

Minutes of Council
June, 4, 2019

Time: 7:00 PM

Location: Council Chambers



Meeting # 16

Present: Mayor Ron Vandewal, Ray Leonard, Doug Morey, Alan Revill, Norm Roberts, Randy Ruttan, Ron Sleeth, Ross Sutherland

Staff: Wayne Orr, Chief Administrative Officer, Claire Dodds, Director of Development Services, Mark Segsworth, Director of Public Services, Angela Maddocks, Clerk.

1. Call to Order

a) Resolution

Resolution No. 2019-16-01

Moved by Councillor Morey

Seconded by Deputy Mayor Sleeth

That the Council meeting of June 4, 2019 be called to order at 7:00 p.m.

Carried

2. Declaration of pecuniary interest and the general nature thereof

a) Councillor Leonard declared a pecuniary interest with respect to agenda item 13 (a), the Accounts Payable and Payroll Listing.

3. Approval of Agenda

a) Minute of Silence

To acknowledge the 75th anniversary of D-Day (the invasion of Normandy on June 6, 1944) and the thousands of Canadian soldiers who lost their lives in combat, Mayor Vandewal requested that a moment of silence be held to remember how fortunate we are today as Canadians for their sacrifices. (The agenda was amended to allow for this).

b) Resolution

Resolution No. 2019-16-02

Moved by Councillor Morey

Seconded by Deputy Mayor Sleeth

That the agenda for the June 4, 2019 Council meeting be adopted as amended.

Carried

4. Scheduled Closed Session - n/a

5. ***Recess*** - n/a

6. Delegations

a) Tracy Zander, ZanderPlan Inc and Gavin Marshall, Magenta Waterfront Development Corp, re: Draft Plan Extension for Cranberry Cove and Johnston Point Developments

Gavin Marshall thanked Council for acknowledging D-Day with the minute of

silence as his father was at Juno Beach. He thanked Council for the opportunity to address his request for an extension to the Draft Plan Approval for Johnston Point and Cranberry Cove developments. He provided an overview of his background and upbringing and talked about the \$10 million investment in development projects his company has financed. He stated that he is aware of the unprecedented degree of scrutiny and analysis that the Johnston Point development has undergone and that he has a team of professionals to support the adherence to the draft plan approval if an extension is granted. Mr. Marshall stated that the Johnston Point Development has incorporated unique elements that are intended to elevate environmental standards to a whole new level, specifically the blanding turtle shelter between Units 8 and 9. He felt the most unique and progressive feature of the development is the requirement for the condominium corporation to adhere in perpetuity to the biological "owner's manual". A portion of the condo fees will be allocated to the Environmental Committee who will be responsible for ensuring that all of the environmental safeguards are maintained. He suggested that the Johnston Point development will attract residents who will embrace environmental controls and will want to build net-zero homes that minimize the carbon footprint. Mr. Marshall commended the professionalism and spirit of constructive collaboration demonstrated by township staff and he stated that he looks forward to working with the township to establish South Frontenac as the model for what a flourishing, environmentally sustainable 21st century community can look like.

Tracy Zander introduced herself as an independent planning consultant who has been working with Magenta Corporation for 5- 6 months. Noting the recent delay in the project there has not been sufficient time to satisfy the Draft Plan Approval conditions prior to the current deadline. She noted that more time is required to complete the conditions and register the agreement. She explained the challenges with respect to obtaining a copy of the Benefit Permit from the Ministry of Natural Resources. She recognized the need to implement the conditions properly and everyone is working hard to complete; there is motivation to get this done, understanding that the County issues the extension.

Deputy Mayor Sleeth asked why Magenta does not have the Benefit Permit that was issued six month ago. Tracy Zander responded that the Benefit Permit was issued to the former project manager and a "freedom of information" request has been filed with the Ministry of Natural Resources to obtain a copy. Mr. Marshall stated that he has requested a copy from MNRF but was instructed that they could not release to anyone but the applicant. A court order requires that Mr. Beach supply a copy within five days.

Councillor Revill asked why the township has not received a signed copy of the agreement from Magenta. Tracy Zander indicated that there is still some information to be filled in. Mr. Marshall stated that they were not given the file until March however he is committed to filling in the blanks and ensuring the deliverables outlined in the agreement.

Deputy Mayor Sleeth commented that the township had not been given the ability to view the property. Gavin Marshall stated that he was unaware of this and didn't know why the township had not been allowed previously, however he welcomed Council members to conduct a site visit as he felt it was in the best interest to have constructive collaboration with South Frontenac. Mayor Vandewal noted that he had recently attended the site.

Councillor Sutherland thanked Mr. Marshall for attending in his capacity as the major stakeholder in the Johnston Point development. He stated that originally he was opposed to Johnston Point but is okay with the Cranberry Cove DPA as is. Councillor Sutherland was concerned about the signing of the agreement as the developer (Magenta) has now had three months (since March) to provide

the township with a signed agreement and he felt it could be signed before the County meeting takes place. With respect to the benefit permit, Councillor Sutherland stated that work had been done on the property prior to the Benefit Permit and damage has already been done to the habitat. He felt that brush clearing within the 30 metre setback from the water was a clear statement of disregard for the environment. The bridge was started and significantly completed without a permit from either the township or the conservation authority. He felt this was totally unacceptable as those involved were professionals who know the rules and could only interpret this as being a deliberate attempt to build first and ask forgiveness later. With regard to the species at risk, Councillor Sutherland felt that Magenta had proceeded with work on the three lots and the condominium project without the necessary approvals from MNRF. He felt there needs to be a statement of commitment from Magenta that work should not have been started on the project before the benefit permit was issued, a commitment to respect the 30 meter water protection zone conditions, including a written commitment that it means no limbing and brushing except as permitted in the conditions, a commitment to apply for the bridge approval in the manner outlined in the conditions and respect the decision of the Township, a signing of the condominium agreement and the release of the benefit permit, all of this before any extension is given.

Mayor Vandewal noted that the purpose of the meeting was to forward comments and concerns to the County as the approval agency for the extension.

Tracy Zander felt there was not a problem with getting the agreement signed however she couldn't comment on prior work, she assured Council that an engineer has been engaged and stamped drawings will be obtained and there has been no further work done. She was on site last week with staff and the biologist, and there was some limbing done but no evidence of clearing trees. She assured Council that they will continue to try and get a copy of the benefit permit and recognized that this is part of the Draft Plan approval extension.

Councillor Ruttan felt there was a contradiction to the "gold standard" if no building permit was obtained for the construction of the bridge. He has personal reservations as a fair amount of work was done prior to the agreement being signed resulting in degradation of the environment and habitat. He questioned how the developer would hold this development to the gold standard.

Mr. Marshall stated that this is the fundamental issue as he has only had control since March and he had been unaware of the bridge and agreed that there should have been a permit, however, he is working with the Chief Building Official to ensure compliance. He explained that units 16, 17 and 18 are not part of the vacant lot condominium. He assured Council that he will adhere to the conditions as they are under a microscope, there is no room to cut corners. He felt the "environmental committee" is a unique feature to ensure environmental compliance. While no one can legislate human nature, the property owners will have commonality of environmental protection interests that don't exist in a common subdivision.

Councillor Ruttan responded by agreeing with the existence of a big microscope but since there had been non-compliance previously he has serious reservations about the extension.

Deputy Mayor Sleeth commented that there was a lot of taxpayers money spent on reports and studies and felt there was a lack of willingness to follow the regulations set out in the draft plan.

Gavin Marshall stated that as the major stakeholder, no one is more frustrated than he is. There are five pending sales and 2 residents on the severed lots.

He felt there is a great plan with elevated standards and it is an exacting plan in which he feels will be something to be proud of.

Councillor Sutherland felt the wording had been very explicit in the Environmental Impact Study about no brush clearing within 30 metres of the waterbody. He felt there were numerous things that went beyond the EIS and that South Frontenac has been working very hard on protecting the shoreline.

Mayor Vandewal stated that Council has committed to supporting township staff and have confidence in their ability to handle the compliance aspect in a professional way. There has been approval given to have contracted services to assist with subdivision compliance.

b) Gary Beach, re: Draft Plan Extensions

Mr. Beach stated that he was only speaking in support of the extension to the Cranberry Cove Plan of Condominium Draft Plan approval. This is a 15 unit vacant land condominium and he asked that Council support the extension with no changes.

Deputy Mayor Sleeth stated that this was a totally different development from that of Johnston Point and it has been on the books for several years and worthy of an extension.

Councillor Ruttan asked about amendments to the Draft Plan Approval. Mr. Beach clarified that he is supportive of the Draft Plan approval as it is with no changes.

7. Public Meeting - n/a

8. Approval of Minutes

a) May 21, 2019 Council Meeting

Resolution No. 2019-16-03

Moved by Deputy Mayor Sleeth

Seconded by Councillor Morey

That the minutes of the May 21, 2019 Council meeting be approved.

Carried

9. Business Arising from the Minutes

a) Private Shooting Range - Cowboy Mounted Shooting

Resolution No. 2019-16-04

Moved by Deputy Mayor Sleeth

Seconded by Councillor Morey

That Council direct staff to issue a letter of "no objection" to the private shooting range proposed by Phillip Smith and Jamie Lloyd for the purpose of Cowboy Mounted Shooting, subject to both Phillip Smith and Jamie Lloyd entering into an agreement with the Township as outlined in the report of May 29, 2019.

And that the CAO be authorized to enter into such agreement on behalf of the Township with Phillip Smith and Jamie Lloyd.

Carried

b) Z-19-07-B - Rezone from RU to RW, Con 7, Part Lot 23 & 24 - Fanning

See By-law 2019-30

10. Reports Requiring Action

a) South Frontenac Official Plan Review

Resolution No. 2019-16-05

Moved by Councillor Sutherland

Seconded by Councillor Roberts

That Council adopt the recommendation from the Development Services Committee and schedule the required Section 26 meeting under the Planning Act for August 6, 2019.

Carried

b) Application for Extension of Draft Plan Approval for the Johnston Point Plan of Condominium

Councillor Sutherland proposed a motion to defer as outlined below.
(Resolution 2019-16-06)

Councillor Roberts requested a recorded vote on the original motion/recommendation in the Director of Development Services report. Councillor Leonard and Mayor Vandewal voted in favour of the recommendation to extend the draft plan approval with Councillors Morey, Revill, Roberts, Ruttan, Sutherland and Deputy Mayor Sleeth voting against it.
(Resolution 2019-16-07)

Resolution No. 2019-16-06

Moved by Councillor Sutherland

Seconded by Councillor Ruttan

That this matter be deferred and that a Special Council meeting be held on June 11, 2019 to allow for the applicant/developer to address outstanding items such as the signing of the agreement and to obtain a copy of the benefit permit from the Ministry of Natural Resources.

Defeated

Resolution No. 2019-16-07

Moved by Councillor Roberts

Seconded by Councillor Leonard

That South Frontenac Council recommend the County of Frontenac extend draft plan approval for a period of one year for application 10CD-2014/001, subject to the conditions outlined by the OMB decision dated June 28, 2016 and direct the Clerk to forward this resolution to the County Clerk.

Defeated

c) Application for Extension of Draft Plan Approval for the Cranberry Cove Plan of Condominium

Resolution No. 2019-16-08

Moved by Councillor Sutherland

Seconded by Councillor Roberts

That South Frontenac Council recommend the County of Frontenac extend draft plan approval for a period of one year for application 10CD-2012/002, subject to the conditions approved by County Council on July 16, 2014 and direct the Clerk to forward this resolution to the County Clerk.

Carried

d) Application for Extension of Draft Plan Approval for the Ouellette Plan of Subdivision

Resolution No. 2019-16-09

Moved by Councillor Leonard

Seconded by Councillor Roberts

That South Frontenac Council recommend the County of Frontenac extend draft plan approval for a period of one year for application 10T-2011/002, subject to the conditions approved by County Council on July 17, 2013 and direct the Clerk to forward this resolution to the County Clerk.

Carried

e) Premier's Letter to Heads of Council - See Agenda Item 14 (d).

11. Committee Meeting Minutes

a) Bellrock Hall Committee meeting held April 17, 2019

b) Development Services Committee meeting held April 29, 2019

Resolution No. 2019-16-10

Moved by Councillor Roberts

Seconded by Councillor Leonard

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

- Bellrock Hall Committee meeting held April 17, 2019
- Development Services Committee meeting held April 29, 2019

Carried

12. By-laws

a) By-law 2019-30 - Rezone Concession 7, Part Lot 23 & 24, Bedford

Resolution No. 2019-16-11

Moved by Councillor Leonard

Seconded by Councillor Roberts

That By-law 2019-30, being a by-law to amend By-law 2003-75, as amended, to rezone land from Rural (RU) Zone, Limited Services Residential (RLS) Zone and Limited Services Residential-Waterfront (RLSW) Zone to Waterfront Residential Zone (RW) Zone, Part Lot 23 & 24, Concession 7, District of Bedford, be given third reading, signed and sealed.

Carried

13. Reports for Information

a) Accounts Payable and Payroll Listing

b) Tender #PW-2019-06 - 19,500 LB GVWR Truck

c) Tender #PW-2019-20 Structural Tunnel - Plate Liner Replacement of Burnt Hills Road Culvert

d) County of Frontenac - Notice of Decision with Respect to a Draft Plan of Vacant Land Condominium under Section 51 (37) of the Planning Act - Shield Shores

e) Annual meeting with Lake Association Representatives

While there are several meetings scheduled for August regarding input on the Official Plan and Strategic Plan, Council felt there was merit in continuing with the annual Lake Association meeting.

14. Information Items

a) Joanne Glaser, Cornerstones Management Solutions, re: CAO Recruitment

- b) Harold and Lynn Snider, re: Obstruction of Noise By-law 2001-66

Councillor Revill and Deputy Mayor Sleeth offered a strategy to address the noise complaint and will serve a notice of motion under agenda item 15, later in the meeting.

- c) Petrolia Town Council Resolution, re: Re-establishment of combined OGRA & ROMA Conference
- d) Honourable Doug Ford, Premier of Ontario, re: Getting Ontario back on track and addressing provincial deficit
- e) Town of Grimsby, re: Opposition to Bill 108
- f) Donna Campbell, Assistant to the Chair and General Manager, CRCA, re: Comments on Government of Ontario proposals (May 2019)
- g) Watson & Associates Economists Ltd, re: Submission to the Province with respect to Bill 108
- h) Township of Central Frontenac - Resolution for Regional Roads

15. Notice of Motions

- a) Councillor Revill served a notice of motion that Council engage a sound consultant to determine the extent of the noise with regard to Agenda Item 14 b).
- b) Councillor Sutherland served a notice of motion to support the Council resolution from the Town of Petrolia and the re-establishment of a combined OGRA and ROMA Conference.

16. Announcements/Statements by Councillors

- a) Mayor Vandewal noted the 75th Anniversary of D-Day ceremony to be held on June 5, 2019 at 1:00 pm at the Harrowsmith Intersection.
- b) Mayor Vandewal noted the generous donation of local pickle ball clubs who purchased two AED's. One is for Centennial Park in Harrowsmith and the other one for Gerald Ball Memorial Park in Sunbury.

17. Question of Clarity (from the public on outcome of agenda items)

- a) Matt Rennie referred to the outline of Johnston Point and questioned why only two of the original lots were shown.

Claire Dodds indicated that the third lot is not yet registered, therefore it does not show up on the parcel mapping.

18. Closed Session - n/a

19. Confirmatory By-law

- a) By-law 2019-38

Resolution No. 2019-16-12
Moved by Councillor Revill
Seconded by Councillor Ruttan

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That By-law 2019-38, 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 June, 2019.

Carried

Resolution No. 2019-16-13

Moved by Councillor Ruttan

Seconded by Councillor Revill

That By-law 2019-38, 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 4 day of June, 2019.

Carried

20. Adjournment

a) Resolution

Resolution No. 2019-16-14

Moved by Councillor Revill

Seconded by Councillor Ruttan

That the Council meeting of June 4, 2019 be adjourned at 8:10 p.m.

Carried

Ron Vandewal, Mayor

Angela Maddocks, Clerk