

Township of Carling



MINUTES
COMMITTEE OF THE WHOLE
Online
2 West Carling Bay Rd., Nobel, ON
9:00 a.m.
Tuesday, January 25, 2022

Attendance

Council Members Present

Mayor Konoval
Councillor Murphy
Councillor Crookshank
Councillor Crocker

Staff Present

Kevin McIlwain, CAO/Clerk
Mackenzie Taylor, Records Clerk / Deputy Clerk
Gord Harrison, Fire Chief
Chris Waepler, Public Works Manager
Naythan Nunes, Chief Building Official
Jenny Richies, Senior Accountant / Tax Collector

Regrets

Councillor Gilbert

This meeting was held ELECTRONICALLY in accordance with section 23 of the Township's Procedure By-law. Those who submitted a request prior to the meeting were able to observe the meeting live.

1. CALL TO ORDER

The Mayor called the meeting to order a 9:00 a.m.

(1) ADOPTION OF AGENDA

Two items were added to the Closed Session agenda to discuss; a human resource related matter and a potential litigation topic regarding a planning matter. The agenda was adopted as amended.

2. DECLARATIONS OF PECUNIARY INTEREST

None

3. PUBLIC MEETING – ZONING BY-LAW AMENDMENT Z/2021/08 (Gertner)

The CAO gave an overview of file Z/2021/08. He noted that a number of letters of objection had been received.

There were a number of members of the public who spoke either in support of, or in opposition to, this file.

Alan Gertner, the owner of the property under review, apologized to the public for proceeding to build without a permit. He made a case for why his building should be permitted and explained how this structure is environmentally conscious and was built in the best possible location. His Legal Council, Michael Cook, a municipal planning lawyer, noted that Mr. Gertner has been working with staff. He noted that no fish habitat or endangered species habitat were impacted by this structure. He also noted that there are systems in place to deal with those who have built without a permit. He reported that Mr. Gertner has followed this system and has paid the fines. He explained why he felt that there are no reasons for Council not to approve this file.

Those who spoke in support of this application were as follows:

David Hill who stated that he thinks Mr. Gertner has done a good job figuring out the correct place to build on the Island and supports this application.

Bob Murphy who noted that Mr. Gertner should be forgiven for his mistake. He does not think the building is obtrusive and is in support of this application.

Those who spoke in opposition to this application were as follows:

Derek George commented that everyone has to play by the rules and make applications. He noted his concern that if this by-law is approved it may become precedent setting.

Robert Holm is against this application. He noted that rules need to be followed and agrees with Derek George's comments that a precedent will be set if Council approves this application.

Alan Unwin noted that is against this application and echo's the concern about precedent being set.

Michelle Kay stated that she agrees with what has been said so far. She is against this application.

Don Clement commented that he is against this application. He thinks that Council should take a hard stance on this.

Glenn Dario noted that he is opposed to this application. He believes that this type of error should not be forgiven.

David Bruce objected to this amendment. He thinks that this has been wrongly executed and it is not within the framework that the public is accustomed to.

Rochelle Dennis is opposed to this application. She noted that this structure is dominant on the horizon of Georgian Bay and that it takes away from the beauty of the area.

Susan Howe asked for clarification on what the fines were for building without a permit and if it met the building requirements. She is opposed to this application.

John Mowatt is opposed to this building application. He said that the building is in his line of site and that it ruins his view. He believes that the building should be demolished or moved to a more suitable location.

Robin Plumb believes that there are more environmental considerations and thinks that Council should stick to their Official Plan objectives. He is opposed to this application.

Al Doubrough commented that he is opposed to this application because Mr. Gertner broke the law when there was an understanding of what needed to take place.

Ian McDonald is against this application because of the precedent that it could set.

Briana and Daniel Zer are opposed to this application. They wanted to know what happens with the lack of building inspections and how the Township would know if the building meets code.

Doug Malvern was opposed to this application.

Tim Kingleyside is opposed to this development noting that it is not consistent with the Official Plan and that it will create an avenue for other property owners to do the same thing.

Jeff How opposed to this application. He is concerned about the precedent this could set.

Jeff Diefenbaker commented that he appreciates the building and how it was built, but that it was not built in the spirit of how the law is written. This building is not compliant and should not supersede what the law states. He is opposed to this application.

Murray Hogeboom is opposed to this application because it did not follow regulations.

Anne North is opposed to this application. She believes it is inconceivable that someone would build without a permit.

Todd Letwinka is opposed to this application. He is in agreement with the other comments.

Pat Campbell is opposed to this. She thinks that environment should be respected and that it sets a precedent.

Brenda Davidson is opposed to this application, she thinks that it is precedent setting for other projects that are forth coming.

Cam and Beth Gunter are opposed to this application. They asked about septic approvals and setbacks. They noted that if Council does not take a stance on this it could be precedent setting.

Chris Walker is opposed to this application. He thinks this could be precedent setting.

4. DEPUTATION

None

5. MONTHLY REPORTS

Councillor Crocker asked the Public Works Manager about snow plowing.

6. CLOSED SESSION

Resolution

**Moved by Councillor Crookshank
Seconded by Councillor Murphy**

NOW THEREFORE BE IT RESOLVED that Council move into a CLOSED SESSION at 10:49 a.m., pursuant to Section 239(2)(b)(e)(f) of the Municipal Act, 2001, S.O. 2001, c.25, as amended, for matters pertaining to a potential litigation, identifiable individuals and advice that is subject to solicitor-client privilege in relation to matters regarding a Parkland Dedication –OLT Appeal, a matter on Moccasin Trail, a Zoning Amendment Matter and a Human Resource Matter.

Carried

Resolution

**Moved by Councillor Murphy
Seconded by Councillor Crocker**

NOW THEREFORE BE IT RESOLVED that Council move out of a CLOSED SESSION at 11:47 a.m.

Council discussed matters relating to a parkland dedication OLT appeal. An ongoing planning matter, a matter regarding a zoning amendment and a human resource related matter.

7. ADJOURNMENT

The meeting was adjourned at 11:49 a.m.



Mike Konoval, Mayor



Kevin McLwain, CAO/Clerk