

Minutes of Council  
June, 1, 2021

Time: 7:00 PM

Location: Electronic Participation/Council Chambers



## Meeting # 20

**Present (in Council Chambers):** Mayor Ron Vandewal, Pat Barr, Ray Leonard, Doug Morey, Alan Revill, Norm Roberts, Randy Ruttan, Ron Sleeth, Ross Sutherland

**Staff (Present in Council Chambers) :** Neil Carbone - Chief Administrative Officer, Angela Maddocks - Clerk, Louise Fragnito - Director of Corporate Services and Treasurer

**Staff (Present via Electronic Participation):** Claire Dodds - Director of Development Services, Anna Geladi - Planner, Christine Woods - Senior Planner

1. Call to Order and Roll Call
  - a) The Clerk conducted the roll call as outlined in the attendance noted above.
  - b) Resolution

Resolution No. 2021-20-01

Moved by Councillor Ruttan

Seconded by Councillor Revill

That the Council meeting of June 1, 2021 be called to order at 7:00 pm.

Carried

2. Declaration of Office - Deputy Mayor
  - a) Councillor Barr took the "Declaration of Office" starting her term as Deputy Mayor from June 1, 2021 to May 31, 2022.

3. Declaration of pecuniary interest and the general nature thereof

- a) There were no declarations.

4. Approval of Agenda

- a) Resolution

Resolution No. 2021-20-02

Moved by Councillor Sutherland

Seconded by Deputy Mayor Barr

That the agenda for the June 1, 2021 Council meeting be approved.

Carried

5. Scheduled Closed Session (at end of meeting)

6. Delegations - not applicable

7. Public Meeting

- a) Resolution - Open Public Meeting

The Clerk provided an overview to the public outlining the process to be notified of the decision on the zoning by-law amendments and the process for filing an appeal to the Local Planning Appeal Tribunal.

Resolution No. 2021-20-03

Moved by Councillor Sleeth

Seconded by Councillor Morey

That a public meeting be held to allow for input on planning matters related to:

- Z-20-16 - Zoning By-law Amendment - 1712 Hitchcock Drive
- Z-21-03 - Zoning By-law Amendment - 4826 North Shore Road
- RC-21-04 Road Closing Application - Concession 13 between Lots 5 and 6

Carried

b) Z-21-03 - Zoning By-law Amendment - 4826 North Shore Rd - Kapler

Anna Geladi presented the report on this amendment. An application has been submitted to amend Zoning By-law No. 2003-75 to rezone the subject lands from Limited Service Residential - Waterfront (RLSW) to Limited Service Residential - Waterfront - Special Provision (RLSW-59) and Residential Waterfront (RW). The subject property has frontage on North Shore Road and Loughborough Lake. The upland areas of the property are separated by the Loughborough Lake provincially significant wetland. The lands are developed with a single detached dwelling near North Shore Road. The property is subject to consent application S-03-21-L for a lot addition to a property municipally known as 1036 Brittara Lane. Provisional approval of this application was granted subject to conditions on April 9, 2021. Condition 9 requires the severed parcel to be rezoned so that the lands will have the same zone as the parcel receiving the subject lands. The severed parcel is a peninsula located on the south side of the wetland, and beside 1036 Brittara Lane. The RLSW zone is applicable to residential properties that have frontage on a private lane, or are accessed via a private lane, and have frontage on a navigable waterway. In the case of a lot addition severance, it is good planning practice to ensure the enlarged parcel has one consistent zone that applies to the whole property. The RLSW-59 zone applies to the lot that is being enlarged. The lands that are being added through the lot addition severance are also proposed to be zoned RLSW-59 to have one consistent zone on the enlarged parcel once the severance is finalized.

Through the review of the consent application, staff determined that the retained parcel should also be rezoned. The retained parcel is zoned RLSW. However, it should be zoned Waterfront Residential (RW) since the property has frontage on, and is accessed from, a public road. This rezoning proposes to change the zoning on both the severed and retained parcels relating to consent application S-03-21-L.

Ms. Geladi explained that this application is consistent with the Provincial Policy Statement 2020, the County of Frontenac Official Plan and the South Frontenac Official Plan, and it represents appropriate planning for the subject lands.

There were no questions from Council or the public on this application.

c) Z-20-16 - Zoning By-law Amendment - 1712 Hitchcock Drive (Ed Zimolag)

Anna Geladi, Planner presented the report associated with this file. She noted that the subject property has frontage on Hitchcock Drive, but is accessed by Cardinal Lane, which runs through the property. The property abuts Stone Point Road, an assumed public road in a plan of subdivision. The lands are developed with a single detached dwelling located near Hitchcock Drive. The property is subject to consent application S-52-20-S to create one new residential lot with frontage on Stone Point Road. Provisional approval of this

application was granted subject to conditions on April 9, 2021. Condition 13 requires the severed parcel to be rezoned to Rural (RU) to recognize that this new lot is accessed from a public road. The severed parcel is located on the North West portion of the subject property between Stone Point Road and Cardinal Lane.

Staff identified a 0.3 metre reserve along Stone Point Road as part of the review of the consent application. A 0.3 metre reserve means that the subject property does not have frontage on Stone Point Road. Staff sought direction from Council on this matter and on March 9, 2021, Council, sitting as the Committee of the Whole, directed staff to prepare a by-law dedicating and assuming a portion of the 0.3 metre reserve along Stone Point Road to provide the proposed lot frontage onto this public road. This by-law would provide the subject property frontage on Stone Point Road, thereby facilitating the creation of a new residential lot through the consent application.

In preparing to fulfill the conditions of consent approval, the applicant's lawyer identified that there are title issues that had not been identified as part of the original consent application. These title issues further impact access of the severed parcel to Stone Point Road. The applicant and their lawyer are working to resolve these issues. The by-law for the release of the 0.3 metre reserve will be brought back to Council for passing together with the by-law for this rezoning only after the title issues impacting the severed parcel have been resolved.

Public Services and the Building Department (Sewage System Review) were not circulated the rezoning application. These departments had no objection to the approval of Consent Application S-52-20-S and to the release of the 0.3 metre reserve of Stone Point Road. At the time of writing there were no comments on this rezoning application received from the public.

This application is consistent with the Provincial Policy Statement 2020, the County of Frontenac Official Plan and the South Frontenac Official Plan, and it represents appropriate planning for the subject lands. However, there were title issues identified that impact access of the severed parcel to Stone Point Road. Staff will await direction from Council to prepare a by-law to bring back to Council after the identified title issues are resolved to rezone the subject lands from Limited Service Residential (RLS) to Rural (RU) in order to enable development on a property that is accessed by a public road.

Councillor Morey asked if the applicant is proposing to direct their driveway out to the public road instead of coming from the lane side.

Anna Geladi confirmed that the parcel does not have frontage or does not touch the lane so the only access would be from the public road.

The applicant, Ed Zimalog inquired about the time frame associated in completing the applicant process and rezoning as well as the release of the 0.3 metre reserve. He confirmed that his lawyer is looking into the title issue and there is not any anticipated delay because of this.

Ms. Geladi indicated that staff proposes to bring back to Council for approval two by-laws, one to address the release of the reserve of Stone Point Road and the other to address the rezoning. Both of these are proposed to be brought back to Council when the title issue is resolved, the earliest date being June 15, 2021 pending the 20 day appeal period. There are other conditions of the consent application that also need to be completed.

Christine Woods reiterated that the title issue needs to be resolved prior to coming back to Council for approval.

- d) RC-21-04 - Closing Application - Between Lots 5 and 6 Concession 13 Bedford - Cook

Claire Dodds, Director of Development Services presented the application.

The road allowance is aligned east to west, running from Perth Road (across from MacComish Lane), to Devil Lake. The road allowance begins as a steep embankment at Perth Road, runs across the wetlands before it ends at Devil Lake.

The owner of the lands municipally known as 38 Coronation Lane, Lelah Cook and her son, Timothy Cook acting as her agent, have filed a road closing application requesting Council stop up, close and transfer approximately 20 metres by 270 metres of unopened road allowance being part of the unopened road allowance between Lots 5 & 6, Concession 13, District of Bedford. 38 Coronation Lane is a waterfront parcel of land located southwest of the unopened road allowance. The lands are developed with a cottage and outbuildings, including a boat house. The parcel to be enlarged is approximately 0.25 acres in size, being an undersized, legal non-complying parcel. By adding the road allowance to this property, the parcel would be closer to conforming to the current Comprehensive Zoning By-Law 2003-75 provisions and will enable the applicants to restore the boathouse that is currently located on the unopened road allowance. The applicant had originally submitted a request to purchase the full width of the road allowance 270 metres by 20 metres that would be parallel to the applicants existing property. Planning staff and public services staff visited the site on October 28, 2020.

Public Services staff advised that they have no issues with selling the road allowance as it runs through a wetland that would be negatively impacted if a road or public access of any nature were to be constructed over the road allowance. There is also a steep embankment where the road allowance meets Perth Road that would pose challenges for access and sightlines.

Ms. Dodds reported that Planning Staff have received two replies to the Public Notice from adjacent land owners. Both adjacent land owners advised that they were concerned that the portion of road allowance that encompassed the wetlands may be sold to individual property owners because there may be potential for buildings within the wetlands. Planning staff have advised that a minimum 30 metre setback for any new structures would be required in accordance with Zoning By-law 2003-75. If any structure were proposed at a reduced distance, permission through a minor variance would be required and it would be up to the Committee of Adjustment to make a decision on any applications. The Committee would take into consideration Planning Staff and Conservation Authority staff reports and comments before making a decision. The abutting property owners were satisfied that the wetlands would be sufficiently protected in this regard.

The southerly adjacent land owner was also concerned about the boathouse and the demolition and re-construction in a safe and environmentally friendly manner. Planning staff advised that any demolition and reconstruction of the boathouse will require demolition permits and building permits to be obtained through the building department, permits will also be required through the Cataraqui Conservation Authority for the re-construction. The property owner advised that they were pleased to hear this and that they may consider purchasing a portion of the southeasterly side of the road allowance that abuts their property. No application has been made for any portion of the road allowance to date. Concerns in relation to the property fabric shown in the Frontenac Maps illustration as well in the historical surveys were also discussed with both adjacent neighbours. Planning staff advised that while Frontenac Maps is a great tool utilized by Township Staff and members of the public, it is not a formal survey and only a qualified Ontario Land Surveyor is

able to produce exact measurements and lot line placement. A formal survey will be required to be completed and registered prior to the by-law being drafted and Council approving the transfer of the lands.

The area around the boat house is recognized as a significant wetland and would be required to be maintained in the environmental protection area and the applicant could not construct anything within this defined area.

Ms. Dodds noted that written concerns were received just prior to the business day from John and Marjorie Burke and Shane and Liz White. In response to these concerns, she clarified that with the replacement of the boat house it could be reconstructed back to its original dimensions, however anything larger would require additional planning applications for which adjacent property owners would be notified of. She clarified that boat houses are not permitted as of right in the current Zoning By-law and they are essentially only permitted when its to be replaced or repaired if it is an existing boat house.

There is a swimming area utilized by the public and neighbours in close proximity to the boat house and the piece of road allowance. The concern is whether this access to the road allowance and the swimming area be maintained. She confirmed that the applicant is aware that Devil Lake is one of the lake trout sensitive lake. With respect to the concerns from adjacent property owners about what the applicant could do with the acquired road allowance, Ms. Dodds indicated that subject zoning setbacks and the wetland features essentially the applicants could reconstruct the boat house and the lands that would be added to their property would enlarge it and subject to the appropriate setbacks for zoning from environmental features and the highwater mark they could use it as an enlargement of their existing property.

Councillor Revill met with some residents on site and the concern about swimming in this area with a sandy beach. He was concerned about closing this road allowance as it does not meet with the township policy where we do not close off road allowances leading to water. He felt the boat house would be more of a "dry boat house" and suggested that the building could be reconstructed back on the owner's property away from the road allowance. He questioned whether the owners of the boat house may have acquired some "possessory title" of township land since it's been there since 1954, or whether in fact it is a moot point that we are closing the road allowance or not. He also questioned the closing of the road allowance as it is being used to access the beach area as pointed out by the neighbours.

Mayor Vandewal felt these were questions that require a legal opinion instead of responding.

Claire Dodds agreed that it would be a struggle for the township to require them to remove the boat house. A final report will encompass these questions and concerns.

Councillor Sutherland was concerned about going against the township policy on closing road allowances leading to water. This area clearly provides a sandy beach area that provides public access. He understood the grandfather policy about the boat house, nonetheless he felt it was quite possible put on public property originally and this should not be rewarded. He recognized that obtaining a portion of the road allowance will improve the lot in terms of size it would also dramatically improve the value of the applicants lot. He felt the maximum rate per acre for this property should be applied to the sale if it is approved. If as the initial survey shows that only half of the road allowance is part of the property, the survey only dealt with half of the road allowance. He felt it was reasonable to to compromise and that the township keep a portion to maintain the beach area. He felt there is no evidence to indicate the boat house was constructed there legally or otherwise and we have to go against

township policies with respect to lake trout sensitivity on this lake and closure of a portion of road allowance leading to water.

Councillor Ruttan echoed Councillor Sutherland and Revill's comments. He felt that if the owners were serious about maintaining the property that the boat house would have been kept in better shape than what photos indicate, it does not look like it is usable at all. He felt they had allowed it to go to a derelict state.

Deputy Mayor Barr cautioned that the survey supplied by the owner was correct at the time and that the boat house was built to the standards of the day. She felt the applicant is entitled to rebuild the boat house within the 30 metre setback and should be entitled to rebuild within the same footprint. She felt the township should obtain a legal opinion about the survey and the lot lines. It has been used in the same manner for a number of years she felt the township would not be able to dispute that.

Councillor Revill noted the location the boat house abuts the wetland to the north and if the boat house could be rebuilt in an area closer to the south he didn't see any particular value in keeping the boat house in the existing area. If it could be relocated /moved moved 20 to the south, the concerns from other residents about use of the beach area where swimming could still occur might be addressed. He noted an updated survey would be helpful to determine the property lines and would be most helpful.

Mayor Vandewal noted that Council has looked at and considered closing unopened road allowances from a cliff due to accessibility to the water however this area while not necessarily known to all the public, he didn't support closing this portion.

Tim Cook, the applicant/agent, confirmed the intent was just to fix the boathouse. He confirmed that they would be interested in only half of the road allowance.

Laura Burke, on behalf of John and Marjorie Burke and Shane and Liz White and they are mostly concerned about their right-of-way to use the road to go down to the water without remove existing cedar hedges. If the road allowance was closed and sold, they would have to cross his property to get to the water. They have enjoyed this property since 1954. Her parents are elderly and its difficult to for them to access without the use of a vehicle. She wanted assurance that they will be continues to use the right of way despite the closure of road allowance. She understood the discrepancy of the surveys.

Liz White, speaking on behalf of her mother-in-law Diana White, confirmed that they do use the road allowance regularly as well as the public and young children in the area. They have no assurances from the Cooks' that they will continue to be able to access the road allowance and public beach. She speculated that the boat house most likely contains asbestos and was concerned about the demolition of it being done safely.

Councillor Sutherland sought clarity on where the White's accessed the road allowance. Liz White suggested that over the years the road allowance has been filled in, there are three cottages up on Coronation Lane that utilize the road allowance to get to the beach.

A satellite version of the property was displayed that provided clearer definition of accessing the road allowance.

Claire Dodds encouraged the property owners to engage in conversation about possible options that would be of mutual benefit to all. Any demolition would require a permit and this would regulate the safety removal of the boat house.

Planning staff are willing to continue the conversation to arrive at an agreement but acknowledged that it will take some time for these items to be resolved as there is already a back log of existing applications in the queue.

Chris Stethem, owner of the property to the north, pointed out that the survey is incorrect as it relates to their property. A survey from 1990 that is reflected on their deed shows the road allowance going in a straight line. He agreed that a further survey will assist in providing clarity on property liens.

Council encouraged all property owners in the area to work together for a resolution.

Councillor Revill felt it was more important to have a survey of the area only around the boat house and existing rights of ways.

e) Resolution - Close Public Meeting

Resolution No. 2021-20-04

Moved by Councillor Roberts

Seconded by Councillor Leonard

That having provided an opportunity for input, the public meeting be closed.

Carried

8. Approval of Minutes

a) May 18, 2021 Council Meeting

Resolution No. 2021-20-05

Moved by Councillor Ruttan

Seconded by Councillor Roberts

That the minutes of the May 18, 2021 Council meeting be approved as presented.

Carried

9. Business Arising from the Minutes

a) Notice of Motion - Source Water Protection

Resolution No. 2021-20-06

Moved by Councillor Sutherland

Seconded by Councillor Ruttan

That Council endorse the resolution passed by the Town of Fort Erie regarding legislative changes to ensure that those in our community who rely on wells and other private servicing for clean drinking water are afforded the same source water protection as municipal drinking water systems.

And that this resolution be circulated to the Honourable Doug Ford, Premier of Ontario, the Honourable Jeff Yurek Minister of the Environment, Conservation and Parks, Andrea Howarth, Leader of the Opposition, all Conservation Authorities and the Association of Municipalities of Ontario.

Carried

10. Reports Requiring Action

a) Updated OPP Detachment Board Composition

Resolution No. 2021-20-07

Moved by Councillor Sleeth

Seconded by Councillor Morey

That South Frontenac Council supports the updated recommendation from the Chief Administrative Officers of the Frontenac townships regarding the structure of a new Detachment Board for the Frontenac OPP, involving a nine (9) voting-member board as outlined in the report dated June 1, 2021.

Carried

b) 2021 Community Grant Recommendations

Resolution No. 2021-20-08

Moved by Councillor Sutherland

Seconded by Deputy Mayor Barr

That Council receive and approve the listing of staff recommended Community Grants included as Attachment 2 to the report prepared and dated June 1, 2021 from Louise Fragnito, Director of Corporate Services and Treasurer; and,  
That any remaining funds be allocated to a second intake to be issued in the summer of 2021.

Carried

c) 2021 COVID-19 Community Grants Recommendations

Resolution No. 2021-20-09

Moved by Councillor Sleeth

Seconded by Councillor Morey

That Council receive and approve the listing of staff recommended COVID-19 Community Grants included as Attachment 2 to the report dated June 1, 2021 and prepared by Louise Fragnito, Director of Corporate Services and Treasurer; and,

That any remaining funds be allocated to a second intake to be issued in the summer of 2021.

Carried

d) Road Closing Applications - RC-20-03 and RC-21-02 - 30 Rideau Crescent Lane and 5508 Rideau Road

See By-laws 2021-29 and 2021-30

11. Committee Meeting Minutes - none

12. By-laws

a) By-law 2021-29 - Stop up, close and sell road allowance - Rideau Crescent (Cunningham & King)

Resolution No. 2021-20-10

Moved by Councillor Roberts

Seconded by Councillor Leonard

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

- By-law 2021-29
- By-law 2021-30

Carried

Resolution No. 2021-20-11

Moved by Councillor Ruttan

Seconded by Councillor Revill

That By-law 2021-29, being a by-law to stop up, close and sell a portion of an unopened road allowance being Part 2 on Plan 13R22405, Part of Rideau Crescent, be given third reading, signed and sealed.

Carried

- b) By-law 2021-30 - Stop up, close and sell road allowance - Part of Rideau Crescent (Prunster)

Resolution No. 2021-20-12

Moved by Councillor Morey

Seconded by Councillor Sleeth

That By-law 2021-30, being a by-law to stop up, close and sell a portion of an unopened road allowance, being Part 1 on Plan 13R22405, Part of Rideau Crescent, be given third reading, signed and sealed.

Carried

13. Reports for Information

- a) Open Farms 2021

14. Information Items

- a) County of Frontenac - Notice of Public Meeting - Draft Plan of Subdivision (Willowbrook Estates)

15. Notice of Motions - none

16. Announcements/Statements by Councillors

- a) Councillor Sleeth inquired about the recruitment status related to the Director of Public Services position and outlined some concerns he had about work to be done.

The CAO confirmed that the posting will be out next week for this position.

- b) Councillor Revill suggested that once there is capacity in Public Services, there may be some dollars found to secure/improve Petworth Mill.

There was a brief discussion about short and long term plans for properties such as the Petworth Mill and the Battersea dock.

Councillor Ruttan suggested that consideration for the 2022 budget needs to acknowledge these projects and how to move forward with improvements.

Councillor Leonard agreed with Councillor Sleeth about securing the walls at Petworth Mill for safety and liability reasons.

- c) Mayor Vandewal complimented staff on preparing for the Vaccination Clinic at Keeley Road. This was a great community event.
- d) The CAO reminded Council about the June 17, 2021 Strategic Plan Review meeting at 9:00 am.

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

- a) There were no questions.

18. Closed Session

- a) Pending Acquisition of Land - Bellrock Mill

In accordance with the Municipal Act, Section 239.2 (c) Council will move into a closed session to discuss a proposed or pending acquisition or disposition of land by the municipality or local board; with regard to the Bellrock Mill.

Resolution No. 2021-20-13

Moved by Councillor Morey  
Seconded by Councillor Ruttan

That in accordance with the Municipal Act, Section 239.2 (c) Council move into a closed session to discuss a proposed or pending acquisition or disposition of land by the municipality or local board with regard to the Bellrock Mill property.

Carried

- b) Pending Land Acquisition - Bellrock Mill
- c) Resolution - Move out of closed session

Resolution No. 2021-20-14  
Moved by Councillor Sleeth  
Seconded by Councillor Morey

That Council move out of closed session and rise and report in open session.

Carried

19. Rise and Report from Closed Session

- a) By-law 2021-31 - Purchase Bellrock Mill

Resolution No. 2021-20-15  
Moved by Councillor Leonard  
Seconded by Councillor Morey

That By-law 2021-31, being a by-law to purchase property known as the Bellrock Mill, described as Concession 11, Part Lot 19, Plan 31, Lot 18, 6024 Main St, Bellrock, be given first and second reading this 1 day of June 2021.

Carried

Resolution No. 2021-20-16  
Moved by Councillor Revill  
Seconded by Councillor Sutherland

That By-law 2021-31, being a by-law to authorize the purchase of the Bellrock Mill property be given third and final reading this 1 day of June 2021.

Carried

20. Confirmatory By-law

- a) By-law 2021-32

Resolution No. 2021-20-17  
Moved by Councillor Leonard  
Seconded by Councillor Roberts

That By-law 2021-32, 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 1 day of June 2021.

Carried

Resolution No. 2021-20-18  
Moved by Councillor Revill  
Seconded by Councillor Sutherland

That By-law 2021-32, being the confirmatory by-law, be given third and final reading this 1 day of June 2021.

Carried

21. Adjournment

- a) Resolution

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Resolution No. 2021-20-19

Moved by Councillor Leonard

Seconded by Councillor Roberts

That the Council meeting of June 1, 2021 be adjourned at 9:05 p.m.

Carried

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Ron Vandewal, Mayor

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Angela Maddocks, Clerk