



CITY COUNCIL MEETING NO. 2011-19

The Regular Meeting of Kingston City Council was held on Tuesday, September 20, 2011, and was called to order by Deputy Mayor George at 6:15 pm in the Council Chamber, City Hall. Regular business commenced at 7:40 pm. His Worship Mayor Mark Gerretsen presided.

There was a "Closed Meeting" of the Committee of the Whole from 6:17 pm to 7:30 pm in the Councillors' Lounge.

(Council Chamber)

ROLL CALL

Present: Mayor Gerretsen (arrived at 7:28 pm.), Councillor Berg, Councillor Downes, Councillor George, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Osanic, Councillor Paterson (arrived 6:17 p.m.), Councillor Reitzel, Councillor Schell, Councillor Scott (12)

Absent: Councillor Neill (1)

(Councillors' Lounge)

Administrative Staff Present:

Mr. K. Arjoon, Deputy City Clerk
Ms. P. Burns, Director, Human Resources and Organization Development
Mr. G. Hunt, Chief Administrative Officer
Mr. S. Kanellos, Director, Real Estate and Construction Services
Mr. D. Leger, Commissioner, Transportation, Properties and Emergency Services
Mr. H. Linscott, Director, Legal Services
Mr. B. Richmond, Environ. Engineer/Geoscientist
Ms. D. Roberge, Manager of Labour Relations and Health and Safety
Mr. G. Wallace, Project Manager
Mr. T. Willing, Director of Building and Licensing

COMMITTEE OF THE WHOLE "CLOSED MEETING"

- (1) Moved by Councillor Scott
Seconded by Councillor Berg

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

- (a) Labour relations or employee negotiations - IATSE negotiations
- (b) Legal advice that is subject to Solicitor-client privilege including communications necessary for the purpose – Agreement with Springer Group of Companies
- (c) A proposed or pending acquisition or disposition of land by the municipality and advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Former CN Rail Station – Montreal Street.

CARRIED

(Council Chamber)

Administrative Staff Present:

- Mr. K. Arjoon, Deputy City Clerk
- Mr. G. Bain, Director, Planning and Development
- Mr. G. Coons, Executive Assistant to the Mayor
- Mr. G. Hunt, Chief Administrative Officer
- Ms. L. Hurdle, Commissioner, Community Services
- Mr. S. Kanellos, Director, Real Estate and Construction Services
- Ms. D. Krakow, Project Manager
- Mr. D. Leger, Commissioner, Transportation, Properties and Emergency Services
- Mr. H. Linscott, Director, Legal Services
- Ms. S. Powley, Committee Clerk
- Ms. J. Reichstein, Research and Policy Analyst
- Ms. M. Ryttergaard, Executive Assistant to the C.A.O.
- Mr. D. Wells, Director, Public Works
- Mr. C. Wiginton, Manager, Cultural Services
- Mr. T. Willing, Director, Building and Licensing
- Ms. M. Venditti, Manager, Development Approvals

REPORT OF THE COMMITTEE OF THE WHOLE "CLOSED MEETING"

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

THAT Council rise from the Committee of the Whole "Closed Meeting", that the rules of By-Law No. 2010-1 be waived regarding Item (a) Labour relations or employee negotiations - IATSE negotiations and the Chair report.

CARRIED

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

THAT Council ratify the Collective Agreement between the City of Kingston and IATSE, Local 471, for the period January 1, 2011 to December 31, 2011.

CARRIED

APPROVAL OF ADDEDS

Moved by Councillor Paterson
Seconded by Councillor Schell

THAT the addeds be approved.

CARRIED

(A 2/3 Vote of Council was Received)

DISCLOSURE OF PECUNIARY INTEREST

PRESENTATIONS

- (1) John Munro, President of the Kingston Family YMCA Board of Directors, and Murray Matheson, 2010 Ontario ParaSport Winter Games Organizing Committee member, presented Mayor Gerretsen with a framed plaque thanking the City of Kingston for its support of the Games.
- (2) Mayor Gerretsen made a presentation to Eric Folsom to recognize and honour Mr. Folsom as the inaugural Poet Laureate for the City of Kingston.

Mr. Folsom honoured City Hall with his first official poem as the City's Poet Laureate:

BUILDING

Not always recalled but never out of reckoning,
The clatter of wheels in old carriageways,
Sleigh runners shushing freshly fallen snow,
Comings of their goings, the smallest of gestures
Added up, compounded, and gently made hard
As the limestone they built with, sift of civic life
Bearing down in layers till heritage has weight.

And dignity rose from the Shambles and Market,
Over fire tumbled ruin the Doric columns lifted
Up the boisterous ceilings of plaster leaves and fronds,
A dream dome, a handcrafted grove of meditation,
And glaziers framed in stained glass memories
Of sappers and nurses, of sailors and home,
The lights of lives lived that illuminate living.

The sunburst chandelier hooked from the sky,
Brightening the chamber's deliberative circle,
Evokes not a fusion explosion but a flower,
A buttonbush flower, humble marsh dweller,
Native shrub going nova, easily overlooked,
White stamens on filaments out from the centre,
A floral globe bursting, only waiting to be seen.

From curlicue boot-scraper to weathervane's tip,
To Josh Milner the builder's chiselled name,
From cells in the basement to clock tower bells,
Every nick, every lick of paint in between,
All fashioned by people, devoted by hand
Above the old Shambles where water meets land,
A blossom in the stones that shows how to dream.

DELEGATIONS

- (1) Dave Jackson, Research Lead for the Social Planning Council Kingston and District spoke to Council regarding the Affordable Housing Incentives Strategy as Patricia Streich was unable to attend.
- (2) Robyn Hamlyn spoke to Council regarding a 'Blue Community'.

BRIEFINGS

PETITIONS

Mayor Gerretsen presented to Council a signed green bin containing letters he has received from students at Lancaster Public School requesting the City offer its Green Bin program to Kingston schools.

MOTIONS OF CONGRATULATIONS, RECOGNITION, SYMPATHY, CONDOLENCES AND SPEEDY RECOVERY

Council consented to the **addition** of the following motion:

Motion of Congratulations

Moved by Mayor Gerretsen
Seconded by Deputy Mayor George

THAT the congratulations of Kingston City Council be extended to John-Paul Shearer, Director of Business Development with KEDCO. Mr. Shearer was named "Economic Developer of the Year" by the Ontario East Economic Development Commission. Mr. Shearer received his award last week at the Ontario East Municipal Conference, which was held in Kingston. Congratulations J.P., on this well-deserved honour! Well done!

CARRIED

DEFERRED MOTIONS

Moved by Councillor Hutchison
Seconded by Councillor Osanic

THAT Council waive the rules of By-Law No. 2010-1, "Council Procedural By-Law", in order to amend the Agenda to allow the Deferred Motion (1) to be dealt with following Report 92 Received from the Chief Administrative Officer (Recommend).

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

DEFERRED MOTIONS (CONTINUED)

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

WHEREAS in 2007 a Motion was passed to earmark \$5 million for affordable housing to match the Provincial DOORS funding; and,

WHEREAS a Council Motion was passed on February 15, 2011, (City Council Meeting No. 2011-06) to defer the budgeting of \$5M for affordable housing until after Council's Strategic Planning Session; and,

WHEREAS Council has now completed its Strategic Planning Session and identified affordable housing as one of its key priorities; and,

WHEREAS many submissions have been provided to the City on the draft Municipal Housing Strategy calling for immediate action on providing more affordable housing;

THEREFORE BE IT RESOLVED THAT Clause 1 of Report No. 77: Received from the Arts, Recreation and Community Policies Committee be amended to revise Recommendation #20 of the Municipal Housing Strategy to read as follows:

Recommendations	Implementation	Timeframe
20. That the City establish a Housing Fund as the	<ul style="list-style-type: none"> Explore options for providing ongoing investment to the 	Short term (1 st to 2 nd year)

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<p>principal tool for accumulating and disbursing funding for affordable housing and that the City provide \$5 million as an initial investment to seed the fund, and create a plan to provide ongoing investment in the fund.</p>	<p>ongoing investment to the Housing Fund which will operate as a revolving fund.</p> <ul style="list-style-type: none"> • Funding of housing development initiatives from the fund should commence immediately in the fall 2011 and address the needs of those along the housing continuum, especially those households with low or moderate incomes and who are most vulnerable. • Target funding initiatives that support innovative approaches, leverage available resources and generate the maximum benefit for investment. • Define input, output and replenishment parameters. • Consider consolidating existing City housing reserve funds into this new Housing Fund. • Seed the Fund with an initial allocation of \$5 million. • Investment in the Housing Fund be distributed to support capital, rent supplement/housing allowance and home ownership programs. • Provide inflows to the Fund through options adopted via Rec. #19. 	
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LOST (4:8)
(See Recorded Vote)

Moved by Councillor Hector
Seconded by Councillor George

THAT recommendation #20 of the Municipal Housing Strategy tabled at the July 19th, 2011 Council meeting, be adopted.

CARRIED

Below is wording of original Recommendation #20

Recommendations	Implementation	Timeframe
#20 That in recognition of Council's intention to	Commit \$5 million for which half of that would be spent on temporary	This proposal is much more detailed than

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<p>invest up to \$5M, the City give particular consideration to establishing a Housing Fund as the principal tool for accumulating and disbursing funding for affordable housing and that the City consider an initial investment to seed the fund.</p>	<p>rent subsidies and the other half on non-profit or cooperative. Rent subsidies would last for 5 years with a maximum monthly rent subsidy of \$200 for households with no children and \$250 for households with children.</p> <ul style="list-style-type: none"> • People receiving social assistance would be paid the difference between their market rent and their maximum shelter allowance, so the subsidy would not count as "income". • Families chosen to receive the subsidies would be those who have waited longest on the subsidized housing waitlist. • Participants would be given the option of placing their file with Social Housing Registry on hold, so that they could move into subsidized housing when the temporary subsidy program ends. • Consider using an independently administered model that could become sustainable in the longer run along the lines of locally controlled and community based land trust models. 	<p>intended in this strategy document and it is recommended that if Council commits funding to Affordable Housing, a working group composed of staff and representatives from the Round Table on Poverty be assigned to review these options. In order to reflect the intent of this proposal, the following language will be added in the recommendation: <i>"Investment in the Housing Fund be distributed to support capital, rent supplement/housing allowance and home ownership programs."</i> <i>"Funding of initiatives should address the needs of those along the housing continuum, especially those households with low or moderate incomes and who are most vulnerable."</i></p>
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A Recorded Vote was requested by Councillor Glover

YEAS: Councillor Downes, Councillor Glover, Councillor Hutchison, Councillor Osanic (4)

NAYS: Councillor Berg, Councillor George, Mayor Gerretsen, Councillor Hector, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (8)

ABSENT: Councillor Neill (1)

REPORTS

Report No. 91: Received from the Chief Administrative Officer (Consent)

Moved by Councillor Berg

Seconded by Councillor Scott

THAT Report No. 91: Received from the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the separation of Clause (c) and (d).

Report No. 91

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

THAT Council consent to the approval of the following routine items:

(a) **Award of RFP for Two (2) Seven Passenger Minivans to Vaughn Chrysler**

THAT the RFP F31-TPES-TS-FL-2011-9 for the purchase of two 7-passenger minivans be awarded to Vaughn Chrysler for the total purchase price of \$41,021 plus applicable taxes.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (11-239) was attached as Schedule Pages 1-3)

(File No. CSU-VOO-000-2011)

REPORTS (CONTINUED)

Report No. 91: Received from the Chief Administrative Officer (Consent) (CONTINUED)

- (b) **Award of RFP for Winter Control Road Sand to Cruickshank Construction Limited**
THAT Council authorize the Mayor and Clerk to enter into a contract, in a form satisfactory to the Director of Legal Services, with Cruickshank Construction Limited for the supply of approximately 23,000 tonnes of sand for winter road and sidewalk maintenance, in the amount of \$14.16 per tonne including all taxes and freight. (The Report of the President and CEO of Utilities Kingston (11-241) was attached as Schedule Pages 4-7)
(File No. CSU-T06-000-2011)

CARRIED
(Clauses (a) and (b))

- (c) **Kingston Fire and Rescue Training Facility – Budget Amendment**
THAT Council approve a capital budget increase of \$700,000 for Phase 1 of the Kingston Fire and Rescue Training Facility, to be funded by debt with servicing from the Fire Capital Reserve Fund. (The Report of the Commissioner of Transportation, Properties and Emergency Services (11-243) was attached as Schedule Pages 8-11)
(File No. CSU-P16-000-2011)

CARRIED (10:2)
(See Recorded Vote)

A Recorded Vote was requested by Mayor Gerretsen

YEAS: Councillor Berg, Councillor George, Mayor Gerretsen, Councillor Hector, Councillor Hutchison, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (10)

NAYS: Councillor Downes, Councillor Glover (2)

ABSENT: Councillor Neill (1)

Moved by Councillor

Seconded by Councillor

THAT Council waive the rules of By-Law No. 2010-1, "Council Procedural By-Law", in order to amend the Agenda to allow New Motions, Clause 3 to be dealt with following Report 91 Received from the Chief Administrative Officer (Consent) Clause (c).

CARRIED
(A 2/3 Vote of Council Was Received)
(See Page No. 489)

REPORTS (CONTINUED)

Report No. 91: Received from the Chief Administrative Officer (Consent) (CONTINUED)

(d) **Delegated Authority for Customer Service Purposes – Fee Adjustments Due to Service Interruption**

THAT Council approve the delegation of authority to the Director and/or Commissioner for discretionary fee adjustments due to service interruptions.

(The Report of the Commissioner of Community Services (11-245) was attached as Schedule Pages 12-15)

(File No. CSU-R05-000-2011)

CARRIED

Report No. 92: Received from the Chief Administrative Officer (Recommend)

Moved by Councillor Schell

Seconded by Deputy Mayor George

THAT Report No. 92: Received from the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 92

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

(1A) **STAFF BRIEFING – Ms. Lanie Hurdle, Commissioner of Community Services, spoke to Council regarding the Affordable Housing Incentives Strategy.**

(1) **Affordable Housing Incentives Strategy**

1. **THAT** Council increase its financial commitment to affordable housing solutions from the tax base;

- and further -

2. **THAT** Council endorse the proposed incentives program for affordable housing A to C as listed in Exhibit A of this report (11-226);

- and further -

3. **THAT** Council direct staff to incorporate funding for items A to C as described in Exhibit A of this report (11-226) in both the capital and operation budget submissions starting in 2012;

- and further -

4. **THAT** Council direct staff to amend the Municipal Capital Reserve Fund policy to finance affordable housing projects that may be non-municipal capital assets;

- and further -

5. **THAT** Council lobby the provincial government for an increase in rent supplement funding as it relates to the 2003 mandated social housing units;

- and further –

REPORTS (CONTINUED)

**Report No. 92: Received from the Chief Administrative Officer (Recommend)
(CONTINUED)**

6. **THAT** it is recommended that this funding be made available until the City has reached a vacancy rate close to 3% and the Social Housing Registry Centralized Waiting List time has been trending down for five years;
- and further -
7. **THAT** the City's proposals for affordable housing solutions include opportunities that can allow for proposals from both the private and the not-for-profit sectors;
- and further -
8. **THAT** the \$6.34 million allocated for 2012-2014 for incentives A, B and C, be made available for investment at any time an opportunity for creating affordable housing presents itself for investment during that time period.
(The Report of the Commissioner of Community Services (11-226) was attached as Schedule Pages 16-26)
(File No. CSU-S18-000-2011).

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

Council consented to the separation of the original paragraph 6.

THAT Council consider increasing the rent supplement program listed as item D in Exhibit A of this report (11-226) for yearly review for Council.

**LOST AS AMENDED (6:6)
(See Motion to Amend which was CARRIED)
(See Recorded Vote 1)**

Moved by Councillor Schell
Seconded by Councillor Hutchison

THAT Report 92, Clause (1) be amended by adding two additional paragraphs as follows:

THAT it is recommended that this funding be made available until the City has reached a vacancy rate close to 3% and the Social Housing Registry Centralized Waiting List time has been trending down for five years;
- and further -

THAT the City's proposals for affordable housing solutions include opportunities that can allow for proposals from both the private and the not-for-profit sectors;

CARRIED

REPORTS (CONTINUED)

**Report No. 92: Received from the Chief Administrative Officer (Recommend)
(CONTINUED)**

Moved by Councillor Hutchison

Seconded by Councillor Glover

THAT Report 92, Clause (1) be amended by adding an additional paragraph:

THAT the \$6.34 million allocated for 2012-2014 for incentives A, B and C, be made available for investment at any time an opportunity for creating affordable housing presents itself for investment during that time period.

CARRIED

Moved by Councillor Hutchison

Seconded by Councillor Glover

THAT paragraph 2 of the recommendation be amended to read "THAT Council endorse the proposed incentives program for affordable housing B to C as listed in Exhibit A of this report;

- and further –

THAT paragraph 3 of the recommendation be amended to read "THAT Council direct staff to incorporate funding for items B to C as described in Exhibit A of this report in both the capital and operation budget submissions in 2012;

- and further –

THAT the funding included in Exhibit A, part A, be reinvested in Exhibit A, part B.

**LOST (3:9)
(See Recorded Vote 2)**

Moved by Councillor Hector

Seconded by Councillor Hutchison

THAT Council waive the rules of By-Law No. 2010-1, "Council Procedural By-Law", in order to extend the meeting past 11:00 pm to complete the agenda.

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

Moved by Councillor Hector

Seconded by Councillor Osanic

THAT Report 92, Clause (1) be amended by adding at the end of clause 6:
"for yearly review by Council"

CARRIED

REPORTS (CONTINUED)

**Report No. 92: Received from the Chief Administrative Officer (Recommend)
(CONTINUED)**

1. A Recorded Vote was requested by Mayor Gerretsen
YEAS: Councillor Downes, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Osanic, Councillor Schell (6)
NAYS: Councillor Berg, Councillor George, Mayor Gerretsen, Councillor Paterson, Councillor Reitzel, Councillor Scott (6)
ABSENT: Councillor Neill (1)

2. A Recorded Vote was requested by Councillor Hector
YEAS: Councillor Glover, Councillor Hutchison, Councillor Osanic, (3)
NAYS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Hector, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (9)
ABSENT: Councillor Neill (1)

Report No. 93: Received from the Planning Committee

Moved by Councillor Reitzel
Seconded by Councillor Paterson

THAT Report No. 93: Received from the Planning Committee be received and adopted.

Report No. 93

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

a) **Application for Zoning By-Law Amendment for the Property Located at 322 Elmwood Street**

THAT the application for Zoning By-Law Amendment (Our File No. D14-212-2011) submitted by Frontenac Community Mental Health Services, for the property located at 322 Elmwood Street, **BE APPROVED**.

AND THAT the former City of Kingston Zoning By-Law No. 8499, as amended, be further amended as follows:

1. That Zone Map No. 21 of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol of the subject site from 'A2' to 'A2.405' as shown on Schedule 'A' attached hereto and forming part of By-Law No. 2011-120
2. That the By-Law be amended by the addition of the following section to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS:

REPORTS (CONTINUED)

Report No. 93: Received from the Planning Committee (CONTINUED)

“405. Notwithstanding the provisions of Section 8 hereof to the contrary, on the approximately 739.1 square metre parcel of land known municipally as 322 Elmwood Street, and zoned ‘A2.405’ on Zoning Map No. 21 attached to and forming part of amending By-Law No. 2011- , a triplex shall also be a permitted use provided that the three residential units are contained within the walls of the building in existence as of the date of the passing of this By-Law.”

AND THAT the By-Law be presented to City Council for all three readings.

(Note: A copy of the draft by-law is attached as Schedule Pages 27-29)

(See By-Law No. (1), 2011-120)

b) **Application for Zoning By-Law Amendment for the Properties Located at 98, 102 and 110 Centre Street**

THAT the properties located at 98, 102 and 110 Centre Street, BE SUBJECT TO BY-LAW No. 2010-217 (Site Plan Control).

THAT the application for Zoning By-Law Amendment (Our File No. D14-216-2011) submitted by John Cain, for the property located at 98 and 110 Centre Street, BE APPROVED.

AND THAT the City of Kingston Zoning By-Law No. 8499, as amended, be further amended as follows:

1. That Zoning Schedule “A”, Map 29 of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol to ‘A.407’ and ‘A.408’ for the lands shown as “Subject Lands Rezoned from A to A.407 and A.408” on Schedule “A” attached hereto and forming part of amending By-Law No. 2011-121.
2. That the By-Law be amended by the addition of the following section to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS:

“407. 110 Centre Street
Notwithstanding any provisions of Section 5 or Section 6 hereof to the contrary, on the lands zoned ‘A.407’ on Schedule “A” attached hereto, the following provisions shall apply to the entire area zoned ‘A.407’:

 - a) **MINIMUM FRONT YARD SETBACK:** 12.6 metres
Unenclosed porches, decks, balconies, steps, and/or verandas, covered or uncovered, shall not be permitted to project into the front yard setback.
 - b) **MINIMUM AGGREGATE SIDE YARD:** 3.05 metres
“408. 98 Centre Street
Notwithstanding any provisions of Section 5 or Section 6 hereof to the contrary, on the lands zoned ‘A.408’ on Schedule “A” attached hereto, the following provisions shall apply to the entire area zoned ‘A.408’:

REPORTS (CONTINUED)

Report No. 93: Received from the Planning Committee (CONTINUED)

- a) **MINIMUM FRONT YARD SETBACK:** 12.6 metres
Unenclosed porches, decks, balconies, steps, and/or verandas, covered or uncovered, shall not be permitted to project into the front yard setback.”

AND THAT the Amending By-Law be presented to City Council for all three readings.
(Note: A copy of the draft by-law is attached as Schedule Pages 30-32)
(See By-Law No. (2), 2011-121)

- c) **Application for Zoning By-Law Amendment For the Property Located at 326 Bagot Street**

THAT the Application for Zoning By-Law Amendment (Our File No. D14-208-2011) submitted by Anna Lane Co-Operative Development Corporation for the property municipally known as 326 Bagot Street, **BE APPROVED**.

AND THAT the Downtown and Harbour Zoning By-Law No. 96-259, as amended, be further amended as follows:

1. By-Law No. 96-259 of The Corporation of the City of Kingston, entitled “Downtown and Harbour Zoning By-Law for The Corporation of the City of Kingston”, as amended, is hereby further amended as follows:

- 1.1. By **Modifying** a subsection 7.3.23 as follows:

“7.3.23 **‘C1-23’ Zone, 326 Bagot Street**

Notwithstanding any provisions hereof to the contrary, on the lands Zoned ‘C1-23’ on Schedule ‘A’ hereto, the following regulations shall apply:

On the approximately 0.24 hectare property, located on the northwest quadrant of Queen and Bagot Streets and zoned C1-23 on Zoning Map 1, the provisions of the C1 Zone shall be in force where applicable except for the following:

- 7.3.23.1 Additional Permitted use: Apartment Dwelling
7.3.23.2 Minimum Front Yard: 0 m
7.3.23.3 Minimum Exterior Side Yard: 0 m
7.3.23.4 Minimum Lot Coverage: 45%
7.3.23.5 Maximum Density: 500 dwelling units per net hectare
7.3.23.6 Number of Units: The maximum number of Permitted dwelling units shall be 120.
7.3.23.7 Off-Street Parking: The minimum number of off-street parking spaces shall be 94 (ninety-four)
7.3.23.8 Maximum Height at Build-to-Plane: 17m
7.3.23.9 Maximum Height along Angular Plane: 31.5

REPORTS (CONTINUED)

Report No. 93: Received from the Planning Committee (CONTINUED)

- 7.3.23.10 Amenity Area: The minimum amount of amenity space shall be 520 square metres
- 7.3.23.11 Children's Play Space: None required
- 7.3.23.12 Maximum Encroachment into Angular Plane:
 - i) South Property Line:
Vertical encroachment of 11.0 m
Horizontal Encroachment of 10.0 m
 - ii) East Property Line:
Vertical encroachment of 1.0 m
Horizontal Encroachment of 1.0 m
- 7.3.23.13 That the Build-to-Plane shall be measured from the property line.

2.0 **AND THAT** the Amending By-Law be presented to City Council for all three readings.

(Note: A copy of the draft by-law is attached as Schedule Pages 33-35)

(See By-Law No. (3), 2011-122)

d) **Applications for Official Plan Amendment and Zoning By-Law Amendment For the Property Located at 555 O'Connor Drive**

THAT the applications for Official Plan Amendment and Zoning By-Law Amendment (Our File Nos. D09-058-2011 and D14-206-2011) submitted by Berkdale Financial Services Ltd., for the property located at 555 O'Connor Drive, **BE APPROVED.**

THAT the City of Kingston Official Plan be amended as follows:

1. The City of Kingston Official Plan, as amended, is hereby further amended by the following map and text change which shall constitute **Amendment No. 11** to the City of Kingston Official Plan:
 - a) **AMEND** Schedule '3-D', 'Site Specific Policies', of the City of Kingston Official Plan, so as to designate the property located at 555 O'Connor Drive, as shown on Schedule 'A' to By-Law No. 2011-123, as 'Site Specific Policy Area No. 46'.
2. That the City of Kingston Official Plan, as amended, be further amended by adding the following new Site Specific Policy as Section 3.18.46:

**Schedule 3-D,
SSP No. 46**

3.18.46 On the lands located at 555 O'Connor Drive and designated as General Industrial, the permitted uses shall also include an accessory retail and accessory wholesale establishment for truck and trailer parts warehoused on the premise of up to 25% of the gross floor area of the warehouse building."

REPORTS (CONTINUED)

Report No. 93: Received from the Planning Committee (CONTINUED)

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

1. That Zoning Schedule "A", Map 3 of Zoning By-Law No. 76-26, as amended, is hereby further amended by changing the zone symbol of the subject site from 'M6-1' to 'M6-24' as shown on Schedule "A" attached hereto and forming part of amending By-Law No. 2011-124.

2. That the following be **added** as Section 28A (3)(x) of the By-Law:
" (x) Notwithstanding any provisions of Section 5 or Section 28A hereof to the contrary, the lands zoned 'M6-24' on Schedule "A" hereto, may be used in accordance with the provisions of Section 28A for the 'M6' zone except that:
 - (i) A maximum of 25% of the total floor area of a truck and trailer parts warehouse use may be used for the purpose of an accessory retail and accessory wholesale use.
 - (ii) MINIMUM LOT AREA : 2,024 square metres
 - (iii) MINIMUM LOT FRONTAGE : 30.48 metres
 - (iv) A parking area shall be permitted in any yard provided that no part of any parking area, other than a driveway, is located closer than 7.6 metres to any street line.
 - (v) The main building existing on the site as of the date of the passing of this By-Law shall be deemed to comply with the exterior side yard width regulations of this Zoning By-Law. In the event that the existing main building on the site is removed, any new development shall be subject to the regulations of Section 28A of this By-Law."

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

(Note: Copies of the draft by-laws are attached as Schedule Pages 36-40)

(See By-Law Nos. (4) and (5), 2011-123 and 2011-124)

e) **Application for Zoning By-Law Amendment For the Property Located at 299 Concession Street**

THAT the application for Zoning By-Law Amendment (Our File No. D14-142-2009) submitted by CJM Property Management Ltd., for the property located at 299 Concession Street, **BE APPROVED.**

AND THAT the City of Kingston Zoning By-Law No. 8499, as amended, be further amended as follows:

1. That Section 218 to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS of the By-Law be replaced in its entirety, with the following:
"218. **299 Concession Street**

REPORTS (CONTINUED)

Report No. 93: Received from the Planning Committee (CONTINUED)

Notwithstanding any provisions of Section 5 or Section 22 hereof to the contrary, on the lands zoned 'C2.218 on Schedule "A" attached hereto, the following provisions shall apply to the entire area zoned 'C2.218:

- a) PERMITTED USES:
 - Office (but not a medical or dental office or clinic)
 - Day care centre
- b) MINIMUM REAR YARD SETBACK: 6.5 metres
- c) MAXIMUM LOT OCCUPANCY: 129%
- d) MAXIMUM BUILDING HEIGHT: 18.7 metres
- e) MAXIMUM GROSS FLOOR AREA: 6,961 square metres
- f) MINIMUM OFF-STREET PARKING:
 - i) office: 3.5 parking spaces per 100 m2 of gross leasable area
 - ii) day care centre: 0.85 parking spaces per 100 m2 of gross floor area
- g) MINIMUM OFF-STREET LOADING FACILITIES:
 - i) 2 off-street loading spaces
 - ii) Loading facilities shall be located at the rear or interior side of a building only."

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

(Note: A copy of the draft by-law is attached as Schedule Pages 41-43)

(See By-Law No. (6), 2011-125)

**CARRIED
(Clauses (a) through (e))**

Report No. 94: Received from the Nominations Advisory Committee

Moved by Deputy Mayor George
Seconded by Councillor Hutchison

THAT Report No. 94: Received from the Nominations Advisory Committee be received and adopted.

Report No. 94

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

1. Appointments to the Seniors Advisory Committee

THAT the following appointments be made to the Seniors Advisory Committee:

REPORTS (CONTINUED)

Report No. 94: Received from the Nominations Advisory Committee (CONTINUED)

<i>Seniors Advisory Committee</i>	<i>Length of Term</i>
<i>Anne Graham</i>	<i>November 30, 2012</i>
<i>Michaela Jones</i>	<i>November 30, 2012</i>
<i>Paul Switzer</i>	<i>November 30, 2012</i>

- and further –

THAT the following appointments be confirmed without comment by the Nominations Advisory Committee:

<i>Seniors Advisory Committee</i>	<i>Length of Term</i>
<u><i>Confirmation only required</i></u>	
<u><i>Seniors Centre Executive Staff</i></u> <i>Diane Luck</i>	<i>November 30, 2012</i>
<u><i>Seniors Centre</i></u> <i>David Crane</i>	<i>November 30, 2012</i>
<u><i>Council on Aging Volunteer Organization</i></u> <i>Mary Carol Thompson</i>	<i>November 30, 2012</i>
<u><i>Representative from Local/Regional Organization serving seniors – (North Kingston Community Health Centre)</i></u> <i>Christine Bell</i>	<i>November 30, 2012</i>
<u><i>Representative from Local/Regional Organization serving seniors – (Regional Advisor, Province of Ontario, Seniors' Secretariat)</i></u> <i>Louise Richer</i>	<i>November 30, 2012</i>

CARRIED

INFORMATION REPORTS

(1) Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of July 2011

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 July 2011 and to report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of July 2011.

(The Report of the City Treasurer (11-223) is attached as Schedule Pages 44-53) (File No. CSU-F18-000-2011)

MISCELLANEOUS BUSINESS

- (1) Moved by Councillor George
Seconded by Councillor Scott

THAT Council designate Councillor Berg for a term to expire November 30, 2012 to:

- exercise the powers and perform the duties of the head of Council under the *Emergency Management and Civil Protection Act* and the City's Emergency Response Plan during the absence of the head of Council or during his or her inability to act;
- serve as Designate to act in that capacity when requested by the Mayor, when the Mayor is present in the municipality and able to act but requests assistance in managing the emergency preparation and response mandates of the Mayor's Office; and

THAT Council designate Councillor Hector to serve as an alternate, should both the Mayor and the Designate be unable to perform their duties, during an emergency.

**CARRIED AS AMENDED
(See Motions to Amend which were CARRIED)**

- Moved by Councillor George
Seconded by Councillor Scott

THAT Councillor Berg be appointed as the Designate.

CARRIED

- Moved by Councillor Osanic
Seconded by Councillor Downes

THAT Miscellaneous Motions be amended to have the appointed designates term expire November 30, 2012.

CARRIED

- Moved by Councillor Osanic
Seconded by Councillor Glover

THAT Councillor Hector be appointed as the alternate Designate

CARRIED

NEW MOTIONS

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

WHEREAS Sue Hendler was a long time citizen of Kingston with a particular love of Portsmouth Village; and,

WHEREAS Sue touched many lives with her courageous, honest articles in the Whig Standard about her life with and eventual death from cancer; and,

WHEREAS Sue left a generous bequest to the Portsmouth District Community Association to be used in her memory for continued planting and beautification of Portsmouth Village;

THEREFORE BE IT RESOLVED THAT the Portsmouth District Community Association be permitted to place a small boulder in the Portsmouth Olympic Harbour grounds near Peter's Drug Store with a plaque bearing the words:

"In memory of Sue Hendler
Whose interest in the beauty of Portsmouth Village
Lives on through her generosity"

CARRIED

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

WHEREAS the Council of the City of Kingston, at its meeting of September 6, 2011, tabled Communication 18-330, from the Honourable Olivia Chow, MP seeking Council's support of her private member's bill ,Bill C-615 calling on the Federal Government to establish a National Public Transit Strategy; and

WHEREAS the provision of a stable, reliable and sustainable source of federal funding for public transit to build more environmentally sustainable, prosperous and liveable communities would greatly assist the City of Kingston's endeavours in this regard; and

WHEREAS the City of Kingston has identified the need for a greater level of investment in public transit through its recently approved Transit Redevelopment Plan; and

WHEREAS the City of Kingston, endeavours to become Canada's most sustainable city;

THEREFORE BE IT RESOLVED THAT The Council of the Corporation of the City of Kingston endorse the Honourable Olivia Chow, MP, private member's bill, Bill C-615, calling on the Federal Government to establish a National Public Transit Strategy;
And further

NEW MOTIONS (CONTINUED)

THAT a copy of this resolution be forwarded to the Honourable Denis Lebel, Minister of Transport, the Honourable Olivia Chow, MP, the Honourable Ted Hsu, MP, and The Federation of Canadian Municipalities.

**DEFERRED TO THE COUNCIL MEETING OF OCTOBER 4, 2011
(See motion to DEFER which was CARRIED)**

Moved by Councillor Osanic
Seconded by Councillor Hutchison

THAT the motion of Councillor Osanic and Councillor Hutchison be deferred to the next regular meeting of Council.

CARRIED

The following motion was considered after Report 91 Received from the Chief Administrative Officer (Consent), Clause (c)

Council consented to the separation of the last 3 RESOLVED clauses.

(3) Moved by Mayor Gerretsen
Seconded by Councillor Osanic

WHEREAS the City of Kingston is situated at the confluence of three major fresh-waterways; Lake Ontario, the St. Lawrence River and the Cataraqui River; and;

WHEREAS Canada is rich in fresh water resources; and

WHEREAS in 2010, the United Nations passed two resolutions that recognized the human right to water and sanitation. The resolution passed by the UN Human Rights Council notes that the human right to water and sanitation is already entrenched in international law and is therefore legally binding on countries; and;

WHEREAS a “blue community” is one that adopts water as a natural resource belonging to no one, and the responsibility of all. Because water is central to human activity, it must be governed by principles that allow for reasonable use, equal distribution and responsible treatment in order to preserve water for nature and future generations; and;

WHEREAS the criteria for a city to become a “blue community” include:

- 1) banning the sale of bottled water in public facilities and at municipal events.
- 2) recognizing water as a human right and
- 3) committing to publically financed, owned and operated water and wastewater services;

NEW MOTIONS (CONTINUED)

THEREFORE BE IT RESOLVED THAT the City of Kingston recognizes and affirms that access to clean water is a fundamental human right; and

BE IT FURTHER RESOLVED that the Federation of Canadian Municipalities call upon the federal government to support the recognition of water as a human right in international law.

CARRIED AS AMENDED (12:0)
(See Motion to Amend)
(See Recorded Vote 1)

BE IT FURTHER RESOLVED that this Council will call upon the federal and provincial governments to enshrine water as a human right in federal and provincial law; and

BE IT FURTHER RESOLVED that this Council will call upon the federal government to support the recognition of water as a human right in international law.

AND FURTHER THAT the Mayor send a copy of this motion to The Rt. Honourable Stephen Harper, Prime Minister of Canada, The Honourable Peter Kent, the Federal Minister of the Environment, The Honourable Ted Hsu, M.P. for Kingston and the Islands, The Honourable Dalton McGuinty, Premier of Ontario, The Honourable John Wilkinson, Provincial Minister of the Environment, The Honourable John Gerretsen, M.P.P for Kingston and the Islands, the Cataraqui Region Conservation Authority and the Federation of Canadian Municipalities.

CARRIED (8:4)
(With agreed to Amendments)
(See Recorded Vote 2)

Moved by Councillor Hutchison
Seconded by Councillor Scott

THAT an additional WHEREAS clause be inserted as the 2nd WHEREAS clause as follows:

“**WHEREAS** Canada is rich in fresh water resources;” and further

THAT an additional resolved clause be inserted as the 2nd Resolved clause as follows:

“**BE IT FURTHER RESOLVED** the Federation of Canadian Municipalities (FCM) call upon the Federal Government to support the recognition of water as a human right in International Law.”

CARRIED

NEW MOTIONS (CONTINUED)

1. A Recorded Vote was requested by Councillor Downes

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (12)

NAYS: (0)

ABSENT: Councillor Neill, (1)

2. A Recorded Vote was requested by Councillor Downes

YEAS: Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Hutchison, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell (8)

NAYS: Councillor Berg, Councillor Glover, Councillor Hector, Councillor Scott (4)

ABSENT: Councillor Neill (1)

(4) Moved by Councillor Berg
Seconded by Councillor Reitzel

WHEREAS Kingston City Council supports in principle the spirit and mission of the Sir John A. Macdonald 2015 Bicentennial Commission; and

WHEREAS Kingston City Council encourages the citizens of Kingston to engage and participate in this historic celebration that will have national significance,

THEREFORE BE IT RESOLVED THAT Kingston City Council direct the Cultural Services Dept. to work in concert with the Sir John A. Macdonald 2015 Bicentennial Commission to develop an integrated, multi year plan, and project budget, to commemorate the Sir John A. Macdonald 2015 Bicentennial, commencing with the City of Kingston 2012 budget deliberations.

**CARRIED
(With Agreed To Amendments)**

NOTICES OF MOTION

MINUTES

Moved by Councillor Scott
Seconded by Councillor Schell

THAT the Minutes of City Council Meeting No. 2011-18, held Tuesday, September 6, 2011 be confirmed.

CARRIED

TABLING OF DOCUMENTS

- 2011-58 Cataraqui Source Protection Committee
Agenda – Meeting #43 – September 9, 2011
(File No. CSU-D03-000-2011)
- 2011-59 HIV/AIDS Regional Services
Newsletter – September 2011
(File No. CSU-M04-000-2011)
- 2011-60 Kingston Police Services Board
Agenda for meeting 11-9 to be held September 15, 2011 and Minutes of Meeting 11-8, held July 21, 2011
(File No. CSU-P17-000-2011)

COMMUNICATIONS

Council consented to the addition of Communications 19-342 through 19-348.

Filed

- 19-333 From Sergeant (Retired) Marc Belanger, providing a report on “Paddle On for Soldier On (PO4SO)”, which raised awareness and a total of \$6,056 for the Soldier On Fund/Program.
(File No. CSU-M03-000-2011)
(Digitally distributed to all Members of Council on September 8, 2011)
- 19-342 From Bryan Leadbeater, President, The Royal Canadian Legion Branch 631, expressing appreciation to Council, Pat Carroll and staff for the work regarding the tax break for 2012-2020.
(File No. CSU-F22-000-2011)
(Distributed to all Members of Council on September 16, 2011)

Referred to All Members of Council

- 19-334 From Mayor Mark Gerretsen, providing Council with a recap regarding the 2011 AMO Conference.
(File No. CSU-A01-004-2011)
- 19-336 From Ian Taylor, expressing his concerns regarding the suggestion that the definition of senior citizen be changed from 65 to 60 years of age.
(File No. CSU-S02-000-2011)
- 19-337 From Edna Barnes, expressing her concerns regarding the suggestion that the definition of senior citizen be changed from 65 to 60 years of age
(File No. CSU-S02-000-2011)

COMMUNICATIONS (CONTINUED)

- 19-338 From Dr. Eric Hoskins, Minister of Citizenship and Immigration, seeking nominations for the June Callwood Outstanding Achievement Award for Voluntarism in Ontario.
(File No. CSU-M11-000-2011)
- 19-344 From Stantec Consulting Ltd., providing Notice of Proposal to Engage in a Renewable Energy Project,- the 'Amherst Island Wind Energy Project'.
(File No. CSU-E05-000-2011)
(Distributed to all Members of Council on September 20, 2011)
- 19-345 From Minister of Municipal Affairs and Housing, President of AMO and President of AMCTO advising of the fourth annual celebration of ' Local Government Week' October 16-22, 2011.
(File No. CSU-M10-000-2011)
(Distributed to all Members of Council on September 20, 2011)
- 19-346 From the Township of Leeds and Thousand Islands, Notice of Refusal of Zoning By-Law 11-063, 16.4 ha parcel at 4732 County Road 2, east of the City of Kingston.
(File No. CSU-D14-000-2011)
(Distributed to all Members of Council on September 20, 2011)
- 19-347 From the Township of Leeds and Thousand Islands, Notice of Passing of Zoning By-Law 11-059, administrative updates and housekeeping to clarify language, amend provisions to clear up inconsistencies and address errors in zoning maps.
(File No. CSU-D14-000-2011)
(Distributed to all Members of Council on September 20, 2011)

Referred to the City Clerk

- 19-335 From the Islamic Society of Kingston, asking that Council proclaim the month of October, 2011, as "Islamic History Month Canada" in the City of Kingston.
(File No. CSU-M10-000-2011)
- 19-340 From Annette Simonian, representative of Kingston Partners for a Safe Community, asking that Council proclaim the week of October 31 to November 7, 2011, as "Safe Crossing Week" in the City of Kingston.
(File No. CSU-M10-000-2011)
- 19-341 From Annette Simonian, representative for Kingston Partners for a Safe Community, asking that Council proclaim October 5, 2011, as "Safe Communities Day" in the City of Kingston.
(File No. CSU-M10-000-2011)

COMMUNICATIONS (CONTINUED)

Referred to the Commissioner of Sustainability and Growth

19-339 From Nigel Fitzpatrick, asking that Council endorse his suggestion that a lane in Kingston be named 'Romanes Lane' after George Romanes who was born in Kingston in 1848.
(File No. CSU-D20-000-2011)

19-343 From Barry R. Card, providing comments regarding Zoning By-Law Amendment Application for 326 Bagot Street.
(See Clause (c), Report No. 93, page 12)
(File No. CSU-D14-000-2011)
(Distributed to all Members of Council on September 16, 2011)

Referred to President & CEO, Utilities Kingston

19-348 From Union Gas, Notice of Application to Ontario Energy Board for order approving reasonable rates for sale, distribution, transmission and storage of gas effective January 1, 2012.
(File No. CSU-E06-000-2011)
(Distributed to all Members of Council on September 20, 2011)

OTHER BUSINESS

BY-LAWS

(A) Moved by Councillor Downes
Seconded by Councillor Glover

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

CARRIED

(B) Moved by Councillor Hector
Seconded by Councillor Osanic

THAT By-Laws (1) through (8) be given their third reading

CARRIED

(1) A By-Law To Amend By-Law No. 8499, "Restricted Area (Zoning) By-Law Of The Corporation of the City of Kingston" (Zone Change from A2 to A2.405, 322 Elmwood Street)
THREE READINGS
(See Clause (a), Report No. 93)

PROPOSED NO. 2011-120

BY-LAWS (CONTINUED)

- (2) A By-Law To Amend By-Law No. 8499, "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston" (Zone Change from 'A' to 'A.407' and 'A.408', 98 and 110 Centre Street)
THREE READINGS PROPOSED NO. 2011-121
(See Clause (b), Report No. 93)
- (3) A By-Law To Amend By-Law No. 96-259, "Downtown and Harbour Zoning By-Law for the Corporation of the City of Kingston" (Zone Modification 'C1-23' Zone, 326 Bagot Street)
THREE READINGS PROPOSED NO. 2011-122
(See Clause (c), Report No. 93)
- (4) A By-Law To Amend the Official Plan for the City of Kingston Planning Area (Amendment No. 11, 555 O'Connor Drive)
THREE READINGS PROPOSED NO. 2011-123
(See Clause (d), Report No. 93)
- (5) A By-Law To Amend Zoning By-Law 76-26, "A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston" (Modify Site Specific Zoning – 'M6-1', 555 O'Connor Drive)
THREE READINGS PROPOSED NO. 2011-124
(See Clause (d), Report No. 93)
- (6) A By-Law To Amend By-Law No. 8499, "Restricted Area (Zoning) By-Law of the Corporation of the City of Kingston" (Zone Change, 299 Concession Street)
THREE READINGS PROPOSED NO. 2011-125
(See Clause (e), Report No. 93)
- (7) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, September 20, 2011
THREE READINGS PROPOSED NO. 2011-126
(City Council Meeting No. 2011-19)
- (8) A By-Law To Amend By-Law No. 2010-205, "A Bylaw To Define The Mandate And Meeting Procedures For Committees Established By The Corporation Of The City Of Kingston" (To Establish the Housing and Homelessness Advisory Committee)
THIRD READING PROPOSED NO. 2011-116
(See Clause (a), Report No. 87)

ADJOURNMENT

Moved by Councillor Downes
Seconded by Councillor Glover

THAT Council do now adjourn.

CARRIED

Council adjourned at 11:30 pm.

(Signed)

John Bolognone
City Clerk

Mark Gerretsen
Mayor