

Township of Seguin
Draft Minutes of Council Meeting
December 13th, 2010

A regular meeting of the Township of Seguin Council was held December 13th, 2010 at 3:00 p.m. at the Township of Seguin Council Chambers. Mayor Conn presided with Councillors Chidley, Gibbon, Hepworth, Jacklin, Osborne and Sainsbury present.

After the meeting was called to order Mayor Conn asked for approval of the agenda. Council approved the agenda with the following additions/changes. Addition of correspondence from Mr. John McCash to Closed Session item a) Ontario Municipal Board (OMB) Appeal – Case No. PL100751, By-law No. 2010-156, Housekeeping By-law, Appellant John McCash. Addition of a copy of Resolution No. 2010-01 of the Christie Recreation Committee to Delegations item b) Kim Postma and this Delegation was moved to 7:00 p.m. at the request of the Delegate. Addition to Staff Reports item c) of a Memo from Michele Fraser, Chief Financial Officer/Treasurer re: Foley Fall Fair support.

Mayor Conn requested that any disclosures of pecuniary interest be declared for the record. Mayor Conn declared a possible pecuniary interest in regard to By-Laws item 11. e) By-law No. 2010-114, Being a By-law to enter into an Agreement with Paul & Kelly Hannon related to an Agreement under Section 51(26) of the Planning Act R.S.O. as amended and vacated his seat during consideration of this matter.

The following resolutions were considered by Council:

2010-363 Chidley-Gibbon

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby proceed to a closed meeting at 3:08 p.m. in order to address matters pertaining to:

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
 - Ontario Municipal Board (OMB) Appeal – Case No. PL100751, By-law No. 2010-156, Housekeeping By-law, Appellant: John McCash.
- the receiving of advice that is subject to solicitor/client privilege, including communications necessary for the purpose.
 - Ontario Municipal Board (OMB) Appeal – Case No. PL100751, By-law No. 2010-156, Housekeeping By-law, Appellant: John McCash.
- labour relations or employee negotiations.
 - Human Resources.
- personal matters about an identifiable individual, including municipal employees.
 - Human Resources.”.

2010-364 Gibbon-Osborne

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby declare the regular meeting reconvened at 4:29 p.m.”.

2010-365 Sainsbury-Jacklin

Carried

“**THAT** as per Report No. 2010-007 from the Chief Administrative Officer Council of The Corporation of the Township of Seguin does hereby approve a 2.0% Cost of Living Adjustment (COLA) to the 2010 Salary Grid and all Staff not on the Salary Grid and that the 2.0% COLA also be applied to Council and Volunteer Firefighter Honourariums.

AND THAT the COLA to be effective January 1st, 2011.”.

2010-366 Jacklin-Sainsbury

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby authorize and direct the Mayor to execute, on behalf of The Corporation of the Township of Seguin, the Memo dated December 10, 2010 titled “**CAO EMPLOYMENT AGREEMENT**” between The Corporation of the Township of Seguin and Thomas Stockie.”.

2010-367 Hepworth-Sainsbury

Carried

“THAT Council of The Corporation of the Township of Seguin does hereby adopt the minutes of the November 15th, 2010 regular and closed session meetings of Council as circulated.”.

2010-368 Jacklin-Hepworth

Carried

“THAT Council of The Corporation of the Township of Seguin does hereby approve the following accounts in the amount of:

Direct Deposits:

November 10 th , 2010	\$ 610.60
November 18 th , 2010	9,970.20
November 25 th , 2010	1,889.72
December 2 nd , 2010	3,114.59

Cheque Runs:

November 10 th , 2010	115,921.04
November 18 th , 2010	1,885,990.68
November 25 th , 2010	172,458.25
November 29 th , 2010	12,875.93
November 29 th , 2010	15,307.61
November 30 th , 2010	90,769.58

TOTAL **\$2,308,908.20**”.

2010-369 Hepworth-Jacklin

Carried

“THAT Council of The Corporation of the Township of Seguin does hereby receive the Staff Reports as presented on the Agenda and the Addendum for the December 13th, 2010 meeting of Council.

Development and Protective Services:

- Report No. DPS-BD-2010-006, Customer Services Initiatives in the Building Department.
- Report No. DPS-BD-2010-007, Update on activity in the Building Department.
- Report No. DPS-PL-2010-063, Rural Severance Discussion Paper.
- Report No. DPS-PL-2010-094, Consent Applications B-2010-0013-H (Hall, Bissonette at al) and B-2008-0019-H (Maile).
- Report No. DPS-PL-2010-093, Rezoning Application R-2010-0015 (Central Helicopters Inc. – Feldman).
- Report No. DPS-PL-2010-089, By-law No. 2010-113, Being a By-law to deem Lots 10 & 11, Plan M-271 pursuant to Section 50(4) of the Planning Act not to be on a plan of subdivision. (Property Roll No. 4903-010-002-25000-0000 & 4903-011-002-25100-0000 Whiteside).
- Report No. DPS-PL-2010-092, By-law No. 2010-114, Being a By-law to enter into an Agreement with Paul & Kelly Hannon related to an Agreement under Section 51(26) of the Planning Act R.S.O. as amended.
- Report No. DPS-PL-2010-095, By-law No. 2010-120, Being a By-law to authorize the execution of a Subdivision Agreement between 1587208 Ontario Inc. (Nestmann) and The Corporation of the Township of Seguin (Part Lots 13, 14, 15 and 16, Concession 13, geographic Township of Humphrey).

Community Services:

- Report No. CS-FC-2010-013, Design Concept Proposal, Foley Task Force Committee.
- Report No. CS-FC-2010-012, Lightning strike at the Humphrey Community Centre.

Corporate Services:

- Financial update to December 9th, 2010.
- Report No. AD-2010-016, Application SRA-014/2010-F (Hunter – Lane Lake).
- Memo and Report No. AD-2009-008, By-law No. 2010-118, Being a By-law to authorize the execution of a License Agreement between the Boyne River Cottage Association and The Corporation of the Township of Seguin for the use of the lands known as “The Boyne River Path” being Parts 1, 3 and 5, Plan 42R-7887, being Part of Lot 35, Concession 10, geographic Township of Foley, and a portion of the Shore Road Allowance in front of Part 4 Plan 42R-7887.
- Memo from Michele Fraser, Chief Financial Officer/Treasurer re: Foley Fall Fair.”.

2010-370 Gibbon-Chidley

Carried

“**THAT** as per Report No. CS-FC-2010-013, Council of The Corporation of the Township of Seguin does hereby approve in principle the Design Concept Proposal from Duncan Ross Architects and does hereby authorize the Foley Task Force to formally ratify final approval of the proposal on December 14, 2010.

AND THAT Council does hereby approve the preferred choice of the Foley Task Force Options Committee of Duncan Ross Architects and delegates final approval of the proposal to the Director of Community Services following ratification from the Foley Task Force Committee.

AND FURTHER THAT Council does hereby approve an expenditure in the amount of \$12,900.00 (plus HST) and expenses to a maximum of \$2,000 for completion of the Design Concept for the proposed Foley Community Centre to be funded from the 2010 Capital Budget.”.

Upon review of Report No. DPS-BD-2010-007, Council directed Staff to prepare a Report to Council explaining Conditional Permits and requirements to issue such Permits.

Upon review of Report No. DPS-PL-2010-063, Council directed Staff to proceed with an Official Plan Amendment re: Rural Severances as per Option 2 of the process of the Report, with an expedited completion date of within 180 days.

2010-371 Osborne-Chidley

Carried

“**THAT** as per Report No. CS-FC-2010-012, Council of The Corporation of the Township of Seguin does hereby approve an expenditure in the amount of \$12,240.24 for the repairs to the Humphrey Community Centre compressor and elevator due to the power surge throughout the building as a result of a lightning strike; costs for repairs to be funded from the 2010 Contingency Fund.”.

Council also directed Staff to investigate options to reduce future damages from lightning strikes (protection at source equipment).

2010-372 Chidley-Gibbon

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby approve a donation in the amount of \$ 2,000 to the Foley Agricultural Society to help offset the costs of the 2010 Foley Fall Fair.”.

Council reviewed correspondence from the Horseshoe Men’s Club regarding the potential donation of equipment from the Club to the Township. Council advised the Members of the Club who were present at the meeting that the Township would welcome the donation if the Club Members as a whole agree to the donation.

2010-373 Sainsbury-Jacklin

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby approve the recommendation of Resolution No. 2010-01 of the Christie Recreation Committee (copy attached) and Council does hereby authorize and direct Staff to implement the recommendation.”.

2010-374 Hepworth-Sainsbury

Recorded Vote Carried

“**THAT** as per Report No. AD-2010-016, Council of The Corporation of the Township of Seguin does hereby deny Shore Road Allowance Application SRA-014/2010-F (George Hunter and Pam Mollett-Hunter – Lane Lake).”.

Division List

Chidley - Nay
Gibbon - Yea
Hepworth-Yea
Jacklin - Yea
Osborne -Yea
Sainsbury - Yea
Conn - Yea

Council reviewed Application CRA-003-2010-F (Fowler Construction Company), requesting the purchase of a portion of concession road allowance and the information provided by Staff. Council directed Staff to proceed with the Application.

2010-375 Sainsbury-Jacklin

Carried

“THAT Council of The Corporation of the Township of Seguin does hereby adjourn the regular meeting to hold a public hearing for the following matters:

- Consent Application B-2010-0013-H (Hall, Bissonette at al).
- Consent Application B-2008-0019-H (Maile).
- Rezoning Application R-2010-0015 (Central Helicopters Inc. – Feldman).”.

The Mayor advised Council would now hold a concurrent public meeting for Consent Applications and a proposed Zoning By-law Amendment.

The Mayor advised Council would now hear the following Consent Applications:

- B-2008-0019-H (Maile)
- B-2010-0013-H (Hall Et al.)

The Mayor advised Council would consider all matters placed before it prior to making a Decision. As required by Section 53 Subsection 31 of the Planning Act, R.S.O. 1990, c. P.13., the Mayor advised, if a person or public body that files an appeal of a decision of the Township of Seguin in respect of a proposed consent does not make written submissions to the Township before it gives or refuses to give a provisional consent, the Ontario Municipal Board may dismiss the appeal.

The Mayor advised anyone who wished to receive Notice of a Consent Decision who had not submitted such a request in writing should provide their full name and address to the Clerk before leaving the meeting.

The Mayor asked the Clerk to state the method by which Notice of the meeting was given and the dates on which Notice was given for each proposed consent.

The Clerk advised Notice for Application No.'s B-2008-0019-H and B-2010-0013-H was given by first class mail on November 24th, 2010 and by posting on the properties on November 25th, 2010. Notice was therefore considered to be given in accordance with the requirement of Section 53 of the Planning Act.

The Mayor advised Consent Application B-2010-0013-H (Hall Et al.) is for the lands located on Veronica Gene Lane. The proposed consent is to create a right-of-way over Part 2 Plan 42R-1945 being an existing private road known as Veronica Gene Lane to provide access to benefiting lands Property Roll Number 4903-010-002-13601-0000 (Maile) which is subject to Consent Application B-2008-0019-H (Maile).

The Mayor asked if there was anyone present who wished to speak to this Application for Consent.

Mr. John Jackson, Agent for Mr. Maile spoke to request Council defer a decision on Application No.'s B-2008-0019-H and B-2010-0013-H as his client would like time to review the proposed conditions with Staff.

The Mayor asked if any correspondence had been received in opposition to or support of the proposed Consent.

The Clerk advised no written submissions had been received.

The Mayor advised Consent Application B-2008-0019-H (Maile) is for the lands located on Lake Joseph. The proposed consent is to create one new peninsula waterfront lot on Lake Joseph with an area of 1.19 hectares and frontage of 90 metres. The retained waterfront lot would have an area of 1.5 hectares and shoreline frontage of 146 metres.

The Mayor asked if there was anyone present who wished to speak to this Application for Consent.

Mr. John Jackson, Agent for Mr. Maile spoke to request Council defer a decision on Application No.'s B-2008-0019-H and B-2010-0013-H as his client would like time to review the proposed conditions with Staff.

Mr. Robert Hunter spoke to advise he had no objections to the Application provided Mr. Maile obtained legal access along Veronica Gene Lane.

The Mayor asked if any written submissions had been received.

The Clerk advised correspondence had been received from an owner of the subject property Barbara and William Hall requesting a copy of the Decision.

The Mayor advised Council would now hear Zoning By-law Amendment Application No. R-2010-0015 (Central Helicopters Inc.-Feldman) Civic Address 300 McNaughts Road. The Owners have applied to rezone the lands from the Resort Commercial (C4) Zone to the Limited Service Residential Exception (LSR-Exception) Zone to recognize the two existing dwellings on the subject lands on Capton Lake.

The Mayor asked the Clerk to state the method by which Notice of the meeting was given and the dates on which that Notice was given for the proposed amendment.

The Clerk advised Notice was given by first class mail and by posting on November 22nd, 2010.

The Mayor advised anyone who wished to receive notice of the passing of this zoning by-law not owning land within 120m of the area to which it applies and who had not submitted such a request in writing should provide their full name and address to the Clerk before leaving the meeting.

The Mayor advised Council would consider all matters placed before it before passing a zoning by-law. As required by Section 34 Subsection 25 of the Planning Act, R.S.O. 1990, c. P.13, the Mayor informed the public if a person or public body does not make oral submissions at a public meeting or make written submissions to the Township of Seguin before the by-law is passed, the person or public body is not entitled to appeal the decision of Council of the Township of Seguin to the Ontario Municipal Board and the person or public body may not be added as a party to the hearing of an appeal before the Ontario Municipal Board unless, in the opinion of the Board, there are reasonable grounds to do so.

The Mayor asked if there was anyone present who wished to speak in favour of or in opposition to the application.

Mr. Mike Feldman, the Applicant was present to answer any questions Council may have on the Application.

The Mayor asked if any correspondence had been received with respect to the Rezoning Application.

The Clerk advised no written submissions had been received.

2010-376 Jacklin-Sainsbury

Carried

“**THAT** the public hearing held for the following matters is hereby closed and the regular meeting is reconvened:

- Consent Application B-2010-0013-H (Hall, Bissonette at al).
- Consent Application B-2008-0019-H (Maile).
- Rezoning Application R-2010-0015 (Central Helicopters Inc. – Feldman).”.

2010-377 Jacklin-Hepworth

Deferred

“**THAT**, as per Report DPS-PL-2010-094, Council of The Corporation of the Township of Seguin does hereby grant provisional approval to Consent Application B-2010-0013-H (Hall, Bissonette at al) subject to the conditions set out in the decision.”.

2010-378 Hepworth-Osborne

Deferred

“THAT, as per Report DPS-PL-2010-094, Council of The Corporation of the Township of Seguin does hereby grant provisional approval to Consent Application B-2008-0019-H (Maile) subject to the conditions set out in the decision.”.

2010-379 Sainsbury-Jacklin

Carried

“THAT By-law No. 2010-115, Being a By-law to amend Township of Seguin Zoning By-law No. 2006-125 (4903-030-002-04200-0000, Application R-2010-0015), is hereby deemed to have been read a first, second and third time and passed by Council.”.

2010-380 Jacklin-Sainsbury

Carried

“THAT By-law No. 2010-119, Being a By-law to provide for a 2011 Interim Tax Levy, to provide for the payment of taxes and to provide for penalty and interest of 1.25 percent per month, is hereby deemed to have been read a first, second and third time and passed by Council.”.

2010-381 Gibbon-Osborne

Carried

“THAT By-law No. 2010-118, Being a By-law to authorize the execution of a License Agreement between Boyne River Cottage Association and The Corporation of the Township of Seguin for the use of the lands known as “The Boyne River Path” being Parts 1, 3 and 5, Plan 42R-7887, being Part of Lot 35, Concession 10, geographic Township of Foley, and a portion of the Shore Road Allowance in front of Part 4 Plan 42R-7887, is hereby deemed to have been read a first, second and third time and passed by Council.”.

2010-382 Osborne-Gibbon

Carried

“THAT By-law No. 2010-113, Being a By-law to deem Lot 10 and Lot11, Plan M-271 pursuant to Section 50(4) of The Planning Act not to be on a plan of subdivision, Property Owners: Susan Jean Whiteside; Property Roll No. 4903-010-002-25000-0000 (Lot 10) and Judson David Whiteside; Property Roll No. 4903-011-002-25100-0000 (Lot 11), is hereby deemed to have been read a first, second and third time and passed by Council.”.

Mayor Conn declared a possible pecuniary interest regarding the next matter and vacated his seat.

Councillor Gibbon took the Chair.

2010-383 Chidley-Osborne

Carried

“THAT By-law No. 2010-114, Being a By-law to enter into an Agreement Paul and Kelly Hannon related to an Agreement under Section 51(26) of the Planning Act R.S.O. as amended, is hereby deemed to have been read a first, second and third time and passed by Council.”.

Mayor Conn returned to the Chair.

2010-384 Osborne-Gibbon

Carried

“THAT By-law No. 2010-120, Being a By-law to authorize the execution of a Subdivision Agreement between 1587208 Ontario Inc. (Nestmann) and The Corporation of the Township of Seguin, (Part Lots 13, 14, 15, and 16, Concession 13, geographic Township of Humphrey), is hereby deemed to have been read a first, second and third time and passed by Council.”.

2010-385 Chidley-Gibbon

“THAT Council of The Corporation of the Township of Seguin does hereby authorize the following Member of Council to attend the Association of Municipalities of Ontario Effective Municipal Councillor Training being held in Port Carling at the Sherwood Inn on February 2nd, 2011. Reimbursement of expenses will be as per Township Policy:

Councillor Jack Hepworth.”.

2010-386 Sainsbury-Jacklin

Recorded Vote Carried

“THAT any council member requesting to be appointed to a board, commission or committee or wanting to represent council at conferences or seminars must make a commitment to this council that they will represent and articulate the democratically arrived at decisions of the majority of this council regardless of their own personal opinion(s). While we recognize that Councillors

have every right to express their personal opinions in council debates but when council reaches a democratic decision it becomes the decision of the majority of this council and, therefore, represents the majority of Seguin Township property electors. Council members not willing to make this commitment will not be considered for any appointment or be permitted to be council's representative at conferences or seminars. Failure to live up to this commitment can and will result in them being removed as this council's representative on boards, commissions or committees and refusal by this council to reimburse expenses for attendance at seminars or conferences on behalf of this council.”.

Division List

- Chidley - Nay
- Gibbon - Yea
- Hepworth-Yea
- Jacklin - Yea
- Osborne -Yea
- Sainsbury - Yea
- Conn - Yea

2010-387 Gibbon-Chidley **Carried**
 “**THAT** Council of The Corporation of the Township of Seguin does hereby approve the extension of the appointments of the non-elected Members of the various Township of Seguin Boards, Commissions and Committees until March 7th, 2011.”.

2010-388 Chidley-Gibbon **Carried**
 “**THAT** Council of The Corporation of the Township of Seguin does hereby appoint the following individuals to the Regional Economic Development Advisory Committee (REDAC):

- Leah Welk, Lawrence Barnes, James Beatty, Wayne Cormier, Fred Heidman, Andrew Ryeland, Sheena Sharp, Perry Harris, Paul Scholfield, Kirby Hall, Chris Madden, Bob Griffiths, George Stivrins.”.

2010-389 Gibbon-Chidley **Carried**
 “**THAT** Council of The Corporation of the Township of Seguin does hereby support the nomination of Don Brisbane as the representative for the Parry Sound Western Sector of the North Bay Parry Sound District Health Unit Board of Health.”.

2010-390 Chidley-Gibbon **Carried**
 “**THAT** Council of The Corporation of the Township of Seguin does hereby approve the Council appointments as set out in Schedule “A” attached for the 2010-2014 Term of Council 2010-2014.”.

Council considered an invitation to a Council Orientation Night at the Stockey Centre being sponsored by various agencies. The event is to permit the agencies to update Council on the agency's various initiatives. Members of Council are to advise the Clerk if they will be attending and the Clerk will RSVP for the Members.

2010-391 Osborne-Gibbon **Carried**
 “**THAT** Council of The Corporation of the Township of Seguin does hereby approve the following schedule for appointment of Acting Mayor for The Corporation of the Township of Seguin in the absence of the Mayor:

<u>Member of Council</u>	<u>Term of Appointment as Acting Mayor</u>
Bruce Gibbon	December 1 st , 2010 - May 31 st , 2011
Doug Sainsbury	June 1 st , 2011 – November 30 th , 2011
Rod Osborne	December 1 st , 2011 – May 31 st , 2012
Jack Hepworth	June 1 st , 2012 – November 30 th , 2012
Bruce Gibbon	December 1 st , 2012 – May 31 st , 2013
Doug Sainsbury	June 1 st , 2013 – November 30 th , 2013
Rod Osborne	December 1 st , 2013 – May 31 st , 2014
Jack Hepworth	June 1 st , 2014 – November 30 th , 2014.”.

Council reviewed correspondence from the Municipal Property Assessment Corporation regarding how the Holiday Cove Marina property is assessed. Council directed Staff to forward a copy of the correspondence to marina operators in Seguin Township and to Mr. Len Yauk, the representative of area property owners in proximity to Holiday Cove Marina.

2010-392 Gibbon-Chidley

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby support in principle, the installation of a weir on Township owned lands on Horseshoe Lake as per the “Operating Plan Horseshoe Lake Weir (OPHLW)” attached as Schedule “A” to this resolution and subject to the execution of an Agreement between The Corporation of the Township of Seguin and the Horseshoe Lake Association for the weir.”.

2010-393 Osborne-Hepworth

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby approve the recommendation of Resolution No. 2010-014 of the Rosseau Community Action Committee (copy attached) and Council does hereby authorize and direct Staff to work with Muskoka Steamships to review the feasibility of the proposal.”.

2010-394 Gibbon-Osborne

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby receive the Board and Committee Minutes and the Correspondence as presented on the Agenda and the Addendum for the December 13th, 2010 meeting of Council.”.

2010-395 Chidley-Gibbon

Carried

“**THAT** By-law No. 2010-121, Being a By-law to confirm the proceedings of meetings of Council, is hereby deemed to have been read a first, second and third time and passed by Council.”.

2010-396 Gibbon-Chidley

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby adjourn at 8:41 p.m. to meet again on January 17th, 2011 or at the call of the Mayor.”.

Mr. Jeff McKay, a Site Acquisition Specialist for Rogers Communications Inc. addressed Council to present information on Rogers Site C3666, a proposed communication tower at 236 Blackstone Crane Lake Road. Mr. McKay summarized the site selection process and legislation and public consultation requirements affecting communications towers. Council requested Mr. McKay relay Council’s dissatisfaction with Rogers for not proceeding with the installation of a tower in the Blackwater Lake Road area after advising the area residents and Council they would be installing the tower.

Mrs. Kim Postma, representing the Orrville Recreation Committee addressed Council to present Resolution No. 2010-01 of the Committee, requesting an additional Staff person at the Orrville Community Centre for programming of activities. Council passed Resolution No. 2010-373 approving the request and providing direction to Staff.

Mr. George Hunter addressed Council to explain his dissatisfaction with Township Staff related to the Licence of Occupation between himself and the Township for use of a portion of shore road allowance on Lane Lake which the Township subsequently terminated. Mr. Hunter also explained the reasons for his Application to purchase the same portion of shore road allowance, Application SRA-014/2010-F (Hunter – Lane Lake) and his disagreement with portions of the Staff Report. Council passed Resolution No. 2010-374 denying the Application.

Mr. Greg Corbett, Agent for the Applicant spoke to answer questions Council had regarding By-law No. 2010-120, Being a By-law to authorize the execution of a Subdivision Agreement between 1587208 Ontario Inc. (Nestmann) and The Corporation of the Township of Seguin, (Part Lots 13, 14, 15, and 16, Concession 13, geographic Township of Humphrey).

*David Conn,
Mayor*

*Craig Jeffery,
Clerk*