

MINUTES

TOWN OF FORT FRANCES

May 24, 2022

The meeting of Council of the Town of Fort Frances was held in the Council Chambers and virtually.

PRESENT: Mayor J. Caul, Chairperson; Councillors M. Behan, W. Brunetta, A. Hallikas, J. McTaggart and R. Wiedenhoeft.

REGRETS: Councillor D. Judson

ALSO PRESENT: CAO, F. Anwar, Municipal Clerk, G. Lecuyer, IT Manager, J. Hughes, Treasurer, D. Galusha, Manager of Operations & Facilities, T. Rob, HR Manager, A. Hansma, T. Young Recreations & Culture Manager and CBO/Municipal Planner, C Vangel

1. COUNCIL MEETING

To immediately follow the Committee of the Whole

1.1 Call to Order / Roll Call

Mayor Called called the meeting to order at 7:18 p.m.

1.2 Territorial Acknowledgement

1.3 Moment of Meditation

1.4 Disclosure of pecuniary interest and the general nature thereof.

Councillor Brunetta declares an interest on agenda item 5.4. The general nature this is her pier diem.

Councillor McTaggart declares an interest on agenda item 5.5. The general nature this is his pier diem.

Councillor Wiedenhoeft declares an interest on agenda 5.3. The general nature this is his pier diem.

Councillor Behan declares an interest on agenda item 5.6. The general nature this is his pier diem.

2. Consent Agenda:

2.1 Items Referred from Committee of the Whole

988 THAT the following Consent items be approved:

1) Committee of the Whole Consent Items ~~5.2~~, 5.3, 5.4 and 5.5

5.3 CORR: Northwestern Ontario Sports Hall of Fame Annual Membership and Fundraising Campaign

Recommendation: approval of this report will agree with the recommendation from the Administrative and Finance Executive Committee that Council of the Town of Fort Frances approve the Business/Organization Membership Fee in the amount of \$60.00 for the Northwestern Ontario Sports Hall of Fame.

5.4 Award of Tender 2022-OF-08

Recommendation: approval of this report will agree with the recommendation from the Operations and Facilities Executive Committee relating to Tender 2022-OF-08 Airport Gate due to the substantial cost exceedance compared to budget.

5.5 5th Street Lift Station PLC Upgrade

Recommendation: approval of this report will agree with the recommendation from the Operations and Facilities Executive Committee that Council approve the process control system in the 5th Street Lift Station to be upgraded to Delta – V by Lakeside Process Controls FURTHER THAT the funding shortfall be funded by the Wastewater Treatment Plant Miscellaneous Capital Upgrades Budget

2) Council Consent Items 2.2, 2.3, 2.4, 2.5, 2.6 and 2.7

CARRIED

Result:	CARRIED
Mover:	John McTaggart
Seconder:	Michael Behan

2.2 CORR: BIA request to reduce speed limit Scott Street

Recommendation: THAT the Communication from the BIA regarding the request to reduce speed limit on Scott Street be received and that the correspondence be referred to the Operations and Facilities Executive Committee with input from the Traffic Safety Committee for a recommendation.

CARRIED

2.3 CORR; BIA Request Christmas Tree - Market Square

Recommendation: THAT the Communication from the BIA regarding the request for a Christmas Tree at Market Square be received and that the correspondence be referred to the Operations and Facilities Executive Committee for a recommendation.

CARRIED

2.4 CORR: Royal Canadian Legion " Military Recognition Book"

Recommendation: THAT the communication from the Royal Canadian Legion re: Military Recognition Book be received and that the correspondence be referred to the Administration and Finance Executive Committee for a recommendation

CARRIED

2.5 CORR: Resident 916 Armit Avenue Request re: Fence Height

Recommendation: THAT the letter from a resident of 916 Armit Avenue be received and that the correspondence be referred to the Planning and Development Executive Committee for a recommendation.

CARRIED

2.6 CORR: Resignation Letter from Debbie Ballard re: Museum Advisory Committee

Recommendation: THAT Council of the Town of Fort Frances receive the letter of resignation from Debbie Ballard re: Museum Advisory Committee

CARRIED

2.7 CORR: Rainy River Veterinary Services Committee - Vet Assistance Trust Fund

Recommendation: THAT the communication from Rainy River Veterinary Services re: Vet Assistance Trust Fund be received and that the correspondence be referred to the Administration and Finance Executive Committee for a recommendation

CARRIED

3. Approval of Council Minutes: *

- 989 **Recommendation:** THAT the meeting minutes of Council Meeting Session No. 092 dated May 9, 2022 having been typed and distributed be approved.

CARRIED

Result:	CARRIED
Mover:	Andrew Hallikas
Second:	Wendy Brunetta

4. Approval of Committee of the Whole Minutes: *

- 4.1 Committee of the Whole meeting minutes Session No. 099 May 9, 2022

- 990 **Recommendation:** THAT the report of Committee of the Whole being Session No. 099 dated May 9, 2022 having been typed and distributed be approved

CARRIED

Result:	CARRIED
Mover:	Michael Behan
Second:	John McTaggart

5. Resolutions from tonight's Committee of the Whole meeting

- 5.1 BDO Canada LLP, Town of Fort Frances 2021 Audited Financial Statements

- 991 THAT the presentation of the Draft 2021 Audited Financial Statements from BDO Canada LLP be received
AND THAT the Corporation of the Town of Fort Frances Draft consolidated Financial Statement for the year ending December 31, 2021 as prepared by BDO Canada LLP be hereby approved as attached hereto and forming part of this resolution.

CARRIED

Result:	CARRIED
Mover:	Wendy Brunetta
Second:	Andrew Hallikas

- 5.2 ~~B2-2022 Planning Report – PDEC – May 16, 2022~~ Award Recommendation for RFP 22-PD-07 – New Official Plan and Comprehensive

- 992 **THAT** approval of this report will agree with the recommendation of the Planning and Development Executive Committee that Council award RFP 22-PD-07 for the development of a new Official Plan and Comprehensive Zoning By-law for the Town of Fort Frances to WSP Canada Inc. for the cost of \$136,435.00 plus the municipal portion of HST;
AND THAT the Mayor and Clerk be authorized to execute the agreement on behalf of the corporation;
AND THAT an additional \$5,000 be carried for public engagement internal expenses;
AND FURTHER THAT the budget shortfall be captured in the 2022 capital budget and covered through the Corporate Projects Reserve Funds.

CARRIED

Result:	CARRIED
Mover:	Wendy Brunetta
Second:	Rick Wiedenhoeft

- 5.3 Councillor R. Wiedenhoeft NOMA Honorarium
Councillor Wiedenhoeft declares an interest on agenda 5.3. The general nature this is his pier diem.

- 993 **Recommendation:** THAT approval of this report will agree with the recommendation from the Administrative and Finance Executive Committee that Council of the Town of Fort Frances approve Schedule “F” Travel Statement- Mayor/Council Honorarium per

diem claim in the amount of \$320.00 as submitted by Councillor Rick Wiedenhoeft for attendance at the NOMA Annual Meeting and Conference held April 27-29, 2022.

CARRIED

Result:	CARRIED
Mover:	Andrew Hallikas
Seconder:	John McTaggart

5.4 Councillor W. Brunetta NOMA Honorarium
Councillor Brunetta declares an interest on agenda item 5.4. The general nature this is her pier diem.

994 **Recommendation:** THAT approval of this report will agree with the recommendation from the Administration and Finance Executive Committee that Council approve Schedule “F” Travel Statement- Mayor/Council Honorarium per diem claim in the amount of \$400.00 as submitted by Councillor Wendy Brunetta for attendance at the NOMA Board Meeting, Annual Meeting and Conference held April 27-29, 2022.

CARRIED

Result:	CARRIED
Mover:	Michael Behan
Seconder:	Andrew Hallikas

5.5 Councillor J McTaggart NOMA Honorarium
Councillor McTaggart declares an interest on agenda item 5.5. The general nature this is his pier diem.

995 **Recommendation:** THAT approval of this report will agree with the recommendation from the Administration and Finance Executive Committee that Council approve Schedule “F” Travel Statement- Mayor/Council Honorarium per diem claim in the amount of \$320.00 as submitted by Councillor John McTaggart for attendance at the NOMA Annual Meeting and Conference held April 27-29, 2022.

CARRIED

Result:	CARRIED
Mover:	Rick Wiedenhoeft
Seconder:	Michael Behan

5.6 Councillor M Behan NOMA Honorarium
Councillor Behan declares an interest on agenda item 5.6. The general nature this is his pier diem.

996 **Recommendation:** THAT approval of this report will agree with the recommendation from the Administration and Finance Executive Committee that Council approve Schedule “F” Travel Statement- Mayor/Council Honorarium per diem claim in the amount of \$320.00 as submitted by Councillor Michael Behan for attendance at the NOMA Annual Meeting and Conference held April 27-29, 2022.

CARRIED

Result:	CARRIED
Mover:	Wendy Brunetta
Seconder:	John McTaggart

5.7 B2-2022: Zoning By-law Amendment – 1229 Cornwall Avenue (Lagoon Property)

997 **Recommendation:** THAT Council agree with the recommendation of the Committee of Adjustment and the Planning and Development Executive Committee:
THAT the 150MW Solar Farm including the transmission of electricity, electric substation, and battery energy storage system site-specific uses be approved;
AND THAT the property be designated as a Site Plan Control Area which will require a site plan agreement prior to any further development taking place on the property; and

AND THAT the following conditions and criteria be applied to the Industrial-Scale computing use and associated components:
THAT a noise mitigation study and noise mitigation plan among other potential studies for the development be required as part of the site plan control agreement; and
THAT the sea-cans, if approved, not be allowed to stack on top each other; and THAT the structures, associated components and operations associated with the industrial-scale computing be located not closer than 300m to any surrounding residential use or residential zoned properties, and further that these be located not closer than 850m to McIrvine Road and Eighth Street West; and
THAT the proponent provide documentation from the MOECP stating whether an Environmental Compliance Approval will be necessary for this project aspect as a requirement of the site plan control agreement; and
THAT the site plan control agreement outline requirements for compliance with all regulatory body guidelines, statutes and regulations including but not limited to those specifying recommended noise mitigation levels as indicated within this report; and
THAT the site plan control agreement contain verbiage and requirements for ongoing noise monitoring as well as enforcement provisions to ensure compliance with regulatory requirements; and
THAT the noise mitigation consultant hired by the applicant consult with the Town of Fort Frances; and
THAT all costs associated with the site plan control agreement, development, studies and other be at the cost of the applicant

CARRIED

Result:	CARRIED
Mover:	Andrew Hallikas
Seconder:	John McTaggart

5.8 Indemnification By-Law

- 998 **Recommendation:** THAT Council receive the draft Indemnification By-Law
AND THAT Council directs Administration to bring forward the Indemnification By-Law for passage and enactment

CARRIED

Result:	CARRIED
Mover:	Michael Behan
Seconder:	Rick Wiedenhoeft

5.9 Award of the tender for the 2022 Capital Budgeted Road works

- 999 THAT Council of the Town of Fort Frances award tender 2022-OF-09 to George Armstrong Company for a total tender price of \$2,846,962 including a \$150,000 contingency allowance, plus applicable taxes and;
FURTHER THAT Prior to construction start an open house public meeting is scheduled to ensure all property owners abutting the construction projects obtain firsthand knowledge of these projects and have the opportunity to ask questions. The exact date of the meeting is unknown at the time of writing this report, and;
FURTHER THAT the Mayor and Clerk be authorized to execute the contracts on behalf of the Corporation of the Town of Fort Frances

CARRIED

Result:	CARRIED
Mover:	John McTaggart
Seconder:	Andrew Hallikas

6. By-Laws:

6.1 By-Law to be enacted:

- 1000 THAT the following by-laws be introduced and read, and finally passed, signed by the Mayor and the Clerk, sealed with the Corporate Seal and become law forthwith:

- By-Law 03-14 AA, being a By-Law to amend Zoning By-Law #03/14, as amended – 1037 Third Street East
- By-Law 36-22, being a by law to authorize the execution of an agreement with Bell Canada re: Next Generation 9-1-1 Service Agreement
- By-Law 37-22, being a By-law of the Town of Fort Frances to adopt a Disconnecting from Work Policy
- By-Law 38-22, being a By-Law to adopt a Chief Administrative Office Performance Appraisal Policy for the Town of Fort Frances
- By-Law 39-22, being a by law to authorize the execution of an agreement with SkyMark Refuelers re: RFT 2022-OF-03 – Supply and Delivery of a New Aircraft Refueler Truck
- By-Law 40-22, being a by law to authorize the execution of an agreement with Tom Jones Corporation re: RFT 2022-OF-05 – Fire Suppression Sprinkler System Installation in 52 Canadians Arena
- By-Law 41-22, being a by law to authorize the execution of an agreement with Caliber Sport Systems Inc re: RFT 2022-OF-06 – Supply and Installation of new Sport Flooring at the Fort Frances Memorial Sports Centre

CARRIED

Result:	CARRIED
Mover:	Michael Behan
Seconded:	Wendy Brunetta

7. Minutes of Local Boards / Committees:

The following items were received. Council was provided an opportunity for clarification and questions relating to all information items.

- 7.1 Planning & Development Executive Committee Session no 21 - 18 April 2022 (Amended)
- 7.2 Planning & Development Executive Committee Session no 22 - 02 May 2022
- 7.3 Administration & Finance Executive Committee Session no 22 - 19 April 2022 (Amended)
- 7.4 Administration & Finance Executive Committee Session no 23 - 03 May 2022
- 7.5 Operations and Facilities Executive Committee, Minutes from the previous meeting on May 4, 2022.
- 7.6 CORR: BIA - AGM & Board of Management Meeting Minutes March 8, 2022

8. In-Camera:

- 8.1 Council proceeds in-Camera at 7:41p.m.

1001 THAT Council now meet in-camera in order to address a matter pertaining to:

1. Land Inquiry

- (b) personal matters about an identifiable individual, including municipal or local board employees;
- (c) a proposed or pending acquisition or disposition of land by the municipality or local board;

2. By-Law enforcement matter

- (h) information explicitly supplied in confidence to the municipality or local board by Canada, a province or territory or a Crown agency of any of them;

3. RTR and Point Park Litigation

- (e) litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board;
- (f) advice that is subject to solicitor-client privilege, including communications necessary for that purpose;

CARRIED

Result:	CARRIED
Mover:	Andrew Hallikas
Seconder:	Wendy Brunetta

- 8.2 Land Inquiry
Staff members present: F. Anwar, CAO, G. Lecuyer, Clerk, and C. Vangel, Transportation Superintendent, CBO/Planner
Council received a confidential report from the Clerk relating to Land Inquiry. Council provided direction to administration.
- 8.3 By-Law enforcement matter
Agenda item 8.3 in closed session was deferred to a later date due to ongoing emergency situation relating to flooding.
- 8.4 RTR and Point Park Litigation
Staff members present: F. Anwar, CAO, G. Lecuyer, Clerk Council was provided a confidential report from the CAO relating to the RTR and Point Park Litigation as information.
- 8.5 RTR and Point Park Litigation
Staff members present: F. Anwar, CAO, G. Lecuyer, Clerk and Municipal Lawyers: Clare Brunetta and Jerome Morse
Council was provided a confidential report from the CAO relating to the RTR and Point Park Litigation. Mr. Brunetta and Mr. Morse verbally provided information to Council a discussion was held. Council provided administration direction.
- 8.6 Review closed meeting minutes May 9, 2022
Council received the draft minutes without comment to be approved in open session.

9. Public Session Resumes: at 9:25 p.m.

- 9.1 Mayor Caul reported out of the closed session as follows:
 - 1. The Land inquiry was discussed and direction was provided to Administration
 - 2. The By-Law enforcement matter was deferred
 - 3. The RTR and Point Park Litigation was discussed and direction was provided to Administration

10. Resolutions Required as a result of In-Camera discussions:

- 10.1 Approval of Closed Meeting Minutes of May 9, 2022
- 1005 THAT the closed meeting minutes of the Council dated May 9, 2022 having been typed and distributed be approved

CARRIED

Result:	CARRIED
Mover:	Andrew Hallikas
Seconder:	Michael Behan

11. ADJOURNMENT

- 11.1 The Council Meeting adjourned at 9:27 p.m.

1006 THAT this meeting of the Council of the Town of Fort Frances be now closed.

CARRIED

12. * Previously distributed to Council
13. ** Items can be viewed by contacting the Clerk