

THE CORPORATION OF THE TOWNSHIP OF MUSKOKA LAKES

MINUTES – COUNCIL MEETING Tuesday, July 8, 2008

A Regular Meeting of Council was held on Tuesday, July 8, 2008, at 9:00 a.m. in the Council Chambers, Municipal Offices, Port Carling, Ontario.

PRESENT:

Mayor S. Pryke

Councillors:

Patricia Arney
Dianne Davidson
Liz Denyar
Karen Ellis
Brian Hare
Ian Wallace
Nancy Thompson
Mary Grady
Stewart Martin left at 2:50 p.m.

Officials Present:

W. Schmid - CAO
C. Mortimer - Clerk
S. Fahner - Director of Planning
D. Pink - Senior Planner
L. Hamm - Administrative Assistant, Planning Department
T. Guthrie - Administrative Assistant, Clerk's Department
L. Saumur - Manager of Parks, Recreation and Facilities
J. Sawkins - Fire Chief
N. Donald - Development Services Coordinator
L. Troup - Public Works Superintendent
J. Stevens - Treasurer

1. Call to Order

- a. Mayor Pryke called the meeting to order at 9:03 a.m.

2. Adoption of Agenda

- a. Consideration of a resolution to adopt the agenda.

Resolution Number: C-1-08/07/08

Councillor Ellis – Councillor Denyar: Be it resolved that the Council Meeting agenda dated July 8, 2008 be adopted as amended to add item 10.d., Consideration of a resolution Re: Muskoka Lakes Preschool Summer Program – Lease Agreement.

Carried.

3. Disclosure of Interest

- a. Councillor Ellis disclosed a pecuniary interest with items 7.c.1, 7.c.2, 8.a. and 8.b. (W. D. Brent Rentals Ltd.), as her son is an employee of the applicant.

4. Receipt / Adoption of Minutes

- a. Consideration of a resolution to adopt the Council Meeting minutes held on June 17, 2008.

Resolution Number: C-2-08/07/08

Councillor Ellis – Councillor Hare: Be it resolved that the Council Meeting minutes held on June 17, 2008 be adopted.

Carried.

- b. Consideration of a resolution to receive the draft Management and Services Committee Meeting minutes held on June 18, 2008.

Councillor Grady provided a summary of the minutes for Council.

Resolution Number: C-3-08/07/08

Councillor Hare – Councillor Grady: Be it resolved that the draft Management and Services Committee Meeting minutes held on June 18, 2008 be received.

Carried.

- c. Consideration of a resolution to receive the draft Planning Committee Meeting minutes held on June 19, 2008.

Councillor Ellis reviewed the minutes for Council. She noted the Official Plan Public Meeting is scheduled for July 26, 2008 at 9 a.m. at the Port Carling Memorial Community Centre. The meeting will have two components of discussion: General Official Plan Policies and the Port Carling Eastside Expansion.

Resolution Number: C-4-08/07/08

Councillor Grady – Councillor Hare: Be it resolved that the draft Planning Committee Meeting minutes held on June 19, 2008 be received.

Carried.

5. Delegations and Petitions

- a. Mr. David Herbruck attended at 11:05 a.m. Re: item 10.a. (Herbruck).

Refer to item 10.a.

- b. Ms. Angela Ghikadis, agent, Planscape and others attended at 11:15 a.m. Re: item 10.b. (Martin/Simpson).

Ms. Ghikadis advised that Mr. Tom Bunker, OLS, Bunker Surveying was unable to attend as a delegate.

Refer to item 10.b.

- c. Kathy Wassenaar, President, Muskoka Lakes Preschool Board, and Rick Williams, Commissioner of Community Services, District of Muskoka attended at 11:33 a.m. Re: Child Care Facility Proposal.

Also present were Allan Turnbull, Lily Boucher, Program Advisor for Child Care Facility Licensing, Ministry of Children and Youth Services and Corrie Patton and Jennifer Lennie, Child Care Providers, Muskoka Lakes Preschool.

Ms. Wassenaar introduced the members of the delegation and provided background information on the Muskoka Lakes Preschool. She advised that the Muskoka Lakes Preschool operates the before and after school program and the preschool program at the Glen Orchard Community Centre. They are currently looking for dedicated

space in the Port Carling area to establish a licensed child care facility for September 2008.

Mr. Williams provided information on the District of Muskoka's role in supporting child services in Muskoka. He advised that the District manages funds and quality assurance for child care facilities. The Muskoka Lakes Preschool will receive up to \$25,000.00 to renovate space for their child care facility and for the purchase of equipment. As well, the District provides subsidies for low income families for child care costs.

Ms. Boucher familiarized Council with the requirements to license a child care facility under the Day Nurseries Act, including windows, floor space, washroom facilities, outdoor play areas and kitchen requirements.

The delegates answered questions regarding District funding and budgeting for child care within Muskoka, existing facilities in the area, subsidies for low income families and potential locations available to the Muskoka Lakes Preschool for dedicated space in the Port Carling area.

- d. Vince Grittani, The Rosseau Culture & Arts Project attended at 11:57 a.m. Re: The Muskoka Theatre Project, item 10.c. *(Refer to item 10.c for consideration of a resolution and a copy of the correspondence submitted to Council).*

Mr. Vince Grittani requested that the Township of Muskoka Lakes designate the Muskoka Theatre Project as a community festival. This would allow them to obtain a special occasion's permit from the Alcohol and Gaming Commission of Ontario.

The Muskoka Theatre Project is a 5 week festival taking place at the Red Leaves Playhouse Tent starting on July 19, 2008. They are planning on expanding the season to a year round venue once they take their permanent location at The Red Leaves Playhouse.

- e. Jim Green, CAO and David Royston, Solicitor, District Municipality of Muskoka attended at 1:03 p.m. Re: Method of Selecting the Chair of Muskoka District Council *(Refer to item 7.a.1. Other Public Meetings).*

6. Business Arising from the Minutes

- a. Report from the Clerk Re: Action Items from Committee Meetings. A copy of the report is attached.

Resolution Number: C-5-08/07/08

Councillor Thompson – Councillor Grady: Be it resolved that the following recommendations be enacted for action:

- the June 18, 2008 Management and Services Committee meeting recommendations 2, 3 and 4, and
- the June 19, 2009 Planning Committee meeting recommendations 2, 7, 8, and 9.

Carried.

- b. Consideration of a Resolution Re: Municipal Property Assessment Corporation. *(Refer to item 7.b. of the June 18, 2008 Management and Services Committee meeting minutes).*

Resolution Number: C-6-08/07/08

Councillor Hare – Councillor Grady: WHEREAS the District Municipality of Muskoka spends \$2.2 million per year on the services of Municipal Property Assessment Corporation (MPAC);

AND WHEREAS the Township of Muskoka Lakes is levied approximately 40% of this per annum;

AND WHEREAS the Township relies on up-to-date and accurate MPAC data to fulfill legislated requirements such as circulations of applications pursuant to the Planning Act;

AND WHEREAS the Township relies on up-to-date and accurate information for all 911 street numbering, emergency callouts, evacuation procedures as well as taxation;

AND WHEREAS accurate and up-to-date data is not always available from MPAC;

AND WHEREAS the Province of Ontario recovers approximately \$6 billion in taxation for education purposes but does not contribute to the operation of MPAC;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the Township of Muskoka Lakes strongly request the Board of Directors of MPAC to improve their operations by:

1. allocating provincial funds to correct the over 70,000 errors across the Province for those municipalities with greater reliance on the data receiving priority;
2. making errors and backlog in data a priority to complete;
3. working with lower and upper tier municipalities to correct these errors.

AND FURTHER THAT this resolution be circulated to Premier Dalton McGuinty, Hon. Jim Watson, Minister of Municipal Affairs and Housing, MPP Norm Miller, Opposition leaders, AMO, AMCTO, District Municipality of Muskoka, and all province of Ontario Municipalities.

Carried.

7. Public Meetings

a. Other Public Meetings

1. A public meeting was held at 1:03 p.m. to receive public input regarding the method by which the Chair of District Council is selected.

Jim Green (CAO), David Royston (Solicitor) and Sharon Yeoman (Deputy Clerk) from the District of Muskoka attended the meeting.

Mr. Green advised that Public Meetings are being held in each of the area municipalities in the District of Muskoka to obtain public input on the method of selecting a Chair of Muskoka District Council. A summary of the public input obtained will be discussed at the August 15, 2008 District Corporate and Emergency Services Committee meeting.

Mr. Royston indicated that the District would also like to obtain input from the Township of Muskoka Lakes Council. He explained the current method of selecting a District Chair and presented three options to consider:

1. maintain the current Council appointment method of selecting the Chair and the status quo on all related issues; or
2. maintain the current Council appointment method, but proceed by way of secret voting on the appointment resolution;
3. selection by general vote at large as part of regular municipal elections.

Ms. Madeline Fielding, Muskoka Ratepayers Association (MRA) was in support of Option 3 with the suggestion of implementing a spending cap on candidates as in municipal elections. This method would also support the use of a secret ballot.

Mr. James Gilmour (MRA) advised that he was formally accepting the paper prepared by David Royston to consider.

Mr. Brian McElwain, Muskoka Lakes Association (MLA) indicated that the MLA has not yet decided on an option but will be before the August 15 District meeting.

Mr. Ron Brent, proprietor and citizen, was in support of a method in which the Chair could be elected or appointed by other Councillors through a secret vote.

Ms. Cathy Ross, MRA, posed questions on the current method of nominating a Chair and supported an option which would include a secret ballot.

Others in attendance at the Public Meeting included Jack Fenn (MLA), Wilsie Mann (private citizen), Bill Tannahill (private citizen), Helen Hopson (MRA), Susan Daghish (MRA), and Pat Sinclair (MRA).

Councillor Martin requested a change to the current method of nominating candidates in addition to the method in which a Chair is selected.

Councillor Thompson preferred Option 2 but with an amendment to the current method of nomination.

Council discussed issues with the current method of selection and nomination. Mr. Royston answered questions from Council and the public regarding the three options. He confirmed that he would provide the District's Procedure By-law as it relates to the current nomination process.

Mayor Pryke thanked everyone in attendance for their input.

b. Zoning Amendment Applications (in conjunction with Previously Heard Consent Application)

c. Zoning Amendment Applications

1. By-law 2008-76, ZBA-20/08, (W.D. Brent Rentals Ltd.), Part of Lot 24, Concession 2 & 3, Parts 1 & 2 on Plan 35R-4203 (Medora), Roll # 6-25-073-02.

Councillor Ellis did not participate in this item as she had disclosed a pecuniary interest due to her son's employment with the applicant.

Mr. Pink explained the history, nature and location of the property/application.

Submissions were received as follows:

- i) Letter from the District Municipality of Muskoka, Planning and Economic Development Department. Mr. Pink read the letter, a copy of which is attached.

Mr. Ron Brent, applicant, 3841 Muskoka Road 118, Port Carling, ON, P0B 1J0, attended the meeting. Mr. Brent explained the lot is surrounded by commercial development, and noted a garden centre and four quarries in the area (two that are in operation).

No one attended in support of or in opposition to the application.

In response to Councillor Arney's question, the applicant confirmed that the adjacent property was zoned commercial.

2. By-law 2008-77, ZBA-21/08, (W.D. Brent Rentals Ltd.), Part of Lot 24, Concession 2, (Medora), Roll # 6-25-071.

Councillor Ellis did not participate in this item as she had disclosed a pecuniary interest due to her son's employment with the applicant.

Mr. Pink explained the history, nature and location of the property/application.

Submissions were received as follows:

- i) Letter from the District Municipality of Muskoka, Planning and Economic Development Department. Mr. Pink read the letter, a copy of which is attached.

Mr. Ron Brent, applicant, 3841 Muskoka Road 118, Port Carling, ON, P0B 1J0, attended the meeting.

No one attended in support of or in opposition to the application.

Council questioned if the 100 foot setback, recommended by staff, would cause any problems for Mr. Brent's proposal. Mr. Brent indicated he felt the setback should be the same for all properties along this corridor. Mr. Fahner indicated the setbacks are determined for each individual application.

Council questioned if either of these properties could be divided to support two businesses. Mr. Fahner indicated there may be difficulties with entrances from the District Road.

Council questioned if the uses of the properties could be limited by removing the uses of lumber yard, and automotive sales. Mr. Fahner indicated this could be done with a minor amendment to the by-law. Mr. Brent indicated there was not enough area for a lumber yard.

3. By-law 2008-78, ZBA-22/08, Hicks, Part of Lot 35, Concession 13, Part 2 on Plan 35R-13175, (Medora), Lake Rosseau, Roll #'s 4-16-021 & 4-16-021-01.

Mr. Pink explained the history, nature and location of the property/application.

Submissions were received as follows:

- i) Letter from the District Municipality of Muskoka, Planning and Economic Development Department. Mr. Pink read the letter, a copy of which is attached.

Mr. John Jackson, agent, 70 Isabella St., Parry Sound, ON, P2A 1M6, attended the meeting. Mr. Jackson provided a brief overview of the application and indicated he was available to answer questions.

No one attended in support of or in opposition to the application.

Council had no questions.

4. By-law 2008-79, ZBA-23/08, Northland Recreation Ltd., Part of Lot 20, Concession 6, Part 1, 3, 5 & 7 on Plan 35R-7628, (Watt), Roll #'s 2-10-049 & 2-10-049-03.

Mr. Pink explained the history, nature and location of the property/application.

Submissions were received as follows:

- i) Letters from the District Municipality of Muskoka, Planning and Economic Development Department. Mr. Pink read the letters, copies of which are attached.
- ii) Letter of support from neighbours, Terry and Virda Green. Mr. Pink read the letter, a copy of which is attached.

Mr. Greg Corbett, agent, 104 Kimberley Ave., Bracebridge, ON, P1L 1Z8, attended the meeting. Mr. Corbett indicated the applicants, Mr. and Mrs. Billington, were also in attendance. Mr. Corbett indicated the applicants have other legal non-conforming uses on the property and wish to have them recognized. He read and submitted a letter of support from Mr. Bart Buller of Forest Rock Resort, a copy of which is attached. He explained the application is to allow the sale of a "highway vehicle". Mr. Corbett indicated they have no issue with the recommendation by staff that the sale of these items be restricted to the back lot. He is concerned the delivery of the products may take place on the waterfront lot. If they remain on the

waterfront lot for any length of time, prior to being moved onto the back lot for sale, complaints may come forward.

Mr. Leo Kroese, neighbour, 1900 Windermere Road, Windermere, Ontario, P0B 1M0, attended the meeting. Mr. Kroese indicated he was opposed to the application and cited reasons of further degradation to the lake and changing the character of the area.

Mr. Stephen Knight, RR #2 Utterson, ON, P0B 1M0, attended the meeting. Mr. Knight indicated an automobile dealership could include cars and recreational vehicles. He expressed concern that future owners of the property may wish to sell different types of vehicles. He noted staff had recommended the sale of these vehicles be restricted to the back lot and cited environmental concerns with the waterfront lot.

No one attended in support of the application.

Council questioned if the definition of auto sales could be restricted to three wheeled vehicles by Bombardier. Mr. Pink indicated the definition could be amended to be specific, and noted staff concerns with sales on the waterfront lot. He explained the marina could be defined as the main use with auto sales as an accessory use.

Mr. Jon Billington, applicant, RR #2, Utterson, Ontario, P0B 1M0, attended the meeting. Mr. Billington indicated the vehicle he intends to sell is defined by the Highway Act as an automobile, and noted he has no interest in selling cars. Mr. Billington explained in order to sell these vehicles he must become a member of the Ontario Motor Vehicle Industry Council (OMVIC.). He indicated OMVIC does not differentiate between motorcycles, automobiles and recreational vehicles. The “Spyder” is classified as an automobile.

Council questioned if there was any difference, from a land use perspective, between the sale of these vehicles and the other recreational vehicles being sold. Mr. Fahner indicated the change would not be that significant.

Mr. Billington indicated his sales objective set by Bombardier is eight per year. He noted it is not destined to become a high volume product.

8. By-laws

- a. By-law 2008-76, (W.D. Brent Rentals Ltd.)

Councillor Ellis did not participate in this item as she had disclosed a pecuniary interest due to her son’s employment with the applicant.

Resolution Number: C-7-08/07/08

Councillor Arney – Councillor Wallace: Be it resolved that By-law 2008-76, being a by-law to amend Comprehensive Zoning By-law 87-87, as amended, for lands described as Part of Lot 24, Concessions 2 & 3, Parts 1 & 2 on Plan 35R-4203, (Medora), W.D. Brent Rentals Ltd., Roll # 6-25-073-02, be read a first and second time.

Carried.

Council discussed various proposed amendments and agreed to amend the by-law to recognize the lot area, impose a front yard setback of 100 feet and to eliminate the use of Automobile Sales Establishment and Building Supply Yard.

Resolution Number: C-8-08/07/08

Councillor Davidson – Councillor Arney: Be it resolved that the Council of the Corporation of the Township of Muskoka Lakes amend By-law 2008-76, (W.D. Brent Rentals Ltd.) and this amendment is minor in nature and does not require further public circulation and is hereby approved prior to third reading.

Carried.

Resolution Number: C-9-08/07/08

Councillor Martin – Councillor Denyar: Be it resolved that By-law 2008-76, (W.D. Brent Rentals Ltd.) be read a third time and finally passed.

Carried.

b. By-law 2008-77, (W.D. Brent Rentals Ltd.)

Councillor Ellis did not participate in this item as she had disclosed a pecuniary interest due to her son's employment with the applicant.

Resolution Number: C-10-08/07/08

Councillor Wallace – Councillor Arney: Be it resolved that By-law 2008-77, being a by-law to amend Comprehensive Zoning By-law 87-87, as amended, for lands described as Part of Lot 24, Concession 2, (Medora), (W.D. Brent Rentals Ltd.,) Roll # 6-25-071, be read a first and second time.

Carried.

Mr. Pink suggested exemptions to recognize the lot area and frontage, impose a front yard setback of 100 feet, reduce the interior side yard setback to 50 feet, and eliminate the use of Automobile Sales Establishment and Building Supply Yard. Council concurred with the proposed amendments.

Resolution Number: C-11-08/07/08

Councillor Denyar – Councillor Martin: Be it resolved that the Council of the Corporation of the Township of Muskoka Lakes amend By-law 2008-77, (W.D. Brent Rentals Ltd.) and this amendment is minor in nature and does not require further public circulation and is hereby approved prior to third reading.

Carried.

Resolution Number: C-12-08/07/08

Councillor Hare – Councillor Grady: Be it resolved that By-law 2008-77, (W.D. Brent Rentals Ltd.) be read a third time and finally passed.

Carried.

c. By-law 2008-78, (Hicks)

Resolution Number: C-13-08/07/08

Councillor Denyar – Councillor Arney: Be it resolved that By-law 2008-78, being a by-law to amend Comprehensive Zoning By-law 87-87, as amended, for lands described as Part of Lot 35, Concession 13, Part 2 on Plan 35R-13175, (Medora), (Hicks), Lake Rosseau, Roll #'s 4-16-021 and 4-16-021-01, be read a first and second time.

Carried.

Resolution Number: C-14-08/07/08

Councillor Wallace – Councillor Arney: Be it resolved that By-law 2008-78, (Hicks) be read a third time and finally passed.

Carried.

d. By-law 2008-79, (Northland Recreation Ltd.)

Resolution Number: C-15-08/07/08

Councillor Grady – Councillor Thompson: Be it resolved that By-law 2008-79, being a by-law to amend Comprehensive Zoning By-law 87-87, as amended, for lands described as Part of Lot 20, Concession 6, Parts 1, 3, 5 & 7 on Plan 35R-7628, (Watt), (Northland Recreation Ltd.), Roll #'s 2-10-049 and 2-10-049-03, be read a first and second time.

Carried.

Following a lengthy discussion it was the consensus of Council to withhold third reading to develop a suitable definition for the zoning/use of the property.

e. By-law 2007-116, (Herbruck)

Mr. Pink indicated a minor amendment would be necessary to allow the ice house to remain and to allow the further encroachment for the proposed additional windows.

Council discussed the heritage value of the ice house and the front yard setback. They agreed to the amendment of the front yard setback and to allow the ice house to remain, provided it only be used for storage.

Resolution Number: C-16-08/07/08

Councillor Davidson – Councillor Wallace: Be it resolved that the Council of the Corporation of the Township of Muskoka Lakes amend By-law 2007-116, (Herbruck) and this amendment is minor in nature and does not require further public circulation and is hereby approved prior to third reading.

Carried.

Resolution Number: C-17-08/07/08

Councillor Hare – Councillor Grady: Be it resolved that By-law 2007-116, (Herbruck), be read a third time and finally passed.

Carried.

f. By-law 2008-14, (Martin/Simpson)

Resolution Number: C-18-08/07/08

Councillor Wallace – Councillor Arney: Be it resolved that By-law 2008-14, being a by-law to amend Comprehensive Zoning By-law 87-87, as amended, for lands described as Part of Lot 16, Concession 12, (Medora), (Martin/Simpson), Roll # 4-19-008 and 4-19-010, be read a first and second time.

Carried.

Mr. Fahner indicated a minor amendment would be required for a 430 square foot ground floor addition to the easterly dwelling along with a second storey addition. Council concurred.

Resolution Number: C-19-08/07/08

Councillor Davidson – Councillor Denyar: Be it resolved that the Council of the Corporation of the Township of Muskoka Lakes amend By-law 2008-14, (Martin/Simpson) and this amendment is minor in nature and does not require further public circulation and is hereby approved prior to third reading.

Carried.

Resolution Number: C-20-08/07/08

Councillor Martin – Councillor Davidson: Be it resolved that By-law 2008-14, (Martin/Simpson), be read a third time and finally passed.

Carried.

g. By-laws 2008-92, 2008-93, 2008-94, (Buck, Sterne, Beresford)

Council requested By-law 2008-93 (Sterne) be withdrawn from the proposed list of by-laws. They questioned why lots on a Plan of Subdivision were merging. Mr. Fahner indicated the property is located on Oak Street. It is zoned as a Marina. He explained they are on one assessment roll number and there is no record of the lots being merged.

Council indicated they wished to postpone Deeming By-law 2008-93 (Sterne) until the application for Site Plan approval was heard at the July 10, 2008 Planning Committee meeting.

By-law 2008-93 (Sterne) was removed from the list of by-laws.

Resolution Number: C-22-08/07/08

Councillor Arney – Councillor Denyar: Be it resolved that the following resolutions be read a first, second and third time and finally passed.

By-law 2008-92 being a by-law to deem Lots 8 & 9 on Plan M337, Lake Rosseau, (Medora) not to be lots on a Plan of Subdivision, (Buck), Roll # 4-27-053 and 4-27-054.

By-law 2008-94, being a by-law to deem Lot 39 on Plan M-180, (Medora), not to be a lot on a Plan of Subdivision, (Beresford), Roll # 4-5-049-02.

Carried.

- h. By-law 2008-55, (Tree Preservation)

Refer to item 9.a.1., report.

Resolution Number: C-23-08/07/08

Councillor Martin – Councillor Denyar: Be it resolved that By-law 2008-55, being a by-law to conserve, prohibit, protect, restrict and regulate the possible removal of trees within the Township of Muskoka Lakes (Tree Preservation By-law) be read a first, second and third time and finally passed.

Carried.

- i. By-law 2008-56, (Site Alteration)

Refer to item 9.a.2., report.

Resolution Number: C-24-08/07/08

Councillor Arney – Councillor Wallace: Be it resolved that By-law 2008-56, being a by-law to regulate and prohibit modifications to the landscape within the Township of Muskoka Lakes (Site Alteration By-law) be read a first, second and third time and finally passed.

Carried.

- j. By-law 2008-84, (Interim Control of Structures)

Refer to item 9.a.3., report.

Resolution Number: C-25-08/07/08

Councillor Grady – Councillor Hare: Be it resolved that By-law 2008-84, being a by-law for Interim Control of Structures on Second Storeys of two storey Boathouses and the use of first storeys of boathouses within the Township of Muskoka Lakes be read a first, second and third time and finally passed.

Carried.

- k. By-law 2008-85, (Interim Control of Rooming Houses)

Refer to item 9.a.4., report.

Resolution Number: C-26-08/07/08

Councillor Ellis – Councillor Hare: Be it resolved that By-law 2008-85, being a by-law for Interim Control of Rooming Houses within the Township of Muskoka Lakes be read a first, second and third time and finally passed.

Carried.

- I. By-law 2008-75 (License Agreement – Vogt) and By-law 2008-95 (License Agreement Perry) (*Refer to Item 9.a.5 Senior Management Team Reports*)

Resolution Number: C-27-08/07/08

Councillor Hare – Councillor Grady: Be it resolved that the following by-laws be read a first, second and third time and finally passed.

By-law 2008-75, being a by-law to authorize the Mayor and Clerk to execute and affix the Corporate Seal to a License Agreement between the Township of Muskoka Lakes and Robert William Vogt, 6-24-053.

By-law 2008-95, being a by-law to authorize the Mayor and Clerk to execute and affix the Corporate Seal to a License Agreement between the Township of Muskoka Lakes and Kimberley Anne Perry, 5-2-088.

Carried.

9. Senior Management Team Reports and Tenders

a. Senior Management Team Reports

1. Report from the Director of Planning Re: Tree Preservation By-law 2008-55.

Mr. Fahner highlighted his report. He indicated one submission had been received from Mr. Paul Donaldson, which stated concern with the 50 foot buffer and good forestry practices. A copy of the letter is attached.

2. Report from the Director of Planning Re: Site Alteration By-law 2008-56.

Mr. Fahner highlighted his report.

Council had no questions.

3. Report from the Director of Planning Re: Interim Control By-law 2008-84 (Use of Two Storey Boathouses).

Mr. Fahner highlighted his report. He indicated one submission had been received from Mr. Paul Donaldson, and read the letter, a copy of which is attached.

Council questioned what the Building Department's comments were. Mr. Fahner indicated that in the covering report, the changes suggested by the Building Department have been incorporated into the by-law.

4. Report from the Director of Planning Re: Interim Control By-law 2008-85 (Rooming Houses).

Mr. Fahner highlighted his report.

In response to Council, Mr. Fahner indicated that any staff housing located outside of a serviced area would require a septic system which would be very large and may not be cost effective.

5. Report from the Clerk Re: License Agreement By-laws 2008-75 (Vogt – 6-24-053) and 2008-95 (Perry – 5-2-088). (*Refer to Item 8.1 By-laws*) A copy of the report is attached.
6. Report from the CAO Re: Windermere Dock Proposal. A copy of the report is attached.

The CAO highlighted the report for Council and advised that Paul Jeffery, owner of Windermere House was in attendance. The CAO reported that the total project cost for the proposed Windermere Dock Replacement has increased from the original budget. The Township's original commitment was \$50,000.00. He recommended it increase to \$66,000.00 to allow for this change. The Township's contribution to the total project would be 38.5% with the private sector contributing 61.5%.

Council discussed the size of the finger docks and requested 4 foot wide docks rather than 3 foot wide docks as originally quoted.

It was the consensus of Council to allow Mr. Jeffery to participate in the discussion. He advised that the cost to increase the finger docks from 3 feet to 4 feet in width would be an additional \$24,000.

Council discussed the merits of the project with respect to the Township budget, reserve funds and the strategic plan. Options to reduce the project or to complete it in phases were also discussed.

Councillor Wallace requested a recorded vote.

Resolution Number: C-28-08/07/08

Councillor Wallace – Councillor Arney: WHEREAS the existing public dock system at the Windermere Wharf has limited docking capacity and is in need of replacement in the near future; and

WHEREAS a proposal has been made by Windermere House Corporation and Windermere Marina Limited to partner with the Township of Muskoka Lakes in the cost of constructing a new and expanded 39 slip public docking system at the Windermere Wharf; and

WHEREAS ownership of the new docking facilities will reside with the Township of Muskoka Lakes; and

WHEREAS the municipality may under the general powers granted to it pursuant to Sections 8, 9 and 11 of the Municipal Act, 2001 manage

municipal property and provide a service or thing that the Township considers necessary or desirable for the benefit of the Public; and

WHEREAS it is deemed to be in the public interest to enter into the cost sharing agreement to construct the expanded public docking facility at the Windermere Wharf;

NOW THEREFORE BE IT RESOLVED THAT the Mayor and Clerk be authorized to enter into a cost sharing agreement for the construction of the expanded Windermere Dock facilities at a total municipal cost of \$66,000, subject to final review and approval of the agreement by the Township’s solicitor, provided the finger docks are four feet in width.

<u>RECORDED VOTE:</u>	<u>NAYS</u>	<u>YEAS</u>
Councillor Arney	_____	_____X_____
Councillor Davidson	_____X_____	_____
Councillor Denyar	_____X_____	_____
Councillor Ellis	_____X_____	_____
Councillor Grady	_____X_____	_____
Councillor Hare	_____	_____X_____
Councillor Martin	_____	_____X_____
Councillor Thompson	_____X_____	_____
Councillor Wallace	_____	_____X_____
Mayor Pryke	_____	_____X_____
<u>TOTALS</u>	_____5_____	_____5_____

Defeated.

Councillor Martin left the meeting at 2:50 p.m.

7. Report from the CAO Re: Swift River Energy, Bala Falls North Dam, Hydro Generating Facility Proposal. A copy of the report is attached.

The CAO advised that Swift River Energy is seeking Township support for Swift River Energy to utilize District of Muskoka land for the development of the Hydro Generating Facility in Bala.

Swift River Energy will be holding a public information meeting on August 13, 2008 at the Bala Community Centre.

Resolution Number: C-29-08/07/08

Councillor Arney – Councillor Denyar: Be it resolved that the Council of the Township of Muskoka Lakes, concurs “in principle”, that the District Municipality of Muskoka consider the use of the District owned lands, located on the south side of the Bala Falls North Dam, by Swift River Energy, as part of a new hydroelectric generating facility, all subject to further public input and successful completion of the required Environmental Screening.

Carried

8. Report from the CAO Re: Award of 2009 Joint Development Charges Study. A copy of the report is attached.

The CAO recommended that Hemson Consulting Ltd. be retained as the consultant for the 2009 Joint Development Charges Study for an amount of \$18,219 plus GST and disbursements.

Resolution Number: C-30-08/07/08

Councillor Arney – Councillor Wallace: Be it resolved that Township Council approve the following:

1. that Hemson Consulting Ltd. be retained as consultants for the provision of the 2009 Development Charges Study for the Township of Muskoka Lakes, Town of Bracebridge, Township of Lake of Bays and the Township of Georgian Bay, in accordance with the requirements of the Request for Proposal issued May 30th, 2008.
2. that the Mayor and Clerk be authorized to execute and agreement with Hemson Consulting Ltd. and;
3. that Hemson Consulting Ltd. be authorized to proceed with the Township of Muskoka Lakes portion of the Development Charges Study at an upset cost of \$18,219 plus GST and disbursements.

Carried.

b. Tenders

10. New and Unfinished Business

- a. By-law 2007-116, ZBA-41/07, (Herbruck), Part of Lot 8, Concession A, (Medora), Roll # 4-28-007.

Mr. Pink reviewed the history, nature and location of the property/application, and noted third reading was withheld to confirm if the applicants were willing to remove a structure identified as an ice house.

Mr. David Herbruck, applicant, 16600 S. Woodland Road, Shaker Heights, OH, 44120, attended the meeting. Mr. Herbruck reviewed the history of the property and the reason for the application. He explained a slight change to the original request as they have added two additional panes of glass for the window in the addition to the kitchen. He explained, the total additional square footage of the entire project is 346 square feet. The ice house is located at the shore and indicated it is an ideal place for the storage of two canoes and a kayak. The ice house is 144 square feet and they do not intend to use it as a sleeping cabin. They would prefer to retain it on the lot.

Council questioned if he would agree to the use of the ice house for storage only. Mr. Herbruck concurred.

- b. By-law 2008-14, ZBA-60/07, Martin/Simpson, Part of Lot 16, Concession 12, (Medora), Roll #'s 4-19-008 and 4-19-010 (Deferred at Council on February 12, 2008). Concurrent with Consent Application B/91/07ML.

Mr. Fahner explained the history, nature and location of the property/application.

Ms. Angela Ghikadis, agent, Planscape, 104 Kimberley Ave., Bracebridge, ON, P1L 1Z8, attended the meeting. Ms. Ghikadis reviewed the application, and indicated a lot line adjustment was approved in February. The applicants requested the application be deferred until they could submit details of the proposed expansion to the dwelling. She explained the proposal is for a modest addition. It is to expand the second storey and ground floor area with a resultant lot coverage of 5.52%.

Mr. Hugh Nichols, neighbor, 1296 Carlingford Road, Minett, Ontario, P0B 1G0, attended the meeting in support of the application. Mr. Nichols indicated concern with respect to the ownership of the road in this area.

- c. Consideration of a resolution to designate the Muskoka Theatre Project as a Community Festival. (*Refer to item 5.d Delegations*).

Resolution Number: C-21-08/07/08

Councillor Thompson – Councillor Grady: Be it resolved that Township Council hereby designates the Muskoka Theatre Project as a Community Festival.

Carried.

- d. Consideration of a resolution Re: Muskoka Lakes Preschool Lease Agreement - Summer Program.

Mayor Pryke and Councillor Ellis advised that this resolution is requested to authorize the Township of Muskoka Lakes to enter into a lease agreement with the Muskoka Lakes Preschool. They wish to use the Glen Orchard Community Centre for a children's summer program.

Resolution Number: C-31-08/07/08

Councillor Denyar – Councillor Ellis: Be it resolved that the Mayor and Clerk are hereby authorized to execute and affix the Corporate Seal to a lease agreement between the Township of Muskoka Lakes and the Muskoka Lakes Preschool Board for a summer program located at the Glen Orchard Community Centre.

Carried.

11. Future Meeting Schedule

- a. Management and Services Committee Meeting - A meeting will be held on Wednesday, July 9, 2008 at 9:00 a.m.
- b. Parks and Recreation Committee Meeting - A meeting will be held on Wednesday, July 9, 2008 at 1:00 p.m.
- c. Planning Committee Meeting – A meeting will be held on Thursday, July 10, 2008 at 9:00 a.m.

- d. Economic Development Committee Meeting – A meeting will be held on Tuesday, July 15, 2008 at 8:00 a.m.
- e. Committee of Adjustment Meeting - A meeting will be held on Monday, July 28, 2008 at 9:00 a.m.

12. Council in Closed Session

- a. Council in Closed Session was held for litigation, labour relations, and privileged matters pursuant to Section 239(2) of the Municipal Act, 2001.

Patricia A. Foran, Solicitor, Aird & Berlis, attended Council in closed session for a privileged legal matter.

Resolution Number: C-32-08/07/08

Councillor Grady – Councillor Hare: Be it resolved that Council in Closed Session will be held to discuss litigation, labour relations and privileged legal matters pursuant to Section 239(2) of the Municipal Act, 2001.

Carried.

Resolution Number: C-33-08/07/08

Councillor Ellis – Councillor Hare: Be it resolved that Closed Session reconvene as Council to report on matters discussed under Closed Session.

Carried.

The following resolution resulted from discussions held during Council in closed session:

Resolution Number: C-34-08/07/08

Councillor Thompson – Councillor Grady: Be it resolved that Township Council accept and approve the tentative four year contract reached between the Township's Contract Negotiating Committee and OPSEU Local #326; and

Further that the Mayor and Clerk be authorized to sign and seal the agreement on behalf of the Corporation.

Carried.

13. Confirming By-law

- a. Consideration of a by-law to confirm the proceedings of Council.

Resolution Number: C-35-08/07/08

Councillor Grady – Councillor Hare: Be it resolved that By-law 2008-96, being a by-law to confirm the proceedings of Regular Council held on Tuesday, July 8, 2008, be read a first, second and third time and finally passed.

Carried.

14. Adjournment

- a. Consideration of a resolution to adjourn.

Resolution Number: C-36-08/07/08

Councillor Ellis – Councillor Hare: Be it resolved that Council adjourn at 4:05 p.m. and the next regular meeting of Council will be held on Tuesday, July 29, 2008 at 9:00 a.m. in the Council Chambers, of the Municipal Offices in Port Carling, Ontario.

Carried.

Mayor Susan Pryke

Cheryl Mortimer, Clerk