

CITY COUNCIL MEETING NO. 14-2005

The Regular Meeting of City Council was held on Tuesday, May 3, 2005 at 5:45 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 5:45 pm to 7:05 pm in the Councillors' Lounge.

(Councillor's Lounge)

ROLL CALL

Present: Mayor Rosen, Deputy Mayor Foster, Councillor Beavis, Councillor Downes (arrived at 6:50 pm), Councillor Garrison (arrived at 6:10 pm), Councillor B. George (arrived at 5:55 pm), Councillor K. George, Councillor Meers (arrived at 6:05 pm), Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (13)

(Councillor's Lounge)

Administrative Staff Present:

Mr. D. Leger, Acting Chief Administrative Officer
Ms. C. Beach, Commissioner, Planning & Development Services
Mr. L. Cleary, Supervisor, Financial, Housing, Community Services
Mrs. C. Downs, Manager, Council Support/City Clerk
Mr. T. Fleming, Senior Legal Counsel, Legal Services
Mr. G. Grange, Manager, Housing, Community Services
Ms. S. Hickey, Director, Strategic Initiatives & Communications
Mr. G. Hunt, Acting Commissioner, Corporate Services; Manager, Finance
Mr. H. Linscott, Director, Legal Services
Mr. A. McLeod, Legal Counsel, Legal Services
Ms. N. Sullivan, Deputy City Clerk
Mr. L. Thurston, Commissioner, Community Services
Mr. G. Wallace, Manager, Planning, Planning & Development Services

COMMITTEE OF THE WHOLE "IN CAMERA"

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

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

- (a) Legal Matters

CARRIED

(Council Chambers)

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Administrative Staff Present:

Mr. D. Leger, Acting Chief Administrative Officer
Ms. C. Beach, Commissioner, Planning & Development Services
Mr. L. Cleary, Supervisor, Financial, Housing, Community Services
Mr. G. Coons, Executive Assistant, Mayor's Office
Mrs. C. Downs, Manager, Council Support/City Clerk
Ms. R. Etherington, Supervisor, Policy & Support Services, Community Services
Mr. T. Fleming, Senior Legal Counsel, Legal Services
Mr. M. Fluhrer, Manager, Policy & Support Services, Community Services
Mr. G. Grange, Manager, Housing, Community Services
Ms. S. Hickey, Director, Strategic Initiatives & Communications
Mr. G. Hunt, Acting Commissioner, Corporate Services/Manager, Finance
Mr. H. Linscott, Director, Legal Services
Ms. C. Mastantuono, Manager, Policy & Support Services, Community Services
Mr. A. McLeod, Legal Counsel, Legal Services
Mr. S. Murphy, Supervisor, Building Section, Planning & Development Services
Ms. N. Sullivan, Deputy City Clerk
Mr. L. Thurston, Commissioner, Community Services
Mr. G. Wallace, Manager, Planning, Planning & Development Services
Mr. T. Willing, Manager, Building & Licensing

DISCLOSURE OF PECUNIARY INTEREST

- (1) Councillor B. George declared a pecuniary interest in the matter of Clause 3 of Report No. 64 of the Planning Committee and in the matter reported out of Committee of the Whole "In Camera – Block D (Site Plan Control) as his employer has a pecuniary interest.
- (2) Councillor Pater declared a pecuniary interest in the matter of Clause 2 of Report No. 62 of the Planning & Development Committee as her husband is employed by Queen's University.

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

- (2) Moved by Councillor Pater
Seconded by Councillor Patterson

THAT Council rise from the Committee of the Whole "In Camera" and the Chair report on a matter discussed "In Camera".

CARRIED

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

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The Chair reported the following:

Moved by Councillor Stoparczyk
Seconded by Councillor Patterson

THAT Council direct city staff that the benefits, which Gillin Engineering Construction Limited and Homestead Land Holdings Limited have offered to the City arising from negotiations with City staff (as outlined below), are sufficient:

- Pay the City \$100,000.00 toward the cost of any seawall construction and/or repairs that may be necessary
- Construct a parking pad for ten cars on the present grade on the strata surface lands to be conveyed to the City, together with suitable access or, at the option of the City, to construct the parking lot on the City-owned "William Street extension" lands
- At the City's option, construct a reinforced concrete base for a future marina building on the strata surface lands to be conveyed to the City. The size would be up to 325 square metres (3,500 square feet), the locations and dimensions to be specified by the City
- Install to the building location sewer, water, gas and hydro services to service a relocated marina and marina building
- At the City's option, construct the park improvements on the strata surface lands to be conveyed to the City, as shown on the Scott Wentworth design
- Convey to the City additional public open space developed to the satisfaction of the City at the owners' cost
- Improvements to existing walkway (lighting, benches, railings, resurfacing as necessary)
- Agreement for City input as to exterior appearance of buildings

–and further–

THAT the said benefits be incorporated as Special Municipal Conditions in the Site Plan Control agreement for Block D;

–and further–

THAT, if the City does not exercise its option to have one or more of the benefits constructed, Gillin and Homestead shall pay cash in lieu to the City in an amount equal to the cost of constructing or providing that particular benefit;

–and further–

THAT, once the Site Plan Control Agreement has been registered on title to Block D, staff be directed to prepare a full and final release from Block D of the 1988 Site Plan Development Agreement and the Mayor and Clerk be authorized to sign said release.

CARRIED

(3) Moved by Deputy Mayor Foster
Seconded by Councillor K. George

THAT the report of the Committee of the Whole "In Camera" be received, adopted and confirmed.

CARRIED
(Councillor Garrison OPPOSED)

PRESENTATIONS

DELEGATIONS

PETITIONS

- (1) A petition from the residents of Alfred Crescent, bearing approximately 32 signatures and appearing on the agenda, was presented by Councillor Garrison and reads as follows:

"Water problems in Alfred Crescent area with regards to drainage."

(File No. CSU-C14-000-2005)

(See Communication No. 14-286)

Referred to the President & CEO of Utilities Kingston

- (2) A petition from the Friends of the Memorial Centre, bearing approximately 40 signatures, was presented by Councillor Patterson and reads as follows:

"I oppose the sale of the approximately 23.6 acres of the Kingston Memorial Community Centre property for a private development to fund a new entertainment centre to be located to Anglin Bay-Inner Harbour.

I am opposed to the destruction of the Memorial Centre and the loss of much-needed public park and recreational lands. These facilities are a living Memorial to those who sacrificed their lives for our Country and as such should continue to serve their purpose as a focal point of the many and varied community activities in the neighbourhoods and the City."

**REFERRED TO THE COMMISSIONER OF COMMUNITY SERVICES AND
THE MULTIPLEX COMMUNITY CENTRE ARENA CAPACITY STEERING COMMITTEE**

- (3) A petition from the Friends of the Memorial Centre, bearing approximately 18 signatures, was presented by Councillor Beavis and reads as follows:

"I oppose the sale of the approximately 23.6 acres of the Kingston Memorial Community Centre property for a private development to fund a new entertainment centre to be located to Anglin Bay-Inner Harbour.

I am opposed to the destruction of the Memorial Centre and the loss of much-needed public park and recreational lands. These facilities are a living Memorial to those who sacrificed their lives for our Country and as such should continue to serve their purpose as a focal point of the many and varied community activities in the neighbourhoods and the City."

**REFERRED TO THE COMMISSIONER OF COMMUNITY SERVICES AND
THE MULTIPLEX COMMUNITY CENTRE ARENA CAPACITY STEERING COMMITTEE**

PETITIONS

- (4) A petition from the Friends of the Memorial Centre, bearing approximately 17 signatures, was presented by Deputy Mayor Foster and reads as follows:

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"I oppose the sale of the approximately 23.6 acres of the Kingston Memorial Community Centre property for a private development to fund a new entertainment centre to be located to Anglin Bay-Inner Harbour.

I am opposed to the destruction of the Memorial Centre and the loss of much-needed public park and recreational lands. These facilities are a living Memorial to those who sacrificed their lives for our Country and as such should continue to serve their purpose as a focal point of the many and varied community activities in the neighbourhoods and the City."

**REFERRED TO THE COMMISSIONER OF COMMUNITY SERVICES AND
THE MULTIPLEX COMMUNITY CENTRE ARENA CAPACITY STEERING COMMITTEE**

- (5) A petition from the Friends of the Memorial Centre, bearing approximately 94 signatures, was presented by Councillor B. George and reads as follows:

"I oppose the sale of the approximately 23.6 acres of the Kingston Memorial Community Centre property for a private development to fund a new entertainment centre to be located to Anglin Bay-Inner Harbour.

I am opposed to the destruction of the Memorial Centre and the loss of much-needed public park and recreational lands. These facilities are a living Memorial to those who sacrificed their lives for our Country and as such should continue to serve their purpose as a focal point of the many and varied community activities in the neighbourhoods and the City."

**REFERRED TO THE COMMISSIONER OF COMMUNITY SERVICES AND
THE MULTIPLEX COMMUNITY CENTRE ARENA CAPACITY STEERING COMMITTEE**

- (6) A petition from the Friends of the Memorial Centre, bearing approximately 24 signatures, was presented by Councillor Meers and reads as follows:

"I oppose the sale of the approximately 23.6 acres of the Kingston Memorial Community Centre property for a private development to fund a new entertainment centre to be located to Anglin Bay-Inner Harbour.

I am opposed to the destruction of the Memorial Centre and the loss of much-needed public park and recreational lands. These facilities are a living Memorial to those who sacrificed their lives for our Country and as such should continue to serve their purpose as a focal point of the many and varied community activities in the neighbourhoods and the City."

**REFERRED TO THE COMMISSIONER OF COMMUNITY SERVICES AND
THE MULTIPLEX COMMUNITY CENTRE ARENA CAPACITY STEERING COMMITTEE**

PETITIONS

- (7) A petition from the Friends of the Memorial Centre, bearing approximately 55 signatures, was presented by Councillor Pater and reads as follows:

"I oppose the sale of the approximately 23.6 acres of the Kingston Memorial Community Centre property for a private development to fund a new entertainment centre to be located to Anglin Bay-Inner Harbour.

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I am opposed to the destruction of the Memorial Centre and the loss of much-needed public park and recreational lands. These facilities are a living Memorial to those who sacrificed their lives for our Country and as such should continue to serve their purpose as a focal point of the many and varied community activities in the neighbourhoods and the City."

REFERRED TO THE COMMISSIONER OF COMMUNITY SERVICES AND
THE MULTIPLEX COMMUNITY CENTRE ARENA CAPACITY STEERING COMMITTEE

- (8) An email, bearing approximately 126 names, was presented by Councillor Pater and reads in part as follows:

"We, the undersigned, the youth of the City of Kingston, the future of the City and the inheritors of it, unify our voices in support of the development of a Large Venue Entertainment Centre. We believe that a downtown location offers the City the greatest opportunity to attract youth and celebrate history, offering opportunity to the entire City. We ask that all Councillors concerned about the future of our City and the interests of its youth support the aforementioned development."

REFERRED TO THE DIRECTOR OF THE LARGE VENUE ENTERTAINMENT CENTRE PROJECT
AND THE LARGE VENUE ENTERTAINMENT CENTRE STEERING COMMITTEE

- (9) A petition from the Friends of the Memorial Centre, bearing approximately 53 signatures, was presented by Councillor Smith and reads as follows:

"I oppose the sale of the approximately 23.6 acres of the Kingston Memorial Community Centre property for a private development to fund a new entertainment centre to be located to Anglin Bay-Inner Harbour.

I am opposed to the destruction of the Memorial Centre and the loss of much-needed public park and recreational lands. These facilities are a living Memorial to those who sacrificed their lives for our Country and as such should continue to serve their purpose as a focal point of the many and varied community activities in the neighbourhoods and the City."

REFERRED TO THE COMMISSIONER OF COMMUNITY SERVICES AND
THE MULTIPLEX COMMUNITY CENTRE ARENA CAPACITY STEERING COMMITTEE

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

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

(1) Motions of Congratulations

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

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THAT the congratulations of Kingston City Council be extended to Mae Ducette on the occasion of her 80th birthday on May 5, 2005.

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

THAT the congratulations of Kingston City Council be extended to Geoff Coons, Executive Assistant to the Mayor, and Anne-Marie Leman, on their wedding held April 30, 2005.

- (c) Moved by Mayor Rosen
Seconded by Deputy Mayor Foster

THAT the congratulations of Council be extended to Brigitte McConnell, Lead Volunteer, City Hall Tour Guides, on her 75th birthday to be held on May 29, 2005.
(File No. CSU-M11-000-2005)

CARRIED

(2) **Motions of Condolences**

- (a) Moved by Councillor Smith
Seconded by Councillor Garrison

THAT the condolences of Kingston City Council be extended to Barb Butler, Manager of Town Homes Kingston, on the death of her mother, the late Theresa Butler.
(File No. CSU-M11-000-2005)

CARRIED

REPORTS

Report No. 61 of the Chief Administrative Officer (Consent)

Council consented to the withdrawal of Clause (f).

Moved by Councillor Beavis
Seconded by Councillor Sutherland

THAT Report No. 61 of the Chief Administrative Officer be received and adopted.

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Report No. 61

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. Any member may ask for any item(s) included in the Consent Report to be separated from that motion, whereupon the consent report without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

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

(a) THAT those lands designated as Part 1 on Reference Plan 13R-17807 in the City of Kingston, County of Frontenac, be dedicated as part of the public highway in accordance with Section 31, of the *Municipal Act, Chapter 25, SO 2001*. (File No. CSU-T05-000-2005)
(See By-Law No. (1), 2005-101)

(b) THAT a by-law be presented for **three readings** to provide for the temporary closure on Sunday, May 8, 2005 from 10:00 am to 4:00 pm for the following streets for community purposes (**The Aztech Kingston Grand Prix Stage Race**),

- Innovation Drive
- Discovery Avenue
- John Marks Avenue

subject to the following conditions:

- (1) The applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division.
- (2) 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.
- (3) The applicant agrees to take out sufficient public liability property damage insurance in the amount of \$2,000,000.00 to cover all risks. The policy shall be in a form and in an amount satisfactory to the City of Kingston, and shall be kept in full force during the period of the proposed street closure. The City of Kingston shall be named as a party insured on the policy and the applicant shall provide the City of Kingston with a copy of the insurance policy.
- (4) The organizers shall contact all businesses in the area to inform them of the road closures.

(File No. CSU-T08-000-2005)

(See By-Law No. (2), 2005-102)

REPORTS

Report No. 61 of the Chief Administrative Officer (Consent)

(c) THAT a by-law be presented to provide for the temporary closure of the following streets on Sunday, June 5, 2005 for community purposes (**Beat Beethoven Run**):

From 7:00 am To 2:00 pm:

- Ontario Street between Brock Street and Market Street
- and-

From 10:00 am To 12:00 pm

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- Ontario Street between Market Street and King/West Streets
- Market Street between King Street and Ontario Street
- Clarence Street between King Street and Ontario Street
- Johnson Street between King Street and Ontario Street
- William Street between King Street and Ontario Street
- Earl Street between King Street and Ontario Street

subject to the following conditions:

- (1) The applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division.
- (2) 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.
- (3) The applicant agrees to take out sufficient public liability property damage insurance in the amount of \$2,000,000.00 to cover all risks. The policy shall be in a form and in an amount satisfactory to the City of Kingston, and shall be kept in full force during the period of the proposed street closure. The City of Kingston shall be named as a party insured on the policy and the applicant shall provide the City of Kingston with a copy of the insurance policy.

(File No. CSU-T08-000-2005)

(See By-Law No. (3), 2005-103)

REPORTS

Report No. 61 of the Chief Administrative Officer (Consent)

- (d) THAT a by-law be presented to authorize the temporary street closings and the temporary two-way traffic patterns for community purposes on Sunday, July 31, 2005, to host **the K-Town Triathlon** as follows:

Street Closure Locations, Dates And Times:

Between the hours of 4:00 am to 3:00 pm

- Ontario Street, between Brock Street and Market Street

From 4:00 am to 12:45 pm

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- Princess Street, between King Street and the Holiday Inn
- Ontario Street, between Queen Street and Brock Street
- Brock Street, between King Street and Ontario Street

From 7:00 am to 3:00 pm, except for local traffic

- Ontario Street, between Market Street and West Street
- Market Street, between King Street and Ontario Street
- Clarence Street, between King Street and Ontario Street
- Johnson Street, between King Street and Ontario Street
- William Street, between King Street and Ontario Street
- Earl Street, between King Street and Ontario Street
- Gore Street, between King Street and Ontario Street
- Lower Union Street, between King Street and Ontario Street

From 7:30 am to 12:45 pm

- Ontario Street, between Barrack Street and Queen Street
- Queen Street, between King Street and Ontario Street
- Place D'Armes, southbound ramp from King Street to Ontario Street
- Ontario Street, southbound lane between the northerly leg of Place D'Armes and Barrack Street (note: traffic coming into the City after crossing the Causeway will be directed west onto Place D'Armes to King Street or Wellington Street)

From 9:00 am to 2:00 pm

The creation of a 2 metre wide temporary lane for runners in a portion of the eastbound lane of King Street, between West Street and Emily Street and from the Water Treatment Plant to the Portsmouth Olympic Harbour. This temporary lane would be formed by measuring from the southern edge of the pavement and extending 2 metres into the eastbound lane of King Street. Traffic cones placed every 5-7 metres along this portion of the run route would separate runners from vehicular traffic.

The creation of a separate lane for runners by closing the southern half of the eastbound lanes of King Street from the entrance of Lake Ontario Park to approximately 50 metres west of the easterly most signalized entrance into the Dupont/Invista Plant. Traffic cones placed every 5-7 metres along this portion of the run route would separate runners from vehicular traffic.

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Temporary Two-Way Traffic Pattern Locations, Dates And Times

- Princess Street, between King Street and Ontario Street, to permit S & R Department Store customers to use their surface parking lot located off Princess Street on Sunday, July 31, 2005, from 9:00 a.m. to 12:45 p.m.
- Brock Street, between King Street and Ontario Street, to permit customers to use the parking lot located at the corner of Brock Street and Ontario Street on Sunday, July 31, 2005, from 4:00 a.m. to 12:45 p.m.

One-way traffic pattern shall resume on the following days and hours indicated:

- On Princess Street, between King Street and Ontario Street on Sunday, July 31, 2005, at 12:46 p.m.
- On Brock Street, between King Street and Ontario Street on Sunday, July 31, 2005, at 12:46 p.m.

subject to the following conditions:

- (1) The applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the Council Support Division.
- (2) The applicant will be responsible for the acquiring/renting, placing and removal of all barricades necessary to fully close the roadway(s) affected, install advance signage to indicate the street closure and the two-way traffic patterns and install detour signage.
- (3) 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-T08-000-2005)

(See By-Law No. (4), 2005-104; By-Law No. (5), 2005-105)

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Report No. 61 of the Chief Administrative Officer (Consent)

(e) **WHEREAS** Pye (Ontario) Limited submitted an application requesting that the "-H" Holding Symbol be lifted from Part of Lots 14 and 15, Concession 2 and more particularly described as Lots 1 to 211 and Blocks 212 to 233 of Draft Plan of Lyndenwood Subdivision Phase 3 including part of Crossfield Avenue, Augusta Drive, Abbot Street, Morningside Drive, Andersen Drive, Seale Court, Fawn Court and Deerfield Drive in the Cataraqui North Neighbourhood, and;

WHEREAS the "-H" Holding provisions were to remain in place until all applicable municipal and agency requirements have been complied with and all necessary agreements have been executed, and;

WHEREAS the Owner (Pye (Ontario) Ltd) has applied for final approval of subdivision (File No. D12-82-2004) and complied with the conditions for the removal of the "-H" Holding Symbol as follows:

- All necessary agency clearance letters have been submitted to the Municipality.
- Confirmation of adequate sewage capacity to service the proposed Subdivision has been received from Utilities Kingston.
- All municipal requirements are contained within the subdivision agreement and are shown on the approved engineering plans.
- The subdivision agreement is being finalized for the Owner's signature, and for registration together with the required final plans and financial security.
- The Owner has submitted, for the Municipality's consideration, the appropriate application for an amendment to the Zoning By-Law to remove the "-H" Holding Symbol.

THEREFORE BE IT RESOLVED THAT the Zoning Map to Cataraqui North Zoning By-Law No. 97-102 of the former Township of Kingston, as amended, be further amended by removing the "-H" Holding Symbol for the lands described as Part of Lots 14 and 15, Concession 2 and more particularly described as Lots 1 to 211 and Blocks 212 to 233 of Draft Plan of Lyndenwood Subdivision Phase 3 including part of Crossfield Avenue, Augusta Drive, Abbot Street, Morningside Drive, Andersen Drive, Seale Court, Fawn Court and Deerfield Drive so as to rezone the subject lands by removing the "-H" symbol from the lands shown as zoned "NC-H, OS1-H, MDR*1-H, MDR-H, LDR/NC-H, LDR*1-H and LDR-H" on Schedule "A" attached hereto.

–and further–

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

(File No. CSU-D28-000-2005)

(See By-Law No. (6), 2005-106)

REPORTS

Report No. 61 of the Chief Administrative Officer (Consent)

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- (f) **WHEREAS** Mr. Scot King has submitted an application to lift a Holding Symbol "-H", on behalf of Ms. Lynn Milo from lands described as Lot 4, Plan 626, Part of Lot 26, Concession 2 being Part 4 & 5, 13R-7013 and known municipally as 1711 Bateau Lane, in Kingston East; and,

WHEREAS the "-H" Holding provisions were to remain in place until all applicable Municipal and Agency requirements have been complied with and all necessary Agreements have been executed; and

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

- all Municipal requirements are contained within the Private Road Agreement and are shown on the approved site plan drawings; the terms of the agreement are as listed within the Private Road Agreement
- the Private Road Agreement is being finalized by Legal Services and will be executed by the Owner and the Municipality and registered on title by the Municipality
- there are no outstanding unpaid fees or invoices owed to the City of Kingston
- the Owner has submitted, for the Municipality's consideration, the appropriate application for an amendment to the Zoning By-law to remove the '-H' Holding Symbol

THEREFORE BE IT RESOLVED THAT Map No. 3 to Schedule "A" of Zoning By-Law No. 32-74 of the former Township of Pittsburgh, as amended, be further amended by removing the "-H" Symbol for the lands described as Lot 4, Plan 626, Part of Lot 26, Concession 2 being Part 4 & 5, 13R-7013 and known municipally as 1711 Bateau Lane, in Kingston East, so as to rezone the subject lands from a Holding Limited Service Residential "LSR-H" Zone to a Limited Service Residential "LSR" Zone, which lands are shown as "Lands Subject To H Removal" on Schedule "A" attached hereto;

–and further–

BE IT RESOLVED THAT the Clerk and Mayor be authorized to enter into a Private Road Agreement with the Owner of Lot 4, Plan 626, Part of Lot 26, Concession 2 being Part 4 & 5, 13R-7013 and known municipally as 1711 Bateau Lane;

–and further–

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

(File No. CSU-D28-000-2005)

(See By-Law No. (7), 2005-107)

WITHDRAWN

- (g) **THAT** By-Law No. 2005-108, "A By-Law To Establish General Municipal, Fire, Garbage, And Special Tax Rates To Provide For A Final Tax Levy For 2005; To Provide For Late Payment Charges To Be Charged On Unpaid Taxes; And To Provide For Payment Of Taxes By Instalment", be presented to provide for the levying and collecting of 2005 final taxes in order to calculate and prepare tax bills.

(File No. CSU-F22-000-2005)

(See By-Law No. (8), 2005-108)

- (h) **THAT** the tender of Metro Pavement Markings Ltd. for Tender No. PDS-ENG-03-2005 Pavement Markings, in the amount of \$361,105.00, be accepted; it being the lowest bid received.

(File No. CSU-F18-003-2005)

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Report No. 61 of the Chief Administrative Officer (Consent)

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- (i) **THAT** Council approve the lease renewal agreement with Fisheries and Oceans Canada for the Small Craft Harbour Facilities located at Flora MacDonald Confederation Basin Marina, commencing June 1, 2004 until May 31, 2009 and authorize the Mayor and City Clerk to enter into this agreement, subject to the satisfaction of the Director of Legal Services.
(File No. CSU-L15-000-2005; CSU-R05-000-2005)
- (j) **THAT** the City of Kingston enter into a Records Use Agreement with the Pittsburgh Township Historical Society (the Society), in a form satisfactory to the Director of Legal Services, for specific records owned by the City, which will be in control of the Society for use during historical research.
(File No. CSU-A10-000-2005)

CARRIED

Report No. 62 of the Planning & Development Services Committee

Council consented to the separation of Clauses (2) and (3).

Moved by Councillor B. George
Seconded by Councillor Stoparczyk

THAT Report No. 62 of the Planning & Development Services Committee be received and adopted.

Report No. 62

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

All items listed on the Report of the Planning & Development Services Committee shall be the subject of one motion. Any member may ask for any item(s) included in the Report of the Planning & Development Services Committee to be separated from that motion, whereupon the Report of the Planning & Development Services Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

April 20, 2005

1. **WHEREAS** the *Municipal Act, 2001*, permits municipalities to establish civic addresses, to name municipal highways and private roads, and to enter land to install signs and affix numbers to buildings, and;
WHEREAS Council passed By-Law No. 2000-177, "A By-Law To Provide For The Civic Addressing", on July 18, 2000 to establish a scheme for numbering all of the buildings and lots in the entire amalgamated municipality, and;
WHEREAS the Planning Division undertook a five year review of By-Law No. 2000-117, and;
WHEREAS it has been determined from this review that By-Law No. 2000-177 retained an inefficient three-tiered system of civic addressing corresponding to the former municipal boundaries and that administering the by-law has resulted in technical problems, and;

REPORTS

Report No. 62 of the Planning & Development Services Committee

WHEREAS it has been determined that By-Law No. 2000-177 does not comply with current emergency 911 conventions for addressing and street naming, and;

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WHEREAS Council wishes to establish a simplified harmonious system of identifying properties that will ensure accurate and efficient routing of emergency vehicles, mail, and other services, that will be capable of accommodating future growth, and that will comply with 911 conventions;

THEREFORE BE IT RESOLVED THAT By-Law No. 2005-98 "Civic Addressing & Road Naming By-Law" be presented to Council and receive **three readings**;

–and further–

BE IT RESOLVED THAT By-Law No. 2005-109 "A By-Law To Repeal By-Law No. 2000-177 "A By-Law To Provide For Civic Addressing" be presented and given **three readings**.
(See By-Law No. (9), 2005-98; By-Law No. (10), 2005-109)

Councillor Pater withdrew from the meeting.

2. **THAT** Council direct City staff to work with the consulting team hired by Queen's University for the Union Street Improvement Project which is a project to develop a streetscape plan for Union Street within the boundaries of the Queen's Campus and includes infrastructure within the public right of way and report back with the final concepts as information for Council at a later date;

–and further–

THAT recommendations regarding financing and any legal agreements required for construction in the City of Kingston right-of-way be provided to Council prior to the implementation of the reconstruction.

CARRIED

Councillor Pater returned to the meeting.

3. **WHEREAS** the Ministry of Municipal Affairs & Housing has finalized changes under Bill 124 to implement Building Regulatory Reform under the *Building Code Act* effective July 1, 2005, and;

WHEREAS these changes are intended to expedite and streamline the building permit approval process in Ontario by enacting training requirements for inspectors and by imposing strict timelines for permit reviews and inspections, and;

WHEREAS the changes also prevent the use of permit fees for any purpose other than the administration and enforcement of the Building Code, and;

WHEREAS it is desirable to ensure that there is a healthy building stock in the community and that improvements be made to ensure compliance with Section 3(1) of the *Building Code Act* which states that "*the Council of each municipality is responsible for the enforcement of this act in the municipality*";

THEREFORE BE IT RESOLVED THAT:

- (1) A new category of Senior Building & Plumbing Inspector be created in order to meet the requirements for training, registration and responsibilities imposed for Inspectors under the new *Building Code Act* and that this \$10,000.00 expenditure be funded from additional permit revenues in 2005 and funded in 2006 as a \$30,000.00 expenditure in the Building Section budget.

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- (2) The Appointments By-Law be amended prior to July 1, 2005 to require that all City Building Officials, their Supervisors, Manager and Chief Building Official be subject to a code of conduct in accordance with the *Building Code Act*.

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- (3) The Appointments By-Law be amended to appoint the Supervisor of Building as the Deputy Chief Building Official to fill this Statutory position during absences of the Chief Building Official, and to assume responsibility for the new inspection requirements and timelines that have been imposed on Council under section 3.(2) of the new *Building Code Act*.
- (4) Two Building & Plumbing Inspectors be hired by August 2005 to assume the plan review and inspection of water and sewer laterals, and that this \$40,000.00 expenditure be funded from additional permit revenues received in 2005 and funded in 2006 as a \$125,000.00 increase in the Building Section budget.
- (5) A public notice be published in April to advise owners with the new requirements for designer registration to come into effect July 1, 2005, and to clarify that permits issued before this date will be exempt from the requirements under the new *Building Code Act*.
- (6) The new position of Supervisor of Plan Review and Permits be created for June 2005 in order to assume responsibility for the new permit timelines and processing requirements that have been imposed on Council under section 3(2) of the new *Building Code Act*, and that this \$40,000.00 expenditure be funded from additional permit revenue in 2005 and funded in 2006 as a \$69,000.00 increase in the Building Section budget.
- (7) The part-time counter staff position in the Building Section be converted to a full-time position to meet new requirements for applications, permit timelines and to improve customer service.
- (8) An additional Building Inspector to handle the new Code requirements for mandatory inspections and prescribed timelines be considered as a \$63,000.00 item for deliberations during review of the 2006 budget for the Building Section.
- (9) A Stabilization Reserve Fund be established as provided for under section 2.23 of the regulations under the *Building Code Act* for surplus revenue in the Building Section starting in 2005 in order to offset associated with Building Code administration and enforcement, and;
- (10) By-Law No. 2005-99, "A By-Law To Provide For The Construction, Demolition, Change Of Use And Transfer Of Permits And Inspections" be presented to reflect the provisions of the new *Building Code Act*.

–and further–

THAT the following by-laws be repealed:

- By-Law No. 8790 – "A By-Law To Regulate The Erection And Provide For The Safety Of Buildings And Structures"
- By-Law No. 8819 – "A By-Law To Provide For A Building Permit Deposit For The Construction Of A Swimming Pool (Possible Damage To Streets, Sidewalks, Watermains Or Any Other Public Work)"; former Township of Pittsburgh"
- By-Law No. 23-96 – "A By-Law Respecting Construction, Demolition, And Change Of Use Permits And Inspections"
- By-Law No. 24-96, "A By-Law To Provide For A Damage Deposit For All New Structures And Additions To Structures Valued At \$10,000.00 Or More"

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- Former Township of Kingston By-Law No. 85-25 – "A By-Law To Provide For The Enforcement Of The *Building Code Act*, RSO 1980, Chapter 51, As Amended, In The Township Of Kingston, And The Issuing Of Building Permits Pursuant To The Authority Thereof, And To Repeal By-Law Number 79-46 And All Amendments Thereto"

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(See By-Law No. (11), 2005-99; By-Law No. (12), 2005-110; By-Law No. (13), 2005-111; By-Law No. (14), 2005-112; By-Law No. (15), 2005-113; By-Law No. (16), 2005-114)

CARRIED AS AMENDED
(See Motion to AMEND which was CARRIED)

Moved by Councillor Sutherland
Seconded by Councillor K. George

THAT a part of Bullet 9, which reads "*That the net surplus from 2004, estimated at \$300,000.00, be allocated as start-up funds*", be deleted and referred back to the Planning & Development Services Committee:

CARRIED

4. **WHEREAS** the City has approved *The Downtown Action Plan: An Infrastructure Renewal and Public Open Space Plan* to guide infrastructure renewal for 36 blocks of the downtown area, and;

WHEREAS the Plan is devised as a series of prioritized, phased projects that could be completed as financing and logistics permit, and;

WHEREAS the Downtown Action Plan was forwarded to the Office of the Commissioner of Planning & Development Services to assist with the coordination, implementation and monitoring of the Downtown Action Plan, and;

WHEREAS the Downtown Action Plan was approved by Council in September 2004 and the following strategies were adopted during budget deliberations:

- (a) Reallocate a portion of the utilities and road reconstruction budgets and to find additional monies for the Downtown Action Plan project;
- (b) Review the scope of the electrical component of the infrastructure replacement programme. This component represents 25% of the entire budget for the Downtown Action Plan;
- (c) Lengthen the time span for implementing the Downtown Action Plan from 10 to 15 years.

THEREFORE BE IT RESOLVED THAT the mandate of the Core Committee, as described in (Report No. PDS-009), be approved as follows:

- Provide advice to City staff in the ongoing coordination, implementation and monitoring of the Downtown Action Plan
- Liaison between the City and businesses, residents and other stakeholders in the downtown
- Create subcommittees to develop policy as required
- Prioritize projects short-term/long-term – prior to budget preparation, assist setting order of completion for 15-year plan
- Meet on a regular basis to review progress and provide feedback on important projects within the Downtown
- Provide opportunities for various stakeholders to communicate regarding the implementation of the Downtown Action Plan and to appoint Block Captains for each block of construction to be responsible for communicating to businesses regarding status of construction

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- Assist the City in preparing an annual report card on the implementation of the Downtown Action Plan by effectively monitoring the impact of construction on the downtown including: population, vacancy rates, new businesses and measuring communication among stakeholders
- The Downtown Action Plan Core Committee report through the Commissioner of Planning & Development Services, who will then be responsible to coordinate recommendations through the appropriate municipal process. The Committee is made up of representatives of key stakeholder groups within the downtown:

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- Business owners, Arts & Culture, Heritage, Residents
- The Downtown Kingston BIA (the BIA shall assist in identifying the recruiting appropriate stakeholders within the Downtown), the Kingston Economic Development Corporation, KCA
- City Departments
- Utilities Kingston
- Political Representatives (Ward Councillors and Downtown Kingston! BIA representatives or other interested Council members)

–and further–

THAT the mandate be reviewed on an annual basis with current term ending October 2006

5. **THAT** By-Law No. 8597, "The Property Standards By-Law", be repealed and that By-Law No. 2005-100 "A By-Law For Prescribing Standards For The Maintenance And Occupancy Of Property Within The City Of Kingston" be presented to Council, (dated February 8, 2005) in order to expand coverage to include the suburban areas of city east and west.
(See By-Law No. (17), 2005-100; By-Law No. (18), 2005-115)

CARRIED

Report No. 64 of the Large Venue Entertainment Centre Steering Committee was dealt with prior to Report No. 63 of the Community Services Committee. Please see pages 294-299.

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Report No. 63 of the Community Services Committee

Moved by Councillor Pater

Seconded by Councillor Downes

THAT Report No. 63 of the Community Services Committee be received and adopted.

Report No. 63

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

All items listed on the Report of the Community Services Committee shall be the subject of one motion. Any member may ask for any item(s) included in the Report of the Community Services Committee to be separated from that motion, whereupon the Report of the Community Services Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

April 26, 2005

1. **THAT** Council approves the following Provincial Homelessness Initiative Fund (PHIF) allocations for 2005:

<u>Agency</u>	<u>Amount</u>
Central Frontenac Community Services Corporation	\$ 8,652.00
The Governing Council of the Salvation Army	\$15,862.00
Kingston Home Base Not For Profit Housing Inc.	\$70,040.00
Total	\$94,554.00

2. **WHEREAS** Council approved \$290,000 in the 2005 operating budget for the Healthy Community Fund, and;
WHEREAS staff monitored feedback and concerns about the 2004 program and made adjustments to the application form based on this feedback;
THEREFORE BE IT RESOLVED THAT the process for the 2005 Healthy Community Fund, as noted hereunder and outlined in Report No. CS-018, be approved as follows:
- Project must be sponsored by a non-profit organization and/or a registered charity
 - Applicant and any sponsoring organization must be in good financial standing with the municipality
 - Applicant and any sponsoring organization must be in good standing with the municipality with regard to past HCF projects (successful completion of projects and submitted final reports)
 - Organizations may submit only one application per project
 - Organizations may only submit a maximum of two project proposals per year and/or sponsor two (2) project proposals per year (they may be in different categories)
 - Funds will not be provided to recover the cost of an organization's financial deficits
 - No more than 20% of the project budget can be for administration/overhead costs
 - Funds will not be provided to programs/services that are delivered by an organization aligned with any political party

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- Funds will not be provided to organizations that do not provide equal access to services to individuals of diverse cultures or with disabilities, where appropriate and feasible
- Funds will not be provided for project activities already receiving municipal funds through other programs
- Funds may be used for one-time capital costs as long as it is demonstrated that the results will have a positive benefit to the community and meet the HCF objectives
- Funding will only be provided for one year. Organizations may reapply in the subsequent year(s) but consideration will be based on the previous success, the priorities for funding, and the strength of other proposals. No new project will receive more than two years of funding

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–and further–

THAT staff be directed to put out a call for proposals, by the first of June, with a deadline for receipt of applications on June 30, 2005;

–and further–

THAT Council appoints a Council representative to sit on each of the five review committees and adopt a similar review process as 2004.

(See Miscellaneous Business Item No. 1)

3. **WHEREAS** the Department of Community Services is undertaking a variety of planning activities in its divisions including Emergency Management, Cultural Strategic Planning, Affordable Housing Strategy, and the Multiplex Project that require data at the neighbourhood level, and;

WHEREAS other City departments and the community will benefit from having neighbourhood-based data profiles available to them, and;

WHEREAS staff has solicited feedback from the public over the month of March 2005 on the proposed boundaries and names of neighbourhoods;

THEREFORE BE IT RESOLVED THAT the neighbourhood boundaries and names, as illustrated in Appendix "A" of Report No. CS-019, be accepted and serve as the basis for the development of demographic neighbourhood profiles.

4. **WHEREAS** Dental Care is not an included service under the publicly funded medical care system and must be financed by individual Canadians, and;

WHEREAS low income (lower socio economic) individuals tend to suffer higher rates of dental disease and decay, and;

WHEREAS the current system of dental services varies from community to community, but is very limited for low-income families and adults who do not typically have access to private dental benefits packages;

THEREFORE BE IT RESOLVED THAT the City of Kingston supports the action of the Federation of Canadian Municipalities and calls on the Government of Canada, in consultation with Provincial, Territorial and Local Governments, to develop a comprehensive National Oral Health Strategy that would have, as its goal, providing universal access of both preventative and treatment services to all Canadians;

–and further–

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BE IT RESOLVED THAT the Government of Canada, in developing a comprehensive, universal, national dental strategy, be asked to evaluate the following four key areas of possible action, and to assess the effectiveness of each in either increasing the range of specific dental services or reducing the portion of the population excluded from access to dental care:

- (1) Increase the level of service to ensure that all Canadians have access to a basic level of dental care
- (2) Change the eligibility for access into the programs so that more residents could access the current level of dental services

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- (3) Examine access to care and the factors leading to under utilization of existing programs. Increase the participation rate of those who currently have access to these programs from the estimated 20-25% utilization rate, and/or
- (4) Continue to develop programs that target adults or children that have a direct impact on the other detriments of health and indirectly support oral health

–and further–

BE IT RESOLVED THAT a copy of this resolution be circulated to the Honourable John Gerretsen, MPP; the Honourable George Smitherman, Minister of Health; the Honourable Dalton McGuinty, Premier; the Honourable Peter Milliken, MP; the Honourable Ujjal Dosanjh, Minister of Health; the Right Honourable Paul Martin, Prime Minister, the Federation of Canadian Municipalities, and all municipalities on our standard mailing list.

5. **WHEREAS** Dental Care Services are an important component of physical health, personal well being and affect social acceptance and employability, and;

WHEREAS many residents of Ontario do not have adequate Dental Care Services as part of their employment benefits, and;

WHEREAS persons working in low wage positions are not in receipt of social assistance payments but may have thousands of dollars in dental costs or may decline dental treatment due to cost issues, and;

WHEREAS persons on social assistance (Ontario Works and ODSP) have partial access to Dental Care Services based on discretionary decision making;

THEREFORE BE IT RESOLVED THAT the City of Kingston supports the actions of the Council of Lennox & Addington and that the Province of Ontario be requested to develop a fair and consistent dental care program to be targeted at lower-wage working Ontarians, with eligibility for this program to be based on graduated payments and eligibility determined by commonly used criteria, such as the GST Rebate and/or NCB Eligibility, and that this supplementary dental program be funded through the Ontario Health Tax;

–and further–

THAT a copy of this resolution be forwarded to all municipalities on our standard mailing list; the Federation of Canadian Municipalities; the Honourable John Gerretsen MPP; the Honourable Dalton McGuinty, Premier of Ontario; the Honourable Peter Milliken, MP; the Honourable Ujjal Dosanjh, Minister of Health; and the Right Honourable Paul Martin, Prime Minister of Canada.

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Report No. 63 of the Community Services Committee

6. **WHEREAS** Report No. CS05-022, "Kingston Model for Affordable Housing Development", is extensive with approximately 47 recommendations, and;

WHEREAS the recommendations within the report cross over the mandate of the various standing committees;

THEREFORE BE IT RESOLVED THAT Report No. CS05-022, "Kingston Model for Affordable Housing Development", be dealt with at the Committee of the Whole at the regular Council meeting on May 17, 2005.

CARRIED

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Report No. 64 of the Planning Committee

Council consented to the separation of Clause (3).

Moved by Councillor K. George
Seconded by Councillor Patterson

THAT Report No. 64 of the Planning Committee be received and adopted.

Report No. 64

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

All items listed on the Report of the Planning Committee shall be the subject of one motion. Any member may ask for any item(s) included in the Report of the Planning Committee to be separated from that motion, whereupon the Report of the Planning Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

April 21, 2005

1. **WHEREAS** the Ministry of Municipal Affairs and Housing provided its final notice of decision approving the City of Kingston Community Improvement Plan – Brownfields Project Areas 1A & 1B, approved effective April 6, 2005, and;

WHEREAS an application has been received from Homestead Landholdings applying for financial assistance offered through the Community Improvement Plan for a property within Project Area 1B, and;

WHEREAS the application has been reviewed by the Technical Advisory Committee and conforms to the eligibility criteria as required in the Community Improvement Plan;

THEREFORE BE IT RESOLVED THAT Council approve the application and deem Parts 1 & 5 of Plan 13R 17509 as property eligible to receive Brownfields Financial Tax Incentive Program (BFTIP) and Tax Increment-Based Rehabilitation Grant Program (TIRGP) assistance and that a by-law be forwarded to Council for the cancellation of property taxes for Education and Municipal purposes for the duration of the rehabilitation period and the development period;

–and further–

BE IT RESOLVED THAT the by-law to cancel taxes be given its first and second reading and be sent to the Ministry of Finance for their approval and, once approved, presented to Council for third reading;

–and further–

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BE IT RESOLVED THAT staff be directed to negotiate the Brownfields Site Agreement with the developer, in a form satisfactory to the Director of Legal Services and that the Mayor and Clerk be authorized to execute the Agreement;

–and further–

BE IT RESOLVED THAT Council exempt Parts 1 & 5 of Plan 13R 17509 from payment of Development Charges under By-Law No. 2004-256 and from Impost Fees under By-Law No. 2004-257 for the remediation and redevelopment of these Parts. The exemption shall be calculated as of the date building permits are issued and shall be effective only for the current application;

–and further–

BE IT RESOLVED THAT the Development Charges and Impost reserve funds shall be reimbursed fully for the cancellations granted using tax-increment based financing generated by the development of the subject lands;

(See By-Law No. (19), 2005-116)

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CARRIED AS AMENDED
(See Motion to AMEND which was CARRIED)

Moved by Councillor K. George
Seconded by Councillor Beavis

THAT Clause 1 of Report No. 64 be amended to delete the last paragraph and that By-Law No. 19 (2005-116) be given first and second reading only.

CARRIED

2. **THAT** the *City of Kingston Regional Commercial Study Update - Terms of Reference*, dated April 21, 2005, and attached as Appendix 1 to Report No. PC043, be adopted by Council, and;
THAT the Regional Commercial Study Update be directed through Planning Committee, and;
THAT the Planning Committee host the public consultation program.

Councillor B. George withdrew from the meeting.

3. **WHEREAS** applications for Official Plan, Zoning By-Law Amendment and Draft Condominium Approval have been submitted by Stephentown Creek Limited to permit the establishment of a vacant land condominium with 25 houses on a 15.3 hectare site located in Part of Lot 1 and 2, Concession 3 Geographic Township of Kingston, and ,
WHEREAS a Public Meeting was held on July 8, 2004 with respect to this matter;
THEREFORE BE IT RESOLVED THAT the applications for Official Plan, Zoning By-Law Amendment and Draft Condominium Approval (File Numbers D09-008-2004, D14-020-2004 and D07-001-2004), submitted by Stephentown Creek Ltd. for the property located in Part Lot 1 and 2, Concession 3 in the former Township of Pittsburgh, be approved;
–and further–
BE IT RESOLVED THAT the Official Plan for the former Township of Pittsburgh be amended as follows:
(1) Amend the Official Plan, Former Township of Pittsburgh, *MAP1, Official Plan – Land Use*, as amended, further by changing the designation symbol to “Rural Site Specific Policy 2A.4.6” of the lands shown as “Lands Subject to Official Plan Amendment Change from ‘Rural’ to ‘Rural Site Specific Policy 2A.4.6’” on Schedule “A” attached hereto.

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- (2) Amend the Official Plan, Former Township of Pittsburgh, as amended, further by adding the following Section 2A.4.6 following Section 2A.4.5:

“2A.4.6 Part Lot 1 and 2, Concession 3

Notwithstanding the provisions of Section 2A.2 to the contrary, the lands designated as “Rural Site Specific Policy 2A.4.6” may be developed in accordance with the following policies:

- The lands may be used for a vacant land condominium containing a maximum of 25 detached dwellings. No severances of individual lots shall be permitted.
- All servicing shall be provided by private individual water well and sanitary septic systems on each condominium unit. Only one dwelling unit shall be permitted per condominium unit. Provisions shall be made to accommodate additional water wells and sanitary septic systems as backup locations for use by individual condominium units.

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- Communal water wells and communal sanitary septic systems are prohibited.
- For flood protection purposes there shall be no development, including the erecting of any dwelling or other structure, or any shoreline alteration, permitted below the minimum elevation of 88.92 metre (Geodetic Survey of Canada Datum). Building openings and laneway access should be appropriately located. Where land is available it is intended that existing buildings and structures located below the minimum elevation be removed or relocated if the site is redeveloped.
- All construction shall protect the shoreline, shoreline vegetation and fish habitat from damage or silting. Silt protection measures such as straw bales or fences are encouraged.
- No in-water construction should occur during the period of March 15 to June 30 of any year in order to protect the spawning fish habitat.
- Prior to changes to the existing dwellings the owners shall demonstrate that the water well and sanitary septic systems meet current standards.

–and further–

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

(1) Amend Zoning Schedule "A" of Zoning By-Law No. 32-74, further by changing the zone symbol to "RR-10" of the lands shown as "Zone Change from RR to RR-10-H" on Schedule "A" attached hereto;

(2) That the following clause (j) be added to Section 8(3) following clause (i):

"(j) Special Requirement (RR-10) Stephentown Creek Ltd.

Notwithstanding Section 8(1) and Section 8(2) of By-Law 32-74 to the contrary, the lands designated "RR-10" on Schedule "A" hereto shall be developed as a vacant land condominium with up to 25 Condominium Units, subject to the following provisions:

- | | |
|--|--|
| (1) Dwellings per Condominium Unit (maximum) | 1 only |
| (2) Bedrooms per Condominium Unit (maximum) | 3 |
| (3) Minimum Setback of any building from a Condominium Unit Boundary that abuts an access lane | 5 metres |
| (4) Minimum Setback of any building from a Condominium Unit Boundary | 1.5 metres |
| (5) Lot Coverage (maximum) | the lesser of 25% or 200 square metres |

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- | | |
|-------------------------------|----------|
| (6) Building Height (maximum) | 8 metres |
|-------------------------------|----------|
- (7) Accessory Uses are to be in accordance with Section 5
 - (8) No building shall be located in an area below the 88.92 metres elevation Geodetic Survey of Canada.
 - (9) No building opening shall be located below 89.22 metres elevation Geodetic Survey of Canada.
 - (10) Notwithstanding Section 5(24)(i) Holding Zone Provisions to the contrary, no building permits shall be issued for the alteration or renovation of a building or structure, until the "-H" symbol is removed; unless an existing building or structure requires a building permit for safety reasons.
 - (11) Notwithstanding Section 5(24)(iii) Holding Zone Provisions to the contrary, an "-H" symbol may be removed from any part of the zone if the owner provides confirmation from a qualified professional that the development site (condominium unit) complies with the following:

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- (a) That the setback and area requirements for water wells and sanitary septic systems comply with current standards
 - (b) That the water well complies with the current standards for potable water
 - (c) That the sanitary septic system complies with current standards
- (12) Private Open Space is a permitted use. This space may also be used for private individual water and sanitary septic systems. Each system is to be for the exclusive use of a single condominium unit."

–and further–

BE IT RESOLVED THAT Draft Condominium Approval be approved with the following conditions applied:

- (1) That this approval applies to the Draft Plan of Condominium, prepared by Hopkins and Cormier. O.L.S., dated November 16, 2004, with red line changes to add block numbers, widen all lanes to a minimum of 20 metres and turning circles with a minimum radius of 20 metres, which shows the following:
 - 25 vacant land condominium units (Units 1-25)
 - 4 common land blocks (Blocks 26 - 29)
 - 2 Lanes (Lane 'A' and 'B')
- (2) That the Lanes shall be named to the satisfaction of the Municipality.
- (3) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- (4) That, prior to final approval, the Owner shall submit lane grading, drainage, and erosion and sediment control plans, prepared by a qualified Professional Engineer, to the satisfaction of the City of Kingston and the Cataraqui Region Conservation Authority, which demonstrates laneways are elevated to address the maximum recorded water levels. These plans shall ensure that adequate measures shall be employed to control erosion and sedimentation.
- (5) That, prior to final approval of the plan, the Official Plan and Zoning By-Law amendments related to this application shall have come into full force and effect.

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- (6) That, prior to final approval of the plan, a surveyor's certificate shall confirm that the plan does not divide any existing or proposed buildings, and that each of the units in the condominium plan complies with the applicable zoning.
- (7) That, in order to be consistent with the requirements of the Condominium Act:
 - (a) All services and facilities required for the registration are to be completed prior to final approval of the condominium plan; and
 - (b) The Owner/Developer's professional engineer shall provide certification to the City that the facilities and services have been installed and are sufficient to ensure the independent operation of the condominium corporation. Alternatively, if any facilities or services have not been installed such that the condominium corporation can operate independently, then the Owner/Developer will be required to engage the services of a qualified quantity surveyor or professional engineer to provide a calculated amount of the required security for one hundred percent (100%) of the required works. The security shall be provided in a form satisfactory to the City, in the amount of one hundred – twenty-five percent (125%) of the calculated cost of the required works.
- (8) That the Owner shall endeavour to maintain all existing grades along the edge of the property boundary.

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- (9) That, should deeply buried archaeological remains be found on the property during construction activities, the Ministry of Citizenship, Culture & Recreation shall be notified immediately.
- (10) That, in the event that human remains are encountered during construction, the proponent shall immediately contact the Ministry of Citizenship, Culture & Recreation and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations, (416) 326-8392.
- (11) That, prior to final plan approval, the Owner shall provide confirmation that civic addresses have been assigned to the proposed condominium units by the Planning Division.
- (12) That, if the land is included in the unit description, provision for the common services and facilities located on that unit to be maintained, repaired and replaced by the condominium corporation may be required, to ensure that future owners do not bear the full cost of maintaining and repairing common facilities and services.
- (13) That the draft approval will lapse 5 years from the original draft approval.
- (14) That all agreements of purchase and sale and the condominium incorporation documents, where applicable shall contain the following Warning clauses,
 - (a) Whereas some of the lots currently serviced by on-site sewage systems do not comply with separation distances for wells, buildings, lot lines and surface waters and no permits exist for these systems, it is a condition that, in the event that these systems malfunction or buildings are extended, rebuilt or renovated, new systems that conform with current standards will be required.
 - (b) On lots where it is not possible to construct on-site sewage systems due to lot dimensions, location of existing buildings, garages and other structures, any new on-site systems will have to be located on the common lands owned by the Condominium Corporation. The common land shall not be subdivided in the future.
 - (c) All current on site-sewage systems are to be maintained, (tanks pumped) as required under the Ontario Building Code Section 8.9.3.4, which states:
"(1) Septic tanks and other treatment units shall be cleaned whenever sludge and scum occupy 1/3 of the working capacity of the tank."

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- (d) Current owners and future owners are hereby notified that due to the lot dimensions, locations of existing buildings and other site limitations, the use of tertiary treatment units as described in the supplementary guidelines to the *1991 Ontario Building Code, S6-5 Approved Sewage Treatment Units* may be required when replacement sewage systems are needed.
 - (e) Whereas existing wells may be too close to existing sewage systems and the well casing depths may not meet current standards, it is recommended that disinfection units be installed for these properties to prevent ingestion of waterborne pathogen bacteria.
- (15) That, prior to final approval, a Hydro-geological and Terrain Analysis Report by a qualified professional shall be provided to the satisfaction of the City that confirms that the site is capable of supporting 25 residential condominium units. The report shall list all identified deficiencies by condominium unit and identify a solution to the deficiency. All sewer and water systems shall be private individual systems.
- (16) All agreements of purchase and sale shall contain notice advising purchasers of the existence of the Hydro-geological and Terrain Analysis Report and that the Condominium Corporation shall provide copies for inspection.

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- (17) All agreements of purchase and sale shall contain notice advising purchasers that the site and shoreline is subject to Regulations by the Cataraqui Region Conservation Authority regarding to placement of fill and shoreline alterations; and that no buildings or structures are permitted below the 88.92 metre contour line.
- (18) That, prior to final approval, the Applicant shall provide a survey drawing of the 88.92 meter GSC contour line in relationship to the condominium site.
- (19) The Condominium Corporation shall acknowledge and enter into an agreement with the City as follows:
- (a) The subject lands are located outside the limits of the municipal water area and are not serviced by the City's water treatment plant.
 - (b) The Condominium Corporation and the Unit owners shall be solely responsible for ensuring at all times and by all means that there is an adequate supply of potable water for the owner's intended use of the severed lands and retained land.
 - (c) Notwithstanding that the City has approved official plan or zoning amendments or the Plan of Condominium that would permit construction of buildings thereon, or that the City has or may at any time in the future issue a building permit, the City will have no obligation to extend the municipal water area or provide municipal water services to or for the benefit of the subject lands.
 - (d) The subject lands are located outside the limits of the municipal sewer service area and are not serviced by the City's sewage treatment facility.
 - (e) The Condominium Corporation and the Unit owners shall be solely responsible for ensuring that at all times and by all means there is an adequate on-site sewage treatment facility maintained by the owner, for the owner's intended use of the owner's lands.
 - (f) Notwithstanding the City's approval of official plan or zoning amendments or the Condominium Plan that would permit construction of buildings on the lands, or that the City has or may at any time in the future issue a building permit for the lands, the City will have no obligation to extend the municipal sewer service area or provide municipal sewer services to or for the benefit of the subject lands.
 - (g) That regardless of any order issued by the Ministry of the Environment or by the Kingston Frontenac Lennox & Addington Public Health Unit in the future; that the owner shall be solely responsible for the costs associated with any upgrading or extension of any private or municipal services required to be constructed to comply with such order.

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- (20) The terms of incorporation of the condominium shall include provisions for ceding use of common land to individual units for the purpose of complying with regulations for septic systems and potable water systems. This condition shall be stated in all offers of purchase and sale.
- (21) The terms of incorporation of the condominium shall include provisions for the installation of new septic systems, in accordance with applicable regulations in the event of any septic system malfunction or building extension, repair, renovation or alteration.
- (22) Warning clauses shall be recited in the incorporation papers and all notices of purchase and sale to indicate that expansion of dwellings are prohibited where septic system standards cannot be satisfied.
- (23) Written confirmation from the Province of Ontario shall be provided to confirm that the use of common lands for septic systems shall be considered as a private individual system.

–and further–

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

(See By-Law No. (20), 2005-117; By-Law No. (21), 2005-118)

CARRIED

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Councillor B. George returned to the meeting.

4. **WHEREAS** applications have been submitted by Bayhill Development Limited with respect to lands located at 1870/1876 Bath Road, Part of Lot 7, Concession 2, Kingston West, requesting approval of a Draft Plan of Subdivision in order to divide the lands into approximately 46 residential lots, 1 block for environmental protection, and 2 new roadways, and approval of a concurrent Zoning By-Law Amendment in order to permit the proposed development on the subject lands, and;

WHEREAS the statutory Public Hearing was held on October 21, 2004;

THEREFORE BE IT RESOLVED THAT the application for Draft Plan of Subdivision (Planning File D12-012-2004) submitted by Bayhill Development Limited with respect to lands located at 1870/1876 Bath Road, Part of Lot 7, Concession 2, be approved; subject to the following conditions:

Conditions of Draft Plan of Subdivision Approval, Maple Creek Subdivision

- (1) That this approval applies to the Draft Plan of Subdivision, prepared by Grange W. Elliot Ltd., revised March 18, 2005, which shows the following:
 - 46 residential lots (Lots 1-46)
 - 1 block for environmental protection (Block 47)
 - 2 new roadways (Boxwood Street and Street "A")
- (2) That the road allowances included in this Draft Plan shall be shown and dedicated as public highways.
- (3) That any dead ends and open sides of the road allowance created by this Draft Plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the Municipality.
- (4) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- (5) That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning all provisions of municipal services including fencing, lighting, landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.

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- (6) That the Owner shall enter into the Municipality's standard subdivision agreement which shall list all approved plans and municipal conditions as required by the Municipality for the development of Maple Creek.
- (7) That provision be made for the Subdivision Agreement between the Owner and the Municipality to be registered against the lands to which it applies once the Plan of Subdivision has been registered.
- (8) That the Municipality shall require the use of "-H" Holding Provisions in accordance with Section 36 of the Planning Act. The terms for the removal of the "-H" Holding Symbol shall require the following:
 1. Confirmation of sufficient servicing capacity in the former Township of Kingston's sewage treatment plant in accordance with Council's approved Sewage Capacity Management Plan.
 2. All necessary approvals have been received from all other agencies and government bodies and any required Agreements have been executed by the Owner.
 3. A further application has been approved by the Municipality to remove the '-H' Holding Symbol.
- (9) That prior to final approval, the Owner shall submit for approval, engineering drawings, including design plans for all public works and services prepared and certified by a Professional Engineer designed pursuant to the Municipality's Subdivision Design Guidelines and to the satisfaction of the Municipality and Utilities Kingston. Such plans are to form part of the subdivision agreement.

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- (10) That the streets shall be named to the satisfaction of the Municipality.
- (11) That, prior to final plan approval, the Owner shall provide confirmation that civic addresses have been assigned to the proposed dwelling units by the Municipality's Planning Division.
- (12) That any further subdivision of Blocks or additional road patterns on the plan shall be completed to the satisfaction of the Municipality.
- (13) That the phasing of the development be reflected on the approved subdivision works drawings to the satisfaction of the Municipality, taking into account the temporary termination of underground services, interim storm water management, operations and maintenance vehicles access and access for emergency vehicles.
- (14) That the Subdivision Agreement contain all necessary notices to purchases resulting from, but not necessarily restricted to, the design and provision of services, including the requirement to provide and maintain private site specific works as necessary.
- (15) That, prior to the commencement of construction, any temporary construction access shall be approved by the Manager of Engineering for the Municipality.
- (16) That the Owner shall bear the expense of all off site works resulting from the approved public works design where such works are not subsidized under the policies and by-laws of the Municipality.
- (17) That, prior to the final approval of the Plan, the Owner shall provide a site specific Geotechnical Study certified by a Professional Engineer and to the satisfaction of the Municipality. The recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

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- (18) That prior to final approval, the Owner shall submit an Environmental Site Assessment (Phase 1 ESA) for all areas of the subject lands intended for residential lands or conveyance as parkland, roadway or storm water infrastructure. The Assessment shall demonstrate that the soil and groundwater quality of the property is compatible with a residential land use as defined by the generic criteria listed within the Guideline for Use at Contaminated Sites in Ontario (MOE, rev. 1997) or its successor. The Phase I Environmental Site Assessment (ESA) is to be performed in accordance with CSA standard Z768-01 and any required follow up investigations (Phase II ESA) or remediations. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality. All studies submitted are to have been completed within the last 5 years.
- (19) That the Subdivision Agreement contain clauses pertaining to the decommissioning of all existing wells and/or septic systems which may be present on-site, in accordance with all applicable regulations.
- (20) That, prior to final approval, a storm water management report and implementing plans for this development shall be prepared by a qualified Professional Engineer, to the satisfaction of the Municipality and Cataraqui Region Conservation Authority. Such plans shall be appended to the Subdivision Agreement. The Owner shall carry out the recommendations of the report, at his expense, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority. The report is to specifically address, but not limited to, the following issues:

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1. All recommendations associated with the revised Storm Water Management brief (based on comments provided by the Engineering Division dated April 5, 2005).
 2. Details related to access to the storm water outlet in Block 47.
 3. Details related to the design of the quality and quantity control features.
 4. Specific details with regard to floodplain encroachment (if applicable).
 5. Any interim measures related to any anticipated phasing of the development.
 6. Drainage areas and calculations in support of the post to pre development scenario.
 7. Critical elevations related to house construction, i.e. freeboard for dwelling openings.
 8. Cross-section views of the existing and proposed elevations for the regulatory (1:100 year) floodplain "cut" and "fill" areas.
 9. Recommended Notices to Purchasers, if applicable.
- (21) That, prior to final approval, the Owner shall submit details regarding the encroachment and fill placement on the site, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority and shall be included in a Subdivision Agreement between the Owner and Municipality.
- (22) That, prior to final approval for Maple Creek Subdivision, the Owner shall submit the lot grading and drainage plans, and erosion and sediment control plans shall be prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority, and shall be included in a Subdivision Agreement between the Owner and Municipality.
- (23) That, prior to final approval, the Owner/Subdivider will submit a detailed Noise and Vibration Impact Study prepared by a professional engineer in accordance with the Ministry of Environment and Canadian National Railway guidelines, to the satisfaction of the Municipality and Canadian National Railway. The Subdivision Agreement between the Owner and the Municipality shall make provisions to address the recommendations in the report related to, but not limited to, abatement measures from noise and vibration which may be generated by the surrounding arterial road system and the rail line, and building construction requirements.

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- (24) That appropriate wording shall be included in the Subdivision Agreement to require that any correspondence related to blasting activities/claims for damages received by the Owner or his contractors and any responses to that correspondence be copied to the Engineering Division of the Municipality.
- (25) That appropriate wording shall be included in the Subdivision Agreement to provide for a notification radius for blasting operations that is sufficient to include all properties within a 120 metre radius of each phase of development.
- (26) That the Owner conveys up to 5% residential and up to 2% commercial of the land included in the plan of subdivision to the Municipality for park or other public recreational purposes. Where the subdivision exceeds 15 units per residential hectare of land, the Owner shall convey lands for recreational purposes at a rate of one hectare (2.5 acres) for each 300 dwelling units. Alternatively, the Municipality may require cash-in-lieu for all or a portion of the conveyance.
- (27) That the Owner/Subdivider shall deed the lands described as Environmental Protection Area, without prejudice or compensation, to the City, said land being described as Block 47.
- (28) That a Warning Clause shall be included in the Subdivision Agreement for lots abutting Block 47 indicating that the City Forestry crews will not interfere with the natural evolution of tree/shrub/grass growth in this natural area. There will be no regular or routine maintenance on this block of land.

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- (29) That, prior to final approval, a landscape and tree preservation plan shall be prepared by a qualified Landscape Architect for the Owner, to the satisfaction of the Municipality, and shall be included in a Subdivision Agreement between the Owner and Municipality.
- (30) That, prior to final approval, text shall be included in the Subdivision Agreement between the Owner and Municipality, to the satisfaction of the Cataraqui Region Conservation Authority, to advise the Owner of the requirement to obtain a permit under the Fill, Construction and Alteration to Waterways Regulation of the Conservation Authority, prior to the placement or regrading of fill on the site or the construction of any storm water management facilities or outlets, and shall include Notice to Purchasers of Lots 33 to 42 inclusive and Block 47 that a permit from the Conservation Authority may be required prior to the issuance of a building permit by the Municipality.
- (31) That, prior to final approval, a Notice to Purchasers shall be included in the Subdivision Agreement between the Owner and Municipality, to the satisfaction of the Cataraqui Region Conservation Authority, notifying the Purchasers that the public lands along the Little Cataraqui Creek are intended to remain in a naturalized condition, for the purpose of providing fish and wildlife habitat, and that the lands may be subject to flooding and erosion from time to time.
- (32) That the Owner shall meet the following conditions of Bell Canada:
 1. That the Owner/Subdivider shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunications services.
 2. That, if there are any conflicts with existing Bell Canada facilities or easements, the Owner/Subdivider shall be responsible for re-arrangements or relocations.
 3. That the Owner/Subdivider shall be requested to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the Municipality, or if no such conditions are imposed, the Owner shall advise the Municipality of the arrangements for servicing.

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- (33) That, prior to final approval, the Owner/Developer shall, in consultation with and to the satisfaction of Canada Post, identify the location of any required community mailboxes within the plan, and shall identify such locations on drawings for approval by the Municipality. The locations of these community mailboxes shall be identified in the notice to future purchasers of the lots within the subdivision.
- (34) That, prior to final approval, the Owner/Subdivider shall, in consultation with and to the satisfaction of the Municipality, provide detailed design plans for all required community mailboxes including a landscape plan showing street furniture and complementary architectural features.
- (35) That, prior to final approval, wording shall be included in the Subdivision Agreement to advise the Owner that the existing railway crossing to be abandoned should be abandoned under the supervision of Canadian National Railway and to the satisfaction of both CNR and the Municipality.
- (36) That appropriate wording be contained in the Subdivision Agreement which will require the Owner/Subdivider to complete the following, to the satisfaction of Canadian National Railway:
 - (a) Construct and maintain an earthen berm a minimum of 2.5 metres above grade at the property line, having side slopes not steeper than 2.5 to 1, adjoining and parallel to the railway right-of-way with returns at the end. The Railway may consider other measures, subject to the review of detailed plans and cross-sections.
 - (b) Construct and maintain an acoustic barrier along the top of the berm of a minimum combined height of 5.5 metres above top-of-rail. The acoustic fence is to be constructed without openings and of a durable

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- material weighing not less than 20 kilograms per square metre of surface area. The Railway may consider other measures, subject to the review of the Noise Report.
- (c) Install and maintain a chain link fence a minimum of 1.83 metres in height along the mutual property line. The Railway may consider other measures, subject to review of detailed plans.
 - (d) Any proposed alterations to the existing drainage pattern affecting the Railway property must receive prior approval from the Railway and be substantiated by a drainage report to the satisfaction of the Railway.
- (37) That the following Warning Clauses be included in the Subdivision Agreement to be included in all Agreements of Purchase and Sale or Lease for each Lot and Notice to all future purchasers:
"Warning: Canadian National Railway Company (CN) or its assigns or successors in interest has or have a right-of-way within 300 metres from the land the subject hereof. There may be alterations to or expansions of the rail facilities on such right-of-way in the future including the possibility that the railway or its assigns or successors as aforesaid may expand its operations, which expansion may affect the living environment of the residents in the vicinity, notwithstanding the inclusion of any noise and vibration attenuating measures in the design of the development and individual dwelling(s). CN will not be responsible for any complaints or claims arising from use of such facilities and/or operation on, over or under the aforesaid right-of-way."
- (38) That the Owner/Subdivider shall enter into restrictive covenants to be registered on title and all agreements of purchase and sale or lease provide notice to the public that the safety berm, fencing and vibration isolation measures implemented are not to be tampered with or altered and further that any Condominium Corporation shall have the sole responsibility for and shall maintain these measures to the satisfaction of Canadian National Railway.
- (39) That the Owner/Subdivider shall enter into an Agreement with Canadian National Railway (CN) to implement CN's requirements. The Owner/Subdivider will be responsible for payment of reasonable costs to Canadian National Railway in the preparation and negotiating of the Agreement.

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- (40) That the Owner/Subdivider shall grant an environmental easement for operational noise and vibration emissions, registered on title against the subject lands in favour of Canadian National Railway (CN).
- (41) That the Owner/Subdivider shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource requirements.
- (42) That, should deeply buried archaeological remains be found on the property during construction activities, the Ministry of Citizenship, Culture & Recreation shall be notified immediately.
- (43) That, in the event that human remains are encountered during construction, the proponent shall immediately contact the Ministry of Citizenship, Culture & Recreation and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations, (416) 326-8392.
- (44) That when requesting Final Approval from the City, the Owner shall accompany such request with the required number of originals and copies of the Final Plan, together with a surveyor's certificate stating that the lots/blocks thereon conform to the frontage and area requirements of the Zoning By-Law.
- (45) That prior to Final Approval by the City, the Municipality is to be advised in writing by the Cataraqui Region Conservation Authority the method by which Conditions 20, 21, 22, 30 and 31 have been satisfied.

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- (46) That prior to Final Approval by the City, the Municipality is to be advised in writing by Canadian National Railway the method by which Conditions 23, 35, 36, 37, 38 39 and 40 have been satisfied.

–and further–

BE IT RESOLVED THAT the application for Zone Change (Planning File No. D14-029-2004) submitted by Bayhill Development Limited respecting the 4.45 hectare (11 acre) parcel of land north of Bath Road, south of Development Drive, east of the current terminus of Boxwood Drive and south of the current terminus of Stanford Street and located in Part of Lot 7, Concession 2, requesting site specific amendment to the Zoning By-Law regulations to provide for the development of single detached dwellings, **BE APPROVED.**

–and further–

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

- (a) Amend Zoning Map 2, Schedule "A" of By-Law No. 76-26, as amended, further by changing to "R1-59-H" Modified Residential Type 1 Holding Zone and "EPA" Environmental Protection Area the zone symbol of the approximately 4.45 hectare (11 acs.) subject property located on Part of Lot 7, Concession 2, and shown as "Zone Change from D to R1-59-H" and "Zone Change from D to EPA" on Schedule "A" attached hereto.

- (b) Add the following as a new Section 12(3)(bg) immediately following Section 12(3)(bf):

"(bg) R1-59-H

Notwithstanding the provisions Section 12(2) to the contrary, the lands designated R1-59-H on Schedule 'A' shall be developed in accordance with the following provisions:

- | | |
|--|--------------------|
| (a) Lot Area (minima) | 360 m ² |
| (b) Lot Frontage (minimum) | |
| Interior Lot | 12m |
| Corner Lot | 15m |
| (c) Front Yard Depth (minimum) | 6.0 m |
| (d) Exterior Side Yard Width (minimum) | 4.5 m |

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- (e) Interior Side Yard Width (minimum) 1.2m provided that on a lot where there is no attached garage or attached carport, the minimum interior side yard shall be a minimum of 2.4 m on one side and 1.2 m on the other

- (f) Rear Yard Width (minimum) 7.5 m

- (g) Landscaped Open Space (minimum) 30%

- (h) Height of Building (maximum) 10.5m

- (i) Notwithstanding any above provisions, the minimum distance dwelling setback from railway right-of-way 30m

- (j) Setback From Centre Line Of Road

Notwithstanding Section 5(20)(iii), any building or structure shall be setback the minimum front yard depth or exterior side yard depth required for such use plus 9 metres to the centre line of the road, where the road right-of-way is 18 metres.

- (k) Sight Triangles

Two sight triangles are required for a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a

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point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

- (l) Notwithstanding Section 5(d)(iv), the minimum distance between a driveway and an intersection of street lines, measured along the street line intersected by such driveway, may be a minimum of 8.5 metres.
- (m) The lifting of the "-H" Holding Symbol shall be subject to Section 6(6) hereof."
-and further-

BE IT RESOLVED THAT the amending by-law be presented for three readings.
(See By-Law No. (22), 2005-119)

- 5. **WHEREAS** applications have been submitted by Dacon Construction Limited with respect to lands located on Part of Lot 14, Concession 2, south of Princess Street between Grandtrunk Avenue East and West, Kingston West, requesting approval of a Draft Plan of Subdivision in order to divide the lands into approximately 28 residential lots, 1 block for open space, and 2 new roadways, and approval of the concurrent Zoning By-Law Amendments in order to permit the proposed development and to rezone portions of 2295 Princess Street to be consistent with the reconfigured property, and;

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WHEREAS the statutory Public Hearing was held on December 9, 2004;

THEREFORE BE IT RESOLVED THAT the application for Draft Plan of Subdivision (Planning File D12-014-2004) submitted by Dacon Construction with respect to Part of Lot 14, Concession 2, be approved; subject to the following conditions:

Conditions of Draft Plan of Subdivision Approval, Grandtrunk

- (1) That this approval applies to the Draft Plan of Subdivision, prepared by Grange Elliot Ltd., undated, which shows the following:
 - 28 residential lots (Lots 1-28);
 - 1 block for natural open space (Block 29);
 - 2 new roadways (Grandtrunk Avenue and Street 'A').
- (2) That the road allowances included in this Draft Plan shall be shown and dedicated as public highways.
- (3) That any dead ends and open sides of the road allowance created by this Draft Plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the Municipality.
- (4) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- (5) That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning all provisions of municipal services including fencing, lighting, landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.

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- (6) That the Owner shall enter into the Municipality's standard subdivision agreement which shall list all approved plans and municipal conditions as required by the Municipality for the development of the subject portion of Grandtrunk Avenue.
- (7) That provision be made for the Subdivision Agreement between the Owner and the Municipality to be registered against the lands to which it applies once the Plan of Subdivision has been registered.
- (8) That the Municipality shall require the use of "-H" Holding Provisions in accordance with Section 36 of the Planning Act. The terms for the removal of the "-H" Holding Symbol shall require the following:
 1. Confirmation of sufficient servicing capacity in the former Township of Kingston's sewage treatment plant in accordance with Council's approved Sewage Capacity Management Plan.
 2. All necessary approvals have been received from all other agencies and government bodies and any required Agreements have been executed by the Owner.
 3. A further application has been approved by the Municipality to remove the "-H" Holding Symbol.
- (9) That, prior to final approval, the Owner shall submit for approval, engineering drawings, including design plans for all public works and services prepared and certified by a Professional Engineer designed pursuant to the Municipality's Subdivision Design Guidelines and to the satisfaction of the Municipality and Utilities Kingston. Such plans are to form part of the subdivision agreement.
- (10) That the Streets shall be named to the satisfaction of the Municipality.
- (11) That, prior to final plan approval, the Owner shall provide confirmation that civic addresses have been assigned to the proposed dwelling units by the Municipality's Planning Division.
- (12) That the Owner shall submit a request of the City for a partial release of the existing Subdivision Agreement as it pertains to the lands within Plan 1972 which are to be incorporated into the subject subdivision.

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- (13) That any further subdivision of Blocks or additional road patterns on the plan shall be completed to the satisfaction of the Municipality.
- (14) That the phasing of the development be reflected on the approved subdivision works drawings to the satisfaction of the Municipality, taking into account the temporary termination of underground services, interim storm water management, operations and maintenance vehicles access and access for emergency vehicles.
- (15) That the Subdivision Agreement contain all necessary notices to purchasers resulting from, but not necessarily restricted to, the design and provision of services.
- (16) That, prior to the commencement of construction, any temporary construction access shall be approved by the Municipality, Manager of Engineering.
- (17) That the temporary access road between Grandtrunk Avenue and Friarhill Crescent will be removed at the expense of the Owner.
- (18) That the Owner shall bear the expense of all off site works resulting from the approved public works design where such works are not subsidized under the policies and by-laws of the Municipality.
- (19) That, prior to the final approval of the plan, the Owner shall provide a site specific Geotechnical Study certified by a Professional Engineer and to the satisfaction of the Municipality. The recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

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- (20) That the Owner shall provide for privacy fencing on the residential lots which abut the commercially zoned property to the north.
- (21) That, prior to final approval, the Owner shall submit a Storm Water Management Brief demonstrating compliance with the Cataraqui Neighbourhood Master Drainage Plan to the satisfaction of the Municipality.
- (22) That, prior to final approval, the Owner shall submit the lot grading and drainage plans, and erosion and sediment control plans shall be prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the Municipality, and shall be included in a Subdivision Agreement between the Owner and Municipality.
- (23) That appropriate wording shall be included in the Subdivision Agreement to require that any correspondence related to blasting activities/claims for damages received by the Owner or his contractors and any responses to that correspondence be copied to the Engineering Division of the Municipality.
- (24) That appropriate wording be included in the Subdivision Agreement to provide for a notification radius for blasting operations that is sufficient to include all properties within a 120 metre radius of each phase of development.
- (25) That the Owner conveys up to 5% residential and up to 2% commercial of the land included in the plan of subdivision to the Municipality for park or other public recreational purposes. Where the subdivision exceeds 15 units per residential hectare of land, the Owner shall convey lands for recreational purposes at a rate of one hectare (2.5 acres) for each 300 dwelling units. Alternatively, the Municipality may require cash-in-lieu for all or a portion of the conveyance.

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- (26) That the Owner/Subdivider shall deed to the Municipality parkland described as Block 29, on the draft plan of subdivision. The parkland to be deeded to the City shall be transferred in an environmentally clean state. The block is intended as a continuation of an existing woodlot and as such the trees within this block are to be protected. At the final approval drawing stage, a tree preservation plan will be required detailing how the trees along the periphery of the block will be protected during the construction phases of the subdivision.
- (27) That, prior to any grubbing/clearing or construction on parcels of land not defined as roadways or servicing easements on the draft plan, the Owner shall undertake a tree inventory plan prepared by a certified arborist, ISA Certified, which shall set out the surveyed locations of all trees greater than 150mm in caliper, a diameter of the trunk of the tree measured 1.37 metres above the ground. The tree inventory shall list the species, caliper size, condition, crown radius and indicate whether the tree is to be retained or removed. If the tree is to be removed a rationale for this action must be noted. If significant trees or groups of trees are identified to be retained in the tree inventory, a tree preservation plan will be required prior to final approval at the discretion of the Municipality. This plan shall be reviewed and approved by the Municipality and be included as a schedule to the subdivision agreement.
- (28) That, prior to final approval, the Developer shall submit a Street Tree Planting Plan prepared by a Landscape Architect to the satisfaction of the Municipality.
- (29) That, prior to final approval, the Manager of Cultural Services shall be in receipt of a clearance memo from the Manager of Environment indicating that the Block 29 is environmentally clean as documented through a Phase 1 ESA process or subsequent requirements of that process and that all invoices have been paid to the Municipality for this work.
- (30) That, prior to the transfer of the deed(s) for the parkland, the Manager of Cultural Services or designate will inspect the park site to ensure the park is in a clean/natural state.

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- (31) That the Owner shall satisfy the following conditions of Bell Canada:
1. The Owner/Subdivider shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunications services.
 2. The Owner/Subdivider shall be requested to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the Municipality, or if no such conditions are imposed, the Owner shall advise the Municipality of the arrangements for servicing.
- (32) That, prior to final approval, the Owner/Developer shall, in consultation with and to the satisfaction of Canada Post, identify the location of any required community mailboxes within the plan, and shall identify such locations on drawings for approval by the Municipality. The locations of these community mailboxes shall be identified in the notice to future purchasers of the lots within the subdivision.
- (33) That, prior to final approval, the Owner/Subdivider shall, in consultation with and to the satisfaction of the Municipality, provide detailed design plans for any required community mailboxes including a landscape plan showing street furniture and complementary architectural features.
- (34) That the Owner/Subdivider shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource requirements.
- (35) That, should deeply buried archaeological remains be found on the property during construction activities, the Ministry of Citizenship, Culture & Recreation shall be notified immediately.

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- (36) That, in the event that human remains are encountered during construction, the proponent shall immediately contact the Ministry of Citizenship, Culture & Recreation and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Consumer and Commercial Relations, (416) 326-8392.
- (37) That, when requesting Final Approval from the City, the Owner shall accompany such request with the required number of originals and copies of the Final Plan, together with a surveyor's certificate stating that the lots/blocks thereon conform to the frontage and area requirements of the Zoning By-Law.

–and further–

BE IT RESOLVED THAT the application for Zone Change (Planning File No. D14-034-2004) submitted by Dacon Construction Limited respecting the 2.6 hectare (6.4 acre) parcel of land on the south side of Princess Street, between Grandtrunk Avenue East and West and located in Part of Lot 14, Concession 2, Lot 1 and Part of Block 23 of Registered Plan 1972, and 2295 Princess Street, requesting Zoning By-Law regulations to provide for the development of single detached dwellings and to rezone portions of the church property to be consistent with the reconfigured property be approved;

–and further–

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

- Amend Zoning Map 5, Schedule 'A' of By-Law No. 76-26, as amended, further by changing to "R2-9-H" Modified Residential Type 2 Holding Zone, "C2-10-H" Modified General Commercial Holding Zone, and "OS-3" Modified Open Space Zone the zone symbols of the approximately 2.6 hectare subject property located on Part of Lot 14, Concession 2, Lot 1 and Part of Block 23, RP No. 1972, and 2295 Princess Street and shown as "Zone Change from D to R2-9-H", "Zone Change from D to C2-10-H", "Zone Change from D to OS-3", "Zone Change from C2-10 to R2-9-H", "Zone Change from R2-9-H to C2-10-H" on Schedule "A" attached hereto.

–and further–

BE IT RESOLVED THAT the amending by-law be presented for **three readings**.
(See By-Law No. (23), 2005-120)

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6. **WHEREAS** an application has been submitted by Tony Deodato, with respect to the property municipally known as 1324 Princess Street in Kingston Central, to amend the zoning of the subject lands from Single Family 'A2' Zone to a Special Arterial Commercial 'C2.305' Zone, Zoning By-Law No. 8499, for the purpose of bringing the lands into conformity with the land use designation applied to the subject site in the Official Plan and to permit the establishment of a commercial/office use, and;

WHEREAS a Public Meeting was held with respect to this matter on January 20, 2005;

THEREFORE BE IT RESOLVED THAT the Application for Zoning By-Law Amendment (Our File No. D14-033-2004), submitted by Tony Deodato for the property municipally known as 1324 Princess Street, be approved;

-and further-

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

- (1) Amend Map 12 of Schedule "A" to Zoning By-Law No. 8499 of the former City of Kingston so as to rezone the area of the subject land (approximately 0.13 hectare) identified as Part of Lot 18, Concession 2, (Reference Plan 13R-16025, Part 1) in Kingston Central and known municipally as 1324 Princess Street from the existing Single Family "A2" Zone to an Special Arterial Commercial "C2.305" Zone, as shown on Schedule "A" attached hereto.

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- (2) Delete Section 305 of Zoning By-Law No. 8499 in its entirety and replace with the following new Section 305:
- "Notwithstanding the provisions of Section 5.39 and Section 22 to the contrary, the lands designated 'C2.305' on Map 12 of Schedule "A" hereto shall only be used in accordance with the following special provisions:
- (i) Notwithstanding the provisions of Section 22.2 of this By-Law to the contrary, the subject lands shall be limited to the following uses:
- One residential dwelling unit within the walls of the existing building known municipally as 1324 Princess Street
 - Retail stores, including retail stores selling general services
 - Lunch counters
 - Catering business
 - Banks
 - Electrical repair services, including radio and television repair services
 - Offices with a maximum size of 605 square metres per building
 - Accessory building to any use permitted in the "C2.305" Zone
- (ii) Notwithstanding the provisions of Sections 22.3(b),(c) and (d) of this By-Law, minimum front, side and rear yard setbacks for the existing building on the property municipally known as 1318 Princess Street only shall be as follows:
- | | |
|---|-------------|
| Minimum east property boundary setback | 6.0 metres |
| Minimum south property boundary setback | 0.37 metres |
| Minimum west property boundary setback | 0.78 metres |
- (iii) That, prior to the introduction of a commercial use, the lands municipally known as 1324 Princess Street shall be subject to Site Plan Control.

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- (iv) That, in the event that the existing buildings, subject to the "C2.305" Zone, are removed, any new building shall be subject to the regulations of Section 22.3 of this By-Law."
-and further-

BE IT RESOLVED THAT the amending by-law be presented for **three readings**.
(See By-Law No. (24), 2005-121)

CARRIED

THE COMMITTEE OF THE WHOLE

Moved by Councillor Garrison
Seconded by Councillor Downes

THAT Report No. 65 of the Large Venue Entertainment Centre Steering Committee be brought forward and dealt with prior to Report No. 63 of the Community Services Committee.

CARRIED
(A 2/3 vote of Council was received)

Moved by Councillor Garrison
Seconded by Councillor Meers

THAT Council resolve into the Committee of the Whole to discuss Report No. 65 of the Large Venue Entertainment Centre Steering Committee.

CARRIED
(A 2/3 vote of Council was received)

Moved by Councillor Stoparczyk
Seconded by Councillor Patterson

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

CARRIED

REPORTS

Report No. 65 of the Large Venue Entertainment Centre Steering Committee

Moved by Councillor Smith
Seconded by Deputy Mayor Foster

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THAT Report No. 65 of the Large Venue Entertainment Centre Steering Committee be received and adopted, clause by clause.

Report No. 65

To the Mayor and Members of Council:

The Large Venue Entertainment Centre Steering Committee reports and recommends as follows:

April 26, 2005

1. **WHEREAS** Council received and adopted in principle the "Mayor's Large Venue Entertainment Centre Task Force Report" as the basis upon which to move forward with the completion of a Large Venue Entertainment Centre for the City of Kingston, and;

WHEREAS the report included the disposition of the Memorial Centre as a component of the Financial Plan of the Large Venue Entertainment Centre, and;

WHEREAS the Draft Business Plan as recommended by staff does not include the disposition of the Memorial Centre as a component of the financing plan of the Large Venue Entertainment Centre, and;

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Report No. 65 of the Large Venue Entertainment Centre Steering Committee

WHEREAS Council has referred the issue of the future of the Memorial Centre to the Multiplex Community Centre Project Steering Committee, and;

WHEREAS the annual net operating and capital savings in taxpayer subsidization, resulting from the sale, repurposing or decommissioning of the Memorial Centre shall be allocated to the Municipal Capital Reserve Fund;

THEREFORE BE IT RESOLVED THAT Council reserve unto itself the decision with respect to any matter having to do with Municipal Capital property including the Memorial Centre, in accordance with municipal policy;

–and further–

THAT any reference to the Memorial Centre be deleted from the Business Plan.

CARRIED AS AMENDED
(Councillors Beavis, Downes and Garrison OPPOSED)
(See Following Motion to AMEND which was CARRIED)
(See Following Motion to AMEND which was LOST)

Moved by Councillor Pater

Seconded by Councillor Stoparczyk

THAT Clause 1 be amended to add the phrase "That any reference to the Memorial Centre be deleted from the Business Plan."

CARRIED

Moved by Councillor K. George

Seconded by Councillor B. George

THAT Clause 1 of Report No. 65 be deferred until such time that the Multiplex Community Centre Arena Capacity Steering Committee brings a recommendation back to Council and at that time, the would have clarification if there is an interest to still protect the Memorial Centre.

LOST

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2. **WHEREAS** Council received and adopted in principle the "Mayor's Large Venue Entertainment Centre Task Force Report" as the basis upon which to move forward with the completion of a Large Venue Entertainment Centre for the City of Kingston, and;

WHEREAS the Inner Harbour site has been identified as the preferred site by the Mayor's Task Force and Council has directed that the feasibility of this site be explored, and;

WHEREAS Council established the Large Venue Entertainment Centre Steering Committee in order to proceed with the implementation of the Mayor's Task Force recommendations, and;

WHEREAS the draft LVEC Business Plan confirms that the construction and operation of the Large Venue Entertainment Centre on the Inner Harbour site is a financially viable project, and;

WHEREAS options need to be explored with regard to the design, construction and operation of the Large Venue Entertainment Centre;

THEREFORE BE IT RESOLVED THAT:

(1) The Business Plan be received and approved tentatively, subject to Clause 5 hereof, as the basis for the construction of a new sports and entertainment centre at a downtown site.

REPORTS

Report No. 65 of the Large Venue Entertainment Centre Steering Committee

(2) The Inner Harbour be the site to build the proposed Large Venue Entertainment Centre, pending the results of the Traffic & Parking Study.

(3) City staff initiate negotiations with the private land owners and occupants at the Inner Harbour site to acquire privately owned land including addressing issues related to businesses operating from those lands, any agreement being subject to Council approval.

(4) City staff be instructed to:

- Issue a Request for Qualifications/Expression of Interest (RFQ/EOI) to invite private sector operators with the experience in the operation of sports and entertainment centres to submit their credentials for the purpose of creating a short-list of qualified firms to operate the Large Venue Entertainment Centre.
- Issue a Request for Proposal (RFP) to the short-listed operators to select a preferred private sector proponent for the purposes of evaluating their response relative to the Public Sector Comparator (the municipality's cost and ability to operate the Large Venue Entertainment Centre).
- Issue a Request for Qualifications/Expression of Interest (RFQ/EOI) to invite design-build teams with experience in the construction of sports and entertainment centres to submit their credentials for the purpose of creating a short-list of qualified teams to construct the Large Venue Entertainment Centre.
- Issue a Request for Proposal (RFP) to the short-listed design-build teams for the purpose of selecting a team to build the Large Venue Entertainment Centre using a design-build (P3) approach with a Gross Maximum Price.

(5) The Large Venue Entertainment Centre project financing, including the fly-grid expenditure of \$600,000 and the catwalk expenditure of \$600,000, be approved in principle, incorporating pay-as-you-go (PAYG) and debt financing as reflected as follows:

Financing Alternative	Pay As You Go (2005–2008)	Debt	Total
Cash Flows from LVEC operations		\$16,000,000	\$16,000,000
Downtown Kingston	\$500,000	\$2,500,000	\$3,000,000

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Private Donations	\$2,000,000		\$2,000,000
Development Charges	\$3,000,000		\$3,000,000
Parking Incremental Revenues		\$2,000,000	\$2,000,000
Federal and Provincial Govt. Grants	\$8,000,000		\$8,000,000
Municipal Capital Reserve Fund (MCRF)	\$3,300,000		\$3,300,000
Total Financing	\$16,800,000	\$20,500,000	\$37,300,000

subject to receipt by Council of a satisfactory Market Study, including an impact assessment upon existing and anticipated municipal cultural venues, by a firm whose appointment is approved by Council and to final approval by Council prior to commencement of construction

-and further-

- (a) That Leadership in Environment and Energy Design (LEED) standards or other conservation standards be evaluated as part of the LVEC design and that grant funding through the Federation of Canadian Municipalities and other sources related to greening initiatives be explored.
- (b) That the cost of acquiring land and site related expenditures for the purposes of constructing the Large Venue Entertainment Centre be financed from the Municipal Capital Reserve Fund.

REPORTS

Report No. 65 of the Large Venue Entertainment Centre Steering Committee

- (c) That any excess cash flows after debt servicing be retained in a reserve specifically for years where cash flows are or may be insufficient to meet debt servicing charges and that all interest earned on such reserve be credited to the capital thereof.
- (6) A long-term agreement to be entered into with the Kingston Frontenacs to secure acceptable terms and conditions to satisfy the financial requirements for their share of facility usage.
- (7) The critical dates for Committee & Council approval, as outlined below, be approved in principle.

April 2005	OPA and Rezoning Applications filed.
April 2005	Information Session with City Council and the Large Venue Entertainment Centre Steering Committee on Parking & Traffic Study. Session is open to the public.
April 2005	The Large Venue Entertainment Centre Steering Committee meeting to discuss Business Plan and prepare recommendations to Council
May 2005	Non-Statutory Public Information meeting on Official Plan Amendment (OPA) and Rezoning Application
May 2005	The Large Venue Entertainment Centre Steering Committee recommendations regarding Business Plan presented to City Council
May 2005	Statutory Public Meeting on Official Plan Amendment and Rezoning Application under the Planning Act
June 2005	OPA and Rezoning Application on Planning Committee agenda.
June 2005	Tenants secured - Memorandum of Agreement finalized with the Kingston Frontenacs and the Kingston District Sports Hall of Fame
July 2005	Planning Committee recommendations to City Council.
August 2005	Issue Request for Proposals (RFP) to identify potential operators
September 2005	Private land purchasing agreements finalized

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September 2005	Determine management model and select operator
October 2005	Issue Request for Proposals (RFP) for qualified Design-Build team
March 2006	Select Design-Build Proponent
March 2006	Complete project financing
May 2006	Construction begins
September/October 2007	The Large Venue Entertainment Centre opens

CARRIED AS AMENDED (8:5)
(See Recorded Vote)
(See Following Motion to AMEND which was CARRIED)

REPORTS

Report No. 65 of the Large Venue Entertainment Centre Steering Committee

Moved by Councillor Pater
Seconded by Councillor Sutherland

THAT Clause 2 of Report No. 65 of the Large Venue Entertainment Centre Steering Committee be amended as follows:

That Subsection (1) be amended to delete the words "in principle" and insert in their place "tentatively, subject to Subclause (5) hereto", so that the phrase reads as follows:

- (1) *The Business Plan be received and approved tentatively, subject to Subclause (5) hereto, as the basis for the construction of a new sports and entertainment centre at a downtown site.*

That Subsection (3) be amended so that the phrase reads as follows:

- (3) *City staff initiate negotiations with the private land owners and occupants at the Inner Harbour site to acquire privately-owned land, including addressing issues related to businesses operating from those lands, any agreement being subject to Council approval.*

That Subsection (5) be amended to read as follows:

- (5) *The Large Venue Entertainment Centre project financing, including the fly-grid expenditure of \$600,000 and the catwalk expenditure of \$600,000, be approved in principle, incorporating pay-as-you-go (PAYG) and debt financing as reflected as follows:*

<i>Financing Alternative</i>	<i>Pay As You Go (2005-2008)</i>	<i>Debt</i>	<i>Total</i>
<i>Cash Flows from LVEC operations</i>		<i>\$16,000,000</i>	<i>\$16,000,000</i>
<i>Downtown Kingston</i>	<i>\$500,000</i>	<i>\$2,500,000</i>	<i>\$3,000,000</i>
<i>Private Donations</i>	<i>\$2,000,000</i>		<i>\$2,000,000</i>
<i>Development Charges</i>	<i>\$3,000,000</i>		<i>\$3,000,000</i>
<i>Parking Incremental Revenues</i>		<i>\$2,000,000</i>	<i>\$2,000,000</i>

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<i>Federal and Provincial Govt. Grants</i>	<i>\$8,000,000</i>		<i>\$8,000,000</i>
<i>Municipal Capital Reserve Fund (MCRF)</i>	<i>\$3,300,000</i>		<i>\$3,300,000</i>
<i>Total Financing</i>	<i>\$16,800,000</i>	<i>\$20,500,000</i>	<i>\$37,300,000</i>

subject to receipt by Council of a satisfactory Market Study, including an impact assessment upon existing and anticipated municipal cultural venues, by a firm whose appointment is approved by Council and to final approval by Council prior to commencement of construction ;

-and further-

That a new sub-section (c) be added and read as follows:

- (c) *That any excess cash flows after debt servicing be retained in a reserve specifically for years where cash flows are or may be insufficient to meet debt servicing charges and that all interest earned on such reserve be credited to the capital thereof.*

CARRIED
(Councillor K. George OPPOSED)

REPORTS

Report No. 65 of the Large Venue Entertainment Centre Steering Committee

A Recorded Vote was requested by Councillor K. George

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

NAYS: Councillor Beavis, Councillor Downes, Councillor Garrison, Councillor K. George, Councillor Meers (5)

Moved by Councillor Pater
Seconded by Councillor Smith

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

CARRIED

Moved by Councillor B. George
Seconded by Councillor Downes

THAT Council recess for five minutes.

CARRIED

Council recessed at 10:03 pm and returned at 10:08 pm.

REPORTS

Report No. 66 of the Multiplex Community Centre Arena Capacity Steering Committee

Moved by Councillor K. George
Seconded by Councillor Stoparczyk

THAT Report No. 66 of the Multiplex Community Centre Arena Capacity Steering Committee be received and adopted.

Report No. 66

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To the Mayor and Members of Council:

The Multiplex Community Centre Arena Capacity Steering Committee reports and recommends as follows:

April 20, 2005

1. **WHEREAS** the Multiplex Community Centre Project Steering Committee has considered the advice of its Community Advisory Group, City staff and other members of the community with respect to the desired composition of a new community centre in accordance with its mandate, and;

WHEREAS the Steering Committee requested staff to prepare a draft expression of interest document based on the recommended desired composition of the community centre;

REPORTS

Report No. 66 of the Multiplex Community Centre Arena Capacity Steering Committee

THEREFORE BE IT RESOLVED THAT Council endorse the composition for the new community centre as set out below and authorizes staff to formally request Expressions of Interest (EOI) in pursuing the development of the centre:

The initial phase of development for the proposed Multiplex Community Centre project is to include:

- 4 ice pads in total - 1 Olympic size and 3 NHL size (with one to be designed and outfitted to accommodate figure skating)
- A multi-purpose room
- Sufficient space for community use, such as but not necessarily restricted to meeting room(s), storage, office space, kitchen facilities, child care, and fitness space
- A restaurant
- A pro shop
- An injury management centre

–and further–

THAT the community centre be situated on a parcel of land that includes a substantial acreage of outdoor amenity space that may be developed over time for complimentary and ancillary uses as determined by Council and subject to budget considerations;

–and further–

THAT Council explore as part of its Expressions of Interest process, as an option, the costs associated with the construction of a 50m pool facility in conjunction with the aforementioned use.

CARRIED

INFORMATION REPORTS

- (1) **Award of Pharmacy Request for Proposal for Rideaucrest Home (05-122)**
The purpose of this report is to inform Council that a Request for Proposal for pharmacy services for Rideaucrest Home was awarded to Medical Pharmacies Group and meets the established criteria of delegated authority.
(File No. CSU-F31-000-2005)
- (2) **Acceptance of Brush at the Kingston East Compost Site (05-137)**
The purpose of this report is to advise Council that no action is necessary on the recommendation to ban the acceptance of brush at the Kingston East Compost Site, due to operational changes.

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(File No. CSU-E04-000-2005; CSU-E07-000-2005)

MISCELLANEOUS BUSINESS

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

THAT the following Members of Council be appointed to sit on each of the five review committees for the Healthy Community Fund:

- | | |
|---------------------------------|---------------------------------------|
| - Councillor Garrison - Elders | - Councillor Patterson Neighbourhoods |
| - Councillor Pater - Volunteers | - Deputy Mayor Foster - Culture |
| - Councillor Downes - Youth | |

(File No. CSU-C12-000-2005)

(See Clause (2), Report No. 63)

CARRIED

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

THAT the Information Report No. 03-167 (Acceptance of Brush at the Kingston East Compost Site), which was deferred at Council Meeting No. 17, held June 3, 2003, in order to allow staff to bring further information to Council, be withdrawn, as Information Report (2) (**Report No. 05-137**) covers this subject.

(File No. CSU-C11-000-2005)

(See Information Report No. 2)

CARRIED

Acceptance of Brush at the Kingston East Compost Site (03-167)

The purpose of this report is to provide Council with background information on staff's decision to no longer accept brush at the Kingston East Landfill Site.

(File No. CSU-E04-000-2003; CSU-E07-000-2003)

WITHDRAWN

- (3) Moved by Councillor Downes
Seconded by Councillor Meers

THAT, as requested by Beth Ann Kenny, Executive Director of the Ontario Association of Speech-Language Pathologists & Audiologists, Council proclaim May 2005 as "Better Speech and Hearing Month".

(File No. CSU-M10-000-2005)

(See Communication No. 14-293)

CARRIED

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- (4) Moved by Councillor K. George
Seconded by Councillor Stoparczyk

THAT, as requested by PRC Bill Halferty of the Amherstview Lions Club, Council proclaim the week of May 19-22, 2005 as Lions' International Week for the City of Kingston.
(File No. CSU-M10-000-2005)
(See Communication No. 14-294)

CARRIED

MOTIONS

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

THEREFORE BE IT RESOLVED THAT the Council of the Corporation of the City of Kingston hereby requests the Provincial Government to consider legislative changes regarding property assessment in Ontario that would allow more options to municipalities for the provision of assessment services including the possible privatization of the property tax assessment function;

–and further–

THAT a copy of this resolution be forwarded to the Minister of Finance and the Honourable John Gerretsen, Minister of Municipal Affairs & Housing.
(File No. CSU-F30-000-2005)

**DEFERRED AND REFERRED TO THE CORPORATE SERVICES COMMITTEE
(See Motion to DEFER which was CARRIED)**

Moved by Councillor Stoparczyk
Seconded by Councillor Sutherland

THAT Motion No. 1 be deferred and referred to the Corporate Services Committee for a staff report.

CARRIED

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

WHEREAS the Market Square is of important municipal and national historic significance, and;

WHEREAS Market Square is also part of the City Hall property, which is our seat of municipal government, and;

WHEREAS, especially in this day and age of corporate globalization, we must be very cautious about naming government institutions, particularly those of important historic and symbolic significance, after corporate or private entities;

THEREFORE BE IT RESOLVED THAT, despite pressures that may exist to meet the fundraising targets for the renovation of the Market Square, Kingston City Council will not consider the renaming of Market Square;

–and further–

THAT, if Council does decide to consider renaming Market Square, it will only do so after full public consultation has taken place.

(File No. CSU-R01-000-2005)

**DEFERRED
(See Following Motion to DEFER which was CARRIED)**

Moved by Councillor B. George

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Seconded by Deputy Mayor Foster

THAT Motion No. 2 be deferred to allow staff to bring a report as to how the motion related to the current Corporate Policy.

CARRIED (10:3)
(See Recorded Vote)

MOTIONS

A Recorded Vote was requested by Councillor Garrison.

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)

NOTICES OF MOTION

MINUTES

TABLING OF DOCUMENTS

2005-33 The Kingston, Frontenac, Lennox & Addington Health Unit
Agenda – Board Meeting – April 27, 2005
(File No. CSU-C05-000-2005)

2005-34 The Cataraqui Region Conservation Authority
Agenda – Full Authority General Meeting – April 22, 2005
(File No. CSU-C05-000-2005)

2005-35 The Kingston Economic Development Corporation
Minutes – Meeting No. 05-05 – February 28, 2005
(File No. CSU-A01-003-2005)

2005-36 The Kingston Police Services Board
Kingston Police Business Plan 2005-7
(File No. CSU-P17-000-2005)

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2005-37 The Municipal Property Assessment Corporation
2004 Annual Report & Financial Statements
(File No. CSU-M04-000-2005)

COMMUNICATIONS

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

Filed

14-297 From the Canada Mortgage & Housing Corporation (CMHC), inviting Council to participate in the Sustainable Planning & Development Workshop for Small Communities on Thursday, May 19, 2005 at the Kiwanis Field House in Pembroke, Ontario.
(File No. CSU-A04-000-2005)
(Copied to all Members of Council on April 22, 2005)

Referred to All Members of Council

14-284 From the Committee of Adjustment, a Notice of Decision for the following applications:

CONSENT – RIVER STREET DEVELOPMENT CORPORATION – in respect of an application for a consent to sever an approximately 0.14 hectare of land with frontage on Highway 2 East for the purpose of a lot addition **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is May 5, 2005.

CONSENT – PAUL & MARY COVELL – in respect of an application for a consent to sever an approximately 0.04 hectare of land with no road frontage for the purpose of a lot addition **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is May 5, 2005.

CONSENT – ANNA TERESSA OOMEN – in respect of an application for a consent to sever an approximately 31.98 hectare parcel of land with frontage on Middle Road **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is May 5, 2005.

MINOR VARIANCE – JASON & LISA GALUGA – in respect of an application for a minor variance from Zoning By-Law No. 32-74 for the property at 6144 Highway 15 in order to apply for a consent to add vacant land **BE APPROVED**, subject to conditions. The final date of appeal is May 3, 2005.

CONSENT – RIVER STREET DEVELOPMENT CORPORATION – in respect of an application for a consent to merge an approximately 0.55 hectare parcel of land with frontage on Highway 2 East with an approximately 0.112 hectare parcel of land with frontage on Highway 2 East **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is May 5, 2005.

CONSENT - RONDA EVANS & PARTICK DOYLE – in respect of an application for a consent to sever an approximately 1.0 hectare parcel of land with frontage on Butternut Creek Road for the purpose of a single-unit residential development **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is May 5, 2005.

CONSENT – JASON & LISE GALUGA – in respect of an application for a consent to sever an approximately 0.34 hectare parcel of land with no road frontage for the purpose of a lot addition to adjacent lands **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is May 5, 2005.

CONSENT – DERK & WENDA VELDMAN – in respect of an application for consent to sever an approximately 2.8 acres parcel of land with frontage on Sand Hill Road in order to create a new residential lot **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is May 5, 2005.
(File No. CSU-D19-000-2005)

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COMMUNICATIONS

14-285

From the Committee of Adjustment, a Notice of Decision for the following applications:

MINOR VARIANCE – PATRICK & MELODIE AUBREY – in respect of an application for minor variances from Zoning By-Law No. 8499 **BE APPROVED**, subject to conditions. The final date of appeal is May 16, 2005.

MINOR VARIANCE – JACK GOSLIN – in respect of an application for a minor variance from Zoning By-Law No. 76-26 in order to sever an approximately 592.24m² parcel of land **BE APPROVED**, subject to conditions. The final date of appeal is May 16, 2005.

CONSENT – JACK GOSLIN – in respect of an application for a consent to sever an approximately 592.24 m² parcel of land with frontage on Collins Bay Road **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is May 17, 2005.

MINOR VARIANCE – PAUL MARTIN CONSTRUCTION – in respect of an application for minor variances from Zoning By-Law No. 76-26 to sever 1610 Bath Road from 1600 Bath Road **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is May 17, 2005.

MINOR VARIANCE – PAUL MARTIN CONSTRUCTION – in respect of an application for minor variances from Zoning By-Law No. 76-26 to sever 1610 Bath Road from 1600 Bath Road **BE APPROVED**, subject to conditions. The final date of appeal is May 16, 2005.

CONSENT – PAUL MARTIN CONSTRUCTION – in respect of an application for a consent to sever an approximately 2.371 hectare parcel of land with frontage on Bath Road **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is May 17, 2005.

CONSENT – LYNN & DWAYNE MARQUETTE – in respect of an application for a consent to sever an approximately 2600ft² parcel of land with frontage on Montreal Street **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is May 17, 2005.

CONSENT – CHRIST CHURCH CATARAQUI – in respect of an application for a consent to sever an approximately 1.37 hectare parcel of land with frontage on Sydenham Road **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is May 17, 2005.

MINOR VARIANCE – HOPE CAMPBELL & JAY MILLER – in respect of an application for a minor variance from Zoning By-law No. 8499 **BE APPROVED**, subject to conditions. The final date of appeal is May 16, 2005.

MINOR VARIANCE – STEPHEN & ANNE LOUGHEED – in respect of an application for a minor variance from Zoning By-Law No. 8499 **BE APPROVED**, subject to conditions. The final date of appeal is May 16, 2005.

MINOR VARIANCE – BRUCE DOWNEY & ELINOR RUSH – in respect of an application for a minor variance from Zoning By-Law No. 8499 **BE APPROVED**, subject to conditions. The final date of appeal is May 16, 2005.

MINOR VARIANCE – ROBERT MCLACHLAN – in respect of an application for a minor variance from Zoning By-Law No. 8499 **BE APPROVED**, subject to conditions. The final date of appeal is May 16, 2005.
(File No. CSU-D19-000-2005)

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- 14-287 From the Township of Madoc, requesting Council's support of a resolution to petition the Ministry of the Environment to halt the spreading of "NitroSorb" throughout the province until the environmental effects are fully understood.
(File No. CSU-C10-000-2005)
(Copied to all Members of Council on April 29, 2005)

COMMUNICATIONS

- 14-288 From the County of Prince Edward, requesting Council's support of a resolution to petition the Ministry of Natural Resources to not implement the Proposed Strategy for Wolves, which restricts the killing of wolves or coyotes, in Southern Ontario.
(File No. CSU-C10-000-2005)
(Copied to all Members of Council on April 29, 2005)
- 14-289 From the City of Vaughan, requesting Council's support of a resolution to petition the provincial government to grant a commenting extension of six months to permit an analysis of the proposed Draft Growth Plan, its implementation and required infrastructure.
(File No. CSU-C10-000-2005)
(Copied to all Members of Council on April 29, 2005)
- 14-290 From Martin Quinn, co-chair of Communities in Bloom, inviting the City of Kingston to participate in the 2005 Communities in Bloom competition.
(File No. CSU-D18-000-2005)
(Distributed by email to all Members of Council on April 20, 2005)
- 14-291 From the Association of Municipalities of Ontario, informing Council of the anticipated third reading of Bill 60, *An Act to Amend the Ontario Heritage Act*, which makes comprehensive amendments to the *Ontario Heritage Act*.
(File No. CSU-A01-004-2005)
(Distributed by email to all Members of Council on April 20, 2005)
- 14-292 From the Association of Municipalities of Ontario, informing Council of an Alert on the review of the Managed Forest Tax Incentive Program, which contained a factual error.
(File No. CSU-A01-004-2005)
(Distributed by email to all Members of Council on April 22, 2005)
- 14-293 From Beth Ann Kenny, Executive Director of the Ontario Association of Speech-Language Pathologists & Audiologists, requesting that Council proclaim May 2005 as "Better Speech and Hearing Month".
(File No. CSU-M10-000-2005)
(See Miscellaneous Business Item No. 3)
- 14-294 From PRC Bill Halferty of the Amherstview Lions Club, requesting that Council proclaim the week of May 19-22, 2005 as Lions' International Week for the City of Kingston.
(File No. CSU-M10-000-2005)
(See Miscellaneous Business Item No. 4)
- 14-295 From John Durent, Associate Executive Director for Child Find Ontario, requesting that Council proclaim May 2005 as the 14th Annual Green Ribbon of Hope and May 25, 2005 as National Missing Children's Day.
(File No. CSU-M10-000-2005)

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- 14-296 From Linda Marks of the Kingston & Area Chapter of the Multiple Sclerosis Society of Canada, requesting that Council proclaim May 2005 as Multiple Sclerosis Month.
(File No. CSU-M10-000-2005)

COMMUNICATIONS

- 14-299 From the Recycling Council of Ontario, inviting Council to attend the 25th Annual Conference & Golf Tournament on May 4-6, 2005 in Etobicoke, Ontario.
(File No. CSU-A04-000-2005)
(Distributed by email to all Members of Council on April 18, 2005)
- 14-300 From the Association of Municipalities of Ontario, informing Council that the province is seeking input on the proposed licensing regulations for electrical contractors and master electricians. The deadline for comments is April 28, 2005.
(File No. CSU-P09-000-2005)
(Distributed by email to all Members of Council on April 20, 2005)
- 14-302 From the Association of Municipalities of Ontario, informing Council that the Association of Municipalities of Ontario is urging the federal government to pass the proposed federal budget prior to another election to ensure the immediate investment of \$600 million in gas tax revenues in municipal infrastructure.
(File No. CSU-A01-004-2005)
(Distributed by email to all Members of Council on April 25, 2005)
- 14-304 From the Association of Municipalities of Ontario, urging municipal leaders to contact their Members of Parliament to support the passage of the federal budget bill.
(File No. CSU-A01-004-2005)
(Distributed by email to all Members of Council on April 25, 2005)
- 14-305 From the Association of Municipalities of Ontario, a reminder that the 2005 Association of Municipalities of Ontario Conference will be held August 14-17, 2005 at the Westin Harbour Castle in Toronto, Ontario.
(File No. CSU-A04-000-2005)
(Distributed by email to all Members of Council on April 26, 2005)
- 14-306 From Tracy Hughes, Security Supervisor for the Hotel Dieu Hospital, requesting the approval of Council to appoint specific employees at the Hotel Dieu Hospital (Jesse Abbott, Derrick Gardener, Richard Harper, Corey Bowes, James Haryett, Julie Kastner, Alastair McLellan, Emily Shaw, Thomas Wilson, Lindsay England, Angela Hogle, Peter Pacheco, Alan Pike, Joseph Schreuer, Don Kirk, Kyle Ruttan, Paulo Silverstre) to be By-Law Enforcement Officers for the purpose of issuing tickets on the property of the Hotel Dieu Hospital Parking Lots and to remove specific employees (Michael Parr-Pearson, Samuel W. MacEachern, Francis Kennedy, Catherine Bowden, Michael Kelly, Jacques Lemiux, Jacqueline Cormier, R. Davies, J. Ayers, M. Billinger, Brent Martin, Gordan Kenward, Fred Dunn, Lauren Brown, Ronald Scott, Matthew Parlene, Wanda Spirak)
(File No. CSU-P01-03-2005)
(See By-Law No. (28), 2005-123)
- 14-308 From the Federation of Canadian Municipalities, informing Council that those who wish to be placed on the ballot for the election of the Federation of Canadian Municipalities' National Board of Directors must return a consent form to the Federation of Canadian Municipalities' office by May 20, 2005. The consent form can be found at www.fcm.ca.
(File No. CSU-A01-002-2005)

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(Copied to all Members of Council on April 29, 2005)

COMMUNICATIONS

Referred to the President & CEO of Utilities Kingston

14-286 From Mary Lapratte, a petition signed by the residents of Alfred Crescent, voicing concerns regarding water and drainage problems in the Alfred Crescent Area.
(File No. CSU-C14-000-2005; CSU-E06-000-2005)
(See Petition No. 1)

Referred to the Commissioner of Planning & Development Services

14-298 From Heather Ball, Corporate Counsel for the TDL Group Corp., requesting to be kept informed and consulted on the preparation and finalization of the Class Environmental Assessment Study for the extension of Cataraqi Woods Drive.
(File No. CSU-D00-000-2005)
(Copied to all Members of Council on April 22, 2005)

14-301 From Robert Tchegus of Cunningham, Swan, Carty, Little & Bonham, on behalf of Interval House, requesting amendments to the Streets By-Law and for a permission to encroach onto a City street.
(File No. CSU-D16-000-2005; CSU-C01-000-2005)

Referred to the Commissioner of Community Services

14-303 From Don Turner, Chairman of St. Mary's Cemetery Divine Mercy Mausoleum & Columbarium, requesting approval for the building of Phase I and II of a new mausoleum building.
(File No. CSU-P10-000-2005)
(Copied to all Members of Council on April 29, 2005)

Referred to All Members of Council and the Large Venue Entertainment Centre Steering Committee

14-307 From Robert Mackenzie, requesting that Council not rely on the reports from the Large Venue Entertainment Centre Steering Committee and that all work from this committee be subject to a peer review.
(File No. CSU-R05-001-2005)
(Copied to all Members of Council on April 29, 2005)

14-309 From the Kingston Economic Development Corporation, providing Council with an Economic Impact Study on the Municipal Sports & Entertainment Centre (LVEC) and endorsing the findings and conclusions found in the business plan, as they relate to the economic impact of this facility.
(File No. CSU-R05-001-2005)
(Copied to all Members of Council on April 29, 2005)

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BY-LAWS

Council consented to the withdrawal of By-Law (7) and the amendment of By-Law (22).

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

THAT By-Laws (1) through (6), (8) to (25), and (28) be given their first and second reading.

CARRIED

- (B) Moved by Councillor K. George
Seconded by Councillor B. George

THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (2), (6) (9) and (10) three readings.

CARRIED

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

THAT By-Laws (2), (6), (9), (10), and (20) to (25), and (27) be given their third reading.

CARRIED

- (D) Moved by Councillor Sutherland
Seconded by Councillor Pater

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

CARRIED

- (1) A By-Law To Establish The Land Designated As Part 1 On Reference Plan 13R-17807, Bath Road, City Of Kingston, As Part Of The Public Highway In Accordance With Section 31 Of The *Municipal Act, Chapter 25, SO 2001*.
FIRST AND SECOND READINGS PROPOSED NO. 2005-101
(Clause (a), Report No. 61)
- (2) A By-Law To Provide For The Temporary Closure Of Various Streets On Sunday, May 8, 2005 From 10:00 AM To 4:00 PM (Community Purposes – The Aztech Kingston Grand Prix Stage Race).
THREE READINGS PROPOSED NO. 2005-102
(Clause (b), Report No. 61)
- (3) A By-Law To Provide For The Temporary Closure Of Various Streets At Various Times On Sunday, June 5, 2005 (Community Purposes – Beat Beethoven Run).
FIRST AND SECOND READINGS PROPOSED NO. 2005-103
(Clause (c), Report No. 61)

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BY-LAWS

- (4) A By-Law To Provide For The Temporary Closure Of Various Streets At Various Times On Sunday, July 31, 2005 (Community Purposes – The K-Town Triathlon).
FIRST AND SECOND READINGS PROPOSED NO. 2005-104
(Clause (d), Report No. 61)
- (5) A By-Law To Amend By-Law No. 24 "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act" (Temporary Establishment Of Traffic Patterns On Various Streets; K-Town Triathlon – July 31, 2005).
FIRST AND SECOND READINGS PROPOSED NO. 2005-105
(Clause (d), Report No. 61)
- (6) A By-Law To Amend By-Law No. 97-102 "Cataraqui North Neighbourhood, Former Kingston Township Zoning By-Law" To Remove The "-H" Holding Symbol Related To Lands Zoned "NC-H, OS1-H, MDR*1-H, MDR-H, LDR/NC-H, LDR*1-H And LDR-H" (Pye (Ontario) Limited, Part Of Lots 14 And 15, Concession 2 In The Former Township Of Kingston, Cataraqui North, Lyndenwood Subdivision Phase 3).
THREE READINGS PROPOSED NO. 2005-106
(Clause (e), Report No. 61)
- (7) A By-Law To Amend By-Law No. 32-74, "Former Township Of Pittsburgh Zoning By-Law", To Remove The "-H" Holding Symbol Related To The "LSR-H" Zone (Lot 4, Plan 626, Part Of Lot 26, Concession 2 Being Parts 4 & 5, Plan 13R-7013 And Known Municipally As 1711 Bateau Lane).
THREE READINGS PROPOSED NO. 2005-107
(Clause (f), Report No. 61)
- WITHDRAWN**
- (8) A By-Law To Establish General Municipal, Fire, Garbage, And Special Tax Rates To Provide For A Final Tax Levy For 2005; To Provide For Late Payment Charges To Be Charged On Unpaid Taxes; And To Provide For Payment Of Taxes By Instalment.
FIRST AND SECOND READINGS PROPOSED NO. 2005-108
(Clause (g), Report No. 61)
- (9) A By-Law To Direct The Orderly Addressing Of Buildings And Properties And Appropriate Naming Of Roads Within The City Of Kingston.
THREE READINGS PROPOSED NO. 2005-98
(Clause (1), Report No. 62)
- (10) A By-Law To Repeal By-Law No. 2000-177 "A By-Law To Provide For Civic Addressing".
THREE READINGS PROPOSED NO. 2005-109
(Clause (1), Report No. 62)

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BY-LAWS

- (11) A By-Law To Provide For The Construction, Demolition, Change Of Use And Transfer Of Permits And Inspections.
FIRST AND SECOND READINGS PROPOSED NO. 2005-99
(Clause (3), Report No. 62)
- (12) A By-Law To Repeal By-Law No. 8790 – "A By-Law To Regulate The Erection And Provide For The Safety Of Buildings And Structures".
FIRST AND SECOND READINGS PROPOSED NO. 2005-110
(Clause (3), Report No. 62)
- (13) A By-Law To Repeal By-Law No. 8819 – "A By-Law To Provide For A Building Permit Deposit For The Construction Of A Swimming Pool (Possible Damage To Streets, Sidewalks, Watermains Or Any Other Public Work)"; Former Township Of Pittsburgh".
FIRST AND SECOND READINGS PROPOSED NO. 2005-111
(Clause (3), Report No. 62)
- (14) A By-Law To Repeal By-Law No. 23-96 – "A By-Law Respecting Construction, Demolition, And Change Of Use Permits And Inspections".
FIRST AND SECOND READINGS PROPOSED NO. 2005-112
(Clause (3), Report No. 62)
- (15) A By-Law To Repeal By-Law No. 24-96, "A By-Law To Provide For A Damage Deposit For All New Structures And Additions To Structures Valued At \$10,000.00 Or More".
FIRST AND SECOND READINGS PROPOSED NO. 2005-113
(Clause (3), Report No. 62)
- (16) A By-Law To Repeal Former Township Of Kingston By-Law No. 85-25 – "A By-Law To Provide For The Enforcement Of The *Building Code Act, RSO 1980*, Chapter 51, As Amended, In The Township Of Kingston, And The Issuing Of Building Permits Pursuant To The Authority Thereof, And To Repeal By-Law Number 79-46 And All Amendments Thereto".
FIRST AND SECOND READINGS PROPOSED NO. 2005-114
(Clause (3), Report No. 62)
- (17) A By-Law For Prescribing Standards For The Maintenance And Occupancy Of Property Within The City Of Kingston.
FIRST AND SECOND READINGS PROPOSED NO. 2005-100
(Clause (5), Report No. 62)
- (18) A By-Law To Repeal By-Law No. 8597 "The Property Standards By-Law".
FIRST AND SECOND READINGS PROPOSED NO. 2005-115
(Clause (5), Report No. 62)

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BY-LAWS

- (19) A By-Law To Cancel Municipal And Education Taxes For 85 Ontario Street, Parts 1 & 5, Plan 13R 17509.
FIRST AND SECOND READINGS PROPOSED NO. 2005-116
(Clause (1), Report No. 64)
- (20) A By-Law To Amend The Official Plan Of The Former Township Of Pittsburgh – To Change The Designation On Approximately 15.3 Hectares (37.8 Acres) Of Land From “Rural” To Site Specific “Rural Site Specific Policy 2A.4.6”.
THREE READINGS PROPOSED NO. 2005-117
(Clause (3), Report No. 64)

(Councillor B. George ABSTAINED)
- (21) A By-Law To Amend By-Law No. 32-74 “Zoning By-Law” Of The Former Township Of Pittsburgh – To Change The Zone On Approximately 15.3 Hectares (37.8 Acres) Of Land From “Rural Residential Zone (RR)” To “Special Requirement (RR-10-H) Zone” (Part Lot 1 And 2, Concession 3 For Stephentown Creek Ltd).
THREE READINGS PROPOSED NO. 2005-118
(Clause (3), Report No. 64)

(Councillor B. George ABSTAINED)
- (22) A By-Law To Amend By-Law No. 76-26 “Zoning By-Law Of The Township Of Kingston” (Site Specific Zoning- Maple Creek Subdivision – Rezone To “R1-59-H” Modified Residential Type 1 Holding, “EPA” Environmental Protection Area, To Permit The Development Of Single Detached Dwellings And To Provide For The Protection Of A Portion Of The Little Cataraqui Creek).
THREE READINGS PROPOSED NO. 2005-119
(Clause (4), Report No. 64)
- (23) A By-Law To Amend By-Law No. 76-26 “Zoning By-Law Of The Township Of Kingston” – Site Specific Zoning – Grand Trunk Subdivision – Rezone To “R2-9-H Modified Residential Type 2 Holding”, “C2-10-H Modified General Commercial Holding”, “OS-3 Modified Open Space” (To Permit The Development Of Single Detached Dwellings And To Provide For An Open Space Area And To Rezone Portions Of 2295 Princess Street To Be Consistent With The Reconfigured Property).
THREE READINGS PROPOSED NO. 2005-120
(Clause (5), Report No. 64)
- (24) A By-Law To Amend By-Law No. 8499 Of The Corporation Of The City Of Kingston – Site Specific – 1324 Princess Street – Rezone From “A2” Residential To Site Specific Arterial Commercial “C2.305”.
THREE READINGS PROPOSED NO. 2005-121
(Clause (6), Report No. 64)
- (25) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, May 3, 2005.
THREE READINGS PROPOSED NO. 2005-122
(City Council Meeting No. 14-2005)

BY-LAWS

City Council Meeting No. 14

Minutes

May 3, 2005

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- (26) A By-Law To Amend By-Law No. 2004-340 "A By-Law To Adopt The 2005 Operating Budget".
THIRD READING PROPOSED NO. 2005-94
(Clause (2), Report No. 58)
(Councillor B. George OPPOSED)
- (27) A By-Law To Amend By-Law No. 99-166 "A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or The Local Board" (Appoint Alan Hutchison – Kingston (Norman Rogers) Airport).
THIRD READING PROPOSED NO. 2005-95
(Communication No. 12-275)
- (28) 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" (The Hotel Dieu Hospital – Appoint (Jesse Abbott, Derrick Gardener, Richard Harper, Corey Bowes, James Haryett, Julie Kastner, Alastair McLellan, Emily Shaw, Thomas Wilson, Lindsay England, Angela Hogle, Peter Pacheco, Alan Pike, Joseph Schreuer, Don Kirk, Kyle Ruttan, Paulo Silverstre; Remove (Michael Parr-Pearson, Samuel W. MacEachern, Francis Kennedy, Catherine Bowden, Michael Kelly, Jacques Lemieux, Jacqueline Cormier, R. Davies, J. Ayers, M. Billinger, Brent Martin, Gordan Kenward, Fred Dunn, Lauren Brown, Ronald Scott, Matthew Parlene, Wanda Spirak)
FIRST AND SECOND READINGS PROPOSED NO. 2005-123
(Communication No. 14-306)

ADJOURNMENT

Moved by Councillor Beavis
Seconded by Councillor Meers
THAT Council do now adjourn.

CARRIED

Council adjourned at 10:45 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor