

THE CORPORATION OF THE TOWN OF GEORGINA

COUNCIL MINUTES

Wednesday, October 4, 2017
9:00 AM

Staff:

Winanne Grant, Chief Administrative Officer
Rod Larmer, Manager of Building and Chief Building Official
Robin McDougall, Director of Recreation and Culture
David Reddon, Director of Corporate Services/Deputy CAO (Acting)
Ron Jenkins, Director of Emergency Services and Fire Chief
Dan Pisani, Director of Operation & Infrastructure
Bev Moffatt, Director of Human Resources
Karyn Stone, Manager of Economic Development and Tourism Development
Rob Wheeler, Budget Accountant, Acting Treasurer
Marc Pourvahidi, Contracted
Tanya Thompson, Communications Manager
Rachel Dillabough, Deputy Clerk
Carolyn Lance, Council Services Coordinator

1. CALL TO ORDER - MOMENT OF MEDITATION

A moment of meditation was observed.

Thoughts and prayers for the victims and families of the victims of the recent Edmonton attack and shooting in Las Vegas

2. ROLL CALL

The following Members of Council were present:

| | |
|------------------------|-----------------------------|
| Mayor Quirk | Regional Councillor Davison |
| Councillor Biggerstaff | Councillor Fellini |
| Councillor Neeson | Councillor Sebo |
| Councillor Harding | |

3. COMMUNITY ANNOUNCEMENTS

•Friday, October 13th, Udora Leaskdale Lions Club's first annual Spaghetti Dinner, 5:30pm at Udora Community Hall

- October 21st, Fright Night
- October 19th, Business Excellence Awards

4. INTRODUCTION OF ADDENDUM ITEM(S) None.

5. APPROVAL OF AGENDA

Moved by Councillor Harding, Seconded by Councillor Neeson

RESOLUTION NO. C-2017-0516

That the agenda be approved as presented.

Carried.

6. DECLARATIONS OF PECUNIARY INTEREST AND GENERAL NATURE THEREOF None.

7. ADOPTION OF MINUTES

Moved by Councillor Biggerstaff, Seconded by Councillor Sebo

RESOLUTION NO. C-2017-0517

That the Minutes of the Council Meeting held on September 13, 2017, be adopted as presented.

Carried.

8. SPEAKERS None.

9. DELEGATIONS/PETITIONS None.

10. PRESENTATIONS

- (1) Adrian Kawun, York Region Transit, presenting the 2018 Annual Transit Service Plan.

Adrian Kawun, York Region Transit, presented the 2018 Annual Transit Service Plan that offers a continued focus on reliability and quality service. The presentation highlighted a number of initiatives by York Region Transit (YRT) including expansion plans, fleet replacement that will increase capacity, mobility service enhancements and dial-a-ride services in our community. Mr. Kawun will arrange for operating statistics to be provided to Council Members.

Moved by Councillor Fellini, Seconded by Councillor Harding

RESOLUTION NO. C-2017-0518

That the presentation provided by Adrian Kawun, York Region Transit, respecting the 2018 Annual Transit Service Plan, be received.

Carried.

11. PUBLIC MEETINGS *None.*
 - (1) STATUTORY MEETING(S) UNDER THE PLANNING ACT OR MEETINGS PERTAINING TO THE CONTINUATION OF PLANNING MATTERS *None.*
 - (2) STATUTORY MEETING(S) UNDER OTHER LEGISLATION *None.*
 - (3) OTHER PUBLIC MEETINGS *None.*
12. REPORTS
 - (1) ADOPTION OF REPORTS NOT REQUIRING SEPARATE DISCUSSION
 - (2) REPORTS REQUIRING SEPARATE DISCUSSION

Report from the Development Services Department:

 - (A) Development Charges By-law – Complaint by T. Danbrook
Report No. DS-2017-0121

Mayor Quirk read a script to explain the procedure to conduct a Hearing.

The complainant was not in attendance.

Mayor Quirk paused the proceedings to provide additional time for the complainant to attend the meeting.

Council moved into Closed Session at 9:25 a.m. and reconvened at 9:41 a.m.

Moved by Councillor Biggerstaff, Seconded by Councillor Fellini

That the meeting recess at 9:43 a.m.

Carried.

The meeting reconvened at 10:20 a.m.

The Hearing commenced at 10:20 a.m.

Mayor Quirk called upon Rod Larmer, Manager of Building and Chief Building Official

Rod Larmer was sworn in and submitted evidence at this time.

- Exhibit A; received May 3, 2017, Permit Application No. 170252 received to demolish cottage at 800 Willowview Road

- Exhibit B; Demolition Permit No. 170252 issued May 24, 2017

- Exhibit C; received May 3, 2017, Permit Application No. 170253 received to construct a single family dwelling at 800 Willowview Road

- Exhibit D; Construction Permit No. 170253, issued June 16, 2017

In response to the Permit Application to construct a single family dwelling, staff received on May 16, 2017, two statements and pictures of various plumbing works at an undisclosed location

- Exhibit E; Statutory Declaration, not sworn, signed by James Johnson, the owner at that time of 800 Willowview Road, indicating that his cottage had a washroom with a toilet, sink and shower, and a kitchen with a sink, stove and fridge, since 1970. Photos accompanied this Declaration as well

- Exhibit F; Part of that package was a sworn declaration signed by Tim Danbrook, the complainant, submitted May 16, 2017, declaring he had entered the building several times, the last time as recent as one year ago, at that time he was hired by Jim Johnson, owner at the time, to renovate and remove bathroom fixtures and the kitchen sink; he claims to have taken several pictures of this work

- Exhibit G; package of several pictures. None of the pictures are signed or have identifying marks indicating the location these pictures were taken, no text that helps describe any of the pictures. Pictures are of a kitchen, washroom, pump, among other undescribed and questionable materials. Also, pictures of a toilet drain removed and sitting on a floor, a picture of a kitchen sink that does not comply with the Building Code leading him to believe it was done without a building permit or contrary to the Building Code.

- Exhibit H; In 1980, staff has record of Permit No. 805504 which appears to have been issued to construct a foundation, limited to one page describing James Johnson as the owner at 800 Willowview Road, from the Town's roll records

- Exhibit I; In 1980, the Region of York Health Department application references a new foundation of four courses of block. This permit was a plumbing permit at the

time, the Region had jurisdiction and had authority and issued permits for that type of work. No plumbing fixtures indicated on the application and it indicated the septic tank as a privy or outhouse. Inspector's notes indicate the premises were serviced by a seepage for sink, waste and a privy

- Exhibit J; Permit Application received by Health Department to construct a holding tank in 1988. The form indicates the existing plumbing consisted of 1 sink. Item 8 on this application states what existed was 3 bedrooms and 1 sink, no other fixtures are identified, and what was proposed was 3 bedrooms, 1 sink, 1 flush toilet, 1 wash basin, 1 shower or bathtub

- Exhibit K; Permit issued March 10, 1989 by the Health Department. There are no other inspection notes.

- Exhibit L; One year later, the Health Department issued a letter to the owner advising that work had not begun within the 12 month period and that as of March 13, 1990, the permit was no longer valid and a new application would be required

- Exhibit M; Reviewed roll file, found a two-page tax record from 2006 indicating the property is seasonal recreational dwelling. On the second page, it indicates there are no full baths, no partial bathrooms, indicates zero bedrooms, and no central heating system.

There are no records of construction of a legal bathroom or other legal plumbing facilities that would define the building as a dwelling unit as set out in the development charges by-law. If there were bathroom and kitchen plumbing facilities, they would have been considered illegal. Therefore, it was determined not to be a legal dwelling unit as defined under development charges by-law

- Exhibit N; excerpt from the Towns' development charges by-law; definition of dwelling unit 'any part of a building or structure used, designed or intended to be used as a domestic establishment in which one or more persons may sleep and are provided with culinary and sanitary facilities which include, at a minimum, a kitchen sink, stove, fridge, a toilet and a sink for the exclusive use with the toilet.' That would be the toilet and a sink being in the same room.

- Exhibit O; excerpt from the Town's development charges by-law; sub-section 10(2) with respect to credits for development charges, and 10(2) states that 'An owner who has secured the necessary approvals may demolish and replace the existing dwelling unit ...' and not be subject to development charges. It uses the term 'dwelling unit' and we find that since it did not satisfy the definition of 'dwelling unit', it is not considered to be a dwelling unit so it does not enjoy the exemption from development charges

- Exhibit P; development charges working sheet filled out by staff indicating the calculations and development charges payable by the application upon issuance of

the building permit. It is noted that the Town's development charges were calculated to be \$11,469 and the school development charges were found to be \$6,407

- Exhibit Q; receipt of payment of those development charges by Tim Danbrook

The property was not exempt from development charges on the basis that the building was not a dwelling unit, it did not have plumbing fixtures as set out in the definition for a dwelling unit.

Mayor Quirk inquired if Tim Danbrook, complainant, was in attendance; he was not in attendance.

Rod Larmer advised the following;

- Tim Danbrook is the owner of the subject property at this time, but previously was under different ownership
- The building was demolished this year, shortly after the issuance of the demolition permit on May 24th.
- If there is an outhouse on a property and no bathroom inside, the building is not considered a dwelling unit
- Exhibits A and C are the same form. On Exhibit A, the 'Description of proposed work' states 'demolish old home' with the words 'construct a new' are crossed off, while on Exhibit C, the 'Description of proposed work' states 'construct a new home' and the words 'demolish old' are crossed off. One application is to demolish the home and the other is to construct the subject building
- Exhibit L indicated that the application was no longer valid. If the building is constructed after a permit is revoked, it is considered to be illegal. He is unaware if any inspections were conducted by the Region of York Health Department. The Health Department did issue a permit and it was revoked for work not commenced. He would conclude that an inspection would have found that the work had not started. The Region was the authority having jurisdiction for any plumbing works being constructed. This permit was issued to add additional fixtures and install a holding tank.

Mayor Quirk clarified that the definition of legal dwelling is one with a kitchen sink, stove, fridge, toilet and sink, all within the dwelling itself. Page 2 of the report references a permit taken out in 1989 and revoked in 1990. The permit had been revoked as the work had not been completed within the timeframe.

Mayor Quirk stated that this concludes the hearing of this complaint brought pursuant to the Development Charges Act. On behalf of Members of Council, she thanked the participants for their submissions with respect to this matter. Council moved into deliberations at this time.

The meeting recessed at 10:43 a.m. and reconvened at 11:22 a.m.

Mayor Quirk read the decision for the record;

"On August 8, 2017, Tim Danbrook filed a complaint form complaining there was an error in the application of the Town's Development Charges Bylaw in respect of 800 Willowview Beach Road.

The issue raised by Mr. Danbrook was that the structure on the property was a 'dwelling unit' as defined in the Town's Development Charge By-law and accordingly, development charges would not apply.

The Town's position was that the structure located on the property was not a 'dwelling unit' as it did not meet the definition of 'dwelling unit' in that by-law. The Town's position is that development charges apply.

A hearing was convened pursuant to the provisions of the Development Charges Act and the Town's related Procedural By-law. Mr. Danbrook received notice of this hearing.

Mr. Danbrook did not attend. No one attended on his behalf.

The Town submitted a report from Rod Larmer, Chief Building Official of the Town of Georgina. That report set out the reasons why the Town took the position that it did, that the structure was not a 'dwelling unit'.

No evidence was received at the hearing from Mr. Danbrook or any representative of Mr. Danbrook.

The evidence submitted by Mr. Larmer supports the Town's position, and is preferred by us to the material contained in that report that was provided to Mr. Larmer by Mr. Danbrook.

Accordingly, we conclude that there was no 'dwelling unit', as defined by the Town's by-law, on the property and we dismiss the complaint herein."

Report from the Operations and Infrastructure Department

(B) DWQMS – Commitment and Endorsement

Report No. OI-2017-0030

Report No. OI-2017-0030 was withdrawn from the agenda.

13. DISPOSITIONS/PROCLAMATIONS, GENERAL INFORMATION ITEMS AND COMMITTEE OF ADJUSTMENT

(1) Dispositions/Proclamations

- (A) Sarah Brislin, Committee Services Coordinator, Georgina Environmental Advisory Committee, advising of the new Municipal GHG Challenge Fund Program which will fund up to 100% of the eligible costs for greenhouse gas emissions reduction projects proposed by municipalities, and recommending referral to the appropriate staff for consideration.

Moved by Councillor Neeson, Seconded by Councillor Biggerstaff

RESOLUTION NO. C-2017-0519

That correspondence from Sarah Brislin, Committee Services Coordinator, Georgina Environmental Advisory Committee, advising of the new Municipal GHG Challenge Fund Program which will fund up to 100% of the eligible costs for greenhouse gas emissions reduction projects proposed by municipalities be received and referred to the appropriate staff, with consideration of the Multi Use Recreation Complex (MURC) to reduce transportation to and from the complex, Fleet retrofits, Civic Centre building to increase efficiencies and the bio-digester unit at the Ontario Water Centre.

Carried.

- (B) Sarah Brislin, Committee Services Coordinator, Georgina Environmental Advisory Committee, providing its support of an anti-littering campaign and an increase in set fines for littering.

Council mentioned the need for lids on the garbage cans along Lake Drive to prevent garbage from escaping the cans, the need for multi-stream receptacles and the potential to explore a town-wide litter reduction strategy.

Moved by Councillor Neeson, Seconded by Councillor Biggerstaff

RESOLUTION NO. C-2017-0520

That correspondence from Sarah Brislin, Committee Services Coordinator, Georgina Environmental Advisory Committee, providing its support of an anti-littering campaign and an increase in set fines for littering be received and referred to staff to increase the set fines, examine the increase of waste receptacles at Town facilities as part of the 2018 budget deliberations, request the Region of York to provide adequate waste receptacles along Georgina bus routes and bus stops and

that staff review and report on Part 1 Offence Notice Set Fines within statutory limits respecting littering to determine if fines are appropriate.

Carried.

- (C) Sarah Brislin, Committee Services Coordinator, Georgina Environmental Advisory Committee, requesting Council to consider the implementation of a Zero Waste Program and a plastic bag ban.

Moved by Councillor Neeson, Seconded by Councillor Sebo

RESOLUTION NO. C-2017-0521

That Council request the appropriate staff to attend the October 12th Zero Waste Program presentation in Markham and report to Council on the possibility of considering the implementation of such a program for Georgina.

Carried.

- (2) General Information Items

Moved by Councillor Harding, Seconded by Regional Councillor Davison

RESOLUTION NO. C-2017-0522

That the General Information Items of October 4, 2017, be received.

Carried.

- (3) Committee of Adjustment Planning Matters
 - (a) Under Review
 - (b) Recommendations *None*.
 - (c) Decisions

Moved by Councillor Neeson, Seconded by Councillor Fellini

RESOLUTION NO. C-2017-0523

That the Committee of Adjustment Planning Matters for October 4, 2017, be received.

Carried.

- 14. MOTIONS/NOTICES OF MOTION *None*.

15. REGIONAL BUSINESS

- transfer of ownership of the Sutton Youth Centre from the Region of York to Housing York; should not impact the users of the centre
- invasive species; Emerald Ash Borer, Asian Long-horned Beetle, Wild Parsnip, Giant Hogweed, Zebra Mussels; report suggests a three-way partnership funding model be created between the municipal, provincial and federal governments to assist with costs to deal with invasive species
- 2017 Annual Collision Statistics Report to be discussed tomorrow morning indicating where accidents happen, reasons for accidents, fatalities, top collision locations in various municipalities

16. OTHER BUSINESS

- requested an update on the bridgework on Black River Road; timeline, concerns with how a resident's property is being utilized by Regional staff working at that location
- Mayor Quirk advised the completion date is December 1st and residents may contact the Mayor or Regional Mayor with any concerns

17. BY-LAWS

- (1) By-law Number 2017-0110 (CON-1), being a by-law to authorize the Mayor and Clerk to sign the commitment and endorsement page of the Operational Plan for the Drinking Water Quality Management Plan (DWQMP).

By-law Number 2017-0110 was withdrawn.

18. CLOSED SESSION

- (1) Motion to move into closed session of Council

Moved by Councillor Biggerstaff, Seconded by Councillor Harding

That Council move into Closed Session at 11:55 a.m. pursuant to Section 239 of The Municipal Act, 2001, following a recess, to deal with the following matter:

- (A) **PERSONAL MATTERS ABOUT AN IDENTIFIABLE INDIVIDUAL, INCLUDING MUNICIPAL OR LOCAL BOARD EMPLOYEES, SECTION 239 (2) (b), MA**
 - Service Delivery Review Progress Report No. 3 – Organizational Alignment, Confidential Report No. CAO-2017-0011
 - CAO – Terms of Employment, Confidential Report No. HR-2017-0004

- (2) Motion to reconvene into open session of Council and report on matters discussed in closed session.

Moved by Councillor Sebo, Seconded by Regional Councillor Davison

That Council rise from Closed Session at 1:10 p.m. and report on the matters discussed in closed session.

Carried.

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

- Service Delivery Review Progress Report No. 3 – Organizational Alignment, Confidential Report No. CAO-2017-0011

Moved by Councillor Neeson, Seconded by Councillor Biggerstaff

RESOLUTION NO. C-2017-0524

That council received Confidential Report No. CAO-2017-0011 with respect to the Service Delivery Review Progress Report No. 3 - Organizational Alignment and staff were directed to implement recommendations 1 to 5 being;

1. That Council receive Report No. CAO-2017-0011 prepared by the Office of the CAO dated October 4, 2017 respecting the Service Delivery Review Progress Report No. 3 – Corporate Alignment;
2. That the Department of Administrative Services be renamed the Department of Corporate Services;
3. That the role of Director of Corporate Services/Deputy CAO be created and recruitment commence.
4. That the role of Treasurer be removed from the Director's portfolio and the position of Treasurer be created.
5. That the funds approved in the 2017 Budget to support the proposed permanent full time Business Analyst be redirected to support a permanent full-time position reporting to the CAO mandated with organizational excellence and continuous improvement.

Carried.

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

- CAO – Terms of Employment, Confidential Report No. HR-2017-0004

Moved by Councillor Fellini, Seconded by Councillor Harding

RESOLUTION NO. C-2017-00525

That Council receive Confidential Report No. HR-2017-0004 and that the Director of Human Resources report back with a full report in November.

Carried.

19. **CONFIRMING BY-LAW**

Moved by Councillor Biggerstaff, Seconded by Councillor Fellini

That the following by-law be approved:

- (1) By-law No. 2017-0111 (COU-2), a by-law to confirm the proceedings of Council on October 4, 2017.


Carried.


20. **MOTION TO ADJOURN**

Moved by Councillor Harding, Seconded by Councillor Biggerstaff

That the meeting adjourn at 1:12 p.m.

Carried.


Margaret Quirk, Mayor


Rachel Dillabough, Deputy Clerk