

CITY COUNCIL MEETING NO. 18-2009

The Regular Meeting of City Council was held on Tuesday, September 15, 2009, and was called to order at 6:00 pm in the Council Chamber, City Hall. Regular business commenced at 7:55 pm. His Worship Mayor Harvey Rosen presided.

There was an "In Camera" meeting of the Committee of the Whole from 6:05 pm to 7:35 pm in the Councillors' Lounge.

There was a Kingston & Frontenac Housing Corporation Shareholders meeting from 7:35 pm to 7:55 pm.

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Foster, Councillor Garrison (arrived 6:12 pm), Councillor Gerretsen (arrived at 7:55 pm), Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson (arrived 6:42 pm), Councillor Meers, Councillor Osanic, Councillor Schmolka, Deputy Mayor Smith (13)

Absent: (0)

(Councillors' Lounge)

Administrative Staff Present:

Mr. J. Bolognone, Deputy City Clerk

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

Mrs. C. Downs, City Clerk

Mr. P. Huigenbos, Manager, Partnerships and Initiatives

Mr. G. Hunt, Chief Administrative Officer

Mr. C. Laundry, Consultant, Community and Family Services

Mr. H. Linscott, Director, Legal Services

Mr. B. Richmond, Environmental Projects Manager, Strategy, Environment and Communications

COMMITTEE OF THE WHOLE "IN CAMERA"

- (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) A proposed or pending acquisition or disposition of land by the municipality or local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose;
- (b) A proposed or pending acquisition or disposition of land by the municipality or local board.

CARRIED

(Council Chamber)

Administrative Staff Present:

Ms. C. Beach, Commissioner of Sustainability and Growth

Mr. J. Bolognone, Deputy City Clerk

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

Mrs. C. Downs, City Clerk

Mr. S. Dubey, Chair, Board of Directors, KEDCO

Mr. J. Garrah, CEO, Kingston Economic Development Corporation

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

Mr. P. Huigenbos, Manager, Partnerships and Initiatives

Administrative Staff Present (continued):

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Mr. G. Hunt, Chief Administrative Officer
Ms. L. Hurdle, Director, Recreation & Leisure Services
Mr. J. Keech, President and CEO, Utilities Kingston
Mr. C. Laundry, Consultant, Community and Family Services
Ms. K. Leonard, Manager, Building and Licensing
Mr. H. Linscott, Director, Legal Services
Mr. S. Murphy, Manager, Building and Licensing
Mr. R. Steele, Manager, Fleet
Mr. L. Thurston, Commissioner of Community Development Services
Mr. G. Wallace, Director, Planning and Development
Mr. T. Willing, Director, Building and Licensing

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

(2) Moved by Councillor Glover
Seconded by Deputy Mayor Smith

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

CARRIED

DISCLOSURE OF PECUNIARY INTEREST

Councillor MacLeod-Kane declared a possible pecuniary interest in the matter of Motion No. (4) as she is an employee of the Limestone District School Board.

Councillor Hutchison declared a possible pecuniary interest in the matter of Clause (f) and (g), Report No. 89 of the Chief Administrative Officer (Consent) as his employer, Kingston Co-operative Homes, Inc., may have an interest in applying for funding under the Affordable Housing Program or DOORS programs in the future and it is unclear under which of these programs, if either, such an application may come.

Councillor Meers declared a possible pecuniary interest in the matter of Motion No. (4) due to the nature of her profession and employment with local school boards.

Councillor Garrison declared a possible pecuniary interest in the matter of Motion No. (4) as he is employed by the Algonquin and Lakeshore Catholic District School Board (ALCDSB).

Councillor Gerretsen declared a possible pecuniary interest in the matter of Motion No. (4) as his mother is employed by the Algonquin and Lakeshore Catholic District School Board (ALCDSB).

PRESENTATIONS

(1) Mayor Rosen presented Ms. Holly Henderson with the Certificate of Commendation on behalf of Her Excellency the Right Honourable Michaëlle Jean, Governor General of Canada, in recognition of her actions following an incident in Freeland, PEI, on August 16, 2007.

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On a 2/3 vote of the members present, Council waived the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to include the items contained in the addendum and to amend the Orders of the Day to allow Motion No. (8) to be dealt with following the Motions of Condolence.

Note: A request to include Motion No. (1) to the aforementioned motion ("the addendum") was voted on separately. However a 2/3 vote was not received.

Motion No. (8) was dealt with at this point in the meeting.
(See Page No. 573)

DELEGATIONS

Council consented to the addition of Delegation No. (1).

- (1) Mr. Ed Giffin, Chair of the Ontario Federation of Anglers and Hunters, Zone F, was present and spoke to Council regarding the motion with respect to Sunday hunting.
(See Motion No. (8), Page No. 573)

BRIEFINGS

Council consented to the addition of Briefing No. (1).

- (1) Claudette Richardson, KFPL Board Chair, and Elizabeth Bowes, Calvin Park Building Committee Chair and KFPL Board member, were present and provided an update on the new Calvin Park Branch.

PETITIONS

- (1) A petition bearing approximately 300 signatures was sent to the Mayor's Office and referred to the Environment, Infrastructure and Transportation Policies Committee and the Parking Advisory Committee and reads as follows:

"Petition to Reduce Greenhouse Gases and Parking Congestion in Kingston by Providing Free Motorcycle/Scooter Parking

Inasmuch as it is undoubtedly in the best interest of Kingstonians to reduce exhaust emissions into the atmosphere, and since motorcycles and motor scooters generally create less such emissions than automobiles and furthermore since it is also in the best interests of Kingstonians to reduce automobile traffic and parking congestion we, the following, request that the City of Kingston follow the example set by Toronto and provide an exemption to motor scooter and motorcycles from payment at on-street parking meters and parking machines."

REFERRED TO ENVIRONMENT, INFRASTRUCTURE AND TRANSPORTATION POLICIES COMMITTEE AND
PARKING ADVISORY COMMITTEE

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Council consented to the amendment of Motion of Congratulations No. (3) in order to add further details, to the addition of Motion of Congratulations No. (4), and to the addition of Motion of Condolence No. (4):

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY (CONTINUED)

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Motions of Congratulations

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

THAT the congratulations of Kingston City Council be extended to Bill and Lois Hackett on the occasion of their 60th wedding anniversary, which was celebrated on September 3, 2009.

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

THAT the congratulations of Kingston City Council be extended to Chad Richard (former employee of KEDCO) and Karey Sherman on the occasion of their wedding held Saturday, September 5, 2009, at St. Mary's Cathedral.

- (3) Moved by Mayor Rosen
Seconded by Deputy Mayor Smith

THAT the congratulations of Kingston City Council be extended to Councillor Leonore Foster and her husband Bob for winning the David Suzuki "Digs My Garden" Photo Contest. The Fosters won the "Big Gardens" category. Sponsored by the David Suzuki Foundation, the contest received more than 500 entries from entrants across Canada. Community gardeners were honoured for going "above and beyond" in their efforts to remove pesticides from their homes and gardens and sharing their experiences with others.

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

THAT the congratulations of Kingston City Council be extended to the Kingston Loyalist Farm Ponies, who lead the best-of-five National Capital Baseball League final 2-1 against Gatineau MarcSports heading into Game 4 at the City's major diamond, Megaffin Park. Tonight the Kingston Ponies are playing the biggest home game to perhaps win a championship trophy. Best to the Kingston Ponies.

Motions of Condolence

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

THAT the sincere condolences of Kingston City Council be extended to Gail Collett and family on the recent passing of her husband, Jerry Collett, who passed away on Monday, August 31, 2009. Gail retired recently from Dispatch at Kingston Fire and Rescue, and Jerry's three sons, Jeff, Kevin, and Terry, are all Firefighters with Kingston Fire and Rescue.

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

THAT the sincere condolences of Kingston City Council be extended to Terry Collett, Kingston Firefighter, and his sons, Connor and Ryan, on the recent passing of his wife, and their mother, Tracy Lee Collett, on Wednesday September 2, 2009. Both Jerry and Tracy will be remembered by the former Pittsburgh Township.

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY (CONTINUED)

- (3) Moved by Councillor MacLeod-Kane

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Seconded by Councillor Gerretsen

THAT the sincere condolences of Kingston City Council be extended to Grant Gordon, Public Works Department, and the Gordon Family, on the recent passing of his father, Fred Gordon, on Friday September 4, 2009. Fred will be remembered as a Drover and Auctioneer of Pittsburgh Township and as founder of Gordon's Livestock Sales in the former Pittsburgh.

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

THAT Kingston City Council extends its sincere condolences and sympathy to the Lazier family on the recent death of Sam Lazier. During the Second World War he served at sea in the Royal Canadian Navy Volunteer Reserve as a signals officer. A professor emeritus at Queen's University, he taught fluid mechanics and hydraulics in the Mechanical Engineering and then Civil Engineering Departments at Queen's for thirty-five years. He was actively involved in bringing the sailing Olympics to Kingston, and during the games he was the Chief Measurer for all classes of boats. Sam also served for many years as a board member of the Cataraqui Region Conservation Authority.

CARRIED

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REPORTS

Report No. 89 the Chief Administrative Officer (Consent)

Moved by Councillor Garrison
Seconded by Councillor Meers

THAT Report No. 89 of the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the amendment of Clause (a) and the separation of Clauses (f) and (g).

Report No. 89

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) **Award of Tender for Waste Collection and Disposal Services for Kingston Area Recycling Centre and Various City Locations to Waste Management of Canada**

THAT Waste Services Inc. be awarded the contract in response to Tender No. F18-PW-SW-1-2009 Waste Collection and Disposal Services for the Kingston Area Recycling Center for two years with one additional one year option at the sole discretion of the City;

- and further -

THAT Waste Management of Canada be awarded the contract in response to Tender No. F18-PW-SW-1-2009 Waste Collection and Disposal Services for the various City locations for two years with one additional one year option at the sole discretion of the City;

- and further -

THAT the agreement be in a form satisfactory to the Legal Services Division;

- and further -

THAT the Mayor and Clerk be authorized to sign the agreement.

(The Report of the President and CEO of Utilities Kingston (09-268) was attached as Schedule Pages 1-3)
(File No. CSU-F18-000-2009)

(b) **Award of RFP for Electric Ball Field Conditioners with Trailers to G.C. Duke Equipment Ltd.**

THAT the RFP F31-CS-FL-2009-12, for the purchase of two ball field conditioners with trailers, be awarded to G.C. Duke Equipment Ltd. for the combined purchase price of \$43,000 plus applicable taxes.

(The Report of the Commissioner of Corporate Services (09-274) was attached as Schedule Pages 4-6)
(File No. CSU-F31-000-2009)

REPORTS (CONTINUED)

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Report No. 89 the Chief Administrative Officer (Consent)

- (c) **Approval of a By-Law to Permit Council to Enter Into a Municipal Contribution Agreement with Kingston Interval House for the Provision of Affordable Housing at 84 Stephen Street**

THAT Council approve "A By-Law To Permit Council To Enter Into A Municipal Contribution Agreement With Kingston Interval House For The Provision Of Affordable Housing at 84 Stephen Street" as attached.
(The Report of the Commissioner of Community Development Services (09-266) was attached as Schedule Pages 7-10)
(File No. CSU-S18-000-2009)
(See By-Law No. (3), 2009-139)

- (d) **Approval of a By-Law to Permit Council to Enter Into a Municipal Contribution Agreement with Habitat for Humanity for the Provision of Affordable Housing at 933 Division Street and 77 and 79 Wiley Street**

THAT Council approve "A By-Law To Permit Council To Enter Into A Municipal Contribution Agreement With Habitat for Humanity For The Provision Of Affordable Housing at 933 Division and 77 and 79 Wiley Street" as attached.
(The Report of the Commissioner of Community Development Services (09-265) was attached as Schedule Pages 11-14)
(File No. CSU-S18-000-2009)
(See By-Law No. (4), 2009-142)

- (e) **Award of Tender for Memorial Centre Linear Park to Len Corcoran Excavating Limited**

THAT Council award the Memorial Centre Linear Park construction contract to Len Corcoran Excavating Limited for \$712,875, exclusive of GST.
(The Report of the Commissioner of Sustainability and Growth (09-280) was attached as Schedule Pages 15-18)
(File No. CSU-F18-000-2009)

Councillor Hutchison withdrew from the meeting.

- (f) **New Canada-Ontario Affordable Housing Program Extension 2009 (AHP Extension) Frontenac Community Mental Health Services (FCMHS) – 16 Units (Phase III) at 31 Lyons Street**

THAT Council approve a grant of up to \$160,000 from the Affordable Housing Construction Reserve to off-set development charges, impost fees and building permit fees for the sixteen (16) unit (Phase III) project;

- and further -

THAT Council approve the creation of an additional sixteen (16) Kingston Rent Supplement units with an estimated 2010 allocation of \$20,160 annualized in 2011 to \$26,880 and adjusted for rental rate increases;

- and further -

THAT Council approve "A By-Law To Permit Council To Enter Into A Municipal Contribution Agreement With Frontenac Community Mental Health Services For The Provision Of Affordable Housing at 31 Lyons Street" as attached.

(The Report of the Commissioner of Community Development Services (09-277) was attached as Schedule Pages 19-23)
(File No. CSU-S18-000-2009)
(See By-Law No. (5), 2009-143)

CARRIED

REPORTS (CONTINUED)

Report No. 89 the Chief Administrative Officer (Consent)

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- (g) **New Canada-Ontario Affordable Housing Program Extension 2009 (AHP Extension) Jay Patry Enterprises Inc. – 20 Unit AHP Development at 810 Blackburn Mews**

THAT Council approve and endorse the proposal from Jay Patry Enterprises Inc. to build twenty (20) affordable housing units under the Canada-Ontario Affordable Housing Program Extension 2009;

- and further -

THAT Council approve a grant of up to \$200,000 (maximum \$10,000 per unit) from the Affordable Housing Construction Reserve to off-set development charges, impost fees and building permit fees for the twenty (20) AHP units;

- and further -

THAT Council approve "A By-Law To Permit Council To Enter Into A Municipal Contribution Agreement With Jay Patry Enterprises Inc. For The Provision Of Affordable Housing at 810 Blackburn Mews" as attached.

(The Report of the Commissioner of Community Development Services (09-278) was attached as Schedule Pages 24-30)

(File No. CSU-S18-000-2009)

(See By-Law No. (6), 2009-144)

CARRIED

Councillor Hutchison returned to the meeting.

- (h) **Award of RFP for Princess Street Reconstruction to Len Corcoran Excavating Ltd.**

WHEREAS the reconstruction of Princess Street from east of Ontario Street to King Street has been included in the City of Kingston 3-Year Infrastructure Program and approved by Council as part of the 2008 capital budget; and

WHEREAS the conceptual plan for Princess Street from east of Ontario Street to Bagot Street has been approved in-principle by Kingston City Council on June 2, 2009; and

WHEREAS Len Corcoran Excavating Ltd. has provided the best proposal for services offered and value for the money for the Princess Street reconstruction project;

THEREFORE BE IT RESOLVED THAT Len Corcoran Excavating Ltd. be awarded a contract for the Princess Street reconstruction project at the total bid price of \$3,670,996 (GST extra);

- and further -

THAT the Mayor and City Clerk be authorized to enter into the requisite contract, in a form satisfactory to the Director of Legal Services.

(The Report of the President and CEO of Utilities Kingston (09-285) was distributed separately from the agenda on Friday, September 11, 2009)

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

CARRIED

(Clauses (a) through (e) and (h))

REPORTS (CONTINUED)

Report No. 90 of the Chief Administrative Officer (Recommend)

Council consented to the addition of the recommendation to Clause (1), Clause (4) and Clause (6).

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Moved by Councillor Schmolka
Seconded by Councillor Gerretsen

THAT Report No. 90 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 90

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

(1A) **Staff briefing** – Mr. Lance Thurston, Commissioner of Community Development Services, and Mr. Richard Munk of Welch Consulting Group briefed Council on Kingston & Frontenac Housing Corporation.

(1) **Welch Group Consulting: Review and Report on Kingston & Frontenac Housing Corporation, Receipt of Final Report**

THAT the final report entitled, "*Review and Report on Kingston & Frontenac Housing Corporation*", prepared by the Welch Group Consulting, dated September 09, 2009, be received;

- and further -

THAT the conclusions and recommendations of the report be referred to City Council sitting as the Shareholder of Kingston & Frontenac Housing Corporation, within the next 30 days in order to assess and confirm an implementation plan, including schedules, timelines, and reporting.

(The Report of the Commissioner of Community Development Services (09-276) was distributed separately from the agenda on Friday, September 11, 2009)

(File No. CSU-S13-000-2009)

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

Moved by Councillor Gerretsen
Seconded by Councillor Garrison

THAT Clause (1) of the Report No. 90 of the Chief Administrative Officer (Recommend) be amended by adding the words "and reporting" following the word "timelines" in the 2nd paragraph.

CARRIED

Moved by Councillor Gerretsen
Seconded by Councillor Garrison

THAT Clause (1) of the Report No. 90 of the Chief Administrative Officer (Recommend) be amended by adding the following:

- and further -

THAT Kingston & Frontenac Housing Corporation be required to report back to the service manager in July 2010 and January 2011, updating the service manager on the progress of the implementation of the recommendations herein;

REPORTS (CONTINUED)

Report No. 90 of the Chief Administrative Officer (Recommend)

- and further -

THAT staff forward such report to Council upon its receipt.

WITHDRAWN

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(2) **Employment Land Sales – Lot Pricing Update 2009**

THAT Council approve, in accordance with existing employment land sales policy, employment land sale asking prices based on the greater of fair market value or the cost to acquire and service the land and that asking prices for lots in the City's business parks be established as shown in Exhibits A, B, C and D attached to the original minutes in the Clerk's Department.

(The Report of the Commissioner of Sustainability and Growth (09-272) was attached as Schedule Pages 31-40)
(File No. CSU-L19-000-2009)

CARRIED

(3) **Old Industrial Area Implementation Strategies for Revitalization**

THAT the revitalization of the Old Industrial Area be advanced by implementing Strategies 1, 2, 3, 4, 5, 7 and 8 included in Exhibit B attached to the original minutes filed in the City Clerk's Department, it being understood that implementation of Strategy 6 is deferred;

- and further -

THAT Council approve funding for this project in the amount of \$100,000 funded from the Working Fund Reserve.
(The Report of the Commissioner of Sustainability and Growth (09-213) was attached as Schedule Pages 41-53)
(File No. CSU-D22-000-2009)

CARRIED AS AMENDED (13:0)
(See Recorded Vote)

(See Motion To Amend Which Was CARRIED)

A Recorded Vote was requested by Councillor Meers

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

NAYS: (0)

Moved by Councillor Schmolka
Seconded by Councillor Osanic

THAT Strategy 6 in Appendix B be deferred until staff have presented a report to Council that addresses the elements of the Wellington Street extension, including its location, the Environmental Assessment results, the estimated costs, and the type of road plan (service road or arterial).

CARRIED

COMMITTEE OF THE WHOLE

(A) Moved by Councillor Gerretsen
Seconded by Councillor Garrison

THAT Council resolve itself into the Committee of the Whole to discuss Clause (4) of Report No. 90 of the Chief Administrative Officer (Recommend) to allow Councillor MacLeod-Kane to speak to the item and for Council to discuss the item in greater detail.

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CARRIED

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

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

CARRIED

REPORTS (CONTINUED)

Report No. 90 of the Chief Administrative Officer (Recommend)

Council consented to the separation of each paragraph of Clause (4).

- (4) **Staff Accommodations – 1211 John Counter Blvd.; 1425 Midland Avenue**

THAT Council receive this report in response to recent motions at Council regarding staff accommodations at 1211 John Counter Boulevard and 1425 Midland Avenue;

CARRIED (11:2)
(See Recorded Vote No. 1)

- and further -

THAT Council re-endorse the strategy of having 1211 John Counter Boulevard as the administrative hub for development related services;

CARRIED (8:5)
(See Recorded Vote No. 2)

- and further -

THAT staff be authorized to develop a plan to expand the 1211 John Counter Boulevard offices and to report the findings back to Council no later than December 2009;

CARRIED (7:6)
(See Recorded Vote No. 3)

- and further -

THAT Council authorize the Mayor and Clerk to execute such agreements and documents as are necessary to finalize the acquisition of Parts 1 -15 on plan 13R-19436 from the Ministry of Transportation (MTO);

CARRIED (13:0)
(See Recorded Vote No. 4)

- and further -

THAT a parcel of land be assembled as per exhibit A for employment land, such that the parcel provides options to be marketed in whole or in part(s);

CARRIED (9:4)
(See Recorded Vote No. 5)

REPORTS (CONTINUED)

Report No. 90 of the Chief Administrative Officer (Recommend)

- and further -

THAT the necessary zoning applications be submitted to change the zoning on the parcel from Institutional (I) and Service Industrial (M3) to a Business Park zone;

CARRIED (11:2)
(See Recorded Vote No. 6)

- and further -

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THAT the lands form part of the employment lands inventory and that they be marketed for sale or lease in accordance with employment land policies and practices.

CARRIED (7:6)

(See Recorded Vote No. 7)

(See Motion To Amend Which Was LOST)

(The Report of the Chief Administrative Officer (09-087) was distributed separately from the agenda on Friday, September 11, 2009)

(File No. CSU-A19-000-2009)

1. A Recorded Vote was requested by Councillor Matheson

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

NAYS: Councillor Garrison, Councillor Matheson (2)

2. A Recorded Vote was requested by Councillor Matheson

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

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

3. A Recorded Vote was requested by Councillor Matheson

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

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

4. A Recorded Vote was requested by Councillor Matheson

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

NAYS: (0)

REPORTS (CONTINUED)

Report No. 90 of the Chief Administrative Officer (Recommend)

5. A Recorded Vote was requested by Councillor Matheson

YEAS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Deputy Mayor Smith (9)

NAYS: Councillor Garrison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers (4)

6. A Recorded Vote was requested by Councillor Matheson

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

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

7. A Recorded Vote was requested by Councillor Matheson

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

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

Moved by Councillor Matheson

Seconded by Councillor MacLeod-Kane

THAT Clause (4) of Report No. 90 of the Chief Administrative Officer (Recommend) be amended by deleting the words "sale or" in the 7th paragraph.

LOST (4:9)
(See Recorded Vote)

A Recorded Vote was requested by Councillor Gerretsen

YEAS: Councillor Garrison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Schmolka (4)

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

Moved by Councillor Garrison

Seconded by Councillor Foster

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to extend the meeting past 11:00 pm to 11:15 pm.

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

REPORTS (CONTINUED)

Report No. 90 of the Chief Administrative Officer (Recommend)

Moved by Deputy Mayor Smith

Seconded by Councillor Schmolka

THAT Council consider the following time sensitive items prior to the end of the Council meeting:

- i. Clause (5), Report No. 90 of the Chief Administrative Officer (Recommend)
- ii. Clause (6), Report No. 90 of the Chief Administrative Officer (Recommend)
- iii. Report No. 92 of the Nominations Advisory Committee
- iv. Report No. 93 of the Kingston Municipal Heritage Committee (LACAC)
- v. Motion No. (7)
- vi. By-Laws

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CARRIED

(5) **Ontario Infrastructure Partnership Corporation (OIPC) Loan Agreement**

THAT, for the purposes of financing specific capital projects, Council give three readings to By-Law 2009-141 of the Corporation of the City of Kingston to authorize the borrowing upon amortizer debentures in the principal amount of \$47,962,757 towards the cost of certain capital works of the Corporation of the City of Kingston (The Report of the Chief Administrative Officer (09-279) was attached as Schedule Pages 54-55) (File No. CSU-F11-000-2009) (See By-Law No. (7), 2009-141)

CARRIED

(6) **Infrastructure Stimulus Fund Contribution Agreement**

THAT "A By-Law To Designate The Mayor And Chief Administrative Officer As Signing Officers For The Infrastructure Stimulus Fund Contribution Agreement To Approve The Execution Of This Agreement" be given three readings and passed;

- and further -

THAT Council authorize the Mayor and Chief Administrative Officer to sign the Infrastructure Stimulus Fund Contribution Agreement, satisfactory to the Legal Services Department, in the amount of \$21,566,66 with the Ministry of Agriculture, Food and Rural Affairs to fund the following projects:

| <i>ISF project #</i> | <i>project name</i> | <i>federal contribution</i> | <i>provincial contribution</i> | <i>ISF Amount</i> |
|----------------------|---------------------------------------------------|-----------------------------|--------------------------------|---------------------|
| 2548 | Water Master Plan Implementation – O'Connor Drive | \$4,500,000 | \$4,500,000 | \$9,000,000 |
| 2522 | Water Master Plan Implementation – Bayridge Drive | \$2,950,000 | \$2,950,000 | \$5,900,000 |
| 2579 | Water Master Plan Implementation – Front Road | \$3,333,333 | \$3,333,333 | \$6,666,666 |
| | total | \$10,783,333 | \$10,783,333 | \$21,566,666 |

(The Report of the Chief Administrative Officer (09-286) was distributed separately from the agenda on Friday, September 11, 2009)

(See By-Law No. (13), 2009-147)
(File No. CSU-F11-000-2009)

CARRIED

Note: Report No. 92 of the Nominations Advisory Committee was considered at this point in the meeting.
(See Page No. 568)

REPORTS (CONTINUED)

Report No. 91 of the Administrative Policies Committee

Council consented to amend Report No. 91 of the Administrative Policies Committee.

Report No. 91

To the Mayor and Members of Council:

The Administrative Policies Committee reports and recommends as follows:

All items listed on the Administrative 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.

City Council Meeting No. 18-2009
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Tuesday, September 15, 2009

August 13, 2009

1. **Proposed By-Law to Regulate Signs**

WHEREAS on December 9, 2008, the Administrative Policies Committee directed the Building and Licensing Department to gather input from the public; and,

WHEREAS a public meeting was held at City Hall on Tuesday, March 10, 2009; and,

WHEREAS additional input was solicited from the Administrative Policies Committee;

THEREFORE BE IT RESOLVED THAT the following amendments be approved to Draft By-Law 2009-140, being "A By-Law to Provide for the Prohibition and Regulations of Signs and Other Advertising Devices in the City of Kingston":

THAT the definition of "Portable Sign" under the definitions section of the By-Law be amended to include the word "temporary" after the words "means to include and any" so that the definition of "Portable Sign" now reads as follows:

"Portable Sign means and includes any temporary sign or advertising device not permanently attached to or affixed into the ground, to a building or structure, or any sign or advertising device resting upon or attached to any moveable device and includes airborne devices tethered to a structure, building, vehicle or other anchor";

- and further -

THAT Section 15 under Schedule "P-1" of the By-Law be amended by deleting the existing wording in its entirety so that Section 15 now reads as follows:

"No part of a portable sign shall be less than 0.3 m (1 foot) from the street line and in no case can such a sign be placed within a required parking space. No sign shall be located closer than 3 m (10 feet) from any publically owned roadway or sidewalk";

- and further -

THAT Section 13 under Schedule "P-1" of the By-law be amended to deleting the existing wording in its entirety so that Section 13 now reads as follows:

"The duration of a permit for a portable sign shall be no less than 30 days. Permits will be issued for a maximum period of 90 days at which time they will be subject to renewal."

-and further -

THAT Schedule R-3 Roof Signs, be amended to add a new No. 9 which will read as follows:

9. That roof signs be prohibited in all heritage designated areas and on all heritage properties;

REPORTS (CONTINUED)

Report No. 91 of the Administrative Policies Committee

2. **THAT** the following regulations remain in the by-law:

- a) THAT billboard signs be prohibited in the downtown "BIA" area; and,
- b) THAT roof signs only be permitted in commercial, industrial or institutional zones; and,
- c) THAT roof signs be prohibited in the downtown "BIA" area.

3. **THAT** staff be directed to bring forward a report to amend By-Law No. 2005-10, Fees and Charges to increase the monthly permit fee for portable signs to \$50.00 per 30 days, to be effective January 1, 2010.

DEFERRED

Note: A copy of "A By-Law to Provide for the Prohibition and Regulations of Signs and Other Advertising Devices in the City of Kingston" was attached as Schedule Pages 56-86.

(See By-Law No. (2), 2009-140)

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Report No. 92 of the Nomination Advisory Committee

Council consented to the addition of Report No. 92 of the Nomination Advisory Committee.

Moved by Councillor MacLeod-Kane

Seconded by Councillor Schmolka

THAT Report No. 92 of the Nomination Advisory Committee be received and adopted.

Report No. 92

To the Mayor and Members of Council:

The Nomination Advisory Committee reports and recommends as follows:

September 9, 2009

1. **Appointment to the Focus Kingston Steering Committee**

THAT Dan Corbett be appointed to the Focus Kingston Steering Committee for a term ending November 30th, 2009.

2. **Appointments to the Grand Theatre Community Advisory Board**

THAT the following individuals be appointed to the Grand Theatre Community Advisory Board for the term to expire November 30th, 2010:

- Eva Barnes
- Kathy Burke
- Gavin Cosgrove
- Linda Daly
- Walter Fenlon
- Merriam Lyle
- Brian Osborne
- Michael Springer
- Nick Waterfield
- Robert Wood;

REPORTS (CONTINUED)

Report No. 92 of the Nomination Advisory Committee

- and further -

THAT a by-law be presented to Council to amend By-Law No. 2004-360, as amended, being "A By-Law To Define The Composition And Terms Of Reference For Committees Established By The Corporation Of The City Of Kingston", in order to include the mandate of the Grand Theatre Community Advisory Board therein;

- and further -

THAT the by-law be given three readings.

Note: A copy of the mandate of the Grand Theatre Community Advisory Board is attached to the original minutes.

(See **By-Law No. (14), 2009-148**)

3. **Appointments to the Municipal Accessibility Advisory Committee**

THAT the following appointments be made to the Municipal Accessibility Advisory Committee:

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- Dava Gamble
- Marilyn Wilson;

- and further -

THAT, since the Municipal Accessibility Advisory Committee operates on a staggered term system, the Municipal Accessibility Advisory Committee be directed to confirm the term for the above-noted appointees and report back to Council.

4. **Approval of the Appointment Process for the KEDCO Board of Directors**

THAT the appointment process for the KEDCO Board of Directors, as outlined in the KEDCO correspondence dated August 5th, 2009, be approved.

Note: A copy of the KEDCO correspondence is attached to the original minutes.

CARRIED

Report No. 93 of the Kingston Municipal Heritage Committee (LACAC)

Council consented to the addition of Report No. 93 of the Kingston Municipal Heritage Committee (LACAC).

Report No. 93

To the Mayor and Members of Council:

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

September 14, 2009

1. **Approval of an Application for a Business Sign, Coloured Awnings and Paint on the Trim at 189 Ontario Street**

THAT Application P18-269-076-2009 for a property located at 189 Ontario Street requesting approval for a new business sign, new coloured awnings, new paint on trim **BE APPROVED** in accordance with details described within a submission filed August 24, 2009 and deemed complete by the Planning and Development Department August 25, 2009;

REPORTS (CONTINUED)

Report No. 93 of the Kingston Municipal Heritage Committee (LACAC)

- and further -

THAT prior to the commencement of work, the applicant will be required to make applications to the Engineering Department for an encroachment permit if the works require materials and equipment to be placed within the public right of way, and that consideration will need to be given to the rerouting of pedestrian traffic if the works require closure of the sidewalk with contact made with Brad Morton, Engineering Technician at 613-546-4291 ext. 3147.

CARRIED

(With Agreed To Amendments)

INFORMATION REPORTS

MISCELLANEOUS BUSINESS

Council consented to the addition of Miscellaneous Business Item No. (2).

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- (1) **THAT**, at the request of Annette Simonian, Project Coordinator, Kingston Partners for a Safe Community, Council proclaim October 7, 2009 as "Safe Communities Canada Day" in the City of Kingston.
(See Communication No. 18-424)

DEFERRED

- (2) **THAT** a Member of Council be selected to sit on the Grand Theatre Community Advisory Board.
(See Clause (2), Report No. 92)

DEFERRED

MOTIONS

Council consented to the addition of Motion No. (9).

- (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; and,

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; and,

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 Dr & Downing St
- 2) Birchwood & Sierra; and Hanover & Sierra

MOTIONS (CONTINUED)

- and further -

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

DEFERRED

- (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

- (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; and,

WHEREAS it has been 10 years since amalgamation and Kingston has experienced growth and population redistribution; and,

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

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; and,

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 2nd 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,

MOTIONS (CONTINUED)

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.

DEFERRED

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

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THAT the following motion, considered at the July 14th/15th, 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 4th, 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

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

WHEREAS Bill 106 has passed two readings in the Ontario Legislature; and,

WHEREAS The City of Kingston previously passed a resolution supporting the concept of legislation aimed at fixing the problems outlined in Bill 106; and,

MOTIONS (CONTINUED)

WHEREAS concerns about the potential impact of Bill 106 in terms of legal costs, financial costs and social costs have been raised by the Kingston Community Roundtable on Poverty Reduction, The Kingston Community Legal Clinic, The Social Issues Networking Group, and The Justice and Peace and Integrity of Creation Office of the Sisters of Providence of St. Vincent de Paul;

THEREFORE BE IT RESOLVED THAT Kingston City Council requests that the Government of Ontario not implement Bill 106 until the concerns outlined by the groups listed above have been adequately addressed; and,

BE IT FURTHER RESOLVED THAT a copy of the correspondence outlining concerns with Bill 106 from the above-mentioned groups (Communication No. 18-428) and a copy of this resolution be forwarded to Premier Dalton McGuinty; the Honourable Jim Watson, Minister of Municipal Affairs and Housing; the Honourable John Gerretsen, MPP, Kingston and the Islands; and the Honourable Yasir Naqvi, MPP, Ottawa Centre, for their consideration and requested action.

(See Communication No. 18-428)

CARRIED
(With Agreed To Amendments)

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

THAT the City of Kingston endorse Sunday hunting in the areas as outlined in the map contained in Appendix A, being a draft by-law to regulate the discharge of firearms, attached to Report AP-09-022; and,

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THAT the City of Kingston make application to the Ministry of Natural Resources to add the City to the Regulation which lists all of the municipalities in southern Ontario in which Sunday hunting is permitted.

Note: A copy of the map was attached as Schedule Page 87.

DEFERRED
(See Motion To Defer Which Was CARRIED)
ABYL0076

Moved by Councillor Hector
Seconded by Councillor Schmolka

THAT Motion No. (8) be deferred and referred to the Administrative Policies Committee for further consideration during their deliberations.

CARRIED

Moved by Councillor Gerretsen
Seconded by Councillor Garrison

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to allow debate on the deferral/referral motion presented by Councillors Hector and Schmolka.

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

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

WHEREAS the City's lease on the British Whig is coming to an end in the near future; and,

WHEREAS Kingston Utilities has indicated the need to expand their building on John Counter Boulevard; and,

WHEREAS the current economic situation should encourage Council to practice fiscal restraint;

MOTIONS (CONTINUED)

THEREFORE BE IT RESOLVED THAT City staff make all preparations necessary to have the Midland Ave Building ready for occupancy, as a minimum, for the following staff, Planning, Engineering, and Buildings and Licensing Departments and a payment centre no later than February 2010; and,

BE IT FURTHER RESOLVED THAT Kingston Utilities report to Council on the probable impact of their office space requirements over the next ten years, including the need to expand the building, if the Planning, Engineering, and Building and Licensing Departments vacate their current space, no later than the first Council meeting in September 2009.

(See Clause (4), Report No. 90)

Note: This item was deferred at the Council meeting on June 16, 2009, for report back to Council regarding the impact of moving staff accommodations back to Midland Avenue.

DEFERRED

NOTICES OF MOTION

MINUTES

THAT the Minutes of City Council Meeting No. 17-2009, held Tuesday, September 1, 2009 be confirmed.

DEFERRED

TABLING OF DOCUMENTS

- 2009-66 HIV/AIDS Regional Services
Newsletter – Summer 2009
(File No. CSU-M04-000-2009)

- 2009-67 Municipal Property Assessment Corporation (MPAC)
Newsletter – Special Enumeration Edition – Summer 2009
(File No. CSU-F22-000-2009)

DEFERRED

COMMUNICATIONS

Filed

- 18-425 From the Corporation of the City of Oshawa, acknowledging receipt of Council's resolution regarding "Housing Network of Ontario Declaration on the Availability of Affordable Housing"
(File No. CSU-S18-000-2009)

- 18-426 From the City of St. Catharines, acknowledging receipt of Council's resolution regarding "Housing Network of Ontario Declaration on the Availability of Affordable Housing"
(File No. CSU-S18-000-2009)

COMMUNICATIONS (CONTINUED)

- 18-427 From the Committee of Adjustment, a Notice of Decision for the following applications:
 - CONSENT – In respect of an application to sever the property at 2435 Princess Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 15, 2009.
 - CONSENT – In respect of an application to sever the property at 640 Millwood Drive, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 15, 2009.
 - CONSENT – In respect of an application to sever the property at 646 Millwood Drive, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 15, 2009.
 - CONSENT – In respect of an application to sever the property at 30 Colborne Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 15, 2009.
 - CONSENT – In respect of an application to sever the property at 151 Clergy Street East, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 15, 2009.
 - CONSENT – In respect of an application to sever the property at 153 Clergy Street East, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 15, 2009.
 - CONSENT – In respect of an application to sever the property at 157 Clergy Street East, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 15, 2009.

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CONSENT – In respect of an application to sever the property at 34 Colborne Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 15, 2009.

CONSENT – In respect of an application to sever the property at 5477 Highway 15, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 21, 2009.

CONSENT – In respect of an application to sever the property at 933 Division Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is September 24, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 76-26 for the property at 2727 Princess Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 14, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 76-26 for the property at 860 Norwest Road, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 14, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 8499 for the property at 15 Arch Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 14, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 8499 for the property at 480 Elliott Avenue, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 14, 2009.

COMMUNICATIONS (CONTINUED)

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 32-74 for the property at 752 Highway 15, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 14, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 8499 for the property at 30 Colborne Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 14, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 8499 for the property at 151 Clergy Street East, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 14, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 8499 for the property at 153 Clergy Street East, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 14, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 8499 for the property at 157 Clergy Street East, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 14, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 8499 for the property at 34 Colborne Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 14, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 96-259 for the property at 221 Queen Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 14, 2009.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 32-74 for the property at 87 Windfield Crescent, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is September 14, 2009.

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

- 18-429 From 66 Sima Sushi, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 66 Princess Street.
(File No. CSU-P09-000-2009)
- 18-434 From the County of Simcoe, acknowledging receipt of Council's resolution endorsing the Province of Ontario's Poverty Reduction Strategy document.
(File No. CSU-S18-000-2009)
- 18-435 From the Association of Municipalities of Ontario (AMO), advising that the Share the Road Cycling Coalition is requesting municipal input on a survey on active transportation policy in Ontario.
(File No. CSU-T00-000-2009)
(Digitally distributed to all Members of Council on September 1, 2009)
- 18-440 From the City of Brantford, acknowledging receipt of Council's resolution endorsing the Housing Network of Ontario Declaration.
(File No. CSU-S18-000-2009)

COMMUNICATIONS (CONTINUED)

- 18-441 From The Silly Yak, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 761 Bayridge Drive.
(File No. CSU-P09-000-2009)

Referred to All Members of Council

- 18-424 From Annette Simonian, Project Coordinator, Kingston Partners for a Safe Community, asking that Council proclaim October 7, 2009 as "Safe Communities Canada Day" in the City of Kingston.
(File No. CSU-M10-000-2009)
(See Miscellaneous Business Item No. 1)
- 18-428 From the Kingston Community Roundtable on Poverty Reduction, expressing their opinions regarding provincial Bill 106, The Safer Communities and Neighbourhoods Act (SCAN).
(File No. CSU-L11-000-2009)
(See Motion No. 7)
- 18-432 From the Corporation of the Town of New Tecumseth, asking for Council's support of a resolution that the provincial government be requested to consider that the GST and PST harmonization not include any items, goods or services that are currently subject to only one of the taxes not be subject to the other, so that no new taxation is created.
(File No. CSU-C10-000-2009)
(Distributed to all Members of Council on September 4, 2009)

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- 18-431 From Bonnie Porteous, Community 25 – Girl Guides of Canada, asking that Council waive the rental fee for an event celebrating the 100th year of operation for the World Association of Girl Guides and Girl Scouts to be held in Memorial Hall on October 21, 2009.
(File No. CSU-A21-000-2009)
(Distributed to all Members of Council on September 4, 2009)
- 18-433 From the Ontario Community Council on Impaired Driving, asking that Council waive the road closure fee for a precision motorcycle demonstration in front of City Hall on September 28, 2009, in conjunction with a “Focus on Young Drivers” workshop.
(File No. CSU-T08-000-2009)
(Distributed to all Members of Council on September 4, 2009)
- 18-439 From the Lower Burial Ground Restoration Society, inviting Council to attend a ceremony to officially unveil the newly restored Forsythe Monument, the final resting place of Joseph Forsythe, a prominent merchant and Loyalist, who died in 1813.
(File No. CSU-M02-000-2009)

COMMUNICATIONS (CONTINUED)

Referred to City Clerk

- 18-423 From Mohamed Bayoumi, Chair, Local Committee for the Islamic History Month Canada, asking that Council proclaim the month of October, 2009, as “Islamic History Month Canada” in the City of Kingston.
(File No. CSU-M10-000-2009)
- 18-430 From Diana Steele, Foster Care Resources Worker, Children’s Aid Society, asking that Council proclaim October 18th through October 24th, as “Canadian Foster Family Week” in the City of Kingston.
(File No. CSU-M10-000-2009)

Referred to the Rural Affairs Advisory Committee

- 18-436 From the Ontario Ministry of Agriculture, Food and Rural Affairs, providing information regarding the Premier’s Award for Agri-Food Innovation Excellence.
(File No. CSU-E00-000-2009)

Referred to the Chief Administrative Officer and the City Treasurer

- 18-437 From the Ontario Ministry of Municipal Affairs and Housing, providing information regarding the 2009 reporting requirements for the Municipal Performance Measurement Program (MPMP).
(File No. CSU-C08-000-2009)

Referred to the Commissioner of Community Development Services

- 18-438 From Mrs. Karoun Kashikjian, expressing her concerns regarding parking in front of the residence located at 459 Bagot Street.

BY-LAWS

Council consented to the amendment of the wording of By-Law (8) and the addition of By-Laws (10) through (15).

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

THAT By-Laws (1), (3) through (9), (14) and (15) be given their first and second reading.

CARRIED

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

THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (7), (14) and (15) three readings.

CARRIED

BY-LAWS (CONTINUED)

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

THAT By-Laws (7) through (15) be given their third reading.

CARRIED

- (1) A By-Law To Amend By-Law No. 99-166, "A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or The Local Board" (Delete Chris Delima) – Hotel Dieu Hospital, Kingston General Hospital, Mental Health Services 752 King Street West, Providence Manor 275 Sydenham Street)
FIRST AND SECOND READINGS PROPOSED NO. 2009-127
(See **Communication No. 17-414**)

- (2) A By-Law To Provide For The Prohibition And Regulations Of Signs And Other Advertising Devices In The City Of Kingston
FIRST AND SECOND READINGS PROPOSED NO. 2009-140
(See **Clause (1), Report No. 91**)

DEFERRED

- (3) A By-Law To Permit Council To Enter Into A Municipal Contribution Agreement With Kingston Interval House For The Provision Of Affordable Housing At 84 Stephen Street In Kingston.
FIRST AND SECOND READINGS PROPOSED NO. 2009-139
(See **Clause (c), Report No. 89**)

- (4) A By-Law To Permit Council To Enter Into A Municipal Contribution Agreement With Habitat For Humanity For The Provision Of Affordable Housing At 933 Division And 77 And 79 Wiley Street In Kingston.
FIRST AND SECOND READINGS PROPOSED NO. 2009-142

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(See Clause (d), Report No. 89)

- (5) A By-Law To Permit Council To Enter Into A Municipal Contribution Agreement With Frontenac Community Mental Health Services For The Provision Of Affordable Housing At 31 Lyons Street
FIRST AND SECOND READINGS PROPOSED NO. 2009-143
(See Clause (f), Report No. 89)
- (6) A By-Law To Permit Council To Enter Into A Municipal Contribution Agreement With Jay Patry Enterprises Inc. For The Provision Of Affordable Housing At 810 Blackburn Mews
FIRST AND SECOND READINGS PROPOSED NO. 2009-144
(See Clause (g), Report No. 89)
- (7) A By-Law To Authorize The Borrowing Upon Amortizing Debentures In The Principal Amount Of \$47,962,757.00 Towards The Cost Of Certain Capital Works Of The Corporation Of The City Of Kingston
THREE READINGS PROPOSED NO. 2009-141
(See Clause (5), Report No. 90)

BY-LAWS (CONTINUED)

- (8) A By-Law to Amend By-Law No. 76-26, "A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston" to Remove the '-H' Holding Symbol Related to the 'R5-8' Zone (810 Blackburn Mews)
THREE READINGS PROPOSED NO. 2009-145
(Delegated Authority)
- (9) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, September 15, 2009
THREE READINGS PROPOSED NO. 2009-146
(City Council Meeting No. 18-2009)
- (10) A By-Law To Repeal By-Law 04-256, cited as "City of Kingston Development Charge By-Law 2004"
THIRD READING PROPOSED NO. 2009-135
(See Clause (1), Report No. 84)
- (11) A By-Law To Establish Development Charges For The City of Kingston, cited as the "City of Kingston Development Charge By-Law 2009"
THIRD READING PROPOSED NO. 2009-136
(See Clause (1), Report No. 84)
- (12) A By-Law To Repeal By-Law 04-257, As Amended, Being A By-Law To Impose Water Rates And Sewer Rates To Recover Capital Cost Of Installing Water And Sanitary Sewer Services Necessary To Benefit Users Of The System For The City Of Kingston
THIRD READING PROPOSED NO. 2009-137
(See Clause (1), Report No. 84)

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- (13) A By-Law To Impose Water Rates And Sewer Rates To Recover The Capital Cost Of Installing Water And Sanitary Sewer Services Necessary To Benefit Users Of The System
THIRD READING PROPOSED NO. 2009-138
(See Clause (1), Report No. 84)
- (14) A By-Law To Designate The Mayor And Chief Administrative Officer As Signing Officers For The Infrastructure Stimulus Fund Contribution Agreement To Approve The Execution Of This Agreement
THREE READINGS PROPOSED NO. 2009-147
(See Clause (6), Report No. 90)
- (15) A By-Law To Amend By-Law No. 2004-360, "A By-Law To Define The Composition And Terms Of Reference For Committees Established By The Corporation Of The City Of Kingston" (to include the mandate of the Grand Theatre Community Advisory Board)
THREE READINGS PROPOSED NO. 2009-148
(See Clause (2), Report No. 92)

ADJOURNMENT

Moved by Councillor Glover
Seconded by Councillor Garrison

THAT Council do now adjourn.

CARRIED

Council adjourned at 11:15 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor