

CITY COUNCIL MEETING NO. 16-2008

The Regular Meeting of City Council was held on Tuesday, August 12, 2008, and was called to order at 6:45 pm in the Council Chamber, City Hall. Regular business commenced at 7:30 pm. Deputy Mayor Hector presided.

There was an "In Camera" meeting of the Committee of the Whole from 6:50 pm to 7:25 pm in the Councillors' Lounge.

(Council Chamber)

ROLL CALL

Present: Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Glover, Deputy Mayor Hector, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka, Councillor Smith (11)

Absent: Mayor Rosen, Councillor Hutchison (2)

(Councillors' Lounge)

Administrative Staff Present:

Mr. J. Bolognone, Deputy City Clerk

Mrs. C. Downs, City Clerk

Mr. G. Hunt, Interim Chief Administrative Officer

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

Mr. D. Leger, Commissioner of Corporate Services

Mr. H. Linscott, Director, Legal Services

COMMITTEE OF THE WHOLE "IN CAMERA"

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

THAT Council resolve itself into the Committee of the Whole "In Camera" to consider the following item(s):

- (a) A proposed or pending acquisition or disposition of land by the municipality or local board – 455 Front Road
- (b) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose – KEDCO - Process for Appointing Directors – Legal Considerations
- (c) Personal matters about an identifiable individual, including municipal or local board employees – CAO Recruitment

CARRIED

(Council Chamber)

Administrative Staff Present:

Ms. C. Beach, Commissioner of Sustainability and Growth

Mr. J. Bolognone, Deputy City Clerk

Mrs. C. Downs, City Clerk

Mr. S. Dubey, Chair, Kingston Economic Development Corporation

Mr. J. Hale, Driver/Labourer, Public Works

Mr. G. Hunt, Interim Chief Administrative Officer

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

Ms. D. Kennedy, Director, Financial Services

Mr. D. Leger, Commissioner of Corporate Services

Mr. H. Linscott, Director, Legal Services

Mr. L. Thurston, Commissioner of Community Development Services

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

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

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

CARRIED

DISCLOSURE OF PECUNIARY INTEREST

Councillor Garrison declared a possible pecuniary interest in the matter of Clause (3) and (4) of Report No. 91 of the Chief Administrative Officer as his mother-in-law is employed by Kingston General Hospital.

Councillor MacLeod-Kane declared that she does not have a pecuniary interest in the matter of Clause (a) of Report No. 90 of the Chief Administrative Officer (Consent). She is an employee of the Limestone District School Board, however, she works for the Tri-Board School Board, and will be taking part in the discussion. Councillor MacLeod-Kane also declared that she does not have a pecuniary interest in the matter of Clause (d) of Report 90 of the Chief Administrative Officer (Consent). She is a volunteer fire fighter, however she will take part in the discussion.

PRESENTATIONS

DELEGATIONS

BRIEFINGS

Council consented to the withdrawal of briefing (1).

- (1) Carol Allison-Burra, Chair of the Kingston Police Services Board, and Robert Napier, Acting Chief of Police, will speak to Council regarding the Kingston Police Business Plan for 2008 to 2010.

WITHDRAWN

PETITIONS

- (1) A petition bearing approximately 275 signatures was presented by Councillor Gerretsen and referred to the Environment, Infrastructure and Transportation Policies Committee and the Engineering Department for budget considerations and reads as follows:

"We, the citizens of the city of Kingston petition the city to replace the sidewalks on Dedrick Drive. They are 45 years old, heaved and cracked, making it very unsafe to walk on."

Referred to the Environment, Infrastructure and Transportation Policies Committee and the Engineering Department for budget considerations

ABYL0027

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Motions of Congratulations

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

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

THAT Kingston City Council extend warm congratulations to the Kingston Handloom Weavers and Spinners who celebrated their 60th anniversary earlier this year. Over that time they have made an enormous contribution to the cultural and community life of Kingston including, for example, the gift to the City of the Tercentenary Tapestry that hangs in City Hall, and an annual gift of warm winter clothing to agencies that provide assistance to our residents.

- (2) Moved by Councillor Gerretsen
Seconded by Councillor MacLeod-Kane

THAT the congratulations of Kingston City Council be extended to Mr. Derrick Ball, long-time Council "watch-dog", on the occasion of his 80th birthday, August 1st, 2008.

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

THAT the congratulations of Kingston City Council be extended to Helen Theriault, long time resident of the City, on the occasion of her 85th birthday on August 5, 2008.

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

THAT Kingston City Council extend its best wishes to Al Peterson, By-Law Enforcement Officer, who is retiring after 33 years of service to the City. Thank you.

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

THAT Kingston City Council extend its best wishes to Graham Thomson, recognized as an Innovator in the Kingston Business Hall of Fame and a long-time leader in our community, on the occasion of his 99th birthday this month. Happy Birthday.

- (6) Moved by Deputy Mayor Hector
Seconded by Councillor Schmolka

THAT the City of Kingston, Ontario, founded in 1673, congratulates Quebec City on its 400th birthday.

Motions of Condolence

Council consented to the addition of Motions of Condolence (5), (6), and (7).

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY (CONTINUED)

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

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

THAT the sincere condolences of Kingston City Council be extended to Mark Campbell, Engineering, and family, on the recent death of his father, Howard Campbell, who was a former employee of the Kingston Fire Department.

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

THAT the sincere condolences of Kingston City Council be extended to the family of J. Douglas Stewart, Professor Emeritus of Art History at Queen's University, who died on July 21, 2008. Professor Stewart specialized in British art but had a particular interest in the architectural history of his home town, Kingston, especially the buildings of George Browne, the architect of City Hall. He was co-author of the book Heritage Kingston which celebrated the city's tercentenary.

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

THAT the sincere condolences of Kingston City Council be extended to the family of the late Philip Koven, brother-in-law of Mayor Rosen, who passed away on August 2nd.

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

THAT the sincere condolences of Kingston City Council be extended to the family and friends of Robin McHardy, a dedicated ringette and soccer coach who served on the Community Advisory Group which contributed to the planning of the Multiplex Community Site. His early passing is a great loss to our community.

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

THAT the sincere condolences of Kingston City Council be extended to families and friends of the late Gordon Lennox, Architect, who did work for the City on the INVISTA Centre.

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

THAT the sincere condolences of Kingston City Council be extended to Adam Bol, Engineering Department, and his family on the death of his father on Sunday, August 10, 2008.

- (7) Moved by Councillor Garrison
Seconded by Councillor MacLeod-Kane

THAT the sincere condolences of Kingston City Council be extended to the family of Bob Belzile, Kingston Fire and Rescue, on the recent passing of his father Jean Paul Belzile.

CARRIED

City Council Meeting No. 16-2008
Minutes
Tuesday, August 12, 2008

REPORTS

Report No. 89 the Committee of the Whole "In Camera"

Moved by Councillor Schmolka
Seconded by Councillor Meers

THAT Report No. 89 of the Committee of the Whole "In Camera" be received and adopted.

Report No. 89

To the Mayor and Members of Council:
The Committee of the Whole "In Camera" recommends the following:

July 15, 2008

1. **Proposed or Pending Disposition of Land by Municipality - Land Acquisition from Transport Canada at Kingston (Norman Rogers) Airport**

THAT Council authorize the purchase of approximately 1.564 acres of land owned by Transport Canada, described as Part of Lots 3 and 4, Concession 1, Township of Kingston, now in the City of Kingston, County of Frontenac, shown as Parts 1, 2 and 3, Plan 13R-8853, at the appraised value of \$130,000; and

THAT Council authorize the purchase of approximately 4.53 acres of land owned by Transport Canada, described as Part of Lot 4, Concession 1, Township of Kingston, now in the City of Kingston, County of Frontenac, shown as Part 1, Plan 13R-17177, at the appraised value of \$275,000; and

THAT Council authorize the Mayor and Clerk to execute all necessary agreements and documents to facilitate the purchase, with all such documents being to the satisfaction of the Director of Legal Services.

CARRIED

2. **Proposed or Pending Disposition of Land by Municipality - Land Acquisition 141 Railway Street**

THAT Council approve the acquisition of 141 Railway Street with an upper price limit as established in "In Camera" Report No. 08-242; and,

THAT the Mayor and Clerk be authorized to sign an agreement of purchase and sale and any other required documents to complete the acquisition of 141 Railway Street, to the satisfaction of the Director of Legal Services.

CARRIED

Report No. 90 the Chief Administrative Officer (Consent)

Moved by Councillor Garrison
Seconded by Councillor Smith

THAT Report No. 90 of the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the separation of Clause (a) and (d).

Report No. 90

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

REPORTS (CONTINUED)

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

Report No. 90 the Chief Administrative Officer (Consent)

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) **Limestone District School Board Lease from the City of Kingston for 414 Regent Street, Barriefield**

THAT Council authorize the Mayor and Clerk to enter into a lease with the Limestone District School Board in a form satisfactory to the Director of Legal Services, for the lease of 414 Regent Street (Barriefield) for a term of three years commencing August 1, 2008 and expiring July 31, 2011, with annual rent for the first year to be \$11,075.04 and rent to escalate annually on August 1 of each year thereafter to reflect any increase in the Consumer Price Index (CPI).

(The Report of the Commissioner of Corporate Services (08-241) was attached as Schedule Pages 1-3)
(File No. CSU-L15-000-2008)

DEFERRED
(See Motion To Defer Which Was CARRIED)

Moved by Councillor Glover
Seconded by Councillor MacLeod-Kane

THAT Clause (a) of Report No. 90 of the Chief Administrative Officer (Consent) be deferred and referred to the August meeting of the Arts, Recreation and Community Policies Committee; and that the Museum, the School Board, and the Trustees be advised and invited to attend the August 28th meeting.

ABYL0028

CARRIED
(Councillor Smith Opposed)

(b) **2009 Consolidated Homelessness Prevention Program (CHPP) and Homelessness/Housing Strategy Funds (HHSF)**

THAT Council approve extension of the current contracts for the Consolidated Homelessness Prevention Program (CHPP) and the municipal Homelessness/Housing Strategy Funds to December 31, 2009, so that staff have the opportunity to work with community organizations and the Roundtable on Poverty Reduction in developing consistent strategies to address homelessness and poverty in our community. It is understood that this approval is pre-committing approval of \$150,000 of municipal funds in the 2009 municipal operating budget.

(The Report of the Commissioner of Corporate Services (08-254) was attached as Schedule Pages 4-8)
(File No. CSU-S16-000-2008)

(c) **Request from Canadian Hydro Developers Inc. for the City to Sign a Crossing Agreement**

THAT Council authorize the Mayor and Clerk to sign the "Master Facility Crossing Agreement", to install underground infrastructure within the City of Kingston related to the Wind Farm Project on Wolfe Island, provided by Canadian Hydro Developers Inc., with the agreement to be in a form satisfactory to the City Solicitor.

(The Report of the President and CEO of Utilities Kingston (08-260) was attached as Schedule Pages 9-11)
(File No. CSU-D15-000-2008)

REPORTS (CONTINUED)

Report No. 90 the Chief Administrative Officer (Consent)

City Council Meeting No. 16-2008
Minutes
Tuesday, August 12, 2008

(d) **Report on Master Fire Plan**

THAT Council approve the Master Fire Plan Steering Committee's request for a date extension for the presentation of the City of Kingston Master Fire Plan from August 31st, 2008, to March 31st, 2009, due to the volume and complex nature of the information;

- and further -

THAT the appointment of the present committee members be extended to March 31st, 2009;

- and further -

THAT the draft City of Kingston Master Fire Plan be submitted to the Arts, Recreation and Community Policies Committee and then to Council, prior to the final version of the said Plan being presented to Council for approval."

(The Report of the Commissioner of Community Development Services (08-264) was attached as Schedule Pages 12-18)

(File No. CSU-P16-000-2008)

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

Moved by Councillor Schmolka

Seconded by Councillor MacLeod-Kane

THAT Clause (d) of Report No. 90 of the Chief Administrative Officer (Consent) be amended by deleting "October 31st, 2008" and insert "March 31st, 2009" wherever it appears; and further by adding the following paragraph: "THAT the draft City of Kingston Master Fire Plan be submitted to the Arts, Recreation and Community Policies Committee and then to Council, prior to the final version of the said Plan being presented to Council for approval."

CARRIED

(e) **Sale of Part 2, Plan 13R-12382 (Part of 2155 Gibraltar Road)**

THAT Council authorize the sale of Part 2 on Plan 13R-12382 to the owner of 2155 Gibraltar Road, and authorize the Mayor and Clerk to execute such agreements and documents as are necessary to complete the land sale in a form satisfactory to the Commissioner of Sustainability and Growth and the Director of Legal Services.

(The Report of the Commissioner of Sustainability and Growth (08-265) was attached as Schedule Pages 19-22)

(File No. CSU-L19-000-2008)

(f) **Application for Tile Drainage Loan by Kenneth Paul under the Tile Drainage Act**

THAT the application for the loan by Kenneth Paul under the Tile Drainage Act, in the amount up to \$50,000 be approved, with the understanding that funds shall be provided through a Tile Drainage Debenture with the Province of Ontario, subject to the availability of funding from the Ontario Ministry of Agriculture and Food (OMAF).

(The Report of the Commissioner of Finance and Corporate Performance (08-270) was attached as Schedule Pages 23-25)

(File No. CSU-E09-000-2008)

REPORTS (CONTINUED)

Report No. 90 the Chief Administrative Officer (Consent)

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

(g) **Award of Tender for Sewer, Watermain and Road Reconstruction on James Street to Len Corcoran Excavating Limited**

THAT the tender of Len Corcoran Excavating Limited, for Contract ENG-2008-10, Sewer, Watermain and Road Reconstruction on James Street, in the amount of \$2,054,840.00, be accepted, it being the lowest tender received. (The Report of the President and CEO of Utilities Kingston (08-271) was attached as Schedule Pages 26-27) (File No. CSU-E08-000-2008)

CARRIED

Report No. 91 of the Chief Administrative Officer (Recommend)

Moved by Councillor Glover
Seconded by Councillor Foster

THAT Report No. 91 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Council consented to the addition of Clause (7).

Report No. 91

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

(1) **Award of RFP for Residential Organics Transportation and Processing to Scott Environmental Group**

THAT the RFP submitted by the Scott Environmental Group in response to RFP No. L04-PW-SW-2008-1 for Residential Organics Transportation and Processing be selected as the basis for preparing an agreement expiring five years from the date of receiving the first load of Source Separated Organics from the City collection program with an option of a one year extension at the sole discretion of the City;

- and further -

THAT the Mayor and Clerk be authorized to sign the agreement, in a form satisfactory to the Legal Services Division. (The Report of the President and CEO of Utilities Kingston (08-202) was attached as Schedule Pages 28-31) (File No. CSU-F31-000-2008)

CARRIED

(2) **Disposal of Redundant Fire Vehicles**

THAT Council authorize the donation of the 1970 LaFrance 100' Aerial Ladder, two 1975 Louisville 9000 Series triple combination Fire Pumpers and the 1983 Pierreville International Pumper in "as is" condition to Canadian Aid for Chernobyl for shipment to the Republic of Belarus, where they will be refitted and used. The legal agreement with Canadian Aid for Chernobyl shall be in a form satisfactory to the Fire Chief and the Director of Legal Services.

(The Report of the Commissioner of Community Development Services (08-239) was attached as Schedule Pages 32-33)

(File No. CSU-V00-000-2008)

CARRIED

Councillor Garrison withdrew from the meeting.

REPORTS (CONTINUED)

Report No. 91 of the Chief Administrative Officer (Recommend)

(3) **George Street – Temporary Road Closure**

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

THAT a by-law be presented to City Council to provide for the temporary closure, for construction purposes, of George Street from O'Kill to King Street, from September 2008 to August 2012.

(The Report of the President and CEO of Utilities Kingston (08-259) was attached as Schedule Pages 34-39)

(File No. CSU-T09-000-2008)

(See By-Law No. (1), 2008-143)

CARRIED

(4) **Proposed Extended Use of a Portion of Memorial Park – PCL Constructors Canada Inc. – Kingston General Hospital Construction Project**

THAT Council authorize the Mayor and Clerk to execute a license with PCL Constructors Canada Inc. to occupy a portion of Memorial Park for a period of four (4) years, the terms of which are recommended by the Commissioner of Community Development Services Group in report number 08-251 and in a form satisfactory to the Director of Legal Services, to include:

- a) An annual license fee of \$6,000 per annum, paid in advance in lump sum \$24,000;
- b) \$10,000 worth of trees to be provided by PCL and planted in locations as determined by City of Kingston;
and,
- c) Complete restoration of the affected park area by PCL at the conclusion of the license period.

(The Report of the Commissioner of Community Development Services (08-251) was attached as Schedule Pages 40-46)

ABYL0029

(File No. CSU-P09-000-2008)

DEFERRED

(See Motion To Defer Which Was CARRIED)

Moved by Councillor Glover

Seconded by Councillor Gerretsen

THAT Clause (4) of Report No. 91 of the Chief Administrative Officer (Recommend) be deferred and referred back to staff to consider the following:

- i. The monthly rent and justification of it;
- ii. The provision of parking and the rate charged for it;
- iii. The fence line in view of the actual conditions on the ground;
- iv. The amount being offered for trees.

CARRIED

Councillor Garrison returned to the meeting.

(5) **Terms of Reference for the Preparation of an Assessment Report and a Source Protection Plan – Request for Comment and Endorsement from the Cataraqui Source Protection Committee**

THAT Council endorse the *Proposed Terms of Reference for the Preparation of an Assessment Report and a Source Protection Plan: Cataraqui Source Protection Area*, dated June 30, 2008 which has been prepared by the Cataraqui Source Protection Committee and that a copy of Council's endorsement be forwarded to the Cataraqui Source Protection Committee.

(The Report of the Commissioner of Community Development Services (08-268) was attached as Schedule Pages 47-101)

(File No. CSU-P00-000-2008)

CARRIED

REPORTS (CONTINUED)

Report No. 91 of the Chief Administrative Officer (Recommend)

(6) **Proposed Land Acquisition – 141 Railway Street**

THAT the purchase of the property located at 141 Railway Street be funded from the Municipal Capital Reserve Fund.

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

(The Report of the Commissioner of Sustainability and Growth (08-272) was attached as Schedule Pages 102-105)
(File No. CSU-L18-000-2008)

CARRIED

- (7) **Award of Tender for Audio Reinforcement System for the Grand Theatre to Westbury National Show Systems Ltd.**

THAT the proposal from Westbury National Show Systems Ltd. for RFP F31-CDS-GT-2008-4 Audio Reinforcement System – Grand Theatre, be accepted subject to negotiations to bring the total price within allocated budget.

(The Report of the Commissioner of Community Development Services (08-276) was distributed separately on Friday August 8, 2008)

(File No. CSU-R05-000-2008)

CARRIED

Report No. 92 of the Arts, Recreation and Community Policies Committee

Moved by Councillor Glover

Seconded by Councillor Gerretsen

THAT Report No. 92 of the Arts, Recreation and Community Policies Committee be received and adopted.

Council consented to the separation of Cause 1, 2 and 3.

Report No. 92

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.

July 24, 2008

1. **Approval of Street Hockey Policy and Code of Conduct on Residential Streets**

THAT the Street Hockey Policy and Code of Conduct be approved as amended, and that the necessary by-law to amend By-Law No. 2004-190 be presented to Council.

(Note: The Street Hockey Policy and Code of Conduct was attached as Schedule Pages 106-107)

(See By-Law No. (2), 2008-144)

CARRIED (7:4)
(See Recorded Vote)

REPORTS (CONTINUED)

Report No. 92 of the Arts, Recreation and Community Policies Committee

A Recorded Vote was requested by Councillor Matheson

YEAS: Councillor Garrison, Councillor Gerretsen, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka. (7)

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

NAYS: Councillor Foster, Councillor Glover, Deputy Mayor Hector, Councillor Smith (4)

ABSENT: Councillor Hutchison, Mayor Rosen (2)

2. **Martha's Table Request for Capital Contribution**

WHEREAS at the May 22, 2008 meeting of the Arts, Recreation and Community Policies Committee staff were requested to provide a report indicating options of how to proceed with a request for a capital contribution to Martha's Table for the retirement of mortgage debt; and,

WHEREAS staff provided an information report noting that city support to this organization has policy and budget implications; and,

WHEREAS one of three funding options provided by staff within Information report ARCP-08-030 was a forgivable loan which was noted as the most appropriate option by staff and the Committee;

THEREFORE BE IT RESOLVED THAT an agreement with Martha's Table for a forgivable loan in the amount of \$50,000 will include a condition of extension of service, the details of which will be determined by staff;

- and further -

THAT Council authorize the Mayor and Clerk to enter into an agreement with Martha's Table in a form satisfactory to the Director of Legal Services;

- and further -

THAT staff will examine the possibility of Martha's Table becoming a heat/cold emergency centre.

(Note: The Information Report of the Commissioner of Community Development Services Group (ARCP 08-030) was attached to the June ARC agenda.)

DEFERRED

(See Motion To Defer Which Was CARRIED)

Moved by Councillor Garrison

Seconded by Councillor Glover

THAT Clause 2 of Report No. 92 of the Arts, Recreation and Community Policies Committee be deferred to the next meeting whereat Councillor Hutchison can be present.

CARRIED

3. **The Baby Grand Theatre**

THAT the following motion of the Arts Advisory Committee be approved:

"THAT the City of Kingston take into consideration a provision to protect, nurture and ensure the future of the 'Baby Grand' as an experimental and community performance space."

CARRIED

REPORTS (CONTINUED)

Report No. 93 of the Nomination Advisory Committee

Moved by Councillor Schmolka

Seconded by Councillor Garrison

THAT Report No. 93 of the Nomination Advisory Committee be received and adopted.

Report No. 93

City Council Meeting No. 16-2008
Minutes
Tuesday, August 12, 2008

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

July 16, 2008

1. **Appointment of KEDCO Board Members**

Moved by Councillor Garrison
Seconded by Councillor MacLeod-Kane

THAT KEDCO be requested to amend its by-laws to reflect that Kingston City Council will be responsible for conducting the process for nominations to the board of directors of KEDCO, through the Nomination Advisory Committee of the City of Kingston, pursuant to the regular process used for making appointments to boards and agencies and after consultations with the KEDCO Board regarding the skill sets the Board feels are required at the time. The names of those selected will be forwarded from Kingston City Council to the Board of KEDCO for approval.

CARRIED (6:5)
(See Recorded Vote No. 1)

Moved by Councillor Matheson
Seconded by Councillor Garrison

THAT Council allow Mr. Shai Dubey, Chair, KEDCO Board of Directors to participate in the discussion concerning the appointment of KEDCO Board Members.

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

WHEREAS Council, at its meeting held June 3rd, 2008, recommended that the proposed process for the composition, term of office, and filling of vacancies to the KEDCO Board of Directors be referred to the Nomination Advisory Committee for consideration, in consultation with the KEDCO Board, and report back to Council by August 12th, 2008; and,

WHEREAS the Nomination Advisory Committee met on July 16th, 2008, to discuss the process for appointment of KEDCO Board of Directors;

NOW THEREFORE BE IT RESOLVED THAT the Nomination Advisory Committee recommends to Council that a KEDCO Nominating Committee comprised of three Members of Council and two Members of the KEDCO Board of Directors not be approved.

LOST (5:6)
(See Recorded Vote No. 2)
(See Motion To Defer Which Was LOST)

REPORTS (CONTINUED)

Report No. 93 of the Nomination Advisory Committee

Moved by Councillor Smith
Seconded by Councillor Matheson

THAT Clause 1 of Report No. 93 of the Nomination Advisory Committee be deferred for consideration to the September 2, 2008, Council meeting.

LOST

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

1. A Recorded Vote was requested by Councillor Gerretsen
YEAS: Councillor Garrison, Councillor Glover, Councillor MacLeod-Kane, Councillor Meers, Councillor Osanic, Councillor Schmolka (6)
NAYS: Councillor Foster, Councillor Gerretsen, Deputy Mayor Hector, Councillor Matheson, Councillor Smith (5)
ABSENT: Councillor Hutchison, Mayor Rosen (2)

2. A Recorded Vote was requested by Councillor Gerretsen
YEAS: Councillor Garrison, Councillor MacLeod-Kane, Councillor Meers, Councillor Osanic, Councillor Schmolka (5)
NAYS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Deputy Mayor Hector, Councillor Matheson, Councillor Smith (6)
ABSENT: Councillor Hutchison, Mayor Rosen (2)

Report No. 94 of the Memorial Centre Revitalization Advisory Committee

Moved by Councillor Garrison
Seconded by Councillor Meers

THAT Report No. 94 of the Memorial Centre Revitalization Advisory Committee be received and adopted.

Council consented to separate paragraphs 1 and 2 of Clause 1.

Report No. 94

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

July 28, 2008

1. **Removal of Fence and Posts around the Children's Playground at the Memorial Centre Site**

THAT the fence and posts around the children's playground on the southeast portion of the Memorial Centre site be removed after the 2008 Fall Fair;

CARRIED

REPORTS (CONTINUED)

Report No. 94 of the Memorial Centre Revitalization Advisory Committee

- and further -

THAT the City of Kingston commits to ensuring that appropriate fencing is erected to accommodate the Fall Fair and any other significant events where needed by the Kingston Agricultural Society.

CARRIED

INFORMATION REPORTS

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

(1) **1st Quarter Operating Budget Report for 2008**

The purpose of this report is to provide a financial status update of the general operating fund for the City of Kingston as at March 31, 2008, the end of the first fiscal quarter.

(The Report of the Commissioner of Finance and Corporate Performance (08-183) was distributed with the July 15th Council agenda.)

(File No. CSU-F05-000-2008)

(2) **2008 1st Quarter Report of the Provincial Offences Court Administration, Legal Services Department**

This report has been prepared to provide information on the 1st quarter (January 1 to March 31, 2008) fine revenues and expenditures of the Provincial Offences Court, as well as caseload volumes.

(The Report of the Commissioner of Corporate Services (08-195) was distributed with the July 15th Council agenda.)

(File No. CSU-F10-000-2008)

(3) **Award of Excellence in the Green Building Category for the K-Rock Centre**

The Canadian Institute of Steel Construction (CISC) has awarded the City of Kingston with their "Award of Excellence in the Green Building Category" for the K-Rock Centre.

(The Report of the Commissioner of Sustainability and Growth (08-200) was distributed with the July 15th Council agenda.)

(File No. CSU-R05-001-2008)

(4) **Project Status Reports for the Grand Theatre Building Improvement Project, the K-Rock Centre and the Multiplex Community Centre Project for April and May 2008**

In response to Council's request for monthly project status reports for each of the Group of Seven projects, staff in Sustainability & Growth has prepared status reports for the Grand Theatre Building Improvement Project, the K-Rock Centre and the Multiplex Community Centre Project for the months of April and May 2008.

(The Report of the Commissioner of Sustainability and Growth (08-157) was distributed with the July 15th Council agenda.)

(File No. CSU-R05-001-2008)

INFORMATION REPORTS (CONTINUED)

(5) **Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of May 2008**

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 month of May 2008 and to report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of May 2008.

(The Report of the Commissioner of Finance and Corporate Performance (08-213) was distributed with the July 15th Council agenda.)

(File No. CSU-F18-000-2008)

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

(6) **Monthly Project Status Reports for the Grand Theatre Building Improvement Project, the K-Rock Centre, and the Multiplex Community Centre for June 2008**

In response to Council's request for monthly project status reports for each of the Group of Seven projects, staff in Sustainability & Growth has prepared status reports for the Grand Theatre Building Improvement Project, the K-Rock Centre and the Multiplex Community Centre Project for the month of June 2008.

(The Report of the Commissioner of Sustainability and Growth (08-229) was distributed with the July 15th Council agenda.)

(File No. CSU-R05-000-2008, CSU-R05-001-2008, CSU-R05-002-2008)

(7) **Grand Theatre Building Improvement Project Quarterly Project Management Committee Report for the Period Ending June 30, 2008**

The Grand Theatre Building Improvement Project Management Committee (PMC) is submitting its sixth quarterly report for the period ending June 30, 2008.

(The Report of the Commissioner of Sustainability and Growth (08-230) was distributed with the July 15th Council agenda.)

(File No. CSU-R05-000-2008)

(8) **Multiplex Community Centre Project Quarterly Project Management Committee Report for the Period Ending June 30, 2008**

The Multiplex Community Centre Project Management Committee (PMC) is submitting its sixth quarterly report for the period ending June 30, 2008.

(The Report of the Commissioner of Sustainability and Growth (08-231) was distributed with the July 15th Council agenda.)

(File No. CSU-R05-001-2008)

(9) **K-Rock Centre Quarterly Project Management Committee Report for the Period Ending June 30, 2008**

The Kingston Regional Sports and Entertainment Centre (K-Rock Centre) Project Management Committee (PMC) is submitting its sixth quarterly report for the period ending June 30, 2008.

(The Report of the Commissioner of Sustainability and Growth (08-232) was distributed with the July 15th Council agenda.)

(File No. CSU-R05-002-2008)

INFORMATION REPORTS (CONTINUED)

(10) **Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of June 2008**

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 month of May 2008 and to report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of June 2008.

(The Report of the Commissioner of Finance and Corporate Performance (08-247) was distributed with the July 15th Council agenda.)

(File No. CSU-F18-000-2008)

(11) **2nd Quarter Operating Budget Report for 2008**

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

The purpose of this report is to provide a financial status update of the general operating fund as at June 30, 2008, the end of the second fiscal quarter.

(The Report of the Commissioner of Finance and Corporate Performance (08-252) was attached as Schedule Pages 108-113)

(File No. CSU-F05-000-2008)

(12) **Council Priorities Status Update**

The report is provided to Council as a report card on progress of Council's established priorities, specific initiatives, major projects and assignments from Council committees.

(The Report of the Interim Chief Administrative Officer (08-256) was attached as Schedule Pages 114-118)

(File No. CSU-C00-000-2008)

(13) **City of Kingston / Queen's Shared Solutions**

This report provides Council with an update on the progress of the various working groups addressing issues raised in Council's motion of November 20th, 2007, regarding finding solutions to shared problems between the City of Kingston and Queen's University.

(The Report of the Interim Chief Administrative Officer (08-257) was attached as Schedule Pages 119-124)

(File No. CSU-A02-000-2008)

(14) **Source Separated Organics – Start-up**

The purpose of this report is to provide information regarding the time lines for starting the Source Separated Organics (SSO) program.

(The Report of the President and CEO of Utilities Kingston (08-262) was attached as Schedule Pages 125-127)

(File No. CSU-E05-000-2008)

MISCELLANEOUS BUSINESS

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

THAT the Commissioner of Community Development Services or his delegate participate as a non-voting member on the three (3) Healthy Community Fund Review Committees, being Sports and Recreation Review Committee; Heritage Review Committee; and Community Development Review Committee.

(See Clause (3), Report No. 71, June 3rd)

CARRIED

THAT Councillor Schmolka sit on the Sports and Recreation Review Committee of the Healthy Community Fund.

(See Clause (3), Report No. 71, June 3rd)

CARRIED

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

THAT Councillor Glover sit on the Heritage Review Committee of the Healthy Community Fund.
(See Clause (3), Report No. 71, June 3rd)

CARRIED

THAT Councillor Garrison sit on the Community Development Review Committee of the Healthy Community Fund.
(See Clause (3), Report No. 71, June 3rd)

CARRIED

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

THAT, at the request of the Canadian Society for Training and Development (CTSD), Council proclaim the week of September 22nd to 26th, 2008, as "Learn @ Work Week" in the City of Kingston.

(See Communication No. 15-417)

(Distributed to all Members of Council on June 20, 2008)

CARRIED

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

THAT, at the request of M&M Meat Shops, Council proclaim September 18th, 2008, as "National Family Dinner Night" in the City of Kingston.

(See Communication No. 15-469)

(Distributed to all Members of Council on July 4, 2008)

DEFERRED

(See Motion To Amend Which Was DEFERRED)

Moved by Councillor Gerretsen
Seconded by Councillor Matheson

THAT miscellaneous business item (3) be amended to delete "at the request of M&M Meat Shops," in the clause and related proclamation.

DEFERRED

MISCELLANEOUS BUSINESS (CONTINUED)

Moved by Councillor Gerretsen
Seconded by Councillor Schmolka

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.

LOST

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

- (4) **THAT**, at the request of the Eastern Ontario Square and Round Dance Association (EOSARDA), Council proclaim the week of September 6th to 14th, 2008, as "Square and Round Dance Week" in the City of Kingston.

(See Communication No. 16-491)

(Distributed to all Members of Council on August 1, 2008)

DEFERRED

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

- (5) **THAT**, at the request of Kingston General Hospital, Council proclaim September 3rd, 2008, as "Childhood Cancer Awareness Day" in the City of Kingston.
(See Communication No. 16-504)
(Distributed to all Members of Council on August 1, 2008)

DEFERRED

- (6) **THAT** Councillor Matheson be replaced by Councillor Garrison on the Project Grants Review Committee for the 2008 City of Kingston Arts Fund.

DEFERRED

MOTIONS

Council consented to the withdrawal of motion (2).

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

THAT the City of Kingston, in endorsing the motion passed by the Municipality of Brockton, support the following motion:

WHEREAS Professor Bob Lovelace of Queen's University and spokesperson for the Ardoch Algonquin First Nation, and six band councillors from Kitchenuhmaykoosib Innuiwug (KI) or Big Trout Lake have been imprisoned until recently for defending their community from the operations of a mining exploration company; and,

WHEREAS the Chiefs of Ontario are seeking public support for the KI 6;

THEREFORE BE IT RESOLVED THAT the City of Kingston write to the Aboriginal Affairs Minister, Michael Bryant, Premier Dalton McGuinty, our local MPP and Minister of the Environment John Gerretsen, and Prime Minister Stephen Harper to ask that new rules be developed for consultations between mining companies and First Nations;

- and further -

THAT the Federal and Provincial governments clarify and respect Native land rights in the constitution; and that the Premier of Ontario answer the call of 18 and counting communities that have requested a moratorium on uranium mining, as well as a review and appropriate changes to the antiquated mining act that would provide for and respect property owners rights;

MOTIONS (CONTINUED)

- and further -

THAT this motion be circulated to AMO."

DEFERRED

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

WHEREAS fluoridation of the Pittsburgh (Kingston East) water supply is still taking place, despite Kingston's past decision to abandon fluoridation of the drinking water supply, due to old regulations imposed by the Department of Defence governing CFB Kingston; and,

WHEREAS the east end water supply is the only municipally supplied water in Kingston currently being treated with fluoride; and,

WHEREAS there is no conclusive scientific data that shows fluoride has any real health benefit. In fact there is growing concern in scientific circles about the health effects of water fluoridation, about the individuals' right to chose what goes in our bodies, as well as the costs associated with fluoridation;

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

THEREFORE BE IT RESOLVED THAT the City of Kingston will send a letter to the Federal Minister of Defence and the Minister of Health, indicating that Utilities Kingston will halt, after public consultation and Council approval, the fluoridation of the Pittsburgh (Kingston East) water supply which services CFB Kingston, unless the Department of Defense can provide reference to current regulations that fluoride has to be added to a public water supply, and the scientific justification of such;

- and further -

THAT this policy intention of Utilities Kingston be sent to the Environment, Infrastructure and Transportation Policies (EITP) Committee for staff comment and full public consultation prior to it coming to Council for final approval by September of 2008.

WITHDRAWN

- (3) Moved by Councillor Foster
Seconded by Councillor Gerretsen

WHEREAS climate change, caused by human greenhouse gas (GHG) emissions, is accelerating at an alarming and unexpected pace; and,

WHEREAS it is forecast that climate change will make the Arctic free of ice in summer by 2013 and not within 100 years as previously predicted; and,

WHEREAS this will be the first time in a million years, and the first time within the 200,000 year experience of our species, Homo Sapiens, that the Arctic will be free of ice; and,

WHEREAS the City of Kingston endorsed the Kyoto Protocol in May, 2002; and,

WHEREAS the City of Kingston is a participant in the Federation of Canadian Municipalities' (FCM) *Partners in Climate Protection Program* (PCP) and has set Kingston's GHG reduction target (using 2000 as the baseline) at 25% by the Corporation and at 10% by the community by 2014; and,

WHEREAS buildings are responsible for over 40% of GHG emissions; and,

WHEREAS the current Ontario Building Code was not sufficiently updated in 2006 and 2008 with final steps effective 2011, and because these changes fall short of recognizing the need for immediate and urgent action that must be taken on climate change;

MOTIONS (CONTINUED)

THEREFORE BE IT RESOLVED THAT staff work with the Kingston Home Builders' Association (KHBA) and other stakeholders with the goal to have a guideline in place encourage the design of all new homes in the City of Kingston built to Energy Star®, or similar accreditation, by 2010;

- and further -

THAT staff work with the Kingston Construction Association (KCA) and other stakeholders with the goal of developing a municipal guideline to be in place by 2010, that encourages all new Industrial, Commercial and Institutional (ICI) buildings to have a review for a minimum of LEED® Silver certification, or similar certification, to be included with the building design in order to allow the owner to see the benefits of such a design;

- and further -

THAT a comprehensive energy efficiency checklist be supplied as a guideline for all renovations and additions to buildings (including heritage applications) that require a building permit, for implementation by 2010;

- and further -

THAT guidelines be developed for site plan control applications to promote energy efficiencies for such items as such as exterior lighting and landscaping;

- and further -

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

THAT staff investigate how a development or building can be 'bonused' to encourage the incorporation of energy efficiency into the plans and develop an implementation strategy;

- and further -

THAT staff prepare a comprehensive report to brought back to Council as soon as possible that will provide analysis and comment on the legal implications and economic impacts of the proposed measures outlined above, and includes:

- Research on what other municipalities in Ontario are doing to drive energy efficiency in the residential and ICI building sectors, and their success;
- Consideration on how zoning bylaws, subdivision agreements, site plan control and building permits could be used to increase minimum energy efficiency levels for new structures and major renovations;
- Consideration of accreditation standards that would be acceptable to the City of Kingston in addition to LEED® and Energy Star®;
- Recommendations for measures that will increase the minimum energy efficiency of new structures and renovations in the residential and ICI sectors of the community.

DEFERRED

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

THAT the following motion be referred to the Commissioner of Community Development Services for a staff report to be prepared and presented at the Council meeting on September 2nd, 2008:

"**THAT** the Cataraqui Region Conservation Authority (CRCA) request Kingston City Council to endorse the master plan report entitled *Conceptual Plan for Lemoine Point Conservation Area*;

- and further -

THAT the goals and objectives of the Conceptual Plan be taken into consideration in the formulation of the City's Parks and Recreation Master Plan."

DEFERRED

MOTIONS (CONTINUED)

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

WHEREAS staff has developed a consultation process for the naming of corporate assets that includes allowing members of the public to go the City website and to select a suffix name for a City-owned asset that is being named; and,

WHEREAS this process allows for members of the public to provide for creative "other ideas"; and,

WHEREAS there does not appear to be a process in place for including those names that are innovative and that DO meet the naming policy guidelines; and,

WHEREAS this naming process is new, and has room for improvement to become more inclusive of public input, it being recognized that this process adds to publicity for the City's facilities and prospective partners, and in the end has the capacity to truly value and endorse a global community ownership of all City facilities;

THEREFORE BE IT RESOLVED THAT the process for seeking public input on the naming of corporate assets be referred to the Administrative Policies Committee for review by the Committee, staff and the public, with particular consideration being given to the consideration of how creative ideas presented by the public can be dealt with more effectively, and that this Committee report back to Council at the second meeting of October, 2008.

DEFERRED

City Council Meeting No. 16-2008
Minutes
Tuesday, August 12, 2008

- (6) Moved by Councillor Hutchison
Seconded by Councillor MacLeod-Kane

WHEREAS City Council will be considering the operating budget and capital and debt scheduling implications of current and proposed capital expenditures at their Council Priority Setting Session on July 29, 2008; and,

WHEREAS it will be very difficult to accommodate all proposed capital spending under the preliminary capital spending schedule presented by staff to Council on June 17, 2008; and,

WHEREAS the proposal for the building of a municipal aquatics centre with a 50 metre pool is projected at between about \$19 million and \$28.5 million;

BE IT RESOLVED THAT staff be requested to report back to Council in time for the Council Priority Setting Session on July 29, 2008, on the financial and logistical implications of building a 25 metre Myrtha modular technology pool

- (a) to be housed in a building capable of being expanded in the future to accommodate a 50 metre pool;
- (b) with and without the additional features requested by Council under the 50 metre pool proposal;
- (c) and if located at or not located at the Invista Centre (to account for potential savings from building-to-building heat transfer, staffing requirements, etc.).

DEFERRED

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

WHEREAS the K-Rock Centre, the Grand Theatre, and the Invista Centre are now up and running, and

WHEREAS debt repayment on these municipal facilities is dependent on meeting the budget estimates for both the revenue and operating expenditure streams that were projected for them, and

WHEREAS the K-Rock Centre has been in operation for six months, and

WHEREAS it is necessary for Council to have a full financial picture of the revenues and operational costs of these facilities for budget planning and due diligence purposes,

MOTIONS (CONTINUED)

THEREFORE BE IT RESOLVED THAT staff present a report to Council for its meeting on September 16, 2008, or sooner, setting out a proposed regular reporting schedule for the operational revenues and costs for these three facilities and setting out the content of these financial reports, which would include, at a minimum, a comparison to business plan projections and approved budgets, and a year-to-date revenue and costs summary, and would be, at a minimum, a quarterly report, and

BE IT FURTHER RESOLVED THAT staff present a report to Council for its meeting on September 16, 2008, or sooner, of the operational revenues and costs for the K-Rock Centre from its opening in February 2008 until June 30, 2008, as well as revenue and operating cost projections to year end.

DEFERRED

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

WHEREAS post-secondary institutions and hospitals are exempt from paying property taxes to municipalities under provincial law and instead pay a fixed amount, set by the provincial government, for each student ("head") or patient ("bed") in their institutions; and

WHEREAS the amount of the "heads and beds" payment is \$75 per student or patient and this amount has not been changed by the province since 1987, and

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

WHEREAS at this time the city receives the following amounts as "heads and beds" payments instead of property taxes:

- Queen's University and Theological College – 17,217 "heads" = \$1,291,275
- St. Lawrence College – 3,668 "heads" = \$275,100
- Hotel Dieu hospital – 264 "beds" = \$19,800
- Kingston General Hospital – 538 "beds" = \$40,350
- Providence Continuing Care – 448 "beds" = \$33,600, and

WHEREAS increasing the "heads and beds" amount to match the rate of inflation over the last 21 years would result in a minimum estimated increase from \$75 to \$126.35 and would bring in an estimated minimum additional payment in lieu of property taxes of \$1.1 million to the City of Kingston, and

WHEREAS Council passed a motion on August 14, 2007 with respect to the "heads" payment asking the provincial government to increase the amount it sets for this payment with the objective of making this amount equivalent to the taxes that would be collected if the properties were taxable by the municipality, and

WHEREAS efforts to have the provincial government review the "heads and beds" amount and approach have not met with any positive responses to date,

THEREFORE BE IT RESOLVED THAT the Province of Ontario be requested to:

- increase the "heads and beds" payment immediately to at least match the rate of inflation since 1987 and build in an automatic annual adjustment for inflation from now on, and
- meet with officials from Kingston and other municipalities affected by this law to discuss a fairer way that is closer to the fair market value of the properties, to compensate for the loss of property taxes because of property tax exemption rules for post-secondary institutions and hospitals under provincial law.

DEFERRED

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

WHEREAS the Government of Ontario and the Government of Quebec are currently in the process of negotiating a Trade, Investment and Labour Mobility Agreement (TILMA), also known as the Ontario-Quebec Economic Partnership Agreement; and,

MOTIONS (CONTINUED)

WHEREAS concerns have been raised regarding the potential impacts of TILMA on municipal autonomy, municipal powers and local decision-making within established spheres of municipal jurisdiction; and,

WHEREAS London and Peterborough have passed resolutions expressing concerns about TILMA and the Ontario-Quebec Economic Partnership Agreement;

THEREFORE BE IT RESOLVED THAT Kingston City Council requests that the Government of Ontario acknowledge the importance of consulting municipalities on TILMA, commit to working with Association of Municipalities of Ontario (AMO) and municipalities to clearly define any municipal implications that will result from TILMA, and ensure timely sharing of information regarding these impacts before the Agreement is finalized;

- and further -

THAT AMO be requested to lobby the Government of Ontario to consult broadly with municipalities, clearly define any municipal implications that will result from TILMA, and ensure timely sharing of information regarding these impacts before the Agreement is finalized;

- and further -

THAT City staff be directed to monitor the situation, assess the impact of TILMA on municipalities and report to Council on any impacts to our municipality that result from TILMA;

- and further -

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

THAT a copy of this resolution be sent to Premier Dalton McGuinty, John Gerretsen, MPP, AMO and Federation of Canadian Municipalities (FCM).

DEFERRED

NOTICES OF MOTION

REPORTS (CONTINUED)

REPORT NO. 95 OF THE COMMITTEE OF THE WHOLE

Report No. 95

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

July 29, 2008

1. **Approval of Budget Strategies for 2009 and Future**

THAT as part of the priority setting and in support of 2009 and future budget processes, the following four operational strategies be implemented:

- a) Direct Management to provide for a full cost analysis for all new or enhanced services and provide options for funding including but not limited to revenue opportunities and adjustments to existing service levels;
- b) Direct the Corporate Management Team through the CAO to prepare a report providing options for consideration to reduce the reliance on taxation revenues for selected services;
- c) Direct Committees to ensure full financial disclosure on new or enhanced services including the impact on taxation rates prior to recommending the matter to Council;

REPORTS (CONTINUED)

REPORT NO. 95 OF THE COMMITTEE OF THE WHOLE

- d) Direct Council representatives on Boards and agencies to seek a financial impact analysis on municipal financial allocations for new or enhanced services contemplated by the Board.

DEFERRED

MINUTES

THAT the Minutes of City Council Meeting No. 14-2008, held Tuesday, June 17th, 2008 and Meeting No. 15-2008, held Tuesday, July 15th, 2008 be confirmed.

(Meeting 14-2008 - Distributed to all Members of Council on June 27th, 2008)

(Meeting 15-2008 - Distributed to all Members of Council on August 8th, 2008)

DEFERRED

TABLING OF DOCUMENTS

2008-56 Cataraqui Region Conservation Authority
Minutes – Full Authority Meeting – June 25th, 2008

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

(File No. CSU-D03-000-2008)

- 2008-57 Ontario Good Roads Association
Board Brief – Highlights from the Board of Directors - June 20th, 2008
(File No. CSU-T06-000-2008)
- 2008-58 Municipal Property Assessment Corporation (MPAC)
Municipal Status Report – First Quarterly Report 2008 – City of Kingston
(File No. CSU-F22-000-2008)
- 2008-59 Ministry of Natural Resources
Wildlife Rabies Control Information – July 2008
(File No. CSU-E11-000-2008)

COMMUNICATIONS

Filed

- 16-478 From the Minister of Public Safety, providing an update regarding the closing of the Portsmouth Community Correctional Centre.
(File No. CSU-P17-000-2008)
- 16-479 From the County of Lambton, acknowledging receipt of Council's resolution regarding the Ontario Building Code.
(File No. CSU-P01-002-2008)

COMMUNICATIONS (CONTINUED)

- 16-480 From the County of Frontenac, acknowledging support of Council's resolutions regarding the Pesticide Act and the Ontario Building Code.
(File No. CSU-E05-000-2008, CSU-L11-000-2008, CSU-P01-002-2008)
- 16-481 From the Association of Municipalities of Ontario (AMO), advising that the Ministry of Energy will be hosting a free webinar on July 23rd, 2008, on the Ontario Solar Thermal Heating Incentive (OSTHI).
(File No. CSU-E11-000-2008)
(Digitally distributed to all Members of Council on July 10th, 2008)
- 16-483 From the Association of Municipalities of Ontario (AMO), advising that the Minister of the Environment has approved the first phase of the Waste Electrical and Electronic Equipment Plan (WEEE).
(File No. CSU-E11-000-2008)
(Digitally distributed to all Members of Council on July 15th, 2008)
- 16-484 From the Association of Municipalities of Ontario (AMO), advising that the "Sustainability Planning Toolkit for Municipalities in Ontario" and case studies will be arriving in all municipalities by mail by mid-July.
(File No. CSU-D29-000-2008)
(Digitally distributed to all Members of Council on July 16th, 2008)

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

- 16-485 From the Committee of Adjustment, a Notice of Technical Consent Application for consent to sever the property located at 467 Johnson Street and 471 Johnson Street.
(File No. CSU-D19-000-2008)
- 16-486 From the City of Peterborough, acknowledging receipt of Council's resolution regarding the Ontario Building Code.
(File No. CSU-P01-002-2008)
- 16-487 From the Town of Ajax, acknowledging support of Council's resolution and proclaiming "Great Waterfront Trail Adventure Week (GWTA)".
(File No. CSU-M10-000-2008)
- 16-489 From Sakura Restaurant, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 4050 Bath Road.
(File No. CSU-P09-000-2008)
- 16-493 From the Corporation of the Township of Hilliard, acknowledging support of Council's resolution regarding Zenn automobiles on Ontario roads.
(File No. CSU-T08-000-2008)

COMMUNICATIONS (CONTINUED)

- 16-494 From the Association of Municipalities of Ontario (AMO), advising that the Ontario ministers' meetings with municipal delegates at the 2008 AMO conference will be held on August 25th and 26th at the Westin Hotel in Ottawa.
(File No. CSU-A04-000-2008)
- 16-495 From the Ontario Municipal Board (OMB), advising that an appeal of a decision of the Committee of Adjustment regarding an application for minor variances at the property located at 24 Helen Street has been dismissed.
(File No. CSU-D19-000-2008)
- 16-496 From the Federation of Canadian Municipalities (FCM), advising that a new online tool has been created that local governments can use to estimate how many jobs they will create when they invest in specific infrastructure projects.
(File No. CSU-D02-000-2008)
- 16-497 From the Ontario Ministry of Municipal Affairs and Housing, providing information regarding key changes that have been made to the Homeownership component of the Canada-Ontario Affordable Housing Program (AHP).
(File No. CSU-S13-000-2008)

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

- 16-498 From the Ontario Ministry of Natural Resources, providing information regarding the new *Endangered Species Act, 2007* (ESA, 2007), which came into force on June 30th, 2008.
(File No. CSU-L10-000-2008)
- 16-499 From the Association of Municipalities of Ontario (AMO), advising that an expert panel of the Ontario Municipal Benchmarking Initiative (OMBI) has singled out eight Ontario municipalities for introducing measures to reduce leaks in their water and wastewater treatment systems, conserving water and reducing millions in annual costs for their taxpayers.
(File No. CSU-E08-000-2008)
- 16-501 From Ross Trethewey, expressing his views regarding the On Road Cycling Facilities Policy Report.
(File No. CSU-T05-000-2008)
(Digitally distributed to all Members of Council by the Sender on July 15th, 2008)
- 16-502 From the Committee of Adjustment, a Notice of Decision for the following applications:

CONSENT – In respect of an application to sever the property at 91 Elm Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is August 19, 2008.

MINOR VARIANCE – In respect of an application to request permission for minor variances to Zoning By-Law No. 8499 for the property at 91 Elm Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is August 18, 2008. (2 applications)

COMMUNICATIONS (CONTINUED)

- MINOR VARIANCE – In respect of an application to request permission for minor variances to Zoning By-Law No. 76-26 for the property at 215 Chelsea Road, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is August 18, 2008.
- 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 760 Hillside Drive, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is August 18, 2008.
- MINOR VARIANCE – In respect of an application to request permission for minor variances to Zoning By-Law No. 8499 for the property at 42 Quebec Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is August 18, 2008.
- CONSENT – In respect of an application to sever the property at 143 Charles Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is August 19, 2008.
- MINOR VARIANCE – In respect of an application to request permission for minor variances to Zoning By-Law No. 8499 for the property at 143 Charles Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is August 18, 2008.
- CONSENT – In respect of an application to sever the property at 450-452 Bagot Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is August 19, 2008.
- MINOR VARIANCE – In respect of an application to request permission for minor variances to Zoning By-Law No. 8499 for the property at 450-452 Bagot Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is August 18, 2008. (2 applications)

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

MINOR VARIANCE – In respect of an application to request permission for minor variances to Zoning By-Law No. 8499 for the property at 384 Alfred Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is August 18, 2008.

CONSENT – In respect of an application to sever the property at 1040-1162 Division Street and 88-120 Dalton Avenue, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is August 21, 2008.

(File No. CSU-D19-000-2008)

16-503 From the Committee of Adjustment, a Notice of Decision for the following applications:

CONSENT – In respect of an application to sever the property at 321 Aragon Road, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is August 21, 2008.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 32-74 for the property at 830 Stephentown Lane, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is August 19, 2008.

(File No. CSU-D19-000-2008)

Referred to All Members of Council

16-490 From the Town of The Blue Mountains, asking for Council's support of a resolution requesting the Province of Ontario to amend provisions of the Graduated Driver's Licence system with regard to restrictions on the carrying of passengers in motor vehicles operated by a holder of a G2 Driver's Licence in the following manner:

COMMUNICATIONS (CONTINUED)

1. A holder of a G2 Driver's Licence be restricted to the carrying of one passenger aged 19 years or under, excluding immediate family, twenty-four hours per day, for a period of one year; and
2. Following the aforementioned restriction period of one year and until a holder of a G2 Driver's Licence earns a full G Driver's Licence or turns the age of 20 years, the maximum number of passengers aged 19 years or under shall be three.

(File No. CSU-C10-000-2008)

16-491 From the Eastern Ontario Square and Round Dance Association (EOSARDA), asking that Council proclaim the week of September 6th to 14th, 2008, as "Square and Round Dance Week" in the City of Kingston.

(File No. CSU-M10-000-2008)

(See Miscellaneous Business Item No. 4)

16-504 From Kingston General Hospital, asking that Council proclaim September 3rd, 2008, as "Childhood Cancer Awareness Day" in the City of Kingston.

(File No. CSU-M10-000-2008)

(See Miscellaneous Business Item No. 5)

Referred to the Commissioner of Community Development Services

16-482 From the Cataraqui Source Protection Committee, requesting municipal comments and Council endorsements of the proposed Terms of Reference for local drinking water source protection activities under the Ontario Clean Water Act, 2006.

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

(File No. CSU-E08-000-2008)

- 16-500 From the Celebration of Trails (COT), providing information regarding the annual autumn festival of trails events that occur in east central Ontario.
(File No. CSU-M02-000-2008)

Referred to the President and CEO of Utilities Kingston

- 16-492 From Kurt Schweitzer and Lerato Ryan, expressing their concerns regarding water main breaks along Collins Bay Road.
(File No. CSU-E08-000-2008)

Referred to the Planning Committee

- 16-488 From Andrea Wilmot, expressing her support of the relocation of the Kingston Salvation Army to Patrick Street.
(File No. CSU-S16-000-2008)

Referred to the Arts, Recreation and Community Policies Committee

- 16-505 From the Board of Directors for Frontenac Condominium Corporation #28 at 1000 King St. West, expressing their opposition to the off-leash dog area in Lake Ontario Park.
(File No. CSU-P14-000-2008, CSU-R04-000-2008)

BY-LAWS

Council consented to the separation of by-law (2).

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

THAT By-Laws (1) and (3) through (6) be given their first and second reading.

CARRIED

Moved by Councillor Osanic
Seconded by Councillor Schmolka

THAT By-Law (2) be given first and second reading.

CARRIED

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

THAT By-Laws (3) through (10) be given their third reading.

CARRIED

- (1) A By-Law To Authorize The Temporary Closing Of A Portion Of George Street From O'Kill Street To King Street, From September 2008, To August 2012 (Construction Purposes – KGH Redevelopment Project)
FIRST AND SECOND READINGS PROPOSED NO. 2008-143
(See Clause (3), Report No. 91)

- (2) A By-Law To Amend By-Law No. 2004-190, "A By-Law To Regulate The Use Of City Streets" (Street Hockey Policy and Code of Conduct)

City Council Meeting No. 16-2008

Minutes

Tuesday, August 12, 2008

FIRST AND SECOND READINGS
(See Clause (1), Report No. 92)

PROPOSED NO. 2008-144

- (3) A By-Law To Establish Block 135 On Registered Plan 13M-69 As Part Of The Public Highway Known As Andersen 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
(Delegated Authority)

PROPOSED NO. 2008-145

- (4) A By-Law To Amend By-Law No. 76-26, "A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Kingston", to Remove the 'H' Holding Symbol Related to the 'BP-1-H' Zone (Proposed Motel 6 Development, 1537 Robinson Court)

THREE READINGS
(Delegated Authority)

PROPOSED NO. 2008-146

- (5) A By-Law To Establish Parts 1 And 2 On Reference Plan 13R-19229 As Part Of The Public Highway Known As Division Street, In The City Of Kingston, In Accordance With Section 31(4) Of The Municipal Act, Chapter 25, S.O. 2001; As Amended

THREE READINGS
(Delegated Authority)

PROPOSED NO. 2008-147

BY-LAWS (CONTINUED)

- (6) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, August 12, 2008

THREE READINGS
(City Council Meeting No. 16-2008)

PROPOSED NO. 2008-148

- (7) A By-Law To Amend By-Law No. 2003-209, ""A By-Law To Regulate Traffic" (amend designated streets and lanes – traffic lanes – Princess Street)

THIRD READING
(See Clause (c), Report No. 81)

PROPOSED NO. 2008-129

- (8) A By-Law To Permit Council To Enter Into A Municipal Contribution Agreement With Kingston Home Base Non-Profit Housing Inc. For The Provision Of Affordable Housing At 37 Joseph Street

THIRD READING
(See Clause (g), Report No. 81)

PROPOSED NO. 2008-130

- (9) A By-Law To Designate 186 Frontenac Street Also Known As Merriman House To Be Of Cultural Heritage Value And Interest Pursuant To The Provisions Of The Ontario Heritage Act (R.S.O. 1990, Chapter 0.18)

THIRD READING
(See Clause (1), Report No. 79)

PROPOSED NO. 2008-131

- (10) A By-Law To Designate 1345 Woodbine Road, To Be Of Cultural Heritage Value And Interest Pursuant To The Provisions Of The Ontario Heritage Act (R.S.O. 1990, Chapter 0.18)

THIRD READING
(See Clause (1), Report No. 88)

PROPOSED NO. 2008-132

City Council Meeting No. 16-2008
Minutes
Tuesday, August 12, 2008

ADJOURNMENT

Moved by Councillor Smith
Seconded by Councillor Glover

THAT Council do now adjourn.

CARRIED

Council adjourned at 10:58 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor