



Township of South Frontenac Council Meeting Minutes



Meeting # 08

Time: 7:00 p.m.

Location: Council Chambers / Virtual Via Zoom

Present: Ray Leonard, Doug Morey, Steve Pegrum, Norm Roberts, Randy Ruttan, Ron Sleeth, Scott Trueman, Adam Turcotte, Mayor Ron Vandewal

Staff: Louise Fragnito - Chief Administrative Officer, James Thompson - Clerk, Michelle Hannah - Deputy Clerk, Kyle Bolton - Director of Public Services, Troy Dunlop - Manager of Engineering & Capital Projects, Christine Woods - Senior Planner, Tom Fehr - Planner.

1 Call to Order

a) Resolution

Resolution No. 2024:08:01

Moved by Councillor Pegrum

Seconded by Councillor Trueman

That the Council meeting of April 9, 2024 be called to order at 7:00 p.m.

Carried

2 Declaration of pecuniary interest and the general nature thereof

a) Councillor Morey declared a pecuniary interest in relation to item 19 a) of the April 2, 2024 Council meeting agenda regarding the acquisition or disposition of land - Portland District.

3 Approval of Agenda

a) Resolution

Resolution No. 2024:08:02

Moved by Councillor Sleeth

Seconded by Councillor Roberts

That the agenda be approved, as presented.

Carried

4 Scheduled Closed Session

a) There was none.

5 Recess

a) There was none.

6 Public Meeting

a) Resolution - Public Meeting to Order

Resolution No. 2024:08:03

Moved by Councillor Morey
Seconded by Councillor Turcotte
That the Public Meeting regarding Unopened Road Allowance Application RC-24-01 be called to order.

Carried

b) Notice of Collection

Michelle Hannah, Deputy Clerk provided an overview of the Notice of Collection and the reason for the Public Meeting.

c) Caivan Unopened Road Allowance Closure Application – Public Meeting

- This Report provided Council with information about Road Closing Application RC-24-01 to close and transfer a portion of unopened road allowance between Lots 30 & 31, Concession 8, District of Bedford.

Michelle Hannah, Deputy Clerk provided an overview of the PowerPoint Presentation and staff Report.

Mayor Vandewal reminded everyone that the Public Meeting was only in relation to the Unopened Road Allowance Closure Application.

Councillor Pegrum inquired about the re-alignment of Campground Lane in relation to the Unopened Road Allowance. Michelle Hannah shared that in the absence of a survey the exact location of the road allowance and the encroachment over it cannot be determined for certain and clarified that it is approximately the same area. Michelle Hannah noted that there is now less of an encroachment as the lane is a direct line across instead of as it is shown on the mapping.

Councillor Pegrum inquired what the process should have been for the encroachment. Michelle Hannah spoke to the right of way which has existed historically and stated that closing the road allowance is one way to address the issue. She indicated that the other option would be to enter into a licence agreement which is a less permanent solution but would allow the road allowance to be altered and developed.

Councillor Pegrum inquired about resolving the encroachment and the pros and cons of each option. Michelle Hannah advised that it is dependent on the lands, and the pros and cons of selling road allowances is that the Township is no longer the owner of the land. She explained that this is a historical matter where the lane travels over the unopened road allowance and the Township would typically not ask the applicant to rectify the situation. She clarified that now that the application has come forward and the Township is aware of the situation steps are being taken to rectify the situation. She elaborated that one of a licence agreement is that it is not a permanent solution as each subsequent owner must seek a new licence agreement.

In response to a question from Councillor Trueman, Michelle Hannah advised that all road allowances in the Township are under the ownership of the Municipality unless they have been closed and transferred.

Councillor Trueman sought clarification in regard to portion "D". Michelle Hannah advised that portion D does lead from a road to the water and noted that that Council voted to not proceed with closing portion "D" of the unopened road allowance. Michelle Hannah also spoke to other water access options in the area.

Councillor Ruttan sought clarification regarding the portions of road allowance

that are still being considered. Michelle Hannah advised that the grey portion, portion "C" is being considered still, portion "D" the portion in purple is not being considered.

Councillor Ruttan noted that he has reservations in relation to portion "C".

The Mayor afforded members of the public with an opportunity to provide comment.

John Loubser spoke to public assets and Council's determination of the best use of the assets. He also spoke to a court order that is binding on the Ontario Land Tribunal in regards to an unopened road allowance that was sought to be closed. John Loubser encouraged council to provide a solution that provides access to the lands, protects the interests of the public, protects the environment and provide the public compensation for unlawfully using public lands. He added that compensating the public could include not selling portion C of unopened road allowance, he also noted the landlocked piece should be transferred to the township to compensate the public for unlawfully using public lands and in exchange for being allowed to enter into a Licence Agreement to continue the use of the unopened road allowance and the entrance at Burrige Road. He also recommended Portion C and the landlocked parcel be merged and re-zoned to Open Space.

Linda Thomas asked the Township to protect the public interest and noted that the unopened road allowance portion "A" may be needed as a road in the future to re-direct the traffic on Lackey Lane. Linda Thomas questioned if the map and the road are in the right location as presented in the presentation and spoke to the legal right of way. She included her opinion of the design of a road and informed Council that she wrote everything in a letter and sent it to them. She noted that the environmental study speaks to the protection of the eastern whippoorwill and that clearing the trees on the road allowance was disturbing to the species. She advised that past behaviour of the developer cannot go unaddressed and she is worried about the shoreline around portion "C" if it were to be sold, and it should be kept for public use.

Peter Nykorchuk noted that he and his wife support the points raised by the two previous speakers. They are also happy to hear that portion D was denied by Council. Peter Nykorchuk added that they are not in support of closing road allowance a or b as they could be a future road for the public to use, he noted that closing the road allowances would not serve the public interest.

John Harvey spoke to supporting everything that had already been raised by previous speakers and added that he believes there is confusion of where the lane formerly crossed the road allowance, and where it does now.

Barb & Jamie Rupert referenced the letter they have submitted and added that they concur with all of the former issues brought up. She noted that the crossing of the lane is in a new location. She mentioned that the unopened road allowance is a shared right of way. Jamie Rupert added that when it hits the boundary between Tay Valley and South Frontenac, the shared concession reaches the lake. Would like it to be maintained for Public Services if needed down the road and would rather see a Licence Agreement. Agrees that the portion C should be kept and would like to see some land donated to the Township.

Sheldon Betts inquired why a survey was not required and noted that maybe one should be done and it should have been done when they re-built the road.

Mayor Vandewal clarified that a member of the public can only speak to the matter once in accordance with the Procedural By-law.

Mayor Vandewal noted that he does not find public compensation appropriate, these things happen a lot, for example the cottage built on the road allowance in Tay Valley.

Councillor Pegrum inquired why the process wasn't followed and what is the recourse.

Troy Dunlop, Manager of Engineering and Capital Projects shared that Public Services Staff became aware of the situation in October of 2022 and within days reached out to the proponent and met on site and provided an entrance permit application. He explained that the property owner was instructed to meet with the Planning Department. He noted that the proponent did everything that was asked of them in a timely fashion. He stated that while there are remedies that can take place, staff did not feel that was necessary.

Harold Yule spoke to the intersection of Lackey Lane.

d) Resolution - Close Public Meeting

Resolution No. 2024:08:04

Moved by Councillor Ruttan

Seconded by Councillor Sleeth

That the Public Meeting regarding Road Allowance Closure RC-24-01 be closed.
Carried

e) Resolution - Public Meeting to Order

Resolution No. 2024:08:05

Moved by Councillor Trueman

Seconded by Councillor Pegrum

That the Public Meeting under the Planning Act be called to order.

Carried

f) Notice of Collection

g) Zoning By-law Amendment Application PL-ZBA-2024-0024, Hineman (The Boulevard Group), Roll Number 102908001015910, Portland District

- This report provided Council with information about Zoning By-law Amendment Application PL-ZBA-2024-0024 for a property on Wilton Road with Assessment Roll Number 102908001015910. If approved, the zone on the subject lands would be changed from Rural (RU) to Rural – Special Exception 78 (RU-78).
- Council reviewed the proposal and invited public input at the statutory public meeting. Staff recommended that Council pass a by-law during the Council meeting in which the public meeting was held, per Procedural By-law as Amended by By-law 2023-44, as the planning matter is technical in nature in that it permits development on an existing lot of record notwithstanding setback requirements from pits and quarries that came into effect after the lot was created.

Michelle Hannah clarified that the Notice of Collection that was read for the previous meeting applies to this meeting as well and reviewed the Public Meeting Statement.

Tom Fehr, Planner provided an overview of the planning report to Council.

The Mayor afforded members of the public with an opportunity to provide comment.

Jason Sands, Agent for the matter noted that he submitted a land use

compatibility assessment and in accordance with that assessment, they believe it constitutes good land use planning.

- h) Zoning By-law Amendment Application PL-ZBA-2024-0027, Iawah Christian Ministries (Mark Snider), 304 Iawah Lane, Bedford District
- This report provided Council with information about Zoning By-law Amendment Application PL-ZBA-2024-0027 for 304 Iawah Lane. If approved, the zone on a portion of the subject lands would change from Open Space – Private – Special Provision (OPS-9) to Limited Service Residential – Waterfront – Special Provision (RLSW-141).
 - Council reviewed the proposal and invited public input at the statutory public meeting. Staff recommended that Council pass a by-law during the Council meeting in which the public meeting is held, per Procedural By-law as Amended by By-law 2023-44, as the planning matter is technical in nature (i.e. it fulfills a condition of consent approval).

Christine Woods, Senior Planner Delivered the planning report to Council.

Councillor Trueman inquired if it is up to the Ministry of Environment to determine if species at risk are living on the build zones or if they get involved at all. Christine Woods replied that the study that was completed determined the species at risk are on the slope and not on the plateau which is the determined area for development.

The Mayor afforded members of the public with an opportunity to provide comment.

Members of the public did not provide comment.

- i) Resolution - Close Public Meeting

Resolution No. 2024:08:06
Moved by Councillor Ruttan
Seconded by Councillor Turcotte
That the Public Meeting under the Planning Act be closed.

Carried

7 Delegations

- a) There were none.

8 Briefings

- a) Stephanie Reeder and Gary Muloin from Cambium were present to speak to Council regarding Township of South Frontenac Waste Disposal Sites (Annual Update 2023).

Mayor Vandewal withdrew from the meeting at 8:25 p.m. Deputy Mayor Leonard assumed the role of Chair.

9 Approval of Minutes

- a) Resolution

Resolution No. 2024:08:07

Minutes of Council
April, 9, 2024

Moved by Councillor Roberts
Seconded by Councillor Morey
That the Minutes of the April 2, 2024 Council meeting be approved.

Carried

10 Reports Requiring Action

a) 2023 Annual Report for Municipal Waste Disposal Sites

Resolution No. 2024:08:08
Moved by Councillor Pegrum
Seconded by Councillor Ruttan
That Council receive the 2023 Annual Update for Township of South Frontenac Waste Disposal Sites presentation from Cambium Consulting and Engineering.

Carried

11 Advisory Committee Reports or Minutes

a)
There were none.

12 Reports Requiring Approval of By-laws

a) 2024 Final Tax Rate by-law

Resolution No. 2024:08:09
Moved by Councillor Morey
Seconded by Councillor Sleeth
That By-law 2024-30 being a By-law to levy taxes for the year 2024, be given first and second reading.

Carried

Resolution No. 2024:08:10
Moved by Councillor Turcotte
Seconded by Councillor Trueman
That By-law 2024-30 be given third reading, signed and sealed.

Carried

b) Zoning By-law Amendment Application PL-ZBA-2024-0024, Hineman (The Boulevard Group), Roll Number 102908001015910, Portland District

Resolution No. 2024:08:11
Moved by Councillor Morey
Seconded by Councillor Ruttan
That By-law 2024-31 being a By-law to amend By-law 2003-75, as amended, to rezone land from the Rural (RU) zone to Rural – Special Exception 78 (RU-78) on lands described as a Part 1 Plan 13R7331, Part Lots 8 and 9 Concession 3, District of Portland, be given first and second reading.

Carried

Resolution No. 2024:08:12
Moved by Councillor Roberts
Seconded by Councillor Pegrum
That By-law 2024-31 be given third reading, signed and sealed.

Carried

c) Zoning By-law Amendment Application PL-ZBA-2024-0027, Iawah Christian Ministries (Mark Snider), 304 Iawah Lane, Bedford District

Resolution No. 2024:08:13

Moved by Councillor Sleeth
Seconded by Councillor Roberts

That By-law 2024-32 to amend the zoning on lands known as 304 Iawah Lane, Parts 1, 2 and 3 on Plan 13R-22949, Part of Lots 21 and 22, Concession 10, District of Bedford, Township of South Frontenac be given first and second reading.

Carried

Resolution No. 2024:08:14

Moved by Councillor Turcotte
Seconded by Councillor Pegrum

That By-law 2024-32 be given third reading, signed and sealed.

Carried

13 Reports for Information

- a) Award of Tender # PS-2024-02 Bracken Culvert Replacement

14 Committee of the Whole

- a) There was none.

15 Information Items

- a) There were none.

16 Notice of Motions

- a) There were none.

17 Rise and Report regarding County Council and External Boards

- a) There were none.

18 Announcements/Statements by Councillors

- a) There were none.

19 Closed Session (if requested)

- a) There was none.

20 Confirmatory By-law

- a) Resolution

Resolution No. 2024:08:15

Moved by Councillor Roberts
Seconded by Councillor Morey

That By-Law 2024-33, being a By-law to confirm generally all actions and proceedings of the Council of the Township of South Frontenac, be given first and second reading.

Carried

Resolution No. 2024:08:16

Minutes of Council
April, 9, 2024

Moved by Councillor Sleeth
Seconded by Councillor Trueman
That By-Law 2024-33 be given third reading, signed and sealed.

Carried

21 Adjournment

a) Resolution

Resolution No. 2024:08:17
Moved by Councillor Turcotte
Seconded by Councillor Pegrum
That the Council meeting of April 9, 2024 adjourn at 8:44 p.m.

Carried

Ron Vandewal, Mayor

James Thompson, Clerk

South Frontenac is a welcoming and thriving rural community