



Minutes
of the
Property and Planning Committee of Council
Tuesday, February 15, 2011
City Council Chambers
9:05 a.m.

Action

Present: Councillor L. Roussin, Chair
Councillor C. Drinkwalter
Councillor R. Lunny
Councillor S. Smith
Karen Brown, CAO
Rick Perchuk, Operations Manager
Warren Brinkman, Manager of Fire & Emergency Services
Lori Nelson, Museum Director
Tara Rickaby, Planning Administrator
Heather Kasprick, Deputy Clerk

Regrets: Mayor D. Canfield
Councillor R. McMillan
Councillor R. McKay
James Tkachyk, Planning Advisory Chair

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 February 22nd meeting:-

- A By-law to assume certain lands for municipal purposes
- A By-law to enter into a site plan control agreement
- A By-law to amend the notice by-law for sale of land

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. Confirmation of Previous Standing Committee Minutes

Moved by R. Lunny, Seconded by C. Drinkwalter & Carried:-

That the Minutes of the last meetings of the Regular Standing Committee meetings held January 17, 2011 be confirmed as written and filed.

D. Standing Committee Deputations:

Randy Nickle – A & W Restaurant

Mr. Nickle was present to express his opposition to the proposed Pattison digital sign on the CP property on the Harbourfront. Mr. Nickle has concerns that he has not

been contacted by Pattison to discuss his options as one of the current billboard sign holders. Mr. Nickle would like to work with the group to discuss options but would like to be part of the process.

**E. Addition(s) to Agenda:
N/A**

F. Presentations:

• Rob Sedgwick, Pattison Outdoor Opportunities

Mr. Sedgwick presented the committee with a proposal for new signage on the Harbourfront to assist with the revitalization of Lakeview Drive. Pattison Outdoor advertising is proposing that we remove all existing signage and replace it with one new state of the art static digital billboard and one destination sign for A & W. This digital signage would replace all of the existing billboard signs that are currently located on the Harbourfront and replaced by the digital signage. The model for the number of static ads would run 9 static ads in a one minute loop time. Each ad will be on display for 6 seconds. The remaining 6 seconds are for 2-3 second gaps (transition between messages) that will separate the 9 ads into 3 clusters of 3 ads each. Of the 9 ads being displayed in a one minute loop, one ad will be made available for community awareness/information for not for profit associations and amber alerts. The City would own one spot on the signage perpetually. Messages can be changed quickly and urgent messages would replace all other advertising until cleared. The digital billboard will not display intermittent lights, flashing lights, video or animation. There is no movement in our messages. As described above, these digital billboards display static images controlled by electronic communication. Mr. Sedgwick left a copy of his presentation with the Clerk and presentation ended at 9:30 a.m.

F. Reports:

1. Assumption of lands for Municipal purposes – Dufresne Island

Recommendation:

That Council give three readings to a by-law to accept and assume lands described as Part of Lot 26, Plan M133, being Part 1 Plan 23R 11889, for municipal purposes.

Recommendation approved.

2. Appointments to Harbourtown Centre Committee

Recommendation:

That Council hereby approves the amended Terms of Reference for the Harbourtown Centre Committee; and

That Council hereby gives three readings to a by-law for this purpose; and further

That Council hereby appoints the following individuals to the Harbourtown Centre Committee with a term at the pleasure of Council, but not to extend beyond November 30, 2014:

Councillor Ron Lunny
Councillor Sharon Smith
Councillor Rod McKay, Alternate

HKasprick

Bill Richards, Kenora Business Rep
John Berringer, Kenora Business Rep
Marc Bissonnette, Kenora Business Rep
Gayle Spicer, Kenora Business Rep
Keric Funk, Kenora Improvement Area (BIA)
Andy Scribilo, Chamber of Commerce
Buck Matiowski, Kenora Assembly of Resources
Janet Alcock, Kenora Shoppers Mall
Ralph Page, Making Kenora Home
Karen Brown, City Staff Resource
Tara Rickaby, City Staff Resource
Cst. Dave Cain, OPP Staff Resource

Recommendation approved (resolution & by-law).

HKasprick

3. Site Plan Control Agreement – OPP Forensic Unit

Recommendation:

That Council give three readings to a by-law to enter into a site plan agreement with Her Majesty the Queen in the Right of Ontario as represented by the Minister of Infrastructure, for works associated with the construction of a Forensic Identification Unit on property described as Parts 1 and 3 Plan 23R-9321, Concession 7 Jaffray, Parcel 42078 PIN 42174-0198 (LT).

Recommendation Approved (resolution & bylaw).

HKasprick

4. Signage – CPR lands – Pattison Outdoor Opportunities

Recommendation:

That Council approves a variance, to sections 4.1 (h) and 8.1.1 (b)(e I & ii) of Sign By-law No. 115-2010, to permit the construction/location of a ground sign/read-o-gram sign on property, owned by Canadian Pacific Rail and within the Harbourtown Centre; and

That the ground sign with electronic readerboard be permitted subject to approval of an ad hoc committee (one representative from each Harbourtown Centre and BIZ, Parks Supervisor, Museum Curator, Chief Building Official and one member of Council) which will decide on the design of the sign and landscaping treatment; and

That the location and orientation of the sign is approved by the Operations Department, based on information that is required to make the decision.

Discussion: Councillor Roussin had some concerns regarding the proposed signage including variances to the sign bylaw as well as safety concerns. Mr. Nickle is not opposed to the changes just the process. The Harbourtown Committee is recommending the proposal with some parameters including safety issues addressed, landscaping concerns and heritage recommendations.

Council agreed to develop a temporary Ad-Hoc Committee to address the following concerns: alternatives to read-o-gram signs, safety concerns to be addressed by the City's Health & Safety Officer and support from the business community. The ad hoc committee will include: Parks Supervisor, Chief Building Official, one BIZ representative, one Harbourtown Centre representative and Councillor Ron Lunny.

This Ad-Hoc Committee will meet and discuss their findings and prepare a report for Council's consideration at the March Property & Planning Committee meeting.

TRickaby

5. Notice requirements for sale of land – By-law amendment

Recommendation:

That Council give three readings to a by-law to amend By-law Number 144-2007 with respect to the giving of Notice for the Sale of Land.

Recommendation Approved (recommendation & by-law).

HKasprick

Other Business:

(a) Fire Hall Heritage Items –

Recommendation:

That Council hereby passes a by-law to amend by-law #160-2008 as follows and with the following provisions:

- The Statement of Cultural Heritage Value or Interest be amended to remove the tower bell and the alarm box with bell from the Kenora Fire Hall located on Second St. S.;
- The tower bell and the alarm box with bell be located within the new emergency services facility property and that these items be adequately protected as they would have been had they remained at the existing heritage structure on Second St. S.;
- The City will not sell the tower bell or the alarm box with bell in conjunction with any sale of the new emergency services facility located on Fourteenth St. N., but will relocate these items either to a new emergency services facility within City boundaries or return them to the original heritage structure on Second St. S. at City cost; and
- The City will return the tower bell and the alarm box with bell to the Kenora Fire Hall heritage structure on Second St. S., at City cost, should these items ever become surplus to City needs or considered no longer required.

Amended Recommendation:

That Council hereby gives notice of its intention to amend by-law #160-2008 as follows and with the following provisions:

- The Statement of Cultural Heritage Value or Interest be amended to remove the tower bell and the alarm box with bell from the Kenora Fire Hall located on Second St. S.;
- The tower bell and the alarm box with bell be located within the new emergency services facility property and that these items be adequately protected as they would have been had they remained at the existing heritage structure on Second St. S.;
- The City will not sell the tower bell or the alarm box with bell in conjunction with any sale of the new emergency services facility located on Fourteenth St. N., but will relocate these items either to a new emergency services facility within City boundaries or return them to the original heritage structure on Second St. S. at City cost; and
- The City will return the tower bell and the alarm box with bell to the Kenora Fire Hall heritage structure on Second St. S., at City cost, should these items ever become surplus to City needs or considered no longer required, and

That despite the exemption as provided under Section 30.1 (2) of the Ontario Heritage Act for this amendment, Council hereby directs administration to proceed with the notice provisions and applicable appeal period as required within Section 30.1 (1) of that Act.

Amended Recommendation Approved.

Discussion: With regards to process, the City has contacted our solicitor, Bruce Ormiston, as to next steps for Council. Mr. Ormiston has advised that the procedure for amending the by-law is set out in Section 30.1 of the Ontario Heritage Act. It is the Law Office's position that this would be covered by the exception in subsection (2) as the change is to "clarify or correct the statement explaining the property's cultural heritage value or interest or the description of the property's heritage attributes". The City would be required to consult with the municipal heritage committee under subsection (5), which it has done, prior to giving notice to the owner, which is the City. In this situation, the process as required under Section 30.1 (1) of the Ontario Heritage Act would not apply, and the City can proceed directly to amend the by-law for the purposes of correcting the statement of value. The amended by-law will need to be registered on title prior to the sale of this facility. We would need to advertise our intent to change the by-law and the public has 30 days to appeal the intent to change. The Conservation Review Board would then be brought in if they receive objections to the change.

Motion - Adjournment to Closed Meeting:

That this meeting be now declared closed at 10:16 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) Security of Property of the Municipality**
- ii) Disposition of Land Matter**

Committee reconvened at 11:06 a.m. with no reports.

The meeting adjourned at 11:06 a.m.

TRickaby