

## CITY COUNCIL MEETING NO. 27-2005

The Regular Meeting of City Council was held on Tuesday, November 1st, 2005 at 7:35 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 6:30 pm to 7:35 pm in the Councillors' Lounge.

### (Council Chambers)

#### ROLL CALL

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

Absent: Councillor B. George (1)

### (Councillor's Lounge)

#### Administrative Staff Present:

Mr. G. Laubenstein, Chief Administrative Officer  
Ms. C. Beach, Commissioner, Planning & Development Services  
Mr. B. Bishop, Director, Human Resources  
Ms. C. Burrows, Executive Assistant to the Chief Administrative Officer  
Mrs. C. Downs, Manager, Council Support/City Clerk  
Mr. T. Fleming, Senior Legal Counsel, Corporate Services  
Mr. D. Leger, Commissioner, Corporate Services  
Mr. H. Linscott, Director, Legal Services  
Mr. M. Segsworth, Commissioner, Operations Services  
Mr. L. Thurston, Commissioner, Community Services

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### COMMITTEE OF THE WHOLE "IN CAMERA"

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

THAT Land Acquisition be added as item (c) to the Committee of the Whole "In Camera" agenda, and;

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

- (a) Litigation/Potential Litigation affecting Municipality.
- (b) Report Forthcoming – Labour Relations
- (c) Land Acquisition

**CARRIED as AMENDED**

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### (Council Chambers)

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**Administrative Staff Present:**

Mr. G. Laubenstein, 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  
Mr. J. Davis, Senior Project Manager, Planning & Development Services  
Mrs. C. Downs, Manager, Council Support/City Clerk  
Mr. D. Gedge, Director, Large Venue Entertainment Centre Project  
Mr. G. Grange, Manager, Housing Division  
Mr. P. Huigenbos, Development Supervisor, Engineering Services  
Mr. G. Hunt, Manager, Finance  
Mr. S. Kanellos, Manager, Engineering  
Mr. D. Leger, Commissioner, Corporate Services  
Mr. H. Linscott, Director, Legal Services  
Mr. M. Segsworth, Commissioner, Operations Services  
Ms. N. Sullivan, Deputy City Clerk  
Mr. L. Thurston, Commissioner, Community Services  
Mr. G. Wallace, Manager, Planning  
Mr. D. Wells, Manager, Roads

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**REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"**

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

**THAT** Council rise from the Committee of the Whole "In Camera" and that the rules of By-Law 98-1 be waived and the Chair report.

**CARRIED**  
**(Councillor Garrison OPPOSED)**

Moved by Councillor Sutherland  
Seconded by Councillor Smith

**THAT** as recommended, Council approve the appointment of Gerard Hunt as a new Commissioner effective November 1, 2005.

**CARRIED**

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

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

**CARRIED**

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**DISCLOSURE OF PECUNIARY INTEREST**

- (1) Councillor Stoparczyk declared a pecuniary interest in the matter of Clause (a), of Report 121 as the bidder is a real estate client.

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**PRESENTATIONS**

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**STAFF BRIEFINGS**

- (1) Nick Waterfield, Chair, Downtown Kingston! Business Association, and Sandy Wilson, Member of Frontenac Heritage Foundation, presented a Limited Edition 2004 Pewter Collection to Council to publicly thank all Members of Council for their support.

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**DELEGATIONS**

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**PETITIONS**

- (1) A petition bearing approximately 295 signatures was received by Council Support Division and referred to the Multiplex Committee and reads as follows:

"We, the undersigned citizens of the City of Kingston, Ontario, hereby petition our City Government to include indoor tennis among the facilities of the proposed Multiplex Community Centre."

REFERRED TO THE MULTIPLEX COMMITTEE

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**MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY**

Motions of Condolence

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

**THAT** the condolences of Kingston City Council be extended to Ken Mundell, Utilities Kingston Employee and his family on the passing of his father, Clifford, who passed away on Monday, October 24, 2005.

**CARRIED**

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

**THAT** the heartfelt condolences of Kingston City Council be extended to the family of Tom Hoedeke on the recent passing of his mother.

**CARRIED**

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**REPORTS**

Report No. 121 the Chief Administrative Officer (Consent)

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Moved by Councillor Meers  
Seconded by Councillor Patterson

**THAT** Report No. 121 of the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the separation of Clause (a)

**Report No. 121**

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:

Councillor Stoparczyk withdrew from the meeting.

(a) **Awarding of the Tender for Winter Sidewalk Plowing**

**THAT** Council award Tender OS-RD 2005-5 in the amount of \$48.00 per hour for a total estimated cost of \$1,284.00 (GST included) per event, for sidewalk plowing in Kingston East, to Zomer & Sons Landscaping and Contracting Limited; it being the lowest tender received.

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

(The Report of the Commissioner of Operations (05-368) is attached as Schedule Pages 1-2)

**CARRIED (9:2)**  
**(See Recorded Vote)**

A Recorded Vote was requested by Councillor Garrison

**YEAS:** Mayor Rosen, Deputy Mayor Foster, Councillor Beavis, Councillor Downes, Councillor K. George, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Sutherland. (9)

**NAYS:** Councillor Garrison, Councillor Meers (2)

**ABSENT:** Councillor B. George, Councillor Stoparczyk (2)

Councillor Stoparczyk returned to the meeting.

(b) **Awarding of the RFP for Snowplowing, Sanding and Salting**

**THAT** Council award Request for Proposal OS-RD 11-2005 for Snow Plowing & Sanding/Salting, of Kingston East area roads and streets, for the 2005/2006 and 2006/2007 winter seasons, to Cruickshank Construction Limited, their bid costs at \$192.00 per hour and \$198.00 per hour, respectively, being the lowest bids received. Further, that approval be granted to enter into a contract, in a form satisfactory to the director of Legal Services for the City of Kingston, for Snow Plowing & Sanding/Salting on the various specified roads.

(File No. CSU-F31-000-2005)

(The Report of the Commissioner of Operations (05-369) is attached as Schedule Pages 3-4)

**CARRIED (9:2)**  
**(See Recorded Vote)**

**REPORTS (CONTINUED)**

**Report No. 121 the Chief Administrative Officer (Consent)**

A Recorded Vote was requested by Councillor Garrison

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YEAS: Mayor Rosen, Deputy Mayor Foster, Councillor Beavis, Councillor Downes, Councillor K. George, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (10)  
NAYS: Councillor Garrison, Councillor Meers (2)  
ABSENT: Councillor B. George (1)

(c) **To Release and Abandon an Easement for Lyndenwood Subdivision in the Cataraqui North Neighbourhood**

**THAT** Council authorize the Director of Legal Services to release and abandon the following easement:

- easement for a temporary storm water management facility registered as instrument #LT073996 covering all of Part 1 on 13R-17352 (Lyndenwood Subdivision)

(File No. CSU-D12-000-2005)

(The Report of the Commissioner of Planning and Development Services (05-376) is attached as Schedule Pages 5-7)

(d) **Temporary Street Closure (Community Purposes – Remembrance Day)**

That a by-law be presented to City Council for all three readings to provide for the temporary closure of part of King Street West from Barrie Street to St. Lawrence Avenue on Friday, November 11, 2005 from 9:30 a.m. to 11:30 a.m., for community purposes: the Remembrance Day Ceremonies at the Cross of Sacrifice Monument.

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

(The Report of the Commissioner of Planning and Development Services (05-379) is attached as Schedule Pages 8-10)

(See By-Law No. (3), 2005-265)

**CARRIED**

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Moved by Councillor Downes

Seconded by Councillor Garrison

**THAT** Motion No. (1) be dealt with prior to Report No. 122 of the Chief Administrative Officer (Recommend)

**LOST (6:6)**  
**(See Recorded Vote)**

A Recorded Vote was requested by Councillor Downes

YEAS: Councillor Beavis, Councillor Downes, Councillor Garrison, Councillor Meers, Councillor Pater, Councillor Patterson (6)

NAYS: Mayor Rosen, Deputy Mayor Foster, Councillor K. George, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (6)

ABSENT: Councillor B. George (1)

**REPORTS**

**Report No. 122 of the Chief Administrative Officer (Recommend)**

Moved by Councillor Sutherland

Seconded by Councillor Stoparczyk

**THAT** Report No. 122 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

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**Report No. 122**

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

Council consented to allow Mr. Gerard Hunt, Manager of Finance spoke to Council regarding the 2006 Operating and Capital Budget Timelines.

(1) **2006 Operating and Capital Budget Timelines**

**THAT** the Committee of the Whole receive and deliberate the 2006 operating and capital budgets to be held November 15 and 16, 2005, beginning at 5:00 p.m., and that the respective 2006 budget by-laws be presented to Council for approval on December 6, 2005.

(File No. CSU-F05-000-2005)

(The Report of the Commissioner of Corporate Services (05-381) is attached as Schedule Pages 26-28)

**CARRIED**

(2) **Exemption from the Current "Failed Tax Sale Properties/Policy"**

**THAT** Council give authorization to staff to enter into negotiations/discussions with interested developers on the following sites:

- Former I. Cohen & Company Limited Properties – 576 Montreal Street, 594 Montreal Street, 600 Montreal Street, 604 Montreal Street, 0 Montreal Street, 0 Railway Street
- Former Burton's Sanitation Limited – 661 Montreal Street
- Former Crinan Marine/Graves Brothers Realty – 176 Railway Street; and

**THAT** staff report back to Council once negotiations are completed with a draft Purchase & Sale Agreement.

(File No. CSU-F31-000-2005)

(The Report of the Commissioner of Planning and Development Services (05-378) is attached as Schedule Pages 11-19)

**CARRIED**

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

**THAT** Council resolve into Committee of the Whole to deal with the LVEC Report.

**CARRIED**

**(2/3<sup>rd</sup> Vote of Council was Received)**

Council consented to allow the following presenters to speak to Council on the LVEC North Block Comprehensive Site Analysis:

- Glen Laubenstein, CAO
- Cynthia Beach, Commissioner of Planning and Development
- John Uliana, Cumming Cockburn Ltd.

**REPORTS (CONTINUED)**

**Report No. 122 of the Chief Administrative Officer (Recommend)**

- (2) Moved by Councillor Downes  
Seconded by Councillor K. George

**THAT** Council rise from the Committee of the Whole without reporting.

**CARRIED**

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Council consented to the separation of each paragraph.

(3) **LVEC – North Block Comprehensive Site Analysis**

1. **THAT** the Large Venue Entertainment Centre (LVEC) be located on the block bounded by Ontario Street, Barrack Street, King Street and Place D'Armes which is located within the North Block Business District; and

**CARRIED (9:3)**  
**(See Recorded Vote No. 1)**

2. **THAT** the 2005 capital budget be amended to approve the construction of the LVEC at \$37.3 million as an upset maximum with financing as set out in the LVEC Business Plan previously received by and presently before Council and as described in the Options / Discussion section of this Report; and

**CARRIED (8:4)**  
**(See Recorded Vote No. 2)**

3. **THAT**, subject to Council approval of the following:
  - a) Requests for proposals
  - b) Selection of an Operator;
  - c) Selection of Design Build Team;
  - d) Approval of the Design;
  - e) Approval of the Financing, to be not later than the end of March, 2006; and
  - f) Awarding of the Tender

Staff be directed to undertake all required steps and that the Mayor and Clerk be authorized to execute all related contracts, amendments, and agreements to the satisfaction of the City Solicitor related to all aspects of the LVEC ,

**CARRIED (10:2)**  
**(See Recorded Vote No. 3)**

-and further-

4. **THAT** Council not proceed with consideration of the development of the LVEC on the inner harbour site and that staff be directed to cease all work and negotiations related to the inner harbour site.  
(File No. CSU-R05-001-2005)  
(The Report of the Commissioner of Planning and Development Services (05-385) is attached as Schedule Pages 20-24)

**CARRIED (11:1)**  
**(See Recorded Vote No. 4)**

**CARRIED AS AMENDED**  
**(See Motion To AMEND Which Was CARRIED)**  
**(See Motion To AMEND Which Was LOST)**

**REPORTS (CONTINUED)**

**Report No. 122 of the Chief Administrative Officer (Recommend)**

Moved by Councillor Pater  
Seconded by Councillor Stoparczyk

That Clause 3 of Report No. 122, Subsection 3 be amended to add "a) requests for proposals", so that it reads as follows:

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3. **THAT**, subject to Council approval of the following:
- a) request for proposals and selection of:
  - b) Selection of an Operator;
  - c) Selection of Design Build Team;
  - d) Approval of the Design;
  - e) Approval of the Financing, to be not later than the end of March, 2006; and
  - f) Awarding of the Tender

**CARRIED**  
**(Deputy Mayor Foster Opposed)**

Moved by Councillor Downes  
Seconded by Councillor Garrison

**THAT** Clause 3 of Report 122 be amended to add:

**THAT** Kingston City Council cease completely any policy direction that would financially or conceptually link the Memorial Centre and its surrounding public properties to the proposed Large Venue Entertainment Centre (LVEC);

**LOST (7:5)**  
**(See Recorded Vote No. 5)**

1. A Recorded Vote was requested by Councillor Smith

YEAS: Mayor Rosen, Deputy Mayor Foster, Councillor K. George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (9)  
NAYS: Councillor Beavis, Councillor Downes, Councillor Garrison (3)  
ABSENT: Councillor B. George (1)

2. A Recorded Vote was requested by Councillor Smith

YEAS: Mayor Rosen, Deputy Mayor Foster, Councillor K. George, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (8)  
NAYS: Councillor Beavis, Councillor Downes, Councillor Garrison, Councillor Meers (4)  
ABSENT: Councillor B. George (1)

## REPORTS (CONTINUED)

Report No. 122 of the Chief Administrative Officer (Recommend)

3. A Recorded Vote was requested by Councillor Smith

YEAS: Mayor Rosen, Deputy Mayor Foster, Councillor Beavis, Councillor K. George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (10)  
NAYS: Councillor Downes, Councillor Garrison (2)  
ABSENT: Councillor B. George (1)

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4. A Recorded Vote was requested by Councillor Smith

YEAS: Mayor Rosen, Councillor Beavis, Councillor Downes, Councillor Garrison, Councillor K. George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (11)

NAYS: Deputy Mayor Foster (1)

ABSENT: Councillor B. George (1)

5. A Recorded Vote was requested by Councillor Downes

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

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

ABSENT: Councillor B. George (1)

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## REPORTS

### Report No. 123 of the Planning Committee

Moved by Councillor K. George

Seconded by Councillor Patterson

**THAT** Report No. 123 of the Planning Committee be received and adopted.

### Report No. 123

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

1. **Official Plan Amendment to the Former Township of Kingston Official Plan to Include Community Improvement Policies and Designate a Community Improvement Area**

THAT the proposed amendment to include community improvement policies and designate a Community Improvement Area in the Official Plan of the former Township of Kingston be **approved**; and

THAT the Official Plan of the former Township of Kingston be amended as follows:

(a) **Map Changes**

That Schedule 'H', Community Improvement Area, Former Township of Kingston, be added as a Schedule to the former Township of Kingston Official Plan.

(b) **Text Changes**

That the text of the Official Plan be amended as follows:

1. To the 'Schedules' section of the Table of Contents add the following:

'H' Community Improvement Area ...

2. Renumber Sections 6-8 to 6-20 as 6-9 to 6-21.

3. Add the following new Section 6-8:

**6-8 Community Improvement**

Section 28 of the *Planning Act* (Community Improvement) allows municipalities to prepare Community Improvement Plans for designated Community Improvement Project Areas that require community improvement as the result of age, dilapidation, overcrowding, faulty arrangement, unsuitability of buildings or for any other environmental, social or community economic development reason. Once a community improvement plan is adopted by a municipality and approved by the Province, the municipality may offer incentives to encourage private sector investment. The municipality may also undertake a wide range of actions for the purpose of carrying out the community improvement plan.

**REPORTS (CONTINUED)**

**Report No. 123 of the Planning Committee**

**6-8.1 General**

It is the intention of this Plan to promote the revitalization, rehabilitation, infill, intensification and redevelopment of various sections of the former Township of Kingston Planning Area in order to maintain and promote an attractive and safe living and working environment and in order to help meet Council's urban growth management goals. To this end, community improvement will be accomplished through the:

- (1) ongoing maintenance, rehabilitation, redevelopment and upgrading of areas characterized by deficient/obsolete/deteriorated buildings, land use conflicts, deficient municipal hard services, or economic instability;

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- (2) establishment of programs to encourage private sector redevelopment and rehabilitation that addresses identified economic development, land use development, growth management, environmental, housing, and/or social development issues/needs;
- (3) designation by By-law of Community Improvement Project Areas within the Community Improvement Area shown on Schedule 'H' as the Urban Settlement Area of the former Township of Kingston Planning Area, as amended from time to time; and,
- (4) preparation, adoption and implementation of Community Improvement Plans for designated Community Improvement Project Areas, pursuant to the Planning Act.

**6-8.2 Community Improvement Project Areas**

- (1) The designation of Community Improvement Project Areas shall be based on one or more of the following conditions being present:
  - (a) known or perceived environmental contamination in lands and/or buildings;
  - (b) existing buildings that are deteriorated, derelict and/or obsolete;
  - (c) areas and/or sites and/or buildings that have potential for infill, intensification, rehabilitation, renovation, redevelopment, or conversion to better utilize the land base;
  - (d) buildings and/or properties that have non-conforming, conflicting, encroaching or incompatible land uses or activities;
  - (e) buildings and/or properties and/or areas that exhibit poor overall visual quality and/or urban design;
  - (f) shortage of land to accommodate the widening of existing rights-of-way, building expansion, or parking and/or loading facilities;
  - (g) heritage or architecturally significant buildings in need of rehabilitation, renovation and/or conversion;
  - (h) hard services infrastructure in need of improvement, repair, or replacement; and/or,

**REPORTS (CONTINUED)**

**Report No. 123 of the Planning Committee**

- (i) any other environmental or community economic development reasons.
- (2) Priority for the designation of Community Improvement Project Areas and the preparation and adoption of Community Improvement Plans shall be given to those areas:
  - (a) where the greatest number of conditions as established in (a) – (i) above are present; and/or,
  - (b) where one or more of the conditions as established in (a) – (i) above is particularly acute.
- (3) A prerequisite for the designation of a single property as a Community Improvement Project Area is the submission of a Phase I Environmental Site Assessment.

### 6-8.3 Community Improvement Plans

- (1) The municipality may prepare and adopt Community Improvement Plans to:
  - (a) encourage the renovation, repair, remediation, rehabilitation, redevelopment, conversion, or other improvement of lands and/or buildings;
  - (b) encourage the restoration, maintenance, improvement and protection of natural heritage features and areas, parks, and open space;
  - (c) reconcile and ameliorate existing land use conflicts and minimize or avoid future land use conflicts involving lands and/or buildings that have known or perceived environmental contamination;
  - (d) promote efficient and sustainable land use and development patterns that promote a compact development form, a mix of uses and densities that support pedestrian movement, cycling and public transit, and that improve energy efficiency where feasible and appropriate;
  - (e) promote the improvement of environmental conditions and the remediation and redevelopment of environmentally contaminated lands/buildings;
  - (f) improve, repair, or replace hard service infrastructure;
  - (g) facilitate and promote community economic development; and/or,
  - (h) improve community quality and stability.
- (2) During the preparation of a Community Improvement Plan, and any subsequent amendments, the public will be informed and public input will be obtained in keeping with the Public Notice Procedures contained in this Plan.

## REPORTS (CONTINUED)

### Report No. 123 of the Planning Committee

#### 6-8.4 Implementation

- (1) In order to implement adopted and approved Community Improvement Plans within designated Community Improvement Project Areas, Council may undertake a range of actions, including:
  - (a) the municipal acquisition of land and/or buildings within Community Improvement Project Areas, and the subsequent:
    - (i) clearance, grading, or environmental remediation of these properties;
    - (ii) repair, rehabilitation, construction or improvement of these properties;
    - (iii) sale, lease, or other disposition of these properties to any person or governmental authority; and,

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- (iv) other preparation of land or buildings for community improvement;
  - (b) the integration of community improvement projects with other public works and municipal programs and initiatives;
  - (c) the provision of monetary incentive programs such as grants, loans, or the exemption of application fees, and other financial instruments;
  - (d) the application for financial assistance from applicable and appropriate senior level government programs;
  - (e) the participation in senior level government programs that provide assistance to private landowners and/or the municipality for the purposes of community improvement;
  - (f) the provision of information on municipal initiatives, financial assistance programs, and other government assistance programs; and,
  - (g) the continued enforcement of the Property Standards By-law with respect to residential, commercial and industrial building stock and lands.
- (2) All developments participating in programs and activities contained within Community Improvement Plans shall conform with the policies contained in this Plan, the Zoning-By-law, Maintenance and Occupancy By-laws, and all other related municipal policies and By-laws.
- (3) Council shall be satisfied that its participation in community improvement activities will be within the financial capabilities of the municipality.  
(See By-Law No. (1), 2005-263)

**CARRIED**  
(See Motion To Defer Which Was LOST)

**REPORTS (CONTINUED)**  
Report No. 123 of the Planning Committee

Moved by Councillor Pater  
Seconded by Councillor Garrison

**THAT** Clause 1 of Report 123 be deferred until after Planning Committee reports back to Council on the results of the deliberations of the Urban Growth Study boundaries.

**LOST**

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**REPORTS**  
Report No. 124 of the Community Services Committee (CSC)

Moved by Councillor Pater  
Seconded by Councillor Downes

**THAT** Report No. 124 of the Community Services Committee (CSC) be received and adopted.

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**Report No. 124**

To the Mayor and Members of Council:

The Community Services Committee (CSC) reports and recommends as follows:

24<sup>th</sup> October 2005

1. **A New Federal-Provincial Affordable Housing Program – Strong Start;**  
**THAT** Council authorizes participation in the Strong Start and housing allowance components of the new Federal-Provincial Affordable Housing Program;  

-and further-

**THAT** Housing staff be directed to proceed with Strong Start project selection under municipal purchasing policies.
  
2. **A New Operating Agreement Marion Community Homes**  
**THAT** Council authorize the Manager of Housing to request CMHC to revoke its current operating agreement with Marion Community Homes; and authorize the Mayor and Clerk to execute a new operating agreement between the City and Marion Community Homes under the provisions of the Social Housing Reform Act, 2000.
  
3. **Renaming the City of Kingston Ad Hoc Committee for the Recruitment, Retention, and Recognition of Family Physicians, Appointment of Mr. Bruce Maitland and Extension of Deadline from the End of October to the First Meeting in December.**  
**THAT** the Ad Hoc Committee To Develop Recommendations to Minimize the Impact of the Predicted Shortage of Family Physicians be renamed the 'City of Kingston Ad Hoc Committee for the Recruitment, Retention, and Recognition of Family Physicians'; and

**REPORTS (CONTINUED)**

**Report No. 124 of the Community Services Committee (CSC)**

**THAT** the appointment of Mr. Bruce Maitland as the representative from the Queen's Medical School be ratified and confirmed; and

**THAT** the deadline for the 'City of Kingston Ad Hoc Committee for the Recruitment, Retention, and Recognition of Family Physicians' to report to Council be extended from the end of October to the first meeting in December.

4. **Extension of Deadline for Cultural Cluster Initiative Report from October, 2005 to February 2006**  
**WHEREAS** Council directed the Community Services Standing Committee to pursue a creative clusters development program in parallel with the work of the Operations Standing Committee at the 23<sup>rd</sup> March 2005 Council meeting, and  
**WHEREAS** the interim report of preliminary considerations as it relates to the space needs of the cultural community was to be brought back to Council within six (6) months, and  
**WHEREAS** more time is required to adequately provide a report further to a broadened scope,

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**THEREFORE BE IT RESOLVED** that the deadline for the Cultural Cluster Initiative report to Council be extended from October to the end of February 2006.

5. **The City of Kingston Proclaims November 22, 2005 as National Housing Day**

**WHEREAS** the City of Kingston, the Federation of Canadian Municipalities and other organizations across the country have recognized that homelessness is a National Disaster and have called on the Federal Government to develop and implement a National Housing Strategy; and

**WHEREAS** the Federation of Canadian Municipalities (FCM) is advocating for a National Housing Strategy, and as an influential member of the FCM, the City of Kingston endorses and supports a National Housing Strategy; and

**WHEREAS** communities across Canada are in the midst of an affordable housing crisis, and it is important for all levels of government, organizations and communities to work together to provide adequate and affordable housing that will make a real difference in the lives of many women, children, and men who require shelter;

**NOW THEREFORE BE IT RESOLVED** That the City of Kingston proclaims November 22, 2005 as National Housing Day, and urges all levels of government, community organizations and individuals to work in partnership to implement a fully-funded National Housing Strategy for all Canadians.

**CARRIED**

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**REPORTS (CONTINUED)**

**Report No. 125 of the Nominations Committee**

Moved by Councillor Beavis

Seconded by Councillor Smith

**THAT** Report No. 125 of the Nominations Committee be received and adopted clause by clause.

**Report No. 125**

To the Mayor and Members of Council:

The Nominations Committee reports and recommends as follows:

1. **Kingston Environmental Advisory Forum Appointments**

**WHEREAS** the Nominations Committee reviewed the applications for appointments to the Kingston Environmental Advisory Forum (K.E.A.F.).

**THEREFORE BE IT RESOLVED** that Council approve the appointments of:

Andrew Goss, Carolyn Bonta and Michel Bouchard for a term ending November 30<sup>th</sup>, 2006;

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CARRIED

**2. Affordable Housing Development Committee Financial Expert Appointment**

**WHEREAS** Council established an Affordable Housing Development Committee to advise on Phase II of the Implementation of the Kingston Model on Affordable Housing Development; and

**WHEREAS** the sub-committee members were asked to review the applications to fill the financial expert vacancy and report back to the Nominations Committee with their recommendation;

**THEREFORE BE IT RESOLVED** that Council approve the appointment of:  
Mark Michener for a term ending November 30<sup>th</sup>, 2006;

CARRIED

**INFORMATION REPORTS**

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Moved by Deputy Mayor Foster  
Seconded by Councillor Beavis

**THAT** the rules of By-Law 98-1 be waived in order to allow the meeting to continue past 11:00 to complete the agenda.

CARRIED

**MISCELLANEOUS BUSINESS**

Motions of Council are required:

(1) Moved by Deputy Mayor Foster  
Seconded by Councillor Beavis

**THAT** Council accept the resignation of Paula Klink from the Kingston Environmental Advisory Forum (KEAF) and convey their gratitude towards her dedication and community service.

CARRIED

(2) Moved by Councillor Smith  
Seconded by Councillor Patterson

**THAT** Council accept the appointments of Jay Collins as student resident and Janice Deacon, Acting Dean of Students, as the representative for Queen's Administration, to the Committee to Restore Order for a term ending November 30, 2006.

CARRIED

(3) Moved by Councillor Beavis  
Seconded by Councillor Pater

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THAT as requested by Keith Coulter, Commissioner of the Correctional Service of Canada, Council proclaim the week of November 13<sup>th</sup> – 20<sup>th</sup> as Restorative Justice Week 2005.

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

(See Communication No. 27-805)

CARRIED

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**MOTIONS**

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

**WHEREAS** Kingston City Council will now seriously consider what is known as "The North Block" as the site for the Large Venue Entertainment Centre (LVEC);

**AND WHEREAS** over the last 18 months there has been demonstrated public concern about the original proposed Anglin Bay site and the future of the Memorial Centre and its surrounding public recreational property;

**THEREFORE BE IT RESOLVED:**

- **THAT** Kingston City Council remove the Anglin Bay site for the Large Venue Entertainment Centre (LVEC) from any future consideration; and
- **THAT** Kingston City Council cease completely any policy direction that would financially or conceptually link the Memorial Centre and its surrounding public properties to the proposed Large Venue Entertainment Centre (LVEC); and
- **THAT** the Memorial Centre and its entire surrounding public property be maintained as a public memorial to our veterans and conceptually as a public arena surrounded by public recreational lands.

**RULED OUT OF ORDER**

**MOTIONS (CONTINUED)**

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

**THAT** Mr. Bill Huntley on behalf of the Sports Hall of Fame be allowed to make their annual 15 minute presentation to introduce the new inductees at the first Council meeting in January 2006.

CARRIED

(A 2/3<sup>rd</sup> Vote of Council was Received)

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**NOTICES OF MOTION**

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**MINUTES**

Council consented to the withdrawal of the Minutes of Council Meeting No. 26 held on October 18, 2005 which were not distributed.

Moved by Councillor Beavis  
Seconded by Councillor Sutherland

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THAT the Minutes from Council Meeting No. 24-2005, held Tuesday, September 20<sup>th</sup>, 2005 and Wednesday, September 1<sup>st</sup>, 2005 be confirmed.

CARRIED

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## TABLING OF DOCUMENTS

2005-80 Kingston Economic Development Corporation  
Minutes – Board of Directors' & Members' Meeting – September 19, 2005  
(File No. CSU-A01-003-2005)  
(Digitally distributed to all Members of Council on October 25, 2005)

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## COMMUNICATIONS

### Filed

27-788 From George Muirhead, expressing his deep appreciation to Council for the certificate in recognition of the Gabrielle Leger Award by Heritage Canada which was presented to him at the September 20<sup>th</sup> Council Meeting.  
(File No. CSU-C13-000-2005)

27-789 From Susan McGovern, Vice President, Community Relations and Communications, Ontario Strategic Infrastructure Financing Authority (OSIFA), announcing that more than 40 Ontario Municipalities have been approved, pending technical and credit reviews, for up to \$195 million in low-cost, longer-term, fixed-rate loans which will help finance more than 70 projects that strengthen Ontario's communities and improve the quality of life for area citizens.  
(File No. CSU-F11-000-2005)  
(Digitally distributed to all Members of Council on October 19, 2005)

27-790 From the Committee of Adjustment, a Notice of Decision for the following applications:

CONSENT – TODD & CORALEE DOPKING – In respect of an application for consent to sever the property at 4065 Howes Road BE PROVISIONALLY APPROVED, subject to conditions. The final date of appeal is November 3, 2005.

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CONSENT – EDWARD & ELEANOR TAYLOR – In respect of an application for consent to sever the property at 3931 Accommodation Road BE PROVISIONALLY APPROVED, subject to conditions. The final date of appeal is November 3, 2005.

MINOR VARIANCE – RUSSELL & SHIRLEY CHALK – In respect of an application for a minor variance from Zoning By-Law 32-74, for the property at 959 Cottage Farms Road BE APPROVED, subject to conditions. The final date of appeal is November 1, 2005.

(File No. CSU-D19-000-2005)

27-791 From the Association of Municipalities of Ontario, announcing that the Lieutenant Governor of Ontario delivered a speech from the Throne to open the Second Session of the Thirty-Eighth Parliament of the Province of Ontario which offered few items of interest from a municipal perspective, and was for the most part a catalogue of provincial initiatives already underway.

(File No. CSU-A16-000-2005)

**(Distributed digitally to all Members of Council on October 14, 2005)**

27-792 From the Association of Municipalities of Ontario, updating Council on OMERS supplemental plan costs related to Bill 206.

(File No. CSU-H02-000-2005; CSU-L11-000-2005)

**(Distributed digitally to all Members of Council on October 14, 2005)**

## COMMUNICATIONS

27-793 From Brian Brophy, President of Council on Aging, inviting Council to a luncheon on Health, Justice and Poverty Issues for the 50 Plus being held Thursday, November 3, 2005 at 12:30, Branch 560 – Royal Canadian Legion, the first annual Senior Friendly Home Services Fair being held on October 27 at City Hall from 12:30 p.m. to 7:00 p.m., as well as an annual Christmas Tour at the Historic Inns of Kingston being held Sunday, November 27<sup>th</sup>, from 2:00 p.m. to 8:00 p.m.

(File No. CSU-A04-000-2005)

27-794 From the Association of Municipalities of Ontario, inviting municipal professionals in finance, engineering and facilities departments to a one-day workshop which will help create energy-savvy municipalities by providing the required tools and know-how to create and implement successful energy management strategies, being held November 1<sup>st</sup> in Woodstock and November 3<sup>rd</sup> in Richmond Hill.

(File No. CSU-A04-000-2005)

**(Distributed digitally to all Members of Council on October 21, 2005)**

27-804 From Ontario East Municipal Conference, advising Council of their planning for a post-conference workshop which they hope to host in November.

(File No. CSU-A04-000-2005)

**(Distributed digitally to all Members of Council on October 24, 2005)**

Referred to All Members of Council

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- 27-795 From Ontario Good Roads Association, advising that members interested in being considered as a candidate for a position on the Board of Directors must complete the Nomination Consent form and submit it and their resume no later than October 31, 2005 to the Chair of the Nominating Committee.  
(File No. CSU-A01-000-2005)
- 27-796 From the City of Peterborough, asking for Council's support of a resolution to petition the Ministry of Community Safety and Correctional Services to re-instate envelope funding to provide Municipalities throughout Ontario the opportunity to train and certify their residents to ensure that they continue to make communities stronger and safety resilient.  
(File No. CSU-C10-000-2005)
- 27-797 From Maria and Harry Ottenhof, expressing their opinion that the City of Kingston requires a Large Venue Entertainment Centre with their preferred location being Anglin Bay.  
(File No. CSU-R05-001-2005)  
**(Copied to all Members of Council on October 13, 2005)**

## COMMUNICATIONS

- 27-801 From the Township of Wilmot, asking for Council's support of a resolution to petition the senior levels of government to give utmost consideration to recreational projects to be eligible for the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) within the next third intake and also asking for Council's support of a resolution to petition the Federal and Provincial levels of government to maintain a fixed rate on gasoline per litre to reflect a zero revenue gain at senior levels of government.  
(File No. CSU-F11-000-2005)
- 27-802 From Andrew Tonner, Kingston Area Manager for the Corps of Commissionaires, requesting the approval of Council to appoint a specific employee at Kingston Norman Rogers Airport (Garry Saunders) to be a By-Law Enforcement Officer for the purpose of issuing tickets on the property of Kingston Norman Rogers Airport, and requesting the removal of Ken Marshall, and Ron Neil as By-Law Enforcement Officers on the property of Kingston Norman Rogers Airport.  
(File No. CSU-P01-003-2005)  
**(See By-Law No. (4), 2005-266)**
- 27-803 From Shaune Healy, Administrative Assistant for Princess Towers, requesting the approval of Council to appoint specific employees at Princess Towers (Patricia York, Kenneth Abbott, James Beattie, Amy Ritchie) to be By-Law Enforcement Officers for the purpose of issuing tickets on the property of Princess Towers, and requesting the removal of Lyle Mailloux, Jennifer Bond, Lorne Kruz, Christopher George, Angela George as By-Law Enforcement Officers on the property of Princess Towers.  
(File No. CSU-P01-003-2005)  
**(See By-Law No. (2), 2005-264)**

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- 27-805 From Keith Coulter, Commissioner of the Correctional Service of Canada, requesting that Council proclaim the week of November 13<sup>th</sup> – 20<sup>th</sup> as Restorative Justice Week 2005.  
(File No. CSU-M10-000-2005)  
**(See Miscellaneous Business No. 3)**
- 27-807 From Jon Howard, Ontario Realty Corporation, requesting the approval of Council to appoint a specific employee at 49 Place D'armes (Keith Lang) to be a By-Law Enforcement Officer for the purpose of issuing tickets on the property of 49 Place D'armes.  
(File No. CSU-P01-003-2005)  
**(See By-Law No. (5), 2005-267)**

**Referred to the Commissioner of Planning and Development Services**

- 27-798 From David McCann, expressing his concerns with his sister, Anne-Marie McCann's, small dog being attacked by a large rottweiler at 704 King Street which lead to the Lhasa apso's death, and their disappointment in the City's lack of interest in pursuing such requests as having the rottweiler euthanized and an investigation into the attack.  
(File No. CSU-P14-000-2005)  
**(Copied to all Members of Council on October 24, 2005)**

**COMMUNICATIONS**

- 27-799 From the Ontario Municipal Board, advising of an appeal by the Cataraqui Region Conservation Authority from a decision of the Committee of Adjustment which granted an application by David Hennigar and Shelley Hennigar for a variance from the provisions of By-Law 76-26.  
(File No. CSU-L01-001-2005)
- 27-806 From David McCann, providing Council with a copy of an article which appeared in the Kingston Whig Standard on Tuesday, October 25<sup>th</sup> which provided follow up information with reference to the attack on his sister, Anne-Marie McCann's, small dog by a large rottweiler.  
(File No. CSU-P14-000-2005)  
**(Copied to all Members of Council on October 25, 2005)**

**Referred to the Commissioner of Operations**

- 27-800 From Ann Lockwood, voicing her disappointment with the transit system, the speed in which vehicles travel in Kingston and the lack of accommodations for people choosing to use bikes as a form of transportation.  
(File No. CSU-T03-000-2005)  
**(Copied to all Members of Council on October 13<sup>th</sup>, 2005)**

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**BY-LAWS**

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

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That By-Laws (1) through (6) be given their first and second reading.

**CARRIED**

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

That Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (3) to (5) three readings.

**CARRIED**

- (C) Moved by Councillor Pater  
Seconded by Councillor Downes

That By-Laws (3) through (15) be given their third reading.

**CARRIED**

## **BY-LAWS**

- (1) A By-Law To Amend "The Official Plan Of The Former Township Of Kingston" (Text and Map Change – To include community improvement policies and designate a Community Improvement Area in the Official Plan of the former Township of Kingston).  
FIRST AND SECOND READINGS PROPOSED NO. 2005-263  
(See Clause (1), Report No. 123)
- (2) 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: Patricia York, Kenneth Abbott, James Beattie, Amy Ritchie – Princess Towers; Remove: Lyle Mailloux, Jennifer Bond, Lorne Kruz, Christopher George, Angela George).  
FIRST AND SECOND READINGS PROPOSED NO. 2005-264  
(See Communication No. 27-803)
- (3) A By-Law To Authorize The Temporary Closing Of A Portion Of King Street West From Barrie Street To St. Lawrence Avenue On Friday, November 11, 2005 From 9:30 a.m. To 11:30 a.m. (Community Purposes – Remembrance Day Ceremonies at the Cross of Sacrifice Monument)  
THREE READINGS PROPOSED NO. 2005-265  
(See Clause (d), Report No. 121)
- (4) A By-Law To Amend By-Law No. 99-166 "A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or The Local Board" (Appoint: Garry Saunders – Kingston Norman Rogers Airport; Remove: Ken Marshall, and Ron Neil).  
THREE READINGS PROPOSED NO. 2005-266

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(See Communication No. 27-802)

- (5) 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: Keith Lang – 49 Place D'armes).  
THREE READINGS PROPOSED NO. 2005-267  
(See Communication No. 27-807)
- (6) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, November 1, 2005.  
THREE READINGS PROPOSED NO. 2005-268  
(City Council Meeting No. 27-2005)

## BY-LAWS

- (7) A By-Law To Establish The Land Dedicated As Part 1 On Reference Plan 13R-7360 (Centennial Drive), In The City Of Kingston (Geographic Township Of Kingston), County Of Frontenac, As Part Of The Public Highway In Accordance With Section 31, Of The Municipal Act, Chapter 25, S.O. 2001;  
THIRD READING PROPOSED NO. 2005-251  
(Clause (a), of Report No. (117))
- (8) A By-Law To Amend By-Law No. 99-166 "A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or The Local Board" (Appoint Keven Bauer - Kingston Collegiate & Vocational Institute and Queens University).  
THIRD READING PROPOSED NO. 2005-252  
(See Communication No. 26-779)
- (9) A By-Law To Amend By-Law No. 98-1 "Procedural By-Law" to add Section 13.1 (Appointment Of Deputy Mayor)  
THIRD READING PROPOSED NO. 2005-253  
(See Motion No. (1))  
(Council Meeting October 18, 2005)
- (10) A By-Law To Amend By-Law No. 2004-360 "A By-Law To Define The Composition And Terms Of Reference For Committees Established By The Corporation Of The City Of Kingston" *Committee To Restore Order* (Schedule B-11 as amended)  
THIRD READING PROPOSED NO. 2005-254  
(See Miscellaneous Business No. (2))  
(Council Meeting October 18, 2005)
- (11) A By-Law To Delegate The Authority For The Processing And Approval Of Temporary Highway Closures Pursuant To Section 42 Of The Ontario Municipal Act, 2001.

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THIRD READING  
(Clause (1), of Report No. (119))

PROPOSED NO. 2005-255

- (12) A By-Law To Repeal By-Law No. 2001-127, "A By-Law To Delegate The Authority For The Processing And Approval Of Temporary Highway Closures Pursuant To Section 207(43) Ontario Municipal Act."

THIRD READING  
(Clause (1), of Report No. (119))

PROPOSED NO. 2005-256

- (13) A By-Law Regarding The Levying Of Special Rates And The Charging Of Fees For Waste Management Services.

THIRD READING  
(Clause (f), of Report No. (117))

PROPOSED NO. 2005-260  
(Councillor Garrison OPPOSED)

## BY-LAWS

- (14) A By-Law To Amend By-Law No. 181, "A By-Law To Provide For the Collection, Removal and Disposal Of Garbage, Ashes And Other Refuse (Section 6(a) commercial and residential properties bag limit)

THIRD READING  
(Clause (f), of Report No. (117))

PROPOSED NO. 2005-261  
(Councillor Garrison OPPOSED)

- (15) A By-Law To Amend By-Law No. 36-95, Of The Former Pittsburgh Township, Being "A By-Law To Regulate And Maintain A System For The Collection, Removal And Disposal Of Ashes, Garbage And Other Refuse, (Section 4(b)(iii) residential properties two bag limit)

THIRD READING  
(Clause (f), of Report No. (117))

PROPOSED NO. 2005-262  
(Councillor Garrison OPPOSED)

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## ADJOURNMENT

Moved by Deputy Mayor Foster  
Seconded by Councillor K. George

**THAT** Council do now adjourn.

**CARRIED**

Council adjourned at 11:02 pm.

(Signed)

Carolyn Downs  
City Clerk

Harvey Rosen  
Mayor