



## COMMITTEE OF THE WHOLE MINUTES

Held Tuesday, November 15, 2005  
At 4:00 p.m. – City Council Chambers

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**PRESENT:**

David Canfield	-	Mayor
Len Compton	-	Councillor
Ingrid Parkes	-	Councillor
Rory McMillan	-	Councillor
Ted Szajewski	-	Councillor
Colin Wasacase	-	Councillor
B. Preisentanz	-	CAO
J. McMillin	-	City Clerk

**REGRETS:** Councillor A. Poirier

### A. PUBLIC INFORMATION NOTICES AS PER BY-LAW NUMBER 14-2003

Take Notice that as required under Notice By-law No. 14-2003, Council hereby advises the public of its intention to adopt the following by-law at its

#### Monday, November 21 Meeting:-

- To Amend the 2005 Operating Budget to authorize an appropriation in the amount of \$1,000 donation to NOMEAF;
- To Amend the 2005 Capital & Reserves Budget with respect to Mold Investigation/Remediation;
  - To Amend the 2005 Capital budget to authorize an appropriation from the Jaffray Melick Contingency Reserve in the amount of \$10,000 for the purpose of acquiring property from the Mount Evergreen Ski Area.

### B. DECLARATION OF PECUNIARY INTEREST

There was none declared.

### C. REPORT OF COMMITTEES:-

## FINANCE & ADMINISTRATION COMMITTEE

### **1. Donation to Northwestern Ontario Medical Education Award Fund**

Notice only to Amend Budget in order to adopt the necessary by-law.

**Committee agreed that the by-law for this purpose be processed; contingent on the 2006 budget.**

**PGrouda**

**2. KDSB – 2006 Budget**

**RECOMMENDATION:**

THAT due to critical economic times and the need to keep budgets at the status-quo, or lower, the Council of the City of Kenora hereby requests the Kenora District Services Board (KDSB) to maintain a zero percentage increase for its 2006 budget; and further

THAT a copy of this resolution be forwarded to all other municipalities within the KDSB jurisdiction to support this position by also requesting KDSB to maintain a zero percentage for 2006.

It was noted it was always the understanding that this was a 'revenue-neutral' matter that was agreed to a number of years ago, and the City is not prepared to increase its budget for this purpose. Councillor McMillan will be attending the DSAB meeting on Thursday and will be taking this message forward.

**Councillor McMillan**

**Recommendation approved.**

**JMcMillin**

**3. Preserving the Waters of Rabbit Lake**

**RECOMMENDATION:**

THAT Council give three readings to a by-law for the purpose of preserving the waters of Rabbit Lake.

**Recommendation approved** (resolution and by-law).

**JMcMillin**

**4. Policy – "Use of Corporate Resources for Election Purposes"**

**RECOMMENDATION:**

THAT Council hereby adopts Policy #CC-10-1, entitled "Use of Corporate Resources for Election Purposes;" and further

THAT this policy be included in the City's Policy Manual.

**Recommendation approved.**

**JMcMillin**

**5. Governance Model – Standing Committee Structure**

Committee agreed to eliminate the Committee of the Whole structure and amend the Procedural By-law to provide for the Standing Committee structure, on a four (4) month trial basis beginning January, 2006.

It was suggested the by-law be adopted at the December 12 meeting in order to provide Council an opportunity to review the Standing Committee structure in terms of meeting dates, and times. The Clerk noted there will be a number of items to be adjusted in the Procedural By-law including the way in which In-Camera items are dealt with in the absence of the Committee of the Whole process. Further, the Notice By-law will have to be reviewed/amended to provide for changes, again in the absence of a

**Council**

**JMcMillin**

Committee of the Whole, to ensure that 'reasonable' notice is still able to be given under the new structure.

It was suggested that after four months if this system does not work well, Council could consider going with the Committee of the Whole structure and eliminate Standing Committees, also for a trial period.

**RECOMMENDATION:**

THAT as recommended by the Finance & Administration Committee, authorization be hereby given to adopt a new Governance Model for the Council of the City of Kenora to provide for a Standing Committee Structure and to eliminate the present structure with a formal Committee of the Whole; and

THAT in accordance with Section 238(4) of the Municipal Act, and Notice By-law Number 14-2003, notice is hereby given of Council's intention to adopt a new Procedural By-law to provide for Rules of Order and Procedures for Council; and

THAT Council give three readings to a by-law for this purpose at its meeting to be held Monday, December 12, 2005; and further

THAT Procedural By-law #10-2005 be repealed at that time.

**Recommendation approved** (resolution only at this time).

**6. Meeting Schedule – December/January**

Committee agreed to review dates for the various upcoming meetings at their next regularly scheduled Standing Committee meetings in anticipation of the new structure being put into place.

**HOLD** for ratification at December 12 meeting.

**7. RAFT – Grant Program**

**RECOMMENDATION:**

WHEREAS the City has been in discussions for some time with the "Residents After Fair Taxation" (RAFT) group over the issue of area rating; and

WHEREAS RAFT has made an inquiry with respect to the City issuing a grant to homeowners to offset incremental taxes paid on residential properties relating to increases in assessment; and

WHEREAS Administration was asked to investigate this concept to determine its viability and permissibility under the Municipal Act; and

WHEREAS the costs for this type of program would be in excess of \$675,000 for 2006 alone for strictly the residential property class; and

WHEREAS the City is currently in an economic crisis with its local Abitibi

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mill shutting down Machine #9 and permanently idling Machine #10, the future operations of which is currently uncertain; and

WHEREAS the City is projecting an annual loss of approximately \$1.8 million in provincial funding by 2009 relating to the new Ontario Municipal Partnership Fund, which replaced the previous Community Reinvestment Fund;

NOW THEREFORE BE IT RESOLVED THAT Council is not in a financial position to support a grants program to administer a theoretical property assessment freeze on residential properties.

**Recommendation approved.**

JMcMillin

**8. Endorsation of Resolution – Veterans’ Recognition Program**

**RECOMMENDATION:**

THAT as recommended by the Kenora Police Services Board, Council give three readings to a by-law to amend Schedule “G” to Traffic By-law Number

127-2001, to provide an exemption to vehicles displaying an Ontario Veterans license plate from the provision of ‘penalties’ for expired time at a meter; and further

THAT Council give three readings to a by-law to amend Section 7 - “General Regulations” to Parking Lot By-law Number 18-2002 to provide for the same exemption in municipal parking lots where “automated pay stations” exist.

**Committee agreed that this item be referred back to Kenora Police Services Board as apparently these plates are not limited to certain Veterans, i.e. 1<sup>st</sup>, 2<sup>nd</sup> World Wars and the Korean War. A copy of the article presented by Councillor Compton is to be circulated to Members of Council and the Police Services Board for further review.**

Kenora Police Services Brd.

The Clerk noted it would not likely be possible to differentiate the plates from the various persons entitled to these plates as it appears all plates are the same. This would make it very difficult to police from an enforcement standpoint should the City wish to provide an exemption to certain Veterans only.

**HOLD → refer to KPSB.**

JMcMillin

**9. Charge of Lease Agreement & 6292470 Canada Inc.**

**RECOMMENDATION:**

THAT Council give three readings to a by-law to authorize the entering into of an agreement to confirm Consent of the Charge of Lease Number 20779 by 6292470 Canada Inc.

**Recommendation approved** (resolution and by-law).

JMcMillin

## **10. AMO Alert - Bill 126 – OMERS Status Update**

### **RECOMMENDATION:**

WHEREAS the provincial Standing Committee on General Government is currently debating Bill 206, *An Act to revise the Ontario Municipal Employees Retirement System Act* and

WHEREAS the OMERS pension fund is currently equal to approximately 8% of Ontario's annual GDP; and

WHEREAS the OMERS pension fund serves approximately 900 employers and 355,000 diverse employee groups including: current and former employees of municipal governments; school boards; libraries; police and fire departments; children's aid societies; and, electricity distribution companies; and

WHEREAS Ontario's municipalities and their employees depend on the prudent management of the \$36 Billion plan and to ensure that employees and employers are paying for benefits they can afford; and

WHEREAS OMERS employer and employee members are facing an increase in OMERS contributions in 2006 of approximately 9% as a result of a significant deficit in the OMERS fund; and

WHEREAS the Bill includes significant, potentially costly and unnecessary changes to the governance structure of OMERS including a Sponsors Corporation structured to be governed by arbitration; and

WHEREAS the Bill would permit the creation of expensive supplementary plans to provide optional enhanced benefits that will impose new collective bargaining obligations on municipalities, the operating costs of which cannot yet be fully assessed; and

WHEREAS the Province has a responsibility to study the potential impact of the changes it is proposing and to share the results with employers and employee groups; and

WHEREAS AMO and others have urged the government to consider the potential implications of Bill 206 and to ensure the proposed policy changes protect the interests of employers, employees and taxpayers; and

WHEREAS the Government is moving in haste with a Bill, which in its current form raises significant technical, public policy and economic issues;

THEREFORE BE IT RESOLVED THAT the City of Kenora does not support Bill 206, and requests the that the Government of Ontario reconsider the advisability of proceeding with Bill 206 in its current form; and further

BE IT RESOLVED THAT the Honourable H. Hampton, MPP, the Honourable John Gerretsen, Minister of Municipal Affairs and Housing, the Honourable Dalton McGuinty, Premier of Ontario, and the Association of Municipalities

of Ontario be advised that this Council does not support proposed changes to the OMERS pension fund contained in Bill 206.

**Recommendation approved.**

JMcMillin

**11. City of Kenora Municipal Five Year Capital Plan**

**RECOMMENDATION:**

THAT the scheduling of the 2006 Five Year Capital Plan be forwarded to the Budget Committee of Council, being all of Council, and brought to Committee of the Whole for review and final decision.

**Recommendation approved.**

JMcMillin

**12. Provision of Legal Services**

**RECOMMENDATION:**

THAT Council of the City of Kenora hereby appoints Bruce Ormiston of Shewchuk, MacDonell, Ormiston, Richardt & Fregeau, as City Solicitor for the City of Kenora.

Councillor Compton advised he no longer has any financial connection to the Firm.

It was suggested the wording be changed to reflect that Mr. Ormiston act as 'lead Solicitor' in order that the entire firm may act for the City in one capacity or the other if and where required.

**AMENDED RECOMMENDATION:**

THAT Council of the City of Kenora hereby appoints the law firm of Shewchuk, MacDonell, Ormiston, Richardt & Fregeau for the City of Kenora, with Bruce Ormiston acting as 'Lead Solicitor' for the City.

**Recommendation approved.**

JMcMillin

**13. Gas Tax Funding Agreement**

**RECOMMENDATION:**

THAT Council give three readings to a by-law authorizing the execution of the Municipal Funding Agreement for the Transfer of Federal Gas Tax Revenues under the New Deal for Cities and Communities between the Association of Municipalities and the City of Kenora.

**Recommendation approved** (resolution and by-law).

JMcMillin/  
PGrouda

**14. LOW Labour Action Centre – Funding Agreement Application**

**RECOMMENDATION:**

THAT Council authorize a funding agreement with Service Canada for the Lake of the Woods Action Centre; and further

THAT Council give three readings to a by-law for the Mayor and Clerk to execute said agreement upon receipt of the final signed grant contract.

**Recommendation approved** (resolution and by-law).

JMcMillin/  
PGrouda

## COMMUNITY SERVICES COMMITTEE

### **1. City Hall Mold Investigation/Remediation**

Notice only to Amend Budget in order to adopt the necessary by-law.

**Committee agreed that the by-law be processed for Monday's meeting.**

PGrouda

### **2. Kenora in Bloom – 2006 Request**

#### **RECOMMENDATION:**

THAT Council of the City of Kenora hereby supports the City of Kenora's participation in the 2006 National Communities in Bloom Competition; and

THAT the City of Kenora incorporates an additional \$6,150.00 into the 2006 Parks Operating Budget to operate this program (pending overall Operating Budget final approval for 2006), with this fee to include the registration fee, operational expenses, program delivery, and yearly Volunteer Community Showcase; and

THAT the Mayor and not less than one (1) Councillor attend the Awards Ceremony in Brandon, Manitoba; and further

THAT the Economic Development Department be directed to seek funding to replace the Gateway Entrance Signs.

**Committee agreed to remove the attendance of Council at this time from the recommendation and this be dealt with closer to the time of the event.**

#### **AMENDED RECOMMENDATION:**

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THAT Council of the City of Kenora hereby supports the City of Kenora's participation in the 2006 National Communities in Bloom Competition; and

THAT the City of Kenora incorporates an additional \$6,150.00 into the 2006 Parks Operating Budget to operate this program (pending overall Operating Budget final approval for 2006), with this fee to include the registration fee, operational expenses, program delivery, and yearly Volunteer Community Showcase; and further

THAT the Economic Development Department be directed to seek funding to replace the Gateway Entrance Signs.

**Recommendation approved.**

JMcMillin

### **3. Youth Drop-in Centre Lease**

**Brd. to Review**

## EMERGENCY SERVICES

**No reports.**

**New Item:**

**"Double Hatters" - Firefighters**

Councillor Parkes requested consideration by Council that a letter be sent under the Mayor's signature once again in support of "Double Hatters" as done a few years ago with respect to firefighters.

**Committee agreed the City re-confirm its position with respect to this matter in the form of a letter of support.**

**Recommendation approved** (letter and file).

JMcMillin

**OPERATIONS COMMITTEE**

**1. Public Works Re-location Information Report  
Ongoing**

**2. Water & Sewer By-law #168-2004**

**RECOMMENDATION:**

THAT Council hereby approves initiating the legislative process to amend Comprehensive Sewer & Water By-law Number 168-2004 for the purpose of adjusting the bleeder rate for customers by providing a discount of 50% for the volumetric charge only; and

THAT in accordance with O.Reg.#244/02 and Notice By-Law Number 14-2003, notice is hereby given that a public meeting will be held with a minimum of 21 days advance notice prior to adopting the by-law; and further

THAT Council give three readings to a by-law to amend By-law Number 168-2004 at its meeting scheduled for December 12, 2005.

**Recommendation approved** (resolution only at this time).

JMcMillin

**3. Attendance at 2006 OGRA/ROMA Combined Conference  
- February 19 – 22 – Toronto**

**RECOMMENDATION:**

THAT authorization be hereby given for a combination of up to five (5) Members of Council and staff to attend the 2006 OGRA/ROMA Combined Conference being held in Toronto, February 19 to 22; and further

THAT all eligible expenses in accordance with Council's Travel & Per Diem Policy be authorized.

**Recommendation approved.**

JMcMillin

**PROPERTY & PLANNING COMMITTEE**

**1. Zoning By-law Amendment – "Home Occupations"**

**RECOMMENDATION:**

THAT Council give three readings to a by-law to amend Comprehensive



Zoning By-law Number 160-2004 with respect to Home Occupations.

**Recommendation approved** (resolution and by-law).

**PGrouda**

**2. Appointments to Heritage Committee      HOLD - Advertising**

**UTILITIES & COMMUNICATIONS COMMITTEE**

**1. K.M.T.S. Information Report.  
Ongoing**

**OTHER BUSINESS – REGULAR AND/OR IN-CAMERA**

- **“I’ll Be Home for Christmas” Promotions**

**RECOMMENDATION:**

THAT Council of the City of Kenora hereby authorizes free public parking at the Kenora Parkade (first two floors) on Saturday, November 26 between the hours of 9:00 a.m. and 9:00 p.m. for the B.I.A. “*I’ll be Home for Christmas*” promotion, in order to provide greater access to convenient customer parking in the Business Improvement Area; and

THAT the Parkade remain open for free customer weekend parking only between November 27 and December 24 between the hours of 4:30 p.m. on Fridays to 6:00 p.m. on Sundays; and further

THAT approval be given for a temporary street closure from Third Street South to Main Street South docks and Third Street South to Hennepin Lane on Saturday, November 26 between 8:00 a.m. and 4:00 p.m., in support of this Christmas promotion.”

**JMcMillin**

**Recommendation approved.**

**MOTION REQUIRED ADJOURNING TO CLOSED MEETING:**

**Moved by R. McMillan, Seconded by I. Parkes, and Carried:-**

THAT this meeting be now declared closed at 5:26 p.m.; and further

THAT Council adjourns to a Closed Meeting to discuss the following:

- **Proposed Acquisition of Land.**

**ACTION REQUIRED FROM CLOSED SESSION:-**

- **Mount Evergreen Ski Area**

**RECOMMENDATION:**

THAT Council hereby accepts the request submitted by the Mount Evergreen Recreation Area committee to allocate \$10,000 to purchase a

triangular piece of property described as Concession 6J, Pt Loc 263P EB1298, Des RP KR36, Part 2, Pcl 25848 KR1617, Parts 4, 5 & 6, from Mount Evergreen following their successful purchase of the property; and

THAT in accordance with Notice By-Law Number 14-2003, public notice is hereby given that Council intends to amend the 2005 Budget for this purpose at its November 21 meeting; and further

THAT Council give three readings to a by-law to amend the Capital budget to authorize an appropriation from the Jaffray Melick contingency reserve in the amount of \$10,000.

**Recommendation approved** (resolution and by-law to amend budget). A second by-law will be required for the purchase/transfer of the property at a later date.

**The meeting adjourned at 5:55 p.m.**

**JMcMillin/  
PGrouda  
Diarized**