

Minutes of Council
January, 25, 2022

Time: 7:00 PM

Location: Electronic Participation



Meeting # 5

Council Present in Council Chambers: Mayor Ron Vandewal, Ray Leonard, Doug Morey, John McDougall, Alan Revill, Norm Roberts, Ron Sleeth, Ross Sutherland

Council Present via Electronic Participation: Randy Ruttan

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, Christine Woods - Senior Planner, Anna Geladi - Planner, Troy Dunlop - Manager of Technical Services and Infrastructure

1. Call to Order and Roll Call

a) **Resolution**

Resolution No. 2022-05-01

Moved by Councillor Sleeth

Seconded by Councillor Morey

That the Council meeting of January 25, 2022 be called to order at 7:00 p.m.

Carried

b) The Clerk conducted the roll call as outlined in the attendance noted above.

2. Declaration of pecuniary interest and the general nature thereof

a) There were no declarations reported.

3. Approval of Agenda

a) **Resolution**

Resolution No. 2022-05-02

Moved by Councillor Ruttan

Seconded by Deputy Mayor Revill

That the agenda for the January 25, 2022 Council meeting be approved.

Carried

4. Scheduled Closed Session (at end of agenda)

5. Delegations - none

6. Public Meeting

a) **Resolution and Public Meeting Statement**

The Clerk provided direction on receiving a notice of decision on these applications and how to appeal any decision with the Ontario Land Tribunal.

Resolution No. 2022-05-03

Moved by Councillor Roberts

Seconded by Councillor Leonard

That a public meeting be held to allow for input on Zoning By-law Amendment applications:

- Z-21-16 - 4930 Road 38
- Z-21-23 - 22 Beatrice Lane
- Z-21-28 - 3810 Perth Road

Carried

b) **Zoning By-law Amendment Application - Z-21-16 - 2749941 Ontario Inc - 4930 Road 38**

Christine Woods, Senior Planner presented this application. She noted that the proposal is to change the zone on the subject property from Urban Commercial to Urban Commercial – Special Provision. This rezoning would permit a ground floor commercial space (e.g. professional office) and five residential dwelling units on the upper floors. There would be four one-bedroom apartments and one studio apartment. The effect would also be to specify zoning standards including a minimum number of off-street parking spaces and a minimum planting strip adjacent the rear and interior side lot lines.

The subject property is located at the northeast corner of Road 38 and Harrowsmith Road. The property is surrounded by commercial and residential uses and is approximately 1,080 square metres (0.32 acres) in area, and has 25 metres of frontage on Road 38 and 54 metres on Harrowsmith Road. The property is developed with a three-storey building with a two-storey addition to the rear and a parking area. The building has historically been used for a variety of commercial and residential uses. It is currently used as an office for the applicant. The three-storey building is designated under the Ontario Heritage Act (Portland By-law 10-82) for its significance as a local landmark and social centre, and for its architectural details including the two-storey verandah.

The subject property is subject to site plan control application SP-03-21-P under the Planning Act. This application is currently under review. The property is also subject to a community improvement plan application to fund façade improvements and to waive municipal fees.

A planning justification report, servicing design brief, phase 1 environmental site assessment, architectural drawings and site plan drawings were submitted in support of the rezoning and site plan control applications. The Planning Justification Report was prepared by Fotenn assessed the appropriateness of the proposed zoning by-law amendment in the context of the surrounding area as well as its conformity with the applicable policy and regulatory framework.

The Planning Justification report suggests that adequate off-street parking is proposed to the rear of the building, within the existing asphalt area. The proposal includes 16 parking spaces. The application requests a 1.8 parking ratio for the dwelling units, whereas the Zoning By-law requires a minimum of 2 parking spaces per dwelling unit. This is the equivalent of 9 parking spaces (2 per one bedroom apartment, 1 per bachelor apartment).

The report indicated that the required supply of parking for the proposed commercial use would be provided. However, staff calculated that the proposed commercial use would require 9 parking spaces per section 5.30.1.10 of the Zoning By-law (based on proposed 206.8 square metre floor

area, and 1 space per 23 square metres of floor area). This would result in a deficiency of two parking spaces.

The applicant, through conversations with staff, is requesting a reduction to seven commercial parking spaces on the basis that the proposed office use has space for five employees. These employees regularly work off-site and are seldom in the office all at the same time.

Staff also noted in the review of the site plan drawings that the proposed parking arrangement needs to be adjusted to ensure that each parking space would be readily accessible at all times and arranged in such a manner to provide access and manoeuvring space for the parking and removal of a motor vehicle without the necessity of moving another motor vehicle. The applicant is working with their architect to improve the parking arrangement. This will be shown on a revised site plan drawing and will be addressed before the site plan is brought forward to Council for consideration.

Ms. Woods noted that Building Services was satisfied with the revised sewage services proposed in the Revised Servicing Design Brief (Groundwork Engineering Limited, January 12, 2022).

Public Services identified the need to improve the parking arrangement, particularly the central aisle so that all of the spaces function properly. They also identified several items that will be addressed through the site plan control application including the dimensions of the accessible parking space, adequate headlight screening across from residential properties, on-site commercial waste collection facilities, and pre-defined exterior lighting details.

Public Services was satisfied with the servicing and stormwater management findings but encouraged improved lot level controls associated with the new two-storey addition that would replace the existing two-storey addition at the rear of the building.

Fire and Emergency Services noted that the proposed parking configuration may make it challenging for emergency vehicles to gain access to the rear of the building and the residential units. Access for emergency vehicles on the property, or on the street(s), will need to be provided to the satisfaction of the Township. This will be addressed through the site plan control application.

No comments have been received from members of the public to date.

Ms. Woods provided the policy framework and how this application has been assessed based on the Provincial Policy Statement, the Frontenac Official Plan, the Township Official Plan and the Zoning By-law 2003-75.

Councillor Sleeth asked if the design of the building has been assessed based on fire separation and safety. Ms. Woods explained that this assessment would be done at the building permit application stage. There would be a fire code review and safety standards that would have to be met.

Councillor Morey asked what the implications are based on with this being a heritage building and what accessibility provisions need to be addressed during this zoning change. Ms. Woods indicated that these items will be considered for the main floor along with an accessible parking space and an accessible main floor entrance.

Deputy Mayor Revill was supportive of this proposal and encouraged this type of development as a positive part of revitalization of township hamlets.

Councillor McDougall questioned the limits of the Community Improvement Plan and if this included the replacement of windows. Christine Woods noted that the program can fund improvements to the facade, (the porch is the heritage feature of this building), secondly it covers the building permit fees for construction and the third item is for accessibility considerations in commercial spaces. Claire Dodds provided an overview of the CIP program

Mayor Vandewal supported this development as a very positive improvement. he was concerned about the use of holding tanks and the potential for on-street parking by residents of the building.

Councillor Leonard agreed that this will be an improvement to the existing building.

Sarah MacInnis, the applicant, provided an overview of her vision for this building and the potential it has. She noted that the interior will essentially be entirely new through the renovation process but also keeping in mind the heritage designation component. This is a large scale project with lots of money invested in this project that will provide commercial and residential uses. She did not foresee a need for off site parking.

There were no members of the public registered to speak to this application.

c) **Zoning By-law Amendment Z-21-23 - Barr and Smallman-Tew - 22 Beatrice Lane**

Anna Geladi, Planner, presented the report on the subject property (22 Beatrice Lane) nothing that it is subject to consent application S-22-21-B for a lot addition to 179 Beatrice Lane. Provisional approval of this application was granted, subject to conditions by the Director of Development Services on June 30, 2021. Condition 9 requires the severed parcel (lot addition) to be rezoned so that the lands will have the same zone as the property it is enlarging, 179 Beatrice Lane.

The subject lands consist of approximately 2.1 hectares (5.25 acres) of vacant land with 200 metres (656 feet) of frontage on Beatrice Lane and 72 metres (236 feet) of waterfrontage on Bob's Lake. The lands are zoned Rural (RU). The severed parcel is separated from the benefitting lot by Beatrice Lane.

The subject lands are being added to 179 Beatrice Lane. 179 Beatrice Lane is zoned Limited Service Residential – Waterfront (RLSW). It is developed with a principal dwelling, garage and sewage system. The purpose of the lot addition is for further enjoyment of the property for recreational use.

Ms. Geladi reported that this application did not meet the criteria for circulation to Public Services and Building Services (Septic System Review). Rideau Valley Conservation Authority was not circulated on the rezoning application, as they had no objection to the approval of consent application S-22-21-B when they reviewed the consent application in 2021.

No comments have been received from members of the public to date.

It was noted that Director of Development Services had consideration for the 2020 PPS as well as the County and Township Official Plan in the decision to grant draft approval to consent application S-22-21-B for a lot addition. It is good planning practice to ensure that consistent zoning is applied to the enlarged parcel. The lot addition lands are proposed to be zoned RLSW, consistent with the zoning that applies to 179 Beatrice Lane. This zoning is also consistent with the other properties located along this portion of Beatrice Lane.

The proposal to rezone the lands through application Z-21-23 is consistent with the 2020 PPS as well as the County and Township Official Plans. A detailed policy analysis will be provided to Council following the public meeting.

Councillor Morey was supportive of this application.

There were no members of the public registered to comment on this application.

d) **Zoning By-law Amendment Application -Z-21-28 - 1809505 Ontario Limited - 3810 Perth Road.**

Christine Woods, Senior Planner presented the details on this application. The subject property is zone Urban Commercial – Special Provision (UC-27). The UC-27 zone permits the full range of commercial uses listed in the UC zone, as well as four accessory residential units. The purpose of the proposed by-law is to amend the UC-27 zone to permit a fifth accessory residential unit. The effect of the proposed by-law would be to facilitate a proposed 2000 square foot, two-storey addition to the existing building that would include a fifth accessory residential unit and two additional commercial units.

The subject property is located at the northeast corner of Perth Road and Davidson Road in the Inverary Settlement Area and it is surrounded by commercial and residential uses.

The subject property is 2.2 hectares (5.5 acres) in area and has 172 metres of frontage on Perth Road and 155 metres on Davidson Road. The property is developed with a two-storey building. The building contains three commercial uses on the first floor and four accessory dwelling units on the second floor. The property is also developed with an automobile service station.

The proposed rezoning was assessed against the applicable policies of the Provincial Policy Statement 2020, County of Frontenac Official Plan, and Township of South Frontenac Official Plan, as well as the provisions of Zoning By-law No. 2003-75.

The policies indicate that rural settlement areas, such as Inverary, must be the focus of growth and development, and that their vitality and regeneration must be promoted. These policies also promote healthy, integrated, and viable rural areas that are supported by accommodating an appropriate range and mix of housing, as well as by promoting opportunities for a varied and balanced industrial/commercial base in rural settlement areas.

Section 5.6 of the Township Official Plan permits commercial uses by zoning by-law amendment when Council is satisfied that the nature and scale of the proposed use is appropriate. Council approved the existing development on the property through By-laws 2017-17 and 2017-24.

Adequate water and sewage disposal systems are a consideration in rural settlement areas. Section 6.10.3 of the Township Official Plan requires a report by a professional engineer or other qualified professional(s) indicating that an adequate supply of potable water is available for the use and that soil conditions are suitable for the installation of sewage system. The application for the existing development was supported by a six hour well pump test.

The applicant will be required to provide confirmation that the well has sufficient capacity (volume/flow) for the additional apartment and commercial units, in support of the rezoning application. The applicant will be required to provide a hydrogeologist's opinion on the 2017 pump test, and the suitability of

the data for the additional use. The opinion will also need to address water quality relative to the automotive service station on the property.

In accordance with the PPS 2020 and the County Official Plan, Section 6.24 of the Township Official Plan requires contaminated sites to be remediated as necessary, and a Ministry of the Environment letter acknowledging receipt of a "Record of Site Condition" prior to development approvals being granted. A Record of Site Condition (RSC) summarizes the environmental condition of a property as of a certification date based on the completion of one or more environmental site assessments, and must be filed with the Ministry of Environment, Conservation and Parks.

Building Services has requested additional information about the proposed addition so that they can review the sewage system application to increase the size of the existing sewage system to accommodate the proposed addition. This information is needed to confirm that sufficient space is provided to accommodate an extension of the existing building and sewage system.

Public Services have indicated that although parking spaces and traffic will be increased at the site, a Traffic Impact Study is not necessary at the rezoning stage based on previous and recent traffic study work on the Perth Road corridor. This site is not expected to trigger road modifications. Traffic impacts could be subject to further review at the site plan control stage if necessary.

No comments have been received from members of the public to date.

The criteria for whether an RSC is required is specified in Ontario Regulation 153/04 Records of Site Condition – Part XV.1 of the Act. The Ministry of Environment, Conservation and Parks recently advised the Township that this regulation was updated in 2019 to include criteria that requires a Record of Site Condition be submitted at the time of building permit when a proposal includes expanding a building footprint on lands that currently have a commercial use and include an addition of residential space. While it is the requirements of the Ontario Building Code that trigger the submission of an RSC – planning staff are flagging this requirement for the property owner at this time, so they are prepared to address this requirement as part of a complete building permit application

Councillor Sleeth was supportive of the expansion of this commercial development as the hamlet of Inverary continues to grow.

Councillor Roberts was also supportive of this expansion and felt it was great for the community.

Deputy Mayor Revill felt this would be a great enhancement to the commercial viability within the township and it provides much needed housing supply .

Councillor Leonard was supportive of this proposal and encouraged this type of development throughout the township.

Mayor Vandewal felt this is exactly what the municipality needs and wants; development within the hamlets.

No one from the public was registered to speak to this application.

e) **Resolution - Close Public Meeting**

Resolution No. 2022-05-04

Moved by Councillor Roberts
Seconded by Councillor Leonard
That having provided an opportunity for input on planning matters, the public meeting be closed.

Carried

7. Approval of Minutes

a) **Special Council meeting of November 23, 2021 (5:00 pm)**

Resolution No. 2022-05-05
Moved by Councillor Sleeth
Seconded by Councillor Morey
That the minutes of the Special Council meeting held November 23, 2021 at 5:00 pm be approved.

Carried

b) **Special Committee of the Whole meeting of November 23, 2021 (7:00 pm)**

Resolution No. 2022-05-06
Moved by Councillor Ruttan
Seconded by Deputy Mayor Revill
That the minutes of the Special Committee of the Whole meeting of November 23, 2021 at 7:00 pm be approved.

Carried

c) **Special Council meeting of November 24, 2021 (7:00 pm)**

Resolution No. 2022-05-07
Moved by Councillor Sutherland
Seconded by Councillor Roberts
That the minutes of the Special Council meeting held November 24, 2021 at 7:00 p.m. be approved.

Carried

8. Business Arising from the Minutes

a) **Notice of Motion - Feasibility Study Amendment**

Deputy Mayor Revill chaired this portion of the meeting in order for Mayor Vandewal to speak to the notice of motion he proposed as well as an amendment.

When Resolution 2022-05-09 was passed, Mayor Vandewal resumed as Chair of the meeting.

Resolution No. 2022-05-08
Moved by Mayor Vandewal
Seconded by Councillor _____
That Council cancel the Feasibility Study and look at expansion to the existing building and explore other opportunities locally.

Resolution No. 2022-05-09
Moved by Mayor Vandewal
Seconded by Councillor Sleeth
That Council support the notice of motion filed by Mayor Vandewal and direct staff to remove Options 2, 3 and 4 as options in the Administrative Office Expansion Feasibility Study.

Carried

9. Reports Requiring Action

a) **Up-date to Building By-law**

Mayor Vandewal requested a recorded vote on this resolution.

Mayor Vandewal voted against the resolution while the remainder of Council voted in favour.

Resolution No. 2022-05-10

Moved by Councillor Ruttan

Seconded by Councillor Sleeth

That Council endorse an update to Building By-law 2014-26 as amended, to index the Fees set out in Schedule "C" to the October Total CPI deviation to a maximum increase of 4% annually, instead of using the 3rd quarter Statistics Canada Non-Residential Building Construction Cost Index: Ottawa; and,

That Council endorse establishing a limit to the size of the building reserve that is equivalent to annual building services operating costs based on a rolling three (3) year average; and,

That upon reaching the reserve limit, building fees as set out in Schedule "C" of the Building By-law No. 2014-26 would be frozen; and,

That Council direct staff to advertise these amendments to By-law 2014-26 for the required 21 days and to schedule the required public meeting for changes to the Building By-law to coincide with the next available Council or Committee of the Whole meeting.

Carried

b) **Scope Change for Buck Lake Culvert Replacement - Project No. 20-R07**

Resolution No. 2022-05-11

Moved by Councillor Ruttan

Seconded by Councillor Sutherland

That Council approve the recommended scope changes relating to the Buck Lake Culvert Replacement Project No. 20-R07 as part of the deliberations for the 2022 Capital Works Program.

Carried

10. Committee Meeting Minutes - none

11. By-laws

a) **By-law 2022-05 - Rezone from Urban Commercial to Urban Residential - Second Density - Special Provision - Con 5, Part of Lot 4, 4376 Sydenham Mill St (Loughborough)**

Resolution No. 2022-05-12

Moved by Councillor McDougall

Seconded by Councillor Sutherland

That By-law 2022-05, being a by-law to amend By-law 2003-75, as amended, to rezone land from Urban Commercial (UC) to Urban Residential - Second Density - Special Provision (UR2-2) on lands described as 4376 Sydenham Mill St, Part of Lot 4, Concession 5, District of Loughborough, be given first and second reading.

Carried

Resolution No. 2022-05-13

Moved by Councillor Leonard

Seconded by Councillor Roberts

That By-law 2022-05 be given third reading, signed and sealed.

Carried

- b) **By-law 2022-06 - Rezone from Limited Service Residential to Limited Service Residential - Special Provision, Con 2 Part of Lot 22, Part 52 on Plan 13R204 (Bedford)**

Resolution No. 2022-05-14

Moved by Councillor Morey

Seconded by Councillor Sleeth

That By-law 2022-06, being a by-law to amend By-law 2003-75, as amended, to rezone land from Limited Service Residential (RLS) to Limited Service Residential - Special Provision (RLS-14) on lands described as Part 52 on Plan 13R204, Part of Lot 22, Concession 2, District of Bedford, be given first and second reading.

Carried

Resolution No. 2022-05-15

Moved by Councillor Sutherland

Seconded by Councillor Leonard

That By-law 2022-06 be given third reading, signed and sealed.

Carried

- c) **By-law 2022-07 - Site Plan Agreement between the Corporation of the Township of South Frontenac and Joe & Tara Brice.**

Resolution No. 2022-05-16

Moved by Councillor Morey

Seconded by Councillor Roberts

That By-law 2022-07, 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 Joe and Tara Brice, be given first and second reading.

Carried

Resolution No. 2022-05-17

Moved by Councillor Roberts

Seconded by Councillor Sutherland

That By-law 2022-07 be given third reading, signed and sealed.

Carried

- d) **By-law 2022-08 - Interim Tax Rate**

Resolution No. 2022-05-18

Moved by Councillor Sleeth

Seconded by Councillor Morey

That By-law 2022-08, being a by-law to provide for an interim tax levy: payment of taxes; to provide for penalty and interest of 1.25% on tax arrears per month, be given first and second reading.

Carried

Resolution No. 2022-05-19

Moved by Councillor Ruttan

Seconded by Deputy Mayor Revill

That By-law 2022-08, being a by-law to provide for an interim tax levy: payment of taxes; to provide for penalty and interest of 1.25% on tax arrears per month, be given third reading, signed and sealed.

Carried

e) **By-law 2022-09 - Appoint an Interim CAO**

Resolution No. 2022-05-20

Moved by Councillor McDougall

Seconded by Councillor Sutherland

That By-law 2022-09, being a by-law to appoint an interim Chief Administrative Officer, be given first and second reading.

Carried

Resolution No. 2022-05-21

Moved by Councillor Leonard

Seconded by Councillor Sleeth

That By-law 2022-09, being a by-law to appoint an interim Chief Administrative Officer, be given third reading, signed and sealed

Carried

12. Reports for Information

a) **Vaccination Policy Update**

- This report provided an update on the implementation of Policy HR#023 COVID-19 Vaccination & Prevention Policy, including the percentage of staff vaccination records received, since it became effective on January 17, 2022. The policy applies to all township employees as well as Council appointed committee volunteers, volunteer fire fighters and members of Council.

b) **CAO Recruitment - Proposal Review & Selection**

- This report provided a list of proposals received for the recruitment of a new Chief Administrative Officer (CAO) for the Township. Discussion of the proposals and any direction to staff regarding negotiation with recruiters will take place in closed session subject to provisions of the Municipal Act Section 239 (2) (b), (i) and (k); however, any decisions of Council will be made in open session.

13. Information Items

a) **Cataraqui Source Protection Committee - Request for Input/Council Resolution on Municipal Appointments**

- A representative from the "Central Area" needs to be nominated before March 14, 2022 by Council resolution.

14. Notice of Motions - none

15. Announcements/Statements by Councillors - none

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

17. Closed Session

a) **Resolution**

Resolution No. 2022-05-22

Moved by Deputy Mayor Revill

Seconded by Councillor McDougall

That Council move into a closed session in accordance with the Municipal Act Section 239 (2) to discuss (b) personal matters about an identifiable individual, including municipal or local board employees, (i) a trade secret or scientific, technical, commercial, financial or labour relations information, supplied in confidence to the municipality or local board, which, if disclosed, could reasonably be expected to prejudice significantly the competitive position or

interfere significantly with the contractual or other negotiations of a person, group of persons, or organization and (k) a position, plan, procedure, criteria or instruction to be applied to any negotiations carried on or to be carried on by or on behalf of the municipality or local board. 2001, c. 25, s. 239 (2); 2017, c. 10, Sched. 1, s. 26, all matters having regard to discussion of proposals and to provide direction to staff regarding the negotiation with recruiters for a Chief Administrative Officer.

Carried

b) **CAO Recruitment - Proposal Review & Selection**

c) **Resolution** - Move out of closed session

Resolution No. 2022-05-23
Moved by Councillor Leonard
Seconded by Councillor McDougall
That Council move out of closed session.

Carried

18. Confirmatory By-law

a) **By-law 2022-10**

Resolution No. 2022-05-24
Moved by Councillor Morey
Seconded by Councillor Sutherland
That By-law 2022-10, being a by-law to confirm generally all actions and proceedings of the Council of the Corporation of the Township of South Frontenac, be given first and second reading this 25 day of January, 2022.

Carried

Resolution No. 2022-05-25
Moved by Councillor McDougall
Seconded by Councillor Ruttan
That By-law 2022-10, being the confirmatory by-law, be given third reading, signed and sealed.

Carried

19. Adjournment

a) **Resolution**

Resolution No. 2022-05-26
Moved by Councillor Leonard
Seconded by Councillor Sleeth
That the Council meeting of January 25, 2022 be adjourned at 8:23 p.m.

Carried

Ron Vandewal, Mayor

Angela Maddocks, Clerk