



SAUGEEN MUNICIPAL AIRPORT

THE SAUGEEN MUNICIPAL AIRPORT COMMISSION SPECIAL MEETING MINUTES

Wednesday, April 6, 2022, 2:00 p.m., via Zoom

Commissioners Present: Dan Gieruszak, Chair
Moe Hanif (at 2:15 p.m.)
Tom Hutchinson
Bill Roseborough
Jack Zeinstra

Absent: Dave Hocking, Vice Chair

Guests: Filomena McDonald, Airport Manager
Catherine McKay, Recording Secretary

1. Call to Order

The Chair called the meeting to order at 2:00 p.m. and admitted guests Saquiba Rahman and Brendon Pooran, of Pooran Law.

2. Approval of the Agenda

Motion Moved by T. Hutchinson

Seconded by B. Roseborough

That the agenda for April 6, 2022 be accepted as circulated.

Carried

3. Disclosure of Pecuniary Interest and Declaration of Conflict of Interest

None declared.

4. Delegations

There were no delegations.

5. Adoption of March 16, 2022 Minutes

Motion Moved by B. Roseborough

Seconded by J. Zeinstra

That the minutes of the March 16, 2022 meeting be approved as circulated.

Carried

6. Action Items Arising from Minutes

There were no action items arising from the minutes.

7. Correspondence Requiring Action

There was no correspondence requiring action.

8. Public Notification

There were no public notifications.

9. Reports

A. Ontario Not-for-Profit Corporations Act Compliance Process

The Chair introduced Saquiba Rahman and Brendon Pooran. Mr. Pooran thanked the Commission for the opportunity to bid on the work, and noted that Pooran Law is based in Toronto with satellite offices in London and Windsor. For the past 18 to 24 months, they have worked with a number of not-for-profit organizations preparing for the implementation of the Ontario Not-for-Profit Corporations Act (ONCA).

Mr. Pooran reviewed the proposal which was included in the material provided for the meeting. He then reviewed the background of ONCA, noting that not-for-profit organizations (NPRs) have been covered by the same legislation, the Ontario Corporations Act, since 1960. The federal and provincial governments

realized that there was a need to modernize this legislation and the province started work about 15 to 20 years ago with the goal of rolling out new legislation by 2010. A new act was passed in 2010 but did not come into force until (delete October or November) December of 2021. At the federal level, federally regulated corporations had to transition to new federal legislation. Mr. Pooran described the Ontario law as fairly well drafted, noting that it covers all NPRs which now have to transition to ONCA. For SMA, this means looking at and updating letters patents, any supplementary letters patent, by-laws and governance policies which complied with the old Ontario Corporations Act.

He reviewed the process and workplan set out in the meeting material and suggested that the Commission may want to strike a committee to work with his firm to develop recommendations for the Commission's approval. The Chair noted that the Commission does strike ad hoc committees, and added that the meetings of ad hoc committees are open to any Commissioner wanting to attend. Mr. Pooran explained that the final step is to file articles of amendment to the letters patent with the government. He added that Pooran law can also review governance policies to ensure compliance with ONCA, the corporation's objects as set out in the letters patent, and its by-laws. He referred to the detailed workplan on pages 3 to 5 of the quote which shows the tasks to be completed.

The Chair provided an opportunity for questions asked Commissioner Hutchinson if the Municipality of West Grey was doing anything on this front. He responded that West Grey is in discussions with Grey Highlands on the matter, and stated his appreciation for the very detailed report from Pooran Law.

The Chair asked for clarification that the \$3,500 - \$5,000 cost + HST is the total cost since the Commission does not have a lot of policies, by-laws, etc. Mr. Pooran stated that this fee covers steps 1 – 3, and it would cost extra for a review of governance policies. Ms. Rahman confirmed that the quoted fee is for the transition to ONCA and a more detailed review would mean additional costs. The Chair noted that the Commission has procedural and purchasing by-laws, and Mr. Pooran confirmed that a review of these would be in addition to the cost quoted. He suggested that he could look at the procedural by-law and provide a quote for a review of it.

The Chair admitted guests including Ron Davidson, Land Use Planner, at approximately 2:15.

Commissioner Roseborough asked about the corporate seal since its location is unknown. Mr. Pooran explained that most organizations these days don't have a corporate seal and there is no reference to a seal in ONCA, so it is not important. Ms. Rahman said that seals are now digital and letters patent would include a statement to this effect.

The Chair requested that Pooran Law do a quote on the additional work to review the Commission's governance documents and thanked Mr. Pooran and Ms. Rahman for their response to the request for quote and providing an update to the Commission. Mr. Pooran again thanked the Commission for the opportunity to quote on the work and attend the meeting.

B. Airport Property Zoning Issues and Action

Mr. Ron Davidson, Land Use Planner, joined the meeting at 2.23 p.m. The Chair explained that documents were sent to Mr. Davidson so he could review the situation regarding possible uses of the airport lands including hangar builds, an RV park related to aviation, walking trails, and aviation schools which will be required to meet a large future demand due to the upcoming retirement of many pilots and which would include purpose-built classrooms and accommodation.

Mr. Davison reviewed the existing AP zoning of the airport lands as set out in the report included with the meeting materials, noting that the northeast corner is designated as hazard land. He outlined the permitted uses which include accessory uses such as a warehouse or a school, but residential uses are not allowed. Aircraft hangars are allowed and more could be added. Under Bruce County's official plan, there is no special designation for airport uses. The plan designated the airport land as agricultural which is very restrictive. He noted that any amendment to the zoning on the airport lands must conform to the Official

Plan. He suggested that the next step is to discuss the issue with officials of the County Planning Department to obtain their opinion about the Commission's ideas for using the airport land. He added that he doesn't know what limitations there might be on housing uses due to safety concerns. The Chair noted that there are about 600 airports in the US that have "home hangars". Mr. Davidson said that he would be more confident about residential uses being allowed if the designation in the Official Plan was Rural rather than Agricultural. Land is designated Agricultural if it is good agricultural land and if not, it is designated Rural, which is more permissive. An Agricultural designation does not allow much in the way of uses. Mr. Davidson said he cannot speculate as to what the local municipality and the County might say about any change, and the only way to know is to have a discussion with them. The Chair noted that the question of residential uses including apartments in hangars should be clarified. Mr. Davidson added that apartments in a hangar are allowed but only for use by an airport manager or caretaker, not for people to live in them.

The Chair agreed that discussions should occur with the municipality and the county and he believes that Brockton would support zoning that would promote economic development at the airport, noting that the local zoning may not be consistent with County Official Plan. He added that the provincial Ministry of Municipal Affairs and Housing has a planner assigned to this part of Ontario and there have been instances where the Province objected to a decision of the County which then had to appeal. So it is important to "cross all the t's and dot the I's" when dealing with such matters. He suggested that it might not be a high hurdle to have additional uses allowed on airport lands.

The Chair suggested that next steps are to document the airport's requirements as to uses of the lands, discuss with Brockton to ensure that they are supportive and then discuss with the County. Mr. Davidson suggested that this could be one step involving a meeting with both Brockton and the County, or two steps, which he said would be preferable. Mr. Davidson could be available to attend the meetings, and noted that it would be helpful to have a land use planner present and to follow up the meeting by developing a plan to move forward. The Chair noted that the Commission has been discussing land uses at the airport for several years and it needs to invest time and energy into concrete steps. He added that the County is doing an Official Plan review and so this initiative may be timely. Mr. Davidson confirmed that the current zoning does not reflect residential uses, but the other uses suggested in the report would be allowed, and he emphasized that the zoning has to comply with the official plan. He said he is concerned about the residential aspect, but the Commission will only know the municipal and county positions if it asks.

The Chair noted that the Commission is planning for 30 to 40 years ahead, and needs to plan to wisely use the asset it has in land. He does not think that the County wants the zoning to change to agricultural. Mr. Davidson said that uses were added to the AP designation to make it more sustainable and referred to the Warton airport where the zoning was restrictive to the point where no one wanted to invest in it. The Chair added that the costs to the municipality were greater for the Warton Airport than for SMA which has done a great job in the last few years in moving forward.

With respect to residential development, Mr. Davidson asked if the Commission has thought about the type of ownership (e.g. rental, condo, etc.) The Chair explained that ownership of airport hangars is a mix of leases and ownership. Mr. Davidson said that it is important to have a lawyer familiar with such issues, adding that there is also the life lease option, where the building is owned but rent is paid on the land.

Commissioner Zeinstra thanked Mr. Davidson for his expertise and explained that with hangar homes, most are built on the owner's land as people generally do not build million-dollar homes on someone else's land. He suggested that perhaps in the future it would be possible to sever a lot for a hangar home. Mr. Davidson said that lot creation does not affect the zoning and creating a lot through a severance would require a plan of subdivision and lots have to front on a public road. Otherwise, condo ownership might be possible and the ensuing legal issues could result in considerable legal fees. He added that it is more difficult to create lots on agricultural land, but this point could be part of the discussion with the municipality and the County. Commissioner Roseborough raised the question of a farmer with an airstrip

who could land his plane in front of his home. Mr. Davidson said that the airstrip would be considered a permitted accessory use. He added that lot creation can be very difficult as it requires infrastructure. The Chair suggested that life lease arrangements might be viable and generate a continuous revenue stream for the airport. Ron suggested that this arrangement could allow the airport to keep control of the land, versus a situation where a lot is created through severance and the owner sells to someone who does not use it for AP related purposes.

The Chair thanked Mr. Davidson for his assistance and noted that he will be in touch with him moving forward. Mr. Davidson left the meeting at 2:50 p.m.

10. New Business

There was no new business.

11. In Camera

There were no items for an in camera session.

12. Direction Coming Out of In Camera

There was no direction coming out of in camera.

13. Confirmation of Proceedings Resolution

There was no requirement for a confirmation of proceedings resolution.

14. Adjournment

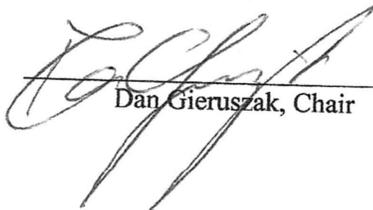
Motion Moved by J. Zeinstra

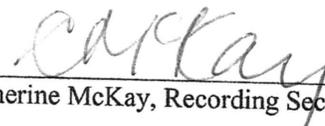
That the Commission adjourn at 2:49 p.m..

Carried

Seconded by T. Hutchinson

Next Meeting: Wednesday, April 20, 2022 at 7:00 p.m., via Zoom, or at the discretion of the Chair.


Dan Gieruszak, Chair


Catherine McKay, Recording Secretary