CITY COUNCIL MEETING NO. 09-2004

The Regular Meeting of City Council was held on Tuesday, March 9, 2004 at 7:30 pm in the Council Chamber, City Hall. His Worship Mayor Harvey Rosen presided.

There was an "In-Camera" meeting of the Committee of the Whole from 7:00 pm to 7:36 pm in the Councillors' Lounge.

(Roll Call)
Present: Mayor Rosen, Councillor Beavis, Councillor Downes, Deputy Mayor 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
Ms. B. Bielski, Manager, Planning
Mrs. C. Downs, Manager, Council Support/City Clerk
Mr. T. Fleming, Senior Legal Counsel
Mr. D. Leger, Commissioner, Corporate Services
Mr. H. Linscott, Director, Legal Services
Ms. N. Sullivan, Deputy City Clerk
Mr. T. Willing, Commissioner, Planning & Development Services

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COMMITTEE OF THE WHOLE “IN CAMERA”

1. Moved by Councillor Beavis
   Seconded by Councillor Downes
   THAT Council resolve itself into the Committee of the Whole “In Camera” to consider the following:
   (a) Legal Matter

   CARRIED

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REPORT OF THE COMMITTEE OF THE WHOLE “IN CAMERA”

2. Moved by Councillor Foster
   Seconded by Councillor Pater
   THAT Council rise from the Committee of the Whole “In Camera” and that the rules of By-Law No. 98-1 be waived in order to allow the Chairman to report.

   CARRIED

Mayor Rosen reported the following action taken in Committee of the Whole “In Camera”.

(a) THAT the City appeal to the Ontario Municipal Board (OMB) a decision of the Committee of Adjustment (Urban Panel) respecting the property located at 985 Old Front Road (File No. U.COA 933-03), and;

   CARRIED

   THAT Legal Services and Planning Division staff prepare for and attend the Ontario Municipal Board hearing.

   CARRIED

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3. Moved by Councillor Sutherland  
Seconded by Councillor Stoparczyk  

THAT the Report of the Committee of the Whole “In Camera” be adopted, approved and confirmed.  

CARRIED

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(Council Chambers)

Administrative Staff Present:
Mr. B. Meunier, Chief Administrative Officer  
Ms. J. Brick, Operations Administrator  
Ms. P. Carrol, Manager, Taxation & Revenue  
Mr. B. Closs, Chief, Kingston Police Services  
Mr. J. Davis, Projects Manager, Planning & Development Services  
Mrs. C. Downs, Manager, Council Support/City Clerk  
Ms. R. Etherington, Supervisor, Policy & Support Services  
Mr. M. Fluhrrer, Manager, Policy & Support Services  
Mr. G. Hunt, Manager, Finance  
Mr. K. Kullas, Supervisor Municipal Arenas, Cultural Services  
Ms. A. LaFrance, Manager, Administrative Services, Social Services  
Mr. D. Leger, Commissioner, Corporate Services  
Mr. H. Linscott, Director, Legal Services  
Mr. P. MacLatchy, Manager, Environment  
Mr. N. Murphy, Deputy Fire Chief, Fire & Rescue Services  
Mr. B. Napier, Deputy Police Chief, Kingston Police Services  
Ms. A. Pappert, Manager, Cultural Services Division  
Mr. M. Richardson, Capital & Grants Projects Coordinator  
Mr. M. Segsworth, Commissioner, Operations Services  
Ms. B. Sills, Environmental Engineer  
Ms. T. Steacy, Manager, Program Delivery, Social Services  
Ms. N. Sullivan, Deputy City Clerk  
Mr. L. Thurston, Commissioner, Community Services  
Mr. D. Wells, Manager, Streets & Sidewalks  
Mr. T. Willing, Acting Commissioner, Planning & Development Services

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DISCLOSURE OF PECUNIARY INTEREST

None

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PRESENTATIONS

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DELEGATIONS

Council consented to allow Delegation No. (1) 10 minutes.
Wayne Herrick, Regional Coordinator, Ministry of the Environment, and John Armitage of the Kingston Rowing Club, and Ian MacFarlane spoke to Council concerning Project Trackdown – Status & Initial Findings (Report No. 04-098).
(File No. CSU-C13-000-2004)
(See Clause (5), Report No. 31)

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PETITIONS

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REPORTS

Report No. 30 of the Chief Administrative Officer (Consent)

Moved by Councillor Meers
Seconded by Councillor B. George

THAT Report No. 30 of the Chief Administrative Officer be received and adopted.

Report No. 30

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

All items listed on the Consent Report shall be the subject of one motion and that motion shall be neither debatable nor amendable. However, any member may ask for any item(s) included in the Consent Report to be separated from that motion, whereupon the consent report without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

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

(a) THAT Hanna Gabrielson be granted a three-year lease for a designated fixed-site location for the purpose of operating a motorized refreshment vehicle, pursuant to By-Law No. 93-250 "A By-Law To Authorize The Lease Of City Streets For The Purpose Of Operating Motorized Refreshment Vehicles, And To Authorize The Adoption Of Guidelines For Dealing With Applications, And To Authorize Motorized Refreshment Vehicle Regulations", and;

THAT such fixed-site location shall be located on the South side of Union Street, in the area of Parking Meter # 392, previously known as Meter #708, but no further west than the projection of the Division Street Right-of-Way, in compliance with Section 2(a) of By-Law No. 93-250;

--and further--

THAT the Mayor and City Clerk be authorized to enter into an agreement in a form satisfactory to the Legal Services Division.
(File No. CSU-D16-000-2004)

REPORTS

Report No. 30 of the Chief Administrative Officer (Consent)

(b) THAT to the extent that the City of Kingston holds copyright to the History of the Township of Kingston, edited by Neil A. Patterson, it consents to the University of Calgary digitizing that work, it being understood that it is the responsibility of the University of Calgary to seek any necessary clearances from Mr. Patterson or any others that may have copyright.
WHEREAS in accordance with the Municipal Act 2001, c. 25, s.34(1) and By-Law No. 2003-15 “A By-Law to Provide for Notice Provisions as Required Under The Municipal Act, 2001”, notice has been given of Council's intention to stop-up and close the unopened road allowance known as Mount Royal Place, former Township of Pittsburgh, and;

WHEREAS, as of March 4, 2004, no requests to be heard have been received by the City as provided for in the notice.

THEREFORE BE IT RESOLVED THAT Council pass a by-law to declare Mount Royal Place surplus to municipal need.

–and further–

THAT City Council pass a by-law to authorize the stop-up and closure of the said unopened road allowance and to transfer the title therein to Peter Lafontaine, the owner of Lots 22, 23, 24 and 25, of the former Registered Plan of Subdivision 1791.

–and further–

THAT the Mayor and Clerk be authorized and directed to sign the necessary agreements to give effect thereto.

–and further–

THAT the rules of By-Law 98-1 be waived so that the by-laws receive three readings this evening.

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

(See By-Law No. (1), 2004-65; By-Law No. (2), 2004-66)

THAT a by-law be presented for all three readings to provide for the temporary closure of Market Street from Ontario Street to mid-block from 7:00 am on Wednesday, March 17, 2004 to 2:00 am on Thursday, March 18, 2004 inclusive, for community purposes (St. Patrick’s Day Celebrations), subject to the following conditions:

– That the applicant shall pay for the cost of advertising the temporary street closure as invoiced by the Council Support Division.

– That the applicant shall be responsible for the acquiring/renting, placing and removal of all barricades necessary to fully close the roadway(s) affected and install advance signage to indicate the street closure and install detour signage.

– That the applicant shall agree to take out sufficient public liability property damage insurance in the amount of $2,000,000.00 to cover all risks. The policy shall be in a form and in an amount satisfactory to the City of Kingston and shall be kept in full force during the period of the proposed street closure. The City of Kingston shall be named as a party insured on the policy and the applicant shall provide the City of Kingston with a copy of the insurance policy.

(File No. CSU-T08-000-2004)

(See By-Law No. (3), 2004-67)

CARRIED

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REPORTS
Report No. 31 of the Chief Administrative Officer (Recommend)

Moved by Councillor Downes
Seconded by Councillor Foster

THAT Report No. 31 of the Chief Administrative Officer be received and adopted, clause by clause.

Report No. 31
To the Mayor and Members of Council:
The Chief Administrative Officer reports and recommends as follows:

Bert Meunier, Chief Administrative Officer, spoke to Council concerning the 2003 Kingston Economic Development Corporation Impact Analysis (Report No. 04-092).

(1) THAT Council receive the 2003 Kingston Economic Development Corporation Funding Impact Analysis, as provided in Report No. 04-092, and;

THAT Council continue to require staff to monitor and evaluate yearly the net municipal tax achievements resulting from the Kingston Economic Development Corporation funding agreement for the 2001-2003 period, and;

THAT Council continue to require Kingston Economic Development Corporation to submit an annual activity report that analyzes and measures a number of economic indicators, and;

THAT Council increase Kingston Economic Development Corporation’s core funding and make a three-year budget commitment for 2004-2006 for their term, subject to the 2004 operating budget approval.

(File No. CSU-F05-000-2004)

CARRIED UNANIMOUSLY (13:0)

(See Recorded Vote)

(See Following Motions Which Were CARRIED)

(See Following Motion Which Was LOST)

A Recorded Vote was requested by Councillor Downes and commenced with same.

YEAS: Mayor Rosen, Councillor Beavis, Councillor Downes, Deputy Mayor Foster, Councillor Garrison, Councillor B. George, Councillor K. George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (13)

NAYS: (0)

Moved by Councillor Downes
Seconded by Councillor Beavis

THAT Clause 1 of Report 31 be reconsidered.

CARRIED

REPORTS

Report No. 31 of the Chief Administrative Officer (Recommend)

THAT Council receive the 2003 Kingston Economic Development Corporation Funding Impact Analysis, as provided in Report No. 04-092, and;

THAT Council continue to require staff to monitor and evaluate yearly the net municipal tax achievements resulting from the Kingston Economic Development Corporation funding agreement for the 2001-2003 period, and;

THAT Council continue to require Kingston Economic Development Corporation to submit an annual activity report that analyzes and measures a number of economic indicators, and;
THAT Council increase Kingston Economic Development Corporation’s core funding and make a three-year budget commitment for 2004-2006 for their term, subject to the 2004 operating budget approval.  
(File No. CSU-F05-000-2004)  
CARRIED  
(Councillors K. George and Meers OPPOSED)

THAT the fourth paragraph of Clause 1 of Report No. 31 be amended to include the word “consider”, so that the clause reads as follows:  
“That Council consider an increase to the Kingston Economic Development Corporation’s core funding and make a three-year budget commitment for 2004-2006 for their term, subject to the 2004 operating budget approval.”  
LOST (4:9)  
(See Recorded Vote)

Mark Segsworth, Commissioner of Operations, spoke to Council concerning the proposed Municipal Campus Facility (Report No. 04-086).

THAT Council adopt the Site Plan Concept, dated January 26, 2004 for the proposed Municipal Campus Facility as identified in Report No. 04-086.  
(File No. CSU-D11-000-2004)  
CARRIED

REPORTS
Report No. 31 of the Chief Administrative Officer (Recommend)

THAT Council adopt the Arena Capacity & Expansion Study recommendations, in principle, as presented to Council on February 3, 2004, and;  
THAT Council direct staff to develop a comprehensive City of Kingston Arena Implementation Strategy to be reported back to the Committee of the Whole for further consideration; it being understood that this strategy will have regard for Council’s decision concerning the Large Venue Entertainment Centre (LVEC) and will include a detailed long-term capital financing plan.  
(File No. CSU-R05-000-2004)  
DEFERRED  
(See Following Motion to DEFER Which Was CARRIED)
Moved by Councillor K. George
Seconded by Councillor Meers

**THAT** Clause 3 of Report 31, the Arena Capacity & Expansion Study (Report No. 04-083), be deferred until such time as the Large Venue Entertainment Centre (LVEC) report has been received and reviewed by Council.

CARRIED

Gerard Hunt, Manager of Finance, and Pat Carrol, Manager, Taxation & Revenue, were present and spoke to Council concerning the Market Value Assessment Update (Report No. 04-090).

(4) **THAT** Council receive the Impact of Market Value Assessment Update Report (Report No. 04-090) as information.

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

CARRIED

(5) **WHEREAS** the City of Kingston maintains a strategic focus on improving the water quality of local surface waters, and;

**WHEREAS** the City of Kingston's Environment Division is a partner with the Ministry of the Environment and Environment Canada in Project Trackdown – a project to identify and eliminate sources of PCBs to the Great Cataraqui River, and;

**WHEREAS** Project Trackdown has identified an area of PCB-contaminated sediments in the Great Cataraqui River, and;

**WHEREAS** preliminary assessments of a sediment remediation project (The Project) have determined that it is technically and economically feasible to remove the contaminated sediments from the aquatic environment, and;

**WHEREAS**, as a result of the Cataraqui Utilities Crossing Project and the construction of the Knox Farm Sediment Storage Facility, the City of Kingston is in a position to provide valuable support to the Ministry of the Environment and Environment Canada, while incurring comparatively little expense, and;

**WHEREAS** the Knox Farm Sediment Storage Facility has been designed and constructed to safely manage sediments of the type that will be remediated by this project;

**THEREFORE BE IT RESOLVED THAT** Council authorize the City of Kingston's participation in The Project;

–and further–

**THAT** Council authorize The Project to utilize the existing Knox Farm Sediment Storage Facility for the storage of the removed sediments.

(File No. CSU-E05-000-2004)

(See Delegation No. 1)

CARRIED

REPORTS

Report No. 31 of the Chief Administrative Officer (Recommend)

(6) **WHEREAS**, for the safety and security of all City of Kingston residents, a 911 Public Emergency Reporting System (PERS) should be available, and;

**WHEREAS** Council has passed a resolution dated September 11, 2001, authorizing staff to proceed with the upgrade of the 911 system, in collaboration with the Police Services and Fire Services, Bell Canada, and the Townships of South Frontenac and Frontenac Islands, and;

**WHEREAS** Council approved a work plan for staff to implement the changes required to our civic addresses to accommodate the implementation of the 911 Public Emergency Reporting System (PERS), and;

**WHEREAS** Council had authorized the Mayor and City Clerk to execute a Letter of Intent with Bell Canada to be included in the 911 Public Emergency Reporting System (PERS) program;
THEREFORE BE IT RESOLVED THAT authority be given to the Mayor and City Clerk to execute the Standard Public Emergency Reporting System (PERS) Agreement, including Attachments “A”, “B” and “C” (attached to Report No. 04-095), with Bell Canada to proceed with the final stages of implementation of the 911 Public Emergency Reporting System (PERS);

–and further–

THAT Council authorize the 911 Management Committee to enter into negotiations with the Townships of South Frontenac and Frontenac Islands for the purpose of determining the appropriate cost allocation for costs incurred for the implementation of 911 PERS and subsequent on-going operating costs and the negotiated position be in consultation with the Director of Legal Services and the City Treasurer;

–and further–

THAT this matter be brought back to Council for ratification and final approval.

CARRIED AS AMENDED

(See Motion to AMEND Which Was CARRIED)

Moved by Councillor Sutherland
Seconded by Councillor Beavis

THAT Clause 6 of Report No. 31 be amended to include the following: “That Council authorize the 911 Management Committee to enter into negotiations with the Townships of South Frontenac and Frontenac Islands for the purpose of determining the appropriate cost allocation for costs incurred for the implementation of 911 PERS and subsequent on-going operating costs and the negotiated position be in consultation with the Director of Legal Services and the City Treasurer;

–and further–

THAT this matter be brought back to Council for ratification and final approval”.

CARRIED

REPORTS

Report No. 31 of the Chief Administrative Officer (Recommend)

(7) THAT Council receive the Capital Budget Status Report for the fourth quarter ending December 31, 2003.

–and further–

THAT Council approve the financing of unfinanced capital projects, or (return of funds), as outlined in Appendix “A”, “B”, “C”, “D” and “E” of this report, as follows:

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<td>$830.00</td>
<td>($85,236.00)</td>
<td>($362,331.00)</td>
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<td>KCMC Reserve Fund</td>
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<td>($12,423.00)</td>
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<td>Facility Repair Reserve Fund</td>
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Parking Reserve Fund  ($14,653.00)  
Arenas Reserve Fund  ($1,159.00)  
Environment Reserve Fund  ($169,388.00)  
Transit Capital Reserve Fund  ($22,912.00)  
Rideaucrest Facility Reserve Fund  $905.00  
Airport Reserve Fund  ($134,778.00)  
Municipal Equip. Reserve Fund  $13,092.00  
Industrial Land Reserve Fund  ($49,748.00)  
Development Charges Reserve Fund  ($22,464.00)  
Utility Equip. Reserve Fund  ($26,879.00)  
Working Fund Reserve  
Solid Waste & Recycling Reserve Fund  ($7,302.00)  
Marina Reserve Fund  $7.00  
Police Equipment Reserve Fund  ($9,570.00)  
Total:  ($9,372.00)  

---and further---

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

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<td>Debenture (reduction) Funding from:</td>
<td>($260,069.00)</td>
<td>($138,276.00)</td>
<td>($10,285.00)</td>
<td>($49,425.00)</td>
<td>($0.00)</td>
<td>($458,055.00)</td>
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(File No. CSU-F05-000-2004)

CARRIED

REPORTS

Report No. 31 of the Chief Administrative Officer (Recommend)

(8) **THAT** Council receive Report No. 04-089 – Support to Homeless Persons: A Response to Presentation of “A Room of One’s Own” and defer consideration of the issues and possible interventions to the 2004 budget deliberations. (File No. CSU-S16-000-2004)

CARRIED

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Report No. 32 of the Kingston Municipal Heritage Committee (LACAC)

Moved by Councillor Patterson
Seconded by Councillor Smith

**THAT** Report No. 32 of The Kingston Municipal Heritage Committee (LACAC) be received and adopted, clause by clause.
To the Mayor and Members of Council:
The Kingston Municipal Heritage Committee (LACAC) reports and recommends as follows:

1. **THAT** Application P18-49-00, 11 Ontario Street, City of Kingston (Registered Plan 05 Part Lot 2 Water Lot 34PTB23) (the Steam Museum), regarding the continuation of repair work as described within correspondence and photos from Andre Scheinman, Heritage Preservation Consultant, dated February 23, 2004, **BE APPROVED** to include the following:
   - The closure of the existing wide gap at the top of the gable walls with a wooden tongue and groove soffit and approximate 8" frieze board with a ¾" bead along the bottom edge and the reintroduction of nailers to secure the frieze.
   - The addition of 1½" crown moulding to seal the soffit/frieze junction.
   - Repairs to the roof and ceiling structure.
   - Repairs to the upper courses of brickwork.
   - The dismantling and rebuilding sections of the two northerly pilasters of the circa 1920 addition of the rear elevation and areas of the panels between.
   - The salvaging of sound units for reinstatement, with new material to match existing sound material in colour and dimension as closely as possible.
   - The stabilization of above areas, including existing lintels, prior to the insertion of a new window and door.

2. **THAT** Council nominate Dr. James Carson, former member and Chair of the Kingston Local Architectural Conservation Advisory Committee (LACAC), to receive recognition through the Ontario Honours and Awards Program established through the Ministry of Citizenship, in acknowledgement of his efforts with the Kingston Local Architectural Conservation Advisory Committee (LACAC).

CARRIED

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COMMITTEE OF THE WHOLE

1. Moved by Councillor Garrison
   Seconded by Councillor Foster
   
   **THAT** Council resolve itself into the Committee of the Whole to consider the items listed on the agenda.

CARRIED

2. Moved by Councillor B. George
   Seconded by Councillor K. George
   
   **THAT** Council rise from the Committee of the Whole and the Chairman report.

CARRIED

Mayor Rosen reported the following action taken in the Committee of the Whole:
WHEREAS the City of Kingston has a number of properties that have more than three years of taxes owing and have had a tax arrears certificate registered, and;

WHEREAS the Municipal Act requires the municipality to offer for sale properties that, at the end of the one-year period following the date of the registration of the tax arrears certificate, the cancellation price remains unpaid, and;

WHEREAS some properties will not sell through the tax sale process, and;

WHEREAS the Municipal Act does allow for the municipality to vest (take ownership) of properties after a tax sale has failed, and;

WHEREAS the City wishes to establish a policy to deal with properties that have not sold using the tax sale process, and;

WHEREAS the ERASE Task Force developed a plan employing a number of the tools necessary to encourage the remediation and redevelopment of brownfield sites, and;

WHEREAS Council has approved the ERASE Community Improvement Plan;

THEREFORE BE IT RESOLVED THAT Council endorse a policy to vest lands on a case-specific basis;

–and further–

THAT Council endorse a policy whereby if lands are considered to be surplus to the City’s needs, the City will dispose of the lands through a public sale/public tender process.

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

CARRIED

COMMITTEE OF THE WHOLE

Lance Thurston, Commissioner of Community Services, and Mr. Mark Fluhrer, Manager, Policy & Support Services were present and spoke to Council concerning the Centre 70 Arena Twinning Project – Initial Design Options – LEED Cost Benefit Analysis (04-067)

THAT the Centre 70 Arena Twinning Report – Initial Design Options – Leadership in Energy and Environmental Design (LEED) Cost Benefit Analysis (Report No. 04-067), which reads as follows:

THAT IT BE RECOMMENDED THAT, subject to favourable 2004 budget consideration, Council:

– Adopt Design Concept “C” for the twinning of Centre 70, as outlined in Report No. 04-067, at a total cost of approximately $4,500,000.00, it being understood that staff will bring forward a project financing plan for consideration at budget time.

– Authorize staff to undertake an appropriate competitive bid process consistent with the City’s purchasing policies, to finalize cost estimates for the twinning project.
Endorse up to $400,000 in structural, building systems and site design features that will qualify the Centre 70 twinning project for certification under the Leadership in Energy and Environmental Design (LEED) program.

Authorize staff to apply for Leadership in Energy and Environmental Design (LEED) certification for the twinning project and apply through the Green Municipal Investment Fund (GMIF) for a loan of 25% of the project costs at an interest rate of 1.5% below the Canada Bond Rate.

Authorize staff to apply for a Green Municipal Investment Fund (GMIF) grant of up to 25% of the project costs, if available.

Appoint two or three of its members to a public fund raising development committee, the purpose of which is to work with staff and interested members of the public in developing and recommending a strategy for fulfilling Council’s direction that at least $300,000 be raised in the community towards the cost of this project.

BE DEFERRED in order to allow staff to further investigate multi ice-pad options together with the proposed Large Venue Entertainment Centre project.

(File No. CSU-R05-000-2004)
(See Miscellaneous Business Item No. 1)

3. Moved by Councillor Pater
   Seconded by Councillor Meers

   THAT the report of the Committee of the Whole be adopted, approved and confirmed.

   CARRIED

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INFORMATION REPORTS

1. Ontario Works Addiction Services Initiative 2004-2005 (04-103)
   The purpose of this report is to provide Council with an overview of the Ontario Works Addiction Services Initiative.
   (File No. CSU-S04-000-2004)

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INFORMATION REPORTS

   The purpose of this report is to update Council on the status of taxes receivable and the collection of tax arrears in accordance with governing legislation, up to December 31, 2003.
   (File No. CSU-F22-000-2004)

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MISCELLANEOUS BUSINESS

1. THAT Council appoint two or three of its members to a Public Fund Raising Development Committee for the Centre 70 Arena Twinning Project.
   (File No. CSU-C12-000-2004)
   (See Clause (b) of the Committee of the Whole)

   WITHDRAWN

2. Moved by Councillor George
   Seconded by Councillor Pater
THAT, as requested by Kathy Shatraw of the Kingston Employment & Youth Services (KEYS), Council proclaim the week of March 22-27, 2004 as “Skilled Trades Awareness Week”.
(File No. CSU-M10-000-2004)
(See Communication No. 09-127)

CARRIED

*MOTIONS*

Council consented to the addition of Motion Nos. (2) and (3).

(1) Moved by Councillor Pater
Seconded by Councillor Downes

WHEREAS, the Kingston Bicycling Advisory Committee is submitting a project application with a deadline of March 18, 2004 to the undersubscribed Environment Canada Eco-Action Fund, and;

WHEREAS their proposal, “Shifting Gears: Creating a Cycling Culture in Kingston, Ontario”, has been reviewed by the City’s Environment and Planning divisions, who recognize that it aligns with several of the City’s strategic priorities including the Transportation Master Plan, the Cycling and Pathways Study, and FOCUS Kingston’s Environmental Priority Area, and;

WHEREAS the City is committed to building community capacity through community partnerships and development of a sustainable infrastructure, and;

WHEREAS, the Kingston Bicycling Advisory Committee have secured in-kind funding commitments from non-profit groups, public institutions, and corporate sponsors that will be matched in dollars by Environment Canada’s Eco-Action Fund;

THEREFORE BE IT RESOLVED THAT City Council takes advantage of this unique opportunity to further our strategic priorities and direct the Commissioner of Planning & Development Services to provide a letter of support for the “Shifting Gears” proposal and their request for a contribution of in-kind services from the City of Kingston’s Department of Planning & Development Services.
(File No. CSU-M11-000-2004)

CARRIED

*MOTIONS*

(2) Moved by Councillor Pater
Seconded by Councillor Foster

THAT the condolences of Kingston City Council be extended to the family of the late Bonnie Jo Thomas, community volunteer for many organizations including the KFL&A United Way.
(File No. CSU-M11-000-2004)

CARRIED

(3) Moved by Councillor Meers
Seconded by Councillor Pater

THAT the condolences of Kingston City Council be extended to Eugene Hesch, board member of the Kingston Frontenac Housing Corporation, on the death of his wife, the late Winnifred Hesch.
(File No. CSU-M11-000-2004)

CARRIED

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*NOTICES OF MOTION*
MINUTES
Moved by Councillor Meers
Seconded by Councillor Smith
THAT the Minutes of Council Meeting No. 8, held March 2, 2004, be confirmed.
CARRIED

TABLING OF DOCUMENTS
2004-34 The Kingston Economic Development Corporation
Minutes – Board of Directors’ & Members’ Meeting – January 19, 2004
(File No. CSU-A01-003-2004)

2004-35 The Kingston Economic Development Corporation
Project Updates to January 14, 2004
(File No. CSU-A01-003-2004)

COMMUNICATIONS
Council consented to the disposition of Communications in the following manner:
Filed
09-122 From the Office of the Minister of State, informing Council of available funding under the Canada-Ontario Affordable Housing Program for the creation of new affordable housing units.
(File No. CSU-A16-000-2004; CSU-F11
(Copied to all Members of Council on February 26, 2004)

Referred to All Members of Council
09-123 From Leslie Moore, Copyright Assistant at the University of Calgary, requesting permission to clear copyright on History of the Township of Kingston, ed. Neil Patterson, in order to digitize the material for archival purposes.
(File No. CSU-M04-000-2004)
(See Clause (b), Report No. 30)

09-124 From the City of Cornwall, requesting Council’s support of a resolution to petition the provincial and federal governments to recognize the need for stronger legislation on motorized wheelchairs and scooters on city streets and sidewalks.
(File No. CSU-C10-000-2004)
(Copied to all Members of Council on March 3, 2004)
09-125 From the County of Prince Edward, requesting Council's support of a resolution to petition the Minister of Revenue to pass regulation to exempt the “omitted assessment” for trailers for the 2003 taxation year.
(File No. CSU-C10-000-2004)
(Copied to all Members of Council on March 3, 2004)

09-126 From the Social Services Administration Board of the District of Manitoulin-Sudbury, requesting Council's support of a resolution to petition the Minister of Health to resolve the province's long-standing funding problems to the Emergency Medical Services by having the province assume the responsibility for the cost of the municipally-delivered land ambulance services.
(File No. CSU-C10-000-2004)
(Copied to all Members of Council on March 3, 2004)

09-127 From Kathy Shatraw of the Kingston Employment & Youth Services (KEYS), requesting that Council proclaim the week of March 22-27, 2004 as “Skilled Trades Awareness Week”.
(File No. CSU-M10-000-2004)
(See Miscellaneous Business Item No. 2)

09-128 From the Cataraqui Region Conservation Authority, inviting Council and staff to the Full Authority Meeting on Wednesday, March 24, 2004 at 7:00 pm in the South Frontenac Council Chambers.
(File No. CSU-C15-000-2004)
(Copied to all Members of Council on March 4, 2004)

09-129 From Kim Donovan, President of Kincore Holdings Limited, confirming an Offer to Lease office space in the British Whig Building and Ontario Bank Building in order to assist with the Municipal Accommodation Plan of consolidation of administrative staff in the downtown area.
(File No. CSU-M04-000-2004; CSU-L07-000-2004)
(Copied to all Members of Council on March 4, 2004)

COMMUNICATIONS

09-130 From the Committee of Adjustment, a Notice of Amended Conditions with respect to the following application:

CONSENT – TONY & BARBARA ROMEO – in respect of an application for a consent to sever a 487.7m² parcel of land from a 1083.2m² parcel of land for the purpose of creating separate building lots BE AMENDED, and as amended, BE APPROVED.
(File No. CSU-D23-000-2004)

09-131 From the Committee of Adjustment, a Notice of Decision with respect to the following applications:

MINOR VARIANCE – ANDREJS SKABURSKIS – in respect of an application for a minor variance from Zoning By-Law No. 76-26 for the property at 985 Old Front Road in order to permit the existing gazebo to remain in its present location BE APPROVED, subject to conditions. The final date of appeal is March 15, 2004.

MINOR VARIANCE – DOUGLAS COWIE & HEATHER FAIRBAIRN – in respect of an application for minor variances from Zoning By-Law No. 8499 for the property at 50 Alwington Avenue in order to recognize the location of the existing structures BE APPROVED, subject to a condition. The final date of appeal is March 15, 2004.

MINOR VARIANCE – LOBLAW PROPERTIES LIMITED – in respect of an application for minor variances from Zoning By-Law No. 8499 for the property at 1096 Princess Street in order to permit the construction of a campus-style development with buildings located along the street frontages BE APPROVED, subject to conditions. The final date of appeal is March 15, 2004.

CONSENT – JAMES & NANCY RAVEN – in respect of an application for a consent to sever an 846m² parcel of vacant land from a 1994m² parcel of land at 58 Dalgleish Avenue for the purpose of creating a new single-family
residential building lot **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is March 17, 2004.

MINOR VARIANCE – JAMES & NANCY RAVEN – in respect of an application for a minor variance from Zoning By-Law No. 32-74 for the property at 58 Dalgleish Avenue in order to permit the consent to sever **BE APPROVED**, subject to a condition. The final date of appeal is March 15, 2004.

MINOR VARIANCE – LAWRENCE ASHWORTH – in respect of an application for minor variances from Zoning By-Law No. 8499 for the property at 192 Clergy Street East in order to permit the demolition of the existing shed and construct a one-storey structure **BE APPROVED**, subject to conditions. The final date of appeal is March 15, 2004.

MINOR VARIANCE – JOHN & MARGARET ULIANA – in respect of an application for a minor variance from Zoning By-Law No. 32-74 for the property at 239 Honeywood Avenue in order to recognize the existing location of the new home constructed on the lot **BE APPROVED**, subject to a condition. The final date of appeal is March 15, 2004.

MINOR VARIANCE – 1499939 ONTARIO LTD. – in respect of an application for minor variances from Zoning By-Law No. 76-26 for the property at 1144-1160 Clyde Court in order to recognize the location of the existing structures on the property **BE APPROVED**, subject to a condition. The final date of appeal is March 15, 2004.

MINOR VARIANCE – ROBERT & TREENA GARRISON – in respect of an application for minor variances from Zoning By-Law No. 8499 for the property at 558 Princess Street in order to permit the renovation of the existing building **BE APPROVED**, subject to conditions. The final date of appeal is March 15, 2004.

MINOR VARIANCE – 920726 ONTARIO LTD. – in respect of an application for minor variances from Zoning By-Law No. 8499 for the property at 220/222/224 Division Street in order to permit the conversion of the existing commercial space at 224 Division Street to a residential dwelling unit **BE APPROVED**, subject to a condition. The final date of appeal is March 15, 2004.

(File No. CSU-D23-000-2004)

**COMMUNICATIONS**

**Referred to the Commissioner of Operations**

09-132 From S. Munro, informing Council of an area of concern with regard to city ticketing and towing charges and practises.

(File No. CSU-M04-000-2004; CSU-T02-000-2004)

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**BY-LAWS**

(A) Moved by Councillor Pater
Seconded by Councillor B. George

**THAT** By-Laws (1) through (4) be given their first and second reading.

**CARRIED**

(B) Moved by Councillor Beavis
Seconded by Councillor Downes

**THAT** Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (1) through (3) three readings.

**CARRIED**

(C) Moved by Councillor Foster
Seconded by Councillor Stoparzcyk

**THAT** By-Laws (1) through (7) be given their third reading.
(1) A By-Law To Declare Surplus To Need The Unopened Road Allowance Known As Mount Royal Place, Former Township Of Pittsburgh, Lots 22, 23, 24 And 25, Former Registered Plan Of Subdivision 1791.
THREE READINGS
(Clause (c), Report No. 30)

(2) A By-Law To Stop Up And Close The Unopened Road Allowance Known As Mount Royal Place, Former Township Of Pittsburgh, Lots 22, 23, 24 And 25, Former Registered Plan Of Subdivision 1791.
THREE READINGS
(Clause (c), Report No. 30)

(3) A By-Law To Provide For The Temporary Street Closure Of Market Street From Ontario Street To Mid-Block From 7:00 AM On Wednesday, March 17, 2004 To 2:00 AM On Thursday, March 18, 2004 Inclusive (Community Purposes – St. Patrick’s Day Celebrations).
THREE READINGS
(Clause (d), Report No. 30)

THREE READINGS
(City Council Meeting No. 09-2004)

BY-LAWS

THIRD READING
(Clause (e), Report No. 28)

THIRD READING
(Clause (e), Report No. 28)

THIRD READING
(Clause (e), Report No. 28)

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ADJOURNMENT

Moved by Councillor K. George
Seconded by Councillor B. George

THAT Council do now adjourn.
Council adjourned at 10:57 pm.

(Signed) Carolyn Downs
City Clerk

Harvey Rosen
Mayor