

Corporation of the Township of Selwyn

**Regular Council Meeting
Tuesday, October 22nd, 2024**

Council Chambers, 1310 Centre Line

A regular meeting of the Council of the Township of Selwyn was held on Tuesday, October 22nd, 2024 at the Council Chambers, 1310 Centre Line.

Present: Mayor Sherry Senis
Deputy Mayor Ron Black
Councillor John Boyko
Councillor Mary Coulas
Councillor Brian Henry

Staff Present: Janice Lavalley, CAO
Angela Chittick, Manager of Community & Corporate Services /Clerk
R. Lane Vance, Manager of Financial Services
Robert Kelly, Manager of Building and Planning
Adam Tobin, Manager of Public Works
Mike Richardson, Manager of Recreation Services
Per Lundberg, Planner
Kim Berry, HR Coordinator
Sarah Hennessey, Chief Librarian/CEO
Tania Goncalves, Deputy Clerk

The Council meeting commenced at 1:00 PM with Mayor Senis in the Chair.

Declaration of Pecuniary Interest

None.

Minutes

Resolution No. 2024 – 172 – Minutes

Councillor John Boyko – Councillor Brian Henry –

That the minutes of the Regular Council meeting held on October 8, 2024 be adopted.

Carried.

Deputations and/or Invited Persons and/or Public Meeting

Anand Desai from Monteith Brown made a presentation to Council to provide an overview on the project timeline and the public consultation efforts for the draft Strategic Plan and the draft Recreation Services Plan. Mr. Desai provided a more detailed overview of the draft Recreation Services Plan highlighting preliminary actions and next steps.

Resolution No. 2024 – 173 – Draft Recreation Services Plan

Councillor Mary Coulas – Councillor John Boyko

That the presentation from Anand Desai of Monteith Brown Consulting to provide an update on the draft Recreation Services Plan be received for information.

Carried.

A public meeting commenced at 1:35 PM. Township Planner, Per Lundberg announced that the Township of Selwyn is holding a public meeting to consider two (2) applications to amend the Comprehensive Zoning By-law for the Township of Selwyn, in accordance with Section 34 of The Planning Act. The prescribed notice of public meeting was provided via prepaid first class mail to all residents within a 120 metre radius of the properties subject to the applications, as well as by a sign posted on the subject lands. The notice(s) were also available on the Township website. The notice circulation complies with the requirements of the Planning Act. If a person or public body would otherwise have

the ability to appeal the decision of Council of the Township of Selwyn but does not make oral submissions at a public meeting or make written submissions to the Township of Selwyn in respect of the zoning By-law amendment before the approval authority gives or refuses to give approval to the zoning By-law amendment, the person or public body is not entitled to appeal the decision to the Ontario Land Tribunal. If a person or public body does not make oral submissions at a public meeting or make written submissions to the Council of the Township of Selwyn in respect of the proposed zoning By-law amendment before the approval authority gives or refuses to give approval to the zoning By-law amendment, the person or public body may not be added as a party to the hearing of an appeal before the Ontario Land Tribunal unless, in the opinion of the Tribunal, there are reasonable grounds to do so. Those wishing to be notified of the decision of Council of the Township of Selwyn in respect of the proposed zoning By-law amendment, must make a written request to the Township of Selwyn providing their name and address or email address.

A public meeting commenced at 1:35 PM to consider an application to amend the Township's Comprehensive Zoning By-law in accordance with Section 34 of The Planning Act. The zoning By-law amendment pertains to certain lands situated in Part of Lot 22, Concession 6 in the Smith Ward (1630 6th Line) and seeks to re-zone the subject lands from Rural Residential (RR) Zone to Rural Residential Exception 612 (RR-612) in order to permit a custom car shop to be operated on the subject lands as a home industry within the existing $\pm 53 \text{ m}^2$ (570.5 ft^2) attached garage. It was noted that while a home industry is permitted within the (RR) Zone, a custom car shop is not included within the types of home industry permitted in the (RR) Zone. As per home industry regulations, a maximum of 1 non-resident is permitted to be employed on the lot. Mr. Lundberg noted that a buffer planting strip will be required in accordance with the planting strip regulations in Section 3.35 of the Township's Comprehensive Zoning By-law 2009-021, as amended. Parking requirements and the planting strip will be further addressed through site plan control following the zoning amendment. A holding provision will be placed on the zoning amendment for which its removal will be conditional on a site plan agreement. Mr. Lundberg noted that comments of no concern were provided by Otonabee Region Conservation Authority, Enbridge Gas Inc., County of Peterborough Public Works Department, Curve Lake First Nation, Bell Canada and Kawartha Pine Ridge District School Board. The applicants Planner Kevin Duguay was virtually in attendance to answer any questions. No one spoke in opposition to the application. Council members asked questions pertaining to noise and parking considerations regarding the proposed custom car shop. Mr. Lundberg advised that in accordance with the Provincial guidelines on industrial land use compatibility, the custom car shop is required to have a minimum 20 metre separation distance between the custom car shop and a residential building. To further mitigate any potential land use conflicts with the neighbouring residential property, a planting strip will also be required as part of the zoning amendment which will be implemented through site plan control. Parking requirements will also be addressed through site plan control. There were fifteen (15) members of the public in attendance in person and one (1) person in attendance virtually. The meeting concluded at 1:44 PM.

Resolution No. 2024 –174 – Zoning By-law Amendment – 1630 6th Line, Part Lot 22, Concession 6 (Smith)

Councillor Brian Henry – Councillor John Boyko –

That the report of the Planner regarding the Zoning By-law Amendment related to lands described as being Part of Lot 22, Concession 6 in the Smith Ward (1630 6th Line) be received for information; and

That By-law 2024-056, being a By-law to re-zone certain lands situated in Part of Lot 22, Concession 6 in the Smith Ward (1630 6th Line) from Rural Residential (RR) Zone to Rural Residential Exception 612 holding (RR-612-h) Zone be brought forward to the By-law section of the agenda for consideration.

Carried.

A public meeting commenced at 1:45 PM to consider an application to amend the Township's Comprehensive Zoning By-law in accordance with Sections 34 of The Planning Act. Mr. Lundberg noted that the Zoning By-law Amendment will re-zone the subject lands from Lakeshore Residential (LR) Zone to Lakeshore Residential Exception 613 (LR-613) in order to permit a second dwelling unit to be located above a detached garage on the additional merged inland portion of the subject property on the east side of Pinehurst Avenue. The general LR Zone regulations only permit a second unit within the principal dwelling and therefore this zoning amendment is required. The inland portion of the subject property was added to the waterfront lot at 1965 Pinehurst Avenue through a lot addition consent as approved in 2022 through County of Peterborough consent file No. B-105-21. The lot addition parcel is 1858.06 m² (0.46 ac) in area. The zoning amendment will also permit the proposed second unit to be 128.7 m² (1385.3 ft²) in area representing 81% of the 158.7 m² (1708.2 ft²) footprint area of the principal dwelling as well as being located ±45 metres away from the principal dwelling. Mr. Lundberg advised that comments of no concern were received from Enbridge Gas Inc., the County of Peterborough Public Works, the Otonabee Region Conservation Authority and Bell Canada. Mr. Lundberg also noted that a letter was received and cosigned by seventeen (17) residents opposing the application due to concerns regarding the operations of a short-term rental on the subject property. Mr. Lundberg advised that the use of the principal dwelling as a short-term rental is not subject to the Zoning By-law Amendment. Mr. Lundberg also noted that three (3) letters were received from the residents of 1961 Pinehurst Avenue: Bonnie Henderson, Justin Henderson and Scott Healey. The letters sited concerns with the operation of a short-term rental on the subject property, capacity of the well and septic system, excessive water use, proximity of the hot tub to the property line, noise and parking availability. Mr. Lundberg noted that a letter in favour of the application was received from Brad Holland of 1977 Pinehurst Avenue noting that the subject property is well maintained, it is not subject to overcrowding or parties and that the owners are cognizant and respectful of the neighbourhood. The letter further stated that the subject property should not be confused with the property located at 1971 Pinehurst Avenue which operates exclusively as a short-term rental and has issues related to excessive noise, overnight parking concerns and parties. A letter of opposition was received by Margaret McGee, Timothy Naish and Andrew Naish of 1959 Pinehurst Ave stating concerns with the subject property operating as a short-term rental. Mr. Lundberg also noted that a letter of opposition was received from Chris and Colleen Snider and Maryanne and Kevin Whitmore of 1943 Pinehurst Avenue stating concerns with the commercial use of the property as a short-term rental specifically noting concerns with noise and community disturbances, increased traffic, parking capacity and animal control issues from users of the short-term rental. Mr. Lundberg advised that the Township does not regulate the use of short-term rentals and that there are no minimum time/length restrictions on a property being rented as a residence. Mayor Senis asked staff if the Township has received complaints related to the subject property and its use as short-term rental. Manager of Building and Planning Robert Kelly advised that the first By-law complaint for the subject property was received this week. Mayor Senis advised that the Township has a process for addressing concerns related to By-law violations such as noise, parking, etc... The applicant's planner, Laura Stone from One Community Planning spoke in favour of the application. Ms. Stone noted that a stage one (1) and two (2) archeological assessment has been completed for the subject property and has been submitted to the Province of Ontario. Ms. Stone noted that the property owners did receive a complaint a number of years ago related to the use of the hot tub which resulted in the OPP attending the subject property however, no fines or warnings were issued. Ms. Stone also noted that no other complaints have been received by her client from neighbours related to the use of the subject property. Doug Rosebrugh from 2063 Pinehurst Avenue noted no concerns related to the development of a residence above a garage however suggested that the number of guests able to rent the short-term rental should be limited to four (4). Mr. Rosebrugh also noted concerns related to the capacity of the septic system. The Manager of Building and Planning advised that the capacity of the septic system for the principal dwelling at 1965 Pinehurst Avenue is under review due to the previously stated

By-law complaint. Mr. Kelly also advised that a new septic system will be required for the proposed development on the subject property and will be reviewed through the building permit application process. Marzenna Switalski of 2029 Pinehurst Avenue asked questions pertaining to the circulation of the Notice of Application, the operations of the short-term rental on the subject property and expressed concern pertaining to increased noise, traffic and strangers on the street as well as concerns regarding property values. Peter Monig of 2055 Pinehurst Avenue noted that he built a garage on his property 10 years ago and at that time was not permitted to construct the garage with hydro or water services. Mr. Monig questioned if regulations have changed to permit the use of water and hydro within a garage. Mr. Lundberg advised that he could not comment on the specifics of Mr. Monig's property without examining specific zoning for his property. Mr. Monig also voiced concerns pertaining to the condition of specific properties entering the Pinehurst subdivision. Robin Nelson from 1909 Pinehurst Avenue questioned why the Township does not licence short-term rentals. Manager of Building and Planning Robert Kelly advised that a short-term rental working group was developed to address concerns pertaining to short-term rentals and was tasked with considering the establishment of a licensing program for short-term rentals. As a result, the working group did not pursue a licensing program but rather developed a comprehensive complaint/enforcement protocol which is available on the Township website for residents to address concerns regarding short-term rentals. Ms. Nelson also questioned the use of the term "single family dwelling" for the subject property since it is being used as a short-term rental and not as a dwelling for a "single family". Mr. Lundberg advised that historically the term "single family dwelling" was used to identify a property however, it is against the Constitution Act to define "family" and therefore, the current term to be used is "single detached dwelling". The category of "single detached dwelling" permits that a single group, regardless of relationship status, may occupy a dwelling even for a short time as long as there is compliance with other relevant regulations/legislation i.e. capacity. Ms. Nelson questioned the impact that the zoning By-law amendment will have on MPAC's assessment of properties in the area and questioned why the LR zone does not permit a secondary dwelling in an accessory structure since other residential zones permit the use without the requirement of a zoning By-law amendment. Marzenna Switalski of 2029 Pinehurst Avenue asked about the potential of a precedent being set by approving a secondary dwelling on the back lot of the subject property and the impact it may have on the capacity of septic systems and water quality in the area. Mayor Senis advised that the provincial housing shortage has resulted in the province permitting the development of secondary dwellings and that septic systems/wells are regulated and reviewed for capacity prior to the development of a secondary dwelling. Planner Laura Stone advised that the secondary dwelling subject to the application will have an independent septic system that will be reviewed through the building permit process and will be required to meet all necessary regulations. There were sixteen (16) members of the public in attendance in person and no one in attendance virtually. The meeting concluded at 2:32 PM.

Resolution No. 2024 –175 – Zoning By-law Amendment – 1965 Pinehurst Avenue, Part Lot 18, Concession 11 (Smith)

Councillor Mary Coulas – Councillor Brian Henry –

That the report of the Planner regarding the Zoning By-law Amendment related to lands described as being Part of Lot 18, Concession 11 in the Smith Ward (1965 Pinehurst Avenue) be received for information; and

That By-law 2024-057, being a By-law to re-zone certain lands situated in Part of Lot 18, Concession 11 in the Smith Ward (1965 Pinehurst Avenue) from Lakeshore Residential (LR) Zone to Lakeshore Residential Exception 613 (LR-613) be brought forward to the By-law section of the agenda for consideration.

Deputy Mayor Ron Black – yes

Councillor John Boyko – yes

Councillor Mary Coulas – yes

Councillor Brian Henry – yes

Mayor Sherry Senis – yes

Carried.

Question Period

Council entertained questions from the public from 2:32 PM to 2:33 PM.

Resolution No. 2024 – 176 – 2024 Draft Strategic Plan – Initiative #1

Councillor John Boyko – Deputy Mayor Ron Black –

That Initiative No. 1 in the Draft Strategic Plan be amended to read as follows:

Consider transitioning The Link from the pilot stage to an ongoing municipal transportation service having regard for the recommendations of the 2024 Service Delivery Review.

Carried.

Resolution No. 2024 – 177 – 2024 Draft Strategic Plan

Councillor Brian Henry – Councillor John Boyko –

That the report of the Chief Administrative Officer regarding the draft 2024 Strategic Plan be received for information; and

That the draft Corporate Strategic Plan, as amended, be prepared for the public open house being held on Monday October 28th, 2024.

Carried.

Municipal Officers & Staff Reports – Direction

Resolution No. 2024 – 178 – 2024 3rd Quarter Reports

Deputy Mayor Ron Black – Councillor Brian Henry –

That the report of the Chief Administrative Officer with regard to the 2024 Work Plans 3rd Quarter Update as prepared by each Department Manager be received for information.

Carried.

Resolution No. 2024 – 179 – 2024 3rd Quarter Financial Report

Deputy Mayor Ron Black – Councillor John Boyko –

That the report of the Manager of Financial Services entitled Financial Statements – 3rd Quarter 2024 received for information.

Carried.

Resolution No. 2024 – 180 – Ennismore CIP Tender Results

Councillor Mary Coulas – Councillor John Boyko –

That the report related to the Ennismore Community Improvement Plan tender be received for information; and

That the tender from Drain Bros Excavating Ltd. in the amount of \$715,970.50 (HST excluded) related to the Ennismore Community Improvement Plan construction project be approved and that By-law 2024-061, be brought forward to the By-laws section of the agenda to enter into an agreement with Drain Bros Excavating Ltd; and

That, in accordance with the Purchasing Policy, the dry stack wall features be sole sourced to John Shaw Rimmington, estimated to be \$17,000 (HST excluded); and

That the 2025 capital budget include the costs of the tender, the dry stack wall features, and contract administration along with the financial plan detailing the cost sharing between the Township and County of Peterborough.

Carried.

Resolution No. 2024 – 181 – Drinking Water Quality Management System Operational Plan

Councillor Mary Coulas – Councillor John Boyko –

That the report from the Water and Wastewater Supervisor regarding the Operational Plan for the Lakefield Drinking Water System and the Woodland Acres Subdivision Distribution system be received for information; and

That Council endorse the contents of the Operational Plan for the Lakefield and Woodland Acres systems as presented; and

That Top Management, as defined in the Operational Plan, continue to be delegated authority to endorse changes to the Operational Plan of minor or administrative nature.

Carried.

Consent Items

Resolution No. 2023 – 182 – Municipal Officer’s and Staff Reports – Information/Housekeeping/Non-Controversial

Councillor Brian Henry – Deputy Mayor Ron Black –

That the report of the Chief Administrative Officer with regard to the agreement with the Otonabee Region Conservation Authority to provide for the continuation of the enforcement and education/outreach programs as required by the Source Protection Plan policies be received for information; and that By-law 2024-060, to authorize the execution of the agreement be brought forth for passage under the By-laws section of the agenda; and

That the report of the Deputy Clerk regarding various By-laws be received for information; and that By-law 2024-058, being a By-law to authorize the execution of a merger agreement and associated documents between the Corporation of the Township of Selwyn, Scott Robert Cavanagh, Robert Ford Godkin and Marci Elizabeth Lucas for lands legally described as Part Lot 9-10, Concession 4, former Township of Ennismore, designed as Part 1 of 45R-17726; and that By-law 2024-059, being a By-law to authorize the execution of a merger agreement and associated documents between the Corporation of the Township of Selwyn, Peterborough Condominium Corporation No. 62 and Carol Elizabeth Dietrich for lands legally described as Lot 4, Plan 45M209; T/W R-of-Way Over PtT Blk 2 Being Pt 4, 45R12847 as in R667376 & R667377; T/W an undivided common interest in Peterborough Common Elements Condominium Corporation No. 62, Township of Selwyn, being all of PIN 28385-0311(LT) be forwarded to the By-laws section of the agenda for consideration; and

Correspondence for Direction

1. Request to Ontario Municipalities from Ontario’s Big City Mayors

That the correspondence from Ontario’s Big City Mayors regarding the SolvethCrisis.ca campaign be received for information; and that the Township of Selwyn supports the SolvethCrisis.ca Campaign and requests that the provincial and federal governments take action to address the growing mental health, addictions and homelessness crisis in Ontario; and

That the provincial and federal governments commit to immediate action to solve the humanitarian crisis that Ontario is facing as the numbers of unhoused individuals and those suffering with mental health and addictions grows exponentially; and

That the province officially makes homelessness a health priority; and appoints a responsible Minister and Ministry with the appropriate funding and powers as a single point of contact to address the full spectrum of housing needs as well as mental health, addictions and wrap around supports; and

That the provincial government strike a task force with broad sector representatives including municipalities, regions, healthcare, first responders, community services, the business community and the tourism industry to develop a Made in Ontario Action Plan; and

That this provincial task force reviews current programs developed by municipalities, regions and community partners that have proven to be successful in our communities, to ensure that solutions can be implemented quickly and effectively to tackle this crisis; and

That the federal government be included in these conversations; and

That both levels of government provide adequate, sufficient and sustainable funding to ensure that municipalities have the tools and resources to support individuals suffering with mental health and addictions, including unhoused people and those from vulnerable populations that may be disproportionately impacted; and further that a copy of this motion be sent to:

- The Right Honourable Justin Trudeau, Prime Minister of Canada
- The Honourable Sean Fraser, Minister of Housing, Infrastructure and Communities of Canada
- The Honourable Doug Ford, Premier of Ontario
- The Honourable Sylvia Jones, Deputy Premier and Minister of Health
- The Honourable Paul Calandra, Minister of Municipal Affairs and Housing
- The Honourable Michael Parsa, Minister of Children, Community and Social Services
- The Honourable Michael Tibollo, Associate Minister of Mental Health and Addictions
- MP Michelle Ferreri
- MPP Dave Smith
- Ontario's Big City Mayors; and

Correspondence for Information

That the following items of correspondence be received for information:

2. Ministry of Transportation – Ontario Fighting Gridlock and Making Life Easier for Drivers
3. AMO Policy Update – Province to Introduce Legislation Governing Bicycle Lanes
4. Peterborough Public Health – Stewardship Committee Report 2025 Budget Preparation
5. Town of Cobourg – Support of Involuntary Care for Individuals with Severe Mental Health and Addictions Issues; and

County Correspondence for Information

1. Report – Skills Development Fund
2. County Official Plan TAC Minutes – September 12, 2024
3. Minutes – September 18, 2024; and

Committee Reports

That the minutes of the Peterborough Police Services Board meeting of September 10, 2024, the 2024 Q2 Policing Activity Report for Lakefield, the Overall Q2 Statistics, the Q2 Complaints Report, Q2 Occurrence Report, Q2 Occurrence Statistics, Q2 Statistics for Lakefield and Operating and Capital Budgets Report be received for information.

Carried.

Petitions

None.

Other, New & Unfinished Business

None.

By-laws

Resolution No. 2024 – 183 – By-laws First, & Third Reading

Councillor Mary Coulas – Councillor Brian Henry –

That By-law 2024-056, being a Zoning By-law Amendment for 1630 6th Line, Part Lot 22, Concession 6 (Smith); and

That By-law 2024-057, being a Zoning By-law Amendment for 1965 Pinehurst Avenue; and

That By-law 2024-058, being a By-law to authorize the execution of a merger agreement and associated documents between the Corporation of the Township of Selwyn, Scott Robert Cavanagh, Robert Ford Godkin and Marci Elizabeth Lucas for lands legally described as Part Lot 9-10, Concession 4, former Township of Ennismore, designed as Part 1 of 45R-17726; and

That By-law 2024-059, being a By-law to authorize the execution of a merger agreement and associated documents between the Corporation of the Township of Selwyn, Peterborough Condominium Corporation No. 62 and Carol Elizabeth Dietrich for lands legally described as Lot 4, Plan 45M209; T/W R-of-Way Over PtT Blk 2 Being Pt 4, 45R12847 as in R667376 & R667377; T/W an undivided common interest in Peterborough Common Elements Condominium Corporation No. 62, Township of Selwyn, Being all of PIN 28385-0311(LT); and

That By-law 2024-060, being a By-law to authorize the execution of an agreement with the Otonabee Region Conservation Authority to provide for the continuation of the enforcement and education/outreach programs as required by the Source Protection Plan; and

That By-law 2024-061 being a By-law to authorize the execution of an agreement between Drain Bros Ltd. and the Township of Selwyn for the Ennismore Community Improvement Plan Construction Project be read a first, second and third time and finally passed.

Carried.

Resolution No. 2024 – 184 – Confirming By-law

Councillor Mary Coulas – Councillor John Boyko –

That By-law 2024-062, being a By-law to confirm the proceedings of the regular Council meeting held on the 22nd day of October 2024, be read a first, second and third time and finally passed.

Carried.

Adjournment

Resolution No. 2024 – 185 – Adjournment

Councillor Brian Henry – Deputy Mayor Ron Black –

That the meeting be adjourned. (3:29 PM)

Carried.