

**THE CORPORATION OF THE TOWN OF PARRY SOUND  
COUNCIL MEETING MINUTES – December 6, 2011**

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**DATE:** December 6, 2011  
**TIME:** 7:00 p.m. (6:00 p.m. Closed)  
**LOCATION:** 52 Seguin Street – Gibson Street Entrance  
**MEMBERS PRESENT:** Mayor Jamie McGarvey, Clr. P. Borneman, Clr. B. Horne, Clr. B. Keith, Clr. D. McCauley, Clr. K. Saulnier, Clr. D. Williams  
**STAFF PRESENT:** R. Mens, J. Boggs, I. Laing, L. Middaugh, P. Brown, J. Este, B. Dobson, S. Montgomery-Greenwood, L. Green

**PRESENTATION(S):**

Prior to the open meeting of Council, Council adjourned to a closed meeting pursuant to the following resolution:

**RESOLUTION 2011 - 229**

**MOVED BY COUNCILLOR WILLIAMS**

**SECONDED BY COUNCILLOR BORNEMAN**

**THAT** pursuant to Section 239(2) of the Municipal Act, R.S.O. 2001, Chapter 25, as amended, the Council of the Corporation of the Town of Parry Sound move to a meeting closed to the public in order to address a matter(s) pertaining to:

- b) personal matters about an identifiable individual, including municipal or local board employees (**Employment Contract, Personnel**)
- c) a proposed or ending acquisition of land for municipal or local board purposes. (**Development Proposal, Property Matters**)

**CARRIED**

1. **AGENDA**

1.1 ***Additions to Agenda***

1.2 ***Prioritization of Agenda***  
10.4.2, 10.4.3

1.3 ***Adoption of Agenda***

**MOVED BY COUNCILLOR WILLIAMS**

**SECONDED BY COUNCILLOR KEITH**

**THAT** the December 6, 2011 Council Meeting Agenda be approved as amended.

**CARRIED**

1.4 ***Disclosure of Pecuniary Interest and the General Nature Thereof***

2. **PUBLIC MEETING**

2.1 **MOVED BY COUNCILLOR SAULNIER**  
**SECONDED BY COUNCILLOR MCCAULEY**

That we do now adjourn the regular meeting and declare the public meeting open.

- 2.1.1 Council held a public meeting to consider a proposed Zoning By-law amendment under Section 34 of the Planning Act. After the Mayor adjourned the regular meeting and declared the public meeting open, the CAO advised that notice of the proposed zoning by-law amendment had been given by prepaid first class mail to the property owners within 120 metres of the subject property. A notice was posted on the property and a notice was added to the Town's website.

Mr. Laing advised that the proposed Zoning By-Law amendment would rezone

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part Lot 20, Plan 2, northwest side of Bay Street, designated as Parts 1,2,4 and 6 Plan 42R-3088, known locally as 24 Bay Street in the Town of Parry Sound, from a "Residential Second Density (R2)" zone to a "Special Provision (SP)" zone. The proposed "Special Provision" zone would allow an antique shop, a convenience store, a marine retail outlet, a real estate office, a retail store not exceeding 162 m<sup>2</sup>, a tourist establishment, a tourism information centre, a travel agent or a tourism office. The effect of the proposed Zoning By-law amendment will be to allow the conversion of part of the existing dwelling to an antique shop.

The Mayor invited those in favour of this proposed amendment to address Council.

Ann Daleman, 22 Bay Street spoke to Council. She advised that she is in favour of the rezoning but she has a concern regarding the erection of a large retaining wall that the applicant proposes to build. There is underground wiring, gas lines, phone lines and cable TV lines which converge at the corner of her property and that of her neighbour's. She does not object to the business but would like to have Council give consideration to the wall and fence that the applicant plans to build.

Mr. Laing read a letter into the minutes he had received from Joel Kennedy, on behalf of Ann Daleman wherein Mr. Kennedy confirms that Mrs. Daleman has no objection to the requested change of use, however, that structural alterations permitted generally by the commercial zoning designation will adversely affect her restaurant business. Letter attached.

The Mayor invited those opposed to this proposed by-law to address Council. No one spoke in opposition.

Mr. Laing advised that he had received no correspondence in opposition in regard to this matter.

The Mayor advised that Council may at its discretion approve the zoning by-law amendment. If they should do this then notice of passage of the by-law would be provided by circulation of such notice or by advertising in the local newspaper. Any objections to the proposed zoning by-law must be received by the Clerk within 20 days of the date that notice was given. Any objections would be forwarded to the Ontario Municipal Board. The Mayor further advised that if an appeal is submitted and the appellant has not provided Council with an oral or written submission before the passing of the by-law, then the Ontario Municipal Board may choose to dismiss the appeal.

**2.2 MOVED BY COUNCILLOR BORNEMAN  
SECONDED BY COUNCILLOR WILLIAMS**

That we do declare the public meetings closed and the regular meeting reconvened.

**CARRIED**

**3. MINUTES and MATTERS ARISING FROM MINUTES**

**3.1 *Adoption of Minutes***

**MOVED BY COUNCILLOR BORNEMAN  
SECONDED BY COUNCILLOR WILLIAMS**

**THAT** the November 15<sup>th</sup>, 2011 Regular Council Meeting Minutes be approved as circulated.

**CARRIED**

**3.2 *Questions to Staff***

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Councillor Williams asked how the public can access Council's budget and other current information. Mr. Mens responded that this information is on the Town's website at [www.townofparrysound.com](http://www.townofparrysound.com) under Current News, under the Home Menu on the Home Page.

Councillor Keith commented approvingly on the canopy at the entrance to the Bobby Orr Community Centre. She wanted to know how well it was working and where the funding came from. Peter Brown responded that the canopy is working well. The funds to pay for the canopy came out of the BOCC budget within the overall Operations/Public Works budget.

**4. CORRESPONDENCE**

**4.1 Susan Hrycyna, DBA Administrator, Downtown Parry Sound Business Association**

Re: Ms. Hrycyna, on behalf of the DBA, is requesting Council's approval of the appointment of Claire Anderson as a Director on the Parry Sound Downtown Business Association Board.

*(Forwarded to Deputy Clerk for follow-up – Item 8.1 on to-night's agenda).*

**4.2 Lynne Atkinson, Executive Director, West Parry Sound Health Centre Foundation**  
Re: Mr. Atkinson is requesting a donation to the foundation to keep medically necessary hospital equipment up-to-date.

*(Forwarded to Director of Economic Development & Leisure Services for follow-up)*

**4.3 Joel Kennedy, Barrister and Solicitor, on behalf of Ann Daleman of Ann Daleman Holdings Ltd.**

Re: Mr. Kennedy, on behalf of Ann Daleman, provided a written submission respecting the application to rezone 24 Bay Street from residential to Special Provision. Mrs. Daleman has no objection to the requested change of use, and welcomes the additional tourist targeted commercial activity in the neighbourhood. However, she is concerned that structural alterations permitted generally by the commercial zoning designation will adversely affect her restaurant business

*(Forwarded to Director of Community Development for follow-up)*

**4.4 David Ronson, 2011/12 National President, Kin Canada**

Re: Mr. Ronson is requesting that the Town of Parry Sound place a Message-of-Support in *KIN Magazine*.

*(Forwarded to Director of Economic Development & Leisure Services for follow-up)*

**5. DEPUTATION**

**5.1 Anne Bossart**

Re: Tower Hill Designation By-law (Item 10.4.3)

Anne Bossart provided a power point presentation and spoke about her support and the Tower Hill Heritage Garden group's support to designate the Tower Hill Park and Garden to be of cultural heritage value or interest. She is requesting that Council pass the designation by-law as presented and support the Tower Hill Heritage Garden initiative by directing staff to prepare and formalize an agreement which will permit a charitable organization to undertake activities that will help revitalize Tower Hill as a cultural heritage attraction and community

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asset. For more information visit the website [www.towerhillheritagegarden.org](http://www.towerhillheritagegarden.org).

- 5.2 Wendall Fisher, West Parry Sound Active Transportation Committee  
Re: Request for support for the West Parry Sound Active Communities Charter and support in principal for the development of a West Parry Sound Active Transportation Master Plan. (Item 9.1.1).

Mr. Fisher explained that the term Active Transportation refers to any form of human-powered, non-motorized transportation, the most common forms being walking or biking. Our West Parry Sound Active Transportation Committee, which had its beginnings in the year 2006, has developed a Vision Statement: *A vibrant and healthy community that is safe and accessible for all forms*; and a Mission Statement: *To increase awareness of the benefits of Active Transportation and to advocate for an Active Transportation-friendly community.*

The WPSATC is asking that the Town endorse their Charter and support the West Parry Sound Active Transportation Master Plan. They will be approaching all West Parry Sound municipalities with this request. For more information go to [www.wpsactivetrans.org](http://www.wpsactivetrans.org).

**6. MAYOR & COUNCILLORS' REPORTS**

Mayor and Councillors gave their reports on meetings attended and matters arising.

**7. RATIFICATION OF MATTERS FROM CLOSED AGENDA**

- 7.1 Employment Contract – GIS Technician  
Spokesperson: Peter Brown, Director of Public Works

**BY-LAW 2011 – 6046**

Being a by-law to authorize the execution of an Employment contract with Forrest Pengras.

**READ a FIRST, SECOND and THIRD time, PASSED, SIGNED and SEALED, this 6<sup>th</sup>, day of December, 2011.**

**8. CONSENT AGENDA**

- 8.1 Appointment of Downtown Parry Sound Business Association Director

**RESOLUTION 2011 -230**

**MOVED BY COUNCILLOR MCCAULEY**

**SECONDED BY COUNCILLOR BORNEMAN**

**THAT** upon the recommendation of the Board of Directors for the Downtown Parry Sound Business Association, Council for the Town of Parry Sound approve the appointment of Claire Anderson to this Board.

**CARRIED**

**9. RESOLUTIONS AND DIRECTION TO STAFF**

- 9.1 ***Economic Development & Leisure Services***

- 9.1.1 West Parry Sound Active Transportation Master Plan  
Spokesperson: Lynn Middaugh, Director of Economic Development & Leisure Services

**RESOLUTION 2011 - 231**

**MOVED BY COUNCILLOR KEITH**

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**SECONDED BY COUNCILLOR HORNE**

**THAT** Council support the West Parry Sound Active Communities Charter per the attached Schedule "A"; and

**THAT** Council support, in principle, the development of a West Parry Sound Active Transportation Master Plan.

**CARRIED**

- 9.1.2 Big Sound Marina: Power Upgrade  
Spokesperson: Lynn Middaugh, Director of Economic Development & Leisure Services

**RESOLUTION 2011 - 232**

**MOVED BY COUNCILLOR WILLIAMS**

**SECONDED BY COUNCILLOR BORNEMAN**

**THAT** Council grant 2012 pre-budget approval to upgrade the power at Big Sound Marina in the amount of \$75,000; and

**THAT** Council direct staff to pursue grants to help offset the costs of the upgrade.

**CARRIED**

9.2 *Public Works*

9.3 *Fire, Emergency Services*

9.4 *Community Development, Building, By-law*

- 9.4.1 Council Approved Sign (Variance) – 68/70 James – Edward Jones  
Spokesperson: John Este, Chief Building Official

**RESOLUTION 2011 - 233**

**MOVED BY COUNCILLOR KEITH**

**SECONDED BY COUNCILLOR HORNE**

**THAT** the Chief Building Official is authorized to issue a permit for a Council Approved sign in front of and attached to 68 / 70 James St., according to the attached Schedule "A".

**CARRIED**

- 9.4.2 Council Approved Sign (Variance) – 64 Parry Sound Drive  
Spokesperson: John Este, Chief Building Official

**RESOLUTION 2011 - 234**

**MOVED BY COUNCILLOR MCCAULEY**

**SECONDED BY COUNCILLOR WILLIAMS**

**THAT** Council authorizes and directs the Chief Building Official to issue a permit for a sign on the Road Allowance in front of #64 Parry Sound Drive according to conditions and variances in the attached Schedule "A".

**CARRIED**

- 9.4.3 Sign Variance – 117 Bowes – Sturino  
Spokesperson: John Este, Chief Building Official

**RESOLUTION 2011 - 235**

**MOVED BY COUNCILLOR HORNE**

**SECONDED BY COUNCILLOR SAULNIER**

**THAT** the Chief Building Official is authorized to issue a permit for a second standard sign at 117 Bowes St., according to conditions and variances in the

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attached Schedule "A".

**DEFEATED**

**9.5 Finance & Administration**

**9.5.1 General Insurance Renewal December 15<sup>th</sup>, 2011 to 2012**

Spokesperson: Brenda Dobson, Director of Finance, Administration & POA Court Services

**RESOLUTION 2011 - 236**

**MOVED BY COUNCILLOR BORNEMAN**

**SECONDED BY COUNCILLOR MCCAULEY**

**THAT** Council approves and accepts the proposal from BFL Canada for the Corporation's General Insurance coverage in the amount of \$ 193,896.52 (tax included) for the one year period ending December 15<sup>th</sup>, 2012.

**CARRIED**

**9.5.2 Council Communication Policy**

Spokesperson: Rob Mens, C.A.O.

**RESOLUTION 2011 - 237**

**MOVED BY COUNCILLOR SAULNIER**

**SECONDED BY COUNCILLOR HORNE**

**THAT** the Council Communication Policy dated December 2011, attached as Schedule "A", be approved; and

**THAT** Resolution 2010-065 be rescinded.

The following amendment to Schedule "A" was proposed:

**MOVED BY COUNCILLOR BORNEMAN**

**SECONDED BY COUNCILLOR WILLIAMS**

**THAT** the entire second paragraph under the Confidential Information Section be removed and replaced with:

Staff occasionally become aware of information that can be very confidential. Recognizing this, it is incumbent upon staff to inform Council in an accurate and timely fashion keeping in mind all legal obligations.

**CARRIED**

**RESOLUTION 2011 - 237**

**MOVED BY COUNCILLOR SAULNIER**

**SECONDED BY COUNCILLOR HORNE**

**THAT** the Council Communication Policy dated December 2011, attached as Schedule "A", be approved as amended; and

**THAT** Resolution 2010-065 be rescinded.

**CARRIED**

**9.6 Other Business**

**10. BY-LAWS**

**10.1 Economic Development and Special Events**

**10.2 Public Works**

**10.2.1 Agreement – Via Rail Canada Inc.**

Spokesperson: Peter Brown, Director of Public Works

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**BY-LAW 2011 - 6047**

Being a by-law to authorize the execution of an Agreement between Via Rail Canada and The Corporation of the Town of Parry Sound for the use of municipal lands known as 70 Church Street.

**READ a FIRST, SECOND and THIRD time, PASSED, SIGNED and SEALED, this 6<sup>th</sup> day of December , 2011.**

- 10.2.2 Agreement with BFI Canada for Waste Services  
Spokesperson: Peter Brown, Director of Public Works

**BY-LAW 2011 - 6048**

Being a by-law to authorize the execution of an agreement with BFI Canada Inc. for Waste Collection Services.

**READ a FIRST, SECOND and THIRD time, PASSED, SIGNED and SEALED, this 6<sup>th</sup> day of December , 2011.**

**10.3 *Fire, Emergency Services***

- 10.3.1 Purchase of Crown Lands for the purpose of locating an EMS Station and Helipad – Point au Baril  
Spokesperson: Sharon Montgomery-Greenwood, Director, Emergency Services

**BY-LAW 2011 – 6049**

Being a By-law for the Corporation of the Town of Parry Sound to purchase Crown Land from Ministry of Natural Resources CL 16222, Being part of Lots 24 & 25 Concession 2, Geographic Township of Harrison, Municipal Township of the Archipelago, District of parry Sound, Part 1 on Reference Plan 42R-19262, 0.553 hectares.

**READ a FIRST, SECOND and THIRD time, PASSED, SIGNED and SEALED, this 6<sup>th</sup> day of December , 2011.**

**BY-LAW 2011- 6050**

Being a By-law for the Corporation of the Town of Parry Sound to purchase Crown Land from the Ministry of Transportation Part of Lot 24, Concession 2, Designated as Part 1, Plan 42R-19322 (Ministry Plan P-2151-76) Township of Harrison now Township of the Archipelago, Hwy #69.

**READ a FIRST, SECOND and THIRD time, PASSED, SIGNED and SEALED, this 6<sup>th</sup> day of December , 2011.**

**10.4 *Community Development, Building, By-law***

- 10.4.1 Custodial Contract  
Spokespersons: John Este, Chief Building Official and Laurence Green, Fire Chief

**BY-LAW 2011 - 6051**

Being a by-law to authorize the execution of an agreement with S & B Janitorial to provide custodial services for the Town Office (52 Seguin), the Public Washrooms (39 Seguin) and the Fire Complex (4 Church St.)

**READ a FIRST, SECOND and THIRD time, PASSED, SIGNED and SEALED, this 6<sup>th</sup> day of December , 2011.**

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10.4.2 Heritage Designation By-law – 62 Gibson Street  
Spokesperson: Iain Laing, Director of Community Development

**BY-LAW 2011 - 6052**

Being a By-law to designate property at 62 Gibson Street to be of cultural heritage value or interest.

**READ a FIRST, SECOND and THIRD time, PASSED, SIGNED and SEALED, this 6<sup>th</sup>, day of December, 2011.**

10.4.3 Heritage Designation By-law – 17 George Street – Tower Hill Garden  
Spokesperson: Iain Laing, Director of Community Development

**BY-LAW 2011 – 6053**

Being a By-law to designate property at 17 George Street (Tower Hill Garden) to be of cultural heritage value or interest.

**READ a FIRST, SECOND and THIRD time, PASSED, SIGNED and SEALED, this 6<sup>th</sup>, day of December, 2011.**

10.4.4 Request for Deeming By-law – Macklaim & Taylor Ltd.  
Spokesperson: Iain Laing, Director of Community Development

**BY-LAW 2011 - 6054**

Being a By-law to deem certain lots in the Town of Parry Sound not to be part of a registered Plan of Subdivision (Macklaim & Taylor Investments Ltd.)

**READ a FIRST, SECOND and THIRD time, PASSED, SIGNED and SEALED, this 6<sup>th</sup> day of December , 2011.**

**10.5 *Finance & Administration***

10.5.1 Amending Agreement – Court Administration Management System  
Spokesperson: Brenda Dobson, Director of Finance, Administration & POA  
Court Services

**BY-LAW 2011 - 6055**

Being a By-Law to authorize the execution of an Amending Agreement with the Regional Municipality of Niagara for software support for the Court Administration Management System (CAMS) and to amend By-Law 2009-5373 dated October 20<sup>th</sup>, 2009 effective January 1, 2012 by replacing "Appendix I – Fee Schedule".

**READ a FIRST, SECOND and THIRD time, PASSED, SIGNED and SEALED, this 6<sup>th</sup> day of December , 2011.**

**10.6 *Other Business***

**10.6.1 CONFIRMING BY-LAW**

**BY-LAW 2011 –6056**

Being a By-law to confirm the proceedings of Council.

**READ a FIRST, SECOND and THIRD time, PASSED, SIGNED and SEALED, this 6<sup>th</sup> day of December , 2011.**

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**11. ADJOURNMENT**

The Mayor adjourned the meeting at 9:40 p.m.

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**MAYOR**

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**CLERK**

4.3.

# JOEL W. KENNEDY

Professional Corporation  
Barristers, Solicitors, & Notaries Public

JOEL W. KENNEDY

JESSE T. B. HAWKINS

24 November, 2011

SENT BY FAX AND REGULAR MAIL

The Mayor and Council  
Town of Parry Sound  
52 Seguin Street  
Parry Sound, Ontario  
P2A 1B4

LEAD: IAIN  
CC: MAYOR/COUNCIL  
ROB M.  
JACKIE

Dear Mayor and Council:

RE: Proposed zoning by-law amendment  
24 Bay Street, Parry Sound  
Submission by Ann Daleman Holdings Ltd.  
Our File Number: 2092-006

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I have been retained by Ann Daleman, the principal of Ann Daleman Holdings Ltd., the owner of Bay Street Café located at 22 Bay Street, to provide a written submission respecting the application to rezone 24 Bay Street from residential to special provision.

Mrs. Daleman has no objection to the requested change of use, and welcomes the additional tourist targeted commercial activity in the neighborhood.

She is concerned, however, that structural alterations permitted generally by the commercial zoning designation will adversely affect her restaurant business.

In particular, her neighbor has advised that she intends to construct the highest fence possible between the her property and my client's property - being almost 10 feet high in a commercial zone. If such a fence were erected along the relevant side lot line down to the applicant's front lot line, this would block the view of the train bridge now existing for Bay St. patrons who use the restaurant veranda for dining.

We also understand that there is a conglomeration of underground gas, telephone and Hydro lines at the front intersection of the two properties, with

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7 James Street  
Parry Sound, Ont.  
Canada  
P2A 1T4

[www.parrysoundlaw.com](http://www.parrysoundlaw.com)

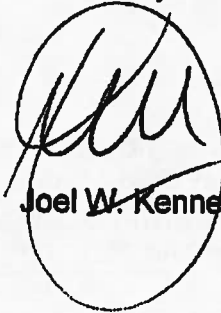
Telephone: 705-746-6444  
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[jessehawkins@parrysoundlaw.com](mailto:jessehawkins@parrysoundlaw.com)

various rules or prohibitions against the construction of improvements which might interfere with their location.

My client asks that the special zoning provision contain a prohibition against the construction of any fence or above grade structure within 3 meters of the front of lot line of the applicant's property. If, in the future, construction plans contemplate building something in this rectangle, the applicant can apply for a minor variance and details can be sorted out between neighbors through that mechanism.

Should you have any questions, please feel free to speak with me or Mrs. Daleman.

Yours very truly



Joel W. Kennedy

JWK:bg