



CITY COUNCIL MEETING NO. 08-2007

Tuesday, March 20, 2007 at 6:00 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

	Page No.
Roll Call	3
Committee of the Whole "In Camera"	3
Disclosure of Pecuniary Interest	3
Presentations	3
Delegations.....	3
Briefings	3
Petitions	3
Motions of Congratulations/Condolences/Speedy Recovery.....	4
Report No. 27 of the CAO (Consent)	5-6
a) Toronto Street Parking Restrictions	schedule pages 1-6
b) To Release and Abandon a Temporary Easement in the Former Township of Kingston, County of Frontenac, City of Kingston, That is No Longer Required for Municipal Purposes	schedule pages 7-11
c) License Agreement with Hanna Gabriellson for Operation of a Refreshment Vehicle on the South Side of Union Street in the Vicinity of Parking Meter # 708	schedule pages 12-15
d) Declare Surplus the Former CN Spur Lands at the Northeast Corner of Montreal Street and John Counter Boulevard, Known as Parts 2 and 9-23 on Plan 13R-15336	schedule pages 16-21
e) Authority to Enter into Temporary Use and Encroachment Agreements with the Ontario Realty Corporation and Hydro One for the Extension of Bayridge Drive	schedule pages 22-30
Report No. 28 of the CAO (Recommend)	7
1. Amendment to Rates and Fees By-Law No. 2005-10	schedule pages 31-59
2. Naming Rights Public Consultation for the Sports and Entertainment Centre and the Multiplex	schedule pages 60-67
3. Award of Tender for a 2007 Street Sweeper to Equipment Specialists	schedule pages 68-79

ORDERS OF THE DAY

	Page No.
Report No. 29 of the Kingston Municipal Heritage Committee	8-9
Report No. 30 of the Environment, Infrastructure and Transportation Policies Committee	10
Report No. 31 of the Administrative Policies Committee.....	11-12
Report No. 32 of the Municipal Accessibility Advisory Committee.....	13
Report No. 33 of the Committee of the Whole	14-15
Information Reports	16
1. Contract Reporting	schedule pages 149-161
2. Project Status Reports for February 2007 – Grand Theatre, Kingston Regional Sports and Entertainment Centre, and Multiplex Community Centre	schedule pages 162-201
3. Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of February 2007	schedule pages 202-207
4. Kingston Regional Sports and Entertainment Centre – Council Motion – Consulting Assignment and Audit of Project	schedule pages 208-212
5. Group of Seven Projects – Council Motion – Staff Capacity	schedule pages 213-229
Miscellaneous Business	17
Motions.....	17-19
Notices of Motion	20
Minutes.....	20
Tabling of Documents.....	20
Communications.....	20-23
By-Laws	23-25
Adjournment.....	25


(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 advice that is subject to solicitor-client privilege – Market Square Court of Appeal Decision
 - (b) Legal advice that is subject to solicitor-client privilege - Market Square Naming
 - (c) Legal advice that is subject to solicitor-client privilege, including communications necessary for that purpose; litigation or potential litigation affecting the municipality; proposed or pending acquisition or disposition of land by the municipality; and security of the property of the municipality – Reporting on Consultants Retained

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

DISCLOSURE OF PECUNIARY INTEREST



PRESENTATIONS



DELEGATIONS



BRIEFINGS



PETITIONS



City Council Meeting No. 08
Agenda
Tuesday, March 20, 2007

Page 4

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 Speedy Recovery

- (1) Moved by Councillor Foster
Seconded by Councillor Hutchison

THAT the best wishes of Kingston City Council be extended to Al Hawley, Journeyman/Lineman for Utilities Kingston, who was injured on the job on March 12th, 2007.



REPORTS

REPORT NO. 27 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

Report No. 27

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) **Toronto Street Parking Restrictions**

THAT City Council 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" as amended, in order to implement parking restrictions on Toronto Street between Johnson Street and Earl Street.

(The Report of the Commissioner of Public Works and Emergency Services (07-005) is attached as Schedule Pages 1-6)

(File No. CSU-T02-000-2007)

(See By-Law No. (1), 2007-82)

(b) **To Release and Abandon a Temporary Easement in the Former Township of Kingston, County of Frontenac, City of Kingston, That is No Longer Required for Municipal Purposes**

THAT Council authorize the Director of Legal Services to release and abandon the following easement:

- Easement for a temporary turnaround located on 1016 Centennial Drive and registered as instrument # FR643685 represented by Part 5 on Plan 13R-13075

(The Report of the Commissioner of Public Works and Emergency Services (07-096) is attached as Schedule Pages 7-11)

(File No. CSU-D15-000-2007)

(c) **License Agreement with Hanna Gabriellson for Operation of a Refreshment Vehicle on the South Side of Union Street in the Vicinity of Parking Meter #708**

THAT Council approve the proposed license agreement with Hanna Gabriellson for the operation of a refreshment vehicle on the south side of Union Street in the vicinity of parking meter #708, for three years, commencing April 1, 2007 and ending March 31, 2010, at a rental rate of \$6,030.00 plus GST, payable at \$502.50 per month plus GST, with such rental rate to be adjusted annually on April 1 of each year throughout the term, in accordance with any increase in the Consumer Price Index of Statistics Canada for the immediately preceding calendar year, such annual adjustments to commence on April 1, 2008;

- and further -

THAT Council authorize the Mayor and Clerk to execute said license agreement in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Corporate Services (07-097) is attached as Schedule Pages 12-15)

(File No. CSU-D23-000-2007)

REPORTS

REPORT NO. 27 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

- (d) **Declare Surplus the Former CN Spur Lands at the Northeast Corner of Montreal Street and John Counter Boulevard, Known as Parts 2 and 9-23 on Plan 13R-15336**

THAT Council give two readings to the by-law attached as Exhibit B to declare surplus to Municipal need the parcels of land identified as Parts 2 and 9-23 on Plan 13R-15336; and,

THAT Council authorize and direct the City Clerk, in accordance with the City of Kingston Notice By-law 2003-015, to give notice of Council's intention to declare surplus and sell the parcels of land identified as Parts 2 and 9-23 on Plan 13R-15336; and

THAT Council give third reading and approve the attached by-law to declare surplus to municipal needs the parcels of land identified as Parts 2 and 9-23 on Plan 13R-15336 upon providing the prescribed public notice of Council's intent.

(The Report of the Commissioner of Sustainability and Growth (07-103) is attached as Schedule Pages 16-21)

(File No. CSU-L19-000-2007)

(See By-Law No. (2), 2007-83)

- (e) **Authority to Enter into Temporary Use and Encroachment Agreements with the Ontario Realty Corporation and Hydro One for the Extension of Bayridge Drive**

THAT Council authorize the Mayor and Clerk to sign a License of Land for Temporary Use and Access agreement with the Ontario Realty Corporation, and any other agreements that may be necessary to complete the transaction, in a form satisfactory to the Director of Legal Services, in order to facilitate road construction for the Bayridge Drive Extension;

- and further -

THAT Council authorize the Mayor and Clerk to sign a Construction and Encroachment Agreement with Hydro One Networks Inc., and any other agreements that may be necessary to complete the transaction, in a form satisfactory to the Director of Legal Services, in order to facilitate road construction for the Bayridge Drive Extension.

(The Report of the Commissioner of Sustainability and Growth (07-106) is attached as Schedule Pages 22-30)

(File No. CSU-D16-000-2007, CSU-L04-000-2007)



REPORTS (CONTINUED)

REPORT NO. 28 OF THE CHIEF ADMINISTRATIVE OFFICER (RECOMMEND)

Report No. 28

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

(1) Amendment to Rates and Fees By-Law No. 2005-10

THAT Council amend By-Law No. 2005-10, "A By-Law To Establish Rates And Fees To Be Collected By The Corporation Of The City Of Kingston", as amended:

- a. by updating Schedule A with 2007 information; and
- b. by deleting the title "A By-Law To Establish Rates And Fees To Be Collected By The Corporation Of The City Of Kingston" and adding the title "A By-Law To Establish Fees And Charges To Be Collected By The Corporation Of The City Of Kingston".

(The Report of the Commissioner of Finance and Corporate Performance (07-007) is attached as Schedule Pages 31-59)

(File No. CSU-C01-000-2007, CSU-F21-000-2007)

(See By-Law No. (3), 2007-84)

(2) Naming Rights Public Consultation for the Sports and Entertainment Centre and the Multiplex

THAT, once Council has reviewed and approved the terms of the agreement with a company for naming rights, the public be invited to select whether a property will be known as the XYZ "Centre", "Pavilion", "Place" or "Dome", etc. based on the recommendation from Wakeham and Associates Marketing;

- and further -

THAT the final results will be reported back to Council in a public report for final approval.

(The Report of the Commissioner of Sustainability and Growth (07-104) is attached as Schedule Pages 60-67)

(File No. CSU-R05-001-2007, CSU-R05-002-2007)

(3) Award of Tender for a 2007 Street Sweeper to Equipment Specialists

THAT the tender CS-FL-2007-02 for the purchase of a 2007 street sweeper be awarded to Equipment Specialists for the purchase price of \$243, 875.00 plus applicable taxes;

- and further -

THAT \$22,000.00 be funded from the Equipment Replacement Reserve Fund to offset the difference in the purchase amount required from that approved in the 2006 capital budget.

(The Report of the Commissioner of Corporate Services (07-105) is attached as Schedule Pages 68-79)

(File No. CSU-F18-000-2007)



REPORTS (CONTINUED)

REPORT NO. 29 OF THE KINGSTON MUNICIPAL HERITAGE COMMITTEE (LACAC)

Report No. 29

To the Mayor and Members of Council:
The Kingston Municipal Heritage Committee (LACAC) reports and recommends as follows:

March 5, 2007

1. Approval for Designation of the Interior of City Hall

WHEREAS City Hall was designated as being of national significance by the Historic Sites and Monuments Board of Canada in 1961, and is located in a Heritage Conservation District; and,

WHEREAS the interior of City Hall is of cultural heritage value;

THEREFORE BE IT RESOLVED THAT staff be directed to initiate an investigation as to what components of the interior of City Hall should be designated;

- and further -

THAT staff report back to the committee on an ongoing basis;

- and further -

THAT, once this process is completed, staff be directed to draft a by-law for the designation of those interior components identified.

2. Approval of an Application for the Construction of a Structure and Enclosure at 11 Ontario Street

THAT Application P18-260-006-2007 for a property located at 11 Ontario Street requesting approval for the construction of a structure and enclosure **BE APPROVED**, in accordance with submissions dated February and March 2007 with the understanding that all construction will not be completed in 2007.

3. Approval of an Application for the Construction of a Front Porch at 401 Wellington Street

THAT Application P18-495-002-2007 for a property located at 401 Wellington Street requesting approval for the construction of a front porch **BE APPROVED**, in accordance with submissions dated February 2007.

4. Approval of an Application for Installation of Gas Lighting Fixtures at 285 Queen Street

THAT Application P18-316-009-2007 for a property located at 285 Queen Street requesting approval for the installation of gas lighting fixtures to the front of the building **BE APPROVED**.

5. Denial of an Application for a Heritage Property Tax Refund at 36 Simcoe Street

THAT Application HT-001-2007 for a Heritage Property Tax Refund for a property located at 36 Simcoe Street **BE DENIED** as the property doesn't meet the requirements of the by-law.

REPORTS (CONTINUED)

REPORT NO. 29 OF THE KINGSTON MUNICIPAL HERITAGE COMMITTEE (LACAC)

6. **Support for a Recommendation from the Region of Waterloo**

THAT Council support the following recommendation from the Region of Waterloo:

THAT the Regional Municipality of Waterloo request the Federal Ministers of Culture and Finance to include financial incentives in the 2007 Federal Budget which would encourage private sector investment in the rehabilitation of historic places, as addressed in Report P-07-006, dated January 9, 2007; and

THAT this report be forwarded to local Members of Provincial and Federal Parliament, the Association of Municipalities of Ontario, and the Federation of Canadian Municipalities.



REPORTS (CONTINUED)

REPORT NO. 30 OF THE ENVIRONMENT, INFRASTRUCTURE AND TRANSPORTATION POLICIES COMMITTEE

Report No. 30

To the Mayor and Members of Council:

The Environment, Infrastructure and Transportation Policies Committee reports and recommends as follows:

All items listed on the Environment, Infrastructure and Transportation Policies 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.

March 8, 2007

Staff Briefing

Mr. Jim Keech, President & CEO of Utilities Kingston, will speak to Council regarding the approval of the policy for the critical evaluation of Kingston's combined sewers.

1. Approval of the Policy for the Critical Evaluation of Kingston's Combined Sewers

THAT Council approve the policy which incorporates local sewer separation where physically possible coupled with high level storm sewer overflows at connections to the trunk sewers.

(Note: A copy of the report was distributed with the agenda for the Environment, Infrastructure and Transportation Policies Committee meeting held on March 8th, 2007.)

2. Resolution to Support the Association of Municipalities of Ontario (AMO)/Association of Municipal Recycling Coordinators (AMRC) Discussion Paper on Strengthening Extended Producer Responsibilities for Ontario's Blue Box

WHEREAS the Association of Municipalities of Ontario (AMO) and the Association of Municipal Recycling Coordinators (AMRC) have prepared a discussion paper on strengthening Extended Producer Responsibilities for Ontario's Blue Box; and,

WHEREAS there is an increasing trend from industry towards design and production of disposable packaging and non-recyclable products; and,

WHEREAS municipalities currently bear the majority of the cost for managing consumer packaging and printed paper;

NOW THEREFORE BE IT RESOLVED THAT the City of Kingston support the recommendations in the AMO/AMRC discussion paper which presents a new funding mechanism that more appropriately accounts for the full cost of consumer packaging and printed paper in municipal waste management systems, litter reduction initiatives, the strengthening of recycling markets and the encouraging of Extended Producer Responsibilities at a federal level.

(Note: A copy of the document entitled 'AMO/AMRC Discussion Paper on Strengthening Extended Producer Responsibilities for Ontario's Blue Box' and the Report of Commissioner, Public Works & Emergency Services (EITP-07-004) was distributed with the agenda for the Environment, Infrastructure and Transportation Policies Committee meeting held on March 8th, 2007.)



REPORTS (CONTINUED)

REPORT NO. 31 OF THE ADMINISTRATIVE POLICIES COMMITTEE

Report No. 31

To the Mayor and Members of Council:

The Administrative Policies Committee reports and recommends as follows:

All items listed on the Administrative Policies 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.

March 13, 2007

1. Veteran's Property Tax Exemption

THAT a by-law be presented to provide tax relief to war veteran organizations, who use or occupy property that is used as a memorial home, clubhouse or athletic ground, an exemption of 100% of municipal property taxation, for the 5 year period January 1, 2007 and expiring December 31, 2011;

- and further -

THAT Council endorse a motion appealing to the Government of Ontario to take immediate action to provide war veteran organizations exemption from the education portion of property taxes when a municipality provides such an exemption.

(A copy of the draft by-law is attached as Schedule Page 80)

(See By-Law No. (4), 2007-85)

2. Allocation of Funds for Arterial Road Payments

THAT Council request the County of Frontenac and/or the Township of South Frontenac and Frontenac Islands to provide on an annual basis an itemized accounting of where monies for arterial road payments, as provided for under the Amalgamation Proposal and Order and as paid for by the City, are being allocated.

3. Community Future Development Corporation to Support Small Businesses and Lending for Start-Ups and Expanding of Businesses

WHEREAS the Government of Canada has created Community Future Development Corporations (CFDCs) to support small business and lending for start-ups and expanding businesses; and,

WHEREAS the Government of Canada has established Community Future Development Corporations in all of southeastern Ontario except Kingston; and,

WHEREAS to access the Eastern Ontario Development Program (historically \$10 million per year) a municipality needs a Community Future Development Corporation; and,

WHEREAS the Mayors of Eastern Ontario (MUND) supported Kingston's inclusion unanimously at a meeting last year;

THEREFORE BE IT RESOLVED THAT Kingston City Council request the Government of Canada to grant Kingston a Community Future Development Corporation to correct this competitive disadvantage and unfair treatment to our City.

REPORTS (CONTINUED)

REPORT NO. 31 OF THE ADMINISTRATIVE POLICIES COMMITTEE

4. **Adoption of the Federal Government's Definition of "Veteran"**

THAT Council request the provincial government to adopt the Department of Veterans' Affairs definition of "Veteran" which reads as follows:

"A Veteran is any person who is serving or who has honourably served in the armed forces of Canada, the Commonwealth or its wartime allies, or who has served in the Merchant Navy or Ferry command during wartime."

- and further -

THAT Council adopt the Department of Veterans' Affairs definition of "Veteran";

- and further -

THAT Council request the Veterans' Associations as listed below,

- Royal Canadian Legion, Branch 560 – 734 Montreal Street
- Royal Canadian Legion, Branch 560 – 0 Hickson Street
- Royal Canadian Legion, Branch 631 – 4034 Bath Road
- Royal Canadian Horse Artillery Brigade Association – 193 Ontario Street
- Army Navy Air Force, Unit 377 – 317 Gore Road
- Kingston Naval Veterans – 1138 Sydenham Road
- Air Force Association of Canada Wing 416 – Norman Rogers Airport, 1050 Front Street

to make an appeal to their respective governing boards to adopt the Department of Veterans' Affairs definition of "Veteran".



REPORTS (CONTINUED)

REPORT NO. 32 OF THE MUNICIPAL ACCESSIBILITY ADVISORY COMMITTEE

Report No. 32

To the Mayor and Members of Council:

The Municipal Accessibility Advisory Committee reports and recommends as follows:

March 9, 2007

1. Recognition of Mr. Barry Kaplan, Accessibility Co-ordinator, as an Accessibility Champion

THAT Mr. Barry Kaplan, Accessibility Co-ordinator be congratulated for receiving recognition as a champion for accessibility in the following three ways:

- 1) Frontenac Community Mental Health Services will be recognizing Mr. Kaplan for his involvement in their "Awareness, Employment & Accommodation of People with Mental Illness" program over the last few years.
- 2) Mr. Kaplan has been invited to join the Province's "Information & Communications Standards Development Committee" as an expert advisor.
- 3) Mr. Kaplan has been invited to join the Association of Municipal Managers, Clerks & Treasurers of Ontario (AMCTO)'s Advisory Committee on "Customer Service in Municipalities".

2. Creation of Emergency Evacuation Plan for the Disabled in City-owned Facilities

THAT Council direct staff to develop an emergency evacuation plan for people with disabilities in City-owned facilities.

3. Implement New Design Standard for Sidewalk Construction for Sidewalks Approved but not Constructed

THAT the Municipal Accessibility Advisory Committee endorses the new subdivision sidewalk construction guidelines that have been adopted by the Engineering Department and requests that staff encourage that the sidewalks in subdivisions that have already been approved but not yet constructed be reviewed in order to implement the new design standard for sidewalk construction.



City Council Meeting No. 08
Agenda
Tuesday, March 20, 2007

REPORTS (CONTINUED)

REPORT NO. 33 OF THE COMMITTEE OF THE WHOLE

Report No. 33

To the Mayor and Members of Council:
The Committee of the Whole reports and recommends as follows:

March 5, 2007

Approval of the Municipal Capital Budget in the Amount of \$60,489,441

1. **THAT** a by-law be presented for three readings to approve the 2007 Municipal Capital Budget in the amount of \$60,489,441, with funding as follows:

Reserve Funds (Pay As You Go)	\$48,785,541
Grants	\$ 2,615,720
Donations and Other	\$ 744,180
Issuance of Long-term Debt	<u>\$ 8,344,000</u>
	<u>\$60,489,441</u>

2. **THAT** Council approve the issuance of long term debt of \$8,344,000 as part of the financing plan for the 2007 capital budget.
3. **THAT** Council receive the Capital Works-in-Progress, 10 year (2008-2016) Capital Expenditure Forecasts, and Reserve Fund Continuity Models, provided as part of the Budget documentation.
(A copy of the 2007 Budget Parking Lot Items is attached as Schedule Pages 81-83)
(A copy of the draft by-law is attached as Schedule Page 84)
(A copy of the 2007 Capital Budget Summary is attached as Schedule Pages 85-122)
(See By-Law No. (7), 2007-88)

Council Chamber Renovations

4. **THAT** the Council Chamber renovations be referred to Administrative Policies Committee for review, upon receipt of a report from Staff.

Municipal Operating Budget

5. **THAT** Council approve the 2007 General Municipal Operating Budget in the amount of \$252,423,248, and that a by-law be presented to adopt these estimates.
(A copy of the draft by-law is attached as Schedule Page 123)
(A copy of the 2007 Operating Budget Summary is attached as Schedule Pages 124-148)
(See By-Law No. (5), 2007-86)

REPORTS (CONTINUED)

REPORT NO. 33 OF THE COMMITTEE OF THE WHOLE

Marine Museum

6. **THAT** Council direct staff to write off the outstanding loan owed by the Marine Museum to the City of Kingston in the amount of \$59,278.10.



INFORMATION REPORTS

Staff Briefing

Ms. Desiree Kennedy, Director of Financial Services, will speak to Council regarding contract reporting.

(1) **Contract Reporting**

The purpose of this report is to provide the update to Council regarding contracts signed by senior staff as requested by motion at the last meeting of Council.

(The Report of the Chief Administrative Officer (07-111) is attached as Schedule Pages 149-161)

(File No. CSU-L04-000-2007)

(2) **Project Status Reports for February 2007 – Grand Theatre, Kingston Regional Sports and Entertainment Centre, and Multiplex Community Centre**

The purpose of this report is to provide project status reports for the Grand Theatre Building Improvement Project, the Kingston Regional Sports and Entertainment Centre project, and the Multiplex Community Centre project for the month of February 2007.

(The Report of the Commissioner of Sustainability and Growth (07-101) is attached as Schedule Pages 162-201)

(File No. CSU-R05-000-2007, CSU-R05-001-2007, CSU-R05-002-2007)

(3) **Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of February 2007**

The purpose of this report is to advise Council of tenders/RFPs approved and contracts awarded that meet the established criteria of delegated authority for the month of February 2007.

(The Report of the Commissioner of Finance and Corporate Performance (07-102) is attached as Schedule Pages 202-207)

(File No. CSU-F18-000-2007)

(4) **Kingston Regional Sports and Entertainment Centre – Council Motion – Consulting Assignment and Audit of Project**

The purpose of this report is to update Council regarding the costing for both a consulting review and an independent audit of the information of the Kingston Regional Sports and Entertainment Centre as well as the impact of the resolution on staff workload in support of the assignment.

(The Report of the Chief Administrative Officer (07-108) is attached as Schedule Pages 208-212)

(File No. CSU-R05-001-2007)

(5) **Group of Seven Projects – Council Motion – Staff Capacity**

The purpose of this report is to update Council on the status of the major projects as it relates to the capacity of existing senior project management staff to effectively manage the respective projects, identification of any requirements for additional staff necessary to successfully complete the projects and associated costs.

(The Report of the Chief Administrative Officer (07-109) is attached as Schedule Pages 213-229)

(File No. CSU-H00-000-2007)



City Council Meeting No. 08
Agenda
Tuesday, March 20, 2007

Page 17

MISCELLANEOUS BUSINESS

Motions of Council are required:

- (1) **THAT**, as requested by Our Lady of Fatima Parish, Council declare the following dates as a Community Festival of Municipal Significance to which Special Occasion Permits may be issued by the Liquor License Board to Our Lady of Fatima Parish, 588 Division Street, in conjunction with the:
Festival of Our Lady of Fatima May 11th, 12th, and 13th
Festival of the Holy Spirit June 1st, 2nd, and 3rd
Senhor Santo Cristo August 31st, September 1st and 2nd
(File No. CSU-P09-000-2007, CSU-M02-000-2007)

- (2) **THAT**, as requested by Mr. Ryan Taylor, Campaign Coordinator, Council proclaim May 2007 as "CNIB Door to Door Campaign Month".
(File No. CSU-M10-000-2007)
(Distributed to all Members of Council on March 9, 2007)

- (3) **THAT** Council accept the resignation of Dr. Juliana Ramsay (Queen's University Representative) from the Kingston Environmental Advisory Forum (KEAF) with regret;

- and further -

THAT Council approve the appointment of Dr. Vicki Remenda (Queen's University Representative) as her replacement.
(File No. CSU-C12-000-2007)
(See Communications No. 08-200 and 08-201)

- (4) **THAT** a member of Council be appointed to serve on the Lafarge Canada Inc. Community Liaison Committee.
(File No. CSU-C12-000-2007)



MOTIONS

- (1) Moved by Councillor MacLeod-Kane
Seconded by Councillor Garrison
WHEREAS in 2005 the City of Kingston entered into an understanding with Kingston Terminal Properties Limited (the Springer Group) which resulted in the renaming of Market Square to "Springer Market Square"; and,
WHEREAS a substantial number of Kingstonians have expressed their dissatisfaction with both the renaming of Market Square and the process used to rename the square; and,
WHEREAS Kingston City Council acknowledges the generosity of Kingston Terminal Properties Limited in donating \$1,000,000 to the restoration of Market Square;
THEREFORE BE IT RESOLVED THAT the City of Kingston wishes to declare its desire to name the market square "Kingston Market Square". In recognition of the Springer Group's generosity, the City of Kingston wishes to provide the Springer Group's name prominence on the donors' wall; and,

City Council Meeting No. 08
Agenda
Tuesday, March 20, 2007

Page 18

MOTIONS

BE IT RESOLVED THAT the City of Kingston directs staff to enter into discussions with Kingston Terminal Properties Limited (Springer Group) to amend the Memorandum of Understanding between Kingston Terminal Properties Limited and the City of Kingston, dated May 13, 2005, in order to eliminate:

1. The City's requirement, as per the Memorandum of Understanding, to name the market square "Springer Market Square in perpetuity; and
2. The City's requirement, as per the Memorandum of Understanding, to consult the Springer Group regarding any and all aspects of operations or programming at the market square in perpetuity;

- and further -

THAT staff report back to Council on the outcome of these discussions at the second Council meeting in April, 2007 (April 17th).

DEFERRED

Note: Motion No. 1 was deferred from the February 20th meeting to the March 20th meeting in order to receive a legal opinion.

- (2) Moved by Councillor Smith
Seconded by Councillor Osanic

WHEREAS the revitalization of the Market Square is a community based project that has been in the planning stages for over 25 years; and,

WHEREAS the implementation finally began in 2004 with approximately 65% of the funding (3.6 million) of this 5.685 million dollar project to be donated by the community; and,

WHEREAS with Council's consent a Campaign Cabinet was formed consisting of individuals from all corners of our community and these individuals have been committed to this project and have worked diligently for 3 years to try and raise funds for the revitalization of Market Square to the benefit of all Kingstonians now and in the future; and,

WHEREAS to-date \$800,000 is left to raise to reach the target thanks to the dedicated work of the many community volunteers, and to the contributions by the members of the Kingston Construction Association and members of the Downtown Kingston BIA; and,

WHEREAS the third and final phase of construction is set to begin this spring and the fundraising team has been working diligently for the past number of months to raise the remaining funds, (some of which is in hand but not officially added to the total); and,

WHEREAS the unqualified success of the first two phases of this project has been hailed by the public from all quarters and is evident by the almost around the clock use by the public of the skating rink, the success and national recognition of Feb Fest's three annual festivals to date, and the reinvigorated Farmers Market; and,

WHEREAS the square was renamed in 2005 as a result of the generous lead gift made by the Springer Family and was accepted by the duly elected Council of the day; and,

WHEREAS Council recognizes the spirit and generosity of the \$1 million gift to the Market Square revitalization by the Springer Family; and,

WHEREAS it is acknowledged that the process to rename the square did not satisfy everyone in the community; and,

WHEREAS the community needs to move forward and to recognize the overwhelming success of the revitalized Market Square and put all controversy behind us;

MOTIONS

THEREFORE BE IT RESOLVED THAT City Council endorse the Market Square revitalized community project and thank all donors to date for their generosity, the volunteers who have selflessly carried this project forward;

- and further -

THAT Council encourage others in the community to step forward and make a donation to the Market Square Revitalization Project in support of the community's commitment to help fund the Market Square Revitalization Project.

- (3) Moved by Councillor Gerretsen
Seconded by Councillor Hutchison

WHEREAS recent cost overruns associated with the Kingston Regional Sports and Entertainment Centre ('the Centre') are of concern to the people of the City of Kingston; and,

WHEREAS significant information regarding 'the Centre' has taken an unacceptable amount of time to be presented to Council and further to be made public; and,

WHEREAS the residents of the City of Kingston deserve to be made aware at the earliest possible time of any cost overruns, organizational or logistical problems associated with this project;

THEREFORE BE IT RESOLVED THAT City Council direct the Chief Administration Officer and the Commissioner of Sustainability and Growth to provide:

1. An emergency audit of the project conducted by an auditor independent from 'the Centre' project or any other City of Kingston major project.
2. An evaluation by an external consultant independent from 'the Centre' project or any other City of Kingston major project of the analytical reports on 'the Centre' project including 07-084 and 07-081 and attendant reports.

- and further -

BE IT RESOLVED THAT

3. The selection of the auditor and external consultant is to be chosen with the input of staff by an ad hoc committee of three Council members of City Council, the membership of which is to be chosen by nomination or self-nomination of Councillors at the same Council meeting as, and immediately after, this motion is passed; the ad hoc committee will determine the date the audit and evaluation report will be submitted to Council and the public and will also advise Council of any further public consultation they may feel is appropriate.

- and further -

BE IT RESOLVED THAT

4. A report including the Project Management Team monthly report for 'the Centre' be provided to Council at the first Council meeting of each month until the project is complete, and that such reports are also to include:
 - a. An updated review of the capital project financing plan including any potential cost overruns; this should include a budget update and budget variance table (as included in the report of February 14, 2007, section c).
 - b. The project's milestones outlining whether or not the project is on schedule and by what timelines it is ahead or behind schedule, as well as indicating any potential associated costs or benefits.
 - c. Any other organizational and logistical issues or problems that may impact on the timely, cost established delivery of this project.

DEFERRED

Note: Motion No. 3 was deferred from the March 6th meeting to the March 20th meeting in order for staff to report back to Council – see Information Report No. (4), 07-108.



City Council Meeting No. 08
Agenda
Tuesday, March 20, 2007

Page 20

NOTICES OF MOTION



MINUTES

THAT the Minutes of City Council Meeting No. 03-2007, held Tuesday, January 9th, 2007 and Meeting No. 07-2007, held Tuesday, March 6th, 2007 be confirmed.

(January 9th Minutes distributed to all Members of Council on Friday, February 2nd, 2007)

(March 6th Minutes distributed to all Members of Council on Friday, March 16th, 2007)



TABLING OF DOCUMENTS

2007-19 Cataraqui Region Conservation Authority
Minutes – Full Authority Meeting – February 28th, 2007
(File No. CSU-D03-000-2007)



COMMUNICATIONS

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

Filed

- 08-182 From the Committee of Adjustment, a Notice of Decision for the following applications:
MINOR VARIANCE – In respect of an application for a minor variance from Zoning By-Law No. 76-26 for the property at 2659 Bur Brook Road, that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is March 20th, 2007.
(File No. CSU-D19-000-2007)
- 08-185 From Dickey's Barbecue Pit, located at 1350 Bath Road, an application for a liquor license from the Alcohol and Gaming Commission of Ontario.
(File No. CSU-P09-000-2007)
- 08-186 From the Ontario Municipal Board, advising that the appeal of a decision of the Committee of Adjustment with regards to a variance from the provisions of Zoning By-Law No. 8499 for the property at 39 Aberdeen Street has been allowed.
(File No. CSU-L01-001-2007)
- 08-187 From Fisheries and Oceans Canada, acknowledging receipt of Council's resolution advising that the City of Kingston is supportive of developing a management plan to help ensure the continued survival and re-introduction of the Atlantic salmon into Lake Ontario, and providing updated information on the issue.
(File No. CSU-P00-000-2007)

City Council Meeting No. 08
Agenda
Tuesday, March 20, 2007

Page 21

COMMUNICATIONS

08-188 From the Association of Municipalities of Ontario (AMO), providing information regarding the CTRC decision on extending access to Incumbent Local Exchange Carriers (ILEC) 9-1-1 database information to local authorities for the purpose of providing an enhanced community notification service.
(File No. CSU-A12-000-2007)
(Digitally distributed to all Members of Council on March 9, 2007.)

08-189 From the Office of the Leader of the Official Opposition, providing details from a speech by Progressive Conservative Party Leader, John Tory, expressing concern that the people of Eastern Ontario are not getting the respect they deserve from the McGuinty Liberals.
(File No. CSU-A16-000-2007)

08-199 From Blake, Cassels & Graydon LLP Barristers & Solicitors, advising that the Canadian Renewable Energy Corporation (CREC) has provided the City Clerk with a copy of the Notice of Application and Hearing issued by the Ontario Energy Board (OEB) with respect to the Wolfe Island Wind Plant transmission facilities.
(File No. CSU-E11-000-2007)

Referred to All Members of Council

08-183 From Mr. Ryan Taylor, Campaign Coordinator, asking that Council proclaim May 2007 as "CNIB Door to Door Campaign Month".
(File No. CSU-M10-000-2007)

08-184 From Our Lady of Fatima Parish, asking that Council declare the following dates as a Community Festival of Municipal Significance to which Special Occasion Permits may be issued by the Liquor License Board to Our Lady of Fatima Parish, 588 Division Street, in conjunction with the:

Festival of Our Lady of Fatima	May 11 th , 12 th , and 13 th
Festival of the Holy Spirit	June 1 st , 2 nd , and 3 rd
Senhor Santo Cristo	August 31 st , September 1 st and 2 nd

(File No. CSU-P09-000-2007, CSU-M02-000-2007)

08-192 From the Association of Municipalities of Ontario (AMO), extending an invitation to a free Technology Transfer Forum for drinking water and sewage works, to be held by the Ontario Ministry of the Environment (MOE) in Toronto on Monday, March 26th, 2007.
(File No. CSU-A04-000-2007)
(Digitally distributed to all Members of Council on March 9, 2007.)

08-193 From the Association of Municipalities of Ontario (AMO), advising that the deadline for expressions of interest for the Asset Management Program (AMP) component of the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) is March 31st, 2007 at 5:00 p.m.
(File No. CSU-F11-000-2007)
(Digitally distributed to all Members of Council on March 9, 2007.)

City Council Meeting No. 08
Agenda
Tuesday, March 20, 2007

Page 22

COMMUNICATIONS

- 08-194 From the Association of Municipalities of Ontario (AMO), extending an invitation to participate in a provincial forum of the Canadian Coalition of Municipalities Against Racism and Discrimination to be held in Windsor on Thursday, March 29th, 2007.
(File No. CSU-R08-000-2007)
(Digitally distributed to all Members of Council on March 9, 2007.)
- 08-195 From the Association of Municipalities of Ontario (AMO), providing information regarding two new programs for 2007 in addition to the Communities in Bloom rating program, entitled "Community Corner" and "Community Showcase".
(File No. CSU-D18-000-2007)
(Digitally distributed to all Members of Council on March 9, 2007.)
- 08-196 From the Association of Municipalities of Ontario (AMO), advising that Stuart Mclean, the award winning journalist and host of CBC Radio's Vinyl Café, has been booked as the banquet entertainment for the 2007 AMO Annual Conference to be held in Ottawa from August 19th to 22nd, 2007.
(File No. CSU-A01-004-2007)
(Digitally distributed to all Members of Council on March 9, 2007.)
- 08-197 From the Corporation of the City of North Bay, asking for Council's support of a resolution regarding the impact of the introduction of the Ontario Municipal Partnership Fund (OMPF) in March 2005 to replace the Community Reinvestment Fund.
(File No. CSU-C01-000-2007, CSU-F11-000-2007)
- 08-200 From Dr. Juliana Ramsay, advising that she is stepping down as a member of the Kingston Environmental Advisory Forum (KEAF).
(File No. CSU-C12-000-2007)
(See Miscellaneous Business Item No. 3)
- 08-201 From Dr. Vicki Remenda, advising that she is pleased to replace Dr. Ramsay as a member of the Kingston Environmental Advisory Forum (KEAF).
(File No. CSU-C12-000-2007)
(See Miscellaneous Business Item No. 3)
- 08-202 From Mr. Shaune Healey, Administrative Assistant for Princess Towers, requesting the approval of Council to appoint Amanda Martin and Justin Wagar as By-Law Enforcement Officers for the purpose of issuing tickets under By-Law No. 99-166 on the property at 401 Princess Street and to remove Kenneth Abbot, James Beattie and Amy Ritchie.
(File No. CSU-P01-003-2007)
(See By-Law No. (6), 2007-87)

COMMUNICATIONS

Referred to Corporate Management Team

- 08-190 From Public Works and Government Services Canada, advising that the property located on Front Road, south of the Norman Rogers Airport, (legally described as Part of Lot 4, Concession 1, Township of Kingston, now in the City of Kingston, County of Frontenac, shown as Part 1, Plan 13R-17177) has been declared surplus to Federal Government requirements and is being prepared for disposal.
(File No. CSU-L19-000-2007)
- 08-191 From Public Works and Government Services Canada, advising that the property located on Len Birchall Way within the Norman Rogers Airport, (legally described as Part of Lots 3 and 4, Concession 1, Township of Kingston, now in the City of Kingston, County of Frontenac, shown as Parts 1, 2, and 3, Plan 13R-8853) has been declared surplus to Federal Government requirements and is being prepared for disposal.
(File No. CSU-L19-000-2007)

Referred to Corporate Management Team

- 08-198 From Mr. John Durant, Associate Executive Director of Child Find Ontario, asking that Council proclaim May 2007 as "Green Ribbon of Hope Month" and May 25th, 2007 as "National Missing Children's Day".
(File No. CSU-M10-000-2007)



BY-LAWS

- (A) THAT By-Laws (1) through (10) 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-Law (7) three readings.
- (C) THAT By-Laws (7) through (11) 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" (implement parking restrictions on Toronto Street between Johnson Street and Earl Street)
FIRST AND SECOND READINGS PROPOSED NO. 2007-82
(See Clause (a), Report No. 27)
- (2) A By-Law To Declare Surplus To Municipal Need And Sell The Parcels Of Land Identified As The Former CN Spur Lands At The Northeast Corner Of Montreal Street And John Counter Boulevard Identified As Parts 2 And 9-23 On Plan 13R-15336
FIRST AND SECOND READINGS PROPOSED NO. 2007-83
(See Clause (d), Report No. 27)

City Council Meeting No. 08
Agenda
Tuesday, March 20, 2007

Page 24

BY-LAWS

- (3) A By-Law To Amend By-Law No. 2005-10, "A By-Law To Establish Rates And Fees To Be Collected By The Corporation Of The City Of Kingston" (updating Schedule A and changing the title of the by-law)
FIRST AND SECOND READINGS PROPOSED NO. 2007-84
(See Clause (1), Report No. 28)
- (4) A By-Law To Provide Tax Relief To War Veteran Organizations, Who Use Or Occupy Property That Is Used As A Memorial Home, Clubhouse Or Athletic Ground, An Exemption Of 100% Of Municipal Property Taxation, For The Years 2007 to 2011 Inclusive
FIRST AND SECOND READINGS PROPOSED NO. 2007-85
(See Clause (1), Report No. 31)
- (5) A By-Law To Adopt The 2007 Operating Budget
FIRST AND SECOND READINGS PROPOSED NO. 2007-86
(See Clause (4), Report No. 33)
- (6) A By-Law To Amend By-Law No. 99-166, "A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or The Local Board" (add Justin Wagar, Amanda Martin, delete Kenneth Abbot, James Beattie, Amy Ritchie – Princess Towers, 401 Princess Street)
FIRST AND SECOND READINGS PROPOSED NO. 2007-87
(See Communication No. 08-202)
- (7) A By-Law To Approve The 2007 Capital Budget
THREE READINGS PROPOSED NO. 2007-88
(See Clause (1), Report No. 33)
- (8) A By-Law To Establish Blocks 103 And 104 On Reference Plan 1864 As Part Of The Public Highway Known As Ridley Drive, In The City Of Kingston, In Accordance With Section 31(4) Of The Municipal Act, Chapter 25, S.O. 2001; As Amended.
THREE READINGS PROPOSED NO. 2007-89
(Delegated Authority)
- (9) A By-Law To Establish Block HH On Reference Plan 1690 As Part Of The Public Highway Known As Old Colony Road, In The City Of Kingston, In Accordance With Section 31(4) Of The Municipal Act, Chapter 25, S.O. 2001; As Amended.
THREE READINGS PROPOSED NO. 2007-90
(Delegated Authority)

City Council Meeting No. 08
Agenda
Tuesday, March 20, 2007

Page 25

BY-LAWS

- (10) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, March 20, 2007
THREE READINGS PROPOSED NO. 2007-91
(City Council Meeting No. 08-2007)
- (11) A By-Law To Amend By-Law No. 2005-230, "A By-Law To Authorize Specific Individuals To Undertake Site Visits Or Site Inspections Of Property Designated Or Property Proposed To Be Designated Pursuant To The *Ontario Heritage Act, R.S.O. 1990, c. O.18*"
THIRD READING PROPOSED NO. 2007-70
(See Clause (d), Report No. 24)



ADJOURNMENT