

## CITY COUNCIL MEETING NO. 19-2008

The Regular Meeting of City Council was held on Tuesday, September 16, 2008, and was called to order at 6:50 pm in the Council Chamber, City Hall. Regular business commenced at 7:40 pm. His Worship Mayor Harvey Rosen presided.

There was an "In Camera" meeting of the Committee of the Whole from 6:55 pm to 7:35 pm in the Councillors' Lounge.

**(Council Chamber)**

### **ROLL CALL**

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

Absent: (0)

**(Councillors' Lounge)**

### **Administrative Staff Present:**

Ms. C. Beach, Commissioner of Sustainability and Growth  
Mr. J. Bolognone, Deputy City Clerk  
Mrs. C. Downs, City Clerk  
Mr. G. Hunt, Chief Administrative Officer  
Mr. D. Leger, Commissioner of Corporate Services  
Mr. H. Linscott, Director, Legal Services

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

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

**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 – Municipal Accommodation.

**CARRIED**

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**(Council Chamber)**

### **Administrative Staff Present:**

Ms. C. Beach, Commissioner of Sustainability and Growth  
Mr. J. Bolognone, Deputy City Clerk  
Mr. L. Cleary, Supervisor, Finance, Community & Family Services  
Mrs. C. Downs, City Clerk  
Mr. C. Empey, Contract & Fundraising Administrator, K-Rock Centre  
Mr. M. Fluhrer, Director, Culture and Recreation  
Mr. J. Garrah, CEO, Kingston Economic Development Corporation  
Mr. J. Hale, Driver/Labourer, Public Works  
Ms. C. Hitchen, Manager, Community Programs Administration Unit, Community and Family Services  
Mr. G. Hunt, Chief Administrative Officer  
Ms. L. Hurdle, Director, Project Development, Sustainability and Growth  
Ms. D. Kennedy, Director, Financial Services  
Mr. D. Leger, Commissioner of Corporate Services  
Mr. H. Linscott, Director, Legal Services

**Administrative Staff Present: (Continued)**

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Mr. B. McCurdy, Cultural Director, Grand Theatre  
Mr. L. Thurston, Commissioner of Community Development Services  
Mr. G. Wallace, Director, Planning and Development  
Mr. D. Wells, Director, Public Works

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

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

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

**CARRIED**  
(Councillor Garrison opposed)

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**DISCLOSURE OF PECUNIARY INTEREST**

Councillor MacLeod-Kane advised that she is a volunteer fire fighter and declared that she has no pecuniary interest and will discuss and vote on any issue that may arise concerning Kingston Fire and Rescue (Motion (2)).

Councillor MacLeod-Kane declared a possible pecuniary interest in the matter of Clause (a) of Report No. 105 of the Arts, Recreation and Community Policies Committee as she is employed by the Tri-Board Transportation Services.

Councillor Garrison declared a pecuniary interest in the matter of Clause (2) of Report No. 103 of the Chief Administrative Officer (Recommend) as his mother-in-law is an employee of Kingston General Hospital.

Councillor Garrison declared a pecuniary interest in the matter of Clause (c) Report No. 102 of the Chief Administrative Officer (Consent) pertaining to funding for the Kingston Symphonic and Discoveries Project as the project is designed to provide a service for his employer the Algonquin and Lakeshore Catholic District School Board.

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**PRESENTATIONS**

None

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**DELEGATIONS**

Council consented to the addition of delegation (1). A 2/3 Vote of Council was Received.

- (1) Jack Drynan, of John T. Drynan Leasing Limited spoke to Council concerning Motion (1) regarding the Interim Control By-Law to prevent any development within 120 m of the high water mark of the Rideau waterway from the LaSalle Causeway to the northern boundary of the city without the permission of Council.

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**BRIEFINGS**

None

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**PETITIONS**

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- (1) A photocopy of a petition bearing approximately 100 signatures was presented by Councillor Hutchison and referred to the Commissioner of Community Development Services and to Legal Services for consideration and reads as follows:

"We the undersigned either recommend or support the following suggestion: Rideaucrest and/or The City of Kingston provide the staff a shelter from the elements, similar or equal to that which is currently provided to the residents of the Home."

REFERRED TO THE COMMISSIONER OF COMMUNITY DEVELOPMENT SERVICES  
AND TO LEGAL SERVICES

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

Council consented to the addition of Motion of Congratulations No. (3), (4), (5), and (6) and to the addition of Motion of Condolence No. (2) and (3).

**Motions of Congratulations**

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

**THAT** the sincere congratulations of Kingston City Council be extended to Councillor Sara Meers and Mr. John Paul Chusroskie on their recent marriage celebrated on Saturday August 23, 2008.

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

**THAT** the sincere congratulations of Kingston City Council be extended to Linda and Steven Silver, long-time residents of Kingston, on the occasion of their 25<sup>th</sup> wedding anniversary, to be celebrated on September 24<sup>th</sup>, 2008.

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

**THAT** the sincere congratulations of Kingston City Council be extended to Esther and Neil Donaldson, of Glenburnie, on the occasion of their 50<sup>th</sup> wedding anniversary, celebrated on July 26, 2008.

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

**THAT** the sincere congratulations of Kingston City Council be extended to the Kingston Firefighters who competed in the Canadian Firefit Championships. Michael Frasso finished 21<sup>st</sup> overall in the individual run with a time of 1:26.38, Justin Clarke came in 22<sup>nd</sup> in the over 35 category and 142 overall with a time of 1:54.88, Roger Belzile came in 160 with a time of 2:02.17 and Don Newton came in 27<sup>th</sup> in the over 35 category and 179 overall with a time of 2:22.64. Kingston Fire and Rescue's team of Michael Frasso, Tom Meers and Justin Clarke came in 23<sup>rd</sup> in the team relay with a time of 5:14.24.

**MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY (CONTINUED)**

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

**THAT** the sincere congratulations of Kingston City Council be extended to Jack and Betty Shane, of Kingston, on the occasion of their 50<sup>th</sup> wedding anniversary, to be celebrated on September 27<sup>th</sup>, 2008.

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

**THAT** the sincere congratulations of Kingston City Council be extended to Jim de Hoop, Manager of Information Systems, who has successfully completed the Master of Education Degree from Queen's University.

**Motions of Condolence**

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

**THAT** the sincere condolences of Kingston City Council be extended to the family of Harvey Milne who passed away on Friday, September 5, 2008. Mr. Milne was inducted into the Kingston Sports Hall of Fame in 2004. His citation read in part:

**"Harvey participated in several sports, including baseball, football, hockey, golf, and track and field. He was a back fielder on a championship football team at Kingston Collegiate, but his greatest achievements were on the baseball diamond."**

**"Harv also coached minor hockey, he served on the steering committee for the Kingston Baseball Centennial celebration, and he was a director of the OPP Minor Football League."**

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

**THAT** the sincere condolences of Kingston City Council be extended to the family of Dorothy Elizabeth LaLonde, former RN at Hotel Dieu Hospital, who passed away suddenly on Saturday September 13, 2008.

- (3) Moved by Councillor Meers  
Seconded by Mayor Rosen

**THAT** the sincere condolences of Kingston City Council be extended to the family of Asimina (Mina) Georgiou, long time resident of Kingston, who passed away September 9, 2008.

**CARRIED**

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**REPORTS**

**Report No. 102 the Chief Administrative Officer (Consent)**

Moved by Deputy Mayor Hector  
Seconded by Councillor Gerretsen

**THAT** Report No. 102 of the Chief Administrative Officer (Consent) be received and adopted.

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

**Report No. 102**

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

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

**THAT** Council consent to the approval of the following routine items:

(a) **Bridge Financing for Kaye Healey Homes**

**THAT** Council authorizes the Mayor and Clerk to enter into an agreement between the City of Kingston and the Elizabeth Fry Society of Kingston in a form satisfactory to Director of Legal Services for bridge financing in the amount of \$96,011.33 to pay off the existing mortgage on the Shaw Street property with a requirement to repay the funds to the City immediately upon the sale of the property.

(The Report of the Commissioner of Community Development Services (08-287) was attached to the agenda as Schedule Pages 1-4)

(File No. CSU-F25-000-2008)

**CARRIED**

(b) **Application For Tile Drainage Loan Under Tile Drainage Act – Kent & Emily Curtis**

**THAT** the application for the loan by Kent and Emily Curtis 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 and Rural Affairs (OMAFRA).

(The Report of the Chief Administrative Officer (08-288) was attached to the agenda as Schedule Pages 5-6)

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

**CARRIED**

Council consented to take a separate vote on matters related to the Kingston Symphony Association, Symphonic Discovery.

(c) **THAT** Council approve the Kingston Arts Council's recommendations for both project and operating grants from the City of Kingston's 2008 Arts Fund attached as Exhibit "A" as amended with the exception of the item related to the Kingston Symphony Association, Symphonic Discovery.

(The Report of the Commissioner of Community Development Services (08-298) was attached to the agenda as Schedule Pages 7-14)

(File No. CSU-F25-000-2008)

**CARRIED**

**REPORTS (CONTINUED)**

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Report No. 102 the Chief Administrative Officer (Consent)

Councillor Garrison withdrew from the meeting.

**THAT** Council approve the Kingston Arts Council's recommendations for the project grant from the City of Kingston's 2008 Arts Fund as outlined in Appendix A for the Kingston Symphony Association, Symphonic Discovery. (The Report of the Commissioner of Community Development Services (08-298) was attached to the agenda as Schedule Pages 7-14)  
(File No. CSU-F25-000-2008)

**CARRIED**

Councillor Garrison returned to the meeting.

(d) **Winter Sand for Road and Sidewalk Maintenance**

**THAT** Council authorizes the Mayor and Clerk to enter into a contract in a form satisfactory to the Director of Legal Services with Cruickshank Construction Limited, for the supply of approximately 20,000 tonnes of sand for winter road and sidewalk maintenance, in the amount of \$13.43 per tonne including all taxes and freight. (The Report of the President and CEO of Utilities Kingston (08-303) was attached to the agenda as Schedule Pages 15-17)  
(File No. CSU-F18-000-2008)

**CARRIED**

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**REPORTS (CONTINUED)**

**Report No. 103 of the Chief Administrative Officer (Recommend)**

Moved by Councillor Schmolka  
Seconded by Councillor Meers

**THAT** Report No. 103 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

**Report No. 103**

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

(1) **Parks and Facilities Asset Management Plan**

**THAT** staff be directed to finalize a scope of work and contract subject to the satisfaction of the City's Director of Legal Services with GHD Inc. for the completion of the parks asset management component, for a total amount of \$199,225 exclusive of GST;

- and further -

**THAT** staff be directed to finalize a scope of work and contract subject to the satisfaction of the City's Director of Legal Services with Ameresco Canada for the completion of the facilities asset management component for a total amount of \$274,900 exclusive of GST;

- and further -

**REPORTS (CONTINUED)**

**Report No. 103 of the Chief Administrative Officer (Recommend)**

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**THAT** Council approve an additional \$180,000 in the 2008 capital budget to be funded from the Municipal Capital Reserve Fund, to complete the asset management program for both parks and facilities.

(The Report of the Commissioner of Corporate Services (08-297) was attached to the agenda as Schedule Pages 23-27)  
(File No. CSU-A19-000-2008; CSU-R04-000-2008)

**CARRIED**

Councillor Garrison withdrew from the meeting.

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

**Note:** At the Council meeting held on August 12<sup>th</sup> staff were directed to review the recommendation regarding the proposed extended use of a portion of Memorial Park to PCL Constructors Canada Inc. The following recommendation is based on that review.

**THAT** Council authorizes 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 \$8,000.00 per annum, paid in advance in lump sum \$32,000.00 payable 'up front'
- b) \$10,000 worth of trees to be provided by PCL and planted in locations as determined by City of Kingston
- c) Complete restoration of the affected park area by PCL at the conclusion of the license period to the reasonable satisfaction of the City of Kingston

(The Report of the Commissioner of Community Development Services (08-302) was attached to the agenda as Schedule Pages 28-43)  
(File No. CSU-P09-000-2008)

**CARRIED**

Councillor Garrison returned to the meeting.

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**REPORTS (CONTINUED)**

**Report No. 104 of the Planning Committee**

Moved by Councillor Schmolka  
Seconded by Deputy Mayor Hector

**THAT** Report No. 104 of the Planning Committee be received and adopted.

**Report No. 104**

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

**REPORTS (CONTINUED)**

**Report No. 104 of the Planning Committee**

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

1. **Application for Official Plan and Zoning By-Law Amendment to permit the construction of a large-format home improvement warehouse/retail store at 1085 Gardiners Road.**

**THAT** the applications for Official Plan Amendment and Zoning By-Law Amendment (Our File Nos. D09-034-2007 and D14-110-2007) submitted by Lowe's Companies Canada, ULC, for the property located at 1085 Gardiners Road, **BE REFUSED**.

- and further -

**THAT** the application for Site Plan Control Approval (Our File No. D11-180-2007) submitted by Lowe's Companies Canada, ULC, for the property located at 1085 Gardiners Road **BE REFUSED**.

**CARRIED (7:6)**  
**(See Recorded Vote)**

A Recorded Vote was requested by Councillor Gerretsen

YEAS: Councillor Garrison, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Meers, Councillor Osanic, Councillor Schmolka, (7)

NAYS: Councillor Foster, Councillor Gerretsen, Deputy Mayor Hector, Councillor Matheson, Mayor Rosen, Councillor Smith (6)

ABSENT: (0)

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Councillors MacLeod-Kane, Schmolka and Smith withdrew from the meeting.

## **REPORTS (CONTINUED)**

**Report No. 105 of the Arts, Recreation and Community Policies Committee**

Moved by Councillor Glover

Seconded by Councillor Hutchison

**THAT** Report No. 105 of the Arts, Recreation and Community Policies Committee be received and adopted.

### **Report No. 105**

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.

## **REPORTS (CONTINUED)**

**Report No. 105 of the Arts, Recreation and Community Policies Committee**

- a) **Limestone District School Board Lease from the City – 414 Regent Street Barriefield**



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**THAT** it be Resolved that the following clause which was deferred from Council on 12 August 2008 and referred to the Arts, Recreation and Community Policies Committee be approved:

**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).

b) **Emergency Shelter Capital Needs**

**THAT** the Emergency Hostels be allocated the amount required to fund their identified short term capital needs broken down on the attached summary and estimated as follows:

Ryandale Shelter for the Homeless:	\$12,384.85
In From the Cold:	\$ 9,800.00
Kingston Youth Shelter Project:	\$12,190.10
Dawn House Women's Shelter:	\$15,200.00
Salvation Army, Harbour Light	\$ 5,002.11

Total: \$54,577.06

**THAT** the balance of the funds, approximately \$445,422.94 be maintained by the Service Manager in the Emergency Shelter Capital Reserve account, and that the Shelter DOOR subcommittee continue to meet regularly to discuss and make recommendations for some longer term plans and strategies related to the emergency shelter system and facilities and which would allow us to meet the community's ongoing emergency shelter needs in the most effective and efficient manner possible.

The Report of the Commissioner, Community Development Services Group (ARCP 08-038) was attached to the August ARC agenda.

c) **Formation of a Working Group regarding Low Income Rental Housing**

**WHEREAS** the Arts, Recreation and Community Policies Committee has received information from a presentation by a housing and shelter provider that the low income rental housing accommodations that they are able to find for their clients in the market place are too often of very poor quality with serious property standards issues; and

**WHEREAS** the issue of the quality of housing available to low income residents is very complex and needs a multi-faceted approach;

**THEREFORE BE IT RESOLVED THAT** the CAO be directed to form a City and community working group similar to the City of Kingston/Queens Joint Housing Committee to examine and research the quality of low income rental housing issue and propose solutions to this problem which the City or other bodies may act upon and that this group report to the Arts, Recreation and Community Policies Committee; and

**REPORTS (CONTINUED)**

**Report No. 105 of the Arts, Recreation and Community Policies Committee**

**THAT** community organizations be requested to join with the necessary City departments such as Property Standards and Legal and interested City Councillors in forming a quality of low income rental housing working group including, but not necessarily limited to, the Hotel Dieu hospital discharge unit, Providence Care Mental Health

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Division, Housing Help Centre, Street Health - Outreach, the Kingston Community Legal Clinic, Affordable Housing Committee and the Kingston Community Round Table on Poverty Reduction.

CARRIED

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Councillors MacLeod-Kane, Schmolka and Smith returned to the meeting.

Moved by Councillor MacLeod-Kane

Seconded by Councillor Schmolka

THAT Council recess for five minutes.

LOST

**REPORTS (CONTINUED)**

Report No. 106 of the Kingston Municipal Heritage Committee (LACAC)

Moved by Councillor Glover

Seconded by Councillor Foster

THAT Report No. 106 of the Kingston Municipal Heritage Committee (LACAC) be received and adopted.

**Report No. 106**

To the Mayor and Members of Council:

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

All items listed on the Kingston Municipal Heritage 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 08, 2008

Council consented to separate Clause (1)

**1. Proposed Renaming of Breakwater Park**

THAT the Kingston Historical Society be contacted to submit a request in accordance with the requirements of the City of Kingston's Naming of Corporate Assets Policy in order to formally commence the process; and

THAT the proposed process to evaluate the proposed renaming of Breakwater Park to Bradstreet Park, attached as Exhibit 'E' be recommended to Council for adoption.

Report No. KMH-08-007 of the Commissioner, Community Development Services Group is attached as Schedule Pages 44-56.

CARRIED

(Councillor's Garrison, Foster, Hutchison and Smith opposed)

**REPORTS (CONTINUED)**

Report No. 106 of the Kingston Municipal Heritage Committee (LACAC)

**2. Corrections to the City of Kingston's Heritage Properties Register**

THAT the document attached as Exhibit 'A' be formally endorsed by Council as properties to be included on the City of Kingston's Heritage Properties Register.

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Report No. KMH-08-006 of the Commissioner, Community Development Services Group is attached as Schedule Pages 57-59.

3. **Approval to Install Windows for the New Rear Dormer and to Withdraw a Request for the Relocation of Existing Dormer at 230 Johnson Street**

THAT Application P18-162-050-2008 for a property located at 230 Johnson Street requesting approval for the relocation of existing rear dormer & window and addition of a new rear dormer with glazed doors **BE APPROVED** initially described within a submission dated June 19, 2008 and as amended within a submission filed August 21, 2008.

4. **Approval for Replacement of Storm Windows at 247 Main Street**

THAT Application P18-426-066-2008 for a property located at 247 Main Street **BE APPROVED** as described within a submission filed July 29, 2008.

5. **Approval for Consent for Various Alterations Including Landscaping, Roofing, Window and Entrance Treatment and Masonry Repairs at 108 Queen Street**

THAT Application P18-336-072-2008 for a property located at 108 Queen Street requesting approval for:

- Refurbishing existing front door and have it painted
- Removing rear wall and door and cover porch
- Replacing roofing soffit and fascia on existing rear addition
- Replacing exterior concrete walkway with stone walkway
- Chemical stripping of sills on 1<sup>st</sup> storey (if the sills are not limestone) to match concrete finish of sills on 2<sup>nd</sup> storey
- Repointing brick
- Landscaping grade level of front of the property with interlocking brick.
- Interlocking brick steps with wrought iron rail with drawings to be submitted
- Removing rear chimney stack
- Reparging concrete wall of existing addition and extend the parging around the corner
- Replacing roofing, fascia and soffit on rear addition

**BE APPROVED** as described within a submission filed August 25, 2008,

- and further -

THAT any fastening be of a non-corroding material such as stainless steel or brass into the mortar joints.

6. **Approval for Consent for Various Alterations Including Landscaping, Roofing, Window And Entrance Treatment and Masonry Repairs at 110 Queen Street**

**REPORTS (CONTINUED)**

Report No. 106 of the Kingston Municipal Heritage Committee (LACAC)

THAT Application P18-336-073-2008 for a property located at 110 Queen Street requesting approval for:

- Replace front door with original door and have it painted
- New window well for front basement window to match the existing basement window well of 108 Queen Street and have it painted

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- Carriage way ceiling to be uncovered and replaced with new material all to be above the brick arched opening
- New window opening at rear of dwelling with an aluminum window with concrete lintel proposed to match existing windows
- Removing doorway from existing rear addition and rebuilding a wall in its place, with an exterior to be concrete parging.
- Sandblasting concrete sills on 1st storey to match concrete finish of sills on 2<sup>nd</sup> storey
- Repointing brick
- Landscaping grade level of front of the property with interlocking brick.
- Interlocking brick steps with wrought iron rail
- Removing rear chimney stack
- Reparging concrete wall of existing addition and extend the parging around the corner
- Addition of a metal roof over rear entrance – metal to match main roof

**BE APPROVED** as described within a submission filed August 25, 2008.

7. **Reaffirmation of Emergency Approval to Remove Wooden Trough from Front of Building, Repair Masonry Behind it, Rebuild Trough, put New Eaves Trough into it and Paint the Same Colour at 68 -74 Princess Street**

THAT Application P18-032-067-2008 for a property located at 68 -74 Princess Street which received Emergency Approval to remove wooden trough from front of building, repair masonry behind it, rebuild trough, put new eaves trough into it and paint the same colour **BE REAFFIRMED** as described within a submission filed August 5, 2008.

8. **Reaffirmation of Emergency Approval for Parapet Masonry Emergency Repair and Roofing Parapet Stones which will be Replaced with Stone (not cladding) at 95 Clarence also known as 149-151 Wellington Street**

THAT Application P18-032-068-2008 for a property located at 95 Clarence also known as 149-151 Wellington Street which received Emergency Approval for parapet masonry emergency repair and roofing Parapet Stones which will be replaced with stone (not cladding) **BE REAFFIRMED** as described within a submission filed August 5, 2008.

9. **Reaffirmation of Emergency Approval to Make Repairs to the Roof Replacing Steel Roofing with Steel Roofing Parapet Masonry Emergency Repair and Roofing Parapet Stones which will be Replaced with Stone (not cladding) at 108 Queen Street**

THAT Application P18-032-069-2008 for a property located at 108 Queen Street which received Emergency Approval for repairs to the roof replacing steel roofing with steel roofing **BE REAFFIRMED** as described within a submission filed August 12, 2008.

## REPORTS (CONTINUED)

Report No. 106 of the Kingston Municipal Heritage Committee (LACAC)

10. **Reaffirmation of Emergency Approval to Make Repairs to the Roof Replacing Steel Roofing with Steel Roofing Parapet Masonry Emergency Repair and Roofing Parapet Stones Which will be Replaced with Stone (not cladding) at 110 Queen Street**

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THAT Application P18-032-070-2008 for a property located at 110 Queen Street which received Emergency Approval for repairs to the roof replacing steel roofing with steel roofing **BE REAFFIRMED** as described within a submission filed August 12, 2008.

11. **Withdrawal and Formal Denial of Heritage Property Grant Provisional Allocation at 85 Barrack Street**

**WHEREAS** Application HG-08-2006 for a property located at 85 Barrack Street received provisional approval from Council on April 18, 2006 for a Heritage Property Grant of 50% of the costs associated with the Eligible Work as submitted by receipts and up to a maximum amount of \$2000; and

**WHEREAS** the applicant was requested through correspondence from the Culture and Heritage Division to provide an update on the project associated with the provisional grant approval by May 30, 2008; and

**WHEREAS** the Culture and Heritage Division received an update from the owner to advise that the project associated with the provisional approval is no longer being pursued;

**THEREFORE BE IT RESOLVED THAT** Council deem application HG-08-2006 to be withdrawn and formally deny application HG-08-2006, thereby releasing the provisional allocation of the associated funds and that the funds be returned to the Heritage Reserve Fund.

**CARRIED**

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Moved by Councillor Schmolka  
Seconded by Councillor Matheson

THAT Council resolve itself into the Committee of the Whole "In Camera" to consider the information reports.

**CARRIED**

Moved by Deputy Mayor Hector  
Seconded by Councillor Matheson

THAT Council rise from Committee Of The Whole without reporting.

**CARRIED**

Moved by Councillor Schmolka  
Seconded by Councillor Hutchison

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)**

## INFORMATION REPORTS

(1) **2008 Budget Adjustments**

The purpose of this report is to provide Council with a summary of the sustainable budget adjustments determined in consultation with corporate management team and others.

(The Report of the Chief Administrative Officer (08-258) is attached as Schedule Pages 60-62)

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

(2) **K-Rock Centre Quarterly Operations Report Period Ending June 30, 2008**

This information report is before Council to provide the opportunity for Arcturus/SMG to present both a review of operations and the related financial results for the period ending June 30, 2008 together with projections to the end of the year.

(The Report of the Commissioner of Corporate Services (08-267) is attached as Schedule Pages 63-80)

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

(3) **Project Status Reports: Grand Theatre Building Improvement Project, K-Rock Centre, Multiplex Community Centre**

The purpose of this report is to provide Council with the 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 July and August 2008.

(The Report of the Commissioner of Sustainability and Growth (08-279) is attached as Schedule Pages 81-110)

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

(4) **Proposed Reporting Schedule For The K-Rock Centre, The Grand Theatre And The Invista Centre Operations**

The purpose of this report is to provide Council with details of proposed regular reporting requirements for the operations of the K-Rock Centre, the Grand Theatre and the Invista Centre, including the proposed content of these financial reports, which will include, at a minimum, year-to-date comparisons of revenues and expenses to business plans and approved budgets and forecasted information from the reporting period to the end of the year.

(The Report of the Chief Administrative Officer (08-307) is attached as Schedule Pages 111-113)

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

(5) **Direction to Rezone 1425 Midland Avenue to Allow for Commercial Office Use**

The purpose of this report is to inform Council with regard to the course of action that staff will be initiating to prepare an application to rezone 1425 Midland Avenue to allow for commercial office use for the purpose of leasing.

(The Report of the Commissioner of Corporate Services (08-274) is attached as Schedule Pages 18-22)

(File No. CSU-D14-000-2008; CSU-L15-000-2008)

**DEFERRED**

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**MISCELLANEOUS BUSINESS**

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

**THAT**, at the request of The Canadian Kennel Club, Council proclaim the week of September 20<sup>th</sup> to 27<sup>th</sup>, 2008, as "Responsible Dog Ownership Week" in the City of Kingston.

**CARRIED**

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## MOTIONS

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

**WHEREAS** the United Nations Educational, Scientific and Cultural Organization (UNESCO) inscribed the Rideau Canal and Kingston Fortifications as a World Heritage Site on June 27, 2007; and,

**WHEREAS** the Rideau Canal was selected based on two of UNESCO's World Heritage criteria: to represent a masterpiece of human creative genius, and to be an outstanding example of a type of building, architectural or technological ensemble or landscape which illustrates (a) significant stage(s) in human history; and,

**WHEREAS** the Official Plan and the zoning by-laws of the city have not yet been amended to protect the heritage features of the Rideau Canal and such work will take several months to complete;

**THEREFORE BE IT RESOLVED THAT** staff be directed to prepare an Interim Control By-Law for the next Council meeting to prevent any development within 120 m of the high water mark of the Rideau waterway from the Lasalle Causeway to the northern boundary of the city without the permission of Council. In this context, development refers to any new construction, including but not limited to houses, roads, outbuildings, swimming pools, and docks;

**AND BE IT FURTHER RESOLVED THAT** staff be directed to initiate the necessary studies and prepare the necessary planning reports as promptly as possible to substantiate the Interim Control By-Law.

Moved by Councillor MacLeod-Kane  
Seconded by Councillor Gerretsen

That clause (1) be deferred and referred to the Planning Committee for report no later than the second meeting in November.

**DEFERRED**

## MOTIONS (CONTINUED)

Council consented to the withdrawal of Motion No. (2)

- (2) Moved by Mayor Rosen  
Seconded by Deputy Mayor Hector

**THAT** the following recommendation which was passed at the Council meeting on August 12, 2008 be reconsidered:

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*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 31<sup>st</sup>, 2008, to March 31<sup>st</sup>, 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 31<sup>st</sup>, 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."*

**WITHDRAWN**

- (3) Moved by Councillor Gerretsen  
Moved by Councillor Garrison

**WHEREAS** the provincial government recently announced at the Association of the Municipalities of Ontario Conference on August 25, 2008, \$1.1 billion to be distributed to municipalities throughout Ontario for the purpose of addressing municipal infrastructure needs; and,

**WHEREAS** the portion of these funds allocated to the City of Kingston is \$11.152 million; and,

**WHEREAS** the City of Kingston continues to experience a backlog of infrastructure needs throughout the municipality primarily with respect to roads and sidewalks; and,

**WHEREAS** this City Council has indicated its commitment to the revitalization of our aging infrastructure;

**THEREFORE BE IT RESOLVED THAT** city staff be directed to earmark the \$11.152 million to be spent entirely on addressing the backlog of aging road and sidewalk repair needs throughout the city;

*-and further-*

**THAT** city staff exercise the following process to determine the prioritization:

1. Request that all district councillors submit a list of the roads and sidewalks in their districts which are in most need of repair no later than October 15, 2008;
2. Create a master list comprised of all roads and sidewalks submitted by the district Councillors;
3. Rank the master list based on severity of need of repair;

*-and further-*

**THAT** staff be asked to present the ranked master list of the roads and sidewalks which will be revitalized with this \$11.152 million to the Environment, Infrastructure and Transportation Committee at its meeting in November of 2008.

**DEFERRED**

**MOTIONS (CONTINUED)**

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

**THAT** the City of Kingston, in endorsing the motion passed by the City of Owen Sound, support the following motion:

**"WHEREAS** municipalities in Ontario are faced with on-going financial pressures in order to provide reasonable levels of service in Ontario communities; and,

**WHEREAS** local property taxes are the main source of funding for municipal budgets; and,



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**WHEREAS** the Federal Government has shown leadership in exempting municipalities from having to pay GST in recognition of one level of government taxing another;

**NOW THEREFORE BE IT HEREBY RESOLVED THAT** the Council of The Corporation of the City of Owen Sound hereby requests that the Government of Ontario provide a full exemption of provincial sales tax on goods and services to all Ontario municipalities similar to the GST exemption;

-and further-

**THAT** this resolution be forwarded to Premier Dalton McGuinty; The Honourable Dwight Duncan, Provincial Minister of Finance; the Association of Municipalities of Ontario; and Bill Murdoch, M.P.P., Bruce-Grey-Owen Sound; seeking support for municipalities being exempt from provincial sales tax on goods and services;

-and further-

**THAT** this resolution be circulated to all municipalities in Ontario through an AMO broadcast seeking support for municipalities being exempt from provincial sales tax on goods and services."

-and further-

**THAT** this resolution be forwarded to John Gerretsen, Minister of the Environment, M.P.P., Kingston and The Islands.

**DEFERRED**

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**NOTICES OF MOTION**

None

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**REPORTS (CONTINUED)**

**REPORT NO. 95 OF THE COMMITTEE OF THE WHOLE**

Council consented to move consideration of Report No. 95 of the Committee of the Whole following the deliberations on Motions of Congratulations/Condolences/Speedy Recovery, in order to ensure that this item was resolved prior to the next priority setting session scheduled for Monday, September 22, 2008.

Moved by Councillor Gerretsen  
Seconded by Councillor Garrison

To the Mayor and Members of Council:

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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;
- 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.

**CARRIED**

**MINUTES**

Moved by Councillor Smith

Seconded by Councillor Schmolka

**THAT** the Minutes of City Council Meeting No. 17A-2008, held Thursday, August 28, 2008 be confirmed.

**THAT** the Minutes of City Council Meeting No. 18-2008, held Tuesday, September 2, 2008 be confirmed.

**CARRIED**

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**TABLING OF DOCUMENTS**

2008-61      The Community Coalition Against Mining Uranium  
 Report of Citizens' Inquiry into the Impacts of the Uranium Cycle - June 24, 2008  
 (File No. CSU-E05-000-2008)

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**COMMUNICATIONS**

**Filed**

19-525      From the Local Authority Services Ltd. (LAS), outlining new energy management resources available which consists of a New Streetlight Report, Energy Management Tool (EMT), Incentives for Retrofits and Solar Installations, Website Enhancements and a Audit ++ Program Update.  
 (File No. CSU-A01-004-2008)

19-526      From Municipal Employer Pension Centre of Ontario (MEPCO), announcing there will be no rate increase in 2009 for OMERS contribution rates. However there has been a shift with respect to who will bear the cost of benefits being earned.  
 (File No. CSU-H02-000-2008)

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- 19-527 From the Association of Municipalities of Ontario (AMO), advising that the Ontario Society of Professional Engineers (OSPE) will be presenting a symposium on October 16, 2008, entitled "Engineering in a Climate of Change".  
(File No. CSU-A04-000-2008)
- 19-534 From the Committee of Adjustment, a Notice of Decision for the following applications:
- CONSENT – In respect of an application to sever the property at 2493 Highway #2, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 18, 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 2493 Highway #2, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 16, 2008.
- CONSENT – In respect of an application to sever the property at 3863 Brewer's Mills Road, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 18, 2008.
- CONSENT – In respect of an application to sever the property at 1692 Bur Brook Road, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 18, 2008.  
(File No. CSU-D19-000-2008)

**Referred to All Members of Council**

- 19-529 From the Tay Valley Township, asking for Council's support of a resolution requesting that the Association of Municipalities of Ontario (AMO) petition the Premier and the Minister of Northern Development and Mines to reunite surface and mining rights on surface-rights only (SRO) properties when requested by the SRO property owner of the municipality in order to effectively resolve this issue.  
(File No. CSU-C10-000-2008)

**COMMUNICATIONS (CONTINUED)**

- 19-535 From the Township of North Stormont asking for Council's support of a resolution requesting the Board of Directors of Municipal Property Assessment Corporation (MPAC) to improve their operations by:
1. Allocating provincial funds to correct the over 70,000 errors across the Province for those municipalities with greater reliance on the data receiving priority;
  2. Making errors and backlog in data a priority to complete;
  3. Working with lower and upper tier municipalities to correct these errors.
- (File No. CSU-C10-000-2008)
- 19-536 From Mr. Simon Pile expressing his option on creating sustainable communities

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

- 19-538 From Mr. Jeff Boyd, Site Development Manager Lowe's Companies Canada ULC, providing supplementary information pertaining to the Lowe's Companies Canada ULC application for Site Plan Control Approval for the property at 1085 Gardiners Road.  
(File No. CSU-D11-000-2008)  
(Distributed to members of Council September 12, 2008)
- 19-539 From Mr. Bruce Todd expressing his concerns about the Planning Committee's recommendation to refuse the application for Site Plan Control Approval submitted by Lowe's Companies Canada, ULC, for the property located at 1085 Gardiners Road.  
(File No. CSU-D11-000-2008)  
(Distributed to members of Council September 12, 2008)
- 19-540 From John T. Drynan Leasing Limited asking that Council not approve motion (1) Interim Control By-law which will prevent any development within 120 m of the high water mark of the Rideau waterway from the Lasalle Causeway to the northern boundary of the City without the permission of Council.  
(File No. CSU-D26-000-2008)  
(Distributed to members of Council September 12, 2008)
- 19-541 From R. H. Pollock, President, T. A. Andre And Sons (Ontario) Limited, General Contractors and Engineers, expressing their support for the planning application submitted by Lowe's Companies Canada.  
(File No. CSU-D11-000-2008)  
(Distributed to members of Council September 16, 2008)
- 19-542 From Mr. Bruce Todd expressing his support of the Lowe's development proposal.  
(File No. CSU-D11-000-2008)  
(Distributed to members of Council September 16, 2008)
- 19-543 From Barry Smith, Taggart Investments, and Margaret Zakos, Axion Developments, expressing their concerns regarding Motion (1) (Interim Control By-Law).  
**(See Motion (1) Page No. 13)**

## COMMUNICATIONS (CONTINUED)

### Referred to the President and CEO of Utilities Kingston

- 19-528 From Mr. Bruce Todd expressing his concerns about traffic calming to improve traffic safety.  
(File No. CSU-T08-000-2008)
- 19-530 From Mr. Philip Pawliuk, P. Eng., expressing his concerns about traffic calming measures.  
(File No. CSU-T08-000-2008)
- 19-531 From Mr. Todd Alexander Litman expressing his opinion on traffic calming.

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(File No. CSU-T08-000-2008)

**Referred to the Commissioner of Corporate Services**

- 19-532 From the Islamic History Month Canada Committee, asking that Council proclaim the month of October 2008 as "Islamic History Month Canada" in the City of Kingston.  
(File No. CSU-M10-000-2008)
- 19-533 **THAT**, at the request of the Kingston Frontenac Public Library, Council proclaim the month of October 2008, as "Public Library Month 2008" in the City of Kingston.  
(File No. CSU-M10-000-2008)

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**BY-LAWS**

- (A) Moved by Councillor Smith  
Seconded by Councillor Hutchison  
**THAT** By-Laws (4) through (7) be given their first and second reading. **CARRIED**
- (B) Moved by Councillor Foster  
Seconded by Councillor Gerretsen  
**THAT** Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Law (6) three readings. **CARRIED**
- (C) Moved by Councillor Matheson  
Seconded by Councillor Osanic  
**THAT** By-Laws (1) through (7) be given their third reading. **CARRIED**

**BY-LAWS (CONTINUED)**

- (1) A By-Law To Amend By-Law No. 99-166, "A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or The Local Board" (Add Shaun Mackenzie; Delete Keven Bauer , Debbie Gilliland , Tracy Gough and Matthew Ross - Queen's University and Kingston Collegiate & Vocational Institute)  
THIRD READING **PROPOSED NO. 2008-151**  
(See **Communication No. 18-513**)
- (2) A By-Law To Amend By-Law No. 39-84, "A By-Law To Designate Certain Properties As Properties Of Historic And Architectural Value Or Interest."(the property known as 2551 Highway 2 East, Pursuant to the Provisions of the Ontario Heritage Act to Reflect its Cultural Heritage Value)  
THIRD READING **PROPOSED NO. 2008-153**  
(See **Clause (1), Report No. 100**)

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- (3) A By-Law To Create the "Kingston Remembers" Program  
THIRD READING PROPOSED NO. 2008-154  
(See Clause (2), Report No. 100)
- (4) A By-Law To Amend By-Law No. 32-74, Township Of Pittsburgh Zoning By-Law, As Amended By By-Law No. 2007-116, To Remove The '-H' Holding Symbol Related To The 'MD-3-H' Zone (Norterra Organics - 2069 Joyceville Road, in the City of Kingston)  
THREE READINGS PROPOSED NO. 2008-172  
(Delegated Authority)
- (5) A By-Law To Amend By-Law No. 8499, City Of Kingston Zoning By-Law, As Amended By By-Law No. 2007-114, To Remove The '-H' Holding Symbol Related To The 'A.370-H' Zone (Michael, Angelike And Speros Kanellos - 467 And 471 Johnson Street, In The City Of Kingston)  
THREE READINGS PROPOSED NO. 2008-173  
(Delegated Authority)
- (6) A By-Law to repeal By-Law No. 2005-176 being a By-Law to appoint Glen Laubenstein as Chief Administrative Officer for the City of Kingston.  
THREE READINGS PROPOSED NO. 2008-174
- (7) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, September 16, 2008  
THREE READINGS PROPOSED NO. 2008-175  
(City Council Meeting No. 19-2008)

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**ADJOURNMENT**

Moved by Councillor Glover  
Seconded by Councillor Smith

**THAT** Council do now adjourn.

**CARRIED**

Council adjourned at 10:59 pm.

(Signed)

Carolyn Downs  
City Clerk

Harvey Rosen  
Mayor