



CITY COUNCIL MEETING NO. 2012-08

The Regular Meeting of Kingston City Council was held on Tuesday, March 6, 2012, and was called to order at 6:30 pm in the Council Chamber, City Hall. Regular business commenced at 7:39 pm. Deputy Mayor Liz Schell presided from 6:30 pm to 6:34 pm. His Worship Mayor Mark Gerretsen presided from 6:35 pm onward.

There was a "Closed Meeting" of the Committee of the Whole from 6:35 pm to 7:30 pm in the Councillors' Lounge.

(Council Chamber)

ROLL CALL

Present: Mayor Gerretsen (arrived at 6:35 pm), Councillor Berg, Councillor Downes, Councillor George, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Councillor Osanic (arrived at 6:35 pm), Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

Absent: (0)

(Councillors' Lounge)

Administrative Staff Present:

Mr. K. Arjoon, Deputy City Clerk
Mr. J. Bolognone, City Clerk
Mr. G. Hunt, Chief Administrative Officer
Mr. H. Linscott, Director, Legal Services

COMMITTEE OF THE WHOLE "CLOSED MEETING"

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

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

Councillor Hutchison withdrew from the meeting due to a Pecuniary Interest.

- (a) A proposed or pending acquisition of land by the municipality or local board – 1316 Princess Street;

CARRIED

Councillor Hutchison returned.

- (b) A proposed or pending acquisition of land by the municipality or local board – Princess Street;

CARRIED

(Council Chamber)

Administrative Staff Present:

- Mr. K. Arjoon, Deputy City Clerk
- Mr. G. Bain, Director, Planning and Development
- Ms. C. Beach, Commissioner, Sustainability and Growth
- Mr. J. Bolognone, City Clerk
- Mr. J. DaCosta, Manager, Transit
- Mr. W. Ferris, Director, Recreation and Leisure Services
- Mr. J. Hale, Driver/Labourer
- Mr. G. Hunt, Chief Administrative Officer
- Ms. L. Hurdle, Commissioner, Community Services
- Mr. D. Leger, Commissioner, Transportation, Properties and Emergency Services
- Mr. H. Linscott, Director, Legal Services
- Mr. M. Van Buren, Director, Engineering

REPORT OF THE COMMITTEE OF THE WHOLE “CLOSED MEETING”

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

THAT Council rise from the Committee of the Whole “Closed Meeting” without reporting.

CARRIED

APPROVAL OF ADDEDS

- Moved by Councillor George
- Seconded by Councillor Berg

THAT the addeds be approved.

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

DISCLOSURE OF PECUNIARY INTEREST

Councillor Hutchison declared a pecuniary interest in the matter of “Closed Meeting” Committee of the Whole Item (a) as his employer, Kingston Co-operative Homes, Inc., owns abutting land to the site at 1316 Princess Street.

Councillor Hutchison declared a pecuniary interest in the matter of Report No. 36, Received from the CAO (Recommend), Item (2), as his employer may have an interest in applying for funding under the Affordable Housing Construction Reserve or other City programs in the future and it is unclear under which of these programs, if any, such an application may come.

Councillor Downes declared a pecuniary interest in the matter of Report No. 38, Received from the Arts, Recreation and Community Policies Committee, Item (1), as he is an employee of the Limestone District School Board.

PRESENTATIONS

DELEGATIONS

- 1) Dr. Gemmill from KFL&A Public Health spoke to Council regarding New Motions, Item No. (2), with respect to the Smoking By-Law No. 2002-231.

BRIEFINGS

PETITIONS

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

Council consented to the **addition** of Motion of Congratulations No. (1) and Motion of Condolence (4) through (9).

Motion of Congratulations

- 1) Moved by Mayor Gerretsen
Seconded by Deputy Mayor Schell

THAT the congratulations of Kingston City Council be extended to two local businesses on the news of two notable achievements. Congratulations to Cruickshank Construction who were named to the Canada's Best Small and Medium Sized Employers List 2012 by Profit Guide. (rank 34). Congratulations, as well, to Anchor Concrete, who won the National Precast Concrete Association (NPCA) Creative Use of Concrete Award.

Motions of Condolence

- 1) Moved by Councillor Berg
Seconded by Councillor Glover

THAT the condolences of Kingston City Council be extended to the family and friends of Istvan Anhalt who passed away on Wednesday February 24, 2012. Born in Budapest,

his passion and talent for music carried him round the world and brought him to Queen's University as Head of the Department of Music in 1971. Many of his major compositions, including four operas, seven symphonies and numerous other works, were written during his time in our community. In 2003, he was made an Officer of the Order of Canada. Our thoughts are with his wife of 60 years, Bea, and his family and many friends. Our community is richer for his presence in it.

- 2) Moved by Councillor Scott
Seconded by Councillor Berg

THAT the condolences of Kingston City Council be extended to the family and friends of Elizabeth (Kit) Chubb. A long time resident of the Kingston area, Ms. Chubb was an accomplished artist and author. In 1978 Kit and her husband Robin started the Avian Care and Research Foundation, a charity devoted to the care and healing of wild birds. Assisted by various donors and volunteers, they were able to care for over 8000 wild birds brought to them from all over the province. She leaves a legacy of published works, her extensive research, and her giving and caring nature to her community and the environment. Our thoughts are with her friends and family during this difficult time.

- 3) Moved by Councillor Scott
Seconded by Councillor Berg

THAT the condolences of Kingston City Council be extended to the family and friends of Rev. Brien (Rick) Thrasher, who passed away on February 21, 2012 at the age of 83. Rev. Thrasher was widely known and respected in his community for hosting the local youth in coffee houses where he would provide a safe place for the children to come off of the streets and “rap” with the Minister. His services at the Calvary and Zion United Churches were up-tempo, modern, exciting, and were known to have people dancing in the aisles. His passion for music and his contributions to his community will be fondly remembered.

- 4) Moved by Mayor Gerretsen
Seconded by Deputy Mayor Schell

THAT the condolences of Kingston City Council be extended to the family and friends of Oswald Raymond “Rick” Murphy, who passed away on February 25, 2012. Mr. Murphy was the father of Steve Murphy of the City of Kingston’s Building and Licensing Department.

- 5) Moved by Mayor Gerretsen
Seconded by Deputy Mayor Schell

THAT the condolences of Kingston City Council be extended to the family and friends of John Feenstra, who passed away on February 27, 2012. Mr. Feenstra was a long-time employee of the Kingston Frontenac Public Library and community volunteer.

- 6) Moved by Councillor Hector
Seconded by Councillor Osanic

THAT Kingston City Council extend condolences to the family of George Edward Hinch a long time Assistant Treasurer to the City of Kingston

- 7) Moved by Councillor Scott
Seconded by Councillor Berg

THAT the condolences of Kingston City Council be extended to the family and friends of Hubert Gordanier, who passed away on February 25, 2012. Mr. Gordanier was the founder of the Colonnade Golf and Country Club in Joyceville, Ontario. He will be remembered as a "gentleman", and he will be missed by those who knew him.

- 8) Moved by Councillor Scott
Seconded by Councillor Berg

THAT the condolences of Kingston City Council be extended to the family and friends of Dr. Martin Edwards, who sadly passed away on February 16, 2012 on a birding trip to Brazil. Dr. Edwards came to Kingston in 1954, and developed his career as a Professor at the Royal Military College. With a passion for the preservation of nature and conservation, he became the President of the Kingston Field Naturalists, President of the Federation of Ontario Naturalists, President of the Canadian Nature Federation and Canada's representative to the International Union of Conservation of Nature and Natural Resources. Our thoughts are with Dr. Edward's friends and family during this sad time.

- 9) Moved Councillor Glover
Seconded Councillor Berg

THAT Kingston City Council extend its sincere condolences to the family of Ross Kilpatrick, who died on Friday, 24 February. Professor Kilpatrick joined the Classics department of Queen's University in 1970. He served as department head for more than ten years, and was instrumental in the revitalization of classics at Queen's. His scholarship was wide ranging, from classics through Italian renaissance art to Canadian topics such as "Winnie the Pooh and the Canadian Connection." He served as president of the Ontario Classical Association. In 2000 he joined eleven other prominent Canadians as a founding member of the Canadian Committee for the Restitution of the Parthenon Marbles. At the community level he was active in St Georges Cathedral and the Marine Museum of the Great Lakes. He will be remembered for a delightful sense of humour, a contagious enthusiasm and, an ever smiling face.

CARRIED

DEFERRED MOTIONS

REPORTS

Report No. 35: Received from the Chief Administrative Officer (Consent)

Moved by Councillor Paterson
Seconded by Councillor Schell

THAT Report No. 35: Received from the Chief Administrative Officer (Consent) be received and adopted.

Report No. 35

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) Universal Transit Pass Agreement with the Alma Mater Society of Queen's University

THAT Council authorize the Mayor and Clerk to enter into an agreement with the Alma Mater Society of Queen's University, to the satisfaction of Legal Services, to provide a Universal Transit Pass for the period of September 1, 2011 to August 31, 2012 in the amount of \$835,000.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (12-003) is attached as Schedule Pages 1 - 4)
(File No. CSU-T03-000-2012)

(b) Assignment of Parking License – 27 Place d'Armes

THAT Council approve the assignment of the parking license agreement for the 14 parking spaces adjacent to the building at 27 Place d'Armes by 995413 Ontario Inc. and 995429 Ontario Ltd. as joint tenants to 2314033 Ontario Limited and that the Mayor and City Clerk be authorized to execute the assignment subject to the satisfaction of the Director of Legal Services.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (12-099) is attached as Schedule Pages 5 - 8)
(File No. CSU-L15-000-2012)

(c) F31-TPES-TS-FL-2012-05 – One (1) Single Axle Crew Cab Truck with 11' Chipper Body

THAT the RFP F31-TPES-TS-FL-2012-05 for the purchase of one single-axle crew cab truck with an 11-foot chipper body be awarded to Edwards Ford Sales (Kingston) Ltd. for the purchase price of \$48,389 plus applicable taxes.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (12-100) is attached as Schedule Pages 9 - 11)

(File No. CSU-F31-000-2012)

CARRIED

REPORTS (CONTINUED)

Report No. 36: Received from the Chief Administrative Officer (Recommend)

Moved by Councillor Osanic
Seconded by Councillor Glover

THAT Report No. 36: Received from the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 36

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

(1) K-ROCK Centre - 2012 Annual Operating Plan/Budget and 2011 Unaudited Financial Statements

THAT Council approve the operator SMG's 2012 Annual Operating Plan which reaffirms the approved 2012 net annual budget submission of \$700,000 in net operating income net of a capital contribution to reserve fund of \$100,000.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (12-104) is attached as Schedule Pages 12 - 34)

(File No. CSU-R05-001-2004/03)

CARRIED

Councillor Hutchison withdrew from the meeting.

(2) Seed Funding for Potential Affordable Housing Development – Town Homes Kingston

THAT Council approve seed funding in the amount of \$45,000, to be funded from the Affordable Housing Construction Reserve, to Town Homes Kingston for the development of a storm water management plan, architectural plans, other required planning studies/reports and municipal related fees for the potential development of affordable housing units at 37 Cassidy Street.

(The Report of the Commissioner of Community Services (12-104) is attached as Schedule Pages 35 - 38)

(File No. CSU-S18-000-2012)

CARRIED

Councillor Hutchison returned to the meeting.

REPORTS (CONTINUED)

Report No. 37: Received from the Planning Committee

Moved by Councillor George

Seconded by Councillor Reitzel

THAT Report No. 37: Received from the Planning Committee be received and adopted.

Report No. 37

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

1) Agricultural Land Review Official Plan Amendment

THAT the Official Plan Amendment for the Agricultural Land Review (Our File No. D09-059-2011) **BE APPROVED**; and

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

1. The Official Plan for the City of Kingston is hereby amended by the following map changes, which shall constitute Amendment No. 10 to the Official Plan for the City of Kingston.
 - 1.1. AMEND Schedule 3-B, 'Land Use', of the City of Kingston Official Plan, so as to re-designate the following properties from 'Prime Agricultural Area' to 'Rural':
 - (a) Subject lands shown on Schedule 'A' to By-Law No. 2012-59; and
 - (b) Subject lands shown on Schedule 'G' to By-Law No. 2012-59.
 - 1.2. AMEND Schedule 3-B, 'Land Use', of the City of Kingston Official Plan, so as to re-designate the following properties from 'Rural' to 'Prime Agricultural Area':
 - (a) Subject lands shown on Schedule 'B' to By-Law No. 2012-59;
 - (b) Subject lands shown on Schedule 'C' to By-Law No. 2012-59;
 - (c) Subject lands shown on Schedule 'D' to By-Law No. 2012-59;
 - (d) Subject lands shown on Schedule 'E' to By-Law No. 2012-59;
 - (e) Subject lands shown on Schedule 'F' to By-Law No. 2012-59; and
 - (f) Subject lands shown on Schedule 'G' to By-Law No. 2012-59.
 - 1.3. AMEND Schedule 3-C, 'Land Use', of the City of Kingston Official Plan, so as to re-designate the following properties from 'Prime Agricultural Area' to 'Rural':
 - (a) Subject lands shown on Schedule 'J' to By-Law No. 2012-59; and
 - (b) Subject lands shown on Schedule 'K' to By-Law No. 2012-59.
 - 1.4. AMEND Schedule 3-C, 'Land Use', of the City of Kingston Official Plan, so as to re-designate the following properties from 'Rural' to 'Prime Agricultural Area':
 - (a) Subject lands shown on Schedule 'H' to By-Law No. 2012-59;and

(b) Subject lands shown on Schedule '1' to By-Law No. 2012-59; and

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

(See By-Law No. (2), 2012-59)

CARRIED

REPORTS (CONTINUED)

Report No. 38: Received from the Arts, Recreation and Community Policies Committee

Moved by Councillor Glover

Seconded by Councillor Hutchison

THAT Report No. 38: Received from the Arts, Recreation and Community Policies Committee be received and adopted.

Council consented to the **separation** of Clauses (1) through (3).

Councillor Downes withdrew from the meeting.

Report No. 38

To the Mayor and Members of Council:

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

1) **Motion pertaining to Limestone School Board Program and Accommodation Review Committee**

WHEREAS the mandate of the Near Campus Neighbourhoods Advisory Committee speaks to the need for “creating safe and sustainable neighbourhoods; and

WHEREAS the Limestone School Board has established a Program and Accommodation Review Committee (PARC) for the purpose of examining schools in neighbourhoods within the defined area of the Near Campus Neighbourhood Advisory Committee; and

WHEREAS it is widely believed in the community that the PARC may recommend the closing of one or more schools; and

WHEREAS the Near Campus Neighbourhood Advisory Committee believes that schools are an essential part of the fabric of any and every “safe and sustainable neighbourhood”; and

WHEREAS the Ministry of Education guidelines for schools being reviewed include the requirements that the value to the community and the value to the local economy are factors that must be considered; and

WHEREAS the City of Kingston does not appear to be studying the mandate, process or time line of the PARC, notwithstanding the enormous potential impact that an action as severe as a school closure would have on the city's planning and economic development; and

WHEREAS it is understood that the PARC is to present its recommendations to the school board in June;

THEREFORE BE IT RESOLVED THAT:

1. The City Council give direction to the Chief Administrative Officer that staff be directed:
 - a) to acquaint themselves with the mandate of the PARC and the issues it is required to address that the City may have a full understanding of the context in which the PARC has been established;
 - b) to review the PARC process to determine the optimum and other points where the City of Kingston might usefully represent to the school board matters that the City of Kingston deems to be of related interest;
 - c) to study the role of schools in "safe and sustainable neighbourhoods" and the impacts of school closures on those neighbourhoods, that the City might be better informed in any presentation it might chose to make;
 - d) to identify options of interest to the city for sharing space in schools that are otherwise under capacity, such as housing, or other community services; and
2. Staff be directed to bring forward either an information report which may be the basis for determining a position the City of Kingston may wish to adopt; or a report with recommendations for a presentation or other representation that the city may wish to consider, and that such report be available in a timely manner, (as determined by the review of the time line required above) for consideration by a committee or other public forum prior to its consideration by council.

**CARRIED (7:5)
(See Recorded Vote)**

A Recorded Vote was requested by Councillor Glover

YEAS: Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Schell (7)

NAYS: Councillor Berg, Councillor Hector, Councillor Paterson, Councillor Reitzel, Councillor Scott (5)

ABSENT: Councillor Downes (1)

Councillor Downes returned.

2) Pilot Project – Outdoor Market at the Memorial Centre

Council consented to the **separation** of recommendations (1) through (3).

- 1) **THAT** Council direct staff to issue a Request For Proposal, as per the Leasing and Licensing Policy, to operate a pilot outdoor market at The Memorial Centre; and

CARRIED (11:2)
(See Recorded Vote (1))

- 2) **THAT** Council direct staff to negotiate and enter into a land lease agreement, at market rate, with an independent association for the operation of a pilot outdoor market at the Memorial Centre; and

CARRIED (10:3)
(See Recorded Vote (2))

- 3) **THAT** the Mayor and Clerk be authorized to enter into such agreement in a form satisfactory to the Director of Legal Services.

CARRIED

- 1) A Recorded Vote was requested by Councillor Hutchison

YEAS: Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell (11)

NAYS: Councillor Berg, Councillor Scott (2)

ABSENT: (0)

- 2) A Recorded Vote was requested by Mayor Gerretsen

YEAS: Councillor Downes, Councillor George, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell (10)

NAYS: Councillor Berg, Mayor Gerretsen, Councillor Scott (3)

ABSENT: (0)

3) Motion pertaining to proposed Home Ownership Program Policy

THAT Council endorse the proposed Home Ownership Program Policy which sets out the guidelines for the municipally funded home ownership program subject to the following amendments:

THAT Section 6.4 of the draft Home Ownership Program Policy be amended to include pre-qualification and approval of condominiums and limited equity cooperative homes; and

THAT the language of Section 6.5 of the draft Home Ownership Program Policy be amended to clarify that only single residential unit homes may be purchased; and

THAT Council authorize the Mayor and Clerk to execute all loan agreements under this program, in a form satisfactory to the Legal Services Department.

CARRIED

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REPORTS (CONTINUED)

Report No. 39: Received from the Environment, Infrastructure and Transportation Policies Committee

Moved by Councillor Neill

Seconded by Councillor Hutchison

THAT Report No. 39: Received from the Environment, Infrastructure and Transportation Policies Committee be received and adopted.

Report No. 39

To the Mayor and Members of Council:

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

1) Business Case for Service Expansion Opportunities at the Kingston Airport

THAT the LPS Aviation Inc. report titled "Business Case for Expansion, Kingston Airport" dated 20 January, 2012 be received; and

THAT, in accordance with the Business Case findings and recommendations, staff be directed to undertake a vigorous air service improvement initiative with Air Canada, and to conduct a limited airline recruitment campaign directed at carriers likely to stimulate new business, and unlikely to threaten the high-yield passenger base underpinning Air Canada's Kingston market; and

THAT the recommendation to undertake modest improvements in the airport's infrastructure, including a runway extension from 1,502 m (4,929') to 1,829 m (6,000'), introduction of runway end safety area, and an air terminal reconfiguration and expansion be considered as part of 2013 year budget deliberations, consistent with the timelines identified in the 2007 Airport Master Plan and within the context of the City's Strategic Plan 2011-2014 and other municipal service priorities; and

THAT staff be directed to prepare a report that includes the process required to enable the Airport runway extension and terminal expansion to become a project for consideration, the order of costing which includes financing and funding source options, scheduling, scope and other considerations as deemed necessary, for Council consideration in June 2012 in preparation for 2013 budget discussions.

The Recommendation Report of the Commissioner, Transportation, Properties & Emergency Services (EITP-12-006) was attached to the EITP agenda as Schedule Pages 1-9. Exhibit A: "Business Case for Expansion, Kingston Airport", January 2012, LPS Aviation Inc. was distributed separately. The exhibit can be viewed presently at:

<http://www.cityofkingston.ca/cityhall/committees/infrastructure/agendas.asp>

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

Moved by Councillor Hector
Seconded by Councillor Glover

THAT clause (1) of Report No. (39), Received from the Environment, Infrastructure, and Transportation Policies Committee be amended in paragraph (4) as follows:

THAT the words "any necessary work or financing plans, or other", be deleted and replaced with the word "a"; and

THAT the word "reports" be amended to read "report"; and

THAT the following wording be inserted after the word "report": "that includes the process required to enable the Airport runway extension and terminal expansion to become a project for consideration, the order of costing which includes financing and funding source options, scheduling, scope and other considerations as deemed necessary"; and

THAT the words "prior to 2013 budget deliberations" be deleted and replaced with the words "in June 2012 in preparation for 2013 budget discussions."

CARRIED

2) **Brownfields Gathering - Recommendation of Kingston Environmental Advisory Forum (KEAF)**

WHEREAS the Kingston Environmental Advisory Forum is an advisory Committee; and

WHEREAS the KEAF mandate indicates that the Committee may educate the public on matters deemed suitable;

THEREFORE BE IT RESOLVED THAT KEAF be authorized to host a Brownfields Gathering, to inform the public on Kingston Brownfields Initiatives and Brownfields Policies, on April 21st, 2012 from 10 am to 12 noon in the Wilson Room of the Kingston Frontenac Public Library.

CARRIED

REPORTS (CONTINUED)

Report No. 40: Received from the Nominations Advisory Committee

Moved by Councillor Berg
 Seconded by Councillor Neill

THAT Report No. 40: Received from the Nominations Advisory Committee be received and adopted.

Report No. 40

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

1. **Recommendation Regarding Public Appointments to Boards and Committees**

THAT the following Board and Committee appointments be made:

Board / Committee	Length of Term	Names
Housing and Homelessness Advisory Committee	November 30, 2012	Mark Michener
Kingston and Frontenac Housing Corporation Board of Directors	November 30, 2013	Penny Wall
Pump House Steam Museum Advisory Committee	November 30, 2014	Jamil Rashid

2. Recommendation Regarding Technical Appointments to Boards and Committees

THAT the following technical appointment be confirmed without comment:

Board / Committee	Length of Term	Names
Taxi Commission	November 30, 2012	Deputy Mayor Ric Bresee (Loyalist Township Representative)

CARRIED

INFORMATION REPORTS

MISCELLANEOUS BUSINESS

NEW MOTIONS

- 1) Moved by Councillor Neill
Seconded by Mayor Gerretsen

WHEREAS Procedural By-law 2010-1, as amended, and Bourinot's Rules of Order, prohibit any debate to occur during a challenge of the Chair; and

WHEREAS many other rules of order afford a brief description of the rationale for a challenge of the Chair, which provides for an informed vote; and

WHEREAS other points of order allow for the stating of the reason;

THEREFORE BE IT RESOLVED THAT a by-law be presented to Council to amend the Procedural By-law 2010-1, as amended, to delete section 14.37, and that it be replaced with the following:

"Any member may challenge the ruling of the Chair. The challenger is permitted one minute to describe the reason, followed by a one minute response by the Chair, if required. No further debate is permitted. A two-thirds vote of the members present in favour of the challenge is required to overturn the decision of the Chair."

CARRIED WITH FRIENDLY AMENDMENTS

- 2) Moved by Councillor Hector
Seconded by Councillor Schell

WHEREAS the City of Kingston led the way in the Province by enacting Smoking By-Law No. 2002-231; and

WHEREAS the Health of our citizens and especially the children of our community is of a high importance; and

WHEREAS it is well established that the regulation of smoking in public and work places has lead to a decrease in the number of smokers, thereby helping many individuals to quit smoking and stay smoke-free, providing them with significant health gains; and

WHEREAS the Board of Directors of Kingston, Frontenac and Lennox and Addington Public Health have recommended an amendment to City of Kingston Smoking By-Law No. 2002-231;

THEREFORE BE IT RESOLVED THAT the Council of the City of Kingston refer the letter (Communication 07-091) and recommendation from the Medical Officer of Health of KFL&A Public Health to the Administrative Policies Standing Committee for consideration of amending the Smoking By-Law; and further

THAT the Administrative Policies Committee, after having completed all the requisite public meetings, and consultations, that a recommendation be made to Council by the end of the third quarter 2013 or earlier, should it be possible.

CARRIED

- 3) Moved by Councillor Neill
Seconded by Councillor Glover

WHEREAS Kingston City Hall is a national and a civic heritage site of great historical significance; and

WHEREAS the City of Kingston does not currently have an established policy for using City Hall for the filming of commercials; and

WHEREAS there was recently a commercial filmed in Memorial Hall that is currently airing, filmed without the approval or knowledge of our Communication Staff; and

WHEREAS such commercial activity is inappropriate in a space intended as a War Memorial:

THEREFORE BE IT RESOLVED THAT the inside of City Hall not be used for any filming or photographing of commercials.

DEFERRED

(See Motion To Defer Which Was CARRIED)

Moved by Councillor Paterson
Seconded by Councillor Neill

THAT the motion of Councillors Neill and Glover be deferred to the Administrative Policies Committee in order to create a corporate policy governing the use of municipal buildings; and

THAT the Administrative Policies Committee report back to Council with a recommended policy by the end of 2012; and

THAT a moratorium be imposed on the filming or photographing of for profit commercials until a policy governing the use of municipal buildings is passed by Council.

**CARRIED WITH FRIENDLY AMENDMENTS
(See Motion to Amend Which Was CARRIED)**

Moved by Deputy Mayor Schell
Seconded by Mayor Gerretsen

THAT the motion of Councillors Paterson and Neill be amended in paragraph (3) by adding the words “for profit” before the word “commercials”.

CARRIED

NOTICES OF MOTION

MINUTES

Moved by Councillor Scott
Seconded by Councillor Reitzel

THAT the Minutes of City Council Meeting No. 2012-07, held Tuesday, February 21, 2012 be confirmed.

(Distributed to all Members of Council on Thursday March 1, 2012)

CARRIED

TABLING OF DOCUMENTS

2012-28 Kingston Frontenac Public Library Board
Minutes – January 25, 2012
(File No. CSU-R02-000-2012)

2012-29 Cataraqui Region Conservation Authority
Minutes – January 25, 2012
(File No. CSU-D03-000-2012)

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COMMUNICATIONS

Council consented to the **addition** of Communications No. (08-133) through (08-135).

Filed

- 08-117 From the Municipality of Durham, advising that the Municipality of Durham's Council passed a resolution to support the City of Kingston's resolution regarding development of a youth strategy.
(File No. CSU-S07-000-2012)
- 08-118 From the County of Lambton, acknowledging receipt of the City of Kingston's resolution regarding development of a youth strategy.
(File No. CSU-S07-000-2012)
- 08-119 From the County of Lambton, acknowledging receipt of the City of Kingston's resolution regarding Canadian-European Comprehensive Economic and Trade Agreement (CETA).
(File No. CSU-F00-000-2012)
- 08-120 From the Township of Frontenac Islands, acknowledging receipt of the City of Kingston's resolution regarding the Canadian-European Comprehensive Economic and Trade Agreement (CETA), and advising that the Township's Council supported this resolution.
(File No. CSU-F00-000-2012)
- 08-121 From the Township of Frontenac Islands, acknowledging receipt of the City of Kingston's resolution regarding the Healthy Food Supplement, and advising that the Township's Council supported this resolution.
(File No. CSU-S04-000-2012)
- 08-122 From the Municipality of Durham, acknowledging receipt of the City of Kingston's resolution regarding the Canadian-European Comprehensive Economic and Trade Agreement (CETA), and advising that the Municipality's Council referred this resolution for inclusion in a staff report.
(File No. CSU-F00-000-2012)
- 08-123 From the Office of the Prime Minister, acknowledging receipt of the City of Kingston's resolution regarding the Canadian-European Comprehensive Economic and Trade Agreement (CETA), and advising that this resolution has been forwarded to the Honourable Edward Fast, Minister of International Trade.
(File No. CSU-F00-000-2012)

- 08-124 From Tha House Cuisine, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 183-185 Sydenham Street.
(File No. CSU-P09-000-2012)
- 08-125 From Jiffy Grill, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 2395 Princess Street.
(File No. CSU-P09-000-2012)
- 08-132 From the Committee of Adjustment, a Notice of Decision for the following applications:
- CONSENT – In respect of an application for consent to sever the property at 82 Mowat Avenue, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is March 20, 2012.
- MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law No. 8499 for the property at 85 Lappan's Lane, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is March 19, 2012.
- MINOR VARIANCE – In respect of an application for permission under Section 45 (2)(a)(ii) of the *Planning Act* to change a legal non-conforming use to a use further in keeping with the permitted uses of the Zoning By-Law for the property at 322 Brock Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is March 19, 2012.
(File No. CSU-D19-000-2012)

Referred to All Members of Council

- 08-116 From AMO, providing the February 23, 2012 AMO Watch File.
(File No. CSU-A01-004-2012)
(Distributed to all Members of Council on February 24, 2012)
- 08-128 From AMO, informing that the Premier re-commits to honour upload agreement.
(File No. CSU-A01-004-2012)
(Distributed to all Members of Council on February 24, 2012)
- 08-129 From ROMA/OGRA, providing the 2012 ROMA/OGRA Combined Conference Brief.
(File No. CSU-A16-000-2012)
(Distributed to all Members of Council on February 28, 2012)
- 08-130 From AMO, regarding Municipal Investment Basics Seminars from LAS and MFOA.
(File No. CSU-A01-004-2012)
(Distributed to all Members of Council on February 28, 2012)

08-131 From Wendy Erickson-Gray, regarding renaming Barrack Street “Tragically Hip Way”.
(File No. CSU-R00-000-2012)
(Distributed to all Members of Council on February 28, 2012)

08-136 From LAS/AMO, providing the upcoming information and education sessions about current LAS/AMO programs and services.
(File No. CSU-A01-004-2012)
(Distributed to all Members of Council on March 6, 2012)

Referred to the City Clerk

08-112 From United Way Volunteer Services, asking that Council proclaim April 15 – April 22, 2012 as “Volunteer Week” in the City of Kingston.
(File No. CSU-M10-000-2012)
(Distributed to all Members of Council on February 23, 2012)

08-113 From Kingston Unplugged, asking that Council proclaim 8:30 pm March 31, 2012 as “Earth Hour” in the City of Kingston.
(File No. CSU-M10-000-2012)
(Distributed to all Members of Council on February 23, 2012)

08-114 From Transplant Advocate Association, asking that Council proclaim April 22 – April 28, 2012 as “National Organ and Tissue Donor Awareness Week” in the City of Kingston.
(File No. CSU-M10-000-2012)
(Distributed to all Members of Council on February 23, 2012)

08-115 From United Way serving KFL&A, asking that Council proclaim May 7 – May 13, 2012 as “United Way Success by 6 Week” in the City of Kingston.
(File No. CSU-M10-000-2012)
(Distributed to all Members of Council on February 23, 2012)

08-126 From the Canadian Cancer Society, asking that Council proclaim the month of April, 2012 as “Daffodil Month” in the City of Kingston.
(File No. CSU-M10-000-2012)
(Distributed to all Members of Council on February 27, 2012)

08-127 From the 2 Royal Canadian Horse Artillery, asking that Council proclaim May 26, 2012 as “Freedom of the City of Kingston” in the City of Kingston.
(File No. CSU-M10-000-2012)
(Distributed to all Members of Council on February 27, 2012)

Referred to the Commissioner of Sustainability and Growth

08-132a From Ontario Onsite Wastewater Association, regarding the 13th Annual Ontario Onsite Wastewater Conference.
(File No. CSU-A04-000-2012)

(Distributed to all Members of Council on February 28, 2012)

OTHER BUSINESS

- 1) Moved by Councillor Hector
Seconded by Councillor Berg

THAT Council waive the rules of By-law 2010-1, as amended “Council Procedural By-law” in order to consider a motion with respect to holding a special meeting of Council on March 8, 2012.

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

- 2) Moved by Councillor Downes
Seconded by Councillor Berg

WHEREAS Section 9.1 of By-Law No. 2010-1, “Council Procedural By-Law”, as amended, states that “meetings of Council are held at City Hall in the Council Chamber at 216 Ontario Street unless otherwise decided by resolution of Council; and

WHEREAS Ms. Andrea Horwath, Leader of the Ontario New Democratic Party, will be in Kingston on March 8th, and has asked to meet with Mayor Gerretsen and Council Members to discuss local issues and the upcoming budget;

THEREFORE BE IT RESOLVED THAT Council waive By-Law No. 2010-1, as amended, in order to hold a Special Meeting of Council, in the Council Chamber or Councillors’ Lounge, 3rd Floor, City Hall, 216 Ontario Street, Kingston, commencing at 3:30 p.m.

CARRIED

BY-LAWS

- (A) Moved by Councillor Schell
Seconded by Councillor Paterson

THAT By-Law (1) be given its first and second reading.

**CARRIED
(Councillor Glover Opposed)**

- (B) Moved by Councillor Schell
Seconded by Councillor Paterson

THAT By-Laws (2), (3), and (6) be given their first and second reading.

CARRIED

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

THAT By-Laws (2) through (6) be given their third reading.

CARRIED

- (1) A By-Law to Approve the Renaming of the Portion of Barrack Street Between King Street and the Street End of Barrack Street East of Ontario Street to Tragically Hip Way
FIRST AND SECOND READINGS PROPOSED NO. 2012-58
(See Clause (1), Report No. 32)
- (2) A By-Law to Amend the Official Plan of the City of Kingston (Amendment No. 10)
THREE READINGS PROPOSED NO. 2012-59
(See Clause (1), Report No. 37)
- (3) A By-Law to Provide for the Assumption of Lyons Street, Part 1 on Reference Plan 13R-19587 as a Public Highway, in the City of Kingston, in Accordance with Section 31(4) of the Municipal Act, Chapter 25, S.O. 2001; as Amended and to Provide for the Acceptance by the City of Kingston, of the Associated Public Works Within.
THREE READINGS PROPOSED NO. 2012-60
(Delegated Authority)
- (4) A By-Law to Approve the Renaming of the Westerly Portion of an Existing Public Road from Spooner Road to Dover Road
THIRD READING PROPOSED NO. 2012-46
(See Clause (a), Report No. 25)
- (5) A By-Law to Approve the Renaming of an Existing Public Road from Spooner Road East to Spooner Road.
THIRD READING PROPOSED NO. 2012-47
(See Clause (a), Report No. 25)
- (6) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, March 6, 2012
THREE READINGS PROPOSED NO. 2012-61
(City Council Meeting No. 2012-08)

ADJOURNMENT

Moved by Councillor Glover
Seconded by Councillor Hector

THAT Council do now adjourn.

CARRIED

Council adjourned at 10:30 pm.

(Signed)

John Bolognone
City Clerk

Mark Gerretsen
Mayor