

# THE CORPORATION OF THE TOWN OF GEORGINA

## COUNCIL MINUTES

November 12, 2012  
(7:03 p.m.)

1. MOMENT OF MEDITATION:

A moment of meditation was observed, keeping in mind our War Veterans following Remembrance Day on November 11<sup>th</sup>.

2. ROLL CALL:

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

Mayor Grossi  
Councillor Craig  
Councillor Hackenbrook  
Councillor Szollosy

Regional Councillor Wheeler  
Councillor Davison  
Councillor Smockum

Mayor Grossi moved forward and dealt with several by-laws at this time.

20. BY-LAWS:

Moved by Regional Councillor Wheeler

Seconded by Councillor Szollosy

That the following by-law be given three readings:

20.2 By-law Number 2012-0100 (AD-1) Being a By-law to appoint an Acting Clerk; Patricia R. Nash

Carried.....

20. BY-LAWS cont'd:

Moved by Councillor Smockum

Seconded by Councillor Craig

That the following by-law be given three readings:

20.4 By-law Number 2012-0101 (AD-1) Being a By-law to appoint a Divisional Registrar; Patricia R. Nash  
Carried.....

Moved by Councillor Szollosy

Seconded by Councillor Hackenbrook

That the following by-law be given three readings:

20.5 By-law Number 2012-0102 (AD-1) Being a By-law to appoint a Lottery Licensing Officer; Patricia R. Nash  
Carried.....

Moved by Councillor Davison

Seconded by Councillor Smockum

That the following by-law be given three readings:

20.7 By-law Number 2012-0103 (AD-1) Being a By-law to designate a head of the Municipal Corporation for the purposes of The Municipal Freedom of Information and Protection of Privacy Act; Patricia R. Nash  
Carried.....

3. COMMUNITY SERVICE ANNOUNCEMENTS:

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

Council members expressed appreciation to staff members for their efforts in preparing the cenotaph parks for the Remembrance Day ceremonies held on November 11th throughout the Town.

4. INTRODUCTION OF ADDENDUM ITEMS AND DEPUTATIONS:

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

- 4.1 Recovery of Costs related to Ontario Municipal Board appeal of Town of Georgina Development Charges By-law 2011-0078 (AD-5) will be dealt with in Closed Session. Item No. 17.4.1, Report DAS-2012-0059, will then be dealt with in public session following the Closed Session discussion.
- 4.2 Speed limits on Regional Roads under 'Regional Business', Item No. 19
- 4.3 Pedestrian Path on the east side of The Queensway under 'Other Business', Item No. 23.

5. APPROVAL OF AGENDA:

Moved by Councillor Craig

Seconded by Councillor Smockum

**RESOLUTION NO. C-2012-0482**

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

- 5.1 RECOVERY OF COSTS RELATED TO ONTARIO MUNICIPAL BOARD APPEAL OF TOWN OF GEORGINA DEVELOPMENT CHARGES BY-LAW 2011-0078 (AD-5) WILL BE DEALT WITH IN CLOSED SESSION. ITEM NO. 17.4.1, REPORT DAS-2012-0059, WILL THEN BE DEALT WITH IN PUBLIC SESSION FOLLOWING THE CLOSED SESSION DISCUSSION.
- 5.2 SPEED LIMITS ON REGIONAL ROADS UNDER 'REGIONAL BUSINESS', ITEM NO. 19
- 5.3 PEDESTRIAN PATH ON THE EAST SIDE OF THE QUEENSWAY UNDER 'OTHER BUSINESS', ITEM NO. 23.

Carried.....

6. DECLARATION OF PECUNIARY INTEREST:

Councillor Hackenbrook declared an interest in Item Nos. 15.2.3 and 11.1 because his spouse is an employee of a local health clinic

7. ADOPTION OF THE MINUTES:

Moved by Councillor Smockum

Seconded by Councillor Szollosy

**RESOLUTION NO. C-2012-0483**

THAT THE MINUTES OF THE COUNCIL MEETING HELD ON OCTOBER 22, 2012, BE ADOPTED AS PRESENTED.

Carried.....

8. BUSINESS ARISING FROM THE MINUTES:

Council was advised that Council had received the presentation by Lina Bigioni and Superintendent Tony Cusimano concerning the 2013 Special Olympics Summer Games, pages 6, 7 and 8 of the October 22<sup>nd</sup> Council minutes, and referred it to the Recreation and Culture Department for further options and report back to Council by the end of 2012 or January of 2013.

9. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION:

The following items were identified for separate discussion:

- 9.1 Item No. 11.1, deputation by Gord Mahoney requesting Council to amend Condition #2 of the Site Plan Review Committee's decision for 2241439 Ontario Ltd. (c/o OLRM Developments) concerning the timing of the posting of the securities for the external servicing
- 9.2 Item No. 12.1, presentation by Daniele Zanotti, CEO for United Way York Region, updating Council on key activities
- 9.3 Item No. 14.1.1, Report No. PB-2012-0094 entitled 'Outdoor Solid- Fuel Combustion Appliances' (Outdoor Wood Furnaces)
- 9.4 Item No. 15.2, various matters for disposition
- 9.5 Item No. 17.1.7, recommendation of the November 5<sup>th</sup> Committee of the Whole agenda
- 9.6 Item No. 17.2.1, Report No. ED-2012-0016 entitled 'Regional Municipality of York-Draft Economic Development Action Plan'
- 9.7 Item No. 17.3.1, Report No. PB-2012-0095 entitled 'Extension of Draft Plan Approval Request-Draft Plan of Condominium 19CDM-05G01, 1580699 Ontario Inc., Greystone Homes'

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

- 9.8 Item No. 17.4.1, Report No. DAS-2012-0059 entitled 'Recovery of Costs Related to Ontario Municipal Board Appeal of Town of Georgina Development Charges By-law No. 2011-0078 (AD-5'
- 9.9 Item No. 17.4.2, Report No. DAS-2012-0066 entitled 'Council Meeting Schedule, 2013'
- 9.10 Item No. 20, various by-laws

10. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION:

10.1 Matters not subject to individual conflicts

Moved by Councillor Smockum

Seconded by Councillor Hackenbrook

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

Routine:

**RESOLUTION NO. C-2012-0484**

THAT THE FOLLOWING ROUTINE CORRESPONDENCE BE RECEIVED;

- I) PLANNING AND BUILDING DEPARTMENT, MONTHLY BUILDING REPORTS FOR 2011 AND 2012.
- II) ONTARIO NEWSROOM RESPECTING THE RELEASE OF PREVIOUSLY SUSPENDED VACCINES – FLUAD AND AGRIFLU - IN ONTARIO.
- III) ONTARIO NEWSROOM RESPECTING THE CANADA AND ONTARIO GOVERNMENTS HELPING TRANSPORT DONATED HAY FROM WESTERN CANADA; AN INITIATIVE CREATED BY FARM ORGANIZATIONS ACROSS CANADA FOLLOWING RECORD-LOW RAINFALL THIS SUMMER IN EASTERN CANADA, HAYEAST 2012, TO HELP SEND HAY TO FARMERS IN ONTARIO AND QUEBEC.
- IV) ONTARIO NEWSROOM RESPECTING THE INTRODUCTION OF A PLAN TO ATTRACT SKILLED IMMIGRANTS TO HELP BUILD A STRONG, GLOBALLY-CONNECTED ECONOMY.
- V) ONTARIO NEWSROOM RESPECTING THE PERMANENT SHUT-DOWN OF THE SERVICEONTARIO KIOSK SYSTEM; 72 KIOSKS TO SHUT DOWN IN JUNE AFTER FINANCIAL PARTNERS ADVISED OF POTENTIAL DEBIT AND CREDIT CARED SKIMMING ACTIVITIES IN KIOSKS IN THE TORONTO AREA.

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

- VI) ONTARIO NEWSROOM REGARDING THE STATEMENT FROM THE MINISTER OF ECONOMIC DEVELOPMENT AND INNOVATION ON THE DEFEAT OF PROPOSAL 6; DETROIT RIVER INTERNATIONAL CROSSING.
- VII) ONTARIO NEWSROOM REGARDING THE REVISED BUILDING CODE WILL ENSURE PUBLIC SAFETY, INCREASE ENERGY EFFICIENCY AND CONTRIBUTE TO THE COMPETITIVENESS OF THE BUILDING SECTOR.
- VIII) TOWNSHIP OF BROCK'S NOTICE OF A PUBLIC MEETING TO BE HELD ON NOVEMBER 26TH CONCERNING A PROPOSED AMENDMENT TO ZONING BY-LAW NO. 287-78-PL, TO PERMIT SMALL-SCALE ELECTRICAL GENERATING SYSTEMS WITHIN THE RURAL AND RURAL BUFFER ZONE CATEGORIES, PERMIT A HOME OCCUPATION WITHIN AN ACCESSORY BUILDING, AND UNDERTAKE CERTAIN TECHNICAL AMENDMENTS TO CORRECT REFERENCES WITHIN THE BY-LAW.

Recommendations from the Committee of the Whole Meeting held on November 5, 2012:

**RESOLUTION NO. C-2012-0485**

- 17.1.1 1. THAT COUNCIL RECEIVE REPORT DAS-2012-0058 REGARDING THE WIRELESS COMMUNICATIONS TOWER LEASE AGREEMENT AND RESOURCE ACCESS PARTNERSHIP BETWEEN BELL MOBILITY AND THE TOWN OF GEORGINA (165 THE QUEENSWAY SOUTH, KESWICK FIRE STATION 1-4 AND ALTERNATE MUNICIPAL EMERGENCY OPERATIONS CENTRE).
- 2. THAT COUNCIL AUTHORIZE THE MAYOR AND CLERK TO SIGN ALL DOCUMENTS NECESSARY TO EXECUTE A WIRELESS COMMUNICATIONS TOWER LEASE FOR A TERM EXPIRING ON AUGUST 31, 2017 ATTACHED AS APPENDIX 'A' TO THIS REPORT.

**RESOLUTION NO. C-2012-0486**

- 17.1.2 1. THAT COUNCIL RECEIVE REPORT NO. DAS-2012-0064 REGARDING DEVELOPMENT CHARGE CREDITS DUE TO BALLYMORE DEVELOPMENT (SUTTON) CORP. FOR WYNDHAM PARK.
- 2. THAT COUNCIL AUTHORIZE THE TREASURER TO ISSUE PAYMENT OF DEVELOPMENT CHARGE CREDITS IN THE AMOUNT OF \$167,039 TO BALLYMORE DEVELOPMENT (SUTTON) CORP.

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

**RESOLUTION NO. C-2012-0487**

- 17.1.3 1. THAT REPORT NO. OED-2012-0061 BE RECEIVED.
- 2. THAT COUNCIL APPROVE THE REALLOCATION OF FUNDS TO COMPLETE A COMPREHENSIVE FIRE SAFETY PLAN FOR VARIOUS TOWN OWNED AND OPERATED FACILITIES AS PER RPC2011-029.
- 3. THAT COUNCIL APPROVE THE SELECTION OF MORRISON HERSHFIELD LIMITED TO COMPLETE THE PROJECT.

**RESOLUTION NO. C-2012-0488**

- 17.1.4 A. THAT REPORT ED-2012-0015 BE RECEIVED.
- B. THAT COUNCIL APPROVE THE DISBURSEMENT OF THE FOLLOWING GRANTS AS ENDORSED BY THE ECONOMIC DEVELOPMENT COMMITTEE ON OCTOBER 1, 2012:  
  

PEFFERLAW ASSOCIATION OF RATEPAYERS...	\$1,500.00
FARM GEORGINA.....	\$ 550.26
- C. THAT REPORT NO. ED-2012-0015 CONCERNING THE ECONOMIC DEVELOPMENT GRANT PROGRAM BE REFERRED TO THE ECONOMIC DEVELOPMENT DIVISION TO REPORT TO COUNCIL ON AN INTERIM MEASURE FOR DEALING WITH STRUCTURAL PROGRAMS WITHIN THE ECONOMIC DEVELOPMENT DIVISION.

**RESOLUTION NO. C-2012-0489**

- 17.1.5 1. THAT REPORT NO. OED-2012-0062 BE RECEIVED FOR INFORMATION.
- 2. THAT A BY-LAW BE PASSED TO AUTHORIZE THE MAYOR AND THE TOWN CLERK TO ENTER INTO AN AGREEMENT WITH GTK RENOVATIONS FOR THE PURPOSE OF REBUILDING THE EGYPT HALL, ALL COSTS TO BE COVERED BY INSURANCE.
- 3. THAT COUNCIL WAIVE THE PURCHASING BY-LAW ALLOWING STAFF TO PURCHASE APPROVED MATERIAL AND SUPPLIES FOR THE REBUILD OF THE HALL WHICH WILL BE INSTALLED BY GTK RENOVATIONS, ALL COSTS TO BE COVERED BY INSURANCE.

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

4. THAT IT BE ACKNOWLEDGED THAT TO MEET THE CURRENT APPROVED BUDGET AS PUT FORWARD BY THE APPOINTED INSURANCE ADJUSTER, CUNNINGHAM LINDSAY, THE CONTRACT WAS TENDERED AND WON BY GTK RENOVATIONS AND MEETS APPROVALS WITH THE INSURER.

**RESOLUTION NO. C-2012-0490**

- 17.1.6 1. THAT REPORT NO. OED-2012-0060 BE RECEIVED FOR INFORMATION.
2. THAT ONE (1) MECHANIC BE HIRED TO STAFF THE NEW MECHANICS GARAGE WHICH WILL BE LOCATED WITHIN THE WATER/WASTEWATER BUILDING AT 26817 CIVIC CENTRE ROAD, KESWICK, ONTARIO.
3. THAT THE FUNDS ALLOCATED IN THE 2012 BUDGET FOR SALARY OF THE SECOND (2<sup>ND</sup>) MECHANIC BE USED TO PURCHASE EQUIPMENT AND TOOLS NECESSARY TO START UP THE NEW MECHANICS GARAGE. THIS REQUEST HAS BEEN EXPEDITED AS THE ORIGINAL PLAN WAS TO BRING FORWARD THESE REQUIREMENTS IN THE 2013 BUDGET PROCESS.

**RESOLUTION NO. C-2012-0491**

- 17.1.8 THAT TOWN COUNCIL ENDORSE THE POSITION OF THE ONTARIO CONVENIENCE STORES ASSOCIATION REQUESTING THE MINISTER OF FINANCE TO ERADICATE CONTRABAND TOBACCO THROUGH THE IMPLEMENTATION OF ADDITIONAL REGULATORY, ENFORCEMENT AND OTHER PROVISIONS IN BILL 186 AND AMENDMENTS TO THE TOBACCO TAX ACT, AS FOLLOWS

WHEREAS CONTRABAND TOBACCO HAS NEGATIVE PUBLIC CONSEQUENCES AND IMPACTS SUCH AS UNRESTRICTED YOUTH ACCESS TO TOBACCO PRODUCTS, AND AN INCREASE IN CRIMINAL ACTIVITY;

AND WHEREAS CONTRABAND TOBACCO PRODUCTS ARE EASILY ACCESSIBLE IN OUR COMMUNITY;

AND WHEREAS SMALL BUSINESSES ARE SOMETIMES FORCED TO CLOSE BECAUSE OF THE SALE OF CONTRABAND TOBACCO;

AND WHEREAS SMALL BUSINESS IN OUR COMMUNITY AND GOVERNMENT IN GENERAL STAND TO BENEFIT FROM THE INSTITUTION OF TOUGHER RESTRICTIONS ON CONTRABAND TOBACCO;



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

THEREFORE BE IT RESOLVED THAT THIS COUNCIL REQUEST THE CHAIR OF THE YORK REGIONAL COUNCIL WRITE A LETTER TO THE ONTARIO MINISTER OF FINANCE IN SUPPORT OF THE ONTARIO GOVERNMENT'S MOST RECENT BUDGET COMMITMENTS TO ERADICATE CONTRABAND TOBACCO THROUGH THE IMPLEMENTATION OF ADDITIONAL REGULATORY, ENFORCEMENT AND OTHER PROVISIONS IN BILL 186 AND AMENDMENTS TO THE TOBACCO ACT. PARTICULARLY IN SUPPORT OF MEASURES SUCH AS:

- INCREASED FINES FOR THOSE CONVICTED OF OFFENSES RELATED TO CONTRABAND TOBACCO;
- MORE AUTHORITY FOR LAW ENFORCEMENT OFFICIALS WITH RESPECT TO FORFEITURE OF ITEMS SEIZED, AND IMPOUNDING OF VEHICLES;
- DRAWING ON THE BEST PRACTICES OF OTHER JURISDICTIONS AND WORKING COLLABORATIVELY WITH THE FEDERAL GOVERNMENT AND OTHER JURISDICTIONS TO ENHANCE CONTRABAND TOBACCO CONTROL THROUGH JOINT ENFORCEMENT EFFORTS.

AND THAT THE PROVINCIAL GOVERNMENT BE ENCOURAGED TO CONTINUE TO STRENGTHEN THEIR STRATEGIES TO ADDRESS THE MANUFACTURE AND SUPPLY OF CONTRABAND TOBACCO AND MAINTAIN THEIR COMMITMENT TO INTRODUCE AMENDMENTS THIS FALL TO IMPLEMENT THESE MEASURES.

AND THAT SURROUNDING MUNICIPALITIES BE MADE AWARE OF THE ACTIONS TAKEN BY THIS COUNCIL TO ADDRESS THE CONCERNS PRESENTED BY CONTRABAND TOBACCO.

**RESOLUTION NO. C-2012-0492**

17.1.9 THAT CORRESPONDENCE FROM RYAN CRONSBERRY, MANAGER OF MUNICIPAL LAW ENFORCEMENT/CMLEO, CONCERNING LITTERING AND TOWN OF GEORGINA BY-LAWS IN PLACE TO ADDRESS THE MATTER BE RECEIVED AND THAT STAFF REPORT TO COUNCIL WITH RECOMMENDATIONS TO FURTHER THE EFFORT TO CLEAN UP THE COMMUNITY OF LITTER THROUGH SUCH AVENUES AS INCREASED SIGNAGE AND ADVERTISEMENTS.

Carried.....

10.2 Matters subject to individual conflicts

None.

12. PRESENTATIONS:

- 12.1 Daniele Zanotti, CEO for United Way of York Region, updating Council on key activities.

Daniele Zanotti was in attendance to update Council on the key activities undertaken by United Way of York Region.

Moved by Regional Councillor Wheeler

Seconded by Councillor Craig

**RESOLUTION NO. C-2012-0493**

THAT THE DEPUTATION MADE BY DANIELE ZANOTTI, CEO OF UNITED WAY OF YORK REGION UPDATING COUNCIL ON KEY ACTIVITIES TAKING PLACE, BE RECEIVED.

Carried.....

Councillor Hackenbrook declared an interest in Item No. 11.1 concerning a request to amend Condition #2 of the Site Plan Review Committee's decision for 2241439 Ontario Ltd. (c/o OLRM Developments) because his spouse is an employee of a local health clinic; he did not participate in any discussion or vote.

11. DEPUTATIONS:

- 11.1 Gord Mahoney, Planner, Michael Smith Planning Consultants, requesting Council to amend Condition #2 of the Site Plan Review Committee's decision for 2241439 Ontario Ltd. (c/o OLRM Developments) concerning the timing of the posting of the securities for the external servicing.

Gord Mahoney of Michael Smith Planning Consultants, agent for the owner, was in attendance to request Council to amend condition #2 of the Site Plan Review Committee's decision for 2241439 Ontario Ltd. (c/o OLRM Developments).

Moved by Councillor Craig

Seconded by Councillor Szollosy

**RESOLUTION NO. C-2012-0494**

THAT THE DEPUTATION MADE BY GORD MAHONEY, PLANNER, MICHAEL SMITH PLANNING CONSULTANTS, REQUESTING COUNCIL AMEND CONDITION #2 OF THE SITE PLAN REVIEW COMMITTEE'S DECISION FOR

11. DEPUTATIONS cont'd:

2241439 ONTARIO LTD. (C/O OLRM DEVELOPMENTS) CONCERNING THE TIMING OF THE POSTING OF THE SECURITIES FOR THE EXTERNAL SERVICING, BE RECEIVED AND THAT THE AGREEMENT INCLUDE THE FOLLOWING WORDING;

“THE OWNER SHALL PROVIDE SECURITY IN THE AMOUNT OF \$25,000 AS A ROAD FOULING DEPOSIT. FURTHER, THE OWNER SHALL, PRIOR TO THE COMMENCEMENT OF ANY CONSTRUCTION INCLUDING BUT NOT LIMITED TO SITE SERVICING, BUILDING CONSTRUCTION PURSUANT TO THE ONTARIO BUILDING CODE, AND THE CONNECTION OF SITE SERVICES TO THE MUNICIPALITY’S WATER, SANITARY AND STORMWATER SERVICES, PROVIDE 100% OF THE EXTERNAL SERVICING COSTS TO GUARANTEE COMPLETION OF ALL WORKS.”

Carried.....

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION:14. PUBLIC MEETINGS:14.1 Statutory Public Meeting:

(7:43 p.m.)

14.1.1 Outdoor Solid-Fuel Combustion Appliances  
(Outdoor Wood Furnaces)

Report No. PB-2012-0094

Mayor Grossi explained the procedure for a public meeting at this time, indicating that the applicant summarizes the proposal, a staff member presents the report at which point the public or Council may ask questions or make comments on the proposal. The applicant/staff respond to questions raised by the public, Council may ask questions of staff, the applicant and/or the public, the public has a second opportunity to make further submissions to present new information, to clarify an issue or to ask questions. Council then debates the merits of the proposal and decides to adopt, amend, refuse or defer the application with or without conditions.

Laura Diotte, Senior Planner – Policy, summarized the report at this time. She stated that this overview is to present the background research and options for Council, in order to regulate outdoor wood furnaces. She read Environment Canada’s definition of an Outdoor Solid-Fuel Combustion Appliance as ‘an outdoor woodburning appliance or a solid-fuel-burning appliance, which is used for the space heating of buildings, the heating of water or other such purpose and which is located in a separate building or on the exterior of a building which it serves’.

14. PUBLIC MEETINGS cont'd:

Ms. Diotte stated that currently the Town's zoning by-law is silent on these appliances. Since they would be considered as accessory use, building or structure, those setbacks would apply which may result in insufficient distances from neighbouring properties to prevent smoke or nuisance.

Ms. Diotte explained that 'wood heating' includes, but is not limited to, indoor fireplaces, indoor wood stoves, and Outdoor Solid-Fuel Combustion Appliances. Indoor fireplaces or indoor wood stoves that are built as part of a dwelling generally do not cause a nuisance to neighbouring properties. The installation is regulated through a building permit which stipulates certain chimney heights above a roofline and therefore the smoke is emitted higher in the atmosphere. Staff is not aware of any complaints from residents regarding indoor fireplaces or indoor wood stoves. On the other hand, these appliances are not part of a dwelling and the possibility exists for a relatively low chimney to emit smoke lower into the atmosphere thereby increasing the chances of impacting a neighbouring property. Additionally, Environment Canada indicates that this type of appliance emits substantially more emissions than a typical indoor wood stove. As such, it appears appropriate to regulate this type of appliance to mitigate potential impacts on neighbouring properties.

Ms. Diotte stated that through staff have discovered that Environment Canada has prepared a Model Municipal By-law for Regulating Wood Burning Appliances and this Model By-law includes a section on Outdoor Solid-Fuel Combustion Appliances. In addition to minimum lot sizes, set back or distance from properties lines and combustible material, the Model By-law contains recommendations to regulate the materials that can be burned in this type of appliance, that the chimney be fitted with a rain cap/spark shield, that the location be approved by the Chief Building Official, and the appliance meet the requirements of the Ontario Building Code, the Ontario Fire Code and manufactures instructions.

Ms. Diotte stated that staff looked at other municipalities that currently regulate these types of appliances, namely Huron East, Sarnia, Nation, Elizabethtown-Kitley, Tay and Uxbridge which are all in Ontario. Half of the municipalities used the zoning by-law and the other three used the Municipal Act. The three municipalities that did pass Municipal Act by-laws are similar to model by-law. The zoning by-law regulates how land may be used in a community and it can be appealed to the

Ontario Municipal Board and the owner can apply for specific variances from the provisions in the zoning by-law. The Municipal Act gives broader powers with regard to the safety and well-being of inhabitants and regulates public nuisance activities. It also regulates the materials that can be burned, it cannot be appealed and can be prepared so that owners cannot apply for variances.

14. PUBLIC MEETINGS cont'd:

Ms. Diotte stated that she has been contacted by one resident in Baldwin regarding an appliance that is a nuisance. The Building Division also advised that appliances must be in conformance with the Ontario Building Code Act. The Fire Department advised that the appliance must be within a structure and be used as a source of heat and it does not fall under the Open Air Burning by-law. She noted that staff requires further review with various departments and Town Solicitor to determine the best way to regulate these appliances.

Ted Rennie, 35 Sunkist Road, stated that his property is zoned as Rural Residential and he is a long-time resident of Georgina since 1985. His main concerns are respecting health and fire risks. He explained that most furnaces run in the fall and winter months but his neighbor runs his year-round, even during last summer's hot and humid days, burning anything able to be burned including plywood, chip board, skids, grass clippings. He is forced to keep all of the windows in his house closed year-round with the air conditioner on when necessary.

Mr. Rennie stated that these appliances are a fire hazard with rain cap or spark arrester as noted in the staff report. The appliance is within 12 feet or 4 metres from the property line and 50 metres from his home. In this space, there are large spruce and pine trees, his two boats and 60 litres of fuel and if any of these items caught on fire, he would not be able to do anything to stop it. He has made numerous phone calls and has been advised that he has no recourse.

Mr. Rennie requested Council to pass a regulating by-law without a grandfathering clause.

Mary Kay of 5673 Smith Blvd., Baldwin, stated that everyone is aware that wood smoke emissions contain pollutants that affect people's lungs. She stated that due to the outdoor furnace in her neighbourhood, she can no longer hang her clothes outside and cannot open the windows in her home as smoke comes from all directions depending on the wind. She added that the property values are affected by the appliance, noting that the vacant land to the south of the appliance is not saleable because for eight months of the year, any occupants would be affected by smoke. If it is not windy, the smoke hangs in the air. She stated that the owner of this appliance did not obtain a permit and his home is now for sale. She suggested that he be told to remove the appliance before the sale of his property.

Ms. Kay stated that to grandfather this type of appliance would be a terrible mistake. She inquired what sense it makes to implement a tough new smoking by-law if this type of appliance is permitted. She suggested that this type of appliance may be permissible on a 100 acre farm with no close neighbours.

14. PUBLIC MEETINGS cont'd:

Ms. Diotte stated that any appliance that was constructed with a building permit would technically be legal, but if a building permit was not issued, the owner would need to apply for one.

Rod Larmer, Chief Building Official, stated that he is not aware of any permits issued for these types of units. Because they are an extension of the building service system, they would be regulated by the Building Code, even if they are in a separate building.

Harold Lenters, Director of Planning and Building, stated that in theory, the types of fuels to be burned could be controlled through a Municipal Act by-law, but the practicality of enforcement is challenging as with any by-law. To regulate specific activities like that would be difficult.

Deputy Fire Chief Richardson stated that accessory heating units are covered by the Building Code. The Fire Code deals with prohibiting open air burning, but these appliances are in an enclosed unit so they do not fall under the Fire Code.

Mr. Rennie stated that he is not entirely against the units explaining that he visited a friend in Sterling who has one of these units and the Town imposed the 100 metre rule which works well. His main complaint is the location of the one next door to his own property. The units are useful, but create problems in residential areas as a nuisance. He noted that a resident in Madoc was forced to remove her unit which was created under the 100 metre rule.

Ms. Kay thought that a proposed by-law would require these units to be in rural areas rather than residential areas and would not be near homes.

Mr. Lenters advised that the draft by-law speaks to rural zones and suggested that the by-law would most likely prohibit these appliances in urban serviced communities with standard subdivision development. If a minimum setback is used from lot lines of 60 or 100 metres, ninety percent of residential properties would not be large enough to comply. Whether the property is zoned residential or rural, the appropriate setback from neighbouring homes is the key issue.

Ms. Kay stated that one of her cousins lives in Bancroft in a small subdivision and she has to walk through smoke to get into her house due to her neighbor hooking up one of these appliances next door.

14. PUBLIC MEETINGS cont'd:

Moved by Councillor Craig

Seconded by Councillor Smockum

**RESOLUTION NO. C-2012-0495**

A. THAT REPORT PB-2012-0094 BE RECEIVED.

B. THAT STAFF REPORT BACK TO COUNCIL ON DECEMBER 10, 2012 WITH A BY-LAW TO REGULATE OUTDOOR SOLID-FUEL COMBUSTION APPLIANCES.

Carried.....

Mayor Grossi moved forward and dealt with Item No. 17.1.7 at this time.

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS:

Councillor Craig expressed an interest to sit on the 2014 Election Committee.

Moved by Councillor Szollosy

Seconded by Councillor Smockum

**RESOLUTION NO. C-2012-0496**

- 17.1.7 1. THAT COUNCIL RECEIVE REPORT NO. DAS-2012-0060 REGARDING THE 2014 ELECTION COMMITTEE.
2. THAT COUNCIL ESTABLISH A 2014 ELECTION COMMITTEE IN PREPARATION FOR THE 2014 ELECTIONS AND APPOINT COUNCILLOR DAVISON, COUNCILLOR SZOLLOSY AND REGIONAL COUNCILLOR WHEELER AND COUNCILLOR CRAIG TO SIT ON THE 2014 ELECTION COMMITTEE.
3. THAT COUNCIL AUTHORIZE THE CLERK TO APPOINT STAFF MEMBERS TO THE ELECTION COMMITTEE AS DEEMED NECESSARY.
4. THAT COUNCIL ADOPT THE 2014 ELECTION COMMITTEE TERMS OF REFERENCE AS PRESENTED.
5. THAT THE 2014 ELECTION COMMITTEE DETERMINE APPROPRIATE RECOMMENDATIONS TO COUNCIL FOR THE 2014 ELECTION PROCESS.

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

6. THAT COUNCIL PROVIDE ANY ADDITIONAL DIRECTION TO THE 2014 ELECTION COMMITTEE AS DEEMED NECESSARY.

Carried.....

17.2 Report from the Economic Development Division:

- 17.2.1 Regional Municipality of York – Draft Economic Development Action Plan

Report No. ED-2012-0016

Moved by Councillor Szollosy

Seconded by Councillor Smockum

**RESOLUTION NO. C-2012-0497**

- A. THAT REPORT ED-2012-0016 BE RECEIVED.
- B. THAT THE REGIONAL MUNICIPALITY OF YORK BE ADVISED THAT THE TOWN OF GEORGINA SUPPORTS THE ACTION ITEMS AND GOALS IDENTIFIED IN THE “DRAFT ECONOMIC DEVELOPMENT ACTION PLAN”. AND FURTHER, THE TOWN OF GEORGINA ACKNOWLEDGES THAT THE GOALS AND ACTION ITEMS CONTAINED THEREIN ARE CLOSELY ALIGNED WITH THE TOWN’S SOCIOECONOMIC MISSION AND STRATEGIC PLAN.
- C. THAT THE CLERK FORWARD A COPY OF REPORT ED-2012-0016 AND COUNCIL’S RESOLUTION THEREON TO THE DIRECTOR OF ECONOMIC STRATEGY FOR THE REGIONAL MUNICIPALITY OF YORK.

Carried.....

17.3 Report from the Planning and Building Department:

- 17.3.1 Extension of Draft Plan Approval Request - Draft Plan of Condominium 19CDM-05G01  
1580699 Ontario Inc. – Greystone Homes  
Part of Lot 16, Concession 2 (NG); northeast corner of Metro Road and Old Homestead Road, Keswick  
AGENT: Michael Smith Planning Consultants

Report No. PB-2012-0095



17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

Gord Mahoney of Michael Smith Planning Consultants, agent for the applicant, stated that the Registry Office is very busy and because of that, it is unlikely that the document can be registered and submitted to the Town by November 28<sup>th</sup>. This is a formality to ensure that development continues.

Moved by Councillor Szollosy

Seconded by Councillor Wheeler

**RESOLUTION NO. C-2012-0498**

- A. THAT REPORT PB-2012-0095 BE RECEIVED.
- B. THAT PURSUANT TO SECTION 51(33) OF THE PLANNING ACT, R.S.O. 1990, AN EXTENSION TO THE APPROVAL OF DRAFT PLAN OF CONDOMINIUM 19CDM-05G01 BE GRANTED TO NOVEMBER 28, 2013.
- C. THAT PURSUANT TO SECTION 51(44) OF THE PLANNING ACT, R.S.O., 1990, THE LAPSING PROVISION CONTAINED IN THE CONDITIONS OF DRAFT PLAN APPROVAL BE AMENDED TO READ, "PURSUANT TO THE PLANNING ACT, R.S.O., 1990, AS AMENDED, APPROVAL OF THIS PLAN OF CONDOMINIUM SHALL LAPSE IF FINAL REGISTRATION HAS NOT BEEN GIVEN BY NOVEMBER 28, 2013, UNLESS APPROVAL HAS BEEN SOONER WITHDRAWN OR THE TOWN OF GEORGINA HAS EXTENDED THE DURATION OF THE APPROVAL".
- D. THAT PURSUANT TO SECTION 51(47) OF THE PLANNING ACT, R.S.O., 1990, WRITTEN NOTICE SHALL NOT BE GIVEN AS THERE ARE NO CHANGES TO THE CONDITIONS OF DRAFT PLAN APPROVAL.

Carried.....

17.4.2 Council Meeting Schedule, 2013

Report No. DAS-2012-0066

Moved by Regional Councillor Wheeler

Seconded by Councillor Craig

**RESOLUTION NO. C-2012-0499**

1. THAT REPORT NO. DAS-2012-0066 REGARDING THE COUNCIL MEETING SCHEDULE FOR 2013 BE RECEIVED.

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

2. THAT THE COUNCIL OF THE TOWN OF GEORGINA APPROVE THE SCHEDULE OF MEETINGS FROM JANUARY 2013 TO DECEMBER 2013 WITH THE FOLLOWING AMENDMENTS, AND THAT ALL COMMITTEES OF COUNCIL ADHERE TO THIS SCHEDULE.

MONDAY, JANUARY 7<sup>TH</sup>, COMMITTEE OF THE WHOLE AND/OR COUNCIL, 9:00 A.M.

TUESDAY, FEBRUARY 19<sup>TH</sup>, NO MEETING

MONDAY, FEBRUARY 25<sup>TH</sup>, COMMITTEE OF THE WHOLE AND/OR COUNCIL, 7:00 P.M.

MONDAY, MARCH 4<sup>TH</sup>, COMMITTEE OF THE WHOLE AND/OR COUNCIL, 9:00 A.M.

MONDAY, MARCH 25<sup>TH</sup>, COMMITTEE OF THE WHOLE AND/OR COUNCIL, 7:00 P.M.

3. THAT THE MEETING DATES BE ADVERTISED ON THE TOWN PAGE OF THE LOCAL NEWSPAPER AND ON THE TOWN'S WEBSITE AS PER OUR NOTICE PROVISIONS.

Carried.....

24. RECESS COUNCIL AND RESOLVE INTO CLOSED MEETING:

Moved by Councillor Craig

Seconded by Councillor Davison

That the Council Meeting recess at this time (8:55 p.m.) and move into a closed meeting pursuant to Section 239 of The Municipal Act, 2001, as amended, to consider:

- i) Advice subject to Solicitor/Client Privilege, Section 239 (2) (f), MA; Recovery of costs related to OMB Appeal of Town of Georgina Development Charges By-law

Carried.....

25. RISE AND REPORT FROM CLOSED MEETING:

The Council Members rose from the Closed Session at this time (10:08 p.m.) and dealt with the following motion in connection with Report No. DAS-2012-0059:

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS:

17.4 Reports from the Administrative Services Department:

- 17.4.1 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

Moved by Councillor Craig

Seconded by Councillor Smockum

**RESOLUTION NO. C-2012-0500**

1. THAT COUNCIL RECEIVE REPORT DAS 20-12-0059 REGARDING RECOVERY OF COSTS RELATING TO OMB APPEAL OF THE TOWN OF GEORGINA DEVELOPMENT CHARGES BY-LAW NO. 2011-0078 (AD-5).
2. THAT STAFF BE INSTRUCTED AND DIRECTED TO PURSUE PARTIAL RECOVERY OF COSTS FOR THE ONTARIO MUNICIPAL BOARD APPEAL.

A recorded vote was requested; the Acting Clerk recorded the vote as follows:

	<u>YEA</u>	<u>NAY</u>
Mayor Grossi	x	
Regional Councillor Wheeler		x
Councilor Craig	x	
Councillor Davison	x	
Councillor Hackenbrook		x
Councillor Smockum	x	
Councillor Szollosy	x	

YEA - 5  
NAY - 2

Carried.....

15 COMMUNICATIONS:

15.2 Matters for Disposition:

- 15.2.1 Township of King requesting endorsement of its position requesting an immediate reinstatement of weekend GO Rail service on the Barrie line and an extension of the weekend GO Rail service throughout the day to encourage ridership.

Moved by Councillor Szollosy

Seconded by Councillor Smockum

**RESOLUTION NO. C-2012-0501**

THAT TOWN COUNCIL SUPPORT THE POSITION OF THE TOWNSHIP OF KING REQUESTING AN IMMEDIATE REINSTATEMENT OF WEEKEND GO RAIL SERVICE ON THE BARRIE LINE AND AN EXTENSION OF THE WEEKEND GO RAIL SERVICE THROUGHOUT THE DAY TO ENCOURAGE RIDERSHIP

Carried.....

- 15.2.2 Correspondence supporting a petition requesting the production of a 'Gold Coin for Children's Cancer'.

Moved by Councillor Szollosy

Seconded by Councillor Davison

**RESOLUTION NO. C-2012-0502**

THAT CORRESPONDENCE SUPPORTING A PETITION REQUESTING THE PRODUCTION OF A 'GOLD COIN FOR CHILDREN'S CANCER' BE RECEIVED.

Carried.....

Councillor Hackenbrook declared an interest in Item No. 15.2.3 being correspondence concerning the status of the OLRM Jackson's Point Development because his spouse is an employee of a local health clinic; he did not participate in any discussion or vote.

15. COMMUNICATIONS cont'd:

- 15.2.3 E-mail correspondence from the Town's Engineering Manager providing a brief update on the status of the OLRM Jackson's Point Development

Moved by Councillor Smockum

Seconded by Councillor Craig

**RESOLUTION NO. C-2012-0503**

THAT CORRESPONDENCE FROM THE TOWN'S ENGINEERING MANAGER PROVIDING A BRIEF UPDATE ON THE STATUS OF THE OLRM JACKSON'S POINT DEVELOPMENT BE RECEIVED AND POSTED TO THE TOWN'S WEBSITE FOR PUBLIC INFORMATION WITH REGARD TO THE PROCESS.

Carried.....

- 15.2.4 Sean and Lori Johnston requesting permission for a 1 ½ hour closure of Bayview Avenue, from #201 to #208, on Saturday, December 1<sup>ST</sup> during their grand opening of their Christmas lights.

Moved by Councillor Szollosy

Seconded by Councillor Smockum

**RESOLUTION NO. C-2012-0504**

THAT THE REQUEST BY SEAN AND LORI JOHNSTON REQUESTING PERMISSION FOR A 1 ½ HOUR CLOSURE OF BAYVIEW AVENUE, FROM #201 TO #208, ON SATURDAY, DECEMBER 1<sup>ST</sup> DURING THEIR GRAND OPENING OF THEIR CHRISTMAS LIGHTS BE DEFERRED TO THE NOVEMBER 19<sup>TH</sup> COMMITTEE OF THE WHOLE MEETING PENDING DISCUSSION BETWEEN THE LOCAL COUNCILLOR AND THE JOHNSTONS TO OBTAIN DETAILS OF THE EVENT.

Carried.....

16. PETITIONS:

None.

18. UNFINISHED BUSINESS:

None.

19. REGIONAL BUSINESS:

19.1 Speed Limit on The Queensway South

Council advised Dan Pisani, Director of Operations and Engineering, for consideration in his report, that the speed limit of the section of The Queensway South between Ravenshoe Road and the crest of the hill by Tim Horton's is posted as 70 km/h. The speed is reduced to 60 km/h at the crest of the hill travelling north. It was noted that turning left out of Joe Dales Drive from the Simcoe Landing Subdivision is becoming difficult due to the increased amount of traffic.

20. BY-LAWS:

Moved by Councillor Szollosy

Seconded by Councillor Craig

That the following by-law be given three readings:

- |      |                                |  |
|------|--------------------------------|--|
| 20.1 | By-law Number 2012-0104 (LI-3) | Being a By-law to amend By-law No. 2011-0029 (LI-3) being a by-law to establish fees and charges for the Recreation and Culture Department; winter season pass rate per person |
|------|--------------------------------|--|

Carried.....

Moved by Councillor Smockum

Seconded by Regional Councillor Wheeler

That the following by-law be given three readings:

- |      |                                 |   |
|------|---------------------------------|---|
| 20.3 | By-law Number 2012-0105 (CON-1) | Being a By-law to authorize the entering into of an Agreement with GTK Renovations for the purpose of reconstruction of the Egypt Hall. |
|------|---------------------------------|---|

Carried.....

20. BY-LAWS:

Moved by Councillor Craig

Seconded by Councillor Davison

That the following by-law be given three readings:

- 20.6 By-law Number 2012-0106 (LA-1) Being a By-law to authorize the entering into of an Agreement between Fontur International and Bell Mobility and the Corporation of the Town of Georgina for the purposes of site lease agreement at 165 The Queensway South, Keswick Fire Station 1-4 and Alternate Municipal Emergency Operations Centre.

Carried.....

17 MOTIONS:

None.

18 NOTICES OF MOTION:

None.

19 OTHER BUSINESS:

- 23.1 Pedestrian Path on e/s of The Queensway South for Simcoe Landing Subdivision

Dan Pisani, Director of Operations and Engineering, was requested to continue to work with the Region of York with regard to creating a pedestrian path to move pedestrian traffic in a safe and efficient manner, and report to Council with regard to what currently exists and what exists in the subdivision agreement.

24. RECESS COUNCIL AND RESOLVE INTO CLOSED MEETING:

Moved by Councillor Smockum

Seconded by Councillor Craig

Be it resolved that the Council Meeting recess at this time (10:36 p.m.) and move into a closed meeting pursuant to Section 239 of The Municipal Act, 2001, as amended, to consider;

24. RECESS COUNCIL AND RESOLVE INTO CLOSED MEETING cont'd:

- ii) Security of the property of the municipality, Section 239 (2) (a), MA; Security Audit of Town facility.

Carried.....

25. RISE AND REPORT FROM CLOSED MEETING:

The Council members rose from the Closed Session at 10:52 p.m. with the following direction:

- ii) Security of the property of the municipality, Section 239 (2) (a), MA; Security Audit of Town facility.

That the Confidential Security Audit prepared by York Regional Police Crime Prevention Unit for the Town of Georgina Civic Centre dated July 31, 2012 be received and remain confidential and that the report be referred to the Chief Administrative Officer to report back to Council.

26. CONFIRMING BY-LAW

Moved by Councillor Szollosy

Seconded by Regional Councillor Wheeler

That the following by-laws be given three readings:

By-law Number 2012-0107 (COU-2)

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

Carried.....

27. ADJOURNMENT:

Moved by Councillor Davison

Seconded by Councillor Szollosy

That the meeting adjourn at this time (10:58 p.m.).

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Robert Grossi, Mayor

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Patricia Nash, Acting Clerk