

THE CORPORATION OF THE TOWN OF GEORGINA

COUNCIL MINUTES

July 15, 2013
(4:38 p.m.)

Staff in attendance:

Winanne Grant, Chief Administrative Officer
Rebecca Mathewson, Director of Administrative Services and Treasurer (left at 9:50pm)
Harold Lenters, Director of Planning and Building
Robin McDougall, Director of Recreation and Culture
Dan Pisani, Director of Operations and Engineering
Tricia Quinlan, Human Resources Manager
Yvonne Aubichon, Town Clerk
Carolyn Lance, Council Services Coordinator

1. MOMENT OF MEDITATION:

A moment of meditation was observed.

2. ROLL CALL:

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

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

Regrets: Councillor Davison

Closed Session commenced at 4:39 p.m.

24. RECESS COUNCIL AND RESOLVE INTO CLOSED SESSION:

Moved by Councillor Smockum, Seconded by Councillor Hackenbrook

Be it resolved that the Council Meeting recess at this time (4:39 p.m.) and move into a closed session pursuant to Section 239 of The Municipal Act, 2001, as amended, to consider:

I) CLOSED SESSION MINUTES:

- (a) Closed Session Minutes – June 3, 2013
- (b) Closed Session Minutes – June 17, 2013

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

**II) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL,
INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES – SECTION 239
(2) (b), MA**

- Engineering Services Review Report

**III) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF
LAND BY THE MUNICIPALITY OR LOCAL BOARD – SECTION 239 (2) (c),
MA**

- Proposed Divestiture of Property – Jackson's Point

Carried.

The Council Services Coordinator left the meeting at this time during Closed Session discussions.

25. RISE AND REPORT FROM CLOSED SESSION:

The Council Members rose from Closed Session at 6:40 p.m. and recessed at this time.

Moved by Councillor Szollosy, Seconded by Councillor Smockum

That Council recess until 7:00 p.m. and then report on matters discussed in Closed Session.

The Council meeting resumed at 7:05 p.m.

Staff in attendance:

Winanne Grant, Chief Administrative Officer
Rebecca Mathewson, Director of Administrative Services and Treasurer
Harold Lenters, Director of Planning and Building
Robin McDougall, Director of Recreation and Culture
Dan Pisani, Director of Operations and Engineering
Yvonne Aubichon, Town Clerk
Carolyn Lance, Council Services Coordinator
Robert Fortier, Operations Manager
Karyn Stone, Economic Development Manager
Joe Costanza, Civil Technician
Michael Baskerville, Engineering Manager
Jonathan Pegg, Deputy Fire Chief
Jordan Redshaw, Communications Coordinator

Others:

Heidi Reidner, The Advocate
Karen Wolfe, The Pefferlaw Post

1. MOMENT OF MEDITATION:

A second moment of meditation was observed recognizing the passing of John Link and Al Fleming, as well as Christopher Abbs.

2. ROLL CALL:

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

3. COMMUNITY SERVICE ANNOUNCEMENTS:

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

4. INTRODUCTION OF ADDENDUM ITEMS AND DEPUTATIONS:

Item No. 20.10 A By-law to authorize the Mayor and Clerk to enter into a contract between Miller Paving Limited and the Corporation of the Town of Georgina for surface treatment on various roads within the Town of Georgina

Item No. 14.1.1 Correspondence from Ontario Greenbelt Alliance concerning application for Site Alteration Permit, Westdale Construction Co. Ltd. regarding Item No. 14.1.1

25. RISE AND REPORT FROM CLOSED SESSION:

Report from Closed Session occurred at 7:08 p.m. as follows;

**II) PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL,
INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES – SECTION 239
(2) (b), MA**

- Engineering Services Review Report

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

Moved by Councillor Szollosy, Seconded by Councillor Craig

RESOLUTION NO. C-2013-0295

That Confidential Report OED-2013-0038 prepared by the Operations and Engineering Department dated July 15, 2013 pertaining to the Engineering Services Review Report submitted by McCauley Nichols and Associates be received.

That staff be directed to undertake the required financial analysis to support the funding of the recommendations and report back to Council on August 12, 2013 with the funding analysis and for consideration of formal adoption of the recommendations.

Carried.

**III) A PROPOSED OR PENDING ACQUISITION OR DISPOSITION OF
LAND BY THE MUNICIPALITY OR LOCAL BOARD – SECTION 239 (2) (c),
MA**

- Proposed Divestiture of Property – Jackson’s Point

Moved by Councillor Hackenbrook, Seconded by Councillor Smockum

RESOLUTION NO. C-2013-0296

That the verbal update from the Chief Administrative Officer on the Proposed Divestiture of Property - Jackson’s Point be received.

Carried.

5. APPROVAL OF AGENDA:

Moved by Councillor Craig, Seconded by Councillor Smockum

RESOLUTION NO. C-2013-0297

That the agenda, with the following addendum items, be approved:

- Item No. 20.10 A By-law to authorize the Mayor and Clerk to enter into a contract between Miller Paving Limited and the Corporation of the Town of Georgina for surface treatment on various roads within the Town of Georgina

5. APPROVAL OF AGENDA cont'd:

Item No. 14.1.1 Correspondence from Ontario Greenbelt Alliance concerning application for Site Alteration Permit, Westdale Construction Co. Ltd. regarding Item No. 14.1.1

Carried.

6. DECLARATION OF PECUNIARY INTEREST: None.7. ADOPTION OF THE MINUTES:

Moved by Councillor Davison, Seconded by Councillor Smockum

RESOLUTION NO. C-2013-0298

That the following minutes be adopted as presented:

- Council Meetings held on February 26 and 27, 2013, 2013 Budget.
- Special Council Meeting held on April 9, 2013; 2013 Budget.
- Council Meeting held on June 24, 2013.

Carried.

The Town Clerk was requested to review the second page of the February 26 and 27 Minutes respecting the time the meeting was resumed.

8. BUSINESS ARISING FROM THE MINUTES: None.9. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION:

The following items were identified for separate discussion:

- 11.1 Deputation by Steve Hinder introducing Council to a Magna for Community initiative; 'Neighbourhood Network'
- 14.1.1 Report No. OED-2013-0035 entitled 'Site Alteration Agreement, Westdale Construction Co. Limited (c/o Warren Kimel)'
- 15.2 various matters for disposition
- 17.1.1 Report No. PL-2013-0067 entitled Appeal Against official Plan Amendment No. 111 being the Sutton/Jackson's Point Secondary Plan'
- 17.1.3 Report No. PB-2013-0069 entitled 'Bill 41 – 'Preserving Existing Communities Act, 2013'
- 17.2.1 Report No. ED-2013-0015 entitled 'Downtown Sutton Merchant's Association Business Improvement Area – Appointment to the Board of Management'

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

- 17.3.1 Report No. RC-2013-0026 entitled 'Award of Merit Proposed Revisions to the Program'
- 17.4.2 Report No. OED-2013-0037 entitled 'Construction of Sanitary Sewer – Lowndes Avenue, Greengate Village Subdivision'
- 17.4.3 Report No. OED-2013-0039 entitled 'Award of Tender, Surface Treatment of Various Roads within the Town of Georgina'
- 20 various by-laws

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:

Routine:

RESOLUTION NO. C-2013-0299

That the following routine correspondence be received;

- i) Georgina Library Board Minutes of May 16, 2013.
- ii) Georgina Keswick Cemetery Board Minutes of May 23, 2013.
- iii) Nancy Michie, Administrator Clerk Treasurer, Municipality of Morris-Turnberry, advising of its position that it is not a willing host community for Industrial Wind Turbine Projects.
- iv) Nancy Michie, Administrator Clerk Treasurer, Municipality of Morris-Turnberry, advising of its endorsement of the resolution from the Township of Killaloe-Hagarty-Richards in regards to Toronto Transit, opposing any plan by the Provincial government that increases the financial burden on municipal ratepayers in rural Ontario by subsidizing the transit system for the GTA.
- v) AMO Report to members; highlights of the June 2013 Board Meeting
- vi) Denis Kelly, Regional Clerk, Region of York, respecting report entitled 'Conditional Grants Equal to Development Charges for Affordable Housing Projects Under the Investment in Affordable Housing Program'; the report requests the enactment of site-specific by-laws to permit the Region to enter into municipal housing project facilities agreements with community agencies to provide a conditional grant equal to the Regional development charges applicable to the development of new non-profit housing developments.

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

- vii) Denis Kelly, Regional Clerk, Region of York, respecting report entitled 'Water and Wastewater Capacity Assignment to Support Approved Growth'; to support local municipalities to achieve their 2021 Regional Official Plan population forecasts.
- viii) Denis Kelly, Regional Clerk, Region of York, respecting report entitled '2013 Property Tax Capping Authorization Report'; to determine the 'clawback rate' percentage of tax decreases to be withheld for the 2013 taxation year to fund 'capped' properties needs so local municipalities may issue their tax bills for the busies property classes in a timely manner.
- ix) Denis Kelly, Regional Clerk, Region of York, respecting report entitled 'Lake to Lake Route Definition and Implementation Framework' to inform Council of the study completion and requesting Regional Council endorsement of the phased implementation framework over a five year period.
- x) Denis Kelly, Regional Clerk, Region of York, respecting report entitled 'Designing Great Streets: A Context Sensitive Solutions Approach'; street typologies for developing a guideline for regional streets in consultation with local municipalities.

Reports:

17.1.2 Official Plan Review – Consultant Selection

Report No. PB-2013-0068

RESOLUTION NO. C-2013-0300

- A. That Report PB-2013-0068 prepared by the Planning Division dated July 15, 2013 respecting the Official Plan Review – Consultant Selection be received.
- B. That Council approve the selection of MHBC Planning, Urban Design, and Landscape Architecture (MHBC) to conduct the Official Plan Review, and that staff and the technical advisory committee proceed with finalizing the work program contained within the proposal, attached as Schedule '1' to Report No. PB-2013-0068, with an upset cost of \$100,000.00.
- C. That a by-law be passed authorizing the Mayor and Clerk to enter into an agreement with the selected consultant to carry out the Official Plan Review as outlined in the finalized proposal determined by staff and the technical advisory committee.
- D. That the Clerk forward a copy of Report No. PB-2013-0068 to the Region of York Long Range Planning Branch and Lake Simcoe Region Conservation Authority.

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

17.2.2 Branding and Signage Strategy – Update

Report No. ED-2013-0016

RESOLUTION NO. C-2013-0301

- A. That Report ED-2013-0016 prepared by the Economic Development and Communication Divisions and dated July 15, 2013, respecting the Branding and Signage Strategy be received.
- B. That staff host three (3) public consultation sessions in order to provide the following:
 - i) an update to the public with respect to the Town’s Branding and Signage Strategy.
 - ii) create an awareness of the positioning statements and guideposts as indicated in section 4 of Report ED-2013-0016 and to advise the public that same will be used to support the Branding and Signage Strategies, future marketing, and ongoing communications efforts undertaken by the Town of Georgina.
 - iii) an opportunity for the public to provide input with respect to developing a strong brand for Georgina including a review of the existing logo.
- C. That staff report to Council with the input received during the three public consultation sessions and the next steps in the Branding and Signage Strategy.

17.2.3 Approval of Grant Funding

Report No. ED-2013-0017

RESOLUTION NO. C-2013-0302

- A. That Report ED-2013-0017 prepared by the Economic Development and Tourism Division, dated July 15, 2013 regarding the approval of a grant application be received.
- B. That Council approve the disbursement of the following grant:
 - Uptown Keswick Business Association \$3,076.00

10. ADOPTION OF ITEMS NOT REQUIRING SEPARATE DISCUSSION cont'd:17.4 Reports from the Operations and Engineering Department:

17.4.1 Subdivision Agreement – Gladebrook Developments Inc.
(c/o Phil Ramsay)
Draft Plan of Subdivision No. 19T-06G01
Blocks 80 and 82, Plan 65M-3860
Part Lot 8, Concession 3 (NG)
Richmond Park Drive, Keswick

Report No. OED-2013-0034

RESOLUTION NO. C-2013-0303

1. That Report OED-2013-0034 prepared by the Operations and Engineering Department dated July 15, 2013 respecting the Subdivision Agreement made between Gladebrook Developments Inc. (c/o Phil Ramsay) and the Town of Georgina relating to Plan of Subdivision No. 19T-06G01 be received.
2. That a by-law be passed to authorize the Mayor and Clerk to execute a Subdivision Agreement between Gladebrook Developments Inc. (c/o Phil Ramsay) and the Town of Georgina.
3. That a by-law be passed to authorize the Town Solicitor to execute all easement, land transfer, road dedication of 0.3 metre (1') reserves and other documents to be registered in connection with the proposed Plan of Subdivision No. 19T-06G01.
4. That a by-law be passed dedicating part 1 on the Draft Reference Plan of Survey attached hereto as Appendix ii as public highway and forming part of Springwater Drive.
5. That forty-nine (49) persons equivalent (17 units at 2.9 persons per unit) of water supply and sanitary sewage treatment capacity be allocated to Draft Plan of Subdivision No. 19T-06G01.

Carried.

10.2 Matters subject to individual conflicts None.

11. DEPUTATIONS:

- 11.1 Steve Hinder, Tom Taylor and Susan Boyne introducing Council to a Magna for Community initiative; 'Neighbourhood Network'.

Mr. Hinder, Manager of Magna for Community, introduced the Neighbourhood Network Program to Council; a program initiated in 2008 using volunteers from our own communities to assist others and the intention to extend the program into Georgina.

Moved by Councillor Smockum, Seconded by Councillor Davison

RESOLUTION NO. C-2013-0304

That the deputation made by Steve Hinder introducing Magna's Neighbourhood Network Program be received and referred to the Recreation and Culture Department to meet with Steve Hinder, Tom Taylor and Susan Boyn to assess how the parties involved can coordinate activities for such a program in Georgina and report back to Council.

Carried.

12. PRESENTATIONS: None.

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION:

14. PUBLIC MEETINGS:

- 14.1 Report from the Operations and Engineering Department:

- 14.1.1 Site Alteration Agreement
Westdale Construction Co. Limited (c/o Warren Kimel)
Part Lot 18, Concession 6 (NG)
127 Country Mile Lane

Report No. OED-2013-0035

Michael Baskerville, Director of Engineering, addressed Council as follows:

- process began in 2011
- lot grading/fill by-law in place since 1981. Current by-law passed in April of 2011 driven by Council's concern of the importation of large quantities of fill from outside the town limits which are considered less than desirable. Wished to see large scale fill operations controlled that prevented contaminated fill and the import of same in a reasonable manner

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION cont'd:
14. PUBLIC MEETINGS cont'd:

Michael Baskerville cont'd;

- All site alterations involving the placement of fill require a permit. The type of permit depends on the volume of fill in question. Fill placement over 2000 cubic metres requires a public meeting, approval by Town Council and a site alteration agreement
- this application is to move 180,000 cubic metres of fill on the farm with no fill being imported. Because of the volume, staff was required to bring an application to Council for approval
- application requires that a public meeting be held, similar to a Planning Act application. By-law 2011-0044(REG-1) is pursuant to section 142 of the Municipal Act and not the Planning Act
- notices were mailed to all property owners within 400 feet of the subject property and beyond, advertisement was placed in the local newspaper, on the Town's website
- A public meeting is mandatory under the Planning Act and staff followed the Planning Act process with this application
- unlike the Planning Act, there is no appeal process for site alteration applications

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

Steve Schaefer, SCS Engineering, representing the landowners in this application, addressed Council as follows;

- met owners in 2012 regarding their desire to construct a pond on the subject property they were looking to acquire
- in November of 2012, they started to work with Town staff regarding the construction of a pond
- owners purchased property in February of 2013
- recommended that owners conduct a hydrogeological report regarding water
- geotechnical report confirmed suitability of soil to accommodate a pond
- acoustical analysis conducted and property is in accordance with the standards
- will not be illuminated at night
- only maintenance of pond will be grass-cutting. Will be designed so existing area will not drain into it; to be a self-contained pond
- flood control measures; SCS is stormwater expert; no flooding concern
- intention of pond is for personal, private recreational use, no public use intended
- drinking water well impacts; monitoring surrounding wells and will work with existing residents, will deal with Permit to Take Water process to fill the pond. No permit can be provided if there is a potential for any impact to surrounding wells
- as pond is to be private, appellant is requesting waiver of the municipal services fee of \$.50 per cubic metre in the form of a Letter of Credit to deal with any contaminated soil, as no soil is being brought in, and requesting that the groundwater monitoring requirement be modified to a well monitoring requirement and to modify the wording to read 'water depth and quantity', not 'quality of soil'

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION cont'd:
14. PUBLIC MEETINGS cont'd:

Joe Costanza, Civil Technician, addressed Council as follows:

- project will deal with the excavation and relocation of 180,000 cubic metres of fill material to construct a pond for personal use
- no recommendation at this point
- applicant has submitted everything required to satisfy requirements. Staff is satisfied with the information been provided
- complies with site alteration by-law
- have met all conditions
- proposal reviewed as site alteration application, not as construction of a pond
- no permit required from Lake Simcoe Region Conservation Authority as the site of the pond is not located in a regulated area

Mr. Schaefer;

- Environmental company screened the site, pond to be in the south/west corner of property which is not a regulated area
- silty clay soil texture

Greg Meet, Golder Associates, addressed Council as follows;

- drilled three bore holes within proposed pond area. Preliminary report looks at site specific data through bore holes and publicly available water level records regarding ground water. Geological mapping conducted to determine potential impacts from development of this nature. Draws on data base to see what aquifers are being used for each resident to get an idea of potential impacts to aquifers
- soil units are silty, dense clay, not conducive to digging well to supply a home.
- volume of pond is 135,000 metres cubed
- study not yet conducted to determine daily recharge rate in summer months
- specific recharge for pond not calculated yet
- Ministry of Environment water limit is 50,000 litres per day
- baseline monitoring system being done now on the wells in the area

Dalila Giusti, Jade Acoustics Inc., addressed Council as follows;

- noise study conducted while boat that is being used was in operation

Council requested clarification from Harold Lenters, Director of Planning and Building, with respect to planning processes regarding site alteration applications.

Harold Lenters, Director of Planning and Building, addressed Council as follows;

- in terms of the use of the property, if owners were to turn it into a commercial operation, the Town could take action as a zoning violation
- zoning by-law does not permit a commercial use of this type
- owner could undertake with the Town the details of a future sale

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION cont'd:
14. PUBLIC MEETINGS cont'd:

Mr. Lenters cont'd:

- zoning by-law does not regulate the construction of a pond for private use. Only if it was intended to be a commercial operation
- may be landscaped and buffered so cannot be seen or heard
- removal of prime agricultural land is an issue. Owner not required to farm the land, but this application would remove potential farm land which could be used for aquiculture in future

Mr. Costanza;

- allowable for property owners to move fill on their own properties, up to 2,000 cubic metres without a permit
- anything within normal agricultural purposes is exempt from the by-law. This is not an agricultural purpose and is therefore not exempt
- has not researched the issue of when a 'pond' becomes a 'lake'

Hans Pape, 535 Catering Road, addressed Council as follows:

- he is opposed for ethical and environmental reasons
- average water usage is 340 litres per day per person
- volume of water at 3 metre depth equals 150 million litres. This amount of water would serve 441,000 people/day or 10 times the population of Georgina
- to be pumped from new drilled wells while most ponds fill naturally from surrounding areas
- 71,000 litres/day loss of water through evaporation which could be 10 times higher on hot days
- need for water is high, not ethical for one person to use 100 to 2,000 times more water than one person would use

Reverend Jim Keenan, Weir's Sideroad, Pefferlaw, addressed Council as follows:

- need at least one month to review and comment
- staff calling this a land alteration rather than a change in use but given the pond's magnitude, it should be a change in land use
- owner is a corporation using land for personal use
- should be reasonable return on amount of funds invested on the property
- why if for personal use, is this processing being done through a corporation
- boat will have substantial noise impact
- loss of agricultural land is a key point
- should make remaining farmland profitable and productive in this economy
- much agricultural land is owned by spectators and all levels of government should take a stand on removal of agricultural land

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION cont'd:
14. PUBLIC MEETINGS cont'd:

Don Rubin, 25381 Kennedy Road, addressed Council as follows:

- hydrogeologist has been monitoring his well
- proposed pond is 12 times larger than his own property
- pond will need thousands of litres of water and 50,000 of litres/day to remain filled.
- Town document designates the subject property as farmland
- underground water connects to Lake Simcoe
- primary recharge area beneath property for much of this area
- government bodies are supposed to protect the lake but proposal will change the land designation, ultimately affecting agricultural land, wells, trees, and it is a change to the Town Plan
- will be at least one boat on this pond
- long term and irreversible changes will occur, those living near it could lose everything
- Council should vote against huge change in usage, Town and character needs to be retained. Not good planning

Debbie Gordon, 44 Riverglen Drive, Save the Maskinonge, Green Belt Alliance, addressed Council as follows:

- should strengthen regional farming economies and natural features
- submitted letter opposing the proposal
- proposal should go through the Green Belt Plan, Lake Simcoe Protection Plan, etc
- it is proposed to be on a hill in headwaters area, watershed where surface water converges to north of river
- subject property identified in the Official Plan as significant recharge area which works like a filter
- by all the research conducted, could be considered a manmade lake
- all water/snow will not drain downstream, but will be contained in the pond. With climate change, cannot produce the amount of water needed to retain our lives. During droughts, neighbours do not have water in their homes, but sod farms across the road have a Permit to Take Water
- this is a change of use; as a site alteration, it is not subject to the Provincial Policy Statement or Greenbelt Plan
- requested Council to support Lake Simcoe and our farming community; should go through the planning process to trigger all processes

Margaret Quirk, 482 Catering Road, addressed Council as follows:

- having spent 16 years as Ward Councillor and on the Lake Simcoe Region Conservation Authority, has grave concerns on how it will impact water supply and drinking water
- requested Council to revise Recommendation 2 of the report to refuse it and to direct the applicant to the Planning Department for information on how to apply for an Official Plan and Zoning By-law Amendment

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION cont'd:
14. PUBLIC MEETINGS cont'd:

Margaret Quirk cont'd:

- too many unanswered questions and legislative tools being avoided to justify continuing under this current format

Adele Reid, 4590 Old Homestead Road, addressed Council as follows;

- proposal talks about security of \$25,000 regarding water issues that may come up. She recently spent \$12,000 to drill a well, so she suspects \$25,000 is not near enough of a security.

Paul Harpley, South Lake Simcoe Naturalists, addressed Council as follows:

- club is opposed to the site alteration agreement
- should have been a planning application
- obvious scope of the project is amazing; is a 12 acre lake, not a pond He canoes between lakes in parks that are not nearly as large as this is proposed to be
- this is a large lake on top of a hill which is a glacial feature and an important aquifer recharge area
- location of pond is fully within a recharge area
- staff should follow the Town's Official Plan
- he does not have a lot of confidence on impact of development on existing wells, considering past occurrences
- would like to review consultant reports including the archeological reports
- requested Council to realize this is not appropriate

John McLean, 230 Catering Road, addressed Council as follows:

- will be adverse impacts of some kind on neighbouring properties
- nowhere in the by-law or the application forms for a permit is the word 'pond' or 'lake', nor is such construction contemplated by the by-law
- in intensive agricultural area and pond would be in a recharge area which is important to the Maskinonge River
- proposed change in use of property represents a major change in use and should require an Official Plan Amendment. Just under 100 acres of this parcel have been used for intensive agricultural use in the past. Pond to be placed on top of best yielding agricultural area. 24 acres to be taken out of production, ¼ of land being taken out of use forever. It is entirely new use which is not compatible to agriculture
- By-law 2011-0044 does not support goals of the Official Plan
- requested Council deny the application

Mike Goldschmid, 25228 McCowan Road, addressed Council as follows:

- it is a lake, not a pond
- personal use could turn into more than one boat, jetskis, parties to disturb neighbours
- his well has not run dry to date, but where would he go for his water needs if it did?

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION cont'd:
14. PUBLIC MEETINGS cont'd:

Heather Kemp, 25992 McCowan Road, addressed Council as follows;

- all levels of government elected to lead constituents for future generations. When is the site alteration permit not just a site alteration permit
- her concerns include the spill rate, all waters lead to Lake Simcoe, Class Environmental 1 and 2 lands, cannot be considered merely a site alteration when water will be redirected
- adequate time required to study the issue to consider impact of site alteration over future generations in times of flooding and drought
- it is not due process when the by-law states that 'no person shall alter the grade of land...except in accordance with the applicable zoning by-law, Greenbelt Plan, Lake Simcoe Protection Plan'
- watershed issue that could not be reversed in future
- precedent-setting issue
- potential for harm for now and future generations
- should employ all legislation to scrutinize this application

Winanne Grant, Chief Administrative Officer, explained that Council received notice after the public received their notice of this issue. Circulation was followed from the Ontario Planning Act model; to the public, to the property owners in proximity, an advertisement in the newspaper, posting of property twenty days in advance. Council received notice on July 10th.

Paul Miner, 25312 McCowan Road, addressed Council as follows:

- resides at the bottom of the hill where the pond is to be constructed
- concerns with water quality
- due diligence required

Peter Sibbald Brown, Lakewatch Society, addressed Council as follows:

- proposal is in conflict with the purposes and intent of the Greenbelt Plan and Official Plan
- in conflict with the permitted uses of the Official Plan, both in the agricultural protection and the rural areas
- Council has a duty to the citizens of Ontario and to Georgina residents to defend the legacy to the Province and to our future generations

Linda Anderson, 124 Country Mile Lane, addressed Council as follows:

- lives across the road on a dairy farm
- major concern with running out of water. When wells run dry, sometimes they remain dry and she wonders what would happen to their farm if that happened
- water quality does matter and if the water table is disturbed, the quality could change

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION cont'd:
14. PUBLIC MEETINGS cont'd:

Hans Helleman, 4694 Old Homestead Road, addressed Council as follows:

- it is very clear that neighbours are not happy with proposal
- is proposed pond compatible with the community?
- will be a personal lake, although Lake Simcoe is very close for use
- neighbours are not in favour of the applicant's personal playground proposal.
- concerned about water and noise issues
- noise not fair to farm animals in the area
- requested Council refuse application

Wayne Winch, 26116 Warden Ave, addressed Council as follows:

- water quality should not be disturbed; if the taste of the water is altered, it will change the production for sheep and dairy herds
- water studies and well monitoring were conducted concerning the ROC project and his well still went dry because of it
- subject property is agricultural land
- Federation of Agriculture determining in 1960 the quality of the farmland and this has not been revised since then
- property values will definitely be affected
- not acceptable with neighbouring property owners due to potential noise disturbance

Shirley Thompson, Realtor, addressed Council as follows:

- she is a realtor in Georgina and sold the subject property to the Kimel family.
- When they purchased the farm, voiced interest in digging a pond to race one boat
- he was advised by the police of a safety issue with racing the boat on Lake Simcoe.
- believes it would be a horrible use of water for one person
- land was purchased in the company name as a tax measure

A resident of Belhaven asked that if you are not going to do it right, then how will you do it?

Mr. Lenters read the applicable section of the Zoning By-law which states that permitted non-residential uses include agriculture, aquiculture, forestry, mushroom farms, adventure games, and that no recreational or athletic activity be permitted for which a membership fee or money is received or a fee charged for participation. It is clear in the zoning by-law that one may have a recreational activity if it is not commercial in nature and no fees are involved. The issue is the movement of the fill which would substantially alter the land. The Municipal Act deals with the movement of fill under fill alteration while the zoning by-law doesn't deal directly with movement of fill. Zoning permits the creation of a pond. The size of the pond does not affect it being heard under the official plan amendment or the zoning by-law. The fill permit

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION cont'd:
14. PUBLIC MEETINGS cont'd:

Mr. Lenters cont'd:

regulates the movement of fill and the zoning by-law deals with use of land. This is a unique situation and there are no regulations with regard to size. The statement that it should be a zoning by-law amendment and official plan amendment would make the issue subject to an Ontario Municipal Board appeal process and staff would then be in a situation where it would have to defend the denial on planning and environmental reasons. The Official Plan does indicate that the property is in an agricultural designation and that Council should seek to protect agricultural land.

Mrs. Grant advised that it was under her directive that recommendation #2 of the report was written the way it was, in order to gather input from the public and report back to Council, and she strongly suggested that is what Council should do. General support is provided in the report and staff needs to take all public input, evaluate it, obtain a legal opinion on some of the issues and report back on legislated mandate. She noted that Council has the ability to revisit a by-law at any time they choose.

Mr. Schaefer advised that the pond is to be 600 meters long x 70 to 100 metres wide. The intended use for the pond is for it to be a water ski course for which a certain length is required. The ground is a silty clay, impervious material and it is incorrect to call it a recharge area. This is a suitable location and studies have been conducted to determine that.

Council discussion occurred at this point, after which the public were invited to come forward who either had not had an opportunity to speak previously, or who had additional comments.

Philip Poyntz, 205 Country Mile Lane, addressed Council as follows:

- The applicants are good people and he believes they are now aware of how the community feels about their proposal and of the implications of their proposal. They could very well withdraw their application.

Mr. Helleman;

- staff indicated that there is no appeal process for this application so there should be no legal repercussions to be concerned with

Mrs. Grant advised that she would like to discuss the issue of potential legal repercussions if this application is denied, as well as legal precedents, with the Town solicitor.

Mrs. Grant advised that correspondence was received from Kim Roy in opposition of the application.

- 13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION cont'd:
- 14. PUBLIC MEETINGS cont'd:

Council participated in the public meeting by asking questions for clarification of the applicant's agent and staff and made relevant comments to the explanations provided.

At this point the public meeting ended as there were no further comments from the public.

Moved by Councillor Szollosy, Seconded by Councillor Craig

RESOLUTION NO. C-2013-0305

- 1. That Report OED-2013-0035 prepared by the Operations and Engineering Department dated July 15, 2013 respecting the site alteration agreement made between Westdale Construction Co. Limited, as owner, and the Town of Georgina relating to 127 Country Mile Lane, and that all input provided by the public be received for information.
- 2. That Council deny the site alteration permit application made by Westdale Construction Co. Limited to permit the excavation and relocation of approximately 180,000 cubic metres of fill in order to construct a 50,000 square metre (12 acre) pond on the property for personal use.

A recorded vote was requested by Regional Councillor Wheeler; the Town Clerk recorded the vote as followed:

	<u>Yea</u>	<u>Nay</u>
Mayor Grossi		x
Regional Councillor Wheeler	x	
Councillor Craig	x	
Councillor Davison	x	
Councillor Hackenbrook	x	
Councillor Smockum		x
Councillor Szollosy	x	

Yea - 5
 Nay - 2

Carried.

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION cont'd:17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:17.1 Reports from the Planning and Building Department:

17.1.1 Appeal Against Official Plan Amendment No. 111, being the Sutton/Jackson's Point Secondary Plan
DR. E.B. SHOULDICE
OMB Case No. PL110452

Report No. PL-2013-0067

Moved by Councillor Szollosy, Seconded by Councillor Craig

RESOLUTION NO. C-2013-0306

- A) That Report No. PB-2013-0067 prepared by the Planning and Building Department dated July 15, 2013 respecting an appeal against Official Plan Amendment No. 111, being the Sutton/Jackson's Point Secondary Plan, original appellant: Dr. E. B. Shouldice, OMB Case No. PL110452, be received.
- B) That the Town's solicitor and staff be directed to defend the proposed Environmental Protection Area land use designation on Schedule B – Land Use Plan of the Sutton/Jackson's Point Secondary Plan as it pertains to lands owned by Giuseppe Giuliana and lands owned by 882168 Ontario Ltd. and 886129 Ontario Ltd., as shown on Schedule '7' to Report No. PB-2013-0067.
- C) That the Town retain the services of Mr. Brad Bricker and Mr. Ron Palmer as deemed necessary by the Director of Planning and Building in consultation with the Town Solicitor, for the purpose of preparing and presenting the Town's case at the Ontario Municipal Board hearing and, furthermore that the cost for said services be paid from the 'OMB legal fees' reserve.
- D) That the Clerk forward a copy of Report No. PB-2013-0067 to the Ontario Municipal Board, to the Regional Municipality of York and the Lake Simcoe Region Conservation Authority.

Carried.

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION cont'd:
17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

17.1.3 Bill 41 – ‘Preserving Existing Communities Act, 2013’

Report No. PB-2013-0069

Moved by Councillor Craig, Seconded by Councillor Szollosy

RESOLUTION NO. C-2013-0307

- A. That Report PB-2013-0069 prepared by the Planning Division dated July 15, 2013 respecting Bill 41 - *Preserving Existing Communities Act, 2013* be received.
- B. That Council support the principles of *the Preserving Existing Communities Act, 2013*.
- C. That the Town Clerk forward a copy of this resolution to the Honourable Linda Jeffrey, Minister of Municipal Affairs and Housing, Julia Munro, Member of Provincial Parliament, York-Simcoe, the Council of the Regional Municipality of York, the Association of Municipalities of Ontario (AMO) and the Large Urban Mayors Caucus of Ontario (LUMCO).

Carried.

17.2 Report from the Economic Development Division:

17.2.1 Downtown Sutton Merchant’s Association Business Improvement Area – Appointment to the Board of Management

Report No. ED-2013-0015

Moved by Councillor Smockum, Seconded by Councillor Szollosy

RESOLUTION NO. C-2013-0308

- A. That Report ED-2013-0015 prepared by the Economic Development and Tourism Division, dated July 15, 2013 respecting an appointment to the Board of Management for the Downtown Sutton Merchant’s Association Business Improvement Area be received.

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION cont'd:17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

- B. That the following individual be appointed to the Board of Management for the Downtown Sutton Merchant's Association:

Senna Heath

- C. That Council appoint Ken Hackenbrook as a representative of Council to sit on the Board of Management for the Downtown Sutton Merchant's Association;

- D. That the by-law attached as Schedule '1' to Report No. ED-2013-0015 be adopted by Council.

Carried.

17.3 Report from the Recreation and Culture Department:

17.3.1 Award of Merit Proposed Revisions to the Program

Report No. RC-2013-0026

Moved by Councillor Smockum, Seconded by Councillor Szollosy

RESOLUTION NO. C-2013-0309

- 1 That Report RC-2013-0026 presented on July 15, 2013 regarding Award of Merit Proposed Revisions to the Program be received.
- 2 That Council review and adopt the Recreation and Culture Department proposal for a revised Award of Merit Program.

Carried.

17.4.2 Construction of Sanitary Sewer – Lowndes Avenue
Greengate Village Subdivision
Plan of Subdivision 19T-04G03

Report No. OED-2013-0037

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION cont'd:
17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

Moved by Councillor Craig, Seconded by Councillor Davison

RESOLUTION NO. C-2013-0310

1. That Report OED-2013-0037 prepared by the Operations and Engineering Department dated July 15, 2013 respecting the construction of sanitary sewer along Lowndes Avenue be received.
2. That the section of sanitary sewer on Lowndes Avenue, being an assumed public highway adjacent to the Greengate Village Subdivision being Plan of Subdivision 19T-04G03, approximately 45 metres in length be constructed by the developer, Greengate Village Limited, on behalf of the Town at an estimated cost of \$146,000 and that this cost be funded from the sewer life cycle replacement reserve.
3. That the provisions of Purchasing By-law No. 2004-0120 be waived to allow the construction of the sanitary sewer on Lowndes Avenue by the developer, Greengate Village Limited, on behalf of the Town.
4. That the Treasurer be authorized to draw funds not to exceed \$146,000 from the reserve for sewer life cycle replacement to fund the above noted works.

Carried.

17.4.3 Award of Tender
Surface Treatment of Various Roads within the Town of
Georgina

Report No. OED-2013-0039

Moved by Councillor Szollosy, Seconded by Councillor Hackenbrook

RESOLUTION NO. C-2013-0311

1. That Report No. OED-2013-0039 dated July 15, 2013 with respect to the surface treatment of various roads within the Town of Georgina be received.
2. That Council award Tender No. OED2013-047 for surface treatment of various roads in the amount of \$291,047.81 to Miller Paving Limited.
3. That the CAO be authorized to approve any contingencies that arise up to ten percent (10%) of the approved project cost.

13. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION cont'd:17. COMMITTEE RECOMMENDATIONS AND STAFF REPORTS cont'd:

4. That a by-law be passed authorizing the Mayor and Clerk to enter into a unit price contract between Miller Paving Limited and the Town of Georgina.

Carried.

15. COMMUNICATIONS:15.2 Matters for Disposition:

- 15.2.1 Living Waters Presbytery requesting Council pass an Interim Control By-law to protect the significant wetland and the North Gwillimbury Forest.

Moved by Councillor Smockum, Seconded by Councillor Davison

RESOLUTION NO. C-2013-0312

That correspondence from Living Waters Presbytery requesting Council pass an Interim Control By-law to protect the significant wetland and the North Gwillimbury Forest be received.

Carried.

- 15.2.2 York Region Communication and Health Services Department regarding the 'Fair Access Partnership Project', a pilot recreational program which would see municipalities providing recreational programs in neighbourhood schools; pilot sites identified for Georgina, Newmarket, Richmond Hill and Markham.

Moved by Councillor Davison, Seconded by Regional Councillor Wheeler

RESOLUTION NO. C-2013-0313

That correspondence from the York Region Communication and Health Services Department regarding the 'Fair Access Partnership Project', a pilot recreational program which would see municipalities providing recreational programs in neighbourhood schools with pilot sites identified for Georgina, Newmarket, Richmond Hill and Markham, be received and referred to the Recreation and Culture Department.

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-laws be given three readings:

- 20.1 By-law No. 2013-0104 (CON-1); a by-law to enter into an agreement with Precise Parklink Inc. for the supply and installation of pay and display machines.
- 20.2 By-law No. 2013-0105 (CON-1); a by-law to authorize the Mayor and Clerk to enter into an agreement with Monteith Brown Planning Consultants for the Facility Needs Assessment Study and MMM Group for the Trails and Active Transportation Master Plan.
- 20.3 By-law No. 2013-0106 (BA-1); a by-law to authorize the Mayor and Chief Administrative Officer to execute the necessary agreements for those purchases that adhere to the Town's Purchasing By-law during the summer months until September 9th, 2013.
- 20.4 By-law No. 2013-0107 (CON-1); a by-law to authorize the Mayor and Clerk to enter into an agreement of Purchase of Assets with South Shore Community Broadband (SSCB).
- 20.5 By-law No. 2013-0108 (COU-1); a by-law to appoint individuals to vacancies within the Board of Management for the Downtown Sutton Merchant's Association for the remainder of the 2010-2014 Term of Office; Senna Heath, and Ken Hackenbrook as Council Representative.
- 20.7 By-law No. 2013-0110 (PL-3); a by-law to authorize the execution of a Subdivision Agreement between Gladebrook Developments Inc., as owner and the Corporation of the Town of Georgina, as well as all easement, land transfer, road dedication(s) and other documents to be registered in connection with proposed Plans of Subdivision 19T-06G01.
- 20.8 By-law No. 2013-0111 (PWO-2); a by-law to dedicate certain lands as public highway and forming part of Springwater Drive.

20. BY-LAWS cont'd:

20.10 By-law No. 2013-0114 (CON-1); a by-law to authorize the Mayor and Clerk to enter into a contract between Miller Paving Limited and the Corporation of the Town of Georgina for surface treatment on various roads within the Town of Georgina.

Carried.

Councillor Davison declared a pecuniary interest on Item Nos. 20.6 and 20.9; she did not participate in any discussion or vote on these items.

Moved by Councillor Smockum, Seconded by Regional Councillor Wheeler

That the following by-laws be given three readings:

20.6 By-law No. 2013-0109 (PL-5); a by-law to amend Zoning By-law No. 500, 445158 Ontario Inc. (Meldan Wood Processing), Part Lot 1, Concession 5 (G), Plan 65R-1719, 2 Ellisview Road.

20.9 By-law No. 2013-0112 (PL-2); a by-law to adopt amendment to Official Plan, 445158 Ontario Inc. (Meldan Wood Processing), Part Lot 1, Concession 5 (G), Part 3, Plan 65R-1719, 2 Ellisview Road.

Carried.

21. MOTIONS: None.

22. NOTICES OF MOTION: None.

23. OTHER BUSINESS: None.

26. CONFIRMING BY-LAW

Moved by Councillor Szollosy, Seconded by Councillor Smockum

That the following by-law be given three readings:

Confirming By-law 2013-0113 (COU-2), being a by-law to confirm the proceedings of Council.

Carried.

27. ADJOURNMENT:

Moved by Councillor Hackenbrook, Seconded by Councillor Davison

That the meeting adjourn at 10:55 p.m.

Carried.

Robert Grossi, Mayor

Yvonne Aubichon, Town Clerk