

**MINUTES OF COMMITTEE OF WHOLE MEETING CW18-27** of the council of the City of Dawson called for 7:00 PM on Tuesday, September 25, 2018 in the City of Dawson Council Chambers.

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**PRESENT:** Mayor Wayne Potoroka  
Councillor Stephen Johnson  
Councillor Bill Kendrick  
Councillor Kyla MacArthur

**ABSENT:** Councillor Jay Farr

**ALSO PRESENT:** CAO Cory Bellmore  
EA Heather Favron  
CDO Clare Huffman

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**Agenda Item:** Call to Order

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The Chair, Wayne Potoroka called the meeting to order at 7:00 p.m.

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**Agenda Item:** Agenda

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**CW18-27-01** Moved by Mayor Potoroka, seconded by Councillor Kendrick that the agenda for committee of the whole meeting #CW18-27 be accepted as presented.  
Carried 4-0

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**Agenda Item:** Public Hearing

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- a) Subdivision Application 18-068 RE: Lot 7 & Easterly 33' of 6, Block 13, Government Reserve Addition

The Chair called for submissions.

The Chair called a second time for submissions.

The Chair called a third and final time for submissions, and hearing none declared the public hearing closed at 7:02 p.m.

- b) Consolidation Application 18-075 RE: Lots 1 & Southern half of 2, Block LG, Ladue Estate

The Chair called for submissions.

The Chair called a second time for submissions.

The Chair called a third and final time for submissions, and hearing none declared the public hearing closed at 7:03 p.m.

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**Agenda Item:** Adoption of Minutes

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- a) Committee of Whole Meeting Minutes CW18-26 of September 13, 2018

**CW18-27-02** Moved by Councillor MacArthur, seconded by Mayor Potoroka that the minutes of committee of the whole meeting #CW18-26 of September 13, 2018, be accepted as presented.  
Carried 4-0

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**Agenda Item: Special Meeting, Committee, and Departmental Reports**

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a) Request for Decision RE: Contract Award – Provision of Fuel Services

The committee inquired about why the period of time for posting of tender was ten days. The CAO confirmed to investigate and report back. The CAO noted other fuel companies were made aware of the tender but they did not submit.

**CW18-27-03** Moved by Mayor Potoroka, seconded by Councillor MacArthur that committee of the whole forwards the Request for Decision RE: Contract Award – Provision of Fuel Services to council with a recommendation to approve.  
Carried 4-0

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**Agenda Item: Bylaws and Policies**

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a) Request for Decision RE: 2018-05 Encroachment Policy DRAFT

The committee held discussion regarding the draft policy, and raised the following:

- Should there be more definitions i.e.: roadway; road right-of-way; proposed.
- Definition of encroachment – Are there other encroachments out there not covered by definition? i.e.: encroachments on required side yards. The CDO explained this policy specifically intended to apply to encroachments where a development is not situated entirely within its own property, and an encroachment within a set back would be a different type of situation that is usually dealt with through the Board of Variance.
- Would there be value in identifying the situation that resulted in the encroachment?
- The policy seems to put all of the onus on either the city or the property owner, and never the culpability being mixed. Policy does not give any flexibility for shared expenses in terms of dealing with encroachments.
- Section 4 b(ii) – Assume it would be by expropriation and what would the city purchase the land per square foot as per *Sale of Municipal Lands Policy*?
- Section 4(d) – Should licence of occupation be included in list?
- Section 4(f) – The owner’s resolution should be mutual agreement between themselves or the courts and does not involve the city.
- What is the trigger that engages this process and what if owners are not interested in dealing with the encroachment? Or, is this process what the city will use when encountering a situation where guidance is needed to deal with situation? The CDO explained the process is to provide guidance when encountering these situations in a consistent and fair manner.
- Under sections 4 (b) and (c) - Section (b) talks about a travelled roadway encroaching onto private property, and in section (c) it’s a dwelling or structure is encroaching on a surveyed right-of-way. Who decides which is the reality? Discussion ensued regarding the use of the term “proposed” and its intended meaning.
- Section 5(c) – Section speaks to the core commercial zone but there are other boardwalks in other areas zones. The CDO explained the intent was to apply to the balconies and awnings coming over the boardwalk and to keep that use in the core commercial area.
- Section 5(a) – “As described in this section” should be replaced with “under the following circumstances.”
- Section 6(a) – Its great to see the terms under license of occupation do not include the ability of the city to accept an offer from a third party to purchase said land where the person in the license of occupation would have X number of days to meet. Who pays land tax on the property and does it need to be added to the list?

b) 2018 Budget Amendment

Committee requested staff names be removed from the document.

**CW18-27-04** Moved by Councillor MacArthur, seconded by Mayor Potoroka that committee of the whole forwards the 2018 Annual Operating Budget and Capital Expenditure Program Amendment No. 1 Bylaw to council with a recommendation to proceed with readings.  
Carried 4-0

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**Agenda Item: Public Questions**

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Diana Andrews

Diana Andres noted she was in attendance as there was no sound to video equipment being used to televise the meeting.

Dan Davidson

In regards to the Draft Encroachment Policy, section 7(a), in what way will the city work directly with the property owner, and might some of that include some negotiation to cover part of the cost of whatever needs to be done? The committee explained the intent is to not deal with the renter of the property but to deal directly with the property owner.

So much of what goes on here over the last century and a bit of which is not written down, its just always been that way and countless councils have let it continue to be that way. Does that not then mean the council bears some responsibility for what has become the state of things as they are? The committee informed him that not according to the Municipal Act. It is a really big general question, but this is what this policy is meant to correct.

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**Agenda Item: In Camera Session**

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**CW18-27-05** Moved by Mayor Potoroka, seconded by Councillor MacArthur that committee of the whole move into a closed session for the purposes of discussing land related matters as authorized by section 213 (3) of the Municipal Act.  
Carried 4-0

a) Land Related Matters

**CW18-27-06** Moved by Mayor Potoroka, seconded by Councillor Kendrick that Committee of the whole reverts to an open session of committee of the whole and proceeds with the agenda.  
Carried 4-0

**CW18-27-07** Moved by Mayor Potoroka, seconded by Councillor Johnson that committee of the whole forwards Request for Decision RE: Recreation Centre Annual Surveys to council with a recommendation to approve.  
Carried 4-0

**CW18-27-08** Moved by Mayor Potoroka, seconded by Councillor MacArthur that committee of the whole forwards Request for Decision RE: Lease Agreement: Lot 31, Roman Catholic Mission and Lots 1-4, Block I, Smith Addition (Church Lease) to council with a recommendation to not enter into lease.  
Carried 4-0

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**Agenda Item:** Adjournment

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**CW18-27-09** Moved by Mayor Potoroka, seconded by Councillor Kendrick that committee of the whole meeting CW18-27 be adjourned at 9:00 p.m. Carried 4-0

Mayor Potoroka called for a recorded vote:

Votes for: Mayor Potoroka, Councillor Johnson, Councillor Kendrick, Councillor MacArthur

**THE MINUTES OF COMMITTEE OF WHOLE MEETING CW18-27 WERE APPROVED BY  
COMMITTEE OF WHOLE RESOLUTION #CW18-28-03 AT COMMITTEE OF WHOLE MEETING  
CW18-28 OF NOVEMBER 13, 2018.**

Original signed by:

Wayne Potoroka, Chair

Cory Bellmore, CAO