TO: Bert Meunier, Chief Administrative Officer
FROM: Denis Leger, Commissioner of Corporate Services
PREPARED BY: Bill Bishop, Director of Human Resources
DATE PREPARED: 2004-06-01
DATE OF MEETING: 2004-06-22
SUBJECT: Councillor's Expense Allowance - New Municipal Act

RECOMMENDATION TO COUNCIL:
That Council approve that the City of Kingston continue to remunerate members of Council and local boards, as defined in the Municipal Affairs Act, and in accordance with Section 283 of the Municipal Act, 2001, based on one-third of such remuneration deemed to be for expenses incident to the discharge of a member’s duties and therefore exempt from income tax consistent with the provisions of By-law 99-169 A By-Law To Provide For The Annual Paying Of An Annual Allowance To The Members Of Council For The Corporation Of The City Of Kingston as amended by By-law 2002-308.

ORIGIN/PURPOSE:
The above recommendation is required to ensure that the remuneration of members of Council continue to be administered in accordance with section 255(1) of the Municipal Act, R.S.O. 1990, which provided that where an elected member of a Council or a local board was paid a salary, allowance or other remuneration, one-third of such amount shall be deemed to be expenses incident to the discharge of his or her duties as a member and therefore not subject to income tax.

OPTIONS/DISCUSSION:
In accordance with Section 283 of the Municipal Act, 2001 (the “New Municipal Act”), effective January 1, 2003, a member of Council’s right to remuneration has been changed to eliminate the one-third portion deemed to be expenses and therefore not subject to income tax unless Council has passed a prior resolution under subsection 255 of the Municipal Act, R.S.O. 1990 (the “Old Municipal Act”) to continue the exemption.
This matter was last dealt with in the fall of 2002 by the 2001 to 2003 term of Council at which time it was decided to retain the one-third exemption from income tax. It is a requirement in accordance with Section 283 (7) of the *Municipal Act, 2001* that City Council review its By-Law pertaining to this matter at a public meeting at least once in each three year term. Should Council wish to continue to recognize one-third of elected officials’ remuneration as expenses and therefore exempt from income tax, Council is required to pass a resolution to that effect during its term.

Alternatively, Council can decide not to pass this resolution, and under the new *Municipal Act, 2001* all remuneration will be considered taxable. That decision however is irrevocable by present and future Councils. Some municipal Councils have proceeded in that fashion, but have combined the termination of the one-third exemption from income tax with an increase in remuneration paid to compensate for the additional income tax that becomes payable.

**EXISTING POLICY/BY-LAW:**

*Municipal Act 2001*

*By-Law No. 99-169 A By-Law To Provide For The Annual Paying Of An Annual Allowance To The Members Of Council For The Corporation Of The City Of Kingston (A By-Law To REPEAL By-Law No. 1556 and to Re-enact it as By-law No. 99-169 of The New City Of Kingston).* This by-law was amended by By-law 2002-308 on December 17, 2002 to allow for the one-third tax exemption.

**LINK TO THE STRATEGIC PLAN:**

N/A

**FINANCIAL CONSIDERATIONS:**

There are no financial impacts as a result of this resolution.

**CONTACTS:**

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<th>Name</th>
<th>Title</th>
<th>Telephone Number</th>
<th>Extension</th>
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<tr>
<td>Bill Bishop</td>
<td>Director of Human Resources</td>
<td>546-4291</td>
<td>1281</td>
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<tr>
<td>Hal Linscott</td>
<td>Director, Legal Services</td>
<td>546-4291</td>
<td>1296</td>
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<td>Denis Leger</td>
<td>Commissioner, Corporate Services</td>
<td>546-4291</td>
<td>1328</td>
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**DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:**

N/A

**NOTICE PROVISIONS:**

N/A

**APPENDICES:**

N/A
REPORT TO COUNCIL

TO: Bert Meunier, Chief Administrative Officer

FROM: Mark Segsworth, Commissioner of Operations

PREPARED BY: Brad Finch, Airport Manager

DATE OF MEETING: June 22, 2004

SUBJECT: Lease Agreement between the Corporation of the City of Kingston and Central Aviation Security Ltd.

RECOMMENDATIONS TO COUNCIL:

1. That City Council approve a lease between The Corporation of the City of Kingston and Central Aviation Security Ltd., for the rental of an office in the Air Terminal Building, at the Kingston (Norman Rogers) Airport, for a five (5) year term commencing April 1, 2004, and expiring March 31, 2009, at a rental rate of $5,108.05, per annum, plus G.S.T; and

2. That the rent be adjusted annually on April 1st in accordance with the Canadian Consumer Price Index for the Province of Ontario; and

3. That the terms of the lease shall be in a form satisfactory to City Solicitor; and

4. That the Mayor and City Clerk be authorized to sign said lease.

ORIGIN/PURPOSE:

Airport Administration, Operations Department. The purpose of this report is to recommend that a lease with Central Aviation Security Ltd. be approved.

OPTIONS/DISCUSSION:

1. Airport Administration has been requested by Central Aviation Security Ltd, with authorization from the Canadian Air Transport Security Authority, to enter into a lease for a term of five (5) years.

2. Airport Administration recommends that the City enter into this lease.
EXISTING POLICY/BY-LAW:

By-Law No. 98-1, Council Procedural By-Law, provides authority for the Mayor and Clerk to sign all agreements that are approved by Council.

By-Law No. 2000-119, a By-Law to Establish a User Fee Structure at the Kingston (Norman Rogers) Airport.

LINK TO STRATEGIC PLAN:

This is not directly linked to the Priority Action Items in the Strategic Plan.

FINANCIAL CONSIDERATIONS:

The annual rent for is $5,108.05, plus GST and will be adjusted on April 1st of each year to reflect any increase in the Consumer Price Index, Province of Ontario.

CONTACTS:

Brad Finch, Airport Manager – 389-6404, Ext. 101

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

Alan McLeod, Legal Division – Ext. 1237
Lorraine Thibadeau, Properties Division – Ext. 1602

NOTICE PROVISIONS:

N/A

APPENDICES:

N/A

Mark Segsworth
Commissioner of Operations

Hert Meumier
Chief Administrative Officer
TO: Mayor and Members of City Council

FROM: Bert Meunier, Chief Administrative Officer

PREPARED BY: Sheila Hickey, Director of Strategic Initiatives & Corporate Communications

DATE OF MEETING: 2004-06-22

SUBJECT: Review of Services – Consulting Contract

RECOMMENDATION TO COUNCIL:

That Council approves that staff enter into a contract, in a form acceptable to the City Solicitor, with BMA Management Consulting Inc. for $59,600 for the purposes of providing consultation, analysis and recommendations as defined in the Review of Services 2004 Work Plan.

ORIGIN/PURPOSE:

The purpose of this report is to receive Council approval to select a consultant in accordance with the requirements of the City’s purchasing by-law.

BACKGROUND:

Report No. 04-122, which defines the process for conducting a review of services, identified the need to hire a consultant. The use of an independent, third-party was recommended to ensure objectivity in the process.

The role of the Consultant as defined, involves a three-step process based upon initial consultation, analysis and recommendation followed by further consultation.

The first step will be to facilitate staff and public information sessions. The second step will involve analysis of the step one data as well as the service specific data and the preparation of draft recommendations for the Task Force and Council to review. The third step is to consult on their preliminary findings and incorporate this feedback into a final recommendation.

OPTIONS/DISCUSSION:

On May 26, 2004 the Strategic Initiatives Office issued a request for proposals (RFP) for “Consulting Services to Conduct Consultation and Public Policy Analysis” for the Review of Services.
The RFP was sent to the following firms and organizations:

1. The Corporate Research Group (CRG) *
2. Ekos Research Associates
3. TkMC *
4. BMA Consulting *
5. Williamson Consulting Inc.
6. Queens University-School of Policy Studies

Of the six firms solicited, Queen’s declined to submit, Ekos Research did not respond and Williamson Consulting partnered with CRG. (The asterisk identifies the three firms that responded.)

The three responses that were received were then evaluated based upon the following criteria, which was identified in the RFP:

**Experience and Qualifications**

a) Public Policy Analysis  
b) Public Consultation, Communication and Facilitation  
c) Sufficient resources available for all aspects of project  
d) Corporate experience on projects of similar nature and scope

**Proposed Consultant Process**

a) Tasks are clear, concise and well defined  
b) City of Kingston involvement is relevant and important

**Overall Timelines for Completion**

a) Schedule presented is realistic  
b) Key project milestones are attainable

**Financial Proposal & Payment Schedule**

Based upon this evaluation, the responses were rated as follows:

1. BMA Consulting Inc.  
2. Corporate Research Group  
3. TkMC

BMA Consulting Inc. rated as our first choice and they also represent the lowest quote of the three submissions.

In accordance with Section 6.9 A of the purchasing by-law we did not publicly advertise this RFP because we did not anticipate the quotes would be in excess of $50,000. Despite the fact that we are recommending the lowest bidder, the contract is in excess of this authorization threshold so we are requesting that Council approve the award.
EXISTING POLICY/BY-LAW:
City of Kingston Purchasing By-law

LINK TO STRATEGIC PLAN:
This work is linked to the Getting our House in Order priority area.

FINANCIAL CONSIDERATIONS:
The funds for this consulting engagement have been approved in the 2004 operating budget.

CONTACTS:
Sheila Hickey – Director, Strategic Initiatives and Corporate Communications 546-4291 ext. 2221

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
Executive Management Team

NOTICE PROVISIONS:
N/A

APPENDICES:
N/A

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Bert Meunier
Chief Administrative Officer
TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner of Planning & Development Services
PREPARED BY: Mark Van Buren, Engineering Division
DATE OF MEETING: June 22, 2004
SUBJECT: TEMPORARY SITE ACCESS AGREEMENT – LION’S CIVIC POND IMPROVEMENTS

RECOMMENDATION TO COUNCIL:

WHEREAS Kincore Holdings Limited is the registered owner of the lands known as Lot 25 on registered plan 1724 ("Lands"); and

WHEREAS the City of Kingston has need for unrestricted temporary access crossing the lands for maintenance improvements related to its Storm Water Management Pond ("Lion’s Civic Pond") located on Block B, Registered Plan 1690, adjacent to the Lands; and

WHEREAS in order to afford the City of Kingston a right of access crossing the Lands, Kincore Holdings Limited agrees to convey to the City of Kingston, at no cost to the City of Kingston, a six (6) meter wide temporary right of way over the Lands.

THEREFORE BE IT RESOLVED THAT the Council of the City of Kingston enter into a Temporary Site Access Agreement with Kincore Holdings Limited, in a form that is satisfactory to the City Solicitor.

ORIGIN/PURPOSE:

In accordance with the Class Environmental Assessment for the Master Drainage Plan for the Outlet B Tributary Area of the Cataraqui North Neighbourhood completed in July 2003, the City of Kingston will be undertaking improvements to the Lion’s Civic Pond including major maintenance (i.e. sediment removal) and stormwater storage capacity upgrades. As a result, construction access is required over private lands.
OPTIONS/DISCUSION:

Engineering Division has considered two options for construction access to the Lion’s Civic Pond in order to complete the required works (see attached Schedule “A”).

Option 1 – Construction access to the pond via Blackburn Mews and lands owned by Kincore Land Holdings at the northerly end of Blackburn Mews.

Option 2 – Construction access off of Gardiners Road south of the Esso Service Station on lands owned by Imperial Oil Limited.

In order to efficiently complete the required works, Option 1 is considered optimal to gain access to/from City-owned lands and the Lion’s Civic Pond via adjacent lands owned by Kincore Land Holdings at the north end of Blackburn Mews. This option is selected based on the following:

1. Maintenance improvements to the pond require excavation and disposal off-site of accumulated sediments from within the pond. A haul route for the dump trucks transporting the excavated sediments that utilizes the signalized intersection at Blackburn Mews and Taylor-Kidd Boulevard to gain access to collector roads is preferable to any other location in the immediate vicinity. Other locations would require traffic control personnel to flag dump trucks directly onto collector roads (e.g. Gardiners Road), which would likely result in traffic delays.

2. The duration for construction activities at the Lion’s Civic Pond is approximately six (6) weeks. In order to minimize impacts on traffic within the immediate vicinity of the Lion’s Civic Pond and the neighboring commercial businesses, construction access to the site via Blackburn Mews and the Kincore lands is considered to be the least disruptive option.

As a result, an access agreement with the private land holder is required. A Temporary Site Access Agreement has been drafted and reviewed by Legal Services, and approved by Kincore. The agreement deals with details such as reinstatement of the Kincore land at the expense of the City.

EXISTING POLICY/BY-LAW:

This report has no links to existing policy and/or By-Law.

LINK TO STRATEGIC PLAN:

This report has no link to the Strategic Plan.

FINANCIAL CONSIDERATIONS:

There are no financial considerations in this report.
CONTACTS:
Speros Kanellos P.Eng., Manager, Engineering Division – 384-1770 - Ext. 3133
Mark Van Buren P.Eng., Stormwater Engineer, Engineering Division - 384-1770 ext 3218

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
Legal Services Division, Tony Fleming.

NOTICE PROVISIONS:
There are no notice requirements for this report.

APPENDICES:
Schedule “A” – Temporary Site Access Options

______________________________
Terry Willing
Acting Commissioner of Planning & Development Services

______________________________
Bert Meunier
Chief Administrative Officer
Option 1
A Temporary 6.0m wide Right of Way over Lot 25 of RP 1724 is to be located prior to construction.

Option 2
A Temporary 6.0m wide Right of Way over Lot 1 of RP 1724
RECOMMENDATION TO COUNCIL:
WHEREAS there is an existing privately owned boat ramp at the south end of Loughborough Lake which allows for trailer launched motorized boats into Loughborough Lake;

AND WHEREAS the owner of the property, Mr. Francis Bell, wishes to donate the 50 foot by 30 foot waterfront parcel to the municipality in exchange for a charitable tax receipt;

AND WHEREAS Cultural Services staff are of the opinion that the acquisition of this access point to Loughborough Lake is in the interest of the municipality, it being the only potential public access on the lake within the municipality;

AND WHEREAS Cultural Services has consulted with technical staff, and site constraints promote the conversion of the existing motorized boat launch to a small craft access point, restricting access to walk-in craft without trailers such as aluminum runabouts, canoes and kayaks;

THEREFORE BE IT RESOLVED that Council accept the donation of the land, legally described as being Concession 7 Part Lot 11, and being Part 7 on 13 R 4897, subject to the following conditions:

1. That a public meeting be held so that property owners in the area of the boat launch and stakeholders can be consulted on the proposal to convert the existing private (unrestricted) boat launch to a small craft access area.

2. That Legal Services enters into negotiations with Mr. Bell to acquire the land.

3. As part of the 2005 budget deliberations, sufficient funds be allocated to convert the ramp for small craft use only and maintain the boat ramp on an ongoing basis.

ORIGIN/PURPOSE:
City staff received a request in the fall of 2000 from Mr. Francis Bell indicating that in exchange for a charitable gift donation, he would donate land with waterfrontage at the south end of Loughborough
Lake. This parcel of land is currently a private boat ramp. The consideration (value) of the transfer will be determined by appraisal and Mr. and Mrs. Bell would receive a charitable receipt in exchange for the land.

Thus, the purpose of this report is to advise Council of the opportunity to acquire water access at the south end of Loughborough Lake; to outline the rationale for the conversion of the existing unrestricted boat launch to a small craft access point and to seek Council's endorsement for the acquisition of the land subject to a public meeting being held on the proposed changes to the ramp.

OPTIONS/DISCUSSION:

Background
The original request, from Mr. Francis Bell, asking the City of Kingston to consider acquisition (by donation) of the existing private boat ramp at the south end of Loughborough Lake included a second parcel of land which is immediately north of the ramp. This second parcel of land has 70 feet of frontage on the lake. There are issues regarding the ownership of the second parcel and it is recommended that the City not pursue acquisition of those lands.

Current Issues:
Parking:
If the 70 foot parcel of land was available to be conveyed to the City then the City would have been in a position to recommend acceptance of the parcels and could maintain the current boat launch as an unrestricted launch site subject to some improvements. This is because the 70 foot parcel could have been converted to a much needed parking lot and staging area for the vehicles and their trailers which access this site currently.

Residents in the area have complained that vehicles and their trailers parking along Loughborough Drive create congestion and block traffic for the locals. Emergency vehicle access is compromised with the parking of trailers and vehicles along the narrow road. However, with the donated land being limited to the 50 by 30 foot parcel of land, Cultural Services still recommends the acquisition of the land but recommends that it be restricted to small, car roof rack carried watercraft so that trailers are not required to be parked on the site or along Loughborough Drive.

It is Cultural Services proposal that the existing ramp, which currently permits trailer mounted boats to be launched into the lake, would be converted to a small craft access point. The possible conversion might include a two meter wide path alongside a small retaining wall which would permit a flat off road parking area for 3 cars. Some benches could be placed adjacent to the wall on the waterside. This retaining wall would restrict trailers from accessing the water.

Any future changes would be reviewed by those persons in attendance at the future public meeting, the Cataraqui Region Conservation Authority and the Ministry of Natural Resources as required by the Canada Fisheries Act.

Environmental Concerns:
The Cataraqui Region Conservation Authority notes that the west basin of Loughborough Lake is classified by the Province of Ontario as a highly sensitive Lake Trout lake and as such, there is a need to ensure that all shoreline and in-water works are appropriate for a lake of this sensitivity. Any changes to existing boat ramps within water are subject to strict regulations set out by the Ministry of Natural Resources which ensure that fish spawning areas and fish habitats are not adversely impacted by any in-water works on the lake. Recycled and crushed asphalt material had been placed on the subject boat ramp,
the Cataraqui Region Conservation Authority notes that asphalt material is not an appropriate surface material for this location and such material should be removed and replaced prior to further use of the boat ramp.

It also has been pointed out by the Cataraqui Region Conservation Authority that the Authority owns and maintains a boat ramp facility at the eastern end of the west basin of Loughborough Lake at Perth Road. It indicates that there is often heavy demand for the use of their facility which includes off street parking for vehicles and trailers. It is their observation that the Bell property boat ramp is often used by residents of the adjacent area, but less so by residents of other areas of the City. Due to the lack of parking and staging areas around the ramp and due to the steep grade on the ramp, the facility is likely best suited as a water access point for the launching of smaller craft such as aluminum runabouts, canoes and kayaks. Prior to the operation of the ramp as a municipal facility, staff should ensure that there are no holes or debris in the water that could limit its function.

The Cataraqui Region Conservation Authority notes that should the City accept the donation of the property and if resurfacing of the ramp is required, then the Cataraqui Region Conservation Authority recommends that the City contact the Conservation Authority’s Biologist for advice with regard to fish habitat.

Environment Division:
The Manager Environmental Division for the City of Kingston has indicated that the boat ramp in question has been the subject of a few complaints in recent years over granular materials that have been placed to improve the ramp. This placement of materials has raised concerns about the possible degradation of water quality and shoreline.

Staff note that there are concerns expressed regarding the environmental liabilities of owning and operating a structure that may be the site of fuel spills from power boats and vehicles that tow them in a highly sensitive lake trout area. If the ramp is converted to a small craft access point then the likelihood of such occurrences are minimized.

Benefits to the City:
The City of Kingston has 150 kilometres of shoreline fronting onto Lake Ontario, the St. Lawrence River, the Great Cataraqui River, the Rideau Canal, Odessa Lake, Collins Lake, and Loughborough Lake. The City owns and maintains eight boat access ramps as follows:

1. Portsmouth Olympic Harbour- 2 ramps, public-launch charge applicable June, July and August
2. West Street- public/ no charge
3. Doug Fluhrer Park---Public-- Kingston Marina assesses a charge for parking
4. Lake Ontario Camp Ground- Public/no charge
5. Inner Harbour at the Emma Martin Park---Public/no charge
6. Grass Creek Park---Public/no charge
7. Cecil Graham Park (Aragon Road) -Public /no charge
8. Collins Bay, off Hwy. #33 next to Edith Rankin Church--Public-no charge

Other available ramps in the area include:

1. Collins Bay Marina, private on the south side of Collins Bay--Charge
2. Rideau Marina- Private - A charge applies
3. Treasure Island Marina-- Private- A charge applies
As the population of the greater Kingston area increases there is additional pressure to provide recreational boating and fishing access for the community. Where the City has the opportunity to get access to any portion of the 150 kilometres of waterfront is of benefit to the community. Access to rural lakes is important to the community in that it provides access to potentially easier paddling experiences for novice canoeists, kayakers and small craft operators.

Loughborough Lake is a large twelve kilometre long lake (1,800 hectares) consisting of two distinct basins and is located at the north end of the City. Only the very southwestern tip of the lake is located within the City’s boundary. It is the most southerly Lake Trout habitat in Ontario, other than Lake Ontario, and has a long history of providing varied recreation for both local residents and visitors. It is an active recreational sport and fishing lake. The provision of a public, small craft launch will provide access to this beautiful lake for those small craft boaters who prefer quiet scenic pleasures to power boat recreational maneuvers.

The conversion of this donated boat launch into a small craft launch will not adversely impact the environment in this area nor limit power boat operators access to this lake. Large craft will still be able to access both the east and west basins of Loughborough Lake from the Cataraqui Region Conservation Authority operated boat ramp, off of Perth Road.

EXISTING POLICY/BY-LAW:

Studies:
In the fall of 2002, Planning & Development Services initiated a visioning exercise relating to Kingston’s waterfront areas and through public consultation came up with six waterfront principles: namely that the citizens of Kingston want a waterfront that is accessible, beautiful, clean, historic, lively and natural. The acquisition of a municipal boat launch at the south end of Loughborough Lake will provide an opportunity to access a beautiful lake at the only point that is located within our municipality.

The Official Plan Policies from the former Kingston Township Official Plan support public acquisition of waterfront lands and improving access to waterfront lands. (Section 2-5 Where We Play; Section 5-2.8 Land Acquisition)

LINK TO STRATEGIC PLAN:
City Council adopted 8 strategic priorities from the Community Strategic Plan to focus on over the next few years. Within the approved cultural strategy, Council adopted implementation plans within three broad categories, namely: Assets and Opportunities; Community Partnerships; and, Communities in Bloom. The acquisition of the private boat ramp for municipal purposes meets the following objectives:
- **Assets and Opportunities**
  The proposed waterfront access fits into the Assets and Opportunities category as it will help address an identified gap in the provision of community needs/services in respect to pubic waterfront access for the community.

FINANCIAL CONSIDERATIONS:
No monies have been included in the projected 2004 capital budget to convert the existing boat launch into a small craft access point. It is estimated that the conversion would cost approximately $10,000. Additional operational and maintenance monies will be required in the future, should the city acquire the boat launch, to repair and maintain the boat launch on an as needed basis. The City would have to pay for an appraisal of the parcel of land to be donated in order to issue a charitable tax receipt.
APPENDIX ‘A’

GIS Map of Loughborough Lake – South End
CONTACTS:
Ann Pappert, Manager, Cultural Services Division 546-4291 ext. 1341
Kristine Hebert, Parks & Open Space Planning Coordinator 546-4291 ext. 1256
Paul MacLatchy, Manager, Environmental Services 384-1770 ext. 3134

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
Cultural Services consulted with the Finance, Legal Services, Operations, Planning, Environment Divisions as well as the Cataraqui Region Conservation Authority. Both the Environmental Division and the CRCA provided input, which is incorporated into this report. No other objections or notable comments were received.

NOTICE PROVISIONS:
The acquisition of the boat launch will be subject to a public meeting being held. Although no provincial acts or by-laws govern this process, Cultural Services will abide by standard practices under the planning act and notify all property owners within 120 metres of the launch as well and giving notice in the Whig Standard.

APPENDICES:
Appendix A: GIS map of Loughborough Lake-south end

Lance Thurston, Commissioner
Department of Community Services

Berth Ménier
Chief Administrative Officer
TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner, Planning & Development Services
PREPARED BY: Chris Sleeth, Traffic Supervisor, Engineering Division
DATE OF MEETING: June 22, 2004
SUBJECT: TEMPORARY STREET CLOSURE: JULY 17 AND JULY 18, 2004 BETWEEN BROCK STREET AND MARKET STREET

RECOMMENDATION TO COUNCIL:

THAT a by-law be presented to City Council for all three readings to provide for the temporary closure of Ontario Street between Brock Street and Market Street on Saturday, July 17, 2004 from 8:00 a.m. to 5:00 p.m. and July 18, 2004 from 8:00 a.m. to 5:00 p.m., for community purposes, (Taste of Kingston), 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; and

3. 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 an additional insured on the policy and the applicant shall provide the City of Kingston with an insurance certificate as proof of coverage.

ORIGIN/PURPOSE:

The Boys and Girls Club is requesting a temporary street closure for the 6th annual Taste of Kingston Outdoor Food Festival.
OPTIONS/DISCUSSION:

A request has been received from the Kingston Boys and Girls Club for a temporary street closure of Ontario Street between Brock Street and Market Street on Saturday, July 17, and Sunday July 18, 2004 between the hours of 8:00 a.m. and 5:00 p.m.

The Boys and Girls Club will be staging the sixth annual “Taste of Kingston” Outdoor Food Festival in Confederation Park as a fundraiser. The event will allow people to sample cuisine from local restaurants.

In addition, they are planning on hosting the CFL Experience on Saturday, July 17, 2004, which is an interactive display along Ontario Street.

On Sunday July 18, 2004 from 8:00 a.m. to 5:00 p.m. the Boys and Girls Club are hosting the Ottawa Senators Street Hockey Tour which will be set up on Ontario Street. This includes a hardest shot booth, accurate shooting booth and table top hockey games for everyone.

As a safety measure for pedestrians attending the event, organizers would like to close off Ontario Street to vehicle traffic.

Volunteers and community policing will be assisting with traffic control.

Noise By-Law Consideration

Noise By-Law No. 2004-52 “A By-Law of the Corporation of the City of Kingston to Control Noise”, exempts special neighbourhood social events on streets or other lands authorized by City Council from the provisions of the by-law.

Impact on parking

Parking will be eliminated during the street closure.

EXISTING POLICY/BY-LAW:

Ontario Municipal Act 2001, S.O. c. 25, Section 11(1)

LINK TO STRATEGIC PLAN:

Not applicable

FINANCIAL CONSIDERATIONS:

No financial implications are to be considered in this report.

CONTACTS:

Tony Gargaro, Director of Community Development, Boys and Girls Club, 559 Bagot St., Telephone: 542-3306 ext. 27
Speros Kanellos, P. Eng., Manager, Engineering Division, 384-1770, ext. 3133
Chris Sleeth, Traffic Supervisor, Engineering Division, 384-1770, ext. 3149
DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

Paula Nichols, Manager of Parking Services Division, Department of Operations
City Police Traffic Unit, Ambulance Dispatch, Ambulance County Office Admin., Frontenac Paramedic Services, Transit, Fire, Garbage, Parking Admin., Parking Enforcement, Operations, Utilities Dispatch, Downtown Kingston, Customer Service c/o Katie Simoes, St. Lawrence Place, Harbour, Tour Trolley, City Yard, Cultural Services

NOTICE PROVISIONS:

All street closures are advertised in the local paper prior to the closing.

APPENDICES:

Appendix A - Drawing - Street Closure

Terry Willing,
Acting Commissioner, Planning & Development Services

Bert Meunier
Chief Administrative Officer

K:\Public\2004\Reports To Council - Traffic\04-255 Taste Of Kingston 2004.Doc
TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner, Department of Planning and Development Services
PREPARED BY: Kimberley J. Brown, Infrastructure Engineer
DATE OF MEETING: June 22, 2004
SUBJECT: Amendment to By-Law No. 2003-32 “A By-Law To Provide For The Provision Of Street Lighting In The City Of Kingston”

RECOMMENDATION TO COUNCIL:

Whereas the Local Improvement Act R.S.O. 1990, Chap. L.26 has been repealed and replaced by Ontario Regulation 119/03 a new regulation under the Municipal Act S.O. 2001 Chapter 25; and

Whereas the City established a by-law in 2003 for the implementation of local improvements for the provision of street lighting;

Therefore be it resolved that a by-law be presented to Council to amend By-Law No. 2003-32 “A By-Law To Provide For The Provision Of Street Lighting In The City Of Kingston” as follows;

Clause 1. (c) be amended to read

“existing residential development - for existing residential development on local streets, the responsibility for the cost of installation of street lights where no lighting exists would be partially funded by the abutting and benefiting property owners and would be assessed under the provisions of Ontario Regulation 119/03. The residents may petition for the improvement as outlined in the Regulation and upon certification by the City Clerk of a sufficient petition the works would be budgeted for in the next construction season. The works will be assessed to the property owners on a per property basis as defined in Schedule “A”.”

ORIGIN/PURPOSE:

By-Law No. 2003-32 “A By-Law To Provide For The Provision Of Street Lighting In The City Of Kingston” was given third reading on January 7, 2003. During this time the Province was reviewing the Local Improvement Act to create a new regulation under the Municipal Act. As a result of the new regulation wording within the by-law requires revision.
OPTIONS/DISCUSSION:

During the drafting of By-Law No. 2003-32 “A By-Law To Provide For The Provision Of Street Lighting In The City Of Kingston” staff was aware that the Province was reviewing the Local Improvement Act and planning to implement a new regulation under the Municipal Act to replace this Act. Staff continued with the City by-law in order to harmonize the local improvement process across the municipality with the intent to amend the by-law at such time as the regulation was adopted by the Province. The new regulation adopted by the Province is Ontario Regulation 119/03 and can be found at the following link:

www.e-laws.gov.on.ca/DBLaws/Archives/20040101/Regs/English/030119_e.htm

As a result of the new regulation wording within By-Law No. 2003-32 requires revision to reflect the new regulation removing reference to Local Improvement Act. The processes within the new regulation have not altered the intent of the former Act.

The draft amending by-law is attached as Appendix “A”.

EXISTING POLICY/BY-LAW:

The harmonized by-law, By-Law No. 2003-32 “A By-Law To Provide For The Provision Of Street Lighting In The City Of Kingston”.

Council must approve amendments to by-laws.

LINK TO STRATEGIC PLAN:

There is no link to the strategic plan

FINANCIAL CONSIDERATIONS:

There are no financial considerations with this report.

CONTACTS:

Speros Kanellos, Manager, Engineering Division, Planning and Development Services (384-1770 ext. 3133)
Kimberley J. Brown, Infrastructure Engineer, Planning and Development Services, (384-1770 ext 3132)

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

Legal Services, Department of Corporate Services - Tony Fleming, Senior Legal Council
Finance, Department of Corporate Services - Gerard Hunt, Manager of Finance
Council Support, Department of Corporate Services - Carolyn Downs, Manager, Council Support
Taxation and Revenue, Department of Corporate Services - Patricia Carrol, Manager of Taxation and Revenue
NOTICE PROVISIONS:

There are no notice requirements for this report.

APPENDICES:

Appendix “A” - Draft Amending By-Law

Terry Willing
Acting Commissioner, Planning and Development Services

Bert Mounier
Chief Administrative Officer
BY-LAW NO. 2004-XX

A BY-LAW TO AMEND BY-LAW No. 2003-32 “A BY-LAW TO PROVIDE FOR THE PROVISION OF STREET LIGHTING IN THE CITY OF KINGSTON”

The Council of The Corporation of the City of Kingston hereby enacts as follows:

1. That Clause 1. (c) of By-Law No. 2003-32 be amended as follows;

   (a) existing residential development - for existing residential development on local streets, the responsibility for the cost of installation of street lights where no lighting exists would be partially funded by the abutting and benefiting property owners and would be assessed under the provisions of Ontario Regulation 119/03. The residents may petition for the improvement as outlined in the Regulation and upon certification by the City Clerk of a sufficient petition the works would be budgeted for in the next construction season. The works will be assessed to the property owners on a per property basis as defined in Schedule “A”.

2. This By-Law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READING

GIVEN THIRD AND FINAL READING

MAYOR  CITY CLERK
TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner, Department of Planning and Development Services
PREPARED BY: Kimberley J. Brown, Infrastructure Engineer
DATE OF MEETING: June 22, 2004
SUBJECT: Amendment to By-Law No. 2003-30 “A By-Law To Provide For The Provision Of Roads In The City Of Kingston”

RECOMMENDATION TO COUNCIL:

Whereas the Local Improvement Act R.S.O. 1990, Chap. L.26 has been repealed and replaced by Ontario Regulation 119/03 a new regulation under the Municipal Act S.O. 2001 Chapter 25; and

Whereas the City established a by-law in 2003 for the implementation of local improvement for the provision of roads;

Therefore be it resolved that a by-law be presented to Council to amend By-Law No. 2003-30 “A By-Law To Provide For The Provision Of Roads In The City Of Kingston” as follows;

Clause 1. (d) be repealed and replaced by the following;

“existing residential development improved - for existing residential development on local streets, the responsibility for the cost of construction of roads to an improved level of service would be partially funded by the abutting and benefiting property owners and would be assessed under the provisions of Ontario Regulation 119/03. The residents may petition for the improvement as outlined in the regulation and upon certification by the City Clerk of a sufficient petition, the works would be budgeted for in the next construction season. The works will be assessed to the property owners on a per meter basis as outlined in Schedule “A”.

- and further -

Whereas By-Law No. 2003-30 “A By-Law To Provide For The Provision Of Roads In The City Of Kingston” set out a schedule of costs for the provision of roads under local improvement; and

Whereas the schedule of costs requires amendment to provide for additional costing scenarios in order to distribute the cost of the type of construction more proportionately depending on the improvement requested;

Therefore be it resolved that Schedule “A” be repealed and replaced by the following;
INFRAPRUCTURE | 2004 RATE PER METER | 
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Upgrade Existing Gravel Road to Surface Treated Road</td>
<td>$20.00</td>
</tr>
<tr>
<td>Upgrade Existing Gravel Road to Asphalt Pavement</td>
<td>$80.00</td>
</tr>
<tr>
<td>Upgrade Existing Surface Treated Road to Asphalt Pavement</td>
<td>$60.00</td>
</tr>
<tr>
<td>Curb, Gutter and Boulevard</td>
<td>$50.00</td>
</tr>
<tr>
<td>Storm Sewers</td>
<td>To be funded from general rate</td>
</tr>
</tbody>
</table>

ORIGIN/PURPOSE:
By-Law No. 2003-30 “A By-Law To Provide For The Provision Of Roads In The City Of Kingston” was given third reading on January 7, 2003. During this time the Province was reviewing the Local Improvement Act to create a new regulation under the Municipal Act. As a result of the new regulation wording within the by-law requires revision.

In addition, while circulating projects for implementation under the new by-law it was noted that there should be some consideration for the various levels of improvement to the road surface. Therefore it is being recommended to amend Schedule “A” of the by-law.

OPTIONS/DISCUSSION:
During the drafting of By-Law No. 2003-30 “A By-Law To Provide For The Provision Of Roads In The City Of Kingston” staff was aware that the Province was reviewing the Local Improvement Act and planning to implement a new regulation under the Municipal Act. Staff continued with the City by-law in order to harmonize the local improvement process across the municipality with the intent to amend the by-law at such time as the regulation was adopted by the Province. The new regulation adopted by the Province is Ontario Regulation 119/03 and can be found at the following link:

www.e-laws.gov.on.ca/DBLaws/Archives/20040101/Regs/English/030119_e.htm
As a result of the new regulation wording within By-Law No. 2003-30 requires revision to reflect the new regulation removing reference to Local Improvement Act. The processes of the new regulation have not altered the intent of the former Act.

In addition to the above revisions Engineering has revisited the payment schedule related to roads improvements. The original by-law recommended that the property owners be assessed $160.00 per meter frontage for the improvement of a road. This rate did not take into account that there may already be some form of improvement previously undertaken on the road section in question. For example the current road configuration could be surface treatment and would include a proper granular base. As a result the resident should not be required to pay for the entire reconstruction but rather the cost of the upgrade from surface treatment to asphalt pavement. The rate for the upgrade would be $60.00, giving the resident credit for the existing structure of the road.

The following table is Schedule “A” of the current by-law.

<table>
<thead>
<tr>
<th>INFRASTRUCTURE</th>
<th>2002 RATE PER METER</th>
<th>Indexed annually by CPI</th>
</tr>
</thead>
<tbody>
<tr>
<td>Asphalt</td>
<td>$160.00</td>
<td></td>
</tr>
<tr>
<td>Curb and Gutter</td>
<td>$40.00</td>
<td></td>
</tr>
<tr>
<td>Storm Sewers</td>
<td>To be funded from general revenues</td>
<td></td>
</tr>
</tbody>
</table>

The following table is the recommended rates per meter frontage to replace the existing Schedule “A” of By-Law No. 2003-30.

<table>
<thead>
<tr>
<th>INFRASTRUCTURE</th>
<th>2004 RATE PER METER</th>
<th>Indexed annually by Statistics Canada Quarterly Construction Price Index</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upgrade Existing Gravel Road to Surface Treated Road</td>
<td>$20.00</td>
<td></td>
</tr>
<tr>
<td>Upgrade Existing Gravel Road to Asphalt Pavement</td>
<td>$80.00</td>
<td></td>
</tr>
<tr>
<td>Upgrade Existing Surface Treated Road to Asphalt Pavement</td>
<td>$60.00</td>
<td></td>
</tr>
<tr>
<td>Curb, Gutter and Boulevard</td>
<td>$50.00</td>
<td></td>
</tr>
</tbody>
</table>
The draft amending by-law is attached as Appendix “A”.

**EXISTING POLICY/BY-LAW:**
The harmonized by-law, By-Law No. 2003-30 “A By-Law To Provide For The Provision Of Roads In The City Of Kingston”.
Council must approve amendments to by-laws.

**LINK TO STRATEGIC PLAN:**
There is no link to the strategic plan

**FINANCIAL CONSIDERATIONS:**
There are no financial considerations with this report.

**CONTACTS:**
Speros Kanellos, Manager, Engineering Division, Planning and Development Services (384-1770 ext. 3133)
Kimberley J. Brown, Infrastructure Engineer, Planning and Development Services, (384-1770 ext 3132)

**DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:**
Legal Services, Department of Corporate Services - Tony Fleming, Senior Legal Council
Finance, Department of Corporate Services - Gerard Hunt, Manager of Finance
Council Support, Department of Corporate Services - Carolyn Downs, Manager, Council Support
Taxation and Revenue, Department of Corporate Services - Patricia Carrol, Manager of Taxation and Revenue

**NOTICE PROVISIONS:**
There are no notice requirements for this report.

**APPENDICES:**
Appendix “A” - Draft Amending By-Law
Terry Willing  
Acting Commissioner, Planning and Development Services

Bert Meunier  
Chief Administrative Officer
BY-LAW NO. 2004-XX

A BY-LAW TO AMEND BY-LAW NO. 2003-30 “A BY-LAW TO PROVIDE FOR THE PROVISION OF ROADS IN THE CITY OF KINGSTON”

The Council of The Corporation of the City of Kingston hereby enacts as follows:

1. That Clause 1. (d) of By-Law No. 2003-30 be repealed and replaced with the following:
   (a) existing residential development improved - for existing residential development on local streets, the responsibility for the cost of construction of roads to an improved level of service would be partially funded by the abutting and benefiting property owners and would be assessed under the provisions of Ontario Regulation119/03. The residents may petition for the improvement as outlined in the regulation and upon certification by the City Clerk of a sufficient petition, the works would be budgeted for in the next construction season. The works will be assessed to the property owners on a per meter basis as outlined in Schedule “A”.

2. That Schedule “A” of By-Law No. 2003-30 be repealed and replaced with the following:

<table>
<thead>
<tr>
<th>INFRASTRUCTURE</th>
<th>2004 RATE PER METER</th>
<th>Indexing Method</th>
</tr>
</thead>
<tbody>
<tr>
<td>Upgraded Existing Gravel Road to Surface Treated Road</td>
<td>$20.00</td>
<td>Indexed annually by Statistics Canada Quarterly Construction Price Index</td>
</tr>
<tr>
<td>Upgrade Existing Gravel Road to Asphalt Pavement</td>
<td>$80.00</td>
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</tr>
<tr>
<td>Curb, Gutter and Boulevard</td>
<td>$50.00</td>
<td>Indexed annually by Statistics Canada Quarterly Construction Price Index</td>
</tr>
<tr>
<td>Storm Sewers</td>
<td>To be funded from general revenues</td>
<td></td>
</tr>
</tbody>
</table>

3. This By-Law shall come into force and take effect on the date of its passing.

GIVEN FIRST AND SECOND READING

GIVEN THIRD AND FINAL READING

MAYOR

CITY CLERK
RECOMMENDATION TO COUNCIL:

That those lands designated as Parts 1 and 5 on Reference Plan 13R-17364, be dedicated as part of the public highway in accordance with Section 31, of the Municipal Act, Chapter 25, S.O. 2001.

ORIGIN/PURPOSE:

To provide legal access to two properties fronting on Highway No. 2 in the City of Kingston, the City must lift the one foot reserve in the location of the entrances and dedicate these lands as part of the public highway.

OPTIONS/DISCUSSION:

The owner of the property on Highway No. 2 has submitted a proposal to the City of Kingston Planning Division to create two lots from a former subdivision (Mount Royal Place) which Council deemed not to be registered on December 16, 2003 and is known as “Notice of Passing of the Deeming By-Law 2004-22”. The attached reference plan illustrates the lots that have now been combined to create only two lots. One additional requirement was that the owner obtains entrance permits for each of the two new lots. The site has been reviewed and the locations for the entrances have been determined by Engineering staff. The two new entrance locations are designated as Parts 1 and 5 on Reference Plan 13R-17364 attached as Schedule “A”. It is therefore appropriate to lift the one foot reserve in these locations to provide for legal access to the two properties.
EXISTING POLICY/BY-LAW:

Council passes by-laws to dedicate lands as part of the public highway and in conjunction with the dedication assumes those lands as per the requirements of Section 31 of the Municipal Act, Chapter 25, S.O. 2001.

LINK TO STRATEGIC PLAN:

This report has no link to the Strategic Plan.

FINANCIAL CONSIDERATIONS:

There are no financial considerations in this report.

CONTACTS:

Speros Kanellos, P.Eng., Manager, Engineering Division, Phone 384-1770 Ext. 3133
Kimberley Brown, P.Eng., Infrastructure Engineer, Phone 384-1770, Ext. 3132

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

Planning Division, Wendy Tse

NOTICE PROVISIONS:

N/A

APPENDICES:

Schedule “A” - Site Plan
Schedule “B” - Draft By-Law

Terry Willing,
Acting Commissioner of Planning & Development Services

Bert Meunier,
Chief Administrative Officer
BY-LAW NO. 2004-


PASSED:

WHEREAS Section 31, of the Municipal Act, Chapter 25, S.O. 2001 provides for the establishing and laying out of lands as public highways;

THEREFORE NOW BE IT RESOLVED that the Council of the Corporation of the City of Kingston hereby ENACTS as follows:

1. That the land designated as Parts 1 and 5, Reference Plan 13R-17364 be established as portions of the public highways known as Highway No. 2 in the City of Kingston in accordance with Section 31, of the Municipal Act, Chapter 25, S.O. 2001.

2. This By-law shall come into force and take effect on its passing.

GIVEN FIRST AND SECOND READING

GIVEN THIRD AND FINAL READING

CITY CLERK

MAYOR