

TOWNSHIP OF McKELLAR

Council Meeting Minutes

September 15, 2008

Present: Reeve David Moore and Councillors Gerald Bell, Tamara Black, Jury Naklowych and Debbie Zulak

Staff: Clerk Administrator, Shawn Boggs

Moved by: Gerald Bell
Seconded by: Debbie Zulak

08-224 That the Township of McKellar accept the minutes of the September 2, 2008 Council meeting as circulated.

Carried

Visitors: Mr. John Jackson was present to review with Council his planning report of September 11, 2008 and his recommendation that the Township undertake a study to provide policy recommendations for its recreational waterbodies for implementation into the Township's Official Plan and Zoning By-law. Mr. Jackson's report further recommends that Council enact an interim control by-law to provide the necessary time to undertake the study and enact any policy changes.

Moved by: Jury Naklowych
Seconded by: Tamara Black

08-225 That the Township of McKellar accept the Planning Report of John Jackson, Planner dated September 11, 2008 regarding the Wyeridge-McKellar Development proposal.

YEA: Councillors Bell, Black, Naklowych, Reeve Moore
NAY: Councillor Zulak

Carried

Moved by: Tamara Black
Seconded by: Jury Naklowych

08-226 **WHEREAS** Council has considered the Report of John Jackson Planner Inc. dated September 11, 2008 entitled Planning Response to Rezoning Application by Wyeridge-McKellar Developments Inc. ("the Report");

AND WHEREAS the Report identifies a lack of policy direction in the Official Plan respecting "fractional ownership" or similar-type resorts which is both prejudicial to the Township and of Township-wide application;

THEREFORE BE IT RESOLVED THAT:

The Township Land Use Planning Consultant should be immediately engaged and directed to study and report on the land use implications of "Fractional Ownership" and similar reports, and to provide recommendations for Official Plan policies and zoning by-law amendments based on the analysis. Recommendations shall include, but are not limited to, criteria for the determination of desirable uses and densities and policies for the implementation thereof.

YEA: Councillors Bell, Black, Naklowych, Reeve Moore
NAY: Councillor Zulak

Carried

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Moved by: Gerald Bell
Seconded by: Jury Naklowych

08-227 That the Township of McKellar hereby give By-law No. 2008-20, being a by-law to adopt an Interim Control By-law for lands within the Waterfront Residential zones (WF1, WF2, WF3, WF4, WF5) and the Tourist Commercial (C2) zones, First and Second reading.

YEA: Councillors Bell, Black, Naklowych, Reeve Moore
NAY: Councillor Zulak

Carried

At this point, Reeve Moore opened up the floor to the public to provide comments on the interim control by-law. Mr. Dennis Trinaistich, Solicitor for Wyeridge-McKellar Developments Inc. spoke to the By-law and did not feel that this by-law was fair to his clients. Mr. Trinaistich stated that the Wyeridge application met the requirements of the Official Plan at the time of submission and went through a chronology of the application. Mr. Trinaistich spoke of the pending Ontario Municipal Board hearing on the Wyeridge property and suggested that the interim control by-law was a delay tactic. Mr. Trinaistich suggested that the study and implementing policy amendments could not be done in a year and that Wyeridge would appeal the interim control by-law and that they would also be seeking costs. Mr. Trinaistich also stated that Wyeridge submitted a site plan application to the Township on September 12, 2008 and that if the site plan is not dealt with within the required 30 days, an appeal would be launched to the Ontario Municipal Board.

Mr. Greg Rea, Mr. Brian Adams and Mr. Frank Pearce verbally supported the interim control by-law.

Moved by: Jury Naklowych
Seconded by: Tamara Black

08-228 That the Township of McKellar hereby give By-law No. 2008-20, being a by-law to adopt an Interim Control By-law for lands within the Waterfront Residential zones (WF1, WF2, WF3, WF4, WF5) and the Tourist Commercial (C2) zones, Third reading and Passed in Open Council this 15th day of September, 2008

YEA: Councillors Bell, Black, Naklowych, Reeve Moore
NAY: Councillor Zulak

Carried

Visitors: Mr. Roger Godbeer was in attendance to bring Council's attention to the recreational lake capacity standards in the Official Plan and the conflicting numbers that have been submitted by Mr. Rea. Based on these new numbers, Mr. Godbeer suggested that Council has to deny the Wyeridge-McKellar Developments proposal. Mr. Godbeer also questioned Mr. Jackson's planning report and the timing of that report. Mr. Godbeer also stated that he felt that the policy limitations of the Official Plan should have been presented to Council earlier. A copy of Mr. Godbeer's deputation was given to the Clerk.

Mr. John Foley was present to present to Council two petitions. The first petition concerned the installation of a sidewalk on the west side of Catherine Street. The petition requested Council to also install a sidewalk on the east side of Catherine Street. The second petition requested Council to secure an alternate route for access to the proposed Wyeridge-McKellar Developments proposal other than Catherine Street.

Mr. Don Hotchkiss was present to question Council regarding the assessment class that the proposed Weyeridge-McKellar Development Inc. development would take. Mr. Hotchkiss also inquired whether there would be public meetings regarding the study to be undertaken under the interim control by-law. Reeve Moore stated that there would be public meetings held. After inquiring if Council had sought legal advice, he was assured that they had done so. A copy of Mr. Hotchkiss's deputation was given to the Clerk.

Moved by: Tamara Black
Seconded by: Jury Naklowych

08-229 That the Township of McKellar hereby give By-law No. 2008-21, being a by-law to assume a road allowance for public use as a wilderness walking trail (Rear of Lots 21-23 in Concession B and between Lots 23 and 24, Concession B), First and Second reading.

Carried

Moved by: Jury Naklowych
Seconded by: Tamara Black

08-230 That the Township of McKellar hereby give By-law No. 2008-21, being a by-law to assume a road allowance for public use as a wilderness walking trail (Rear of Lots 21-23 in Concession B and between Lots 23 and 24, Concession B), Third reading and Passed in Open Council this 15th day of September, 2008.

Carried

Moved by: Debbie Zulak
Seconded by: Jury Naklowych

08-231 That the Township of McKellar hereby give By-law No. 2008-22, being a by-law to enter into a Memorandum of Agreement between the Canadian Red Cross Society and West Parry Sound Municipalities, including the Township of McKellar, for the provision of disaster relief services, First and Second reading.

Carried

Moved by: Gerald Bell
Seconded by: Debbie Zulak

08-232 That the Township of McKellar hereby give By-law No. 2008-22, being a by-law to enter into a Memorandum of Agreement between the Canadian Red Cross Society and West Parry Sound Municipalities, including the Township of McKellar, for the provision of disaster relief services, Third reading and Passed in Open Council this 15th day of September, 2008.

Carried

Moved by: Gerald Bell
Seconded by: Jury Naklowych

08-233 That the Township of McKellar hereby give By-law No. 2008-23, being a by-law to enter into a Memorandum of Agreement between the Salvation Army and West Parry Sound Municipalities, including the Township of McKellar, for the provision of disaster relief services, First and Second reading.

Carried

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Moved by: Debbie Zulak
Seconded by: Tamara Black

08-234 That the Township of McKellar hereby give By-law No. 2008-23, being a by-law to enter into a Memorandum of Agreement between the Salvation Army and West Parry Sound Municipalities, including the Township of McKellar, for the provision of disaster relief services, Third reading and Passed in Open Council this 15th day of September, 2008.

Carried

Moved by: Tamara Black
Seconded by: Jury Naklowych

08-235 That the Township of McKellar hereby give By-law No. 2008-24, being a by-law to deem Block A on Registered Plan M-128, in the Township of McKellar not to be part of a registered plan of subdivision, First and Second reading.

Carried

Moved by: Debbie Zulak
Seconded by: Gerald Bell

08-236 That the Township of McKellar hereby give By-law No. 2008-24, being a by-law to deem Block A on Registered Plan M-128, in the Township of McKellar not to be part of a registered plan of subdivision, Third reading and Passed in Open Council this 15th day of September, 2008.

Carried

Fire Chief Rick Lee addressed Council regarding the Fire Hall No. 2 tender and the purchase of the Ministry of Transportation tower site. Chief Lee stated that arrangements had been made with the Public Works department to undertake the site preparation work which would result in significant savings to the project. Mr. Lee also stated that a formal agreement of purchase for the tower site had been received.

Moved by: Gerald Bell
Seconded by: Jury Naklowych

08-237 That the Township of McKellar direct the Public Works department to excavate and undertake site work for the Fire Hall No. 2 construction project.

Carried

Moved by: Debbie Zulak
Seconded by: Jury Naklowych

08-238 That the Township of McKellar accept the revised tender bid of W.S. Morgan Construction in the amount of \$353,000.00 plus Georgian Engineering's additional items in their letter of September 11, 2008 for the construction of Fire Hall #2.

Carried

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Moved by: Jury Naklowych
Seconded by: Tamara Black

08-239 That the Township of McKellar accept the quote of BFL Canada in the amount of \$34,909.08 for the provision of insurance coverage as per quote.

Carried

Moved by: Debbie Zulak
Seconded by: Tamara Black

08-240 That the Township of McKellar authorize the Reeve and Clerk to execute the attached Offer to Purchase with her Majesty the Queen in right of the Province of Ontario as represented by the Minister of Transportation.

Carried

Moved by: Gerald Bell
Seconded by: Debbie Zulak

08-241 That the Township of McKellar endorse the City of Orillia's resolution requesting the Government of Ontario not to shut down the provinces four coal generation plants and to limit to the absolute minimum natural gas generation in our electrical mix due to the almost monopolistic pricing of natural gas.

Defeated

Moved by: Debbie Zulak
Seconded by: Gerald Bell

08-242 That the Township of McKellar endorse the Township of Elizabethtown-Kitley's resolution requesting "that the Minister of Finance amend the Assessment Act to exempt municipally owned property that is located in the neighbouring municipalities from all municipal and education taxes."

Defeated

Moved by: Gerald Bell
Seconded by: Tamara Black

08-243 That the Township of McKellar adjourn to meet again on October 6, 2008 or at the call of the Reeve. Meeting adjourned at 10:35 p.m.

Carried

Reeve

Clerk