

CITY COUNCIL MEETING NO. 20-2004

The Regular Meeting of City Council was held on Tuesday, July 13, 2004 and Wednesday, July 14, 2004 at 7:30 pm in the Council Chamber, City Hall. His Worship Mayor Harvey Rosen presided.

There was an "In-Camera" meeting of the Committee of the Whole from 5:40 pm to 7:40 pm in the Councillors' Lounge.

There was a Public Meeting of Council to obtain public input on the cancellation, reduction or refund of taxes from 7:47 pm to 7:50 pm.

(Council Chambers)

ROLL CALL

Present: Mayor Rosen, Deputy Mayor Foster, Councillor Beavis, Councillor Downes, Councillor Garrison, Councillor B. George (arrived 6:35 pm), Councillor K. George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (13)

(Council Chambers)

Administrative Staff Present:

Mr. B. Meunier, Chief Administrative Officer
Ms. B. Bielski, Manager, Planning
Mrs. C. Downs, Manager, Council Support/City Clerk
Mr. T. Fleming, Senior Legal Counsel, Legal Services
Mr. H. Linscott, Director, Legal Services
Mr. P. MacLatchy, Manager, Environmental Services
Mr. A. McLeod, Senior Legal Counsel, Legal Services
Ms. A. Pappert, Manager, Cultural Services
Ms. N. Sullivan, Deputy City Clerk
Mr. L. Thurston, Commissioner of Community Services
Mr. T. Willing, Acting Commissioner of Planning & Development Services

COMMITTEE OF THE WHOLE "IN CAMERA"

- (1) Moved by Councillor Garrison
Seconded by Councillor K. George

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

- (a) Land Acquisition
- (b) Legal Matters

CARRIED

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

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- (2) Moved by Councillor Sutherland
Secoded by Councillor Stoparczyk

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

CARRIED

(Council Chambers)

Administrative Staff Present:

Mr. B. Meunier, Chief Administrative Officer
Ms. S. Bailey, Senior Policy Planner, Planning
Ms. H. Bellmore, Administration Financial Supervisor, Social Services
Ms. B. Bielski, Manager, Planning
Mr. G. Bullock, Deputy Fire Chief, Fire & Rescue Services
Ms. W. Carman, Senior Policy Planner, Planning
Mr. L. Cleary, Supervisor, Financial, Housing
Mr. B. Closs, Chief, Kingston Police Services
Mr. J. Cross, Manager, Policy & Support Services, Community Services
Mrs. C. Downs, Manager, Council Support/City Clerk
Ms. R. Etherington, Supervisor, Policy & Support Services, Community Services
Mr. B. Finch, Manager, Airport
Mr. T. Fleming, Senior Legal Counsel, Legal Services
Mr. M. Fluhrer, Manager, Policy & Support Services, Community Services
Mr. G. Hunt, Acting Commissioner, Corporate Services
Mr. S. Kanellos, Manager, Engineering
Ms. A. LaFrance, Manager, Administrative Services, Social Services
Mr. H. Linscott, Director, Legal Services
Mr. J. Miller, Manager, Utilities Technical Services
Mr. D. Murphy, Deputy Chief, Kingston Police Services
Mr. N. Murphy, Deputy Chief, Fire & Rescue Services
Ms. P. Nichols, Manager, Parking Services
Ms. A. Pappert, Manager, Cultural Services
Ms. T. Perry, Administrative Assistant, Fire & Rescue Services
Mr. M. Segsworth, Commissioner, Operations
Ms. T. Steacy, Manager, Program Delivery, Social Services
Mr. R. Steele, Manager, Fleet
Ms. N. Sullivan, Deputy City Clerk
Mr. L. Thurston, Commissioner, Community Services
Mr. H. Tulk, Chief, Fire & Rescue Services
Mr. T. Willing, Acting Commissioner, Planning & Development Services
Mr. C. Young, Deputy Chief, Fire & Rescue Services

DISCLOSURE OF PECUNIARY INTEREST

- (1) Councillor Pater declared a possible pecuniary interest in the matter of Clauses (v), (x), and (z) of Report No. 66 of the Report of the Chief Administrative Officer (Consent) as her husband is employed by Queen's University.

PRESENTATIONS – RE: CANCELLATION, REDUCTION OR REFUND OF TAXES

No members of the public were present to speak on this subject.

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PRESENTATIONS

- (1) Mayor Rosen presented Certified Municipal Manager (CMM) certificates from the Ontario Municipal Management Institute to the following city employees. Deputy Chief Carl Young accepted on behalf of Cindy Wighton.

Cindy Wighton, Fire & Rescue Services	Certified Municipal Manager (CMM)
Kim Leonard, Building & Licensing	Level I Certified Municipal Manager (CMMI)
Sherry Cruise, Human Resources	Level II Certified Municipal Manager (CMMII)
Robin Etherington, Community Services	Level III Certified Municipal Manager (CMMIII)
Cynthia Beach, Planning & Development (File No. CSU-C13-000-2004)	Level III Certified Municipal Manager (CMMIII)

- (2) Moved by Councillor Garrison
Seconded by Councillor Downes

THAT Howard Stone be allowed to speak to Council concerning comments and conduct of the Planning Committee during the Block D debate held on July 8, 2004.

LOST (5:8)
(See Recorded Vote)

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

YEAS: Councillor Beavis, Councillor Downes, Councillor Garrison, Councillor Meers, Councillor Pater (5)

NAYS: Mayor Rosen, Deputy Mayor Foster, Councillor B. George, Councillor K. George, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (8)

DELEGATIONS

Council consented to allow Delegation (1) 10 minutes and to allow Delegation (4) to appear. A 2/3rd vote of Council was received.

- (1) Linda Stevens of the North Kingston Community Health Centre, Mark Stone, Trent MacKaye and John Osborne, Social Planning Council, spoke to Council concerning homelessness in the City of Kingston.
(File No. CSU-C13-000-2004)
(See Clause (b), The Committee of the Whole)

- (2) Barry Smith, President of Greenwood Park Limited, spoke to Council concerning the Urban Growth Strategy.
(File No. CSU-C13-000-2004)
(See Clause (1), Report No. 67)

DELEGATIONS

- (3) Alan MacDonald and John Palmer of the Kingston Coalition against Poverty spoke to Council concerning homelessness in the City of Kingston.

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(File No. CSU-C13-000-2004)
(See Clause (b), The Committee of the Whole)

- (4) John Armitage spoke to Council concerning the Urban Growth Strategy.
(File No. CSU-C13-000-2004)
(See Clause (1), Report No. 67)

PETITIONS

1. A petition bearing approximately 22 signatures was presented by Councillor Meers and reads as follows:

We are the residents of Shaw Street and, as a very concerned group of citizens and home owners, we are sending you this petition to have our roads resurfaced and curbs built. Due to the mess this road is in and the danger it is to children, seniors and ourselves, we have no sidewalks and parts of the road are washed away from the rain. Also, when it does rain, there are no curbs for the rain to directly drain to, so therefore it runs into our laneways and then eventually into our basements.

This has been an ongoing problem and some of us have called the city on numerous occasions to have potholes filled and spots filled where it keeps washing away. Also, if the road was redone, then maybe it would not be such a death trap for drivers, as most of the time, we only have room for one vehicle to drive and this way, it would be widened and room for two vehicles to pass.

This needs to be redone. If not, we would like to hear the reasoning why this should not be completed when we, as taxpayers, are willing to help out.

REFERRED TO THE COMMISSIONER OF OPERATIONS

MOTIONS OF CONGRATULATIONS/CONDOLENCE/SPEEDY RECOVERY

Council consented to the addition of Motion Nos. (4), (5), and (6).

- (1) Moved by Mayor Rosen
Seconded by Councillor Patterson

THAT the appreciation of Kingston City Council be extended to Michael Catlin for his time and dedication to the Kingston Municipal Heritage Committee (LACAC).
(File No. CSU-M11-000-2004)

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

THAT the congratulations of Kingston City Council be extended to Armando and Marie Sardinha, long-time residents of Kingston, on the occasion of their 25th wedding anniversary on June 23, 2004.
(File No. CSU-M11-000-2004)

MOTIONS OF CONGRATULATIONS/CONDOLENCE/SPEEDY RECOVERY

- (3) Moved by Deputy Mayor Foster
Seconded by Councillor Patterson

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THAT the condolences of Kingston City Council be extended to Monica Stewart, Kingston Frontenac Public Library Board member, and family on the death of her father, the late Heinz Erich Viebahn.
(File No. CSU-M11-000-2004)

- (4) Moved by Councillor Sutherland
Seconded by Deputy Mayor Foster

THAT the congratulations of Kingston City Council be extended to Lorne and Kathy Long on the occasion of their 25th wedding anniversary on July 14, 2004. Lorne Long is the Chair of the Rural Affairs Advisory Committee.
(File No. CSU-M11-000-2004)

- (5) Moved by Mayor Rosen
Seconded by Councillor Stoparczyk

THAT the condolences of Kingston City Council be extended to Deputy Police Chief Bob Napier, Kingston Police Force, and family on the death of his father, the late Vern Napier, long-term businessman and resident of the City of Kingston.
(File No. CSU-M11-000-2004)

- (6) Moved by Councillor Stoparczyk
Seconded by Councillor Sutherland

THAT the condolence of Kingston City Council be extended to the family and friends of Donald Clayton, Chair of the Urban Panel of the Committee of Adjustment.
(File No. CSU-M11-000-2004)

CARRIED

REPORTS

Report No. 65 of the Committee of the Whole "In Camera"

Moved by Councillor Beavis
Seconded by Deputy Mayor Foster

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THAT Report No. 65 of the Committee of the Whole "In Camera" be received and adopted.

Report No. 65

To the Mayor & Members of Council:

The Committee of the Whole "In-Camera" reports and recommends:

1. **THAT** Council authorize the Mayor and Clerk to execute an Agreement of Purchase and Sale with Tamarack Waterloo Corporation, to the satisfaction of the City Solicitor and Manager of Engineering, on behalf of The Corporation of the City of Kingston under corporate seal, for the purchase of a parcel of land required for the construction of Centennial Drive.

CARRIED

Report No. 66 of the Chief Administrative Officer (Consent)

Council consented to the withdrawal of Clause (aa).

Moved by Councillor Downes

Seconded by Councillor Pater

THAT Report No. 66 of the Chief Administrative Officer (Consent) be received and adopted.

Council consented to separate Clauses (a), (b), (d), (f), (l) (v), (x), (z), and (dd).

Report No. 66

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** Council directed staff to issue a Request for Proposal (RFP) to obtain detailed pricing and technical functional requirements in order to purchase a new radio system with integrated voice and data capabilities to be shared by Kingston Police Services and Fire & Rescue Services, and;

WHEREAS an Evaluation Committee was set up, with representatives from Police, Fire & Rescue, Emergency Management, and Operations, to review the request for proposals and recommend a supplier, and;

REPORTS

Report No. 66 of the Chief Administrative Officer (Consent)

WHEREAS the City's technical consultants, Lapp-Hancock & Associates, and the Request for Proposal Evaluation Committee have identified a recommended supplier of a new shared radio system;

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THEREFORE BE IT RESOLVED THAT staff be hereby authorized to take the necessary steps to procure the recommended radio system from Motorola Canada for the tender amount of \$2,987,933.00, including PST;

–and further–

THAT the shortfall in the fire share, in the amount of \$60,000.00, be funded from the consolidated fire capital reserve funds.

(File No. CSU-A12-000-2004)

CARRIED
(Councillor Beavis OPPOSED)

- (b) **WHEREAS** the Engineering Division currently has no process to approve plot plan applications that propose encroachments over servicing easements in favour of the municipality, and;

WHEREAS easement documents allow for encroachments subject to written consent of the municipality;

THEREFORE BE IT RESOLVED THAT Council hereby grant the Manager of Engineering delegated authority to approve Encroachment Over Easement Agreements with private property owners, in a form satisfactory to the Legal Services Division;

–and further–

THAT Council hereby authorize the Mayor and Clerk to sign Encroachment Over Easement Agreements.

(File No. CSU-L04-000-2004)

CARRIED

- (c) **THAT** Council approve the cancellation, reduction or refund of taxes, pursuant to Section 357 of the *Municipal Act, 2001*, totalling \$135,293.81, of which \$55,541.92 is recoverable from the School Boards and \$500.24 is recoverable from the Downtown Business Improvement Area Board, as listed in Appendix I, attached to Report No. 04-251.
(File No. CSU-F22-000-2004)

- (d) **WHEREAS** the Social Housing Services Corporation (SHSC) has requested all Consolidated Municipal Service Managers (CMSM's) and District Social Services Administration Boards (DSSAB's) to each submit the names of two individuals (one member of Council and one staff person) for consideration to fill vacancies on the Social Housing Services Corporation's Board of Directors for a two-year term, effective January 1, 2005;

THEREFORE BE IT RESOLVED THAT Council consider nominating only a Member of Council for appointment to the Board of Directors of the Social Housing Services Corporation and respectfully decline to nominate a staff person at this time.

(File No. CSU-C12-000-2004)

(See Miscellaneous Business Item No. 1)

CARRIED

REPORTS

Report No. 66 of the Chief Administrative Officer (Consent)

- (e) **WHEREAS** the Province of Ontario transferred the Kingston & Frontenac Housing Authority to the City of Kingston on January 1, 2001, and;

WHEREAS the Kingston & Frontenac Housing Authority was a newly created corporation incorporated under the *Business Corporation Act*, thereby known as the Kingston & Frontenac Housing Corporation (K&FHC), and;

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WHEREAS the City of Kingston was named as the sole shareholder of the Kingston & Frontenac Housing Corporation (K&FHC), and;

WHEREAS no shareholder agreement was required under former provincial administration, and;

WHEREAS, under the *Social Housing Reform Act, 2000* (SHRA), the Service Manager must establish rules governing the accountability of the local housing corporation to the Service Manager to ensure the performance of duties under the *Social Housing Reform Act, 2000* (SHRA), and;

WHEREAS it was necessary to develop a shareholder agreement to clearly define the rules and responsibilities of the Kingston & Frontenac Housing Corporation (K&FHC) in relation to the City of Kingston as Shareholder and visa versa;

THEREFORE BE IT RESOLVED THAT Council adopt the Shareholder Agreement as contained in Appendix "A" to Staff Report No. 04-261; and hereby authorize the Mayor and City Clerk to execute the agreement.

(File No. CSU-L04-000-2004; CSU-S13-000-2004)

- (f) **WHEREAS** the City of Kingston as the Consolidated Municipal Service Manager for provincially mandated social programs including Ontario Works, Homelessness, Childcare and Social Housing is required to enter into service agreements and amendments thereto, and;

WHEREAS the execution of such agreements and amendments requires Council authorization;

THEREFORE BE IT RESOLVED THAT Council authorize the Mayor and Clerk to sign the provincial service contracts for the calendar year 2004 and the fiscal year 2004-2005, on behalf of the City of Kingston as the Consolidated Municipal Service Manager for these provincially mandated social programs;

–and further–

THAT Council delegate approval authority for these agreements and amendments to Division (Social Services & Housing) managers and supervisors and signing authority to the Mayor and Clerk for all subsequent provincial contract amendments and related service provider agreements, it being understood that these contracts will be in a form satisfactory to a Senior Legal Counsel of the City;

–and further–

THAT Council delegate approval and signing authority for related budget schedule and service descriptions attachments, where they are required, to the Division (Social Services & Housing) managers and supervisors;

–and further–

THAT Council direct staff to bring forward for Council's consideration all new initiatives that have policy consideration and/or significant financial implications for the City.

(File No. CSU-L04-000-2004; CSU-S04-000-2004)

CARRIED

REPORTS

Report No. 66 of the Chief Administrative Officer (Consent)

- (g) **THAT** Council authorize the Mayor and the City Clerk to sign the "Agreement for Licensed Occupancy of Power Utility Distribution Poles" prepared by Hydro One Networks Inc.
(File No. CSU-L04-000-2004)

- (h) **THAT** Council approve the repurchase from Dacon Corporation Limited of approximately 10 acres of industrial land at the north-east intersection of Gardiners Road and Fortune Crescent, described as Part 1, Plan 13R-16018, and;

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THAT Council authorize a capital budget amendment for the repurchase of the lots from Dacon Corporation Limited in the amount of \$450,000.00, with funding from the Industrial Land Reserve Fund.
(File No. CSU-L18-000-2004)

- (i) **THAT** Council approve the renewal of a Lease Agreement between the Corporation of the City of Kingston and Martin's Storage & Data Management for a five-year term lease of 5,230 square feet of storage space, commencing July 1, 2004 and continuing until June 30, 2009, at a monthly lease rate of \$5,230.00; it being understood that, if required, the City of Kingston may exercise an option to increase the square footage by up to 2,000 additional square feet at the same rental rate per square foot;

–and further–

THAT this agreement include a five-year renewal option provision for automatic renewal at the end of the contract, if required by the City, and a 60-day cancellation clause;

–and further–

THAT the Lease Agreement be in a form satisfactory to the City Solicitor;

–and further–

THAT the Mayor and City Clerk be authorized to sign the Lease Agreement.

(File No. CSU-L04-000-2004; CSU-A11-000-2004)

- (j) **THAT** KMB Aviation Consulting Group be appointed to complete, on behalf of the City of Kingston, applications under the Airports Capital Assistance Program (ACAP) for various projects contemplated for 2004 through 2009 at the Kingston (Norman Rogers) Airport, and;

THAT the appointment of this firm is based on the understanding that they will prepare the Airports Capital Assistance Program (ACAP) Applications on behalf of the City of Kingston, and;

THAT it is also agreed that, for any Airports Capital Assistance Program (ACAP) Applications approved for funding by Transport Canada, the appropriate Consultant is hereby authorized to complete the design and construction supervision and that Transport Canada would reimburse any costs incurred in completing the engineering work associated with any approved Airports Capital Assistance Program (ACAP) projects to the City of Kingston, and;

THAT the Consulting Firm enter into a contract with the City of Kingston outlining the above details, in a form satisfactory to the Director of Legal Services, and;

THAT the Mayor and the Manager of Council Support be authorized to sign this contract.

(File No. CSU-L04-000-2004; CSU-T11-000-2004)

REPORTS

Report No. 66 of the Chief Administrative Officer (Consent)

- (k) **THAT** Pryde Schropp McComb Inc. be appointed to complete, on behalf of the City of Kingston, applications under the Airports Capital Assistance Program (ACAP) for various projects contemplated for 2004 through 2009 at the Kingston (Norman Rogers) Airport, and;

THAT the appointment of this firm is based on the understanding that they will prepare the Airports Capital Assistance Program (ACAP) Applications on behalf of the City of Kingston, and;

THAT it is also agreed that, for any Airports Capital Assistance Program (ACAP) Applications approved for funding by Transport Canada, the appropriate Consultant is hereby authorized to complete the design and construction supervision and that Transport Canada would reimburse any costs incurred in completing the engineering work associated with any approved Airports Capital Assistance Program (ACAP) projects to the City of Kingston, and;

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THAT the Consulting Firm enter into an contract with the City of Kingston outlining the above details, in a form satisfactory to the Director of Legal Services, and;

THAT the Mayor and the Manager of Council Support be authorized to sign this contract.
(File No. CSU-L04-000-2004; CSU-T11-000-2004)

- (l) **THAT** the Mayor and City Clerk be authorized to sign a Financial Assistance Agreement between Her Majesty the Queen in Right of Canada and the Corporation of the City of Kingston for funding in the amount of \$1,298,000.00 for the Rehabilitation and Conversion of Runway 12-30 to a Taxiway for the Kingston (Norman Rogers) Airport.
(File No. CSU-L04-000-2004; CSU-T11-000-2004)

CARRIED

- (m) **THAT**, based on the evaluation of proposals received for Request for Proposal (RFP) No. CORP-IS-2-2004, the City of Kingston enter into an agreement, in a form satisfactory to the City Solicitor, with Orion Technology Inc. for GIS Software & Consulting Services, it being the firm receiving the highest overall evaluation score among four proposals received.
(File No. CSU-F18-000-2004; CSU-L04-000-2004; CSU-A23-000-2004)

- (n) **THAT** Council approve the continuation of transit service to the Gardiners Road/Midland Avenue corridor;
–and further–
THAT the TRANSPASS employer-provided transit pass program remain in place and efforts be made to expand the program to other employers to encourage ridership.
(File No. CSU-T03-000-2004)

- (o) **THAT** Council agree to a further six-month extension of the current franchise with Union Gas for the area formerly known as Kingston Township on a without-prejudice basis, commencing July 17, 2004, and authorize staff to proceed with the required applications and agreements required to do so.
(File No. CSU-E06-000-2004)

REPORTS

Report No. 66 of the Chief Administrative Officer (Consent)

- (p) **WHEREAS** the Province of Ontario has redesigned the Strong Communities Rent Supplement Program and committed 100% federal funding until 2023, with increased municipal administrative flexibility for service managers, to assist households in need, and;

WHEREAS the Province of Ontario has created a 100% provincially funded Rent Bank to assist high-risk households facing eviction, and;

WHEREAS the Province of Ontario has created a 100% provincially funded Utility Bank to assist high-risk households facing energy related emergencies, and;

WHEREAS the City of Kingston as the Service Manager under the *Social Housing Reform Act, 2000 (SHRA)* may establish, fund and administer programs for the provision of residential accommodations in the service area of Kingston and the County of Frontenac, and;

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WHEREAS the Governing Council of the Salvation Army and Central Frontenac Community Services currently administer rent banks on behalf of the City and have indicated a willingness to administer the additional rent bank and utility bank funds;

THEREFORE BE IT RESOLVED THAT Council authorize the following:

1. Enter into a service agreement with the Ministry of Municipal Affairs and Housing for the Strong Communities Rent Supplement Program.
2. Enter into Provincial Rent Bank Grant agreements with both the Ministry of Municipal Affairs and Housing and the Ministry of Community and Social Services to participate in the rent bank and utility bank programs.
3. Enter into Purchase of Service Agreements with the Salvation Army and Central Frontenac Community Services to administer Strong Communities Rent Supplement, the Rent Bank, and Utilities Bank programs.
4. That the Mayor and City Clerk be authorized to execute the necessary agreements for the above programs in a form satisfactory to the Director of Legal Services.
5. That the Manager of Housing be authorized to request the Ministry of Municipal Affairs and Housing to adjust annually (index), as required, the current administrative fee assigned to the Strong Communities Rent Supplement Program based on the Consumer Price Index, with increases to be covered 100% by the Province.
6. That the support of all 47 Provincial Service Managers and District Social Services Administration Boards (DSSAB's) be sought for the indexing of administration costs in accordance with the Consumer Price Index.
(File No. CSU-L04-000-2004; CSU-S17-000-2004)

- (q) **THAT** Council approve the purchase of one 2004 Model Year wheel-loader from Liebherr Canada for the tender amount of \$188,100.00 plus applicable taxes.
(File No. CSU-F18-004-2004)
- (r) **THAT** Council accept the low bid from The Canadian Salt Company of \$77.15 per tonne, including all taxes and freight, for the supply of approximately 13,000 tonnes of coarse crushed salt for winter road and sidewalk maintenance.
(File No. CSU-F18-000-2004)

REPORTS

Report No. 66 of the Chief Administrative Officer (Consent)

- (s) **THAT** a by-law be presented for **three readings** to provide for the temporary closure of Ontario Street from Brock Street to Market Street on Friday, August 13, 2004 from 5:00 pm to 10:00 pm; Saturday, August 14, 2004 from 10:00 am to 10:00 pm; and Sunday, August 15, 2004 from 12:00 pm to 6:00 pm, for community purposes (**1000 Island Poker Run**), subject to the following conditions:
- The applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division.
 - 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.
 - 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

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shall be named as an additional insured on the policy and the applicant shall provide the City of Kingston with an insurance certificate as proof of coverage.

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

(See By-Law No. (29), 2004-222)

(t) **THAT** a by-law be presented for **three readings** to provide for the temporary closure of Ontario Street from Brock Street to Market Street on Saturday, August 21, 2004 from 7:00 am to 10:00 pm, for community purposes (**Easter Seal Beach Volleyball Tournament**), subject to the following conditions:

- The applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division.
- 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.
- 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 an additional insured on the policy and the applicant shall provide the City of Kingston with an insurance certificate as proof of coverage.

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

(See By-Law No. (30), 2004-223)

REPORTS

Report No. 66 of the Chief Administrative Officer (Consent)

(u) **THAT** a by-law be presented to provide for the temporary closure of Ontario Street from Brock Street to Market Street on Saturday, September 11, 2004 from 3:30 pm to 7:30 pm, for community purposes (**MINImeet Show & Shine**), subject to the following conditions:

- The applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division.
- 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.
- 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 an additional insured on the policy and the applicant shall provide the City of Kingston with an insurance certificate as proof of coverage.

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

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(See By-Law No. (31), 2004-224)

Councillor Pater withdrew from the meeting.

- (v) **THAT** a by-law be presented to provide for the temporary closure of a portion of Bagot Street from Barrie Street to West Street in front of City Park on Wednesday, September 8, 2004, from 4:00 pm to 5:30 pm, for community purposes (**Queen's Alma Mater Society Bigger & Better Event and Parade**), subject to the following conditions:
- The applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division.
 - 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.
 - 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 an additional insured on the policy and the applicant shall provide the City of Kingston with an insurance certificate as proof of coverage.

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

(See By-Law No. (32), 2004-225)

CARRIED

Councillor Pater returned to the meeting.

REPORTS

Report No. 66 of the Chief Administrative Officer (Consent)

- (w) **THAT** a by-law be presented for **three readings** to provide for the temporary closure of Ontario Street from Brock Street to Market Street on Sunday, August 22, 2004 from 11:00 am to 1:00 pm, for community purposes (**Fort Henry 50th Anniversary**), subject to the following conditions:

- The applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division.
- 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.

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

(See By-Law No. (33), 2004-226)

Councillor Pater withdrew from the meeting.

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- (x) THAT a by-law be presented to temporarily establish the following streets as one-way traffic patterns from 8:00 am to 5:00 pm, Sunday, September 5, 2004, for community purposes (**Queen's Alma Mater Society Moving In Day**), as follows:

Collingwood Street from King Street to Union Street	One-way northbound
Albert Street from Union Street to King Street	One-way southbound
Queen's Crescent from University Avenue to Collingwood Street	One-way westbound
Stuart Street from University Avenue to Lower Albert Street	One-way westbound
St. Lawrence Avenue from Stuart Street to King Street	One-way southbound

- The applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division.
- 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.
- 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 an additional insured on the policy and the applicant shall provide the City of Kingston with an insurance certificate as proof of coverage.

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

(See By-Law No. (34), 2004-227)

CARRIED

Councillor Pater returned to the meeting.

REPORTS

Report No. 66 of the Chief Administrative Officer (Consent)

- (y) THAT a by-law be presented for **three readings** to provide for the temporary closures of the following streets at the following times:

<u>Friday, August 27, 2004</u>	
Princess Street between Division Street & Barrie Street	4:00 pm to 11:00 pm

<u>Saturday, August 28, 2004</u>	
King Street between Clarence Street & Brock Street	1:30 pm to 11:00 pm
King Street between Brock Street & Princess Street	4:30 pm to 11:00 pm
Market Street between King Street & Ontario Street	4:30 pm to 11:00 pm
Brock Street between King Street & Ontario Street	4:30 pm to 11:00 pm

-and further-

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THAT, notwithstanding the provisions of By-Law No. 4489, Section 24, a by-law be presented for **three readings** to amend By-Law No. 4489, (Parking Lots) to provide for the temporary closure of the Market Square from 5:00 pm to 11:00 pm on Saturday, August 28, 2004, for community purposes (**Limestone City Blues Festival**), subject to the following conditions:

- The applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division.
- 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.
- 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 an additional insured on the policy and the applicant shall provide the City of Kingston with an insurance certificate as proof of coverage.

(File No. CSU-T08-000-2004; CSU-T02-000-2004)

(See **By-Law No. (35), 2004-228; By-Law No. (36), 2004-229**)

REPORTS

Report No. 66 of the Chief Administrative Officer (Consent)

Councillor Pater withdrew from the meeting.

(z) **THAT** a by-law be presented to grant permission to the Alma Mater Society of Queen's University to temporarily close a portion of University Avenue from Union Street to Stuart Street, Friday, September 10, 2004, from 4:00 am to 7:00 pm, for community purposes (**Queen's University Alma Mater Society Orientation Sidewalk Sale**), on the understanding that:

- The applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division.
- 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.
- 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 an additional insured on the policy and the applicant shall provide the City of Kingston with an insurance certificate as proof of coverage.

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(File No. CSU-T08-000-2004)
(See By-Law No. (37), 2004-230)

CARRIED

Councillor Pater returned to the meeting.

- (aa) **WHEREAS** Council approved for the Counter Street/Elliott Avenue realignment, and;
WHEREAS capital works are nearing completion, and;
WHEREAS it is necessary to align street naming and numbering to coincide with the municipal civic addressing by-law, and;
WHEREAS it is necessary to ensure that these addresses and street names are consistent with our standards associated with our 9-1-1 PERS system, and;
WHEREAS notice has been provided to the public concerning this change;
THEREFORE BE IT RESOLVED THAT Council approve the renaming of Elliott Avenue from the intersection with the new Counter Street extension easterly to the Great Cataraqui River (Rideau Canal System);
-and further-
THAT it be renamed Counter Street;
-and further-
THAT the civic addressing be realigned to accommodate this (A more detailed description of this area would be 400 metres west of Maple Street to 269 metres East of Montreal Street (Cataraqui River));
-and further-
THAT a by-law be presented to change the name of a portion of Elliott Avenue to Counter Street.
(File No. CSU-D20-000-2004)
(See By-Law No. (38), 2004-231)

WITHDRAWN

REPORTS

Report No. 66 of the Chief Administrative Officer (Consent)

- (bb) **WHEREAS** Council has approved the implementation of the 9-1-1 PERS, and;
WHEREAS Council has approved the changing of civic addressing to comply with the standards set by Bell Canada for the 9-1-1 PERS, and;
WHEREAS staff has implemented the changes as required to comply with the standards of Bell for 9-1-1 PERS, and;
WHEREAS there have been a number of instances where the street names have been inconsistent throughout the City on registered plans;
WHEREAS notice has been provided to the public concerning this change;
THEREFORE BE IT RESOLVED THAT a by-law be presented to change the name of Katherine Crescent, on Reference Plan 13M-24, to comply with the spelling of Katharine Crescent, Registered Plan 1968, registered in 1993;
-and further-
BE IT RESOLVED THAT Chadwick Drive, as described on Registered Plan 13M-41, be renamed to Chadwick Court, as described previously on Registered Plan 13M-50.
(File No. CSU-D20-000-2004)
(See By-Law No. (39), 2004-232)

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- (cc) **THAT** Council amend By-Law No. 2003-46 "A By-Law To Provide For The Arbitration Of Fencing Disputes Between Adjoining Property Owners" (Schedule A – Fence Viewers, Alternate Fence-Viewers & Remuneration) to remove Mr. Ronald Fitzgerald from the list of fence-viewers.
(File No. CSU-C01-000-2004)
(See By-Law No. (40), 2004-233)

Councillor Pater withdrew from the meeting.

- (dd) **THAT** a by-law be presented to amend By-law 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 provide additional on-street permit parking on Barrie St. (between Clergy and Union Streets), on Clergy St. (easterly end at Barrie Street), on Queen's Crescent (between Albert and Collingwood Streets), and on St. Lawrence Avenue; 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. It also being understood that a total of 20 spaces, 10 each at the lower end of Barrie and Arch Streets at Stuart Street be allocated as "Reserved Permit Parking", these being permit holders relocated from the Kingston General Hospital/Queen's parking garage and will be managed by Queen's/Kingston General Hospital's Parking Commission.
(File No. CSU-C01-000-2004; CSU-T02-000-2004)
(See By-Law No. (41), 2004-234)

CARRIED
(Councillor Garrison **OPPOSED**)

Councillor Pater returned to the meeting.

REPORTS

Report No. 66 of the Chief Administrative Officer (Consent)

- (ee) **THAT** Council approve the purchase of one 2005 Model Year Aerial truck from Posi-Plus Technologies Inc. for the amount of \$178,024.00, plus applicable taxes.
(File No. CSU-F18-004-2004)

CARRIED

REPORTS

Report No. 67 of the Chief Administrative Officer (Recommend)

Council consented to the addition of Clause (4).

Moved by Councillor Stoparczyk
Seconded by Councillor Patterson

THAT Report No. 67 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 67

City Council Meeting No. 20
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To the Mayor and Members of Council:
The Chief Administrative Officer reports and recommends as follows:

Peter Hannah of J. L. Richards & Associates addressed Council concerning the Urban Growth Strategy (Report No. 04-265).

(1) **WHEREAS** the purpose of the Urban Growth Strategy was to provide direction for future growth and infrastructure upgrading or extensions and the City's capital budget to 2026, and;

WHEREAS the project commenced in June, 2002, in accordance with the Council-approved Terms of Reference, and;

WHEREAS Council, through Report No. 03-266 approved on August 12, 2003, expanded the Urban Growth Strategy project to include an additional growth alternative (Growth Alternative No. 1A), and to undertake a more comprehensive financial analysis of the infrastructure costs of the growth alternatives and also to include further public consultation, and;

WHEREAS, since June, 2002, there have been four public consultation opportunities and any comments received from the public have been considered by the consulting team;

THEREFORE BE IT RESOLVED THAT the *Final Report, City of Kingston, Urban Growth Strategy*, dated July, 2004, be accepted in fulfillment of the Terms of Reference and that the Study's conclusions, recommendations and means of implementation be approved in principle;

–and further–

BE IT RESOLVED THAT the study be referred to the Planning Division for implementation by amending the appropriate Official Plans, with public consultation under the *Planning Act*, and for incorporation of the Study recommendations, where appropriate in the preparation of the new Official Plan;

–and further–

REPORTS

Report No. 67 of the Chief Administrative Officer (Recommend)

BE IT RESOLVED THAT the study be forwarded to affected municipal divisions for further study or implementation, as warranted.

(File No. CSU-D25-000-2004)

(See Delegation 2)

CARRIED (10:3)
(See Recorded Vote)

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

YEAS: Mayor Rosen, Councillor Downes, Councillor Garrison, Councillor B. George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (10)

NAYS: Councillor Beavis, Deputy Mayor Foster, Councillor K. George (3)

Moved by Councillor Beavis
Seconded by Councillor Patterson

THAT the rules of By-Law No. 98-1 be waived to allow the Council meeting to proceed past 11:00 pm.

CARRIED

Claudio Covelli of Dillon Consulting presented the Kingston Transportation Master Plan (Report No. 04-266).

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- (2) **WHEREAS** the *Kingston Transportation Master Plan (KTMP)* was initiated in early 2001 in order to respond to the considerable public interest in developing a more strategic approach to planning transportation infrastructure, and;
- WHEREAS** the public has been consulted in a thorough manner during the preparation of the *Kingston Transportation Master Plan (KTMP)*, and;
- WHEREAS** the members of a Technical Steering committee, comprised of staff, met on an ongoing basis to assist in developing the *Kingston Transportation Master Plan (KTMP)* and have reviewed the draft report, and;
- WHEREAS** Council directed staff in December, 2002 to develop a draft Transportation Master Plan, based on the broadly-supported scenario, "A New Direction", based on encouraging alternative modes of travel within the City, and;
- WHEREAS** the draft *Kingston Transportation Master Plan (KTMP)*, dated August, 2003, was most recently the subject of a public open house in September, 2003, and was widely available for review and comment;
- THEREFORE BE IT RESOLVED THAT** the *Kingston Transportation Master Plan (KTMP)*, dated July, 2004, be accepted in fulfillment of the Terms of Reference and that the Study recommendations be approved **in principle**;
-and further-
- BE IT RESOLVED THAT** the Study be referred to the Planning Division for incorporation of the Study recommendation, where appropriate, in the preparation of the new Official Plan;
-and further-
- BE IT RESOLVED THAT** the Study be forwarded to the appropriate Municipal Divisions for implementation, in accordance with approved budget allocations.
(File No. CSU-T10-000-2004)

CARRIED (12:1)
(See Recorded Vote)

REPORTS

Report No. 67 of the Chief Administrative Officer (Recommend)

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

YEAS: Mayor Rosen, Councillor Beavis, Councillor Downes, Deputy Mayor Foster, Councillor Garrison, Councillor B. George, Councillor K. George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk (12)

NAYS: Councillor Sutherland (1)

Mr. B. Meunier, Chief Administrative Officer, addressed Council concerning the Large Venue Entertainment Centre Steering Committee (Report No. 04-284).

- (3) **THAT** Council proceed as soon as possible with the appointment of a Steering Committee, with a mixed composition of elected officials and members of the public having certain expertise to assist the project, with a maximum number of seven, and;
- THAT** the Chief Administrative Officer be appointed as a non-voting member of the Steering Committee, and;
- THAT** a 2004 budget of \$235,000.00 be approved to be funded from the Operating Budget contingency, with the initial costs to be reimbursed to the Working Fund Reserve in 2005 once the permanent source of financing is identified, with it being understood that if the project does not proceed, the reserve will not be reimbursed, and;
- THAT** the Chief Administrative Officer be authorized to proceed with the selection of a Projects Manager as a contract position, and;
- THAT** the Chief Administrative Officer and staff be authorized to initiate the various functional studies and appraisals listed in Report No. 04-284 and report back to Council through the Steering Committee, and;

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THAT the Chief Administrative Officer and staff be authorized to initiate the process to prepare a Request for Quotation (RFQ) and Request for Proposal (RFP) for the Large Venue Entertainment Centre Project and report back to Council through the Steering Committee, and;

THAT the Steering Committee be required to form a "Stakeholders Group" in a timely fashion to provide input on the proposed project.

(File No. CSU-R05-001-2004)

(See Miscellaneous Business Item No. 2)

CARRIED (10:3)

(See Recorded Vote No. 1)

(See Motion To AMEND Which Was LOST)

Moved by Councillor Garrison

Seconded by Councillor Downes

THAT Paragraph (5) of Clause (3) be amended to read as follows: "*That the Chief Administrative Officer and staff be authorized to initiate the various functional studies, including a noise study, and appraisals listed in Report No. 04-284 and report back to Council through the Steering Committee*".

LOST (5:8)

(See Recorded Vote No. 2)

REPORTS

Report No. 67 of the Chief Administrative Officer (Recommend)

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

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

NAYS: Councillor Downes, Councillor Garrison, Councillor Meers (3)

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

YEAS: Councillor Downes, Councillor Garrison, Councillor Meers, Councillor Pater, Councillor Stoparczyk (5)

NAYS: Mayor Rosen, Councillor Beavis, Deputy Mayor Foster, Councillor B. George, Councillor K. George, Councillor Patterson, Councillor Smith, Councillor Sutherland (8)

Moved by Councillor Garrison

Seconded by Deputy Mayor Foster

THAT Councillor Downes be allowed to speak to Clause (3) of Report No. 67 of the Chief Administrative Officer (Recommend) for a second time.

CARRIED

(A 2/3 Vote was Received)

Moved by Councillor Downes

Seconded by Councillor Beavis

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THAT the rules of By-Law 98-1 be waived in order for the Council meeting to proceed past 11:30 pm.

CARRIED
(A 2/3 Vote was Received)

Moved by Councillor Downes
Seconded by Councillor Meers

THAT the rules of By-Law No. 98-1 be waived in order for the Council meeting to proceed to 12:00 am.

CARRIED
(A 2/3 Vote was Received)

Moved by Councillor Sutherland
Seconded by Councillor Stoparczyk

THAT Clause 4 of the Report of the Chief Administrative Officer (Recommend) be dealt with at the same time as Clauses (5) and (6) of Report No. 68 of the Planning Committee.

CARRIED
(A 2/3 Vote was Received)

REPORTS

Report No. 67 of the Chief Administrative Officer (Recommend)

Council consented to consider the following clause at the same time as Clauses (5) and (6) of Report No. 68 of the Planning Committee.

4. **WHEREAS** it is the staff recommendation that Council endorse the recommendation outlined in Report No. PC058 to defer consideration of the applications for Official Plan and Zoning By-Law Amendments (File Nos. D09-002-2004) and D14-188-02) at this time and direct staff to proceed with the necessary site specific amendments to the Official Plan, including the holding of a statutory public meeting, to facilitate the use of a Bonusing Agreement pursuant to Section 37 of the Planning Act and to enter into negotiations with Gillin Engineering & Construction Limited and Homestead Land Holdings Limited to establish terms for the exchange of certain public amenities/facilities for any increase in height and/or density that may be approved, and;

WHEREAS the Planning Committee did not support the staff recommendation but approved the proposal subject to certain conditions to be addressed at Site Plan Approval stage, and;

WHEREAS staff is generally supportive of the proposed land use mix for the site, but is seeking additional information from the proponent to address the issues of human scale and compatibility, as well as height;

THEREFORE BE IT RESOLVED THAT Council consider the following three options for proceeding with this matter:

- (a) Endorse the Staff Recommendations of Report No. PC058 to the Planning Committee;
- (b) Adopt the alternate resolution passed by the Planning Committee and approve the application, or
- (c) Refer the Planning Committee Resolution to Staff for additional input and recommendations for consideration by the Planning Committee.

(File No. CSU-D26-000-2004)

NO ACTION TAKEN
(See Clause 5 of Report No. 68 of the Planning Committee)

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Report No. 68 of the Planning Committee

Moved by Councillor K. George
Seconded by Councillor Patterson

THAT Report No. 68 of the Planning Committee be received and adopted, clause by clause.

Report No. 68

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

1. **WHEREAS** an application has been submitted by Alf Hendry on behalf of Homestead Land Holdings Limited, with respect to Block 31, Park Lot within the "Grousewood West" Draft Plan of Subdivision located on the south side of Middle Road on Part Lots 3 & 4, Concession 2, in Kingston East, requesting to amend the zoning of the subject lands from "OS" Open Space Zone to the "ER" Estate Residential Zone, which is consistent with the zoning of the surrounding 24 estate residential lots, thereby effectively granting the use of the subject lands for the purpose of a single-family detached dwelling, and;

REPORTS

Report No. 68 of the Planning Committee

WHEREAS the application for Zoning By-Law amendment results from the position of from Cultural Services to request cash-in-lieu of land for the required parkland contribution for the subdivision in accordance with the Final Subdivision Approval application (File No. D12-007-04) which is being processed concurrently, and;

WHEREAS a Public Meeting was held with respect to this matter on May 13, 2004;

THEREFORE BE IT RESOLVED THAT the Application for Zoning By-Law Amendment (Our File No. D14-007-2004) submitted by Alf Hendry on behalf of Homestead Land Holdings Limited for Block 31, Park Lot situated within the "Grousewood West" Draft Plan of Subdivision located in Kingston East, **BE APPROVED**;

–and further–

BE IT RESOLVED THAT the former Township of Pittsburgh Zoning By-Law No. 32-74, as amended, be further amended as follows:

- (1) **Amend** Map 1 of Schedule "A" to Zoning By-Law No. 32-74, as amended, to rezone approximately 0.8 hectare (2.0 acres) parcel of land identified as Block 31 within the "Grousewood West" Draft Plan of Subdivision, located on the south side of Middle Road on Part Lots 3 & 4, Concession 2 in Kingston East, from the existing "OS" Open Space Zone to the "ER" Estate Residential Zone;

–and further–

BE IT RESOLVED THAT the amending by-law be presented for three readings.
(See By-Law No. (51), 2004-238)

CARRIED
(Councillor Garrison OPPOSED)

2. **WHEREAS** an application Zoning By-Law Amendment has been submitted by Homestead Land Holdings to reduce the minimum lot frontage requirement for single-family detached houses in the R3-4 zone, on 3 hectares of land located on Lots 1 to 70 and Part of Blocks 297, 303, 304 and 305, Plan 1853 Part Lot 16 and 17, Concession 3 Former Township of Kingston;

WHEREAS a Public Meeting was held with respect to this matter on May 13, 2004;

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THEREFORE BE IT RESOLVED THAT the Zoning By-Law Amendment (File Number D14-015-2004) submitted by Homestead Land Holdings Ltd. for property located on Lots 1 to 70 and Part of Blocks 297, 303, 304 and 305, Plan 1853, Part Lot 16 and 17, Concession 3 Former Township of Kingston **BE APPROVED**;

–and further–

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

– That Zoning By-Law No. 76-26, as amended, is hereby further amended as follows:

(1) Add the following clauses to Section 14(3)(d) following sub-clause (i):

“(ii) Single-Family Dwelling House

Not withstanding any provisions of this Sections 14(2)(a) or (b) to the contrary a single-family dwelling house may be developed in accordance with the following provisions:

- | | |
|-----------------------------|------------------|
| (i) Lot Area (minimum) | 3000 square feet |
| (ii) Lot Frontage (minimum) | 40 feet” |

(2) Amend Zoning Schedule “A” of Zoning By-Law No. 76-26 by changing to the zone symbol to “EPA” of the lands shown as “Zone Change from “R3-4 to EPA”;

–and further–

REPORTS

Report No. 68 of the Planning Committee

BE IT RESOLVED THAT the amending by-law be presented for three readings.
(See By-Law No. (52), 2004-239)

CARRIED

3. **WHEREAS** an application for Zoning By-Law Amendment has been submitted by Briceland Developments Inc. for the property comprising Block 47, Registered Plan 13M-1, Kingston Central, requesting permission to **delete** the existing Special General Provisions for the Multiple Family Dwelling “B1.280” Zone and **add** a Special One-Family, Semi-Detached and Linked Dwelling “A7.342” Zone and Special One-Family, Semi-Detached and Linked Dwelling “A7.343” Zone, Zoning By-Law No. 8499, and;

WHEREAS a Public Meeting was held with respect to this matter on June 10, 2004;

THEREFORE BE IT RESOLVED THAT the application for Zoning By-Law Amendment (D14-014-2004) submitted by Briceland Developments Inc. for the property comprising Block 47, Registered Plan 13M-1, Kingston Central, **BE APPROVED**;

–and further–

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

(1) Amend Zone Map No. 7 of Zoning By-Law No. 8499, as amended, by changing the zone symbol of the subject site from “B1.280” to “A7.342” and changing the zone symbol from “B1.280” to “A7.343”;

(2) Amend Part VIII, Exceptions to the Various Zone Classifications, by adding the following new Section 342 immediately after Section 341:

(a) **342.** On the approximately 0.233 ha parcel of land located on the south side of Briceland Street, north of the CNR mainline and designated “A7.342” on a copy of Zoning Map No. 7 attached to and forming part of the By-Law Schedule “A”, the following regulations shall apply:

(i) Notwithstanding Section 12A.3(e) of By-Law No. 8499, the minimum required rear yard shall be 8.0 metres.

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- (3) Amend Part VIII, Exceptions to the Various Zone Classifications, by adding the following new Section 343 immediately after Section 342:
- (b) **343.** On the approximately 0.056 ha parcel of land located on the south side of Briceland Street, north of the CNR mainline and designated "A7.343" on a copy of Zoning Map No. 7 attached to and forming part of the By-Law as Schedule "A", the following regulations shall apply:
- (i) Notwithstanding Section 12A.3(c), Minimum Side Yard (interior), the minimum width for the east side of the dwelling that is not attached to another dwelling unit and for which an attached garage or carport is provided shall be 0.67 metres; and,
- (ii) Notwithstanding Section 12A.3(e) of By-Law No. 8499, the minimum required rear yard shall be 8.0 metres.

–and further–

BE IT RESOLVED THAT the amending by-law be presented for three readings.
(See By-Law No. (53), 2004-240)

CARRIED

REPORTS

Report No. 68 of the Planning Committee

4. **WHEREAS** an application has been submitted by R. Paul Martin Construction Co. Ltd., with respect to lands located at 1600 Bath Road, in Kingston West, requesting site specific amendments to the Zoning By-Law regulations to permit three 120 unit apartment dwelling houses and a park, a reduction in the required parking associated with self-storage facilities and the removal of specific regulations pertaining to the location of future buildings, and;

WHEREAS the statutory Public Hearing was held on April 17, 2003;

THEREFORE BE IT RESOLVED that the application for Zone Change (Planning File No. D14-75-00) submitted by R. Paul Martin Construction Co. Ltd. respecting the 68,457 square metre (736 889 square feet) parcel of land located at 1600 Bath Road, requesting site specific amendments to the Zoning By-Law to provide for the development of three 10 storey, apartment dwelling houses each containing 120 dwelling units with special regulations pertaining to on-site parking regulations for the self-storage units and permitting further development on the site beyond specific locations, **BE APPROVED.**

–and further–

BE IT RESOLVED THAT:

- (1) Zoning By-Law No. 76-26, Zoning By-Law of the former Township of Kingston be amended as follows:
- (a) Amend Zoning Map, Schedule "A" of By-Law No. 76-26, as amended, by changing to "C5-4-H" the zone symbol of the lands located at 1600 Bath Road and shown as "Zone Change from "C2" to "C5-4-H" and "Zone Change from "C5-4" to "C5-4-H".
- (2) Zoning By-Law No. 76-26 be amended by **deleting** Section 22(3)(d) in its entirety and **replacing** with the following Section 22(3)(d):
- "(d) 1600 Bath Road (C5-4-H)
- (1) Notwithstanding any provisions of this By-Law to the contrary, the lands designated C5-4 on Schedule "A" may be used for the following uses in accordance with Section 22(2):
- Uses existing as of July __, 2004
 - An accessory dwelling unit (manager's residence) which shall be accessory to the indoor climate controlled self service storage use;

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-
- Apartment dwelling houses to a total on-site maximum of 360 dwelling units, in accordance with the "R5-1" (Modified Residential Type 5) Zone requirements;
 - A park, in accordance with the "OS" (General Open Space) Zone requirements.
- (2) Parking Spaces (minimum)
Off street parking shall be in accordance with the regulations of Section 5(16) of this By-Law
- (3) The "-H" Holding Symbol applicable to this property shall be used and removed in accordance with the following:
- (a) Provisions of Section 6(6) of By-Law No. 76-26; and
 - (b) A Noise Study and proposed noise mitigation methods are provided to the satisfaction of the City of Kingston.'
- (3) Schedule "B-3" to By-Law No. 76-26 be deleted in its entirety.
-and further-

BE IT RESOLVED THAT the by-law be presented for three readings.
(See By-Law No. (54), 2004-241)

CARRIED

REPORTS

Report No. 68 of the Planning Committee

Moved by Councillor Stoparczyk
Seconded by Councillor K. George

THAT Council approve Clause 5 of the Planning Committee Report, as noted hereunder and as amended, to provide for a peer review of the Site Remediation Action Plan:

"(c) That a peer review for a Site Remediation Action Plan be provided"

CARRIED (10:3)
(See Recorded Vote)

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

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

NAYS: Councillor Downes, Councillor Garrison, Councillor Pater (3)

5. **WHEREAS** applications for Official Plan and Zoning By-Law Amendments have been submitted by Gillin Engineering & Construction Limited & Homestead Land Holdings Ltd. to permit the construction of a commercial/residential development on a 3.1 hectares site located on the east side of Ontario Street, between William and Gore Streets, and;

WHEREAS Public Meetings were held on April 22, 2004 and June 17, 2004 with respect to these applications; and

WHEREAS Planning Committee has considered the input from the public and technical staff and the merits of the proposed development concept;

THEREFORE BE IT RESOLVED THAT the applications for Official Plan and Zoning By-Law Amendments (File Numbers D09-002-2004 and D14-188-02) submitted by Gillin Engineering & Construction Limited & Homestead Land Holdings Ltd for the property known as Block "D", located on the east side of Ontario Street between William and Gore Streets, in the former City of Kingston, **BE APPROVED**, subject to receipt of staff comments;

-and further-

BE IT RESOLVED THAT the Official Plan for the former City of Kingston Planning Area be amended as follows:

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(1) Text Changes:

(a) Amend Section 4.23.7.2 (a) ii) (c) ii) under the heading "Land Use Alternative", so as to add the words "and office uses" and to replace the words "a hotel use" with the words "the hotel and any major office uses", so that as amended Section 4.23.7.2 (a) ii) (c) ii) shall now read as follows:

"ii) the permitted Harbour uses shall include the permitted harbour uses contained in Section 4.23.2 of this Plan, and in addition, a hotel and office uses provided that the hotel and any major office uses shall be restricted to the Harbour area located to the north of the extension of Earl Street;"

(b) Amend Section 4.23.7.2 (a) ii) (c) iii) under the heading "Land Use Alternative", so as to delete the words "provided that the residential uses shall be restricted to the Harbour area located to the south of the extension of Earl Street", so that as amended Section 4.23.7.2 (a) ii) (c) iii) shall now read as follows:

"iii) the permitted Harbour uses shall also include residential uses;"
-and further-

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BE IT RESOLVED THAT Zoning By-Law No. 96-259, Downtown and Harbour Zoning By-Law, be amended as follows:

(1) Amend Zoning Map No.1 of Zoning By-Law Schedule "A" to By-Law No. 96-259 (Downtown & Harbour Zoning By-Law), as amended, by changing to "(H)-HR-2" and "(H)-HR-3" the Zone symbols of the lands shown as "Zone Change from (H)-HR-3 to (H)-HR-2 and Zone Change from HR-2 to (H)-HR-3".

(2) Delete Section 9.3.2, Block "D" (HR-2), in its entirety and replace with the following new Section 9.3.2, Block "D" (HR-2):

"9.3.2 Block "D" (HR-2)

Notwithstanding any provisions of this by-law to the contrary, the following uses and regulations shall apply to the HR-2 Zone:

9.3.2.1 Permitted Uses

The following uses only shall be permitted in the (H)-HR-2 Zone:

(a) Permitted Interim Uses

Notwithstanding the (H) symbol applied pursuant to Section 36 of the *Planning Act, RSO 1990*, the following uses shall be permitted:

- (i) existing uses;
- (ii) outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses; and
- (iii) a waterfront pathway.

(b) Permitted Uses When Holding Symbol Is Removed

Subject to the removal of the (H) symbol pursuant to Section 36 of the *Planning Act, RSO 1990*, and the provisions of Section 9.3.2.3 of this by-law, the following uses shall be permitted:

- (i) A hotel and optional meeting rooms, including accessory support commercial uses. Maximum gross floor area of the hotel shall be 10,400 square metres (111,950 square feet). The hotel shall have a maximum of

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144 suites. A suite shall not constitute a residential unit as defined in this by-law. Maximum gross floor area of the optional meeting rooms shall be 540 square metres (5,815 square feet).

- (ii) An office/residential building. Maximum gross floor area of the office/residential building shall be 15,960 square metres (171,800 square feet). The residential portion of the building shall contain a maximum of 100 dwelling units.
- (iii) Notwithstanding Section 5.26 of this by-law, outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses.
- (iv) Waterfront Pathway.

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9.3.2.2 Regulations

The regulations for the above uses shall be as follows:

(a) Maximum Building Height

Notwithstanding Table 9.2 of this by-law:

- (i) All heights, except for the office/residential building, shall be measured vertically from the centre line at the intersection of Ontario Street and Earl Street, being established at 78.1 metres (256 feet) geodetic datum. The height for the office/residential building shall be measured vertically from the centre line at the intersection of Ontario Street and William Street, being established at 79.58 metres (261 feet) geodetic datum.
- (ii) The maximum height of the hotel shall be 32.0 metres.
- (iii) The maximum height of the meeting rooms shall be 9.2 metres.
- (iv) The maximum height of the office/residential building shall be 46.0 metres.
- (v) Within the boundaries of Earl Street, as extended to the water, the maximum height shall be 1.5 metres (4.9 feet) above geodetic datum.
- (vi) For all other areas not otherwise covered by structures permitted in this by-law, the maximum height shall be 1.5 metres (4.9 feet) above 78.1 metres (256 feet) geodetic datum.

(b) Minimum Yards

Notwithstanding Section 9.2 of this by-law:

- (i) Minimum setback from any street shall be thirteen (13) metres (42.5 feet);
- (ii) Minimum setback from waterfront walkway shall be at least ten (10) metres (33 feet) over 50% of the walkway, which shall be totally accessible to the public.

(c) Off-Street Parking

Notwithstanding Table 9.2 and Section 5.22.5 of this by-law:

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- (i) Within the "HR-2" Zone, a minimum of 292 parking spaces shall be provided on the following basis for the permitted uses:
 - residential uses — 1.0 parking space for each dwelling unit;
 - non-residential uses — parking for the office, hotel and meeting room uses shall be administratively and physically structured to provide for sharing of parking during alternate peak use periods;
 - occasional uses described in Section 9.3.2.1(b)(iii) —no parking requirements.
- (ii) Required parking shall comply with the "Parking Design" regulations of Section 5.22.4 of this by-law and may be a combination of surface/underground parking and for the purposes of this provision "underground" is deemed to be at or below 1.5 metres (4.9 feet) above 78.1 metres (256 feet) geodetic datum.

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- (iii) Surface parking may be provided in the "HR-2" Zone to a total maximum of 125 spaces.
- (iv) Additional parking for the optional meeting rooms permitted in the "HR-2" Zone, in excess of the total minimum number of spaces required in subsection i) above, may be located within the "HR-3" Zone.
- (v) Special Vehicle Parking shall be provided in accordance with the provisions of Section 5.22.6 of this by-law.
- (d) Loading Areas
Notwithstanding Table 9.2 of this by-law, Loading Areas shall be provided in accordance with Section 5.21 of this by-law.
- (e) Landscaped Open Space
A minimum of 70 percent of the lot shall be assigned to landscaped open space which may also be used for those occasional uses described in Subsection (c) of Section 9.3.2.1 of this by-law, and which shall be physically accessible to members of the public, and which may include space provided as a result of any yard requirement of this by-law and which may include any area designated for vehicle parking or access.
- (f) Amenity Area
The minimum amenity area requirements for each residential unit shall be in accordance with Section 5.5 of this by-law.
- (g) Water's Edge Flood-proofing & Erosion Control
In accordance with Section 5.37 of this by-law.
- (h) Accessory Buildings or Structures
In accordance with Section 5.1 of this by-law.

9.3.2.3 Requirements for Removal of Holding Symbol

The (H) symbol shall be used and removed in accordance with the provisions of Section 6.3 "Holding Zones" of this By-Law and subject to the following specific requirements:

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- (a) Confirmation of adequate sewage capacity has been provided by Utilities Kingston.
 - (b) A Remedial Action Plan for addressing site contamination has been submitted and approved by the City of Kingston."
- (3) Delete Section 9.3.3, Block "D" (HR-3), in its entirety and replace with the following new Section 9.3.3, Block "D" (HR-3):
- "9.3.3 Block "D" (HR-3)
Notwithstanding any provisions of this by-law to the contrary, the following uses and regulations shall apply to the HR-3 Zone:

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9.3.3.1 Permitted Uses

The following uses only shall be permitted in (H)-HR-3 Zone:

(a) Permitted Interim Uses

Notwithstanding the (H) symbol applied pursuant to Section 36 of the *Planning Act, RSO 1990*, the following uses shall be permitted:

- (i) existing uses
- (ii) outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses
- (iii) a waterfront pathway

(b) Permitted Uses When Holding Symbol Is Removed

Subject to the removal of the (H) symbol pursuant to Section 36 of the *Planning Act, RSO 1990* and the provisions of Section 9.3.3.3 of this by-law, the following uses shall be permitted:

- (i) Office uses to a maximum of 930 square metres (10,000 square feet) of gross floor area located within the first two storeys of the residential building fronting onto Ontario Street.
- (ii) Neighbourhood convenience commercial uses, including cafes, shops and boutiques, provided such uses are restricted to the ground floor area of the buildings and no one use exceeds a gross floor area of 250 square metres (2,690 square feet).
- (iii) Residential uses, subject to the following provisions. Maximum gross floor area of the residential buildings, including any permitted office/commercial uses, shall be 42,915 square metres (461,950 square feet). The residential buildings shall contain a maximum of 325 dwelling units.
- (iv) Notwithstanding Section 5.26 of this by-law, outdoor occasional uses limited to meetings, trade shows, displays, performances, arts and craft shows and like uses.
- (v) Waterfront Pathway.

9.3.3.2 Regulations

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The following regulations shall apply to the above uses:

- (a) Maximum Building Height
Notwithstanding Table 9.2 of this by-law:
 - (i) All heights shall be measured vertically from the centre line at the intersection of Ontario Street and Earl Street being established at 78.1 metres (256 feet) geodetic datum
 - (ii) The maximum permitted building height shall be 52 metres
 - (iii) Within the boundaries of Earl Street, as extended to the water, the maximum height shall be 1 metre (3 feet) above 78.1 metres (256 feet) geodetic datum

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- (iv) For all other areas not otherwise covered by structures permitted in this by-law, the maximum height shall be 1 metre (3 feet) above 78.1 metres (256 feet) geodetic datum
- (b) Minimum Yards
Notwithstanding Section 9.2 of this by-law and any other provisions to the contrary:
 - (i) Minimum setback from any street shall be 13 metres (42.5 feet)
 - (ii) Minimum setback from waterfront walkway shall be at least 10 metres (33 feet) over 50% of the walkway, which shall be totally accessible to the public
- (c) Off-Street Parking
Notwithstanding any other provisions to the contrary, parking shall be provided for the uses permitted within the "HR-3" Zone in accordance with the provisions of Section 5.22 of this by-law, except
 - (i) That for the occasional uses described in Section 9.3.3.1(b) iv), there shall be no parking requirements
 - (ii) Required parking shall comply with the "Parking Design" regulations of Section 5.22.4 of this By-Law and may be a combination of surface/underground parking and for the purposes of this provision "underground" is deemed to be at or below 1.5 metres (4.9 feet) above 78.1 metres (256 feet) geodetic datum
 - (iii) Surface parking may be provided in the "HR-3" Zone to a total maximum of 80 spaces
 - (iv) Additional parking for the optional meeting rooms permitted in the "HR-2" Zone, in excess of the total minimum number of spaces required in Section 9.3.2.2 (c) i), may be located within the "HR-3" Zone.
- (d) Loading Areas
Notwithstanding Table 9.2 of this By-Law and any other provisions to the contrary, Loading Areas shall be provided in accordance with Section 5.21 of this by-law.

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- (e) Landscaped Open Space
Notwithstanding any other provisions to the contrary, a minimum of 70 percent of the lot shall be assigned to landscaped open space which may also be used for those occasional uses described in Subsection (b) iv) of Section 9.3.3.1 of this by-law, and which shall be physically accessible to members of the public, and which may include space provided as a result of any yard requirement of this by-law and which may include any area designed for vehicle parking or access.

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- (f) Amenity Area
The minimum amenity area requirements for each residential unit shall be in accordance with Section 5.5 of this by-law.
- (g) Water's Edge Flood-proofing & Erosion Control
In accordance with Section 5.37 of this by-law.
- (h) Accessory Buildings or Structures
In accordance with Section 5.1 of this by-law.

9.3.3.3 Requirements for Removal of Holding Symbol

The (H) symbol shall be used and removed in accordance with the provisions of Section 6.3 "Holding Zones" of this by-law and subject to the following specific requirements:

- (a) Confirmation of adequate sewage capacity has been provided by Utilities Kingston;
- (b) A Remedial Action Plan for addressing site contamination has been submitted and approved by the City of Kingston;
- (c) That a peer review for a Site Remediation Action Plan be provided."

–and further–

BE IT RESOLVED THAT the foregoing approvals shall be subject to the following conditions:

- (a) That it be recommended to Council that the required parkland conveyance pursuant to By-Law No. 8820 be taken in the form of land, that the Owner be advised that the required parklands shall be conveyed to the City in a condition satisfactory to the City and in an equal manner along and abutting the entire length of the existing 6-metre wide City owned waterfront pathway, and that the final amount and configuration of the parkland conveyance shall be confirmed at the Site Plan Control stage.
- (b) That the Owner shall provide public access to the private open space areas shown as the Earl Street Extension and Parcels "D" and "E" on the submitted Concept Plan (Drawing No. A-01) dated June, 2004.
- (c) That, at the Site Plan Control stage, the following matters shall be addressed to the satisfaction of the City:
- Implementation of the recommendations of the "Microclimatic Analysis";
 - Submission, approval and implementation of a Remedial Action Plan to address site contamination;
 - Provision by the Owner of a perpetual easement or right-of-way in favour of the City over the entire Earl Street extension from Ontario Street to the waterfront walkway for purposes of unobstructed public access to the waterfront;
 - Written confirmation of an administrative structure and parking design that provides for sharing of parking during alternate peak use periods for the office, hotel and meeting room uses; and

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- Submission of an Agreement in a satisfactory format that provides for the shared use of any excess parking on the south side of the site by the proposed meeting room use (if constructed), or alternatively, an Agreement from an off-site parking lot operator to provide parking for the meeting room use to address any identified parking deficiency during peak use periods.

-and further-

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

(See By-Law No. (55), 2004-242; By-Law No. (56), 2004-243)

CARRIED AS AMENDED

REPORTS

Report No. 68 of the Planning Committee

6. **THAT the staff recommendation noted hereunder BE DENIED.**

WHEREAS applications for Official Plan and Zoning By-Law Amendments have been submitted by Gillin Engineering & Construction Limited and Homestead Land Holdings Ltd. to permit the construction of a commercial/residential development on a 3.1 hectare site located on the east side of Ontario Street, between William and Gore Streets, which applications are requesting, among other matters, increases in height and density, and;

WHEREAS Public Meetings were held on April 22, 2004 and June 17, 2004 with respect to these applications, and;

WHEREAS Section 37 of the *Planning Act* provides that a Municipality may, in a By-Law passed under Section 34, authorize increases in the height and density of development in return for such facilities, services or matters as are set out in the By-Law (known as height and density "bonusing"), and;

WHEREAS Section 8.3.8 of the Official Plan for the City of Kingston Planning Area, "Increased Height And Density Provisions", authorizes Council to pass By-Laws pursuant to the *Planning Act* to permit an increase in height or density in exchange for the provision of facilities, services or matters, and;

WHEREAS it is in the interest of the City, to enter into discussions with Gillin Engineering & Construction Limited and Homestead Land Holdings Ltd. to develop an appropriate Bonusing Agreement for the proposed development on Block 'D', and;

WHEREAS in order to utilize the provisions of Section 37 of the *Planning Act* in this manner, a site-specific amendment to the Official Plan is required;

THEREFORE BE IT RESOLVED THAT the recommendation be recommended as follows:

- (a) That Planning Committee and City Council defer consideration of the proposed Official Plan and Zoning By-Law Amendments affecting the property known as Block "D", and;
- (b) That Council instruct staff to review the zoning by-law provisions required to permit the implementation of an increased height and density bonusing agreement and to identify the possible terms of a Section 37 Bonusing Agreement pursuant to the *Planning Act* with Gillin Engineering & Construction Limited and Homestead Land Holdings Ltd. and report back to Council on the outcome of the review and the discussions, with recommendations and an appropriate draft official plan amendment, and;
- (c) That Council further instruct staff to schedule a statutory Public Meeting pursuant to the *Planning Act*, to be hosted by Planning Committee, for the site-specific Official Plan amendment necessary to implement a Bonusing Agreement respecting the proposed development on Block "D".

NO ACTION TAKEN

(See Clause 5 of Report No. 68 of the Planning Committee)

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REPORTS

Report No. 69 of The Kingston Municipal Heritage Committee (LACAC)

Moved by Councillor Patterson
Seconded by Councillor B. George

THAT Report No. 69 of The Kingston Municipal Heritage Committee (LACAC) be received and adopted, clause by clause.

Report No. 69

To the Mayor and Members of Council:
The Kingston Municipal Heritage Committee (LACAC) reports and recommends as follows:

1. **WHEREAS** the Kingston Municipal Heritage Committee believes that the de-designation of 68 Brock Street should not happen until the conditions of the resolution approved by Council have been met;

THEREFORE BE IT RECOMMENDED THAT the third reading of By-Law No. 2004-185 "A By-Law To Amend By-Law 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)" be deferred until the conditions outlined in Clause No. 1 of Report 61 have been met.

CARRIED

2. **THAT** Application P18-15-04 for property located at 3 Emily Street, requesting approval for the refurbishment of windows W1, W2, W3, W4 and trim, **BE APPROVED** in accordance with documentation submitted dated June 14, 2004, and with the understanding that, in accordance with documentation submitted dated June 14, 2004, and with the understanding that the trim match the existing trim and profiles wherever repairs are made and that the replacement of windows numbered W3 and W4 may be an option to repairing or upgrading the existing units, subject to a site visit, review and recommendation by a sub-committee. The remainder of the existing window units in the building are to be kept and refurbished.

CARRIED

Moved by Councillor Pater
Seconded by Councillor Sutherland

THAT Clauses (c), (d), and (f) of the Committee of the Whole be deferred to the next Council meeting, to be held on August 17, 2004.

CARRIED

Moved by Councillor Sutherland
Seconded by Councillor Garrison

THAT the Council meeting be extended to 12:30 am.

CARRIED

THE COMMITTEE OF THE WHOLE

- (A) Moved by Councillor Sutherland
Seconded by Councillor Meers

THAT Council resolve itself into the Committee of the Whole to consider the Agenda.

CARRIED

- (B) Moved by Councillor Smith
Seconded by Councillor Downes

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

CARRIED

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

Chief Tulk spoke to Council concerning the Kingston Fire & Rescue Service Review – Step 3 (Report No. 04-220)

- (a) **Kingston Fire & Rescue Service Review – Step 3 (04-220)**

Moved by Deputy Mayor Foster
Seconded by Councillor Garrison

WHEREAS in 2002, Council authorized a comprehensive four-step review of Kingston Fire & Rescue Services and established community fire response time standards for the urban, suburban and rural areas of the City, and;

WHEREAS at Step 1 of the review process (governance), Council adopted an integrated urban/rural service delivery model and confirmed the organizational structure for Fire & Rescue Services, and;

WHEREAS Step 2 of the review process (service levels) concluded that Kingston Fire & Rescue is significantly under-resourced and not able to meet stated community response expectations or accepted industry response standards on a consistent basis, and;

WHEREAS staff has now concluded Step 3 of the review process (financial analysis);

THEREFORE BE IT RESOLVED THAT Council receive the findings of Step 3, as detailed in Report No. 04-220, and hereby adopt and direct staff to implement the following recommendations as Step 4 of the review process:

1. Prepare the necessary Establishing and Regulating By-Law to formalize Kingston Fire & Rescue Services as a single urban/rural composite fire service.
2. Implement the recommended Base Response Plan immediately.
3. Prepare a proposal for Council's further consideration to establish, as a matter of priority, a municipal fire training and education centre in 2005.
4. As part of the 2005 budget deliberations, consideration be given to the addition of sixteen career and thirty volunteer fire suppression staff so that Kingston Fire & Rescue is able to consistently meet all applicable minimum community and fire industry response standards.
5. Adopt Financial Model D1, as outlined in Appendix "E" to Report No. 04-220, as the basis for preparing the 2005 budget for Fire & Rescue Services.

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6. Authorize the consolidation of the three distinct area fire capital reserve funds, which is consistent with the 2004 approved budget and which enables financing of the capital program as documented in Report No. 04-220 and supported by Financial Model D1.

THE COMMITTEE OF THE WHOLE

7. Authorize staff to prepare for Council's consideration as part of the 2005 budget deliberations the terms of reference and project scope for the development of a comprehensive Master Fire Plan for the City of Kingston. (File No. CSU-P16-000-2004)

CARRIED

(b) Allocation of Municipal Homelessness Funds (04-263)

Moved by Councillor Downes
Seconded by Councillor Smith

WHEREAS Council approved a new municipal Homelessness allocation of \$50,000.00 in the 2004 Social Services Operating Budget, and;

WHEREAS the Community Homelessness & Housing Advisory Committee's (CHHAC) recently updated Community Plan for Homelessness and Housing Issues In Kingston & Area confirms an increased incidence and complexity of homelessness and determined local priorities to address this issue (May 2004), and;

WHEREAS community stakeholders and the updated Community Plan have identified an urgent need for more emergency hostel beds since the April 30, 2004 closing of the "In from the Cold Winter Overflow Hostel", and;

WHEREAS community stakeholders and the updated Community Plan also recognize the need to identify and build strategies which will assist hostel users to find permanent accommodation and exit emergency hostels;

THEREFORE BE IT RESOLVED THAT Council approve funding to a maximum value of \$71,340.00, as outlined in Report No. 04-263, for the immediate reopening of the "In from the Cold Overflow Hostel", operated by Home Base Not-for-Profit Housing, to provide immediate shelter to homeless individuals within our Community;

–and further–

THAT Council approve the allocation of a further \$10,000.00 from the municipal Homelessness allocation as a contribution to the "Door Ways Fund", operated by Home Base Not-for-Profit Housing, to be used as loan funding to assist homeless people (including those in emergency hostels) with expenses associated with securing permanent accommodations;

–and further–

THAT Council authorize staff, on behalf of the City of Kingston, to enter into service agreements with Home Base Not-for-Profit Housing for the reopening of the "In from the Cold Overflow Hostel" (July 15 – November 15, 2004) and the "Door Ways Fund" program, in a form that is satisfactory to the City's Legal Services Division.

(File No. CSU-S16-000-2004)

(See Delegation 1)

CARRIED

(c) Homemaking Program (04-170)

WHEREAS the current hourly rates for the purchase of homemaking services as approved by the Province do not adequately compensate current service providers;

THEREFORE IT IS RESOLVED THAT Council approve an hourly rate increase to homemaking service providers of \$1.25, as a 100% municipal expense for the period of June 1, 2004 to December 31, 2004.

(File No. CSU-S10-000-2004)

THE COMMITTEE OF THE WHOLE

(d) **Ontario Works Pay Direct Policy Update (04-238)**

WHEREAS many Ontario Works participants face ongoing challenges to maintain permanent accommodation and avoid eviction and/or utility cut offs due to non-payment of rent or accounts due, and;

WHEREAS the current Ontario Works Pay Direct service for rent and utility payments has proved to be well received and successful in maintaining permanent accommodations and reducing outstanding rent and utility arrears;

THEREFORE BE IT RESOLVED THAT the local Ontario Works Pay Direct service be expanded to include for-profit landlords as recommended by the Commissioner of Community Services in Report No. 04-238.
(File No. CSU-S17-000-2004)

DEFERRED

(e) **Grand Theatre Restoration Foundation (04-281)**

Moved by Councillor Garrison
Seconded by Councillor K. George

WHEREAS the Grand Theatre is a property owned by the City of Kingston and will be undergoing a large capital restoration and renovation in the next two years, and;

WHEREAS community leaders wish to fundraise for this capital project within the legal framework of a charitable trust, and;

WHEREAS it is anticipated that the Foundation will not be incorporated and registered as a charitable foundation before work begins toward the charitable purposes;

THEREFORE BE IT RESOLVED THAT:

- Council approve the Grand Theatre Restoration Foundation Support Agreement which defines the relationship between the Corporation of the City of Kingston and the chairpersons of the Committee as outlined in Appendix A.
- Council approve of the list of potential naming right locations as one part of the Grand Theatre's community's fundraising plan as outlined in Appendix B: Naming Recognition Opportunities.
- Council authorize our Legal Department to prepare and execute all required documentation to proceed.

(File No. CSU-R09-000-2004; CSU-R01-000-2004)

CARRIED

THE COMMITTEE OF THE WHOLE – INFORMATION REPORT

(f) **Land Banking (04-259)**

The purpose of this report is to provide Council with an overview of land banking as a land management tool to assist future affordable housing development and outlines the steps and components necessary to undertake the preparation of the municipal land banking policy.

(File No. CSU-D25-000-2004)

DEFERRED

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THE COMMITTEE OF THE WHOLE

- (C) Moved by Deputy Mayor Foster
Seconded by Councillor B. George

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

CARRIED

INFORMATION REPORTS

1. **Pilot Opportunity – Art in the Park (04-282)**

The purpose of this report is to inform Council of the intentions of Cultural Services to explore and, if feasible, to partner with the arts and business community to pilot the option this summer.
(File No. CSU-R04-000-2004; CSU-R00-000-2004)

2. **Lower Brock Street – Councillor Parking (04-287)**

The purpose of this report is to inform Council that "Reserved Councillor Parking" signs are being removed on Lower Brock Street.
(File No. CSU-T02-000-2004)

Moved by Councillor Pater
Seconded by Councillor Smith

THAT Council continue to meet for another half hour.

CARRIED

MISCELLANEOUS BUSINESS

- (1) Moved by Councillor Sutherland
Seconded by Councillor Smith

THAT Miscellaneous Business Item No. (1) to appoint a member of Council to the Social Housing Services Corporation's Board of Directors be deferred to the next Council Meeting, to be held on August 17, 2004.
(File No. CSU-C12-000-2004; CSU-S13-000-2004)
(See Clause (d), Report No. 66)

CARRIED

Moved by Councillor Pater
Seconded by Councillor Smith

THAT By-Law No. 98-1 be waived in order to complete the remainder of the agenda.

CARRIED

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MISCELLANEOUS BUSINESS

- (2) Moved by Councillor Garrison
Seconded by Councillor Meers

THAT staff be directed to advertise for applications from the public to sit on the Large Venue Entertainment Centre (LVEC) Steering Committee.

CARRIED (8:5)
(See Recorded Vote)

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

YEAS: Councillor Beavis, Councillor Downes, Councillor Garrison, Councillor B. George, Councillor K. George, Councillor Meers, Councillor Pater, Councillor Patterson (8)

NAYS: Mayor Rosen, Councillor Foster, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (5)

Moved by Councillor Smith
Seconded by Councillor Beavis

THAT the Large Venue Entertainment Centre (LVEC) Steering Committee be comprised of five members, 2 Councillors and 3 members of the public, as well as the Chief Administrative Officer as a non-voting member

CARRIED
(Councillors Garrison & Meers OPPOSED)

Moved by Councillor K. George
Seconded by Councillor Pater

THAT Mayor Rosen and Councillor Smith be appointed to the Large Venue Entertainment Centre Steering Committee.

(File No. CSU-C12-000-2004; CSU-R05-001-2004)

(See Clause (3), Report No. 67)

CARRIED

Moved by Councillor Downes
Seconded by Councillor Garrison

THAT Miscellaneous Business Item No. (2) regarding the Large Venue Entertainment Centre (LVEC) be deferred to the next Council Meeting, to be held on August 17, 2004.

LOST (6:7)
(See Recorded Vote)

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

YEAS: Councillor Downes, Councillor Garrison, Councillor B. George, Councillor Meers, Councillor Pater, Councillor Patterson (6)

NAYS: Mayor Rosen, Councillor Beavis, Councillor Foster, Councillor K. George, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (7)

MOTIONS

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- (1) Moved by Councillor Pater
Seconded by Councillor Stoparczyk

WHEREAS the City of Kingston is a member of the Federation of Canadian Municipalities' (FCM) Partners in Climate Protection Program and is committed to practices that reduce corporate and community Greenhouse Gas Emissions, and;

WHEREAS the City is in support of wind power and other alternative energy options, and;

WHEREAS federal and provincial government initiatives are encouraging growth in the wind power industry, and;

WHEREAS the City is developing a vision for Lake Ontario Park which will appeal to local residents and tourists, and;

WHEREAS Gaia Power, a locally based renewable energy firm, in collaboration with Hearthmakers Energy Cooperative, has put forward a proposal to the City of Kingston, to lease from the City a small parcel of land at Lake Ontario Park for the purpose of erecting a wind turbine along with a public educational kiosk devoted to renewable energies;

THEREFORE BE IT RESOLVED THAT staff present a report on the Gaia Power – Hearthmakers proposal for consideration by City Council at the August 17, 2004 meeting.
(File No. CSU-E00-000-2004)

CARRIED

- (2) Moved by Councillor Garrison
Seconded by Deputy Mayor Foster

WHEREAS Council passed the following resolutions regarding the K&P right-of-way:

From Meeting No. 10, held April 16, 2002:

*Moved by Councillor Rogers
Seconded by Councillor Garrison*

***WHEREAS** the City of Kingston has acquired ownership of the former Kingston & Pembroke railway right-of-way within the boundaries of the old City of Kingston;*

***THEREFORE BE IT RESOLVED THAT** the City of Kingston not dispose of or encumber any portion of the Kingston & Pembroke right-of-way which it presently owns within the old City of Kingston;*

–and further–

***THAT** this 7 km right-of-way within the old City of Kingston be specifically reviewed as part of the upcoming Pathway Routing and Design Study for development as a linear park and used in part as a recreational, non-motorized trail.*

From Meeting No. 20, held August 13, 2002:

***THAT** Council direct staff to enter into negotiations with Bell Canada to acquire that portion of the K&P right-of-way within the City limits for the purpose of the development of a non-motorized recreational trail, and;*

***THAT** Council direct staff to review the necessary steps for the City to obtain ownership of the K&P right-of-way in a manner acceptable to the City, including (but not limited to) liability issues, survey costs, fencing costs, operating and maintenance costs, and the creation of a trail management board.*

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THEREFORE BE IT RESOLVED THAT Council ask staff to report back at the August 17, 2004 meeting of Kingston City Council on the short and long-term costs associated with acquiring the remaining parcels of the K&P right-of-way within the city limits (per Motion #5 August 13, 2002) and other possible immediate steps that can be taken within the current budget for this project;

–and further–

THAT staff investigate any potential liability issues associated with acquiring this land.
(File No. CSU-L18-000-2004)

CARRIED

- (3) Moved by Councillor Beavis
Seconded by Councillor Sutherland

THAT staff provide Council with a list of reports/final reports/studies commissioned from external consultants that cost \$5,000.00 or more on a bi-monthly (every two months) basis; and that the report be received more than 60 days prior to the first day in the month in which the list is to be provided to Council and that have not yet been the subject of a staff report to Council, and;

THAT Members of Council may obtain a copy of the listed final reports or studies upon request to the appropriate Department Head, and;

THAT reports and studies that Council may consider in an “in camera” session of Council or that are exempt from disclosure pursuant to the Municipal Freedom of Information & Protection of Privacy Act or other applicable legislation do not need to be included on the list provided to Council.

(File No. CSU-C11-000-2004)

CARRIED

MINUTES

Moved by Councillor Meers
Seconded by Councillor Smith

THAT the Minutes of City Council Meeting No. 18-2004, held Tuesday, June 15, 2004 be confirmed.

CARRIED

TABLING OF DOCUMENTS

2004-62 Bridge House
2003 Annual Report
(File No. CSU-M04-000-2004)

2004-63 The Cataraqui Region Conservation Authority
Minutes – Full Authority Meeting – June 16, 2004
(File No. CSU-C06-000-2004)

TABLING OF DOCUMENTS

2004-64 The Ontario Municipal Employees Retirement System

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2003 Annual Report
(File No. CSU-H05-000-2004)

2004-65 The Kingston Economic Development Corporation
Minutes – Board of Directors' & Members' Meeting – Meeting No. 04-06
(File No. CSU-C06-000-2004)
(Copied to all Members of Council on July 9, 2004)

COMMUNICATIONS

Council consented to the addition of Communication Nos. 20-365 through 20-368 and to the disposition of Communications in the following manner:

Filed

- 20-344 From the City of Ottawa, acknowledging receipt of Council's motion concerning the Rent Bank and the Rent Supplement Programs and advising that the motion had been forwarded to the Mayor and Members of Council of Ottawa.
(File No. CSU-S17-000-2004)
- 20-346 From John Gerretsen, Member of Provincial Parliament for Kingston & the Islands, acknowledging receipt of Council's motion with respect to Bill 60, *the Ontario Heritage Amendment Act*.
(File No. CSU-R01-000-2004)
- 20-347 From the County of Oxford, acknowledging receipt of Council's motion concerning the Rent Bank and Rent Supplement Programs and informing Council that the Oxford County Council endorsed the motion at its meeting on June 23, 2004.
(File No. CSU-S17-000-2004)
- 20-348 From the Cataraqui Region Conservation Authority, announcing the confirmation of Stephen Knechtel as the new General Manager/Secretary-Treasurer of the Cataraqui Region Conservation Authority.
(File No. CSU-C15-000-2004)
- 20-349 From the Ontario Good Roads Association, inviting road-related issues and concerns pertaining to the Municipal Act to be submitted during the review of the Municipal Act announced by the Honourable John Gerretsen, Minister of Municipal Affairs & Housing.
(File No. CSU-A16-000-2004; CSU-T06-000-2004)
- 20-350 From the Ministry of Municipal Affairs & Housing, announcing the passage of the *Greenbelt Protection Act, 2004*, which would place a one-year moratorium on new urban development on the Golden Horseshoe's rural and agricultural lands.
(File No. CSU-A16-000-2004; CSU-
- 20-352 From the Association of Municipalities of Ontario, informing Council of an announcement by the Honourable John Gerretsen, Minister of Municipal Affairs & Housing, of a three-phase process for the review of *the Municipal Act, 2001*.
(File No. CSU-A01-004-2004)

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- 20-353 From the Ministry of the Attorney General, announcing the appointment of Marion Boyd to review the arbitration process and its impact on vulnerable people in Ontario, especially the implications of private arbitrations in family and inheritance cases.
(File No. CSU-A16-000-2004)
- 20-354 From Danielle Martin, President of the Professional Association of Interns & Residents of Ontario, announcing the release of a new position paper on the sustainability of family medicine, "Primary Importance: New Physicians and the Future of Family Medicine".
(File No. CSU-S08-000-2004)
(Copied to all Members of Council on June 29, 2004)
- 20-356 From the County of Simcoe, acknowledging receipt of Council's motion concerning the Rent Bank and Rent Supplement Program and advising that the motion was received as information at the Simcoe County Council meeting on June 22, 2004.
(File No. CSU-S17-000-2004)
- 20-357 From the City of St. Catherines, acknowledging receipt of Council's motion concerning the Rent Bank and Rent Supplement Program and advising that the motion was received as information at the St. Catherines City Council meeting on June 21, 2004.
(File No. CSU-S17-000-2004)
- 20-358 From the Ministry of Health & Long-Term Care, a copy of the "Eastern Region Highlights of Hospital Reports 2003", a report on how hospitals in the region performed in 2001/2002.
(File No. CSU-S08-000-2004)
- 20-360 From the City of London, acknowledging receipt of Council's motion concerning the Rent Bank and Rent Supplement Programs.
(File No. CSU-S17-000-2004)
- 20-361 From the City of Barrie, acknowledging receipt of Council's motion concerning the Rent Bank and Rent Supplement Programs and advising that the motion was circulated to Barrie City Council Members and Department Heads on June 21, 2004.
(File No. CSU-S17-000-2004)

Referred to All Members of Council

- 20-340 From the Ministry of Municipal Affairs & Housing, inviting Council to the Ontario East Municipal Conference, to be held September 15-17, 2004 in Kingston, Ontario.
(File No. CSU-A04-000-2004)
(Copied to all Members of Council on July 9, 2004)
- 20-343 From the Ministry of Natural Resources, informing Council that responsibility for bear management has been uploaded to the province and that the Ministry has taken a role in the coordination of a new Bear Wise program, a comprehensive nuisance bear management strategy.
(File No. CSU-A16-000-2004)

COMMUNICATIONS

- 20-345 From the Committee of Adjustment, a Notice of Decision in respect of the following applications:

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MINOR VARIANCE – CALEB R. HIGGINS – in respect of an application for minor variances from Zoning By-Law No. 8499 for the property at 120 Russell Street in order to permit the construction of a two-storey duplex **BE APPROVED**, subject to conditions. The final date of appeal is July 19, 2004.

CONSENT – 1424782 ONTARIO INC. – in respect of an application for a consent to a 99-year lease for parking purposes at 1240-1250 Gardiners Road **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is July 26, 2004.

CONSENT – DERBYSHIRE INSURANCE & REAL ESTATE – in respect of an application for a consent to sever 426 MacDonnell Street from a 969.54m² parcel of land at 426-430 MacDonnell Street **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is July 26, 2004.

MINOR VARIANCE – DERBYSHIRE INSURANCE & REAL ESTATE – in respect of an application for a minor variance from Zoning By-Law No. 8499 for the property at 426 MacDonnell Street in order to allow the severance of this property from 426-430 MacDonnell Street **BE APPROVED**, subject to conditions. The final date of appeal is July 19, 2004.

MINOR VARIANCE – DERBYSHIRE INSURANCE & REAL ESTATE – in respect of an application for a minor variance from Zoning By-Law No. 8499 for the property at 430 MacDonnell Street in order to allow the severance of 426 MacDonnell Street from the property at 426-430 MacDonnell Street **BE APPROVED**, subject to conditions. The final date of appeal is July 19, 2004.

MINOR VARIANCE – MARTIN & CATHARINE SANTYR – in respect of an application for a minor variance from Zoning By-Law No. 8499 for the property at 73 John Street in order to permit the construction of attic dormer additions and three useable stories **BE APPROVED**, subject to conditions. The final date of appeal is July 19, 2004.

MINOR VARIANCE – 3547591 CANADA INC. – in respect of an application for a minor variance from Zoning By-Law No. 97-102 for the property at 1149 Clyde Court in order to recognize the location of the existing structure **BE APPROVED**, subject to a condition. The final date of appeal is July 19, 2004.

MINOR VARIANCE – DAVID CLIFF & SUSANNE CLIFF-JUNGLING – in respect of an application for a minor variance from Zoning By-Law No. 8499 for the property at 10 Ann Street in order to permit the replacement of an existing back room **BE APPROVED**, subject to conditions. The final date of appeal is July 19, 2004.

MINOR VARIANCE – CANADIAN TIRE REAL ESTATE LTD. – in respect of an application for a minor variance from Zoning By-Law No. 76-26 for the property at 2560 Princess Street in order to recognize the construction of the addition **BE APPROVED**, subject to conditions. The final date of appeal is July 19, 2004.

MINOR VARIANCE – JAN & KEN AUSTEN – in respect of an application for minor variances from Zoning By-Law No. 76-26 for the property at 400 Conservatory Drive in order to permit the construction of a fence and a driveway **BE APPROVED**, subject to conditions. The final date of appeal is July 19, 2004.

MINOR VARIANCE – MARY ELIZABETH ELLEN PAJUR – in respect of an application for a minor variance from Zoning By-Law No. 76-26 for the property at 287 Days Road in order to recognize the location of the existing structure and accessory structures **BE APPROVED**. The final date of appeal is July 19, 2004.

MINOR VARIANCE – SUSAN M. BAZELY – in respect of an application for minor variances from Zoning By-Law No. 8499 for the property at 24 Jenkins Street in order to permit the construction of a second-storey addition **BE APPROVED**, subject to conditions. The final date of appeal is July 19, 2004.

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MINOR VARIANCES – DAVE & JEN ST. ONGE – in respect of an application for minor variances from Zoning By-Law No. 8499 for the property at 32 Grange Street in order to permit the construction of a 1 1/2-

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storey addition and to enclose the existing porch **BE APPROVED**, subject to conditions. The final date of appeal is July 19, 2004.

CONSENT – WILLIAM J. HENDERSON – in respect of an application for a consent to sever a 1.39 hectare parcel of land on Woodbine Road from an approximately 141 hectare parcel of land for the purpose of a lot addition to 1745 Woodbine Road **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is July 26, 2004.

MINOR VARIANCE – JOHN & JULIA STATHOPOULOS – in respect of an application for minor variances from Zoning By-Law No. 8499 for the property at 947 Chancery Street in order to permit the construction of a two-storey addition **BE APPROVED**, subject to conditions. The final date of appeal is July 19, 2004.
(File No. CSU-D23-000-2004)

- 20-363 From Robert Marks, Customer Service Representative for Town Homes Kingston, requesting the approval of Council to appoint specific employees at Town Homes Kingston (Sennan Vandenberg, Barbara Butler) to be By-Law Enforcement Officers for the purpose of issuing tickets on the property of Town Homes Kingston Parking Lots and to remove specific employees (David Mitchell).
(File No. CSU-P01-03-2004)
(See By-Law No. (42), 2004-235)
- 20-364 From Jeff Vanderburg, Operations Manager for Group 4 Falck Kingston, requesting the approval of Council to appoint specific employees at Frontenac Condominium Corporation #56 (Jeff Vanderburg, Sandy MacLachlan, Ben Coleman, Paula Haynes, Jon Marconi) to be By-Law Enforcement Officers for the purpose of issuing tickets on the property of the Frontenac Condominium Corporation #56 Parking Lots.
(File No. CSU-P01-03-2004)
(See By-Law No. (43), 2004-236)
- 20-365 From Bruce Todd, informing Council that his request to receive a copy of the Kingston Transportation Master Plan was not fulfilled and, as a result, he was not able to submit comments on the Plan to Planning & Development Services.
(File No. CSU-T10-000-2004)
(Copied to all Members of Council on July 13, 2004)
- 20-366 From Robert Harlow, requesting that Council reject the recommendation of the Large Venue Entertainment Centre Steering Committee and call for its redrafting.
(File No. CSU-R05-001-2004)
(Copied to all Members of Council on July 13, 2004)
- 20-367 From J. Katan, requesting that Council reject the recommendation of the Large Venue Entertainment Centre Steering Committee and call for its redrafting.
(File No. CSU-R05-001-2004)
(Copied to all Members of Council on July 13, 2004)
- 20-368 From Cliff Slade, a suggested third option to the current regulations of Block D, along with sample plans of what is possible under the current regulations.
(File No. CSU-D26-000-2004)
(Copied to all Members of Council on July 13, 2004)

COMMUNICATIONS

Referred to Council and the Commissioner of Operations

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20-341 From Mike Fleurie, General Manager of the Federal Employees (Kingston) Credit Union Ltd., requesting that the City assist the Credit Union with repairs to the laneway off Garrett Street, as well as reimbursement for repairs already made by the Credit Union.
(File No. CSU-M04-000-2004; CSU-T06-000-2004)
(Copied to all Members of Council on July 9, 2004)

Referred to the Commissioner of Planning & Development Services

20-351 From the Ministry of Natural Resources, announcing the Ministry's new Bear Wise program for managing human-bear conflicts.
(File No. CSU-A16-000-2004)

20-355 From the Environmental Review Tribunal, informing Council of the withdrawal of appeals by 901680 Ontario Inc. and 883484 Ontario Inc. regarding matters concerning groundwater contamination located at 4398 and 4400 Mill Street, Village of Sydenham.
(File No. CSU-L01-000-2004)

20-358 From Loyalist Township, announcing a public meeting on Monday, July 26, 2004 at 7:00 pm at the Odessa Administration Building to consider an amendment to Loyalist Township Zoning By-Law No. 2001-38.
(File No. CSU-M04-000-2004)
(Copied to all Members of Council on July 9, 2004)

20-362 From Ernie Victor, Land Use Planner for Aird & Berlis, Barristers & Solicitors, advising of the application by Loblaws Properties Limited for Site Plan Approval and providing materials as required by the Ontario Municipal Board.
(File No. CSU-D11-000-2004)

Referred to the Kingston Awards Committee

20-339 From the Ministry of Citizenship & Immigration, requesting nominations for the 2004 Ontario Medal for Good Citizenship, which recognizes and promoted the virtues of good citizenship. The deadline for nominations is July 16, 2004.
(File No. CSU-A16-000-2004)
(Copied to all Members of Council on July 9, 2004)

20-342 From the Ministry of Citizenship & Immigration, requesting nominations for the 2004 Community Action Award, which recognizes individuals who have made a significant contribution to their community by promoting integration and independence of persons with disabilities. The deadline for nominations is July 16, 2004.
(File No. CSU-A16-000-2004)
(Copied to all Members of Council on July 9, 2004)

BY-LAWS

The following by-laws were read on July 14, 2004.

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Council consented to the withdrawal of By-Law Nos. (1) through (14) and (38), and the addition of By-Law Nos. (51) through (56).

- (A) Moved by Councillor Beavis
Seconded by Councillor Downes

THAT By-Laws (15) through (37), (39) through (44), and (51) through (56) be given their first and second reading.

CARRIED

- (B) Moved by Deputy Mayor Foster
Seconded by Councillor Stoparczyk

THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (15) to (30), (33), (35), (36), (42), and (43) three readings.

CARRIED

- (C) Moved by Councillor Sutherland
Seconded by Councillor K. George

THAT By-Laws (15) through (30), (33), (35), (36), and (42) through (56) be given their third reading.

CARRIED

- (1) A By-Law To Amend By-Law No. 11 (1938) - "A By-Law To Define Certain Areas Within The Municipality Of The City Of Kingston In Which The Streets Shall Be Cleaned".

THIRD READING

PROPOSED NO. 2004-193

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

WITHDRAWN

- (2) A By-Law To Amend By-Law No. 12 (1938) - "A By-Law To Define Certain Areas Within The Municipality Of The City Of Kingston In Which The Streets Shall Be Oiled".

THIRD READING

PROPOSED NO. 2004-194

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

WITHDRAWN

- (3) A By-Law To Amend By-Law No. 29 (1938) - "A By-Law Respecting The Sale Of Firewood" (Former City Of Kingston).

THIRD READING

PROPOSED NO. 2004-195

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

WITHDRAWN

- (4) A By-Law To Amend By-Law No. 125 (1940) - "A By-Law Regulating The Delivery Of Milk In The City Of Kingston".

THIRD READING

PROPOSED NO. 2004-196

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

WITHDRAWN

BY-LAWS

- (5) A By-Law To Amend By-Law No. 772 (1950) - "A By-Law To Provide That Street Vendors Shall Offer For Sale Only Pre-Sealed And Pre-Packaged Goods" (Former City Of Kingston).

THIRD READING

PROPOSED NO. 2004-197

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

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WITHDRAWN

- (6) A By-Law To Amend By-Law No. 524 (1947) – “By-Law To Regulate The Erection Of Buildings In The Township Of Kingston, Bordering On Highways Therein”.
THIRD READING PROPOSED NO. 2004-198
(Clause (d), The Committee of the Whole)

WITHDRAWN

- (7) A By-Law To Amend By-Law No. 88-107 (1988) – “A By-Law To Prohibit The Selling Or Disposing Of Goods Or Services On All Township Roads And Highways” (Former Township Of Kingston).
THIRD READING PROPOSED NO. 2004-199
(Clause (d), The Committee of the Whole)

WITHDRAWN

- (8) A By-Law To Amend By-Law No. 89-67 (1989) – “A By-Law To Amend By-Law 88-107 Regarding The Selling Or Disposing Of Goods Or Services On All Township Roads And Highways” (Former Township Of Kingston).
THIRD READING PROPOSED NO. 2004-200
(Clause (d), The Committee of the Whole)

WITHDRAWN

- (9) A By-Law To Amend By-Law No. 11-1948 (1948) – “A By-Law To Provide For Widening Of Township Roads To 66 Feet And The Payment Of Same” (Former Township Of Pittsburgh).
THIRD READING PROPOSED NO. 2004-201
(Clause (d), The Committee of the Whole)

WITHDRAWN

- (10) A By-Law To Amend By-Law No. 13-1950 (1950) – “A By-Law To Amend By-Law No. 11-1948” (Former Township Of Pittsburgh).
THIRD READING PROPOSED NO. 2004-202
(Clause (d), The Committee of the Whole)

WITHDRAWN

- (11) A By-Law To Amend By-Law No. 10-80 (1980) – “Being A By-Law To Prohibit The Placing Of Snow From Privately-Owned Property Onto Township Sidewalks, Roadways Or Highways” (Former Township Of Pittsburgh).
THIRD READING PROPOSED NO. 2004-203
(Clause (d), The Committee of the Whole)

WITHDRAWN

BY-LAWS

- (12) A By-Law To Amend By-Law No. 36-81 (1981) – “Being A By-Law To Prohibit Bicycles On Sidewalks In The Township Of Pittsburgh”.
THIRD READING PROPOSED NO. 2004-204
(Clause (d), The Committee of the Whole)

WITHDRAWN

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- (13) A By-Law To Amend By-Law No. 849-B (1954) – “A By-Law To Regulate The Location Of Buildings And Other Structures On Lands Adjacent To All Roads Within The County Road System Of The County Of Frontenac”.
THIRD READING PROPOSED NO. 2004-205
(Clause (d), The Committee of the Whole) **WITHDRAWN**
- (14) A By-Law To Amend By-Law No. 20-1997 (1997) – “A By-Law To Authorize The County Engineer To Approve Traffic Control Signal Systems And Traffic Control Signals Used In Conjunction With A Traffic Control System”.
THIRD READING PROPOSED NO. 2004-206
(Clause (d), The Committee of the Whole) **WITHDRAWN**
- (15) A By-Law To Repeal By-Law No. 11 (1938) - “A By-Law To Define Certain Areas Within The Municipality Of The City Of Kingston In Which The Streets Shall Be Cleaned”.
THREE READINGS PROPOSED NO. 2004-208
(Clause (d), The Committee of the Whole)
- (16) A By-Law To Repeal By-Law No. 12 (1938) – “A By-Law To Define Certain Areas Within The Municipality Of The City Of Kingston In Which The Streets Shall Be Oiled”.
THREE READINGS PROPOSED NO. 2004-209
(Clause (d), The Committee of the Whole)
- (17) A By-Law To Repeal By-Law No. 29 (1938) – “A By-Law Respecting The Sale Of Firewood” (Former City Of Kingston).
THREE READINGS PROPOSED NO. 2004-210
(Clause (d), The Committee of the Whole)
- (18) A By-Law To Repeal By-Law No. 125 (1940) – “A By-Law Regulating The Delivery Of Milk In The City Of Kingston”.
THREE READINGS PROPOSED NO. 2004-211
(Clause (d), The Committee of the Whole)
- (19) A By-Law To Repeal By-Law No. 772 (1950) – “A By-Law To Provide That Street Vendors Shall Offer For Sale Only Pre-Sealed And Pre-Packaged Goods” (Former City Of Kingston).
THREE READINGS PROPOSED NO. 2004-212
(Clause (d), The Committee of the Whole)

BY-LAWS

- (20) A By-Law To Repeal By-Law No. 524 (1947) – “By-Law To Regulate The Erection Of Buildings In The Township Of Kingston, Bordering On Highways Therein”.
THREE READINGS PROPOSED NO. 2004-213
(Clause (d), The Committee of the Whole)

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- (21) A By-Law To Repeal By-Law No. 88-107 (1988) – “A By-Law To Prohibit The Selling Or Disposing Of Goods Or Services On All Township Roads And Highways” (Former Township Of Kingston).
THREE READINGS PROPOSED NO. 2004-214
(Clause (d), The Committee of the Whole)
- (22) A By-Law To Repeal By-Law No. 89-67 (1989) – “A By-Law To Amend By-Law 88-107 Regarding The Selling Or Disposing Of Goods Or Services On All Township Roads And Highways” (Former Township Of Kingston).
THREE READINGS PROPOSED NO. 2004-215
(Clause (d), The Committee of the Whole)
- (23) A By-Law To Repeal By-Law No. 11-1948 (1948) – “A By-Law To Provide For Widening Of Township Roads To 66 Feet And The Payment Of Same” (Former Township Of Pittsburgh).
THREE READINGS PROPOSED NO. 2004-216
(Clause (d), The Committee of the Whole)
- (24) A By-Law To Repeal By-Law No. 13-1950 (1950) – “A By-Law To Amend By-Law No. 11-1948” (Former Township Of Pittsburgh).
THREE READINGS PROPOSED NO. 2004-217
(Clause (d), The Committee of the Whole)
- (25) A By-Law To Repeal By-Law No. 10-80 (1980) – “Being A By-Law To Prohibit The Placing Of Snow From Privately-Owned Property Onto Township Sidewalks, Roadways Or Highways” (Former Township Of Pittsburgh).
THREE READINGS PROPOSED NO. 2004-218
(Clause (d), The Committee of the Whole)
- (26) A By-Law To Repeal By-Law No. 36-81 (1981) – “Being A By-Law To Prohibit Bicycles On Sidewalks In The Township Of Pittsburgh”.
THREE READINGS PROPOSED NO. 2004-219
(Clause (d), The Committee of the Whole)
- (27) A By-Law To Repeal By-Law No. 849-B (1954) – “A By-Law To Regulate The Location Of Buildings And Other Structures On Lands Adjacent To All Roads Within The County Road System Of The County Of Frontenac”.
THREE READINGS PROPOSED NO. 2004-220
(Clause (d), The Committee of the Whole)

BY-LAWS

- (28) A By-Law To Repeal By-Law No. 20-1997 (1997) – “A By-Law To Authorize The County Engineer To Approve Traffic Control Signal Systems And Traffic Control Signals Used In Conjunction With A Traffic Control System”.
THREE READINGS PROPOSED NO. 2004-221
(Clause (d), The Committee of the Whole)

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- (29) A By-Law To Provide For The Temporary Closure Of Ontario Street From Brock Street To Market Street On Friday, August 13, 2004 From 5:00 PM To 10:00 PM; Saturday, August 14, 2004 From 10:00 AM To 10:00 PM; And Sunday, August 15, 2004 From 12:00 PM To 6:00 PM (Community Purposes – 1000 Island Poker Run).
THREE READINGS PROPOSED NO. 2004-222
(Clause (s), Report No. 66)
- (30) A By-Law To Provide For The Temporary Closure Of Ontario Street From Brock Street To Market Street On Saturday, August 21, 2004 From 7:00 AM To 10:00 PM (Community Purposes – Easter Seal Beach Volley Ball Tournament).
THREE READINGS PROPOSED NO. 2004-223
(Clause (t), Report No. 66)
- (31) A By-Law To Provide For The Temporary Closure Of Ontario Street From Brock Street To Market Street On Saturday, September 11, 2004 From 3:30 PM To 7:30 PM (Community Purposes – MINImeet “Show & Shine”).
FIRST AND SECOND READING PROPOSED NO. 2004-224
(Clause (u), Report No. 66)
- (32) A By-Law To Provide For The Temporary Closure Of Bagot Street From Barrie Street To West Street In Front Of City Park On Wednesday, September 8, 2004 From 4:00 PM To 5:30 PM (Community Purposes – Queen’s Alma Mater Society Bigger & Better Event Parade).
FIRST AND SECOND READING PROPOSED NO. 2004-225
(Clause (v), Report No. 66)
(Councillor Pater ABSTAINED)
- (33) A By-Law To Provide For The Temporary Closure Of Ontario Street From Brock Street To Market Street On Sunday, August 2, 2004 From 11:00 AM To 1:00 PM (Community Purposes – Fort Henry Guard 50th Anniversary).
THREE READINGS PROPOSED NO. 2004-226
(Clause (w), Report No. 66)
- (34) A By-Law To Provide For The Temporary Establishment Of Various Streets As One-Way Traffic Patterns On Sunday, September 5, 2004 From 8:00 AM To 5:00 PM (Community Purposes – Queen’s Alma Mater Society Moving In Day).
FIRST AND SECOND READING PROPOSED NO. 2004-227
(Clause (x), Report No. 66)
(Councillor Pater ABSTAINED)

BY-LAWS

- (35) A By-Law To Provide For The Temporary Closure Of Various Streets At Various Times On Friday, August 27, 2004 And Saturday, August 28, 2004 (Community Purposes – Limestone City Blues Festival).
THREE READINGS PROPOSED NO. 2004-228
(Clause (y), Report No. 66)
- (36) 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” To Provide For The Temporary

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Closure Of Market Square On Saturday, August 28, 2004 From 5:00 PM To 11:00 PM (Community Purposes – Limestone City Blues Festival).

THREE READINGS

PROPOSED NO. 2004-229

(Clause (y), Report No. 66)

- (37) A By-Law To Provide For The Temporary Closure Of University Avenue From Union Street To Stuart Street On Friday, September 10, 2004 From 4:00 AM To 7:00 PM (Community Purposes – Queen's Alma Mater Society Orientation Sidewalk Sale).

FIRST AND SECOND READING

PROPOSED NO. 2004-230

(Clause (z), Report No. 66)

(Councillor Pater ABSTAINED)

- (38) A By-Law To Change The Name Of A Portion Of Elliott Avenue To Counter Street.

FIRST AND SECOND READING

PROPOSED NO. 2004-231

(Clause (aa), Report No. 66)

WITHDRAWN

- (39) A By-Law To Change The Name Of Katherine Crescent, As Shown On Registered Plan 13M-24, To Katharine Crescent And To Change The Name Of Chadwick Drive, As Shown On Registered Plan 13M-41, To Chadwick Court.

FIRST AND SECOND READING

PROPOSED NO. 2004-232

(Clause (bb), Report No. 66)

- (40) A By-Law To Amend By-Law No. 2003-46 "A By-Law To Provide For The Arbitration Of Fencing Disputes Between Adjoining Property Owners" (Schedule "A" – Remove Ronald Fitzgerald).

FIRST AND SECOND READING

PROPOSED NO. 2004-233

(Clause (cc), Report No. 66)

- (41) A By-Law To Amend By-Law 24 "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act" (Provide For Additional On-Street Permit Parking - Barrie St. (Between Clergy And Union Streets); Clergy St. (Easterly End At Barrie Street), On Queen's Crescent (Between Albert And Collingwood Streets); St. Lawrence Avenue).

FIRST AND SECOND READING

PROPOSED NO. 2004-234

(Clause (dd), Report No. 66)

BY-LAWS

- (42) 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" (Town Homes Kingston – Appoint Sennan Vandenberg, Barbara Butler; Remove David Mitchell).

THREE READINGS

PROPOSED NO. 2004-235

(Communication 20-363)

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- (43) 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" (Frontenac Condominium Corporation #56 – Appoint Jeff Vanderburg, Sandy MacLachlan, Ben Coleman, Paula Haynes, Jon Marconi – Group 4 Falck Kingston).
THREE READINGS PROPOSED NO. 2004-236
(Communication 20-364)
- (44) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, July 13, 2004.
THREE READINGS PROPOSED NO. 2004-237
(City Council Meeting No. 20-2004)
- (45) A By-Law To Amend By-Law No. 2003-32 "A By-Law To Provide For The Provision Of Street Lighting In The City Of Kingston" (Amend Clause 1 (C)).
THIRD READING PROPOSED NO. 2004-187
(Clause (g), Report No. 64)
- (46) A By-Law To Amend By-Law No. 2003-30 "A By-Law To Provide For The Provision Of Roads In The City Of Kingston" (Repeal And Replace Clause 1 (D)).
THIRD READING PROPOSED NO. 2004-188
(Clause (h), Report No. 64)
- (47) A By-Law To Establish The Land Designated As Parts 1 And 5 On Registered Plan 13R-17364, Highway No. 2, City Of Kingston, As Part Of The Public Highway In Accordance With Section 31 Of The *Municipal Act, Chapter 25, SO 2001*.
THIRD READING PROPOSED NO. 2004-189
(Clause (i), Report No. 64)
- (48) A By-Law To Regulate The Use Of City Streets.
THIRD READING PROPOSED NO. 2004-190
(Clause (d), The Committee of the Whole)
- (49) A By-Law To Amend By-Law No. 10 "A By-Law Respecting Streets" (Former City Of Kingston).
THIRD READING PROPOSED NO. 2004-191
(Clause (d), The Committee of the Whole)

BY-LAWS

- (50) A By-Law To Amend By-Law No. 2-1994 "A By-Law To Regulate The Use Of And Traffic, Parking And Stopping On Highways And Bridges Under The Jurisdiction Of The Council Of The Corporation Of The County Of Frontenac" (Former County Of Frontenac).
THIRD READING PROPOSED NO. 2004-192
(Clause (d), The Committee of the Whole)
- (51) A By-Law To Amend By-Law No. 32-74 Of The Former Township Of Pittsburgh (South Side Of Middle Road – Part Lots 3 & 4, Concession 2 In Kingston East, Rezoning From "OS" Open Space To "ER" (Estate Residential Zone)).

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THREE READINGS

(Clause (1), Report No. 68)

PROPOSED NO. 2004-238

- (52) A By-Law To Amend By-Law No. 76-26 "Zoning By-Law" Of The Former Township Of Kingston – Change The Provisions Of The R3-4 Zone On Approximately 3 Hectares Of Land (Lots 1 To 70 And Part Of Blocks 297, 303, 304 And 305, Plan 1853) To Allow Single-Family Detached Dwellings To Be Located On Lots With A Frontage Of 40 Feet – Homestead Land Holdings Limited.

THREE READINGS

(Clause (2), Report No. 68)

PROPOSED NO. 2004-239

- (53) A By-Law To Amend By-Law No. 8499 Of Former City Of Kingston (Site Specific Zoning – Special One-Family, Semi-Detached And Linked Dwelling "A7.342" Zone And Special One-Family, Semi-Detached And Linked Dwelling "A7.343" Zone, Block 47, Registered Plan No. 13M).

THREE READINGS

(Clause (3), Report No. 68)

PROPOSED NO. 2004-240

- (54) A By-Law To Amend By-Law No. 76-26 "Zoning By-Law Of The Township Of Kingston" (Site Specific – 1600 Bath Road – Zone C5-4-H, Modified General Shopping Centre Commercial Holding Zone).

THREE READINGS

(Clause (4), Report No. 68)

PROPOSED NO. 2004-241

- (55) A By-Law to Amend the Official Plan for the City of Kingston Planning Area (Amendment No. 25 – Text Change – Block "D" Special Policy Area).

THREE READINGS

(Clause (5), Report No. 68)

PROPOSED NO. 2004-242

(Councillor Garrison OPPOSED)

- (56) A By-Law To Amend By-Law No. 96-259 "Downtown And Harbour Zoning By-Law" Of The Former City Of Kingston – Site Specific – Block "D", East Side Of Ontario Street Between William And Gore Streets.

THREE READINGS

(Clause (5), Report No. 68)

PROPOSED NO. 2004-243

(Councillor Garrison OPPOSED)

ADJOURNMENT

Moved by Councillor Pater

Seconded by Deputy Mayor Foster

THAT Council do now adjourn.

CARRIED

Council adjourned at 1:00 am.

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(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor