

## CITY COUNCIL MEETING NO. 16-2009

The Regular Meeting of City Council was held on Tuesday, August 4, 2009, and was called to order at 5:30 pm in the Council Chamber, City Hall. Regular business commenced at 7:30 pm. His Worship Mayor Harvey Rosen presided.

There was an "In Camera" meeting of the Committee of the Whole from 5:40 pm to 7:25 pm in the Councillors' Lounge.

**(Council Chamber)**

### ROLL CALL

Present: Mayor Rosen, Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane (arrived at 5:40 pm), Councillor Matheson (arrived at 5:40 pm), Councillor Meers (arrived at 5:40 pm), Councillor Osanic, Councillor Schmolka, Deputy Mayor Smith (13)

Absent: (0)

**(Councillors' Lounge)**

### Administrative Staff Present:

Mr. J. Bolognone, Deputy City Clerk  
Mrs. C. Downs, City Clerk  
Mr. T. Fleming, Solicitor  
Ms. K. Fraser, Senior Planner, Planning & Development  
Mr. G. Hunt, Chief Administrative Officer  
Ms. L. Hurdle, Director, Recreation & Leisure Services  
Mr. S. Kanellos, Director, Real Estate & Construction Services  
Mr. H. Linscott, Director, Legal Services  
Mr. B. McCurdy, Cultural Director, Cultural Services  
Ms. M. Venditti, Manager, Planning and Development

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### COMMITTEE OF THE WHOLE "IN CAMERA"

Council consented to the addition of "In Camera" items (d), (e) and (f). A 2/3 vote of Council was received.

(1) Moved by Councillor Foster  
Seconded by Councillor Hutchison

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

- (a) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board and advice that is subject to solicitor-client privilege, including communications necessary for that purpose - Lowes Companies Canada – OMB Mediation
- (b) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Option to lease - 28 Barrack Street
- (c) A proposed or pending acquisition or disposition of land by the municipality or local board – Cataraqui West Subdivision
- (d) A proposed or pending acquisition or disposition of land by the municipality or local board
- (e) A proposed or pending acquisition or disposition of land by the municipality or local board – potentially surplus provincial property
- (f) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose – 370 King Street

**CARRIED**

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**(Council Chamber)**

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**Administrative Staff Present:**

Mr. J. Bolognone, Deputy City Clerk  
Mr. J. de Hoop, Director, Community and Family Services  
Mrs. C. Downs, City Clerk  
Ms. D. Green, Manager, Traffic Division  
Mr. G. Hunt, Chief Administrative Officer  
Ms. L. Hurdle, Director, Recreation & Leisure Services  
Mr. S. Kanellos, Director, Real Estate & Construction Services  
Mr. J. Keech, President and CEO, Utilities Kingston  
Ms. S. Kidd, Director, Corporate Asset Operations  
Mr. H. Linscott, Director, Legal Services  
Mr. B. McCurdy, Cultural Director, Cultural Services  
Mr. G. McLean, Supervisor, By-Law Enforcement and Animal Control,  
Mr. M. Morris, Director, Transportation  
Mr. R. Steele, Manager, Fleet  
Ms. M. Venditti, Manager, Planning and Development  
Mr. K. Welsh, Firefighter  
Mr. T. Willing, Director, Building and Licensing

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

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

**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 on item (a).

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

Moved by Councillor Matheson  
Seconded by Councillor Foster

**THAT** Council approve, in principle, an offer to settle the Ontario Municipal Board appeal presented by Lowe's Canada ULS; and

**THAT** Council instruct the Director of Legal Services to prepare all necessary agreements to implement the approved settlement; and

**THAT** Council authorize the Mayor and Clerk to execute minutes of settlement and such other agreements, to the satisfaction of the Director of Legal Services, that are necessary to implement the approved settlement; and

**THAT** Council require, as a condition of settlement, that Lowe's Canada ULC submit a revised site plan control application and all necessary supporting documents for the City to review, it being understood that the City will consider the site plan application and, if satisfactory, provide its approval in principle of the site plan, subject to final approval by the Ontario Municipal Board.

**CARRIED**

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**DISCLOSURE OF PECUNIARY INTEREST**

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Councillor MacLeod-Kane declared a pecuniary interest in the matter of item (d) of the "In Camera" Session with regard to a proposed or pending acquisition or disposition of land by the municipality or local board and Report No. 78, Clause 3, of the Environment, Infrastructure and Transportation Policies Committee as her son works at a local restaurant with a drive-thru. Councillor MacLeod-Kane also declared a pecuniary interest in the matter of Motion (4) as she is an employee of the Limestone District School Board.

Councillor Garrison declared a pecuniary interest in the matter of Motion (4), as he and his wife are employees of the Algonquin and Lakeshore Catholic District School Board and Report No. 82, Clause 2, of the Committee of the Whole, as he and his wife are employees of the Algonquin and Lakeshore Catholic District School Board which is an advocating partner in the track and field facility project. Councillor Garrison also declared a pecuniary interest in the matter of Report No. 77, Clause (c), of the Planning Committee as the union of which he is a dues paying member, The Ontario English Catholic Teachers Association, is a party to the application requesting approval of a Final Plan of Condominium for the property located at 670 Fortune Crescent.

Councillor Meers declared a pecuniary interest in the matter of Motion (4) due to the nature of her profession and employment with local school boards.

Councillor Matheson declared a pecuniary interest in the matter of item (d) of the "In Camera" Session with regard to a proposed or pending acquisition or disposition of land by the municipality or local board.

Councillor Gerretsen declared a pecuniary interest in the matter of Motion (4), Report No. 82, Clause 2, of the Committee of the Whole and Report No. 77, Clause (c), of the Planning Committee as his mother is an employee of the Algonquin and Lakeshore Catholic District School Board.

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**PRESENTATIONS**

None

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**DELEGATIONS**

Council consented to the addition of Delegation No. (3).

- (1) Paul Marucci, spoke to Council with respect to the installation of stop signs at various locations in the west end.  
(See Motion No. 1)
- (2) Scott McFarlane, spoke to Council with respect to Motion No. 1, concerning the installation of stop signs at various locations in the west end.  
(See Motion No. 1)
- (3) Mr. Bennett and Mr. Bouchard spoke to Council with respect to Motion (1), concerning the installation of stop signs at various locations in the west end.  
(See Motion No. 1)

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**BRIEFINGS**

None

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**PETITIONS**

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- (1) A petition bearing approximately 148 signatures was presented by Councillor Matheson and referred to City Council and reads as follows:

"Install Traffic Calming Measures, in the form of Stop Signs, at the various intersections along Sierra Avenue between Bayridge Drive and Tivoli Avenue."

REFERRED TO CITY COUNCIL

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

Council consented to the addition of Motions of Congratulations (1) through (3) and Motions of Condolence (2) and (3).

**Motions of Congratulations**

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

**THAT** the congratulations of Kingston City Council be extended to Mark VanBuren and family on the occasion of the birth of his son Arie.

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

**THAT** the congratulations of Kingston City Council be extended to Alison and Alan Buckland on the occasion of their 50<sup>th</sup> wedding anniversary on August 15, 2009.

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

**THAT** the congratulations and appreciation of Kingston City Council be extended to Don Newton, Firefighter and his committee for the excellent work they did in making the 2009 Eastern Ontario Regional Firefit Championships, held on August 1 and 2 at the Invista Centre, such a wonderful success.

**Motions of Condolence**

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

**THAT** the sincere condolences of Kingston City Council be extended to the family and friends of Peter Fortier, long time resident of Pittsburgh District.

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

**THAT** the sincere condolences of Kingston City Council be extended to the family of the late Audrey Ball, grandmother to Kim Ball of the Human Resources and Organization Development and Scott Ball of Recreation and Leisure Services.

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

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

**THAT** the sincere condolences of Kingston City Council be extended to Marie Surridge, member of the Lemoine Point Advisory Committee, on the recent passing of her husband, David Surridge.

**CARRIED**

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Note: Report No. 82 of the Committee of the Whole was dealt with at this point in the meeting.  
(See page 507)

## REPORTS

### Report No. 75 of the Chief Administrative Officer (Consent)

Moved by Councillor Garrison  
Seconded by Councillor Meers

**THAT** Report No. 75 of the Chief Administrative Officer (Consent) be received and adopted.

#### Report No. 75

Council consented to the addition of Clause (n) and to separate Clauses (d) and (g).

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) **Application For Tile Drainage Loan Under Tile Drainage Act – Arnie Droogh**

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

(The Report of the President and CEO of Utilities Kingston (09-251) was attached to the agenda as Schedule Pages 1-3)  
(File No. CSU-E09-000-2009)

(b) **Award Of Tender – Road Resurfacing and Drainage Improvements on Burbrook Road, Cole Hill Road and Taylor Kidd Boulevard**

**THAT** the tender of Cruickshank Construction Limited for Contract ENG-2009-02 Road Resurfacing and Drainage Improvements on Burbrook Road, Cole Hill Road and Taylor Kidd Boulevard, in the amount of \$2,342,923.18 (plus GST), be accepted, it being the lowest tender received.

(The Report of the President and CEO of Utilities Kingston (09-247) was attached to the agenda as Schedule Pages 4-5)  
(File No. CSU-F18-003-2009)

## REPORTS (CONTINUED)

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**Report No. 75 of the Chief Administrative Officer (Consent)**

(c) **Award Of Tender – Rehabilitation of Barrett Court Culvert**

**THAT** the tender of H.R. Doornekamp Construction Ltd. for Contract ENG-2009-14 Rehabilitation of Barrett Court Culvert, in the amount of \$164,044.00 (plus GST), be accepted, it being the lowest tender received.

(The Report of the President and CEO of Utilities Kingston (09-248) was attached to the agenda as Schedule Pages 6-7)

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

(d) **Agreement with Social Planning Council to Administer Poverty Roundtable Funding**

**THAT** Council authorize the Mayor and Clerk to execute a service agreement with the Social Planning Council of Kingston and Area to administer the city's 2009 operating grant to the Roundtable on Poverty Reduction, in a form satisfactory to the Director of Legal Services and the Commissioner of Community Development Services.

(The Report of the Commissioner of Community Development Services (09-169) was attached to the agenda as Schedule Pages 8-12)

(File No. CSU-F25-000-2009)

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

Moved by Councillor Hector

Seconded by Councillor MacLeod-Kane

**THAT** Clause (d), of Report No. 75 of the Chief Administrative Officer (Consent) be deferred pending a report to Council on the justification of a fee to administer the grants program.

**LOST**

(e) **Data Partnership with DMTI Spatial Inc.**

**THAT** Council authorize the Mayor and Clerk to execute a Data Partnership Agreement with DMTI Spatial Inc., for the sharing and exchange of road and addressing information in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Corporate Services (09-229) was attached to the agenda as Schedule Pages 13-15)

(File No. CSU-L04-000-2009)

(f) **Award of Vehicle Tender - Dodge Sprinter Van**

**THAT** the vehicle tender F31-CS-FL-2009-10 for the purchase of one Dodge Sprinter Van be awarded to Colombo Chrysler for the purchase price of \$52,138 plus applicable taxes.

(The Report of the Commissioner of Corporate Services (09-250) was attached to the agenda as Schedule Pages 16-17)

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

**REPORTS (CONTINUED)**

**Report No. 75 of the Chief Administrative Officer (Consent)**

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(g) **Agreement with Cataraqui Town Centre Inc. (The Cadillac Fairview Corporation Limited) for Use of Lands**

**THAT** Council authorize the Mayor and Clerk to execute an agreement between the City of Kingston and Cataraqui Town Centre Inc. (owned by The Cadillac Fairview Corporation Limited), for the use of its property located at 945 Gardiners Road, for the west end Kingston Transit terminal, for a term of five years with an option to renew for three additional five year terms, in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Corporate Services (09-226) was attached to the agenda as Schedule Pages 18-19)

(File No. CSU-L04-000-2009, CSU-T03-000-2009))

**CARRIED**

(h) **Cataraqui Town Centre Inc. – Update to Transit Sales Agency Agreement**

**THAT** Council authorize the Mayor and City Clerk to execute an agreement between the City of Kingston and Cataraqui Town Centre Inc. for the sale of Kingston Transit smart cards, with a provision for a commission payment of 4% of sales, in a form satisfactory to the Director of Legal Services;

- and further –

**THAT** a By-law be presented to Council to delegate authority with regard to sales agency agreements to the Commissioner of Corporate Services or his designate and that the Mayor and Clerk be authorized to sign said agreements, which will be in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Corporate Services (09-227) was attached to the agenda as Schedule Pages 20-22)

(File No. CSU-L04-000-2009, CSU-T03-000-2009))

(See By-Law No. (2), 2009-109)

(i) **2008 & 2009 Final Tax Capping**

**THAT** a By-Law be presented in order to establish the tax decrease limits for the 2008 and 2009 tax capping program, in accordance with Part IX of the Municipal Act, 2001, S.O. 2001, c.25, as amended.

(The Report of the Deputy Treasurer (09-238) was attached to the agenda as Schedule Pages 23-35)

(File No. CSU-F22-000-2009)

(See By-Law No. 1, 2009-108)

**REPORTS (CONTINUED)**

Report No. 75 of the Chief Administrative Officer (Consent)



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(j) **Land Transfer for Part of the Road Allowance Between Lots 9 and 10, Concession 7, Adjacent to 2649 Orser Road**

**THAT** Council give all three readings to a by-law to stop up and close, declare surplus to municipal need and dispose of the portion of highway described as Part of the Road Allowance Between Lots 9 and 10, Concession 7, within Parts 3 and 4;

-and further-

**THAT** Council authorize the Mayor and Clerk to execute such agreements and documents as are necessary to complete the land transfers required to relocate Part of the Road Allowance Between Lots 9 and 10, Concession 7, in a form satisfactory to the City's Director of Legal Services.

(The Report of the Commissioner of Corporate Services (09-168) was attached to the agenda as Schedule Pages 36-42)

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

(See By-Law No. 14, 2009-121)

(k) **By-Law Amendments to Support Revisions to the K-Rock Centre Transportation Plan**

**THAT** City Council amend By-Law No. 24, "A By-Law for regulating traffic in the highways of the City of Kingston, subject to the provisions of the Highway Traffic Act", to remove a taxi zone during events only, on the north side of Barrack Street within the designated area from 23.5 metres east of Wellington Street to 52.8 metres east of Wellington Street, and to add a taxi zone during events only on the south side of Queen Street within the designated area, from 27.4 metres east of Wellington Street easterly to King Street.

-and further-

**THAT** City Council amend By-Law No. 2005-10, "A By-law to establish fees and charges to be collected by the Corporation of the City of Kingston", as amended, to change the event parking rates in designated off-street parking lots from \$8 to \$5 and from \$5 to \$4.

-and further-

**THAT** City Council amend By-Law No. 4489, "A By-law to regulate, supervise and govern the parking of vehicles on parking lots and to fix the rates and charges for parking on such parking lots", to change the event parking rates in designated off-street parking lots from \$8 to \$5 and from \$5 to \$4; and to add a provision for City of Kingston monthly parking permits to be valid for a trial period only, from September 1, 2009 to June 30, 2010, for parking in the respective municipal parking lot during the times when an event rate, as prescribed by Schedule "A" to this By-Law and as indicated by signage in said parking lot(s), is in effect; and to remove the \$3 "accessible parking spaces" rate at the Drury Lot; and to indicate that when an event at the K-Rock Centre is on a Sunday or Public Holiday, the payment of parking meters may be required, as listed in Schedule "A" to this By-Law, and to update the monthly permit rates to reflect the 3% increase, effective March 1, 2009; and to update the Four Points Sheraton rate changes, effective January 31, 2007.

-and further-

**THAT** each by-law be given three readings and passed.

(The Report of the Commissioner of Corporate Services (09-252) was attached to the agenda as Schedule Pages 43-60)

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

(See By-Law No. (9), 2009-116, (10), 2009-117, (11), 2009-118)

**REPORTS (CONTINUED)**

**Report No. 75 of the Chief Administrative Officer (Consent)**

(l) **Use of Parks and Recreation Facilities By-Law 2009-76**

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**WHEREAS** Council, at its meeting held May 5 2009 gave first and second reading to By-Law No. 2009-76, being a by-law to provide for the regulation of use of Parks and Recreation Facilities for the City of Kingston; and

**WHEREAS** it is necessary to revise said by-law prior to third reading in order to ensure proper parking regulations in the parks,

**NOW THEREFORE BE IT RESOLVED THAT** By-Law No. 2009-76 be revised to include the following:

Under the Use of Parks section, #4, add "or restricted" so it shall now read: "The City may designate a park or part thereof as a place in which any activity is prohibited or restricted and shall provide signage to indicate the park or part thereof to which the designation applies";

Add a new section entitled "Parking" which shall read:

24. "Notwithstanding any provisions contained in this By-Law respecting the parking of a motor vehicle in a Park, the parking of a motor vehicle in any portion of a Park operated by the City as a parking lot shall be governed by the provisions of By-Law 4489, or a successor to that by-law."
25. "Notwithstanding the prohibition of parking a motor vehicle left unattended in City Park, a motor vehicle displaying a valid parking permit issued to a patient by the Cancer Centre of Southeastern Ontario shall be exempt from said restriction in City Park."

**THAT** By-Law No. 2009-76 be given its third reading.

(The Report of the Commissioner of Sustainability and Growth (09-167) was attached to the agenda as Schedule Pages 61-68)

(File No. CSU-R04-000-2009)

(See By-Law No. (15), 2009-76)

(m) **Service Agreement with Ontario Telemedicine Network**

**THAT** the Mayor and Clerk be authorized to execute necessary agreements on behalf of the City of Kingston with the Ontario Telemedicine Network which authorizes Rideaucrest staff the access the program called 'Telemedicine' which delivers health-related services and information among health care providers and patients using telecommunications technologies, such as two-way videoconferencing systems and tele-diagnostic instruments, in a form satisfactory to the City's Director of Legal Services and Chief Information Officer.

(The Report of the Commissioner of Community Development Services (09-245) was attached to the agenda as Schedule Pages 69-73)

(File No. CSU-L04-000-2009, CSU-S02-000-2009))

**REPORTS (CONTINUED)**

**Report No. 75 of the Chief Administrative Officer (Consent)**

(n) **Award of Tender – Road Resurfacing on Battersea Road**

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**THAT** the tender of Coco Paving Inc. ENG-2009-15 Road Resurfacing on Battersea Road, in the amount of \$1,178,000.00 (plus GST), be accepted, it being the lowest tender received.

(The Report of the President and CEO of Utilities Kingston (09-255) was distributed separately from the agenda on Friday, July 31, 2009)  
(File No. CSU-F18-003-2009)

**CARRIED**

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**REPORTS (CONTINUED)**

**Report No. 76 of the Chief Administrative Officer (Recommend)**

Moved by Councillor Schmolka  
Seconded by Councillor Gerretsen

**THAT** Report No. 76 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

**Report No. 76**

Council consented to add the recommendations to Clauses (1) and (5).

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

(1) **Community Cultural Policy Plan Steering Committee**

**THAT** Council appoint two members as representatives to the Community Cultural Policy Plan Steering Committee (at least one being a member of the Arts, Recreation and Community Policies Committee); and

**THAT** Council approve the list of individuals as outlined in this staff report, including the two representatives from Council, for the Community Cultural Policy Plan Steering Committee; and further

**THAT** Council support the amendment to the resolution to include one representative of the Kingston Arts Council.

(The Report of the Commissioner of Sustainability and Growth (09-242) was distributed separately from the agenda on Friday, July 31, 2009)  
(File No. CSU-C12-000-2009)  
(See Miscellaneous Business item (4))

**CARRIED**

**REPORTS (CONTINUED)**

**Report No. 76 of the Chief Administrative Officer (Recommend)**

(2) **Queen's Orientation Request for Noise By-Law Exemption**

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**THAT** Queen's Alma Mater Society is granted an exemption to Schedule "B" of By-Law 2004-52 "A By-Law To Regulate Noise", to permit an outdoor Semi-formal at Agnes Benedickson Field off 5<sup>th</sup> Field Company Lane, 43 University Avenue on Saturday, September 12, 2009 from 6:00 p.m. to 11:59 p.m.; and

**THAT** Queen's Alma Mater Society is granted an exemption to Schedule "B" of By-Law 2004-52 "A By-Law To Regulate Noise", to hold an Engineering Banquet at Agnes Benedickson Field off 5<sup>th</sup> Field Company Lane, 43 University Avenue on Sunday, September 13, 2008 from 4:00 p.m. until 8:00 p.m.

(The Report of the Commissioner of Community Development Services (09-244) was attached to the agenda as Schedule Pages 74-77)

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

**CARRIED**

(3) **Delegated Authority – Property Matters**

**THAT** a By-law be presented to delegate authority to the Commissioner of Corporate Services or his designate, to complete future land acquisitions, easements and/or access agreements for various capital works projects valued at an amount not exceeding \$25,000;

-and further-

**THAT** the Mayor and Clerk be authorized to execute these agreements in order to expedite construction of these various capital works projects and that these agreements be in a form satisfactory to the Director of Legal Services.

-and further-

**THAT** staff report annually on the transactions with respect to the exercise of this delegated authority;

- and further -

**THAT** this By-law receive all three readings.

(The Report of the Commissioner of Corporate Services (09-253) was attached to the agenda as Schedule Pages 78-81)

(File No. CSU-D15-000-2009, CSU-L18-000-2009))

(See By-Law No. 4, 2009-111)

**CARRIED AS AMENDED**

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

Moved by Councillor Glover

Seconded by Councillor Garrison

**THAT** Clause (3), Report No. 76 of the Chief Administrative Officer (Recommend) be amended by adding the following as the penultimate clause: "That staff report annually on the transactions with respect to the exercise of this delegated authority".

**CARRIED**

**REPORTS (CONTINUED)**

**Report No. 76 of the Chief Administrative Officer (Recommend)**

(4) **Habitat for Humanity**

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**THAT** Council approve a grant in the amount of \$52,876 to Habitat for Humanity from the Affordable Housing Construction Reserve to offset development charges, building permits and impost fees related to the construction of a duplex at 933 Division Street and the duplex located at 77 Wiley Street.

(The Report of the Commissioner of Community Development Services (09-220) was attached to the agenda as Schedule Pages 82-85)

(File No. CSU-F25-000-2009)

**CARRIED**

**Briefing:** Lanie Hurdle, Director, Recreation & Leisure Services and Ron Palmer, a consultant from The Planning Partnership, briefed Council regarding the recommendations for the Sustainable Redevelopment of the North Block District.

**(5) Recommendations for the Sustainable Redevelopment of the North Block District and Guiding Principles for the Redevelopment of City Owned Properties**

**THAT** Council adopt the recommendations in the North Block District Community and Business Enhancement Opportunities Study and that the next steps be undertaken for the redevelopment of the City owned property based on the recommendations in the report.

(The Report of the Commissioner of Sustainability and Growth (09-165) was distributed separately from the agenda on Friday, July 31, 2009)

(File No. CSU-D18-000-2009)

**CARRIED**

**(6) Project Approval for the Rehabilitation of the J.K. Tett Centre, 370 King Street**

**THAT** the City of Kingston Council authorize the spending of up to \$500,000 of the approved budget to prepare design documents necessary for Council to approve a final scope for the revitalization of the J.K. Tett Building.

**THAT** prior to approval of construction of the project the following milestones be achieved:

- a) The completion of a business plan indicating the ongoing operating costs and revenues projections for the building over the next ten years;
- b) The finalization of an agreement with Queen's on the integrated project scope and the associated construction financing plan in the spirit of the proposal and motion endorsed by Council in August 2008;
- c) The finalization of an agreement with Queen's University to resolve outstanding matters contained in the agreement of purchase and sale to Queen's;
- d) The finalization of an agreement with Queen's University regarding the site plan layout that will be subject to a re-zoning application and site plan application and heritage approvals for the City of Kingston building; and

**REPORTS (CONTINUED)**

**Report No. 76 of the Chief Administrative Officer (Recommend)**

**THAT** City staff be authorized to find temporary accommodations and the relocation of the community organizations currently in the J.K. Tett Building which will be displaced during renovations, in existing City buildings where possible; and

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THAT the Mayor and Clerk be authorized to execute these agreements in a form satisfactory to the Director of Legal Services for temporary accommodations until the new policies are established for the leasing of the J.K. Tett Centre.

(The Report of the Commissioner of Sustainability and Growth (09-166) was attached to the agenda as Schedule Pages 86-101)  
(File No. CSU-R05-000-2009)

CARRIED

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**REPORTS (CONTINUED)**

**Report No. 77 of the Planning Committee**

Moved by Councillor Schmolka  
Seconded by Councillor Glover

THAT Report No. 77 of the Planning Committee be received and adopted.

**Report No. 77**

Council consented to separate Clause (c).

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.

July 16, 2009

a) **Application for Zoning By-Law Amendment for the Property Located at 616-670 Gardiners Road**

THAT the Application for Zoning By-Law Amendment (Our File No. D14-148-2009) submitted by Riocan Real Estate Investment Trust for the property municipally known as 616-670 Gardiners Road, **BE APPROVED**; and

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

1. That Section 22(3)(i)(ii) of the By-Law be further amended by adding "a restaurant, take-out" after "a restaurant" thereof; and
2. That Section 22(3)(i)(iii)(d) of the By-Law be deleted such that Section 22(3)(i)(iii) now will read as follows:

"(iii) Gross Leasable Area (maxima):  
(a) Home Improvement Store  
137,000 square feet

**REPORTS (CONTINUED)**

**Report No. 77 of the Planning Committee**

- (b) Sale of Food and Food Products other than a supermarket  
18,000 square feet  
(By-law no. 2001-234 – 2001)
- (c) Non-department store DSTM uses

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330,000 square feet  
(By-Law no. 2000-87 – 2000)”; and

**THAT** the Amending By-Law be presented to City Council for all three readings.  
(See By-Law No. (6), 2009-113)

b) **Application for Official Plan Amendment, Zoning By-Law Amendment and Site Plan Control for the Property Located at 217 and 235 Gore Road**

**THAT** the application for Official Plan Amendment (Our File No. D09-040-2009) submitted by 1259659 Ontario Limited, for 217 Gore Road, **BE APPROVED**.

- and further -

**THAT** the Township of Pittsburgh Official Plan be amended as follows:

1. The Township of Pittsburgh Official Plan, as amended, is hereby further amended by the following map and text change which shall constitute **Amendment No. 68** to the Township of Pittsburgh Official Plan:
  - a) **AMEND** Schedule 'D', 'Land Use Plan and Roads Plan', of the Township of Pittsburgh Official Plan, so as to designate a portion of the property located at 235 Gore Road, as shown on Schedule 'A' to By-Law No. 2009-115, from 'Village Centre' to 'Village Centre – Special Policy Areas'.
2. That the Township of Pittsburgh Official Plan, as amended, be further amended by adding the following new Special Policy as Section 3B.7.3.1:

**“3B.7.3 SPECIAL POLICY AREAS**

**3B.7.3.1 217 Gore Road**

Notwithstanding the provisions of Section 3B.7.2 hereof to the contrary, the lands located at 217 Gore Road shall be developed in accordance with the following policies:

“Notwithstanding the provisions in Section 3B.7.2.4 a one storey, stand alone, single use commercial building will be permitted. The development will be oriented to the existing commercial context to facilitate ease of movements and will be complementary to the existing plaza through the design of the building, lighting, and signage in order to provide a cohesive sense of place. The building facade will be strongly defined with windows along the street front and entrance areas. The building will set back from the street to allow appropriate separation and screening of the drive-through service facility from the existing residential uses to the north. The development will encourage pedestrian and cycling movements through the provision of amenities and through connections to the street and the existing commercial plaza. Extensive multilevel landscaping will be provided to screen the parking and enhance the streetscape and islands will be provided to soften the parking areas and improve pedestrian safety and comfort.”

- and further -

**REPORTS (CONTINUED)**

**Report No. 77 of the Planning Committee**

**THAT** the application for Zoning By-Law Amendment (Our File No. D14-145-2009) submitted by 1259659 Ontario Limited, for a portion of the property located at 235 Gore Road, **BE APPROVED**.

- and further -

**THAT** Zoning By-Law No. 32-74, of the Township of Pittsburgh, as amended, be further amended as follows:

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1. That Zoning Schedule "A", Map 4 of Zoning By-Law No. 32-74, as amended, is hereby further amended by changing the zone symbol of the subject site from 'MVC' to 'MVC-2' as shown on Schedule "A" attached hereto and forming part of amending By-Law No. 2009-114.
2. That the following be **added** as Section 17A (3)(b) of the By-Law:
  - "(b) SPECIAL REQUIREMENTS (MVC-2):
    1. Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 17A for the 'MVC' Zone shall apply to the 'MVC-2' zone except that:
      - (a) ADDITIONAL PERMITTED USE: bank or financial institution
      - (b) MAXIMUM FRONT YARD DEPTH: 23.5 metres
      - (c) MINIMUM REAR YARD DEPTH: 7.1 metres
      - (d) MINIMUM HEIGHT OF BUILDING: 5.2 metres
      - (e) MINIMUM NUMBER OF STOREYS: 1
      - (f) THERE SHALL BE NO MINIMUM NUMBER OF ROW BUILDINGS
      - (g) PARKING: Parking shall be required on the basis of 1 space per 18 square metres of gross floor area
      - (h) A minimum 3 metre wide planting strip shall be provided along the north and south lot line
      - (i) A drive through service facility accessory to a bank or financial institution use is permitted."; and

**THAT** the Amending By-Laws be presented to City Council for all three readings.  
(See By-Law No. (7), 2009-114, (8), 2009-115)

Councillors Gerretsen and Garrison withdrew from the meeting.

c) **Final Plan of Condominium for the Property Located at 670 Fortune Crescent**  
**Applicant: William Peach Limited**

**WHEREAS** an application has been submitted by William Peach Limited, with respect to the eight unit industrial building located on Part 11 on Plan 13R-9699 and municipally known as 670 Fortune Crescent, requesting approval of a Final Plan of Condominium under the exemption process;

**NOW THEREFORE BE IT RESOLVED THAT** the application for Final Plan of Condominium Approval submitted by William Peach Limited with respect to a eight unit industrial building at 670 Fortune Crescent, **BE EXEMPTED** under Section 9 (6) of the *Condominium Act* from the provisions of Section 51 and 51.1 of the *Planning Act* that would normally apply under Section 9(2) of the *Condominium Act*.

**REPORTS (CONTINUED)**

**Report No. 77 of the Planning Committee**

**AND BE IT FURTHER RESOLVED THAT** Final Approval be granted to the Plan of Condominium submitted by William Peach Limited, an eight unit industrial building at 670 Fortune Crescent, subject to the Owner entering into a Condominium Agreement with the City, which Agreement shall provide further notice to the Condominium Corporation and present and future purchasers of the conditions contained within the registered Site Plan Control Agreements and that the Condominium Corporation will be responsible for maintaining the approved Site Plan works and fulfilling any conditions of the Agreements.



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**AND BE IT FURTHER RESOLVED THAT**, following the execution of the Condominium Agreement, the Director of Legal Services be authorized to forward the necessary signed and stamped originals and required copies of the Final Plan of Condominium to the Land Registry Office for registration.

**CARRIED**

Councillors Gerretsen and Garrison returned to the meeting.

d) **Heritage Conservation District Study for the Old Sydenham Heritage Area**

**THAT** the report, entitled "The Old Sydenham Heritage Area Heritage Conservation District Study," and appendices be received as completing the terms of the Heritage Conservation District Study Phase of RFP # F31-CDS-CR-2007-2 [and that the Report Conclusions and Recommendations found within the revised Final Report on the Old Sydenham Heritage Area Heritage Conservation District Study [Exhibit 'D,' 'E,' and 'F'], be adopted;

- and further -

**THAT** staff be authorized to proceed with the preparation of the required Heritage Conservation District Plan and Guidelines in accordance with Part V of the *Ontario Heritage Act*, which must be completed in order to designate the Old Sydenham Heritage Area as a Heritage Conservation District;

- and further -

**THAT** during the preparation of the District Plan, all policies, recommendations, criteria, and guidelines are to be evaluated for their possible impacts on the continued operations and management of the public infrastructure, utilities, and assets, located within the District Boundary.

- and further -

**THAT** all properties not yet designated under the *Ontario Heritage Act* located within the identified boundaries of the proposed Old Sydenham Heritage Area Heritage Conservation District be added to the City of Kingston's Heritage Properties Register.

e) **Motion of Appreciation**

**THAT** appreciation be extended to staff for the work that was done regarding 'The Old Sydenham Heritage Area Heritage Conservation District Study', noting that a peer review recognized the excellence of the work.

**CARRIED**

\*\*\*\*\*

**REPORTS (CONTINUED)**

**Report No. 78 of the Environment, Infrastructure and Transportation Committee**

Moved by Councillor Foster

Seconded by Councillor Glover

**THAT** Report No. 78 of the Environment, Infrastructure and Transportation Committee be received and adopted.

**Report No. 78**

To the Mayor and Members of Council:

The Environment, Infrastructure and Transportation Committee reports and recommends as follows:

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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.

July 7, 2009

1. **Parking Advisory Task Force**

Council agreed to divide the question.

**THAT** a Parking Advisory Task Force be established to provide advice to staff on parking strategic initiatives and the implementation thereof;

**CARRIED**

- and further -

**THAT** the draft terms of reference for the Parking Advisory Task Force as amended to include one representative from a west end citizen group, one representative from an east end citizen group and one representative from Countryside who resides north of Hwy. 401 including Westbrook, be approved,

**CARRIED AS AMENDED (7:6)**

- and further -

**THAT** Councillor Glover and Councillor Smith be appointed to the Parking Advisory Task Force as representatives of the Environment, Infrastructure & Transportation Policies Committee.

**CARRIED**

**(See Motions To Amend Which Were LOST)**

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

**(See Recorded Vote # 1)**

**Note:** A copy of the amended draft terms of reference for the Parking Advisory Task Force was attached to the agenda as schedule pages 111-112

## **REPORTS (CONTINUED)**

### **Report No. 78 of the Environment, Infrastructure and Transportation Committee**

Moved by Councillor Schmolka

Seconded by Councillor Garrison

**THAT** Clause (1) of Report No. 78 be amended by amending the Terms of Reference outlined in paragraph 2 to include one representative who is familiar with the needs of motorcyclists;

**LOST (6:7)**

**(See Recorded Vote #4)**

- and further -

**THAT** it be amended to add one representative from Countryside who resides north of Highway 401, including Westbrook.

**CARRIED (11:2)**

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(See Recorded Vote #2)

Moved by Councillor MacLeod-Kane  
Seconded by Councillor Garrison

**THAT** the Motion of Councillors Schmolka and Garrison be amended to add one representative from Countryside who resides north of Highway 401, including Westbrook.

**CARRIED (9:4)**  
(See Recorded Vote #3)

Moved by Councillor Gerretsen  
Seconded by Councillor Garrison

**THAT** Clause (1), Report No. 78 of the Environment, Infrastructure and Transportation Committee be referred back to the Environment, Infrastructure and Transportation Committee in order to review the terms of reference of the task force with respect to appropriate representation; it being understood that the committee is to report back to Council as soon as possible.

**LOST (4:9)**  
(See Recorded Vote #5)

Recorded Vote # 1 was requested by Mayor Rosen

YEAS: Councillor Foster, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Osanic, Councillor Schmolka, (7)

NAYS: Councillor Garrison, Councillor Gerretsen, Councillor Hector, Councillor Meers, Mayor Rosen, Deputy Mayor Smith (6)

ABSENT: (0)

Recorded Vote # 2 was requested by Councillor MacLeod-Kane to add Countryside Representative.

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

NAYS: Councillor Glover, Mayor Rosen (2)

ABSENT: (0)

## REPORTS (CONTINUED)

### Report No. 78 of the Environment, Infrastructure and Transportation Committee

Recorded Vote # 3 was requested by Councillor Gerretsen

YEAS: Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka, Deputy Mayor Smith (9)

NAYS: Councillor Glover, Councillor Hector, Councillor Hutchison, Mayor Rosen (4)

ABSENT: (0)

Recorded Vote # 4 was requested by Councillor Matheson

YEAS: Councillor Garrison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka, (6)

NAYS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Mayor Rosen, Deputy Mayor Smith (7)

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ABSENT: (0)

Recorded Vote # 5 was requested by Councillor Gerretsen

YEAS: Councillor Garrison, Councillor Gerretsen, Councillor MacLeod-Kane, Mayor Rosen, (4)

NAYS: Councillor Foster, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka, Deputy Mayor Smith (9)

ABSENT: (0)

2. **Single Ride Solution for Not-for-Profit Social Service Agencies and Public Institutions**

**THAT** Kingston Transit continue to provide the ability for not-for-profit social service agencies and public institutions, to purchase single ride adult cards at the reduced rate of \$2.00 per ride; understanding that agencies and public institutions distribute single ride cards to their clients only when a multi-ride card is not appropriate.

- and further-

**THAT** cards continue to be provided in increments of 2, 4, 6, 8 rides at the current pro-rated amount of \$2.00 per ride (adult) and \$1.50 (youth/senior) to not-for-profit social service agencies and public institutions, for distribution to their clientele.

Councillor MacLeod-Kane withdrew from the meeting.

**REPORTS (CONTINUED)**

Report No. 78 of the Environment, Infrastructure and Transportation Committee

3. **Idling By-Law Enforcement Update**

**THAT** a By-Law be presented to amend By-Law 2008-95, "A By-Law of the Corporation of the City of Kingston to Control the Idling of Vehicles and Boats", as amended, to replace the current definition of "idle" and "idling" with a definition of idling in the context of a vehicle, to mean the stopping of a vehicle, while the engine is running, and idling in the context of a boat to mean the operation of an engine of a boat while the boat is not in motion;

-and further-

**THAT** "stop" or "stopping" be defined to mean the halting of a vehicle, even momentarily, whether occupied or not except when necessary to avoid conflict with other traffic or in compliance with the directions of a police officer or a traffic control sign or signal;

-and further-

**THAT** the existing enforcement wording under the heading "GENERAL REGULATIONS" be amended to read:

No person shall cause or permit a vehicle to idle for more than three (3) minutes in a sixty (60) minute period.

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No person shall cause or permit a vehicle to idle for more than five (5) minutes in a sixty (60) minute period when the outside temperature as recorded by Environment Canada is less than five degrees Celsius (5° C).

No person shall cause or permit a transit vehicle to idle for more than five (5) minutes in a sixty (60) minute period.

No person shall cause or permit a boat to idle for more than three (3) minutes in a sixty (60) minute period.

No person shall cause or permit a boat to idle for more than five (5) minutes in a sixty (60) minute period when the outside temperature as recorded by Environment Canada is less than five degrees Celsius (5° C).

No person shall cause or permit a tour boat to idle for more than five (5) minutes in a sixty (60) minute period;

-and further-

**THAT** the following section be added under the heading "OFFENCE AND PENALTY":

Where a vehicle has been left stopped in contravention of this By-Law, the owner of the vehicle, even though the owner was not the driver of the vehicle at the time of the contravention of the By-Law, is guilty of an offence and is liable to a fine in accordance with the provisions of the *Provincial Offences Act*, unless at the time of the offence the vehicle was in the possession of some person other than the owner without the owner's consent;

-and further-

**THAT** the amendments requested herein to By-Law 2008-95 "A By-Law of the Corporation of the City of Kingston to Control the Idling of Vehicles and Boats" take effect October 1, 2009 to retain the authority to continue enforcing the By-Law pending approval of the amended short form wording under Part 1 and Part 2 of the POA.

(See By-Law No. (5), 2009-112)

**CARRIED**

\*\*\*\*\*

Councillor MacLeod-Kane returned to the meeting.

## **REPORTS (CONTINUED)**

### **Report No. 79 of the Arts, Recreation and Community Policies Committee**

Moved by Councillor Hutchison

Seconded by Councillor Osanic

**THAT** Report No. 79 of the Arts, Recreation and Community Policies Committee be received and adopted.

### **Report No. 79**

To the Mayor and Members of Council:

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

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

July 23, 2009

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a) **First Capital Place – Programming and Operations Policy**

Council agreed to separate the question.

**THAT** Council approve the First Capital Place – Programming and Operations Policy, as it establishes guidelines for the programming and operations in First Capital Place, with the understanding that Exhibit 'A' be amended as follows:

**CARRIED**

- On page 3 under 'Confederation Basin', to remove 'poker runs' so the sentence reads 'Confederation Basin is a venue for water-based events such as regattas, sail pasts and fishing derbies with the majority of these events representing Regional or City events'.

**CARRIED (11:2)**  
**(See Recorded Vote)**

- On page 3 under 'In addition to these guidelines', add 'when the major venue deems it desirable' so the point reads 'Events will be coordinated with other major venues within the City such as the Grand Theatre, K-Rock Centre and Fort Henry when possible and practical, when the major venue deems it desirable'.

**CARRIED**

The Report of the Commissioner, Sustainability & Growth Group (ARCP-09-030) was attached to the ARC agenda as Schedule Pages 1-8.

**Note:** Exhibit 'A' was attached to the agenda as schedule pages 113-116.

A Recorded Vote was requested by Councillor MacLeod-Kane

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

**NAYS:** Councillor MacLeod-Kane, Deputy Mayor Smith (2)

**ABSENT:** (0)

\*\*\*\*\*

Moved by Councillor Garrison

Seconded by Councillor Matheson

**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)**

**REPORTS (CONTINUED)**

**Report No. 80 of the Municipal Accessibility Advisory Committee**

Moved by Councillor Gerretsen

Seconded by Councillor Garrison

**THAT** Report No. 80 of the Municipal Accessibility Advisory Committee be received and adopted.

**Report No. 80**

Council consented to amend the wording in Clause (1).

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To the Mayor and Members of Council:

The Municipal Accessibility Advisory Committee reports and recommends as follows:

All items listed on the Municipal Accessibility Advisory 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 9, 2009

1. **Approval of Motion to Ontario Municipalities regarding Declaration of Parallel Transit as Essential Service**

**WHEREAS** the Municipal Accessibility Advisory Committee (MAAC) recommends solutions to deal with the provision of goods and services as defined within the City Municipal Accessibility Advisory Committee mandate, and  
**WHEREAS** the City of Kingston has publicly committed to accessibility for all its citizens; and  
**WHEREAS** the City of Kingston operates Kingston Transit buses for its residents; and  
**WHEREAS** Kingston Access Services operates buses as a parallel transit to Kingston Transit for disabled residents; and  
**WHEREAS** the Access Bus is the only option for transportation for most people with disabilities, and  
**WHEREAS** accessibility to parallel transit was denied to citizens during the recent access bus strike;  
**THEREFORE BE IT RESOLVED THAT** the Municipal Accessibility Advisory Committee (MAAC) request that City Council approve the following motion, and that a copy of the following motion be forwarded to the Premier Dalton McGuinty, Hon. John Gerretsen, M.P.P. for Kingston and the Islands, Association of Municipalities of Ontario (AMO) and all municipalities with a population of over 50,000, requesting that they also request the Provincial Government to declare all parallel transit an essential service:

**WHEREAS** the Access Bus is the only option for transportation for most people with disabilities, and

**WHEREAS** accessibility to parallel transit was denied to citizens during a recent access bus strike;

**THEREFORE BE IT RESOLVED THAT** City Council request the Provincial Government to declare all parallel transit an essential service.

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

**REPORTS (CONTINUED)**

**Report No. 80 of the Municipal Accessibility Advisory Committee**

Moved by Councillor Hector

Seconded by Councillor Hutchison

**THAT** Clause (1), Report No. 80 of the Municipal Accessibility Advisory Committee be referred to staff for a appropriate interpretation on the declaration of all parallel transit as an essential service including implications to the City; it being understood that said report to be provided to Council as soon as possible.

**CARRIED**

\*\*\*\*\*

**REPORTS (CONTINUED)**

**Report No. 81 of the Nominations Advisory Committee**

Moved by Councillor Macleod-Kane

Seconded by Councillor Schmolka

**THAT** Report No. 81 of the Nominations Advisory Committee be received and adopted.

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Report No. 81

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

July 21, 2009

1. **Appointments to the Community Cultural Plan Steering Committee**

THAT Greg Tilson and Jeff Welsh be appointed to the Community Cultural Plan Steering Committee for a term ending November 30th, 2010.

2. **Appointment to the Kingston Community Memorial Centre Advisory Committee**

THAT Kevin Offord be appointed to the Kingston Community Memorial Centre Advisory Committee for a term ending November 30th, 2009.

3. **Appointment to the Kingston Municipal Heritage Committee (LACAC)**

THAT John Coleman be appointed to the Kingston Municipal Heritage Committee (LACAC) for a term ending November 30th, 2010.

**CARRIED**

\*\*\*\*\*

## INFORMATION REPORTS

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

(The Report of the Deputy Treasurer (09-237) was attached to the agenda as Schedule Pages 102-106)  
(File No. CSU-F18-000-2009)

(2) **Purchase of Service Agreement with Kingston Family YMCA**

The purpose of this report is to advise Council that the YMCA has satisfactorily fulfilled the first year of service provision under the purchase of service agreement between the City of Kingston and the YMCA.



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(The Report of the Commissioner of Sustainability and Growth (09-254) was attached to the agenda as Schedule Pages 107-110)

(File No. CSU-L04-000-2009)

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

Moved by Councillor Osanic  
Seconded by Councillor Garrison

**THAT** Clause (2) of the Information Reports be deferred to the September 1<sup>st</sup>, 2009 Council meeting for consideration.  
**CARRIED**

\*\*\*\*\*

**MISCELLANEOUS BUSINESS**

Council consented to the addition of Miscellaneous Business item (3).

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

**THAT** Council accept the resignation of Mr. Venicio Rebelo from the FOCUS Kingston Steering Committee with regret;  
- and further-

**THAT** Council extends their appreciation to Mr. Venicio Rebelo for his time and effort on the FOCUS Kingston Steering Committee.

(File No. CSU-C00-000-2009)

(See **Communication No. 16-351**)

**CARRIED**

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

**THAT** Council confirm Aaron Ball, Queen's Manager of Sustainability, as a second appointment to the Kingston Environmental Advisory Forum (KEAF) to represent Queen's University.

(File No. CSU-C12-000-2009)

(See **Communication No. 16-362**)

**CARRIED**

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

**THAT** at the request of the Marine Museum of the Great Lakes at Kingston, Council proclaim August 15<sup>th</sup>, 2009 as "Canadian Coast Guard Vessel Alexander Henry Day" in the City of Kingston.

(File No. CSU-M10-000-2009)

(See **Communication No. 16-371**)

**CARRIED**

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

**THAT** Council appoint Councillor Glover and Councillor Smith to serve on the Community Cultural Policy Plan Steering Committee.

**CARRIED**

Moved by Deputy Mayor Smith  
Seconded by Councillor MacLeod-Kane

**THAT** Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to consider a Motion to appoint two members of Council to the Community Cultural Policy Plan Steering Committee.

**CARRIED**

(A 2/3 Vote Of Council Was Received)

\*\*\*\*\*

**MOTIONS**

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- (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.

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

- 1) Hudson Drive & Downing Street,
  - 2) Birchwood Drive & Sierra Avenue; and Hanover Drive & Sierra Avenue
- and further -

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

**DEFERRED**  
**(With Agreed To Amendments)**  
**(Due To Lack Of Time)**

- Moved by Councillor Garrison  
Seconded by Councillor Hutchison

**THAT** Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to extend the meeting past 11:15 pm.

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

- (2) 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.

**DEFERRED**

**MOTIONS (CONTINUED)**

- (3) Moved by Councillor Matheson

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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.

**DEFERRED**

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

**WHEREAS** communities across Ontario are concerned with the Accommodation Review Committee process and the impact this flawed process has on the socio-economic fabric of our municipalities, and

**WHEREAS** many schools are the hubs of their communities, a better accommodation review system is needed to address the educational facility needs of our residents, and

**WHEREAS** a system to address the educational facility needs in Ontario must ensure that school boards and municipal councils partner on decisions regarding education infrastructure, and

**WHEREAS** greater accountability for school board decisions is needed, and

**WHEREAS** a thorough review of the governance model for school accommodation decisions must include an opportunity to appeal these decisions, and

**WHEREAS** the accommodation review process should respect and value the input of students, parents, the community and municipality,

**NOW THEREFORE BE IT RESOLVED THAT** the Province of Ontario be petitioned to implement a "smart moratorium" on disputed school closings to provide the opportunity for the Ministry of Education, school boards and municipalities to work together to develop policies addressing such issues as planning for declining enrolments, a mutually agreed upon Accommodation Review Committee process, a review of funding to rural and small community schools, and transparency and accountability between municipalities and school boards.

**AND BE IT FURTHER RESOLVED THAT** a copy of this resolution be sent to The Honourable Kathleen Wynne, Minister of Education, Mowat Block, 900 Bay Street, Toronto, Ontario M7A 1L2, Canada and to the Community Schools Alliance, 399 Ridout Street N, London, Ontario, N6A 2P1, [reycraft@mdlsx.ca](mailto:reycraft@mdlsx.ca)

**DEFERRED**

## MOTIONS (CONTINUED)

- (5) Moved by Councillor Garrison

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Seconded by Councillor Osanic

**THAT** the following motion, considered at the July 14<sup>th</sup>/15<sup>th</sup>, 2009 Council be reconsidered:

**“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 Third Reading.”

**DEFERRED**

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

**WHEREAS** Council has asked the Arts, Recreation and Community Policies Committee to review the Fire & Rescue Action Plan 2010-2015, and

**WHEREAS** a Maclean's magazine report on cities, July 27, 2009, gives Kingston's fire services a "D" rating for effectiveness, judged by monetary losses per fire, and ranks costs to taxpayers per dwelling at \$394, significantly higher than, for example, top ranking Quebec City of \$198 per dwelling and Saskatoon at \$295 per dwelling,

**NOW THEREFORE BE IT RESOLVED THAT** Council asks the Arts, Recreation and Community Policies Committee to include in its report to Council on the Fire & Rescue Action Plan any recommendations it deems appropriate with respect to the effectiveness and costs of fire services in Kingston.

**DEFERRED**

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**NOTICES OF MOTION**

None

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**REPORTS (CONTINUED)**  
**REPORT NO. 82 OF THE COMMITTEE OF THE WHOLE**

Moved by Deputy Mayor Smith

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Seconded by Councillor Schmolka

**Report No. 82**

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

August 4, 2009

**1. Establishment of Natural Areas Reserve Fund**

**THAT** staff report back to the Administrative Policies Committee in the fall of 2009 with a recommendation for the establishment of a Natural Areas Reserve Fund and the criteria for related Land Acquisition Policy.

**CARRIED**

Councillors Gerretsen and Garrison withdrew from the meeting.

**2. Track & Field Facility**

**THAT** the capital budget allocation for the track & field facility for 2009 be \$2,475,000, and for 2010 be \$2,475,000;  
**AND THAT** staff report back to Council with increased contributions from the other partners and any other financing arrangements that have been identified;

- and further -

**THAT** staff report back to Council for the final authorization to proceed with the project.

**CARRIED**

Councillors Gerretsen and Garrison returned to the meeting.

**3. John Machin Park (Soccer Fields/Lighting & Washrooms)**

A. **THAT** the following recommendation and Clause 3.(b) below be deferred until staff have provided a report regarding the cost for lighting, washrooms and parking and how the use of the field will be impacted if the lights are installed:

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

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

<i>i. PCBF land and cash contribution</i>	<i>\$ 500,000</i>
<i>ii. Development Charges</i>	<i>\$1,150,000</i>
<i>iii. Municipal Capital Reserve Fund</i>	<i>\$ 310,000</i>
<i>iv. User Fee Surcharge</i>	<i>\$ 100,000</i>
<i>v. Industrial Land Reserve (land sale)</i>	<i>\$ 150,000</i>
<b>TOTAL</b>	<b><i>\$2,210,000"</i></b>

**REPORTS (CONTINUED)**

**REPORT NO. 82 OF THE COMMITTEE OF THE WHOLE**

B. **THAT** lighting, washroom facilities and parking be included in the John Machin Park field, subject to receipt and request that staff identify potential sources of funding, including the Pittsburgh Community Benefit Fund, by September, 2009; and

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THAT staff report the detailed costing back to the Arts, Recreation & Community Policies Committee by July, 2009.

**CARRIED**

4. **Woodburn Community Centre**

THAT the City not invest any more money in the Woodburn Community Centre until staff report back to Council on the usage of this facility.

**CARRIED**

5. **Increased Funding for Soccer Fields**

Council consented to separate the question.

THAT no action be taken regarding the \$1.5 million in 2009 being added to the capital budget to improve soccer fields in Kingston;

**CARRIED**

- and further -

THAT \$1.5 million be added to the Capital Budget in 2010 to improve soccer fields in Kingston;

- and further -

THAT staff report to the Arts, Recreation & Community Policies Committee in November, 2009 with recommendations of how to spend these funds;

- and further -

THAT the \$1.5 million allocated for soccer fields in the 2010 capital budget be funded from the \$11 million provincial allocation.

**CARRIED (9:4)**  
**(See Recorded Vote)**

A Recorded Vote was requested by Deputy Mayor Smith

YEAS: Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Hector, Councillor Matheson, Councillor Meers, Councillor Osanic, Mayor Rosen, Deputy Mayor Smith (9)

NAYS: Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Schmolka (4)

ABSENT: (0)

6. **Artillery Park**

THAT staff report back to Council in the fall with an overall plan to refurbish and enhance Artillery Park and Artillery Park pool.

**CARRIED**

**REPORTS (CONTINUED)**

**REPORT NO. 82 OF THE COMMITTEE OF THE WHOLE**

7. **Water Fountains**

THAT the inclusion of \$20,000 in the 2010 capital budget for additional water fountains in the City, be deferred until staff come back with a report to the Environment, Infrastructure & Transportation Policies committee at their August,

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2009 meeting with regard to the installation of fountains and projected costs to maintain them in a hygienic fashion, as well as an inventory of existing water fountains in the City of Kingston.

CARRIED

8. Public Washrooms

THAT staff report back to Council on the issue of washrooms within the next six months, with the report to include plans to develop more public washrooms and to address issues such as vandalism and other concerns identified by staff.

CARRIED

9. Street Benches

THAT staff report with a Feasibility Study in six months on the placement policies and related costs of additional benches along streets and sidewalks, including such areas as shopping districts, walking tour areas being promoted, access routes to libraries, community centres and other areas of popular use.

CARRIED

10. Master List of Roads & Sidewalks – Provincial Funding Allocation – Infrastructure Needs

WHEREAS the following Motion was LOST at Committee of the Whole;  
THEREFORE BE IT RESOLVED THAT no action be taken on the following Motion:

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

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

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

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

*THEREFORE BE IT RESOLVED THAT city staff be directed to earmark \$2.7 million of the \$11.152 million to be spent entirely on addressing the backlog of aging road and sidewalk repair needs throughout the city; and*

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

- 1) Request that all district councillors submit a list of the roads and sidewalks in their districts which are in most need of construction or repair no later than August 31, 2009;*
- 2) Create a master list comprised of all roads and sidewalks submitted by the district Councillors;*
- 3) Rank the master list based on severity of need of repair;*
- 4) That these roads and sidewalks that do not qualify for this particular allocation, staff provide a schedule as to when these roads and sidewalks would be dealt with.*

*And further*

*THAT staff be asked to present the ranked master list of the roads and sidewalks which will be revitalized with this \$2.7 million to Council at its meeting in November of 2008.”*

CARRIED (8:5)  
(See Recorded Vote)

REPORTS (CONTINUED)

REPORT NO. 82 OF THE COMMITTEE OF THE WHOLE

A Recorded Vote was requested by Councillor Hector

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

NAYS: Councillor Garrison, Councillor Gerretsen, Councillor MacLeod-Kane, Councillor Meers, Councillor Osanic, (5)



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ABSENT: (0)

11. **Bicycle Parking**

THAT \$10,000 be included for bicycle parking in the downtown.

**CARRIED**

12. **Municipal Capital Budget**

A) **THAT** a By-Law be presented to Council to approve the municipal capital budgets for 2009-2010 as amended:

	2009	2010
<b>Capital Expenditures</b>	30,360,600	78,080,996
<b>Financing</b>		
reserve funds (pay-as-you-go)	19,591,200	31,980,220
one time provincial grant	1,787,400	6,440,000
long term debt – MCRF	4,400,000	26,200,000
long term debt – utility rates		8,000,000
term loan – energy retrofit	2,050,000	2,150,000
grants (anticipated)	100,000	2,567,226
contributions from others	2,432,000	743,550
<b>Total Financing</b>	<b>30,360,600</b>	<b>78,080,996</b>

**AND THAT** the By-Law be given three readings at the same Council meeting.  
(See By-Law No. (20), 2009-124)

Note: The By-Law was distributed separately from the agenda on Friday, July 31, 2009.

B) **Capital Works in Progress**

THAT council receive the capital works-in-progress, 10 year (2009-2018) capital expenditures forecasts, and reserve fund continuity models, provided as part of the budget documentation.

**CARRIED**

**MINUTES**

THAT the Minutes of City Council Meeting No. 15-2009, held Tuesday, July 14, 2009 and reconvened on Wednesday, July 15, 2009 be confirmed.

**DEFERRED**

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**TABLING OF DOCUMENTS**

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- 2009-57 Ongwanada  
Annual Report 2008/2009  
(File No. CSU-S08-000-2009)
- 2009-58 Municipal Property Assessment Corporation (MPAC)  
Newsletter – Spring/Summer Edition 2009  
(File No. CSU-F22-000-2009)
- 2009-59 Ontario Good Roads Association  
Board Brief – June 2009  
(File No. CSU-A01-000-2009)
- 2009-60 The Cataraqui Source Protection Committee  
Minutes – June 11, 2009  
(File No. CSU-D03-000-2009)
- 2009-61 The Cataraqui Region Conservation Authority  
Minutes – (SP Authority) June 24, 2009  
(File No. CSU-D03-000-2009)
- 2009-62 The Cataraqui Region Conservation Authority  
Minutes – Full Authority June 24, 2009  
(File No. CSU-D03-000-2009)
- 2009-63 Wordsmith Associates (Plain Language Consultants)  
Newsletter – Summer 2009  
(File No. CSU-M04-000-2009)
- 2009-64 Canadian Forces Liaison Council  
Alliance – Promoting the Value of Reservists – July 2009  
(File No. CSU-A16-000-2009)
- 2009-65 Friends of the Greenbelt Foundation  
Greenbelt Public Awareness 2009 – Environics Poll  
(File No. CSU-E00-000-2009)

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## COMMUNICATIONS

Council consented to the addition of Communications No. 16-370 and 16-371.

### Filed

- 16-352 From the City of Peterborough, acknowledging receipt of Council's resolution regarding the location of the Energy Czar in Kingston.  
(File No. CSU-C09-000-2009)
- 16-353 From the Corporation of the County of Simcoe, acknowledging receipt of Council's resolution regarding the location of the Energy Czar in Kingston.  
(File No. CSU-C09-000-2009)

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- 16-354 From John Gerretsen, M.P.P. Kingston and The Islands, acknowledging receipt of Council's Motion relating to the procurement practice of purchasing Ontario produced meat and poultry products.  
(File No. CSU-E00-000-2009)
- 16-355 From the Township of Front Of Yonge, acknowledging support of a resolution that petitions 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.  
(File No. CSU-R04-000-2009)
- 16-356 From John Gerretsen, M.P.P. Kingston and The Islands, acknowledging receipt of Council's Motion regarding changes to the Employment Insurance System.  
(File No. CSU-H02-000-2009)
- 16-357 From Alayne Scanlon, Ontario East Transplant Support Group, asking for Council's assistance in alerting the people of Kingston and area to the latest regulations regarding organ donations. The most recent innovation is to register with the Ministry of Health where the decision to be an organ donor will be recorded on the OHIP card.  
(File No. CSU-S08-000-2009)
- 16-358 From the Ministry of the Environment, announcing that John Williamson will serve a second term as the Source Protection Committee Chair for the Cataraqui Source Protection Area.  
(File No. CSU-D03-000-2009)
- 16-359 From the Corporation of the United Counties of Prescott and Russell, acknowledging support of Council's resolution regarding the location of the Energy Czar in Kingston.  
(File No. CSU-C09-000-2009)
- 16-360 From the Association of Municipalities of Ontario (AMO), providing notice of the Annual General Meeting of the membership that will be held on August 17<sup>th</sup> and giving notice that there will be a question on the ballot concerning a proposed By-Law amendment. The proposed amendment is to change the term of candidates elected to the Board of Directors from the current one year term to a two-year term effective for the 2010 election.  
(File No. CSU-A01-004-2009)  
**(Digitally distributed to all Members of Council on July 13, 2009)**

## COMMUNICATIONS (CONTINUED)

- 16-361 From the Municipal Employer Pension Centre of Ontario (MEPCO), announcing that the Sponsors Corporation approved a contribution rate of 0.15% (average) which will take effect on January 1, 2010 for both members and employers and effective January 1, 2011 a cap on the level of incentive pay included in contributory earnings.  
(File No. CSU-H02-000-2009)

### Referred to All Members of Council

- 16-345 From Jason K. Taylor, Taylor Chevrolet Cadillac, offering his opinion in regard to the debate concerning Lowe's and their desire to build on Gardiner's Road. Mr Taylor supports Council's decision to turn down Lowe's application to have the Gardiner's Road site re-zoned from industrial use to commercial use.

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(File No. CSU-D14-000-2009)

**(Distributed to all Members of Council on July 17, 2009)**

- 16-346 From Kevin Flynn, Kingston Assistant District Manager of the Commissionaires, requesting the approval of Council to appoint Raymond Payette as a By-Law Enforcement Officer for the purpose of issuing tickets under By-Law No. 99-166 on the property of the Kingston Norman Rogers Airport, and to remove Phillip Carroll and that the by-law receive all three readings.  
(File No. CSU-P01-003-2009)  
**(See By-Law No. (3), 2009-110)**
- 16-347 From the City of Vaughan, advising that Vaughan Council adopted a resolution that the Recreational Sports Injury Prevention Advisory Committee be established and that the Parks By-Law be amended to enforce injury prevention measures and safe practices while participating in tobogganing, in particular, through the mandatory use of helmets.  
(File No. CSU-C10-000-2009)  
**(Distributed to all Members of Council on July 17, 2009)**
- 16-348 From Clive Ansley, Canadian Human Rights Lawyer, requesting support to help secure the release of Gao Zhisheng, a leading Chinese rights lawyer and Nobel Peace Prize nominee, who was abducted by Chinese security agents largely for defending Falun Gong adherents.  
(File No. CSU-M04-000-2009)  
**(Distributed to all Members of Council on July 17, 2009)**
- 16-351 From Mr. Venicio Rebelo, advising of his resignation from the FOCUS Kingston Steering Committee.  
(File No. CSU-C12-000-2009)  
**(See Miscellaneous Business Item (1))**
- 16-362 From Sally Rigden, Office of the Principal, Queen's University, advising that Principal Williams endorses Queen's Manager of Sustainability, Aaron Ball for the role of a second Queen's representative to participate in the Kingston Environmental Advisory Forum (KEAF).  
(File No. CSU-C12-000-2009)  
**(See Miscellaneous Business Item (2))**

## COMMUNICATIONS (CONTINUED)

- 16-363 From Doug Reycraft, Chair, Community Schools Alliance, asking for Council's support of a resolution that the Province of Ontario be petitioned to implement a "smart moratorium" on disputed school closings to provide the opportunity for the Ministry of Education, school boards and municipalities to work together to develop policies addressing such issues as planning for declining enrolments, a mutually agreed upon Accommodation Review Committee process, a review of funding to rural and small community schools, and transparency and accountability between municipalities and school boards.  
(File No. CSU-R07-000-2009)  
**(Distributed to all Members of Council on July 31, 2009)**
- 16-367 From the Corporation of the Township of Huron-Kinloss, asking for Council's support of a resolution that the Province of Ontario designate Giant Hogweed as one of the plants in the Schedule R.R.O. 1990, Reg. 1096 under the Weed Control Act so that immediate action to destroy by an appointed weed inspector can be taken.  
(File No. CSU-C10-000-2009)

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**(Distributed to all Members of Council on July 31, 2009)**

- 16-368 From the Corporation of the Township of Woolwich, asking for Council's support of a resolution that the Ministry of Municipal Affairs to conduct a review of Chapter 27, Section 5 (2) of the Development Charges Act 1997 and make changes that would eliminate the requirement for municipalities to deduct grant funding received from eligible portion of development charges.  
(File No. CSU-C10-000-2009)  
**(Distributed to all Members of Council on July 31, 2009)**
- 16-369 From the Association of Municipalities of Ontario (AMO), advising of the final deadline to submit delegation requests for the AMO conference on August 17<sup>th</sup> and August 18<sup>th</sup> at the Fairmont Chateau Laurier Hotel in Ottawa.  
(File No. CSU-A04-000-2009)  
**(Distributed to all Members of Council on July 31, 2009)**
- 16-370 From Catherine Isaacs, asking Council to amend section 7.2 of By-Law 2006-122 concerning the Regulation of Water Supply for the City of Kingston to allow children to use a wading pool, "Slip and Slide", "Crazy Daisy" or various low-volume mini-sprinklers on any day of the week during the hottest times of the day and that people be allowed to use a hose to wash themselves on their lawn or driveway at any time on any day of the week.  
(File No. CSU-E05-000-2009)  
**(Distributed to all Members of Council on August 4, 2009)**
- 16-371 From the Marine Museum of the Great Lakes at Kingston, asking that Council proclaim August 15<sup>th</sup>, 2009 as "Canadian Coast Guard Vessel Alexander Henry Day" in the City of Kingston.  
(File No. CSU-M10-000-2009)  
**(Distributed to all Members of Council on August 4, 2009)**  
**(See Miscellaneous Business Item No. 3)**

**Referred to the City Clerk**

- 16-350 From Wayne Marshall, Chapter President, Canadian Association of Veterans in U.N. Peacekeeping (CAVUNP), asking that Council proclaim August 9, 2009 as "Peacekeepers' Day" in the City of Kingston.  
(File No. CSU-M10-000-2009)

**COMMUNICATIONS (CONTINUED)**

**Referred to the Commissioner of Community Development Services**

- 16-349 From Carrie McElroy, Project Supervisor – Kingston, Canada World Youth, requesting the support of Council in hosting the Youth Leaders in Action – Canada World Youth Exchange in the community of Kingston.  
(File No. CSU-M02-000-2009)  
**(Distributed to all Members of Council on July 17, 2009)**

**Referred to the Commissioner of Corporate Services**

- 16-364 From Demela Mandilla, Realty Disposal Publisher for the Ontario Realty Corporation, informing Council of available property on the south side of Highway 401 & west side of Gardiners Road Kingston, Part of Lots 8, 9 & 10, Concession 4 and Part of the Road allowance between Lots 9 & 10, Concession 4, designated as Parts 1,2,3,4,5 & 6 and inquiring if the City would be interested in acquiring this property.  
(File No. CSU-L18-000-2009)

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

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- 16-365 From the Law Firm of Kamin & Letourneau, filing a notice of appeal on behalf of their client against Zoning By-Law 2009-92 for the property located at 810 Blackburn Mews.  
(File No. CSU-D14-000-2009)
- 16-366 From Salwa and Dhamin Al-Khalili, filing a notice of appeal against Zoning By-Law 2009-92 for the property located at 810 Blackburn Mews.  
(File No. CSU-D14-000-2009)

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**BY-LAWS**

Council consented to the addition of By-Law (21) and to renumber by-law (7) as 2009-115 and by-law (8) as 2009-114..

- (A) Moved by Councillor Glover  
Seconded by Deputy Mayor Smith

THAT By-Laws (1) through (14),(19) through (21) be given their first and second reading.

**CARRIED**

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

THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (3) and (4) and (9) through (11), (14) and (20) three readings.

**CARRIED**

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

THAT By-Laws (3), (4) and (6) through (21) be given their third reading.

**CARRIED**

**BY-LAWS (CONTINUED)**

- (1) A By-Law To Establish Tax Cap Program Decrease Limits For 2008 And 2009  
FIRST AND SECOND READINGS PROPOSED NO. 2009-108  
(See Clause (i), Report No. 75)
- (2) A By-Law To Delegate The Establishment Of Agreements With Sales Agencies For The Sales Of Transit Smart Cards To The Commissioner Of Corporate Services Or His Delegates  
FIRST AND SECOND READINGS PROPOSED NO. 2009-109  
(See Clause (i), Report No. 75)
- (3) A By-Law To Amend By-Law No. 99-166, "A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or The Local Board" (Add Raymond Payette, Remove Phillip Carroll – Kingston Norman Rogers Airport)  
THREE READINGS PROPOSED NO. 2009-110  
(See Communication No. 16-346)
- (4) A By-Law To Delegate Authority To The Commissioner Of Corporate Services Or His Designate To Complete Future Land Acquisitions, Easements And/Or Access Agreements For Various Capital Works Projects Valued At An Amount

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Not Exceeding \$25,000 And To Authorize The Mayor And Clerk To Execute These Agreements In Order To Expedite Construction Of These Various Capital Works Projects And That These Agreements Be In A Form Satisfactory To The Director Of Legal Services.

THREE READINGS

PROPOSED NO. 2009-111

(See Clause (3), Report No. 76)

- (5) A By-Law To Amend By-Law No. 2008-95, "A By-Law Of The Corporation Of The City Of Kingston To Control The Idling Of Vehicles And Boats"

FIRST AND SECOND READINGS

PROPOSED NO. 2009-112

(See Clause (3), Report No. 78)

- (6) A By-Law To Amend Zoning By-Law No. 76-26, "A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Kingston" (Modify Site Specific Zoning – 'C5-9', 616-670 Gardiners Road)

THREE READINGS

PROPOSED NO. 2009-113

(See Clause (a), Report No. 77)

- (7) A By-Law To Amend By-Law No. 32-74, "A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Pittsburgh" (Zone Change From 'MVC' To 'MVC-2', 217 Gore Road)

THREE READINGS

PROPOSED NO. 2009-115

(See Clause (b), Report No. 77)

- (8) A By-Law To Amend The Official Plan Of The Township Of Pittsburgh Planning Area (Amendment No. 68, Known Municipally As 217 Gore Road)"

THREE READINGS

PROPOSED NO. 2009-114

(See Clause (b), Report No. 77)

## BY-LAWS (CONTINUED)

- (9) A By-Law To Amend By-Law No. 24, "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act", To Remove A Taxi Zone During Events Only On The North Side Of Barrack Street From 23.5 Metres East Of Wellington Street To 52.8 Metres East Of Wellington Street, And To Add A Taxi Zone During Events Only On The South Side Of Queen Street From 27.4 Metres East Of Wellington Street Easterly To King Street.

THREE READINGS

PROPOSED NO. 2009-116

(See Clause (k), Report No. 75)

- (10) A By-Law To Amend By-Law No. 4489, "A By-Law To Regulate, Supervise And Govern The Parking Of Vehicles On Parking Lots And To Fix The Rates And Charges For Parking On Such Parking Lots"; To Update Schedule "A" To Change Event Parking Rates In Designated Off-Street Parking Lots; And To Remove The \$3 Accessible Parking Space Rate At The Drury Parking Lot; And To Add A Provision For City Of Kingston Monthly Parking Permits To Be Valid For A Trial Period Only, From September 1, 2009 To June 30, 2010, For Parking In The Respective Municipal Parking Lot During The Times When An Event Rate, As Prescribed By Schedule 'A' To This By-Law And As Indicated By Signage In Said Parking Lot (S), Is In Effect; And To Amend Section 21; "A By-Law To Regulate The Times During Which Payment Of Parking Meters Is Required On The Parking Lots As Listed In Schedule "A", Excepting Sundays And Public Holidays" To Be Updated To Indicate That When An Event At The K Rock Centre Is On A Sunday Or Public Holiday, The Payment Of Parking Meters May Be Required, As Listed In Schedule "A" To This By-Law; And To Amend Monthly Permit Rates To Reflect The 3% Increase As Of March 31, 2009; And To Update The Daily Maximum Rates At The Four Points Sheraton Parking Garage As Of January 31, 2007.

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THREE READINGS

(See Clause (k), Report No. 75)

PROPOSED NO. 2009-117

- (11) A By-Law To Amend By-Law No. 2005-10, "A By-Law To Establish Fees And Charges To Be Collected By The Corporation Of The City Of Kingston", As Amended, To Change Event Parking Rates In Designated Off-Street Parking Lots.

THREE READINGS

(See Clause (k), Report No. 75)

PROPOSED NO. 2009-118

- (12) A By-Law To Exempt Certain Lands On Registered Plan 13M-58 From The Provisions Of Section 50 (5) Of The Planning Act, R.S.O. 1990, Chapter P.13, And Amendments Thereto (Lots 48 To 54 And 148 To 154 Inclusive, Registered Plan 13M-58, Lyndenwood Subdivision, Located On The North And South Side Of Crossfield Avenue, Between Baldwin Court And Anderson Drive, For The Purpose Of Adjusting The Side Lot Line And Creating A "Beneficial Use Easement").

THREE READINGS

(Delegated Authority)

PROPOSED NO. 2009-119

- (13) A By-Law To Amend By-Law No. 76-26, Township Of Kingston Zoning By-Law, As Amended By By-Law No. 2007-210, To Remove The '-H' Holding Symbol Related To The 'C5-7-H' Zone (Peter Splinter - 2435 Princess Street, in the City of Kingston)

THREE READINGS

(Delegated Authority)

PROPOSED NO. 2009-120

- (14) A By-Law To Stop Up And Close, Declare Surplus And Dispose Of The Portion Of Highway Described As Part Of The Road Allowance Between Lots 9 & 10, Concession 7, Within Parts 3 & 4 On Plan 13R- 19596.

THREE READINGS

(See Clause (j), Report No. 75)

PROPOSED NO. 2009-121

## BY-LAWS (CONTINUED)

- (15) A By-Law To Provide For The Regulation Use Of Parks And Recreation Facilities Of The Corporation Of The City Of Kingston"

THIRD READING

(See Clause (l), Report No. 75)

PROPOSED NO. 2009-76

- (16) 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.

THIRD READING

(See Clause (1), Report No. 74)

PROPOSED NO. 2009-97

- (17) 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.

THIRD READING

(See Clause (c), Report No. 68)

PROPOSED NO. 2009-98



City Council Meeting No. 16-2009  
Minutes  
Tuesday, August 4, 2009

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- (18) 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.  
THIRD READING PROPOSED NO. 2009-99  
(See Clause (c), Report No. 68)
- (19) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, August 4, 2009  
THREE READINGS PROPOSED NO. 2009-123  
(City Council Meeting No. 16-2009)
- (20) A By-Law To Adopt The 2009-2010 Municipal Capital Budget  
THREE READINGS PROPOSED NO. 2009-124  
(See Clause (12), Report No. 82)
- (21) A By-Law To Amend By-Law No. 96-259, "Downtown And Harbour Zoning By-Law For The Corporation Of The City Of Kingston" To Remove The 'H' Holding Symbol Related To The '(H)-Hr-2' And (H)-Hr-3' Harbour Zone (Proposed Block 'D' Battery Park Development, 3 Gore Street)  
THREE READINGS PROPOSED NO. 2009-125  
(Delegated Authority)

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**ADJOURNMENT**

Moved by Councillor Glover  
Seconded by Deputy Mayor Smith

**THAT** Council do now adjourn.

**CARRIED**

Council adjourned at 11:10 pm.

(Signed)

Carolyn Downs  
City Clerk

Harvey Rosen  
Mayor