

CITY COUNCIL MEETING NO. 09-2005

The Regular Meeting of City Council was held on Tuesday, March 1, 2005 at 5:45 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 5:45 pm to 7:40 pm and from 9:49 pm to 10:45 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, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (13)

(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/Manager, Finance
Mr. H. Linscott, Director, Legal Services
Mr. M. Segsworth, Commissioner, Operations

COMMITTEE OF THE WHOLE "IN CAMERA"

- (1) Moved by Councillor Beavis
Seconded by Deputy Mayor Foster

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

- (a) Personnel Matter
(b) Property Matters

CARRIED

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

- (2) Moved by Councillor Sutherland
Seconded by Councillor Stoparczyk

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

CARRIED

(Council Chambers)

Administrative Staff Present:

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Mr. D. Leger, Acting Chief Administrative Officer
Ms. C. Beach, Commissioner, Planning & Development Services
Mr. B. Bishop, Director, Human Resources
Mr. D. Gedge, Director, Large Venue Entertainment Centre Project
Mr. J. Giles, Manager, Solid Waste
Mr. G. Hunt, Acting Commissioner, Corporate Services/Manager, Finance
Ms. K. Killeen, Supervisor, Performing Arts & Audience Development/General Manager of the Grand Theatre
Mr. H. Linscott, Director, Legal Services
Ms. A. Pappert, Manager, Cultural Services Division
Mr. M. Richardson, Capital & Grants Projects Coordinator, Cultural Services
Mr. M. Segsworth, Commissioner, Operations
Ms. N. Sullivan, Deputy City Clerk
Mr. L. Thurston, Commissioner, Community Services
Ms. M. Venditti, Supervisor, Development Approvals, Planning

DISCLOSURE OF PECUNIARY INTEREST

- (1) Councillor B. George declared a pecuniary interest in the matter of Clauses (a) and (e) of Report No. 35 of the Chief Administrative Officer (Consent) and Clause (2) of Report No. 36 of the Chief Administrative Officer (Recommend) as his employer has a pecuniary interest in these matters.
- (2) Councillor K. George declared a pecuniary interest in the matter of Clause (e) of Report No. 35 of the Chief Administrative Officer (Consent) as his employer has been retained to provide services for the applicant.
- (3) Councillor Pater declared a pecuniary interest in the matter of Clause (2) of Report No. 36 of the Chief Administrative Officer (Recommend) as her husband is an employee at Queen's University.

PRESENTATIONS

- (1) Mayor Rosen presented certificates of appreciation to City employees Cliff Bridgen and Jason Conboy, Solid Waste Division, for the excellent citizenship they displayed on Tuesday, February 22, 2005, by removing a car from the path of an oncoming train.
(File No. CSU-C13-000-2005)
(See Motion of Congratulations No. 1)

DELEGATIONS

Moved by Councillor Garrison

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Seconded by Councillor Pater

THAT the rules of By-Law No. 98-1 "Council Procedure By-Law" be waived to allow Delegation No. (1) to speak this evening.
CARRIED

- (1) Jacqueline Neilson spoke to Council concerning organizing a fundraising concert for tsunami relief to be held on May 1, 2005 at the Grand Theatre and requested a waiver of rental fees for the use of the Grand Theatre.
(File No. CSU-C13-000-2005)
(See Clause (1), Report No. 37)

Moved by Deputy Mayor Foster
Seconded by Councillor Garrison

THAT the rules of By-Law No. 98-1 "Council Procedure By-Law" be waived to allow Delegation No. (2) to speak this evening.
CARRIED

- (2) Cormac Evans and Kathy Maher of the Renaissance Network spoke to Council concerning the proposed Large Venue Entertainment Centre and the Stakeholders Advisory Group.
(File No. CSU-C13-000-2005)
(See Clause (1), Report No. 39)

STAFF BRIEFINGS

PETITIONS

- (1) A petition from Jean Lamb, bearing approximately 27 signatures, was received by Council and reads as follows:

Please find attached a petition from the residents of 2 Mowat Avenue, Kingston, Ontario.

These residents wish to register with City Council their opposition to the LVEC plan at Anglin Bay and endorse the idea of restoring the Memorial Centre to continue to serve our community in the many ways that it has over the years. We expect City Council to proceed on our behalf and on behalf of the citizens of Kingston in the most community-considerate and cost-efficient manner possible.

(File No. CSU-C14-000-2005)

REFERRED TO THE LARGE VENUE ENTERTAINMENT CENTRE STEERING COMMITTEE

PETITIONS

- (2) A petition, bearing approximately 15 signatures, was presented by Councillor Patterson and reads as follows:

The undersigned strongly disagree with the use of the inner harbour site as the right place for the Large Venue Entertainment Centre because of the many disadvantages, especially traffic, parking, utilizing waterfront property for general public use. Surely some other site such as the Memorial Centre would be an improvement.

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(File No. CSU-C14-000-2005)

REFERRED TO THE LARGE VENUE ENTERTAINMENT CENTRE STEERING COMMITTEE

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

(1) **Motion of Congratulations**

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

THAT Kingston City Council extends its appreciation to City employees Cliff Bridgen and Jason Conboy, Solid Waste Division, for the excellent citizenship they displayed on Tuesday, February 22, 2005, by removing a car from the path of an oncoming train. These two gentlemen went above and beyond the call of duty and we are very proud to have them represent the City of Kingston.

(File No. CSU-M11-000-2005)

(See Presentation No. 1)

- (b) Moved by Councillor Beavis
Seconded by Councillor Stoparczyk

THAT Kingston City Council extends its congratulations to Councillor George Sutherland on the occasion of his 50th birthday.

CARRIED

(2) **Motion of Condolence**

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

THAT the condolences of Kingston City Council be extended to the family of the late Fred McConnell, FHG #428, former commander of the Fort Henry Guard.

- (b) Moved by Deputy Mayor Foster
Seconded by Councillor Sutherland

THAT the heartfelt condolences of Kingston City Council be extended to the family and friends of the late Patricia Beharriell, long-time Board Member of the Domino Theatre and patron of the arts.

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

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

THAT the condolences of Kingston City Council be extended to the family of the late Arthur (Bud) Barry, long-time resident of the City of Kingston.

(File No. CSU-M11-000-2005)

CARRIED

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REPORTS

Report No. 34 of the Committee of the Whole "In Camera"

Moved by Councillor Smith

Seconded by Councillor Patterson

THAT Report No. 34 of the Committee of the Whole "In Camera" be received and adopted.

Report No. 34

To the Mayor & Members of Council:

The Committee of the Whole "In-Camera" reports and recommends:

- (1) **THAT** Council authorize the Mayor and Clerk to execute an Agreement of Purchase and Sale, satisfactory to Legal Services, on behalf of The Corporation of the City of Kingston under corporate seal with 1444405 Ontario Incorporated for the purchase of a parcel of land required for the Counter Street-Elliott Avenue Extension project at a purchase price of \$3,400.00 plus GST.
(File No. CSU-L18-000-2005; CSU-L04-000-2005)

CARRIED

REPORTS

Report No. 35 of the Chief Administrative Officer (Consent)

Council consented to the separation of Clauses (a), (b), (d), (e) and (j).

Moved by Councillor Pater

Seconded by Councillor Meers

THAT Report No. 35 of the Chief Administrative Officer be received and adopted.

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Report No. 35

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:

Councillor B. George withdrew from the meeting.

- (a) **THAT** a by-law be presented to amend By-Law No. 24 "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act" to change the existing parking restrictions on Roosevelt Drive across from James R. Henderson Public School.

By-Law No. 24, Section 30 – No Stopping Any Time

Add:

Roosevelt Drive – East Side from Henderson Boulevard to Brentwood Crescent

Between the hours of 8:00 am – 4:00 pm – School Days Only

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

(See By-Law No. (1), 2005-44)

CARRIED

Councillor B. George returned to the meeting.

REPORTS

Report No. 35 of the Chief Administrative Officer (Consent)

- (b) **THAT** a by-law be presented for **three readings** to provide for the temporary closure of Market Street from Ontario Street to mid-block, from 7:00 am on Thursday, March 17, 2005 to 2:00 am on Friday, March 18, 2005 inclusive, for community purposes (**St. Patrick's Day celebrations**), subject to the following conditions:
- That the applicant shall pay for the cost of advertising the temporary street closure as invoiced by the Council Support Division.

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- 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.
 - That the applicant agrees to take out sufficient public liability property damage insurance in the amount of \$2,000,000.00 to cover all risks. The policy shall be in a form and in an amount satisfactory to the City of Kingston and shall be kept in full force during the period of the proposed street closure. The City of Kingston shall be named as a party insured on the policy and the applicant shall provide the City of Kingston with a copy of the insurance policy.
- (File No. CSU-T08-000-2005)
(See By-Law No. (2), 2005-45)

CARRIED

- (c) THAT a by-law be presented to amend By-Law No. 2003-209 "A By-Law To Regulate Traffic" to reduce the speed limit on Sydenham Road from Highway No. 401 north to Mildred Street

Add to Schedule A-3 – Highways with a Limit of 60 Kilometres per Hour

A-5 – Highways with a Limit of 60 Kilometres per Hour

<u>Highway</u>	<u>From</u>	<u>To</u>
Sydenham Road	Princess Street	Mildred Street

Delete from Schedule A-3 – Highways with a Limit of 60 Kilometres per Hour

A-5 – Highways with a Limit of 60 Kilometres per Hour

<u>Highway</u>	<u>From</u>	<u>To</u>
Sydenham Road	Princess Street	Highway No. 401

(File No. CSU-T08-000-2005)
(See By-Law No. (3), 2005-46)

REPORTS

Report No. 35 of the Chief Administrative Officer (Consent)

- (d) THAT Council authorize the Manager of the Engineering Division to issue the Preliminary Certificate of Approval of the Works accepting the public works in the following subdivisions or phases as listed:

<u>Subdivision Name</u>	<u>Registered Plan No.</u>	<u>Name of Owner</u>	<u>Date of Agreement</u>	<u>Instrument No.</u>
Bayridge 20 Phases 1 & 2	13M-15	Bayhill Development Ltd.	July 13, 1999	LT016429

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Arbour Ridge Phase 2C-1	13M-23	Brothlin Enterprises Ltd.	May 23, 2000	LT024503
Greenwood Park Phase 4	13M-25	Greenwood Park Ltd. Partnership #1	June 16, 2000	LT025236
Cataraqui Woods Phase 8A	13M-32	1213522 Ontario Inc.	September 10, 2001	LT039077

–and further–

THAT the City of Kingston assume, by by-law, the public highways or parts thereof within the said plan limits under the provisions of Section 31(4) of the Municipal Act, Chapter 25, SO 2001.

–and further–

THAT Council waive the requirements of By-Law No. 98-1 "Council Procedural By-Law" to enable the by-laws to receive **three readings**.

(File No. CSU-T04-000-2005; CSU-D11-000-2005)

(See **By-Law No. (4), 2005-47; By-Law No. (5), 2005-48; By-Law No. (6), 2005-49; By-Law No. (7), 2005-50**)

CARRIED

Councillors K. George and B. George withdrew from the meeting.

- (e) **WHEREAS** Jovinton Developments. Ltd. has submitted an application requesting that the "-H" Holding Symbol be lifted from Phase 2, Stage 1 of the "Midland Park" Subdivision (Lots 1 – 16 inclusive; Lots 26 – 53 inclusive; and Blocks 54, 56 and 57, 13M-57), located on the west side of Birchwood Avenue north of the Hydro One Corridor in Kingston West, 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 executed, and;

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

- all necessary Agency clearance letters have been submitted to the Municipality
- confirmation of adequate sewage capacity to service the proposed Subdivision has been received from Utilities Kingston
- all Municipal requirements are contained within the Subdivision Agreement and are shown on the approved engineering plans
- the Subdivision Agreement has been executed by the Owner and returned to the Municipality for registration together with the required final plans and financial security

REPORTS

Report No. 35 of the Chief Administrative Officer (Consent)

- 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 Map No. 3 to Schedule "A" of 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 described as Part of Lots 8 & 9, Concession 3, located on the west side of Birchwood Drive, north of the Hydro One Corridor, so as to rezone the subject lands from a Holding Special Residential Type 2 "R2-28-H" Zone to a Special Residential Type 2 "R2-28" Zone;

–and further–

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

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

(See By-Law No. (8), 2005-51)

CARRIED

Councillors K. George and B. George returned to the meeting.

- (f) **THAT** a by-law be presented 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 Local Board" to appoint David Skurdelis for the purpose of issuing parking violation tickets and to enforce the provisions of By-Law No. 99-166 on the property owned by the Soporific Investments Inc. at 283 Brock Street, subject to the applicant entering into an agreement in a form satisfactory to the City Solicitor to indemnify and save harmless the City from all claims and actions that might arise, and subject further to providing proof of sufficient insurance in a form satisfactory to the City Solicitor, and;

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

(File No. CSU-P01-003-2005)

(See By-Law No. (9), 2005-52)

- (g) **THAT** Council enter into an Easement Agreement with Hydro One, in a form satisfactory to the City Solicitor and the Manager of Engineering Division, for the purpose of placing and maintaining guy wires for one hydro pole on the south east corner of Gardiners Road and Centennial Drive.

–and further–

THAT Hydro One offer the City the sum of Three Hundred (\$300.00) Dollars for the consideration of the property owner for the privilege of securing the easement.

(File No. CSU-D15-000-2005)

REPORTS

Report No. 35 of the Chief Administrative Officer (Consent)

- (h) **WHEREAS** the Department of National Defence/Canadian Forces, School of Communications and Electronics, requests permission to use city-owned industrial lands to facilitate peacekeeping training missions for a period of approximately twelve hours during one week in March 2005 and one week in May 2005,

THEREFORE BE IT RESOLVED THAT Council hereby authorize the Manager of Engineering to sign Private Property Right of Use forms with "Her Majesty the Queen in Right of Canada, as represented by the Department of National Defence, as the School of Communications and Electronics Department, Canadian Forces", in a form satisfactory to the City Solicitor.

(File No. CSU-L15-000-2005; CSU-L04-000-2005)

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- (i) **WHEREAS**, in May, 2001, City Council resolved that all funds accumulated through the National Child Benefit Reinvestment Fund, beginning in 2001, should be used to support the Kingston Entitlement Access Program (KEAP), and;

WHEREAS the North Kingston Community Health Centre continues to provide excellent administration of this program;

THEREFORE BE IT RESOLVED THAT a Purchase of Service Agreement be established with North Kingston Community Health Centre for the period of April 2005 – March 31, 2006, in a manner acceptable to our Legal Services Division;

–and further–

THAT North Kingston continues to provide the City with detailed operational and financial information on a monthly basis;

–and further–

THAT the Kingston Entitlement Access Program (KEAP) Advisory Committee continue to meet at least quarterly to monitor the program and make recommendations to Council when appropriate.

(File No. CSU-S04-000-2005)

- (j) **THAT** the City approve the postponement of two Loan Agreements (Beare Weatherup and Susan Shaw – 225 King Street East and 20-30 William Street, Kingston), in a form satisfactory to the City Solicitor, and that the Mayor and City Clerk be authorized to sign the postponement documents.

(File No. CSU-F11-000-2005; CSU-L04-000-2005)

CARRIED

CARRIED

REPORTS

Report No. 36 of the Chief Administrative Officer (Recommend)

Moved by Councillor K. George

Seconded by Councillor B. George

THAT Report No. 36 of the Chief Administrative Officer be received and adopted, clause by clause.

Report No. 36

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

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Ann Pappert, Manager of the Cultural Services Division, Lucas Smith, Project Manager with MHPM Project Managers Inc., Antra Roze, Diamond & Schmitt Architects Inc., and Gerry Shoalts, Shoalts & Zaback Architects Ltd., presented the Expanded Theatre Option for the restoration of the Grand Theatre (Report No. 05-082).

- (1) **WHEREAS** Council has approved the restoration of the Grand Theatre as one of its top seven capital projects for 2005/06, and;

WHEREAS it is desirable to expand the scope of the restoration project to provide the functional space necessary for the Grand Theatre to be operated more effectively and efficiently;

THEREFORE IT BE RESOLVED THAT Council approve the "Expanded Theatre Option" scope of work with a project budget of \$9.0 million;

–and further–

THAT Council approve a capital budget amendment for this project in the amount of \$2.5 million in debenture financing to be recovered as follows:

- a) Additional community fund raising in the amount of \$750,000.00 over a period of five years beginning in 2007.
- b) Contributions from the Municipal Capital Reserve Fund in the amount \$750,000.00, requiring an additional annual transfer to the Grand Theatre Reserve Fund of \$65,000.00 for principal and interest beginning in 2006 for 20 years.
- c) Patron tickets surcharge revenues in the amount of \$1,000,000.00 principal plus interest over 30 years.

–and further–

THAT Council authorize the Mayor and City Clerk to execute amendments to existing service contracts and fundraising agreements related to this capital project as necessary and to the satisfaction of the City Solicitor;

–and further–

THAT Council direct staff to proceed with all phases of the "Expanded Theatre Option" for design, tendering, construction and anticipated commissioning before the end of 2006.

(File No. CSU-R05-000-2005; CSU-R01-000-2005)

CARRIED AS AMENDED
(See Motion to AMEND which was CARRIED)

Moved by Councillor Sutherland

Seconded by Councillor Beavis

THAT Clause 1(c) of Report No. 36 be amended to add "plus interest", so that the clause reads as follows:

- c) *Patron tickets surcharge revenues in the amount of \$1,000,000.00 principal plus interest over 30 years.*

CARRIED

REPORTS

Report No. 36 of the Chief Administrative Officer (Recommend)

Council consented to separate the clause.

Mark Segsworth, Commissioner of Operations, Kim Donovan, Chair of the Market Square Campaign Cabinet, George Hood, Vice-Principle of Advancement, Queen's University, and Dan Corcoran, President of the Kingston Construction Association, presented the Market Square Revitalization Project (Report No. 05-085).

- (2) **THAT** Council approve a Capital Budget amendment for the Market Square Revitalization Project in the amount of \$1.9 million for a total project cost of \$5.4 million, with the additional financing proposed at this time to be realized from fundraising efforts;

CARRIED

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(Councillor Garrison OPPOSED)

–and further–

Councillors B. George and Pater withdrew from the meeting.

THAT Council approve the continuance of Queen's Advancement External Services as the community fund raising counsel for the Market Square Revitalization Project;

–and further–

THAT the Queen's Advancement External Services enter into an agreement, in a form satisfactory to the Director of Legal Services.

(File No. CSU-R01-000-2005)

CARRIED

Councillors B. George and Pater returned to the meeting.

REPORTS

Report No. 37 of the Community Services Committee

Moved by Councillor Pater

Seconded by Councillor Downes

THAT Report No. 37 of the Community Services Committee be received and adopted.

Report No. 37

To the Mayor and Members of Council:

The Community Services Committee reports and recommends as follows:

All items listed on the Report of the Community Services Committee shall be the subject of one motion. Any member may ask for any item(s) included in the Report of the Community Services Committee to be separated from that motion, whereupon the

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Report of the Community Services Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

January 24, 2005

1. **WHEREAS** a request to waive rental fees at the Grand Theatre for a tsunami relief concert on May 1, 2005 has been received, and;

WHEREAS the concert, which is being organized to provide funds to an appropriate relief agency, has been considered by the Committee;

THEREFORE BE IT RECOMMENDED THAT no action be taken on the recommendation that the equivalent of the cost of the fees be obtained from the Healthy Community Fund, specifying that this request is a one-time event that recognizes the uniqueness of the tsunami.

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

(See Delegation No. 1)

CARRIED (9:4)
(See Recorded Vote)

A Recorded Vote was requested by Councillor Downes.

YEAS: Mayor Rosen, Councillor Beavis, Councillor Garrison, Councillor K. George, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (9)

NAYS: Councillor Downes, Deputy Mayor Foster, Councillor B. George, Councillor Meers (4)

REPORTS

Report No. 38 of the Planning Committee

Moved by Councillor K. George

Seconded by Councillor Patterson

THAT Report No. 38 of the Planning Committee be received and adopted.

Report No. 38

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

All items listed on the Report of the Community Services Committee shall be the subject of one motion. Any member may ask for any item(s) included in the Report of the Community Services Committee to be separated from that motion, whereupon the

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Report of the Community Services Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

February 17, 2005

1. **WHEREAS** an application has been submitted by Tamarack Waterloo Corporation with respect to lands located on the south side of Taylor Kidd Boulevard, east of Gardiners Road, and located in Parts of Lots 12, 13 and 14, Concession 2, Kingston West, requesting amendments to the existing zoning in order to amend the minimum side yard requirements, increase the maximum permitted lot coverage and amend the requirements for site triangles, and;

WHEREAS statutory Public Hearings for prior applications for Official Plan and Zoning By-Law Amendments were held on April 8, 2004, and July 8, 2004 and no concerns were identified regarding the proposed residential lots;

THEREFORE BE IT RESOLVED THAT the application for Zoning By-Law Amendment (Planning File D14-037-2004) submitted by Tamarack Waterloo Corporation with respect to Parts of Lots 12, 13 and 14, Concession 2, Kingston West, **BE APPROVED**;

–and further–

BE IT RESOLVED THAT Zoning By-Law No. 76-26 of the former Township of Kingston, as amended, be further amended as follows:

- (1) Amend Zoning Map 5, Schedule "A" of By-Law No. 76-26, as amended, further by changing to "R2-27-H" Modified Residential Type 2 Holding Zone the lands located on the east and west sides of Centennial Drive, south of Taylor-Kidd Boulevard, and shown as "Zone Change from R2-26-H & R4-25-H to R2-27-H" on Schedule "A" attached to the agenda.
- (2) Amend Zoning Map 5, Schedule "A" of By-Law No. 76-26, as amended, further by changing to "R2-29-H" Modified Residential Type 2 Holding Zone the lands located on the west side of Centennial Drive, south of Taylor-Kidd Boulevard, and shown as "Zone Change from R4-25-H to R2-29-H" on Schedule "A" attached to the agenda.
- (3) Amend Zoning Map 5, Schedule "A" of By-Law No. 76-26, as amended, further by changing to "R2-30-H" Modified Residential Type 2 Holding Zone the lands located on the east and west sides of Centennial Drive, south of Taylor-Kidd Boulevard, and shown as "Zone Change from R2-26-H to R2-30-H" on Schedule "A" attached to the agenda.

REPORTS

Report No. 38 of the Planning Committee

- (4) Add the following new subsection 13(3)(aa) immediately after Section 13(3)(z):

"(aa) R2-27-H

Notwithstanding the provisions of Section 13 to the contrary, the lands designated "R2-27" on Map 5 of Schedule "A" attached to the agenda may be used in accordance with the following special provisions:

(a) **Residential Uses:**

Single Detached Dwelling House
Semi Detached Dwelling House
Row Dwelling House

(b) **Lot Area (Minimum):**

Single Detached Dwelling House	278 square metres
Semi Detached Dwelling House	557 square metres

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Row Dwelling House 210 square metres

(c) **Lot Frontage (Minimum):**

	<u>Corner Lot</u>	<u>Other Lot</u>
Single Detached Dwelling House	4.0 m	9.0 m
Semi Detached Dwelling House	24.0 m	18.0 m
Row Dwelling House	9.1 m	6.1 m

(d) **Front Yard (Minimum)** 6.0 metres

(e) **Exterior Side Yard (Minimum)** 3.0 metres

(f) **Interior Side Yard (Minimum)**

Single Family Dwelling House 1.2 m on one side and 0.6 m on the other
The 0.6m side yard shall be required to abut a 1.2 m side yard on an adjacent property

Semi Detached Dwelling House 1.2 metres

Row Dwelling House 1.2 metres

(g) **Rear Yard (Minimum)** 6.0 metres

(h) **Dwelling Unit Area (Minimum)** 80 square metres

(i) **Lot Coverage (Maximum)** 50 %

(j) **Driveways**

Maximum driveway width shall be 6.0 metres or 60% of lot frontage, whichever is less.

The minimum width of a parking space shall be 2.5 metres and the minimum length of a parking space shall be 6.0 metres.

REPORTS

Report No. 38 of the Planning Committee

(k) **Setback from Centre Line of Road**

Any building or structure shall be setback the minimum front yard depth or exterior side yard depth required for such use plus 9 metres to the centre line of the road.

(l) **Sight Triangles**

Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot

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line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines."

- (5) Add the following new subsection 13(3)(cc) immediately after Section 13(3)(bb):

"(cc) **R2-29-H**

Notwithstanding the provisions of Section 5(16)(d)(iv) and Section 13 to the contrary, the lands designated "R2-29" on Map 5 of Schedule "A" attached to the agenda may be used in accordance with the uses and provisions of the "R2-27" Zone with the following special provisions:

- (a) A maximum width of 2.5metres of the driveway shall be permitted to be located within the sight triangle. There shall be no parking permitted within the required sight triangle at any time.
- (b) Any dwelling constructed on this property shall be required to be set back an additional 2.25 metres from the front lot line to provide parking on the lot in accordance with the provisions of the By-Law and outside of the sight triangle.
- (c) **Exterior Side Yard (Minimum)** 4.5 metres"

- (6) Add the following new subsection 13(3)(dd) immediately after Section 13(3)(cc):

"(dd) **R2-30-H**

Notwithstanding the provisions of Section 13 to the contrary, the lands designated "R2-30" on Map 5 of Schedule "A" hereto may be used in accordance with the uses and provisions of the "R2-27" Zone with the following special provisions:

- (a) **Exterior Side Yard (Minimum)** 4.5 metres."
-and further-

BE IT RESOLVED THAT the amending by-law be presented for **three readings**.
(See By-Law No. (11), 2005-54)

CARRIED

REPORTS

Report No. 38 of the Planning Committee

2. **WHEREAS** an application has been submitted by Josselyn Engineering Inc., on behalf of 952358 Ontario Inc., with respect to the property located at 566 & 578 Cataraqui Woods Drive, Part of Lot 11, Concession 3 and being Part 2 of Reference Plan 13R-8413 in Kingston West, requesting to amend the zoning of the subject lands from Restricted General Industrial "M6" Zone to a Special Restricted General Industrial "M6-18" Zone, to permit automotive repair and transportation depot uses in addition to the existing permitted uses, and;

WHEREAS a Public Meeting was held with respect to this matter on January 20, 2005;

THEREFORE BE IT RESOLVED THAT the Application for Zoning By-Law Amendment (Our File No. D14-036-2004) submitted by Josselyn Engineering Inc., on behalf of 952358 Ontario Inc. for the property located at 566 & 578 Cataraqui Woods Drive, **BE APPROVED**;

-and further-

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

- (1) Amend Map 3 of Schedule "A" to Zoning By-Law No. 76-26 of the former Kingston Township so as to rezone the area of the subject land (approximately 1.34 hectares) identified as Part of Lot 11, Concession 3 and being

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Part 2 of Reference Plan 13R-8413 in Kingston West and municipally known as 566 & 578 Cataraqui Woods Drive from the existing Restricted General Industrial "M6" Zone to a Special General Industrial "M6-18" Zone, as shown on Schedule "A" attached to the agenda.

- (2) Amend the by-law by adding a new subsection 28A(3)(r) immediately after Section 28A(3)(q):
28A(3)(r) 566 & 578 Cataraqui Woods Drive

Notwithstanding the provisions of Section 28(1) to the contrary, the lands designated "M6-18" on Map 3 of Schedule "A" attached to the agenda shall only be used in accordance with the following special provisions:

- (i) In addition to the uses permitted by Section 28(1) of this by-law, the following uses shall also be permitted:
- transportation depot; and
 - vehicle and automotive repair.
- (ii) Prohibited Uses:
- retail sale of automotive parts, fluids and accessories.
- (iii) For the purposes of this Section only, the following definition shall apply:
- vehicle and automotive repair establishment: shall mean minor repairs, incidental replacement of parts and motor service to vehicles, automobiles and trucks.
- (iv) Notwithstanding any provisions of this By-law to the contrary, the vehicle and automotive repair use shall be restricted to 25% of the gross floor area permitted on the subject site.
–and further–

BE IT RESOLVED THAT the amending by-law be presented for **three readings**.
(See By-Law No. (12), 2005-55)

CARRIED

REPORTS

Report No. 38 of the Planning Committee

3. **WHEREAS** applications for Official Plan and Zoning By-law Amendments have been submitted by The Elizabeth Fry Society of Kingston to permit the construction of a 6 unit residential apartment and an approximately 250 square metre office on a 1255 square metre (0.31 acre) site located at 39 Russell Street, in Kingston Central, and;

WHEREAS a Public Meeting was held on October 21, 2004 with respect to this matter;

THEREFORE BE IT RESOLVED THAT the applications for Official Plan and Zoning By-Law Amendments (File Numbers D09-013-2004 and D14-030-2004) submitted by The Elizabeth Fry Society of Kingston, for property located at 39 Russell Street, in Kingston Central, **BE APPROVED**;

–and further–

BE IT RESOLVED THAT the Official Plan for the City of Kingston Planning Area be amended as follows:

- (1) **Map Changes:**

Amend Schedule "C" (Site And Area Specific Policies) to the Official Plan for the City of Kingston Planning Area by adding a new Site Specific Policy Area No. 30 for the property located at 39 Russell Street and shown as "Official Plan Amendment Change to Schedule "C" – Add New Site Specific Policy Area No. 30 – 39 Russell Street" as shown on Schedule "A" attached to the agenda.

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(2) **Text Changes:**

Amend the Official Plan for the City of Kingston Planning Area, as amended, further adding the following clause as Section 4.8 (q), immediately after Section 4.8 (p):

"(q) 39 RUSSELL STREET

It is recognized that the 1255 square metre parcel of land shown on Schedule "C" as Site Specific Policy Area 30 is located within a Residential designation. The site is also within an area of transition between industrial uses to the east and residential uses to the west.

Therefore, it is also appropriate to permit limited office use to be developed at this site in conjunction with the residential use. It shall be the policy of Council to permit an office, in addition to the residential uses permitted within the Residential designation.

This property shall be subject to the following site specific policies, in addition to any other relevant policies of this Plan:

- (i) An office use not exceeding 250 square metres in gross floor area shall be a permitted use.
- (ii) Development shall maintain compatibility with the surrounding residential uses.
- (iii) Development shall have regard for the existing industrial uses in the area and seek to minimize nuisances.
- (iv) Lands within Site Specific Policy Area No. 30 shall be subject to Site Plan Control.
- (v) Lands within Site Specific Policy Area No. 30 may be zoned in a Holding Provision category in accordance with the provisions of the Planning Act.
-and further-

BE IT RESOLVED THAT Zoning By-law No. 8499 of the former City of Kingston, be amended as follows:

- (1) Amend Zoning Schedule "A", Map 17 of Zoning By-law No. 8499, as amended, further by changing the zone symbol to "B.351-H" of the lands shown as "Subject Lands Rezoned from M6 to B.351-H" on Schedule "A" attached to the agenda.

REPORTS

Report No. 38 of the Planning Committee

- (2) Add the following Section 351 to Part VIII – Exceptions to Various Zone Classifications – immediately after Section 350:

"351. On the approximately 1255 square metre parcel of land located at 39 Russell Street, being Concession WGCR Part Farm Lot 1; RP 13R12917, Parts 1 and 2, between Division Street and Montreal Street and zoned as 'B.351-H' on Zoning Map No. 17, the following regulations shall apply:

- (a) Purpose and Requirement for Removal of Holding Symbol:
The use and removal of the "-H" Holding Symbol shall be in accordance with the provisions of Section 5.39 of this By-Law.

To ensure the proper redevelopment of the lands, given the findings of the Environmental Site Assessment and Soils Investigations, development will not proceed until the following have been completed:

- That an acceptable Remediation Plan is provided and carried out to the Municipality's satisfaction

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- That a Record of Site Condition (RSC) is filed with the Ministry of the Environment or that the City has declared that a RSC is not required
- A Site Plan Control Agreement is executed by the Owner, which Agreement shall incorporate the recommendations for site remediation and all other applicable municipal conditions.

(b) Permitted Interim Uses:

In accordance with Section 5.39 (i) of this by-law.

(c) Zone Regulations When "-H" Symbol Removed:

Notwithstanding any provisions of the by-law to the contrary, the provisions of Section 13 for the "B" three and six family Dwelling Zone shall apply to the "B.351" Zone except that:

- (i) Notwithstanding the provisions of Section 13.2, the following additional uses shall be permitted:
 - an office, not exceeding 250 square metres in gross floor area.
- (ii) The minimum rear yard shall be 4.0 metres.
- (iii) Notwithstanding Section 5.3 of this by-law, the minimum number of off-street parking spaces to be provided on site shall be 8.
- (iv) Notwithstanding Section 5.3 of this by-law, parking facilities may be located in front of the midway point between the front and rear walls of the main building.
- (v) Development on the site shall be subject to Site Plan Control."

–and further–

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

(See By-Law No. (13), 2005-56; By-Law No. (14), 2005-57)

CARRIED

REPORTS

Report No. 39 of the Large Venue Entertainment Centre Steering Committee

Moved by Councillor Smith

Seconded by Councillor Beavis

THAT Report No. 39 of the Large Venue Entertainment Centre Steering Committee be received and adopted.

Report No. 39

To the Mayor and Members of Council:

The Large Venue Entertainment Centre Steering Committee reports and recommends as follows:

February 22, 2005

1. **THAT** the list of user groups for the Large Venue Entertainment Centre Stakeholders Advisory Group appointed by staff be further amended to include one member of the Marine/Yachting Group;
–and further–

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THAT Councillor Ed Smith and Mac Gervan, members of the Large Venue Entertainment Centre Steering Committee be appointed as Co-Chairs to the Large Venue Entertainment Centre Stakeholders Advisory Group.

CARRIED
(Councillors Downes and Garrison OPPOSED)

Report No. 40 of the Corporate Services Committee

Moved by Councillor Beavis

Seconded by Councillor B. George

THAT Report No. 40 of the Corporate Services Committee be received and adopted.

Report No. 40

To the Mayor and Members of Council:

The Corporate Services Committee reports and recommends as follows:

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

February 22, 2005

1. THAT the Information Technology Service Continuity Assessment Report be received for information purposes and that recommendations be implemented as part of the annual budget process for Council's consideration.

REPORTS

Report No. 40 of the Corporate Services Committee

2. THAT a by-law be presented to delegate to the Manager of Taxation & Revenue the City's responsibility relating to assessment and taxation appeal matters;

–and further–

THAT the Manager of Taxation & Revenue be required to report to the Corporate Services Standing Committee on a semi-annual basis in March and September.

(See By-Law No. (15), 2005-58)

3. THAT a Municipal Investment Policy be approved as presented in Appendix "A" of the report to the Corporate Services Committee (Report No. CRS-004), prepared by the Acting Commissioner of Corporate Services.

CARRIED

Report No. 41 of the Nominations Committee

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Moved by Councillor Beavis
Seconded by Councillor Smith

THAT Report No. 41 of the Nominations Committee be received and adopted, clause by clause.

Report No. 41

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

February 23, 2005

1. **WHEREAS** the Municipal Accessibility Advisory Committee currently has two vacancies;
THEREFORE BE IT RESOLVED THAT Jennifer Mumford and Joanna Nolan be nominated to the Municipal Accessibility Advisory Committee for a term ending November 30, 2006.

CARRIED

REPORTS

Report No. 41 of the Nominations Committee

2. **WHEREAS** Council approved the Large Venue Entertainment Centre Stakeholders Advisory Group selection and recruitment process at its meeting held on February 1, 2005, and;
WHEREAS Council requested that two representatives from the general public (not associated with any of the user groups) be added to the Stakeholders list;
THEREFORE BE IT RESOLVED THAT Brian Donaldson and Filippo Scarpazza be appointed to the Large Venue Entertainment Centre Stakeholders Advisory Group.
(File No. CSU-C12-000-2005)

CARRIED
(Councillors Downes and Garrison OPPOSED)

Report No. 42 of the Chief Administrative Officer Selection Committee

Moved by Deputy Mayor Foster
Seconded by Councillor Sutherland

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THAT Report No. 42 of The Chief Administrative Officer Selection Committee be received and adopted.

Report No. 42

To the Mayor and Members of Council:

The Chief Administrative Officer Selection Committee reports and recommends as follows:

February 23, 2005

- (1) **WHEREAS** Council instructed staff to engage the services of an "Executive Search" firm to work with City staff and the Selection Committee for the purpose of recruiting a Chief Administrative Officer, and;

WHEREAS a Request for Proposals to engage the services of an "Executive Search" firm was put out and closed on February 9, 2005, and;

WHEREAS the staff in the Human Resources Division reviewed the eight Requests for Proposal received, and based on criteria outlined in the Request for Proposal, and;

WHEREAS the Selection Committee met with the top two firms to make the final selection of a "Executive Search" firm;

THEREFORE BE IT RESOLVED THAT the City of Kingston enter into a contract with Ray & Berndston, in a form satisfactory to the Director of Legal Services, to work with Human Resources Division staff and the Selection Committee to recruit a Chief Administrative Officer, with a professional fee of \$40,000.00, plus recoverable costs in an amount not to exceed \$25,000.00, on the understanding that recoverable costs must receive prior approval from the Selection Committee.

(File No. CSU-H11-000-2005)

CARRIED
(Councillor Garrison OPPOSED)

INFORMATION REPORTS

- (1) **Union Gas Franchise Agreement – Former Kingston Township (05-079)**

The purpose of this report is to inform Council that the Ontario Energy Board issued a Decision & Order approving the City of Kingston – former Township of Kingston Franchise Approval concerning a Model Franchise Agreement with Union Gas.

(File No. CSU-E06-000-2005; CSU-L04-000-2005)

- (2) **Corporate Level Projects – Quarterly Status Report (05-067)**

The purpose of this report is to provide Council with an update on the status of corporate level projects and any outstanding Council motions, as of the end of December 2004.

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

MISCELLANEOUS BUSINESS

- (1) Moved by Deputy Mayor Foster
Seconded by Councillor Garrison

THAT Council confirm the appointment of Councillor Dennis Arrowsmith, Township of Leeds & the Thousand Islands, to the Court of Revision – Central Pittsburgh Drain.

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(File No. CSU-C12-000-2005)
(See Communication No. 09-157)

CARRIED

MOTIONS

NOTICES OF MOTION

MINUTES

THAT the Minutes of City Council Meeting No. 08-2005, held Tuesday, February 15, 2005, be confirmed.

WITHDRAWN

TABLING OF DOCUMENTS

2005-13 The Kingston, Frontenac, Lennox & Addington Health Unit
Agenda – Board Meeting – February 23, 2005
(File No. CSU-C05-000-2005)

2005-14 The Cataraqui Region Conservation Authority
Agenda – Full Authority General Meeting – February 23, 2005
(File No. CSU-C05-000-2005)

2005-15 The Cataraqui Region Conservation Authority
Minutes – Annual General Meeting – January 26, 2005
(File No. CSU-C06-000-2005)

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COMMUNICATIONS

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

Filed

- 09-128 From Dalton McGuinty, Premier of Ontario, acknowledging receipt of Council's resolution concerning the Community Reinvestment Fund.
(File No. CSU-F11-000-2005)
- 09-134 From the Association of Municipalities of Ontario, informing Council that Modules 2 and 3 of the Effective Municipal Councillor Training Program will be repeated on April 21 & 22, 2005 in Kingston.
(File No. CSU-A01-004-2005; CSU-A04-000-2005)
(Distributed by email to all Members of Council on February 22, 2005)
- 09-137 From the City of Kawartha Lakes, acknowledging that the resolution concerning the National Child Benefit Supplement Claw Back was received by the Kawartha City Council on February 1, 2005.
(File No. CSU-S04-000-2005)
- 09-138 From the Regional Municipality of Niagara, acknowledging that the resolution concerning the National Child Benefit Supplement Claw Back was received and supported by the Niagara Regional Municipality at its meeting on February 3, 2005.
(File No. CSU-S04-000-2005)

COMMUNICATIONS

- 09-139 From the City of Sarnia, acknowledging receipt of Council's resolution concerning the Community Reinvestment Fund (CRF) Allocation for Social Housing.
(File No. CSU-F11-000-2005)
- 09-142 From the City of Thunder Bay, acknowledging receipt of Council's resolution concerning the Community Reinvestment Fund (CRF) Allocation for Social Housing.
(File No. CSU-F11-000-2005)
- 09-143 From the City of Oshawa, acknowledging receipt of Council's resolution concerning the Community Reinvestment Fund (CRF) Allocation for Social Housing.
(File No. CSU-F11-000-2005)
- 09-144 From the Ontario Good Roads Association, providing Council with an overview of issues discussed at the Ontario Good Roads Association's Board of Directors' Meeting held January 28, 2005.
(File No. CSU-A16-000-2005)

Referred to All Members of Council

- 09-126 From the Township of St. Clair, requesting Council's support of a resolution to petition the federal and provincial governments to ensure that the implementation and application of nutrient management rules address the concerns raised by the farming community, recognize that environmental benefits provided by farmers offset any need for administrative charges on water-taking permits, re-establish long-term investment in drainage infrastructure, and implement an action plan to address the farm income crisis.
(File No. CSU-C10-000-2005)
(Copied to all Members of Council on February 25, 2005)

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- 09-127 From the Municipality of West Nipissing, requesting Council's support of a resolution to petition the Minister of Health & Long-Term Care to address the existing hospital funding inequities and renew the province's commitment to provide effective medical care to rural and northern communities in Northern Ontario.
(File No. CSU-C10-000-2005)
(Copied to all Members of Council on February 25, 2005)
- 09-129 From the Association of Municipalities of Ontario, informing Council that the Association of Municipalities of Ontario has submitted its response on the Source Water Protection Implementation Report and the Technical Report.
(File No. CSU-A01-004-2005; CSU-E05-000-2005)
(Distributed by email to all Members of Council on February 18, 2005)
- 09-130 From the Association of Municipalities of Ontario, informing Council that the Association of Municipalities of Ontario has submitted its response to Bill 136, the *Places to Grow Act*. The response is to the legislation only and not the recently released Greater Golden Horseshoe draft growth plan.
(File No. CSU-A01-004-2005)
(Distributed by email to all Members of Council on February 22, 2005)
- 09-131 From the Association of Municipalities of Ontario, a report on the meeting between the Association of Municipalities of Ontario and Provincial Ministers under the August 2004 Memorandum of Understanding.
(File No. CSU-A01-004-2005)
(Distributed by email to all Members of Council on February 22, 2005)

COMMUNICATIONS

- 09-132 From the Association of Municipalities of Ontario, requesting that Association of Municipalities of Ontario members forward resolutions to the Province in support of the policy findings of the response on the CAN/OCNA in-kind contribution to the Blue Box Program.
(File No. CSU-A01-004-2005)
(Distributed by email to all Members of Council on February 22, 2005)
- 09-133 From the Association of Municipalities of Ontario, informing Council of concerns raised about the Province's plan to replace Ontario's existing \$656 million Community Reinvestment Fund (CRF) with a new model and provide \$200 million in one-time funding to support transition to the new program. The plan does not include provisions to pay outstanding bills related to the delivery of Provincial health and social service programs in 2004.
(File No. CSU-A01-004-2005)
(Distributed by email to all Members of Council on February 22, 2005)
- 09-135 From Mario Cordeiro on behalf of Mario's Grill, requesting an application for a liquor license from the Alcohol and Gaming Commissioner of Ontario.
(File No. CSU-P09-000-2005)
- 09-136 From Gil Pierog, Kingston Area Representative for the Corps of Commissionaires, requesting the approval of Council to appoint specific employees at the Kingston Norman Rogers Airport (Geoff Dawson and Dennis Hartlin) to be By-Law Enforcement Officers for the purpose of issuing tickets on the property of St. Lawrence College Parking Lots.
(File No. CSU-P01-03-2005)
(See By-Law No. (16), 2005-59)

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- 09-140 From Emil Kolb, Regional Chair of the Municipality of Peel, to Paul Haggis, President & Chief Executive Officer of the OMERS Board, requesting that any increase in contribution rates be phased in over a period of three to four years in order to minimize the impact on taxpayers and municipal employees.
(File No. CSU-H02-000-2005)
(Copied to all Members of Council on February 18, 2005)
- 09-141 From the City of Brantford, requesting Council's support of a resolution to petition the Human Resources & Skills Development Canada to expedite the processing of Brantford's Supporting Communities Partnership Initiative (SCPI) proposals in a timely manner.
(File No. CSU-C10-000-2005)
(Copied to all Members of Council on February 18, 2005)
- 09-145 From the Association of Municipalities of Ontario, requesting that Council complete a survey regarding experience with municipal best practises in order to allow the Ontario Centre for Municipal Best Practices to review the terms of its mandate.
(File No. CSU-A01-004-2005)
(Distributed by email to all Members of Council on February 16, 2005)
- 09-150 From the Association of Municipalities of Ontario, announcing a partnership with the Canadian Society for Civil Engineering (CSCE) and the Educational Program Innovations Centre (EPIC) in offering 11 workshops leading to a certificate program in Infrastructure Management, entitled "Innovations & Best Practices for Municipalities".
(File No. CSU-A01-004-2005)
(Distributed by email to all Members of Council on February 15, 2005)

COMMUNICATIONS

- 09-151 From the County of Frontenac, requesting Council's support of a resolution to petition the province to amend Ontario Regulation 285-01 to include an exemption from the *Employment Standards Act 2000* for paramedics in the employment of municipalities across Ontario.
(File No. CSU-C10-000-2005)
(Copied to all Members of Council on February 11, 2005)
- 09-152 From the Kids For Kids Organizing Committee, requesting that Council proclaim March 24 to 26, 2005 as "Kids For Kids Hockey Tournament Weekend" to allow the tournament to sustain and enhance the economic viability of the Greater Kingston Area.
(File No. CSU-M10-000-2005)
- 09-153 From Robert Tchegus of Cunningham, Swan, Carty, Little & Bonham, regarding requests by Kingston Interval House for by-law amendments and to permit encroachments onto a City street.
(File No. CSU-M04-000-2005)
(Copied to all Members of Council on February 11, 2005)
- 09-154 From the Municipality of Kincardine, requesting Council's support of a resolution to petition the provincial government to ensure that fair, equitable and sustainable funding is made available to conservation authorities in order for them to continue to deliver existing programs and to meet challenges of the future.
(File No. CSU-C10-000-2005)
(Distributed by email to all Members of Council on February 22, 2005)
- 09-156 From Martin Quinn, co-chair of Communities in Bloom, inviting the City of Kingston to participate in the 2005 Communities in Bloom competition, as well as informing Council of a one-day workshop to be held in Kingston on Wednesday, March 2, 2005.
(File No. CSU-M04-000-2005)

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

09-157 From Vanessa Tye, Deputy Clerk for the Township of Leeds & the Thousand Islands, informing Council that Councillor Dennis Arrowsmith of Leeds & the Thousand Islands was appointed to the Court of Revision – Central Pittsburgh Drain Committee at their regular meeting held on January 10, 2005.

(File No. CSU-C12-000-2005)

(See Miscellaneous Business Item No. 1)

09-158 From the Ministry of Municipal Affairs & Housing, announcing that the Greenbelt Act 2005, which will provide an additional 1 million acres of land in the Golden Horseshoe by providing the overall framework and authority to establish a Greenbelt Plan, received Royal Assent on February 24, 2005.

(File No. CSU-A16-000-2005)

(Copied to all Members of Council on February 25, 2005)

Referred to the Commissioner of Planning & Development Services

09-146 From Ken Linseman, a letter to the director of Environmental Assessment & Approval, Ministry of the Environment, with concerns regarding the Class Environmental Assessment for John Counter Boulevard.

(File No. CSU-M04-000-2005)

(Copied to all Members of Council on February 25, 2005)

COMMUNICATIONS

09-147 From Bruce Todd, concerning supporting information for the Environmental Assessment for the proposed John Counter Boulevard that he has requested from the consultant and not yet received.

(File No. CSU-M04-000-2005)

(Copied to all Members of Council on February 18, 2005)

09-148 From Bruce Todd, a letter to the Minister of the Environment, requesting that an order be made for the proposed four-lane John Counter Boulevard and Canadian National Railway overpass construction to comply with Part II of the *Environmental Assessment Act*, as well as concerning information requested and not received in regard to the Environmental Assessment for John Counter Boulevard.

(File No. CSU-M04-000-2005)

(Copied to all Members of Council on February 18, 2005)

09-149 From John and Lee-Ann Crowe, a letter to the Minister of the Environment and copied to the City Clerk requesting that an order be made for the proposed John Counter Boulevard expansion to comply with Part II of the *Environmental Assessment Act*.

(File No. CSU-M04-000-2005)

(Copied to all Members of Council on February 18, 2005)

09-159 From Heather Ball, Corporate Counsel for the TDL Group Corp., expressing concern with the potential impact that the construction of the proposed John Counter Boulevard improvements will have on the Tim Hortons Restaurant at 177 Counter Street and requesting that they be kept informed and consulted on the preparation and finalization of the implementation and construction schedules of the proposed road work.

(File No. CSU-M04-000-2005)

(Copied to all Members of Council on February 25, 2005)

Referred to the Acting Chief Administrative Officer

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- 09-155 From Scott Meyers, Manager of Programming & Community Relations for TVCOGECO, requesting that TVCOGECO be included as a major partner on the Large Venue Entertainment Centre Stakeholders Advisory Committee when it comes time to discuss television needs at the proposed Large Venue Entertainment Centre.
(File No. CSU-M04-000-2005; CSU-L05-001-2005)
(Copied to all Members of Council on February 25, 2005)

BY-LAWS

- (A) Moved by Councillor Garrison
Seconded by Deputy Mayor Foster

THAT By-Laws (1) through (17) be given their first and second reading.

CARRIED

BY-LAWS

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

THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (2) and (4) to (9) three readings.

CARRIED

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

THAT By-Laws (2), (4) through (9), (11) through (14), and (17) through (20) be given their third reading.

CARRIED

- (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" (Section 30 – Change Existing Parking Restrictions On Roosevelt Drive At James R. Henderson Public School).

FIRST AND SECOND READING

PROPOSED NO. 2005-44

(Clause (a), Report No. 35)

(Councillor B. George ABSTAINED)

- (2) A By-Law For The Temporary Closure Of Market Street From Ontario Street To Mid-Block From Thursday, March 17, 2005 At 7:00 AM To Friday, March 18, 2005 At 2:00 AM Inclusive (Community Purposes – St. Patrick's Day Celebrations).

THREE READINGS

PROPOSED NO. 2005-45

(Clause (b), Report No. 35)

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- (3) A By-Law To Amend By-Law No. 2003-209 "A By-Law To Regulate Traffic" (Reduce Speed Limit On Sydenham Road From Highway No. 401 North To Mildred Street).
FIRST AND SECOND READING PROPOSED NO. 2005-46
(Clause (c), Report No. 35)
- (4) A By-Law To Provide For The Acceptance By The City Of Kingston Of The Associated Public Works Servicing Phases 1 & 2 Of Bayridge Subdivision 20, Registered Plan 13M-15, In The City Of Kingston.
THREE READINGS PROPOSED NO. 2005-47
(Clause (d), Report No. 35)
- (5) A By-Law To Provide For The Assumption Of The Public Highways In Phase 2C-1 Of Arbour Ridge Subdivision, Registered Plan 13M-23, In The City Of Kingston, In Accordance With Section 31 (4) Of The *Municipal Act, Chapter 25, SO 2001*; And To Provide For The Acceptance By The City Of Kingston Of The Associated Public Works Within.
THREE READINGS PROPOSED NO. 2005-48
(Clause (d), Report No. 35)

BY-LAWS

- (6) A By-Law To Provide For The Assumption Of The Public Highways In Phase 4 Of Greenwood Park Subdivision, Registered Plan 13M-25, In The City Of Kingston, In Accordance With Section 31(4) Of The *Municipal Act, Chapter 25, SO 2001*; And To Provide For The Acceptance By The City Of Kingston Of The Associated Public Works Within.
THREE READINGS PROPOSED NO. 2005-49
(Clause (d), Report No. 35)
- (7) A By-Law To Provide For The Assumption Of The Public Highways In Phase 8A Of Cataraqui Woods Subdivision, Registered Plan 13M-32, In The City Of Kingston, In Accordance With Section 31(4) Of The *Municipal Act, Chapter 25, SO 2001*; And To Provide For The Acceptance By The City Of Kingston Of The Associated Public Works Within.
THREE READINGS PROPOSED NO. 2005-50
(Clause (d), Report No. 35)
- (8) 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 "R2-28-H" Zone (Jovinton Developments Inc. Park Of Lot 8 & 9, Concession 3, West Of Birchwood Avenue, North Of The "Cataraqui Woods" Subdivision In Kingston West, In The Former Township Of Kingston, Midland Park Subdivision, Phase 2, Stage 1).
THREE READINGS PROPOSED NO. 2005-51
(Clause (e), Report No. 35)

(Councillors K. George and B. George ABSTAINED)
- (9) 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 Local Board" (Appoint David Skurdelis To Issue Parking Tickets – Soporific Investments Inc. – 283 Brock Street).
THREE READINGS PROPOSED NO. 2005-52
(Clause (f), Report No. 35)

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- (10) A By-Law To Declare Surplus To Municipal Need Part Of The Former James Street (Part 3, Plan 13R-7197).
FIRST AND SECOND READING PROPOSED NO. 2005-53
(Clause (b), Report No. 27; Council Meeting No. 8, February 15, 2005)
- (11) A By-Law To Amend By-Law No. 76-26 "Zoning By-Law Of The Township Of Kingston" (Site Specific Zoning – Waterloo Village Phase 4 – Rezone To "R2-27-H", "R2-29-H" And "R2-30-H" Modified Residential Type Holding Zones, To Permit The Development Of Single, Semi-Detached And Row House Dwellings And Amend The Setback And Lot Coverage Provisions).
THREE READINGS PROPOSED NO. 2005-54
(Clause (1), Report No. 38)
- (12) A By-Law To Amend By-Law No. 76-26 Of Former Township Of Kingston (Site Specific 566 And 578 Catarauqui Woods Drive – Zone Change From Restricted General Industrial "M6" Zone To A Special Restricted General Industrial "M6-18" Zone).
THREE READINGS PROPOSED NO. 2005-55
(Clause (2), Report No. 38)
- BY-LAWS**
- (13) A By-Law To Amend The Official Plan Of The City Of Kingston Planning Area (Amendment No. 30 Text And Map Change – Site Specific Policies 39 Russell Street).
THREE READINGS PROPOSED NO. 2005-56
(Clause (3), Report No. 38)
- (14) A By-Law To Amend By-Law No. 8499 "Zoning By-Law Of The City Of Kingston" (Site Specific Zoning – 39 Russell Street – Rezone To "B.351-H" Modified Three To Six Family Dwelling Zone Holding To Permit The Development Of A Six-Unit Dwelling And An Office Use.)
THREE READINGS PROPOSED NO. 2005-57
(Clause (3), Report No. 38)
- (15) A By-Law To Delegate To The Manager Of Taxation & Revenue The City's Responsibility Relating To Assessment And Taxation Appeal Matters.
FIRST AND SECOND READING PROPOSED NO. 2005-58
(Clause (2), Report No. 40)
- (16) 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 (Appoint Geoff Dawson, Dennis Hartlin – Kingston Norman Rogers Airport).
FIRST AND SECOND READING PROPOSED NO. 2005-59
(Communication No. 09-136)
- (17) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, March 1, 2005.
THREE READINGS PROPOSED NO. 2005-60
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- (18) 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*.
THIRD READING PROPOSED NO. 2005-35
(Clause (g), Report No. 27)
- (19) 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.
THIRD READING PROPOSED NO. 2005-38
(Clause (1), Report No. 29)
- (20) 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).
THIRD READING PROPOSED NO. 2005-39
(Clause (2), Report No. 33)

RECESS

Moved by Councillor K. George
Seconded by Councillor B. George

THAT Council resolve into Committee of the Whole "In Camera" to complete the agenda.

CARRIED

Council resolved into the Committee of the Whole "In Camera" at 9:49 pm.

Moved by Councillor Smith
Seconded by Councillor K. George

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

CARRIED

ADJOURNMENT

Moved by Councillor K. George
Seconded by Councillor Patterson

THAT Council do now adjourn.

CARRIED

Council adjourned at 10:45 pm.

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(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor