

CITY COUNCIL MEETING NO. 22-2009

The Regular Meeting of City Council was held on Tuesday, November 17, 2009, and was called to order at 5:30 pm in the Council Chamber, City Hall. Regular business commenced at 7:40 pm. His Worship Mayor Harvey Rosen presided.

There was an "In Camera" meeting of the Committee of the Whole from 5:35 pm to 6:15 pm in the Councillors' Lounge.

There was a Kingston & Frontenac Housing Corporation Shareholders meeting from 6:20 pm to 7:30 pm.

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison (arrived 5:45 pm), Councillor MacLeod-Kane, Deputy Mayor Matheson, Councillor Meers, Councillor Osanic (arrived 5:40 pm), Councillor Schmolka, Councillor Smith (11)

Absent: Councillor Foster, Councillor Garrison (2)

(Councillors' Lounge)

Administrative Staff Present:

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

COMMITTEE OF THE WHOLE "IN CAMERA"

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

THAT Council resolve itself into the Committee of the Whole "In Camera" to consider the following items:

- (a) A proposed or pending acquisition or disposition of land by the municipality or local board
- (b) A proposed or pending acquisition or disposition of land by the municipality or local board
- (c) A proposed or pending acquisition or disposition of land by the municipality or local board – Cataraqui West Subdivision

CARRIED

(Council Chamber)

Administrative Staff Present:

Ms. C. Beach, Commissioner of Sustainability and Growth
Mr. J. Bolognone, Deputy City Clerk
Mrs. C. Downs, City Clerk
Mr. J. Giles, Manager, Solid Waste
Mr. J. Hale, Driver/Labourer, Public Works
Mr. G. Hunt, Chief Administrative Officer
Ms. L. Hurdle, Director, Recreation and Leisure Services
Ms. S. Kidd, Director, Corporate Asset Operations
Mr. D. Leger, Commissioner of Corporate Services

Administrative Staff Present (continued):

Mr. H. Linscott, Director, Legal Services

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

Mr. P. MacLatchy, Director, Strategy, Environment and Communications
Mr. R. McKelvie, Chief Information Officer, Information Systems and Technology
Mr. M. Morris, Director, Transportation
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 Smith
Seconded by Councillor Meers

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

CARRIED

DISCLOSURE OF PECUNIARY INTEREST

Councillor Hector declared a possible pecuniary interest in the matter of Clause (2) of Report No. 111 of the Chief Administrative Officer (Recommend) and Clauses 6 and 11 of Report No. 107 of the Kingston Municipal Heritage Committee (LACAC), as she has a contract with Hughes Downey Architects. These items are from Meeting No. 21-2009, held on November 3, 2009.

Councillor MacLeod-Kane declared a possible pecuniary interest in the matter of Motion No. (2) as she is an employee of the Limestone District School Board.

Councillor Meers declared a possible pecuniary interest in the matter of Clause (4) of Report No. 117 of the Chief Administrative Officer (Recommend) and Motion No. (2) due to her professional involvement with the school boards mentioned within.

Councillor Gerretsen declared a possible pecuniary interest in the matter of Clause (4) of Report No. 117 of the Chief Administrative Officer (Recommend) and Motion No. (2) as his mother is employed by the Algonquin and Lakeshore Catholic District School Board (ALCDSB).

Moved by Councillor Hutchison
Seconded by Councillor Gerretsen

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to amend the Orders of the Day to move Motion No. (9) so that it can be considered in Committee of the Whole, to follow Motion No. (6).

CARRIED
(A 2/3 Vote of Council Was Received)
(See Page No. 686)

Moved by Councillor Hutchison
Seconded by Councillor Gerretsen

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to allow Natalie Mehra 10 minutes to make her delegation.

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

PRESENTATIONS

DELEGATIONS

- (1) Ms. Natalie Mehra, Executive Director of the Ontario Health Coalition, was present and spoke to Council regarding Rideaucrest Home.
(See Motion No. (6), Page No. 686)

BRIEFINGS

- (1) Mr. Rob Tamblyn, Ms. Arden Henry and Ms. Tezia Posthuma of the Downtown Kingston! BIA spoke to Council regarding their Local Foods/Local Chefs Initiative.
- (2) Mr. Paul MacLatchy, Director of Strategy, Environment and Communications, and Ms. Linda Whitfield, Chair of the FOCUS Kingston Steering Committee, were present and spoke to Council regarding the Completion of Draft 1 of Sustainable Kingston – Our First ICSP.
(See Clause 1, Report No. 124, Page No. 706)
- (3) Mr. Nick Waterfield, Chair of the Citizen Committee to Review Council Remuneration, was present and spoke to Council regarding their recommendation.
(See Clause 1, Report No. 125, Page No. 707)

PETITIONS

- (1) A petition bearing approximately 60 signatures was presented by Councillor MacLeod-Kane and referred to the Administrative Policies Committee and reads as follows:

"We the undersigned, as residents of the City of Kingston draw the attention of Kingston City Council to the following:

WHEREAS, in 2006, the Minister of Natural Resources for the Province of Ontario introduced Sunday hunting to address the need to better manage and control wildlife populations; to reduce the significant amount of crop and livestock damage associated with burgeoning wildlife populations; and to address the growing public safety threat from wildlife/car collisions, and

WHEREAS Sunday hunting has proven to be an economic benefit of many local communities; and

WHEREAS Sunday hunting provides additional family hunting opportunities for those who work through the week or on shift work; and

PETITIONS

WHEREAS since 2006 almost 140 local municipalities across southern Ontario have passed resolutions in support of Sunday hunting;

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

THEREFORE BE IT RESOLVED that your petitioners call upon Kingston City Council to pass a resolution in support of Sunday hunting and that said resolution be forwarded to the Ministry of Natural Resources for inclusion in the regulation."

REFERRED TO THE ADMINISTRATIVE POLICIES COMMITTEE

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Council consented to the addition of Motion of Congratulations No. (1) and Motions of Condolence No. (2) and (3).

Motions of Congratulations

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

THAT the congratulations of Kingston City Council be extended to Peter Huigenbos, Project Engineer, Real Estate and Construction Services, and Head Coach of the Queen's University Rugby Team, and Luke Follwell, Manager, Recreation Facilities, and Assistant Coach. Their team was undefeated during regular season play and went on to defeat the University of Western Ontario on November 14th to win the Turner Trophy. Huigenbos was also recognized by Ontario University Athletics as Coach of the Year.

Motions of Condolence

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

THAT the sincere condolences of Kingston City Council be extended to the family of Mary Wanita Gourdier and Julie Christine Gourdier of Kingston.

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

THAT the sincere condolences of Kingston City Council be extended to family and friends of Mortimer Abramsky, who passed away on November 12, 2009. Mr. Abramsky, a lifetime resident of Kingston, was a generous contributor to a number of city projects, service clubs, and local charities.

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

THAT the sincere condolences of Kingston City Council be extended to the family of Jacquie Neilson, who was active in Folklore and the Ukrainian Club.

CARRIED

COMMITTEE OF THE WHOLE

Moved by Councillor Gerretsen

Seconded by Councillor MacLeod-Kane

(A) **THAT** Council resolve itself into the Committee of the Whole to consider Motions No. (6) and (9).

(6) Moved by Councillor Gerretsen

Seconded by Councillor MacLeod-Kane

WHEREAS the Hay Group was hired to undertake an independent, objective review of the management and operations of Rideaucrest Home in 2006; and,

WHEREAS Council received the report of the Hay Group on April 17, 2007, with the understanding that the report recommendations would serve as the basis for developing and implementing a multi-year action plan to improve the overall effectiveness of management and efficiency of operations in the Home; and,

WHEREAS on October 6, 2009, the Commissioner of Community Development Services will be providing Council with a comprehensive update report on the progress made to date on implementing the action plan; and,

WHEREAS it is timely and prudent to receive an independent assessment of the progress being made to improve the management and operations of the Home;

THEREFORE BE IT RESOLVED THAT the CAO be directed to commission an independent review of the progress to date on addressing the recommendations of the 2007 Hay Group Report;

- and further -

THAT a report from the independent firm detailing its findings be submitted to Council no later than February 28, 2010.

WITHDRAWN

Moved by Councillor Gerretsen

Seconded by Councillor MacLeod-Kane

THAT Motion No. (6) be withdrawn from the agenda.

CARRIED

(9) Moved by Councillor Hutchison

Seconded by Councillor MacLeod-Kane

THAT the CAO be directed to develop an Action Plan for Rideaucrest Home for the Aged that is guided by the following principles:

1. Maintaining high-quality front-line resident care as the primary objective; and
2. Repairing and improving the morale of staff at Rideaucrest;
3. Maintaining fiscal responsibility;

CARRIED AS AMENDED

(See Motion To Amend Which Was CARRIED)

(See Motions To Amend Which Were LOST)

- and further -

THAT, until the Action Plan is approved, no attrition or laying off of front-line staff takes place;

CARRIED

COMMITTEE OF THE WHOLE (CONTINUED)

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

- and further -

THAT the CAO explore the option of making Rideaucrest a Centre of Excellence;

CARRIED

- and further -

THAT the CAO's Action Plan be presented to the Arts, Recreation and Community Policies Committee (ARCP) in February 2010.

CARRIED

(With Agreed To Amendments)

Moved by Councillor Gerretsen

Seconded by Councillor Smith

THAT Motion No. (9) be amended in Paragraph 1 by adding the following as number 3: "Maintaining fiscal responsibility".

CARRIED (10:1)

(See Recorded Vote No. 1)

Moved by Councillor Hector

Seconded by Councillor Gerretsen

THAT Motion No. (9) be amended by revising Paragraph 1, number 1, to read as follows: "Maintaining the present cost per resident per day regarding front line resident care until an action plan comes back".

LOST

Moved by Deputy Mayor Matheson

Seconded by Councillor Meers

THAT Motion No. (9) be amended by adding the following thereto: "THAT the CAO be directed to consider the fast-tracking of a committee Board of Management at Rideaucrest Home.

LOST (3:8)

(See Recorded Vote No. 2)

Moved by Councillor Smith

Seconded by Councillor MacLeod-Kane

THAT Motion No. (9) be amended in Paragraph 1 by adding the following as number 3: "Ensuring an efficient and effectively run home"

LOST (4:7)

(See Recorded Vote No. 3)

1. A Recorded Vote was requested by Councillor Smith

YEAS: Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Matheson, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (10)

NAYS: Councillor MacLeod-Kane (1)

ABSENT: Councillor Foster, Councillor Garrison (2)

COMMITTEE OF THE WHOLE (CONTINUED)

2. A Recorded Vote was requested by Deputy Mayor Matheson

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

YEAS: Deputy Mayor Matheson, Councillor Meers, Councillor Osanic (3)

NAYS: Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Mayor Rosen, Councillor Schmolka, Councillor Smith (8)

ABSENT: Councillor Foster, Councillor Garrison (2)

3. A Recorded Vote was requested by Councillor Smith

YEAS: Councillor Hector, Deputy Mayor Matheson, Mayor Rosen, Councillor Smith (4)

NAYS: Councillor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Meers, Councillor Osanic, Councillor Schmolka (7)

ABSENT: Councillor Foster, Councillor Garrison (2)

Moved by Councillor Meers

Seconded by Councillor Osanic

(B) THAT Council rise from the Committee of the Whole, the Chair report, and the report be received and adopted.

CARRIED

REPORTS

Report No. 116 the Chief Administrative Officer (Consent)

Moved by Councillor Schmolka

Seconded by Councillor Gerretsen

THAT Report No. 116 of the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the separation of Clause (m).

Report No. 116

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) **Capital Budget Amendment for Conveyor Repairs at the Kingston Area Recycling Centre**

THAT a capital budget amendment in the amount of \$80,000 from the Solid Waste equipment reserve fund for conveyor repairs and upgrade be approved.

(The Report of the President and CEO of Utilities Kingston (09-304) was previously distributed)

(File No. CSU-V00-000-2009)

REPORTS (CONTINUED)

Report No. 116 the Chief Administrative Officer (Consent)

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

(Note: This item originally appeared as Clause (a) of Report No. 103 of the Chief Administrative Officer (Consent) on the agenda for the Council meeting on October 20, 2009, and then as Clause (a) of Report No. 110 of the Chief Administrative Officer (Consent) on the agenda for the Council meeting on November 3, 2009.)

(b) Award of Contract for Corporate Intranet RFP No. F31-CS-IS-2009-2 to OA Solutions Inc.

THAT Council authorize the Mayor and Clerk to enter into a time and materials contract with OA Solutions Inc., in a form satisfactory to the Director of Legal Services, in reference to RFP No. F31-CS-IS-2009-2, for an amount not exceeding \$80,000, and the annual product maintenance fees not exceeding \$20,000.

(The Report of the Commissioner of Sustainability and Growth and the Commissioner of Corporate Services (09-305) was previously distributed)

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

(Note: This item originally appeared as Clause (b) of Report No. 103 of the Chief Administrative Officer (Consent) on the agenda for the Council meeting on October 20, 2009, and then as Clause (b) of Report No. 110 of the Chief Administrative Officer (Consent) on the agenda for the Council meeting on November 3, 2009.)

(c) Approval of Purchase of Tables for Dining Rooms at Rideaucrest Home

THAT Council approve the purchase of dining room tables from Advanced Business Interiors at a cost of \$60,695.44 and authorizes the Mayor and Clerk to execute a contract on behalf of the city in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Community Development Services (09-301) was previously distributed)

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

(Note: This item originally appeared as Clause (f) of Report No. 110 of the Chief Administrative Officer (Consent) on the agenda for the Council meeting on November 3, 2009.)

(d) Partnership with the Ministry of Transportation/Metrolinx for the Joint Procurement of Transit Buses

THAT Council authorize the Mayor and Clerk to enter into a governance agreement with Metrolinx for the joint procurement of four (4) transit replacement buses as approved in the 2010 capital budget, subject to the review and satisfaction of the City's legal department;

- and further -

THAT Council approve the appointment of Sheila Kidd, Director of Corporate Assets Operations, as the RFP steering committee member for the City of Kingston, and Robert Steele, Fleet Manager, as the alternate.

(The Report of the Commissioner of Corporate Services (09-303) was previously distributed)

(File No. CSU-L04-000-2009, CSU-V00-000-2009)

(Note: This item originally appeared as Clause (g) of Report No. 110 of the Chief Administrative Officer (Consent) on the agenda for the Council meeting on November 3, 2009.)

(e) Extension Agreement for Sale of Land for Tax Arrears

THAT Council approve the entering into a Tax Sale Extension Agreement, in a form approved by the Director of Legal Services, with the property owner of 710 Kingston Mills Road, to extend the period of time in which the cancellation price is to be paid and that a by-law be presented to enact such agreement.

REPORTS (CONTINUED)

Report No. 116 the Chief Administrative Officer (Consent)

(The Report of the Deputy Treasurer (09-320) was previously distributed)

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

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

(See By-Law No. (9), 2009-178)

(Note: This item originally appeared as Clause (h) of Report No. 110 of the Chief Administrative Officer (Consent) on the agenda for the Council meeting on November 3, 2009.)

(f) **Agreement with MultiGen HealthCare Corporation (MultiGen)**

THAT Council authorize the Mayor and City Clerk to execute a one year agreement on behalf of the City of Kingston with MultiGen HealthCare Corporation to provide on-site dental and oral hygiene services for residents of Rideaucrest Home;

- and further -

THAT Council hereby delegates authority to the Commissioner of Community Development Services or his delegates to execute service agreements on behalf of the City of Kingston, in a form satisfactory to the Director of Legal Services, with providers of health care and health related services and programs not offered through the City of Kingston to the residents of Rideaucrest Home for services such as dental care and oral hygiene, physiotherapy, and pharmacy and prescription drug dispensing services that are made available on premises to the residents of Rideaucrest Home from time to time.

(The Report of the Commissioner of Community Development Services (09-246) was previously distributed)
(File No. CSU-S02-000-2009)

(Note: This item originally appeared as Clause (1) of Report No. 104 of the Chief Administrative Officer (Recommend) on the agenda for the Council meeting on October 20, 2009, and then as Clause (1) of Report No. 111 of the Chief Administrative Officer (Recommend) on the agenda for the Council meeting on November 3, 2009.)

(g) **Capital Project Status Report for the Third Quarter of 2009**

THAT Council approve the financing of capital projects or (return of funds), as outlined in Appendix A of Report No. 09-309 as follows:

Source of Financing	
Municipal Capital Reserve Fund	\$24,452
Arenas Reserve Fund	(\$57,637)
Police Equipment Reserve Fund	\$12,464
Facility Repair Reserve Fund	\$1,176
Parking Reserve Fund	\$13,397
Technology Reserve Fund	(\$4,957)
Rideaucrest Reserve Fund	\$510
Grand Theatre Reserve Fund	\$13,595
Cash In Lieu	(\$174)
Sub-Total-Other Reserve Funds	(\$21,627)
Total Reserve Funds	\$2,825

(The Report of the Deputy Treasurer (09-309) was attached as Schedule Pages 1-19)
(File No. CSU-F05-000-2009)

REPORTS (CONTINUED)

Report No. 116 the Chief Administrative Officer (Consent)

(h) **Corporate Voice Network - AVST Voice Mail System Upgrade**

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

THAT Council approve the single sourcing of the upgrade of the existing AVST Voice Mail and Speech Recognition system on the corporate voice network as per the provisions of Section 4.5(ii) of the City's Purchasing By-Law No. 2000-134, as amended;

- and further -

THAT Council authorize the Mayor and Clerk to award Southeastern Telecommunication Services the upgrade of the existing AVST Voice Mail and Speech Recognition system on the corporate voice network for a total cost of \$141,464 plus applicable taxes, in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Corporate Services (09-325) was attached as Schedule Pages 20-23)
(File No. CSU-A12-000-2009)

(i) **Google Transit Agreement**

THAT Council authorize Transit staff to execute an electronic agreement with Google Inc. ("Google") to provide transit related content, upon review of the electronic agreement to the satisfaction of the Director of Legal Services.

(The Report of the Commissioner of Corporate Services (09-334) was attached as Schedule Pages 24-25)
(File No. CSU-L04-000-2009)

(j) **Conveyor Repairs and Upgrade at the Kingston Area Recycling Centre**

THAT the Solid Waste Department be authorized to single source, pursuant to Purchasing By-Law No. 2000-134, goods and services with Machinex Recycling Services for the replacement and upgrade of Conveyor C-2 which transports containers into the sort room in the Material Recovery Facility at the Kingston Area Recycling Centre;

- and further -

THAT an agreement be prepared 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 (09-336) was attached as Schedule Pages 26-28)
(File No. CSU-E07-001-2009)

(k) **Amendment of Lease Agreement with Pro Graphics Sports Ltd. for Relocation of the ATM at INVISTA Centre**

THAT Council authorize the Mayor and Clerk to execute the lease agreement, subject to the satisfaction of the City's Legal Services Department, with Pro Graphics Sports Ltd. for relocation of the ATM machine within the INVISTA Centre lobby.

(The Report of the Commissioner of Sustainability and Growth (09-339) was attached as Schedule Pages 29-31)
(File No. CSU-L15-000-2009)

(l) **Federation of Canadian Municipalities (FCM) Green Municipal Funds Agreement for the Kingston Integrated Community Sustainability Plan (ICSP)**

THAT Council authorize the Mayor and Clerk to sign a grant funding agreement, satisfactory to the Legal Services Department, in the amount of \$126,500.00 with the Federation of Canadian Municipalities (FCM) for the purpose of funding Sustainable Kingston – the City of Kingston's first Integrated Community Sustainability Plan.

REPORTS (CONTINUED)

Report No. 116 the Chief Administrative Officer (Consent)

(The Report of the Commissioner of Sustainability and Growth (09-342) was attached as Schedule Pages 32-35)
(File No. CSU-F11-000-2009)

CARRIED
(Clauses (a) through (l))

- (m) **Second Request for Noise Exemption from the Ministry of Transportation Ontario for Rehabilitation Work on the Wolfe Island Ferry Dock at 295 Ontario and Barrack Street**

THAT the Ministry of Transportation, Ontario Eastern Region be granted an exemption from the normal 7:00 p.m. to 7:00 a.m. restriction under Schedule 'B' of By-Law No. 2004-52, "A By-Law To Regulate Noise", in order to allow rehabilitation work at the Barrack Street Terminal to commence between November 21st and December 5th, 2009, for 9 consecutive days, which will involve 24 hour operations including Saturday and Sunday.

(The Report of the Commissioner of Community Development Services (09-344) was attached as Schedule Pages 36-41)

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

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

Moved by Councillor Glover
Seconded by Deputy Mayor Matheson

THAT Clause (m) of Report No. 116 of the Chief Administrative Officer (Consent) be amended by deleting Paragraph 2, which reads as follows:

"THAT the construction shall not include more than 5 week days from Monday to Friday and shall not overlap with any Statutory Holiday."

CARRIED

Moved by Councillor Hector
Seconded by Councillor Gerretsen

THAT Clause (m) of Report No. 116 of the Chief Administrative Officer (Consent) be reconsidered.

CARRIED

Report No. 117 of the Chief Administrative Officer (Recommend)

Council consented to the addition of Clause (4A) and the correction of Clauses (4) and (5).

Moved by Councillor Hector
Seconded by Deputy Mayor Matheson

THAT Report No. 117 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 117

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

REPORTS (CONTINUED)

Report No. 117 of the Chief Administrative Officer (Recommend)

- (1A) **STAFF BRIEFING** – Mr. Denis Leger, Commissioner of Corporate Services, spoke to Council regarding parking for Kingston Regional Cancer Centre patients.

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

(1) **Parking for Kingston Regional Cancer Centre Patients**

THAT Council direct staff to work in conjunction with Kingston Regional Cancer Centre staff to create greater awareness of available options for parking of vehicles;

- and further -

THAT Council receive Report No. 09-318 and that no action be taken at this time regarding the municipality providing additional dedicated parking for patients of the Cancer Centre.

(The Report of the Commissioner of Corporate Services (09-318) was previously distributed)

(File No. CSU-T02-000-2009)

(Note: This item originally appeared as Clauses (3A) and (3) of Report No. 111 of the Chief Administrative Officer (Recommend) on the agenda for the Council meeting on November 3, 2009.)

CARRIED

(2) **Application for Noise Exemption by M. Sullivan & Sons for Construction of the Queen's University School of Medicine Building at 15 Arch Street**

THAT M. Sullivan & Sons be granted an exemption from the normal 7:00 pm to 7:00 am restriction under Schedule "B" of By-Law No. 2004-52, "A By-Law To Regulate Noise", for the sole purpose of allowing concrete finishing as part of the construction of the new Queen's School of Medicine facility at 15 Arch Street, from Monday to Thursday only, starting no sooner than December 1, 2009 and ending no later than October 28, 2010;

-and further-

THAT this activity be permitted for a maximum of 24 days during the exemption period and that M. Sullivan & Sons provides the City of Kingston through the Manager, Licensing and Enforcement Division, 48 hours notice before the pouring of concrete, in order to allow staff the opportunity to notify the district Councillor.

(The Report of the Commissioner of Community Development Services (09-331) was attached as Schedule Pages 42-47)

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

CARRIED

(3) **Closure of Woodburn Community Centre and Repairs to Madoma and Meadowcrest Community Centres**

THAT Council direct staff to cease to operations of the Woodburn Community Centre as of January 1st, 2010;

- and further -

THAT this change in operations be reflected in the 2010 operational budget;

- and further -

THAT Council authorize Mayor and Clerk to enter into an agreement, in a form satisfactory to the Director of Legal Services, with the Limestone District School Board to proceed with the demolition of the facility and to release the City from any responsibility on the property;

- and further -

THAT Council direct staff to use \$30,000 of the Community Centres capital budget account to cover costs of demolition and environmental work;

REPORTS (CONTINUED)

Report No. 117 of the Chief Administrative Officer (Recommend)

- and further -

THAT Council direct staff to continue with the relocation of community groups to other City owned facilities under the same terms and conditions;

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

- and further -

THAT Council direct staff to proceed with repairs to both Madoma and Meadowcrest community centres as described in building condition assessments.

(The Report of the Commissioner of Sustainability and Growth (09-337) was attached as Schedule Pages 48-62)
(File No. CSU-R05-000-2009)

CARRIED

Councillors Gerretsen and Meers withdrew from the meeting.

(4) **Track and Field Project Final Plan for the INVISTA Centre Site**

THAT Council approve the track and field project with the revised budget of \$5,984,000 and financing of \$5,984,000, of which \$1,034,000 is to be financed by community partners;

- and further -

THAT Council direct staff to proceed with detailed design and construction of the facility to make it available for community use in the spring of 2011.

(The Report of the Commissioner of Sustainability and Growth (09-338) was attached as Schedule Pages 63-67)
(File No. CSU-R05-002-2009)

CARRIED (7:2)
(See Recorded Vote)

A Recorded Vote was requested by Councillor MacLeod-Kane

YEAS: Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Deputy Mayor Matheson, Councillor Osanic, Mayor Rosen (7)

NAYS: Councillor Schmolka, Councillor Smith (2)

ABSENT: Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Meers (4)

Councillors Gerretsen and Meers returned to the meeting.

(5) **Battery Park Final Construction Plan**

THAT Council approve proposed upgrades to Battery Park for a total cost of \$175,000 to be finance from existing Recreation and Leisure capital accounts as follows:

1. \$90,000 remaining in the City Park splash pad account;
2. \$42,500 from the waterfront improvement account;
3. \$42,500 from the cycling and pathway account;

- and further -

THAT staff be directed to negotiate and the Mayor and City Clerk be authorized to sign any agreements required to facilitate the proposed upgrades.

(The Report of the Commissioner of Sustainability and Growth (09-343) was attached as Schedule Pages 68-72)
(File No. CSU-R04-000-2009)

CARRIED

REPORTS (CONTINUED)

Report No. 118 of the Planning Committee

Moved by Councillor Schmolka

Seconded by Councillor Glover

THAT Report No. 118 of the Planning Committee be received and adopted.

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

Council consented to the separation of Clauses 1 and 2.

Report No. 118

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.

October 15, 2009

1. **Amendment to By-Law No. 2006-75 – Delegation Of Authority - Signing Authority for Pre-Servicing and Model Home Agreements, File No. A09-001-2009**

THAT By-Law No. 2006-75 be amended as follows:

(i) By Adding the following as a new Clause 2.1 (i) (f) immediately following Clause 2.1 (i) (e):

“(f) Prior to Final Subdivision Approval, the Head of Council or the Presiding Officer in his/her absence and the City Clerk are hereby authorized to sign and seal all Model Home Agreements and Pre-Servicing Agreements which have been approved by staff in accordance with the approved engineering drawings for the subdivision in order to permit model home construction and the installation of infrastructure in advance of the issuance of Final Subdivision Approval pursuant to this By-Law.”

(Note: A copy of the amended by-law was previously distributed)

(See By-Law No. (10), 2009-179)

(Note: This item originally appeared as Clause 1 of Report No. 112 of the Planning Committee on the agenda for the Council meeting on November 3, 2009, and was deferred due to lack of time.)

CARRIED



November 5, 2009

2. **Planning for Drive Through Facilities in the City Of Kingston**

THAT Council confirm the policies of the Adopted Official Plan as they relate to planning for drive through facilities;

- and further -

THAT urban design guidelines for drive through facilities be developed, as time and budget permit.

CARRIED

REPORTS (CONTINUED)

Report No. 119 of the Environment, Infrastructure and Transportation Policies Committee

Moved by Councillor Smith

Seconded by Councillor Schmolka

THAT Report No. 119 of the Environment, Infrastructure and Transportation Policies Committee be received and adopted.

Report No. 119

To the Mayor and Members of Council:

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

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

October 13, 2009

1. **Active Community Charter Trails for Active Transportation – Kingston Community Report**

THAT Council endorse the "Active Living Charter of the City of Kingston" attached as Exhibit 'A' to this report.

(Note: A copy of Exhibit 'A' and a memorandum regarding the title of the Charter were previously distributed)

(Note: This item originally appeared as Clause 1 of Report No. 113 of the Environment, Infrastructure and Transportation Policies Committee on the agenda for the Council meeting on November 3, 2009, and was deferred due to lack of time.)

CARRIED

Report No. 120 of the Administrative Policies Committee

Moved by Councillor Hector

Seconded by Councillor Meers

THAT Report No. 120 of the Administrative Policies Committee be received and adopted.

Council consented to the separation of Clauses 1 and 2.

Report No. 120

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.

October 8, 2009

1. **Harmonized Discharge of Firearms By-Law**

a) **THAT** the draft by-law attached as Appendix "A", "A By-Law to Regulate the Discharge of Firearms", be approved with the amendment to add clause 'e' to Section 5.2 entitled Exempted Activities which will read as follows:

(e) implementing remedial actions under the Kingston Airport's Wildlife Control Plan to reduce wildlife hazards on airport lands to aircraft and airport operations.

REPORTS (CONTINUED)

Report No. 120 of the Administrative Policies Committee

- and further -

b) **THAT** a by-law be presented to amend By-Law No. 10, "A By-Law Respecting Streets", of the former City of Kingston by deleting section 65 in its entirety;

- and further -

c) **THAT** by-laws be presented to repeal (1) By-Law No. 69-23, "A By-Law to Prohibit the Discharge of Guns or Other Firearms, Air Guns and Spring Guns within the Limits of that part of the Municipal Corporation of the Township of Kingston South of 401 Highway", of the former Township of Kingston, (2) By-Law No. 92-42, "A By-Law to Amend By-Law 69-23 Regarding Discharge of Guns South of 401 Highway", of the former Township of Kingston, (3) By-Law No. 92-63, "A By-Law to Amend By-Law 69-23 as amended by By-Law 92-42 and to Define

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

Firearm", of the former Township of Kingston, and (4) By-Law No. 94-103, "A By-Law to Amend By-Law 69-23 Regarding Discharge of Firearms South of Highway 401", of the former Township of Kingston;

- and further -

d) **THAT** a by-law be presented to repeal By-Law No. 49-92, "Being a By-Law to Regulate the Discharge of Firearms within the Township of Pittsburgh", of the former Township of Pittsburgh.

(See By-Law No. (1), 2009-170, By-Law No. (2), 2009-171, By-Law No. (3), 2009-172, By-Law No. (4), 2009-173, By-Law No. (5), 2009-174, By-Law No. (6), 2009-175, By-Law No. (7), 2009-176)

(Note: A copy of Appendix "A" as amended; and the draft by-laws were previously distributed)

(Note: This item originally appeared as Clause (1) of Report No. 106 of the Administrative Policies Committee on the agenda for the Council meetings on October 20, 2009 and November 3, 2009, and was deferred due to lack of time.)

CARRIED

2. **New Administrative Fee for Property Tax Accounts**

THAT effective January 1, 2010, a fee of \$25.00 per tax account be implemented for each new assessment roll created and for each time that the tax roll is updated for an ownership change.

(Note: This item originally appeared as Clause (2) of Report No. 106 of the Administrative Policies Committee on the agenda for the Council meetings on October 20, 2009, and November 3, 2009, and was deferred due to lack of time.)

CARRIED

Report No. 121 of the Arts, Recreation and Community Policies Committee

Moved by Councillor Hutchison

Seconded by Councillor Osanic

THAT Report No. 121 of the Arts, Recreation and Community Policies Committee be received and adopted.

Council consented to the separation of Clauses 1 and 2.

Report No. 121

To the Mayor and Members of Council:

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

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

REPORTS (CONTINUED)

Report No. 121 of the Arts, Recreation and Community Policies Committee

October 22, 2009

1. **Final Concept Plan – Lake Ontario Park**

THAT Council approve the proposed concept plan for Lake Ontario Park (Exhibit 'B'), dated October 22, 2009, which focuses on community events and gatherings and direct staff to proceed with a detailed design and budget; it being understood that staff will work with the Rod and Gun Club to accommodate their request to provide financial support for the purchase of educational and safety enhancements at a proposed public fishing platform within the Lake Ontario Park Master Plan, as laid out in correspondence in the Arts, Recreation and Community Policies Committee agenda dated October 6, 2009.

(Note: The Report of the Commissioner of Community Development Services (ARCP-09-042) was attached to the ARCP Committee agenda as Schedule Pages 1-12)

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

(Note: This item originally appeared as Clause 1 of Report No. 114 of the Arts, Recreation and Community Policies Committee on the agenda for the Council meeting on November 3, 2009, and was deferred due to lack of time.)

CARRIED (10:1)

(See Recorded Vote)

(See Motion To Amend Which Was LOST)

A Recorded Vote was requested by Deputy Mayor Matheson

YEAS: Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (10)

NAYS: Deputy Mayor Matheson (1)

ABSENT: Councillor Foster, Councillor Garrison (2)

Moved by Councillor Schmolka

Seconded by Councillor Gerretsen

THAT Clause 1 of Report No. 121 of the Arts, Recreation and Community Policies Committee be amended by adding the following thereto:

"THAT staff be directed to review the proposed public fishing platform one year following the implementation of operation."

LOST

2. Sport Field Management Policy

THAT Council approve the Sport Field Rental Rate Phase-In Program, dated October 22, 2009, and attached as Exhibit "C", to be incorporated in the 2010 fees and charges by-law.

(Note: The Report of the Commissioner of Community Development Services (ARCP-09-038) was attached to the ARCP agenda as Schedule Pages 13-34)

(Note: This item originally appeared as Clause 2 of Report No. 114 of the Arts, Recreation and Community Policies Committee on the agenda for the Council meeting on November 3, 2009, and was deferred due to lack of time.)

CARRIED

REPORTS (CONTINUED)

Report No. 122 of the Kingston Municipal Heritage Committee (LACAC)

Moved by Councillor Glover

Seconded by Councillor Meers

THAT Report No. 122 of the Kingston Municipal Heritage Committee (LACAC) be received and adopted.

Council consented to the separation of Clauses 2 and 11.

Report No. 122

To the Mayor and Members of Council:

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

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

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

November 2, 2009

Note: There are no clauses (below) which must be dealt with this evening in order to meet the requirements of the Ontario Heritage Act, which states that a decision must be made regarding each application within 90 days of notice of receipt being served on the applicant.

1. Request that Staff be directed to hold at least one public meeting regarding the Barriefield Heritage Matter with a suitable panel of expertise to provide briefings, and then to hear public comment and discussion in order to inform staff of any recommendations that may subsequently be forthcoming and referred to the Heritage Committee for comment and advice to Council

WHEREAS three members of the Heritage Committee have declared a potential Conflict of Interest with respect to the Barriefield Heritage question now before Council; and,

WHEREAS these three members represent an important part of the Committee's Barriefield expertise; and,

WHEREAS the advice that Council may therefore receive may be accordingly compromised;

THEREFORE BE IT RESOLVED THAT the Heritage Committee request that Staff be directed to hold at least one public meeting, with a suitable panel of expertise to provide briefings, and then to hear public comment and discussion;

- and further -

THAT this meeting (or meetings) be used to inform staff of any recommendations that may subsequently be forthcoming and referred to the Heritage Committee for comment and advice to Council.

2. Facility Accessibility Design Standards

THAT the City of Kingston Facility Accessibility Design Standards, attached as Exhibit 'C' to the Facility Accessibility Design Standards report, be approved.

(Note: Recommendation Report of the Commissioner of Sustainability and Growth (KMH-09-005) and schedules were posted to the City of Kingston website.)

DEFERRED

(Considered as part of Clause 1 of Report No. 127 of the Administrative Policies Committee)

(See Page No. 708)

REPORTS (CONTINUED)

Report No. 122 of the Kingston Municipal Heritage Committee (LACAC)

3. Denial of an Application for the Placement of New Signage on the South Side of the Building at 128 Ontario Street

THAT Application P18-262-091-2009 for a property located at 128 Ontario Street requesting approval for new signage on the south side of the building **BE DENIED**;

- and further -

WHERE Council refuses the application, the owner may, within thirty days after receipt of the notice under Subsection (4) of Section 33 of the Ontario Heritage Act, apply to Council for a hearing before the Conservation Review Board;

- and further -

THAT applications requesting a hearing before the Conservation Review Board may be filed with the office of the Clerk of the City of Kingston, 216 Ontario Street, Kingston, ON K7L 2Z3 within 30 days of the receipt of this notice.

4. **Denial of an Application for the Placement of New Signage on the Building at 132-134-136 Ontario Street**

THAT Application P18-263-092-2009 for a property located 132-134-136 Ontario Street requesting approval for new signage for the north side of the building facing William Street **BE DENIED**;

- and further -

WHERE Council refuses the application, the owner may, within thirty days after receipt of the notice under Subsection (4) of Section 33 of the Ontario Heritage Act, apply to Council for a hearing before the Conservation Review Board;

- and further -

THAT applications requesting a hearing before the Conservation Review Board may be filed with the office of the Clerk of the City of Kingston, 216 Ontario Street, Kingston, ON K7L 2Z3 within 30 days of the receipt of this notice.

5. **Approval of an Application for New Signage for the Ontario Street Façade of the Building Located at 132-134-136 Ontario Street**

THAT Application P18-263-092-2009 for a property located 132-134-136 Ontario Street requesting approval for new signage on the Ontario Street façade for a fascia board sign with surface plastic lettering **BE APPROVED** in accordance with details described within a submission filed September 18, 2009, and deemed complete by the Planning and Development Department September 22, 2009, subject to the receipt and affirmation of specific details regarding its construction, location and attachment to the building to include lighting;

- and further -

THAT a mast iron sign **BE APPROVED** subject to the sign meeting the requirements of City Sign By-Laws;

- and further -

THAT signage be placed in accordance with requirements identified by the Building Services and Engineering Departments.

REPORTS (CONTINUED)

Report No. 122 of the Kingston Municipal Heritage Committee (LACAC)

6. **Approval of an Application for the Repair and Restoration of a Front Porch at 272 Johnson Street**

THAT Application P18-167-103-2009 for a property located at 272 Johnson Street requesting approval for the repair and restoration of the front porch to replicate the original work and repainting using existing colours **BE APPROVED** in accordance with details described within a submission filed September 28, 2009, and deemed complete by the Planning and Development Department October 19, 2009, with a suggestion that venting be incorporated into the lower portion of the column to promote longevity of the column after its repair.

7. **Approval of an Application for an Accessible Path for the Dog Park with Concrete Pads and Benches at 80 Gore Road also known as 914 Highway 15**

THAT Application P18-510-105-2009 for a property located at 80 Gore Road also known as 914 Highway 15 requesting approval for an accessible path for the dog park with concrete pads and benches **BE APPROVED** in accordance with details described within a submission filed October 16, 2009, and deemed complete by the Planning and Development Department October 19, 2009, with the understanding that the entrance will be relocated to the northwest corner of the parking lot;

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

- and further -

THAT the Building Services Department be contacted if the grade at the edge of the walkway exceeds 2' and that the retaining wall be engineer designed if it exceeds 1 metre;

- and further -

THAT the latching mechanism for the double gate be provided to the Kingston Municipal Accessibility Committee for review.

8. **Approval of an Application for the Removal of Non-Character Defining Elements of the Stella Buck Building and Stable Structure at 390 King Street West**

THAT Application P18-714-106-2009 for a property located at 390 King Street West also known as the Stella Buck building requesting approval for the removal of non-character defining elements of the Stella Buck building and stable structure **BE APPROVED** upon Site Plan approval in accordance with details described within a submission filed October 16, 2009, and deemed complete by the Planning & Development Department October 19, 2009;

- and further -

THAT the following conditions identified within the Heritage Impact Statement be carried out:

- the building be documented prior to demolition
- demolition be monitored in case there is any sign of an earlier structure encased within it
- if there is to be work which extends below grade, that the necessary archaeological review and monitoring be undertaken
- any recoverable materials will be kept and reused in the building;

- and further -

THAT information be provided regarding how buildings will be shielded from potential weather damage after the identified components are removed;

- and further -

THAT no demolition occur prior to approval of amendments to the Official Plan Amendment and Zoning By-Law.

REPORTS (CONTINUED)

Report No. 122 of the Kingston Municipal Heritage Committee (LACAC)

9. **Approval of an Application for the Construction of a Patio Area at the Rear of the House at 230 James Street, Barriefield Village**

THAT Application P18-445-107-2009 for a property located at 230 James Street, Barriefield Village requesting approval for the construction of a patio area at the rear of the house **BE APPROVED** with details described within a submission filed October 16, 2009, and deemed complete by the Planning & Development Department October 19, 2009;

- and further -

THAT lot drainage not adversely affect any neighbouring properties;

- and further -

THAT the drop off be less than 2 feet or graded to prevent the requirement for a retaining wall, and that a guard and permit is required from the Building Services Department if the retaining wall and drop off exceeds 2 feet;

- and further -

THAT it be understood that the standard archaeological condition shall be applied in the event of any ground disturbance.

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

10. **Final Approval for a Heritage Property Grant for the Costs of Work to be Done to the Roof and the Dormer at 70 Montreal Street**

WHEREAS the owner of 70 Montreal Street has requested final approval for Heritage Grant Application HG-05-2009; and,

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

THEREFORE BE IT RECOMMENDED THAT Heritage Property Grant HG-05-2008 for 70 Montreal Street **BE APPROVED** for the costs of the work to be done to the roof and the dormer but not to include the materials;

- and further -

THAT staff be authorized to issue a cheque for \$1092.08 as per the process outlined in By-Law No. 2005-258, 'A By-Law to Establish a Heritage Grants Program'.

11. **Notice of Intent to Designate the 'Interior of Kingston City Hall National Historic Site' at the Property Located at 216 Ontario Street**

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 authorizes the Council of a Municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest; and,

WHEREAS the Ontario Heritage Act requires the council of a municipality to service Notice of Intention to Designate a property as having cultural heritage value and interest; and,

WHEREAS when the council of a municipality has appointed a municipal heritage committee, the council shall, before giving notice of its intention to designate a property, consult with its municipal heritage committee;

THEREFORE IT IS RESOLVED THAT Council serve Notice of Intention to Designate under Section 29 of the Ontario Heritage Act for the property located at 216 Ontario Street (KINGSTON PT LOT 2 MARKET;RESERVE) also known as the Interior of Kingston City Hall National Historic Site;

REPORTS (CONTINUED)

Report No. 122 of the Kingston Municipal Heritage Committee (LACAC)

- and further -

THAT as it is required under the Ontario Heritage Act, the Clerk of the Municipality shall serve a copy of the Notice of Intention to Designate, attached hereto as Schedule 'A' on the owner of the property and on the Ontario Heritage Trust and that this notice shall include an adequate description of the property so that it may be readily ascertained; a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property; and a statement that notice of objection to the designation may be served on the clerk within 30 days after the date of publication of the notice of intention in a newspaper of general circulation in the municipality;

- and further -

THAT as it is required under the Ontario Heritage Act, the Clerk of the municipality shall ensure that Notice is published in a newspaper having general circulation in the municipality and that this notice shall include an adequate description of the property so that it may be readily ascertained; a statement explaining the cultural heritage value or interest of the property; a statement that further information respecting the proposed designation is available from the municipality; and a statement that notice of objection to the designation may be served on the clerk within 30 days after the date of publication of the notice of intention in a newspaper of general circulation in the municipality.

(A copy of the Notice of Intent is attached as Schedule Pages 73-74)

CARRIED

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

12. **Notice of Intent to Designate the 'Denyes Monument' at the Property Located on the South Side of Princess Street (formerly Highway 2 West) at Bayridge Drive**

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 authorizes the Council of a Municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest; and,

WHEREAS the Ontario Heritage Act requires the council of a municipality to service Notice of Intention to Designate a property as having cultural heritage value and interest; and,

WHEREAS when the council of a municipality has appointed a municipal heritage committee, the council shall, before giving notice of its intention to designate a property, consult with its municipal heritage committee.

THEREFORE IT IS RESOLVED THAT Council serve Notice of Intent to Designate under Section 29 of the Ontario Heritage Act for the property located on the south side of Princess Street (formerly Highway 2 West) within the municipal road allowance (Part Lots 8-9, Concession 3; Part Road Allowance Between Concession 2 & 3, All Being Expropriation Plan 657, Expropriation Plan 868 as Widened by Expropriation Plan 1197, Expropriation Plan 1198, Part 1, Expropriation Plan 1431, Parts 1 & 2 Expropriation Plan 1453, Part 1, Expropriation Plan 1472, Part 3 13R-826, Part 2, 13R-6086, FR275816, Part 1, 13R-7983, FR114988, FR171331, Parts 5-9, Expropriation Plan 1388; Part Lot 8, Concession 2, being Part 1, RP490778, Part of Part 4, Expropriation Plan 1388; All lying W of the SLY EXT of the SW Corner of Part 3, Expropriation Plan FR652804 & E of the SLY EXT of the WLY limit of Bayridge Drive (formerly Catarauqui Woods Drive), aka the King's Highway No. 2; Kingston Township PIN 36087-0388 (R)) known as the Denyes Monument;

- and further -

THAT as it is required under the Ontario Heritage Act, the Clerk of the Municipality shall serve a copy of the Notice of Intention to Designate, attached hereto as Schedule 'A', on the owner of the property and on the Ontario Heritage Trust and that this notice shall include an adequate description of the property so that it may be readily ascertained; a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property; and a statement that notice of objection to the designation may be served on the clerk within 30 days after the date of publication of the notice of intention in a newspaper of general circulation in the municipality;

REPORTS (CONTINUED)

Report No. 122 of the Kingston Municipal Heritage Committee (LACAC)

- and further -

THAT as it is required under the Ontario Heritage Act, the Clerk of the municipality shall ensure that Notice is published in a newspaper having general circulation in the municipality and that this notice shall include an adequate description of the property so that it may be readily ascertained; a statement explaining the cultural heritage value or interest of the property; a statement that further information respecting the proposed designation is available from the municipality; and a statement that notice of objection to the designation may be served on the clerk within 30 days after the date of publication of the notice of intention in a newspaper of general circulation in the municipality.
(A copy of the Notice of Intent was attached as Schedule Page 75)

13. **Notice of Intent to Designate at the Property Located at 2312 Princess Street also known as Pleasant View**

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 authorizes the Council of a Municipality to enact by-laws to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest; and,

WHEREAS the Ontario Heritage Act requires the council of a municipality to service Notice of Intention to Designate a property as having cultural heritage value and interest; and,

WHEREAS when the council of a municipality has appointed a municipal heritage committee, the council shall, before giving notice of its intention to designate a property, consult with its municipal heritage committee;

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

THEREFORE IT IS RESOLVED THAT Council serve Notice of Intent to Designate under Section 29 of the Ontario Heritage Act for the property located at 2312 Princess Street (CON 3 PT LOT 15 PLAN 60 PT;LOTS B 15 16 17 RP 13R7698;PART 1), also known as Pleasant View;

- and further -

THAT as it is required under the Ontario Heritage Act, the Clerk of the Municipality shall serve a copy of the Notice of Intention to Designate, attached hereto as Schedule 'A', on the owner of the property and on the Ontario Heritage Trust and that this notice shall include an adequate description of the property so that it may be readily ascertained; a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property; and a statement that notice of objection to the designation may be served on the clerk within 30 days after the date of publication of the notice of intention in a newspaper of general circulation in the municipality;

- and further -

THAT as it is required under the Ontario Heritage Act, the Clerk of the municipality shall ensure that Notice is published in a newspaper having general circulation in the municipality and that this notice shall include an adequate description of the property so that it may be readily ascertained; a statement explaining the cultural heritage value or interest of the property; a statement that further information respecting the proposed designation is available from the municipality; and a statement that notice of objection to the designation may be served on the clerk within 30 days after the date of publication of the notice of intention in a newspaper of general circulation in the municipality.
(A copy of the Notice of Intent was attached as Schedule Page 76)

14. **Notice of Intent to Update a By-Law for the Property Located at 889 King Street West also known as Newcourt House**

WHEREAS Section 29 of the Ontario Heritage Act, R.S.O. 1990, Chapter 0.18 authorizes the Council of a Municipality to update by-laws enacted to designate real property, including all buildings and structures thereon, to be of cultural heritage value or interest; and,

REPORTS (CONTINUED)

Report No. 122 of the Kingston Municipal Heritage Committee (LACAC)

WHEREAS the Ontario Heritage Act requires the council of a municipality to service Notice of Intention to Update a by-law enacted to designate a property as having cultural heritage value and interest when there is a change in the legal description; and,

WHEREAS when the council of a municipality has appointed a municipal heritage committee, the council shall consult with its municipal heritage committee;

THEREFORE IT IS RESOLVED THAT Council serve Notice of Intent to Update a By-law enacted under Section 29 of the Ontario Heritage Act for the property located at Part Lot 17 Concession 1 City of Kingston, Being Parts 1, 2, 3, 4, 5 and 6 on Plan 13R 19655, Being Part of PIN 36004-0397 (R) known as Newcourt House (889 King Street West);

- and further -

THAT as it is required under the Ontario Heritage Act, the Clerk of the Municipality shall serve a copy of the Notice of Intention to Update a by-law enacted under Part IV of the Ontario Heritage Act, attached hereto as Schedule 'A', on the owner of the property and on the Ontario Heritage Trust and that this notice shall include an adequate description of the property so that it may be readily ascertained; a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property; and a statement that notice of objection to the designation may be served on the clerk within 30 days after the date of publication of the notice of intention in a newspaper of general circulation in the municipality;

- and further -

THAT as it is required under the Ontario Heritage Act where there is a change in the legal description, the Clerk of the municipality shall ensure that Notice is published in a newspaper having general circulation in the municipality and that

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

this notice shall include an adequate description of the property so that it may be readily ascertained; a statement explaining the cultural heritage value or interest of the property; a statement that further information respecting the proposed designation is available from the municipality; and a statement that notice of objection to the designation may be served on the clerk within 30 days after the date of publication of the notice of intention in a newspaper of general circulation in the municipality.

(A copy of the Notice of Intent was attached as Schedule Page 77)

CARRIED
(Clauses 1, 3 through 10, and 12 through 14)

Report No. 123 of the Municipal Accessibility Advisory Committee

Moved by Councillor Gerretsen

Seconded by Councillor Meers

THAT Report No. 123 of the Municipal Accessibility Advisory Committee be received and adopted.

Report No. 123

To the Mayor and Members of Council:

The Municipal Accessibility Advisory Committee reports and recommends as follows:

October 1, 2009

REPORTS (CONTINUED)

Report No. 123 of the Municipal Accessibility Advisory Committee

1. **Accessibility Retrofit for the Grand Theatre**

THAT the communications strategy for the Grand Theatre Accessibility Project, as attached, be approved.

(Note: A copy of the communications strategy was previously distributed)

(Note: This item originally appeared as Clause 1 of Report No. 108 of the Municipal Accessibility Advisory Committee on the agenda for the Council meetings on October 20, 2009, and November 3, 2009, and was deferred due to lack of time.)

CARRIED



November 5, 2009

2. **Facility Accessibility Design Standards**

THAT the City of Kingston Facility Accessibility Design Standards, attached as Exhibit 'C' to Report No. MAAC-09-009, be presented to Council for approval.

(Note: The Report of the Commissioner of Sustainability and Growth (MAAC-09-009) and schedules were posted to the City of Kingston website.)

DEFERRED

(Considered as part of Clause 1 of Report No. 127 of the Administrative Policies Committee)
(See Page No. 708)

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

Report No. 124 of the FOCUS Kingston Steering Committee

Moved by Councillor Hector
Seconded by Councillor Osanic

THAT Report No. 124 of the FOCUS Kingston Steering Committee be received and adopted.

Report No. 124

To the Mayor and Members of Council:
The FOCUS Kingston Steering Committee reports and recommends as follows:

November 6, 2009

1. **Draft Sustainable Kingston Plan Version 1.5**

THAT Draft 1, Version 5, of the Sustainable Kingston Plan be accepted for the purpose of community conversations.
(Note: The draft plan was distributed separately from the agenda.)

CARRIED

REPORTS (CONTINUED)

Report No. 125 of the Citizen Committee to Review Council Remuneration

Moved by Councillor Gerretsen
Seconded by Councillor Smith

THAT Report No. 125 of the Citizen Committee to Review Council Remuneration be received and adopted.

Report No. 125

To the Mayor and Members of Council:
The Citizen Committee to Review Council Remuneration reports and recommends as follows:

October 20, 2009

1. **Council Remuneration**

THAT effective December 1, 2010, Councillors' salaries be set at \$27,500 plus the Consumer Price Index [CPI] adjustment as adjusted on October 1, 2009, and October 1, 2010;

- and further -

THAT effective December 1, 2010, the Mayor's salary be set at \$84,500 plus the Consumer Price Index [CPI] adjustment as adjusted on October 1, 2009, and October 1, 2010;

- and further -

THAT the existing benefits package provided to Members of Council be left unchanged;

- and further -

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

THAT the remuneration and car allowance for the Mayor and Members of Council be left unchanged as per City of Kingston By-Law No. 99-169, as amended (adjusted annually to the cost of living, as established by the Consumer Price Index on the previous October 1);

- and further -

THAT one-third of the amount payable to Members of Council shall continue to be deemed to be for expenses incident to the discharge of a members duties and therefore exempt from Income Tax;

- and further -

THAT a by-law be presented to Council to amend By-Law No. 99-169, as amended, being "A By-Law to Provide for the Annual Paying of an Allowance to the Members of Council for the Corporation of the City of Kingston", to confirm the remuneration paid to the Mayor and Members of Council;

- and further -

THAT the Citizen Committee to Review Council Remuneration having fulfilled its mandate, be and is hereby disbanded.

(Note: The Committee Report was attached as Schedule Pages 78-93)

(See By-Law No. (8), 2009-177)

CARRIED

(See Motion To Amend Which Was LOST)

REPORTS (CONTINUED)

Report No. 125 of the Citizen Committee to Review Council Remuneration

Moved by Councillor Gerretsen

Seconded by Councillor Hutchison

THAT Clause 1 of Report No. 125 of the Citizen Committee to Review Council Remuneration be amended by indicating that, notwithstanding the foregoing, the difference in the salary between that currently paid and that authorized by this resolution be phased in $\frac{1}{4}$ per year commencing December 1, 2010, over the four years, including CPI adjustments.

LOST

Report No. 127 of the Administrative Policies Committee

Council consented to the addition of Report No. 127 of the Administrative Policies Committee.

Moved by Councillor Hector

Seconded by Councillor Glover

THAT Report No. 127 of the Administrative Policies Committee be received and adopted.

Report No. 127

To the Mayor and Members of Council:

The Administrative Policies Committee reports and recommends as follows:

1. **Facility Accessibility Design Standards**

WHEREAS the Facility Accessibility Design Standards were approved at the Kingston Municipal Heritage Committee on November 2nd, 2009, and;

WHEREAS the Municipal Accessibility Advisory Committee approved the Facility Accessibility Design Standards on November 5th, 2009 subject to the following amendments:

- Section 4.1.4 Accessible Routes, Paths & Corridors (FADS p. 14), seventh bullet point under "Design Requirements" – Included the words "as a minimum" at the end, so the section reads as follows: "for accessible exterior circulation routes, the existing municipal standard of 1500 mm may be used, as a minimum."

DEFERRED and REFERRED to the Kingston Municipal Heritage Committee (LACAC)

- Section 4.2.2 Toilet Stalls (FADS p. 36 and 37) – Changed the minimum clear opening (width) of the stall door from 900 mm to 950 mm. This change was applied to the sixth bullet point under "Design Requirements" on page 37 and to Figure 4.2.2.1 on page 36.

DEFERRED and REFERRED to the Kingston Municipal Heritage Committee (LACAC)

- Section 4.3.12 Parking (FADS p. 58 and 59) – A number of changes were made to the dimensions and provisions for parking spaces, in order to bring them into conformity with the existing provisions in the City's zoning by-laws.

REPORTS (CONTINUED)

Report No. 127 of the Administrative Policies Committee

THEREFORE BE IT RESOLVED THAT the revised City of Kingston Facility Accessibility Design Standards, be presented to Council for approval.

(Note: The Facility Accessibility Design Standards document was previously distributed to Council.)

(Note: The Facility Accessibility Design Standards was reviewed and endorsed by the Kingston Municipal Heritage Committee (LACAC) and the Municipal Accessibility Advisory Committee. The changes recommended by Administrative Policies have been endorsed by the Municipal Accessibility Advisory Committee.)

CARRIED AS AMENDED

(See Motion To Amend Which Was CARRIED)

Moved by Councillor Glover

Seconded by Councillor Hutchison

THAT Clause 1 of Report No. 127 of the Administrative Policies Committee be amended by deferring and referring the proposed amendments to Sections 4.1.4 and 4.2.2 as outlined in Paragraph 2 of said clause to the Kingston Municipal Heritage Committee (LACAC).

CARRIED

INFORMATION REPORTS

(1) **Council Priorities Status Matrix – Third Quarter Update**

This third quarter update is provided to Council as a report card on progress of Council's established priorities, specific initiatives, major projects and assignments from Council committees.

(The Report of the Chief Administrative Officer (09-262) was previously distributed)

(File No. CSU-C08-000-2009)

City Council Meeting No. 22-2009
Minutes
Tuesday, November 17, 2009

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

(The Report of the Deputy Treasurer (09-308) was previously distributed)
(File No. CSU-F18-000-2009)

(3) **Third Quarter Operating Budget Report for 2009**

The purpose of this report is to provide a financial status update of the general operating fund as at September 30, 2009, the end of the third fiscal quarter.

(The Report of the Deputy Treasurer (09-310) was attached as Schedule Pages 94-103)
(File No. CSU-F05-000-2009)

INFORMATION REPORTS (CONTINUED)

(4) **Asbestos Management Program - Update**

The purpose of this report is to provide information to Council on the progress and status of the Asbestos Management Program as it relates to those properties that predate 1980.

(The Report of the Commissioner of Corporate Services (09-330) was attached as Schedule Pages 104-108)
(File No. CSU-P04-000-2009)

(5) **K-ROCK Centre Year-to-Date Operations Report for the Period Ending September 30, 2009**

The purpose of this report is to allow Arcturus/SMG the opportunity to provide its quarterly review of operations, and the corresponding financial results, for the nine months ending September 30, 2009, relative to the expected results based on their 2009 budget submission.

(The Report of the Commissioner of Corporate Services (09-340) was attached as Schedule Pages 109-122)
(File No. CSU-R05-001-2009)

(Note: It was agreed that the Information Report No. 09-340 would be included on the December 1, 2009, Council agenda.)

Moved by Deputy Mayor Matheson
Seconded by Councillor Hutchison

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

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

MISCELLANEOUS BUSINESS

(1) Moved by Councillor Smith

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

Seconded by Councillor MacLeod-Kane

THAT, at the request of the Salvation Army, Council proclaim November 20 to December 24, 2009, as "Salvation Army Month" in the City of Kingston.

(See Communication No. 20-483 on the October 20 agenda)

(Distributed to all Members of Council on October 9, 2009)

CARRIED

- (2) **THAT**, at the request of ABC CANADA Literacy Foundation, Council proclaim January 27, 2010, as "Family Literacy Day" in the City of Kingston.

(See Communication No. 21-557 on the November 3 agenda)

(Distributed to all Members of Council on October 23, 2009)

DEFERRED

MOTIONS

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

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

Moved by Councillor Garrison
Seconded by Councillor Meers

THAT Motion No. (3) be amended to add the following:

- and further -

THAT as part of this process, the Clerk take into account such factors as, but not limited to, the following:

1. The importance of established neighbourhoods and communities, socio-demographic factors, geographic boundaries, natural barriers and identifiable growth areas;

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

2. The under-representation of certain demographic groups (e.g. students, renters) in the current census data and the need to obtain population data from other sources such as, but not limited to, the Kingston Community Profile;

LOST (4:5)

3. The need for input from independent experts with experience in issues pertaining to establishing electoral boundaries;

LOST

- and further -

THAT as part of this process, the Clerk be authorized to consider the possibility of increasing the number of electoral districts.

LOST (3:6)

- (2) 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,

MOTIONS (CONTINUED)

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

DEFERRED

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

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."

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

A 2/3 Vote of Council is required.

DEFERRED

- (4) 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

MOTIONS (CONTINUED)

- (5) 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;

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, which was approved and in part resulted in Council re-endorsing 1211 John Counter Blvd. as the administrative hub and including 1425 Midland Ave. as part of a parcel of land to be assembled for employment lands)

DEFERRED

- (6) Moved by Councillor Hutchison
Seconded by Councillor Garrison

WHEREAS Ontario's 2009 budget has proposed to harmonize sales taxes, the implementation of which will apply to electricity rates starting July 1, 2010, having the effect of increasing electricity rates by 8% across the Province; and,

WHEREAS this increase in taxation on electricity bills will provide undue hardship to the residents and businesses of Ontario, particularly middle and low income families who are being hard pressed during the current economic recession due to reduced incomes and job losses and small businesses that are struggling to stay financially viable;

THEREFORE BE IT RESOLVED THAT the Province of Ontario be requested to exempt electricity sales from the provincial portion of the single harmonized sales tax;

- and further -

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

THAT this resolution be forwarded to all Ontario municipalities with a population over 50,000 for their support;

- and further -

THAT this Resolution be forwarded to the Premier, Deputy Premier/Minister of Energy and Infrastructure, Minister of Finance, Minister of Municipal Affairs and Housing, and the AMO.

DEFERRED

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

THAT it is Council's request that the Kingston Community Roundtable on Poverty Reduction brief Council on a regular basis on its endeavours in the community.

DEFERRED

- (8) Moved by Councillor Hutchison
Seconded by Councillor Schmolka

WHEREAS it has been contended in the public that the City has numerous sites or properties available for affordable housing development;

MOTIONS (CONTINUED)

BE IT RESOLVED THAT staff be requested to report back to Council with a list of all properties owned by the City that may be utilized for affordable housing and that list identify the properties that are either vacant, or have been declared surplus, or any City owned properties with or without buildings that may have potential for the building of affordable housing;

- and further -

THAT a separate list be provided identifying lands that are (a) brownfields in tax default or (b) subject to potential tax sales in the next year;

- and further -

THAT both lists be annotated as to the suitability of the lands for affordable housing.

DEFERRED

- (9) Moved to Committee of the Whole. See Page No. 686.

NOTICES OF MOTION

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

WHEREAS, a global reduction in the emissions of carbon dioxide (CO₂) and its significant contribution to the creation of greenhouse gases (GHG) is necessary to slow climate change and reduce the risks to our economy, human health, the physical environment and quality of life; and,

WHEREAS, human activities have caused a dramatic increase in the amount of carbon dioxide (CO₂) in the earth's atmosphere. Since the mid 1700s, the concentration of CO₂ has risen from about 280 parts per million (ppm) to reach 387 ppm in 2009. This amount is likely the highest concentration in the atmosphere in the past 20 million years; and,

WHEREAS, evidence presented in the Intergovernmental Panel of Climate Change (IPCC) November 2007 report indicates that "Warming of the climate system is unequivocal, as is now evident from observations of increases in global average air and ocean temperatures, widespread melting of snow and ice and rising global average sea level" and "Most of the observed increase in global average temperatures since the mid-20th century is very likely due to the

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

observed increase in anthropogenic GHG concentrations. It is likely that there has been significant anthropogenic warming over the past 50 years averaged over each continent (except Antarctica)."; and,

WHEREAS, reducing greenhouse gases makes economic sense. New and improved infrastructure, renewable energy technologies, energy efficiency, energy conservation, waste reduction, building retrofits, transit, walking, cycling, water conservation, better fleet management, more effective wastewater treatment and distribution, etc., can reduce short-term and/or long-term municipal operating costs and help maintain community services, while having a positive impact on the environment; and,

WHEREAS the impacts of climate change as well as the responsibility for mitigation will fall primarily on the municipalities; and,

WHEREAS, in December, national governments from around the world will meet in Copenhagen, Denmark to negotiate terms and conditions of a global climate agreement for the period after 2012 (i.e., after the Kyoto Protocol). It is critical that Canada has the support it needs during these negotiations to conclude negotiations; and,

WHEREAS, mayors and municipal leaders responsible for the well-being of communities across Canada have urged federal and provincial/territorial governments to make climate protection a priority;

NOTICES OF MOTION

BE IT RESOLVED THAT the Corporation of the City of Kingston send a strong message to the Federal Government of Canada of the importance to the citizens and businesses of the City of Kingston of a world-wide climate agreement;

- and further -

THAT we encourage municipalities across Ontario and Canada to join the City of Kingston in requesting the Federal Government to make every effort to reach an international agreement on climate change;

- and further -

THAT we urge the Federation of Canadian Municipalities to rally the support of its membership and send a strong message to the Federal Government of Canada of the importance to the citizens and businesses of a world-wide climate agreement.

REPORTS (CONTINUED)

Report No. 126 of the Committee of the Whole

Report No. 126

To the Mayor and Members of Council:

The Committee of the Whole reports and recommends as follows:

November 3, 2009

Rideaucrest Home Organizational Development Strategy – Status Report

1. **THAT no action be taken** on the staff recommendation outlined in Clause (2), Report No. 95, which reads as follows:

THAT Council receive Report Number 09-300 from the Commissioner of Community Development Services and endorse in principle strategies to further improve public accountability, resident-centred care and human resource development within Rideaucrest Home, as outlined in the attached report entitled, Rideaucrest Home: Organizational Development Framework – Status Report, dated September 30, 2009;

- and further -

THAT Council direct the Commissioner of Community Development Services to prepare a strategic implementation report, no later than the end of February 2010 for consideration, that will:

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

-
- a) Set out objectives for meeting the mandate of providing quality resident-centred care at levels of service that are in keeping with comparable municipal long-term care facilities;
 - b) Lay out the steps and time lines required to bring the performance indicators of Rideaucrest in line with comparable municipal long-term care facilities; and
 - c) Provide the phasing plan and time lines for reducing the municipal subsidy by up to 1.5M by the year 2014;

- and further -

THAT Council direct the Commissioner to provide semi-annual update reports on the progress being made on implementation strategies contained within the Rideaucrest organizational development framework and as approved by Council.

DEFERRED

MINUTES

Councillor Hector withdrew from the meeting for approval of the minutes of Meeting No. 20-2009.

Moved by Deputy Mayor Matheson
Seconded by Councillor Glover

THAT the Minutes of City Council Meeting No. 17-2009, held Tuesday, September 1, 2009, Meeting No. 18-2009, held Tuesday, September 15, 2009, and Meeting No. 19-2009, held Tuesday, October 6, 2009, be confirmed;

CARRIED

- and further -

THAT the Minutes of City Council Meeting No. 20-2009, held Tuesday, October 20, 2009, be confirmed as amended by deleting the words "bring" and "to construction ready status" on Page No. 622 and 623 to read as follows:

"**THAT** staff continue with the necessary research, planning, and public consultation with respect to these parcels of land and that a Council report be prepared to identify partnership options and potential funding sources and community concerns;"

CARRIED AS AMENDED

Councillor Hector returned to the meeting.

TABLING OF DOCUMENTS

- 2009-83 Kingston Frontenac Public Library Board
Minutes – Regular Meeting #2009-07 – September 30, 2009
(File No. CSU-R02-000-2009)
- 2009-84 Municipal DataWorks
Newsletter – November 2009
(File No. CSU-M07-000-2009)
- 2009-85 Canadian Forces Liaison Council
"Alliance" Newsletter – October 2009
(File No. CSU-M07-000-2009)
- 2009-86 Downtown Kingston! BIA
"Contact" Newsletter – October 2009

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

(File No. CSU-A01-001-2009)

COMMUNICATIONS

Filed

- 22-582 From the Association of Municipalities of Ontario (AMO), advising that the Minister of the Environment has released the Report on the Waste Diversion Act Review.
(File No. CSU-L11-000-2009)
(Digitally distributed to all Members of Council on October 28, 2009)

COMMUNICATIONS (CONTINUED)

- 22-583 From the Association of Municipalities of Ontario (AMO), providing highlights from the September 2009 Board meeting.
(File No. CSU-A01-004-2009)
(Digitally distributed to all Members of Council on October 28, 2009)
- 22-584 From the Ontario Ministry of Municipal Affairs and Housing, providing information regarding the Ontario Municipal Internship Program (MIP), which provides recent university graduates with hands-on management experience in key municipal operation areas under the direct supervision of a Chief Administrative Officer or designate.
(File No. CSU-M00-000-2009)
- 22-585 From the Committee of Adjustment, a Notice of Decision for the following applications:

CONSENT – In respect of an application for consent to create a lease in excess of a period of 21 years on the property at 60 Warne Crescent, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is November 23, 2009.
(File No. CSU-D19-000-2009)
- 22-588 From Margaret Ball and family, thanking Council for the floral tribute to the late Derrick Ball and their support to his family.
(File No. CSU-M04-000-2009)
- 22-589 From the Federation of Canadian Municipalities (FCM), congratulating the City of Kingston on its successful funding application for the Kingston Integrated Community Sustainability Plan (ICSP) and confirming approval of a grant in the amount of up to \$126,000.
(File No. CSU-F11-000-2009)
- 22-590 From the Honourable Yasir Naqvi, MPP for Ottawa Centre, providing further information regarding Bill 106, the Safer Communities and Neighbourhoods Act (SCAN) 2009.
(File No. CSU-L11-000-2009)

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

- 22-592 From the Association of Municipalities of Ontario (AMO), providing information regarding a Waste Diversion Ontario (WDO) workshop/webcast to be held on November 24, 2009, to consult on draft recommendations on blue box changes being developed for submission to the Minister of the Environment.
(File No. CSU-A04-000-2009)
(Digitally distributed to all Members of Council on November 6, 2009)
- 22-593 From the Association of Municipalities of Ontario (AMO), advising that Bill 212, introduced on October 27, 2009, proposes a multitude of changes to various statutes, including municipal elections, fine revenue, property tax, planning, the Clean Water Act, and the Ontario Heritage Act.
(File No. CSU-L11-000-2009)

COMMUNICATIONS (CONTINUED)

Referred to All Members of Council

- 22-586 From Brent Rowe, expressing his opinions regarding the social housing project proposed for Barriefield Village on the former DND land.
(File No. CSU-S18-000-2009)
(Distributed to all Members of Council on November 3, 2009)
- 22-587 From Robert and Elizabeth Cardwell, expressing their opinions regarding the social housing project proposed for Barriefield Village on the former DND land.
(File No. CSU-S18-000-2009)
(Distributed to all Members of Council on November 3, 2009)
- 22-591 From the County of Lambton, asking for Council's support of a resolution which petitions the Honourable Dalton McGuinty, Premier of Ontario and the Honourable David Caplan, Minister of Health and Long-Term Care to impose a moratorium upon each Local Health Integration Network to prevent any further reductions and/or restructuring in health care services in rural and northern communities in the Province of Ontario until such time as a Province-wide review process has been conducted.
(File No. CSU-S08-000-2009)
- 22-594 From the Township of Frontenac Islands, asking for Council's support of a resolution regarding the closing of six prison farms in New Brunswick, Ontario, Manitoba, Saskatchewan and Alberta.
(File No. CSU-C10-000-2009)
- 22-595 From the Canadian Federation of Students-Ontario, encouraging municipalities across Ontario to introduce resolutions that will declare an immediate moratorium on evictions and the sale of public housing units; resolutions that will ensure the replacement of all shelter beds lost due to closures and funding cutbacks over the past 2 years; and to call on the provincial government to dedicate new funding to a province-wide housing strategy.
(File No. CSU-S18-000-2009)
- 22-596 From Helen Finley, expressing her opinions regarding the success of the four walking tour brochures covering heritage areas within easy walking distance of City Hall.
(File No. CSU-R01-000-2009)

BY-LAWS

- (A) Moved by Councillor Hutchison
Seconded by Councillor Glover

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

CARRIED

BY-LAWS (CONTINUED)

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

THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Law (9) three readings.

CARRIED

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

THAT By-Laws (9) through (13) be given their third reading.

CARRIED

- (1) A By-Law To Regulate The Discharge Of Firearms
FIRST AND SECOND READINGS
(See Clause 1, Report No. 120)

PROPOSED NO. 2009-170

- (2) A By-Law To Amend By-Law No. 10, "A By-Law Respecting Streets" (delete section 65)
FIRST AND SECOND READINGS
(See Clause 1, Report No. 120)

PROPOSED NO. 2009-171

- (3) A By-Law To Repeal By-Law No. 69-23, "A By-Law To Prohibit The Discharge Of Guns Or Other Firearms, Air Guns And Spring Guns Within The Limits Of That Part Of The Municipal Corporation Of The Township Of Kingston South Of 401 Highway"
FIRST AND SECOND READINGS
(See Clause 1, Report No. 120)

PROPOSED NO. 2009-172

- (4) A By-Law To Repeal By-Law No. 92-42, "A By-Law To Amend By-Law 69-23 Regarding Discharge Of Guns South Of 401 Highway"
FIRST AND SECOND READINGS
(See Clause 1, Report No. 120)

PROPOSED NO. 2009-173

- (5) A By-Law To Repeal By-Law No. 92-63, "A By-Law To Amend By-Law 69-23 As Amended By By-Law 92-42 And To Define Firearm"
FIRST AND SECOND READINGS
(See Clause 1, Report No. 120)

PROPOSED NO. 2009-174

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

- (6) A By-Law to Repeal By-Law No. 94-103, "A By-Law To Amend By-Law 69-23 Regarding Discharge Of Firearms South Of Highway 401"
FIRST AND SECOND READINGS PROPOSED NO. 2009-175
(See Clause 1, Report No. 120)

BY-LAWS (CONTINUED)

- (7) A By-Law To Repeal By-Law No. 49-92, "Being A By-Law To Regulate The Discharge Of Firearms Within The Township Of Pittsburgh"
FIRST AND SECOND READINGS PROPOSED NO. 2009-176
(See Clause 1, Report No. 120)
- (8) A By-Law To Amend By-Law No. 99-169, "A By-Law To Provide For The Annual Paying Of An Allowance To The Members Of Council For The Corporation Of The City Of Kingston" (to confirm the remuneration paid to the Mayor and Members of Council – effective December 1, 2010)
FIRST AND SECOND READINGS PROPOSED NO. 2009-177
(See Clause 1, Report No. 125)
- (9) A By-Law To Authorize Execution Of A Tax Sale Extension Agreement With The Owner Of 710 Kingston Mills Road
THREE READINGS PROPOSED NO. 2009-178
(See Clause (e), Report No. 116)
- (10) A By-Law To Amend By-Law No. 2006-75, "A By-Law To Delegate Various Approvals To Staff And To Adopt Certain Procedures For The Processing Of Planning Applications Subject To Delegated Authority" (Authorization for Mayor and Clerk to Execute Model Home and Pre-Servicing Agreements)
THREE READINGS PROPOSED NO. 2009-179
(See Clause 1, Report No. 118)
- (11) 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" To Remove The '-H' Holding Symbol Related To The 'Limited Service Residential' (LSR) Zone (920 Alnwick Lane, CON 1 PT LOT 10 S HWY 2; RP13R2272 PART 1 ST LAWRENCE RIVER)
THREE READINGS PROPOSED NO. 2009-180
(Delegated Authority)
- (12) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, November 17, 2009
THREE READINGS PROPOSED NO. 2009-181
(City Council Meeting No. 22-2009)
- (13) 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

City Council Meeting No. 22-2009

Minutes

Tuesday, November 17, 2009

Local Board" (Add Tariq Rashdi, Gargh Loney and Nool Syed; Delete Robert Blasko, Nancy Blasko, Ryszard Nizio and James Lee – Pizza Pizza Store #706)

THIRD READING

PROPOSED NO. 2009-165

(See Communication No. 21-561 on the November 3 agenda)

ADJOURNMENT

Moved by Councillor Glover

Seconded by Councillor MacLeod-Kane

THAT Council do now adjourn.

CARRIED

Council adjourned at 11:06 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor