

THE CORPORATION OF THE
TOWN OF GEORGINA

**SPECIAL COUNCIL
MINUTES**

COUNCIL INFORMATION SESSION

Monday, January 31, 2011
9:18 a.m.

Georgina Council Chambers

1. ROLL CALL:

Mayor Grossi
Councillor Craig
Councillor Hackenbrook

Regional Councillor Wheeler
Councillor Davison
Councillor Smockum

Staff:

Sue Plamondon, Chief Administrative Officer
Rebecca Mathewson, Director of Administrative Services and Treasurer
Faye Richardson, Director of Recreation, Parks and Culture
Harold Lenters, Director of Planning and Building
Bob Magloughlen, Director of Engineering and Public Works
Bill O'Neill, Fire Chief
Mary Baxter, Director of Library Services
Karen Stone, Economic Development Officer
Lisa Lyons, Deputy Clerk
Carolyn Lance, Administrative Assistant to the Town Clerk

Press:

Tracy Kibble, The Advocate
Karen Wolfe, The Pepperlaw Post

2. APPROVAL OF AGENDA:

Moved by Councillor Smockum

Seconded by Councillor Craig

RESOLUTION NO. SC-2011-0037

THAT THE AGENDA BE ADOPTED AS PRESENTED.

Carried.....

3. DECLARATION OF CONFLICT:

None.

4. PRESENTATIONS:

4.1 Tim Jones to make a presentation respecting the Character Initiative and Character Council of York Region

Mr. Jones indicated that Council had passed a proclamation on February 11, 2002, designating Georgina as a Character Community through such actions as building strong communities, safe homes, productive businesses and safe school atmosphere.

Mr. Jones, with the assistance of a power point presentation, talked about character and how they are conveyed and taught. All municipalities, the region and the province have passed resolutions to make themselves Communities with Character. He explained that the Character Community Board of Governors is raising money so the Character Committee can stand on its own without Regional financial assistance.

Mr. Jones requested that Council consider appointing a member of Council to the committee as a liaison between the committee and Council.

The Council Members recessed at 10:05 a.m; the meeting resumed at 10:17 a.m.

5. MATTERS FOR DISCUSSION:

5.3 Web Streaming of Council Meetings

Sue Plamondon, Chief Administrative Officer, stated that some members of the public have been making inquiries as to whether it would be possible to either live-stream Council meetings or make them available on-line after the meeting has been held. She stated that while they are in the midst of pursuing communication facilities for the Council Chambers, she inquired if Council was interested in attempting to pursue live-stream.

Ms. Plamondon explained that some other municipalities have active cable networks that will often videotape some or all of the meetings and run them for the public. Those that do audio tape meetings for assisting the clerk in minute taking will generally destroy the tapes within a certain period of time, as audio tape is not a formal record. Internet and webcasting is not a common way of informing the public. Cable broadcasts of meetings are run at intervals until the next meeting, but they are edited versions.

5. MATTERS FOR DISCUSSION cont'd:

Ms. Plamondon explained that cameras were used in the past in the Council Chambers; cameras would be placed strategically around the chambers. In terms of the building, a sound system is not connected to the chambers. Audio streaming would be possible at a price.

It was noted that the costs involved could be determined and whatever system is made available, it should be available to all of the residents in Georgina, as the local cable company is not available to all of the residents. Audio streaming should be looked at and if it is possible to take the audio record and stream it on the web, at least everyone who can connect to the web can listen to it.

Ms. Plamondon stated that staff will bring back a proposal including such issues as streaming only Council meetings or both Committee of the Whole and Council meetings, a policy framework, the potential costs involved, time between meetings and broadcasts.

Mr. Plamondon stated that people have different ways of receiving information; paper, video, audio, and everyone must be considered. The option to fast-forward could be considered with live-streaming or videotapes put online.

It was noted that this is not a high priority issue and could be considered within the next few months.

Rebecca Mathewson, Director of Administrative Services and Treasurer, indicated that this issue is already being investigated by our Information Technology department. The I.T. department requested Council's priorities and expectations before looking at the costing and logistics of the issue. She noted that she will bring back a report to Council later this year.

It was suggested that it could be done fairly quickly and inexpensively, within two weeks. Council would like to see some examples from other municipalities that already have this technology installed.

Ms. Mathewson explained that most of the municipalities using web-streaming and/or video are in the United States. She stated that she can obtain this information and recommend to staff to bring back a report on the possibility of immediate web-streaming and see what the feedback is once it is on the web and then discuss extending the system.

5. MATTERS FOR DISCUSSION cont'd:

5.5 Overview of Rusty Russell Reports; who owns the land between Lake Drive and the Lake

Sue Plamondon, Chief Administrative Officer, stated that this issue originates from the historic question of ownership of the land between the road and the lake.

Bob Magloughlen, Director of Engineering and Public Works, stated that there are two sections of Lake Drive and each is different. The first section from Eastbourne to Jackson's Point, was reported on by Russell in 1990. It involved a travelled road along the shoreline and not part of the original crown survey of the Town. There was a procedure in the 1800's to formalize that kind of road. The road width along this section is 66 feet except in areas that do not follow the shoreline where the travelled road is only 20 feet and 20-30 feet of land between the road and the lake, being road allowance. However, when this area was subdivided in the 1920's and 1930's, landowners on the south side of the road began to occupy the lake frontage. Surveys were created and deeds were produced. The landowners rightly assumed they owned the land and that the boathouses and docks were on land they owned. Russell's report confirmed the law and history, that the Town owns to the water's edge and there have been no court challenges to that ownership. The Town continues to allow the construction of fences on the lakefront side of the road as long as they do not interfere with snowplowing, noting that fences stop children from walking onto the road. At the same time, the Town does not want the area to be a heavily used recreational area.

Mr. Magloughlen stated that the second section in Orchard Beach is different from the first section. The road was opened in the 1800's but no formal process was followed to open it through the court system. It was a trespass road that extended from Church Street to Boyer's Road. There were a lot of different opinions shared over the years and in 2006 Russell was hired by the Town, as a highly regarded lawyer who has spent the most time researching this issue.

Mr. Magloughlen, stated that Orchard Beach has always been a grey area. The report concluded that this is a trespass road and the Town only owns the width of asphalt and a bit of the sides of the road, with the exception of where subdivision have taken place and those plans indicate 66 foot road allowance in Town ownership. There are areas where the Town owns to the water's edge and other areas where it does not.

5. MATTERS FOR DISCUSSION cont'd:

Mr. Magloughlen explained that with the Burn's situation, the issue is the portion of crown land within the lake, not the road allowance; does he occupy the land or does he purchase the land. He stated that Crown land falls under the Lakes and Rivers Improvement Act, that all lakes and rivers are owned by the Crown or the Province.

Ms. Plamondon explained that farther north you see 66 feet for public access with land surveyed to the water's edge. When a decision is made that there should be public access through land in private ownership, it is a form of expropriation and people would be compensated. In the Oak Ridges Moraine legislation, large sums of compensation were paid to landowners. There are anomalies with land in Georgina and even where it is clear where the ownership lies, occupations still occurred over the years. The other issue regarding the high water mark and the riparian rights and the bed of the lake is clearly the Crown's responsibility.

Mr. Magloughlen advised that the Town has policies regarding fences, docks, decks and hedges on this type of lakefront property and struggles with the replacement of existing boathouses and structures. He noted that most applications regarding issues of this type must go through the Ministry of Natural Resources.

Rebecca Mathewson, Director of Administrative Services and Treasurer, explained that all of the properties on lake drive would be classified as waterlot properties and would not be assessed for the land between the road and the lake if ownership was not proven. She explained that if a property has the benefit of waterfront whether directly owned or not, it drives the assessment of the property up. If a home is sitting directly on the shoreline, its assessed value would be equivalent to what the home could sell for in an open market. If there was a strip of land between a house and the lake and as long as you had access to the lake, the lake access would affect the market value. In 1997 the new Market Value Assessment was implemented by the Province of Ontario, and waterfront properties and some seasonal properties were affected greatly. Many of these properties had been traditionally under-assessed for years and the change to Market Value Assessment created a huge number of adjustments. She noted that properties are much more valuable if they have access to water.

Ms. Mathewson explained that there were significant property increases and the Province brought in new legislation requiring the phasing-in of market related increases while decreases were received by property owners immediately.

5. MATTERS FOR DISCUSSION cont'd:

Mr. Magloughlen mentioned that generally a license of occupation would be supported, but not the sale of land. He explained that the current policy for fencing and hedging is a maximum height of one metre and 50% of the frontage must be left open. The policy for beach associations regarding their occupation of road ends includes maintenance of the property by the individual association members for issues such as grass cutting and litter pickup.

Mr. Magloughlen stated that the Town would be a commenting agency when boathouses are constructed on the lake, noting that Council still needs to tackle the replacement issue; does the town want to permit boat houses to be replaced under the grandfathering clause when they are destroyed by ice or follow the policy and not permit it.

Ms. Plamondon stated that there is a provision in the Planning Act that says if the rules change and the use on the property complied with the rules before they were changed, the amended rules will not affect you which is called a legal non-conforming use. The ultimate goal is that this situation will discontinue eventually; that as long as the use is in existence and continues, it may remain, but it cannot be changed in any way. If the ultimate goal for the Town is the ability for the public to walk along Lake Drive in the vicinity of the water with an unobstructed view to the water, the policy would be to prohibit construction of any kind on the lake side of Lake Drive. Currently, a property owner can continue with a current use, but once that use changes, it must be eliminated.

Ms. Plamondon indicated that issuance of building permits, zoning by-law requirements and ownership of land are the issues.

Council's actions should reflect the desired outcome.

Mr. Magloughlen stated that the Ministry of Natural Resources will not dispose of their land without contacting the Town and does not want to see the Town's land ownership diminished.

The meeting recessed at 11:40 a.m.; the meeting resumed at 11:47 a.m.

5.6 Budget Review, Public Consultation and Approval Schedule

Rebecca Mathewson, Director of Administrative Services and Treasurer, stated that the draft budget should be delivered to Council members by Monday, February 7th. Budget dates will be publicized on Thursday, February 10th and the draft budget report and summaries will be made available to the public following a presentation to the Council meeting on February 14th. Staff will be making

5. MATTERS FOR DISCUSSION cont'd:

similar budget presentations this year to enhance communications and encourage public input in each of the major communities; at the Keswick library on February 15th, the Sutton library on February 16th and the Pefferlaw library on February 17th. February 18th is scheduled as a separate budget discussion day for the Recreation, Parks and Culture Department with the balance of the budget to be dealt with on another available date, yet to be determined.

Sue Plamondon, Chief Administrative Officer, stated that staff is proposing 15 to 20 minute budget presentations followed by an open house format at each of the three major communities in an effort to reach the public. It is not expected that Council attend these sessions. Additional dates are scheduled for public input where people can make presentations or request funding from Council directly. Members of the public can attend the budget day to listen but not to make presentations. The schedule handed out is a framework for feedback from Council for potential meeting dates.

Council did not feel the Recreation, Parks and Culture Department budget should be considered in isolation to the balance of the budget document.

Draft schedule:

- Thursday, February 3rd - publish public input schedule and announce that budget document will be available to the public, in the libraries and at the Civic Centre on February 10th
- Monday, February 7th - draft budget to be delivered to Mayor and Council
- Thursday, February 10th – budget document available to the public
- Monday, February 14th - draft budget cover report to Council and advertise that if the public wants to make presentations, they may do so on Monday, February 14th at a Council meeting, on Tuesday, February 22nd at a Committee of the Whole meeting or on Wednesday, February 23rd at a Special Council meeting
- Tuesday, February 15 – budget presentation and open house at the Keswick library
- Wednesday, February 16 - budget presentation and open house at the Sutton library
- Thursday, February 17 - budget presentation and open house at the Pefferlaw library

5. MATTERS FOR DISCUSSION cont'd:

•Thursday, February 24th - Budget Day, tentatively keep the morning of Friday, Feb. 25th open for finalizing the budget, if necessary.

•Monday, March 7th – will be a Committee of the Whole and Special Council meeting for the proposed adoption of the budget.

A draft advertisement will be e-mailed to Council members for their review prior to publication in the newspaper.

Budget Day is scheduled to start at 8:30 a.m. on Thursday, February 24th in the Council Chambers.

Budget advertisements will be in the local newspaper, on the Town page and a separate colour one-page advertisement. Notice will be put on the Town's website and a poster is to be created for advertising at all municipal facilities, grocery stores, post offices, fire halls, GTTI building and schools.

5.7 Development Charges By-law Approval Schedule

Once the budget has been approved on March 7th; public notice will be advertised on March 31st concerning a public meeting to be held on April 18th, with notice of adoption on April 26th.

6. CONFIRMING BY-LAW:

Moved by Councillor Smockum

Seconded by Councillor Hackenbrook

That the following by-law be given three readings:

By-law Number 2011-0010 (COU-2) Being a by-law to confirm the proceedings of Special Council.

Carried.....

7. ADJOURNMENT:

Moved by Councillor Davison

Seconded by Councillor Craig

That the meeting adjourn at this time (1:10 p.m.)

Carried.....

Robert Grossi, Mayor

Roland Chenier, Town Clerk