



Minutes
of the
Property and Planning Committee of Council
Held Tuesday, June 8, 2010
City Council Chambers
9:00 a.m.

Action

Present: Councillor W. Cuthbert, Chair
Mayor L. Compton
Councillor R. McMillan
Councillor J. Parson
Councillor D. McCann
Councillor C. Van Walleghem
Councillor C. Drinkwalter
Tara Rickaby, Planning Administrator
Bill Preisentanz, CAO
Rick Perchuk, Operations Manager
Karen Brown, Finance & Administration Manager
Jennifer Findlay, EDO

Regrets: James Tkachyk, Planning Advisory Chair

Media: Tim Davidson, CJRL , Reg Clayton, Kenora Daily Miner & News

A. Public Information Notices:-

**Take Notice that Council intends to approve the following
by-law(s) at its June 14, 2010 Meeting:**

- A By-law to Amend Zoning By-law No. 160-2004 at 503 First Street South
- A By-law to Amend an Agreement with the Province of Ontario
- A By-law to regulate signs and advertising devices in the City of Kenora with a view to ensuring the safety of the public in respect to the erection and maintenance of such signs
- A By-law to enter into an agreement with Lunny & Production Group Inc.

B. Declaration Of Pecuniary Interest And The General Nature Thereof:

- a) On today's agenda
- b) From a meeting at which a Member was not in attendance

There were none declared.

C. Standing Committee Deputations:

Buck Matiowski – Signage

Buck is looking for direction regarding event group advertising. Event organizers want to know where they can advertise. Buck's biggest concern is the damage to power poles requiring poster removal by 'Buck's Brigade'. Since the CPR fence was taken away as a location all groups are looking for areas to advertise non-profit events. Buck provided options with four prime locations for posters identified:

Tilley's , at which KAR has provided a board, also at Tilley's, LOWLAC constructed a notice board, Market Square has been approached to locate a board at that location, and the Harbourfront has two boards. The City has purchased kiosks but they are weather dependent requiring plexi-glass protection and someone to maintain them. There are 18 indoor/ outdoor bulletin boards provided by private enterprise, inside or outside of their businesses . Banners are not permitted under new Sign By-Law, and that could be problematic for non-profit groups as well. Councillor Cuthbert thanked Mr. Matiowski and indicated that there were three locations approved, per her discussion with him last week and others will be reviewed. Poster display on power poles can be regulated by By-Law Enforcement.

D. Addition(s) to Agenda:

- 1c. Gateway Signage
- 1d. Posters on Utility Poles
- 8. RFP Development for Fire Halls
- 9. Pinecrest Community Club
- 10. LOW Discovery Centre

E. Confirmation of Minutes Resolution:

Moved by R. McMillan, Seconded by J. Parson & Carried:

That the Minutes of the last open meeting May 11, 2010, be confirmed as written and ordered filed.

F. Reports:

1. Signage – Adoption of Sign By-law

Councillor Cuthbert described the process of development of this by-law. She indicated that there was another public meeting held after the major overhaul. Discussion ensued regarding annual permit and encroachment fees, and how to track signs and permits. The encroaching signs were discussed, together with the need for consent from the City, to install the sign, and a certificate of insurance naming the City, but no fee attached.

Discussion took place with respect to Finger Board signs, which are maintained by the City. Mobile Signs require an application for a permit which is reviewed by the Sign Committee. Discussion ensued on location of mobile signs around the city. Special Events signage will be treated separately with no annual fee, and the heritage look and feel encouraged.

Richard Perchuk reminded that the province has a TODS program in place for business signage. There is a well promoted Kenora kiosk at the provincial tourist centre at the Ontario / Manitoba border.

RECOMMENDATION:

That the City of Kenora adopts a by-law to regulate signs and advertising devices in the City of Kenora with a view to ensuring the safety of the public in respect to the erection and maintenance of such signs; and further,

That By-law No. 50-2004 be repealed.

**RECOMMENDATION APPROVED
(Resolution and by-law)**

Planning/
D. Clerk/
CBO

1a. Themed signage for municipal purposes

Richard Perchuk reported on MTO’s requirement for the City to remove a billboard sign on Highway 17 West.

HOLD for further information

1b. Location of signs for non-profit groups

Buck has provided options that need to be addressed to ensure that these opportunities are handled appropriately. A letter is to be forwarded to Buck outlining permitted areas for non-profit special event advertising.

RECOMMENDATION:

That special events signage be permitted to be erected, for one event at a time, at the following locations until the Property and Planning Committee can review the issue of special events signage: Hill abutting Lakeview Drive and CPR mainline, west of roundabout, retaining wall at south end of Bernier Drive, road allowance at corner of Railway Street and Tenth Avenue South; and further,

That all other applications for special events signage be required to be processed per the Sign By-law.

D.Clerk

1c. Gateway Signage

Jennifer Findlay commented that this is a component of the gateway paving program. A letter will go out by the end of the week requesting design for two gateway signs. There is \$100,000 budgeted and proposals will be coming forward before approval. Rick Perchuk indicated that he asked the EDO to be lead on the project. He also reported that MTO will be paving entrances to Kenora, from the By-pass.

HOLD for further information

EDO/
Ops. Mgr

1d. Posters on Utility Poles

Councillor Cuthbert described a “sleeve” option brought forward at the Harbourtown Centre Committee meeting. Sleeves are currently in Ottawa. BIZ is willing to contribute to the project if approved. Jennifer Findlay commented that once there are more opportunities for displaying posters the problem may go away. The Operations Department will need the information in order to bring forth a recommendation.

HOLD for further information

BIZ/Ops.

2. Rest Stop

This item remains on Hold

3. Official Plan/Zoning By-law Review Process

Wendy Cuthbert indicated that the Official Plan has been forwarded to the Ministry of Municipal Affairs and Housing for review; it is anticipated that the review will be conducted, and any modifications issued within ninety days. The final draft of the Zoning By-law is projected to be ready for public review by the end of this week, with the Statutory public meeting being held by the Property & Planning Committee on Tuesday, July 6th. Depending on comments received on and before that day, the new Zoning By-law will be adopted either in July or August.

Information only

4. City of Kenora Public Library – Designation under *Heritage Act*

HOLD

5. Application for Zoning By-law Amendment Z03/10 Henley

The Planning Administrator provided the planning report to the Committee and indicated that site plan control, to reduce impact to the residential character of the neighbourhood, will be implemented. Future uses of the property were discussed.

Recommendation:

That the Council of the City of Kenora approves application for Zoning By-law Amendment Z03/10 Henley, to rezone property described as 503 First Street South, PLAN 3 BLK 2 LOT 168, from R2 – Residential Second Density to LC – Local Commercial with uses limited to clinic, personal services, studio, dental or other professional offices, with residential above; and that a site plan agreement be entered into to ensure that the landscaping and parking facility maintain the residential component of parts of the neighbourhood, as the use of the property is consistent with the Provincial Policy Statement, and complies with the policies of the Kenora Official Plan and Zoning By-law.

**RECOMMENDATION APPROVED
(Resolution and by-law)**

**Planning/
D. Clerk**

6. RED Funding - Agreement with Province of Ontario

The City of Kenora and the Harbourtown Centre Business Improvement Zone (BIZ) entered into an agreement for funding with the Province of Ontario, for the Rural Economic Development Program" in March of 2010. The impact of the HST (harmonized sales tax) on future agreements was not considered at the time. The Province requires that the City and BIZ sign an amending agreement to ensure that services provided under the terms of the agreement, on or after July 1, 2010 shall be charged, collected and remitted in accordance with the Provincial and Federal tax laws, including HST. The Province requires that:

The Agreement shall be amended as follows:

(a) Definition Section: delete GST;

(b) Section 4.9 of the Agreement shall be amended as follows:

Delete:

The Recipient shall not use the Funds for any GST cost.

Replace with:

The Recipient shall not use the Funds for any tax amounts to be paid by the recipient pursuant to the Excise Tax Act (Canada).

(c) Schedule, Table or Forms attached to the Agreement or to any amendment to the Agreement prior to this amending agreement:

Delete:

The term GST or "Goods and Services Tax(es)"

Replace with:

The term "Tax such as HST"; including but not limited to Table 2 under Schedule C "Claims Submission Part 2 -Claims Report" and Notes under Schedule E "Expenditure Forecast Report" of the Agreement.

Recommendation:

That the City of Kenora authorizes the Mayor and Clerk to enter into an amending agreement with the Province of Ontario for funding under the "Rural Economic Development Program"; and further,

That By-law No. 53-2010 be amended by the addition of the amending agreement.
**RECOMMENDATION APPROVED
(Resolution and by-law)**

D. Clerk

7. LOW Development Commission – Monthly Status Report Information only

Jennifer Findlay, Economic Development Officer, reported on the Commission's work during the month of May 2010 with respect to a) Tourism , b) Education & Training , c) Business Development and then provided a general update on the Commission's work.

Recommendation:

That Council accepts the June 2010 Monthly Status Report of the Lake of the Woods Development Commission.

**RECOMMENDATION APPROVED
(Resolution)**

D. Clerk

8. RFP development for Fire Halls –

Councillor Cuthbert reminded the Committee that Fire Hall No. 1 and the former Jaffray Melick Fire Hall and Public Works garage are surplus to the City's needs. She indicated that an ad hoc committee should be formed to develop an rfp for the sites.

Recommendation:

That the Council of the City of Kenora strikes an adhoc Committee to develop a request proposals for the adaptive re-use of the former Fire Station No. 1, located at 350 Second Street South, Kenora, and for former Jaffray Melick Fire Hall and Public Works yard, located at 243 Rabbit Lake Road;

THAT the adhoc Committee, made up of the EDO, Planning Administrator, Chair of Heritage Kenora, Facilities Co-ordinator, Chief of Fire and Emergency Services and the Chair of Property and Planning Committee, be dissolved once its recommendation to Council is made; approximately July 30, 2010.

**RECOMMENDATION APPROVED
(Resolution)**

Planning

9. Pinecrest Community Club

Bill Preisnantz reported that the City is interested in transferring the property to the Kenora Catholic School Board (KCDSB) except for a small portion encroaching on a residential driveway. It is Council's intent to maintain the Pinecrest Community Club property for recreational purposes. This would be registered on title and ownership would revert back to the City if the use of the property changed.

KCDSB would maintain the skating rink for school activities as well as community uses in the off-hours such as weekends and evenings. Insurance and associated liability would rest with KCDSB. KCDSB suggested that the area may be developed further with playgrounds and perhaps lacrosse in the summer.

Recommendation:

That Council of the City of Kenora hereby support discussions with the Kenora Catholic District School Board for the conveyance of the former Pinecrest Community Club property; and further

That Administration be authorized to meet and review the terms of the draft Agreement as presented to Council with the Kenora Catholic District School Board.

**RECOMMENDATION APPROVED
(Resolution)**

CAO

10. Lake of the Woods Discovery Centre Interior Design Proposal

Councillor Cuthbert reported that the Lake of the Woods Discovery Centre is intended to be a visitor information centre and a hands-on interactive interpretive centre which tells the stories of the region. The design for the building was approved, but the plan and design for the interior components was being done separately.

On April 22, 2010 a request for proposals was issued to 6 design firms across Canada to plan and design the interior components of the Centre. Two firms responded to the RFP: Lunny Design and Production Group Inc of Vancouver (with an office in Kenora) and the Taylor Group of Toronto. The two proposals were evaluated by a working group of the Lake of the Woods Discovery Centre committee, based on the following criteria:

Overall budget and value	40%
Experience	10%
Creativity and Approach	25%
Personnel assigned to the project	5%
Proposed Methodology, including recognition of ongoing operations	10%
References	10%

Through this decision making matrix, the working group determined that the Lunny Design & Production Group Inc. proposal provided the best value for the project.

Budget:

The budget of the proposal being recommended is for the amount of \$190,000, which is the amount allocated to the interior works of the Discovery Centre.

Recommendation:

THAT the City of Kenora accept the proposal from Lunny Design & Production Group Inc. to plan, design, fabricate and install the interior components of the Lake of the Woods Discovery Centre; and further

THAT Council give three readings to a by-law to authorize the execution of an agreement between the City of Kenora and Lunny Design & Production Group Inc. with respect to the Lake of the Woods Discovery Centre.

**RECOMMENDATION APPROVED
(By-law and Resolution)**

TDO/
D. Clerk

Other Business:

N/A

Motion - Adjournment to Closed Meeting:

That this meeting be now declared closed at 10:05 a.m.; and further

That pursuant to Section 239 of the Municipal Act, 2001, as amended, authorization is hereby given for Council to move into a Closed Session to discuss items pertaining

to the following matters:-

- i) **Proposed Disposition of Land**
- ii) **Security of Municipal Property**
- iii) **A Matter of Litigation or Potential Litigation**

Committee reconvened at 11:05 a.m. with the following direction from its Closed Session:

Recommendation:

That the Council of the City of Kenora declares surplus a portion of the property described as Plan M17 Lot 76 to 77, and;

That in accordance with the Notice By-law, arrangements be made to advertise the sale of the subject lands for a three-week period; and further;

That once the advertising process has been completed, Council give three readings to a by-law to authorize the sale of land to Carol Vanasse and Lawrence Duchene, as a lot addition (consolidation) with property described as PLAN M17 LOT 75 PT PCL 11088 , at the appraised value as established by Century 21 – Reynard Real Estate, plus survey and all other associated costs; and

That there be a caveat to sale that the lands, once consolidated, shall remain in the name of the transferee(s) for a period not less than two (2) years, and

That there shall be a residential unit, as permitted in the City of Kenora Zoning By-law, constructed with the exterior completely finished, including substantial completion of landscaping, within the two (2) year period; and further,

That the Municipal Solicitor coordinates the transfers.

**RECOMMENDATION APPROVED
(Resolution)**

**Planning
M.
Solicitor**

Other Business:

The Planning Administrator advised the Committee of the five year review of the Provincial Policy Statements (2005). Comments can be made until August 31, 2010.

INFORMATION ONLY

Councillor Parson asked for an update on the recreation centre paving project. The Operations Manager explained that Nor Quip was awarded the job, with a completion date of August. The Municipal Engineer is following up with the contractor with respect to the work schedule.

INFORMATION ONLY

Moved by C. Drinkwalter , Seconded by D. McCann & Carried:

That this meeting be and is hereby closed at 11:09 a.m.