

CITY COUNCIL MEETING NO. 08-2005

The Regular Meeting of City Council was held on Tuesday, February 15, 2005 at 7:00 pm in the Council Chamber, City Hall. His Worship Mayor Harvey Rosen presided.

There was an "In-Camera" meeting of the Committee of the Whole from 7:00 pm to 7:30 pm in the Councillors' Lounge.

(Council Chambers)

ROLL CALL

Present: Mayor Rosen, Deputy Mayor Foster, Councillor Beavis, Councillor Downes, Councillor Garrison, Councillor B. George, Councillor K. George, Councillor Meers (arrived 7:35 pm), Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Sutherland (12)

Regrets: Councillor Stoparczyk (1)

(Council Chambers)

Administrative Staff Present:

Mr. D. Leger, Acting Chief Administrative Officer
Ms. C. Beach, Commissioner, Planning & Development Services
Mrs. C. Downs, Manager, Council Support/City Clerk
Mr. G. Hunt, Acting Commissioner, Corporate Services
Mr. H. Linscott, Director, Legal Services
Mr. P. MacLatchy, Manager, Environment

COMMITTEE OF THE WHOLE "IN CAMERA"

- (1) Moved by Councillor Beavis
Seconded by Councillor B. George

THAT Council resolve itself into the Committee of the Whole "In Camera" to consider the following items:

- (a) Land Acquisition
(b) Legal Matter

CARRIED

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

- (2) Moved by Councillor Downes
Seconded by Councillor B. George

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

CARRIED

(Council Chambers)

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Administrative Staff Present:

Mr. D. Leger, Acting Chief Administrative Officer
Ms. C. Beach, Commissioner, Planning & Development Services
Mr. J. Davis, Senior Project Manager, Planning & Development Services
Mrs. C. Downs, Manager, Council Support/City Clerk
Mr. M. Fluhner, Manager, Policy & Support Services, Community Services
Mr. G. Hunt, Acting Commissioner, Corporate Services/Manager, Finance
Ms. K. Jamieson, Communications Officer, Strategic Initiatives & Corporate Communications
Mr. M. Letourneau, Heritage Planner, Planning
Mr. H. Linscott, Director, Legal Services
Mr. P. MacLathcy, Manager, Environment
Mr. M. Morris, Manager, Transit
Ms. A. Pappert, Manager, Cultural Services Division
Ms. L. Peever, Manager, Long-Term Care, Rideaucrest Home
Mr. M. Segsworth, Commissioner, Operations
Ms. B. Sills, Environmental Engineer, Environmental Services
Ms. N. Sullivan, Deputy City Clerk
Mr. L. Thurston, Commissioner, Community Services

DISCLOSURE OF PECUNIARY INTEREST

PRESENTATIONS

- (1) Mayor Rosen and Peter Gower, Chairman of the Kingston Municipal Heritage Committee (LACAC), presented the Ontario Heritage Foundation Lifetime Achievement certificates to Dr. Margaret Angus and Mrs. Lily Inglis.
(File No. CSU-C13-000-2005)

DELEGATIONS

- (1) Michelle Langlois and Kirk Muller of the Market Square Events Committee provided an update on the Market Square Feb Fest and the Limestone Classic Hockey Tournament.
(File No. CSU-C13-000-2005)
(See Clause (h), Report No. 27)

STAFF BRIEFINGS

- (1) Marcus Letourneau, Heritage Planner, spoke to Council concerning proposed designations in Cataraqi Village and will present the Cataraqi Village Historic Sites Poster, as well as Volume 7 of *Buildings of Architectural & Historical Significance of Queen's University Properties*.
(File No. CSU-C13-000-2005)

STAFF BRIEFINGS

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- (2) Malcolm Morris, Manager of Transit, and Chris Prentice, Consultant for the IBI Group, spoke to Council concerning the Transit Five-Year Business Plan.
(File No. CSU-C13-000-2005)
(See Clause (1), Report No. 33)

PETITIONS

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.

(1) **Motion of Congratulations**

- (a) Moved by Councillor Patterson
Seconded by Councillor Garrison

THAT the congratulations of Kingston City Council be extended to the Kingston Frontenac Public Library for winning the Angus Mowat Award in the Large Public Library category for strengthening literacy and cultivating a genuine love of reading by setting up an innovative Book Clubs program
(File No. CSU-M11-000-2005)

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

THAT the congratulations of Kingston City Council be extended to the Knights of Columbus Basketball League on their 50th Anniversary.

CARRIED

(2) **Motion of Condolence**

- (a) Moved by Councillor Beavis
Seconded by Councillor K. George

THAT the condolences of Kingston City Council be extended to Brian Whitehead, Forestry Arborist, Parks Operations, and family on the death of his mother, the late Carol Whitehead Jordan, former Payroll employee of the City of Kingston.

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

THAT the condolences of Kingston City Council be extended to the family of the late T. J. (Tom) Plunkett, Professor Emeritus and former head of Public Administration at Queen's University.
(File No. CSU-M11-000-2005)

CARRIED

REPORTS

Report No. 27 of the Chief Administrative Officer (Consent)

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Council consented to the addition of Clause (i) and the separation of Clause (e).

Moved by Councillor Meers
Seconded by Councillor Pater

THAT Report No. 27 of the Chief Administrative Officer be received and adopted.

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) **WHEREAS** AJV Masonry Ltd., the lowest bidder on Tender No. DCS-CS-2004-28 "Exterior Wall Renovations to Artillery Park Aquatic Centre", has not provided the required bonding to finalize the contract, and;
- WHEREAS** the second lowest bidder, Kingston Lath and Plaster, is the contractor that completed the first phase of the project and is able to provide the required bonding and is within the amount budgeted for the project;
- THEREFORE BE IT RESOLVED THAT** the contract be awarded to the next lowest bidder, Kingston Lath and Plaster (1998) Limited, at the bid price of \$195,484.00 plus taxes, and;
- THAT** a letter will be sent to AJV Masonry Ltd. informing them that the City of Kingston is withdrawing its offer to enter into a contract as a result of their inability to provide adequate bonding;
- and further–
- THAT** the Mayor and City Clerk be authorized to sign a contract with Kingston Lath & Plaster (1998) Limited, subject to the satisfaction of the Legal Services Division.
(File No. CSU-F18-001-2005; CSU-L04-000-2005)
- (b) **THAT** Council authorize the City Clerk to give notice of Council's intention to declare surplus to municipal need that part of the former James Street more particularly described as Part 3, Plan 13R-7197 (the "Municipal Property").
(File No. CSU-T09-000-2005)
- (c) **THAT** Council authorize staff to take the necessary steps, including sole source procurement if required, to purchase new diagnostic and medical equipment of a combined value not to exceed \$90,000.00 for Rideaucrest Home, in accordance with a funding agreement with the Ministry of Health & Long-Term Care.
(File No. CSU-S03-000-2005)

REPORTS

Report No. 27 of the Chief Administrative Officer (Consent

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(d) **THAT** Council authorize staff to procure additional mechanical lifts for Rideaucrest Home from ARJO Canada Inc. at a combined upset limit of \$90,000.00, as funded entirely by a grant from the Ministry of Health & Long-Term Care specific to the purchase of mechanical lifts.
(File No. CSU-S03-000-2005)

(e) **WHEREAS** the City of Kingston has adopted greenhouse gas emission reduction targets of 25% and 10% for the Corporation and the community respectively by 2014, and;

WHEREAS the One Tonne Challenge Program is a federally coordinated program designed to encourage voluntary reduction in greenhouse gas emitting activities by Canadian citizens and businesses, and;

WHEREAS the City of Kingston and Hearthmakers Energy Cooperative have been successful in a co-submission to the Environment Canada Climate Change Bureau Expression of Interest for pilot One Tonne Challenge funding, and;

WHEREAS the City of Kingston is working with the Climate Change Bureau to develop a contribution agreement requesting approximately \$110,000.00 to \$143,000.00 of federal funds to deliver the One Tonne Challenge in our community, and

WHEREAS the Climate Change Bureau recommends the hiring of a One Tonne Challenge Coordinator for the duration of the pilot program (pilot completed March 31, 2006),

THEREFORE BE IT RESOLVED THAT City Council authorize the use of a portion of the Climate Change Bureau's grant funds to the City to acquire, on a 13-month contract basis, a One Tonne Challenge Coordinator for the duration of the One Tonne Challenge Pilot program.

(File No. CSU-E05-000-2005)

CARRIED

(f) **THAT** City Council approve the lease renewal agreement with Fisheries and Oceans Canada for the Small Craft Harbour Facilities located at Portsmouth Olympic Harbour commencing January 1, 2005 until December 31, 2009 and authorize the Mayor and City Clerk to enter into this agreement, subject to the satisfaction of the Director of Legal Services.

(File No. CSU-L04-000-2005; CSU-R05-000-2005)

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Report No. 27 of the Chief Administrative Officer (Consent)

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- (g) THAT Council authorize the transfer of title to Part 17 on Reference Plan 13R-13939 (also defined as Parts 3, 4 and 5 on Reference Plan 13R-16432) from the City to the owners of 2225 Middle Road, and;

THAT Council accept the transfer of Part 9 on Reference Plan 13R-13939 to the City of Kingston from the owners of 2225 Middle Road;

–and further–

THAT, upon completion of the conveyance of those lands designated as Part 9 on Reference Plan 13R-13939, the said part be assumed and dedicated as a public road, pursuant to Section 31, of the *Municipal Act, Chapter 25, SO 2001*, and;

THAT a by-law be presented for first and second readings to establish Part 9 on Reference Plan 13R-13939 as part of the public highway known as Middle Road.

(File No. CSU-L19-000-2005)

(See By-Law No. (1), 2005-35)

- (h) THAT a by-law be presented to City Council for **three readings** to provide for the temporary closures of the following streets at the following times:

Friday, February 18, 2005

King Street between Clarence Street & Brock Street

4:00 pm – 8:00 pm

Saturday, February 19, 2005

Brock Street between King Street & Ontario Street

7:00 am – 12:00 am

for community purposes, to accommodate **Market Square Feb Fest**, subject to the following conditions:

- (1) That the applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division; and
- (2) That the applicant will 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.

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

(See By-Law No. (2), 2005-36; By-Law No. (3), 2005-37)

REPORTS

Report No. 27 of the Chief Administrative Officer (Consent

- (i) WHEREAS Raymond Zaback of Shoalts & Zaback Architects Ltd. has submitted an application on behalf of Kingston KIA (Dave Petrie, Steve Petrie and Bill Fellows) requesting that the “-H” Holding Symbol be lifted from the property

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known municipally as 2820 Princess Street, located on the north side of Princess Street and west side of Bayridge Drive, and;

WHEREAS the "-H" Holding provisions were to remain in place until all applicable Municipal and agency requirements have been complied with and all necessary agreements have been finalized, and;

WHEREAS the Owner has complied with the conditions for the removal of the "-H" Holding Symbol as follows:

- All Municipal requirements are contained within the Site Plan Control Agreement and are shown on the approved site plan drawings; the terms of the agreement are as listed within the Site Plan Control Agreement.
- The Site Plan Control Agreement is being finalized by Legal Services and will be executed by the Owner and the Municipality and registered on title by the Municipality.
- There are no outstanding unpaid fees or invoices owed to the City of Kingston.
- The Owner has submitted, for the Municipality's consideration, the appropriate application for an amendment to the Zoning By-law to remove the "-H" Holding Symbol.

THEREFORE BE IT RESOLVED THAT Schedule "A" to Zoning By-Law No. 76-26 of the former Township of Kingston, as amended, be further amended by removing the "-H" Symbol for the lands located on the north side of Princess Street and west side of Bayridge Drive, 2820 Princess Street, so as to rezone the subject lands from General Commercial Zone "C2-H" to General Commercial Zone "C2", which lands are shown as "Lands Subject To -H Removal".

–and further–

BE IT RESOLVED THAT the amending by-law be presented for **three readings**.

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

(See By-Law No. (10), 2005-43)

CARRIED

Report No. 28 of the Planning Committee

Moved by Councillor K. George

Seconded by Councillor Patterson

THAT Report No. 28 of the Planning Committee be received and adopted.

Report No. 28

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

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

1. **WHEREAS** the City of Kingston established a Brownfields Task Force on June 25, 2002, to develop a strategy to deal with the Brownfield issues within the City, and;

REPORTS

Report No. 28 of the Planning Committee

WHEREAS the original Brownfields Program (presented as the ERASE document) was reviewed and revised by the Brownfields Task Force in 2002 and 2003, and;

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WHEREAS the original Brownfields Program (presented as the ERASE document) was approved "in principle" by Council on June 10, 2003, and;

WHEREAS the draft Brownfields Program (presented as the ERASE document) was presented at a Public Meeting before Planning Committee as a preliminary Community Improvement Plan on July 17, 2003, and;

WHEREAS the City forwarded the Brownfields Program (presented as the ERASE document) to the Ministry of Municipal Affairs & Housing for their consideration as a Community Improvement Plan on August 12, 2003, and;

WHEREAS the Ministry of Municipal Affairs & Housing reviewed the Brownfields Program (presented as the ERASE document) and responded on October 17, 2003 suggesting ways to clarify strengthen and improve the document as a preliminary Community Improvement Plan, and;

WHEREAS a Public Meeting was held on August 12, 2004 with respect to the proposed Official Plan Amendment for the Community Improvement Policies and Area of the former City of Kingston's Official Plan, in accordance with the provisions of the Planning Act, and;

WHEREAS the Official Plan Amendment for the Community Improvement Policies and Area of the former City of Kingston's Official Plan was approved by Council on September 7, 2004, and;

WHEREAS a Public Meeting was held on December 9, 2004 with respect to the draft Community Improvement Plan for Brownfields Project Areas 1A & 1B, in accordance with the provisions of the Planning Act

THEREFORE BE IT RESOLVED THAT the Community Improvement Project Areas, shown as designated on Schedule "A" to the by-law entitled "By-Law to Designate Brownfields Project Areas 1A & 1B as Community Improvement Project Areas" attached as Appendix "A" to this report, **BE APPROVED**, and;

BE IT FURTHER RESOLVED THAT the City of Kingston Community Improvement Plan for Brownfields Project Areas 1A & 1B, incorporated as Schedule "A" to the by-law entitled "By-Law to Adopt the Community Improvement Plan for Brownfields Project Areas 1A & 1B" attached as Appendix "B" to this report, **BE APPROVED**;

-and further-

BE IT FURTHER RESOLVED THAT the City of Kingston Community Improvement Plan for Brownfields Project Areas 1A & 1B be forwarded to the Ministry of Municipal Affairs and Housing for approval, and;

BE IT FURTHER RESOLVED THAT environmental liability insurance premiums, the environmental monitoring program, certain legal fees, and 50% of the on-site underground servicing costs for gas, hydro electricity and communication utilities, be included as eligible rehabilitation costs in the City of Kingston Community Improvement Plan for Brownfields Project Areas 1A & 1B, and;

BE IT FURTHER RESOLVED THAT building permit fees and off-site servicing costs **not** be included in the City of Kingston Community Improvement Plan for Brownfields Project Areas 1A & 1B as eligible rehabilitation costs, and;

BE IT RESOLVED THAT the by-laws be presented to Council for three readings.

(See By-Law No. (6), 2005-40; By-Law No. (7), 2005-41)

CARRIED

REPORTS

Report No. 29 of the Planning & Development Committee

Moved by Councillor B. George

Seconded by Deputy Mayor Foster

THAT Report No. 29 of the Planning & Development Committee be received and adopted.

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Report No. 29

To the Mayor and Members of Council:

The Planning & Development Services Committee reports and recommends as follows:

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

1. **WHEREAS** the Central Pittsburgh Drainage Scheme was constructed in accordance with an Engineer's Report adopted by the former Township of Pittsburgh By-Law No. 18-75 under the authority of the *Drainage Act (RSO 1990)* in response to a legal petition, and;

WHEREAS the 1974 Engineer's Report exists that apportions a proportional cost for the construction and maintenance of the Central Pittsburgh Drain-Main Branch to benefiting landowners in accordance with the *Drainage Act (RSO 1990)*, and;

WHEREAS annual maintenance required on the Central Pittsburgh Drain is undertaken annually according to requests to the Drain Sub-Committee and is charged back to the landowners based upon the original Engineer's Report which considered the cost of maintenance for the whole Drainage Scheme, and;

WHEREAS it is perceived that the original 1974 Engineer's Report does not fairly apportion the costs for annual maintenance work, or reflect the agricultural conditions in 2004, and;

WHEREAS Section 76 of the *Drainage Act* allows the municipality to vary assessments from the original report and to procure a report of an engineer, and;

WHEREAS City Council received approval from the Drainage Tribunal for permission to appoint Robinson Consultants Inc. to vary assessments under Section 76 of the *Drainage Act* for the Central Pittsburgh Drain – Main Branch and review the requirements of the other branches that form part of the Central Pittsburgh Drainage System (Area), and;

WHEREAS the Rural Affairs Advisory Committee met on January 19, 2005 and recommended acceptance of the Robinson Consultants Inc. November 2004 Engineer's Report, Central Pittsburgh Municipal Drain, Reassessment Schedules, following a public meeting and comments received as recorded in the Rural Affairs Advisory Committee Minutes;

THEREFORE BE IT RESOLVED THAT the Engineer's Report by Robinson Consultants Inc., Central Pittsburgh Municipal Drain and Reassessment Schedules dated November 2004, be approved and adopted and that a provisional by-law to approve the report to revise levy assessments for the main branch of the Central Pittsburgh Drainage Scheme be given first and second reading.

(See By-Law No. (4), 2005-38)

CARRIED

REPORTS

Report No. 30 of the Kingston Municipal Heritage Committee (LACAC)

Moved by Councillor Patterson

Seconded by Councillor Smith

THAT Report No. 30 of the Kingston Municipal Heritage Committee (LACAC) be received and adopted.

Report No. 30

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To the Mayor and Members of Council:

The Kingston Municipal Heritage Committee (LACAC) reports and recommends as follows:

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

1. **WHEREAS** most major centres have developed and are in the process of implementing Archaeology Master Plans, and;

WHEREAS the old City of Kingston developed an Archaeology Master Plan in the late 1980's and early 1990's, which was **not** adopted;

THEREFORE BE IT RESOLVED THAT an update of the Archaeology Master Plan be conducted to include any recent archaeological findings, as well as to recognize any potential sites of interest in the former Pittsburgh and Kingston Townships,

–and further–

THAT funding be allocated in the 2006 budget in order to allow the plan to proceed.

DEFERRED TO 2006 BUDGET

(See Following Motion to DEFER which was CARRIED)

Moved by Councillor Sutherland

Seconded by Councillor K. George

THAT Clause 1 of Report No. 30 be deferred and referred to the 2006 budget deliberations.

CARRIED

2. **THAT** Application P18-456-37-04 for a designated property located at 12-14 Drummond Street, requesting approval for the replacement of windows and doors **BE APPROVED**, with the understanding that the windows be wooden and not clad, single or double hung vertical slider units, sized so that a piece of trim would run up the sides and across the head of the windows, and this trim would be 2 ¾" wide and have a ½" wide bead on the inside edge of the trim, and that the trim around the window leave a setback of 1 ¼" from the face of the stone wall, and that it be suggested that the sill depth be minimized by eliminating the standard sill extension supplied with these windows;

–and further–

THAT the door be replaced with a four panel wood door, the two upper panels can be solid or glazed as shown on brochure presented by the applicant.

CARRIED

REPORTS

Report No. 31 of the Multiplex Community Centre Project Steering Committee

Moved by Councillor K. George

Seconded by Councillor Meers

THAT Report No. 31 of the Multiplex Community Centre Project Steering Committee be received and adopted.

Report No. 31

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To the Mayor and Members of Council:

The Multiplex Community Centre Project Steering Committee (MCCP-SC) reports and recommends as follows:

1. **THAT** the amended Interim Communication Plan for the Multiplex Community Centre Project, as prepared and presented by Strategic Initiatives & Corporate Communications and the Department of Community Services, be approved.

CARRIED

Report No. 32 of the Municipal Accessibility Advisory Committee

Moved by Councillor Patterson

Seconded by Councillor Sutherland

THAT Report No. 32 of the Municipal Accessibility Advisory Committee be received and adopted, clause by clause.

Report No. 32

To the Mayor and Members of Council:

The Municipal Accessibility Advisory Committee reports and recommends as follows:

1. **WHEREAS** the Ontarians with Disabilities Act, 2001 requires that the City of Kingston submit a plan annually by September 30th outlining measures taken by the City to identify, remove and prevent barriers to persons with disabilities; the status of by-laws, policies and programs and on the measures the City intends to take to remove barriers, and;

WHEREAS City senior staff have made enquiries from time to time with Council and members of the Municipal Accessibility Advisory Committee about design plans for public buildings that would accommodate those with disabilities, and;

WHEREAS we have strengthened Ontario legislation, and;

WHEREAS the City should be seen by the community as a leader in promoting and implementing accessibility issues, and;

WHEREAS the Strategic Plan and Focus Report requires that the City should get its house in order to accommodate all its citizens;

REPORTS

Report No. 32 of the Municipal Accessibility Advisory Committee

THEREFORE BE IT RESOLVED THAT the City of Kingston adopt the Universal Design Standards as a minimum standard for all new and major capital renovations and restoration work including but not limited to the Large Venue Entertainment Centre (LVEC) and the Multiplex facility, Kingston Police Building, Grand Theatre and Market Square;
-and further-

THAT Council work continuously towards establishing the financial means in its annual budgets to accomplish these goals.

CARRIED

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2. **WHEREAS** the City of Kingston's Accessibility Advisory Committee communicates with the public about municipal accessibility issues, and;

WHEREAS the effectiveness of its communication efforts can be improved with the consistent use of a logo, a prototype has been produced for the City of Kingston's Municipal Accessibility Advisory Committee modeled after other recent logos used for corporate projects (like Communities In Bloom);

THEREFORE BE IT RESOLVED THAT Council approve the City of Kingston's Municipal Accessibility Advisory Committee's logo in accordance with the City of Kingston's Corporate Identity Policy.

CARRIED

3. **THAT** the Municipal Accessibility Advisory Committee regrettfully accepts the resignations of David and Donna Grightmire;

-and further-

THAT the Nominations Committee review the list of applicants filed with Council Support and provide a recommendation to Council for one position.

CARRIED

Report No. 33 of the Operations Committee

Council consented to separate the clauses.

Moved by Deputy Mayor Foster
Seconded by Councillor Smith

THAT Report No. 33 of the Operations Committee be received and adopted.

Report No. 33

To the Mayor and Members of Council:

The Operations Committee reports and recommends as follows:

REPORTS

Report No. 33 of the Operations Committee

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

1. **THAT** Council approve in principle the Kingston Transit Five-Year Business Plan dated January 2005;

-and further-

THAT staff report back to the Committee with a financial strategy to support implementation of the plan.
(See Staff Briefing No. 1)

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CARRIED

2. **THAT** "Schedule A" of By-Law No. 4489, "A By-Law To Regulate, Supervise And Govern The Parking Of Vehicles On Parking Lots And To Fix The Rates And Charges For Parking On Such Parking Lots", be amended to change the rates and times that payment is required, converting the Upper Robert Bruce parking lot from attended to Pay and Display operation.
(See By-Law No. (5), 2005-39)

CARRIED (9:3)
(See Recorded Vote)

A Recorded Vote was requested by Councillor Garrison.

YEAS: Mayor Rosen, Councillor Beavis, Councillor Downes, Deputy Mayor Foster, Councillor B. George, Councillor K. George, Councillor Patterson, Councillor Smith, Councillor Sutherland (9)

NAYS: Councillor Garrison, Councillor Meers, Councillor Pater (3)

ABSENT: Councillor Stoparczyk (1)

INFORMATION REPORTS

(1) **Model Recycling Contract Tender Documents (05-065)**

The purpose of this report is to inform Council that staff from the Solid Waste Division, together with REIC Perth and the Association of Municipal Recycling Coordinators, has submitted a proposal in response to Stewardship Ontario's Request for Proposal's for the development of model residential recycling collection and processing contract tender documents. The proposal was accepted and the project has been awarded.

(File No. CSU-E07-000-2005)

MISCELLANEOUS BUSINESS

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

THAT the March 15, 2005 meeting of Council be changed to March 22, 2005, due to the spring break.
(File No. CSU-C03-000-2005)

CARRIED

- (2) Moved by Deputy Mayor Foster
Seconded by Councillor K. George

THAT, as requested by the Kingston Military Family Resource Centre, Council proclaim the past week of February 7-13, 2005 as Military Families Week to honour the dedication, determination and resiliency of the families of Canadian Forces members.

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(File No. CSU-M10-000-2005)
(See Communication Number 08-109)

CARRIED

- (3) Moved by Deputy Mayor Foster
Seconded by Councillor B. George

THAT Council confirm Mara Shaw and Rob McRae to the Kingston Environmental Advisory Forum as Technical Representatives from the Cataraqui Region Conservation Authority.
(File No. CSU-C12-000-2005)

CARRIED

- (4) Moved by Councillor Sutherland
Seconded by Councillor Downes

THAT Council accept the resignation of Councillor Meers from the Kingston Frontenac Housing Corporation, and
THAT Council appoint one Member of Council to serve on the Kingston Frontenac Housing Corporation for a term ending November 30, 2005.
(File No. CSU-C12-000-2005)

DEFERRED

Moved by Councillor Sutherland
Seconded by Councillor Downes

THAT Councillor Meer's resignation be deferred until after the March meeting of the Kingston Frontenac Housing Corporation Board.

CARRIED

MISCELLANEOUS BUSINESS

- (5) Moved by Councillor Downes
Seconded by Councillor B. George

THAT, as requested by Jamie Turcotte, Council proclaim the week of February 21-27, 2005 as "Knights of Columbus Basketball League Week".
(File No. CSU-M10-000-2005)
(See Communication No. 08-124)

CARRIED

MOTIONS

- (1) Moved by Councillor K. George
Seconded by Councillor B. George

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WHEREAS, within Report No. LV05-011 of the Acting Chief Administrative Officer, Large Venue Entertainment Centre project, it is proposed that an application for rezoning and official plan amendments be considered for February 20, 2005;

BE IT RESOLVED THAT no applications be submitted until such time as Council has received all feasibility studies and has made a decision on the location of the proposed Large Venue Entertainment Centre.

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

LOST (6:6)
(See Recorded Vote)

A Recorded Vote was requested by Councillor K. George.

YEAS: Councillor Downes, Councillor Garrison, Councillor B. George, Councillor K. George, Councillor Meers, Councillor Pater (6)

NAYS: Mayor Rosen, Councillor Beavis, Deputy Mayor Foster, Councillor Patterson, Councillor Smith, Councillor Sutherland (6)

ABSENT: Councillor Stoparczyk (1)

NOTICE OF MOTION

MINUTES

Moved by Councillor Beavis

Seconded by Councillor K. George

THAT the approval of the Minutes of City Council Meeting No. 06-2005, held Tuesday, February 1, 2005, be deferred; and that the Minutes of City Council Meeting No. 07-2005, held Tuesday, February 8, 2005, be confirmed.

CARRIED

TABLING OF DOCUMENTS

2005-12 The Downtown Kingston! Board of Management
Agenda – Board Meeting – February 9, 2005
(File No. CSU-A01-001-2005)

COMMUNICATIONS

Council consented to the disposition of Communications in the following manner:

Filed

08-101 From the City of St. Catharines, acknowledging receipt of Council's resolution to petition the Ontario Government to stop the National Child Benefit Supplement claw back.
(File No. CSU-S04-000-2005)

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- 08-102 From the County of Elgin, acknowledging receipt of Council's resolution to petition the Ontario Government to stop the National Child Benefit Supplement claw back and informing Council that the resolution was adopted at the meeting of the Elgin County Council on January 25, 2005.
(File No. CSU-S04-000-2005)
- 08-103 From the County of Peterborough, acknowledging receipt of Council's resolution to petition the Ontario Government to stop the National Child Benefit Supplement claw back and informing Council that the resolution was adopted at the meeting of the Peterborough County Council on January 5, 2005.
(File No. CSU-S04-000-2005)
- 08-116 From the County of Simcoe, acknowledging receipt of Council's resolution to petition the Ontario Government to stop the National Child Benefit Supplement claw back.
(File No. CSU-S04-000-2005)
- 08-117 From the County of Essex, acknowledging receipt of Council's resolution to petition the Ontario Government to stop the National Child Benefit Supplement claw back.
(File No. CSU-S04-000-2005)
- 08-118 From the Country of Grey, acknowledging receipt of Council's resolution to petition the Ontario Government to stop the National Child Benefit Supplement claw back and informing Council that the resolution was adopted by the Grey County Council on February 1, 2005.
(File No. CSU-S04-000-2005)
- 08-120 From the Association of Municipalities of Ontario, acknowledging receipt of Council's resolution to petition the Ontario Government to stop the National Child Benefit Supplement claw back.
(File No. CSU-S04-000-2005)
- 08-121 From Dalton McGuinty, Premier of Ontario, acknowledging receipt of Council's resolution to petition the Ontario Government to stop the National Child Benefit Supplement claw back.
(File No. CSU-S04-000-2005)

COMMUNICATIONS

Referred to All Members of Council

- 08-98 From the Cataraqui Region Conservation Authority, providing Council with a draft 2005 budget, as well as Municipal Levy information as it relates to the budget and a summary of the proposed levy for the municipality.
(File No. CSU-F05-000-2005)
(Copied to all Members of Council on February 4, 2005)
- 08-104 From the Village of Casselman, requesting Council's support of a resolution to petition the Ontario government to adopt regulations to prohibit smoking in public and working places in all of Ontario.
(File No. CSU-C10-000-2005)
(Copied to all Members of Council on February 11, 2005)
- 08-105 From the Municipality of Brockton, requesting support of a resolution to the Association of Municipalities of Ontario to petition the provincial and federal governments to provide financial support to those red meat

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providers experiencing financial losses due to the Bovine Spongiform Encephalopathy crisis, establish red meat producer-owned packing facilities in Ontario, as well as close the Canadian border to imported red meat to coincide with the packing facilities coming into production.

(File No. CSU-C10-000-2005)

(Copied to all Members of Council on February 11, 2005)

- 08-106 From the Association of Municipalities of Ontario, requesting input on the Newspaper Stewards Special In-Kind Blue Box contribution.
(File No. CSU-A01-004-2005)
- 08-107 From the Association of Municipalities of Ontario, informing Council that Sandra Hames, Chair of the Association of Municipalities of Ontario' Barrier Free Access Working Group and member of the Association of Municipalities of Ontario, made a presentation to the Standing Committee on Social Policy on Bill 188, the *Accessibility for Ontarians with Disabilities Act (ODA)*.
(File No. CSU-A01-004-2005)
- 08-108 From the Association of Municipalities of Ontario, informing Council of an announcement from Federal Infrastructure & Communities Minister John Godfrey on a national allocation formula for federal gas tax revenues for municipal infrastructure.
(File No. CSU-A01-004-2005)
- 08-109 From the Kingston Military Family Resource Centre, requesting that Council proclaim February 7-13, 2005 as "Military Families Week" to honour the dedication, determination and resiliency of the families of Canadian Forces members.
(File No. CSU-M10-000-2005)
(See Miscellaneous Business Item No. 2)
- 08-110 From the Association of Municipalities of Ontario, informing Council of a letter received from the Management Board of Cabinet indicating that it has reconsidered its property tax pass-through policy for recreational uses on hydro corridor lands and that the property tax pass-through will be changed from 100% to 50%.
(File No. CSU-A01-004-2005)

COMMUNICATIONS

- 08-111 From the Association of Municipalities of Ontario, informing Council of an announcement by the Ministry of the Environment that all applicants who submit a Permit to Take Water will have to pay an administration fee, effective April 1, 2005.
(File No. CSU-A01-004-2005)
- 08-112 From the Association of Municipalities of Ontario, informing Council that the Ministry of the Environment has released a new kit for Regulated Non-Municipal Drinking Water System Owners, as well as new and updated fact sheets to help owners and operators understand their responsibilities under O. Reg. 170/03.
(File No. CSU-A01-004-2005)
- 08-113 From the Association of Municipalities of Ontario, informing Council that the Minister of Health & Long-Term Care has announced improvements to emergency-response capacity in Ontario and initiatives to strengthen public health.
(File No. CSU-A01-004-2005)

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- 08-114 From the Association of Municipalities of Ontario, announcing that the Association of Municipalities of Ontario has submitted its response to Bill 132, *Public Safety Related to Dogs Statute Law Amendment Act*, to the Standing Committee of the Legislative Assembly.
(File No. CSU-A01-004-2005)
- 08-115 From Lise Bourgeois, Director of Education and Secretary-Treasurer of the Conseil des Ecoles Catholiques de Langue Francaise du Centre-Est, announcing the nomination of André Ouellette as School Counsellor representing the Hastings, Prince Edward, Frontenac, Lennox & Addington district.
(File No. CSU-C12-000-2005)
- 08-119 From Delbert Shewfelt, Mayor of the Town of Goderich, inviting Council to attend the 52nd Organization of Small Urban Municipalities (OSUM) Conference & Trade Show in the Town of Goderich from May 4-7, 2005.
(File No. CSU-A04-000-2005)
(Copied to all Members of Council on February 11, 2005)
- 08-122 From the Association of Municipalities of Ontario, a survey on issues relating to municipal elections. The deadline for returning the survey is March 1, 2005.
(File No. CSU-A01-004-2005; CSU-C07-000-2005)
- 08-124 From the Town of Midland, requesting Council's support of a resolution to petition all Ontario municipalities that administer and enforce parking policies support a Veteran Recognition Program to exempt vehicles displaying an Ontario Veterans License Plate from certain enforceable regulations.
(File No. CSU-C10-000-2005)
(Copied to all Members of Council on February 11, 2005)
- 08-125 From Jamie Turcotte, requesting that Council proclaim the week of February 21, 27, 2005 as "Knights of Columbus Basketball League Week".
(File No. CSU-M10-000-2005)
(See Miscellaneous Business Item (5))

COMMUNICATIONS

Referred to the Chief Administrative Officer

- 08-123 From John Brannan, questioning the reason for holding the meetings of the Large Venue Entertainment Centre Steering Committee at 7:30 am.
(File No. CSU-M04-000-2005)
(Copied to all Members of Council on February 11, 2005)

Referred to the Commissioner of Corporate Services

- 08-100 From Stephen Knechtel, General Manager/Secretary-Treasurer for the Cataraqui Region Conservation Authority, requesting payment of the first instalment of the 2005 levy.
(File No. CSU-F05-000-2005)

Referred to the Municipal Accessibility Advisory Committee and the Community Services Committee

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- 08-99 From Denis Kelly, Clerk for the Regional Municipality of York, requesting Council's endorsement of a report regarding the proposed Accessibility for Ontarians with Disabilities Act, 2004 and that the endorsement be forwarded to the Minister of Citizenship & Immigration for consideration.
(File No. CSU-A16-000-2005)
(Copied to all Members of Council on February 11, 2005)

BY-LAWS

Council consented to the addition of By-Law No. (10).

- (A) Moved by Councillor Sutherland
Seconded by Councillor Smith

THAT By-Laws (1) through (6) and (10) be given their first and second reading.

CARRIED

- (B) Moved by Councillor Pater
Seconded by Councillor Meers

THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (2) to (3) and (10) three readings.

CARRIED

- (C) Moved by Councillor Garrison
Seconded by Councillor Downes

THAT By-Laws (2), (3) and (6) through (10) be given their third reading.

CARRIED

- (1) A By-Law To Establish Part 9 On Reference Plan 13R-13939 As Part Of The Public Highway Known As Middle Road, In The City Of Kingston, In Accordance With Section 31 Of The *Municipal Act, Chapter 25, SO 2001*.
FIRST AND SECOND READING PROPOSED NO. 2005-35
(Clause (g), Report No. 27)

BY-LAWS

- (2) A By-Law To Provide For The Temporary Closure Of King Street Between Clarence Street And Brock Street On Friday, February 18, 2005 From 4:00 PM To 8:00 PM (Community Purposes – Market Square Feb Fest).
THREE READINGS PROPOSED NO. 2005-36
(Clause (h), Report No. 27)

- (3) A By-Law To Provide For The Temporary Closure Of Brock Street Between King Street And Ontario Street On Saturday, February 19, 2005 From 7:00 AM To 12:00 AM (Community Purposes – Market Square Feb Fest).
THREE READINGS PROPOSED NO. 2005-37
(Clause (h), Report No. 27)

- (4) A By-Law To Approve The Engineer's Report By Robinson Consultants Inc. To Revise Levy Assessments For The Main Branch Of The Central Pittsburgh Drainage Scheme.
FIRST AND SECOND READING PROPOSED NO. 2005-38

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(Clause (1), Report No. 29)

- (5) A By-Law To Amend By-Law No. 4489 "A By-Law To Regulate, Supervise And Govern The Parking Of Vehicles On Parking Lots And To Fix The Rates And Charges For Parking On Such Parking Lots" (Amend Schedule "A"; Rates And Times Of Required Payments; Convert Upper Robert Bruce Parking Lot To Pay And Display Operation).
FIRST AND SECOND READING PROPOSED NO. 2005-39
(Clause (2), Report No. 33)
- (6) A By-Law To Designate Brownfields Project Areas 1A & 1B As Community Improvement Project Areas.
THREE READINGS PROPOSED NO. 2005-40
(Clause (1), Report No. 28)
- (7) A By-Law To Adopt The Community Improvement Plan For Brownfields Project Areas 1A & 1B.
THREE READINGS PROPOSED NO. 2005-41
(Clause (1), Report No. 28)
- (8) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, February 15, 2005.
THREE READINGS PROPOSED NO. 2005-42
(City Council Meeting No. 08-2005)
- (9) A By-Law To Amend By-Law No. 2004-360 "A By-Law To Define The Composition And Terms Of Reference For Committees Established By The Corporation Of The City Of Kingston" (Schedule A-1; Amend Mandates For "Finance" And "Council Support").
THIRD READING PROPOSED NO. 2005-32
(Clause (1), Report No. 24)

BY-LAWS

- (10) A By-Law To Amend By-Law No. 76-26, Former Kingston Township Zoning By-Law, To Remove The "-H" Holding Symbol Related To The "C2-H" Zone (Kingston KIA Dealership, In The Former Township Of Kingston).
THREE READINGS PROPOSED NO. 2005-43
(Clause (i), Report No. 27)

ADJOURNMENT

Moved by Deputy Mayor Foster
Seconded by Councillor Downes

THAT Council do now adjourn.

CARRIED

Council adjourned at 9:37 pm.

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(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor