

Minutes of Council  
July, 5, 2016

Time: 7:00 PM

Location: Council Chambers

Meeting # 23

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, Tim Laprade, Arena & Recreation Coordinator, Louise Fragnito, Treasurer, Angela Maddocks, Executive Assistant.

1. Call to Order

a) Resolution

Resolution No. 2016-23-1  
Moved by Councillor Sleeth  
Seconded by Councillor Revill

THAT the Council meeting of July 5, 2016 be called to order at 7:00 p.m.

Carried

2. Declaration of pecuniary interest and the general nature thereof

3. Scheduled Closed Session- n/a

4. \*\*\*Recess \*\*\* - n/a

5. Delegations

a) Darren Carl and Chris Scott, Canadian Solar, re: Next Round of LRP

Darren Carl, Business Development Associate, Canadian Solar Solutions and Chris Scott, Senior Engineer, Renewable Energy with Suncor Energy Products both talked about the LRP II kick off that provides an additional 250 MW of ground mounted solar offered by the Independent Electricity System Operation. They will be discussing with the public about updating the Collins Lake Solar project and are seeking additional locations which are suitable for solar development.

Deputy Mayor Sutherland appreciated the early notice and that he tends to support green energy initiatives however he does not support the Collins Lake site as it surrounds agricultural lands.

Councillor Sleeth was not supportive of this project either as it is too close to the hamlet and farmland. He referred to his meeting with Minister Leal, Agriculture and Food and the new land mapping. Class 5 and down will not be allowed in the future.

Councillor Roberts stated that Inverary area residents are not happy with this location.

b) Mike Keene, re: Stricelj Rezoning

Mike Keene, Fotenn Consulting, reviewed the history of property at 1610 Don Moore Lane. His presentation provided his opinion and support for the zoning by-law amendment and the supporting studies. He noted that the existing cottage is within the 30 metre setback, the new additions do not further encroach on water setback and site alterations are proposed that provide a net benefit. Regardless of the construction that has already taken place, on its

planing merits he felt this proposal represents good planning.

6. Public Meeting

a) Resolution

Resolution No. 2016-23-2  
Moved by Councillor Sleeth  
Seconded by Councillor Revill

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

- Proposed Zoning By-law Amendment in Part Lot 20, Concession IX, Storrington District.
- Proposed Zoning by-law amendment in Part of Lot 11 Concession I, Storrington District

Carried

b) Review of Proposed Zoning By-law Amendment , Part Lot 20, Concession IX, Storrington

Mr. Mills explained that the owner of property at 1610 Don Moore Lane has applied for rezoning to permit a proposed new addition to an existing cottage on Dog lake. The amendment seeks to legalize a two storey addition to the building that has already been constructed illegally without any approvals from the Township. The effect would be a structure with a footprint of 2900 square feet approximately 5.5 metres from the lake. While the applicant applied for a minor variance, the application did not address the illegal addition at the waterside of the cottage, but instead sought relief to construct a whole new addition on the non-water side. The Committee of Adjustment denied the minor variance application. Mr. Mills noted that while the rezoning application seeks to address both the illegal construction and the proposed addition, an OMB hearing was scheduled for July 19, 2016 to hear the appeal on the minor variance, however now that the rezoning application has been submitted the hearing has been adjourned. The Planning Department's conclusion is that the rezoning to legalize the illegal construction and the proposal to add to the non-waterside of the cottage cannot be supported. The environmental report and the planning report both appear to base their support on the supposition that the waterside addition was constructed on the same footprint as the previously existing deck that was destroyed by a tornado. There is nothing to support the supposition. If the owner voluntarily removed the structure in order to build the two storey living space addition then its legal non-complying status has been lost. He added that the owner's own photos and the architects drawings show clearly that the new construction goes beyond the original footprint.

Don Stricelj, the applicant, took ownership of the fact that the construction took place without proper permits from the township. He noted that his original contractor walked away from the project and he thought the contractor had obtained the necessary permits. He felt the construction does not affect the ribbon of life and there is a campaign to restrict his view and enjoyment of his property. He wants to be a better citizen and protect South Frontenac. He asked for compassion from Council noting that CRCA have no issues with the location.

Mr. Mills was questioned on what kind of proof is required regarding the existing footprint as they have an architects professional opinion and neighbours who vouch that the new construction is on the same footprint.

John Sterner who lives across the lake from the applicant noted that the structure had been there for a long time and is upon a high cliff. He felt there is no problem with the building.

Stan Shilington who has lived across the bay since 1991, knew the previous owner and he felt the new construction was the same size and he was aware of the damage caused by the tornado.

Christine Ludorf has owned 11.6 acres close to Mr. Stricelj since 1977 and attested to the construction being on the same footprint.

Deputy Mayor Sutherland supported the Committee of Adjustment decision. He noted that if construction occurred on the same footprint, approval would not have been granted to have the second storey, only the replacement of the porch. He noted that dealing with permits may be difficult but this is a requirement and it is extremely unfair to other residents who follow the proper channels and acquire their building permits in advance of construction.

Mayor Vandewal encouraged Mr. Stricelj to look at the situation from the township's perspective. If the township approved this rezoning it will open up the flood gates for others to build first and ask for approval afterwards.

Mike Keene noted the difficulty for Mr. Stricelj's neighbours to come to the meeting in support of the rezoning. He felt there was no precedent being set in this case. He supported getting proper permits initially but that this application should stand on its own merits.

Councillor Revill referred to the demolition and noted that there is no evidence of pre-existing structures. If procedures had been followed and permits issued, the inspector would have been there to confirm that the construction was within the same footprint.

c) Review of Proposed Zoning By-law Amendment, Part of Lot 11, Concession 1, Storrington

Mr. Mills explained that the subject land is 1.21 hectares in size with frontage on Loughborough Lake. The property is accessed by Sandpiper Lane which bisects the property and another right of way through the land gives access to an abutting property on the south west. Both the new lot and the retained lot are fully developed with a cottage and outbuildings and each has its own septic system, each portion is effectively a fully functioning separate lot.

Councillor Sleeth had visited the site and agreed with the Planner's recommendation that this makes a better situation than what currently exists.

Mayor Vandewal asked if both properties had cottages and the restrictions for further development on the smaller lot.

Mr. Mills confirmed that one is a seasonal residence and the other is a year round residence. Further development on the smaller lot would be restricted to the same footprint of 850 square feet and a 36 metre setback from the water.

There were no comments from the public.

Resolution No. 2016-23-3  
Moved by Councillor Sleeth  
Seconded by Councillor Revill

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

Carried

7. Approval of Minutes

a) Minutes of the June 21, 2016 Council meeting

Resolution No. 2016-23-4  
Moved by Councillor Sleeth  
Seconded by Councillor Revill

THAT Council approves the minutes of the June 21, 2016 Council meeting.

Carried

8. Business Arising from the Minutes

- a) Lindsay Mills, Planner, re: Request for permission to hold a Special Event Concert on Part Lot 13 Concession VII, Storrington District - Vezeau

Resolution No. 2016-23-5  
Moved by Councillor Revill  
Seconded by Deputy Mayor Sutherland

THAT Council authorize an exemption from By-law #2015-41 (the Noise By-Law) to permit a significant event (an outdoor guitar festival) to take place from July 22 to July 24, 2016 in Concession VII, Pt Lot 13, Storrington District, 3060 Sydenham Road.

Carried

- b) Lindsay Mills, Planner, re: Site Plan Agreement in Part of Lot 2, Concession IV, Loughborough - Silver

- c) Wayne Orr, Chief Administrative Officer, re: Notice of Motion - Young - Leland Road Legal Fees

Resolution No. 2016-23-6  
Moved by Deputy Mayor Sutherland  
Seconded by Councillor Sleeth

THAT Council direct staff to proceed with the road closing process and confirm that the Young's will only be responsible for their share of the legal costs.

Carried

- d) Wayne Orr, Chief Administrative Officer, re: Notice of Motion - Hartington Subdivision

Resolution No. 2016-23-7  
Moved by Councillor McDougall  
Seconded by Councillor Schjerning

THAT Council ask the County to defer any decision on the Hartington Subdivision until such time that the final peer review by Malroz is released publicly and South Frontenac Council has had an opportunity to consider this information.

Carried

9. Reports Requiring Action

- a) Tim Laprade, Arena and Recreation Supervisor, re: Ontario East Regional Agility Competition Noise and Camping Exemptions

Resolution No. 2016-23-8  
Moved by Councillor Revill  
Seconded by Deputy Mayor Sutherland

THAT Council authorize the Recreation Supervisor and the CAO to enter into an agreement with the Ontario East Regional Agility Competition organizers;

AND THAT Council exempt the Ontario East Regional Agility Competition taking place on June 3 and 4, 2017 at Centennial Park from the Township's noise by-law as requested:

AND FURTHER that Council provide a one time exemption to permit camping in Centennial Park for the sole purpose of use for the competitors trailers during the Ontario East Regional Agility Competition as requested.

Carried

- b) Tim Laprade, Arena and Recreation Supervisor, re: Permission to Serve Alcohol at the Stantive Technologies Staff BBQ

Resolution No. 2016-23-9  
Moved by Deputy Mayor Schjerning  
Seconded by Councillor Revill

THAT Council authorize the Recreation Supervisor and CAO to enter into an agreement with Stantive Technologies Staff BBQ organizers;

AND THAT Council give permission for the serving of alcohol as per Section 10 Item (c) "Alcoholic Beverages" of By-law 2002-57 for the Stantive Technologies Staff BBQ taking place from noon to 7:00 pm on August 26, 2016 at Centennial Park.

Carried

- c) Mark Segsworth, Public Works Manager, re: Purchase of AVL from Tyroute Communications

Resolution No. 2016-23-10  
Moved by Deputy Mayor Sutherland  
Seconded by Councillor Revill

THAT Council approve the purchase of AVL from Tyroute Communications for 47 vehicles initially,

AND THAT the 2016 cost of \$40.00 per unit per month, exclusive of HST be funded from the approved capital budget.

Carried

- d) Louise Fragnito, Treasurer, re: 2017 Budget Cycle

Resolution No. 2016-23-11  
Moved by Councillor Revill  
Seconded by Deputy Mayor Sutherland

THAT Council adopt the 2017 budget cycle as presented.

Carried

- e) Wayne Orr, Chief Administrative Officer, re: Verona Medical Lease

Resolution No. 2016-23-12  
Moved by Councillor Schjerning  
Seconded by Councillor McDougall

THAT Council authorize the CAO to enter into a new lease with the Verona Medical Clinic as operated by Dr. S. Gibbens.

Carried

f) Wayne Orr, Chief Administrative Officer, re: Seniors Housing

Resolution No. 2016-23-13  
Moved by Councillor McDougall  
Seconded by Councillor Schjerning

THAT Council supports moving forward with the development of a business case for a market rent seniors housing project on municipal water in Sydenham;

AND THAT Council request the County to fund the development of this business case from the funds ear marked for senior's project;

AND THAT the business case explore and reference current funding incentives and address any unique requirements for a Public Private Partnership model;

AND THAT upon completion and Council approval of the business case a Request for Expression of Interest be issued to publicly solicit interested parties.

Carried

10. Committee Meeting Minutes

a) Loughborough District Canada Day Committee meeting of June 9, 2016

b) Portland District Recreation Committee meeting of May 30, 2016

Resolution No. 2016-23-14  
Moved by Councillor Schjerning  
Seconded by Councillor McDougall

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

- Loughborough District Canada Day meeting of June 9, 2016
- Portland District Recreation Committee meeting of May 30, 2016

Carried

11. By-Laws

a) By-law 2016-41 - Con I, Part Lot 11, Storrington -Tripp

Resolution No. 2016-23-15  
Moved by Councillor McDougall  
Seconded by Councillor Schjerning

THAT the following by-laws be given first and second reading:

- By-law 2016-41
- By-law 2016-42
- By-law 2016-43

Carried

Resolution No. 2016-23-16  
Moved by Councillor Barr  
Seconded by Councillor Roberts

THAT By-law 2016-41, being a by-law to amend By-law 2003-75, as amended, to rezone lands from Limited Service Residential-Waterfront Zone (RLSW) to

Special Limited Service Residential Waterfront Zone (RLSW-112) and Special Limited Service Residential-Waterfront Zone (RLSW-113) Part Lot 11, Concession 1, be given third reading, signed and sealed.

Carried

- b) By-law 2016-42 - Con IX, Part Lot 20, Storrington - Stricelj

A recorded vote was requested for the third reading. Council unanimously voted against the passing of this by-law.

Resolution No. 2016-23-17  
Moved by Councillor Barr  
Seconded by Councillor Roberts

THAT By-law 2016-42, being a by-law to amend By-law 2003-75, as amended, to rezone lands from Limited Service Residential-Waterfront (RLSW) to Special Limited Service Residential Waterfront (RLSW-114), Part Lot 20, Concession IX, be given third reading, signed and sealed.

Defeated

- c) By-law 2016-43 - Site Plan Agreement - Silver

Resolution No. 2016-23-18  
Moved by Councillor Roberts  
Seconded by Councillor Barr

THAT By-law 2016-43, being a by-law to authorize the Mayor and the Clerk to execute a site plan agreement between the Corporation of the Township of South Frontenac and Darryl Silver and Shirley Silver, be given third reading, signed and sealed.

Carried

12. Reports for Information

- a) Accounts Payable and Payroll Listing
- b) Louise Fragnito, Treasurer, re: Annual Repayment Limit in respect to long-term debt and financial obligations
- c) Louise Fragnito, Treasurer, re: Changes to Development Charges reporting requirements
- d) Louise Fragnito, Treasurer, re: 2016 Student Funding

Mayor Vandewal questioned the impact on the number of students to be hired next year.

- e) Mark Segsworth, Public Works Manager, re: PW-2016-13 Tender to Replace Salmon Lake Road culvert

Deputy Mayor Sutherland questions the kind of culvert going in.

13. Information Items

- a) Letter to Prime Minister Trudeau, re: Prison Farms (from June 21 Council Resolution)
- b) Carina Promm, Ernestown Secondary School, re: Thanks to Planning Department staff

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- c) Mayor Ron Higgins, Township of North Frontenac, re: Requesting Support with regards to responding to Medical Calls
- d) Jim Cassimatis, Assistant Deputy Minister, MMAH re: Proposed Amendments to the Residential Tenancies Act

14. Notice of Motions-n/a

15. Announcements

a) Canada Day

Mayor Vandewal commended staff and volunteers for the quick response from the fireworks company regarding the issue with the fireworks display in Sydenham. He also received comments about the positive cooperation from township staff in getting set up for the celebrations.

Councillor McDougall felt a compromise should be looked at with respect to Canada's 150th birthday celebrations next year. He suggested that one celebration be planned instead of one in each district.

Councillor Sleeth suggested that money could be budgeted for each district to commemorate a special project in each district for the 150th. Councillor Barr agreed with this as well.

Deputy Mayor Sutherland felt something significant should be done for the 150th that unifies the township.

Councillor Roberts noted that the advertising on the website for Canada Day events was helpful.

- b) Councillor Sleeth conveyed the positive feedback he has received with respect to the lines painted on secondary roads.

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

17. Closed Session (if requested)

18. Confirmatory By-law

a) By-law 2016-44

Resolution No. 2016-23-19  
Moved by Councillor Roberts  
Seconded by Councillor Barr

THAT By-law 2016-44, 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 5 day of July 2016.

Carried

Resolution No. 2016-23-20  
Moved by Councillor Barr  
Seconded by Councillor Roberts

THAT By-law 2016-44, being a by-law to confirm generally previous actions of the Council of the Township of South Frontenac be given third reading, signed and sealed this 5 day of July 2016.

Carried

19. Adjournment

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a) Resolution

Resolution No. 2016-23-21  
Moved by Councillor Roberts  
Seconded by Councillor Barr

THAT the Council meeting of July 5, 2016 be adjourned at 9:10 p.m.

Carried

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Ron Vandewal, Mayor

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Wayne Orr, Chief Administrative Officer