CITY COUNCIL MEETING NO. 15-2004

The Regular Meeting of City Council was held on Tuesday, May 11, 2004 at 7:30 pm in the Council Chamber, City Hall. His Worship Mayor Harvey Rosen presided.

(Council Chambers)
ROLL CALL
Present: Mayor Rosen, Deputy Mayor Foster, Councillor Beavis, Councillor Downes, Councillor Garrison, Councillor B. George (arrived 7:45 pm), 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. L. Breen, Supervisor, Programs, Events & Aquatics
Ms. K. Brown, Project Engineer, Infrastructure, Engineering Services
Ms. P. Carrol, Manager, Taxation & Revenue
Mr. B. Donaldson, By-Law Harmonization Officer
Ms. T. Fraser, By-Law Harmonization Clerk, Engineering Services
Mr. G. Hunt, Manager, Finance
Mr. S. Kanellos, Manager, Engineering
Mr. J. Keech, President & CEO, Utilities Kingston
Mr. D. Leger, Commissioner, Corporate Services
Ms. K. Leonard, Acting Manager, Building & Licensing
Mr. J. Miller, Manager, Utilities Technical Services
Ms. A. Pappert, Manager, Cultural Services
Mrs. S. Rideout, Acting Deputy City Clerk
Mr. M. Segsworth, Commissioner, Operations
Ms. N. Sullivan, Acting City Clerk
Mr. L. Thurston, Commissioner, Community Services
Mr. T. Willing, Acting Commissioner, Planning & Development Services

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DISCLOSURE OF PECUNIARY INTEREST

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PRESENTATIONS

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DELEGATIONS

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PETITIONS

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REPORTS
Move by Councillor Meers
Seconded by Councillor K. George

THAT Report No. 49 of the Chief Administrative Officer be received and adopted.

Report No. 49

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 Clause (1) of By-Law No. 2003-185 “A By-Law To Authorize Certain Capital Works Of The Corporation Of The City Of Kingston; To Authorize Submitting An Application To The Ontario Municipal Economic Infrastructure Financing Authority (OMEIFA) For Financing Such Capital Works; To Authorize Temporary Borrowing To Meet Expenditures In Connection With Such Works; And To Authorize Long Term Borrowing For Such Works Through The Issue Of Debentures” be replaced in its entirety with the following new clause:

“The Council of the Municipality hereby confirms, ratifies and approves the completion by the Clerk or the Treasurer of the Application and the submission by such authorized official of the Application, duly executed by such authorized official, to OMEIFA for the financing of Ongoing Project Expenditures and New Project Expenditures in the maximum aggregate principal amount of $18,820,000.00 substantially in the form of Schedule “B” hereto and forming part of this by-law, with such changes thereon as such authorized official approved”

–and further–

THAT Schedule “A” of By-Law No. 2003-185 be amended to reflect minor revisions regarding capital projects.

(See By-Law No. (1), 2004-106)

CARRIED

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REPORTS
Report No. 50 of the Chief Administrative Officer (Recommend)
Moved by Councillor Beavis  
Seconded by Councillor Downes  

THAT Council consent to the addition of Clause (2).  

CARRIED

Moved by Councillor Downes  
Seconded by Councillor Garrison  

THAT Report No. 50 of the Chief Administrative Officer be received and adopted.

Report No. 50

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

Jim Miller, Manager, Utilities Technical Services, spoke to Council concerning the Extraneous Flow Reduction Program (Report No. 04-179).

(1) THAT Council for the City of Kingston endorse the general program outlined in the Extraneous Flow Reduction Program (Report No. 04-179), dated May 4, 2004, and;

THAT Utilities Kingston provide a yearly status report on progress and activities related to the program.  
(File No. CSU-E06-000-2004)  

CARRIED  

(See Following Motion to AMEND Which Was LOST)

Moved by Councillor Sutherland  
Seconded by Councillor Garrison  

THAT Clause (1) be amended to add the phrase “That staff be requested to provide a report concerning a feasibility study or plan with respect to separating the storm water system and examining certain levels of treatment”.

LOST

(2) THAT the Council of the Corporation of the City of Kingston endorse the application for financial support for the Market Square Revitalization under Canadian Heritage’s Cultural Spaces Canada Program.  
(File No. CSU-F11-000-2004)  

CARRIED

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THE COMMITTEE OF THE WHOLE

(1) Moved by Councillor Sutherland  
Seconded by Councillor Smith
THAT Council resolve itself into the Committee of the Whole to consider the agenda.  

CARRIED

(2) Moved by Councillor Pater  
Seconded by Councillor Stoparczyk

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

CARRIED

Mayor Rosen reported the following action taken in the Committee of the Whole:

(a) **By-Law Harmonization – Encroachments (04-133)**

Moved by Councillor Pater  
Seconded by Councillor Smith

THAT a by-law entitled “A By-Law to Protect the City’s Highways from Unauthorized Encroachments”, which is a by-law to harmonize the City’s policy on prohibiting and regulating encroachments on its highways, be presented, on the understanding that this new harmonized Encroachment By-Law will take effect on the day that it receives third reading and is passed;

—and further—

THAT a by-law to amend By-Law No. 10 (former City of Kingston), “A By-Law Respecting Streets”, by deleting the provisions that deal with encroachments on the City’s highways, be presented, on the understanding that this amending by-law will come into effect on the same day that the new harmonized Encroachment By-Law receives third reading and is passed;

—and further—

THAT a by-law to amend By-Law No. 2-1994 (County of Frontenac), “A By-Law to Regulate the Use of and Traffic, Parking and Stopping on Highways and Bridges under the Jurisdiction of the Council of the Corporation of the County of Frontenac”, by deleting the provisions that deal with encroachments on former County highways, be presented, on the understanding that this amending by-law will come into effect on the same day that the new harmonized Encroachment By-Law receives third reading and is passed;

—and further—

THAT the following two by-laws that deal with encroachments on the City’s highways be repealed, on the understanding that the repealing by-laws will come into effect on the same day that the new harmonized Encroachment By-Law receives Third Reading and is passed:

(1) By-Law No. 4624, “A By-Law to Authorize and Regulate Encroachments on Streets” (former City of Kingston), which deals with certain types of encroachments on highways in the former City.

(2) By-Law No. 85-33, “Being a By-Law to Authorize a Certain Encroachment of a Parking Lot on Bayridge Drive on an Untravelled Part of the Road Allowance in the Township of Kingston and to Grant a Licence of Occupation therefore to Dr. R. Gresik pursuant to Section 310, paragraph 1 of the Municipal Act, RSO 1980” (former Township of Kingston), which authorizes an encroachment agreement that expired on April 10, 1990 and is no longer needed.

(File No. CSU-C01-000-2004; CSU-D16-000-2004)  

CARRIED

THE COMMITTEE OF THE WHOLE

(b) **2004 Tax Policy (04-134)**

Moved by Councillor K. George  
Seconded by Councillor Patterson
THAT a by-law be presented and given first and second readings to approve the 2004 Tax Ratios as follows:

<table>
<thead>
<tr>
<th>Property Class</th>
<th>Tax Ratio</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td>1.000000</td>
</tr>
<tr>
<td>Farm</td>
<td>0.250000</td>
</tr>
<tr>
<td>Managed Forest</td>
<td>0.250000</td>
</tr>
<tr>
<td>Farmland Awaiting Development</td>
<td>0.250000</td>
</tr>
<tr>
<td>Multi-Residential</td>
<td>2.662704</td>
</tr>
<tr>
<td>Commercial</td>
<td>1.866847</td>
</tr>
<tr>
<td>Industrial</td>
<td>3.204133</td>
</tr>
<tr>
<td>Pipeline</td>
<td>1.017222</td>
</tr>
</tbody>
</table>

—and further—

THAT the City continue with the policy to fund the mandatory tax capping scheme, provided for commercial, industrial and multi-residential properties, from within each respective property class.

(File No. CSU-F22-000-2004)
(See By-Law No. (7), 2004-112)

CARRIED

Multi-Year Operating Budget Target (04-184)

Moved by Councillor Beavis
Seconded by Councillor K. George

THAT Council confirm the preliminary 2005 and 2006 total Operating budget to be $227,523,000.00 and $234,202,000.00 respectively, based on projections from the 2004 approved operating budget, and;

THAT internal departments and external agencies be provided with their 2005 budget envelopes based on a net increase of 2.5%, subject to final Council approval, and;

THAT the Mayor communicate the above budget constraints to external agencies, provide them with their respective budget envelope and ask them to report by the end of June, 2004 how they will achieve these goals.

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

CARRIED

THE COMMITTEE OF THE WHOLE

Policy Direction on Harmonized Animal By-Law (04-172)

Moved by Councillor K. George
Seconded by Councillor Beavis

WHEREAS on October 28, 2003 Council directed that the Building and Licensing Division gather input from the public, and;
WHEREAS a public meeting was held at City Hall on February 25, 2004, and;

WHEREAS additional input was solicited from the public through extensive media advertising and mail-outs until March 31, 2004;

THEREFORE BE IT RECOMMENDED THAT Council provide direction to staff by approving the following provisions for inclusion in the next draft of the harmonized Animal Control by-law for Council’s consideration:

1. That the restrictions on the numbers of pets be deleted in favour of a request by Council to the Province of Ontario to amend the provisions of the Tenant Protection Act to assist property owners, and;
2. That the fees be changed from lifetime to annual rates for cats to be consistent with the annual renewal for dogs, and to offset the costs associated with enforcement of trespassing cats in City East and City West, and;
3. That the current provisions for leashing in the City Central regulations be removed and that no trespassing regulations be expanded to include the urban areas of the City of Kingston south of Highway 401 to allow Animal Control Officers to respond where a cat has been caught trespassing.
4. That a mandatory neutering program not be adopted but that staff monitor Vancouver’s current regulations for mandatory neutering as it is the only Canadian municipality to currently enforce such a provision, but that the by-law be amended to increase the rates for unaltered cats from $10.00 to $20.00, and for unaltered dogs from $25.00 to $40.00.

(File No. CSU-C01-000-2004; CSU-P14-000-2004)

CARRIED

(e) The FOCUS Kingston Steering Committee reports and recommends as follows:

Moved by Councillor Stoparczyk
Seconded by Councillor Pater

WHEREAS the FOCUS Kingston Community Strategic Plan identifies a vision for the year 2010, and;
WHEREAS every three years, an Implementation Plan must be developed to move us toward the achievement of the vision, and;
WHEREAS the next three-year cycle begins in 2005, requiring work to begin in 2004 for the years 2005 through 2007, and;
WHEREAS the first steps to develop the new Implementation Plan will require Council to establish priorities for both the Community and the Corporation, and;
WHEREAS, to accomplish this work, funding is needed to cover the cost of research, facilitation and meeting expenses which was not provided during the normal budget process;

THEREFORE BE IT RECOMMENDED THAT an allocation of up to $7,500.00 be provided from the contingency fund with respect to the development of a new three-year Implementation Plan.

CARRIED

THE COMMITTEE OF THE WHOLE

MINUTES

Moved by Councillor B. George
Seconded by Councillor Patterson

THAT the Minutes of Committee of the Whole Meeting No. 5, held April 27, 2004, be confirmed.

CARRIED

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(3) Moved by Councillor Downes  
Seconded by Councillor Beavis  
THAT the report of the Committee of the Whole be adopted, approved and confirmed.  
CARRIED

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MISCELLANEOUS BUSINESS

Council consented to the addition of Miscellaneous Business Item No. (2).

(1) Moved by Councillor Downes  
Seconded by Councillor Garrison  
THAT, as requested by Daren Dougall, Executive Director for the Youth Diversion Program, Council proclaim the week of May 9-15, 2004 as “Youth Justice Week”.  
(File No. CSU-M10-000-2004)  
(See Communication No. 15-257)  
CARRIED

(2) Moved by Councillor B. George  
Seconded by Councillor Stoparczyk  
THAT Council accept the resignation of Councillor Foster from the Large Venue Entertainment Centre Review Committee, and;  
THAT Councillor Smith be appointed to the Large Venue Entertainment Centre Review Committee.  
(File No. CSU-C12-000-2004)  
CARRIED AS AMENDED  
(See Following Motions to AMEND Which Were CARRIED)

Moved by Councillor Beavis  
Seconded by Councillor B. George  
THAT Councillor Smith be appointed to sit on the Large Venue Entertainment Centre Review Committee.  
CARRIED

MISCELLANEOUS BUSINESS

Moved by Councillor Stoparczyk  
Seconded by Councillor Patterson  
THAT the motion of Councillors Foster and Stoparczyk to appoint an additional member of Council to the Large Venue Entertainment Centre Review Committee be dealt with this evening.  
CARRIED  
(A 2/3 Vote of Council was Received)

Moved by Councillor Foster  
Seconded by Councillor Stoparczyk
THAT a member of Council be appointed to sit on the Large Venue Entertainment Centre Review Committee.  

CARRIED

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MOTIONS

(1) Moved by Councillor Beavis  
Seconded by Councillor K. George  

THAT, during the Canada Day celebrations, fireworks displays take place in Kingston West, Kingston Central and Kingston East, as was the case in 2003, and that a safe place be found in Kingston West that is approved by the Kingston Fire Department.  
(File No. CSU-R06-000-2004)  

CARRIED AS AMENDED  
(See Following Motion to AMEND Which Was CARRIED)

Moved by Councillor Pater  
Seconded by Councillor Meers  

THAT the motion of Councillors Beavis and K. George be amended to include the phrase “if a safe place can be found in Kingston West that is approved by the Kingston Fire Department.”  

CARRIED

(2) Moved by Councillor Sutherland  
Seconded by Councillor Foster  

WHEREAS outdoor rinks were deemed to be a great success by both staff and the community in 2004, and;  
WHEREAS members of the community assisted in making these rinks a success by providing their time and energy to maintain the rinks, and;  
WHEREAS the Kingston Fire & Rescue Volunteer Firefighters operated two rinks independently with no assistance by City staff;  

THEREFORE BE IT RESOLVED THAT the appreciation of City Council be extended to those members of the Community and the Kingston Fire and Rescue Volunteer Firefighters for their assistance in making the outdoor rink program such a success.  
(File No. CSU-M11-000-2004; CSU-R05-000-2004)  

CARRIED

MOTIONS

(3) Moved by Councillor Meers  
Seconded by Councillor Beavis  

THAT the condolences of Kingston City Council be extended to the family of the late Hattie Alice May Lawson, longtime resident of the City of Kingston.  
(File No. CSU-M11-000-2004)  

CARRIED

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NOTICES OF MOTION

(1) Moved by Councillor Garrison
Seconded by Councillor Meers

THAT staff be directed to provide Council with fundraising scenarios and other creative solutions, as part of the 2005 budget process, that would allow all city-operated outdoor rinks that have been closed to be reopened.

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MINUTES

Moved by Councillor Smith
Seconded by Councillor Foster

THAT the Minutes of City Council Meeting No. 14-2004, held Tuesday, May 4, 2004, be confirmed.

CARRIED

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COMMUNICATIONS

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

Filed
15-247 From the County of Oxford, acknowledging receipt of Council’s resolution concerning the downloading of the Rent Supplement Program and the Rent Bank Program and informing Council that the resolution was supported by the Oxford County Council at its meeting on April 28, 2004.
(File No. CSU-S17-000-2004)

15-248 From the City of St. Catharines, acknowledging receipt of Council’s resolution concerning the downloading of the Rent Supplement Program and the Rent Bank Program.
(File No. CSU-S17-000-2004)

15-249 From the City of London, acknowledging receipt of Council’s resolution concerning the downloading of the Rent Supplement Program and the Rent Bank Program.
(File No. CSU-S17-000-2004)

15-250 From the Honourable Dalton McGuinty, Premier of Ontario, acknowledging receipt of a letter concerning the City of Kingston’s infrastructure needs and priorities, especially the River Street Pumping Station.
(File No. CSU-E08-000-2004)
(Copied to all Members of Council on May 4, 2004)

COMMUNICATIONS

15-251 From the Greater Kingston Chamber of Commerce, informing Council of the submission of a resolution proposal to the Ontario Chamber of Commerce and the Toronto Board of Trade, addressing rebate of provincial sales tax to Ontario municipalities.
(File No. CSU-F28-000-2004)
(Copied to all Members of Council on May 4, 2004)

15-255 From the County of Essex, acknowledging receipt of Council’s resolution concerning the downloading of the Rent Supplement Program and the Rent Bank Program and informing Council that the resolution was supported by the Essex County Council at its meeting on April 21, 2004.
(File No. CSU-S17-000-2004)

Referred to All Members of Council

15-256 From the City of Vaughan, informing Council of a resolution adopted by the Vaughan City Council, requesting that the Province of Ontario review issues relating to the Current Value Assessment Process and property tax legislation. (File No. CSU-F28-000-2004)

15-257 From Daren Dougall, Executive Director for the Youth Diversion Program, requesting that Council proclaim the week of May 9-15, 2004 as “Youth Justice Week”. (File No. CSU-M10-000-2004) (See Miscellaneous Business Item No. 1)

15-258 From G. E. Pierog, Kingston Area Representative for the Corps of Commissionaires, requesting the approval of Council to appoint specific employees at various locations (Brian Philpott, Rock Garneau, Craig Myers – St. Lawrence College; Eric Leclair – Kingston Norman Rogers Airport) to be By-Law Enforcement Officers for the purpose of issuing tickets on these properties and to delete Jacqueline Cormier as a By-Law Enforcement Officer at St. Lawrence College. (File No. CSU-P01-03-2002) (See By-Law No. (8), 2004-113)

Referred to the Commissioner of Planning & Development Services

15-252 From the Ontario Municipal Board, informing Council that the appeal by the Township of Frontenac Islands concerning City of Kingston’s By-Law No. 404-2003 has been withdrawn. (File No. CSU-L01-001-2004)

15-254 From the Township of Frontenac Islands, informing Council that the appeal by the Township of Frontenac Islands to the Ontario Municipal Board concerning City of Kingston’s By-Law No. 404-2003 has been withdrawn. (File No. CSU-L01-001-2004)

COMMUNICATIONS

Referred to the Large Venue Entertainment Centre Steering Committee

15-253 From J. Price, informing Council of her opinion concerning the new Large Venue Entertainment Centre. (File No. CSU-M04-000-2004; CSU-R05-000-2004)

15-246 From G. C. Bender, informing Council of his opinion on the proposed location of the new Large Venue Entertainment Centre. (File No. CSU-M04-000-2004; CSU-R05-000-2004) (Note: This letter was received by Councillor Garrison, who requested that it be referred to all Members of Council.)

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BY-LAWS

(A) Moved by Councillor K. George
Seconded by Councillor Patterson

THAT By-Laws (1) through (9) be given their first and second reading.

CARRIED

(B) Moved by Councillor Pater
Seconded by Councillor Smith

THAT By-Laws (9) through (14) be given their third reading.

CARRIED

(1) A By-Law To Amend By-Law No. 2003-185 “A By-Law To Authorize Certain Capital Works Of The Corporation Of The City Of Kingston; To Authorize Submitting An Application To The Ontario Municipal Economic Infrastructure Financing Authority (OMEIFA) For Financing Such Capital Works; To Authorize Temporary Borrowing To Meet Expenditures In Connection With Such Works; And To Authorize Long Term Borrowing For Such Works Through The Issue Of Debentures” (Replace Clause (1) In Its Entirety; Amend Schedule “A”).
FIRST AND SECOND READING
(Clause (1), Report No. 49) PROPOSED NO. 2004-106

(2) A By-Law To Protect The City's Highways From Unauthorized Encroachments.
FIRST AND SECOND READING
(Clause (a), The Committee of the Whole, Meeting No. 15) PROPOSED NO. 2004-107

FIRST AND SECOND READING
(Clause (a), The Committee of the Whole, Meeting No. 15) PROPOSED NO. 2004-108

BY-LAWS

(4) A By-Law To Amend By-Law No. 2-1994 (County Of Frontenac) “A By-Law To Regulate The Use Of And Traffic, Parking And Stopping On Highways And Bridges Under The Jurisdiction Of The Council Of The Corporation Of The County Of Frontenac (Delete Provisions Dealing With Encroachments On Former County Highways).
FIRST AND SECOND READING
(Clause (a), The Committee of the Whole, Meeting No. 15) PROPOSED NO. 2004-109

(5) A By-Law To Repeal By-Law No. 4624 “A By-Law To Authorize And Regulate Encroachments On Streets (Former City Of Kingston)”.
FIRST AND SECOND READING
(Clause (a), The Committee of the Whole, Meeting No. 15) PROPOSED NO. 2004-110

(6) A By-Law To Repeal By-Law No. 85-33 “Being A By-Law To Authorize A Certain Encroachment Of A Parking Lot On Bayridge Drive On An Untravelled Part Of The Road Allowance In The Township Of Kingston And To Grant A License
Of Occupation Therefore To Dr. R. Gresik Pursuant To Section 310, Paragraph 1 Of The Municipal Act, RSO 1980 (Former Township Of Kingston)."
FIRST AND SECOND READING
(Clause (a), The Committee of the Whole, Meeting No. 15)

PROPOSED NO. 2004-111

(7) A By-Law To Establish The 2004 Tax Ratios.
FIRST AND SECOND READING
(Clause (b), The Committee of the Whole, Meeting No. 15)

PROPOSED NO. 2004-112

(8) A By-Law To Amend By-Law No. 99-166 “A By-Law 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 The Local Board” (Appoint Brian Philpott, Rock Garneau, Craig Myers – St. Lawrence College & Eric Leclair – Kingston Norman Rogers Airport; Delete Jacqueline Cormier – St. Lawrence College).
FIRST AND SECOND READING
(Communication No. 15-258)

PROPOSED NO. 2004-113

THREE READINGS
(City Council Meeting No. 15-2004)

PROPOSED NO. 2004-114

(10) A By-Law To Amend By-Law No. 4489 “A By-Law To Regulate, Supervise And Govern The Parking Of Vehicles On Parking Lots And To Fix The Rates And Charges For Parking On Such Parking Lots” (Change Monthly Rates At Gorline Lot, Ordnance Lot, Four Points Sheraton Lot).
THIRD READING
(Clause (e), Report No. 45)

PROPOSED NO. 2004-100

BY-LAWS

(11) A By-Law To Amend By-Law No. 99-91 “A By-Law To Provide For The Regulation Use Of Parks And Recreation Facilities Of The Corporation” (Amend Parking-Related Clauses Governing Use Of Park Facilities).
THIRD READING
(Clause (e), Report No. 45)

PROPOSED NO. 2004-101

(12) A By-Law To Provide For The Temporary Closure Of Ontario Street From Brock Street To Market Street On Saturday, June 19, 2004 From 7:30 AM To 4:00 PM (Community Purposes – Sunnyside Children’s Foundation Teddy Bear Picnic).
THIRD READING
(Clause (f), Report No. 45)

PROPOSED NO. 2004-102

(13) A By-Law To Provide For The Temporary Closure Of Ontario Street Between Clarence Street And Johnson Street On Saturday, June 12, 2004 From 11:00 AM To 6:00 PM (Community Purposes – PRO Kids Car Show & Mardi Gras Festival – Beads & Speed 2004).
THIRD READING
(Clause (g), Report No. 45)

(14) A By-Law To Provide For The Temporary Closure Of Various Streets On Sunday, June 6, 2004 At Various Times (Community Purposes – Beat Beethoven Run).

THIRD READING
(Clause (h), Report No. 45)

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ADJOURNMENT

Moved by Councillor K. George
Seconded by Councillor Downes

THAT Council do now adjourn.

CARRIED

Council adjourned at 10:23 pm.

(Signed) Nicole Sullivan Harvey Rosen
Acting City Clerk Mayor