

June 15, 2022 1:00 pm

The meeting of the Council of the Corporation of the Municipality of Magnetawan was held at the Magnetawan Community Centre on Wednesday June 15, 2022 with the following present:

Mayor Sam Dunnett
Deputy Mayor Tim Brunton
Councillor Brad Kneller
Councillor Wayne Smith

Regrets:

Councillor John Hetherington

Staff: Deputy Clerk Planning and Development Nicole Gourlay and Deputy Clerk Recreation and Communications Laura Brandt were present for the entire meeting. Public Works Superintendent Scott Edwards was present for his respective section in the meeting.

OPENING BUSINESS

1.1 Call to Order

The meeting was called to order at 1:00 p.m.

1.2 Adoption of the Agenda

RESOLUTION 2022-137 Brunton-Smith

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan adopts the agenda and moves item 2.1 to before the Planning Meeting.

Carried.

1.3 Disclosure of Pecuniary Interest

Mayor Sam Dunnett stated that should anyone have a disclosure of pecuniary interest that they could declare the nature thereof now or at any time during the meeting.

1.4 Adoption of the Previous Minutes

RESOLUTION 2022-138 Smith-Brunton

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan adopts the minutes of the meeting on May 18, 2022 at 1:00 pm as copied and circulated.

Carried.

PRESENTATION

SUPER SENIOR 2022 & Ontario Senior of the Year Award – Marilyn Raaflaub

2.1 Correspondence from Bill and Mary Bishop Annual Sweeping of the Roads RESOLUTION 2022-139 Brunton-Smith

WHEREAS the Council of the Municipality of Magnetawan receives Bill & Mary Bishop's correspondence Annual Sweeping of Roads;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Municipality of Magnetawan directs to include the expansion of rural sweeping in the DRAFT 2023 Budget for Council consideration.

Carried.

PLANNING MEETING

Zoning By-law Amendment Application 154 & 156 North Sparks Street – James *RESOLUTION 2022-140 Kneller-Brunton*

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan recesses the regular meeting to hold a public meeting pursuant to Sections 34 of the Planning Act to consider a Zoning By-law Amendment Application:

PLAN 319 PT LOT 11 W/S N SPARKS ST AND RP 42R3764 PART 1 AND PLAN 319 PT LOT 11 AND 12 W/S N SPARKS ST RP 42R9635 PART 1, formally the Village of Magnetawan, now municipally known as 154 & 156 North Sparks Street. Magnetawan (Roll: and 4944 020 00106300 AND 4944 020 00106400).

The purpose of the proposed Zoning By-law Amendment is to rezone the subject property from Village Commercial (CV) Zone to the Village Commercial Exception (CV-XX) Zone. The subject lands are being rezoned to allow outdoor storage prior to a primary use/or building being established.

Carried.

RESOLUTION 2022-141 Brunton-Smith

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan adjourns the Planning Act Public Meeting and returns to the regular meeting.

Carried.

RESOLUTION 2022-142 Kneller-Brunton

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan receives the report from Jamie Robinson, Planner MHBC, and supports the application for Zoning By-law Amendment for (James) PLAN 319 PT LOT 11 W/S N SPARKS ST AND RP 42R3764 PART 1 AND PLAN 319 PT LOT 11 AND 12 W/S N SPARKS ST RP 42R9635 PART 1, formally the Village of Magnetawan, now municipally known as 154 & 156 North Sparks Street. Magnetawan (Roll 4944 020 00106300 AND 4944 020 00106400). The By-law on this matter will be passed later in the meeting. Defeated.

PUBLIC MEETING

Stop Up Close and Sell Road Allowance – Between Township of Spence & Croft Being Parts 3 & 4 Plan 42R-21861 – Heran

RESOLUTION 2022-143 Brunton-Smith

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan, after holding its public meeting regarding the 'Stop Up, Close and Sell Road Allowance – Heran', agrees to pass the by-law later in the meeting with the understanding that the road allowance lands are merged on title at the time of transfer with the purchaser's lot abutting the road allowance, which was specified in the application and in the letter from the Municipal Solicitor.

Carried.

STAFF REPORTS, MOTIONS AND DISCUSSION

2.2 Report from Public Works Superintendent – Award of Tender 2022-04 Gravel (A+B)

RESOLUTION 2022-144 Brunton-Kneller

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan receives and approves the Report from Public Works Superintendent Scott Edwards and directs Staff to award the Gravel Tender 2022-04 (A+B) to Fowler Construction Company Ltd. in the amount of \$293,614.84 plus HST.

Carried.

2.3 Stop Up Close and Sell Road Allowance Purchase Request – Between Croft Plan 110 S PT Lot 13 S PT Lot 14 N/S Ahmic St and Plan 110 PT Lot 1 N Ahmic St – Sue Jennings

RESOLUTION 2022-145 Smith-Brunton

WHEREAS the Municipality of Magnetawan has received an application from Susan Jennings (Agent) for the purchase of Original Road Allowance between CROFT Plan 110 S PT LOT 13 S PT LOT 14 N/S AHMIC ST and PLAN 110 PT LOT 1 N AHMIC ST (HEWSON) which are both owned by the same owners;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Municipality of Magnetawan approves in principle the sale of:

- 1. Original Road Allowance with the following provisions:
 - Any other adjacent landowner shall be invited to participate in the purchase of that part of the specified road allowance which borders their lands;
 - The price be set by an appraised value set by a professional appraiser;
 - All costs for the purchase to be borne by the applicant
 - The road allowance be merged with the existing properties

Deferred.

Direction was given to Staff to see if the applicant is interested in an exchange of lots.

2.4 DRAFT Site Plan Agreement – Concession 1, Part Lot 10, PCL 3508 S/S - Bechtel RESOLUTION 2022-146 Brunton-Smith

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan approves the DRAFT Site Plan Agreement — Concession 1, Part Lot 10, PCL 3508 S/S - Bechtel, and the by-law on this matter will be passed later on in the meeting.

Carried.

2.5 Consent Application – CON B PT LOT 85 – 788 Nipissing Road South - Kadas RESOLUTION 2022-147 Smith-Brunton

WHEREAS the Municipality of Magnetawan has received a request to support an application for consent for a lot addition located at 788 Nipissing Road South (Kadas – Roll # 4944 010 003 05900). The property is legally described as CON B PT LOT 85 in the Municipality of Magnetawan, hereinafter referred to as "the Lands";

AND WHEREAS the Municipal planning consultant has provided a report in support of the application with conditions;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Municipality of Magnetawan supports in principle the consent application for the Lands, which is valid only for a period of six (6) months, subject to the following conditions:

- Draft copy of the deeds (with all schedules) to be approved by the Municipality prior to registration;
- A copy of the original executed transfer (deed) with all schedules be provided to the Municipality;
- Draft Reference Plan to be approved by the Municipality prior to registration.
- Two (2) true certified paper copies of the registered plan and an electronic version with a certification that it is a true copy be provided to the Municipality;
- Payment of all taxes, municipal, legal and planning fees associated with the processing of this application including fees under By-law 2011-11, 2011-16 and current Municipal Fees & Charges By-law including a parkland dedication fee;
- That the severed lands with an area of approximately 0.09 hectares be merged in title with the abutting property to the south, Municipality known as 80 Oak Lake and described as Con B PT Lot 85 Plan PSR-1959 Part 13 Plan PSR-2008 Part 13 PCL 15053 S/S Ahmic Lake and that the provisions of Section 50(3) and 50(5) of the Planning Act apply to any subsequent conveyance of, or other transaction involving, the identical subject parcel of land;
- A Solicitor's written undertaking shall be provided to the Municipality indicating that the necessary steps will be taken to: 1) implement the conveyance and merger; 2) consolidate the severed and benefitting parcels to one Property Identification Number; and 3) alter the benefitting parcel;

2.6 Consent Application - CON 8 PT Lot 27 - 3737 Highway 124 - Zubatiuk/Seaman

RESOLUTION 2022-148 Brunton-Smith

WHEREAS the Municipality of Magnetawan has received a request to support an application for consent for creation of a new lot located at 3737 Highway 124, Magnetawan (Zubatiuk/Seaman). The property is legally described as CON 8, PT LOT 27 Former Township of Chapman now in the Municipality of Magnetawan, hereinafter referred to as "the Lands";

AND WHEREAS the Municipal planning consultant has provided a report in support of the application with conditions;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Municipality of Magnetawan supports in principle the consent application for the Lands, subject to the following conditions:

- Draft copy of the deeds (with all schedules) to be approved by the Municipality prior to registration;
- A copy of the original executed transfer (deed) with all schedules be provided to the Municipality;
- Draft Reference Plan to be approved by the Municipality prior to registration.
- Two (2) true certified paper copies of the registered plan and an electronic version with a certification that it is a true copy be provided to the Municipality;
- Payment of all taxes, municipal, legal and planning fees associated with the processing of this application including fees under By-law 2011-11, 2011-16 and current Municipal Fees & Charges By-law including a parkland dedication fee;
- The applicant undertake and submit, to the satisfaction of the Municipality of Magnetawan, an Environmental Impact Statement which evaluates any and all potential impacts from the proposed severance to any present or adjacent key natural heritage or hydrologic features;
- That the mitigation measures and recommendations contained in the Environmental Impact Statement and the MDS be implemented through Site Plan Approval with the Municipality of Magnetawan;
- Confirmation from the North Bay Mattawa Conservation Authority (NBMCA) that the proposed Retained Lot can be adequately serviced by individual on-site septic systems and individual on-site water systems;
- Completion of a Minimum Distance Separation I (MDS I) Calculation, to the satisfaction of the Municipality, for active livestock barns located within 750 1,500 metres of the proposed Severed and Retained Lots.

Carried.

2.7 Report from Deputy Clerk Nicole Gourlay – Bill 109 The More Homes For Everyone Act 2022

RESOLUTION 2022-149 Brunton-Smith

WHEREAS the Council of the Municipality of Magnetawan receives the report from Deputy Clerk Planning & Development Nicole Gourlay – Bill 109 Legislation and Planning Act Changes and another motion will be passed later on in the meeting with comments to the Province;

NOW THEREFORE BE IT RESOLVED THAT directs Staff to prepare a by-law to delegate Staff as the Site Plan Approval Officer to be passed at the next meeting of Council;

AND FURTHER THAT Council accepts the recommendations as outlined in the conclusion where Staff recommend the implementation of a required pre-consultation for all Planning Act applications and directs the Deputy Clerk to bring back a report on Planning application fees for 2023.

Carried.

RESOLUTION 2022-150 Brunton-Kneller

WHEREAS Bill 109 was posted on the Environmental Registry on March 30, 2022, with a thirty (30) day consultation period, ending on April 29, 2022;

AND WHEREAS Bill 109 received royal ascent on April 14, 2022, being the Thursday before a holiday long weekend;

AND WHEREAS it is not understood why the Province elected to move forward with the approval of Bill 109 prior to the receipt and consideration of all comments;

AND WHEREAS Staff were not able to engage in the Public Consultation process for the Bill or have guidance from Municipal Planning Consultants to deliver public input;

AND WHEREAS Council has concerns with the early approval and lack of opportunity to submit meaningful comments to the Province on this matter;

NOW THEREFORE BE IT RESOLVED THAT the Council for the Corporation of the Municipality of Magnetawan request the Province to take no further actions with respect to Bill 109 until:

That the Province make the commitment to review all comments received; and That the Province conduct an open and comprehensive consultation with all interested parties to this Bill, especially with Municipalities that will be a significant partner in implementing Bill 109.

AND FURTHER THAT following the consultation process noted above, that the "revised" Bill 109 be released for comment for a period of a minimum of sixty (60) days".

Carried.

2.8 **DRAFT Motion Municipal Act, 2021 Ontario Regulation 284/09, 2022 Budget** *RESOLUTION 2022-151 Smith-Brunton*

WHEREAS generally accepted accounting principles for local governments established by the Public Sector Accounting Board (PSAB) of the Chartered Professional Accountants of Canada require municipalities to capitalize and amortize tangible capital assets to accrue liabilities related to post-employment and sold waste landfill closure and post-closure expense;

AND WHEREAS Ontario Regulation 284/09 states that a municipality may exclude these expenses from budgeted amounts for which revenue must be raised;

AND WHEREAS if excluded, Ontario Regulation 284/09 requires Council to adopt a report that shows the impact of fully covering these expenses;

NOW THEREFORE, BE IT RESOLVED THAT the Council of the Municipality of Magnetawan approves and adopts the report entitled "Municipal Act, 2001 Ontario Regulation 284/09, 2022 Budget" as presented.

Carried.

Direction was given to Staff to ensure that the increases and decreases were investigated in relation to depreciation and to have Baker Tilley ensure that these figures were correct and to bring back a presentation to Council after the Municipal Election.

2.9 Verbal Update Community Food Pantry

Councillor Kneller stated that it was his understanding that the pantry is painted and ready to be installed and that the churches preferred it to be placed at the community garden in time for the ribbon cutting ceremony. There will be collection hampers set up at various places within the Municipality. The Lutheran Church received a grant to help with the cost of this project and they are considering constructing a second pantry for Ahmic Harbour.

2.10 DRAFT Motion Emily Ross Langford Award Donation

RESOLUTION 2022-152 Brunton-Smith

WHEREAS the Council of the Municipality of Magnetawan is supportive of our community schools and students and congratulates all our graduates;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Municipality of Magnetawan authorizes a donation in the amount of \$100.00 for Magnetawan Central Public School Emily Ross Langford Award.

Carried.

2.11 DRAFT Motion Whitestone Nursing Station Expansion Donation

RESOLUTION 2022-153 Smith-Brunton

WHEREAS the Council of the Municipality of Magnetawan support the hard work the Whitestone Nursing Station Community Advisory Committee has done to establish and provide access to health care for residents and cottagers in the area with the proposed expansion;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Municipality of Magnetawan authorizes a donation in the amount of \$5,000 towards the proposed expansion.

Carried.

2.12 Correspondence from Barb Stewart, Magnetawan Horticultural Society Invitation to Official Opening of Community Garden

RESOLUTION 2022-154 Kneller-Brunton

NOW THEREFORE BE IT RESOLVED THAT the Council of the Municipality of Magnetawan receives the correspondence from Barb Stewart, Magnetawan Horticultural Society Invitation to Official Opening of Community Garden to help celebrate National Gardening Day:

And the following members will be attending: Mayor Sam Dunnett and Councillor Wayne Smith.

Carried.

2.13 Correspondence from Nancy Woodruff, Rental Request Gazebo at Centennial Park RESOLUTION 2022-155 Brunton-Smith

WHEREAS the Council of the Municipality of Magnetawan receives the correspondence from Nancy Woodruff, Gazebo at Centennial Park;

NOW THEREFORE BE IT RESOLVED that the Council of the Municipality of Magnetawan approves the use of the Centennial Park Gazebo on Saturday August 27th from 12:00pm to 5:00pm;

AND FURTHER, directs Staff to update the Community Rentals Policy to include the use of the Gazebo.

2.14 DRAFT Motion Almaguin Community Hatchery Program Request for Donation for Insurance

RESOLUTION 2022-156 Smith-Brunton

WHEREAS the Council of the Municipality of Magnetawan is appreciative of the important work that the Almaguin Community Hatchery Program has done and continues to do within the Municipality;

NOW THEREFORE BE IT RESOLVED THAT the Council of the Municipality of Magnetawan authorizes a donation in the amount of \$911.80 for the payment of insurance for the Hatchery Trailer.

Carried.

2.15 DRAFT By-law Appoint Acting Deputy Clerk Erica Kellogg

RESOLUTION 2022-157 Brunton-Smith

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan approves the DRAFT Appoint Acting Deputy Clerk Erica Kellogg, and the by-law on this matter will be passed later on in the meeting.

Carried.

2.16 Report from Deputy Clerk Laura Brandt – Ahmic Community Centre Siding RESOLUTION 2022-158 Brunton-Smith

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan receives and approves as presented the Committee Report from Deputy Clerk Laura Brandt, Ahmic Harbour Siding:

AND FURTHER directs Staff to distribute a Call for Public Art submissions in 2023 for a mural to be placed on the exterior of the Ahmic Community Centre and Magnetawan Fire Station #2 instead of siding.

Carried.

2.17 Report from Deputy Clerk Laura Brandt – Outcome of Public Call for Art Submission RESOLUTION 2022-159 Smith-Brunton

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan receives and approves as presented the Report from Deputy Clerk Laura Brandt Outcome Public Call for Art Submissions Destination Mural and awards the project to Kristyn Watterworth in the amount of \$5,000 plus HST.

Carried.

2.18 Report from Deputy Clerk Laura Brandt – Magnetawan Centre Board Discussion Rail Fencing at the Community Centre/Municipal Office Grounds

RESOLUTION 2022-160 Brunton-Kneller

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan receives and approves as presented the Committee Report from Deputy Clerk Laura Brandt, Magnetawan Community Centre Board Discussion Rail Fencing at the Community Centre/Municipal Office Grounds and directs Staff to forgo replacing any fencing removed from the Community Centre/Municipal Office Grounds.

2.19 Correspondence North Bay Nipissing Parry Sound District Health Unit Lake Harmful Algal Blooms (HABS)

RESOLUTION 2022-161 Brunton-Smith

NOW THEREFORE BE IT RESOLVED THAT the Council of the Municipality of Magnetawan receives the correspondence North Bay Nipissing Parry Sound District Health Unit Lake Harmful Algal Blooms (HABS).

Carried.

MUNICIPAL BOARDS AND COMMITTEE MINUTES

- 3.1 Municipal Partners POA Advisory Committee Meeting Minutes November 25, 2021, 2022 POA Municipal Partners Distribution, 2022 POA Summary of Operations, and Court Manger's Report
- 3.2 Almaguin Community Economic Development (ACED) Minutes April 25, 2022, Partner Services Guide, Regional Results Highlights 2019-2021, COVID-19 Response Activities Highlights, Staycation Experiences Summary, Funding Options, 2023 and 2024 Projected Budgets
- 3.3 District of Parry Sound Social Services Administrative Board Chief Administrative Officer's Report May 2022
- 3.4 Magnetawan Community Centre Board (MCCB) Minutes June 1, 2022
- 3.5 Almaguin Highlands Health Council (AHHC) Minutes June 3, 2022

RESOLUTION 2022-162 Brunton-Smith

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan receives the Municipal Boards and Committee Minutes as copied and circulated.

Carried.

CORRESPONDENCE

- 4.1 Lake of Bays Muskoka Floating Accommodations
- 4.2 Town of Aurora Private Member's Bill C-233 "Keira's Law"
- 4.3 The District of Muskoka Annual Emergency Exercise Exemption
- 4.4 OPP MPB Financial Services Unit (OPP) January to March 2022 Detachment Revenues
- 4.5 Community Schools Alliance Annual General Meeting and Executive Committee,
 Three Point Action Plan in Support of Rural and Northern Education Background
- 4.6 RFP 2022-06 Request for Proposal Winter Sand
- 4.7 Call for Canada Day Floats Poster
- 4.8 ParticipACTION Community Better Challenge Posters
- 4.9 Music in the Park Poster
- 4.10 Art in the Park Poster
- 4.11 Archery Night Poster
- 4.12 Locks Poster
- 4.13 ICYMI Council Highlights May 18, 2022

RESOLUTION 2022-163 Smith-Brunton

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan receives the correspondence items as copied and circulated.

Carried.

RESOLUTION 2022-164 Brunton-Smith

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan endorses and supports item 4.1 Lake of Bays Muskoka Floating Accommodations.

Carried.

RESOLUTION 2022-165 Brunton-Kneller

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan endorses and supports item 4.2 Town of Aurora Private Member's Bill C-233 "Keira's Law" Carried.

RESOLUTION 2022-166 Smith-Brunton

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan endorses and supports item 4.3 The District of Muskoka Annual Emergency Exercise Exemption. Carried.

ACCOUNTS

5.1 Accounts in the amount of \$761,175.50

RESOLUTION 2022-167 Kneller-Smith

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan approves the accounts in the amount of \$761,175.50 as presented.

Carried.

BY-LAWS

- 6.1 Zoning By-law Amendment 154 & 156 North Sparks Street James
- 6.2 Stop Up Close and Sell Road Allowance Between Township of Spence & Croft being Parts 3 & 4, Plan 42R-21851-Heran
- 6.3 Site Plan Agreement Concession 1, Part Lot 10, PCL 3508 S/S Bechtel
- 6.4 Appoint Acting Deputy Clerk Erica Kellogg

RESOLUTION 2022-168 Brunton-Smith

BE IT RESOLVED THAT by the Council of the Municipality of Magnetawan that the following by-laws are now read a first, second and a third time, passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation, and engrossed in the by-law book:

- 6.2 Stop Up Close and Sell Road Allowance Between Township of Spence & Croft being Parts 3 & 4, Plan 42R-21851-Heran
- 6.3 Site Plan Agreement Concession 1, Part Lot 10, PCL 3508 S/S Bechtel
- 6.4 Appoint Acting Deputy Clerk Erica Kellogg

CLOSED SESSION

In accordance with Section 239(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, Council shall proceed into Closed Session in order to address matters pertaining to:

(c) acquisition or disposition of land

(e) litigation or potential litigation

RESOLUTION 2022-169 Brunton-Smith

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan moves to a closed session at 3:20 pm pursuant to Section 239(2) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, Council shall proceed into Closed Session in order to address matters pertaining to:

(c) acquisition or disposition of land

(e) litigation or potential litigation

Carried.

RESOLUTION 2022-170 Smith-Kneller

BE IT RESOLVED THAT the Council of the Municipality of Magnetawan returns to open session at 3:50 pm.

Carried.

CONFIRMING BY-LAW AND ADJOURNMENT

Confirm the Proceedings of Council and Adjourn

RESOLUTION 2022-171 Brunton-Smith

BE IT RESOLVED by the Council of the Municipality of Magnetawan that the Confirming By-law is now read a first, second and a third time, passed, signed by the Mayor and the Clerk, sealed with the seal of the Corporation and engrossed in the by-law book; AND FURTHER THAT, this meeting is now adjourned at 4:00 pm to meet again on Wednesday, July 6, 2022 at 1:00 am or at the call of the Chair. Carried.

Approved by:

Mayor