



City of Kenora

Committee of the Whole Agenda

Tuesday, January 14, 2020

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 28, 2020 meeting:-

- Council will adopt the 2020 Municipal Operating Budget
- Council will adopt the 2020 Water & Wastewater Budgets
 - Council will adopt the 2020 Solid Waste Budgets
- Council will purchase vacant lands locally known as 117 Main Street South
- Amend the 2020 Capital Budget to withdraw funds from the Recreation Centre Expansion reserves in the amount of \$60,000 for an expansion project of the fitness centre
 - Amend the Tariff of Fees & Charges bylaw, Schedule C, Fire Dept
- Amend the 2019 Operating & Capital Budget to withdraw funds from the Storm Sewer Reserve in the amount of \$153,000.00 to offset the cost of emergency storm sewer works for Preston Pond and 1353 Valley Drive

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 the last regular Committee of the Whole Meeting held December 10, 2019 and the minutes from the December 17, 2019 and January 8, 2020 Special Committee of the Whole meetings be confirmed as written and filed.

D. Deputations/Presentations

- Miranda Duggan – Kenora Imagination Library Update

E. Reports:

1. Administration & Finance

Item Subject

1.1. November 2019 Financial Statements

1.2. 2020 Operating Budget Approval

- 1.3. 2020 Water & Wastewater Budget Approval
- 1.4. 2020 Solid Waste Budget Approval
- 1.5. HR Policies Review
- 1.6. Council Policy #CC-2-3 Review
- 1.7. Kenora Municipal Non Profit Housing Corporation Future Direction
- 1.8. 117 Main Street South Vacant Lands Property Purchase

Fire & Emergency Services

Item Subject

- 1.1 Tariff of Fees and Charges Amendment – Schedule C – Fire Dept
- 1.2 Fire Marque Inc Cost Recovery Agreement

2. Operations & Infrastructure

Item Subject

- 2.1 Budget Amendment – 2019 Storm Sewer Reserves
- 2.2 Traffic Amendment – Accessible Parking – 2nd St S & 5th Ave S
- 2.3 Investing in Canada Infrastructure Program – Green Stream Submission

3. Community Services

Item Subject

- 3.1 Budget Amendment – Fitness Centre Expansion - KRC
- 3.2 Hings Lease Renewal
- 3.3 No Smoking City Facilities Bylaw Amendment

4. Development Services

Item Subject

- 4.1 Ontario's Forest Sector Strategy Submission
- 4.2 Lafreniere Site Plan Agreement
- 4.3 2020 OGRA Conference Delegation Requests

Other:

- 12:00 p.m. – Zoning Bylaw Amendment Statutory Meeting –D14-19-11 (874 & 876 River Dr)
12:30 p.m. – Zoning Bylaw Amendment Statutory Meeting –D14-19-13 (1103 Fourth St S)

Next Meeting

- Tuesday, February 11, 2020

Motion - Adjourn to Closed Meeting:

That this meeting now be adjourned to a closed session 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) Disposition of Land (1 matter-Old Government Rd)
- ii) Labour Relations (1 matter-CUPE Negotiations)

Adjournment.



January 2, 2020

City Council Committee Report

To: Mayor and Council

Fr: Jon Ranger, Deputy Treasurer

Re: November 2019 Financial Statements

Recommendation:

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

Background:

Attached for your information, please find the November 2019 summary expense and user fee statements for the City of Kenora and the Council department. At the end of November, the year is 92% complete, so not including any seasonal or timing differences, there should be 8% of the budget remaining.

Overall:

- Expenses at the end of November 2019 were close to budget with 10.11% remaining to be spent. Water & Sewer 14.08% and Solid Waste 12.76% left in the budget.
- User fee revenues to the end of November 2019 are close to budget with 5.89% left to collect. Water & Sewer 12.51% and Solid Waste had collected all of its yearly budget by the end of November.

Expenditures:

- **General Government** - The General Government expenses to date are below budget with 15.03% of the expense budget unspent.
 - **Mayor and Council** – Under budget as promo items have not yet been recorded for the year.
 - **Administrators Office** – Special Projects & Research Officer was budgeted for a full year however this position was only filled starting December 2nd. Legal expenses are also currently under budget. Budget reflects high legal expense in recent years.
 - **City Clerk** – Wages slightly below budget as there have been a few months with a vacancy in the customer service department.
 - **Building and Grounds Maintenance** – Utilities currently below budget. All 11 months have been recorded.
- **Protection** – The Protection Department expenses to date are right on budget with 9.55% remaining in the budget.
 - **Police Commission** – Travel expenses significantly under budget to date. Less travel than anticipated in the current year.

- **Bylaw** – Currently over budget as in the past the bylaw supervisor’s wages were coded to city clerk, now 45% of the supervisor’s time has been allocated to by-law. This new allocation has been budgeted for in 2020.
- **Health and Safety Committee** – Training and subscriptions were under budget in 2019. There is a more comprehensive list of training to be completed in 2020.
- **Transportation** – The Transportation Department expenses to date are under budget with 14.60% remaining in the budget.
 - **Paved/Surface Treated/Loosetop Roads** – Under budget at the end of October, many materials and supplies accounts are currently under budget especially for resurfacing materials, and patch/washout materials. The interest on debt for paved roads will be recorded at year end. This will account for approximately \$45k in Paved Roads maintenance. Less work than anticipated on surface treated roads, wages are significantly under budget, this means more of our roads employees spend time in other roads departments, Water & Sewer departments, or Storm Sewers as required.
 - **Winter Control Maintenance** – Winter control maintenance is over budget with only 2.54% remaining to be spent. As this is a seasonal department, it is expected that this department will be over budget by year end. The largest overspend is for rental of non-owned equipment, which represents the City’s snow removal contracted services. Actual wages are close to budget for the year.
 - **Streetlighting** – utilities and repairs and maintenance continue to be under budget with the new LED installations paying off. Utilities are more than 10% under budget. Streetlighting debt interest to be recorded in the amount of 25k.
 - **Barsky Facility** – internal wages and equipment time over budget to reflect repairs done by staff.
 - **Garage & Shop** – wages are over budget as a result of job shadowing. Also more time coded to garage and shop than other departments was not anticipated due to illnesses.
- **Environmental** – The Environmental Department expenditures are close to budget with 1.1% remaining to be spent. 14.08% left in the budget in Water & Sewer and 12.76% remaining in Solid Waste.
 - **Storm Sewers** – Currently used all of yearly budget, per discussion with roads division lead, a significant amount of steaming was required this winter on storm sewers. Significant storm sewer work also performed in the fall (Railway St at crossing) by City employees.
 - **Blue Box Collection & Recycling Facility** – the budget variances reflect wages being budgeted in one department and actually being charged in another as described in garbage collection. Less budget for wages are required in blue box collection, as the employees perform duties at the transfer station as well.

Water & Sewer

- **Sanitary System** – Computer maintenance is under budget as Kenora Hydro is no longer charging for sewer and water billing. Less maintenance work performed on sewer mains in 2019 per Biman.
- **General Water Standpipe & Booster** – utilities expense is over budget however on review of monthly charges it appears that the budget has been set too low.

Solid Waste

- **Garbage Collection** – Materials & supplies expenses are currently under budget. Wages are under budget because drivers code their time to other departments when they drive the roll off truck or work around the transfer station when their routes are done for the day. Budgets will be changed to reflect this in the future.
 - **Hazardous Waste Days** – Expenses under budget. Contractor pick up of hazardous material is not consistent therefore level of expenses vary from month to month. Materials and supplies lower than anticipated. Some electrical work was planned for the hazardous waste building however this work was quoted significantly higher than anticipated and the electrical work was ultimately cancelled.
 - **Kenora Area Landfill** – Contracted services, repairs and maintenance and material & supplies currently under budget at the end of November. Brush grinding was being completed in December, therefore an invoice has still not been received.
- **Health Services** – Cemetery – to date contributions to cemetery are over budget, however ice candle sales still to come in and offset some expenses. Total cemetery sales are close to budget however plot sales and columbarium sales are significantly over budget, and these sales require significant payments to the Perpetual care fund reserve which was not anticipated in 2019. Therefore we are expecting to be over budget for 2019.
 - **Social and Family Services** – Contributions to Pinecrest are over budget. Pinecrest's requisition was not received until after the budget was approved.
 - **Community Services** – Overall Community Services expenses are below budget with 10.02% remaining to be spent.
 - **Parks** – As expected Parks budgets are seasonal. In addition insurance is over budget as a result of a legal claim.
 - **Norman Park** – Over budget in November, Water charges for the Splash park were larger than anticipated and these extra utility charges were not budgeted for.
 - **KRC** – Wages are over budget, and the Thistle Arena and Fitness Centre wages are under budget. This is a budget allocation issue for wages. An estimate was made based on maintenance operator's time, however this is the first year of recording maintenance operator's time by department.
 - **External Facilities** – Budgeted significantly more wages than actual allocated. This is a reallocation issue and more time should have been budgeted to 730.
 - **KM Arena & complex** – Interest on debt for \$38K not yet recorded. Utilities are also under budget, some larger bills expected in December.
 - **Fitness Centre** – Wages currently lower than budgeted. In an effort to match wage costs to the departments in which they are actually spent, much of desk attendant's wages were budgeted to fitness centre, however actuals were not

being allocated here. An adjustment has been made going forward for desk attendant wages to be allocated to fitness centre.

- **Planning & Development** – Planning & Development expenses are under budget with 13.05% left in the budget.
 - **Starter Company** – The starter company program was to be finished March 31, 2019, however it is now expected that this program will start up again and a new contract will be signed with the Ministry. The contract extension was not budgeted.
 - **Economic development** – Expenses depend on project activity. Economic development intern was budgeted for however has not yet been hired.
 - **Tourism** – Currently over budget as 100% of the Recreation/Tourism Leads wages were being allocated here, when they were budgeted 50% recreation, and 50% tourism. This has been addressed with payroll, going forward this positions wages will be split between recreation and tourism.
 - **Tourism facilities** – Tourism facilities are currently under budget. Contracted Services are currently under budget as the downtown services invoice was smaller than anticipated. Last year actuals also included a significant repair for the whitecap.

User Fees:

- Overall, user fees are just above budget projections with 5.89% of the budget still to be collected.
- **General Government**
General Government is close to budget with 9.28% left to be collected.
 - **City Clerk** – Currently Civil Marriage revenues and lottery licensing fees are under budget. These revenues are dependent on weddings in the area and can change from year to year.
- **Protection to Persons and Property**
Protection to Persons and Property is exceeding the annual budget by 27.20%.
 - **Fire department** – Has exceeded its yearly budget for a couple reasons. Fire protection agreement revenue has exceeded budget by \$22K. Also a larger donation was made towards the Kenora Fire Regional Training Centre. Fire Marque revenue was almost \$28K to the end of October. This revenue was not budgeted for. Highway fire calls are also up at this time when compared to prior year.
 - **Building Inspection** – Building permit user fee has hit their annual budget at the end of November. This is dependent on builds in the year and can vary from year to year.
 - **Provincial Offences** revenue is dependent on the fines assessed in this area. First and second quarter revenues have now been recorded and have exceeded the year budget. This is because 2018 revenues were lower than anticipated and revenue projections for 2019 were decreased.
- **Transportation Services**
Transportation user fees are close to budget with 8.41% left to collect.
 - **Conventional Transit** – reflects continual decrease in ridership.
 - **Metered Parking** – User fees currently below budget, however parking revenue has exceeded last year's actuals, budget was likely set too high.

- **Mall Parking Lot** – The mall parking lot is currently exceeding budget. This is due to the change that was made in April to allow for 'Open parking' in the middle lot so that users can now pay by month. This caused an increase in usage.
 - **Docks & Wharfs** – Currently exceeding budget as expected as docks and wharfs are billed and collected ahead of the boating season.
 - **Garage & Shop** – Over budget as there was work performed for the Fire department that was subsequently billed to Fort Garry Industries. This work was unanticipated.
- **Environmental Services**
Environmental services user fees are below budget with 8.41% remaining to be collected. 12.51% of Water & Sewer User fees are also still to be collected and Solid Waste has 0.48% that has been collected over budget.

- **Blue Box collection** – Currently below budget, dependent on recycled materials. These include commercial pickup revenues. Actual fees currently above prior year at the end of November. Still expected to meet budget, note that these revenues are recorded on a quarterly basis. Three quarters are currently recorded. Also helping with revenues is blue box sales being over budget by approximately 3.8k.

Water & Sewer

- **Water and Sewer** user fees are one month behind budget with 12.86% and 12.16% not yet collected respectively. Note that the accrual for year end will also still have to be recorded.

Solid Waste

Currently all solid waste revenues are exceeding budgets at the end of November.

- **Garbage Collection** – bag tag sales are exceeding budget.
- **Kenora Area Landfill** – Revenues picked up significantly from local contractors over the construction season.

- **Community Services**

Community Services user fees are below budget with 8.78% remaining to be collected.

- **Thistle Arena** – Under budget at the end of November, we will expect this to increase now that the ice surface is back.
- **External Facilities** – Rec centre parking revenue is now being collected but was not in the budget.
- **Keewatin Memorial Arena** –December should see more ice rentals.
- **Fitness Centre** – Negative revenues reflect training fee refunds.

- **Planning and Development**

Planning and Development user fees have exceeded budget with 4.28% remaining to be collected. User fees in planning and development vary from year to year and depend on activities and developments in the community.

- **Tourism Facilities** – This is current the only department in Planning and Development that isn't exceeding budget. This is due to less rentals for the Whitecap pavilion than prior year. Budget expectations were increased in 2019 for the large amount of bookings that took place in 2018, however many of these bookings were one-time events.

Please let me know if you have any questions, or would like to see any of the department statements in further detail.

Strategic Plan or other Guiding Document:

Fiscal Responsibility: We manage the municipal finances in a responsible, prudent and transparent manner.

ERM Assessment: Monitoring financial statements on a monthly basis mitigates some of the uncertainty related to projected costs vs actual expenditures.



January 10, 2020

City Council Committee Report

To: Mayor and Council

Fr: Jon Ranger, Deputy Treasurer

Re: 2020 Municipal Operating Budget

Recommendation:

That Council hereby approves the City of Kenora's 2020 Municipal Operating Budget, as reviewed and amended; and further

That Council give three readings to a By-law to approve the 2020 Municipal Operating Budget; and further

That Council authorize City administration to proceed with the implementation of all budget related decisions in accordance with those reflected within the amended budgets; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to formally adopt the 2020 Municipal Operating Budget by-law at its January 28th, 2020 Council Meeting.

Background:

The draft municipal operating budget was reviewed at special meetings of the Committee of the Whole held on January 8, 2020.

It was recognized that the draft budget maintains existing service levels. It is further recognized that the City must continue to work on service delivery reviews and seek opportunities for both streamlining existing services, and confirming City priorities.

Communication Plan/Notice By-law Requirements:

A press release will be available for the January 28th Council meeting in conjunction with the approval of the 2020 Municipal operating budget.

Strategic Plan or other Guiding Document:

Our Mission: To deliver quality, cost-effective municipal services.

ERM Assessment:

While the impact of an operating budget related risk has potential to be significant, likelihood is low, making it a moderate but necessary risk to be retained and monitored. This is a positive risk and should be pursued.



January 10, 2020

City Council Committee Report

To: Mayor and Council

Fr: Jonathon Ranger, Deputy Treasurer

Re: 2020 Water & Sewer Utility Budget

Recommendation:

That Council hereby approves the 2020 Water and Sewer Utility Budget; and further

That Council hereby authorizes City administration to proceed with the implementation of all budget related decisions in accordance with those reflected within the Water & Sewer Budgets; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to formally adopt the 2020 Water and Sewer Utility Budget by bylaw at its January 28th, 2020 Council Meeting; and further

That the appropriate bylaw be passed for this purpose.

Background:

The draft water & sewer operating budget and five year capital plan are to be reviewed at a special budget meeting being held on January 13, 2020. Should Council request any changes to the draft budgets presented to them on the January 13th meeting, the budgets will be updated accordingly prior to the passing of the budgets on the 28th. The updated budgets will be brought forward to the January 28th Council meeting for formal Council approval.

It should be recognized that the draft budgets are based on maintaining existing service levels and reflect the existing approved rate structure. In addition, the operating projections have incorporated the recommended increases to the water and sewer rates commencing in 2020 as recommended within the BMA long range financial plan.

Communication Plan/Notice By-law Requirements:

The City needs to provide notice in accordance with Notice By-law Number 144-2007 that the City intends to adopt its 2020 water & sewer utility budget.

Strategic Plan or other Guiding Document:

Our Mission: To deliver quality, cost-effective municipal services.

Core Value: Fiscal Responsibility

Strengthen our Foundation:

- Ensure municipal infrastructure is managed and maintained with available resources
- Work towards addressing the infrastructure deficit

ERM Assessment:

In theory, a critical risk to the City, however this is a positive risk and should be pursued. Enables the City to move forward with service provision and roughly \$6.9 million in capital spending on water & wastewater projects in 2020.



January 10, 2020

City Council Committee Report

To: Mayor and Council

Fr: Jonathon Ranger, Deputy Treasurer

Re: 2020 Solid Waste Utility Budget

Recommendation:

That Council hereby approves the 2020 Solid Waste Utility Budget; and further

That Council hereby authorizes City administration to proceed with the implementation of all budget related decisions in accordance with those reflected within the Solid Waste Budgets; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to formally adopt the 2020 Solid Waste Utility Budget by bylaw at its January 28th, 2020 Council Meeting; and further

That the appropriate bylaw be passed for this purpose.

Background:

The draft solid waste operating budget and five year capital plan are to be reviewed at a special budget meeting being held on January 13, 2020. The budgets will be updated to reflect any Council direction for changes. The updated budgets will be brought forward to the January 28th Council meeting for formal Council approval.

It should be recognized that the draft budgets are based on maintaining existing service levels and reflect the existing approved rate structure. Following budget approval, a review of the City's tipping fee structure is recommended in order to ensure that the City is putting aside sufficient funds to address future landfill replacement costs in addition to the ongoing operating and capital requirements of these operations.

Communication Plan/Notice By-law Requirements:

The City needs to provide notice in accordance with Notice By-law Number 144-2007 that the City intends to adopt its 2020 Solid Waste utility budget.

Strategic Plan or other Guiding Document:

Our Mission: To deliver quality, cost-effective municipal services.

Core Value: Fiscal Responsibility

Strengthen our Foundation:

- Ensure municipal infrastructure is managed and maintained with available resources
- Work towards addressing the infrastructure deficit

ERM Assessment:

In theory, a critical risk to the City, however this is a positive risk and should be pursued. Enables the City to move forward with service provision and roughly \$.65 million in capital spending on solid waste projects in 2020.



January 7, 2019

City Council Committee Report

TO: Mayor and Council

FR: Hilary Smith, Human Resources Advisor

RE: NEW HR-2-08 Fit to Work Policy, NEW HR-2-17 Health & Wellness Discount Policy

Recommendation:

That Council hereby approves a new #HR-2-08 Fit to Work Policy and new #HR-2-17 Health & Wellness Discount Policy which will form part of the City of Kenora Comprehensive Policy Manual; and further

That Council hereby repeals Human Resources Policy #HR-2-08 Substance Abuse Policy, and further

That bylaw number 43-2014 be hereby repealed; and further

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

Background:

The HRM Strategy contained a recommendation to review the City's Human Resource Policies and to incorporate them into the City Policy Manual. Policy HR-2-08 was updated to reflect overall fitness for work and incorporated aspects of illicit or non-illicit drugs including medical and recreational marijuana, alcohol, and extreme fatigue or stress. Policies HR-2-08 and HR-2-17 were also updated to accurately reflect current practices and position titles.

All original policies are included as attachments for comparison purposes.

Budget: N/A

Risk Analysis: There are no perceived risks to this recommendation.

Communication Plan/Notice By-law Requirements: By-law required.

Strategic Plan or Other Guiding Documents: HRM Strategy

Fit-for-Work Policy



Section	Date	Resolution Number	Page	Of
Human Resources			1	7
Subsection	Repeals By-Law Number		Policy Number	
General			HR-2-08	

Purpose

The City of Kenora is committed to protecting the health and safety of employees and members of the public by ensuring that all employees report to work fit for duty.

The purpose of this policy is to outline the City's expectations regarding fitness for duty, summarize the City's commitment to assisting and accommodating employees who seek supportive rehabilitation for substance abuse, and outline corrective actions for policy violations.

Scope

This policy applies to all employees conducting City business in any location or workplace as defined in this policy, including City vehicles and when on call.

Subcontractors and service providers are expected to either adopt this policy or develop and enforce their own Fit for Work policy that meets or exceeds the key elements of this policy and its associated requirements.

Definitions

Alcohol – any beverage which contains ethyl alcohol including but not limited to beer, wine, and distilled spirits, and includes the intoxicating agent found medicines and other products

Drug - means any substance, including but not limited to alcohol; illicit or non-illicit drugs including recreational cannabis; medications; or any other substances the use of which has the potential to change or adversely affect the way a person thinks, feels, or acts. For purposes of this policy, drugs of concern are those that inhibit a worker's ability to perform work safely and productively

Drug Paraphernalia - any personal property associated with the use of any drug, substance, chemical or agent

Fit-for-Work Policy

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Employee – any person categorized as permanent, part time, casual, contract, seasonal, and/or temporary in the employ of the City of Kenora

Extreme Fatigue/Stress – physical or mental exhaustion that reduces a person's alertness such that a safety hazard is created or results in an inability to safely perform work

Fit for Duty - means that an employee is physically, physiologically and psychologically able to perform assigned duties in a safe manner without any limitations resulting from, but not limited to: the use or after-effects of intoxicants or medications; the misuse and/or failure to take prescribed medications; and/or extreme fatigue and stress

Impairment – the state of being diminished, weakened, or damaged and therefore unable to function normally or safely

Medication – a drug legally obtained with a physician's prescription or purchased as an over-the-counter medication, taken as directed, and monitored appropriately

On Duty – the time period commencing from when a worker reports to perform work up until the time when they cease to perform work for the day, and includes lunch, break times, and times between the portions of split crews. On Duty also includes the time period in which an individual is required to be performing work; is on stand-by to perform work; or is participating in training

Safety Sensitive Position – a position in which incapacity due to impairment could result in direct and significant risk of injury to the employee, coworkers, the public, the environment or City property

Workplace - any site at which an employee works including any property owned or leased by the City and any other place an employee is located while performing work on behalf of the City or while representing the City. This includes the operation of City equipment or a personal vehicle when an employee is on duty

Responsibilities

Senior Leadership Team Members and Supervisors are responsible for:

- Ensuring their employees present as fit to perform work and removing any employees deemed not fit for duty from the workplace in a safe manner;
- Participating in investigations and implementing any required follow-up actions as deemed necessary;
- Maintaining the confidentiality of the investigation process, including but not limited to an employee's medical information;
- Supporting employees who are working under an accommodation plan;

Fit-for-Work Policy

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- Understanding and upholding this policy in addition to complying with all other applicable legislation, regulations and City policies and procedures

Employees are responsible for:

- Reporting to work fit for duty for and remaining fit while on duty;
- Performing job responsibilities in a safe and effective manner;
- Notifying their Supervisor when not fit for duty including being under the influence of intoxicants such as medications, alcohol, or drugs; symptoms of extreme fatigue or stress; or any other conditions they believe may impair their job performance or compromise health & safety;
- Disclosing a disability related to an intoxicant dependency or addiction to their Supervisor;
- Responsibly using all medications prescribed to them;
- Notifying their Supervisor when a co-worker is observed acting in a manner that indicates the co-worker may not be fit for duty;
- Cooperating with any investigation;
- Providing relevant medical information when required;

Prohibitions

City employees are prohibited from working while impaired and are required to report fit for work and remain fit while on duty.

City employees shall not:

- Possess, distribute, or offer for sale any alcohol, drugs, or related paraphernalia while on duty or while on City property;
- Report to work while under the influence of alcohol, recreational cannabis, or any other drugs or non-prescribed substances;
- Consume or use any alcohol or drugs while on duty;
- Transport alcohol or illicit drugs in vehicles or equipment owned, leased, operated, or otherwise directly controlled by the City

Exceptions

City employees are in compliance with this policy if, while on duty, they are in possession of a prescription drug prescribed to them by a qualified practitioner or a non-prescription drug where:

- The employee is using the prescription or non-prescription drug for its intended purpose and in the manner directed by their physician or pharmacist;
- The use of the prescription or non-prescription drug does not adversely affect the employee's ability to safely perform their duties and;

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- The employee has notified their Supervisor prior to starting work of any potential risk, limitations, or restrictions requiring modification of duties from prescription or non-prescription drugs

The City may require medical documentation to verify use is prescribed.

Reasonable Grounds

Occurs when a Supervisor or Senior Leadership Team Member, after consultation with Human Resources or another Supervisor, determines there is reasonable cause to suspect an employee of alcohol or other drug use or possession.

This could include observed use or evidence of a substance; changes in the employee's physical appearance; erratic or atypical behaviour; uncoordinated walking, staggering or weaving; smells associated with the use of alcohol or drugs; or reliable information that the employee may be at work under the influence of an intoxicant.

Investigations

Where there is reasonable grounds to suspect that an employee is unfit for work, is demonstrating signs of impairment, or is found in possession of alcohol, drugs, or drug paraphernalia, a full investigation will be required and the Supervisor will contact Human Resources to determine the appropriate course of action.

The following steps should be taken in an investigation:

- The employee in question should be interviewed to explain their signs of impairment and provide an explanation;
- Employee Assistance Program (EAP) information should be offered;
- All parties who had interactions with the employee or information about the impairment should be interviewed and asked specifically about the behaviour exhibited

Information gathered during the investigation process will be documented and then compiled into a written report by Human Resources summarizing the nature of the investigation and the results. Human Resources, along with the Supervisor, will then notify the employee in writing of the investigation results and any corrective measures including disciplinary actions. All investigations will be objective, unbiased, and factual and keep the privacy and confidentiality of the employee in mind.

It should be noted that employees may need to be reassigned or put on an administrative leave during the investigation process. If required to leave the premises, the City will ensure the employee is provided with a safe means of transportation from the workplace.

Fit-for-Work Policy

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Confidentiality

Information disclosed by employees will be kept in confidence and only reported to individuals who need to know or to discharge a statutory or common law obligation. Employee medical information will be kept secure in the Human Resources Department.

Policy Violation

Employees found in violation of this Policy may be subject to disciplinary action up to and including termination. The degree of discipline will be determined on an individual, case-by-case basis and will depend on relevant factors of the incident as determined from the investigation. Where applicable, the City of Kenora may also take legal action in accordance with the law.

Where there is a confirmed violation of this Policy, the City reserves the right to stop the employee from performing any further work and/or remove the employee from the premises. The employee shall not perform any further or additional work, or enter City premises without the City's permission until such time the City is satisfied that the worker is no longer in violation of this Policy.

The decision to permit an employee to perform further and/or additional work and to enter upon City premises is at the sole discretion of the City.

Professional evaluation of an employee's physical, emotional, or mental capabilities may be required to return to work following a policy violation or if unsatisfactory work performance, unusual behaviour, or abuse of alcohol or drugs continues.

Duty to Accommodate

The City recognizes that drug and alcohol addictions are deemed a disability under the Ontario Human Rights Code. Where it is identified that an employee is not meeting the fit to work requirements due to an identified or disclosed disability, an accommodation plan will be developed. The accommodation plan will be developed by Human Resources in consultation with the employee and their Supervisor.

Accommodation plans may require medical evaluations from the employee's physician or a qualified health care professional in order to create plans that best support the employee.

Employee Assistance Program

The City encourages employees to adopt a proactive approach to health and safety and will support and provide confidential direction to any employee who voluntarily seeks help for substance addictions or dependencies. To access EAP services, please contact your Supervisor or Human Resources.

Fit-for-Work Policy

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Related Documents

City of Kenora Progressive Discipline Policy
Ontario Human Rights Code
Occupational Health & Safety Act

A signed copy of this policy shall remain on the employee's personnel files, indicating that they have reviewed, understood, and agreed to comply with this policy.

Fit-for-Work Policy

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This policy has been reviewed with me. I understand the policy and agree to abide by it.

_____ Date

_____ Employee Signature

_____ Print Name

City of Kenora Substance Abuse Policy



Section	Date	Resolution Number	Page	Of
Human Resources	April 26, 2004	7	1	2
Subsection	Repeals By-Law Number		Policy Number	
General			HR-2-8	

Purpose

That the City of Kenora recognizes that substance abuse is a danger to the health and safety of its employees and the public and will ensure that the hazard is removed from the work place.

Definition

Consumption of alcohol and use of illegal drugs during working hours is prohibited. Employees under the influence of alcohol or illegal drugs will be subject to disciplinary action up and including termination of employment. The City of Kenora may be prepared to cooperate with an employee, through the Employee Assistance Program, who feels he/she has a substance abuse problem and want to overcome it.

Procedure

1. Employees who report to work under the influence of alcohol or drugs will be immediately sent home without pay and will not be allowed to work their scheduled shift. Transportation will be provided to send the employee home, they will not drive.
2. Employees, who during their scheduled shift, are found to be using alcohol or illegal drugs will be immediately sent home without pay and will not be allowed to complete their scheduled shift.
3. The employee's immediate supervisor will be responsible for documenting any incidents of substance abuse as described above and will be placed in their personnel file.
4. The employee's immediate supervisor will contact the Human Resources Manager and advise his/her of any employee found to be in violation of this policy.

City of Kenora Substance Abuse Policy

Policy Number	Page	Of
HR-2-8	2	2

5. The Human Resources Manager in conjunction with the immediate Supervisor and Manager will determine the appropriate disciplinary action required, in accordance with the Progressive Discipline Policy.

6. The City of Kenora may elect to attempt to assist the employee through the Employee Assistance Program to correct his/her problem of substance abuse. Information on alcohol and substance abuse, referrals to organizations and agencies providing services for alcoholism and substance abuse will be provided by the Human Resources Manager to any employee upon request.

7. Should the employee not be willing to correct his/her problem and repeated incidents of substance abuse occur, the employee will be subject to discipline in accordance with the Progressive Discipline Policy that may be up to and including termination of employment.

Legislation

Health and Safety Legislation (Section 27(a)) states that "a supervisor shall take every precaution reasonable in the circumstances for the protection of the worker".

I have read and understand this policy _____
Signature of Employee

Date: _____

Health & Wellness Discount Policy



Section	Date	By-law Number	Page	Of
Human Resources	January 28, 2020 April 15, 2014	43-2014 -2020	1	2
Subsection	Repeals By-law Number	Policy Number		
General	43-2014	HR-2-17		

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Purpose

To encourage and promote the health & wellness of City Of Kenora employees by ~~offering a discount on annual membership rates at~~ ~~to encouraging staff to join~~ the Kenora Recreation Centre.

~~To establish a discount rate for City Employees at the Kenora Recreation Centre.~~

Discount

City Of Kenora Council has authorized the Kenora Recreation Centre to reduce the annual membership for all City of Kenora employees by 30%.

Eligibility

~~All permanent City employees -will be eligible for the discount, with the exception of Kenora Library and Handi Transit employees. V-olunteer firefighters will also be eligible for the discount. Persons who qualify for the City of Kenora discount are:~~

- ~~Permanent employees after three months of continuous employment. This excludes the Kenora Hydro, Kenora Library, Handi Transit employees~~

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Conditions

- Discount is only ~~applied to for~~ the one year membership option
- Discount is only for ~~the~~ employees, not for spousal or family memberships
- Discount is not retroactive-
- ~~All eligible employees must be approved by the Human Resources Department. Employees must present this policy signed off to the Kenora Recreation Centre when registering for the membership~~
- ~~4.~~ Payment of membership is in accordance with the Kenora Recreation Centre payment policies-
- ~~6-5.~~ Any changes to the rate or additional charges are the responsibility of the employee-
- ~~7.~~ The employee is required to notify the Kenora Recreation Centre of termination of employment for any reason with the City of Kenora-
- ~~8-6.~~ Membership is non-transferable-

Procedure

As part of the City's orientation program, new employees will review this policy and receive the Health & Wellness Discount Form which will be signed by a member of the Human Resources Team approving the employee for the Recreation Centre discount.

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To receive the discount, employees will be required to present their completed Health & Wellness Discount form, along with a valid piece identification, to the Kenora Recreation Centre when registering for a membership.

Health & Wellness Discount Policy

Policy Number	Page	Of
HR-2-17	2	2

Administration

Kenora Recreation Staff will forward a copy of the membership initiation to the Human Resources staff for tracking purposes.

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Upon termination of employment for any reason, the Human Resources Department will notify the Recreation Centre in writing so the membership rate can be adjusted accordingly.

The Human Resources Department, the ~~or~~ Finance Department, or the Recreation Department will not negotiate outside this policy for any special agreements. All decisions are final. This is not a negotiated benefit.

~~A signed copy of this policy shall remain on the employee's personnel files, indicating that they have reviewed, understood, and agreed to comply with this policy.~~

~~This policy has been reviewed with me. I understand the policy and agree to abide by it.~~

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Date Employee Signature

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January 5, 2020

City Council Committee Report

To: Mayor and Council

Fr: Heather Pihulak, Manager of Administration/City Clerk

Re: Parental and Maternity Leave Policy #CC-2-3 Amendment

Recommendation:

That Council hereby approves an amendment to Policy #CC-2-3, Parental and Maternity Leave which forms part of the City of Kenora Comprehensive Policy Manual; and further

That bylaw number 162-2017 be hereby repealed; and further

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

Background:

As part of the changes to the Transparency Act that came into effect in January 2019 municipalities were required to have a parental and maternity leave policy in place. The City has an existing policy in place since 2017 and these amendments just strengthen that policy with further language that speaks to the intent of the amendments to the Act.

The changes to the policy are outlined in the attached original from 2017.

Budget: N/A

Risk Analysis: There is no risk associated with this report. Administrative in nature only

Communication Plan/Notice By-law Requirements: Bylaw

Strategic Plan or other Guiding Document: Administrative Only

Pregnancy and Parental Leave for Members of Council



Section City Council	Date December 12, 2017 <u>January 28,</u> <u>2020</u>	By-Law Number 162-2017	Page 1	Of 4
Subsection	Repeals By-Law Number N/A <u>162-2017</u>		Policy Number CC-2-3	

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Purpose

Section 270(1)(8) of the *Municipal Act, 2001*, SO 2001, c 25 requires the City of Kenora to adopt and maintain a policy with respect to pregnancy leaves and parental leaves of members of Council.

It is Member of Council's right to take leave for the Member's pregnancy, the birth of the Member's child or the adoption of a child by the Member in accordance with the *Municipal Act, 2001* and the *Procedure By-law*.

This policy provides guidance on how the City of Kenora addresses a Member's pregnancy or parental leave in a manner that respects a Member's statutory role as an elected representative.

Definitions

Pregnancy and/or Parental Leave – an absence of a Member ~~20 consecutive weeks or less~~ as a result of a Member's pregnancy, the birth of a Member's child or the adoption of a child by the Member. ~~in accordance with Section 259(1.1) of the *Municipal Act, 2001*.~~

Act - the *Municipal Act, 2001*, SO 2001, c 25.

Council - means the Municipality's Council.

Member - means a member of the Municipality's Council.

Municipality - means the City of Kenora.

In accordance with Section 270 of the *Municipal Act, 2001*, this policy applies to Members of Council.

Pregnancy and Parental Leave for Members of Council

Policy Number	Page	Of
CC-2-3	2	4

Notice of Pregnancy and/or Parental Leave

To the extent circumstances so permit, a Member shall provide written notice to the Municipality's Clerk at least 8 weeks before the plan to begin Pregnancy and/or Parental Leave.

It is understood that a Member may not be capable of submitting such notice within the 8 week period set out above or at any time before beginning Pregnancy and/or Parental Leave. A Member shall, nevertheless, act in good faith in providing written notice to the Municipality's Clerk as far in advance of beginning Pregnancy and/or Parental leave as is reasonably possible.

Member's office not to become vacant

If a Member is absent from the meetings of council as a result of Pregnancy and/or Parental Leave, the office of the member shall not become vacant if the member's absence is:

- (a) for 20 consecutive weeks or less; or
- (b) authorized by council to exceed 20 consecutive weeks.

Accommodation

The Municipality shall accommodate a Member's Pregnancy and/or Parental Leave by doing all of the following:

1. Ensuring the Member continues to receive a copy of council packages and other relevant communications;
2. Ensuring the Member continues to receive all remuneration and benefits to which the Member is entitled;
3. Continuing to pay all the Member's Municipal benefit premiums.
4. Permitting the Member to have access to all equipment supplied to a regular member including but not limited to access to information technology equipment, account access and elected officials staff support;
5. Permitting the Member to attend meetings of Council and/or committees in person or by any other means permitted by the Act if the member chooses to do so.

Pregnancy and Parental Leave for Members of Council

Policy Number	Page	Of
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Temporary appointments

Council shall make temporary appointments to fill any vacancies to committees, boards, or other bodies that the Member is a member of as an appointee of Council or local board which result from the Member being on Pregnancy and/or Parental Leave.

Notwithstanding, at any point in time during a Member's Pregnancy and/or Parental Leave, the Member can provide written notice to the Municipality's Clerk of their intent to lift any of the Council approved, temporary appointments and resume their participation. The Member shall inform the Municipality's Clerk with proper notice, of any changes regarding their return date.

Expectation upon Expiry of Pregnancy and/or Parental Leave

It is expected that upon returning from Pregnancy and/or Parental Leave a Member will resume:

(a) all appointments that have been temporarily filled by Council under this policy; and

(b) attending the meetings of Council in person or by any other means permitted by the Act.

For clarity, if after returning from Pregnancy and/or Parental Leave the Member is absent from the meetings of Council for three successive months without being on Pregnancy and/or Parental Leave or being authorized to do so by a resolution of Council the Member's office shall become vacant. In such circumstances Council shall at its next meeting declare the office to be vacant, except if the vacancy occurs as a result of the Member's death, in which case Council may make the declaration at either of its next two meetings. (See Act s.259(1)(c) and s. 262(1)).

Compliance

In the event of policy violation, the Municipality's Integrity Commissioner may investigate and determine appropriate corrective action.

Pregnancy and Parental Leave for Members of Council

Policy Number	Page	Of
CC-2-3	4	4

Policy Requirements

~~City Council supports a Member of Council's right to pregnancy and/or parental leave in keeping with the following principles:~~

- ~~1. A Member of Council is elected to represent the interests of his or her constituents.~~
- ~~2. A Member's pregnancy and/or parental leave does not require Council approval and his or her office cannot be declared vacant as a result of the leave.~~
- ~~3. Legislative and administrative matters requiring action during a Member's pregnancy and/or parental leave should be addressed in a manner that is consistent with the Member's wishes.~~
- ~~4. A Member of Council on pregnancy and/or parental leave shall reserve the right to exercise his or her delegated authority at any time during their leave.~~

~~Where a Member of Council will be absent due to a pregnancy and/or parental leave, subsection 83(13) of the *Procedure By-law* sets out the process for the temporary assignment of the Member's concurrence under the *Delegation of Authority By-law* and the Member's committee membership(s) in accordance with the Member's wishes and the delegation of routine, administrative and human resource matters, to the City Clerk.~~

~~Notwithstanding, at any point in time during a Member's pregnancy or parental leave, the Member reserves the right to exercise his/her delegated authority on matters within the municipality. The Member shall provide written notice to the City Clerk of their intent to lift any of the Council-approved, temporary delegations and exercise their statutory role or delegated authority.~~

Responsibilities

Members of Council and City staff are responsible for adhering to the parameters of this policy.

Monitoring/Contraventions

The City Clerk shall be responsible for monitoring the application of this policy and for receiving complaints and/or concerns related to this policy.

Legislative and Administrative Authorities

Section 270 of the *Municipal Act, 2001*, as revised by Bill 68, requires that the City adopt and maintain a policy with respect to the pregnancy and parental leaves of Members of Council.



January 10, 2020

City Council Committee Report

To: Mayor and Council

Fr: Heather Pihulak, Manager of Administration/City Clerk

Re: Kenora Municipal Non Profit Housing Board Direction

Recommendation:

That the Kenora Municipal Non Profit Housing Corporation Board/Council hereby directs Administration of the City of Kenora to initiate steps required to proceed with the dissolution of the Kenora Municipal Non Profit Housing Corporation; and further

That the transfer of all assets and liabilities of the Kenora Municipal Non Profit Housing Corporation be transferred to the Kenora District Services Board as part of this process; and further

That all legal requirements required to proceed in accordance with this transfer be hereby authorized and delegated to the City Clerk; and further

That a full communication plan be developed by the Kenora District Services Board outlining the process, timelines and avenues for stakeholders to address concerns/questions.

Background:

The Kenora Municipal Non-Profit Housing Corporation was established in 1983 and has been a partner in social housing for over 36 years. The KMNPHC manages a portfolio of 206 family and senior units in single family dwellings, duplexes and apartments in 12 different buildings.

The KDSB assumed responsibility for social housing administration and management as the 'service manager' for the Kenora District under the Provincial Reform and Services Realignments by Ontario. Under the Housing Services Act, 2011, defines the role and mandate of 'service manager' as: A Service Manager shall, in accordance with its housing and homelessness plan, carry out measures to meet the objectives and targets relating to housing needs within the service area. In its role as Service Manager, the KDSB completes operation and capital plan reviews to ensure all housing providers comply with the legislation, operating agreements and local rules. In 2016, the Housing Services Corporation (HSC) was contracted by the KDSB to complete an in-depth analysis of the financial viability of all projects within the KDSB's Service Manager obligations. The HSC financial analysis looked at the financial viability of housing projects before, at, and after the end of operating agreements, impacts of current mortgages and debentures. They looked at each project separately to allow Service Managers and housing providers to determine which projects are financially stable, and which projects will need the most

considerable amount of subsidy. It was clear that by the KMNPHC units being part of a larger scope under the KDSB umbrella, there would be savings to be had.

Housing continues to be a priority for this Council and not only working with developers to encourage new housing developments, reviewing the current non-profit housing and working with the KDSB on future development. Over the past year, staff from both the City of Kenora and KDSB have been working on finding suitable properties to accommodate a variety of housing types. Often this is completed with a lens to vacant municipally-owned properties. This is reflective of the City's ability to offer sites below market value which is recognized as a contribution from the Province and eases the fiscal challenges facing the KDSB in developing in Kenora.

In summer of 2019, Council revoked the appointments of the current Kenora Non Profit Housing Board members and self appointed themselves as the Board and requested the KDSB to conduct an impartial review of the current operation of the non-profit housing under the board's control.

In order to maintain impartiality and transparency, the KDSB retained Grant Thornton to conduct a compliance review and the Housing Services Corporation to analyze and identify the financial viability of the organization. Grant Thornton is a firm that is independent of the Non Profit Housing Board and are neutral and unbiased. The review included no opinions or biased. A review such as this one will demonstrate whether you are compliant or you are not. They will not suggest that overall the KMNPHC is doing well or not, only compliance based.

In November, the KMNPHB (Council) was provided the compliance report from Grant Thornton of the KMNPHC's purchasing processes. The review was not intended to express an audit opinion however is intended to report to KDSB and Council, as the KMNPHC's Board of Directors, the findings of a compliance policy review.

The second review was of the Housing Services Corporation (HSC) analysis and financial viability report of KMNPHC in its present state and into the future. The scope of the viability study focused on the financial and capital position for each of the KMNPHC housing portfolios at present and over the next 10 years as mortgages expire (2019-2028). The analysis also considered the current Building Condition Audits in order to understand and project the extent of capital needs and unfunded liabilities. In order to give the City of Kenora additional context, the analysis also looked at KMNPHC's ability to leverage the equity in its properties to support long-term financing in order to develop new housing units in the community.

The results of the base model and the various scenarios modelled within that report, indicate that the KMNPHC buildings have sufficient revenues to support operations over time. However, they are facing capital shortfalls that may negatively impact the long term financial viability of the buildings.

In 2018/2019 the KDSB procured Building Condition Audits (BCA) for all their housing stock, including KMNPHC buildings. Using the data, HSC has analyzed the long term capital needs of the KMNPHC housing stock in order to provide the KDSB with further information with which to better understand the future viability of the buildings in the KMNPHC portfolio. To fully understand the expected costs and performance of this housing stock, analysis of the current projected building conditions, the total and remaining useful life of the buildings and the expected financial needs were calculated.

The KDSB requested the HSC to conduct three (3) separate scenarios for the KDSB and the City of Kenora to consider when determining next steps and the future state of KMNPHC.

1. Status Quo – whereby no changes are made to the operations or governance of the organization. While the organization is able to generate a positive net income, its ability to leverage equity to borrow is limited and the required capital renewal obligations continue to increase to a significant balance.

2. Changing RGI units to 80% Average Market Rent units – this scenario is intended to demonstrate the financial benefits gained if all RGI units were changed to affordable housing units. While this scenario ignores the affordability challenges that families and seniors would face in the community; the KDSB would be required to continue with its current subsidy levels and permit KMNPHC to retain all annual operating surpluses in order to address the accumulated capital deficit.

3. Alternate Cost Model – under this scenario the KMNPHC would be transferred over to the KDSB. The scenario demonstrates that, should the KDSB maintain existing RGI units while committing to reinvesting all operational savings, the KMNPHC portfolios would be financially sustainable without any additional levy requirements from the Municipal sector.

There are limitations of the financial viability study conducted by HSC in that an assumption was made based on operational costs being what they are at a specific point in time; however the analysis does provide the KDSB and the City of Kenora with the necessary information in order to determine the future state of KMNPHC.

The KDSB, as stewards of the housing system for the District, has been proactive in addressing the future viability of its social housing projects. In the past, it has done financial viability assessments for each of its housing providers and sponsored training and information sessions with the boards on how to plan for their future. Most recently, KDSB has undertaken BCAs for its housing stock. KDSB understands that data and information are critical to support decision making, achieve the strategic goals stated in the District's 10-Year Housing and Homelessness Plan, and to ensure that the current social and affordable housing stock is available for future generations.

A financial viability review is the foundation in undertaking a strategic review of the current housing stock – now, at EOA and into the future. The base review for KMNPHC suggests that they will struggle with ongoing viability once their properties reach EOA. The scenarios modelled identify opportunities to improve that financial viability, however, those scenarios require significant changes to how KMNPHC operates in order to ensure success.

The results of the financial viability reviews indicate that the KMNPHC buildings have sufficient revenues to support operations over time. However, they are facing capital shortfalls that affect viability now and into the future. Analysis suggests that within five years, the FCI for the KMNPHC buildings will be poor, with an unfunded liability between 10% and 30% of the replacement value. As the FCI rating increases, buildings will experience increased risk of failure to components; increased maintenance and depreciation costs; and a negative impact on building occupants.

As demonstrated in the analysis, more than half of the buildings retain more than 10 years left in remaining useful life and it may be worth considering the additional investment to capital reserves of surpluses for these units. For those buildings with less

than 10 years remaining in useful life, KDSB may wish to consider opportunities for sale, redevelopment or intensification.

Following this review, and consideration of the report findings, it is clear that the KMNPHC will have to rely on the KDSB for support. Whether this is through additional fund contributions, increased capital subsidies or operational assistance.

The Kenora Municipal Non Profit Housing Corporation Board is recommending option 3 for proceeding. Under this scenario the KMNPHC would be transferred over to the KDSB. The scenario demonstrates that, should the KDSB maintain existing RGI units while committing to reinvesting all operational savings, the KMNPHC portfolios would be financially sustainable without any additional levy requirements from the Municipal sector.

In 2020 there are going to be some significant funding changes pertaining to social housing and we need to ensure we are protected as a municipality by these impacts. We are now at a point where following these two external reviews, Council needs to make a decision on the future direction of the KMNPHC.

With this change, the Kenora District Services Board will be developing a public information process as part of the change. Information sessions will be held that provide clear information to the stakeholders on how this will impact them, they will be developing a mechanism for stakeholders to be part of the process and will keep the residents informed on the transition. The existing management services contract will also be transferred to the KDSB so the immediate impact to the stakeholders is anticipated as minimal.

Council has been provided the information they requested on the review, and through the Board has now provided direction to City Administration to proceed with the requirements for the dissolution. A transfer agreement will be developed and once complete it would come back to Council for authorization and execution.

Budget: The potential savings identified early in this review were in the half million dollar range. Under the alternate cost model scenario, the KMNPHC would be transferred over to the KDSB. The scenario demonstrates that, should the KDSB maintain existing RGI units while committing to reinvesting all operational savings, the KMNPHC portfolios would be financially sustainable without any additional levy requirements from the Municipal sector.

Risk Analysis: There is a medium risk associated with this change. While it is anticipated that there will be long term savings with the alternate cost model, there are concerns with the service level that is expected with these facilities. The tenants have significant concerns that the KDSB is highly understaffed and the buildings that the KDSB currently service are not well maintained and tenants cannot get service to their units. While savings are anticipated, it is also important to Council that the service level the tenants in the current KMNPHC units continue and therefore there may be a need for further staffing to ensure that the facilities are well maintained to the expected standards. Further, there is a signed three year contract with the current service provider that is a significant cost that cannot be cancelled and the KDSB would take that service contract.

Communication Plan/Notice By-law Requirements: A full communication plan will be developed by the KDSB and working in partnership with the City to communicate the

change to the stakeholders. Once a transfer agreement is ready, it will return to Council for execution.

Strategic Plan or other Guiding Document:

2-6 The City will support the development of a diverse range of housing types with an emphasis on affordable options for families, seniors and individuals in need of transitional and emergency housing



January 5, 2020

City Council Committee Report

To: Mayor and Council

Fr: Heather Pihulak, Manager of Administration/City Clerk

Re: Purchase of Vacant Lands – 117 Main Street South

Recommendation:

That Council hereby authorizes the purchase of property legally described as PIN 421630076 Southerly Part of Lot 3 Block 2 Plan 3 Parcel 220, locally known as 117 Main Street South; and further

That it is deemed in the best interests of the Corporation of the City of Kenora to acquire such lands to continue the development and beautification of the downtown core; and further

That the Corporation of the City of Kenora shall enter into an Agreement of Purchase and Sale with Eikre Holdings Ltd. to purchase the lands described above in the amount of \$135,000; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2020 Capital Budget in the amount of \$135,000 plus applicable legal costs for the purposes of purchasing vacant lands known as 117 Main Street South from its land reserves at its January 28, 2020 meeting for this purpose; and further

That the Mayor and Clerk be and are hereby authorized to execute the Agreement of Purchase and Sale and any and all documents required to complete this transaction; and further

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

Background:

In March 2019, the building known as 117 Main Street South located in the downtown core suffered a total loss to fire. The remaining structure and debris from the fire was subsequently removed leaving the property vacant in and in an unvegetative state.

In October the vacant property was advertised for sale and administration recommended to Council we consider the purchase of this property for future development and investment. This property is a key piece of land in our downtown area which will tie into the continued investment the City has been making in our downtown. With the most recent completion of phase four of Downtown Revitalization, and the future design of the Harbourfront redevelopment, this property will form part of that continued redesign and future potential for our downtown area.

The Development Services staff along with the Community Services department will develop the short and long term visions for the property.

Budget: \$135,000 plus legal costs associated with this purchase which will be taken from land reserves. We are amending the 2020 capital budget that was presented to Council on January 8th for this purchase.

Risk Analysis: There is a low risk associated with purchasing this property. While the purchase does secure the property to ensure the City can maintain it and beautiful to fit the vision for our downtown core, it also comes with a further liability and minimal cost for maintenance of the property until the identified development of the vacant land is identified.

Communication Plan/Notice By-law Requirements: Bylaw and public notice

Strategic Plan or other Guiding Document:

1-1 The City will provide clear and decisive leadership on all matters of economic growth in Kenora and the surrounding district

1-2 The City will forge strong, dynamic working relationships with the Kenora business community

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

2-7 The City will encourage and support the development of vacant and transitional lands for uses that support our vision



January 6, 2019

City Council Committee Report

To: Mayor and Council

Fr: Todd Skene, Fire and Emergency Services Manager

Re: Tariff of Fees and Charges Amendment

Recommendation:

That three readings be given to a bylaw to authorize an amendment to the Tariff of Fees and Charges bylaw, Schedule C, Emergency Services, to include an increase to site inspection for open air special burning permits; 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 Tariff of Fees and Charges By-Law Number at its January 28th, 2020 meeting to give effect to these rates outlined in the revised Schedule "C"; and further

That By-law Number 119-2019 be hereby repealed.

Background:

The City of Kenora Fire and Emergency Services has been delivering and performing services to the City of Kenora and surrounding fire departments since amalgamation of municipalities in 2000.

Fire Marque Inc. - In January of 2019, the City of Kenora entered into an agreement with Fire Marque Inc. utilizing their Indemnification Technology ® to recover insured perils though home and business owner's property insurance.

The recovery fee utilized by other municipalities in Ontario are the current negotiated rates set by the Ministry of Transportation (MTO). These rates are reviewed and adjusted annually. The current rate is \$477.00 per hour and \$238.50 per half hour. These rates have been applied within Schedule C, Section 2 Firefighting/Emergency Response of the current Fee Schedule. (See yellow highlighted areas, ES Fire and Emergency Fee Schedule – Revised 2020 Attach).

As per Council Report: ES Fire Marque Inc. Cost Recovery - January 2020 – Rpt., additional wording is required to be added to the above schedule as follows: *"Should the insurer pay the coverage to the property owner, the property owner is liable to remit these funds to the municipality or its representative."*

Further, an additional change to the Tariff of Fees and Charges, Schedule C, for Fire & Emergency Services is required. The City of Kenora Fire and Emergency Services has seen an increase in the request for open air burning special permits, which requires consultation with parties, a site inspection and addition of special instructions for permit holders. Special burn permits rates are currently set at \$40.00 per permit. Due to the amount of staff time

required the department is requesting an increase to \$75.00 (from \$40) per special burn permit. This rate increase will bring the fee into a similar range as applied to other rates requiring an onsite inspection and evaluation.

Budget: 2020 Operating Budget

Risk Analysis: As per the City's ERM Policy, there is a low financial risk related with the added operational revenue for the rental of parking spaces for the expanding EMS base in Kenora and the additional revenue generated for training of outside fire departments and industry partners.

There is low operational risk associated with both additions to the fees schedule and in all cases with strengthened relations with EMS and surrounding departments.

Communication Plan/Notice By-law Requirements:

Required under Schedule 'A' to Notice By-law 144-2007: before passing or amending a by-law pertaining to fees and charges imposed by the municipality, Council shall give public notice of its intention to pass a by-law by placing it on applicable agenda preceding meeting subsequently posted on Portal.

Strategic Plan or other Guiding Document:

Aligns with the City of Kenora's Values contained within Strategic Plan 2015-2020, specifically, "we strive for continuous service improvements through innovation, leadership and best practices; we consider community, public and workplace safety in every decision we make; we manage the municipal finances in a responsible, prudent and transparent manner; and is consistent with

Further, this position aligns with Corporate Goal #3-3 "where the City will ensure that customer service excellence is understood and ingrained in the culture and fabric of our organization. The City will commit to a citizen-first approach to maintaining relations with the public."

SCHEDULE 'C' – EMERGENCY SERVICES

To By-Law Number 119-2019

Departmental Section	Fee Description	Fee
1. Fire Prevention/Public Fire Education		
A. Inspections/Licensing	LCBO License Renewal or Site Inspection/Compliance Letter	\$ 75.00 Charitable Fund Raisers Exempt
	Day Care/Group Home License Site Inspection/copy/Release of Fire Inspection Report (includes follow-up inspection)	\$ 100.00
i) Real Estate Requests	Single Family Dwelling site Inspection/Copy/Release of Fire Inspection Report (includes follow-up inspection)	\$ 150.00
	Assembly Occupancies Site Inspection Copy/Release of Fire Inspection Report (includes follow-up inspection)	\$ 150.00
	Boarding, Lodging and Rooming Houses Site Inspection/Copy/Release of Fire Inspection Report (includes follow-up inspection)	\$ 150.00
	Buildings up to and including six storeys in building height with residential occupancies Site Inspection/Copy/Release of Fire Inspection Report (includes follow-up inspection)	\$ 300.00
	Two-unit Residential Occupancies Site Inspection/copy/Release of Fire Inspection Report (includes follow-up inspection)	\$ 150.00
	Business/Personal Service/Mercantile and Industrial Occupancies Site Inspection/Copy	\$ 250.00

ii) Other Administrative Requests	Fire inspection reports or investigation reports e.g. Insurance adjustors' requests, company/other requests.	\$ 50.00
	Fire Inspection Service outside of City boundaries	Full Cost Recovery
	Open Air Burning Permit	\$ 15.00
	Site Inspection of Open Air Burning Permit <u>Site Inspection of for Open Air Special Burning Permit</u>	\$ 40.00 <u>75.00</u>
	Fireworks Site Inspection/Copy/Release of Inspection Report	\$ 75.00
	Portable Fire Extinguisher Inspections	\$ 75.00
B. Avoidable False Alarms	Avoidable False Alarms – in excess of two (2) incidents per calendar year	Fees are as per current rates set by Ministry of Transportation i.e. 2016 rate is \$450.00 / unit for first hour and \$225.00 for every half hour or part thereof
C. Training	Portable Fire Extinguisher Training	\$ 20.00/student to a maximum cost of \$200.00 per two (2) hour training session

	Requested Training and Lectures inside City Boundaries	\$ 20.00/student to a maximum cost of \$200.00 or as per Chiefs discretion
	Training and Lectures outside City boundaries	Full Cost recovery
	Firefighter Training	\$150.00 per day per student or as per cost determined by Chief.
	Training Room Rental	\$ 150.00 per full day \$ 75.00 per half day
D. Fire Prevention Sign Rental	Event per 10 day sign rental	\$ 50.00 Partners are free of charge
2. Firefighting/Emergency Response		
B. Fire Watch as Required	Fire Watch e.g. fire alarm system failures	Full Cost Recovery
C. Emergency Response to Motor Vehicle Incidents of Highway 17 involving non-City Residents	Emergency response to Motor Vehicle Collisions on numbered Provincial Highways as per Ministry of Transportation agreements	Fees are as per current rates set by Ministry of Transportation i.e. 2018 rate is \$ 477.00 / unit for first hour and \$ 238.50 for every half hour or part thereof
D. Emergency Services outside of City boundaries	→	Full Cost Recovery
E. Hazardous Materials Response	→	Full Cost Recovery
F. Fire Response Fees – Indemnification Technology®	Recovered from insured perils for Fire Department emergency services.	Fees are as per current rates set by Ministry of Transportation i.e. 2018 rate is \$ 477.00 / unit for first hour and \$ 238.50 for every half hour or part thereof plus personnel costs plus any additional costs for each and every call. Should the insurer pay the coverage to the property owner, the property owner is liable to remit these funds to the municipality or its representative.
3. SERVICES		

A. Air Bottles	Filling of air bottles for area Fire and Emergency Services	\$ 15.00/bottle
	Filling of air bottles for Industry	\$ 20.00/bottle
	Filling of air bottles – other, i.e. Dive Teams, Private or Provincial	\$ 20.00/bottle
B. Hose	Cleaning and Drying	\$ 5.00/length
	Rental	\$ 5.00/length/day
	Coupling Repair	\$ 25.00/coupling
C. Laundering of Protective Clothing	→	\$25.00/set of turnout gear
D. Parking	Monthly Rate per spot.	\$56.02



January 6th, 2020

City Council Committee Report

To: Mayor and Council

Fr: Todd Skene, Fire and Emergency Services Manager

Re: Fire Marque Inc. Agreement - Attendance Recovery Costs

Recommendation:

That three readings be given to a bylaw to authorize a cost recovery bylaw for Fire Department expenses levied against properties with insured perils coverage under the property insurance for fire department fees and services; and further

That the cost recovery (fees) with respect to the Fire Department specific response are outlined within the bylaw; and further

That the Fire Chief be authorized to collect and provide such information as is required to facilitate claims undertaken by Fire Marque Inc. and assist with the collection of such recoverable expenses with respect to inured perils from any property owner by whatever means may be necessary; and further

That the revenue that is generated must be used in the areas of fire prevention, public education, training programs, firefighting and capital purchases for fire services.

Background:

In January of 2019 Kenora Fire and Emergency Services entered into an agreement with Fire Marque Inc. to assist with collection of fire department service fees when firefighting services were provided. The insured must have the specific coverage for fees that are incurred for a fire response. The majority of property insurance policies provide coverage to the insured for Fire Department costs incurred when called upon. Fire Marque Inc. acts on behalf of the municipality to recover the costs for the fire services provided through an agency agreement. Costs would only be recovered if the individual has this specific insurance coverage.

Over the past 8 years, since insurance cost recovery has been in place across Ontario, many insurance companies have challenged the process even though coverage is included in most policies for this purpose. In a recent case in Southern Ontario the insurance company paid the recoverable fee directly to the policy holder who refused to forward the payment on to the municipality.

The Municipality challenged this non-payment through the Ontario Court system which found that although the insurance company had an obligation to pay the fee charged, the payment could be made directly to the policy holder and it was up to the policy holder to decide if they wanted to pay the Municipality. The courts also stated that unless the Municipality had a By-Law ordering the policy holder to pay the fees they collected from their insurance company to the Municipality for fire department charges, there was no way to collect the fees.

Attached to this report is a By-Law Authorizing Cost Recovery (see ES Fire Marque Inc. New By-Law Cost Recovery– Attached) with respect to Fire Department specific response which has been prepared by Templeman Law, a specialist in Municipal law for Fire Marque Inc. (See ES Fire Marque Inc. Templeton – Attached). In the event that an insurance company pays the fee directly to a policy holder and they do not remit them to the Municipality, the amount may be added to the tax roll of the subject property.

Budget / Financial Implications:

It is predicted, within the Operational budget, that this agreement produces a revenue stream of over twenty thousand dollars (\$20,000) per year with no offsetting operating costs.

In my opinion the continuance of this bylaw will provide an ongoing revenue stream that will not adversely impact the property owner/policy holder. A large number of municipalities in Ontario continue with and are adopting this fire expense recovery system.

Risk Analysis:

As per the City's ERM Policy, there is a no financial risk related with the added revenue generated from Fire Marque Inc. Agreement.

Communication Plan/Notice By-law Requirements: Municipal Memo and Portal. Update of General Tarrifs and Fees and Charges By-Law

Strategic Plan or other Guiding Document:

Aligns with the City of Kenora's Values contained within Strategic Plan 2015-2020, specifically, "we strive for continuous service improvements through innovation, leadership and best practices; we consider community, public and workplace safety in every decision we make; we manage the municipal finances in a responsible and transparent manner.

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER - 2020

**A BY-LAW TO AUTHORIZE
COST RECOVERY (FEES) WITH RESPECT TO FIRE DEPARTMENT
SPECIFIC RESPONSE**

WHEREAS pursuant to section 8 of the *Municipal Act, 2001*, S.O. 2001, c. 25, as amended from time to time (the "Municipal Act"), the powers of a municipality are to be interpreted broadly so as to confer broad authority on the municipality to enable the municipality to govern its affairs as it considered appropriate and to enhance the municipality's ability to respond to municipal issues;

AND WHEREAS pursuant to section 391 of the Municipal Act, a municipality may impose fees or charges on persons for services or activities provided or done by or on behalf of it;

AND WHEREAS pursuant to section 398 of the Municipal Act, fees and charges imposed by a municipality on a person constitute a debt of the person to the municipality;

AND WHEREAS Council of the City of Kenora deems it expedient to pass a by-law to impose fees on persons to recover the costs of fire department responses;

NOW THEREFORE the Council of the City of Kenora hereby enacts as follows:

1. In this By-Law:
 - a. "Council" means Council of the Municipality;
 - b. "Fire Department" means a fire department established by the Municipality in accordance with the provisions of the *Fire Protection and Prevention Act, 1997*, S.O. 1997, c. 4, as amended from time to time;
 - c. "Fire Department Specific Response Fees" means *cost recovery* fees for Fire Department attendance at a Property for which the Owner has Fire Department insurance coverage;

- d. "Indemnification Technology®" shall mean Fire Department incident reporting, data collection and property insurance policy wording interpretation to maximize billing opportunities on behalf of fire departments by invoicing insurance companies for costs of fire department attendance with respect to insured perils;
 - e. "Municipality" means the Corporation of the City of Kenora;
 - f. "Owner" means the registered owner of property or any person, firm, corporation, partnership or society and their heirs, executors, administrators or other legal representatives, including a property manager, tenant, occupant, mortgagee in possession, receiver, manager, trustee or trustee in bankruptcy having control over or possession of the property or any portion thereof;
 - g. "Property" means any real property located within the geographical boundaries of the Municipality, and any real property to which the Fire Department is under a service agreement to provide Fire Department Response services, Automatic Aid or Mutual Aid. Real property includes buildings, contents and structures of any nature and kind in or upon such lands to which service is provided;
2. The Municipality hereby authorizes the imposition of fees from time to time in accordance with the provisions of this By-Law.
 3. The Owner of Property shall be responsible for the payment of Fire Department Specific Response Fees imposed by this By-Law in accordance with the Schedule of Fees, attached hereto and forming part of this By-Law.
 4. The Municipality may use Indemnification Technology® to assess applicable insurance coverage for Fire Department Specific Response Fees.
 5. Fees imposed pursuant to this By-Law constitute a debt of the Owner to the Municipality and may be added to the tax roll of the Property to which the Fire *Department* Specific Response Fees relate.
 6. Where the Municipality believes and/or Indemnification Technology® indicates Fire Department Specific Response Fees are applicable but the Owner does not have, in part or in full, insurance coverage for fire department charges for the Property, the Municipality may adjust the Fire Department Specific Response Fees to the extent of insurance

coverage upon provision by the Owner of evidence, to the satisfaction of the Municipality, that no such insurance coverage exists or to demonstrate the limits of such coverage.

7. In this By-Law, words importing the neutral gender shall include the feminine gender and masculine gender and vice versa and words importing the singular shall include the plural where the context requires.
8. If any term or provision of this By-Law or the application thereof to any person shall to any extent be held to be invalid or unenforceable, the remainder of this By-Law or the application of such term or provision to all persons other than those to whom it was held to be invalid or unenforceable, shall not be affected thereby, it being the intention of the Council that each term and provision of this By-Law shall be separately valid and enforceable to the fullest extent permitted by law.

By-law read a First and Second Time this day of January, 2020

By-law read a Third and Final Time this day of January, 2020

The Corporation of the City of Kenora:

Daniel Reynard, Mayor

Heather L. Pihulak, City Clerk

SCHEDULE OF FEES

1. Fire Department Specific Response Fees

The Fire Department Specific Response Fees shall be the total of:

- a. **Current MTO rate per unit per hour or portion thereof for each unit*
- b. rate per person per hour or portion thereof for each firefighter
- c. *other costs including but not limited to; Foam, Metered Water, Air Tank Re-filling, Cleaning Equipment, DSPA or similar type units, cost to replace damaged or destroyed equipment, specialized response costs such as Water Bomber Drops*

*The MTO rate per unit per hour is set by the Ministry of Transportation. This rate is adjusted periodically in accordance with the consumer price index.

Such fees shall be charged and calculated on the basis of each Fire Department vehicle attending, resources consumed in attendance to the property incident. The time shall be measured from the time of departure of each unit from the Fire Department's facilities to the time the unit is cleared for the next call out.



December 19, 2019

City Council Committee Report

To: Mayor and Council

**Fr: Marco Vogrig, Municipal Engineer
Jon Ranger, Deputy Treasurer**

**Re: Preston Pond and 1353 Valley Drive Emergency Storm Sewer
Projects – Budget Amendment**

Recommendation:

That Council hereby approves an additional allocation of \$153,000.00 to be funded through the Storm Sewer Reserve for the emergency rehabilitation of storm systems at Preston Pond and 1353 Valley Drive; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2019 Operating & Capital Budget at its January 28, 2020 meeting to withdraw funds from the Storm Sewer Reserve in the amount of \$153,000.00 to offset the cost of this work; and further

That Council give three readings to a by-law to amend the 2019 budget for this purpose.

Background:

The City undertook the following two emergency rehabilitation projects between November and December 2019:

- Preston Pond; and
- 1353 Valley Drive.

The storm outlet at Preston Pond was not releasing enough water to prevent flooding conditions, therefore requiring the replacement of approximately 131 meters of storm sewer to alleviate rising water levels.

The storm sewer next to 1353 Valley Drive was deteriorated to the point that open cavities in the existing corrugated steel pipe were causing visible sink holes at surface. This work required approximately 45 meters of storm sewer pipe to be replaced between two existing manholes.

Budget:

The entire \$153,000.00 requested will be allocated from the Storm Sewer Reserves.

Risk Analysis:

As per the requirements of the ERM policy, there would be a moderate operational risk if the repairs were not completed. This risk was mitigated through the proactive approach of completing repairs prior to emergency situations requiring more costly repairs and remediation.

Communication Plan/Notice By-law Requirements:

Notice required to be placed on Committee Agenda, Minutes and subsequent Council Agenda/Minutes.

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 good state of repair to ensure capacity, security and long-term stability of our systems.



January 2, 2020

City Council Committee Report

To: Mayor and Council

Fr: Jeff Hawley, Operations & Infrastructure Manager

Re: Traffic Amendment Accessible Parking – Second St S & Fifth Av S

Recommendation:

That Council authorizes an amendment to the City of Kenora Traffic Regulation By-law Number 180-2015 to include changes to Schedule “C” – Limited/Restricted Parking for Second Street South as well as Fifth Avenue South, and changes to Schedule “K” – Accessible Parking Spaces on Municipal Streets to the same roads, to accommodate three (3) additional accessible parking spaces for the area; and further

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

Background Information:

A request from the Knox United Church came forward to the Operations and Infrastructure Department, requesting additional accessible parking spaces to accommodate their patrons.

This topic was reviewed internally, and a site inspection was conducted by By-law Enforcement Officers. Considering the patrons of the Knox United Church, and surrounding businesses; the City of Kenora feels this is something that would greatly improve the convenience and safety of residents utilizing these institutions, and is willing to accommodate this request.

It is recommended that Schedule “C” – Limited/Restricted Parking and Schedule “K” – Accessible Parking Spaces on Municipal Streets, to Traffic Regulation By-law No. 180-2015, be amended to the following restrictions along Second Street South and Fifth Avenue South as follows: -

**Schedule “C”
Limited/Restriction Parking**

<u>Column 1</u> STREET/HIGHWAY	<u>Column 2</u> LOCATION	<u>Column 3</u> SIDE	<u>Column 4</u> TIME
Delete: Fifth Av S	From 24 m south of Park St at Roundabout to Second St S	West	2 Hours 9 am – 5 pm Monday-Friday
Add: Fifth Av S	From 24 m south of Park St at Roundabout to 20 m north of Second St S	West	2 Hours 9 am – 5 pm Monday-Friday
Delete: Second St S	From 11 m west of Fifth Av S, westerly for 8 m	North	15 Minutes Monday-Saturday

Schedule "K"
Accessible Parking Spaces on Municipal Streets

<u>Column 1</u> STREET	<u>Column 2</u> LOCATION	<u>Column 3</u> SIDE	<u>Column 4</u> TYPE OF PARKING	<u>Column 5</u> # SPACES
Add: Fifth Av S	From 6 m north of Second St S, northerly for 14 m	West	Parallel	2
Add: Second St S	From 11 m west of Fifth Av S, westerly for 8 m	North	Parallel	1

Budget: N/A

Risk Analysis: There is a moderate to minor operational risk involved with not pursuing the recommendation to implement these amendments. It is the City's intention to create an incident free environment by reducing obstructed routes for citizens. By Council approving this recommendation the hazard to motorists and pedestrians alike will be mitigated.

Communication Plan/Notice By-law Requirements:

Resolution and By-law required. J. Hawley, M. Vogrig, R. Wilcott, T. Garbachewski, O.P.P., H. Pihulak, H. Lajeunesse, By-law Enforcement.

Strategic Plan or other Guiding Document:

Goal #2: Strengthen Our Foundations

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



Lane

1st St S

Thistle Dr

1st St S

Proposed Section of Limited/Restricted Parking
From 24 m south of Park St at Roundabout to 20 m north of Second St

Park St

Proposed Accessible Parking Spaces on Municipal Streets:
From 6 m north of Second St S, Northerly for 14 m



2nd St S

Proposed Accessible Parking Spaces on Municipal Streets:
From 11 m west of Fifth Av S, Westerly for 8 m

5th Ave S

3rd St S



January 9, 2019

City Council Committee Report

To: Mayor and Council

**Fr: Adam Smith, Manager of Development Services
Jeff Hawley, Manager of Operations and Infrastructure**

**Re: Investing in Canada Infrastructure Program—Green Stream Project
Submission**

Recommendation:

That the Investing in Canada Infrastructure Program—Green Stream, the City of Kenora may submit a project application and have 73.3 percent of costs covered related to a total project value of approximately \$2.5 million; and further

That Council directs administration to apply for funding under the Investing in Canada Infrastructure Program—Green Stream to proceed with the Second Avenue South Sewer, Water and Storm Replacement Project.

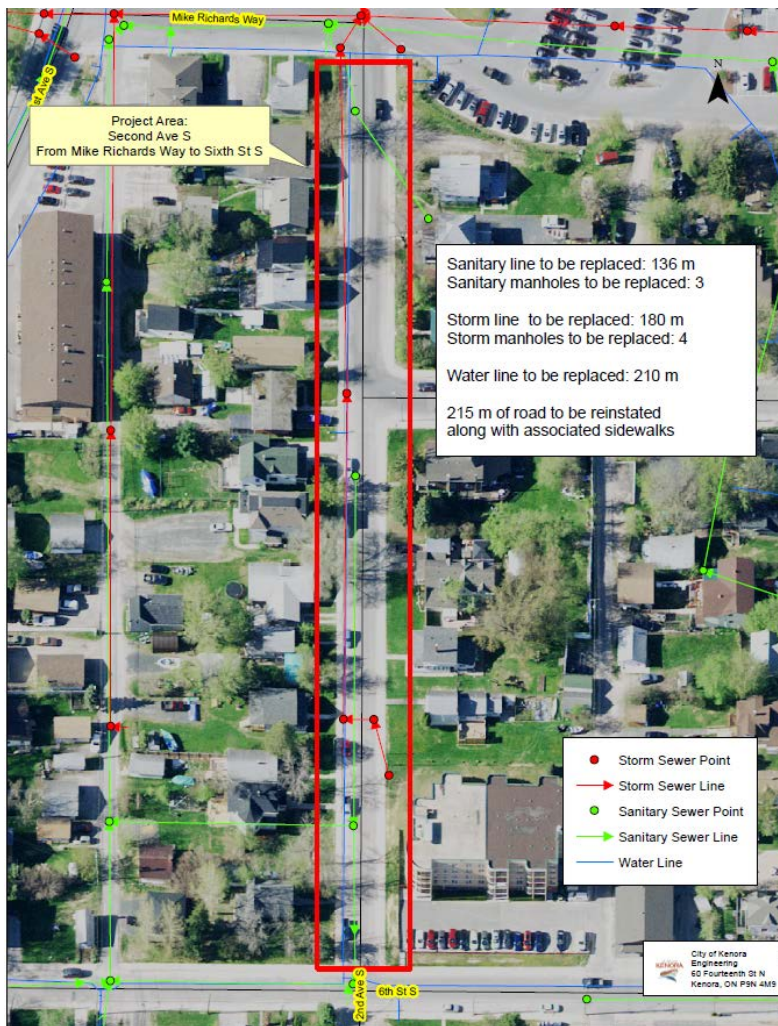
Background:

The Green stream includes up to \$7.12 billion in combined federal (\$2.85 billion), provincial (\$2.35 billion) and other partner (\$1.92 billion) funding over 10 years for projects across three federal sub-streams that advance outcomes associated with climate change mitigation, environmental quality and disaster mitigation. It is anticipated that the province will select projects for funding through multiple application intakes.

This intake will prioritize projects that address critical health and safety issues associated with water, wastewater and stormwater infrastructure.

Project eligibility will be assessed using an outcomes-based approach. Eligible projects under the first intake must meet one of the following federally determined project outcomes prioritized for the environmental quality sub-stream: Increase capacity to treat and/or manage wastewater and stormwater; increase access to potable water.

Based on the intended outcomes of this intake under the Green Stream and the allocated funding cap to the City of Kenora, staff have determined that a sewer, water and storm replacement project on Second Avenue South located between Mike Richards Way and 6th Street South, will achieve best-value given the above criteria. Included in this report is an illustration of the scope of work proposed.



(Description and Map of Project Area)

By replacing the aging undersized cast iron water main, the risk posed by an undersized pipe servicing the existing fire hydrant will be mitigated. Further it will address water flow capacity and reduce the likelihood of water-main breaks in the area. This will also be an opportunity to replace storm and sanitary systems that are considered to be in poor condition.

Budget: The Second Avenue Sewer, Water and Storm Replacement project is anticipated to cost approximately \$1.7 million. If successful, the municipal contribution would be approximately \$454,000 which would be considered as part of the 2021 Capital Budget discussion.

Risk Analysis:

The recommendation carries a critical financial risk given the financial scope of the project. However, this is deemed to be an opportunity as the majority of the costs are shared between the provincial and federal governments. As such, an application under the ICIP program should be pursued.

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

Strategic Plan or other Guiding Document:

2-1 The City will ensure that our municipal infrastructure assets are managed and maintained using available resources through a robust asset management plan and process, 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



January 14th, 2020

City Council Committee Report

To: Mayor & Council

Fr: Stace Gander, Community Services Manager

Re: Budget Amendment – Fitness Centre Expansion – Recreation Centre

Recommendation:

That Council hereby approves a capital budget amendment in the amount of \$60,000 to expand the footprint of the Fitness Centre at the Kenora Recreation Centre to be funded through the Recreation Centre Expansion reserve fund; and further

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2020 Capital Budget at its January 21st, 2020 meeting to withdraw funds from Recreation Centre Expansion reserves in the amount of \$60,000 for the project; and further

That Council give three readings to a by-law to amend the 2020 capital budget for this purpose.

Background:

In 2019, City staff began to investigate various options to expand the footprint of the Fitness Centre at the Kenora Recreation Centre as a result of crowding. Several options were considered with key evaluation criteria that included the total expansion size that could be achieved, egress restrictions and cost. Staff now have a plan developed which includes repurposing an underutilized meeting room for the purpose of new stretching room. This change allows for the expansion of the existing Fitness Centre footprint that will result in an additional 600 ft² of functional area. The expansion includes a new designated area for free weights which will incorporate shock minimizing flooring to reduce complaints related to users dropping weights.

Once Council approves the budget amendment, the project will go to tender with the goal of completion by May, 2020. The project will have minimal impact to Fitness Centre users during construction as a temporary wall will be erected.

Budget: Funds will be drawn from the Recreation Centre Expansion reserve fund in the amount of \$60,000.

Risk Analysis: As per the requirements of the ERM policy, there is low operational risk associated with this project.

Communication Plan/Notice By-law Requirements:

Notice required to be placed on Committee Agenda, Minutes and subsequent Council Agenda/Minutes.

Strategic Plan or Other Guiding Document:

1-8_The City will promote Kenora as a 365-day lifestyle destination.

1-9 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 the quality of life.



January 6, 2020

City Council Committee Report

To: Mayor and Council

Fr: James Tkachyk, Parks & Facilities Division Lead

Re: Lease Renewal – 446562 Ontario Ltd. (Hing)

Recommendation:

That Council authorizes a one year lease extension to an existing lease agreement with 446562 Ontario Ltd. (Hing) for use of the Chipman Street parking lot adjacent to the Hing's Restaurant at 101 Matheson Street South; and further

That said renewal will increase the annual rent by three (3%) percent (plus applicable taxes) for a period from 1 January, 2020 to 31 December 2020; and further

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

Background:

On January 29th, 2007 Council entered into a three (3) year lease agreement for a parcel of land being 4 feet x 8 feet with 446562 Ontario Ltd. (Hing) for the placement of an approved waste receptacle (garbage bin). This lease was further extended twice from 1 January, 2012 to 31 December, 2014 and 1 January 2015 to 31 December 2017. In 2018 a one (1) year lease was entered into, to comply with the City of Kenora Sale and other Disposition of Land Policy, DS-4-1.

As per the renewal terms outlined in Section 8 of the lease, an amendment from the three (3) year extension to a one (1) year extension is once again recommended. 446562 Ontario Ltd. (Hing) has expressed their interest to continue with said lease.

Budget: Annual rent: 2020 - the sum of \$443.97 Plus HST

Risk Analysis: There is low operational and financial risk associated with the approval

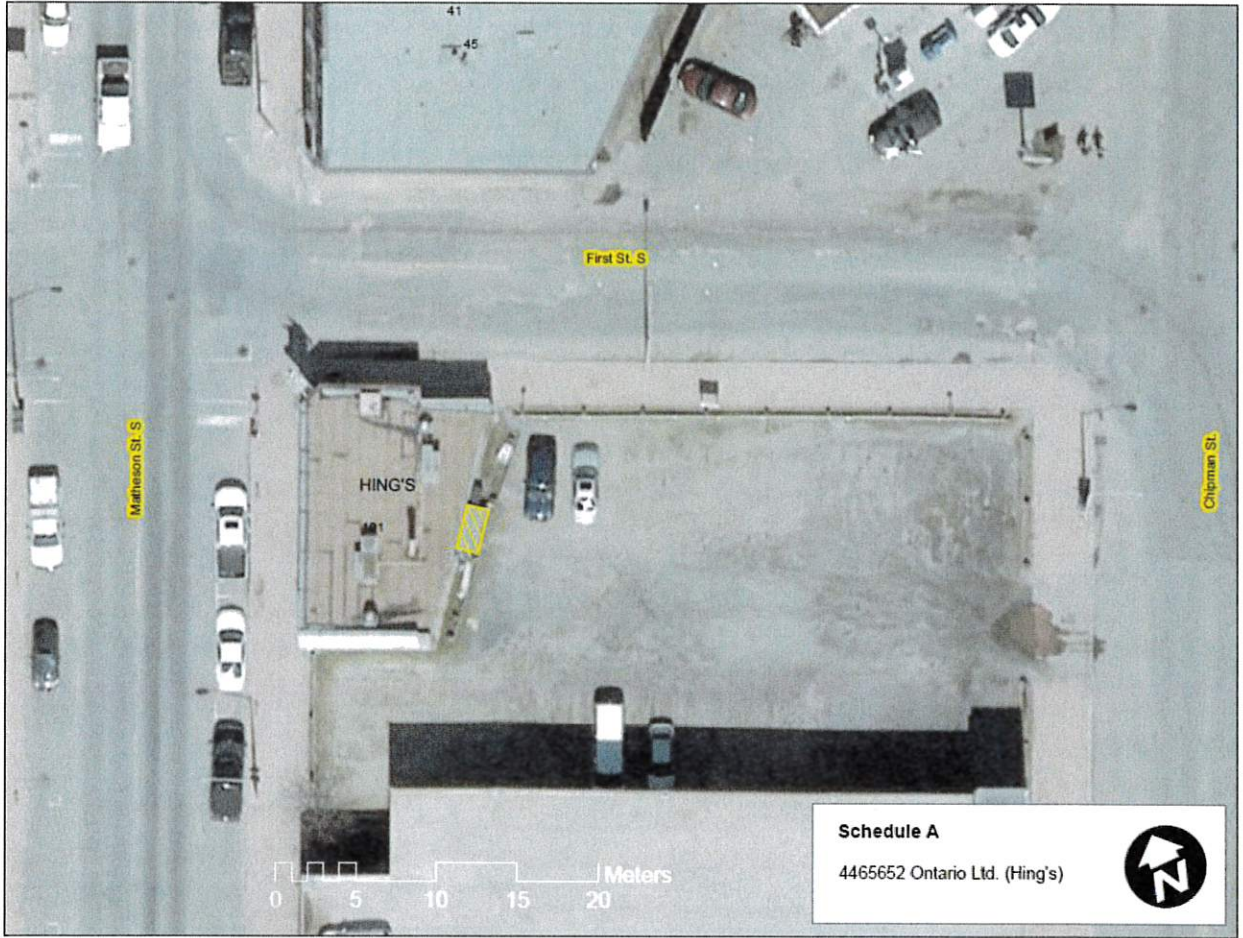
Communication Plan/Notice By-law Requirements:

Lease to be signed by Clerk and Mayor and circulated for signing by lessee.

Strategic Plan or other Guiding Document:

1-2 The City will forage strong, dynamic working relationships with the Kenora business community;

Schedule "A"



Schedule A

4465652 Ontario Ltd. (Hing's)





January 3, 2020

City Council Committee Report

To: Mayor and Council

Fr: Josh Nelson, Recreation & Tourism Division Lead

Re: Smoking By-Law Amendment

Recommendation:

That Council hereby approves an amendment to By-law Number 145-2007: A By-law to Regulate Smoking in or Near All Buildings Owned by the Corporation of the City of Kenora to include vaping; and further

That By-law Number 145-2007 be hereby repealed; and further

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

Background:

The Smoke-Free Ontario Act and the Electronic Cigarettes Act were repealed and replaced by the Smoke-Free Ontario Act, 2017 (SFOA); this new law came into effect on October 17th, 2018. Electronic Cigarettes and lighted cannabis are now included in the SFOA and are prohibited from use anywhere that lighted tobacco is prohibited.

This new legislations adds further protection to the public from effects of second-hand smoke and vapor more comprehensively, by including cannabis and vaping in their current "No Smoking" By-laws.

Further the new act includes "No Smoking or Vaping" within 20 m (66 feet) of all recreational areas. This includes but is not limited to:

- Baseball Fields
- Soccer Fields
- Playgrounds
- Beaches

The amendments reflected in the attached bylaw extends the distance from any City owned facility in which you can smoke from 30 feet (9 m) to 66 feet (20 m) of any facility owned by the City.

Budget:

There is no impact to the budget for adding vaping to the by-law. New signs or replacement stickers can be obtained from the Northwestern Health Unit.

Risk Analysis:

There is a low negative external risk among the public who currently vape or smoke in recreational areas or within 9 m (30 feet) of a City of Kenora Building. Designated smoking areas would help alleviate this risk.

Communication Plan/Notice By-law Requirements:

New "No Smoking or No Vaping" signs will replace old signs.

Strategic Plan or other Guiding Document:

1-8 The City will promote Kenora as a 365-day lifestyle destination

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

THE CORPORATION OF THE CITY OF KENORA

BY-LAW NUMBER ~~145XX~~ - 202007

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A BY-LAW TO REGULATE SMOKING ~~OR VAPING~~ IN OR NEAR ALL BUILDINGS OWNED BY THE CORPORATION OF THE CITY OF KENORA

WHEREAS ~~Section 11(2) of The Smoking in the Workplace Act, R.S.O., 1990, Chap. S.13,~~ **Smoke-Free Ontario Act, 2017, S.O. 2017, c. 26, Sched. 3** allows a municipality to adopt by-laws to regulate, or prohibit smoking ~~and vaping~~ in the workplace; and

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WHEREAS it has been determined that second-hand ~~tobacco~~-smoke (exhaled smoke and the smoke from idling cigarettes, cigars and pipes) ~~or vapours (exhaled smoke from an electronic cigarette or similar device)~~ is a health hazard or discomfort for many employees of the City of Kenora, and

WHEREAS it is desirable for the health, safety and welfare of the employees and citizens of the City of Kenora, to prohibit smoking in buildings and prohibit smoking within ~~6630ft (209m) from the entrance or exit~~ of any facility ~~or recreational area~~ owned by The Corporation of the City of Kenora, as in this By-law more particularly set out;

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the City of Kenora hereby enacts as follows:

1. DEFINITIONS:

CITY – means the Corporation of the City of Kenora;

“City clerk” means the Municipal-City Clerk of the Corporation of the City of Kenora;

“CITY PROPERTY” – means property which belongs exclusively to the City of Kenora and to which legal rights apply and shall include but not be limited to a park, municipal reservoir, playground, sports field, spectator seating area, a building, structure, vessel, vehicle or conveyance, or part thereof as may be defined in this by-law but shall not include a highway as defined by this by-law

CANNABIS – means cannabis as defined by the Cannabis Act (Canada) and shall include medical cannabis obtained for medical purposes in accordance with applicable Federal law;

ELECTRONIC CIGARETTE – means a vapourizer or inhalant type device whether called an Electronic Cigarette, E-Cigarette, Vape or any other name, that contains a power source and heating element designed to heat a product or substance and produce a vapour intended to be inhaled.

MUNICIPAL RESERVOIRS - means a reservoir, lake, pond or other receptacle or water

storage area connected with any park, open space or environmentally protected land.

OFFICER – means a person appointed as a Municipal Law Enforcement Officer, a Police Officer, or other individual duly appointed to enforce this by-law.

RECREATION FACILITY – means any building, structure or premise, or part thereof, which is designed or designated for the playing of sports, fitness activities, conducting scheduled programming or other approved activity.

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SMOKE or SMOKING – means the inhaling or exhaling of a lighted tobacco or lighted cannabis product or any other lighted paraphernalia or product commonly used for or has the intended purpose of the act of smoking and shall include the holding of a tobacco or cannabis product or any paraphernalia or product whether or not the product is lighted.

TOBACCO – means tobacco in any processed or unprocessed form that may be lighted and smoked or inhaled.

VAPE or VAPING or VAPOURIZING – means inhaling or exhaling the vapour produced by a lighted Electronic Cigarette or similar device regardless of the product or substance being vaped or vaporized and shall include the holding of an Electronic Cigarette or similar device whether or not such device is lighted.

~~“smoke” or “smoking” includes the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment.~~

~~“vaping” means the action or practice of inhaling and exhaling the vapor produced by an electronic cigarette or similar device.~~

2.0 GENERAL PROHIBITIONS

a) No person shall smoke or vape on any city property owned and occupied by the City of Kenora whether or not a No Smoking No Vaping sign is posted.

b) No person shall smoke or vape outdoors on any walkway set out, on or through City owned and occupied property whether or not a No Smoking No Vaping sign is posted.

c) Notwithstanding sections 2.a and 2.b such prohibition shall not apply to a municipal sidewalk within a road allowance or any part of a highway as defined by this bylaw

d) No person shall smoke or vape on any property owned and occupied by the City of Kenora upon which is located a Recreation Facility whether or not a No Smoking No Vaping sign is posted.

32. a. No person shall smoke or vape in any building or within 6630ft (209m) ~~from the entrance or exit~~ of any facility owned by the City of Kenora, including, but not limited to the following:

- City Hall
- Operations Building
- Kenora Recreation Centre~~Child-care facility~~
- Keewatin Memorial Arena
- Library (Kenora & Keewatin)
- The Muse (Museum & Art Centre)
- Kenora SportsPlex
- Lake of the Woods Discovery Centre
- Transfer Station Office
- Museum
- Beaches
- ~~Swimming pool~~

- b. No Smoking or vaping signs, as set out in this by-law, shall be conspicuously posted in all areas of City of Kenora buildings and recreational areas to which the public have access, as of right or by invitation, express or implied, and including, without limiting the generality of the foregoing, lobbies, washrooms and sports facilities and within 6630ft (209m) from ~~any entrance or exit way of~~ a City owned facility or recreational area.

~~3. **DESIGNATED SMOKING AREAS**~~

- ~~a. If required from time to time, the City Clerk of the Corporation of the City of Kenora may establish a designated smoking area in any building owned by the City of Kenora, except for those referred to in Section 2a), provided that the designated smoking area:~~

- ~~i. is an enclosed room, which is separately ventilated directly to the outside;~~
- ~~ii. does not exceed 25 per cent of the indoor floor area; and~~
- ~~iii. is not required by the public for access or thoroughfare.~~

4. 3. EXEMPTIONS TO THIS BY-LAW

No provision of this by-law that prohibits smoking or vaping in a place or area shall apply to:

- a. Any club, organization, group or person, upon written request to the City Clerk may be exempted from certain sections of this by-law. The request should contain the location to be exempted, the date and time of the event and reason for the exemption. The Clerk, at his/her discretion, may issue a letter approving such requested exemption. From time to time it may be

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necessary for the Clerk to seek Council approval on a particular exemption.

b. an Indigenous person from smoking tobacco or holding lighted tobacco there, if the activity is carried out for traditional Indigenous cultural or spiritual purposes; or

c. a non-Indigenous person from smoking tobacco or holding lighted tobacco there, if the activity is carried out with an Indigenous person and for traditional Indigenous cultural or spiritual purposes.

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5. SIGNS

~~a. For the purpose of Subsection b. hereof, the letter height means the actual height of the letter regardless of whether it is a capital or lower case letter.~~

~~b. Where by a Section of this By law, a sign is to be in accordance with this Section, such sign shall:~~

~~i. carry the text "No Smoking" and "No Vaping", in capital or lower case letters, or a combination thereof;~~

~~ii. consists of two (2) contrasting colours, or if the lettering is to be applied directly to a surface or to be mounted on a clear panel, the lettering shall contrast to the background colour,~~

~~iii. with respect to size of lettering, subject to Clause iv of this Subsection, be not less than the following height based upon the maximum viewing distance in direct line of sight for:~~

~~(1) ten (10') feet or less – letter height on one inch (1");~~

~~(2) twenty (20') feet or less – letter height of two inches (2");~~

~~(3) forty (40') feet or less – letter height of three inches (3");~~

~~(4) eighty (80') feet or less – letter height of four inches (4");~~

~~(5) one hundred and sixty (160') feet or less – letter height of six inches (6");~~

~~(6) two hundred and forty (240') feet or less – letter height of eight inches (8").~~

~~iv. include in the text at the bottom of each sign, "City of Kenora By law Maximum Penalty \$5,000.00" in letters not less than one half (1/2) of an inch in height for signs with letter size of one (1") inch, and not less than one quarter (1/4) of the height of the letters on all other sizes of signs.~~

~~6.~~

~~a. Notwithstanding the provisions of Section 5 hereof, one of the following graphic symbols may be used to indicate "no smoking and no vaping areas" areas". Each sign symbol shall include the text "City of Kenora By-law, Maximum Penalty \$5,000.00" in letters and figures at least 5 percent of the diameter of the circle in the symbol and there may be added appropriate symbols such as directional arrows. Any such Two symbols shall be on a white background with the circle and the interdictory stroke in red, with a cigarette and an e cigarette, letters and figures in black, provided such symbol complies with the other provisions of this Section.~~

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~~b. With respect to size of the graphic symbol, the diameter of the circle in the symbol referred to in Subsection a. hereof, shall not be less than the number of inches prescribed below, based upon the maximum viewing distance in direct line of sight, as follows:~~

~~i. ten (10') feet or less four (4") inches;~~

~~ii. twenty (20') feet or less six (6") inches;~~

~~iii. forty (40') feet or less eight (8") inches;~~

~~i.v. eighty (80') feet or less twelve (12") inches;~~

~~v. one hundred and sixty (160') feet or less sixteen (16") inches; and~~

~~vi. two hundred and forty (240') feet or less twenty four (24") inches.~~

~~c. Notwithstanding that the symbol in Subsection (a.) is a cigarette, it shall include a lighted cigar, cigarette, pipe or any of the lighted smoking equipment.~~

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4.0. ENFORCEMENT

a) Municipal Law Enforcement Officer, Police Officer, or other duly appointed individual shall enforce the provisions of this by-law.

75. PENALTY

Any person who smokes in contravention of this By-law is guilty of an offence.

a) Every person who contravenes any provision of this By-law is guilty of an offence under the provisions of the Provincial Offences Act, R.S.O 1990, c P.33, as amended, and is liable on conviction to a penalty not exceeding \$5,000, exclusive of costs, subject to the provisions of the Act.

6.0 CONFLICTS

If any provision of this by-law conflicts with an Act or a regulation or another by-law, the provision that is the most restrictive of smoking shall prevail.

8. ADMINISTRATION

~~The By-law Enforcement Officer for the City of Kenora shall administer this By-law.~~

97. By-law Number ~~39-2004~~145-2007 be hereby repealed.

~~108~~. This By-law shall take effect and come into force upon third and final reading thereof.

BY-LAW READ A FIRST & SECOND TIME THIS ~~10th-XX~~ DAY OF ~~DECEMBER~~
~~2007XXXXXXXXXX~~.
BY-LAW READ A THIRD & FINAL TIME THIS ~~10th-XX~~ DAY OF ~~DECEMBER~~
~~2007XXXXXXXXXX~~.

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THE CORPORATION OF THE CITY OF KENORA:-

~~MAYOR~~

~~Len Compton~~Daniel Reynard, MAYOR

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~~CITY CLERK~~

~~Joanne McMillin~~Heather Pihulak,

CITY CLERK



January 3, 2020

City Council Committee Report

To: Mayor and Council

**Fr: Adam Smith, Manager of Development Services
Megan Dokuchie, Economic Development Officer
Kylie Hissa, Special Projects and Research Officer**

**Re: City of Kenora Submission to A Blueprint for Success: Ontario's
Forestry Sector Strategy Draft**

Recommendation:

That Council hereby approves the attached submission to the Government of Ontario's A Blueprint for Success: Ontario's Forestry Sector Strategy Draft.

Background:

In September 2018, the Government of Ontario committed to developing a forest sector strategy to reduce barriers and costs, attract investment and innovation to promote economic growth, create jobs and demonstrate that Ontario is open for business. To develop a draft strategy, the government hosted seven roundtable sessions across the province. The draft strategy is supported by four pillars: promoting stewardship and sustainability; putting more wood to work; improving cost competitiveness; and fostering innovation, markets and talent.

The Ministry of Natural Resources and Forestry is convening regional consultation sessions in six locations across Ontario to discuss the strategy, associated policy changes and receive comments. A session is planned for Kenora on January 23, 2020. The draft forest sector strategy is open for comment until February 5, 2020.

The attached letter will be submitted to the Ministry of Natural Resources and Forestry.

Budget: There are no budgetary implications associated with this report.

Risk Analysis: There is a high external risk with this recommendation, however, it is assessed as an opportunity. This consultation offers an opportunity for the municipality to reinforce a strategic priority being the economic well-being of the forestry sector.

Communication Plan/Notice By-law Requirements:

Letter to be circulated to relevant Ministries and municipal associations.

Strategic Plan or other Guiding Document:

1-4 The City will continue to support investment readiness within the forestry sector, taking advantage of new housing construction growth and improved conditions for wood fibre building materials. This work will include building partnerships with industry, Indigenous Peoples, provincial and federal governments

1-6 The City will lobby senior government for additional supports for local industry and business in relation to ongoing workforce development



NORTH AMERICA'S
Premier
BOATING DESTINATION

City of Kenora

Office of the Mayor

Daniel Reynard

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E-mail: dreynard@kenora.ca

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January 6, 2020

The Honourable Doug Ford
Premier of Ontario
Legislative Building, Room 281
Queen's Park
Toronto, ON M7A 1A1

The Honourable John Yakabuski
Minister of Natural Resources and
Forestry
Whitney Block 6th Floor, Room 6630
99 Wellesley Street West
Toronto, ON M7A 1W3

Re: City of Kenora Submission to A Blueprint for Success: Ontario's Forestry Sector Strategy Draft

Premier Ford, and Minister Yakabuski:

On behalf of the City of Kenora, thank you for the opportunity to comment on A *Blueprint for Success: Ontario's Forestry Sector Strategy Draft*. We recognize the value and significance of forestry to the Kenora economy and offer the following comments for your consideration.

The City of Kenora 2016-2020 Strategic Plan prioritizes continued support for investment readiness in the forestry sector as a corporate action to enable economic growth. In particular, this goal identifies opportunities related to new housing construction growth and improved conditions for wood fibre building materials. In this regard, the City of Kenora is supportive of the Province's priority to promote forest product innovation and diversification. Kenora is home to Weyerhaeuser's TimberStrand mill – a producer of laminated strand lumber. This facility employs over 200 individuals at its Kenora location. As such, the priority identified by the Province is very relevant to our community.

The strategy also identifies Building Resilience to Manage Business Uncertainties as an opportunity to pursue and indicates that 96 percent of Ontario's wood products exports are destined for the US. Further, the strategy states: *"Ontario's dependency on exports to the U.S. is both a great advantage when prices and demand are strong, and trade is open and fair, and a major challenge when they are not."* The City of Kenora is supportive of any efforts to build resiliency to withstand these fluctuations. The City has recently been impacted as a result of said fluctuations with

the idling of Kenora Forest Products which has affected over 100 employees in the community.

Northern Ontario communities rely on our forests for local economies and job creation, but our forests are also one of the most powerful tools we have to mitigate climate change impacts through carbon capture. It is evident that our Province has begun to realize this. The draft forestry strategy promises to *“work with industry to further increase carbon storage in forests and harvested wood products”* and it suggests that forest biomass can *“potentially both heat and power northern, rural and Indigenous communities.”* What is lacking in the strategy, is identifying *“responding to a changing climate”* as an immediate goal and not just a *“future action area”*. *“Ensuring steps are being taken to help Ontario’s forests adapt to a changing climate”* should not be listed as a 2030 goal.

In September 2019, the City of Kenora joined more than 800 local councils, which included more than 30 Ontario municipalities that declared a climate emergency. The impacts of climate change are already being felt across the globe through rising temperatures, shifting rain patterns, increased storm intensity and rising sea levels. In Ontario, annual temperatures have increased by as much as 1.4 degrees since 1948 and in the summer months, the magnitude and frequency of heavy rain and strong wind events will increase, likely causing flash flooding and severe storms. Wildfire episodes will also intensify and climate change could introduce other risks such as vector-borne disease and invasive species. It is abundantly clear that in the face of climate change, the future of the forestry sector is facing unprecedented challenges.

While planning to deal with climate change impacts is important, it needs to be coupled with action. We are asking that the final strategy make climate change an immediate and major priority area.

Thank you again for the opportunity to provide comment on *A Blueprint for Success: Ontario’s Forestry Sector Strategy Draft*.

Sincerely,

A handwritten signature in black ink, appearing to read "Daniel Reynard". The signature is fluid and cursive, with a large initial 'D' and 'R'.

Mayor Dan Reynard

CC Minister Greg Rickford, Ministry of Energy, Northern Development and Mines,
Ministry of Indigenous Affairs
Wendy Landry, President, Northwestern Ontario Municipal Association
Jamie McGarvey, President, Association of Municipalities of Ontario



January 6, 2020

City Council Committee Report

To: Mayor and Council

Fr: Adam Smith, Development Services Manager

Re: Application for Site Plan Approval – 3 Woods Drive

Recommendation:

That the Mayor and Clerk of the City of Kenora be authorized to execute a site plan agreement between the City of Kenora and Doug Lafreniere Developments Ltd. , to allow for the development of a 30 unit apartment dwelling, all associated facilities; and further

That the appropriate bylaw be passed for this purpose.

Background:

The City of Kenora, had been working with the previous Developer known as Fairway Investments Group Ltd. (Bridge Road Construction Ltd.) since the fall of 2016 toward the selection of property and development of an apartment complex, targeted for occupants 50+ in age.

The Woods Drive location was selected in the spring of 2017, and staff had the opportunity to for a preliminary review of plans on August 1, 2017. A complete application for site plan approval was received on August 17th, 2017 for the construction of a 24- unit apartment dwelling and the results of the site plan review committee were provided to the applicant on September 13th, 2017.

As required by the City's Policy for Site Plan Approval, the applicant held a Public Meeting. Notice of the application was circulated to property owners within 120 metres and posted in the newspaper on September 7th, 2017.

The Public Meeting was held at Minis Hall at the Super 8 Hotel on September 14th, 2017. There were approximately 18 attendees, in addition to the developer, property owner, city staff (6) and the media (see applicants summary letter attached).

By-law 118-2017 authorized to execute a Site Plan Agreement between the City of Kenora and Fairway Investments Group Ltd. (Bridge Road Construction Group Ltd.) in accordance with terms and conditions outlined in the agreement which forms part of the by-law 118-2017.

As of August, 2018, due to various circumstances, the project was put on hold. The hope was that developer would be able to raise equity with a new group to proceed. Ultimately the Site Plan Agreements were not executed by the Developer, the transfer from Doug Lafreniere Development Ltd. to Fairway Investments Group Ltd. did not occur, securities were not paid and the Agreement was not registered on title.

The City of Kenora has received a request from David Nelson, Architect and Tanis McIntosh, Agent on behalf of Doug Lafreniere Developments Ltd., to amend the previously executed application for Site Plan Control (By-law 118-2017) between the City of Kenora and Fairway Investments Group Ltd.

The project is now back on track, under existing ownership. A transfer is expected between Doug Lafreniere Developments Ltd and the new group of developers known as, 2672342 Ontario Inc. in 2020. Site Plan Control shall be binding upon respective successors and assigns. As the project is hoping to make application for building permit in the new year, City staff request Council to amend by-law 118-2018 and execute the 2017 Site Plan agreement between the City of Kenora and Doug Lafreniere Developments Ltd.

As per David Nelson, Architect, the proposed development at 3 Woods Drive shall include 30- dwelling units versus the originally proposed 24 units, however there shall be no change to the approved Site Plans from 2017.

In August of 2019 under application D13-19-12, Doug Lafreniere Developments Ltd. applied for an application for minor variance for relief from the City of Kenora Zoning By-law 101-2015, Section 3.23.1 (Table 4) – which requires that there be a minimum of 1.5 parking spaces per dwelling unit for an “apartment” use.

The effect of approval of the application will allow reduced parking of 1.2 parking spaces per dwelling unit, for a total of 37 parking stalls on site for 30 dwelling units. Minimum visitor parking will be met.

The Kenora Planning Advisory Committee approved application for minor variance file No. D13-19-12 to allow reduced parking at a rate of 1.2 parking spaces per dwelling unit, for a total of 37 parking stalls on site for 30 dwelling units.

As displayed on the Site Plan set submitted in 2017 (topographic survey, landscaping and details), the development entails a total development of the property including, a lower level common room, outdoor amenity space, indoor parking stalls, as well as outdoor parking for residents and guests, landscaped features including sod and plantings, a garbage enclosure, looped entrance, and boulevard.

Budget: No impact. Application fees (\$800.00) paid in accordance with the Tariff of Fees By-law. All remaining costs for registration, etc. will be the responsibility of the developer.

Risk Analysis: Analysis of planning applications is accomplished in accordance with the legislation provided through the Planning Act. Applications are required to be consistent with the Provincial Policy Statement, and meet the criteria listed in the Official Plan.

Communication Plan/Notice By-law Requirements: Notice of the complete application and public meeting provided in accordance with City Policy PP-5-1. Notice of meetings, of the Committee of a Whole, and Council provided as per the Notice By-law.

Strategic Plan or other Guiding Document: The Official Plan, Designation By-law (189-2010) and City Policy (PP-5-1), provides criteria for the evaluation of Applications for Site Plan Approval.

January 7, 2020



City Council Committee Report

To: Mayor and Council

Fr: Adam Smith, Manager of Development Services

**Re: 2020 Ontario Good Roads Association (OGRA) Conference
Delegation Requests**

Recommendation:

No recommendation. The intent of this report is to provide background information and proposed delegation requests for Council consideration to enable staff to submit the delegation requests for the 2020 OGRA Conference.

Background Information:

As staff are preparing delegation packages for the 2020 ROMA Conference, the deadline for requests to meet with Ministers at the OGRA Conference is quickly approaching. With a deadline of January 31st, the intent would be to resubmit those meeting requests that were declined for ROMA. However, since the time of submitting requests for ROMA, a number of new issues have emerged that staff are also proposing to submit for consideration including:

Harbourfront Business Development Plan Implementation: Ministry of Natural Resources and Forestry

In December, City Council was presented with the Harbourfront Business Development Plan. The 2019 Harbourfront Business Development Plan identifies a balance of public amenity improvements and commercial development opportunities in the Harbourfront area. The plan includes renderings, high level cost estimates, potential phases for implementation and considerations for amendments to the Zoning By-law and Official Plan. Costs for implementation phases are estimated at \$19.8 million for all zones with individual project elements identified separately. To support development, the City is requesting that issues regarding land/water ownership rights be resolved in a timely manner.

NOHFC Funding Application – Economic Development and Tourism Strategy: Ministry of Energy, Northern Development and Mines

The City of Kenora in conjunction with the Lake of the Woods Development Commission are seeking to undertake an Economic Development and Tourism Strategy to define priority initiatives and projects for a five year period that can be implemented utilizing Municipal Accommodation Tax revenues. In addition, the project will develop baseline information and outline a number of key indicators that can be used to evaluate and monitor progress in implementing the strategic plan. The City has recently been approved under Phase 1 of the NOHFC Community Capacity Building Program and is seeking final project approval to effectively allocate MAT dollars to economic priorities.

Critical Infrastructure Support for Northern Communities: Ministry of Infrastructure

The City of Kenora has continually advocated for changes to existing infrastructure programming to reflect the distinct challenges facing small, northern communities that do not have the tax-base to confront infrastructure deficits that have been inflated by past provincial downloading. This includes amending conditional grant programs that penalize municipalities that have been fiscally responsible, broadening rigid eligibility criteria to better match with local capital priorities and inclusion within the Connecting Links Program. Due to the mixed results of these efforts, the City of Kenora would like to discuss the potential for a dedicated infrastructure program for Northern Ontario. Despite the existence of NOHFC's Strategic Economic Infrastructure Program, the dollars under this program are limited and further, are directly tied to achieving economic goals rather than areas of need under Asset Management Plans.

Budget: N/A

Risk Analysis: Although there isn't a recommendation assigned to this report. There is a high external risk, however, it is viewed to be an opportunity to affect policy development at the provincial level.

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

Strategic Plan or other Guiding Document:

1-6 The City will lobby senior government for additional supports for local industry and business in relation to ongoing workforce development

2-15 The City will be an active and vocal champion for fair funding from provincial and federal governments, including gas tax and other transfer allocations. Priority will be given to initiatives that directly address the infrastructure and community development challenges of the city