

The Corporation of the City of Kawartha Lakes

MINUTES

REGULAR COUNCIL MEETING

CC2017-27

Tuesday, October 10, 2017

Closed Session Commencing at 1:00 p.m. Open Session Commencing at 2:00 p.m.

Council Chambers

City Hall

26 Francis Street, Lindsay, Ontario K9V 5R8

MEMBERS:

Mayor Andy Letham

Councillor Isaac Breadner

Councillor Pat Dunn

Councillor Doug Elmslie

Councillor Gord James

Councillor Gerard Jilesen

Councillor Brian S. Junkin

Councillor Rob Macklem

Councillor Mary Ann Martin

Councillor Gord Miller

Councillor Patrick O'Reilly

Councillor John Pollard

Councillor Kathleen Seymour-Fagan

Councillor Heather Stauble

Councillor Stephen Strangway

Councillor Andrew Veale

Councillor Emmett Yeo

Accessible formats and communication supports are available upon request.

1. CALL TO ORDER

Mayor Letham called the Meeting to order at 1:00 p.m. Councillors I. Breadner, P. Dunn, D. Elmslie, G. James, G. Jilesen, B. Junkin, R. Macklem, M.A. Martin, G. Miller, P. O'Reilly, J. Pollard, K. Seymour-Fagan, H. Stauble, S. Strangway and A. Veale were in attendance.

CAO and Acting City Clerk R. Taylor, Deputy Clerk A. Rooth and various other staff members were also in attendance.

2. ADOPTION OF CLOSED SESSION AGENDA

CR2017-847

Moved By Councillor Strangway

Seconded By Councillor Elmslie

RESOLVED THAT the Closed Session agenda be adopted as circulated.

CARRIED

3. DISCLOSURE OF PECUNIARY INTEREST IN CLOSED SESSION ITEMS

There were no declarations of pecuniary interest noted.

4. CLOSED SESSION

CR2017-848

Moved By Councillor Breadner

Seconded By Councillor Macklem

RESOLVED THAT Council convene into closed session at 1:01 p.m. in order to consider matters on the Tuesday, October 10, 2017 Closed Session Agenda and that are permitted to be discussed in a session closed to the public pursuant to Section 239(2) of the Municipal Act, S.O. 2001. S.25.

CARRIED

5. OPENING CEREMONIES

5.1 Call Open Session to Order

Mayor Letham called the Open Session of the Meeting to order at 2:00 p.m. Councillors I. Breadner, P. Dunn, D. Elmslie, G. James, G. Jilesen, B. Junkin, R. Macklem, M.A. Martin, G. Miller, P. O'Reilly, J. Pollard, K. Seymour-Fagan, H. Stauble, S. Strangway and A. Veale were in attendance.

CAO and Acting City Clerk R. Taylor, Deputy Clerk A. Rooth and various other staff members were also in attendance.

5.2 O Canada

The Meeting was opened with the singing of 'O Canada'.

5.3 Moment of Silent Reflection

The Mayor asked those in attendance to observe a Moment of Silent Reflection.

5.4 Adoption of Open Session Agenda

CR2017-855

Moved By Councillor Stauble

Seconded By Councillor Martin

RESOLVED THAT the Agenda for the Open Session of the Regular Council Meeting of Tuesday, October 10, 2017, be adopted as circulated and with the following amendments:

Additions - Deputations

9.1

Harold Bartlett, President
Rolling Hills Estates Homeowners Association
Licensing of Short Term Residential Rentals
(Report LIC2017-001, Item 10.3.1 on the Agenda)

9.2

Ken Rogers
Licensing of Short Term Residential Rentals
(Report LIC2017-001, Item 10.3.1 on the Agenda)

9.3

Bob Brockman
Licensing of Short Term Residential Rentals
(Report LIC2017-001, Item 10.3.1 on the Agenda)

9.4

Carol Aird
Barry Hawe

Licensing of Short Term Residential Rentals
(Report LIC2017-001, Item 10.3.1 on the Agenda)

CARRIED

6. DISCLOSURE OF PECUNIARY INTEREST

Councillor Elmslie declared a pecuniary interest in Item 10.3.2 as he has been very involved with the Fenelon Falls Splash Pad project and assisted in writing of the grant application for that project.

7. MATTERS FROM CLOSED SESSION

Item 4.3

The City Solicitor was provided with instruction with respect to Court File CV-11-00421210-0000.

CR2017-856

Moved By Councillor Pollard

Seconded By Councillor Strangway

RESOLVED THAT Council Resolution CR2016-777, that reads:

RESOLVED THAT should a settlement within the terms provided to the City Solicitor for Court File Number CV-11-00421210-0000, that the City Treasurer be authorized to pay the funds from the Development Charges Reserve - Sanitary Sewer Portion - 3299972989.

, be rescinded.

CARRIED by 2/3 Vote

CR2017-857

Moved By Councillor Dunn

Seconded By Councillor O'Reilly

RESOLVED THAT should a settlement within the terms provided to the City Solicitor for Court File Number CV-11-00421210-000 be reached, the City Treasurer be authorized to pay the funds as follows: up to \$520,606.87 will be paid to 2074161 Ontario Inc. from the sewage collection Development Charges reserve account; and up to \$225,149.13 will be paid to 2074161 out of the roads and related Development Charges reserve account.

CARRIED

Item 4.4

CR2017-858

Moved By Councillor Elmslie

Seconded By Councillor O'Reilly

RESOLVED THAT the following members of the public be appointed to the Downtown Revitalization Advisory Committee:

Paul South for a three year term ending on December 31, 2020

Dinah Wilson for a two year term ending on December 31, 2019

Chris Handley for a one year term ending on December 31, 2018

Lynn Manning for a two year term ending on December 31, 2019

Stephen Podolsky for a three year term ending on December 31, 2020

Edward Wayne Hilton for a two year term ending on December 31, 2019

Matthew Hutchison for a three year term ending on December 31, 2020

Julie Kellett for a two year term ending on December 31, 2019

Anna Rady, as alternate, for a one year term ending December 31, 2018;

THAT Councillors Elmslie and Martin be appointed to the Downtown Revitalization Advisory Committee effective immediately with the term ending November 30, 2018; and

THAT, if necessary, the Terms of Reference for the Downtown Revitalization Advisory Committee be revised to allow for the appointment of an alternate.

CARRIED

8. PUBLIC INFORMATION

8.1 Presentations

8.2 Invited Guests (Quarterly Basis)

8.3 Notices and Information by Members of Council and Staff

8.3.1 Council

Councillor O'Reilly made the following announcements:

- Hector Macmillan, Mayor of Trent Hills, has passed away.
- The 14th Annual Machik Tibetan Dinner is on October 14th at the Victoria Park Armoury.

- The 25th Annual Lindsay and District Sports Hall of Fame inductee ceremony will be held October 22nd at 2:00 p.m. at the Victoria Park Armoury.
- The Fall Brawl demolition derby will be held at the Lindsay Exhibition October 21st.
- MP Jamie Schmale is hosting an awards evening for Canada's 150th at the Lindsay Legion on October 11th at 7:00 p.m. to recognize individuals who have made contributions to the local community.
- Mackey Funeral Home celebrated the official opening of 'Celebrations Lindsay' event venue at the former Queen Street United Church in Lindsay.
- Dr. Helena Jaczek, Minister of Community and Social Services, was in Lindsay to mark the amalgamation of Community Living Kawartha Lakes, Community Living Haliburton County and Community Living Peterborough into the new Community Living Trent Highlands.

8.3.2 Staff

Chief Pankhurst advised that this week, October 8th to 14th, is the National Fire Protection Association's Fire Prevention Week and this year's theme is Every Second Counts: Plan 2 Ways Out.

8.4 Notice of Motion

9. DEPUTATIONS

9.1 CC2017-27.9.1

Harold Bartlett, President
Rolling Hills Estates Homeowners Association
Licensing of Short Term Residential Rentals
(Report LIC2017-001, Item 10.3.1 on the Agenda)

Harold Bartlett, President of the Rolling Hills Estates Homeowners Association, expressed concern regarding excessive noise, garbage, trespass to property, disrespect to fire ordinances, traffic and pedestrian safety and animals at large related to short term rentals. He requested that the matter be referred back to staff to examine alternative, effective, means of regulating short term rentals to protect and preserve the integrity and character of established low density residential communities.

CR2017-859

Moved By Councillor Miller

Seconded By Councillor Macklem

RESOLVED THAT the deputation of Harold Bartlett, President Rolling Hills Estates Homeowners Association, regarding Licensing of Short Term Residential Rentals, Report LIC2017-001, Item 10.3.1 on the Agenda, be received.

CARRIED

9.2 CC2017-27.9.2

Ken Rogers
Licensing of Short Term Residential Rentals
(Report LIC2017-001, Item 10.3.1 on the Agenda)

Ken Rogers, local resident, expressed concern regarding excessive noise, partying and drugs relating to short term rentals. He advised that one such rental adjacent to his home is being advertised at a nightly rate similar to that of a hotel to the financial benefit of the property owner, while some renters have little respect for neighbours. He requested that Council defer the matter or take action to better regulate short term residential rentals.

CR2017-860

Moved By Councillor Pollard
Seconded By Councillor Martin

RESOLVED THAT the deputation of Ken Rogers regarding Licensing of Short Term Residential Rentals, Report LIC2017-001, Item 10.3.1 on the Agenda, be received.

CARRIED

9.3 CC2017-27.9.3

Bob Brockman
Licensing of Short Term Residential Rentals
(Report LIC2017-001, Item 10.3.1 on the Agenda)

Bob Brockman, local resident, expressed concern regarding danger to neighbours and cost to the taxpayer for emergency services response to issues at short term rentals, specifically relating to a recent drug overdose that occurred locally. He noted that renters are not being informed of and complying with City by-laws and expressed concern regarding the impact on the environment if occupancy limits are not respected. Mr. Brockman noted a lack of grass and weed control on properties used for short term rental. He requested Council

initiate a review of the issue and develop a solution that could be applied to the entire City. Mr. Brockman responded to questions from Council members.

CR2017-861

Moved By Councillor O'Reilly

Seconded By Councillor Miller

RESOLVED THAT the deputation of Bob Brockman regarding, Licensing of Short Term Residential Rentals, Report LIC2017-001, Item 10.3.1 on the Agenda, be received.

CARRIED

9.4 CC2017-27.9.4

Carol Aird

Barry Hawe

Licensing of Short Term Residential Rentals

(Report LIC2017-001, Item 10.3.1 on the Agenda)

Barry Hawe and Carol Aird, local residents, expressed concern with the high number of occupants, partying, drinking and potential drinking and driving relating to short term rental properties. Mr. Hawe noted that this type of behavior would not be tolerated at a commercial hotel and has a detrimental impact on neighbours. He requested that Council take action to address the issue. Mr. Hawe and Ms. Aird responded to questions from Council members.

CR2017-862

Moved By Councillor Elmslie

Seconded By Councillor Martin

RESOLVED THAT the deputation of Barry Hawe and Carol Aird regarding Licensing of Short Term Residential Rentals, Report LIC2017-001, Item 10.3.1 on the Agenda, be received.

CARRIED

10. CONSENT MATTERS

The following items were requested to be extracted from the Consent Agenda:

Councillor Stauble Item 10.1.4

Councillor Pollard Item 10.3.1

Councillor Martin Item 10.3.2
Councillor Breadner Item 10.3.3
Councillor James Item 10.3.9

Moved By Councillor Breadner
Seconded By Councillor Dunn

RESOLVED THAT all of the proposed resolutions shown in Section 10.1, 10.2 and 10.3 of the Agenda be approved and adopted by Council in the order that they appear on the agenda and sequentially numbered, save and except Items 10.1.4, 10.3.1, 10.3.2, 10.3.3 and 10.3.9, namely:

CARRIED

10.1 Correspondence

10.1.1 CC2017-27.10.1.1

Mike Farquhar, Supervisor Technical Services – Engineering and Corporate Assets
Petition for Municipal Drainage - Waite Petition

CR2017-863

RESOLVED THAT the October 10, 2017 memorandum from Mike Farquhar, Supervisor Technical Services, regarding the Petition for Municipal Drainage - Waite Petition, be received.

CARRIED

10.1.2 CC2017-27.10.1.2

Stephanie Nickerson
Licensing of Short Term Residential Rentals
(Report LIC2017-001, Item 10.3.1 on the Agenda)

CR2017-864

RESOLVED THAT the September 26, 2017 e-mail correspondence from Stephanie Nickerson, regarding Licensing of Short Term Residential Rentals, Report LIC2017-001, Item 10.3.1 on the Agenda, be received.

CARRIED

10.1.3 CC2017-27.10.1.3

Victoria Condominium Corporation No. 9
Request for Barrier to Prevent Trespassers

CR2017-865

RESOLVED THAT the September 25, 2017 correspondence from Victoria Condominium Corporation No. 9, regarding their Request for Barrier to Prevent Trespassing, be received and referred to staff.

CARRIED

10.2 Minutes from:

10.2.1 Council

10.2.1.1 CC2017-27.10.2.1

Minutes, Special Council Information Meeting
September 19, 2017

CR2017-866

RESOLVED THAT the Minutes of the September 19, 2017 Special Council Information Meeting, be received and adopted.

CARRIED

10.2.1.2 CC2017-27.10.2.1.2

Minutes, Special Council Information Meeting
September 20, 2017

CR2017-867

RESOLVED THAT the Minutes of the September 20, 2017 Special Council Information Meeting, be received and adopted.

CARRIED

10.2.1.3 CC2017-27.10.2.1.3

Minutes, Regular Council Meeting
September 26, 2017

CR2017-868

RESOLVED THAT the Minutes of the September 26, 2017 Regular Council Meeting, be received and adopted.

CARRIED

10.2.2 Committees of Council, Advisory Boards and Task Forces

10.2.2.1 CC2017-27.10.2.2.1

Draft Minutes, Drainage Board Meeting
September 25, 2017

CR2017-869

RESOLVED THAT the Draft Minutes of the September 25, 2017 Drainage Board Meeting, be received.

CARRIED

10.3 Reports

10.3.4 PUR2017-055

Marielle van Engelen, Buyer
Tender 2016-68-OT Environmental Monitoring and Reporting for Specified
Landfill Sites

CR2017-870

RESOLVED THAT Report PUR2017-055, **Tender 2016-68-OT Environmental Monitoring and Reporting for Specified Landfill Sites**, be received; and **THAT** the option to renew Tender 2016-68-OT Environmental Monitoring and Reporting for Specified Landfill Sites for up to four (4) additional, one (1) year terms, pending budget approval, vendor performance, operational requirements, and contractual need, in accordance with the Table of Authority, be approved.

CARRIED

10.3.5 PUR2017-056

Angela Vickery, Manager of Revenue and Procurement
Tender Awards Q3 2017

CR2017-871

RESOLVED THAT Report PUR2017-056, **Tender Awards Q3 2017**, be received for information purposes.

CARRIED

10.3.6 PLAN2017-059

Janet Wong, Planner II

A By-law to Deem Lot 20, Registered Plan 260, Geographic Township of Ops, being 89 Loon Street (Betts and Wanyura)

CR2017-872

RESOLVED THAT Report PLAN2017-059, **Betts and Wanyura – D30-17-006**, be received;

THAT a Deeming By-law respecting Lot 20, Registered Plan 260, substantially in the form attached as Appendix C to Report PLAN2017-059, be approved and adopted by Council; and

THAT the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

CARRIED

10.3.7 PLAN2017-060

Sherry L. Rea, Development Planning Supervisor

An application to amend the Village of Bobcaygeon Zoning By-law 16-78 to remove the Holding (H) symbol to permit 2 semi-detached dwellings on Part of Lot 10, Plan 70, being Parts 1 and 2 on Reference Plan 57R-10004, former Village of Bobcaygeon, now City of Kawartha Lakes and identified as 60 to 62 and 64 to 66 Helen Street, Savic/Milosevic and Tom Grimes Construction Ltd.

CR2017-873

RESOLVED THAT Report PLAN2017-060, **Savic/Milosevic and Tom Grimes Construction Ltd. - D06-17-027**, be received;

THAT a Zoning By-law Amendment respecting Application D06-17-027, substantially in the form attached as Appendix C to Report PLAN2017-060, be approved and adopted by Council; and

THAT the Mayor and Clerk be authorized to execute any documents required by the approval of this application.

CARRIED

10.3.8 ENG2017-023

Michael Farquhar, Supervisor, Technical Services
Petition for Drainage Works By Owner - Webster

CR2017-874

RESOLVED THAT Report ENG2017-023, **Petition for Drainage Works by Owner – Webster**, be received;

THAT Council proceeds with the petition submitted by Alan Webster (Victor Webster Farms Ltd.) for drainage works by owners for Concession 5, Part Lot 11, Geographic Township of Eldon and instruct the City Clerk to proceed with the notices required under Section 5 of the Drainage Act;

THAT Council appoints and retains, R. Dobbin Engineering Inc. in accordance with the Drainage Act, as the Engineer of Record, and to proceed with the requirements of a petition drain; and

THAT should, R. Dobbin Engineering Inc. not be available, that Council instructs staff to retain an alternate qualified Engineer from the standing list.

CARRIED

10.4 Items Extracted from Consent

10.1.4 CC2017-27.10.1.4

Andy Letham, Mayor

Township of Selwyn Resolution Regarding Harvesting of Wild Rice - Williams Treaty

CR2017-875

Moved By Councillor Stauble

Seconded By Councillor Martin

RESOLVED THAT the September 27, 2017 correspondence from Township of Selwyn, regarding their Council Resolution on Harvesting of Wild Rice - Williams Treaty, be received; and

THAT a copy of the Township of Selwyn's original resolution be circulated to MP Jamie Schmale and MP Maryam Monsef.

CARRIED

10.3.1 LIC2017-001

Alix Hick, Senior Licensing Officer

Licensing of Short Term Residential Rentals

(Deferred from the September 26, 2017 Regular Council Meeting)

CR2017-876

Moved By Councillor Pollard

Seconded By Councillor James

RESOLVED THAT Report LIC2017-001, **Licensing of Short Term Residential Rentals**, be received; and

THAT the matter be referred back to staff for further consultation with interested parties with a report to Council on options to license or regulate Short Term Residential Rentals in the City of Kawartha Lakes and potential costs by end of Q2 2018.

CARRIED

10.3.2 CAO2017-005

Ron Taylor, CAO

Evergreen Power Limited – Allocation of Donation

Councillor Elmslie left Council Chambers due to his previously declared pecuniary interest.

Moved By Councillor Martin

Seconded By Councillor Junkin

RESOLVED THAT Report CAO2017-005, **Evergreen Power Limited – Allocation of Donation**, be received; and

THAT Council directs the voluntary \$10,000.00 donation to the City of Kawartha Lakes from Evergreen Power Limited to the City of Kawartha Lakes 50/50 Capital Partnership Fund.

MOTION FAILED

CR2017-877

Moved By Councillor Breadner

Seconded By Councillor Strangway

RESOLVED THAT Report CAO2017-005, **Evergreen Power Limited – Allocation of Donation**, be received; and

THAT Council directs the voluntary \$10,000.00 donation to the City of Kawartha Lakes from Evergreen Power Limited to the community funding component of the Fenelon Falls Splash Pad project

CARRIED

Councillor Elmslie returned to Council Chambers.

10.3.3 CORP2017-026

Angela Vickery, Manager of Revenue and Procurement
High Water Bill Adjustment Appeals Committee

CR2017-878

Moved By Councillor Breadner

Seconded By Councillor Dunn

RESOLVED THAT Report CORP2017-026, **High Water Bill Adjustment Appeals Committee**, be received;

THAT By-Law 2011-260, being a By-law to Govern Water and Wastewater Services in the City of Kawartha Lakes, be amended to include terms of reference for a High Water Bill Adjustment Appeals Committee by adding the following:

High Water Bill Adjustment Appeals Committee: A High Water Bill Adjustment Appeals Committee is established to hear and rule on appeals against High Water Bill Adjustment decisions.

Authority: The High Water Bill Adjustment Appeals Committee may recommend to Council approval of high water bill adjustments without prejudice or precedent to any other similar matter.

Composition and Appointment: The High Water Bill Adjustment Appeals Committee shall be comprised of three members of Council appointed by Council.

Term: The Term of the Appointment of the High Water Bill Adjustment Appeals Committee shall be the same as the term of Council.

Administration: The High Water Bill Adjustment Appeals Committee shall ensure that a member of City staff is assigned the role of secretary to the Committee with duties and obligations required in accordance with the Municipal Act.

Governance: The High Water Bill Adjustment Committee shall be governed by this by-law and the City's Procedural By-Law, as amended from time to time by Council.

And;

THAT the necessary amending by-Law be brought forward for adoption.

CARRIED

10.3.9 WWW2017-007

Rob MacPherson, Water and Wastewater Technician
Coagulant Selection for the Lindsay Water Treatment Plant

CR2017-879

Moved By Councillor James

Seconded By Councillor Veale

RESOLVED THAT Report WWW2017-007, **Coagulant Selection for the Lindsay Water Treatment Plant**, be received; and
THAT the procurement for supply and delivery of Coagulant for the Lindsay Water Treatment Plant be awarded and approved through the request for proposal process in accordance with the Purchasing Policy.

CARRIED

11. COMMITTEE OF THE WHOLE

12. COMMITTEE OF THE WHOLE AND PLANNING COMMITTEE MINUTES

13. CORRESPONDENCE AND PETITIONS

14. OTHER OR NEW BUSINESS

15. BY-LAWS

The mover requested the consent of Council to read the by-laws by number only.

Moved By Councillor Veale

Seconded By Councillor Miller

RESOLVED THAT the By-Laws shown in Section 15.1 of the Agenda, namely: Items 15.1.1 to and including 15.1.6 be read a first, second and third time, passed, numbered, signed and the corporate seal attached, namely:

CARRIED

15.1 By-Laws by Consent

15.1.1 CR2017-880

A By-law to Amend By-law 2016-206, the Consolidated Fees By-law in the City of Kawartha Lakes

15.1.2 CR2017-881

A By-law to Amend By-law 2016-144, being A By-Law for Collection and Management of Waste and Recyclables Within The City of Kawartha Lakes

15.1.3 CR2017-882

A By-Law to Authorize the Sale Of Municipally Owned Property Legally Described as Lot 3 Registered Plan 508, in the Geographic Township of Eldon, City of Kawartha Lakes Described as Part 1 on Plan 57R-10503 Being All of PIN: 63170-0227 (LT)

15.1.4 CR2017-883

A By-Law To Deem Part of a Plan of Subdivision, Previously Registered For Lands Within Kawartha Lakes, Not To Be A Registered Plan Of Subdivision In Accordance With The Planning Act PIN: 63200-0583(LT), Described As Lot 20, Plan 260, Geographic Township Of Ops, Now City Of Kawartha Lakes

15.1.5 CR2017-884

A By-law to Amend the Village of Bobcaygeon Zoning By-law 16-78 to Remove the Holding (H) Symbol from a Zone Category on Property within the City of Kawartha Lakes (Savic/Milosevic and Tom Grimes Constructions Ltd.)

15.1.6 CR2017-885

A By-law to Amend By-law 2016-206, being A By-Law to Establish and Require Payment of Fees for Information, Services, Activities and Use of City Property in The City of Kawartha Lakes

15.2 By-Laws Extracted from Consent

16. CLOSED SESSION (IF NOT COMPLETED PRIOR TO OPEN SESSION)

17. MATTERS FROM CLOSED SESSION

18. CONFIRMING BY-LAW

CR2017-886

Moved By Councillor James

Seconded By Councillor Veale

RESOLVED THAT a by-law to confirm the proceedings of a Regular Council Meeting held Tuesday, October 10, 2017 be read a first, second and third time, passed, numbered, signed and the corporate seal attached.

CARRIED

19. ADJOURNMENT

CR2017-887

Moved By Councillor Elmslie

Seconded By Councillor Strangway

RESOLVED THAT the Council Meeting adjourn at 3:56 p.m.

CARRIED

Read and adopted this 24th day of October, 2017.

Andy Letham, Mayor

Ron Taylor, Acting City Clerk