

Township of Seguin
Draft Minutes of Council Meeting
May 3rd, 2010

A regular meeting of the Township of Seguin Council was held May 3rd, 2010 at 3:30 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. Additional information for Closed Session item a) The Ontario Mission of the Deaf. Addition to Staff Reports item b) Community Services of a verbal update on Volunteer Celebrations. Addition to Correspondence of correspondence from The Ontario Mission of the Deaf – Decision to defer agreement with the proposed Memorandum of Understanding. Addition of a Power Point presentation on The Ontario Mission of the Deaf racing issues created by Mr. Robert Azuma and presented by Councillor Chidley.

Mayor Conn requested that any disclosures of pecuniary interest be declared for the record. Mayor Conn declared a possible pecuniary interest regarding Council Agenda item 6. a) Staff Report No. DPS-BL-2010-001 and By-law No. 2010-041, By-law Enforcement Officers contracts and vacated the Chambers during consideration of this matter. Acting Mayor Sturgeon took the Chair during this matter.

The following resolutions were considered by Council:

2010-132 Jacklin-Sturgeon **Carried**
“**THAT** Council of The Corporation of the Township of Seguin does hereby proceed to a closed meeting at 3:34 p.m. in order to address matters pertaining to:

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board.
The Ontario Mission of the Deaf, use of property, noise.
- the receiving of advice that is subject to solicitor/client privilege, including communications necessary for the purpose.
The Ontario Mission of the Deaf, use of property, noise.”

2010-133 Sturgeon-Jacklin **Carried**
“**THAT** Council of The Corporation of the Township of Seguin does hereby declare the regular meeting reconvened at 4:44 p.m.”.

2010-134 Chidley-Jacklin **Carried**
“**THAT** Council of The Corporation of the Township of Seguin does hereby adopt the minutes of the April 19th, 2010 regular and closed session meetings of Council as circulated.”.

2010-135 Jacklin-Sturgeon **Carried**
“**THAT** Council of The Corporation of the Township of Seguin does hereby approve the following accounts in the amount of:

April 15 th , 2010	\$64,656.28
April 22 nd , 2010	54,248.03
April 23 rd , 2010	<u>300.00</u>
TOTAL	<u>\$119,204.31</u> ”.

2010-136 Sturgeon-Jacklin **Carried**
“**THAT** Council of The Corporation of the Township of Seguin does hereby receive the Staff Reports as presented on the Agenda for the May 3rd, 2010 meeting of Council.
Development & Protective Services:

- Report No. DPS-BL-2010-001, Contract Extensions for By-law Enforcement Officers. By-law No. 2010-041, Being a By-law to enter into a Service Contract with Earl Smallwood, Gary Joice, Michael Conn and Theresa Tambasco for the provision of

services as By-law Enforcement Officers/Animal Control Officers for The Corporation of the Township of Seguin.

- Report No. DPS-PL-2010-034, By-law No. 2010-039, Being a By-Law to Deem Lots 7 and 8, Plan M274 pursuant to Section 50(4) of The Planning Act not to be on a plan of subdivision (Property Owner: Oksana Anna Sembay, Property Roll No. 4903-010-010-10100-0000, Lot 7 and 4903-010-010-10200-000, Lot 8).
- Report No. DPS-PL-2010-035, Consent Applications B-2010-0002-H (Hatherley) and B-2010-0003-H (Bishop).
- Report No. DPS-PL-2010-033, Rezoning Application R-2010-0003-R (Fright & Patten).

Community Services:

- Report No. CS-FC-2010-002, Oil spill at the Humphrey Community Centre.

Corporate Services:

- Memo re: Martin's Mitrebox Sign Permit Application.
- Report No. AD-2010-007, Martin/Jackson request to purchase a portion of shore road allowance not fronting their property.”.

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

2010-137 Jacklin-Adams

Carried

“**THAT** By-law No. 2010-041, Being a By-law to enter into Service Contracts with Earl Smallwood, Gary Joice, Michael Conn and Theresa Tambasco for the provision of services as By-law Enforcement Officers/Animal Control Officers for The Corporation of the Township of Seguin, is hereby deemed to have been read a first, second and third time and passed by Council.”.

Mayor Conn returned to the Chambers and took his seat as Chair.

2010-138 Chidley-Gibbon

Recorded Vote Defeated

“**WHEREAS**, Martin's Mitrebox Fine Furniture has made Application for a Sign Permit for their location at 17 Horseshoe Lake Road;

AND WHEREAS, the Application proposes a contravention to the following Sections of By-law No. 2007-116, Being a By-law to regulate the size, use, location and maintenance of signs and advertising devices within the Township of Seguin:

- Section 5.2.1 No GROUND SIGN shall have a SIGN AREA greater than 3 square metres (32 square feet).
- Section 5.2.4 The maximum size, height and setback of GROUND SIGNS shall be as follows: 3m (10 feet).

AND WHEREAS, Section 7. MINOR VARIANCES of By-law No. 2007-116 outlines conditions for Minor Variances to the By-law;

AND WHEREAS, Council considers the variances requested by Martin's Mitrebox Fine Furniture to be minor in nature;

THEREFORE BE IT RESOLVED THAT Council of The Corporation of the Township of Seguin does hereby approve the following Minor Variances to By-law No. 2007-116, Being a By-law to regulate the size, use, location and maintenance of signs and advertising devices within the Township of Seguin for Martin's Mitrebox Fine Furniture for their Application for Sign Permit for their location at 17 Horseshoe Lake Road:

- A Minor Variance to Section 5.2.1 to permit an area of 17.094 square metres.
- A Minor Variance to Section 5.2.4 to permit a height of 7.315 metres.”.

Division List

Adams - Nay
Chidley - Yea
Gibbon - Nay

Jacklin - Nay
Sainsbury - Nay
Sturgeon - Nay
Conn - Nay

2010-139 Sturgeon-Jacklin

Carried

“**THAT**, as per Resolution No. 2010-16 of the Township of Seguin Public Library Board, Council of The Corporation of the Township of Seguin does hereby appoint Margaret Davis as a Member of the Township of Seguin Public Library Board for the remainder of the current Term.”.

2010-140 Gibbon-Chidley

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby appoint the following persons to the Township of Seguin Foley Master Plan Task Force, subject to Council approval of Terms of Reference for the Task Force prior to the Task Force meeting.

Janet Borneman	John E. Coles
Art Coles	Marilyn Campbell
Bernadette Chisholm	Sonja Cigler
Ben Pelkinen	Patricia Poole
Paul Scott	Daniel R. Shoebottom
George F. Shoebottom	Nadine Triemstra
Gerri Walker	Leah Welk.”.

2010-141 Sainsbury-Jacklin

Deferred

“**THAT**, as per Report No. AD-2010-007, Council of The Corporation of the Township of Seguin does hereby authorize and direct Staff to proceed with the joint application from Peter & Sandra Martin and Jeanne Jackson for the purchase of portions of shore road allowance in front of Lot 12, Concession 3, geographic Township of Humphrey, now in the Township of Seguin, District of Parry Sound, more particularly described as Parts 1, 2, 3 & 4 of the Draft Plan completed by R.C. Hawkins, O.L.S., on the 7th day of April, 2010.”.

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

- By-law No. 2010-036, (Angel) SRA Horseshoe Lake.

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

No verbal submissions were received.

The Mayor asked if any written objections had been received.

The Clerk advised no written objections had been received.

2010-142 Chidley-Gibbon

Carried

“**THAT** By-law No. 2010-036, Being a By-law to close and stop up the original shore road allowance laid out along the shores of Horseshoe Lake in front of Lot 2, Concession 6 in front of Lots 14 and 15, Plan M-183, geographic Township of Foley, now Township of Seguin, District of Parry Sound, designated as Parts 1 and 2, according to Plan 42R-19055 and to sell Parts 1 and 2 Plan 42R-19055, is hereby deemed to have been read a first, second and third time and passed by Council.”.

2010-143 Gibbon-Chidley

Carried

“**THAT** By-law No. 2010-039, Being a By-Law to Deem Lots 7 and 8, Plan M274 pursuant to Section 50(4) of The Planning Act not to be on a plan of subdivision (Property Owner: Oksana Anna Sembay, Property Roll No. 4903-010-010-10100-0000, Lot 7 and 4903-010-010-10200-000, Lot 8), is hereby deemed to have been read a first, second and third time and passed by Council.”.

2010-144 Jacklin-Sturgeon

Carried

“THAT By-law No. 2010-037, Being a By-law to authorize an Agreement of Purchase and Sale for Part Lot 17, Concession 14, being Part 23, PSR1609 formerly Christie, now Township of Seguin, District of Parry Sound, is hereby deemed to have been read a first, second and third time and passed by Council.”.

2010-145 Chidley-Gibbon

Carried

“THAT By-law No. 2010-043, Being a By-law to write off taxes on property in the Township of Seguin, is hereby deemed to have been read a first, second and third time and passed by Council.”.

2010-146 Gibbon-Chidley

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 for the May 3rd, 2010 meeting of Council.”.

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

- B-2010-0002-H (Hatherley).
- B-2010-0003-H (Bishop).

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. Anyone who wishes 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 was provided for Application No. B-2010-0002-H (Hatherley) and B-2010-0003-H (Bishop) by first class mail and by posting on the properties on April 16th, 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-2010-0002-H (Hatherley) applies to a vacant parcel at the south end of Hamer Lake. The purpose of the application is to sever a parcel from the Hatherley property and convey it to the Bishop property.

The Mayor advised Consent Application B-2010-0003-H (Bishop) proposes to grant a right of way from Hamer Bay Road over the Bishop property to provide access for the Hatherley lands.

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

There were no verbal submissions in support of or opposition to the Applications.

The Mayor asked if there were any letters received in opposition to or support of the proposed Consents.

The Clerk advised no written objections had been received.

2010-147 Jacklin-Sainsbury

Carried

“THAT, as per Report DPS-PL-2010-035, Council of The Corporation of the Township of Seguin does hereby grant provisional approval to Consent Application B-2010-0002-H (Hatherley) subject to the conditions set out in the decision.”.

2010-148 Sainsbury-Jacklin

Carried

“THAT, as per Report DPS-PL-2010-035, Council of The Corporation of the Township of Seguin does hereby grant provisional approval to Consent Application B-2010-0003-H (Bishop) subject to the conditions set out in the decision.”.

2010-149 Sturgeon-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 matter:

- Rezoning Application No. R-2010-0003-R (Fright & Patten).”.

The Mayor advised Council would now hold a public meeting regarding Zoning By-law Amendment Application R-2010-0003-R (Fright/Patten), Municipal Address of 1151 Highway 141.

The Mayor advised the subject lands are zoned Village Commercial Exception 4 (C1-4), where an “office” having a minimum of 3 parking spaces is listed as the only permitted use. The application proposes to add “retail” as a permitted use, and to grant an exemption from on-site parking requirements for retail use.

The Mayor asked the Clerk to state the method by which Notice of the hearing was provided and the dates on which that Notice was provided.

The Clerk advised Notice was provided by first class mail and by posting on the property on April 13th, 2010.

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, the Mayor advised that 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 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.

The Applicants, Brian Fright, Randy Patten and Lena Patten were present to answer questions on the reason for the Application.

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

The Clerk advised correspondence had been received from the Ministry of Transportation Ontario stating concerns with the parking of vehicles within the highway right-of-way along this section of Highway 141 and therefore the Ministry does not support the proposed exemption from on site parking or the Zoning By-Law Amendment to permit a retail use on the property. Subsequently, an email was received from Paul Marleau, Corridor Management Planner of the North Bay Office of the Ministry of Transportation Ontario stating, based upon information provided by Ms. Fright and a revision to the Application to be for 900 sq. ft. of commercial retail space, the MTO would now support the rezoning with the understanding that four on site parking sites would be available.

2010-150 Sturgeon-Jacklin

Carried

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

- Rezoning Application No. R-2010-0003-R (Fright & Patten).”.

2010-151 Chidley-Gibbon

Carried

“**THAT** By-law No. 2010-044, 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.”.

2010-152 Gibbon-Chidley

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby adjourn at 7:28 p.m. to meet again on May 10th, 2010 or at the call of the Mayor.”.

*David Conn,
Mayor*

*Craig Jeffery,
Clerk*