

CITY COUNCIL MEETING NO. 16-2006

The Regular Meeting of City Council was held on Tuesday, June 20, 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 7:10 pm in the Councillors' Lounge.

(Council Chambers)

ROLL CALL

Present: 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)

(Councillor's Lounge)

Administrative Staff Present:

Mr. B. Bishop, Director, Human Resources
Mrs. C. Downs, City Clerk

COMMITTEE OF THE WHOLE "IN CAMERA"

- (1) Moved by Councillor Foster
Seconded by Councillor Garrison

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

- (a) Labour Relations

CARRIED

(Council Chambers)

Administrative Staff Present:

Mr. G. Laubenstein, Chief Administrative Officer
Ms. S. Bailey, Acting Supervisor, Land Use Policy, Planning and Development
Ms. C. Beach, Commissioner of Growth and Sustainability
Ms. E. Cashman, Administrative Assistant, Mayor's Office
Ms. D. Defoe, Chief Librarian/Chief Executive Officer, Kingston Frontenac Public Library
Mrs. C. Downs, City Clerk
Ms. R. Etherington, Manager, Culture and Heritage
Mr. J. Feenstra, Manager, Facilities and Financial Services, Kingston Frontenac Public Library
Mr. J. Hale, Driver/Labourer, Public Works
Ms. K. Halligan, Manager, Accounting Services, Financial Services
Ms. S. Hickey, Acting Commissioner of Finance and Corporate Performance
Mr. S. Kanellos, Director, Growth and Initiatives
Mr. J. Keech, President & CEO, Utilities Kingston
Mr. D. Leger, Commissioner of Corporate Services
Ms. K. Leonard, Manager, Building and Licensing
Mr. M. Letourneau, Heritage Planner, Culture and Recreation
Ms. S. Powley, Acting Deputy City Clerk
Mr. W. Paetkau, Senior Policy Planner, Planning and Development
Mr. M. Segsworth, Commissioner of Public Works and Emergency Services
Mr. L. Thurston, Commissioner of Community Development Services

(Council Chambers)

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Administrative Staff Present (continued):

Mr. G. Wallace, Director, Planning and Development
Mr. T. Willing, Director, Building and Licensing

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

- (2) Moved by Councillor Downes
Seconded by Deputy Mayor George

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

CARRIED

DISCLOSURE OF PECUNIARY INTEREST

Councillor Stoparczyk declared a possible pecuniary interest in the matter of Clause (h) of Report No. 77 of the Chief Administrative Officer (Consent), as the owner of one of the landscaping companies is his real estate client.

PRESENTATIONS

- (1) Mayor Rosen and Mr. Peter Gower, Chair of the Kingston Municipal Heritage Committee, presented Heritage plaques to property owners of the following addresses:

- The City of Kingston - 86 Sunny Acres Road – "Wartman House"
- Mr. Peter Gower on behalf of Mr. Peter Rubens – 110 Collingwood Street – "Inglewood"
- Ms. Victoria Hatt on behalf of Mr. Brice Hatt – 4 Rideau Terrace – "Rideau Terrace"
- Mr. Brian Osborne – 279 King Street West
- Ms. Gwenever Smith – 317 King Street West – "Hales Cottages"

- (2) The Ad Hoc Awards Committee presented the First Capital Awards to the following people:

- Mayor Rosen – First Capital Distinguished Citizen Award – Retired Major General Francis J. Norman.
- Councillor Beavis – First Capital Honourable Achievement Award – Mr. Bill Robb.
- Councillor Patterson – First Capital Honourable Achievement Award – Ms. Amanda Milliken.

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

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Council consented to the addition of Motions (b) and (c).

Motions of Congratulations

- (a) Moved by Mayor Rosen
Seconded by Deputy Mayor George

THAT the congratulations of Kingston City Council be extended to Mark Potter, Jim Hamilton and the "Friends of the Great Frozen Game" for organizing and guiding Kingston's bid to become *Hockeyville* on the recent on-going CBC television program. Although Kingston did not win the contest, the City's bid reached the final 25 out of 434 Canadian municipalities that applied for the contest. Thank you to all citizens, organizations and sponsors who participated in this fun community-spirit initiative.

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

THAT the congratulations of Kingston City Council be extended to Jim Neill who was recently elected as Chair of the Southern Ontario Library Service.

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

THAT the congratulations of Kingston City Council be extended to John Coad, Clerk's Department, on his retirement from the City of Kingston after 35 years and 106 days of service.

CARRIED

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REPORTS

Report No. 77 the Chief Administrative Officer (Consent)

Council consented to the separation of Clauses (a), (e), (g), and (h).

Moved by Councillor Sutherland
Seconded by Councillor George

THAT Report No. 77 of the Chief Administrative Officer (Consent) be received and adopted.

Report No. 77

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) **Appointment of Review Committees - Healthy Community Fund Grant Program**

THAT City Council appoints Council representatives to sit on each of the committees to review the applications for each of the five categories for the Healthy Community Fund Grant Program: Our Culture, Our Young People, Our Neighbourhoods, Our Volunteers and Our Elders.

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

(The Report of the Commissioner of Community Development Services (06-161) was attached as Schedule Pages 1-3)

(See Miscellaneous Business Item No. 2)

CARRIED

(b) **Operating Budget Status Report – 1st Quarter 2006**

THAT the financial status update for the general operating fund for the first fiscal quarter as of March 31, 2006, be received for information purposes.

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

(The Report of the Acting Commissioner of Finance and Corporate Performance (06-162) was attached as Schedule Pages 4-9)

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Report No. 77 the Chief Administrative Officer (Consent)

(c) **Award of RFP to Canadian Bonded Credits Limited for Collection of Outstanding Provincial Offences Receivables**

THAT Council approve the award of the collections RFP to Canadian Bonded Credits Limited ("CBCL") for a one-year term with the option of two additional one-year extensions, at a commission based rate of 15.9% of actual recoveries, CBCL having received the highest score in the evaluation of proposals; and

THAT Council authorize the recovery from the debtor (defendant) of costs paid by the City to the collection agency to collect defaulted Provincial Offences Act (POA) fines and, for that purpose, pass a by-law amending its Rates and Fees By-Law No. 2005-10 in the form attached to allow for the recovery of actual costs, not to exceed 16.5%.

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

(The Report of the Commissioner of Corporate Services (06-163) was attached as Schedule Pages 10-13)

(See By-Law No. (1), 2006-147)

(d) **Reallocation of \$20,000 of Capital Funds for the Portsmouth Olympic Harbour Rooftop Heating, Ventilation and Air Conditioning (HVAC) Upgrades and Award of Contract to Allen Mechanical**

THAT Council approve the reallocation of capital funds for the Portsmouth Olympic Harbour (POH) workshop relocation of \$20,000 and the unused portion of the Marina Business Improvements of \$15,746 to the POH-HVAC project to ensure its timely completion; and

THAT Council award the contract for the replacement of heating, ventilation and air conditioning units (HVAC) at the Portsmouth Olympic Harbour facility to Allen Mechanical (995582 Ontario Inc.) as the lowest successful bid, at a total bid price of \$265,746.00 (excluding GST); and

THAT the Mayor and City Clerk be authorized to execute an agreement with Allen Mechanical (995582 Ontario Inc.), subject to the satisfaction of the City Solicitor.

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

(The Report of the Commissioner of Corporate Services (06-165) was attached as Schedule Pages 14-17)

(e) **Award of Contract to Sorensen Gravely Lowes Planning Associates Inc. for the City of Kingston Comprehensive Official Plan and Zoning By-Law Consolidation**

THAT staff be authorized to negotiate and enter into an agreement with Sorensen Gravely Lowes Planning Associates Inc. ("the preferred consultant") to undertake the "City of Kingston Comprehensive Official Plan and Zoning By-Law Review" project at an upset cost of four hundred eighty-seven thousand one hundred forty-five dollars and ninety cents (\$487,145.90); and,

THAT staff be directed to undertake all required steps and that the Mayor and Clerk be authorized to execute all related contracts, amendments and agreements to the satisfaction of the City Solicitor related to all phases of the "City of Kingston Comprehensive Official Plan and Zoning By-Law Review" project.

(File No. CSU-D08-000-2006, CSU-D14-000-2006)

(The Report of the Commissioner of Community Development Services (06-166) was attached as Schedule Pages 18-23)

CARRIED

REPORTS

Report No. 77 the Chief Administrative Officer (Consent)

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(f) **Award of Road Salt Contract to The Canadian Salt Company**

THAT Council accepts the bid of The Canadian Salt Company, being the only one received, in the amount of \$81.98 per tonne, including all taxes and freight, for the supply of approximately 14,000 tonnes of coarse crushed salt for winter road and sidewalk maintenance, and further;

THAT Council authorize the Mayor and City Clerk to execute the agreement in a form satisfactory to the Director of Legal Services.

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

(The Report of the Commissioner of Public Works & Emergency Services (06-167) was attached as Schedule Pages 24-26)

(g) **Approval of By-Laws for Parking & Stopping Restrictions: Brock Street (Ontario Street to King Street)**

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";

- and further -

THAT a by-law be presented to amend By-Law No. 495, "A By-Law To Provide For Parking Meter Zones In Certain Streets Or Portions Thereof, And To Provide For The Installation, Regulations, Supervision And Control Of Such Parking Meters"; such that the north side of Brock Street between Ontario and King Street becomes a no parking zone and the south side of this portion of Brock Street becomes a no stopping zone, with the exception of a lay-by parking area for short term parking use;

- and further -

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 Person(s) With Disabilities From The Parking Provisions Of By-Laws Of The City Of Kingston Prohibiting Or Regulating Parking, Standing Or Stopping Of Motor Vehicles On Any Highway Or Part Thereof In The City Of Kingston";

- and further -

THAT these by-laws be given all three readings in order to accommodate this portion of Brock Street when it reopens.
(File No. CSU-T02-000-2006)

(The Report of the Commissioner of Public Works & Emergency Services (06-168) was attached as Schedule Pages 27-35)

(See By-Law No. (4), 2006-150, By-Law No. (5), 2006-151, and By-Law No. (6), 2006-152)

CARRIED

Councillor Stoparczyk withdrew from the meeting.

(h) **Third and Final Reading of Water Supply By-Law**

THAT By-Law No. 2006-122 be amended on Third Reading to include wording that Utilities Kingston at its sole discretion may develop an exemption program or grace period for special circumstances, such as but not limited to watering for sod, seed, planting new trees and/or shrubs, and that all requests for exemption to this by-law shall be made in writing, it being understood that this program shall be for a trial period of the summer of 2006;

REPORTS

Report No. 77 the Chief Administrative Officer (Consent)

AND THAT Council approves the new Water By-Law, By-Law No. 2006-122, by giving 3rd and final reading to the by-law as amended.

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(File No. CSU-E06-000-2006)

(The Report of the President & C.E.O. of Utilities Kingston (06-169) was attached as Schedule Pages 36-38)

(See By-Law No. (10), 2006-122)

CARRIED AS AMENDED
(See Motion To Amend Which Was CARRIED)
(See Motion To Reconsider Which Was LOST)

Moved by Councillor George
Seconded by Councillor Meers

THAT By-Law No. 2006-122 be amended on Third Reading to include wording that Utilities Kingston at its sole discretion may develop an exemption program or grace period for special circumstances, such as but not limited to watering for sod, seed, planting new trees and/or shrubs, and that all requests for exemption to this by-law shall be made in writing, it being understood that this program shall be for a trial period of the summer of 2006.

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

Councillor Stoparczyk returned to the meeting.

Moved by Councillor Pater
Seconded by Councillor Garrison

THAT Council reconsider an exemption for wading pools and recreational sprinklers in the water by-law.

LOST (7:6)
(A 2/3rds Vote of Council Was Not Received)
(See Recorded Vote No. 2)

(1) A Recorded Vote was requested by Councillor George

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

NAYS: Councillor Foster (1)

ABSENT: Councillor Stoparczyk (1)

(2) A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Garrison, Deputy Mayor George, Councillor George, Councillor Meers, Councillor Pater, Councillor Patterson, Councillor Smith (7)

NAYS: Mayor Rosen, Councillor Beavis, Councillor Downes, Councillor Foster, Councillor Stoparczyk, Councillor Sutherland (6)

REPORTS

Report No. 77 the Chief Administrative Officer (Consent)

(i) Central Airways Corp. Lease of Land from the City of Kingston Pad #1 and Parking Lot - Kingston Norman Rogers Airport

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THAT Council authorize the City to enter into a new land lease with Central Airway Corp. for Part of Lot 3, Concession 1, in the Geographic Township of Kingston, Part 2, Plan 13R-396, for a term of fifteen (15) years commencing September 1, 2006, to and including August 31, 2021, at rental rate of \$14,256.89, which rate is subject to annual adjustments on September 1st of each year commencing September 1, 2007, in accordance with Land Lease Rates for the Kingston Norman Rogers Airport as set by the City;

- and further -

THAT the Mayor and Clerk be authorized to execute a lease in a form satisfactory to the City Solicitor.

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

(The Report of the Commissioner of Corporate Services (06-171) was attached as Schedule Pages 39-40)

(j) Parking License for the Owner of 265 Concession Street for Customer Parking

THAT the Mayor and Clerk be authorized to sign a Parking License Agreement in a form satisfactory to the Director of Legal Services to allow for the construction of parking spaces on the Concession Street road allowance adjacent to 265 Concession Street.

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

(The Report of the Commissioner of Growth and Sustainability (06-172) was attached as Schedule Pages 41-44)

(k) Award of Contract to Marshall Macklin Monaghan Limited for the Creation of a Master Plan for the Kingston Airport

THAT the consulting firm Marshall Macklin Monaghan Limited be awarded the contract for the creation of a Master Plan for the Kingston Airport as outlined in the Request for Proposal for the submitted price of \$128,306 (GST not included), being the fifth lowest bid received, receiving the highest ranking out of the eight(8) proposals received; and,

THAT Council authorize the Mayor and the City Clerk to execute an agreement in a form satisfactory to the Director of Legal Services.

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

(The Report of the Commissioner of Public Works & Emergency Services (06-175) was attached as Schedule Pages 94-95)

CARRIED

REPORTS

Report No. 78 of the Chief Administrative Officer (Recommend)

Moved by Councillor Stoparczyk

Seconded by Councillor Meers

THAT Report No. 78 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

REPORTS

Report No. 78 of the Chief Administrative Officer (Recommend)

Report No. 78

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

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(1) **Calvin Park Library Building– Affordable Housing Feasibility Study**

THAT Council authorize the Library Board to proceed with the next steps in identifying a more detailed budget and financing plan, a risk management plan, a project schedule for the Calvin Park Library Branch prior to approval of the 2007 capital budget and that a Project Management Committee made up of representatives from Finance, Corporate Services and Sustainability and Growth as well as representatives appointed by the Library Board be established to review progress and ensure that adequate budget and quality controls are in place for the project.

(File No. CSU-S13-000-2006)

(The Report of the Commissioner of Growth and Sustainability (06-132) was attached as Schedule Pages 96-99)

CARRIED

Mr. Jim Keech, President & CEO of Utilities Kingston, was present and spoke to Council regarding the Ravensview Water Pollution Control Plant Upgrade.

(2) **Ravensview Water Pollution Control Plant Upgrade – Status Update and Endorsement of the 2005/2006 Annual Progress Report**

THAT Council endorse the 2005/2006 Annual Progress Report for the Ravensview Water Pollution Control Plant for submission under the Canada Strategic Infrastructure Fund (CSIF).

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

(The Report of the President & C.E.O. of Utilities Kingston (06-174) was attached as Schedule Pages 45-93)

CARRIED

REPORTS

Report No. 79 of the Planning Committee

Moved by Councillor Stoparczyk

Seconded by Councillor Patterson

THAT Report No. 79 of the Planning Committee be received and adopted.

Report No. 79

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.

REPORTS

Report No. 79 of the Planning Committee

15-06-2006

1. **Regional Commercial Study Update Final Report**

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THAT the Regional Commercial Study Update Final Report, prepared by Sorensen Gravely Lowes Planning Associates Inc. and their team, and attached as Exhibit 'A' to the Planning report, be received in fulfillment of the Terms of Reference for the project; and,

THAT the results of the Regional Commercial Study Update be provided as background information to the consultants conducting the Comprehensive Official Plan and Zoning By-Law Review.

(Note: A copy of Exhibit 'A' was distributed separately to the Mayor and Members of Council on Friday, June 9, 2006.)

(File No. CSU-D22-000-2006)

2. Approval of an Application for Zoning By-Law Amendment for the Property Located at 546 Gardiners Road

THAT the application for zoning by-law amendment (Our File No. D14-056-2006) submitted by IBI Group, on behalf of The City of Kingston, for the property located at 546 Gardiners Road, **BE APPROVED**; and,

THAT the Township of Kingston Zoning By-Law No. 76-26, "Former Kingston Township Zoning By-Law", as amended, be further amended as follows:

1) That Map 5 of Schedule "A" to Zoning By-Law No. 76-26 of the former Kingston Township be amended to rezone the subject site known municipally as 546 Gardiners Road from the existing Special General Industrial Holding 'M1-7-H' Zone to a Special General Industrial 'M1-7' Zone, as shown on Schedule "A" attached to and forming part of By-Law No. 2006-154.

2) That Section 24(3)(g) be amended by the addition of 'manufacturing plant; assembly plant (Amending By-Law 2006-154)' immediately after 'a service shop';

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

(See By-Law No. (7), 2006-153)

(File No. CSU-D14-000-2006)

CARRIED

REPORTS

Report No. 80 of the Administrative Policies Committee

Council consented to the separation of Clause 2.

Moved by Councillor Beavis

Seconded by Councillor Foster

THAT Report No. 80 of the Administrative Policies Committee be received and adopted.

Report No. 80

To the Mayor and Members of Council:

The Administrative Policies Committee reports and recommends as follows:

REPORTS

Report No. 80 of the Administrative Policies Committee

13-06-2006

1. Tax Apportionment – Section 356 of the Municipal Act

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THAT the 2005 taxes be apportioned based on a ratio of 74.01 for retained lands and 25.99 for severed lands, as listed in Appendix "A" attached.

(Note: A copy of Appendix "A" was attached to the agenda as Schedule Page 100)

(File No. F22-000-2006)

2. Proposed New Licensing By-Law

THAT the report of the Commissioner of Community Development Services (AP-06-017) be accepted and released for the purposes of a public meeting; and,

THAT Council hereby delegates the authority to the Administrative Policies Committee to host an advertised public meeting in accordance with Notice Provision By-Law No. 2003-15, in order to hear input on amendments to streamline processes and provisions of Licensing By-Law No. 2002-255;

- and further -

THAT any public input received up to and during the public meeting be included in the final report of the Commissioner to be considered at the subsequent Committee meeting.

(Note: A copy of the draft Licensing By-Law No. 2002-255 was distributed separately from the agenda.)

(File No. CSU-P09-000-2006)

CARRIED

(See Motion To Defer Which Was LOST)

Moved by Councillor Garrison

Seconded by Councillor Stoparczyk

THAT Item No. 2 under Section No. 2 (page 9 of schedules) regarding alarm monitoring be deferred.

LOST

(See Motion To Reconsider Which Was CARRIED)

Moved by Deputy Mayor George

Seconded by Councillor Beavis

THAT Council reconsider the deferral of Item No. 2 under Section No. 2 (page 9 of schedules) regarding alarm monitoring.

CARRIED

(See Original Motion Which Was CARRIED)

Moved by Councillor Garrison

Seconded by Councillor Stoparczyk

THAT Item No. 2 under Section No. 2 (page 9 of schedules) regarding alarm monitoring be deferred.

CARRIED

REPORTS

Report No. 80 of the Administrative Policies Committee

Note: At Council Meeting No. 29, held on November 22, 2005, the following Clause 3 of Report No. 132 was deferred:

THAT the entire Policy for the Sale of Real Property or Deposit to the City's Land Bank be referred back to the Operations Committee for review, and in particular Sections of "Heritage Properties" and "Criteria for Selecting Properties for Surplus and Sale" of the Policy for the Sale of Real Property or Deposit to the City's Land Bank be reviewed and reported back to Council.

3. **Policy for the Sale and Acquisition of Real Property**

THAT Council adopt the attached Policy for the Sale and Acquisition of Real Property as amended.

(Note: A copy of the Policy for the Sale and Acquisition of Real Property (Report No. AP-06-016) was attached to the agenda as Schedule Pages 101-121)

CARRIED

REPORTS

Report No. 81 of the Kingston Municipal Heritage Committee

Council consented to the addition of Clauses 14, 15 and 16 of Report No. 81 of the Kingston Municipal Heritage Committee.

Moved by Councillor Patterson

Seconded by Councillor Downes

THAT Report No. 81 of the Kingston Municipal Heritage Committee be received and adopted.

Report No. 81

To the Mayor and Members of Council:

The Kingston Municipal Heritage Committee reports and recommends as follows:

05th June 2006

1. **Heritage Grants Program Reallocation of Funds**

THAT a by-law be presented to amend Section 9 of By-Law No. 2005-258, "A By-Law To Establish A Heritage Grants Program" to reflect the amount of interest the program has accrued in 2005, and is attached hereto as Exhibit 'A';

- and further -

THAT the \$6,000 approved for promotional purposes for the Heritage Property Grants Program be reallocated as grant funding for the Heritage Property Grants Program; and,

THAT the by-law receive first and second readings.

(See By-Law No (2), 2006-148)

(Note: A copy of Report No. KMH-06-002 was attached to the agenda as Schedule Pages 122-126)

REPORTS

Report No. 81 of the Kingston Municipal Heritage Committee

2. **Administrative Change to By-Law No. 2005-227, Delegation to Appoint**

THAT a by-law be presented to amend By-Law No. 2005-227, "A By-Law To Delegate To An Appointed Officer Specific Approvals Under The Ontario Heritage Act" to reflect administrative changes due to the recent re-organization of City of Kingston Staff;

- and further -

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THAT By-Law No. 2005-227 be further amended to reflect Subsection 4 (a) (ii) (3) reducing the appeal period from 10 days to 5 days enhancing customer service; and,

THAT the by-law receive first and second readings.

(See By-Law No (3), 2006-149)

(Note: A copy of Report No. KMH-06-001 was attached to the agenda as Schedule Pages 127-132)

3. **Approval of Demolition of Certain Buildings at 40 Sir John A. Macdonald Blvd. (Prison for Women Property)**

THAT Application P18-575-53-06 for a property located at 40 Sir John A. Macdonald Blvd. requesting permission to demolish **BE APPROVED** as described on Attachment 2, a site plan, to include buildings noted as C-00 Maintenance Building, C-26 Recreation and Dormitory, C-28 Kitchen Dining, C-31 Psychology & Programs, C-33 Private Family Visit, C-34 Works & Engineering, and C-29 Gatehouse with the understanding that C-18 Administration Building, C-16 Main Cell Block and C-30 Activity Building, a small electrical transformer room east of C-31 and the perimeter wall on the western property boundary will be retained as noted in the Description of Work dated 10th May 2006;

- and further –

THAT it be understood that any concrete left on adjoining walls to the demolition be removed with hand tools;

- and further –

THAT it be understood that this approval is pending Canada Lands acquisition of the former Prison for Women property which is currently owned by Correctional Service of Canada;

- and further –

THAT it be understood that Canada Lands will advise the Heritage Planner when the transfer of ownership is finalized.
(Note: A copy of Attachment 2 and the Description of Work were attached to the Agenda as Schedule Pages 133-134)

4. **Approval of an Application for 23-25 West Street for Replacement of Windows and Repointing on the North and East Sides of the Building and Provisional Approval of a Heritage Grant**

THAT Application P18-399-50-06 for a property located at 23-25 West Street requesting approval for replacement of windows and repointing on the north and east sides of the building **BE APPROVED** in accordance with a submission dated 25th April 2006;

- and further –

THAT Application HG-35-2006 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 it be understood that the replacement of windows would not be considered under the Heritage Property Grant;

REPORTS

Report No. 81 of the Kingston Municipal Heritage Committee

- 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.

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5. **Approval of an Application for 23-25 West Street for Relocation of Meters to the Basement**

THAT Application P18-399-61-06 for a property located at 23-25 West Street requesting approval for relocation of meters to the basement **BE APPROVED** in accordance with a submission dated 31st May 2006.

6. **Approval of an Application for 286-288 Barrie Street for a Fire Escape**

THAT Application P18-069-59-06 for a property located at 286-288 Barrie Street requesting approval for the application of a fire escape to the building **BE APPROVED** in accordance with a submission dated 29th May 2006;

- and further –

THAT it be understood that the fasteners be stainless steel and be fitted into the mortar joints.

7. **Approval of an Application for 209-211 Ontario Street for the Replacement of an Existing Sign**

THAT Application P18-272-58-06 for a property located at 209-211 Ontario Street requesting approval for the replacement of an existing sign **BE APPROVED** with the understanding that design considerations for the sign expressed by the committee included that the sign:

- should be located where the existing 4-sided sign is located
- should not be taller than the existing sign
- should have a low pitched roof or no pitched roof
- should have either a single leg or 4 legs
- should not have a question mark
- should not have a fake stone foundation
- should not be constructed in a quasi historical manner;

- and further –

THAT it be understood that approval is subject to a review of options for design to be submitted to the Heritage Committee based on the above design considerations.

8. **Approval of an Application for 244 James Street for Rebuilding a Garage**

THAT Application P18-63-06 for a property located at 244 James Street requesting approval for rebuilding a garage **BE APPROVED** in accordance with a submission dated 17th May 2006 and the following understanding:

- that the detailing will match the dimensions and profiles of the house,
- that the door bracing will be on the inside.

REPORTS

Report No. 81 of the Kingston Municipal Heritage Committee

9. **Approval of an Application for 162 Earl Street for the Application of One or Two Solar Panels to the Rear Main Roof**

THAT Application P18-136-62-06 for a property located at 162 Earl Street requesting approval for the application of one or two solar panels to the rear main roof **BE APPROVED** in accordance with a submission dated 30th May 2006.

10. **Denial of an Application for 3303 Sandhill Road for Provisional Approval of a Heritage Grant Amount of \$2000**

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THAT Application HG-22-2006 for a property located at 3303 Sandhill Road **BE DENIED** for approval of a Heritage Property Grant of \$2000 as the requirements for a Heritage Property Grant under the provisions of Clause 2 (b) of By-Law No. 2005-258 have not been met.

11. **Denial of an Application for 80 Barrie Street for Provisional Approval of a Heritage Grant Amount of \$2000**

THAT Application HG-14-2006 for a property located at 80 Barrie Street **BE DENIED** for approval of a Heritage Property Grant of \$2000 as the requirements for a Heritage Property Grant under the provisions of Clause 2 (b) of By-Law No. 2005-258 have not been met.

12. **Approval of an Application for 34 Richard Street for a Heritage Grant Amount of \$2000**

THAT Application HG-31-2006 for a property located at 34 Richard Street **BE APPROVED** for a Heritage Property Grant in the amount of \$2000;

- and further -

THAT staff be authorized to issue a cheque for \$2000 as per the process outlined in By-Law No. 2005-258, "A By-Law to Establish a Heritage Grants Program".

13. **Approval of an Application for 218 King Street East for the Replacement of Asphalt Rolled Roofing with Asphalt Shingles**

THAT Application P18-196-60-06 for a property located at 218 King Street East requesting approval for the replacement of asphalt rolled roofing with asphalt shingles **BE APPROVED** in accordance with a submission dated 01st June 2006.

14. **Approval of an Application for 36 University Avenue for Parapet, Cornice, Chimney and Entrance Restoration**

THAT Application P18-338-54-06 for a property located at 36 University Avenue requesting approval for parapet, cornice and chimney and entrance restoration **BE APPROVED** in accordance with a submission dated 24th May 2006.

15. **Approval of an Application for 94 Brock Street for Replacement of Existing Window Glass with Thermal Panes**

THAT Application P18-083-56-06 for a property located at 94 Brock Street requesting approval for replacement of existing window glass with thermal panes **BE APPROVED** in accordance with a submission dated 25th May 2006 as it does not affect the Heritage character of the building.

REPORTS

Report No. 81 of the Kingston Municipal Heritage Committee

16. **Approval of an Application for 33 Brock Street for the Alteration of Windows, Placement of an Awning, Placement of Two Signs, Lighting, and Painting**

THAT Application P18-072-57-06 for a property located at 33 Brock Street requesting approval for the alteration of windows, placement of an awning, placement of two signs, lighting, and painting **BE APPROVED** in accordance with a submission dated 17th May 2006.

CARRIED

Council consented to the addition of the following Report No. 82 of the Kingston Municipal Accessibility Advisory Committee.

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REPORTS

Report No. 82 of the Kingston Municipal Accessibility Advisory Committee

Moved by Councillor Patterson
Seconded by Councillor Pater

THAT Report No. 82 of the Kingston Municipal Accessibility Advisory Committee be received and adopted.

Report No. 82

16-06-2006

To the Mayor and Members of Council:

The Kingston Municipal Accessibility Advisory Committee reports and recommends as follows:

- (1) **THAT** Council direct the appropriate staff to investigate and report back to the Municipal Accessibility Advisory Committee by June 30, 2006 with a plan for immediate improvements for washrooms at Confederation Basin in accordance with Universal Design Standards to accommodate people with disabilities.

CARRIED

MISCELLANEOUS BUSINESS

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

THAT Councillor Smith be appointed to the Board of Directors of World Youth Sailing Kingston 2007 Ltd.
(File No. CSU-C12-000-2006)
(See **Communication No. 16-466**)

CARRIED

MISCELLANEOUS BUSINESS

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

THAT Council appoint the Councillors listed below for each of the following Healthy Community Program Committees:

- i. Our Culture – Councillor Foster
- ii. Our Young People – Councillor Meers
- iii. Our Neighbourhoods – Councillor Patterson
- iv. Our Volunteers – Councillor Pater
- v. Our Elders – Councillor Downes

(File No. CSU-F25-000-2006)
(See **Clause (a), Report No. 77**)

CARRIED

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MOTIONS

NOTICES OF MOTION

MINUTES

Moved by Councillor Foster
Seconded by Councillor Garrison

THAT the Minutes of City Council Meeting No. 14-2006, held Tuesday, May 30, 2006 be confirmed.

CARRIED

TABLING OF DOCUMENTS

2006-49 The Cataraqui Region Conservation Authority
 Minutes – Full Authority General Meeting – May 24, 2006
 (File No. CSU-D03-000-2006)

COMMUNICATIONS

Filed

16-449 From the City of Hamilton, 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)

COMMUNICATIONS

16-450 From the Corporation of the City of London, 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)

16-451 From the County of Renfrew, 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)

16-452 From the City of Mississauga, 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)

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- 16-453 From the Corporation of the City of Sault Ste. Marie, 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)
- 16-454 From Kingston Area Building Trades, asking that Council consider the benefits of hiring local workers and using local suppliers as much as possible for the completion of the upcoming capital community construction project contracts.
(File No. CSU-H11-000-2006)
- 16-455 From Mr. Ryan Quinlan Keech, Municipal Affairs Commissioner, Alma Mater Society, Queen's University, congratulating Council on the successful passing of the Large Venue Entertainment Centre (LVEC) on May 30, 2006.
(File No. CSU-R05-001-2006)
- 16-456 From the Honourable Stockwell Day, Minister of Public Safety and Emergency Preparedness, acknowledging receipt of Council's resolution regarding the request for Corrections Canada to reconsider placement of long-time sex and violence related offenders at Portsmouth Community Correctional Centre and the review of the application of long term supervision orders.
(File No. CSU-P00-000-2006)
- 16-472 From the Ministry of the Environment, providing information about the final amendments to the Drinking Water Systems Regulation (Ontario Regulation 170/03).
(File No. CSU-L11-000-2006)

COMMUNICATIONS

- 16-473 From the Corporation of the County of Essex, 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)
- 16-475 From the City of St. Catharines, 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)

Referred to All Members of Council

- 16-457 From the Association of Municipalities of Ontario, advising Council that the Ontario Centre for Municipal Best Practices has published two new municipal transit practices.
(File No. CSU-T03-000-2006)
(Digitally distributed to all Members of Council on June 5, 2006)

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- 16-458 From the Association of Municipalities of Ontario, advising Council of changes regarding newspapers used for their daily news clipping service.
(File No. CSU-A01-004-2006)
(Digitally distributed to all Members of Council on June 5, 2006)
- 16-459 From the Association of Municipalities of Ontario, advising Council that their position paper on Brownfields redevelopment is now available online.
(File No. CSU-A01-004-2006)
(Digitally distributed to all Members of Council on June 5, 2006)
- 16-460 From the Association of Municipalities of Ontario, providing Council with a draft program for the 2006 Annual Conference, which will be held August 13th to 16th, 2006 in Ottawa.
(File No. CSU-A04-000-2006)
(Digitally distributed to all Members of Council on June 1, 2006)
- 16-461 From the Limestone Garden Market and Grill, located at 104 William Street, requesting an application for a liquor license from the Alcohol & Gaming Commission of Ontario.
(File No. CSU-P09-000-2006)
- 16-462 From Mr. Jim Cannon, President of the Portsmouth Villagers Community Association, providing Council with a resolution regarding the revitalization of Lake Ontario Park which was approved at their meeting on May 15th.
(File No. CSU-R04-000-2006)

COMMUNICATIONS

- 16-463 From Ms. Lesley Kimble, Assistant Supervisor, Special Events, Culture and Recreation, providing Council with a schedule of activities for First Capital Day, June 15th, 2006.
(File No. CSU-M02-000-2006)
(Digitally distributed to all Members of Council on June 5, 2006)
- 16-464 From the Minister of Municipal Affairs and Housing, providing Council with information about the upcoming Brownfield Training Workshop Series: Building Capacity in Ontario's Municipalities.
(File No. CSU-H12-000-2006)
- 16-465 From the Regional Municipality of York, asking for Council's support of a resolution regarding the family physician shortage in Ontario.
(File No. CSU-C10-000-2006)
- 16-466 From Mr. Tim Irwin, Chair, and Ms. Marianne Davis, Executive Director, of World Youth Sailing Kingston 2007 Ltd., extending an invitation to the City of Kingston to appoint a member to their Board of Directors.
(File No. CSU-C12-000-2006)
(See Miscellaneous Business Item No. 1)

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- 16-467 From the Association of Municipalities of Ontario, calling on member municipal governments to pass a resolution in support of Ontario's efforts to address the federal/provincial fiscal imbalance.
(File No. CSU-F05-000-2006)
(Digitally distributed to all Members of Council on June 6, 2006)
- 16-470 From the Canadian Parks and Recreation Association (CPRA), advising Council that June is Recreation and Parks Month.
(File No. CSU-M02-000-2006)
- 16-471 From the Association of Municipalities of Ontario, advising Council that the Ministry of the Environment of Ontario has amended Drinking Water Regulation 170/03 effective June 5, 2006.
(File No. CSU-L11-000-2006)
(Digitally distributed to all Members of Council on June 9, 2006)
- 16-476 From the Town of Greater Napanee, asking for Council's support of a resolution asking that the Province of Ontario immediately freeze the base assessment year for Ontario municipalities at 2005, until such time as MPAC has reasonably addressed the Ombudsman's concerns so that municipalities are not forced to pay for services that might be deemed unreliable or suspect to the general public based on the March 28, 2006 report issued.
(File No. CSU-C10-000-2006)

COMMUNICATIONS

- 16-478 From the Township of Edwardsburgh/Cardinal, asking for Council's support of a resolution asking that the Minister of Health and Long Term Care place a moratorium on legislative changes that would alter the current social and cultural make-up of Ontario's farmers markets, church suppers, bazaars, teas, pot-luck suppers, and other similar community social and fundraising events.
(File No. CSU-C10-000-2006)
- 16-479 From the Association of Municipalities of Ontario, providing Council with information regarding the banquet entertainment at the 2006 AMO Annual Conference to be held August 13th to 16th in Ottawa.
(File No. CSU-A04-000-2006)
(Digitally distributed to all Members of Council on June 15, 2006)

Referred to the Commissioner of Community Development Services

- 16-468 From the Honourable Jim Bradley, Minister Responsible for Seniors, providing Council with a copy of the 2006 Seniors' Month poster and bookmark, reflecting this year's theme "Active Living: Healthy Living".
(File No. CSU-S02-000-2006)

Referred to the Commissioner of Growth and Sustainability

- 16-469 From the Canadian Renewable Energy Corporation, providing formal notice of its interest in acquiring the property located at Part Lots 10 and 11, Concession 2, known as 546 Gardiners Road.
(File No. CSU-L19 -000-2006)

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Referred to the Commissioner of Public Works and Emergency Services

16-477 From Bell Canada, providing information regarding the Public Emergency Reporting Service Agreement between the City of Kingston including the Township of South Frontenac and the Township of Frontenac Islands (File No. CSU-L04-000-2006, CSU-P03-000-2006)

BY-LAWS

Council consented to the addition of By-Laws (15) and (16).

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

THAT By-Laws (1) through (9), (15) and (16) be given their first and second reading.

CARRIED

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

THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (4) to (6) three readings.

CARRIED

BY-LAWS

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

THAT By-Laws (4) through (16) be given their third reading.

CARRIED

- (1) 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" (payment of collection costs unpaid POA – not to exceed 16.5%)
FIRST AND SECOND READINGS PROPOSED NO. 2006-147
(See Clause (c), Report No. 77)
- (2) A By-Law To Amend By-Law No. 2005-258, "A By-Law To Establish A Heritage Grants Program" (to amend Section 9 – In 2006, the maximum amount available for funding of Heritage Grants is \$54,000.00 plus the interest earned during the previous year on the original \$560,000 base funding.)
FIRST AND SECOND READINGS PROPOSED NO. 2006-148
(See Clause (1), Report No. 81)
- (3) A By-Law To Amend By-Law No. 2005-227, "A By-Law To Delegate To An Appointed Officer Specific Approvals Under The Ontario Heritage Act" (to reflect administration changes and reducing appeal period (Subsection 4 (a) (ii) (3))
FIRST AND SECOND READINGS PROPOSED NO. 2006-149
(See Clause (2), Report No. 81)

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- (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" (amend parking restrictions on Brock Street)
THREE READINGS PROPOSED NO. 2006-150
(See Clause (g), Report No. 77)
- (5) 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" (amend parking restrictions on Brock Street)
THREE READINGS PROPOSED NO. 2006-151
(See Clause (g), Report No. 77)
- (6) 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" (amend parking restrictions on Brock Street)
THREE READINGS PROPOSED NO. 2006-152
(See Clause (g), Report No. 77)

BY-LAWS

- (7) A By-Law To Amend By-Law No. 76-26, "Former Kingston Township Zoning By-Law" (Site Specific – 546 Gardiners Road – Rezone to M1-7 to include 'manufacturing plant' and 'assembly plant' as permitted uses, to lift the '-H' Holding Symbol).
THREE READINGS PROPOSED NO. 2006-153
(See Clause (2), Report No. 79)
- (8) A By-Law To Amend By-Law No. 96-259, "Downtown and Harbour Zoning By-Law Of The Corporation Of The City Of Kingston: (to remove the '-H' Holding Symbol Related to the '(H)-HR-3' Zone (5 Gore Street))
THREE READINGS PROPOSED NO. 2006-154
(Delegated Authority)
- (9) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, June 20, 2006
THREE READINGS PROPOSED NO. 2006-155
(City Council Meeting No. 16-2006)
- (10) A By-Law To Provide For The Regulation Of Water Supply For The City Of Kingston
THIRD READING PROPOSED NO. 2006-122
(See Clause (h), Report No. 77)
- (11) A By-Law To Amend By-Law No. 2000-264, "A By-Law Relating To General Water And Wastewater Services"
THIRD READING PROPOSED NO. 2006-123
(See Clause (2), Report No. 65)

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- (12) A By-Law To Declare The Property Known As 546 Gardiners Road (Part Lots 10 & 11, Concession 2, Geographic Township of Kingston) Surplus To The Needs Of The Corporation Of The City Of Kingston
THIRD READING PROPOSED NO. 2006-136
(See Clause (a), Report No. 70)
- (13) A By-Law To Amend By-Law No. 98-9, "A By-Law To Appoint Municipal Law Enforcement Officers Of The Corporation Of The 'New' City Of Kingston" (Add David S. Kennedy – Kingston Area Taxi Commission)
THIRD READING PROPOSED NO. 2006-139
(See Communication No. 15-440)
- (14) 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 Gillian White, Natalie Wood, Ann Blake and Ashley Brant; Delete Gordon Robinson and Paul George – Marine Museum of the Great Lakes)
THIRD READING PROPOSED NO. 2006-140
(See Communication No. 15-445)

BY-LAWS

- (15) A By-Law To Amend By-Law No. 76-26, "Former Kingston Township Zoning By-Law" (to Remove the '-H' Holding Symbol Related to the 'C2-45-H' Zone (1875 Bath Road))
THREE READINGS PROPOSED NO. 2006-156
(Delegated Authority)
- (16) A By-Law To Amend By-Law No. 76-26, "Former Kingston Township Zoning By-Law" (to Remove the '-H' Holding Symbol Related to the 'C2-1-H' Zone (2280 Princess Street))
THREE READINGS PROPOSED NO. 2006-157
(Delegated Authority)

ADJOURNMENT

Moved by Councillor Foster
Seconded by Councillor Downes

THAT Council do now adjourn.

CARRIED

Council adjourned at 9:10 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor

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