

CITY COUNCIL MEETING NO. 14-2007

The Regular Meeting of City Council was held on Tuesday, June 19, 2007 at 6:35 pm in the Council Chamber, City Hall. His Worship Mayor Harvey Rosen presided.

There was an "In Camera" meeting of the Committee of the Whole from 6:42 pm to 7:36 pm in the Councillors' Lounge.

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Foster, Deputy Mayor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka, Councillor Smith (13)

Absent: (0)

(Councillors' Lounge)

Administrative Staff Present:

Mr. G. Laubenstein, Chief Administrative Officer
Ms. C. Beach, Commissioner of Sustainability and Growth
Ms. E. Cashman, Administrative Assistant, Office of the Mayor
Mr. G. Coons, Executive Assistant, Office of the Mayor
Mrs. C. Downs, City Clerk
Mr. T. Fleming, Senior Legal Counsel, Legal Services
Mr. G. Hunt, Commissioner of Finance and Corporate Performance
Mr. J. Keech, President & CEO, Utilities Kingston
Mr. D. Leger, Commissioner of Corporate Services
Mr. H. Linscott, Director, Legal Services
Mrs. S. Rideout, Council Committee Supervisor
Mr. M. Segsworth, Commissioner of Public Works and Emergency Services

COMMITTEE OF THE WHOLE "IN CAMERA"

Council consented to the addition of Item (b).

- (1) Moved by Councillor Glover
Seconded by Councillor Schmolka

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

- (a) Litigation or potential litigation affecting the municipality or local board – Kingston 2000 Claim
- (b) A proposed or pending disposition of land by the municipality and advice that is subject to solicitor-client privilege, including communications necessary for that purpose - South Frontenac Option to Lease with Kincore Land Holdings.

CARRIED

(Council Chamber)

Administrative Staff Present:

Mr. G. Laubenstein, Chief Administrative Officer
Ms. C. Beach, Commissioner of Sustainability and Growth
Officer B. Cookman, Kingston Police
Mrs. C. Downs, City Clerk

Administrative Staff Present (continued):

Mr. M. Fluhrer, Director, Culture and Recreation

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Mr. J. Hale, Driver/Labourer, Public Works
Mr. G. Hunt, Commissioner of Finance and Corporate Performance
Mr. J. Keech, President & CEO, Utilities Kingston
Ms. D. Kennedy, Director, Financial Services
Mr. D. Leger, Commissioner of Corporate Services
Mr. H. Linscott, Director, Legal Services
Ms. C. Mastantuono, Manager, Community Programs Administration Unit, Community and Family Services
Mr. R. Moore, Deputy Chief and Director of Training, Fire and Emergency Planning
Mr. M. Morris, Director, Transportation
Mrs. S. Rideout, Council Committee Supervisor
Mr. J. Sapp, Driver/Labourer, Asset Management
Mr. M. Segsworth, Commissioner of Public Works and Emergency Services
Ms. L. Stevens, Homelessness Services Coordinator, Community and Family Services
Mr. L. Thurston, Commissioner of Community Development Services
Mr. H. Tulk, Fire Chief, Fire and Emergency Planning
Mr. G. Wallace, Director, Planning and Development
Mr. D. Wells, Director, Public Works

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

(2) Moved by Councillor Meers
Seconded by Councillor Hutchison

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

CARRIED

DISCLOSURE OF PECUNIARY INTEREST

Deputy Mayor Garrison declared a possible pecuniary interest in the matter of Motion No. (4), as his mother-in-law is employed by Kingston General Hospital (KGH).

Councillor MacLeod-Kane advised that she is a volunteer fire fighter and declared that she has no pecuniary interest and will question, discuss and vote on any issue that may arise concerning Kingston Fire and Rescue.

PRESENTATIONS

DELEGATIONS

Moved by Deputy Mayor Garrison

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Seconded by Councillor MacLeod-Kane

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to amend the Orders of the Day to move forward Motion No. (6) and Clause (d) of Report No. 64 of the Chief Administrative Officer (Consent) for discussion immediately following Motions of Congratulations/Condolences.

CARRIED
(A 2/3 Vote of Council Was Received)
(See Page No. 407)

- (1) Mr. P. Richard Moller, Chairman of the Kingston Community Centre Advisory Committee, spoke to Council regarding the Motion proposing that the City renew participation in the Memorial Centre Board of Directors.
(Motion No. (6), Page No. 407)

- (2) Mr. Joe Coley, President of the Seniors Association, spoke to Council regarding the Seniors Association Lease Agreement.
(See Clause (d), Report No. 64, Page No. 390)

Moved by Councillor Hutchison
Seconded by Councillor Matheson

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order that the delegation from Rideau Heights Public School be permitted to speak.

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

- (3) Students from Rideau Heights Public School spoke to Council and presented a petition regarding a ban on plastic grocery bags.

BRIEFINGS

- (1) Mr. Glen Laubenstein, Chief Administrative Officer (CAO), introduced Ms. Nancy L. Stableforth, Regional Deputy Commissioner (Ontario) for Correctional Service Canada, who spoke at the request of Council regarding the relocation of the Portsmouth Community Care Centre. Mr. Hal Linscott, Director of Legal Services, and Mr. George Wallace, Director of Planning and Development also spoke regarding this matter.
(See Information Report No. (1), Page No. 402)

PETITIONS

- (1) A petition bearing approximately 1665 signatures was presented by the students of Rideau Height Public School and referred to the Environment, Infrastructure and Transportation Policies Committee and reads as follows:
"We the undersigned students from Kingston ask the Mayor and Council to pass a law to ban plastic grocery bags in Kingston like the municipal governments of San Francisco, California and Leaf Rapids, Manitoba. *Please listen!*"

REFERRED TO THE ENVIRONMENT, INFRASTRUCTURE AND TRANSPORTATION POLICIES COMMITTEE

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Council consented to the addition of Motions of Congratulations (4 through (7) and Motions of Condolence (4) through (6).

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Motions of Congratulations

- (1) Moved by Councillor Osanic
Seconded by Councillor MacLeod-Kane

THAT the sincere congratulations and best wishes of Kingston City Council be extended to Richard Ralph and his family, who reside in Kingston, on Richard's "Skate for Hope" to roller blade across Canada, raising money for cancer research. Richard roller bladed through Kingston this past weekend and Council supports his journey.

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

THAT the sincere congratulations of Kingston City Council be extended to Mayor Harvey Rosen, and his wife Sharon, on their recent marriage.

- (3) Moved by Deputy Mayor Garrison
Seconded by Councillor Gerretsen

THAT the sincere congratulations of Kingston City Council be extended to Paul and Sharon Van Nest, who celebrated their 45th anniversary on June 9th, 2007.

- (4) Moved by Councillor Meers
Seconded by Deputy Mayor Garrison

THAT the sincere congratulations of Kingston City Council be extended to Paul Turner, Assistant Supervisor of Programs, Culture and Recreation, and Lacia Turner, Facility Bookings Clerk, Asset Management, on the birth of their son, Zachary James Paul Turner, on June 9th, 2007.

- (5) Moved by Councillor Matheson
Seconded by Councillor Osanic

THAT the sincere congratulations of Kingston City Council be extended to Doug and Lydia MacPherson on the occasion of their 40th wedding anniversary on June 17th, 2007.

- (6) Moved by Councillor Matheson
Seconded by Councillor Osanic

THAT the sincere congratulations of Kingston City Council be extended to Ron and Karen Stos on the occasion of their 30th wedding anniversary on June 17th, 2007.

- (7) Moved by Deputy Mayor Garrison
Seconded by Councillor Gerretsen

THAT the sincere congratulations of Kingston City Council be extended to Mrs. Cecile Bedard on the occasion of her 80th birthday, celebrated May 12th, 2007.

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Motions of Condolence

- (1) Moved by Deputy Mayor Garrison

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Seconded by Councillor Meers

THAT the sincere condolences of Kingston City Council be extended to the family of the late Raymond Clancy, long-time resident of the City of Kingston.

- (2) Moved by Deputy Mayor Garrison
Seconded by Councillor Hutchison

THAT the sincere condolences of Kingston City Council be extended to the family of the late Jim Brown, long-time resident of the City of Kingston.

- (3) Moved by Deputy Mayor Garrison
Seconded by Councillor Osanic

THAT the sincere condolences of Kingston City Council be extended to the family of the late Mr. Jack Embleton, father-in-law of Paul Singleton, Mechanic, Fleet Division. Mr. Embleton served Canada nobly during World War II, was a tireless organizer of Kingston's Juno Beach commemorative celebrations in 2003-2004 and was the 2004 recipient of Kingston's Senior of the Year Award.

- (4) Moved by Councillor MacLeod-Kane
Seconded by Councillor Smith

THAT the sincere condolences of Kingston City Council be extended to the family of the late David Krick, who passed away on June 17th, 2007.

- (5) Moved by Councillor MacLeod-Kane
Seconded by Deputy Mayor Garrison

THAT the sincere condolences of Kingston City Council be extended to the families of the nine firefighters in Charleston, South Carolina, who lost their lives in a furniture warehouse fire on June 18th, 2007.

- (6) Moved by Councillor Foster
Seconded by Councillor Schmolka

THAT the sincere condolences of Kingston City Council be extended to Deanna Green, Traffic Engineer, and family, on the recent death of her grandmother.

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REPORTS

Report No. 64 the Chief Administrative Officer (Consent)

Moved by Councillor Smith
Seconded by Councillor Matheson

THAT Report No. 64 of the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the separation of Clause (d) through (h) and (k).

Report No. 64

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) **Optimization of On-Street Curb Space**

THAT City Council approve the amending of Schedules 1, 1(A) and 2 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 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 in four former bus stop zones and three former truck loading zones on Princess Street. Similarly, to allow metered parking spaces in one former bus stop zone on Stuart Street.

(The Report of the Commissioner of Public Works and Emergency Services (07-159) was attached as Schedule Pages 1-9)

(File No. CSU-T02-000-2007)

(See By-Law No. (1), 2007-121 and By-Law No. (2), 2007-122)

(b) **Award of Tender for a Pre-Engineered Steel Fire Training Tower to Fire Facilities**

THAT Council authorize the Mayor and Clerk to enter into a contract in a form satisfactory to the Director of Legal Services with Fire Facilities for the supply of a pre-engineered steel fire training tower, in the amount of \$573,585.91 plus applicable taxes, being the lowest bid received.

(The Report of the Commissioner of Public Works and Emergency Services (07-192) was attached as Schedule Pages 10-29)

(File No. CSU-F18-000-2007)

(c) **Award of Tender for Propane Fueled Live Fire Simulators to Drager Safety Systems Ltd. (DSSL)**

THAT Council authorize the Mayor and Clerk to enter into a contract in a form satisfactory to the Director of Legal Services with Drager Safety Systems LTD. (DSSL), for the supply of propane fueled live fire simulators, in the amount of \$380,712.00 plus applicable taxes, being the lowest bid received.

(The Report of the Commissioner of Public Works and Emergency Services (07-193) was attached as Schedule Pages 30-33)

(File No. CSU-F18-000-2007)

REPORTS (CONTINUED)

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Report No. 64 the Chief Administrative Officer (Consent)

(d) **Seniors Association Kingston Region Lease Amendment and Building Addition Approval – 56 Francis Street**

THAT Council authorize the Mayor and Clerk to enter into a Lease Amending Agreement with the Seniors Association of Kingston for the property at 56 Francis Street, in a form acceptable to the Director of Legal Services, which would:

- a) reduce the interest rates on the building loan and the construction loan from 8% per annum to 5% per annum, retroactive to April 1, 2007;
- b) reduce the annual base rent from \$100 to \$2 for the period of April 1, 2007 to March 31, 2021;
- c) add all arrears of rent or additional rent (education taxes) to the outstanding total of the building loan and construction loan, to be amortized over a period of 15 years, from April 1, 2007 to March 31, 2021;

- and further -

THAT Council approve the addition to the building at 56 Francis Street for storage space of approximately 672 square feet located adjacent to the existing gym as shown on Exhibit B attached hereto;

- and further -

THAT the matter of how fees will be dealt with be referred to the Administrative Policies committee and any permits required for the work will be issued upon receipt of a completed application.

(The Report of the Commissioner of Corporate Services (07-194) was attached as Schedule Pages 34-41)

(File No. CSU-L15-000-2007)

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

Moved by Councillor Hutchison

Seconded by Councillor Glover

THAT Clause (d) of Report No. 64 be amended to add the following:

- and further -

THAT the issue of how fees will be dealt with be referred to the Administrative Policies committee and any permits required for the work will be issued upon receipt of a completed application.

CARRIED

(e) **Designation of Transit Priority Lanes at Kingston Centre Access and Bath Road**

THAT Council amend By-Law No. 2003-209 "A By-Law To Regulate Traffic", subject to the provisions of the Highway Traffic Act, as amended, to designate the following two lanes for buses only:

- 1) Bath Road at Kingston Centre Access (eastbound left-turn lane);
- 2) Kingston Centre Access at Bath Road (southbound left-turn lane).

(The Report of the Commissioner of Public Works and Emergency Services (07-203) was attached as Schedule Pages 42-46)

(File No. CSU-T08-000-2007)

(See By-Law No. (3), 2007-123)

CARRIED

REPORTS (CONTINUED)

Report No. 64 the Chief Administrative Officer (Consent)

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

THAT Council authorize the Mayor and Clerk to enter into a contract in a form satisfactory to the Director of Legal Services with The Canadian Salt Company, for the supply of approximately 14,000 tonnes of coarse crushed salt for winter road and sidewalk maintenance, in the amount of \$ 83.66 per tonne, including all taxes and freight.

(The Report of the Commissioner of Public Works and Emergency Services (07-206) was attached as Schedule Pages 47-50)

(File No. CSU-F18-000-2007)

CARRIED

(g) **Award of Tender for Winter Control Sand to Cruickshank Construction Limited**

THAT Council authorize the Mayor and Clerk to enter into a contract in a form satisfactory to the Director of Legal Services with Cruickshank Construction Limited, for the supply of approximately 18,000 tonnes of sand for winter road and sidewalk maintenance, in the amount of \$12.50 per tonne including all taxes and freight.

(The Report of the Commissioner of Public Works and Emergency Services (07-207) was attached as Schedule Pages 51-54)

(File No. CSU-F18-000-2007)

CARRIED

(h) **Award of Tender for Sidewalk Pressure Washing**

THAT Council authorize the Mayor and Clerk to enter into a contract in a form satisfactory to the Director of Legal Services with Scott Industrial Services, for sidewalk pressure washing, in the downtown core in the amount of \$4,664.00 per cleaning, including all taxes;

- and further -

THAT staff be asked to provide an analysis prior to the 2008 budget as to the cost of providing sidewalk pressure washing 'in house'.

(The Report of the Commissioner of Public Works and Emergency Services (07-208) was attached as Schedule Pages 55-58)

(File No. CSU-F18-000-2007)

CARRIED AS AMENDED

(See Motions To Amend Which Were CARRIED)

Moved by Councillor Gerretsen

Seconded by Councillor MacLeod-Kane

THAT Clause (h) of Report No. 64 be amended to delete the words "Team Industrial Services" and replace them with "Scott Industrial Services" and to delete "\$4,711.70" and replace it with "\$4,664.00".

CARRIED (7:6)

(See Recorded Vote)

Moved by Deputy Mayor Garrison

Seconded by Councillor Matheson

THAT Clause (h) of Report No. 64 be amended to add the following:

REPORTS (CONTINUED)

Report No. 64 the Chief Administrative Officer (Consent)

- and further -

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THAT staff be asked to provide an analysis prior to the 2008 budget as to the cost of providing sidewalk pressure washing 'in house'.

CARRIED

A Recorded Vote was requested by Councillor Gerretsen

YEAS: Deputy Mayor Garrison, Councillor Gerretsen, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic (7)

NAYS: Councillor Foster, Councillor Glover, Councillor Hector, Mayor Rosen, Councillor Schmolka, Councillor Smith (6)

(i) Award of Tender for a Fire Support Vehicle to Kingston Truck Centre

THAT Council authorize the Mayor and Clerk to enter into a contract in a form satisfactory to the Director of Legal Services with Kingston Truck Centre, being the lowest bid received of \$141,040.90, plus applicable taxes, for the supply of a fire support vehicle.

(The Report of the Commissioner of Public Works and Emergency Services (07-216) was attached as Schedule Pages 59-61)

(File No. CSU-F18-000-2007)

(j) Award of Tender for Registry Office Chimney Repairs and Roofing to Wemp & Smith Construction Ltd.

THAT Council approve the award of tender for Registry Office chimney repairs and roofing in the amount of \$70,869 and authorize the Mayor and Clerk to execute an agreement with Wemp & Smith Construction Ltd., in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Corporate Services (07-217) was attached as Schedule Pages 62-63)

(File No. CSU-F18-000-2007)

(k) Endorsement of the 2006/2007 Annual Progress Report for the Ravensview Water Pollution Control Plant Upgrade

THAT Council endorse the 2006/2007 Annual Progress Report for the Ravensview Water Pollution Control Plant for submission under the Canada Strategic Infrastructure Fund (CSIF).

CARRIED

(The Report of the President & CEO of Utilities Kingston (07-221) was attached as Schedule Pages 64-113)

(File No. CSU-E03-000-2007)

CARRIED

REPORTS (CONTINUED)

Report No. 65 of the Chief Administrative Officer (Recommend)

Moved by Councillor MacLeod-Kane

Seconded by Councillor Meers

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THAT Report No. 65 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 65

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

(1) Utilization of Municipal Homelessness Services Funding to Address Eviction Prevention Pressures

THAT funds be designated as outlined in this report in an annual amount of \$50,000 (\$25,000 pro-rated for 2007) to support the hiring of an eviction prevention worker focused on early intervention and eviction avoidance based threats and further, that the City engages in a RFP process to invite submissions specifically for this service for 2007 and 2008;

- and further -

THAT funds be designated as outlined in this report in the amount of \$75,000 to enhance the Utility Bank program to prevent utilities loss and eviction due to arrears.

(The Report of the Commissioner of Community Development Services (07-187) was attached as Schedule Pages 114-118)

(Note: New information regarding this report in the form of a Memo from the Commissioner of Community Development Services was attached as Schedule Page 119)

(File No. CSU-S16-000-2007)

CARRIED

(2) Authorization to Enter into Contract with Novita Interpares Limited for Planning and Implementation of the Grand Theatre Business Plan

THAT Council authorize the Mayor and Clerk to enter into a contract, under the single source provision of Purchasing By-Law No. 2000-134, "A By-Law To Establish Purchasing Policies And Procedures For The City Of Kingston", in a form satisfactory to the Director of Legal Services with Novita Interpares Limited for the detailed planning, implementation and oversight of the Business Plan Framework, Critical Path Timetable and Scope of Work, in the amount of \$119,400 plus disbursements.

(The Report of the Commissioner of Community Development Services (07-225) was attached as Schedule Pages 120-125)

(File No. CSU-R05-000-2007)

CARRIED

REPORTS

Report No. 66 of the Planning Committee

Moved by Councillor Schmolka

Seconded by Councillor Meers

THAT Report No. 66 of the Planning Committee be received and adopted.

Report No. 66

REPORTS (CONTINUED)

Report No. 66 of the Planning Committee

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

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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.

May 17, 2007

1. **Approval in Principle of the Agricultural Study Final Report Conclusions and Recommendations and in Fulfilment of Terms of Reference**

BE IT RESOLVED THAT the Agricultural Study Final Report, prepared by Clark Consulting Services, dated March 2007, be received in fulfilment of the Terms of Reference for the project, and the Study's conclusions and recommendations be approved in principle; and,

BE IT FURTHER RESOLVED THAT the planning related recommendations of the Agricultural Study Final Report be considered as part of the Comprehensive Official Plan and Zoning By-Law Review; and,

BE IT FURTHER RESOLVED THAT the Agricultural Study Final report be referred to the Rural Affairs Committee, KEDCO, the Ministry of Agriculture and Food, the Ministry of Municipal Affairs and Housing – Rural Development Division, the Ontario East Economic Development Commission, and the Frontenac Federation of Agriculture for consideration of the non-planning recommendations.

2. **Endorsement of Motion from Rural Affairs Advisory Committee**

THAT the following motion from the Rural Affairs Advisory Committee be endorsed by the Planning Committee:

***THAT** the Agricultural Study, Final Report, be accepted in principle;*

- and further -

***THAT** the Rural Affairs Committee wishes to investigate some of the recommendations further;*

-and further-

***THAT** the proposed land use policies including mapping be considered as part of the Official Plan Review process."*

3. **Development of Waste Transfer Facility for the Temporary Storage and Sorting of Construction and Demolition Waste at 1709 Westbrook Road**

BE IT RESOLVED THAT the application for Official Plan Amendment (Our File No. D09-012-2005) submitted by Westendorp Demolition Contractors, for the property located at 1709 Westbrook Road, **BE APPROVED**;

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

1. The Township of Kingston Official Plan, as amended, is hereby further amended by the following map and text change which shall constitute **Amendment No. 22** to the Township of Kingston Official Plan.

a) **AMEND** Schedule 'A', 'Map 1', of the Township of Kingston Official Plan, so as to designate the property located at 1709 Westbrook Road, as shown on Schedule 'A' to By-Law No. 2007-124, as 'Waste Disposal Industrial - Special Policy Area No. 2'.

REPORTS (CONTINUED)

Report No. 66 of the Planning Committee

2. That the Township of Kingston Official Plan, as amended, be further amended by adding the following new Site Specific Policy as Section 3-14.2:

"3-14.2 **Waste Disposal Industrial - Special Policy Area No. 2: 1709 Westbrook Road
(Amending By-Law No. 2007-124)**

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Within the Waste Disposal Industrial designation which applies to the lands located at 1709 Westbrook Road, as shown on Schedule "A", "Map 1" as Site Specific Policy Area No. 2, a waste transfer facility for the receiving, handling and temporary storage of non-hazardous general construction and demolition waste shall be permitted. The waste transfer facility must comply with the policies of Section 3-14 of this Plan.

In the event that the property is not used for a waste transfer facility, the lands shall be developed in accordance with the uses permitted in the site specific amending Zoning By-Law for the subject lands and in compliance with the Rural policies of Section 3-18 of this Plan."

AND BE IT FURTHER RESOLVED THAT the application for Zoning By-Law Amendment (Our File No. D14-038-2005) submitted by Westendorp Demolition Contractors, for the property located at 1709 Westbrook Road, **BE APPROVED**;

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

1. That Zone Map No. 1 of Zoning By-Law No. 76-26, as amended, is hereby further amended by changing the zone symbol of the subject site from 'M1-8' to 'M4-4-H' as shown on Schedule 'A' forming part of By-Law No. 2007-125.
2. That the following be **added** as Section 27(3)(d) of the by-law:

"(d) M4-4-H (1709 Westbrook Road):

1. Notwithstanding the provisions of Section 27(1) and 27 (2) of this by-law, the lands zoned 'M4-4' on Schedule 'A' to this by-law, may be used in accordance with the following provisions, providing the subject lands are not used for a Waste Transfer Facility:

- (i) USES PERMITTED:
a cartage and transport yard;
a contractor's yard;
an open storage use;
topsoil screening; and,
a public use.

- (ii) Required yard (minimum) for uses permitted in Section 27(3)(d)(1)(i):

	Abutting Industrial Zone	Abutting Any Other Zone
Front yard depth	15 metres (50 feet)	61 metres (200 feet)
Interior side yard width	3 metres (10 feet)	61 metres (200 feet)
Rear yard depth	8 metres (25 feet)	61 metres (200 feet)

REPORTS (CONTINUED)

Report No. 66 of the Planning Committee

3. Subject to the removal of the '-H' Symbol pursuant to the Planning Act, and notwithstanding any provisions of the by-law to the contrary, the provisions of Section 27 for the 'M4' Zone shall apply to the 'M4-4' Zone except that:
 - (i) USES PERMITTED:
Waste Transfer Facility
 - (ii) DEFINITIONS:
For the purpose of the 'M4-4' Zone, the following definitions shall apply:

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WASTE TRANSFER FACILITY means a waste disposal site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of receiving, handling and temporary storage of non-hazardous general construction and demolition waste prior to the transferring of the waste to another facility or waste disposal site. Temporary storage of non-hazardous general construction and demolition waste, including open storage of materials, equipment or vehicles for work accessory to the principal use, shall be permitted. Accessory uses such as office and scale and scale house are also permitted.

- (iii) Maximum storage of waste shall be 500 metric tonnes.
- (iv) Maximum quantity of waste received on any given day shall be 299 metric tonnes.
- (v) The 'H' Symbol shall only be removed once the following conditions have been complied with:
 - (a) Certificate of Approval for the operation of a waste transfer facility has been issued by the Ministry of Environment;
 - (b) All applicable Municipal and Agency requirements have been complied with;
 - (c) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and,
 - (d) City Council has passed a further amendment to the Zoning By-Law to remove the 'H' Symbol pursuant to the Planning Act."

AND BE IT FURTHER RESOLVED THAT the amending by-laws be presented for all three readings.
(See By-Law No. (4), 2007-124 and By-Law No. (5), 2007-125)

4. **Final Approval for a Plan of Condominium for the 92 Unit Apartment Building being Constructed at 5 Gore Street**

WHEREAS an application has been submitted by Homestead Land Holdings Ltd., on behalf of Royal George Limited, with respect to the 92 unit residential apartment building located on Part of Water Lots 27 and 28 and Part of Earl Street, Original Survey, City of Kingston, County of Frontenac, designated as Parts 2 and 6 on Plan 13R-17509 and Parts 15, 16 and 18 on Plan 13R-18171 and municipally known as 5 Gore Street requesting approval of a Final Plan of Condominium under the exemption process;

THEREFORE BE IT RESOLVED THAT the application for Final Plan of Condominium Approval submitted by Homestead Land Holdings Ltd., on behalf of Royal George Limited, with respect to a 92 unit residential apartment building at 5 Gore Street, **BE EXEMPTED** under Section 9 (6) of the Condominium Act from the provisions of Section 51 and 51.1 of the Planning Act that would normally apply under Section 9(2) of the Condominium Act; and,

REPORTS (CONTINUED)

Report No. 66 of the Planning Committee

BE IT FURTHER RESOLVED THAT Final Approval be granted to the Plan of Condominium submitted by Homestead Land Holdings Ltd., on behalf of Royal George Limited, for the 92 unit apartment building being constructed at 5 Gore Street, subject to the Owner entering into a Condominium Agreement with the City, which Agreement shall provide further notice to the Condominium Corporation and present and future purchasers of the conditions contained within the registered Site Plan Control Agreements respecting site decommissioning, gardening restrictions, the Groundwater Management Plan and that the Condominium Corporation will be responsible for maintaining the approved Site Plan works and fulfilling any conditions of the Agreements or approved plans not completed by the Developer; and,

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BE IT FURTHER RESOLVED THAT, following the execution of the Condominium Agreement, the Director of Legal Services be authorized to forward the necessary signed and stamped originals and required copies of the Final Plan of Condominium to the Land Registry Office for registration; and,

BE IT FURTHER RESOLVED THAT the requirements of Bell Canada respecting conditions of approval, as set out in the letter dated May 15, 2007 and attached to the Planning Committee Addendum dated June 8, 2007 be included in the required Condominium Agreement.

CARRIED

REPORTS

Report No. 67 of the Kingston Municipal Heritage Committee (LACAC)

Moved by Councillor Glover

Seconded by Councillor Osanic

THAT Report No. 67 of the Kingston Municipal Heritage Committee (LACAC) be received and adopted.

Report No. 67

To the Mayor and Members of Council:

The Kingston Municipal Heritage Committee (LACAC) reports and recommends as follows:

June 4, 2007

1. **Recognition of the Appointment of Mr. R. Bruce Downey to the Royal Architectural Institute of Canada College of Fellows**

THAT congratulations be extended to Mr. R. Bruce Downey for his appointment to the Royal Architectural Institute of Canada College of Fellows which recognizes an individual's contribution to research, scholarship, public service or professional standing in the field or architecture.

2. **Recognition of the Election of Mr. Marcus Letourneau to the Board of Directors for Community Heritage Ontario**

THAT congratulations be extended to Mr. Marcus Letourneau on his election to the Board of Directors for Community Heritage Ontario, a non-profit provincial umbrella organization in support of municipally-appointed Heritage advisory committees.

REPORTS (CONTINUED)

Report No. 67 of the Kingston Municipal Heritage Committee (LACAC)

3. **Recognition of the Co-authorship by Mr. Craig Sims of an Article, Illustrations and Photos in 'Heritage', the Heritage Canada Foundation Magazine**

THAT congratulations be extended to Mr. Craig Sims in recognition of his co-authorship of 'Maintenance and Repair of Historic Wood Windows' together with his illustrations and photos in 'Heritage', the magazine of the Heritage Canada Foundation.

4. **Approval for a Course of Action to Relocate the Marine Museum Artefact 'CGS Alexander Henry'**

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THAT the described course of action being taken to relocate the Marine Museum Artefact 'CGS Alexander Henry' **BE APPROVED** in accordance with the docking recommendations as presented.

5. **Approval of an Application for Phase 4 for Dome Restoration at the County Court House at 10 Court Street**

THAT Application P-18-47-00 City of Kingston, 10 Court Street known as the County Court House, represented by Mr. Andrew Huctwith, Consultant for the McCormick Rankin Corporation, for approval of Phase 4 for dome restoration of the building, **BE APPROVED** as presented with the understanding that final plans will be submitted to the Kingston Municipal Heritage Committee by the McCormick Rankin Corporation;

- and further -

THAT as this property is protected by an agreement held by the Ontario Heritage Trust, that the applicant ensures that the Ontario Heritage Trust approves all proposed works.

6. **Approval for Fountain Repairs at the County Court House at 10 Court Street**

THAT necessary repairs to the fountain located at 10 Court Street known as the Court House **BE APPROVED** as presented by the Supervisor, Facilities Management with the understanding that further work be completed in consultation with the Committee;

- and further -

THAT, as this property is protected by an agreement held by the Ontario Heritage Trust, that the applicant ensures that the Ontario Heritage Trust approves all proposed works.

7. **Approval of an Application for a Design for Replacement Windows at Providence Manor at 275 Sydenham Street**

THAT Application P18-277-11-2007 for a property located at 275 Sydenham Street known as Providence Manor requesting approval of the a design for replacement windows **BE APPROVED** in accordance with a design and description within a submission dated 20th March 2007 with the understanding that for those repairs, the glass in the false lower sash is slightly behind the plane of the upper sash, and the site size of the false meeting rail is 2" rather than the proposed 3" size.

REPORTS (CONTINUED)

Report No. 67 of the Kingston Municipal Heritage Committee (LACAC)

8. **Approval of an Application for the Addition of a Portable Classroom at J.E. Horton Public School at 411 Wellington Street, Barriefield**

THAT Application P18-520-035-2007 for a property located at 411 Wellington Street, Barriefield known as J.E. Horton Public School requesting approval for the addition of a 24' x 32' portable classroom to the school site **BE APPROVED** in accordance with a submission dated 25th May 2007 with the suggestion that the new portable be placed 5 feet to the north of the main school building.

9. **Approval of an Application for Scraping, Painting and Minor Repointing at 134 Earl Street**

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THAT Application P18-132-036-2007 for a property located at 134 Earl Street requesting approval for scraping, painting and minor repointing **BE APPROVED** in accordance with a submission dated 29th May 2007 with understanding that repointing will be done in accordance with Heritage Masonry Guidelines.

10. **Approval in Principle of an Application for Repair of Trim, Soffits, Fascia and Painting at 86 Sydenham Street**

THAT Application P18-364-027-2007 for a property located at 86 Sydenham Street requesting approval for repair of rotted trim, soffits, fascia and painting **BE APPROVED IN PRINCIPLE** with the understanding that:

- the owner or representative shall provide the required details for the work to be done at the July meeting;
- custom cutters match the moldings, and splice in repairs are described.

11. **Final Approval of a Heritage Property Grant for 30 Sydenham Street**

WHEREAS the owner 30 Sydenham Street has requested final approval for Heritage Grant Application HG-003-2007; 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 was completed; and,

THEREFORE BE IT RESOLVED THAT Heritage Property Grant HG-003-2007 for 30 Sydenham Street **BE APPROVED** for chimney re-construction and repointing of mortar joints;

- 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'.

12. **Approval for the Nomination of Mr. Robert Cardwell for the Lieutenant Governor's Ontario Heritage Award through the Heritage Community Recognition Program 2007**

THAT Mr. Robert Cardwell be nominated for the Lieutenant Governor's Ontario Heritage Award, an award provided through the Heritage Community Recognition Program 2007 to recognize his contribution of 25 years or more of service in community Heritage.

REPORTS (CONTINUED)

Report No. 67 of the Kingston Municipal Heritage Committee (LACAC)

13. **Approval for the Nomination of Ms. Helen Finley for the Cultural Heritage Award through the Heritage Community Recognition Program 2007**

THAT Ms. Helen Finley be nominated for Cultural Heritage Award, an award provided through the Heritage Community Recognition Program 2007 which recognizes outstanding contributions of a volunteer for their research or writing related to local history.

CARRIED

REPORTS

Report No. 68 of the Administrative Policies Committee

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Moved by Councillor Hutchison
Seconded by Councillor Hector

THAT Report No. 68 of the Administrative Policies Committee be received and adopted.

Report No. 68

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.

June 12, 2007

1. **2006 Audited Financial Statements**

THAT Council receive and approve the Audited Financial Statements of the Corporation of the City of Kingston for the year ended December 31, 2006.
(A copy of the 2006 Audited Financial Statements were attached as Schedule Pages 126-160)

2. **Multiplex Community Centre – Identification of Healthy Food Options and the Use of Local Foods**

THAT staff proceed with advertising the Request for Proposal for Operation of the Food Concession at the Multiplex Community Centre based on the following:

- a) evaluation criteria designed to promote and result in the availability of Healthy Food Choices in compliance with Ontario's Discriminatory Business Practices Act; and,
- b) that the Request for Proposal be publicly advertised in the local paper and on the City website in addition to the electronic tendering network.

CARRIED

REPORTS (CONTINUED)

Report No. 69 of the Nominations Committee

Moved by Councillor Schmolka
Seconded by Councillor Glover

THAT Report No. 69 of the Nominations Committee be received and adopted.

Report No. 69

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

June 4, 2007

1. **Recommendation for Appointments to the Taxi Commission**

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THAT Council approve the following appointments to the Taxi Commission for a term ending 30th November, 2007:

- Mr. Robert Baird,
- Mr. William R. Percy
- Mr. Douglas Teeple
- Ms. Linda Wood

2. **Recommendation for Appointments to the Affordable Housing Development Committee**

THAT Council approve the following appointment to Affordable Housing Committee for a term ending 30th November, 2007:

- Ms. Janice Barling

3. **Recommendation for Appointments to the Municipal Accessibility Advisory Committee**

THAT Council approve the following appointment to the Municipal Accessibility Advisory Committee for a term ending 30th November 2007:

- Mr. Albert Mezzetta

CARRIED

REPORTS

Report No. 70 of the Rural Affairs Advisory Committee

Moved by Councillor Foster

Seconded by Councillor MacLeod-Kane

THAT Report No. 70 of the Rural Affairs Advisory Committee be received and adopted.

Report No. 70

To the Mayor and Members of Council:

The Rural Affairs Advisory Committee reports and recommends as follows:

June 13, 2007

REPORTS (CONTINUED)

Report No. 70 of the Rural Affairs Advisory Committee

1. **Staggered Terms of Reference**

THAT Council approve the following members of the Rural Affairs Advisory Committee to serve for a one year term ending November 30, 2007:

Mr. Lorne Long
Mr. Glenn Tolls

-and further-

THAT Council approve the following members of the Rural Affairs Advisory Committee to serve for a two year term ending November 30, 2008:

Mr. John Donaldson
Mr. Jack O'Brien
Mr. Jeff Scott

CARRIED

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INFORMATION REPORTS

(1) **Status Update – Council Request to Correctional Service Canada to Relocate Portsmouth Community Care Centre**

The purpose of this report is to provide an update on the status of discussions between City staff and Correctional Service Canada staff on the relocation of the Portsmouth Community Care Centre (the "Portsmouth Avenue Centre") by Correctional Service Canada to a more appropriate location within the City.
(The Report of the Chief Administrative Officer (07-202) was attached as Schedule Pages 161-164)
(File No. CSU-P00-000-2007)

(2) **Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of May 2007**

This purpose of this report is to advise Council of tenders/RFPs approved and contracts awarded greater than \$50,000 that meet the established criteria of delegated authority for the month of May 2007 and to report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of May 2007.
(The Report of the Commissioner of Finance and Corporate Performance (07-213) was attached as Schedule Pages 165-170)
(File No. CSU-F18-000-2007)

(3) **Project Status Reports for the Grand Theatre Building Improvement Project, Multiplex Community Centre, and Kingston Regional Sports and Entertainment Centre**

In response to Council's request for monthly project status reports for each of the Group of Seven projects, staff in Sustainability & Growth have prepared status reports for the Grand Theatre Building Improvement Project, the Multiplex Community Centre Project and the Kingston Regional Sports & Entertainment Centre project for the month of May 2007.
(The Report of the Commissioner of Sustainability and Growth (07-220) was attached as Schedule Pages 171-229)
(File No. CSU-R05-000-2007, CSU-R05-001-2007, CSU-R05-002-2007)

MISCELLANEOUS BUSINESS

MOTIONS

Moved by Councillor Schmolka
Seconded by Councillor Smith

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to approve the by-laws at this time and then approve the confirming by-law at the end of the meeting.

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

Note: By-Laws No. (1) to (10) were dealt with at this point in the meeting. See Page No. 414.

Moved by Deputy Mayor Gerretsen
Seconded by Councillor Glover

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THAT Council recess and reconvene tomorrow at 7:30 pm.

LOST

Moved by Councillor Smith
Seconded by Councillor Schmolka

THAT Council adjourn at 10:50 pm.

LOST

Moved by Councillor Garrison
Seconded by Councillor Gerretsen

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to complete the agenda.

LOST

(A 2/3rds Vote Of Council Was Not Received)

Moved by Deputy Mayor Garrison
Seconded by Councillor Gerretsen

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to extend the meeting to 11:15 pm.

CARRIED

(A 2/3 Vote Of Council Was Received)

Council consented to the amendment of Motion No. (5) and the addition of Motion No. (1A), which was on the agenda as Motion No. (4) at the Council meeting on June 5, 2007.

MOTIONS (CONTINUED)

- (1) Moved by Councillor Schmolka
Seconded by Councillor MacLeod-Kane

WHEREAS the appeal period in the case between Corinne Farber and the Corporation of the City of Kingston has passed and no further court action is possible; and,

WHEREAS this court case is a unique situation in which a citizen, concerned about the democracy of decision-making in the municipality, took it upon herself to represent others and challenge the City on the process it followed concerning the naming of the historic Market Square property; and,

WHEREAS the City was represented at the trial and the Court of Appeal by a member of the City's Legal Department;

THEREFORE BE IT RESOLVED THAT the City of Kingston not exercise its option to collect \$22,496 in court costs from the plaintiff in this case.

CARRIED AS AMENDED (8:5)

(See Recorded Vote)

(See Motion To Amend Which Was CARRIED)

(See Motion To Amend Which Was LOST)

Moved by Councillor Matheson
Seconded by Councillor Hutchison

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THAT Motion No. 1 be amended to delete the following:

- and further -

THAT this Council decision be considered as a one-time only action that does not set a precedent in other cases but reflects the unique situation in this case.

CARRIED

Moved by Deputy Mayor Garrison
Seconded by Councillor Matheson

TO call the question on the Motion of Councillors Schmolka and MacLeod-Kane.

LOST (3:10)
(See Recorded Vote)

A Recorded Vote was requested by Councillor Smith

YEAS: Deputy Mayor Garrison, Councillor Matheson, Councillor Osanic (3)

NAYS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Meers, Mayor Rosen, Councillor Schmolka, Councillor Smith (10)

Moved by Councillor Matheson
Seconded by Councillor Osanic

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to extend the meeting to 11:30 pm.

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

MOTIONS (CONTINUED)

Moved by Councillor Matheson
Seconded by Councillor Gerretsen

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to extend the meeting to 11:45 pm.

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

Moved by Councillor Gerretsen
Seconded by Councillor Smith

THAT Motion No. 1 be amended to delete the reference to \$22,496 and replace it with the amount of \$11,248.

LOST

Moved by Councillor Matheson
Seconded by Councillor Gerretsen

THAT any court costs beyond one half of \$22,469, being \$11,248, be considered a fundraising donation to Market Square and as a result of that fundraising a lamp post be named on behalf of Ms. Corinne Farber.

WITHDRAWN

A Recorded Vote was requested by Deputy Mayor Garrison

YEAS: Deputy Mayor Garrison, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka (8)

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NAYS: Councillor Foster, Councillor Gerretsen, Councillor Hector, Mayor Rosen, Councillor Smith (5)

Moved by Deputy Mayor Garrison

Seconded by Councillor Gerretsen

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to extend the meeting to 12:00 am.

LOST

(A 2/3 Vote Of Council Was Not Received)

(1A) Moved by Councillor Glover

Seconded by Councillor Hutchison

WHEREAS concern is being expressed by a number of different groups and individuals about the proposed changes to the traffic scheme around the west end of the Causeway and the LVEC;

THEREFORE BE IT RESOLVED THAT the CAO be directed to obtain an independent traffic management study of the proposed street plan revision in the area of the Causeway, Place d'Armes and Ontario Street from an appropriately qualified consultant who has not previously done business on this site with the City of Kingston;

- and further -

THAT such review shall include the Downtown Action Plan proposals, the LVEC traffic study, and any other considerations the consultant may, after discussions with interested parties, deem appropriate;

- and further -

THAT the resulting report shall be requested to be delivered at or before the first Council meeting in September;

- and further -

THAT no road work shall commence until after the report has been received and discussed by Council.

WITHDRAWN

(See Motion To Withdraw Which Was CARRIED)

MOTIONS (CONTINUED)

Moved by Councillor Glover

Seconded by Councillor Foster

THAT Motion No. (1A) be withdrawn.

CARRIED

(2) Moved by Councillor Gerretsen

Seconded by Councillor Schmolka

WHEREAS internal combustion engines in gasoline-powered motor vehicles and equipment emit significant amounts of greenhouse gases that contribute to unnaturally rapid climate change, including global warming; and,

WHEREAS the Federal and Provincial Governments have revised their policies and practices and are now purchasing environmentally-friendly vehicles; and,

WHEREAS the City of Kingston should also lead by example and reduce its greenhouse gas emissions from vehicles and equipment;

THEREFORE BE IT RESOLVED THAT staff be directed to report to the Environment, Infrastructure and Transportation Policies Committee by August, 2007, with a policy recommendation regarding the purchase of environmentally-friendly vehicles and equipment, including chainsaws, hedge-cutters, generators, lawn mowers, and any other gasoline-powered maintenance machines;

- and further -

THAT the report include a timeline and cost estimates with efficiency savings for replacing all City-owned vehicles and equipment that are not environmentally-friendly, following the existing replacement policy for such items.

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DEFERRED

- (3) Moved by Councillor Gerretsen
Seconded by Deputy Mayor Garrison

WHEREAS widespread traffic concerns exist at the following intersections; and,

WHEREAS many citizens living on and around Queen Mary Road have been anxiously waiting, for several years, for the City to address the vehicular speeding and traffic volume problems on Queen Mary Road;

THEREFORE BE IT RESOLVED THAT staff be directed to bring back to Council, no later then the second Council meeting in July 2007, a plan to address the vehicular speeding and traffic volume problems on Queen Mary Road;

- and further -

THAT staff be directed to investigate and report back to the Environment, Infrastructure and Transportation Policies Committee the need for an advance green turning signal on Sir John A. Macdonald Blvd. for north-bound traffic turning west onto Johnson Street;

- and further -

THAT staff also be directed to investigate and report back to the Environment, Infrastructure and Transportation Policies Committee the need for an all-way stop at the intersection of Van Order Drive and Norman Rogers Drive.

DEFERRED

- (4) Moved by Councillor Gerretsen
Seconded by Councillor Glover

WHEREAS throughout recent history City streets with historical value are continually disappearing throughout the City of Kingston due to the expansion of Queen's University and the Kingston General Hospital; and,

MOTIONS (CONTINUED)

WHEREAS throughout recent history City streets with historical value are being renamed without recognition of their historical value; and,

WHEREAS Kingston is renowned for its attempts to preserve the historical aspects of the municipality;

THEREFORE BE IT RESOLVED THAT the Kingston Municipal Heritage Committee be directed to form an action plan to retroactively recognize these disappearing streets throughout the older sections of Kingston in the Queen's University and Kingston General Hospital areas;

- and further -

THAT a policy be developed to recognize future street closures and name changes as they occur;

- and further -

THAT Queen's University and the Kingston General Hospital be asked to partake in this action plan given the fact that many disappearing streets are being consumed by the university and hospital.

DEFERRED

- (5) Moved by Councillor Glover
Seconded by Councillor Meers

THAT an ad hoc committee of Council be struck, composed of interested Councillors and assisted by the staff of the City Clerk's Department, in order to:

- a) Review By-Law No. 98-1, "Council Procedural By-Law" and review 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", and recommend appropriate revisions, and

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b) Report to Council with recommendations not later than the first meeting in December.

DEFERRED AS AMENDED

(6) Moved by Councillor MacLeod-Kane
Seconded by Deputy Mayor Garrison

WHEREAS in 1950 the Corporation of the City of Kingston entered into a contract with the Kingston and District Agricultural Society to facilitate the construction of the Kingston Community Memorial Centre (Memorial Centre); and,

WHEREAS the financial consideration from the Kingston and District Agricultural Society at the time would equate to \$6.7 million today; and,

WHEREAS the City's adherence to the terms of this contract have wavered over the intervening decades; and,

WHEREAS the City of Kingston wishes to continue to assert its support for this living memorial and those sailors, soldiers, airmen, and airwomen whom it was built to remind us of, including the ultimate sacrifice they made;

THEREFORE BE IT RESOLVED THAT City Council hereby direct the City's staff to ensure that all future dealings with the Kingston and District Agricultural Society in relation to the Memorial Centre and its grounds be in keeping with both the letter, and the spirit, of the contract entered into in 1950;

- and further -

THAT staff is directed to draft a by-law, and present it to Council no later than the last Council meeting in July 2007, that will assert the City's renewed participation in the Memorial Centre Board of Directors, in a form agreed to by the Director of Legal Services, and the Kingston and District Agricultural Society. The same by-law shall dissolve the Kingston Community Memorial Centre Advisory Committee, and, if required, transfer the appointments of all or some of the community representatives from the advisory committee, to the new board of directors;

MOTIONS (CONTINUED)

- and further -

THAT the adoption of this resolution by Council shall not diminish or impact in any way the role or mandate of the Memorial Centre Revitalization Committee as set out by previous resolutions of Council.

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

Moved by Councillor Glover
Seconded by Councillor Matheson

THAT Motion No. (6) be referred to the Administrative Policies Committee and that the Kingston and District Agricultural Society be invited to present their concerns and that the Committee report back to Council with staff input at the August 14th, 2007 City Council meeting.

CARRIED

Moved by Councillor Smith
Seconded by Councillor Foster

THAT Motion No. (6) be deferred to go "In Camera" for legal advice at the next Council meeting.

LOST

(7) Moved by Councillor Osanic
Seconded by Councillor Matheson

WHEREAS the City of Ottawa has committed to planting 100,000 trees throughout the city over the next four years to support the United Nations Environment Programme's "*Plant for the Planet: Billion Tree Campaign*"; and,

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WHEREAS the Mayor of Ottawa has issued a "*National Tree Planting Challenge*" to all other Canadian municipalities to plant trees in support of this campaign as per Communication No. 13-375 of the June 5, 2007 City Council meeting;

THEREFORE BE IT RESOLVED THAT staff be directed to provide policy direction and cost options for implementing the National Tree Planting Challenge beginning this fall and to bring the report forward to the Arts, Recreation and Community Policies Committee in time for the 2008 budget sessions.

DEFERRED

- (8) Moved by Councillor Hutchison
Seconded by Councillor Gerretsen

WHEREAS the City of Kingston will be receiving \$6.62 million from the Ministry of Municipal Affairs and Housing for the purpose of affordable housing; and,

WHEREAS the City has a chronic shortage of affordable housing over many years and that the City's Social Housing Registry currently has a waiting list of about 1000 households; and that it is recognized that the City has an immediate need for at least 200-300 affordable housing units; and,

WHEREAS the City of Kingston has identified affordable housing as a strategic priority through the Focus Kingston process; and the Kingston Model for Affordable Housing developed in 2005 by the City recommends the development of affordable housing in a variety of ways across the City and indicates that the City should be developing 100 units of affordable housing per year which schedule has not been realized; and,

WHEREAS a number of community based organizations and private sector developers have stated their strong interest in building affordable housing; and the provincial and federal governments have strongly encouraged communities to bring forward creative projects for affordable housing; and,

MOTIONS (CONTINUED)

WHEREAS the development of affordable housing in our community has both short and long term community economic development benefits including increased employment during and after development, related business spinoffs, increased City property taxes, more intensive usage of municipal physical infrastructure, and potential for positive environmental and social impacts; and,

WHEREAS not-for-profit housing has a well-established record in supplying permanently affordable housing that broadens the community's housing assets and directly addresses the issues of poverty, homelessness and community stability;

THEREFORE BE IT RESOLVED THAT the City of Kingston assist in the construction of 100 units of not-for-profit affordable housing;

- and further -

THAT the City of Kingston commit \$5 million in capital funds to match, to the extent necessary to complete the not-for-profit project(s), the provincial contribution of \$6.62 million;

- and further -

THAT the implications and implementation of this Motion be reviewed by the Arts, Recreation and Community Policies Committee (ARC), Affordable Housing Development Committee (AHDC), and staff for recommendations to City Council in time for consideration for the City's 2008 capital and operating budgets;

-and further -

THAT the City, through ARC, AHDC and staff in their recommendations, consider the means and resources necessary to successfully implement this Motion including, but not restricted to, the supplying of municipally owned land, senior government and/or municipally supplied rent supplements, brownfields opportunities, forgiveness of planning and development charges, installation of utility services, phased-in implementation of property taxes, and fast-tracking of affordable housing applications and development;

- and further -

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THAT the City, through ARC, AHDC and staff in their recommendations, actively engage and involve community economic partners such as KEDCO, the Boards of Education, interested community groups and organizations and developers.

DEFERRED

NOTICES OF MOTION

MINUTES

THAT the Minutes of City Council Meeting No. 06-2007, held Tuesday, February 20, 2007 and completed on Tuesday, February 27, 2007, City Council Meeting No. 11-2007, held Tuesday, May 1, 2007, and City Council Meeting No. 12-2007, held Tuesday, May 15, 2007 be confirmed.

DEFERRED

TABLING OF DOCUMENTS

2007-34 Kingston Frontenac Public Library Board
Minutes – Regular Meeting # 2007-04 – April 25th, 2007
(File No. CSU-R02-000-2007)

TABLING OF DOCUMENTS (CONTINUED)

2007-35 Cataraqui Region Conservation Authority
Annual Report – Conservation Ontario - 2006
(File No. CSU-D03-000-2007)

2007-36 Cataraqui Region Conservation Authority
Minutes – Full Authority Meeting – May 23rd, 2007
(File No. CSU-D03-000-2007)

COMMUNICATIONS

Filed

14-408 From John Gerretsen, MPP for Kingston and the Islands, acknowledging receipt of Council's motion regarding the closing of the Hershey's factory in Smiths Falls.
(File No. CSU-M11-000-2007)

14-409 From the Ontario Ministry of the Environment and the Ontario Ministry of Natural Resources, advising that the *Safeguarding and Sustaining Ontario's Water Act, 2007* passed third reading by unanimous vote and received Royal Assent on June 4th, 2007.
(File No. CSU-L11-000-2007)

14-410 From the Committee of Adjustment, a Notice of Decision for the following applications:

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CONSENT – In respect of an application to sever the property at 950-952 Portsmouth Avenue, that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is June 25, 2007.

CONSENT – In respect of an application to sever the property at 531 Bagot Street, that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is June 27, 2007. (File No. CSU-D19-000-2007)

14-411 From the Ontario Human Rights Commission, providing information on the launch of the review of human rights and rental housing and inviting input on the issues raised in its Consultation Paper entitled "Human Rights and Rental Housing in Ontario". (File No. CSU-S13-000-2007)

14-412 From the International Joint Commission's International St. Lawrence River Board of Control, providing information regarding their annual meeting with the public to be held on June 19th, 2007 in Brockville. (File No. CSU-A01-000-2007)

14-413 From the Ontario Ministry of Agriculture, Food and Rural Affairs, providing information on a new infrastructure program entitled "Rural Connections – The Ontario Municipal Rural Broadband Partnership Program". (File No. CSU-A16-000-2007)

COMMUNICATIONS (CONTINUED)

14-414 From the Association of Municipalities of Ontario (AMO), advising that the Ontario Ministry of the Environment has announced new water testing and treatment measures to control lead leaching in older homes. (File No. CSU-E05-000-2007)
(Digitally distributed to all Members of Council on June 8, 2007)

14-415 From the Association of Municipalities of Ontario (AMO), providing background information regarding the issue of lead in water. (File No. CSU-E05-000-2007)
(Digitally distributed to all Members of Council on June 8, 2007)

14-416 From the Association of Municipalities of Ontario (AMO), providing information regarding the transition of municipalities from the Regulated Price Plan (RPP) to the hourly market rate for electricity, which will occur in April 2008. (File No. CSU-E06-000-2007)
(Digitally distributed to all Members of Council on June 8, 2007)

14-420 From the Association of Municipalities of Ontario (AMO), advising that the "expressions of interest" received from municipalities to participate in the Asset Management Program (AMP) of the Canada-Ontario Municipal Rural Infrastructure Fund (COMRIF) are now under review by the COMRIF Joint Secretariat. (File No. CSU-F11-000-2007)
(Digitally distributed to all Members of Council on June 11, 2007)

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- 14-426 From the Association of Municipalities of Ontario (AMO), advising that Ontario Premier Dalton McGuinty has announced \$20 million in grants to help municipalities to undertake greenhouse gas reduction projects.
(File No. CSU-F11-000-2007)
(Digitally distributed to all Members of Council on June 14, 2007)
- 14-427 From the Association of Municipalities of Ontario (AMO), providing information regarding Ministry delegations at the AMO Conference to be held in Ottawa on August 20th and 21st, 2007.
(File No. CSU-A04-000-2007)
(Digitally distributed to all Members of Council on June 14, 2007)
- 14-428 From the Association of Municipalities of Ontario (AMO), advising that the Minister of the Environment, the Honourable Laurel Broten, has announced a new, industry-funded, Waste Electronic and Electrical Equipment Program and municipal waste requirements.
(File No. CSU-E07-000-2007)
(Digitally distributed to all Members of Council on June 14, 2007)
- 14-429 From the Association of Municipalities of Ontario (AMO), providing a reminder about upcoming deadlines for nominations for the 2007-2008 AMO Board of Directors and the Call for Submissions for the Peter J. Marshall 2007 Municipal Innovation Awards Competition.
(File No. CSU-A01-004-2007)
(Digitally distributed to all Members of Council on June 14, 2007)

COMMUNICATIONS (CONTINUED)

- 14-433 From the Federation of Canadian Municipalities (FCM), advising the names of their new President and Board of Directors.
(File No. CSU-A01-002-2007)

Referred to All Members of Council

- 14-407 From Charles St. Georges, Kingston Area Manager for the Commissionaires, requesting the approval of Council to appoint Chad Ferland as a By-Law Enforcement Officer for the purpose of issuing tickets under By-Law No. 99-166 on the property of the Kingston Norman Rogers Airport and to remove Trevor Doucet.
(File No. CSU-P01-003-2007)
(See By-Law No. (6), 2007-126)
- 14-417 From Mr. Brian Nesbitt, President of the Grenville Park Cooperative Housing Association (GPCHA), expressing opposition to the Rideau Trail Association's proposal to pave a 3 metre wide trail between Bath Road and Princess Street.
(File No. CSU-R06-000-2007)
- 14-418 From Ms. Sue Hitchcock, Communities in Bloom Program Coordinator, requesting that the Communities in Bloom flag be flown in Confederation Park from Monday, July 23rd to Friday, July 27th, during which time national judges will begin a two-day evaluation of the City of Kingston.
(File No. CSU-M10-000-2007)
- 14-421 From the City of Port Colborne, asking for Council's support of a resolution petitioning the Minister of Health to immediately call for Health Canada to undertake a review of salvia divinorum and its derivatives to determine

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the risks associated with the use of this substance and its widespread availability and with a view to taking the same proactive stance on the regulation of this substance for the health and safety of Canadians as other nations have for their citizens.

(File No. CSU-C10-000-2007, CSU-S08-000-2007)

(Digitally distributed to all Members of Council on June 11, 2007)

14-423 From Ms. Lorraine Payette, Kingston Regional Coordinator for UNA-C, providing a copy of the press release by the Canadian Race Relations Foundation (CRRF) advising that they are pleased to endorse and participate in the Coalition of Municipalities Against Racism and Discrimination (CMARD).
(File No. CSU-R08-000-2007)

14-425 From Mr. Tyler Ahlgren, expressing his opinions regarding the need to educate young people in the community about social issues and environmental problems through the local media, schools and service groups.
(File No. CSU-M04-000-2007)

COMMUNICATIONS (CONTINUED)

14-430 From the Town of East Gwillimbury, asking for Council's support of a resolution regarding the regulation of salvage yards in order to mandate the removal of mercury switches under the Clean Air Foundation's Switch-Out Program.
(File No. CSU-C10-000-2007)
(Digitally distributed to all Members of Council on June 14, 2007)

14-431 From the Corporation of the Municipality of Brockton, asking for Council's support of a resolution regarding the construction of the Bruce-Milton power corridor.
(File No. CSU-C10-000-2007)
(Digitally distributed to all Members of Council on June 14, 2007)

14-432 From the Cataraqui Region Conservation Authority, providing information regarding the appointment process for municipal representation on the proposed Cataraqui Source Protection Committee.
(File No. CSU-D03-000-2007)

Referred to the President and CEO of Utilities Kingston

14-405 From the Ontario Clean Air Alliance, challenging communities across Ontario to reduce their peak demand and coal-fired electricity use to protect public health and the environment through the "Peak Busters" contest.
(File No. CSU-E11-000-2007)

14-422 From the Ontario Energy Board, providing a notice of application and hearing for the Canadian Renewable Energy Corporation's amended application for leave to construct Wolfe Island Wind Plant transmission facilities.
(File No. CSU-E11-000-2007)

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Referred to the Commissioner of Finance and Corporate Performance and the Commissioner of Community Development Services

- 14-406 From the Ontario Ministry of Natural Resources, providing information on publications entitled "A Guide to Stewardship Planning for Natural Areas" and "Managed Forest Tax Incentive Program (MFTIP) Guide".
(File No. CSU-M04-000-2007)

Referred to the Commissioner of Community Development Services

- 14-419 From the Ontario Municipal Board (OMB), providing information regarding an appeal of a decision by the Committee of Adjustment of the City of Kingston regarding an application to sever the property located at 1594 Woodbine Road.
(File No. CSU-L01-001-2007)

- 14-424 From the Ontario Municipal Board (OMB), providing information regarding an appeal of a decision of the City of Kingston regarding an application to sever the property located at 680 Melrose Street.
(File No. CSU-L01-001-2007)

BY-LAWS

Council consented to the addition of By-Law (10) and (11).

- (A) Moved by Councillor Foster
Seconded by Councillor Hector

THAT By-Laws (1) through (10) be given their first and second reading.

CARRIED

- (B) Moved by Councillor Osanic
Seconded by Councillor Smith

THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (4) to (6) and (10) three readings.

CARRIED

- (C) Moved by Councillor Meers
Seconded by Councillor Glover

THAT By-Laws (4) through (10) be given their third reading.

CARRIED

- (1) 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" (Add parking meter zones on Stuart Street and Princess Street)

FIRST AND SECOND READINGS

PROPOSED NO. 2007-121

(See Clause (a), Report No. 64)

- (2) 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 Princess and Stuart Streets)

FIRST AND SECOND READINGS

PROPOSED NO. 2007-122

(See Clause (a), Report No. 64)

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- (3) A By-Law To Amend By-Law No. 2003-209, "A By-Law To Regulate Traffic" (to designate two lanes at Kingston Centre Access and Bath Road for buses only)
FIRST AND SECOND READINGS PROPOSED NO. 2007-123
(See Clause (e), Report No. 64)

- (4) A By-Law To Amend The Official Plan Of The Township Of Kingston Planning Area (Amendment No. 22 - Special Policy Area No. 2 - 1709 Westbrook Road)
THREE READINGS PROPOSED NO. 2007-124
(See Clause (3), Report No. 66)

- (5) A By-Law To Amend Zoning By-Law No. 76-26, "Former Kingston Township Zoning By-Law" (Modify Site Specific Zoning - 'M4-4-H', 1709 Westbrook Road)
THREE READINGS PROPOSED NO. 2007-125
(See Clause (3), Report No. 66)

BY-LAWS (CONTINUED)

- (6) 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 Chad Ferland, Delete Trevor Doucet - Kingston Norman Rogers Airport)
THREE READINGS PROPOSED NO. 2007-126
(See Communication No. 14-407)

- (7) A By-Law To Establish Part 3 On Reference Plan 13R-6876 As Part Of The Public Highway Known As Mona Drive, In The City Of Kingston, In Accordance With Section 31(4) Of The Municipal Act, Chapter 25, S.O. 2001; As Amended
THREE READINGS PROPOSED NO. 2007-127
(Delegated Authority)

- (8) A By-Law To Amend By-Law No. 76-26, "Former Township Of Kingston Zoning By-Law", To Remove The '-H' Holding Symbol Related To The 'R2-31-H' Zone (Westgate Village Subdivision - Known Municipally as 1237 Collins Bay Road)
THREE READINGS PROPOSED NO. 2007-128
(Delegated Authority)

- (9) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, June 19, 2007 (all items of business up to Motions, including the added Motion No. (1A) and Motion No. (6))
THREE READINGS PROPOSED NO. 2007-129
(City Council Meeting No. 14-2007)

- (10) A By-Law To Amend By-Law No. 2003-209, "A By-Law To Regulate Traffic" (amend through highways and all-way stop signs: McMichael Street and McMahan Avenue; McMichael Street and Glengarry Road; Kingscourt Avenue and Third Avenue; Glengarry Road and Indian Road; Kingscourt Avenue and Oak Street; Alfred Street and Carleton Street / Fourth Avenue; Avenue Road and McMahan Avenue)
THREE READINGS PROPOSED NO. 2007-130
(Councillor Foster, Councillor Hector, Mayor Rosen, Councillor Schmolka and Councillor Smith OPPOSED)

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Moved by Councillor Foster
Seconded by Councillor Smith

THAT By-Law (11) be given first and second readings.

CARRIED

Moved by Councillor Meers
Seconded by Councillor Hector

THAT By-Law (11) be given third reading.

CARRIED

BY-LAWS (CONTINUED)

(11) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, June 19, 2007 (items of business from Motion No. (1) to adjournment, excluding Motion No. (1A) and Motion No. (6))

THREE READINGS

PROPOSED NO. 2007-131

(City Council Meeting No. 14-2007)

ADJOURNMENT

Moved by Councillor Smith
Seconded by Councillor Schmolka

THAT Council do now adjourn.

CARRIED

Council adjourned at 11:47 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor