

TOWN OF GEORGINA

COUNCIL MINUTES

February 11, 2008
(6:00 p.m.)

Moved by Councillor Smockum

Seconded by Councillor Hackenbrook

That the Council Members resolve into a Closed Session at this time (6:00 p.m.) to deal with the following matters:

- i) Advice that is subject to solicitor-client privilege, Sec. 239 (2)(f) MA
- ii) Potential Litigation, Sec. 239 (2)(e) MA

Carried.....

The Members recessed from the Closed Session and resumed the Council Meeting at this time (7:15 p.m.).

1. MOMENT OF MEDITATION:

A moment of meditation was observed.

2. ROLL CALL:

The Clerk gave the roll call and the following Council Members were present:

Mayor Grossi	Regional Councillor Wheeler
Councillor Jamieson	Councillor Szollosy
Councillor Hackenbrook	Councillor Smockum

12. PRESENTATIONS:

- 12.1 Presentation of Ontario Heritage Award to Maggie Chadwick and Dr. Andrew Abramowicz by Mayor Grossi

Mayor Grossi read a letter from the Honourable Lincoln M. Alexander, Chairman of the Ontario Heritage Trust, praising the recipients of the Award for their devotion to the community and to its heritage.

Mayor Grossi presented Magdeline Chadwick with an Ontario Heritage Trust Community Recognition Award and pin at this time.

12. PRESENTATIONS cont'd:

Mayor Grossi presented Dr. Andrew Abramowicz with an Ontario Heritage Trust Community Recognition Award and pin at this time.

Mr. Lorne Prince, Chair of the Georgina Heritage Committee, explained that Dr. Abramowicz was nominated for the award because of his building conservation and the work he has undertaken with regard to his office building over the years. Ms. Chadwick was nominated due to her cultural work within the community including the development of a program to enlighten students on pioneer life and local history.

3. COMMUNITY SERVICE ANNOUNCEMENTS:

The Council Members were made aware of a number of community events taking place.

4. INTRODUCTION OF ADDENDUM ITEMS AND DEPUTATIONS:

The following addendum items were identified as part of the agenda:

- 4.1 Peter Sibbald Brown, President of The Lakewatch Society, respecting concerns regarding Item No. 14.1.1
- 4.2 Municipality of Clarington, Item No. vii of Routine matters, removed for consideration
- 4.3 Correspondence regarding the Sixth Annual Lake Simcoe Winter Sports Festival for wind and kite enthusiasts, for information.
- 4.4 Correspondence from Lynda and Marc Bertrand, Ross and Lisa Fattori and Sherry Smith respecting concerns regarding Item No. 14.1.1

5. APPROVAL OF AGENDA:

Moved by Councillor Smockum

Seconded by Councillor Szollosy

RESOLUTION NO. C-2008-0058

THAT THE AGENDA WITH THE FOLLOWING ADDENDUM ITEMS, BE APPROVED:

- 5.1 PETER SIBBALD BROWN, PRESIDENT OF THE LAKEWATCH SOCIETY, RESPECTING CONCERNS REGARDING ITEM NO. 14.1.1
- 5.2 MUNICIPALITY OF CLARINGTON, ITEM NO. VII OF ROUTINE MATTERS, REMOVED FOR CONSIDERATION

5. APPROVAL OF AGENDA cont'd:

5.3 CORRESPONDENCE REGARDING THE SIXTH ANNUAL LAKE SIMCOE WINTER SPORTS FESTIVAL FOR WIND AND KITE ENTHUSIASTS, FOR INFORMATION.

5.4 CORRESPONDENCE FROM LYNDA AND MARC BERTRAND, ROSS AND LISA FATTORI AND SHERRY SMITH RESPECTING CONCERNS REGARDING ITEM NO. 14.1.1

6. DECLARATION OF PECUNIARY INTEREST:

Councillor Hackenbrook declared an interest in Addendum Item No. 23.1 because his employer sells pesticide products.

7. ADOPTION OF THE MINUTES:

Moved by Councillor Hackenbrook

Seconded by Councillor Smockum

RESOLUTION NO. C-2008-0059

THAT THE MINUTES OF THE COUNCIL MEETING HELD ON JANUARY 28, 2008, BE ADOPTED AS PRESENTED.

RESOLUTION NO. C-2008-0060

THAT THE MINUTES OF THE SPECIAL COUNCIL MEETING HELD ON FEBRUARY 4, 2008, BE ADOPTED AS PRESENTED.

Carried.....

8. BUSINESS ARISING FROM THE MINUTES:

Councillor Szollosy noted that Resolution No. C-2008-0053 of the January 28, 2008 Council Minutes referred a draft letter back to the Georgina Environmental Advisory Committee for redrafting and reconsideration at tonight's meeting. He requested that it be dealt with under Item No. 23.1.

9. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION:

None.

10. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION:

10.1 Matters not subject to individual conflicts

None.

10.2 Matters subject to individual conflicts

None.

Mayor Grossi moved forward and dealt with Item No. 17.2.1 at this time.

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS:

17.2 Report from the Engineering & Public Works Department:

17.2.1 Municipal Infrastructure Investment Initiative
Culvert Replacement

Report No. EPW-2008-0009

Mr. Bob Magloughlen, Director of Engineering and Public Works, indicated amendments to the proposed by-law at this time; on the first page, last paragraph, the figure '\$832,000' to be replaced with '\$850,000' and on the third page, last box, the figure '\$351,000' to be replaced with '\$355,000'.

Moved by Councillor Szollosy

Seconded by Councillor Smockum

RESOLUTION NO. C-2008-0061

1. THAT REPORT NO. EPW-2008-0009 BE RECEIVED FOR INFORMATION.
2. THAT A BY-LAW BE PASSED TO AUTHORIZE THE CAO TO MAKE APPLICATION FOR A MIII GRANT TO REPLACE MUNICIPAL CULVERTS 203 AND 205.

Carried.....

14. PUBLIC MEETINGS:

14.1 Statutory Public Meetings:

- 14.1.1 Application to Amend Zoning By-law 500 (7:33 p.m.)
1251869 Ontario Limited
Part Lots 9 & 10, Concession 3 (NG)
AGENT: Michael Smith Planning Consultants

Report No. PB-2008-0016

Mayor Grossi explained the procedure for a public meeting at this time.

Mr. Gord Mahoney of Michael Smith Planning Consultants, agent for the applicant, stated that the subject lands are comprised of three separate parcels of land and were created as a result of the Town purchasing the extension of Third Avenue and Rockaway Road from the applicant during the Willow Beach Servicing project. He noted that each of the parcels has a municipal water and sewer connection.

Mr. Mahoney explained that Parcel 'A' is designated Lakeshore Residential Area, Rural and Environmental Protection Area 1 & 3 in the Town's Official Plan, while Parcels 'B' and 'C' are designated 'Lakeshore Residential'. He noted that the subject lands are zoned Rural (RU) in accordance with Zoning By-law 500 and the applicant proposes to rezone the lands from 'Rural' to 'Residential' and 'Open Space' (OS). This amendment would implement consistent development standards with the residential properties to the north through reduced setbacks and increased lot coverage and would protect environmental features.

Mr. Mahoney indicated that Parcel 'A' is located on the west side of Third Ave with a frontage of 75 metres (246 feet) and an area of 3.95 hectares (9.76 acres). He noted that only 0.34 hectares or 0.84 acres of Parcel 'A' is proposed to be re-zoned to 'Residential' (R) while the remainder is to be zoned 'Open Space' (OS). He explained that Parcel 'B' is located between Third Avenue and Rockaway Road and would be considered a 'through lot' in accordance with the zoning by-law as it has two road frontages, 74 metres (242 feet) along Third Avenue and 71 metres (233 feet) along Rockaway Road. Parcel 'B' has a total area of 0.67 hectares or 1.66 acres.

Mr. Mahoney explained that Parcel 'C' is located along the east limit of Rockaway Road and has a frontage of 71 metres (233 feet) and a lot area of 0.28 hectares or 0.69 acres.

As outlined in the Planning Report, the proposed amendment would be consistent with the Provincial Policy Statement and conform to the policies of the Greenbelt Plan and agrees with staff's assessment of these documents as outlined in the report.

14. PUBLIC MEETINGS cont'd:

Parcels 'A', 'B', and 'C' are three separate conveyable parcels and according to Zoning By-law 500, each parcel is eligible for a building permit for a single family dwelling and in this regard, the zoning amendment is not required to permit single family dwellings. However, the three parcels were created after 1995 and in accordance with the development charge by-law, prior to building permit issuance, development charges are to be paid.

Mr. Mahoney stated that the purpose of the amendment is to implement the same development standards such as setbacks, height and lot coverage provisions, as the residential lots to the north. Additionally, the amendment would ensure that certain uses permitted in the Rural (RU) zone such as home industry and agricultural uses would not be permitted in what would be considered a residential neighbourhood. He stated that no site specific standards were requested in the application, but according to Town staff, development standards for a residential lot less than 4000 square metres apply to all three parcels. However, accessory structures are not permitted in the front or exterior side yard in a residential zone.

Mr. Mahoney explained that as Parcel 'B' is considered a 'through lot' having two front lot lines, and according to the zoning by-law would have two front yards and an exterior side yard, it would be difficult to locate an accessory structure on this parcel. He advised that in this regard, the applicant would request that for the purpose of this by-law the provision stating 'where a lot is considered a 'through lot' as defined in By-law 500, the front lot line shall be deemed to be the lot line abutting Third Avenue' be implemented

Mr. Mahoney observed that Town staff has noted that the Lake Simcoe Region Conservation Authority has raised some concern over the watercourse located to the south of the three parcels and has requested that a 30 metre 'Open Space' (OS) buffer along the south boundary of the parcels be established as a result of its Watercourse Protection regulations. The regulation states that a minimum 15 metre buffer is required for all warm-water watercourses and a minimum 30 metre buffer is required for all cold-water or marginally cold watercourses. In addition, it states that where a watercourse has not been studied as to its thermal regime or fish population, the 30 metre buffer would be required.

Mr. Mahoney indicated that the thermal regime of the watercourse in question has not been studied and the applicant would like the opportunity to have a study prepared prior to the establishment of such a buffer, with the results of the study being provided to the Town and the Conservation Authority. Then, upon determining the thermal regime of the watercourse, the appropriate buffer could be established through the amending by-law.

14. PUBLIC MEETINGS cont'd:

Mr. Mahoney stated that none of the external agencies or internal departments have indicated any objection to this application, the application conforms to the policies of the Greenbelt Plan, the Regional Official Plan and the Town's Official Plan documents. He stated that the application seeks to ensure that any dwelling to be constructed on the subject lands is compatible and in keeping with the character of the surrounding residential neighbourhood and requested that the application be approved with the understanding that the amending by-law will not be passed until the thermal regime of the adjacent watercourse has been determined.

Mrs. Karyn Stone, Planner, explained that prior to 2004 the three parcels of land were one single landholding, at which time the Town purchased some of the land to extend the water and sewer services along Mahoney Drive which was a municipal road allowance. She explained that Section 5.41 of Zoning By-law 500 states that all lots created as a result of land acquisition by the Town are exempt from the lot area and frontage requirements of the existing zoning provisions. Therefore the applicant is entitled to make application for a building permit to construct a single detached dwelling on each property along with payment for development charges.

Mrs. Stone explained that the applicant is requesting an amendment to Zoning By-law 500 to change the zoning from 'Rural' (RU) to 'Residential' (R) on each of the three parcels which will ensure that zoning standards consistent with the abutting residential properties to the north are imposed on any future residential development which occurs on these three properties. She stated that no new residential building lots will be created as a result of the proposed application.

Mrs. Stone explained that the applicant is also requesting an amendment to the Interim Control By-law which was recently implemented in April of 2007 to restrict residential lot creation and changes on land uses pending a review of the severance and land use policies on these lands.

Mrs. Stone advised that by rezoning the parcels from 'Rural' to 'Residential', the front yard setbacks would be reduced from 15 metres in a rural zone to 8 metres in a residential zone which would create a more uniform streetscape. In addition, the height of accessory structures would be reduced from 11 metres in a rural zone to 4.5 metres from grade to peak in a residential zone and restricts the structures within the interior side yard or rear yard only. She stated that in this regard, the proposed amendment is appropriate as it will ensure that any future accessory buildings on the three properties are in keeping with those permitted on the surrounding properties.

14. PUBLIC MEETINGS cont'd:

Mrs. Stone explained that the rural zone permits a number of non-residential uses which may not be appropriate in a residential neighbourhood and the proposed residential zoning would eliminate these uses from occurring. She also advised that in order to ensure that the areas designated 'Environmental Priority Areas' in the Town's Official Plan are protected, a site-specific 'Open Space' (OS) zoning which permits only forestry and conservation uses will be imposed on the portion of Property 'A' south of Mahoney Avenue. A 30 metre 'Open Space' (OS) buffer alongside the watercourse located within the ditch on Mahoney Avenue is also proposed.

Mrs. Stone stated that this amendment is exempt from compliance with the policies of the Greenbelt Plan, whereas Section 4.5 permits single detached dwellings on existing lots of record provided they were zoned for such as of the date the Greenbelt Plan came into force, which they were, and since the proposed rezoning is not required to permit single detached dwellings on each of the parcels, the policies of the Plan have not been applied. Further, an exemption is provided within the Provincial Policy Statement to existing building lots for which construction does not require a planning approval. She explained that, notwithstanding that the proposed amendment does not constitute development as defined in the above noted policy documents, should the applicant submit applications in the future to sever these land parcels or change the land use, consideration of the environmental policies contained within these documents will be required.

Mrs. Stone stated that the applicant is attempting to conserve through the Open Space zoning of the southern portion of property 'A' and is willing to adhere to the Regional Tree By-law requirements and restrictions.

Mrs. Stone explained that she has spoken to several residents who have concerns with the application and indicated that she has received four written submissions. Staff is generally supportive of the application, but need to review the submissions and report back to Council at a later date.

Mr. Bob Magloughlen, Town Engineer, stated that the Town acquired the land from the applicant as the water main needed to be looped so there would be a source of water from two directions, and for constructability purposes as Rockaway Road and Third Avenue would be closed during construction and Mahoney Avenue needed to be opened on a temporary basis for access reasons. He explained that Rockaway Road and Third Avenue both existing at that time, were hard-topped and were well used by the public as trails and it was recommended that the Town expropriate the land to continue the roads southerly to the north edge of the Mahoney Avenue road allowance. The Town met with the owner of the subject property and in order to avoid expropriation plans, came to an agreement to purchase the land at a rate of \$10,000 per acre from the owner in order to extend the two roads and install the water main.

14. PUBLIC MEETINGS cont'd:

Mrs. Stone stated that by acquiring the portion of the lands, the property became three separate lots of record.

Mr. Magloughlen stated that there are water and sewer lateral connections available to each of the three lots as part of the agreement to purchase the land.

Mr. Ross Fattori and his wife Lisa were in attendance, stating that they own property abutting the subject property.

Mr. Ross Fattori stated that he and his wife have lived at 734 Rockaway Road in Willow Beach for the past 21 years, being one of the properties that abut Property 'B'. He stated that they are opposed to the zoning amendment of the subject woodlands from "rural" to "residential" on properties 'A', 'B' and 'C' and requested Council defer any decisions about these properties until proper environmental and ecological studies have been conducted.

Mr. Fattori indicated that page 2 of the report states; "given that the proposed amendment does not result in a change of land use or the creation of additional residential lots, staff is of the opinion that the intent of the Interim Control By-Law is maintained and that an amendment to same is not required.' He inquired if the Town will confirm its decision to restrict residential lot creation, as outlined in the By-law passed by Council in April, 2007? The proposed amendment seeks a re-zoning of these properties for "residential" use for the purpose of building a single detached dwelling on each lot, but the property owner is currently permitted to build a single dwelling on each, without requiring an amendment. He believes that this application could be part of a more ambitious plan to eventually sever the land into smaller lots, so that more homes can be built on them.

Mr. Fattori stated that page 3 of the report states; "... with respect to future residential lot creation in the neighbourhood, the current Official Plan policies and Interim Control By-Law prohibit residential lot creation on lands designated Lakeshore Residential and located within and abutting the Willow Beach Servicing area." and inquired if the Town will uphold this prohibition of additional lot creation on these properties.

Mr. Fattori indicated that page 4 of the report states; '...the applicant is proposing to zone the areas designated EPA 1 and 3 to a site-specific Open Space (OS) zone in an attempt to ensure the long term protection of these forested areas." He stated that the property is already protected under EPA 1 & 3, so it really isn't a concession on the part of the applicant. He stated that Schedule 1 map is misleading because

14. PUBLIC MEETINGS cont'd:

Mahoney Avenue actually ends at Churchill Lane, and to the west runs a trail that extends all the way behind the Civic Centre grounds. In addition, he stated that the map suggests that the residential zone of property 'A' will abut the Open Space zone of Property 'A' but this eliminates the trail and he inquired if a home is to be built directly on the trail.

Mr. Fattori stated that the aerial photograph shows the only thing separating the protected lands is a distance of 20 metres and he does not believe that the flora and fauna of these woodlands is less important than the protected lands simply because of a bicycle track. He indicated that west of Property 'A', on both sides of the trail, land is designated as Environmental Priority (EP) although the report states that the woodlands are not Environmental Priority because of the interruption of Mahoney Avenue. The same trail interrupts the EP lands west of Property 'A' and inquired why protection is warranted in this area and not for the woodlands that share the same topography and are right next door. He stated that the argument that these woodlands are part of Willow Beach's residential package is because of the sewer and water line that loops to Third Avenue. The three woodlands have been designated part of the settlement area merely because water and services are available and looping services was the only practical solution in networking these lines, and hardly constitutes proof that these woodlands should be included as settlement properties

Mr. Fattori indicated that he lives directly beside Property 'B', and Property 'B' is a wetland. These woodlands fall within the 120 metre guideline in the Official Plan and, consequently, environmental and hydrology studies are needed. Also on page 5 of the report, the Provincial Policy Statement states; 'Notwithstanding that the proposed amendment does not constitute development as defined in the above noted policy documents, should the applicant submit applications in the future to sever these lands or change the land use, consideration of the environmental policies contained within these documents will be required.' He stated that the report states that severance of these properties is prohibited, but then goes on to state 'should the applicant submit applications to sever these lands...' He advised that the lands cannot be severed and be prohibited from severance at the same time.

Mr. Fattori inquired what the outstanding taxes are on this property and why the subject application was process when taxes are owed. He stated that the residents of Rockaway Road and Third Avenue, who pay their taxes every year, surely deserve to have their concerns heard and respected. He requested Council defer any decision on this rezoning amendment until proper environmental and ecological studies are conducted and subsequent public meetings are held. He stated that allowing development of these woodlands would set a precedent for other green

14. PUBLIC MEETINGS cont'd:

spaces to be bulldozed out of existence across Georgina, in favour of row houses. The Town should pursue environmental and ecological studies on these woodlands to determine if they do warrant protection and to know for certain the environmental impact of even a single dwelling.

Mr. Marc Bertrand and wife Lynda, 743 Third Avenue, stated that their property abuts property 'B' of this application and they have concerns with the application. He explained that a portion of Report No. PB-2008-0016 raises significant concerns and questions to them. He indicated that paragraph 1 of page 2 of the report states that land was acquired by the Town, from the applicant and due to this acquisition, there are consequences which result in the applicant being exempt from specific By-Laws. He stated that as a result, they feel some of the details of this transaction need to be more explicit and transparent in this forum with regard to the date of the transaction as the Greenbelt Plan has an impact on the proposal, the cost of the transaction with regard to outstanding taxes, surveys before and after the date of acquisition to determine if the property was indeed one parcel or three.

Mr. Bertrand stated that paragraph 3 of page 2 of the report states that no new residential building lots will be created as a result of the application. He inquired what assurances can be given to the residents of the area that this will not occur in the future. Additionally, Paragraphs 1 and 2 of page 5 of the report states that the land to be developed is within 120 meters of an area designated 'wetland' and that according to the Official Plan, an Environmental Impact Statement is required. He inquired why an Impact Statement has not been requested to date as they believe the property should be in close proximity to sensitive land to warrant the necessary study to be conducted as a precaution. He noted that the Lake Simcoe Region Conservation Authority has felt it is sensitive enough to request a 30 metre buffer zone.

Mr. Bertrand stated that the chart on page 6 of the report setting out the differences between rural and residential setbacks indicates that changing a zoning to 'Residential' allows setbacks to occur extremely close to the lot lines. He stated that he does not understand why this property owner would need to build within 5 feet of the lot line when the property is .67 hectares or 1.65 acres and the existing 'Rural' setbacks allow sufficient space to erect a house, unless there are intentions of further severance of the property. He stated that they are deeply concerned that any development of Parcel 'B' will result in water runoff onto their property. He explained that the existing swale is situated entirely on their property and if a dwelling was built five feet from the lot line, all water runoff could be diverted onto their property and the parcel is extremely wet and wonders why it has not been declared a wetland.

14. PUBLIC MEETINGS cont'd:

Mr. Bertrand stated that staff's report did not address two areas which have arisen in other matters before Council, namely how the surplus allocation of the Willow Beach Servicing project is affected by this application and how this application is affected by the York Region Road Capacity within the Keswick and Sutton Secondary Plans.

Mr. Bertrand stated that paragraph 7 of page 7 of the report indicates that taxes are outstanding on the subject property and he inquired what the outstanding amount is and how long the owner has been delinquent in paying his account. He also inquired why the Town is even considering the wishes of delinquent and abusive taxpayers over the law abiding faithful taxpayers of our community.

Mr. Bertrand stated that the Director of Planning and Building stated on page 13 of Report No. PB-2007-0036 which addresses similar requests for rezoning and development in the Willow Beach area, that 'there is very little servicing capacity available for any development and it is very difficult to develop any land zoned 'Rural' these days.'

Mr. Tim Lavender and Kristen DeMelt of 811 Sedore Avenue were in attendance and stated that they moved to Georgina last year from Barrie and Aurora after visiting the area. He explained that being naturalists, they enjoy the outdoor culture, the green spaces, the diversity of wildlife and the persons that we have come to know and whom share and embrace these very same things that we enjoy. He stated that having grown up in Barrie and Kristen in Aurora, they have both witnessed the cultural shift and identity change of these small towns into large bedroom communities and are concerned that if this application is approved, the potential for precedent-setting may result in a similar fate for Georgina. He requested that Council consider maintaining the rural designation of the subject properties.

Mrs. Stone stated that the taxes are not paid up to date at this time, but payment arrangements were made with the Treasury Department prior to the application being submitted to the Planning Department. She noted that the Planning Act does not permit the municipality to hold applications for lack of tax payments.

Mr. Mahoney reiterated that the subject property was originally one parcel prior to the Town purchasing the road allowances for water main purposes and that an agreement was entered into that water and sewer laterals would be installed for the three building lots at that time. The applicants could build single family dwellings on the lots at this time without a zoning amendment.

14. PUBLIC MEETINGS cont'd:

Mr. Harold Lenters, Director of Planning and Building, explained that the Town cannot impose a restrictive covenant on the lots restricting future development to only one single family dwelling on each lot. He advised that the Town has begun its Interim Control By-law study of the severance and land use policies as they apply to the lands within the Willow Beach area to determine how much future development should occur. He stated that he will look at the appropriateness of rezoning these lots into a 'Residential' zone.

Mrs. Stone stated that she has noted all of the comments made at tonight's meeting, she will review the comments and prepare a report for Council's consideration. She indicated that there is no surplus allocation for development beyond these three lots, but there is allocation for these lots and there is regional road capacity to accommodate them. She noted that if the lots are zoned 'residential' rather than 'rural', it is easier to acquire severances, but Council could set out lot parameters to eliminate this possibility.

Mrs. Stone also indicated that in order to ensure that the areas designated Environmental priority Areas in the Town's official Plan are protected, a site-specific Open Space zoning will be imposed on the portion of Parcel 'A' south of Mahoney Avenue, in addition to a 30 metre Open Space buffer alongside the watercourse located within the ditch on Mahoney Avenue.

Mr. Lenters advised that the Town can impose a limit of a maximum of one unit per lot, if so desired, but these lots can be covered with a blanket policy to determine future lot creation potential. The lots are designated 'Lakeshore Residential' in the Official Plan and zoned 'Rural'. He stated that unless Council makes changes to the policies or the property owner submits a future application, only one dwelling unit is permitted on each lot.

Mr. Mahoney stated that severances are not permitted in the area and noted that a 30 metre buffer from the watercourse would not impede one dwelling on each of the three lots. He indicated that the purpose for the application to rezone the properties is to increase the lot coverage and to set back the homes to the north. Residential zones permit 30% coverage, while rural zones permit 20%, including the main dwelling and accessory structures.

Mr. Mahoney indicated that if a building permit was issued at this time under the current zoning, an area can be cleared for the building footprint under the Regional Tree By-law.

14. PUBLIC MEETINGS cont'd:

Mr. Lenters stated that the lands are subject to the Regional Tree By-law, but where building lots are permitted, an exemption applies to cutting down trees to allow for the construction of dwelling units and driveways including up to 15 metres surrounding the dwelling area to provide for back yard area, etc. The rezoning of the properties from 'Rural' to 'Residential' would increase the lot coverage capability by 10%.

Mr. Mahoney indicated that he has advised the applicant that severances are not permitted at this time.

Mrs. Lisa Fattori indicated that the report states that the properties were one landholding prior to 2004, but she has lived next door since 1987 and they have always seemed to be separate lots.

Mr. Magloughlen explained that the subject lands were originally one parcel, but over the years, the travelled road was extended to the south over the parcel, the Town installed ditches on both sides of the travelled 'road', but not an official 'road' as it was trespassing over the parcel of land. He explained that the lands were purchased by the Town in 2004 and 2005, but they were dead end 'roads', gravelled and graded to their ends, and as they were graded, they were slowly extended over time.

Mrs. Fattori advised that there are multiple access to water and sewer laterals, including two laterals to property 'B'.

Mr. Magloughlen indicated that the Town intended to clear up the trespass problem and while the water and sewer project was being constructed, it seemed wrong to grade the lots and permit septic tanks and wells, so permission was given for laterals to be made available, one for each lot. Laterals are provided to all lots, vacant or not, automatically.

Mrs. Fattori stated that they do not mind more neighbours in the area, but trees are a benefit to the environment, along with the trails. She noted that if a 30 metre buffer is imposed on the properties, the remaining property would still easily accommodate a 121 foot property or even two 60 foot lots.

Mr. Lenters explained that Council has options to consider with regard to preventing the applicants from building more than one dwelling on each of the three lots. Council may refuse the application and leave the properties in their 'rural' zoning, the properties could be rezoned to 'residential' with specifications with regard to lot size and frontage and a reduction in the potential uses, or the 'rural' zoning could be

14. PUBLIC MEETINGS cont'd:

amended to create the desired uses and prohibitions for these properties. He mentioned that any decision Council makes can be appealed by the applicant to the Ontario Municipal Board. He recommended that staff review all of the information to date and prepare a follow-up report for Council's consideration at a later date.

Moved by Councillor Szollosy

Seconded by Councillor Jamieson

RESOLUTION NO. C-2008-0062

- A. THAT REPORT PB-2008-0016 BE RECEIVED AS INFORMATION.
- B. THAT THE APPLICATION SUBMITTED BY 1251869 ONTARIO LIMITED TO REZONE LAND DESCRIBED AS PART LOTS 9 & 10, CONCESSION 3 (NG) TO A RESIDENTIAL (R) ZONE AND TO AMEND THE INTERIM CONTROL BY-LAW BE REFUSED.

Carried.....

Moved by Councillor Szollosy

Seconded by Councillor Jamieson

That the members recess at this time (8:48 p.m.).

Carried.....

The Council meeting resumed at this time (8:52 p.m.).

14. PUBLIC MEETINGS cont'd:

- 14.1.2 Application to Amend Zoning By-law 500 (8:52 p.m.)
FLEUR DU LAC LTD. c/o Commercial Alcohols Inc.
Part Lot 10, Conc. 8 (G), 7456 Black River Road
- Report No. PB-2008-0017

Mayor Grossi explained the procedure for a public meeting at this time.

Mr. Gord Mahoney of Michael Smith Planning Consultants, agent for the applicant, indicated that the applicant reviewed the staff report and is not in agreement with several of the staff requirements. He requested that this matter be deferred so that his clients may review their options.

14. PUBLIC MEETINGS cont'd:

Mr. Adam Lucas, Planner, advised Council Members that the applicant would not be charged any extra fees for scheduling of a subsequent public meeting at a later date, but if the application was to be amended in any way, the applicant would be subject to new fees.

Moved by Councillor Wheeler

Seconded by Councillor Smockum

RESOLUTION NO. C-2008-0063

- A. THAT REPORT PB-2008-0017 BE RECEIVED AS INFORMATION.
- B. THAT STAFF REPORT FURTHER TO COUNCIL FOLLOWING:
 - (I) THE RECEIPT AND ASSESSMENT OF PUBLIC, COUNCIL, INTERNAL DEPARTMENT, AND EXTERNAL AGENCY COMMENTS; AND,
 - (II) THAT THE APPLICANT UNDERTAKE TO ADDRESS THE CONCERNS, MATTERS AND ISSUES IDENTIFIED IN REPORT PB-2008-0017 AND ANY ADDITIONAL CONCERNS RAISED AT THE PUBLIC MEETING.
- C. THAT THE APPLICANT BE GIVEN UNTIL FEBRUARY 11, 2009 TO PROCEED WITH THE APPLICATION, OR TOWN STAFF WILL PROCEED TO CLOSE THE FILE.

Carried.....

11. DEPUTATIONS:

None.

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION:

n/a

15. COMMUNICATIONS:

14.2 Matters for Routine:

15.1.1 Routine Correspondence

Councillor Szollosy requested that Item No. (vii) be removed for consideration.

- vii) Patti L. Barrie, Municipal Clerk, Municipality of Clarington, advising that Clarington is an unwilling host to the proposed Durham/York garbage incinerator.

Moved by Councillor Szollosy

Seconded by Regional Councillor Wheeler

RESOLUTION NO. C-2008-0064

THAT CORRESPONDENCE FROM PATTI L. BARRIE, MUNICIPAL CLERK, MUNICIPALITY OF CLARINGTON, ADVISING THAT CLARINGTON IS AN UNWILLING HOST TO THE PROPOSED DURHAM/YORK GARBAGE INCINERATOR BE RECEIVED.

Carried.....

15.2 Matters for Disposition:

- 15.2.1 Susan Greatrix, City Clerk, City of Waterloo, requesting support of a Waterloo Region CBC radio station to be funded through the Federal Government and the Heritage Minister.

Moved by Councillor Szollosy

Seconded by Councillor Jamieson

RESOLUTION NO. C-2008-0065

THAT CORRESPONDENCE FROM SUSAN GREATRIX, CITY CLERK, CITY OF WATERLOO, REQUESTING SUPPORT OF A WATERLOO REGION CBC RADIO STATION TO BE FUNDED THROUGH THE FEDERAL GOVERNMENT AND THE HERITAGE MINISTER BE RECEIVED.

Carried.....

15. COMMUNICATIONS cont'd:

- 15.2.3 Kelli Thibeau requesting consideration of a street being named after her father and grandfather with the last name of 'Shelson'.

Moved by Councillor Szollosy

Seconded by Councillor Jamieson

That correspondence from Kelli Thibeau requesting consideration of a street being named after her father and grandfather with the last name of 'Shelson' be received.

Defeated.....

Moved by Regional Councillor Wheeler

Seconded by Councillor Smockum

RESOLUTION NO. C-2008-0066

THAT CORRESPONDENCE FROM KELLI THIBEAU REQUESTING CONSIDERATION OF A STREET BEING NAMED AFTER HER FATHER AND GRANDFATHER WITH THE LAST NAME OF 'SHELSON' BE REFERRED TO THE CHIEF ADMINISTRATIVE OFFICER TO DETERMINE IF THIS REQUEST MEETS THE STREET NAMING POLICY CRITERIA FOR CONSIDERATION.

Carried.....

- 15.2.2 Lisa Lyons, Committee Secretary, Georgina Agricultural Advisory Committee, requesting consideration of its motion concerning livestock kills and a request for exemption under By-law No. 2004-0130 (LI-3), a by-law prohibiting the running at large of animals.

Moved by Councillor Szollosy

Seconded by Councillor Smockum

RESOLUTION NO. C-2008-0067

THAT CORRESPONDENCE FROM LISA LYONS, COMMITTEE SECRETARY, GEORGINA AGRICULTURAL ADVISORY COMMITTEE, REQUESTING AN EXEMPTION FOR GERRY DRAPER'S HUNTING DOGS UNDER BY-LAW NO. 2004-0130 (LI-3), A BY-LAW PROHIBITING THE RUNNING AT LARGE OF ANIMALS, BE DEFERRED PENDING DETERMINATION BY THE TOWN CLERK

15. COMMUNICATIONS cont'd:

ON WHETHER OR NOT THE FINES IMPOSED CAN BE WITHDRAWN FROM THE COURT SYSTEM AND TO CLARIFY ANY AND ALL ISSUES BROUGHT UP AT THIS MEETING INCLUDING THE TWO UNLICENSED DOGS IN QUESTION AND THE CARE AND CONTROL OF THE ANIMALS DURING THE PROCESS OF HUNTING COYOTES/WOLVES.

Carried.....

- 15.2.4 Natalie Garnett, Clerk, Township of Galway-Cavendish & Harvey, requesting endorsement of its position that the ownership of handguns be banned.

Moved by Regional Councillor Wheeler

Seconded by Councillor Smockum

RESOLUTION NO. C-2008-0068

THAT CORRESPONDENCE FROM NATALIE GARNETT, CLERK, TOWNSHIP OF GALWAY-CAVENDISH & HARVEY, REQUESTING ENDORSEMENT OF ITS POSITION THAT THE OWNERSHIP OF HANDGUNS BE BANNED, BE RECEIVED.

Carried.....

15 PETITIONS:

None.

16 COMMITTEE RECOMMENDATIONS AND STAFF REPORTS:

- 17.1 Recommendations from the Committee of the Whole Meeting held on February 4, 2008:

Moved by Councillor Szollosy

Seconded by Regional Councillor Wheeler

That the following recommendations from the Committee of the Whole meeting held on February 4, 2008, be approved:

RESOLUTION NO. C-2008-0069

- 17.1.1 1. THAT REPORT LS-2008-0007 BE RECEIVED.

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

- 2 THAT THE TOWN OF GEORGINA ENDORSE THE DRAFT PEDESTRIAN AND CYCLING MASTER PLAN AND THE PLANNING AND DESIGN GUIDELINES DEVELOPED BY THE REGIONAL MUNICIPALITY OF YORK.

RESOLUTION NO. C-2008-0070

- 17.1.2 THAT TOWN COUNCIL SPONSOR THE YORK REGIONAL POLICE MILITARY TATTOO EVENT TO BE HELD ON APRIL 19, 2008 AT THE RAY TWINNEY RECREATION COMPLEX IN NEWMARKET AS A BRONZE PARTNER IN THE AMOUNT OF \$1,500.00 IN MEMORY OF A FORMER DECEASED GEORGINA RESIDENT, CONSTABLE ROBERT PLUNKETT, AND AS GEORGINA'S DEPUTY MAYOR DANNY WHEELER IS CHAIR OF THE POLICE SERVICES BOARD.

RESOLUTION NO. C-2008-0071

- 17.1.3 THAT TOWN COUNCIL ENDORSE THE WAIVER OF THE ANNUAL LICENSE FEE FOR ALL THERAPY DOGS RESIDING WITHIN GEORGINA, THAT THE BY-LAW BE AMENDED TO REFLECT THIS CHANGE AND THAT THE ST. JOHN AMBULANCE THERAPY DOG PROGRAM BE REQUIRED TO PROVIDE AN ANNUAL LIST OF ALL WORKING THERAPY DOGS RESIDING WITHIN GEORGINA TO THE TOWN CLERK FOR REFERENCE.

Carried.....

17 UNFINISHED BUSINESS:

None.

18 REGIONAL BUSINESS:

None.

20. BY-LAWS:

Moved by Councillor Szollosy

Seconded by Regional Councillor Wheeler

That the following by-laws be given three readings:

- 20.1 By-law Number 2008-0016 (CON-1) Being a By-law to execute a Demolition Agreement, CALBERT, William David, Lot 11, Plan 95, Part Lot 13, Conc. 3 (NG); 227 Church Street, to temporarily permit two dwellings for not more than one year
- 20.2 By-law Number 500-2008-0005 Being a By-law to amend Zoning By-law 500, Bage-Kutka, Margaret, Lot 33, Plan 519, Louisa Street
- 20.3 By-law Number 2008-0017 (BA-1) Being a By-law to authorize the borrowing of money to meet current expenditures of the Council of the Town of Georgina.

Carried.....

Moved by Councillor Jamieson

Seconded by Councillor Smockum

That the following by-law be give three readings, as amended:

- 20.4 By-law Number 2008-0018 (PWO-3) Being a By-law to authorize the submission of an application to the Ontario Infrastructure Projects Corporation for funding from the Municipal Infrastructure Investment Initiative for a new eligible capital project of the Town and to approve the expenditure of funds on said eligible capital projects.

Carried.....

19 MOTIONS:

None.

20 NOTICES OF MOTION:

None.

21 OTHER BUSINESS:

Councillor Hackenbrook declared an interest in this item because his employer sells pesticide products; he did not participate in any discussion or vote.

Moved by Councillor Szollosy

Seconded by Regional Councillor Wheeler

RESOLUTION NO. C-2008-0072

THAT TOWN COUNCIL ENDORSE THE CORRESPONDENCE DRAFTED BY THE GEORGINA ENVIRONMENTAL ADVISORY COMMITTEE ADDRESSED TO ROBERT BILYEA, SENIOR POLICY ADVISOR FOR THE MINISTRY OF THE ENVIRONMENT, IN SUPPORT OF A PROVINCIAL BAN ON THE USE AND SALE OF COSMETIC PESTICIDES, WITH THE UNDERSTANDING THAT PARAGRAPH 6, ITEM NO. 3 OF THE CORRESPONDENCE BE AMENDED PRIOR TO POSTING.

Carried.....

Moved by Councillor Smockum

Seconded by Councillor Hackenbrook

That the Council Members convene into a Closed Session at this time (9:24 p.m.) to discuss the following matter:

- i) Potential Litigation, Section 239 (2)(e), MA

Carried.....

The Council Members arose from the Closed Session at this time (9:38 p.m.) and dealt with the following motion:

23. OTHER BUSINESS cont'd:

Moved by Councillor Hackenbrook

Seconded by Councillor Smockum

RESOLUTION NO. C-2008-0073

THAT A PURCHASE ORDER BE ISSUED TO NU-BUILD CONSTRUCTION LIMITED IN THE AMOUNT OF \$125,000 PLUS GST AS COMPENSATION FOR OBTAINING A PERMIT TO TAKE WATER AND SITE DEWATERING FOR THE LORNE STREET SEWAGE PUMPING STATION PROJECT.

Carried.....

24. CONFIRMING BY-LAW:

Moved by Councillor Hackenbrook

Seconded by Regional Councillor Wheeler

That the following by-law be given three readings:

By-law Number 2008-0019 (COU-2)

Being a by-law to confirm the proceedings of Council.

Carried.....

25. ADJOURNMENT:

Moved by Councillor Hackenbrook

Seconded by Councillor Jamieson

That the meeting adjourn at this time (9:40 p.m.).

Carried.....

Robert Grossi, Mayor

Roland Chenier, Town Clerk