TO: Bert Meunier, Chief Administrative Officer
FROM: Lance Thurston, Commissioner, Community Services
PREPARED BY: H.A. Tulk, Fire Chief
DATE OF MEETING: October 5, 2004
SUBJECT: Tender No. DCS-FR 2004-004-T
Two (2) 2004 or 2005 Model Year, 2500 Gallon Fire Tankers

RECOMMENDATION:

That Council approves the purchase of two (2) 2005 model year, 2500 gallon fire tankers from Seagrave Fire Apparatus Company for the tender amount of $475,330.00 plus applicable taxes.

ORIGIN/PURPOSE:

This purchase is to assist in the fire suppression efforts to meet tanker shuttle requirements and response time standards.

OPTIONS/DISCUSSION:

Public tenders were issued and closed, with the results as follows:

<table>
<thead>
<tr>
<th>VENDOR</th>
<th>BID SUBMISSION</th>
<th>COMMENTS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Seagrave Fire Apparatus Company</td>
<td>$475,330.00</td>
<td>Meets Specifications</td>
</tr>
<tr>
<td>Resqtech Systems Inc.</td>
<td>$518,000.00</td>
<td></td>
</tr>
</tbody>
</table>

Two submissions were received. The lowest bid is acceptable.

EXISTING POLICY/BY-LAW:

Purchasing By-law 2000-134 as amended.

LINK TO THE STRATEGIC PLAN:

Not applicable.
FINANCIAL CONSIDERATIONS:
Funding for this purchase is within the KFR Capital budget.

CONTACTS:
H.A. Tulk, Fire Chief
N. Murphy, Deputy Fire Chief

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
Legal
Finance

NOTICE PROVISIONS:
n/a

APPENDICES:
None

Lance Thurston
Commissioner, Community Services

Bert Meunier
Chief Administrative Officer
TO: Mayor and Members of Council
FROM: Bert Meunier, Chief Administrative Officer
PREPARED BY: same
DATE OF MEETING: 2004-10-05
SUBJECT: A NEW DEAL FOR ONTARIO MUNICIPALITIES

RECOMMENDATION TO COUNCIL:

That City Council endorse the submission to the Province of Ontario from the Mayors and Regional Chairs of Ontario of Single Tier Cities and Regions (MARCO) titled “A NEW DEAL FOR ONTARIO’S REGIONS AND SINGLE-TIER CITIES” dated September 2004.

ORIGIN/PURPOSE:

The City of Kingston is a member of the MARCO group and the CAO’s association of the same group of fourteen municipalities. The attached position paper was prepared by this group and the purpose of this report is to get as many municipalities as possible to endorse this submission and inform the province.

OPTIONS/DISCUSSION:

The core elements of the new deal submission listed below are consistent with our municipal objectives and should be supported in our view:

1. An improved legislative framework
2. Fiscal tools and resources
3. A seat at the table with the provincial and federal governments.

EXISTING POLICY/BY-LAW:

N/A
LINK TO STRATEGIC PLAN:
N/A

FINANCIAL CONSIDERATIONS:
N/A

CONTACTS:
Bert Meunier, ext.1214

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
Not applicable

NOTICE PROVISIONS:
N/A

APPENDICES:
Letter to the Premier from the Chair of MARCO dated 2004-09-13
Position Paper – A New Deal for Ontario’s regions and Single-Tier Cities

Bert Meunier
Chief Administrative Officer
September 13, 2004

The Honorable Dalton McGuinty
Premier of Ontario
Office of the Premier
Legislative Building
Queen's Park,
Toronto, ON M7A 1A1

Dear Premier McGuinty:

I am writing to you as chair of MARCO, the Single Tier Mayors and Regional Chairs of Ontario representing the 7 chairs of large regional municipalities and 7 mayors of single-tier cities and submitting to you MARCO's proposals for a New Deal for Ontario's cities and regions.

As municipal leaders representing more than 70% of Ontario's population and delivering social services and major infrastructure services, we are collectively focused on working together and with the province of Ontario to bring about a new deal. A New Deal for Ontario's regions and cities must involve the fundamental restructuring of municipal legislative and fiscal frameworks to ensure that resources match our responsibilities.

While we will continue to work within our own regional and city governments to improve efficiency and effectiveness of our service delivery we also recognize that we must dedicate resources to researching and developing options with the Province of Ontario for new finance and governance tools.

We are encouraged that there has been progress on the new deal. We recognize your government's commitment to the new deal through the introduction of legislation to enshrine consultation with municipalities in the Municipal Act and to initiate the review of the Municipal Act, 2001.

We are committed to keeping all channels of communication open with you and your Ministers and we will also be keeping our own councils, staff and communities apprised of our efforts and our progress on their behalf. I look forward to continued discussions with you on the New Deal.

Sincerely,

Bill Fisch
Chair of the Mayors and Regional Chairs of Ontario (MARCO) and
Chair of the Regional Municipality of York
A NEW DEAL FOR ONTARIO’S REGIONS AND SINGLE-TIER CITIES

A Submission to the Province of Ontario from the Single-tier Mayors and Regional Chairs of Ontario – MARCO

September 2004
MARCO, the Single-tier Mayors and Regional Chairs of Ontario, consists of 7 mayors of single-tier cities and 7 chairs of regional municipalities representing more than 70% of the population of the Province of Ontario. The members of MARCO are responsible for the provision of critical social, cultural and physical and economic infrastructure to local municipalities and citizenry.

The members of MARCO are the Consolidated Municipal Service Managers delivering Provincially mandated programs for:
- Ontario Works
- Social Housing
- Hostels and Shelters
- Childcare
- Public Health
- Long-term Care
- Emergency Medical Services

The members of MARCO are also responsible for a range of physical infrastructure such as:
- Water treatment and distribution
- Major transportation facilities
- Solid Waste Management
- Regional long-range planning
- Major parks and regional forests
- Policing and all Emergency Services

MARCO members’ Councils are responsible for full or partial funding of special purpose Boards and Commissions, the most significant of which are Police Services Boards and Health Boards.

MARCO meets on a regular basis to address issues of mutual concern and is supported by the Regional and Single-tier Chief Administrative Officers and a broad range of municipal experts and professionals.

The following is MARCO’s approved position on a new deal for Ontario’s regions and single-tier cities.

Office of the Regional Chair
17250 Yonge Street, Box 147, Newmarket, Ontario L3Y 6Z1
(905) 895-1231 Fax (905)895-1238 e-mail: bill.fisch@region.york.on.ca
The Time is Right for New Deal

The Province of Ontario has signalled by its commitments and actions that it is interested in establishing a new relationship with municipalities. The Throne Speech recognized the importance of strong communities and committed to working with municipal leaders as partners toward a new deal for cities.

The Federal government has committed to working co-operatively with provinces and municipalities to build partnerships in order to eliminate the infrastructure deficit and recognize municipal governments as key partners in implementing Canada’s national agenda.

MARCO submits this proposal for a New Deal for Ontario’s regions and single-tier cities as the starting point in discussions with the Province of Ontario for a New Deal.

Why is a New Deal Needed?

The quality of life and competitiveness of Ontario’s cities and regions are threatened because there is a fundamental mismatch between municipal resources and their responsibilities.

Property taxes in Ontario are 50% higher than the national average
(AMO Letter to LUMCO April 23, 2004)

The province is not living up to its cost share agreements. There is too much reliance on property taxes to support income redistributive programs.

Health and social services costs are a much greater municipal financial responsibility in Ontario. In 2002, 26.7% of municipal expenditures were spent on health and social services in Ontario compared with only 1.7% outside of Ontario.
(AMO Letter to LUMCO April 23, 2004)

Cities and regions are facing an increasing infrastructure deficit. Mature cities have aging infrastructure that must be rehabilitated and renewed. Growing areas must expand infrastructure.

The limited financial resources of single-tier cities and regions and responsibilities for funding social services means there is an inability to address key issues such as inadequate transportation and transit, shortages of affordable housing, worsening air quality, and growing poverty.

Between 1992 and 2000 federal revenues increased by 48% and provincial revenues increased by 55% while municipal revenues increased by only 28% in gross dollars and 9% in net dollars (net of LSR impacts), much less than the rate of inflation of 14% (A New Funding Framework for Ontario Municipalities, Inter-Municipal Team on New Revenue Sources, April 12, 2003)

Ontario’s cities and regions are also facing growing unfunded liabilities. Amalgamations have required costly harmonization of services, employee benefits and wages. Negotiated and arbitrated labour settlements are imposing additional unbudgeted costs.
What is the New Deal?

The New Deal seeks a better alignment of municipal resources and responsibilities through:

I. An Improved Legislative Framework - Expand the legislative autonomy of single-tier cities and regions to provide:

Greater depth and breadth of authority:
- Deeper, unfettered "natural person powers" would provide more flexibility to establish and amend (wholly owned) corporations, manage assets, etc.
- Broader "spheres of jurisdiction" (e.g. natural environment; health, well-being and protection of persons and property) would allow municipalities to respond to local priorities in a more timely, innovative and effective manner.

Recognition of cities and regions as an order of government, which could:
- Serve as the legal basis to require meaningfully consultation with municipalities before changes to programs, standards or regulations (and/or costs) or proposed restructuring.
- Remove legal, political and administrative impediments to municipalities' ability to negotiate directly and establish partnership agreements with the Federal government in areas of mutual interest.
- End the tradition of Provincial-municipal paternalism and usher in an era of partnership, to the benefit of all Ontarians.

Secured through changes to four types of Provincial legislation:
1. Incorporation legislation for regions and cities such as The City of Toronto Act
2. Framework legislation (The Municipal Act, 2001)
3. Special/private legislation
4. General program legislation (Ontario Works Act)

II. Fiscal Tools and Resources - Strengthen the fiscal capacity of single-tier cities and regions through a combination of:

- Full relief from GST/PST
- A share of Federal & Provincial fuel tax and other growth taxes (e.g. income, sales, consumption)
- Acceleration of existing Federal infrastructure programs
- New/increased "own-source" revenue tools (e.g. hotel tax, parking tax) and greater flexibility for user fees
- Income redistribution programs fully covered by income tax revenues (e.g. social housing, social assistance, public health, EMS cap on labour)

III. A Seat at the Table - is both a desired end in itself and a means to the end of a New Deal:

- Large single-tier cities and regions want to be involved as partners in Federal and Provincial policy, program and budget deliberations on issues that have a direct impact on major urban centres, such as immigration and settlement, urban transit and affordable housing
- Cities and regions need to be recognized as partners in growing strong communities
Provincial Government Actions

The Province of Ontario has taken important "first steps" to strengthen the fiscal capacity and legislative autonomy of Ontario's cities and regions.

Improved Legislative Framework

- Introduced legislation to limit role of the OMB and provide municipalities with more time to review planning applications
- Minister Gerretson initiated consultations with municipalities on the review of the Municipal Act, 2001

Fiscal Tools and Resources

- 2003 Campaign commitments acknowledged need to "move away from this antiquated notion which requires municipalities...to come to Queen's Park on a regular basis, cap in hand, to ask for a financial bail-out".
- 2004 Budget commits to:
  - Transfer 1 cent/litre gas tax to municipalities as of Oct. 2004, rising to 1.5 cents in '05 and 2 cents in '06
  - Increase provincial share of public health costs from 50% to 75% by 2007
  - Provided municipalities with fuller access to local property tax base for 2004 only
- Re-announced $85 million for affordable housing, of which $67 million is federal money

Seat at the Table

- Introduce legislation enshrining AMO MOU
- Promised to "work with federal government to ensure that municipalities have a seat at the table of national change"
- Municipal leaders included in February 9, 2004 meeting with Federal and Provincial Ministers of Immigration.

Ontario's Single-tier Cities and Regions ask that the Province of Ontario Commit to:

- Review funding arrangements for cost-shared income-redistribution programs (e.g. social assistance and childcare) to eliminate reliance on the property tax base and honour cost-sharing arrangements for realigned programs (eg: EMS at 50/50)
- Fulfill campaign promise to increase provincial funding for affordable housing to match the federal contribution of $245 million (for a total of $490M) for the development of 20,000 new housing units
- Provide single-tier cities and regions with full partnership in the development of trilateral arrangements (e.g. Federal/Provincial funding for Transit)
- Eliminate PST for municipalities
New Deal: Progress to Date

Support for a New Deal is Growing Strong

- Hub City Mayors' Summit (Jan.23,'04 communiqué)
- FCM / BCMC (Feb.19,'04 resolution)
- GTA Mayors and Chairs (Mar.29, '04 communiqué)
- AMO:
  - "Renewing Our Communities: Moving the "New Deal" Forward"
- Pre-Budget Submission to the Standing Committee on Finance and Economic Affairs February 2004
- "The Municipal Fiscal Dilemma: What it Means for Strong Communities and to Property Taxpayers" April 2004
- Media, business and community organizations

Federal Government Actions

The Federal Budget delivered

- 100% GST rebate for all municipalities, retroactive to Feb.1, 2004
- Acceleration of the Municipal Rural Infrastructure Fund (with no mention of CSIF)
- Commitment to start discussions with the provinces to share gas tax revenue with municipalities (or other mechanism), and to continue to consult with municipalities

Election Promises

- Federal gas tax to "communities" (i.e. not just cities) of up to five cents per litre over the next five years for infrastructure. Federal funding should not be clawed back by the provinces. Prime Minister Martin "wants" agreement among three levels of government by the end of 2004.
- Extend federal-provincial-municipal co-operative development agreements, using current agreements in Vancouver and Winnipeg as models.
- Invest up to $1.5 billion over the next five years for assisted housing.
Achieving a New Deal

There is a broad and growing recognition of need for a New Deal. The question is no longer whether a New Deal is necessary. Rather, the questions now are: What shape will it take? and When will the New Deal happen?.

- A New Deal means providing Canada’s single-tier cities and regions with the fiscal capacity, authority and respect they need to thrive.
- Ontario’s single-tier cities and regions need partnership, not paternalism.
- Ontario’s single-tier cities and regions need a seat at the table of national / provincial change.
- “Stronger single-tier cities and regions = stronger Ontario”
- “Stronger single-tier cities and regions = stronger Canada”
- The New Deal is about respect -- for the diversity of Canada’s single-tier cities and regions, for our contribution to the nation's economy, and for the principle of (local) democracy itself.
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: October 5, 2004

SUBJECT: WELLINGTON STREET/MID BLOCK MUNICIPAL CLASS ENVIRONMENTAL ASSESSMENT CONSULTANT SELECTION

RECOMMENDATION TO COUNCIL:

WHEREAS Council authorized funds in the 2004 Capital Budget for the Wellington Street/Mid Block Environmental Assessment;

AND WHEREAS members of staff have considered the proposals submitted by the consultant teams and have recommended that the consultant team led by the firm of Morrison Hershfield Limited undertake the Wellington Street/Mid Block Environmental Assessment;

THEREFORE BE IT RESOLVED THAT the firm of Morrison Hershfield Limited be retained to undertake the Wellington Street/Mid Block Environmental Assessment at a cost of $176,538.23 (including GST); and

THEREFORE BE IT FURTHER RESOLVED THAT the Mayor and City Clerk be authorized to enter into the requisite agreement, in a form satisfactory to Legal Services, for the provision of consulting services on behalf of the City.

ORIGIN/PURPOSE:

The origin of this report is to recommend a selected consulting firm to undertake the environmental assessment for the extension of Wellington Street from Bay Street to the extension of John Counter Boulevard.
OPTIONS/DISCUSSION:

A) **Background**

The extension of Wellington Street is identified in the current City of Kingston Official Plan. In addition, the Kingston Transportation Master Plan, which was approved in principle in July 2004, confirms the extension of Wellington Street from Bay Street to the new traffic corridor recently named John Counter Boulevard.

B) **Consultant Selection**

In July of 2004, the City’s Engineering Division advertised for the submission of Expressions of Interest for the Municipal Class Environmental Assessment for the Wellington Street/Mid Block Extension. Thirteen submissions were received for consideration. A staff review panel was established to review these submissions for: team of multidiscipline experts, team experience and general understanding of the Environmental Assessment process as well as any knowledge of the project. The selection committee determined a short list of five consulting firms based on the submission evaluation.

On Tuesday, August 10, 2004 staff distributed the Request for Proposals (RFP) to the short list of five. The deadline for submission of the RFP’s was Wednesday, September 8, 2004 at 3:00 pm for a public opening by the City Clerk. Three submissions were received by the deadline. The review panel reviewed and marked the submissions utilizing the evaluation process that was outlined in detail in the RFP document. The Evaluation Criteria is as follows:

1. Company Profile 10%
2. Experience, Qualifications and Availability of Team Members 10%
3. Understanding of Objectives 10%
4. Quality of Approach and Methodology 32%
5. Proposed Work Plan, Schedule and Level of Effort 25%
6. Cost 10%
7. *Ontarians with Disabilities Act* 3%

Staff, when reviewing the documents, took into consideration the above evaluation criteria which includes such issues as project management, the quality of the submitted proposal, experience of the individual team members as it related to their role in the project, and previous working relationships with members of each team.

The evaluation process weighs technical content more heavily with less emphasis on price, as can be noted in the weighting. The team selected did not submit the lowest bid but attained the highest overall score by all members of the selection team. The bid was the second lowest bid. This team prepared a document that responded to each section of the RFP with a concise and detailed approach and illustrated a complete understanding of the project. The level of commitment to the project by the team members represented an appropriate distribution for the price of the project. The team has extensive experience with Environmental Assessments as well as previous experience with the study area.
Staff concluded that while all three proposals were of high quality, the team led by *Morrison Hershfield Limited* in conjunction with *Muncaster Environmental Planning Inc.*, *McGovern Heritage Archaeological Associates*, *Urban Aerodynamics Ltd.*, *DBA Engineering Ltd.*, *XCG Consultants Ltd.*, and *Corush Sunderland Wright Ltd.* offered the best proposal meeting the needs of the City of Kingston.

As per Section C of the RFP General Terms and Conditions, Clause 20, Opening Process for bids over $50,000, the pricing component and the ranking of all accepted submissions is reported to Council as follows:

<table>
<thead>
<tr>
<th>Team</th>
<th>Rank</th>
<th>Bid (excluding GST)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Morrison Hershfield Limited</td>
<td>1</td>
<td>$164,989</td>
</tr>
<tr>
<td>National Capital Engineering</td>
<td>2</td>
<td>$207,978</td>
</tr>
<tr>
<td>McCormick Rankin Corporation</td>
<td>3</td>
<td>$149,235</td>
</tr>
</tbody>
</table>

C) Project Schedule

It is expected that the project will commence in November of 2004 with completion in late 2005. Prior to the initiation of the project the consultant will be required to sign a contract with the City which will include the work program including items such as technical advisory meetings, public advisory meetings, public open houses, study timing, data collection, establishment of alternative solutions, presentation to Council and submission of the Environmental Study Report as required by the Provincial Environmental Assessment Act.

EXISTING POLICY/BY-LAW:

The selection of the consultant for the Wellington Street/Mid Block Environmental Assessment has been completed in compliance with the City of Kingston Purchasing and Procedures By-Law No. 2000-134 as it pertains to the “Procurement/Appointment of Professional Services”.

The Wellington Street extension is supported by the Official Plan of the City of Kingston, as well as the recommendations of the Kingston Transportation Master Plan.

LINK TO STRATEGIC PLAN:

One area of priority in Focus Kingston is the Long-Range Infrastructure Plan which states:

> The well being of residents and the economic prosperity of the community are directly affected by the ability of the community to plan for and develop its infrastructure.

In addition this project is supported by the Kingston Transportation Master Plan which is a projection of the expansion of the City’s transportation network for the next 25 years.

FINANCIAL CONSIDERATIONS:

There are sufficient funds within the approved Engineering Division 2004 Capital Budget for this project.
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 - Alan Mcleod, Senior Legal Council
Finance Division - Janis Morrison, Purchasing Agent
Proposal Review Committee:
Engineering Division, Kimberley J. Brown
Planning Division, Shirley Bailey
Engineering Division, John Sawarna

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

APPENDICES:
N/A
TO: Bert Meunier, Chief Administrative Officer
FROM: Terry Willing, Acting Commissioner, Planning and Development Services
PREPARED BY: Joseph E. Davis, Senior Project Manager
DATE OF MEETING: October 5, 2004
SUBJECT: Davis Tannery Remediation/Redevelopment

RECOMMENDATION TO COUNCIL:

WHEREAS at its meeting on September 7, 2004, Council directed staff to enter into negotiations with Conestoga Rovers and Associates and Kincore Holdings Ltd. (Kincore), to develop an agreement satisfactory to our Legal Division for the transfer, remediation and redevelopment of the former Davis Tannery property; and

WHEREAS staff has met with the proponents and have reached consensus as to the appropriate way to proceed with the transaction;

THEREFORE BE IT RESOLVED that Council authorize the Mayor and Clerk to enter into an agreement with Kincore granting it a right to first purchase the site, to be exercised within 30 days of the failed tax sale, assuming that the site is not sold during the tax sale process, to the satisfaction of Legal Services; and

BE IT FURTHER RESOLVED that Council authorize the Mayor and Clerk to enter into an agreement with Kincore for the purchase, remediation and redevelopment of the Davis Tannery site, to the satisfaction of the Legal Services Division, in the event that the site is not sold during the tax sale process, and provided that the City’s ERASE program is approved by the Ministry of Municipal Affairs; and

BE IT FURTHER RESOLVED that staff proceed with the recommendations in this report.

ORIGIN/PURPOSE:

Since the meeting of September 7, staff met with Conestoga Rovers and Associates and Kincore Holdings Ltd. (Kincore) on Friday, September 10, 2004 to determine the terms and conditions of an agreement relative to the purchase, remediation and redevelopment of the Davis Tannery site.
OPTIONS/DISCUSSION:

The RFP, when issued, sought proponents with the qualifications and expertise necessary to remediate and redevelop the Davis Tannery site. All of the proponents, including the successful proponent, indicated at the time that the Brownfields and ERASE Program would have to be a fundamental part of the financing for the success and viability of this project.

The Brownfields and ERASE Program, offered by the City, has not been finalized at the time of the writing of this report. It is our understanding that the outstanding regulations allowing us to proceed with our ERASE Program are to be proclaimed October 1, 2004. Once these regulations have been proclaimed, the City will complete our documentation to the ministry, which will be a copy of our ERASE program in a form acceptable to them. In the meantime, at the request of the Ministry of Municipal Affairs at the submission of our draft report, they have required a number of modifications. These are currently being worked on and it is anticipated these will be completed by December of this year. Included in this is a Community Improvement Project Plan and the amendment to our Official Plan. With the proclamation of Section 365.1 of the Municipal Act, this is the section that deals with granting of education taxes back and the cancellation of property taxes during the remediation and redevelopment phases. It is anticipated that once we have this report completed, and we are targeting for December, we will require 90 days to obtain approval of the ERASE Program from the Ministry of Municipal Affairs and Housing. Therefore, we do anticipate that sometime in the first or second quarter of 2005, the ERASE Program will be fully approved by the Ministry of Municipal Affairs.

The stated intent of the RFP was to transfer ownership of the property as of November 4, 2004 to the proponent. This timing exposed the City to a nominal period of ownership and associated liability. Kincore proposes that the City take ownership of the property until such time as the Brownfields/ERASE Program is completely in place. Kincore would then take over ownership. Alternatively, Kincore suggested it could take ownership immediately, but only with significant financial guarantees from the City that all remediation costs would be covered by the City, in the event that the ERASE program is not approved.

The Legal Division and staff do not recommend that the City assume ownership unless Kincore is prepared to accept a transfer of title immediately, and without guarantees as to remediation costs. To proceed otherwise exposes the City to unnecessary liability.

As a result of negotiations, staff recommends that the tax certificate for the Davis Tannery be cancelled and a new tax certificate be issued to commence a new tax sale process for the property. This is necessary as the City has until November 3, 2004 to either vest title of the site or cancel the tax certificate. Without the ERASE program, the City cannot proceed with the contemplated transfer of title to the site at this time. By canceling the tax certificate, the City can start a fresh tax sale process.

The process requires that the City issue a new tax certificate. This gives the owner and anyone with a legal interest in the site the opportunity to pay the outstanding taxes. If the taxes are not paid in full within 12 months, the City may advertise the property for sale. If no person has paid the outstanding taxes at the end of the tax sale process, the City has the option of assuming title to the property itself. Therefore, it will be approximately 14 months before the City is once again in a position to vest title and transfer it to Kincore.
Kincore has been advised of the timing of this suggested course of action and agrees that this process is the most reasonable for it and the City. Kincore and the City have agreed, subject to Council approval, to enter into an agreement to grant Kincore a right to first purchase the site, to be exercised within 30 days of the failed tax sale, assuming that the site is not sold during the tax sale process. The agreement with Kincore will also establish interim steps that each party must accomplish to prepare for a transfer in the event that the tax sale process is unsuccessful and Kincore is in a position to exercise its right to first purchase the site, including:

(a) negotiating in good faith an agreement of purchase and sale;
(b) obtaining insurance or other financial sureties necessary to guarantee that remediation will be completed and to indemnify the City;
(c) negotiating in good faith all collateral agreements necessary to effect the transfer of the property in the event the tax sale process is not successful.

As indicated above, this process will be contingent on the ERASE program being implemented.

This recommended strategy limits the liability for both Kincore and the City and moves us towards the remediation and redevelopment of the Tannery site in a very timely fashion. During the interim period the parties agree to work diligently to draft all agreements and have in place the necessary insurance and financing so that the transfer can be accomplished quickly at the end of the tax sale process.

EXISTING POLICY/BY-LAW:

At its meeting of March 9, 2004 Council endorsed a policy dealing with failed tax sale properties. This recommendation is based on the policy approved at that time. Council also endorsed the report by staff on September 7, 2004 that recommended the negotiations with the above firms. In accordance with that policy, staff proceeded through the RFP process and Council approved Kincore as the successful proponent. Negotiations revealed that the transfer of the property could not realistically proceed in the absence of the ERASE program. Given this unforeseen issue, staff believes that the recommended course of action is consistent with the approved policy. But for the unavailability of the ERASE program at this time, the transfer of the property would have proceeded as contemplated in the policy. In order to best protect the City’s interests, it is necessary to proceed through the tax sale process again; there is no other way to make the property available. If the property is not purchased through the tax sale process, the City will be in a position to vest title and transfer the property to the successful proponent, in accordance with the approved policy.

LINK TO STRATEGIC PLAN:

This site, although not specifically spoken of in the Strategic Plan, is tied into the Strategic Plan in that it focuses on the priorities that have been established for immediate action/attention. The remediation and redevelopment of Brownfield sites scored high in both the economic priority area and the environmental priority area. The area of economic prosperity to market these properties for further investment and redevelopment ranked high in providing employment and sustainable development through the use of lands currently serviced. In the area of the environment, quality of life was stressed with a need to improve quality of land and establish an inventory and a program to develop a Brownfields strategy that would positively impact both the physical health of the community and the environmental health of the municipality. This project can be an example of our policies and strategies coming together to achieve these community goals.
FINANCIAL CONSIDERATIONS:

At this time there are no financial considerations to the City.

CONTACTS:

Joseph E. Davis, Senior Project Manager, Planning and Development Services (546-4291 ext. 3125)
Tony Fleming, Senior Legal Counsel, Corporate Services (546-4291 ext. 1293)

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

Patricia Carrol, Manager, Taxation and Revenue

NOTICE PROVISIONS:

Not applicable.

APPENDICES:

None.

Terry Willing, Acting Commissioner,
Planning and Development Services

Bert Meunier
Chief Administrative Officer
REPORT TO COUNCIL

TO: Bert Meunier, Chief Administrative Officer
FROM: Mark Segsworth, Commissioner, Operations Services
PREPARED BY: John Giles, Manager, Solid Waste Division
DATE OF MEETING: 2004-10-05
SUBJECT: Garbage Bag Limits

RECOMMENDATION TO COUNCIL:
It is recommended that a by-law be presented to City Council for all three readings to amend former Township of Pittsburgh By-law No. 36-95 as it pertains to bag limits for garbage collection.

ORIGIN/PURPOSE:
Council passed a resolution at Meeting No. 01-2003 providing for a two bag limit for residential garbage and a 12 bag limit for industrial, commercial and institutional units in areas where the City provides the service.

OPTIONS/DISCUSSION:
Former Pittsburgh Township By-law No. 36-95 requires housekeeping amendments to reflect the resolution to integrate the 12 bag limit for industrial, commercial and institutional units and the two bag limit for residential units.

EXISTING POLICY/BY-LAW:
Former Township of Pittsburgh By-law No. 36-95 “A by-law to regulate and maintain a system for the collection, removal and disposal of ashes, garbage and other refuse”

LINK TO STRATEGIC PLAN:
The Environment.

FINANCIAL CONSIDERATIONS:
No financial implications are to be considered in this report.

CONTACTS:
John Giles, Manager, Solid Waste Division………………546-4291 ext. 2701

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
Legal Services – Alan McLeod, Senior Legal Counsel

NOTICE PROVISIONS:
There are no Notice Requirements related to the subject of this report.
APPENDICES:
Draft By-law 2004-xxx "A By-law To Amend former Township of Pittsburgh By-law No. 36-95"

Mark Segsworth
Commissioner, Operations Department

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

A BY-LAW TO AMEND BY-LAW NO. 36-95 "BEING A BY-LAW TO REGULATE AND MAINTAIN A SYSTEM FOR THE COLLECTION, REMOVAL AND DISPOSAL OF ASHES, GARBAGE AND OTHER REFUSE" (FORMER TOWNSHIP OF PITTSBURGH)

PASSED: _______, 2004

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

1. By-Law No. 36-95 entitled "Being A By-Law To Regulate And Maintain A System For The Collection, Removal And Disposal Of Ashes, Garbage And Other Refuse" (former Township of Pittsburgh) is hereby amended as follows:

   a. Section 4.b.iii is hereby deleted and substituted with the following:

   "4.b.iii Industrial, commercial and institutional units in areas where the City of Kingston provides garbage collection service shall be limited to a maximum number of twelve (12) containers and residential units shall be limited to a maximum number of two (2) containers."

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

GIVEN ALL THREE READINGS AND PASSED _________, 2004

CITY CLERK

MAYOR