

The Corporation of The Town of Parry Sound

Council Meeting Minutes November 21, 2023

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## **Council Meeting Minutes - November 21, 2023**

7:00 PM, Parry Sound Council Chambers 52 Seguin St. Parry Sound, 6:40 PM, Closed

### **Members Present**

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

**Regrets:** 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 Parks & Recreation April McNamara, Allison Kreuger, Municipal Law Enforcement Officer

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## **Closed Meeting Resolution**

Prior to the Regular Meeting, Council will adjourn to a meeting closed to the public per the following resolution.

### **Resolution 2023 - 170**

**Moved by Councillor McCann**

**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:

n) educating or training council members and no member discusses or otherwise deals with any matter in a way that materially advances the business or decision-making of Council, **(Hate Symbols and Hate Speech)**.

**Carried**

## **1. Agenda and Minutes Review, Pecuniary Interest**

### **1.1 Land Acknowledgement**

### **1.2 Presentations/Announcements**

#### **1.2.1 Induction of Bill Connor into the National Marine Manufacturers Association Canada Hall of Fame**

Mayor McGarvey read from a prepared address as circulated with the agenda, congratulating Mr. Bill Connor on his induction into the National Marine Manufacturers Association Canada Hall of Fame.

### **1.3 Additions to Agenda**

Direction pursuant to item 4.1 regarding Township of Seguin's request for the Town's collaboration on a joint boundary road as item 9.5.4, and a Resolution pursuant to item

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4.2 regarding the West Parry Sound Economic Development Collaborative's request for approval to enter into a strategic planning process, as item 9.5.5 were added to the agenda.

**1.4 Prioritization of Agenda - N/A**

**1.5 Adoption of Agenda**

**Moved by Councillor Keith**

**Seconded by Councillor Beleskey**

That the Council agenda for November 21, 2023 be approved as amended.

**Carried**

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

**1.7 Adoption of Minutes**

**Moved by Councillor McCann**

**Seconded by Councillor Keith**

That the Minutes from the Regular Council meeting held November 7, 2023 and Special Meeting held November 14 be approved as circulated.

**Carried**

**2. Public Meeting**

**2.1 Legends Spirit Co. Rezoning App #Z23-05, 7 Great North Rd**

**Moved by Councillor Beleskey**

**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 (ZBA) under Section 34 of the Planning Act as amended.

Manager of Planning Jeremy Rand explained that the purpose of the application is to

permit additional uses on the subject lands and change the zoning of the property from the existing zone of Highway Commercial (C3) in part and Environmental Protection (EP) in part to Special Provision 26.138 (C3) in part, and Special Provision 26.139 (EP).

Special Provision 26.138 is proposed to include the following:

- That the existing setbacks shall be deemed to comply;
- That the existing lot coverage be deemed to comply;
- That a Distillery and Alcoholic Spirits Manufacturing Facility be a permitted use on the subject lands;
- That a Tasting Room, Guided Tours and Retail Liquor sales be permitted as Uses Accessory to a Distillery and Alcoholic Spirits Manufacturing Facility; and
- That all other Uses and Regulations of the Highway Commercial (C3) zone shall be applicable to the subject lands.

Special Provision 26.139 is proposed to include the following:

- That a 370.0 square metre outdoor patio connected to the main building be permitted;
- That a Site Plan Agreement be entered into with the Town of Parry Sound that implements the recommendations of the Environmental Impact Statement from RiverStone Environmental Solutions Inc. dated October 20, 2023; and
- That all other Uses and Regulation of the Environmental Protection (EP) zone shall be applicable to the subject lands.

Lauren Arsenault, Planner with Morgan Planning & Development and retained by the business owner Legend Spirits Company at 7 Great North Road, provided Council with a planning justification report from a prepared power point presentation. Ms. Arsenault identified the following as the purpose of the application:

- to rezone the subject property to recognize the existing non-conforming uses and allow for additional permitted accessory uses through site-specific exceptions;

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- to enable the establishment of a restaurant & outdoor patio spaces, accessory to the existing legal non-conforming distillery & alcoholic spirits manufacturing main use;
- to rezone the majority of the subject property to a site-specific Highway Commercial (C3-XX) Exception Zone
- to rezone a portion of the property to a site-specific Environmental Protection (EP-XX) Zone to incorporate the propose riverside patio. The site-specific exception zone will permit the use as well as a reduced front yard/ waterfront setback and increase to lot coverage to accommodate the proposed patio/deck.

Ms. Arsenault noted that RiverStone Environmental Solutions Inc. prepared an Environmental Impact Study (EIS) in support of the ZBA. The EIS reviewed the existing physical and ecological conditions of the subject property & assessed potential negative impacts to identified natural heritage features. The EIS took into consideration the proposed patio, with the possibility of a future expansion. The report supports the proposed revision of the zone boundaries to reduce the Environmentally Protected (EP) zoning where applicable, while maintaining the EP zoning along the undeveloped portion of the shoreline.

Ms. Arsenault noted that with respect to the Town's planning policy as contained within its Official Plan (OP), the subject lands are designated 'Highway/Service Commercial' by Land Use Plan, Schedule A of the Town's OP. This designation is most suited to service and tourist oriented commercial uses relying on vehicular traffic for most of their business – restaurants are a permitted use within the 'Highway/Service Commercial' designation, and existing uses are legal non-conforming – the proposed rezoning will more appropriately reflect the existing uses and allow for new uses and the expansion of the business, while meeting the spirit and intent of this Plan. Ms. Arsenault noted that Morgan Planning & Development is therefore of the opinion that the proposed Zoning By-law Amendment is consistent with the Town of Parry Sound's Official Plan.

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With respect to land use compatibility, Ms. Arsenault noted that the proposed ZBA is compatible with the surrounding community, the existing uses of the adjacent properties and the protection of the Seguin River based on the following reasons:

- Neighbouring property houses a brewery with a restaurant and riverside patio
- Only exterior structural change proposed is the addition of an outdoor patio (deck) which will be cantilevered onto the river
- Exterior of the existing structure has undergone significant renovation, and is aesthetically pleasing
- Proposed new uses will be serviced by the existing municipal water and sewer services
- Environmental Impact Study prepared by RiverStone Environmental Solutions Inc. concluded that the proposed application is consistent with the applicable policies with regard to the natural heritage features
- Appropriate parking is available through on-site and off-site parking (through lease agreement)
- Proposed restaurant and outdoor patio will contribute to and diversify the local tourism economy.

In conclusion, Ms. Arsenault expressed the opinion that the proposed ZBA application is consistent with the goals, objectives, and policies of the Provincial Policy Statement (2020), Growth Plan for Northern Ontario (2011) and the Town of Parry Sound Official Plan (Consolidated April 2014). An Environmental Impact Study was prepared in support of the application –it is anticipated that as a condition of approval of this application the recommendations of the EIS will be implemented. The proposed restaurant and outdoor patio will contribute to and diversify the local economy. Ms. Arsenault said that to this end, MP&D is of the opinion that the application represents good land use planning and requested that the application be approved by Council.

No one spoke in opposition to the proposed rezoning.

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Mr. Rand noted that comments were received from Mr. Chris Pettinger of Trestle Brewing Company Ltd, summarized per the following:

- We have significant concerns about the regulations pertaining to the development and the intensification of use in our neighbourhood without the resources or thoughtful and purposeful planning required to address these matters.
- The Report from Morgan Planning and Development excludes actual local knowledge of how our community works and doesn't work in regard to parking.
- We question the validity of Parking Agreements as a tool in this case. The agreement timeline is too short to create the required stability. We would suggest that a longer-term agreement of a minimum of 5 years.
- We would be supportive of the Town performing its core responsibility in regard to planning and developing a draft plan for public parking that addresses the intensification of use in the area.
- The reduction of parking required for businesses in the DBA is antiquated and fundamentally not a win or positive for businesses other than assisting in meeting the minimum mandated requirements to skirt other antiquated or flawed legislation. If you want more customers, more transactions and dollars spent in the community – build more parking spaces.
- We believe that the businesses in downtown Parry Sound have earned the right to have their position on purposeful economic development heard, and actioned, on what matters and will make a difference to them for the future.

Mr. Rand indicated that no other concerns have been received by internal or external agencies circulated on the application.

**Moved by Councillor Keith**

**Seconded by Councillor McCann**

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

**Carried**



### **3. Questions of Staff**

**3.1** In response to Councillor Keith's inquiry regarding winter maintenance readiness, Director of Public Works Mike Kearns reported that Public Works is prepared.

### **4. Correspondence**

**4.1** Seguin Township re: Creation of a joint boundary road; See item 9.5.4

**4.2** WPS Economic Development Collaborative re: requesting support for implementation of a Strategic Planning process; See item 9.5.5

### **5. Deputations**

#### **5.1 Nadine Hammond, WPS District Museum 2024 Funding**

Nadine Hammond, Curator/Manager of the West Parry Sound District Museum addressed Council from a prepared power point presentation circulated with the agenda. Ms. Hammond gave an overview of last year's events and achievements and concluded with a request from the Town of Parry Sound for \$45,000, based on a calculation of .4% of property taxes, this formula being used in requests of each area municipality.

In response to Councillor Keith's inquiry regarding number of visitors, Ms. Hammond noted that she did not have exact numbers per exhibition, but that the Indigenous Ingenuity exhibit drew the most interest with other exhibits strong at initial showing with decreasing interest as the exhibit is up for an extended period of time.

### **6. Mayor & Councillors' Reports**

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

## **7. Ratification of Matters From Closed Agenda**

### **7.1 Indemnification Agreement - WPS Rec. & Cultural Ctr. Brd.**

Spokesperson: Clayton Harris, CAO

#### **By-law 2023 - 7379**

Being a By-law to authorize the ratification of execution of an Indemnification Agreement with the WPS Recreation & Cultural Centre Board for site access.

**Read a First, Second and Third time, Passed, Signed & Sealed**

## **8. Consent Agenda - N/A**

## **9. Resolutions and Direction To Staff**

### **9.1.1 Hockey Day in Parry Sound Letter of Support**

Spokesperson: April McNamara, Manager of Parks & Recreation

#### **Resolution 2023 - 171**

**Moved by Councillor Keith**

**Seconded by Councillor Beleskey**

That Council of the Corporation of the Town of Parry Sound provide the Rotary Club of Parry Sound and Downtown Parry Sound Business Association a letter of support, to accompany a grant application, attached as Schedule A.

**Carried**

Manager of Parks & Recreation April McNamara left the meeting at 7:55 PM

### **9.2.1 Consent Application (B23-04) - 26 Bay Street (Laver)**

Spokesperson: Jeremy Rand, Manager of Planning

**Resolution 2023 - 172**

**Moved by Councillor Beleskey                      Seconded by Councillor Ashford**

Council hereby approves Consent Application B23-04 at 24 Bay Street in order to facilitate a lot addition in favour of the adjacent parcel to the north of the subject lands subject to the conditions outlined in Schedule A.

**Carried**

**9.2.2 Parking on Boulevards**

Spokesperson: Allison Kreuger, Municipal Law Enforcement Officer

**Resolution 2023 - 173**

**Moved by Councillor Ashford                      Seconded by Councillor Beleskey**

That the Staff Report *Parking on Boulevards* be received; and

That the current Parking By-law prohibiting parking on boulevards remain in effect.

**Carried**

Municipal Law Enforcement Officer Allison Kreuger left the meeting at 8:03 PM

**9.5.1 Response to McKellar request to exit WPS Recreation & Cultural Ctr. Brd.**

Spokesperson: Mayor McGarvey

**Resolution 2023 - 174**

**Moved by Councillor Beleskey                      Seconded by Councillor Ashford**

Whereas the Council for the Township of McKellar entered into the 'West Parry Sound Recreation and Cultural Centre Joint Municipal Service Board Agreement' ("Agreement"), attached as Schedule A, together with five other municipalities on September 10, 2021; and

WHEREAS Council for the Town of Parry Sound recognizes the benefits that the West Parry Sound Recreation and Cultural Centre will bring to the West Parry Sound area;  
and

WHEREAS Council for the Town of Parry Sound recognizes the importance of collaborating with all the area municipalities; and

WHEREAS Council for the Town of Parry Sound has been, and remains, fully committed to this project; and

WHEREAS the Town of Parry Sound is a significant contributor to this initiative; and

WHEREAS participating municipalities to the Agreement are subsidizing the Township of McKellar's discounted funding commitment; and

WHEREAS Council of the Township of McKellar has passed a resolution seeking release from the West Parry Sound Recreation and Cultural Centre Board and its Agreement, in accordance with Section No. 23 of the Agreement.

NOW THEREFORE BE IT RESOLVED that the Council of the Corporation of the Town of Parry Sound does not support McKellar's withdrawal from the West Parry Sound Recreation and Cultural Centre Board and the Agreement.

FURTHER BE IT RESOLVED that this resolution be sent to all West Parry Sound municipalities.

**Carried**

### **9.5.2 Safeguarding Rural Education**

Spokesperson: Mayor McGarvey

**Resolution 2023 - 175**

**Moved by Councillor Ashford**

**Seconded by Councillor Beleskey**

That Council of the Corporation of the Town of Parry Sound hereby supports attached Motion 2023-10-05 passed on October 10, 2023 by the Near North District School Board which strongly implores the Ministry of Education not to exercise their authority granted by Bill 98 for the closure of rural elementary schools, and

That a study be undertaken to determine which of two rural elementary schools, being either McDougall Public School or Nobel Public School, is the most appropriate to stay open in the West Parry Sound District to serve the area's growing population and alleviate the need to add to the current JK-Grade 12 mega-school construction project; and

That this resolution be forwarded to the Ontario Public School Boards' Association, the Honourable Stephen Lecce Minister of Education, MPP Graydon Smith and West Parry Sound District Municipalities.

**Carried**

### **9.5.3 Fire Risk posed by CP Rails Practice of Piling Railway Ties**

Spokesperson: Mayor McGarvey

#### **Resolution 2023 - 176**

**Moved by Councillor Borneman**

**Seconded by Councillor McCann**

That Council of the Corporation of the Town of Parry Sound hereby supports attached Resolution 23-171 of the Township of the Archipelago which calls for the following:

1. That the Minister of Transport enact regulations mandating CP Rail cease the practice of piling up railway ties in a manner that poses a fire risk to Canadian municipalities and their residents;
2. That CP Rail remove all stacked railway ties along their lines; and
3. That Transport Canada work collaboratively with CP Rail to establish alternative, secure and environmentally responsible methods for the disposal and storage of railway ties.

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The following amendment was moved:

**Moved by Councillor McCann**

**Seconded by Councillor Ashford**

That "brush" be included in each of the three numbered clauses, as in:

"...cease the practice of piling up railway ties and brush...", "...stacked railway ties and brush...", and "...storage of railway ties and brush."

**Amendment Carried**

The amended resolution was voted on.

**Carried as amended**

#### **9.5.4 Seguin Township re: Creation of a Joint Boundary Road**

Prior to voting on the prepared direction, Council discussed potential benefits, questions and concerns of Seguin Township's proposed joint boundary road, including concerns that there is no information about the proposed development, questions as to whether traffic impact and environmental studies have been completed and liability, and potential benefits of reducing traffic on Bowes Street and accessing back properties from a newly developed road.

**Direction for Staff Follow-up**

**Moved by Councillor Keith**

**Seconded by Councillor Beleskey**

That staff be directed to bring back a report to Council commenting on the Township of Seguin's request in their letter of November 9, 2023 to create a joint boundary road.

**Carried**

#### **9.5.5 WPS Economic Development Collaborative Strategic Plan**

Spokesperson: Clayton Harris, CAO

**Resolution 2023 - 177**

**Moved by Councillor Borneman**

**Seconded by Councillor McCann**

WHEREAS the Town of Parry Sound has an Economic Development Officer (EDO) and administrative assistant responsible for leading, coordinating and developing activities and initiatives that will attract investment, business opportunities and tourism development to the Town of Parry Sound, including the Parry Sound Area Industrial Park and the Parry Sound Area Municipal Airport, and to develop and lead a business retention and expansion program that will increase employment and business growth; and

WHEREAS the other six municipalities within West Parry Sound do not individually employ an EDO, but rather joined in 2017 with the Town of Parry Sound in establishing the West Parry Sound Economic Development Collaborative (the Collaborative) to drive collaborative economic development in the area; and

WHEREAS since its inception, the Collaborative has been fortunate to have been predominately funded through FedNor's Community Investment Initiative for Northern Ontario (CIINO) program;

WHEREAS the funding extended to the Collaborative came to an end in November 2023; and

WHEREAS the seven West Parry Sound municipalities must now look at ways to grow and become sustainable using a self-funded model; and

WHEREAS it is understood that having all seven municipalities working together is best for the entire area; and

WHEREAS it would be detrimental to the area if this collaborate approach ceased to exist; and

WHEREAS there is a strong need for this type of area collaborative to assist with business attraction and retention, sustainable employment with the attraction of high-skilled labour and environmentally friendly business development; and

WHEREAS the Collaborative has indicated that there are sufficient funds in an amount of approximately \$19,000 available to undertake a Strategic Plan process to determine a long-term vision,

NOW THEREFORE BE IT RESOLVED that Council for the Town of Parry Sound hereby supports the continuation of a collaborative approach to economic development in the West Parry Sound area, and the implementation of a Strategic Planning process to establish a long-term vision for the provision of efficient and effective economic development services, recognizing the Town has an Economic Development office.

**Carried**

## **10. By-laws**

### **10.5.1 Confirming By-law**

#### **By-law 2023 - 7380**

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

**Read a First, Second and Third time, Passed, Signed & Sealed**

## **11. Adjournment**

Mayor McGarvey adjourned the meeting at 8:45 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.

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Mayor Jamie McGarvey

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Clerk Rebecca Johnson