

CITY COUNCIL MEETING NO. 11-2009

The Regular Meeting of City Council was held on Tuesday, May 5, 2009, and was called to order at 5:55 pm in the Council Chamber, City Hall. Regular business commenced at 7:30 pm. His Worship Mayor Harvey Rosen presided.

There was an "In Camera" meeting of the Committee of the Whole from 6:00 pm to 7:15 pm in the Councillors' Lounge.

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor MacLeod-Kane (arrived at 7:00 pm), Councillor Matheson (arrived at 6:30 pm), Councillor Meers (arrived at 8:30 pm), Councillor Osanic (arrived at 6:40 pm), Councillor Schmolka, Councillor Smith (13)

Absent: (0)

(Councillors' Lounge)

Administrative Staff Present:

Ms. C. Beach, Commissioner, Sustainability & Growth Group
Ms. P. Burns, Director, Human Resources & Organizational Development
Mr. J. deHoop, Manager, Community & Family Services
Ms. C. Downs, City Clerk
Mr. G. Hunt, Chief Administrative Officer
Mr. S. Kanellos, Director, Real Estate & Construction Services
Mr. H. Linscott, Director, Legal Services
Mr. M. Morris, Director, Transportation
Mr. L. Thurston, Commissioner, Community Development Services

COMMITTEE OF THE WHOLE "IN CAMERA"

(1) Moved by Councillor Glover
Seconded by Councillor Hector

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

- (a) Personal matters about an identifiable individual, including municipal or local board employees – CAO Goals - 2009
- (b) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose – 390 King Street
- (c) A proposed or pending acquisition or disposition of land by the municipality or local board – Municipal Accommodations
- (d) A proposed or pending acquisition or disposition of land by the municipality or local board – Expression of Interest in Acquiring Surplus Federal Land

CARRIED

(Council Chamber)

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

Administrative Staff Present:

Mr. J. Cross, Manager, Emergency Services
Mr. J. de Hoop, Director, Community and Family Services
Mr. S. Dickey, Manager, Accounting Services
Mrs. C. Downs, City Clerk
Ms. S. Gargaro, Emergency Management Coordinator
Mr. J. Giles, Manager, Solid Waste
Mr. J. Hale, Driver/Labourer, Public Works
Mr. G. Hunt, Chief Administrative Officer
Ms. L. Hurdle, Director, Project Development, Sustainability and Growth
Mr. S. Kanellos, Director, Growth and Initiatives
Mr. H. Linscott, Director, Legal Services
Mr. M. Morris, Director, Transportation
Ms. T. Newton, Community Development Facilitator
Mr. R. Steele, Manager, Fleet
Mr. J. Thompson, Committee Clerk
Mr. L. Thurston, Commissioner of Community Development Services
Ms. L. Thibadeau, Leasing Consultant
Mr. G. Wallace, Director, Planning and Development

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

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

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

CARRIED

DISCLOSURE OF PECUNIARY INTEREST

None

PRESENTATIONS

- (1) Mr. Walter Fenlon, Co-Chair of the Grand Theatre Restoration Foundation, presented Mayor Rosen with a cheque in the amount of \$400,000. on behalf of the Foundation.

DELEGATIONS

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

THAT Council waive the rules of By-Law 98-1, "Council Procedural By-Law", in order that Ms. Louise Long be permitted to speak as a delegation with regard to disabilities for off leash dog parks.

BRIEFINGS

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

None

PETITIONS

- (1) A petition bearing approximately 143 signatures was presented by Councillor Matheson and referred to the Environment, Infrastructure and Transportation Policies Committee and reads as follows:

"We, the staff, parents and students of Holy Cross Catholic Secondary School in Kingston, Ontario urge our Municipal Government to continue with its plan to ban the sale of bottled water in our municipally owned facilities. We also believe that the city should ensure that there is access to safe drinking water when this ban takes place. Thank you for your support of water as a basic human right and for helping to reduce the use of plastic water bottles which both pollute our environment and use up precious resources".

REFERRED TO THE ENVIRONMENT, INFRASTRUCTURE AND TRANSPORTATION POLICIES COMMITTEE

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Council consented to the addition of Motions of Congratulations No. (2) through (6) and Motion of Condolence No. (2).

Motions of Congratulations

- (1) Moved by Mayor Rosen
Seconded by Deputy Mayor MacLeod-Kane

THAT the congratulations of Kingston City Council be extended to Mike Murphy, son of Steve Murphy, a City of Kingston staff member, for winning the Ontario Hockey League's goaltender of the year award. This is the second year in a row Mike has won this award, as a member of the Belleville Bulls hockey team. This past season, Mike posted 40 wins, and led the OHL in goals-against average and save percentage.

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

THAT the congratulations of Kingston City Council be extended to Derek Winton, General Manager of Bombardier, on his recent retirement from a 32 year career with the company. We thank Mr. Winton for his dedication and service to Bombardier and look forward to his continued valuable community service through the KEDCO Board of Directors.

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

THAT the congratulations and best wishes of Kingston City Council be extended to the Kingston Kimco Voyageurs. The team defeated Fort William on Saturday April 25th in Schreiber Ontario to capture the Central Canadian title and the Dudley Hewitt Cup. On Thursday, April 30, the team flew to Victoria, B.C. to compete for the Canadian Junior A hockey championship and the RBC Cup, from May 2nd to May 10th. The Voyageurs are the first Kingston junior team to compete for a Canadian hockey championship in over eighty years.

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY (CONTINUED)

Motions of Congratulations Cont.

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

- (4) Moved by Mayor Rosen
Seconded by Councillor Hector

THAT the congratulations of Kingston City Council be extended to the members of the Royal Military College team that recently won the Sandhurst Military Skills Competition in West Point, New York. While facing other military academies from the United States, Great Britain and other international service academies and universities, the RMC team won the challenge for the fourth time in five years. The grueling, two-day event includes competitions in marksmanship, assault boat competitions, rappelling, orienteering and other challenges. The cadets compete in full military dress, over a rugged seven-mile course. The RMC cadets finished the course more than five minutes ahead of the second-place U.S. Military Academy.

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

THAT the congratulations of Kingston City Council be extended to two Council "Watch-dogs", Richard Jones, who celebrated his 65th birthday on May 2nd, 2009 and Larry Rodgers, who celebrated his 70th birthday on May 1st, 2009.

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

THAT the congratulations of Kingston City Council be extended to Mayor Rosen on the celebration of his birthday on May 3, 2009 and wishing him many more.

Motions of Condolence

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

THAT the sincere condolences of Kingston City Council be extended to Georgina Piasetzki and her family, on the death of her husband, father, grandfather and great-grandfather, Donald Piasetzki on April 21, 2009. Georgina, a member of the Pinegrove Cemetery Board, has worked tirelessly to re-open Pinegrove Cemetery, and it is sadly fitting that her husband will be the first burial to take place at the Cemetery in many years.

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

THAT the sincere condolences of Kingston City Council be extended to the family and friends of the late Howard Sloan, long-time employee (retired) with the City of Kingston Engineering Department.

CARRIED

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

Council consented to deal with Report No. 49 of the Chief Administrative Officer (Recommend) at this point in the meeting. (See page 304)

REPORTS

Report No. 48 the Chief Administrative Officer (Consent)

Moved by Councillor Matheson

Seconded by Councillor Osanic

THAT Report No. 48 of the Chief Administrative Officer (Consent) be received and adopted.

Report No. 48

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) **Kingston & the Islands Boat Lines Ltd. Crawford Wharf – License Renewal Agreement**
Confederation Park – Ticket Booth License Agreement

THAT Council authorize the Mayor and Clerk to execute a license renewal agreement with Kingston & the Islands Boat Lines Ltd. to allow its continued use of the Crawford Wharf and apron upon the same terms and conditions, including the fee structure, for the period April 1, 2009 to and including March 31, 2011, in a form satisfactory to the Director of Legal Services.

- and further -

THAT Council authorize the Mayor and Clerk to execute a license agreement with Kingston & the Islands Boat Lines Ltd. to allow its use of land in Confederation Park for a term of three years commencing retroactively on April 1, 2008 and expiring on March 31, 2011, in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Corporate Services (09-140) was attached to the agenda as Schedule Pages 1-7)
(File No. CSU-L15-000-2009)

- (b) **Approval of an RFP for a Single-Axle Plow Trucks**

THAT the RFP F31-CS-FL-2009-05 for the purchase of two single-axle plow trucks be awarded to Kingston Truck Center/Larocelle for the purchase price of \$347,274 plus applicable taxes.

(The Report of the Commissioner of Corporate Services (09-142) was attached to the agenda as Schedule Pages 8-10)

(File No. CSU-F31-000-2009)

REPORTS (CONTINUED)

Report No. 48 the Chief Administrative Officer (Consent)

City Council Meeting No. 11-2009
Minutes
Tuesday, May 5, 2009

(c) **Approval of an RFP for a 17' Cube Van**

THAT the RFP F31-CS-FL-2009-08 for the purchase of one 17' cube van be awarded to Edwards Ford Sales (Kingston) Ltd. for the purchase price of \$38,987 plus applicable taxes.

(The Report of the Commissioner of Corporate Services (09-143) was attached to the agenda as Schedule Pages 11-12)
(File No. CSU-F31-000-2009)

(d) **Amendment to By-Law No. 2009-66: 2009 Final Tax Rates**

THAT Council give three readings to pass a By-Law to amend By-Law No. 2009-66 being a By-Law to Establish General Municipal, Fire, Garbage and Special Tax Rates for the year 2009:

1. That the table in paragraph 6 be deleted in its entirety and the following inserted:

Property Class	2009 Education Tax Rates
Residential, New Multi-residential, Multi-Residential	0.00252000
Farm, Managed Forest	0.00063000
Pipeline	0.01706568
Commercial (including Large office, parking lot, shopping centre)	0.01842376
Industrial (incl. Large industrial)	0.02530089
**New Commercial incl. optional classes	0.01520000
**New Industrial incl. optional classes	0.01520000

2. That Schedule "B-2 Business Tax Rates" be deleted in its entirety and replaced as per schedule attached.

(See By-Law No. (3), 2009-71)

(The Report of the Deputy Treasurer (09-157) was attached to the agenda as Schedule Pages 13-16)
(File No. CSU-F22-000-2009)

REPORTS (CONTINUED)

Report No. 48 the Chief Administrative Officer (Consent)

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

(e) 4th Quarter Operating Budget Report for 2008

1. **THAT** Council receive the 2008 4th quarter operating budget status report.
2. **THAT** the surplus generated from Social Housing in the amount of \$109,093 be allocated to the Affordable Housing Construction Reserve.
3. **THAT** the surplus generated from municipal operations in the amount of \$2,393,803 be allocated as follows:
 - a. \$2,138,803 to the Working Fund Reserve in accordance with policy
 - b. \$255,000 to the 2009 recycling revenues to assist in mitigating the price/market impacts being experienced
4. **THAT** the surplus generated from the municipal utilities operations in the amount of \$2,969,481 be allocated as follows:
 - a. \$692,240 to the Water Capital Reserve Fund
 - b. \$591,620 to the Wastewater Capital Reserve Fund
 - c. \$1,615,247 to the Gas Capital Reserve Fund
 - d. \$70,374 to the Gas Appliance Reserve Fund

(The Report of the Deputy Treasurer (09-110) was attached to the agenda as Schedule Pages 17-27)
 (File No. CSU-F05-000-2009)

(f) Capital Project Status Report – First Quarter 2009

1. **THAT** Council approve the financing of capital projects or (return of funds), as outlined in Appendix A of this report as follows:

<u>Source of Financing</u>	
Municipal Capital Reserve Fund	(\$36,108)
Industrial Land	\$70,225
Transit	(\$98,240)
Recycling Process Equipment	\$50,861
Technology	(\$1,209)
Arenas	(\$68)
Municipal Equipment	(\$61,424)
Facility Repair	(\$26,125)
Police Equipment	\$5,530
Fire Capital	\$9,574
Grand Theatre Improvement	(\$12,968)
Other Reserve Sub-Total	(\$63,844)
Total Reserve Funds	(\$99,952)

REPORTS (CONTINUED)

Report No. 48 the Chief Administrative Officer (Consent)

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

2. **THAT** Council approve the reduction of approved debenture financing with reference to specific project as outlined in Appendix A of this report as follows:

Source of Financing	
Municipal Capital Reserve Fund	(\$55,039)

(The Report of the Deputy Treasurer (09-114) was attached to the agenda as Schedule Pages 28-42)
(File No. CSU-F05-000-2009)

CARRIED

REPORTS (CONTINUED)

Report No. 49 of the Chief Administrative Officer (Recommend)

Moved by Councillor Schmolka

Seconded by Councillor Smith

THAT Report No. 49 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 49

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

- (1A) **Briefing – Lance Thurston, Commissioner, Community Development Services and John Cross, Manager, Emergency Services** spoke to Council regarding the City of Kingston Emergency Response Plan and Dr. Ian Gemmell from Public Health distributed a memorandum and spoke about the current health situation.

- (1) **City of Kingston Emergency Response Plan**

THAT a by-law be presented to Council to adopt a revised Emergency Response Plan for the City of Kingston; and

THAT a by-law be presented to Council to repeal By-Law 2007-50, being a By-law To Adopt A New Emergency Response Plan for the City of Kingston.

(See By-Law No. (1), 2009-69, No. (2), 2009-70)

(The Report of the Commissioner of Community Development Services (09-144) was attached to the agenda as Schedule Pages 43-48)

(File No. CSU-P03-000-2009)

CARRIED

REPORTS (CONTINUED)

Report No. 49 of the Chief Administrative Officer (Recommend)

- (2) **Green Energy and Green Economy Act, 2009 (Bill 150)**

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

THAT staff communicate Council's support for the Green Energy and Green Economy Act, 2009 and express concerns regarding the severe limitations on land use planning and water and sewer construction powers in the proposed Green Energy and Green Economy Act, 2009 (Bill 150) to the Minister of the Environment, Minister of Municipal Affairs and Housing, Minister of Energy and Infrastructure and the Standing Committee on General Government.

(The Report of the Chief Administrative Officer (09-160) was distributed separately from the agenda)
(File No. CSU-L11-000-2009)

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

Moved by Councillor Schmolka
Seconded by Councillor Garrison

THAT Clause (2) of Report No. 49 of the Chief Administrative Officer be amended by inserting after the word "regarding" the words "the severe limitations on" and by deleting the word "limitations" after the word "sewer" and inserting the words "construction powers".

CARRIED
(Councillor's Foster, Gerretsen and Mayor Rosen opposed)

REPORTS (CONTINUED)

Report No. 50 of the Planning Committee

Moved by Councillor Schmolka
Seconded by Councillor Meers

THAT Report No. 50 of the Planning Committee be received and adopted.

Report No. 50

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

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

April 16, 2009

1. **Application for Zoning By-Law Amendment For The Properties Located at Lots 48 to 54 and 148 to 154, Registered Plan 13M-58 (1170 to 1183 Crossfield Avenue)**

THAT the application for Zoning By-Law Amendment (Our File No. D14-138-2008) submitted by Geertsma Homes Ltd., for the properties located at Lots 48 to 54 and 148 to 154, Registered Plan 13M-58 (1170 to 1183 Crossfield Avenue), **BE APPROVED**.

- and further -

THAT the Cataraqui North Zoning By-Law No.97-102, as amended, be further amended as follows:

1. **THAT** the Zone Map of Zoning By-Law No. 97-102, as amended, is hereby further amended by changing the zone symbol of the subject site from 'MDR*1' to 'MDR*3' as shown on Schedule 'A' attached hereto and forming part of By-Law No. 2009-72.
2. **THAT** the following be **added** as Section 7.10 of the By-Law:

"7.10 MDR*3 (Geertsma Homes Ltd.), Lots 48 to 54 and 148 to 154, Registered Plan 13M-58

- 1.
2. Notwithstanding any provisions of this By-Law to the contrary, the lands designated 'MDR*3' shall be used and developed in accordance with the following provisions:
3.
 - (i) In addition to the uses permitted in the 'MDR' Zone, the permitted uses shall include single detached dwellings on lots accessed by a rear lane only.
 - (ii) The minimum lot frontage for a single detached dwelling on a lot accessed by a rear lane shall be 8.5 metres.
 - (iii) The minimum front yard depth for a single detached dwelling on a lot accessed by a rear lane shall be 3 metres. At least 70% of the front wall of the first storey of the main building shall be located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.
 - (iv) Single family dwellings located on a corner lot accessed by a rear lane shall have at least 25% of the front wall of the first storey of the main building located within 1.5 metres of, or on, the building line. In no case shall the front wall be located in the minimum required front yard.

REPORTS (CONTINUED)

Report No. 50 of the Planning Committee

- (v) The minimum required lot depth for a single detached dwelling on a lot accessed by a rear lane shall be 30 metres
- (vi) The minimum required interior side yard for a single detached dwelling located on a lot accessed by a rear lane shall be 1.2 metres on one side and 0.6 metres on the other.

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

- (vii) The minimum required exterior side yard setback for a single detached dwelling located on a lot accessed by a rear lane shall be 2.4 metres.
- (viii) The minimum required rear yard setback shall be 14.5 metres.
- (ix) The maximum building height for a single detached dwelling located on a lot accessed by a rear lane shall be 11 metres.
- (x) Detached garages shall be set back from the dwellings a minimum of 7.5 metres.
- (xi) The minimum required number of parking spaces per lot shall be two (2) to be enclosed in a garage.

AND BE IT FURTHER RESOLVED THAT the Amending By-Law be presented to City Council for all three readings.

(See By-Law No. (4), 2009-72)

2. **Application For Zoning By-Law Amendment For The Properties Located at 33 and 34 McFadden Lane**

THAT the Application for Zoning By-Law Amendment (Our File No. D14-117-2008) submitted by Dana Taylor and James Henderson for the properties municipally known as 33 and 34 McFadden Lane, respectively, **BE APPROVED.**

AND BE IT FURTHER RESOLVED THAT it be recommended to Council that the former Township of Pittsburgh Zoning By-Law No. 32-74, as amended, be further amended as follows:

- 1. Map 5 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject sites from 'A1' to 'LSR', as shown on Schedule "A" attached to and forming part of By-Law No. 2009-73.

AND BE IT FURTHER RESOLVED that the Amending By-Law be presented to City Council for all three readings.

AND BE IT FURTHER RESOLVED that City Council enter into a private road agreement with the owners.

(See By-Law No. (5), 2009-73)

3. **Application for Zoning By-Law Amendment For The Property Located at 321 Aragon Road**

THAT the application for Zoning By-Law Amendment (Our File No. D14-105-2007) submitted by Michaela and Chuck Dickison, for the property located at 321 Aragon Road, **BE APPROVED**

- and further -

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

- 1. That Zone Map No. 1 of Zoning By-Law No. 76-26, as amended, is hereby further amended by changing the zone symbol of the subject site from 'EPA' to 'A1-16' as shown on Schedule 'A' attached hereto and forming part of By-Law No. 2009-74.

REPORTS (CONTINUED)

Report No. 50 of the Planning Committee

- 2. That the following be **added** as Section 9(3)(p) of the By-Law:

"(p) A1-16 (321 Aragon Road):

- 1. Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 9 for the 'A1 Zone shall apply to the 'A1-16' Zone except that:

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

- i) (a) A minimum 30 metre building and structure (including septic systems) setback from the high water mark shall be required.
- (b) Removal of vegetation or disturbance of soil is prohibited within the 30 meter setback from the high water mark."

AND BE IT FURTHER RESOLVED that the Amending By-Law be presented to City Council for all three readings.

(See By-Law No. (6), 2009-74)

CARRIED

REPORTS (CONTINUED)

Report No. 51 of the Arts, Recreation and Community Policies Committee

Moved by Councillor Hutchison

Seconded by Councillor Gerretson

THAT Report No. 51 of the Arts, Recreation and Community Policies Committee be received and adopted.

Report No. 51

Council agreed to separate Clause (a).

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.

April 23, 2009

a) **Recommended sites for off-leash dog areas**

1. **THAT** Council approve the amended off-leash dog area policy with the understanding that:
Exhibit A – Policies and Procedures, Recreation and Leisure Services 'Off-Leash Dog Area – Parks' Section 11 'Assessment of Off-Leash Area' be amended to add clause f) 'leash free areas size and design in new subdivisions and other planning related issues' and that this proposed amendment be referred to staff to further advise the Committee; and

REPORTS (CONTINUED)

Report No. 51 of the Arts, Recreation and Community Policies Committee

2. **THAT** Council approve the following sites for permanent off-leash dog areas:
 - a. MacLean Trail Park
 - b. Memorial Centre
 - c. Meadowbrook Park
 - d. Airport/Front Road Property with access only to Front Road from the north east corner of the property; and

CARRIED

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

THAT staff be directed to give consideration to the following sites for permanent off-leash dog areas and report back to Arts, Recreation and Community Policies Committee:

- e. 'Lake Ontario Park' and that this location be referred to staff for further consideration in conjunction with this policy and other plans and that the current pilot project remain in place until such time as a final decision is made for Lake Ontario Park.

LOST AS AMENDED(6:7)

(See Recorded Vote # 1)

(See Motion To Amend Which Was CARRIED)

- f. 'Grass Creek Park' and that this location be referred to staff for reconsideration in view of its unique location and circumstances.

CARRIED (9:4)

(See Recorded Vote # 2)

3. **THAT** staff be directed to amend Animal By-Law No. 2004-144 to provide owners with the ability to leave their dogs off-leash in the four recommended designated areas.
4. **THAT** the 2009/2010 capital budget be funded by the capital reserve fund in the amount of \$160,000 for this project'.
5. **THAT** the 2009 operating budget for public works be amended by \$28,000 with funding from the Working Fund Reserve.
6. **THAT** the 2010 operating budget for public works incorporate sufficient budget for this new service (annual estimate \$50,000).

The Report of the Commissioner, Sustainability and Growth (ARCP-09-020) was attached to the April ARC agenda as Schedule Pages 9-24.

(See By-Law No. (7), 2009-75)

CARRIED

Moved by Councillor Garrison
Seconded by Councillor Matheson

THAT Clause a) of Report No. 51 of the Arts, Recreation and Community Policies Committee be amended by adding at the end of Item 2. (e) "and that the current pilot project remain in place until such time as a final decision is made for Lake Ontario Park".

CARRIED (7:6)

(See Recorded Vote # 3)

REPORTS (CONTINUED)

Report No. 51 of the Arts, Recreation and Community Policies Committee

Recorded Vote # 1 was requested by Councillor Hector

YEAS: Councillor Garrison, Councillor Glover, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Schmolka, (6)

NAYS: Councillor Foster, Councillor Gerretsen, Councillor Hector, Deputy Mayor MacLeod-Kane, Councillor Osanic, Mayor Rosen, Councillor Smith (7)

ABSENT: (0)

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

Recorded Vote # 2 was requested by Deputy Mayor MacLeod-Kane

YEAS: Councillor Foster, Councillor Garrison, Councillor Glover, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka, Councillor Smith (9)

NAYS: Councillor Gerretsen, Councillor Hector, Deputy Mayor MacLeod-Kane, Mayor Rosen, (4)

ABSENT: (0)

Recorded Vote # 3 was requested by Councillor Matheson

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

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

ABSENT: (0)

b) **Additional Multi-Purpose Fields at John Machin Park Referred to Capital Budget Discussions**

THAT the following recommendation (ARCP-09-021) be referred to Capital Budget discussions in June in order to allow staff to report back in more detail:

1. **THAT** Council authorizes the Mayor and Clerk to enter into an agreement, subject to the satisfaction of the City's Legal Services Department, with the Pittsburgh Community Benefit Fund for the construction of two additional international multi-purpose fields in the John Machin Park within two years;

2. **THAT** Council approve a 2009 capital budget at \$2.21M for this project with financing as follows:

i.	PCBF land and cash contribution	\$ 500,000
ii.	Development Charges	\$1,150,000
iii.	Municipal Capital Reserve Fund	\$ 310,000
iv.	User Fee Surcharge	\$ 100,000
v.	Industrial Land Reserve (land sale)	\$ 150,000

TOTAL **\$2,210,000**

The Report of the Commissioner, Sustainability and Growth (ARCP-09-021) was attached to the April ARC agenda as Schedule Pages 25-43.

REPORTS (CONTINUED)

Report No. 51 of the Arts, Recreation and Community Policies Committee

c) **Nominations by the Arts Advisory Committee of Tenants for the J. K. Tett Centre**

THAT the following motion of the Arts Advisory Committee from the April 9, 2009 meeting be approved:

WHEREAS Staff outlined the evaluation process for tenants of the J.K. Tett Centre in a report entitled "Governance J.K. Tett Centre" (ARCP-09-009), and

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

WHEREAS the Arts Advisory Committee Selection Sub-Committee for the J.K. Tett Centre has considered applications by potential users in the context of [their] scope and space needs for the operation of the J.K. Tett Centre **THEREFORE BE IT RESOLVED THAT** the following organizations be nominated as tenants of J.K. Tett Centre:

- Kingston Suzuki Music Association
- Kingston School of Art
- Kingston Photographic Club
- Kingston Arts Council
- H'art School of Smiles Inc.
- Modern Fuel Artist Run Centre
- Kingston Lapidary and Mineral Club
- Kingston Potters Guild
- Theatre Kingston
- Kingston School of Dance (Kingston Community Ballet Association)
- Kingston Handloom Weavers and Spinners

- and further -

THAT staff initiate discussions with the aforementioned nominated tenants on topics including but not limited to structure, governance and the 'facility operator'.

- and further -

THAT the Arts Advisory Committee strongly supports the Domino Theatre's pursuit of tenancy at Rodden Park.

d) **Use of Parks and Recreation Facilities By-Law**

THAT the draft By-Law, attached as schedule A to the report, being "A By-Law To Provide For The Regulation Use Of Parks And Recreation Facilities For The Corporation Of The City Of Kingston" be passed,

- and further -

THAT a By-Law be presented to Council to repeal By-Law No. 99-91, as amended, being "A By-Law To Provide For The Regulation Use Of Parks And Recreation Facilities Of The Corporation"

- and further -

THAT a By-Law be presented to Council to repeal By-Law No. 41-61, as amended, being "A By-Law To Declare Section 1 And Section 1A Of The Lord's Day (Ontario) Act, 1960-61, As Amended, To Be In Force In The City Of Kingston (Sunday Sports)".

The Report of the Commissioner, Sustainability and Growth (ARCP-09-018) was attached to the April ARC agenda as Schedule Pages 1-8.

(See By-Law No. (8), 2009-76, No. (9), 2009-77, No. (10), 2009-78))

CARRIED

REPORTS (CONTINUED)

Report No. 52 of the Memorial Centre Revitalization Advisory Committee

Moved by Councillor Garrison

Seconded by Councillor Meers

THAT Report No. 52 of the Memorial Centre Revitalization Advisory Committee be received and adopted.

Report No. 52

To the Mayor and Members of Council:

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

The Memorial Centre Revitalization Advisory Committee reports and recommends as follows:

April 28, 2009

a) Preferred Landscape Plan for the Veterans Memorial Garden

THAT the preferred landscape plan for the Veterans Memorial Garden at the front of the Memorial Centre be approved
- and further -

THAT the implementation of the plan and related costs be referred to the 2009-2010 Capital Budget process.

A copy of a memorandum and a design drawing regarding the preferred Landscape Plan for the Veterans Memorial Garden were attached to the agenda as schedule pages 53-59

CARRIED

INFORMATION REPORTS

(1) Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of March 2009

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 March 2009 and report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of March 2009.

(The Report of the Deputy Treasurer (09-111) was attached to the agenda as Schedule Pages 49-52)
(File No. CSU-F18-000-2009)

MISCELLANEOUS BUSINESS

(1) Moved by Councillor Gerretsen
Seconded by Councillor Osanic

THAT at the request of Ken Mundell, Conservation & Demand Management Advisor, Utilities Kingston, Council proclaim the week of May 17th – May 23rd, 2009 as “Energy Conservation Week” in the City of Kingston.

CARRIED

MOTIONS

Council consented to the addition of Motion No. (2) which was withdrawn by Councillor Matheson.

(1) Moved by Councillor Meers
Seconded by Mayor Rosen

WHEREAS the Community Policing Partnerships Program was introduced by the provincial government in 1998 as an initiative to add 1,000 front-line police officers in Ontario; and

WHEREAS the provincial government implemented a grant program that would pay 50 percent of each additional police officer’s annual salary to a maximum of \$30,000 per year; and

WHEREAS the Kingston Police hired eight new officers in 1999 and four new officers in 2000 under this initiative; and

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

WHEREAS the Community Policing Partnerships Program has been extended and a renewed one-year contractual agreement is required to enable the municipality and the police service to receive grant monies under this program for the period April 1, 2009, to March 31, 2010;

THEREFORE BE IT RESOLVED THAT the City of Kingston approves entering into an Agreement with the Ministry of Community Safety and Correctional Services and the Kingston Police Services Board, to extend the Community Policing Partnerships Program to March 31, 2010;

- and further -

THAT the Mayor and City Clerk be authorized to execute the Agreement on behalf of the City of Kingston.

CARRIED

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

WHEREAS the City of Kingston is undertaking a study that will cost \$500,000 to determine lodgings for city staff downtown to replace the lease at the British Whig Standard Building, with a minimum space requirement of 40,000 square feet; and

WHEREAS the City of Kingston currently owns two properties which are vacant at 11 Queen St and 1425 Midland Ave that could accommodate the City's current and future space needs; and

WHEREAS the City of Kingston has many capital infrastructure projects that will have a budgetary impact and will require Council to prioritize those and proceed based on financial capacity; and

WHEREAS the country is currently in the midst of a global economic downturn and it is important to be prudent with the dollars being spent while at the same time proceed with projects that will provide maximum net return and promote the four pillars of sustainability that the City is striving as a community to become the leader; and

WHEREAS one or both of these two city owned properties may have some heritage, community and or sentimental value to retain and continue to use (once refurbished) by staff of our City, its Citizens, and our local community based organizations; and

WHEREAS Kingston City Council based its 2009 budget deliberations on calculations that included the revenues of these properties to determine our budget, and required tax increase, and approved the leasing of one or both of these properties to offset the maintenance costs and bring in substantial revenue to help offset tax hikes for citizens; and

WHEREAS it has recently come to Council's attention that the lease arrangements have fallen through for both of these properties, leaving our current budget with a substantial shortfall, and that nothing has been done by staff to rectify this situation in seeking other tenants for one or either property, instead awaiting further Council direction.

MOTIONS (CONTINUED)

THEREFORE BE IT RESOLVED THAT 11 Queen Street and 1425 Midland Avenue be referred to the Heritage Committee for comment on their historic relevance and the architectural significance in maintaining these properties, as examples of the modernistic cubist architectural style of the era in which they were built, and that the Kingston Municipal Heritage Committee comments be referred to Council for consideration and recommendation;

- and further -

THAT the Administrative Policies Committee hold one or more public meeting in the vicinity of each property to allow for public input;

- and further -

THAT a survey be provided for public input into what to do with these two valuable pieces of public property, that this survey be advertised and posted on our City Website; and

City Council Meeting No. 11-2009
Minutes
Tuesday, May 5, 2009

BE IT FINALLY RESOLVED THAT staff immediately undertake any and all measures and processes internally and or externally to lease the former Kingston Township municipal building on Midland Ave SPECIFICALLY, and if the property has not been leased by August 31st 2009, that an offer for short term leasing at negotiated and Council approved rates in support of local community organizations, that may want to locate in the west end, that will help support the four pillars of sustainability.

WITHDRAWN

NOTICES OF MOTION

None

MINUTES

Moved by Councillor Osanic
Seconded by Councillor Schmolka

THAT the Minutes of City Council Meeting No. 10-2009, held Tuesday, April 21, 2009 be confirmed.

CARRIED

TABLING OF DOCUMENTS

- 2009-33 Ongwanada
Newsletter – Horizon - Winter 2009
(File No. CSU-M05-000-2009)
- 2009-34 Canadian Forces Liaison Council
Alliance Newsletter – Employers’ Guide To Supporting Reservists
(File No. CSU-P00-000-2009)
- 2009-35 The Cataraqui Region Conservation Authority
Full Authority Meeting – March 25, 2009 – Minutes
(File No. CSU-D03-000-2009)

TABLING OF DOCUMENTS (CONTINUED)

- 2009-36 The Cataraqui Region Conservation Authority
Full Authority Meeting – April 22, 2009 – Agenda
(File No. CSU-D03-000-2009)
- 2009-37 Kingston, Frontenac and Lennox & Addington Public Health
Board Agenda – April 22, 2009
(File No. CSU-S08-001-2009)
- 2009-38 Downtown Kingston!
Newsletter – April 2009
(File No. CSU-A01-001-2009)

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

- 2009-39 Friends of the Greenbelt Foundation
Book – “Greenbelt – Possibility Grows Here”
(File No. CSU-M07-000-2009)
- 2009-40 Kingston Frontenac Public Library Board
Minutes – December 17, 2008, January 21, 2009, February 25, 2009, March 25, 2009
(File No. CSU-R02-000-2009)

COMMUNICATIONS

Filed

- 11-217 From the Honourable Jim Watson, MPP, Minister of Municipal Affairs and Housing, acknowledging receipt of a letter regarding changes to the Ontario Municipal Partnership Fund (OMPF) funding model and Kingston's respective allocation.
(File No. CSU-F11-000-2009)
(Distributed to all Members of Council on April 17, 2009)
- 11-220 From the South East Local Health Integration Network (LHIN), advising that the report on ENGAGE 2009: Practitioner's Workshop on Health Services and Integration Planning is now available for viewing on their website and providing a schedule of open houses.
(File No. CSU-S08-000-2009)
(Digitally Distributed to all Members of Council on April 16, 2009)
- 11-226 From Moira Fuller, advising that the City of Kingston, courtesy of Brian's Record Option, had made the front page of the Entertainment section of the "Globe and Mail" on April 24th.
(File No. CSU-M00-000-2009)
- 11-230 From the Committee of Adjustment, a Notice of Decision for the following applications:

CONSENT – In respect of an application to sever the property at 2601 Unity Road, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is May 19, 2009.

CONSENT – In respect of an application to sever the property at 2939 Quabbin Road, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is May 19, 2009.

COMMUNICATIONS (CONTINUED)

CONSENT – In respect of an application to sever the property at 2560 Highway #38, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is May 19, 2009.

CONSENT – In respect of an application to sever the property at 131 Chatham Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is May 19, 2009.

CONSENT – In respect of an application to sever the property at 57 Hamilton Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is May 19, 2009.

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

CONSENT – In respect of an application to sever the property at 65 Hamilton Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is May 19, 2009.

CONSENT – In respect of an application to sever the property at 67 Hamilton Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is May 19, 2009.

CONSENT – In respect of an application to sever the property at 1913 Unity Road, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is May 19, 2009.

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 1673 South Boulevard, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is May 19, 2009.

(File No. CSU-D19-000-2009)

Referred to All Members of Council

11-223 From S. J. Tanner, Chief of Police, asking that Council enter into an agreement with the Ministry of Community Safety and Correctional Services and the Kingston Police Services Board, to extend the Community Policing Partnerships Program to March 31, 2010.
(File No. CSU-P17-000-2009)
(See Motion No. (1), Page No. 15)

11-224 From Ken Mundell, Conservation & Demand Management Advisor, Utilities Kingston, asking that Council proclaim the week of May 17th – May 23rd, 2009 as “Energy Conservation Week” in the City of Kingston.
(File No. CSU-M10-000-2009)
(See Miscellaneous Business Item No. 1)

11-225 From Jerri Jerreat, Teacher, Elginburg District Public School, congratulating Kingston City Council in taking steps toward making Kingston a model city in this age of global warming and inviting Council to attend a play that the grade 6/7 class is putting on titled “Two Futures”.
(File No. CSU-M04-000-2009)

11-229 From the Corporation of the Township of Otonabee-South Monaghan, asking for Council’s support of a resolution that the Provincial Government take immediate action to implement Presumptive Legislative Regulations to include Volunteer and Part-Time Firefighters.
(File No. CSU-C10-000-2009)

COMMUNICATIONS (CONTINUED)

Referred to the City Clerk

11-219 From Eleonor Egidio, Volunteer Services Coordinator, Community Living Kingston, asking that Council proclaim May 2009 as “Community Living Month” in the City of Kingston.
(File No. CSU-M10-000-2009)

11-227 From Rory Xu, Falun Dafa Practice Group of Kingston, asking that Council proclaim May 13th, 2009 as “Falun Dafa Day” in the City of Kingston.
(File No. CSU-M10-000-2009)
(Distributed to all Members of Council on May 1, 2009)

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

- 11-228 From M. Aileen Carroll, Minister, Responsible for Seniors, asking that Council proclaim June 2009 as "Seniors' Month" in the City of Kingston.
(File No. CSU-M10-000-2009)
(Distributed to all Members of Council on May 1, 2009)

Referred to the Commissioner of Sustainability and Growth

- 11-218 From Cameron Smith, P.Eng., Project Manager, XCG Consultants Limited, providing notice that the Township of Frontenac Islands is undertaking a Class Environmental Assessment (EA) for Waterworks in the Village of Marysville, Wolfe Island.
(File No. CSU-E05-000-2009)

Referred to the Chief Administrative Officer and Corporate Management Team

- 11-221 From the Association of Municipalities of Ontario (AMO), announcing the opening of intake two of the Communities component of the Building Canada Fund (BCF) and launched the application process for the Infrastructure Stimulus Fund. The deadline for applying for both programs is May 1, 2009.
(File No. CSU-F11-000-2009)
(Digitally Distributed to all Members of Council on April 16, 2009)

Referred to the Corporate Management Team

- 11-222 From the Ontario Good Roads Association, announcing that a joint letter from both the Federal and Provincial Ministers responsible for infrastructure has been sent announcing the opening of intake two of the Communities component of the Building Canada Fund (BCF) and the application process for the Infrastructure Stimulus Fund has been launched.
(File No. CSU-F11-000-2009)
(Digitally Distributed to the Corporate Management Team on April 16, 2009)

BY-LAWS

- (A) Moved by Councillor Foster
Seconded by Councillor Garrison
THAT By-Laws (1) through (11) be given their first and second reading. **CARRIED**
- (B) Moved by Councillor Gerretsen
Seconded by Councillor Glover
THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Law (3) three readings. **CARRIED**
- (C) Moved by Councillor Hector
Seconded by Councillor Hutchison

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

THAT By-Laws (3) through (6) and (11) be given their third reading.

CARRIED

- (1) A By-Law To Adopt A Revised Emergency Response Plan For The City Of Kingston
FIRST AND SECOND READINGS PROPOSED NO. 2009-69
(See Clause (1), Report No. 49)
- (2) A By-Law To Repeal By-Law No. 2007-50, "A By-Law To Adopt A New Emergency Response Plan For The City Of Kingston"
FIRST AND SECOND READINGS PROPOSED NO. 2009-70
(See Clause (1), Report No. 49)
- (3) A By-Law To Amend By-Law No. 2009-66, Being A By-Law To Establish General Municipal, Fire, Garbage, And Special Tax Rates For The Year 2009 To Provide For A Final Tax Levy; To Provide For Late Payment Charges To Be Charged On Unpaid Taxes; And To Provide For Payment Of Taxes By Instalment.
THREE READINGS PROPOSED NO. 2009-71
(See Clause (d), Report No. 48)
- (4) A By-Law To Amend By-Law No. 97-102, "Catarqui North Zoning By-Law" (Zone Change From Medium Density Residential (MDR*1) To Medium Density Residential (MDR*3), Lots 48 To 54 And 148 To 154, Registered Plan 13M-58 (1170 To 1183 Crossfield Avenue))
THREE READINGS PROPOSED NO. 2009-72
(See Clause (1), Report No. 50)
- (5) A By-Law To Amend By-Law No. 32-74, "A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Pittsburgh" (Zone Change From 'A1' To 'LSR', 33 McFadden Lane And 34 McFadden Lane)
THREE READINGS PROPOSED NO. 2009-73
(See Clause (2), Report No. 50)
- (6) A By-Law To Amend Zoning 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" (Modify Site Specific Zoning – 'A1-16', 321 Aragon Road)
THREE READINGS PROPOSED NO. 2009-74
(See Clause (3), Report No. 50)

BY-LAWS (CONTINUED)

- (7) A By-Law To Amend By-Law No. 2004-144, As Amended, Being "A By-Law To Regulate Animals" To Provide Owners With The Ability To Leave Their Dogs Off-Leash In The Four Recommended Designated Areas (MacLean Trail Park, Memorial Centre, Meadowbrook Park, Airport/Front Road Property With Access Only To Front Road From The North East Corner Of The Property)
FIRST AND SECOND READINGS PROPOSED NO. 2009-75
(See Clause (a), Report No. 51)
- (8) A By-Law To Provide For The Regulation Use Of Parks And Recreation Facilities For The Corporation Of The City Of Kingston"
FIRST AND SECOND READINGS PROPOSED NO. 2009-76
(See Clause (d), Report No. 51)
- (9) A By-Law To Repeal By-Law No. 99-91, As Amended, Being "A By-Law To Provide For The Regulation Use Of Parks And Recreation Facilities Of The Corporation"

City Council Meeting No. 11-2009

Minutes

Tuesday, May 5, 2009

FIRST AND SECOND READINGS
(See Clause (d), Report No. 51)

PROPOSED NO. 2009-77

- (10) A By-Law To Repeal By-Law No. 41-61, As Amended, Being "A By-Law To Declare Section 1 And Section 1A Of The Lord's Day (Ontario) Act, 1960-61, As Amended, To Be In Force In The City Of Kingston (Sunday Sports)".

FIRST AND SECOND READINGS
(See Clause (d), Report No. 51)

PROPOSED NO. 2009-78

- (11) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, May 5, 2009

THREE READINGS
(City Council Meeting No. 11-2009)

PROPOSED NO. 2009-79

ADJOURNMENT

Moved by Councillor Glover
Seconded by Councillor Gerretsen

THAT Council do now adjourn.

CARRIED

Council adjourned at 9:00 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor