

# THE CORPORATION OF THE TOWN OF GEORGINA

## COUNCIL MINUTES

January 24, 2011  
(7:05 p.m.)

Georgina Civic Centre

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 Craig	Councillor Davison
Councillor Hackenbrook	Councillor Szollosy

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 Correspondence from Margaret and Stephen Pallett concerning Item No. 11.2, deputation regarding the lease of Crown Land
- 4.2 Correspondence from Marvin Geist requesting deferral of Item No. 11.2 along with the matter concerning the sale of Crown Land to the February 28<sup>th</sup> Council Meeting
- 4.3 Correspondence from Michael Smith of Michael Smith Planning Consultants, acting as agent for 2111250 Ontario Inc., owner of land on the east side of Trivett's Lane, concerning Item No. 14.1.1, Continuation of Town Initiated OPA respecting the Lakeshore Residential Area
- 4.4 Correspondence from Peter and Maureen Wilcox concerning Item No. 11.2
- 4.5 Correspondence from Renee Blake concerning Item No. 11.2
- 4.6 Correspondence from William L. Shore concerning Item No. 11.2
- 4.7 Correspondence from Denise Sheedy concerning Item No. 11.2
- 4.8 Correspondence from Karen and John Kozmik concerning Item No. 14.1.2

4. INTRODUCTION OF ADDENDUM ITEMS AND DEPUTATIONS cont'd:
- 4.9 Correspondence from Brian Scully concerning Item No. 14.1.2
  - 4.10 Correspondence from Christopher R. Brewer concerning Item No. 14.1.2
  - 4.11 Correspondence from Lisa and Steve Novakovics concerning Item No. 14.1.2
  - 4.12 Item No. 17.4.1, Report EPW-2011-0005 entitled 'Site Alteration By-law'

5. APPROVAL OF AGENDA:

Moved by Councillor Craig

Seconded by Councillor Szollosy

**RESOLUTION NO. C-2011-0018**

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

- 5.1 CORRESPONDENCE FROM MARGARET AND STEPHEN PALLETT CONCERNING ITEM NO. 11.2, DEPUTATION REGARDING THE LEASE OF CROWN LAND
- 5.2 CORRESPONDENCE FROM MARVIN GEIST REQUESTING DEFERRAL OF ITEM NO. 11.2 ALONG WITH THE MATTER CONCERNING THE SALE OF CROWN LAND TO THE FEBRUARY 28<sup>TH</sup> COUNCIL MEETING
- 5.3 CORRESPONDENCE FROM MICHAEL SMITH OF MICHAEL SMITH PLANNING CONSULTANTS, ACTING AS AGENT FOR 2111250 ONTARIO INC., OWNER OF LAND ON THE EAST SIDE OF TRIVETT'S LANE, CONCERNING ITEM NO. 14.1.1, CONTINUATION OF TOWN INITIATED OPA RESPECTING THE LAKESHORE RESIDENTIAL AREA
- 5.4 CORRESPONDENCE FROM PETER AND MAUREEN WILCOX CONCERNING ITEM NO. 11.2
- 5.5 CORRESPONDENCE FROM RENEE BLAKE CONCERNING ITEM NO. 11.2
- 5.6 CORRESPONDENCE FROM WILLIAM L. SHORE CONCERNING ITEM NO. 11.2
- 5.7 CORRESPONDENCE FROM DENISE SHEEDY CONCERNING ITEM NO. 11.2
- 5.8 CORRESPONDENCE FROM KAREN AND JOHN KOZMIK CONCERNING ITEM NO. 14.1.2
- 5.9 CORRESPONDENCE FROM BRIAN SCULLY CONCERNING ITEM NO. 14.1.2
- 5.10 CORRESPONDENCE FROM CHRISTOPHER R. BREWER CONCERNING ITEM NO. 14.1.2

5. APPROVAL OF AGENDA cont'd:

- 5.11 CORRESPONDENCE FROM LISA AND STEVE NOVAKOVICS CONCERNING ITEM NO. 14.1.2  
5.12 ITEM NO. 17.4.1, REPORT EPW-2011-0005 ENTITLED 'SITE ALTERATION BY-LAW'

Carried.....

6. DECLARATION OF PECUNIARY INTEREST:

None.

7. ADOPTION OF THE MINUTES:

Moved by Councillor Szollosy

Seconded by Councillor Craig

**RESOLUTION NO. C-2011-0019**

THAT THE MINUTES OF THE COMMITTEE/BOARD APPLICATION REVIEW COMMITTEE MEETING HELD ON JANUARY 10, 2011, BE ADOPTED AS PRESENTED.

**RESOLUTION NO. C-2011-0020**

THAT THE MINUTES OF THE COUNCIL MEETING HELD ON JANUARY 10, 2011, BE ADOPTED AS PRESENTED.

Carried.....

8. BUSINESS ARISING FROM THE MINUTES:

None.

9. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION:

The following items were identified for separate discussion:

- 9.1 Item No. 11.1, deputation by Steve Hinder regarding changes to the 10<sup>th</sup> annual A&B Courier Run for Southlake event on May 1<sup>st</sup>.  
9.2 Item No. 14.1.1, Report No. PB-2011-0006 entitled 'Continuation of Town Initiated OPA respecting the Lakeshore Residential Area.  
9.3 Item No. 14.1.2, Report No. PB-2011-0007 entitled 'Application to Amend the Official Plan and Zoning By-law, Tracy and Kelly Ellis'  
9.4 Item No. 15.2, various matters for disposition

9. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION cont'd:

- 9.5 Item No. 17.2.1, Report No. DAS-2011-0007 entitled 'Accessible 2010 Municipal Election'
- 9.6 Item No. 17.3.1, Report No. RPC-2011-0004 entitled 'ROC Budget'
- 9.7 Item No. 17.3.2, Report No. RPC-2011-0005 entitled 'ROC Staffing'
- 9.8 Addendum Item No. 17.4.1, Report No. EPW-2011-0005 entitled 'Site Alteration By-law'
- 9.9 Item No. 20, various by-laws

10. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION:

10.1 Matters not subject to individual conflicts

Moved by Councillor Hackenbrook

Seconded by Regional Councillor Wheeler

That the following recommendations respecting the matters listed as 'Items Not Requiring Separate Discussion' be adopted as submitted to Council and staff be authorized to take all necessary action required to give effect to same:

Routine:

**RESOLUTION NO. C-2011-0021**

THAT THE ROUTINE CORRESPONDENCE BE RECEIVED FOR INFORMATION.

17.1 Recommendations from the Committee of the Whole Meeting held on January 17, 2011:

**RESOLUTION NO. C-2011-0022**

- 17.1.1 1. THAT REPORT EPW-2011-0001 BE RECEIVED FOR INFORMATION.
- 2. THAT A BY-LAW BE PASSED TO AUTHORIZE THE MAYOR AND CLERK TO EXECUTE A PARTIAL RELEASE OF THE SITE PLAN AGREEMENT MADE BETWEEN GERALD DRAPER, AS OWNER AND THE CORPORATION OF THE TOWN OF GEORGINA REGISTERED AS INSTRUMENT NO. R515430 ON THE 24<sup>TH</sup> DAY OF JULY, 1989.

10. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION cont'd:**RESOLUTION NO. C-2011-0023**

- 17.1.2
1. THAT REPORT NO. EPW-2011-0002 BE RECEIVED FOR INFORMATION.
  2. THAT PAGE 2 OF SCHEDULE 'X' OF BY-LAW 2002-0046 (TR-1) BE AMENDED TO ESTABLISH FIRE ROUTES AT THE CEDARVALE LODGE RETIREMENT RESIDENCE ON MORTON AVENUE IN KESWICK AND THE DALTON ROAD APARTMENTS ON DALTON ROAD IN SUTTON.

**RESOLUTION NO. C-2011-0024**

- 17.1.3
1. THAT REPORT EPW-2011-0003 BE RECEIVED FOR INFORMATION.
  2. THAT A BY-LAW BE PASSED AUTHORIZING THE MAYOR AND CLERK TO EXECUTE A RELEASE OF RESTRICTIVE COVENANT AGREEMENTS REGISTERED AS INSTRUMENT NUMBERS 471685 AND 576033 OVER PART LOT 18, CONCESSION 9 (NG) BETWEEN JOHN LINK ENTERPRISES AND THE TOWN OF GEORGINA.

**RESOLUTION NO. C-2011-0025**

- 17.1.4
1. THAT REPORT NO. EPW-2011-0001 ENTITLED 'DISPOSING OF CROWN LAND AST 249 LAKE DRIVE NORTH' BE RECEIVED FOR INFORMATION.
  2. THAT THE MINISTRY OF NATURAL RESOURCES IS ADVISED THAT THE TOWN OF GEORGINA, AS RIPARIAN OWNER, HAS NO OBJECTION TO THE MINISTRY DISPOSING BY WAY OF LEASE, PART 1, 65R-18490, CL 948, OR ANY PART THEREOF, AS SHOWN ON SURVEY NO. 11-5538S, TO THE OWNER OF PLOTS 9-13, PLAN 77.

10. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION cont'd:**RESOLUTION NO. C-2011-0026**

- 17.1.5
1. THAT THE DEPUTATIONS MADE BY MICHAEL RABEAU AND THERESA MACINTYRE-MORRIS OF THE REGION OF YORK AND BY BOB MAGLOUGHLEN, DIRECTOR OF ENGINEERING AND PUBLIC WORKS FOR THE TOWN OF GEORGINA, CONCERNING THE PROPOSED INFLOW AND INFILTRATION REDUCTION STRATEGY AND THE LONG TERM WATER CONSERVATION STRATEGY BE RECEIVED.
  2. THAT IN PARTNERSHIP WITH THE REGION OF YORK, THE TOWN OF GEORGINA AGREES TO ACTIVELY PARTICIPATE IN THE INFLOW AND INFILTRATION REDUCTION TASK FORCE TO:
    - CONTINUE TO SEEK OUT SOURCES OF INFLOW AND INFILTRATION
    - ADOPT STANDARDS AND GUIDELIENS INTENDED TO REDUCE INFLOW AND INFILTRATION IN NEW DEVELOPMENTS AND WITHIN EXISTING SYSTEMS
    - DEVELOP FUNDING AND COST SHARING PRINCIPLES TO ADDRESS FUTURE REMEDIATION PROJECTS

**RESOLUTION NO. C-2011-0027**

- 17.1.6
1. THAT REPORT NO. DAS-2011-0005 REGARDING THE CAT SPAY/NEUTER PROGRAM BE RECEIVED.
  2. THAT THE MONTHS OF MARCH AND APRIL BE DECLARED CAT SPAY/NEUTER MONTHS.

10. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION cont'd:

3. THAT THE REBATE VOUCHER FOR ANY TOWN OF GEORGINA CAT SPAYED/NEUTERED DURING THE MONTHS OF MARCH AND APRIL, 2011 BE SET AT \$50.00 FOR MALES AND \$75.00 FOR FEMALES

Carried.....

10.2 Matters subject to individual conflicts

None.

11. DEPUTATIONS:

- 11.1 Steve Hinder, Chair, 2011 A&B Courier Run for Southlake, regarding changes to the 10<sup>th</sup> annual event on May 1<sup>st</sup>.

Moved by Councillor Craig

Seconded by Councillor Davison

**RESOLUTION NO. C-2011-0028**

THAT THE CORRESPONDENCE FROM STEVE HINDER RESPECTING THE 10<sup>TH</sup> ANNUAL '2011 A&B COURIER RUN FOR SOUTHLAKE' EVENT BEING HELD ON MAY 1<sup>ST</sup>, BE RECEIVED AND THAT MR. HINDER BE INVITED TO ATTEND A FUTURE COUNCIL MEETING TO MAKE A PRESENTATION CONCERNING THIS EVENT IF HE WISHES.

Carried....

- 11.2 Marvin Geist, solicitor, regarding the lease of Crown Land, Part 1, 65R-18490, 249 Lake Drive North.

This item was withdrawn and deferred to the Council meeting of February 28<sup>th</sup>.

12. PRESENTATIONS:

None.

15. COMMUNICATIONS:

15.2 Matters for Disposition:

- 15.2.1 Jane Sabath, Route Coordinator and Robin Smith, Event Coordinator, requesting temporary rolling closure of the necessary roads for the purpose of conducting two runs on June 18, 2011 from 8:00 a.m. to 10:30 a.m. approximately.

Bob Magloughlen, Director of Engineering and Public Works, advised that the Town does not require insurance for this type of event.

Moved by Councillor Szollosy

Seconded by Councillor Craig

**RESOLUTION NO. C-2011-0029**

THAT TOWN COUNCIL GRANT APPROVAL TO JANE SABATH, ROUTE COORDINATOR AND ROBIN SMITH, EVENT COORDINATOR, FOR TEMPORARY, POTENTIALLY ROLLING, CLOSURES OF THE NECESSARY ROADS DURING TWO NEW RUNNING EVENTS BEING HELD ON JUNE 18, 2011, FROM 8:00 A.M. TO APPROXIMATELY 10:30 A.M., THAT THE DESIRED ROAD BARRIERS BE PROVIDED, THAT THE REGION OF YORK BE RESPECTFULLY REQUESTED TO TEMPORARILY CLOSE THE REGIONAL ROADS INVOLVED AND THAT THE LOCAL POLICE, FIRE AND EMS SERVICES BE SO NOTIFIED.

Carried.....

- 15.2.2 Bruce Dickey, P. Eng., Consultant Project Manager, AECOM, concerning its Notice of Submission of Design and Construction Report, Hwy 404 Extension from Queensville Sideroad to Ravenshoe Road.

Bob Magloughlen, Director of Engineering and Public Works, advised that he has provided AECOM with four February dates to choose from at which to make their presentation to Town Council.

Moved by Councillor Szollosy

Seconded by Councillor Craig

**RESOLUTION NO. C-2011-0030**

THAT CORRESPONDENCE FROM BRUCE DICKEY, P. ENG., CONSULTANT PROJECT MANAGER, AECOM, CONCERNING ITS NOTICE OF SUBMISSION OF



15. COMMUNICATIONS cont'd:

ITS DESIGN AND CONSTRUCTION REPORT, HWY 404 EXTENSION FROM QUEENSVILLE SIDEROAD TO RAVENSHOE ROAD BE RECEIVED.

Carried.....

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS:17.2 Report from the Administrative Services Department:

## 17.2.1 Accessible 2010 Municipal Election

Report No. DAS-2011-0007

Lisa Lyons, Deputy Clerk, stated that staff is considering dates throughout the summer months on which residents would have the opportunity to ensure that they are on the voter's list. Staff did attend many of the retirement homes and institutions within the Town to ensure the lists were up to date prior to the 2010 election. She noted that the issue of transporting residents for voting purposes can be discussed.

Moved by Councillor Szollosy

Seconded by Councillor Craig

**RESOLUTION NO. C-2011-0031**

THAT REPORT NO. DAS-2011-0007 REGARDING ACCESSIBLE 2010 MUNICIPAL ELECTION BE RECEIVED FOR INFORMATION.

Carried.....

17.3 Reports from the Recreation, Parks and Culture Department:

## 17.3.1 ROC Budget

Report No. RPC-2011-0004

Brock McDonald, Manager of Development and Business Services, indicated that the Committee is confident that The ROC complex will break even in 2016 or 2017.

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

Moved by Regional Councillor Wheeler

Seconded by Councillor Szollosy

**RESOLUTION NO. C-2011-0032**

1. THAT REPORT NO. RPC-2011-0004 ENTITLED 'ROC BUDGET' BE RECEIVED.
2. THAT COUNCIL APPROVE THE ROC BUDGET.

Carried.....

17.3.2 ROC Staffing

Report No. RCP-2011-0003

Moved by Regional Councillor Wheeler

Seconded by Councillor Szollosy

**RESOLUTION NO. C-2011-0033**

1. THAT REPORT RPC-2011-0003 BE RECEIVED.
2. THAT COUNCIL AUTHORIZE STAFF TO APPOINT A ROC SUPERVISOR WITH AN EFFECTIVE START DATE OF FEBRUARY 14, 2011 AS OUTLINED IN REPORT RPC-2011-0003.
3. THAT COUNCIL AUTHORIZE STAFF TO ADVERTISE, INTERVIEW AND HIRE A ROC MANAGER WITH AN EFFECTIVE START DATE OF APRIL 4, 2011 AS OUTLINED IN REPORT RPC-2011-0003.
4. THAT COUNCIL APPROVE THE NECESSARY FUNDS FOR THE NEW ROC MANAGER AND ROC SUPERVISOR POSITIONS.

Carried.....

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION:

14. PUBLIC MEETINGS:

14.1 Statutory Public Meetings:

(7:35 p.m.)

- 14.1.2 Application to Amend the Official Plan and Zoning By-law  
ELLIS, Tracy and Kelly  
Part Lot 1, Concession 5 (G); 2 Ellisview Road  
AGENT: Michael Smith Planning Consultants

Report No. PB-2011-0007

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

Mr. Gord Mahoney of Michael Smith Planning Consultants, agent for the applicants, stated that the applicants live as well as own and operate a manufacturing company on the subject property. He explained that the property is 7.75 hectares in size and has two road frontages, one on Highway 48 and the other on Ellisview Road. Residential structures on the property include a single family dwelling and an accessory building currently under construction. The Industrial portion of the property use includes an office trailer, a one-storey metal clad workshop with washrooms and two small accessory structures.

Mr. Mahoney explained that the land use designations applying to the subject land include 'Rural Commercial Area', 'Rural Area', 'Environmental Protection Area (EPA) 1' and 'Environmental Protection Area (EPA) 3'. He stated that the property is zoned Site Specific Highway Commercial (C2-20) and Site Specific Rural (RU-11), which permit various uses including a single family dwelling and an industrial use within a wholly contained building, but does not permit an industrial use that is not wholly contained within a building. He explained that the applicant proposes to zone the east portion of the land to a site specific General Industrial zone and the west portion to a Site Specific Open Space zone. The applicant intends to protect the environmental features on the west portion of the land while retaining the existing residential use.

Mr. Mahoney explained that the applicant processes soft pine for mulch, playground covering or animal bedding and spruce is used for wood chips. The wood products are delivered to the site and stored in the open until it is ready to be processed. If required, the wood chips are dyed on site. The final products are stored on site until they are sold to wholesalers and farmers. The animal bedding must remain dry and are packed in large bags and stored until picked up by purchasers. Currently the bagging of the products takes place offsite, but the applicant would like to start bagging the product onsite as well. He stated that the hours of operation are from 7:30 a.m. to 4:30 p.m. Monday to Friday, with some staff remaining until 5:00 p.m. During the peak season, from April to mid-June, hours of operation are from 7:00 a.m. to 7:00 p.m. during the week and occasionally from 8:00 a.m. to 2:00 p.m. on Saturdays although they only operated four or five Saturdays last year. He noted that the business does not operate on Sundays.

14. PUBLIC MEETINGS cont'd:

Mr. Mahoney stated that as per Section 12 of the staff report, staff is currently awaiting comments from the Region and from the Lake Simcoe Region Conservation Authority on the application. The applicant is having a noise study conducted to evaluate the impact on neighbouring residents and it should be completed within one week. The colouring or dyeing company will be providing an informational brochure on its product with regard to the dying of the product on the subject property, but indicated that the product is environmentally friendly, non-toxic, contains no pesticides and is safe to people, animals, plants and soil. Lastly, he indicated that an oversight occurred on the original sketch of the property as it showed a 10 metre buffer to the environmental lands where it should have showed a 15 metre buffer.

Ms. Laura Diotte, Senior Planner/Policy, stated that since finalizing the report, staff has received three letters supporting the proposal to legalizing the outdoor industrial use as it brings industry to Georgina. Staff also received one phone call supporting the application from the property owner at 25447 Valley View Drive. She stated that staff also received correspondence from a landowner at 5394 Old Homestead Road at the corner of Valley View Drive stating concerns with the noise and vibration from the industrial use, and the operation of the wood chipper past 10:00 pm at night and on Sundays, which is not in accordance with the Town's noise by-law.

Rick McArthur of 25379 Valley View Drive stated that he has lived on Valley View Drive for 18 years because he wanted to live in the country. He stated that he enjoys arriving home after work each night, but since the manufacturing operation commenced he can easily hear the machines running. The agent indicated the hours of operation for the business, but the operation continues to 8:00pm in the evenings and also on weekends.

Mr. McArthur inquired how this business has been permitted to operate when the property is not zoned to permit it. He stated that the property is unkempt and the noise from the shredding portion of the operation is constant. He believes it to be an obnoxious use of the property and should be stopped. He indicated that the property is on Ellisview Road and is surrounded by residential homes and the noise resonates through that neighbourhood and travels through the valley to his home.

Brian Barnett of 25625 Valley View Drive stated that he has the same issues as the previous speaker. He advised that he has no concern with a resident operating a business within the Town, and has not been bothered by noise from this business until the owner brought a new machine to the property. The machine creates a constant drone that is difficult to deal with. He stated that he moved to the country six years ago to enjoy peace and quiet and to get away from the loud noises of the city.

14. PUBLIC MEETINGS cont'd:

Chris Brewer of 5394 Old Homestead Road stated that he also owns rental properties at 5322 and 5318 Old Homestead Road and the tenants of these homes have also complained about the noise created by the business on the subject property. He noted that he has lived at this address for 22 years. He also noted that the hours of operation for the business are a lot longer than 7:00pm and definitely include weekends.

Fraser Rennie of 25447 Valley View Drive acknowledged that the new machine has created more noise and different noise although it is not offensive to him and does not compare to the noise generated from the Baldwin airport operation. He admitted that there is a drone from one machine when it is in operation, but he does not believe it is enough of a factor to be able to recognize when it is in operation. He suggested that the noise issue be investigated because he knows the applicant employs a fair number of people and the products are sold to local stores such as Canadian Tire and Walmart and is a good industry for Georgina. He stated that the noise is accentuated with certain weather conditions and tree lines because some days you hear it more than others.

Courtney Rennie of 317 Hedge Road stated that he lived on Valley View Drive for 27 years, he knows the applicants personally and attended school with their sons. The applicants have always been very friendly and accommodating people, so when he heard that they had a noise complaint from a resident on Valley View Drive, he went out personally to visit some of the neighbours, but none of them indicated that they were concerned with noise issues from the subject property

Ms. Diotte indicated that the By-law Enforcement Department charged the applicant in October of 2004 for 'operating an industrial undertaking not wholly contained within an enclosed building contrary to Town of Georgina By-law No. 500, Section 28.5.10 and the Planning Act, Section 67(1)' and believes the file is currently open.

Mr. Mahoney indicated that the business has been in operation since 2001/2002. Site specific zoning was put in place in 1989 and the zoning predated the use on the property.

Ms. Diotte advised that the applicant has made a change in equipment by purchasing a new wood chipper. Since 2001 the wood chipping operation has been on site. The new equipment is not contained within a building, nor was the former equipment since 2001.

Mr. Mahoney advised that within the last year, the applicant purchased a new wood shaver which creates animal bedding. They had been running it recently but it has since been removed. The applicants noticed that the new machine was louder than it was when it was demonstrated to them by the manufacturer and it has been returned it to the manufacturer for noise reduction.

14. PUBLIC MEETINGS cont'd:

Mr. Ellis, the applicant, indicated that he employees nine to 14 employees on a regular basis, and during the busy season an additional 6 or 7 employees are hired.

Mr. Ellis stated that a By-law Officer visited his operation in 2001. The new machine is approximately one year old and he has been in communication with the manufacturer with regard to the excessive noise it creates and has returned it so that they can reduce the noise level. He advised that he replaced noisier equipment five or six years ago with quieter equipment. He also advised that he has hired a noise consultant to conduct a noise study in order to resolve this issue. He stated that he does not want it to bother his neighbours and fully intends to address the noise issue.

Mr. Harold Lenters, Director of Planning and Building, explained that the operation is to be fully enclosed within a building and it is currently operating illegally as it does not conform to the zoning by-law. The applicant is attempting to rezone the property so that he may operate legally. He stated that the noise study will determine how much noise is being created and will deal with mitigation measures to reduce the noise. He noted that the storage of the products is not an issue, but the noise is a problem.

Mr. Ellis explained that he has investigated erecting an insulated boundary surrounding the equipment to prohibit the noise from escaping to the neighbouring properties, but he would like to review the noise study results and potential solutions before he moves forward on any remediation. If the manufacturer can resolve the noise issue with the new machine, it will be returning for operation. He explained that the chipper and colour machines must be located outside due to their operation; massive amount of product have to be loaded into them and it would be impractical to place them inside.

Mr. Ellis stated that he is against working on Sundays so if anyone heard noise on a Sunday, it was being generated from another property. He stated that his company has transformed from a small company into a larger one over the last few years. His operating hours are from 7:30 a.m. to 4:30 p.m., Monday to Friday, and from 7:00 a.m. to 7:00 p.m. from April to mid-June which is the busy season. They do operate on the odd Saturday, but he prefers not to work on Saturdays either. He stated that they never operate past the hour of 7:30 p.m.

Rick McArthur of 25379 Valley View Drive stated that just after he received the applicant's notice, they were in operation until 8:00 p.m. He stated that he is not sure which neighbours Courtney Rennie spoke with because all of them have complaints about the noise. He noted that Mr. Ellis indicated that he employs nine but he has only seen one or two on the subject property at the most at any given time.

14. PUBLIC MEETINGS cont'd:

Mr. Fraser Rennie stated that his support is simply due to the fact that the applicants run a business within the community. He stated that quite a few local businesses are located on Valley View Drive including a fire equipment business, a pro shop, a builder, a real estate agent, a boat repair shop and a contractor, so the residents are not unaccustomed to local business. He advised that he is not biased because the applicants are not good friends of his and at the same time, they seem willing to address the noise issue. He would not like to see Council over-react to the situation due to four or five complaints about an issue that can more than likely be rectified; the applicants should be permitted to go through the process and correct the outstanding issues.

Mr. Brewer stated that he is not opposed to the location of the business, but he is opposed to the hours of operation. He would actually like to see more industry in this area because his children are of working age and being able to secure work close to home would be a benefit to them. The noise is the only issue he is concerned with.

Mr. Barnett stated that he is in support of local businesses, but the other businesses on their street do not disturb their neighbours with noise. The type of noise that the applicant's business creates is not acceptable.

Ms. Diotte stated that rezoning the property cannot restrict the type of equipment or number of pieces of equipment used on the property.

Mr. Lenters advised that staff could draft a restrictive by-law. He stated that the noise study will provide a lot of useful information, specifically on what type of noise is being produced from which equipment, and it will indicate what mitigation measures will make the noise level acceptable, whether the equipment should be moved inside, contained in some way or moved to a different location on the property. The zoning placed on the property can be very restrictive, including the use of buildings for certain equipment.

Mr. Lenters explained that due to the nature of the operation, certain elements of the operation must be outside. If Council considers approving the application, staff would move toward developing a very restrictive zoning without entertaining a lot of other uses and the accompanying by-law would be very focused on the current use. He stated that every piece of equipment will be tested for noise generation, with the reception of the noise being done from those properties that have concerns. He stated that there is a lot of vegetation on site, but possibly additional trees or a noise attenuation fence will assist in mitigating the noise factor. He added that noise assessment studies are fairly sophisticated and have the means to account for various factors such as wind conditions. He also noted that this issue will be brought back before Council, but not for at least two months.

14. PUBLIC MEETINGS cont'd:

Sue Plamondon, Chief Administrative Officer, advised that you can obtain a court order to cease and desist the part of the operation that does contravene the by-law, although it would be highly unlikely that staff would come back with a recommendation to cease and desist while the applicant is attempting to resolve the by-law contravention through the formal application process. By the same token though, she stated that she would encourage the applicant to move along with the process in an expedient fashion.

Moved by Councillor Hackenbrook

Seconded by Councillor Szollosy

**RESOLUTION NO. C-2011-0034**

- A. THAT REPORT PB-2011-0007 BE RECEIVED AS INFORMATION.
- B. THAT STAFF REPORT FURTHER TO COUNCIL FOLLOWING THE RECEIPT AND ASSESSMENT OF ALL PUBLIC, COUNCIL, INTERNAL DEPARTMENT AND EXTERNAL AGENCY COMMENTS; AND
- C. THAT THE APPLICANT ADDRESS ANY OUTSTANDING ISSUES, QUESTIONS, AND CONCERNS RAISED IN REPORT PB-2011-0007 AND AT THE STATUTORY PUBLIC MEETING INCLUDING A NOISE EVALUATION STUDY.

Carried.....

**(8:30 p.m.)**

- 14.1.1 Continuation of Town Initiated Official Plan Amendment respecting the Lakeshore Residential Area  
TOWN OF GEORGINA  
Concession 9 (NG), Part Lots 3, 4 & 5 and Concession 9, Part Lot 3

Report No. PB-2011-0006

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

Laura Diotte, Senior Planner/Policy, stated that the purpose of this report is to provide background on the Serviced Lakeshore Residential Area and introduce staff's proposal for the subject lands regarding the proposed Official Plan Amendment for two parcels of land along Trivett's Road.



14. PUBLIC MEETINGS cont'd:

Ms. Diotte explained that upon completion of the Willow Beach and Surrounding Lakeshore Residential Area water and sewer project in 2005, there were concerns regarding the appropriateness of existing policies that prohibited creation of new serviced lots within the Willow Beach area. There were also concerns regarding the policies which still allow creation of new lots on private services on lands that are designated 'Lakeshore Residential Area' and adjacent to, but outside the Service Area Boundary. In April of 2007, Council directed staff to undertake a review of the lot creation policies on the Lakeshore Residential Area designated lands, both within and outside the Service Area Boundary. In 2009 staff presented a report to Council respecting the land use, severance and servicing policies for the area within the Lakeshore Residential Area designations, which separated the issues into two Official Plan Amendments, No. 103 and No. 104.

Ms. Diotte explained that the first amendment, No. 103, was approved by the Region of York and the purpose of this amendment was to implement a new land use designation called Serviced Lakeshore Residential Area and implement severance policies for new residential lot creation. Some lands were not included in the Serviced Lakeshore Residential Designation and Council deferred a decision on these lands to allow staff to review them further. Staff has now reviewed two of the subject lands along Trivetts Road.

Ms. Diotte, using a site plan, advised that the proposal is to re-designate the portion of subject land 1(a) from 'Lakeshore Residential Area' to 'Serviced Lakeshore Residential', to re-designate 1(b) from 'Lakeshore Residential' to 'Rural Area', re-designate subject land 2(a) from 'Lakeshore Residential' to 'Serviced Lakeshore Residential Area' and include it in the Serviced Area Boundary. She stated that this proposal would allow for the consideration of new lot creation under the policies in OPA No. 103 which means that the subject lands 1(a) and 2(a) could potentially apply for consent to create three lots on each landholding. This proposal would also result in a more efficient use of existing municipal water and sewer services that are currently provided to the existing properties along Trivetts Road. The east side of Trivetts Road could be developed with residential lots in a similar pattern to the west side, resulting in a more efficient use of an existing road.

Ms. Diotte stated that it is staff's belief that the subject lands need to be addressed because any future development on these lands on private services is not desirable, nor is a larger residential subdivision on full services appropriate or supportable, as the initial intent of the Servicing Project was not to facilitate major new residential development on municipal services.

14. PUBLIC MEETINGS cont'd:

Ms. Diotte stated that further review is required with the Region of York and the Lake Simcoe Region Conversation Authority to determine if the environmental features on subject land 2(b) need to be protected through an Environmental Protection Area land use designation. OPA No. 103 only permits a maximum of three lots to be developed on subject land 1(b) and a Plan of Subdivision is not permitted in the Serviced Lakeshore Area, which would permit more than three lots.

Mr. Harold Lenters, Director of Planning and Building, explained that a rough calculation was conducted for severances adopted through OPA No. 103 and the average frontage for this area is 20 metres or 66 feet. When applied to subject land 1(a), it could accommodate three lots. He stated that staff will review the configuration of the triangular lots. He suggested that it may be possible to accommodate five 66 foot lots on subject lot 1(a) but an issue is the lotting pattern on the west side of Trivett's Road. The applicant can apply to amend the policies if more than three lots are desired, noting that there are several planning justification criteria that would need to be considered with an application of this sort.

Mr. Lenters explained that the policies were put in place in 2002 at the same time municipal water and sewers were constructed and at that time, the Town had just developed and adopted a new Official Plan but it had not yet been approved by the Region. When financing was obtained from the different levels of government, a service boundary was put in place in order that the works could be constructed. In the midst of developing the plan, staff had to amend the existing Official Plan and develop a boundary in order to determine which lands could be serviced or not serviced. The serviced area boundary was put in place through OPA No. 87 with the intent to capture all of the existing development and existing lots of record and within that boundary were undeveloped lands as well. Staff attempted not to include major blocks of undeveloped land. He noted that in 2002, there wasn't the concern about privately serviced development like there is currently and all of the area was on private services at that time. The allocation set aside was for the existing homes and lots of record and for approximately 50 lots which is the maximum capacity for new lot creation in this area, although only three lots have been applied for to date. Lands 1(a) and 1(b) were designated Lakeshore Residential in the 2002 plan as they were in the previous plan.

Mr. Lenters explained that subject land 2(b) is entirely Lakeshore Residential and is therefore developable land. He stated that in 2002 at the time the lands were designated, servicing the area had not been suggested. When the boundary line was established, a boundary was needed in a timely fashion due to funding commitments and the servicing project itself, and staff did not undertake re-designating lands not within the serviced area boundary at that time. He stated that since that time, the Greenbelt Plan and the Lake Simcoe Protection Plan changed things.

14. PUBLIC MEETINGS cont'd:

Mr. Bob Magloughlen, Director of Engineering and Public Works, stated that all new costs for servicing would be borne by the benefitting property owners. The sewer main runs south on Trivett's Road to the north line of parcel 2(a) and the water main runs south on Trivett's Road to the existing dilapidated house south of 2(a). The owner of parcel 2(a) would be responsible for the extension of the sewer line. He explained that the costs to service the lands in the area were determined through frontage charges for water and sewers. If the subject properties were subdivided, they would be subject to the appropriate frontage charges for municipal services.

Mr. Lenters indicated that the lands on Pugsley Street were designated Rural and have been consistently rural.

Mr. Lenters stated that the Town is not actively looking for lands for development. Staff is only looking at a service designation on an existing roadway that is near existing development and would complete the roadway and in existing areas designated for residential development. This land on Trivett's Road has been designated in the Official Plan since 1981 for residential development, firstly on private services and then put in line for municipal services but not included.

Mr. Lenters stated that the Lake Simcoe Protection Plan's intention is to reduce phosphorus loading on Lake Simcoe and unless the subject lands are addressed, they could potentially be subject to an application for development on private services which would not be in keeping with the Plan's goal. Town staff would rather be proactive at this time than deal with the issue at a later date through a development application. He noted that staff have three remaining parcels of land for which individuals can submit applications under the current policies, to create lots on private services and this is the main reason they need to be dealt with.

Moved by Councillor Szollosy

Seconded by Councillor Wheeler

**RESOLUTION NO. C-2011-0035**

- A. THAT REPORT PB-2011-0006 BE RECEIVED FOR INFORMATION.
- B. THAT STAFF REPORT FURTHER TO COUNCIL FOLLOWING THE RECEIPT AND ASSESSMENT OF PUBLIC, AGENCY AND COUNCIL COMMENTS.

Carried.....

16. PETITIONS:

None.

The meeting recessed at 9:25 p.m. and resumed at 9:32 p.m.

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS:

17.4 Report from the Engineering and Public Works Department:

17.4.1 Site Alteration By-law

Report No. EPW-2011-0005

Bob Magloughlen, Director of Engineering and Public Works, stated that the report title should be 'Site Alteration By-law' rather than 'Site Allocation By-law'. He advised that the Town of Whitchurch-Stouffville has a process in place to monitor and inspect fill coming into the Town to ensure that it is not contaminated. There is currently no legislation in place that would permit staff to monitor this in Georgina and noted that Georgina relies on the Ministry of Environment if there is an issue. A by-law could prohibit or regulate dumping but it is not desired to prohibit dumping across the board. He noted that Whitchurch-Stouffville's by-law states that the by-law does not apply where the Lake Simcoe Region Conservation Authority has jurisdiction.

Sue Plamondon, Chief Administrative Officer, indicated that she recently attended the Greater Toronto Countryside Mayors Alliance Meeting and this is an issue that has garnered a lot of attention with many municipalities taking an active look at it.

Moved by Councillor Craig

Seconded by Councillor Szollosy

**RESOLUTION NO. C-2011-0036**

THAT REPORT NO. EPW-2011-0005 ENTITLED 'SITE ALTERATION BY-LAW' BE RECEIVED FOR INFORMATION AND REFERRED BACK TO THE DIRECTOR OF ENGINEERING AND PUBLIC WORKS TO CONDUCT MORE RESEARCH WITH REGARD TO EXISTING BY-LAWS IN OTHER MUNICIPALITIES THAT DEAL WITH FILL MONITORING AND INSPECTION OF IMPORTED FILL, THE AUTHORITY GRANTED TO MUNICIPALITIES, ACTIONS OTHER MUNICIPALITIES ARE TAKING, THE PROCESS TO FOLLOW TO ENACT A BY-LAW AND RELATED COSTS AND REPORT BACK TO COUNCIL TO DETERMINE THE MERITS OF SUCH A BY-LAW FOR THE TOWN OF GEORGINA.

Carried.....

18 UNFINISHED BUSINESS:

None.

19 REGIONAL BUSINESS:

None.

20 BY-LAWS:

Moved by Councillor Wheeler

Seconded by Councillor Davison

That the following by-laws be given three readings:

- 20.1 By-law Number 2011-0005 (PWO-2) Being a By-law for temporary road closures for the Family Sno Fest event; Lake Drive North between De La Salle Blvd. and Brule Lakeway in Jackson's Point from 8:00 a.m. to 4:00 p.m. on Saturday, February 12, 2011.
- 20.2 By-law Number 2011-0006 (TR-1) Being a By-law to further amend Schedule 'X', Page 2 of By-law 2002-0046 (TR-1), to designate fire routes at the Cedarvale Lodge Retirement Residence in Keswick and the Dalton Road Apartments in Sutton
- 20.3 By-law Number 2011-0007 (PL-9) Being a By-law to authorize the Mayor and Clerk to execute a Release of the Restrictive Covenant Agreements between John Link Enterprises and the Town of Georgina, Part Lot 18, Concession 9 (NG), Baseline Road, north side
- 20.4 By-law Number 2011-0008 (PL-3) Being a By-law to authorize the Mayor and Clerk to execute a Partial Release of the Site Plan Agreement made between Gerald Draper as owner and the Town of Georgina, Part of Lots 3 and 4, concession 3 (NG), 591 The Queensway South

Carried.....

21 MOTIONS:

None.

22 NOTICES OF MOTION:

None.

23 OTHER BUSINESS:

None.

24. CONFIRMING BY-LAW

Moved by Councillor Szollosy

Seconded by Councillor Davison

That the following by-law be given three readings:

By-law Number 2011-0009 (COU-2)

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

Carried.....

25. ADJOURNMENT:

Moved by Councillor Hackenbrook

Seconded by Councillor Craig

That the meeting adjourn at this time (9:57 p.m.).

Carried.....

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Robert Grossi, Mayor

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Roland Chenier, Town Clerk