

**THE CORPORATION OF THE TOWNSHIP OF MINDEN HILLS
COMMITTEE OF THE WHOLE/GENERAL COUNCIL MEETING MINUTES**

**Thursday, April 14th, 2011
Council Chambers**

Commencement: 10:14 a.m.
Adjournment: 11:53 a.m.

Present: Reeve Barb Reid
Deputy Reeve Cheryl Murdoch
Councillor at Large Larry Clarke
Councillor Lisa Schell
Councillor Brigitte Gall

Regrets: Councillor Ken Redpath
Councillor Jean Neville

Staff: CAO Gerry Morrison
Clerk Cheryl McCarroll
Planning Administrator Elinor Kernohan
CBO Ken Jones
Road Superintendent Kevin Hill
Director of Community Services Rick Cox
Cultural Centre Director Daniela Pagliaro

CALL TO ORDER

Reeve Reid welcomed everyone and called the meeting to order.

Res. #11-19 Cheryl Murdoch – Brigitte Gall

Be it resolved that the Council of the Township of Minden Hills approves the Agenda for the

Committee of the Whole/General Council Meeting of April 14th, 2011 with the following addition:

- ***Report from the Road Superintendent re: Five Year Road Needs Study
Carried***

DECLARATION OF PECUNIARY INTEREST

None declared.

DELEGATIONS – Nil

PAYMENT OF ACCOUNTS

Res. #11-20 Brigitte Gall – Lisa Schell

Be it resolved that the Council of the Township of Minden Hills approves accounts in the amount of \$288,917.83 for payment.

Carried

ENVIRONMENT & PROPERTY OPERATIONS – Councillor Schell in the chair

Nil.

ROADS COMMITTEE – Reeve Reid in the Chair in the absence of the Chair

- Road Report
The report was received for information.
- Memo from the Road Superintendent re: Roads Management Study

Recommendation:

That the Council of the Township of Minden Hills accept the proposal from ACOM to complete the new Five Year Road Needs Study for the sum of \$5,800.00, to be completed by the end of July.

CULTURE – Councillor Gall Chair

- Memo from the Museum Curator re: Canadian Museum Operating Grant (CMOG)

The Director of Community Services advised that staff had been working towards eligibility (standards) for this program and grant since 2001. She further discussed:

- Requirements (provincial standards) for a separate advisory committee detailed (not a committee comprised of Council members for reasons of transparency)
- Will forward Regulation 877 to Council for their information
- Site visit by Ministry June 2010
- Deadline for policies is “not in stone” due April 30th
- Application is due June 30th
- Chair refuted that within the standards the separate advisory committee could be a committee of Council. The Director stated that an e-mail has been sent to the Ministry requesting clarification of this matter
- Advisor is not a Grant Officer, Advisor is to help the municipality with eligibility requirements (Minden Hills is considered a new applicant)
- Director explained financial impact (if successful – allows 15% in addition to operating budget) and how the additional funding would be used to continue to meet the standards
- Requesting that Council strike a separate advisory committee
- Monies are available now and may not be available after the upcoming election (once accredited funding is guaranteed)
- Raising of the standards is a sign of excellence
- We have been fortunate in receiving grant funding (\$153,000.00)
- Concern raised as to how a separate committee may impact the existing committee
- Questioned if it was feasible to work under an “umbrella”
- It is Council’s decision to make
- Reports come to Council based on each section of the Cultural Centre
- New strategy and cultural mapping being worked on
- Challenge is to successfully work on “themes” for RDLP, Gallery, Museum & Library
- Chair reiterated that the new board may be comprised of Council members
- Composition of the new board needs to be identified before the end of April
- Director expressed her philosophy that the “whole is greater than the sum of all the parts”
- Accreditation is vital – it has been a long road for staff working towards accreditation
- Should the separate board be required to be comprised of members of Council – Deputy Reeve Murdoch, Councillors Schell & Redpath to be appointed to the board

Recommendation:

That the Council of the Township of Minden Hills form a separate advisory committee for the Museum, comprised of members as required to meet the qualification for the Canadian Museums Operating Grant.

PARKS & RECREATION – Reeve Reid in the Chair in the absence of the Chair

- Memo from the Director of Community Services re: Tree Removal and Replacement at Loggers’ Crossing Bridge – including Arborist Report

The Director stated that the willow trees on Invergordon Avenue are in bad repair (die-back & disease) and advised of the risks if allowed to remain. Information from the Township’s insurer was circulated. The Director advised that the work needs to be done within the next few days provided Council agrees, as the formal motion won’t be passed until the April 28th Council Meeting. Council instructed the Director to proceed with the immediate removal and replacement of the trees on Invergordon Avenue.

Recommendation:

That the Council of the Township of Minden Hills authorizes the removal of the unhealthy willow trees at the Invergordon Avenue end of the Loggers’ Crossing Bridge; and authorize the rehabilitation of the space under the Riverwalk project with topsoil, grass seed and two 4 – 6” caliper-stock maple trees.

- Memo from the Director of Community Services re: Changes to the Cemetery By-law

The Director advised that the Cemetery By-law is being reviewed and the Cemetery Board is recommending a number of changes. He noted that foundations are currently three feet deep and it was advised that other cemeteries are utilizing a “floating” foundation approach with 4” thick foundations which extend a minimum of 2” beyond the monument. He advised of the process for approval by the Cemetery Regulations Unit.

Recommendation:

That Council amend Section F.2 of the Consolidated Cemetery By-law to read “upright monuments are to be set upon concrete bases with a foundation no less than 4” in depth and which extend a minimum of 2” beyond the monument in each direction.”

- Memo from the Director of Community Services re: Columbaria supply & install for Minden and Twelve Mile Cemeteries

It was advised that tenders were received from the following:

Carrier Mausoleum Quebec	72 niche + foundation \$26,995.00
Gemstar Group Bolton, ON	80 niche + foundation Labour + machine \$27,201.00
Tompkins & Heels Barrie, ON	72 niche including Foundation \$27,680.00
Gemstar Group Bolton, ON	50 niche + foundation Labour & machine \$19,613.00
Sunset Memorial Calgary	48 niche + foundation Delivery, labour \$20,620.00
Tompkins & Heels Barrie	48 niche including Foundation \$20,666.00

Recommendation:

That Council award a contract to Tompkins and Heels Monuments for the supply, delivery and installation of a 48 niche columbaria wall at Twelve Mile Lake Cemetery and a 72 niche columbaria wall at Minden Cemetery for a total cost before taxes of \$48,346.00.

Considerable discussion took place regarding the colour of granite to be utilized. It was noted that brown granite adds an additional \$9,300.00 to the cost vs. the grey granite with black lettering. Durability, maintenance, etc. were detailed by the Director.

Council members were asked what their preference in colour was and they referred the matter back to the Cemetery Board.

- Memo from the Director of Community Services re: Township Commitment to Snowmobile/ATV Tourism Enhancement Project

The Director advised that an application to HCDC's Community Capacity Building Fund was received by HCDC. Total project funding was identified as follows:

HCDC:	\$ 25,000.00
HATVA/OFSA/HCSA	\$ 50,000.00
Township of Minden Hills	\$ 25,000.00
OMAFRA RED Program	\$100,000.00
Total	\$200,000.00

Discussion included:

- Activities before approval are not subject to HCDC funding
- don't want to wait until the fall to apply for RED – due to upcoming Election
- Recommend that \$25,000 be drawn from 2010 surplus and Township move forward
- If Minden Hills adds an additional \$25,000 (2012 allocation) it would allow us to proceed with full RED grant application – should HCDC come through with \$25,000, Township does not require to budget \$25,000 for 2012 (implications need to be discussed with Treasurer) and indicates the Township's commitment to the project
- Elimination of HCDC program is slim
- There is a lot of support for this application – applications will be reviewed in early May – the committee may make a decision but no monies will be available until the new government reconfirms the program
- Conversation needs to take place with Algonquin Highlands as one of the bridges proposed for improvement is in their municipality (Reeve Reid to have conversation with Reeve of Algonquin Highlands)

Recommendation:

That the Council commit \$25,000 of the 2010 surplus towards the Minden Hills Snowmobile/ATV

Tourism Enhancement Project and further, that in order to match the funds on hand, that an additional \$25,000 (2012 Budget) be drawn on in the event that the Township is not successful in their application to HCDC.

- Memo from Director of Community Services re: Amendments proposed to Schedule “B” of By-law 03-16 – Disabled Parking

The Director advised that the disabled parking at the Community Centre does not meet the standards for the upcoming election. He noted that an inspection of the facilities was scheduled for April 15th and advised that signs had been produced but could not be enforced until the by-law is amended.

The Director detailed the additional spots being requested at the rear parking area beside the ramp to the Scout Hall, the parking area beside the entrance to the ball park playground and the upper level parking area between the Community Centre and the Curling Club.

***Recommendation:
That Council amend Schedule “B” of By-law 03-16 to add designated parking spots at the Minden Community Centre as follows:***

WHERE	LOCATED	NO. OF SIGNS	TYPE OF SIGN
Minden Hills S. G. Nesbitt Memorial Centre	Upper level parking area between Community Centre and Curling Club	3 – Upper Level Parking Area	Disabled Parking Sign
Minden Hills S. G. Nesbitt Memorial Centre	Rear parking area beside ramp to Scout Hall	1	Disabled Parking Sign
Minden Hills Ball Park Playground	Parking area beside entrance to pathway	2	Disabled Parking Sign

PROTECTIVE SERVICES – Deputy Reeve Murdoch in the Chair

- Fire Report – March 2011

The number of fire fighters attending an incident on St. Germaine Street was questioned and it was advised that a house fire (explosion) had occurred.

The report was received for information.

- By-law Occurrence Report – March 2011

The report was received for information.

- Building Report – March 2011

The report was received for information.

PLANNING & DEVELOPMENT – Deputy Reeve Murdoch in the Chair

- Planning Report – March – 2011

The report was received for information.

- Memo from CBO/MLEO & Planning Supervisor re: Zoning By-law – Legal Non-complying Structures

The CBO advised that there has been increased awareness by waterfront property owners, lake associations, etc. regarding the impact that shoreline development will have on lakes, especially those that are at or near capacity. He further stated:

- Increasing trend towards rebuilding or expanding traditional cottages – transforming them into year-round homes
- Discussed Section 4.7.4 of the Township’s Zoning By-law which restricts the size of reconstruction i.e. height limited to 1.2 metres higher, building area increase limited to 25%
- Increases in floor area of 100% – 200%+ are becoming common
- Discussed Committee of Adjustment granting minor variances to allow reconstruction of non-

complying structures beyond Section 4.7.4

- Committee of Adjustment finding it difficult to know what they should be approving as appropriate development through the minor variance process – while maintaining the intent of the Official Plan and Zoning By-law
- Current Zoning By-law may not be sufficient to accommodate current trends
- Reeve has suggested that we seek legal advice re: ramifications

Discussion included:

- Seeking legal opinion should be the final step – Reeve recommended that the CBO research with other municipalities and seek input from our Planning Consultant
- Based on previous discussions, CBO to get legal opinion (cost for legal opinion not certain)
- Changing wording in the by-law and how it could put the municipality in an unfavourable position with respect to liability

Recommendation:

That Council direct the CBO to obtain a legal opinion from the municipal solicitor related to possible changes to Section 4.7.4 of the Zoning By-law based on input from the Township's Planning Consultant and discussions with other municipalities.

- Memo from the CBO/MLEO & Planning Supervisor re: Threebrooks – Municipal Responsibility Agreement

Questions were asked concerning the Reserve Fund and the CBO advised that the \$32,500 Reserve Fund is strictly to cover costs associated with the mechanical equipment related to the water system and is separate from the Condominium Corporation Funds collected for general maintenance.

When comparisons were made to the Lutterworth Pines system, the CBO clarified that Threebrooks is a totally different setup, as it is a non-municipal, non-residential system with totally different requirements. It was noted that the major issue with Lutterworth Pines was associated with uranium and minerals in the water. The CBO advised that he had received clarification that the \$32,500 Reserve Fund is strictly related to the mechanical equipment component (replacement) water system.

Recommendation:

That Council approve in principle the proposed "Drinking Water System Responsibility Agreement" with Threebrooks.

- Memo from EcoVue re: Proposed Zoning By-law Amendment (Russell), Part of Lot 24, Concession 6, Township of Lutterworth

Recommendation:

That Council proceed with the scheduling of a Public Meeting under Section 34 (14.1) of the Planning Act, as amended, R.S.O. 1990, for the next available date and that a Notice of Public Meeting be distributed in the prescribed manner, in accordance with Section 34 (13) of the Planning Act; and further, that Council consider passing a by-law to amend Zoning By-law 06-10 to rezone the subject lands from the Rural (RU) Zone to the Rural Exception Eighteen (RU-18) Zone in order to recognize a farm equipment repair and inspection station.

- Memo from EcoVue re: Proposed Temporary Use By-law TU-11-01 (Allsaw Pentecostal Church), Part of Lot 4, Concession 3, geographic Township of Minden

When questioned, the Planning Consultant advised that trailers had been on-site in the past. She noted that the intention of the Temporary Use By-law is to permit the habitation of a maximum of fifteen trailers on the Church lands to allow out-of-town churchgoers to stay in trailers and campers for church-related events and meetings.

It was further advised that any future requests by other organizations would be considered by Council on a case-by-case basis, based on suitability.

Questions were asked about washroom facilities and it was noted that the owners of the trailers/campers would use the Church facilities. It was noted that most trailers have their own storage tanks for water and sewage and noted this was for weekend use.

The Chair of the Economic Development Committee stated that this was the type of usage to be encouraged in the Township.

Recommendation:

That Council consider passing a Temporary use By-law in accordance with Section 39 (1) of the Planning Act. The Temporary Use By-law would permit a maximum of fifteen (15) trailers or campers for temporary human habitation on the subject lands and further that the term for the Temporary Use By-law be three (3) years as of the date of passing.

- Application for Consent re: H-001/2011 & H-002/2011, Part of Lot 13, Concession 13, geographic Township of Minden by David and Ann Mackenzie

The Planning Consultant advised of the following:

- This is a complicated situation & not a typical request
- Twelve Mile Lake is at capacity – further pressure on the lake could have a detrimental effect – no further development as per MNR
- Have to consider the intent of the Official Plan and the impact of this application
- Power point presentation provided specifics of the subject lands
- Not a buildable lot
- Water course exists on the subject lands
- If Township grants right-of-way in perpetuity – this is a legal agreement that allows water access to two additional properties and noted the potential for increased pressure on the lake
- Situation would be difficult to control & provided an example to this affect
- Concern raised that this is setting precedence and could happen on other lakes
- Attaching right of access to two other deeds – and noted the potential for escalation
- Public access to our lakes is not controllable – we cannot deny access – some users would not have property on the lake
- Could get out of control if there are multiple owners (shared title)
- Planning Consultant raised concern re: installation of docks, clearing of vegetation, addition of small building to accommodate accessories
- Trees are holding the shoreline – there is an existing slope to the water
- The subject land is very narrow and reiterated there is a water course on the subject lands
- Reiterated that the lake is at capacity
- Concern raised re: back-lot development
- There may be other means to accommodate the request
- Request will be re-considered at April 28th Council

- Draft Committee of Adjustment Meeting Minutes – March 28th, 2011

The minutes were received for information.

- Memo from CBO re: Draft Amended Clean & Clear By-law

Discussion regarding the proposed amended Clean & Clear By-law included the following:

- Still not clear why we are not implementing a Property Standards By-law
- Department has experienced difficulties in enforcing the provisions of the Clean & Clear By-law due to improper/insufficient wording
- Amended by-law will address the short-comings of the current by-law (address the removal of derelict vehicles, machinery, etc. and define waste and debris)
- Reeve discussed a by-law to address the condition of buildings
- CBO advised that there could be costs associated with a Property Standards By-law (training, payment to committee members, additional staff time to enforce, after hours serving of notices, court appearances, etc.) – the CBO stressed that there is no money budgeted for these costs
- There will be a cost involved for Solicitor to review revised Clean & Clear By-law
- Reeve discussed Dysart's Property Standards By-law which has been successful. She noted that Dysart et al is larger than Minden Hills
- Property Standards By-law would provide tool to deal with visible issues, especially in the downtown area i.e. trees fallen on buildings
- See this as a two-step process: make the Clean & Clear By-law more effective and work on Property Standards By-law
- CBO stated that the revised Clean & Clear By-law would give the municipality more authority
- CBO cautioned that there will be expenses involved with implementing a Property Standards By-law and reiterated that there are no funds for this in the current budget
- It was questioned if there would be a duplication in efforts and the CBO replied there would not
- Reeve stated that Dysart can enforce the Property Standards By-law with a staff of three and suggested that the CBO could take elements from the Clean & Clear and add them to the Property Standards By-law. The CBO advised that the by-laws are two very different “animals” and noted that Property Standards fall under the jurisdiction of the *Building Code Act*. He advised there is intensive training – above the level of By-law Enforcement
- Reeve stated that there are a number of properties in Minden Hills where the Clean and Clear By-law does not address the deficiencies
- The CBO discussed proceeding to look at a Property Standards By-law for Council but again stated there may be additional costs and again cautioned there were no monies in the 2011 Budget
- It was noted that the Township reacts based on complaints re: Clean and Clear whereas the Township could be proactive with a Property Standards By-law – not waiting for the complaint
- The CBO stated that it was up to Council to decide what approach to take
- The Reeve requested that the CBO meet with his counterpart in Dysart to see how their by-law works, i.e. enforcement, costs, etc. for more understanding, with a report back at the May Committee of the Whole Meeting. She noted that she had been assured by Warden Fearrey that the by-law works and is

a reason why Haliburton Village looks so tidy. She noted that Minden Hills needs the tools necessary to address some long-standing issues in the village

FINANCE/GENERAL GOVERNMENT – Councillor Redpath Chair
Nil.

PERSONNEL – Councillor at Large Larry Clarke, Chair
Nil.

DRAFT BY-LAWS
• 11-38 2011 Rate By-law

QUESTIONS FROM THE PRESS
Nil.

QUESTIONS FROM THE PUBLIC
Questions were asked relating to the Threebrooks Agreement and Reserve Fund (for drinking water)

ADJOURNMENT

Res. #11-21 Lisa Schell – Cheryl Murdoch
Be it resolved that the Committee of the Whole/General Council Meeting of April 14th, 2011 be adjourned.
Carried

Head of Council

Clerk