



CITY COUNCIL MEETING NO. 24-2005

September 20, 2005 at 6:45 pm in the Council Chambers at City Hall.
 Council will resolve into the Committee of the Whole "In Camera" and
 will reconvene as regular Council at 7:30 pm.

ORDERS OF THE DAY

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ORDERS OF THE DAY

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- j) Awarding The Tender For A Walk Behind Aerator To J.C. Duke Equipment Limited (05-341) **schedule pages 47-48**
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- l) Awarding The RFP For Security Services For Rideaucrest To The Corporation of Commissionaires (05-345) **schedule pages 51-52**
- m) Bus Shelter Advertising Agreement With Pattison Outdoor Advertising (05-346) **schedule pages 53-54**
- n) A By-Law Amendment To Lift The 'H' Holding Symbol For 434 Taylor Kidd Boulevard (05-348) **schedule pages 55-61**
- o) Approval Of Construction And Other Ancillary Agreements With Regard To The Site Condition Of The New Police Building Located At 711 Division Street (05-351) **schedule pages 62-63**
- p) Consent To Assignment Of Lease And Release Of 1977 Development Agreement For The Gore Building At 115 Clarence Street (05-353) **schedule pages 64-67**
- q) Third Reading Of A By-Law To Cancel Municipal And Education Taxes For 85 Ontario Street (Block D) (05-354) **schedule pages 68-75**
- r) By-Law Amendment Wording Correction For An Additional Disabled Parking Space At Veteran's Affairs Office (05-357) **schedule pages 76-78**
- s) Awarding The Tender For City Hall Stone Restoration Phase V, Market Wing To A. Santin Mason Contractor Ltd. (05-358) **schedule pages 79-80**
- t) By-Law Amendments For Market Street Parking Restrictions And Traffic Pattern (05-328) **schedule pages 89-94**

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- 1. Authorization To Enter Into A Contract With The Ontario Lottery And Gaming Corporation For A One Year Pilot Initiative At Treasure Chest Bingo (05-335) **schedule pages 95-103**
- 2. Deny Request For Amendment To By-Law No. 10 And By-Law No. 2004-107 To Allow Pavement Of Clergy Street Boulevard Next To 235-237 Queen Street (05-347) **schedule pages 104-112**
- 3. Approval Of 3 Year City Of Kingston Accessibility Plan (05-349) **schedule pages 113-135**
- 4. Write Off Of Loan Receivable In Amount Of \$69,000 For The International Hockey Hall Of Fame (05-324) **schedule pages 81-82**
- 5. Authorization For A Memorandum Of Understanding Between The Business Improvement Area (BIA) And City Of Kingston For BIA Contribution To Funding Of Large Venue Entertainment Centre (LVEC) (05-315) **schedule pages 83-88**

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(Council Chamber)

ROLL CALL



THE COMMITTEE OF THE WHOLE "IN CAMERA"

1. THAT Council resolve itself into the Committee of the Whole "In Camera" to consider the following item(s):
 - (a) Legal Matters

2. THAT Council rise from the Committee of the Whole "In Camera" without reporting.



DISCLOSURE OF PECUNIARY INTEREST



PRESENTATIONS

- (1) The Mayor will present a certificate to Mr. George Muirhead, former Director of Planning and Urban Renewal for the former City of Kingston, on receiving the Gabrielle Leger Award from Heritage Canada and for his 50 years of outstanding service to the City of Kingston.
(File No. CSU-C13-000-2005)
(See Motion No. 1 (a))



STAFF BRIEFINGS

Consent of Council is requested to deal with a staff briefing by the Accessibility Coordinator at this time.

- (1) Mr. Tim Eicholz, Accessibility Advisory Committee Chair will speak to Council on the "Year 3 City of Kingston Accessibility Plan."
(File No. CSU-C13-000-2005)
(See Clause (3), Report No. 109)



DELEGATIONS

THAT Council allow delegation No. (1) 10 minutes (2/3rds vote is required)

- (1) Representatives from the Municipal Property Assessment Corporation (MPAC) will be present to update Council on Market Value Assessment.
(File No. CSU-C13-000-2005)
(See Clause (1) of Information Reports)

- (2) Mr. Bob Tchegus, Barrister & Solicitor for Cunningham Swan Carty Little & Bonham Law Firm, will speak to Council with regard to the request of Kingston Interval House for an amendment to the streets by-law and/or encroachment by-law to allow the paving of Clergy Street Boulevard adjacent to the property known as 235-237 Queen Street.
(File No. CSU-C13-000-2005)
(See Clause (2) of Report No. 109)



STAFF BRIEFINGS

- (2) Mr. Doug Ritchie, Managing Director, and Nick Waterfield, Chairman of the Downtown Kingston! Business Improvement Area, will speak to Council on the financial aspects of the Large Venue Entertainment Centre.
(File No. CSU-C13-000-2005)
(See Clause (5), Report No. 109)



PETITIONS

- (1) A petition bearing approximately 40 signatures was received by Council Support Department and referred to the Commissioner of Planning and Development Services and reads as follows:

"We the undersigned Residents/Owners of Frontenac Condominium Corporation #49, located in the City of Kingston, #566 and #580 Armstrong Road, do hereby respectfully request and petition that the City of Kingston supply and erect sufficient steel beam guide rail and posts on the shoulder and approaches of the sharp curved roadway along Armstrong Road adjacent to protect the grounds and property of buildings 566 and 580."

REFERRED TO THE COMMISSIONER OF PLANNING AND DEVELOPMENT



MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Motions of Congratulations, Sympathy, Condolences and Speedy Recovery are presented in order of category as one group and voted on as one motion.

Motions of Congratulations

- (a) Moved by Mayor Rosen
Seconded by Councillor Patterson

THAT the congratulations of Kingston City Council be extended to Mr. George Muirhead, former Director of Planning and Urban Renewal for the former City of Kingston for receiving the Gabrielle Leger Award from Heritage Canada and for his 50 years of outstanding service to the City of Kingston and for inspiring citizens to preserve their historic architecture.

- (b) Moved by Councillor Pater
Seconded by Councillor Downes

THAT Kingston City Council express their gratitude to the Prentice Family for the generous donation to the Garden-Walk Terrace located at the Rideaucrest Home for the Aged.

- (c) Moved by Councillor Patterson
Seconded by Mayor Rosen

THAT the congratulations of Kingston City Council be extended to R. Bruce Downey of Hughes Downey Architects, and Vice-Chair of the Kingston Municipal Heritage Committee, for receiving an Outstanding Achievement Award from the Province of Ontario.

- (d) Moved by Councillor Pater
Seconded by councillor Downes

THAT the congratulations of Kingston City Council be extended to Rilla and Garth Rutherford on the occasion of their 50th anniversary, celebrated on September 8, 2005.

- (e) Moved by Councillor Downes
Seconded by Councillor Smith

THAT the appreciation of Kingston City Council be extended to Leslie Allen, Adrian Cooper, Mary Jane Leroux, and George Dillon, all members of the Kingston Transit Advisory Committee, in recognition of the generous donation of their knowledge and time during the week of September 6th to assist transit customers during the launch of new transit routes.

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Motions of Condolences

- (a) Moved by Mayor Rosen
Seconded by Councillor K. George

THAT the condolences of Kingston City Council be extended to the family of Earl VanHooser, a long-time employee of 50+ years with the former Kingston Township who passed away on Saturday, September 3rd, 2005.



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REPORTS

REPORT NO. 108A OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

Report No. 108A

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

September 6, 2005

1. That Council approve the sale of Hangar # 3 located at the Kingston Norman Rogers Airport to the Athletic Club of Kingston (ACK) for the sum of \$1,000.00, conditional upon Athletic Club of Kingston receiving a Trillium Grant which would cover the cost of the initial capital repairs; and

That Council approve a land lease with the Athletic Club of Kingston for a term of ten years at a rental rate of \$7,500.00 per year, with a renewal option of ten years, in a form satisfactory to the Director of Legal Services.

REPORTS

REPORT NO. 108 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

Report No. 108

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

All items listed on the Consent Report shall be the subject of one motion. Any member may ask for any item(s) included in the Consent Report to be separated from that motion, whereupon the consent report without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

THAT Council consent to the approval of the following routine items:

(a) **Lease Agreement For Airport Space In The Departure Lounge Of The Air Terminal Building With Jazz Air General Partner Inc.**

THAT Council approve a lease between The Corporation of the City of Kingston and Jazz Air General Partner Inc., for the rental of 11.354 square metres consisting of Room 110 and Kiosk space in the Departure Lounge, in the Air Terminal Building of the Kingston (Norman Rogers) Airport, for term of three (3) years commencing November 1, 2004, and expiring October 31, 2007, at an annual rental rate of \$2,503.10 per annum.

(File No. CSU-L15-000-2005)

(The Report of the Commissioner of Operations (05-323) is attached as Schedule Pages 1-2)

(b) **Renewal Agreement With Frontenac Condominium Corporation Number 20 For The Use Of The Seawall Abutting Anglin Bay**

THAT Council authorize the Mayor and the City Clerk to execute an Agreement between the City and Frontenac Condominium Corporation No. 20 (the "Corporation"), in a form satisfactory to the Director of Legal Services, granting the Corporation the use of a portion of the seawall abutting a portion of Anglin Bay for a term of two (2) years commencing on June 1, 2005 and expiring on May 31, 2007.

(File No. CSU-D26-000-2005)

(The Report of the Commissioner of Operations (05-326) is attached as Schedule Pages 3-4)

(c) **Lease Of 23 Queen Street To 1425545 Ontario Inc. (Your Workplace Magazine)**

THAT Council authorize the Mayor and City Clerk to execute a Lease between the City and 1425545 Ontario Inc., carrying on business as Your Workplace Magazine, in a form satisfactory to the Director of Legal Services, for a period of one year and nine months commencing April 1, 2005 at a rental rate of \$4,057.56 per year.

(File No. CSU-L15-000-2005)

(The Report of the Commissioner of Operations (05-331) is attached as Schedule Pages 5-6)

REPORTS (CONTINUED)

REPORT NO. 108 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(d) **A By-Law Amendment To Add Parking Restrictions On Quail Court**

THAT a By-Law be presented to City Council to amend By-Law 24 (Traffic) to add parking restrictions on Quail Court.

BY-LAW No. 24 Section 18: (Various Parking)

Add:

Quail Court South Side – Parking Prohibited Tuesday, Thursday and Saturday after 9:00 a.m.

Quail Court North Side – Parking Prohibited Monday, Wednesday and Friday after 9:00 a.m.

(File No. CSU-T02-000-2005)

(The Report of the Commissioner of Planning and Development Services (05-332) is attached as Schedule Pages 7-10)

(See By-Law No. (1), 2005-233)

(e) **A By-Law Amendment For Various Traffic Changes On John Counter Boulevard**

THAT a By-Law be presented to City Council to amend By-Law 2003-209 (Regulate Traffic) to delete Counter Street and add John Counter Boulevard and to establish a speed limit for the new extension of John Counter Boulevard.

Delete:

SCHEDULE A:

A-3 Highways with a Limit of 60 Kilometres per Hour

Highway	From	To
Counter Street	Sir John A. Macdonald Boulevard	Division Street

Add:

SCHEDULE A:

A-3 Highways with a Limit of 60 Kilometres per Hour

Highway	From	To
John Counter Boulevard	Sir John A. MacDonald Boulevard	Montreal Street

Delete:

SCHEDULE B:

B-1 Traffic Control Signal Systems

Highway		At
Counter Street	&	Lappan's Lane
Counter Street	&	Leroy Grant Drive
Division Street	&	Counter Street
Princess Street	&	Taylor Kidd Boulevard / Counter Street
Sir John A. MacDonald Boulevard	&	Counter Street
Montreal Street	&	Elliott Avenue

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REPORTS (CONTINUED)

REPORT NO. 108 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

Clause (e) continued

Add:

SCHEDULE B:

B-1 Traffic Control Signal Systems

Highway	&	At
John Counter Boulevard	&	Lappan's Lane
John Counter Boulevard	&	Leroy Grant Drive
Division Street	&	John Counter Boulevard
Princess Street	&	Taylor Kidd Boulevard / John Counter Boulevard
Sir John A. Macdonald Boulevard	&	John Counter Boulevard
Montreal Street	&	John Counter Boulevard

Delete:

SCHEDULE C:

C-1 Through Highways

Highway	From	To
Aberfoyle Road	Counter Street	Inverness Crescent
Counter Street	West Side of Division Street	Princess Street
Indian Road	North Side of Glengarry Road	Counter Street
Portsmouth Avenue	King Street West	Counter Street

Add:

SCHEDULE C:

C-1 Through Highways

Highway	From	To
Aberfoyle Road	John Counter Boulevard	Inverness Crescent
John Counter Boulevard	West Side of Division Street	Princess Street
Indian Road	North Side of Glengarry Road	John Counter Boulevard
Portsmouth Avenue	King Street West	John Counter Boulevard

Delete:

C-2 Yield Right-of-Way Signs

From	At	Corner
Counter Street	Division Street	South West
Counter Street	Sir John A. MacDonald Boulevard	North East
Division Street	Counter Street	North West
Sir John A. MacDonald Boulevard	Counter Street	South East
Sir John A. Macdonald Boulevard	Counter Street	North West
Elliott Avenue	Montreal Street	South West

REPORTS (CONTINUED)

REPORT NO. 108 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

Clause (e) continued

Add:

C-2 Yield Right-of-Way Signs

From	At	Corner
John Counter Boulevard	Division Street	South West
John Counter Boulevard	Sir John A. Macdonald Boulevard	North East
Division Street	John Counter Boulevard	North West
Sir John A. Macdonald Boulevard	John Counter Boulevard	South East
Sir John A. Macdonald Boulevard	John Counter Boulevard	North West
John Counter Boulevard	Montreal Street	South West

SCHEDULE D:

DESIGNATED STREETS AND LANES

Delete:

D-2 Traffic Lanes

Highway	At	Lane	Travelling Direction	To	Type of Lanes
Counter Street	Division Street	1st lane south of the centre line	East	North	Left
Counter Street	Division Street	2nd lane south of the centre line	East	North & East	Left & Through

SCHEDULE D:

DESIGNATED STREETS AND LANES

Add:

D-2 Traffic Lanes

Highway	At	Lane	Travelling Direction	To	Type of Lanes
John Counter Boulevard	Division Street	1st lane south of the centre line	East	North	Left
John Counter Boulevard	Division Street	2nd lane south of the centre line	East	North & East	Left & Through

Delete:

SCHEDULE E:

TURNING REGULATIONS

E-1 Left Turn Restrictions

From	Travelling Direction	Into
Elliott Avenue	West	Into Chat-A-Bit Station

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REPORTS (CONTINUED)

REPORT NO. 108 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

Clause (e) continued

Add:

SCHEDULE E:

TURNING REGULATIONS

E-1 Left Turn Restrictions

From	Travelling Direction	Into
John Counter Boulevard	West	Into Chat-A-Bit Station

Delete:

SCHEDULE F:

WEIGHT RESTRICTIONS

F-1 Heavy Traffic Restrictions

Highway	From	To
Indian Road	McMichael Street	Counter Street
Leroy Grant Drive	Counter Street	Elliott Avenue
Portsmouth Avenue	Counter Street	Bath Road

Add:

SCHEDULE F:

WEIGHT RESTRICTIONS

F-1 Heavy Traffic Restrictions

Highway	From	To
Indian Road	McMichael Street	John Counter Boulevard
Leroy Grant Drive	John Counter Boulevard	Elliott Avenue
Portsmouth Avenue	John Counter Boulevard	Bath Road

Delete:

F-2 Seasonal Load Limits

Highway	From	To
Purdy Mills Road	Counter Street	North Limit

Add:

F-2 Seasonal Load Limits

Highway	From	To
Purdy Mills Road	John Counter Boulevard	North Limit

(File No. CSU-T08-000-2005)

(The Report of the Commissioner of Planning and Development Services (05-334) is attached as Schedule Pages 11-17)

(See By-Law No. (2), 2005-234)

REPORTS (CONTINUED)

REPORT NO. 108 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(f) **A By-Law Amendment To Lift The '-H' Holding Symbol For Grand Trunk Avenue – Waterloo Village (Dacon Construction Ltd.)**

WHEREAS Dacon Construction Limited, has submitted an application requesting that the '-H' Holding Symbol be removed for the development known as the "Grandtrunk Avenue" Subdivision (Part of Lot 14, Concession 4, in the former geographic Township of Kingston, now in the City of Kingston, more particularly described as Part 2 on Reference Plan 13R-17672, Part 1 on Reference Plan 13R-17674 and Lot 1 on Registered Plan 1972), located between the current termini of Grandtrunk Avenue East and West in Kingston West;

THEREFORE BE IT RESOLVED THAT Map 5 of Schedule "A" to By-law No. 76-26, as amended, is hereby further amended by removing the "-H" Symbol for the lands known as Grandtrunk Avenue of the "Waterloo Village" Subdivision to rezone these lands from the 'R2-9-H' Modified Residential Type 2 Holding Zone to the 'R2-9' Modified Residential Type 2 Zone, which lands are shown as "Lands subject to 'H' Removal" on Schedule "A" attached hereto.

AND BE IT FURTHER RESOLVED that the Amending By-law be presented to City Council for all three readings.

(File No. CSU-D28-000-2005)

(The Report of the Commissioner of Planning and Development Services (05-336) is attached as Schedule Pages 18-24)

(See By-Law No. (4), 2005-236)

(g) **Quarterly Status Report For Corporate Level Projects For The Period Ending June 30, 2005**

THAT Council receive the Quarterly Report for the period ending March 31, 2005 for Corporate Level Projects Abeyance Items.

(File No. CSU-C08-000-2005)

(The Report of the Chief Administrative Officer (05-337) is attached as Schedule Pages 25-42)

(h) **Awarding The RFP For Digital Topographic Mapping To Mapcon Mapping Ltd.**

Based on the evaluation of proposals received for RFP No. CORP-IS 4-2005, it is recommended that the City of Kingston enter into an agreement, in a form satisfactory to the City Solicitor, with Mapcon Mapping Ltd (formerly OSI Geomatics), for GIS Data Consulting Services.

(File No. CSU-F31-000-2005)

(The Report of the Acting Commissioner of Corporate Services (05-339) is attached as Schedule Pages 43-44)

(i) **Addition To Tender Order For A Vehicle Replacement For The Fleet Division**

THAT a 2005 cargo van be added as a replacement unit to the Fleet Division existing tender order.

(File No. CSU-V00-000-2005)

(The Report of the Commissioner of Operations (05-340) is attached as Schedule Pages 45-46)

(j) **Awarding The Tender For A Walk Behind Aerator To J.C. Duke Equipment Limited**

THAT Council approves the purchase of one (1) Walk Behind Aerator from J. C. Duke Equipment Limited for the purchase price of \$13,685.00 plus applicable taxes.

(File No. CSU-F18-004-2005)

(The Report of the Commissioner of Operations (05-341) is attached as Schedule Pages 47-48)

REPORTS (CONTINUED)

REPORT NO. 108 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

- (k) **Awarding The Tender For A Sod Cutter To J.C. Duke Equipment Limited**
THAT Council approves the purchase of one (1) Sod Cutter J. C. Duke Equipment Limited for the purchase price of \$3,685.00 plus applicable taxes.
(File No. CSU-F18-004-2005)
(The Report of the Commissioner of Operations (05-342) is attached as Schedule Pages 49-50)
- (l) **Awarding The RFP For Security Services For Rideaucrest To The Corporation Of Commissionaires**
THAT Request for Proposal (RFP), DCS-RH 2-2005, for the Provision of Security Guard Services for Rideaucrest Home be awarded to the Corps of Commissionaires having submitted the highest scoring proposal and the lowest price.
(File No. CSU-F31-000-2005)
(The Report of the Commissioner of Community Services (05-345) is attached as Schedule Pages 51-52)
- (m) **Bus Shelter Advertising Agreement With Pattison Outdoor Advertising**
THAT Council authorize the Mayor and Clerk to enter an advertising agreement with Pattison Outdoor Advertising for the exclusive right to sell third party advertising on all transit shelters in the City of Kingston for a period of 10 years. The said agreement shall be in a form satisfactory to the Director of Legal Services.
(File No. CSU-T03-000-2005)
(The Report of the Commissioner of Operations (05-346) is attached as Schedule Pages 53-54)
- (n) **A By-Law Amendment To Lift The '-H' Holding Symbol For 434 Taylor Kidd Boulevard**
THEREFORE BE IT RESOLVED THAT Map No. 5 of Schedule "A" to Zoning By-law No. 76-26 of the former Township of Kingston, as amended, be further amended by removing the '-H' Holding Symbol for the lands described as Part of Lots 12 & 13, Concession 2, Plan 1956, Part of Block 3, so as to rezone the subject lands from 'C2-28-H' the site specific General Commercial 'C2-28-H' Zone to the site specific General Commercial 'C2-28' Zone, which lands are shown as "Lands rezoned from 'C2-28-H' to 'C2-28' on Schedule "A" attached hereto.

AND BE IT FURTHER RESOLVED that the Amending By-law be presented to City Council for all three readings.
(File No. CSU-D28-000-2005)
(The Report of the Commissioner of Planning and Development Services (05-348) is attached as Schedule Pages 55-61)
(See By-Law No. (5), 2005-237)
- (o) **Approval Of Construction And Other Ancillary Agreements With Regard To The Site Condition Of The New Police Building Located At 711 Division Street**
THAT Council authorize the Mayor and Clerk to execute the necessary transfer documents to enable the division of the City-owned property to create a parcel of land for the siting of the new police services building.
THAT Council authorize the Mayor and Clerk to execute all agreements necessary to enable the construction of the police services building, all agreements to be satisfactory to the City Solicitor.
(File No. CSU-D19-000-2005)
(The Report of the Commissioner of Operations (05-351) is attached as Schedule Pages 62-63)

REPORTS (CONTINUED)

REPORT NO. 108 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(p) **Consent To Assignment Of Lease And Release Of 1977 Development Agreement For The Gore Building At 115 Clarence Street**

THAT the City consent to the assignment to Queen's University of the 1966 Lease Agreement for air space adjacent to the Gore Building located at 115 Clarence Street and that the Mayor and Clerk be authorized to sign a Consent to Assignment Agreement containing terms and conditions acceptable to the City Solicitor; and

THAT the City release the 1977 Development Agreement registered on title to the Gore Building and that the Mayor and Clerk be authorized to sign the release.

(File No. CSU-L15-000-2005)

(The Report of the Acting Commissioner of Corporate Services (05-353) is attached as Schedule Pages 64-67)

(q) **Third Reading Of A By-Law To Cancel Municipal And Education Taxes For 85 Ontario Street (Block D)**

THAT By-Law No. 2005-140 "A By-Law to Cancel Municipal and Education Taxes For 85 Ontario Street, Parts 1 & 5, Plan 13R-17509" be amended, reducing the length of time for which the cancellation of education taxes would apply to a period no longer than three years, and;

THAT the by-law be given third reading as amended.

(File No. CSU-F22-000-2005)

(The Report of the Commissioner of Planning and Development Services (05-354) is attached as Schedule Pages 68-75)

(See By-Law No. (12), 2005-140)

(r) **By-Law Amendment Wording Correction For An Additional Disabled Parking Space At Veteran's Affairs Office**

THAT By-law No. 81-218 (Designated Parking for Persons with Disabilities), Section 2(b) be amended to delete Princess Street, North Side, 31.1 metres north of Princess Street westerly 6.1 metres and add Princess Street, North Side, 31.1 metres west of Division Street westerly 6.1 metres.

(File No. CSU-T02-000-2005)

(The Report of the Commissioner of Operations (05-357) is attached as Schedule Pages 76-78)

(See By-Law No. (11), 2005-217)

(s) **Awarding The Tender For City Hall Stone Restoration Phase V, Market Wing To A. Santin Mason Contractor Ltd.**

THAT Council approves the low bid of A. Santin Mason Contractor Ltd., for the purchase price of \$177,025.00 plus GST.

(File No. CSU-F18-001-2005)

(The Report of the Commissioner of Operations (05-358) is attached as Schedule Pages 79-80)

REPORTS (CONTINUED)

REPORT NO. 108 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(t) **By-Law Amendments For Market Street Parking Restrictions And Traffic Pattern**

THAT a By-Law be presented to City Council **for all three readings** to amend By-Laws 24 (Traffic), 495 (Parking Meters), and 81-218 (Disabled Parking) to change the parking restrictions on Market Street;

- and further -

THAT a By-Law be presented to City Council to amend By-Law 2003-209 (Regulate Traffic) to change the traffic pattern on Market Street to one-way.

Delete:

BY-LAW No. 24 Section 10(c): (Parking from a corner of an intersection):

Market (N/S) at Ontario	Ontario to 70 feet west of Ontario
	(By-Law No. 6428 – 1969)

BY-LAW No. 24 Section 19 : (Non- Parking)

MARKET STREET from 218 feet east of King to Ontario	North Side <div style="text-align: right;">(By-Law No. 8523 – 1975)</div>
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BY-LAW No. 24 Section 27 a : (Loading Zones)

MARKET STREET, North Side: between King and Ontario commencing at a point 59.7 metres east of King and continuing for a distance of 5.5 metres in an easterly direction	Hours: 7:00 a.m. to 6:00 p.m. Monday to Friday inclusive
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BY-LAW No. 24 Section 46(a): (Courtesy Pick Up Zone, Saturdays Only):

Market	182 feet East of King	216 feet East of King	North
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REPORTS (CONTINUED)

REPORT NO. 108 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

BY-LAW No. 24 Section18 (1) (Park in Excess of Posted Time Limit):

MARKET STREET
56.5 metres west of Ontario St.
westerly 23.0 metres

South Side – Parallel Parking – 10
minute time limit

Add:

BY-LAW No. 81-218 Schedule “A” (Disabled Parking):

DESIGNATED PARKING SPACES FOR DISABLED PERSONS

MARKET STREET
North Side from 40.1 metres west of Ontario Street westerly 12.0 metres 2 hour maximum time limit

Add:

BY-LAW No. 2003-209 (Regulate Traffic):

SCHEDULE D:

DESIGNATED STREETS AND LANES

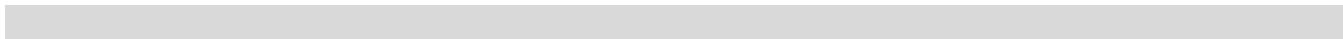
D-1 One-Way Traffic

Highway	Travelling Direction	Location
Market Street	Westbound	Ontario Street to King Street

(File No. CSU-T02-000-2005; CSU-T08-000-2005)

(The Report of the Commissioner of Planning and Development Services (05-328) is attached as Schedule Pages 89-94)

(See By-Law No. (3), 2005-235; By-Law No. (7), 2005-238; By-Law No. (8), 2005-239; By-Law No. (9), 2005-240)



REPORTS (CONTINUED)

REPORT NO. 109 OF THE CHIEF ADMINISTRATIVE OFFICER (RECOMMEND)

Report No. 109

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

(1) **Authorization To Enter Into A Contract With The Ontario Lottery And Gaming Corporation For A One Year Pilot Initiative At Treasure Chest Bingo**

THAT the City of Kingston enter into a contract with the Ontario Lottery and Gaming Corporation (OLGC) for a one year bingo pilot initiative to take place at Treasure Chest Bingo Hall at 1600 Bath Road, and;

THAT Council authorize the Mayor and Clerk to sign the contract on behalf of the City of Kingston, in a form satisfactory to Legal Services.

(File No. CSU-P09-000-2005)

(The Report of the Commissioner of Planning and Development Services (05-335) is attached as Schedule Pages 95-103)

(2) **Deny Request For Amendment To By-Law No. 10 And By-Law No. 2004-107 To Allow Pavement Of Clergy Street Boulevard Next To 235-237 Queen Street**

THAT Council deny the request of Kingston Interval House for an amendment to the streets by-law and/or encroachment by-law to allow the paving of the Clergy Street boulevard adjacent to the property known as 235-237 Queen Street, and that the Owner be directed to reinstate the boulevard area in conformity with the approved Site Plans.

(File No. CSU-T02-000-2005)

(The Report of the Commissioner of Planning and Development Services (05-347) is attached as Schedule Pages 104-112)

(See Delegation No. 2)

(3) **Approval Of 3 Year City Of Kingston Accessibility Plan**

THAT the Year 3 City of Kingston Accessibility Plan be approved and submitted to the Province of Ontario.

(File No. CSU-S14-000-2005)

(The Report of the Commissioner of Community Services (05-349) is attached as Schedule Pages 113-115)

(The Year 3 Accessibility Plan Report was distributed September 13, 2005 to all Members of Council as Schedule Pages 116-135 inclusive)

(4) **Write Off Of Loan Receivable In Amount Of \$69,000 For The International Hockey Hall Of Fame**

THAT the receivable in the amount of \$69,000 be written off as uncollectible and that the general security agreement dated December 15, 2000 be released.

(File No. CSU-R03-000-2005)

(The Report of the Acting Commissioner of Corporate Services (05-324) is attached as Schedule Pages 81-82)

REPORTS (CONTINUED)

REPORT NO. 109 OF THE CHIEF ADMINISTRATIVE OFFICER (RECOMMEND)

- (5) **Authorization For A Memorandum Of Understanding Between The Business Improvement Area (BIA) And City Of Kingston For BIA Contribution To Funding Of Large Venue Entertainment Centre (LVEC)**

THAT Council authorize the Mayor and Clerk to execute a Memorandum of Understanding between the Corporation of the City of Kingston and the Downtown Kingston! Business Improvement Area (BIA), whereby the BIA, through its board and membership, has committed itself to providing at least \$3M in funding to the City in support of the LVEC, subject to the conditions listed therein.

(File No. CSU-R05-001-2005)

(The Report of the Acting Commissioner of Corporate Services (05-315) is attached as Schedule Pages 83-88)

(Staff Briefing No. 2)



REPORTS (CONTINUED)

REPORT NO. 110 OF THE OPERATIONS COMMITTEE

Report No. 110

To the Mayor and Members of Council:

The Operations Committee reports and recommends as follows:

All items listed on the Operations Committee Report shall be the subject of one motion. Any member may ask for any item(s) included in the Committee Report to be separated from that motion, whereupon the Report of the Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

08-09-2005

1. **Request For Approval Of Terms Of Reference For A Request For Proposal For A Kingston Core Area Integrated Transportation Strategy**
THAT City Council approve of the Terms of Reference for a Request for Proposals to engage a transportation consultant to develop a **Kingston Core Area Integrated Transportation Strategy**, it being understood that these Terms of Reference has been developed in cooperation with the Downtown Kingston BIA, Hotel Dieu Hospital, Kingston General Hospital and Queen's University, and that these stakeholders will assist in funding the strategy.
(The core parking and bus route map was distributed separate from the agenda on September 16, 2005 and is attached as Appendix 1, Schedule Page 146)

2. **Changes In Garbage Service & Fees**
WHEREAS on May 17th, 2005 Council approved Clause 1 of Report 72 altering garbage collection and disposal services and funding within the City of Kingston subject to Ministry approval; and
WHEREAS at the same meeting Council approved petitioning the Province under Section 326 of the Municipal Act, RSO 2001 in order to enable the levying of rates on only those classes of property that are offered service; and
WHEREAS the Minister of Municipal Affairs and Housing has advised that a Ministers Regulation was not passed and resulted in Clause (1) of Report No. 72 being null and void; and
WHEREAS an alternate garbage collection and disposal service and funding system has been considered;
THEREFORE IT IS RECOMMENDED THAT effective January 1, 2006
 - a. garbage disposal be provided to the residential property class with the exception of condominium properties;
 - b. entire residential condominium buildings, new multi-residential and multi-residential properties be provided the option of opting in for municipal garbage disposal;
 - c. commercial properties in the area within the Downtown Kingston Business Improvement Area (BIA) be provided the option of opting in for municipal garbage disposal;
 - d. the cost of garbage collection be funded through the general tax rate and that the cost of disposal be funded from residential properties with the exception of condominium properties through a special service area rate, and through user fees for multi-residential, new multi-residential and commercial properties that have opted in for garbage disposal and condominium properties where the condominium corporation has opted in for disposal on behalf of all property owners in the corporation, all in a manner satisfactory to the Legal and Finance Divisions;
 - e. residential units be allowed two bags of garbage per collection without tags;
 - f. businesses in the BIA be allowed six bags of garbage per collection without tags; and
 - g. the cost of bag tags for extra garbage be \$2.00 each.

REPORTS (CONTINUED)

REPORT NO. 110 OF THE OPERATIONS COMMITTEE

3. A By-Law Amendment For Parking On Clarence Street For Kingston Brewing Company (Brew Pub)

THAT City Council approve the amendment of By-law 24 "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston" to allow for the continuation of the parking of the Kingston Brewing Company (Brew Pub) historic vehicle on Clarence Street for a period of five (5) years from the date of final passing of the by-law.

- and further -


THAT the Brew Pub pay the City on an annual basis the equivalent of 50% of the daily meter space rental rate plus annual CPI increases;

- and further -

THAT staff bring back a report to the Operations Committee establishing a policy regarding this practice with various scenarios within one year's time

(Amendment of By-Law No. 24 is attached as Schedule Page 145)

(See By-Law No. (13), 2005-242)



REPORTS

REPORT NO. 111 OF THE PLANNING COMMITTEE

Report No. 111

15-09-2005

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

All items listed on the Planning Committee Report shall be the subject of one motion. Any member may ask for any item(s) included in the Committee Report to be separated from that motion, whereupon the Report of the Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

1. Application for Zone Change For Lyndenwood Subdivision, Phase 3, Seale Court

WHEREAS an application has been submitted by Geertsma Homes Ltd., with respect to Lots 135-144 (inclusive) of Lyndenwood Subdivision, Phase 3, in the Cataraqui North Neighbourhood, requesting that the existing 'LDR' Low Density Residential Zone be amended to 'LDR*2' Modified Low Density Residential Zone in order to increase the maximum permitted driveway and garage widths to 9.44 metres;

THEREFORE BE IT RESOLVED that the Application for Zoning By-Law Amendment (Planning File No. D14-017-2005) submitted by Geertsma Homes Ltd. for Lots 135 to 144 (inclusive) of Lyndenwood Subdivision, Phase 3, Registered Plan No. 13M-58, **BE APPROVED.**

AND BE IT FURTHER RESOLVED that Zoning By-Law No. 97-102, Cataraqui North Zoning By-law, be amended in accordance with the following:

- 1) **THAT** Zoning Map of By-Law Number 97-102, as amended, is hereby further amended by changing to 'LDR*2' the Zone symbol of the lands shown as "Zone Change from LDR to LDR*2" on Schedule "A" attached hereto;
- 2) **THAT** Section 7 of By-law No. 97-102 is **amended** by **adding** the following new subsection 7.9 immediately following subsection 7.8:
'7.9 LDR*2 (Lyndenwood Subdivision, Phase 3, Lots 135-144 (inclusive), Seale Court)
Notwithstanding any provisions of this By-law to the contrary, the lands zoned LDR*2 may be used and developed in accordance with the following additional provision:
 - i) **Maximum Driveway Width**
Notwithstanding the provisions of Table B1, Section 4 "Standards for the LDR Zone" of this By-law, the maximum driveway width for single detached dwellings on a lot that is not accessed by a lane shall be a maximum of 9.44 metres. The driveway width at the property line shall be a maximum of 6.0 metres or 50% of the lot frontage, whichever is the lesser.
 - (ii) **Maximum Garage Width**
Notwithstanding the provisions of Table B1, Section 4 "Standards for the LDR Zone" of this By-Law, the maximum garage width for single detached dwellings on a lot that is not accessed by a lane shall be a maximum of 9.44 metres.'

AND BE IT FURTHER RESOLVED that the Amending By-Law be presented for all three readings.
(See By-Law No. (14), 2005-243)

REPORTS (CONTINUED)

REPORT NO. 111 OF THE PLANNING COMMITTEE

2. Application for Zone Change For 920 Sydenham Road – Sand Trap Technologies Inc.

WHEREAS an application has been submitted by Sunbelt Business Brokers, on behalf of Sand Trap Technologies Inc. with respect to the property located at 920 Sydenham Road, Part Lot 16, Concession 3, Lot 1 of RP 13R17836 in Kingston West requesting to amend the zoning of the subject lands from 'R1' Residential Type 1 Zone to the 'C1-10' Modified Local Commercial Zone to permit a business and professional office; and,

WHEREAS a Public Meeting was held with respect to this matter on August 18, 2005:

THEREFORE BE IT RESOLVED that the Application for Zoning By-Law Amendment (Planning File No. D14-016-2005) submitted by Sunbelt Business Brokers, on behalf of Sand Trap Technologies Inc. with respect to the property located at 920 Sydenham Road, Part Lot 16, Concession 3, Lot 1 of RP 13R17836 in Kingston West, **BE APPROVED.**

AND BE IT FURTHER RESOLVED that the Township of Kingston Zoning By-Law No. 76-26 be amended as follows:

- 1) **THAT** Map 3 of Schedule "A" to Zoning By-Law No. 76-26 of the former Kingston Township be amended so as to rezone the area of the subject land (1578 square metres) identified as 920 Sydenham Road, Part Lot 16, Concession 3, Lot 1 of RP 13R17836 in Kingston West from the existing 'R1' Residential Type 1 Zone to the 'C1-10' Modified Local Commercial Zone, as shown on Schedule "A" attached hereto.
- 2) **THAT** the By-Law be amended by **Adding** a new subsection 18(3)(h) immediately following Section 18(3)(g):

'18(3)(h) 920 Sydenham Road

Notwithstanding the provisions of Section 18(1) to the contrary, the lands zoned 'C1-10' on Map 3 of Schedule "A" hereto shall only be used for a single detached dwelling or a business or professional office.

Any non-residential uses shall be developed in accordance with the following provisions:

1. **GROSS FLOOR AREA (maximum)**
Maximum permitted gross floor area shall be 120 square metres and be contained within the existing building at the date of the passing of this by-law.
2. **BUFFERING (minimum)**
A solid fence 1.8 metres in height or a buffering strip of 2 metres in width shall be provided on the property where a non-residential use abuts a residential use.
3. **PARKING**
Parking is to be in conformance with Section 5(16), Parking Area Regulations, of this By-law.
4. **DEEMED COMPLIANT**
Notwithstanding the provisions of Section 18(2) to the contrary, the existing building shall be deemed to comply with the minimum setback requirements.'

AND BE IT FURTHER RESOLVED that the Amending By-law be presented for all three readings.
(See By-Law No. (15), 2005-244)



REPORTS (CONTINUED)

REPORT NO. 112 OF THE KINGSTON MUNICIPAL HERITAGE COMMITTEE

Report No. 112

To the Mayor and Members of Council:

The Kingston Municipal Heritage Committee reports and recommends as follows:

All items listed on the Kingston Municipal Heritage Committee Report shall be the subject of one motion. Any member may ask for any item(s) included in the Committee Report to be separated from that motion, whereupon the Report of the Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

12th September 2005

1. Resolution Of Initial Heritage Concerns Regarding The Proposed Queen's Centre

WHEREAS at the Council meeting of March 2nd, 2004, Council requested that the Kingston Municipal Heritage Committee further review Clause 2 of Report No. 24 of the Kingston Municipal Heritage Committee recommending that any development on this site (The Queen's Centre) incorporate the designated properties, and the configuration of development should reflect the residential scale of the neighbourhood and that this matter be reported back to Council for final approval

WHEREAS Queen's University presented a modified plan for the proposed Queen's Centre on 05th March 2005.

THEREFORE BE IT RESOLVED THAT the concerns expressed by the Kingston Municipal Heritage Committee have been resolved and no further action is required.

2. Application For The Removal And Replacement Of Windows, Restoration Of A Door, Repainting And Restoration Of Trim At 67 Colborne Street

THAT Application P18-107-50-05 for a property located at 67 Colborne Street to request approval for the removal and replacement of windows, restoration of a door, repainting and restoration of trim **BE APPROVED** in accordance with a submission dated 22nd August further to comments made within the discussion and with the following understanding:

- a) consideration will be given to separated storm windows on the second storey
- b) consideration will be given to the manufacture of a storm door with a glazed or screened portion above the mid rail

REPORTS (CONTINUED)

REPORT NO. 112 OF THE KINGSTON MUNICIPAL HERITAGE COMMITTEE

3. **Regent Street Barriefield Road Allowance – Public Ownership, Restoration And Maintenance Of These Heritage Landscape Features**

WHEREAS the lower Regent Street hill road allowance has been an integral part of Barriefield's historic landscape, street and pedestrian pathway system since the founding of the Village; and

WHEREAS the heritage values of retaining and protecting this specific heritage landscape feature is identified in the Barriefield Heritage Conservation District Plan; and

WHEREAS the Official Plan for Pittsburgh Township assures the preservation of such features and their protection where public works are undertaken; and

WHEREAS amendments to the Ontario Heritage Act support the protection of landscape features that are identified in a heritage conservation district plan when public works are undertaken; and

WHEREAS questions have arisen concerning both public and private works within this road allowance that have compromised the pathway and other heritage features,

THEREFORE BE IT RESOLVED THAT the Municipal Heritage Committee recommends to Council that the Regent Street hill road allowance should continue to be held in public ownership

- and further -

THAT a plan should be implemented by the City in the 2006 budget for restoring and maintaining these heritage landscape features including the public path on the Regent Street hill,

- and further -

THAT public involvement in maintaining and enhancing these features should be encouraged.

4. **Application For The Replacement Of A Metal Awning With A Canvas Awning At 72 Princess Street**

THAT Application P18-032-52-05 for a property located at 72 Princess Street to request approval for the replacement of a metal awning with a canvas awning BE APPROVED in accordance with a submission dated 26th August 2005.

5. **Application For The Construction Of A Detached Garage At 207 Main Street Barriefield**

THAT Application P18-418-55-05 for a property located at 207 Main Street Barriefield to request approval for the construction of a detached garage BE APPROVED in accordance with a submission dated 06th September 2005 with the understanding that:

- a) alternate doors be considered to ensure glazing is within door openings
- b) wooden doors are preferred
- c) the head over the doorway is suggested as a cambered top to incorporate the glazing in the door
- d) an option of a transom light over the door opening and solid doors below be considered as an option as they reflect the style of other garage doors in the neighbourhood
- e) the roof will be of cedar shingles, and soffit and fascia will be of wood.

REPORTS (CONTINUED)

REPORT NO. 112 OF THE KINGSTON MUNICIPAL HERITAGE COMMITTEE

6. **Application For The Replacement Of A Sidewalk And The Addition Of Posts To A Balcony At 133 King Street East**

THAT Application P18-181-56-05 for a property located at 133 King Street East to request approval for the replacement of a sidewalk and the addition of posts to a balcony BE APPROVED in accordance with a submission dated 07th September 2005 with the understanding that the balcony be designed in accordance with Ontario Building Code requirements and local bylaws.

7. **Application For The Construction Of A Dwelling At 114 Collingwood Street**

THAT Application P18-253-22-05 for a property located at 114 Collingwood Street requesting final approval for the construction of a dwelling BE APPROVED in accordance with drawings submitted dated August 2005.

8. **Application For An Amended Roofing Material At 249 Main Street Barriefield**

THAT Application P18-427-24-05 for a property located at 249 Main Street Barriefield to request approval for an amended roofing material BE APPROVED in accordance with a submission dated 28th August 2005.

9. **Application For The Construction Of A Garage At 163 Union Street**

THAT Application P18-536-41-05 for a property located at 163 Union Street to request final approval for the construction of a garage BE APPROVED in accordance with a submission dated 22nd July 2005.

10. **Application For The Installation Of A Cable Hook Up At 5 Emily Street**

THAT Application P18- -05 for a property located at 5 Emily Street to request approval for the installation of a cable hook up at the south side of the dwelling BE APPROVED with the understanding that the entry point will be through the wood of the window and not the stonework.

11. **Congratulations Extended To Mr. R. Bruce Downey For Receiving The Provincial Outstanding Achievement Award**

THAT congratulations be extended to Mr. R. Bruce Downey, Vice-Chair of the Kingston Municipal Heritage Committee, recipient of the Outstanding Achievement Award, one of 20 provincial awards for superlative contributions to the community and province through voluntary action, recognizing extraordinary leadership, innovation and creativity and presented by the Honourable Mike Colle, Minister of Citizenship and Immigration at a ceremony on 07th November 2005.

REPORTS (CONTINUED)

REPORT NO. 112 OF THE KINGSTON MUNICIPAL HERITAGE COMMITTEE

12. Notice Of Intent To Designate 935 Sydenham Road

WHEREAS the City of Kingston owned property located at 935 Sydenham Road was previously recognized as a heritage property by Township of the Kingston Council on August 5, 1980 who recommended that this property be designated under the Ontario Heritage Act, and;

WHEREAS the By-law for this designation process was never completed, and;

WHEREAS Section 29 of the Ontario Heritage Act, RSO 1990, Chapter 0.18 authorizes the Council of a Municipality to enact by-laws to designate real property, and;

WHEREAS the Kingston Municipal Heritage Committee is in agreement with pursuing the designation of this property;

THEREFORE BE IT RESOLVED THAT Council serve Notice Of Intent To Designate 935 Sydenham Road to be of Architectural and Historical Value under Part 4 of the Ontario Heritage Act and authorize City staff to proceed with fulfilling the requirements of a Notice of Intent to Designate, as defined in Section 29 (3) and (4) of the Ontario Heritage Act;

–and further–

THAT the reasons for designation are for its site significance, its historical ownership, character defining features and architectural and historical reasons, which are noted as follows:

The 1847 Kingston Township Hall, known alternatively as the "Catarqui Town Hall", is important for both architectural and historical reasons. It is architecturally important not only because of its individual exterior features, but also as a whole structure and as an important part of the former Catarqui village streetscape. As the Kingston Township Hall, it has served as an important community focal point and the administrative centre for the Township of Kingston. This single storey neo-classical limestone building contains a number of notable architectural features including, but not limited to: simple but finely crafted stonework details, including a three bay blind arcaded front façade, original window sashes, an original semi-elliptical fanlight above the main entrance and original tripartite window in the rear façade.



City Council Meeting No. 24-2005
Agenda
Tuesday, September 20, 2005

THE COMMITTEE OF THE WHOLE

1. **THAT** Council resolve into the Committee of the Whole to consider the following item:
- (a) **Approval of the LVEC Plan as Recommended for Construction of a New Sports and Entertainment Centre at a Downtown Site**

WHEREAS the Market Study was distributed to members of Council on September 13, 2005;

THEREFORE BE IT RESOLVED that the Business Plan be received and approved as the basis for the construction of the new sports and entertainment centre at a downtown site, and based on this approval, that The Large Venue Entertainment Centre project financing, including the fly-grid expenditure of \$600,000 and the catwalk expenditure of \$600,000, be approved incorporating pay-as-you-go (PAYG) and debt financing as reflected as follows:

Financing Alternative	PAYG (2005-2008)	Debt	Total
Cash Flows from LVEC operations		\$16,000,000	\$16,000,000
Downtown Kingston	\$500,000	\$2,500,000	\$3,000,000
Private Donations	\$2,000,000		\$2,000,000
Development Charges	\$3,000,000		\$3,000,000
Parking Incremental Revenues		\$2,000,000	\$2,000,000
Federal and Provincial Govt. Grants	\$8,000,000		\$8,000,000
Municipal Capital Reserve Fund (MCRF)	\$3,300,000		\$3,300,000
Total Financing	\$16,800,000	\$20,500,000	\$37,300,000

-and further-

- (a) That Leadership in Environment and Energy Design (LEED) standards or other conservation standards be evaluated as part of the LVEC design and that grant funding through the Federation of Canadian Municipalities and other sources related to greening initiatives be explored.
- (b) That the cost of acquiring land and site related expenditures for the purposes of constructing the Large Venue Entertainment Centre be financed from the Municipal Capital Reserve Fund.
- (c) That any excess cash flows after debt servicing be retained in a reserve specifically for years where cash flows are or may be insufficient to meet debt servicing charges and that all interest earned on such reserve be credited to the capital thereof.

(File No. CSU-R05-001-2005)

(The Report of the Chief Administrative Officer (05-359) is attached as Schedule Pages 147-153)

2. **THAT** Council rise from the Committee of the Whole and the Chair report.
3. **THAT** the Report of the Committee of the Whole be received, confirmed and adopted.



INFORMATION REPORTS

Schedule Pages 136-144

- (1) **Market Value Property Assessment Update 2006 (05-289)**
The purpose of this report is to provide preliminary information with respect to the 2006 property assessment market values.
(File No. CSU-F22-000-2005)
(The Report of the Acting Commissioner of Corporate Services (05-289) is attached as Schedule Pages 136-138)

- (2) **2005 – 2nd Quarter Report On Provincial Offences Act Collections (05-298)**
The purpose of this report is to provide information on the 2nd Quarter (April 1 - June 30/05) fine revenues and expenditures of the Provincial Offences Court, as well as caseload volumes.
(File No. CSU-F10-000-2005)
(The Report of the Acting Commissioner of Corporate Services (05-298) is attached as Schedule Pages 139-142)

- (3) **5th Annual Report Card To Citizens (05-352)**
The purpose of this report is to provide Council with a copy of the 5th Annual Report Card to Citizens.
(File No. CSU-M11-000-2005)
(The Report of the Chief Administrative Officer (05-352) is attached as Schedule Pages 143-144)
(Volume 5 – Measuring Our Way to Service Excellence! is being distributed separately from the agenda)



MISCELLANEOUS BUSINESS

Motions of Council are required:



MOTIONS



NOTICES OF MOTION



MINUTES



City Council Meeting No. 24-2005
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Tuesday, September 20, 2005

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TABLING OF DOCUMENTS

- 2005-69 Downtown Kingston! Business Improvement Area
Agenda – Board of Management Meeting – September 14, 2005
(File No. CSU-A01-001-2005)
- 2005-70 Downtown Kingston! Business Improvement Area
Minutes – Board of Management Meeting – August 10, 2005-09-12
(File No. CSU-A01-003-2005)



COMMUNICATIONS

That Council consent to the disposition of Communications in the following manner:

Filed

- 24-700 From the Ministry of Agriculture, Food and Rural Affairs, providing Council with a brochure, "So.....you're moving to the country" which outlines that rural Ontario is more than just a pretty place, it is also home to the province's 55,000 farm businesses which are governed by the Farming and Food Production Protection Act, promoting and protecting normal farm practices in agricultural areas while addressing health, safety and environmental concerns.
(File No. CSU-M11-000-2005)
- 24-701 From the County of Peterborough, supporting and acknowledging receipt of Council's resolution concerning an amendment to the Occupiers Liability Act so that those using trail systems are deemed to do so at their own risk.
(File No. CSU-L11-000-2005; CSU-R06-000-2005)
- 24-702 From Industry Canada, responding to our letter of June 8, 2005 with respect to the inclusion of Kingston under the Eastern Ontario Development Fund (EODF) and advising that as a result of our population being in excess of 100,000, the City of Kingston does not qualify as one of the Eastern Ontario Community Future Development Corporations and cannot receive support from the Eastern Ontario Development Fund.
(File No. CSU-F11-000-2005)
- 24-703 From Lanark County, petitioning the provincial government, through the Ministry of Community and Social Services, to pay 100% of the cost of the Ontario Disability Support Program income maintenance and administration for the province of Ontario.
(File No. CSU-C10-000-2005)
- 24-704 From the Association of Municipalities of Ontario, inviting Council to the Effective Leadership Skills for Heads of Council AMO Training Program – 2005 Fall Series being held Thursday, September 29, 2005 at the Days Inn in Kingston.
(File No. CSU-A04-000-2005)
(Distributed digitally to all Members of Council on September 6, 2005)

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COMMUNICATIONS

- 24-705 From the Association of Municipalities of Ontario, providing Council with a conference update on a solution to Ontario's current waste and energy infrastructure deficits.
(File No. CSU-E11-000-2005)
(Distributed digitally to all Members of Council on September 6, 2005)
- 24-719 From the City of Orillia, advising Council of their considerations in forming a "Brownfield Advisory Committee" which will assist in indentifying and understanding contaminated lands located within the City boundaries as well as possible remediation of such lands.
(File No. CSU-C15-000-2005)
- 24-720 From the City of Kawartha Lakes, amending the resolution previously adopted regarding dental care services at their June 28th meeting of Council to delete the words "and supported" so that the resolution reads as follows "THAT the resolution from the City of Kingston regarding Dental Care Services be received."
(File No. CSU-S08-000-2005)
- 24-721 From Clearview Township, supporting and acknowledging receipt of Council's resolution concerning an amendment to the Occupiers Liability Act so that those using trail systems are deemed to do so at their own risk.
(File No. CSU-L11-000-2005; CSU-R06-000-2005)

Referred to All Members of Council

- 24-706 From the Municipality of Grey Highlands, asking for a donation of \$100.00 from Ontario Municipalities to assist in retiring their debt ensued while undertaking an appeal of the Ontario Municipal Board and ensuring that the decision under the Planning Act confirming the power of municipalities to use official plans and zoning by-laws to regulate water use as a land use gets reflected in the Planning Act.
(File No. CSU-E08-000-2005)
- 24-707 From the Town of Whitchurch – Stouffville, asking for Council's support of a resolution to petition the Minister of Culture to review the proposed budget cuts to the Ontario Library Services.
(File No. CSU-C10-000-2005; CSU-R02-000-2005)
(Copied to all Members of Council on September 9, 2005)
- 24-711 From Anne Heath, Kingston Humane Society, requesting that Council proclaim the week of September 18-24, 2005 as National Dog Week.
(File No. CSU-M10-000-2005)

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COMMUNICATIONS

- 24-712 From the Corporation of the Township of East Hawkesbury, petitioning the Minister of Municipal Affairs and Housing, and the Minister of Tourism and Recreation to amend the Occupiers Liability Act so as to clearly establish that those using trail systems are deemed to do so at their own risks, so that owners and volunteer organizations will not be held liable in any way for any damages arising from the use of trails by the public.
(File No. CSU-L11-000-2005; CSU-R06-000-2005)
- 24-713 From the Association of Municipalities of Ontario, announcing that Bill 123, a Private Member's Bill that would require meetings of municipal bodies / boards / commissions to be open to the public, is currently being considered by the Standing Committee on Regulations and Private Bills.
(File No. CSU-L11-000-2005)
(Distributed digitally to all Members of Council on September 13, 2005)
- 24-714 From the Association of Municipalities of Ontario, inviting Council to the "Building Community, Building Lives" conference being held October 16-19, 2005 at the Sheraton Fallsview Hotel & Conference Centre in Niagara Falls.
(File No. CSU-A04-000-2005)
(Distributed digitally to all Members of Council on September 13, 2005)
- 24-715 From the Association of Municipalities of Ontario, updating Council on AMO's activities to respond to Bill 206, the proposed Ontario Municipal Employees Retirement System Act.
(File No. CSU-H02-000-2005; CSU-L11-000-2005)
- 24-716 From Mr. Ed Heisterkamp, Director, Yonge House, requesting that Council proclaim the week of September 25 - October 1, 2005 as Youth Justice Ontario Week.
(File No. CSU-M10-000-2005)
- 24-718 From the Greater Kingston Chamber of Commerce, conveying their gratitude with respect to the progress Council has made on dealing with the Seven Priorities of Council as well as updating Council on a motion passed supporting the construction of the proposed Large Venue Entertainment Centre.
(File No. CSU-C08-000-2005; CSU-R05-001-2005)
- 24-723 From the Federation of Canadian Municipalities, inviting Council to the Fourth Municipal Leaders Summit on Climate Change being held December 5-7, 2005 in Montreal, Quebec.
(File No. CSU-A04-000-2005)

Referred to the Commissioner of Planning and Development Services

- 24-708 From David Casemore, Planning Technician, providing Council with a subdivision application form and a subdivision drawing for the proposal of forty-six townhouse units fronting Amherst Drive in Amherstview.
(File No. CSU-D12-000-2005)
(Copied to all Members of Council on September 9, 2005)

COMMUNICATIONS

Referred to the Commissioner of Community Services

- 24-709 From the Ministry of Community Safety and Correctional Services, advising Council of a Provincial INFOLine for Hurricane Katrina relief efforts at 1(888)886-3998 and advising that ministries and communities refrain from unilaterally deploying resources or staff to the affected areas to avoid duplication of effort, ad hoc activities, and to ensure any resources deployed are properly organized and supported.
(File No. CSU-P03-001-2005)
(Copied to all Members of Council on September 9, 2005)

Referred to Kingston Municipal Heritage Committee

- 24-710 From the Ontario Heritage Foundation, seeking nominations for its annual Heritage Community Recognition Program which recognizes individuals and small project groups for exceptional contributions to the promotion, preservation and protection of Ontario's heritage.
(File No. CSU-R01-000-2005)

Referred to the Commissioner of Operations

- 24-717 From Robert Allen, expressing concerns with the handicapped accommodations at the building located at 53 Yonge Street.
(File No. CSU-S14-000-2005)

Referred to the Commissioner of Corporate Services

- 24-722 From Deborah Defoe, Chief Librarian/Chief Executive Officer of the Kingston Frontenac Public Library, requesting that Council proclaim the week of October 17-24, 2005 as Ontario Public Library Week 2005.
(File No. CSU-M10-000-2005)



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BY-LAWS

- (A) That By-Laws (1) through (15) be given their first and second reading.
- (B) That Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (3) through (9) three readings.
- (C) That By-Laws (3) through (12), (14) and (15) be given their third reading.



- (1) A By-Law To Amend By-Law No. 24 "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act" To Add Parking Restrictions On Quail Court, South Side, Parking Prohibited Tuesday, Thursday, and Saturday After 9:00 a.m., and North Side, Parking Prohibited Monday, Wednesday, and Friday After 9:00 a.m.
FIRST AND SECOND READINGS PROPOSED NO. 2005-233
(Clause (d), Report No. 108)
- (2) A By-Law To Amend By-Law No. 2003-209 "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act" To Delete Counter Street and John Counter Boulevard And To Establish A Speed Limit For The New Extension Of John Counter Boulevard.
FIRST AND SECOND READINGS PROPOSED NO. 2005-234
(Clause (e), Report No. 108)
- (3) A By-Law To Amend By-Law No. 2003-209 "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act" To Change The Traffic Pattern On Market Street To One-Way.
THREE READINGS PROPOSED NO. 2005-235
(Clause (t), Report No. 108)
- (4) A By-Law To Amend By-Law No. 76-26, Zoning By-Law For The Former Kingston Township, As Amended By By-Law No. 2004-120, To Remove The '-H' Holding Symbol Related To The 'R2-9-H' Zone ("Grandtrunk Avenue" Subdivision - Part Of 2 Ref. Plan 13R-17672, Part 1 Ref. Plan 13R-17674 & Lot 1 Reg. Plan 1972)
THREE READINGS PROPOSED NO. 2005-236
(Clause (f), Report No. 108)
- (5) A By-Law To Amend By-Law No. 76-26, Zoning By-Law For Former Township Of Kingston, As Amended By By-Law No. 88-86, To Remove The '-H' Holding Symbol Related To The 'C2-28-H' Zone ('Ultramar Gas Station, Convenience Store And Car Wash', 434 Taylor-Kidd Boulevard – Part Of Lots 12 & 13, Concession 2, Plan 1956, Part Block 3)
THREE READINGS PROPOSED NO. 2005-237
(Clause (n), Report No. 108)
- (6) A By-Law To Declare Surplus To Need City-Owned Property Part 2 of Plan 13R-17987 located at 1150 Gardiners Road, Part of Lot 11 Conc. 3 Geographic Township of Kingston Property of Bosal Canada Inc.
THREE READINGS PROPOSED NO. 2005-232
(Clause (a), Report No. 105)

BY-LAWS

- (7) A By-Law To Amend By-Law 24 "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act" (Delete: Market Street North Side At Ontario (Parking From A Corner Of An Intersection), Market Street North Side From 218 Feet East Of King To Ontario (Non-Parking), Market Street North Side Between King And Ontario Commencing At A Point 59.7 Metres East Of King And Continuing For A Distance Of 5.5 Metres In An Easterly Direction (Loading Zones), Market Street 182 Feet East Of King And 216 Feet East Of King On The North Side (Courtesy Pick Up Zone, Saturday Only), Add: Market Street South Side From Ontario Street Westerly 56.5 Metres And From 79.5 Metres West Of Ontario Street To King Street, Market Street North Side, From Ontario Street Westerly 27.1 Metres And From 52.1 Metres West Of Ontario Street To King Street (No Stopping At Any Time), Market Street North Side From 25.1 Metres West Of Ontario Street Westerly 15.0 Metres (Loading Zone – 24 Hours A Day), Market Street South Side – Parallel Parking – 10 Minute Time Limit 56.5 Metres West Of Ontario Street Westerly 23.0 Metres (Park In Excess Of Posted Time Limit))
THREE READINGS PROPOSED NO. 2005-238
(Clause (t), Report No. 108)
- (8) A By-Law To Amend By-Law 495 "A By-Law To Provide For A Parking Meter Zone In Certain Streets Or Portions Thereof, And To Provide For The Installation, Regulations, Supervision And Control Of Such Parking Meters" (Delete: Market Street North Side From 28.3 Metres East Of King Easterly 27.1 Metres, Market Street South Side King Street To Ontario Street (Maximum Time Limit 2 Hours, Rate: \$1.50 Per Hour, 9:30 A.M. To 5:30 P.M., Monday To Saturday))
THREE READINGS PROPOSED NO. 2005-239
(Clause (t), Report No. 108)
- (9) A By-Law To Amend By-Law 81-218 "A By-Law To Provide For Exempting, Pursuant To Permits Issued, The Owners And Drivers Of Vehicles Operated By Or Carrying A Disabled Person From The Provisions Of By-Laws Of The City Of Kingston Prohibiting Or Regulating The Parking, Standing Or Stopping Of Motor Vehicles On Any Highway Or Part Thereof In The City Of Kingston" (Delete: Disabled Parking Space, Market Street North Side 52.7 Metres East Of King Street Easterly 7.0 Metres, Add: Disabled Parking Space, Market Street North Side From 40.1 Metres West Of Ontario Street Westerly 12.0 Metres, 2 Hour Maximum Time Limit.)
THREE READINGS PROPOSED NO. 2005-240
(Clause (t), Report No. 108)
- (10) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, September 20, 2005
THREE READINGS PROPOSED NO. 2005-241
(City Council Meeting No. 24-2005)
- (11) A By-Law To Amend By-Law No. 81-218 "A By-Law To Provide For Exempting, Pursuant To Permits Issued, The Owners And Drivers Of Vehicles Operated By Or Carrying Person(s) With Disabilities From The Provisions Of By-Laws Of The City Of Kingston Prohibiting Or Regulating The Parking, Standing Or Stopping Of Motor Vehicles On Any Highway Or Part Thereof In The City Of Kingston" (To Add A Designated Parking Space For Persons With Disabilities - Princess Street)
THIRD READING PROPOSED NO. 2005-217
(Clause (r), Report No. 108)
(Note: This by-law was amended on third reading.)

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BY-LAWS

- (12) A By-Law To Cancel Municipal and Education Taxes For 85 Ontario Street” (Block D – Parts 1 & 5, Plan 13R-17509)
THIRD READING PROPOSED NO. 2005-140
(Clause (q), Report No. 108)
(Note: This by-law was amended on third reading.)
- (13) A By-Law To Amend By-Law No. 24 “A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act” To Allow For The Continuation Of The Parking Of The Kingston Brewing Company (Brew Pub) Historic Vehicle On Clarence Street For A Period Of Five (5) Years From The Date Of Final Passing Of The By-Law.
FIRST AND SECOND READINGS PROPOSED NO. 2005-242
(Clause (3), Report No. 110)
- (14) A By-Law To Amend Restricted Area By-Law No. 97-102, “Catarqui North Zoning By-Law Of The Former Township of Kingston” (Site Specific – Lots 135 To 144 Inclusive, Seale Court, Lyndenwood Subdivision, Phase 3, Plan 13M-58).
THREE READINGS PROPOSED NO. 2005-243
(Clause (1), Report No. 111)
- (15) A By-Law To Amend By-Law No. 76-26 ‘Zoning By-Law Of The Former Township Of Kingston’ (Site Specific Zoning – 920 Sydenham Road, Part Lot 16, Concession 3, Lot 1 Of Rp 13r17836 In Kingston West – Rezone From ‘R1’ Residential Type 1 Zone To ‘C1-10’ Modified Local Commercial Zone, To Permit The Development Of A Business Or Professional Office)
THREE READINGS PROPOSED NO. 2005-244
(Clause (2), Report No. 111)



ADJOURNMENT