

Township of Seguin
Draft Minutes of Council Meeting
June 7th, 2010

A regular meeting of the Township of Seguin Council was held June 7th, 2010 at 4:00 p.m. at the Township of Seguin Council Chambers. Mayor Conn presided with Councillors Adams, Chidley, Gibbon, Jacklin, Sainsbury and Sturgeon 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 to Staff Reports item 6. a) Development and Protective Services Report No. DPS-PL-2010-036, The Ontario Mission/Camp of the Deaf, By-law No. 2010-048, Being a By-law to enter into a Memorandum of Understanding Agreement with The Ontario Mission/Camp of the Deaf of a draft resolution to commence legal proceedings re: alleged contravention of the zoning by-law and correspondence from the following: Ian Mead, The Three Lakes Ratepayers Association Inc., Darlene Broderick, Blackstone Lake Cottagers Association, Crane Lake Association, Robert & Beverley Burnham, Bob Rumball Camp of the Deaf and the Rankin lake Property Owners' Association Inc. Addition of a Closed Session re: Memo from the Chief Building Official - update on issues at 2 Knowles Crescent. A minor change to the draft resolution re: the Delegation from Len Yauk, Rose Point Community Association, replacing "12 Mile Bay" with "Woods Bay".

Mayor Conn requested that any disclosures of pecuniary interest be declared for the record. Mayor Conn declared a possible pecuniary interest regarding Agenda item 10. a) Consent Applications B-2010-0007-C, B-2010-0008-C and B-2010-0011-C (Hannon) and vacated the Chambers during consideration of these matters. Councillor Sainsbury declared a possible pecuniary interest regarding Agenda item 8. a) Shore Road Allowance Application SRA 15/2006-H (Muskoka Heritage Trust) and vacated his seat during consideration of this matter.

The following resolutions were considered by Council:

2010-176 Gibbon-Chidley **Carried**
"THAT Council of The Corporation of the Township of Seguin does hereby receive the Consolidated Financial Statements of The Corporation of the Township of Seguin for the Year Ended December 31st, 2009, and the Audit Findings Report to the Members of Council for the Year Ended December 31st, 2009, as presented at the regular meeting of Council of June 7th, 2010 by the firm KPMG."

2010-177 Chidley-Gibbon **Carried**
"THAT Council of The Corporation of the Township of Seguin does hereby adopt the minutes of the May 17th, 2010 regular and closed session meetings of Council as circulated."

2010-178 Gibbon-Chidley **Carried**
"THAT Council of The Corporation of the Township of Seguin does hereby approve the following accounts in the amount of:

May 7, 2010	\$1,580.87
May 13, 2010	157,008.51
May 20, 2010	271,213.82
May 25, 2010	276.85
May 27, 2010	<u>231,651.61</u>
TOTAL	<u>\$661,731.66</u>

2010-179 Chidley-Gibbon **Carried**
"THAT Council of The Corporation of the Township of Seguin does hereby receive the Staff Reports as presented on the Agenda for the June 7th, 2010 meeting of Council.

Development and Protective Services:

- Report No. DPS-PL-2010-036, The Ontario Mission/Camp of the Deaf. By-law No. 2010-048, Being a By-law to enter into a Memorandum of Understanding Agreement with The Ontario Mission/Camp of the Deaf.
- Report No. DPS-BL-2010-002, West Parry Sound Dog Pound.

- Report No. DPS-PL-2010-042, Applications B-2010-0007/8-C and B-2010-0011-C (Hannon).
- Report No. DPS-PL-2010-043, Application B-2010-0010-F (Muller).
- Report No. DPS-PL-2010-044, Rezoning Application R-2010-0004-C (Smith) and Consent Application B-2010-0006-C (Smith).
- Report No. DPS-PL-2010-045, By-law No. 2010-056, Being a By-law to amend Township of Seguin Zoning By-law No. 2006-125 (Rezoning Application R-2010-0002 Seguin Township Housekeeping).

Corporate Services:

- Report No. TR-2010-005, Joint and Several Liability Reform – Support for AMO Resolution.
- Report No. TR-2010-006, Employee Policies.
- Report No. AD-2010-009, Request to purchase a portion of road allowance abutting Lots 10 and 11, Plan M271 (Whiteside).”.

2010-180 Adams-Gibbon

Recorded Vote Defeated

“**THAT** Council of The Corporation of the Township of Seguin does hereby authorize and direct Staff to commence legal action against The Ontario Mission/Camp of the Deaf related to Zoning By-law infractions.”.

Division List

Adams - Nay
 Chidley - Yea
 Gibbon - Nay
 Jacklin - Abstained
 Sainsbury - Nay
 Sturgeon - Nay
 Conn - Nay

2010-181 Adams-Sainsbury

Recorded Vote Carried

“**THAT** By-law No. 2010-048, Being a By-law to authorize the execution of a Memorandum of Understanding between The Ontario Mission of the Deaf and The Corporation of the Township of Seguin (AGR-2010-0002-F), is hereby deemed to have been read a first, second and third time and passed by Council.”.

Division List

Adams - Yea
 Chidley - Nay
 Gibbon - Nay
 Jacklin - Nay
 Sainsbury - Yea
 Sturgeon - Yea
 Conn - Yea

2010-182 Gibbon-Adams

Carried

“**THAT** as per Report No. DPS-BL-2010-002, Council of The Corporation of the Township of Seguin does hereby approve, in principle, the development of a permanent West Parry Sound Dog Pound to be located on lands currently occupied by the temporary Dog Pound.”.

2010-183 Adams-Gibbon

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby endorse *The Case for Joint and Several Liability Reform in Ontario* Paper prepared by the Association of Municipalities of Ontario (AMO) and supports AMO in its efforts to seek joint and several liability reform in Ontario, and calls on the Provincial Government to pursue much needed changes to the Negligence Act.”.

2010-184 Gibbon-Adams

Carried

“**THAT** as per Report No. TR-2010-006, Council of The Corporation of the Township of Seguin does hereby adopt the following Policies:

- Policy Number: C-1.1, Hours of Work.

- Policy Number: C-3.9, Driving Safety.
- Policy Number: C-3.13, Personal Cell Phones.
- Policy Number: C-3.14, Corporate Cellular Devices.
- Policy Number: 5n, Harassment & Violence In The Workplace.”.

2010-185 Chidley-Gibbon

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby proceed to a closed meeting at 6:14 p.m. in order to address matters pertaining to:

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
2 Knowles Crescent.
- the receiving of advice that is subject to solicitor/client privilege, including communications necessary for the purpose.
2 Knowles Crescent.”.

2010-186 Gibbon-Chidley

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby declare the regular meeting reconvened at 6:19 p.m.”.

2010-187 Sturgeon-Adams

Carried

“**THAT** as per the recommendation of the Township of Seguin Rosseau Community Action Committee, Council of The Corporation of the Township of Seguin does hereby authorize and direct Staff to surface the Ash Street Trail with wood chips.”.

2010-188 Sturgeon-Adams

Carried

“**THAT** as per the request from the CNIB Lake Joseph Centre (copy attached), and pursuant to Section 5 of By-law No. 2002-45, Council of The Corporation of the Township of Seguin does hereby grant an exemption to the CNIB Lake Joseph Centre from By-law No. 2002-45, Being a By-law to prohibit or regulate unusual noises or noises likely to disturb the inhabitants of the Township of Seguin. The said exemption is for the CNIB’s Joe’s team Triathlon Event and fundraiser for the Princess Margaret Hospital Foundation to be held Saturday July 10th, 2010 from the hours of 9:00 a.m. to 1:00 a.m. local time.”.

2010-189 Gibbon-Chidley

Recorded Vote Carried

“**WHEREAS**, The Corporation of the Township of Seguin has been advised that the Township of The Archipelago is considering the use of it's Holiday Cove Marina site as a landing and transfer location for municipal waste from water access collection sites;

AND WHEREAS, Holiday Cove Marina is located within a well developed residential area and residents continue to express strong opposition and have concerns regarding the negative impact on their residential neighbourhood;

AND WHEREAS, the proposed use of the Holiday Cove Marina site on the shores of Georgian Bay as an intransit transfer site for waste may be contrary to the intent of the Township of Seguin Council’s "Environment First" philosophy which serves to protect not only water quality but the recreational, social and environmental experiences;

AND WHEREAS, alternative established landing sites are available including Woods Bay and the current landing site in Parry Sound;

THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Township of Seguin does hereby request that the Township of The Archipelago use the alternative waste landing sites instead of Holiday Cove Marina for the benefit of all parties.

AND THAT copies of this resolution be forwarded to The Township of The Archipelago and the Ministry of the Environment.”.

Division List

- Adams - Yea
- Chidley - Yea
- Gibbon - Yea
- Jacklin - Yea
- Sainsbury - Yea

Sturgeon - Yea
Conn - Yea

Mayor Conn declared a possible pecuniary interest regarding the next matters and vacated the Chambers during consideration of those matters. Acting Mayor Sturgeon took the Chair.

Acting Mayor Sturgeon advised Council would now hear the following Consent Applications:

- B-2010-0007-C, B-2010-0008-C and B-2010-0011-C (Hannon).
- B-2010-0010-F (Muller).

Acting Mayor Sturgeon 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 Acting 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 Acting Mayor advised anyone who wished to receive Notice of the 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 Acting Mayor asked the Clerk to state the method by which Notices of the meeting were given and the dates on which Notices were given for each proposed consent.

The Clerk advised Notices were given by first class mail and by posting on the property as follows:

- Application No.'s B-2010-0007-C, B-2010-0008-C and B-2010-0011-C (Hannon) by mail and posted on May 21st 2010.
- Application No. B-2010-0010-F (Muller) by mail and posted on May 19th 2010.

Notice was therefore considered to be given in accordance with the requirements of Section 53 of the Planning Act.

Acting Mayor Sturgeon advised Consent Application No.'s B-2010-0007-C, B-2010-0008-C and B-2010-0011-C (Hannon) are for the lands located at 42 TallyHo Swords Road. Application B-2010-0007-C is for a lot addition and proposes to enhance a small parcel being 0.03 hectares, with 63 metres of river frontage, resulting in the lands having 1.33 hectares of area and 230 metres of shoreline frontage on Maple Lake. Application B-2010-0008-C is for a lot addition and proposes to enhance a small parcel being 0.06 hectares, 13 metres of shoreline frontage, resulting in the lands having 1.01 hectares of area and 144 metres of frontage on Maple Lake. Application B-2010-0011-C is for a Right-of-way and proposes to create a new right-of-way to provide access to Tally Ho-Swords Road, over the retained lands for the lands enhanced through the subject lands of Application B-2010-0008-C.

The Acting Mayor asked if there was anyone present who wished to speak to these Applications for Consent.

John Jackson addressed Council to explain the reasons for the applications and was present to answer any questions Council may have of the Applicants.

Acting Mayor Sturgeon asked if any correspondence had been received in opposition to or support of the proposed Consents.

The Clerk advised no written submissions had been received.

Acting Mayor Sturgeon advised Consent Application B-2010-0010-F (Muller) is for lands located on Cochrane Lake Road. The proposed Consent is to permit a lot addition of a 1.386 hectare parcel having road frontage of 250 metres+/- on Cochrane Lake Road, to an existing 1.44 hectare shoreline lot that is "landlocked" from Cochrane Lake Road. No new lots are proposed to be created.

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

There were no verbal submissions.

Acting Mayor Sturgeon 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.

2010-190 Gibbon-Chidley

Carried

“**THAT**, as per Report DPS-PL-2010-042, Council of The Corporation of the Township of Seguin does hereby grant provisional approval to Consent Applications B-2010-0007-C, B-2010-0008-C and B-2010-0011-C (Hannon) subject to the conditions set out in the decisions.”.

2010-191 Jacklin-Sainsbury

Carried

“**THAT**, as per Report DPS-PL-2010-043, Council of The Corporation of the Township of Seguin does hereby grant provisional approval to Consent Application B-2010-0010-F (Muller) subject to the conditions set out in the decision.”.

Mayor Conn returned to the Chair.

2010-192 Sainsbury-Jacklin

Carried

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

- Rezoning Application R-2010-0004-C (Smith).
- Consent Application B-2010-0006-C (Smith).”.

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

The Mayor advised Rezoning Application No. R-2010-0004-C (Smith) is to amend the Zoning By-law to rezone the proposed severed lot from the Rural (RU) Zone to the Rural Residential (RR) Zone to reflect the reduced lot frontage, area, and residential use of the severed lands.

The Mayor advised anyone who wished to receive notice of the passing of this zoning by-law not owning land within 120 metres 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 a zoning 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 advised Consent Application B-2010-0006-C (Smith) is for the lands located at 172 Turtle Lake Road. The proposed consent is to create 1 new lot through severance, having 60 metres of road frontage on Turtle Lake Road, depth of 200 metres, and a lot area of 1.2 hectares. The retained lands would have 140 metres of frontage and a lot area of 18.5 hectares. The proposed severed lot contains an existing dwelling, and the retained land contains a dwelling and various accessory structures.

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 asked the Clerk to state the method by which Notice of the meeting was given and the dates on which that Notice was given.

The Clerk advised on May 17th, 2010 Notice was given by first class mail and by posting on the property. Notice was therefore considered to be given in accordance with the requirements of Sections 34 and 53 of the Planning Act.

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

Mr. Audley Smith, the Applicant was present to answer any questions of Council on the reasons for the Applications.

The Mayor asked if any correspondence had been received with respect to these Applications.

The Clerk advised correspondence had been received from the Ministry of Transportation Ontario stating no objections.

2010-193 Jacklin-Sainsbury **Carried**
“**THAT** the public meeting held for the following Applications is hereby closed and the regular meeting is reconvened.

- Rezoning Application R-2010-0004-C (Smith).
- Consent Application B-2010-0006-C (Smith).”.

2010-194 Jacklin-Sainsbury **Carried**
“**THAT**, as per Report DPS-PL-2010-044, Council of The Corporation of the Township of Seguin does hereby grant provisional approval to Consent Application B-2010-0006-C (Smith) subject to the conditions set out in the decision.”.

2010-195 Jacklin-Sainsbury **Carried**
“**THAT** By-law No. 2010-057, Being a By-law to amend Township of Seguin Zoning By-law No. 2006-125 (Application R-2010-0004-C Smith, Property Roll No. 4903-040-001-01400, 172 Turtle Lake Rd.), is hereby deemed to have been read a first, second and third time and passed by Council.”.

2010-196 Sainsbury-Jacklin **Carried**
“**THAT** as per the authority granted under Section 34 (17) of the Planning Act R.S.O. 1990, Chapter P.13 as amended, Council has determined that the changes to proposed By-law No. 2010-056 for Rezoning Application R-2010-0002 Township of Seguin – Housekeeping as indicated do not require further Notice.”.

2010-197 Jacklin-Sainsbury **Carried**
“**THAT** By-law No. 2010-056, Being a By-law to amend Township of Seguin Zoning By-law No. 2006-125 (Application R-2010-0002 Township of Seguin Housekeeping), is hereby deemed to have been read a first, second and third time and passed by Council.”.

Councillor Sainsbury declared a possible pecuniary interest regarding the next matter and vacated his seat during consideration of the matter.

2010-198 Jacklin-Sturgeon **Carried**
“**WHEREAS**, on the 15th day of October, 2007 Council of The Corporation of the Township of Seguin granted provisional approval to Consent Application B-2007-0031-H (Canadian National Railway), subject to the conditions setout in the Decision and with the intent to have the title to the new lot to be transferred to the Muskoka Heritage Trust;

AND WHEREAS, the conditions of the Decision have been met with the exception of the registration of the Transfer/Deed;

AND WHEREAS, a request has been made to Council to transfer title of a portion of the original shore road allowance fronting a portion of the new lot being Part of Lot 1, Concession 5, of the Geographic Township of Conger, now in the Township of Seguin in the District of Parry Sound, title of the subject shore road allowance to be transferred to the Muskoka Heritage Trust;

THEREFORE BE IT RESOLVED THAT Council of The Corporation of the Township of Seguin does hereby approve, in principle the request to purchase a portion of the original shore road allowance fronting a portion of Part 1 of the Draft Plan dated the 30th day of September, 2008 completed by R.C. Hawkins, OLS subject to the Applicants paying all costs to complete the transfer including but not limited to legal and survey costs.

AND THAT Council does hereby waive the Application fee and purchase price for the subject shore road allowance.

AND FURTHER THAT Council does hereby authorize and direct Staff to proceed with the Shore Road Allowance Application upon completion of Consent Application B-2007-0031-H, with the southerly lot line of the subject shore road allowance being located 6 metres north of the existing boathouse structure adjacent to the subject shore road allowance.”.

Councillor Sainsbury returned to his seat.

2009-379 Sainsbury-Jacklin

Withdrawn

“After careful consideration Council of The Corporation of the Township of Seguin hereby denies the request from Judson & Susan Whiteside to purchase a portion of the Road Allowance abutting Lots 10 and 11 Plan M271.”.

2010-199 Adams-Gibbon

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby approve, in principle, the request from Judson & Susan Whiteside dated September 28th, 2009 to purchase a portion of road allowance abutting Lots 10 and 11 Plan M271, (Property Roll No.’s 4903-010-002-25000 and 4903-010-002-25100).”.

The Mayor advised Council would now consider the following shore road allowance application:

- By-law No. 2010-058, (Hennigar) SRA Whitefish Lake.

The Mayor asked if there was any member of the public who believed their land would be prejudicially affected by the closure of this shore road allowance or who wished to be heard on this shore road allowance closure and sale.

There were no verbal submissions received.

The Mayor asked if any written objections had been received.

The Clerk advised no written objections had been received.

2010-200 Sturgeon-Jacklin

Carried

“**THAT** By-law No. 2010-058, Being a By-law to sell part of the original shore road allowance along the shores of Whitefish Lake in front of Lot 95, Concession B in the geographic Township of Humphrey, now Township of Seguin, designated as Parts 1, 2 and 3, according to Plan 42R-19041, is hereby deemed to have been read a first, second and third time and passed by Council.”.

2010-201 Sainsbury-Jacklin

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 June 7th, 2010 meeting of Council.”.

2010-202 Jacklin-Sainsbury

Carried

“**THAT** By-law No. 2010-059, 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.”.

2010-203 Sainsbury-Jacklin

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby adjourn at 8:18 p.m. to meet again on June 21st, 2010 at 9:00 a.m. or at the call of the Mayor.”.

Mr. Don Garrioch of KPMG, the Auditors for the Township of Seguin presented the 2009 Audited Financial Statements. Council thanked Mr. Garrioch for his presentation.

Mr. Rob Milligan and Ms. Judi Brouse representing the Muskoka Watershed Council, provided a presentation on the 2010 Muskoka Watershed Report Card. Council thanked Ms. Brouse and Mr. Milligan for their presentation.

Mr. Len Yauk and Mr. John Christie representing the Rose Point Community Association addressed Council to provide the Association's concerns and comments on the proposed use of Holiday Cove Marina for waste services by the Township of The Archipelago. Council passed Resolution No. 2010-189 supporting the Association's position.

David Conn,
Mayor

Craig Jeffery,
Clerk