



Minutes
of the
Property and Planning Committee of Council
Tuesday, June 12, 2012
City Council Chambers
9:00 a.m.

Action

Present: Councillor L. Roussin, Chair
Councillor R. Lunny, Vice-Chair
Mayor Dave Canfield
Councillor C. Drinkwalter
Councillor R. McMillan
Councillor S. Smith
Rick Perchuk, Operations Manager
Tara Rickaby, Planning Administrator
Heather Kasprick, Deputy Clerk
James Tkachyk, Planning Advisory Committee Chair

Regrets: Councillor R. McKay
Karen Brown, CAO

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 June 18th meeting:-

- A By-law to adopt a policy for use of municipal property for the purposes of outdoor commercial patios

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 meeting of the Regular Standing Committee meeting held May 15, 2012 be confirmed as written and filed.

D. Committee Deputations:

None

E. Presentations:

N/A

F. Reports:

1. Sign Variance-Delegation of Authority

Recommendation:

That Council of the City of Kenora hereby delegate authority to the Commissioner of Signs, or in his absence, the Planning Administrator to make decisions on applications for variances to Sign By-law No. 115-2010 subject to the following:

The matter is referred to Committee

a) at the discretion of the aforementioned staff members;

b) the applicant requests that the matter be referred to Committee;

or

c) a member of Council requests that the matter be referred to Committee.

Amended Recommendation:

That Council of the City of Kenora hereby delegates authority to the Commissioner of Signs, or designate, to make decisions on applications for variances to Sign By-law No. 115-2010 subject to the following:

The matter is referred to Committee

a) at the discretion of the aforementioned staff members;

b) the applicant requests that the matter be referred to Committee;

or

c) a member of Council requests that the matter be referred to Committee.

Amended Recommendation Approved.

Discussion: It was questioned as to whether we should be reviewing the sign licensing bylaw again as there are several variance requests at each meeting. If Council delegates the authority to staff to make some decisions on these variance requests Council will see less of these at each meeting. The recommendations are based on staff input from several different departments and the decisions are based on the health, safety and guidelines of aesthetics that are intended for the City's policies regarding signs.

2. Mobile Food Vendors on Municipal Property

Recommendation:

That the City of Kenora authorizes the Tourism Development Officer to proceed to issue a request for proposals for response by street food vendors for three (3) locations in the tent area of the Harbourfront, and two (2) locations at the LOW Discovery Centre; and further

That the Lake of the Woods Development Commission staff administers the request for proposal and resulting contracts.

Recommendation Approved.

Discussion: This would be a trial year to see how the mobile food vending works in 2012. We want to ensure that we have something manageable that can work effectively in the City and then review at the end of the season how effective it was and what changes would be required if it was permitted in 2013.

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3. Harbourtown Centre Community Improvement Plan

Recommendation:

That Council of the City of Kenora hereby supports the amended Harbourtown Centre Community Improvement Plan; and further

That the statutory public hearing required under the provisions of the Planning Act be held on July 10, 2012 at 10:00 a.m., and a decision on the approval of the amendments to be provided by Council at the next regular meeting of Council scheduled on July 16, 2012.

Recommendation Approved.

Discussion: The original Harbourtown CIP was developed as the funding application process and Council committed \$250,000 as part of that funding program. There is approximately \$20,000 left of that original funds and Council further approved \$100,000 in 2012 for façade improvements. The Heritage Committee who administers the Harbourtown CIP is recommending that we increase the grant to \$1,000 from \$500 and increase to \$15,000 for landscaping from \$2,500. The proposal is to see the plan to go through to 2017.

4. Sign Variance Application – Q104

Recommendation:

That Council approves an application for variance, to sections 4.1(r) to permit the attachment of two signs on a roof, 6.12.5 to permit a wall sign to project in excess of .60 metres, of Sign By-law No. 115-2010 to permit the location of a sign on a roof of property at 619 Lakeview Drive, as the approval of same would meets the intent of the by-law for the following reasons:

- 1) the size and location of the signs is appropriate in the Commercial Development Area;
- 2) the proposed signs is compatible with surrounding commercial uses and will not be higher than the existing roof;
- 3) the aesthetic qualities and visual character of the City would not be protected and enhanced;
- 4) the location of the proposed signs is consistent with the City's planning, urban design and heritage objectives
- 5) the location of the signs will not create a distraction, or safety hazard, for pedestrians or motorists.

Recommendation Approved.

5. Commercial Outdoor Patios on Municipal Property

Recommendation:

That Council approves an Outdoor Commercial Patio policy and application form to regulate the use of City owned property for outdoor commercial patios; and further

That the appropriate by-law be passed for this purpose; and further

That the City of Kenora Licensing By-law be amended by addition of the prescribed application fee for a license to locate an outdoor commercial patio on municipal lands.

Recommendation Approved (resolution & by-law).

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Discussion: Tara Rickaby advised that the City Clerk has the authority to close up sidewalks on a temporary basis, however, in these applications there will still be access to the sidewalks and they would not be permitted to be closed. Closing the sidewalk would only happen if Council decided that they would consider closing and permitting the whole walkway to be used for a patio. Regarding the issue of bonusing that the City Solicitor identified, we would need to find out market value for use of sidewalk and incorporate that into the tariff of fees. Tara would need to get a commercial appraiser to determine that value, however, staff are suggesting that we stick with the recommended an annual \$350 application fee and a \$1 lease. It has been acknowledged that not everyone will be able to have a patio at their business and at the end of the first year it needs to be assessed and see what worked and what didn't work.

6. Request for Sign Variance – Brookes

Recommendation:

That Council refuses an application for variance, to sections 6.6.6 (b) and (c) and Table C to permit the location of a ground sign with a separation distance if less than 200 m and within 1.5 metres of a private driveway and a street of Sign By-law No. 115-2010 to permit the location of a sign in front of property, adjacent to a municipal roadway at 37-610 Lakeview Drive, as the approval of same would not meet the intent of the by-law for the following reasons:

1. The location of the proposed signs is not consistent with the City's planning, urban design and heritage objectives;
2. The location of the signs will create a distraction, or safety hazard, to pedestrians or motorists.
3. The location could conflict with the use of a fire hydrant.

Recommendation Approved.

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Motion - Adjournment to Closed Meeting:

1. Moved by R. McMillan, Seconded by C. Drinkwalter & Carried:

That this meeting be now declared closed at 9:27 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) **Disposition of Land**
- ii) **Security of Property**
- iii) **Acquisition of Land for Municipal purposes**

At 10:03 a.m. Committee reconvened to Open Meeting with two reports from the Closed Session:

6a) Security of Property –B’Nai Brith Lease

Recommendation:

That Council hereby authorizes a fifteen (15) year lease agreement with B’Nai Brith Jewish Community Camp Inc.; and further

That the appropriate by-law be passed for this purpose.

Recommendation Approved (resolution & by-law).

6b) Acquisition of Land for Municipal Purposes- Request to Assume a portion of Hilly Lake Road

Recommendation:

That the Council of the Corporation of the City of Kenora assumes a portion of Hilly Lake Road described as Part 1 on Plan 23R-12075 as a municipal highway; and further

That the City of Kenora will not be responsible for any costs associated with the transfer other than the nominal consideration generally applied (\$2.00); and further

That the appropriate by-law be adopted to authorize the transfer.

Recommendation Approved (resolution & by-law).

G. Other Business:

The meeting closed at 10:04 a.m.

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