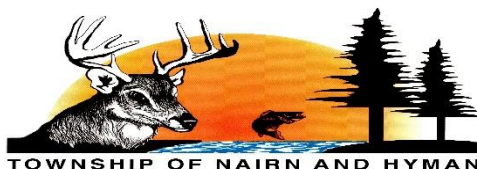


# MINUTES

THE CORPORATION OF THE  
TOWNSHIP OF NAIRN AND HYMAN



Monday, September 12, 2022

There was a Regular Council Meeting held at the Nairn Community Centre on Monday, September 12, 2022, at 7:00 p.m. The meeting was open to the public and recorded to allow for viewing on our website.

Present:	Frederic Diebel	Mayor (attended virtually)
	Rod MacDonald	Councillor
	Brigita Gingras	Councillor
	Katherine Bourrier	Councillor
	Guy Despatie	Councillor
	Belinda Ketchabaw	CAO, Clerk Treasurer
	Sarah Vereault	Municipal Planner

## **DECLARATION OF PECUNIARY INTEREST AND THE GENERAL NATURE THEREOF**

None.

## **DELEGATIONS**

- a) Roger Lapensee addressed Council regarding 161 Highway 17, Nairn Centre.
- b) Imad Alvi, PSD Citywide Inc, Asset Management Consultant, provided an update to Council regarding the Township's Asset Management Plan.
- c) Probitry Municipal Consulting – Chris Wray, re Integrity Commissioner Proposal (attended to answer any questions from Council regarding the proposal)
- d) Principles Integrity - re Integrity Commissioner Proposal (attended to answer any questions from Council regarding the proposal)

## **COUNCIL MEETING TEMPORARILY ADJOURNED**

### **RESOLUTION # 2022-10-166**

MOVED BY: Rod MacDonald

SECONDED BY: Guy Despatie

**BE IT RESOLVED THAT** the council meeting be temporarily adjourned at 7:01 p.m. for the purpose of a public meeting.

**CARRIED**

## **PUBLIC MEETING CONCERNING AN OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT**

### **RESOLUTION # 2022-10-167**

MOVED BY: Brigita Gingras

SECONDED BY: Katherine Bourrier

**RESOLVED:** that pursuant to Section 53 of the Planning Act R.S.O. 1990, Chapter P.13, the public meeting is now officially opened for the purpose of hearing comments regarding the following applications:

Official Plan Amendment No. 5. – Roger Lapensee and Deborah Duchesne – File 2  
Zoning By-law Amendment – Roger Lapensee and Deborah Duchesne. – File 2

**CARRIED**

**PLANNING MEMORANDUM RE OFFICIAL PLAN AND ZONING BY-LAW AMENDMENT**

**RESOLUTION # 2022-10-168**

MOVED BY: Guy Despatie

SECONDED BY: Rod MacDonald

**RESOLVED:** that Council notes the Planning Memorandum prepared by J.L. Richards & Associates Ltd. regarding the Official Plan and Zoning By-law Amendment – 161 Highway 17 W., Nairn Centre.

**CARRIED**

Members of the public had the opportunity to have their comments noted by Council during the meeting by submitting their comments in writing to the clerk before the meeting began, or by attending the meeting and verbally addressing Council.

There were five (5) members of the public present.

The following comments were received in writing from Law Office of Yulia Rodinova:

*Our office represents Mr. Achim Kuebler, the owner of the adjoining parcels to the south of the above property. These lands are legally described as LOT 5 BLK L, PL M33 NAIRN;; TOWNSHIP OF NAIRN AND HYMAN and LOT 16 BLK L, PL M33 NAIRN;; TOWNSHIP OF NAIRN AND HYMAN and municipal known as 0 Smith Street Nairn Centre, Ontario POP2L0. These parcels are zoned for commercial use.*

*Mr. Kuebler bought these parcels on May 6, 2022 in order to develop them for commercial use as allowed by the current zoning. The proposed plan to allow residential use of the adjoining land will significantly prejudice Mr. Kuebler's rights to use the land that he purchased as allowed under current zoning by-laws and to develop it as intended. Residential use of the adjoining land will alter the setback requirements on Mr. Kuebler's lands to 1.5 meters and interior yard requirements to 7.5 metres from each side pursuant to section 5.7.3 of Municipal Bylaws 2013– 5. As a result, Mr. Kuebler will not be able to proceed with intended commercial development.*

*Mr. Kuebler and our office are asking for the application for special use of the property as residential to be declined due to significant interference with adjoining property owner's rights existent under current zoning.*

The applicant Roger Lapensee addressed Council and commented on their plans for beautifying the property and making it their home and requested that Council consider this as the property has been vacant for many years.

**RETURN TO COUNCIL MEETING**

**RESOLUTION # 2022-10-169**

MOVED BY: Katherine Bourrier

SECONDED BY: Brigita Gingras

**RESOLVED** that the public meeting is now officially closed at 7:24 p.m. and the regular council meeting is now reconvened.

**CARRIED**

**NO FURTHER NOTICE TO BE GIVEN – OFFICIAL PLAN AMENDMENT AND ZONING BY-LAW AMENDMENT**

**RESOLUTION # 2022-10-170**

MOVED BY: Guy Despatie

SECONDED BY: Brigita Gingras

**WHEREAS** Council has received applications for an Official Plan Amendment and related Zoning By-law Amendment, File No. 2 for the property legally described as FIRSTLY; LT 2 BLK, PL M 33 NAIRN EXCERPT LT892269; SECONDLY; LT 3,4,17 & 18, BLK L, PL M33 NAIRN; THIRDLY; LT 19, BLK. PL M33 NAIRN EXCERPT LT89268 & LT89269; FOURTHLY; PT LANE, BLK L NAIRN, PT 1 53R2072; TOWNSHIP OF NAIRN, known municipally as 161 Highway 17 W., Nairn Centre.

**AND WHEREAS** the Planning Report dated September 6, 2022, prepared by the Township's Planner J.L. Richards & Associates Limited, indicates that the proposed amendment is consistent with the Provincial Policy Statement, the Growth Plan for Northern Ontario and otherwise conform to the Township's Official Plan;

Regular Council Minutes – September 12, 2022

**AND WHEREAS** a Public Meeting was held by the Council of the Township of Nairn & Hyman regarding the applications on September 12, 2022;

**AND WHEREAS** Council has considered the public input received;

**THEREFORE IT BE RESOLVED THAT** Council approves the Official Plan Amendment No. 5 which will permit a single detached dwelling on the subject lot;

**AND THAT** Council enacts a By-law to rezone the subject lands from Highway and Tourist Commercial to Highway and Tourist Commercial Exception One (C-1) to permit a single detached dwelling on the subject lot and to reduce the minimum separation distance for the existing principal building and detached garage from 1.5m to 1m.

**AND THAT** the amending by-law further amend Section 5.7.3 to add a subsection (d) to not require a 7.5 m setback abutting the residential use to the north per subsection (c) for the property directly to the south of the subject lands.

**AND THAT** the Mayor and Clerk be authorized to sign the Zoning By-law Amendment and the Official Plan Amendment No. 5.

**CARRIED**

### **ADOPTED COUNCIL MINUTES**

#### **RESOLUTION # 2022-10-171**

MOVED BY: Brigita Gingras

SECONDED BY: Katherine Bourrier

**RESOLVED** : that the following council minutes be accepted as presented:

- a) Regular Council Meeting Minutes – July 11, 2022.
- b) Special Council Meeting Minutes – August 18, 2022.

**CARRIED**

### **RECEIVED MINUTES AND REPORTS**

#### **RESOLUTION # 2022-10-172**

MOVED BY: Guy Despatie

SECONDED BY: Rod MacDonald

**RESOLVED THAT:** the Minutes and Reports 7 b) - m) are noted as received:

- b) Opening Minutes for RFP for Integrity Commissioner Services (RFP# 2022-02) – August 31, 2022.
- c) CAO's Report No. 2022-30 – RFP Submissions for Integrity Commissioner Services.
- d) CAO's Report No. 2022-31 – 2022 Municipal Election – Advance Voting Day
- e) CAO's Report No. 2022-32 – Update: Next Generation 9-1-1 Authority Service Agreement with Bell Canada.
- f) CAO's Report No. 2022-33 – Update: Request for Quotation – Engineering Services for the MacDonald Street Reconstruction.
- g) CAO's Report No. 2022-34 – Update: Recycling Depot.
- h) Municipal Superintendent's Report to Council – September 8, 2022.
- i) Township of Nairn and Hyman – April 2022 Bank Reconciliation.
- j) Township of Nairn and Hyman – Summary of Tax Write Offs – August 3, 2022.
- k) Community Parks and Recreation Committee Minutes – July 25, 2022.
- l) Ontario Clean Water Agency - June 2022 Work Order Summary.
- m) Recreation Committee – Town Council Report

**CARRIED**

### **INTEGRITY COMMISSIONER SERVICES**

#### **RESOLUTION # 2022-10-173**

MOVED BY: Brigita Gingras

SECONDED BY: Katherine Bourrier

**BE IT RESOLVED THAT** the CAO's Report # 2022-30 be received for information; and

**AND FURTHER THAT** Council accepts the proposal submitted by Probit Municipal Consulting/Chris Wray for the RFP # 2022-22 for Integrity Commissioner Services;

**AND FURTHER THAT** the CAO will provide notice to E4M terminating our agreement with their firm as the Township's Integrity Commissioner as of December 12<sup>th</sup>, 2022;

**AND FURTHER THAT** an agreement be sent to: Probit Municipal Consulting/Chris Wray for the provision of providing Integrity Commissioner Services for a two (2) year term commencing on December 12, 2022.

**CARRIED**

**ADVANCE VOTING DAY**

**RESOLUTION # 2022-10-174**

MOVED BY: Rod MacDonald

SECONDED BY: Guy Despatie

**BE IT RESOLVED THAT** the CAO's Report # 2022-31 be received for information; and **FURTHER THAT** Council resolves to enact By-law #2022-22 on September 12, 2022 to establish the advance voting day as Saturday, October 15, 2022.

**CARRIED**

**NEXT GENERATION 9-1-1 AUTHORITY SERVICE AGREEMENT**

**RESOLUTION # 2022-10-175**

MOVED BY: Katherine Bourrier

SECONDED BY: Brigita Gingras

**BE IT RESOLVED THAT** the CAO's Report # 2022-32 be received for information; and **FURTHER THAT** Council resolves to enact By-law #2022-24 on September 12, 2022 to accept the executed Next Generation 9-1-1 Authority Service Agreement with Bell Canada.

**CARRIED**

**CAO REPORT RE: ENGINEERING SERVICES MACDONALD ST**

**RESOLUTION # 2022-10-176**

MOVED BY: Rod MacDonald

SECONDED BY: Guy Despatie

**BE IT RESOLVED THAT** the CAO's Report # 2022-33 be received for information; and **FURTHER THAT** Council accepts the proposal from R.V. Anderson Associates Ltd. for Engineering Services and Road Design for the MacDonald Street Reconstruction Project in the amount of \$47,500.00 plus HST; and **FURTHER THAT** this would not exclude R.V. Anderson from bidding on the construction administration services for this project.

**CARRIED**

**ACCEPTED MINUTES AND REPORTS**

**RESOLUTION #2022-10-177**

MOVED BY: Brigita Gingras

SECONDED BY: Katherine Bourrier

**BE IT RESOLVED** that the following Minutes and Reports 7 h) to m) be accepted as presented:

- h) Municipal Superintendent's Report to Council – September 8, 2022.
- i) Township of Nairn and Hyman – April 2022 Bank Reconciliation.
- j) Township of Nairn and Hyman – Summary of Tax Write Offs – August 3, 2022.
- k) Community Parks and Recreation Committee Minutes – July 25, 2022
- l) Ontario Clean Water Agency – June 2022 Work Order Summary.
- m) Recreation Committee – Town Council Report.

**CARRIED**

**RECREATION COMMITTEE USE OF RESERVE FUNDS**

**RESOLUTION # 2022-10-178**

MOVED BY: Guy Despatie

SECONDED BY: Rod MacDonald

**WHEREAS** Council notes the Township of Nairn and Hyman Community Parks and Recreation Committee Resolution #2022REC-21;

**AND THEREFORE BE IT RESOLVED** that the Committee's request to pull \$500.00 from the Recreation Reserve for miscellaneous expenses be granted.

**CARRIED**

**RECEIVED CORRESPONDENCES**

**RESOLUTION #2022-10-179**

MOVED BY: Brigita Gingras

SECONDED BY: Katherine Bourrier

**BE IT RESOLVED** that Correspondences a) to b) are noted as received.

**CARRIED**

**PROPOSED CHANGES TO ELECTORAL RIDINGS IN NORTHERN ONTARIO**

**RESOLUTION #2022-10-180**

MOVED BY: Brigita Gingras

SECONDED BY: Katherine Bourrier

**WHEREAS**, the Electoral Boundary Commission has proposed to remove one of the electoral ridings from Northern Ontario; and

**WHEREAS**, the proposal to diminish Northern Ontario's voice in Parliament will have a detrimental effect on participatory democracy and regional development as the issues in Northern Ontario are significantly different than the issues facing the urban south; and

**WHEREAS**, the Federal Boundary Commission proposal to cut representation in the north is contrary to the 2017 electoral boundary changes for Ontario that recognized the need to add two seats to ensure fair participation for northern residents; and

**WHEREAS**, many of the existing ridings in Northern Ontario are already larger than many European countries, a situation that will only be worsened by the addition of massively new regions to service; and

**WHEREAS**, the proposed new super ridings will force municipalities to compete for a limited amount of riding funding which will further exacerbate inequities in the north; and

**WHEREAS**, Northern Ontario's population per riding is already much higher than many other rural and isolated regions in Canada's north; and

**WHEREAS**, the courts have ruled that representation in Canada's democracy is not based merely on population but on regions of interest and the right of citizens to engage with their elected representatives; and

**WHEREAS**, any changes to electoral boundaries should be based on the principles of maintaining communities of interest within boundaries that are equitable in terms of population and geography

**NOW, THEREFORE BE IT RESOLVED** that the Council of the Corporation of the Township of Nairn and Hyman calls on the Electoral Boundary Commission to maintain the electoral representation of Northern Ontario and ensure that any boundary changes are done in a manner that responds to regional and local need.

**CARRIED**

**SUPPORT RESOLUTION RE: OPPOSITION OF BILL 3**

**RESOLUTION # 2022-10-181**

MOVED BY: Rod MacDonald

SECONDED BY: Guy Despatie

**BE IT RESOLVED THAT** the Corporation of the Township of Nairn and Hyman endorse and supports the resolution of the Town of Kingsville opposing Bill 3, Strong Mayor, Building Homes Act, 2022, introduced by the Government of Ontario through the Minister of Municipal Affairs and Housing, that would amend various statutes with respect to special powers and duties of heads of council;

**AND FURTHER** that the Council of the Township of Nairn and Hyman agrees with the Town of Kingsville's resolution that if these changes are deemed necessary in large single-tier municipalities such as Toronto and Ottawa, that such changes should not be implemented in smaller municipalities;

**AND FURTHER** that if the stated goal of this legislation is to construct more housing in Ontario that this can be accomplished through other means including amending the *Planning Act* and funding of more affordable housing;

**AND THAT** a copy of this motion be sent to Premier Doug Ford, the Minister of Municipal Affairs and Housing, the Association of Municipalities of Ontario, and the Town of Kingsville.

**CARRIED**

**BY-LAW TO PROVIDE FOR AN ADVANCE VOTING DAY**

**RESOLUTION # 2022-10-182**

MOVED BY: Katherine Bourrier

SECONDED BY: Brigita Gingras

**BE IT RESOLVED** that "Being a by-law to provide for advance votes to be held prior to voting day" be read a first, second and third time, and finally passed in open council and its number shall be 2022-22.

**CARRIED**

**BY-LAW TO PROVIDE EMERGENCY MANAGEMENT SERVICES**

**RESOLUTION # 2022-10-183**

MOVED BY: Guy Despatie

SECONDED BY: Rod MacDonald

**BE IT RESOLVED** that “Being a by-law to appoint Phoenix Emergency Management Logic (PEML) to provide emergency management services including such services as Community Emergency Management Coordinator” be read a first, second and third time, and finally passed in open council and its number shall be 2022-23.

**CARRIED**

**BY-LAW TO ENTER INTO AN AGREEMENT WITH BELL CANADA**

**RESOLUTION #2022-10-184**

MOVED BY: Brigita Gingras

SECONDED BY: Katherine Bourrier

**BE IT RESOLVED** that “Being a by-law of the Corporation of the Township of Nairn and Hyman to enter into an agreement with Bell Canada for the provision of a Next Generation 9-1-1 Service” be read a first, second and third time, and finally passed in open council and its number shall be 2022-24.

**CARRIED**

**BY-LAW FOR THE LICENCING AND REQUIRING THE REGISTRATION OF DOGS AND CATS**

**RESOLUTION #2022-10-185**

MOVED BY: Brigita Gingras

SECONDED BY: Katherine Bourrier

**BE IT RESOLVED** that “Being a by-law for the licencing and requiring the registration of dogs and cats and for the control and keeping of dogs, cats and other animals within the Corporation of the Township of Nairn and Hyman” be read a first, second and third time, and finally passed in open council and its number shall be 2022-25.

**CARRIED**

**BY-LAW TO AMEND BY-LAW 2013-5**

**RESOLUTION # 2022-10-186**

MOVED BY: Rod MacDonald

SECONDED BY: Guy Despatie

**BE IT RESOLVED** that “Being a by-law to amend by-law 2013-5” be read a first, second and third time, and finally passed in open council and its number shall be 2022-26.

**CARRIED**

**BY-LAW TO ADOPT OFFICIAL PLAN AMENDMENT NO. 5**

**RESOLUTION #2022-10-187**

MOVED BY: Brigita Gingras

SECONDED BY: Katherine Bourrier

**BE IT RESOLVED** that “Being a by-law to adopt Official Plan Amendment No. 5 for the Township of Nairn and Hyman” be read a first, second and third time, and finally passed in open council and its number shall be 2022-27.

**CARRIED**

**RECEIVED FOR INFORMATION ONLY ITEM**

**RESOLUTION # 2022-10-188**

MOVED BY: Guy Despatie

SECONDED BY: Rod MacDonald

**BE IT RESOLVED THAT** the For Information Only Item 11 a) be noted as received.

**CARRIED**

**BY-LAW TO CONFIRM THE PROCEEDINGS OF COUNCIL**

**RESOLUTION # 2022-10-189**

MOVED BY: Katherine Bourrier

SECONDED BY: Brigita Gingras

**RESOLVED:** that “Being a by-law to confirm the proceedings of the Council of the Corporation of the Township of Nairn and Hyman” be read a first, second and third time, and finally passed in open council and its number shall be 2022-28.

**CARRIED**

**ADJOURNMENT**

**RESOLUTION # 2022-10-190**

MOVED BY: Guy Despatie

SECONDED BY: Rod MacDonald

**RESOLVED:** that the meeting of September 12, 2022, do now adjourn at 8:40 p.m. to meet again on the 11th day of October, 2022, or at the call of the Mayor.

**CARRIED**

(signature on original)

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Mayor

(signature on original)

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Clerk

**These minutes shall not be considered as official minutes until they have been approved by council at their next meeting.**