CITY COUNCIL MEETING NO. 31-2004

The Regular Meeting of City Council was held on Tuesday, November 30, 2004 at 8:00 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 5:30 pm to 7:55 in the Councillors' Lounge.

(Council Chambers)
ROLL CALL
Present: Mayor Rosen, Deputy Mayor Foster, Councillor Downes, Councillor B. George, Councillor K. George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparzcyk, Councillor Sutherland (11)
Absent: Councillor Beavis, Councillor Garrison (2)

(Council Chambers)
Administrative Staff Present:
Mr. D. Leger, Acting Chief Administrative Officer and Commissioner, Corporate Services
Ms. C. Beach, Commissioner, Planning & Development Services
Mrs. C. Downs, Manager, Council Support/City Clerk
Mr. G. Hunt, Manager, Finance
Mr. H. Linscott, Director, Legal Services
Mr. M. Segsworth, Commissioner, Operations Services
Mr. T. Willing, Manager, Building & Licensing

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COMMITTEE OF THE WHOLE “IN CAMERA”

(1) Moved by Councillor Downes
Seconded by Councillor Patterson

THAT Council resolve itself into the Committee of the Whole “In Camera” to consider the following items:

(a) Labour Relations/Employee Negotiations
(b) Legal Matters
(c) Personnel Matter
(d) Land Sale

CARRIED

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REPORT OF THE COMMITTEE OF THE WHOLE “IN CAMERA”

(2) Moved by Councillor Pater
Seconded by Councillor Smith

THAT Council rise from the Committee of the Whole “In Camera” without reporting.

CARRIED

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(Council Chambers)
Administrative Staff Present:
Mr. D. Leger, Acting C.A.O., Commissioner of Corporate Services
Ms. C. Beach, Commissioner, Planning & Development Services
Ms. B. Bielski, Manager, Planning
Mrs. C. Downs, Manager, Council Support/City Clerk
Mr. M. Fluhrer, Manager, Policy & Support Services, Community Services
Mr. J. Giles, Manager, Solid Waste
Mr. G. Hunt, Manager, Finance
Mr. H. Linscott, Director, Legal Services
Mr. M. Segsworth, Commissioner, Operations Services
Ms. N. Sullivan, Deputy City Clerk
Mr. L. Thurston, Commissioner, Community Services
Mr. T. Willing, Manager, Building & Licensing

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DISCLOSURE OF PECUNIARY INTEREST

(1) Councillor Meers declared a pecuniary interest in the matter of the proposed amendment to the Smoking By-Law as her family owns a business that sells tobacco products.
(See Motion No. 1)

(2) Councillor Pater declared a pecuniary interest in the matter of the proposed amendment to the Smoking By-Law as her son owns restaurants in the City of Kingston.
(See Motion No. 1)

(3) Councillor Smith declared a pecuniary interest in the matter of the proposed amendment to the Smoking By-Law as he owns a restaurant in the City of Kingston.
(See Motion No. 1)

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PUBLIC MEETING – RE: TARIFF OF FEES FOR SOLID WASTE MANAGEMENT SYSTEM

Pursuant to Ontario Regulation 244-02 of the Municipal Act, SO 2001, notice was given that the Corporation of the City of Kingston will be considering a by-law to establish a tariff of fees for the use of the solid waste management system. This by-law establishes the rates charged by the City of Kingston for the use of a Waste Management System. Members of the public were invited to request delegation status to speak to this matter. No members of the public were present.
(See Clause (f), Report No. 104; By-Law No. 2004-355)

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(1) Gord McGuire, Municipal Affairs Commissioner of Queen’s University Alma Mater Society, and Brian Cheney, Vice-President of University Affairs, spoke to Council concerning the growing local media coverage of students in Kingston and the efforts undertaken to improve the situation.

(File No. CSU-C13-000-2004)

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DELEGATIONS

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PETITIONS

(1) A petition, bearing approximately 51 signatures, was received at the Mayor's Office and reads as follows:

We, the undersigned, support the leasing to not-for-profit organizations, such as the Kingston School of Dance, and urge the City of Kingston to continue to allow these organizations to operate.

REFERRED TO THE SERVICE REVIEW COMMITTEE

(2) A petition, bearing approximately 90 signatures, was received at the Mayor's Office and reads as follows:

We, the undersigned, are parents and students of the Kingston School of Dance. We ask that you consider leaving the J. K. Tett Centre available to our school and the other non-profit tenants under our current agreements.

REFERRED TO THE SERVICE REVIEW COMMITTEE

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MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Motions of Congratulations, Sympathy, Condolences and Speedy Recovery are presented in order of category as one group and voted on as one motion.

(1) **Motions of Congratulations**

(a) Moved by Mayor Rosen
    Seconded by Deputy Mayor Foster

    THAT the congratulations and best wishes for a happy retirement be extended from Kingston City Council to Boyd Birtch, Inspector/Surveyor with Planning & Development Services for 34 years of service to the city.

(b) Moved by Mayor Rosen
    Seconded by Deputy Mayor Foster

    THAT the congratulations and best wishes for a happy retirement be extended from Kingston City Council to Howard Sloan, Inspector/Surveyor with Planning & Development Services for 34 years of service to the city.

(c) Moved by Councillor Stoparczyk
    Seconded by Councillor Beavis

    THAT the congratulations of Kingston City Council be extended to Extendicare Kingston on the occasion of its 30th anniversary on November 25, 2004.

CARRIED

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

(2) **Motion of Condolence**
(a) Moved by Deputy Mayor Foster  
Seconded by Councillor Sutherland  
**THAT** the condolences of Kingston City Council be extended to the family and friends of Fred Scott, former Roads Supervisor of the former Pittsburgh Township.  
(File No. CSU-M11-000-2004)  
CARRIED

(3) **Motion of Speedy Recovery**

(a) Moved by Councillor Sutherland  
Seconded by Deputy Mayor Foster  
**THAT** the best wishes of Council for a speedy recovery be extended to Glenn Tolls, Vice Chair of Rural Affairs Advisory Committee.

(b) Moved by Councillor Stoparczyk  
Seconded by Councillor Sutherland  
**THAT** the best wishes of Kingston City Council for a speedy recovery be extended to Mr. Bert Meunier, Chief Administrative Officer for the Corporation of the City of Kingston  
(File No. CSU-M11-000-2004)  
CARRIED

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**REPORTS**
**Report No. 104 of the Chief Administrative Officer (Consent)**

Council consented to the separation of Clause (f).

Moved by Councillor Downes  
Seconded by Councillor Meers  
**THAT** Report No. 104 of the Chief Administrative Officer be received and adopted.

**Report No.104**

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.

**REPORTS**
**Report No. 104 of the Chief Administrative Officer (Consent)**

**THAT** Council consent to the approval of the following routine items:
(a) **THAT** By-Law No. 24, "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act", and By-Law No. 495 "A By-Law To Provide For A Parking Meter Zone In Certain Streets Or Portions Thereof, And To Provide For The Installation, Regulations, Supervision And Control Of Such Parking Meters" and By-Law No. 81-218 "A By Law To Provide For Exempting, Pursuant To Permits Issued, The Owners And Drivers Of Vehicles Operated By Or Carrying A Disabled Person From The Provisions Of By Laws Of The City Of Kingston Prohibiting Or Regulating The Parking, Standing Or Stopping Of Motor Vehicles On Any Highway Or Part Thereof In The City Of Kingston" be amended to reflect the re-location of selected truck-loading zones, and further, to remove references to two truck-loading zones no longer in existence, convert one under-utilized truck-loading zone to metered parking, and create one five-minute zone.

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

(See By-Law No. (1), 2004-345; By-Law No. (2), 2004-346; By-Law No. (3), 2004-347)

(b) **THAT** By-Law No. 81-218 "A By Law To Provide For Exempting, Pursuant To Permits Issued, The Owners And Drivers Of Vehicles Operated By Or Carrying A Disabled Person From The Provisions Of By Laws Of The City Of Kingston Prohibiting Or Regulating The Parking, Standing Or Stopping Of Motor Vehicles On Any Highway Or Part Thereof In The City Of Kingston", 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", By-Law No. 85-6 "A By-Law To Provide Designated Parking Spaces For Vehicles Operated By Or Conveying Physically Handicapped Persons In Designated Parking Lots In The Township Of Kingston", and By-Law 2-95 "Being A By-Law For Prohibiting The Parking Of Motor Vehicles On Private Or Municipal Property, For Creating And Designating Disabled Person Parking Spaces On Private Or Municipal Property, And Creating And Designating Fire Route Signs On Private Or Municipal Property", be amended to add and delete selected disabled parking spaces, implement maximum stay time limits, convert selected disabled spaces to disabled metered parking, and replace outdated terminology with approved terms, and; to approve the early payment amount associated with the new provincially legislated $300.00 minimum set fine amount for unauthorized parking in a designated disabled parking space.

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

(See By-Law No. (4), 2004-348; By-Law No. (5), 2004-349; By-Law No. (6), 2004-350; By-Law No. (7), 2004-351)

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**REPORTS**

Report No. 104 of the Chief Administrative Officer (Consent)

(c) **THAT** a by-law be presented to City Council to amend By-Law No. 2003-209 "A By-Law To Regulate Traffic" to reduce the speed limit on the following streets in the Edenwood Subdivision.
Add To Schedule A-5 - Highways With A Limit Of 40 Kilometres Per Hour

<table>
<thead>
<tr>
<th>Highway</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foxdale Place</td>
<td>River Ridge Drive</td>
<td>End</td>
</tr>
<tr>
<td>Heathcliffe Lane</td>
<td>River Ridge Drive</td>
<td>End</td>
</tr>
<tr>
<td>River Ridge Drive</td>
<td>Battersea Road</td>
<td>Maple Lawn Drive</td>
</tr>
<tr>
<td>Woodmount Grove</td>
<td>River Ridge Drive</td>
<td>End</td>
</tr>
</tbody>
</table>

Delete From Schedule A-4 - Highways With A Limit Of 50 Kilometres Per Hour

<table>
<thead>
<tr>
<th>Highway</th>
<th>From</th>
<th>To</th>
</tr>
</thead>
<tbody>
<tr>
<td>Foxdale Place</td>
<td>River Ridge Drive</td>
<td>End</td>
</tr>
<tr>
<td>Heathcliffe Lane</td>
<td>River Ridge Drive</td>
<td>End</td>
</tr>
<tr>
<td>River Ridge Drive</td>
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<td>Maple Lawn Drive</td>
</tr>
<tr>
<td>Woodmount Grove</td>
<td>River Ridge Drive</td>
<td>End</td>
</tr>
</tbody>
</table>

THAT a by-law be presented to amend By-Law No. 24 “A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act” to change how the parking is controlled on St. Lawrence Avenue and King Street, to convert six on-street permit parking spaces on St. Lawrence Avenue and back to “No Parking between the hours of 10:00 am – 11:00 am and 2:00 pm – 3:00 pm”; and, on King Street (between Albert and Collingwood Streets) to convert “No Parking between the hours of 10:00 am – 11:00 am and 2:00 pm – 3:00 pm” to Queen’s on-street permit parking, it being understood that permit revenue (less direct expenses) will be provided to the City of Kingston, and that Queen’s University will be responsible for the issuing of permits and parking enforcement for the permit spaces.

REPORTS
Report No. 104 of the Chief Administrative Officer (Consent)

WHEREAS Trinity Property Holdings Inc. has submitted an application requesting that the “-H” Holding Symbol be lifted from 700 Gardiners Road located on Part of Lot 10, Concession 2, and;
WHEREAS the "-H" Holding provisions were to remain in place until all applicable municipal and agency requirements have been complied with and all necessary Agreements have been executed, and;

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

- Compliance with the provisions of Section 6(6) of Zoning By-Law No. 76-26
- Site servicing has been provided to the satisfaction of Utilities Kingston and the City, including any necessary agreements
- A Phase II Environmental Assessment has been submitted and approved
- the Owner has submitted, for the Municipality’s consideration, the appropriate application for an amendment to the Zoning By-Law to remove the "-H" Holding Symbol

THEREFORE BE IT RESOLVED THAT Zoning Map No. 5 to Schedule “A” of By-Law No. 76-26, Township of Kingston Zoning By-Law, as amended, be further amended by removing the "-H" Symbol for the lands located at 700 Gardiners Road so as to rezone the subject land from “C5-10-H” Modified General Shopping Centre Commercial - Holding to “C5-10” Modified General Shopping Centre Commercial, which lands are shown as "Lands Subject to "-H" Removal";

–and further–

BE IT RESOLVED THAT the By-Law be presented to Council for all three readings.
(File No. CSU-D28-000-2004)
(See By-Law No. (10), 2004-354)

(f) THAT By-Law No. 2004-355, “A By-Law To Establish A Tariff Of Fees For The Use Of The Solid Waste Management System” be presented to establish a tariff of fees for the use of the solid waste management system be passed, and;

THAT by-laws be presented to amend By-Law No. 36-95 “Being A By-Law To Regulate And Maintain A System For The Collection, Removal And Disposal Of Ashes, Garbage And Other Refuse” and By-Law No. 181 “A By-Law To Provide For The Collection, Removal, And Disposal Of Garbage, Ashes And Other Refuse”.
(File No. CSU-F21-000-2004)
(See By-Law No. (11), 2004-355; By-Law No. (17), 2004-361; By-Law No. (18), 2004-362)

CARRIED

(g) WHEREAS Dacon Construction Ltd. has submitted a request for the construction of a community hall located on Block 10, Registered Plan 13M-39 of “Walnut Grove”, Phase 4 prior to site plan approval, and;

WHEREAS Council has approved the required Zoning Amendment to permit the proposed development;

THEREFORE BE IT RESOLVED THAT the Mayor and City Clerk be authorized to enter into the requisite agreement on behalf of the City to permit the construction of the community hall on Block 10, Registered Plan 13M-39.
(File No. CSU-L04-000-2004)

CARRIED

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REPORTS
Report No. 105 of the Chief Administrative Officer (Recommend)

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

THAT Report No. 105 of the Chief Administrative Officer be received and adopted, clause by clause.
To the Mayor and Members of Council:
The Chief Administrative Officer reports and recommends as follows:

(1) **THAT** Council receive the Capital Budget Status Report for the third quarter ending September 30, 2004. 

–and further–

**THAT** Council approve the financing of unfinanced capital projects, or (return of funds) as outlined in “Appendix ‘A’ – 1999 & Prior Budget Years”, “Appendix ‘B’ – 2002 Budget Year”, “Appendix ‘C’ – 2003 Budget Year” and “Appendix ‘D’ – 2004 Budget Year” of Report No. 04-426 as follows:

<table>
<thead>
<tr>
<th>Source of Financing</th>
<th>Appendix “A”</th>
<th>Appendix “B”</th>
<th>Appendix “C”</th>
<th>Appendix “D”</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Municipal Capital Reserve Fund</td>
<td></td>
<td>($115,749.00)</td>
<td>$10,161.00</td>
<td>($105,588.00)</td>
<td></td>
</tr>
</tbody>
</table>

**Other Reserve and Reserve Funds**

<table>
<thead>
<tr>
<th>Source of Financing</th>
<th>Appendix “A”</th>
<th>Appendix “B”</th>
<th>Appendix “C”</th>
<th>Appendix “D”</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Industrial Land Reserve Fund</td>
<td>$979.00</td>
<td></td>
<td></td>
<td></td>
<td>$979.00</td>
</tr>
<tr>
<td>LSR Reserve</td>
<td>($59,204.00)</td>
<td></td>
<td></td>
<td></td>
<td>($59,204.00)</td>
</tr>
<tr>
<td>Fire Capital Reserve Fund</td>
<td>$7,953.00</td>
<td>($3,869.00)</td>
<td></td>
<td></td>
<td>$4,084.00</td>
</tr>
<tr>
<td>Police Equipment Reserve Fund</td>
<td>$2,793.00</td>
<td>$1,926.00</td>
<td>$1,092.00</td>
<td></td>
<td>$5,811.00</td>
</tr>
<tr>
<td>Library Capital Reserve Fund</td>
<td>$4,460.00</td>
<td>($171.00)</td>
<td></td>
<td></td>
<td>$4,289.00</td>
</tr>
<tr>
<td>Environment Reserve Fund</td>
<td></td>
<td>$4,567.00</td>
<td></td>
<td></td>
<td>$4,567.00</td>
</tr>
<tr>
<td>Rideaucrest Facility Reserve Fund</td>
<td></td>
<td>($2,015.00)</td>
<td></td>
<td></td>
<td>($2,015.00)</td>
</tr>
<tr>
<td>Kingston Access Services Reserve Fund</td>
<td></td>
<td></td>
<td>($3,660.00)</td>
<td></td>
<td>($3,660.00)</td>
</tr>
<tr>
<td>Total</td>
<td></td>
<td>($43,019.00)</td>
<td>($3,222.00)</td>
<td>$1,092.00</td>
<td>($45,149.00)</td>
</tr>
</tbody>
</table>

–and further–

**THAT** Council approve the reduction of approved debenture financing with reference to specific projects as outlined in Appendices “A”, “B”, “C” and “D” of Report No. 04-426 as follows:

<table>
<thead>
<tr>
<th>Source of Financing</th>
<th>Appendix “A”</th>
<th>Appendix “B”</th>
<th>Appendix “C”</th>
<th>Appendix “D”</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Debenture (reduction)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Funding from: Municipal Capital Reserve Fund</td>
<td>($10,000.00)</td>
<td>($438.00)</td>
<td>($0.00)</td>
<td>($10,438.00)</td>
<td></td>
</tr>
</tbody>
</table>

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

REPORTS

**Report No. 105 of the Chief Administrative Officer (Recommend)**

(2) **THAT** the City of Kingston remove the restrictive covenant that will provide the Lions Club of Pittsburgh Township the right to sell the subject property.

(File No. CSU-L18-000-2004)

CARRIED
Report No. 106 of the Planning Committee

Moved by Councillor K. George
Seconded by Councillor Patterson

THAT Report No. 106 of the Planning Committee be received and adopted, clause by clause.

Report No. 106

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

1. WHEREAS a request has been submitted by Cassels Brock & Blackwell LLP on behalf of J.A. Pye (Ontario) Limited with respect to the property located in Part of Lots 14 and 15 Concession 3 in the former Township of Kingston (Our File No. D12-070-2003), in order to permit the release from title of an easement, Model Home Agreement and Pre-Servicing Agreement on the subject lands;

THEREFORE BE IT RESOLVED that the request by Cassels Brock & Blackwell LLP on behalf of J.A. Pye (Ontario) Limited with respect to the property located in Part of Lots 14 and 15 Concession 3, more particularly Registered Plan of Subdivision 13M-50, in the former Township of Kingston (Our File No. D12-070-2003), requesting the release of an easement, Model Home Agreement and Pre-Servicing Agreement from the subject lands, BE APPROVED;

–and further–

BE IT RESOLVED THAT the Director of Legal Services take the necessary steps, precautions and actions as deemed appropriate so as to:

(a) Release Drainage Easement LT054374
(b) Release Pre-Servicing Agreement LT071230
(c) Release Model Home Agreement LT071229

–and further–

BE IT RESOLVED THAT all associated fees and costs be charged to the Applicant.

CARRIED

2. WHEREAS an application was submitted by Scott Pressurized Washing Systems Inc. with respect to the property located at 650 Fortune Crescent, in the former Township of Kingston, requesting that the existing Official Plan land use designation be changed from “General Industrial” to “Waste Disposal Industrial” and that the existing Restricted General Industrial “M6” Zone be changed to a Special Disposal Industrial “M4-3” Zone, Zoning By-Law No. 76-26; and;

WHEREAS a public meeting, in accordance with the Planning Act, was held on October 21, 2004;

REPORTS
Report No. 106 of the Planning Committee

THEREFORE BE IT RESOLVED THAT the application for Official Plan Amendment and Zoning By-Law Amendment (Our File No. D09-30-03 & D14-218-03) submitted by Scott Pressurized Washing Systems Inc. for the property located at 650 Fortune Crescent, BE APPROVED;

–and further–

BE IT RESOLVED THAT the former Township of Kingston Official Plan be amended as follows:
(1) The Official Plan for the former Township of Kingston, as amended, is hereby further amended by the following map change which shall constitute Amendment No. 13.

(a) Amend Schedule “A”, Map 3, of the former Township of Kingston Official Plan so as to re-designate the approximately 1.29 hectares of land located on the south side of Fortune Crescent and abutting the Hydro One easement and known municipally as 650 Fortune Crescent, as shown on Schedule “A” attached hereto, from General Industrial to Waste Disposal Industrial.

–and further–

BE IT RESOLVED THAT Zoning By-Law No. 76-26, as amended, be further amended as follows:

(1) That Zone Map No.3 of Schedule “A” to Zoning By-Law No.76-26, as amended, be further amended by changing the zone symbol of the subject site from “M6” to “M4-3” as shown on Schedule “A” attached hereto.

1. By adding the following new Section 27(3)(c) immediately after Section 27(3)(b):

(c) M4-3

a) Notwithstanding the provisions of Section 27(1), the lands designated M4-3 on Schedule “A” attached hereto may be used for a waste processing site and waste transfer station provided the uses are developed and operated in accordance with the following definitions and provisions:

(i) "WASTE PROCESSING SITE" means a site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the management or preparation of waste for subsequent reuse or disposal.

(ii) "WASTE TRANSFER STATION" means a waste disposal site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site.

b) Notwithstanding the provisions of Section 27(1), the lands designated M4-3 on Schedule “A” attached hereto the following uses are prohibited: an automobile wrecking yard, a salvage yard and a sanitary landfill site.

c) Notwithstanding the provision of Section 27(2), the lands designated Special Disposal Industrial “M4-3” Zone on Schedule “A” attached hereto, shall be used in accordance with the Zone Provisions of the Restricted General Industrial “M6” Zone, Section 28A(2).

d) Notwithstanding any provisions to the contrary the maximum amount of waste to be received at lands designated “M4-3” is limited to the following:

- Liquid industrial waste, including hazardous liquid waste – 125,000 litres per day
- Non-hazardous solid waste – 100 tonnes

E) Notwithstanding any provisions to the contrary PCB, radioactive, pathological and putrescible waste is prohibited and shall not be accepted on lands designated “M4-3”.

REPORTS

Report No. 106 of the Planning Committee

f) Notwithstanding any provisions to the contrary the maximum amount of waste that may be stored at lands designated “M4-3”, at any time is limited to:

- 125,000 litres of non-hazardous industrial waste and hazardous liquid waste;
- 6 tonnes of solid waste consisting of residual waste and hazardous liquid waste;
- 94 tonnes of non-hazardous or hazardous solid waste.

g) Notwithstanding any provisions to the contrary the storage of waste is further limited to the following:


• ninety six (96) 205 litre drums and/or twenty four (24) 1,000 litre totes and/or twenty four (24) 1,000 litre skids for transfer/temporary storage and/or processing of non-flammable liquids stored inside the processing building;

• ninety-six (96) 205 litre drums for transfer and temporary storage of flammable liquids stored outside of the processing building and in accordance with the *Ontario Fire Code* and *National Fire Code of Canada*.

• Four (4) tanks located within the berm area of the processing building for transfer/processing and temporary storage of oily wastes, oils and concentrates from the evaporator and having the following storage capacities:
  (a) Tank 1 – 35,000 litres;
  (b) Tank 2 – 35,000 litres;
  (c) Tank 3 – 35,000 litres and
  (d) Tank 4 – 13,000 litres

• Solid waste shall be stored within the confines of the processing building.

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**BE IT RESOLVED THAT** the amending by-laws be presented for three readings.
(See By-Law No. (12), 2004-356; By-Law No. (13), 2004-357)

CARRIED

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3. **WHEREAS** on September, 21, 2004, City Council passed By-Law No. 2004-308, “A By-Law To Amend By-Law No. 32-74 “Zoning By-Law Of The Former Township Of Pittsburgh” (Change The Zone On Approximately 0.46 Hectares Of Land From Residential Type One “R1” Zone To Site Specific “R1-46” And “R1-47” Zones), and;

WHEREAS on September 30, 2004, the Notice of Passing of By-Law No. 2004-308 was circulated by the City Clerk, and;

WHEREAS the Notice of Passing indicated that the last day for the filing of a Notice of Appeal to the passing of By-Law No. 2004-308 was October 20, 2004, and;

WHEREAS, on October 20, 2004, a Letter of Appeal was filed by Alicia Gordon and Stephen Vanner, abutting property owners, and;

WHEREAS the Planning Committee, at its regular meeting held on November 18, 2004, considered the Letters of Appeal;

**THEREFORE BE IT RESOLVED THAT** the approval of By-Law No. 2004-308, “Amending Zoning By-Law”, respecting the property located at 273 Main Street (Barriefield) **BE REAFFIRMED**.

CARRIED
(Deputy Mayor Foster OPPOSED)

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**REPORTS**

Report No. 107 of the Multiplex Community Centre Arena Capacity Steering Committee

Moved by Councillor K. George
Seconded by Councillor Stoparzcyk

**THAT** Report No. 107 of the Multiplex Community Centre Arena Capacity Steering Committee be received and adopted, clause by clause.

**Report No. 107**

To the Mayor and Members of Council:
The Multiplex Community Centre Arena Capacity Steering Committee reports and recommends as follows:

1. **THAT** the Committee requests that the Multiplex Community Centre Project Steering Committee report directly to Council.

   CARRIED

2. **THAT** Report No. 04-404, approved by Council on October 26, 2004, be amended as follows:
   
   o Amend Section 6 of the recommendation to delete “will” and replace with “may”, so that the phrase reads “This group may also serve in the same capacity for the LVEC project”.
   
   --and further--

   **THAT** the Terms of Reference, Appendix “A” of Report No. 04-404, approved by Council on October 26, 2004 be amended as follows:
   
   o Amend Section 1 to delete “up to 4” and replace with “multiple”, so that the phrase reads “a community centre that will include multiple ice pads, ancillary community space and possibly other complementary uses”
   
   o Amend the reporting structure to delete “Community Services Standing Committee as of January 1, 2005” and replace with “Council as of January 1, 2005”, so that the phrase reads “Reporting To: Committee of the Whole until December 31, 2004; Council as of January 1, 2005”.
   
   --and further--

   **THAT** Council reconsider the above amendments and description of “a community centre that will include multiple ice pads, ancillary community space and possibly other complementary uses”, contained within the recommendation of Report No. 04-404, be reflected within the Strategic Priorities document as defined in Chart #5 of Report No. 04-415, which was approved by Council on October 26, 2004, and;

   **THAT** Council will, through the Committee, re-visit the sequencing of when arenas may be closed.

   CARRIED AS AMENDED
   
   (Councillor Downes OPPOSED)

   (See Motion to AMEND Which Was CARRIED)

   Moved by Councillor Pater

   Seconded by Councillor Meers

   **THAT** Chart No. 5 to the Report No. 04-404 be amended to add that Council will, through the Committee, re-visit the sequencing of when arenas may be closed.

   CARRIED (9:2)

   (See Recorded Vote)

**REPORTS**

**Report No. 107 of the Multiplex Community Centre Arena Capacity Steering Committee**

A Recorded Vote was requested by Councillor Downes.

**YEAS:** Councillor Downes, Deputy Mayor Foster, Councillor B. George, Councillor K. George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk (9)

**NAYS:** Mayor Rosen, Councillor Sutherland (2)

**ABSENT:** Councillor Beavis, Councillor Garrison (2)

3. **THAT** Phase 1 of the Administration of the Multiplex Community Centre Implementation Strategy (as outlined within Report No. MP-001, distributed November 19, 2004), be approved as follows:
Phase 1 – Administration

<table>
<thead>
<tr>
<th>Event</th>
<th>Timeline</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete a Comprehensive Communications Plan</td>
<td>January, 2005</td>
</tr>
<tr>
<td>Establish Community &amp; Technical Advisory Groups</td>
<td></td>
</tr>
<tr>
<td>Confirm Terms of Reference</td>
<td>January, 2005</td>
</tr>
<tr>
<td>First Meetings of the Community Advisory Group</td>
<td></td>
</tr>
<tr>
<td>Confirm Program &amp; Facility Needs (as per previous consultation during dmA report)</td>
<td>January-February, 2005</td>
</tr>
<tr>
<td>Orientation Meeting(s) of the Technical Advisory Group</td>
<td>January-February, 2005</td>
</tr>
</tbody>
</table>

CARRIED

(Councillor Downes OPPOSED)

* * * * * * * * * * *

Report No. 108 of the Kingston Environmental Advisory Forum

Moved by Deputy Mayor Foster
Seconded by Councillor Meers

THAT Report No. 108 of the Kingston Environmental Advisory Forum be received and adopted.

Report No. 108

To the Mayor and Members of Council:
The Kingston Environmental Advisory Forum reports and recommends as follows:

(1) WHEREAS a recommendation of the Kingston Environmental Advisory Forum to Council was deferred and referred back to the Kingston Environmental Advisory Forum in light of concerns expressed by the President & Chief Executive Officer of Utilities Kingston at the City Council Meeting on October 5, 2004, and

WHEREAS the Kingston Environmental Advisory Forum heard concerns within a memo received at the October 18, 2004 meeting and a presentation by staff from Utilities Kingston at the November 15, 2004 meeting, and based on the presentation have amended the resolution accordingly as follows:

THEREFORE IT IS RESOLVED THAT the Kingston Environmental Advisory Forum supports comments from the Ontario Sustainable Energy Association (OSEA) and the Ontario Clean Air Alliance, further to a review of their submissions to the Social Policy Committee, and that correspondence to the Members of the Ontario Legislature to the following effect be endorsed:

REPORTS

Report No. 108 of the Kingston Environmental Advisory Forum

(a) A focus of legislation regarding energy in Ontario should be on energy conservation, and should empower appropriate governing bodies, to lead the creation of a “culture of conservation” in Ontario, while not undermining the viability of a local distribution company.

(b) Another key focus of this legislation should be towards creating a climate that encourages and facilitates the development of renewable energy production, including smaller scale initiatives, such as Co-ops, First Nations communities, municipalities and for farmers.

–and further–

THAT it be understood that the Kingston Environmental Advisory Forum believes that Ontario’s future sustainable development depends on legislation that places energy conservation and deployment of local renewable energy as its top priorities.

CARRIED
INFORMATION REPORTS

The purpose of this report is to update Council with respect to changes in the service of providing tax certificates to lawyers.
(File No. CSU-F22-000-2004)

(2) Operating Budget Status Report – 3rd Quarter 2004 (04-425)
The purpose of this report is to provide Council with a financial status update of the general operating fund at the end of the third quarter (September 30, 2004).
(File No. CSU-F05-000-2004)

(3) Tax Arrears Status Report – 3rd Quarter (04-427)
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. This report provides information up to September 30, 2004.
(File No. CSU-F22-000-2004)

(4) 911 PERS Go-Live Date (04-449)
The purpose of this report is to inform Council that the 911 PERS (Personal Emergency Reporting System) will go live on December 8, 2004 if compliance is 98.2%.
(File No. CSU-A12-000-2004)

(5) Legislated Reform Information Report (04-395)
The purpose of this report is to provide Council and members of the public an opportunity to identify concerns and issues they would like to see addressed by the proposed legislation governing Long-Term Care Homes, with a submission deadline of December 15, 2004.
(File No. CSU-S03-000-2004)

MISCELLANEOUS BUSINESS

(1) Moved by Councillor B. George
Seconded by Councillor Downes

THAT Councillors Garrison, Patterson, Smith and Sutherland be appointed to the Cataraqui Region Conservation Authority for a term ending November 30, 2005.
(File No. CSU-C12-000-2004)

CARRIED

(2) Moved by Councillor B. George
Seconded by Councillor Patterson

THAT Councillors Meers, Pater and Sutherland be appointed to the Kingston Frontenac Housing Corporation for a term ending November 30, 2005.
(File No. CSU-C12-000-2004)
(3) Moved by Councillor B. George
Seconded by Councillor Smith

THAT Councillor Stoparczyk be appointed to the Kingston Police Services Board for a term ending November 30, 2005.
(File No. CSU-C12-000-2004)

CARRIED

(4) Moved by Councillor Stoparczyk
Seconded by Councillor Sutherland

THAT Councillors Foster and Sutherland be appointed to the Pittsburgh Community Benefit Fund for a term ending November 30, 2005.
(File No. CSU-C12-000-2004)

CARRIED

(5) Moved by Councillor K. George
Seconded by Councillor Meers

THAT Mayor Rosen and Councillors B. George, Sutherland, and Deputy Mayor Foster (as an alternate) be appointed to the Rural/Urban Liaison Advisory Committee for a term ending November 30, 2005.
(File No. CSU-C12-000-2004)

CARRIED

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

MOTIONS

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

NOTICES OF MOTION

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

REPORTS

Report No. 109 of the Committee of the Whole

Council consented to the separation of Clause No. (3).

Moved by Councillor Sutherland
Seconded by Councillor Pater

THAT Report No. 109 of the Committee of the Whole be received and adopted.

Report No. 109

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

All items listed on the Committee of the Whole 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 Committee of the Whole Report to be separated from that motion, whereupon the Committee of the Whole Report without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

(1) **WHEREAS** Section 44(5) of the *Planning Act*, as amended, states that, where a Committee of Adjustment is composed of more than three members, three members constitutes a quorum, and;

**WHEREAS** legal advice has been received that the City of Kingston’s Committee of Adjustment should not proceed with a meeting or open an individual hearing without a quorum of three members who are entitled to make a decision, except for a situation where the Conflict of Interest Act reduces the quorum to not less than two members, and;

**WHEREAS**, should a member or members be unavailable at a hearing for which the agenda has been finalized and notice given, individual hearings may have to be cancelled at the last minute, which will seriously inconvenience applicants, developers, agents, supporters, and objectors, both from this local area and those who may have traveled from out of town, and;

**WHEREAS** the Committee of Adjustment members are appointed by the Council of the City of Kingston for a full three-year term, as required by Section 44(3) of the *Planning Act*, as amended, and;

**WHEREAS** the *Planning Act* does not include any restriction to enlarging the appointed membership of the Committee of Adjustment;

**THEREFORE BE IT RESOLVED THAT** the membership of the Urban Panel of the Committee of Adjustment for the City of Kingston be increased to seven members;

—and further—

**THAT** a by-law be presented to amend By-Law No. 2004-360 "A By-Law To Define The Composition And Terms Of Reference For Committees Established By The Corporation Of The City Of Kingston", to increase the composition of the Committee of Adjustment (Urban Panel) from five to seven members.

(See By-Law No. (14), 2004-358)

REPORTS

Report No. 109 of the Committee of the Whole

(2) **WHEREAS** the City of Kingston, as the Designated Child Care Service System Manager, is responsible for developing a second local child care service plan (first plan was 2001-2003) for Kingston and Frontenac, to include the new provincial Early Learning and Child Care (ELCC) Initiative, and;

**WHEREAS** the ELCC 2004-2005 Service Plan sets the framework for the provision of a comprehensive range of child care services in Kingston and Frontenac over the coming year and includes key objectives, commitments and solution-focused strategies to address challenges and provides highlights for the new initiatives planned in response to the Early Learning and Child Care Initiative, and;

**WHEREAS** consultation has been undertaken to ensure that key stakeholders have an opportunity to provide input into the draft Early Learning and Child Care Plan, and;

**WHEREAS** the draft plan will be posted on the City Website and be available in printed format for broader community feedback prior to Council’s approval of the final plan (December 2004);

**THEREFORE BE IT RESOLVED THAT** the draft of the Kingston Frontenac Early Learning and Child Care 2004-2005 Service Plan, dated November 4, 2004, be received as a discussion paper to serve as the basis for feedback from
Council, members of the public and key stakeholders, prior to a final plan being submitted for consideration by the Committee of the Whole or the appropriate standing committee if the report does not come forward in 2004.
(File No. CSU-S07-000-2004)

(3) THAT a by-law be presented to amend By-Law No. 98-1, “Council Procedural By-Law”, as noted hereunder.

THAT Section 1 of By-Law 98-1, “Definitions” for “Delegations” and “Presentations”, be deleted and replaced as follows:

Delegation: An address to the Committee of the Whole or Council by one or more persons who are not members of Council or city staff and are speaking to action items on the Council agenda that have not been discussed by standing committees (except when legislated otherwise) and shall be limited to 5 minutes.

Presentation: A ceremonial presentation to or from the City of Kingston.

–and further–

THAT a new section be added that reads as follows:

Briefing: A report to the Committee of the Whole, Council, or Standing Committees by city staff, consultants to the City, ad-hoc city committees and task forces or other committees with representation appointed by Council.

–and–

REPORTS
Report No. 109 of the Committee of the Whole

THAT Section 7.0, “Delegations & Presentations”, be deleted in its entirety and replaced as follows:

3(a) 7.1 – “All delegations shall be made to the appropriate Standing Committee or advisory committee. A delegate wishing to appear before Council or the Committee of the Whole may only do so if speaking to action items on the Council agenda that have not been discussed by standing committees (except when legislated otherwise). With respect to delegations to Council and the Committee of the Whole, a written notice setting out the subject matter of the delegate’s address shall be delivered to the Clerk on or before 12:00 pm on the Thursday prior to the meeting.”

–and–

3(b) 7.2 – “No member shall question staff during delegations being made by a member of the public.”

–and–

3(c) 7.3 – “The following persons may not appear as a delegation before Council or the Committee of the Whole:
(By-law No. 2000-324)
(a) Persons requesting consideration of a matter that is before the Planning Committee for a zone change, official plan amendment or a rental housing protection application prior to the date of a scheduled hearing; and

(b) Persons requesting consideration of a matter upon which the Planning Committee has held its scheduled hearing but Council has not yet considered the recommendation of the Committee.

(c) Repealed

(d) Persons requesting consideration of a matter upon which a Standing Committee is considering or has made a recommendation to Council.”

–and–

3(d) 7.4 – “A delegation shall not appear before Council, the Committee of the Whole, or a Standing Committee if a member of the public has spoken at a public meeting held by City Council, the Committee of the Whole, or a Standing Committee in respect of the same matter.”

–and–

3(e) 7.5 – “Delegations shall not be permitted at the Council level on a matter upon which Council has already made a determination.”

–and–

3(f) 7.6 – “A maximum of three (3) delegations shall be allowed to address Council per Council meeting or per Committee of the Whole meeting.”

–and–

REPORTS

Report No. 109 of the Committee of the Whole

3(g) 7.7 – “Delegates will be restricted to speak to only those action items on the Council agenda that have not been discussed by standing committees (except when legislated otherwise).”

–and–

3(h) 7.8 – “Delegations shall be limited to 5 minutes. Where a delegation consists of three or more persons, it may be permissible for two spokespersons to address the Council or Committee of the Whole, and in total the delegation shall not exceed 5 minutes.”

–and–

3(i) 7.9 – “Delegations shall be permitted to speak on a matter only once unless new information has come forward, an error was made in the documentation presented and/or incorrect statements were made during original debate.”

–and–
3(j)  7.10 – “Each member of Council may ask a maximum of two (2) questions of each delegation appearing before Council or the Committee of the Whole.”

   –and–

3(k)  7.11 – “A maximum of three presentations shall be allowed to address Council per Council meeting or Committee of the Whole meeting.”

   –and–

3(l)  7.12 – “Presentations shall be limited to five (5) minutes.”

   –and–

3(m)  7.13 – “Signs, banners, emblems and flags are prohibited in the Chambers except by permission of the Chair.”

   –and–

3(n)  7.14 – “Staff briefings shall be permitted at meetings of Council, the Committee of the Whole, and Standing Committees and may be scheduled prior to the issue being considered on the agenda, if so desired. Time limits shall be established at the discretion of the Chair.”

(See By-Law No. (15), 2004-359)

   –and further–

REPORTS
Report No. 109 of the Committee of the Whole

THAT no action be taken on the following and that this wording not be included in the by-law:

3(o)  7.2 – “In order to avoid repetition and to ensure an opportunity for the expression of different points of view, but except as required by law, Council may decline to hear any person who has an identifiable common interest or concern with any other person who has already appeared and spoken at a Council or a Committee of the Whole meeting.”

3(p)  THAT Section 7.9 be renumbered as Section 7.10 and continue to read as follows:

7.10 – “Delegations will be requested not to repeat what previous delegates have stated.”

   –and further–

3(q)  THAT Section 7.11, which reads as follows, be deleted in its entirety:

“Delegations shall be limited to five (5) minutes.”

   –and further–

3(r)  THAT Section 7.16, which reads as follows, be deleted in its entirety:
“Each member of Council may ask a maximum of two (2) questions of each presentation appearing before Council or the Committee of the Whole.”

CARRIED (10:1)
(See Recorded Vote)

A Recorded Vote was requested by Councillor Downes.

YEAS: Mayor Rosen, Deputy Mayor Foster, Councillor B. George, Councillor K. George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (10)

NAYS: Councillor Downes (1)

ABSENT: Councillor Beavis, Councillor Garrison (2)

(4) **THAT** Council receive the Committee By-Law and adopt the following recommendations:

(a) **That** members of the Kingston Municipal Heritage Committee be appointed for a 3-year term to correspond with the term of office of Council.

(b) **That** the budget review process not be included in the mandate of the Corporate Services Committee, but shall continue to be dealt with by the members of Council through the Committee of the Whole body, and finally approved by Council.

**REPORTS**

**Report No. 109 of the Committee of the Whole**

(c) **That** the Planning & Development Services Committee be divided into two committees as:

- The Planning Services Committee
- The Planning & Development Committee

— and further —

**That** each of these committees shall be comprised of five members, that they shall meet separately and independent of each other, and that no items except planning and development proposals and applications be dealt with by the Planning & Development Committee.

(d) **That** a Nomination Advisory Committee be established for the purpose of making recommendations to Council on the appointment of members of public and Council to Committees. The Nomination Advisory Committee shall receive and review all applications from members of the public and Council who wish to serve on Committees of Council and recommend Committee membership to Council.

(e) **That** the Corporate Services Committee shall be delegated the responsibility of holding public meetings in accordance with the *Municipal Act* requirements with respect to applications for cancellation, reduction or refund of taxes as permitted under Section 357, Subsection 1 of the *Municipal Act* and following the public meetings shall make recommendations to Council with regard to the proposed cancellations, reductions and/or refunds.
(f) **That** the Culture and Recreation Advisory Committee that is currently included in the Procedural By-Law No. 98-1 be eliminated in 2004.

   --and further--

**That** the following committees, which do not form part of Procedural By-Law No. 98-1 but exist either through staff initiative or by Council resolution be disbanded, and that their mandates be absorbed by the appropriate standing committee as noted:

The Community Services Committee shall absorb the mandates of the following:
- Canada Day Committee
- Communities in Bloom
- Remembrance Day Committee

The Operations Committee shall absorb the mandates of the following:
- Parking Advisory Committee
- Pitch In
- Transit Advisory Committee

The Planning Services Committee shall absorb the mandates of the following:
- Line Fences
- Brownfield's Task Force

(g) **That** staff be directed to investigate the dissolution of the Kingston Area Taxi Commission;

   --and further--

**REPORTS**

**Report No. 109 of the Committee of the Whole**

(h) **That** Section 8.7 of By-Law No. 98-1, “Council Procedural By-Law”, be amended to reflect the following:

- The Chair or his/her designate of the Standing Committee shall present the report of the Standing Committee to Council. The Committee may request that the report be discussed at the Committee of the Whole and Council shall decide by majority vote of Council, as to whether to resolve into Committee of the Whole to discuss the report. At the time of the presentation, the Chair shall have time, not to exceed 10 minutes, to present the report in its entirety.
- All items listed on the Standing Committee reports shall be the subject of one motion. A Councillor may ask for any item(s) included in the standing committee report to be separated from that motion.
- Following discussion and debate of all items on the report, going from Clause 1 to the end of the report, and just prior to the vote, the Mayor shall ensure that there are no further questions or comments. The Chair of the Standing Committee shall be given an opportunity to respond to comments for a time not to exceed five minutes.
- Any member of Council can request that items be separated for the purpose of the votes, or that items within the report can be separated from discussion for the purpose of declaring potential pecuniary interest.
- The question shall be put for the report first, and then those items separated shall be considered immediately thereafter.

   --and further--

(i) **That** all Standing Committees be comprised of five members of Council only, who shall be appointed annually.

   --and further--
That all items listed on the Kingston Municipal Heritage Committee shall be the subject of one motion. Any Councillor may ask for any item on the Kingston Municipal Heritage Committee Report (KMHC) to be separated from that motion, whereupon the Kingston Municipal Heritage Committee Report (KMHC) report without the separated item(s) shall be put and the separated items shall be considered immediately thereafter.

(i) That the Focus Kingston Steering Committee shall report its recommendation through the appropriate Standing Committee on time sensitive issues and shall report to Council at least on an annual basis.

(k) That Kingston Environmental Advisory Forum (KEAF) shall report to the Planning Services Committee; and that one member of the Planning Services Committee be appointed to serve on the Kingston Environmental Advisory Forum (KEAF).

(l) That the Service Review Committee shall continue to report to Council and with the consent of Council may report to Committee of the Whole, and;

That the mandate and composition of the Service Review Committee be reviewed after the completion of Phase One.

(m) That the Solid Waste Committee and the Municipal Administration Accommodations Committee be disbanded and that the mandate of these two committees shall be absorbed by the Operations Standing Committee.

REPORTS

Report No. 109 of the Committee of the Whole

(n) That the Rural Affairs Advisory Committee remain as a Committee of Council and be comprised of two Councillors from Districts 1 and 12 and five representatives of the rural community. The Rural Affairs Advisory Committee shall provide advice to administration and forward its recommendation through the appropriate Standing Committee. The Advisory Committee shall present a rural perspective on various rural issues affecting the City.

(o) That the 911 Management Committee be disbanded on the understanding that the current committee ensures the completion of the current project, and that the mandate of the 911 Committee be absorbed by the Planning Services Committee;

(p) That, if it is the desire of the majority of a Standing Committee to establish a sub-committee, a recommendation shall be made to Council for approval recommending the creation of the “Sub-Committee”. Included with the recommendation for the establishment of the Sub-Committee shall be information regarding the mandate of the proposed sub-committee, the beginning and the ending date, the composition and how the members are to be recruited, and the reporting structure. Sub-committee shall be defined at the beginning of the committee by-law as a committee established by a standing committee with a clear mandate that reports directly to the creating standing committee.

–and further–

(q) That Council receive and adopt the attached by-law “A By-Law To Define The Composition And Terms Of Reference For Committees Established By The Corporation Of The City Of Kingston”; 

–and further–
(i) That By-Law No. 98-1 be amended by deleting the following sections thereof:

- Section 14.2 (Committee of the Whole meeting schedule);
- Section 14.3 (Schedule of Service Groups attending at Committee of the Whole);
- Section 14.5 (Meeting of Council & Staff fifth Tuesday of the month);
- Section 15.0 to 15.4 inclusive (List of Committees and mandate);
- Section 16.0 to 16.20 inclusive (List of Committees and mandate);
- Section 18.0 to 18.7 inclusive (List of Committees and mandate);
- Section 21.0 to 21.1 inclusive (List of Committees and mandate);
- Section 22.0 to 22.4 inclusive (Addressing Absenteeism of Committee members – transferred to Committee by-law)

--and further--

(ii) That By-Law No. 98-1 be amended by amending the following sections thereof to read as follows:

- Section 3.2(c) – Committee of the Whole shall meet as required and/or during regular meetings of Council;
- Section 14.1 – Council shall meet as the Committee of the Whole for the purpose of resolving all policy issues that are not included in the mandate of a Standing Committee, prior to such issues being forwarded to Council for final approval

--and further--

REPORTS
Report No. 109 of the Committee of the Whole

(iii) That By-Law No. 98-1 be amended to reflect the following:

That “Other Business” not be included on the agenda of Council, or the Committee of the Whole on those occasions when a Committee of the Whole meeting is required, but shall routinely appear on the agenda of all Standing Committees;

--and further--

That Section 2.8 of By-Law No. 98-1, “The Council Procedural By-Law”, be amended to reflect the following:

Applications from volunteers who are not appointed during the regular appointment process shall be kept on file in the office of the Clerk. If a vacancy occurs on a Committee, the applicants who applied to serve on that Committee and were not appointed shall be contacted and asked if they are still interested in serving. Names of those who continue to have an interest to serve on the Committee shall be submitted to Council for consideration to fill the vacancy. The Clerks Office will also re-advertise the vacancy in the newspaper.

--and further--

Notwithstanding the above recommendations, that the 2005 Appointments to the Standing Committees be made by Council, and that the appointments for all other Committees be referred to the Nomination Committee.

(See By-Law No. (16), 2004-360)

(5) THAT, upon approval of this report, the Committee to Review By-Law No. 98-1, having completed its mandate as established by Council, now be disbanded.

(6) THAT Deputy Mayor Foster be appointed as Deputy Mayor for a term ending November 30, 2005.
(7) **THAT** Councillors Downes, Garrison, Meers, Pater and Patterson be appointed to the Community Services Committee for a term ending November 30, 2005.  
**DEFERRED**  
*(See Following Motion to DEFER Which Was CARRIED)*

(8) **THAT** Deputy Mayor Foster and Councillors B. George, K. George, Smith and Stoparczyk be appointed to the Operations Committee for a term ending November 30, 2005.  
**DEFERRED**  
*(See Following Motion to DEFER Which Was CARRIED)*

(9) **THAT** Councillors Beavis, Downes, Garrison, Smith, and Sutherland, be appointed to the Corporate Services Committee for a term ending November 30, 2005.  
**DEFERRED**  
*(See Following Motion to DEFER Which Was CARRIED)*

**REPORTS**  
**Report No. 109 of the Committee of the Whole**

(10) **THAT** Councillors B. George, Pater, Patterson, Stoparczyk and Sutherland be appointed to the Planning & Development Committee for a term ending November 30, 2005.  
**DEFERRED**  
*(See Following Motion to DEFER Which Was CARRIED)*

(11) **THAT** Deputy Mayor Foster and Councillors B. George, Meers, Patterson and Stoparczyk be appointed to the Planning Services Committee for a term ending November 30, 2005.  
**DEFERRED**  
*(See Following Motion to DEFER Which Was CARRIED)*

Moved by Councillor Stoparczyk  
Seconded by Councillor Smith  
**THAT** Clause Nos. 7, 8, 9, 10, and 11 of the Report No. 109 of the Committee of the Whole be deferred to a future Council meeting.  
**CARRIED**

(12) **THAT** Councillors K. George, Pater, Smith, Sutherland and Councillor Beavis (optional member) be appointed to the Nominations Committee for a term ending November 30, 2005.  
**CARRIED AS AMENDED**  
*(See Motion to AMEND which was CARRIED)*

Moved by Councillor Sutherland  
Seconded by Councillor Stoparczyk  
**THAT** Councillor Beavis be provided the option to be appointed to the Nominations Committee for a term ending November 30, 2005.  
**CARRIED**
MINUTES

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

THAT the approval of the minutes of Council Meeting No. 29, held November 9, 2004, be withdrawn.

CARRIED

TABLING OF DOCUMENTS

2004-98 The Kingston, Frontenac, Lennox & Addington Health Unit
   Agenda – Board of Health Meeting – November 24, 2004
   (File No. CSU-C05-000-2004)

2004-99 CBC Radio-Canada
   2003-2004 Annual Report
   (File No. CSU-M04-000-2004)

2004-100 The Ministry of Municipal Affairs & Housing
   Strong Rural Communities: Working Together for Success
   (File No. CSU-M04-000-2004)

2004-101 The Canadian Industry Program for Energy Conservation
   (File No. CSU-M04-000-2004)

2004-102 The Cataraqui Region Conservation Authority
   Agenda – Full Authority General Meeting – November 24, 2004
   (File No. CSU-C05-000-2004)

COMMUNICATIONS

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

Filed

31-533 From the Honourable Steve Peters, Minister of Agriculture & Food, acknowledging receipt of Council's resolution concerning the Municipal Outlet Drainage Program.
   (File No. CSU-E09-000-2004)
31-534 An announcement that Canadian Niagara Power Inc. and the City of Port Colborne were jointly presented with the Chuck Wills Award for Innovation & Excellence in Public-Private Partnerships in recognition of the successful operating lease of the Port Colborne Hydro Inc. electricity distribution business to Canadian Niagara Power Inc.
(File No. CSU-A16-000-2004)

31-536 From the Association of Municipalities of Ontario, informing Council of the release by the provincial government of “Ontario’s Rural Plan”, which sets out how the government feels it has already contributed to this Rural Plan and some areas that require more work.
(File No. CSU-A01-004-2004)

31-538 From the Ministry of Consumer & Business Services, an announcement of information available to the public to aid in preventing online scams and frauds.
(File No. CSU-A16-000-2004)
(Copied to all Members of Council on November 19, 2004)

COMMUNICATIONS

31-541 From Paul Webster, Supervisor of Traffic Operations for the Ministry of Transportation, responding to Council’s request to examine the traffic flow at the intersection of Highway 401 Eastbound Ramp Terminal/Middle Road and Highway 15/Kingston Road 15.
(File No. CSU-T08-000-2004)
(Copied to all Members of Council on November 19, 2004)

31-545 From the Ministry of Consumer & Business Services, information to help consumers protect themselves when buying travel services.
(File No. CSU-M04-000-2004)

31-548 From the Ministry of Municipal Affairs & Housing, requesting nominations for the special recognition program for municipal politicians with long-standing service of 25 years or more.
(File No. CSU-C00-000-2004)

31-556 From Wanda MacDonald of Liaison College, requesting an application for a liquor license from the Alcohol and Gaming Commissioner of Ontario.
(File No. CSU-P09-00-2002)

Referred to All Members of Council

31-355 From the Township of Augusta, requesting Council’s support of a resolution to petition the provincial government to either leave the Community Reinvestment Fund as is or to replace it with another form of funding comparable in dollars received.
(File No. CSU-C10-000-2004)
(Copied to all Members of Council on November 26, 2004)

31-539 From the City of Sault Ste. Marie, requesting Council’s support of a resolution to petition the provincial government to implement various recommendations concerning hardships experienced in fundraising by charities and not-for-profit organizations throughout the province.
(File No. CSU-C10-000-2004)
(Copied to all Members of Council on November 19, 2004)
(File No. CSU-C07-000-2004)
(Copied to all Members of Council on November 23, 2004)

31-546 From D. Daniel, Senior Project Manager for Delcan Corporation, informing Council of a Public Information Centre on widening and improvements at various interchanges on Highway 401, to be held November 30, 2004 at École Marie-Rivier from 4:00 am to 8:00 pm.
(File No. CSU-A04-000-2004)
(Copied to all Members of Council on November 26, 2004)

31-557 From the Township of Augusta, requesting Council's support of a resolution to petition the provincial government to re-examine the access to the gas tax fund allocation to be distributed so that municipalities that are without public transportation would also be assisted.
(File No. CSU-C10-000-2004)
(Copied to all Members of Council on November 26, 2004)

COMMUNICATIONS

31-558 From the Township of Adjala-Tosorontio, requesting Council's support of a resolution to petition the provincial government to support dairy farmers and rural communities in general and reinstate Dairy Herd Improvement Funding immediately.
(File No. CSU-C10-000-2004)
(Copied to all Members of Council on November 26, 2004)

Referred to All Members of Council and the Chief Administrative Officer

31-542 From the Association of Municipalities of Ontario, informing Council of the launch of the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF), a five-year $900 million program aimed at improving the quality of infrastructure in small and rural municipalities.
(File No. CSU-A01-004-2004)
(Copied to all Members of Council on November 19, 2004)

31-537 From the Ontario Good Roads Association, announcing the launch of the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF), a five-year $900 million program aimed at improving the quality of infrastructure in small and rural municipalities.
(File No. CSU-F11-000-2004)
(Copied to all Members of Council on November 26, 2004)

31-543 From the Ministry of Municipal Affairs & Housing, inviting Council to attend an information session on the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF).
(File No. CSU-F11-000-2004)
(Copied to all Members of Council on November 19, 2004)

Referred to the President & CEO of Utilities Kingston

31-540 From Murray MacKenzie, providing Council with his opinion of work done recently on John Counter Street at Elliott Street.
(File No. CSU-M04-000-2004)
(Copied to all Members of Council on November 19, 2004)
Referred to the Planning Committee

31-547 From Ron Griffiths, requesting that Council give consideration to allowing more severances in rural areas than the present two severances allowed.
(File No. CSU-D10-000-2004)
(Copied to all Members of Council on November 26, 2004)

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BY-LAWS

Council consented to the addition of By-Law (26), “A By-Law To Amend By-Law No. 2002-231 “A By-Law To Regulate Smoking In Public Places And Workplaces In The City Of Kingston” (Exclude All Veterans Association Establishments Including, But Not Limited To, Legions, Air, Navy And Artillery Associations).”

(A) Moved by Deputy Mayor Foster
Seconded by Councillor Downes

THAT By-Laws (1) through (19) be given their first and second reading.

CARRIED

(B) Moved by Councillor Sutherland
Seconded by Councillor Patterson

THAT By-Laws (10), (12) and (13) and (19) through (21) and (23) through (25) be given their third reading.

CARRIED

(C) Moved by Councillor Meers
Seconded by Councillor K. George

THAT By-Law (22) be given its third reading.

CARRIED

(D) Moved by Councillor Patterson
Seconded by Councillor Sutherland

THAT By-Law (26) be given its third reading.

CARRIED

(Deputy Mayor Foster OPPOSED)

(1) A By-Law To Amend By-Law No. 24 “A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act’ (Designate Non-Parking Areas; Reflect Relocation Of Truck-Loading Zones).

FIRST AND SECOND READINGS
(Clause (a), Report No. 104)

PROPOSED NO. 2004-345
(2) A By-Law To Amend By-Law No. 495 “A By-Law To Provide For A Parking Meter Zone In Certain Streets Or Portions Thereof, And To Provide For The Installation, Regulations, Supervision And Control Of Such Parking Meters” (Designate Non-Parking Areas).
FIRST AND SECOND READINGS
PROPOSED NO. 2004-346
(Clause (a), Report No. 104)

(3) A By-Law To Amend By-Law No. 81-218 “A By Law To Provide For Exempting, Pursuant To Permits Issued, The Owners And Drivers Of Vehicles Operated By Or Carrying A Disabled Person From The Provisions Of By Laws Of The City Of Kingston Prohibiting Or Regulating The Parking, Standing Or Stopping Of Motor Vehicles On Any Highway Or Part Thereof In The City Of Kingston” (Amend Locations At Sydenham Street And Market Street).
FIRST AND SECOND READINGS
PROPOSED NO. 2004-347
(Clause (a), Report No. 104)

BY-LAWS

(4) 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” (Add/Delete Selected Disabled Parking Spaces; Implement Maximum Stay Time Limits; Convert Selected Disabled Spaces To Disabled Metered Parking, Replace Outdated Terminology With Approved Terms; Approve Early Payment Amount Associated With New Provincially Legislated Minimum Set Fine Amount For Unauthorized Parking In Designated Disabled Parking Space).
FIRST AND SECOND READINGS
PROPOSED NO. 2004-348
(Clause (b), Report No. 104)

(5) A By-Law To Amend By-Law No. 85-6 “A By-Law To Provide Designated Parking Spaces For Vehicles Operated By Or Conveying Physically Handicapped Persons In Designated Parking Lots In The Township Of Kingston” (Add/Delete Selected Disabled Parking Spaces; Implement Maximum Stay Time Limits; Convert Selected Disabled Spaces To Disabled Metered Parking, Replace Outdated Terminology With Approved Terms; Approve Early Payment Amount Associated With New Provincially Legislated Minimum Set Fine Amount For Unauthorized Parking In Designated Disabled Parking Space).
FIRST AND SECOND READINGS
PROPOSED NO. 2004-349
(Clause (b), Report No. 104)

(6) A By-Law To Amend By-Law No. 81-218 “A By Law To Provide For Exempting, Pursuant To Permits Issued, The Owners And Drivers Of Vehicles Operated By Or Carrying A Disabled Person From The Provisions Of By Laws Of The City Of Kingston Prohibiting Or Regulating The Parking, Standing Or Stopping Of Motor Vehicles On Any Highway Or Part Thereof In The City Of Kingston” (Add/Delete Selected Disabled Parking Spaces; Implement Maximum Stay Time Limits; Convert Selected Disabled Spaces To Disabled Metered Parking, Replace Outdated Terminology With Approved Terms; Approve Early Payment Amount Associated With New Provincially Legislated Minimum Set Fine Amount For Unauthorized Parking In Designated Disabled Parking Space).
FIRST AND SECOND READINGS
PROPOSED NO. 2004-350
(Clause (b), Report No. 104)

Parking, Replace Outdated Terminology With Approved Terms; Approve Early Payment Amount Associated With New Provincially Legislated Minimum Set Fine Amount For Unauthorized Parking In Designated Disabled Parking Space).  

**FIRST AND SECOND READINGS**  
(Clause (b), Report No. 104)  

PROPOSED NO. 2004-351


**FIRST AND SECOND READINGS**  
(Clause (c), Report No. 104)  

PROPOSED NO. 2004-352

**BY-LAWS**  

(9) A By-Law To Amend By-Law No. 24 “A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act” (Amend Prohibited Parking Areas on St. Lawrence Avenue and King Street).  

**FIRST AND SECOND READINGS**  
(Clause (d), Report No. 104)  

PROPOSED NO. 2004-353

(10) A By-Law To Amend By-Law No. 76-26 (Former Kingston Township) To Remove The “-H” Holding Symbol Related To The "C5-10-H" Zone (Trinity Property Holdings Inc. – 700 Gardiners Road).  

**THREE READINGS**  
(Clause (e), Report No. 104)  

PROPOSED NO. 2004-354

(11) A By-Law To Establish A Tariff Of Fees For The Use Of The Solid Waste Management System.  

**FIRST AND SECOND READINGS**  
(Clause (f), Report No. 104)  

PROPOSED NO. 2004-355

(12) A By-Law To Amend The Official Plan For The Former Township Of Kingston Planning Area (Amendment No. 13 – To Redesignate The Property Known Municipally As 650 Fortune Crescent From General Industrial To Waste Disposal Industrial).  

**THREE READINGS**  
(Clause (2), Report No. 106)  

PROPOSED NO. 2004-356

(13) A By-Law To Amend By-Law No. 76-26 Of Former Township Of Kingston (Site Specific – 650 Fortune Crescent – “M6” Restricted General Industrial Zone To “M4-3” Special Disposal Industrial Zone.  

**THREE READINGS**  
(Clause (2), Report No. 106)  

PROPOSED NO. 2004-357

(14) A By-Law To Amend By-Law No. 2004-360 “A By-Law To Define The Composition And Terms Of Reference For Committees Established By The Corporation Of The City Of Kingston” (Increase Composition Of Committee Of Adjustment (Urban Panel) From Five To Seven Members).  

**FIRST AND SECOND READINGS**  
(Clause (1), Report No. 109)  

PROPOSED NO. 2004-358
(15) A By-Law To Amend By-Law No. 98-1 “Council Procedural By-Law” (Amend Section 7.0 – Delegations/Presentations/Briefings).
FIRST AND SECOND READINGS
(Clause (3), Report No. 109)
PROPOSED NO. 2004-359

(16) A By-Law To Define The Composition And Terms Of Reference For Committees Established By The Corporation Of The City Of Kingston.
FIRST AND SECOND READINGS
(Clause (4), Report No. 109)
PROPOSED NO. 2004-360

BY-LAWS

(17) A By-Law To Amend By-Law No. 36-95 “Being A By-Law To Regulate And Maintain A System For The Collection, Removal And Disposal Of Ashes, Garbage And Other Refuse” (Delete Schedule “A” In Its Entirety).
FIRST AND SECOND READINGS
(Clause (f), Report No. 104)
PROPOSED NO. 2004-361

(18) A By-Law To Amend By-Law No. 181 “A By-Law To Provide For The Collection, Removal, And Disposal Of Garbage, Ashes And Other Refuse” (Revoke Section 24 And Section 27(3).
FIRST AND SECOND READINGS
(Clause (f), Report No. 104)
PROPOSED NO. 2004-362

THREE READINGS
(City Council Meeting No. 31-2004)
PROPOSED NO. 2004-363

(20) A By-Law To Impose Water & Waste Water (Sewage Service) Rates And Miscellaneous Charges.
THIRD READING
(Clause (3), Report No. 103)
PROPOSED NO. 2004-338

(21) A By-Law To Impose Gas Rates.
THIRD READING
(Clause (3), Report No. 103)
PROPOSED NO. 2004-339

(22) A By-Law To Approve The 2005 Operating Budget.
THIRD READING
(Clause (27), Report No. 103)
PROPOSED NO. 2004-340

(23) A By-Law To Approve The 2005 Capital Budget.
THIRD READING
(Clause (35), Report No. 103)
PROPOSED NO. 2004-341

(24) 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

THIRD READING

PROCPOSED NO. 2004-342

(Communication No. 30-531)

BY-LAWS


THIRD READING

PROCPOSED NO. 2004-343

(Communication No. 30-532)

THIRD READING

PROCPOSED NO. 2004-336

(Motion No. 1, Council Meeting No. 29, November 9, 2004)

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ADJOURNMENT

Moved by Councillor K. George
Seconded by Deputy Mayor Foster

THAT Council do now adjourn.

CARRIED

Council adjourned at 9:30 pm.

(Signed) Carolyn Downs Harvey Rosen

City Clerk Mayor