



**MINUTES**  
of the  
**Property and Planning Committee**  
Of Council

Held May 6 2008  
City Council Chambers 9:00 a.m.

.....  
**PRESENT:** Councillor W. Cuthbert, Chair  
Bill Priesentanz, CAO  
Mayor L. Compton  
Councillor C. Van Wallegghem  
Councillor D. McCann  
Councillor R. McMillan  
Councillor C. Drinkwalter  
Art Mior, PAC Chair  
Jeff Port, City Planner  
Tara Rickaby

**Regrets:**

**PUBLIC INFORMATION NOTICES AS PER BY-LAW NUMBER 144-2007**

**Take Notice that Council intends to approve the following at its next Meeting:**

- A By-law to assume Streets A and B
- A By-law to accept and assume a portion of Homestake Road
- A By-law to amend Zoning By-law No. 160-2004 with respect to small animal breeding and boarding and animal shelters
- A by-law to enter into a lease agreement with Houseboat Adventures
- A by-law to enter into a lease agreement with E. Whiting
- A by-law to transfer lands to James and Cindy Burley

**B. DECLARATION OF PECUNIARY INTEREST**

- a) On today's agenda - None  
b) From a meeting at which a Member was not in attendance - None

**C. CONFIRMATION OF MINUTES**

**Moved by:** Chris Van Wallegghem **Seconded by:** Dave McCann & **Carried:**  
THAT the Minutes from the last regular meeting of Committee held April 8, 2008 be confirmed as written and filed.

**D. ADDITION TO AGENDA:**

1. None

**E. STANDING COMMITTEE DEPUTATIONS:-** None

**E. REPORTS:-**

**1) Assumption of Streets A and B**

Councillor Cuthbert indicated that this is a "housekeeping" item. As a result of a title search, the Municipal Solicitor found that Streets A and B are still under the ownership

of the Rat Portage Lumber Company. In order for the City to proceed to transfer lands to abutting land owners, the title must be changed and the lands assumed, and dedicated. The notice period has begun, after which a by-law is required to be adopted.

**RECOMMENDATION:**

**THAT** the Corporation of the City of Kenora passes a by-law to assume Street A, Plan M31 and part of Street B, Plan M31, lying North of Highway 17, Lane Plan M31 abutting Lots 96-98 and Lane Plan M31 abutting Lots 99-102; City of Kenora, District of Kenora

**THAT** the Mayor and Clerk be and are hereby empowered to execute any and all documents required to complete this transaction.

**RECOMMENDATION TO COUNCIL**

**Clerk/M. Sol  
Planning**

**2) Amendment to Site Plan – 1695929 Ontario Inc. (formerly Twin Eleven)**

The City Planner noted that the passing of an amending by-law is being processed. He explained the history of the site plan and one amendment. The purpose of this application to amend the site plan is two-fold: i) Make some changes to landscaping detail to reflect “as built” conditions; and ii) Addition of several structures – deck, generator building and tower in the parking area. The Developer would like Council to consider two separate amendments; the first for the landscape changes and the deck and generator building, and then a separate amendment for the tower.

The Developer and prospective tenant have both been furnished with a copy of the City's tower policy. There has been nothing received with respect to Industry Canada requirements.

**Action:** The Developer will be notified of the following: The site plan submitted does not include the communications tower proposed by the developer. That it is the preference of the City of Kenora to deal with all proposed amendments in a single application. That work should commence on the tower approval per the City of Kenora Communications Tower Policy PP-1-1 as part of the development agreement amendment process; and 2. There are a number of landscape revisions to the existing site plan. As these landscape improvements impact the condominium owners, the developer will need to secure written consent from the condominium corporation as part of the approval process. It is the understanding of the City that the Corporation's AGM is next week. This may be an opportune time to present the contemplated modifications, and obtain consent.

**M. Sol  
Planning**

**HOLD FOR MORE INFORMATION**

**3) Accept and Assume a portion of Homestake Road**

In 2006, Ron Herbacz applied to the Kenora Planning Advisory Committee for consent to create one new lot on property abutting the Homestake Road. Conditional approval given for that consent and a condition of approval was:

*That, the Applicant transfers a 20 metre road allowance for any portion of the Homestake Road that crosses the subject property.*

The consent lapsed after 365 days, as the conditions were not fulfilled. Mr. Herbacz has followed through with the surveying the portion of the Homestake Road which abuts his property (approximately 630 metres long) , all of which was still registered in his name. Once this road is transferred to the City, further development of the lands to the north can be

The transfer of property described as Part 1 of Plan 23R-11551 was completed. The City of Kenora currently maintains the Homestake Road as part of its roads network.

**RECOMMENDATION:**

**THAT** the Corporation of the City of Kenora passes a by-law to assume that portion of the road, known locally as Homestake Road, and described as Part 1 of Plan 23R-

11551; and

**THAT** the Mayor and Clerk be and are hereby empowered to execute any and all documents required to complete this transaction.

**RECOMMENDATION TO COUNCIL**

**Clerk/M.Sol  
Planning**

**4) Zoning By-law Amendment Z04/08 – Small animal breeding/boarding and animal shelters in HC – Highway Commercial and ML – Light Industrial Zones**

Councillor Cuthbert delivered a report to the Committee in which she asked for some thought to be given as to whether or not it is appropriate to permit an animal shelter, vet service or breeding/boarding kennel in certain areas of the City. She named the areas in which the uses are permitted.

Bill Preisentanz recommended that Council first make a decision on the business license appeal, and then review the Kenora Planning Advisory Committee's recommendation for a decision on the Zoning By-law amendment as the two are tied; dependent on what decision Council reaches on each of the issues.

Art Mior explained that the reason the Planning Advisory Committee put the buffer zone into the recommendation was so that if an applicant could not meet the requirements, there would be an opportunity for public consultation for any amendment or variance of the by-law. All of the uses are protected in this way.

The Committee discussed site plan control as an option for ensuring that an animal shelter is not considered a noxious use in any zone in which it is permitted.

Discussion took place with respect to the business license appeal and the ramifications of any decision in that regard.

**RECOMMENDATION:**

**THAT Council** considers amending Zoning By-law No. 160-2004 as follows: Remove "Small animal breeding and boarding establishment" from the RR – Rural Residential Zone; and 2) Remove "Animal shelter and veterinary service" from HC – Highway Commercial Zone and ML – Light Industrial Zone and permit them in MH – Heavy Industrial and RU – Rural, with 500 metre buffer zone, measured between the exact location of the facility, in a concentric circle, between the facility and any residence; and

**THAT** the City of Kenora Animal Control By-law be amended to be in harmony with the Zoning By-law.

**RECOMMENDATION TO COUNCIL**

**Clerk  
Planning**

**5) Lease agreement – Houseboat Adventures**

Jeff Port indicated that the lease is not ready to be brought before Council for adoption and suggested that the details be discussed in camera. The Committee concurred.

**HOLD**

**Mun. Sol/  
Planning**

**6) Lease agreement – Whiting**

Councillor Cuthbert reported that Ernie Whiting has had a lease with the municipality for a number of years (20 at least) for a water lot at the end of Third Avenue South. The lease has been renewed over the years on the basis of a three year term. Mr. Whiting currently pays \$1201.48 (plus applicable taxes).

As of May 30, 2008, the lease will expire and Mr. Whiting has indicated an interest in renewing the lease under the same conditions, which includes an escalation fee of 3% per year. The fee for 20087 would be \$1,237.92 (plus applicable taxes). The lease contains an escape clause for both parties with a requirement of thirty (30) days written notice and is not transferable.

**Clerk/  
Planning**

On October 9, 2007, the following resolution was passed by Council:

**Application for Lease - Whiting**

**17. Moved by W. Cuthbert, Seconded by C. Van Walleghem & Carried:-**

THAT the Council of the City of Kenora agrees to enter into a lease agreement with Ernest John Whiting for a one (1) year period ending May 30, 2009 with a 3% escalation fee for use of a water lot designated as Part 1 on Plan 23R-6877; and further

THAT three readings be given to a by-law for this purpose in May, 2008.

The Operations Manager recommends against sale of the property for several reasons: the Coast Guard uses a portion of the road allowance for access to their property and the City has water and sewer infrastructure in the area, as well as storm drainage.

**Recommendation:**

THAT the City of Kenora gives three readings to a By-law to enter into a lease agreement, for a one (1) year period ending May 30, 2009 with Ernest John Whiting for use of a water lot designated as Part 1 on Plan 23R-6877.

**RECOMMENDATION TO COUNCIL**

**Clerk/  
Planning**

**7) Summer student program – Tourism**

For the summer of 2008, the Tourism Department will play a vital role in visitor services during the Big Spruce Downtown Revitalization project. In addition to the Tourism Centre on Hwy 17 East and the Pavilion, the department will also staff three (3) welcome stand kiosks located within the community. These kiosks will provide residents, summer residents and visitors with information on available parking, traffic flows, construction timelines, business access as well as activities, events and accommodations information.

The Tourism Department has applied to Service Canada for funding in the amount of \$6,200 to offset the costs of hiring 3 summer students. An additional application has been made to the Ministry of Northern Development and Mines for a \$2.00 per hour subsidy for summer students.

The Tourism Department is requesting that approval be granted for the hiring of three (3) additional summer students for the 2008 year for a total of 6 summer students. This additional request will not increase the tourism budget and payroll will fall within the allocated funds in the budget.

**RECOMMENDATION:**

THAT Council of the City of Kenora approve the hiring of three (3) students for the Tourism Department: (for 15 weeks each for a total of 43 weeks) from May 14 – August 30, 2008; and further

That all positions approved are conditional upon funding, from Service Canada, and Council approval of the 2008 City Operating Budget; and

THAT the Mayor and Clerk be authorized to enter into an agreement with Service Canada.

**RECOMMENDATION TO COUNCIL**

**Clerk/  
Planning**

**8) Snowmobile Committee Terms of Reference**

Councillor Cuthbert reported on the progress and achievements of the snowmobile advisory committee, and indicated that all members wish to continue to serve on the Committee. She recommended that the mandate of the Committee be expanded to include all terrain vehicles within the City.

The Mayor complimented the Committee on its hard work, especially in the face of some of the objectionable correspondence received.

The Committee discussed the benefits of a member of the Tourism Committee sitting on the new committee, and will request that a member of the Committee be appointed.

**Action:** The Planning Department will draft a new terms of reference for review at the next meeting.

**Planning**

**HOLD**

**9) Heritage Committee Membership**

Jeff Port reported that Council passed By-law Number 137-2007 on November 26, 2007, establishing the Kenora Heritage Committee and establishing a terms of reference for it. Tim Davidson has served on the Committee since its inception, and through an oversight, has not been re-appointed. In addition, Lisa Moncrief resigned as an ex-officio member of the Committee and applied for full membership. The term of appointment is concurrent with the term of Council.

**RECOMMENDATION:**

*That Council approves the appointment of Tim Davidson and Lisa Moncrief to the Kenora Heritage Committee for the balance of the term of Council.*

**RECOMMENDATION TO COUNCIL**

**Clerk/Planning**

**10) AMO Proposed Economic Development Task Force**

Councillor McMillan indicated that he has requested a copy of the terms of reference for this task force. He suggests that either a member of the Commission or a staff member be nominated to sit on this AMO task force.

**HOLD FOR FURTHER INFORMATION**

Jeff Port commented on a discussion paper which addresses the Northern Ontario Growth Plan. Mr. Port will update the Committee at the next Property and Planning Meeting.

**HOLD FOR FURTHER INFORMATION**

**Motion required adjourning to Closed Meeting:**

**Moved by: Charito Drinkwalter      Seconded by: Dave McCann    and Carried:-**

THAT this meeting be now declared closed at 10:09 a.m.; and further

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

- Property Matters
- Matters of litigation or potential litigation

**Reconvene to Open Session**

**REPORTS FROM CLOSED SESSION:**

**1. Water Tower – 2<sup>nd</sup> Ave N. and Matheson St. N**

The Operations Department will be directed to continue with the tendering process for demolition of the water tower.

**2. Kenora Catholic District School Board - Vacant lands**

The City will indicate to the Kenora Catholic District School Board that it does not have an interest in two properties on First Avenue North, which have been declared surplus.

**Operations**

**Clerk**

**Moved by:**

**THAT the May 6, 2008 meeting of the Property and Planning Committee be adjourned at 10:51 a.m.**