

# **The Corporation of the City of Kawartha Lakes**

## **Additional Agenda**

### **Regular Council Meeting**

**CC2019-13**

**Tuesday, April 23, 2019**

**Closed Session Commencing at 1:30 p.m. Open Session Commencing at 2:00 p.m.**

**Council Chambers**

**City Hall**

**26 Francis Street, Lindsay, Ontario K9V 5R8**

#### **Members:**

**Mayor Andy Letham**

**Deputy Mayor Doug Elmslie**

**Councillor Ron Ashmore**

**Councillor Pat Dunn**

**Councillor Patrick O'Reilly**

**Councillor Tracy Richardson**

**Councillor Kathleen Seymour-Fagan**

**Councillor Andrew Veale**

**Councillor Emmett Yeo**

Accessible formats and communication supports are available upon request.

**\*12. Committee of the Whole**

**Memorandum - Line Fence Cost Sharing By-law Administrative Change**

(Committee of the Whole Recommendation CW2019-094, Items 12.1.8 and 17.1.1 on the Agenda)

Joel Watts, Deputy Clerk

Kelly Maloney, Agricultural Development Officer

**That** the April 23, 2019 Memorandum for Joel Watts and Kelly Maloney regarding an **Administrative Change to the Line Fence Cost Sharing By-law**, be received.

**Correspondence - Frank Hill Road Public Water Access**

(Committee of the Whole Recommendation CW2019-092, Item 12.1.6 on the Agenda)

Nick Lasch

**That** the April 22, 2019 correspondence from Nick Lasch regarding the **Frank Hill Road Public Water Access**, be received.

**Committee of the Whole Meeting Minutes - April 9, 2019**

**That** the Minutes of the April 9, 2019 Committee of the Whole Meeting be received and the recommendations, included in Section 12.1 of the Agenda, be adopted.



## Council Memorandum

---

Date: April 23, 2019  
To: Council  
From: Joel Watts, Deputy Clerk  
Kelly Maloney, Agriculture Development Officer  
Re: Line Fence Cost Sharing By-law Administrative Change

---

### Recommendation

**That** the April 23, 2019 Memorandum for Joel Watts and Kelly Maloney regarding an Administrative Change to the Line Fence Cost Sharing By-law, be received.

### Rationale

At the April 12, 2019 Agricultural Development Advisory Committee meeting, committee members had an opportunity to review the proposed Line Fence Cost Sharing By-law. While in their discussion they were supportive of the proposed changes, they did however note one section of the by-law that should be clarified to ensure the Line Fences Act applies in its entirety where agricultural and rural properties abut urban, hamlet, or waterfront properties.

The Committee passed the following motion:

**That** the April 10, 2019 correspondence from Joel Watts, Deputy Clerk, regarding CKL2019-004 Line Fences Act Review, be received; and

**That** the Agricultural Development Advisory Committee recommends a clarification in the by-law that the basic fence where an Agricultural or Rural property meets Urban or Settlement Area property be a page wire fence and that the Line Fences Act remains an option for dispute of fences in this situation.

The Committee recommended changing section 4.05 of the by-law from reading as:

- 4.05 Where a property as described in Section 4.01 and 4.02 abuts a property outside of that description, the Line Fences Act shall be applied to apportion the cost of a line fence on the mutual lot line(s).

To the following:

4.05 Where a property as described in Section 4.01 and 4.02 abuts a property outside of that description, the Line Fences Act shall apply.

Staff agree that the change is administrative in nature to clarify that the Line Fences Act applies in its entirety to allow the Fence Viewers to determine (after discussion with both property owners) the cost apportionment, style, and maintenance requirements in the award. Leaving the by-law as presented to Committee of the Whole may indicate that the Fence Viewers will only have jurisdiction over the cost-apportionment component of their role. This was not the intent of staff when preparing the by-law.

The concern noted by the Committee regarding type of a basic fence to be used is relevant only in a 50-50 cost-sharing by-law such as proposed for urban areas and is not relevant in the use of the Line Fences Act application. When using the Act, the Fence Viewers have the ultimate responsibility to determine the type of fence to be used. It is noted that the Line Fences Act does not describe any type of basic fence.

The by-law as presented on today's Council Agenda has been modified to address the comment from the committee for clarification purposes and final approval.

**To:** Mayor Letham and Members of Council for the City of Kawartha Lakes

April 22, 2019

**Re:** Delegation to Council regarding, public property and boat launch at the south end of Chemong Lake at / or near [REDACTED] Frankhill Rd.

Kindly accept the following discussion as additional support and clarification concerning the above noted matter.

The Municipality's Official Plan policies, not only supports but, encourages the preservation of this site and others as part of the overall master parks and recreation, tourism planning for the use of their citizens and visitors to the area.

It is unfortunate that the Staff and Council appear to underplay the importance and value of this site to the local community and the site's importance as the only connection to the Kawartha Lakes chain of lakes accessed by land through the municipality and to Chemong Lake.

The site in question has served as a gathering, fishing, swimming hole for over 100 years and as a boat launch site for in excess of 45 years. This would appear to satisfy the staff requirement of historical significance.

The municipality recognizes the site as a public water access. Accordingly and to this point, clarification would be in order to outline the differences between "public water access" and an "official boat launch site"? As well, the expected differences if any, in administration of safety and liability concerns.

As stated on a number of occasions, the site has not been a financial burden to the Municipality over the years of its' existence and there is no reason to believe that this has to change. This is not a major launch site and designating it as such would have limited impact on its' use.

The request is not setting a precedent, however the site is important to the local community, hence the recommendation that the subject site fits within the Categorization C (the lowest level category) of the municipality's boat launch inventory.

If parking is a major concern, the property could be reworked to accommodate limited parking.

It is quite clear that the abutting property owner at [REDACTED] Frankhill Rd. is under the misunderstanding that the access to Frankhill Rd. from their property line over the road right-of-way to the public road is for their sole use rather than a shared right of way. This must be clarified with the owners, as well as the local OPP.

The existing situation is unacceptable, the residents of the area do not want to loose this access to the lake and accordingly the Council should stand with its' residents and protect the interests of the public to insure that the launch area remains as such and in the public domain.

In advance, I thank you for your attention to this matter and your support on behalf of concerned citizens. In addition, I would ask that you keep us informed of any council activity in this matter so that we may make delegation to council as necessary. \*

Yours truly,

  
Nick Lasch

**RECEIVED**

Apr 22 2019

OFFICE OF THE CITY CLERK  
KAWARTHA LAKES

# **The Corporation of the City of Kawartha Lakes**

## **Minutes**

### **Committee of the Whole Meeting**

**COW2019-04**

**Tuesday, April 9, 2019**

**Open Session Commencing at 1:00 p.m.**

**Council Chambers**

**City Hall**

**26 Francis Street, Lindsay, Ontario K9V 5R8**

#### **Members:**

**Mayor Andy Letham**

**Deputy Mayor Doug Elmslie**

**Councillor Ron Ashmore**

**Councillor Pat Dunn**

**Councillor Patrick O'Reilly**

**Councillor Tracy Richardson**

**Councillor Kathleen Seymour-Fagan**

**Councillor Andrew Veale**

**Councillor Emmett Yeo**

**Accessible formats and communication supports are available upon request.**

**1. Call to Order**

Mayor Letham called the Meeting to order at 1:00 p.m. Deputy Mayor D. Elmslie and Councillors R. Ashmore, P. Dunn, P. O'Reilly, T. Richardson, K. Seymour-Fagan, A. Veale and E. Yeo were in attendance.

CAO R. Taylor, City Clerk C. Ritchie, Deputy Clerk A. Rooth, City Solicitor R. Carlson, Directors C. Marshall, C. Shanks, J. Stover and R. Sutherland, Manager D. Kerr and Supervisor M. Farquhar were also in attendance.

**2. Adoption of Agenda**

**CW2019-086**

**Moved By** Deputy Mayor Elmslie

**Seconded By** Councillor Yeo

**That** Council waive the procedural by-law to allow the addition of a deputation by Nick Lasch regarding Frank Hill Road Public Water Access; and

**That** the Agenda for the Open Session of the Committee of the Whole of Tuesday, April 9, 2019, be adopted as circulated and with the following amendment:

**Addition - Deputation**

Item 4.3

Nick Lasch

Frank Hill Road Public Water Access

(Report CS2019-006, Item 7.1.4 on the Agenda).

**Carried**

**3. Disclosure of Pecuniary Interest**

There were no declarations of pecuniary interest disclosed.

**4. Deputations**

4.1 COW2019-04.4.1

**Dock Encroachment - 14 William Booth Crescent**

Oanali Zavery

Dilchad Zavery

Oanali Zavery advised that he has had a dock on this property for many years, noting that there is a small strip of City owned land between his property and the Scugog River on which the dock is encroaching. He requested that he be permitted to enter into a licence agreement with the City to allow continued use of the dock.

**CW2019-087**

**Moved By** Councillor Veale

**Seconded By** Councillor Seymour-Fagan

**That** the deputation of Oanali Zavery, regarding **Dock Encroachment - 14 William Booth Crescent**, be received and referred to staff for report back to Council by end of Q2 2019;

**That** no action be taken to remove the dock at 14 William Booth Crescent until such time as that report is brought forward to Council; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**

4.2 COW2019-04.4.2

**Condition and Ongoing Maintenance of Scenic Hill Road**

Michael Cara

Donald Jenkins

Michael Cara showed a brief video to illustrate the condition of Scenic Hill Road. He expressed concern that the road does not meet minimum standards despite the efforts of City crews to make interim repairs, noting that the road condition is negatively impacting vehicle maintenance needs, property values and quality of life for residents. He advised that residents are seeking a more permanent solution.

**CW2019-088**

**Moved By** Deputy Mayor Elmslie

**Seconded By** Councillor Richardson

**That** the deputation of Michael Cara regarding **Condition and Ongoing Maintenance of Scenic Hill Road**, be received and referred to staff for report back to Council by end of Q2 2019;



**That** staff be directed to investigate interim maintenance options to provide some immediate relief to residents driving on Scenic Hill Road; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**

4.3 COW2019-04.4.3

**Frank Hill Road Public Water Access**

(Report ED2019-006, Item 7.1.4 on the Agenda)

Nick Lasch

Nick Lasch advised that he was speaking on behalf of concerned residents of the area, noting that this property has been used for public access and as a boat launch for many years. He provided rationale for this public water access to be identified as an official Boat Launch, as detailed in his correspondence. He requested that the site be added to the inventory of official City Boat Launches with Categorization C, which includes some limited services, including garbage pick up, grass cutting, and limited docking and parking amenities.

**CW2019-089**

**Moved By** Councillor Richardson

**Seconded By** Councillor O'Reilly

**That** the April 9, 2019 correspondence from Nick Lasch and the deputation of Nick Lasch, regarding **Frank Hill Road Public Water Access**, Report ED2019-006, Item 7.1.4 on the Agenda, be received.

**Carried**

5. **Presentations**

6. **Report ED2019-013**

6.1 COW2019-04.6.1

**2019 Million Dollar Makeover Presentation**

Carlie Arbour, Economic Development Officer - Community

Carlie Arbour, Economic Development Officer - Community, delivered the 2019 Million Dollar Makeover presentation.

**CW2019-090**

**Moved By** Councillor Yeo

**Seconded By** Councillor Seymour-Fagan

**That** the presentation by Carlie Arbour, Economic Development Officer - Community, regarding the **2019 Million Dollar Makeover**, be received.

**Carried**

6.2 ED2019-013

**2019 Million Dollar Makeover Funding Allocation, First Intake**

Jennifer Stover, Director of Corporate Services

Carlie Arbour, Economic Development Officer - Community

**CW2019-091**

**Moved By** Councillor Yeo

**Seconded By** Deputy Mayor Elmslie

**That** Report ED2019-013, **2019 Million Dollar Makeover Funding Allocation, First Intake**, be received;

**That** the Community Improvement Plan (CIP) Steering Committee Terms of Reference be approved; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**

**7. Consent Matters**

7.1 Reports

Item 7.1.4 was moved forward on the Agenda to be dealt with next.

7.1.4 CS2019-006

**Frank Hill Road Public Water Access**

Craig Shanks, Director of Community Services

**CW2019-092**

**Moved By** Councillor Richardson

**Seconded By** Councillor Veale

**That** Report CS2019-006, **Frank Hill Road Public Water Access**, be received;

**That** the Frank Hill Road Public Water Access property be designated and recognized as a Category C City Boat Launch; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**

7.1.1 CLK2019-003

**The Kawartha Lakes Accessibility Advisory Committee (AAC) 2018 Activities Report and 2019 Proposed Work Plan**

Barbara Condie, Accessibility Officer, on behalf of the Kawartha Lakes AAC  
Council Representative - Councillor Veale

**CW2019-093**

**Moved By** Councillor Veale

**Seconded By** Deputy Mayor Elmslie

**That** Report CLK2019-003, **Kawartha Lakes Accessibility Advisory Committee (AAC), 2018 Activities Report and 2019 Proposed Work Plan**, be received;

**That** the 2019 Work Plan for the Kawartha Lakes AAC be approved; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting on April 23, 2019.

**Carried**

7.1.2 CLK2019-004

**Line Fences Act Review**

Joel Watts, Deputy Clerk

**CW2019-094**

**Moved By** Councillor Veale

**Seconded By** Councillor O'Reilly

**That** Report CLK2019-004, **Line Fences Act Review**, be received;

**That** a by-law, attached as Appendix A to this report, affirming that the Line Fences Act, 1990, does not apply to any property in the City of Kawartha Lakes (with the exception of agricultural and rural properties) and establishing a procedure for equal line fence cost sharing of a basic fence, be forwarded to Council for adoption;

**That** the administration fee for Line Fences Act proceedings be raised to \$250.00 at the next amendment to the Consolidated Fees by-law; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council meeting.

**Carried**

7.1.3 RS2019-019

**Proposed Surplus Land Declaration and Sale of City-Owned Property – 1449 Highway 7A, Bethany, City of Kawartha Lakes (“Old” Bethany Fire Hall)**

Christine Oliver, Law Clerk – Realty Services

**CW2019-095**

**Moved By** Councillor Yeo

**Seconded By** Councillor Richardson

**That** Report RS2019-19, **Proposed Surplus Declaration, Closure and Sale of Shoreline Road Allowance adjacent to 1449 Highway 7A, Bethany (“Old Bethany Fire Hall”)**, be received;

**That** a portion of the City-owned property municipally known as 1449 Highway 7A, Bethany and legally described as Part of Lot 23, Concession 8, Part of Lot 6 on Plan 6, Manvers, in the Geographic Township of Manvers, City of Kawartha Lakes, be declared surplus to municipal needs;

**That** the subject property be prepared and marketed for sale to the general public in accordance with City of Kawartha Lakes By-Law 2018-020, as amended, and any policies in effect as of the date of sale, and sold for no less than the appraised value plus any and all costs associated with the transaction;

**That** a by-law (with any amendments deemed necessary) to authorize its disposition shall be passed if appropriate;

**That** the Manager of Realty Services be permitted to fully execute all surplus municipal land listing documentation and any documentation associated with the receipt of an offer to purchase surplus municipal land for the full appraised value plus any and all costs associated with the transaction;

**That** all costs associated with investigating, preparing or marketing the property be financed from the Property Development Reserve;

**That** the Mayor and Clerk be authorized to execute all legal closing documents required for the sale of the subject property; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**

7.1.5 CORP2019-009

**Federal and Provincial Funding Update**

Jennifer Stover, Director, Corporate Services

**CW2019-096**

**Moved By** Councillor Yeo

**Seconded By** Deputy Mayor Elmslie

**That** Report CORP2019-009, **Federal and Provincial Funding Update**, be received;

**That** the one-time funding of approx. \$4.66 million, be transferred to the Federal Gas Tax reserve; and

**That** the one-time Provincial funding of \$725,000 be transferred to the Contingency reserve; and

**That** the Provincial cannabis funding be retained as a deferred revenue; and

**That** staff report back to Council upon completion of the update to the Long Range Financial Plan as to the best use of these funds; and

**That** Council transfer \$400,000 of 2019 OMPF surplus funds from the Operating Budget to the Contingency reserve to mitigate future anticipated reductions in Ontario Municipal Partnership Funding; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**

7.1.6 ED2019-009

**Downtown Revitalization Committee of Council - 2018 Motion Summary**

Carlie Arbour, Economic Development Officer – Community

**CW2019-097**

**Moved By** Councillor Seymour-Fagan

**Seconded By** Councillor Ashmore

**That** Report ED2019-009, **Downtown Revitalization Committee of Council - 2018 Motion Summary**, be received; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**

7.1.7 ED2019-011

**Municipal Heritage Committee 2019 Work Plan**

Debra Soule, Economic Development Officer – Arts, Culture and Heritage  
Council Representative - Councillor Ashmore

**CW2019-098**

**Moved By** Councillor Ashmore

**Seconded By** Deputy Mayor Elmslie

**That** Report ED2019-011, **Municipal Heritage Committee 2019 Work Plan**, be received;

**That** the 2019 Municipal Heritage Committee Work plan as outlined in Appendix B to Report ED2019-011 be approved; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**

7.1.8 ED2019-012

**Downtown Revitalization Committee 2019 Work Plan**

Carlie Arbour, Economic Development Officer - Community  
Council Representative - Mayor Letham

**CW2019-099**

**Moved By** Councillor Dunn

**Seconded By** Councillor Yeo

**That** Report ED2019-012, **Downtown Revitalization Committee 2019 Work Plan**, be received;

**That** the 2019 Downtown Revitalization Committee Work Plan as outlined in this report be approved; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**

7.1.9 WM2019-005

**Waste Management Advisory Committee 2019 Work Plan**

David Kerr, Manager Environmental Services

Council Representatives - Councillors Ashmore, Veale and Yeo

**CW2019-100**

**Moved By** Councillor Veale

**Seconded By** Councillor Yeo

**That** Report WM2019-005, **Waste Management Advisory Committee 2019 Work Plan**, be received;

**That** the 2019 Waste Management Advisory Committee Work Plan as outlined in this report be approved; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**

7.1.10 WM2019-007

**Curbside Collection Contract-Private Roads**

Heather Dzurko, Waste Management Operations Supervisor

**CW2019-101**

**Moved By** Councillor Yeo

**Seconded By** Deputy Mayor Elmslie

**That** Report WM2019-007, **Curbside Collection Contract- Private Roads**, be received; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**

7.2 Correspondence

7.2.1 COW2019-04.7.2.1

**Memorandum**

**Development Charge Review for New 2020 By-Law**

Andy Letham, Mayor

Mayor Letham informed Council of his intent to leave the Chair to move the motion. Deputy Mayor Elmslie was called upon to sit as Chair while the matter was being considered.

**CW2019-102**

**Moved By** Mayor Letham

**Seconded By** Councillor O'Reilly

**That** the April 9, 2019 memorandum from Mayor Letham regarding a **Development Charge Review for New 2020 By-Law**, be received; and

**That** the Development Charges Task Force consider the following issues when making recommendation on the new development charges by-law (and supporting background study) to take effect in January 2020:

- Payment deferral options currently in place for residential developments, and their effectiveness;
- Affordable housing incentive options for private sector development;
- The appropriateness of discounting commercial and industrial development charges ( from 50% to 100%) where job creation goals are met;
- Mechanisms for deferring development charge- support projects that are “population serving” vs “growth incenting” to ensure stability;
- Look at derelict buildings and extend the development charge waiver up to ten years to encourage demolition and protect development rights;
- Consider development charges being charged within the existing zone category (for example, storage units);
- Reduce the development charge supported projects to specific user groups if appropriate ( for example, transferring a portion of growth related costs from non-residential to residential for parks);
- Create a long term development charges plan that affordably funds growth related projects over a realistic timeline without relying on deficit funding to meet projected growth; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**



7.2.2 COW2019-04.7.2.2

**Memorandum**

**Active Transportation Master Planning**

Chris Marshall, Director of Development Services

Juan Rojas, Director of Engineering and Corporate Assets

Craig Shanks, Director of Community Services

**CW2019-103**

**Moved By** Councillor Yeo

**Seconded By** Councillor Richardson

**That** the April 9, 2019 Memorandum from Directors Marshall, Rojas and Shanks regarding **Active Transportation Master Planning**, be received;

**That** staff be directed to include funding for an Active Transportation Master Plan for the City of Kawartha Lakes as a decision unit in the 2020 budget; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**

7.2.3 COW2019-04.7.2.3

**Dock Space in Greenhurst Thurstonia**

Andrew Girdler

**CW2019-104**

**Moved By** Councillor Ashmore

**Seconded By** Councillor O'Reilly

**That** the correspondence from Andrew Girdler, regarding **Dock Space in Greenhurst Thurstonia**, be received; and

**That** this recommendation be brought forward to Council for consideration at the next Regular Council Meeting.

**Carried**

7.3 Items Extracted from Consent

8. **Closed Session**

9. **Matters from Closed Session**

**10. Adjournment**

**CW2019-105**

**Moved By** Councillor Veale

**Seconded By** Deputy Mayor Elmslie

**That** the Committee of the Whole Meeting adjourn at 2:01 p.m.

**Carried**

---

Andy Letham, Mayor

---

Cathie Ritchie, City Clerk