



Committee of the Whole M i n u t e s

Monday, September 12, 2011

3:30 p.m.

City Council Chambers

Action

Present: Mayor D. Canfield
Councillor C. Drinkwalter
Councillor R. Lunny
Councillor R. McMillan
Councillor L. Roussin
Councillor S. Smith
K. Brown, CAO
R. Perchuk, Operations Manager
W. Brinkman, Emergency Services Manager
S. McDowall, HR Manager
C. Neil, Recreation Services Manager
J. McMillin, City Clerk

Regrets: Councillor R. McKay

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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 September 19th meeting:-

- Amendment to the Tariff of Fees By-law to include a surcharge for the re-issuing of Marriage Licences after-hours;
- Amendment to the 2011 Water & Sewer Capital Budget and Five Year Capital Budget for the emergency purchase of a new generator for the Government Road Lift Station in the amount of \$42,900;
- Amendment to the 2011 Operating Budget to appropriate \$13,275 plus applicable taxes from the Station 2 Reserve to complete works associated with the exhaust extraction system (former Keewatin Fire Hall);
- Amendment to the 2011 Operating Budget to appropriate \$32,237 from the City's Contingency Reserve to fund the incremental costs related to the negotiated settlement with the Kenora Professional Fire Fighters Association.

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.

There was none declared.

C. Motion for Confirmation of Previous Committee Minutes:

Moved by R. McMillan, Seconded by R. Lunny & Carried:-

That the Minutes from the last regular Committee of the Whole Meeting held August 8, 2011 be confirmed as written and filed.

D. Deputations:

3:30 p.m.

➤ **Gudelia Morency, Regional Outreach and Education Advisor
Office of the Independent Police Review Director, Toronto**

Ms Morency gave an overview to Committee on the process under her office as Regional Outreach and Education Advisor for the Office of the Independent Police Review Director which officially opened in 2009 and summarized the steps involved on how the public would make a complaint against police.

Mayor Canfield thanked Ms Morency for attending the meeting and providing Council with an overview of the mandate and administration of the public complaints system.

3:45 p.m.

➤ **Kelli Saunders – IJC Task Force**

Ms Saunders provided an update to Committee on the International Joint Commission Task Force work for the Lake of the Woods and Rainy River areas, advising that the Task Force is now disbanded. She reviewed the Task Force work over the last year with a Power Point presentation and explained that while there were a number of recommendations made by the IJC, they are not necessarily the decisions that will come to fruition. Ms Saunders advised the Commission is currently reviewing the July 15 report following which next steps will be identified as a result of the public consultation process. The Commission will take everything they hear, together with the IJC report and implement/modify as it deems fit. The report can be viewed by visiting:

www.ijc.org/conseil_board/rainy_river_watershed

Mayor Canfield thanked Kelli for her presentation and update.

E. Reports:

Community & Protective Services

Councillor Drinkwater, Chair, reviewed the Committee reports:-

1. Dave Holland Lease Agreement

Recommendation:

That Council of the City of Kenora extends the existing lease with Dave Holland Sports Enterprise Ltd. for an additional 12 months commencing September 30th, 2011 under the same terms and conditions as the current lease; and further

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

Recommendation approved (resolution and by-law).

JMcMillin

2. Nederman Exhaust Extraction System

Recommendation:

That Council of the City of Kenora authorize the removal of the Nederman Magnatrac exhaust extraction system from former Fire Station 1 and relocate this exhaust extraction system to the City of Kenora Fire and Emergency Services Station 2 (formerly the Keewatin Fire Hall); and

That Council hereby approves an amendment to the 2011 operating budget to appropriate \$13,275 plus applicable taxes to complete this work from City of Kenora Fire and Emergency Services Station 2 reserve account; and

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2011 Municipal Operating Budget by by-law at its September 19th meeting; and further

That Council hereby gives three readings to a by-law to amend the 2011 budget for this purpose.

Recommendation approved (resolution and by-law).

JMcMillin

3. Memorandum of Agreement – KPFFA

Recommendation:

THAT Council of the City of Kenora hereby approve the Memorandum Agreement by resolution between the Corporation of the City of Kenora and the KPFFA Local 943 for the term January 1, 2011 to December 31, 2013.

That Council hereby approves an amendment to the 2011 Operating Budget to appropriate \$32,237 from the City's Contingency Reserve to fund the incremental costs related to the negotiated settlement with the Kenora Professional Fire Fighters Association; and

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2011 Municipal Operating Budget by by-law at its September 19th meeting; and further

That Council hereby gives three readings to a by-law to amend the 2011 budget for this purpose.

Recommendation approved (resolution and by-law).

JMcMillin

Corporate Services

Councillor McMillan, Chair, reviewed the Committee reports:-

1. K.D.S.B. Report from Councillor Roussin Monthly Update

Councillor Roussin referred to some concerns with the Dryden KDSB Office and related health issues. He noted the Ministry of Labour, Northwestern

Ontario Health Unit as well as the owner of the building have been contacted and various testing is being done on the building at this time. Councillor Roussin also indicated there is a zero-based budgeting session scheduled for September 15 (looking at implementation in 2013), and the next full training for Senior Management and Board Members is October 17 and 18. Reference was made to recent documentation from Iain Angus on recommendations to improve Social Assistance in Ontario and there have been submissions made that a complete audit may be required by the Boards however the Commission had not looked beyond Thunder Bay during the process this year.

Councillor McMillan asked about the Land Ambulance matter and Councillor Roussin advised that September 29 is the next Board meeting and it is expected there will be an update at that time.

2. A.M.O. Conference Summary

Recommendation:

That Council accepts the report resulting from the recent AMO conference held in London, Ontario August 21 to 24, 2011 as presented.

Recommendation approved.

JMcMillin

3. Council Gifts Policy

Recommendation:

That Council hereby approves the revised Council Gifts and Term Supplies Policy #CC-1-1 as it relates to those items required to be provided to Members of Council at the beginning of a new Term of Office; and further

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

Recommendation approved (resolution and by-law).

JMcMillin

4. Fabric of Diversity Conference

Recommendation:

That authorization be hereby given for Councillor Smith and Councillor McMillan to attend the Fabric of Diversity Conference in Kenora, taking place September 14 and 15, 2011 at the Lakeside Inn; and further

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

Recommendation approved.

JMcMillin

5. Health and Safety Policy Manual

Recommendation:

That Council hereby approves the City of Kenora Health and Safety Policy Manual as amended; and further

That Council hereby gives three readings to a by-law for this purpose.

Recommendation approved (resolution and by-law).

JMcMillin

6. Houseboats at Coney Island

Recommendation:

That Council hereby directs administration to work with the Ontario Provincial Police and the Ministry of Natural Resources to provide notice to the registered owners of the various vessels currently parked either on or in front of the City's water lot on the North East side of Coney Island to remove their vessel by October 31, 2011; and

That Council further direct administration to have the related vessels removed and impounded should the registered owners not comply with the City's direction as provided; and further

That Administration be hereby directed to take whatever further action is deemed necessary on this matter as a result of any non-compliance to the City's notice for removal of the vessels on or after November 1, 2011, following consultation with the appropriate authorities.

Recommendation approved.

JMcMillin

It was noted the City received a response on 'Squatters Rights' and 'Grandfathering clause' items from the City Solicitor and the MNR for clarification and that the definitions do not apply in this matter. Mayor Canfield commented that this 'wasn't an issue until it became an issue' and as such has to be dealt with now by the City. Councillor McMillan explained that while comments from the gallery could not be discussed at today's meeting, deputations can be made for the upcoming Council meeting on September 19.

7. LOW Coordinator Position – Ministry of Environment

Recommendation:

That the Council of the City of Kenora draft correspondence to the International Joint Commission (IJC) requesting that they consider the comments provided at the August 20, 2011 Forum and integrate them into the International Lake of the Woods and Rainy River Watershed Task Force Report (Task Force Report); and

That the Commissioners be requested to provide a summary of the recommendations that will go forth to the Department of Foreign Affairs and International Trade Canada and the United States Department of State; and

That the City of Kenora Council requests the Ministry of the Environment to retain the position of the Lake of the Woods Coordinator, slated for termination; and further

That a copy of the resolution be forwarded to the Municipalities and First Nations within the Lake of the Woods and Rainy River watershed seeking their support and requesting they forward similar correspondence.

Recommendation approved.

JMcMillin

8. Appointment to Kenora Municipal Non-Profit Housing Recommendation:

That Council hereby appoints Wendy Cuthbert to fill a vacancy created by the resignation of Shawn Bailey on the Kenora Municipal Non-Profit Housing Corporation with a term to expire November 30, 2012.

Recommendation approved.

JMcMillin

Committee requested an update from Administration on the status of possibly having the two Non-Profit Housing Corporations merge as one Board.

KBrown

9. Ke-ondaatiziying Treaty 3 Area Economic Conference Recommendation:

That authorization be hereby given for up to four (4) Councillors and staff to attend the Ke-ondaatiziying Treaty 3 Area Economic Opportunities Conference in Kenora, taking place September 28, 29, and 30th 2011 in Kenora; and further

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

It was determined that Councillors McMillan, Roussin, Smith and Karen Brown, CAO will attend.

HKasprick

Recommendation approved.

JMcMillin

10. Noise By-law Exemption – Rideout Community Club Recommendation:

That Council hereby grants a temporary exemption to Section 10 of Noise By-law Number 27-2007 to Brad Maluorno on behalf of the Rideout Community Club for the sole purpose of permitting local bands to conduct band practices at the Community Club during the following times on a one (1) month trial basis between September 19 and October 19, 2011:-

Wednesday evenings between 4:00 p.m. and 9:00 p.m.
Friday evenings between 4:00 p.m. and 9:00 p.m.; and

That Council hereby waives the exemption fee for this purpose; and

That Council hereby authorizes the City Clerk to immediately revoke this exemption should there be an increase in the number of complaints from multiple neighbouring residents during this period; and further

That at the conclusion of the temporary noise exemption period, the City Clerk is hereby authorized to continue approving monthly noise exemptions in accordance with this approval or to advise the Community Club that this activity must cease and desist, based on feedback during the trial period.

Recommendation approved.

JMcMillin

11. Surcharge for Re-issuing Marriage Licences After Hours

Recommendation:

That Council give three readings to a by-law to amend Tariff of Fees & Charges By-law Number 147-2007 to provide for a \$200 surcharge for re-issuing Marriage Licences After Hours over and above the cost of paying for an additional Marriage License; and further

That public notice is hereby given that Council intends to adopt the amending by-law at its September 19, 2011 meeting at which time the applicable fee will come into effect on a forward basis.

Recommendation approved (resolution and by-law).

JMcMillin

12. Receipt and Approval of Various Committee Minutes

Recommendation:

That Council hereby adopts the following 2011 Minutes from various City of Kenora Committees:

- July 7 & August 4 – Harbourtown Centre Committee
- July 11 & August 12 – Committee of the Whole
- July 12 – Property & Planning Committee
- July 14 & August 30 – Environmental Advisory Committee

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

- May 26 – Kenora Public Library Board
- June 30 – Northwestern Health Unit Board of Health
- June 3 & July 22 - District of Kenora Home for the Aged; and further

That these Minutes be circulated and ordered filed.

Recommendation approved.

JMcMillin

13. Deer Management

Recommendation:

That Council hereby approves an amendment to the Discharge of Firearms By-law #148-2010 to authorize an extension to the areas in which deer hunting is allowed within City limits, for a trial period only for the period October 1, 2011 up to and including November 15, 2011, with the following restrictions:

- Hunting shall be restricted to hunting of deer only south of Highway 17A (the By-pass);
- Firearms authorized to be used for hunting within City limits south of the by-pass shall be restricted to archery equipment as defined per the rules and regulations of the Fish and Wildlife Conservation Act;

- Hunters eligible to hunt within City limits south of Highway 17A (the By-pass) shall be restricted to those eligible to hunt under the Resident – Open Season, as defined within the Ontario hunting regulations;
- Hunters shall have all required licenses and courses and comply with the rules and regulations as set out in the Fish and Wildlife Conservation Act and adhere to all related Provincial and Federal statutes;
- Hunting shall only be permitted on parcels of land of an area of five (5) hectares or greater;
- Hunting shall be prohibited on all city owned land;
- Hunting shall only take place on either crown land or private property which lies within the designated hunting areas and related size restrictions;
- Hunters must obtain written permission to hunt on private land from the property owner and display written permission at request of a law or by-law enforcement officer;
- Discharging a bow and arrow within 75 metres of an occupied dwelling or roadway is prohibited;
- No bow and arrow shall be discharged in the direction of any human, roadway, structure or domestic animal within reasonable range of the weapon at an angle which might allow the projectile to strike at, or dangerously near these objects;
- Field dressing shall be done in accordance with the wishes of the property owner and remains shall not be disposed of on City property; and further

That Council hereby authorizes an amendment to the Prohibit Feeding of Wild Animals By-law #139-2008 to authorize the feeding of deer within City limits north of the by-pass.

A discussion ensued on the feeding of deer and Councillor Smith was adamant there be no feeding of deer within city limits and that the recommended amendment not proceed.

It was agreed at this time to remove the proposed amendment to By-law #139-2008 until the Open House takes place this coming Thursday at which time there may be feedback to this concept. For now only the Discharge of Firearms By-law will go forward Monday for an amendment.

Amended Recommendation:

That Council hereby approves an amendment to the Discharge of Firearms

By-law #148-2010 to authorize an extension to the areas in which deer hunting is allowed within City limits, for a trial period only for the period October 1, 2011 up to and including November 15, 2011, with the following restrictions:

- Hunting shall be restricted to hunting of deer only south of Highway 17A (the By-pass);
- Firearms authorized to be used for hunting within City limits south of the by-pass shall be restricted to archery equipment as defined per the rules and regulations of the Fish and Wildlife Conservation Act;
- Hunters eligible to hunt within City limits south of Highway 17A (the By-pass) shall be restricted to those eligible to hunt under the Resident – Open Season, as defined within the Ontario hunting regulations;
- Hunters shall have all required licenses and courses and comply with the rules and regulations as set out in the Fish and Wildlife Conservation Act and adhere to all related Provincial and Federal statutes;
- Hunting shall only be permitted on parcels of land of an area of five (5) hectares or greater;
- Hunting shall be prohibited on all city owned land;
- Hunting shall only take place on either crown land or private property which lies within the designated hunting areas and related size restrictions;
- Hunters must obtain written permission to hunt on private land from the property owner and display written permission at request of a law or by-law enforcement officer;
- Discharging a bow and arrow within 75 metres of an occupied dwelling or roadway is prohibited;
- No bow and arrow shall be discharged in the direction of any human, roadway, structure or domestic animal within reasonable range of the weapon at an angle which might allow the projectile to strike at, or dangerously near these objects;
- Field dressing shall be done in accordance with the wishes of the property owner and remains shall not be disposed of on City property.

~~That Council hereby authorizes an amendment to the Prohibit Feeding of Wild Animals By law #139-2008 to authorize the feeding of deer within City limits north of the by pass.~~

Recommendation approved as amended (resolution and by-law)

JMcMillin

Other Business:

2012 NWO (NOVA) Visionary Awards

Councillor McMillan explained this is for information only as no resolution is required. The deadline is October 15, 2011 should anyone wish to submit a nomination.

Kenora Culture Days – September 30, October 1 and 2

Councillor McMillan referred to the Culture Days weekend; information on the event can be viewed by visiting: www.culturedays.ca

October 1st Fall Feast

Councillor McMillan advised the Fall Feast will take place Saturday, October 1, 2011 from 10:00 a.m. to Noon on Tunnel Island; it is an important annual ceremony open to everyone.

Economic Development

Councillor Smith, Chair, reviewed the Committee reports:-

No Reports.

Finance

Councillor Lunny, Chair reviewed the Committee reports:-

1. FCM Membership

Recommendation:

That Council defer the request for membership for the Federation of Canadian Municipalities (FCM) to the City's 2012 Operating Budget deliberations.

Recommendation approved.

JMcMillin

2. July Financial Statements

Recommendation:

That Council hereby accepts the monthly Financial Statements of the Corporation of the City of Kenora as at July 31, 2011.

Recommendation approved.

JMcMillin

3. Prosperity Trust Fund

Recommendation:

That Council hereby accepts the report on the Kenora Citizens' Prosperity Trust Fund.

Recommendation approved.

JMcMillin

Other Business:

Scott Tournament of Hearts – Ontario Play Downs

Recommendation:

That authorization be hereby given for the City of Kenora to purchase a Platinum Sponsorship in the amount of \$2,500 for the Scott Tournament of Hearts Ontario Women’s Play Downs taking place at the Kenora Curling Club during the week of January 23, 2012; and further

That the City of Kenora Logo be used for advertising purposes in conjunction with this sponsorship.

Recommendation approved.

Committee agreed the matter of advertising the 30 second advertising spots under the Platinum Sponsorship be referred to the Tourism Department to promote on behalf of the City and that the City logo be used, not the Kenora Brand for this purpose.

The Clerk is to provide a copy of the City Logo to the Organizing Committee prior to September 15, 2011.

JMcMillin

JMcMillin

Operations Committee

Councillor McKay, Chair reviewed the Committee reports:-

1. 16th Avenue N Crossing Stop Sign

Recommendation:

That Council give three readings to a by-law to amend Traffic Regulation By-law #127-2001 to include the addition to Schedule 'O' - "Stop Signs at Intersections" for 16th Avenue North at 6th Street North:-

Schedule "O" Stop Signs at Intersections

Add:

Column 1

Intersection

16th Avenue North and CP Rail
Avenue North Crossing @ Mile 144.84

Column 2

Facing Traffic

South bound on 16th

Recommendation approved (resolution and by-law).

JMcMillin

2. New Generator – Government Rd. Lift Station

Recommendation:

That Council hereby authorizes an additional budget request in the amount of \$42,900.00, plus HST, for the emergency purchase of a new generator for the Government Road Lift Station; and

That Council hereby authorizes the additional request to be funded through

the reallocation of \$42,900.00, plus HST, from the Lift Station #913 Pump project approved under the 2011 Water & Sewer Capital Budget; and

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2011 Water & Sewer Capital Budget and its Five Year Capital Budget at its September 19, 2011 meeting; and further

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

Recommendation approved (resolution and by-law).

JMcMillin

3. Municipal Docks & Wharves By-law

Recommendation:

That Council give three readings to a by-law to regulate the use of waterfront properties with docking facilities as well as water lots utilized for boat anchorages; and further

That By-law Number 9-2010 with respect to a Municipal Docking Policy be hereby repealed.

Recommendation approved (resolution and by-law).

JMcMillin

Next Meeting:

- Tuesday, October 11, 2011

Motion - Adjournment to Closed Meeting:

1. Moved by R. McMillan, Seconded by R. Lunny & Carried:-

That this meeting be now declared closed at 5:55 p.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 an item pertaining to the following:-

i) Litigation Matter

At 6:35 p.m. Committee reconvened to Open Session with no report and the meeting was declared closed.