

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 14, 2005

Item 1, Report No. 6, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on February 14, 2005.

1 ENCROACHMENT POLICY ON CITY ROAD ALLOWANCES OR EASEMENTS

The Committee of the Whole (Working Session) recommends:

- 1) That Clause 1 contained in the following report of the Commissioner of Engineering and Public Works, dated January 25, 2005, be approved;
- 2) That staff provide a report to a Committee of the Whole (Working Session) in March 2005 regarding a new comprehensive Encroachment By-law and the administration thereof, addressing those issues identified by Committee and including a communication strategy; and
- 3) That the presentation material, entitled "Encroachment", dated January 25, 2005, be received.

Recommendation

The Commissioner of Engineering and Public Works in consultation with the Commissioner of Community Services and the Director of Legal Services recommends that:

1. The verbal presentation of the Commissioner of Engineering and Public Works be received for information and discussion; and
2. Staff report to a future Committee of the Whole meeting regarding a new comprehensive Encroachment By-law and the administration thereof and addressing those issues identified by Committee.

Purpose

The purpose of this report is to report on the development on a new comprehensive Encroachment By-Law in response to Council direction to review and recommend an Encroachment Policy governing the permitted uses, specifically on the City's road allowances, as well as to seek direction on cost recovery for re-instating resident altered roadside ditches to their former state.

Background - Analysis and Options

In 2003, Council directed;

"That staff be directed to report to a Committee of the Whole meeting in the Fall of 2003 with a review and recommendations for an Encroachment Policy governing the permitted use of city road allowances."

Currently, the City has an Encroachment policy related to open space and parkland approved by Council on July 4, 1994 as per Attachment 1. Engineering's comments relate to concerns about Storm Water Management and the potential for slope failure. Encroachments related to the road allowances or easements have been dealt with by Staff in various Divisions on an individual basis.

GTA Municipalities were contacted for existing municipal Encroachment policies and by-laws. Based on this review it is recommended that a new comprehensive Encroachment by-law should be developed having regard to the experience of other municipalities.

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 14, 2005

Item 1, CW(WS) Report No. 6 – Page 2

Staff conducted preliminary discussions with the Engineering, Public Works, Legal, By-Law & Parks Departments. The Draft Encroachment Policy and includes updated Engineering/ Public Works sections, previous report comments, in addition to our existing policy related to open space and parkland. The Draft Policy suggests that encroachment matters would be dealt with by a proposed new Committee, on a case by case basis, made up of representatives from the Engineering, Public Works, Legal, Parks and Planning Departments which would meet quarterly or as needed.

Ditches

One common problem with encroachment on road allowances is in the older and rural areas of the City where storm water is conveyed from the road surface into a roadside drainage ditch. A number of residents have taken it upon themselves to fill in the roadside ditches abutting their properties, and either channel the storm water through buried culvert pipes, or block the flow of water completely. In addition to altering the flow of the water, many have built elaborate driveway entrance features across the ditch and culvert pipe on the City's property making maintenance and replacement of the culvert pipes extremely difficult and costly. Some residents indicate they have obtained approval to do this through the site plan process, while others have done so without any regard for the fact it is the City's property.

A year 2000 Ministry of the Environment report titled, "An Evaluation of Roadside Ditches And Other Related Stormwater Management Practices", indicates that roadside ditches not only convey storm water, but, by their very nature, assist in improving the quality of water and provide a natural means of groundwater recharge. Groundwater recharge is an important component in areas identified to be within the Oak Ridges Moraine area, as well as for residents who depend on private or municipal wells for their water supply.

Filling in the roadside ditches not only causes problems with the environmental benefits of roadside ditches, but it causes problems for staff in terms of maintenance. Buried pipes that become frozen in the winter cannot always be thawed due to the length of buried pipe. Blockages in buried pipes also require extensive and costly restorations if they span too great a length. In addition, filling in of the ditches can cause premature road deterioration. The water that once flowed into the ditch off of the road surface may now have nowhere to go except to flow back under the road base, causing premature deterioration of the road during freeze/thaw cycles.

As roadside ditches are located within the City's road allowance, the City has the authority to dig up these buried pipes and restore the drainage ditches to their former state, i.e. an open grassed ditch. The following excerpts are from the Drainage Act, R.S.O. 1990.

Drainage Act

R.S.O. 1990, CHAPTER D.17

Person responsible for obstruction to remove it on notice

80. (1) When a drainage works becomes obstructed by a dam, low bridge, fence, washing out of a private drain, or other obstruction, for which the owner or occupant of the land adjoining the drainage works is responsible, so that the free flow of the water is impeded thereby, the persons owning or occupying the land shall, upon reasonable notice in writing given by the council of the local municipality whose duty it is to maintain and repair the drainage works or by a drainage superintendent appointed by the council, remove such obstruction and, if it is not so removed within the time specified in the notice, the council or the drainage superintendent shall forthwith cause it to be removed, and the cost thereof is payable to the municipality by the owner or occupant of the land. R.S.O. 1990, c. D.17, s. 80 (1); 1998, c. 18, Sched. A, s. 1 (4).

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 14, 2005

Item 1, CW(WS) Report No. 6 – Page 3

Collection of cost of removal

(2) If the cost of removing the obstruction is not paid to the local municipality by the owner or occupant of the land forthwith after the completion of the work, the council may pay the cost, and the clerk of the municipality shall place the amount of cost upon the collector's roll against such land and such amount shall be collected in the same manner as real property taxes. R.S.O. 1990, c. D.17, s. 80 (2).

Roads Section staff have compiled a list of locations where roadside drainage ditches have been filled in. Notwithstanding the authority granted above allows the City to recover costs, there will be issues in individual cases where date or person responsible for the alteration cannot be determined or there may be a dispute.

At its meeting of December 6, 2004, Council adopted a recommendation that staff be directed to report on alternative options that would allow ditches in Old Maple to be removed in accordance to strict City of Vaughan standards. This report will be brought forward with the report on the comprehensive new Encroachment By-law. The final version of the encroachment policy will contain provisions regarding the reinstatement of ditches.

Relationship to Vaughan Vision 2007

Vaughan Vision goals 1.1, Improve Community safety through design prevention, enforcement and education and 4.4, Ensure City wide protection of the environment are applicable.

This report is consistent with the priorities previously set by Council; however, a review of the necessary resources will need to be undertaken.

Conclusion

It is recommended that staff take into consideration all of the comments from Committee and report to a future Committee of the Whole meeting. That report will recommend a comprehensive Encroachment Policy By-law to address encroachments including those on road allowances and will address the issues of removal of ditches in the Old Maple and boulevard grass cutting.

Attachments

1. Current Open Space/ Parkland Encroachment Policy
2. Draft City of Vaughan Encroachment Policy

Report prepared by

Brian T. Anthony, CRS-S, C. Tech, Director of Public Works, Ext 6116
Gino Martino, B.A., C. Tech, Engineering Technologist - Capital, Ext 3151

(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.)

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 14, 2005

Item 2, Report No. 6, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on February 14, 2005.

2

TSUNAMI RELIEF PROGRAM

(Referred from the Council Meeting of January 24, 2005)

The Committee of the Whole (Working Session) recommends staff, in consultation with interested Members of Council, provide a report with respect to holding a special event in support of the Tsunami Relief initiative.

Council, at its meeting of January 24, 2005 adopted the following:

That this matter be referred to the Mayor Michael Di Biase Foundation Inc. and to the Committee of the Whole (Working Session) meeting of January 25, 2005.

Report of Regional Councillor Mario F. Ferri, dated January 17, 2005

Recommendation

Regional Councillor Mario F. Ferri, in consultation with the City Manager, members of Council and the Senior Management Team, and Corporate Communications, recommends:

- 1) That the City of Vaughan establish a humanitarian relief program to aid the victims of the tsunami disaster in South Asia;
- 2) That this program be structured to support the activities of a major charitable organization that specifically addresses the needs of children in the disaster area;
- 3) That Vaughan Council select the "Sponsor a Child" program administered by World Vision Canada as an appropriate tsunami relief initiative;
- 4) That Vaughan Council allocate the necessary funds (\$42,000) from the Mayor's Golf Tournament to sponsor 100 children;
- 5) That a Relief Program Committee including community members of the affected countries be established and mandated to oversee this new City program and pursue related initiatives to secure additional financial support and involvement of the wider community; and
- 6) That the resolution adopted by the Community Relations Committee at its meeting held on January 5, 2005 be received.

Purpose

The purpose of this report is to seek Council approval of a Tsunami Relief Program that will involve the community in providing needed support to the victims of this unprecedented disaster.

Background - Analysis and Options

The extent of the tsunami disaster in South East Asia is overwhelming. Canadians have generously supported the relief efforts to help the victims of this unprecedented tragedy, but reports indicate that the need for relief efforts and rebuilding programs will continue for an extended period and there will be an ongoing requirement for financial aid and support from other

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 14, 2005

Item 2, CW(WS) Report No. 6 – Page 2

countries. The Community Relations Committee, at its meeting of January 5, 2005, adopted the following: That the Community Relations Committee urges Vaughan Council to provide an immediate response and take action to indicate that the City of Vaughan is responding to this terrible tragedy in some substantial way.

A number of agencies have been contacted to determine the immediate need. These agencies include: Canadian Red Cross; CARE Canada; Oxfam Canada; World Vision Canada; UNICEF Canada; Doctors Without Borders; and Save the Children. The response from these agencies has been unanimous – they do not want donations of food, clothing etc. due to the cost of shipping these goods. They require money, which will be used to purchase the necessary items from bordering areas for delivery to the tsunami disaster areas.

Based on several newspaper reports indicating that donated food, clothing and other items such as tarps are still sitting in warehouses or are not being quickly delivered to those most in need or utilized for the appropriate purpose, it is recommended that the City of Vaughan not pursue a product specific relief effort.

Since the victims of this catastrophe will face a long struggle to rebuild lives and communities in the face of so much destruction, sponsoring 100 children through World Vision Canada meets the immediate relief requirements in terms of medicine, food and shelter and also addresses the rebuilding period by providing support in such areas as schooling, health services and infrastructure. The child sponsorship money funds Area Development Programs that address the needs of children and adults across the entire community with a potential to reach 10,000 to 80,000 people.

The City of Vaughan relief effort program will be structured to involve the entire community. For example, youth groups in Vaughan could become “pen pals” with the sponsored children. Details and updates on the program would be posted to the City website and could include photos of the sponsored children, copies of pen pal correspondence, and news of local involvement in the program.

Relationship to Vaughan Vision 2007

This report is consistent with the priorities previously set by Council. The necessary resources have not been allocated and approved.

Conclusion

The proposed relief program will address the need for the City of Vaughan to respond to the tsunami disaster in Asia in a proactive and constructive manner. This proposed program will involve the entire community and demonstrate the ongoing support of Vaughan for those in need around the world.

Report prepared by:

John Leach, City Clerk
Madeline Zito, Director of Corporate Communications

CITY OF VAUGHAN

EXTRACT FROM COUNCIL MEETING MINUTES OF FEBRUARY 14, 2005

Item 3, Report No. 6, of the Committee of the Whole (Working Session), which was adopted without amendment by the Council of the City of Vaughan on February 14, 2005.

3 NEW BUSINESS – PUBLIC MEETING NOTICE PROTOCOL

Councillor Yeung Racco requested staff to address the issue of public notification with respect to community meetings.

The foregoing matter was brought to the attention of the Committee by Councillor Yeung Racco.