



Minutes
of the
Property and Planning Committee of Council
Tuesday, October 16, 2012
City Council Chambers
9:00 a.m.

Action

Present: Councillor L. Roussin, Chair
Councillor R. Lunny, Vice-Chair
Councillor C. Drinkwalter
Councillor R. McKay
Councillor S. Smith
Karen Brown, CAO
Rick Perchuk, Operations Manager
Tara Rickaby, Planning Administrator
Joanne McMillin, City Clerk

Regrets: Mayor Dave Canfield
Councillor R. McMillan
James Tkachyk, Planning Advisory Committee 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 October 22nd, 2012 meeting:-

- A By-law to assume Minnesota and Ontario Streets and certain laneway(s)
 - A By-law to amend Zoning By-law #160-2010 (Z07/12 Derouard)

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 R. McKay & Carried:-

That the Minutes of the last meeting of the Regular Standing Committee meeting held September 11, 2012 be confirmed as written and filed.

D. Committee Deputations:

Joyce Chevrier – Norman Park

Mrs. Chevrier addressed Committee in response to the Official Plan and Zoning By-law Amendments for Norman Park and referred to the public consultation process that did not take place and that Council is considering foregoing the amendments.

Mrs. Chevrier also referenced the food vending that is taking place and explained absolutely nothing has changed from the original stance as she stated previously in a letter to the City. She went on to say that aside from the Discovery Centre, no formal approval was ever given to the LOW Development Commission to manage the Norman Park property. She made reference to a petition with 834 names that will be presented today requesting that the Restrictive Covenant be reinstated on title on the Norman Park property "for Park and Reforestation purposes only."

Mrs. Chevrier also referred to the concept of an off-leash dog park and that Norman Park is not conducive to a setting where children are playing and swimming, noting that dogs at one time were banned from the park and this should continue. She also made a suggestion that the unfinished north-west tarpapered wall at the Discovery Centre be completed by commissioning a local artist group to paint a mural that would be in keeping with tourism.

In closing, Mrs. Chevrier provided a copy of her presentation to the Clerk and introduced Wes Rose of Norman who was instrumental in acquiring the 800+ names on the Petition and Wes presented it to Councillor Roussin for the record.

Councillor Roussin thanked those in attendance for attending and for their concerns.

E. Presentations:

N/A

F. Reports:

1. Dissolution of Harbourtown Centre Committee

Recommendation:

That Council of the City of Kenora hereby dissolves the Harbourtown Centre Committee, effective November 30, 2012; and

That Council give three readings to a by-law to repeal Terms of Reference By-law Number 18-2011, effective November 30, 2012; and

That all current appointments to the Harbourtown Centre Committee will be rescinded as of November 30, 2012; and further

That Council expresses sincere thanks and appreciation to the current and former Members of the Harbourtown Centre Committee for their time, commitment and efforts over the years while serving on the Committee which has resulted in a better Harbourtown Centre and community in general, for residents and visitors alike.

Recommendation Approved (resolution and by-law).

2. Official Plan Amendment/Zoning By-Law Amendment – Norman Park

Recommendation:

Whereas if, in the future, there is a proposed change of use in Norman Park, the public would have an opportunity to provide input, comment and appeal any decision regarding the particular change of use, per the Ontario Planning Act;

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Now Therefore be it resolved that the Council of the City of Kenora not proceed with an amendment of the City of Kenora Official Plan (2010) or the City of Kenora Zoning By-law No. 160-2010, as amended, as the current use of the subject lands is not anticipated to change and therefore no amendment to either document is required; and further

Be it resolved that staff is directed to advise the Lake of the Woods Development Commission that the location of the mobile food vendor at the Discovery Centre shall not be permitted except in the case of special events and same is to be reflected in City's licencing by-law.

Discussion:

Councillor Smith thanked those citizens for attending today's meeting regarding Norman Park.

Councillor Smith asked for clarification on the process of the City receiving/recognizing petitions at the Council level. Both the CAO and Clerk explained the process and that in most cases we do not get involved with online or government petitions which are circulated to municipalities. In this instance, the Petition can form part of the discussions regarding this matter as it was presented at today's meeting; Petitions are typically received at a Council meeting and then referred to a Committee if applicable.

Councillor Smith discussed vending matters and mobile food trucks at the Discovery Centre and she would like to have the Commission bring forward a report regarding vending and that those on the petition be allowed input. Karen asked for clarification as to what level residents should be asked for input.

It was agreed the Commission be asked to have a discussion on how to incorporate the concerns and comments from the Norman group into their report concerning vending on the property and then report back to Council at a later date through this Committee.

Reference was made to the trial period this past summer for vending and now would be the time to re-visit the matter. It was suggested to remove the reference to food vendors in the above recommendation and to discuss this at a future meeting.

Councillor McKay noted that originally he was against the food vending at the Discovery Centre but has since discovered it is being well used although the location of the food vendor(s) should be moved to the side of the property and not be front and centre.

In response to a concern by Councillor Roussin, the Clerk advised Committee that the Licencing By-law prohibits vending on all municipal property except for special events, but also an exception has been provided to the Commission in the by-law for vending at both the Discovery Centre and in the immediate area of the Whitecap Pavilion.

Committee agreed to remove the third paragraph of the recommendation.

Amended Recommendation:

Whereas if, in the future, there is a proposed change of use in Norman Park, the public would have an opportunity to provide input, comment and appeal any decision regarding the particular change of use, per the Ontario Planning Act;

Now Therefore be it resolved that the Council of the City of Kenora not proceed with an amendment of the City of Kenora Official Plan (2010) or the City of Kenora Zoning By-law No. 160-2010, as amended, as the current use of the subject lands is not anticipated to change and therefore no amendment to either document is required.

Recommendation approved as amended.

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3. Assumption of lane adjacent to 21 Minnesota Street

Recommendation:

That Council of the City of Kenora gives three readings to a by-Law for assuming Minnesota Street, Plan M248, Ontario Street, Plan M248, Lane lying south of Minnesota Street and Lane lying south of Lot 11, Plan M248, City of Kenora, in the District of Kenora, described as follows:

Minnesota Street, Plan M248, Ontario Street, Plan M248, Lane lying south of Minnesota Street and Lane lying south of Lot 11, Plan M248, City of Kenora, in the District of Kenora; and further

That in keeping with Notice By-law #144-2007, prior public notice was provided for a two week consecutive period that Council intends to pass a by-law for this purpose.

Recommendation Approved (resolution & by-law).

JMcMillin

3. Short form wordings – Building Code Act and Zoning by-law

Recommendation:

That Council approves the set fine schedules as attached to the October 10, 2012 report of the Planning Administrator and Chief Building Official for the enforcement of the Building Code Act (BCA) and Zoning By-Law Number 160-2010; and further

That subject to consultation with the Municipal Solicitor for comments and recommendations with regard to this process, the set fines be forwarded to the Ministry of the Attorney General for approval.

Discussion:

It was discussed the City Solicitor expressed some concern regarding the Building By-law as well as the wording should be fine-tuned for the Set Fines. The Clerk mentioned prior to proceeding an amendment to the Building By-law will be required as recommended by the City Solicitor to provide for the offence creating provision.

Committee agreed the Planning Administrator proceed with making arrangements with the Solicitor for the necessary paperwork in order for this matter to be dealt with at the November meeting.

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HOLD for additional information through a subsequent report.

At 10:00, and prior to moving into the Closed Meeting, the Statutory Public Hearing for Derouard was held, following which, Committee adopted the following motion:

Adjournment to Closed Meeting:

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

That this meeting be now declared closed at 10:10 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 (3 matters)**
- ii) Security of Property**
- iii) Acquisition of Land for Municipal Purposes**

At 11:00 a.m. Committee reconvened to Open Meeting with three (3) reports from the Closed Session:

a) Request to Purchase Municipal Land – 1210 Hwy 17 E – Frontier Construction

Recommendation:

That Council of the City of Kenora not declare property located at 1210 Highway 17 East as surplus to the needs of the municipality; and further

That Council directs the Planning Administrator to advise the applicant and any interested party that this property will not be declared surplus at this time.

Recommendation Approved.

b) Request to Purchase Municipal Land – Barclay – Old Chalet Lane

Recommendation:

That the Council of the City of Kenora hereby declares a portion of property abutting PLAN M56 LOT 95 PCL 32743, 501 Old Chalet Lane, as surplus to the needs of the municipality excluding the shore allowance and all the unopened Fifth Avenue South road allowance; and further

That the property owner shall complete the application form, including the sketch and associated fee and submit it to the City of Kenora; and further

That before the transfer of the lands, the applicant shall provide a legal survey of the subject lands to be transferred with instructions to be given by the City of Kenora, at the cost of the Applicant; and further

That before the transfer of the lands, the applicant shall provide a legal survey of the subject lands indicating the location of the existing structure(s) associated with the property upon which final survey instructions for the transfer of lands will be provided to the surveyor, by the City of Kenora; and further

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That in accordance with Notice By-law #144-2007, as amended, arrangements be made to advertise the sale of the subject lands for a two 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 the property owner, 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 further

That this declaration is conditional upon the City completing a title search of the subject property to ensure it is free and clear of encumbrances or any restrictions prior to transferring.

Recommendation Approved.

JMcMillin

c) Transfer of Golf Course Road to City of Kenora

Recommendation:

That the Council of the City of Kenora hereby approves the undertaking of a survey for a portion of road locally known as Golf Course Road and portions of the applicable roads to Devil’s Gap Marina (to the northeast boundary of the bridge/causeway) and to Wauzhushk Onigum (to the boundary of the First Nations lands); and further

That the roads, once surveyed and described will be assumed as highways for municipal purposes; and further

That the City of Kenora will assume the associated costs in return for the transfer of the roads.

Recommendation Approved.

JMcMillin

G. Other Business:

Statutory Public Hearings - Z07/12 Derouard

Recommendation:

That the application for Zoning By-law Amendment Z07/12 Derouard, to amend the Zoning By-law 160-2010, as amended, for the property described as 431 P PARCEL 16336 & Easement over PTS 3&6 KR 476 LESS 23R9713 PT 1 - 5 and PT CON 3J ML 284P PT 1 23R5977 PCL 35080, City of Kenora, District of Kenora from RU and RR to RR – Rural Residential, as the application is consistent with the Provincial Policy Statement (2005), and meets the purpose and intent of both the City of Kenora Official Plan (2010) and Zoning By-law No. 160-2010, as amended for the reasons outlined in the planning report.

Recommendation Approved (resolution and by-law).

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By-Law Approvals for October 22 as per previous approval:

- Lake of the Woods Brewing Company By-Law amendment approval
- Stop Up, Close and Sell the Lane – 21 Minnesota Street (Bergman)

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The meeting closed at 11:00 a.m.