

# **THE CORPORATION OF THE TOWN OF GEORGINA**

## **COUNCIL MINUTES**

Tuesday, October 9, 2012  
(7:08 p.m.)

1. MOMENT OF MEDITATION:

A moment of meditation was observed.

2. ROLL CALL:

The Council Services Coordinator gave the roll call and the following Council members were present:

Mayor Grossi	Regional Councillor Wheeler
Councillor Craig	Councillor Davison
Councillor Hackenbrook	Councillor Smockum
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 Page 21 of the September 24<sup>th</sup> Council minutes, Resolution No. C-2012-0424 to be amended
- 4.2 Removal of Item 20.2, being a by-law to amend Zoning By-law 500, 2241439 Ontario Ltd. (c/o OLRM Developments), Lots 3 to 9, Plan 248, s/s Lake Drive East, Jackson's Point

5. APPROVAL OF AGENDA:

Moved by Councillor Craig

Seconded by Councillor Smockum

**RESOLUTION NO. C-2012-0430**

THAT THE AGENDA WITH THE FOLLOWING ADDENDUM ITEMS BE APPROVED:

- 5.1 PAGE 21 OF THE SEPTEMBER 24<sup>TH</sup> COUNCIL MINUTES, RESOLUTION NO. C-2012-0424 TO BE AMENDED
- 5.2 REMOVAL OF ITEM 20.2, BEING A BY-LAW TO AMEND ZONING BY-LAW 500, 2241439 ONTARIO LTD. (C/O OLRM DEVELOPMENTS), LOTS 3 TO 9, PLAN 248, S/S LAKE DRIVE EAST, JACKSON'S POINT

Carried.....

6. DECLARATION OF PECUNIARY INTEREST:

None.

7. ADOPTION OF THE MINUTES:

Moved by Councillor Smockum

Seconded by Councillor Szollosy

**RESOLUTION NO. C-2012-0431**

THAT THE MINUTES OF THE COUNCIL MEETING HELD ON SEPTEMBER 24, 2012 BE ADOPTED WITH THE FOLLOWING AMENDMENTS:

PAGE 21, THE WORDS 'PERMITS AND FEES' BE DELETED AND REPLACED WITH 'PERMIT FEES' SO THAT IT NOW READS '...WAIVE ALL PERMIT FEES ASSOCIATED WITH...'

PAGE 21, RESOLUTION NO. C-2012-0425, THAT THE WORD 'VIOLATIONS' BE ADDED ON LINE 3 OF ITEM NO. 15.2.2 AND ON LINE 3 OF THE RESOLUTION SO THAT THEY NOW READ; '...INVESTIGATION INTO THE ALLEGED CLOSED MEETING VIOLATIONS OF COUNCIL...'

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. 14.1.1, Report No. PB-2012-0087 entitled 'Application to Amend Zoning By-law 500, Gail Lenters, Proposed Wildlife Rehabilitation Centre'
- 9.2 Item No. 15.2, various matters for disposition
- 9.3 Item No. 17.2.1, Report No. DAS-2012-0059 entitled 'Recovery of Costs related to OMB Appeal of town of Georgina Development Charges By-law No. 2011-0078 (AD-5)' to be dealt with in Closed Session
- 9.4 Item No. 17.3.1, Report No. PB-2012-0086 entitled 'Extension of Draft Plan Approval, Draft Plan of Vacant Land Condominium 19CDM-06G01'
- 9.5 Item No. 17.4.1, Report No. CA)-20120-0017 entitled 'Request for Proposal for Legal Services'
- 9.6 Item No. 17.5.1, Report No. RC-2012-0018 entitled 'Designated Smoking Areas – Amended Site Maps'
- 9.7 Item No. 20.1, a by-law to authorize the Mayor and Clerk to execute contracts for supplementary municipal legal services and for employment law services.

10. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION:

10.1 Matters not subject to individual conflicts

Moved by Councillor Craig

Seconded by Councillor Smockum

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:

Recommendations from the Committee of the Whole Meeting held on October 1, 2012:

**RESOLUTION NO. C-2012-0432**

- 17.1.1 THAT THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON SEPTEMBER 17, 2012, BE ADOPTED AS AMENDED;

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

PAGE 16, RESOLUTION NO. CW-2012-0220, #4, THAT THE WORD 'ENDORSEMENT' BE REPLACED WITH THE WORD 'FOLLOW-UP' SO THAT IT NOW READS ... "4. THAT THIS REPORT BE PRESENTED TO THE ECONOMIC DEVELOPMENT COMMITTEE FOR FOLLOW-UP, TO THE CHAMBER OF COMMERCE FOR DISCUSSION, TO MUNICIPAL STAFF FOR STREAMLINING OF THE PROCESS, TO THE GEORGINA AGRICULTURAL ADVISORY COMMITTEE FOR COMMENTS AND CIRCULATED TO AS MANY INDIVIDUALS AND BUSINESSES AS DEEMED APPROPRIATE TO OBTAIN COMMENTS'.

**RESOLUTION NO. C-2012-0433**

- 17.1.2 THAT THE PRESENTATION MADE BY PHIL DAVIES, MANAGER, WATERSHED STEWARDSHIP, LAKE SIMCOE REGION CONSERVATION AUTHORITY, PROVIDING AN OVERVIEW OF THE MASKINONGE RIVER SUB-WATERSHED AND THE MASKINONGE RIVER RECOVERY PROJECT BE RECEIVED AND THAT TOWN COUNCIL APPROVE A GRANT OF \$5,000 TOWARDS THE MASKINONGE RIVER RECOVERY PROJECT AND THAT THIS AMOUNT BE INCLUDED IN THE 2013 BUDGET.

**RESOLUTION NO. C-2012-0434**

- 17.1.3 THAT TOWN COUNCIL RECEIVE THE REPORT OF THE INVESTIGATOR INTO THE REQUEST FOR AN INVESTIGATION INTO THE ALLEGED CLOSED MEETINGS OF COUNCIL AND COMMITTEE OF THE WHOLE HELD ON VARIOUS DATES IN 2011 AND 2012.

**RESOLUTION NO. C-2012-0435**

- 17.1.4 THAT REPORT NO. DAS-2012-0045 REGARDING THE 2011 FINANCIAL INFORMATION RETURN (FIR) ATTACHED BE RECEIVED FOR INFORMATION.

**RESOLUTION NO. C-2012-0436**

- 17.1.5 THAT REPORT NO. DAS-2012-0046 DETAILING THE MUNICIPAL PERFORMANCE MEASURES FOR THE YEAR ENDED DECEMBER 31, 2011 BE RECEIVED FOR INFORMATION.

**RESOLUTION NO. C-2012-0437**

- 17.1.6
1. THAT REPORT NO. DAS-2012-0053, "TAX ADJUSTMENT APPLICATIONS MADE UNDER SECTIONS 357/358 OF *THE MUNICIPAL ACT*" BE RECEIVED;

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

2. THAT COUNCIL APPROVE APPLICATION NUMBERS 0001 TO 0039 INCLUSIVE, SUBMITTED UNDER SECTION 357/358 OF *THE MUNICIPAL ACT*.

**RESOLUTION NO. C-2012-0438**

- 17.1.7 THAT REPORT NO. DAS-2012-0054 REGARDING THE REVIEW OF PARKING RELIEF IN SIMCOE LANDING SUBDIVISION BE RECEIVED AND THAT STAFF REPORT BACK WITHIN ONE YEAR REGARDING ANY ISSUES THAT MAY HAVE ARISEN WITH RESPECT TO SNOW CLEARING DURING THE 2012/2013 WINTER SEASON, ANY VEHICLE ACCESS CONCERNS IN RELATION TO SNOW CLEARING AS WELL AS A FOLLOW-UP EVALUATION IF EXPANSION OF THE PROGRAM IS UNDER CONSIDERATION.

**RESOLUTION NO. C-2012-0439**

- 17.1.8 THAT TOWN COUNCIL DENY THE REQUEST FROM LANDMARK STRUCTURES FOR AN EXEMPTION FROM THE NOISE BY-LAW IN ORDER TO RUN A DEHUMIDIFICATION MACHINE WITH GENERATOR TO PAINT THE WEST PARK HEIGHTS WATER RESERVOIR THROUGH THE NIGHT FROM OCTOBER 15<sup>TH</sup> TO DECEMBER 14<sup>TH</sup> AND TO PAINT ON SUNDAYS.

**RESOLUTION NO. C-2012-0440**

- 17.1.9 THAT TOWN COUNCIL DENY THE REQUEST MADE BY JOFF ELLIOT FOR AN EXEMPTION FROM THE NOISE BY-LAW DURING HIS WEDDING RECEPTION ON MALONE ROAD IN JACKSON'S POINT ON SEPTEMBER 7, 2013 AT WHICH A THREE-PIECE STRING BAND WILL PLAY BETWEEN 4:00 P.M. AND 6:00 P.M. AND ANOTHER BAND WILL PLAY UNTIL APPROXIMATELY 1:00 A.M.

**RESOLUTION NO. C-2012-0441**

- 17.1.10
1. THAT COUNCIL RECEIVE REPORT NO. DAS-2012-0055 REGARDING GEORGINA TRADES TRAINING INC. (GTTI) REQUEST FOR LOAN GUARANTOR.
  2. THAT COUNCIL AUTHORIZE THE MAYOR AND TREASURER TO EXECUTE THE NECESSARY RENEWAL DOCUMENTS FOR THE CORPORATION OF THE TOWN OF GEORGINA TO CONTINUE TO ACT AS GUARANTOR FOR GEORGINA TRADES TRAINING INC. (GTTI) IN THEIR LOAN AGREEMENT WITH SOUTH LAKE COMMUNITY FUTURES DEVELOPMENT CORPORATION (SLCFDC) DATED JULY 2008.

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

3. THAT COUNCIL ADVISE GEORGINA TRADES TRAINING INC. (GTTI) THAT, PRIOR TO THEIR NEXT LOAN RENEWAL DATE OF JULY 15<sup>TH</sup>, 2013, GTTI MUST PROVIDE THE TOWN WITH A PAYMENT PLAN THAT OUTLINES THEIR PROPOSED PRINCIPLE PAYMENTS TO THE END OF THE AMORTIZATION PERIOD OF JULY 15<sup>TH</sup>, 2018.

**RESOLUTION NO. C-2012-0442**

- 17.1.11 A. THAT REPORT PB-2012-0085 BE RECEIVED.
- B. THAT COUNCIL AUTHORIZE STAFF TO SCHEDULE A PUBLIC MEETING TO CONSIDER PASSING A ZONING BY-LAW AMENDMENT TO IMPLEMENT ZONING RESTRICTIONS FOR WOOD BURNING FURNACES.
- C. THAT THE CLERK FORWARD A COPY OF REPORT NO. PB-2012-0085 TO THE TOWN SOLICITOR.

**RESOLUTION NO. C-2012-0443**

- 17.1.12 1. THAT REPORT NO. OED-2012-0056 BE RECEIVED FOR INFORMATION
2. THAT PARKS DIVISION STAFF CONTINUE TO WORK WITH YORK REGION AND LOCAL MUNICIPALITIES THROUGH THE ESTABLISHED EMERALD ASH BORER TECHNICAL WORKING GROUP
3. THAT COUNCIL CONSIDER AND ENDORSE YORK REGION'S EMERALD ASH BORER ACTIVE MANAGEMENT PLAN AS THE PREFERRED METHOD OF MITIGATING THE FUTURE DECLINE OF ASH WITHIN THE TOWN OF GEORGINA.
4. THAT PARKS DIVISION STAFF DEVELOP A DETAILED IMPLEMENTATION PLAN AND REPORT BACK TO COUNCIL.

**RESOLUTION NO. C-2012-0444**

- 17.1.13 THAT COUNCILLORS CRAIG AND DAVISON REVIEW, WITH THE DIRECTOR OF RECREATION AND CULTURE, THE PROPOSED DESIGNATED SMOKING AREAS AS SET OUT IN REPORT NO. RC-2012-0017 FOR ALL TOWN OF GEORGINA FACILITIES AND PROPERTIES THAT REQUIRE A DESIGNATED SMOKING AREA AND REPORT BACK TO COUNCIL WITH RECOMMENDATIONS FOR APPROVAL.

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

**RESOLUTION NO. C-2012-0445**

- 17.1.14 THAT TOWN COUNCIL ENDORSE THE NOMINEES FOR THE 2012 HERITAGE COMMUNITY RECOGNITION AWARDS.

**RESOLUTION NO. C-2012-0446**

- 17.1.15 THAT TOWN COUNCIL PROVIDE SUPPORT TO THE REGION OF YORK FOR THE INSTALLATION OF A 75KW ROOFTOP SOLAR PHOTOVOLTAIC (PV) SYSTEM AT THE GEORGINA WATER TREATMENT PLANT AT 27135 KENNEDY ROAD TO ASSIST IT IN POTENTIALLY QUALIFYING THE PROJECT FOR EXPEDITED REVIEWS BY THE ONTARIO POWER AUTHORITY (OPA) IN CONJUNCTION WITH THE PROVINCE'S GREEN ENERGY ACT AND THE FEED-IN TARIFF (FIT) PROGRAM AND ACCORDINGLY THAT THE TOWN'S RECENTLY PASSED BLANKET RESOLUTION BE FORWARDED TO THE REGION.

**RESOLUTION NO. C-2012-0447**

- 17.1.16 THAT CORRESPONDENCE FROM CANADIAN SOLAR RESPONDING TO CONCERNS REGARDING THE EARTHLIGHT, BEAMLIGHT AND GOLDLIGHT SOLAR PROJECTS BE RECEIVED AND THAT PLANNING STAFF BE REQUESTED TO CONTACT CANADIAN SOLAR REGARDING THE THREE PROJECTS, SPECIFICALLY WITH RESPECT TO CANADIAN SOLAR'S COMMENTS REGARDING LANDSCAPING AND BUFFERING AND, IN THIS REGARD, THAT CANADIAN SOLAR PROVIDE MORE DETAILED INFORMATION ON FUTURE CONSULTATION THAT IS TO TAKE PLACE WITH NEIGHBORING RESIDENTS REGARDING LANDSCAPING AND BUFFERING, AND TO REQUEST STAFF'S PARTICIPATION IN SUCH FUTURE CONSULTATION, AND TO REQUEST A LIST OF WHICH NEIGHBOURING PROPERTY OWNERS CANADIAN SOLAR HAS SPOKEN WITH TO DATE CONCERNING THESE PROJECTS.

**RESOLUTION NO. C-2012-0448**

- 17.1.17 THAT CORRESPONDENCE FROM JULIA MUNRO, MPP-YORK SIMCOE, REQUESTING COUNCIL TO PASS A RESOLUTION ENCOURAGING THE LIBERALS AND NDP TO PASS BILL 121, THE ABILITY TO PAY ACT, 2012, BE RECEIVED AND REFERRED TO THE CHIEF ADMINISTRATIVE OFFICER TO EXPLORE ALL OPTIONS AND PREPARE A TOWN POSITION.

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

**RESOLUTION NO. C-2012-0449**

- 17.1.18 THAT CORRESPONDENCE FROM THE REGION OF YORK CIRCULATING AN ENVIRONMENTAL SERVICES COMMITTEE REPORT ENTITLED 'UPPER YORK SEWAGE SOLUTIONS PROJECT UPDATE, PROJECT 74270' BE RECEIVED AND REFERRED TO THE OCTOBER 15<sup>TH</sup> COMMITTEE OF THE WHOLE MEETING AT WHICH REGIONAL STAFF WILL BE ATTENDING, TO MAKE A PRESENTATION TO COUNCIL, AND THAT STAFF SUBMIT COUNCIL'S QUESTIONS TO THE REGION IN ORDER THAT THEY MAY BE ANSWERED DURING THE REGIONAL PRESENTATION.

**RESOLUTION NO. C-2012-0450**

- 17.1.19 THAT THE DIRECTOR OF OPERATIONS AND ENGINEERING BE REQUESTED TO CONTACT THE MINISTRY OF TRANSPORTATION TO REQUEST THE INSTALLATION OF SIGNS PROHIBITING THE USE OF ENGINE BRAKES ON HIGHWAY 48 AT BOTH THE EAST AND WEST ENTRANCES INTO THE HAMLET OF VIRGINIA.

Carried.....

10.2 Matters subject to individual conflicts

None.

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS:

17.3 Report from the Planning and Building Department:

- 17.3.1 Extension of Draft Plan Approval  
Draft Plan of Vacant Land Condominium 19CDM-06G01  
2055226 Ontario Inc. (Jackson's Landing Subdivision)  
Part Lot 5, Concession 8 (G)

Report No. PB-2012-0086

Velvet Ross, Manager of Planning, advised that the original draft plan approval was granted in 2006 and subsequently an extension was granted in 2008 giving approval to October 19<sup>th</sup> of this year. Staff has spoken with the agent for the applicant respecting the approval of the Jackson's Landing development. Another extension is being requested as the owner is not able to register the plan by October 19<sup>th</sup> for different reasons. The delay is primarily due to financing and obtaining the necessary capital required, as well as organizing the details regarding to works required.



17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

Mrs. Ross advised that the applicant is requesting a three year extension to October 19, 2015 and that staff have no objection to this request. She stated that Council may decide to approve a one-year extension which has been done in the past, noting that three years is the maximum the plan can be extended at one time according to the Planning Act.

Michael Smith, agent, stated that the subject development is a retirement community on a Plan of Vacant Land Condominium which is different than any other form of development offered in Georgina. Retirement communities usually have more up-front costs and the development moves at a slower pace. He explained that it has also been a difficult time for the development industry since 2008 and Sutton compared to Keswick is a softer market. The applicant will need three years in order for the company to advance the plan. He noted that this plan also has a unique condition with regard to phasing of the development which prevents the applicant from registering the development within one year.

Mrs. Ross explained that Recommendation 'D' of the report refers to the revised conditions of the draft plan approval attached to the report as Schedule '7' and these conditions will be signed by the Director and herself as well as the Lake Simcoe Region Conservation Authority.

Mrs. Ross cannot recall the original approvals included providing services to neighbouring properties serviced by well and septic, but there is no intention to provide water to adjoining residences.

Dan Pisani, Director of Operations and Engineering, stated that some of the area residents declined the offer of municipal services several years ago when advised of the cost associated with connection.

Moved by Regional Councillor Wheeler

Seconded by Councillor Smockum

**RESOLUTION NO. C-2012-0451**

- A. THAT REPORT PB-2012-0086 BE RECEIVED.
- B. THAT PURSUANT TO SECTION 51(33) OF THE PLANNING ACT, R.S.O., 1990, C.P.13, AS AMENDED, AN EXTENSION TO THE APPROVAL OF DRAFT PLAN OF VACANT LAND CONDOMINIUM 19CDM-06G01 BE GRANTED TO OCTOBER 19, 2015.

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

- C. THAT PURSUANT TO SECTION 51(44) OF THE PLANNING ACT, R.S.O., 1990, C.P.13, AS AMENDED, THE LAPSING PROVISION CONTAINED IN THE CONDITIONS OF DRAFT PLAN APPROVAL BE AMENDED TO READ "PURSUANT TO THE PLANNING ACT, R.S.O., 1990, C.P.13, AS AMENDED, APPROVAL OF THIS PLAN OF VACANT LAND CONDOMINIUM SHALL LAPSE IF FINAL APPROVAL FOR REGISTRATION HAS NOT BEEN GIVEN BY OCTOBER 19, 2015, UNLESS APPROVAL HAS BEEN SOONER WITHDRAWN OR THE TOWN OF GEORGINA HAS EXTENDED THE DURATION OF THE APPROVAL."
- D. THAT PURSUANT TO SECTION 51(44) OF THE PLANNING ACT, R.S.O., 1990, C.P.13, AS AMENDED, COUNCIL APPROVE THE REVISED CONDITIONS OF DRAFT PLAN APPROVAL APPLIED TO DRAFT PLAN OF VACANT LAND CONDOMINIUM 19CDM-06G01, ATTACHED AS SCHEDULE '7' TO REPORT PB-2012-0086.
- E. THAT PURSUANT TO SECTION 51(47) OF THE PLANNING ACT, R.S.O., 1990, C.P.13, AS AMENDED, WRITTEN NOTICE SHALL NOT BE GIVEN AS THE CHANGE TO THE CONDITIONS OF DRAFT PLAN APPROVAL, AS NOTED IN D. ABOVE, ARE CONSIDERED TO BE MINOR; AND,
- F. 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.
- G. THAT STAFF PROVIDE A YEARLY ONE-PAGE REPORT TO COUNCIL RESPECTING THE STATUS OF THE DEVELOPMENT ON OR BEFORE OCTOBER 19, 2013 AND ON OR BEFORE OCTOBER 19, 2014, TO KEEP COUNCIL APPRISED OF THE PROGRESS OF THE DEVELOPMENT.

Carried....

14. PUBLIC MEETINGS:

14.1 Statutory Public Meeting:

(7:32 p.m.)

- 14.1.1 Application to Amend Zoning By-law 500  
GAIL LENTERS – Proposed Wildlife Rehabilitation Centre  
Part Lot 22, Concession 4 (G), Part 9, Plan 65R-1817;  
87 Routley Avenue, Pefferlaw  
AGENT: Michael Smith Planning Consultants

Report No. PB-2012-0087

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

Michael Smith of Michael Smith Planning Consultants, agent for the applicant, stated that the applicant is seeking amendments to the Town's zoning by-law and to By-law 2003-0072 known as the Town's exotic animal by-law. The amendment to the zoning by-law is required to permit five different matters; i) to permit a wildlife rehabilitation centre, to permit buildings and structures on an unassumed road, to permit a reduced front yard setback for the existing dwelling, to permit a reduced rear yard setback to the rear lot line from 15 metres to 13 metres for the existing chicken coop and to permit a reduced rear yard setback from 15 metres to 8 metres for the wallaby structure.

Mr. Smith explained that the applicant has requested changes to the exotic animal by-law to permit certain types of small mammals including the red, gray and fox squirrel, the northern and southern flying squirrel, the eastern chipmunk and the least chipmunk. She has also requested that fallow and red deer and wallabies be added to the list of permitted mammals.

Mr. Smith stated that it is self evident that there is a lot of tree cover in the area and separation distance between the applicant's property and other residential properties in the area.

Mr. Smith explained that the applicant has been a resident of Georgina for 25 years. Shades of Hope Wildlife Refuge is a non-profit organization devoted to the rehabilitation and release of injured and orphaned indigenous wildlife, which is located on 1.9 hectares of land on Routley Road in Pefferlaw. Because there are few places in the Province where injured and orphaned wildlife can be treated or raised to be given a second chance, the applicant decided to try to help the small animals in her own community as her gift to the community and to the animals. He stated that the applicant has the support and assistance of two veterinarians as well as a Board of Directors and volunteers who share her mission.

14. PUBLIC MEETINGS cont'd:

Mr. Smith stated that the property is well maintained, spacious and clean and the wildlife rehabilitation centre proposed is the first of its kind in Georgina. He stated that Council when considering the proposal must have regard to the appropriateness and desirability of the use, whether the use represents good planning and what mechanisms are in place to regulate the operation to ensure the well being of the mammals and birds and the safety of the people in the community.

Mr. Smith stated that the Town's Official Plan policies and by-law requirements relate to the land use and size and special standards, while the Ministry of Natural Resources has in place regulations governing the care and treatment of wildlife. The applicant has been granted a custodial license to care for and rehabilitate birds and small mammals. The Fish and Wildlife Conservation Act provides that a wildlife custodian is allowed to keep live game wildlife and specially protected wildlife in captivity without authority of a license and that a wildlife custodian is a person who can keep injured, sick or immature game wildlife or specifically protected wildlife in captivity for the purpose of rehabilitating or caring for them.

Mr. Smith further explained that the Ministry requires custodians to adhere to certain conditions, including what wildlife may be kept on site, general operations, medical treatment and disease prevention, nutrition and housing requirements, transport, handling of dead wildlife, record keeping and release. He stated that the Ministry does not have the authority to regulate the care and captivity of indigenous wildlife which are not game wildlife or are not specially protected wildlife such as porcupines, groundhogs and moles. Therefore, unless otherwise regulated by Canadian Wildlife Services, or through the Town through its exotic animal by-law, wildlife custodians are permitted to rehabilitate indigenous wildlife not listed in the planner's report.

Mr. Smith explained that the species highlighted in yellow on Schedule 24 of the planner's report are those which require an exemption from the Exotic Animal By-law. The list of animals and birds permitted at the wildlife rehabilitation centre is long and consist of generally small, local animals and birds. In addition, the applicant is a member of the Canadian Association of Zoos and Aquariums and as such, maintains a wallaby breeding facility which is permitted in the zoning by-law but requires an exemption from the exotic animal by-law. There are seven wallabies on site with a maximum of ten at any one time.

Mr. Smith stated that the subject land is located in the southerly section of Pefferlaw on Routley Road which is a dead end road. The property is removed from other residential development and surrounded by forested land and for the purposes of establishing a wildlife rehabilitation centre, this makes the location appropriate and compatible with other land uses in the area. He noted that a wildlife rehabilitation centre is akin to a veterinary clinic, but for wildlife.

14. PUBLIC MEETINGS cont'd:

Mr. Smith stated that the applicant concurs that a wildlife rehabilitation centre shall only be a permitted use on the land while she is a wildlife custodian, as approved by the Ministry of Natural Resources. The applicant also concurs with the recommended restriction preventing large animals on-site such as large carnivores and black bears. Staff also recommend that rabies vector species such as fox, skunk and raccoon not be permitted because the applicant does not have her certification for the treatment of these animals. However, the applicant is in the process of seeking certification for these animals and he recommends that these animals be controlled through the exotic animal by-law rather than through a costly zoning amendment process.

Mr. Smith stated that the north end of Routley Road is an assumed municipal road whereas the southerly portion is a private right-of-way. The portion that the subject land fronts upon is a private right-of-way and as such, amendments to both the Pefferlaw Secondary Plan and Zoning By-law 500 are required to permit buildings and structures to be erected on the subject land. This portion of the road is in good shape and generally maintained to some extent by the Town for safety reasons such as snowplowing.

Mr. Smith stated that the current zoning permits a dwelling already but he suggests the dwelling be included in the by-law also. Permission is also being requested to acknowledge setbacks for three buildings on the property. A reduced front yard setback for the dwelling from 15 metres to 10.34 metres is requested which has been granted by minor variance previously, but for ease of reference he suggested that it form part of the amending by-law. Additionally, the chicken coop and wallaby facilities are less than 15 metres from the easterly or rear property line and believe that the setbacks are reasonable.

Mr. Smith stated that changes are required to the exotic animal by-law to permit the animals mentioned earlier which are indigenous to the area and he believes it to be reasonable and appropriate to amend the by-law to permit them. The applicant is also seeking permission to have fallow and red deer permitted on this site which are kept as pets. In addition, since the keeping of wallabies is permitted by the Pefferlaw Secondary Plan and zoning by-law and given the nature and scope of the operation and governance by the Canadian Association of Zoos and Aquariums, wallabies should also be permitted by the exotic animal by-law. He noted that should the applicant receive additional certifications permitting her to rehabilitate other animals on the list, she will be required to apply to the Town for further changes to the exotic animal by-law.

Mr. Smith stated that as Shades of Hope Wildlife Refuge is a non-profit organization, the applicant would appreciate if the Town initiated the amendment to the Secondary Plan and absorb the associated costs.

14. PUBLIC MEETINGS cont'd:

Velvet Ross, Manager of Planning, stated that staff is supportive of the application and has gone through extensive research with Ministry of Natural Resources staff and the information provided by the applicant. Staff has discussed with the By-law Division staff the proposed amendments to the exotic animal by-law and covered all grounds necessary to bring it to Council. The only concern that arose was the issue of Routley Road. Staff is requesting Council's direction respecting processing the Official Plan Amendment for the applicant's home alone or for all of the homes fronting on the right-of way. She stated that staff could not submit the Official Plan Amendment to Council for consideration any earlier than mid-November in accordance with the Planning Act requirements for public notice. She noted that staff is very supportive of the proposed use and believe it to be appropriate for the subject property but an Official Plan Amendment will be necessary.

Mrs. Ross stated that as outlined in the conclusion section and Sections 5 and 8.3 of the report, staff is seeking Council direction regarding the Town initiating the Official Plan Amendment to correct historical mistakes. There were conveyances of land from the Town to the original owners (Routleys), conveyances of what was intended to be rights-of-way and roads back to the Town, assumption by-laws passed and assumption by-laws repealed. It appears that at that time, the municipality may have been unclear with regard to what it wanted to do with Routley Road. The Township Engineer in 1985 had stated in a memorandum that "The only solution I see to these problems is to pass an amendment to the official Plan and the Zoning By-law to permit development on the properties fronting Part 1 and correct the reference in the zoning by-law to Part 1 being an undersized lot in a rural zone".

Mrs. Ross stated that staff is seeking direction from Council for a Town-initiated Official Plan Amendment at the Town's cost, along with direction in terms of whether the Official Plan Amendment should be specific to the applicant's property or to all of the properties on Routley Road. The applicant's property and three other properties currently contain dwellings and there are 10 properties in total fronting on the private right-of-way. Staff is of the opinion that the Town could support an Official Plan Amendment that recognizes four existing developed properties.

Dan Pisani, Director of Operations and Engineering, advised that the Town is currently taking care of road repairs and snowplowing for emergency services reasons.

Mrs. Ross explained that the only reason the applicant requires an Official Plan Amendment is because the wildlife rehabilitation centre is not considered an accessory use to the existing use of the property. Staff has not been approached to date by any other land owners fronting on the right-of way with existing homes in

14. PUBLIC MEETINGS cont'd:

regard to seeking approval for other types of development. The remaining six vacant properties on Routley Road would need an Official Plan Amendment in the future in order to build home if they are not included in this amendment.

Mrs. Ross stated that as outlined in the staff report, it would cost approximately \$10,000 for the applicant to go through the Official Plan Amendment process. Staff is suggesting that the Town initiate an Official Plan Amendment in order to correct historical mistakes made by the Town over the years at a cost of \$3,000. The other six properties on Routley Road would be required to go through the Official Plan Amendment process on an individual basis at a cost of \$10,000 each and each would be subject to review and scrutiny for appropriateness to allow for more homes on a private right-of-way and whether or not the road would need to be built to an assumable standard. In the alternative, if the six properties were included in the Official Plan Amendment, they would benefit from an increased market value for their properties but she is not aware of any provisions in the Planning Act that would allow the municipality to require any form of reimbursement from these property owners other than a potential contribution towards the upgrade of the road.

Mrs. Ross advised that if the other six properties were not included in the amendment, each would be required to apply for an Official Plan Amendment and Zoning Bylaw Amendment in order to build a home on their lands as their lands are currently vacant. She stated that through the research conducted on the other properties, a number of the owners have inquired over the years with regard to building homes and the inquiries only went as far as receiving a response that Routley Road is an unassumed road. No inquiries concerning an Official Plan Amendment have been received.

It was suggested by Council that the other property owners on Routley Road be asked if they would like to be included in a blanket Official Plan Amendment, recognizing the benefits to them along with the fact that there may be costs to them related to the upgrading of the road.

Mrs. Ross stated that the subject application is very specific with regard to the applicant's potential use of the property. She stated that she sees the merit in processing an Official Plan Amendment for the subject property only, as no other inquiries have been made by other property owners for same. Routley Road is not at an assumable standard although the Town does provide services such as snow plowing and garbage pickup and it is maintained in a condition for the safety of emergency vehicles travelling on it. She noted that from the history of Routley Road, it appears that this would not be an issue today if an official plan amendment had been processed back in the 1970's or 1980's to allow for development on a private right-of-way.

14. PUBLIC MEETINGS cont'd:

Mrs. Ross stated that if the Town processes a blanket Official Plan Amendment for all ten properties, it may set a precedent as this is not the only private right-of-way in the Town. The Town passed site specific amendments to the Official Plan in 2008 on Land's End and in 1992 on Tikvah Circle in the Balfour Beach area, both of which are located on private rights-of-way.

Mrs. Ross advised that notices respecting the necessary Official Plan Amendment would also be provided to all owners of lots fronting onto Routley Road and Godfrey Drive.

Moved by Councillor Smockum

Seconded by Regional Councillor Wheeler

**RESOLUTION NO. C-2012-0452**

- A. THAT REPORT NO. PB-2012-0087 BE RECEIVED.
- B. THAT STAFF REPORT FURTHER TO COUNCIL FOLLOWING THE RECEIPT AND CIRCULATION OF THE REQUIRED OFFICIAL PLAN AMENDMENT, AND THE ASSESSMENT OF PUBLIC, COUNCIL AND AGENCY COMMENTS.
- C. THAT STAFF COMMENCE A TOWN-INITIATED APPLICATION FOR AMENDMENT TO THE TOWN OF GEORGINA OFFICIAL PLAN, RESPECTING DEVELOPMENT ON A PRIVATE RIGHT-OF WAY (ROUTLEY AVENUE), TO PERMIT THE PROPOSED WILDLIFE REHABILITATION CENTRE ON THE PROPERTY LEGALLY DESCRIBED AS PART 9, PLAN 65R-1817, PART LOT 22, CONCESSION 4 (G).
- D. THAT IN ADDITION TO THE STATUTORY REQUIREMENTS OF THE PLANNING ACT, R.S.O. 1990, c.P.13, AS AMENDED, PUBLIC NOTIFICATION FOR THE STATUTORY PUBLIC MEETING AND PROPOSED OFFICIAL PLAN AMENDMENT SHALL ALSO BE PROVIDED BY STAFF TO ALL OWNERS OF PROPERTIES FRONTING ONTO ROUTLEY AVENUE AND GODFREY DRIVE.

Carried.....



17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS:

17.4 Report from the Chief Administrative Officer:

17.4.1 Request for Proposal for Legal Services

Report No. CAO-2012-0017

Winanne Grant, Chief Administrative Officer, stated that the proposed fees are similar to the fees being paid to date. Both contracts would expire on December 31<sup>st</sup>, 2015.

Moved by Councillor Craig

Seconded by Councillor Davison

**RESOLUTION NO. C-2012-0453**

- I. THAT REPORT NO. CAO-2012-0017 BE RECEIVED; AND
- II. THAT STAFF BE DIRECTED TO ENTER INTO A CONTRACT WITH THE LAW FIRM OF RITCHIE KETCHESON HART & BIGGART FOR SUPPLEMENTARY MUNICIPAL LEGAL SERVICES FOR A PERIOD OF THREE YEARS COMMENCING OCTOBER 8, 2012 AND ENDING DECEMBER 31, 2015; AND
- III. THAT STAFF BE DIRECTED TO ENTER INTO A CONTRACT WITH THE LAW FIRM OF HICKS MORLEY FOR EMPLOYMENT LAW SERVICES FOR A PERIOD OF THREE YEARS COMMENCING OCTOBER 8, 2012 AND ENDING DECEMBER 31, 2015.
- IV. AND THAT A BY-LAW BE PASSED AUTHORIZING THE MAYOR AND CLERK TO EXECUTE THE TWO CONTRACTS.

Carried.....

17.5 Report from the Recreation and Culture Department:

17.5.1 Designated Smoking Areas – Amended Site Maps

Report No. RC-2012-0018

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

Robin McDougall, Director of Recreation and Culture, stated that the Town's Smoke Free Ambassador has done a commendable job of providing public awareness through such avenues as the local schools, Town facilities and local events concerning the commencement of designated smoking areas throughout the Town. She stated that if Council sees fit to approve this report, staff will move forward with the printing and installation of the appropriate signage, as well as receptacle bins.

Moved by Councillor Craig

Seconded by Councillor Davison

**RESOLUTION NO. C-2012-0454**

1. THAT REPORT NO. RC-2012-0018 BE RECEIVED.
2. THAT COUNCIL APPROVE THE LISTING OF DESIGNATED SMOKING AREAS AS RECOMMENDED IN THIS REPORT.

Carried.....

Ms. McDougall noted that the sidewalks mentioned in the report are those sidewalks within Town facilities and parks, as opposed to public sidewalks.

11. DEPUTATIONS:

None.

12. PRESENTATIONS:

None.

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION:

15 COMMUNICATIONS:

15.1 Matters for Routine:

None.

15.2 Matters for Disposition:

- 15.2.1 Ministry of Municipal Affairs and Housing inviting municipal representatives to attend a regional workshop to review the Provincial Policy Statement (PPS).

15. COMMUNICATIONS cont'd:

Moved by Councillor Szollosy

Seconded by Councillor Smockum

**RESOLUTION NO. C-2012-0455**

THAT CORRESPONDENCE FROM THE MINISTRY OF MUNICIPAL AFFAIRS AND HOUSING INVITING MUNICIPAL REPRESENTATIVES TO ATTEND A REGIONAL WORKSHOP TO REVIEW THE PROVINCIAL POLICY STATEMENT (PPS) BE RECEIVED AND REFERRED TO THE DIRECTOR OF PLANNING AND BUILDING.

Carried.....

- 15.2.2 Federation of Canadian Municipalities requesting nominations by December 31, 2012, for the Queen's Diamond Jubilee Medal marking Her Majesty Queen Elizabeth II's accession to the Throne as Queen of Canada.

Moved by Councillor Szollosy

Seconded by Regional Councillor Wheeler

**RESOLUTION NO. C-2012-0456**

THAT CORRESPONDENCE FROM THE FEDERATION OF CANADIAN MUNICIPALITIES REQUESTING NOMINATIONS BY DECEMBER 31, 2012, FOR THE QUEEN'S DIAMOND JUBILEE MEDAL MARKING HER MAJESTY QUEEN ELIZABETH II'S ACCESSION TO THE THRONE AS QUEEN OF CANADA BE RECEIVED AND REFERRED TO THE RECREATION AND CULTURE DEPARTMENT TO SUBMIT A REPORT TO COUNCIL CONTAINING SUGGESTED NAMES OF INDIVIDUALS DESERVING OF THIS NOMINATION.

Carried.....

- 15.2.3 Ministry of Citizenship and Immigration requesting nominations by December 5, 2012, for the June Callwood Outstanding Achievement Award for Voluntarism in Ontario.

15. COMMUNICATIONS cont'd:

Moved by Councillor Szollosy

Seconded by Councillor Hack

**RESOLUTION NO. C-2012-0457**

THAT CORRESPONDENCE FROM THE MINISTRY OF CITIZENSHIP AND IMMIGRATION REQUESTING NOMINATIONS BY DECEMBER 5, 2012, FOR THE JUNE CALLWOOD OUTSTANDING ACHIEVEMENT AWARD FOR VOLUNTARISM IN ONTARIO BE RECEIVED AND REFERRED TO THE RECREATION AND CULTURE DEPARTMENT TO SUBMIT A REPORT TO COUNCIL CONTAINING SUGGESTED NAMES OF INDIVIDUALS DESERVING OF THIS NOMINATION.

Carried.....

15.2.4 The third quarterly newsletter of the York Regional Police Services Board.

Moved by Councillor Smockum

Seconded by Councillor Craig

**RESOLUTION NO. C-2012-0458**

THAT THE THIRD QUARTERLY NEWSLETTER OF THE YORK REGIONAL POLICE SERVICES BOARD BE RECEIVED.

Carried.....

15.2.5 Association of Municipalities of Ontario requesting municipal councils pass a motion asking for interest arbitration reform.

Moved by Councillor Craig

Seconded by Councillor Smockum

**RESOLUTION NO. C-2012-0459**

THAT CORRESPONDENCE FROM THE ASSOCIATION OF MUNICIPALITIES OF ONTARIO REQUESTING MUNICIPAL COUNCILS PASS A MOTION ASKING FOR INTEREST ARBITRATION REFORM BE RECEIVED AND REFERRED TO THE

15. COMMUNICATIONS cont'd:

CHIEF ADMINISTRATIVE OFFICER FOR REVIEW, IN CONJUNCTION WITH CORRESPONDENCE RECEIVED FROM OTHER POLITICAL PARTIES, AND FOR SUBMISSION OF A RECOMMENDED TOWN POSITION FOR COUNCIL'S CONSIDERATION WITHIN TWO WEEKS.

Carried.....

- 15.2.6 Ted Storry, People's Warden and Scott Dryla, Incumbent's Warden, requesting Council waive the rental fee for the De La Salle Chapel on November 16<sup>th</sup> and 17<sup>th</sup> for the St. James Church annual fundraising event.

Robin McDougall, Director of Recreation and Culture, stated that typically a full day rental of the hall would cost between \$300 and \$400.

Rebecca Mathewson, Director of Administrative Services and Treasurer, indicated that the Town already subsidizes St. James Church through tax exemption for the church.

Moved by Councillor Szollosy

Seconded by Councillor Smockum

**RESOLUTION NO. C-2012-0460**

THAT COUNCIL DENY THE REQUEST MADE BY TED STORRY, PEOPLE'S WARDEN AND SCOTT DRYLA, INCUMBENT'S WARDEN, FOR THE TOWN TO WAIVE THE RENTAL FEE FOR THE USE OF THE DE LA SALLE CHAPEL ON NOVEMBER 16<sup>TH</sup> AND 17<sup>TH</sup> FOR THE ST. JAMES CHURCH ANNUAL FUNDRAISING EVENT.

Carried.....

16. PETITIONS:

None.

18. UNFINISHED BUSINESS:

None.

19. REGIONAL BUSINESS:

None.

20. BY-LAWS:

Moved by Councillor Smockum

Seconded by Councillor Szollosy

That the following by-law be given three readings:

- 20.1 By-law Number 2012-0093 (CON-2) Being a By-law to authorize the Mayor and Clerk to execute a contract between the Corporation of the Town of Georgina and Ritchie Ketcheson Hart & Biggart for supplementary municipal legal services and a contract between the Corporation of the Town of Georgina and Hicks Morley for employment law services.

Carried.....

- 20.2 A By-law to amend Zoning By-law 500, 2241439 Ontario Ltd. (c/o OLRM Developments), Lots 3 to 9, Plan 248, s/s Lake Drive East, Jackson's Point.

This item was removed from the agenda at this time as it is not ready to proceed to Council for adoption.

21. MOTIONS:

None.

22. NOTICES OF MOTION:

None.

23. OTHER BUSINESS:

- 23.1 Installation of 'No Littering' Signs along Lake Drive.

Rebecca Mathewson, Director of Administrative Services and Treasurer, was requested to review the Town's current littering by-law and submit a report to Council concerning the potential need for 'no littering' signs along Lake Drive.

23. OTHER BUSINESS:

23.2 Reduction of speed limit on Civic Centre Road between Lake Drive and Metro Road to 40 km/h.

Dan Pisani, Director of Operations and Engineering, was requested to prepare a report for Council's consideration regarding the posted speed limits on all roads running between Metro Road and Lake Drive within the Willow Beach area and extending to as far as Church Street in Keswick,

24. RECESS COUNCIL AND RESOLVE INTO CLOSED MEETING:

Moved by Councillor Craig

Seconded by Councillor Davison

Be it resolved that the Council Meeting recess at 8:47 p.m. and move into a Closed Session at 8:55 p.m. pursuant to Section 239 of The Municipal Act, 2001, as amended, to consider:

- i) Advice that is subject to solicitor-client privilege, Section 239 (2) (f), MA; potential recovery of costs related to OBM Appeal of Town-wide Development Charge By-law
- ii) Employee Negotiations, Section 239 (2) (d), MA: update regarding C.U.P.E. Negotiations
- iii) Item No. 17.2, Report No. DAS-2012-0059 entitled 'Recovery of Costs related to Ontario Municipal Board (OMB) Appeal of Town of Georgina Development Charges By-law No. 2011-0078 (AD-5)'

Carried.....

25. RISE AND REPORT FROM CLOSED MEETING:

The Council members rose from the Closed Session at 9:29 p.m. with the following direction:

- i) Advice that is subject to solicitor-client privilege, Section 239 (2) (f), MA; potential recovery of costs related to OBM Appeal of Town-wide Development Charge By-law

Council received correspondence from legal counsel and staff was directed to obtain further legal advice and report back on October 22, 2012.

25. RISE AND REPORT FROM CLOSED MEETING cont'd:

- ii) Employee Negotiations, Section 239 (2) (d), MA: update regarding C.U.P.E. Negotiations

Council was advised of the status of the current CUPE negotiations; staff will report further.

- iii) Item No. 17.2.1, Report No. DAS-2012-0059 entitled 'Recovery of Costs related to Ontario Municipal Board (OMB) Appeal of Town of Georgina Development Charges By-law No. 2011-0078 (AD-5)'

Report No. DAS-2012-0059 was referred to the meeting of October 22, 2012.

26. CONFIRMING BY-LAW

Moved by Councillor Smockum

Seconded by Councillor Szollosy

That the following by-laws be given three readings:

By-law Number 2012-0094 (COU-2)

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

Carried.....

27. ADJOURNMENT:

Moved by Councillor Craig

Seconded by Councillor Davison

That the meeting adjourn at this time (9:30 p.m.).

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Robert Grossi, Mayor

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Rebecca Mathewson, Deputy Clerk