



# City of Kenora

## Committee of the Whole Agenda

Tuesday, January 10, 2017

9:00 a.m.

City Hall Council Chambers

### A. Public Information Notices

As required under Notice By-law #144 -2007, the public is advised of Council's intention to adopt the following at its January 17, 2017 meeting:-

- Council intends to give three readings to a new Rules and Regulations for the Care and Control of the Lake of the Woods Cemetery
- Council intends to give three readings to a Memorandum of Understanding between the City of Kenora and the Kenora Masonic Temple Corporation regarding the placement of a private columbarium at the Lake of the Woods Cemetery
- Council intends to amend its 2016 Operating & Capital Budget to withdraw funds from the Tax Write off Reserve
- Council intends to adopt a by-law to rename McQuillan Street to Kroppy's Lane
- Council intends to execute a Memorandum of Understanding between the City of Kenora and the Kenora Masonic Temple Corporation regarding the placement of a private columbarium at the Lake of the Woods Cemetery

### B. Declaration of Pecuniary Interest & the General Nature Thereof

- 1) On Today's Agenda
- 2) From a Meeting at which a Member was not in Attendance.

### C. Confirmation of Previous Committee Minutes

**Motion:**

That the minutes from a Special Committee of the Whole meeting held November 28, 2016 and the the last regular Committee of the Whole Meeting held December 6, 2016 be confirmed as written and filed.

### D. Deputations/Presentations

- Staff Certification Recognition
- Laura Christie – Confederation College
  - Joelle Barron – Kenora Pride
- Adam Smith - Enterprise Risk Management Presentation

## **E. Reports:**

### **1. Corporate Services & Strategic Initiatives**

<b>Item</b>	<b>Subject</b>	<b>Pages</b>
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- 1.1. Asset Management Policy
- 1.2. Garrow Park Exterior Fitness Park Tax Receipts
- 1.3. Imagination Library Grant Application
- 1.4. Minutes of Settlement
- 1.5. NWHU Anti Contraband Campaign

### **2. Fire & Emergency Services**

<b>Item</b>	<b>Subject</b>	<b>Pages</b>
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- 2.1 No Reports

### **3. Operations & Infrastructure**

<b>Item</b>	<b>Subject</b>	<b>Pages</b>
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- 3.1 Rename McQuillan Street to Kroppy's Lane
- 3.2 Traffic Amendment – Birchwood Road & Crescent Stop Sign

### **4. Community & Development Services**

<b>Item</b>	<b>Subject</b>	<b>Pages</b>
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- 4.1 Cemetery Rules & Regulations Revision
- 4.2 Coney Island Park Contract Extension
- 4.3 Garrow Park Exterior Fitness Support
- 4.4 Garrow Park Exterior Fitness Agreement
- 4.5 Private Columbarium MOU – Kenora Masonic Temple Corporation
- 4.6 Path of the Paddle Agreement Amendment for Trailhead Signs
- 4.7 Execute a purchase agreement
- 4.8 'Push for Change' Event Sponsorship
- 4.9 Anicinabe Park Stage Naming Rights

**Other:**

**Zoning Amendment Public Meetings – 11:00 a.m.**

- D14-16-05 Temporary Emergency Shelter Application
- D14-16-06 1 Seventh Street South Application

**Next Meeting**

- Tuesday, February 14, 2017

**Motion - Adjourn to closed Meeting:**

That this meeting be now adjourned at \_\_\_\_\_ a.m.; and further

That pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization is hereby given for Committee to move into a Closed Session to discuss items pertaining to the following: -

- i) **Receiving of Advice that is subject to solicitor-client Privilege (1 matter)**
- ii) **Education & Training Members of Council (1 matter)**
- iii) **Personal Matter about an Identifiable Individual (2 matters)**

**Reconvene to Open session with Any Reports**

**Adjournment**



# DEPUTATION REQUEST FORM

## To Appear before Kenora City Council or Committee of the Whole of Council

### How to Make a Deputation:

1. Determine date and time of Council or Committee meeting you wish to attend.
2. Submit this completed and signed form to the City Clerk (deliver/mail/fax or e-mail)
  - at least seven (7) days in advance of any Committee meeting
  - before 10:00 a.m. on date of a Council meeting;
3. State your name prior to speaking, and
4. Provide a copy of materials used in your presentation, if any, to the City Clerk for the official record (either in advance or at the time of the deputation).

### City Clerk's Contact Information:

By Mail: 1 Main Street South, Kenora, ON P9N 3X2

By fax: 807-467-2009

E-mail: [hkasprick@kenora.ca](mailto:hkasprick@kenora.ca)

Name:  
(person making deputation)

Laura Christie

Organization You Represent:  
(if applicable)

Confederation College

(please print)

Mailing Address: 900 Golf Course Rd., P. O. Box 1370 Telephone Number: (807) 468-3121

Email Address: llchrist@confederationcollege.ca Postal Code: P9N 3X7

Other Persons Presenting with You on this topic?  
(on behalf of same organization)



No



Yes

If yes, Other Names: \_\_\_\_\_

Topic – include brief statement of issue or purpose for Deputation:

- Please see Protocol Notes on Page 2

Confederation College 50th Anniversary

I wish to appear before



Council



Committee of the Whole



Other

On the Meeting date: January 10, 2017

### Please Note:

Most meetings are video-taped and reported on by both the local newspaper and radio stations. Subsequently your deputation will form part of the public record in the minutes which are circulated widely and posted on the City's portal on the internet. By appearing before Council/Committee and signing this form, you hereby understand that information pertaining to you and your deputation will be publicized.

Do you have material to leave with Council following your deputation?  Yes  No

(If yes, please give to Clerk upon arrival to meeting)

Signature Required:

Laura Christie  
(Must be signed by applicant to go forward)

...2

### Deputation Protocol

The purpose of the deputation process is to allow individuals or groups an opportunity to make their views known to Council. Council values and welcomes input, comments, and constructive suggestions. Since Council generally has to consider a large number of issues and concerns at any given time, the following Protocol is observed and we thank you for your interest in making a deputation and abiding by the rules:-

#### 2.9 Cell phones/Blackberries/Smart Phones

All phones are required to be turned to vibrate during all Council and Committee meetings.

#### 9.7 No Deputant shall:

1. Speak without first being recognized by the Head of Council or Chair
2. Speak disrespectfully of any person
3. Use offensive words or gestures, or make abusive comments,
4. Speak on any subject other than the subject stated on their Deputation Request Form
5. Disobey the Rules of Procedure or a decision of the Council or Committee

#### 9.9 Expulsion

The Head of Council or Chair may cause to expel and exclude any member of the public who creates any disturbance or acts improperly during a meeting of Council or Committee. If necessary, the Clerk may be called upon to seek the appropriate assistance from police officers for this purpose.

#### 9.14 Appearance - previous - limitation - new information

Any person appearing before Council who has previously appeared before Council on the same subject matter, shall be limited to providing only new information in their second and subsequent appearances.

✓ **Check below:**

I have never spoken on this issue before.

I have spoken on this issue before and the new information I wish to present is as follows:-

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#### {Committee of the Whole/Property & Planning Meeting}

Committee of the Whole Meetings combined with the Property & Planning Committee immediately following, commence at 9:00 a.m., typically on the 2nd Tuesday of each month, unless otherwise advertised.

Committee Deputations are given approx. 15 minutes each at the beginning of the meeting, subject to the Chair's discretion.

Members of Committee may engage in dialogue with the person making a deputation as a matter of receiving and/or clarifying information.

Please present any material, letters or other relevant information concerning your deputation to Committee either at the time of your deputation or in advance of the meeting.

When a number of people are to appear representing one viewpoint or interest group, it is expected the group speak through a spokesperson, or submit written submissions.

#### {Council Meetings}

Regular Council meetings commence at 12:00 p.m., typically on the 3rd Tuesday of each month, unless otherwise advertised.

Deputations before Council are given approx. 5 minutes each at the beginning of the meeting, subject to the Mayor's discretion.

Council will not debate an issue, but will take the information under advisement.

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3. State your name prior to speaking, and
4. Provide a copy of materials used in your presentation, if any, to the City Clerk for the official record (either in advance or at the time of the deputation).

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E-mail: [hkasprick@kenora.ca](mailto:hkasprick@kenora.ca)

<p><b>Name:</b> (person making deputation)</p> <p><u>Joelle Barron</u></p> <p style="text-align: center;">(please print)</p>	<p><b>Organization You Represent:</b> (if applicable)</p> <p><u>Kenora Pride</u></p>
<p><b>Mailing Address:</b> <u>32 Second Ave. West</u></p>	<p><b>Telephone Number:</b> <u>464-4918</u></p>
<p><b>Email Address:</b> <u>jbarron24@gmail.com</u></p>	<p><b>Postal Code:</b> <u>P9N 3S9</u></p>
<p><b>Other Persons Presenting with You on this topic?</b> <input type="checkbox"/> No <input checked="" type="checkbox"/> Yes (on behalf of same organization)</p> <p><b>If yes, Other Names:</b> <u>Wynne DeGagne</u></p>	
<p><b>Topic – include brief statement of issue or purpose for Deputation:</b></p> <ul style="list-style-type: none"> <li>• Please see Protocol Notes on Page 2</li> </ul> <p><u>An LGBT2S Pride Flag should be flown year-round on a Kenora</u></p>	
<p><i>municipal flag pole.</i></p>	
<p><b>I wish to appear before</b> <input checked="" type="checkbox"/> <b>Council</b> <input type="checkbox"/> <b>Committee of the Whole</b> <input type="checkbox"/> <b>Other</b></p>	
<p><b>On the Meeting date:</b> <u>January 10, 2016</u></p>	
<p><b>Please Note:</b></p> <p>Most meetings are video-taped and reported on by both the local newspaper and radio stations. Subsequently your deputation will form part of the public record in the minutes which are circulated widely and posted on the City's portal on the internet. By appearing before Council/Committee and signing this form, you hereby understand that information pertaining to you and your deputation will be publicized.</p>	
<p><b>Do you have material to leave with Council following your deputation?</b> <input checked="" type="checkbox"/> <b>Yes</b> <input type="checkbox"/> <b>No</b> (If yes, please give to Clerk upon arrival to meeting)</p>	
<p><b>Signature Required:</b> <u>Joelle Barron</u> (Must be signed by applicant to go forward)</p>	

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December 28, 2016

## City Council Committee Report

**To: Mayor & Council**

**Fr: Natalie Pearson, Deputy Treasurer**

**Re: Asset Management Plan Policy**

### **Recommendation:**

That Council hereby adopts a new Asset Management Plan Policy #CS-6-2; and further  
That three readings be given to a bylaw for this purpose.

### **Background:**

A comprehensive approach to asset management will ensure service levels are being delivered in the most efficient and effective manner and that due regard and process are applied to the long term management and stewardship of the City's capital infrastructure assets. This document will provide a high level statement of the organization's approach, principles and expectations related to asset management and will provide a focus for the creation, implementation, sustainment and continuous improvement of the City's asset management program.

The purpose of this policy is to ensure the development of the City's asset management program, including roles and responsibilities, to facilitate logical and informed decision making for the management of the City's infrastructure to support the delivery of sustainable community services.

**Budget:** There is no expected budget impact as a result of this report.

**Communication Plan/Notice By-law Requirements:** N/A

### **Strategic Plan or other Guiding Document:**

2-1 - The City will ensure that our municipal infrastructure is maintained using available resources with the intent of moving towards all City infrastructure being in a good state of repair to ensure certainty, security and long-term stability of our systems

2-2 - The City will keep in the forefront that there is a significant infrastructure deficit, and current and future Councils will need to continue to work towards allocating sufficient resources to be able to adequately address this issue



## Asset Management Plan



<b>SECTION</b> Corporate Services	<b>DATE</b> January 17, 2017	<b>Approved by</b> <b>By-law Number:</b>	<b>PAGE</b> <b>1</b>	<b>OF</b> <b>5</b>
<b>SUBSECTION</b>	<b>Supersedes By-law</b> <b>Number:</b>  N/A		<b>POLICY NO.</b>  CS-6-2	

### Purpose

The purpose of this policy is to ensure the development of the City's asset management program, including roles and responsibilities, to facilitate logical and informed decision making for the management of the City's infrastructure to support the delivery of sustainable community services.

### Background

A comprehensive approach to asset management will ensure service levels are being delivered in the most efficient and effective manner and that due regard and process are applied to the long term management and stewardship of the City's capital infrastructure assets. This document will provide a high level statement of the organization's approach, principles and expectations related to asset management and will provide a focus for the creation, implementation, sustainment and continuous improvement of the City's asset management program.

### Strategic Plan Alignment

This policy aligns with and supports the City's Strategic Plan – 2015 to 2020.

**The Vision:** Kenora is a City of choice, renowned as a sustainable, lifestyle community supported by a Municipality committed to excellence.

**The Mission:** To deliver quality, cost-effective Municipal services.

#### **Strategic Priorities:**

- Reduce the Infrastructure Deficit
- Advocate for New Funding

## Asset Management Plan

POLICY NO.	PAGE	OF
CS-6-2	2	5

### **Policy Statement**

The City will implement an enterprise wide asset management program through all City departments. The program will promote life cycle management of all infrastructure assets, including lowest total cost of ownership and will define the provision of service levels while balancing customer expectations with overall cost and business risk. The program will be based on continuous improvement with the goal of implementing industry best practices across all asset types and throughout the organization.

### **The Program Will Include:**

#### **1. An asset registry**

The asset registry, or centralized asset database, will maintain an inventory of the City's capital assets including unique id, description, location information, value (both historical and replacement), performance characteristics and/or condition, estimated remaining life and estimated repair, rehabilitation or replacement date; and estimated cost for the repair, rehabilitation or replacement.

#### **2. Asset management plans**

Updated asset management plans will be developed to incorporate all infrastructure categories. The plans will leverage the data in the registry and known best practices to identify and implement improvements in business processes in order to balance a level of service that meets customer expectations with the costs and risks associated with providing the service. The asset management plans should be updated on a triannual basis to promote, document and communicate continuous improvement.

#### **3. Continuous improvement protocols**

A detailed assessment of the maturity of the City's asset management program will be undertaken with the intent of continuous improvement. This assessment would detail our current asset management practice, and outline elements required for implementation to provide a robust program addressing all asset categories and based on international best practices. These identified elements will be brought forward for implementation as part of an Asset Management Road Map in order to advance the City's overall asset management program.

## Asset Management Plan

POLICY NO.	PAGE	OF
CS-6-2	3	5

Elements to be reviewed include:

- **Data as the foundation for the process**

Valid, defensible data is the foundation of good decision-making. It is essential to collect complete and accurate data for all municipal infrastructure and to maintain this accuracy and currency over time.

- **Condition assessment protocols**

Municipalities need to have a clear understanding regarding the performance and condition of their assets, as all management decisions regarding future expenditures and field activities should be based on this knowledge.

- **Risk and Criticality Models**

Risk and criticality models and analysis are key elements of proper asset management practices and programs. Through their use, an asset manager can determine which infrastructure is critical to the organization and can also rank and rate the level of business risk associated with all of the infrastructure stock. This becomes invaluable when limited internal resources are being used to try and address a significant number of field needs or priorities.

- **Life Cycle Management**

Proper life cycle management of infrastructure components, networks, and portfolios is how a municipality will establish budgets and make the best use of public funds. The types of preventative maintenance, rehabilitation and replacement activities and the timelines for application for each asset class should be reviewed.

- **Financial Strategy**

The two main risks to financial sustainability for municipalities are providing levels of service that do not reflect fiscal capacity and the cost of infrastructure. As a result, in order for an asset management program to be effectively implemented, it must be integrated with financial planning and long-term budgeting, identifying the need for senior government funding.

## Asset Management Plan

POLICY NO.	PAGE	OF
CS-6-2	4	5

- **Level of Service Frameworks**

Desired levels of service are high level indicators, comprising many factors that establish defined quality thresholds at which municipal services should be supplied to the community. They support the organization's strategic goals and are based on customer expectations, statutory requirements, standards, and the financial capacity of the municipality to deliver those levels of service.

#### **4. Performance Metrics and Reporting**

Performance metrics and reporting tools will be developed to transparently communicate and display the current state of practice, including service levels achieved, within the organization and to assist with the path of continuous improvement moving forward.

#### **Roles And Responsibilities**

##### **Council**

- Approve the AM policy and direction of the AM program
- Approve future amendments to the AM policy

##### **Senior Management Team (Asset Management Steering Committee)**

- Will provide corporate oversight to goals and directions and ensure the AM program aligns with the City's strategic plan
- Ensure that adequate resources are available
- Track, analyze and report on AM program benefits

##### **Treasurer**

- Provide corporate wide leadership in AM practices and concepts
- Provide AM steering committee and departmental staff coordination
- Coordinate and track AM program implementation and progress

##### **Departmental Staff**

- Utilize the new business processes and technology tools
- Participate in implementation task teams as part of the AM development
- Provide support and direction for AM practices within their department

## Asset Management Plan

POLICY NO.	PAGE	OF
CS-6-2	5	5

### Principles

#### **Holistic**

Taking a comprehensive approach to asset management that looks at the 'big picture' and considers the combined impact of managing all aspects of the asset life cycle.

#### **System Focused**

Considering the assets in their asset system context, in terms of the different assets and their interrelationships, as opposed to optimizing individual assets in isolation.

#### **Systematic**

Adopting a formal, consistent, repeatable approach to the management of infrastructure assets, will enable services to be provided in the most cost effective manner.

#### **Innovative**

Continuous improvement will be a key part of our asset management approach and will focus on driving innovation in the development of tools, techniques and solutions.

#### **Forward Looking**

Making the appropriate decisions and provisions to better enable our assets to meet the challenges of future customer expectations, legislative requirements and climate change.

#### **Risk-based**

Managing the asset risk associated with attaining the agreed levels of service, focusing resources, expenditures and priorities based upon risk and the corresponding cost/benefit.

#### **Customer Focus**

Having clearly defined Levels of Service and providing assurance to our customers by adhering to good, or where proven cost effective, best practice asset management processes and systems, supported by continually improving confidence in our asset and customer data.



January 3, 2017

## City Council Committee Report

**TO: Mayor and Council**

**FR: Charlotte Edie, Treasurer**

**RE: Garrow Park Exterior Fitness Facility Tax Receipt Request**

### **Recommendation:**

That Council of the City of Kenora hereby authorizes the issuance of tax receipts for any donation of \$75 or greater made to the City of Kenora between January 17, 2017 and December 31, 2017, unless otherwise specified due to early project completion, to be used specifically towards the Exterior Fitness Park to be built at Garrow Park.

### **Background:**

In a January 2017 report, Council of the City of Kenora has been requested to approve a recommendation supporting the Lions Club of Kenora's 100<sup>th</sup> Anniversary project for 2017, the location of an exterior fitness park in the City of Kenora's Garrow Park. The City of Kenora will accept the asset once complete and maintain it.

The Lions Club of Kenora has begun fundraising for the project and requests that the funds collected to date be handed over to the City. The Kenora Lions Club does not have its own charitable number and more money will be raised for the project if they are able to offer tax receipts.

### **Budget:**

This project's maintenance costs will be included in the City's operating budget.

### **Communication Plan/Notice By-law Requirements:**

Finance Department, Community and Development Services Department, Kenora Lions Club

### **Strategic Plan or other Guiding Document:**

1-10 The City will promote and leverage its recreation and leisure amenities as a means to support local economic activity, tourism and to strengthen community ties with our regional neighbours.

2-9 The City will support continuous improvements to recreation and leisure amenities, particularly those that support quality of life.

2-10 The City will continue to explore opportunities to develop and improve our beaches, parks and trails.



December 28, 2016

## City Council Committee Report

**To: Mayor & Council**

**Fr: Heather Kasprick, City Clerk**

**Re: Imagination Library Grant Application Support**

### **Recommendation:**

That Council hereby supports the Community Foundation Grant application for a new program in the community 'Imagination Library' in partnership with the Kenora Public Library; and further

That the City of Kenora permit their name on the grant application for this purpose.

### **Background:**

A group of community partners are working together on starting a new program in Kenora called 'Imagination Library'. Imagination Library is a program that provides books free of charge to any children that are between the ages of 0-5 years old. The children will receive a book mailed to them once a month therefore they could receive as many as 60 books. The intent is to provide this program to children that are all living within the City of Kenora. This program is in partnership with the Kenora Public Library management and staff. This program is a national program that is delivered in many communities and is very well received. It is also currently being delivered on several First Nations territories to incorporate books into the homes of children.

The group will be applying to the Community Foundation for one of their grants to get the program started. In order for the group to apply for this grant, they need an organization with charitable status to be the applicant on the Community Foundation application and since this program is in partnership with the Kenora Public Library, they are seeking the City of Kenora's support for applying for the grant. The group will be working with the Kenora Library and other community partners to deliver the program.

**Budget:** There is no associated budget related to this request.

**Communication Plan/Notice By-law Requirements:** None

### **Strategic Plan or other Guiding Document:**

2-4 - The City will act as the catalyst for continuous improvements to the public realm



January 5, 2017

## City Council Committee Report

To: Mayor and Council

Fr: Karen Brown

Re: Minutes of Settlement – 89804 Canada Ltd.

### Recommendation:

That Council hereby authorizes the CAO to sign the minutes of settlement for assessments made under Section 40 of the Assessment Act for the years 2013 through 2016 between 89804 Canada Ltd., Municipal Property Assessment Corporation and the City of Kenora; and further

That Council hereby approves an appropriation from the Tax Write off Reserve in the amount of \$592,840.16, less any resulting recovery related to municipal vacancy rebates for this same period, to offset the cumulative reduction in municipal tax revenues as a result of these minutes of settlement; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2016 Operating & Capital Budget at its January 17, 2017 meeting to withdraw funds from the Tax Write off Reserve; and further

That Council gives three readings to a by-law to amend the 2016 budget for this purpose.

### Background:

The City has received the Minutes of Settlement for Assessments Made under Section 40 of the Assessment Act related to an assessment appeal made by 89804 Canada Ltd with regards to the mall property.

The company originally appealed both the 2012 and 2008 CVA (Current Value Assessment), although the minutes of settlement relate only to the 2012 CVA, which covers the taxation years 2013 through 2016.

The appeal of the 2008 CVA is being withdrawn.

The impacts to the 2012 CVA as per the minutes of settlement are summarized on the table at the top of the following page.

	Original 2012 CVA	Revised 2012 CVA	% Impact
Commercial (CT)	1,322,000	685,270	-48.2%
Shopping Centre (ST)	6,917,000	3,372,730	-51.2%
Total	8,239,000	4,058,000	-50.7%



Key factors which resulted in the Municipal Property Assessment Corporation (MPAC)'s decision are as follows:

- The property includes the former Zellers store location. The Zellers store was closed in 2013, and was demolished in 2016, together with the warehouse.
- The property was purchased in 2015 for \$3,500,000.

**Budget / Financial Implications:**

The City currently has a tax write off reserve, held for this purpose. The balance of this reserve as at the end of December 31, 2016 was \$759,186.93.

The municipal portion of the property taxes to be adjusted as a result of the minutes of settlement would be offset through an appropriation from the tax write off reserve. The education portion will flow through to the appropriate Board. This property also contributes to the Business Improvement Zone (BIZ) levy, and that organization will also be impacted by this reduction.

In addition, it is worth noting that this property has received vacancy rebates for this same period totaling \$131,813.98, before the 2016 vacancy rebate request has been calculated. There will be a recovery related to these vacancy rebates, although the actual recovery cannot be determined until such time as MPAC has provided additional details as to the breakdown of the assessment on a per unit basis.

The following is a summary of the tax adjustment required as a result of these minutes of settlement, before any adjustment related to the vacancy rebates:

	2013	2014	2015	2016	Total
Municipal	154,581.98	150,595.41	145,831.67	141,831.08	592,840.14
Education	52,680.60	51,008.20	49,753.90	49,335.80	202,778.50
BIZ	2,265.27	2,286.59	2,246.03	2,095.14	8,893.03
<b>Total</b>	<b>209,527.85</b>	<b>203,890.20</b>	<b>197,831.60</b>	<b>193,262.02</b>	<b>804,511.67</b>

**Communication Plan/Notice By-law Requirements:**

Notice required for a budget amendment in accordance with the provisions of the Notice Bylaw.

Signed Minutes of Settlement to be returned to MPAC.

BIZ Executive to be advised of impacts.

**Strategic Plan or other Guiding Document:**

n/a – despite the significance of the adjustment, this report is housekeeping in nature.



December 28, 2016

## City Council Committee Report

**To: Mayor & Council**

**Fr: Heather Kasprick, City Clerk**

**Re: NWHU Request for Support**

### **Recommendation:**

Whereas the City of Kenora supports tobacco excise tax increases as a proven effective means of encouraging tobacco cessation; and

Whereas contrary to tobacco industry messaging, impartial research by the Ontario Tobacco Research Unit at the University of Toronto has shown that tobacco excise tax increases do not lead to large increases in contraband; and

Whereas the City of Kenora has previously passed a City of Kenora buildings smoke-free bylaw, in addition to a smoke free beaches bylaw, and supports protection of the public from second-hand tobacco smoke, protection of our youth from tobacco industry products, and tobacco tax increases to encourage smokers to quit and to raise revenue to offset the healthcare costs of tobacco use, which are more than double the current revenue raised from provincial tobacco taxes;

Therefore be it Resolved that elected representatives and staff of the City of Kenora will have no further meetings or discussions about any tobacco-related issue with representatives of the National Coalition Against Contraband Tobacco (NCACT), the Ontario Convenience Store Association (OCSA) or individuals otherwise representing the tobacco industry; and

That the City of Kenora calls on the Minister of Finance to raise tobacco excise taxes by at least \$10/carton and to enhance enforcement activities designed to reduce the presence of contraband tobacco in Ontario communities.

### **Background:**

A letter was received from the Northwestern Health Unit regarding the tobacco industry's anti-contraband campaign.

The letter outlines concerns regarding information from 2012 from Imperial Tobacco Canada regarding tobacco excise tax increases and blocking additional tobacco regulations. The letter is attached for review along with two resolutions from the Northwestern Health Unit Board of Health for municipalities who did or did not endorse the tobacco industry anti-contraband campaign in 2012.

**Budget:** There is no budget associated with this request.

**Communication Plan/Notice By-law Requirements:** None

### **Strategic Plan or other Guiding Document:**

2-4 - The City will act as the catalyst for continuous improvements to the public realm



Northwestern  
Health Unit

www.nwhu.on.ca

210 First Street North  
Kenora, ON P9N 2K4

December 5, 2016

Mayor Dave Canfield & Council  
City of Kenora  
One Main Street South  
Kenora, ON P9N 3X2

Dear Mayor Canfield & Council:

Re: The tobacco industry's anti-contraband campaign

Earlier this month, all Public Health Units in Ontario were made aware of a 2012 slide deck from Imperial Tobacco Canada Ltd (ITCL) ([http://www.smoke-free.ca/eng\\_home/2016/ITL-CORA-AIT.pdf](http://www.smoke-free.ca/eng_home/2016/ITL-CORA-AIT.pdf)) describing the industry's anti-contraband campaign. Explicitly, the campaign highlighted the concern of contraband tobacco; but another campaign objective included the prevention of further tobacco excise tax increases and blocking additional tobacco regulation.

These objectives are counter to evidence-based interventions to reduce the harms of tobacco on population health. Taxation and minimum pricing of tobacco reduces smoking rates, encourages smokers to quit and particularly protects youth by decreasing their use of tobacco. The slide deck describes the key roles of the National Coalition Against Contraband Tobacco (NCACT) and the Ontario Convenience Store Association (OCSA).

During the industry campaign's high-activity phase in 2009-12, a number of Ontario municipalities were visited by the NCACT and/or the OCSA and their endorsements sought for the campaign. Approximately 40-50 Ontario municipalities complied without being aware of the true nature of the campaign. Most municipalities did not endorse the campaign.

At a recent meeting, the Board of Health of the Northwestern Health Unit approved a recommendation that all municipalities who endorsed or did not endorse the campaign take action by passing a resolution to rebut the campaign and support an increased taxation of tobacco products.

I ask you to consider taking advantage of this opportunity and pass the appropriate resolution. By doing so, you will ensure that your community members are further protected against the harms of commercial tobacco use.

Thank you.

Kit Young Hoon, MBBS, MPH, MSC, FRCPC  
Medical Officer of Health



Northwestern  
Health Unit

www.nwhu.on.ca

NORTHWESTERN HEALTH UNIT

BOARD OF HEALTH

No. 44 -2016

MOTION/RESOLUTION

**RESOLUTION A: FOR MUNICIPALITIES THAT ENDORSED THE TOBACCO INDUSTRY'S ANTI-CONTRABAND CAMPAIGN:**

**WHEREAS** a 2012 slide deck from Imperial Tobacco Canada Ltd. (ITCL) ([http://www.smoke-free.ca/eng\\_home/2016/ITL-CORA-AIT.pdf](http://www.smoke-free.ca/eng_home/2016/ITL-CORA-AIT.pdf);) demonstrates that the National Coalition Against Contraband Tobacco (NCACT) and the Ontario Convenience Store Association (OCSA) have worked on behalf of ITCL to convince Ontario municipalities of the importance of the contraband tobacco problem;

**and WHEREAS** the 2012 ITCL slide deck makes clear that the anti-contraband campaign pursued by the NCACT and the OCSA in Ontario is designed in part to block tobacco excise tax increases and regulation of tobacco products generally;

**and WHEREAS** these other campaign objectives were not communicated to municipalities by either the NCACT or the OCSA during meetings with municipal staff or councillors;

**and WHEREAS** (municipality X) supports tobacco excise tax increases as a proven effective means of encouraging tobacco cessation;

**and WHEREAS** contrary to tobacco industry messaging, impartial research by the Ontario Tobacco Research Unit at the University of Toronto has shown that tobacco excise tax increases do not lead to large increases in contraband;

**and WHEREAS** (municipality X) previously passed a smoke-free bylaw and supports protection of the public from second-hand tobacco smoke, protection of our youth from tobacco industry products, and tobacco tax increases to encourage smokers to quit and to raise revenue to offset the healthcare costs of tobacco use, which are more than double the current revenue raised from provincial tobacco taxes;

**THEREFORE BE IT RESOLVED** that (municipality X) retracts its previous endorsement for the tobacco industry anti-contraband campaign, and further,

**THAT** elected representatives and staff of (municipality X) have no further meetings or discussions about any tobacco-related issue with representatives of the NCACT, the OCSA, or individuals otherwise representing the tobacco industry, and further,

**THAT** (municipality X) calls on the Ontario Ministry of Finance 1) to raise tobacco excise taxes by at least \$10/carton and 2) to enhance enforcement activities designed to reduce the presence of contraband tobacco in Ontario communities.



Northwestern  
Health Unit

www.nwhu.on.ca

NORTHWESTERN HEALTH UNIT

BOARD OF HEALTH

No. 89 -2016

MOTION/RESOLUTION

**RESOLUTION B: FOR MUNICIPALITIES THAT DID NOT ENDORSE THE TOBACCO INDUSTRY'S ANTI-CONTRABAND CAMPAIGN:**

**WHEREAS** a 2012 slide deck from Imperial Tobacco Canada Ltd. (ITCL) ([http://www.smoke-free.ca/eng\\_home/2016/ITL-CORA-AIT.pdf](http://www.smoke-free.ca/eng_home/2016/ITL-CORA-AIT.pdf)) demonstrates that the National Coalition Against Contraband Tobacco (NCACT) and the Ontario Convenience Store Association (OCSA) have worked on behalf of ITCL to convince Ontario municipalities of the importance of the contraband tobacco problem;

**and WHEREAS** the 2012 ITCL slide deck makes clear that the anti-contraband campaign pursued by the NCACT and the OCSA in Ontario is designed in part to block tobacco excise tax increases and regulation of tobacco products generally;

**and WHEREAS** these other campaign objectives were either not communicated to municipalities by either the NCACT or the OCSA during meetings with municipal staff or councillors;

**and WHEREAS** (municipality X) supports tobacco excise tax increases as a proven effective means of encouraging tobacco cessation;

**and WHEREAS** contrary to tobacco industry messaging, impartial research by the Ontario Tobacco Research Unit at the University of Toronto has shown that tobacco excise tax increases do not lead to large increases in contraband;

**and WHEREAS** (municipality X) previously passed a smoke-free bylaw and supports protection of the public from second-hand tobacco smoke, protection of our youth from tobacco industry products, and tobacco tax increases to encourage smokers to quit and to raise revenue to offset the healthcare costs of tobacco use, which are more than double the current revenue raised from provincial tobacco taxes;

**THEREFORE BE IT RESOLVED** that elected representatives and staff of (municipality X) will have no further meetings or discussions about any tobacco-related issue with representatives of the NCACT, the OCSA, or individuals otherwise representing the tobacco industry;

**and THAT** (municipality X) calls on the Ontario Ministry of Finance 1) to raise tobacco excise taxes by at least \$10/carton and 2) to enhance enforcement activities designed to reduce the presence of contraband tobacco in Ontario communities.





January 10, 2017

## City Council Committee Report

**To: Mayor and Council**

**Fr: Jeff Hawley, Manager of Operations and Infrastructure**

**Re: Renaming of McQuillan Street to Kroppy's Lane**

### **Recommendation:**

That in recognition of the positive impact that the late Len Kropioski had on youth in sports in the City of Kenora Council hereby renames the street locally known as McQuillan Street, as described on Plan M15, to "Kroppy's Lane"; and further

That in accordance with Notice by-law Number 144-2007, public notice is hereby given that Council intends to adopt a by-law at its January 17, 2017 council meeting, renaming the above described road as "Kroppy's Lane"; and further

That an appropriate bylaw be passed for this purpose.

### **Background:**

The City received a suggestion through Councilor McMillan to rename the roadway where Len Kropioski accessed his home in remembrance and recognition of the positive impact that "Kroppy" had on local youth in sports. This re-naming will coincide with the Hockey Day in Canada events occurring in February 2017 where Mr. Kropioski's countless hours of coaching and volunteerism will also be recognized with the first ever "Kroppy Cup" during a pond hockey tournament will be given out in his memory.

McQuillan Street is located in Norman, between Third Avenue West and Parson Street. There are four (4) residential addresses affected by this change, but no comment against the proposed has been received to date.

**Budget:** Costs associated with this change will be the cost of sign replacement and staff time for new signage installation.

### **Communication Plan/Notice By-law Requirements:**

Affected neighbours, Canada Post, Chief Building Official

Resolution and By-law required

Distribution: J. Hawley, K. Koralalage, K. Robertson, D. McCloskey



November 21, 2016

## City Council Committee Report

To: Mayor and Council

Fr: Jeff Hawley, Operations & Infrastructure Manager

Re: Traffic Amendment – Stop Signs at Intersections – Birchwood Rd and Birchwood Crescent

### Recommendation:

That Council authorizes an amendment to the City of Kenora Traffic Regulation By-law Number 180-2015 to include changes to Schedule "O" – Stop Signs at Intersections for Birchwood Road and Birchwood Crescent; and further

That three readings be given to an amending by-law for this purpose.

### Background Information:

With the configuration of the Birchwood Road and Birchwood Crescent intersection, as part of this year's paving program, it was determined that the Stop sign for motorists traveling east bound on Birchwood Road is no longer required at this intersection.

It is recommended that Schedule "O" Stop Signs at Intersections of Traffic Regulation By-law No. 180-2015 be amended to delete Birchwood Road and Birchwood Crescent, as follows: -

### Schedule "O" Stop Signs at Intersections

<u>Column 1</u> INTERSECTION	<u>Column 2</u> FACING TRAFFIC
<u>Delete:</u> Birchwood Road and Birchwood Crescent	East Bound on Birchwood Road

Budget: N/A

### Communication Plan/Notice By-law Requirements:

Jeff Hawley - Manager of Operations and Infrastructure, Krishanth Koralalage - Roads Division Lead



Birchwood Crescent



New Island

Yield sign location  
(For East Bound Birchwood Cres)



Birchwood Road



Stop sign to be removed

Birchwood Place





December 30, 2016

## City Council Committee Report

**TO: Mayor and Council**

**FR: James Tkachyk, Parks and Facilities Division Lead**

**RE: Lake of the Woods Cemetery – Rules & Regulations - Revisions**

### **Recommendation:**

That Council gives three readings to a by-law to authorize a revised Rules and Regulations for the Care and Control of the Lake of the Woods Cemetery; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to give three readings to a new Rules and Regulations for the Care and Control of the Lake of the Woods Cemetery at its January 17, 2017 meeting; and further

That the by-law will come into effect and come into force upon approval of the Bereavement Authority of Ontario; and further

That By-law Number 172-2015 be hereby repealed.

### **Background:**

The Lake of the Woods Cemetery in the City of Kenora is owned by the Corporation of the City of Kenora.

The Funeral, Burial & Cremation Services Act, 2002 (FBCSA) O. Reg. 30/11, s. 150 (1) provides that an owner of a cemetery may make by-laws for regulating the operation of a cemetery.

Requesting to rescind By-law #172-2015 with a new by-law created to incorporate the proposed revisions to the Cemetery Rules and Regulations.

The Ministry of Consumer Services conducted an audit of the Lake of the Woods Cemetery in August 2015 in conjunction with all cemeteries in Northwestern Ontario. In an effort to standardize cemetery by-laws the Ministry strongly suggested that the City enact a new by-law that reflected a sample that was provided. As this was just a sample, certain criteria was missed. Attachment (Word) is the new proposed Rules and Regulations with numbering system included. Attach2 (pdf) shows all the changes made to the current document. The new proposed by-law streamlines the new cemetery rules & regulations while maintaining the recommended version from the Ministry & Consumer services.

The new By-Law will also capture the addition of Private Columbaria's.

To comply with the Act, this request will be published in the local newspaper, postings at the Lake of the Woods Cemetery for four weeks and a copy will be sent to each monument dealer. It will then be sent to the Bereavement Authority of Ontario for final approval.

**Budget:** N/A

**Communication Plan/Notice By-law Requirements:**

Bereavement Authority of Ontario

James Tkachyk, Parks and Facilities Division Lead, Heather Kasprick, Clerk

Daily Miner and News

**Strategic Plan or other Guiding Document:**

This is a housekeeping matter administrative in nature to update our cemetery by-law.

# The Corporation of the City Of Kenora

## By-law Number 172 - 2015

### A By-Law to Establish Rules & Regulations to be used in connection with the Lake of the Woods Cemetery

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Whereas the Lake of the Woods Cemetery in the City of Kenora is owned by the Corporation of the City of Kenora; and

Whereas these by-laws are the rules and regulations that govern Lake of the Woods Cemetery and have been approved by the Corporation of the City of Kenora and the Registrar of Cemeteries, Funeral, Burial and Cremation Services Act, 2002 (FBCSA), Cemeteries Regulations Unit, Ministry of Consumer Services.

Now Therefore the Council of the City of Kenora hereby enacts as follows:

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#### BY-LAWS AND REGULATIONS

Section 1:	DEFINITIONS
Section 2:	GENERAL INFORMATION
Section 3:	THE SALE AND TRANSFER OF INTERMENT RIGHTS
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Section 7:	<b>LOT DECORATIONS</b>
Section 8:	CONTRACTOR/MONUMENT DEALER BYLAWS
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Section 10:	COLUMBARIA
<b>Section 11:</b>	<b>LOT EMBELLISHMENTS</b>
<b>Section 12:</b>	<b>REQUEST FOR SERVICE</b>

These by-laws are the rules and regulations that govern Lake of the Woods Cemetery and have been approved by the Corporation of the City of Kenora and the Registrar of Cemeteries, Funeral, Burial and Cremation Services Act, 2002 (FBCSA), Cemeteries Regulations Unit, Ministry of Consumer Services.

## SECTION 1: DEFINITIONS

**Burial:** The opening and closing of an in ground grave, lawn crypt or niche for the disposition of human remains or cremated human remains.

**By-laws:** The rules and regulations under which the Cemetery operates.

**Care and Maintenance Fund:** It is a requirement under the FBCSA that a percentage of the purchase price of all Interment Rights, and set amounts for marker and monument installations is contributed into the Care and Maintenance Fund. Interest earned from this fund is used to provide care and maintenance of plots, lots, markers and monuments at the Cemetery.

**Cemetery Office Staff:** Shall mean an employee of the Corporation of the City of Kenora, employed at the Cemetery as cemetery administrator.

**Columbarium:** Shall mean an above-ground structure designed for the purpose of interring cremated human remains in compartments or niches.

**Columbarium (Private):** Shall mean an above-ground structure designed for the purpose of interring cremated human remains in compartments or niches. This structure has been donated by a group for the sole purpose of their members. Private Columbaria must comply with and agreed upon Memorandum of Understanding.

**Contract:** For purposes of these by-laws, all purchasers of interment rights must sign a contract with the cemetery, detailing obligations of both parties and acceptance of the cemetery by-laws.

**Corner Posts:** Shall mean any stone or other land markers set flush with the surface of the ground and used to indicate the location of a lot or plot.

**Grave:** means any in ground burial space intended for the interment of a child, adult or cremated human remains.

**Inter:** (see definition of burial) means the burials of human remains.

**Interment Right:** The right to require or direct the interment of human remains or cremated human remains in a grave, niche or crypt and direct the associated memorialization.

**Interment Rights Certificate:** The document issued by the Cemetery to the purchaser once the interment rights have been paid in full, identifying ownership of the interment rights.

**Interment Rights Holder:** Any person designated to hold the right to inter human remains in a specified grave, niche or crypt.

**Lawn Crypt:** An individual compartment above ground for the interment of human remains.

**Lot:** For the purposes of these by-laws, a lot shall mean a parcel of land, containing a series of 4 to 8 consecutive graves followed by a 2 foot pathway

**Marker:** Shall mean any permanent memorial structure that is set flush and level with the ground, and used to mark the location of a burial grave.

**Ministry:** shall mean the Ministry of Consumer Services

**Monument:** Any permanent memorial projecting above the ground installed within the designated space to mark the location of a burial or grave.

**Niche:** An individual compartment in a columbarium for the interment of cremated human remains.

**Registrar:** shall mean the Registrar appointed under the Ministry of Consumer Services

**Vault:** Shall mean a container to be placed below ground in the grave to seal the casket inside it.

## SECTION 2: GENERAL INFORMATION

### 2.01 Hours of Operation:

Visitation Hours:	8 a.m. – 8 p.m. Lake of the Woods Cemetery
Office Hours:	8 a.m. – 12:00 and 12:30 p.m. – 4:30 p.m. Monday to Friday Located: Operations Building – 60 Fourteenth Street North
Burial Hours:	8 a.m. – 4:00 p.m. Monday to Friday 8 a.m. – 4:00 p.m. Saturday – Additional Fees Applies

### 2.02 General Conduct:

The City of Kenora reserves full control over the cemetery operations and management of land within the cemetery grounds.

No person shall:

- a) Damage any marker, columbarium, or any other structure within the said cemeteries;
- b) Damage any tree, shrub, plant or flowers (Private and Public property) within the limits of the Cemeteries
- c) Damage any fence, railing, or gate used for the protection of the cemeteries;
- d) Play any game of sport on the said Cemeteries property;
- e) Discharge any firearm (Military Funeral excluded);
- f) Disturb any person or persons assembled for the interment of any other person;
- g) Create a nuisance in the said Cemeteries

Debris - No person shall deposit rubbish on the ground of the cemeteries except in the receptacles provided.

Gratuities - No gratuities shall at any time be given to an officer or employee of the Corporation, nor shall any reward be given for any personal service or attention.

Bicycles - Bicycles shall only be permitted on cemetery roads

### **2.03 By Law Amendments:**

The cemetery shall be governed by these bylaws, and all procedures will comply with the Funeral Burial & Cremation Services Act, 2002 and Ontario Regulation 30/11, which may be amended periodically.

All by-law amendments must be:

- a) Published once in a newspaper with general circulation in the locality in which the cemetery is located;
- b) Conspicuously posted on a sign at the entrance of the cemetery; and
- c) Delivered to each supplier of markers who has delivered a marker to the cemetery during the previous year, if the by-law or by-law amendment pertains to markers or their installation.

All by-laws and by-law amendments are subject to the approval of the Registrar, Cemeteries Regulation Unit, and Ministry of Consumer Services.

### **2.04 Liability:**

The cemetery operator will not be held liable for any loss or damage, without limitation (including damage by the elements, Acts of God, or vandals) to any lot, plot, columbarium niche, lawn crypt, monument, marker, or other article that has been placed in relation to an interment right save and except for direct loss or damage caused by gross negligence of the cemetery.

The Corporation of the City of Kenora reserves and shall have the right to correct any errors that may be made by the cemetery operation. Either in interment, disinterment, rights transfer, etc.; by either cancelling or substituting in lieu other property of equal value and similar location as far as possible, or by refunding the amount of money paid on account to purchaser. In the event such an error involves interment, the cemetery operator will incur all costs.

### **2.05 Public Register:**

Provincial legislation – Section 110 of Ontario Regulation 30/11 requires the cemetery operator to maintain a public register to the public during regular office hours. The Public Register is available for viewing at the Cemetery Office, 60 Fourteenth Street North during the hours of 8 a.m. to 4:30 p.m., Monday – Friday.

### **2.06 Pets or Other Animals:**

**No person shall permit any animal, including dogs, to enter or remain in the said Cemeteries. Service animals are exempted.**

### **2.07 Right to Re-Survey:**

The Cemetery has the right at any time to re-survey, enlarge, diminish, re-plot, change or remove plantings, grade, close pathways or roads, alter in shape or size, or otherwise change all or any part of the cemetery, subject to approval of the appropriate authorities.

Cemetery Plan shall remain on file at City Hall, 1 Main Street South and a copy at the Cemetery Office.

## **SECTION 3: THE CANCELLATION OR RESALE OF INTERMENT RIGHTS**

### **3.01 Notice of Resale and Transfer of Interment Rights:**

- a. Interment rights holder must first offer the interment rights to the cemetery operator. If the cemetery operator does not wish to repurchase the interment rights, the interment right may be sold to a third party for no more than the current price listed on the cemetery price list, as long as the sale or transfer is conducted through the cemetery operator and the purchaser meets the qualifications and requirements as outlined in the cemetery operator's by-laws.
- b. The cemetery operator can prohibit the resale of interment rights to a third party and is not required to repurchase unused interment rights in a lot (more than one grave) if one of the interment rights in the lot has been exercised.
- c. Purchasers of interment rights holders acquire only the right to direct the burial of human remains and of cremated human remains, and the installation of monuments, markers and inscriptions, subject to the conditions set out in the cemetery by-laws. In accordance with cemetery by-laws, no burial, interment, or installation of any monument, marker, inscription, or memorialization is permitted until the interment rights have been paid in full. An interment rights certificate will be issued to the interment rights holder(s) when payment has been made in full. The purchase of interment rights is not a purchase of Real Estate or real property. An interment rights holder wishing to resell their interment rights must advise the cemetery operator of their intention prior to seeking a third party buyer for their interment rights.

### **3.02 Cancellation of Interment Rights within 30 Day Cooling-Off Period:**

A purchaser has the right to cancel an interment rights contract within thirty (30) days of signing the interment rights contract, by providing written notice of the cancellation to the cemetery operator. The cemetery operator will refund all monies paid by the purchaser within thirty (30) days from the date of the request for cancellation.

### **3.03 Cancellation of Interment Rights after the 30 Day Cooling-Off Period:**

- a. Upon receiving written notice from the purchaser of the interment rights, the cemetery operator will cancel the contract and issue a refund to the purchaser for the amount paid for the interment rights less the appropriate amount that is required to be deposited into the Care and Maintenance Fund. This refund will be made within thirty (30) days of receiving said notice. If the interment rights certificate has been issued to the interment rights holder(s), the certificate must be returned to the cemetery operator along with the written notice of cancellation.
- b. If any portion of the interment rights has been exercised, the purchaser, or the interment rights holder(s) are not entitled to cancel the contract or re-sell the interment rights.

### **3.04 Resale of Interment Rights after 30 Day Cooling-Off Period:**

- a. Unless the interment rights have been exercised the purchaser retains the right to cancel the contract or re-sell the rights. Once payment for the interment rights has been made in full, and an interment rights certificate has been issued, the interment rights holder(s), as recorded on the cemetery records, has right to re-sell the interment rights. Any resale of the interment right shall be in accordance with the requirements of the cemetery by-laws and in keeping with the FBCSA

- b. If any portion of the interment rights has been exercised, the purchaser, or the interment rights holder(s) are not entitled to re-sell the interment rights.

### **3.05 Care and Maintenance Fund Contributions:**

As required by sections 166 and 168 of Regulation 30/11, a percentage of the purchase price of all interment rights and a prescribed amount for monuments and markers is contributed into the care and maintenance fund. Income from this fund is used to provide only general care and maintenance of the cemetery. Contributions to the care and maintenance fund are not refundable except when interment rights are cancelled within the 30 day cooling off period.

### **3.06 Requirements if resale of interment rights is permitted by the cemetery operator:**

**NOTE: ALL REALES OR TRANSFERS OF INTERMENT RIGHTS MUST BE PROCESSED THROUGH THE CEMETERY OFFICE TO BE VALID.**

The cemetery operator may choose to either permit the interment rights holder(s) to:

- first re-sell the interment rights to the cemetery; or if declined by cemetery
- re-sell the interment rights to a third party

### **3.07 Procedure of interment rights to a Cemetery Operator:**

- a. If a rights holder(s) wishes to re-sell the interment rights - the rights holder(s) must make the request to the cemetery operator in writing. The cemetery operator will repurchase the interment rights at the price listed on the cemetery operator's current price list less the Care & Maintenance Fund contribution made at the time of purchase. The re-purchase and payment to the rights holder requesting the sale must be completed within 30 days of the request.
- b. The interment rights holder requesting the resale of the rights must return the interment rights certificate to the cemetery operator and the rights holder(s) must endorse the interment rights certificate, transferring all rights, title and interest back to the cemetery operator. The appropriate paperwork must be completed before the cemetery operator reimburses the rights holder(s).

### **3.08 Procedure of interment rights to a third party:**

- a. The interment rights holder(s) intending to sell their rights shall provide the following documents to the cemetery operator so that the operator can confirm the ownership of the rights and provide the third party purchaser with a the required certificate etc.:
  - an interment rights certificate endorsed by the current rights holder
  - if the resale involves interment rights, a written statement of the number of graves that have been used in the plot and the number of graves that remain available
  - any other documentation in the interment rights holder(s) possession relating to the rights
- b. The third party purchaser will be provided with the following documents by the cemetery operator:
  - an interment rights certificate endorsed by the current rights holder
  - a copy of the cemetery's current by-laws
  - a copy of the cemetery's current price list



- if the resale involves interment rights, a written statement of the number of graves that have been used in the plot and the number of graves that remain available
  - any other documentation in the interment rights holder(s) possession relating to the rights
- c. The cemetery operator will require:
- a statement signed by the rights Holder(s) selling the interment rights acknowledging the sale of the interment rights to the third party purchaser
  - confirmation that the person selling the interment rights is the person registered on the cemetery records and that they have the right to re-sell the Interment rights
  - a record of the date of transfer of the interment rights to the third party;
  - the name and address of the third party purchaser(s)
  - a statement of any money owing to the Cemetery Operator in respect to the Interment Rights.

Once the endorsed certificate and all required information has been received by the cemetery operator from the rights holder(s), the cemetery operator will issue a new interment rights certificate to the third party purchaser.

Upon completion of the above listed procedures, and upon the issuance of the new interment rights certificate, the third party purchaser or transferee(s) shall be considered the current interment rights holder(s) of the interment rights, and the resale or transfer of the interment rights shall be considered final in accordance with the cemetery by-laws and the FBCSA.

The cemetery operator may charge an administration fee for the issuance of a duplicate certificate in accordance with the price listed on the cemetery operator's current price list.

The cemetery operator does not prohibit the resale of an interment rights and may repurchase the interment rights from the rights holder(s) if the cemetery operator so desires and may negotiate a purchase price so long as the seller acknowledges being aware of the cemetery operators current price list amounts for interment rights.

#### **SECTION 4: BURIAL OF CREMATED REMAINS**

4.01 Interment rights holder(s) must provide written authorization prior to a burial, or an interment taking place. Should the interment rights holder be deceased, authorization must be provided in writing by the person authorized to act on behalf of the interment rights holder i.e. Personal Representative, Estate Trustee, Executor or next of kin.

4.02 A burial permit issued by the Registrar General or equivalent document showing that the death has been registered with the province must be provided to the cemetery office prior to a burial or interment taking place. A Certificate of Cremation must be submitted to the cemetery office prior to the burial of cremated remains of cremated remains taking place.

4.03 In accordance with the FBCSA the purchaser of interment rights must enter into a cemetery contract, providing such information as may be required by the cemetery operator for the completion of the contract and the public register prior to each burial or interment of human remains of cremated human remains.

4.04 Payment must be made to the cemetery before a burial can take place or payment plan must be approved the cemetery administrator.

4.05 The cemetery shall be given 16 business hours (2 business days) of notice for each burial of human remains of cremated human remains.

4.06 The opening and closing of graves, crypts and niches of cremated remains may only be conducted by cemetery staff or those designated to do work on behalf of the cemetery.

4.07 Cremated remains are not permitted to be scattered on cemetery graves or grounds.

4.08 Human remains may be disinterred from a grave provided that the written consent (authorization) of the interment rights holder has been received by the cemetery operator and the prior notification of the medical officer of health. A certificate from the local medical officer of health must be received at the cemetery office before the removal of casketed human remains may take place. A certificate from the local medical officer of health is not required for the removal of cremated remains.

- a. In special circumstances the removal of human remains may also be ordered by certain public officials without the consent of the interment rights holder and/or next of kin(s).
- b. Full size grave are allowed one casket interment and up to 4 cremated remains interments.
- c. Cremation graves and niches are allowed up to 2 cremated remains interments.
- d. Single lawn crypt allowed one casket interment.
- e. Double lawn crypts are allowed two caskets or one casket interment and one cremated remains interment.

## **SECTION 5: MEMORIALIZATION**

5.01 No memorial or other structure shall be erected or permitted on a grave until approval of the headstone contract have been submitted to the cemetery operator and all permit fees have been paid in full.

5.02 No monument, footstone, marker or memorial bench of any description shall be placed, moved, altered, or removed without permission from the cemetery operator.

5.03 Minor scraping of the monument base of an upright monument due to grass/lawn maintenance is considered to be normal wear.

5.04 The cemetery operator will take reasonable precautions to protect the property of interment rights holders, but it assumes no liability for the loss of, or damage to, any monument, marker, or other structure, or part thereof.

5.05 The cemetery operator reserves the right to determine the maximum size of monuments, their number and their location on each grave. They must not be of a size that would interfere with any future interments or encroach on any other grave.

5.06 All foundations for monuments and markers shall be built by, or contracted to be built for, the cemetery operator as per permit fees.

- a. Should any monument or marker present a risk to public safety because it has become unstable, the cemetery operator shall do whatever it deems necessary by way of repairing, resetting, or laying down the monument or marker or any other remedy so as to remove the risk.
- b. The cemetery operator reserves the right to remove at its sole discretion any marker, monument, or inscription which is not in keeping with the dignity and decorum of the cemetery as determined by the trustees.
- c. A monument, marker, or bench shall be erected only after the specific contract and permit have been approved by the cemetery operator including: dimensions, material of structure, and proposed location.
- d. In keeping with the cemetery by-laws only one monument shall be erected within the designated cremation grave and one monument plus a flat marker on full size grave.
- e. The minimum thickness for flat markers including footstones is 4 inches or 10 cm.
- f. All monuments and markers shall be constructed of bronze or natural stone (i.e. granite).
- g. No monuments and markers shall be delivered to the cemetery for installation until all permit fees are approved and paid in full.
- h. No monument shall be delivered to the cemetery for installation until the monument foundation has been completed, and the interment rights holder(s) and/or marker retailer have been notified by the cemetery operator.
- i. All upright grave markers must be able to withstand a force of 35kgs, when such force is applied at any point on the memorial. Such markers must withstand this force when set in dry mode (ie without the assistance of any adhesive)
- j. Markers and footstones of bronze or granite are permitted with size and quantity restrictions according to cemetery by-laws and the placement of such memorials shall not interfere with future interments.
- k. Maximum Size for monument and marker:
  - a. Cremation grave (3ft x 3ft) maximum: 12" x 32"
  - b. Cremation grave (2ft x 2ft) maximum: 10" x 20"
  - c. Full Size grave (3ft x 7ft/9ft) maximum: 12" x 32"
  - d. For double graves inquire with cemetery operator.

## SECTION 6: CARE AND PLANTING

6.01 A portion of the price of interment rights is trusted into the Care and Maintenance Fund. The income generated from this fund is used to maintain, secure and preserve the cemetery grounds. Services that can be provided through this fund include:

- Re-leveling and sodding or seeding of graves and grounds

- Maintenance of cemetery roads, sewers and water systems
- Maintenance of perimeter walls and fences
- Maintenance of cemetery landscaping
- Maintenance of lawn crypt and columbarium
- Repairs and general upkeep of cemetery maintenance buildings and equipment

6.02 No person other than cemetery staff shall remove any sod or in any other way change the surface of the burial graves in the cemetery.

6.03 No person shall plant trees, flower beds or shrubs in the cemetery except with the approval of the cemetery.

6.04 Flowers placed on a grave for a funeral shall be removed by the cemetery staff after a reasonable time to protect the sod and maintain the tidy appearance of the cemetery.

## **SECTION 7: LOT DECORATIONS**

### **Lot Decoration Rules (May 31<sup>st</sup> – October 1<sup>st</sup>)**

The City of Kenora realizes that there is significant value to the interment rights holders in decorating cemetery lots. At the same time the City of Kenora has an obligation to provide a safe and visually pleasing environment. In the interest of these objectives, it is imperative that these rules be followed.

Lot decorations for one interment rights holder must not infringe on the property of another interment rights holder.

### **Lot Decoration Rules (October 2<sup>nd</sup> to May 30<sup>th</sup>)**

Winter maintenance of the Cemeteries requires that city staff may need to access to any site on the Cemetery property. Therefore, it is imperative the following rules be adhered to.

Permitted Decorations:

- Ice Candles are permitted as long as they are not intruding on other Interment Rights holder's plots.
- Temporary wooden crosses must be 24" above ground level to allow for visibility.
- All other lot decorations are allowed so long as they are deemed safe by the cemetery operator.

#### **7.01 Lot Decorations**

Lot decorations shall be deemed to include all ornaments, figurines, plants, or other embellishments placed on Cemetery lots with the intention of improving their appearance. No lot decorations permitted by this by-law shall be placed on a lot if outstanding fees are unpaid. The City of Kenora is not responsible for lost or stolen items.

#### **7.02 Candles and Solar Lights (Plastic only- No glass or Ceramics prohibited)**

Only enclosed candles or solar lights that are securely placed will be allowed in any combination to a maximum of (3) in total. Interment Rights Holders may have candle/solar lights on either

side of the monument and in line with the monument row. As an alternative, Interment Rights Holders may have any combination of candles, solar lights up to a maximum of (3) in front of the monument and securely placed in the 18' inch designated garden area.

Candles and solar lights are allowed to be displayed on shepherd's hooks. They cannot exceed the height of the upright monument.

### 7.03 Artificial Wreaths

Artificial and/or silk flower arrangements/wreaths, attached to a stand or monument, may be placed on gravesites and remain there from the Friday before Thanksgiving to May 1<sup>st</sup> of the following year. Dates will be posted in local newspapers with regard to lot decoration rules. Any item that does not comply with the lot decoration rules that remain after May 1<sup>st</sup> will be removed by Cemetery Staff and placed into a recovery area that is visible to the public. Items not picked up by July 1<sup>st</sup> will be discarded.

### 7.04 Saddle Wreaths

Saddle Wreaths must follow the season. All Saddle wreaths that become unsightly will be removed by cemetery staff. No Christmas saddle wreaths will be allowed during the summer months. No wreaths, other than saddle wreaths are allowed to be fastened to a monument after May 31<sup>st</sup>.

### 7.05 Bushes and Shrubs

Dwarf style shrubs are permitted where there is an upright monument centered on two or more graves. One shrub may be planted on either side of the monument and in line with the monument row.

Shrubs must be planted approximately seven inches away from the side of the monument base and cannot exceed lot limitations or the height of the monument.

Interment Rights Holders are responsible for the trimming of shrubs. If Internment Rights Holders do not trim the shrubs within 1 month notice, shrubs may be removed by cemetery staff.

No permanent plant material shall be placed in the flat marker section. Natural cut flowers or dried flower arrangements may be place in an approved vase.

### 7.06 Borders and Edging

Border or edging made of rubberized plastic, treated wood, or preformed concrete, no thicker than 2" will be allowed only if it is installed properly and totally flush to the soil. Borders and edging must be installed within the 18" permitted flower bed and cannot exceed the width of the memorial.

Internment rights holders are responsible to ensure that all flowerbeds borders are completely flush to the surrounding ground. If Internment Rights Holders are unable to keep borders flush within a one month notice, borders may be removed by cemetery staff.

### 7.07 Wood Crosses

Wooden crosses will be allowed, as temporary markers, on unmarked graves for a period of one year from the time of burial. Time extensions may be considered after one year on a case-by-case basis. The interment rights holder is responsible for the removal of the cross. Cemetery staff will remove the cross after an allowable time if the Internment Rights Holder has not. The only exemption to this rule will be the Veterans Crossed in the Veterans Crosses Section.

#### 7.08 Shepherds Hooks

A maximum of two shepherd's hooks for hanging of contents will be permitted in the 18" designated garden are provided the hooks are not greater than the monument.

#### 7.09 Figurines

Figurines are defined as any type of allowable lot decoration within the 18" garden area of upright monuments. Figurines cannot be made of glass or ceramics. Figurines are only allowed with upright monuments.

#### 7.10 Potted Plants

A maximum of two (2) potted plants are permitted within the 18" garden area. Pots cannot be made of breakable materials such as glass or clay. In flat marks sections (1) potted plant is permitted. Cemetery staff will remove and unsightly or unsafe plants.

#### 7.11 Flat Marker Section

Approved vases can either be coned shaped spiked container, which are none-breakable, or retractable vases, which sit flush to the ground when not in use. One (1) vase per flat marker is permitted.

### **SECTION 8: CONTRACTOR/MONUMENT DEALER**

8.01 Any contract work to be performed within the cemetery requires the written pre-approval of the interment rights holder and the cemetery operator before the work may begin. Pre-approval includes but is not limited to: landscaping, delivery of monuments and markers, inscriptions, designs, drawings, plans and detailed specifications relating to the work, proof of all applicable government approvals and permits, the location of the work to be performed. It is the responsibility of all contractors to report to the cemetery office and provide the necessary approvals before commencing work at any location on the cemetery property.

Prior to the start of any said work, contractors must provide proof of:

- WSIB coverage
  - Occupational Health and Safety compliance standards
  - WHMIS
  - Evidence of liability insurance is required and not less than \$2 million.
- a. All cemetery by-laws apply to all contractors and all work carried out by contractors within the cemetery grounds.
  - b. Contractors, monument dealers and suppliers shall not enter the cemetery in the evening, weekends or statutory holidays, unless approval has been granted by the cemetery operator.

- c. No work will be performed at the cemetery except during the regular business hours of the cemetery.
- d. Contractors shall temporarily cease all operations if they are working within 100 metres of a funeral until the conclusion of the service. The cemetery reserves the right to temporarily cease contractor operations at their sole discretion if the noise of the work being performed by the contractor is deemed to be a disturbance to any funeral or public gathering within the cemetery.
- e. Contractors engaged in the placing of, repairing of, or inscribing of upright markers shall provide planking and/or other protective materials adequate to protect turf and shall remove materials and equipment immediately upon completion of the work. The site shall be left in a clean orderly condition.

### **SECTION 9: LAWN CRYPTS**

9.01 Full payment of the interment rights must be made to the cemetery operator before an interment may take place.

9.02 The interment rights purchase includes the preparation and construction of the concrete foundation for placement of lawn crypt. The purchase of the lawn crypt is the interment right holder's responsibility.

9.03 Lawn crypt must be purchased with a granite floor, drainage holes and tracking, wall vents and casket must be placed in a casket tray.

9.04 Only the cemetery operator may open and seal crypts for interment. This applies to the inside sealer and the crypt front, in conjunction with a Funeral Home.

9.05 To ensure quality control, desired uniformity and standard of workmanship, the cemetery operator reserves the right to approve crypt fonts, installation of lettering, vases, adornments, or any other attachment; and the cost is the sole responsible of the interment rights holder.

9.06 Photographs are permitted and must conform to the design, material and standards of the lawn crypt with the approval of the rights holder.

### **SECTION 10: COLUMBARIUM**

10.01 Full payment of the interment rights must be made to the cemetery operator before an interment may take place.

10.02 Only the cemetery operator may open and close the niche for interment.

10.03 All proper paperwork as per cemetery bylaws must be completed prior to interment.

10.04 Only the cemetery operator is authorize inscribe on the individual niche. All font and inscription are to be in uniform and approved by the cemetery operator.

10.05 No person other than cemetery staff shall remove or alter niche fronts.

10.06 Flowers/wreath may be laid at the base of Columbarium on the day of interment. They will be removed one week after interment. No flowers or other paraphernalia to be placed/attached on the walls of the Columbarium.

### **SECTION 11: LOT EMBELLISHMENTS**

The use of glass containers and all other materials of an equally perishable nature are prohibited and shall be removed without notice. For all other rules regarding lot embellishments see section G

### **SECTION 12: REQUEST FOR SERVICE**

Any person or funeral director having a request for service shall make same at the Cemetery office





December 21, 2016

## City Council Committee Report

**TO: Mayor and Council**

**FR: James Tkachyk, Parks and Facilities Division Lead**

**RE: Parks – Coney Island Contract Extension**

### **Recommendation:**

That Council approves extending the Coney Island Park Contract with Jennifer Schott in the amount of \$12,000.00 + HST for the years 2016 and 2017; and further

That Council gives three readings to a by-law to authorize a two year extension to the current contract with Jennifer Schott.

### **Background:**

Jennifer Schott was awarded the Operation and Maintenance Contract for the Coney Island Park and Store for 2012-2014 inclusive. The contract has been extended to Jennifer Schott in 2015 and 2016. Contract attached. The conditions of the contract have been fulfilled. The contractor has performed well throughout the five year period and is willing to complete an additional two (2) years for the same price as bid for the 2012-2014 period. This report is submitted to comply with City of Kenora Policy FI-01-01.

**Budget:** Operational Budget

### **Communication Plan/Notice By-law Requirements:**

Charlotte Edie, Treasurer

James Tkachyk, Parks and Facilities Division Lead

Jennifer Schott

### **Strategic Plan or Other Guiding Document:**

City of Kenora Strategic Plan – 2015-2020

- 1-9 Promote Kenora as a 365 day life-style destination
- 1-10 Promote and leverage recreation and leisure amenities
- 1-11 Support Kenora's "North America's Premier Boating Destination" brand implementation strategy.
- 1-12 Support, promote and expand the tourism industry.
- 2-9 Support continuous improvements to recreation and leisure amenities, particularly those that support the quality of life.
- 2-10 Continue to explore opportunities to develop and improve our beaches, parks and trails.

November 21, 2011



## City Council Committee Report

**To: Mayor & Council**

**Fr: Rick Perchuk, Operations Manager  
Barbara A. Manson, Parks Supervisor**

**Re: Coney Island Park Contract (2012 – 2014)**

### **Recommendation:**

**That** the following tender for the operation and maintenance of Coney Island Park and Store be received:

Jennifer Schott \$36,000.00 + HST

2012 - \$12,000.00 + HST

2013 - \$12,000.00 + HST

2014 - \$12,000.00 + HST; and further,

**That** the tender submitted by Jennifer Schott, in the amount of \$36,000.00 + HST for the years 2012, 2013 and 2014, be hereby accepted, pending the 2012 Operational Budget approval.

### **Background:**

The Coney Island Park Contract had been tendered out for a three year term 2008 – 2010 and extended for one year in 2011. This contract includes: the cleaning and maintaining of the beach and park areas, weekly garbage collection from residences in the park area, supervising usage of docks, turf maintenance, washroom maintenance, visual parks inspections, the stocking and operation of the concession stand and park rentals – washroom maintenance and park clean up.

The bid comparisons are as follows (plus applicable taxes):

	<u>2008 – 2010</u>	<u>2012 – 2014</u>
Jennifer Schott	\$31,500.00	\$36,00.00 (\$12,000.00 per year)
Wes Reid	38, 432.62	No bid received
Janice Johnson/Matt Johnson	42,455.00	No bid received

Jennifer Schott was the only tender received for the 2012 – 2014 Coney Island Park Contract.

### **Budget:**

2012 Operating Budget

### **Communication Plan/Notice By-law Requirements:**

Rick Perchuk, Operations Manager, Barbara A. Manson, Parks Supervisor, Jennifer Schott, Contractor

December 16, 2016

## City Council Committee Report

**TO: Mayor and Council**

**FR: James Tkachyk, Parks and Facilities Division Lead**

**RE: Garrow Park Exterior Fitness Park Proposal – Kenora Lions**

**Recommendation:**

That Council of the Corporation of the City of Kenora supports the Kenora Lions Clubs 100<sup>th</sup> Anniversary project for 2017 for the location of an exterior exercise park in the City of Kenora Garrow Park location, and further

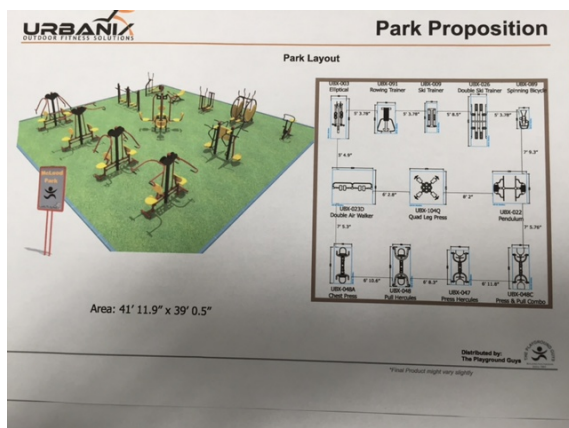
That the City of Kenora accepts the asset once complete and maintains it into the future for all citizens of Kenora and visitors.

**Background:**

The Kenora Lions Club approached the City of Kenora’s Parks and Facilities Division in 2016 to discuss the donation of an exterior fitness park, to celebrate 100 years of community service, by the Lions Club in Kenora. An exterior exercise park has been identified as a feature in the 2016 Kenora Beaches, Parks and Trails Plan for Garrow Park when funding becomes available.

The Lions funding model is to completely fund the capital portion of a project then turn the asset over to the City of Kenora. The Lions propose to completely fund the capital project through fund raising and grants. The park would be tendered as a turnkey project. Once complete the park would become the property of the City of Kenora. The City of Kenora would maintain the park. There would be no cost to use the exterior fitness park and no additional City staff are required.

By partnering with the Kenora Lions Club, the City of Kenora has the ability to obtain a valuable asset for the citizens of Kenora and its visitors.



**Budget:**

No capital costs.

**Communication Plan/Notice By-law Requirements:**

Community Development, Council, Finance and Lions Club

**Strategic Plan:**

2-9 The City will support continuous improvements to recreation and leisure amenities, particularly those that support the quality of life.

2-10 The City will continue to explore opportunities to develop and improve our beaches, parks and trails.



December 22, 2016

## City Council Committee Report

To: Mayor and Council

Fr: James Tkachyk – Parks and Facilities Division Lead

Re: Garrow Park Exterior Fitness Park Agreement with the Kenora Lions Club

### Recommendation:

That Council hereby authorizes the Mayor and Clerk to enter into an agreement between the Corporation of the City of Kenora and The Kenora Lions Club for an exterior fitness park at Garrow Park; and further

That three readings be given to a by-law for this purpose.

### Background:

A recommendation has been presented to Council to have the City support the Kenora Lions Club 100<sup>th</sup> Anniversary project exterior fitness park construction at Garrow Park. The City will accept the asset once complete and maintain and operate it into the future for all citizens of Kenora and visitors.

For this purpose an agreement has been written to formalize the understanding between Council and the Kenora Lions Club.

Staff would like to highlight some key points for council to be aware of:

- The Kenora Lions Club will be handing the asset over to the community to maintain. 100% of the costs associated with the on-going maintenance costs associated with the Exterior Fitness Park will be the sole responsibility of the City of Kenora. Based on the proposed rendering for the fitness park, Staff are estimating that the maintenance costs will be approximately \$1000 to \$2,000 annually.

**Budget:** Maintenance costs will need to be included in operational budgets.

**Communication Plan/Notice By-law Requirements:** Bylaw Required

### Strategic Plan or other Guiding Document:

1-10 - The City will promote and leverage its recreation and leisure amenities as a means to support local economic activity, tourism and to strengthen community ties with our regional neighbours.

2-9 - The City will support continuous improvements to recreation and leisure amenities, particularly those that support quality of life.

2-10 - The City will continue to explore opportunities to develop and improve our beaches, parks and trails.



December 30, 2016

## City Council Committee Report

**TO: Mayor and Council**

**FR: James Tkachyk, Parks and Facilities Division Lead**

**RE: Private Columbarium MOU Kenora Masonic Temple Corporation**

### **Recommendation:**

That Council gives three readings to a by-law to authorize a Memorandum of Understanding between the City of Kenora and the Kenora Masonic Temple Corporation (KMTC) regarding the placement of a private columbarium at the Lake of the Woods Cemetery; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to give three readings to a Memorandum of Understanding between the City of Kenora and the Kenora Masonic Temple Corporation regarding the placement of a private columbarium at the Lake of the Woods Cemetery at its January 17th meeting; and further

That the by-law will come into effect and come into force upon approval of the Bereavement Authority of Ontario.

### **Background:**

The Lake of the Woods Cemetery in the City of Kenora is owned by the Corporation of the City of Kenora.

The Funeral, Burial & Cremation Services Act, 2002 (FBCSA) O. Reg. 30/11, s. 150 (1) provides that an owner of a cemetery may make by-laws for regulating the operation of a cemetery.

The Kenora Masonic Temple Corporation (KMTC) approached the City of Kenora requesting that a private 84 niche columbarium be allowed to be placed in the Lake of the Woods Cemetery.

Research was conducted with Cemeteries in eastern Ontario that have allowed placement of private columbaria. We have used these cemeteries as a guideline to how to proceed with this request.

The KMTC has agreed to the following conditions which the City of Kenora is requesting be included in a Memorandum of Understanding, which will become part of the new Policy and Procedures document to be completed under the direction of the Manager of Community & Development Services at a later date.

Conditions of the Memorandum of Understanding to include the following:

- The Kenora Masonic Temple Corporation is responsible for acquiring the Columbarium at their cost. The drawing and design for the Columbarium is

attached to this document. This private columbarium belongs to the KMTC and all major repairs to the Columbarium to be carried out by the KMTC at their cost. This also includes refurbishment of bronze plaques if required.

- The KMTC agrees to the double plot price of \$4,550.00 with a refund of \$2,180.00 for a total cost to the KMTC of \$2,370.00 plus applicable taxes. This refund is applicable as KMTC will be responsible for installing the foundation at their cost.
- The KMTC agrees to install the concrete foundation at their cost, in a spot designated by the City of Kenora. The foundation is to be installed by a certified contractor, approved by the City of Kenora.
- Landscaping to consist of leveling the ground around the foundation, with the addition of grass seed or turf to be carried out by the KMTC at their cost.
- The City of Kenora to charge the customer \$550.00 for each niche. (\$400.00 to the Cemetery General Fund and \$150.00 for the Care and Maintenance Fee) This fee to remain the same until this Columbarium has reached capacity. The City of Kenora will see a \$33,600 profit into the Cemetery General Fund when all niches have been purchased.
- The KMTC customer to pay the proposed opening and closing fee of \$150.00 and a \$25.00 administration fee. If required, Saturday opening and closing fess would be an additional \$150.00. These rates are already in the Cemetery rate structure.
- The KMTC (contact person to be supplied to the City of Kenora) to give approval before any interment takes place in their private columbarium, specifying which niche location is available.
- Bronze plaques to be purchased by the KMTC customer from the supplier designated by the KMTC. All plaques to be of a uniform design and inscription. Approval of this design and inscription to be made by the City of Kenora. The designated KMTC contact person will ensure the plaque is placed on the proper niche.
- All interments are to be administered by the City of Kenora – Lake of the Woods Cemetery staff.

To comply with the Act, this request will be published in the local newspaper, postings at the Lake of the Woods Cemetery for four weeks and a copy will be sent to each monument dealer. It will also be sent to the Ministry of Consumer Services for final approval.

**Budget:** N/A

**Communication Plan/Notice By-law Requirements:**

Ministry of Consumer Services

James Tkachyk,

Carson Milko,

Heather Kasprick, Clerk

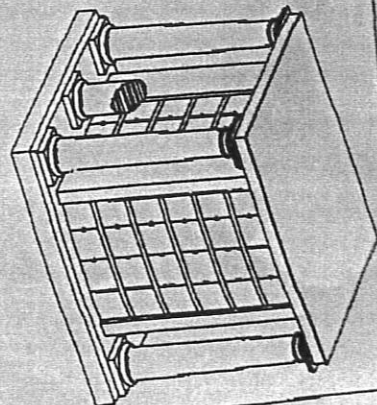
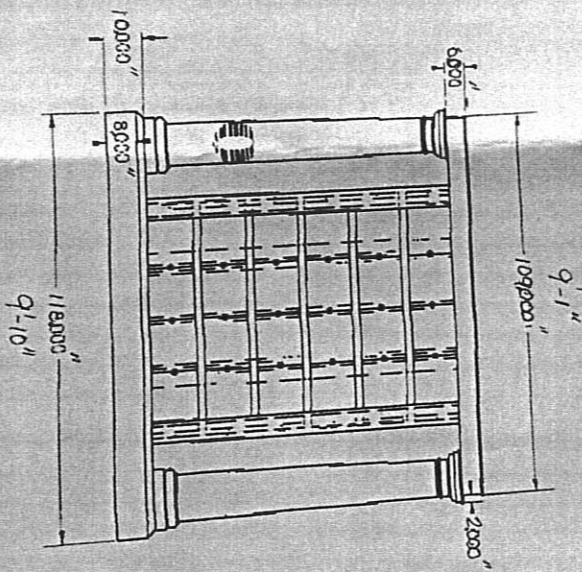
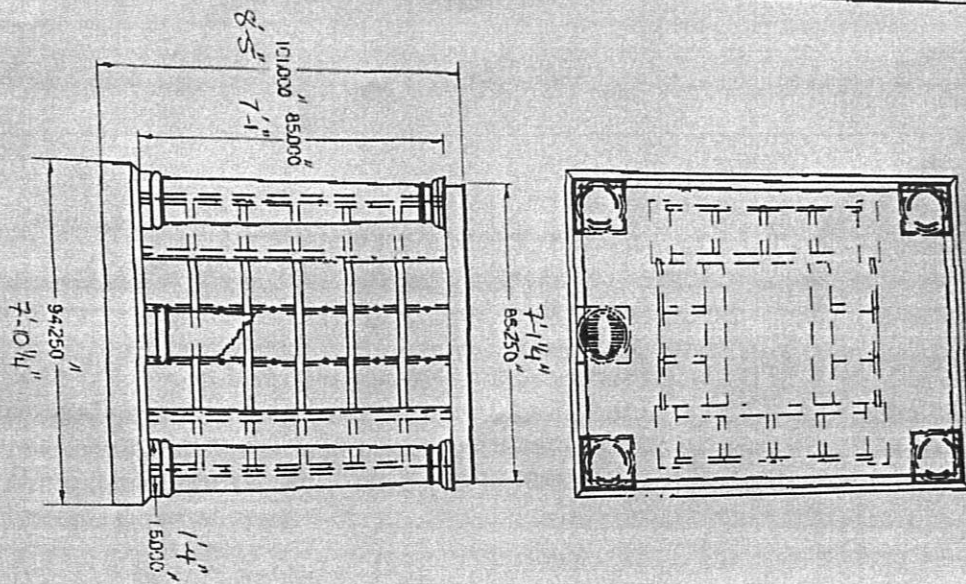
Daily Miner and News

**Strategic Plan or other Guiding Document:**

Columbaria are already included in our Cemetery Plan and this is a housekeeping matter administrative in nature to update our cemetery by-law to permit a private columbarium.







ITEM	QTY	UNIT	DESCRIPTION
1	1	EA	Column
Nelson Granite Masonry Column for Lin			
DATE: 04/02/16 DRAWN: JTB CHECKED: JTB SCALE: 1/8"=1'-0"			



December 28, 2016

## City Council Committee Report

**To: Mayor & Council**

**Fr: James Tkachyk, Parks & Facilities Division Lead**

**Re: Path of the Paddle Agreement Amendment**

### **Recommendation:**

That Council gives three readings to a bylaw to amend the agreement between the Path of the Paddle Association and the Corporation of the City of Kenora for the construction and the installation of an additional trailhead signs at the Winnipeg River boat launch location in Keewatin.

### **Background:**

At the February 16, 2016 Council meeting the following Resolution was passed:

#### **Path of the Paddle Trailhead Location**

12. Moved by R. McMillan, Seconded by S. Smith & Carried: -

That Mayor and Council accept the request by the Path of the Paddle Association to install trailheads at Anicinabe Park and Norman Park; and further

That all associated fees for the design, development, installation, and maintenance of the trailheads be the responsibility of the Path of the Paddle Association.

The Path of the Paddle Association is now requesting a 3<sup>rd</sup> location at the Keewatin boat launch Winnipeg River access point.

The Agreement is now ready for execution & bylaw.

**Budget:** There is no budget implication associated with this agreement amendment.

**Communication Plan/Notice By-law Requirements:** N/A

### **Strategic Plan or other Guiding Document:**

1-10 - The City will promote and leverage its recreation and leisure amenities as a means to support local economic activity, tourism and to strengthen community ties with our regional neighbours

1-11 - The City will support Kenora's "North America's Premier Boating Destination" brand implementation strategy

1-12 - The City will support, promote and expand the tourism industry. In recognition of the growing importance of tourism within the economy, Kenora will pursue the recruitment and facilitation of a new event(s) which celebrates Kenora as a thriving and dynamic year-round destination



December 28, 2016

## City Council Committee Report

**To: Mayor & Council**

**Fr: Heather Kasprick, City Clerk**

**Re: Push for Change Fundraising Event Sponsorship**

### **Recommendation:**

That Council hereby supports the 'Push for Change' fundraising event by waiving the ice time rental charges of 2.5 hours at the Kenora Recreation Centre in the amount of \$232.33

### **Background:**

The Kenora OPP, St. Thomas Aquinas High School and Beaver Brae High School will be joining together to host a charity hockey game to raise money for 'Push for Change' (Youth Homelessness) on February 2, 2016 at the Kenora Recreation Centre.

The group has secured ice time at the Kenora Recreation Centre from 12:00 noon to 2:30 p.m. and with it being a charity event they are requesting Council's support to have the ice rental fees waived.

This event will be part of many events being held in the City leading up to Joe Roberts arrival in April. There will be a 'buy out' for both schools in an attempt to raise money and bring awareness to the issue of Youth Homelessness. 50% of the funds raised at this event will stay local and the other 50% will go towards the Up Stream project which is to support youth homelessness. All donations received by the Push for Change Foundation are being allocated to Raising the Roof for the Upstream Project. The money raised at specific events hosted by service providers will be split 50/50 between the Push for Change and the event host.

### **About Joe Roberts:**

A former homeless youth and heroin addict from Vancouver, Joe turned his life around, got clean and rebuilt himself. After pursuing a career in sales and marketing, Joe worked his way to become the CEO of successful multimedia company – Mindware Design Communications – where he was able to increase business by 800 per cent. Realizing he was one of the lucky ones and understanding the difficult cycle of poverty, he decided to make a difference by creating the "Push For Change" and advocating for the Canadian youth living on the streets.

Joe was considering ending his life and an OPP officer intervened and saved his life. As such the OPP has taken this initiative and are organizing a level one event in Kenora to send Joe west to the RCMP who has also taken up this initiative. Joe Roberts knows what it is like to be a teenager, fighting addiction, with nowhere to call home but a space under a bridge.

After many difficult years, Joe was able to persevere and forge a career as a successful businessman. Realizing he was one of the lucky ones, he was not content sitting by, doing nothing, as youth homelessness remains a growing concern across Canada. Instead, he helped create The Push for Change; a 9,000-kilometre, 517-day trek across the country to raise awareness and funds, and advocate for the 35,000 Canadian youth who are still living on the streets.

"I'm inspired by Canadians like Rick Hansen and Terry Fox and the proud Canadian legacy of bringing an important message directly to local communities with a cross-country adventure," says Joe, Founder of The Push for Change. "I am blown away by the support I've received so far. It's incredible to see people come together to help."

Pushing a shopping cart as symbol of homelessness, he began his journey in St. John's, Nfld., on May 1st, and will roll into Ontario on Sept. 22nd. With his first stop in Hawkesbury, he will also visit Ottawa, Toronto, Hamilton and London, among others. For a full schedule and planned route, see [www.thepushforchange.com](http://www.thepushforchange.com).

With the creation of The Push for Change, one of Joe's largest supporters has been The United Association of Journeymen and Apprentices of the Plumbing and Pipe Fitting Industry (UA Canada), who helped get his project off the ground. Active within many charity initiatives, UA Canada hopes to see Joe fulfill this walk, while helping Canadians in need.

The Push for Change walk will include more than 400 community events in all 10 provinces and three territories. It is slated to wrap up in Vancouver on Sept. 30th, 2017.

**Budget:** This request would come from Council discretionary sponsorships and ice time rental for the 2.5 hours @ \$92.93 per hour for minor special event rate would be \$ 232.33

**Communication Plan/Notice By-law Requirements:** None

**Strategic Plan or other Guiding Document:**

2-4 - The City will act as the catalyst for continuous improvements to the public realm





January 3, 2017

## City Council Committee Report

**To: Mayor & Council**

**Fr: Heather Kasprick, City Clerk**

**Re: Anicinabe Park Stage Naming Rights**

### **Recommendation:**

That three readings be given to a bylaw authorizing an agreement between Lake of the Woods Brewing Company and the City of Kenora for naming rights to the Anicinabe Park Stage for a three year period.

### **Background:**

Scott Green, Green Adventures (Anicinabe Park contractor) was contacted by Lake of the Woods Brewing Company regarding an agreement pertaining to the new performance stage located at Anicinabe Park.

This agreement would give Lake of the Woods Brewing Company the naming rights for the Anicinabe stage as "Lake of the Woods Brewing Company Stage at Anicinabe Park" from May 15, 2017 to May 14, 2020 with a financial commitment of \$12,000 over 3 years (\$4,000 per year). The naming rights would come with a permanent sign located on the stage. The Lake of the Woods Brewing Company also reserves the right to use the stage on two occasions in each calendar year (mutually agreed upon) as part of this contract. The Brewery would have the opportunity at the end of the agreement for a further period or the sign would be removed at the end of the agreement period. All reference to the stage through promotion would need to include the "Lake of the Woods Brewing Company Stage at Anicinabe Park". This is a great community partnership and opportunity for funds to be allocated towards the cost of the development of the stage.

**Budget:** The annual sponsorship would be part of the Green Adventures contract and allocated towards expenses related to the stage construction.

**Communication Plan/Notice By-law Requirements:** N/A

### **Strategic Plan or other Guiding Document:**

1-1 - The City will forge strong, dynamic working relationships with the Kenora business community

1-12 - The City will support, promote and expand the tourism industry. In recognition of the growing importance of tourism within the economy, Kenora will pursue the recruitment and facilitation of a new event(s) which celebrates Kenora as a thriving and dynamic year-round destination

January 3<sup>rd</sup>, 2017

## City Council Staff Report

**To: Mayor & Council**

**Fr: Devon McCloskey, City Planner**

**Re: Application for Temporary Use – 210 First Street North**

**File No.: D14-16-05**

**Owner: 2225171 Ontario Corp.**

**Leasee/ Applicant: Kenora District Services Board (KDSB)**

### 1. Introduction

An application for temporary use provision is proposed to change the regulated zoning of property specifically indicated on the key map, to temporarily allow for the property to be used for an Emergency Shelter for a period of two (2) years, in addition to uses permitted within the Institutional ("I") Zone.

The property is located at 210 First Street North, on the North side of the railroad tracks, and described as PLAN 3 BLK 3 LOT 52 TO 55.

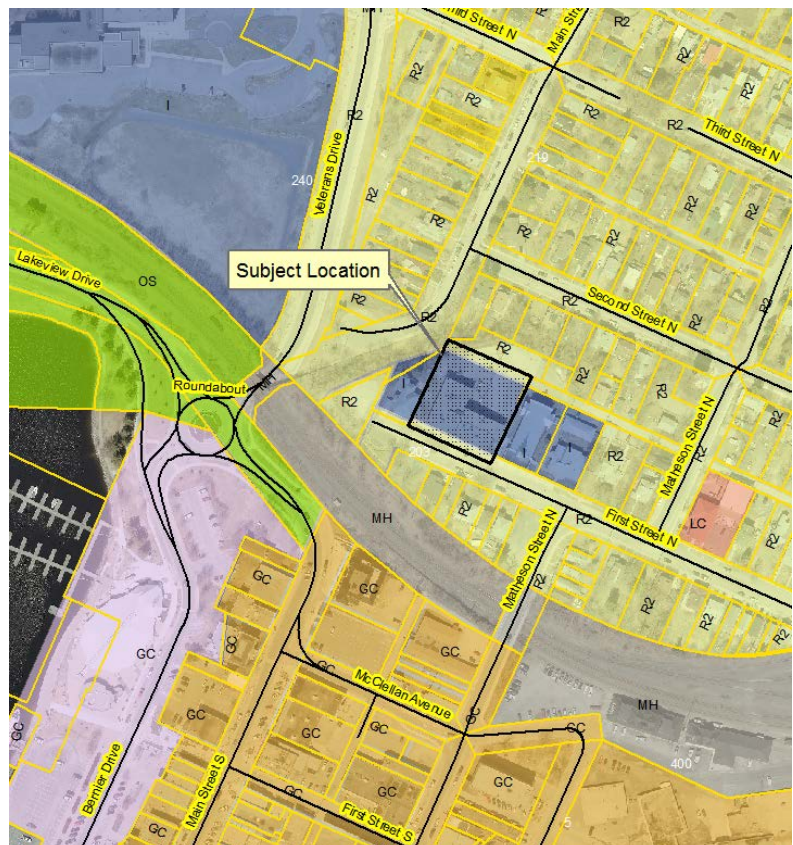
### 2. Existing Conditions

The property is fronting on First Street North and also backing onto a laneway, accessible from Matheson Street North. The location is referred to as the "City View Building".

The property is developed with a large institutional building, previously used as a school, and is serviced by municipal water and waste water.

The space to be used for a temporary shelter location, would be the basement, which is assessable from street level, being the south facing side of the City View Building.

Figure 1. Aerial image aside displays the location and approximate boundary of the subject property.



### 3. Description of Proposal

Whereas an Emergency Shelter is not currently a permitted use within the Institutional Zone, the applicants are requesting that the City allow for the property to be used temporarily for an Emergency Shelter.

The Northwestern Health Unit (NWHU) is subletting space to the Kenora District Services Board (KDSB) for up to two (2) years, to provide the community service of an Emergency Shelter, while a longer term plan is established for a new shelter location. The shelter will continue to be operated by the KDSB & the Nee-Chee Friendship Centre (NFC) in the shared City View building. The total floor area occupied by the shelter is 1,380 ft<sup>2</sup>.

### 4. Background

Earlier in this year, City staff endeavored to amend Zoning By-law 101-2015 to expand the permitted uses within Institutional and Commercial Zones, to allow for 'Emergency Shelters', the amendment was not approved by Council. This application is entirely separate, whereas it is proposed by the KDSB, applicable to a specific location, and subject a Temporary Use Provision.

This Planning Report is intended to examine those matters involving the specifics of the application as currently proposed. However, some of the data, materials, public comments, and research conducted previously by the City of Kenora for Emergency Shelters, is relevant. Only some information has been recaptured in this report, but the previous documents are available for additional reference.

### 5. Site Visit

A site was conducted in the morning of December 9<sup>th</sup>, 2016. Photos captured of the exterior and interior are shown below.



Photo 1 – View of the subject location from the east perspective





Photo 2 – View of the subject location from the southwest perspective



Photo 3 – View of the entrance to the space used by the Emergency Shelter



Photo 4 – Interior view showing the front room that is occupied by staff and patrons nightly

## **6. Consistency with Legislated Policy and City Directives**

### a) Provincial Policy Statement (2014)

Several sections of the PPS provide direction and support for emergency management and housing. Reference to the following sections is provided to demonstrate where the PPS provides particular direction supporting development that is inclusive, and meets the needs to build healthy, liveable and safe communities.

As submitted and described by the applicant, "the application meets the standard set forward in the PPS and approval is essential to the protection of public health and safety for the most vulnerable citizens of the Kenora area.'

### *1.1 Managing and Directing Land Use to Achieve Efficient and Resilient Development and Land Use Patterns*

#### *1.21.1.1 Healthy, liveable and safe communities are sustained by:*

- a) promoting efficient development and land use patterns which sustain the financial well-being of the Province and municipalities over the long term;*
- b) b) accommodating an appropriate range and mix of residential (including second units, affordable housing and housing for older persons), employment (including industrial and commercial), institutional (including places of worship, cemeteries and long-term care homes), recreation, park and open space, and other uses to meet long-term needs;*

*1.2.3 Planning authorities should coordinate emergency management and other economic, environmental and social planning considerations to support efficient and resilient communities.*

### b) City of Kenora Official Plan (2015)

The Land Use Designation of the property is Established Area, the designation indicates that there will be little change in the areas over the lifetime of the plan. Rationale for this is that the lands are already developed.

Section 4.1.1 provides further policy on the Established Area designation, describing that:

*“Residential, commercial, industrial and institutional uses such as schools, places of worship, cemeteries, long-term care homes, hospitals and health care centres shall be permitted in the Established Area designation.”*

Section 1.1 of the OP states that in fulfilling its responsibilities under the Ontario Planning Act, R.S.O.1990, ch. 13, the City of Kenora, shall have regard to, among other matters, matters of provincial interest such as the:

- k) adequate provision of a full range of housing;*
- p) protection of public health and safety;*

The Plan also contains policies for its implementation, included within these is the provision for Temporary Uses, to which this application has been submitted in accordance with the following:

*8.3.2 Council may pass a By-law to allow the temporary use of lands that do not comply with the Land Use designations in this Plan provided that:*

- a) the temporary use does not require major capital investment or alteration to the existing landscape;*
- b) the proposed use is compatible with surrounding land uses;*
- c) the proposed use does not require the extension of municipal services;*
- d) the developer has entered into an agreement with the municipality specifying the conditions under which the use may be permitted; and,*
- e) the By-law shall specify a maximum time period for which the use may be permitted.*

c) Zoning By-law No. 101-2015

“Emergency Shelter” is defined in Section 2 of the Zoning By-law as follows:

***Emergency Shelter***

*An establishment providing temporary accommodation to individuals who are in immediate need of emergency accommodation and food, and may include ancillary health care, counselling and social support services.*

Section 3.14 of the General Provisions section of the By-law regulates Emergency Shelters as follows:

*Group homes and emergency shelters are permitted in the R1, R2, R3, RR, and RU zones subject to the following provisions:*

- a) A group home or emergency shelter shall occupy a dwelling unit that is permitted in the zone;*
- b) When a residential use building is converted to a group home or emergency shelter, the group home or emergency shelter must occupy the whole of the building including all attached units within the building;*

Section 1.3.10 of the Zoning By-law provides for the ability to enact a Temporary Use By-law as follows:

*Where a zone classification is followed by a dash (-) and the letter "T", this denotes a temporary use By-law pursuant to Section 39 of the Planning Act, R.S.O. 1990. Details concerning the temporary use are listed at the end of the specific zone category and/or listed in the Exceptions Section of this Bylaw.*

## 7. Results of Interdepartmental and Agency Circulation

<b>Departments and Agencies Circulated</b>	<b>Comments Received</b>
Municipal Engineer	No issues or concerns – December 6/16
Building Department	The Building Department has been working in conjunction with Fire and Emergency Services and the KDSB to ensure the safe and efficient operation as an emergency shelter authorized by a declared state emergency. Additionally the building department is convinced that the KDSB is taking the appropriate steps to ultimately be in a position to apply and obtain a Building Permit – December 7/16
Roads Department	No concerns – December 15/16
Water & Wastewater Department	There is no major issue with water and wastewater division. The only concern is whether the existing water/sewer service be adequate to accommodate couple of washrooms and laundry they are going to add – December 6/16
Kenora Hydro	Consultation regarding any upgrade to the electrical service or landscaping/fencing that will be near the existing pad mount transformer would be recommended- December 6/16
Kenora Fire & Emergency Services	We (Fire and Building Department) have been working closely with the Emergency Shelter over the past several months and I have no issues with the current proposal. The Fire Code has been addressed to the extent that it can in their current state and if the Zoning Approval is complete a formal Building Permit application will be submitted – December 9/16

Northwestern Health Unit	Property is serviced, comments not required
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**8. Public Comments**

A public meeting is scheduled to be held by Council on January 10<sup>th</sup>, 2017. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on December 8<sup>th</sup> to property owners within 120 metres, published in the Municipal Memo of the Newspaper on December 8<sup>th</sup>, and circulated to persons and public bodies as legislated. Together with staff, Council will have the opportunity to evaluate the proposal in lieu of public comments.

The notice also stated that the Planning Advisory Committee ('PAC') would have the opportunity to consider recommendation of the application to Council at their regular meeting on December 20<sup>th</sup>, 2016. The PAC resolved to recommend that Council approve the application, please refer to the resolution, Report to the PAC, and minutes of the meeting attached to this report.

As part of the application submission, the KDSB attached a document titled "Kenora Temporary Emergency Shelter Neighbourhood Impact Assessment". Through their own initiative, the KDSB, NeChee, and the NWHU, lead a Neighbourhood Impact Assessment to understand, address and manage the experience and concerns of neighbours within the vicinity of the City View Building.

The KDSB documented all of the comments received during the consultations, these are provided with the application. In summary, comments and concerns from neighboring property owners originated from perceived negative impacts, related to possible increase in foot traffic, loitering, and trespassing. Neighbours expressed that there were already safety concerns along Matheson Street hill, observe drug and alcohol use, violence, theft, and unwanted interactions.

Since the shelter opened at the new location on First Street North, and as a result of the circulation of notice, one set of public comments was received by the city, these are attached to this report. In summary, the concerns were submitted by a new resident of the neighbourhood who expressed concerns related to patrons loitering, personal safety, unwanted communication, trespassing, and drug abuse. The resident expressed that they did not feel an Emergency Shelter should be located in a residential area, and that they wanted to see more of a police and street patrol presence. These comments were shared with KDSB, the NeChee Friendship Centre and the NWHU.

On December 7<sup>th</sup>, 2016 the KDSB, NeChee Friendship Centre, and the NWHU, wrote and addressed a letter to neighbours in response to their concerns. The letter was intended to share information about the shelter operations, application status with the City, as well as security efforts that were underway. In addition, neighbours were informed that shelter organizations would be conducting door-to-door visits on December 12<sup>th</sup> at 5:30 pm. The City anticipates to hear of some of the results of the neighbours feedback.

No other public comments have been received as of the date of this report.

## 9. Evaluation

Whereas the property is currently zoned Institutional ('I'), approval of an application for temporary use, processed in accordance with the Planning Act, the Official Plan and Zoning By-law, would enable the property to be used on a temporary basis.

Whereas the Zoning By-law is explicit in listing the permitted uses within the Institutional Zone, and does not presently include "Emergency Shelter", both the Official Plan and the PPS do not restrict but rather provide for the use at this location since it is located within the Established Area.

The Official Plan allows for Temporary Uses that do not comply with designations of the Official Plan, however this proposal is compliant with the designation, being "Established Area" as provided for in the Official Plan. Meanwhile, the Official Plan lists several stipulations which have been addressed.

Under the authority of the State of Emergency, the Emergency Shelter was located within the basement level of an existing building, so there is no change to the existing landscape, while repairs and renovations were required to be made within the building, the space was ultimately improved, and would be able accommodate other uses permitted within the zone.

An Emergency Shelter, a use that is residential in nature, is compatible with surrounding uses, which include residential to the south and west, health services above, place of assembly to the east, and more residential beyond these to north and east.

Municipal services including roadways for access, sewer and water are currently provided to the property. If approved, a Council would enact a by-law that specifies the maximum time period for which the use may be permitted. Please refer to part 5 of this report for a further analysis of the matters addressed within the Official Plan and Zoning By-law.

Within the preamble of the Institutional zone, the following statement is provided in the Zoning By-law:

*9.14.1 This zone allows for the development of public and privately owned facilities of an institutional or community service nature.*

Use of an Emergency Shelter within the Institutional Zone, is clearly in keeping within the intent of the Zoning By-law, since it is public owned and operated, and is a community service.

Emergency Shelters provide accommodation which is a residential use. The Zoning By-law defines a dwelling as follows:

### **Dwelling**

A building or part of a building occupied or capable of being occupied, in whole or in part as the home, residence or sleeping place of one or more persons either continuously, permanently, temporarily or seasonally, irrespective of tenure or ownership, but shall not include a seasonal dwelling, recreational vehicle, trailer or motor home.

The Institutional Zone currently permits the following uses which provide also provide accommodation more of less within a residential nature:

- Continuum care facility
- Correctional facility
- Group home
- Hospital
- Retirement home

The Emergency Shelter as proposed is open only for the evening to morning, as it provides overnight accommodation.

The facility is operated by a public organization (KDSB), as are Emergency Shelters across the province. Publically owned and operated facilities providing a community service, are located within institutional zones, as should the Emergency Shelter for the City of Kenora, be permitted to locate.

The proposal as submitted is clearly articulating that the use of the subject property will be temporary, for a duration of two (2) years. This will enable the City to lift the current State of Emergency, and provide KDSB with time to secure a permanent location for shelter operations within the City of Kenora.

The KDSB noted within their Neighbourhood Impact Assessment that they did not expect to be able to conclusively provide that the temporary presence of the shelter would have had an effect on matters including property values and neighbourhood vitality. The assessment also pointed out, that the community had been experiencing and viewing negative interactions, and activity with people already, such as loitering, trespassing, drug and alcohol abuse.

Comments received as a result of internal circulation, raised no concern with the Temporary Use Provision as proposed. Furthermore, both the building and location which is accessible for patrons, in walking distance of, and in close proximity to other community services, further supports the proposed location.

## **10. Recommendation**

As the Planner for the City of Kenora, it is my recommendation that following a Public Meeting to hear submissions and public comments in regard to the Application for Temporary Use, File No. D14-16-05;

That Council accepts the recommendation of the Kenora Planning Advisory Committee, and further;

That Council in lieu of public comments, gives three readings to a by-law to authorize approval of a Temporary Use Provision, to allow for the operation of an Emergency Shelter, in addition to permitted uses of the Institutional Zone, upon property located at 210 First Street North for two years, ending September 30<sup>th</sup>, 2018.



Devon McCloskey, RPP, MCIP  
City Planner

**Attachments (scanned separately from this report):**

- Complete Application for Temporary Use
- Site Plan
- Planning Rationale
- KDSB 10 Year Housing and Homelessness Plan
- NeChee's Neighbourhood Info Leaflet
- Neighbourhood Impact Assessment
- Notice of Application and Public Meeting
- Building layout
- PAC Resolution to Council and report provided to PAC dated December 15<sup>th</sup>, 2016
- Email of Public Comment
- Letters of Public Comment
- KDSB, NeChee & NWHU - Letter to neighbours dated December 7, 2016
- Draft PAC Meeting Minutes





January 3<sup>rd</sup>, 2017

## City Council Staff Report

**To: Mayor and Council**

**Fr: Devon McCloskey, City Planner**

**Re: Application for Zoning By-law Amendment – 1 Seventh St S**

**File No.: D14-16-06**

**Applicant: Jeriel Holding Corporation      Agent: David Nelson of Nelson Architecture**

### 1. Introduction

An application for zoning by-law amendment is proposed to except a property from the provisions of the zoning by-law that are applicable to the Residential – First Density Zone ('R1'). The property is located at 1 Seventh Street South, described as PLAN 3 BLK 3 LOT 52 TO 55.

### 2. Description of Proposal

To enable property specifically indicated on the key map, to accommodate professional office space not operated by an occupant, and in excess of the floor area Home Occupations and Home Industries (Section 3.15.1).

Whereas not more than 25% or 41.8 m<sup>2</sup> of the total floor area of a dwelling is permitted to be dedicated to a home occupation, if approved, the total floor area would be 310 m<sup>2</sup> which is 69% of the building. In addition, the application is seeking approval to allow for seven (7) employees, and limited provision for parking.

### 3. Existing Conditions

The property is fronting on Lake of the Woods and accessible by Seventh Street South. The property was designated by the city to be of cultural heritage value under the Ontario Heritage Act in 2008. The building is referred to as the "Cameron House". The designation states specific architectural features on the exterior and interior of the building are to be conserved. This application does not propose to remove or alter any of the features to be conserved. Refer to the Designation By-law is attached to this report.

The property is developed with a large building containing three floors above grade, and was originally designed for residential use. It was previously modeled for apartment dwellings, and later the lower level was redeveloped inside for a home occupation for office use.

The space that is currently used for professional offices, is located within space accessible at street level, this proposal is requesting to expand the professional office space to include the second floor.

The property is serviced by municipal water and waste water. Several easements over the property were established in the mid - 1960's to secure routes of access for abutting lots as well as sewer and water services. These easements are still in effect and raise some questions as to the agreement with property owners for the existing use of parking. An illustration of the easements is shown in Figure 2 of page 2.

The easement that speaks to parking and access is being reviewed by the applicant and their solicitor to determine if the Cameron House's current use of parking spaces over the easement is permitted by the owner.

In addition it appears that these angle parking spaces located along the east side of the lot may also be encroaching on the City's property. There are block heater plug-ins and a garbage container holding structure also located along the lot line. The applicant is investigating further to determine if the uses are encroaching.

An aerial image on below displays the location and approximate boundary of the subject property relative to other lots in the area.

Figure 1 (right) – Aerial view

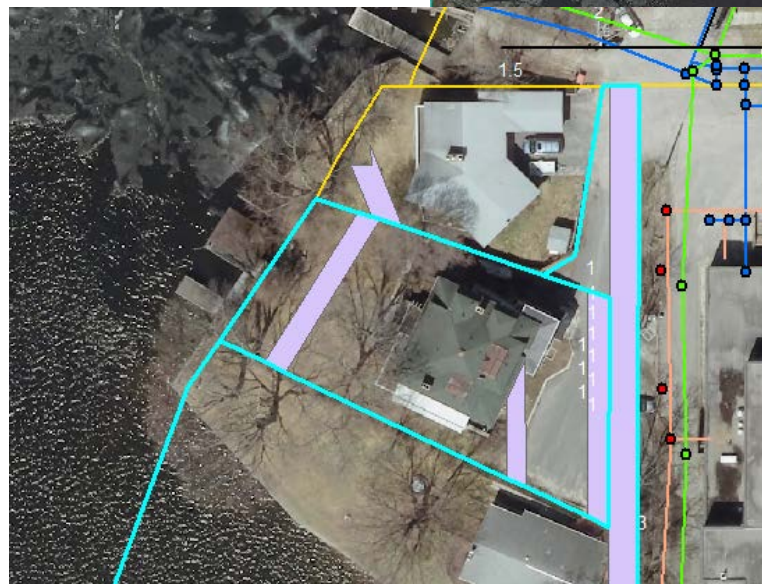
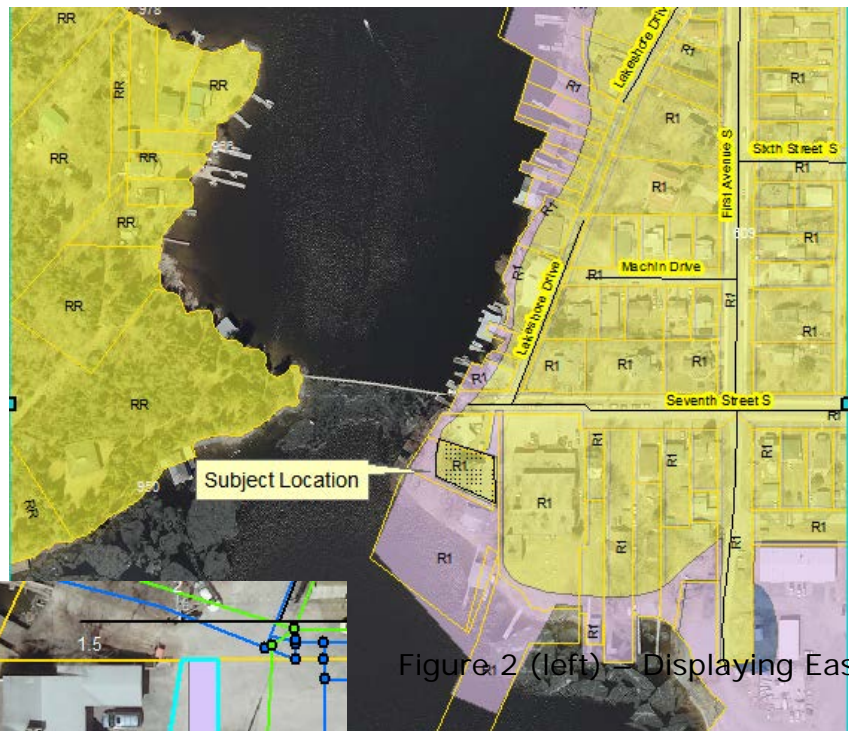


Figure 2 (left) – Displaying Easements fo



#### 4. Site Visit

A site was conducted on December 9<sup>th</sup>, 2016. Photos captured of the southside lot line and building exterior are shown on page 3.

Photo 1 – View of the building from the southside lot line



Photo 2 – View of the subject location from east perspective showing the driveway into the subject property as well as property beyond described as 3 Seventh Street





Photo 3 – View from the westside lot line looking back to Seventh Street



Photo 4 – View of the subject property and existing parking lot from the south side lot line



## 5. Consistency with Legislated Policy and City Directives

### a) Provincial Policy Statement (2014)

Policy 1.1.3.2 directs that Land use patterns within settlement areas shall be based on a) densities and a mix of land uses, b) a range of uses and opportunities for intensification and redevelopment.

Policy 1.3.1 c) directs that Planning authorities encourage compact, mixed –use development that incorporates compatible employment uses to support liveable and resilient communities.

Policy 1.3.2.1 states that Planning authorities shall plan for, protect and preserve employment areas for current and future uses and ensure that the necessary infrastructure is provided to support current and projected needs.

Policy 2.6.1 of the PPS identifies that significant built heritage resources and significant cultural heritage landscapes shall be conserved.

### b) City of Kenora Official Plan (2015)

The Land Use Designation of the property is Established Area, the designation indicates that there will be little change in the areas over the lifetime of the plan. Rationale for this is that the lands are already developed.

Section 4.1.1 provides further policy on the Established Area designation, describing that:

*“Residential, commercial, industrial and institutional uses such as schools, places of worship, cemeteries, long-term care homes, hospitals and health care centres shall be permitted in the Established Area designation.”*

### c) Zoning By-law No. 101-2015

Section 1.3.9 of the Zoning By-law provides for the ability to establish Exception Zones, Section 1.4 identifies how they will be represented in the By-law, and Section 5 contains the list of properties and corresponding exception zones, for which there are currently 34.

#### **1.3.9 Exception Zones**

*Where a zone classification is followed by square brackets [ ] and a number (e.g. RR[10]), this denotes an Exception Zone. Lands so zoned shall be subject to all of the provisions of the zone represented by the classification except as otherwise provided by the Exception provisions, which are listed in Section 5 in this By-law.*

#### **1.4 Structure**

**Exceptions** sets out site-specific uses and provisions that apply to certain properties that are subject to exception provisions through Zoning By-law amendments or special consideration under previous by-law. Properties subject to exception zones are indicated on the Maps.

### Section 5

The provisions of this By-law have been modified for the lands to which the exceptions described in the table below have been applied, and are shown on the Zoning Schedules (Maps) by the applicable exception number indicated in square brackets “[#]” in the zone code. Where an exception applies, the provisions imposed by that exception prevail over any other provision in this By-law.

### 6. Results of Interdepartmental and Agency Circulation

Departments and Agencies Circulated	Comments Received
Municipal Engineer	It would expected for the main issue to be related to the availability and acceptability of parking that may affect adjoining properties which includes City property with that being the water treatment lands. Also involved are current easements that also need to be considered. It appears that consensus from the adjoining property owners is a requirement – December 9/16
Building Department	The building department offers the following comments; Change of use with or without compensating construction requires a building permit; - Cameron House is a designated Heritage Building; - Based on our GIS and the submitted site plan; most of the parking is NOT located on the subject property. Additionally there is an easement on the subject property and easements on the adjacent properties, which may prohibit the space being used for parking; - Site Plan Control likely applies - December 7/16
Roads Department	A portion of the parking area marked outside the property boundary belongs to a private party and a portion to the city of Kenora based on our GIS map. An easement from the private party and a letter of comfort from the City may be necessary to complete this application – December 15/16
Water & Wastewater Department	No concerns – December 6/16
Kenora Hydro	No comments received
Kenora Fire & Emergency Services	Kenora Fire has no issue with this Zoning By-Law change, it actually lowers the risk factor because it is no longer a residence where people sleep and cook. Fire access is good and a hydrant is located 24 metres away – December 14/16
Northwestern Health Unit	Property is serviced, comments not required

## 7. Public Comments

A public meeting is scheduled to be held by Council on January 10<sup>th</sup>, 2017. Notice of the application was given in accordance with Section 34 of the Planning Act, whereby it was circulated on December 8<sup>th</sup> to property owners within 120 metres, published in the Municipal Memo of the Newspaper on December 8<sup>th</sup>, and circulated to persons and public bodies as legislated. Together with staff, Council will have the opportunity to evaluate the proposal in lieu of public comments.

The notice also stated that the Planning Advisory Committee ('PAC') would have the opportunity to consider recommendation of the application to Council at their regular meeting on December 20<sup>th</sup>, 2016. The PAC resolved to recommend that Council approve the application, the resolution, copy of the report to PAC as well as draft meeting minutes are available for review and attached to this report.

No public comments have been received as of the date of this report.

## 8. Evaluation

The agent for the applicant has explained that the building is leased to legal professionals for office use, who require more space and want to remain at their existing location. Commercial space is limited within the City, as are suitable occupational uses for the Cameron House, with its Heritage Designation. It was further explained that the use is beneficial towards preservation of the building and its exceptional features.

Uses such as restaurants, light equipment sales and rental establishments, or convenience stores permitted within the Local Commercial Zone ('LC'), could pose negative impacts to the heritage building, the neighbourhood, and lakefront property. Therefore it was recommended that an exception to the residential zone would be a more suitable proposal than amendment to the LC zone.

Whereas the property is currently zoned R1, approval of an application for zoning by-law amendment for exception, processed in accordance with the Planning Act, the Official Plan and Zoning By-Law, would enable the property to continue to be used for occupational use.

Whereas the Zoning By-law is explicit in listing the provisions for which Home Occupations or uses of a commercial nature are permitted within residential zones, the use as proposed would allow for existing use to continue in addition to permitted residential use.

The Zoning By-law defines "Home Occupation" as follows:

### **Home Occupation**

*Home occupations shall include occupations or professions which are conducted entirely within a dwelling unit. Home occupations shall not be permitted in accessory buildings.*



### **Office**

*A building or part thereof designed, intended or used for the practice of a profession, the transaction and/or management of a business, or the conduct of public services and administration, but shall not include a clinic or a financial establishment.*

Law Offices are a permitted use in accordance with Section 3.15.1 a)

### **3.15.1 Home Occupations**

*a) Permitted uses as a Home Occupation may include:*

*i. Business and professional offices such as professions in the field of engineering, accounting, planning, architecture/landscape architecture, lawyer, family and personal counselling;*

Section 3.15.1 of the By-law further directs that where home occupations are permitted subject to the individual zones, another set of provisions shall apply. The proposal does not currently comply with a number of the provisions including the following:

*b) The home occupation shall be operated by an occupant of the dwelling unit;*

*c) Not more than one assistant who is not a resident in the dwelling unit may operate in and from the dwelling;*

*d) Not more than 25% or 41.8 m<sup>2</sup> of the total floor area of the dwelling unit, whichever is the lesser, is devoted to the home occupation;*

Table 4 of Section 3.23.1 of the By-law states that the minimum number of parking spaces required for home occupations is *1 per home occupation in addition to residential type requirement*. The required number of parking spaces would therefore be 1.5 for apartment dwellings and 1 for office, so 4.

Taking the view that the use is an office, Table 4 of Section 3.23.1 of the By-law states that the minimum number of parking spaces required is 2.3 per 100 m<sup>2</sup> of gross leaseable floor area. The sum of required spaces using this figure to calculate the requirement, would be 10 spaces for 447 m<sup>2</sup> + 3 for apartment dwellings, for a total of 13.

The property does provide 13 spaces, however, while 5.5 of these are on the subject location, 3 are upon an easement established for access and parking, and another 4 to 5 are over an easement for access (property permissions for parking in question), and City property.

Provisions for the encroachments and parking can be dealt with in a subsequent application for Site Plan Approval, whereby the user may redefine the easement agreement with the owner and a letter of comfort with the City. Conditions of approval cannot be established within the process for Zoning By-law amendment.

By limiting the number of workers, floor area, and so forth, the Zoning By-law is enables the City to limit the scale of commercial activity upon residential lots, so that it does not become a nuisance to the residential neighbourhood.

It also supports commercial uses to be located in commercial zones and for those districts to thrive; whereas the occupation of law offices would not necessarily contribute to the vitality of a commercial zone, given that it does not provide wares or merchandize for the public. It is a use that is generally located in the periphery of commercial districts, or within mixed use buildings.

Existing uses in the neighbourhood include the City's water treatment plant, which abuts the east side lot line, single detached residential to the south, Lake of the Woods to the west, single detached residential to the north, and the Coney Island foot bridge further on.

The water treatment plant is a seemingly large massed brick building with dark plain walls, and abuts the subject property's parking lot, where patrons of the business and residents park, providing a buffer to any possible nuisance to sensitive uses from the parking lot's view.

Given that the building is very large at 447 m<sup>2</sup> (4811 ft<sup>2</sup>) and still able to accommodate two (2) residential dwelling units, provides parking, etc. the use is suitable for the property and location.

## 9. Recommendation

As the Planner for the City of Kenora, it is my recommendation that following a Public Meeting to hear submissions and public comments in regard to the Application for Zoning By-Law Amendment, File No. D14-16-06;

That Council accepts the recommendation of the Kenora Planning Advisory Committee, and further;

That Council in lieu of public comments, gives three readings to a by-law to authorize approval of a Zoning By-Law Amendment to except the subject property from the Home Occupation provisions of the Zoning By-law, to accommodate professional office space not operated by an occupant, having a total floor area of 310 m<sup>2</sup> being 69% of the building, as well as seven (7) employees upon property located at 1 Seventh Street South, described as PLAN 3 BLK 3 LOT 52 TO 55.



Devon McCloskey, RPP, MCIP  
City Planner

### Attachments (scanned separately from this report):

- Complete Application for Exception to the Zoning By-law
- Site Plan
- Additional information provided through email correspondence – December 5 & 6, 2016
- By-law 114-2008 to designate a certain property under the Ontario Heritage Act
- Notice of Application and Public Meeting
- PAC Resolution and Report
- Draft PAC Meeting Minutes