



MINUTES

**Of a Meeting of the Council of the City of Kenora
Tuesday, November 19, 2019 – City Council Chambers
12:00 p.m.**

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**With** Mayor D. Reynard in the Chair, Councillor M. Goss, Councillor R. McMillan Councillor A. Poirier, Councillor K. Ralko, Councillor S. Smith, Councillor C. Van Wallegghem

**Staff:** Karen Brown, CAO, Heather Pihulak, City Clerk, Jeff Hawley, Manager of Operations and Infrastructure, Adam Smith, Development Services Manager, Todd Skene, Fire & Emergency Services Manager

## **Call to Order**

Mayor Reynard called the meeting to order and Councillor Van Wallegghem delivered a blessing.

## **Public Information Notices as per By-law Number 144-2007**

Mayor Reynard then read the following notices:-

As required under Notice By-law #144 -2007, Council hereby advises the public of its intention to adopt the following at today's meeting:-

- Declare City owned lands as surplus to the requirements of the Municipality being the southern portion of Twelfth Street, described as Parts 1 and 2 on Plan 23R-14695, having an area of 0.058 ha

## **Declaration of Pecuniary Interest & General Nature Thereof**

Mayor Reynard then asked if any Member of Council had any Declarations of Pecuniary Interest and the General Nature Thereof pertaining to any items as follows:-

- i) On Today's Agenda or from a previous Meeting
- ii) From a Meeting at which a Member was not in Attendance

There were none declared.

## **Confirmation of Minutes**

**1. Moved by A. Poirier, Seconded by R. McMillan & Carried:-**

That the following Minutes of the Council of the City of Kenora be adopted as circulated:-  
Regular Council – October 15, 2019

## **Deputations**

None

## **Additions to the Agenda**

None

## **Appointment to the Kenora BIZ Executive Board**

### **2. Moved by K. Ralko, Seconded by R. McMillan & Carried:-**

That Council hereby appoints Alexis Pernsky to the Business Improvement Area (B.I.Z.) for a term at the pleasure of Council no later than November 14, 2022.

## **2019 Capital & Unusual Spend**

### **3. Moved by R. McMillan, Seconded by M. Goss & Carried:-**

That Council hereby accepts the 2019 January to September Capital and Unusual Spending report.

## **2019 Q3 Investments**

### **4. Moved by S. Smith, Seconded by C. Van Wallegghem & Carried:-**

That Council of the City of Kenora hereby accepts the 2019 third quarter investment report that includes details of the Kenora Citizens' Prosperity Trust Fund and other City of Kenora investments.

## **2019 Q3 Contracts**

### **5. Moved by M. Goss, Seconded by C. Van Wallegghem & Carried:-**

That Council hereby accepts the 2019 July – September Contracts & Expenditures Approved report.

## **September 2019 Financial Statements**

### **6. Moved by C. Van Wallegghem, Seconded by S. Smith & Carried:-**

That Council hereby accepts the monthly Financial Statements of the Corporation of the City of Kenora at September 30, 2019.

## **Human Resource Policy Amendments & Repeals**

### **7. Moved by A. Poirier, Seconded by R. McMillan & Carried:-**

That Council hereby approves a new #HR-3-5 Non Union Hours of Work & Overtime Policy and new #HR-3-6 Non-Union Benefits Policy which form part of the City of Kenora Comprehensive Policy Manual; and further

That Council hereby repeals Human Resources Policy #HR-3-4 Hours of Work Policy, #HR-2-20 Emergency Due to an Influenza Pandemic and #HR-2-10 Smoking in the Workplace; and further

That bylaw number 48-2018, 178-2009, 117-2012 be hereby repealed; and further

That three readings be given to two bylaws for this purpose.

### **Health & Safety Policy Amendments & Repeals**

#### **8. Moved by K. Ralko, Seconded by A. Poirier & Carried:-**

That Council hereby approves an amended Health and Safety Policy #HS-48 Senior Leadership Team – Health and Safety Continuous Improvement; and further

That Council hereby repeals #HS-49 Senior Management–Review of Trends, #HS-50 Senior Management–Response to Recommendations, #HS-51 Senior Management–Communications, #HS-52 Senior Management–Integration, #HS-53 Senior Management – Program Review, #HS-54 Senior Management–Off-the-job Health and Safety, and #HS-55 Senior Management–CAO Involvement; and further

That bylaw number 27-2012 which adopted the above noted Health & Safety Policies be hereby repealed; and further

That all Health & Safety Policies form part of the City’s Comprehensive Policy Manual under the new category Health and Safety; and further

That three readings be given to a bylaw for this purpose.

### **Volunteer Fire Fighter Agreement**

#### **9. Moved by R. McMillan, Seconded by C. Van Walleghem & Carried:-**

That Council hereby accepts the negotiated volunteer fire fighter agreement as presented; and further

That Council hereby authorizes the Mayor and Clerk to execute the negotiated agreement between the City of Kenora and the City of Kenora Volunteer Fire Fighters; and further

That three readings be given to a bylaw for this purpose.

### **Traffic Amendment – Rate of Speed – Erie Street**

#### **10. Moved by S. Smith, Seconded by M. Goss & Carried:-**

That Council authorizes an amendment to the City of Kenora Traffic Regulation By-law Number 180-2015 to include changes to Schedule “T” – Rate of Speed - 40 Kilometres Per Hour Zone for Erie Street, from Lake Street to Eighth Street; and further

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

### **Resolution on Bill 108 and LPAT**

#### **11. Moved by M. Goss, Seconded by S. Smith & Carried:-**

Whereas the Government of Ontario, on June 6, 2019, passed the More Homes, More Choice Act, 2019, (Bill 108); and

Whereas the changes to the Local Planning Appeal Tribunal (LPAT), contained in Bill 108 will give LPAT the authority to make final planning decisions based on a subjective “best planning outcome” approach rather than compliance with municipal and provincially approved official plans and consistency with provincial plans and policy; and

Whereas Bill 108 takes local planning decision-making out of the hands of democratically elected municipal councils and puts it into the hands of a non-elected, unaccountable tribunal; and

Whereas the LPAT adds cost and delays delivery of affordable housing by expensive, time consuming hearings, contrary to the intent of the More Homes, More Choice Act, 2019; and

Whereas Ontario is the only province in Canada that empowers a separate adjudicative tribunal to review and overrule local decisions applying provincially approved plans.

Now Therefore Let It Be Resolved:

That the City of Kenora hereby requests the Government of Ontario to eliminate the LPAT entirely, as an antiquated body that slows delivery and adds costs to both residential and commercial development via expensive and drawn out tribunal hearings;

That a copy of this resolution be forwarded to the Premier, the Minister of Municipal Affairs and Housing, Kenora’s Member of Provincial Parliament, Leaders of the New Democratic, Liberal and Green parties; the Association of Municipalities of Ontario, the Kenora District Municipal Association (KDMA) and the Northwestern Ontario Municipal Association (NOMA).

### **FCM SNAP Program Funding Application-Climate Action & Resilience Plan 12. Moved by C. Van Walleghem, Seconded by M. Goss & Carried:-**

That Council of the City of Kenora approves an application to the Federation of Canadian Municipalities (FCM) to develop a sustainable neighbourhood action plan that will include sustainability goals, specific targets, actions, and an implementation and monitoring strategy; and further

That Council hereby approves \$40,000 to be allocated from land planning reserves representing 50% of projects costs associated with the project for a total project cost of \$80,000; and further

That this project be built into the City’s 2020 Capital and Unusual Spend Budget.

### **Road Closure & Declaration of Land Surplus – Portion of 12<sup>th</sup> St 13. Moved by A. Poirier, Seconded by R. McMillan & Carried:-**

That the Council of the City of Kenora declares the following City owned lands as surplus to the requirements of the Municipality, and that the southern portion of Twelfth Street, being described as Parts 1 and 2 on Plan 23R-14695, having an area of 0.058 ha be closed; and further

That in accordance with the policy, value of the lands has been determined by an appraisal; and further

That surveying and procedures registration have been completed at the cost of the applicants; and further

That procedures for consolidation of the PINs will be undertaken at the cost of the applicants; and further

That the Mayor and Clerk are authorized to execute an agreement for Part 1 between the Corporation of the City of Kenora, and Ron and Robyn Arnason, and for Part 2 between the City of Kenora, and Dean Carrie and Caroline Wilson for the sale of land; and further

That three readings be given to a bylaw for this purpose.

**Official Plan Amendment & Zoning Bylaw Amendment- D09-19-03 & D14-19-09 – 331 9th St N (Former Abitibi Mill Site Lands)**

**14. Moved by K. Ralko, Seconded by A. Poirier & Carried:-**

That Council of the City of Kenora hereby approve the following amendments as proposed for the Application for Official Plan Amendment, File No. D09-19-03, and the Application for Zoning By-law Amendment, File No. D14-19-09;

Proposed Official Plan Amendment:

- Redesignate the subject lands, from Future Development Overlay, Industrial Development Area, Railyard, and Residential Development Area to Commercial Development Area, Industrial Development Area, and Residential Development Area.
- The effect of the Official Plan Amendment is to enable commercial, industrial and residential development to occur on the subject lands.

Proposed Zoning By-law Amendments:

- Rezone the subject lands from Future Development (FD), Heavy Industrial (MH), Residential Second Density, Holding (R2[h]) to General Commercial (GC), Light Industrial (ML), Light Industrial, Exception (ML[46]), and Residential Third Density, Holding (R3[h]).
- The effect of the Zoning By-law Amendment is to rezone lands to conform with the proposed Official Plan Amendment to enable commercial, light industrial uses and residential development to occur on the subject lands.
- The effect of the General Commercial, Exception Zone (GC[50]) is to require a minimum front yard setback of 10 m and a minimum exterior side yard setback of 10 m. These requirements will ensure that appropriate setbacks and sightlines are maintained along Veteran's Drive and Ninth Street North, as the General Commercial Zone permits 0 m setbacks.

- The effect of the Light Industrial, Exception Zone (ML[46]) is to allow a reduced front yard requirement from 6 m to 1.6 m and to allow reduced exterior side yard (south) setbacks from 6 m to 1.7 m and (north) 6 m to 2.4. These reductions are required given the existing buildings on site as a result of a concurrent Consent Application for the subject lands.
- The effect of the Residential Third Density, Holding (R3[h]) is to place a holding on the subject lands. The '-h' holding symbol may not be removed and development may not occur on the subject lands until:
  - a) a Record of Site Condition satisfactory to residential use is submitted and approved;
  - b) supporting studies, including a transportation impact study, servicing study to address water, sanitary, and stormwater requirements, noise and vibration study, and planning rationale, are submitted and approved; and
  - c) An agreement is entered into with the City of Kenora for the implementation of recommendations and associated mitigation as required by the supporting studies referenced in a) and b) above, to the satisfaction of the City, if required.

; and further

That three readings be given to a bylaw approving the Official Plan Amendment, File No. D09-19-03; and further

That three readings be given to a bylaw approving the Zoning By-law Amendment, File No. D14-19-09.

### **Bridge Rehabilitation Works Consulting Contract Execution**

#### **15. Moved by R. McMillan, Seconded by A. Poirier & Carried:-**

That further to the Engineering Divisions award of the consulting services to Stantec, authorization be and is hereby given for the Mayor and Clerk to execute an agreement between the Corporation of the City of Kenora and Stantec; and further

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

### **Kenora Fire Q3 Report**

#### **16. Moved by S. Smith, Seconded by M. Goss & Carried:-**

That Council hereby accepts the 2019 Third Quarter Report from the Kenora Fire and Emergency Services Department for the period of July 1 to October 30, 2019.

**Discussion:** Had a large recruitment drive and look at bringing 10 applicants on board to the volunteer firefighter compliment.

### **Provincial Offences Write Off's 2019**

#### **17. Moved by M. Goss, Seconded by S. Smith & Carried:-**

That Council of the City of Kenora hereby approves the write off receivables list from the Provincial Offences department for the period of January 1, 2012 to December 31, 2012 in the amount of \$12,796.05.

### **Various Committee Minutes**

#### **18. Moved by C. Van Wallegghem, Seconded by M. Goss & Carried:-**

That Council hereby adopts the following Minutes from various City of Kenora Committees:

- September 11, 2019 – Kenora Urban Recreation Trails Committee
- October 2, 2019 – Environmental Advisory Committee
- October 23, 2019 – Kenora Public Library Board
- October 24, 2019 – The Muse

That Council hereby receives the following Minutes from other various Committees:

- February 14, 2019 & June 20, 2019 – Kenora District Municipal Association
- September 12, 2019 & August 15, 2019 – Kenora District Services Board
- September 11, 2019 – Handi Transit Board
- September 25, 2019 – Kenora District New Horizons Seniors Centre
- August 29, 2019 & September 26, 2019 - District of Kenora Home for the Aged Board of Management
- October 24, 2019 - Harbourn town Biz; and further

That these Minutes be circulated and ordered filed.

### **September 2019 Water & Wastewater Monthly Summary**

#### **19. Moved by J. Hawley, Seconded by C. Van Wallegghem & Carried:-**

That Council of the City of Kenora hereby accepts the September 2019 Kenora Water and Wastewater Systems Monthly Summary Report, as prepared by City administration.

### **Approval of By-laws**

#### **20. Moved by K. Ralko, Seconded by C. Van Wallegghem & Carried:-**

That the following By-laws be now read a First & Second Time, and approved in their present form and presented for Third & Final Reading:~

- #164-2019 - Confirmatory
- #165-2019 - Non Union Hours of Work & Overtime Policy #HR-3-5
- #166-2019 - Non Union Benefits Policy #HR-3-6
- #167-2019 - SLT H & S Continuous Improvement Policy #HS-48
- #168-2019 - Volunteer Fire Fighter Agreement
- #169-2019 - Traffic Amendment – Rate of Speed – Erie Street
- #170-2019 - Road Closure & Declaration of Land Surplus – Portion of 12<sup>th</sup> St
- #171-2019 - Official Plan Amendment - D09-19-03 - 331 9<sup>th</sup> St N
- #172-2019 - Zoning Bylaw Amendment - D14-19-09 - 331 9<sup>th</sup> St N
- #161-2019 - Bridge Rehabilitation Works Consulting Contract Execution

## Notices of Motion

None

## Proclamations

None

## Announcements

### **The following was highlighted by Council:**

1. Councillor McMillan noted that November is family violence prevention month and the theme this year is 'where to turn'. There is a number of supports in the community for people to reach out to when they need help. There is an invitation from the Women's Shelter to visit and tour the shelter if time permits. The second is Movember with research on prostate cancer and men's health with a focus on men's mental health and high incidents of suicide amongst men.
2. Councillor Goss noted that we have some very strong arts organizations in the community and encourage the community to visit and attend the various arts events with the community.
3. Councillor Van Walleghem referenced the Central Community Club's information session Wednesday at 5 p.m. at the Kenora Recreation Centre.
4. Mayor Reynard referenced the tree lighting ceremony this Friday along with the Miracle Marathon.
5. Karen Brown welcomed Marianne Nero the new Human Resources Manager to the City of Kenora.

## Adjourn to Closed Session

### **21. Moved by R. McMillan, Seconded by A. Poirier & Carried:-**

That pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization for Council to move into a Closed Session at 12:26 p.m. to discuss items pertaining to the following:-

- i) Education & Training Members of Council (2 matters CAO & Mayor Update)
- ii) Receiving Advice Subject to Solicitor-Client Privilege (1 matter-WON Agreement)
- iii) Labour Relations (1 matter-Negotiations)

## Reconvene to Open Meeting

Council reconvenes to open session at 2:50 p.m. with no reports from its closed session.

## Close of Meeting

### **22. Moved by S. Smith, Seconded by M. Goss & Carried:-**

That this meeting be now declared closed at 2:50 p.m.



**The Corporation of the City of Kenora:**

**Confirmed As Written This .....Day**

**Of.....2019**

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**Mayor**

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**City Clerk**