



TOWNSHIP OF DRUMMOND/NORTH ELMSLEY

#2 COUNCIL MEETING OF JANUARY 28, 2014
Township Council Chambers

MINUTES

CALL TO ORDER: Reeve Churchill called the meeting to order at 6:00p.m.

PRESENT:

Reeve	Aubrey Churchill
Deputy Reeve	Gail Code
Councillor	Ray Scissons
Councillor	Ken Fournier
Clerk-Administrator	Cindy Halcrow

ABSENT: Councillor Peter Wagland

MEMBERS WISHING TO DISCLOSE A PECUNIARY INTEREST DO SO NOW. No members disclosed a pecuniary interest.

1.0 MINUTES

1.1 Regular Minutes of January 14, 2014

Moved By: Gail Code
Seconded By: Ken Fournier

BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley does hereby approve the minutes of the Regular Meeting of January 14, 2014, as circulated.

**Carried
14-010**

2.0 ADDITIONS & APPROVAL OF AGENDA

2.1 Approval of Agenda

Moved By: Ken Fournier
Seconded By: Gail Code

BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley does hereby adopt the agenda for the meeting of January 28, 2014 as amended:

New Business:

- 10.1 CN EcoConnexions Grant
- 10.2 Soak it Up Grant Program

**Carried
14-011**

3.0 DELEGATIONS/PUBLIC MEETINGS

3.1 Road Closing – Water Street, Fergusons Falls

Attending Public: Ronald Dickinson, Margaret Dickinson

A. Purpose of Meeting

Reeve Churchill introduced the purpose of the meeting, which was to hear public comments on a request to close an unopened road allowance.

B. Planner's report and presentation

Mr. Grenke reported that road closure applications are processed in accordance with the Township's Road Closure Procedure By-law, which also references notification requirements of the Public Notices By-law and Real Property Disposal By-law. Pursuant to these by-laws, neighbours within 120 m and applicable agencies were advised by mail of the public hearing on January 5th, an ad was posted in a local paper, with ads also posted on the property and on the website.

Mr. Grenke presented some PowerPoint slides to the public providing local context on this application while also summarizing a zoning amendment for a neighbouring property and deeming by-laws that would administratively be required to implement the road closure. His presentation evaluated both the road closure application and the zoning amendment and recommended that Council supports both.

C. Oral and Written Presentations by those in Attendance

Reeve Churchill asked if there were any oral or written submissions from the audience in favour of or in opposition to the application. There were none.

D. Questions and Discussion by Council members. None

E. Reeve's Closing Remarks and Reminder to Audience

F. The Public Meeting for the road closure was closed at 6:13 p.m.

3.2 Zoning Amendment (ZA-13-5) Ronald and Margaret Dickinson

Attending Public: Ron Dickinson, Margaret Dickinson

A. Purpose of Meeting

Reeve Churchill introduced the purpose of the meeting, which was to hear public comments on a zoning by-law amendment request by Ron and Margaret Dickinson and processed under Section 34 of the Planning Act.

B. Planner's report and presentation

The Planner summarized and reviewed this application in a combined presentation that also addressed the Water Street road closure that was being considered in a separate but concurrent public hearing this evening.

C. Oral and Written Presentations by those in Attendance

Reeve Churchill asked if there were any oral or written presentations from those in favour of the application. There were none.

Reeve Churchill asked if there were any oral or written presentations from those in opposition to the application. There were none.

Reeve Churchill asked if the applicants would like to make any concluding remarks. None were made.

D. Questions and Discussion by Council members - None

E. Reeve's Closing Remarks and Reminder to Audience

F. The Public Meeting for the Dickenson Zoning Amendment was closed at 6:15 p.m.

3.3 Zoning Amendment (ZA-13-06) Dag and Allie Militky

Attending Public: Cathy Keddy, Stephen Miller, Ted Mosquin, Steve Kipp, Ben Kipp, Shannon Kent-Kipp, Linda Mosquin, Donna May, Charles Magrum, Rob Rivington, Mark Stanzel, Deena Stanzel, Marc Cotnam, Heather McKinnon, Don MacKenzie, Nancy MacKenzie, Seth Colasante, Julie Charron, Nolan Oliver, Paul Asmis, Tom Nephin, Cara Smetana, David Smetana, Terry Brown, Barbara Romancio, Karen Wilson, Travis Clermont, Judy Buehler, Howard Clifford, Jean Clifford, Rebecca Morse, Brendan Boucher, Brandon Leonard, Jonathan Lester

A. Purpose of Meeting

Reeve Churchill introduced the purpose of the meeting, which was to hear public comments on a proposal to amend the Township's Zoning By-law as per Section 34 of the Planning Act.

B. Planner's report and presentation

Mr. Grenke presented a PowerPoint overview of the application, summarizing the proposed development and noting that the intention is primarily for an outdoor paintball and recreational facility with ancillary retail, residential and commercial uses. The amendment requests a Highway Commercial- Special Exception Zone that would accommodate those uses. He reported on the processing of the application from a Planning Act perspective advising as to the dates of notification by mail of the required parties and the posting on site of the notice. Mr. Grenke summarized the comments received in favour and in opposition to the application as well as from the applicable agencies and noted that the most significant concerns raised regarded traffic, noise, environmental and site planning issues. He reviewed the application as per the policies of the Official Plan and also addressed in more detail the specific issues raised by those with concerns. He recommended that the application not be approved as submitted and that a decision be deferred until further information is received.

C. Oral and Written Presentations by those in Attendance

Reeve Churchill asked if there were any oral or written presentations from those in favour of the application.

- Kevin Bradford (Richmond, ON) is aware of paintball operations in other areas where it was very quiet. He is also familiar with the applicants at a previous operation and advises that they take safety very seriously and it is a very well organized sport. From personal experience, the applicants are approachable and open.
- Paul Asmis (Dunrobin) had previous uncertainty about the sport and was very impressed with the operation. He is a rural resident and advises there are little impacts.
- Gabby Bradford (Richmond, ON) is a 3rd year paintball player and advises that the sport is very safe and teaches good values and there is little impact on wildlife. She wouldn't do it otherwise.
- Seth Colasante (Stittsville) notes that organized paintball has had a great health benefit to him and gives children the opportunity to go outside and have fun.
- Jonathan Lester (Carleton Place) has paintballed for 15 years and notes that in previous locations the applicants have run a very clean and safe operation. He notes that the sport is not loud and the applicants have helped with charity.
- Brandon Leonard (Carleton Place) talked about the close knit paintball community and noted that the applicants have always given back to the community.
- Roger Morin has let the applicants host paintball matches on his property in the past and there was no residual impact from the sport. He has hunted his property and notes that the amount of wildlife has actually increased and there is very little noise. Farm equipment makes more noise.
- Julia S. advised that her and her husband let the Militkys use their property and was impressed by their dedication. It was a pleasure to host them and there was no noise impact.

Reeve Churchill asked if there were any oral or written presentations from those in opposition to the application.

- Shannon Kent-Kipp lives next door and notes that her biggest concern is that the customers may play way too close to her property. Her concerns are not personal and have nothing to do with the sport as a whole.
- Charles Magrum noted that he owns land behind the property and is concerned about impacts on wildlife, property values, traffic, potential accidents and wetlands.
- Carly England (Drummond Conc. 12A) looks to open a home spa business and is worried about noise and traffic from this business having an effect on her property.
- Heather MacKinnon lives next door and advises that her concern is on the impacts on surrounding rural residential land and traffic.
- Tom Nephin owns land nearby and showed Council some slides and photographs demonstrating the highway constraints in the area and presented collision reports from 2001 to 2011 that demonstrated the high number of accidents on Highway 7. He was concerned about the potential for a dangerous access and noted that MTO is not elected to represent D/NE residents. He also noted that a proposed grass parking lot and careless cigarettes could pose a fire hazard.
- Deena Stanzel lives across the road and her most significant issue is traffic, noting that this area is already a dangerous place. She is not so much concerned with

- paintball but rather other uses, including storage and whether the proposed restaurant is licensed. She wants to maintain the quiet nature of her property.
- Steve Kipp (Beckwith Twp) asks what is the range of a paintball (D. Militky given permission to respond directly- 150 feet). He is concerned about his grandkids located next to this as well as traffic impacts.
 - Ben Kipp lives next door and is concerned about the proposal, noting impact on traffic, wildlife, property values and overall rural feel. He is also concerned about the proposal as submitted being overly broad which could result in a much larger development as well as inadequate buffering. He wondered whether a proposed coverall building can be made safe for these uses. He also has concerns with the applicants' past history in the City of Ottawa and suggests that must be taken into consideration.
 - Sandra Cotnam advises that the highway is too busy and there is noise- she can already hear the horses on the property.
 - Rob Rivington suggests that there are better locations for the proposed use.
 - Valerie Barnett notes that her neighbourhood is very peaceful and while applicants may have good intentions, what happens if they sell to someone who does not?
 - David Smetana (Kanata) uses the neighbouring property often and has concerns about noise. He notes that a paintball gun can be 117 decibels while a lawnmower would be only 90.
 - Karen Wilson (White Rd) advises that under today's policy the subject property would not be approved for a commercial entrance.
 - Barbara R. has concerns about privacy and property values. She needs a quiet space and is worried that this would force her out.
 - Cathy Keddy owns a large amount of adjacent land on the east side. She notes that an environmental impact assessment can only be done based on field observations and must include the entire natural area. She suggested that no decision on the zoning be done until all studies are submitted and a greater notice (4 weeks) should be given to neighbours in advance of the meeting.
 - Deena Stanzel asked if Council is willing to put up with what the City of Ottawa dealt with.
 - *Reeve Churchill asked if the applicants would like to make any concluding remarks.*
 - Däg Militky emphasized that he wants to work with the neighbours.
 - Allie Militky spoke to the issues with the city, clarifying that the legal issues related to the zoning status of the property. She also summarized a legal judgment in their favour that considered noise and personal disputes between neighbours and which found that many of the concerns were unfounded and the use had legal non-conforming status.
 - Mr. Militky noted that they reforested 30,000 trees at the previous property and will reforest 15,000 here. They will work to address the mitigation of noise and other concerns. He also noted that the property is not a quiet rural neighbourhood as the adjacent Highway 7 is classified as a Class 1 level for acoustics with noise levels above 66 decibels.
 - Ms. Militky spoke to the noise issue, referring to previous studies done (by both proponents and opponents of other paintball ranges) indicating sound levels within

acceptable levels. She advised her response was put together quickly since they were not aware of the full level of concerns until a few days before he hearing.

- Jillian Normand (McIntosh Perry planner representing Militkys) did a PowerPoint presentation on the application, summarizing the area and the planning concerns that have been raised and responding to them, noting that there are commercially zoned properties nearby and site plan control can address many of the site specific issues. There are also noise mitigation options. She was retained fairly late in the process once it became more complicated and noted that a noise study had not been requested by the Township.

D. Questions and Discussion by Council members

Reeve Churchill asked if there were any questions following the presentation.

- Neil Carleton (Mississippi Valley Field Naturalists) asked about the timing of the EIS. It was responded that a winter one could be possible and an EIS will come out with recommendations.
- B. Kipp noted that the map has changed 3 times and there were problems with the property lines. He also noted that trees are not sound barriers and has there ever been a grass parking lot for a commercial use?
- Ms. Normand responded that it happens for festivals.
- Ms. McKinnon asked if there are other areas where paintball facilities are in operation where the neighbours are satisfied.
- It was also asked whether the restaurant will be licensed and whether liquor will be served on the premises.
- Ms. Militky advised that paintball players will not be allowed to drink (liability) and it has not occurred to them to apply for a liquor license.
- Ms. England and Terry Brown suggested there are too many variables at this point in order to make a fully informed decision on the application.

E. Reeve's Closing Remarks and Reminder to Audience

Reeve Churchill invited Planner Karl Grenke to make a few remarks.

- Mr. Grenke thanked the public for attending, noting that planning decisions are best made with input from those impacted. He advised that a noise study was not originally requested however additional information received warranted further consideration.
- Reeve Churchill advised the public that a decision on the application will not be made this evening and everyone will be advised.

F. The Public Meeting for the Militky Zoning Amendment was closed at 9:30 p.m.

Council took a recess at 9:30 p.m. and resumed the meeting at 9:40 p.m.

3.0 COMMITTEE & BOARD REPORTS

3.1 Committee of the Whole Report to Council

- **January 21, 2014**

Councillor Ken Fournier presented and read Report #2 CoW-January 21, 2014 to Council on behalf of the Committee of the Whole.

Moved By: Ken Fournier
Seconded By: Gail Code

BE IT RESOLVED THAT the Report #2 CoW-January 21, 2014 is hereby adopted this 28th day of January, 2014.

“A” 1 Health Unit- Network Days – Funding

“B” 1 THAT the Council of the Corporation of the Township of Drummond/North Elmsley agrees to share in the meeting costs for the quarterly Network Days for the Drug Strategy Committee at \$200 per year.

“A” 2. Randy Pettapiece, MPP – Resolution on Joint and Several Liability

“B” 2. THAT the Council of the Corporation of the Township of Drummond/North Elmsley supports the intent of Randy Pettapiece’s, MPP, resolution on Joint and Several Liability.

“A” 3. Smiths Falls Recreation Agreement

“B” 3. THAT the Council of the Corporation of the Township of Drummond/North Elmsley supports, in principle, entering into a Recreation Agreement with the Town of Smiths Falls.

Carried
14-012

4.0 BY-LAWS

4.1 2014-006 – 2014 Audit Committee Terms of Reference,

Moved By: Ray Scissons
Seconded By: Gail Code

BE IT RESOLVED THAT By-law #2014-006, being a By-law to establish a Joint Lanark County 2014 Election Compliance Audit Committee Terms of Reference and entitled, “2014 Election Compliance Audit Committee Terms of Reference”, be read a first, second and third time and finally passed in open Council.

Carried
14-013

4.2 2014-007 Tax Arrears Agreement By-law

Moved By: Gail Code
Seconded By: Ray Scissons

BE IT RESOLVED THAT By-law #2014-007, being a By-law to authorize the execution of a Tax Arrears Extension Agreement between the Township of Drummond/North Elmsley and Brian Jonathan Lake and entitled, "Lake Extension Agreement", be read a first, second and third time and finally passed in open Council.

**Carried
14-014**

5.0 RESOLUTIONS/NOTICE OF MOTIONS - None

6.0 CLOSED SESSION - None

7.0 BUDGET CONSIDERATIONS - None

8.0 COMMUNICATIONS/CORRESPONDENCE

9.0 NEW BUSINESS

10.1 CN EcoConnexions Grant Program

The Clerk Administrator provided a brief overview of two grant programs that were given to her this afternoon and that she has not had the time to review. Unfortunately, the grants have submission deadlines of January 31 and Feb 3, 2014. The landscaping and drainage improvements at the Rideau Ferry docks will be a good fit. She asked if Council would authorize staff to submit an application prior to knowing the details because of the tight timelines. It may even be that applications are not submitted. She will advise Council of what has been done.

**Moved By: Ray Scissons
Seconded By: Ken Fournier**

BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley approves that an application for funding under the CN EcoConnexions – *From the Ground Up* program be submitted;

AND FURTHERMORE THAT that the Township has constructed public docks at the location, and will be landscaping around the docks in 2015, and Council has built in regular maintenance of the site into its annual budget.

**Carried
14-015**

10.1 Soak It Up Ontario OTF Grant Program

**Moved By: Gail Code
Seconded By: Ray Scissons**

BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley approves that an application for funding under the Soak It Up! Ontario OTF funding program be submitted.

**Carried
14-016**

10.0 CONFIRMATION OF COUNCIL PROCEEDINGS

**Moved By: Gail Code
Seconded By: Ray Scissons**

BE IT RESOLVED THAT By-law #2014-008 being a By-law to confirm the proceedings of Council at its meeting of January 28, 2014, be read a first, second and third time and finally passed in open Council.

**Carried
14-017**

11.0 ADJOURNMENT

**Moved By: Ray Scissons
Seconded By: Ken Fournier**

BE IT RESOLVED THAT the Council of the Corporation of the Township of Drummond/North Elmsley adjourn their regular meeting of Council.

Adjourned at 9:45 p.m.

**Carried
14-018**

REEVE

CLERK ADMINISTRATOR