TO:        Bert Meunier, Chief Administrative Officer
FROM:      Terry Willing, Acting Commissioner
PREPARED BY:  James English, Pollution Prevention Specialist, Environment Division
DATE PREPARED:  October 26, 2004
DATE OF MEETING:  November 9, 2004
SUBJECT:  APPLICATION FOR TILE DRAINAGE LOAN UNDER TILE DRAINAGE ACT – KATHLEEN & PATRICK O’CONNOR

RECOMMENDATION TO COUNCIL:

That the application for loan under the Tile Drainage Act by Patrick and Kathleen O’Connor, previously approved for an amount up to $50,000, be amended and approved for $49,100. This amount is confirmed by the Inspector of Drainage now that the work relating to the application for loan under the Tile Drainage Act has been completed satisfactorily, it being understood that funds shall be provided through a Tile Drainage Debenture with the Province of Ontario, subject to the availability of funding from the Ontario Ministry of Agriculture and Food (OMAF);

And further,

That Council waive the Rules of By-law 98-1, “Council Procedural By-law”, to give the Rating By-law entitled “A By-law to Impose Special Annual Drainage Rates in Respect of Money Borrowed under The Tile Drainage Act (Patrick and Kathleen O’Connor)” all three readings in order that funds may be disbursed by December 1, 2004, in accordance with the Amortization Schedule attached to the draft by-law.

ORIGIN/PURPOSE:

An application for a loan under the Tile Drainage Act has been received from Kathleen and Patrick O’Connor, 4000 6th Concession Road, R. R. # 1, Joyceville, in the amount of $50,000, for the installation of a tile drain on the property located at Lot 34, Concession VI, (former Township of Pittsburgh).

In 1992 and 1995, the former Pittsburgh and Kingston Townships applied for and received approval for funds totaling $187,000 under the Tile Drainage Act. In 1998, $41,100 had been expended, leaving a balance of $145,900. The City of Kingston consolidated this amount into by-law 2001-63. To date the City of Kingston has expended $34,200 leaving a balance of $111,700.
OPTIONS/DISCUSSION:

Under the Tile Drainage Act regulations, Council is required to consider the application for the loan and provide written notification of the status. The farmer may then proceed to complete the work, knowing that Council has approved his/her application, up to a particular dollar amount. Once the work is undertaken by the farmer and the tile installer, the Inspector of Tile Drainage will file with the Clerk, an Inspection and Completion Certificate. If work is completed satisfactorily, Council must approve a Rating By-Law in order to impose special annual drainage rates upon the land in respect of the loan. This loan is levied and collected in the same manner as taxes. The By-Law number 2001-63 has been amended to reflect the total for the former Townships of Kingston and Pittsburgh Borrowing By-laws.

Under the legislation, Council may approve lending to the applicant a sum not exceeding the amount applied for, or 75% of the total cost of the drainage work with respect to which the loan is made. The approved amount is included in a Debenture, payable to the Minister of Finance. The total cost of the work was $65,589.83, and the $49,100 loan represents 75% of the costs (maximum amount) that can be approved by Council.

Recent changes to the provincial policy allows for a loan amount to be increased from the pre 2004 limit of $20,000 up to a new limit of $50,000 for any fiscal year. The Provincial policy states that "The sum of all loans issued in a fiscal year, to an individual, as an individual, or in his/her role in a partnership or corporation shall not exceed $50,000".

EXISTING POLICY/BY-LAW:

By-law 2001-63

LINK TO STRATEGIC PLAN:

N/A

FINANCIAL CONSIDERATIONS:

None

CONTACTS:

James English, P.Ag. Pollution Prevention Specialist, Environment Division

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

Council Support – Clerk
Finance Division – Taxation & Revenue

NOTICE PROVISIONS:

None

APPENDICES:

Appendix A – Draft By-law
<table>
<thead>
<tr>
<th>Name</th>
<th>Title</th>
</tr>
</thead>
<tbody>
<tr>
<td>Terry Welling</td>
<td>Acting Commissioner, Planning &amp; Development Services</td>
</tr>
<tr>
<td>Bert Meunier</td>
<td>Chief Administrative Officer</td>
</tr>
</tbody>
</table>
Appendix “A”

By-Law Number 2004-____

BY-LAW IMPOSING SPECIAL ANNUAL DRAINAGE RATES IN RESPECT OF WHICH MONEY IS BORROWED UNDER THE TILE DRAINAGE ACT, (PATRICK & KATHLEEN O’CONNOR)

WHEREAS owners of land in the municipality (more particularly described in Schedule “A”, attached hereto), have applied to the Council under the Tile Drainage Act, for loans for the purpose of constructing sub-surface drainage works on such land;

AND WHEREAS the Council has upon their application agreed to lend the owners the total sum of $49,100 to be repaid with interest by means of rates hereinafter imposed;

NOW THEREFORE the Council of the Corporation of the City of Kingston hereby enacts as follows:

1. That annual rates as set out in schedule “A” attached hereto are hereby imposed upon such land as described in Schedule “A” for a period of ten (10) years, such rates to be levied and collected in the same manner as taxes.

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

GIVEN ALL THREE READINGS AND PASSED

CITY CLERK

MAYOR
<table>
<thead>
<tr>
<th>Name and Address of Owner</th>
<th>Description of Land Drained</th>
<th>Proposed Date of Loan</th>
<th>Sum to be Loaned $</th>
<th>Annual Rate to be Imposed $</th>
</tr>
</thead>
<tbody>
<tr>
<td>Patrick and Kathleen O'Connor</td>
<td>Lot 35, Concession VI City of Kingston (formerly Township of Pittsburgh) County of Frontenac Role No. 1011-090-010-08100</td>
<td>December 1, 2004</td>
<td>$49,100.00</td>
<td>$6671.12</td>
</tr>
</tbody>
</table>
TO: Bert Meunier, Chief Administrative Officer
FROM: Mark Segsworth, Commissioner of Operations
PREPARED BY: Malcolm Morris, Transit Manager
DATE OF MEETING: November 9th, 2004
SUBJECT: Appointment of Municipal By-Law Enforcement Officer

RECOMMENDATION TO COUNCIL:

That By-Law 80-69, “A By-Law to appoint Municipal Law Enforcement Officers of the Corporation of the City of Kingston” be amended to remove Tim Carr.

and,

That By-Law 99-166 authorizing Kingston Transit Supervisor Katherine McKoy to issue Parking Infraction Notices where vehicles are parked blocking Kingston Transit Bus Routes be amended to read, “authorizing Kingston Transit Supervisors, John Barbosa, Katherine McKoy, and Ken Steele to issue Parking Infraction Notices where vehicles are parked blocking Kingston Transit Bus Routes, contrary to By-Law No. 24.”

ORIGIN/PURPOSE:

The purpose of this report is to authorize Kingston Transit Supervisor Katherine McKoy to issue parking infraction notices and to remove former City of Kingston Transit Supervisor Tim Carr from this authority.

OPTIONS/DISCUSSION:

It is imperative that bus stops be kept clear of vehicles to allow for safe boarding/alighting of passengers.

It is the City’s practice that Transit Supervisors be given the authority to issue parking tickets to vehicles in bus stops. This report updates the existing bylaw to reflect current names of supervisors.

EXISTING POLICY/BY-LAW:

By-Law 80-69 and By-Law 99-166
LINK TO STRATEGIC PLAN:

N/A

FINANCIAL CONSIDERATIONS:

N/A

CONTACTS:

Malcolm Morris, Transit Manager, (613) 546-4291 extension 2260
Paula Nichols, Parking Services Manager, (613) 546-4291 extension 1279

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

Operations Department – Transit Division
Operations Department - Parking Services Division

APPENDICES:

None

Mark Segsworth, P.Eng.
Commissioner of Operations

Bert Meunier
Chief Administrative Officer

K:Trsptnl/Reports & Attachments/Report to Council-Appointment of Municipal By-Law Enforcement Officer-04-413
RECOMMENDATION TO COUNCIL:

WHEREAS Fabio Fiumani of Ariston Realty Corporation has submitted an application on behalf of 1358279 Ontario Inc. (Howard Klaiman) requesting that the ‘-H’ Holding Symbol be lifted from the property known municipally as 2444 Princess Street, located on the north side of Princess Street and west side of Centennial 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:

- all Municipal requirements are contained within the Site Plan Control Agreement and are shown on the approved site plan drawings; the terms of the agreement are as listed within the Site Plan Control Agreement dated December 18th, 2000;
- the Site Plan Control Agreement has been executed by the Owner and registered by the Municipality on January 10, 2001 as Instrument No. 700316 between 1358279 Ontario Inc. and The Corporation of the City of Kingston together with the required financial securities which have been released;
- 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 it be recommended to the Council of The Corporation of the City of Kingston as follows:

1. 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 north side of Princess Street and west side of Centennial Drive, 2444 Princess Street, so as to rezone the subject lands from General Commercial Zone ‘C2-1-H’ to General Commercial Zone ‘C2-1’, which lands are shown as “Lands subject to H Removal” on Schedule “A” attached hereto.

A Draft of the Amending Zoning By-Law is appended to this report for Council’s review and consideration (Appendix No. 1).

AND BE IT FURTHER RESOLVED that the Amending By-Law be presented to City Council for all three readings.

ORIGIN/PURPOSE:

This matter originates in an application, submitted by Fabio Fiumani of Ariston Realty Corporation on behalf of 1358279 Ontario Inc. (Howard Klaiman) for removal of a ‘-H’ Holding Symbol from the property located at 2444 Princess Street. The purpose of this report is to assess the merits of the request and to make a recommendation to City Council respecting removal of the ‘-H’ Holding Symbol.

OPTIONS / DISCUSSION:

(a) Site Location and Description:
The subject 1.2 ha site, is located on the north side of Princess Street, west of Centennial Drive. The surrounding land uses consist of predominately commercial uses. The lands to the north are occupied by the Costco warehouse store; the lands to the west are occupied by commercial businesses and Environmental Protection Area lands; to the south is a restaurant and plaza; and, to the west is Jerome Taylor the car dealership, and further to the west are low density residential homes. The site is developed with an A&W Restaurant to the west, the Petro-Canada Gas Bar with a Subway Restaurant and a car wash located to the rear of the gas bar.

(b) Procedural Information:
Zoning By-Laws to remove ‘-H’ Holding Symbols are typically technical in nature as the planning issues related to the use of the Holding Symbol and the conditions for its removal have been established as part of the initial development process. Also, any technical issues and required clearance letters are generally addressed through the review and approval of the final engineering plans and the conditions established by Council and contained within the Site Plan Agreement. Pursuant to Council’s adopted procedures (Clause 5, Report No. 7, Meeting No. 2, held 1998-12-5), reports dealing with applications for removal of an ‘-H’ Symbol are referred directly to City Council by Staff. This process was instituted as a customer service initiative to reduce the processing time for applications and in recognition
OPTIONS / DISCUSSION (Cont’d):

of the fact that the conditions for such removal have already been clearly established by the Planning Committee and Council. This direct process was determined to be more efficient given the fact that such applications are generally submitted towards the end of the planning process when timing may be critical to the developer.

(c) Analysis:
On July 10, 2004, Staff recommended that the ‘-H’ Holding Symbol be removed before development could proceed. The conditions for removal of the ‘-H’ Holding Symbol have been fulfilled by the Owner as follows:

1. The Site Plan Control Agreement has been executed by the Owner and registered by the Municipality on January 10, 2001 as Instrument No. 700316. The Owner had submitted the necessary financial securities, which have been released as well as copies of Approved Plans required by the Site Plan Control Agreement. All Municipal and agency requirements are contained within the conditions which comprised the Site Plan Control Agreement or are detailed on the approved site plan control drawings in the Agreement.

3. The Owner has submitted the appropriate application to amend By-Law No. 76-26 (Restricted Area Zoning By-Law) so as to remove the ‘-H’ Symbol for the subject lands. This amendment has been processed in accordance with the Notice Regulations of the Planning Act.

(d) Conclusion:
The intent of the ‘-H’ Holding Symbol on the subject property was to restrict development until such time as all necessary municipal and agency requirements had been fulfilled and all necessary agreements had been registered on title. Based on the foregoing analysis it would appear that the Owner has fulfilled the requirements for the removal of the ‘-H’ Holding Symbol. Therefore, Staff recommend to City Council that the Zoning By-Law be amended to remove the ‘-H’ Holding Symbol for the subject property.

EXISTING POLICY/BY-LAW:
The property subject to this application for rezoning is designated as Commercial in the Official Plan for the Former Township of Kingston and is zoned General Commercial Zone “C2-1-H” in By-Law No. 76-26 for the former Township of Kingston. The proposed use for the property complies with the policies of the Official Plan and the applicable requirements of the Zoning By-Law.

LINK TO STRATEGIC PLAN:
The Strategic Plan promotes responsible new development.
FINANCIAL CONSIDERATIONS:

There are no financial considerations to be addressed in this report.

CONTACTS:

Further information with respect to this application and the contents of this report can be obtained by contacting:

- Trudy Gravel, Development Planner, Development Approvals (384-1770, extension 3277);
- Bianca M.V. Bielski, Manager of Planning (384-1770, extension 3250).

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:

The request for removal of the ‘-H’ Symbol was circulated to the following Departments, all of which confirmed no objection to the approval of the proposed application:

- Building and By-Law Division, Ted J. Marecak (extension 3190);
- Utilities Kingston, Bob Millard (extension 2338);
- Engineering Division, Jim Fowler (extension 3172) There was initially concerns with an outstanding deficiency of which Engineering had requested a $100.00 holdback for a buried water valve in the City boulevard. Engineering has been notified that the work has since been completed and the securities have been released.
- Fire & Rescue, Robb Kidd (extension 5107)
- Cultural Services, Kris Hebert (extension 1256)

NOTICE PROVISIONS:

This amendment has been processed in accordance with the Notice Regulations of the Planning Act. These regulations require that a Notice of Council’s intent to pass an amending By-Law to remove an ‘-H’ Symbol be provided by an advertisement in a newspaper with sufficiently general circulation or by first class mail to the Owner and any person or agency specifically requesting such notice. In this instance, Notice was provided by first class mail to the Owner and others on the notice list.

APPENDICES:

The following appendices are attached to and form part of this report:

Appendix No. 1 Draft By-Law.
Terry Willing
Acting-Commissioner, Planning and Development Services

Bert Meunier
Chief Administrative Officer
THE CORPORATION
OF THE
CITY OF KINGSTON

DRAFT ZONING BY-LAW TO
AMEND BY-LAW NO. 76-26 (‘-H’ REMOVAL)
OF THE FORMER TOWNSHIP OF KINGSTON

135279 Ontario Inc (Howard Klaiman)
Petro-Canada, Subway and A&W Restaurants
North side of Princess Street
2444 Princess Street

File No. D28-004-2004
Drafted: October, 2004

The Corporation of the City of Kingston
Planning and Development Services
Planning Division
216 Ontario Street,
Kingston, Ontario
K7L 2Z3
THE CORPORATION OF THE CITY OF KINGSTON

BY-LAW NO. 2004-__

A BY-LAW TO AMEND BY-LAW NO. 76-26, FORMER KINGSTON TOWNSHIP ZONING BY-LAW, TO REMOVE THE '-H' HOLDING SYMBOL RELATED TO THE ‘C2-1-H’ ZONE (Petro-Canada, Subway and A&W Restaurants, in the former Township of Kingston).

PASSED:

WHEREAS By-Law No. 76-26 for the former Kingston Township established Holding (‘-H’) provisions related to the ‘C2-1-H’ Zone, to recognize that development has proceeded and has met all the necessary Municipal and Agency requirements which have been fulfilled and all necessary Agreements have been executed; and

WHEREAS the applicant (13585279 Ontario Inc.) is now requesting that the ‘-H’ Holding Symbol be lifted, and has submitted an application to amend Zoning By-Law No. 76-26 so as to remove the ‘-H’ Holding Symbol; and

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

- all Municipal requirements are contained within the Site Plan Control Agreement and are shown on the approved site plan drawings; the terms of the agreement on as listed within the Site Plan Control Agreement dated December 18th, 2000;
- the Site Plan Control Agreement has been executed by the Owner and registered by the Municipality on January 10, 2001 as Instrument No. 700316 between 1358279 Ontario Inc, and The Corporation of the City of Kingston together with the required financial securities which have been released;
- 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:

WHEREAS the Council of the Corporation of the City of Kingston now deems it advisable to amend Zoning By-Law No. 76-26, so as to remove the said ‘-H’ Holding Symbol from the property located at 2444 Princess Street to recognize the development of the subject lands for the Petro-Canada gas bar, car wash, Subway and A&W Restaurants:

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

1. That the lands described as “Lands subject to ‘H’ Removal” and shown on Schedule “A” attached hereto are the lands affected by this By-Law.

2. That Map No. 3 of Schedule “A” to Zoning By-Law No. 76-26 of the former Township of Kingston, as amended, be further amended by removing the ‘-H’ Symbol for the lands described as Part of Lots 12 & 13, Concession 2 and known municipally as 2444 Princess Street, located on the north side of Princess Street and west side of Centennial Drive, so as to rezone the subject lands from General Commercial Zone ‘C2-1-H’ to General Commercial Zone ‘C2-1’, which lands are shown as “Lands subject to H Removal” on Schedule “A” attached hereto.
3. This By-Law shall come into force and take effect on the date of its passing.

GIVEN ALL THREE READINGS AND FINALLY PASSED ON THE ___ day of _______, 2004.

_________________________  ________________________________
Mayor, Harvey Rosen        City Clerk, Carolyn Downs
THE CORPORATION
OF THE
CITY OF KINGSTON

DRAFT ZONING BY-LAW TO
AMEND BY-LAW NO. 76-26 (‘-H’ REMOVAL)
of the Former Township of Kingston

135279 Ontario Inc (Howard Klaiman)
Petro-Canada, Subway and A&W Restaurants
North side of Princess Street
2444 Princess Street

File No. D28-004-2004
Drafted: October, 2004

The Corporation of the City of Kingston
Planning and Development Services
Planning Division
216 Ontario Street,
Kingston, Ontario
K7L 2Z3
A BY-LAW TO AMEND BY-LAW NO. 76-26, FORMER KINGSTON TOWNSHIP ZONING BY-
LAW, TO REMOVE THE '-H' HOLDING SYMBOL RELATED TO THE 'C2-1-H' ZONE
(Petro-Canada, Subway and A&W Restaurants, in the former Township of Kingston).

PASSED:

WHEREAS By-Law No. 76-26 for the former Kingston Township established Holding ('-H') provisions related to the 'C2-1-H' Zone, to recognize that development has proceeded and has met all the necessary Municipal and Agency requirements which have been fulfilled and all necessary Agreements have been executed; and

WHEREAS the applicant (13585279 Ontario Inc.) is now requesting that the '-H' Holding Symbol be lifted, and has submitted an application to amend Zoning By-Law No. 76-26 so as to remove the '-H' Holding Symbol; and

WHEREAS the Owner has complied with the conditions for the removal of the '-H' Symbol as follows:
- all Municipal requirements are contained within the Site Plan Control Agreement and are shown on the approved site plan drawings; the terms of the agreement on as listed within the Site Plan Control Agreement dated December 18th, 2000;
- the Site Plan Control Agreement has been executed by the Owner and registered by the Municipality on January 10, 2001 as Instrument No. 700316 between 1358279 Ontario Inc, and The Corporation of the City of Kingston together with the required financial securities which have been released;
- 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:

WHEREAS the Council of the Corporation of the City of Kingston now deems it advisable to amend Zoning By-Law No. 76-26, so as to remove the said '-H' Holding Symbol from the property located at 2444 Princess Street to recognize the development of the subject lands for the Petro-Canada gas bar, car wash, Subway and A&W Restaurants:

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

1. That the lands described as “Lands subject to 'H' Removal” and shown on Schedule “A” attached hereto are the lands affected by this By-Law.

2. That Map No. 3 of Schedule “A” to Zoning By-Law No. 76-26 of the former Township of Kingston, as amended, be further amended by removing the '-H' Symbol for the lands described as Part of Lots 12 & 13, Concession 2 and known municipally as 2444 Princess Street, located on the north side of Princess Street and west side of Centennial Drive, so as to rezone the subject lands from General Commercial Zone ‘C2-1-H’ to General Commercial Zone ‘C2-1’, which lands are shown as “Lands subject to H Removal” on Schedule “A” attached hereto.
3. This By-Law shall come into force and take effect on the date of its passing.

GIVEN ALL THREE READINGS AND FINALLY PASSED ON THE ___ day of _______. 2004.

__________________________  ______________________________
Mayor, Harvey Rosen           City Clerk, Carolyn Downs
Legend:

Zone Change from C2-1-H to C2-1

Certificate of Authentication

This is Schedule 'A' to By-law No. ___________,
passed this ______ day of __________ 20__

Date: April 6, 2004
Prepared by: L.Filice

The Corporation of the City of Kingston

Schedule 'A'

Applicant: 1358279 Ontario Inc.
File No.: D28-004-2004
Address: 2444 Princess St.
Plan No.: Lot/Conc.: Part Lots 12 & 13, Concession 2
Roll No.: 1011 0801 901 2200
Scale: Metric

This map is not to be used for precise scaling.

Mayor
Clerk
Planning Services

April 6, 2004

Date:

Scale:

0 75 150 225 300 m

This map is not to be used for precise scaling.

Planning Division

a division of Planning & Development Services

The Corporation of the City of Kingston

Key Map to By-law No.

Applicant: 1358279 Ontario Inc.
File No.: D28-004-2004
Address: 2444 Princess St.
Plan No.: 3
Lot/Conc.: Part Lots 12 & 13, Concession 3
Roll No.: 1011 0801 901 2200

Legend:

Subject Property

Data: April 6, 2004
Prepared By: L.Filice

K:\CAD\D28_HLD\D28-004-2004\KeyMap.dwg

Planning Division

a division of Planning & Development Services
TO: Bert Meunier, Chief Administrative Officer
FROM: Mark Segsworth, Commissioner, Operations
SUBMITTED BY: Paula Nichols, Manager, Parking Services
PREPARED BY: Greg McLean, Supervisor, Parking Enforcement
DATE OF MEETING: 2004-11-09
SUBJECT: Issuance of Parking Tickets on Private Property Owned by Frontenac Condominium Corporations No.10, 15, 20 & 23

RECOMMENDATION TO COUNCIL:

To amend By-Law No. 99-166:

"a bylaw to prohibit the parking or leaving of motor vehicles on private property without the consent of the owner or occupant of the property, or on property owned or occupied by the City of Kingston or any local board thereof, without the consent of the City of Kingston or local board"

to appoint Gary W. McCabe for the purpose of issuing parking violation tickets and to enforce the provisions of By-Law 99-166 on the property owned by the Frontenac Condominium Corporation (F.C.C.) No.10 at 185 Ontario St., F.C.C. No.15 at 67 Sydenham St., F.C.C. No.20 at 1 Place D’Armes, and F.C.C. No.23 at 14 Greenview Dr., and that the amendment receive all three readings on this occasion.

This is subject to the applicant entering into an agreement in a form satisfactory to the City Solicitor to indemnify and save harmless the City from all claims and actions that might arise, and subject further to providing proof of sufficient insurance in a form satisfactory to the City Solicitor.

ORIGIN/PURPOSE:
Baccari Property Management, on behalf of the Frontenac Condominium Corporations No.10, 15, 20 and 23, has requested that permission be granted to Mr. Gary W. McCabe, Site manager for the above properties, to issue parking tickets for unauthorized parking on said properties.

OPTIONS/DISCUSSION:
The Municipal Act enables Council to authorize such a request. If Council approves such, the applicant will be compelled to indemnify the City and to provide proof of insurance. The applicant has agreed to do so in return for using City parking infraction notices and administrative processes. The City would retain all revenue.
There has been an increase in the number of these requests recently because of the growing desire by property owners to control parking on their properties. The option to issue a parking ticket provides the property owner with an alternative to towing a vehicle, or if towing becomes necessary, the issuance of a ticket legitimizes such an action.

Persons authorized under this by-law receive training prior to issuing City of Kingston parking tickets on their designated private properties. Ticketing activity on private property is monitored by Parking Services to ensure compliance with the relevant requirements in the Provincial Offences Act, and with municipal by-laws and divisional policies.

A City of Kingston parking ticket issued on private property can be contested in the same manner as a ticket issued on public property, including administrative and/or judicial review.

This authorization could be withdrawn at any point in the future by repealing the amendment, should it ever prove to become a burden to the City, financially or otherwise.

EXISTING POLICY/BY-LAW:
It has been existing policy for many years for the City to grant this type of authorization to private land owners to assist them to minimize traffic and parking issues on their properties. Currently, the City of Kingston has authorized approximately twenty-five private landowners with such.

LINK TO STRATEGIC PLAN:
N/A

FINANCIAL CONSIDERATIONS:
There will be a minor increase in ticket revenue if this request is approved.

CONTACTS:
Greg McLean, Supervisor, Parking Enforcement, 546-4291, ext. 1336
Paula Nichols, Manager, Parking Services, 546-4291, ext. 1279

DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
Legal Services

NOTICE PROVISIONS:
N/A

APPENDICES:
N/A

Mark Segsworth, Commissioner, Operations

Bett Meunier
Chief Administrative Officer
TO: Bert Meunier, Chief Administrative Officer
FROM: Lance Thurston, Commissioner, Community Services
PREPARED BY: Ann Pappert, Manager, Cultural Services Division
Lucas Smith, Project Manager, Grand Theatre Building Improvement Project
DATE OF MEETING: 2004-11-09
SUBJECT: Grand Theatre Design Services (RFP DCS-CS 2004-8a)

RECOMMENDATION TO COUNCIL:
WHEREAS the Grand Theatre Building Improvement Project was approved with the 2004 budget and supports the contracting of design services;

AND WHEREAS staff of the Cultural Services Division completed a full review of the proposals received through a public Request for Proposals (RFP) for Professional Services to provide project design services;

AND WHEREAS three submissions were received in response to the RFP;

AND WHEREAS the staff review recommends the consortium of Diamond and Schmitt Architects Incorporated and Shoalts and Zaback Architects as providing the best proposal for service offered and value for the money;

THEREFORE BE IT RESOLVED THAT Council accepts the joint venture of Diamond and Schmitt Architects Incorporated and Shoalts and Zaback Architects Ltd. as the successful proponents at a cost of $463,300 plus a maximum of $41,250 in disbursements totaling $504,550 fixed fee costs (PST included) over 13 months;

AND FURTHER THAT the Mayor and City Clerk be authorized to sign a contract with Diamond and Schmitt Architects Incorporated, Shoalts and Zaback Inc., Architects in Joint Venture subject to the satisfaction Legal Services.

ORIGIN/PURPOSE:
The purpose of this report is to seek Council approval to award the Grand Theatre Restoration Project design services contract. The recommended bid is not the lowest bid of three received and therefore, according to City policy requires Council approval.
OPTIONS/DISCUSSION:
The importance, complexity and individual nature of the Grand Theatre Building Improvement Project anticipated that a design consultant be retained which brings a specialty in theatre renovation. In reporting to the Manager, Cultural Services Division, through the Grand Theatre Project Manager, the consultant will take on the overall role of developing all aspects of design required to tender the work of this project. Duties include the coordination of sub-consultants, budget and schedule reviews and verification of the constructed product to ensure conformity.

On Wednesday, September 29, 2004, proposals for Design Services for the Grand Theatre Building Improvement Project (DCS-CS 2004-8(a)) were received from three interested design consortiums:

- Diamond and Schmitt Architects Incorporated with Shoalts and Zaback Architects Ltd;
- Norr Limited with Alexander Wilson Architect Inc.; and
- The Ventin Group with Ernest A. Cromarty Architects Inc.

A review of the written proposals was done independently by the evaluation team based on criteria contained in the RFP. An initial meeting of the team identified Diamond and Schmitt with Shoalts and Zaback as the preferred proponent. They were invited for an interview and required to make a presentation and answer a series of questions. The evaluation team then met separately and unanimously reconfirmed their first place ranking of Diamond and Schmitt Architects Incorporated with Shoalts and Zaback Architects. Reference checks were done of both consortium partners which further confirmed the assessment.

EXISTING POLICY/BY-LAW:
By-Law No. 2000-134 - By-Law to establish purchasing policies and procedures.

LINK TO STRATEGIC PLAN:
The City of Kingston has identified Culture (inclusive of arts, heritage, parks and recreation) as one of its eight strategic priority areas to pursue over the next few years. This project is a benefit to the community as it:

- Promotes arts and entertainment
- Cultural heritage
- Economic Prosperity

FINANCIAL CONSIDERATIONS:
The Grand Theatre Building Improvement Project is approved in the 2004 budget. Hiring of the design consultant is included in the budget allocation. As outlined in the Purchasing Policy, staff sought professional services / consultant and as per the policy, more weight is given during the evaluation to skills, knowledge, abilities and expertise along with their capacity to provide net value for services, than to the fixed price. The financial component of the RFP was assigned 20% of the total points. The following represents the fixed price costs that were bid before disbursements which were viewed as best representing the value provided due to the labour intensive nature of professional services:

- Diamond and Schmitt with Shoalts and Zaback: $463,300
- Norr Limited with Alexander Wilson*: $419,954
- The Ventin Group with Ernest A. Cromarty: $544,500

*The proposal from Norr Limited and Alexander Wilson was quoted inclusive of disbursements.
Staff recommend the joint venture of Diamond and Schmitt Architects Incorporated with Shoalts and Zaback Architects Ltd. as the successful proponent at a fixed fee cost of $463,300 plus a maximum of $41,250 in disbursements totaling $504,550 fixed fee costs (PST included) over 13 months. The total fixed fee is within the allocated budget.

CONTACTS:
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DEPARTMENTS/OTHERS CONSULTED AND AFFECTED:
Janis Morrison, Purchasing Agent, Finance Division (consulted)
Alan McLeod, Senior Legal Counsel, Legal Division (consulted)

NOTICE PROVISIONS:
N/A

APPENDICES:
N/A

Lance Thurston, Commissioner
Department of Community Services

Bert Meunier
Chief Administrative Officer