

The Corporation of The Town of Parry Sound

Council Meeting Minutes May 2, 2023

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Council Meeting Minutes - May 2, 2023

7:00 PM, Parry Sound Council Chambers 52 Seguin St. Parry Sound

Members Present

Mayor McGarvey, Councillor Ashford, Councillor Beleskey, Councillor Borneman
Councillor Keith, Councillor McCann, Councillor McDonald

Staff Present:

CAO Clayton Harris, Clerk Rebecca Johnson, Director of Public Works Mike Kearns,
Director of Finance Stephanie Phillips, Director of Development & Protective Services
Dave Thompson, Manager of Planning Jeremy Rand, Manager of Revenue & Taxation
Rob Beaumont

Presentation/Announcements

1. Megan Oldham - Skiing Achievements

Mayor McGarvey presented Megan Oldham with a certificate and letter of congratulations on her achievements in Freestyle and Slopestyle skiing over the 2022-2023 season.

2. Parry Sound High School Band

Mayor McGarvey reported on the success of the Parry Sound High School Band, winning gold at the Atlantic Festivals of Music under the direction of Nikki Brown in Halifax last week. A 70-second video clip of the Band performing Krakatoa was played.

1. Agenda and Minutes Review

1.1 Land Acknowledgement

1.2 Additions to Agenda

1.3 Prioritization of Agenda

9.1.3 Mayor McGarvey moved Agenda item 9.3.1 up as the first Resolutions item.

1.4 Adoption of Agenda

Moved by Councillor McCann Seconded by Councillor McDonald

That the Council agenda for May 2, 2023, be approved as amended.

Carried

1.5 Disclosure of Pecuniary Interest and the General Nature Thereof

1.5.1 Councillor Keith Declared Pecuniary interest on item 9.5.1 Bail Reform as she is employed by the Solicitor General. She left the room for the item, did not participate in discussion, nor vote on the item.

1.5.2 Councillor McCann Declared Pecuniary interest on item 10.4.1 Lifting of one-foot reserve at 41a Isabella Street (Bowland), as the property owner is a friend. He left the room for the item, did not participate in discussion, nor vote on the item.

1.6 Adoption of Minutes

Moved by Councillor Keith Seconded by Councillor Ashford

That the Minutes from the Regular Council meeting held April 18th, 2023 and Special Council meeting held April 24th, 2023 be approved as circulated.

Carried

2. Public Meeting

2.1 Z/23/01 Robert and Hayes, 6 Harmony Lane Rezoning Application

Moved by Councillor McCann Seconded by Councillor Ashford

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

Carried

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 Clerk advised that notice had been given by prepaid first-class mail to the required prescribed agencies and property owners within 120 metres and posted on the property.

Manager of Planning Jeremy Rand advised that the purpose of the proposed zoning amendment application is to permit an existing Tourist Outfitters Establishment and Home-Based Business, as well as permit a future expansion to an existing Bed and Breakfast Establishment. The application would also amend the boundaries of the Environmental Protection Zone (EP) boundaries based on the recommendations of an Environmental Impact Statement submitted with the application.

If approved, the application would rezone the lands from Rural Zone (RU) in part and Environmental Protection Zone (EP) in part to Tourist Commercial Zone (C4) in part subject to Special Provision 26.134 and Environmental Protection Zone (EP) in part subject to Special Provision 26.135 in part.

The Special Provision associated with the Tourist Commercial Zone (C4) would limit uses to Tourist Outfitters Establishment, Bed and Breakfast, Accessory Dwelling Unit and Home Based Business within the Accessory Dwelling Unit only. Additionally, the maximum number of overnight accommodations shall be limited to 10, a Bed and Breakfast shall be limited to 6 suites or guest rooms and the minimum setback to the water shall be 30.0 metres.

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The Special Provision associated with the Environmental Protection Zone (EP) would limit uses to existing only and would require that all areas outside of development area be maintained in their natural state with walkways limited to 2.0 metres in width.

Lauren Arsenault junior planner with Morgan Planning & Development, accompanied by Josh Morgan, addressed Council virtually from a prepared power point presentation. In addition to identifying the purpose of the application as reported by Manager of Planning Mr. Rand, Ms. Arsenault noted that the total lot area of the subject property is approximately 9.1 acres (3.6 hectares) with approximately 130 metres of frontage on the Seguin River and approximately 230 metres of frontage along Harmony Lane. The entrance to the property is located off the cul-de-sac at the end of Harmony Lane. The property is privately serviced and is developed with a single detached dwelling (bed and breakfast); a detached garage; and a sleeping cabin which are accessory to the residential use. The property is also developed with Camping Style accommodations including “prospector-style” tents with dry composting toilets. There is a communal area with a wash building (shower facilities) and a screened pavilion used for gathering or eating meals.

Ms. Arsenault reported that the Zoning By-law Amendment seeks to rezone a portion of the subject lands from “Rural’ (RU) to a Site-Specific ‘Tourist Commercial’ (C4-XX) Zone to:

- Allow for a Home Based Business as an additional permitted use within an accessory residential unit; and
Allow for a 6-Suite Bed and Breakfast Establishment use within a single detached dwelling; and
- Allow for a Tourist Outfitters Establishment as an additional permitted main use; and
- Permit a rear yard setback of 4.4 m for the Tourist Outfitters Establishment use; and

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Rezone and Revise the Boundary of the Environmental Protection (EP) Zoned Lands to a Site-Specific Environmental Protection (EP-XX) Exception to recognize existing accessory buildings and structures within the proposed revised EP-XX Boundary.

Ms. Arsenault reviewed the application against elements of the Planning Policy from the Provincial Policy Statement, the direction provided within the Growth Plan for Northern Ontario and the Town's Official Plan, and concluded the following:

- The existing and proposed development conforms to the goals, objectives, and policies of the Provincial Policy Statement (2020), The Growth Plan for Northern Ontario, and the Town of Parry Sound Official Plan;
- An EIS was prepared by RiverStone Environmental Solutions Inc. which supports the application and existing uses on the property, subject to recommended mitigation measures.
- The development is located on the shore of Seguin River in which resource based recreational and residential uses are permitted and encouraged.
- The existing development provides affordable accommodation options and a unique outdoor recreational experience for the travelling public, which will support the local economy that caters to such tourists.

No one spoke in opposition to the proposed Zoning By-law Amendment.

Mr. Rand advised that comments were received from the following:

- Fire Chief who indicated no concerns with the application.
- Ministry of Transportation who indicated no concerns but stated that that the lands are within the Ministry's Permit Control Area.
- Kirby Hall who noted that "this [proposal] is low impact to the neighbouring community, a unique business and an asset to the Town of Parry Sound and region. It is a type of use that should be encouraged. It offers much needed seasonal lodging, in a unique natural setting and very close to amenities."

Moved by Councillor Beleskey

Seconded by Councillor McCann

That we do now declare the public meeting closed.

Carried

3. Questions of Staff

3.1 In response to Councillor Keith's inquiry regarding waterfront kiosks, Director of Development & Protective Services Dave Thompson reported that through the approved initiative of Harbour Walk shops, 5 kiosks have been placed along the edge of the concrete boardwalk. Until June when the kiosks will be open on a full time basis, they are now operating occasionally and when cruise ships dock and again will operate on an occasional basis in the fall and during cruise ships docking. There is a plan to establish parallel parking behind kiosks, which will decrease parking by about 4-5 spots. The one accessible parking spot which has been covered by a kiosk may be increased to more spots and will be relocated to a more suitable location away from high rains flooding, and closer to curb cuts. Parking is free in the Town parking area.

3.2 In response to Councillor Borneman's inquiry regarding craters on Pine Drive near Sobeys, Director of Public Works Mike Kearns reported that the Town is in the process of patching potholes as part of its regular spring activities; however, the Town does not own the portion of Pine Drive beyond the entrance to the pharmacy and M & M Meats towards Canadian Tire. Mr. Kearns noted that the Town had contact with them last year, and they did the repairs at that time. Mr. Kearns encouraged the public to report pothole problems when they see them, by calling the Public Works at the Town Office or reporting it through the Town's website.

3.3 In response to Councillor Borneman's suggestion that the owner of Pine Dr. be approached to consider contracting the Town to do the patching, and further to Councillor Keith' suggestion that if this cannot be undertaken, that signage be posted identifying the area as a private road, Mr. Kearns reported that there is a sign that

indicates the Town road limits, and that typically the Town does not maintain entrances to residences or businesses, including those that are on the Town's road allowance. Mr. Kearns confirmed that the Town has a regular road patrol process to fix potholes.

3.4 In response to Councillor McCann's inquiry regarding the status of the road that goes to Home Depot. Mr. Kearns reported that it is privately owned, and the owner plows it. Mr. Kearns reported that Pine Dr. is unique in that there is no safe or adequate termination at the point of the Town road limits, so winter maintenance continues until the drivers can turn around safely.

4. Correspondence

4.1 Northern Ontario Business April 21, 2023 article re: How Parry Sound rolled out the welcome mat for displaced Ukrainians fleeing the war - Filed

4.2 Barry Bell, re: appreciation for winter road maintenance - Filed

4.3 Linda West, re: Amalgamation - Filed. Subsequent to a summary of the letter, Mayor McGarvey gave a verbal response identifying that it was his belief that the West Parry Sound area is stronger when it can speak with one united voice, and with one vision, supported by long-term land strategies for planning and infrastructure, making the area better equipped to take on challenges such as housing and creating better employment opportunities. Mayor McGarvey reported that to that end, he would be contacting the MPP for a discussion.

4.4 Georgian Bay Biosphere, re: Invitation to Regional Climate Action Plan (RCAP) launch, May 11, from 4-6 PM, Stockey Centre - Filed

5. Deputations

5.1 Kirby Hall addressed Council with respect to Development Charges (DCs), noting that potential amendments offer a bit of a reduction, but he considers them still too high. Mr. Hall suggested that the Ministerial Zoning Order (MZO) obtained by Seguin

Township on the border of Parry Sound offers an opportunity for Parry Sound to sell services to Seguin such as water through a shared use agreement and thereby subsidize DCs. Mr. Hall said that there is significant funding available for large infrastructure projects such as sewage treatment for green field type development which would include the lands subject to the MZO. Mr. Hall said that as Seguin is currently trying to work through the DC process, there is opportunity for Seguin and the Town to work together with a greater economic base, and thereby reduce DCs.

Mr. Hall noted that the development community has retained Daryl Keleher who in turn is working with an engineer to do a third party review of Parry Sound's DC background study. As Mr. Keleher and the engineer are indisposed at this time and not available to start for 2 - 3 weeks, Mr. Hall requested that the DC by-law scheduled to come before Council's first meeting in June be delayed until the Keleher review is complete.

In response to Councillor questions regarding thoughts on Town consultants' responses to developer comments/questions, and what DC charges might be considered acceptable, Mr. Hall said that the point he was trying to get across is that there is a way to subsidize DCs through a shared use agreement with neighbouring municipality(ies), and if there is plant capacity, money can be made. With respect to the DCs, Mr. Hall reported that he thought them still too high and that they should be considered in line with Muskoka.

6. Mayor & Councillors' Reports

Mayor & Councillors reported on meetings attended and matters arising.

7. Ratification of Matters From Closed Agenda - N/A

8. Consent Agenda - N/A

9. Resolutions and Direction To Staff

9.1 CAO Office/Administration

9.1.1 Update - Key Performance Objectives in Support of the Strategic Plan

Spokespersons: Clayton Harris, CAO; Senior Leadership Team

Resolution 2023 - 059

Moved by Councillor McDonald Seconded by Councillor Borneman

That Council approve the 2023 First Quarter progress report on the Town's Key Performance Objectives (KPOs) as set out in Schedule A

Carried

9.1.2 Appointment of Downtown Business Association Board Member

Spokesperson: Rebecca Johnson, Clerk

Resolution 2023 - 060

Moved by Councillor Borneman Seconded by Councillor McDonald

That upon the recommendation of the Parry Sound Downtown Business Association (DBA) Board, the Council of the Corporation of the Town of Parry Sound does hereby amend Resolution 2022 - 157, with the appointment of business owner Dave Williams of Oak Crest to the Parry Sound DBA Board of Directors for a term ending November 14, 2026, or until a successor is appointed.

Carried

9.1.3 Development Charges Update Report

Spokespersons: Clayton Harris, CAO, Stephanie Phillips, Director of Finance, Mike Kearns, Director of Public Works, Dave Thompson, Director of Development & Protective Services; also in attendance were Andrew Grunda of Watson & Associates Economists, and Bill Van Ryn of Tatham Engineering.

CAO Clayton Harris noted that this is an update report, and no direction is being sought. From the prepared report circulated with the agenda, Mr. Harris referred to the four main points identified at the March 7th, 2023 Council meeting and how they were being addressed, being opportunity for further public input, meeting with the development industry, concerns from the development industry that the rates were too high, and provision of rate options.

Following that, Mr. Harris reviewed the three options provided as identified in the report, being: 1) maintaining the DCs as presented on March 7; 2) reducing the DCs by removing certain projects; 3) reducing the DCs further by removing projects as identified in Option 2 and using a combined Fees & Services Charge for Water and Sewer, and DCs for any other projects kept in such as roads, recreation, etc. Referring to charges for a single family dwelling, Mr. Harris noted that the original Option 1 was \$45,000, Option 2 was lowered to \$31,000 and Option 3 lowered again to 22,000, the latter being lower than Huntsville, Gravenhurst, Bracebridge, and Orillia.

Mr. Harris noted that one of the priority projects is a \$7.2 m upgrade to pump station 2 which services the south side of the harbour including apartments being built on George St., with a force main to the Treatment Plant and that therefore there is an urgency to commit to spend these monies and deal with these projects now. Mr. Harris noted that there are plans to meet with the development industry to have further discussions, prior to the June 6th Council meeting.

Mr. Harris noted that when Seguin applied for its MZO, they indicated they would like to connect to Town water & sewer. He said that last year, the Town requested that Seguin

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provide a financial framework identifying how Seguin understood the arrangement to work; i.e. who owns the pipes when they cross from Parry Sound into Seguin, and what happens if the development does not proceed as quickly as anticipated resulting in insufficient revenue to cover the costs of expansion. Seguin's response was that it would not undertake a financial framework.

With respect to partnerships, Mr. Harris noted that the Town has more partnership agreements than any other municipality in West Parry Sound; and is open to partnerships, but that they must also work for the Town. He noted that the Town has projects that are ready to go and need certainty with respect to the revenue source. Once Seguin is further along in establishing DCs, Council can review and amend its DC By-law if so desired but projects happening now and in the near future need to be funded now.

Mr. Andrew Grunda of Watson and Associates Economists noted that DCs are a funding mechanism for capital related needs of development, not a mechanism to make money. If one is looking at pooling money across geographies, the way lower charges would be achieved in one jurisdiction is by offsetting them as higher costs in another, i.e. averaging them. With respect to servicing agreements, Mr. Grunda said that this was essentially a broader rate setting mechanism to provide services to the jurisdictions for fees, which under the Municipal Act, are set to recover costs, not make a profit.

In response to questions about the non-residential/commercial rate. Mr. Harris noted that Option 1 is at about \$28/sq ft, Option 2 is at about \$19/sq ft and Option 3 drops to \$8.85/sq ft. While this is still higher than what is charged in Muskoka, Mr. Harris said it is much closer and the only likely opportunity to reduce it further, would be for Council to simply decide a different rate. Mr. Grunda added that the background study done for the District of Muskoka in 2019 set the non-residential rate at \$20/sq ft, but the Council decided to reduce it to \$2/sq ft.

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With respect to multi-unit dwellings, Mr. Grunda noted that Option 2 at \$23,281 was just above Muskoka and comparable to Orillia and Severn; and Option 3 at \$16,378 is lower than municipalities in the District of Muskoka. Mr. Grunda confirmed in response to a query that the Town of Bracebridge does not charge for commercial or industrial development, but the upper tier District and Board of Education does.

Mayor McGarvey noted that the Parliamentary Assistant to the Minister of Infrastructure responded to the Town's funding request in a recent delegation meeting, that there was no money for infrastructure.

In response to a question on the risk to delaying a decision on DCs beyond June 6th, Mr. Harris noted that if implementation is delayed there may be developments that don't pay DCs, contributing towards inequity. In addition, that lack of payment takes away from the revenue needed to fund projects.

In response to an inquiry, Mr. Grunda noted that within the Development Charges Act, the first 50% of expansion of an existing industrial development is exempt from DCs.

With respect to a question on whether the growth forecast is realistic, Mr. Harris responded that there are many factors that can affect it and that Town management will try to the extent possible, to fund projects with cash in hand as opposed to financing through debentures, hoping that DC payments will come in. This requires ongoing monitoring of potential development projects, needed infrastructure to serve them and the monies collected to finance them. Mr. Harris noted that if there is a project that the municipality wasn't able to undertake, there is also provision within the DC legislation for developers to front end that work and then be repaid as growth and payments occur.

Director of Public Works Mike Kearns identified the top several projects requiring financing being pump stations #2; #8 at St. Charles crossing and #11; which serve respectively the Harbour; area around new school, Winnifred Street and Thunder Creek; and the south end of Town from Louisa Street to Oastler Park Drive. Mr. Kearns also noted that there is a minimum one year service standard from Ministry of Environment,

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Conservation and Parks to review a submission for environmental compliance approval on any water and wastewater projects.

Mr. Harris said that with 70% of the DCs going towards needed water and sewer infrastructure there are not a lot of options to reduce DCs. Most projects cut within Option 2 and 3 were from roads, and sidewalks. Mr. Harris also said that as much as DCs affect the cost of living, so do higher taxes, with landlords paying higher taxes potentially passing that increase on renters.

In response to questions as to the water and sewer capacity, Mr. Harris noted that through studies, it is known where the bottlenecks are and where there is inflow and infiltration. Rather than spending significant money on expanding the water and sewer plants, the strategy to meet capacity requirements for potential development within the Town borders is to find, fix and reduce inflow and infiltration.

Mr. Bill Van Ryn from Tatham Engineering also commented that the water plant has a little more spare capacity than the sewer plant and confirmed that reducing inflow and infiltration is the focus on meeting capacity requirements. Mr. Van Ryn said that inflow and infiltration is common in Northern Ontario because of how ground freezes, thaws and moves and bedrock doesn't causing cracks in pipes and joints. Mr. Van Ryn also noted that some of this has or is being fixed when road reconstruction happens such as the Waubeek St., Emily St., and planned Glen Ave. projects. Mr. Van Ryn said that the existing water and sewer plants have capacity to accommodate Town projects on the development horizon and through the life of the proposed DCs. Growth beyond the Town boundaries whether through annexation, amalgamation, etc. would require plant expansion.

Mayor McGarvey thanked all who contributed to the discussion and called the vote.

Resolution 2023 - 061

Moved by Councillor McDonald

Seconded by Councillor McCann

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That the Town of Parry Sound Council hereby receives the Development Charges update report dated May 2, 2023 for information purposes.

Carried

Guests Andrew Grunda and Bill Van Ryn left the meeting.

9.2 Finance and POA Court Services - N/A

9.3 Public Works - N/A

9.4 Development and Protective Services

9.4.1 DiSalvos' Application to Serve Alcohol on a temporary outdoor patio - 105 James

Spokesperson: Jeremy Rand, Manager of Planning,

Prior to voting on the Resolution, and in response to a question with concerns about slipperiness of the wood installation, Directors Thompson and Kearns reported that DiSalvos has advised that they're not utilizing the same type of structure as last time, but that the configuration is planned to be the same with the sidewalk detoured around the installation and the parking area. Mr. Kearns said that he was unaware of an issue with the previous installation, but that if there is any health and safety issue with the application, it will be addressed.

Resolution 2023 - 062

Moved by Councillor Keith Seconded by Councillor Ashford

WHEREAS the property owners at 105 James are submitting a temporary sidewalk patio application to the Downtown Business Association for the 2023 summer season;
AND WHEREAS the Alcohol and Gaming Commission of Ontario (AGCO) amended the provincial framework for temporary patios which comes into effect on January 1, 2023

and requires that municipal approval be obtained for licensees prior to selling or serving liquor on a temporary patio for up to eight months per calendar year;

NOW THEREFORE BE IT RESOLVED THAT the Council for the Town of Parry Sound supports the approval for a temporary patio at DiSalvos Restaurant located at 105 James Street for a period of up to 8 months expiring on January 1, 2024 in order to permit alcohol sales.

Carried

9.5. Other Business

9.5.1 Bail Reform

Spokesperson: Mayor McGarvey

Resolution 2023 - 063

Moved by Councillor Ashford

Seconded by Councillor Beleskey

That Council of the Corporation of the Town of Parry Sound hereby supports the following resolution as adopted by the Federation of Northern Ontario Municipalities (FONOM);

WHEREAS the cost of Policing and Emergency Services in Northern Communities is harming a community's ability to support local Social and Health issues; and

WHEREAS a small percentage of those affected by an Addiction in the communities of Northern Ontario are committing crimes; and

WHEREAS many of those committing crimes are not housed in the correctional system, therefore, remain in our communities, and often those that do require treatment for their addiction issue receive none; and

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WHEREAS some committing crimes become violent, but are released back into the community, due to the negative impacts Federal Bill C75; and

WHEREAS the Federation of Northern Ontario Municipalities (FONOM) believes that more must be done by the Federal Government on Bail Reform;

NOW THEREFORE BE IT RESOLVED THAT the Federation of Northern Ontario Municipalities (FONOM) requests the Federal Government make these Legislative changes:

1. Create a Designation of a chronic persistent offender.
2. Allow community impact statements at bail and at bail hearings.
3. Creating reverse onus in bail for all firearms offences.
4. All bail-related gun charges go to the superior court for bail release.

BE IT FURTHER RESOLVED THAT a copy of this resolution be sent to the Prime Minister, Federal Justice Minister, Premier of Ontario, The Attorney General, the Solicitor General, Minister of Infrastructure, Minister of Municipal Affairs and Housing, Northeastern MPs and MPPs, Leaders of the Opposition, the Association of Municipalities of Ontario, and the Federation of Northern Ontario Municipalities.

Carried

10. By-laws

10.1 CAO Office/Administration

10.2 Finance and POA Court Services

10.2.1 Striking Tax Rates for Fiscal Year 2023

Spokesperson: Rob Beaumont, Manager of Revenue and Taxation/Tax Collector

By-law 2023 - 7334

Read a First, Second and Third Time, Passed, Signed and Sealed.

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10.3 Public Works - N/A

10.4 Development and Protective Services

10.4.1 Lifting of one-foot reserve at 41a Isabella Street (Bowland)

Spokesperson: Jeremy Rand, Manager of Planning

By-law 2023 - 7335

Being a by-law to assume Block A, Plan M-338, Town of Parry Sound as a highway for public use.

Read a First, Second and Third Time, Passed, Signed and Sealed.

10.4.2 Subdivision Amending Agreement - W.E.H. Developments Limited (Thunder Creek)

Spokesperson: Jeremy Rand, Manager of Planning

By-Law 2023 - 7336

Being a By-law to authorize a Subdivision Amending Agreement with W.E.H. Developments Limited (Thunder Creek) to extend the expiration date by 3 years.

Read a First, Second and Third Time, Passed, Signed and Sealed.

10.5 Other Business

10.5.1 Confirming By-law

By-law 2023 - 7337

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

Read a First, Second and Third Time, Passed, Signed and Sealed.

11. Adjournment

Mayor McGarvey adjourned the meeting at 9:25 PM

Personal Information collected in Section 2. Public Meeting, Section 4. Correspondence and/or Section 5. Deputations is collected under the authority of the Municipal Freedom of Information and Protection of Privacy Act (MFIPPA), Section 21. (1) c and will be used to create a record available to the general public.

Mayor Jamie McGarvey

Clerk Rebecca Johnson