

Minutes of Council  
August, 17, 2021

Time: 7:00 PM

Location: Electronic Participation/Council Chambers



## Meeting # 26

**Present in Council Chambers:** Mayor Ron Vandewal, Pat Barr, Doug Morey, Alan Revill, Norm Roberts, Ron Sleeth

**Present via Electronic Participation:** Randy Ruttan

**Staff Present in Council Chambers:** Neil Carbone - Chief Administrative Officer, Angela Maddocks - Clerk, Jamie Brash - Manager of Facilities & Solid Waste, Claire Dodds - Director of Development Services, Troy Dunlop - Manager of Technical Services & Infrastructure, Louise Fragnito - Director of Corporate Services & Treasurer, Darcy Knott - Director of Fire and Emergency Services

**Staff Present via Electronic Participation:** Anna Geladi - Planner

1. Call to Order and Roll Call

a) Resolution

Resolution No. 2021-26-01

Moved by Councillor Morey

Seconded by Councillor Sleeth

That the Council meeting of August 17, 2021 be called to order at 7:01 p.m.

Carried

2. Declaration of pecuniary interest and the general nature thereof

a) There were no declarations.

3. Approval of Agenda

a) Resolution

Resolution No. 2021-26-02

Moved by Councillor Ruttan

Seconded by Councillor Revill

That the agenda for the August 17, 2021 Council meeting be adopted as presented.

Carried

4. Scheduled Closed Session ( at end of meeting)

5. Delegations - none

6. Public Meeting

a) Resolution and Public Meeting Statement

The Clerk provided directions to the public on providing comments, requesting a notice of a decision and the appeal process to the Ontario Land Tribunal.

Resolution No. 2021-26-03

Moved by Councillor Morey

Seconded by Deputy Mayor Barr

That a public meeting be held to allow for input on planning matters related to Zoning By-law Amendment Z-21-14 - 2965 Battersea Road (K Mulrooney Trucking Ltd) and Z-21-15 - 56 Nighthawk Lane (Jason & Laura Quesnel) and Z-21-18 - 4057 Milburn Road (Township of South Frontenac).

Carried

- b) Z-21-14 - Rezoning application for 2965 Battersea Road (K. Mulrooney Trucking Ltd)

Anna Geladi, Planner, presented this report by noting that the subject property is located on the north side of Battersea Road, east of McGarvey Road and south of Princess Road. The northern portion of the subject property contains a pit and quarry and is zoned Special Quarry 'A' Zone 1 (QA-1). The southern portion of the subject property contains fields, an existing stone dwelling, a storage shed and a water tower. There is residential development on properties along McGarvey Road, Battersea Road and Princess Road in the area of the subject lands.

Ms. Geladi noted that provisional approval of the consent applications S-12-20-S, S-13-20-S and S-14-20-S was granted subject to conditions by the Director of Development Services on April 6, 2021, as the consent applications met the criteria of undisputed consents based on Delegation By-law 2020-27. One of the conditions for approval is that the new lots be rezoned from Rural – Special Provision (RU-3) to Rural (RU). The new zoning would bring the new lots into conformity with the Zoning By-law and establish suitable provisions for development of the severed lots with a single detached dwelling. The parcels need to be rezoned from RU-3 to RU because the RU-3 special provision zone speaks to uses permitted in the existing residential stone building on the retained lands (permits a maximum of four multiple unit dwelling units) and so the zone cannot be applied to the new lots.

Ms. Geladi explained that this application was not circulated to Public Services, or the Building Department for review of the septic system or Cataraqui Conservation as they had no objection to the consent approvals when they reviewed them earlier last year. The Provincial Policy Statement, the County of Frontenac Official Plan, Township of South Frontenac Official Plan, and Zoning By-law 2003-75 were all considered in the decision to grant provisional approval to the consent applications. The zoning by-law amendment is consistent with the applicable policies on rural residential lot creation and development.

The RU zone is applicable to rural properties that have frontage on a public road.

There were no questions from the public; no one had registered for virtual attendance to speak to this application.

Mayor Vandewal asked if there was a requirement to have the existing septic system inspected on the retained lot. Ms Geladi confirmed that there was not a requirement. The application was assessed on only the severed lots having adequate space for septic systems. Mayor Vandewal expressed concern about the retained lot and the septic system, specifically allowing for enough space if there was a need to replace a system. He suggested that in future a requirement to have the septic system inspected on the retained parcel be considered.

Ms. Dodds confirmed that there had not been an inspection conducted on the retained parcel at the time of consent however this could be considered in the Official Plan review.

- c) Z-21-15 - Rezoning application for 56 Nighthawk Lane (Jason & Laura Quesnel)

Anna Geladi, Planner, presented this application noting that the subject property is located between Deyos Road and Thirteen Island Lake. The dwelling on the property is accessed by Nighthawk Lane, which runs through the western half of the property. The subject lands slope from Deyos Road towards Thirteen Island Lake and consist predominantly of forest and rock outcrops. There is residential development on properties along Deyos Road and Nighthawk Lane in the area of the subject lands. Provisional approval of the consent applications was granted subject to conditions by the Director of Development Services on June 1, 2021, as the consent applications met the criteria of undisputed consents based on Delegation By-law 2020-27. One of the conditions of approval is to rezone the new lots from Waterfront Residential (RW) to Rural (RU). The new zoning would bring the parcels into conformity with the Zoning By-law and would establish the most appropriate zoning for development of a single detached dwelling on the severed lots. The three new, vacant residential lots would each be at least 1.0 hectares in area, and have at least 76 metres of frontage on Deyos Road. The parcels need to be rezoned from RW to RU because the parcels will not be waterfront properties

Public Services, the Building Department (Septic System Review), and Quinte Conservation were not circulated the rezoning application, as they had no objection to the approval of consent applications when they reviewed them earlier this year. When considering the Provincial Policy Statement, County of Frontenac Official Plan, Township of South Frontenac Official Plan, and Zoning By-law 2003-75, the decision was made to grant provisional approval to the consent applications. The zoning by-law amendment is consistent with the applicable policies on rural residential lot creation and development and the RU zone is applicable to rural properties that have frontage on a public road and that do not have water frontage.

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

- d) Z-21-18 - Rezoning application for 4057 Milburn Road (Township Initiated)

Claire Dodds, Director of Development Services explained that this is municipally-initiated application to amend Zoning By-law No. 2003-75 to rezone a portion of the subject property from Quarry 'B' – Special Provision (QB-2) to Community Facility (CF). The subject property is located between Sunbury and Battersea and has frontage on Milburn Road and Battersea Road, and surrounds the Sandhill Cemetery. The property is a licensed pit and quarry. The licensed area covers a portion of the lands to be rezoned Community Facility (CF) for the fire hall. The subject property is currently designated Mineral Aggregate in the Township of South Frontenac Official Plan. The property is currently zoned Quarry 'B' – Special Provision (QB-2). The QB-2 zone permits a quarry which produces greater than 20,000 tonnes per year, a pit, and related uses including processing of mineral aggregates (crushing, screening and washing).

Ms. Dodds noted that there is also a licensed quarry located on the privately owned property to the north. Storrington Public School is located north of that quarry. There is a third quarry, as well as a residential property, on the west side of Battersea Road.

She explained that approximately 1.5 hectares (3.7 acres) of the subject property is proposed to be rezoned to CF. These lands are in a greenfield

condition, meaning they have not been subject to any quarry or pit operation, including stripping or stockpiling. The rezoning would facilitate using the lands for a municipal fire hall. The fire hall would be accessed from Battersea Road, north of the cemetery. In February 2021, the Township requested the Ministry of Natural Resources and Forestry (MNR) to allow a partial surrender of the Aggregate Resources Act licence and to amend the site plan on the Township-owned pit and quarry licence. The purpose of the amendment is to remove a portion of the subject lands (0.9 hectares) from the licence in order to facilitate a fire hall and any future easterly expansion of the cemetery.

In response to this application being circulated to agencies and departments, the Public Services Department addressed the guidelines set out in By-law 2000-01 that specifies that the minimum sight distance for entrances should be 230 metres on roads with an 80km/hr posted speed limit. On the subject property, the southbound site distances exceed 230 metres and the northbound sight distances are well below the minimum standard. The entrances shown on the conceptual Landscape Plan will need to be adjusted to more closely comply with the minimum sight distances specified in the Roads By-law. Mitigation measures, such as flashing beacons to warn of emergency vehicles entering the road and a reduced speed limit, may also need to be considered in this location. Staff will work together to ensure safe access is able to be achieved on the site.

The Building Services Department have reported that the lands are capable of providing flexibility in siting a sewage disposal system. Soil conditions found on the lot will require additional suitable granular soil to construct a sewage disposal system; specific requirements for additional soil will need to be addressed prior to site development.

With respect to public comments, G. Tackaberry & Sons Construction Co. Ltd. the owners of the licenced quarries to the north and west of the proposed fire hall location have raised some initial concerns.

Ms. Dodds reviewed the preliminary planning analysis noting that there are two main policy themes that apply to the proposed rezoning which include sustaining communities by providing necessary public service facilities (e.g. fire hall), and protecting mineral aggregate resources for long-term use.

In reviewing the proposed zoning, public uses, such as a fire hall, are permitted uses in the Mineral Aggregate designation provided that the site design and the design of any buildings and structures are in keeping with the character of the surrounding area (section 6.7 of Township Official Plan). Further to this, section 5.17.1 of the Zoning By-law would permit a public use in the QB-2 zone provided the use and any buildings comply with the regulations of the zone. The QB zone requires a minimum 30 metre setback from the road allowance, and a minimum 90 metre setback from any Community Facility (CF) zone or use (e.g. a cemetery). It also requires a minimum 15 metre wide strip of land between the QB zone and any adjacent community facility zone or use, and along adjacent streetlines. This strip of land is to be kept in an open space condition with grass, trees and shrubs.

The required 90 metre setback from the CF zone or use (e.g. the cemetery) would exclude the subject lands from being used for the proposed use.

Ms. Dodds reported that the Township applied to have the subject lands rezoned to CF to accommodate a municipal fire hall. The Conceptual Landscape Plan demonstrates that the proposed fire hall would comply with all regulations of the CF zone, including minimum yards and parking space requirements. Considerations have been made in the design and layout of the fire hall on the site to ensure the use will be compatible with the adjacent cemetery and respectful of users of the cemetery. The proposal includes a

sizeable landscaped buffer area between the boundaries of the fire hall and the cemetery. The emergency vehicle entrance and garage is proposed on the north side of the site, away from the cemetery.

Sandhill Cemetery is owned and maintained by the Township. Township burial records clearly indicate that burials have only taken place south of the northerly lane that separates the cemetery from the subject lands. An archaeological assessment was not required in support of the rezoning application for this reason. The appropriate authorities will need to be contacted if human remains and/or deeply buried archaeological remains are discovered during construction or site development.

Councillor Sleeth asked if the issues raised by Tackaberry's will be insurmountable or be a major stumbling blocks as he felt it was important to work together to resolve any concerns and continue to carry on operations. The Director did not see any concerns that could not be addressed so that both the township and Tackaberry's can continue to carry on business. Councillor Sleeth also asked about the quarry to the north and possible effects on blasting if this quarry is expanded. Ms. Dodds indicated that this information (potential for blasting) will be provided to the architect to ensure the design and construction allows for this possibility. She did not anticipate any issue as Tackaberry's operation are subject to Ministry of Environment guidelines however she noted it will be important to work with them during the construction process.

Councillor Revill noted that the Fire Hall will be built to "disaster" specifications.

Councillor Roberts questioned the comments from Tackaberry's with regard to permanent offices and staff and no programming or community events to be held at the proposed fire hall.

Mayor Vandewal spoke to the requirement for a letter about a forthcoming application to recognize the increase in extraction area at the Gilbert quarry. He felt this would be assessed on its own merits and not be connected to this rezoning. He too questioned the reference to "no permanent office space or staff" as he was sure that the build would include office space and that this was unfair to request. He felt the school board would also have some concerns about the impacts of the quarry operation expansion.

Neil Carbone noted that staff will be following up with Tackaberry staff to clarify these requests recognizing that a representative was joined virtually to the meeting and would provide clarity.

Benjamin Dopson, Property and Environmental Coordinator with G. Tackaberry and Sons Construction Company clarified that township staff at a recent site visit indicated that there would not be permanent staff or offices or any type of programming or community events conducted at the proposed fire hall. He indicated that Tackaberry will have to seek legal counsel on this as it exposes them to sensitive receptor policies. Secondly, with regard to the Gilbert Quarry, this is being prepared over two years and will be forthcoming once the hydro-geological study is completed. They would hope that the fire hall would not affect the extraction operation within 90 metres of the site.

Councillor Morey inquired about current ownership and noted that this parcel of property could be opened up to a number of uses that would have to have regard for setbacks from aggregate properties. Ms. Dodds spoke to incompatible uses adjacent to residential uses. She further noted that the long term use of the fire hall as a facility needs to be considered from the township's perspective.

Councillor Sleeth stated that training at this site would typically be conducted in the evening and not during the day; therefore the quarry operation most likely would not occur at the same time.

Mr. Dopson noted that MNRF would not allow for the de-licensing of an unextracted area of a viable aggregate to go ahead unless it was for a use that was of similar community value like the fire hall and the township's duty to protect the aggregate resources in the area that is licensed for extraction. He further stated that the quarry operation is there with the intention of long term use and he agreed that more discussion is required as he needs to protect the interest of the company.

e) Resolution - Close Public Meeting

Resolution No. 2021-26-04

Moved by Councillor Morey

Seconded by Councillor Roberts

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

Carried

7. Approval of Minutes

a) June 15, 2021 Council Meeting

Resolution No. 2021-26-05

Moved by Councillor Sleeth

Seconded by Councillor Morey

That the minutes of the June 15, 2021 Council meeting be approved.

Carried

b) June 17, 2021 Committee of the Whole Meeting

Resolution No. 2021-26-06

Moved by Councillor Ruttan

Seconded by Councillor Revill

That the minutes of the June 17, 2021 Special Committee of the Whole be approved.

Carried

8. Business Arising from the Minutes - not applicable

9. Reports Requiring Action

a) Keeley Road Administration Office Windows

Resolution No. 2021-26-07

Moved by Deputy Mayor Barr

Seconded by Councillor Sleeth

That Council authorize funding an additional \$7,384 from the Facilities Reserve in relation to the Keeley Road Admin Office Windows.

Carried

b) Sydenham Fire Hall - Oil Tank Replacement

Resolution No. 2021-26-08

Moved by Deputy Mayor Barr

Seconded by Councillor Revill

That Council authorize the replacement of the Sydenham Fire Hall Oil Tank at a cost of \$5,276.74 to be funded from the Facilities Reserve.

Carried

c) Large Format Scanner

Resolution No. 2021-26-09

Moved by Councillor Roberts

Seconded by Councillor Morey

That Council authorize an additional amount of \$1,500 to be funded from the Building Fund Reserve for the purchase of a large format scanner.

Carried

d) OPP Station Lease Renewal

Resolution No. 2021-26-10

Moved by Councillor Morey

Seconded by Councillor Sleeth

That Council authorize the Mayor and the Clerk to execute the lease agreement for the OPP building with the Province.

Carried

e) Star Corners - Intersection Design Update (RFP P02-2017)

Resolution No. 2021-26-11

Moved by Councillor Ruttan

Seconded by Councillor Revill

That Council direct staff to bring forward a report outlining the screening of Options considered for the upgrades to the Stars Corners intersection along with recommendations on the preferred alternative for detailed design and construction.

Carried

f) PS-2021-21 - Snow Removal at Facilities and Fire Halls

Resolution No. 2021-26-12

Moved by Councillor Morey

Seconded by Councillor Roberts

That Council approve the award of snow removal contracts for Municipal Facilities and water access locations as recommended in the report for Tender PS-2021-21 Snow Removal -Facilities & Fire Halls.

And further that the contracts be awarded for the winter season of 2021-22 with an option for two one year extensions.

Carried

g) Zoning By-law Amendment Z-20-17 - Con 3, Part of Lot 3, Deyos Road (south of Bunker Hill & James Wilson Roads) Caden Craig

See By-law 2021-40. Council gave first and second reading but deferred the third reading.

h) Site Plan Control Application - Con 3 Part Lot 3, Deyos Road (south of Bunker Hill Rd) - Caden Craig (See By-law 2021-41)

Relating to By-law 2021-40 (above) the third reading of this by-law was also deferred.

i) Correcting By-law 2021-30 - Road Widening - Rideau Road

See By-law 2012-42

- j) RC-20-01- Part of Road Allowance between Con 9 and 10, Lot 20 - Christel Lane

See By-law 2021-43

- k) RC-21-05 - Request for Road Closing between Concessions 10 and 11 Storrington (De Groot)

Resolution No. 2021-26-13

Moved by Councillor Sleeth

Seconded by Councillor Morey

That Council consider and direct staff to move forward with the process of closing and transferring of ownership of a 10 metre (33 foot) by approximately 57 metre (186.5 foot) portion of unopened road allowance to enlarge adjacent parcels of land municipally known as 572 Burnt Hills Road.

Carried

- l) Administrative Monetary Penalties

See By-law 2021-44

- m) ICIP-COVID-19 Grant

Resolution No. 2021-26-14

Moved by Councillor Morey

Seconded by Deputy Mayor Barr

That Council authorize the Mayor and the Clerk to execute a transfer payment agreement with the Province of Ontario for an ICIP COVID-19 grant in the amount of \$100,000 for accessibility improvements to the Township Hall at 4432 George Street in Sydenham.

Carried

- n) Open Farms 2021 – Sale and Service of Alcohol

Resolution No. 2021-26-15

Moved by Councillor Sleeth

Seconded by Councillor Revill

That Council approve the sale and service of alcoholic beverages at Centennial Park in Harrowsmith from 11:00 am – 4:00 pm on September 11th & 12th, 2021 as per By-law 2003–90 10(c), subject to a suitable agreement being entered into with Harrowsmith Brewing Company.

Carried

10. Committee Meeting Minutes - not applicable

11. By-laws

- a) First and Second Readings

Resolution No. 2021-26-16

Moved by Councillor Revill

Seconded by Councillor Ruttan

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

- By-law 2021-40
- By-law 2021-41
- By-law 2021-42
- By-law 2021-43
- By-law 2021-44

Carried

- b) By-law 2021-40 - Rezone Concession 3, Part Lot 3 to RU-63 (Craig)

Concerns about the rationale for setback provisions were expressed by Councillor Revill.

Resolution No. 2021-26-17

Moved by Councillor Roberts

Seconded by Councillor Morey

That By-law 2021-40, being a by-law to amend By-law 2003-75, as amended to rezone land from Rural (RU) to Rural - Special Provision (RU-63) on lands described as Deyo's Road, Part 3 Reference Plan 13R-1068, Part of Lot 3, District of Bedford, be given third reading, signed and sealed.

Resolution No. 2021-26-18

Moved by Councillor Revill

Seconded by Councillor Roberts

That Resolution 2021-26-17 be deferred.

Carried

- c) By-law 2021-41 - Site Plan Agreement with Caden Craig

Resolution No. 2021-26-19

Moved by Councillor Revill

Seconded by Councillor Roberts

That the third reading of By-law 2021-41 be deferred as it relates to the passing of By-law 2021-40.

Carried

- d) By-law 2021-42 - Amend By-law 2021-30 - Rideau Road Road Closing

Resolution No. 2021-26-20

Moved by Councillor Revill

Seconded by Councillor Ruttan

That By-law 2021-42, being a by-law to amend By-law 2021-30, pertaining to the lands being Part 1 on Plan 13R22405, part of Rideau Crescent, be given third reading, signed and sealed.

Carried

- e) By-law 2021-43 - Stop up, close and transfer ownership of Parts 13 and 15, Plan 13R22455 - Christel Lane

Resolution No. 2021-26-21

Moved by Councillor Roberts

Seconded by Deputy Mayor Barr

That By-law 2021-43, being a by-law to stop up, close and sell a portion of an unopened road allowance being Parts 13 and 15 on RP 13R22455, part of the road allowance between Concession 9 and 10, Lot 20 District of Storrington, be given third reading, signed and sealed.

Carried

- f) By-law 2020-44 - Being a by-law to establish Administrative Monetary Penalties

Resolution No. 2021-26-22

Moved by Deputy Mayor Barr

Seconded by Councillor Sleeth

That By-law 2021-44, being a by-law to establish Administrative Monetary Penalties, be given third reading, signed and sealed.

12. Reports for Information

- a) Quarterly Financial Review
- b) Investment Update
- c) Automatic Aid Agreement with Central Frontenac Township
- d) Award of Tender #PS-2021-20 - Two Tandem Plow Trucks

13. Information Items

- a) County of Lennox and Addington - Council Resolution - Education Development Charges
- b) David R. Donnelly, Donnelly Law, re: Development in Johnston Point - Application for Investigation under the Environmental Bill of Rights, 1993
- c) Official Plan Open House - Virtual Consultation Sessions

Council commended the consultants and Development Services staff on the first virtual open house for the Official Plan. It is hoped that continued advertising will encourage higher participation rates.

14. Notice of Motions

- a) Councillor Revill served a notice of motion to support the resolution from the County of Lennox and Addington regarding the Education Development Charges.

15. Announcements/Statements by Councillors

- a) Councillor Roberts announced the "re-opening" celebrations at the Frontenac Community Arena on September 17, 2021 at 6:30 pm; to be held in the arena parking lot to adhere to continued COVID restrictions.
- b) Neil Carbone extended his appreciation to Louise Fragnito in her role as Acting CAO in his absence.
- c) Troy Dunlop, Manager of Technical Services and Infrastructure provided an update on the Hinchinbrooke Road failure at Spring Lake. He noted that an independent geotechnical consultant is undertaking in water and on road survey review with focus on settlement and further movement. The interim report has been received and is being reviewed by staff.

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

- a) There were no questions of clarity from the public.

17. Closed Session

- a) Council will move into a Closed Session as permitted by the Municipal Act Section 239.2 to discuss item (b) personal matters about an identifiable individual, including municipal or local board employees related to the Chief Administrative Officers performance appraisal and an update on recruitment for Public Services positions and item (c) a proposed or pending acquisition or disposition of land by the municipality or local board related to property on Battersea Road in the hamlet of Battersea.

That Council move into a Closed Session as permitted by the Municipal Act Section 239.2 to discuss item (b) personal matters about an identifiable individual, including municipal or local board employees related to the Chief Administrative Officers performance appraisal and an update on recruitment for Public Services positions and item (c) a proposed or pending acquisition or disposition of land by the municipality or local board related to property on Battersea Road in the hamlet of Battersea.

Resolution No. 2021-26-23

Moved by Councillor Roberts

Seconded by Councillor Morey

That Council move into a Closed Session as permitted by the Municipal Act Section 239.2 to discuss item (b) personal matters about an identifiable individual, including municipal or local board employees related to the Chief Administrative Officers performance appraisal and an update on recruitment for Public services positions, and item (c) a proposed or pending acquisition or disposition of land by the municipality or local board related to property on Battersea Road in the hamlet of Battersea.

Carried

- b) Public Services Department Recruitment
- c) Property Acquisition - Battersea Road (in the hamlet of Batterea)
- d) CAO Performance Appraisal
- e) Resolution - Move out of Closed Session

Resolution No. 2021-26-27

Moved by Councillor Sleeth

Seconded by Deputy Mayor Barr

That Council move out of Closed Session.

Carried

18. Confirmatory By-law

- a) By-law 2021-45

Resolution No. 2021-26-28

Moved by Councillor Sleeth

Seconded by Councillor Morey

That By-law 2021-45, being a by-law to confirm generally all actions and proceedings o the Council of the Corporation of the Township of South Frontenac on August 17, 2021.

Carried

Resolution No. 2021-26-29

Moved by Councillor Morey

Seconded by Councillor Revill

That By-law 2021-45, being the confirmatory by-law, be given third reading signed and sealed.

Carried

19. Adjournment

- a) Resolution

Resolution No. 2021-26-30

Minutes of Council  
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Moved by Councillor Sleeth  
Seconded by Deputy Mayor Barr

That the Council meeting of August 17, 2021 be adjourned at 8:59 p.m.

Carried

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Ron Vandewal, Mayor

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Angela Maddocks, Clerk