basis.

Carried

6. Public Meeting

a) Resolution

Resolution No. 2016-29-5
Moved by Deputy Mayor Sutherland
Seconded by Councillor Sleeth

THAT a public meeting be held to discuss planning matters related to:

- Harrowsmith Community Improvement Plan
- Zoning By-law Amendment, Part Lot 2, Concession XVI, Bedford District
- Zoning By-law Amendment, Part Lot 9, Concession XIII, Bedford District

Carried

b) Harrowsmith Community Improvement Plan

Wayne Orr reviewed the CIP program for Harrowsmith and the overall objective of an improved physical appearance that may attract new investment and business attraction.

Councillor McDougall questioned the facade improvements and if they only applied to properties on Road 38. Wayne Orr confirmed that this only included Road 38, Harrowsmith and Colebrooke Roads and any commercial zoned property.

Maggie Dalmas noted that she is trying to restore her home to 1900 and asked if she could claim previous expenses. Wayne Orr explained that only work completed during the timeframe of the program would be applicable as this includes signed agreements and receipts for work undertaken.

c) Application for Zoning By-law Amendment, Part Lot 2, Concession XVI, Bedford District

Lindsay Mills explained that the purpose of this application is to rezone an existing 33 acre parcel of land on Opinicon Road that is presently zoned Rural. The subject property abuts a waterfront lot which accommodates an existing fully developed waterfront resort known as Skycroft Campground also owned by the applicant. The applicant has advised there is some use of the rural lot for overflow from the resort but that this is a grandfathered use on the land and that there are two access points to the land, one from Opinicon Road and the main entrance is from Split Rail Road. The proposal would be for 170 sites for seasonal camping and trailers that would also include "cave units". He noted

that the KFLA Health Unit requires an engineers report to deal with the septic treatment of the proposed development to be approved by MOECC. A site plan would also be required to show the locations of all camp/Trailer sites, comfort stations, office buildings, accessory dwelling and other buildings and septic and water provisions in conformity with the Official Plan. Mr. Mills explained that the Official Plan prohibits the number of units to 50 if it is a waterfront development and noted that the new development needs to be a self contained development. This restriction is in place to assist with managing development density on lakes.

Councillor Revill questioned what legal options are in place to ensure the properties are owned and managed separately. Mr. Mills noted that there is no real practical way to restrict this. Patrons could use the waterfront and docks.

Deputy Mayor Sutherland asked about the number of lots on the waterfront portion. He felt it defies credibility to separate and not be used together. He suggested that a legal opinion be sought as he felt approval would defy the Official Plan and allow other campsites to purchase more land that is not waterfront; this is skirting the OP guidelines. If this proposal goes ahead, he felt access should be off the Opinicon Road and that the township should not sell Split Rail Road to the applicant.

Councillor Sleeth concurred with the Deputy Mayors concerns. He felt it is not acceptable to allow the developer to take over Split Rail Road as it could then be used for private enterprise. Mr. Mills noted that it would be treated the same as any other lane in terms of access and maintenance.

Councillor Schjerning stated that Council would be naive to think this would be treated as two separate parcels. He asked if there are any guidelines or tools in place to determine the area for each site as it related to the 25% lot coverage. Mr. Mills replied that these are appropriate uses for each zone and noted that we will look at services and site plan specifications.

Councillor McDougall agreed that the township should not sell Split Rail Road as this could be considered back lot development. Mr. Mills felt this would not be back lot development as these are existing waterfront lots.

Councillor Barr agreed with other members of Council. It is not likely that they will operate as two separate campgrounds, that Split Rail Lane should not be sold and that access should be from Opinicon Road.

Councillor Roberts agreed with the rest of Council.

Mayor Vandewal stated that access to existing developed lots would be affected if Split Rail Road was sold. He expressed concern about the lot sizes. He commented that he is okay with some development and that it is okay to develop the uniqueness of this property. He suggested starting at 1/2 acre lots.

Mr. Mills noted that the scale of this proposal can be reduced. There would be buffering between the two lots and the development and that the 25% lot coverage will define the number of lots.

Marc Faguy, 103 Split Rail Road, has owned his property for many years and is the fourth generation to enjoy the cottage. He noted the gradual expansion of the campsite and he is happy with the existence of camping. He credited the owners for maintaining peace and quiet and the improved access to this cottage and agreed with the Planner's and Council's comments on the application. He expressed his concerns about the proposed expansion affecting his pristine enjoyment of his property. He is concerned with the ownership and maintenance if Skycroft Campground owners purchase Split Rail Road. He commented that any increase in camp sites will also increase

the impact on the use of the docks, marina and beach area and communing with nature will be affected. This increase to the number of campsites will more than triple what exists now and he is concerned about security issues, inappropriate supervision. He was unclear about the commercial and rural zoning. He stated his concern about protecting the lake and the environment. He requested council to look at this proposal very closely and asked to be kept informed of further decisions.

Mayor Vandewal noted that each township had different zoning by-laws and an inventory of campsites were registered when amalgamation took place and this is what the township works with.

Peter Harris-Jones whose email was included in the agenda package had concerns. The smoke from campfires affects his enjoyment of his property and an increase to the size of the campground will only increase the amount of campfires and a significant change in air quality. He asked that the Queens Biological Station provide comments on the stresses on the fish habitat with this expansion and the recent expansion of the Opinicon Hotel that will increase the use of the lake.

Eric Davis, a property owner across the lake spoke about his historical knowledge of the area as he has spent lots of time there before Skycroft became a campground. he noted that the beach area is small and very shallow along the lake front. The campground website shows trails on property that is not owned by Skycroft.

Tom Ray, 1452 Post Office Gate Lane was glad to hear about others concerns with regard to cottage density. He noted that he had only heard about the public meeting 48 hours prior.

Micheal MacPherson, 78 Crystal Spring Lane, was concerned about how the sewage on this property would be managed, the water supply (from the lake) and filtration. He also noted that pets are allowed and he was concerned about their waste affecting the quality of water.

Reade Davis, 1658 Post Office Gate Lane, noted that he has seen significant ecological changes in the 42 years he has been in this area. He noted that the campground is near the Rideau Canal which is part of the UNESCO world heritage. He expressed concerns about the impact on endangered species and wildlife, sewage and erosion. Skycroft is a good neighbour but he is concerned with extreme development. Presently the campground is responsible for 75% of the boat traffic and use of the lake. He shared concerns about the sale of the road and that a concern about this becoming a dumping site. He is okay with modest increase but not what is proposed. He is not here year round and able to make every meeting.

Steve Lougheed, Director of Queens Biology Station clarified that the land to the north of the campground is owned by Queens but a lease agreement is in place for Skycroft to use for trails. They have had a longstanding and constructive relationship with Skycroft who tries to be good stewards of the land. He is concerned about endangered species and is unsure of the impact on the fish habitat. He hopes to achieve a compromise and is supportive of Skycroft campground and its livelihood.

Patricia Brooks noted that it is clear that this will not be operated as separate entities.

Rosalind Gill noted that the campground is very well run, most of the traffic comes from the campground. The area is for nature lovers, it is pristine and part of the biosphere reserve. She gets lots of smoke from campfires at the campground. The changes would be massive if approved.

David Hilhorst, owner of Skycroft Campgrounds noted that campers from the non waterfront campground will be using the beach as well as anyone living on Opinicon Road can use the beach and use the boat launch. He clarified that he has deeded access and permission to use the trails, noting that the property was originally owned by Skycroft campgrounds. He has no intention of piling people on to lots as most users have assets to protect with significant investments in their own trailers. He stated that the reservations page on their website explains their guidelines and strict atmosphere; they have only had two complaints in the last three years.

Another resident on Opinicon Lake noted that the Skycroft founders were good friends of his and hiking was their vision. He felt they would not have wanted this large development.

Mrs. Mohnkern, 51 A & B Guthrie Road noted her family has similar concerns of those already expressed. The continuation of a peaceful, quiet and relaxation is important. A concern for increased demands on sewage, noise pollution from increased watercraft, public safety and the safety of their own property when they are not there are also important. The sale and maintenance of Split Rail Road and the protection of the rural character are also concerns of her family.

Mayor Vandewal stated that Council does not want to encourage expense to the applicant if there is no support. He recognized that Skycroft Campground owners have been recognized as great neighbours and great stewards of land. Council is not saying no, but also not encouraging this size of development.

Deputy Mayor Sutherland was concerned about the lake front commercial areas and felt a legal opinion should be sought with respect to the two parcels being treated as one property and one operation.

Resolution No. 2016-29-6
Moved by Councillor Sleeth
Seconded by Deputy Mayor Sutherland

THAT Council receive the Planning Report dated September 29, 2016, for information and hear comments from the public regarding a zoning amendment for a proposed new recreational resort in part of Lot 2, Concession XVI, Bedford District.

Carried

- d) Application for Zoning By-law Amendment, Part Lot 9, Concession XIII-Bedford District

Lindsay Mills explained that the purpose of this application is to rezone land that is two acres in size with frontage on Devil Lake. The existing property is a former resort from the distant past and the three residential buildings are a remnant of the former use. The new lot and retained lots (both having 220 feet of water frontage and one acre) are fully developed with a dwelling and outbuildings and each has its own septic system. They are completely separate lots effectively. Both the Ministry of Environment and Climate Change and Ontario Lake Assessments support the application requiring restrictions be put on further development of the small lots.

Councillor Revill was concerned about restricting the size of accessory buildings due to lake sensitivity. When Mr. Mills explained that they are already restricted by lot coverage and setbacks Councillor Revill withdrew his concern.

Councillor Barr recalled from Committee of Adjustment that this would be an improvement and one of the buildings is not in great shape; the impact to the

lake could possibly be lessened if it is removed.

Mayor Vandewal asked if the 30 metre setback can be achieved with a one acre lot. Mr. Mills confirmed that it could be. Mayor Vandewal was supportive of the rezoning as the buildings are not being enlarged.

There were no comments from the public.

Resolution No. 2016-29-7
Moved by Councillor Sleeth
Seconded by Deputy Mayor Sutherland

THAT an opportunity having been provided, the public meeting be closed.

Carried

7. Approval of Minutes

a) Council Minutes of September 6, 2016 meeting

Resolution No. 2016-29-8
Moved by Councillor Schjerning
Seconded by Councillor McDougall

THAT Council approves the minutes of the September 6, 2016 Council Meeting.

Carried

b) Committee of the Whole Minutes of September 13, 2016 meeting

Resolution No. 2016-29-9
Moved by Councillor McDougall
Seconded by Councillor Schjerning

THAT Council approves the minutes of the September 13 and September 27
Committee of the Whole meetings.

Carried

c) Committee of the Whole Minutes of September 27, 2016 meeting

8. Business Arising from the Minutes

a) Wayne Orr, Chief Administrative Officer, re: Notice of Motion - Reclassification
of Lands to Agriculture

Resolution No. 2016-29-10
Moved by Deputy Mayor Sutherland
Seconded by Councillor McDougall

THAT Council petition the Ontario Ministry of Agriculture, Food and Rural Affairs
to reclassify the rural area bounded by Boyce Road, Petworth Road, Road 38
and Watson Road as Prime Agriculture as identified in the Canada Land
Inventory.

Carried

b) Angela Maddocks, Executive Assistant, re: Notice of Motion - CFDC Funding

Resolution No. 2016-29-11
Moved by Councillor Sleeth
Seconded by Deputy Mayor McDougall

THAT Council consider a grant of \$35,000.00 to the Frontenac Community Futures Development Corporation in their 2017 budget if County Council does not support the funding request in their 2017 budget.

Carried

- c) Wayne Orr, Chief Administrative Officer, re: Planning Services - Month to Month

Staff were directed to provide a listing of outstanding projects not finalized and bring back a report in a month's time.

- d) Rick Chesebrough, Fire Chief, re: Emergency Response Fee Increase

Resolution No. 2016-29-12
Moved by Councillor Schjerning
Seconded by Councillor McDougall

THAT Council agrees to increase the emergency response rate to the new Ministry rate of \$450.00 per vehicle and we amend all by-laws and resolutions to reflect the new rate.

And that Council amend all related by-laws and resolutions to provide for an automatic adjustment of the rate corresponding with Ministry increases.

Carried

- e) Lindsay Mills, Planner, re: Illegal Special Event Concerts - Part Lot 13, Concession VII, Storrington

Resolution No. 2016-29-13
Moved by Councillor Schjerning
Seconded by Councillor McDougall

THAT Council make application to Civil Court to obtain a court order preventing the property owner at Part of Lot 13, Concession VII, Storrington District, municipally known as 3060 Sydenham Road, from holding any further unsanctioned special events on his property.

Carried

9. Reports Requiring Action

- a) Wayne Orr, Chief Administrative Officer, re: 100th Anniversary - International Association of Lions Clubs

Resolution No. 2016-29-14
Moved by Councillor McDougall
Seconded by Councillor Schjerning

THAT Council agree to designate one day to fly the Lions Club flag in recognition of the Club's 100 years of service and to direct staff to coordinate a date.

Carried

- b) Angela Maddocks, Executive Assistant, re: Proclamation for Public Library Month

Resolution No. 2016-29-15
Moved by Councillor McDougall
Seconded by Councillor Schjerning

WHEREAS the public library offers access to information; and

WHEREAS the public library supports personal growth, economic renewal and quality of life; and

WHEREAS we recognize that the board and staff of the Kingston Frontenac Public Library provide a vital service to our community,

THEREFORE the Council of the Corporation of the Township of South Frontenac proclaims the month of October 2016 to be Public Library Month and October 16-22, 2016 to be Ontario Public Library Week.

Carried

- c) Mark Segsworth, Public Works Manager, re: Township's Canada 150th Celebration

Resolution No. 2016-29-16
Moved by Councillor Roberts
Seconded by Councillor Barr

THAT the CAO be authorized to send a letter to Parks Canada offering our contribution in kind to support Parks Canada event in 2017 at the Upper Brewer's Lock on the Rideau Canal.

Carried

10. Committee Meeting Minutes

- a) South Frontenac Recreation Committee meeting of June 20, 2016
b) South Frontenac Recreation Committee meeting of August 22, 2016
c) Storrington District Recreation Committee meeting of August 29, 2016
d) Loughborough District Recreation Committee meeting of August 29, 2016

Resolution No. 2016-29-17
Moved by Councillor Barr
Seconded by Councillor Roberts

THAT Council receives for information the minutes of the following committee meetings:

- South Frontenac Recreation meeting of June 20, 2016
- South Frontenac Recreation meeting of August 22, 2016
- Storrington District Recreation meeting of August 29, 2016
- Loughborough District Recreation meeting of August 29, 2016

Carried

11. Reports for Information

- a) Accounts Payable and Payroll Listing

Deputy Mayor Sutherland requested a report on revenue from parking tickets since the passing of the by-law for parking restrictions in the village of Sydenham.

- b) Tender PW 2016-20 - Westport Road Culverts
c) Tender PW 2016-24 - Two Trailer Mounted Steamers
d) Angela Maddocks, Executive Assistant, re: Upcoming Meetings

12. By-Laws

- a) By-law 2016-61 - Rezone Concession XIII, Part Lot 9, Bedford District

Resolution No. 2016-29-18
Moved by Councillor Roberts
Seconded by Councillor Barr

THAT By-law 2016-61 be given first and second reading.

Carried

Resolution No. 2016-29-19
Moved by Councillor Barr
Seconded by Councillor Roberts

THAT By-law 2016-61, being a by-law to amend By-law 2003-75, as amended, to rezone lands from Waterfront Residential (RW) Zone to Special Waterfront Residential (RW-38) Zone be given third reading, signed and sealed.

Carried

13. Information Items - n/a

14. Notice of Motions

- a) Deputy Mayor Sutherland served a notice of motion requesting the province to be accountable for carbon tax and how it is distributed to municipalities.

15. Announcements - n/a

16. Question of Clarity (from the public on outcome of agenda items) - n/a

17. Closed Session - n/a

18. Confirmatory By-law

- a) By-law 2016-62

Resolution No. 2016-29-20
Moved by Councillor Roberts
Seconded by Councillor Barr

THAT By-law 2016-62, being a by-law to confirm generally previous actions of the Council of the Township of South Frontenac be given first and second reading this 4 day of October, 2016.

Carried

Resolution No. 2016-29-21
Moved by Councillor Barr
Seconded by Councillor Roberts

THAT By-law 2016-62, being a by-law to confirm generally previous actions of the Council of the Township of South Frontenac, be read a third time signed and sealed this 4 day of October, 2016.

Carried

19. Adjournment

- a) Resolution

Resolution No. 2016-29-22

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Moved by Councillor Roberts
Seconded by Councillor Barr

THAT the Council meeting of October 4, 2016 be adjourned at 9:15 p.m.

Carried

Ron Vandewal, Mayor

Wayne Orr, Chief Administrative Officer