The Regular Meeting of City Council was held on Tuesday, September 7, 2004 at 7:15 pm in the Council Chamber, City Hall. His Worship Mayor Harvey Rosen presided.

There was an "In-Camera" meeting of the Committee of the Whole from 7:18 pm to 7:30 pm in the Councillors' Lounge.

ROLL CALL
Present: Mayor Rosen, Deputy Mayor Foster, Councillor Beavis, Councillor Downes (arrived 7:30 pm), Councillor Garrison, Councillor B. George, Councillor K. George, Councillor Meers (arrived 7:30 pm), Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (13)

Administrative Staff Present:
Mr. B. Meunier, Chief Administrative Officer
Ms. B. Bielski, Manager, Planning
Mrs. C. Downs, Manager, Council Support/City Clerk
Mr. T. Fleming, Senior Legal Counsel, Legal Services
Mr. D. Leger, Commissioner, Corporate Services
Mr. H. Linscott, Director, Legal Services
Ms. N. Sullivan, Deputy City Clerk
Mr. T. Willing, Acting Commissioner, Planning & Development Services

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COMMITTEE OF THE WHOLE “IN CAMERA”

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

CARRIED

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

REPORT OF THE COMMITTEE OF THE WHOLE “IN CAMERA”

(2) Moved by Deputy Mayor Foster
    Seconded by Councillor Sutherland

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

CARRIED

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(Council Chambers)
Administrative Staff Present:
Mr. B. Meunier, Chief Administrative Officer
Ms. B. Bielski, Manager, Planning
Mrs. C. Downs, Manager, Council Support/City Clerk
Mr. J. Davis, Senior Project Manager
Mr. T. Fleming, Senior Legal Counsel, Legal Services
Mr. J. Giles, Manager, Solid Waste
Mr. S. Kanellos, Manager, Engineering
Mr. D. Leger, Commissioner, Corporate Services
Mr. H. Linscott, Director, Legal Services
Mr. P. MacLatchy, Manager, Environment
Ms. C. Mills, Supervisor, Land-Use Policy
Mr. J. Sawarna, Capital Budget, Engineering Services
Mr. M. Segsworth, Commissioner, Operations
Ms. N. Sullivan, Deputy City Clerk
Mr. T. Willing, Acting Commissioner, Planning & Development Services

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DISCLOSURE OF PECUNIARY INTEREST

(1) Councillor K. George declared a pecuniary interest in the matter of Clauses (f) and (g) of Report No. 76 of the Chief Administrative Officer (Consent) as his employer has been retained to provide survey services to the applicant.

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PRESENTATIONS

(1) Dr. David Walker, Dean of the Faculty of Health Sciences and Director of the School of Medicine at Queen's University, spoke to Council concerning the advanced role of the Kingston Academic Health Sciences Centre and how it contributes economically within Kingston and the region.
(File No. CSU-C13-000-2004)

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DELEGATIONS

Moved by Councillor Beavis
Seconded by Councillor Downes

THAT Council consent to allow Lydia MacPherson to speak before Council concerning a petition submitted to Council and referred to the President & CEO of Utilities Kingston concerning water restrictions in the City of Kingston.

CARRIED
(A 2/3 Vote of Council was Received)

(1) Lydia MacPherson spoke to Council concerning water restrictions and the increase in costs for water consumption in the City of Kingston.
(File No. CSU-C13-000-2004)

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

PETITIONS

(1) A petition, bearing approximately 59 signatures, was presented by Lydia MacPherson and reads as follows:
We, the undersigned, are in opposition to the following and for the following reasons:

(a) **A 25% increase for water over 25 cubic meters per month.** - The majority of people will use 25 cubic meters only when it is necessary during the summer months when it is extremely hot. The majority of people will require more than 25 cubic meters for reasons of health, family size, or visitors coming to their home.

(b) **A restriction of sprinkler use between 5 am and 9 am.** - Firstly, seniors, working people, students all have lifestyles which does not allow them to wake up at 4 am just to start watering their yards. Most workers are at their jobs at 9 am and would not be back home to turn off their sprinklers. Secondly, if we are paying for the water use, why shouldn’t we decide when we wish to water? Should a ban on water be required, why not between the hours of 11 am and 5 pm.

(c) **Increases in water charges** – Firstly, not everyone in Kingston is being monitored as of July 29, 2004. Why should the rest of us pay for their usages? Secondly, why does the homeowner have their fees higher than commercial fees for overages?

(d) **Kingston Utilities has not proved that their present ban of water conserves our water supply.** – Firstly, if you use 25 cubic meters between 5 am and 9 am or you use 25 cubic meters between 5 pm and 10 pm, you still use 25 cubic meters. Secondly, a tower for the west end should be built and generators should be maintained at all times. This would eliminate a fire-safety issue for residents of Kingston.

**REFERRED TO THE PRESIDENT & CEO OF UTILITIES KINGSTON**

(2) A petition, bearing approximately 21 signatures, was presented by Councillor Smith and reads as follows:

Parents of High Hopes:

It has come to our attention that Ryandale Shelter for the Homeless has purchased 669 Victoria Street, the house across the street. It was confirmed by Social Housing that they will be using this property for renting rooms to the homeless population. The facility will not be staffed. If you are concerned about the impact of this housing unit in this area, sign this petition.

**REFERRED TO THE COMMISSIONER OF COMMUNITY SERVICES**

(3) A petition, bearing approximately 104 signatures, was presented by Councillor Smith and reads as follows:

Ryandale Shelter for the Homeless has purchased the building on 669 Victoria Street, across the street from a child care facility. The shelter will be renting rooms to the homeless and will not be staffed. If you are concerned about the impact of this housing unit, please sign this petition.

**REFERRED TO THE COMMISSIONER OF COMMUNITY SERVICES**

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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 Condolence**

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

**THAT** the condolences of Kingston City Council be extended to Stephen Skinnner, Manager of Systems Administration, and family on the death of his father.

(b) Moved by Councillor Garrison  
Seconded by Councillor Meers  

**THAT** the condolences of Kingston City Council be extended to Beverly Lance, Senior Customer Service Representative, and family on the death of her husband, the late Bill Lance, Solid Waste Division.

(2) **Motions of Best Wishes**

(a) Moved by Councillor Sutherland  
Seconded by Councillor Garrison  

**THAT** the best wishes of Kingston City Council be extended to George Wallace, Supervisor of Development Approvals, for a speedy recovery.

(b) Moved by Councillor Beavis  
Seconded by Councillor Sutherland  

**THAT** the best wishes of Kingston City Council be extended to Moe Royer for a speedy recovery after his recent surgery.

(3) **Motion of Congratulations**

(a) Moved by Councillor Beavis  
Seconded by Councillor Smith  

**THAT** the congratulations of Kingston City Council be extended to Nicole Sullivan, Deputy City Clerk, and Tom Masters on the occasion of their recent engagement.  
(File No. CSU-M11-000-2004)  

**CARRIED**

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**REPORTS**

**Report No. 76 of the Chief Administrative Officer (Consent)**

Council consented to the separation of Clauses (a), (b), (c), (f), (g), (l), and (n).

Moved by Councillor Meers
Seconded by Councillor Patterson

THAT Report No. 76 of the Chief Administrative Officer (Consent) be received and adopted.

Report No. 76

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) WHEREAS, in accordance with the Municipal Act, SO 2001, and By-Law No. 2003-15 “A By-Law to Provide for Notice Provisions as Required Under The Municipal Act, 2001”, notice has been given of Council's intention to stop up and close the real property known as Part 1 – 13R-16563 and located at the base of Queen Street, in the City of Kingston, and;

WHEREAS, as of this date, no requests to be heard have been received by the City as provided for in the notice;

THEREFORE BE IT RECOMMENDED THAT:

- Council approve the stopping-up and closing of the portion of Queen Street described as Part 1 – 13R-16563.
- Council authorize the sale of Part 1–13R-16563 at fair market value, based on a professional appraisal solicited by the City of Kingston;
- Council authorize the retaining of City easements for access to the underground services located in Part 1 – 13R-16563;
- The Mayor and Clerk be authorized and directed to sign the necessary agreements to give effect thereto; and
- The rules of By-Law No. 98-1 “Council Procedural By-Law” be waived and that the by-law receive three readings this evening.

(See By-Law No. (1), 2004-270; By-Law No. (2), 2004-271)

CARRIED

(See Following Motion to AMEND Which Was LOST)

Moved by Councillor Garrison
Seconded by Councillor Pater

THAT Clause (a) of Report No. 76 be amended to reflect that this sale be conditional upon the development of the adjacent waterfront property owned by the applicant, based on the current zoning and the site plan presented to Council and that, if the current site plan or the zoning changes significantly, the land must be sold back to the City of Kingston at the same price originally paid by the applicant.

LOST (3:10)

REPORTS

Report No. 76 of the Chief Administrative Officer (Consent)

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

YEAS: Councillor Garrison, Councillor Meers, Councillor Pater (3)
(b) **THAT** a by-law be presented to amend By-Law No. 24 “Traffic” to change the existing parking restrictions on Montreal Street, as follows:

**By-Law No. 24, Section 10(b) – Bus Stops**

<table>
<thead>
<tr>
<th>Delete:</th>
<th>From</th>
<th>To</th>
<th>Where</th>
<th>Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montreal Street (E/S) opposite Briceland Avenue</td>
<td>80 feet</td>
<td>(By-Law No. 8089-1974)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montreal Street (W/S) at Briceland Avenue</td>
<td>from Briceland Avenue 60 feet southerly</td>
<td>(By-Law No. 8089-1974)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montreal Street (E/S) at CPR Tracks</td>
<td>60 feet from CPR Tracks southerly</td>
<td>(By-Law No. 4455-1963)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montreal Street (E/S) 614 feet north of CPR Tracks</td>
<td>60 feet northerly</td>
<td>(By-Law No. 4455-1963)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montreal Street (W/S) 614 feet north of CPR Tracks</td>
<td>60 feet northerly</td>
<td>(By-Law No. 4455-1963)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montreal Street (E/S) 309 feet north of CPR Tracks (opposite Elders Beverages)</td>
<td>60 feet northerly</td>
<td>(By-Law No. 4455-1963)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montreal Street (E/S) at Elliott Avenue</td>
<td>80 feet from Elliott Avenue southerly</td>
<td>(By-Law No. 7688-1973)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montreal Street (W/S) at Elliott Avenue</td>
<td>330 feet south of Elliott Avenue southerly 60 feet</td>
<td>(By-Law No. 4455-1963; 95-224-1995)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montreal Street (E/S) 475 feet north of Hickson Avenue</td>
<td>60 feet northerly</td>
<td>(By-Law No. 4455-1963)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montreal Street (W/S) 430 feet north of Hickson Avenue</td>
<td>60 feet northerly</td>
<td>(By-Law No. 4455-1963)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montreal Street (E/S) at Hickson Avenue</td>
<td>60 feet from Hickson Avenue southerly</td>
<td>(By-Law No. 4455-1963)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montreal Street (W/S) at Hickson Avenue</td>
<td>60 feet from Hickson Avenue northerly</td>
<td>(By-Law No. 7688-1973)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Montreal Street (W/S) at Railway Street</td>
<td>60 feet from Railway Street southerly</td>
<td>(By-Law No. 80-4-1979/80)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
**By-Law No. 24, Section 10 (c) – No Parking at Corners**

Delete:

<table>
<thead>
<tr>
<th>Street Description</th>
<th>Distance</th>
<th>By-Law Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montreal Street (E/S) at Rideau Street</td>
<td>230 feet southerly</td>
<td>(By-Law No. 6093(b)-1968)</td>
</tr>
<tr>
<td>Montreal Street (W/S) at Rideau Street</td>
<td>408 feet northerly</td>
<td>(By-Law No. 6093(b)-1968)</td>
</tr>
<tr>
<td>Montreal Street (W/S) at Rideau Street</td>
<td>120 feet southerly</td>
<td>(By-Law No. 6093(b)-1968)</td>
</tr>
</tbody>
</table>

**By-Law No. 24, Section 18 – Various Parking**

Delete:

<table>
<thead>
<tr>
<th>Street Description</th>
<th>Side</th>
<th>By-Law Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montreal Street</td>
<td>West side</td>
<td>No Parking (See Section 19)</td>
</tr>
</tbody>
</table>

**By-Law No. 24, Section 19 – Non-Parking**

Delete:

<table>
<thead>
<tr>
<th>Street Description</th>
<th>Side</th>
<th>By-Law Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montreal Street from 60 feet south of Hickson Avenue</td>
<td>East side</td>
<td>northerly 276 feet</td>
</tr>
<tr>
<td>Montreal Street from 222 feet south of Hickson Avenue</td>
<td>East side</td>
<td>southerly 320 feet</td>
</tr>
<tr>
<td>Montreal Street Hickson Avenue to Elliott Avenue</td>
<td>West side</td>
<td></td>
</tr>
<tr>
<td>Montreal Street Rideau Street to 270 feet northerly</td>
<td>East side</td>
<td></td>
</tr>
<tr>
<td>Montreal Street from 380 feet north of Rideau Street</td>
<td>East side</td>
<td>northerly 40 feet</td>
</tr>
<tr>
<td>Montreal Street Russell Street to Railway Street</td>
<td>East side</td>
<td></td>
</tr>
<tr>
<td>Montreal Street from 197 metres north of Railway Street</td>
<td>West side</td>
<td>northerly 52 metres</td>
</tr>
</tbody>
</table>

**By-Law No. 24, Section 19 – Non-Parking**

Add:

<table>
<thead>
<tr>
<th>Street Description</th>
<th>Side</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Montreal Street Russell Street to Briceland Street</td>
<td>East side</td>
<td>Parking Prohibited on Street</td>
</tr>
<tr>
<td>Montreal Street Russell Street to Briceland Street</td>
<td>West side</td>
<td>Parking Prohibited on Street</td>
</tr>
</tbody>
</table>

(File No. CSU-T02-000-2004)  
(See By-Law No. (3), 2004-272)
THAT Council grant permission to the successful contractor for this project to close portions of Division Street as follows:

- Division Street from Fraser Street to Railway Street 26 working days
- Division Street from Railway Street to Barbara Avenue 20 working days
- Division Street from Barbara Avenue to Kirkpatrick Street 41 working days
- Division Street from Kirkpatrick Street to Day Street 20 working days

--and further--

THAT Council authorize the Manager of Engineering to approve commencement dates at such time as the contract is awarded and scheduling confirmed;

--and further--

THAT all road closures will be advertised in the local paper prior to the closings and all service providers will be notified in advance.

(File No. CSU-T08-000-2004)
(See By-Law No. (4), 2004-273)

CARRIED
(Councillor Meers OPPOSED)

THAT a by-law be presented to City Council to provide for the temporary closure of Ontario Street between Brock Street and Market Street on Friday, December 3, 2004 from 5:00 pm to 8:30 pm, and Ontario Street from Clarence Street to West Street and West Street up to King Street from 6:15 pm to 8:00 pm on Friday, December 3, 2004, for community purposes (The Jingle Bell Walk), subject to the following conditions:

- That the applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division.
- That the applicant will be responsible for the acquiring/renting, placing and removal of all barricades necessary to fully close the roadway(s) affected and install advance signage to indicate the street closure and install detour signage.
- That the applicant agrees to take out sufficient public liability property damage insurance in the amount of $2,000,000.00 to cover all risks. The policy shall be in a form and in an amount satisfactory to the City of Kingston, and shall be kept in full force during the period of the proposed street closure. The City of Kingston shall be named as a party insured on the policy and the applicant shall provide the City of Kingston with a copy of the insurance policy.

(File No. CSU-T08-000-2004)
(See By-Law No. (5), 2004-274)
(e) **THAT** By-Law No. 98-9, “A By-Law To Appoint Municipal Law Enforcement Officers Of The Corporation Of The New City Of Kingston”, be amended to include **Brandi Timpson** under Section 1 (r), who will be appointed as a Municipal Law Enforcement Officer who shall be a Peace Officer for the purpose of enforcing the by-laws of the Municipality, as provided for under Section 15 of the *Police Services Act, RSO 1990(c), P15*, as amended, and;

**THAT** the by-law received **three readings** on this occasion.

(File No. CSU-H00-000-2004; CSU-P01-000-2004)

(See By-Law No. (6), 2004-275)

Councillor K. George withdrew from the meeting.

(f) **WHEREAS** Jovinton Developments Limited (Owner) has submitted an application requesting that Part Lot Control be lifted from Lots 121 to 125, Registered Plan 13M-36, of the Midland Park Subdivision, the subject lots being located on the east side of Sierra Avenue in Kingston West, and;

**WHEREAS** the Owner has complied with the conditions for the Lifting of Part Lot Control, the approval of which will facilitate the conveyance of larger lots for single detached dwellings on the affected lots;

**THEREFORE BE IT RESOLVED THAT** the application to Lift Part Lot Control (Our File No. D27-005-2004) for Lots 121 to 125 inclusive of Registered Plan 13M-36 of the Midland Park Subdivision **BE APPROVED**;

--and further--

**BE IT RESOLVED THAT** a by-law be passed to Lift Part Lot Control from Lots 121 to 125 inclusive of Registered Plan 13M-36;

--and further--

**BE IT RESOLVED THAT** the by-law shall specify that the exemption from Part Lot Control shall apply only to the severing of the lots for single detached or semi-detached dwellings on Lots 121 to 125 inclusive of Registered Plan 13M-36;

--and further--

**BE IT RESOLVED THAT** the by-law be presented to receive all three readings.

(File No. CSU-D27-000-2004)

(See By-Law No. (7), 2004-276)

CARRIED

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**REPORTS**

Report No. 76 of the Chief Administrative Officer (Consent)
(g) WHEREAS Jovinton Developments Limited submitted an application requesting that the “-H” Holding Symbol be lifted from lots 19 to 24, 53 to 59, 88 to 94 and 121 to 127 of Registered Plan 13M-36, located on the west side of Midland Avenue, north of Tivoli Avenue; 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 (Jovinton Developments Limited) has complied with the conditions for the removal of the “-H” Holding Symbol as follows:
- all necessary agency clearance letters have been submitted to the Municipality;
- confirmation of adequate sewage capacity to service the proposed Subdivision has been received from Utilities Kingston;
- all municipal requirements are contained within the subdivision agreement and are shown on the approved engineering plans;
- the subdivision agreement has been executed by the Owner and returned to the Municipality for registration together with the required final plans and financial security; and,
- the Owner has submitted, for the Municipality’s consideration, the appropriate application for an amendment to the Zoning By-Law to remove the ‘-H’ Holding Symbol:

THEREFORE BE IT RESOLVED THAT Map No. 3 of Schedule “A” to Zoning By-Law No. 76-26 of the former Township of Kingston, as amended, be further amended by removing the “-H” Holding Symbol for the lands described as Lots 19 to 24, 53 to 59, 88 to 94 and 121 to 127 of Registered Plan 13M-36, so as to rezone the subject lands from “R2-28-H” Modified Residential Type 2 Zone to Zone “R2-28” Modified Residential Type 2 Zone;

–and further–

BE IT RESOLVED THAT the by-law be presented for three readings.
(File No. CSU-D28-000-2004)
(See By-Law No. (8), 2004-277)

CARRIED

Councillor K. George returned to the meeting.

(h) THAT the tender of Peninsula Construction Inc. for PDS-ENG 2004-5 Installation of Steel Beam Guide Rail and Three Cable Guide, in the amount of $53,460.28, be accepted, it being the lowest tender received. This tender consists of:
- The extension of three cable guide rail at Front Road at Bayridge Drive, Sydenham Road at Collins Creek, Battersea Road at Aragon Road.
- The installation of new three cable guide rail at Sydenham Road at Latimer Road and Perth Road north of Cataraqui Region Conservation Authority park entrance.
- The removal and replacement of steel beam guide rail at Sydenham Road and Loughborough Drive.
(File No. CSU-F18-003-2004)

REPORTS

Report No. 76 of the Chief Administrative Officer (Consent)

(i) THAT the tender of Dibblee Construction Limited for Contract 2004-21W Road Reconstruction on Taylor Kidd Boulevard, in the amount of $228,000.00, be accepted, it being the lowest tender received. This contract consists of
the widening of asphalt pavement on Taylor Kidd Boulevard at Liston Drive intersection including asphalt overlay on existing pavement and the installation of underground work for traffic signalization.
(File No. CSU-F18-003-2004)

(j) THAT the Solid Waste Division replace the recycling depot at the Kingston Area Recycling Centre with a sheltered system at an estimated cost of $46,300.00, subject to zoning requirements using $40,000.00 approved under Capital Budget Project No. 91028 and funding the balance from the Solid Waste Reserve.
(File No. CSU-E07-000-2004)

(k) THAT the proposal received from TSI Consulting in response to Request for Proposal PDS-ENV-007-2004 for Closed Circuit Television (CCTV) Inspection, in the amount of $60,911.20, be accepted.
(File No. CSU-F18-000-2004)

(l) THAT Council approve the award for Contract 2004-16W in the amount of $669,106.07 to Cruickshank Construction Limited with the necessary funding reallocation in the amount of $33,103.00 from the 2002 approved capital budget envelope for growth related projects and additional funding in the amount of $33,103.00 from Development Charges Reserve fund, and;

THAT Council approve the award for Contract 2004-18W in the amount of $5,612,497.00 to Dufferin Construction Company with the necessary funding reallocation in the amount of $487,948.00 from the 2002 approved capital budget envelope for growth related projects and additional funding in the amount of $487,948.00 from Development Charges Reserve fund, and;

THAT Council give the Mayor and Clerk signing authority for the City of Kingston to enter into a contract satisfactory to City Legal Services with Cruickshank Construction Limited for the completion of Contract 2004-16W, as tendered, and;

THAT Council give the Mayor and Clerk signing authority for the City of Kingston to enter into a Contract satisfactory to City Legal Services with Dufferin Construction Company for the completion of Contract 2004-18W, as tendered.
(File No. CSU-F18-000-2004)

CARRIED

(m) THAT the application for loan under the Tile Drainage Act by Kathleen and Patrick O’Connor, in the amount up to $50,000.00 be approved, it being understood that funds shall be provided through a Tile Drainage Debenture with the Province of Ontario, subject to the availability of funding from the Ontario Ministry Agriculture and Food (OMAF).
(File No. CSU-E09-000-2004)

REPORTS
Report No. 76 of the Chief Administrative Officer (Consent)

(n) WHEREAS, at its meeting on July 29, 2003, Council directed staff to continue the tax sale process concerning the Davis Tannery site, and;

WHEREAS staff was further instructed to develop a policy dealing with the failed tax sale properties, and;
WHEREAS, at its meeting on March 9, 2004, Council approved a policy outlining the process to follow when dealing with the failed tax sale properties, and;

WHEREAS this policy has been adhered to in dealing with the Davis Tannery site, and;

WHEREAS a Request for Proposals (RFP) for the remediation and redevelopment of the Davis Tannery Site was issued on March 12, 2004, with a closing date of August 4, 2004, and;

WHEREAS four proposals have been received from proponents wishing to remediate and redevelop the Davis Tannery site, and;

WHEREAS two of the four proposals met all of the criteria requested in the Request for Proposal (RFP), and;

WHEREAS staff has evaluated each of the two qualifying proposals and have ranked them in accordance to the Request for Proposal (RFP);

THEREFORE BE IT RESOLVED THAT Council endorse the proposal put forward by Conestoga-Rovers & Associates and Kincore Holdings Limited (Kincore), and;

THAT the Mayor and Clerk be authorized to execute the necessary site access agreement, allowing the proponents to enter the site and complete the required environmental testing prior to entering into an agreement of purchase and sale, and;

THAT staff enter into negotiations with the Conestoga-Rovers & Associates and Kincore to develop an agreement satisfactory to our Legal Division, and;

THAT, once this agreement has been completed, it will be brought back to Council for its approval.

(File No. CSU-F18-000-2004)

CARRIED

REPORTS
Report No. 76 of the Chief Administrative Officer (Consent)

WHEREAS By-Law Numbers 2004-260, 2004-261, 2004-262, 2004-263, 2004-264, 2004-265, 2004-266 and 2004-267 were passed by Council on August 18, 2004 and are likely to be invalid due to notices not being sent in accordance with Sections 17(24) and 34(18) of the Planning Act, which provisions specify a maximum fifteen (15) day period from Council’s decision for Notice of Passing of the By-Laws to be given, and;

WHEREAS maintaining the validity of the By-Laws is necessary, and;
WHEREAS no additional public meetings are required because they were held previously in accordance with the provisions of the Planning Act;


2. A By-Law To Amend By-Law No. 32-74, “Zoning By-Law” Of The Former Township Of Pittsburgh – Site Specific – 1636 Highway 15 (Mr. Gas Ltd.) – (Zone Change From Highway Commercial “CH” Zone And Restricted Rural “A1” Zone To Site Specific Highway Commercial Special “CH” Zone, From Restricted Rural “A1” Zone To Highway Commercial “CH” Zone And From Highway Commercial “CH” Zone To Restricted Rural “A1” Zone).

3. A By-Law To Amend By-Law No. 76-26 Of Former Township Of Kingston (Zone Change From Residential “R1” Zone To A Special Residential “R1-56” Zone – 1775 Highway #38).


5. A By-Law To Amend By-Law No. 76-26, “Zoning By-Law Of The Township Of Kingston” (Site Specific Zoning – Westbrook Meadows Subdivision – Rezone To “R1-58-H” Modified Residential Type 1 Holding, “R4-32-H” Modified Residential Type 4 Holding, “EPA” Environmental Protection Area, And “OS” Open Space, To Permit The Development Of Single Detached Dwellings And A Senior Citizens Apartment Dwelling House As Well As To Provide For Open Space Areas).

6. A By-Law To Amend By-Law No. 76-26, Of Former Township Of Kingston, (Zone Change From The Surface Industrial “M3” Zone To A Special Residential “R1-57” Zone – 1414 Audrey Street).

7. A By-Law To Amend By-Law No. 76-26 Of The Former Township Of Kingston, (Site Specific Zoning – “C5-11-H” Modified General Shopping Centre Commercial Zone, 700 Gardiners Road To Permit The Development Of Retail Commercial Uses).

8. A By-Law To Amend By-Law No. 76-26 Of The Former Township Of Kingston, (Site Specific Zoning – “C5-9”, Modified General Shopping Centre Commercial Zone, 616-670 Gardiners Road).

–and further–

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

(File No. CSU-D14-000-2004; CSU-C01-000-2004)
(See By-Law No. (22), 2004-282 through By-Law No. (37), 2004-297)

CARRIED

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REPORTS

Report No. 77 of the Chief Administrative Officer (Recommend)

Moved by Councillor Pater
Seconded by Councillor Downes

THAT Report No. 77 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 77
To the Mayor and Members of Council:
The Chief Administrative Officer reports and recommends as follows:

John Wright from Coursh Sunderland Wright spoke to Council concerning the Downtown Action Plan (Report No. 04-348).

(1) WHEREAS the City wished to have the benefit of an above-ground infrastructure renewal plan for 36 blocks of the downtown area, which includes primarily the lands situated between Division Street to Lake Ontario and Place d’Armes, Queen Street and Johnson Street, and;
WHEREAS the Downtown Action Plan (DAP) was initiated on February 18, 2003, to carry out a 10-year capital plan for infrastructure in the downtown, and;
WHEREAS the Downtown Action Plan project is devised as a series of prioritized, phased projects that could be completed as financing and logistics permit, and;
WHEREAS the preparation of the Downtown Action Plan project involved significant stakeholder consultation and two open houses, where preliminary recommendations were presented;

THEREFORE BE IT RESOLVED THAT the Downtown Action Plan: An Infrastructure Renewal and Public Open Space Plan, dated March 2004, be accepted in fulfillment of the Terms of Reference, that the report be received, and that the Downtown Action Plan project’s recommendations be approved in principle;

–and further–

BE IT RESOLVED THAT the Downtown Action Plan be forwarded to the Office of the Commissioner of Planning and Development Services to assist with the coordination, implementation and monitoring of the Downtown Action Plan;

–and further–

BE IT RESOLVED THAT the study be forwarded to other Municipal Divisions, as warranted, for information and as a guide for implementation;

–and further–

BE IT RESOLVED THAT the following strategies be considered during the 2005 budget preparation and deliberations:

(a) To reallocate a portion of the utilities and road reconstruction budgets and to find additional monies for the Downtown Action Plan project.

(b) To review the scope of the electrical component of the infrastructure replacement programme. This component represents 25% of the entire budget for the Downtown Action Plan project.

(c) To lengthen the time span for implementing the Downtown Action Plan project from 10 to 15 years.

(File No. CSU-D22-000-2004)

CARRIED

REPORTS
Report No. 77 of the Chief Administrative Officer (Recommend)

Moved by Councillor Beavis
Seconded by Councillor Stoparczyk

THAT the Notice of Motion of Councillors Beavis and Stoparczyk be dealt with prior to Clause (2) of Report No. 77 of the Chief Administrative Officer (Recommend);

–and further–

THAT the rules of By-Law No. 98-1 “Council Procedural By-Law” be waived to allow this motion to be dealt with this evening.
Moved by Councillor Beavis
Seconded by Councillor Stoparczyk

THAT staff be directed to enter into negotiations with the Athletic Club group for the lease of Hanger No. 3.
(File No. CSU-L19-000-2004)

CARRIED

(2) THAT a by-law be presented to Council to declare Hangers No. 3 and 5 at the Kingston (Norman Rogers) Airport to be surplus to need.
(File No. CSU-L19-000-2004)
(See By-Law No. (9), 2004-278)

CARRIED

(Councillor Downes OPPOSED)

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Report No. 78 of the Committee of Adjustment (Urban Panel)

Moved by Councillor Beavis
Seconded by Councillor Smith

THAT Report No. 78 of the Committee of Adjustment (Urban Panel) be received and adopted.

Report No. 78

To the Mayor and Members of Council:
The Committee of Adjustment (Urban Panel) reports and recommends as follows:

(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 Committee of Adjustment should not proceed with a meeting or open an individual hearing without a quorum of three members 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;

REPORTS
Report No. 78 of the Committee of Adjustment (Urban Panel)

WHEREAS the City of Kingston has an Urban Panel and a Rural Panel, each composed of five members, and;

WHEREAS, in order to guarantee a quorum and to be able to place previously deferred items onto a future agenda while following the advised quorum requirement, members must now provide to the Secretary-Treasurer a minimum of two weeks notice prior to the date of the hearing that the member will not attend a meeting, so that the agenda can be accurately finalized, and;

WHEREAS the Committee of Adjustment members have personal commitments and holiday schedules during the year, and are individuals subject to absence due to illness, etc., some of these being subject to last-minute notice, and;
WHEREAS, should a member or members be unavailable at a hearing for which the agenda has been finalized and notice given, the meeting may have to be cancelled at the last minutes, which will seriously inconvenience applicants, developers, agents, supporters, and objectors, both from this local area and those who may be in transit from another part of the province and who are on their way to attend, or are already in attendance, and;

WHEREAS the cancellation of a meeting or hearing may, as a result, incur liability for the City of Kingston, 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 a three-year term is a fairly long time, during which it is difficult to avoid conflicts in the schedules for all members as some members work at occupations that require travel and other evening commitment, 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 Urban Panel of the Committee of Adjustment for the City of Kingston recommends that the number of appointments made by the Council for the City of Kingston to the Urban Panel be increased to seven members from five members so as to avoid the possibility of not achieving quorum for any future meeting;

--and further--

THAT a by-law be presented to amend By-Law No. 98-1 “Council Procedural By-Law” to increase the composition of the Committee of Adjustment (Urban Panel) from five to seven members.

(File No. CSU-C12-000-2004)
(See By-Law No. (10), 2004-279)
(See Miscellaneous Business Item No. (2)

DEFERRED
(See Following Motion to DEFER Which Was CARRIED)

Moved by Councillor Beavis
Seconded by Councillor Garrison

THAT Clause (1) of Report No. 78 of the Committee of Adjustment (Urban Panel) be deferred back to the Committee of Adjustment and staff to provide further information and report back to Council as soon as possible.

CARRIED
(Councillors Downes, Foster, Meers and Pater OPPOSED)

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REPORTS
Report No. 79 of The Large Venue Entertainment Centre Steering Committee

Moved by Councillor Smith
Seconded by Councillor Patterson

THAT Report No. 79 of The Large Venue Entertainment Steering Committee be received and adopted.

Report No. 79

To the Mayor and Members of Council:
The Large Venue Entertainment Centre Steering Committee reports and recommends as follows:
(1) THAT the mandate of the Large Venue Entertainment Centre (LVEC) Steering Committee be to guide detailed planning for, and implementation of, the LVEC proposal to include, but not be restricted to the following, as authorized within the Report of the Chief Administrative Officer:
- Receive and consider various functional studies and appraisals from the Chief Administrative Officer and staff as listed in Report No. 04-284 and providing recommendations to Council
- Receive and consider responses to a Request for Quotation (RFQ) and Request for Proposal (RFP) for the Large Venue Entertainment Centre Project and providing recommendations to Council
- Formation of a Stakeholders Group in a timely fashion to provide input on the proposed project

THAT the Large Venue Entertainment Centre Steering Committee report to Council and the community regularly regarding progress.
(File No. CSU-R05-001-2004)  
CARRIED  
(Councillors Downes and Garrison OPPOSED)

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INFORMATION REPORTS

The purpose of this report is to advise Council of tenders approved and contracts awarded that meet the established criteria of delegated authority for the month of July, 2004.  
(File No. CSU-F18-000-2004)

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MISCELLANEOUS BUSINESS

(1) Moved by Councillor Smith  
Seconded by Councillor Patterson  
THAT Council appoint two additional Members of Council to serve as alternates on the Taxi Commission for a term ending November 30, 2004.  
(File No. CSU-C12-000-2004)  
(See Communication No. 21-403)  
DEFERRED  
(See Following Motion to DEFER Which Was CARRIED)

MISCELLANEOUS BUSINESS

Moved by Councillor K. George  
Seconded by Councillor Garrison  
THAT the appointment of two additional Members of Council as alternates on the Taxi Commission be deferred to the Committee of the Whole Meeting in November, 2004.  
CARRIED

(2) Moved by Councillor K. George  
Seconded by Councillor B. George  
THAT the appointment of two additional members of the public to serve on the Committee of Adjustment (Urban Panel) for a term ending November 30, 2006 be deferred pending a further report from Committee of Adjustment (Urban Panel) staff.  
(File No. CSU-C12-000-2004)
MOTIONS

(1) Moved by Councillor Garrison
Seconded by Councillor Downes

WHEREAS the City of Kingston is a member of the Cataraqui Region Conservation Authority, and;

WHEREAS the Conservation Authority works in partnership with its watershed municipalities to implement community-based, practical solutions to a range of natural resource issues including provincially delegation responsibilities for the implementation of flood and erosion control programs for the protection of life and property, and;

WHEREAS the Province has previously committed to paying 50% of flood and erosion control programs and other related eligible costs as defined in the 1997 Policy and Procedures Manual, but has not met that funding commitment, and;

WHEREAS the Province of Ontario, when establishing new policies and procedures in 1997 to define the level of funding to support its partnership with Conservation Authorities omitted Municipal Plan Review, the implementation of the Conservation Authority Act Section 28 Regulation, and Shoreline Management as eligible activities for funding assistance by the Province, and;

WHEREAS predictable, stable funding (adjusted for inflation) is critical to successful program delivery;

THEREFORE BE IT RESOLVED THAT the City of Kingston endorse the report entitled “Submission to the Minister of Natural Resources: Re-Investment in Ontario’s Conservation Authorities – Now and in the Future”, which requests:

(i) A re-investment in Conservation Authorities by the Province based on definitions within the 1997 Policy and Procedures Manual
(ii) A re-establishment of funding for items deemed of provincial interest currently excluded from transfer payment funding
(iii) Implementation of annual Consumer Price Index adjustments retroactive to 2002.

(File No. CSU-C15-000-2004)

CARRIED

MOTIONS

(2) Moved by Councillor Stoparczyk
Seconded by Deputy Mayor Foster

WHEREAS Bill 102, the Red Light Camera Pilot Project Act, sunset clause has been repealed, allowing municipalities across the Province to join the program, and;

WHEREAS the program was tested in six Ontario municipalities and deemed a success by reducing fatal and injury collisions by almost 7% in areas where the cameras operate;

THEREFORE BE IT RESOLVED THAT staff be directed, in consultation with the City of Kingston Police, to bring a report to Council, prior to Budget discussion, regarding the various impacts of the program, including costs and priority proposed locations of the cameras.

(File No. CSU-T07-000-2004; CSU-T08-000-2004)

CARRIED

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

WHEREAS a temporary access road over that portion of Block 102 Registered Plan No. 13M-18, dated 1999, was to be provided until such time as Centennial Drive and Crossfield Avenue served as a permanent access to the subdivision, and;

WHEREAS concerns have been expressed over the excessive use of this access road by both area residents and construction vehicles;

THEREFORE BE IT RESOLVED THAT City Council direct staff to investigate the closure of the access road as identified in the Registered Subdivision Agreement for Plan 13M-18 and report back at the next Council meeting scheduled for September 21, 2004.

(File No. CSU-D12-000-2004)

CARRIED

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NOTICES OF MOTION

Moved by Councillor Beavis
Seconded by Councillor Stoparczyk

THAT the Notice of Motion of Councillors Beavis and Stoparczyk be dealt with this evening prior to Clause (2) of Report No. 77 of the Chief Administrative Officer (Recommend).

CARRIED

(A two-thirds vote of Council was obtained)

(See Page 562)

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MINUTES

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

THAT the Minutes of City Council Meeting No. 21-2004, held Tuesday, August 17, 2004; and Council Meeting No. 22-2004, held August 31, 2004, be confirmed.

CARRIED

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TABLING OF DOCUMENTS

2004-74 Certified General Accountants
Governance in the Agreement on Internal Trade – July 2004
(File No. CSU-M04-000-2004)

2004-75 The Municipal Property Assessment Corporation
MPACNews – Issue 2 – August 2004
COMMUNICATIONS

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

Filed

23-418 From the Association of Municipalities of Ontario, informing Council of an agreement that will strengthen provincial-municipal relations by giving municipalities a say in federal-provincial negotiations that directly affect municipalities.
(File No. CSU-A01-004-2004)

23-419 From Carynne Arnold, Executive Director of Kingston Literacy, an information package on Kingston Literacy, the Adult Learning Network, and important literacy issues.
(File No. CSU-M04-000-2004)

23-420 From Denis Bouvette, Vice President & General Manager of Bombardier Transportation, informing Council that the Bombardier Transportation manufacturing plant in Millhaven will be permanently closed effective December 1, 2004.
(File No. CSU-M04-000-2004)

23-426 From the Ministry of Labour, informing Council that the provincial government will be holding public consultations on how to end mandatory retirement to give Ontario workers the right to choose when to retire.
From the Ministry of Municipal Affairs & Housing, informing Council of the delivery of the Greenbelt Task Force’s final advice and recommendations to the Ontario government concerning permanent greenbelt protection in the Golden Horseshoe.

(File No. CSU-A16-000-2004)

From the County of Peterborough, acknowledging receipt of Council’s resolution concerning the Rent Bank and Rent Supplement Programs and informing that the Peterborough County Council passed a resolution of support at its meeting on July 7, 2004.

(File No. CSU-S17-000-2004)

From the Township of South Stormont, requesting Council’s support of a resolution to petition the Ontario Ministry of Agriculture & Food to immediately reinstate the Municipal Outlet Drainage Program.

(File No. CSU-C10-000-2004)

(Copied to all Members of Council on September 3, 2004)

From the Township of Wainfleet, requesting Council’s support of a resolution to petition the Ontario Ministry of Agriculture & Food to immediately reinstate the Municipal Outlet Drainage Program.

(File No. CSU-C10-000-2004)

(Copied to all Members of Council on September 3, 2004)

From the Cataraqui Region Conservation Authority, informing that it is in the process of applying for GeoSmart funding through the Ontario Ministry of Natural Resources and is seeking financial partners through in-kind or financial contributions.

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

From Nanir Afzal of Curry Original, requesting an application for a liquor license from the Alcohol and Gaming Commissioner of Ontario.

(File No. CSU-P09-00-2002)

From Letitia Fleet, a letter to the Kingston Economic Development Corporation Board of Directors concerning the tip box at the tourism office on Ontario Street.

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

(Copied to all Members of Council on September 3, 2004)

From Janice Spivey, President of the Emergency Nurses Association of Ontario, requesting that Council proclaim October 13, 2004 as “International Emergency Nurses Day 2004”.

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

From Municipal Events, inviting Council to a conference entitled “Conflict of Interest – How a Judge Analyzes a Conflict of Interest Case” on Wednesday, October 6, 2004 beginning at 9:00 am at the Fairmount Home Auditorium.

(File No. CSU-A04-000-2004)

(Copied to all Members of Council on August 31, 2004)

From the Committee of Adjustment, a Notice of Decision concerning the following applications:
MINOR VARIANCE – HAROLD MCFARLAND – in respect of an application for a minor variance from Zoning By-Law No. 8499 for the property at 170 Concession Street **BE APPROVED**, subject to conditions. The final date of appeal is September 13, 2004.

CHANGE TO CONDITIONS OF PROVINCIAL CONSENT – JSM CORPORATION (ONTARIO) LIMITED – in respect of an application for a consent to conveyance for the property at 993 Princess Street to sever an approximately 2.32 hectare parcel of land be amended and, as amended, **BE APPROVED**. The final date of appeal is September 16, 2004.

CHANGE TO CONDITIONS OF PROVINCIAL CONSENT – NORDX/CDT INC. – in respect of an application for a consent to sever an 8.8 hectare parcel of land at 700 Gardiners Road be amended and, as amended, **BE APPROVED**. The final date of appeal is September 16, 2004.

PERMISSION TO EXPAND – COMPUS ONE STOP LTD. – in respect of an application for permission to expand and existing legal non-conforming use for the property at 163 ½ Alfred Street **BE APPROVED**, subject to conditions. The final date of appeal is September 13, 2004.

CONSENT – ROB & BEVERLY COLWELL – in respect of an application for a consent to sever an approximately 964m² parcel of vacant land on Park Crescent **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is September 16, 2004.

MINOR VARIANCE – LAROCHELLE GROUP CORPORATION – in respect of an application for minor variances from Zoning By-Law No. 8499 for the property at 326 University Avenue **BE APPROVED**, subject to conditions. The final date of appeal is September 13, 2004.

CONSENT – THE KINGSTON GOSPEL TEMPLE – in respect of an application for a consent to sever an approximately 2.42 hectare parcel of land at 2295 Princess Street **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is September 16, 2004.

MINOR VARIANCE – DEHOOP HOMES LTD. – in respect of an application for a minor variance from Zoning By-Law No. 76-26 for the property at 689 Melrose Street **BE APPROVED**, subject to conditions. The final date of appeal is September 13, 2004.

COMMUNICATIONS

MINOR VARIANCE – ANWAR MATIN – in respect of an application for a minor variance from Zoning By-Law No. 8499 for the property at 24-28 Elm Street **BE APPROVED**, subject to conditions. The final date of appeal is September 13, 2004.

MINOR VARIANCE – 1278859 ONTARIO INC. – in respect of an application for a minor variance from Zoning By-law No. 32-74 for the property at 351 Quarry Pond Court **BE APPROVED**, subject to conditions. The final date of appeal is September 13, 2004.

MINOR VARIANCE – 1278859 ONTARIO INC. – in respect of an application for a minor variance from Zoning By-Law No. 32-74 for the property at 355 Quarry Pond Court **BE APPROVED**, subject to conditions. The final date of appeal is September 13, 2004.

CONSENT – BLACK RIVER DEVELOPMENTS INC. – in respect of an application for a consent to sever an approximately 80.5m² parcel of land at 20 Helen Street **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is September 16, 2004.

MINOR VARIANCE – GEORGETTE A. FRY – in respect of an application for a minor variance from Zoning By-Law No. 8499 for the property at 135 York Street **BE APPROVED**, subject to conditions. The final date of appeal is September 13, 2004.

(File No. CSU-D19-000-2004)

From the Ministry of Transportation, advising Council of the amendment to Bill 149, the Red Light Cameras Pilot Projects Extension Act, 2002, to allow permanent use of red light cameras by designated municipalities. (File No. CSU-T07-000-2004)
(See Motion No. (2))

23-417 From the Township of North Frontenac, requesting Council's support of a resolution to inform the provincial government of its support of an article entitled "Is There a Future for Rural Ontario", concerning the province's cessation of support to rural municipalities in Ontario. (File No. CSU-C10-000-2004) (Copied to all Members of Council on September 3, 2004)

23-421 From the Ministry of Citizenship & Immigration, requesting that Council proclaim October 18-24, 2004 as "Canada's Citizenship Week". (File No. CSU-M10-000-2004)

23-422 From the Committee of Adjustment, a Notice of Decision concerning the following applications:

MINOR VARIANCE – TAMLANN INVESTMENTS LIMITED – in respect of an application for a minor variance from Zoning By-Law No. 76-26 for the property at 4037 Bath Road BE APPROVED, subject to conditions. The final date of appeal is August 16, 2004.

MINOR VARIANCE – LIMESTONE DISTRICT SCHOOL – in respect of an application for a minor variance from Zoning By-Law No. 8499 for the property at 9 Dundas Street BE APPROVED, subject to conditions. The final date of appeal is August 16, 2004.

MINOR VARIANCE – KINGSTON GENERAL HOSPITAL – in respect of an application for a minor variance from Zoning By-Law No. 4489 for the property at 76 Stuart Street BE APPROVED, subject to conditions. The final date of appeal is August 16, 2004. (File No. CSU-D19-000-2004)

COMMUNICATIONS

23-423 From the Town of Lakeshore, requesting Council's support of a resolution to petition the Ontario Ministry of Agriculture & Food to immediately reinstate the Municipal Outlet Drainage Program. (File No. CSU-C10-000-2004) (Copied to all Members of Council on September 3, 2004)

23-424 From the Township of Otonabee-South Monaghan, requesting Council's support of a resolution to petition the Provincial Government to enact legislation to protect the employment rights of fire fighters who work full-time and serve as volunteers. (File No. CSU-C10-000-2004) (Copied to all Members of Council on September 3, 2004)

23-425 From the Town of Kingsville, requesting Council's support of a resolution to petition the Ontario Ministry of Agriculture & Food to immediately reinstate the Municipal Outlet Drainage Program. (File No. CSU-C10-000-2004) (Copied to all Members of Council on September 3, 2004)

23-428 From the Municipality of Chatham-Kent, requesting Council's support of a resolution to petition the Ontario Ministry of Agriculture & Food to immediately reinstate the Municipal Outlet Drainage Program. (File No. CSU-C10-000-2004) (Copied to all Members of Council on September 3, 2004)

23-429 From the Cataraqui Region Conservation Authority, concerning a submission to the province to restore the funding partnership between the province and municipalities to conservation authorities, and requesting that
Council forward any resolutions of support to the Cataraqui Region Conservation Authority, as well as to John Gerretsen, MPP for Kingston & The Islands.
(File No. CSU-E05-000-2004)
(Copied to all Members of Council on August 17, 2004)
(See Motion No. (1)

23-430 From the Township of South-West Oxford, requesting Council's support of a resolution to petition the Ontario Ministry of Agriculture & Food to immediately reinstate the Municipal Outlet Drainage Program.
(File No. CSU-C10-000-2004)
(Copied to all Members of Council on September 3, 2004)

23-431 From the Municipality of Kincardine, requesting Council's support of a resolution to petition the Ontario Ministry of Agriculture & Food to immediately reinstate the Municipal Outlet Drainage Program.
(File No. CSU-C10-000-2004)
(Copied to all Members of Council on September 3, 2004)

23-432 From the Town of North Perth, requesting Council's support of a resolution to petition the provincial and federal governments to provide financial support directly to the red meat producers who are experiencing financial losses and to continue to negotiate with the United States and other countries for the export of Canadian red meat.
(File No. CSU-C10-000-2004)
(Copied to all Members of Council on September 3, 2004)

COMMUNICATIONS

23-433 From the Town of North Perth, requesting Council's support of a resolution to petition the Ontario Ministry of Agriculture & Food to immediately reinstate the Municipal Outlet Drainage Program.
(File No. CSU-C10-000-2004)
(Copied to all Members of Council on September 3, 2004)

23-434 From Howard Stone, his comments on the conduct of the Planning Committee during the Block D debate held on Thursday, July 8, 2004.
(File No. CSU-M04-000-2004)
(Copied to all Members of Council on September 3, 2004)

23-437 From Carolyn Wilson, informing Council of her concerns with the Rent Bank and Rent Supplement Programs.
(File No. CSU-M04-000-2004)
(Copied to all Members of Council on August 17, 2004)

23-439 From Judith Andrew, Vice-President of the Canadian Federation of Independent Business, informing Council of a recent study, entitled “The Real Deal on Municipalities”, based on a survey of independent business members on redefining local government revenues and responsibilities.
(File No. CSU-M04-000-2004)

Referred to the Commissioner of Community Services
23-438 From Ken Ohtake of the Church Athletic League of Kingston, requesting that the Kingston Minor Hockey Partners no longer pay the 10% twinning surcharge for the use of the Centre 70 Arena ice pad and that the amount paid to date be refunded to the various organizations.  
(File No. CSU-R05-000-2004)

Referred to the Commissioner of Planning & Development Services
23-427 From A. Quinn, a letter to Doug Werden, Home Improvement Officer, requesting that action be taken concerning a garbage pile in her neighbour’s yard.  
(File No. CSU-M04-000-2004)  
(Copied to all Members of Council on September 3, 2004)

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BY-LAWS

Council consented to the deferral of By-Law #10 (pending a further report from Committee of Adjustment (Urban Panel) staff) and By-Law #12 (third reading to be received on September 21, 2004) and the amendment of By-Law #18 (correct the definition of the Building Code Act to Building Code Act, 1992, SO 1992, Chapter 23, as amended) and By-Law #21 (change by-law number from 2004-281 to 2004-185).

(A) Moved by Councillor Patterson  
Seconded by Councillor Smith  
THAT By-Laws (1) through (9), (11) and (22) through (37) be given their first and second reading.  
CARRIED

(B) Moved by Deputy Mayor Foster  
Seconded by Councillor Downes  
THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (1) to (2) and (6) through (8) three readings.  
CARRIED

(C) Moved by Councillor Meers  
Seconded by Councillor Pater  
THAT By-Laws (1) and (2), (6) through (8), (11), and (13) through (37) be given their third reading.  
CARRIED
(1) A By-Law To Declare Surplus To Need City-Owned Property Part 1 of Registered Plan 13R-16563 (Base of Queen Street Abutting Gibson Dock Property).
   THREE READINGS
   (Clause (a), Report No. 76)

   PROPOSED NO. 2004-270

(2) A By-Law To Stop Up And Close The Portion Of Queen Street Described As Part 1 Of Registered Plan 13R-16563 (Base Of Queen Street Abutting Gibson Dock Property).
   THREE READINGS
   (Clause (a), Report No. 76)

   PROPOSED NO. 2004-271

   FIRST AND SECOND READING
   (Clause (b), Report No. 76)

   PROPOSED NO. 2004-272

(4) A By-Law To Amend By-Law No. 2001-127 “A By-Law To Delegate The Authority For The Processing And Approval Of Temporary Highway Closures Pursuant To Section 207(43) Ontario Municipal Act” To Allow For Closure Of Portions Of Division Street For Sewer, Water Main And Road Reconstruction (Division Street From Fraser Street To Railway Street; Division Street From Barbara Avenue To Kirkpatrick Street).
   FIRST AND SECOND READING
   (Clause (c), Report No. 76)

   PROPOSED NO. 2004-273

BY-LAWS

(5) A By-Law To Provide For The Temporary Closure Of Ontario Street Between Brock Street To Market Street On Friday, December 3, 2004 From 5:00 PM To 8:30 PM, And Ontario Street From Clarence Street To West Street Up To King Street On Friday, December 3, 2004 From 6:15 PM To 8:00 PM (Community Purposes – The Jingle Bell Walk).
   FIRST AND SECOND READING
   (Clause (d), Report No. 76)

   PROPOSED NO. 2004-274

(6) A By-Law To Amend By-Law No. 98-9 “A By-Law To Appoint Municipal Law Enforcement Officers Of The Corporation Of The New City Of Kingston” (Appoint Brandi Timpson).
   THREE READINGS
   (Clause (e), Report No. 76)

   PROPOSED NO. 2004-275

   THREE READINGS
   (Clause (f), Report No. 76)

   PROPOSED NO. 2004-276

   (Councillor K. George ABSTAINED)

(8) A By-Law To Amend By-Law No. 76-26 (Map No. 3), Former Kingston Township Zoning By-Law, To Remove The “-H” Holding Symbol Related To The “R2-28-H” Zone (Jovinton Developments Inc., Part Of Lot 9, Concession 3, West Side
Of Midland Avenue, North Of Tivoli Avenue, In The Former Township Of Kingston, Midland Park Subdivision, Phase 1, Stage 2A).

THREE READINGS
(Clause (g), Report No. 76) PROPOSED NO. 2004-277
(Councillor K. George ABSTAINED)

(9) A By-Law To Declare Hanger No. 3 And Hanger No. 5 At The Kingston (Norman Rogers) Airport Surplus To Municipal Need.
FIRST AND SECOND READING
(Clause (1), Report No. 77) PROPOSED NO. 2004-278

(10) A By-Law To Amend By-Law No. 98-1 “Council Procedural By-Law” (Increase Membership On The Committee Of Adjustment (Urban Panel) From Five To Seven Members Of The Public).
FIRST AND SECOND READING
(Clause (1), Report No. 78) PROPOSED NO. 2004-279
DEFERRED

THREE READINGS
(City Council Meeting No. 23-2004) PROPOSED NO. 2004-280

BY-LAWS

(12) A By-Law To Approve The Renaming Of Elliott Avenue, From The Great Cataraqui River (Rideau Canal System) To The New Intersection At Division Street, As John Counter Boulevard, And That Counter Street Be Renamed As John Counter Boulevard.
THIRD READING
(Clause (1), Report No. 72) PROPOSED NO. 2004-244
DEFERRED

(13) A By-Law To Provide For The Temporary Closure Of Ontario Street From Brock Street To Market Street On Saturday, September 18, 2004 From 9:00 AM To 3:00 AM (Community Purposes – Kid’s Day International).
THIRD READING
(Clause (s), Report No. 70) PROPOSED NO. 2004-248

(14) A By-Law To Establish Those Lands Known As Part Of Lot 18, Concession 4 (1287 Sunnyside Road), In The City Of Kingston, Geographic Township Of Kingston, County Of Frontenac, More Specifically Described In Schedule “A” Of This By-Law, Be Dedicated As Part Of The Public Highway In Accordance With Section 31 Of The Municipal Act, Chapter 25, SO 2001.
THIRD READING
(Clause (t), Report No. 70) PROPOSED NO. 2004-249

(15) 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 Parking Rate At Frontenac County Court House).
THIRD READING PROPOSED NO. 2004-250

( Clause (u), Report No. 70)

(16) A By-Law To Establish Those Lands Known As Part 1, Reference Plan 13R-17131 (38 Charles Street), In The City Of Kingston, County Of Frontenac, Be Dedicated As Part Of The Public Highway In Accordance With Section 31 Of The Municipal Act, Chapter 25, SO 2001.

THIRD READING PROPOSED NO. 2004-252

( Clause (w), Report No. 70)

(17) A By-Law To Establish Those Lands Known As Part Of Lot 2, Registered Plan C-10 (595 & 600 Bagot Street), In The City Of Kingston, More Specifically Described In Schedule “A” Of This By-Law, Be Dedicated As Part Of The Public Highway In Accordance With Section 31 Of The Municipal Act, Chapter 25, SO 2001.

THIRD READING PROPOSED NO. 2004-253

( Clause (w), Report No. 70)

(18) A By-Law To Establish Development Charges For The City Of Kingston.

THIRD READING PROPOSED NO. 2004-256

( Clause (c), The Committee of the Whole)

CARRIED AS AMENDED

BY-LAWS

(19) A By-Law To Impose Water Rates And Sewer Rates To Recover The Capital Cost Of Installing Water And Sanitary Sewer Services Necessary To Benefit Users Of The System.

THIRD READING PROPOSED NO. 2004-257

( Clause (c), The Committee of the Whole)


THIRD READING PROPOSED NO. 2004-258

(Communication No. 21-380)

(21) A By-Law To Amend By-Law No. 87-151 “A By-Law To Designate Certain Properties To Be Of Historic And/Or Architectural Value Or Interest Pursuant To The Provisions Of The Ontario Heritage Act” (De-Designate 68 Brock Street).

THIRD READING PROPOSED NO. 2004-185

( Clause (1), Report No. 61)


THREE READINGS PROPOSED NO. 2004-282
(Clause (o), Report No. 76)

(23) A By-Law To Repeal By-Law No. 2004-261 "A By-Law To Amend By-Law No. 32-74 “Zoning By-Law” Of The Former Township Of Pittsburgh – Site Specific – 1636 Highway 15 (Mr. Gas Ltd.) (Zone Change From Highway Commercial “Ch” Zone And Restricted Rural “A1” Zone To Site Specific Highway Commercial Special “Ch-7” Zone; From Restricted Rural “A1” Zone To Highway Commercial “Ch” Zone; And From Highway Commercial “Ch” Zone To Restricted Rural “A1” Zone)."

THREE READINGS

PROPOSED NO. 2004-283

(24) A By-Law To Repeal By-Law No. 2004-262 "A By-Law To Amend By-Law No. 76-26 Of The Former Township Of Kingston (Zone Change From The Residential “R1” Zone To A Site Specific Special Residential “R1-56” Zone – 1775 Highway 38)."

THREE READINGS

PROPOSED NO. 2004-284

BY-LAWS


THREE READINGS

PROPOSED NO. 2004-285

(26) A By-Law To Repeal By-Law No. 2004-264 “A By-Law To Amend By-Law No. 76-26 Of Former Township Of Kingston (Site Specific Zoning – Westbrook Meadows Subdivision – Rezone To ‘R1-58-H’ Modified Residential Type 1 Holding, “R4-32-H” – Modified Residential Type 4 Holding; “EPA” – Environmental Protection Area; And “OS” – Open Space, To Permit The Development Of Single Detached Dwellings And A Senior Citizens’ Apartment Dwelling House As Well As To Provide For Open Space Areas)."

THREE READINGS

PROPOSED NO. 2004-286

(27) A By-Law To Repeal By-Law No. 2004-265 “A By-Law To Amend By-Law No. 76-26 Of Former Township Of Kingston (Zone Change From The Service Industrial “M3” Zone To A Site Specific Special Residential Type “R1-47” Zone – 1414 Audrey Street)."

THREE READINGS

PROPOSED NO. 2004-287

(28) A By-Law To Repeal By-Law No. 2004-266 “A By-Law To Amend By-Law No. 76-26 Of Former Township Of Kingston (Site Specific Zoning – “C5-10-H” Modified General Shopping Centre Commercial Zone – 700 Gardiners Road – To Permit The Development Of Retail Commercial Uses)."

THREE READINGS

PROPOSED NO. 2004-288
(29) A By-Law To Repeal By-Law No. 2004-267 "A By-Law To Amend By-Law No. 76-26 Of Former Township Of Kingston (Site Specific Zoning – “C5-9” Modified General Shopping Centre Commercial Zone – 616-670 Gardiners Road)."
THREE READINGS
PROPOSED NO. 2004-289

THREE READINGS
PROPOSED NO. 2004-290

BY-LAWS

(31) A By-Law To Amend By-Law No. 32-74, “Zoning By-Law” Of The Former Township Of Pittsburgh – Site Specific – 1636 Highway 15 (Mr. Gas Ltd.) – (Zone Change From Highway Commercial “CH” Zone And Restricted Rural “A1” Zone To Site Specific Highway Commercial Special “CH” Zone, From Restricted Rural ‘A1” Zone To Highway Commercial “CH” Zone And From Highway Commercial “CH” Zone To Restricted Rural “A1” Zone).
THREE READINGS
PROPOSED NO. 2004-291

(32) A By-Law To Amend By-Law No. 76-26 Of Former Township Of Kingston (Zone Change From Residential “R1” Zone To A Special Residential “R1-56” Zone – 1775 Highway #38).
THREE READINGS
PROPOSED NO. 2004-292

THREE READINGS
PROPOSED NO. 2004-293

(34) A By-Law To Amend By-Law No. 76-26, “Zoning By-Law Of The Township Of Kingston” (Site Specific Zoning – Westbrook Meadows Subdivision – Rezone To “R1-58-H” Modified Residential Type 1 Holding, “R4-32-H” Modified Residential Type 4 Holding, “EPA” Environmental Protection Area, And “OS” Open Space, To Permit The Development Of Single Detached Dwellings And A Senior Citizens Apartment Dwelling House As Well As To Provide For Open Space Areas).
THREE READINGS
PROPOSED NO. 2004-294
(35) A By-Law To Amend By-Law No. 76-26, Of Former Township Of Kingston, (Zone Change From The Surface Industrial “M3” Zone To A Special Residential “R1-57” Zone – 1414 Audrey Street).
THREE READINGS
(Clauses (o), Report No. 76)
PROPOSED NO. 2004-295

(36) A By-Law To Amend By-Law No. 76-26 Of The Former Township Of Kingston, (Site Specific Zoning – “C5-11-H” Modified General Shopping Centre Commercial Zone, 700 Gardiners Road To Permit The Development Of Retail Commercial Uses).
THREE READINGS
(Clauses (o), Report No. 76)
PROPOSED NO. 2004-296

(37) A By-Law To Amend By-Law No. 76-26 Of The Former Township Of Kingston, (Site Specific Zoning – “C5-9”, Modified General Shopping Centre Commercial Zone, 616-670 Gardiners Road).
THREE READINGS
(Clauses (o), Report No. 76)
PROPOSED NO. 2004-297

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ADJOURNMENT

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

THAT Council do now adjourn.

CARRIED

Council adjourned at 10:00 pm.

(Signed) Carolyn Downs
City Clerk

(Signed) Harvey Rosen
Mayor