



\* Denotes Change From Council Agenda

## MINUTES

### COUNCIL MEETING

**MONDAY, FEBRUARY 1, 2016**

The Town of Halton Hills Council met this 1<sup>st</sup> day of February, 2016, in the Council Chambers, Halton Hills Civic Centre, commencing at 5:00 p.m., with Mayor R. Bonnette in the Chair, and continued in Council Chambers at 6:35 p.m.

**MEMBERS PRESENT:** Mayor R. Bonnette, Councillors M. Albano, T. Brown, J. Fogal, J. Hurst, B. Inglis, M. Johnson, D. Kentner, A. Lawlor, B. Lewis, C. Somerville

**STAFF PRESENT:** (Open Session) B. Marshall, Chief Administrative Officer/Fire Chief; E. DeSousa, Commissioner of Finance and Treasurer; W. Harris, Interim Commissioner of Community & Corporate Services; C. Mills, Commissioner of Planning and Infrastructure; J. Linhardt, Executive Director of Planning and Chief Planning Official; J. Diamanti, Executive Director of Library Services and Culture; H. Olivieri, Deputy Fire Chief; D. Szybalski, Manager of Sustainability; S. Grace, Program Manager Water Resources; R. de Silva, Planner – Policy; M. Van Ravens, Manager of Transportation and Development Engineering; F. Des Neves, Executive Assistant; D. Edwards, Economic Development Coordinator; S. Jones, Town Clerk

**STAFF PRESENT:** (Closed Session) B. Marshall, Chief Administrative Officer/Fire Chief; E. DeSousa, Commissioner of Finance and Treasurer; W. Harris, Interim Commissioner of Community & Corporate Services; C. Mills, Commissioner of Planning and Infrastructure; J. Linhardt, Executive Director of Planning and Chief Planning Official; A. Farr, Manager of Development Review; S. Jones, Town Clerk

#### 1. OPENING OF THE COUNCIL MEETING

Mayor R. Bonnette called the meeting to order at 5:00 p.m. in the Council Chambers.

**2. CLOSED SESSION/CONFIDENTIAL REPORTS FROM OFFICIALS**

Resolution No. 2016-0010

Moved by: Councillor M. Albano  
Seconded by: Councillor B. Lewis

THAT the Council of the Town of Halton Hills meet in closed session in order to address the following matters:

- A. REPORT NO. P&I-2016-0011 dated January 18, 2016 regarding litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege. (Pending OMB Hearing)
- B. REPORT NO. P&I-2016-0012 dated January 19, 2016 regarding litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege. (Residential Development)
- C. Any matters arising out of confidential minutes listed elsewhere on this agenda.

CARRIED

Council convened into Closed Session at 5:05 p.m.

**3. RECESS AT THE CALL OF THE CHAIR**

Mayor R. Bonnette called for a recess at 6:05 p.m.

**4. RECONVENE INTO OPEN SESSION**

Resolution No. 2016-0011

Moved by: Councillor T. Brown  
Seconded by: Councillor M. Albano

That the Council of the Town of Halton Hills reconvene this meeting in open session.

CARRIED

**5. NATIONAL ANTHEM**

**6. ANNOUNCEMENTS**

A. Green Development Leadership Awards

Mayor R. Bonnette announced that nominations are now being accepted for the Green Development Leadership Awards.

Development, whether residential, commercial or industrial, can make a significant contribution to the sustainability and well-being of our community. This includes:

- improving energy and water efficiency;
- reducing home building and operating costs;
- reducing greenhouse gas emissions;
- addressing climate change; and
- designing our neighbourhoods to be more walkable.

The Green Development Leadership Awards are an opportunity to celebrate and recognize industry leaders that are making a valuable contribution to the sustainability of Halton Hills. Nominations are open to everyone and the application deadline is Friday June 24, 2016 before 4:30 p.m. Apply Now!

For more information visit our website at [www.haltonhills.ca](http://www.haltonhills.ca) or contact the Office of Sustainability in Planning & Infrastructure at 905-873-2601, extension 2289.

B. Community Sustainability Investment Fund

Mayor R. Bonnette announced that applications are now being accepted to the Community Sustainability Investment Fund.

This Fund supports projects and events that contribute to making Halton Hills a great place to live while implementing the Community Sustainability Strategy.

The Fund creates partnerships between the Town and the community, leading to a better quality of life through a focus on cultural vibrancy, economic prosperity, environmental health and social wellbeing. The application deadline is Friday April 29, 2016 by 4:30 p.m. Apply Now!

For more information visit our website at [www.haltonhills.ca](http://www.haltonhills.ca) or contact the Office of Sustainability in Planning & Infrastructure at 905-873-2601, extension 2290.

C. Acton Winter Carnival – Chilli Cook Off

Councillor C. Somerville announced that there was a great crowd that attended the Acton Winter Carnival. There were lots of events for all to enjoy, with many of the events focused on food. The Chilli Cook Off was a great success with Mayor Rick's Chilli Raiders taking first place. It was a true team effort from Council members. Councillor Somerville thanked members of Council who helped serve up the Chilli to the crowd.

**7. EMERGENCY BUSINESS MATTERS**

NIL

**8. DISCLOSURES OF PECUNIARY INTEREST/CONFLICT OF INTEREST**

The Mayor called upon Members of Council to declare any pecuniary interest they might have on the agenda this date.

A. Councillor J. Fogal declared a pecuniary interest with respect to Item No. 11.1 and 12 A. (Appeal Hearing and Council Resolution) of these Minutes, as she owns property in the vicinity of the property noted as within the appeal. Councillor Fogal did not partake in any discussion or voting on these matters.

B. Councillor C. Somerville declared a pecuniary interest with respect to Item No. 2A (Confidential Report No. P&I-2016-0011 regarding pending OMB Hearing) as he is an ex-officio board member of a property named within the confidential report. Councillor Somerville did not partake in any discussion or voting on this matter.

**9. COUNCIL DELEGATIONS/PRESENTATIONS**

NIL

**10. REPORTS AND RECOMMENDATIONS FORWARDED FROM THE PREVIOUS GENERAL COMMITTEE MEETING OF JANUARY 11, 2016.**

NIL

**10.1 Resolution prepared to adopt the Minutes of the previous meeting of Council;**

Resolution No. 2016-0012

Moved by: Councillor M. Albano  
Seconded by: Councillor B. Inglis

THAT the Minutes of the Council meeting held on January 11, 2016 are hereby approved.

CARRIED

**11. GENERAL COMMITTEE**

Resolution No. 2016-0013

Moved by: Councillor C. Somerville  
Seconded by: Councillor B. Lewis

THAT Council do now convene into General Committee.

CARRIED

**Councillor Jon Hurst assumed the role of Presiding Officer.**

**11.1 Public Meetings / Hearings**

6:45 p.m.	Appeal Hearing -	Appeal of Town Council's decision to uphold the Site Alteration Committee's denial of the Site Alteration Permit for the property known as 12519 8 <sup>th</sup> Line, 1244002 Ontario Inc. – December 14, 2015
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(Hearing Minutes Attached as Appendix A to these Minutes)

**11.2 Delegations/Presentations regarding items in General Committee**

NIL

**11.3 Municipal Officers Reports Considered by General Committee**

NIL

**11.4 Adjourn back into Council**

Recommendation No. GC-2016-0003

THAT General Committee do now reconvene into Council.

CARRIED

**12. REPORTS AND RECOMMENDATIONS FORWARDED FROM GENERAL COMMITTEE FOR APPROVAL**

A. Resolution No. 2016-0014

Moved by: Councillor C. Somerville

Seconded by: Councillor B. Lewis

THAT the following recommendation from the Monday, February 1, 2016 General Committee Meeting - Appeal Hearing is hereby adopted:

THAT Council for the Town of Halton Hills uphold the recommendation of the Site Alteration Committee to deny a Site Alteration Exception or Variance for the property known as 12519 8<sup>th</sup> Line, 1244002 Ontario Inc., for the reasons given by the Committee as outlined in the Site Alteration Committee Minutes dated November 25, 2015;

AND FURTHER THAT as per Section 14(3) of By-law No. 2010-0119, a by-law to Prohibit or Regulate Site Alterations within the Town of Halton Hills, this decision of Council is final and binding.

**RECORDED VOTE**

**In Favour: Mayor Bonnette; Councillors Lawlor, Hurst, Inglis, Johnson, Kentner, Lewis, Somerville, Brown, Albano**

**Pecuniary**

**Interest: Councillor J. Fogal**

CARRIED

**13. REPORTS OF THE STANDING COMMITTEES (ADOPTION/RECEIPT OF MINUTES & RECOMMENDATIONS)**

Resolution No. 2016-0015

Moved by: Councillor M. Albano

Seconded by: Councillor J. Hurst

THAT the following items numbered A to E are hereby approved:

- A. Report of the Fire Services and Emergency Planning Committee meeting held on January 7, 2016 as presented.
- B. Report of the Community Affairs Committee Meeting held on January 12, 2016 as presented.
- C. Report of the Corporate Affairs Committee Meeting held on January 19, 2016 as presented.
- D. Confidential Minutes of the Fire Services and Emergency Planning Committee meeting held on January 7, 2016 as presented.
- E. Confidential Minutes of the Corporate Affairs Committee Meeting held on January 19, 2016 as presented.

CARRIED

**14. RECEIPT OF MINUTES OF ADVISORY/SPECIAL COMMITTEES**

Resolution No. 2016-0016

Moved by: Councillor T. Brown

Seconded by: Councillor A. Lawlor

THAT the Minutes of the Halton Hills Public Library Board meeting held on December 9, 2015 are hereby received for information.

CARRIED

**15. PETITIONS/COMMUNICATIONS/MOTIONS**

- A. Motion to Support the Establishment of an Ontario Green Legacy Programme.

Resolution No. 2016-0017

Moved by: Councillor J. Fogal  
Seconded by: Councillor J. Hurst

WHEREAS Ted Arnott, MPP for Wellington-Halton Hills introduced a Private Member's Resolution calling on the Government to establish an Ontario Green Legacy Programme modelled on the highly successful Wellington County Green Legacy Programme;

AND WHEREAS the Wellington County Green Legacy Programme has planted over a million trees since it was established in 2004;

AND WHEREAS the resolution to establish a Green Legacy Programme with a goal of planting 150 million trees beginning in 2017 was passed unanimously by the Legislature on October 22, 2015;

AND WHEREAS planting trees is an effective way to improve the environment and help in the fight against climate change;

AND WHEREAS such a programme would be a fitting and beneficial way to mark the 150<sup>th</sup> anniversary of Confederation;

THEREFORE BE IT RESOLVED that the Town of Halton Hills supports MPP Ted Arnott's resolution to establish an Ontario Green Legacy Programme

AND FURTHER that this resolution be circulated to the Honourable Bill Mauro, Minister of Natural Resources; G. Murray, Ministry of the Environment and Climate Change; Ted Arnott MPP Wellington-Halton Hills; and the Town's TSIC Committee.

CARRIED



- B. Motion to have Family Washrooms re-designated as Family/All Genders Washrooms.

Resolution No. 2016-0018

Moved by: Councillor J. Hurst

Seconded by: Councillor M. Johnson

WHEREAS the Town of Halton Hills strives to provide equal access to the Town's programs, facilities and services;

AND WHEREAS our Integrated Community Sustainability Strategy "Imagine Halton Hills" envisions a future where our community is economically prosperous, environmentally healthy, socially equal, and culturally vibrant;

AND WHEREAS the Ontario Human Rights Code prohibits actions that discriminate against people based on grounds including - age, disability, family status, gender identity and gender expression, sex and sexual orientation;

AND WHEREAS on January 14, 2016 Town of Halton Hills Council met with students of Acton High School to hear and discuss items of importance to the high school community, including the relevancy of implementing gender neutral washrooms;

THEREFORE BE IT RESOLVED that the Town re-designate existing family washrooms in the Civic Centre and town-owned Community Centres as Family/All Genders Washrooms;

AND FURTHER THAT the designation of Family/All Genders Washrooms in all remaining town-owned facilities be referred to staff for further review and implementation wherever possible;

AND FURTHER THAT the designation of Family/All Genders Washrooms in all future town-owned facilities be implemented;

AND FURTHER THAT staff report back to Council only if there are substantive operational or cost issues associated with the implementation;

AND FURTHER THAT a copy of this resolution be forwarded to the faculty and staff of Acton High School, the Region of Halton, the City of Burlington, and the Towns of Oakville and Milton, School Boards, T. Arnott, M.P.P. and M. Chong, M.P.

CARRIED

**16. ADVANCE NOTICE OF MOTION**

NIL

**17. MOTION TO RECEIVE AND FILE GENERAL INFORMATION PACKAGE**

Resolution No. 2016-0019

Moved by: Councillor J. Hurst

Seconded by: Councillor A. Lawlor

THAT the General Information Package dated February 1, 2016 be received.

CARRIED

**18. RECONVENE INTO CLOSED MEETING**

The following items pertain to Item #2 of these minutes.

2A

REPORT NO. P&I-2016-0011 dated January 18, 2016 regarding litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege. (Pending OMB Hearing)

Resolution No. 2016-0020

Moved by: Councillor J. Fogal

Seconded by: Councillor D. Kentner

THAT REPORT NO. P&I-2016-0011 dated January 18, 2016 regarding litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege (Pending OMB Hearing) be received;

AND FURTHER THAT Staff carry out Council's direction.

CARRIED

2B

REPORT NO. P&I-2016-0012 dated January 19, 2016 regarding litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege. (Residential Development)

Resolution No. 2016-0021

Moved by: Councillor D. Kentner  
Seconded by: Councillor M. Johnson

THAT REPORT NO. P&I-2016-0012 dated January 19, 2016 regarding litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege (Residential Development) be received;

AND FURTHER THAT Staff carry out Council's direction.

CARRIED

**19. CONSIDERATION OF BY-LAWS**

Resolution No. 2016-0022

Moved by: Councillor M. Johnson  
Seconded by: Councillor B. Inglis

THAT the following Bills are hereby passed by Council;

AND THAT the Mayor and Clerk are hereby authorized to execute the said by-laws and affix the seal of the Corporation thereto.

2016-0004 A By-law to designate the Perkins House, located at 88 Bower Street (Acton), under Part IV of the Ontario Heritage Act as being of cultural heritage value of interest.

2016-0005 A By-law to provide for the Registration of Two-Unit Houses and Appointing a Registrar to Register Two-Unit Houses in a Public Registry.

2016-0006 A By-law to adopt the proceedings of the Council meeting held on the 1<sup>st</sup> day of February 2016.

CARRIED

**20. ADJOURNMENT**

Resolution No. 2016-0023

Moved by: Councillor B. Inglis  
Seconded by: Councillor B. Lewis

That this meeting do now adjourn at 8:03 p.m.

CARRIED

\_\_\_\_\_  
Rick Bonnette

MAYOR

\_\_\_\_\_  
Suzanne Jones

CLERK

## APPENDIX A



## APPEAL HEARING MINUTES

### **Appeal of Town Council's decision to uphold the Site Alteration Committee's denial of the Site Alteration Permit for the property known as 12519 8<sup>th</sup> Line, 1244002 Ontario Inc. – December 14, 2015**

Minutes of the Appeal Hearing held on February 1, 2016, at 6:45 p.m., in the Council Chambers Halton Hills Civic Centre.

Councillor J. Hurst chaired the hearing.

Councillor J. Hurst advised the following:

This Appeal Hearing is being conducted pursuant to the provision of the *Statutory Powers Procedure Act*, R.S.O. 1990, Chapter S.22 and the relevant provisions of Section 14 of By-law 2010-0119, a by-law to prohibit or regulate Site Alterations with the Town of Halton Hills. This is considered an oral hearing and will be open to the public.

The purpose of the hearing is to provide the appellants, Rick and Sally Stull, and/or their representative an opportunity to appeal the decision of the Site Alteration Committee, upheld by Town Council, regarding the denial of a Site Alteration Exemption for the property known as 12519 8<sup>th</sup> Line, 1244002 Ontario Inc.

General Committee of Council will hear and consider all of the evidence presented, and pursuant to the *Municipal Act, 2001*, as amended, *Statutory Powers Procedure Act*, R.S.O. 1990, and the Town of Halton Hills By-law 2010-0119 will make a recommendation to uphold or vary the Site Alteration Committee's decision of November 25, 2015, upheld by Council on December 14, 2015; that decision being to deny the requested Exemption or Variance to the Site Alteration By-law 2010-0119.

Council will then uphold or vary the recommendation of General Committee, and Council's determination shall be final and binding.

The appeal hearing will be conducted in the following manner:

General Committee will hear from the appellant and/or their representative. The evidence provided is to be clear, concise and non-repetitive. The Chair can use his discretion in posing speaking time limits, however normal practice is 10 minutes.

General Committee members may then ask questions of the appellant and/or their representative. General Committee members may also ask questions of Town staff or the Town's representative. The appellant or his/her representative will be given an opportunity to respond to any information that arises out of such questions.

Any written material provided by the appellant, and/or their representative, relevant to the subject matter will be received however Council may exclude any correspondence that is unduly repetitious.

After General Committee members have exhausted all questions the Chair, will call for a motion to make a recommendation, should General Committee choose, the motion can be debated.

Upon final recommendation through an approved motion the appeal hearing will be deemed to be concluded.

Council will then uphold or vary the recommendation of the General Committee, in accordance with section 14(3) of the Site Alteration By-law.

The Chair called upon the appellants Rick and Sally Stull, or their representative to come forward to state their evidence.

S. Stull stated, for the record, that this is not truly an appeal because it lacks procedural fairness as the Site Alteration By-law 2010-0119 directs the appeal back to this same Council which made the decision. Council and the Committee denied the approval of the applications despite the application satisfying every requirement of Site Alteration By-law 2010-0119 including purpose, intent and technical requirements both on-site and off-site. The long term land use of the property and its rehabilitation is in the public interest as it relates to agricultural land rehabilitation. This initiative is supported by provincial, regional and local policy and legislation and has no technical barrier to completion other than temporary truck nuisance. The Town staff has noted that the haul route that the gravel came out on, and was constructed for, remains in good condition. Staff also noted that suitable financial deposits can be put in place to ensure this continues through the temporary timeframe that is needed to complete this project.

S. Stull further stated that the applicant is requesting an Exception or Variance to By-law 2010-0119 to permit the importation of approximately 720,000 cubic metres of fill, subsoil and topsoil to fill the former gravel pit on the property to create 8.8ha of productive farmland. We have had a series of meetings before the Committee in an effort to achieve their approval. At the meeting of November 25, 2015, Town staff indicated that all of the technical requirements of Town staff have been satisfied and that further details would be part of an implementing agreement. The Committee denied the application, and the minutes of the November 25, 2015 meeting set out the following reasons - 1) since the site was a gravel esker and the lands have not been farmed for 46 years, the site is not fertile and the majority of the fill materials will not improve the fertility of the land; 2) the importation of 720,000 cubic meters of material is not a normal farm practice; 3) the application will not maintain the general intent of the by-law because (a) the haul route

(Eighth Line and 22<sup>nd</sup> Sideroad) are Class B roads and not haul routes. They are narrow and not constructed to handle the projected amount of truck traffic. Three to five years of truck traffic will be a nuisance and be an interference and disturbance to the residents that live along the route; and (b) there is an inadequate plan for quality control to ensure that the imported soil does not contaminate the aquifer. The Committee is not satisfied that water quality issues have been adequately addressed.

S. Stull advised that at the committee meetings, these items have been discussed. Town staff is satisfied that all of the technical requirements have been satisfied. As a result there are no reasons remaining that prevent the approval of the application. The applicant submits that the Committee's reasons for refusal are not true. While neighbouring land owners did suggest that the property was a gravel esker, the Canada Land Inventory of Agriculture maps the site as Class 1 farmland. The land surrounding the former pit is actively farmed and there is no reason to suggest that the site cannot be used as productive agricultural land. Certainly it is in the public interest to use the land as active farmland rather than have it remain as a deep hole where nothing grows. Presently the ground water aquifer is exposed and contamination can easily occur. This site has steep slopes and is a danger to trespassers. The side slopes of the pit are at a 3:1 slope. This is far too steep to permit active cash crop farming. The importation of the fill is required in order to create a farm field that can be safely and effectively farmed. Contrary to the Committee's statement, the Farm Practices Review Board has ruled that the importation of fill to create more usable and fertile farm fields is a normal farm practice. The Review Board made this decision with respect to an earlier application on part of the subject property. The applicant did not proceed with the operation because the conditions imposed could not be fulfilled.

S. Stull further advised that the application meets the intent of the by-law in the applicant's submission because; a) town staff consider the haul route to be satisfactory subject to adequate securities being posted to mitigate any damages that may result from the operation. We note that the determination of the haul route is not within the Committee's mandate. By-law 2010-0119 item (H) clearly indicates that the "Director" will designate the haul route. The "Director" is responsible to minimize damage to the Town's roads and interference and disturbance to residents; and b) there were extensive discussions before the Committee about the protection of the aquifer from contamination. Town staff is satisfied that a suitable protocol can be developed as part of the agreement to ensure that aquifer contamination does not occur. The applicant has agreed to a ground water monitoring program to the satisfaction of the Region of Halton and has agreed to hiring the appropriate qualified person to monitor the placement of the fill.

In concluding, S. Stull noted that the Committee did not follow the requirements set out in By-law 2010-0119 with respect to this application and did not adequately comprehend the evidence before it. As a result its conclusion and its reasons in this matter are incorrect. We ask that council not adopt the Committee's report and that council accept Option "A" contained in the November 6, 2015 staff report to the Site Alteration Committee which is as follows:

"The Site Alteration Committee (SAC) and staff continue to work with the applicant to complete the requirements of the Exemption or Variance to the Site Alteration By-law and enter into an agreement to ensure that the proposed works are consistent with the requirement of the Site Alteration By-law. The Site Alteration Committee will report to Council for final approval".

The Chair asked General Committee members if there were any questions they wished to ask of the representative or Town staff. The following are questions asked by General Committee members and the responses:

Q. – You noted that conditions were impossible to meet. Did the applicant or their representative sit down with staff?

S. Stull noted, yes however there was no resolution and the conditions pertaining to haul routes, specifically the time restrictions, are ridiculous.

Q. – Is any of the information provided tonight new information that was not provided to Council previously?

S. Stull asked if the Councillor had read the previous notes and information provided.

Upon completion of questions the Chair called for a motion from the floor. The following motion was moved;

**THAT General Committee of Council uphold the recommendation of the Site Alteration Committee, for the reasons given by the Committee as outlined in the Site Alteration Committee Minutes dated November 25, 2015. (moved by Councillor C. Somerville).**

**MOTION CARRIED**

The Chair called the Appeal Hearing concluded at 7:10 p.m.

\_\_\_\_\_  
Rick Bonnette

MAYOR

\_\_\_\_\_  
Suzanne Jones

CLERK