



Minutes
of the
Property and Planning Committee of Council
Tuesday, July 12, 2011
City Council Chambers
9:00 a.m.

Action

Present: Councillor L. Roussin, Chair
Councillor C. Drinkwalter
Councillor R. Lunny (arrived at 9:25 a.m.)
Councillor R. McMillan
Councillor S. Smith
James Tkachyk, Planning Advisory Chair
Karen Brown, CAO
Rick Perchuk, Operations Manager
Tara Rickaby, Planning Administrator
Jennifer Findlay, Economic Development Officer
Heather Kasprick, Deputy Clerk

Regrets: Mayor Dave Canfield
Councillor R. McKay

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 July 18th meeting:-

- Transfer of Municipal lands to Bowman

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. McMillan, Seconded by C. Drinkwalter & Carried:-

That the Minutes of the last meetings of the Regular Standing Committee meetings held June 14, 2011 be confirmed as written and filed.

D. Standing Committee Deputations:

None

E. Presentations:

- **Accessible Community Garden – KACL Arts Hub**

Lisa Gate-Villa, Kenora Association of Community Living Community Arts Hub Supervisor provided background on KACL's request to Council. KACL's mission is to ensure that all people with special needs have the opportunity to live a meaningful

and satisfying lifestyle and interact as an equal in their community by providing continuing opportunities for personal growth through education, training, support and advocacy and an informed public. The Community Arts Hub is providing opportunities for personal growth, social interaction and community development through a variety of gatherings they host. They want to create a barrier free community garden, with raised garden beds at the ideal location of 528 3rd Avenue South due to a variety of pertinent reasons. The location is centrally located, it is on the City bus route, it has full sun, southern exposure, water supply and has accessible washrooms. This community garden is different because the design considers accessibility for those who have mobility issues or use a walker or wheelchair. The beds in the centre of the garden are raised to between 18 to 24 inches so that a seated person can reach. They would like to build a small retaining wall and level the ground no higher than the property's current elevation. On top of the retaining wall would be planters at 18 inches high. They have received a \$2,000 grant for this project through the Community Foundation and plan to further apply for a Trillium Grant if the proposal is approved by Council to move forward.

F. Reports:

1. Heritage Kenora Budget Request

Recommendation:

That the Council of the City of Kenora hereby authorizes the allocation of a budget of \$4,200, from the Operations Operating Budget to Heritage Kenora for the purposes in the report of Tara Rickaby and Lori Nelson; and

That in accordance with Notice By-law Number 144-2007, public notice is hereby given that Council intends to amend its 2011 Operating (Operations) Budget by by-law at its July 18th, 2011 meeting; and further

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

Amended Recommendation:

That the Council of the City of Kenora hereby authorizes the allocation of a budget of \$4,200 from the Operations Operating Budget to Heritage Kenora for the purposes in the report of Tara Rickaby and Lori Nelson.

Recommendation Approved.

2. Application for variance to Sign by-law –NW Stump Removal

Recommendation:

That Council of the City of Kenora rejects the variance request of Ron Williams, Northwest Stump Removal, to locate a sign on municipal property located across Mellick Avenue, from the Waste Transfer Station because;

- There is no special circumstance or unusual hardship for the applicant;
- The sign will alter the essential character of the general area or premises in which the sign is proposed to be located, erected or displayed.

Recommendation Approved.

HKasprick

HKasprick

3. Request for use of Municipal Property for Community Garden

Recommendation:

That the Council of the City of Kenora refuse the use of a portion of the municipal road allowance (Sixth Street South and Third Avenue South) for the purposes of a Community Garden.

Staff are directed to bring an amended report for Council consideration at the regular Council meeting on Monday, July 18th to permit the use of property for Community Garden.

RPerchuk

4. Transfer of Municipal Lands to Bowman

By-Law only

HKasprick

G. Other Business:

None

Motion - Adjournment to Closed Meeting:

That this meeting be now declared closed at 9:50 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**
- ii) **Disposition of Land Matters**

Committee reconvened at 11:15 a.m. with 5 reports pertaining to Disposition of Land matters.

1. Degagne lane allowance encroachment

Recommendation:

That direction be herby given to the CAO to execute the related agreements between the parties upon completion.

Recommendation Approved.

KBrown

2. Request to purchase Municipal property – Poole

Recommendation:

That Council of the City of Kenora hereby declares property abutting 23M 832 LOT 1 PARCEL 35418 and the Winnipeg River, as surplus to the needs of the municipality; and further

That before the transfer of the lands the applicant provides a legal survey of the subject lands to be transferred, which will establish the location and extent of the 1039 foot contour to the satisfaction of the City of Kenora and Ontario Power Generation; and that prior to transfer to the applicant, the City of Kenora will grant to OPG a registered flooding easement over the subject lands up to the 1039 foot contour, at the cost of the Applicant; and further

That before the transfer of the lands, the applicant provides a legal survey of the

subject lands indicating the location of the existing structure(s) on the property; and further

That in accordance with Notice By-law #140-2007, arrangements be made to advertise the sale of the subject lands for a two 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 Robert Edward Poole, subject to the conditions above, at the appraised value, as established by Century 21 – Reynard Real Estate, plus all associated costs, including survey, legal, transfer costs of the subject lands and associated flood easement.

Recommendation Approved.

TRickaby

3. Request to purchase Municipal property – Hack

Recommendation:

That Council of the City of Kenora hereby declares property abutting 181 Hilly Lake Road PLAN M668 LOT 15 PCL 30873 and Hilly Lake, as surplus to the needs of the municipality; and further

That the applicants submit an application to purchase with the required fee; and further

That in accordance with Notice By-law #140-2007, arrangements be made to advertise the sale of the subject lands for a two 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 Donald Kenneth Hack and Kristine Corbett, subject to the condition that a minimum 3 metre natural vegetation area will be required adjacent to the shoreline to minimize the impact of development on water quality of Hilly Lake, at the appraised value, as established by Century 21 – Reynard Real Estate, plus all associated costs.

Recommendation Approved.

TRickaby

4. Extension of Agreement – LOW Brewing Company

Recommendation:

Whereas the City of Kenora entered into an agreement of purchase and sale with the Lake of the Woods Brewing Company Inc., with a closing date of July 29, 2011 and

Whereas, in order to complete the due diligence required for the building and the liquor licensing process, the Lake of the Woods Brewing Company Inc. has requested an extension of the closing date;

Now Therefore the Council of the City of Kenora approves the extension of the agreement of purchase and sale with the Lake of the Woods Brewing Company Inc., to transfer Fire Hall No. 1 (350 Second Street South), subject to the agreement being revised by the Municipal Solicitor; and further

That the Mayor and Clerk be authorized to enter into the revised agreement of

purchase and sale.

Recommendation Approved.

JFindlay

5. Surplus of Property – proposal to sell vacant serviced lot

Recommendation:

That Council of the City of Kenora hereby declares property described as 138 Mascott Avenue, PLAN M39 LOT 10 BLK L LOC X21, as surplus to the needs of the municipality; and further

That the details of the property be sent to Bill Scribilo, of Century 21 Reynard Real Estate; and further

That Bill Scribilo, of Century 21 Reynard Real Estate be directed to market the subject property, with proceeds of the sale (price agreed to by City/prospective owner less legal, transfer/real estate fees) to be allocated as directed by Council.

Recommendation Approved.

TRickaby

The meeting adjourned at 11:16 a.m.