

## CITY COUNCIL MEETING NO. 15-2009

The Regular Meeting of City Council was held on Tuesday, July 14, 2009, at 6:00 pm, adjourned at 10:55 pm, and reconvened on Wednesday, July 15, 2009 at 6:00 pm in the Council Chamber, City Hall. His Worship Mayor Harvey Rosen presided.

There was an "In Camera" meeting of the Committee of the Whole on July 14, 2009 from 6:05 pm to 6:25 pm in the Councillors' Lounge.

### (Council Chamber)

#### ROLL CALL

Present: Mayor Rosen, Councillor Foster, Deputy Mayor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers (arrived at 7:15 pm), Councillor Osanic (arrived at 6:10 pm), Councillor Schmolka (arrived at 6:05 pm), Councillor Smith (13)

Absent: (0)

### (Councillors' Lounge)

#### Administrative Staff Present:

Mr. J. Bolognone, Deputy City Clerk  
Mrs. C. Downs, City Clerk  
Mr. G. Hunt, Chief Administrative Officer  
Mr. S. Kanellos, Director, Real Estate & Construction Services  
Mr. D. Leger, Commissioner of Corporate Services  
Mr. H. Linscott, Director, Legal Services  
Mr. J. Sawarna, Capital Projects, Real Estate & Construction Services

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### COMMITTEE OF THE WHOLE "IN CAMERA"

Council consented to the addition of "In Camera" item (1)(b). A 2/3 Vote of Council Was Received.

- (1) Moved by Councillor Smith  
Seconded by Councillor Gerretsen

**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 – John Counter Blvd.
- (b) A proposed or pending acquisition or disposition of land by the municipality or local board – Montreal Street

**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. J. de Hoop, Director, Community and Family Services  
Mrs. C. Downs, City Clerk  
Ms. D. Green, Manager, Engineering, Traffic Division  
Mr. J. Hale, Driver/Labourer, Public Works  
Ms. C. Hitchen, Manager, Community Programs Administration Unit, Community & Family Services  
Mr. G. Hunt, Chief Administrative Officer  
Ms. L. Hurdle, Director, Project Development, Sustainability and Growth  
Mr. J. Keech, President and CEO, Utilities Kingston  
Ms. S. Kidd, Director, Corporate Assets  
Mr. D. Leger, Commissioner of Corporate Services  
Ms. K. Leonard, Manager, Building & Licensing  
Mr. H. Linscott, Director, Legal Services  
Ms. P. Nichols, Manager, Transit  
Mr. L. Thurston, Commissioner of Community Development Services  
Mr. H. Tulk, Fire Chief, Fire and Emergency Planning  
Mr. P. Turner, Assistant Supervisor, Programs, Recreation & Leisure Services  
Mr. G. Wallace, Director, Planning and Development  
Mr. K. Welsh, Firefighter

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

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

**THAT** Council rise from the Committee of the Whole "In Camera", that the rules of By-Law No. 98-1 be waived and the Chair report.

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

Moved by Deputy Mayor Garrison  
Seconded by Councillor Hector

**THAT** Council approve the acquisition of a property on John Counter Boulevard as detailed in "In Camera" Report No. 09-211; and

**THAT** the Mayor and Clerk be authorized to sign an agreement of purchase and sale and any other required documents to complete the acquisition of property on John Counter Boulevard, to the satisfaction of the Director of Legal Services.

**CARRIED**

Moved by Councillor Gerretsen

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Seconded by Councillor Hutchison

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to amend the Orders of the Day to allow Motion No. 1 to be dealt with following the Motions of Condolence.

**CARRIED**  
**(A 2/3 Vote of Council Was Received)**  
**(See Page No. 463)**

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**DISCLOSURE OF PECUNIARY INTEREST**

- (1) Mayor Rosen declared a pecuniary interest in the matter of (1)(b), of the "In Camera" session with regard to a proposed or pending acquisition or disposition of land by the municipality or local board – Montreal Street
- (2) Councillor Smith declared a pecuniary interest in the matter of Clause (1), Report No. 71 of the Environment, Infrastructure and Transportation Policies Committee in regard to the Single Use Bottled Water Policy as he is the owner of Windmills Cafe Limited which was awarded the Food and Beverage Contract for the Grand Theatre.
- (3) Councillor MacLeod-Kane declared a pecuniary interest in the matter of Clause (1), Report No. 70 of the Planning Committee, specifically items ix, x, xi, and By-Law No. (9) as her son works at one of the establishments that has a drive-thru.

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**PRESENTATIONS**

None

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**DELEGATIONS**

- (1) Bhavana Varma, President, United Way, serving Kingston, Frontenac Lennox and Addington, spoke to Council with respect to the 2009 Consolidated Homelessness Prevention Program (CHPP) and Homelessness /Housing Strategy Funds (HHSF).  
(See Clause (2), Report No. 69, Page No. 442)
- (2) Debi Wells, President, Kingston and District Labour Council, spoke to Council with respect to Motion (1), regarding elections "at large".  
(See Motion No. (1), Page No. 463)
- (3) John Done, Barrister & Solicitor, Kingston Community Legal Clinic, spoke to Council with respect to the 2009 Consolidated Homelessness Prevention Program (CHPP) and Homelessness /Housing Strategy Funds (HHSF).  
(See Clause (2), Report No. 69, Page No. 442)

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**BRIEFINGS**

Council consented to withdraw Briefing No. (1).

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- (1) Jeff Garrah, Chief Executive Officer, Kingston Economic Development Corporation (KEDCO), will provide Council with an update regarding KEDCO activities.

WITHDRAWN

- (2) Paul Carabott from Peter J. Smith and Company Inc., briefed Council concerning the Lake Ontario Park Master Plan. (See Clause (1), Report No. 69, Page No. 441)

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**PETITIONS**

- (1) A petition bearing approximately 291 signatures in total was presented to the City Clerk and referred to City Council and reads as follows:

- (a) Bearing 237 signatures

"We do not want millions of tax payers dollars wasted on revamping Lake Ontario Park. Although a few cosmetic changes are needed, we believe the majority of this money could be better utilized on road repairs, or paying off the KROC and Grand Theatre debts.

Nor, do we wish to see a parking lot in Elevator Bay Park, or the loss of our community garden. Some things are better left alone, and we feel changes especially to Elevator Bay Park are unnecessary".

REFERRED TO CITY COUNCIL

- (b) Bearing 9 signatures

"We are concerned about the City of Kingston's Master Plan for Lake Ontario Park. The estimated amount involved (4.3 MILLION and expected to be higher) could be better utilized in other areas of the City (i.e. repairing roads, sidewalks, paying off the huge debts the City has incurred in recent years with regard to the KROC Centre and The Grand Theatre) – if we have extra money to spend, let's look at these avenues first, or consider giving it to the hospitals where it can really do some good. Also of a concern is Elevator Bay Park which is enjoyed by those in the area just as it is – adding a parking lot and destroying the community garden are not something the residents are in favour of".

REFERRED TO CITY COUNCIL

- (c) Bearing 28 signatures

"We are concerned about the City of Kingston's Master Plan for Lake Ontario Park. The estimated amount involved (4.3 MILLION and expected to be higher) includes items that are not required, needed or wanted. Also, the City is not giving us what we asked for re the revitalization of the Park. We wanted a fenced in dog area – we wanted some changes to the Park (new fences, picnic tables, bbqs, flower beds, washrooms etc) but not to the extent the consultants are showing on their Master Plan. The walkway through the Park was just redone 2 years, why rip it out and repave it now, just to be in another area? For what the consulting fees have cost to date (with this plan and the plan that previous consultants tossed around a few years ago) a lot of changes could have already been implemented".

REFERRED TO CITY COUNCIL

**PETITIONS (CONTINUED)**

- (d) Bearing 13 signatures

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"We the undersigned are concerned about the Master Plan changes concerning Elevator Bay Park. We feel that this small park (behind the Waterside building at 1032 King St W) does not need to be included at all in these plans – it is a lovely park area that is very much enjoyed just as it is (it is only 7 years old). It also does not need a parking lot to take away from the serenity of the park. Also many residents have volunteered time and money to the community garden as well as donating flowers to the outer edge of the park, all of which will be destroyed".

**REFERRED TO CITY COUNCIL**

(e) Bearing 4 signatures

"We the undersigned are concerned about the amount of money being allocated to revitalize Lake Ontario Park, although we feel that the park does need some work, we do not think it's justified to the extent shown in the Master Plan. We also feel that Elevator Bay Park (behind the Waterside building at 1032 King St W) does not need to be included at all – it is a lovely park area that is very much enjoyed just as it is. Also if the City has this amount of money to allocate, we feel it could be better utilized repairing the streets, sidewalks, and paying off existing debts, rather than use it unnecessarily, and where it's neither wanted or needed".

**REFERRED TO CITY COUNCIL**

(2) A Petition bearing 261 signatures was presented by Councillor Gerretsen and referred to City Council and reads as follows:

"I am signing this petition because I support the district electoral system that we have in the City of Kingston now. A district electoral system is better because:

- District councillors are more accessible to voters, their neighbours
- District councillors are responsible for a specific area which means that all parts of the city have representation
- District councillors tend to represent more diverse views and can reflect the needs of the whole city and the diversity of the city's population
- District councillors can win an election by meeting voters at their doors and in their neighbourhoods even if they do not have access to a lot of money for a publicity campaign.

I want a district councillor to continue to represent me and my neighbourhood on City Council.

**REFERRED TO CITY COUNCIL**

(3) A Petition bearing 272 signatures was presented by Councillor Osanic and referred to City Council and reads as follows:

"I am signing this petition because I support the district electoral system that we have in the City of Kingston now. A district electoral system is better because:

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- District councillors tend to represent more diverse views and can reflect the needs of the whole city and the diversity of the city's population
- District councillors can win an election by meeting voters at their doors and in their neighbourhoods even if they do not have access to a lot of money for a publicity campaign.

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**REFERRED TO CITY COUNCIL**

## **PETITIONS (CONTINUED)**

(4) A Petition bearing 19 signatures was presented by Councillor Smith and referred to City Council and reads as follows:

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"I am signing this petition because I support the district electoral system that we have in the City of Kingston now. A district electoral system is better because:

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- District councillors tend to represent more diverse views and can reflect the needs of the whole city and the diversity of the city's population
- District councillors can win an election by meeting voters at their doors and in their neighbourhoods even if they do not have access to a lot of money for a publicity campaign.

I want a district councillor to continue to represent me and my neighbourhood on City Council.

**REFERRED TO CITY COUNCIL**

- (5) A Petition bearing 228 signatures was presented by Councillor Matheson and referred to City Council and reads as follows:

"I am signing this petition because I support the district electoral system that we have in the City of Kingston now. A district electoral system is better because:

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- District councillors tend to represent more diverse views and can reflect the needs of the whole city and the diversity of the city's population
- District councillors can win an election by meeting voters at their doors and in their neighbourhoods even if they do not have access to a lot of money for a publicity campaign.

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**REFERRED TO CITY COUNCIL**

- (6) A Petition bearing 515 signatures was presented by Councillor MacLeod-Kane and referred to City Council and reads as follows:

"I am signing this petition because I support the district electoral system that we have in the City of Kingston now. A district electoral system is better because:

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- District councillors can win an election by meeting voters at their doors and in their neighbourhoods even if they do not have access to a lot of money for a publicity campaign.

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**REFERRED TO CITY COUNCIL**

## **PETITIONS (CONTINUED)**

- (7) A Petition bearing 591 signatures was presented by Councillor Glover and referred to City Council and reads as follows:

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- District councillors can win an election by meeting voters at their doors and in their neighbourhoods even if they do not have access to a lot of money for a publicity campaign.

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**REFERRED TO CITY COUNCIL**

- (8) A Petition bearing 258 signatures was presented by Councillor Meers and referred to City Council and reads as follows:

"I am signing this petition because I support the district electoral system that we have in the City of Kingston now. A district electoral system is better because:

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- District councillors tend to represent more diverse views and can reflect the needs of the whole city and the diversity of the city's population
- District councillors can win an election by meeting voters at their doors and in their neighbourhoods even if they do not have access to a lot of money for a publicity campaign.

I want a district councillor to continue to represent me and my neighbourhood on City Council.

**REFERRED TO CITY COUNCIL**

- (9) A Petition bearing 396 signatures was presented by Councillor Schmolka and referred to City Council and reads as follows:

"I am signing this petition because I support the district electoral system that we have in the City of Kingston now. A district electoral system is better because:

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- District councillors tend to represent more diverse views and can reflect the needs of the whole city and the diversity of the city's population
- District councillors can win an election by meeting voters at their doors and in their neighbourhoods even if they do not have access to a lot of money for a publicity campaign.

I want a district councillor to continue to represent me and my neighbourhood on City Council.

**REFERRED TO CITY COUNCIL**

## **PETITIONS (CONTINUED)**

- (10) A Petition bearing 470 signatures was presented by Councillor Hutchison and referred to City Council and reads as follows:

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- District councillors are more accessible to voters, their neighbours
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**REFERRED TO CITY COUNCIL**

- (11) A Petition bearing 1056 signatures was presented by Deputy Mayor Garrison and referred to City Council and reads as follows:

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- District councillors can win an election by meeting voters at their doors and in their neighbourhoods even if they do not have access to a lot of money for a publicity campaign.

I want a district councillor to continue to represent me and my neighbourhood on City Council.

**REFERRED TO CITY COUNCIL**

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

Council consented to the addition of Motion of Speedy Recovery No. (2).

### **Motion of Speedy Recovery**

- (1) Moved by Councillor Foster  
Seconded by Mayor Rosen

**THAT** Kingston City Council extend its heartfelt best wishes to former Councillor and Controller Joe Hawkins for a very speedy recovery from his recent operation.

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

### **Motion of Speedy Recovery**

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

**THAT** Kingston City Council extends its best wishes for a speedy recovery to Mrs. Luella McShane, long-time resident of Kingscourt.



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**Motion of Appreciation**

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

On June 29 the Change of Command for the Canadian Forces Base Kingston took place, at which time Col. Spike Hazelton turned his responsibilities over to Col. Rick Fawcett. Kingston City Council extends its thanks and appreciation to Col. Hazelton for the work he has done on behalf of the Base and the City over the years, and extends its best wishes to Col. Fawcett during his term at CFB Kingston.

**Motions of Condolence**

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

**THAT** the sincere condolences of Kingston City Council be extended to the family and friends of the late Todd Gervais, District Fire Chief, who passed away on June 16, 2009.

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

**THAT** the sincere condolences of Kingston City Council be extended to the family and friends of the late Sheila Margaret Card, mother of the former Councillor Kevin George.

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

**THAT** the sincere condolences of Kingston City Council be extended to the family and friends of the late Herb Rickards, long time resident of Glenburnie.

**CARRIED**

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Note: Motion (1) was dealt with at this point in the meeting.  
(See page 463)

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**REPORTS**

**Report No. 68 the Chief Administrative Officer (Consent)**

Moved by Councillor Gerretsen  
Seconded by Councillor Hutchison

**THAT** Report No. 68 of the Chief Administrative Officer (Consent) be received and adopted.

**Report No. 68**

Council consented to separate Clauses (g) and (h) and the addition of Clause (i).

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) **Road Salt – Winter Control**

**THAT** Council authorize the Mayor and Clerk to enter into a contract in a form satisfactory to the Director of Legal Services with The Canadian Salt Company Ltd, for the supply of approximately 16,000 tonnes of coarse crushed salt for winter road and sidewalk maintenance, in the amount of \$91.52 per tonne, including all taxes and freight, being the lowest bid received, for Tender F18-PWS-PW-2009-2.

(The Report of the President and CEO of Utilities Kingston (09-217) was attached to the agenda as Schedule Pages 1-3)  
(File No. CSU-F18-000-2009)

(b) **“Busit” Transit Pass Program – St. Lawrence College**

**THAT** Council authorize the Mayor and Clerk to enter into a service agreement with the Student Association of St. Lawrence College for the “Busit” Transit Pass Program for a three year term expiring at the end of August 2012, to provide universal access to transit service in the City of Kingston for St. Lawrence College students with revenue valued at \$447,288 for the 2009/2010 academic year subject to annual price escalation clauses thereafter, and that the agreement shall be in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Corporate Services (09-225) was attached to the agenda as Schedule Pages 4-5)  
(File No. CSU-T03-000-2009)

**REPORTS (CONTINUED)**

**Report No. 68 the Chief Administrative Officer (Consent)**

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(c) **Appointment of Municipal By-Law Enforcement Officers – Kingston Transit**

**THAT** By-law 98-9, "A By-law to appoint Municipal Law Enforcement Officers of The Corporation of The 'New' City of Kingston", be amended under Section 1 by removing Katherine McKoy and by adding Kingston Transit Supervisors Victor DeSousa and Angela Kenney who will be appointed as Municipal Law Enforcement Officers who shall be Peace Officers for the purpose of enforcing the by-laws of the Municipality, as provided for under Section 15 of the Police Services Act RSO 1990(c) P15, as amended;

- and further -

**THAT** By-law 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 local board", be amended by removing Katherine McKoy and by adding Kingston Transit Supervisors Victor DeSousa and Angela Kenney, under Section 11, and in addition amending the section to read Kingston Transit rather than Kingston Transportation Group, thereby authorizing them to issue parking infraction notices off-street on property owned or occupied by the City of Kingston.

(The Report of the Commissioner of Corporate Services (09-228) was attached to the agenda as Schedule Pages 6-11)

(File No. CSU-P01-003-2009)

(See By-Law No. (3), 2009-99, (2), 2009-98)

(d) **Application For License Assignment Of A Serving Sidewalk Patio Operating As Asha Restaurant Located At 177 Princess Street**

**THAT** Council authorize the Mayor and Clerk to enter into a License Agreement, for the purpose of operating a serving sidewalk patio at 177 Princess Street, with the owner of Asian Festival Restaurant Inc. The license agreement is for the lease of City property adjacent to their store frontage on Princess Street and is to be in a form satisfactory to the Director of Legal Services;

- and further -

**THAT** a clause be inserted into the Patio License Agreement indicating that the License may be revoked in the event that the final design and future reconstruction of Princess Street adjacent to this location does not support the use of servicing sidewalk patios.

(The Report of the President and CEO of Utilities Kingston (09-236) was attached to the agenda as Schedule Pages 12-17)

(File No. CSU-D23-000-2009)

**REPORTS (CONTINUED)**

Report No. 68 the Chief Administrative Officer (Consent)

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(e) **Authority for Staff to Undertake Site Visits under the Ontario Heritage Act**

**THAT** By-Law number 2005-230, "A By-Law To Authorize Specific Individuals To Undertake Site Visits Or Site Inspections Of Property Designated Or Property Proposed To Be Designated Pursuant To The *Ontario Heritage Act, R.S.O. 1990, c. O.18*" be amended as follows:

**WHEREAS** Section 38 and Section 45 of the *Ontario Heritage Act, R.S.O. 1990, c. O.18*, enables the Council of a municipality to grant authority to any person for the purposes of inspecting property designated or property proposed to be designated; and

**WHEREAS** heritage staff have been moved to the Planning and Development Department; and

**WHEREAS** a new staff member has been hired;

**THEREFORE**, the Council of the Corporation of the City of Kingston hereby enacts as follows:

1. The following persons are hereby added to the list of persons designated for the purposes of carrying out site visits or site inspections pursuant to the provision of Section 30 and Section 45 of the *Ontario Heritage Act, R.S.O. 1990, c. O.18* under Clause 1 (a):
  - George Wallace, Director, Planning & Development
  - Marnie Venditti, Manager of Development Approvals
  - Katrina Guy, Planner
2. This By-law shall come into force and take effect on the date of its passing; and

**BE IT FURTHER RESOLVED THAT** the amending By-law, attached as Exhibit 'A' be presented to Council for all three readings.

(See By-Law No. (7), 2009-103)

(The Report of the Commissioner of Sustainability and Growth (09-232) was attached to the agenda as Schedule Pages 18-22)

(File No. CSU-P18-000-2009)

(f) **Stop-up and Close, Declare Surplus Portions of Birchwood Drive, Geneva Avenue and Sierra Drive**

**THAT** Council give two readings to the by-law attached as Exhibit 'G' to stop-up and close, declare surplus to municipal need and convey the portions of highway described as Birchwood Drive, Geneva Avenue and Sierra Avenue as indicated on the reference plans attached as Exhibits 'B' and 'C' and circled on Exhibit 'D' back to the developer; and

**THAT** Council authorize and direct the City Clerk in accordance with the City of Kingston Council Procedure By-law No. 98-1 and City of Kingston Notice By-law 2003-015, to give notice of Councils intention to stop-up and close and declare surplus and convey back to the developer the portions of highway described as Birchwood Drive, Geneva Avenue and Sierra Avenue as indicated on Exhibits 'B' and 'C'; and

**THAT** Council give third reading and approve the by-law attached as Exhibit 'G' to stop-up and close and declare surplus to municipal needs the portions of highway described as Birchwood Drive, Geneva Avenue and Sierra Avenue as indicated on Exhibits 'B and 'C'; and

**REPORTS (CONTINUED)**

Report No. 68 the Chief Administrative Officer (Consent)

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**THAT** Council give two readings to the by-law attached as Exhibit 'H' declare surplus to municipal need and convey Blocks 150, 152 and 153 as indicated on Registered Plan 13M-36 attached as Exhibit 'D' back to the developer; and

**THAT** Council authorize and direct the City Clerk in accordance with the City of Kingston Council Procedure By-law No. 98-1 and City of Kingston Notice By-law 2003-015, to give notice of Councils intention to declare surplus and convey back to the developer Blocks 150, 152 and 153 as indicated on Exhibit 'D'; and

**THAT** Council give third reading and approve the by-law attached as Exhibit 'H' declare surplus to municipal needs Blocks 150, 152 and 153 as indicated on Exhibit 'D'; and

**THAT** Council approve the release of the easement for stormwater purposes on parts of lots 46, 47, 48, 111, 112, 118 and 119 on Registered Plan 13M-36 and registered as Parts 1, 2, 3, 15, 16, 17 and 18 on Plan 13R-16420; and

**THAT** Council direct staff that the road closing by-laws not be registered on title and that the conveyances of closed roads, Blocks and the release of the easement not take place until such time as the redevelopment of the new subdivision ensures that the City will receive any further lands required for roads, Blocks and easements; and

**THAT** Council authorize the Mayor and Clerk to execute such agreements and documents as are necessary to effect the conveyance of the portions of Birchwood Drive, Geneva Avenue, Sierra Avenue and Blocks 150, 152 and 153 as indicated on Exhibits 'B' and 'C' and the release of the stormwater easement as indicated on Exhibit 'E'.

(The Report of the President and CEO of Utilities Kingston (09-230) was attached to the agenda as Schedule Pages 23-33)

(File No. CSU-L19-000-2009)

(See By-Law No. (4), 2009-100, (5), 2009-101)

(g) **INVISTA Centre – Award of Concessionaire Contract**

**THAT** the Mayor and Clerk be authorized to enter into a contract for a term of three years with the option of two additional one year terms, subject to the satisfaction of the City's Legal Services Division, with Vineyard Grill for the Operation of the Food Concession for the INVISTA Centre and with seasonal concessions at Cataraqui Community Centre, Kingston Memorial Centre and Centre 70 arenas resulting in a revenue amount of \$85,000 or 16% net sales, whichever is greater.

(The Report of the Commissioner of Sustainability and Growth (09-223) was attached to the agenda as Schedule Pages 34-37)

(File No. CSU-R05-002-2009)

**CARRIED**

**REPORTS (CONTINUED)**

Report No. 68 the Chief Administrative Officer (Consent)

(h) **Impost Fee – Partial Exemption – By-law Amendment**

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**THAT** Council give three readings to a by-law to amend by-law 2004-257, "A by-law to impost water rates and sewer rates to recover the capital costs of installing water and sanitary sewer services necessary to benefit users of the system", substantially in the form attached to this report as Appendix A, to establish a 2009 rate for impost fees at 70% of the current rate for the Long Term Care Nursing Home class;

- and further -

**THAT** the partial exemption comes into effect on the passage of the by-law and is not retroactive.

(The Report of the Deputy Treasurer (09-235) was attached to the agenda as Schedule Pages 38-42)

(File No. CSU-E01-000-2009)

(See By-Law No. (8), 2009-104)

**CARRIED**

(i) **Award Of Tender – Contract Eng-2009-04**

**THAT** the tender of Smiths Construction Company, A Division of Miller Group Inc. for Contract ENG-2009-04 Surface Treatment on Various Roads, in the amount of \$448,682.70 (plus GST), be accepted.

(The Report of the President and CEO of Utilities Kingston (09-243) was distributed separately from the agenda on July 10, 2009)

(File No. CSU-F18-003-2009)

**CARRIED**

**Note:** Clause (1), Report No. (69) of the Chief Administrative Officer (Recommend) regarding the Lake Ontario Master Plan was being presented and considered in part before Council recessed (See Motion to continue below which was lost). The meeting reconvened on July 15, 2009, with the first item of business being the continued consideration of Clause (1). The complete disposition of Clause (1) can be found on page 441.

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Moved by Councillor Foster

Seconded by Deputy Mayor Garrison

**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)**

Council recessed at 11:05 p.m. and reconvened at 6:00 p.m. on Wednesday, July 15, 2009.

July 15, 2009

(Council Chamber)

**ROLL CALL**

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Present: Mayor Rosen (left at 9:55 pm), Councillor Foster (arrived at 8:25 pm), Deputy Mayor Garrison (arrived at 6:45 pm), Councillor Gerretsen (arrived at 6:05 pm), Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Schmolka (arrived at 6:10 pm), Councillor Smith (11)

Absent: Councillor MacLeod-Kane, Councillor Osanic (2)

**(Council Chamber)**

**Administrative Staff Present:**

Ms. S. Bailey, Senior Policy Planner, Planning & Development

Ms. C. Beach, Commissioner of Sustainability and Growth

Mr. J. Bolognone, Deputy City Clerk

Mr. J. de Hoop, Director, Community and Family Services

Mrs. C. Downs, City Clerk

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

Ms. C. Hitchen, Manager, Community Programs Administration Unit, Community & Family Services

Mr. G. Hunt, Chief Administrative Officer

Ms. L. Hurdle, Director, Project Development, Sustainability and Growth

Ms. S. Kidd, Director, Corporate Assets

Mr. D. Leger, Commissioner of Corporate Services

Ms. K. Leonard, Manager, Building & Licensing

Mr. A. McLeod, Senior Legal Counsel, Legal Services

Mr. J. Miller, Manager, Technical Services, Utilities Kingston

Mr. L. Thurston, Commissioner of Community Development Services

Mr. H. Tulk, Fire Chief, Fire and Emergency Planning

Mr. P. Turner, Assistant Supervisor, Programs, Recreation & Leisure Services

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**REPORTS (CONTINUED)**

**Report No. 69 of the Chief Administrative Officer (Recommend)**

Moved by Councillor Schmolka  
Seconded by Councillor Hector

**THAT** Report No. 69 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

**Report No. 69**

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

(1) **Lake Ontario Park Master Plan**

**THAT** the following motion be referred to the Municipal Accessibility Advisory Committee and the Arts Recreation and Community Policies Committee so that the public may have input into the revised Master Plan before Council approval:

**THAT** Council endorse the Lake Ontario Master Plan as presented by Peter J. Smith & Company Inc; and

**THAT** Council direct staff to report back to the Municipal Accessibility Advisory Committee and the Arts Recreation and Community Policies Committee with a detailed design prior to the second phase of construction being initiated.

(The Report of the Commissioner of Sustainability and Growth (09-222) was attached to the agenda as Schedule Pages 43-50)  
(File No. CSU-R04-000-2009)  
(See Staff Briefing No. (2))

**CARRIED**  
**(See Motion To Defer Which Was CARRIED)**  
**(See Motion To Amend Which Was CARRIED)**

Moved by Councillor Schmolka  
Seconded by Councillor Meers

**THAT** Clause (1) of Report No. 69 of the Chief Administrative Officer (Recommend), as amended, be deferred and referred to the Municipal Accessibility Advisory Committee and the Arts, Recreation and Community Policies Committee so that the public may have input into the revised Master Plan before Council approval.

**CARRIED**

Moved by Councillor Hutchison  
Seconded by Councillor Gerretsen

**THAT** Clause (1) of Report No. 69 of the Chief Administrative Officer (Recommend) be amended by inserting the following in the second paragraph following the words "report back": "to the Municipal Accessibility Advisory Committee and the Arts, Recreation and Community Policies Committee".

**CARRIED**

**REPORTS (CONTINUED)**



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Report No. 69 of the Chief Administrative Officer (Recommend)

(2) **2009 Consolidated Homelessness Prevention Program (CHPP) & Homelessness/Housing Strategy Funds (HHSF)**

**THAT** the current contracts with community agencies for the Consolidated Homelessness Prevention Program (CHPP) and the municipal Homelessness/Housing Strategy Funds (HHSF) be extended to December 31, 2010; it being understood that this approval is pre-committing approval of \$150,000 of municipal funds in the City's 2010 operating budget; and

**THAT** Community and Family Services staff complete ongoing consultations with community partners regarding policy and planning strategies around homelessness prevention and services to assist homeless individuals, including further investigation of "Housing First" program models in other municipalities.

(The Report of the Commissioner of Community Development Services (09-215) was attached to the agenda as Schedule Pages 51-75)  
(File No. CSU-S16-000-2009)

**CARRIED**

(3) **K-ROCK Centre – Corporate Suite**

**THAT** Council approve changes to the Corporate Suite Policy to limit the community use of the Corporate Suite at the K-ROCK Centre to Frontenacs games and family events;

- and further-

**THAT** Council approve changes to the Corporate Suite Policy to amend process changes including application and notification timelines and deadlines, and to provide complimentary tickets for all 34 regular season Frontenacs hockey games, subject to the annual review and approval of the Kingston Frontenacs Hockey Club; and

**THAT** staff be directed to report back on an annual basis on how the policy is working.

(The Report of the Commissioner of Corporate Services (09-214) was attached to the agenda as Schedule Pages 76-90)

(File No. CSU-R05-001-2009)

(See Motion No. (4))

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

Moved by Councillor Matheson

Seconded by Councillor Schmolka

**THAT** Clause (3), of Report No. 69 of the Chief Administrative Officer (Recommend), be amended by adding the following "that staff be directed to report back on an annual basis on how the policy is working".

**CARRIED**

**REPORTS (CONTINUED)**

**Report No. 69 of the Chief Administrative Officer (Recommend)**

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(4) **Registration of Kingston Fire and Rescue Boat with Transport Canada**

**THAT** Council authorizes the staff to register the name "Thomas H. Patterson" with the Small Vessel Register of Transport Canada as the official name of the city's new fireboat.

(The Report of the Commissioner of Community Development Services (09-173) was attached to the agenda as Schedule Pages 91-121)  
(File No. CSU-P16-000-2009)

**CARRIED**

(5) **Naming Rights Agreement for Theatre Mode at the K-ROCK Centre**

**THAT** Council authorizes Arcturus/SMG to enter into a naming rights agreement with the Ontario Lottery and Gaming Corporation for the Theatre Mode at the K-Rock Centre, subject to the review and satisfaction of the City's Legal Department.

- and further -

**THAT** Council approves the use of the word "Theatre" as the suffix, understanding that if approved, the theatre will be named the "OLG Casino Thousand Islands Theatre" for the duration of the agreement.

(The Report of the Commissioner of Corporate Services (09-241) was attached to the agenda as Schedule Pages 122-124)  
(File No. CSU-R05-001-2009)

**CARRIED**

(6) **Permanent Off-Leash Dog Areas – Amendment to Third Reading of By-Law**

**THAT** By-law 2009-75 "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-Lease 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) be amended prior to third reading to delete the reference to Airport/Front Road Property with Access Only to Front Road from the North East Corner of the Property in the title and in the by-law and replace it with Rotary Park and that Council designate Memorial Centre as a fully accessible off-leash dog area and;

**THAT** Council directs staff to continue to monitor use of Grass Creek Park off-leash area and report back to council in the Fall to establish it as an off-leash area.

(The Report of the Commissioner of Sustainability and Growth (09-224) was attached to the agenda as Schedule Pages 125-133)  
(File No. CSU-P14-000-2009)  
(See By-Law No. (11), 2009-75)

**CARRIED**

**REPORTS (CONTINUED)**

Report No. 69 of the Chief Administrative Officer (Recommend)

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(7) **Kingston & Frontenac Housing Corporation Purchase of City Land for Affordable Housing**

**THAT** Council approve the conveyance of land (through sale for one dollar) situated along the east side of Queen Mary Road at Greenview Drive (described as PLAN 1255 L PT BLK E B 429L) to Kingston & Frontenac Housing Corporation (K&FHC) in order to construct up to 27 apartments for seniors under the new Canada-Ontario Affordable Housing Program or subsequent funding programs as they become available; and further

**THAT** a By-law be presented to declare land situated along the east side of Queen Mary Road at Greenview Drive (described as PLAN 1255 L PT BLK E B 429L) surplus to need; and further

**THAT** Council authorize and direct the City Clerk in accordance with the City of Kingston Council Procedure By-law No. 98-1 and City of Kingston Notice By-law 2003-015, to give notice of Council's intention to declare surplus for the purpose of entering into a purchase and sale agreement with Kingston & Frontenac Housing Corporation in a manner satisfactory to the City Solicitor; and further

**THAT** Council authorize the use of housing reserve funds in order to advance a loan to K&FHC of up to \$35,000 to bring this project to the construction ready stage, including storm water management design, site plan approvals, and draft working drawings; it being understood that should a final development not proceed because of a lack of senior government funding or denied planning approvals, the loan would be forgiven; it being further understood that upon award of funding under any federal or provincial funding program, the loan would be repayable as part of the capital project costs.

(The Report of the Commissioner of Community Development Services (09-233) was attached to the agenda as Schedule Pages 134-139)

(File No. CSU-L19-000-2009)

(See By-Law No. (12), 2009-107)

**CARRIED**

(8) **CaraCo Development Corporation - Application for Noise Exemption**

**THAT** CaraCo Development Corporation be granted an exemption from the normal 19:00 (7p.m.) to 07:00 (7a.m.) restriction under the City of Kingston Noise Control By-Law 2004-52 Schedule "B", in order to allow concrete finishing at 2753 Princess Street to cover operations between the hours of 7:00 p.m. and 9:00 p.m. commencing on Wednesday, July 15<sup>th</sup>, 2009 and continuing only as necessary from Monday to Thursday, excluding statutory holidays, until Monday, November 2, 2009,

- and further -

**THAT** this activity be permitted only for 20 days during the exemption period and that CaraCo Development Corporation provides the Manager, Licensing and Enforcement Division, 48 hours notice before the pouring of concrete, in order to allow staff the opportunity to notify the district councillor.

(The Report of the Commissioner of Community Development Services (09-204) was attached to the agenda as Schedule Pages 140-148)

(File No. CSU-P01-002-2009)

**CARRIED AS AMENDED**

**(See Motion To Amend Which Was CARRIED)**

**REPORTS (CONTINUED)**

**Report No. 69 of the Chief Administrative Officer (Recommend)**

Moved by Councillor Matheson

Seconded by Councillor Meers

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THAT Clause (8) of Report No. 69 of the Chief Administrative Officer (Recommend), be amended by deleting "Friday" and inserting "Thursday" in the first paragraph.

**CARRIED**

**(9) Homestead Land Holdings Limited - Application for Noise Exemption**

THAT Homestead Land Holdings Limited be granted an exemption from the normal 7:00 pm to 7:00 am restriction under Schedule "B" of By-Law No. 2004-52 "A By-Law To Regulate Noise" , in order to allow for concrete finishing only on a high rise apartment building at 144 Barrett Court for operations between the hours of 7:00 p.m. and 9:00 p.m. from Wednesday, July 15<sup>th</sup>, 2009 and continue only when necessary from Monday to Thursday, excluding Statutory Holidays until Thursday, December 18, 2009;

-and further-

THAT this activity be permitted only for 25 days during the exemption period and that Homestead Land Holdings Limited provides the City of Kingston through the Manager, Licensing and Enforcement Division, 48 hours notice before the pouring of concrete, in order to allow staff the opportunity to notify the district Councillor;

-and further-

THAT Homestead Land Holdings Limited provides notification to the Property Manager of 115 Barrett Court being Deerfield Condominium, 48 hours before the pouring of concrete.

(The Report of the Commissioner of Community Development Services (09-203) is attached as Schedule Pages 149-164)

(File No. CSU-P01-002-2009)

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

Moved by Deputy Mayor Garrison  
Seconded by Councillor Gerretsen

THAT Clause (9), Report No. 69 of the Chief Administrative Officer (Recommend) be amended by deleting "Friday" and inserting "Thursday" in the first paragraph.

**CARRIED**

Moved by Deputy Mayor Garrison  
Seconded by Councillor Gerretsen

THAT consideration of Clause (9) of Report No. 69 of the Chief Administrative Officer (Recommend), be deferred until such time that Councillor Foster is in attendance in the chambers or until the agenda is completed, which ever comes first.

**CARRIED**

**REPORTS (CONTINUED)**

**Report No. 69 of the Chief Administrative Officer (Recommend)**

**(10) Lafarge Canada Inc. - Application for Noise Exemption**

THAT Lafarge Canada Inc. be granted an exemption under Schedule "B" of By-Law 2004-52 "A By-Law To Regulate Noise" to permit the operation of aggregate and asphalt facilities at Westbrook Quarry, 1600 Westbrook Road to cover

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operations between the hours of 7:00 p.m. and 7:00 a.m. Monday to Saturday but not to include any Sunday or Statutory Holiday, and;

**THAT** Lafarge Canada Inc. also be granted an exemption to permit the operation of their aggregate facility located at McAdoo Quarry, 1338 McAdoo's Lane to cover operations between the hours of 7:00 p.m. and 7:00 a.m. Monday to Saturday but not to include any Sunday or Statutory Holiday, and;

**THAT** Lafarge Canada Inc. provides the City of Kingston through the Manager, Licensing and Enforcement Division, notice before night work, in order to allow staff the opportunity to notify the district Councillor.

(The Report of the Commissioner of Community Development Services (09-202) was attached to the agenda as Schedule Pages 165-173)

(File No. CSU-P01-002-2009)

**CARRIED**

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**REPORTS (CONTINUED)**

**Report No. 70 of the Planning Committee**

Moved by Councillor Schmolka  
Seconded by Councillor Glover

**THAT** Report No. 70 of the Planning Committee be received and adopted.

**Report No. 70**

Council consented to amend Report No. 70 of the Planning Committee, as outlined in the addendum. Changes are shaded.

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.

02-07-2009

**1. City of Kingston – Recommended Draft Official Plan 2009 Responses to Formal Comments**

**THAT** Report No. PC-09-048 dated 2009-06-18 regarding the “Recommended Draft Official Plan” and deferred by the Planning Committee at its meeting of June 18, 2009, be accepted and filed for information purposes and reference; and,

**THAT** the draft By-law entitled “A By-law to Adopt a New Official Plan for the Planning Area of the Corporation of the City of Kingston” attached as Exhibit ‘C’ to this report being Report No. PC-09-061 and previously attached as Exhibit ‘C’ to Report No. PC-09-048, dated 2009-06-18, be presented to City Council for three readings; and,

**THAT** City Council adopt as the Official Plan for the Corporation of the City of Kingston Planning Area the text and map schedules contained in the “Recommended Draft Official Plan 2009” attached as Exhibit ‘A’ to By-law No. 2009-105 entitled “A By-law To Adopt A New Official Plan For The Planning Area of The Corporation of The City of Kingston”; and,

**THAT** the Recommendations of the Planning Department regarding the Public and Technical comments received in response to the statutory Public Open House held on June 8<sup>th</sup> 2009 and the Statutory Public Meeting held on June 18, 2009 and presented in this Report and discussed in Exhibits ‘A’ and ‘B’ attached, be accepted as presented; and,

**THAT** the modifications to the “Recommended Draft Official Plan 2009” attached as Exhibit ‘A’ to By-law No. 2009-105 that are resulting from the comments received after the statutory Open House and Public Meeting as listed below are consolidated in the document to be submitted to the Ministry of Municipal Affairs and Housing; and,

**REPORTS (CONTINUED)**

**Report No. 70 of the Planning Committee**

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(a) Text Changes

- i.) **THAT** Section 1.4 be amended to read "...Infrastructure includes: sewage and water collection and distribution facilities and systems; septage treatment systems; waste management systems..."; and,
- ii.) **THAT** Section 1.4, Urban Agriculture be revised to read as "All food production that occurs within the Urban Boundary of the City of Kingston, which takes place on private land or in public open spaces, and is generally undertaken by individuals and non-profit community organizations, noting that the keeping of livestock, poultry or apiaries is subject to the municipal animal control by-law; and,
- iii.) **THAT** Section 2.4.11 c) be amended to read "...Such a plan will be coordinated by the City in partnership with Utilities Kingston, and completed at the expense of the proponents"; and,
- iv.) **THAT** Section 2.7.8 be amended to read, "When assessing development applications.....the City may require urban design guidelines, a heritage impact statement or an environmental impact assessment, as appropriate, to be prepared by the proponent and at the expense of the proponent, and approved by the City. This is to assist...."; and,
- v.) **THAT** Section 3.1.1 be amended to read, "Municipal infrastructure, stormwater management facilities, small-scale electrical power transmission facilities..."; and,
- vi.) **THAT** Section 3.1.3 be amended to read, "Telecommunication transmission lines, aboveground and underground equipment, and fibre optic *infrastructure* are permitted in all land use designations; however, such facilities located in an Environmental Protection Area must be approved by the Cataraqui Region Conservation Authority or Parks Canada, and may be required to demonstrate that locations outside of this designation are not feasible."; and,
- vii.) **THAT** Section 3.3.10 be amended to read, "The City's affordable housing initiatives are designed to provide a full range of housing, in terms of tenure and affordability within all urban residential neighbourhoods, with a specific focus to produce housing for low income residents of the City. Such initiatives include:.."; and,
- viii.) **THAT** Section 3.4.C.3 be amended to read, "New automotive sales and uses, gas stations, and gas bars are discouraged, unless a proponent can demonstrate through an urban design study that the intended character and pedestrian movement of the Main Street Commercial Area is maintained.", and
- ix.) **THAT** Section 3.4.A.5 be amended to read, "New drive-through facilities are discouraged as the City has an interest in the form and location of such uses. Such uses, however, may be permitted subject to the provision of an urban design study, which will address to the satisfaction of the City such issues as built form, streetscape, pedestrian circulation, vehicular access and parking, landscaping and signage, and such other matters or studies as may be needed to evaluate any given site."; and,
- x.) **THAT** Section 3.4.C.4 be amended to read, "New drive-through facilities are discouraged as the City has an interest in the form and location of such uses. Such uses, however, may be permitted subject to the provision of an urban design study, which will address to the satisfaction of the City such issues as built form, streetscape, pedestrian circulation, vehicular access and parking, landscaping and signage and such other matters or studies as may be needed to evaluate any given site."; and,

**CARRIED**

**CARRIED**

**REPORTS (CONTINUED)**  
Report No. 70 of the Planning Committee

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- xi.) **THAT** Section 3.4.G.7 be amended to read, "New drive-through facilities are discouraged as the City has an interest in the form and location of such uses. Such uses, however, may be permitted subject to the provision of an urban design study, which will address to the satisfaction of the City such issues as built form, streetscape, pedestrian circulation, vehicular access and parking, landscaping and signage and such other matters or studies as may be needed to evaluate any given site. The concerns include but are not necessarily limited to climate change, air quality and buffering from neighbouring properties. "; and,
- CARRIED**
- xii.) **THAT** Section 3.6.C.1 e), shall now read "a sewage treatment facility"; and,
- xiii.) **THAT** a new Section 3.6.C.11 be added to read, "In accordance with Sections 3.1 and 3.1.1 of this Plan, any future expansion of the Catarauqui Bay Waste Water Treatment Plant will not require an amendment to this Plan. Any such expansion must comply with the requirements of all applicable legislation in order to enlarge this infrastructure"; and,
- xiv.) **THAT** in Section 3.10.6, the margin note be amended to read "CRCA Regulations"; and,
- xv.) **THAT** Section 3.10.9 be amended to read, "Should an application for development be located on land adjacent to or forming part of an Environmental Protection Area, an environmental impact assessment must be submitted for review to the City, the Catarauqui Region Conservation Authority..."; and,
- xvi.) **THAT** in Section 3.18.21, first paragraph, lines one and four, that "Arterial Commercial" be changed to "Regional Commercial"; and,
- xvii.) **THAT** in Section 3.18.21 c), second line, that the word "Arterial" be deleted; and,
- xviii.) **THAT** Section 4.6.13 be amended to read, "The City supports improvements to an inter-modal transportation system to facilitate the integration of rail, inter-City bus, taxi, municipal transit service, park'n'ride facilities and active modes of travel"; and,
- xix.) **THAT** Section 4.6.38 b) be amended to read, "the appropriate design of roads and intersections to accommodate transit vehicles"; and,
- xx.) **THAT** Section 4.7.7 be amended to read, "The former Pittsburgh landfill, which is scheduled to be closed in the near future, is shown on Schedule 6"; and,
- xxi.) **THAT** Section 4.7.9, first sentence, be amended to read, "All new multi-residential, commercial, industrial and institutional development must incorporate appropriate vaults, central storage, collection area and other facilities and enclosures for the storage of garbage and other waste materials in order to facilitate sustainable waste management practices."; and,
- xxii.) **THAT** in Section 5.6, a new clause be added at the end as follows: "For the Lake Ontario and St. Lawrence River shorelines, stable slope and erosion access allowances will be defined through consultation with the Conservation Authority"; and,

## REPORTS (CONTINUED)

### Report No. 70 of the Planning Committee

- xxiii.) **THAT** Section 5.8 be amended to read, "The natural hazard area as shown on Schedule 11 indicates the most landward location of the regulatory floodplain and wave uprush mapping. The Catarauqui Region Conservation Authority should be consulted for additional or updated mapping and information regarding the natural hazard areas,



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including erosion hazard mapping. Appropriate setbacks in these areas are determined through the application of Ontario Regulation 148/06, as applied by the Conservation Authority. These setbacks will be included in the zoning by-law"; and,

- xxiv.) **THAT** a new Section 5.29 be added as follows: "TransCanada is regulated by the National Energy Board, which, in addition to TransCanada, has a number of requirements regulating development in proximity to the high pressure natural gas pipelines, and related compressor station, as shown on Schedule 3. The requirements include the following:
- a. the City requires preconsultation with TransCanada or its designated representative for any development proposal within 200 metres of the above-noted facilities;
  - b. activities on or within 30 metres of the right-of-way, such as excavation, blasting and any movement of heavy equipment must be approved by TransCanada;
  - c. no permanent building or structure may be located within 7 metres of the pipeline right-of-way, and a reduction in the 7 metre setback will only be considered if it can be shown to the satisfaction of TransCanada Pipelines that it will not compromise the safety and integrity of the pipeline; and,
  - d. no building, structure or accessory structure is permitted within 3 metres from the limit of the right-of-way"; and,
- xxv.) **THAT** a new Section 5.30 be added as follows: "Where development is proposed in close proximity to the TransCanada compressor station, a noise and vibration study to be carried out by TransCanada (at the expense of TransCanada) may be required for development proposals within 750 metres of the compressor station in order to determine if provincial guidelines can be achieved, and if necessary, what mitigation measures are required."; and,
- xxvi.) **THAT** Section 6.2.5 be amended to read, "The City supports and will promote the use of energy audits to evaluate the energy efficiency of buildings."; and,
- xxvii.) **THAT** Section 6.2.A.6 be amended to read, "The installation or operation of at-grade electrical solar energy systems is not permitted in an Environmental Protection Area designation, and may be permitted in Residential or Hamlet designations as shown on Schedule 3 of this Plan, if it can be shown that the installation does not cover the majority of the front, side or rear yards of the property. When these have been considered in the development of a new secondary plan, such uses are permitted."; and,
- xxviii.) **THAT** Section 6.2.C.5 be amended to read, "Except for the Industrial designations referred to in Section 6.2.C.3, the energy produced by a biomass energy system is primarily for domestic, on-site consumption. The sale of electricity to the transmission grid may also be permitted."; and,
- xxix.) **THAT** Section 6.2.C.6 be amended to read, "Except for the Industrial designations referred to in Section 6.2.C.3, a substantial amount of the biological material used in a biomass energy system should come from the farm on which the generating system is located."; and,

## REPORTS (CONTINUED)

### Report No. 70 of the Planning Committee

- xxx.) **THAT** Section 6.2.F.2 be amended to read, "Cogeneration energy systems are allowed in all land use designations, subject to the proponent proving to the City's satisfaction that the cogeneration system will not have an adverse effect on neighbouring properties."; and,

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- xxxi.) **THAT** Section 8.2 a) be amended to read, "providing for the needs of seniors, people with disabilities, and others with special requirements through improved amenities such as parking and washrooms, clear signage, visual or auditory aids, and other means as appropriate"; and,
- xxxii.) **THAT** Section 8.9.1 b) be amended to read, "vehicular parking, except for visitors parking and parking for people with disabilities are provided on the sides and rear of the buildings"; and,
- xxxiii.) **THAT** Section 9.5.6 be amended to read, "As a general rule, any land use legally existing at the date of approval of the implementing zoning by-law that does not conform to the policies or schedules of the Plan is deemed a non-conforming use and should cease to exist in the long run."; and,
- xxxiv.) **THAT** Section 10A.3.6 be amended to read, "New drive-through facilities are discouraged as the City has an interest in the form and location of such uses. Such uses, however, may be permitted subject to the provision of an urban design study, which will address to the satisfaction of the City such issues as built form, streetscape, pedestrian circulation, vehicular access and parking, landscaping and signage and such other matters or studies as may be needed to evaluate any given site."; and,

**CARRIED**

**(b) Map Changes**

- i.) **THAT** on Schedule 3-A, to show Arterial Commercial on the south side of Princess Street from Hillendale Avenue westward to join the Arterial Commercial shown just east of Portsmouth Avenue; and,
- ii.) **THAT** Schedule 3-A be revised to replace the Arterial Commercial with Main Street Commercial from 10 Bath Road to 28 Bath Road, inclusive; and,
- iii.) **THAT** on Schedule 3-A, to change 1222 John Counter Blvd. to Business Park Industrial and confirm the size of the District Commercial designation to be 1 acre in size; and,
- iv.) **THAT** on Schedule 3-A, Add a number of properties which are owned by Utilities Kingston to the Waste Management designation at Ravensview in order to reflect the long-term usage; and,
- v.) **THAT** on Schedule 3-A, Remove Waste Management Industrial designation at the River Street Major Pumping Station to correspond with text change proposed in Section 3.6.C.1 e) above; and,
- vi.) **THAT** Schedules 3-B and 3-C should show TransCanada Pipeline on the right-of-way, and the location of the compressor station at 3390 Highway 15; and,
- vii.) **THAT** on Schedule 3-C the Harbour designation be enlarged to include a waterlot at the Trident Yacht Club; and,

**REPORTS (CONTINUED)**

**Report No. 70 of the Planning Committee**

- viii.) **THAT** Schedule 5 be replaced with a version showing existing and proposed pathways, and with a note indicating that the map is conceptual in nature and will be updated when the Official Plan is updated at the required intervals; and,
- ix.) **THAT** on Schedule 6, place a name on the Pittsburgh Landfill, and in the legend, show it as the Pittsburgh Landfill, and remove red dot on Westbrook Road; and,

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- x.) **THAT** on Schedule 8, show only unevaluated wetlands and the outlines of the Significant Valleylands, so it is clear where natural heritage features are located.

**CARRIED**  
(See Recorded Votes #1 and #2)  
(See Motion To Amend Which Was LOST)

(See By-Law No. (9), 2009-105)

2. **Motion of Congratulations**

**THAT** all staff involved with the preparation of the Official Plan, specifically Ms. Shirley Bailey, be recognized by Council for their conscientious work and dedication.

**CARRIED**

Recorded Vote #1 was requested by Deputy Mayor Garrison on Clause 1 (a) text changes, items ix., x., xi., xxxiv.

YEAS: Councillor Foster, Deputy Mayor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Schmolka, (9)

NAYS: Mayor Rosen, Councillor Smith (2)

ABSENT: Councillor MacLeod-Kane, Councillor Osanic (2)

Recorded Vote #2 was requested by Deputy Mayor Garrison on the remaining portions of Clause 1, Report No. 70.

YEAS: Councillor Foster, Deputy Mayor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Matheson, Councillor Meers, Mayor Rosen, Councillor Schmolka, Councillor Smith (11)

NAYS: (0)

ABSENT: Councillor MacLeod-Kane, Councillor Osanic (2)

**REPORTS (CONTINUED)**

**Report No. 70 of the Planning Committee**

Moved by Councillor Smith  
Seconded by Councillor Hector

THAT Clause (1) of Report No. 70 of the Planning Committee, be amended by deleting sections 3.4.A.5, 3.4.C.4, 3.4.G.7 and 10A.3.6, renumbering the remaining sections, and direct staff to do the research on drive thrus and bring a report back to Council via the Planning Committee.

LOST

Moved by Councillor Matheson  
Seconded by Deputy Mayor Garrison

THAT the question be called on the amendment.

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

Note: Clause (9) of Report No. 69 of the Chief Administrative Officer (Recommend) was dealt with at this point in the meeting. (See Page 445)

\*\*\*\*\*

**REPORTS (CONTINUED)**

**Report No. 71 of the Environment, Infrastructure and Transportation Committee**

Moved by Councillor Matheson  
Seconded by Councillor Gerretsen

THAT Report No. 71 of the Environment, Infrastructure and Transportation Committee be received and adopted.

**Report No. 71**

Council agreed to separate Clauses (a), (b) and (c).

To the Mayor and Members of Council:  
The Environment, Infrastructure and Transportation Committee reports and recommends as follows:

All items listed on the Environment, Infrastructure and Transportation 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.

Councillor Smith withdrew from the meeting.

June 9, 2009

**1. Single Use Bottled Water Policy**

THAT the Single Use Bottled Water Policy attached as Exhibit 'A' be approved with an effective date of September 1, 2009; and

**REPORTS (CONTINUED)**

**Report No. 71 of the Environment, Infrastructure and Transportation Committee**

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**THAT** in order to expedite conformance with the policy, an amount of \$158,000 be considered as part of the 2009 capital budget submission for the purpose of enhancing public access to municipal tap water within selected City facilities through the installation of publicly accessible water fountains and bottle fillers and associated signage, and

**THAT** an amount of \$8,000 in 2009 be authorized from the working fund reserve for use by the Communications Division to provide communications and promotional support to the implementation of the Single Use Bottled Water Policy, and

**THAT** an amount of \$8,000 be budgeted in the 2010 operating budget to support the implementation of the Single Use Bottled Water Policy, and

**THAT** the Operation Group prepare operating budgets in 2010 for increased maintenance of public fountains, and

**THAT** the net loss of net revenue from the sale of bottled water at municipal facilities estimated at \$30,000 be reflected in the 2010 budget.

**THAT** staff report back to the Environment, Infrastructure & Transportation Policies Committee one year after the implementation of the Single Use Bottled Water Policy regarding whether there are sufficient water fountains in municipal facilities to meet public demand.

**THAT** staff explore the possibility of selling reusable containers at municipal facilities to offset lost revenue.

- and further -

**THAT** procedures be in place to ensure that citizens are able to enter municipal facilities with water bottles.

**CARRIED (8:2)**  
**(See Recorded Vote)**

Note: The Proposed Single Use Bottled Water Policy was attached to the agenda as schedule pages 193-195.

A Recorded Vote was requested by Councillor Matheson

YEAS: Councillor Foster, Deputy Mayor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Schmolka, (8)

NAYS: Councillor Hector, Mayor Rosen (2)

ABSENT: Councillor MacLeod-Kane, Councillor Osanic, Councillor Smith (3)

Councillor Smith returned to the meeting.

## REPORTS (CONTINUED)

Report No. 71 of the Environment, Infrastructure and Transportation Committee

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2. **K-Rock Centre Transportation Plan**

**THAT** the K-Rock Centre Transportation Plan be amended to institute a \$5 rate for Zone 1, a \$4 rate for Zone 2 and a \$3 rate for Zone 3 for ticketed events at the K-Rock Centre in all municipal parking facilities within 600 metres of the K-Rock Centre except for the Hanson and Chown parking facilities which shall remain at \$3 upon exit to be consistent with existing pricing policy on non-event days;

-and further-

**THAT** augmented event transit service be limited to 2 routes during all Kingston Frontenacs hockey games and that the service be promoted, monitored and reviewed at the end of the second quarter of 2010 to determine if further changes are necessary; and that the event taxi stand be relocated to the south side of Queen Street between King and Wellington Streets;

-and further-

**THAT** City of Kingston monthly parking permit holders be exempt from event parking rates for a trial period from September 1, 2009 to June 30, 2010;

-and further-

**THAT** the revised event parking rate, the augmented transit service level, and relocated taxi stand for events become effective on September 1, 2009.

**CARRIED**

Note: Attached map which delineates parking zones was attached to the agenda as schedule page 196.

3. **Motion Regarding Proposed High-Speed Rail Route**

**WHEREAS** the train station in the City of Kingston is the 5th busiest train station for passenger travel in Canada, and

**WHEREAS** the City of Kingston is the regional centre of southeastern Ontario, and

**WHEREAS** the House of Commons' Standing Committee on Transportation, Infrastructure, and Communities is preparing a report on the high-speed rail project for release in spring 2010, and

**WHEREAS** the City of Québec has commissioned a study from the transportation firm SCNF which proposes a high-speed rail route linking Québec City to Montréal, Ottawa, Toronto, and Windsor but by-passing the Kingston region,

**THEREFORE BE IT RESOLVED THAT** Council indicate its support for a high-speed rail system which would link the almost 20 million people living along the most densely-populated region of Canada using a sustainable transportation approach, and

**BE IT FURTHER RESOLVED THAT** Council request that the Mayor promote the Kingston area as a regional transit feeder stop on the high-speed rail system.

**CARRIED**

\*\*\*\*\*

Mayor Rosen withdrew and Deputy Mayor Garrison chaired the balance of the meeting.

**REPORTS (CONTINUED)**

**Report No. 72 of the Arts, Recreation and Community Policies Committee**

Moved by Councillor Hutchison

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Seconded by Councillor Gerretsen

**THAT** Report No. 72 of the Arts, Recreation and Community Policies Committee be received and adopted.

Council consented to separate Clauses (a) and (b).

**Report No. 72**

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.

June 25, 2009

a) **Rodden Park Barn - Domino Theatre**

**THAT** Council approve that the short-term exterior building envelope capital requirements as identified in the recently commissioned reports on the Rodden Park Barn estimated at \$681,000, be accelerated to be completed in the 2009 - 2010 calendar years and that these costs be funded from the 2009 – 2010 capital budget Facilities Management buildings envelope if approved.

-and further-

**THAT** Council approve in principle leasing the Rodden Park Barn to the Domino Theatre,

-and further-

**THAT** staff be directed to meet with the Domino Theatre Board as soon as possible to identify problems needing resolution such that the Domino Theatre's relocation can be accomplished by December 2010, subject to the Domino Theatre Board confirming their desire to lease the Rodden Park Barn,

-and further-

**THAT** financial requirements and Business Plans be addressed in the near future.

The Report of the Commissioner, Corporate Services (ARCP-09-032) was attached to the June ARC agenda as Schedule Pages 5-11.

**CARRIED**

**REPORTS (CONTINUED)**

Report No. 72 of the Arts, Recreation and Community Policies Committee

b) **Operational Plan for the Invista Fitness Centre**

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**THAT** the INVISTA fitness centre plan be approved and a budget of \$520,000 be established and be funded as follows:

- 1) \$270,000 for start up, allocated from the Multiplex capital budget;
- 2) \$250,000 for equipment, funded from a 10 year internal loan (at competitive rates) to be repaid annually from operations of the fitness centre.

The Report of the Commissioner, Sustainability & Growth Group (ARCP-09-033) was attached to the June ARC agenda as Schedule Pages 12-32.

**CARRIED**

Moved by Councillor Smith  
Seconded by Councillor Hector

**THAT** Council move into Committee of the Whole to discuss Clause (b), of Report No. 72 of the Arts, Recreation and Community Policies Committee.

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

Moved by Councillor Gerretsen  
Seconded by Councillor Matheson

**THAT** Council rise from Committee of the Whole without reporting.

**CARRIED**

c) **Housing Network of Ontario Declaration on the availability of Affordable Housing**

**WHEREAS** the City of Kingston endorsed the principles for a poverty reduction strategy contained in the 25-in-5 Founding Declaration, and

**WHEREAS** the Housing Network of Ontario is linked to the 25-in-5 Network for Poverty Reduction, and

**WHEREAS** the Ontario government has promised to develop a comprehensive plan to ensure everyone has "adequate, suitable and affordable housing", and

**WHEREAS** *Breaking the Cycle: Ontario's Poverty Reduction Strategy* document recognizes that all three levels of government are required to work collaboratively on the issue of adequate, suitable and affordable housing,

**THEREFORE BE IT RESOLVED THAT** the City of Kingston endorses the Housing Network of Ontario Declaration,  
- and further -

**THAT** this resolution be forwarded to other municipalities with over 50,000 residents; Dalton McGuinty, Premier of Ontario; Jim Watson, Minister of Municipal Affairs and Housing; Deb Matthews, Minister of Children and Youth Services; and John Gerretsen, MPP for Kingston and the Islands.

**CARRIED**

\*\*\*\*\*

**REPORTS (CONTINUED)**

**Report No. 73 of the Kingston Municipal Heritage Committee (LACAC)**

Moved by Councillor Glover  
Seconded by Councillor Meers

**THAT** Report No. 73 of the Kingston Municipal Heritage Committee (LACAC) be received and adopted.



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Council consented to separate Clause (13).

**Report No. 73**

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.

July 6, 2009

1) **Approval for the addition of a fire escape through an existing second floor window opening at the rear at 320 King Street East**

THAT Application P18-696-052-2009 for a property located at 320 King Street East requesting approval to add a fire escape through an existing window opening at the rear of the second floor **BE APPROVED** in accordance with details described within a submission filed June 8, 2009 and deemed complete by the Planning and Development Department June 22, 2009,

- and further -

THAT it be understood that the application relates to safety and the fire escape is concealed from general view.

2) **Approval for the alteration of existing dormer windows at 16 Market Street (also known as 37 Clarence Street)**

THAT Application P18-097-053-2009 for a property located at 16 Market Street (also known as 37 Clarence Street) requesting approval to alter existing dormer windows **BE APPROVED** in accordance with details described within a submission filed June 19, 2009 and deemed complete by the Planning and Development Department June 23, 2009.

3) **Approval for the removal and re-installation of existing rear deck and stairs at 167 King Street East**

THAT Application P18-414-054-2009 for a property located at 167 King Street East requesting approval to remove an existing deck and stairs at the rear of the structure and to install a new deck and stairs **BE APPROVED** in accordance with details described within a submission filed June 19, 2009 and deemed complete by the Planning and Development Department June 23, 2009,

- and further -

THAT it is suggested that pickets along the stairway have a bottom rail rather than in-stair treads.

## REPORTS (CONTINUED)

### Report No. 73 of the Kingston Municipal Heritage Committee (LACAC)

4) **Approval for exterior painting, replacement of front porch lattice, newel posts, and second floor railing at 233 Johnson Street**

THAT Application P18-557-055-2009 for a property located at 233 Johnson Street requesting approval for exterior painting, replacement of lattice on front porch, replacement of newel posts, and the raising and replacing of a second

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floor railing **BE APPROVED** in accordance with details described within a submission filed June 19, 2009 and deemed complete by the Planning and Development Department June 23, 2009,

- and further –

**THAT** the detailing of the newel posts be maintained, the lattice work be of robust construction, incorporate the railing on the balcony so that it doesn't interrupt the existing historic railing and that it be painted with a different and preferably darker colour,

- and further –

**THAT** consideration be given to the use of an oil based paint, and that care be taken as to how the column is rendered.

- 5) **Approval for the removal of the rear one-storey block addition, masonry repairs, alteration and restoration of the complete limestone building; and the alteration of four rear windows at 128-136 Ontario Street**

**THAT** Application P18-262-056-2009 for a property located at 128-136 Ontario Street requesting approval for the demolition and removal of the rear one-storey block addition to expose the original limestone wall; masonry repair, alteration of four rear windows and restoration of the complete exterior of the limestone building **BE APPROVED** in accordance with details described within a submission filed June 19, 2009 and deemed complete by the Planning and Development Department June 23, 2009.

- 6) **Approval for the removal of a non-character defining structure known as the Frontenac Mental Health Centre at 390 King Street West**

**THAT** Application P18-714-058-2009 for a property located at 390 King Street West requesting approval for the removal of a non-character defining structure known as the Frontenac Mental Health Centre **BE APPROVED** in accordance with details described within a submission filed June 19, 2009 and deemed complete by the Planning and Development Department June 23, 2009.

- 7) **Approval for the removal of a non-character defining structure known as the Frontenac Mental Health Centre at 370 King Street West**

**THAT** Application P18-714-059-2009 for a property located at 370 King Street West requesting approval for the removal of a non-character defining structure known as the Frontenac Mental Health Centre **BE APPROVED** in accordance with details described within a submission filed June 19, 2009 and deemed complete by the Planning and Development Department June 23, 2009,

- and further –

**THAT** it be understood that the wall shared with the Tett building will be exposed and temporarily infilled and weatherproofed as noted within correspondence from EMA Architects dated June 19, 2009.

## REPORTS (CONTINUED)

Report No. 73 of the Kingston Municipal Heritage Committee (LACAC)

- 8) **Approval for the painting of columns in the south end of Memorial Hall at 216 Ontario Street (also known as Kingston City Hall National Historic Site)**

**THAT** Application P18-273-060-2009 for a property located at 216 Ontario Street also known as Kingston City Hall National Historic Site requesting approval for painting columns in the south end of Memorial Hall **BE APPROVED** in accordance with details described within a submission filed June 19, 2009 and deemed complete by the Planning and Development Department June 24, 2009,

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- and further -

THAT it be understood that samples will be taken of other surfaces painted, and that a plan will be developed for the repainting of the rest of the room so the columns don't appear out of place for a length of time.

9) **Approval for chimney repairs at 150 West Street (also known as the Red Cross House)**

THAT Application P18-110-061-2009 for a property located at 150 West Street also known as the Red Cross House, requesting approval for chimney repairs **BE APPROVED** in accordance with details described within a submission filed June 19, 2009 and deemed complete by the Planning and Development Department June 24, 2009,

- and further -

THAT it be understood that the contractor will work with Mr. Andy Huctwith, Consulting Engineer, McCormick Rankin Corporation who will assist in the preparation of specifications of the work,

- and further -

THAT the specifications be submitted to the Committee.

10) **Reaffirmation of Emergency Approval for roof repairs and the removal and reinstallation of black shingles at 189 Ontario Street**

THAT Application P18-269-051-2009-EA for a property located at 189 Ontario Street, requesting approval for the removal of existing shingles, removal of existing rotted wood on trusses in damaged areas and replacement with new plywood, covering of roof with a protector, installation of black shingles **BE REAFFIRMED** in accordance with details described within a submission filed June 12, 2009.

11) **Reaffirmation of Emergency Approval for the installation of handrails at the south entrance of the court yard at 216 Ontario Street (also known as City Hall)**

THAT Application P18-273-050-2009-EA for a property located at 216 Ontario Street also known as City Hall requesting approval for handrails to be installed on the south entrance of the court yard **BE REAFFIRMED** in accordance with details described within a submission filed June 15, 2009.

## REPORTS (CONTINUED)

### Report No. 73 of the Kingston Municipal Heritage Committee (LACAC)

12) **Final Approval for a Heritage Property Grant for the replacement of damaged bricks and repointing at 218 Green Bay Road, Barriefield Village**

**WHEREAS** the owner of at 218 Green Bay Road, Barriefield Village has requested final approval for Heritage Grant Application HG-06-2009, and

**WHEREAS** as per the requirements as per BY-Law No. 2005-258 'A By-Law to Establish a Heritage Grants Program', a site visit to review the completed works was completed, and

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**THEREFORE BE IT RESOLVED THAT** Heritage Property Grant HG-06-2009 for 218 Green Bay Road, Barriefield Village **BE APPROVED** for the replacement of damaged bricks and repointing,

- and further –

**THAT** staff be authorized to issue a cheque for \$1,286.25 as per the process outlined in By-Law No. 2005-258 'A By-Law to Establish a Heritage Grants Program'.

**CARRIED**

13) **Lake Ontario Park Washrooms**

**WHEREAS** there is concern that all of the structures in Lake Ontario Park may be recommended for demolition, **THEREFORE BE IT RESOLVED THAT** Mr. R. Bruce Downey be requested to produce a report regarding the heritage value of washrooms in Lake Ontario Park which were designed by Mr. Wilf Sorensen, a recognized local architect,

- and further –

**THAT** the report be provided to Council for consideration.

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

Moved by Councillor Smith  
Seconded by Councillor Gerretsen

**THAT** Clause 13), of Report No. 73 of the Kingston Municipal Heritage Committee (LACAC), be amended by deleting "retention" and inserting "heritage value" in the first paragraph.

**CARRIED**

\*\*\*\*\*

**REPORTS (CONTINUED)**

**Report No. 74 of the Ad Hoc Committee To Review By-Law 98-1 Council Procedural By-Law And By-Law 2004-360 Composition & Terms Of Reference For Committees**

Moved by Councillor Gerretsen  
Seconded by Councillor Meers

**THAT** Report No. 74 of the Ad Hoc Committee To Review By-Law 98-1 Council Procedural By-Law And By-Law 2004-360 Composition & Terms Of Reference For Committees be received and adopted.

**Report No. 74**

To the Mayor and Members of Council:  
The Ad Hoc Committee To Review By-Law 98-1 Council Procedural By-Law And By-Law 2004-360 Composition & Terms Of Reference For Committees reports and recommends as follows:

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June 29, 2009

1. **Amendment to the Appeals Committee Terms of Reference**

THAT a By-Law be presented to Council to amend By-Law 2004-360, being a By-Law to define the composition and terms of reference for Committees established by the Corporation of the City of Kingston, to amend the composition of the Appeals Committee, effective December 1, 2009, to include two Members of Council and three members from the public.

(See By-Law No. (1), 2009-97)

**CARRIED**

\*\*\*\*\*

**INFORMATION REPORTS**

(1) **Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of May 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 May 2009 and report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of May 2009.

(The Report of the Deputy Treasurer (09-175) was attached to the agenda as Schedule Pages 174-177)  
(File No. CSU-F18-000-2009)

(2) **Council Priorities Status Matrix – Q2 Update**

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

(The Report of the Chief Administrative Officer (09-208) was attached to the agenda as Schedule Pages 178-186)  
(File No. CSU-C00-000-2009)

**INFORMATION REPORTS (CONTINUED)**

(3) **City/Queen's Shared Solutions**

The purpose of this report is to provide Council with an update on the progress of the various working groups established to address common issues of Queen's University and the City of Kingston.

(The Report of the Chief Administrative Officer (09-206) was attached to the agenda as Schedule Pages 187-192)  
(File No. CSU-R07-000-2009)

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**MISCELLANEOUS BUSINESS**

None

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**MOTIONS**

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

**WHEREAS** the model of civil governance is clearly a question to be determined by the people; and

**WHEREAS** before amalgamation the former Townships of Kingston and Pittsburgh held elections 'at large' and the former City of Kingston held elections 'by district'; and

**WHEREAS** at amalgamation, in an attempt to reflect the governance models of the former municipalities, the model chosen, without input from the people, was a Board of Control elected 'at large' and councillors elected 'by district'; and

**WHEREAS** the Board of Control was eliminated because of widespread dissatisfaction with its powers, leaving the new City without any representatives elected 'at large'; and

**WHEREAS** since amalgamation the question of whether Kingston should be governed by councillors elected entirely 'at large' or councillors elected entirely 'by district' has surfaced periodically; and

**WHEREAS** the people of the new City of Kingston have never had the opportunity to choose the governance model they prefer;

**THEREFORE BE IT RESOLVED THAT** the Administrative Policies Committee hold public consultations on whether the election of councillors in the City of Kingston should be 'at large' or 'by district' and to make recommendation to Council on how to proceed by the second council meeting in October; and

**THAT** the Administrative Policies Committee should also consider in its deliberations and its consultation with the public:

**MOTIONS (CONTINUED)**

- (i) Whether the best way to determine the public's wishes is through the public consultation process or by referendum at the municipal election in 2010;
- (ii) If a referendum, whether the result should be honoured for the 2014 municipal election, even though the 2010 turn-out is less than the 50% required by provincial referendum rules;
- (iii) How the Deputy Mayor is to be elected in either an 'at large' or 'by district' system;
- (iv) How 'at large' elections can be made more affordable for candidates, for example, by banning election signs;
- (v) Any other matter considered appropriate to the discussion.
- (vi) Including consideration of a citizen's assembly Council process.

**LOST (4:9)**  
**(With Agreed To Amendments)**  
**(See Recorded Vote)**

A Recorded Vote was requested by Councillor Foster

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YEAS: Councillor Foster, Councillor Hector, Mayor Rosen, Councillor Smith (4)

NAYS: Deputy Mayor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka (9)

ABSENT: (0)

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

**WHEREAS** the St. Lawrence Islands National Park is a park that is contained almost exclusively in the Thousand Islands and;

**WHEREAS** the St. Lawrence Islands National Park is confused with the St. Lawrence Parks Commission and;

**WHEREAS** the region in which the park lies seeks to brand itself as the Thousand Islands region and;

**WHEREAS** branding the region is seen as a strategic tourism and economic move;

**NOW THEREFORE BE IT RESOLVED THAT** the Council of the City of Kingston petition Leeds-Grenville Member of Parliament Gord Brown and the federal government to re-name the St. Lawrence Islands National Park as the Thousand Islands National Park

- and further-

**THAT** this petition be circulated to all municipalities that lie within the Thousand Islands region.

**CARRIED**

## MOTIONS (CONTINUED)

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

**WHEREAS** August 14 is the anniversary of the widespread North American blackout in 2003, and

**WHEREAS** improved energy efficiency is critical to decreasing our energy consumption and dependence on fossil fuels, reducing energy costs for consumers, and protecting our environment through lower levels of greenhouse gas emissions; and

**WHEREAS** Kingston is at the forefront of efforts to promote the conservation of energy and is committed to reaching the goal of being Canada's most sustainable City;

**NOW THEREFORE BE IT RESOLVED THAT** City Council accepts the challenge issued by Mayor Michael Harding of Woodstock to compete with other Ontario Municipalities to attain:

- the highest percentage drop in electricity consumption on August 14<sup>th</sup>, and

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the highest per capita participation in the *Count Me In!* pledge drive; and  
directs staff to take the necessary steps to register the City of Kingston and urges residents to support and participate in the conservation of energy by reducing their energy consumption on August 14, 2009 between 8 a.m. and 8 p.m. and by signing a personal conservation plan, before August 14, 2009, which is available at [www.countmeinontario.ca](http://www.countmeinontario.ca);

**CARRIED**  
**(With Agreed To Amendments)**

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

**WHEREAS** the K-Rock Centre did not meet its operational targets for 2008; and  
**WHEREAS** the City of Kingston Suite is underutilized due to agencies that it is being provided to, not being able to take advantage of the City's generosity, due to their own financial constraints and resulting inability to purchase tickets to the various events being hosted,

**THEREFORE BE IT RESOLVED THAT** the appropriate staff of the City of Kingston make necessary preparations and proceed to auction off to the highest bidder our Suite at the K-Rock Centre, until such time as the K-Rock's operational revenues are sufficient to meet the targets set, and the facility pay for itself,

**BE IT FURTHER RESOLVED THAT** once these operational revenue targets are met, that the City of Kingston undertake a review of whether the City of Kingston Suite should continue to be rented and or return it to being ours to be used by our community and various service agencies;

-and further-

**THAT** City staff through Kingston Economic Development Corporation (KEDCO) and Arcturus seek out potential partners to help with sponsorship of the use of the Suite during actual events, to enable our community partners and service agency volunteers and workers to currently and during the interim lease of the suite, be able to attend events when they are granted use of the City of Kingston Suite.

**WITHDRAWN**

## MOTIONS (CONTINUED)

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

**WHEREAS** the Barriefield Rock Garden was cared for and nurtured solely by Bill Robb for nearly twenty years; and

**WHEREAS** more than one hundred residents from all areas of Kingston have suggested that there be a fitting memorial to Bill Robb's herculean contribution to the beautification and maintenance of the garden by re-naming the garden in his memory;

**THEREFORE BE IT RESOLVED THAT** the staff in the Cultural Services Department consult on renaming the garden with the other owners of the lands comprising the Barriefield Rock Garden to, for example, the Bill Robb Barriefield Rock Garden; and

**THAT** if consensus is obtained, Council proceed with the process to change the name.

**CARRIED**

Moved by Councillor Smith



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Seconded by Councillor Foster

**THAT** Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to extend the meeting to 11:15 pm.  
**CARRIED**  
**(A 2/3 Vote Of Council Was Received)**

(6) Moved by Councillor Gerretsen  
Seconded by Councillor Meers

**THAT** a by-law be presented to amend By-law 2006-122 being "A By-law to Provide for the Regulation of Water Supply for the City of Kingston" to allow for the use of children's water sprinklers/toys during the period June 15 to September 15 for the sole purpose of allowing children to play and remain cool during the summer, it being understood that children must be present when these toys are in use, and the devices are not to be used as a means to circumvent the watering by-law; and

**THAT** staff report back regarding enforcement at the August 4<sup>th</sup>, 2009 Council meeting prior to 3<sup>rd</sup> reading.  
**(See By-Law No. 6, 2009-102)**

**LOST (5:5)**  
**(With Agreed To Amendments)**  
**(See Recorded Vote #2)**  
**(See Motions To Amend Which Were LOST)**

Moved by Councillor Hutchison  
Seconded by Councillor Foster

**THAT** Motion (6) be amended by inserting the words "and supervising adults" after the second "children".

**LOST**

## **MOTIONS (CONTINUED)**

Moved by Councillor Hutchison  
Seconded by Councillor Foster

**THAT** Motion (6) be amended to allow for the use of children's water sprinklers/toys under the provisions of the "odd/even use" as referenced in the By-Law.

**LOST (5:5)**  
**(See Recorded Vote #1)**

Recorded Vote # 1 on the amendment was requested by Councillor Foster

YEAS: Councillor Foster, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Schmolka, (5)  
NAYS: Deputy Mayor Garrison, Councillor Gerretsen, Councillor Matheson, Councillor Meers, Councillor Smith (5)  
ABSENT: Councillor MacLeod-Kane, Councillor Osanic, Mayor Rosen, (3)

Recorded Vote #2 on the main motion was requested by Councillor Foster

YEAS: Deputy Mayor Garrison, Councillor Gerretsen, Councillor Matheson, Councillor Meers, Councillor Smith, (5)  
NAYS: Councillor Foster, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Schmolka (5)

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ABSENT: Councillor MacLeod-Kane, Councillor Osanic, Mayor Rosen, (3)

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**NOTICES OF MOTION**

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

**WHEREAS** the continued growth of population and residences in the west end is causing increased speeding and traffic on previously calm streets.

**WHEREAS** there are a number of intersections which, although they do not meet the current warrants for all way stop signs, are problematic and causing grave concerns to the citizens who reside in these neighborhoods, as well as the drivers who must navigate them.

**WHEREAS** it is important and essential that speeding and reckless driving within neighborhoods be curtailed and mitigated for the safety and peace of mind of residents and drivers.

**THEREFORE BE IT RESOLVED THAT** a four way stop be installed at

- 1) Hudson Dr & Downing St;
- 2) Birchwood & Sierra;

- and further -

**THAT** a three way stop be installed on Safari Drive at Safari and Heron Ct.

**NOTICES OF MOTION (CONTINUED)**

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

**WHEREAS** the District system is the preferred choice of this and previous Councils' since amalgamation, representing the desires for governance of the majority of Citizens in Kingston.

**WHEREAS** it has been 10 years since amalgamation and Kingston has experienced growth and population redistribution.

**WHEREAS** currently there is not a process in place to review Kingston's electoral District system nor the current boundaries.

**WHEREAS** each District should be divided as closely as possible by population numbers, so that citizens are fairly represented.

**NOW THEREFORE BE IT RESOLVED THAT** the City Clerk report back with a process to review Kingston's current District boundaries and population distribution within each, with a suggested timeline for review, that allows for public input and adequate Council deliberation.

**BE IT FURTHER RESOLVED THAT** this review process be brought back to Council for consideration by February 2010, for a target date for review by within the 2<sup>nd</sup> year of office of the next Council, so that any new District format would be in place by 2014.

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

**WHEREAS** the City of Kingston has numerous corrections facilities in and around its boundaries; and  
**WHEREAS** recently there have been escapes from Frontenac and Pittsburgh Institutions; and  
**WHEREAS** there have been concerns raised by citizens regarding the risks to the community.  
**NOW THEREFORE BE IT RESOLVED THAT** the Chief Administrative Officer request the Regional Deputy Commissioner or appropriate delegate from Corrections Services Canada to brief the Council of the City of Kingston at a regular Council meeting before the end of October 2009 on the Frontenac and Pittsburgh Institutions, the risks to the community regarding the recent escapes and the steps that are being considered or implemented to prevent future escapes.

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**MINUTES**

Moved by Councillor Meers  
Seconded by Councillor Smith

**THAT** the Minutes of City Council Meeting No. 13-2009, held Tuesday, June 2<sup>nd</sup> and reconvened on Wednesday June 3<sup>rd</sup>, 2009 and Meeting No. 14-2009, held Tuesday, June 16, 2009 be confirmed.

**CARRIED**

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**TABLING OF DOCUMENTS**

- 2009-50 The Cataraqui Source Protection Committee  
Minutes – May 14, 2009  
(File No. CSU-D03-000-2009)
- 2009-51 Cataraqui Source Protection Authority  
Agenda – June 24, 2009  
(File No. CSU-D03-000-2009)
- 2009-52 Cataraqui Region Conservation Authority  
Agenda – June 24, 2009  
(File No. CSU-D03-000-2009)
- 2009-53 Kingston, Frontenac and Lennox & Addington (KFL&A) Public Health  
Agenda – June 24, 2009  
(File No. CSU-S08-001-2009)
- 2009-54 Kingston Frontenac Public Library Board  
Minutes – April 22, 2009  
(File No. CSU-R02-000-2009)
- 2009-55 Kingston Frontenac Public Library Board  
Minutes – May 27, 2009  
(File No. CSU-R02-000-2009)
- 2009-56 The Cataraqui Source Protection Committee  
Agenda – July 9, 2009  
(File No. CSU-D03-000-2009)

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**COMMUNICATIONS**

Council consented to the addition of Communications No. 15-337 through 15-344.

**Filed**

- 15-306 From Bhavana Varma, President, United Way, serving Kingston, Frontenac Lennox and Addington, providing information regarding a collaborative community effort "*A Place First: A Community Plan on Homelessness and Housing in Kingston*" recommending that Kingston adopt a Housing First approach.  
(File No. CSU-S16-000-2009)  
**(Distributed to all Members of Council on June 12, 2009)**
- 15-310 From the Town of Caledon, acknowledging receipt of Council's resolution requesting endorsement regarding location of Energy Czar in Kingston.  
(File No. CSU-C09-000-2009)

**COMMUNICATIONS (CONTINUED)**

15-312 From the Committee of Adjustment, a Notice of Decision for the following applications:

CONSENT – In respect of an application to sever the property at 1508 Princess Street and 154/176 Parkway, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is July 13, 2009.

CONSENT – In respect of an application to sever the property at 200 Parkway, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is July 13, 2009.

CONSENT – In respect of an application to sever the property at 1-3 Smith Lane, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is July 13, 2009.

CONSENT – In respect of an application to sever the property at 5-7 Smith Lane, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is July 13, 2009.

CONSENT – In respect of an application to sever the property at 967 Sir John A. Macdonald Boulevard, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is July 14, 2009.

CONSENT – In respect of an application to sever the property at 2440 Princess Street/1010 Centennial Drive, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is July 14, 2009.

CONSENT – In respect of an application to sever the property at 86-88 Bay Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is July 14, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 8499 for the property at 369 Victoria Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is July 13, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 96-259 for the property at 211 Division Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is July 13, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 8499 for the property at 86 Bay Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is July 13, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 8499 for the property at 88 Bay Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is July 13, 2009.

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

15-319 From "Red East Buffet", located at 2774 Princess Street, an application for a liquor license from the Alcohol and Gaming Commission of Ontario.

(File No. CSU-P09-000-2009)

15-324 From Michael S. Troop, Environmental Project Engineer, J.L. Richards & Associates Limited, providing notice that they have been retained to assist Loyalist Township to complete a Schedule B Municipal Class Environmental Assessment (EA) Study at the Bath Sewage Treatment Plant.

(File No. CSU-E05-000-2009)

**COMMUNICATIONS (CONTINUED)**

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- 15-325 From the Ministry of Natural Resources, announcing that the province will begin its annual wildlife rabies control operations for 2009 on August 4<sup>th</sup>, 2009.  
(File No. CSU-P14-000-2009)
- 15-326 From the Cataraqui Region Conservation Authority, providing updates regarding the ongoing drinking water source protection program in the Cataraqui Source Protection Area which include Terms of Reference Approval, Chair Re-appointed, Ontario Drinking Water Stewardship Program Update, Draft Assessment Report – Coming Soon, Source Protection Planning Discussion Paper and Presentations to Council.  
(File No. CSU-D03-000-2009)
- 15-327 From the City of Pickering, acknowledging receipt of Council's resolution concerning the location of the Energy Czar in Kingston.  
(File No. CSU-C09-000-2009)
- 15-328 From the Association of Municipalities of Ontario (AMO), providing a copy of the report of the Secretary – Treasurer on nominations to the 2009-2010 AMO Board of Directors.  
(File No. CSU-A01-004-2009)  
**(Digitally distributed to all Members of Council on July 3, 2009)**
- 15-329 From the Association of Municipalities of Ontario (AMO), providing highlights of the June 2009 Board of Director's meeting.  
(File No. CSU-A01-004-2009)  
**(Digitally distributed to all Members of Council on July 3, 2009)**
- 15-330 From the Association of Municipalities of Ontario (AMO), providing an update from the Economic Development Task Force on topics which included Canada – United States Trade Relations and Ontario municipalities, Best Practice Case Study: The City of North Bay – engaging the community and Ministry of Municipal Affairs and Housing – Initiatives to assist investment readiness.  
(File No. CSU-D02-000-2009)  
**(Digitally distributed to all Members of Council on July 3, 2009)**
- 15-333 From the Association of Municipalities of Ontario (AMO), providing notice that the Provincial Animal Welfare (PAWs) Working Group on Animals in Emergencies is providing a number of resources for municipal emergency planners to coordinate additional response plans.  
(File No. CSU-P03-000-2009)  
**(Digitally distributed to all Members of Council on July 3, 2009)**
- 15-335 From the Ministry of Culture, providing information about voluntary pilot testing of the draft Standards and Guidelines for Consultant Archaeologists (2009), and the ministry's offer of an expedited review process.  
(File No. CSU-R01-000-2009)  
**(Digitally distributed to all Members of Council on July 7, 2009)**

**Referred to All Members of Council**

- 15-309 From Marg and Ken Irvine, urging Council to bring back "large item collection" at least twice a year.  
(File No. CSU-E07-000-2009)  
**(Distributed to all Members of Council on June 26, 2009)**

**COMMUNICATIONS (CONTINUED)**

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- 15-314 From Gord Brown, Member of Parliament, Leeds-Grenville, asking for Council's support of a resolution that the St. Lawrence Islands National Park be re-named the Thousand Islands National Park.  
(File No. CSU-R04-000-2009)  
**(Distributed to all Members of Council on June 19, 2009)**
- 15-316 From Michael Harding, Mayor of Woodstock, challenging fellow municipal leaders across Ontario to say "Count Me In!" to the Community Conservation Challenge Day on August 14, 2009.  
(File No. CSU-E05-000-2009)  
**(Distributed to all Members of Council on June 26, 2009)**
- 15-317 From the Township of Stirling-Rawdon, asking for Council's support of a resolution regarding their requirement to submit two separate Operational Plans under the new Drinking Water Quality Management System (DWQMS) and that the Township is not willing to pay said costs for the preparation of two Operational Plans.  
(File No. CSU-C10-000-2009)  
**(Distributed to all Members of Council on July 3, 2009)**
- 15-318 From the Toronto and Region Conservation Authority, providing a copy of a resolution and staff report on the Healthy Great Lakes, Strong Ontario Discussion Paper.  
(File No. CSU-E05-000-2009)
- 15-322 From the City of Welland, asking for Council's support of a resolution that an improved funding model be developed and implemented by the Provincial Government to ensure that every citizen has equal and reasonable access to all necessary medical and health services provided through the hospital system.  
(File No. CSU-S08-000-2009)  
**(Distributed to all Members of Council on July 3, 2009)**
- 15-331 From the Association of Municipalities of Ontario (AMO), announcing that the approved Used Tire Plan will be implemented on September 1, 2009, by Ontario Tire Stewardship (OTS). Municipalities wishing to participate in the collection need to register with the OTS and undertake some housekeeping.  
(File No. CSU-E07-001-2009)  
**(Digitally distributed to all Members of Council on July 3, 2009)**
- 15-332 From the Town of Innisfil, asking for Council's support of a resolution that the Province of Ontario be requested to exempt electricity sales from the provincial portion of the single harmonized sales tax at least until the stranded debt of Ontario Hydro is fully retired.  
(File No. CSU-C10-000-2009)  
**(Distributed to all Members of Council on July 10, 2009)**
- 15-334 From John T. Drynan, providing Council with articles from The Review Mirror concerning the "Ward system or Councillors-at-large".  
(File No. CSU-C07-000-2009)  
**(Distributed to all Members of Council on July 10, 2009)**
- 15-336 From Joe Cressy, Polaris Institute, providing information regarding bottled water and providing a copy of the resolution from Federation of Canadian Municipalities (FCM) urging all municipalities to phase out the sale and purchase of bottled water at their own facilities where appropriate and where potable water is available.  
(File No. CSU-E07-000-2009)  
**(Distributed to all Members of Council on July 10, 2009)**

**COMMUNICATIONS (CONTINUED)**

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- 15-337 From Michael S. Polowin, Gowling Lafleur Henderson LLP, Barristers & Solicitors, providing comments on the proposed City of Kingston Draft Official Plan regarding the prohibition of Drive-Thru Facilities.  
(File No. CSU-D08-000-2009)  
**(Redistributed to all Members of Council on July 13, 2009)**
- 15-338 From Jean Phippen, expressing her concerns with regard to the proposed Lake Ontario Park Master Plan and the expense to Kingston taxpayers.  
(File No. CSU-R04-000-2009)  
**(Distributed to all Members of Council on July 10, 2009)**
- 15-339 From Chris Hargreaves, Chair, Conservation Committee, Kingston Field Naturalists and Sharon Critchley, Conservation Committee Member, Kingston Field Naturalists, encouraging Council to adopt the proposed Draft Official Plan, 2009.  
(File No. CSU-D08-000-2009)  
**(Distributed to all Members of Council on July 10, 2009)**
- 15-340 From Claude Tardif, Member of Fair Vote Canada, providing his comments on Motion (1) with regard to the election of Councillors in the City of Kingston and urging Council to vote against elections at large.  
(File No. CSU-C07-000-2009)  
**(Distributed to all Members of Council on July 14, 2009)**
- 15-341 From John R. Done, Barrister and Solicitor, Kingston Community Legal Clinic, recommending that the contracts for providing Imminent Risk eviction avoidance services be tendered pursuant to a Request for Proposals, rather than extended to Homebase Housing to December 2010.  
(File No. CSU-S16-000-2009)  
**(Distributed to all Members of Council on July 14, 2009)**  
**(See Delegation No. (3))**
- 15-342 From Michael S. Polowin, Gowling Lafleur Henderson LLP, Barristers & Solicitors, requesting that the City of Kingston Draft Official Plan be deferred or suggesting that all provisions in the Official Plan having to do with drive-through facilities be deleted until staff and their client have the opportunity for discussions.  
(File No. CSU-D08-000-2009)  
**(Distributed to all Members of Council on July 13, 2009)**
- 15-343 From Christine Mandy, President, Deana Abbott, Trial Secretary, The Agility Connection, expressing their concerns with the proposed Lake Ontario Park Master Plan and whether there will be adequate space to host The Agility Connection AAC sanctioned trials, the effect the closure of Lake Ontario Park will have on the future of The Agility Connection and the cost of future contracts between the City of Kingston and The Agility Connection to host AAC trials at Lake Ontario Park.  
(File No. CSU-R04-000-2009)  
**(Distributed to all Members of Council on July 14, 2009)**

**COMMUNICATIONS (CONTINUED)**



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- 15-344 From Paul Browne, expressing his concern with the Recommended Draft Official Plan, 2009, and register his objection to the provision in the proposed OPA that excludes his property from the proposed urban boundary.  
(File No. CSU-D08-000-2009)  
**(Distributed to all Members of Council on July 14, 2009)**

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

- 15-311 From Terry O'Shea, Clerk/CAO, Township of Frontenac Islands, advising that a second Public Information Centre (PIC) has been scheduled to present additional background information in regards to the Marysville Waterworks Class Environmental Assessment study to evaluate a full range of water supply options for the Village of Marysville including consideration of drinking water supplied from the City of Kingston's drinking water system.  
(File No. CSU-E05-000-2009)  
**(Distributed to the President and CEO of Utilities Kingston on June 19, 2009)**

**Referred to the Commissioner of Sustainability and Growth**

- 15-313 From Brenda Wardle, Portsmouth District, expressing her concerns and comments with respect to the City of Kingston's revised Lake Ontario Park Plan.  
(File No. CSU-R04-000-2009)  
**(Digitally distributed to the Commissioner of Sustainability and Growth on June 22, 2009)**

**Referred to the Planning Committee**

- 15-315 From Murray Beckel, Planner/Chief Building Official, Loyalist Township, asking that the City of Kingston consider Loyalist Township's concerns with regard to cross boundary matters with respect to the proposed City of Kingston Official Plan.  
(File No. CSU-D08-000-2009)
- 15-320 From John Uliana, Associate, IBI Group, retained by the owner of NCS Holdings Ltd. who own approximately 9 acres on the west side of Gardiners Road, expressing concerns about how the recommended 2009 draft of the new Official Plan proposes to address the subject site, 1035 Gardiners Road.  
(File No. CSU-D08-000-2009)
- 15-321 From John Uliana, Associate, IBI Group, advising of concerns after reviewing the revised recommended 2009 draft of the new Official Plan with respect to 1222 John Counter Boulevard.  
(File No. CSU-D08-000-2009)
- 15-323 From John Uliana, Associate, IBI Group, asking that the City include the reworded policy within its Draft Official Plan with regard to the Gibson/Queen Street Dock.  
(File No. CSU-D08-000-2009)

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**BY-LAWS**

Council consented to amend By-Law No. (4) and withdraw By-Law No. (6).

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

**THAT** By-Laws (1) through (5) and (7) through (10) and (12) be given their first and second reading.

**CARRIED**

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

**THAT** Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (7) and (8) three readings.

**CARRIED**

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

**THAT** By-Laws (7) through (11) be given their third reading.

**CARRIED**

- (1) A By-Law To Amend By-Law No. 2004-360, Being "A By-Law To Define The Composition And Terms Of Reference For Committees Established By The Corporation Of The City Of Kingston, To Amend The Composition Of The Appeals Committee, Effective December 1, 2009, To Include Two Members Of Council And Three Members From The Public.

FIRST AND SECOND READINGS  
(See Clause (1), Report No. 74)

PROPOSED NO. 2009-97

- (2) 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" Appoint Victor DeSousa And Angela Kenney For The Purpose Of Issuing Parking Violation Tickets And To Enforce The Provisions Of By-Law 99-166 On City Of Kingston Property, And To Remove Katherine McKoy From The List Of Authorized Persons.

FIRST AND SECOND READINGS  
(See Clause (c), Report No. 68)

PROPOSED NO. 2009-98

- (3) A By-Law To Amend By-Law No. 98-9 "A By-Law To Appoint Municipal Law Enforcement Officers Of The Corporation Of The "New" City Of Kingston To Appoint Victor DeSousa And Angela Kenney For The Purpose Of Enforcing The Bylaws Of The City Of Kingston And To Remove Katherine McKoy.

FIRST AND SECOND READINGS  
(See Clause (c), Report No. 68)

PROPOSED NO. 2009-99

- (4) A By-Law To Stop-Up And Close, Declare Surplus And Convey A Portion Of Highway Described As Birchwood Drive, Geneva Avenue And Sierra Avenue Within Parts 1 And 2 On Plan 13R-19585 And Parts 1 And 2 On Plan 13R-19584.

FIRST AND SECOND READINGS  
(See Clause (f), Report No. 68)

PROPOSED NO. 2009-100

(To be held for Third Reading pending the Notice Provisions By-Law)

**BY-LAWS (CONTINUED)**

- (5) A By-Law To Declare Surplus And Convey Blocks 150, 152 And 153 On Registered Plan 13M-36.

FIRST AND SECOND READINGS  
(See Clause (f), Report No. 68)

PROPOSED NO. 2009-101

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(To be held for Third Reading pending the Notice Provisions By-Law)

- (6) A By-Law To Amend By-law No. 2006-122 Being "A By-law To Provide For The Regulation Of Water Supply For The City Of Kingston" (Children's Toy's)  
FIRST AND SECOND READINGS PROPOSED NO. 2009-102  
(See Motion No. (6))  
**WITHDRAWN**
- (7) A By-Law To Amend By-Law No. 2005-230, Being A "By-Law To Authorize Specific Individuals To Undertake Site Visits Or Site Inspections Of Property Designated Or Property Proposed To Be Designated Pursuant To The Ontario Heritage Act, R.S.O. 1990, c. O.18" (Add George Wallace, Marnie Venditti, Katrina Guy)  
THREE READINGS PROPOSED NO. 2009-103  
(See Clause (e), Report No. 68)
- (8) A By-Law To Amend By-Law 2004-257, A By-Law To Impose Water Rates And Sewer Rates To Recover The Capital Cost Of Installing Water And Sanitary Sewer Services Necessary To Benefit Users Of The System  
THREE READINGS PROPOSED NO. 2009-104  
(See Clause (h), Report No. 68)
- (9) A By-Law To Adopt A New Official Plan For The Planning Area Of The Corporation Of The City Of Kingston  
THREE READINGS PROPOSED NO. 2009-105  
(See Clause (1), Report No. 70)
- (10) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, July 14, 2009  
THREE READINGS PROPOSED NO. 2009-106  
(City Council Meeting No. 15-2009)
- (11) 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-Lease In The Four Recommended Designated Areas (MacLean Trail Park, Memorial Centre, Meadowbrook Park, Rotary Park)  
THIRD READING PROPOSED NO. 2009-75  
(See Clause (6), Report No. 69)
- (12) A By-Law To Declare Land Situated Along The East Side Of Queen Mary Road At Greenview Drive (Described As PLAN 1255 L PT BLK E B 429L) Surplus To Need  
FIRST AND SECOND READINGS PROPOSED NO. 2009-107  
(See Clause (7), Report No. 69)  
(To be held for Third Reading pending the Notice Provisions By-Law)

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**ADJOURNMENT**

Moved by Councillor Glover  
Seconded by Councillor Hector

**THAT** Council do now adjourn.

**CARRIED**

City Council Meeting No. 15-2009  
Minutes  
Tuesday, July 14<sup>th</sup> & Wednesday, July 15, 2009

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Council adjourned at 11:12 pm.

(Signed)

Carolyn Downs  
City Clerk

Harvey Rosen  
Mayor