



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

**Held Tuesday, February 9, 2010
City Council Chambers 9 a.m.**

PRESENT:
Councillor W. Cuthbert, Chair
Bill Priesentanz, CAO
Councillor R. McMillan
Councillor J. Parson
Councillor D. McCann
Councillor C. Drinkwalter
Councillor C. Van Wallegghem
James Tkachyk, PAC Chair
Rick Perchuk, Operations Manager
Tara Rickaby, Planning Administrator

REGRETS: Mayor L. Compton

A. 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 amend a contract with Ryan Haines Consulting for further lake water testing – Black Sturgeon Lake
- A By-law to authorize the transfer of a road allowance to Ronald Douglas Bell and Joy Ellen Bell

B. DECLARATION OF PECUNIARY INTEREST & GENERAL NATURE THEREOF:

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

C. STANDING COMMITTEE DEPUTATIONS: None

D. ADDITION TO AGENDA : Item 11. Lease agreement with Kenora Metis Council

E. CONFIRMATION OF MINUTES

Moved by: Seconded by: & Carried:

THAT the Minutes from the last regular meeting of Committee held January 12, 2010 be confirmed as written and ordered filed.

Carried

F. REPORTS:-

1. Signage – a) Amendments to Sign By-Law

Councillor Cuthbert reported that the sign by-law has been reviewed internally and is ready to go to the public, in draft form. There is to be a public meeting on Thursday, February 18th, from 4-7 pm in the Operations Boardroom. The public comment period will end on February 25, 2010.

Discussion took place with respect to cleaning of existing light poles which are marred as a result of posters being affixed using tape. Enforcement, and short form wordings for enforcement purposes, were also discussed.

The draft sign by-law is to be posted to the portal.

Hold

b) Themed signage – for municipal purposes – Nothing to report

c) Posters on municipal utility poles/light standards: Councillor Cuthbert indicated that two kiosks have been ordered, in order to accommodate events posters. The structures could be delivered in the next two weeks. Rick Perchuk explained that each has a different finish and two were ordered to determine which was most serviceable and attractive.

Information Only

d) Billboard Signs on Lakeview Drive – This item is to be removed from the agenda as existing billboards are legal.

KMTS Billboard :

Councillor Cuthbert reported that the City received a request from KMTS to re-locate a billboard sign, which was removed. KMTS would relocate the sign at their expense.

Discussion of billboard signs, by the Property and Planning Committee, on November 10, 2009 indicated that the City would not permit new billboard signs to be erected.

The sign was located on City property, next to City Hall. Discussion took place with respect to the earlier statement by Council that there were to be no new billboards permitted. Additionally, the former location of the sign is now the location of trees planted as part of Downtown Revitalization.

Recommendation:

That the Council of the Corporation of the City of Kenora denies the request by KMTS to re-locate a sign to its former location west of City Hall as that area is integral to the Downtown Revitalization project; and That the location of commercial signs on public property be addressed in the sign by-law currently under review.

Recommendation to Council

Planning

2. Rest stop update

The matter will be brought up at Ontario Good Roads Conference, in Toronto.

Hold

3. Official Plan/Zoning By-law Review – Update

Tara Rickaby explained that the Official Plan has been sent to the Ministry of Municipal Affairs and Housing for the One Window review; it is expected that comments will be ready by March 5, 2010. The draft zoning by-law, for internal review, will be sent to the City on February 16, 2010. It is anticipated that the first opportunity for the public to review the document will be towards the end of March. There will be an open house on May 4th for public review of the draft Zoning By-law, as well as the statutory public meeting respecting the adoption of the new Official Plan.

Information Only

4. Amendment to contract with Ryan Haines Consulting for further water testing – Black Sturgeon Lake

Councillor Cuthbert reviewed the background of the Black Sturgeon Lake testing and the requirement for additional testing this year, for benchmarking purposes.

RECOMMENDATION:

That the Council of the Corporation of the City of Kenora authorizes the amendment of a contract with Ryan Haines Consulting, as indicated below, to provide additional water quality testing of Black Sturgeon Lakes, in 2010, which will provide benchmark results for comparative analysis in the future; and

2010 Sampling Season

Task	R. H. @ \$65/hr	Colleague @\$45/hr	Equipment Rental¹	Laboratory Costs²	Shipping Costs	Printing Costs	Total per milestone
Introductory Meeting	6						\$390
Lake Productivity Sampling	50	50	\$1600	\$3186	\$355		\$10,641
Water Quality Characterization	10	10	\$200	\$909	\$49		\$2,258
Meeting with City	6						\$390
2010 Sampling Draft Report	20					\$150	\$1,450
Meeting with City	6						\$390
2009-2010 Sampling Final Report	10					\$300	\$950
TOTAL	\$7,020	\$2,700	\$1,800	\$4,095	\$404	\$450	\$16,469

The 2010 sampling season budget for the work plan as outlined above is \$9,720 in professional fees and \$6,749 in disbursements for a total of \$16,469 plus applicable taxes.

¹ each trip – Dissolved oxygen meter and Kemmerer Water Sampler (\$75) + boat (\$125)

2 per sample – total phosphorous (\$27), chlorophyll a (\$60), algal community (\$75), lake productivity routine package (\$230), DOC (\$40), colour(\$13), ammonia(\$20)

That Council authorizes the Mayor and Clerk to amend the agreement.

Recommendation to Council

Planning/Clerk

5. Application to Amend Zoning By-law Z01/10 Vanasse

Tara Rickaby reviewed the current uses of the property and the rationale behind amending the zoning by-law to permit the existing uses and thus bring the property into compliance with the Zoning By-law. The concerns of the Planning Advisory Committee, which included parking, have been addressed and the proposed parking plan meets the requirements of the By-law. The Building Department and Fire and Emergency Services Department commented that the structure needs to be in compliance with the Ontario Building Code.

James Tkachyk added that the Planning Advisory Committee wanted to ensure that there was adequate on-site parking. Tara Rickaby indicated that the parking plan has been reviewed by both the Roads Supervisor and the Chief of Fire and Emergency Services and both are satisfied.

Recommendation:

The following recommendation is proposed subject to public input. The uses have been existence for six years without complaints from the neighbours. There will be no new development as a result of this application, however if approved, the property will be brought into compliance with the Zoning By-law.

THAT Application Z01/10 Vanasse to amend Zoning By-law 160-2004 specifically on property described as Lot 74 and 75 Plan 3, Block 3, from I – Institutional to LC – Local Commercial with two residential units permitted in each of the two existing structures on the subject lands, be approved as there is no new development, there have been no objections over the past six years in which the uses have been in existence; and

THAT a by-law to amend Zoning By-law 160-2004 be read a first and second time, but not a third and final time until confirmation is received from the Chief Building Official that an occupancy permit has been issued for the premises.

Recommendation to Council

**Planning/
Clerk**

6. Application to Amend Zoning By-law Z02/10 DeGagne Bros.

Tara Rickaby explained that an application has been received to rezone property on Railway Street from HC – Highway Commercial to I – Institutional in order to accommodate the construction and operation of a land ambulance base and training centre.

The application has been reviewed and there is further information required by the City before a recommendation can be made to Council. A letter has been sent to the agent for the property owner in this regard. Discussion took place with respect to the requirement for a noise/vibration study per the Kenora Official Plan.

Hold

7. Changes in Latitude Marina – Request to extend length of boat slips

Tara Rickaby explained that the marina owner requires that the City, as an abutting neighbour, indicates no objection to five slips being extended by 8 feet each (per plan submitted) in order to accommodate longer (up to 28 feet) boats. It was pointed out that there is more than adequate space between the subject docks and those located to the west, for boat traffic. This request does not affect the parking lot as the same number of boats will be berthed.

RECOMMENDATION:

That the Council of the Corporation of the City of Kenora notifies the Ontario Ministry of Natural Resources and the Coast Guard that there is no objection to the extension, by 8 feet, of 5 boat slips (per submitted plan) on the existing dock system operated by Bruce Krawicki Limited as Changes in Latitude Marina.

RECOMMENDATION TO COUNCIL

**Planning/
Clerk**

8. City of Kenora Public Library – Request for designation of building under the Ontario Heritage Act

Councillor Cuthbert indicated that Council received a request to designate a portion of the library building under the Heritage Act. Heritage Kenora is doing background research and will provide a recommendation to Council.

Council requests a report, from the Operations Department, addressing the cost of replacement of the heritage features, once they are identified.

RECOMMENDATION:

That the Council of the Corporation of the City of Kenora requests further information, in the form of a statement of cultural heritage value or interest, together with a recommendation from Heritage Kenora,

before a decision is made with respect to designating the Kenora Public Library under Section 29 of the Ontario Heritage Act.

Hold

9. Amend by-law to assume of portion of Peterson Drive and Certificate of release and discharge of obligations – M & L Development

Tara Rickaby indicated that the search of title on the road revealed several easements. The Municipal Solicitor and Solicitor for the developer will ensure that the issue is resolved. In addition, the security named in a by-law already adopted by Council requires an amendment. Nothing will proceed until there is clear title on the lands.

Hold

10. Transfer of Road Allowance - Bell

Councillor Cuthbert reminded the Committee of the history of this transaction. The Municipal Solicitor has recommended that the proponent be responsible only for the costs associated with the actual transfer of lands and not the correction of title.

On January 19, 2009, Council passed the following resolution:

Sale of Land - Bell 20. Moved by W. Cuthbert, Seconded by C. Van Wallegghem & Carried:- THAT the Council of the City of Kenora declares surplus the property abutting property described as 88 Lakeside Crescent, PLAN M56 PT LOT 115 & 116;DES AS RP 23R8890 PART 1;PCL 17713; and THAT in accordance with Notice By-law 144-207, arrangements be made to advertise the sale of the subject lands for a three-week period; and THAT once the advertising process has been completed, Council give three readings to a by-law to authorize the sale of land to Ronald and Joy Bell, as a lot addition (consolidation), at the appraised value established by Century 21-Reynard Real Estate, plus survey and all other associated costs; and further THAT the Municipal Solicitor be authorized to coordinate the transfer documents.

A By-law is now required to authorize the transfer of the lands

RECOMMENDATION:

That the Council of the Corporation of the City of Kenora gives three readings to a by-law to authorize the sale of the land described as Part 1, Plan 23R-9638 to Ronald Douglas Bell and Joy Ellen Bell, at the appraised value as established by Century 21 – Reynard Real Estate, plus all costs associated with the land transfer ; and

THAT the Mayor and Clerk be authorized to enter into the agreement of purchase and sale.

Recommendation to Council

Planning/Clerk
M. Solicitor

11. Lease – Kenora Metis Council

Bill Preisntanz explained that a current lease ran out on December 31, 2009. The proposed lease is for one year only as the building is part of the Kenora Fire Hall, which is being considered being declared surplus to the City's needs this year.

RECOMMENDATION:

That Council of the City of Kenora hereby ratify a one (1) year lease agreement at 70 Park Street with the Kenora Metis Council with a 60 day notice provision based on a monthly rent of \$1,715.47 plus applicable taxes; and

That the tenant be responsible for all utilities; and

That the Mayor and Clerk be authorized to enter into a lease agreement for this purpose.

Recommendation to Council

CAO/Clerk

Motion required adjourning to Closed Meeting: (9:40 a.m.)

Moved by: Jim Parson Seconded by: Chris Van Wallegghem and Carried:-

THAT this meeting be now declared closed at a.m.; and further THAT Council adjourns to a Closed Meeting to discuss the following:

- Disposition and Security of Property Matters

Reconvene to Open Session (10:42 a.m.)

RECOMMENDATIONS FROM CLOSED SESSION:

Moved by: Charito Drinkwalter Seconded by: David McCann

THAT the February 9, 2010 meeting of the Property and Planning Committee be adjourned at 10:43 a.m.