



**CITY OF VAUGHAN
COUNCIL MINUTES
NOVEMBER 22, 2004**

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CITY OF VAUGHAN

COUNCIL MEETING

MONDAY, NOVEMBER 22, 2004

MINUTES

1:00 P.M.

Council convened in the Municipal Council Chambers in Vaughan, Ontario, at 1:09 p.m.

The following members were present:

Mayor Michael Di Biase, Chair
Regional Councillor Mario F. Ferri
Regional Councillor Joyce Frustaglio
Regional Councillor Linda D. Jackson
Councillor Tony Carella
Councillor Bernie Di Vona
Councillor Peter Meffe
Councillor Sandra Yeung Racco

298. CONFIRMATION OF AGENDA

MOVED by Regional Councillor Ferri
seconded by Regional Councillor Frustaglio

THAT the agenda be confirmed.

AMENDMENT

MOVED by Regional Councillor Frustaglio
seconded by Regional Councillor Ferri

That the following addendums be added to the agenda:

1. **ONTARIO HEALTH PREMIUM**

Report of the Commissioner of Legal and Administrative Services with respect to the above.

2. **LIGHTING REQUEST FROM THE KLEINBURG BUSINESS IMPROVEMENT ASSOCIATION**

Report of the Commissioner of Engineering and Public Works with respect to the above.

3. **310 WASTE LTD.**

Confidential verbal update from the Commissioner of Legal and Administrative Services and the Fire Chief with respect to the above.

CARRIED UNANIMOUSLY

Upon the question of the main motion:

CARRIED AS AMENDED

299. DISCLOSURE OF INTEREST

There was no disclosure of interest by any member.

300. ADOPTION OR CORRECTION OF MINUTES

MOVED by Regional Councillor Jackson
seconded by Regional Councillor Ferri

THAT the minutes of the meeting November 8, 2004 be adopted as presented.

CARRIED

301. DETERMINATION OF ITEMS REQUIRING SEPARATE DISCUSSION

The following items were identified for separate discussion:

Referred Item

1

Committee of the Whole (Working Session) Report No. 81

Items 4, 6, and 8

Committee of the Whole Report No. 82

Items 10, 15, 17, and 20

Committee of the Whole (Closed Session) Report No. 83

Item 4

Committee of the Whole (Public Hearing) Report No.84

Item 2

Special Committee of the Whole Report No. 85

Item 1

Addendum Items

1, 2, and 3

MOVED by Councillor Di Vona
seconded by Regional Councillor Jackson

THAT Items 1 to 8 of the Committee of the Whole (Working Session) Report No. 81, with the exception of the items identified for separate discussion, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 27 of the Committee of the Whole Report No. 82, with the exception of the items identified for separate discussion, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 11 of the Committee of the Whole (Closed Session) Report No. 83, with the

exception of the item identified for separate discussion, BE APPROVED and the recommendations therein be adopted;

THAT Items 1 to 3 of the Committee of the Whole (Public Hearing) Report No. 84, with the exception of the item identified for separate discussion, BE APPROVED and the recommendations therein be adopted; and

THAT Items 1 to 6 of the Operational and Strategic Planning Committee Report No. 8, BE APPROVED and the recommendations therein be adopted.

CARRIED

302. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE (WORKING SESSION) REPORT NO. 81

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 4 WARD REVIEW

MOVED by Regional Councillor Jackson
seconded by Councillor Carella

THAT Item 4, Committee of the Whole (Working Session) Report No. 81 be adopted without amendment.

CARRIED

SPECIAL COMMITTEE OF THE WHOLE REPORT NO. 85

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 1 WARD REVIEW
(Referred from the Committee of the Whole (Working Session) Meeting of November 9, 2004)

MOVED by Councillor Carella
seconded by Councillor Meffe

THAT Item 1, Special Committee of the Whole Report No. 82 be adopted without amendment.

Voting upon the motion was split as follows:

Upon the question of Clauses 1, 3 and 4 of the Special Committee of the Whole, being:

- 1) That staff be directed to prepare revised ward maps providing for 5, 6 and 7 local wards based on the following principles, in order of importance:
 1. Population:
Equity based on expected populations as of November 2009 with variances no greater than 15% from the average populations between the wards as of that date;

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2. Respecting the concept of distinctive communities;
3. Acknowledgement of natural or built boundaries between communities;

And that such report be presented no later than March 31, 2005;

- 3) That the memorandum of the City Clerk, dated November 19, 2004, be received; and
- 4) That the confidential memorandum of the Commissioner of Legal and Administrative Services, dated November 19, 2004, be received.

CARRIED UPON A RECORDED VOTE

YEAS

Councillor Carella
Mayor Di Biase
Councillor Di Vona
Regional Councillor Ferri
Regional Councillor Jackson
Councillor Meffe
Councillor Yeung Racco

NAYS

Regional Councillor Frustaglio

Upon the question of Clause 2 of the Special Committee of the Whole, being:

- 2) That the City of Vaughan ask the Region of York if it would approve, in principle, the creation of Regional wards in the City of Vaughan for the purpose of electing regional councillors from the City of Vaughan to sit on Regional Council.

CARRIED UPON A RECORDED VOTE

YEAS

Councillor Carella
Mayor Di Biase
Councillor Di Vona
Regional Councillor Ferri
Councillor Meffe
Councillor Yeung Racco

NAYS

Regional Councillor Frustaglio
Regional Councillor Jackson

COMMITTEE OF THE WHOLE (WORKING SESSION) REPORT NO. 81

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 6 PROPOSED *GREENBELT ACT* BILL 135
 PROPOSED GREENBELT PLAN
 COMMENTS TO THE MINISTER OF MUNICIPAL AFFAIRS AND
 HOUSING
 GENERAL FILE 22.19

MOVED by Regional Councillor Frustaglio
seconded by Regional Councillor Ferri

THAT Item 6, Committee of the Whole (Working Session) Report No. 81 be adopted and

amended, as follows:

By directing that a copy of this report be forwarded to the Urban Development Institute; and

By receiving the memorandum from the Commissioner of Planning, dated November 17, 2004.

CARRIED

Referred Item

**303. ZONING BY-LAW AMENDMENT FILE Z.03.046
SITE DEVELOPMENT FILE DA.03.040
M. ELISA VALLESCURA
REPORT #P.2003.59
(Referred from the Council Meeting of November 8, 2004)**

MOVED by Councillor Meffe
seconded by Regional Councillor Ferri

That the following be approved:

- 1) That Clause 2 of the recommendation contained in the following report of the Commissioner of Planning, dated October 4, 2004, be approved, subject to the addition of a further clause, as follows:
 - iii) the property will be subject to Site Plan Control.
- 2) That Zoning By-law Amendment Application Z.03.046 (M. Elisa Vallescura) be approved, subject to the following:
 - i) Building #1 Abutting Islington Avenue:
 - restricted to retail uses as permitted by exception 9(610) to By-law 1-88 or eating establishment use or business or professional use, or drugless practitioners but not a doctor, dentist or veterinarian use, subject to Site Plan Review.
 - Outdoor patio will not be permitted.
 - ii) Second Floor:
 - Existing permitted residential unit on the second floor.
 - iii) Building #2 – Abutting Stegman’s Mill Road:
 - Retail uses restricted to the sale of clothes, antiques, arts and crafts.
 - Private Art School.
 - iv) General Site Plan:
 - The application will be subject to the Kleinburg Parking Levy being reviewed by the City, provided that the property shall only be required to have 17 parking spaces (for a total deficiency of not more than 5 parking spaces) and provided that the Levy if imposed by the City shall only be payable at the time a restaurant use applies for a business licence from the City for same and/or commences such restaurant operations whichever shall be earlier, and provided further that any such Levy payable shall not exceed \$4,000 per deficient parking space.
 - Lighting to be restricted to site only without neighbour infiltration.

- Picket fence along Stegman's Mill Road, with parking lot entrance, height location, and materials of fence, to be identified on the Site Plan.
- Garbage controlled within an enclosure to be identified on Site Plan.
- Standard by-law limitation on hours of operation.
- No signage or commercial activity outside of the picket fence to be installed on Stegman's Mill Road.
- Landscaping on exterior of picket fence to be identified on Site Plan.

CARRIED

Council, at its meeting of November 8, 2004, adopted the following:

That this matter be referred to the Council meeting of November 22, 2004.

Recommendation of the Committee of the Whole meeting of November 1, 2004:

- 1) That this matter be referred to the Council meeting of November 8, 2004; and
- 2) That the following deputations, be received:
 - a) Mr. Paul DeBuono;
 - b) Mr. Iain Craig, 365 Stegman's Mill Road, Kleinburg, L0J 1C0; and
 - c) Mr. Paul Bottos, Piccin Bottos, 4370 Steeles Avenue West, Woodbridge, L4L 4Y4, on behalf of the applicant.

Report of the Commissioner of Planning dated October 4, 2004

Recommendation

The Commissioner of Planning recommends:

1. THAT Zoning By-law Amendment Application Z.03.046 (M. Elisa Vallescura) BE APPROVED, subject to the following:
 - a) That the implementing by-law restrict the uses on the subject lands to the following:
 - i) Building #1 abutting Islington Avenue:
 - Tea Room – meaning a building or place where already prepared food and drink are offered for sale;
 - existing permitted residential unit on the second floor;
 - ii) Building #2 abutting Stegman's Mill:
 - Retail uses restricted to the sale of clothes, antiques, arts and crafts;
 - Private art school
 - b) That the implementing by-law provide exceptions to permit 10 parking spaces and two tandem parking spaces, the existing gravel parking area, and a 0.16 m wide landscape strip along the south property line.
2. THAT Site Development Application DA.03.040 (M. Elisa Vallescura) BE APPROVED, subject to the following conditions:
 - a) That prior to the execution of the site plan agreement:

- i) the final site plan including landscaping details shall be approved by the Community Planning and Urban Design Departments; and,
- ii) access and on-site vehicular circulation shall be approved by the Engineering Department.

Purpose

The Owner has submitted a revised application to amend the Zoning By-law to permit within the R1 Residential Zone, a ground floor eating establishment with an outdoor patio and a second storey residential unit in Building #1 adjacent to Islington Avenue, and a retail store allowing for the sale of clothing, antiques, arts and crafts, and the teaching of art classes in Building #2 adjacent to Stegman's Mill Road. Exceptions to the R1 Zone for reduced parking, the gravel parking area, and reduced landscape strip width along the south property line are also proposed.

A Site Plan application has also been submitted to facilitate changes to the parking and landscaped areas, in support of the zoning amendment application.

Background - Analysis and Options

The rectangular-shaped 931 m² site is located on the southeast corner of Islington Avenue and Stegman's Mill Road, being Part of Lot 25 on Plan M-11 (10449 Islington Avenue), in Lot 24, Concession 8, City of Vaughan. The site has 14.4 m frontage on Islington Avenue, and 61.48 m flankage on Stegman's Mills Road. The property is developed with a 2-storey 178.7 m² building along the front lot line, and a 1-storey 69.58 m² barn at the rear of the site, with parking located in between the two buildings.

The site is designated "Core Area" by OPA 601 (Kleinburg - Nashville Community Plan) and zoned R1 Residential Zone by By-law 1-88, subject to Exception 9(610). The surrounding land uses are:

- North - Stegman's Mill Road; commercial (R1 Residential Zone, subject to Exception 9(230))
- South - residential (R1 Residential Zone)
- East - residential (R1 Residential Zone)
- West - Islington Avenue; commercial (C6 Highway Commercial Zone)

On August 8, 2003, a Notice of Public Hearing was circulated to all property owners within 120 m of the subject lands, and to the Kleinburg & Area Ratepayers Association. Comments were received from the Kleinburg & Area Ratepayers Association, neighbouring residents, and The Village of Kleinburg Business Association.

The Kleinburg & Area Ratepayers Association, as well as the abutting neighbours, expressed opposition to the proposal, for the following reasons:

- the patio would be located immediately beside a private residence, and infringe upon their privacy;
- increase in traffic congestion, odours, lack of parking and noise;
- restaurant odours would permeate throughout the area and into the neighbouring homes;
- commercial sites are taking precedence over residential sites off of Islington Avenue;
- quiet commercial ventures – businesses that will not be offensive to the residents in the Village Core should be sought; and,
- the village has historically been a unique mix of residential and conforming commercial enterprises.

Most of the above comments deal with the building abutting Islington Avenue, however, an additional letter received concentrated on Building Envelope #2 abutting Stegman's Mill Road. They expressed their opposition for the following reasons:

- currently, the permitted use for the subject building is for a storage barn, however in August of 2003, the tenant converted the storage barn into a retail store with a large sign stating "Kleinburg Trading House", which has been operating illegally (without a permit or zoning by-law) ever since;
- there are bristol board neon signs illegally placed on Islington Avenue and Stegman's Mill Road; and,
- clothes and other merchandise have been stored outdoors, which detracts from the atmosphere of the Village of Kleinburg.

The Village of Kleinburg Business Association "supports the rezoning change at 10449 Islington Avenue to allow a retail establishment at the rear building".

The recommendation of the Committee of the Whole at the Public Hearing on September 2, 2003, to receive the public hearing and forward a comprehensive report to a future Committee meeting, was ratified by Council on September 8, 2003. Council further resolved that the applicant meet with the local ratepayer association and area residents, prior to the technical report proceeding to the Committee of the Whole. The applicant met with KARA in September 2003.

Official Plan

The subject lands are designated "Core Area" by OPA 601 (Kleinburg - Nashville Community Plan), which permits "Mainstreet Commercial" uses along Islington Avenue, including the following:

- retail stores;
- personal service shops;
- professional and business offices;
- small scale hotels or "Village Inns";
- Bed and Breakfast operations;
- Restaurants including sidewalk cafes; and,
- Small scale mixed use developments with a residential component in the form of apartments

The commercial component of the Kleinburg Core Area is intended to maintain its role as a focus for tourism and as a commercial area servicing the local and neighbourhood shopping needs of the community. The Official Plan also requires that the majority of the commercial development proposals within the Kleinburg Core Area will be subject to site-specific amendments to the zoning by-law to implement the "Mainstreet Commercial" uses.

The proposed zoning amendment to permit a restaurant use and residential unit in Building Envelope #1, and a retail store that includes clothing, antiques, arts and crafts, and the teaching of art classes in Building Envelope #2, would conform to the permitted uses in the Official Plan.

Zoning

The subject lands are currently zoned R1 Residential Zone by By-law 1-88, subject to Exception 9(610), which permits a retail store on the ground floor and a residential unit on the second floor of Building Envelope #1, and storage use in the existing barn in Building Envelope #2 abutting Stegman's Mill Road. An amendment to the Zoning By-law is required to reflect changes in the use of both buildings, and to recognize the parking count, driveway surface material, and reduced landscape strip width along the south property line.

a) Use

The proposal for the subject lands includes an existing residential unit on the second floor with an eating establishment and an accessory patio on the first floor of Building Envelope #1 abutting Islington Avenue. However, considering the limited parking spaces on the site, and the adjacent residential use to the south, Staff recommends the deletion of the outdoor patio use, and to restrict the first floor to a tea room. The tea room would include the sale of beverages and already prepared foods in order to mitigate odours, and which would provide least impact upon the adjacent residential properties to maintain the existing character of the area. The implementing by-law would include a definition for a "tea room", to restrict the ground floor of Building Envelope #1 to a low intensity form of eating establishment.

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The zoning amendment for Building Envelope #2 abutting Stegman's Mill proposes to permit retail uses restricted to the sale of clothing, antiques, arts and crafts, and the teaching of art classes, which are appropriate uses for the site and compatible with uses in the surrounding area.

b) Parking

The existing site-specific zoning exception includes a schedule that shows the location of each building with the existing setbacks, and 6 parking spaces with a larger future parking area. The proposed site plan shows 10 parking spaces with two tandem spaces, which the existing By-law does not recognize. The following chart depicts the required parking for each of the proposed uses:

PROPOSED USE FOR BUILDING #1	REQUIRED PARKING
Tea Room	15
<i>Outdoor Patio*</i>	5*
Residential Unit on Second Floor	2
PROPOSED USE FOR BUILDING #2	REQUIRED PARKING
Retail Store	4
Private School	2
TOTAL PARKING REQUIRED	28 *however, if the recommendation contained in this report, to delete the patio is approved, then 23 parking spaces will be required
TOTAL PARKING PROVIDED ON SITE	12 parking spaces, 10 spaces with 2 tandem

With the staff recommendation to delete the outdoor patio use, which would have required an additional 5 parking spaces, a total of 23 parking spaces would be required. The 10 proposed parking spaces are considered to be appropriate to serve the uses on the site, within the context of the Kleinburg core. The 2 tandem parking spaces would be used by employees, and can also be supported.

c) Landscaping

The site-specific exception requires a 5 m side landscape strip adjacent to the south property line. With the expansion of the parking area, the landscape strip width will be reduced to 0.16 m in this area. Staff can support the landscape reduction as the existing 1.8 m high wood privacy fence along the south property line will continue to buffer the parking area from the residential to the south. An exception to permit the existing gravel parking area, whereas By-law 1-88 requires asphalt, can be supported to preserve the "Village" quality of the Kleinburg core area. The site plan should also be amended to replace the outdoor patio area with landscaping.

Site Design

The site plan must be changed to reflect Staff's recommendation to delete the proposed patio. The existing site-specific exception establishes the building envelopes and parking area, however, the proposed application has increased the parking area from the permitted 6 parking spaces to 10 parking spaces with two tandem spaces.

The buildings are to remain, as well as, the access on Stegman's Mill to the existing gravel parking area. The gravel parking area will remain for filtration purposes, as well as, to maintain the historical character of the area. All outdoor garbage areas are to be internal to the building and must be reflected on a revised site plan.

Servicing

The site has access to municipal services, including water, sanitary and storm sewers, and hydro, which will not be affected as a result of this proposal.

Heritage

The subject property falls within the Kleinburg-Nashville Heritage Conservation District, as designated under Part V of the Ontario Heritage Act (R.S.O. 1990), as amended, and is subject to the Heritage District Plan, which guides heritage conservation issues and new development in the community. The development of the subject property is subject to the requirements of the Kleinburg-Nashville Heritage

Conservation Plan, and the proposal will be reviewed by the Urban Design and Cultural Services Departments, to ensure compliance.

Vaughan Vision 2007

This staff report is consistent with Vaughan Vision 2007, which encourages managed growth through the implementation of OPA #601.

This report is also consistent with Section 4.6.1 of Vaughan Vision 2007, which encourages the preservation of significant historic communities. The development is intended to compliment the existing historical community of Kleinburg.

Conclusion

Staff has reviewed the application in the context of the provisions of the Official Plan and Zoning By-law. The proposed zoning amendment to permit a tea room on the first floor and a residential unit on the second floor of Building Envelope #1, and a retail store restricted to the sale of clothing, antiques, arts and crafts including the teaching of art classes in Building Envelope #2, would be consistent and compatible with the existing commercial and residential uses in the area. Staff is satisfied that the proposal, with the exclusion of the outdoor patio associated with the tea room, is appropriate and in conformity with the "Mainstreet Commercial" uses in the Kleinburg Official Plan.

For these reasons, Staff recommends approval of the Zoning By-law Amendment (Z.03.046) and Site Development (DA.03.040) applications, subject to conditions. Should the Committee concur, the recommendation in this report can be adopted.

Attachments

1. Location Map
2. Site Plan

Report prepared by:

Margaret Holyday, Planner 1, ext. 8216
Arto Tikiryan, Senior Planner, ext. 8212
Grant Uyeyama, Manager of Development Planning, ext. 8635

(A copy of the attachments referred to in the foregoing have been forwarded to each Member of Council and a copy thereof is also on file in the office of the City Clerk.)

304. CONSIDERATION OF ITEMS REQUIRING SEPARATE DISCUSSION

COMMITTEE OF THE WHOLE (WORKING SESSION) REPORT NO. 81

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 8 PROPOSED PROTOCOL FOR RESPONDING TO
CORRESPONDENCE ADDRESSED TO
"MAYOR AND MEMBERS OF COUNCIL"

MOVED by Councillor Meffe
seconded by Regional Councillor Jackson

THAT Item 8, Committee of the Whole (Working Session) Report No. 81 be adopted without amendment.

CARRIED

COMMITTEE OF THE WHOLE REPORT NO. 82

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM - 10 ZONING BY-LAW AMENDMENT FILE Z.03.034
SITE DEVELOPMENT FILE DA.03.019
PETER EDREY
REPORT #P.2003.46

MOVED by Councillor Yeung Racco
seconded by Regional Councillor Ferri

That this matter be referred to the Council meeting of January 24, 2005, allowing for the election of the Ward 5 Local Councillor and subsequently a Ward 5 Sub-Committee meeting;

That the memorandum from the Commissioner of Planning, dated November 19, 2004, be received; and

That the following written submissions be received:

- a) Mr. & Ms. Jack and Ann Westerhoek, 12 Elizabeth Street, Thornhill, L4J 1X8, dated November 21, 2004; and
- b) Mr. Atul Gupta and Ms. Shirley Porjes, 26 Elizabeth Street, Thornhill, L4J 1Y1, dated November 21, 2004.

CARRIED

ITEM - 15 ZONING BY-LAW AMENDMENT FILE Z.04.012
TEMPLE KOL AMI
REPORT #P.2003.71

MOVED by Regional Councillor Jackson
seconded by Councillor Yeung Racco

THAT Item 15, Committee of the Whole Report No. 82 be adopted and amended, as follows:

By receiving the memorandum from the Commissioner of Planning, dated November 19, 2004.

CARRIED

ITEM - 17 ORR AVENUE/VILLAGE GREEN DRIVE SIDEWALK
LAW DEVELOPMENT GROUP (1988) LIMITED
19T-87070 \ 65M-3052
(Referred from the Council Meeting of November 8, 2004)

MOVED by Regional Councillor Jackson
seconded by Councillor Carella

THAT Item 17, Committee of the Whole Report No. 82 be adopted without amendment.

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CARRIED UPON A RECORDED VOTE

YEAS

Mayor Di Biase
Regional Councillor Ferri
Regional Councillor Jackson
Councillor Meffe
Councillor Yeung Racco

NAYS

Councillor Carella
Councillor Di Vona
Regional Councillor Frustaglio

ITEM - 20 PETITION AGAINST SIDEWALK INSTALLATION ON MEDITERRA
DRIVE (VELLORE VILLAGE)

MOVED by Councillor Di Vona
seconded by Regional Councillor Frustaglio

THAT Item 20, Committee of the Whole Report No. 82 be adopted and amended, as follows:

By approving that the sidewalk not be constructed.

FAILED TO CARRY UPON A RECORDED VOTE

YEAS

Councillor Di Vona
Regional Councillor Frustaglio

NAYS

Councillor Carella
Mayor Di Biase
Regional Councillor Ferri
Regional Councillor Jackson
Councillor Yeung Racco

MOVED by Regional Councillor Jackson
seconded by Councillor Yeung Racco

THAT Item 20, Committee of the Whole Report No. 82 be adopted without amendment.

CARRIED

COMMITTEE OF THE WHOLE (CLOSED SESSION) REPORT NO. 83

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM – 4 ONTARIO MUNICIPAL BOARD HEARING
APPEAL OF OFFICIAL PLAN AMENDMENT 600 AND
OFFICIAL PLAN AMENDMENT 650
1238239 ONTARIO LTD. AND OZNER CORPORATION (SOUTH)

MOVED by Regional Councillor Jackson
seconded by Councillor Yeung Racco

That this matter be reconsidered.

CARRIED UPON A 2/3 MAJORITY VOTE

MOVED by Councillor Meffe
seconded by Regional Councillor Jackson

THAT Item 4, Committee of the Whole (Closed Session) Report No. 83 be adopted and amended, as follows:

By approving the following:

- 1) That the City Solicitor and staff be directed to advise the Ontario Municipal Board that the City consents to the deletion of the road shown on the attached plan and that a walkway be substituted therefore on the schedule to OPA 650, subject to the owners/developer providing the following to the satisfaction of the City:
 - a. A raised sidewalk above the level of the road to City specifications in patterned concrete or interlocking brick;
 - b. Streetlighting along the walkway; and
 - c. Some landscaping treatment for the walkway.

CARRIED

COMMITTEE OF THE WHOLE (PUBLIC HEARING) REPORT NO. 84

(Refer to Committee Report for complete recommendations and documentation on all Committee items.)

ITEM – 2 ZONING BY-LAW AMENDMENT FILE Z.97.072
 DRAFT PLAN OF SUBDIVISION FILE 19T-97V19
 OBER PINE INC.
 PRELIMINARY REPORT

MOVED by Regional Councillor Jackson
seconded by Councillor Di Vona

THAT Item 2, Committee of the Whole (Public Hearing) Report No. 84 be adopted and amended, as follows:

By receiving the memorandum from the Director of Legal Services, dated November 18, 2004.

CARRIED

Addendum Items

305. ONTARIO HEALTH PREMIUM
(Addendum No. 1)

MOVED by Councillor Carella
seconded by Councillor Yeung Racco

That the recommendation contained in the following report of the Commissioner of Legal and Administrative Services, dated November 22, 2004, be approved:

CARRIED

Recommendation

The Commissioner of Legal and Administrative Services recommends passing of the following resolution:

WHEREAS the provincial government introduced the Ontario Health Premium (“OHP”) effective July 1, 2004

WHEREAS the Premier and the Minister of Finance have openly expressed their view that the provincial government did not intend that employers would be required to pay the OHP on behalf of employees

WHEREAS the City of Vaughan may be financially impacted by an interpretation in the legislation resulting in employers being responsible for the cost.

NOW THEREFORE, the Council of the City of Vaughan hereby request that the provincial government take the necessary steps to enact an amendment to the legislation which clarifies the position of the government that the introduction of the Ontario Health Premium is intended as an increase to individual provincial income tax

And that a copy of this resolution be forwarded to Premier Dalton McGuinty, Minister of Finance Greg Sorbara, local Provincial Members of Parliament and municipalities over 50,000.

Purpose

To induce the provincial government to provide further clarity on the new Ontario Health Premium which was implemented on July 1, 2004, through an increase to the personal income tax of Ontarians and was not intended to be a financial burden on employers in the Province of Ontario.

Background - Analysis and Options

On May 18, 2004, the Ontario Government delivered its first Budget and announced the introduction of the Ontario Health Premium (OHP). Commencing on July 1, 2004, employers were required to deduct the OHP from their employees’ taxable income.

Although the Budget stated that it will be an employee’s or retiree’s obligation to pay the OHP, employers have faced pressure to pay the OHP on behalf of their employees. The City of Vaughan faces these same pressures.

The question of “who should pay” still remains outstanding. Rulings from arbitrators are starting to emerge and are mixed at this time. Decisions have been issued in favour of the Employer however, there is also a decision that has been found in favour of the Union.

Conclusion

Both the Premier and the Minister of Finance have openly expressed their view that the government did not intend that employers would be required to pay the OHP on behalf of employees. Absent a legislative solution, however, the arbitration process will continue to run its course. Given the very different approaches applied in the cases heard so far, it is difficult to predict with any certainty how future awards, including the City of Vaughan, will be decided.

Report prepared by:

Cathrine Berge
Director of Human Resources

306. **LIGHTING REQUEST FROM THE KLEINBURG BUSINESS IMPROVEMENT ASSOCIATION**
(Addendum No. 2)

MOVED by Regional Councillor Frustaglio
seconded by Regional Councillor Ferri

That staff work with the Kleinburg BIA to make this happen ensuring that hydro conservation measures are in place; and

That the report of the Commissioner of Engineering and Public Works, dated November 22, 2004, be received.

CARRIED

MOVED by Regional Councillor Jackson
seconded by Councillor Yeung Racco

That a report be provided at the end of the initiative on the cost of lighting the trees.

CARRIED

Recommendation

The Commissioner of Engineering and Public Works, in consultation with the Director of Legal Services, recommends that Council provide direction with respect to the request received from the Kleinburg BIA, to light the Christmas trees that they have placed at the base of the streetlight poles in the village core, with power supplied from the hydro outlet built into the top of the City's streetlight poles.

Purpose

To seek Council direction concerning the request from the Kleinburg BIA.

Background - Analysis and Options

On November 16, 2004, Public Works staff received a request from Ms Dawna Gigulielmi, the Co-Chair of the Kleinburg BIA, indicating that they have decorated the village core with Christmas trees that are placed at the base of the City's streetlight poles. The BIA have requested that they be permitted to power the lights on the trees from the hydro outlet that is built into the top of the streetlight poles. They have indicated that no extension cords would be used, as the lights would wind up to the top of the poles.

The BIA have indicated that their request was urgent in nature, since the trees are in place, and the annual "Christmas In Kleinburg" takes place starting the week of November 22. They also noted in their request, that years ago, decorative wreaths were attached to the streetlight poles and powered from the same hydro outlets; however, they did not want to presume that they could light the Christmas trees in the same manner, and wanted approval to do so.

Council should be aware that the hydro outlets that are at the top of these streetlight poles are not controlled by the photocell that controls the cycle times of the streetlights. As such, the lights on the Christmas trees would be "on" 24 hours a day, and may raise some enquiries regarding the lack of hydro conservation measures.

By-law 169-84 designated the Kleinburg BIA and requires insurance and indemnification of the City. The bylaw authorizes improvements and beautification of municipally owned lands, with the prior approval of the City. Staff have contacted the BIA and requested confirmation of insurance and indemnification of the municipality. The BIA has advised that they are following up to obtain insurance.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council and the necessary resources have been allocated and approved.

Conclusion

The Kleinburg BIA has requested permission to connect Christmas trees lights to the hydro outlet mounted in the City's streetlight poles. These outlets are not controlled by the photocell, and as such, the lights would be on constantly throughout the period they were so connected. There may be enquiries concerning the lights being turned on 24 hours a day, and there may be enquiries from residents from other areas of the City regarding the placement of the trees and light.

Staff will monitor the locations to ensure the trees do not interfere with pedestrian or vehicular traffic.

This report is provided for Council information and direction.

Attachments

N/A

Report prepared by:

Brian T. Anthony, CRS-S, C. Tech
Director of Public Works

MOVED by Regional Councillor Ferri
seconded by Regional Councillor Jackson

THAT Council resolve into Committee of the Whole (Closed Session) for the purpose of discussing the following matters:

- i) litigation or potential litigation, including matters before administrative tribunals, affecting the City or local board; and
- ii) the receiving of advice that is subject to solicitor/client privilege, including communications necessary for that purpose; and

CARRIED

Council recessed at 3:50 p.m.

MOVED by Councillor Di Vona
seconded by Councillor Carella

THAT Council reconvene at 5:00 p.m.

CARRIED

Council reconvened at 5:00 p.m. with all members present.

307. 310 WASTE LTD.
(Addendum No. 3)

MOVED by Councillor Carella
seconded by Regional Councillor Ferri

COUNCIL MEETING MINUTES - NOVEMBER 22, 2004

That the confidential recommendation of the Committee of the Whole (Closed Session) of November 22, 2004, be approved.

CARRIED

308. BY-LAWS FIRST, SECOND AND THIRD READINGS

MOVED by Councillor Carella
seconded by Councillor Di Vona

That the memoranda from the Director of Legal Services, dated November 2, 2004, regarding By-Law 330-2004 and dated November 18, 2004, regarding 340-2004, be received.

CARRIED

MOVED by Councillor Carella
seconded by Councillor Di Vona

THAT the following by-laws be read a First, Second and Third time and enacted:

- | | |
|------------------------|---|
| By-Law Number 330-2004 | A By-law to authorize the conveyance of Blocks 61, 62 and 63, Plan 65M-3620 to abutting owners. (Referred from the Council Meeting of November 8, 2004, Additional Information Memorandum dated November 2, 2004) |
| By-Law Number 336-2004 | A By-law to amend the Consolidated Traffic By-law 284-94, as amended, to govern and control traffic in the City of Vaughan. (Thornhill Woods Drive and Autumn Hill Boulevard) (Council, October 25, 2004, Item 6, Committee of the Whole, Report No. 73) |
| By-Law Number 337-2004 | A By-Law to dedicate certain lands as part of the public highway known as Martin Grove Road. (Part 1 Plan 65R-26931, Martin Grove Road, PIN Number 03222-0719 (R) (Delegation By-Law 333-98) |
| By-Law Number 338-2004 | A By-law to dedicate certain land as part of the public highway being Spring Gate Boulevard. (Block 140 on M-2008, Spring Gate Boulevard, PIN Number 03255-0190) (Delegation By-Law 333-98) |
| By-Law Number 339-2004 | A By-law to authorize the acquisition of land for a neighbourhood park and to authorize the Mayor and Clerk to execute an Agreement of Purchase and Sale between The Corporation of the City of Vaughan and Lanterna Group. (Part of Block 46, Plan 19T-02V01) (Item 3, Committee of the Whole (Closed Session), Report No. 83) |
| By-Law Number 340-2004 | A By-law to amend By-law No. 212-2004, being a by-law to authorize the sale of City lands to The Regional Municipality of York for a proposed road widening and reconstruction of Teston Road East of Dufferin Street. (Additional Information Memorandum dated November 18, 2004) |

CARRIED

309. CONFIRMING BY-LAW

MOVED by Councillor Carella
seconded by Councillor Di Vona

THAT By-law Number 341 -2004, being a by-law to confirm the proceedings of Council at its meeting on November 22, 2004, be read a First, Second and Third time and enacted.

CARRIED

310. ADJOURNMENT

MOVED by Regional Councillor Jackson
seconded by Councillor Carella

THAT the meeting adjourn at 5:03 p.m.

CARRIED

Michael Di Biase, Mayor

J. D. Leach, City Clerk