## ORDERS OF THE DAY

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- s) Temporary Street Closure – Kid’s Day International (04-325), schedule pages 80-83
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ROLL CALL

THE COMMITTEE OF THE WHOLE “IN CAMERA”

1. THAT Council resolve itself into the Committee of the Whole “In Camera” to consider the following item(s):
   (a) Legal Matter

2. THAT Council rise from the Committee of the Whole “In Camera” without reporting.

DISCLOSURE OF PECUNIARY INTEREST

PRESENTATIONS

(1) Howard Stone will speak to Council concerning comments and conduct of the Planning Committee during the Block D debate held on July 8, 2004.
   (File No. CSU-C13-000-2004)

(2) Nick Waterfield, Chair of the Downtown Kingston BIA; Barry Keefe, Chair of the Limestone City Blues Committee; and Rob Wood of 80/20 Info. will speak to Council concerning the Limestone City Blues Festival and the Buskers Economic Impact Study.
   (File No. CSU-C13-000-2004)

(3) Robert McIntyre, Chairman of the Athletic Club of Kingston Steering Committee, will speak to Council concerning a proposal to lease Hanger No. 3 at the Kingston (Norman Rogers) Airport for the purpose of maintaining an indoor tennis facility.
   (File No. CSU-C13-000-2004)
   (See Communication No. 21-372)
   (Presentation material is being distributed separately from the agenda)
DELEGATIONS

The consent of Council is requested to allow Delegation No. (2) 10 minutes.

(1) Bhavana Varma, President & Executive Director of the Kingston & Area United Way, will speak to Council concerning the community plan on housing and homelessness in the City of Kingston.
(File No. CSU-C13-000-2004)
(Presentation material is being distributed separately from the agenda)

(2) Stephen Sottile and Brian Hart of Gaia Power Inc. will speak to Council concerning the Wind Vision for Lake Ontario Park.
(File No. CSU-C13-000-2004)
(See Clause (r), Report No. 70)
(Presentation material is being distributed separately from the agenda)

PETITIONS

(1) A petition, bearing approximately 55 signatures, was presented by Scott Blair and reads as follows:

“This petition is directed to the Corporation of the City of Kingston. Its goal is to amend the Planning Department’s decision to place a tree on the home-owner’s side of the sidewalk and have it moved to the “boulevard” side of the sidewalk on Bluffwood Avenue. For homes on the opposite side of Bluffwood Avenue, it is requested that the tree be moved closer to the street.”

REFERRED TO THE COMMISSIONER OF PLANNING & DEVELOPMENT SERVICES

MOTIONS OF CONGRATULATIONS/CONDOLENCE/SPEEDY RECOVERY

Motions of Congratulations, Sympathy, Condolences and Speedy Recovery are presented in order of category as one group and voted on as one motion.

(1) Moved by Mayor Rosen
   Seconded by Deputy Mayor Foster
   
   THAT the condolences of Kingston City Council be extended to the family of the late Dr. Peter Smith, long-time resident of Pittsburgh and volunteer City Hall tour guide.

(2) Moved by Councillor Garrison
   Seconded by Councillor Pater
   
   THAT the congratulations of Kingston City Council be extended to Peter Gower, Chair of the Kingston Municipal Heritage Committee (LACAC), and his wife Jean Gower, on the birth of their first grandchild, Nalik.
MOTIONS OF CONGRATULATIONS/CONDOLENCE/SPEEDY RECOVERY

Moved by Councillor Sutherland
Seconded by Councillor Stoparczyk

THAT the congratulations of Kingston City Council be extended to Aldena & Brad Mallet on the occasion of their 50th wedding anniversary on September 4, 2004.

Moved by Councillor Sutherland
Seconded by Councillor Foster

THAT the congratulations of Kingston City Council be extended to Norman & Olive Sutherland on the occasion of their 50th wedding anniversary on August 28, 2004.

Moved by Councillor Sutherland
Seconded by Councillor Pater

THAT the congratulations of Kingston City Council be extended to Councillor Floyd Patterson and his wife, Eileen, on the occasion of their 50th wedding anniversary on August 7, 2004.

(3) Moved by Councillor Smith
Seconded by Councillor Beavis

THAT the best wishes for a speedy recovery be extended to Ken Flieler, Engineering Technician, after his recent open-heart surgery.
(File No. CSU-M11-000-2004)
REPORTS

REPORT NO. 70 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

Report No. 70

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 and that motion shall be neither debatable nor amendable. However, 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:

Denis Leger, Commissioner of Corporate Services, and Gerard Hunt, Manager of Finance, will speak to Council on the 2004 Debenture Issue (Report No. 04-299).

(a) THAT a by-law to authorize the borrowing through the issuance of debentures for a five to ten-year term, in the amount of $1,853,000.00 towards the cost of certain capital projects, be presented and given three readings.

   –and further–

   THAT a by-law to authorize the borrowing through the issuance of debentures for a 20-year term, in the amount of $8,147,000.00 towards the cost of certain capital projects, be presented and given three readings.

   (File No. CSU-F08-000-2004)

   (See By-Law No. (2), 2004-245; By-Law No. (3), 2004-246)

   (The Report of the Commissioner of Corporate Services (04-299) is attached as Schedule Pages 1-3)

   (Note: The Appendices are being distributed separately from the agenda)

(b) THAT a by-law be presented and given three readings to authorize the submission of an application to the Ontario Strategic Infrastructure Financing Authority (OSIFA) for financing certain on-going capital works of the Corporation of the City of Kingston (the “municipality”); to authorize temporary borrowing from the Ontario Strategic Infrastructure Financing Authority (OSIFA) to meet expenditures in connection with such works; and to authorize long-term borrowing for such works through the issue of debentures to the Ontario Strategic Infrastructure Financing Authority (OSIFA).

   (File No. CSU-F08-000-2004)

   (See By-Law No. (4), 2004-247)

   (The Report of the Commissioner of Corporate Services (04-315) is attached as Schedule Pages 4-6)

   (Note: The Appendices are being distributed separately from the agenda)
REPORTS

REPORT NO. 70 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(c) WHEREAS staff issued a Request for Information/Expressions of Interest to obtain detailed pricing and technical functional requirements in order to determine the feasibility of procuring a Computer-Aided Dispatch (CAD) system for Kingston Fire & Rescue Services, and;

WHEREAS a Computer-Aided Dispatch (CAD) Evaluation Committee was established, with representatives from Police, Fire & Rescue, Planning & Development Services and Corporate Services, to review the submissions and recommend a supplier, and;

WHEREAS the Computer-Aided Dispatch (CAD) Evaluation Committee has identified a recommended supplier to supply and install a Computer-Aided Dispatch (CAD) system for Kingston Fire & Rescue Services, and;

WHEREAS the Fire & Rescue Division has approved budget funds of $322,000.00 for this project;

THEREFORE BE IT RECOMMENDED THAT Council authorize the Fire Chief to take the necessary steps to procure the recommended Computer-Aided Dispatch (CAD) system from Xwave for the tender amount of $360,215.00 including PST;

–and further–

THAT the shortfall in the amount of $38,215.00 be funded from the consolidated fire capital reserve funds;

–and further–

THAT the Mayor and Clerk be authorized to execute the agreement to the satisfactory terms and conditions of the Legal Services Division.

(File No. CSU-P16-000-2004; CSU-L04-000-2004)

(The Report of the Commissioner of Community Services (04-295) is attached as Schedule Pages 7-10)

(d) THAT Queen’s University Orientation Roundtable be granted an exemption to By-Law No. 2004-52, Schedule “B”, “A By-Law To Regulate Noise”, to permit the Frosh Week outdoor concert being held at Miller Parking Lot behind 36 Union Street on Friday, September 10, 2004 from 4:00 pm until 7:00 pm for set-up and sound testing; and then from 7:00 pm until 12:00 am for the concert itself, and;

THAT Queen’s also be granted an exemption to Noise Control By-Law 2004-52, Schedule B, to permit an open-air movie night to be held on Sunday, September 5, 2004 at Leonard Field from 9:00 pm until 12:00 am, and;

THAT Queen’s also be granted an exemption to Noise Control By-Law 2004-52, Schedule B, to permit an open-air movie night on Leonard Field on Wednesday, September 8, 2004 between the hours of 9:00 pm and 12:00 am.

(File No. CSU-P01-002-2004)

(The Report of the Commissioner of Planning & Development Services (04-296) is attached as Schedule Pages 11-13)

(e) THAT the bid of Cruickshank Construction Limited for Tender OS-AI-02-2004 – Kingston (Norman Rogers) Airport Taxiway (Bravo) Conversion of Runway 12-30 – in the amount of $1,185,893.50, be accepted, it being the lowest bid received, and;

THAT the City of Kingston enter into a Contract Agreement, in a form satisfactory to Legal Services, with Cruickshank construction Limited, as outlined in the Tender.

(File No. CSU-F18-000-2004)

(The Report of the Commissioner of Operations (04-320) is attached as Schedule Pages 14-15)
REPORTS
REPORT NO. 70 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(f) WHEREAS CaraCo Development has requested an exemption to By-Law No. 2004-52 Schedule “B”, “A By-Law To Regulate Noise”, to permit construction of a high rise apartment building located at 2727 Princess Street, and;
WHEREAS the applicant has requested that the exemption cover operations between the hours of 7:00 pm and 9:00 pm, and;
WHEREAS the public has been notified and consulted regarding this construction and there are no unresolved objections;
THEREFORE BE IT RESOLVED THAT CaraCo Development be allowed an exemption from the normal 19:00 (7:00 pm) to 07:00 (7:00 am) restriction under By-Law No. 2004-52, Schedule “B”, in order to allow for construction of a high-rise apartment building from Monday to Friday from 7:00 am to 9:00 pm until March 31, 2005, but not on any weekend or Statutory Holiday.
(File No. CSU-P01-002-2004)
(The Report of the Commissioner of Planning & Development Services (04-297) is attached as Schedule Pages 16-20)

(g) THAT Council approve a lease between The Corporation of the City of Kingston and Central Airways Corp. for the rental of Room #127 in the Air Terminal Building at the Kingston (Norman Rogers) Airport for a 46-month term commencing April 1, 2004 and expiring January 31, 2008, at a rental rate of $1,766.56 per annum, plus GST, and;
THAT the rent be adjusted in accordance with the Canadian Consumer Price Index for the Province of Ontario, and;
THAT the terms of the lease shall be in a form satisfactory to the City Solicitor, and;
THAT the Mayor and City Clerk be authorized to sign said lease.
(File No. CSU-L04-000-2004; CSU-T11-000-2004)
(The Report of the Commissioner of Operations (04-319) is attached as Schedule Pages 21-22)

(h) THAT Council confirm a funding ratio of 80/20 – import/rates for the elevated water tower project in the west end of the City of Kingston.
(File No. CSU-E08-000-2004)
(The Report of the President & CEO of Utilities Kingston (04-303) is attached as Schedule Pages 23-24)

(i) THAT Council refer the decision on the acquisition of the K & P Trail to the September 2004 Priority Setting Session of Council.
(File No. CSU-L07-000-2004)
(The Report of the Commissioner of Operations (04-334) is attached as Schedule Pages 25-26)
REPORTS

REPORT NO. 70 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(j) THAT Council receive the Capital Budget Status Report for the second quarter ending June 30, 2004;

–and further–

THAT Council approve the financing of unfinanced capital projects or (return of funds), as outlined in Schedule “A” – 1999 and Prior Budget Years, Schedule “B” – 2002 Budget Year and Schedule “C” – 2003 Budget Year of this report, as follows:

<table>
<thead>
<tr>
<th>Source of Financing</th>
<th>Schedule “A”</th>
<th>Schedule “B”</th>
<th>Schedule “C”</th>
<th>Total</th>
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<tbody>
<tr>
<td>Municipal Capital Reserve Fund</td>
<td></td>
<td>$12,590.00</td>
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<td>Other Reserve Funds</td>
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<td>($573.00)</td>
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<td>Fire Capital Reserve Fund</td>
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<td></td>
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<tr>
<td>Industrial Land Reserve Fund</td>
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<td></td>
<td>$573.00</td>
<td>$573.00</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>($573.00)</td>
<td>$573.00</td>
<td>$0.00</td>
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–and further–

THAT Council approve the reduction of approved debenture financing with reference to specific projects, as outlined in Schedules “A”, “B”, and “C” of this report, as follows:

<table>
<thead>
<tr>
<th>Source of Financing</th>
<th>Schedule “A”</th>
<th>Schedule “B”</th>
<th>Schedule “C”</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debenture (reduction) Funding from:</td>
<td>($7,529.00)</td>
<td>($6,428.00)</td>
<td>($0.00)</td>
<td>($13,957.00)</td>
</tr>
<tr>
<td>Municipal Capital Reserve Fund</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
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(File No. CSU-F05-000-2004)
(The Report of the Commissioner of Corporate Services (04-308) is attached as Schedule Pages 27-45)

(k) WHEREAS the Grand Theatre is a property owned by the City of Kingston and will be undergoing a large capital restoration and renovation in the next two years (2004-2005), and;

WHEREAS staff is forming an Ad Hoc Building Committee, which will provide advice to staff throughout the course of the Grand Theatre capital project, and;

WHEREAS it is anticipated that the Council might wish to appoint one designate to participate on this committee;

THEREFORE BE IT RESOLVED THAT Council appoint one Councillor to sit on the Ad Hoc Grand Theatre Building Committee.
(File No. CSU-C12-000-2004)
(See Miscellaneous Business Item No. (4)
(The Report of the Commissioner of Community Services (04-323) is attached as Schedule Pages 46-47)
REPORT NO. 70 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(l) WHEREAS the waterfront is important to Kingston’s tourist industry; and to the leisure activities of the community, and;

WHEREAS experts advise that the shoreline at An Gorda Mor Park needs immediate attention in order to maintain the present shore alignment and park safety for public use;

THEREFORE BE IT RESOLVED THAT Council accept Holsgrove Trucking & Excavating Ltd. as the successful bidder, being the lower of two bidders, at a total cost of $178,938.00 (taxes excluded);

–and further–

THAT the Mayor and City Clerk be authorized to sign a contract with Holsgrove Trucking & Excavating Ltd., subject to the satisfaction of Legal Services Division.

(File No. CSU-L04-000-2004; CSU-R04-000-2004)

(The Report of the Commissioner of Community Services (04-328) is attached as Schedule Pages 48-50)

(m) WHEREAS the Kingston Mills Dams, owned and operated by Parks Canada, do not meet the modern standards set forth in the Canadian Dam Safety Guidelines, and

WHEREAS Parks Canada requires temporary vehicular access over City-owned lands (Block 47 on 13M-35) to facilitate the necessary repairs to Kingston Mills Dams,

THEREFORE BE IT RESOLVED THAT Council hereby authorize the Mayor and City Clerk to sign an agreement with Her Majesty the Queen in Right of Canada, as represented by the Minister of Environment, as the Minister of Parks Canada Agency, Rideau Canal in a form as attached to Report No. 04-330 and satisfactory to the Legal Services Division.

(File No. CSU-L04-000-2004; CSU-R04-000-2004)

(The Report of the Commissioner of Planning & Development Services (04-330) is attached as Schedule Pages 51-61)

(n) THAT Council declare the City-owned real property, described as Part 1 – 13R-16563 and located at the base of Queen Street, to be surplus, and;

THAT Council give notice to the public in accordance with By-Law No. 2003-15 “A By-Law To Provide For Notice Provisions As Required Under The Municipal Act, 2001”; and;

THAT Council authorize the Sale of Part 1 – 13R-16563 at fair market value, based on a professional appraisal solicited by the City of Kingston, and;

THAT Council authorize the retaining of City easements for access to the underground services located in Part 1 – 13R-16563, and;

THAT Council approve the stopping-up and closing of the portion of Queen Street described as Part 1 – 13R-16563.

(File No. CSU-L19-000-2004; CSU-T09-000-2004)

(The Report of the Commissioner of Operations (04-322) is attached as Schedule Pages 62-65)
REPORTS

REPORT NO. 70 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(o) THAT the Tender No. OS-RD-2004-2 for Surface Treatment on Garret Road, Jackson Mills Road, Paige Road, and Leeman Road be awarded to Duncor Enterprises Inc. in the amount of $111,760.50; it being the lowest bid received; –and further–

THAT the City of Kingston and Duncor Enterprises Inc. enter into an agreement in a form satisfactory to the City Solicitor.

(File No. CSU-F18-003-2004)
(The Report of the Commissioner of Operations (04-335) is attached as Schedule Pages 66-67)

(p) THAT Council authorize City staff to enter into negotiations with the federal government for divestiture to the City of the water and land lots associated with Portsmouth Olympic Harbour Marina and Flora MacDonald Confederation Basin, which are presently owned by Fisheries and Oceans, Small Craft Harbours; and to report back to Council with the outcome of negotiations and recommendations for Council’s consideration as to whether to proceed to acquire the lots.

(File No. CSU-L07-000-2004)
(The Report of the Commissioner of Community Services (04-327) is attached as Schedule Pages 68-69)

(q) WHEREAS, through partnered advertising opportunities, the City is provided with an opportunity to grow revenues, and;

WHEREAS partnered facility advertising proposals are being brought forward through various external non-profit organizations, and;

WHEREAS there is currently no corporate-wide policy in place related to advertising in municipal facilities;

THEREFORE BE IT RESOLVED THAT Council allow the Cultural Services Division to explore the viability of generating new revenues by issuing a Request for Proposal specific to Artillery Park Aquatic Centre and report back to Council on its outcome;

–and further–

THAT Council direct the Cultural Services Division to research and propose general policy guidelines related to future advertising in our cultural services facilities.

(File No. CSU-F21-000-2004)
(The Report of the Commissioner of Community Services (04-321) is attached as Schedule Pages 70-72)

(r) THAT Council receive the information provided in the staff report in response to the unsolicited proposal for a Wind Turbine at Lake Ontario Park, and;

THAT this matter be deferred to the September 2004 Priority Setting Sessions of Council.

(File No. CSU-E06-000-2004)
(The Report of the Commissioner of Planning & Development Services (04-306) is attached as Schedule Pages 73-79)
REPORT NO. 70 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(s) THAT a by-law be presented to provide for the temporary closure of a portion of Ontario Street, from Brock Street to Market Street, Saturday, September 18, 2004, from 9:00 am to 3:00 pm for community purposes (Kid’s Day International), 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.
- 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-T08-000-2004)
(See By-Law No. (5), 2004-248)
(The Report of the Commissioner of Planning & Development Services (04-325) is attached as Schedule Pages 80-83)

(t) THAT a by-law be presented to dedicate those lands known as Part of Lot 18, Concession 4 (1287 Sunnyside Road), in the City of Kingston, Geographic Township of Kingston, County of Frontenac, more specifically described in Schedule “A” of the by-law attached to Report No. 04-312, as part of the public highway, in accordance with Section 31 of the Municipal Act, Chapter 25, SO 2001.

(File No. CSU-T05-000-2004)
(See By-Law No. (6), 2004-249)
(The Report of the Commissioner of Planning & Development Services (04-312) is attached as Schedule Pages 84-89)

(u) THAT “Schedule A” of By-Law No. 4489 “A By-Law To Regulate, Supervise And Govern The Parking Of Vehicles On Parking Lots And To Fix The Rates And Charges For Parking On Such Parking Lots” be amended to change the monthly parking rate at the Frontenac County Court House to $52.17, plus taxes, effective October 1, 2004.

(File No. CSU-T02-000-2004)
(See By-Law No. (7), 2004-250)
(The Report of the Commissioner of Operations (04-314) is attached as Schedule Pages 90-92)
REPORTS

REPORT NO. 70 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

(v) WHEREAS CaraCo Development Corporation, has submitted an application requesting that Part Lot Control be lifted from Lots 80-99 inclusive on Registered Plan 13M-26, “Cobblestone Ridge” Subdivision, located on the north side of Taylor-Kidd Boulevard and south west of Princess Street, with access to Grandtrunk Avenue East from Waterloo Drive in Kingston West, and;

WHEREAS the owner has complied with the conditions for the Lifting of Part Lot Control;

THEREFORE BE IT RESOLVED THAT the application to Lift Part Lot Control (Our File No. D27-004-2004) for Lots 80-99 inclusive on Registered Plan 13M-26, as further described as the “Cobblestone Ridge” Subdivision, BE APPROVED; —and further—

BE IT RESOLVED THAT a by-law be passed to Lift Part Lot Control from Lots 80-99 inclusive on Registered Plan 13M-26, as further described as the “Cobblestone Ridge” Subdivision; —and further—

BE IT RESOLVED THAT the by-law be presented to receive all three readings from City Council.
(File No. CSU-D27-000-2004)
(See By-Law No. (8), 2004-251)
(The Report of the Commissioner of Planning & Development Services (04-324) is attached as Schedule Pages 93-99)

(w) THAT a by-law be presented to dedicate those lands known as Part 1, Reference Plan 13R-17131 (38 Charles Street) in the City of Kingston, County of Frontenac, as part of the public highway, in accordance with Section 31, of the Municipal Act, Chapter 25, SO 2001.

— and further—

THAT a by-law be presented to dedicate those lands known as Part of Lot 2, Registered Plan C-10 (595 & 600 Bagot Street), in the City of Kingston, County of Frontenac, more specifically described in Schedule “A” of the by-law attached to Report No. 04-332, as part of the public highway, in accordance with Section 31, of the Municipal Act, Chapter 25, SO 2001.
(File No. CSU-T05-000-2004)
(See By-Law No. (9), 2004-252; By-Law No. (10), 2004-253)
(The Report of the Commissioner of Planning & Development Services (04-332) is attached as Schedule Pages 100-106)
REPORT NO. 70 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

WHEREAS Wal-Mart Canada Corp. has submitted an application requesting that the “-H” Holding Symbol be lifted from the property known municipally as 1130 Midland Avenue, located on the east side of Midland Avenue and south of Cataraqui Woods Drive, and;

WHEREAS the “-H” Holding provisions were to remain in place until all applicable Municipal and agency requirements have been complied with and all necessary Agreements have been executed, and;

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

- Confirmation of adequate sewage capacity to service the proposed Department Store has been received from Utilities Kingston, this capacity to be supplied through the construction of new services through a Site Plan Control Agreement;
- All Municipal requirements are contained within the Site Plan Control Agreement and are shown on the approved site plan drawings; the terms of the agreement and the drawings were presented to the Planning Committee for approval on August 12, 2004;
- The Site Plan Control Agreement has been executed by the Owner and returned to the Municipality for registration together with the required final plans and financial security;
- There are no outstanding unpaid fees or invoices owed to the City of Kingston; and,
- The Owner has submitted, for the Municipality’s consideration, the appropriate application for an amendment to the Zoning By-Law to remove the ‘-H’ Holding Symbol;

THEREFORE BE IT RESOLVED THAT Schedule “A” to Zoning By-Law 76-26 of the former Township of Kingston, as amended, be further amended by removing the “-H” Symbol for the lands located on the east side of Midland Avenue and south of Cataraqui Woods Drive, 1130 Midland Avenue, so as to rezone the subject lands from General Shopping Centre Commercial Zone “C5-11-H” to General Shopping Centre Commercial Zone “C5-11”;

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

(File No. CSU-D28-000-2004)
(See By-Law No. (11), 2004-254)
(The Report of the Commissioner of Planning & Development Services (04-333) is attached as Schedule Pages 107-116)

THAT Council approve the purchase of one 2005 model year Cab & Chassis from Condie Pontiac Buick GMC Ltd. for the tender amount of $25,703.00 plus applicable taxes.

(File No. CSU-F18-004-2004)
(The Report of the Commissioner of Operations (04-336) is being distributed separately from the agenda)

THAT Council approve the purchase of three 2005 model year single-axle dump trucks from Edwards Ford for the tender amount of $116,247.00 plus applicable taxes.

(File No. CSU-F18-004-2004)
(The Report of the Commissioner of Operations (04-337) is being distributed separately from the agenda)
REPORTS (CONTINUED)

REPORT NO. 71 OF THE CHIEF ADMINISTRATIVE OFFICER (RECOMMEND)

Report No. 71

To the Mayor and Members of Council:
The Chief Administrative Officer reports and recommends as follows:

(1) **THAT** Council confirm the existing 500 O’Connor Drive site for the primary Emergency Operations Centre.  
    (File No. CSU-A20-000-2004)  
    (The Report of the Chief Administrative Officer (04-301) is attached as Schedule Pages 117-120)

(2) **THAT** a by-law be presented for three readings in order to establish the tax decrease limits for the 2004 tax capping program, in accordance with Part IX of the Municipal Act, 2001, SO 2001, c.25, as amended;  
    —and further—
    **THAT** funding of the shortfall for the industrial property class, in the amount of $114,892.00, be deferred to the 2005 budget, unless at year end an excess in revenues over expenditures exists, at which time it will be charged to the 2004 operating budget.  
    (File No. CSU-F22-000-2004)  
    (See By-Law No. (12), 2004-255)  
    (The Report of the Commissioner of Corporate Services (04-311) is attached as Schedule Pages 121-128)

(3) **WHEREAS**, in the 2004 Operating Budget, $330,000.00 was allocated to the Healthy Community Fund, and;  
    **WHEREAS** a call for proposals was made on June 2, 2004 and submissions received and reviewed, and;  
    **WHEREAS** the five review committees have reached consensus on the proposals and funding levels to be recommended in each of the categories;  
    **THEREFORE BE IT RESOLVED THAT** the recommended projects and funding contained in Appendix “A” of Report 04-316 be accepted;  
    —and further—
    **THAT** all organizations receiving funding enter into a contract with the City, in a form satisfactory to Legal Services, including details on the project activities funded, time frames, payment schedules, and reporting requirements.  
    (File No. CSU-F25-000-2004)  
    (The Report of the Commissioner of Community Services (04-316) is attached as Schedule Pages 129-133)
REPORTS (CONTINUED)

REPORT NO. 71 OF THE CHIEF ADMINISTRATIVE OFFICER (RECOMMEND)

(4) WHEREAS The Beer Store has requested an exemption to By-Law No. 2004-52 "A By-Law To Regulate Noise", Schedule "B" to permit deliveries to their 121 Cataraqui Street location, and;

WHEREAS the applicant has requested that the exemption cover operations between the hours of 7:00 pm and 12:00 am from Sunday to Thursday and including Statutory Holidays, and;

WHEREAS the public has been notified and consulted regarding this event and there are unresolved objections;

THEREFORE BE IT RESOLVED THAT The Beer Store at 121 Cataraqui Street, request for permanent exemption from the Noise Control By-Law, be denied.

(File No. CSU-P01-002-2004)

(The Report of the Commissioner of Planning & Development Services (04-300) is attached as Schedule Pages 134-136)
REPORTS (CONTINUED)
REPORT NO. 71 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSIDER)

Report No. 72

To the Mayor and Members of Council:
The Chief Administrative Officer requests that Council consider the following:

Joe Davis, Senior Project Manager, will speak to Council concerning the Counter Street/Elliott Avenue Road Works (Report No. 04-242).

(1) WHEREAS Council approved for the Counter Street/Elliott Avenue realignment, and;
WHEREAS capital works are nearing completion, and;
WHEREAS it is necessary to align street naming and numbering to coincide with the municipal civic addressing by-law, and;
WHEREAS it is necessary to ensure that addressing and street naming is consistent with the standards associated with our 9-1-1 PERS (Personal Emergency Reporting System);

THEREFORE BE IT RESOLVED THAT:

a) Council approve the renaming of Elliott Avenue, from the intersection of the new Counter Street extension Easterly to the Great Cataraqui River (Rideau Canal System), and the existing Counter Street from Division Street Westerly through to Princess Street, both sections to be renamed Taylor-Kidd Boulevard., and that the civic addressing be realigned to accommodate this as Alternative # 1, and;

That a by-law be presented to rename Elliott Avenue.

—or–

b) Council approve the renaming of Elliott Avenue, from the intersection of the new Counter Street extension Easterly to the Great Cataraqui River (Rideau Canal System) to Counter Street, and that the civic addressing be realigned to accommodate this as Alternative #2.

That a by-law be presented to rename Elliott Avenue.

(File No. CSU-D20-000-2004)
(See By-Law No. (1), 2004-244)
(The Report of the Commissioner of Planning & Development Services (04-242) is attached as Schedule Pages 137-147)
REPORT NO. 73 OF THE PLANNING COMMITTEE

Report No. 73

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

The Report of the Planning Committee is being distributed separately from the agenda.
REPORTS (CONTINUED)
REPORT NO. 74 OF THE KINGSTON MUNICIPAL HERITAGE COMMITTEE (LACAC)

Report No. 74

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

Since the meeting of the Kingston Municipal Heritage Committee (LACAC) will be held on Monday, August 16, 2004, the Report of the Kingston Municipal Heritage Committee (LACAC) will be distributed separately on the addeds.
1. **THAT** Council resolve into the Committee of the Whole to consider the following items:

Gerard Hunt, Manager of Finance, will provide an introduction to Report No. 04-200 – 2003 Audited Financial Statements. Michelle Podhy of KPMG LLP will speak to Council on the 2003 Audited Financial Statements. The consent of Council is requested to allow this presentation 15 minutes.

(a) **2003 Audited Financial Statements (04-200)**

The Report of the Commissioner of Corporate Services is attached as Schedule Pages 148-157, wherein the following is recommended:


(File No. CSU-F10-000-2004)

Nancy Andrews of CN Watson & Associates will be present to answer questions from Council.

(b) **Development Charges & Impost Fee By-Laws (04-309)**

The Report of the Acting Commissioner of Corporate Services is being distributed separately, wherein the following is recommended:

**THAT** the Development Charge/Impost Fee Background Study prepared by C.N. Watson and Associates Ltd., dated May 31, 2004 (as amended on August 12, 2004), be received and approved, and;

**THAT** Council approve the capital projects as set out in Chapter 5 (for development charges) and Chapter 7 (for impost fees) of the Development Charge/Impost Fee Background Study, dated May 31, 2004 (as amended), subject to annual review during the Capital Budget process, and;

**THAT** Council express its intention that development related post-planning period (post 2013 for 10-year services and post 2026 for build-out services) capacity of the works identified in the Development Charge/Impost Fee Background Study be paid for by future development charges or other similar charges, and;

**THAT** Council confirm that no further notice or public meeting is required pursuant to Section 12 of the Development Charges Act, 1997, and;

**THAT** Council enact By-law No. 2004-257 “A By-Law To Establish Development Charges For The City Of Kingston”, establishing new development charges for City wide services in the City of Kingston; and By-law No. 2004-256 “A By-Law To Impose Water Rates And Sewer Rates To Recover The Capital Cost Of Installing Water And Sanitary Sewer Services Necessary To Benefit Users Of The System”, establishing new impost fees for water and wastewater services in the City of Kingston, and that these by-laws be given first and second reading, and;

**THAT** Development Charges be exempt for industrial construction and that Impost Fees be phased in for industrial construction as follows:

(i) 0% September 29, 2004
(ii) 50% September 1, 2005
(iii) 100% September 1, 2006

and that the costs related to this exemption and phase-in be financed through a tax incremental financing program, and;
THE COMMITTEE OF THE WHOLE

THAT the Development Charges be exempt for commercial office construction and that Impost Fees be phased in for industrial construction as follows:

(i) at 0% September 28, 2004
(ii) 50% September 1, 2005
(iii) 100% September 1, 2006

and that the costs related to this exemption and phase-in be financed through a tax incremental financing program, and;

THAT Development Charges and Impost Fees be exempt for Brownfield’s Redevelopment related construction and that this exemption be financed through a tax incremental financing program.

(File No. CSU-F21-000-2004)
(See By-Law No. (13), 2004-256; By-Law No. (14), 2004-257)

(c) 2005 Internal Efficiencies (04-302)
The Report of the Chief Administrative Officer is attached as Schedule Pages 158-166, wherein the following is recommended:

THAT Council approve all of the recommended suggestions in Appendix “A” attached to Report No. 04-302 and direct departments to proceed with their implementation and further feasibility analysis if required, and;

THAT Council request that departments continue to review the other suggestions for consideration in the Fall during final budget approval, and;

THAT Council consider the submissions from the Agencies & Boards and give direction for final submission in the Fall, and;

THAT Council direct staff to plan for a final 2005 Municipal and Utilities Operating and Capital budget review in October with approval at the latest by the end of November 2004.

(File No. CSU-F05-000-2004)
(Note: The Appendices are being distributed separately)

Clauses (d) through (f) were deferred from Council Meeting No. 20, held July 13, 2004, due to time constraints.

(d) Homemaking Program (04-170)
The Report of the Commissioner of Community Services is attached as Schedule Pages 167-172, wherein the following is recommended:

WHEREAS the current hourly rates for the purchase of homemaking services as approved by the Province do not adequately compensate current service providers;

THEREFORE IT IS RECOMMENDED THAT Council approve an hourly rate increase to homemaking service providers of $1.25, as a 100% municipal expense for the period of June 1, 2004 to December 31, 2004.

(File No. CSU-S10-000-2004)
THE COMMITTEE OF THE WHOLE

(e) **Ontario Works Pay Direct Policy Update (04-238)**

The Report of the Commissioner of Community Services is attached as Schedule Pages 173-189, wherein the following is recommended:

WHEREAS many Ontario Works participants face ongoing challenges to maintain permanent accommodation and avoid eviction and/or utility cut offs due to non-payment of rent or accounts due, and;

WHEREAS the current Ontario Works Pay Direct service for rent and utility payments has proved to be well received and successful in maintaining permanent accommodations and reducing outstanding rent and utility arrears;

THEREFORE BE IT RECOMMENDED THAT the local Ontario Works Pay Direct service be expanded to include for-profit landlords as recommended by the Commissioner of Community Services in Report No. 04-238.

(File No. CSU-S17-000-2004)

THE COMMITTEE OF THE WHOLE – INFORMATION REPORT

(f) **Land Banking (04-259)**

The purpose of this report is to provide Council with an overview of land banking as a land management tool to assist future affordable housing development and outlines the steps and components necessary to undertake the preparation of the municipal land banking policy.

(File No. CSU-D25-000-2004)

(The Report of the Commissioner of Community Services is attached as Schedule Pages 190-201)

2. **THAT** Council rise from the Committee of the Whole and the Chair report.

3. **THAT** the Report of the Committee of the Whole be received, confirmed and adopted.
INFORMATION REPORTS
Schedule Pages 202-222

1. Operating Budget Status Report – 2nd Quarter Report 2004 (04-183)
The purpose of this report is to provide Council with a financial status update of the general operating fund as at then end of the second quarter (June 30, 2004).
(File No. CSU-F05-000-2004)
(The Report of the Commissioner of Corporate Services (04-183) is attached as Schedule Pages 202-206)

The purpose of this report is to advise Council of tenders approved and contracts awarded that meet the established criteria of delegated authority for the month of June, 2004.
(File No. CSU-F18-000-2004)
(The Report of the Commissioner of Corporate Services is attached as Schedule Pages 207-212)

3. Gas Rate Adjustment (04-304)
The purpose of this report is to inform Council of a rate change, effective August 1, 2004, for the commodity component of the natural gas charges from $0.2250 to $0.2750 per cubic metre.
(File No. CSU-E06-000-2004)
(The Report of the President & CEO of Utilities Kingston is attached as Schedule Pages 213-214)

The purpose of this report is to update Council on the status of taxes receivable and the collection of tax arrears in accordance with governing legislation.
(File No. CSU-F22-000-2004)
(The Report of the Commissioner of Corporate Services is attached as Schedule Pages 215-217)

5. Federal Funding at the Kingston Airport (04-317)
The purpose of this report is to provide Council with information on assistance provided by the Federal Government to the Kingston Airport during recent years through various funded programs.
(File No. CSU-T11-000-2004)
(The Report of the Commissioner of Operations is attached as Schedule Pages 218-220)

6. Economic Impact at the Kingston Airport (04-318)
The purpose of this report is to provide Council with results from Economic Impact Studies prepared on behalf of the Kingston Airport, which measure the total contribution the airport makes to the provincial economy in terms of gross revenues and employment.
(File No. CSU-T11-000-2004)
(The Report of the Commissioner of Operations is attached as Schedule Pages 221-222)
(Note: The Kingston (Norman Rogers) Airport Economic Impact Study is being distributed separately from the agenda)
MISCELLANEOUS BUSINESS

Motions of Council are required:

The following Miscellaneous Business Item was deferred at Council Meeting No. 20, held July 13, 2004.

(1) THAT Council nominate one member to serve on the Social Housing Services Corporation's Board of Directors for a two-year term, effective January 1, 2005.

(File No. CSU-C12-000-2004; CSU-S13-000-2004)

(See Clause (d), Report No. 66, Council Meeting No. 20, July 13, 2004)

(Note: Report No. 04-260 is being redistributed separately from the agenda)

(2) THAT Council appoint three members of the public to serve on the Large Venue Entertainment Centre Project Steering Committee. The following members of the public have applied to serve on this Committee:

- Claude Bellerose
- Wendy Erickson-Gray
- Nancy Helwig
- Irena Manoliu
- Michael H. Ross
- Lucas Smith
- Howard Burleigh (received after deadline)
- Ed Gardiner
- George N. Hood
- Rod McDonald
- Richard Ryde (non-resident)
- John Stewart
- Robert S. Edwards
- Mac Gervan
- Melanie Kerr
- George N. Hood
- Robert Ransom
- Filippo Scarpazza
- Patrick Thompson

(File No. CSU-R05-001-2004; CSU-C12-000-2004)

(Copies of the applications of the members of the public were distributed on August 6, 2004)

(3) THAT Council appoint two additional Members of Council to serve on the Taxi Commission for a term ending November 30, 2004.

(File No. CSU-C12-000-2004)

(See Communication No. 21-403)

(4) THAT a Member of Council be appointed to the Ad-Hoc Grand Theatre Building Committee.

(File No. CSU-C12-000-2004)

(See Clause (k), Report No. 70)

(5) THAT a member of the public be appointed to the Committee of Adjustment (Urban Panel) in order to fill a vacancy created by the death of a member. Note: the following members of the public applied to sit on this Committee in November 2003 and have re-affirmed their willingness to serve on this Committee: John Adams, Robert Burge, John Chown, Todd Speck, Laurence Trainor.

(File No. CSU-C12-000-2004)

(Copies of the applications are being redistributed separate from the agenda)
MOTIONS

(1) Moved by Councillor Pater
Seconded by Councillor Garrison

WHEREAS the City of Kingston is a member of the Federation of Canadian Municipalities (FCM) Partners in Climate Protection Program and is committed to practices that reduce corporate and community Greenhouse Gas Emissions, and;

WHEREAS the City is in support of wind power and other alternative energy options and has the enhancement of the environment as a strategic priority, and;

WHEREAS Gaia Power, a locally based renewable energy firm, in collaboration with Hearthmakers Energy Co-operative, has put forward a proposal to the City of Kingston to lease a small parcel of land at Lake Ontario Park for the purpose of erecting a wind turbine, and;

WHEREAS the economic, environmental, educational, and community benefits of this proposal are contingent upon execution of a land lease agreement between the City of Kingston and Gaia Power in the near future, and;

WHEREAS federal and provincial government initiatives are encouraging growth in the wind power industry and the City of Kingston’s active support of wind power will increase the chances of success for numerous other planned wind energy projects, and;

WHEREAS the Gaia Power–Hearthmakers proposal offers significant opportunity for St. Lawrence College to enhance its position as a leader in post secondary renewable energy education, and;

WHEREAS the City’s vision for Lake Ontario Park is to create a public destination that will appeal to local residents and tourists, and;

WHEREAS the proposed wind turbine would enhance this vision with an educational component while having little impact on other land uses at Lake Ontario Park;

THEREFORE BE IT RESOLVED THAT Council direct City Staff to work with Gaia Power and Hearthmakers Energy Cooperative in order to establish a land lease agreement by October 31, 2004 for the purposes of operating a single wind turbine at Lake Ontario Park.

(File No. CSU-E06-000-2004)

(See Clause (r), Report No. 70)

(2) Moved by Councillor Downes
Seconded by Councillor Pater

WHEREAS the Wellington Street extension is an important part of the Transportation Master Plan, and;

WHEREAS the Transportation Master Plan is not only about enhancing motorized transportation efficiency in the City of Kingston, but also about improving and enhancing pedestrian and non-motorized vehicle use of the public transportation network, and;

WHEREAS residents of Rideau Street and its surrounding neighbourhood have expressed concern about being a “cut-off” from the safe access to the waterfront of the Inner Harbour, and;

WHEREAS several residents, especially from Rideaucrest Towers and Rideaucrest Home are restricted to wheel chairs and other assistive mobility devices;
MOTIONS

THEREFORE BE IT RESOLVED THAT the environmental assessment and the expropriations of private and public lands for the Wellington Street Extension be made with specific plans for “safe” crossing locations similar to the pedestrian crossing in front of Rideaucrest Home on Rideau Street to allow neighbourhood residents safe access to the Inner Harbour.

NOTICES OF MOTION

MINUTES

THAT the Minutes of City Council Meeting No. 19-2004, held Tuesday, June 22, 2004; and Council Meeting No. 20-2004, held July 13, 2004, be confirmed.

TABLING OF DOCUMENTS

2004-66 The Kingston Frontenac Public Library
Minutes – Regular Meeting #2004-05 – May 26, 2004
(File No. CSU-C06-000-2004)

2004-67 The Kingston Frontenac Public Library
Minutes – Regular Meeting No. #2004-04 – April 28, 2004
(File No. CSU-C06-000-2004)

2004-68 The Ontario East Municipal Conference (OEMC)
(File No. CSU-A04-000-2004)

2004-69 Ongwanada Board of Governors
(File No. CSU-M04-000-2004)

2004-70 The Regional Municipality of Niagara
2003 Annual Report
(File No. CSU-A16-000-2004)
TABLING OF DOCUMENTS

2004-71 Hotel Dieu Hospital
2003-2004 Annual Report
(File No. CSU-M04-000-2004)

2004-72 The Downtown Kingston! Business Improvement Area
Contact – July/August 2004
(File No. CSU-A01-001-2004)

2004-73 The Downtown Kingston! Business Improvement Area
Agenda – Board of Management – August 11, 2004
Minutes – Board of Management – June 9, 2004
Minutes – Executive Committee Meeting – June 17, 2004
Minutes – Executive Committee Meeting – August 3, 2004
Marketing Report – Board of Directors – August 11, 2004
Project Manager, Development – Report – Board of Directors – August 11, 2004
(File No. CSU-A01-001-2004)
(Copied to all Members of Council on August 13, 2004)

COMMUNICATIONS

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

21-369 From the Honourable Dalton McGuinty, Premier of Ontario, acknowledging receipt of Council’s resolution concerning the Rent Bank and Rent Supplement Programs.
(File No. CSU-S17-000-2004)

21-373 From the City of Kawartha Lakes, acknowledging receipt of Council’s resolution concerning the Rent Bank and Rent Supplement Programs and informing that the resolution was adopted at the Meeting of the Kawartha Lakes City Council on July 13, 2004.
(File No. CSU-S17-000-2004)

21-382 From the Regional Municipality of Durham, acknowledging receipt of Council’s resolution concerning the Rent Bank and Rent Supplement Programs.
(File No. CSU-S17-000-2004)

21-383 From the Municipality of Clarington, acknowledging receipt of Council’s resolution concerning the Rent Bank and Rent Supplement Programs.
(File No. CSU-S17-000-2004)

21-384 From the Ontario Good Roads Association, an overview of the issues discussed at the Ontario Good Roads Association Board of Director’s meeting on June 18, 2004.
(File No. CSU-M04-000-2004)
21-392 From Terry Mosey of Bell Canada, announcing a partnership between Bell Canada and Carleton University’s Community Economic Development Technical Assistance Program (CEDTAP), which will assist community-based organizations to stimulate economic growth and innovation through improved communications technology. 
(File No. CSU-M04-000-2004)

21-393 From the Kingston Police Services Board, informing Council of the result of deliberations made by the Board and the Kingston Police Administration on Council’s goal of achieving 2005 budgets based on a net increase of 2.5% over 2004. 
(File No. CSU-C15-000-2004)

21-394 From the Industry Task Force II on 2,4-D Research Data in North Carolina, informing Council that the Environmental Protection Agency has released a draft health and environmental risk assessment to begin the public comment stage for the re-registration of the herbicide 2,4-D. 
(File No. CSU-M04-000-2004)

21-396 From St. John Ambulance, inviting Council to become a Branch Patron and inviting Members of Council to attend the meetings of the St. John Ambulance – Kingston Branch. 
(File No. CSU-M04-000-2004)

Referred to All Members of Council

21-370 From the Ministry of Municipal Affairs & Housing, informing Council that delegations will be held on Monday, August 23, and Tuesday, August 24, 2004 during the Association of Municipalities of Ontario Annual Meeting. Those who wish to meet with a Minister or Parliamentary Assistant must complete a delegation request form by Wednesday, August 4, 2004. 
(File No. CSU-A16-000-2004)  
(Copied to all Members of Council on July 29, 2004)

21-371 From Chris Beehler, requesting Council’s support, either by sponsoring a hole on the golf course or by donating a prize, during the 10th Annual Chris Beehler Open on August 18, 2004. 
(File No. CSU-M04-000-2004)  
(Copied to all Members of Council on July 29, 2004)

21-374 From the Burma Star Association, commending Mrs. Trich Legrow for her work in keeping the Burma Star Memorial Cairn in City Park in excellent condition and inviting Council to attend the Memorial Service to mark the end of World War II on August 15, 2004 at City Park. 
(File No. CSU-M04-000-2004)  
(Copied to all Members of Council on July 27, 2004)

21-375 From the Township of Essa, requesting Council’s support of a resolution to petition the Provincial Government to enact legislation to protect the employment rights of fire fighters who work full-time and serve as volunteers. 
(File No. CSU-C10-000-2004)  
(Copied to all Members of Council on July 29, 2004)
COMMUNICATIONS

21-376 From the City of Cornwall, requesting Council’s support of a resolution to petition the Provincial Government to provide special funding to enable municipalities to employ staff to coordinate the requirements of the Ontarians with Disabilities Act within municipalities and to set reasonable standards and guidelines for the advancement of this act.
(File No. CSU-C10-000-2004)
(Copied to all Members of Council on July 29, 2004)

21-377 From the Town of Iroquois Falls, requesting Council’s support of a resolution to petition the Provincial Government to make the gas tax refund available to all Ontario municipalities and that the funds be dispersed in a way to ensure fair distribution.
(File No. CSU-C10-000-2004)
(Copied to all Members of Council on July 29, 2004)

21-378 From the Township of Severn, requesting Council’s support of a resolution to petition the Provincial Government for funding with respect to the mandatory implementation of Emergency Management Programs under the Emergency Management Act.
(File No. CSU-C10-000-2004)
(Copied to all Members of Council on July 29, 2004)

21-380 From G. E. Pierog, Kingston Area Representative for the Corps of Commissionaires, requesting the approval of Council to appoint specific employees at the Kingston (Norman Rogers) Airport (Wayne Boudreau) to be By-Law Enforcement Officers for the purpose of issuing tickets on the property of the Kingston (Norman Rogers) Airport Parking Lots.
(File No. CSU-P01-03-2002)
(See By-Law No. (15), 2004-258)

21-381 From the Committee of Adjustment, an Amended Notice of Decision with respect to the following application:

MINOR VARIANCE – DAVID CLIFF & SUSANNE CLIFF-JUNGLING – in respect of an application for a minor variance from Zoning By-Law No. 8499 for the property at 28 Alma Street in order to permit the replacement of an existing back room with a properly constructed addition BE APPROVED, subject to conditions. The final date of appeal is July 19, 2004.
(File No. CSU-D19-00-2003)

21-385 From the Town of Tecumseh, requesting Council’s support of a resolution to petition to Provincial Government to provide financial assistance to Ontario municipalities to assist in providing water servicing infrastructure in rural areas.
(File No. CSU-C10-000-2004)
(Copied to all Members of Council on August 6, 2004)


COMMUNICATIONS

21-386 From the Committee of Adjustment, a Notice of Decision with respect to the following applications:

MINOR VARIANCE – JEFF & KELLY OLEJNIK – in respect of an application for a minor variance from Zoning By-Law No. 32-74 for the property at 1518 Joyceville Road in order to recognize the location of the existing structures on the property BE APPROVED, subject to conditions. The final date of appeal is August 3, 2004.

CONSENT – HOWARD BRADFIELD – in respect of an application for a consent to sever at 414,000ft² parcel of land from an approximately 37.0 hectare parcel of land on Aley Street for the purpose of adding the severed parcel as a lot addition to the Anchor Concrete Products Limited property BE PROVISIONALLY APPROVED, subject to conditions. The final date of appeal is August 9, 2004.

CONSENT – GRENVILLE H. GUTHRIE – in respect of an application for a consent to sever an approximately 1.26 acre parcel of land at 2084 Unity Road BE PROVISIONALLY APPROVED, subject to conditions. The final date of appeal is August 9, 2004.

(File No. CSU-D19-00-2003)

21-388 From Richard Priestman, President of the Kingston Chapter of the Committee on Monetary & Economic Reform, suggesting another choice for financing municipal infrastructure other than borrowing at commercial rates or entering into public-private partnerships.

(File No. CSU-M04-000-2004)

(Copied to all Members of Council on July 30, 2004)

21-389 From the Township of Galway-Cavendish & Harvey, requesting Council’s support of a resolution to petition the Provincial government to enact legislation to protect the employment rights of fire fighters who work full-time and serve as volunteers.

(File No. CSU-C10-000-2004)

(Copied to all Members of Council on August 6, 2004)

21-399 From Karen Bodirsky, CEO of Fair Air Association of Canada, providing Council with a study by Stantec Environmental Consulting for the Fair Air Association of Canada (FAAC) on the effectiveness of Designated Smoking Rooms.

(File No. CSU-M04-000-2004)

(Copied to all Members of Council on August 6, 2004)

21-401 From the Township of Greater Madawaska, requesting Council’s support of a resolution to petition the Provincial government to repeal all sections of Ontario Regulation 170/03, which deal with untreated water systems.

(File No. CSU-C10-000-2004)

(Copied to all Members of Council on August 6, 2004)

21-403 From Ken Matthews, Chairman of the Kingston Taxi Commission, requesting that Council appoint two additional Members of Council to the Kingston Taxi Commission for a term ending November 30, 2004.

(File No. CSU-C12-000-2004)

(See Miscellaneous Business Item No. (3)

21-404 From W. P. Good, proposing that the Memorial Centre be repaired and refurbished as opposed to building the Large Venue Entertainment Centre.

(File No. CSU-R04-001-2004)

(Copied to all Members of Council on August 13, 2004)
COMMUNICATIONS

Referred to the Commissioner of Community Services
21-395 From M. Fuller, requesting that Council set up a committee to study, take statistics and educate the general public on basic discrimination contrary to the Charter of Rights & Freedoms of Canada. (File No. CSU-M04-000-2004)

Referred to the Commissioner of Operations
21-372 From the Athletic Club of Kingston, informing Council of a proposal to lease Hanger 3 at the Kingston (Norman Rogers) Airport for the purpose of maintaining an indoor tennis facility. (File No. CSU-L04-000-2004) (Copied to all Members of Council on July 26, 2004)

Referred to the Commissioner of Planning & Development Services
21-379 From the Ministry of Municipal Affairs & Housing, a copy of two companion handbooks on air quality and climate change, which will provide information for local government officials, decision makers and other individuals on strategies and best practises to reduce greenhouse gases and other air pollutants. (File No. CSU-A16-000-2004; CSU-E05-000-2004)

21-386 From Andreas Frantzeskos, suggesting that part of Elliott Avenue be renamed “Quatrochi Street” in memory of the late Mr. Quatrochi. (File No. CSU-D20-000-2004) (Copied to all Members of Council on August 6, 2004)

21-387 From P. A. Neatby, President of the Pine Hill Estates Kingston Community Association, informing Council of concerns held by the residents of Pine Hill Estates concerning the construction of a Gateway Toyota facility on Bath Road and Vista Drive. (File No. CSU-M04-000-2004) (Copied to all Members of Council on July 30, 2004)

21-390 From the Ontario Municipal Board, informing Council that the hearing date for the appeal filed by Loblaw Properties Limited from the provisions of By-Law No. 8499 for property at 1096 Princess Street has been set for Tuesday, July 27, 2004 at 10:30 am at the Council Chambers, Kingston City Hall, 216 Ontario Street. (File No. CSU-L01-001-2004) (Copied to all Members of Council on July 16, 2004)

21-391 From the Kingston Municipal Heritage Committee (LACAC), a memorandum concerning the proposed demolition of 68 Brock Street. (File No. CSU-R01-000-2004) (Copied to all Members of Council on August 6, 2004)

21-398 From the Federation of Canadian Municipalities, congratulating the City of Kingston on achieving Milestone Two in the Partners for Climate Protection (PCP) program. (File No. CSU-A01-002-2004)
COMMUNICATIONS

**21-400** From the Sydenham Ward Tenants’ & Ratepayers’ Association, informing Council that the Association commissioned Golder Associates Ltd. to perform a peer review of the Phase II environmental site assessment submitted by Gillin and Homestead developers in support of the application for amendments to the Official Plan and zoning by-laws as they relate to Block D, as well as providing Council with the “Technical Peer Review of Phase II Environmental Site Assessment Report – Block D Property” by Golder Associates Ltd., and a monograph on Golder Associates Ltd.

(File No. CSU-D22-000-2004)

(Copied to all Members of Council on August 6, 2004)

**21-406** From Wendy Erickson-Gray, a submission of appeal to the Ontario Municipal Board regarding the proposed development of Block D.

(File No. CSU-L01-001-2004)

Referred to the Commissioner of Corporate Services and the Commissioner of Planning & Development Services

**21-402** From the Kingston Economic Development Corporation, informing Council of the following motion, passed at the Kingston Economic Development Corporation Board Meeting on Thursday, August 7, 2004:

*Moved by Bittu George*

*Seconded by Peter Merkley*

**THAT** the Kingston Economic Development Corporation recommends exemptions of development charges and impost fees for the following uses:

- All manufacturing, assembly and distribution operations (industrial)
- Commercial operations in areas designated for neighbourhood improvement

(File No. CSU-A01-003-2004)

**21-407** From Lloyd Therien, General Manager of Fort Glass Inc., informing Council of his concerns regarding the proposal to increase the development charges on commercial and industrial properties.

(File No. CSU-M04-000-2004)

(Copied to all Members of Council on August 13, 2004)

Referred to Communications

**21-397** From John Robertson, Manager of the Fort Henry National Historic Site, announcing the 50th anniversary of the relationship between the United States Marines Corps and the Fort Henry Guard and inviting Council to participate in the event by purchasing advertising space in the limited edition 50th Anniversary Supplement in the Kingston Whig-Standard.

(File No. CSU-M04-000-2004)

Referred to the Kingston Municipal Heritage Committee (LACAC)

**21-405** From the Ontario Heritage Foundation, inviting Council to participate in the Foundation’s 2004 Heritage Community Recognition Program to recognize the significant work done to preserve and promote heritage in the community.

(File No. CSU-R01-000-2004)
BY-LAWS

(A) That By-Laws (1) through (16) be given their first and second reading.

(B) That Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (2) to (4), (8), (11) and (12) three readings.

(C) That By-Laws (2) through (4), (8), (11), (12) and (16) through (23) be given their third reading.

(1) The title of this by-law is dependant on the alternative chosen by Council.

FIRST AND SECOND READINGS

(1) PROPOSED NO. 2004-244

(2) A By-Law To Authorize The Borrowing Upon 20-Year Amortizing Debentures In The Principal Amount Of $8,147,000.00 For The Purposes Of The Corporation Of The City Of Kingston.

THREE READINGS

(2) PROPOSED NO. 2004-245

(3) A By-Law To Authorize The Borrowing Upon Instalment Debentures In The Aggregate Principal Amount Of $1,853,000.00 ($108,000.00 Principal Amount Of 5-Year Instalment Debentures And $1,745,000.00 Principal Amount Of 10-Year Instalment Debentures) For The Purposes Of The Corporation Of The City Of Kingston.

THREE READINGS

(3) PROPOSED NO. 2004-246

(4) A By-Law To Authorize The Submission Of An Application To The Ontario Strategic Infrastructure Financing Authority (OSIFA) For Financing Certain On-Going Capital Works Of The Corporation Of The City Of Kingston (The “Municipality”); To Authorize Temporary Borrowing From The Ontario Strategic Infrastructure Financing Authority (OSIFA) To Meet Expenditures In Connection With Such Works; And To Authorize Long-Term Borrowing For Such Works Through The Issue Of Debentures To The Ontario Strategic Infrastructure Financing Authority (OSIFA).

THREE READINGS

(4) PROPOSED NO. 2004-247

(5) A By-Law To Provide For The Temporary Closure Of Ontario Street From Brock Street To Market Street On Saturday, September 18, 2004 From 9:00 AM To 3:00 AM (Community Purposes – Kid’s Day International).

FIRST AND SECOND READINGS

(5) PROPOSED NO. 2004-248

(6) A By-Law To Establish Those Lands Known As Part Of Lot 18, Concession 4 (1287 Sunnyside Road), In The City Of Kingston, Geographic Township Of Kingston, County Of Frontenac, More Specifically Described In Schedule “A” Of This By-Law, Be Dedicated As Part Of The Public Highway In Accordance With Section 31 Of The Municipal Act, Chapter 25, SO 2001.

FIRST AND SECOND READINGS

(6) PROPOSED NO. 2004-249
BY-LAWS

(7) 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” (Change Monthly Parking Rate At Frontenac County Court House).
FIRST AND SECOND READINGS PROPOSED NO. 2004-250
(Clauses (u), Report No. 70)

THREE READINGS PROPOSED NO. 2004-251
(Clauses (v), Report No. 70)

(9) A By-Law To Establish Those Lands Known As Part 1, Reference Plan 13R-17131 (38 Charles Street), In The City Of Kingston, County Of Frontenac, Be Dedicated As Part Of The Public Highway In Accordance With Section 31 Of The Municipal Act, Chapter 25, SO 2001.
FIRST AND SECOND READINGS PROPOSED NO. 2004-252
(Clauses (w), Report No. 70)

(10) A By-Law To Establish Those Lands Known As Part Of Lot 2, Registered Plan C-10 (595 & 600 Bagot Street), In The City Of Kingston, More Specifically Described In Schedule “A” Of This By-Law, Be Dedicated As Part Of The Public Highway In Accordance With Section 31 Of The Municipal Act, Chapter 25, SO 2001.
FIRST AND SECOND READINGS PROPOSED NO. 2004-253
(Clauses (w), Report No. 70)

(11) 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 “C5-11-H” Zone (Wal-Mart Canada Corp., In The Former Township Of Kingston).
THREE READINGS PROPOSED NO. 2004-254
(Clauses (x), Report No. 70)

(12) A By-Law To Establish Tax Decrease Limits For 2004 To Recover All Or Part Of The Revenues Foregone As A Result Of The Application Of Capping Program.
THREE READINGS PROPOSED NO. 2004-255
(Clauses (2), Report No. 71)

(13) A By-Law To Establish Development Charges For The City Of Kingston.
FIRST AND SECOND READINGS PROPOSED NO. 2004-256
(Clauses (c), The Committee of the Whole)
(14) A By-Law To Impose Water Rates And Sewer Rates To Recover The Capital Cost Of Installing Water And Sanitary Sewer Services Necessary To Benefit Users Of The System.
FIRST AND SECOND READINGS (Clause (c), The Committee of the Whole) PROPOSED NO. 2004-257

FIRST AND SECOND READINGS (Communication No. 21-380) PROPOSED NO. 2004-258

THREE READINGS (City Council Meeting No. 21-2004) PROPOSED NO. 2004-259

(17) A By-Law To Provide For The Temporary Closure Of Ontario Street From Brock Street To Market Street On Saturday, September 11, 2004 From 3:30 PM To 7:30 PM (Community Purposes – MINImeet “Show & Shine”).
THIRD READING (Clause (u), Report No. 66) PROPOSED NO. 2004-224

(18) A By-Law To Provide For The Temporary Closure Of Bagot Street From Barrie Street To West Street In Front Of City Park On Wednesday, September 8, 2004 From 4:00 PM To 5:30 PM (Community Purposes – Queen’s Alma Mater Society Bigger & Better Event Parade).
THIRD READING (Clause (v), Report No. 66) PROPOSED NO. 2004-225

(19) A By-Law To Provide For The Temporary Establishment Of Various Streets As One-Way Traffic Patterns On Sunday, September 5, 2004 From 8:00 AM To 5:00 PM (Community Purposes – Queen’s Alma Mater Society Moving In Day).
THIRD READING (Clause (x), Report No. 66) PROPOSED NO. 2004-227

(20) A By-Law To Provide For The Temporary Closure Of University Avenue From Union Street To Stuart Street On Friday, September 10, 2004 From 4:00 AM To 7:00 PM (Community Purposes – Queen’s Alma Mater Society Orientation Sidewalk Sale).
THIRD READING (Clause (z), Report No. 66) PROPOSED NO. 2004-230
(21) A By-Law To Change The Name Of Katherine Crescent, As Shown On Registered Plan 13M-24, To Katharine Crescent And To Change The Name Of Chadwick Drive, As Shown On Registered Plan 13M-41, To Chadwick Court. THIRD READING PROPOSED NO. 2004-232 (Clause (bb), Report No. 66)


(23) A By-Law To Amend By-Law 24 “A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act” (Provide For Additional On-Street Permit Parking - Barrie St. (Between Clergy And Union Streets); Clergy St. (Easterly End At Barrie Street), On Queen’s Crescent (Between Albert And Collingwood Streets); St. Lawrence Avenue). THIRD READING PROPOSED NO. 2004-234 (Clause (dd), Report No. 66)

ADJOURNMENT