

Type of Decision									
Meeting Date	Tuesday, May 15, 2018				Report Date	Thursday, May 10, 2018			
Decision Required		Yes	X	No	Priority	X	High		Low
Direction		Information Only		X	Type of Meeting	X	Open		Closed
REPORT TITLE - The Algonquin Trail									
Report #15/05/18 - 1102									

Subject: The Algonquin Trail**RECOMMENDATION:**

That Council receive the attached as information. A more comprehensive report with options for council consideration and a plan to move forward will be prepared for the June meeting of Council.

BACKGROUND/EXECUTIVE SUMMARY:

1. Council has not received a response from the County of Renfrew to date on its requests for information or requests for consultation. Any resolutions and questions council has sent have been ignored.
2. As to legal opinions, the County of Renfrew has obtained an opinion contrary to ours. This municipality has paid for a legal opinion in respect to its Zoning By-Law which it is required to uphold under the Planning Act.
 - a. We have received a rebuttal to the County's assertion that they have authority to move forward from Cunningham Swan where they maintain their original position and that of the Clerk in that the Municipal Act does not supersede the Planning Act. A zoning by-law is not subject to the conflict provisions in 13 (3) which the county relies on.
 - b. The sections the County quote are based on the priority of upper tier over lower tier in by-laws passed under the Municipal Act. This has never been contested in court; but it is quite clear. A Zoning By-Law is passed under the Planning Act. Even Jim Hutton admitted publicly on local radio that an upper tier has no say over a Zoning By-Law of an upper tier.
 - c. Cunningham Swan continue that even if they are incorrect in that position, the County can create it's trail throughout the community but the municipality STILL has the authority to limit where motorized and non-motorized use may occur.
 - d. Although not said publicly, but at the staff meeting at the County of January 18, 2018, county staff did advise that the lower-tier has the opportunity to provide the county with a map of sections of the trail where it did not want motorized use – they termed it a by-pass or detour. Lower tiers have this authority. The fact that the County has advised that they also must pay for the costs of detours, is simply false. The County does not have the authority to request that a lower tier pay for a trail that the County wishes to implement. (A copy of the notes from that meeting have been included for review.)

3. Council/Staff have met with Council member Wendy Jocko of Pikwakanagan as part of our duty to consult. As others, her comments are going to be presented anonymously except for the following:
 - a. The land claim will not affect use of the trail as it will be/is private property and the land claim does not affect private property.
 - b. In her recollection, the County of Renfrew has not consulted with Pikwakanagan; we are the first municipality to do so.
 - c. She questioned the name of the section of the trail through Renfrew County. When asked if their community was consulted about this use – she thought not.
 - d. She thanked us for consultation and the ability for her community to have input.
4. One group of stakeholders seemed to think that Council would take a vote at these sessions and those with the majority would prevail. That was never the intent of these consultations however; for the benefit of those who have read to this point, the “against” motorized use throughout the community was the prevalent opinion. Again, a number of those people would never had come out to express their opinion in an open forum where people were attacking others, council members and staff.
 - a. I have been asked “what will you do when you announce this? You know ‘they’ won’t believe you”? Agreed. All I can do is report. The vocal majority does not always represent the actual majority opinion – on any subject.
 - b. Of note, during the education and training session by the municipal Integrity Commissioner he expressed that Council has been charged to govern, to make decisions in the best interests of the municipality based on fact; not to take the easy way out and count phone calls.
5. Concerns from the public, Council and staff which have been re-enforced through continued consultation:
 - a. Costs of infrastructure replacement within Head, Clara & Maria due to geography with dangerous slopes, bridges and culverts and the opening of the trail for use before safety mechanisms have been installed.
 - b. Accessibility issues for trails and need for accessible materials for walking trails. Costs.
 - c. Policing. Proximity to policing. Distance and time to respond to complaints. Costs of increased calls for policing due to trail issues.
 - d. Fire. Danger to private property. Increased costs for fire management due to increased use within the community.
 - e. Need for increased signage, gates, bollards, chicanes or by-passes through Stonecliffe and Mackey, and near other populated areas to alleviate concerns with noise, speed etc.
 - f. Need for re-route through specific areas. Need to slow users near private property. Costs, responsibilities?
 - g. Garbage.
 - h. The way that members of County council (staff/council members) dismissed ratepayer concerns as not important as early as the October 2016 meetings – signs – they’ll shoot them up; gates – they tear them down. Yet they continue on with their vision.
 - i. How are existing trespass issues going to be dealt with? It’s been occurring for years. Fencing and responsibility for.
 - j. Hunting along the trail – with camps and homes in proximity. Locals might know where these camps are, visitors do not. Enforcement. People ignore signs.
6. Stakeholder meetings have now completed. Comments are outlined below and are not being attributed to any one person or group of persons. A more complete report will be presented to Council for the June meeting. Comments from the past months’ sessions and letters received...

- a. In Southern Ontario, we have many issues between public thoroughfares and private property use (i. e., trespassing, damage, garbage, etc.) and there is no reason for HCM to revisit those issues if you can figure out how to prevent them on the front end of this project.
- b. Government should not compete with private business interests...any new business through the municipality should not offer a service which I already supply...
- c. I have 95 acres...the removal of the railway has already lead to increased crime and vandalism on my property so I have little interest in further development of the trail through my property.
- d. I have already had to put no trespass signs up and additional gates on all the access roads to my property which are torn down and run over and garbage is left everywhere. The additional traffic of tourists in the area will lead to more crime and property damage because it provides increased access to hunt camps and cottages that did not have access to before.
- e. We have problems already – snow mobiles zip all over the place, off the rail bed, through the yard between sheds.
- f. Why can't they use the trails in behind Mackey, they already exist?
- g. The MLSC; I'm not involved anymore; it only benefits a few people, the businesses.
- h. Every road and trail - the clubs take them over; atvs will be next.
- i. We don't want an atv club; we'll have to buy permits then.
- j. It's not trespassing if you're on the rail bed; its use at your own risk.
- k. I don't think we should be in this to subsidize the tourist industry.
- l. I like to walk; I'm not going out there with snowmobiles, and now they want atvs?
- m. If they're not controlling it now; what will happen with an influx of people?
- n. Great for out of town ratepayers, better access to the general store. Out of town taxpayers love to use the trails, probably use it more than the locals.
- o. I think it's a good thing; have a 2 year trial and then see how it works. Block after winter – can't use in summer.
- p. If you open up the rail, it will keep people off private property.
- q. We all agree on ATV use – maybe not you, but we do. In this area, there's less likelihood of pedestrian use.
- r. More people will come into the area to buy old properties to open up the area.
- s. We don't need more development, I moved here for the peace and quiet.
- t. Where I lived before, the trails are a nightmare, garbage, trespass.
- u. I don't want ATVs on my property.
- v. I believe trail development will be good for everyone.
- w. We have a very active recreation committee in this community and the trail will help them to come up with local events and groups that can come together to enjoy the great outdoors.
- x. We have excellent trails, some of the best in Ontario.
- y. It is not the intent of the MLSC to use the whole line. We were satisfied with what we had done so far.
- z. Snowmobilers come because we are a link, they will come no matter what is here.
- aa. We're mistaken if we think there will be an influx of tourism through HCM.
- bb. Why put in a restaurant, it will compete with the chip stand.
- cc. Our businesses are dying because we can't get to them.
- dd. The Legacy trail, been used for decades, we won't leave it unless we have to. We didn't want to use the rail line.

Although various others have brought up the idea of having ongoing advisory type groups to manage the progress of the trail, Chris Emery, Penny Farnell and Bruce Farnell stepped up and agreed to assist with a task force if Council deemed it appropriate to continue with public consultation. They could break the issue down further and develop different groups to research different aspects, bring the issue back to Council in the future for a decision. Long term, management/advisory committee to direct the County in how the community wishes the trail to develop here.

One of the most notable commonalities throughout these sessions is the lack of empathy and concern for the opinions of others outside of my own; “so long as I agree with it, do it; if I don’t agree, then don’t do it”. So some of the die-hard snowmobilers – they want the trail to go through wherever the club wants it to; but don’t let the atv’ers in, they’ll ruin your trails. Yet they don’t care about the people who don’t want snowmobiles in their backyards.

Options/Discussion:

Others Consulted:

Just over 80 stakeholders participated in the sessions, sent letters or submitted email comments which will all be compiled and presented to Council and the public for review. All will be anonymous but for those who prepared written statements, some of their descriptions will allow others to know who they are. Those consulted about this, expressed that they were OK with sharing their written comments as is. In some cases identifying comments have been redacted.

Approved and Recommended by the Clerk

Melinda Reith,

Municipal Clerk

Melinda Reith

Additional Information

In the process of attempting to consult with the snowmobile club and the county, staff have received a response from Terry Vaudry of Snow Country based on comments in the April Algonquin Trail update. I have included it here for your review along with my response in the vein of complete openness and transparency. We have received nothing from the County.

“May 10, 2018

Good Morning Melinda

Getting back to you on this, we would still like to meet and discuss but putting this together has been challenging. Due to financial constraints here my Board of Directors has not authorized my travel. Alternatively they asked Director Marlene Gibson to advise we could meet here at our office. I have received no response from HCM on that request.

According to the attached report, it appears you did receive our request and subsequently this was reported in a negative manner. Once again I remind you that we feel it is important to meet with HCM and work out perceived issues, however the manner in which our volunteer club (and now our organization) is dealt with makes this very difficult. Further, the club has advised that Todd Dowser is in fact their spokesperson and as such would attend any meetings on behalf of the club. County staff has advised us of a favourable legal opinion and did agree to attend once a date was set.L

I have recommended to my Board that we wait to meet until after municipal elections are complete and your new council is up and running. I continue to promote at the County that discussions be initiated with HCM. A fresh start seems to be in order and we certainly want this put this to rest prior to season start.

Terry”

“Thanks for that Terry.

You are correct, discussions are required. In absence of same, this Council will proceed with making decisions it deems appropriate for its residents. You express that you are concerned with how your club and organization has been “dealt with”. Imagine a local government that is told who, what, where and when it will be consulted? And what will happen within its borders? Our position is we have not been dealt with very well by this club or the County.

During this process and the personalization of the issue by certain club members, Council and staff are feeling dismissed. Much is happening within our boundaries without consultation with Council. Any actions staff have taken over the past nearly two years now, have been debated, questioned and contested by members of this club. You may be new to these interactions but staff directives have been laughed at and ignored by members of the MLSC from as early as February of 2017. Head, Clara & Maria is a lower tier government. Its Council, residents and staff deserve more respect. This may help to explain why your request was reported in a negative manner.

The legal opinion the County has received is just that. It is contrary to ours. It holds no weight until it goes to court or before what was the Ontario Municipal Board now the Local Planning Appeals Tribunal. That may be what they need to do; that will be a decision of this council. The County still does not have the authority to dictate to a lower tier what they must do in their Zoning by-laws. Nothing has changed in that matter; especially since the County refuses to share its legal opinion.

In any event, Council has conducted many stakeholder meetings over the past months, it is unfortunate that your board did not allow you to attend, or the MLSC did not deem it important to attend. The county also refused to meet Council. Council will advise of its decisions moving forward and as always, the invitation to meet with staff and council is open.

You might want to note that the first meeting of the new Council is December 3, 2018 long after your plans should have been made for the upcoming season. You might want to rethink this stance.

Respectfully

M. Reith, Dipl. M.M.”