

CITY COUNCIL MEETING NO. 09-2006

The Regular Meeting of City Council was held on Tuesday, April 4, 2006 at 7:30 pm in the Council Chamber, City Hall. His Worship Mayor Harvey Rosen presided.

There was an "In-Camera" meeting of the Committee of the Whole from 7:00 pm to 7:28 pm in the Councillors' Lounge.

(Council Chambers)

ROLL CALL

Present: Mayor Rosen, Deputy Mayor George, Councillor Beavis, Councillor Downes (arrived at 7:30 p.m.), Councillor Garrison (arrived at 7:30 p.m.), Councillor George, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (11)

Absent: Councillor Foster, Councillor Meers (2)

(Councillor's Lounge)

Administrative Staff Present:

Mr. G. Laubenstein, Chief Administrative Officer

Mrs. C. Downs, City Clerk

Mr. G. Hunt, Commissioner of Finance and Corporate Performance

Mr. D. Leger, Commissioner of Corporate Services

Mr. H. Linscott, Director, Legal Services

Mr. B. Mayhew, Manager, Facilities

Mr. M. Segsworth, Commissioner of Public Works and Emergency Services

Ms. N. Sullivan, Deputy City Clerk

COMMITTEE OF THE WHOLE "IN CAMERA"

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

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

- (a) Litigation or Potential Litigation
(b) Proposed or Pending Acquisition or Disposal of Land; and

THAT a Proposed or Pending Acquisition of Land be added, and as amended, be approved.

CARRIED AS AMENDED

(Council Chambers)

Administrative Staff Present:

Mr. G. Laubenstein, Chief Administrative Officer

Mr. S. Croisier, Supervisor, Geographic Information Services

Mr. J. de Hoop, Manager, Information Systems

Mrs. C. Downs, City Clerk

Ms. R. Etherington, Manager, Culture and Heritage

Mr. M. Fluhner, Director, Culture and Recreation

Mr. J. Keech, President & CEO, Utilities Kingston

Mr. D. Leger, Commissioner of Corporate Services

Mr. H. Linscott, Director, Legal Services

Mr. P. MacLatchy, Director, Strategy, Sustainability & Communications

Mr. B. Mayhew, Manager, Facilities

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Administrative Staff Present:

Mr. M. Segsworth, Commissioner of Public Works and Emergency Services
Ms. N. Sullivan, Deputy City Clerk
Mr. L. Thurston, Commissioner of Community Development Services
Ms. B. Timpson, Committee Clerk, City Clerk's Department
Mr. G. Wallace, Director, Planning and Development

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

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

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

CARRIED

DISCLOSURE OF PECUNIARY INTEREST

Councillor Pater declared a pecuniary interest in the matters of Clause (d) of Report No. 45 of the Chief Administrative Officer (Consent) as a family member owns restaurants that are situated close to the restaurant applying for a license agreement for a sidewalk patio; and
Clause (1) of Report No. 51 of the Memorial Centre Revitalization Advisory Committee as it relates to Queen's University as her husband is employed by the University.

PRESENTATIONS

- (1) Ms. Judith Mackenzie, President of the Community Foundation of Greater Kingston, along with co-editors of the book "A Decade of Giving, Celebrating our First 10 Years", Ms. Eveline Flint and Ms. Regina Rosen were present and presented copies of the book to Members of Council.

DELEGATIONS

- (1) Mr. Jim Hamilton and Mr. Mark Potter, Friends of the Great Frozen Game, were present and provided Council with a request for proclamation of April 7th & 8th as Hockeyville Days.
(See Communication No. 09-291 and Miscellaneous Business Item No. 1)

BRIEFINGS

- (1) Mr. Jim de Hoop, Manager of Information Systems, and Mr. Shawn Croisier, Supervisor of Geographic Information Services, were present and spoke to Council regarding the official launch of the Kmaps internet GIS site.

PETITIONS

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- (1) A petition bearing approximately 100 signatures was received by the Clerk's Office, and referred to the Commissioner of Public Works & Emergency Services and reads as follows:

"We, the undersigned, are petitioning Kingston City Council for a four-way stop to be placed at the corners of Earl Street and Albert Street. It is essential that traffic be slowed at that intersection for several reasons:

- Large numbers of pedestrian traffic, with a high proportion being school age children or younger, using Earl Street to access The Gently Rocking Horse Daycare, K.C.V.I., Winston Churchill Public School, Vanier Public School, and Queen's University.
- Increased automobile traffic accessing the venues listed above.
- To slow automobile traffic at the intersection of Earl Street and Albert Street for children who are accessing Bedore's Food Market or being dropped off at The Gently Rocking Horse Daycare.
- To minimize the speed at which drivers travel through the intersection of Earl Street and Albert Street for the protection of children in the area and all pedestrians using that intersection."

(File No. CSU-C14-000-2006; CSU-T08-000-2006)

REFERRED TO THE COMMISSIONER OF PUBLIC WORKS AND EMERGENCY SERVICES

* * * * *

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Motions of Congratulations

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

THAT the congratulations of Kingston City Council be extended to Councillor Leonore Foster and her husband Bob on the occasion of their 40th anniversary on Tuesday, April 4th, 2006.

CARRIED

Motions of Condolence

- (a) Moved by Councillor Pater
Seconded by Deputy Mayor George

THAT the sincere condolences of Kingston City Council be extended to the family, friends, and co-workers of the late Patricia Leary who worked for over 20 years as a Public Health Nurse at KFL&A Public Health.

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

THAT the sincere condolences of Kingston City Council be extended to Darrell Godin, (Solid Waste) and family on the recent passing of his sister Tina Marie Theresa Godin.

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Motions of Condolence

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- (c) Moved by Councillor Garrison
Seconded by Deputy Mayor George

THAT the sincere condolences of Kingston City Council be extended to June Hogan and the family of the late Mr. Art Hogan, long-time resident of the City of Kingston, and retired employee of Q.E.C.V.I., who passed away April 1, 2006. Mr. Hogan is the grandfather of Councillor Sara Meers, father of Dale Meers and father-in-law of former Councillor Dave Meers.

CARRIED

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REPORTS

Report No. 45 the Chief Administrative Officer (Consent)

Moved by Councillor Sutherland
Seconded by Councillor Smith

THAT Report No. 45 of the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the separation of Clause (d).

Report No. 45

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) **To Release and Abandon a Temporary Easement in the Greenwood Park Subdivision from Title that is No Longer Required for Municipal Purposes**

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

- easement for a temporary turnaround located on McCallum Street on civics 462, 466, 467, 470, 474 and 477; and registered as instrument #LT075833 covering Part 1 on Plan 13R-17528 (formerly Blocks 103, 123, 132, and 133 on Registered Plan 1974)

(File No. CSU-D15-000-2006)

(The Report of the Commissioner of Public Works & Emergency Services (06-091) was attached to the agenda as Schedule Pages 1-5)

(b) **Renewal of License Agreement for Provincial Offences Courtroom and Office Space**

THAT the City enter into a license renewal agreement with Ontario Realty Corporation, a crown corporation of the Province of Ontario, and Lape Holding Corp. the owner of the building, for the period ending March 27, 2007, at an annual cost of \$37,680 plus GST and that the Mayor and Clerk be authorized to sign that agreement.

(File No. CSU-L07-000-2006)

(The Report of the Commissioner of Corporate Services (06-093) was attached to the agenda as Schedule Pages 6-7)

(c) **Application to Lift Holding 'H' Symbol for 'C2-1-H' Zone - 2327 Princess Street**

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

- confirmation of adequate sewage capacity to service the proposed development (supermarket) has been received from Utilities Kingston;
- all Municipal requirements are contained within the Site Plan Control Agreement and are shown on the approved Site Plan drawings;
- the registration of the Site Plan Control Agreement is pending; and
- the Owner has submitted, for the Municipality's consideration, the appropriate application for an amendment to the Zoning By-Law to remove the 'H' Holding Symbol.

REPORTS

Report No. 45 the Chief Administrative Officer (Consent)

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THEREFORE BE IT RESOLVED THAT Council of The Corporation of the City of Kingston as follows:

1. **THAT** Map 5 of Schedule "A" to By-Law No. 76-26, as amended, is hereby further amended by removing the '-H' Symbol for property located at 2327 Princess Street, so as to rezone these lands from 'C2-1-H' Modified General Commercial Holding Zone to 'C2-1' Modified General Commercial Zone, which lands are shown as "Lands to be rezoned from 'C2-1-H' to 'C2-1'" on Schedule "A" to proposed Amending By-Law No. (1), 2006-74.

BE IT FURTHER RESOLVED THAT the Amending By-Law be presented to City Council for all three readings.

(File No. CSU-D28-000-2006)

(The Report of the Commissioner of Community Development Services (06-097) was attached to the agenda as Schedule Pages 8-14)

(See By-Law No. (1), 2006-74)

Councillor Pater withdrew from the meeting.

- (d) **Application for License of City Sidewalk for the Purpose of a Patio at Forno Woodfired Pizza & Grill – 334 King Street East**

THAT Council, on behalf of the City of Kingston, enter into a License Agreement with the owner of Forno Woodfired Pizza & Grill, 343 King Street East, for the lease of City property for the purpose of operating a sidewalk patio and that such license agreement be in a form acceptable to the City Solicitor.

(File No. CSU-D23-000-2006)

(The Report of the Commissioner of Public Works & Emergency Services (06-098) was attached to the agenda as Schedule Pages 15-22)

CARRIED

Councillor Pater returned to the meeting.

- (e) **Agreement to Exchange Data with Union Gas**

THAT the City of Kingston enter into an agreement with Union Gas to exchange data that is deemed to be of mutual benefit, in a form satisfactory to the Manager Information Systems and City Solicitor, and

THAT the Mayor and Clerk be authorized to sign said agreement.

(File No. CSU-A10-000-2006)

(The Report of the Commissioner of Corporate Services (06-099) was attached to the agenda as Schedule Pages 23-25)

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Report No. 45 the Chief Administrative Officer (Consent)

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- (f) **City Lease from Kingston Brewing Company (1989) Limited for the Enhancement and Development of Onshore Facilities at Confederation Basin**

THAT Council authorize the City to enter into a lease with Kingston Brewing Company (1989) Limited for 2,864 square feet in the building known as 6 Clarence Street, Kingston, Ontario, for a term of three years and seven months, commencing April 1, 2006 and ending October 31, 2009, at a base rental rate of \$32,000.00 per year, plus property taxes and insurance costs, estimated for 2006 at \$11,000.00 and \$710.00 respectively, with the amounts payable in monthly instalments of \$3,642.50, recognizing that the amounts will be adjusted annually for actual property taxes and insurance costs.

- and further -

THAT the Mayor and Clerk be authorized to execute a lease in a form approved by the Director of Legal Services.

(File No. CSU-L15-000-2006)

(The Report of the Commissioner of Corporate Services (06-101) was attached to the agenda as Schedule Pages 26-28)

CARRIED

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Report No. 46 of the Chief Administrative Officer (Recommend)

Moved by Councillor Patterson
Seconded by Councillor Downes

THAT Report No. 46 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 46

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

(1) **Approval of Consultant for the Operational Review for Rideaucrest Home**

THAT Council approves the award of this RFP to the Hay Health Care Consulting Group (HayGroup) at a cost of \$75,000 plus out of pocket expenses, having submitted the highest scoring proposal.

(File No. CSU-F31-000-2006)

(The Report of the Commissioner of Community Development Services (06-100) was attached as Schedule Pages 29-30)

CARRIED

Mr. Jim Keech, President and CEO of Utilities Kingston, provided a verbal report to Council regarding the Water System Annual Compliance Reports.

(2) **Water System Annual Compliance Reports**

WHEREAS the provision of high quality safe drinking water is a priority of the City of Kingston; and

WHEREAS the requirements of the Safe Drinking Water Act, 2002, requires Council to be informed of the matters regarding the operation of the water system;

NOW THEREFORE BE IT RESOLVED THAT Council receive the Annual Compliance Reports for The Kingston Central Water Treatment Plant, The Kingston West Water Treatment Plant and the Cana Well Water Supply System as required by the terms and conditions outlined in the Certificate of Approvals for the above mentioned Treatment Facilities.

(File No. CSU-E03-000-2006)

(The Report of the President and CEO of Utilities Kingston (06-095) was attached as Schedule Pages 31-34)

(The Annual Compliance Reports (page 35 to 120) were distributed separate from the Agenda.)

CARRIED

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Report No. 47 of the Planning Committee

Moved by Councillor Stoparczyk
Seconded by Councillor Sutherland

THAT Report No. 47 of the Planning Committee be received and adopted.

Report No. 47

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

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

23-03-2006

1. **Streamlining Planning Approval Process through Delegation of Approval Authority for Routine Planning Applications and Administrative Matters (Excluding Consents)**

THAT a by-law be presented to Repeal By-Law No 2000-245, "A By-Law to Delegate to an Appointed Officer the Power and Authority of Council Pursuant to Section 51.2(1) of the Planning Act, R.S.O. 1990, chapter P.13, as amended, and to Adopt Certain Procedures for the Processing of Requests for Final Approval of Plans of Subdivision", be repealed in its entirety;

- and further -

THAT Sections 5 and 6 and Section 7, clauses (a) to (c) inclusive of By-Law 2006-65, being "A By-law to Designate the Whole of the City of Kingston as a Site Plan Control Area, Pursuant to Section 41 of the Planning Act, R.S.O. 1990, Chapter p.13, as amended, and to Adopt Certain Procedures for the Processing of Site Plan Control Applications, and to Exempt Certain Classes of Development from Approval of Plans and Drawing and to Repeal and Replace By-Law 98-91 in its Entirety" be repealed in their entirety, and the by-law be renumbered accordingly; and,

THAT the Council of The Corporation of the City of Kingston enacts a by-law, By-Law No. 2006-75 "A By-Law To Delegate Various Planning Approvals To Staff And To Adopt Certain Procedures For The Processing Of Planning Applications Subject To Delegated Authority" comprehensive Delegation of Authority By-Law attached as Schedule Pages (134-142); and,

THAT the By-Law be presented for all three readings.

(See By-Law No. (2), 2006-74, By Law No. (3), 2006-76, and By-Law No. (4), 2006-77)

2. **Application for Zoning By-Law Amendment at 1610 Anne Street, Kingston West to ensure compatibility with existing neighbourhood**

THAT the Application for Zoning By-Law Amendment (Our File No. D14-031-2006) submitted by Don Allen, for the property located at 1610 Anne Street, **BE APPROVED**;

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

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a) THAT Map 4 of Schedule "A" to Zoning By-Law No. 76-26 of the former Kingston Township be amended to rezone the subject site known municipally as 1610 Anne Street, Kingston West, Part of Lot 9 of Registered Plan 377 from the existing RESIDENTIAL TYPE 1 (R1) ZONE TO SPECIAL REQUIREMENT (R1-66) ZONE, as shown on Schedule "A"; and

b) THAT the following new section be added to Section 12(3) as follows:

"(b) R1-66:

Notwithstanding the provisions of Section 12(2)(a), Section 12(2)(b)(i)(a), Section 12(2)(c), and Section 12(2)(e)(ii) hereof to the contrary, on the lands zoned 'R1-66' on Schedule 'A' and the following regulations shall apply:

- | | |
|---|-------------------|
| i) LOT AREA (minimum): | 350 square meters |
| ii) LOT FRONTAGE (minimum): | 0.5 metres |
| iii) FRONT YARD DEPTH (minimum): | 0 metres |
| iv) INTERIOR SIDE YARD
(minimum where a property line is shared
with Part 2 of Reference Plan 377, known
as 1616 Anne Street): | 2.3 metres |

AND BE IT FURTHER RESOLVED THAT the Amending By-Law be presented for all three readings.
(See By-Law No. (5), 2006-78)

3. Application for Zoning By-Law Amendment at 5210 Highway No. 15, to comply with Decision of Committee of Adjustment

THAT the application by Manuel and Marie Borges for an amendment to Zoning By-Law No. 32-74 of the former Township of Pittsburgh to change the Zone on the lands located at 5210 Highway No. 15 (File Number D14-019-2005) to comply with the Decision of the Committee of Adjustment No. D13-009-2004 **BE APPROVED**; and

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

1. THAT Map 1 of Schedule "A" to Zoning By-Law No. 32-74 of the former Township of Pittsburgh be amended so as to rezone approximately 3 hectares, know municipally as 5210 Highway No. 15, Part of Lot 25 and 26, Concession 8 Geographic Township of Pittsburgh, City of Kingston from the existing Restricted Agricultural 'A1' to Residential Type 'R1' Zone, as shown on Schedule "A".

AND BE IT FURTHER RESOLVED THAT the Amending By-Law be presented to Council for three readings.
(See By-Law No. (6), 2006-79)

4. Applications for Draft Plan of Subdivision and Zone Change for Greenwood Park, Phase 9, Kingston East to permit proposed development on the subject lands.

THAT the application for Draft Plan of Subdivision (Planning File D12-007-2005) submitted by Greenwood Park Ltd. Partnership No. 1 for property located at Greenwood Park, Phase 9, Part of Lots 5, 6, 7, 8, and 9 CEGCR and Blocks 116, 117, 118, 119 and 120 of Registered Plan No. 13M-38 in Kingston East, **BE APPROVED**; subject to the following conditions:

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Conditions of Draft Subdivision Approval, Greenwood Park, Phase 9

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a) **Approved Draft Plan:**

THAT this approval applies to the Draft Plan of Subdivision, prepared by Grange W. Elliot Limited, dated February 22, 2006 which shows the following:

- 327 residential lots (Lots 1-312, 321-335);
- 5 block(s) for walkway linkages (Blocks 313, 315, 321, 322, and 323);
- 2 block(s) for natural open space, linear park (Block 316 and 318);
- 2 block(s) for floodplain (Block 319 and 320);
- 1 block for stormwater management pond (Block 317);
- 1 block for Open Space purposes (Block 314), consolidating with Block 118 of Registered Plan 1984;
- four new streets (Streets 'A' to 'D') and the extensions of Bluffwood Avenue, Cyprus Road, Greenwood Park Drive, Cottonwood Avenue, Fieldstone Drive, St. Martha Street, and McCallum Street

b) **Streets and Civic Addressing:**

- (a) THAT the road allowances included in this Plan shall be shown and dedicated as public highways.
- (b) THAT the Streets within this Plan shall be named to the satisfaction of the Municipality, in consultation with the Planning and Development Department, in accordance with the Municipality's Civic Addressing and Road Naming By-law. The proposed street names shall be submitted by the Owner for approval by the Planning and Development Department and shall be included on the first submission of the engineering drawings.
- (c) THAT Prior to Final Plan Approval, the Owner shall provide confirmation that civic addresses have been assigned to the proposed lots and blocks by the Municipality's Planning and Development Department, in accordance with the Municipality's Civic Addressing and Road Naming By-law.
- (d) THAT the road allowances within the Plan shall be designed in accordance with the Municipality's engineering standards and shall be dedicated to the Municipality free of all charge and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.
- (e) Any dead end or open side of a road allowance within the Plan shall be terminated in a 0.3 m reserve to be conveyed to the Municipality free of all charges and encumbrances.
- (f) THAT the Owner shall agree that the location and design of the construction access shall be approved by the Municipality and/or the appropriate authority.
- (g) THAT appropriate wording be included in the Subdivision Agreement to limit construction traffic and the impacts of such traffic away from established areas within Greenwood Park Subdivision, where appropriate and practical.

c) **Reserves and Easements:**

- (a) THAT any dead ends and open sides of the road allowances created by this Plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the Municipality.

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- (b) THAT such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority free of all charges and encumbrances.

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d) **Financial Requirements:**

- (a) **THAT** the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning all provisions of municipal services but not limited to including fencing, lighting, landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.
- (b) **THAT Prior to Final Plan Approval**, the Owner shall submit for the Municipality's approval a detailed breakdown of the construction costs for the works associated with the development of this Plan, including any cash surcharges or special levies. The construction costs shall be prepared and stamped by a professional engineer. The cost estimate shall be submitted in the Municipality's standard format for incorporation into both the Pre-Servicing and Subdivision Agreements.
- (c) **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.
- (d) **THAT** the Owner agrees to reimburse the Municipality for the cost of any Peer Reviews of the Studies / Reports submitted in support of the proposed Plan of Subdivision.

e) **Subdivision Agreement:**

- (a) **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 this Plan.
- (b) **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.
- (c) **THAT** the Subdivision Agreement shall contain all necessary warning clauses and notices to purchasers 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.

f) **Holding Provisions:**

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 Holding '-H' Holding Symbol shall be in accordance with Section 6(6) of Zoning By-law No. 32-74 and shall require the following:

- confirmation of sufficient servicing capacity by the Municipality;
- that all necessary approvals have been received from all other agencies and government bodies and any required Agreements have been executed by the Owner; and
- that a '-H' Holding Symbol Lifting Application has been approved by the Municipality to remove the '-H' Holding Symbol.

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g) **Engineering Drawings:**

- (a) **THAT Prior to Final Plan Approval**, the Owner shall submit for approval, subdivision design drawings, including design plans for all public works and services, prepared and certified by a Professional Engineer

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and designed pursuant to the Municipality's Subdivision Design Guidelines and to the satisfaction of the Municipality. Such plans are to form part of the Subdivision Agreement.

- (b) **THAT Prior to Final Plan Approval**, the Owner shall submit a digital listing of the approved subdivision design drawings in the Municipality's standard format for incorporation into the Pre-Servicing, Site Access and Subdivision Agreements.

h) **Revisions to Draft Plan:**

- (a) **THAT** any further subdivision of Blocks or additional road patterns on the Plan shall be completed to the satisfaction of the Municipality.
- (b) **THAT Prior to Final Plan Approval** of any part of the Plan, the Owner shall submit a revised Block Plan, if required, to reflect any significant alterations resulting from this Draft Plan Approval.
- (c) **THAT** where final engineering design(s) result in minor variations to the Plan (e.g., in the configuration of road allowances and lotting, number of lots, etc.), these may be reflected in the Final Plan to the satisfaction of the Municipality.

i) **Phasing:**

- (a) **THAT** Final Plan Approval for registration may be issued in phases to the satisfaction of the Municipality, subject to all applicable fees.
- (b) **THAT** the **phasing** of the development shall be reflected in the Subdivision Agreement and on the approved subdivision design drawings to the satisfaction of the Municipality, taking into account the temporary termination of underground services, interim grading, interim stormwater management, operations and maintenance vehicle access and access for emergency vehicles.
- (c) **THAT** the **phasing** of the development shall be proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services.
- (d) **THAT** all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.

j) **Zoning By-law Compliance:**

- (a) **THAT** the lands within this Draft Plan shall be appropriately zoned by a Zoning By-law which has come into effect in accordance with the provisions of the Planning Act.

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- (b) **THAT Prior to Final Plan Approval**, the Owner shall submit a Surveyor's Certificate which confirms that the lots and blocks within this Plan conform to the minimum lot frontage and lot area requirements of the applicable Zoning By-law.

k) **Required Studies:**

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- (a) **THAT Prior to Final Plan Approval**, the Owner shall submit a **Geotechnical Study**, certified by a Professional Engineer, 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.
 - (b) **THAT Prior to Final Plan Approval** all recommendations of a Serviceability 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.
 - (d) **THAT Prior to Final Plan Approval**, the Owner shall submit an update to the previous **Traffic Impact Report**, prepared by a professional engineer to the satisfaction of the Municipality. The Subdivision Agreement shall contain provisions for the Owner to design, construct and financially secure the costs of any off site road improvements as are deemed necessary by the Report's recommendations to the satisfaction of the Municipality's Director of Engineering.
 - (e) **THAT Prior to Final Plan Approval**, a **Stormwater Management Brief** indicating compliance with the Master Drainage Plan, prepared by a qualified Professional Engineer, to the satisfaction of the Municipality. Such plans shall be included in 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.
 - (f) **THAT Prior to Final Plan Approval**, the Owner shall submit an updated **Ecological Impact Assessment** to the Assessment dated September 24, 2004 be prepared to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority. The updated study is to determine whether the assumptions and recommendations of the report are consistent with the 2005 Provincial Policy Statement. 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.
- l) **Archaeological Assessment:**
- (a) Should archaeological resources be found on the property during construction activities, the *Ministry of Culture* must be notified immediately.
 - (b) In the event that human remains are encountered during construction, the proponent must immediately contact both the *Ministry of Culture* and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the *Ministry of Government Services*. (1-800-268-1142).

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- m) **Stormwater Management:**
- (a) **THAT Prior to Final Plan Approval**, Block 317 shall be deeded to the Municipality for Stormwater Management purposes. The design of the access to the pond, including any connecting paths, shall be subject to approval by the Municipality.
 - (b) **THAT Prior to Final Plan Approval**, the Owner shall submit lot grading and drainage plans, and erosion and sediment control plans prepared by a qualified Professional Engineer for the Owner, to the satisfaction

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of the Municipality and the Cataraqui Region Conservation Authority. The approved plans shall be included in the Subdivision Agreement between the Owner and Municipality.

- (c) **Prior to Final Plan Approval and Prior to any Works Commencing on the Site**, the Owner shall submit for approval by the Municipality and the Cataraqui Region Conservation Authority (CRCA), a detailed engineering report that describes the storm drainage system for the proposed development, which shall include:
- i) plans illustrating how this drainage system will be tied into the surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated;
 - ii) the location and description of all outlets and other facilities;
 - iii) storm water management techniques which may be required to control minor and major flows;
 - iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction;
 - v) overall grading plans for the subject lands; and
 - vi) storm water management practices to be used to treat storm water, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat.
- (d) **THAT** the Owner shall agree to maintain all storm water management and erosion and sedimentation control structures operating and in good repair during the construction period.
- (e) **THAT Prior to Final Plan 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, and to advise the purchasers of Lots 256 to 312 inclusive that a permit from the Conservation Authority may be required prior to the issuance of a building permit by the Municipality.

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Report No. 47 of the Planning Committee

n) **Flood plain Areas:**

- (a) **THAT** the Owner shall deed the lands described as Flood Plain, without prejudice or compensation, to the Municipality, said land being described as Block 319 and 320. Text shall be included in the Subdivision Agreement between the Owner and Municipality, to advise all purchasers that these public lands are intended to remain in a naturalized condition, for the purpose of providing fish and wildlife habitat and opportunities for passive recreation, and that the lands may be subject to flooding and erosion from time to time. Risk management practices only will only be done on the land. No regular or periodic maintenance will be done on the subject parcel.

o) **Tree Preservation Plan:**

- (a) **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 receive final approval from the Supervisor of Forestry for tree preservation, protection and/or replacement or compensation as set out in the supporting documents/plans under the Tree Preservation By-law.
- (b) **THAT Prior to Final Plan Approval**, the Owner shall submit a Street Tree Planting Plan prepared by a Landscape Architect to the satisfaction of the Municipality.

p) **Community Mailboxes:**

- (a) **THAT Prior to Final Plan Approval**, the Owner shall, in consultation with and to the satisfaction of Canada Post, identify the location of 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.
- (b) **THAT Prior to Final Plan Approval**, the Owner shall, in consultation with and to the satisfaction of the Municipality, provide detailed design plans for the community mailboxes including a landscape plan showing street furniture and complimentary architectural features.
- (c) **THAT** the Owner shall provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s).

q) **Bell Canada Requirements:**

THAT the Owner shall meet the following conditions of Bell Canada:

- i. that the Owner 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; and,
- ii. that the Owner 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.

REPORTS

Report No. 47 of the Planning Committee

r) **Hydro One Requirements:**

- (a) The costs of any relocations or revisions to Hydro One facilities that are necessary to accommodate this subdivision shall be borne by the Owner.

s) **Utilities Requirements:**

- (a) **Prior to Final Plan Approval**, the Owner shall satisfy all technical, financial and other requirements of Utilities Kingston regarding the design, installation, connection and/or expansion of electric distribution services, gas distribution services, water distribution services and sanitary sewer distribution services, or any other related matters.

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- (b) The Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of Utilities Kingston and the Municipality.
- (c) The Owner shall agree to design, purchase materials and install a street lighting system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with Municipal standards and specifications.
- t) **Blasting**
- (a) THAT appropriate wording 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 City of Kingston.
- (b) 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 this phase of development.
- u) **Warning Clauses:**
- THAT the Owner shall cause the following warning clauses to be included in a schedule to all offers of purchase and sale, or lease for all lots / blocks within this Plan
- (a) within the entire subdivision plan:
- "Purchasers and/or tenants are advised that the proposed finished lot and/or block grading may not meet Municipality of Kingston lot grading criteria in certain areas to facilitate preservation of existing vegetation and to maintain existing adjacent topographical conditions".
 - "Purchasers and/or tenants are advised that traffic calming measures may have been incorporated into the road allowances."

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- "Purchasers and/or tenants are advised that the planting of trees on Municipality boulevards in front of residential units is a requirement of the Municipality and a conceptual location Plan is included in the Subdivision Agreement. While every attempt will be made to plant trees as shown, the Municipality reserves the right to relocate or delete any boulevard tree without further notice."
 - "Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings."
 - "Purchasers and/or tenants are advised that noise and vibration from the nearby quarry may occasionally interfere with some activities of the occupants of the dwellings."
- (b) abutting any open space, woodlot or storm water facility:

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- "Purchasers and/or tenants are advised that the adjacent open space, woodlot or storm water management facility may be left in a naturally vegetated condition and receive minimal maintenance."
- (c) abutting a potential transit route:
- "Purchasers and/or tenants are advised that the following streets may be used as transit routes in the future: Greenwood Park Drive, Fieldstone Drive, and McCallum Street.
- v) **Model Homes:**
That where the Owner proposes to proceed with the construction of a model home(s) prior to registration of the Plan, the Owner shall enter into an Agreement with the Municipality, setting out the conditions, and shall fulfill all relevant conditions of that Agreement prior to issuance of a building permit.
- w) **General Conditions:**
- (a) **THAT** the Owner shall pay any and all outstanding application fees to the Planning and Development Department, in accordance with the Municipality's Tariff of Fees By-law.
 - (b) **THAT** when requesting Final Approval from the Municipality, 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 to the requirements of the Zoning By-Law.
 - (c) **THAT** the Owner agrees to remove any driveways and buildings on site, which are not approved to be maintained as part of the Plan; any modification to off-site driveways required to accommodate this Plan shall be coordinated and completed at the cost of the Owner.
 - (d) **THAT** the Owner shall agree that all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing.
 - (e) **THAT Prior to Final Plan Approval**, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent, built or proposed, that have been designed and oversized by others to accommodate the subject plan.

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- (f) **THAT** the Owner shall agree to erect fencing in the locations and of the types as shown on the approved subdivision works drawings and as required by the Municipality.
 - (g) The Owner shall agree that no building permits will be applied for until the Municipality is satisfied that adequate access, municipal water, sanitary and storm services are available.
- x) **Clearance Letters:**
- (a) **THAT Prior to Final Plan Approval**, the approval authority shall advise that all Conditions of Draft Plan Approval have been satisfied; the clearance memorandum shall include a brief statement detailing how each Condition has been met.
 - (b) **THAT Prior to Final Plan Approval**, the Municipality is to be advised in writing by the Cataraqui Region Conservation Authority the method by which Conditions 11(f), 13(b), 13(c), and 13(e) have been satisfied.
- y) **Lapsing Provisions:**

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- (a) THAT pursuant to Section 51(32) of the *Planning Act*, this Draft Plan Approval shall lapse at the expiration of three (3) years from the date of issuance of Draft Plan Approval if final approval has not been given, unless an extension is requested by the Owner and, subject to review, granted by the approval authority.
- (b) THAT pursuant to Section 51(33) of the *Planning Act*, the Owner may submit a request to the approval authority for an extension to this Draft Plan Approval. The extension period shall be for a maximum of two (2) years and must be submitted prior to the lapsing of Draft Plan Approval. Further extensions may be considered at the discretion of the approval authority where there are extenuating circumstances.

NOTES TO DRAFT PLAN APPROVAL:

1. It is the Applicant's responsibility to fulfill the foregoing Conditions of Draft Plan Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Planning and Development Department of the City of Kingston.
2. When requesting Final Approval, the Applicant will submit a detailed account of how each Condition of Draft Plan Approval has been satisfied along with the appropriate clearance letter from the Agency, Ministry or body requesting the condition.
3. Prior to Final Plan Approval, the Applicant shall submit to the Municipality of Kingston for review four (4) draft copies of all Reference Plans and Surveys and three (3) draft copies of the Final M- Plan.
4. When requesting final approval, such a request must be directed to the Planning and Development Department and be accompanied with:
 - Eight (8) mylars and four (4) paper prints of the completed Final M-Plan,
 - four (4) copies of all Reference Plans and (4) copies of all Conveyance Documents for all easements and lands being conveyed to the Municipality; and,
 - a Surveyor's Certificate to the effect that the lots and blocks on the Plan conform to the Zoning By-law.

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5. All measurements in subdivision final plans must be presented in metric units.
6. The Final Plan approved by the City must be registered within thirty (30) days or the City may, under Subsection 51(59) of the *Planning Act*, withdraw its approval.

AND BE IT FURTHER RESOLVED THAT the application for Zoning By-law Amendment (Planning file D14-027-2005) submitted by Greenwood Park Ltd. Partnership No. 1 for lands located at Greenwood Park, Phase 9, Part of Lots 5, 6, 7, 8, and 9 CEGCR and Blocks 116, 117, 118, 119 and 120 of Registered Plan No. 13M-38 in Kingston East, **BE APPROVED.**

AND BE IT FURTHER RESOLVED THAT the following changes be incorporated into Zoning By-Law No. 32-74:

- (a) **Map Changes**
That Schedule 'A', Zone Map 4, Rideau Community, of Zoning By-Law No. 32-74, as amended, is hereby amended by changing to 'R4-5-H' Modified Residential Type 4 Holding Zone, 'OS' Open Space Zone, 'OS-11' Modified Open Space Zone and 'FP' Flood Plain Symbols of the approximately 30.9 hectare (76.4) subject property located at Part of Lots 5, 6, 7, 8, and 9 CEGCR and Blocks 116, 117, 118, 119 and 120 of

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Registered Plan No. 13M-38, and shown as "Zone Change from A1 to R4-5-H", "Zone Change from A1 to OS", "Zone Change from A1 to OS-11:", and "Zone Change from A1 to FP" on Schedule A.

(b) Text Changes

1. ADD the following new Section 11A(3)(e):

"(e) SPECIAL REQUIREMENTS ('R4-5-H')

Notwithstanding any provisions of Section 11A(2) to the contrary, the lands zoned 'R4-5' on Schedule 'A' attached hereto, shall be used for a detached single family dwelling house, home occupation or public use in accordance with the following provisions:

- | | | |
|--------|--|---------------------------------------|
| (i) | LOT AREA (minimum) | 289 m ² square metres |
| (ii) | LOT FRONTAGE (minimum) | |
| | (a) Corner Lot | 11.5 metres |
| | (b) Other Lot | 9.15 metres |
| (iii) | FRONT YARD DEPTH (minimum) | 5 metres |
| (iv) | EXTERIOR SIDE YARD WIDTH (minimum) | 3 metres |
| (v) | INTERIOR SIDE YARD WIDTH (minimum) | 1.2 metres, except for the following: |
| | (a) where a side lot line abuts a 0.3m reserve, the minimum interior side yard width shall be 3 metres; and | |
| | (b) on a lot where there is no attached private garage or attached carport, the minimum interior side yard width shall be 2.4m on one side and 1.2m on the other side. | |
| (vi) | REAR YARD DEPTH (minimum) | 7.5 metres |
| (vii) | DWELLING UNIT AREA (minimum) | 93 square metres |
| (viii) | LANDSCAPED OPEN SPACE (minimum) | 30% |
| (ix) | LOT COVERAGE (maximum) | 40% |
| (x) | HEIGHT OF BUILDING (maximum) | 10.5 metres |
| (xi) | DWELLING HOUSES PER LOT (maximum) | 1 only |
| (xii) | ACCESORY USES, PARKING ETC: | |

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- (a) That notwithstanding the maximum allowable lot coverage provisions of this zone, an additional 20 square metres of lot coverage shall be permitted for only unenclosed porches, balconies, ramps or steps located in a front yard or exterior side yard
- (xiii) GARAGE LOCATION
Notwithstanding any other provision of this By-law hereof to the contrary, no garage, either attached or detached from the dwelling, shall be located closer than 6 metres to the front lot line.
- (xiv) SIGHT TRIANGLES
That notwithstanding the provisions of Section 4(125) hereof to the contrary, the lands zoned R4-5 on Schedule 'A' attached hereto, shall measure the sight triangle 3 metres from the point of intersection of the street lines.
- (xv) '-H' Holding Zone Provisions
The lifting of the '-H' Holding Zone Provisions shall be subject to Section 5 (24). "

AND BE IT FURTHER RESOLVED THAT the Amending By-Law be presented for all three readings.
(See By-Law No. (7), 2006-80)

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5. Downtown and Harbour Area Architectural Guidelines Study – Request for Proposal

THAT the *Downtown and Harbour Area Architectural Guidelines Study Request for Proposal*, dated March 23, 2006, attached as Exhibit A to the Planning agenda, **BE ADOPTED**; and

THAT the *Downtown and Harbour Area Architectural Guidelines Study* be directed through Planning Committee and that the Committee host the public consultation program.

(The reports and schedules were distributed with the Planning Committee Agenda distributed on March 23, 2006.)

CARRIED

REPORTS

Report No. 48 of the Administrative Policies Committee

Moved by Councillor Beavis

Seconded by Deputy Mayor George

THAT Report No. 48 of the Administrative Policies Committee be received and adopted.

Council consented to the separation of clauses 2 and 3.

Report No. 48

To the Mayor and Members of Council:

The Multiplex Community Centre Project Steering Committee (MCCP-SC) reports and recommends as follows:

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

28-03-2006

1. Use Of Corporate Resources For Election Purposes

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THAT the Policy regarding the Use of Corporate Resources for Election Purposes, attached to the agenda as Schedule Pages (121-122) BE ADOPTED.

CARRIED

2. Policy for the Use of City Owned Facilities Where Alcohol is Supplied Under a Special Occasion Permit or a Caterer's Endorsement

THAT the Municipal Alcohol Policy, attached to the agenda as Schedule Pages (123-133) BE APPROVED.

CARRIED

3. 2006 Marinas Operating Plan

THAT staff be directed to seek, in 2006, Request for Information to determine whether or not there exists interested and qualified third parties who may wish to provide capital investment and partner with the municipality in the operations and/or marketing of City-owned marinas;

- and further -

THAT the results be brought back to the Administrative Policies Committee for further consideration.

CARRIED (8:3)

(See Recorded Vote)

(See Motion To AMEND Which Was LOST)

A Recorded Vote was requested by Councillor Garrison

YEAS: Mayor Rosen, Councillor Beavis, Deputy Mayor George, Councillor George, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (8)

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

ABSENT: Councillor Foster, Councillor Meers (2)

REPORTS

Report No. 48 of the Administrative Policies Committee

Moved by Councillor Garrison

Seconded by Councillor Pater

THAT Clause 3 of Report No. 48 of the Administrative Policies Committee be amended to add in the third paragraph "and the Arts, Recreation & Community Policies Committee" so that the paragraph reads as follows:

THAT the results be brought back to the Administrative Policies Committee and the Arts, Recreation & Community Policies Committee for further consideration.

LOST

(The reports and schedules were distributed with the Administrative Policies Committee Agenda distributed on March 28, 2006.)

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REPORTS

Report No. 49 of the Arts, Recreation & Community Policies Committee

Moved by Councillor Garrison
Seconded by Councillor Pater

THAT Report No. 49 of the Arts, Recreation & Community Policies Committee be received and adopted.

Report No. 49

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

30th March 2006

1. Administration Change – Healthy Community Fund Grant Program

THAT direction be provided to City staff to develop a 'Purchase of Service Agreement' with the 'Community Foundation of Greater Kingston' to administer the 2006 Healthy Community Fund application process and issuing and tracking of approved funding envelopes on behalf of the City.

THAT authorization be given to the Community Foundation of Greater Kingston to determine and approve which applicants receive grants and to enter into a contract agreement between the Community Foundation and the successful applicants.

-and further-

THAT City staff be directed to research and write a position paper that addresses the redesign of the Healthy Community Fund's administration and mandate with the results of appropriate consultation and staff recommendations to be brought back to Council for review and approval in November 2006

- and further –

THAT the administrative costs in the amount of \$5,800.0 for this program to be administered by the Community Foundation of Greater Kingston, be taken from the Working Fund Reserve.

CARRIED AS AMENDED
(Councillor Garrison OPPOSED)
(See Motion To AMEND Which Was CARRIED)
(See Following Motion To DEFER Which Was LOST)

Moved by Councillor Pater
Seconded by Councillor Patterson

THAT Clause 1 of Report No. 49 of the Arts, Recreation & Community Policies Committee be amended to add a new paragraph which reads as follows:

- and further –

THAT the administrative costs in the amount of \$5,800.0 for this program to be administered by the Community Foundation of Greater Kingston, be taken from the Working Fund Reserve.

CARRIED (9:2)
(See Recorded Vote No. 1)

REPORTS

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Report No. 49 of the Arts, Recreation & Community Policies Committee

Moved by Councillor Garrison
Seconded by Councillor Downes

THAT Clause 1 of Report No. 49 of the Arts, Recreation & Community Policies Committee be deferred until the next meeting of Council to allow Councillor Meers to be present.

LOST (6:5)
(See Recorded Vote No. 2)

(1) A Recorded Vote was requested by Councillor Smith

YEAS: Mayor Rosen, Councillor Beavis, Councillor Garrison, Deputy Mayor George, Councillor George, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk (9)

NAYS: Councillor Downes, Councillor Sutherland (2)

ABSENT: Councillor Foster, Councillor Meers (2)

(2) A Recorded Vote was requested by Councillor Garrison

YEAS: Mayor Rosen, Councillor Beavis, Councillor Downes, Councillor Garrison, Deputy Mayor George (5)

NAYS: Councillor George, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (6)

ABSENT: Councillor Foster, Councillor Meers (2)

(The reports and schedules were distributed with the Arts, Recreation & Community Policies Committee Agenda distributed on March 30, 2006.)

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REPORTS

Report No. 50 of the Nominations Committee

Moved by Councillor Beavis
Seconded by Councillor Pater

THAT Report No. 50 of the Nominations Committee be received and adopted clause by clause.

Report No. 50

March 29, 2006

1. Appointment to the Rural Affairs Advisory Committee

WHEREAS the Nominations Committee reviewed the applications for appointments to the Rural Affairs Advisory Committee;

THEREFORE BE IT RESOLVED that Council approve the appointment of

- Richard Tworek for a term ending November 30th, 2006;

CARRIED

2. Appointment of Private Developer to the Affordable Housing Development Committee

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

THEREFORE BE IT RESOLVED THAT Council approve the appointment of

- Matthew Derbyshire as the Private Developer representative for the Affordable Housing Development Committee for a term ending November 30th, 2006.

CARRIED

City Council Meeting No. 09
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REPORTS

Report No. 51 of the Memorial Centre Revitalization Advisory Committee

Moved by Councillor Garrison

Seconded by Councillor Smith

THAT Report No. 51 of the Memorial Centre Revitalization Advisory Committee be received and adopted.

Report No. 51

(Note: A motion similar to Clause 1b of Report No. 51 was dealt with at the March 7th meeting of Council and was LOST. It will take a member of Council who voted in the majority to move reconsideration and a 2/3rds vote of Council in order for this motion to be dealt with this evening.)

Council consented to the separation of Clause 1.

Councillor Pater withdrew from the meeting.

28-03-2006

Extend an offer to Queen's University respecting the rental of ice time and to dedicate funds to the revitalization of the Memorial Centre

- 1a) THAT Council extend an offer to Queen's for the rental of ice time that can be scheduled without displacing community groups already using existing facilities which may include the offer of renting time available in all existing arena facilities and the Memorial Centre until the construction of a new Multiplex facility and/or LVEC is completed;

CARRIED

- and further -

- 1b) THAT any funds that would be paid by Queen's University to the City of Kingston as a result of a leasing agreement in regards to the use of the Memorial Centre be solely dedicated to either the operations of, capital repairs to, or revitalization of the Memorial Centre.

CARRIED AS AMENDED (9:1)

(See Recorded Vote)

(See Following Motion To AMEND Which Was CARRIED)

(See Following Motion to AMEND Which Was LOST)

A Recorded Vote was requested by Councillor Garrison

YEAS: Mayor Rosen, Councillor Beavis, Councillor Downes, Councillor Garrison, Deputy Mayor George, Councillor George, Councillor Patterson, Councillor Smith, Councillor Sutherland (9)

NAYS: Councillor Stoparczyk (1)

ABSENT: Councillor Foster, Councillor Meers, Councillor Pater (3)

REPORTS

City Council Meeting No. 09

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Tuesday, April 4, 2006

Report No. 51 of the Memorial Centre Revitalization Advisory Committee

Moved by Councillor George
Seconded by Councillor Sutherland

THAT Clause 1b) of Report No. 51 of the Memorial Centre Revitalization Advisory Committee be amended to delete the words "or other City facilities" so it now reads as follows:

THAT any funds that would be paid by Queen's University to the City of Kingston as a result of a leasing agreement in regards to the use of the Memorial Centre be solely dedicated to either the operations of capital repairs to, or revitalization of the Memorial Centre.

CARRIED

Moved by Councillor George
Seconded by Councillor Patterson

THAT Clause 1b) of Report No. 51 of the Memorial Centre Revitalization Advisory Committee be further amended to delete the words "operations of" so it reads as follows:

THAT any funds that would be paid by Queen's University to the City of Kingston as a result of a leasing agreement in regards to the use of the Memorial Centre be solely dedicated to either the capital repairs to, or revitalization of the Memorial Centre.

LOST

Moved by Councillor Beavis
Seconded by Councillor Smith

THAT Clause 1b), of Report No. 51, of the Memorial Centre Revitalization Advisory Committee as approved at the March 7, 2006 Council Meeting be reconsidered.

CARRIED

(A 2/3rd Vote of Council Was Received)

Councillor Pater returned to the meeting.

INFORMATION REPORTS

MISCELLANEOUS BUSINESS

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

THAT as requested by Mr. Jim Hamilton, Friends of the Great Frozen Game, Council proclaim April 7th & 8th, 2006 as "Hockeyville Days".

(See Communication No. 09-291; See Delegation No. 1)

CARRIED

MOTIONS

- (1) Moved by Councillor Sutherland

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Seconded by Councillor Stoparczyk

“That, in the opinion of this House, the Ontario government should establish an Eastern Ontario Secretariat as a special-purpose office that supports the Ministry of Economic Development and Trade, with main responsibilities to provide analytical and evaluative support in the assessment of existing and new policies and programs impacting Eastern Ontario.”

-and further-

THAT Council refers this motion to KEDCO for action.
(File No. CSU-D02-000-2006)

CARRIED

NOTICE OF MOTION

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

WHEREAS the province of Ontario has announced in its most recent budget a one-time injection of \$400 million to communities outside the Greater Toronto area, and;

WHEREAS Kingston's share of those monies is \$4.85 million, and;

WHEREAS the “Move Ontario” document released with the Ontario budget clearly indicated that the monies are to be used “to assist with road and bridge maintenance and construction projects”, and;

WHEREAS the 2004 Kingston Transportation Master Plan defines the building of a bridge across the Cataraqui River (known as the “third crossing”) as the “most important roadway issue” for the city to address citing the under-capacity of the LaSalle Causeway to accommodate current traffic levels, and;

WHEREAS the estimated cost of the third crossing is \$32 million.

THEREFORE BE IT RESOLVED THAT the City of Kingston express its written appreciation to local MPP John Gerretsen for this one-time payment, and;

THAT Kingston City Council direct its Finance Staff to create a “third crossing reserve fund” and that the \$4.85 million be allocated to that fund.

MINUTES

Moved by Councillor Pater
Seconded by Councillor Patterson

THAT the Minutes of City Council Meeting No. 08-2006, held Tuesday, March 21, 2006 be confirmed, approved and adopted.
CARRIED

TABLING OF DOCUMENTS

2006-033 Cataraqui Region Conservation Authority
Agenda – Full Authority General Meeting – March 22, 2006
(File No. CSU-D03-000-2006)

TABLING OF DOCUMENTS

2006-034 Kingston Frontenac Lennox & Addington Public Health
Agenda – Board of Health Meeting – March 29, 2006
(File No. CSU-S08-001-2006)

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2006-035 Cataraqui Region Conservation Authority
Minutes – Full Authority General Meeting – March 22, 2006
(File No. CSU-D03-000-2006)

2006-036 Downtown Kingston Business Improvement Area
Contact Newsletter - March 2006
(File No. CSU-A01-001-2006)

COMMUNICATIONS

Filed

09-262 From the City of Kawartha Lakes, acknowledging and supporting Council's resolution requesting the Province match funds raised in the community to assist low income families' payment of home energy bills.
(File No. CSU-E06-000-2006)

09-263 From the Association of Municipalities of Ontario, advising Council that the 2006 Provincial Budget invests in municipal roads, bridges and public transit systems but fails to deliver any additional uploading of provincial health and social services costs.
(File No. CSU-F05-000-2006)

09-264 From the Committee of Adjustment, a Notice of Decision for the following applications:

MINOR VARIANCE – JAMES AND CARRIE FISHER – In respect of an application for minor variance from Zoning By-Law 76-26, for the property at 1891 Jackson Mills Road **BE APPROVED**, subject to conditions. The final date of appeal is March 28, 2006.

CONSENT – DON HULTON – In respect of an application for consent to sever the property at 1610 Anne Street **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is April 19, 2006

CONSENT – DON HULTON – In respect of an application for consent to sever the property at 1610 Anne Street **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is April 19, 2006

CONSENT – ESTATE OF ALLAN R. HARPELL – In respect of an application for consent to sever the property at 55-57 Bay Street **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is April 19, 2006.

MINOR VARIANCE – ESTATE OF ALLAN R. HARPELL – In respect of an application for minor variance from Zoning By-Law 8499, for the property at 55-57 Bay Street **BE APPROVED**, subject to conditions. The final date of appeal is April 18, 2006.

MINOR VARIANCE – ESTATE OF ALLAN R. HARPELL – In respect of an application for minor variance from Zoning By-Law 8499, for the property at 55-57 Bay Street **BE APPROVED**, subject to conditions. The final date of appeal is April 18, 2006.

COMMUNICATIONS

MINOR VARIANCE – HOSUN BAEK – In respect of an application for minor variance from Zoning By-Law 76-26, for the property at 1159 Katharine Crescent **BE APPROVED**, subject to conditions. The final date of appeal is April 18, 2006.

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MINOR VARIANCE – MARC AND MARLENE PAYETTE – In respect of an application for minor variance from Zoning By-Law 8499, for the property at 47 Churchill Street **BE APPROVED**, subject to conditions. The final date of appeal is April 18, 2006.

MINOR VARIANCE – ALLAN AND JANEEN FERRISS – In respect of an application for minor variance from Zoning By-Law 8499, for the property at 113 York Street **BE APPROVED**, subject to conditions. The final date of appeal is April 18, 2006.

MINOR VARIANCE – PAUL FIORILLO AND JANA MILLS – In respect of an application for minor variance from Zoning By-Law 8499, for the property at 527 Albert Street **BE APPROVED**, subject to conditions. The final date of appeal is April 18, 2006.

MINOR VARIANCE – ALIJAN HOLIDINGS INC. – In respect of an application for minor variance from Zoning By-Law 8499, for the property at 33 Benson Street **BE APPROVED**, subject to conditions. The final date of appeal is April 18, 2006.

MINOR VARIANCE – ANTONIO AND ALMERINDA MENDES – In respect of an application for minor variance from Zoning By-Law 97-102, for the property at 132 Sheridan Street **BE APPROVED**, subject to conditions. The final date of appeal is April 18, 2006.

MINOR VARIANCE – 531464 ONTARIO LTD. – In respect of an application for minor variance from Zoning By-Law 76-26, for the property at 595 O'Connor Drive **BE APPROVED**, subject to conditions. The final date of appeal is April 18, 2006.

CONSENT – MARTIN MACK AND KERRI HOLLEYWOOD – In respect of an application for consent to sever the property at 965 Woodbine Road **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is April 19, 2006.

CONSENT – JSM CORPORATION (ONT) LTD. – In respect of an application for consent to sever the property at 1011 Princess Street **BE PROVISIONALLY APPROVED**, subject to conditions. The final date of appeal is April 19, 2006.

MINOR VARIANCE – CANADIAN REAL ESTATE INVESTMENT TRUST – In respect of an application for minor variance from Zoning By-Law 76-26, for the property at 460-466 Gardiners Road **BE APPROVED**, subject to conditions. This final date of appeal is April 18, 2006.

MINOR VARIANCE – V. MARQUES CONSTRUCTION – In respect of an application for minor variance from Zoning By-Law 76-26 and 97-102, for the property at 1065 Fawn Court **BE APPROVED**, subject to conditions. The final date of appeal is April 18, 2006.
(File No. CSU-D19-000-2006)

COMMUNICATIONS

- 09-265 From the City of Pickering, acknowledging receipt of Council's resolution regarding the request for Corrections Canada to reconsider placement of long-time sex and violence related offenders at Portsmouth Community Correctional Centre and the review of the application of long term supervision orders.
(File No. CSU-P00-000-2006)

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- 09-266 From the City of Guelph, acknowledging receipt of Council's resolution regarding the request for Corrections Canada to reconsider placement of long-time sex and violence related offenders at Portsmouth Community Correctional Centre and the review of the application of long term supervision orders.
(File No. CSU-P00-000-2006)
- 09-267 From the Corporation of the City of London, acknowledging receipt of Council's resolution regarding the request for Corrections Canada to reconsider placement of long-time sex and violence related offenders at Portsmouth Community Correctional Centre and the review of the application of long term supervision orders.
(File No. CSU-P00-000-2006)
- 09-268 From Harold Flaming, Conference Co-Chair, inviting Council to attend the Rural Development Conference 2006 being held at Blue Mountain Resort, Collingwood, from April 10-12, 2006.
(File No. CSU-A04-000-2006)
- 09-269 From Lee Rozan, Executive Director, Communities in Bloom Ontario, providing Council with information and registration form for the 2006 Communities in Bloom event.
(File No. CSU-D18-000-2006)
(Distributed digitally to all Members of Council on March 21, 2006)
- 09-270 From the Association of Municipalities of Ontario and the Ontario Power Authority, providing information to Council about the upcoming Energy Matters 2006 Conference being held March 28-29, 2006 at the Pearson Convention Center in Brampton.
(CSU-A04-000-2006)
(Distributed digitally to all Members of Council on March 13, 2006)
- 09-271 From the Association of Municipalities of Ontario, advising Council that Ms. Marie Curtis, a well-known municipal leader and an Association of Municipalities of Ontario Honour Roll recipient in 1999, passed away March 12, 2006.
(File No. CSU-A01-004-2006)
(Distributed digitally to all Members of Council on March 13, 2006)
- 09-272 From the Association of Municipalities of Ontario, advising Council of Regulation 535/05 filed by the Government of Ontario which requires that gasoline sold in Ontario contain an average of five percent ethanol, on an annual basis, beginning January 2007.
(File No. CSU-E11-000-2006; CSU-L11-000-2006)
(Distributed digitally to all Members of Council on March 13, 2006)

COMMUNICATIONS

- 09-280 From the Municipality of Chatham-Kent, acknowledging receipt of Council's resolution concerning future utility rate increases.
(File No. CSU-E06-000-2006)

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09-281 From the Corporation of the County of Essex, acknowledging receipt of Council's resolution regarding the request for Corrections Canada to reconsider placement of long-time sex and violence related offenders at Portsmouth Community Correctional Centre and the review of the application of long term supervision orders.
(File No. CSU-P00-000-2006)

09-282 From the Ontario Good Roads Association responding to the 2006/07 Ontario Budget and transportation funding.
(File No. CSU-F05-000-2006)

Referred to All Members of Council

09-273 From Wild Stallion Saloon, located at 515 Days Road, requesting an application for a liquor license from the Alcohol & Gaming Commissioner of Ontario.
(File No. CSU-P09-000-2006)

09-274 From Mango Restaurant, located at 161 Princess Street, requesting an application for a liquor license from the Alcohol & Gaming Commissioner of Ontario.
(File No. CSU-P09-000-2006)

09-275 From Henry Charles Cowen, Regional Vice-Director of the Canadian Transplant Association, Ontario Region, asking that Council proclaim the week of April 23-30, 2006 as "Organ and Tissue Donor Awareness Week".
(File No. CSU-M10-000-2006)

09-276 From Ms. Rhonda Barkley, Liaison for the Ontario Family Fishing Weekend Steering Committee, asking that Council proclaim the weekend of Friday, July 7 through Sunday, July 9, 2006 as "Ontario Family Fishing Weekend".
(File No. CSU-M10-000-2006)

COMMUNICATIONS

09-278 Petition-like communications were received supporting and encouraging the implementation of a 50 metre pool and Aquatic Centre in the City of Kingston from the following persons:

Melanie Rose	Melissa Dermody	Michelle Birk	Christopher Knapper
Iain McDonald	Paul Burke	Howard Lancaster	Erin Bryant
Cheryl Lester	Susan Waters	Janet Miller	Kathy White
Gerald Jaros	William McCormack	Janice McLaughlin	Leslee Oliver

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Brenda Brouwer	John Paterson	Jane Hinton	Steven Black
Kim Onysko	Andrew Slot	Kelly McNeely	Ginny Graydon

(File No. CSU-C14-000-2006; CSU-R05-000-2006)

- 09-284 From Mr. John Paterson, voicing his comments and encouraging the implementation of a 50 meter pool and Aquatic Centre in the City of Kingston.
(File No. CSU-R05-000-2006)
- 09-285 From G.T. Ridge and Ms. Barb Bentley, providing information to Council regarding studies of air pollution and cancer clinical studies.
(File No. CSU-E05-000-2006)
- 09-286 From Mr. Greg Farrant, Government Relations Manager , Ontario Federation of Anglers and Hunters, asking that Council support an initiative to allow for gun hunting on Sundays during regular hunting seasons.
(File No. CSU-C01-000-2006)
- 09-287 From the Township of Malahide, asking for Council's support of a resolution to petition the Minister of Health for Ontario to propose an amendment to the Medicine Act to permit the College of Physicians and Surgeons to license physicians who are in good standing and who have written the necessary examinations thereby bringing additional fully qualified physicians, ready to commence practice immediately to our Province, while long-term solutions are being implemented.
(File No. CSU-S08-000-2006)
- 09-288 From the County of Brant, asking for Council's support of a resolution that all Ontario municipalities with populations under 35,000 advise the Association of Municipalities of Ontario of their support of the Town of Niagara-on-the-Lake's disapproval of all of the recommendations contained in the Report of the Expert Panel on Water and Wastewater Strategy which gives Regional municipalities exclusive jurisdiction over all elements of the water and wastewater sector at the exclusion of lower tier municipalities with less than 10,000 customers.
(File No. CSU-E08-000-2006)

COMMUNICATIONS

- 09-289 From Mr. Ron Moran, National President, Customs Excise Union Douanes Accise, providing follow-up information to Council regarding Canadian Border Patrol.
(File No. CSU-P00-000-2006)
- 09-290 From Mr. Bernard Koenke, voicing his concerns regarding the closing of Lake Ontario Park.
(File No. CSU-R04-000-2006)
- 09-291 From Mr. Jim Hamilton, Friends of the Great Frozen Game, asking that Council proclaim April 7th & 8th, 2006 as "Hockeyville Days"

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(File No. CSU-M10-000-2006)

Referred to the Commissioner of Community Development Services

09-277 From Ms. Laura Lynn Forkes, asking that Council consider sponsoring a few kayaking participants in the Kayak for Cancer Fundraising Event being held August 12th, 2006.
(File No. CSU-M03-000-2006)

Referred to the President & CEO of Utilities Kingston

09-279 From Ms. Karla Bird, Project Coordinator, Safe Drinking Water Foundation, providing information on how they can help bring safe drinking water to communities, including Community Water Test Kits and Template for Change DVDs.
(File No. CSU-E11-000-2006)
(Distributed digitally to all Members of Council on March 21, 2006)

Referred to the Commissioner of Public Works and Emergency Services

09-283 From Ms. Dorothy MacLeod, voicing her concerns regarding the conditions of the sidewalks on Princess Street.
(File No. CSU-T06-000-2006)

BY-LAWS

(A) Moved by Councillor Smith
Seconded by Councillor Beavis
THAT By-Laws (1) through (8) be given their first and second reading.

CARRIED

(B) Moved by Councillor Pater
Seconded by Deputy Mayor George
THAT By-Laws (1) through (8) be given their third reading.

CARRIED

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- (1) A By-Law To Amend By-Law No. 76-26 "Zoning By-Law For Former Township Of Kingston As Amended By By-Law No. 027-2006", To Remove The '-H' Holding Symbol Related To The 'C2-1-H' Zone (2327 Princess Street)
THREE READINGS PROPOSED NO. 2006-74
(Clause (c), Report No. 45)

- (2) A By-Law To Delegate Various Planning Approvals To Staff And To Adopt Certain Procedures For The Processing Of Planning Applications Subject To Delegated Authority.
THREE READINGS PROPOSED NO. 2006-75
(Clause (1), Report No. 47)

- (3) A By-Law To Repeal By-Law No. 2000-245 "A By-Law To Delegate To An Appointed Officer The Power And Authority Of Council Pursuant To Section 51.2 (1) Of The Planning Act, R.S.O. 1990, Chapter P.13, As Amended, And To Adopt Certain Procedures For The Processing Of Requests For Final Approval Of Plans Of Subdivision"
THREE READINGS PROPOSED NO. 2006-76
(Clause (1), Report No. 47)

- (4) A By-Law To Amend By-Law 2006-65 "A By-Law To Designate The Whole Of The City Of Kingston As A Site Plan Control Area, Pursuant To Section 41 Of The Planning Act, R.S.O. 1990, Chapter P.13, As Amended, And To Adopt Certain Procedures For The Processing Of Site Plan Control Applications, And To Exempt Certain Classes Of Development From Approval Of Plans And Drawings And To Repeal And Replace By-Law No. 98-91 In Its Entirety" To Repeal Sections 5 And 6 And Section 7, Clause (a) To (c) Inclusive.
THREE READINGS PROPOSED NO. 2006-77
(Clause (1), Report No. 47)

- (5) A By-Law To Amend By-Law No. 76-26 Of Former Township Of Kingston (Zone Change From 'R1' To 'R1-66', 1610 Anne Street, Kingston West, Part Of Lot 9 Of Registered Plan 377)
THREE READINGS PROPOSED NO. 2006-78
(Clause (2), Report No. 47)

BY-LAWS

- (6) A By-Law To Amend By-Law No. 32-74 Of Former Township Of Pittsburgh Now The Corporation Of The City Of Kingston (Change Zone From 'A1' To 'R1', 5210 Highway No. 15, Part Of Lot 25 And 26, Concession 8)
THREE READINGS PROPOSED NO. 2006-79
(Clause (3), Report No. 47)

- (7) A By-Law To Amend By-Law No. 32-74 Of "The Former Township Of Pittsburgh Zoning By-Law " Site Specific – Greenwood Park, Phase 9 – Rezone To 'R4-5-H' Modified Residential Type 4 Zone, 'Os' General Open Space, 'Os-11' Modified Open Space And 'Fp' Flood Plain
THREE READINGS PROPOSED NO. 2006-80
(Clause (4), Report No. 47)

- (8) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, April 4, 2006
THREE READINGS PROPOSED NO. 2006-81

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(City Council Meeting No. 9-2006)

ADJOURNMENT

Moved by Councillor Stoparczyk

Seconded by Councillor George

THAT Council do now adjourn.

CARRIED

Council adjourned at 9:27 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor