CITY COUNCIL MEETING NO. 01-2004

The Inaugural Meeting of City Council was held on Tuesday, December 2, 2003 at 7:30 pm in the Council Chamber, City Hall. His Worship Mayor Harvey Rosen presided.

OATH OF ALLEGIANCE & DECLARATION OF OFFICE – MAYOR

Her Honour, Madam Justice Helen MacLeod administered the Oath of Allegiance and the Declaration of Elected Office to His Worship, Mayor Harvey Rosen.

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OATH OF ALLEGIANCE & DECLARATION OF OFFICE - COUNCILLORS

Her Honour, Madam Justice Helen MacLeod, administered the Oath of Allegiance and the Declaration of Office to each Member of Council:

Councillor George Beavis
Councillor Rick Downes
Councillor Leonore Foster
Councillor Steve Garrison
Councillor Bittu George
Councillor Kevin George
Councillor Sara Meers
Councillor Beth Pater
Councillor Floyd Patterson
Councillor Ed Smith
Councillor George Stoparczyk
Councillor George Sutherland

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(Council Chambers)
ROLL CALL
Present: Mayor Rosen, Councillor Beavis, Councillor Downes, Councillor Foster, Councillor Garrison, Councillor B. George, Councillor K. George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (13)

(Council Chambers)
Administrative Staff Present:
Mr. B. Meunier, Chief Administrative Officer
Mrs. D. Defoe, Chief Librarian
Mrs. C. Downs, Manager, Council Support/City Clerk
Mr. G. Hunt, Manager, Finance
Mr. D. Leger, Commissioner, Corporate Services
Mr. H. Linscott, Director, Legal Services
Mr. N. Murphy, Deputy Chief, Fire & Rescue Services
Mr. M. Segsworth, Commissioner, Operations
Ms. N. Sullivan, Deputy City Clerk
Mr. L. Thurston, Commissioner, Community Services
Mr. H. Tulk, Chief, Fire & Rescue Services
Mr. G. Wallace, Acting Manager, Planning
Mr. T. Willing, Acting Commissioner, Planning & Development Services

MOTION OF APPRECIATION
Moved by Councillor Foster
Seconded by Councillor Downes

THAT the appreciation of Council be extended to Her Honour, Madam Justice Helen MacLeod, for administering the Oath of Allegiance and the Declaration of Office for the Mayor and Members of Council.

CARRIED

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DISCLOSURE OF PECUNIARY INTEREST

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MAYOR’S INAUGURAL ADDRESS

Madame Justice MacLeod, fellow Councillors, ladies and gentlemen:

Tonight we gather to begin a new term of Council. We come together with the spirit of hope, an air of expectation, and a desire to do our city proud. These are the same sentiments that each of us heard expressed by the electorate leading up to November 10.

I feel greatly honoured to take on the responsibilities vested in the Mayor. Governing the City of Kingston for the next three years is both a great privilege and a daunting task.

Major decisions lie ahead; we will have to make them. Major opportunities are just around the corner; we must seize them.

I believe I am here tonight not as a result of great personal charisma---no one has ever accused me of being overly gifted in the charisma department!

Rather, our fellow citizens want to see a new atmosphere in these chambers, a sense of teamwork at Council and throughout the ranks of City staff, a renewed commitment on all our parts to public service…and to getting things done!

To me, this chain of office is symbolic of the responsibility I have been given, to keep those expectations before us at all times.

I want to congratulate all of my fellow Council members on their election to this Council. One of my many hopes for this city is that three years from now, each of you will look back on tonight and say “that was the start of something really good here in Kingston.”

Since the election, I have met personally with each of you to discuss your hopes and aspirations for our city and the part of it that each of you represents.

As councillors from specific districts of our City, I know each of you has priorities and issues of special concern. And each of you understands that you are expected to be advocates for your constituents for these priorities and issues.

MAYOR’S INAUGURAL ADDRESS

While the particulars may vary from person to person, there are some common threads. For instance, we share an interest in making sure our neighbourhoods are safe, healthy places; we share an interest in making sure that we have the right mix and
distribution of recreational facilities and services to meet community needs; we share an interest in making sure that the benefits of our prosperity are shared across the entire city; and we share an interest in making sure that those most in need of help are not overlooked, no matter what part of the city they come from.

But beyond your district responsibilities lies another standard of public service, and that is acting for the greater good of the entire community. Each of us is expected to bring experience, wisdom and foresight to decisions that affect us all.

If we focus only on individual priorities, we will find ourselves in stalemates, mired in indecision and stagnation. And our fellow citizens will all pay the price.

However, working together with a shared vision, we can move forward and accomplish great things. And our fellow citizens will all reap the benefits.

As I have said to each of you individually, I look forward to working with you in the months ahead and I have every confidence we can keep our promises to voters and move this great City forward.

I would like to publicly thank those many individuals who sought public office but were unsuccessful on November 10. Each of you demonstrated a real interest in public service and the courage to stand up for your beliefs. As disappointed as you may feel, I urge you to remain involved in community life and to maintain your interest in civic affairs. Your energy – as well as that of your friends and neighbours – will be needed in the months ahead.

In the next three years, we have a tremendous opportunity to build respect and confidence in how our City is governed, to build understanding of the many roles that municipal government plays in our everyday lives, and to show how it can be a force for good in our community, often with greater speed and more direct impact than other levels of government.

That process begins right here in this chamber with the way we deal with issues, how we work with staff, the way we treat each other and, at the end of the day, how we are able to make decisions and move the City forward.

Do not underestimate the importance of the signals we send to this community – and elsewhere to others – in the way we approach our work. The old adage is true: we only get one chance to make a first impression.

Just as I hope we can signal to the citizens of Kingston that we are progressive in our ability to understand and respond to service needs, I hope we can also signal to people beyond this community that we are progressive in our dedication to making Kingston a truly great city.

During the election campaign, I was reminded time and time again just how unique our City is. From neighbourhood to neighbourhood, we find different atmospheres, different rhythms and routines, different traditions and cultures, different landscapes and lifestyles.

We are indeed a community of communities. I believe we can work together and make community-wide decisions while preserving what is special and distinct about our neighbourhoods. I ask each of you to join me in sending the signal that this Council is inclusive. Every part of the City matters.

Another signal I hope we will send is that Kingston is open for business. Generating economic prosperity is one of the best ways to ensure that we can pay for vital municipal services. It is the only way to build a strong, healthy city – one with good jobs, a high standard of education and health care, a clean and safe environment, proper housing, arts, cultural and recreational facilities, and a deep sense of community.

MAYOR’S INAUGURAL ADDRESS

A strong healthy city recognizes and respects diversity and ensures that increased prosperity is shared in every corner, by every group and every member of the community.
That's my vision for Kingston - one of the most dynamic and progressive cities in Canada with a vibrant economy that supports a “quality of life” unequalled anywhere.

To underscore the importance of the work that lies ahead, let me quote briefly from the economic prosperity vision endorsed by Council earlier this year:

“Economic development in Kingston must build on the passions and strengths of the community. In facing competitors from around the world, we need to further develop those areas where our expertise and resources make us different, better and special - in clusters such as health sciences, tourism, culture, advanced materials (e.g. ceramics, fuel cells, plastics), and technology.”

Like so many other challenges before us, success in generating economic prosperity will be a shared effort, demanding the best we can offer not just from economic development organizations but from private sector leaders, the labour movement, institutional leaders, community groups and of course, municipal government.

One of the most important contributions municipal government can make to this effort is to send the signal that we are getting our own house in order. That could mean:

- Putting an infrastructure plan in place that sets priorities and eradicates our backlog within a specified time.
- Sorting through the very long list of current priorities, choosing a small number that will be the focus of the City’s attention for the next year and identifying those that Council feels could be put on hold or delayed until 2005 or later.
- Completing current projects like the Cataraqui River pipe crossing project on budget.
- Streamlining municipal operations by encouraging community partnerships that would see local groups take on responsibility for services now provided by the municipality... and negotiate the transition and implementation.
- Targeting lobbying efforts to secure assistance from senior levels of government for priority projects and supporting efforts for a new deal for municipalities.

Great cities are built with collective leadership. Right now, the political situation would seem to bode well for us with a local MPP and MP who hold senior positions in their respective governments and are anxious to work with us to see Kingston prosper. I ask you to join me in sending the signal that we want to work with them and are ready to do so.

During the election campaign there was much discussion about increased funding from the new government at Queen’s Park and from a federal government under the new leadership of Paul Martin.

In both Ottawa and Toronto there is much talk about a “new deal” for municipalities that would provide us with much needed new powers and sources of revenue.

I share the hope that both the provincial and federal governments will deliver on their promises to help municipalities. We are indeed the level of government whose programs and services most personally affect members of our community. But we are also the level of government with the most limited means of raising money to pay for those services.

You may be aware of a study just published by the Federation of Canadian Municipalities that documents the widening gap between rich and poor in our cities. While Kingston was not one of the cities studied, we can certainly identify with the findings.

The study places much of the blame for the income gap squarely on the shoulders of provincial and federal policies such as welfare cuts, downloading, and cutbacks in programs and services.

**MAYOR’S INAUGURAL ADDRESS**

It cites how inadequate public transit, user fees for basic recreation services and a shortage of affordable housing have excluded people with low incomes from participating fully in their communities. We need not look beyond our own city limits to know this is true.
The study concludes that a lack of cooperation and collaboration among governments aggravates the income gap and that a better working relationship among the federal, provincial and municipal governments is crucial if this trend is to be reversed.

I wholeheartedly agree. In this regard, I will immediately be setting up meetings with both the Honourable John Gerretsen and the Honourable Peter Milliken to discuss how we can work together to Kingston's advantage and in support of efforts to reform the existing system. Members of Council, I will be looking for your insight and involvement in these efforts.

I am perhaps a bit more cautious in my optimism than some as to what funds from the senior levels of government we should count on in the shorter term.

Despite Mr. Martin's promise of a new deal for the municipalities, the latest fiscal projections from Ottawa indicate it may be two years before the federal government has significant revenue to share with the municipalities.

At Queen's Park, the new government has financial problems and has indicated that the promised transfer of a portion of the gas tax will be forthcoming - but no one knows how much or when or how it will be distributed among the long list of municipalities in need of such help.

In the near term, there is reason to believe that some funds may be available for affordable housing and infrastructure projects.

To capitalize on this opportunity, Council will have to get to work immediately to set our priorities and put a plan in place for how we will pay our share of any joint funding programs.

It is my intention to put a turnaround team in place to ensure our proposals can compete successfully with other communities for available funding. Because make no mistake, this is a very competitive process.

We should be tireless in lobbying both governments to ensure Kingston receives its fair share of whatever funds are available. I am ready to beat a path to both Toronto and Ottawa in pursuit of whatever money is available.

But I will need the help of each and every member of Council. And Council will need the support of the public as well as community groups, institutions and the private sector in our lobbying effort.

In this regard, you probably noted the highly publicized summit which occurred in Toronto last week when the new Mayor and Council met with cabinet ministers and MPs and MPPs from the GTA.

The purpose was to discuss issues related to Toronto and to make the case for greater cooperation and more funding for that municipality. It would appear that some good ideas and hopeful signs resulted from the process.

Perhaps we should consider such an exercise here in Eastern Ontario. I would certainly be willing to take a leadership role in contacting my fellow mayors to ascertain their interest.

I am confident that they share my concern that while Toronto faces major challenges, we, too, have our problems and we can't afford to take a back seat when it comes to making our needs understood by the provincial and federal governments.

**MAYOR'S INAUGURAL ADDRESS**

Lest you should think that I am expecting the senior levels of government to bail us out of our problems, let me be clear: we must consider every conceivable option for finding the resources to provide the amenities that residents and visitors alike would expect in the nation's first capital. We must harness the tremendous resources - human, physical, organizational, and financial - that we have in this community and get on with the job that was given to us.
An issue I believe we can address immediately is replacing the Memorial Centre. As all of you know, there was considerable public interest expressed in this project during the election campaign.

To many, issues such as the dilapidated state of the M Centre and our inability to move ahead with Block D have become symbolic of our city’s failure to come to grips with its infrastructure problems and exercise its decision-making responsibilities.

Early in the campaign, I made a promise to set up a Mayor’s Task Force within 30 days of taking office and to have recommendations on the purposes, site, and financing for a new Memorial Centre back to Council within 100 days. My goal is to have a shovel in the ground before the end of this term of office.

The clock is now ticking. I have asked Councillor Leonore Foster to chair this Task Force and other members will be announced in the coming days. I am confident that this group will be focused and will meet its deadline in bringing a report to Council for your consideration.

I am committed to seeing this project completed - because that is what the people of Kingston have told us they want and expect.

Ladies and gentlemen, as members of City Council we have a big job ahead of us - and I’m anxious to get at it.

I know how much is at stake for so many people who have put their trust in us. I’m sure you agree with me that the campaign trail provided an excellent reminder of how important our decisions are to the great range of people we represent:

I recall the woman at Rideau Towers who was in need of medical services but was unable to book the Access Bus to get to KGH. As a result, she had traveled on her own in her motorized wheelchair to the hospital and back, hurrying to beat the darkness.

I talked to poor and homeless people about the lack of affordable housing in this city and the strategies they use to cope while waiting for their name to come up on a very long waiting list.

Small business owners living without a safety net while trying to follow their dreams and build their operations emphasized how they expect us to be disciplined in our spending and our taxation.

Elderly homeowners living on fixed incomes expressed their fear that unconstrained tax increases will force them from their own homes.

And I talked to Kingstonians whose cultural backgrounds put a strong emphasis on maintaining the extended family. They worry that the absence of good jobs for their children will mean they have to move away after graduation, tearing the fabric of their closely knit families.

The last few weeks have been a powerful reminder of the challenges we face, but also the extraordinary spirit of the people whose lives are affected by what we do - or what we fail to do.

MAYOR’S INAUGURAL ADDRESS

I truly believe that at the end of the day, the spirit of our community is measured by how we treat the least privileged among us - those who have been marginalized or left behind.

We cannot afford to fail in our commitments and in our responsibilities.

Like the rest of you, I love this City.
It has been very good to me and to my family. I feel privileged to live here and to have this opportunity to repay in some measure some of the benefits I have received.

Three generations ago, my grandparents came to Kingston with little more than a lot of hope and a willingness to work hard. They prospered and I know they would be proud that their grandson has become Mayor of this great city.

The cultural diversity of Kingston has increased dramatically since those days and the City has benefited enormously, both from those who were born here and those who have chosen it as their home.

I respect that diversity and the swearing-in process we observed today reflects those things that make us different and those things we have in common. While we may come from different cultural and religious backgrounds, we share the common goal of commitment to the betterment of our community.

We all recognize that Kingston can be so much more. And I believe we owe it to ourselves and to our children and their children to make sure that that potential is realized.

By working together we can make good things happen in Kingston.

It is now time to get on with the job we were elected to do.

Thank you and good luck to you all.

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REPORTS

Report No. 01 of the Chief Administrative Officer

Moved by Councillor Pater
Seconded by Councillor Beavis

THAT Report No. 01 of the Chief Administrative Officer be received and adopted.

Report No. 01
To the Mayor and Members of Council:
The Chief Administrative Officer reports and recommends as follows:

All matters listed on the Consent Report are considered to be routine and are enacted by one motion. There is no separate discussion on these items. If discussion is desired upon request of a Member of Council, that item is removed from the Consent Report and is considered separately. Council Members may request that an item be considered separately if they have a conflict of interest.

THAT Council consent to the approval of the following routine items:

(a) WHEREAS Frances Splinter Rentals has submitted an application requesting that Part Lot Control be lifted from Blocks 1 to 14 inclusive of Registered Plan No. 13M-46 in the “Jennifer Court” Subdivision, the subject lands being located on the west side of Augusta Drive, north of Princess Street in the Cataract North Neighbourhood 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 for the “Jennifer Court” Subdivision be approved;
–and further–
BE IT RESOLVED THAT a by-law be passed to Lift Part Lot Control from Blocks 1 to 14 inclusive, Registered Plan 13M-46;
–and further–
BE IT RESOLVED THAT the by-law be presented to receive three readings.
(File No. CSU-D27-000-2004)
(See By-Law No. (1), 2004-01)

(b) THAT Council approve the partnership with the Downtown Kingston Business Improvement Area to provide complimentary parking at the City’s attended lots on Saturdays and Sundays on December 6, 7, 13, 14, 20, and 21, 2003.
(File No. CSU-T03-000-2004)

CARRIED

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REPORTS
Report No. 02 of the Planning Committee

Moved by Councillor Stoparczyk
Seconded by Councillor Sutherland

THAT Report No. 02 of the Planning Committee be received and adopted, clause by clause.

Report No. 02

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

1. **THAT** Report No. PC100 “ERASE Community Improvement Plan” be received by Council for information purposes.  
   **CARRIED**

2. **WHEREAS** changes in the process of public notification would require signage as part of the procedure, such changes should be standardized across the whole City, and that required amendments to the official plans be made, and;
   
   **WHEREAS** Council gave three readings to By-Law No. 2003-111, By-Law No. 2003-156, By-Law No. 2003-157, and By-Law No. 2003-158, which approved the standardized public notice changes to the Official Plans of the three former municipalities and made the appropriate amendment required to By-Law No. 98-36 “A By-law to Establish a Tariff of Fees For The Processing of Applications Made in Respect of Planning Matters”, and;
   
   **WHEREAS** the appropriate appeal period for all of the aforementioned by-laws has passed and no appeal has been made;
   
   **THEREFORE BE IT RESOLVED THAT** Report No. PC091 “Implementation of the Requirement to Provide Signage as a form of Public Notice Under the Planning Act, RSO 1990, c. P. 13, as Amended”, regarding the implementation of the new public notice procedures for Planning Division applications, be received by Council for information purposes.  
   **CARRIED**

3. **THAT** Report No. PC093, provided at a recent public information centre, be received, and;
   
   **THAT** Council express its support for the subject proposal for an enlarged County ferry on its existing route; and;
   
   **THAT** this report be forwarded to the Township of Frontenac Islands, the Ministry of Transportation, and others as requested.  
   **CARRIED**

4. **WHEREAS** applications have been submitted by Greenwood Park Ltd. Partnership No. 1 with respect to property located at Greenwood Park, Phase 7, Part Lot 9 and Part of Plan 1846, in Kingston East, requesting approval of a Draft Plan of Subdivision in order to divide the lands into approximately 131 residential lots, 3 open space blocks, one block for 0.3 m reserve and 3 new roadways, and approval of a concurrent Zoning By-Law Amendment in order to permit residential development on the subject lands:
   
   **WHEREAS** the statutory Public Hearing was held on October 9, 2003;
   
   **REPORTS**
   Report No. 02 of the Planning Committee

   **THEREFORE BE IT RESOLVED THAT** the application for Plan of Subdivision (Planning File D12-77-03) submitted by Greenwood Park Ltd. Partnership No. 1 for property located at Greenwood Park, Phase 7, Part Lot 9 and Part of Plan 1846, **BE APPROVED**; subject to the following conditions:

   **Conditions of Draft Subdivision Approval, Greenwood Park, Phase 7**
   - That this approval applies to the Draft Plan of Subdivision, prepared by Grange W. Elliot Ltd. O.L.S., dated October 23, 2003, revised November 19, 2003, which shows the following:
     - 129 residential lots (Lots 1-129);
     - 3 open space blocks (Blocks 131, 132 and 133);
     - 1 block for 0.3 m reserve (Block 130); and
     - 3 new streets (Street ‘A’, ‘B’ and ‘D’).
– That the road allowances included in this Draft Plan shall be shown and dedicated as public highways.

– That the Streets shall be named to the satisfaction of the Municipality.

– That any dead ends and open sides of the road allowance created by this Draft Plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the Municipality.

– That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.

– That the owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning all provisions of municipal services including fencing, lighting, landscaping, sidewalks, roads, installation of services and drainage.

– That provision be made for the Subdivision Agreement between the Owner and the Municipality to be registered against the lands to which it applies once the plan of subdivision has been registered.

– That the Owner shall enter into the Municipality’s standard subdivision agreement which shall list all approved plans and municipal conditions as required by the City of Kingston for the development of Greenwood Park, Phase 7.

– That, prior to final approval, the Owner/Developer shall, in consultation with and to the satisfaction of Canada Post, identify the location of community mailboxes within the plan, and shall identify such locations on drawings for approval by the Municipality. The locations of these community mailboxes shall be identified in the notice to future purchasers of the lots within the subdivision.

– That any further subdivision of Blocks or additional road patterns on the plan shall be completed to the satisfaction of the Municipality.

– That, prior to Final Approval, the Owner shall submit lot grading, drainage, and erosion and sediment control plans, prepared by a qualified Professional Engineer, to the satisfaction of the City of Kingston and the Cataraqui Region Conservation Authority, which plans shall be appended to the Subdivision Agreement between the Owner and the Municipality. These plans shall ensure that adequate measures shall be employed to control erosion and sedimentation.

– That, prior to final approval, the Owner shall provide a storm water management report certified by a Professional Engineer and to the satisfaction of the City of Kingston and the Cataraqui Region Conservation Authority. The report shall address both quality and quantity control. The recommendations of the Report shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Report recommendations, to the satisfaction of the Municipality.

REPORTS

Report No. 02 of the Planning Committee

– That, prior to the commencement of construction, any temporary construction access shall be approved by the City of Kingston, Manager of Engineering.

– That, prior to the Final Approval of the Plan, the Owner shall provide a site specific Geotechnical Study certified by a Professional Engineer and to the satisfaction of the City of Kingston. The recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

– That, prior to the final approval of the plan, the applicant shall provide a Serviceability Study which will confirm that capacity exists in the existing infrastructure for water, sanitary and storm sewer systems for the residential lots to be serviced. The recommendations of the Study shall be incorporated into the Subdivision Agreement.
and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

- That, prior to the final approval of the plan, the applicant shall provide a Noise Impact Study to the satisfaction of the City of Kingston that addresses all potential noise and vibration sources within the limits as set out by the Ministry of the Environment. The recommendations of the Study shall take into account the existing quarry. The applicant is to implement all requirements of the approved study.

- That the following Warning Clause shall be included in all notices of purchase and sale or lease:
  “That notice is hereby given that noise and vibration from the nearby quarry may occasionally interfere with some activities of the occupants of the dwellings.”

- The Owner shall deed to the City of Kingston the 3 metre wide pathway described as Block 133, linking Street ‘D’ to Block 116 of Plan No. 1984.

- The Owner shall deed to the City of Kingston the 3 metre wide pathway described as Block 131, linking Street ‘A’ to Block 104 and Greenlees Drive shown on Plan No. 1974.

- The Owner shall deed to the City of Kingston parkland described as Block 132, 0.50 hectares in size on the Draft Plan of Subdivision prepared by Grange Elliot Ltd., dated October 23, 2003, revised November 19, 2003.

- The woodlot as existing on Block 132 and set out within the park limits will be conveyed in its natural state. City forestry staff will be assessing the woodlot and will manage it as a natural woodlot under municipal forestry practices.

- The Owner shall endeavor to maintain all existing grades along the edge of the forest which shall include the areas under the drip lines of the trees edging the park.

- The Owner shall endeavor to place all infrastructure on the east side of Rose Abbey Drive so that trees identified and tagged by forestry staff within the boulevard on the west side can be maintained where grades and road works permit. The bicycle path on the west side of Rose Abbey Drive shall be permitted to meander to accommodate any trees saved within the boulevard.

- The following Warning Clause shall be included in the Subdivision Agreement:
  “The developer shall inform the builders of Lots 117-124, 42 and 103 shown on the Draft Plan of Subdivision prepared by Grange Elliot Ltd., dated October 23, 2003, revised November 19, 2003, that they are to maintain the existing grades adjacent to the woodlot to the drip line of the trees and shall retain all hardwood species greater than 150mm in size along the edge of the property line unless these trees are deemed to be a hazard to the health and safety of the homeowner or occupants of the house.”

REPORTS
Report No. 02 of the Planning Committee

- That the following Warning Clause shall be included in all notices of purchase and sale or lease:
  “The rear of Lots 40, 41, 117-124 and the side yard to Lot 103 shown on the Draft Plan of Subdivision prepared by Grange Elliot Ltd., dated October 23, 2003, revised November 19, 2003, will be adjacent to a city owned park which is considered a natural woodlot. Future plans for park improvements, if requested by the community, will be done in a consultative manner. Any fencing done by the builder and/or the homeowner along the woodlot boundary shall endeavor to retain the existing grades and trees where possible. No trees within the park area or on the boundary are to be removed without consulting Cultural Services, Forestry Staff.”

- Land within the park limits to the east of the forested area which is currently in a grassland/meadow state will be transferred to the City in a clean, green and drained state ready for City Parks operations’ crews to assume regular turf maintenance in this portion of the park. The Owner is to provide a drawing which sets out the limits of the forested area, the drip lines of the trees on the edge of the woodlot and defines the turf maintenance area.
- That a Warning Clause be included in all notices of purchase and sale or lease for all lots abutting on Rose Abbey Drive that a bus route may be located on the street.

- The Owner will enter into discussions with the City of Kingston to acquire Lots 40 and 41 for parkland purposes. The Owner shall leave the existing trees, vegetation and grades undisturbed within these lot areas.

- That the Owner shall meet the following conditions of Bell Canada:
  - That the owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunications services.
  - That the Owner shall be requested to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the Municipality, or if no such conditions are imposed, the Owner shall advise the Municipality of the arrangements for servicing.

- That, should deeply-buried archaeological remains be found on the property during construction activities, the Ministry of Citizenship, Culture and Recreation shall be notified immediately.

- That, in the event that human remains are encountered during construction, the proponent shall immediately contact both the Ministry of Citizenship, Culture and Recreation and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations, (416) 326-8392.

- That, when requesting Final Approval from the Municipality, the Owner shall accompany such request with the required number of originals and copies of the Final Plan, together with a surveyor's certificate stating that the lots/blocks thereon conform in frontage and area to the requirements of the Zoning By-Law.

- That, prior to Final Plan approval, the Owner shall provide confirmation that civic addresses have been assigned to the proposed dwelling units by the Municipality’s Planning Division.

- That, prior to Final Approval by the Municipality, the City of Kingston is to be advised in writing by the Cataraqui Region Conservation Authority, the method by which Conditions 12 and 13 have been satisfied.

- That appropriate wording be included in the Subdivision Agreement to require that any correspondence related to blasting activities/claims for damages received by the Owner or his contractors and any responses to that correspondence be copied to the Planning Division of the City of Kingston.

REPORTS
Report No. 02 of the Planning Committee

- That appropriate wording be included in the Subdivision Agreement to provide for a notification radius for blasting operations that is sufficient to include the properties on both sides of McCallum Drive and both sides of Dalgleish Avenue east of Donald Street, said radius to also apply to the area east and west of the proposed subdivision. In no case shall the radius be less than 120 metres.

- That, prior to final approval, the Owner shall provide documentation to the City of Kingston to confirm that appropriate Notice has been registered on the title of Lots 140-143 inclusive of Plan 13M-45 to the effect that 40-foot lots are proposed on the abutting lands to the south.

  –and further–

BE IT RESOLVED THAT the application for Zoning By-law Amendment (Planning file D14-162-02) submitted by Greenwood Park Ltd. Partnership No. 1 for lands located at Greenwood Park, Phase 7, Part Lot 9 and Part of Plan 1846, BE APPROVED.

  –and further–

BE IT RESOLVED THAT the following changes be incorporated into Zoning By-Law No. 32-74:

Map Changes
Amend Schedule “A”, Zone Map Rideau Community, of Zoning By-Law No. 32-74, as amended, by changing to “R4-3” Modified Residential Type 4 Zone and “OS” Open Space Zone Symbols of the approximately 8.8 hectares (21.7 acs.) subject property located at Part Lot 9 and Part of Plan 1846, and shown as “Zone Change from A1 to R4-3”, “Zone Change from D to R4-3”, “Zone Change from D to OS”, and “Zone Change from A1 to OS”.

Text Changes
ADD the following new Section 11A(3)(c) immediately following Section 11A(3)(b):

“(c) SPECIAL REQUIREMENTS (“R4-3”)
Notwithstanding any provisions of Section 11A(2) to the contrary, the lands designated “R4-3” on Schedule “A” shall be used in accordance with the following:

Lot Area (minimum) 300 square metres

Lot Frontage (minimum)
(i) Corner Lot 11 metres
(ii) Other Lot 9 metres

Front Yard Depth:
(i) Minimum 3 metres
(ii) Maximum 5 metres

Interior Side Yard Width (minimum) 0.6 metres on one side and 1.2 metres on the other side except where a side lot line abuts a 0.3 metre reserve, the minimum interior side yard shall be 3 metres.

Rear Yard Depth (minimum) 7.5 metres

Dwelling Unit Area (minimum) 85 square metres

Lot Coverage (maximum) 50%

Accessory Uses, Parking etc.:

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In accordance with the provisions of Section 5 hereof except:

(i) That notwithstanding the provisions of Section 5(1)(d)(ii) to the contrary, no accessory use, building or structure shall be located closer than 0.6 metres to an interior side lot line except, for a driveway or where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, no minimum interior side yard width is required.

(ii) That notwithstanding the provisions of Section 5(1)(d)(iii) to the contrary, no accessory use, building or structure shall be located closer than 0.6 metres to the rear lot line except where a mutual private garage or a mutual boathouse is erected on the common lot line between two lots, in which case, no minimum rear yard width is required.

(iii) That notwithstanding the provisions of Section 5(14)(e)(i) to the contrary, the minimum required driveway width shall be 3.0 metres.

(iv) That notwithstanding the provisions of Section 5(14)(e)(v) to the contrary, the minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, shall be 7 metres.

(v) That notwithstanding the provisions of Section 5(23)(a) hereof to the contrary, ornamental structures may project into any required yard a maximum distance of 0.5 metres, provided they are no closer than 0.1 metres to any lot line.
Garage Location

Notwithstanding any other provision of this by-law hereof to the contrary, no garage shall be located closer than 5 metres to the street line."

--and further--

BE IT RESOLVED THAT the by-law be presented to Council for three readings at its next meeting.

(See By-Law No. (2), 2004-2)

CARRIED AS AMENDED

5. WHEREAS an application for Final Plan of Subdivision Approval has been submitted by the Llynlea Corporation with respect to the development of Trailhead Place Subdivision, a 40 lot residential subdivision north of King Street West, and;

WHEREAS Council requested that the Final Plan of Subdivision be referred to Planning Committee and Council for approval in a resolution passed on September 17, 2002, and;

WHEREAS the proposed Final Plan of Subdivision conforms to the policies of the Official Plan and the regulations of the Zoning By-Law, as amended, and;

WHEREAS appropriate consultation with City Departments and outside Agencies is taking place and it would appear that all technical requirements and conditions of Draft Plan Approval have been or will be accommodated as part of the approved engineering plans or through conditions in the City’s standard Subdivision Agreement;

THEREFORE BE IT RESOLVED THAT the application submitted by the Llynlea Corporation for Final Subdivision Approval (File D12-75-03) with respect to Trailhead Place Subdivision, BE APPROVED IN PRINCIPLE, subject to the Manager of the Planning Division issuing final approval following the resolution of any outstanding technical concerns, the receipt of the required financial securities required for the development, receipt of the final Subdivision Plan, Reference Plans and required Transfer Documents, and the Owner entering into the City’s Standard Subdivision Agreement, which shall list the approved plans and conditions of approval.

CARRIED

(Councillor Garrison OPPOSED)

REPORTS

Report No. 02 of the Planning Committee

6. WHEREAS an application for Zoning By-Law Amendment has been submitted by 1011786 Ontario Inc. for the property located on the south side of McAdoo’s Lane and known municipally as 1351 McAdoo’s Lane, Kingston West, requesting a Zone Change from Restricted Agriculture “A1” Zone to a new Holding General Industrial “M1-9-H” Zone, in order to permit the relocation of the existing Sousa Ready Mix operation located on the north side of McAdoo’s Lane; and

WHEREAS a Public Meeting was held with respect to this matter on August 28, 2003:

THEREFORE BE IT RESOLVED THAT the Application for Zoning By-Law Amendment (File No. D14-206-03) submitted by 1011786 Ontario Inc. for the property located at 1351 McAdoo’s Lane, Kingston West, BE APPROVED;

--and further--

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

- Amend Zoning Map No. 1 of Schedule “A” to Zoning By-Law No. 76-26, as amended, by changing to “M1-9-H” the Zone symbol of the lands shown as Zone Change from A1 to M1-9-H.

- Add the following as Section 24 (3)(i) of Zoning By-Law No. 76-26 immediately after Section 24 (3) (h):

“(i) M1-9-H

The lands designated as “M1-9”, located on the south side of McAdoo’s Lane and known municipally as 1351 McAdoo’s Lane, shall be developed in accordance with the following provisions:

Uses Permitted:
No person shall within the “M1-9” Zone use any lot or erect, alter or use any building or structure for any purpose except one or more of the uses as set out in Section 24(1) of this By-Law. All uses as set out in Section 24(1) shall be permitted while the “-H” Holding Symbol is in place.

Zone Provisions:
No person shall within the “M1-9” Zone use any lot or erect, alter or use any building or structure except in accordance with the provisions of Section 24(2) of this By-Law and sub-section (c) below.

Holding Provision:
The lands designated as “M1-9” shall be subject to a “-H” Holding provision. The use and removal of the “-H” Symbol shall be in accordance with the provisions of Section 6(6) of this By-Law.

Notwithstanding the provisions of Sections 24(1) and 24(2) of this By-Law, any existing or proposed industrial use on the lands zoned “M1-9-H” shall not be permitted to draw ground water for the said use until such time as the “-H” Holding Symbol has been removed. The “-H” Symbol shall not be removed until such time as a detailed hydro-geologic study has been completed to demonstrate that ground water quality and quantity is sufficient to meet the needs of the uses on the subject lands and adjacent properties.”

–and further–

BE IT RESOLVED THAT the by-law be presented for three readings.
(See By-Law No. (3), 2004-3)

CARRIED

7. WHEREAS an application for Zoning By-Law Amendment has been submitted by Cecil Harnden for the property comprising Part Lot 3, Concession 3 WA, in Kingston West, known municipally as 1361 Westbrook Road, requesting permission to remove the existing Holding Special Restricted Agricultural “A1-10-H” Zone and Special Environmental Protection Area “EPA-7” Zone from the subject lands and introduce a Restricted Agricultural “A1” Zone and Environmental Protection Area “EPA” Zone to permit a single detached-dwelling unit, and;

WHEREAS a Public Meeting was held with respect to this matter on October 09, 2003;

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THEREFORE BE IT RESOLVED THAT the Application for Zoning By-Law Amendment (File No. D14-215-03) submitted by Cecil Harnden for the property located in Part Lot 3, Concession 3 WA, in Kingston West, BE APPROVED;

–and further–

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

Amend Zoning Map No. 2 of Schedule “A” to Zoning By-Law No. 76-26, as amended, by changing to “A1” and “EPA” the Zone symbols of the lands shown as Zone Change from A1-10-H to A1 and Zone Change from EPA-7 to EPA;

–and further–

BE IT RESOLVED THAT the by-law be presented for three readings.
(See By-Law No. (4), 2004-4)

CARRIED

8. WHEREAS an application has been submitted by Barry Hutt and Lara Snider (Applicants) with respect to lands located at 19 Concession Street, in Kingston Central, requesting a site specific amendment to the Zoning By-Law to permit a take-out pizzeria restaurant and an accessory residential dwelling unit, and;

WHEREAS the statutory Public Hearing was held on September 11, 2003;

THEREFORE BE IT RESOLVED THAT the application for Zoning By-Law Amendment (Planning File No. D14-209-03) submitted by Barry Hutt and Lara Snider, respecting the 166 square metre parcel of land located at 19 Concession
Street, requesting a site-specific amendment to the Zoning By-Law to permit the development of a take-out pizzeria restaurant and accessory dwelling unit, **BE APPROVED**;

--and further--

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

**Amend** Zoning Map No. 19 of By-Law No. 8499, as amended, by changing to “C1.338” the zone symbol of the lands located at 19 Concession Street and shown as Zone Change from “A5” to “C1.338”.

**Add** the following as a new Part VIII, Exceptions to the Various Zone Classifications, Section 338 immediately following Part VIII, Section 337:

“On the approximately 166 square metre parcel of land located at 19 Concession Street, and designated “C1.338” on a copy of Zoning Map 19 attached to and forming part of **By-Law No. 2004-5** as Schedule “A”, the following regulations shall apply:

The following uses shall be permitted;

- restaurant;
- one residential dwelling unit, provided that such dwelling unit is located within a commercial structure.

<table>
<thead>
<tr>
<th>Maximum Height</th>
<th>12.0 m</th>
</tr>
</thead>
<tbody>
<tr>
<td>Minimum Rear Yard</td>
<td>4.0m</td>
</tr>
<tr>
<td>Maximum Percentage of Lot Coverage</td>
<td>55%</td>
</tr>
</tbody>
</table>

**Accessory Buildings**

As per Section 5.17 of this By-Law

**Parking**

As per Section 5.3 of this By-Law

--and further--

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

(See **By-Law No. (5), 2004-5**)

**CARRIED**

**MISCELLANEOUS BUSINESS**

(1) Moved by Councillor Garrison
Seconded by Councillor Beavis

**THAT** Council proclaim December 3, 2003 as the United Nation's International Day of Disabled Persons.

(File No. CSU-M10-000-2004)

(See Communication No. 01-001)

**CARRIED**

*************

**MOTIONS**

(1) Moved by Councillor Downes
Seconded by Councillor Stoparczyk

**THAT** the congratulations of Kingston City Council be extended to Jack Moreland, Chair of the Limestone District School Board, on his retirement after 36 years in politics and to thank him for his service to the young people of Kingston.

(File No. CSU-M11-000-2004)

(2) Moved by Councillor Downes
Seconded by Councillor Pater
THAT the congratulations of Kingston City Council be extended to Barry O’Connor, Director of Education for the Limestone District School Board, on his retirement and long-standing service to the young people of Kingston. (File No. CSU-M11-000-2004)

(3) Moved by Councillor Smith
Seconded by Councillor Stoparczyk

THAT Members of Council receive a copy of the Inaugural Address of His Worship, Mayor Rosen, as an on-going reminder during our term of office of Council’s vision for our community.

CARRIED

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NOTICES OF MOTION

Moved by Councillor Stoparczyk
Seconded by Councillor Sutherland

THAT Notice of Motion by Councillors Smith and Stoparczyk (Motion 3) be dealt with this evening.

CARRIED

(A two-thirds vote of Council was obtained)

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COMMUNICATIONS

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

Referred to All Members of Council

01-001 From Mike Murphy, Executive Director for the Independent Living Centre, requesting that Council proclaim December 3, 2003 as the United Nation’s International Day of Disabled Persons.
(File No. CSU-M10-000-2004)
(See Miscellaneous Business Item. No. 1)

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OTHER BUSINESS

*************

BY-LAWS

(A) Moved by Councillor Beavis
Seconded by Councillor Downes

THAT By-Laws (1) through (6) be given their first and second reading.

CARRIED

(B) Moved by Councillor Foster
Seconded by Councillor Garrison
THAT Clause 7.6 of By-Law No. 98-1 be suspended for the purpose of giving By-Law (1) three readings.

CARRIED

(C) Moved by Councillor Stoparczyk
Seconded by Councillor Sutherland

THAT By-Laws (1) through (10) be given their third reading.

CARRIED

(1) A By-Law To Exempt Certain Lands On Registered Plan 13M-46 From The Provisions Of Section 50 (5) Of The Planning Act, RSO 1990, Chapter P.13, And Amendments Thereto (Blocks 1-14 Inclusive, Jennifer Court Subdivision) (Part Lot Control).

THREE READINGS

(Proposed No. 2004-1)

(Clause (a), Report No. 01)

(2) A By-Law To Amend By-Law No. 32-74 “The Former Pittsburgh Zoning By-Law” (Site Specific – Greenwood Park, Phase 7 - Rezone To Modified Residential Type 4 (“R4-3”) And General Open Space (“OS”), To Permit Single Detached Dwellings As Well As To Provide For Open Space Areas.

THREE READINGS

(Proposed No. 2004-2)

(Clause (4), Report No. 02)

BY-LAWS

(3) A By-Law To Amend By-Law No. 76-26 Of Former Township Of Kingston (Site Specific Zoning – Restricted Agricultural “A1” Zone To Holding General Industrial “M1-9-H” Zone, 1351 McAdoo’s Lane, Kingston West)

THREE READINGS

(Proposed No. 2004-3)

(Clause (6), Report No. 02)

(4) A By-Law To Amend By-Law No. 76-26 Of Former Township Of Kingston (Site Specific Zoning – Holding Special Restricted Agricultural “A1-10-H” Zone To Restricted Agricultural “A1” Zone And Special Environmental Protection Area “EPA-7” Zone To Environmental Protection Area “EPA” Zone, Part Lot 3, Concession 3 WA, 1361 Westbrook Road, Kingston West).

THREE READINGS

(Proposed No. 2004-4)

(Clause (7), Report No. 02)

(5) A By-Law To Amend By-Law No. 8499 “Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston” (Site Specific – Rezone From “A5” Residential To “C1.338” Neighbourhood Commercial – 19 Concession Street – Barry Hutt And Lara Snider).

THREE READINGS

(Proposed No. 2004-5)

(Clause (8), Report No. 02)


THREE READINGS

(Proposed No. 2004-6)

(City Council Meeting No. 01-2004)
(7) A By-Law To Repeal By-Law No. 255 “A By-Law For Fixing Days When Persons And Organizations Engaged In Charitable Or Patriotic Work May Solicit Contributions Of Moneys From Persons On The Highways Of The Municipality”.
THIRD READING
(Clauses (a), Report No. 104)

(8) A By-Law To Repeal By-Law No. 98-253 “A By-Law To Adopt An Emergency Plan For The City Of Kingston”.
THIRD READING
(Clauses (b), Report No. 104)

(9) A By-Law To Adopt A New Emergency Response Plan For The City Of Kingston.
THIRD READING
(Clauses (b), Report No. 104)

THIRD READING
(Clauses (1), Report No. 105)

ADJOURNMENT

Moved by Councillor Foster
Seconded by Councillor B. George

THAT Council do now adjourn.

CARRIED

Council adjourned at 8:35 pm.

(Signed) Carolyn Downs
City Clerk

(Signed) Harvey Rosen
Mayor