

THE CORPORATION OF THE TOWN OF GEORGINA

COUNCIL MINUTES

August 20, 2012
(5:10 p.m.)

1. MOMENT OF MEDITATION:

A moment of meditation was observed.

2. ROLL CALL:

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

Mayor Grossi	Regional Councillor Wheeler
Councillor Davison (arrived at 6:21 p.m.)	Councillor Hackenbrook
Councillor Smockum	Councillor Szollosy

3. COMMUNITY SERVICE ANNOUNCEMENTS:

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

Councillor Smockum thanked all the residents who have relayed their concerns and offers of help in the aftermath of the Egypt Hall fire. The Egypt Hall is expected to be rebuilt in time for New Year's Eve.

Mayor Grossi introduced the 'painted perch' on display in the Council Chambers, which is one of 62 that were painted and auctioned off at the Splash Festival for which proceeds will go towards establishing a water research centre on Lake Simcoe.

4. INTRODUCTION OF ADDENDUM ITEMS AND DEPUTATIONS:

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

- 4.1 Item No. 15.2.7 replaced with a new version of the same report plus summary, pages 65 to 72.
- 4.2 An e-mail message from the Board of the Association of Municipalities of Ontario (AMO) regarding Infrastructure Funding Priorities to the Federal Government was circulated to Council as information.
- 4.3 Correspondence from Canadian Solar regarding change of venue for the second public meeting, in conjunction with Item No. 15.2.2.

4. INTRODUCTION OF ADDENDUM ITEMS AND DEPUTATIONS cont'd:
- 4.4 Circulation of Item No. 17.3.1, Report No. CAO-2012-0014 entitled 'Black River Dredging Request'.
 - 4.5 Removal of Item No. 17.1.3, Development Agreement – Partial Release, Lots 53 and 54, Registered Plan 427, Park Road Development.
 - 4.6 Removal of Item 20.2, A By-law to authorize the Mayor and Deputy Clerk to execute a partial release of the Development Agreement registered as Instrument No. YR359212 made between James MacDonald, Norman MacDonald, Darrell Reader, Robert Nijse and John Stewart, as owners, and the Town of Georgina respecting Lots 53 and 54 on Registered Plan 427.
 - 4.7 Property Acquisition Discussion as Item No. (v) in Closed Session.

5. APPROVAL OF AGENDA:

Moved by Councillor Szollosy

Seconded by Councillor Smockum

RESOLUTION NO. C-2012-0337

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

- 5.1 ITEM NO. 15.2.7 REPLACED WITH A NEW VERSION OF THE SAME REPORT PLUS SUMMARY, PAGES 65 TO 72.
- 5.2 AN E-MAIL MESSAGE FROM THE BOARD OF THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO (AMO) REGARDING INFRASTRUCTURE FUNDING PRIORITIES TO THE FEDERAL GOVERNMENT WAS CIRCULATED TO COUNCIL AS INFORMATION.
- 5.3 CORRESPONDENCE FROM CANADIAN SOLAR REGARDING CHANGE OF VENUE FOR THE SECOND PUBLIC MEETING, IN CONJUNCTION WITH ITEM NO. 15.2.2.
- 5.4 CIRCULATION OF ITEM NO. 17.3.1, REPORT NO. CAO-2012-0014 ENTITLED 'BLACK RIVER DREDGING REQUEST'.
- 5.5 REMOVAL OF ITEM NO. 17.1.3, DEVELOPMENT AGREEMENT – PARTIAL RELEASE, LOTS 53 AND 54, REGISTERED PLAN 427, PARK ROAD DEVELOPMENT.
- 5.6 REMOVAL OF ITEM 20.2, A BY-LAW TO AUTHORIZE THE MAYOR AND DEPUTY CLERK TO EXECUTE A PARTIAL RELEASE OF THE DEVELOPMENT AGREEMENT REGISTERED AS INSTRUMENT NO. YR359212 MADE BETWEEN JAMES MACDONALD, NORMAN MACDONALD, DARRELL READER, ROBERT NIJSSE AND JOHN STEWART, AS OWNERS, AND THE TOWN OF GEORGINA RESPECTING LOTS 53 AND 54 ON REGISTERED PLAN 427.

5. APPROVAL OF AGENDA cont'd:

5.7 PROPERTY ACQUISITION DISCUSSION AS ITEM NO. (V) IN CLOSED SESSION.

Carried...

6. DECLARATION OF PECUNIARY INTEREST:

None.

7. ADOPTION OF THE MINUTES:

Moved by Councillor Szollosy

Seconded by Councillor Hackenbrook

RESOLUTION NO. C-2012-0338

THAT THE MINUTES OF THE COUNCIL MEETING HELD ON JULY 16TH, 2012, BE ADOPTED AS PRESENTED.

Carried...

8. BUSINESS ARISING FROM THE MINUTES:

Council requested that their Executive Assistant determine whether Item 15.2.4 and Resolution No. C-2012-0318 was carried out. If not, Council requested that the Chippewas of Georgina Island First Nation be contacted to set up a meeting in regards to their position on the Upper York Sewage Solution Project.

The Recording Secretary confirmed that correspondence was sent to Peter Van Loan, MP for York Simcoe, requesting the restoration of funding to the Experimental Lakes Science Program.

9. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION:

The following items were identified for separate discussion:

- 9.1 Item No. 17.1.2, Report No. OED-2012-0047 entitled 'Request for Council to Approve the Allocation of Funds from Capital Reserve to Complete Projects 1-4 as Outlined in the Proceeding Report – ROC Capital'
- 9.2 Item No. 17.1.4, Report No. OED-2012-0041 entitled 'Community Infrastructure Improvement Fund (CIIF) – Proposed Projects for Funding Application'
- 9.3 Item No. 17.1.5, Report No. OED-2012-0042 entitled 'Lake Drive and Hedge Road – Community Safety Zone'

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

- 9.4 Item No. 17.2.3, Report No. DAS-2012-0044 entitled 'Establishment of Wireless Broadband Advisory Committee of Council'
- 9.5 Item No. 17.3.1, Report No. CAO-2012-0014 entitled 'Black River Dredging Request'
- 9.6 Item No. 17.5.1, Report No. DES-2012-0006 entitled 'Vulnerable Occupancies Inspections'

10. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION:

10.1 Matters not subject to individual conflicts

Moved by Councillor Smockum

Seconded by Councillor Szollosy

Routine:

RESOLUTION NO. C-2012-0339

THAT THE ROUTINE CORRESPONDENCE BE RECEIVED.

Carried.....

Reports:

17.2 Report from the Operations and Engineering Department:

- 17.1.2 Request for Council to Approve the Allocation of Funds From Capital Reserve to Complete Projects 1-4 as Outlined in the Proceeding Report – ROC Capital.

Report No. OED-2012-0047

Moved by Councillor Szollosy

Seconded by Councillor Smockum

RESOLUTION NO. C-2012-0340

1. THAT REPORT NO. OED-2012-047 BE RECEIVED FOR INFORMATION.
2. THAT COUNCIL APPROVE ALLOCATION OF FUNDS FROM CAPITAL RESERVE TO COMPLETE PROJECTS 1-4 AS OUTLINED IN PROCEEDING REPORT.

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

3. THAT A FIFTH PROJECT BE ADDED FOR COMPLETION WHICH IS TO MOVE THE EXISTING HYDRO POLE AT THE BASE OF THE TOBOGGAN HILL TO A SAFER LOCATION OR TO BURY THE SERVICES UNDERGROUND.
4. THAT A SIXTH PROJECT BE ADDED FOR COMPLETION, WHICH IS TO ADD A FIRE PIT AT THE CHALET.
5. THAT APPROVAL BE GRANTED TO SPEND MONIES FROM THE ROC RESERVE CURRENTLY AT \$52,500.

Carried...

17.1 Report from the Operations and Engineering Department:

17.1.4 Community Infrastructure Improvement Fund (CIIF) –
Proposed Projects for Funding Application

Report No. OED-2012-0041

Moved by Councillor Szollosy

Seconded by Councillor Smockum

RESOLUTION NO. C-2012-0341

1. THAT REPORT NO. OED-2012-0041 BE RECEIVED FOR INFORMATION.
2. THAT PROJECT 4 'CIVIC CENTRE CUSTOMER SERVICE' AND PROJECT 6 'OLD SUTTON PUBLIC SCHOOL RETROFIT' BE APPROVED AS PRIORITY PROJECTS IN THE APPLICATION TO THE CIIF.
3. THAT COUNCIL APPROVES MOVING FORWARD WITH APPLICATIONS FOR THE COMMUNITY INFRASTRUCTURE IMPROVEMENT FUND (CIIF).
4. THAT THE DIRECTOR OF OPERATIONS AND ENGINEERING PURSUE FUNDING FROM THE GAS TAX REBATE TO FUND PROJECT 1 'REPLACEMENT OF WATER MAINS ON GARRETT DRIVE IN SUTTON'.

Carried...

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

17.1.5 Lake Drive and Hedge Road – Community Safety Zone

Report No. OED-2012-0042

Moved by Councillor Smockum

Seconded by Councillor Szollosy

RESOLUTION NO. C-2012-0342

1. THAT REPORT NO. OED-2012-0042 BE RECEIVED FOR INFORMATION.
2. THAT STAFF BE DIRECTED TO AMEND THE TRAFFIC BY-LAW TO INCLUDE ALL OF LAKE DRIVE AND HEDGE ROAD AS COMMUNITY SAFETY ZONES.

Carried...

Council recessed at 6:40 p.m. and reconvened at 7:07 p.m.

15. COMMUNICATIONS:

15.2 Matters for Disposition:

- 15.2.10 Ministry of Community Safety and Correctional Services expressing appreciation to this municipality, its fire chief and fire fighters for their willingness to support as required to the northern communities under the Mutual Aid Plan during the forest fires.

Mayor Grossi noted that we were one of the first communities to offer assistance with the fires up north and thanked all the Fire Department staff for their quick response.

Moved by Councillor Szollosy

Seconded by Councillor Hackenbrook.

RESOLUTION NO. C-2012-0343

THAT CORRESPONDENCE FROM THE MINISTRY OF COMMUNITY SAFETY AND CORRECTIONAL SERVICES EXPRESSING APPRECIATION TO THIS MUNICIPALITY, ITS FIRE CHIEF AND FIRE FIGHTERS FOR THEIR WILLINGNESS TO PROVIDE SUPPORT AS REQUIRED TO THE NORTHERN COMMUNITIES UNDER THE MUTUAL AID PLAN DURING THE FOREST FIRES,

15. COMMUNICATIONS cont'd:

BE RECEIVED AND THAT APPRECIATION BE EXTENDED TO ALL THE TOWN OF GEORGINA FIRE FIGHTERS IN THEIR RECENT EFFORTS TO COMBAT THE FIRES UP NORTH.

Carried...

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

17.2.3 Establishment of Wireless Broadband Advisory Committee of Council

Report No. DAS-2012-0044

Rebecca Mathewson, Director of Administrative Services and Treasurer, provided a brief outline of her report requesting that Council establish a Wireless Broadband Advisory Committee, which she recommended consist of three Council members. As well, she recommended that Council appoint two members of the current Board of Directors of the South Shore Community Broadband (SSCB). The Town of Georgina will be acquiring all of the assets of the SSCB and the proposed committee would assist in that process. She noted that two members of the SSCB Board of Directors would consider sitting on this committee.

Ms. Mathewson explained that following Council's adoption of the recommendations today, she will then approach the two members and bring the appointing by-law forward to Council. She stressed the importance of expediting this process in order to sustain the financial situation of the SSCB.

Regional Councillor Wheeler indicated his interest as being appointed to this Committee once established.

Moved by Councillor Davison

Seconded by Councillor Szollosy

RESOLUTION NO. C-2012-0344

THAT REPORT NO. DAS-2012-0044 ENTITLED 'ESTABLISHMENT OF WIRELESS BROADBAND ADVISORY COMMITTEE OF COUNCIL' BE REFERRED BACK TO THE CHIEF ADMINISTRATIVE OFFICER TO BRING FORWARD TO A COMMITTEE OF THE WHOLE MEETING.

Carried...

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

17.3 Report from the Chief Administrative Officer:

17.3.1 Black River Dredging Request

Report No. CAO-2012-0014

Winanne Grant, Chief Administrative Officer, noted that information regarding funding opportunities is included in the final section of her report which criteria includes partnering with community groups which she will be pursuing. Ms. Grant further noted that the Small Craft Harbours engineering team indicated a commitment to undertake a Coastal Process Study.

Moved by Councillor Smockum

Seconded by Councillor Szollosy

RESOLUTION NO. C-2012-0345

1. THAT REPORT NO. CAO-2012-0014 BE RECEIVED; AND
2. THAT UNTIL SUCH TIME AS THE DEPARTMENT OF FISHERIES AND OCEANS – SMALL CRAFT HARBOURS COASTAL ACCESS STUDY IS UNDERTAKEN, COUNCIL DEFER ANY DECISIONS PERTAINING TO THE DREDGING OF THE MOUTH OF THE BLACK RIVER; AND
3. THAT THE CHIEF ADMINISTRATIVE OFFICER BE TASKED WITH PURSUING ANY OPPORTUNITIES AVAILABLE TO ADVANCE THE UNDERTAKING OF THE SMALL CRAFT HARBOURS COASTAL ACCESS STUDY.

Carried unanimously.....

21. MOTIONS:

That the Town of Georgina dredge the Black River at a cost not to exceed \$80,000 to be taken from funding provided from the tax levy and that staff investigate whether funding is available through the Lake Simcoe Protection Fund and/or the Federal Gas Tax Fund to cover this cost.

21. MOTIONS cont'd:

Moved by Councillor Hackenbrook

Seconded by Councillor Davison

That the Town of Georgina dredge the Black River at a cost not to exceed \$80,000 to be taken from funding provided from the tax levy and that staff investigate whether funding is available through the Lake Simcoe Protection Fund and/or the Federal Gas Tax Fund to cover this cost.

Withdrawn.....

Councillor Szollosy suggested to the Chair that until the Small Craft Harbours Coastal Access Study is undertaken, Council refrain from making any decisions.

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS:

17.5 Report from the Department of Emergency Services:

17.5.1 Vulnerable Occupancies Inspections

Report No. DES-2012-0006

Jeff Bignell, Fire Prevention Officer, explained that the term 'Vulnerable Occupancies' is a term used by the Ontario Association of Fire Chiefs that refers to specific classifications of the Building Code. Specifically, this means care occupancies and care treatment occupancies, which has to do with what activities take place inside the building such as group homes and senior care facilities that have staffing 24 hours a day, seven days a week. This policy will ensure that there is an emergency plan in place, equipment is inspected, that all occupants are evacuated in an emergency and that all information is properly relayed to the Fire Department. Mr. Bignell noted that migrant farm bunkhouses do not fall under this category.

Moved by Councillor Smockum

Seconded by Councillor Szollosy

RESOLUTION NO. C-2012-0346

THAT REPORT NO. DES-2012-0006 REGARDING VULNERABLE OCCUPANCY INSPECTIONS BE RECEIVED FOR INFORMATION.

Carried...

10. ADOTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION:

10.2 Matters subject to individual conflicts

None.

11. DEPUTATIONS:

11.1 Brad Smith respecting the Inland Iron & Metals operation and Council's process.

Mr. Brad Smith introduced himself and requested that Council not grant Inland Iron & Metals' request to be exempted from the noise by-law in order for them to load materials onto their trucks between 10:00 a.m. and 12:00 p.m. on Sundays and statutory holidays. Mr. Smith indicated that Inland has a long history of disregarding the noise by-law in Georgina and quoted five reports to Council dating back to 2010, which outline the Town's correspondence to Inland in which noise associated with weekend work was itemized. The Town sent further correspondence twice to Inland regarding the same issue and yet nothing has changed.

Mr. Smith noted that two complaints were lodged in August of 2005, which indicated that Inland was loading thirty minutes before the 10:00 a.m. curfew set out in the by-law. Two more complaints were received in February of 2007 for work taking place on weekends between the hours of 4:22 a.m. and 4:23 a.m. On Monday, May 19, 2008, it was reported that four tractor trailers were being loaded on Sunday, May 18, 2008 outside of curfew hours again.

Mr. Smith indicated he had a short video to show Council depicting the loading taking place at Inland. He believes that this video should finally declare any agreement between the Town and Inland as null and void. Mr. Smith explained that he and his family work very hard and deserve one day off a week that should not be disrupted by this problem.

Winanne Grant, Chief Administrative Officer, noted that the allotted time of five minutes for Mr. Smith's deputation had expired.

Moved by Councillor Szollosy

Seconded by Regional Councillor Wheeler

That the Rules of Procedure be waived to allow for an additional minute of deputation from Mr. Brad Smith.

Carried...

11. DEPUTATIONS cont'd:

The video from Mr. Brad Smith was shown to Council at this time which depicts the Ravenshoe Road entrance of Inland and that there is a truck in the driveway entrance.

Ms. Grant noted she had reviewed this information with the Town's legal advisor who has clearly stated this video does not constitute material handling. Mr. Smith reiterated his comments that the Town's own reports of previous years stated Inland was in contravention of the by-law.

Moved by Regional Councillor Wheeler

Seconded by Councillor Szollosy

RESOLUTION NO. C-2012-0347

THAT THE DEPUTATION FROM BRAD SMITH REQUESTING THAT COUNCIL NOT GRANT THE REQUEST BY INLAND IRON & METALS FOR EXEMPTION FROM THE NOISE BY-LAW IN ORDER FOR THEM TO LOAD MATERIALS ONTO TRUCKS BETWEEN 10:00 A.M. AND 12:00 P.M. ON SUNDAYS AND STATUTORY HOLIDAYS BE RECEIVED.

Carried...

11.2 Reverend Jim Keenan opposing the Noise By-law and Licensing By-law exemptions requested by Inland Iron & Metals

Reverend Jim Keenan introduced himself and indicated he was here to make a deputation in regards to Inlands' request to load trucks between 10:00 a.m. and 12:00 p.m. Reverend Keenan noted his understanding is that exemptions to by-laws are made for the purpose of social good or to relieve undue hardship. When Rev. Keenan read the staff report recommending the Inland exemption, he could not identify any social, cultural or undue hardship that the applicant was suffering from. Inland operates the business from Monday to Friday from 8:00 a.m. to 10:00 p.m., which equates to 90 hours per week. Rev. Keenan asked why Mayor and Council are finding it necessary to allow this company an exemption from the noise by-law.

Rev. Keenan stated that he is aware of the previous deputant's complaints over the years with evidence regarding the Inland operation and noted that these complaints have not been addressed because the evidence is not legally impactful. Rev. Keenan stated that he trusted his family's right to peace and quiet would be protected by the Town that he pays his taxes to but this does not seem to be the case. Rev. Keenan believes these complaints regarding Inland show merit and requested that Council remember this is an exemption issue, not an enforcement issue. He stated that since the complaints are with merit, the onus lies with Inland to

11. DEPUTATIONS cont'd:

provide arguments that Mr. Smith's complaints are unfounded. Rev. Keenan believes that Town Council owes the residents of Georgina an explanation.

Moved by Councillor Szollosy

Seconded by Councillor Smockum

RESOLUTION NO. C-2012-0348

THAT THE DEPUTATION FROM REVEREND JIM KEENAN OPPOSING THE EXEMPTIONS FROM THE NOISE AND LICENSING BY-LAWS GRANTED TO INLAND IRON & METALS BE RECEIVED.

Carried...

Mayor Grossi moved forward and dealt with Item No. 20.1 at this time.

20. BY-LAWS:

20.1 A By-law to authorize the Mayor and Clerk to enter into an agreement with Inland Iron & Metals (Inland), Ravenshoe Road, Part of Lot 1, Concession 6, Sutton, respecting the handling of materials on Sundays and statutory holidays, from June 25, 2012 to June 24, 2013.

Regional Councillor Wheeler noted that the original agreement period of June 25, 2012 to June 24, 2013 needs to be changed to August 26th, 2012 to August 25, 2013.

Moved by Councillor Smockum

Seconded by Councillor Hackenbrook

That the following by-law be given three readings:

20.1 By-law Number 2012-0074 (CON-1) A By-law to authorize the Mayor and Clerk to enter into an agreement with Inland Iron & Metals (Inland), Ravenshoe Road, (north side), Part of Lot 1, Concession 6, Sutton, respecting the handling of materials on Sundays and statutory holidays, from August 26th, 2012 to August 25th, 2013.

Carried...

11. DEPUTATIONS:

- 11.3 John Auger, Farm Georgina Community Market organizer, requesting the waiver of rental fees for the Georgina Ice Palace and for the Kin Community Hall.

Mr. John Auger introduced himself and explained that Farm Georgina currently holds a farmers market at the Ice Palace in Keswick every Sunday. The farmers market was moved to this location in order to take advantage of the larger population and heavier traffic in that area. Mr. Auger noted that Farm Georgina has faced many challenges including a lack of manpower and parking, as well as financial since they are a registered not-for-profit organization.

Mr. Auger stated that because of the fact that the farmer's market is a not-for profit organization and receives no funding from any sources, he is requesting that Council waive the parking lot usage fee and, if necessary, the building rental fee should they need to move the market indoor.

Mr. Auger noted that Farm Georgina is organizing an upcoming local community meal to raise funds which will be held at the Sutton Kin Hall.

Mr. Auger explained that he volunteers for this organization because he believes it is important for the community. He has received assistance from Town staff and hopes he can count on the Town's support in the future.

Mr. Auger explained that currently the fees being charged by the Town to Farm Georgina are \$100.00 per week and Farm Georgina charges vendors \$50.00 per week who are either local retailers or farmers.

Staff noted that the main reason for nominal fees charged by the Town is to cover costs for clean-up, staffing, etc. and that the Town does not profit from these fees.

Karyn Stone, Economic Development Officer, stated that Farm Georgina has received funding in the past through the Economic Development Committee and that Mr. Auger could apply again for that funding in the fall. The Council members noted that this funding is generally how the Town provides support to local initiatives. Ms. Stone also noted that Town staff has done research with other municipalities regarding their support programs for initiatives like this because of their cultural and economic impact and suggested this topic be brought back to Council through the Recreation and Culture Department for further information.

Mr. Auger noted that as a businessperson he dislikes asking for funding but when he stepped into the role to run Farm Georgina, there were no parameters in place such as budget or an organized board. His goal is to get this project off the ground.

11. DEPUTATIONS cont'd:

Moved by Regional Councillor Wheeler

Seconded by Councillor Szollosy

RESOLUTION NO. C-2012-0349

THAT THE DEPUTATION FROM JOHN AUGER OF FARM GEORGINA REQUESTING THE WAIVER OF RENTAL FEES FOR THE GEORGINA ICE PALACE PARKING LOT AND, IF NECESSARY, THE BUILDING RENTAL FEE SHOULD FARM GEORGINA NEED TO MOVE THE MARKET INDOORS, BE RECEIVED AND THAT COUNCIL REQUEST THE DIRECTOR OF RECREATION AND CULTURE TO PROVIDE AN INFORMATION REPORT TO COUNCIL AT THE SEPTEMBER 17, 2012 COMMITTEE OF THE WHOLE MEETING .

Carried...

- 11.4 Michael Smith of Michael Smith Planning Consultants, agent for Christina Homes Ltd., requesting a reduction in the site plan application fee for its sales office use.

Gord Mahoney of Michael Smith Planning Consultants, agent for Christina Homes Ltd., stated that his clients are seeking a reduction in the site plan application fee for the purpose of a sales office installation, which will be situated within a model home that is already constructed. The model home in question, which is one of four, has been noted on the site plan along with parking, all situated on the north side of Baseline Road in Sutton.

Mr. Mahoney stated that the site plan application fee is \$6,000.00 and has been paid. He noted that it is reasonable for a full site plan review to include a sales office. He pointed out that, alternatively, an off-site sales trailer or building involves much more detail and work for Town staff and is therefore respectfully requesting that his client's site plan fee be reduced to \$2,058.00.

Harold Lenters, Director of Planning and Building, noted that while the site plan review process falls under the jurisdiction of Operations and Engineering, he suggested that this be referred back to staff to investigate the request further in terms of reducing time spent by staff on this site plan and whether the fee reduction request is warranted

Rebecca Mathewson, Director of Administrative Services and Treasurer, noted that while any changes to the Town's fee schedule was not recommended at this time, staff certainly could review our fee structure to address situations like this in the future.

11. DEPUTATIONS cont'd:

Moved by Regional Councillor Wheeler

Seconded by Councillor Szollosy

RESOLUTION NO. C-2012-0350

THAT THE REQUEST MADE BY GORD MAHONEY OF MICHAEL SMITH PLANNING CONSULTANTS, AGENT FOR CHRISTINA HOMES LTD., FOR A REDUCTION IN THE SITE PLAN APPLICATION FEE FROM \$6,174 TO \$2,058 FOR ITS SALES OFFICE USE LOCATED WITHIN A MODEL HOME DWELLING WITHIN THE SUBDIVISION ON THE NORTH SIDE OF BASELINE ROAD IN SUTTON BE RECEIVED AND REFERRED TO PLANNING STAFF FOR REVIEW.

Carried.....

- 11.5 Michael Smith of Michael Smith Planning Consultants, agent for Blue Serenity Holdings Ltd. (Gary Foch) regarding whether or not an amendment to the Keswick Secondary Plan is required concerning an increase in the number of dwelling units within an existing building.

Gord Mahoney of Michael Smith Planning Consultants, agent for Blue Serenity Holdings Ltd. (Gary Foch), noted he was representing his clients who own land on the corner of Spring Road and Ley Boulevard in Keswick. Currently this property contains an apartment dwelling with three (3) units, while his client is requesting an allowance for four (4) apartments.

Mr. Mahoney suggested that as this is part of the Keswick Secondary Plan, an allowance of one additional unit will comply with the plan and therefore should not require an amendment to the Keswick Secondary Plan, but Town staff believe it would require an amendment to the Plan. He explained that the property is designated Neighbourhood Residential and zoned Medium Density Urban Residential and according to the zoning a maximum of nine (9) bedrooms are permitted. He noted that the lands to the south and west are designated Urban Corridor 1.

Mr. Mahoney stated that Section 9.1.8.1 states land use boundaries are approximate and that minor revisions are permitted if the Keswick Secondary Plan's intent is preserved. He noted that Planning Department staff has indicated its concern that a minor adjustment may set a precedent, but he disagrees due to the fact that his client is endeavouring to provide affordable housing with the introduction of this one additional unit. He stated that the applicant's costs to date total over \$10,000.00 for permits, etc. and an additional requirement for the amendment to the Keswick Secondary Plan will cause an extensive and costly delay. He is therefore requesting that no amendment to the Keswick Secondary Plan be required.

11. DEPUTATIONS cont'd:

The Council members agreed that with the limited time allowance for deputations this item should be referred back to staff for a report to Council.

Moved by Councillor Szollosy

Seconded by Councillor Smockum

RESOLUTION NO. C-2012-0351

THAT THE DEPUTATION MADE BY GORD MAHONEY OF MICHAEL SMITH PLANNING CONSULTANTS, AGENT FOR BLUE SERENITY HOLDINGS LTD. (GARY FOCH), SUGGESTING THAT AN AMENDMENT IS NOT REQUIRED TO THE KESWICK SECONDARY PLAN CONCERNING AN INCREASE IN THE NUMBER OF DWELLING UNITS WITHIN AN EXISTING BUILDING, BE RECEIVED AND REFERRED TO THE PLANNING DEPARTMENT FOR SUBMISSION OF A REPORT FOR COUNCIL'S CONSIDERATION.

Carried.....

12. PRESENTATIONS:

- 12.1 A representative from Canadian Solar respecting its proposed Beamlight Solar Project.

Harold Lenters, Director of Planning and Building, noted that this presentation was not necessary at this time since two more reports will be coming to Council with a presentation at that time. Therefore, no presentation occurred at this time.

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION:

14. PUBLIC MEETINGS:

14.1 Statutory Public Meeting:

(7:35 p.m.)

- 14.1.1 Application to Amend Zoning By-law 500
MINIELLY, Edward and Constance
Part Lot 5, Concession 1 (G), 6725 Old Shiloh Road
AGENT: Mary Nordstrom of Walker, Nott, Dragicevic Associates Ltd.

Report No. PB-2012-0064

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

14. PUBLIC MEETINGS cont'd:

Mr. James J. Feehely introduced himself as the lawyer representing Edward and Constance Minielly and has written permission from them to do so. He outlined a brief history of the subject lot indicating that it was a family farm which had a small lot severed from it several years ago. Several outbuildings were built in the 1970's with some of the buildings sitting over the lot lines of the severed lot. He noted that there is no well on this lot because an artesian well exists.

Mr. Feehely stated that the owners are attempting to organize what they must do in order to comply with the Planning Act. They have submitted a zoning amendment application and severance application, which will amend the boundaries so that all the existing outbuildings will be within the lot lines, and a well can be installed with appropriate setbacks. Once complete, there will no longer be an overlap of any buildings on the adjoining farm property.

Mr. Feehely noted that this property has been used in the past as a 'small occupancy' to accommodate the traveling public during the winter months such as fishermen who travel to Lake Simcoe to fish. While this is a small occupancy in the exterior buildings, it does not comply with the current Official Plan. His clients are requesting a simple zoning by-law amendment to allow for seasonal occupancy. He stated that Town staff, however, is recommending that this would be an Official Plan Amendment, which would be a very complex and costly process to the owners.

Barbara Mugabe, Planner, summarized her report regarding this application, indicating that the subject property is located at 6725 Old Shiloh Road on the south side and west of Park Road and is 0.6 acres in size. The concept plan shows the existing buildings on the property and apart from the single detached dwelling, all the buildings have been constructed without Town approval.

Ms. Mugabe explained that the applicants wish to change two buildings to accommodate a Bed and Breakfast operation with each containing three (3) guestrooms, one (1) kitchen, one (1) full bathroom and one (1) two-piece bathroom, accommodating six (6) guests in each building. The use currently extends into the adjoining farm property.

Ms. Mugabe stated that a Planning Justification Report was completed in May of 2012 and during the public circulation, as required by the Planning Act, comments from three residents were received. Specifically, an owner from across the street of the lot in question had no issues with the application. Another comment received pertained to the existing buildings that were built without Town approvals. The third comment received indicated that the date of construction of the buildings was inaccurate.

14. PUBLIC MEETINGS cont'd:

Ms. Mugabe noted that while bed and breakfasts and other tourism based accommodation are permitted in non-agricultural uses within the rural areas of the Greenbelt Plan, said uses are not defined in the Plan. Based on its scale and operations, the existing/proposed temporary accommodation use does not comply with the Town's definition of a Bed and Breakfast which is "a single family dwelling licensed as a Bed and Breakfast residence, in which a maximum of four guest bedrooms are let by the resident owner, up to a maximum of fifteen consecutive days, to members of the travelling public. Meals may be provided for the temporary residents within the single-family dwelling".

Ms. Mugabe also noted that complaints have been received regarding the subject property, which is outlined in her report and is important to consider.

Ms. Mugabe stated that the subject land is designated Rural Policy Area on Schedule '6' of the York Region Official Plan (1994) which still is in force and effect. Section 5.9.2 only permits limited industrial, commercial and institutional uses subject to an amendment to the area municipal Official Plan and subject to compliance with the various criteria outlined in Section 5.9.2 of the Plan. At a pre-consultation meeting held between staff and the applicant's agent and York Region staff, the applicant's agent was advised that notwithstanding whether the proposed use may conform to the Town's Official Plan, in accordance with the Region's Official Plan, an amendment to the Town's Official Plan is required. The applicant's agent has maintained that in their opinion, the local Official Plan permits the proposed use therefore an amendment to the Town's Official Plan should not be required. York Region will no comment on local zoning by-law amendment applications unless there is an associated Official Plan Amendment application and/or a Regional Road is involved. Since Old Shiloh Road is not a Regional Road, the understanding is that unless an Official Plan Amendment is filed and circulated to the Region, the Region will not comment on the subject proposal.

Ms. Mugabe explained that the applicant's Planning Justification Report asserts that since the rural designation does not specifically address bed and breakfasts, the existing temporary accommodation use on the subject land is permitted by way of the land use permissions for home occupation and/or home industry. Staff disagrees with this assertion and contends that the existing/proposed temporary accommodation buildings and use do not meet the Official Plan's policies for home occupation use/home industry use on the following grounds:

- a) Home Occupations are permitted in residences provided the use is carried out entirely within the dwelling unit yet the subject temporary accommodation use is occurring within two detached buildings.

14. PUBLIC MEETINGS cont'd:

- b) According to the Official Plan, a home industry use is considered secondary to a residential dwelling on a lot and generally employing family members and shall only be permitted in a building separate from the residential dwelling. The Town has consistently interpreted the term 'home industry' to mean a small-scale industrial type of trade such as metal working shop, plumbing shop, welding shop. Therefore, the proposed temporary accommodation use is outside the parameters of a bed and breakfast use in accordance with the home occupation definition under the Town's Official Plan and for reasons outlined herein cannot be considered a home industry use under the Town's Official Plan.

Ms. Mugabe indicated that the Fire Department and Building Department indicate that the applicant should be aware that inspections are required in order to ensure compliance with fire and building codes.

Ms. Mugabe stated that the applicants must make application to amend the Town's Official Plan, which will address York Region's requirement, and then it will be reviewed. If this application is not filed within a reasonable time, the Planning Department will prepare a subsequent report.

Darryl Phoenix of R.R. #1 Sunderland stated that this is his father's property. The buildings, stated as being built in the 1970's, is inaccurate since he has an aerial photograph from 1970 which depicts the house and barn in existence but no other buildings.

Harold Lenters, Director of Planning and Building, noted that the current Official Plan is still in effect until it is repealed, which means that the Town would consider this application under the current local Official Plan Amendment.

Bill O'Neill, Fire Chief, noted that while he did have information on hand as to whether these buildings have been inspected, he pointed out that the general rule is that the Fire Department must be granted permission by owners to enter their property for inspection purposes.

Clarification was provided by Councillor Smockum that the applicant's consent application is to readjust the lot line and not to create a new lot.

Mr. Feehely provided additional comments by stating that staff have been notified that they will be granted reasonable access to the subject property to accomplish any requirements of this application and that the intended primary use is a part-time activity and not a year-round activity.

Mr. Lenters noted that a part-time activity is difficult to police or enforce unless there is a very specific by-law to address it.

14. PUBLIC MEETINGS cont'd:

Mr. Feehely also noted that in previous meetings with Town staff and York Region staff, the Regional staff member implied that if a local Official Plan Amendment was applied for, that application would necessitate a Regional Official Plan Amendment.

It was noted that while Town staff tries to be accommodating for local businesses, there are some areas of concern with this application regarding building code compliance, building permits for structures, etc. that need to be determined.

Mr. Lenters stated that he will contact the Region to determine whether or not the applicants will require an Official Plan Amendment at the Regional level.

Moved by Councillor Davison

Seconded by Councillor Smockum

RESOLUTION NO. C-2012-0352

- A. THAT REPORT PB-2012-0064, RESPECTING AN APPLICATION TO AMEND ZONING BY-LAW 500 BY EDWARD AND CONSTANCE MINIELLY FOR LAND DESCRIBED AS PART LOT 5, CONCESSION 1 (G), 6725 OLD SHILOH ROAD, BE RECEIVED.
- B. THAT STAFF REPORT FURTHER TO COUNCIL FOLLOWING: I) THE RECEIPT AND CIRCULATION OF THE REQUIRED OFFICIAL PLAN AMENDMENT; AND II) ASSESSMENT OF ALL PUBLIC, COUNCIL, INTERNAL DEPARTMENTS AND AGENCY COMMENTS.

Carried...

14.1.2 Accessory Apartment Policy Review and Update, Proposed Zoning By-law Amendment and Registration By-law

(8:45 p.m.)

Report No. PB-2012-0065

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

Laura Diotte, Senior Planner-Policy, introduced herself and outlined her report regarding the Accessory Apartment Policy Review and the proposed zoning by-law amendment along with the proposed registration by-law. Ms. Diotte noted that staff has made several edits to the proposed amendment based on comments from staff, the public and the Steering Committee.

14. PUBLIC MEETINGS cont'd:

It was noted that this is a Provincial and Regional policy that the Town is adhering to through this proposed by-law and that the process involved extensive public consultation.

Ms. Diotte explained that this proposed amendment will implement Bill 140 and, if approved by Council, staff will provide a guide to assist residents through the process of registering their accessory apartments through advertisements and the local newspaper. This zoning amendment allows for more affordable housing to be provided as well as a simpler and less costly process for owners. She pointed out that there are still several criteria that owners will have to comply with under the new process, once approved.

During a discussion about the various aspects of compliance with fire codes and safety for accessory apartments, it was noted that the Fire Department has the right to access a property when fire code and safety infractions have occurred, whether an accessory apartment is registered or not. In addition, there are procedures through the court system to gain access to a property.

Karl Goinarov explained that he was part of the Accessory Apartment Steering Committee and believes this is an excellent initiative for builders and owners and finds the new process much easier and less time consuming. Mr. Goinarov also noted his appreciation for being provided the opportunity to participate in the committee.

Moved by Councillor Smockum

Seconded by Councillor Szollosy

RESOLUTION NO. C-2012-0353

- A. THAT REPORT PB-2012-0065 BE RECEIVED.
- B. THAT THE PROPOSED AMENDMENT TO ZONING BY-LAW 500 RESPECTING CRITERIA FOR THE CREATION OF ACCESSORY APARTMENTS ATTACHED AS SCHEDULE '5' TO REPORT NUMBER PB-2012-0065 BE APPROVED.
- C. THAT THE PROPOSED REGISTRATION BY-LAW REQUIRING THE REGISTRATION OF ACCESSORY APARTMENTS IN THE TOWN OF GEORGINA ATTACHED AS SCHEDULE '8' TO REPORT NUMBER PB-2012-0065 BE APPROVED.

Carried...

14. PUBLIC MEETINGS cont'd:

Moved by Councillor Szollosy

Seconded by Councillor Davison

That the Council Meeting recess at this time (8:50 p.m.)

Carried...

The Council Meeting reconvened at 8:59 p.m.

(8:59 p.m.)

14.1.3 Application to Amend Zoning By-law 500
2064322 ONTARIO LTD. c/o Caroline Heo or Dal Ho Heo
Lot 13, Plan 177 and Part 2, Plan 65R-28514, 1588 Metro
Road North, Willow Beach
AGENT: Michael Smith Planning Consultants

Report No. PB-2012-0067

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

Gord Mahoney of Michael Smith Planning Consultants, agent for the applicants, stated that the owners, Dal Ho Heo and Carolyn Ho Heo, are present.

Mr. Mahoney explained that the property in question is located on the southwest corner of Metro Road and Kennedy Road where a two-storey building currently exists. According to the zoning by-law, this property is zoned Commercial and a refreshment cart is not a permitted use. He stated that a refreshment cart would be complimentary to the existing variety store located in the two-storey building. One of the zoning by-law's stipulations for a refreshment cart is that they only be permitted on non-residential properties, of which the subject property is zoned.

Mr. Mahoney stated that the applicants are seeking a reduced setback of 5 metres rather than the required 9 metres in order that the parking requirement can be accommodated which requires one additional parking space. He stated that if this zoning amendment is approved, the applicant will seek the appropriate license for a refreshment cart. He explained that the existing building is operator-occupied and the proposed cart would be operated on a seasonal basis. None of the internal department or external agencies who were asked for comments is opposed to the application and it complies with the Lake Simcoe Protection Plan, the Regional Official Plan and the Town of Georgina Official Plan.

14. PUBLIC MEETINGS cont'd:

Todd Evershed, Planner, noted that the site plan indicates there are accessory structures on the southwest corner of the subject property. With respect to the required parking spot, one additional spot is required and it would have to be located on the site behind these accessory buildings. Therefore, staff has recommended that the accessory building be moved to comply with this requirement.

Dimitrio Stamboultzis introduced himself along with his father Angelo who are requesting support from Council to oppose this application for an amendment to the zoning by-law. They feel allowing this proposed cart, in addition to theirs located at 437 Lake Drive East makes no sense. Their cart on Lake Drive East has been in existence for several years and they have been providing a much appreciated service to the Town and the public by maintaining the property and its surroundings.

Mr. Stamboultzis noted his parents have performed above and beyond as owners of 437 Lake Drive East by cleaning the public park area adjacent to their property for many years. He reiterated that allowing another cart at 1588 Metro Road North would be irresponsible and cause concern for residents as far as traffic and pedestrian accidents are concerned. Mr. Stamboultzis brought petitions signed by many of the local residents indicating they do not wish to have another cart located at the proposed Metro Road North site.

Mr. Evershed noted that Section 5.28 of Zoning By-law No. 500, requires that one (1) additional parking space be provided for the proposed refreshment cart, because the proposed use is in effect a minor extension of the existing permitted non-residential use. Further, the existing on-site parking was calculated based on the floor areas dedicated to both the commercial and residential components of the existing building. He also pointed out that because this was a minor adjustment to the use of the subject lands, staff has not imposed site plan control.

Council noted that the location of the additional parking spot, as suggested, is some distance from the proposed location of the cart. In addition, the traffic flows in the diagram appears to draw traffic to the corner and this could potentially create concerns.

Council discussed whether the applicant would have the right to appeal should Council refuse the application for reasons other than zoning issues. Harold Lenters, Director of Planning and Building, noted that for an applicant to appeal they must do so by basing their appeal on planning grounds. He also noted that while competition plays a factor, there is nothing in the Planning Act that speaks to the competition factor.

14. PUBLIC MEETINGS cont'd:

Mr. Lenters noted Council's concerns with traffic and pedestrian safety and Council could request relocating the cart to a different spot on the site and allow staff to review.

Mr. Mahoney noted that the current proposed location for the cart is mostly to ensure exposure and that due to setbacks put in place by the Region, there is very little choice as to the location of the parking spot and the cart.

Mr. Evershed noted that he has driven from the existing Lake Drive East cart location, south on Kennedy Road, to the subject lands, and notes that these properties appear to be separated by a distance of at least 300 metres.

Mr. Mahoney addressed Council once more and noted he had just conferred with his clients and that, if it pleases Council, they would certainly consider moving the cart as long as it meets the required set-backs.

Mr. Lenters suggested that these concerns could be addressed by moving the proposed cart further to the west where an existing parking spot currently is.

Moved by Councillor Smockum

Seconded by Councillor Davison

- A. That Report PB-2012-0067 be received.
- B. (i) That the application submitted by 2064322 Ontario Ltd., to amend the current local Commercial (C3) zone to permit the use of a refreshment cart on the lands described as Lot 13, Plan 177 and Part 2, Plan 65R-28514, be approved.
- (ii) That the amending zoning by-law contain the site-specific provisions outlined in section 8 of Report PB-2012-0067.
- (iii) That pursuant to Section 34(17) of The Planning Act, R.S.O. 1990, c.p.13, as amended, in the event minor revisions are necessary respecting the proposed amending zoning by-law, further notice shall not be required; and,

14. PUBLIC MEETINGS cont'd:

- (iv) That prior to the passing of the amending zoning by-law, the existing accessory buildings and structures that are shown to be removed on Schedule '5' to Report PB-2012-0067, have been removed from the subject land to the satisfaction of the Planning and Building Department.

Defeated...

Winanne Grant, Chief Administrative Officer, explained that should the applicant decide to appeal, then that appeal process will be through the Ontario Municipal Board.

15 COMMUNICATIONS:15.2 Matters for Disposition:

- 15.2.1 Municipality of Grey Highlands requesting support of its position concerning reimbursement by the Province of court costs associated with clarification in the Green Energy Act concerning the loss of Municipal rights over the control of road allowances.

Winanne Grant, Chief Administrative Officer, provided a verbal report regarding the costs associated with clarification of municipal rights over road allowance controls pertaining to the Green Energy Act. Ms. Grant noted that it is their intention to lobby the provincial government

Moved by Councillor Szollosy

Seconded by Councillor Smockum

RESOLUTION NO. C-2012-0354

THAT CORRESPONDENCE FROM THE MUNICIPALITY OF GREY HIGHLANDS REQUESTING SUPPORT OF ITS POSITION CONCERNING REIMBURSEMENT BY THE PROVINCE OF COURT COSTS ASSOCIATED WITH CLARIFICATION IN THE GREEN ENERGY ACT CONCERNING THE LOSS OF MUNICIPAL RIGHTS OVER THE CONTROL OF ROAD ALLOWANCES, BE RECEIVED.

Carried...

15. COMMUNICATIONS cont'd:

- 15.2.2 Canadian Solar Solutions Inc.'s Notice of Second Public Meeting at the Egypt Hall on September 17th concerning the GoldLight Solar Power Project.

It was noted that the public meeting has been relocated to the Pefferlaw Lions Community Hall located on Pete's Lane in Pefferlaw.

Moved by Councillor Smockum

Seconded by Councillor Davison

RESOLUTION NO. C-2012-0355

THAT CORRESPONDENCE FROM CANADIAN SOLAR SOLUTIONS INC. RESPECTING A NOTICE OF SECOND PUBLIC MEETING AT THE EGYPT HALL ON SEPTEMBER 17TH CONCERNING THE GOLDLIGHT SOLAR POWER PROJECT, WHICH WILL NOW BE HELD AT THE PEFFERLAW LIONS COMMUNITY HALL , BE RECEIVED.

Carried...

- 15.2.3 York Regional Police informing Council of the reassignment of Superintendent Bruce West as Officer in Charge of #3 District as of July 16th.

Moved by Regional Councillor Wheeler

Seconded by Councillor Szollosy

RESOLUTION NO. C-2012-0356

THAT THE CLERK'S OFFICE INVITE SUPERINTENDENT WEST AND HIS TWO DEPUTIES FROM YORK REGIONAL POLICE TO THE NEXT COUNCIL MEETING SCHEDULED FOR MONDAY, SEPTEMBER 10, 2012, TO DISCUSS NEW INITIATIVES TO COMBAT THEFT AND VANDALISM.

Carried...

15. COMMUNICATIONS cont'd:

- 15.2.4 York Region's Notice of Decision to Official Plan Amendment No. 116, Accessory Apartments Policy Review and Update.

Moved by Councillor Smockum

Seconded by Deputy Mayor Wheeler

RESOLUTION NO. C-2012-0357

THAT YORK REGION'S NOTICE OF DECISION TO OFFICIAL PLAN AMENDMENT NO. 116, ACCESSORY APARTMENTS POLICY REVIEW AND UPDATE BE RECEIVED.

Carried...

- 15.2.5 Monte McNaughton, MPP, Lambton-Kent-Middlesex, requesting Council consider drafting a resolution in support of Bill 76, an Act to Amend the Ontario Lottery and Gaming Act of 1999, entitled Ensuring Local Voices in New Casino Gambling Development Act, 2012, to ensure that local communities are given a say prior to the development of any new casino within their municipality.

Moved by Councillor Szollosy

Seconded by Councillor Hackenbrook

That correspondence from Monte McNaughton, MPP, Lambton-Kent-Middlesex, requesting Council consider drafting a resolution in support of Bill 76, an Act to amend the Ontario Lottery and Gaming Act of 1999, entitled 'Ensuring Local Voices in New Casino Gambling Development Act, 2012' to ensure that local communities are given a say prior to the development of any new casino within their municipality, be received.

Defeated.....

Moved by Councillor Smockum

Seconded by Councillor Davison

RESOLUTION NO. C-2012-0358

THAT TOWN COUNCIL SUPPORT BILL 76, AN ACT TO AMEND THE ONTARIO LOTTERY AND GAMING ACT OF 1999, ENTITLED 'ENSURING LOCAL VOICES

15. COMMUNICATIONS cont'd:

IN NEW CASINO GAMBLING DEVELOPMENT ACT, 2012' TO ENSURE THAT LOCAL COMMUNITIES ARE GIVEN A SAY PRIOR TO THE DEVELOPMENT OF ANY NEW CASINO WITHIN THEIR MUNICIPALITY AND THAT THIS SUPPORT BE FORWARDED TO THE PREMIER DALTON MCGUINITY, THE HONOURABLE DWIGHT DUNCAN, MINISTER OF FINANCE, MONTE MCNAUGHTON, MPP FOR LAMBTON-KENT-MIDDLESEX AND JULIA MUNRO, MPP FOR YORK-SIMCOE

Carried.....

- 15.2.6 Tasha Corrigan requesting police and Town assistance in the recent increase in vandalism and car thefts in the Keswick community.

Moved by Regional Councillor Wheeler

Seconded by Councillor Szollosy

RESOLUTION NO. C-2012-0359

THAT CORRESPONDENCE FROM TASHA CORRIGAN REQUESTING POLICE AND TOWN ASSISTANCE IN THE RECENT INCREASE IN VANDALISM AND CAR THEFTS IN THE KESWICK COMMUNITY BE RECEIVED AND REFERRED TO RYAN CRONSBERRY, CHIEF MUNICIPAL LAW ENFORCEMENT OFFICER AND TO SUPERINTENDENT WEST OF YORK REGIONAL POLICE FOR A RESPONSE AND PLAN OF ACTION.

Carried.....

- 15.2.7 York Regional Police 2011 Annual Report on Georgina Crime Statistics. The lengthy report can be viewed on the police website link at <http://www.yrp.ca/statistics.aspx>, along with reports from previous years.

Moved by Councillor Szollosy

Seconded by Councillor Hackenbrook

RESOLUTION NO. C-2012-0360

THAT THE YORK REGIONAL POLICE 2011 ANNUAL REPORT ON GEORGINA CRIME STATISTICS ALONG WITH REPORTS FROM PREVIOUS YEARS, BE RECEIVED.

Carried.....

Council recessed at 10:04 p.m. and reconvened at 10:10 p.m.

15. COMMUNICATIONS cont'd:

- 15.2.8 Minister of Finance requesting local broader public sector collective agreement bargaining partners to respect the Ontario Government's plan to keep Ontario 'on track to balance the budget by 2017-18' and to enhance the broader public sector pension plans.

Moved by Councillor Szollosy

Seconded by Regional Councillor Wheeler

RESOLUTION NO. C-2012-0361

THAT CORRESPONDENCE FROM THE MINISTER OF FINANCE REQUESTING LOCAL BROADER PUBLIC SECTOR COLLECTIVE AGREEMENT BARGAINING PARTNERS TO RESPECT THE ONTARIO GOVERNMENT'S PLAN TO KEEP ONTARIO 'ON TRACK TO BALANCE THE BUDGET BY 2017-18' AND TO ENHANCE THE BROADER PUBLIC SECTOR PENSION PLANS, BE RECEIVED.

Carried...

- 15.2.9 Ministry of Municipal Affairs and Housing reiterating the Ministry of Finance's proposal that no form of increased compensation should be allowed in all new Broader Public Sector collective agreements and initiatives to improve pension plans.

Winanne Grant, Chief Administrative Officer, noted that items 15.2.8 and 15.2.9 are from different sources relating to the same topic. Essentially each is suggesting there is a way that municipalities can manage their resources and the bargaining units.

Moved by Councillor Szollosy

Seconded by Councillor Hackenbrook

RESOLUTION NO. C-2012-0362

THAT CORRESPONDENCE FROM THE MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING REITERATING THE MINISTRY OF FINANCE'S PROPOSAL THAT NO FORM OF INCREASED COMPENSATION SHOULD BE ALLOWED IN ALL NEW BROADER PUBLIC SECTOR COLLECTIVE AGREEMENTS AND INITIATIVES TO IMPROVE PENSION PLANS, BE RECEIVED.

Carried...

15. COMMUNICATIONS cont'd:

- 15.2.11 Ministry of Transportation providing an update on the Highway 404 extension project.

Moved by Councillor Davison

Seconded by Councillor Smockum

RESOLUTION NO. C-2012-0363

THAT CORRESPONDENCE FROM THE MINISTRY OF TRANSPORTATION PROVIDING AN UPDATE ON THE HIGHWAY 404 EXTENSION PROJECT, ADVISING OF UNFORESEEN ISSUES THAT HAVE DELAYED THE ORIGINAL DECEMBER 2012 COMPLETION DATE AND ANTICIPATING A NEW 2014 COMPLETION DATE, BE RECEIVED.

Carried...

- 15.2.12 Regional Municipality of York providing information on the Emerald Ash Borer.

Dan Pisani, Director of Operations and Engineering, noted that staff are currently working on a strategy regarding the Emerald Ash Borer and will bring back a report to Council.

Moved by Councillor Smockum

Seconded by Councillor Davison

RESOLUTION NO. C-2012-0364

THAT CORRESPONDENCE FROM THE REGIONAL MUNICIPALITY OF YORK PROVIDING INFORMATION ON THE EMERALD ASH BORER BE RECEIVED AND REFERRED TO THE DIRECTOR OF OPERATIONS AND ENGINEERING TO PREPARE A REPORT FOR SUBMISSION TO COUNCIL AND THAT THIS CORRESPONDENCE BE CIRCULATED TO THE GEORGINA AGRICULTURAL ADVISORY COMMITTEE AND THE GEORGINA ENVIRONMENTAL ADVISORY COMMITTEE.

Carried.....

16. PETITIONS:

None.

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS:

17.1 Reports from the Operations and Engineering Department:

- 17.1.1 Request for Council to Approve the Procurement of Four Storage Bins from Robert B. Somerville Co. Limited for \$10,000.00

Report No. OED-2012-0035

Moved by Councillor Szollosy

Seconded by Councillor Smockum

RESOLUTION NO. C-2012-0365

1. THAT REPORT NO. OED-2012-0035 BE RECEIVED FOR INFORMATION.
2. THAT COUNCIL APPROVE THE PROCUREMENT OF FOUR STORAGE BINS FROM ROBERT B. SOMERVILLE CO. LIMITED FOR \$10,000.00
3. THAT FUNDING BE PROVIDED FROM THE ROC RESERVE FUND, WHICH HAS A CURRENT BALANCE OF \$52,500.

Carried.....

- 17.1.3 Development Agreement – Partial Release
Lots 53 and 54, Registered Plan 427
Park Road Development

Report No. OED-2012-0040

Item No. 17.1.3 was removed from the agenda at this time as the Chief Administrative Officer would like to conduct further research on this issue.

- 17.1.6 York-Simcoe Boundary Area Transportation Study
Staff Comments

Report No. OED-2012-0044

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

Moved by Councillor Szollosy

Seconded by Councillor Smockum

RESOLUTION NO. C-2012-0366

THAT REPORT NO. OED-2012-0044 ENTITLED 'YORK-SIMCOE BOUNDARY AREA TRANSPORTATION STUDY, STAFF COMMENTS' BE RECEIVED.

Carried.....

17.1.7 Rogers Communications Inc. – Lease Agreement

Report No. OED-2012-0046

Moved by Councillor Szollosy

Seconded by Councillor Smockum

RESOLUTION NO. C-2012-0367

1. THAT REPORT OED-2012-0046 BE RECEIVED FOR INFORMATION.
2. THAT A BY-LAW BE PASSED TO AUTHORIZE THE MAYOR AND CLERK TO ENTER INTO A TEN-YEAR LEASE AGREEMENT IN THE AMOUNT OF \$30,800 ANNUALLY WITH ROGERS COMMUNICATIONS INC. FOR USE OF THE ANNEX ROOM LOCATED AT 90 WEXFORD DRIVE, KESWICK.

Carried...

17.2 Reports from the Administrative Services Department:

17.2.1 Proposed Municipal Heritage Register

Report No. DAS-2012-0027A

Moved by Councillor Smockum

Seconded by Councillor Davison

RESOLUTION NO. C-2012-0368

- A. THAT REPORT NO. DAS-2012-0027 BE RECEIVED.

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:
- B. THAT THE PROPOSED MUNICIPAL HERITAGE REGISTER ATTACHED TO REPORT NO. DAS-2012-0027A AS SCHEDULE '2' BE APPROVED.
 - C. THAT COUNCIL APPROVE THE LIST OF ADDITIONAL INFORMATION REQUIRED TO ACCOMPANY A 'NOTICE TO ALTER' AND 'NOTICE TO DEMOLISH OR REMOVE' FORMS, CONTAINED IN SECTION 4 OF REPORT NO. DAS-2012-0027A.
 - D. THAT ALL DEPARTMENTS BE CIRCULATED THE MUNICIPAL HERITAGE REGISTER, AND THAT THE COMMITTEE SECRETARY CIRCULATE ANY AMENDMENTS OR UPDATES TO THE MUNICIPAL HERITAGE REGISTER TO EACH DEPARTMENT AS THEY OCCUR.
 - E. THAT THE 'NOTICE TO ALTER' AND 'NOTICE TO DEMOLISH OR REMOVE' FORMS CONSTITUTE THE NOTICE IN WRITING AS REQUIRED UNDER THE ONTARIO HERITAGE ACT, AND THAT THE CLERK'S DEPARTMENT ADMINISTER THE FORMS.
 - F. THAT COUNCIL ENDORSE THE ADDITIONAL RECOMMENDED PROCEDURES FROM THE GEORGINA HERITAGE COMMITTEE OUTLINED IN SECTION 4.1 OF REPORT NO. DAS-2012-0027A.

Carried.....

17.2.2 Tile Drainage Loan Applications – Donald Chapman and Don Chapman Farms Limited

Report No. DAS-2012-0043

Moved by Councillor Smockum

Seconded by Councillor Davison

RESOLUTION NO. C-2012-0369

THAT REPORT NO. DAS-2012-0043 ENTITLED 'TILE DRAINAGE LOAN APPLICATIONS - DONALD CHAPMAN AND DON CHAPMAN FARMS LIMITED' BE RECEIVED.

- 1. THAT COUNCIL REVIEW AND APPROVE THREE APPLICATIONS RECEIVED FROM DONALD CHAPMAN AND DON CHAPMAN FARMS LIMITED FOR TILE DRAINAGE LOANS UP TO MAXIMUM TOTAL LOAN OF \$50,000 IN ACCORDANCE WITH PROVINCIAL POLICY.

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

2. THAT COUNCIL ADOPT A BY-LAW IMPOSING SPECIAL ANNUAL DRAINAGE RATES UPON THOSE LANDS IDENTIFIED IN THIS REPORT IN RESPECT OF WHICH MONEY IS BORROWED UNDER THE TILE DRAINAGE ACT.

Carried.....

17.2.4 Budget Analysis to June 30, 2012

Report No. DAS-2012-0047

Ms. Rebecca Mathewson, Director of Administrative Services/Treasurer, provided a brief overview of her report on the budget analysis to June 30, 2012, which was completed in conjunction with Darlene Carson-Hildebrand, Manager of Finance/Deputy Treasurer.

Page 143 of the report indicates a list of capital expenditures, which show a budget excess of \$50,000.00 under the Animal Shelter, an excess of approximately \$283,000 under Community Parks as well as the expenditure for the Pefferlaw Ice Pad and ball diamonds at the ROC. Each of these projects was completed in the previous year and are being funded through internal borrowings, as noted in the approved 2012 budget. If they were to be removed, then the total capital spent would be \$2.4 Million and not \$3.72 Million.

Winanne Grant, Chief Administrative Officer, noted that the upcoming 'visioning' session, being held on Monday, August 27th, 2012, will include this information and outline a work plan for the next several years.

Moved by Councillor Szollosy

Seconded by Councillor Davison

RESOLUTION NO. C-2012-0370

THAT REPORT NO. DAS-2012-0047 DETAILING THE OPERATING RESULTS TO JUNE 30, 2012 BE RECEIVED FOR INFORMATION.

Carried.....

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

17.4 Reports from the Planning and Building Department:

17.4.1 Application to Extend Draft Plan Approval, Draft Plan of
Subdivision 19T-95070
DAYCORNET (KESWICK) INC.
Part Lot 14, Concession 3 (NG)
AGENT: Michael Smith Planning Consultants

Report No. PB-2012-0059

Moved by Councillor Smockum

Seconded by Councillor Szollosy

RESOLUTION NO. C-2012-0371

1. THAT REPORT PB-2012-0059 BE RECEIVED.
2. THAT PURSUANT TO SECTION 51(33) OF THE PLANNING ACT, R.S.O., 1990, AN EXTENSION TO THE APPROVAL OF DRAFT PLAN OF SUBDIVISION 19T-95070 BE GRANTED TO AUGUST 31, 2015.
3. THAT PURSUANT TO SECTION 51(44) OF THE PLANNING ACT, R.S.O., 1990, C.P.13, AS AMENDED, THE LAPSING PROVISION APPLIED TO THE CONDITIONS OF DRAFT PLAN APPROVAL FOR THE PLAN OF SUBDIVISION BE AMENDED TO READ "PURSUANT TO THE PLANNING ACT, R.S.O., 1990, C.P.13, AS AMENDED, APPROVAL OF THIS PLAN OF SUBDIVISION SHALL LAPSE IF FINAL APPROVAL FOR REGISTRATION HAS NOT BEEN GIVEN BY AUGUST 31, 2015, UNLESS APPROVAL HAS BEEN SOONER WITHDRAWN OR THE TOWN OF GEORGINA HAS EXTENDED THE DURATION OF THE APPROVAL".
4. THAT PURSUANT TO SECTION 51(44) OF THE PLANNING ACT, R.S.O., 1990, C.P.13, AS AMENDED, COUNCIL APPROVE THE REVISED DRAFT PLAN ATTACHED AS SCHEDULE '5' AND THE REVISED CONDITIONS OF DRAFT PLAN APPROVAL APPLIED TO DRAFT PLAN OF SUBDIVISION 19T-95070, ATTACHED AS SCHEDULE '10' TO REPORT PB-2012-0059.
5. THAT PURSUANT TO SECTION 51(47) OF THE PLANNING ACT, R.S.O., 1990, WRITTEN NOTICE SHALL NOT BE GIVEN AS THE CHANGES TO THE CONDITIONS OF DRAFT PLAN APPROVAL ARE CONSIDERED TO BE MINOR.

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

6. THAT PLANNING STAFF FORWARD THE REVISED CONDITIONS OF DRAFT PLAN APPROVAL TO THE APPLICANT, THEIR AGENT, THE YORK REGION DIRECTOR OF THE COMMUNITY PLANNING BRANCH OF THE TRANSPORTATION AND COMMUNITY PLANNING DEPARTMENT, AND TO ALL OTHER AGENCIES WHICH HAVE IMPOSED THEIR RESPECTIVE CONDITIONS OF APPROVAL.

Carried.....

- 17.4.2 Proposed Beamlight Solar Project – Municipal Consultation Form
Proponent: Canadian Solar
Report No. PB-2012-0066

Moved by Councillor Smockum

Seconded by Councillor Szollosy

RESOLUTION NO. C-2012-0372

- A. THAT REPORT PB-2012-0066 BE RECEIVED.
- B. THAT COUNCIL ENDORSE STAFF COMMENTS CONTAINED WITHIN THE MUNICIPAL CONSULTATION FORM CONTAINED IN SCHEDULE '9' TO REPORT PB-2012-0066 FOR THE BEAMLIGHT SOLAR PROJECT.
- C. THAT CANADIAN SOLAR PROVIDE A WRITTEN RESPONSE TO THE TOWN WHICH ADDRESS COMMENTS/CONCERNS OUTLINED IN THE MUNICIPAL CONSULTATION FORM, INCLUDING THE FOLLOWING:
 - I CANADIAN SOLAR BE ADVISED THAT THE SITE WOULD BE BETTER SERVICED STRICTLY BY ACCESS FROM PARK ROAD YORK REGION ROAD NO. 18.
 - II CANADIAN SOLAR PROVIDE REASONS AS TO WHY A TRAFFIC MANAGEMENT PLAN WAS NOT INCLUDED IN THE DRAFT REA DOCUMENTS.
 - III CANADIAN SOLAR SUBMIT MORE DETAILED LANDSCAPE DESIGNS TO THE TOWN OF GEORGINA FOR REVIEW AND COMMENT, ALONG WITH RENDERINGS SHOWING WHAT THE PROJECT WILL LOOK LIKE FROM PUBLIC VIEWS (I.E. – STREET OR NEIGHBOURING PROPERTIES).

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

- IV CANADIAN SOLAR PROVIDE INFORMATION, EDUCATION AND TRAINING TO THE GEORGINA FIRE DEPARTMENT IN REGARDS TO BEAMLIGHT.
 - V CANADIAN SOLAR PROVIDE AND MAINTAIN A FIRE SAFETY PLAN FOR BEAMLIGHT.
 - VI CANADIAN SOLAR PROVIDE EMERGENCY ACCESS TO THE SITE DURING CONSTRUCTION AND AFTER.
 - VII CANADIAN SOLAR MUST OBTAIN OCCUPANCY AND ACCESS TO FROG STREET BY APPLICATION TO THE DEPARTMENT OF OPERATIONS AND ENGINEERING.
 - VIII A BUILDING PERMIT WILL BE REQUIRED FOR ALL PLUMBING, ALL BUILDINGS GREATER THAN 10 M SQ AND ALL BUILDINGS LESS THAN 10 M SQ THAT CONTAIN PLUMBING AS REGULATED UNDER THE BUILDING CODE ACT AND ONTARIO BUILDING CODE.
 - IX CANADIAN SOLAR CIRCULATE THE STAGE 1 AND 2 ARCHAEOLOGICAL ASSESSMENT REPORT, STAGE 3 ARCHAEOLOGICAL (WHEN COMPLETED), AND THE CULTURAL HERITAGE SCREENING AND CULTURAL HERITAGE ASSESSMENT TO THE GEORGINA HERITAGE COMMITTEE PRIOR TO ANY SITE ALTERATION OR CONSTRUCTION TAKING PLACE ON THE SITE.
 - X CANADIAN SOLAR PROVIDE THE GEORGINA HERITAGE COMMITTEE COPIES OF THE ALL DOCUMENTATION OF BUILT FEATURE #2.
- D. THAT CANADIAN SOLAR PROVIDE A WRITTEN RESPONSE TO THE GEORGINA ENVIRONMENTAL ADVISORY COMMITTEE, THE GEORGINA AGRICULTURAL ADVISORY COMMITTEE, AND WENDALL AND DOROTHY GOODWIN REGARDING THE COMMENTS CONTAINED IN SCHEDULES '10' , '11' AND '12' RESPECTIVELY TO REPORT PB-2012-0066.
- E. THAT THE TOWN CLERK FORWARD A COPY OF REPORT PB-2012-0066 TO CANADIAN SOLAR FOR INCLUSION IN THEIR CONSULTATION REPORT SUBMITTED TO THE MINISTRY OF ENVIRONMENT AS PART OF THE RENEWABLE ENERGY APPROVAL APPLICATION.

Carried...

18. UNFINISHED BUSINESS:

None.

19. REGIONAL BUSINESS:

None.

20. BY-LAWS:

20.2 A By-law to authorize the Mayor and Deputy Clerk to execute a partial release of the Development Agreement registered as Instrument No. YR359212 made between James MacDonald, Norman MacDonald, Darrell Reader, Robert Nijse and John Stewart, as owners, and the Town of Georgina respecting Lots 53 and 54 on Registered Plan 427.

Item No. 20.2 was removed from the agenda at this time as the Chief Administrative Officer would like to conduct further research on this issue.

Moved by Councillor Hackenbrook

Seconded by Regional Councillor Wheeler

That the following by-law be given three readings:

20.3 By-law Number 2012-0075 (TA-1) Being a By-law to impose a special charge upon business properties located in the Jackson's Point Village Association and to provide for its collection.

Carried...

Moved by Councillor Hackenbrook

Seconded by Regional Councillor Wheeler

That the following by-law be given three readings:

20.4 By-Law Number 500-2012-0009 Being a By-law to Amend Zoning By-law 500 respecting Accessory Apartments, Town initiated.

Carried.....

20. BY-LAWS cont'd:

Moved by Councillor Davison

Seconded by Councillor Szollosy

That the following by-law be given three readings:

20.5 By-Law Number 2012-0076 (PWE-1) Being a By-law to adopt a Registration System respecting Accessory Apartments, Town initiated.

Carried.....

Moved by Councillor Davison

Seconded by Councillor Szollosy

That the following by-law be given three readings:

20.6 By-Law Number 2012-0077 (LA-1) Being a By-law to authorize the Mayor and Clerk to enter into a lease agreement between Rogers Communications Inc. and the Corporation of the Town of Georgina.

Carried.....

22. NOTICES OF MOTION:

None.

23. OTHER BUSINESS:

23.1 Outdoor Wood Furnaces

Councillor Smockum noted concerns have been raised that properties containing outdoor furnaces cause excessive smoke to neighbouring properties. Since this subject has been discussed in the past, Councillor Smockum requested that staff prepare a report to be submitted to Council regarding the concerns that have been raised and suggested resolutions to those concerns, including the potential imposition of setback requirements, etc.

23. OTHER BUSINESS cont'd:

Moved by Councillor Smockum

Seconded by Councillor Szollosy

RESOLUTION NO. C-2012-0373

THAT THE PLANNING AND BUILDING STAFF PREPARE A REPORT FOR SUBMISSION TO COUNCIL REGARDING OUTDOOR WOOD FURNACES IN RESIDENTIAL AREAS, THE CONCERNS RAISED AND SUGGESTED RESOLUTIONS TO THOSE CONCERNS, INCLUDING THE POTENTIAL IMPOSITION OF SETBACK REQUIREMENTS, ETC.

Carried.....

24. RECESS COUNCIL AND RESOLVE INTO CLOSED MEETING:

Moved by Councillor Davison

Seconded by Councillor Szollosy

That the Council Meeting recess at this time (10:25 p.m.) and move into a closed meeting pursuant to Section 239 of The Municipal Act, 2001, as amended, to consider:

- i) Litigation or potential litigation including matters before administrative tribunals, affecting the municipality; Section 239 (2) (e), MA; appeal to OMB regarding Development Charge By-law and Single Lots of Record.
- ii) Litigation or potential litigation including matters before administrative tribunals, affecting the municipality; Section 239 (2) (e), MA; appeal to OMB regarding Area Specific Development Charge By-law and the North West Sutton Development Area Plan No. 3.
- iii) Proposed or pending disposition of land by municipality – Section 239 (2) (c), MA; joint municipal initiative
- iv) Labour relations or employee negotiations, Section 239 (2) (d), MA; retention of personnel consulting services.
- v) Proposed or pending acquisition of land by the municipality, Section 239 (2) (c), MA;

Carried.....

25. RISE AND REPORT FROM CLOSED MEETING:

The Council Members rose from the Closed Meeting at this time (12:15 p.m.) with the following direction:

Councillors Szollosy, Davison and Deputy Mayor Wheeler declared a pecuniary interest with respect to development charges.

- i) Litigation or potential litigation including matters before administrative tribunals, affecting the municipality; Section 239 (2) (e), MA; appeal to OMB regarding Development Charge By-law and Single Lots of Record.

The Director of Administrative Services and Treasurer reported on the outcome of the litigation and OMB hearing.

- vi) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose; Section 239 (2) (f), MA;

Discussion took place regarding this additional closed session item

- ii) Litigation or potential litigation including matters before administrative tribunals, affecting the municipality; Section 239 (2) (e), MA; appeal to OMB regarding Area Specific Development Charge By-law and the North West Sutton Development Area Plan No. 3.

The Director of Administrative Services and Treasurer provided an update on this issue.

- iii) Proposed or pending disposition of land by municipality – Section 239 (2) (c), MA; joint municipal initiative

Staff was directed to pursue Option #3.

- v) Proposed or pending acquisition of land by the municipality, Section 239 (2) (c), MA;

No direction was given to proceed with this request.

- iv) Labour relations or employee negotiations, Section 239 (2) (d), MA; retention of personnel consulting services.

The Chief Administrative Officer was requested to obtain personnel services and report back to Council

26. CONFIRMING BY-LAW

Moved by Councillor Smockum

Seconded by Councillor Hackenbrook

That the following by-law be given three readings:

By-law Number 2012-0078 (COU-2)

Being a by-law to confirm the proceedings of Council

Carried.....

27. ADJOURNMENT:

Moved by Councillor Szollosy

Seconded by Councillor Davison

That the meeting adjourn at this time (12:19 p.m.).

Carried.....

Robert Grossi, Mayor

Winanne Grant, Deputy Clerk