

CITY COUNCIL MEETING NO. 19-2007

The Regular Meeting of City Council was held on Tuesday, September 18, 2007 at 7:30 pm in Memorial Hall, City Hall. His Worship Mayor Harvey Rosen presided.

(Memorial Hall)

ROLL CALL

Present: Mayor Rosen, Councillor Foster, Councillor Garrison (arrived at 7:45 pm), Deputy Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka (arrived at 7:47 pm), Councillor Smith (13)

Absent: (0)

COMMITTEE OF THE WHOLE "IN CAMERA"

(Memorial Hall)

Administrative Staff Present:

Mr. G. Laubenstein, Chief Administrative Officer
Ms. K. Ball, Administrative Assistant, Organization Effectiveness-Human Resources
Ms. C. Beach, Commissioner of Sustainability and Growth
Mr. J. Dacosta, Manager, Employee Relations and Development
Mr. M. Fluhrer, Director, Culture and Recreation
Ms. Y. Holland, Manager, Facilities, Asset Management
Mr. G. Hunt, Commissioner of Finance and Corporate Performance
Ms. L. Hurdle, Director, Project Development, Sustainability and Growth
Ms. K. Irwin, Administrative Assistant, Clerk's Department
Ms. D. Kennedy, Director, Financial Services
Mr. T. Laprade, Public Education Coordinator, Strategy, Environment and Communications
Mr. D. Leger, Commissioner of Corporate Services
Mr. H. Linscott, Director, Legal Services
Ms. S. Powley, Council Committee Supervisor
Mr. M. Segsworth, Commissioner of Public Works and Emergency Services
Ms. L. Seiffert, Communications Officer, Strategy, Environment and Communications
Mr. L. Thurston, Commissioner of Community Development Services
Mr. G. Wallace, Director, Planning and Development

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

DISCLOSURE OF PECUNIARY INTEREST

PRESENTATIONS

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- (1) Mr. Tim Laprade, Public Education Coordinator, Strategy, Environment and Communications, was present and spoke to Council regarding the "Trim Your Waste" poster contest held during Waste Reduction Week. Mayor Rosen presented certificates to the winners of the elementary school contest, Amanda Oliveira and Aaron Wilson.

DELEGATIONS

- (1) Mr. Mike Wheeler was present and spoke to Council regarding Councillor Matheson's motion regarding the property at 982 Nottinghill Avenue.
(See Motions No. (3) and (4), Page No. 575)
- (2) Col. C.M. (Spike) Hazleton, 2007 Campaign Chair, and Ms. Bhavana Varma, President, were present and spoke to Council regarding the United Way campaign.
(See Motion No. (5), Page No. 576)

BRIEFINGS

Council consented to the withdrawal of Briefing No. (1).

- (1) Mayor Rosen will speak to Council regarding the Mayor's Task Force on Poverty.

PETITIONS

- (1) A petition bearing approximately 82 signatures was presented by Councillor Foster and referred to the Commissioner of Public Works and Emergency Services and reads as follows:

"As residents of River's Edge Subdivision/StarTek employees, we have signed this petition to inform City staff and Council of the increasingly dangerous intersection at Biscayne St., Innovation Drive and Hwy. 15. We believe that a traffic light is needed to improve the safety of pedestrians, cyclists, and motorists."

REFERRED TO THE COMMISSIONER OF PUBLIC WORKS AND EMERGENCY SERVICES

Moved by Councillor Matheson
Seconded by Councillor Glover

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 allow Motions No. (3) and (4) to be dealt with following the Motions of Condolence.

CARRIED
(A 2/3 Vote of Council Was Received)
(See Page No. 576)

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

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Motions of Condolence

- (1) Moved by Mayor Rosen
Seconded by Deputy Mayor Gerretsen

THAT the sincere condolences of Kingston City Council be extended to the family and friends of Randy Genois, a long-time volunteer photographer for many municipal events. Mr. Genois passed away on September 3, 2007.

Motions of Speedy Recovery

- (1) Moved by Councillor MacLeod-Kane
Seconded by Deputy Mayor Gerretsen

THAT Kingston City Council extend an expression of support to Tracey Killoran, Fire and Emergency Planning, and her family, with best wishes for a full recovery.

Motions of Congratulations

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

THAT Kingston City Council extends congratulations to Molly Solc of Joyceville (City of Kingston, Countryside District) for her 2007 accomplishments: 4th place at the Canadian Indoor Archery Championships; 2nd place at the Canadian Outdoor Archery Championships; 1st place at the Ontario Indoor Archery Championships; 1st place at the Ontario Outdoor Archery Championships. Congratulations to Molly.

CARRIED

REPORTS

Report No. 94 the Chief Administrative Officer (Consent)

Moved by Councillor Smith
Seconded by Councillor Foster

THAT Report No. 94 of the Chief Administrative Officer (Consent) be received and adopted.

Report No. 94

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:

REPORTS (CONTINUED)

Report No. 94 the Chief Administrative Officer (Consent)

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(a) **Award of RFP for Janitorial Services for the Police Building at 705 Division Street to OMNI Facility Services Canada Limited**

THAT Council award the contract for the janitorial and custodial services for the new police headquarters located at 705 Division Street to OMNI Facility Services Canada Limited for a two-year term for \$381,735 plus applicable taxes and further authorize the Mayor and Clerk to execute an agreement in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Corporate Services (07-294) was attached as Schedule Pages 1-5)
(File No. CSU-F18-000-2007)

CARRIED

REPORTS

Report No. 95 of the Chief Administrative Officer (Recommend)

Moved by Councillor Schmolka
Seconded by Councillor Meers

THAT Report No. 95 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 95

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

(1) **Phoebe Boathouse at the Pump House Steam Museum**

THAT Council authorize the Mayor and Clerk to enter into a contract, in a form satisfactory to the Director of Legal Services, with the Limestone District School Board to provide direction, supervision and labour to complete the construction of the Phoebe boathouse on the grounds of the City of Kingston's Pump House Steam Museum in conjunction with the Board's "Building Construction Internship Program" for students.

(The Report of the Commissioner of Community Development Services (07-281) was attached as Schedule Pages 6-10)

(File No. CSU-R03-000-2007)

CARRIED

(2A) **STAFF BRIEFING – Mr. Gerard Hunt, Commissioner of Finance and Corporate Performance, was present and spoke to Council regarding the report on the 2008 Budget Guidelines.**

Council consented to the separation of Item g) of Clause (2) of Report No. 95.

(2) **2008 Budget Guidelines**

THAT Council endorse the following guidelines for the preparation of the 2008 draft operating and capital budgets:

- a) that priority be given for the completion and successful implementation of the major capital projects currently underway;

REPORTS (CONTINUED)

Report No. 95 of the Chief Administrative Officer (Recommend)

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- b) that the capital program presented for 2008 take into consideration the capacity of staff to complete prior approved works in progress, prior to committing to additional new capital projects;
- c) that the capital financing strategy of a 1% incremental adjustment in taxation dedicated for capital purposes be continued;
- d) that the budget related municipal property tax increase be presented at 3.5%;
- e) that agencies and boards be asked to implement budget strategies to reflect an overall funding envelope established at a 3% increase above the 2007 amount;
- f) that service level enhancements be identified and that the related funding requirements and sources be presented separately for consideration over and above the guidelines identified in (d) above;
- g) that policies and by-laws for general rates and fees be amended to be consistent with the property taxation policy, to reflect annual increases recognizing inflation and a 1% incremental adjustment for capital purposes;

CARRIED (8:5)
(for item g) only
(See Recorded Vote No. 1)

- h) that staff supply a list of, and explanations for, the \$2 million in budgetary cuts already proposed by staff and factored into the tax increase guideline under part (d).

(The Report of the Commissioner of Finance and Corporate Performance (07-287) was attached as Schedule Pages 11-16)

(File No. CSU-F05-000-2007)

CARRIED AS AMENDED (11:2)
(for items a) to f) and h)
(See Recorded Vote No. 2)
(See Motion To Amend Which Was CARRIED)
(See Motions To Amend Which Were LOST)

Moved by Councillor Hutchison
Seconded by Councillor Glover

THAT Clause (2) of Report No. 95 be amended to add the following:

- h) that staff supply a list of, and explanations for, the \$2 million in budgetary cuts already proposed by staff and factored into the tax increase guideline under part (d).

CARRIED

Moved by Deputy Mayor Gerretsen
Seconded by Councillor Schmolka

THAT Clause (2) d) of Report No. 95 be amended to read as follows:

"that the budget related municipal property tax increase be presented at 2.5%;"

LOST (4:9)
(See Recorded Vote No. 3)

REPORTS (CONTINUED)

Report No. 95 of the Chief Administrative Officer (Recommend)

Moved by Councillor Schmolka
Seconded by Councillor Gerretsen

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THAT Clause (2) of Report No. 95 be amended to add the following:

"h) should downloading responsibilities be uploaded with relief of responsibility for the municipality in 2008 that the money be used to decrease taxes and not to increase spending."

LOST (6:7)
(See Recorded Vote No. 4)

Moved by Councillor Schmolka
Seconded by Councillor Garrison

THAT Clause (2) of Report No. 95 be amended to add the following:

"and further that options be presented to Council."

LOST

1. A Recorded Vote was requested by Deputy Mayor Gerretsen

YEAS: Councillor Foster, Councillor Glover, Councillor Hector, Councillor Matheson, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (8)

NAYS: Councillor Garrison, Deputy Mayor Gerretsen, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Meers (5)

2. A Recorded Vote was requested by Deputy Mayor Gerretsen

YEAS: Councillor Foster, Councillor Garrison, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Smith (11)

NAYS: Deputy Mayor Gerretsen, Councillor Schmolka (2)

3. A Recorded Vote was requested by Deputy Mayor Gerretsen

YEAS: Deputy Mayor Gerretsen, Councillor Glover, Councillor Matheson, Councillor Schmolka (4)

NAYS: Councillor Foster, Councillor Garrison, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Smith (9)

4. A Recorded Vote was requested by Deputy Mayor Gerretsen

YEAS: Councillor Gerretsen, Councillor Hector, Councillor Meers, Mayor Rosen, Councillor Schmolka, Councillor Smith (6)

NAYS: Councillor Foster, Councillor Garrison, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Osanic (7)

(3A) **STAFF BRIEFING – Ms. Cynthia Beach, Commissioner of Sustainability and Growth, and Ms. Lanie Hurdle, Director, Project Development, were present and spoke to Council regarding the report on additional seats for the Kingston Regional Sports and Entertainment Centre.**

REPORTS (CONTINUED)

Report No. 95 of the Chief Administrative Officer (Recommend)

(3) **Kingston Regional Sports and Entertainment Centre – Additional Seats**

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THAT Council approve the proposed changes in seats for the Kingston Regional Sports and Entertainment Centre providing for a total seat/viewing position count of approximately 5,650 with no additional cost for the base construction contract and that furnishings be provided as part of the existing furnishing fixtures and equipment budget. (The Report of the Commissioner of Sustainability and Growth (07-292) was attached as Schedule Pages 17-20) (File No. CSU-R05-001-2007)

CARRIED

REPORTS

Report No. 96 of the Planning Committee

Moved by Councillor Schmolka
Seconded by Councillor Meers

THAT Report No. 96 of the Planning Committee be received and adopted.

Report No. 96

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.

September 6, 2007

1. **Application for Zoning By-Law Amendments to Establish a Retirement Home Use, Accessory Uses, Reduced Parking, Recognition of Zero Frontage on a Public Road, Permit Three Apartment Buildings and Permit Dwelling Unit Equivalency Ratio of 2:1 at 1102, 1106 and 1110 King Street West**

THAT the Application for Zoning By-Law Amendment (Our File No. D14-092-2007) submitted by IBI Group, on behalf of Admiral's Walk Residences Inc. for the property municipally known as 1102, 1106 and 1110 King Street West, **BE APPROVED**;

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

1. By **DELETING** Part VIII, Exceptions to Various Zone Classifications, Section 216 and **REPLACING** Part VIII, Exceptions to Various Zone Classifications, Section 216 with the following new Section 216:

"216. On the approximately 3.74 ha parcel of land located on the south side of King Street West and commonly known as the Kingston Grain Elevator and Zoned as B3.216 on Zoning Map No. 27 attached to and forming part of By-Law No. 2007-176 as Schedule "A", the following regulations shall apply:

(a) The permitted uses as listed in Section 16.2 shall be modified as follows:

- i. there shall be a maximum of three buildings containing up to a maximum of 343 dwelling units and separate free standing buildings containing up to 38 townhouse units;

REPORTS (CONTINUED)

Report No. 96 of the Planning Committee

- ii. That notwithstanding Section 16.2 to the contrary, a retirement home use, as defined herein, shall be a permitted use;

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- iii. the establishment of accessory uses complementary to a retirement home use, including but not limited to a hairdresser, pharmacy and small scale retail use to a maximum of 10% of the gross floor area. The accessory uses shall be exclusive to the retirement home residents and employees; and
 - iv. also permitted shall be the on-shore facilities necessary for a marina including associated commercial and restaurant facilities, including a retail convenience store for primary use by residents as well as customers of the marina, all to a maximum floor area of 1000 square metres.
- (b) Notwithstanding Section 16.3 to the contrary, the following regulations shall apply:
- i. the front yard regulations shall not apply;
 - ii. the side yard regulations shall not apply;
 - iii. the rear yard regulations shall not apply;
 - iv. the maximum lot occupancy shall be 210 percent with the lands within the B3.216 zone being considered as one lot for zoning purposes;
 - v. the density provisions shall not apply;
 - vi. a dwelling unit equivalency ratio of 2 retirement home suites, as defined herein, to one dwelling unit (2:1 units) for a retirement home use to a maximum 154 retirement home suites is permitted; and
 - vii. Notwithstanding Section 5.3 to the contrary, a reduced parking ratio of 0.60 parking spaces per retirement home suite shall apply to the retirement home use.
 - viii. Notwithstanding Section 5.3 to the contrary, commercial uses, excluding the accessory retirement home uses but including the marina use, shall be supplied at the rate of one parking space per each 18.5 square meters of floor area.
- c) **Retirement Lodge or Retirement Home Use:**
A residence providing accommodation primarily for retired persons or couples where each private bedroom or living unit has a separate private bathroom and separate entrance from a common hall but where common facilities for the preparation and consumption of food are provided and common lounges, recreation rooms and medical care facilities may also be provided for the exclusive use of the residents.
- d) **Retirement Home Suite:**
Shall be defined as a habitable space designed for living and sleeping consisting of studios, one or two bedrooms, private bathroom and separate entrance from a common hall, a kitchenette which may include convenience facilities such as a bar fridge and a microwave oven may be included, but without full cooking facilities."
2. **AND BE IT FURTHER RESOLVED** that the amending By-Law be presented to City Council for all three readings.
(See By-Law No. (1), 2007-176)

CARRIED

REPORTS (CONTINUED)

Report No. 97 of the Kingston Municipal Heritage Committee (LACAC)

Moved by Councillor Glover

Seconded by Deputy Mayor Gerretsen

THAT Report No. 97 of the Kingston Municipal Heritage Committee (LACAC) be received and adopted.

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Council consented to the separation of Clause 5.

Report No. 97

To the Mayor and Members of Council:

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

September 10, 2007

1. **Approval of an Application for Roof Repairs at 251 Ontario Street known as the former Fire Hall**
THAT Application P18- 274-063-2007 for a property located at 251 Ontario Street known as the former Fire Hall requesting approval for in kind roof repairs **BE APPROVED**.

2. **Approval of an Application for Revisions to Exterior Restoration and Renovations of the New Side Entrance at 437 King Street West**
THAT Application P18-230-001-2007 for a property located at 437 King Street West requesting approval for exterior restoration and renovations of the new side entrance **BE APPROVED** in accordance with a listing of revisions dated 07th September 2007, with the understanding that new transom lights be fabricated that incorporate sull sash on the interior (instead of the proposed insulated glass units) so that the new transom lights match the existing sash below.

3. **Approval of an Application for the Removal of a Chimney at 92 Bagot Street**
THAT Application P18-047-058-2007 for a property located at 92 Bagot Street requesting approval for the removal of a chimney **BE APPROVED**.

4. **Approval of an Application for Renovations to the Existing Building and a Small Addition at the Back at 12 Drummond Street**
THAT Application P18-456-059-2007 for a property located at 12 Drummond Street requesting approval for renovations to the existing building and a small addition at the back **BE APPROVED** with the understanding that the west elevation be two single hung wood windows with a stone arch or lintels and no transoms.

CARRIED

5. **Request for Endorsement of 'Engine 1095 Restorers' Ad Hoc Group and Addition of 'The Spirit of Sir John A.' to the 2008 Budget**
THAT the Kingston Municipal Heritage Committee endorse and recommend that Council recognize the work of an ad hoc group of interested citizens and engineers known as the 'Engine 1095 Restorers';

- and further -

REPORTS (CONTINUED)

Report No. 97 of the Kingston Municipal Heritage Committee (LACAC)

THAT the Committee believe the restoration of the historic appearance of Engine 1095 'The Spirit of Sir John A.' is a worthy item and request that Council direct staff to consider the inclusion of an allocation of \$170,000 for this restoration over the next five years, as required.

(A copy of the Report to the City of Kingston – Engine 1095 Restoration Project – Survey Findings and Recommendations was attached as Schedule Pages 21-33)

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

Moved by Councillor Hector
Seconded by Deputy Mayor Gerretsen

THAT Clause 5 of Report 97 be amended to delete the words "in the 2008 budget" and replace them with the words "over the next five years, as required".

CARRIED

REPORTS

Report No. 98 of the Nominations Committee

Moved by Councillor Schmolka
Seconded by Councillor Glover

THAT Report No. 98 of the Nominations Committee be received and adopted.

Report No. 98

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

September 10, 2007

1. Recommendation for Appointments to the Municipal Accessibility Advisory Committee

THAT Council approve the following appointment to the Municipal Accessibility Advisory Committee and that the Committee determine the term of appointment for each member and report back to Council:

- Joseph Francis Kukhta
- Robert (Bob) Brooks
- Robert Baird
- Moira Fuller
- Gary Larson

CARRIED

REPORTS (CONTINUED)

Report No. 93 of the Arts, Recreation and Community Policies Committee

Moved by Councillor Glover
Seconded by Deputy Mayor Gerretsen

THAT Report No. 93 of the Arts, Recreation and Community Policies Committee be received and adopted.

Report No. 93

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To the Mayor and Members of Council:

The Arts, Recreation and Community Policies Committee reports and recommends as follows:

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

NOTE: The following clause was deferred from the Council meeting of September 4th, 2007 due to lack of time.

August 23, 2007

5. **YMCA Request for Financial Support**

THAT the memo from the CEO of the YMCA regarding 'City of Kingston Support – 25 metre Aquatics Centre Development' dated 03rd August 2007 be forwarded to Council for action;

- and further -

THAT staff prepare a report to Council for 02nd October 2007 to explore what would be the financial implications and infrastructure issues to award a grant of approximately \$250,000 to the Kingston YMCA and what services the YMCA could provide to the community in exchange for this grant.

(A copy of the memo was attached as Schedule Pages 34-47)

CARRIED AS AMENDED
(See Motions To Amend Which Were CARRIED)

Moved by Deputy Mayor Gerretsen

Seconded by Councillor Hutchison

THAT Clause 5 of Report No. 93 be amended to change the staff report date from 18th September 2007 to 02nd October 2007.

CARRIED

Moved by Councillor Schmolka

Seconded by Deputy Mayor Gerretsen

THAT Clause 5 of Report No. 93 be amended to add the words "and what services the YMCA could provide to the community in exchange for this grant" at the end of the 2nd **THAT** clause so that it will read as follows:

"**THAT** staff prepare a report to Council for 02nd October 2007 to explore what would be the financial implications and infrastructure issues to award a grant of approximately \$250,000 to the Kingston YMCA and what services the YMCA could provide to the community in exchange for this grant."

CARRIED

INFORMATION REPORTS

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

The purpose of this report is to provide Council with monthly project status reports for the Grand Theatre Building Improvement Project, the Multiplex Community Centre Project and the Kingston Regional Sports & Entertainment Centre project for the period from July 1 to August 31, 2007.

(The Report of the Commissioner of Sustainability and Growth (07-260) was attached as Schedule Pages 48-122)

(File No. CSU-R05-000-2007, CSU-R05-001-2007, CSU-R05-002-2007)

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(2) **Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Months of July and August 2007**

The 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 months of July/August 2007 and to report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the months of July/August 2007.

(The Report of the Commissioner of Finance and Corporate Performance (07-290) was attached as Schedule Pages 123-129)

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

MISCELLANEOUS BUSINESS

- (1) Moved by Deputy Mayor Gerretsen
Seconded by Councillor Hector

THAT, at the request of Ms. Karyn Kennedy, Executive Director of Boost Child Abuse Prevention and Intervention, Council proclaim October as "Child Abuse and Neglect Prevention Month" and October 1st, 2007 as "Go Purple for Prevention Day".

(File No. CSU-M10-000-2007)

(See Communication No. 18-517)

CARRIED

- (2) Moved by Councillor Schmolka
Seconded by Councillor Osanic

THAT, at the request of Ms. Marlaine Koehler, Executive Director of Waterfront Regeneration Trust, Council proclaim September 20th, 2007 "Waterfront Trail and Greenway Day".

(File No. CSU-M10-000-2007)

(See Communication No. 18-519)

CARRIED

MOTIONS

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

THAT the Council of The Corporation of the City of Kingston endorse the following motion from the City of Ottawa:

"That Council request the Provincial government to adopt "Safer Communities and Neighbourhoods" legislation in order to address the public disorder and neighbourhood deterioration caused by problem addresses; and urge other Ontario municipalities, the Ontario Association of Police Service Boards, the Ontario Association of Chiefs of Police and the Association of Municipalities of Ontario to do the same."

CARRIED
(With Agreed To Amendments)

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- (2) Moved by Councillor Matheson
Seconded by Councillor Garrison

THAT City Council endorse the following motion from the City of Greater Sudbury:

***WHEREAS** on October 17, 2006, a private members bill (Bill 150) requesting the Ontario minimum wage be increased to \$10.00/hour was tabled in the Ontario Legislature;*

***AND WHEREAS** Ontario has 15% of its population living below the poverty level;*

***AND WHEREAS** Statistics Canada reports that close to 40% of people in Sudbury work in private service jobs, and that at least 25% of all jobs in Sudbury are low-wage;*

***AND WHEREAS** Citizens in the City of Greater Sudbury would be amongst the main beneficiaries if Bill 150 is enacted as the number of people living below the poverty level would be reduced if the minimum wage was increased to \$10.00 and more residents could spend more in local businesses boosting the local economy;*

***AND WHEREAS** because small businesses must already competitively pay their employees to retain them, a \$10.00/hour minimum wage would not adversely affect the small business sector;*

***AND WHEREAS** many local organizations are supporting Bill 150, including the Sudbury and District Labour Council, The Social Planning Council of Sudbury, and The Sudbury Action Centre for Youth;*

***THEREFORE BE IT RESOLVED THAT** the Council of the City of Greater Sudbury, in the spirit of social justice and in recognition of government's basic role to protect those citizens in our society who are most vulnerable and in need, hereby endorses provincial Bill 150 and petitions Queen's Park to enact Bill 150. The Bill would raise the minimum wage to \$10/hour immediately and not by 2010 as outlined in the spring 2007 Ontario budget;*

- and further -

THAT copies of this motion be forwarded to the Premier of Ontario, the Minister of Labour, the Minister of Municipal Affairs & Housing, to Kingston area Members of Provincial Parliament, the City of Greater Sudbury, and to the Association of Municipalities of Ontario (AMO).

CARRIED
(See Motion To Defer Which Was LOST)

- Moved by Councillor Smith
Seconded by Councillor MacLeod-Kane

THAT Motion No. (2) be deferred until after the provincial election on October 10th, 2007.

LOST

MOTIONS (CONTINUED)

- Moved by Councillor Matheson
Seconded by Councillor Glover

THAT Motion No. (3) be withdrawn and replaced with Motion No. (4).

CARRIED

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

WHEREAS the decision by City Council "In Camera" has resulted in a loss of the right to appeal any settlement by the residents of Nottinghill;

THEREFORE BE IT RESOLVED THAT the City of Kingston send a letter to the Ontario Municipal Board (OMB) urging them to recognize any potential residents as a party at the OMB hearings to take place.

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WITHDRAWN

Council consented to the separation of Parts 5, 6 and 7 of Motion No. (4).

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

WHEREAS, by decision of the Committee of the Whole "In Camera", instruction has been given to senior staff to negotiate a possible settlement of the appeal with CaraCo; and,

WHEREAS a negotiated settlement, if approved by Council, could be presented to the Ontario Municipal Board (OMB); and,

WHEREAS such action would not create any right to appeal said settlement before the OMB by a third party, most especially the immediate residents of the Nottinghill neighbourhood; and,

WHEREAS those residents who made the oral or written submissions at a public meeting in this matter are entitled to be parties to the appeal and may oppose any settlement;

THEREFORE BE IT RESOLVED THAT the City of Kingston acknowledge the rights of the residents of the Nottinghill neighbourhood to be informed of the results of any negotiation prior to the start of an OMB hearing;

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

- and further -

THAT the City of Kingston will not oppose any submission to the OMB of any eligible residents who may wish to seek status as a Party;

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

- and further -

THAT senior staff be directed to safeguard the rights of residents to an appeal at the OMB level, on any potential settlement reached.

CARRIED (7:6)
(See Recorded Vote No. 3)

MOTIONS (CONTINUED)

1. A Recorded Vote was requested by Councillor Matheson

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

NAYS: (0)

2. A Recorded Vote was requested by Councillor Matheson

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

NAYS: (0)

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3. A Recorded Vote was requested by Councillor Matheson

YEAS: Councillor Garrison, Councillor Glover, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka (7)

NAYS: Councillor Foster, Deputy Mayor Gerretsen, Councillor Hector, Councillor MacLeod-Kane, Mayor Rosen, Councillor Smith (6)

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

WHEREAS the United Way's mission is to support and strengthen the organized capacity of our community to care for one another; and,

WHEREAS the United Way Community Fund provides annual funding to United Way member agencies and demonstration grants supporting a continuum of essential programs and services throughout the Kingston, Frontenac, Lennox & Addington area; and,

WHEREAS the United Way has an annual campaign to raise funds to meet vital community needs, and the goal of the 2007 United Way campaign is to raise \$2.6 million; and,

WHEREAS the City of Kingston joins many other local employers in supporting a United Way workplace campaign;

THEREFORE BE IT RESOLVED THAT the City of Kingston supports the United Way's efforts in their 2007 fundraising campaign;

- and further -

THAT the Mayor and Council of the City of Kingston wish them success in attaining their 2007 fundraising goal.

CARRIED UNANIMOUSLY

NOTICES OF MOTION

MINUTES

Moved by Councillor Hector
Seconded by Councillor Matheson

THAT the Minutes of City Council Meeting No. 17-2007, held Tuesday, August 14, 2007 be confirmed.

CARRIED

Moved by Councillor MacLeod-Kane
Seconded by Councillor Osanic

THAT the Minutes of City Council Meeting No. 18-2007, held Tuesday, September 4, 2007 be amended to read as follows on Page No. 535:

DISCLOSURE OF PECUNIARY INTEREST

Councillor Garrison advised that in the past he has declared a potential pecuniary interest when daycare matters have come before Council pending receipt of a legal opinion. He has received a legal opinion which confirms he does not have a pecuniary interest. His wife provides unlicensed childcare from their home and, because she is not regulated by

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the City, nor does she receive funding from the City, he has no pecuniary interest and therefore he will participate in any discussion regarding daycares.

and confirmed as amended.

CARRIED

TABLING OF DOCUMENTS

- 2007-45 LDC Board Governance Education Program
Professional and Management Training Courses Registration Information – September 27-28 or November 1-2
(File No. CSU-R07-000-2007)
- 2007-46 St. Lawrence College
Annual Report 2007
(File No. CSU-R07-000-2007)

COMMUNICATIONS

Filed

- 19-541 From the Kingston Frontenac Public Library, providing an update on the Calvin Park Library branch construction project.
(File No. CSU-R02-000-2007)
- 19-542 From the Association of Municipalities of Ontario (AMO), advising that it continues to advocate for a housing system that works for all through the release of "Beyond Bricks and Mortar: Important Considerations in the Future of Social Housing in Ontario".
(File No. CSU-S13-000-2007)
(Digitally distributed to all Members of Council on August 30, 2007)

COMMUNICATIONS (CONTINUED)

- 19-543 From the Association of Municipalities of Ontario (AMO), providing updates on important issues considered at the AMO Board of Directors meeting held in August 2007.
(File No. CSU-A01-004-2007)
(Digitally distributed to all Members of Council on August 30, 2007)
- 19-544 From the Committee of Adjustment, a Notice of Decision for the following applications:
- MINOR VARIANCE – In respect of an application to request permission for minor variances to Zoning By-Law No. 8499 for the property at 186 Frontenac Street, the Committee decided that the application **SHOULD BE DENIED**. The final date for appeal is September 17, 2007.
- MINOR VARIANCE – In respect of an application to request permission for minor variance to Zoning By-Law No. 76-26 for the property at 1114 Regatta Court, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 17, 2007.

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MINOR VARIANCE – In respect of an application to request permission for minor variances to Zoning By-Law No. 8499 for the property at 546 Albert Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 17, 2007.

MINOR VARIANCE – In respect of an application to request permission for minor variances to Zoning By-Law No. 8499 for the property at 105-107 Wellington Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 17, 2007.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 76-26 for the property at 316 Friarhill Crescent, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 17, 2007.

MINOR VARIANCE – In respect of an application to request permission for minor variance to Zoning By-Law No. 32-74 for the property at Highway 15 and Innovation Drive, the Committee decided that the application **SHOULD BE DENIED**. The final date for appeal is September 17, 2007.

MINOR VARIANCE – In respect of an application to request permission for minor variances to Zoning By-Law No. 97-102 for the property at 1170 Crossfield Avenue, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 17, 2007.

MINOR VARIANCE – In respect of an application to request permission for minor variances to Zoning By-Law No. 8499 for the property at 184 Regent Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 17, 2007.

CONSENT – In respect of an application to sever the property at 2435 Princess Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 18, 2007.

MINOR VARIANCE – In respect of an application to request permission for minor variances to Zoning By-Law No. 76-26 for the property at 619 McKay Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 17, 2007.

(File No. CSU-D19-000-2007)

19-545 From the Association of Municipalities of Ontario (AMO), advising that the Ministry of Health and Long Term Care will be providing for a 5% funding growth for mandatory public health programs and is also undertaking a public consultation on staffing and care standards in Long Term Care facilities to inform regulation development.

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

(Digitally distributed to all Members of Council on September 4, 2007)

COMMUNICATIONS (CONTINUED)

19-546 From the Blue Moose, located at 760 Highway 15, Units 7 and 8, an application for a liquor license from the Alcohol and Gaming Commission of Ontario.

(File No. CSU-P09-000-2007)

19-551 From Wild Wing Kingston Inc., located at 97 Bath Road, Unit E4, an application for a liquor license from the Alcohol and Gaming Commission of Ontario.

(File No. CSU-P09-000-2007)

19-553 From the Federation of Canadian Municipalities (FCM), providing information regarding the Intelligent Waterloo Conference to be held on October 25th, 2007, which is titled "Intelligent Communities and Broadband: An Alternative to Energy Consumption".

(File No. CSU-A04-000-2007)

(Digitally distributed to all Members of Council on September 10, 2007)

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- 19-557 From the Town of Oakville, acknowledging receipt of Council's motion regarding the student levy.
(File No. CSU-F22-000-2007)
- 19-558 From the Committee of Adjustment, a Notice of Decision for the following applications:
CONSENT – In respect of an application to sever the property at 3748 Sand Hill Road, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 27, 2007.
(File No. CSU-D19-000-2007)
- 19-560 From the Association of Municipalities of Ontario (AMO), providing registration information for the 2007 Ontario Southwest Municipal Conference, which will be held in London on November 9th, 2007.
(File No. CSU-A04-000-2007)
(Digitally distributed to all Members of Council on September 11, 2007)
- 19-561 From the Association of Municipalities of Ontario (AMO), providing information regarding the LAS Energy Services Town Hall Sessions and the Municipal Information & Data Analysis System (MIDAS) Information Sessions.
(File No. CSU-A01-004-2007)
(Digitally distributed to all Members of Council on September 12, 2007)
- 19-563 From the Corporation of the City of Oshawa, acknowledging receipt of Council's motion regarding the student levy.
(File No. CSU-F22-000-2007)

COMMUNICATIONS (CONTINUED)

- 19-564 From the Association of Municipalities of Ontario (AMO), advising that it has released an advocacy paper titled "Poverty and the Property Tax Burden in Ontario".
(File No. CSU-S04-000-2007)
(Digitally distributed to all Members of Council on September 13, 2007)
- 19-565 From the Cataraqui Region Conservation Authority, providing information regarding water conservation tips and a news release declaring a Level 1 low water condition for the region.
(File No. CSU-E05-000-2007)
(Digitally distributed to all Members of Council on September 13, 2007)

Referred to All Members of Council

- 19-547 From the Association of Municipalities of Ontario (AMO), providing information regarding the ONE Funds Municipal Investment Program fall 2007 "Meet and Greet" sessions.
(File No. CSU-F11-000-2007)

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(Digitally distributed to all Members of Council on September 4, 2007)

19-548 From the Federation of Canadian Municipalities (FCM) Centre for Sustainable Community Development, providing information regarding a one day Walkability and Placemaking training seminar for elected municipal officials, which will be held in Toronto on October 1st, 2007.
(File No. CSU-A04-000-2007)

19-549 From the Association of Municipalities of Ontario (AMO), advising that the new Ontario Small Waterworks Assistance Program (OSWAP) is now accepting expressions of interest from small water systems in need of operating and capital assistance.
(File No. CSU-F11-000-2007)
(Digitally distributed to all Members of Council on September 4, 2007)

Referred to the Commissioner of Sustainability and Growth

19-550 From the Cataraqui Source Protection Authority, requesting nominations for the municipal representatives needed to serve on the Cataraqui Source Protection Committee (SPC).
(File No. CSU-D03-000-2007)

Referred to the Commissioner of Public Works and Emergency Services

19-554 From Mr. Bruce Todd, expressing his concerns regarding the proposed traffic calming policy.
(File No. CSU-T08-000-2007)

Referred to the Commissioner of Corporate Services

19-555 From the Honourable Diane Finley, Minister of Citizenship and Immigration, asking that Council proclaim the week of October 15th to 21st, 2007 "Canada's Citizenship Week".
(File No. CSU-M10-000-2007)

COMMUNICATIONS (CONTINUED)

19-556 From Correctional Service Canada, asking that Council proclaim the week of November 18th to 25th, 2007 "Restorative Justice Week".
(File No. CSU-M10-000-2007)

Referred to the Administrative Policies Committee

19-562 From Ms. L. Lorraine Payette, Regional Coordinator, United Nations Association in Canada (UNAC), requesting follow-up on her presentation on behalf of the UNESCO Canadian Coalition of Municipalities Against Racism and Discrimination.
(File No. CSU-R08-000-2007)

Referred to the Commissioner of Finance and Corporate Performance

19-552 From the Corporation of the City of Cornwall, asking Council's support of a resolution requesting the Province of Ontario to assume 100% of the Court Security costs and to re-assume 100% of the cost of all provincially mandated programs such as Social Assistance, ODSP, Ontario Drug benefits, child care services and facilities.
(File No. CSU-C10-000-2007)

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Referred to the Kingston Municipal Heritage Committee

- 19-559 From Lanark County, asking Council's support of a resolution requesting the Minister of Northern Development and Mines to remove the threat of mining within the Rideau Canal World Heritage Route area by withdrawing surface rights only on lands adjacent to and along the Rideau Heritage Corridor bounded by Highway 15 to the east and County Road 10 to the west, thus removing the lands from staking and exploration permanently so the integrity of our unique UNESCO site is never compromised.
(File No. CSU-C10-000-2007)

BY-LAWS

- (A) Moved by Councillor Foster
Seconded by Councillor MacLeod-Kane
THAT By-Laws (1) through (4) be given their first and second reading. **CARRIED**
- (B) Moved by Councillor Hutchison
Seconded by Councillor Meers
THAT By-Laws (1) through (8) be given their third reading. **CARRIED**
- (1) A By-Law To Amend By-Law No. 8499, "Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston" (Zone Modification Of The Special Multiple Family Dwelling 'B3-216' Zone, 1102, 1106 And 1110 King Street West)
THREE READINGS PROPOSED NO. 2007-176
(See Clause (1), Report No. 96)

BY-LAWS (CONTINUED)

- (2) A By-Law To Establish Part 6 On Plan 13R-18895 As Part Of The Public Highway Known As Taylor Kidd Boulevard, 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. 2007-177
(Delegated Authority)
- (3) A By-Law To Establish Parts 7 And 8 On Plan 13R-18895 As Part Of The Public Highway Known As Centennial 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. 2007-178
(Delegated Authority)
- (4) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, September 18, 2007
THREE READINGS PROPOSED NO. 2007-179
(City Council Meeting No. 19-2007)
- (5) A By-Law To Stop Up And Close The Parcels Of Land Identified As The Lane Bounded By Mack, College, Brock And Helen Streets, As Shown On Registered Plan 155; Lane Adjacent To 355 Elliott Avenue, As Shown On Registered Plan 397; And Part 2 On Plan 13R-12382, Known As Part Of 2155 Gibraltar Road
THIRD READING PROPOSED NO. 2007-153

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(See Clause (d), Report No. 83)

- (6) A By-Law To Declare Surplus To Municipal Need And Sell The Parcels Of Land Identified As Part 1 On Plan 13R-18887, Known As Part Of 4322 Bath Road; Lane Bounded By Mack, College, Brock And Helen Streets, As Shown On Registered Plan 155; Lane Adjacent To 355 Elliott Avenue, As Shown On Registered Plan 397; And Part 2 On Plan 13R-12382, Known As Part Of 2155 Gibraltar Road
THIRD READING PROPOSED NO. 2007-154
(See Clause (d), Report No. 83)
- (7) A By-Law To Designate 40 Sir John A. Macdonald Boulevard, Also Known As 'The Prison For Women (P4W)' To Be Of Cultural Heritage Value Pursuant To The Provisions Of The Ontario Heritage Act (R.S.O. 1990, Chapter 0.18)
THIRD READING PROPOSED NO. 2007-167
(See Clause (16), Report No. 90)
- (8) A By-Law To Amend By-Law No. 7718, "A By-Law To Adopt A New Common Seal Of The Corporation Of The City Of Kingston, And To Cancel And Abolish The Common Seal Now In Use By The Said Corporation" (Update Coat of Arms to 2000).
THIRD READING PROPOSED NO. 2007-168
(See Clause (1), Report No. 92)

ADJOURNMENT

Moved by Councillor Hector
Seconded by Councillor Glover

THAT Council do now adjourn.

CARRIED

Council adjourned at 10:55 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor