

Township of Seguin
Draft Minutes of Council Meeting
September 15th, 2008

A regular meeting of the Township of Seguin Council was held September 15th, 2008 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 as presented with the following addendum. Addition to Business item c) Resolution – Direction re: shore road allowance (Water Street) on Lake Rosseau from Rosseau Lake School northward to Victoria Street Park, of a petition submitted. Addition to Consent Applications item a) Application B-2007-0007/8/9-F (1034038 Ontario Inc. Trailside Park), of an email from Christine Tudhope, Agent for the Applicant requesting Council not consider the Application on September 15th and the application not be considered until written request has been received from the Applicant/Agent requesting the application be brought forward. Addition to By-laws of item h) By-law No. 2008-133, Being a By-law to authorize the execution of a Transfer/Deed of Land for all of the road lying within Lot 10, Concession 2, and Lot 9, Concession 1, former Township of Foley now Township of Seguin, District of Parry Sound, as more particularly described in By-law #49 of the Corporation of the Township of Foley registered April 24, 1889 as Instrument No. 661. Closed by By-law #93-2RA registered March 3, 1994 as Instrument No. 150416 (The Ontario Mission of the Deaf).

Mayor Conn requested that any disclosures of pecuniary interest be declared for the record. Councillor Adams declared a possible pecuniary interest in regard to Consent Application B-2007-0007-F and B-2007-0008-F (Trailside Park) and vacated her seat during consideration of this matter. Councillor Chidley declared a possible pecuniary interest in regard to Belvedere Heights Home For the Aged. Councillor Chidley left the Council Chambers for the closed session during consideration of this matter and vacated his seat during consideration of this matter in regular session. Councillor Sainsbury declared a possible pecuniary interest in regard to the request for refund of the application fee for Rezoning Application R-2008-0022 (CNR) and vacated his seat during consideration of this matter.

The following resolutions were considered by Council:

2008-349 Gibbon Chidley **Carried**
“THAT Council of The Corporation of the Township of Seguin does hereby proceed to a closed meeting in order to address a matter(s) pertaining to:

- litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – legal counsel advice re: Three Lakes Association submission to the Ontario Ombudsman alleging Seguin Council is acting outside the scope of its own zoning by-law.
- the receiving of advice that is subject to solicitor/client privilege, including communications necessary for the purpose – legal counsel advice re: Three Lakes Association submission to the Ontario Ombudsman alleging Seguin Council is acting outside the scope of its own zoning by-law.
- labour relations or employee negotiations – Belvedere Heights Home For the Aged.”.

2008-350 Chidley-Gibbon **Carried**
“THAT Council of The Corporation of the Township of Seguin does hereby declare the regular meeting reconvened.”.

2008-351 Gibbon-Chidley **Carried**
“THAT Council of The Corporation of the Township of Seguin does hereby adopt the minutes of the regular and closed session meetings of Council of September 2nd, 2008 as circulated.”.

2008-352 Gibbon-Chidley **Carried**
“THAT Council of The Corporation of the Township of Seguin does hereby approve payment of the accounts in the following amounts as presented at the September 15th meeting of Council:

August 29, 2008	\$ 86,301.38
September 4, 2008	\$ 1,971,532.58
TOTAL	<u>\$ 2,057,833.96</u>

2008-353 Chidley-Gibbon

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 September 15th meeting of Council.

Community Services:

- Report No. CS-FD-2008-007, Snowploughing Fire Halls, water access points and public buildings.
- Report No. CS-FD-2008-006, By-law No. 2008-129, Being a By-law to authorize the execution of an Automatic Aid Agreement between The Corporation of the Township of Seguin and The Corporation of the Municipality of McDougall.
- Report No. CS-BD-2008-006, Update on building activity.
- Re-Inspection Program, 2008 Year End Report.
- Report No. CS-PL-2008-100, Rezoning Application R-2008-0021 (Burgoyne).
- Report No. CS-PL-2008-101, Rezoning Application R-2008-0023 (Soutendijk).
- Report No. CS-PL-2008-103, By-law No. 2008-127, Being a By-Law to enter into an Agreement with The Ontario Mission of the Deaf related to an Agreement under Section 51(26) of the Planning Act R.S.O.1990 as amended (Consent Application B-2007-0027-F).

Public Works:

- Report No. PW-RD-2008-011, Proposed disposal of surplus equipment.
- Report No. PW-RD-2008-012, Tender No. 2008-015 Reconstruction of 5.1 km of Blue Lake Road.
- Report No. PW-RD-2008-013, Tender No. 2008-020, Blackstone Crane Lake Road repairs.

Corporate Services:

- 2008 Property Assessment Notice – Staff will provide a verbal update/explanation on the Notice.
- Financial Update to September 4th, 2008.”.

2008-354 Gibbon-Chidley

Carried

“THAT as per Report CS-FD-2008-007, Council of The Corporation of the Township of Seguin does hereby approve the extension of the 2007-2008 snowploughing contract with Schlager Construction for the snowploughing and sanding of various municipal parking lots and access points in Seguin Township to include the 2008-2009 winter season with a 20% increase in the contract amount to cover increased fuel costs.”.

2008-355 Chidley-Gibbon

Carried

“THAT as per Report PW-RD-2008-011, Council of The Corporation of the Township of Seguin does hereby declare the following equipment surplus and does hereby direct staff to dispose of the equipment through request for bid or public auction, as deemed appropriate by the Director of Public Works.

- One Boss plow, coupler and brackets, truck side only, for a leaf spring front end 1999-2002 Super Duty Ford;
- One backhoe bucket;
- One Viking single axel dump box/sander, side tripper, dump box is sound; sanding system;
- One Meyer sander unit, slide in;
- One SKS plow;
- Two Frink plows;
- One 1989 single axle truck c/w plow and wing.
- One Commercial 6-burner electric stove with twin ovens and side griddle.”.

2008-356 Gibbon-Chidley

Carried

“THAT as per Report PW-RD-2008-012, Council of The Corporation of the Township of Seguin does hereby accept the revised bid from Wayne Hall Construction Inc. in the amount of \$272,050.00 plus G.S.T. and award Tender No. 2008-015, Reconstruction of 5.1 km of Blue Lake Road to Wayne Hall Construction Inc.”.

2008-357 Chidley-Gibbon

Carried

“**THAT** as per Report PW-RD-2008-013, Council of The Corporation of the Township of Seguin does hereby accept the bid from Fowler Construction Company Ltd. in the amount of \$62,239.55 plus G.S.T. and award Tender No. 2008-020, Blackstone Crane Lake Road repairs (resulting from the flood event of August 9, 2008) to Fowler Construction Company Ltd.”.

2008-358 Sturgeon-Jacklin

Carried

“**WHEREAS**, Councils of The Corporation of the Township of Seguin have identified a portion of the shore road allowance around Lake Rosseau known as part of Water Street has a number of significant issues related to development both existing and future;

AND WHEREAS, the Village of Rosseau Official Plan stated, “The original shore road allowance on Lake Rosseau from the south boundary of the Rosseau Lake School northward to the Victoria Street Park will be preserved for the enjoyment of all the residents of Rosseau.”;

AND WHEREAS, Councils have instructed that the stop up, closing and selling of portions of the shore road allowance, know as part of Water Street from the southern boundary of Rosseau Lake College to the Shadow River not be accepted at this time due to the issues;

THEREFORE BE IT RESOLVED THAT Council of The Corporation of the Township of Seguin does hereby direct Staff to review the issues and alternative mechanisms to establish a policy on development of the subject shore road allowance and report back to Council.”.

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

- By-law No.’s 2008-123 & 124, McKay SRA in front of Lots 9 & 10, Plan 163, former Rosseau (Lake Rosseau).

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

Lally Mason addressed Council on behalf of Martha Hooey, an abutting neighbour stating concerns with the proposed closures and sales. Ms. Mason submitted the concerns in writing.

Ruth McKay the Applicant addressed Council to provide a history of the subject properties and the reasons for the Application.

The Clerk provided Council with a history of the applications and subject properties.

The Mayor asked if there had been any written objections received regarding these road allowance closures and sales.

The Clerk advised correspondence had been received from the following regarding By-law No.’s 2008-123 & 124 (McKay): Martha & Elizabeth Hooey, Fiona & Mike Harrower, Lally Mason & Calvin Watkinson, Susan & Terry Einarson. The correspondence from Harrower, Mason & Watkinson and Einarson is not directly related to this application but to the portion of Water Street designated in the former Rosseau Official Plan.

2008-359 Jacklin-Sturgeon

Carried

“**THAT** By-law No.’s 2008-123 and 2008-124, Being By-laws regarding road allowance closures and sales are hereby deemed to have been read a first, second and third time and passed by Council.”.

Councillor Adams vacated her seat as she had declared a possible pecuniary interest in regard to the next matter.

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

- B-2007-0007/8/9-F (1034038 Ontario Inc.- Trailside Park).

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 the 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 the Consent Decision who has not submitted such a request in writing should provide their full name and address to the Clerk before leaving the meeting.

The Mayor advised Consent Applications B-2007-0007/8/9-F (1034038 Ontario Inc., Trailside Park) are for the lands located at 105 Blue Lake Road. The purpose of the applications is to create three new lots on Blue Lake Road.

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

Christine Tudhope, Agent for the Applicant addressed Council to advise of her request that Council not make a decision on this matter until the Staff Report had been completed and she had time to review and attempt to address any outstanding issues raised in the Report.

Billie Anne Robinson addressed Council to express concerns with the applications. Ms. Robinson also submitted her comments in writing.

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

The Clerk advised correspondence had been received from Billie Anne Robinson stating concerns and Christine Tudhope, Agent for the Applicant requesting the matter not be considered by Council until further notice from the Applicant/Agent.

The Mayor advised Council would review a planning report and make a decision on these applications at a later date.

Councillor Adams returned to her seat.

2008-360 Adams-Gibbon

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 Rezoning Applications:

- Application R-2008-0021 (Burgoyne).
- Application R-2008-0023 (Soutendijk).”

The Mayor advised Council would now hold a public meeting regarding the following application(s) to amend the Zoning By-law:

1. Application No. R-2008-0021 (Burgoyne) Civic Address 25 North Star Road. The Owners have applied to rezone the lands from the Shoreline Residential One “SR1” Zone to Shoreline Residential One exception 47 (SR1-47) Zone.
2. Application No. R-2008-0023 (Soutendijk) Civic Address 56 Wychwood Road. The Owners have applied to rezone the lands from the Limited Service Residential “LSR” Zone to Limited Service Residential exception 46 (LSR-46) Zone.

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 Notice was given by first class mail on August 26th, 2008 and by posting on August 26th, 2008.

The Mayor advised anyone who wished to receive notice of the passing of these zoning by-laws not owning land within 120m of the area to which they apply and who had not submitted such a request in writing should provide their 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 that the Ontario Municipal Board has the power to dismiss an Appeal if the appellant has not provided Council with oral submissions at a public meeting or written submissions prior to it passing a zoning by-law. In addition, no person or body shall be added as a party to a hearing unless, before the decision on the application was made, oral submissions at a public meeting or written submissions to Council are made, or if the OMB believes there are reasonable grounds to be added as a party.

The Mayor asked if there was anyone present who wished to speak in favour of or in opposition to Rezoning Application R-2008-0021, being (Burgoyne)-(25 North Star Road).

Ken Burgoyne, the Applicant addressed Council to explain the reasons for the application.

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

The Clerk advised no written submissions had been received.

The Mayor asked if there was anyone present who wished to speak in favour of or in opposition to Rezoning Application R-2008-0023, being (Soutendijk)-(56 Wychwood Road).

No verbal submissions were received.

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

The Clerk advised no written submissions had been received.

2008-361 Sturgeon-Jacklin

Carried

“**THAT** the public meeting held for the following Rezoning Applications is hereby closed and the regular meeting is reconvened.

- Application R-2008-0021 (Burgoyne).
- Application R-2008-0023 (Soutendijk).”.

2008-362 Sainsbury-Jacklin

Carried

“**THAT** By-law No. 2008-125, Being a By-law to amend Township of Seguin Zoning By-law No. 2006-125 (Rezoning Application R-2008-0023 Soutendijk), is hereby deemed to have been read a first, second and third time and passed by Council.”.

2008-363 Jacklin-Sturgeon

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 the proposed By-law for Rezoning Application R-2008-0021 Burgoyne as indicated in the Notice are minor in nature and that no further Notice is required.”.

2008-364 Sainsbury-Jacklin

Carried

“**THAT** By-law No. 2008-126, Being a By-law to amend Township of Seguin Zoning By-law No. 2006-125 (Rezoning Application R-2008-0021 Burgoyne), is hereby deemed to have been read a first, second and third time and passed by Council.”.

2008-365 Sainsbury-Sturgeon

Carried

“**THAT** By-law No. 2008-132, Being a By-law to Amend a Land Lease Agreement Between CORE Broadband Inc. and The Corporation of the Township of Seguin for the use of Municipal Telecommunications Tower Space and Lands to Erect Towers for the Supply of Broadband Internet Services by Adding Schedule 3 (Rankin Lake Road Pubic Works Site) and Schedule 4 (Horseshoe Lake Fire Hall Site) to the Agreement, is hereby deemed to have been read a first, second and third time and passed by Council.”.

2008-366 Gibbon-Chidley

Recorded Vote Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby amend the Township of Seguin Policy #2005-04, Donations by the Municipality as follows:

Addition of the following evaluation criteria to Section 6., “The Township will only fund non-profit organizations.””.

Division List

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

Councillor Sainsbury vacated his seat as he had declared a possible pecuniary in regard to the next matter.

2008-367 Gibbon-Chidley

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby approve the refund of the application fee for Rezoning Application R-2008-0022 (CNR) in the amount of \$750.00.”.

Councillor Sainsbury returned to his seat.

Councillor Chidley vacated his seat as he had declared a possible pecuniary in regard to the next matter.

2008-368 Adams-Sturgeon

Carried

“**WHEREAS**, The Corporation of the Township of Seguin is a municipal shareholder in the Belvedere Heights Home For the Aged Long-Term Care Facility;

AND WHEREAS, the Council of The Corporation of the Township of Seguin supports the Life Lease Project proposed by Belvedere Heights Home For the Aged Board of Management;

AND WHEREAS Council recognizes that the Belvedere Heights Home For the Aged Board of Management requires adequate funding to complete the Life Lease Project;

AND WHEREAS, on the 20th day of August, 2008 the Belvedere Heights Home For the Aged Board of Management adopted Resolution No. 96/08 regarding a Line of Credit for the completion of the Life Lease Project and advising that the Board of Management have conducted the necessary due diligence to ensure the municipal shareholders that the guarantee of the Line of Credit is necessary and entails minimal risk;

NOW THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the Township of Seguin does hereby support the completion of the Belvedere Heights Home For the Aged Life Lease Project by agreeing to guarantee a Line of Credit at the CIBC for an amount up to \$200,000. subject to the credit amount being reduced as additional units are being sold.

AND FURTHER THAT the Line of Credit can only be used for the Life Lease Project.”.

Councillor Chidley returned to his seat.

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

- By-law No. 2008-118, Hillock SRA in front of Lot 129, Concession A, former Foley (Otter Lake).
- By-law No. 2008-119, Miller SRA in front of Lot 22, Concession 3, former Foley (Otter Lake).
- By-law No. 2008-120, Schiedel, Scadding & Stahmann SRA in front of Lot 35, Concession 6, former Humphrey (Portage Lake).

- By-law No. 2008-121, Seibt SRA in front of Lot 24, Concession 3, former Foley (Otter Lake).
- By-law No. 2008-122, Fabello in front of Lot 31, Concessions 11 & 12, former Humphrey SRA (Clear Lake).

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

There were no verbal submissions received.

The Mayor asked if there had been any written objections received regarding these road allowance closures and sales.

The Clerk advised no written objections had been received.

2008-369 Sainsbury-Jacklin **Carried**
 “THAT By-law No.’s 2008-118, 2008-119, 2008-120, 2008-121 and 2008-122, Being By-laws regarding road allowance closures and sales are hereby deemed to have been read a first, second and third time and passed by Council.”.

2008-370 Jacklin-Sainsbury **Carried**
 “THAT By-law No. 2008-127, Being a By-law to enter into an Agreement with The Ontario Mission of the Deaf related to an Agreement under Section 51 (26) of the Planning Act R.S.O. 1990 as amended, is hereby deemed to have been read a first, second and third time and passed by Council.”.

2008-371 Sturgeon-Jacklin **Carried**
 “THAT By-law No. 2008-128, Being a By-law to appoint Officers for The Corporation of the Township of Seguin (Acting Treasurer, Tom Stockie), is hereby deemed to have been read a first, second and third time and passed by Council.”.

2008-372 Sainsbury-Jacklin **Carried**
 “THAT By-law No. 2008-129, Being a By-law to authorize the execution of an Automatic Aid Agreement between The Corporation of the Township of Seguin and The Corporation of the Municipality of McDougall, is hereby deemed to have been read a first, second and third time and passed by Council.”.

2008-373 Jacklin-Sturgeon **Carried**
 “THAT, pursuant to By-law No. 98-03, Council of The Corporation of the Township of Seguin does hereby declare the following real property as surplus:

- Part of Lot 1, North Side of Main Street, East of Orr Street, Plan 82, formerly Christie now Township of Seguin, District of Parry Sound, shown as Part 2 on Ministry of Transportation Ontario Plan P-2838-120 deposited in the Land Registry Office as 42R-18421.”.

2008-374 Sainsbury-Jacklin **Carried**
 “THAT By-law No. 2008-133, Being a By-law to authorize the execution of a Transfer/Deed of Land for all of the road lying within Lot 10, Concession 2, and Lot 9, Concession 1, former Township of Foley now Township of Seguin, District of Parry Sound, as more particularly described in By-law #49 of the Corporation of the Township of Foley registered April 24, 1889 as Instrument No. 661. Closed by By-law #93-2RA registered March 3, 1994 as Instrument No. 150416 (The Ontario Mission of the Deaf), is hereby deemed to have been read a first, second and third time and passed by Council.”.

2008-375 Sturgeon-Sainsbury **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 September 15th meeting of Council.”.

2008-376 Sturgeon-Jacklin

Carried

“**THAT** By-law No. 2008-131, 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.”.

2008-377 Sainsbury-Jacklin

Carried

“**THAT** Council of The Corporation of the Township of Seguin does hereby adjourn to meet again on October 6th, 2008 or at the call of the Mayor.”.

Lally Mason addressed Council to speak to the matter of the shore road allowance known as Water Street in the Village of Rosseau. Ms. Mason submitted a petition requesting the subject lands be maintained as public property for the enjoyment of all residents. Ms. Mason clarified the petition was in relation to those lands which had been designated under the Rosseau Official Plan, namely the original shore road allowance on Lake Rosseau from the south boundary of the Rosseau Lake School northward to the Victoria Street Park.

Randy Patten addressed Council to speak to the matter of the shore road allowance known as Water Street in the Village of Rosseau. Mr. Patten does not agree with the petition submitted and feels he should be permitted to purchase the road allowance abutting his property.

Graham Hookey, Head of School for the Rosseau Lake College addressed Council to speak to the matter of the shore road allowance known as Water Street in the Village of Rosseau, to advise the College would have safety concerns with the road allowance abutting the College property being turned into a public walkway.

Lena Patten addressed Council to speak to the matter of the shore road allowance known as Water Street in the Village of Rosseau and to ask for an expected time frame for the review of the subject lands and the report to Council as her lands abut the subject road allowance and affects what works may be done to their boathouse.

Brian Fright addressed Council to speak to the matter of the shore road allowance known as Water Street in the Village of Rosseau and to request the review and report include input from the abutting land owners and their intentions for the road allowance if it were to be transferred to the abutting land owners.

Neil Smellie, on behalf of CORE Broadband addressed Council to provide an update on the status of CORE Broadband’s wireless internet installations in the Township of Seguin and explain proposed By-law No. 2008-132, Being a By-law to Amend a Land Lease Agreement Between CORE Broadband Inc. and The Corporation of the Township of Seguin for the use of Municipal Telecommunications Tower Space and Lands to Erect Towers for the Supply of Broadband Internet Services by Adding Schedule 3 (Rankin Lake Road Pubic Works Site) and Schedule 4 (Horseshoe Lake Fire Hall Site) to the Agreement.

*David Conn,
Mayor*

*Craig Jeffery,
Clerk*