



## **COMMITTEE OF THE WHOLE MINUTES**

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**Tuesday, September 13<sup>th</sup>, 2022**

**Following the Public Meeting – Zoning By-Law Amendment at 5:30 p.m.**

**Tay Valley Municipal Office – 217 Harper Road, Perth, Ontario**

**Council Chambers**

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### **ATTENDANCE:**

**Members Present:** Chair, Councillor Rob Rainer  
Deputy Reeve Barrie Crampton  
Councillor Beverley Phillips  
Councillor Fred Dobbie  
Councillor Mick Wicklum  
Councillor Gene Richardson  
Councillor Beverley Phillips

**Staff Present:** Janie Laidlaw, Deputy Clerk  
Noelle Reeve, Planner (left at 7:55 p.m.)  
Sean Ervin, Public Works Manager (left at 7:55 p.m.)  
Ashley Liznick, Treasurer (left at 7:55 p.m.)

**Regrets:** Reeve Brian Campbell  
Councillor RoxAnne Darling

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### **1. CALL TO ORDER**

The meeting was called to order at 6:41 p.m.  
A quorum was present.

### **2. AMENDMENTS/APPROVAL OF AGENDA**

The agenda was adopted as presented.

### **3. DISCLOSURE OF PECUNIARY INTEREST AND/OR CONFLICT OF INTEREST AND GENERAL NATURE THEREOF**

None at this time.

#### **4. APPROVAL OF MINUTES OF PUBLIC MEETINGS**

- i) **Public Meeting – Official Plan Five Year Review & Update – June 21<sup>st</sup>, 2022.**

The minutes of the Public Meeting – Official Plan Five Year Review & Update held on June 21<sup>st</sup>, 2022, were approved.

- ii) **Public Meeting: Zoning By-Law Amendment – August 9<sup>th</sup>, 2022.**

The minutes of the Public Meeting – Zoning By-Law Amendment held on August 9<sup>th</sup>, 2022, were approved.”

#### **5. DELEGATIONS & PRESENTATIONS**

None.

#### **6. PRIORITY ISSUES**

- i) **Report #PD-2022-46 – Draft Revised Lot Servicing Plan – Maberly Pines Subdivision.**

A Member asked what is the estimated time for when the Holding Zone could be lifted. The Planner explained that the only thing she is waiting on is for the Rideau Valley Conservation Authority to provide their comments on the revised lot servicing plan, was hopeful that they would have submitted them prior to this meeting, if they are not received for the Council meeting on September 27<sup>th</sup> then it will be in October.

A Member asked why this was coming to Committee now and not after the comments from the Conservation Authority were received and asked about the removal of Bed and Breakfast as a permitted use. The Planner explained that she wanted to give Council the information from the BluMetric report now and once the comments from the Conservation Authority are received the By-Law can come straight to Council. The removal of the Bed and Breakfast use was recommended as the BluMetric report did not take into account if someone wanted more bedrooms to run a Bed and Breakfast.

The Committee discussed that the comments from the Conservation Authority should be discussed by Council prior to the By-Law being brought forward. The Planner explained that she does not anticipate anything new coming from the Conservation Authority comments, because they have reviewed the report and are largely satisfied with it. There are property owners in Maberly Pines waiting to build and the report was brought to Council for their review so they would be up to speed once the Conservation Authority approves the report before Council can lift the Holding Zone.

Council asked that the motion be amended to indicate that the Rideau Valley Conservation Authority comments will be circulated to Council prior to the Council meeting.

Recommendation to Council:

**“THAT**, the first requirement of By-Law #2021-033 Holding Zone for Plan 21 Lakeside Living (Maberly Pines) be lifted once staff obtain the final approval of the Rideau Valley Conservation Authority for the Draft Lot Servicing Report and Plan for the Maberly Pines Subdivision;

**AND THAT**, once received, comments from the Rideau Valley Conservation Authority be circulated to Council.”

ii) **Private Unassumed Roads Working Group Report.**

The Chair thanked the Members of the Working Group for the time and effort they have put into the Private Unassumed Roads Working Group, understanding that it has been a complex and longstanding issue. There is no easy answer or a good solution only a least bad solution. Comments on the report can be submitted prior to the Council meeting on September 27. The lay Members of the Working Group are in attendance and will be permitted to speak if they wish to add anything after the Chair gives the report.

Councillor Richardson, Chair of the Private Unassumed Roads Working Group, thanked the Members for their work, it was a long process, and a lot of work has gone into it. Councillor Richardson explained that he was going to read the Executive Summary, which was written by a Member of the Working Group and accepted by the majority of the Working Group.

A Member asked that since the Township is updating the Official Plan, now is a good time to deal with section 4.3.5 and to remove it, did the Working Group discuss amending the Official Plan? The Planner explained that the Private Roads policy was imposed by the Ministry of Municipal Affairs and Housing many years ago. New private roads are not permitted to be created. The province sees them as a health and safety concern as it is usually impossible to get access to the properties on private roads in a timely manner in an emergency. Condominium Roads are permitted as they are built to a higher standard for access.

Gordon Hill, Member of the Private Unassumed Roads Working Group explained that the goal of the Working Group is to have the report presented to Council to receive for information. He recommended that Council obtain a legal opinion of the report. The Working Group is not claiming to not have missed something, but believes the recommendations are supportive.

Frank Johnson, Member of the Private Unassumed Roads Working Group feels it will be difficult to move forward with the Maberly Pines development if recommendations 2 and 3 in the report are not implemented.

The Deputy Reeve suggested the following motion:

**“THAT**, the Private Unassumed Roads Working Group Executive Summary and Report presented to the Committee of the Whole on September 13, 2022, be received for information;

**THAT**, staff be directed to provide a follow-up report that addresses the recommendations and various points and concerns arising from the Private Unassumed Roads Working Group Executive Summary and Report;

**AND THAT**, in the meantime, staff proceed with obtaining a legal opinion with regards to the indemnification clause and insurance requirements contained in the Road Access Agreement with regards to:

- the reasons the clauses need to be included or not included, and if they need to be included, is there alternative wording that can be used; and
- the need for a Road Access Agreement or not.”

Councillor Wicklum agreed with the first part to receive the report for information but prior to the Working Group, Council had passed a motion to do away with Road Access Agreements. There was a meeting with the lawyer and the Insurer and after all that information, Council decided to remove the requirement from the Zoning By-Law. Two years later and after all the time the Working Group has spent on it producing a fulsome, accurate report, to now send it to legal for review and staff deal with it makes no sense. Staff did a report two years ago that the lawyer and legal counsel spoke on and Council decided to get rid of Road Access Agreements. Council then compromised and set up a Working Group and they have brought their recommendations forward, so Council should accept the report and start to implement it.

Councillor Wicklum proposed that Council accept the report for information and to implement recommendation No. 2 in the executive summary which says that until Item 1 is done, all extant Road Access Agreements are amended to remove requirements for liability insurance and indemnity to the Township, and remove the lien of these requirements on title.

Councillor Rainer discussed that since this started two years ago a lot of new information has been discovered and Council has to be sure they are doing what is right for the Township. Recommendation No. 1 to bring all Private Unassumed Roads up to municipal standards is not feasible due to the costs over \$5 million, recommendations No. 2 and 3 are complex and Council needs to be sure it is on solid legal ground before implementing that. Which is what the Deputy Reeve’s suggested motion is directing.

Councillor Dobbie feels it is unreasonable and not feasible for the taxpayers to absorb the cost of bringing those roads to municipal standards, knowing once that happens those properties will increase significantly in value. He is not supportive of that, will support to receive it for information and for a staff report but with no time limit put on it to come back.

Councillor Phillips asked Councillor Dobbie what part of the report he did not like, the recommendation is exactly what was needed, and she understands the issue better than before and feels the recommendations are excellent.

Gordon Hill spoke about the fact that Councillor Rainer and Councillor Dobbie do not seem to accept that the former Townships were at fault for the last 50 years, the Chair interrupted as that information was already expressed in the report. He explained that Council needs to be sure of the extent of current liability for previous Townships actions before every person in the Township should be asked to pay. A legal opinion is needed to determine that.

Deputy Reeve Crampton verified with G. Hill that Mr. Hill had just recommended Council obtain a legal opinion on the report. G. Hill explained that he did as he thought Council will feel better if they did. He explained that the Terms of Reference for the Working Group did not ask them to deal with the costing or timing, those issues are to be dealt with by Council and that all Members of the Working Group agreed with the report. Councillor Richardson explained that it was a majority of the Members, it was not unanimous.

The Deputy Reeve discussed his suggested motion as it combines what F. Johnson had written in an email to Council and G. Hill's suggestion of getting a legal opinion.

Recommendation to Council:

**“THAT**, the Private Unassumed Roads Working Group Executive Summary and Report presented to the Committee of the Whole on September 13, 2022, be received for information;

**THAT**, staff be directed to provide a follow-up report that addresses the recommendations and various points and concerns arising from the Private Unassumed Roads Working Group Executive Summary and Report;

**AND THAT**, in the meantime, staff proceed with obtaining a legal opinion with regards to the indemnification clause and insurance requirements contained in the Road Access Agreement with regards to:

- the reasons the clauses need to be included or not included, and if they need to be included, is there alternative wording that can be used; and
- the need for a Road Access Agreement or not.”

- iii) **Report #PD-2022-45 – Rideau Bluffs Subdivision – Draft Plan Extension.**

Recommendation to Council:

**“THAT**, a two-year extension of the draft approval for the 4 Seasons Subdivision 09-08001 (Rideau Bluffs) be approved.”

- iv) **Report #CBO-2022-08 – Building Department Report – January – August 2022.**

Recommendation to Council:

**“THAT**, Report #CBO-2022-08 – Building Department Report – January - August 2022 be received as information.”

- v) **Report #C-2022-27 – Proposed New Road Name – Abby Hawk Lane.**

Recommendation to Council:

**“THAT**, the necessary by-law to name an existing Private Road to Abby Hawk Lane as outlined in Report #C-2022-27 – Proposed New Road Name – Abby Hawk Lane, be brought forward for approval.”

- vi) **Report #PW-2022-19 – Speed Limit on Kenyon Road.**

Recommendation to Council:

**“THAT**, the speed limit on Kenyon Road from Beaver Dam Lane to Lakewood Road, be posted at 40 km/hr and signed according to the Ontario Traffic Manual;

**AND THAT**, By-Law No. 2018-035 - Maximum Rate of Speed be amended.”

- vii) **Report #C-2022-26 – Forest Trail Park Naming.**

The Committee discussed why would it be translated into English; it can remain in Algonquin and the English word can be in brackets. The Committee agreed and amended the recommendation to remove “that would translate into English”.

Recommendation to Council:

**“THAT**, Staff consult with Indigenous partners to develop a series of proposed names for the Forest Trail Park in Algonquin for selection by Council.”

The Public Works Manager, Treasurer and Planner left at 7:55 p.m.

- viii) **Report #C-2022-21 – COVID-19 Vaccination Policy – *deferred*.**

Councillor Wicklum asked that this be deferred to the new Council, it is ongoing and evolving, with policies changing at all levels of government.

The Committee agreed to defer it to the new Council.

ix) **2022 History Scholarship Annual Report.**

Recommendation to Council:

**“THAT**, the 2022 History Scholarship Annual Report be received for information.”

**7. CORRESPONDENCE**

i) **22-09-08 – Council Communication Package.**

Recommendation to Council:

**“THAT**, the 22-09-08 Council Communication Package be received for information.”

**8. COMMITTEE, BOARD & EXTERNAL ORGANIZATION UPDATES**

i) **Green Energy and Climate Change Working Group** – *deferred to the next meeting.*

Deputy Reeve Barrie Crampton and Councillor Rob Rainer.

ii) **Recreation Working Group** – *deferred to the next meeting.*

Councillor Fred Dobbie and Councillor Beverley Phillips.

iii) **Private Unassumed Roads Working Group.**

Councillor RoxAnne Darling and Councillor Gene Richardson.

The Committee reviewed the minutes that were attached to the agenda.

iv) **Bolingbroke Cemetery Board** – *deferred to the next meeting.*

Councillor RoxAnne Darling

v) **Fire Board.**

Councillor RoxAnne Darling, Councillor Fred Dobbie, Councillor Mick Wicklum.

Councillor Dobbie reported that there was a meeting on September 8<sup>th</sup> at the Fire Hall in South Sherbrooke, it was a great meeting. Councilor Wicklum reported that the Board passed the 2023 budget, and it will be submitted to the Township Treasurers for their Township budgets.

The Committee reviewed the minutes that were attached to the agenda.

vi) **Library Board** – *deferred to the next meeting.*

Councillor Rob Rainer.

vii) **Police Services Board** – *deferred to the next meeting.*  
Reeve Brian Campbell.

viii) **County of Lanark.**  
Reeve Brian Campbell and Deputy Reeve Barrie Crampton.

Deputy Reeve Crampton referred to the media releases on the County Council meetings that are included in the Council Communication Packages.

ix) **Mississippi Valley Conservation Authority Board.**  
Councillor RoxAnne Darling.

The Committee reviewed the minutes that were attached to the agenda.

x) **Rideau Valley Conservation Authority Board.**  
Councillor Gene Richardson.

The Committee reviewed the minutes that were attached to the agenda.

xi) **Rideau Corridor Landscape Strategy** – *deferred to the next meeting.*  
Reeve Brian Campbell.

xi) **Municipal Drug Strategy Committee** – *deferred to the next meeting.*  
Councillor Gene Richardson.

xii) **Committee of Adjustment.**

The Committee reviewed the minutes that were attached to the agenda.

## 9. CLOSED SESSION

None.


## 10. DEFERRED ITEMS

*\*The following items will be discussed at the next and/or future meeting:*

- ***See Township Action Plan – distributed separately to Council***

## 11. ADJOURNMENT

The Committee adjourned at 8:02 p.m.

  
Chairperson

  
Janie Laidlaw, Deputy Clerk