

Minutes of Council
July, 11, 2017

Time: 6:00 PM

Location: Council Chambers

Meeting # 23

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

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

1. Call to Order

a) Resolution

Resolution No. 2017-23-01
Moved by Councillor Sleeth
Seconded by Councillor Barbeau

THAT the Council meeting of July 11 2017 be called to order at 6:00 p.m.

Carried

2. Declaration of pecuniary interest and the general nature thereof

a) Councillor Barbeau declared a pecuniary interest with respect to By-law 2017-41.

b) Councillor Schjerning noted that he is currently the president of the Sydenham Lake Association.

3. Scheduled Closed Session

a) Resolution - Move into Closed Session - To approve closed minutes from May 2 and 30 and for Advice from Solicitor re: Hartington Community Association's Request

Resolution No. 2017-23-02
Moved by Councillor Sleeth
Seconded by Councillor Barbeau

THAT Council move into closed session to approve minutes of previous closed session meetings and to receive advice from the Township Solicitor.

Carried

b) Approval of minutes from previous Closed Session meetings

c) Advice from Solicitor

d) Resolution - Return to Open Session

Resolution No. 2017-23-04
Moved by Councillor Sleeth
Seconded by Councillor Barbeau

THAT Council move out of closed session.

Carried

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

5. Delegations

a) Gord Rodgers, re: Draft Sydenham Lake Plan

Gord Rodgers presented the Draft Sydenham Lake Stewardship Plan to Council and outlined the process, contributing partners and the values, issues and goals of the Sydenham Lake Association.

Council commended the association for the work involved in this plan.

Copies of the "State of the Lake" report and the draft "Sydenham Lake Stewardship Plan" can be found on the the Sydenham Lake Association website.

b) Kevin Riley, Director Water/Wastewater Operations, Utilities Kingston, re: 2016 Annual Report - Sydenham Water Treatment Plant

Kevin Riley provided a brief update on the 2016 Annual Report for the Sydenham Water Treatment Plant. He noted that there were no major issues, a clean slate for the operation based on quality control and adhering to regulations. There was only general maintenance work done on the system; it is starting to age which is expected and normal.

Mayor Vandewal mentioned the need for possible upgrading of water meters in the near future. He commended Utilities Kingston for the report and the great working relationship that South Frontenac has with them.

Resolution No. 2017-23-05
Moved by Councillor Sleeth
Seconded by Councillor Barbeau

THAT the Council of the Township of South Frontenac receive the Utilities Kingston 2016 Annual Report for the Sydenham Water Treatment System as presented on July 11, 2017.

Carried

6. Public Meeting

a) Resolution - Open Public Meeting

Resolution No. 2017-23-06
Moved by Councillor Sleeth
Seconded by Councillor Barbeau

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

- Minimum Distance Separation - New Zoning
- Secondary Dwelling - Ross/Rank
- Zoning Map Correction - Albion Lodge
- Road Closure and Transfer - Bovey

Carried

b) Minimum Distance Separation: New Zoning

Forbes Symon indicated this was a positive and common sense change to the zoning by-law. He provided clarification on the changes to the MDS noting that it is applied whenever new residential development is proposed near existing farm facilities and whenever farm facilities propose to expand near existing residences and that these changes are tipped in favour of the farmer.

Councillor Sleeth asked what the setback is from cemeteries and what the

rationale is relative to cemeteries.

Mr. Symon explained that based on an operation of 40 dairy cows, the setback would be 160 metres on 100 acres, however it depends on the size and the intensity.

John Williamson, president of the Frontenac Federation of Agriculture, felt this gives more flexibility for farmers near rural cemeteries, however, historically it has been the farmer who has given property for the expansion of cemeteries. He provided a map of his property to identify his concerns, noting that over time the farmer across the road from him has had 17 severances on Holmes Road and his fields are basically sterilized with him having no opportunity for severances; Lyons Landing subdivision affects one side and then Class 1 wetlands affect the other. He felt the builder/developer should be impacted by the MDS and noted that it is harder to utilize farm lands.

Forbes Symon clarified that on a lot of records, the separation is to the lot line for barns, and this is not changing. If farming operations wish to construct a drive shed or a hay storage facility these structures do not fall under the MDS.

c) Secondary Dwelling: Ross/Rank - Concession VIII, Part of Lot 17, Storrington District

Lindsay Mills explained that the land is presently vacant and the prospective owners of the property plan to submit a building permit application to construct a residence and to incorporate the second dwelling within the plans to be submitted. They are a family of six and their plans are that the parents of the family will continue to live in the home while the children will be long-term caregivers in the future. Mr. Mills distributed the comments from the Health Unit that he had just received noting that there are no objections from them.

Councillor Sutherland requested confirmation that the proposal is for one building with two units, which Mr. Mills confirmed.

Edward Zimolag, 1712 Hitchcock Drive, was concerned about the increase of use of the private right of way for the subject property. His concerns included the possibility of the new owners renting out the second unit and would there be additional lots created on the right of way and increased traffic. He questioned whether he could sever lots from his 28 acres.

Lindsay Mills noted that according to the map Mr. Zimolag does not have water frontage and therefore can't create lots on a private lane.

Debbie Bourque, the prospective buyer, indicated that she was available to answer any questions.

Heather Browne, 4107 Cardinal Lane, questioned where the structure is to be located and the clean up of the property and removal of trailer; the property and buildings are in disrepair. She also questioned the square footage of the proposed new structure. She asked for clarification on the dwelling; is it one building? She was also concerned about increased use of the right of way and there being only one access point; questioning if it is due diligence to include a new separate access lane to this property.

Mr. Mills noted that it will be required that the trailer be removed and there are lots of options for construction on this property.

Ulrike Zimolag shared her husbands' concerns about increased use of the right of way; will the new owner upgrade or improve the lane and assist with road maintenance? She asked about the appeal process and expressed her

concern about her own quality of life as well as her husbands.

Mr. Mills explained that the process for appealing the rezoning will be explained in the "notice of passing" that is required to be mailed to adjacent property owner.

Nella Belcastro shared the concern of the other neighbours, but recognized that it would be nice to have others to share the expense of right of way maintenance.

- d) Zoning Map Correction: Albion Lodge - Concession IV, Part of Lot 6, Portland District

Mr. Mills explained that the purpose of the rezoning is to correct a mapping error and zone the Albion Lodge as a community facility (CF) zone.

There were no questions from Council or the public.

- e) Road Closure and Transfer: Bovey, Concession I, between Lots 18 & 19, Storrington

Mr. Mills noted the rezoning of this property to permit a commercial use was approved and it was learned that through this process that a road allowance exists that bisects the whole parent parcel (severed and retained). The road allowance is 652 metres long from north to south. The applicants lawyer has advised that he has no doubt that this portion of the road allowance was closed however there are no records to testify to this. He noted that based on the rate of \$0.21 per square foot, the sale price of the road allowance would be \$29,657.00 and noted that Council may wish to consider reducing this amount or eliminating this cost considering that it seems clear that the road allowance was already closed in the past.

There were no comments from the public.

Council agreed to waive the fee for the road allowance however the applicant is required to pay all legal costs associated with the transaction.

Resolution No. 2017-23-07
Moved by Councillor Sleeth
Seconded by Councillor Barbeau

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

Carried

7. Approval of Minutes

- a) Minutes of the June 20, 2017 Council Meeting

Resolution No. 2017-23-08
Moved by Councillor Sutherland
Seconded by Councillor Revill

THAT Council approves the minutes of the June 20, 2017 Council meeting.

Carried

- b) Minutes of the June 27, 2017 Committee of the Whole meeting

Resolution No. 2017-23-09
Moved by Councillor Revill
Seconded by Councillor Sutherland

THAT Council approves the minutes of the June 27, 2017 Committee of the Whole meeting.

Carried

8. Business Arising from the Minutes

a) Notice of Motion - Speed Control Pricing and Options

Resolution No. 2017-23-10
Moved by Councillor Sutherland
Seconded by Councillor Revill

THAT Council supports the notice of motion from Councillor Sutherland and direct the Public Works Manager to report to Council before the 2018 Budget discussions on the cost of various speed control options including: speed bumps, both permanent and temporary, having a full time Traffic Control Officer in South Frontenac, and mobile speed signs.

Carried

b) Notice of Motion - Request from Hartington Community Association

Councillor Schjerning requested a recorded vote on motions 2017-23-12 and 2017-23-14.

Councillor Sleeth and Councilor Schjerning voted again deferral with the remainder of Council voting in favour of deferring on the above-noted motions.

Resolution No. 2017-23-11
Moved by Councillor Schjerning
Seconded by Councillor Sleeth

THAT on a without prejudice or precedent basis, the Corporation of the Township of South Frontenac cover the costs of the two most recent invoices from Mr. Wilf Ruland and the final invoice from Mr. Harold Chard to the Hartington Community Association.

Resolution No. 2017-23-12
Moved by Councillor Sutherland
Seconded by Deputy Mayor Roberts

THAT this motion be deferred until legal proceedings are finalized at the OMB.

Carried

Resolution No. 2017-23-13
Moved by Councillor Schjerning
Seconded by Councillor Sleeth

THAT the Corporation of the Township of South Frontenac cover the cost associated with testing the well water quality for residences within 300 metres of the former gas station in Hartington; and

THAT testing shall be performed two (2) times per year; and,

THAT testing shall be done on a voluntary basis.

Resolution No. 2017-23-14

Moved by Councillor Sutherland
Seconded by Deputy Mayor Roberts

THAT this motion be deferred until legal proceedings are finalized at the OMB.
Carried

c) Notice of Motion - RFP's for Administrative Services

Resolution No. 2017-23-15
Moved by Councillor Sleeth
Seconded by Councillor Sutherland

THAT further to the information in the staff report that Council direct staff to issue an RFP for legal services.
Carried

9. Reports Requiring Action

a) Forbes Symon, Manager of Development Services, re: Site Plan Agreement: McCahill /Shea - Loughborough District

See By-law 2017-33.

b) Tim Laprade, Arena & Recreation Supervisor, re: Eastern Ontario Championship Regatta - Noise and Camping Exemptions

The Public Works Manager will seek clarification on their request for exemption from the noise by-law for this request and Agenda Item 9 (c) as it was unclear why an exemption would be necessary for these events.

Resolution No. 2017-23-16
Moved by Councillor Sutherland
Seconded by Councillor Revill

THAT Council authorize the Recreation Supervisor and CAO to enter into an agreement with the Sydenham Lake Canoe Club (SLCC);

AND that Council exempt the Eastern Ontario Division (EOD) Championship Regatta organized by the Sydenham Canoe Club from Friday, August 18th to Sunday, August 20th, 2017 at Sydenham Point Memorial Park from the Township's noise bylaw as requested;

AND FURTHER that Council provide a one-time exemption to permit camping in the Small Baseball Diamond at Sydenham Point Memorial Park for the sole purpose of use for the competitor's tents during the Eastern Ontario Division (EOD) Championship Regatta as requested.

Carried

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

Resolution No. 2017-23-17
Moved by Councillor Revill
Seconded by Councillor Sutherland

THAT Council authorize the Recreation Supervisor and CAO to enter into an agreement with the Ontario East Regional Agility Competition organizers for a 2018 event;

AND THAT Council exempt the Ontario East Regional Agility Competition taking place from Thursday, May 31 to Sunday, June 3, 2018 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

- d) Mark Segsworth, Public Works Manager, re: Proposed Reduced Speed Zone on Various Road Segments

See By-law 2017-44.

- e) Mark Segsworth, Public Works Manager, re: Sand Dome Doors for Hartington Patrol Yard

Resolution No. 2017-23-18
Moved by Councillor Schjerning
Seconded by Deputy Mayor Roberts

THAT Council approves an amount of \$10,000 to be financed from the Vertical Facilities Reserve for the installation of doors on the Hartington Sand Dome.

Carried

- f) Mark Segsworth, Public Works Manager, re: Process for Assumption of Non-Subdivision Roads

Resolution No. 2017-23-19
Moved by Deputy Mayor Roberts
Seconded by Councillor Schjerning

THAT Council adopt the criteria outlined in the report to Council dated July 11, 2017 for Assumption of Non-Subdivision Roads.

Resolution No. 2017-23-20
Moved by Councillor Sutherland
Seconded by Councillor Barbeau

THAT this be referred back to the Public Services Committee.

Carried

- g) Mark Segsworth, Public Works Manager, re: Fermoy Hall Plaster Repairs

Resolution No. 2017-23-21
Moved by Deputy Mayor Roberts
Seconded by Councillor Schjerning

THAT no action be taken to repairs at Fermoy Hall at this time.

Resolution No. 2017-23-22
Moved by Councillor Barr
Seconded by Deputy Mayor Roberts

THAT further upgrades to Fermoy Hall be referred back to the Fermoy Hall Committee to develop a strategy for fundraising.

Carried

- h) Mark Segsworth, Public Works Manager, re: Perth Road Fire Hall Tender

Resolution No. 2017-23-23
Moved by Councillor Schjerner
Seconded by Deputy Mayor Roberts

THAT a Special Meeting of Council be called for July 18 at 7:00 pm for the sole purpose of discussing the tender for the Perth Road Fire Hall.

Carried

10. Committee Meeting Minutes

- a) Police Services Board meeting held March 23, 2017
- b) Storrington District Recreation meeting held May 29, 2017
- c) Corporate Services Committee meeting held May 2, 2017
- d) Public Services Committee meeting held May 25, 2017
- e) Development Services Committee meeting held May 31, 2017
- f) Verona & District Health Services Committee meeting held June 28, 2017

11. By-Laws

- a) By-law 2017-39 - Minimum Distance Separation: New Zoning

Resolution No. 2017-23-24
Moved by Councillor Barr
Seconded by Councillor Schjerner

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

- By-law 2017-39
- By-law 2017-40
- By-law 2017-41
- By-law 2017-42
- By-law 2017-43
- By-law 2017-44

Carried

Resolution No. 2017-23-25
Moved by Councillor Schjerner
Seconded by Councillor Barr

THAT By-law 2017-39, being a by-law to amend By-law 2003-75. as amended to change section 5.25 to acknowledge that existing vacant lots in proximity to farm facilities may be developed with an approved minor variance and to identify certain cemeteries beside which proposed new livestock facilities are exempt from any required MDS II calculation, be given third reading, signed and sealed.

Carried

- b) By-law 2017-40 - Permit a Secondary Dwelling; Concession VIII, Part of Lot 17, Storrington

Resolution No. 2017-23-26
Moved by Councillor Barr
Seconded by Councillor Schjerner

THAT By-law 2017-40, being a by-law to amend By-law 2003-75, as amended, to define a secondary dwelling and to rezone land from Limited Service Residential-Waterfront Zone (RSLW) to Special Limited Service Residential- Waterfront Zone (RLSW-115) in Part of Lot 17, concession VIII, be given third reading, signed and sealed.

Carried

c) By-law 2017-41 - Zoning Map Correction: Albion Lodge

Resolution No. 2017-23-27
Moved by Deputy Mayor Roberts
Seconded by Councillor Barr

THAT by-law 2017-41, being a by-law to amend By-law 2003-75, as amended, to rezone land from Urban Residential First-Density Zone (UR1) to Community Facility Zone (CF), Part of Lot 6, Concession VI, District of Portland, be given third reading, signed and sealed.

Carried

d) By-law 2017-42 - Road Closure - Concession I, Lots 18 and 19, Storrington

Resolution No. 2017-23-28
Moved by Councillor Barr
Seconded by Deputy Mayor Roberts

THAT By-law 2017-42, being a by-law to stop up, close and sell a portion of an unopened road allowance between lots 18 and 19, Concession I, Storrington District, be given third reading, signed and sealed, provided the property owner covers the relevant costs.

Carried

e) By-law 2017-43 - Site Plan Agreement: McCahill/Shea

Resolution No. 2017-23-29
Moved by Deputy Mayor Roberts
Seconded by Councillor Barr

THAT By-law 2017-43, 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 Paul McCahill and Wayne Shea, be given third reading, signed and sealed.

Carried

f) By-law 2017-44 - Speed Limit Reduction

Resolution No. 2017-23-30
Moved by Deputy Mayor Roberts
Seconded by Councillor Barr

THAT By-law 2017-44, being a by-law to amend By-law 2000-01, to regulate the use of traffic, parking and stopping on highways and bridges in the Township of South Frontenac, to regulate speeds as outlined in Schedule A, be given third reading, signed and sealed.

Carried

12. Reports for Information

a) Accounts Payable and Payroll Listing

- b) Rick Chesebrough, Fire Chief, re: Vehicle Replacement
- c) Building Activity Report for 2nd Quarter 2017
- d) Harrowsmith Intersection Project - Update on Associated Costs
- e) Robert Charest, Trail Committee Member, re: Trail Committee Report - July 2017

13. Information Items

- a) Meela Melnik-Proud, re: Heritage Committee
- b) Denis Doyle, Chair KFL&A Board of Health, re: Implications of Proposed Cannabis Legislation
- c) Jeff Leal, Minister of Agriculture Food & Rural Affairs, re: OCIF Top Up Application Component

Councillor Sutherland asked if the township will be re-applying for funding for Sunbury Road.

- d) Hartington Community Association - Request for Contribution (from June 27 Committee of the Whole presentation)
- e) Note of thanks from Daret McKay, recipient of South Frontenac Bursary

14. Notice of Motions - n/a

15. Announcements

- a) Councillor Sutherland asked about signage for changes in fire ban status.

Wayne Orr reported that the Office of the Fire Marshal does not support the posting of signage.

- b) Councillor Sutherland reminded Council of the Lakes and Trails Festival being held this Saturday at The Point.
- c) Upcoming events include the official opening of Robinson Road on July 17 at 6:00 p.m, the electronic sign in Verona at 10:00 am on July 20 and at 1:30 pm on July 20, Randy Hillier will be at The Point for the official presentation of upgrades to the facilities and park.
- d) Councillor Schjerning noted he has extra copies of the State of the Lake Report.

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 2017-45

Resolution No. 2017-23-31
Moved by Councillor Barr
Seconded by Deputy Mayor Roberts

Minutes of Council
July, 11, 2017

THAT By-law 2017-45, 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 11 day of July, 2017.

Carried

Resolution No. 2017-23-32
Moved by Deputy Mayor Roberts
Seconded by Councillor Barr

THAT By-law 2017-45, 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 11 day of July 2017.

Carried

19. Adjournment

a) Resolution

Resolution No. 2017-23-33
Moved by Councillor Barr
Seconded by Deputy Mayor Roberts

THAT the Council meeting of July 11, 2017 be adjourned at 9:37 p.m.

Carried

Ron Vandewal, Mayor

Wayne Orr, Chief Administrative Officer