



CITY OF KINGSTON
REPORT TO COUNCIL

Report No.: 10-207

TO: Mayor and Members of Council

FROM: Jim Keech, President and CEO Utilities Kingston
Cynthia Beach, Commissioner of Sustainability & Growth

RESOURCE STAFF: Mark Van Buren, Director of Engineering
Paul MacLatchy, Director of Strategy, Environment & Communications

DATE OF MEETING: July 20, 2010

SUBJECT: **AUTHORIZATION FOR TEMPORARY ROAD CLOSURE
THOUSAND ISLANDS POKER RUN
AUGUST 6 TO AUGUST 8, 2010**

EXECUTIVE SUMMARY:

The annual Poker Run is scheduled to take place in Kingston this year from Friday, August 6 until Sunday, August 8. Various road closures on Ontario Street between Brock Street and Johnson Street are required for a variety of displays during this event. A request in writing was received by a member of Council asking that authorization for the temporary road closures required for the Poker Run be referred to Council.

RECOMMENDATION:

That Council authorize the road closures for the 2010 Poker Run as follows:

CLOSURES FOR THOUSAND ISLANDS POKER RUN		
Ontario St.	Friday, August 6 from 12:00 pm to 11:00 pm	From Brock Street to Clarence Street
Ontario St.	Friday, August 6 from 4:00 pm to 11:00 p.m.	From Clarence Street to Johnson Street
Ontario St.	Saturday, August 7 from 7:00 am to 11:00 pm	From Brock Street to Johnson Street
Ontario St.	Sunday, August 8 from 7:00 am to 6:00 pm	From Brock Street to Johnson Street

And Further that Council approval be subject to the applicant providing the following:

- The applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the City of Kingston.
- The applicant shall be responsible for the acquiring/renting, placing and removal of all barricades necessary to fully close the roadway(s) affected and install advance signage to indicate the street closure and install detour signage.
- The applicant shall take out sufficient public liability property damage insurance in the amount of \$2,000,000. The applicant provide insurance policy in a form satisfactory to the City of Kingston and shall be kept in full force during the period of the proposed street closure.

- The applicant shall have the City of Kingston named as a party insured on the policy and the applicant shall provide the City of Kingston with a copy of the insurance policy.

AUTHORIZING SIGNATURES:

ORIGINAL SIGNED BY PRESIDENT & CEO, UTILITIES KINGSTON Jim Keech, President and CEO, Utilities Kingston	ORIGINAL SIGNED BY COMMISSIONER Cynthia Beach, Commissioner, Sustainability & Growth
ORIGINAL SIGNED BY CHIEF ADMINISTRATIVE OFFICER Gerard Hunt, Chief Administrative Officer	

CONSULTATION WITH THE FOLLOWING COMMISSIONERS:

Cynthia Beach, <i>Sustainability & Growth</i>	✓
Terry Willing, <i>Community Services</i>	N/R
Denis Leger, <i>Transportation, Properties & Emergency Services</i>	N/R
Jim Keech, <i>President and CEO, Utilities Kingston</i>	✓

(N/R indicates consultation not required)

OPTIONS/DISCUSSION:

Road Closure:

The annual Poker Run is scheduled to take place in Kingston this year from Friday, August 6 until Sunday, August 8. The road closures for this event are required for a variety of displays and are as follows:

CLOSURES FOR THOUSAND ISLANDS POKER RUN		
Ontario Street	Friday, August 6 from 12:00 pm to 11:00 pm	From Brock Street to Clarence Street
Ontario Street	Friday, August 6 from 4:00 pm to 11:00 p.m.	From Clarence Street to Johnson Street
Ontario Street	Saturday, August 7 from 7:00 am to 11:00 pm	From Brock Street to Johnson Street
Ontario Street	Sunday, August 8 from 7:00 am to 6:00 pm	From Brock Street to Johnson Street

According to By-law 2005-255, the authority to close roads has been delegated to the Director of Engineering. However, Section 2 (c) reads as follows:

“Any member of City Council may request, in writing to the Manager, that the request for the temporary road closure approval be referred to Council. Upon receipt of such request, the Manager shall refer the matter to Council.”

A request in writing was received by a member of Council asking that authorization for the temporary road closures required for the Poker Run be referred to Council.

If Council authorizes the temporary closure of the above-noted streets, appropriate notice will be provided to the Public as per City requirements and emergency service providers will be notified.

The Downtown Kingston Business Improvement Area (BIA) has stated that the goal of this year’s Poker Run is to once again have an all encompassing water weekend that includes pleasure craft, leisure boating, sailboating, canoeing and kayaking. Organizers are hoping to attract local marinas, canoe and kayak clubs to set up in Confederation Park. The Downtown Kingston BIA is organizing all of the on-shore activities for the Poker Run. There will be live local entertainment in the park for all three days of the event with family-oriented activities such as, free face painting, free balloon twister, wagon rides and an interactive gaming zone provided by K-ROCK. A special display on Sunday will include several motorcycles and classic cars in a “Show and Shine”. The Downtown Kingston BIA is also currently working with the Poker Runs America (PRA) in order to seek methods of reducing their carbon footprint.

Other:

Related to this request for temporary road closure is City Council’s motion regarding the investigation of the purchase of carbon offsets to offset the emission of greenhouse gases associated with the Poker Run event. The motion of Council amended and carried on January 19, 2010 reads:

*Moved by Councillor Hutchison
Seconded by Councillor Garrison*

WHEREAS the City of Kingston aspires to be Canada’s most sustainable city and has implemented many measures that are improving the quality of the four pillars of sustainability in our community – economic, environmental, social and cultural; and,

WHEREAS the Kingston Environmental Advisory Forum (KEAF) has indicated in its report that for the purposes of balancing the four pillars of sustainability in any decision with regard to the Poker Run, it is KEAF’s view that the Poker Run has a negative environmental impact; and,

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WHEREAS KEAF further indicates that the Poker Run without carbon offsets is damaging to a culture of Environmental Sustainability;

BE IT RESOLVED THAT staff, after consultation with FOCUS Kingston and SWITCH, be directed to negotiate with the Poker Run stakeholders and others the possibility of the purchase of high quality, credible, preferably local carbon offsets to ensure that emissions from the Poker Run of an amount of CO2 equal to or greater than the emissions produced from the event are reduced elsewhere with attention in negotiations being given to who should bear responsibility for covering the costs of such carbon offsets; and,

BE IT FURTHER RESOLVED THAT attention also be given in negotiations to the possibility of the stakeholders and others reducing the carbon footprint of the Poker Run event; and,

BE IT FURTHER RESOLVED THAT staff report back to Council by June, 2010.

At the meeting of Council on February 2, 2010 the following direction was given to staff:

THAT Council request from KEDCO a report on the economic impact of the Poker Run to be delivered no later than March 30, 2010;

- and further -

THAT, to gauge the cultural and social impact of the Poker Run, Council host at least one public meeting along with an internet survey no later than April 30, 2010, to gauge community views and impacts of the Poker Run;

- and further -

THAT staff collect data, in a cost effective and reliable way, during the Poker Run 2010 to try to find out how many visitors came to the event, how long they stayed in Kingston, and their estimate of money spent here;

- and further -

THAT staff incorporate all the available information into a consolidated report and recommendation to Council on the overall impact of the Poker Run to the City as a whole, by October 30, 2010.

A report entitled "2009 Thousand Islands Poker Run: Estimated Economic Impact Assessment" dated March 2010 was provided to Council on behalf of KEDCO. At least one public meeting and an internet survey have been conducted and a further report summarizing the overall impact of the Poker Run will be provided by staff, as requested, on or before October 30, 2010.

Staff from the Sustainability & Growth Group have been in contact with the DBIA and SWITCH to discuss the potential for purchasing offsets for the event. Staff have concluded the following in relation to the prospect of carbon offset purchase:

1. There is no program in place for the purchase of locally based and independently verified carbon offset credits.
2. There are local projects that, if funded, would be expected to produce reductions in greenhouse gas emissions and that if emission reductions are verified they are verified by the implementer of the projects.

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3. Based upon the estimate¹ of between 100 and 200 tonnes of annual greenhouse gas emission for the Poker Run Event and the approximate cost per tonne² of verified offsets in the Canadian marketplace, that the cost to purchase offsets would range between \$1,000 and \$8,000 per year.

The Downtown Kingston BIA is acting on behalf of the Poker Run event organizers to make the subject application for temporary road closure, and have not had an indication from the event organizers that they are willing to purchase offsets for their event in the absence of a policy that provides clear direction on how to do so for events within the City of Kingston.

The Downtown Kingston BIA has initiated a discussion with some downtown businesses that would be expected to derive business from the event to determine if there is interest in contributing to the purchase of some or all of the 100 to 200 tonnes of emissions offsets per year. These discussions have not concluded.

While, at the time of writing this report, a consultation with the FOCUS Kingston Steering Committee had not occurred, the following observations can be offered with respect to the Poker Run event and the Sustainable Kingston Plan:

Environmental Responsibility:

A key theme within the environmental pillar is concerned with the need to reduce greenhouse gas emissions from all sources within Kingston. While the Poker Run event has been shown to produce a relatively small amount of emissions in proportion to all other activities within Kingston, it has nevertheless become a highly visual symbol of gratuitous mechanical power that many find at odds with messages of efficiency, moderation and environmental stewardship.

Economic Health:

Economic development through tourism is a theme within the economic pillar of the Sustainable Kingston Plan. The Poker Run event draws a large crowd and is a successful tourism event in that regard as it provides business activity for hotels, restaurants and other services and facilities utilized by local and non-local attendees and participants. The Downtown Kingston BIA estimates that the Poker Run event is one of the top three events in Kingston in terms of attendance. This estimation is supported by the recent report by KEDCO on the economic impact of the Poker Run event.

Social Equity:

An important theme within the social pillar of the Sustainable Kingston Plan is *Comfort, Safety and Inclusion*. The Poker Run event is free to attend and is held at a location (Confederation Park and Ontario Street) that is serviced by public transit and is generally accessible to those with mobility challenges. While the cost to participate as an entrant is likely beyond the ability of most, the cost to participate as an attendee is virtually free. These attributes make the Poker Run event inclusive for a large proportion of Kingstonians and potential visitors. Within the theme of *Education & Learning*, the Poker Run event is used as an opportunity to educate members of the public on water and boat safety

Cultural Vitality:

Events such as the Poker Run, CORK, Perch Derby, Tall Ships, etc. reinforce the City of Kingston's connection to the Great Lakes and Rideau Canal and our history of work, transportation and leisure associated with this connection. While the Poker Run event does not explicitly attempt to make historical ties to the event, it nevertheless is an example of an event where recreational boating and boatmanship are promoted and so does provide some minor reinforcement of the theme of *History and Heritage* within the cultural pillar of the Sustainable Kingston Plan.

On the balance of all of the above, staff have concluded that while there is a negative and highly visible environmental impact associated with the Poker Run event, it is quantitatively small and offset by positive impacts – most notably economic and

¹ Report of the Kingston Environmental Advisory Forum (Dubin), 2009.

² At the time of writing staff identified verified offsets available in Canada for between \$10 and \$40 per tonne..

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social. Staff suggests that the issue of greenhouse gas emissions and the non-interest of event organizers to purchase carbon offsets should not be cause for the City to withhold permission to close roads as described within this report.

Amendments to the Federal Small Vessel Regulations

Earlier this spring the federal government passed new Small Vessel Regulations which requires that a power driven vessel must be equipped with a muffler that is in good working order and that muffler cut-outs or by-passes must be visibly disconnected in a manner that ensures it cannot be easily reconnected while the vessel is in operation. Exemptions are provided for vessels that:

- were constructed before January 1, 1960;
- are engaged in formal training, in an official competition or in final preparation for an official competition;
- is propelled by an outboard engine or stern drive, if the exhaust gases are directed under water through the propeller hub or below the cavitation plate;
- is operated at five or more nautical miles for shore; or
- is propelled by gas turbines or by an aircraft-type propeller operated in air.

City staff have spoken to staff at the Downtown Kingston BIA who advise that Poker Runs America and Power Boating Canada officials have advised the BIA that these organizations have had input on the new regulations, are very aware of them and committed to compliance.

A question has arisen as to whether the City as a condition to approving the temporary road closures should impose a condition that vessels competing in the Poker Run must comply with the Federal Small Vessels Regulations. Staff do not recommend imposing such a condition for the following reasons:

- neither the City nor the Kingston Police Department enforce the Small Vessel Regulations - enforcement is carried out by the RCMP and Ontario Provincial Police who have the necessary expertise and resources;
- the City does not have the authority over vessels operating in waters within the boundaries of the City of Kingston;
- the City does not have the expertise or resources to enforce compliance with the Federal Small Vessel Regulations.

EXISTING POLICY/BY LAW:

Authorization is provided for in By-Law 2005-255, Clause 1, "A By-Law to Delegate The Power to process and approve the temporary closure of a highway Pursuant to Section 42 of the Ontario Municipal Act 2001, S.O.,2001, c.25."

NOTICE PROVISIONS:

N/A

ACCESSIBILITY CONSIDERATIONS:

N/A

FINANCIAL CONSIDERATIONS:

N/A

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CONTACTS:

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Chris Sleeth, Traffic Supervisor, Engineering Department, ext.3149

Doug Ritchie, Managing Director, Downtown Kingston BIA, Ph.613-542-8677

Hal Lilnscott, Director of Legal Services and City Solicitor, ext. 1296

OTHER CITY OF KINGSTON STAFF CONSULTED:

N/A

EXHIBITS ATTACHED:

N/A