



## **CITY COUNCIL MEETING NO. 2012-21**

The Regular Meeting of Kingston City Council was held on Tuesday, September 18, 2012, and Wednesday, September 19, 2012, and was called to order at 5:45 pm in the Council Chamber, City Hall. Regular business commenced at 7:50 pm. His Worship Mayor Mark Gerretsen presided.

There was a "Closed Meeting" of the Committee of the Whole from 5:48 pm to 7:38 pm in the Councillors' Lounge.

### **(Council Chamber)**

#### **ROLL CALL**

Present: Mayor Gerretsen, Councillor Berg, Councillor Downes, Councillor George, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Councillor Osanic, 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

Ms. P. Burns, Director, Human Resources and Organization Development

Mr. G. Hunt, Chief Administrative Officer

Ms. L. Hurdle, Commissioner of Community Services

Mr. D. Leger, Commissioner of Transportation, Properties and Emergency Services

Mr. H. Linscott, Director, Legal Services

Mr. A. McLeod, Senior Legal Counsel

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### **COMMITTEE OF THE WHOLE "CLOSED MEETING"**

Moved by Councillor Hector

Seconded by Councillor Glover

**THAT** Council waive the rules of By-Law No. 2010-1, "Council Procedural By-Law", in order to consider the Closed Meeting section of the addends for the addition of an item to be added to the Closed Meeting section of the agenda.

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

Moved by Councillor Hector  
Seconded by Councillor Glover

**THAT** Item (d) be added to the Closed Meeting section of the agenda.

- (d) A proposed or pending disposition of land by the municipality – Employment Lands, Cataraqui Estate Business Park

**CARRIED**

(1) Moved by Councillor Downes  
Seconded by Councillor George

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

- (a) Legal advice that is subject to solicitor-client privilege including communications necessary for that purpose and labour relations – Ontario Nurses Association Collective Bargaining and Collective Agreements Applicable to Rideaucrest Home and Oakwood Child Care Centre
- (b) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose, and personal matters about an identifiable individual, including municipal or local board employee - K-Rock Centre Operations
- (c) Advice that is subject to solicitor-client privilege – Joint Services – County of Frontenac/City of Kingston
- (d) A proposed or pending disposition of land by the municipality – Employment Lands, Cataraqui Estate Business Park

**CARRIED**

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**(Council Chamber)**

**Administrative Staff Present:**

- Mr. K. Arjoon, Deputy City Clerk
- Mr. G. Bain, Director, Planning and Development
- Ms. C. Beach, Commissioner of Sustainability and Growth
- Mr. J. Bolognone, City Clerk
- Mr. W. Ferris, Director, Recreation and Leisure Services
- Mr. J. Garrah, CEO, Kingston Economic Development Corporation
- Mr. J. Hale, Driver/Labourer
- Mr. G. Hunt, Chief Administrative Officer
- Ms. L. Hurdle, Commissioner of Community Services
- Mr. D. Leger, Commissioner of Transportation, Properties and Emergency Services
- Mr. H. Linscott, Director, Legal Services
- Mr. P. MacLatchy, Director, Environmental and Sustainable Initiatives
- Mr. B. McCurdy, Director, Cultural Services
- Mr. A. McLeod, Senior Legal Counsel

**(Council Chamber)**

**Administrative Staff Present (CONTINUED):**

- Ms. P. Nichols, Manager, Parking Operations
- Ms. S. Nicholson, Director, Corporate Affairs
- Ms. J. Reichstein, Research and Policy Analyst
- Ms. C. Thomson, Assistant to the Mayor
- Ms. H. Wilson, Manager, Intergovernmental Relations

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**REPORT OF THE COMMITTEE OF THE WHOLE “CLOSED MEETING”**

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

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

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**APPROVAL OF ADDEDS**

- Moved by Councillor Glover
- Seconded by Councillor Osanic

**THAT** the addeds, less Item (d) from the Closed Meeting, be approved.  
**CARRIED**  
**(A 2/3 Vote of Council was Received)**

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**DISCLOSURE OF PECUNIARY INTEREST**

Mayor Gerretsen declared a pecuniary interest in the matter of Clause (e), Report No. 102, Received from the CAO (Consent), in that he is currently in discussions with an electrical contractor which may be affected by this resolution.

Mayor Gerretsen declared a pecuniary interest in the matter of Clause (2), Report No. 104, as this item could potentially affect his personal business.

Councillor Schell declared a pecuniary interest in the matter of the Briefing from the OLG, as her son is an employee of OLG.

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**PRESENTATIONS**

- 1) Mayor Gerretsen presented the Queen’s Diamond Jubilee Medal to Mr. Joshua Edwards, and Mr. George Muirhead.

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## **DELEGATIONS**

- 1) Dr. Kieran Moore, Associate Medical Officer of Health, KFL&A Public Health, spoke to Council regarding New Motions, Item (2), with respect to amendments to City of Kingston By-law 2006-213, the Business Licensing By-law, Schedule S-1, Salons.

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## **BRIEFINGS**

Councillor Schell withdrew from the meeting.

- 1) Representatives from OLG Rod Phillips, President and CAO, Rick Gray, Vice President Transformation, Tony Bitonti, Senior Manager, Media Relations Communications & Public Relations, and Jake Pastore, Manager, Community & Municipal Relations, provided a briefing to Council with respect to the process for the City of Kingston to be considered as a host municipality for an OLG casino.

Councillor Schell returned to the meeting.

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## **PETITIONS**

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

Council consented to the **addition** of Motion of Congratulations No. (3) and (4).

### **Motions of Congratulations**

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

**THAT** the congratulations of Kingston City Council be extended to members of the Kingston Fire & Rescue Firefit Team on their performance at the Canadian National Firefit Championships. The Kingston team brought home Gold in the two person relay event, mixed male/female category, fourth place finishes in the over 40 age categories, and many new personal best time finishes. Congratulations Kingston Fire & Rescue Firefit Team!

- 2) Moved by Mayor Gerretsen  
Seconded by Deputy Mayor Neill

**THAT** the congratulations of Kingston City Council be extended to members of the St. Lawrence College Students In Free Enterprise (SIFE) Team on their achievements at the Advancing Canadian Entrepreneurship (ACE) National competition held in Calgary on May 7th through 9th, 2012. The SLC SIFE team placed second in the Let's Can

**MOTIONS OF CONGRATULATIONS, RECOGNITION, SYMPATHY,  
CONDOLENCES AND SPEEDY RECOVERY (CONTINUED)**

Hunger Challenge, overall top five in Canada, and awarded first in the green category making them the National Green Champions for the second year in a row. Congratulations to the SLC SIFE team!

- 3) Moved by Deputy Mayor Neill  
Seconded by Mayor Gerretsen

**THAT** the congratulations of Kingston City Council be extended to Tom Greening, the Executive Director at the Home Base Housing, upon his receipt of the Ontario Medical Association's Community Service Award in recognition of his work in addressing homelessness.

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

**THAT** the congratulations of Kingston City Council be extended to Hersh Sehdev, the Executive Director of Kingston Community Health Centres, upon her receipt of the Ontario Medical Association's Community Service Award in recognition of her work with disadvantaged and needy Kingstonians.

**CARRIED**

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**DEFERRED MOTIONS**

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## REPORTS

### Report No. 102: Received from the Chief Administrative Officer (Consent)

Moved by Councillor Hector  
Seconded by Councillor Scott

**THAT** Report No. 102: Received from the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the **addition** of Clause (f), and to the **separation** of Clauses (a) and (e).

### Report No. 102

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) 2013 Calendar of Council and Standing Committee Meetings

**THAT** the 2013 Calendar of Council and Standing Committees, attached as Exhibit A, be received; and

**THAT**, notwithstanding the regularly scheduled Council and Standing Committee meeting dates, Council approve the following meeting dates:

(March Break)

- March 12th Environment, Infrastructure, and Transportation Policies Committee meeting to be rescheduled to **March 6th**.
- March 14th Administrative Policies Committee meeting to be rescheduled to **March 20th**.

(Summer Schedule)

- July 2nd Council meeting to be cancelled.
- July 18th Planning Committee meeting to be cancelled.
- July 25th Arts, Recreation and Community Policies Committee meeting to be rescheduled to **July 18th**.
- August 6th Council meeting to be cancelled.
- August 13th Environment, Infrastructure, and Transportation Policies Committee meeting to be rescheduled to **August 6th**.
- August 15th Planning Committee meeting to be cancelled.
- August 20th Council meeting to be rescheduled to **August 13th**.
- August 22nd Arts, Recreation and Community Policies Committee meeting to be rescheduled to **August 15th**.

**REPORTS (CONTINUED)**

**Report No. 102: Received from the Chief Administrative Officer (Consent)**

Christmas Schedule:

- December 26th Arts, Recreation, and Community Polices Committee meeting to be rescheduled to **December 11th**.
- December 19th Planning Committee meeting to be cancelled.

Other Notable Changes:

- January 1st and 15th Council meetings to be rescheduled to **January 8th and 22nd**, respectively.
- January 3rd Planning Committee meeting to be cancelled.
- January 8<sup>th</sup> Environment, Infrastructure, and Transportation Policies Committee meeting to be rescheduled to **January 15th**.
- March 28<sup>th</sup> Arts Recreation and Community Policies Committee meeting to be rescheduled to **March 27<sup>th</sup>**.
- April 2<sup>nd</sup> and 16<sup>th</sup> Council meetings to be rescheduled to **April 9<sup>th</sup> and 23<sup>rd</sup>**, respectively.
- April 9<sup>th</sup> Environment, Infrastructure, and Transportation Policies Committee meeting to be rescheduled to **April 16<sup>th</sup>**.
- The Committee of the Whole Budget Meetings to be scheduled for **November 25th, 26th, and 27th, if required**.
- September 3rd and September 17th Council meetings to be rescheduled to **September 10th and 24th**.
- September 10th Environment, Infrastructure, and Transportation Policies Committee to be rescheduled to **September 17th**

(The Report of the City Solicitor and Director of Legal Services (12-310) is attached as Schedule Pages 1 - 6)

(File No. CSU-C00-000-2012)

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

Moved by Councillor Hector  
Seconded by Councillor Neill

**THAT** Clause (a) of Report No. 102: Received from the CAO (Consent), be amended by adding the following thereto:

- September 3rd and September 17th Council meetings to be rescheduled to September 10th and 24th.
- September 10th Environment, Infrastructure, and Transportation Policies Committee to be rescheduled to September 17th

**CARRIED**

**REPORTS (CONTINUED)**

**Report No. 102: Received from the Chief Administrative Officer (Consent)**

**b) Appointment of Alternate Acting City Clerk**

**THAT** a by-law be presented to Council to amend By-Law 98-8, as amended, being a By-law to appoint Statutory Officials of the Corporation of the City of Kingston”, to appoint Fred Saunders as Alternate Acting Clerk when the City Clerk and Deputy City Clerk are absent or unable to carry on the duties of the Clerk through illness or otherwise.

(The Report of the City Solicitor and Director of Legal Services (12-309) is attached as Schedule Pages 7 - 9)

(File No. CSU-C12-000-2012)

**(See By-Law No. (1), 2012-133)**

**c) Parking License Agreement – Car Share Program (Time Sensitive)**

**THAT** Council authorize the Mayor and Clerk to execute a license agreement for one parking space in each of the Springer and King/Queen lots, to VRTUCAR for the implementation of a car-share program in Kingston, for an amount equivalent to monthly parking permits in the area, as prescribed by the *Fees and Charges By-law 2005-10*, plus a premium of \$35 per month for dedicated/reserved parking; and

**THAT** based on fluctuating needs of the car-share program, staff be authorized to change the number and location of parking spaces licensed to VRTUCAR; and

**THAT** the agreement be for a one-year term, commencing on or about October 15, 2012, with an option for a further one-year extension; and

**THAT** the agreement be in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (12-304) is attached as Schedule Pages 10 - 13)

(File No. CSU-T02-000-2012)

**d) Renewal of Data Product Subscription – Teranet Enterprises Inc.**

**THAT** the Mayor and Clerk authorize the City Solicitor to execute the necessary subscription agreement with Teranet Enterprises Inc., for property and ownership information, for a term of five years based on a set annual fee, not to exceed \$20,354.

(The Report of the City Treasurer (12-301) is attached as Schedule Pages 14 - 17)

(File No. CSU-L04-000-2012)

Mayor Gerretsen withdrew from the meeting.



**REPORTS (CONTINUED)**

**Report No. 102: Received from the Chief Administrative Officer (Consent)**

**e) Support in Principle for Rooftop Solar Applications Made Under the Provincial Feed-in Tariff (FIT) Program**

**WHEREAS** the Province's FIT Program encourages the construction and operation of rooftop solar generation projects (the "Projects"); and

**WHEREAS** one or more Projects may be constructed and operated in the City of Kingston; and

**WHEREAS**, pursuant to the rules governing the FIT Program (the "FIT Rules"), Applications whose Projects receive the formal support of Municipalities will be awarded priority points, which may result in these Applicants being offered a FIT Contract prior to other persons applying for FIT Contracts;

**THEREFORE BE IT RESOLVED THAT:**

Council of the City of Kingston supports without reservation the construction and operation of the Projects anywhere in the City of Kingston.

This resolution's sole purpose is to enable the participants in the FIT Program to receive priority points under the FIT Program and may not be used for the purpose of any other form of municipal approval in relation to the Application or Projects or any other purpose.

This resolution shall expire twelve (12) months after its adoption by Council.

(The Report of the Commissioner of Sustainability and Growth (12-284) is attached as Schedule Pages 18 - 23)

(File No. CSU-E11-000-2012)

**CARRIED**

Mayor Gerretsen returned to the meeting.

**f) Stop Up and Close a portion of Road Allowance in the Cataraqui Estate Business Park**

**THAT** Council give two readings to the by-law attached as Exhibit C, to stop up and close a portion of the Venture Drive road allowance described as Part 24 on reference plan 13R-19877, as depicted in Exhibit B; and

**THAT** Council authorize and direct the City Clerk, in accordance with the City of Kingston Notice By-law 2003-015 as amended, to give notice of Council's intention to stop up and close the portion of Venture Drive road allowance described as Part 24 on reference plan 13R-19877, as depicted in Exhibit B; and

**REPORTS (CONTINUED)**

**Report No. 102: Received from the Chief Administrative Officer (Consent)**

**THAT** Council, upon providing the prescribed public notice of Council's intent, give third reading and approve the attached by-law to stop up and close the portion of Venture Drive road allowance described as Part 24 on reference plan 13R-19877, as depicted in Exhibit B.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (12-299) is attached to the Addeds as Schedule Pages 1 - 6)  
(File No. CSU-T09-000-2012)

**(See By-Law No. (5), 2012-136)**

**CARRIED**  
**(Clauses (b) through (d) and (f))**

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**REPORTS (CONTINUED)**

**Report No. 103: Received from the Chief Administrative Officer (Consider)**

Moved by Councillor Schell  
Seconded by Councillor Reitzel

**THAT** Report No. 103: Received from the Chief Administrative Officer (Consider) be received and adopted, clause by clause.

Council consented to allow questioning prior to moving the recommendation.

**Report No. 103**

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

Moved by Councillor Hector  
Seconded by Councillor Glover

**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 in order to complete the agenda.

**CARRIED AS AMENDED**  
**(See Motion to Amend Which Was Carried)**  
**(A 2/3 Vote Of Council Was Received)**

**REPORTS (CONTINUED)**

**Report No. 103: Received from the Chief Administrative Officer (Consider)**

Moved by Councillor Downes  
Seconded by Councillor Osanic

**THAT** the motion of Councillor Hector and Glover be amended by deleting “in order to consider Clause (1), Report No. 103, Received from the CAO (Consider), and time sensitive matters” and inserting “in order to complete the agenda”.

**CARRIED**

**1) K-Rock Centre – Operator RFP Evaluation**

Moved by Councillor Neill  
Seconded by Councillor Hutchison

**THAT** Council direct staff to pursue contract negotiations with Global Spectrum for the purposes of entering into a new contract for the operation of the K-Rock Centre for a period of five years commencing December 1, 2012 and ending on November 30, 2017 on the basis of their submission to the RFP process and subject to successful negotiations, that Council award the contract to Global Spectrum and authorize the Mayor and Clerk to sign the agreement in a form satisfactory to the Director of Legal Services, and

**THAT** Council approve an amount of \$50,000, representing the maximum amount to be paid by the City for transition costs associated with the selection of a new operator, to be funded from the Working Fund Reserve.

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

A Recorded Vote was requested by Councillor Glover

YEAS: Mayor Gerretsen, Councillor Neill (2)

NAYS: Councillor Berg, Councillor Downes, Councillor George, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (11)

ABSENT: (0)

**-OR-**

Moved by Councillor George  
Seconded by Councillor Berg

**THAT** Council direct staff to pursue contract negotiations with SMG for the purposes of entering into a new contract for the operation of the K-Rock Centre for a period of five years commencing December 1, 2012 and ending on November 30, 2017 on the basis of their submission to the RFP process and subject to successful negotiations, that

**REPORTS (CONTINUED)**

**Report No. 103: Received from the Chief Administrative Officer (Consider)**

Council award the contract to SMG and authorize the Mayor and Clerk to sign the agreement in a form satisfactory to the Director of Legal Services.

**CARRIED (12:1)  
(See Recorded Vote)**

A Recorded Vote was requested by Mayor Gerretsen

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: Councillor Neill (1)

ABSENT: (0)

(The Report of the Commissioner of Transportation, Properties and Emergency Services (12-312) is attached as Schedule Pages 24 - 70)  
(File No. CSU-R05-001-2004/03)

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**REPORTS (CONTINUED)**

**Report No. 104: Received from the Planning Committee**

Moved by Councillor George  
Seconded by Councillor Reitzel

**THAT** Report No. 104: Received from the Planning Committee be received and adopted.

**Report No. 104**

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

**1) Zoning Issues and Strategy Study - Stage 1 and Stage 2 Reports**

**THAT** the Zoning Issues and Strategy Study documents, namely the *Final Initial Findings Report* and its *Technical Compendium* and the *Final Technical and Discussion Papers Report* be accepted by City Council in fulfillment of Stage 1 and Stage 2 of the project; and

**THAT** the *Zoning Issues and Strategy Study Final Initial Findings Report* and the *Technical Compendium*, which provide an inventory and synthesis of the City's existing Zoning By-laws and frames significant zoning issues, and the *Final Technical and Discussion Papers Report*, which describes approaches/options to each identified issue, be used as the basis for developing the *Strategic Directions Report* which will provide a

**REPORTS (CONTINUED)**

**Report No. 104: Received from the Planning Committee**

blueprint to the City for moving forward with the preparation and drafting of the new Zoning By-law(s).

**CARRIED**

Mayor Gerretsen withdrew from the meeting.

**2) Application for Zoning By-Law Amendment, 270 Frontenac Street**

**THAT** the Application for Zoning By-Law Amendment (Our File No. D14-249-2012) submitted by Michael and Knarik Willis-O'Connor for the property municipally known as 270 Frontenac Street, **BE APPROVED**; and,

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

1. By-Law No. 8499 of The Corporation of the City of Kingston, entitled "Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston", as amended, is hereby further amended as follows:
  - 1.1. Map 30 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from One Family Dwelling and Two Family Dwelling 'A' Zone to a Special One Family Dwelling and Two Family Dwelling 'A.417' Zone, as shown on Schedule "A" attached to and forming part of By-Law No. 2012-134.
  - 1.2. By **Adding** a new Part VIII, Exceptions to the Various Zone Classifications (417) thereto as follows:

“(417) **Special One and Two Family 'A.417' Zone (270 Frontenac Street)**

Notwithstanding any provisions hereof to the contrary, the lands designated 'A.417' on Schedule 'A' hereto, the following regulations shall apply:

- i) The use of a cellar as a portion of an existing dwelling unit or as a habitation unit is permitted;” 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 71 - 72)

**(See By-Law No. (2), 2012-134)**

**CARRIED (8:4)**  
**(See Recorded Vote)**

**REPORTS (CONTINUED)**

**Report No. 104: Received from the Planning Committee**

A Recorded Vote was requested by Councillor Downes

YEAS: Councillor Berg, Councillor George, Councillor Hector, Councillor Osanic,  
Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (8)

NAYS: Councillor Downes, Councillor Glover, Councillor Hutchison, Councillor Neill  
(4)

ABSENT: Mayor Gerretsen (1)

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**INFORMATION REPORTS**

**1) Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of July 2012**

This information report is to:

1. 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 2012.
2. Report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of July 2012.
3. Report time-sensitive procurements subject to the provisions of the Purchasing by-law.

(The Report of the City Treasurer (12-287) is attached as Schedule Pages 73 - 81)  
(File No. CSU-F18-000-2012)

**2) Mayor's Task Force on Development Mid-Term Report**

This report is to provide the Mid Term Progress Report for the Mayor's Task Force on Development. It outlines the Task Force's work to date and outlines the next steps for the committee.

(The Report of the Mayor (12-313) is attached as Schedule Pages 82 - 139)  
(File No. CSU-C15-000-2012)

Mayor Gerretsen returned to the meeting.

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**MISCELLANEOUS BUSINESS**

Council consented to the **addition** of Miscellaneous Business Item (2).

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

**THAT**, as requested by United Way KFL&A, Council proclaim September 20, 2012 – November 29, 2012 as “United Way KFL&A Campaign Time” in the City of Kingston.  
**(See Communication No. 21-373)**

**CARRIED**

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

**THAT**, as requested by Kingston Community Health Centres, Council proclaim October 1 – October 5, 2012 as “Community Health Week” in the City of Kingston.  
**(See Communication No. 21-383)**

**CARRIED**

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**NEW MOTIONS**

Council consented to the **withdrawal** of New Motions Item (3), and to the **addition** of New Motions Items (4) and (5).

- 1) Moved by Councillor Hutchison  
Seconded by Councillor Neill

**WHEREAS** the citizens of Kingston are contributing approximately \$16 million to the University Hospitals’ rebuild campaign, paying this contribution through a 10-year tax levy which represents almost 1% of taxes paid by an average home owning taxpayer; and

**WHEREAS** the next stage in the rebuild process is the construction of a new hospital facility at King Street and Portsmouth Avenue to house the rehabilitation and mental health services of Providence Care; and

**WHEREAS** the province has announced that it plans to construct the Providence Care facility using a public/private partnership model and go to tenders this fall; and

**WHEREAS** the Auditor General of Ontario, Jim McCarter, in his 2008 report, identified millions of dollars of extra costs associated with this type of construction model for hospitals, saying in the case of the William Osler Health Centre in Brampton that it was an inefficient use of public funds (Auditor General’s report, 2008, [www.auditor.on.ca/en/reports\\_en/en08/303en08.pdf](http://www.auditor.on.ca/en/reports_en/en08/303en08.pdf)); and

**NEW MOTIONS (CONTINUED)**

**WHEREAS** Infrastructure Ontario made a public commitment to perform a cost comparison between public/private model and a public model to determine the best value; and

**WHEREAS** some citizens of Kingston have expressed concerns about the costs of the project and the use of their tax dollars for construction/management model that may involve higher than necessary costs;

**THEREFORE BE IT RESOLVED THAT** the City of Kingston ask the Province of Ontario to present information about the costs of the Providence Care hospital project in a briefing at a Council meeting in October, 2012.

**CARRIED**

- 2) Moved by Councillor Scott  
Seconded by Councillor Schell

**WHEREAS** Council received Communication 18-336 advising that the Kingston, Frontenac and Lennox & Addington Board of Health passed the following resolution, recommending amendments to City of Kingston By-law 2006-213, the Business Licensing By-law, Schedule S-1, Salons:

“That the KFL&A Board of Health

Recommend to the City of Kingston an amendment to its By-Law to license, Regulate and Govern Certain Businesses 2006-213, Schedule S-1 Salons with the following provisions:

1. The definition of aesthetic services be amended to include facilities with indoor tanning beds.
2. All facilities with indoor tanning beds be required to hold a business license and be regulated.
3. Indoor tanning services be prohibited to youth under 19 years of age.
4. All facilities with indoor tanning beds be required to post signage indicating:
  - The prohibition of indoor tanning services to youth under 19 years of age, and
  - The carcinogenic potential and overall health risks associated with tanning facilities.
5. All facilities with indoor tanning beds services be required to adhere to Health Canada’s Guidelines for Tanning Salon Owners, Operators and Users.
6. Sign off by KFL&A Public Health be required on indoor tanning operator education before a business license is issued.
7. Provincial Offences Officers from KFL& A Public Health be designated for enforcement of these parts of the by-law .



**NEW MOTIONS (CONTINUED)**

8. Short form wording and fines be included in the by-law to facilitate enforcement; and

THAT other municipalities in the KFL&A area be requested to enact similar by-laws prohibiting the use of tanning facilities by youth under 19 years of age.”

**THEREFORE BE IT RESOLVED THAT** the matter be directed to the Manager of Licensing and Enforcement for further review; and

**THAT** staff be directed to provide a report to the Administrative Policies Committee no later than March 2013.

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

Moved by Councillor Scott  
Seconded by Councillor Schell

**THAT** the Motion of Councillor Scott and Schell, being New Motion Item (2), be deferred until the Ontario Government has made a decision on this matter.

**CARRIED**  
**(Councillors Downes, Neill, Hutchison and Glover Opposed)**

- 3) Moved by Councillor Hutchison  
Seconded by Councillor Scott

**WHEREAS** a number of artists have expressed interest in improving Douglas R. Fluhrer Park in the City of Kingston by doing a work of public art in one of 21 delineated spaces on the retaining wall behind Rideaucrest during the City's Culture Days on Saturday, September 29, 2012; and

**WHEREAS** there is not time for an official request for proposals to invite all the artists of Kingston to participate and to decide which of them should participate; and

**WHEREAS** an Open Invitational would be open to all artists on a first come first served basis; and

**WHEREAS** inviting artists to do something on that wall would improve the park; and

**WHEREAS** there would be no significant cost to the City of Kingston; and

**WHEREAS** it would not be considered permanent as street art is typically painted over when someone feels they can do better; and

**NEW MOTIONS (CONTINUED)**

**WHEREAS** City Staff is planning a visioning exercise for Douglas R. Fluhrer Park in 2013 and the art created would serve to suggest possibilities for future sustainable use of the retaining wall,

**THEREFORE BE IT RESOLVED THAT** the Friends of Kingston Inner Harbour be permitted to work in consultation with the Culture Services Department of the City of Kingston to organize an Artists Open Invitational Pilot Project in Douglas R. Fluhrer Park on September 29, 2012 where any Kingston artist who thinks they can do a work of art that will improve the appearance of the retaining wall in Douglas R. Fluhrer Park is invited to come to the park on a first come first served basis on September 29, 2012 (rain date: September 28 or 30, 2012) as part of Culture Days and do a work of art on one of the panels.

**WITHDRAWN**

- 4) Moved by Councillor Osanic  
Seconded by Councillor Reitzel

**WHEREAS** contraband tobacco has negative public consequences and impacts such as unrestricted youth access to tobacco products and an increase in criminal activity; and

**WHEREAS** contraband tobacco products are easily accessible in our community; and

**WHEREAS** small business are sometimes forced to close because of the sale of contraband tobacco; and

**WHEREAS** small business in our community and government in general stand to benefit from the institution of tougher restrictions on contraband tobacco;

**THEREFORE BE IT RESOLVED THAT** the Mayor, on behalf of Kingston City Council, be asked to write a letter to the Ontario Minister of Finance in support of the Ontario Government's most recent budget commitments to eradicate contraband tobacco through the implementation of additional regulatory, enforcement and other provisions in Bill 186 and amendments to the Tobacco Tax Act. Particularly, in support of measures such as:

- Increased fines for those convicted of offenses related to contraband tobacco;
- More authority for law enforcement officials with respect to: forfeiture of items seized and impounding of vehicles
- Drawing on the best practices of other jurisdictions and working collaboratively with the federal government and other jurisdictions to enhance contraband tobacco control through joint enforcement efforts; and

**NEW MOTIONS (CONTINUED)**

**THAT** the provincial government be encouraged to continue to strengthen their strategies to address the manufacture and supply of contraband tobacco and maintain their commitment to introduce amendments this fall to implement these measures; and

**THAT** municipalities within 100 kilometres of Kingston be made aware of the actions taken by this Council to address the concerns presented by contraband tobacco.

**CARRIED**

- 5) Moved Councillor Glover  
Seconded Councillor Reitzel  
(Time Sensitive)

**WHEREAS** the RMC Museum at Point Frederick has only recently been advised that they are eligible for funding from Heritage Canada to help celebrate the War of 1812; and

**WHEREAS** Point Frederick has approximately a dozen sites that demonstrate the importance of the Naval Dockyard in the period, which was critical to the success in the war to the west of Kingston; and

**WHEREAS** the RMC Foundation is applying for funding to establish a self-guided walking tour of Point Frederick that would highlight the importance of the dockyard using the latest technical configuration that provides the widest possible community and public exposure and, most importantly, access; and

**WHEREAS** applicants for funding have been told that indication of community support is required; and

**WHEREAS** completed applications must be received not later than 1 October;

**THEREFORE BE IT RESOLVED THAT** Kingston City Council authorize the Mayor to write a letter in support of this project which will highlight the rich heritage of Point Frederick associating it with the equally marvelous heritage of the City of Kingston, in a manner that integrates the history of the community and the region for what is clearly a seminal national historical event: the War of 1812.

**CARRIED UNANIMOUSLY**

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**NOTICES OF MOTION**

- 1) Moved by Councillor Downes  
Seconded by Councillor Osanic

**WHEREAS** some Kingston citizens on Ontario Works have attitudes, skills and the capacity to be employed but have bad teeth; and

**WHEERAS** bad teeth often make it difficult to get passed a job interview; and

**WHEREAS** many entry level jobs are in the service sector involving interaction with customers; and

**WHEREAS** the extraction of bad teeth and the provision of dentures can be demonstrably viewed as a way to move Kingston citizens from Ontario Works and into the job market; and

**WHEREAS** moving Kingston citizens from Ontario Works to employment can be seen as an investment in our local economy because it provides a “hand up” out of welfare dependency; and

**WHEREAS** in 2009, the City of Kingston had a plan to assist citizens on Ontario Works to get teeth extractions and dentures; and

**WHEREAS** the 2009 plan assisted Kingston Ontario Works recipients to move into the world or work;

**THEREFORE BE IT RESOLVED THAT** the following motion be considered as part of the 2013 current budget deliberations:

“THAT \$100,000 of municipal funding be allocated to the Ontario Works account, for the specific purpose of providing required dental care and dentures for Kingston Ontario Works recipients with who are having difficulty securing employment because of their bad teeth.”

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**MINUTES**

Moved by Councillor Osanic  
Seconded by Councillor Neill

**THAT** the Minutes of City Council Meeting No. 2012-20, held Tuesday, September 4, 2012, distributed on September 17 and Septmber 18, 2012, be confirmed.

**(Distributed to all Members of Council on September 17 and 18, 2012)**

**CARRIED**

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## **TABLING OF DOCUMENTS**

Council consented to the **addition** of Tabling of Documents 2012-69 to 2012-73.

- 2012-69 Kingston Police Services Board  
Agenda – September 20, 2012  
(File No. CSU-P17-000-2012)
- 2012-70 Kingston Police Services Board  
Minutes – August 30, 2012  
(File No. CSU-P17-000-2012)
- 2012-71 Kingston Police Services Board  
Minutes – July 19, 2012  
(File No. CSU-P17-000-2012)
- 2012-72 Downtown Kingston! BIA Board of Management  
Minutes – July 25, 2012  
(File No. CSU-A01-001-2012)
- 2012-73 Downtown Kingston! BIA Board of Management  
Minutes – June 13, 2012  
(File No. CSU-A01-001-2012)

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## **COMMUNICATIONS**

Council consented to the **addition** of Communications No. (21-376) through to (21-383).

### **Filed**

- 21-370 From the Honourable Peter Kent, P.C, M.P, acknowledging receipt of Kingston City Council's resolution regarding the changes Parks Canada is making to its operations.  
(File No. CSU-R04-000-2012)

### **Referred to All Members of Council**

- 21-369 From the Ontario Convenience Stores Association (OCSA), regarding the effects of contraband tobacco on the community, as well as a proposed resolution for Council.  
**(Distributed to all Members of Council on September 10, 2012)**  
(File No. CSU-S08-000-2012)
- 21-371 From Dick DeShaw, asking to speak at a Council meeting regarding the proposed amendments to the smoking by-law in public areas.  
**(Distributed to all Members of Council on September 10, 2012)**  
(File No. CSU-S08-000-2012)

City Council Meeting No. 2012-21

Minutes

Tuesday, September 18, 2012, and Wednesday, September 19, 2012

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- 21-373 From United Way KFL&A, asking that Council proclaim September 20, 2012 – November 29, 2012 as “United Way KFL&A Campaign Time” in the City of Kingston.  
(File No. CSU-M10-000-2012)  
**(See Miscellaneous Business Item No. (1))**  
**(Distributed to all Members of Council on September 11, 2012)**
- 21-374 From Denise Cumming, Executive Director, University Hospitals Kingston Foundation, thanking Mayor and Council for supporting their fundraising efforts for the hospital foundations, and providing a copy of “Because of You”, the June 2012 Community Report.  
(File No. CSU-M03-000-2012)  
**(A copy of “Because of You” can be found at the Clerk’s department)**  
**(Distributed to all Members of Council on September 11, 2012)**
- 21-376 From Graham Burke, Ontario Trails Council Education Coordinator, offering a Trail Marketing and Promotion Course, October 18, 2012, Innovation Park, Kingston.  
(File No. CSU-R04-000-2012)  
**(Distributed to all Members of Council on September 13, 2012)**
- 21-377 From Association of Municipalities of Ontario (AMO), providing information regarding a symposium discussing the City of Chicago’s 10 Year Plan to End Homelessness.  
(File No. CSU-A04-000-2012)  
**(Distributed to all Members of Council on September 13, 2012)**
- 21-378 From AMCTO, providing an article regarding the Environment Minister weakening emissions rules for coal-fired power.  
(File No. CSU-A01-005-2012)  
**(Distributed to all Members of Council on September 13, 2012)**
- 21-379 From Minister Kathleen Wynne, providing the 2012 Municipal Performance Measurement Program requirements and list of measures.  
(File No. CSU-M00-000-2012)  
**(Distributed to all Members of Council on September 13, 2012)**
- 21-381 From Joe Hawkins, expressing his opinion regarding possibly attaining a casino in the City of Kingston.  
(File No. CSU-P09-000-2012)  
**(Distributed to all Members of Council on September 17, 2012)**
- 21-382 From Downtown Kingston! BIA Board of Management, providing a report addressing the issue of a potential casino in the City of Kingston, including sample excerpts from studies on gambling.  
(File No. CSU-P09-000-2012)  
**(Distributed to all Members of Council on September 17, 2012)**

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- 21-383 From Kingston Community Health Centres, asking that Council proclaim October 1 – 5<sup>th</sup> as “Community Health Week” in the City of Kingston.  
(File No. CSU-M10-000-2012)  
**(See Miscellaneous Business Item No. (2))**  
**(Distributed to all Members of Council on September 17, 2012)**

**Referred to the City Clerk**

- 21-372 From the Islamic Society of Kingston, asking that Council proclaim October 2012 as “Islamic History Month” in the City of Kingston.  
(File No. CSU-M10-000-2012)  
**(Distributed to all Members of Council on September 10, 2012)**
- 21-375 From Kingston Frontenac Public Library, asking that Council proclaim October 2012 as “Canadian Library Month”, and October 14 – 20, 2012 as “Ontario Public Library Week” in the City of Kingston.  
(File No. CSU-M10-000-2012)  
**(Distributed to all Members of Council on September 11, 2012)**
- 21-380 From Family and Children’s Services of Frontenac, Lennox, & Addington, asking that Council proclaim October 21 – October 27<sup>th</sup> as “Canadian Foster Family Week” in the City of Kingston.  
(File No. CSU-M10-000-2012)  
**(Distributed to all Members of Council on September 13, 2012)**

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**OTHER BUSINESS**

Councillor Hector advised that Council will soon receive a report from the FCM Board meeting.

Mayor Gerretsen advised that there will be a Special Meeting of Council on Monday, September 24, 2012, to demonstrate the proposed technological enhancements to the Council Chamber in both an introductory format through a PowerPoint presentation as well as a live simulation of the technology.

Mayor Gerretsen also advised that the City of Kingston, along with several community partners, will host 'Kingston Advocacy Day' in Queen’s Park, Toronto on Tuesday, September 25, 2012.

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**BY-LAWS**

Council consented to the addition of By-Law No. (5).

Mayor Gerretsen withdrew from the meeting.

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

**THAT** By-Law (2) be given its first and second reading.

**CARRIED  
(Councillor Downes Opposed)**

Mayor Gerretsen returned to the meeting.

- (B) Moved by Councillor Glover  
Seconded by Councillor George

**THAT** By-Laws (1), (4) and (5) be given their first and second reading.

**CARRIED**

Mayor Gerretsen withdrew from the meeting.

- (C) Moved by Councillor Berg  
Seconded by Councillor Paterson

**THAT** By-Law (2) be given its third reading.

**CARRIED  
(Councillor Downes Opposed)**

Mayor Gerretsen returned to the meeting.

- (D) Moved by Councillor Berg  
Seconded by Councillor Paterson

**THAT** By-Laws (3) and (4) be given their third reading.

**CARRIED**

- (1) A By-Law to Amend By-Law No. 98-8, "A By-Law to Appoint Statutory Officials of the Corporation of the City of Kingston" (to Appoint Fred Saunders as Alternate Acting Clerk).

FIRST AND SECOND READINGS  
**(See Clause (b), Report No. 102)**

PROPOSED NO. 2012-133



- (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 One and Two Family Dwelling 'A' Zone to Special One and Two Family Dwelling 'A.417' Zone, 270 Frontenac Street)  
THREE READINGS PROPOSED NO. 2012-134  
**(See Clause (2), Report No. 104)**
- (3) A By-Law to Establish the 2012 Tax Capping Decrease Limits.  
THIRD READING PROPOSED NO. 2012-130  
**(See Clause (a), Report No. 96)**
- (4) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, September 18, 2012, and Wednesday, September 19, 2012.  
THREE READINGS PROPOSED NO. 2012-135  
**(City Council Meeting No. 2012-21)**
- (5) A By-Law to Stop Up, Close and Declare Surplus the Portion of Venture Drive Highway Described as Part 24 on Reference Plan 13R-19877.  
FIRST AND SECOND READINGS PROPOSED NO. 2012-136  
**(See Clause (f), Report No. 102)**

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## ADJOURNMENT

Moved by Councillor Glover  
Seconded by Councillor Hector

**THAT** Council do now adjourn.

**CARRIED**

Council adjourned at 12:31 am.

(Signed)

John Bolognone  
City Clerk

Mark Gerretsen  
Mayor