

## CITY COUNCIL MEETING NO. 18-2006

The Regular Meeting of City Council was held on Tuesday, August 22, 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 6:30 pm to 6:58 pm in the Councillors' Lounge.

### (Council Chambers)

#### ROLL CALL

Present: Mayor Rosen, Councillor Beavis, Councillor Downes (arrived at 8:00 pm), Councillor Foster (arrived at 6:40 pm), Councillor Garrison (arrived at 6:40 pm), Deputy Mayor George (arrived at 6:40 pm), Councillor George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith (arrived at 6:40 pm), Councillor Stoparczyk, Councillor Sutherland (13)

### (Councillor's Lounge)

#### Administrative Staff Present:

Mr. G. Laubenstein, Chief Administrative Officer  
Mrs. C. Downs, City Clerk  
Mr. G. Grange, Director, Community and Family Services  
Ms. S. Powley, Council Committee Supervisor  
Mr. G. Wallace, Director, Planning and Development

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### COMMITTEE OF THE WHOLE "IN CAMERA"

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

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

- (a) Proposed acquisition of lands

**CARRIED**

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### (Council Chambers)

#### Administrative Staff Present:

Mr. G. Laubenstein, Chief Administrative Officer  
Ms. C. Beach, Commissioner of Sustainability and Growth  
Ms. L. Breen, Manager, Recreation Services  
Mrs. C. Downs, City Clerk  
Ms. R. Etherington, Manager, Culture and Heritage  
Mr. M. Fluhner, Director, Culture and Recreation  
Mr. J. Giles, Manager, Solid Waste  
Mr. G. Grange, Director, Community and Family Services  
Mr. G. Hunt, Commissioner of Finance and Corporate Performance  
Mr. S. Kanellos, Director, Growth and Initiatives  
Mr. D. Leger, Commissioner of Corporate Services  
Ms. K. Leonard, Manager, Building and Licensing  
Mr. H. Linscott, Director, Legal Services  
Mr. M. Morris, Director, Transportation  
Ms. S. Powley, Council Committee Supervisor  
Mr. M. Segsworth, Commissioner of Public Works and Emergency Services  
Mr. G. Wallace, Director, Planning and Development  
Mr. T. Willing, Director, Building and Licensing

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

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

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

**CARRIED**

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**DISCLOSURE OF PECUNIARY INTEREST**

Councillor Garrison declared a possible pecuniary interest in the matter of Clause (t) of Report No. 91 of the Chief Administrative Officer (Consent), as his wife is employed in the home daycare business.

Councillor Meers declared a possible pecuniary interest in the matter of Clause (t) of Report No. 91 of the Chief Administrative Officer (Consent), as she is employed in a local daycare facility.

Councillor Pater declared a possible pecuniary interest in the matter of Clause (c) of Report No. 91 of the Chief Administrative Officer (Consent) and Clause (6) of Report No. 92 of the Chief Administrative Officer (Recommend), as her spouse is employed at Queen's University.

Councillor Pater declared a possible pecuniary interest in the matter of Clause (h) of Report No. 91 of the Chief Administrative Officer (Consent), as her son is a commercial tenant of Kincore Holdings.

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**PRESENTATIONS**

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**DELEGATIONS**

- (1) Mr. Patrick Deane, Vice Principal (Academic) from Queen's University, Mr. James McMillan, President of Queen's Alma Mater Society (AMS) and Ryan Quinlan Keech, Municipal Affairs Commissioner of the AMS were present and spoke to Council regarding Aberdeen Street.  
**(See Clause (6), Report No. 92)**

A 2/3rds vote of Council was received to add Delegations No. (2) and (3).

- (2) Dr. David Parker and Ms. Hennie Marsh were present and spoke to Council regarding the proposed new bus shelter for the Seniors Centre on Francis Street.  
**(See Report No. 95)**

- (3) Mr. Duncan Blachford was present and spoke to Council regarding the proposed new bus stop for the Seniors Centre on Francis Street.  
**(See Report No. 95)**

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City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

**BRIEFINGS**

Council consented to the withdrawal of Briefing No. 1.

- (1) Mr. Jeff Garrah, General Manager of KEDCO, will speak to Council, providing their semi-annual progress report.

**WITHDRAWN**

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**PETITIONS**

- (1) A petition bearing approximately 20 signatures was received by the Clerk's Department and referred to the Commissioner of Public Works and Emergency Services and reads as follows:

"We, the following people, do "not" agree that we should be responsible for any costs for the construction of Shaw Street (asphalt, curb and gutter)."

**REFERRED TO THE COMMISSIONER OF PUBLIC WORKS AND EMERGENCY SERVICES**

- (2) A petition bearing approximately 14 signatures was presented by Councillor Pater and referred to the Commissioner of Public Works and Emergency Services and reads as follows:

"The Seniors Center on Francis Street has requested a rerouting of the bus to add a new bus stop at their center on Francis St. They have not requested a new bus shelter at a bus stop on Mowat Av. A shelter does not solve their problem and simply creates new problems. The bus stop at Mowat gets very little ridership, as determined by City Transportation Report EITP-06-017. There is no suitable location for a shelter beside our private residences. A bus shelter would reduce our property values and negatively impact our quality of life. We, the undersigned residents/owners and electors, ask that no bus shelter be erected at the corner of Mowat and Francis."

**REFERRED TO THE COMMISSIONER OF PUBLIC WORKS AND EMERGENCY SERVICES**

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

Council consented to the addition of Motion (e).

**Motions of Congratulations**

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

**THAT** the congratulations of Kingston City Council be extended to Kevin and Dorothy Mulrooney on the occasion of their 50<sup>th</sup> wedding anniversary on August 12<sup>th</sup>, 2006.

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

**THAT** the congratulations of Kingston City Council be extended to our Chief Administrative Officer, Glen Laubenstein, and his wife, on the birth of their grandson, Zachery Andrew Penton.

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

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

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

**THAT** the congratulations of Kingston City Council be extended to Joe and Maria Melo on the occasion of their 50<sup>th</sup> wedding anniversary.

- (d) Moved by Councillor Sutherland  
Seconded by Mayor Rosen

**THAT** the congratulations of Kingston City Council be extended to Fred and Mary Gordon, parents of Barry Gordon, former Reeve of Pittsburgh Township, on the occasion of their 50<sup>th</sup> wedding anniversary.

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

**THAT** the congratulations of Kingston City Council be extended to Deputy Police Chief Dan Murphy on his retirement from the City of Kingston Police Department.

**Motions of Condolence**

- (a) Moved by Mayor Rosen  
Seconded by Councillor Foster

**THAT** the sincere condolences of Kingston City Council be extended to the family of Major Paeta Hess-von Krudener on his recent passing.

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

**THAT** the sincere condolences of Kingston City Council be extended to the family of Dayle McBride, Customer Service Representative, on the passing of her father, Andrew James Fraser.

**CARRIED**

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- Moved by Councillor Foster  
Seconded by Councillor Beavis

**THAT** Council waive the rules of By-Law 98-1, "Council Procedural By-Law", in order to amend the Orders of the Day to allow Report No. 95 of the Environment, Infrastructure and Transportation Policies Committee to be dealt with at this point during the meeting.

**CARRIED**  
**(A 2/3rds Vote of Council Was Received)**  
**(See Page No. 509)**

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**REPORTS**

Report No. 91 the Chief Administrative Officer (Consent)

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

Moved by Councillor Beavis  
Seconded by Councillor Sutherland

**THAT** Report No. 91 of the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the separation of Clauses (a), (c), (e), (h), (j), (l), (o), (r), and (t).

**Report No. 91**

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) **Aircraft Storage Rates**

**THAT** a by-law be presented to amend By-Law No. 2005-10, "A By-Law To Establish Rates And Fees To Be Collected By The Corporation Of The City Of Kingston", as amended, by amending Hangar Storage in Schedule B as follows:

Hangar Storage

Aircraft -- Rotary or Fixed Wing (per day)      \$40.77

Aircraft -- Rotary or Fixed Wing (per month)      \$232.97

(File No. CSU-F21-000-2006)

(The Report of the Commissioner of Public Works & Emergency Services (06-105) was attached as Schedule Pages 1-4)

(See By-Law No. (2), 2006-172)

**CARRIED**

(b) **Creation of Pay and Display Parking on Wellington Street**

**THAT** a by-law be presented to amend Schedule 3 of By-Law No. 495, "A By-Law To Provide For A Parking Meter Zone In Certain Streets Or Portions Thereof, And To Provide For The Installation, Regulations, Supervision And Control Of Such Parking Meters"; and,

**THAT** a by-law be presented to amend By-Law No. 24, "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act" to allow metered parking spaces on the east side of Wellington Street between Place d'Armes and Bay Street, establishing them as three (3) hour maximum stay.

(File No. CSU-T02-000-2006)

(The Report of the Commissioner of Public Works & Emergency Services (06-179) was attached as Schedule Pages 5-9)

(See By-Law No. (3), 2006-173 and By-Law No. (4), 2006-174)

**REPORTS**

**Report No. 91 the Chief Administrative Officer (Consent)**

Councillor Pater withdrew from the meeting.

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

(c) **Queen's Orientation Roundtable Request for Noise By-Law Exemption**

**THAT** Queen's University Orientation Roundtable be granted an exemption to Noise Control By-Law No. 2004-52, "A By-Law To Regulate Noise", Schedule B, to permit the Orientation Week outdoor concert being held at Miller Parking Lot behind 36 Union Street on Friday, September 8th, 2006 from 4:00 p.m. until 8:30 p.m. for set-up and sound testing, and then from 8:30 p.m. until 12:00 a.m. midnight for the concert itself.

(File No. CSU-P01-002-2006)

(The Report of the Commissioner of Community Development Services (06-186) was attached as Schedule Pages 10-11)

**CARRIED**

Councillor Pater returned to the meeting.

(d) **Award of Tender for the Supply of Grey and Blue Recycling Boxes to SCL A-1 Plastics Ltd.**

**THAT** the tender submitted by SCL A-1 Plastics Ltd. in response to Tender No. PWES-SW-3-2006 for the supply of recycling boxes be selected as the basis for preparing a contract expiring December 31, 2008 with an option to extend one additional year at the sole discretion of the City; and,

**THAT** the contract be in a form satisfactory to the Legal Services Division; and,

**THAT** the Mayor and Clerk be authorized to sign the contract.

(File No. CSU-F18-000-2006)

(The Report of the Commissioner of Public Works & Emergency Services (06-193) was attached as Schedule Pages 12-13)

(e) **Appointment of Municipal Law Enforcement Officer, Replacement of Deputy Market Clerk**

**THAT** a By-Law be presented to Council and be given three readings to amend Section 1, Subsection (k) of By-Law 80-69 as amended "A By-Law To Appoint Municipal Law Enforcement Officers of The Corporation of the City of Kingston" to remove Lisa Moore as Deputy Market Clerk;

- and further -

**THAT** By-Law No. 80-69 "A By-Law To Appoint Municipal Law Enforcement Officers of The Corporation of the City of Kingston", Section 1, Subsection (k) be amended to add Jessica McMullen, Deputy Market Clerk, to monitor and enforce the provisions of parking as they pertain to the operation of the Kingston Public Market.

(File No. CSU-P01-000-2006)

(The Report of the Commissioner of Community Development Services (06-194) was attached as Schedule Pages 14-15)

(See By-Law No. (21), 2006-191)

**CARRIED**

## REPORTS

Report No. 91 the Chief Administrative Officer (Consent)

- (f) **Request for Road Closure/Declaration as Surplus for Part of Unopened Road Allowance in Kingston East, former Pittsburgh Township, as Depicted on Reference Plan 13R-16691 (2532 Highway 2); and Further to Convey and Sell the Portion of Unopened Road Allowance to an Abutting Property Owner**

City Council Meeting No. 18

Minutes

Tuesday, August 22, 2006

---

**THAT** a by-law be presented and given first and second readings to stop up and close the parcel of land described as that part of the road allowance between Concession 1 and 2, City of Kingston, Geographic Township of Pittsburgh, County of Frontenac, shown as Part 1 on Plan 13R-16691; and,

**THAT** a by-law be presented and given first and second readings to declare surplus to the needs of the municipality and sell the parcels of land described as that part of the road allowance between Concession 1 and 2, City of Kingston, Geographic Township of Pittsburgh, County of Frontenac, shown as Part 1 on Plan 13R-16691; and,

**THAT** Council authorize and direct the City Clerk in accordance with the *Municipal Act* 2001, and in accordance with the City of Kingston Notice By-Law 2003-015, to give notice of council's intention to stop up and close, declare surplus and sell the lands described as that part of the road allowance between Concession 1 and 2, City of Kingston, Geographic Township of Pittsburgh, County of Frontenac, shown as Part 1 on Plan 13R-16691; and,

**THAT** Council give third reading and approve the attached by-laws to stop up and close and declare surplus to municipal needs part 1 on Plan 13R - 16691, upon providing the prescribed public notice of Council's intent; and,

**THAT** the Mayor and Clerk be authorized to execute all appropriate documents to complete a land sale between the City and the abutting property owner in a form satisfactory to the Director of Legal Services.

(File No. CSU-L19-000-2006)

(The Report of the Commissioner of Sustainability and Growth (06-195) was attached as Schedule Pages 16-23)

(See By-Law No. (22), 2006-192 and By-Law No. (23), 2006-193)

(g) **Request to Stop Up, Close, Declare Surplus and Sell Portions of Road Allowance at 991 Old Front Road from the City of Kingston to the Current Property Owners**

**THAT** a by-law be presented and given first and second readings to stop up and close Parts 2 and 3 on the Reference Plan 13R - 18111; and,

**THAT** a by-law be presented and given first and second readings to declare surplus to the municipality and sell Parts 2 and 3 on Reference Plan 13R - 18111; and,

**THAT** Council authorize and direct the City Clerk in accordance with the *Municipal Act* 2001, Sub-Section 25, Section 34(1) and Section 268(3) in accordance with the City of Kingston Notice By-Law 2003-015, to give notice of Council's intention to stop up and close, declare surplus and sell Parts 2 and 3 on Reference Plan 13R - 18111; and,

**THAT** Council give third reading and approve the attached by-laws to stop up and close and declare surplus to municipal needs Parts 2 and 3 on Reference Plan 13R - 18111, upon providing the prescribed public notice of Council's intent; and,

**THAT** the Mayor and Clerk be authorized to execute all appropriate documents to complete the land sale between the city and the property owner in a form satisfactory to the Director of Legal Services.

(File No. CSU-L19-000-2006)

(The Report of the Commissioner of Sustainability and Growth (06-196) was attached as Schedule Pages 24-30)

(See By-Law No. (24), 2006-194 and By-Law No. (25), 2006-195)

## REPORTS

### Report No. 91 the Chief Administrative Officer (Consent)

Councillor Pater withdrew from the meeting.

(h) **Stop Up, Close, Declare Surplus and Sell Subdivision Streets Registered on Plan 1896 located on the Davis Tannery Land known as the Tannery Estates Subdivision**

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

**THAT** a by-law be presented and given first and second readings to stop up and close the parcel of land identified as streets on the Registered Plan of Subdivision 1896; and,

**THAT** a by-law be presented and given first and second readings to declare surplus to the municipality and sell the parcels of land identified as streets on the Registered Plan of Subdivision 1896; and,

**THAT** Council authorize and direct the City Clerk in accordance with the *Municipal Act 2001*, and in accordance with the City of Kingston Notice By-Law 2003-015, to give notice of council's intention to stop up and close, declare surplus and include in the sale of lands to the successful proponents of the Davis Tannery Request for Proposal; and,

**THAT** Council give third reading and approve the attached by-laws to stop up and close and declare surplus to municipal needs the parcel of land identified as streets on the Registered Plan of Subdivision 1896, upon providing the prescribed public notice of Council's intent; and,

**THAT** the Mayor and Clerk be authorized to execute all appropriate documents to complete a land sale between the City and 1684183 Ontario Inc. in a form satisfactory to the Director of Legal Services.

(File No. CSU-L19-000-2006)

(The Report of the Commissioner of Sustainability and Growth (06-197) was attached as Schedule Pages 31-37)

(See By-Law No. (26), 2006-196 and By-Law No. (27), 2006-197)

**CARRIED**

Councillor Pater returned to the meeting.

**(i) School Bus Loading Zones and Parking Restrictions at Various Schools in the City**

**THAT** a by-law be presented to amend the following sections within By-Law No. 24, "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act," as amended, Section 47: School Bus Loading Zones, Section 18: Various Parking, Section 19: Non-Parking, Section 30: No Stopping at Any Time, to create school bus loading zones and no parking zones at various locations in the city;

- and further -

**THAT** Council give all three readings so that the appropriate signage can be installed for the beginning of school in September.

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

(The Report of the Commissioner of Public Works & Emergency Services (06-204) was attached as Schedule Pages 38-57)

(See By-Law No. (28), 2006198)

## REPORTS

### Report No. 91 the Chief Administrative Officer (Consent)

**(j) 2006 Debenture Issue**

**THAT** Council give three readings to a by-law to adopt a statement of policies and goals related to the construction and financing of the Kingston Regional Sports and Entertainment Centre; and,



City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

**THAT** Council give three readings to a by-law to authorize the borrowing of amortizing debentures over a thirty-three year period, in the principal amount of \$25,500,000, for the purpose of constructing the Kingston Regional Sports and Entertainment Centre.

(File No. CSU-F08-000-2006)

(The Report of the Commissioner of Finance and Corporate Performance (06-206) was attached as Schedule Pages 58-62)

(See By-Law No. (29), 2006-199 and By-Law No. (30), 2006-200)

(Draft By-Law No. 2006-200 was distributed separately from the agenda on Friday, August 18, 2006.)

**CARRIED (9:4)**  
(See Recorded Vote No. 1)

(k) **Addition of Accessible On-Street Parking Spaces and Changes to Maximum Stay Limits**

**THAT** a by-law be presented to amend By-Law No. 81-218, "A By-Law To Provide For Exempting, Pursuant To Permits Issued, The Owners And Drivers Of Vehicles Operated By Or Carrying Persons With Disabilities From The Provisions Of By-Laws Of The City Of Kingston Prohibiting Or Regulating The Parking, Standing Or Stopping Of Motor Vehicles On Any Highway Or Part Thereof In The City Of Kingston", as amended;

- and further -

**THAT** a by-law be presented to amend By-Law No. 495, "A By-Law To Provide For A Parking Meter Zone In Certain Streets Or Portions Thereof, And To Provide For The Installation, Regulations, Supervision And Control Of Such Parking Meters" as amended;

-and further -

**THAT** a by-law be presented to amend By-Law No. 24, "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act", as amended, to create designated accessible parking spaces at three locations (Princess Street, south side west of Division Street; Queen Street, south side east of Division Street; Clarence Street, north side east of Bagot Street), servicing persons with disabilities and to apply a 3 hour stay time limit to all metered accessible spaces and two centrally located non-metered accessible spaces.

(File No. CSU-T02-000-2006)

(The Report of the Commissioner of Public Works & Emergency Services (06-208) was attached as Schedule Pages 63-72)

(See By-Law No. (5), 2006-175, By-Law No. (6), 2006-176 and By-Law No. (7), 2006-177)

## REPORTS

### Report No. 91 the Chief Administrative Officer (Consent)

(l) **Tanner Drive Speed Reduction from 50 km/hr to 40 km/hr**

**THAT** a by-law be presented to amend By-Law No. 2003-209, "A By-Law To Regulate Traffic", as amended, to reduce the maximum posted speed limit on Tanner Drive from 50 km/hr to 40 km/hr.

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

(The Report of the Commissioner of Public Works & Emergency Services (06-209) was attached as Schedule Pages 73-76)

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

(See By-Law No. (8), 2006-178)

CARRIED

(m) **Princess Street Speed Reduction**

THAT a by-law be presented to amend By-law No. 2003-209 "A By-Law To Regulate Traffic", as amended, to reduce the maximum posted speed limit on Princess Street, west of Collins Bay and east of Westbrook Road from 80 km/hr to 60 km/hr.

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

(The Report of the Commissioner of Public Works & Emergency Services (06-210) was attached as Schedule Pages 77-80)

(See By-Law No. (9), 2006-179)

(n) **Healthy Community Fund 2006 Recommendations**

THAT Council approves the recommended projects and funding from the Healthy Community Fund contained in Exhibit 'A' of Report No. 06-211.

(File No. CSU-F25-000-2006)

(The Report of the Commissioner of Community Development Services (06-211) was attached as Schedule Pages 81-87)

Council consented to the addition of Clause (o) of Report No. 91.

(o) **Award of Tender for the Construction of the Shannon Park Spray Pad Building**

THAT Council accepts David J. Cupido Construction Ltd. as the successful bidder, being the lowest of the two bids received, at a total bid price of \$361,302 (GST excluded); and authorize the Mayor and City Clerk to sign a contract with David J. Cupido Construction Ltd., subject to the satisfaction of the Legal Services; and that the additional funding needed to complete the project will be funded from the 2006 'Work in Progress' (WIP) capital projects.

(File No. CSU-F18-000-2006)

(The Report of the Commissioner of Community Development Services (06-212) was distributed separately from the agenda on August 22, 2006.)

CARRIED (13:0)  
(See Recorded Vote No. 2)

## REPORTS

### Report No. 91 the Chief Administrative Officer (Consent)

(p) **Changes to Parking Restrictions on Calderwood Drive**

THAT a by-law be presented to amend By-Law No. 24, "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act," as amended, to prohibit parking at all times on the entire inside portion of Calderwood Drive and to restrict parking on the outside portion of Calderwood Drive, between 10:00 a.m. and 11:00 a.m. and from 2:00 p.m. to 3:00 p.m. weekdays only.

(File No. CSU-T02-000-2006)

(The Report of the Commissioner of Public Works & Emergency Services (06-214) was attached as Schedule Pages 88-93)

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

(See By-Law No. 10), 2006-180)

(q) **Award of RFP for Construction Administration of Material Recovery Facility Expansions at the Kingston Area Recycling Centre to CB Richard Ellis Alberta Limited**

**THAT** the proposal submitted by CB Richard Ellis Alberta Limited in response to RFP No. PWES-SW-5-2006 for construction administration of material recovery facility expansions at the Kingston Area Recycling Centre be selected as the basis for preparing a contract; and

**THAT** the contract be in a form satisfactory to the Legal Services Division; and

**THAT** the Mayor and Clerk be authorized to sign the contract.

(File No. CSU-F18-000-2006)

(The Report of the Commissioner of Public Works & Emergency Services (06-215) was attached as Schedule Pages 94-96)

(r) **Highway #15 and Sandhill Road Intersection Land Exchange with the Ministry of Transportation (MTO)**

**THAT** Council authorize the city's disposal of Parts 3 and 4 on Reference Plan 13R-18361 to the Ministry of Transportation and the city's acquisition of Part 1 on Reference Plan 13R-18361 from the Ministry and that the Mayor and Clerk be authorized to execute all necessary documents and agreements with the Ministry of Transportation in a form satisfactory to the Director of Legal Services.

(File No. CSU-L18-000-2006)

(The Report of the Commissioner of Sustainability and Growth (06-217) was attached as Schedule Pages 97-100)

**CARRIED**

(s) **Award of RFP for the Collection of Funds for the City of Kingston to Brinks Canada Limited**

**THAT** City Council approves the award of a contract for the Collection of Funds to Brinks Canada Limited having submitted the highest scoring proposal for the Collection of Funds for the City of Kingston; and,

**THAT** the City of Kingston enter into a Contract Agreement in a form satisfactory to Legal Services with Brinks Canada Limited as outlined in the above noted Request for Proposal; and,

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

(File No. CSU-F18-000-2006)

(The Report of the Commissioner of Finance and Corporate Performance (06-220) was attached as Schedule Pages 101-103)

## REPORTS

### Report No. 91 the Chief Administrative Officer (Consent)

Councillors Garrison and Meers withdrew from the meeting.

(t) **Approval of Addenda to Kingston Frontenac Childcare Services Management Plan and Best Start Transition Plan**

**THAT** Council approves the addenda to the Kingston Frontenac Childcare Services Management Plan and the Kingston Frontenac Best Start Transition Plan and directs staff to continue the amended childcare space expansion and childcare service management strategies detailed in these plans, including entering into required agreements, in a form that is satisfactory to legal services;

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

- and further -

**THAT** Council approves an amendment to the 2006 Childcare Operating Budget in the amount of up to \$1,137,437 of which \$390,477 will be funded from the 2006-07 fiscal Best Start funding provided by the Province and up to \$746,960 funded from the 2005-06 Best Start Unconditional Funding;

- and further -

**THAT** Council approves the establishment of a dedicated Best Start Childcare Reserve fund of \$1.440 million dollars to address future service gaps;

- and further -

**THAT** Council recognizes the significant contribution of the members of the Kingston Frontenac Best Start Network and their dedication to building a strong, integrated and responsive child service system for Kingston Frontenac.

(File No. CSU-S01-000-2006)

(The Report of the Commissioner of Community Development Services (06-225) was attached as Schedule Pages 104-124)

**CARRIED**

**CARRIED**

Councillors Garrison and Meers returned to the meeting.

1. A Recorded Vote was requested by Councillor George

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

NAYS: Councillor Downes, Councillor Garrison, Councillor George, Councillor Meers (4)

2. A Recorded Vote was requested by Councillor Garrison

YEAS: Mayor Rosen, Councillor Beavis, Councillor Downes, Councillor Foster, Councillor Garrison, Deputy Mayor George, Councillor George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (13)

NAYS: (0)

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City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

**REPORTS**

**Report No. 92 of the Chief Administrative Officer (Recommend)**

Council consented to the addition of Clause (5) of Report No. 92.

Council consented to the request of Councillor Patterson that the temporary street closure of Aberdeen Street be referred to Council for a decision.

Council consented to the separation of Clause (6).

Moved by Councillor Stoparczyk

Seconded by Councillor Meers

**THAT** Report No. 92 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

**Report No. 92**

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

(1) **Purchase of the K&P Right-of-Way from Bell Canada within the City of Kingston Boundaries**

**THAT** Council authorize staff to submit an offer of \$30,000 to purchase the rural portion of the K&P trail, within the limits of the City of Kingston, on terms satisfactory to the Director of Legal Services; and,

**THAT** Council authorize the Mayor and Clerk to execute such agreements and documents as may be necessary to purchase the portion of the K&P trail located within the limits of the City of Kingston; and,

**THAT** Council authorize staff to continue discussions with the Townships of Central and South Frontenac and the Cataraqui Region Conservation Authority for the purchase of the remaining 8 km Right of Way linking to the Cataraqui Trail, and report back to Council; and further,

**THAT** Council acknowledges and accepts the following conditions as outlined by the regional surveyor in his letter dated July 21, 2006:

- a) That the Municipality is willing to accept a conveyance from the railroad company containing a description that does not comply with the registration regulations;
- b) That the Municipality understands that the description will be accepted by the Land Registry Office for this conveyance only and that it will be stamped as not acceptable for future use;
- c) That the future conveyance from the municipality to the adjoining owners will require reference plan descriptions;
- d) That the Municipality recognizes that the requirement to provide reference plans for the future conveyances represents a potential financial liability estimated at \$75,000.

(File No. CSU-L18-000-2006)

(The Report of the Commissioner of Sustainability and Growth (06-121) was attached as Schedule Pages 125-133)

**CARRIED (13:0)**  
**(See Recorded Vote No. 1)**

**REPORTS**

City Council Meeting No. 18

Minutes

Tuesday, August 22, 2006

---

Report No. 92 of the Chief Administrative Officer (Recommend)

(2) **Province of Ontario – Moves Ontario, One Time Investment \$4.85 Million - Allocation of Infrastructure Funding**

**THAT** Staff take no action on the following motion which was deferred at the April 18, 2006 meeting of Council:

*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.*

- and further -

**THAT** Staff take no action on the following motion which was deferred on the April 18<sup>th</sup> 2006 meeting of Council:

*That the Motion of Councillors Downes and Meers be amended to allocate half of the \$4.85 million, (\$2.425 million) to a "third crossing reserve fund" and \$2.425 million to "current road work".*

- and further -

**THAT** Council endorse Staff's recommendation to use the one-time injection of \$4.85 million, from the Province of Ontario to rehabilitate "core infrastructure", as defined in Report 06-192;

- and further -

**THAT** the specific needs be addressed during the 2007 Capital Budget deliberations.

(File No. CSU-F11-000-2006)

(The Report of the Commissioner of Public Works & Emergency Services (06-192) was attached as Schedule Pages 134-137)

**CARRIED (12:1)**  
**(See Recorded Vote No. 2)**

(3) **Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) Intake Three Application**

**THAT** the Council of the Corporation of the City of Kingston approves the John Counter Boulevard Widening Project as its highest priority for funding under COMRIF Intake Three; and,

**THAT** the Mayor and Clerk be authorized to execute any documentation associated with this matter.

(File No. CSU-F11-000-2006)

(The Report of the Commissioner of Sustainability and Growth (06-213) was attached as Schedule Pages 138-143)

**CARRIED**

**REPORTS**

Report No. 92 of the Chief Administrative Officer (Recommend)

City Council Meeting No. 18

Minutes

Tuesday, August 22, 2006

Ms. Cynthia Beach, Commissioner of Sustainability and Growth, and Ms. Robin Etherington, Manager of Culture and Heritage, were present and spoke to Council regarding the North Block Redevelopment Strategy.

(4) **North Block Redevelopment Strategy**

**THAT** Council authorize staff to engage AuthentiCity to develop a specific redevelopment plan for the area surrounding the Kingston Regional Sports and Entertainment Centre which will identify strategies to encourage the redevelopment of an entertainment district in the North Block Area increasing the amount of tax assessment and revenues from City owned properties with a project cost not to exceed \$240,000 funded from the Working Fund Reserve.

(File No. CSU-R05-001-2006)

(The Report of the Commissioner of Sustainability and Growth (06-222) was attached as Schedule Pages 144-151)

**DEFERRED (11:2)**

**(See Motion To Defer Which was Carried)**

Moved by Councillor Sutherland

Seconded by Councillor Meers

**THAT** Clause (4) of Report No. 92 be deferred for Staff to look at partnership funding and other options and report back to Council what choices are available.

**CARRIED**

**(See Recorded Vote No. 3)**

Moved by Councillor Beavis

Seconded by Councillor Patterson

**THAT** the rules of By-Law 98-1 "Council Procedural By-Law" be waived in order to extend the meeting past 11:00 pm.

**CARRIED**

**(A 2/3rds Vote Of Council Was Received)**

Moved by Councillor Beavis

Seconded by Councillor Downes

**THAT** the rules of By-Law 98-1 "Council Procedural By-Law" be waived in order to extend the meeting past 11:30 pm.

**CARRIED**

**(A 2/3rds Vote Of Council Was Received)**

Moved by Councillor Beavis

Seconded by Councillor Stoparczyk

**THAT** Council amend the agenda to deal with By-Laws (29) and (30) at this point in the meeting.

**CARRIED**

**(See Page No. 535)**

Council recessed from 10:46 pm to 10:51 pm.

**REPORTS**

Report No. 92 of the Chief Administrative Officer (Recommend)

City Council Meeting No. 18

Minutes

Tuesday, August 22, 2006

Cynthia Beach, Commissioner of Sustainability and Growth, was present and spoke to Council regarding the Grand Theatre Building Improvement Project.

(5) **Grand Theatre Building Improvement Project**

**THAT** Council approve a revised complete project budget of \$17,077,400.00 considering all previously included and additional construction and soft costs, with the remaining revised work to be tendered in one more phase and to be substantially completed by the end of March 2008; and,

**THAT** staff continue to implement the recommendations of the KPMG report to ensure that project management controls are in place to ensure the project proceeds within budget, schedule and quality objectives; and,

**THAT** Council approve a capital budget amendment for this project, with funding from the issuance of debentures in the amount of \$6,077,400.00 over a twenty five (25) year period to be financed annually from the Municipal Capital Reserve Fund (MCRF); and,

**THAT** Council direct staff to proceed with phase 2 of the revised Grand Theatre Building Improvement project for tendering, construction and commissioning before the end of March, 2008.

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

ABYL0002

**(The Report of the Commissioner of Community Development Services (06-224) was distributed separately from the agenda on Friday, August 18, 2006.)**

**CARRIED (13:0)**  
**(See Recorded Vote No. 4)**

Councillor Pater withdrew from the meeting.

(6) **Aberdeen Street – Potential Street Party Risk Management and Mitigation Strategies**

**THAT** Council authorize the joint request by Queen's, the Alma Mater Society (AMS), and City staff to grant an exemption to Noise Control By-Law 2004-52 for the two block length of Aberdeen Street and abutting properties with respect to Schedule B Activities 4 and 15 regarding amplified noise such as the playing of stereos and singing or the playing of musical instruments from 8:00 p.m. on Saturday, September 16 to 2:00 a.m. on Sunday, September 17, 2006.

**LOST**

-and further –

**THAT** in the event a member of Council refers the temporary road closure to Council, that Council approve the temporary closure of Aberdeen Street between Johnson Street and Earl Street to motor vehicle traffic and on street parking from 12:00 p.m. on September 16 to 4:00 a.m. on September 17, 2006 and that the intersection at William and Aberdeen Street be closed between the hours of 8:00 p.m. on Saturday and 4:00 p.m. on Sunday.

**CARRIED**

- and further -

**THAT** the City be authorized to enter into an agreement with Queen's University and the AMS setting out the roles and responsibilities of each in a form satisfactory to the Chief Administrative Officer, and the Director of Legal Services and the Chief Administrative Officer be authorized to sign that agreement.

(File No. CSU-T08-000-2006, CSU-P01-002-2006)

(The Report of the Commissioner of Community Development Services (06-226) was attached as Schedule Pages 152-157)

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

**REPORTS**

**Report No. 92 of the Chief Administrative Officer (Recommend)**

Moved by Councillor Garrison



City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

Seconded by Councillor Stoparczyk

**THAT** Clause (6) of Report No. 92 be deferred to the September 5<sup>th</sup> meeting in order to allow notice to be given to the public.

LOST

Moved by Councillor Downes  
Seconded by Councillor Beavis

**THAT** the rules of By-Law 98-1 "Council Procedural By-Law" be waived in order to extend the meeting past midnight.

**CARRIED**  
**(A 2/3rds Vote Of Council Was Received)**

Councillor Pater returned to the meeting.

1. A Recorded Vote was requested by Councillor Garrison

YEAS: Mayor Rosen, Councillor Beavis, Councillor Downes, Councillor Foster, Councillor Garrison, Deputy Mayor George, Councillor George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (13)

NAYS: (0)

2. A Recorded Vote was requested by Councillor Downes

YEAS: Mayor Rosen, Councillor Beavis, Councillor Foster, Councillor Garrison, Deputy Mayor George, Councillor George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (12)

NAYS: Councillor Downes (1)

3. A Recorded Vote was requested by Councillor Downes

YEAS: Mayor Rosen, Councillor Beavis, Councillor Downes, Councillor Foster, Councillor Garrison, Deputy Mayor George, Councillor George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Sutherland (11)

NAYS: Councillor Smith, Councillor Stoparczyk (2)

4. A Recorded Vote was requested by Councillor Pater

YEAS: Mayor Rosen, Councillor Beavis, Councillor Downes, Councillor Foster, Councillor Garrison, Deputy Mayor George, Councillor George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Stoparczyk, Councillor Sutherland (13)

NAYS: (0)

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## REPORTS

### Report No. 93 of the Administrative Policies Committee

Moved by Councillor Sutherland  
Seconded by Councillor Patterson

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

THAT Report No. 93 of the Administrative Policies Committee be deferred to the September 5<sup>th</sup> meeting.

CARRIED

**Report No. 93**

To the Mayor and Members of Council:

The Administrative Policies Committee 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.

08-08-2006

1. **By-Law to Indemnify Council Members and Employees against Legal Proceedings and Damage Awards or Fines**

THAT a by-law be presented, By-Law No. 2006-181, "A By-Law Respecting The Protection Of Municipal Employees And Officers And Members Of Council Of The Corporation Of The City Of Kingston Against Liability Incurred While Acting On Behalf Of The City".

(A copy of the draft by-law was attached as Schedule Pages 158-163)

(See By-Law No. (11), 2006-181)

2. **Municipal Election Compliance Audit Committee**

THAT a Compliance Audit Committee be established and that the attached mandate be adopted, it being understood that the Committee shall be delegated all of the responsibilities, powers and functions under Subsections 81 (3), (4), (7), (10) and (11) of the *Municipal Elections Act, 1996* in respect of compliance audit applications; and,

THAT the City Clerk be authorized to solicit interest from auditors, accountants, lawyers, and academics and that the list of potential candidates be submitted to Council for appointment to a Compliance Audit Committee; and,

THAT the Compliance Audit Committee shall recover all costs relating to the retention and hire of an auditor from the applicant requesting the compliance audit, if the auditor's report reveals that there was no apparent contravention and the Committee finds that there were no reasonable grounds for the application as per Subsection 81(11) of the *Municipal Elections Act, 1996*.

(A copy of the Terms of Reference for the Kingston 2006 Election Compliance Audit Committee was attached as Schedule Pages 164-165)

3. **Regulation and Control of Lobbying in the Procurement Process and Access to Procurement Information**

THAT a by-law be presented to amend By-Law No. 2000-134, "A By-Law To Establish Purchasing Policies And Procedures For The City Of Kingston";

**REPORTS**

**Report No. 93 of the Administrative Policies Committee**

-and further-

THAT By-Law No. 2000-134, "A By-Law To Establish Purchasing Policies And Procedures For The City Of Kingston" be amended to include:

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

1) **“no lobbying” provisions as follows:**

- a) to prohibit a Prospective Vendor to an Offer to Procure (as defined in the Purchasing By-Law), including a Request for Information, Request for Proposal or Tender, from communicating, either directly or through its representatives (including a third party representative employed or retained by it) for the purpose of promoting its Offer to Procure or opposing any competing Offer to Procure (“Lobbying”) with any member of Council, City staff and consultants, appointed members and staff of any City Boards, agency, commission, task force or related organization, including the Kingston Economic Development Corporation, during the period commencing at the City’s issuing the Offer to Procure and ending at the time of the award of the contract.

Communication for the purpose of this “No Lobbying” provision shall mean oral or written communications but does not include a communication to the authorized City project contact person, as set out in the Offer to Procure.

- b) In circumstances where the City’s Purchasing By-Law requires that the award of contract be made by Council, a Prospective Vendor may request that it be allowed to attend at that Council meeting to speak as a delegation. Any such request must be made to the City Clerk and shall be dealt with in accordance with the City’s Procedural By-Law. Other than for the opportunity to request to attend as a delegation before Council, the prohibition against communicating with individual councillors, City staff and others remains in place.
- c) The successful Vendor who is awarded a contract shall be required to certify in writing that it has complied with the “no lobbying” policy as a precondition to the award becoming final and binding.
- d) Where a Prospective Vendor contravenes the “no lobbying” provisions of the Purchasing By-Law the City may at its sole and absolute discretion disqualify the Prospective Vendor from further consideration under the Offer to Procure. In addition to the foregoing, a Prospective Vendor may at the City’s sole and absolute discretion be prohibited from being considered for award in any further Offers to Procure for a period of one year from the time the contravention came to the attention of the City.
- e) The determination as to whether a Prospective Vendor has contravened the “no lobbying” provisions and if so, whether that Prospective Vendor shall be disqualified for a contravention of the City’s “no lobbying” policy is delegated to the City’s Chief Administrative Officer who in making a determination shall consult with the Commissioner of the Group which initiated the procurement, the City Solicitor and the City Treasurer.
- f) City staff be required to report a contravention of the “no lobbying” provisions of the Purchasing By-Law to the City’s Treasurer for further investigation and action.  
(See Section 2.15 of By-Law No. 2000-134, which was attached as Schedule Page 173)

## REPORTS

### Report No. 93 of the Administrative Policies Committee

2) **Access to Information Regarding Submitted Proposals or Bids:**

- a) That the City’s policies and procedures with regard to access to information regarding proposals or bids that have been submitted by Prospective Vendors contain provisions that submitted proposals will be treated as public once an award has been made and a contract entered into, subject to the requirements of

City Council Meeting No. 18

Minutes

Tuesday, August 22, 2006

---

the Municipal Freedom of Information and Protection of Privacy Act ("MFIPPA") to protect personal information and comply with mandatory and, where appropriate, discretionary exemptions. Prospective Vendors shall be requested to identify any portions of the tender or proposal which contains a trade secret, scientific, technical, financial, commercial or labour relations information supplied in confidence and which will cause harm if disclosed. Notwithstanding the foregoing, Council retains the right in appropriate circumstances to require Prospective Vendors to agree to the disclosure of the entire contents of their bid or proposal.

(See Section 2.12 of By-Law No. 2000-134, which was attached as Schedule Page 172)

- b) That in circumstances where the Purchasing By-Law provides for Council to award a Request for Proposal or Tender or where staff refer the decision to award to Council, it is recommended that upon request by Council, the proponents scores by criteria, price comparisons (if part of the evaluation) and a staff analysis of the results be presented to Council for awards of greater than \$50,000.

(See Section 3.4, Clause (ii) of By-Law No. 2000-134, which was attached as Schedule Page 176)

- c) Should Kingston City Council wish to establish a process by which individual Councillors have access to confidential information in relation to a procurement process, it is recommended that such information be available on a view only basis in the office of the appropriate Commissioner upon a formal request in writing using a recommended form. That form would require the Councillor to declare that he or she requires the information in his or her capacity as a member of Council, that the Councillor does not have a conflict of interest and that the information will be treated as confidential and will not be disclosed. To ensure transparency of the procurement process, staff is recommending that a semi-annual report be prepared by the Legal Services Department and provided to Council on the extent of individual Councillor requests that are made.

(See Section 2.15, Clauses (vii) and (viii) of By-Law No. 2000-134, which was attached as Schedule Pages 173)

(See By-Law No. (12), 2006-182)

(A copy of Report No. AP-06-022 of the Commissioner of Corporate Services was distributed separately from the agenda on Friday, August 11, 2006.)

4. **Amendments to By-Law No. 2000-134 "A By-Law To Establish Purchasing Policies And Procedures For The City Of Kingston"**

**THAT** a by-law be presented to amend By-Law No. 2000-134, "A By-Law To Establish Purchasing Policies And Procedures For The City Of Kingston", it being understood that the delegated authority to Commissioners and Directors, to approve the award of Contracts remain at the current level of \$50,000 as per section 3.4 of the by-law.

(A copy of the draft by-law was attached as Schedule Pages 166-193)

(See By-Law No (12), 2006-182)

## REPORTS

### Report No. 93 of the Administrative Policies Committee

5. **Licensing Review**

**THAT** a by-law be presented to repeal By-Law No. 2002-255, "A By-Law To License, Regulate And Govern Certain Businesses" to take effect on November 1, 2006; and,

**THAT** By-Law No. 2006-184 being "A By-Law To License, Regulate And Govern Certain Businesses" be approved; and,

City Council Meeting No. 18

Minutes

Tuesday, August 22, 2006

---

THAT the new By-Law No. 2006-184 take effect on November 1, 2006.  
(See By-Law No (13), 2006-183 and By-Law No. (14), 2006-184)  
(A copy of the draft by-law was distributed separately from the agenda on Friday, August 11, 2006.)

DEFERRED

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**REPORTS**

**Report No. 94 of the Planning Committee**

Moved by Councillor Stoparczyk  
Seconded by Councillor Sutherland

THAT Report No. 94 of the Planning Committee be received and adopted.

**Report No. 94**

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.

20-07-2006

1. **To Receive Central Cataraqui Region Natural Heritage Study Final Report in Fulfillment of the Terms of Reference**

THAT the Central Cataraqui Region Natural Heritage Study Final Report, prepared by the Cataraqui Region Conservation Authority in consultation with the City of Kingston and Loyalist Township, and referenced as Exhibit 'A' to the Planning Report, be received in fulfillment of the Terms of Reference for the project.

**AND BE IT FURTHER RESOLVED THAT** the results of the Central Cataraqui Region Natural Heritage Study be provided as background information to the consultants conducting the Comprehensive Official Plan and Zoning By-Law Review for the City of Kingston.

**AND BE IT FURTHER RESOLVED THAT** there be special consideration of the culturally sensitive urban core wetlands and woodlands.

(Note – Exhibit 'A' "Central Cataraqui Region Natural Heritage Study – PC-06-069" was distributed separately from the Agenda by memorandum from Mr. George Wallace dated July 13, 2006 and Exhibit 'B' reporting on the recent public consultation process was distributed at the Planning Committee Meeting No. 07-2006 on July 20, 2006.)

**REPORTS**

**Report No. 94 of the Planning Committee**

2. **Official Plan and Zoning By-Law Amendment for the Property at 134-140 Colborne Street to Permit Residential and Limited Commercial Use on the Ground Floor**

THAT the application for Official Plan Amendment (Our File No. D09-016-2006) submitted by Paul and Bridget Doherty, for the properties located at 134, 136, 138 and 140 Colborne Street, **BE APPROVED.**

**AND BE IT FURTHER RESOLVED THAT** the City of Kingston Official Plan be amended as follows:

City Council Meeting No. 18

Minutes

Tuesday, August 22, 2006

---

1. The Official Plan for the City of Kingston, as amended, is hereby further amended by the following map change which shall constitute **Amendment No. 33** to the Official Plan for the City of Kingston.

- a) **AMEND** Schedule 'C', 'Site and Area Specific Policies', of the City of Kingston Official Plan, so as to designate the properties located at 134, 136, 138 and 140 Colborne Street, as shown on Schedule 'A' to By-Law No. 2006-201, as 'Site Specific Policy Area No. 33'.

2. **THAT** the Official Plan for the City of Kingston, as amended, be further amended by adding the following new Site Specific Policy as Section 4.15.4(f), immediately following Section 4.15.4.(e):

**"(f) 134, 136, 138 and 140 Colborne Street (Amending By-Law No. 2006-201)**

It is recognized that 134, 136, 138 and 140 Colborne Street are located within the Central Business System designation, however, they are currently and historically within a predominantly residential area. Therefore, it shall be the policy of Council to permit residential and limited commercial on the ground floor of the above noted properties.

Re-development of these properties shall be subject to the following site specific policies, in addition to any other relevant policies of this Plan:

- i) A triplex dwelling on 134 Colborne Street; a single detached dwelling on 136 Colborne Street; and, a semi-detached dwelling on 138 and 140 Colborne Street shall be permitted uses; and,
- ii) Within the context of the built environment, the proposed development shall be appropriate in terms of design, scale, massing and siting, which shall respect the character of the existing structure and adjacent buildings."

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

**AND BE IT FURTHER RESOLVED THAT** the application for Zoning By-Law Amendment (Our File No. D14-043-2006) submitted by Paul and Bridget Doherty, for the properties located at 134, 136, 138 and 140 Colborne Street, **BE APPROVED**.

**AND BE IT FURTHER RESOLVED THAT** Zoning By-Law No. 96-259, "Downtown And Harbour Zoning By-Law Of The City Of Kingston", as amended, be further amended as follows:

- 1) **THAT** Zone Map No. 1 of Zoning By-Law No. 96-259, as amended, is hereby further amended by changing the zone symbol of the lands known municipally as 134 Colborne Street from 'C1-1' to 'C1-24' as shown on Schedule 'A' to By-Law No. 2006-202.

## REPORTS

### Report No. 94 of the Planning Committee

- 2) By adding the following as a new Section 7.3.24:

7.3.24 **134 Colborne Street C1-24**

Notwithstanding any provision of this By-Law to the contrary, the following uses and regulations shall apply to the 'C1-24' Zone (Amending By-Law No. 2006-202).

7.3.24.1 **PERMITTED USES**

The only permitted uses shall be the following:

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

Art Gallery, Office, Florist, Medical Office, Photo or artist studio provided that the forgoing uses are located on the ground floor only;  
Triplex dwelling; and,  
Home occupations, subject to Section 5.20 of the Zoning By-Law.

7.3.24.2 REGULATIONS

Minimum Side Yard	0.93 metres on west side and 1.3 metres on east side
Minimum Lot Coverage	20%

- 3) **THAT** Zone Map No. 1 of Zoning By-Law No. 96-259, as amended, is hereby further amended by changing the zone symbol of the lands known municipally as 136 Colborne Street from 'C1-1' to 'C1-25' as shown on Schedule 'A' to By-Law No. 2006-202.
- 4) By adding the following as a new Section 7.3.25:

'7.3.25 136 Colborne Street C1-25

Notwithstanding any provision of this By-Law to the contrary, the following uses and regulations shall apply to the 'C1-25' Zone (Amending By-Law No. 2006-202).

7.3.25.1 PERMITTED USES

The only permitted uses shall be the following:

Art Gallery, Office, Florist, Medical Office, Photo or artist studio provided that the foregoing uses are located on the ground floor only;  
Single detached dwelling; and,  
Home occupations, subject to Section 5.20 of the Zoning By-Law.

7.3.25.2 REGULATIONS

Minimum Side Yard	0.27 metres on east side
Minimum Lot Coverage	20%

## REPORTS

### Report No. 94 of the Planning Committee

- 5) **THAT** Zone Map No. 1 of Zoning By-Law No. 96-259, as amended, is hereby further amended by changing the zone symbol of the lands known municipally as 138 and 140 Colborne Street from 'C1-1' to 'C1-26' as shown on Schedule 'A' to By-Law No. 2006-202.
- 6) By adding the following as a new Section 7.3.26:

'7.3.26 138 and 140 Colborne Street C1-26

Notwithstanding any provision of this By-Law to the contrary, the following uses and regulations shall apply to the 'C1-26' zone (Amending By-Law No. 2006-202).

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

7.3.26.1 PERMITTED USES

The only permitted uses shall be the following:

Art Gallery, Office; Florist, Medical Office, Photo or artist studio provided that the foregoing uses are located on the ground floor only;  
Semi-detached dwelling; and,  
Home occupations, subject to Section 5.20 of the Zoning By-Law

7.3.26.2 REGULATIONS

Minimum Side Yard	0.6 metres on west side of 140 Colborne Street
Minimum Lot Coverage	37%
Minimum Amenity Area	total of 70 square metres

**AND BE IT FURTHER RESOLVED THAT** the Amending By-Law be presented to City Council for all three readings.  
(See By-Law No. (31), 2006-201 and By-Law No. (32), 2006-202)

3. **Zoning By-Law Amendment to Permit a Wind Turbine at St. Lawrence College, 100 Portsmouth Avenue**

**THAT** the application by St. Lawrence College for amendments to Zoning By-Law No. 8499 of the former City of Kingston to change the Zone on the lands located at 100 Portsmouth Avenue (File Number D14-048-2006), **BE APPROVED.**

**AND BE IT FURTHER RESOLVED THAT** the former City of Kingston Zoning By-law No. 8499, as amended, be further amended as follows:

1. That Map 28 to Zoning By-Law No. 8499 of the City of Kingston be amended so as to rezone the approximately 26 hectare parcel of land, known municipally as 100 Portsmouth Avenue, from the existing 'E1' to a Site Specific 'E1.359 - H' Zone, as shown on Schedule "A" attached to the Agenda.

## REPORTS

### Report No. 94 of the Planning Committee

2. By **adding** the following new Section 359 immediately after Section 358:

"359. On the approximately 26 hectare parcel of land located at the north-west corner of Portsmouth Avenue and King Street West, known municipally as 100 Portsmouth Avenue, and designated 'E1.359' on Schedule A to By-Law No. 2006-203, the site may contain one (1) wind turbine with a maximum height of 35 metres and a maximum blade diameter of 8 metres.

Notwithstanding any other provision of this By-Law to the contrary, the Holding (H) symbol applied to the zone may be removed upon the submission of a satisfactory noise report confirming that the proposed wind turbine complies with the Ministry of Environment Guidelines and Site Plan Control Approval issued."

**AND BE IT FURTHER RESOLVED THAT** the amending by-law be presented to Council for three readings.  
(See By-Law No. (33), 2006-203)



City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

CARRIED

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**REPORTS**

**Report No. 95 of the Environment, Infrastructure and Transportation Committee**

(Note: Report No. 95 was dealt with after the Motions of Congratulations and Condolence. See Page No. 488.)

Moved by Councillor Smith  
Seconded by Councillor George

**THAT** Report No. 95 of the Environment, Infrastructure and Transportation Committee be received and adopted.

**Report No. 95**

To the Mayor and Members of Council:

The Environment, Infrastructure and Transportation Committee reports as follows and requests that Council consider the following options:

10-08-2006

(Note: The following motions were lost on a tie vote and were reported to Council with no recommendation to allow Council the opportunity to discuss the items as per Section 8.7, Clause (b) of By-Law No. 98-1 "Council Procedural By-Law")

Moved by Councillor George  
Seconded by Councillor Garrison

**THAT** option #4 as outlined in Report No. EITP-06-017 of the Commissioner of Public Works and Emergency Services be adopted and reviewed in eight months time. Option #4 re-routes bus service along Francis Street in the southbound direction only, between the hours of 8:30 a.m. and 4:00 p.m. weekdays. The northbound trip would follow the existing route path along Mowat Avenue.

**CARRIED AS AMENDED (12:1)**  
**(See Recorded Vote)**

**REPORTS**

**Report No. 95 of the Environment, Infrastructure and Transportation Committee**

A Recorded Vote was requested by Councillor Garrison

YEAS: Mayor Rosen, Councillor Beavis, Councillor Downes, Councillor Foster, Councillor Garrison, Deputy Mayor George, Councillor George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith, Councillor Sutherland (12)

NAYS: Councillor Stoparczyk (1)

Council recessed at 9:00 pm and reconvened at 9:03 pm.

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**REPORTS**

**Report No. 96 of the Memorial Centre Revitalization Advisory Committee**

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

Moved by Councillor Garrison  
Seconded by Councillor Meers

**THAT** Report No. 96 of the Memorial Centre Revitalization Advisory Committee be received and adopted.

**Report No. 96**

To the Mayor and Members of Council:  
The Memorial Centre Revitalization Advisory Committee reports and recommends as follows:

14-08-2006

1. **Selection of Finalist for RFI for the Revitalization and Rejuvenation of the Memorial Centre Site**

**THAT** the Planning Partnership, in partnership with Brad Johnson and Associates Ltd., Hughes Downey Architects and Michael J. Brennan Enterprises be retained for the development of a plan and detailed multi-year implementation process for the revitalization and rejuvenation of the Memorial Centre Site for a budgeted amount of up to \$50,000 to be funded from the Working Fund Reserve as approved December 13, 2005.

**CARRIED**

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**REPORTS**

**Report No. 97 of the Kingston Municipal Heritage Committee**

Moved by Councillor Patterson  
Seconded by Councillor Downes

**THAT** Report No. 97 of the Kingston Municipal Heritage Committee be received and adopted.

**Report No. 97**

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

**REPORTS**

**Report No. 97 of the Kingston Municipal Heritage Committee**

14<sup>th</sup> August 2006

1. **Approval of Designation of 40 Sir John A. Macdonald Boulevard (Prison for Women)**

**WHEREAS** 40 Sir John A. Macdonald Boulevard is a property of cultural heritage value; and,

**WHEREAS** the former City of Kingston identified the property to be of cultural heritage value by its inclusion in Volume III of the *Buildings of Architectural and Historic Significance* (1975); and,

**WHEREAS** Section 29 of the *Ontario Heritage Act*, R.S.O. 1990, Chapter 0.18 authorizes the Council of a Municipality to enact by-laws to designate real property; and,

**WHEREAS** a review of the *Ontario Heritage Act*, and consultation with Legal Services, the Ministry of Culture (Ontario) and Parks Canada, has confirmed that the City of Kingston can designate federal property under the *Ontario Heritage Act* with the understanding that federal bodies are not bound by the legislation; and,

City Council Meeting No. 18

Minutes

Tuesday, August 22, 2006

---

**WHEREAS** the City of Kingston has precedent for such designation as it has previously designated nine federally owned properties under the *Ontario Heritage Act*;

**WHEREAS** the Kingston Municipal Heritage Committee requested staff prepare a designation by-law for this property and is in agreement with pursuing the designation of this property;

**THEREFORE BE IT RESOLVED THAT** Council serve Notice of Intent to Designate 40 Sir John A. Macdonald Boulevard to be of Cultural Heritage Value under Part 4 of the Ontario Heritage Act and authorize City Staff to proceed with fulfilling the requirements of a Notice of Intent to Designate as defined in Section 29 (3) and (4) of the Ontario Heritage Act.

- and further -

**THAT** the draft designation by-law was attached as Schedule Pages 194-207.  
(See By-Law No. (15), 2006-185)

2. **Approval of Amended Designation of 232 King Street East**

**WHEREAS** Section 30.1 of the *Ontario Heritage Act* provides for the updating of existing designation by-laws; and

**WHEREAS** the 'Reasons for Designation' for 232 King Street East do not meet current provincial requirements; and

**WHEREAS** the owner of 232 King Street East has agreed, in writing, to allow the City of Kingston to proceed with the update;

**THEREFORE BE IT RESOLVED THAT** Council adopt By-Law No. 2006-186, a by-law to amend Clause 35 of Schedule 'A' of By-Law No. 8892, "A By-Law To Amend By-Law No. 8497, A By-Law To Designate Certain Properties Within The Municipality To Be Of Historic Or Architectural Value Of Interest".

(See By-Law No. (16), 2006-186)

(Note: A copy of the draft by-law was attached as Schedule Pages 208-212.)

3. **Approval of an Application for 16 Drummond Street, Barriefield for Exterior Improvements to Railing, Posts and Roofs of Porch and Front Door**

**THAT** Application P18-467-73-06 for a property located at 16 Drummond Street, Barriefield requesting approval for exterior improvements to the railing, posts, and roofs of the porch, and the front door **BE APPROVED** in accordance with a submission dated 01st August 2006 with the understanding that the lock rail will be at least 7 ½ inches.

## REPORTS

### Report No. 97 of the Kingston Municipal Heritage Committee

4. **Approval of an Application for 37-43 Brock Street for Painting and Window Repair**

**THAT** Application P18-074-72-06 for a property located at 37-43 Brock Street requesting approval for painting and window repair **BE APPROVED** in accordance with a submission dated 01st August 2006.

5. **Approval of an Application for 2551 Highway 2 East for Chimney Repairs**

**THAT** further to approval of Application P18-039-14 -06 for a property located at 2551 Hwy 2 East, that an amended submission regarding chimney repairs dated 27<sup>th</sup> July 2006 **BE APPROVED**;

- and further -

**THAT** the amended submission regarding chimney repairs for Application HG-04-2006 **BE PROVISIONALLY APPROVED** for a Heritage Property Grant of 50% of the costs associated with the Eligible Work as submitted by receipts and up to a maximum amount of \$2000;

City Council Meeting No. 18

Minutes

Tuesday, August 22, 2006

---

- and further -

**THAT** this approval is provisional upon the eligible work being satisfactorily completed as outlined within By-Law No. 2005-258, 'A By-Law To Establish A Heritage Grants Program', with the grant payable to the owner following a final inspection of the eligible work, a determination that the eligible work has been performed in accordance with the Ontario Heritage Act and any permit issued thereunder, and the final approval of Council.

6. **Approval of an Application for 145 James Street (of the former City of Kingston) for Replacement of Three Windows and a Front Door**

**THAT** Application P18-561-35-06 for a property located at 145 James Street for the replacement of three windows and a front door **BE APPROVED** in accordance with submissions dated 21<sup>st</sup> March and 09<sup>th</sup> August 2006 with the understanding that the size of the new sash window components match the original, and that the main door and screen door be approved as drawn in the scaled drawing;

- and further -

**THAT** Application HG-27-2006 for the windows for this property **BE PROVISIONALLY APPROVED** for a Heritage Property Grant of 50% of the costs associated with the Eligible Work as submitted by receipts and up to a maximum amount of \$2000;

- and further -

**THAT** this approval is provisional upon the eligible work being satisfactorily completed as outlined within By-Law No. 2005-258 'A By-Law To Establish A Heritage Grants Program', with the grant payable to the owner following a final inspection of the eligible work, a determination that the eligible work has been performed in accordance with the Ontario Heritage Act and any permit issued thereunder, and the final approval of Council.

7. **Approval of an Application for 85 King Street East for Heritage Grant Application**

**WHEREAS** the owner of 85 King Street East has requested final approval for Heritage Grant Application HG-34-06; and,

**WHEREAS** as per the requirements as per By-Law No. 2005-258, 'A By-Law To Establish A Heritage Grants Program', a site visit to review the completed works;

**THEREFORE BE IT RESOLVED THAT** Heritage Property Grant HG-34-06 for 85 King Street East **BE APPROVED** for the removal and replacement of a roof system;

**REPORTS**

**Report No. 97 of the Kingston Municipal Heritage Committee**

- and further -

**THAT** staff be authorized to issue a cheque for \$2000.00 as per the process outlined in By-Law No. 2005-258, 'A By-Law To Establish A Heritage Grants Program'.

8. **Approval of an Application for 100-102 Earl Street for Heritage Grant Application**

**WHEREAS** the owner of 100-102 Earl Street has requested final approval for Heritage Grant Application HG-26-06; and,

**WHEREAS** as per the requirements as per By-Law No. 2005-258, 'A By-Law To Establish A Heritage Grants Program', a site visit to review the completed works;

**THEREFORE BE IT RESOLVED THAT** Heritage Property Grant HG-26-06 for 100-102 Earl Street **BE APPROVED** for repointing and repairs;

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

- and further -

THAT staff be authorized to issue a cheque for \$2000.00 as per the process outlined in By-Law No. 2005-258, 'A By-Law To Establish A Heritage Grants Program'.

9. **Approval of an Application for 286 Johnson Street for Heritage Grant Application**

WHEREAS the owner of 286 Johnson Street has requested final approval for Heritage Grant Application HG-03-06; and,

WHEREAS as per the requirements as per By-Law No. 2005-258, 'A By-Law To Establish A Heritage Grants Program', a site visit to review the completed works;

THEREFORE BE IT RESOLVED THAT Heritage Property Grant HG-03-06 for 286 Johnson Street BE APPROVED for repair and repainting of original shutters and restoration of columns;

- and further -

THAT staff be authorized to issue a cheque for \$2000.00 as per the process outlined in By-Law No. 2005-258 'A By-Law To Establish A Heritage Grants Program'.

10. **Approval of an Application for 350 King Street East for a Sign**

THAT Application P18-221-75-06 for a property located at 350 King Street East requesting approval for a hanging sign BE APPROVED in accordance with a submission dated 14<sup>th</sup> August 2006 with the understanding that the sign will be attached to the existing mast iron and will be in compliance with the City sign by-law;

- and further -

THAT support brackets will be attached into the mortar with stainless steel bolts.

CARRIED

\*\*\*\*\*

**REPORTS**

**Report No. 98 of the Nominations Committee**

Moved by Councillor Sutherland  
Seconded by Councillor Patterson

THAT Report No. 98 of the Nominations Committee be deferred to the September 5<sup>th</sup> meeting.

CARRIED

**Report No. 98**

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

18<sup>th</sup> July 2006

1. **Establish Length of Term for Approval of Citizen Appointments**

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

**THAT** a by-law be presented to Council 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" to add Section 3.3 "Term for Citizen Appointments" outlining the following criteria:

- a) Members of the public shall be eligible to serve for a maximum of six consecutive years on the same committee;
- b) Members of the public are required to take at least a one year absence after serving on the same committee for six years; after the one year absence, the member of the public shall be eligible to re-apply to serve on the former committee. On the recommendation of the Nominating Committee, a member of the public may, upon application, be appointed beyond six years if there are compelling reasons;
- c) During the one year of absence from a committee, a member of the public may apply to serve on a different committee;
- d) A member of the public, who has been appointed to replace a committee member and is filling a partially completed term, shall be appointed for the balance of that member's term; the new member is eligible to apply for re-appointment for a maximum of six consecutive years.
- e) Renewed membership on a committee is not automatic, any member of the public who wishes to serve for an additional term must submit the approved application form or provide a letter which includes the necessary information in order to be considered for re-appointment;
- f) Committee members shall continue to serve on a committee past the expiration of their term until they are replaced;
- g) Terms of office and membership on some external boards/commissions/ authorities or quasi-judicial committees may differ as specifically outlined under statute or legislation.  
(See By-Law No. (17), 2006-187)

## REPORTS

### Report No. 98 of the Nominations Committee

#### 2. Recommendation of No Action on the Kingston Frontenac Public Library Request to Review Board Applications

**WHEREAS** a request received from the Kingston Frontenac Public Library Board for an opportunity to provide the board with an opportunity to review applications for the Library Board by asking the City Clerk to forward the letters of application to the Library Board so that recommendations for appointment to the Library Board be made to the City of Kingston Nominations Committee; and,

**WHEREAS** the Nominating Committee reviewed this request, and in light of the fact that previously the Municipality had allowed the Library Board to review applications;

**THEREFORE BE IT RESOLVED THAT** no action be taken on the request from the Kingston Frontenac Public Library Board to review applications to serve on the Board.

**DEFERRED**

\*\*\*\*\*

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

**REPORTS**

**Report No. 99 of the Planning Committee**

Council consented to the addition of Report No. 99 of the Planning Committee.

Moved by Councillor Sutherland  
Seconded by Councillor Patterson

**THAT** Report No. 99 of the Planning Committee be received and adopted.

**Report No. 99**

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.

17-08-2006

1. **Application to Amend Zoning Provisions of Draft Plan of Subdivision for Westgate Subdivision**

**BE IT RESOLVED THAT** the application for Zoning By-Law Amendment (Our File No. D14-057-2006) submitted by IBI Group on behalf of Llynlea Corporation, for the properties located at 1237 Collins Bay Road, **BE APPROVED**.

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

1. That Section 13(3)(ee) of the By-Law be amended by **adding** the following:

'(n) EXTERIOR SIDE YARD (minimum):            3.0 metres            Amending By-Law No. 2006-205'

**REPORTS**

**Report No. 99 of the Planning Committee**

**AND BE IT FURTHER RESOLVED THAT** the amending by-law be presented for all three readings.  
(See By-Law No. (41), 2006-205)

2. **Application to Add an Additional One Bedroom Unit in the Basement of an Existing Five-Unit Building**

**BE IT RESOLVED THAT** the application for Zoning By-Law Amendment (Our File No. D14-054-2006) for the property located at 130 Helen Street, **BE APPROVED**.

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

1. That Zoning Schedule "A", Map 20 of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol to 'A.358' of the lands shown as "Subject Lands Rezoned from A to A.358" on Schedule "A" attached to the Agenda and forming part of amending By-Law No. 2006-206.

City Council Meeting No. 18

Minutes

Tuesday, August 22, 2006

---

2. That the By-Law be amended by the addition of the following Section 358 to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS:

'358. On the approximately 453 square metre parcel of land known as 130 Helen Street and zoned as 'A.358' on Zoning Map No. 20 attached to and forming part of amending By-Law No. 2006-206.

Notwithstanding any provisions of the by-law to the contrary, the provisions of Section 6 for the 'A' One Family and Two Family Residential Zone shall apply to the 'A.358' Zone except that:

- i) PERMITTED USE:  
Maximum of six dwellings units within the building in existence on the property on the day of the passing of this by-law
- ii) MINIMUM LOT AREA:  
94 metres<sup>2</sup> per dwelling unit
- iii) MINIMUM REAR YARD DEPTH:  
6.1 metres
- iv) MAXIMUM BUILDING HEIGHT  
The maximum permitted height of any exterior wall exclusive of end gable shall be 7.9 metres
- v) FLAT ROOF HEIGHT  
A flat roof shall be permitted above the 7.9 metre exterior wall
- vi) MAXIMUM BUILDING DEPTH  
16.7 metres
- vii) MINIMUM OFF-STREET VEHICLE PARKING:  
1 parking space per dwelling unit

## REPORTS

### Report No. 99 of the Planning Committee

- viii) PARKING:  
A maximum of three parking spaces shall be permitted within the front yard

**AND BE IT FURTHER RESOLVED THAT** the amending by-law be presented for all three readings.  
(See By-Law No. (42), 2006-206)

3. **Application for Zoning Amendments to Permit the YMCA to Purchase Land to Expand its Building**

**BE IT RESOLVED THAT** the application by YMCA for amendments to Zoning By-Law No. 8499 of the City of Kingston for the lands located at 94 Wright Crescent and 100 Wright Crescent (File Number D14-059-2006), **BE APPROVED.**

**AND BE IT FURTHER RESOLVED THAT** the City of Kingston Zoning By-law No. 8499, as amended, be further amended as follows:



City Council Meeting No. 18

Minutes

Tuesday, August 22, 2006

---

1. That Map 20 to Zoning By-Law No. 8499 of the City of Kingston be amended so as to rezone the approximately 1.1 hectare parcel of land, known municipally as 94 Wright Crescent from the existing 'B1' to a Site Specific 'B1.360', as shown on Schedule "A", forming part of By-Law No. 2006-207.
2. That Map 20 to Zoning By-Law No. 8499 of the City of Kingston be amended so as to rezone the approximately 0.8 hectare parcel of land, known municipally as 100 Wright Crescent from 'B1' to a Site Specific 'B1.361', as shown on Schedule "A", forming part of By-Law No. 2006-207.
3. By **Adding** Part VIII, Section 360. – Exceptions to Various Zone Classifications:  

"360. On the approximately 1.1 hectare parcel of land located at the south-east corner of Bath Road and Sir John A. Macdonald Boulevard, known municipally as 94 Wright Crescent, and designated 'B1.360' on Schedule A to By-Law No. 2006-207, the maximum density shall be 105 dwelling units per hectare."
4. By **Adding** Part VIII, Section 361. - Exceptions to Various Zone Classifications:  

"361. On the approximately 0.8 hectare parcel of land located at the south east corner of Bath Road and Sir John A. Macdonald Boulevard, known municipally as 100 Wright Crescent, and designated 'B1.361' on Schedule A to By-Law No. 2006-207, the following provisions shall apply in addition to Section 14:

  - i) Both the minimum side yard setback and the minimum rear yard setbacks shall be 0 metres.
  - ii) The off-street parking requirement shall be 161 parking spaces, all of which must be located within 100 metres of the subject property."

**AND BE IT FURTHER RESOLVED THAT** the amending by-law be presented for three readings.  
(See By-Law No. (43), 2006-207)

4. **Application to Deem a Subdivision not to be a Registered Plan of Subdivision**

**THAT** a by-law be passed to deem Registered Plan of Subdivision 1896, more particularly described in Schedule 'A' to the by-law, not to be a Registered Plan of Subdivision for the purposes of Subsection 3 of Section 50 of the *Planning Act*, R.S.O. 1990 c.P. 13, as amended.

**REPORTS**

**Report No. 99 of the Planning Committee**

**THAT** the Clerk of the Municipality shall lodge a certified copy of the Deeming By-Law in the office of the Minister of Municipal Affairs and Housing.

**THAT** the Clerk of the Municipality shall register a certified copy of the Deeming By-Law against the title to the lands described in Schedule 'A', and this by-law shall not take effect until this requirement has been complied with.

**THAT** notice of the passing of the Deeming By-Law shall be given within thirty days (30) of the date of passing to each person appearing on the last revised assessment roll to be the owner of any of the land described in Schedule 'A', which Notice shall be sent to the last known address of each such person.

**AND BE IT FURTHER RESOLVED** that the by-law be presented for three readings.  
(See By-Law No. (44), 2006-208)

5. **Delegation of Approval Authority for Consents to Streamline Planning Approval Process**

**BE IT RESOLVED THAT** the comprehensive Delegation of Authority By-Law No. 2006-75 be amended as follows:

City Council Meeting No. 18

Minutes

Tuesday, August 22, 2006

---

- (a) That the following new Section 11 be added to the by-law to provide for the Delegation of Consent Granting Authority to Staff as it relates to Technical Consents only:

**"11. APPLICATIONS FOR TECHNICAL CONSENT:**

For the purposes of this Section, a "Technical Consent" means:

- (i) an application along a common party wall of an existing building provided no minor variances are required;
- (ii) an application to create or extend a right-of-way or easement;
- (iii) an application to adjust a lot boundary or facilitate a simple lot addition;
- (iv) an application for consent to a power of sale or mortgage;
- (v) an application for consent to a lease in excess of 21 years;
- (vi) an application for validation of title.

**11.1 Delegated Approval Authority To Staff**

That Council delegates to the Director of Planning and Development or, in the absence of the Director, the Commissioner or the Acting Director or his / her Designate, the authority to:

- (a) Refuse to accept or further consider an Application for technical consent until the prescribed information and material and the required City fees are received pursuant to Section 53(4) of the Planning Act;
- (b) Grant a provisional technical consent, in accordance with the Planning Act and regulations thereunder where the Consent Application deals with technical issues as defined above, and which is not in dispute or where any dispute is resolved without a hearing;
- (c) Where a disputed application cannot be resolved without a hearing, the matter shall be referred to the Committee of Adjustment;
- (d) Where a technical consent is submitted concurrently with an application for minor variance, both applications shall be heard by the Committee of Adjustment.
- (e) Change the conditions of a staff approved provisional technical consent as per Subsection 53(23) of the Planning Act at any time before a consent is given, and to determine if a change to conditions is minor or not as per Subsection 53(26) of the Planning Act, for the purposes of giving notice;

**REPORTS**

**Report No. 99 of the Planning Committee**

- (f) Refuse an Application which has remained inactive for more than one year, and only after the applicant has been given written notification that the Application will be refused, and given 60 days to respond; and
- (g) Enter into negotiations/dispute resolution with the parties involved in an objection to a technical consent.

**11.2 Authority To Impose Conditions**

That Council hereby delegates to the Director of Planning and Development or, in the absence of the Director, the Commissioner or the Acting Director or his / her Designate, the authority to impose such conditions to the granting of a technical consent as in their opinion are reasonable.

That the Head of Council or the Presiding Officer in his/her absence and the City Clerk or the Acting Clerk in his/her absence are hereby authorized to sign any agreement(s) required pursuant to Section 53(12) of the Planning Act to authorize the granting of a provisional technical consent.

Any agreement or amendment thereto entered into in accordance with this Section shall be registered against the title of the land to which it applies.

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

**11.3 Delegation Of Authority**

That the Director of Planning and Development or, in the absence of the Director, the Commissioner or the Acting Director or his / her Designate, are hereby authorized with all authority necessary to do all acts required to carry out the authority delegated to each of them under this by-law.

**11.4 Signing Authority (All Applications)**

That in the absence of the Secretary-Treasurer of the Committee of Adjustment, the Director of Planning and Development or, in the absence of the Director, the Commissioner or the Acting Director or his / her Designate, are hereby authorized to act as signing authority for Committee of Adjustment matters."

(b) That the existing Sections 11, 12 and 13 of the by-law be renumbered as Sections 12, 13 and 14 respectively.

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

**AND FURTHER BE IT RESOLVED THAT** the delegation of authority for technical consents and scheduling the meetings of both Committee of Adjustment Panels in the same week become effective as of December 1, 2006.

**AND FURTHER BE IT RESOLVED THAT** staff prepare a further report to Planning Committee after these new initiatives have been in place for a year to assess the effectiveness of the revised process in terms of streamlining approvals and achieving internal efficiencies.

**AND FURTHER BE IT RESOLVED THAT** should the above noted analysis determine that the delegation of consent granting authority for technical consents has worked well and resulted in process efficiencies, that the report to Committee examine expanding the delegation of consent granting authority to Staff to include all "uncontested" consent applications.

(See By-Law No. (45), 2006-209)

**CARRIED**

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## INFORMATION REPORTS

(1) **2006 – 2nd Quarter Report – Provincial Offences Court Administration, Legal Services Department**

The purpose of this report is to provide information of the 2<sup>nd</sup> Quarter (April 1 – June 30, 2006) fine revenues and expenditures of the Provincial Offences Court, as well as caseload volumes.

(File No. CSU-F10-000-2006)

(The Report of the Commissioner of Corporate Services (06-191) was attached as Schedule Pages 213-218)

(2) **2<sup>nd</sup> Quarter Status Report – 2006 Deliverables**

The purpose of this report is to provide Council with an update on the work completed in the 2<sup>nd</sup> quarter of 2006.

(File No. CSU-C08-000-2006)

(The Report of the Chief Administrative Officer (06-198) was attached as Schedule Pages 219-224)

(3) **2005 Impost Reserve Fund Statement**

The purpose of this report is to provide Council with a status report of the Impost Reserve Fund as at December 31, 2005.

(File No. CSU-F20-000-2006)

(The Report of the Commissioner of Finance and Corporate Performance (06-200) was attached as Schedule Pages 225-228)

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

(4) **2005 Development Charges Reserve Fund Statement**

The purpose of this report is to provide Council with a status report of the City's Development Charges (DC) Reserve Funds as at December 31, 2005.

(File No. CSU-F20-000-2006)

(The Report of the Commissioner of Finance and Corporate Performance (06-201) was attached as Schedule Pages 229-234)

(5) **Operating Budget Status Report – 2<sup>nd</sup> Quarter 2006**

The purpose of this report is to provide a financial status update of the general operating fund as at June 30, 2006, the end of the second fiscal quarter.

(File No. CSU-F05-000-2006)

(The Report of the Commissioner of Finance and Corporate Performance (06-203) was attached as Schedule Pages 235-240)

(6) **Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Months of June and July 2006**

This purpose of this report is to advise Council of tenders approved and contracts awarded that meet the established criteria of delegated authority for the months June and July 2006.

(File No. CSU-F18-000-2006)

(The Report of the Commissioner of Finance and Corporate Performance (06-219) was attached as Schedule Pages 241-244)

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**MISCELLANEOUS BUSINESS**

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

**THAT** the request by Mr. Jeremy Dias, Executive Director of Jer's Vision: Canada's Youth Diversity Initiative, for Council to proclaim November 3<sup>rd</sup>, 2006 as "Jer's Vision Day" be deferred and staff be directed to distribute the request to Members of Council.

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

(See Communication No. 18-546)

**DEFERRED**

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

**THAT**, as requested by Ms. Stephanie Anthony-Brown, Fundraising Chair of Queen's University ASUS Orientation Committee 2006, Council proclaim September 6<sup>th</sup> to 9<sup>th</sup>, 2006 as "Shine Week".

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

(See Communication No. 18-571)

**CARRIED**

Councillor Smith withdrew from the meeting.

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

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

**THAT**, as requested by Mr. Bob Smith, European Heritage Week Celebration Committee, Council proclaim October 9<sup>th</sup> to 15<sup>th</sup>, 2006 as "European Heritage Week".

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

**(See Communication No. 18-572)**

LOST  
(See Motion To Defer Which Was Lost)

Moved by Councillor Stoparczyk  
Seconded by Councillor Sutherland

**THAT** Miscellaneous Business Item No. 3 be deferred.

LOST

Councillor Smith returned to the meeting.

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## MOTIONS

Council consented to the withdrawal of Motion No. 2.

- (1) Moved by Councillor Kevin George  
Seconded by Councillor Garrison

**WHEREAS** The Ontario 911 Advisory Board was formed at the request of Ontario Municipalities; and  
**WHEREAS** it is now in great need of financial assistance in order to continue to represent our Ratepayers in the face of ever-increasing technological advancement; and

## MOTIONS

**WHEREAS** technological advancement and deregulation of the local telephone market makes it necessary to represent municipalities and ratepayers at the Canadian Radio Telecommunication Commission (CRTC) and the CTRC Interconnection Steering Committee (CISC) on a regular basis;

**THEREFORE BE IT RESOLVED THAT** the City of Kingston contributes \$ 100.00 dollars to the Ontario 911 Advisory Board in order to allow it to continue to advance a safe delivery of the 911 system for Police, Fire and Ambulance Emergency Services in our municipality and throughout the Province and that this contribution is made from the working fund reserve.

CARRIED

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

**THAT** City Council directs City staff to enter into discussions with the Church Athletic League in order to negotiate a potential lease and/or sale agreement of the Harold Harvey Arena on terms satisfactory to both parties. Results of these discussions are to be communicated to the Multiplex Steering Committee prior to their debate and making a recommendation to City Council on repurposing of arenas.

WITHDRAWN

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

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

THAT the resignation of Ken Cuthbertson from the Memorial Centre Revitalization Advisory Committee be accepted with regret and thanks be extended to him for his service to the Committee.  
(See Communication No. 18-583)

CARRIED

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## NOTICES OF MOTION

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## MINUTES

Moved by Councillor Beavis  
Seconded by Councillor George

THAT the Minutes of City Council Meeting No. 16-2006, held Tuesday, June 20, 2006 be confirmed. Confirmation of these Minutes was deferred at City Council Meeting No. 17-2006 in order to clarify the outcome of the vote on Clause (h) of Report No. 77.

- and further -

THAT the Minutes of City Council Meeting No. 17-2006, held Tuesday, July 18, 2006 be confirmed.

CARRIED

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## TABLING OF DOCUMENTS

2006-58 Ministry of Agriculture, Food and Rural Affairs  
Strong Rural Communities: Working Together for Success...and Achieving It – February 2006 Update  
(File No. CSU-M04-000-2006)

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## COMMUNICATIONS

### Filed

18-533 From the Ministry of Community Safety and Correctional Services, advising Council that the *Emergency Management Statute Law Amendment Act, 2006* (Bill 56) received Royal Assent on June 20<sup>th</sup>, 2006 and was proclaimed in force on June 30<sup>th</sup>, 2006. The Act addresses gaps in Ontario's legislation related to Emergency Management.  
(File No. CSU-L11-000-2006)

18-534 From The Corporation of the City of Kawartha Lakes, supporting Council's resolution regarding the termination of the Canada-Ontario Agreement so that Kingston and Ontario can implement the expansion of early learning and childcare services envisioned through the Best Start Program.  
(File No. CSU-S01-000-2006)

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

- 18-535 From Ontario East Economic Development Commission and the Ministry of Municipal Affairs and Housing, providing Council with information regarding the Ontario East Municipal Conference, 2006, to be held in Kingston on September 13<sup>th</sup> to 15<sup>th</sup>, 2006.  
(File No. CSU-A04-000-2006)
- 18-542 From AuthentiCity, advising Council of their mission to help municipalities make the connection between the culture that they value and the economic development they need.  
(File No. CSU-R09-000-2006)
- 18-543 From the Municipality of Chatham-Kent, acknowledging receipt of Council's resolution regarding short and long-term strategies to mitigate energy crisis impact on low income households and cold weather exposure on homeless population in Kingston area.  
(File No. CSU-S04-000-2006 and CSU-S16-000-2006)
- 18-544 From the Municipality of Chatham-Kent, acknowledging receipt of Council's resolution regarding the termination of the Canada-Ontario Agreement so that Kingston and Ontario can implement the expansion of early learning and childcare services envisioned through the Best Start Program.  
(File No. CSU-S01-000-2006)

## COMMUNICATIONS

- 18-545 From the County of Frontenac, extending congratulations to the City of Kingston and CUPE Local 109 on recent recognition by the Canadian Association of Municipal Administrators for New Workplace Education and Literacy Initiatives, recognizing the leadership and efforts of new municipal workplace education and literacy initiatives that have had restructuring programs in place for less than two years.  
(File No. CSU-M11-000-2006)
- 18-552 From the Honourable John Gerretsen, Minister of Municipal Affairs and Housing, providing information on "A Strong Ontario for a Strong Canada", a summit on strengthening Ontario's future and our country's fiscal arrangement that was held on June 21<sup>st</sup>, 2006.  
(File No. CSU-A04-000-2006)
- 18-553 From the Burma Star Association, inviting Council to attend a "V.J. Day" Memorial Service to be held on August 15<sup>th</sup>, 2006 at the Burma Star Monument in City Park.  
(File No. CSU-M02-000-2006)
- 18-554 From the City of Guelph, advising Council that they endorse the City of Vaughn's resolution dated June 26<sup>th</sup>, 2006 regarding the Development Charges Reform Act.  
(File No. CSU-L11-000-2006)

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

- 18-555 From the Honourable Diane Finley, Minister of Human Resources and Social Development, acknowledging receipt of Council's resolution regarding the termination of the Canada-Ontario Agreement so that Kingston and Ontario can implement the expansion of early learning and childcare services envisioned through the Best Start Program.  
(File No. CSU-S01-000-2006)
- 18-559 From the Town of Oakville, acknowledging receipt of Council's resolutions regarding liquor licence act regulations and licensing of multi-tenant housing.  
(File No. CSU-L11-000-2006)
- 18-560 From the Corporation of the City of Oshawa, acknowledging receipt of Council's resolution regarding licensing of multi-tenant housing.  
(File No. CSU-P09-000-2006)
- 18-561 From the Corporation of the City of Oshawa, acknowledging receipt of Council's resolution regarding liquor licence act regulations.  
(File No. CSU-L11-000-2006)
- 18-566 From Ms. Mary E. Roach, Kingston Tennis Club Auction Coordinator, advising that the Kingston Tennis Club will be holding a fundraising dinner/auction on September 8<sup>th</sup>, 2006 at 45 Napier Street and will be requesting a Special Occasion Permit from Alcohol and Gaming Commission of Ontario.  
(File No. CSU-M02-000-2006, CSU-P09-000-2006)

**COMMUNICATIONS**

- 18-574 From the Corporation of the Town of Gananoque, expressing gratitude for the support shown for the funeral of Lou Jeffries.  
(File No. CSU-M04-000-2006)
- 18-575 From the County of Wellington, acknowledging receipt of Council's resolution regarding licensing of multi-tenant housing and liquor licence act regulations.  
(File No. CSU-L11-000-2006, CSU-P09-000-2006)
- 18-576 From the City of Thunder Bay, acknowledging receipt of Council's resolution regarding liquor licence act regulations.  
(File No. CSU-L11-000-2006)
- 18-577 From the City of Thunder Bay, acknowledging receipt of Council's resolution regarding licensing of multi-tenant housing.  
(File No. CSU-P09-000-2006)
- 18-578 From the City of Vaughn, acknowledging receipt of Council's resolution regarding liquor licence act regulations.  
(File No. CSU-L11-000-2006)



## City Council Meeting No. 18

### Minutes

Tuesday, August 22, 2006

---

- 18-579 From the City of Vaughn, acknowledging receipt of Council's resolution regarding licensing of multi-tenant housing.  
(File No. CSU-P09-000-2006)
- 18-585 From the Marine Museum of the Great Lakes at Kingston, advising that they have applied for a Special Occasion permit from the Alcohol and Gaming Commission of Ontario for a fund-raising reception to be held on August 31<sup>st</sup>, 2006.  
(File No. CSU-M02-000-2006, CSU-P09-000-2006)

#### Referred to All Members of Council

- 18-536 From the Ministry of Municipal Affairs and Housing, advising Council that the deadline to submit delegation requests to meet with a minister or parliamentary assistant at the AMO conference is July 26<sup>th</sup>, 2006.  
(File No. CSU-A04-000-2006)
- 18-537 From Mekong Restaurant, located at 394 Princess Street, requesting an application for a liquor license from the Alcohol and Gaming Commission of Ontario.  
(File No. CSU-P09-000-2006)

#### COMMUNICATIONS

- 18-538 From the Association of Municipalities of Ontario (AMO), advising Council that the Ministry of the Environment has just released draft regulations under the *Environmental Protection Act* (EPA) and the *Environmental Assessment Act* (EAA) to facilitate efforts of municipalities, waste generators and waste managers to divert more wastes from disposal and to better manage residual waste.  
(File No. CSU-E07-000-2006, CSU-L11-000-2006)  
**(Digitally distributed to all Members of Council on July 21, 2006.)**
- 18-539 From Mr. Wayne T. Marshall, Chapter President of the Canadian Association of Veterans in United Nations Peacekeeping (CAVUNP), asking that Council proclaim August 9<sup>th</sup>, 2006 as "Peacekeepers' Day".  
(File No. CSU-M10-000-2006)
- 18-540 From Clark Consulting Services, providing notice of a public meeting for an official plan amendment and zoning by-law amendment for the Keyes Quarry Application on Howe Island on August 14<sup>th</sup>, 2006.  
(File No. CSU-D14-000-2006)
- 18-541 From Mr. Donald W. Hobus, for the Green Coalition, asking for Council's support of a resolution supporting the Kyoto Accord.  
(File No. CSU-E11-000-2006)
- 18-546 From Mr. Jeremy Dias, Executive Director of Jer's Vision: Canada's Youth Diversity Initiative, asking that Council proclaim November 3<sup>rd</sup>, 2006 as "Jer's Vision Day".  
(File No. CSU-M10-000-2006)  
**(See Miscellaneous Business Item No. 1)**

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

- 18-547 From the Ministry of Government Services, providing Council with information on its Integrated Birth Registration (IBR) initiative.  
(File No. CSU-L12-000-2006)  
**(Digitally distributed to all Members of Council on July 31, 2006.)**
- 18-548 From the Ministry of Natural Resources, providing Council with information on its annual wildlife rabies control operations for 2006.  
(File No. CSU-P14-000-2006)  
**(Digitally distributed to all Members of Council on July 31, 2006.)**
- 18-549 From the Municipal Property Assessment Corporation (MPAC), inviting Council to their next Annual Meeting to be held in Ottawa on August 16<sup>th</sup>, 2006.  
(File No. CSU-A01-000-2006)  
**(Digitally distributed to all Members of Council on July 28, 2006.)**

## COMMUNICATIONS

- 18-550 From the Association of Municipalities of Ontario (AMO), providing Council with a copy of the Report of the Secretary-Treasurer on Nominations to the 2006-2007 AMO Board of Directors.  
(File No. CSU-A01-004-2006)  
**(Digitally distributed to all Members of Council on July 28, 2006.)**
- 18-551 From the Association of Municipalities of Ontario (AMO), providing Council with information regarding a special meeting of OMERS Municipal Employers to be held on August 13<sup>th</sup>, 2006 in Ottawa relating to Bill 206.  
(File No. CSU-H02-000-2006)  
**(Digitally distributed to all Members of Council on July 28, 2006.)**
- 18-556 From the Municipality of South Bruce, asking for Council's support of a resolution supporting the actions of Fair Funding for Small Communities of Ontario, a group whose purpose is to make the upper tier level of government aware that their current programs do not address the infrastructure needs of small centres, particularly when they use dollars per household as a criterion for handing out money.  
(File No. CSU-C10-000-2006)
- 18-557 From the Town of Smiths Falls, asking for Council's support of a resolution that the province either commit to a thorough review of the whole Market Value Assessment system during the cancellation period or that, in the best long-term interests of the taxpayers of Ontario, the reassessments for 2006 and 2007 take place as originally planned so ratepayers will not have to contend with three years worth of inflation all at once in 2009.  
(File No. CSU-C10-000-2006, CSU-F22-000-2006)

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

- 18-558 From the Township of Woolwich, asking for Council's support of a resolution supporting Bill 111, an Act to amend the Workplace Safety and Insurance Act, 1997 with respect to occupational disease and injuries of firefighters, only if it includes volunteer firefighters.  
(File No. CSU-C10-000-2006, CSU-L11-000-2006)
- 18-563 From the Association of Municipalities of Ontario (AMO), advising Council that the 911 Ontario Advisory Board (OAB) is seeking financial assistance from each municipal government in order to continue as the technical and information authority respecting the implementation and operation of 911 Emergency Number systems in Ontario.  
(File No. CSU-P03-000-2006)  
**(Digitally distributed to all Members of Council on August 3, 2006.)**
- 18-564 From the Association of Municipalities of Ontario (AMO), providing Council with information regarding its response to the Public Health Capacity Review Committee's (CRC) final report, which contains recommendations on the approach to best restructure the public health system in Ontario and was released in May 2006.  
(File No. CSU-S08-000-2006)  
**(Digitally distributed to all Members of Council on August 3, 2006.)**

## COMMUNICATIONS

- 18-565 From the Association of Municipalities of Ontario (AMO), providing Council with information regarding its support of the recently initiated project aimed at finding and implementing best practices for Blue Box programs throughout the province.  
(File No. CSU-E07-001-2006)  
**(Digitally distributed to all Members of Council on August 3, 2006.)**
- 18-567 From the Association of Municipalities of Ontario (AMO), advising Council that the Mayor of the City of Windsor has accepted a province-wide challenge to municipalities to see which community can conserve the most energy on Sunday, August 13<sup>th</sup>, 2006.  
(File No. CSU-E11-000-2006)  
**(Digitally distributed to all Members of Council on August 3, 2006.)**
- 18-569 From Sandy MacLachlan, Security Supervisor of Cataraqui Town Centre, requesting the approval of Council to appoint Sandy MacLachlan and Gene Kay as By-Law Enforcement Officers for the purpose of issuing tickets on the property of the Cataraqui Town Centre and to remove Ronnie Bilow, Jerry Strong and Andrew Aylesworth.  
(File No. CSU-P01-003-2006)  
**(See By-Law No. (1), 2006-171)**
- 18-570 From the Association of Municipalities of Ontario (AMO), advising Council of their submission to the Standing Committee on General Government on the proposed Bill 51, *Planning and Conservation Land Statute Law Amendment Act, 2005*.  
(File No. CSU-L11-000-2006)  
**(Digitally distributed to all Members of Council on August 4, 2006.)**

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

- 18-571 From Ms. Stephanie Anthony-Brown, Fundraising Chair of Queen's University ASUS Orientation Committee 2006, asking that Council proclaim September 6<sup>th</sup> to 9<sup>th</sup>, 2006 as "Shine Week".  
(File No. CSU-M10-000-2006)  
**(See Miscellaneous Business Item No. 2)**
- 18-572 From Mr. Bob Smith, European Heritage Week Celebration Committee, asking that Council proclaim October 9<sup>th</sup> to 15<sup>th</sup>, 2006 as "European Heritage Week".  
(File No. CSU-M10-000-2006)  
**(See Miscellaneous Business Item No. 3)**
- 18-573 From the Association of Municipalities of Ontario (AMO), providing Council with information regarding a one-day energy workshop, "Making the Case for Energy Conservation" to be held on September 18<sup>th</sup>, 2006 at the Mariposa Inn in Orillia.  
(File No. CSU-A04-000-2006)  
**(Digitally distributed to all Members of Council on August 8, 2006.)**

## COMMUNICATIONS

- 18-580 From the Association of Municipalities of Ontario (AMO), providing a template to encourage local media to cover the 2006 AMO Conference.  
(File No. CSU-A04-000-2006)  
**(Digitally distributed to all Members of Council on August 11, 2006.)**
- 18-581 From the Municipality of Powassan, asking for Council's support of a resolution requesting a review of the current lottery licensing procedures and terms and conditions with particular emphasis on the use of proceeds.  
(File No. CSU-P09-000-2006)
- 18-584 From the Ministry of Finance, advising that the City of Kingston's two by-law applications for matching education property tax assistance under the Brownfields Financial Tax Incentive Program (BFTIP) have been approved.  
(File No. CSU-F22-000-2006)
- 18-586 From the Kingston Region Seniors Association, asking that Council provide a bus stop at the Seniors Centre on Francis Street.  
(File No. CSU-T03-000-2006)
- 18-587 From Frank and Janice Murphy, voicing their concerns about the proposed new bus stop at the Seniors Centre on Francis Street.  
(File No. CSU-T03-000-2006)  
**(Digitally distributed to all Members of Council on August 21, 2006.)**
- 18-588 From Mr. Don Rogers, asking Council to reject the proposed motion to close Aberdeen Street and to waive the noise by-law for Queen's Homecoming Weekend.

City Council Meeting No. 18

Minutes

Tuesday, August 22, 2006

---

(File No. CSU-T08-000-2006, CSU-P01-002-2006)  
(Distributed to all Members of Council on August 22, 2006.)

- 18-589 From Mr. Mike Wheeler, Chair of the Sydenham Ward Tenants and Ratepayers Association, asking Council to vote against the recommendations to close Aberdeen Street and waive the noise by-law for Queen's Homecoming Weekend.  
(File No. CSU-T08-000-2006, CSU-P01-002-2006)  
(Distributed to all Members of Council on August 22, 2006.)

**Referred to the Commissioner of Community Development Services**

- 18-562 From the Ministry of Municipal Affairs and Housing, providing a Notice of Decision given on July 26<sup>th</sup>, 2006 under Section 28(4) of the Planning Act with respect to Amendment No. 1 to the Community Improvement Plan for the City of Kingston (Brownfield Project Areas 1A & 1B – Downtown Kingston).  
(File No. CSU-E05-000-2006)

**COMMUNICATIONS**

- 18-582 From the South East Local Health Integration Network, providing documents related to their Draft Integrated Health Services Plan.  
(File No. CSU-S08-000-2006)  
(Digitally distributed to all Members of Council on August 10, 2006.)

**Referred to the Nominations Committee**

- 18-568 From the Kingston Frontenac Public Library Board, asking the City Clerk to forward letters of application to them so that recommendations for appointment to the Library Board can be made to the City of Kingston Nominations Committee.  
(File No. CSU-C12-000-2006, CSU-R02-000-2006)
- 18-583 From Mr. Ken Cuthbertson, advising of his resignation from the Memorial Centre Revitalization Advisory Committee.  
(File No. CSU-C12-000-2006)  
(See Motion No. 3)

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**BY-LAWS**

Council consented to the addition of By-Laws (41) to (45), the withdrawal of By-Laws (11) to (14) and (17), and to amend By-Laws (22) to (27) for first and second readings only.

- (A) Moved by Councillor Patterson  
Seconded by Councillor Smith

**THAT** By-Laws (1-10), (15-16), (18-28), (31-34) and (41-45) be given their first and second reading.

**CARRIED**

- (B) Moved by Deputy Mayor George  
Seconded by Councillor Meers

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (21) and (28) three readings.

CARRIED

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

THAT By-Laws (18-21), (28) and (31-45) be given their third reading.

CARRIED

Moved by Councillor Foster  
Seconded by Deputy Mayor George

THAT By-Laws (29) and (30) be given first and second reading.

CARRIED

Councillor Garrison Opposed

## BY-LAWS

Moved by Councillor Patterson  
Seconded by Councillor Smith

THAT the rules of By-Law No. 98-1, "Council Procedural By-Law", be waived for the purpose of giving By-Laws (29) and (30) three readings.

CARRIED

Councillor Garrison Opposed

Moved by Councillor Stoparczyk  
Seconded by Councillor Sutherland

THAT By-Laws (29) and (30) be given third reading.

CARRIED

Councillor Garrison Opposed

- (1) 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 (Add Sandy MacLachlan and Gene Kay; Delete Ronnie Bilow, Jerry Strong and Andrew Aylesworth – Cataraqui Town Centre)

FIRST AND SECOND READINGS  
(See Communication No. 18-569)

PROPOSED NO. 2006-171

- (2) A By-Law To Amend By-Law No. 2005-10, "A By-Law To Establish Rates And Fees To Be Collected By The Corporation Of The City Of Kingston" (amending Hangar Storage in Schedule B)

FIRST AND SECOND READINGS  
(See Clause (a), Report No. 91)

PROPOSED NO. 2006-172

- (3) A By-Law To Amend Schedule 3 of By-Law No. 495, "A By-Law To Provide For A Parking Meter Zone In Certain Streets Or Portions Thereof, And To Provide For The Installation, Regulations, Supervision And Control Of Such Parking Meters" (to allow metered parking spaces on the east side of Wellington Street between Place d'Armes and Bay Street, establishing them as three (3) hour maximum stay)

City Council Meeting No. 18

Minutes

Tuesday, August 22, 2006

---

FIRST AND SECOND READINGS  
(See Clause (b), Report No. 91)

PROPOSED NO. 2006-173

- (4) A By-Law To Amend By-Law No. 24, "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act" (to allow metered parking spaces on the east side of Wellington Street between Place d'Armes and Bay Street, establishing them as three (3) hour maximum stay)
- FIRST AND SECOND READINGS  
(See Clause (b), Report No. 91)

PROPOSED NO. 2006-174

## BY-LAWS

- (5) A By-Law To Amend By-Law No. 81-218, "A By-Law To Provide For Exempting, Pursuant To Permits Issued, The Owners And Drivers Of Vehicles Operated By Or Carrying Persons With Disabilities From The Provisions Of By-Laws Of The City Of Kingston Prohibiting Or Regulating The Parking, Standing Or Stopping Of Motor Vehicles On Any Highway Or Part Thereof In The City Of Kingston" (to create designated accessible parking spaces at three locations: Princess Street, south side west of Division Street; Queen Street, south side east of Division Street; Clarence Street, north side east of Bagot Street, servicing persons with disabilities and to apply a 3 hour stay time limit to all metered accessible spaces and two centrally located non-metered accessible spaces)
- FIRST AND SECOND READINGS  
(See Clause (k), Report No. 91)

PROPOSED NO. 2006-175

- (6) A By-Law To Amend By-Law No. 495, "A By-Law To Provide For A Parking Meter Zone In Certain Streets Or Portions Thereof, And To Provide For The Installation, Regulations, Supervision And Control Of Such Parking Meters" (to create designated accessible parking spaces at three locations: Princess Street, south side west of Division Street; Queen Street, south side east of Division Street; Clarence Street, north side east of Bagot Street, servicing persons with disabilities and to apply a 3 hour stay time limit to all metered accessible spaces and two centrally located non-metered accessible spaces)
- FIRST AND SECOND READINGS  
(See Clause (k), Report No. 91)

PROPOSED NO. 2006-176

- (7) A By-Law To Amend to amend By-Law No. 24, "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act" (to create designated accessible parking spaces at three locations: Princess Street, south side west of Division Street; Queen Street, south side east of Division Street; Clarence Street, north side east of Bagot Street, servicing persons with disabilities and to apply a 3 hour stay time limit to all metered accessible spaces and two centrally located non-metered accessible spaces)
- FIRST AND SECOND READINGS  
(See Clause (k), Report No. 91)

PROPOSED NO. 2006-177

- (8) A By-Law To Amend By-Law No. 2003-209, "A By-Law To Regulate Traffic" (to reduce the maximum posted speed limit on Tanner Drive from 50 km/hr to 40 km/hr)
- FIRST AND SECOND READINGS  
(See Clause (l), Report No. 91)

PROPOSED NO. 2006-178

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

- (9) A By-Law To Amend By-law No. 2003-209 "A By-Law To Regulate Traffic" (to reduce the maximum posted speed limit on Princess Street, west of Collins Bay and east of Westbrook Road from 80 km/hr to 60 km/hr)  
FIRST AND SECOND READINGS PROPOSED NO. 2006-179  
(See Clause (m), Report No. 91)
- (10) A By-Law To Amend By-Law No. 24, "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act," (to prohibit parking at all times on the entire inside portion of Calderwood Drive and to restrict parking on the outside portion of Calderwood Drive, between 10:00 a.m. and 11:00 a.m. and from 2:00 p.m. to 3:00 p.m. weekdays only)  
FIRST AND SECOND READINGS PROPOSED NO. 2006-180  
(See Clause (p), Report No. 91)

### BY-LAWS

- (11) A By-Law Respecting The Protection Of Municipal Employees And Officers And Members Of Council Of The Corporation Of The City Of Kingston Against Liability Incurred While Acting On Behalf Of The City  
FIRST AND SECOND READINGS PROPOSED NO. 2006-181  
(See Clause (1), Report No. 93)  
**WITHDRAWN**
- (12) A By-Law To Amend By-Law No. 2000-134, "A By-Law To Establish Purchasing Policies And Procedures For The City Of Kingston" (no lobbying provisions, access to information and housekeeping amendments)  
FIRST AND SECOND READINGS PROPOSED NO. 2006-182  
(See Clauses (3) and (4), Report No. 93)  
**WITHDRAWN**
- (13) A By-Law To Repeal By-Law No. 2002-255, "A By-Law To License, Regulate And Govern Certain Businesses"  
FIRST AND SECOND READINGS PROPOSED NO. 2006-183  
(See Clause (5), Report No. 93)  
**WITHDRAWN**
- (14) A By-Law To License, Regulate And Govern Certain Businesses  
FIRST AND SECOND READINGS PROPOSED NO. 2006-184  
(See Clause (5), Report No. 93)  
**WITHDRAWN**
- (15) A By-Law To Designate 40 Sir John A. Macdonald Boulevard, Also Known As The Prison For Women (P4W), To Be Of Cultural Heritage Value Pursuant To The Provisions Of The Ontario Heritage Act (R.S.O. 1990, Chapter O.18)  
FIRST AND SECOND READINGS PROPOSED NO. 2006-185  
(See Clause (1), Report No. 97)
- (16) A By-Law To Amend Clause 35 Of Schedule 'A' Of By-Law No. 8892, "A By-Law To Amend By-Law No. 8497, A By-Law To Designate Certain Properties Within The Municipality To Be Of Historic Or Architectural Value Of Interest" (amended designation for 232 King Street East)



City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

---

FIRST AND SECOND READINGS  
(See Clause (2), Report No. 97)

PROPOSED NO. 2006-186

- (17) 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" (add Section 3.3, Term for Citizen Appointments

FIRST AND SECOND READINGS  
(See Clause (1), Report No. 98)

PROPOSED NO. 2006-187

WITHDRAWN

## BY-LAWS

- (18) A By-Law To Exempt Certain Lands On Registered Plan 13M-60 From The Provisions Of Section 50 (5) Of The *Planning Act*, R.S.O. 1990, Chapter P.13, And Amendments Thereto (Parts of Lots 1-4 inclusive, Greenwood Park Subdivision, Phase 8)

THREE READINGS  
(Delegated Authority)

PROPOSED NO. 2006-188

- (19) A By-Law To Amend By-Law No. 97-102, "The Cataraqui North Zoning By-Law", To Remove The '-H' Holding Symbol Related To The 'LDR-1\*2-H' Zones (Taggart (Cataraqui North) Subdivision – Part of Lots 12 & 13, Concession 3)

THREE READINGS  
(Delegated Authority)

PROPOSED NO. 2006-189

- (20) A By-Law To Amend By-Law No. 97-102, "The Cataraqui North Zoning By-Law", To Remove The '-H' Holding Symbol Related To The 'LDR-H', 'MDR\*1-H' And 'MDR-H' Zones (Lyndenwood Subdivision Phase 4, in the former Township of Kingston)

THREE READINGS  
(Delegated Authority)

PROPOSED NO. 2006-190

- (21) A By-Law To Amend By-Law No. 80-69, "A By-Law To Appoint Municipal Law Enforcement Officers Of The Corporation Of The City Of Kingston" (to remove Lisa Moore and add Jessica Mullen as Deputy Market Clerk)

THREE READINGS  
(See Clause (e), Report No. 91)

PROPOSED NO. 2006-191

- (22) A By-Law To Stop Up And Close The Parcel Of Land Identified As Part Of The Road Allowance Between Concession 1 And 2, City Of Kingston, Geographic Township Of Pittsburgh, County Of Frontenac, Shown As Part 1 On Plan 13R-16691

FIRST AND SECOND READINGS  
(See Clause (f), Report No. 91)

PROPOSED NO. 2006-192

- (23) A By-Law To Declare Surplus To Municipal Need And Sell The Parcel Of Land Identified As Part Of The Road Allowance Between Concession 1 And 2, City Of Kingston, Geographic Township Of Pittsburgh, County Of Frontenac, Shown As Part 1 On Plan 13R-16691

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

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FIRST AND SECOND READINGS  
(See Clause (f), Report No. 91)

PROPOSED NO. 2006-193

- (24) A By-Law To Stop Up And Close The Parcel Of Land Identified As Parts 2 And 3 On Reference Plan 13R-18111  
FIRST AND SECOND READINGS  
(See Clause (g), Report No. 91) PROPOSED NO. 2006-194
- (25) A By-Law To Declare Surplus To Municipal Need And Sell Parts 2 And 3 On Reference Plan 13R-18111  
FIRST AND SECOND READINGS  
(See Clause (g), Report No. 91) PROPOSED NO. 2006-195

### BY-LAWS

- (26) A By-Law To Stop Up And Close The Parcel Of Land Identified As Roads Laid Out In A Plan Of Subdivision 1896 (known as the Tannery Bay Subdivision)  
FIRST AND SECOND READINGS  
(See Clause (h), Report No. 91) PROPOSED NO. 2006-196
- (27) A By-Law To Declare Surplus To Municipal Need And Sell The Parcel Of Land Identified As Roads Laid Out In A Plan Of Subdivision 1896 (known as the Tannery Bay Subdivision)  
FIRST AND SECOND READINGS  
(See Clause (h), Report No. 91) PROPOSED NO. 2006-197
- (28) A By-Law To Amend By-Law No. 24, "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act," (to create school bus loading zones and no parking zones at various locations in the city)  
THREE READINGS  
(See Clause (i), Report No. 91) PROPOSED NO. 2006-198
- (29) A By-Law To Adopt A Statement Of Policies And Goals Related To The Construction And Financing Of The Kingston Regional Sports And Entertainment Centre  
THREE READINGS  
(See Clause (j), Report No. 91)  
August 22, 2006 PROPOSED NO. 2006-199
- (30) A By-Law To Authorize The Borrowing Of Amortizing Debentures Over A Thirty-Three Year Period, In The Principal Amount Of \$25,500,000, For The Purpose Of Constructing The Kingston Regional Sports And Entertainment Centre  
THREE READINGS  
(See Clause (j), Report No. 91)  
August 22, 2006 PROPOSED NO. 2006-200
- (31) A By-Law To Amend The Official Plan Of The City Of Kingston Planning Area (Amendment No. 33, Known Municipally As 134, 136, 138 And 140 Colborne Street)  
THREE READINGS  
(See Clause (2), Report No. 94) PROPOSED NO. 2006-201

City Council Meeting No. 18

Minutes

Tuesday, August 22, 2006

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- (32) A By-Law To Amend By-Law No. 96-259, "Downtown And Harbour Zoning By-Law Of The City Of Kingston", (Modify The Site Specific Zoning – 'C1-23', 'C1-24', and 'C1-25' 134, 136, 138 and 140 Colborne Street)  
THREE READINGS PROPOSED NO. 2006-202  
(See Clause (2), Report No. 94)
- (33) A By-Law To Amend By-Law No. 8499, "Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston (Site Specific Special Education And Medical Uses Zone 'E1.359', 100 Portsmouth Avenue, Kingston Central)  
THREE READINGS PROPOSED NO. 2006-203  
(See Clause (3), Report No. 94)

**BY-LAWS**

- (34) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, August 22, 2006  
THREE READINGS PROPOSED NO. 2006-204  
(City Council Meeting No. 18-2006)
- (35) A By-Law To Cancel Municipal And Education Taxes For 300 Wellington Street, Plan OS, Part Lot C; R.P. 13R-8115  
(Parts 1 And 14)  
THIRD READING PROPOSED NO. 2006-22  
(See Clause (h), Report No. 12)
- (36) A By-Law To Cancel Municipal And Education Taxes For 85 Ontario Street, Block D – Buildings B, C, and D, Plan 13R-18171, Parts 1, 2, 3, 5, 6, 15, 16, 18.  
THIRD READING PROPOSED NO. 2006-57  
(See Clause (e), Report No. 31)
- (37) A By-Law To Establish Tax Cap Program Decrease Limits for 2006  
THIRD READING PROPOSED NO. 2006-158  
(See Clause (c), Report No. 83)
- (38) A By-Law To Authorize The Use Of Optical Scanning Vote Tabulators (Poll Count Machines) And Touch Screen Voting Devices – For The Purpose Of The 2006 Municipal Election  
THIRD READING PROPOSED NO. 2006-159  
(See Clause (d), Report No. 83)
- (39) A By-Law To Provide For Reduced Opening Hours Of Voting In Institutions And Retirement Homes On Final Voting Day – November 13, 2006  
THIRD READING PROPOSED NO. 2006-160  
(See Clause (d), Report No. 83)
- (40) A By-Law To Establish Advance Voting Days To Be Held Prior To Final Voting Day, November 13, 2006 (November 4, 2006, November 7, 2006 and November 9, 2006)  
THIRD READING PROPOSED NO. 2006-161  
(See Clause (d), Report No. 83)

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

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- (41) A By-Law To Amend Zoning By-Law No. 76-26, "Former Kingston Township Zoning By-Law" (Modify The Site Specific Zoning – 'R2-31-H'Zone, 1237 Collins Bay Road)  
THREE READINGS PROPOSED NO. 2006-205  
(See Clause (1), Report No. 99)

**BY-LAWS**

- (42) A By-Law To Amend Zoning By-Law No. 8499, "Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston" (Modify The Site Specific Zoning – 'A.358' 130 Helen Street)  
THREE READINGS PROPOSED NO. 2006-206  
(See Clause (2), Report No. 99)
- (43) A By-Law To Amend Zoning By-Law No. 8499, "Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston" (Modify The Site Specific Zoning – 'B1.360' Zone and 'B1.361' Zone, 94 & 100 Wright Crescent)  
THREE READINGS PROPOSED NO. 2006-207  
(See Clause (3), Report No. 99)
- (44) A By-Law To Deem A Subdivision Not To Be Registered – Lots 1-100, Blocks 101-103, Tannery Gardens, Tannery Park Road, Royal Oak Place, Oak Leaf Circle, and Part of Orchard Street, Registered Plan No. 1896  
THREE READINGS PROPOSED NO. 2006-208  
(See Clause (4), Report No. 99)
- (45) A By-Law To Amend 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" - Add New Provisions Respecting Delegated Authority For Technical Consents Only.  
THREE READINGS PROPOSED NO. 2006-209  
(See Clause (5), Report No. 99)

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**ADJOURNMENT**

Moved by Deputy Mayor George  
Seconded by Councillor Foster

THAT Council do now adjourn.

**CARRIED**

Council adjourned at 12:52 am.

(Signed)

Carolyn Downs  
City Clerk

Harvey Rosen  
Mayor

City Council Meeting No. 18  
Minutes  
Tuesday, August 22, 2006

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