

THE CORPORATION OF THE TOWN OF GEORGINA

COMMITTEE OF THE WHOLE MINUTES

Tuesday, May 22, 2012
(9:07 a.m.)

1. MOMENT OF MEDITATION:

A moment of meditation was observed.

2. ROLL CALL:

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

Mayor Grossi	Regional Councillor Wheeler
Councillor Craig	Councillor Davison
Councillor Hackenbrook	Councillor Smockum
Councillor Szollosy	

3. COMMUNITY SERVICE ANNOUNCEMENTS:

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

Mayor Grossi and Council members recognized Deborah Buck, Chief Building Official, who will be retiring on June 1st of this year. Ms. Buck has been an employee with the Town for just under fifteen years and will be missed.

4. INTRODUCTION OF ADDENDUM ITEMS AND DEPUTATIONS:

The following addendum items were introduced:

- 4.1 Item (i) of the Closed Meeting agenda, i) Potential Litigation, Section 239(2)(e), MA; potential litigation regarding Municipal Contract, be deleted because there is no update available at this time.

5. APPROVAL OF AGENDA:

Moved by Councillor Smockum

Seconded by Councillor Craig

RESOLUTION NO. CW-2012-0123

THAT THE AGENDA BE APPROVED AS PRESENTED.

Carried....

6. DECLARATION OF PECUNIARY INTEREST:

None.

7. ADOPTION OF THE MINUTES:

Moved by Councillor Davison

Seconded by Councillor Hackenbrook

RESOLUTION NO. CW-2012-0124

THAT THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON APRIL 23, 2012, BE ADOPTED AS PRESENTED.

RESOLUTION NO. CW-2012-0125

THAT THE MINUTES OF THE COMMITTEE OF THE WHOLE MEETING HELD ON MAY 7, 2012, BE ADOPTED AS PRESENTED.

Carried.....

8. BUSINESS ARISING FROM THE MINUTES:

None.

9. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION:

The following items were identified for separate discussion:

- 9.1 Item No. 11.1, deputation by Cindy McDonald, Station Manager, and Jim Anderson, Supervising Producer for Rogers TV, respecting the broadcasting of Town of Georgina Council and Committee of the Whole meetings
- 9.2 Item No. 15.2, various matters for disposition

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

- 9.3 Item No. 17.1.2, Report No. RC-2012-0008 entitled 'Municipal Cultural Planning Consultant'
- 9.4 Item No. 17.1.3, Report No. RC-2012-0009 entitled 'No Smoking By-law'
- 9.5 Item No. 17.3.1, Report No. DAS-2012-0028 entitled 'Inland Iron & Metals annual request for Exemption from Noise By-law and Licensing By-law to allow for loading of two tractor trailers on Sundays and Statutory Holidays'
- 9.6 Item No. 17.3.2, Report No. DAS-2012-0029 entitled 'Status or Property Tax Arrears'

10. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION:

10.1 Matters not subject to individual conflicts

Moved by Councillor Szollosy

Seconded by Councillor Craig

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:

17.1 Reports from the Recreation and Culture Department:

17.1.1 Youth-A-Palooza Event

Report No. RC-2012-0007

RESOLUTION NO. CW-2012-0126

- 1. THAT REPORT NO. RC-2012-0007 BE RECEIVED.
- 2. THAT COUNCIL AUTHORIZE AN EXEMPTION FROM NOISE BY-LAW 2003-0075 (PWE-1) DURING THE YOUTH-A-PALOOZA EVENT ON SUNDAY, JUNE 24, 2012 FROM 10:00 A.M. TO 3:00 P.M.

17.2 Reports from the Planning and Building Department:

17.2.1 Request for Servicing Allocation,
Camlane Holdings Inc., Grangemuir Developments Inc. and
Carness Developments Inc.

Report No. PB-2012-0038

10. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION cont'd:**RESOLUTION NO. CW-2012-0127**

- A. THAT REPORT NO. PB-2012-0038 BE RECEIVED FOR INFORMATION.
- B. THAT COUNCIL PRELIMINARILY APPROVE THE ASSIGNMENT OF 162 PERSONS EQUIVALENT (56 UNITS) OF KESWICK WATER AND SEWER SERVICING ALLOCATION TO PHASE 7 OF PLAN OF SUBDIVISION 19TG-2003-001, SUBJECT TO THE ONTARIO MUNICIPAL BOARD GRANTING DRAFT APPROVAL OF THE AFOREMENTIONED PLAN.
- C. THAT THE CLERK FORWARD A COPY OF REPORT PB-2012-0038 TO HEATHER KONEFAT, DIRECTOR OF COMMUNITY PLANNING OF THE REGIONAL MUNICIPALITY OF YORK.

17.2.2 Draft Proposed Source Protection Plan for the South Georgian Bay
Lake Simcoe Source Protection Region

Report No. PB-2012-0039

RESOLUTION NO. CW-2012-0128

- A. THAT REPORT PB-2012-0039 BE RECEIVED AS INFORMATION.
- B. THAT THE COMMENTS PREPARED BY THE REGION OF YORK FOR THE SOUTH GEORGIAN BAY LAKE SIMCOE SOURCE WATER PROTECTION COMMITTEE ON THE DRAFT PROPOSED SOURCE PROTECTION PLAN, MARCH 26, 2012, CONTAINED IN SCHEDULE '1' OF STAFF REPORT PB-2012-0039 BE ENDORSED BY COUNCIL.
- C. THAT THE TOWN CLERK FORWARD A COPY OF REPORT NUMBER PB-2012-009 TO THE SOUTH GEORGIAN BAY LAKE SIMCOE SOURCE WATER PROTECTION COMMITTEE AND TO DON GOODYEAR, RISK MANAGEMENT OFFICIAL AT THE REGIONAL MUNICIPALITY OF YORK.

17.4 Report from the Operations and Engineering Department:

- 17.4.1 Road Assumption – Remaining Portion of Kerfoot Crescent
 - i) Landgroup Holdings Inc.
Plan of Subdivision 19TG-96002
Registered Plan 75M-3762

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

- ii) Keswick Metro Development
Plan of Subdivision 19TG-2002-001
Registered Plan 65M-3857

Report No. OED-2012-0022

RESOLUTION NO. CW-2012-0129

1. THAT REPORT NO. OED-2012-0022 BE RECEIVED FOR INFORMATION.
2. THAT SCHEDULE 'A' TO BY-LAW 94-60 (PWO-2) BE FURTHER AMENDED TO ASSUME THE ROADWAYS WITHIN THE LANDGROUP DEVELOPMENT INC. DEVELOPMENT, PLAN OF SUBDIVISION 19TG-96002 AND THE KESWICK METRO DEVELOPMENT, PLAN OF SUBDIVISION 19TG-2002-001 AS LISTED ON TABLE 1 ATTACHED.

Carried.....

10.2 Matters subject to individual conflicts

None.

11. DEPUTATIONS:

- 11.1 Cindy McDonald, Station Manager, and Jim Anderson, Supervising Producer for Rogers TV, respecting the broadcasting of Town of Georgina Council and/or Committee of the Whole meetings.

Cindy McDonald thanked Council for considering their request to broadcast Council meetings. She stated that Rogers' focus is to be local and reflective of the communities they serve and a key part is Council coverage. Upon approval to broadcast meetings, Rogers staff will begin the process of searching out equipment to do the job. The meetings will be broadcast live to the channel and be web-screened as well. The filming will consist of multi-camera equipment that will allow them to show different angles and allow viewers to feel like they are in the Council Chambers.

Ms. McDonald explained that outside of Council meeting coverage, Rogers will also be producing local programming that is reflective of the community consisting of programming for workout shows, cooking shows, local sports, magazines, politics and talk shows. This programming will provide opportunities for members of the community to access the channel to promote their events.

11. DEPUTATIONS cont'd:

Jim Anderson, the Supervising Producer, stated that he is overseeing all productions for this area. He stated that he has lived in Georgina for eighteen years and knows the community well. Programming of local-based shows started in February of this year without a studio and nothing but positive comments have been received.

Ms. McDonald stated that Rogers will tap into the audio sound system currently in place in the Council Chambers system. They may need to add a couple of lights to brighten the room but they will be non-intrusive. It will be a one-person operation. The system would be a robotic system using small cameras that can be managed by one person stationed in the loft area of the Chambers.

Ms. McDonald stated that they will provide staff with a DVD copy of the meetings to use for archive purposes and viewing by residents.

Roland Chenier, Town Clerk, advised that the municipality keeps its own archives at this time and does not use an outside agency for doing so.

Ms. McDonald indicated that the meetings would be aired live and will be repeated a few times throughout the week, leading up to the next meeting.

Moved by Councillor Craig

Seconded by Councillor Smockum

RESOLUTION NO. CW-2012-0130

THAT THE DEPUTATION MADE BY CINDY MCDONALD, STATION MANAGER, AND JIM ANDERSON, SUPERVISING PRODUCER FOR ROGERS TV, RESPECTING THE BROADCASTING OF TOWN OF GEORGINA COUNCIL AND/OR COMMITTEE OF THE WHOLE MEETINGS BE RECEIVED.

Carried.....

Moved by Councillor Szollosy

Seconded by Councillor Craig

RESOLUTION NO. CW-2012-0131

THAT COUNCIL GRANT PERMISSION TO ROGERS TV GEORGINA TO SET UP NECESSARY HARDWARE AND TECHNICAL SUPPORT NECESSARY IN ORDER TO BROADCAST GEORGINA COUNCIL AND COMMITTEE OF THE WHOLE MEETINGS LIVE.

Carried unanimously.....

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS:

17.3 Report from the Administrative Services Department:

- 17.3.1 Inland Iron & Metals annual request for Exemption from Noise By-law 2003-0075 and Licensing By-law 2002-0169 to allow for loading of two (2) tractor trailers on Sundays and Statutory Holidays

Report No. DAS-2012-0028

Ryan Cronsberry, Municipal Law Enforcement Officer, explained that changes have been made in 2009 to the agreement between Inland Iron & Metals and the Town of Georgina in relation to past videos made and reviewed in 2008. There has been no documentation indicating violations since that time. He stated that staff will conduct site visits and work closely with both Inland and the complainant to determine if violations are evident and if that is the case, the issue will be referred back to Town Council. No legal action was taken and no charges were laid in response the video in question which was taken by the complainant. The evidence was not sufficient in order to take action. He noted that there are ways to contact the By-law Division if violations are occurring.

Winanne Grant, Chief Administrative Officer, reiterated Mr. Cronsberry's observation that if there is a violation of the agreement, the matter would be referred to Council. Council would then be in a position to debate the violation and determine what steps may be taken. The interpretation of the noise by-law is not clear and it would be a matter of looking at the specifics of the situation and determining if a violation of by-law occurred. She noted that it is possible for staff to look at a complaint situation and determine that no violation occurred.

Mr. Cronsberry advised that since November of 2011, thirteen complaints have been received by the By-law Division by the same complainant.

Mr. Cronsberry explained that under the noise by-law, the business is permitted to operate between the regular business hours of 7am and 10pm, as well as under the licensing by-law. He stated that noise is subjective in a salvage yard operation. He stated that staff cannot determine what would be considered excessive noise, that only a court would be able to determine that. Staff has gone to court regarding the operation of the subject business during regular business hours and it was determined that Inland is free to operate.

Ms. Grant explained that this staff report is concerning whether or not the current agreement between the Town of Georgina and Inland should be extended, not about complaints about the operation. Staff has investigated everything to ensure confidence that Council is in a position to extend the agreement. The reality of an industrial operation

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

is that there is noise associated with it and it is when that noise extends beyond what is normal that a prosecutor would be comfortable with moving ahead with charges. Issues such as equipment in disrepair, exhaust noise from equipment and equipment not being maintained properly so they it squeaks or groans can be enforced.

Mr. Cronsberry stated that complaints need to be substantiated before action can be taken.

Ms. Grant stated that the activities and noise levels taking place on the Inland property are assessed as normal for a salvage yard operation and this type of operation will always generate noise. Staff has no concerns with the municipal noise by-law, with the enforcement of the by-law or the proper protocols in place. Staff has worked with the local prosecutor and there is nothing to prosecute.

Moved by Councillor Smockum

Seconded by Councillor Hackenbrook

RESOLUTION NO. CW-2012-0132

1. THAT REPORT NO. DAS-2012-0028 REGARDING INLAND IRON & METALS REQUEST FOR AN EXEMPTION FROM NOISE BY-LAW 2003-0075 AND LICENSING BY-LAW 2002-0169 TO ALLOW FOR LOADING OF TWO (2) TRACTOR TRAILERS ON SUNDAYS & STATUTORY HOLIDAYS BE RECEIVED; AND
2. THAT SUBJECT TO THE EXECUTION OF THE AGREEMENT ATTACHED TO THIS REPORT, THAT THE TOWN OF GEORGINA GRANT EXEMPTION TO INLAND IRON & METALS FROM SECTION 3 (2) OF SCHEDULE 11 OF LICENSING BY-LAW NO. 2002-0169 (LI-3) AND SECTION 2 (E) (IV) OF NOISE BY-LAW NO. 2003-0075 (PWE-1) TO ALLOW TWO (2) TRACTOR TRAILERS TO BE LOADED ON SUNDAYS AND STATUTORY HOLIDAYS FOR A PERIOD NOT TO EXCEED ONE YEAR FROM JUNE 1, 2012 TO MAY 31, 2013 BETWEEN THE HOURS OF 10:00 A.M. AND 12 NOON.

Carried.....

17.1.3 No Smoking By-law

Report No. RC-2012-0009

Robin McDougall, Director of Recreation and Culture, stated that this report concerns the final phase of implementation of a no-smoking by-law. An additional survey of the users of the facilities indicated that 82% are in favour of the proposed by-law. Some concerns

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

were raised that the Town would be infringing on individuals' rights, suggestions that the smoking area be located further away from an entrance way and requests for exemptions for certain licensed events being held at facilities.

Ms. McDougall stated that staff reviewed other by-laws currently in place in other municipalities. The City of Barrie has implemented a full restriction, but permits smoking in certain parking lots. The City of Ottawa prohibited smoking on all properties with no exceptions and implemented a three month education awareness opportunity to educate the public before issuing penalties.

Ms. McDougall stated that enforcement is a major concern. She stated that if a by-law officer witnesses an offence, it would be responded to, but enforcement tends to come directly from the community enforcing itself. She noted that staff has suggested \$5,000 towards the hiring of a smoke-free ambassador for a three-month period to be onsite on the various beaches in an attempt to make the public aware of the new regulations, along with handing out information flyers.

Ms. McDougall explained that if a full prohibition was approved with the exception of licensed events if they applied for an exemption, the exemption would not apply to within the building itself, but just outside the doors. She noted that the no-smoking regulation under overhangs relates to restaurants and pubs only.

Moved by Councillor Craig

Seconded by Councillor Smockum

RESOLUTION NO. CW-2012-0133

1. THAT REPORT RC-2012-0009 BE RECEIVED.
2. THAT MAYOR AND COUNCIL CONSIDER IMPLEMENTING FURTHER PROHIBITION OF SMOKING MEASURES TO INCLUDE ALL TOWN OWNED PROPERTIES.
3. THAT STAFF INVESTIGATE OPPORTUNITIES TO HIRE AN INDIVIDUAL TO ACT AS A SMOKE-FREE AMBASSADOR FOR THE TOWN TO HELP PROMOTE AND EDUCATE THE PUBLIC ABOUT THE NEW NO-SMOKING BY-LAW INCLUDING ALL ASSOCIATED COSTS INVOLVED AND REPORT BACK TO COUNCIL IN CONJUNCTION WITH A DRAFT BYLAW FOR COUNCIL'S CONSIDERATION.

Carried.....

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

17.3 Reports from the Administrative Services Department:

17.3.2 Status of Property Tax Arrears

Report No. DAS-2012-0029

David Reddon, Manager of Taxation and Revenue, stated that the figures in the report are comparable to previous years. The Town performed twenty property sales last year and is looking at performing another forty-five (45) property sales this year that have been in arrears since 2009, noting that some of the properties are either landlocked or abandoned.

Rebecca Mathewson, Director of Administrative Services and Treasurer, stated that some of the properties may have taxes owing in an amount greater than the value of the property and therefore could be subject to tax right-offs. Staff will become more proactive and not permit outstanding taxes to become greater than the value of the property.

Moved by Councillor Szollosy

Seconded by Councillor Smockum

RESOLUTION NO. CW-2012-0134

THAT COUNCIL RECEIVE REPORT NO. DAS-2012-0029, "STATUS OF PROPERTY TAX ARREARS" FOR INFORMATION PURPOSES.

Carried.....

17.1.2 Municipal Cultural Planning Consultant

Report No. RC-2012-0008

Phil Rose-Donahoe, Manager of Cultural Services, stated that this is a retroactive report to advise Council as to whom staff chose for the consultant. The dollar value of \$41,000 is based on the Greater Communities Prosperity Funding received in the amount of \$20,500 as Council granted approval to match that amount.

Winanne Grant, Chief Administrative Officer, explained that the Committee performed an evaluation, proceeded with a selection and launched the project. The step of reporting to Council about the consultant chosen was overlooked.

17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

Moved by Councillor Craig

Seconded by Councillor Davison

RESOLUTION NO. CW-2012-0135

- 1 THAT REPORT RC-2012-0008 BE RECEIVED.
- 2 THAT MAYOR AND COUNCIL AUTHORIZE STAFF TO ENTER INTO A CONTRACT WITH NOVITA INTERPARES LTD. FOR PROFESSIONAL CONSULTING SERVICES FOR A MUNICIPAL CULTURAL PLAN.
- 3 THAT THE PURCHASING MANAGER BE AUTHORIZED TO ISSUE A PURCHASE ORDER AND AGREEMENT ACCORDINGLY IN THE AMOUNT OF \$41,000.00 NOT INCLUDING TAXES, FOR REQUEST FOR PROPOSAL CONTRACT NO. RPC2012-0001 (NET EXPENDITURE AFTER FUNDING TO BE \$20,500.00, NOT INCLUDING TAXES).

Carried.....

12. PRESENTATIONS:

None.

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION:

14. PUBLIC MEETINGS:

None.

15. COMMUNICATIONS:

15.1 Matters for Routine:

None.

15.2 Matters for Disposition:

- 15.2.1 Heather Fullerton of the Georgina Arts Centre and Gallery requesting Council declare the 6th annual 'ArtXtreme' event being held at the ROC facility on Saturday, June 2nd, a 'Community Festival Event'.

15. COMMUNICATIONS cont'd:

Moved by Councillor Davison

Seconded by Councillor Szollosy

RESOLUTION NO. CW-2012-0136

THAT TOWN COUNCIL DECLARE THE 6TH ANNUAL 'ARTXTREME' EVENT BEING HELD AT THE ROC FACILITY ON SATURDAY, JUNE 2ND, A 'COMMUNITY FESTIVAL EVENT'.

Carried.....

15.2.2 Federation of Canadian Municipalities respecting membership renewal.

Moved by Councillor Szollosy

Seconded by Councillor Craig

RESOLUTION NO. CW-2012-0137

THAT CORRESPONDENCE FROM THE FEDERATION OF CANADIAN MUNICIPALITIES RESPECTING MEMBERSHIP RENEWAL BE RECEIVED.

Carried.....

15.2.3 Lynn Marles of 'Give a Miracle a Chance' 2012 Charity Baseball Tournament event requesting Council declare the event a 'Community Festival Event' and grant permission to host its annual beer tent at West Park on Saturday, June 16th, with a rain date of June 23rd.

Moved by Councillor Szollosy

Seconded by Councillor Davison

RESOLUTION NO. CW-2012-0138

THAT TOWN COUNCIL DECLARE THE 'GIVE A MIRACLE A CHANCE' 2012 CHARITY BASEBALL TOURNAMENT EVENT BEING HELD AT WEST PARK ON SATURDAY, JUNE 16TH WITH A RAIN DATE OF SATURDAY, JUNE 23RD, A 'COMMUNITY FESTIVAL EVENT' AND GRANT PERMISSION TO OPERATE ITS ANNUAL BEER TENT DURING THE EVENT, AND THAT TOWN STAFF CONTACT THE PORTABLE TOILET SUPPLIER TO ENSURE THAT THERE WILL BE AT LEAST ONE ACCESSIBLE PORTABLE TOILET AVAILABLE DURING THIS EVENT.

Carried.....

15. COMMUNICATIONS cont'd:

- 15.2.4 Mayors Coalition Steering Committee requesting municipalities lend moral support to its causes and join the coalition as registered members.

Moved by Councillor Szollosy

Seconded by Councillor Smockum

RESOLUTION NO. CW-2012-0139

THAT CORRESPONDENCE FROM THE MAYORS COALITION STEERING COMMITTEE REQUESTING MUNICIPALITIES LEND MORAL SUPPORT TO ITS CAUSES AND JOIN THE COALITION AS REGISTERED MEMBERS, BE RECEIVED.

Carried.....

- 15.2.5 Ministry of Citizenship and Immigration requesting nominations for the Ontario Medal for Good Citizenship by the deadline of July 17, 2012.

Moved by Councillor Szollosy

Seconded by Councillor Davison

RESOLUTION NO. CW-2012-0140

THAT CORRESPONDENCE FROM THE MINISTRY OF CITIZENSHIP AND IMMIGRATION REQUESTING NOMINATIONS FOR THE ONTARIO MEDAL FOR GOOD CITIZENSHIP BY THE DEADLINE OF JULY 17, 2012, BE RECEIVED AND REFERRED TO THE RECREATION AND CULTURE DEPARTMENT FOR CIRCULATION TO THE APPROPRIATE GROUPS AND ORGANIZATIONS TO GENERATE NOMINATIONS.

Carried.....

16. PETITIONS:

None.

18. UNFINISHED BUSINESS:

None.

19. REGIONAL BUSINESS:

None.

20. MOTIONS:

None.

21. NOTICES OF MOTION:

None.

22. OTHER BUSINESS:

None.

23. RECESS COMMITTEE OF THE WHOLE AND RESOLVE INTO CLOSED MEETING:

Moved by Councillor Smockum

Seconded by Councillor Craig

Be it resolved that the Committee of the Whole Meeting recess at this time (10:25 a.m.) and move into a Closed Meeting pursuant to Section 239 of The Municipal Act, 2001, as amended, to consider:

- ii) Advice that is subject to solicitor/client privilege, Section 239(2)(f), MA; update regarding an Ontario Municipal Board appeal
- iii) Personal matter about an identifiable individual, Section 239 (2)(b), MA; completion of employee probation period

Carried.....

24. RISE AND REPORT FROM CLOSED MEETING:

The Committee members rose from the Closed Meeting at this time (12:25 p.m.) with the following direction:

- ii) Advice that is subject to solicitor/client privilege, Section 239(2)(f), MA; update regarding an Ontario Municipal Board appeal

Staff was instructed to provide direction to legal counsel.

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

- iii) Personal matter about an identifiable individual, Section 239 (2)(b), MA; completion of employee probation period

Council to provide direction to the Manager of Human Resources for ratification at the next meeting.

25. ADJOURNMENT:

Moved by Councillor Smockum

Seconded by Councillor Craig

That the meeting adjourn at this time (12:30 p.m.).

Carried.....