



CITY COUNCIL MEETING NO. 2013-01

The Regular Meeting of Kingston City Council was held on Tuesday, December 4, 2012, and was called to order at 6:33 pm in the Kingston Room, CFB Kingston, 1 Princess Royal Avenue, City Hall. Regular business commenced at 7:45 pm. His Worship Mayor Mark Gerretsen presided.

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

(Council Chamber)

ROLL CALL

Present: Mayor Gerretsen, Councillor Berg, Councillor Downes (arrived at 6:35pm), Councillor Glover, Councillor Hector, Councillor Hutchison (arrived at 6:35pm), Councillor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel (arrived at 6:35pm), Councillor Schell, Councillor Scott (12)

Absent: Councillor George (1)

(Mercury Room)

Administrative Staff Present:

Mr. K. Arjoon, Deputy City Clerk

Mr. J. Bolognone, City Clerk

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

Mr. J. Garrah, Chief Executive Officer, KEDCO

Ms. K. Gray, Property Specialist, Real Estate & Construction Services

Mr. P. Huigenbos, Acting Director, Real Estate & Construction Services

Mr. G. Hunt, Chief Administrative Officer

Mr. J. Keech, President and CEO, Utilities Kingston

Mr. D. Kennedy, Director Financial Services & City Treasurer

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

Mr. H. Linscott, Director, Legal Services

COMMITTEE OF THE WHOLE "CLOSED MEETING"

Moved by Councillor Glover

Seconded by Councillor Berg

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 adds 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)

COMMITTEE OF THE WHOLE “CLOSED MEETING” (CONTINUED)

Moved by Councillor Glover
Seconded by Councillor Berg

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

- (b) Personal matters about an identifiable individual, including municipal or local board employees – Recruitment of Fire Chief

CARRIED

(1) Moved by Councillor Glover
Seconded by Councillor Berg

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

- (a) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose – K-Rock Operator Agreement
- (b) Personal matters about an identifiable individual, including municipal or local board employees – Recruitment of Fire Chief
- (c) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Employment Lands, Catarauqui Estate Business Park, North East Corner of Venture Drive (formerly Fortune Crescent) and Resource Road
- (d) A proposed or pending disposition of land by the municipality – Keg Restaurant Lease Renewal, 300 King Street East
- (e) A proposed or pending acquisition of land by the municipality, and advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Former Davis Tannery Lands

CARRIED

(Council Chamber)

Administrative Staff Present:

- Mr. K. Arjoon, Deputy City Clerk
- Mr. G. Bain, Director, Planning and Development
- Mr. J. Bolognone, City Clerk
- Mr. J. Garrah, CEO, Kingston Economic Development Corporation
- Mr. J. Hale, Driver/Labourer
- Mr. P. Huigenbos, Director, Real Estate and Construction Services
- Mr. G. Hunt, Chief Administrative Officer
- Ms. L. Hurdle, Commissioner of Community Services
- Mr. J. Keech, President and CEO, Utilities Kingston
- Ms. D. Kennedy, Director, Financial Services

Mr. S. Laidman, Director, Housing
Mr. D. Leger, Commissioner of Transportation, Properties and Emergency Services
Mr. H. Linscott, Director, Legal Services
Mr. P. MacLatchy, Director, Environment and Sustainable Initiatives
Ms. S. Nicholson, Director, Corporate Affairs
Mr. K. Riley, Director, Water and Waste Water Operations
Mr. P. Robertson, City Curator
Ms. C. Thomson, Assistant to the Mayor
Mr. C. Wiginton, Manager, Cultural Services
Ms. H. Wilson, Manager, Intergovernmental Relations

REPORT OF THE COMMITTEE OF THE WHOLE “CLOSED MEETING”

(2) Moved by Councillor Hector
Seconded by Councillor Osanic

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

APPROVAL OF ADDEDS

Moved by Councillor Neill
Seconded by Councillor Berg

THAT the addeds, less item (b) from the Closed meeting, be approved, as amended.

CARRIED AS AMENDED
(A 2/3 Vote of Council was Received)
(See Motion to Amend Which Was CARRIED)
(See Delegations, Page (4))

DISCLOSURE OF PECUNIARY INTEREST

Councillor Downes declared a pecuniary interest in the matter of Committee of the Whole “Closed Meeting” Item (d), and Report No. (1), Received from the CAO (Consent), Item (a), as his son is employed by The Keg.

Councillor Hutchison declared pecuniary interests in the matter of Report No. (1), Received from the CAO (Consent), Items (e), (f), and (i), as well as By-Laws (1) through (3), as his employer, Kingston Co-operative Homes, Inc. has applied for funding from City administered Housing development programs.

DISCLOSURE OF PECUNIARY INTEREST (CONTINUED)

Councillor Hutchison declared a pecuniary interest in the matter of Committee of the Whole, Budget Meeting 2012-02, Report No. (12-360), Received from the City Treasurer, with regards to the Community and Family Services Budget, Administration and Employment Assistance and Ontario Works Allowances and Benefits, as his spouse's employer provides a literacy program to Ontario Works.

Councillor Hutchison also declared a pecuniary interest in the matter of Committee of the Whole, Budget Meeting 2012-02, Report No. (12-360), with regards to Community Services, Housing, Rent Supplement and Non-Profit Housing Providers, as his employer, Kingston Co-operative Homes Inc. participates in the City of Kingston's affordable Housing program.

PRESENTATION

- 1) Mayor Gerretsen will present a gift to Colonel S.M. Cadden, Base Commander, CFB Kingston, in appreciation for hosting the Kingston City Council meeting.

DELEGATIONS

Council consented to the **addition** of Delegations No (1) through (3).

- 1) Mr Frank Dixon, representing Friends of Belle Park (FOBP), spoke to Council regarding Report No. 2, Received from the CAO (Recommend), with respect to "Detailed Options for Alternative Use of Belle Park".
- 2) Helene Hanna, representing Kingston Faith & Justice Coalition spoke to Council regarding Deferred Motions, Item (2), with respect to the Living Wage Policy.
- 3) Moved by Councillor Neill
Seconded by Councillor Osanic

THAT Council waive the rules of By-Law No. 2010-1 "Council Procedural By-Law", in order to allow delegation No. (3), Anne-Marie Grondin, Kingston Interval House, to speak to Council regarding Miscellaneous Motion No. (1), with respect to proclaiming December 6, 2012 as "National Day of Remembrance and Action on Violence Against Women".

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

Anne-Marie Grondin, Kingston Interval House, spoke to Council regarding Miscellaneous Motion No. (1), with respect to proclaiming December 6, 2012 as "National Day of Remembrance and Action on Violence Against Women".

BRIEFINGS

- 1) Mr. John McKendrick, Senior Vice President, Project Delivery, Infrastructure Ontario, briefed Council regarding information about the costs of the Providence Care Hospital project. This briefing was requested by Council at its meeting held on September 18, 2012.

PETITIONS

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

Council consented to the **addition** of Motion of Condolences (2) and (3).

Motions of Congratulations

- 1) Moved by Mayor Gerretsen
Seconded by Councillor Neill

THAT the congratulations of Kingston City Council be extended to Hal Holt, on receiving the 2012 YMCA Peace Medallion. This award honours those in our community that dedicate themselves to building peace in Kingston as well as globally.

Motions of Condolences

- 2) Moved by Mayor Gerretsen
Seconded by Councillor Neill

THAT the sincere condolences of Kingston City Council be extended to the family and friends of Irving Rosen. Irving was a well respected business man, a patron of the arts, and generous contributor to the community through various philanthropic endeavors. He will be sorely missed by the community at large and many friends. Our thoughts are with his family during this difficult time.

- 3) Moved by Mayor Gerretsen
Seconded by Councillor Berg

THAT the sincere condolences of Kingston City Council be extended to Councillor Kevin George, on the passing of his uncle, Donald Howard Holder. Our thoughts are with Councillor George and his family during this difficult time.

CARRIED

DEFERRED MOTIONS

- 1) Moved by Councillor Hector
Seconded by Mayor Gerretsen

WHEREAS Kingston is home to Canada's 1st Canadian Division Headquarters; and

WHEREAS the Division has a wide spectrum of responsibilities from humanitarian operations to conventional military operations; and

WHEREAS the Division would like to provide information to the Kingston community on its activities;

THEREFORE BE IT RESOLVED THAT Kingston City Council invite the 1st Canadian Division Commander, Major-General John Collin to provide a briefing to Council at its regularly scheduled meeting, Tuesday, January 8, 2013.

CARRIED

- 2) Moved by Councillor Glover
Seconded by Councillor Hutchison

WHEREAS the *Sustainable Kingston Plan* as adopted by Council has in the social pillar the theme of poverty and homelessness (SO4) that recognizes the need "to work towards long-term solutions that break the cycle of homelessness and poverty"; and

WHEREAS the federally calculated "Low Income Cut Off (LICO)" is widely used as a poverty level, and the LICO-before-tax income of \$20,065 for a single person living in a city of 100,000 to 499,000 population, is virtually the same as Ontario's minimum wage annual income, (assuming 37 ½ hours of work for 50 weeks) of \$19,218.75; and

WHEREAS the 1st Annual *Sustainable Kingston* Community Forum: Summary Report of February 2012, in its discussion of social equity has identified the need to put a health lens on Sustainable Kingston policies and initiatives; and

WHEREAS the Community Foundation Vital Signs report for 2012 as its first vital sign says "Health = a rewarding job with a living wage"; and

WHEREAS in October 2011, The Kingston Community Roundtable on Poverty Reduction, Living Wage Working Group, using the Canadian Centre for Policies Alternatives model based on factors such as local food prices, transportation expenses, the cost to rent affordable housing, and child care costs, determined the Kingston Living Wage to be \$16.29 per hour, which at 37 ½ hours, 50 weeks generates an annual income of \$30,543.75; and

WHEREAS the Community Report on *Goals & Objectives for Poverty Reduction in Kingston* of November 2011 prepared by the City of Kingston, the Kingston Community Roundtable on Poverty Reduction, and The United Way serving Kingston, Frontenac

DEFERRED MOTIONS (CONTINUED)

Lennox and Addington, identified as a strategic focus “Skills Development and Employment” that in turn had three goals, each of which identified the need for a living wage; and

WHEREAS cities as diverse as Buffalo, New York (which is one of approximately 140 American municipalities to adopt a Living Wage policy); London, England; and New Westminster in British Columbia have shown leadership in implementing a living wage policy; and

WHEREAS the *Kingston Strategic Plan 2011-2014* says “the city will be a leader in achieving objectives established in the *Sustainable Kingston Plan*;

THEREFORE BE IT RESOLVED THAT to help achieve the objective of breaking the cycle of homelessness and poverty the City of Kingston investigate a living wage policy for Kingston, and to that end;

1. Staff be directed to report on the budget impacts and any other implications for the City of Kingston and the community of Kingston implementing a Living Wage policy that would include:
 - a) a living wage as a minimum for all city employees (including temporary, seasonal, student summer employees, and part time in addition to full time), contractors, and individuals who are providing part time or full time services to the Corporation of the City of Kingston through a contract with a third party; and
 - b) using the Living Wage annualized income as an income benchmark level of qualification for all municipal programs and services that provide assistance to low income residents, in addition to LICO; and further
2. That staff recommend both a method of calculation of the Living Wage, such as that developed by the Canadian Centre for Policy Alternatives, that can become Kingston’s standard, and the frequency with which it should be updated, such as annually, bi-annually, or once per term of Council; and
3. That this report be presented to the Administrative Policies Committee not later than September 2013.

CARRIED (9:3)
(With Agreed to Amendments)
(See Motion to Amend Which Was LOST)
(See Recorded Vote (2))

DEFERRED MOTIONS

Moved by Councillor Hutchison
Seconded by Councillor Glover

THAT Deferred Motions No (2) be amended to add paragraph (4) to read thereto:

THAT the provisions of By-Law 2010-205 be waived to allow a report to be presented to the Arts, Recreation, and Community Policies Committee not later than September 2013.

LOST (5:7)
(A 2/3 Vote Of Council Was Not Received)
(See Recorded Vote (1))

Mayor Gerretsen asked that Clause (4) be separated.

1) A Recorded Vote was requested by Councillor Neill

YEAS: Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Schell (5)

NAYS: Councillor Berg, Councillor Downes, Mayor Gerretsen, Councillor Paterson, Councillor Reitzel, Councillor Scott (7)

ABSENT: Councillor George (1)

2) A Recorded Vote was requested by Councillor Neill

YEAS: Councillor Berg, Councillor Downes, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Reitzel, Councillor Schell, (9)

NAYS: Councillor Hector, Councillor Paterson, Councillor Scott (3)

ABSENT: Councillor George (1)

REPORTS

Report No. 1: Received from the Chief Administrative Officer (Consent)

Moved by Councillor Berg
Seconded by Councillor Osanic

THAT Report No. 1: Received from the Chief Administrative Officer (Consent) be received and adopted.

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

Report No. 1

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:

Councillor Downes withdrew from the meeting.

a) Consent to Sale of Shares and Amendment of Lease – The Keg - 300 King Street East

THAT Council consent to the sale of 100% of the shares of 1623369 Ontario Ltd. operating as The Kingston Keg Steakhouse and Bar (the “Keg”) from 1734715 Ontario Inc. to Casandi Holdings Ltd, 2258374 Ontario Ltd. and a third company to be named prior to finalization of the sale; and

THAT Council approve an extension and amendment of the current lease with 1623369 Ontario Ltd. for a period of ten (10) years with the option to renew for two additional 5 year periods to be negotiated at renewal time at market rates in accordance with the Revenue Leasing and Licensing Policy as amended and in accordance with the directions and instructions provided to staff by Council when it considered Report No: 13-022 at its closed session meeting of December 4, 2012 and that Council authorize the Mayor and Clerk to execute the consent and the lease amendment and any other required documents to complete the transaction in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (13-017) is attached as Schedule Pages 1 - 4)
(File No. CSU-L15-000-2012)

CARRIED

Councillor Downes returned to the meeting.

b) Consulting Services for the Development of Right Of Way Cross Section Details and Costing Analysis

THAT Morrison Hershfield be awarded a contract for Consulting Services for the Development of Right Of Way Cross Section Details and Costing Analysis (RFP-F31-PWS-EN-2012-10) at the total bid price of \$125,312 (HST extra); and

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

(The Report of the President and CEO of Utilities Kingston (13-020) is attached as Schedule Pages 5 - 10)
(File No. CSU-F31-000-2012)

REPORTS (CONTINUED)

Report No. 1: Received from the Chief Administrative Officer (Consent)

c) Authorization for Mayor and Clerk to sign Agreement for Encroachment by Entrance Features for the Westgate Village-Fox Run Road

THAT Council authorize the Mayor and the Clerk to sign an encroachment agreement, in a form satisfactory to the Director of Legal Services, with the Westgate Village Land Owner's Association to permit the installation of a gateway feature on the north west corner side of Fox Run Place and Collins Bay Road within the public right of way and to require that the feature be maintained by the Westgate Village Land Owner's Association.

(The Report of the President and CEO of Utilities Kingston (13-018) is attached as Schedule Pages 11 - 16)
(File No. CSU-D16-000-2012)

d) Award of RFP – Contract Administration and Inspection for Cataraqui Woods Drive Extension

THAT Genivar Inc. be awarded the contract for contract administration and construction inspection services for the extension of Cataraqui Woods Drive at the total bid price of \$161,914.52 plus HST; and

THAT the Mayor and City Clerk be authorized to execute a contract with Genivar Inc. for the above noted services in a form satisfactory to the Director of Legal Services.

(The Report of the President and CEO of Utilities Kingston (13-027) is attached as Schedule Pages 17 - 20)
(File No. CSU-T04-000-2012)

Councillor Hutchison withdrew from the meeting.

e) Investment in Affordable Housing (IAH) in Ontario Allocation to Frontenac Community Mental Health and Addictions Services

THAT Council approve IAH funding of \$1,651,662 to the Frontenac Community Mental Health and Addictions Services (FCMHAS) for the development of fourteen (14) affordable rental units; and

THAT Council pass "A By-Law To Permit Council To Enter Into A Contribution Agreement With Frontenac Community Mental Health and Addictions Services (FCMHAS) For The Provision Of Affordable Housing At Lyons Street"; and

THAT Council authorize the Mayor and Clerk to execute all documents and agreements related to the IAH funding provided to FCMHAS as approved by Legal Services and the Commissioner, Community Services or her delegate.

REPORTS (CONTINUED)

Report No. 1: Received from the Chief Administrative Officer (Consent)

(The Report of the Commissioner of Community Services (13-004) is attached as Schedule Pages 21 - 26)

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

(See By-Law No. (1), 2013-1)

(Note: By-Law No. (1) was withdrawn. See By-laws, page (38))

WITHDRAWN

(See Motion to Withdraw Which Was CARRIED)

Moved by Councillor Hector
Seconded by Councillor Neill

THAT Clause (e), Report No. (1), Received from the CAO (Consent), be withdrawn.

CARRIED

f) By-Laws to Permit Council to Enter into Municipal Contribution Agreements with Home Base Housing and Kingston Co-operative Homes Inc. for the Provision of Affordable Housing

THAT Council approve the By-Law (Exhibit A) "A By-Law to Permit Council to Enter into a Contribution Agreement with Kingston Home Base Non-Profit Housing Inc. for the Provision of Affordable Housing at 540 Montreal Street, Kingston" as attached; and

THAT Council approve the By-Law (Exhibit B) "A By-Law to Permit Council to Enter into a Contribution Agreement with Kingston Co-operative Homes Inc. for the Provision of Affordable Housing at 1338 Princess Street, Kingston", as attached.

(The Report of the Commissioner of Community Services (13-006) is attached as Schedule Pages 27 - 32)

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

(See By-Law No. (2), 2013-2)

(See By-Law No. (3), 2013-3)

CARRIED

Councillor Hutchison returned to the meeting.

g) Community Investment Fund 2012 Recommendations

THAT Council approve the eighteen 2012 Community Investment Fund grant recommendations attached to Report No. 13-013 as Exhibit "A" for a total of \$190,000 which is included in the 2012 operational budget.

(The Report of the Commissioner of Community Services (13-013) is attached as Schedule Pages 33 - 39)

(File No. CSU-F25-000-2012)

REPORTS (CONTINUED)

Report No. 1: Received from the Chief Administrative Officer (Consent)

h) Scottie Tournament of Hearts Sponsorship Package

THAT Council direct staff to donate twenty (20) tickets to curling draws to PRO Kids for fundraising; and

THAT Council direct staff to donate twenty (20) tickets for curling draws as prizes for the Staff Appreciation lunch on December 13, 2012; and

THAT Council direct staff to donate the remainder of the tickets for curling draws to the United Way Serving Kingston, Frontenac, Lennox & Addington.

(The Report of the Commissioner of Community Services (13-023) is attached as Schedule Pages 40 - 42)
(File No. CSU-M03-000-2012)

Councillor Hutchison withdrew from the meeting.

i) Affordable Housing Land Disposal Process – 7 Wright Crescent

THAT Council endorse the land disposal process of 7 Wright Crescent as described in Report 13-030.

(The Report of the Commissioner of Community Services (13-030) is attached as Schedule Pages 43 - 49)
(File No. CSU-L19-000-2012)

CARRIED

Councillor Hutchison returned to the meeting.

j) A Recommendation to Enter into a New Service Level Agreement between the City of Kingston and the Kingston Association of Museums, Art Galleries and Historic Sites (KAM)

THAT the '2012 End of Year Activity Report' as attached to report 13-025 as Exhibit A, submitted by Kingston Association of Museums, Art Galleries and Historic Sites be received; and

THAT the Mayor and Clerk be authorized to enter into a new Service Level Agreement with Kingston Association of Museums, Art Galleries and Historic Sites in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Sustainability and Growth (13-025) is attached as Schedule Pages 50 - 64)
(File No. CSU-L04-000-2012)

CARRIED
(Clauses (b) through (d), (g), (h), and (j))

REPORTS (CONTINUED)

Report No. 2: Received from the Chief Administrative Officer (Recommend)

Moved by Councillor Reitzel
Seconded by Councillor Scott

THAT Report No. 2: Received from the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Council consented to the **withdrawal** of Clause (4).

Report No. 2

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

- 1a) Staff Briefing:** Jim Keech, President and CEO, Utilities Kingston, provided a briefing to Council with regards to the Update on Municipal Councils' Statutory Duty of Care under the *Safe Drinking Water Act, 2002*.
- 1b) Update on Municipal Councils' Statutory Duty of Care under the *Safe Drinking Water Act, 2002***

THAT Council acknowledge receipt of the document "Taking Care of Your Drinking Water: A Guide For Members of Municipal Councils"; and

THAT Utilities Kingston keep Council informed and seek opportunities for providing training on the water systems' operation, maintenance and state of repair.

(The Report of the President and CEO of Utilities Kingston (13-024) is attached as Schedule Pages 65 - 108)
(File No. CSU-E08-000-2012)

CARRIED

2) Interim Emergency Shelter Funding Model for 2013

THAT Council support the 75% Base Funding with 25% Utilization Funding formula as described in Model 3 herein; and

THAT Council approves one-time funding of \$25,000 from the National Child Benefit Reserve Fund to Kingston Youth Shelter Project to allow the shelter to staff sufficiently to operate seven (7) additional beds at their shelter on a regular basis for 2013; and

REPORTS (CONTINUED)

Report No. 2: Received from the Chief Administrative Officer (Recommend)

THAT Council authorize the Mayor and Clerk to execute the required agreements for the provision of this funding in a form satisfactory to the Director of Legal Services; and

THAT City staff report back to Council in January 2013 regarding the status of Dawn House Women's Shelter and their continued compliance with the Housing Department's 2012 Operational Review of the shelter.

(The Report of the Commissioner of Community Services (13-005) is attached as Schedule Pages 109 - 123)
(File No. CSU-S16-000-2012)

CARRIED

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 in order to complete Clause (3), Report No. (2), Received from the CAO (Recommend), Detailed Options for Alternative Use of Belle Park, the time sensitive items, and the by-laws.

LOST

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

3) Detailed Options for Alternative Use of Belle Park

THAT Council endorse and direct staff to pursue Option 4, terminate golf course operations following its 2013 season and implement a passive park (approximately 56 acres) with solar panel operations (approximately 30 acres); and

THAT Council direct staff proceed with the preparation of an analysis as it relates to the conversion of Open Space for another use at Belle Park based on the Official Plan; and

THAT Council direct staff to hold a public consultation process to design the public spaces within Belle Park; and

THAT Council direct staff to retain a consultant to initiate the application process and the Renewable Energy Approval process for a Large ground mount FIT solar connection process; and

THAT Council approve up to a maximum of \$140,000 from the Working Fund Reserve to cover the cost of consultants to complete the rationale for a land use conversion analysis, the application fee to the Ontario Power Authority and a consultant to prepare the application to the Ontario Power Authority; and

REPORTS (CONTINUED)

Report No. 2: Received from the Chief Administrative Officer (Recommend)

THAT staff report back with a more detailed report on the Ontario Power Authority process and associated estimated costs within the next 6 months; and

THAT staff report back on the progress of the application process, the Open Space conversion analysis and park development within the next 12 months.

(The Report of the Commissioner of Community Services (13-010) is attached as Schedule Pages 124 - 205)
(File No. CSU-R04-000-2012)

DEFERRED

4) Cultural Services Advisory Committee Restructuring

WHEREAS the City of Kingston approved its first-ever Kingston Culture Plan in 2010; and

WHEREAS the role and function of the Cultural Services Department has now evolved to include public programming, asset management, capacity building, community engagement and education, policy development and community cultural development; and

WHEREAS the existing Advisory Committee structure has played a vital role in terms of moving forward Kingston's cultural development; and

WHEREAS it has been identified that a new Advisory Committee structure is required to support the continuing implementation of the Kingston Culture Plan and the priorities identified in Kingston's Strategic Plan 2011-2014;

THEREFORE BE IT RESOLVED THAT a by-law, as attached as Exhibit A, be presented to amend By-Law 2010-205, being a By-law to define the mandate and meeting procedures for committees of established by the Corporation of the City of Kingston, to enact the following:

- a. **THAT** two new Advisory Committees be established: (1) a Creative City Committee and (2) a Museums and Collections Advisory Committee; and
- b. **THAT** the Terms of Reference for the Arts, Recreation and Community Policies Committee (Schedule A-3) be amended to reflect the reporting relationship between the Arts, Recreation and Community Policies Committee and the Creative City Committee, and the Museums and Collections Advisory Committee; and

REPORTS (CONTINUED)

Report No. 2: Received from the Chief Administrative Officer (Recommend)

- c. **THAT** the Arts Advisory Committee (Schedule F-3), Grand Theatre Community Advisory Board (Schedule B-10), MacLachlan Woodworking Museum Advisory Committee (Schedule B-6) and Pump House Steam Museum Advisory Committee (Schedule B-11) are hereby disbanded with the passing of the by-law; and

THAT the City of Kingston Arts Fund Administration Plan be forwarded to the Arts, Recreation and Community Policies Committee for consideration; and

THAT staff report back to Council in Q4 2013, with a progress report regarding the effectiveness of the Creative City Committee, and Museums and Collections Advisory Committee.

(The Report of the Commissioner of Sustainability and Growth (13-015) is attached as Schedule Pages 206 - 221)

(File No. CSU-C15-000-2012) (File No. CSU-R00-000-2012)

(See By-Law No. (4), 2013-4)

WITHDRAWN

5) Queen's and City Partnering on Innovation

THAT the City agrees in principle to enter into discussions with Queen's University that would explore the possibility of the City partnering with the university to establish a new concept for Innovation Park.

(The Report of the Chief Administrative Officer (13-035) is attached as Schedule Pages 222 - 226)

(File No. CSU-D02-000-2012)

DEFERRED

6) Intelligent Community Forum (ICF) Top7 application from the City of Kingston

THAT Staff from the City of Kingston and Utilities Kingston, in consultation with the Kingston Economic Development Corporation (KEDCO) be authorized to submit an application on behalf of the City of Kingston, to the Intelligent Community Forum, to be considered for the designation as the Intelligent Community of the Year.

(The Report of the Chief Administrative Officer (13-034) is attached as Schedule Pages 227 - 231)

(File No. CSU-D02-000-2012)

DEFERRED

REPORTS (CONTINUED)

Report No. 3: Received from the Planning Committee

THAT Report No. 3: Received from the Planning Committee be received and adopted.

Report No. 3

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

1) Application for Zoning By-Law Amendment for 993 Princess Street

THAT the application for Zoning By-Law Amendment (Our File No. D14-260-2012) submitted by JSM Corporation (Ont.) Ltd., for the property municipally known as 993 Princess Street, **BE APPROVED**; and

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

1. Map 13 of Schedule "A" of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol to 'M2-420' of the lands shown on Schedule "A" attached to and forming part of By-Law No. 2013-6.
2. That the By-Law be amended by the addition of the following section to Part VIII – EXCEPTIONS TO THE VARIOUS ZONE CLASSIFICATIONS:

420. 993 Princess Street

Notwithstanding the provisions of Section 25 hereof to the contrary, the lands designated 'M2-420' on Schedule 'A' hereto, the following provisions shall apply:

a) ADDITIONAL PERMITTED USES:

- (i) Recreational Use
- (ii) Community Centre
- (iii) Creativity Centre

b) DEFINITIONS:

For the purpose of the 'M2-420' zone, the following definition shall apply:

RECREATIONAL USE means a leisure time activity undertaken within an enclosed structure for purposes of physical activity, health benefits, sport participation and skill development, personal enjoyment and social or cultural activities, and shall allow a performing arts group but shall not include a place of amusement.

REPORTS (CONTINUED)

Report No. 3: Received from the Planning Committee

- c) Notwithstanding any provisions to the contrary the maximum permitted aggregate gross floor area of all recreational, community centre and creativity centre uses shall not exceed 8,200 square metres; and

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

(Note: A copy of the draft by-law was attached to the November 20, 2012 agenda as Schedule Pages 454 - 455)

(See By-Law No. (6), 2013-6)

DEFERRED

REPORTS

Report No. 4: Received from the Municipal Heritage Committee

THAT Report No. 4: Received from the Municipal Heritage Committee be received and adopted.

Report No. 4

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

Note: There are no clauses (below) which must be dealt with this evening in order to meet the requirements of the Ontario Heritage Act.

1) Proposed Declaration of Surplus Property at 610 Montreal

THAT the Municipal Heritage Committee has no objection should the City declare 610 Montreal Street as surplus to municipal needs, and meets the requirement of consultation with the Committee as required in the City's "Policy on the Sale and Acquisition of Land".

2) Notice of Intention to Designate the Cataraqui Cemetery, 927 Purdy's Mill Road & 1080 Sydenham Road

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

REPORTS (CONTINUED)

Report No. 4: Received from the Municipal Heritage Committee

WHEREAS the Council shall, before giving notice of its intention to designate a property, consult with its Municipal Heritage Committee when the Council of a municipality has appointed a Municipal Heritage Committee; and

WHEREAS the Cataraqui Cemetery property was evaluated based on the City's evaluation template and Ontario Regulation 9/06 as prescribed by the Ontario Heritage Act and determined to be a property of cultural heritage value or interest;

THEREFORE BE IT RESOLVED THAT Council serve a Notice of Intention to Designate the property located at 927 Purdy's Mill Road and 1080 Sydenham Road (Part of Lot 16, Concession 3, City of Kingston, as in TKB613, TKS9961, TKR9371, Lying south of Plan 481, North of Plan 60 & Purdy's Mill Road, except FR203415, FR697346, FR363689, FR310282, FR640655, FR145495, FR154375, TKO4814, TKT11884, TKE603, Parts 1-2, 13R-15284, Part 1 on 13R-17703) as a property of cultural heritage value or interest pursuant to Section 29 of the Ontario Heritage Act.

(Note: A copy of the Notice of Intention was attached to the November 20, 2012 agenda as Schedule Page 514)

3) **Recommended Revisions to Policy on Window Renovations in Heritage Buildings**

THAT the revised Policy on Window Renovations in Heritage Buildings, attached to report MHC-12-009 as Exhibit B be approved.

(Note: A copy of the Policy was attached to the November 20, 2012 agenda as Schedule Pages 456 - 458)

4) **Approval of alterations at 165 Wellington Street to install two new marketing signs. Both signs will be located on the first floor above the windows, one on the Wellington Street facade and the other on the Brock Street façade.**

THAT alterations to the designated property located at 165 Wellington Street be approved in accordance with details described in Application P18-394-071-2012 and the submission dated September 12th, 2012 that was deemed complete by the Planning and Development Department on September 25th, 2012, said alterations requesting approval to install two new marketing signs. Both signs will be located on the first floor above the windows, one on the Wellington Street facade and the other on the Brock Street facade, subject to the following conditions:

- 1) That the sign will be fastened into the mortar in accordance with the City's Heritage Masonry Policy.
- 2) That a sign permit application is required for the proposed scope of work.

REPORTS (CONTINUED)

Report No. 4: Received from the Municipal Heritage Committee

5) **Approval of alterations at 77 Alwington Avenue to construct a new attached garage located on the west side of the building facing Alwington Avenue.**

THAT alterations to the designated property located at 77 Alwington Avenue be approved in accordance with the details described in Application P18-012-072-2012 and the submission dated October 4th, 2012 that was deemed complete by the Planning and Development Department on October 5th, 2012, said alterations requesting approval to construct a new attached garage located on the west side of the building facing Alwington Avenue, be subject to the following conditions:

- 1) That there be no railing on roof;
- 2) That the hardware on the garage door be excluded;
- 3) That there be a non textured garage door;
- 4) That the body of the garage reflect some of the darker colours of the house;
- 5) That a steep gabled roof may be used;
- 6) That a building permit application is required for the proposed scope of work.
- 7) In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132) and the City of Kingston's Planning and Development Department (613-546-4291 ext 3180) must be immediately contacted.
- 8) In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism and Culture (416-314-7132), and the City of Kingston's Planning and Development Department (613-546-4291 ext 3180) must be immediately contacted.

6) **Approval of alterations at 16 Maitland Street to reconstruct a two-level side deck on the west side.**

THAT alterations to the designated property located at 16 Maitland Street be approved in accordance with the details described in Application P18-251-073-2012 and the submission dated October 5th, 2012 that was deemed complete by the Planning and Development Department on October 16th, 2012, said alterations requesting approval to reconstruct a two-level side deck on the west side, subject to the following conditions:

- 1) That a building permit application is required for the proposed scope of work.
- 2) That should any of the repair activities i.e. scaffolding, dumpsters etc., require use of the City Right Of Way, an encroachment permit will be required. The encroachment permit can be obtained from Brad Morton of the City's Engineering Department. He can be reached at bmorton@cityofkingston.ca or telephone at

REPORTS (CONTINUED)

Report No. 4: Received from the Municipal Heritage Committee

613-546-4291 ext. 3147. The encroachment permit application can be found on the City website at http://cityofkingston.ca/pdf/engineering/app_encroachment.pdf.

- 7) **Approval of alterations at 658 King Street West to install all new metal clad wooden windows and window frames, new wooden front, rear and side doors, new lighting outside the front entrance and shiplap siding on the red brick portion of the building and the cedar shakes portion on the rear elevation.**

THAT alterations to the designated property located at 658 King Street West be approved in accordance with the details described in Application P18-237-074-2012 and the submission dated October 5th, 2012 that was deemed complete by the Planning and Development Department on October 9th, 2012, said alterations requesting approval to install all new metal clad wooden windows with brick mold and window frames, new wooden front, rear and side doors, new lighting outside the front entrance and shiplap siding on the red brick portion of the building and the cedar shakes portion on the rear elevation, subject to the following conditions:

- 1) That a building permit application is required for the proposed scope of work.
- 2) Any new doors must have a deadbolt and a door viewer (or transparent glazing or a sidelight) if necessary.
- 3) That should any of the repair activities i.e. scaffolding, dumpsters etc., require use of the City Right Of Way, an encroachment permit will be required. The encroachment permit can be obtained from Brad Morton of the City's Engineering Department. He can be reached at bmorton@cityofkingston.ca or telephone at 613-546-4291 ext. 3147. The encroachment permit application can be found on the City website at http://cityofkingston.ca/pdf/engineering/app_encroachment.pdf.
- 4) That the proposed concrete siding resemble the wood siding as originally proposed.

- 8) **Approval of alterations at 264 King Street East, also known as Gildersleeve House, to install a new steel roof with batons on the additions on the south and west elevations.**

THAT alterations to the designated property located at 264 King Street East, also known as Gildersleeve House be approved in accordance with the details described in Application P18-209-076-2012 and the submission dated October 12th, 2012 that was deemed complete by the Planning and Development Department on October 12th, 2012, said alterations requesting approval to install a new pre-painted black steel roof with batons on the additions on the south and west elevations, subject to the following conditions:

REPORTS (CONTINUED)

Report No. 4: Received from the Municipal Heritage Committee

- 1) That should any of the repair activities i.e. scaffolding, dumpsters etc., require use of the City Right Of Way, an encroachment permit will be required. The encroachment permit can be obtained from Brad Morton of the City's Engineering Department. He can be reached at bmorton@cityofkingston.ca or telephone at 613-546-4291 ext. 3147. The encroachment permit application can be found on the City website at http://cityofkingston.ca/pdf/engineering/app_encroachment.pdf.

- 9) **Approval of alterations at 80 Gore Road, also known as MacLean House/Hawthorn Cottage/ Ruttan House, to have a Community Garden on a portion of land to the north of the Pittsburgh Branch Library and to the south of the MacLean Dog Park.**

THAT alterations to the designated property located at 80 Gore Road, also known as MacLean House/Hawthorn Cottage/Ruttan House be approved in accordance with the details described in Application P18-510-079-2012 and the submission dated October 17th, 2012 that was deemed complete by the Planning and Development Department on October 19th, 2012, said alterations requesting approval to have a Community Garden on a portion of land to the north of the Pittsburgh Branch Library and to the south of the MacLean Dog Park, subject to the following conditions:

- 1) That the proposed raised garden beds are constructed in a way that will not disturb the subsoil.
 - 2) In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Tourism, Culture and Sport (416-314-7132) and the City of Kingston's Planning and Development Department (613-546-4291 ext 3180) must be immediately contacted.
 - 3) In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8404), the Cultural Program Branch of the Ministry of Tourism and Culture (416-314-7132), and the City of Kingston's Planning and Development Department (613-546-4291 ext 3180) must be immediately contacted.
- 10) **Reaffirmation of an Emergency Approval of an application for 169 Earl Street, also known as Machar House to dismantle the existing chimneys and to rebuild the two chimneys to the existing dimensions with salvaged brick or clay brick.**

THAT alterations to the designated property located at 169 Earl Street, also known as Machar House, **BE REAFFIRMED** in accordance with the details described within a submission filed October 17th, 2012 and deemed complete by the Planning and Development Department on October 17th, 2012, said alterations requesting approval to

REPORTS (CONTINUED)

Report No. 4: Received from the Municipal Heritage Committee

dismantle the existing chimneys and to rebuild the two chimneys to the existing dimensions with salvaged brick or clay brick.

- 11) **Final Approval of a Heritage Grant Application for the upgrading of two rear second level double hung windows and repointing of the limestone foundation in the carriageway at 30 Sydenham Street.**

WHEREAS the owner of 30 Sydenham Street has requested final approval for Heritage Grant Application HG-03-2012, and

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

THEREFORE BE IT RESOLVED THAT Heritage Property Grant HG-03-2012 for 30 Sydenham Street **BE APPROVED** for the upgrading of two rear second level double hung windows and re-pointing of the limestone foundation in the carriageway; and,

THAT staff be authorized to issue a cheque for (\$2000.00) as per the process outlined in By-Law No. 2005-258 'A By-Law to Establish a Heritage Grants Program'.

**DEFERRED
(Clauses (1) through (11))**

REPORTS

Report No. 5: Received from the Administrative Policies Committee

THAT Report No. 5: Received from the Administrative Policies Committee be received and adopted.

Report No. 5

To the Mayor and Members of Council:

The Administrative Policies Committee reports and recommends as follows:

- 1) **Tax Write Offs Pursuant to the Municipal Act, 2001**

WHEREAS the Administrative Policies Committee held a public meeting regarding Tax Write Offs Pursuant to Sections 357 of the Municipal Act, 2001; and

WHEREAS staff acting on behalf of a member of the public requested that lines 923 and 924 be excluded from Exhibit 'A' of Report No. AP-012-026 in order to permit staff to conduct additional review;

REPORTS (CONTINUED)

Report No. 5: Received from the Administrative Policies Committee

THEREFORE BE IT RESOLVED THAT lines 923 and 924 be deleted from Exhibit 'A' of Report AP-012-026 and that the original recommendation be amended to read as follows:

THAT Council approve the cancellation, reduction or refund of taxes pursuant to applications made under Sections 357 and 358 of the *Municipal Act, 2001* totalling \$161,770.14 of which \$97,008.15 is the City's portion and amounts charged back to the school boards and Downtown Kingston! BIA are \$62,310.77 and \$2,451.22 respectively, as listed in the amended Exhibit A attached.

(Note: A copy of Exhibit A was attached to the November 20, 2012 agenda as Schedule Pages 459 - 461)

2) Integrated Accessibility Standards Policy

THAT Council approve the Integrated Accessibility Standards Policy, dated September 2012, attached as Exhibit "A" to report AP-12-025.

(Note: A copy of Exhibit A was attached to the November 20, 2012 agenda as Schedule Pages 462 - 468)
(See also Page 30)

3) Long Term Care Information Session

THAT Council hold an information session on long term care services and Rideaucrest Home.

**DEFERRED
(Clauses (1) through (3))**

REPORTS

Report No. 6: Received from the Arts, Recreation and Community Policies Committee

THAT Report No. 6: Received from the Arts, Recreation and Community Policies Committee be received and adopted.

Report No. 6

To the Mayor and Members of Council:

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

REPORTS (CONTINUED)

Report No. 6: Received from the Arts, Recreation and Community Policies Committee

1) KFL&A Food Charter - The Recommend Report of the Commissioner of Community Services (ARCP-12-011)

THAT Council endorses the “Kingston, Frontenac and Lennox & Addington Food Charter” attached as Exhibit “A” to Report No. ARCP 12-011.

(Note: A copy of the KFL&A Food Charter is attached as Schedule Pages 263 - 264)

DEFERRED

REPORTS

Report No. 7: Received from the Environment, Infrastructure and Transportation Policies Committee

THAT Report No. 7: Received from the Environment, Infrastructure and Transportation Policies Committee be received and adopted.

Report No. 7

To the Mayor and Members of Council:

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

1) Commercial Garbage Collection on Princess Street between Division Street and Bath Road

THAT the City of Kingston increase the service level for garbage collection to include commercial properties on Princess Street between Division Street and Bath Road; and

THAT the cost of garbage disposal service be recovered from those property owners that choose to opt-in for municipal garbage collection in accordance with By-law 2005-260 being a by-law regarding the levying of special rates and the charging of fees for waste management services; and

THAT By-law 2005-260 be amended to include the above area; and

THAT staff be directed to contact the commercial property owners in the above area advising of the change and the cost for municipal garbage service.

(Note: A copy of the draft by-law is attached as Schedule Pages 265)

(See By-Law No. (5), 2013-5)

REPORTS (CONTINUED)

Report No. 7: Received from the Environment, Infrastructure and Transportation Policies Committee

2) School Green Bin Program

WHEREAS the students Lancaster Drive Public School participated in a Green Bin collection pilot program from January 2012 to June 2012;

THEREFORE BE IT RESOLVED THAT Kingston City Council commend the students of Lancaster Drive Public School for helping to facilitate the School Green Bin Program.

**DEFERRED
(Clauses (1) and (2))**

REPORTS

Report No. 8: Received from the Municipal Accessibility Advisory Committee

THAT Report No. 8: Received from the Municipal Accessibility Advisory Committee be received and adopted.

Report No. 8

To the Mayor and Members of Council:

The Municipal Accessibility Advisory Committee reports and recommends as follows:

1) Integrated Accessibility Standards Policy

THAT Council endorse the Integrated Accessibility Standards Policy, attached to Report No. MAAC-12-002 as Exhibit A.

(Note: A copy of Exhibit A was attached to the November 20, 2012 agenda as Schedule Pages 462 - 468)

(See also Page 26)

DEFERRED

REPORTS

Report No. 9: Received from the Nominations Advisory Committee

Moved by Councillor Berg
Seconded by Councillor Neill

THAT Report No. 9: Received from the Nominations Advisory Committee be received and adopted.

Report No. 9

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
Kingston Economic Development Corporation (KEDCO) New Appointments	December 31, 2013 December 31, 2015 December 31, 2014 December 31, 2015	Sandra Gibson Peter Kraus Adam Koven John David MacLeod
Kingston Economic Development Corporation (KEDCO) Re-Appointments	December 31, 2015 December 31, 2013	Dean Byrnes Doug Green
Kingston Frontenac Public Library Board	November 30, 2014	Somnath Sinha
Kingston Municipal Non-Profit Housing (Town Homes Kingston)	November 30, 2015 November 30, 2015	Alice Gazeley Bob Trentadue (Tenant)

CARRIED

2. **Technical Appointments to Boards and Committees**

THAT the following board and committee appointments be confirmed without comment:

<i>Housing and Homelessness Advisory Committee only required</i>	<i>Length of Term</i>
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City Council Meeting No. 2013-01
Minutes
Tuesday, December 4, 2012

<u>County of Frontenac</u> Councillor John McDougall	November 30, 2014
<u>Kingston Home Builders Association (KHBA)</u> Neal Ritchie	November 30, 2014
<u>Kingston Not for Profit Housing Association</u> David Jackson	November 30, 2014
<u>Homelessness Service Providers</u> <u>Community Advisory Board on Homelessness</u> Terri Fleming	November 30, 2014
<u>Community Leadership Committee</u> <u>Established by United Way KFLA</u> Peter Clarke	November 30, 2014

CARRIED

3. **Six Year Term Limit and the Committees listed in Schedule "D" of By-law 2010-205**

WHEREAS the Committee By-law, 2010-205 states that "members of the public will be eligible to serve for a maximum of six consecutive years on the same committee"; and

WHEREAS the Committee By-law further states that "The Committees to which Council makes appointments, but are not Committees of Council, is included In Schedule 'D'. These Committees are bound by the rules established by their governing body;" which limits Council's ability to make citizen appointments to these committees;

THEREFORE BE IT RESOLVED THAT the committees, boards and commissions listed in Schedule "D" of By-law 2010-205 be requested to consider limiting their length of term of office to six years, to be consistent with By-law 2010-205, and to issue a response to the Nominations Advisory Committee no later than 1st Quarter of 2013.

CARRIED
(Councillor Neill Opposed)

INFORMATION REPORTS

Council consented to the **addition** of Information Report No. (5).

1) Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of September 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 September 2012.
2. Report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of September 2012.

(The Report of the City Treasurer (12-351) is attached as Schedule Pages 469 - 475)
(File No. CSU-F18-000-2012)

2) Third Quarter Operating Budget Status Report for 2012

This information report is to provide a financial status update of the general operating fund as at September 30, 2012, the end of the third fiscal quarter.

(The Report of the City Treasurer (12-365) is attached as Schedule Pages 476 - 485)
(File No. CSU-F05-000-2012)

3) Town and Gown Strategic Plan – Status Report

This report provides an update of work currently underway in relation to the objectives identified in the Town and Gown Strategic Plan (TGSP). The TGSP, launched in February 2011, has been expanded to further emphasize partnerships with St. Lawrence College (SLC) and the Royal Military College of Canada (RMC) as well as Queen's University and KEDCO.

(The Report of the Chief Administrative Officer (12-366) is attached as Schedule Pages 486 - 513)
(File No. CSU-D00-000-2012)

**DEFERRED
(Clauses (1) through (3))**

4) Update on iSport Media and Management Limited 2011 Curling Event (Time Sensitive)

The purpose of this report is to provide Council with background and an update on the curling event promoted by ISport Media and Management Limited that was held at the K-Rock Centre in December 2011.

INFORMATION REPORTS (CONTINUED)

(The Report of the City Solicitor and Director of Legal Services and the City Treasurer (13-036) is attached as Schedule Pages 232-262)
(File No. CSU-M02-000-2012)

5) iSport Media and Management Limited 2011 Curling Event (Time Sensitive)

Supplemental Report to Information Report No. 13-036 which clarifies that iSport Media and Management Limited has not filed for bankruptcy.

(The Report of the City Solicitor and Director of Legal Services (13-042) is attached as Schedule Pages 265 - 266)
(File No. CSU-M02-000-2012)

MISCELLANEOUS BUSINESS

Miscellaneous Business Item (1) was deferred from the November 20, 2012 Council meeting, and is time sensitive.

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

THAT, as requested by Kingston Interval House, Council proclaim December 6, 2012 as "National Day of Remembrance and Action on Violence Against Women" in the City of Kingston.

(See Communication No. 28-461)

CARRIED

- (2) **THAT** Councillor _____ be appointed to the Cataraqui Region Conservation Authority (CRCA) Board for a term ending November 30, 2013.

DEFERRED

NEW MOTIONS

- 1) Moved by Councillor Scott
Seconded by Councillor Berg

WHEREAS it is anticipated that Enbridge Pipelines will soon be making a submission to the National Energy Board (NEB) about changes to the oil pipeline that runs through the rural part of the City of Kingston; and

WHEREAS there have been concerns and questions raised about the changes to the use of this pipeline and transportation of oil;

NEW MOTIONS (CONTINUED)

THEREFORE BE IT RESOLVED THAT staff be directed to compile information on the consultation process in regards to Enbridge's NEB submission and report back to Council; and

THAT KEAF be requested to work with staff to assess Enbridge's proposal for the changes to the pipeline and any potential operational risk due to the type of material being transported; and

THAT the Rural Advisory Committee be requested to work with staff to assess the potential risks to ground water from any potential leak in this pipeline and report back to Council.

DEFERRED

- 2) Moved by Mayor Gerretsen
Seconded by Deputy Mayor George
(Time Sensitive)

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 access to the Council Chamber will be restricted at various times during Q4 2012 and Q1 2013 as a result of the installation of technological enhancements to the meeting room; and

WHEREAS it is desirable to work with the City of Kingston's local partners to engage citizens and provide community outreach by relocating to a suitable and functional meeting space during this time;

THEREFORE BE IT RESOLVED THAT Council waive By-Law No. 2010-1, "Council Procedural By-Law", as amended, in order to hold the Tuesday, December 18, 2012 Council meeting in **Memorial Hall, 2nd Floor, City Hall, 216 Ontario Street, Kingston**, commencing at 6:30 p.m., with a closed session to be held in the **Councillor's Lounge**, if required; and that the Tuesday, January 8, 2013 Meeting of Council be held in **Davies Hall, Main Campus Building, St. Lawrence College, 100 Portsmouth Avenue, Kingston**, commencing at 6:30 p.m., with a closed session to be held in the **Fire Side Room**, if required; and further that the Tuesday, January 22, 2013 Meeting of Council be held in **Currie Hall, Second Floor, Currie Hall Building, Royal Military College, 15 Valour Drive, Kingston**, commencing at 6:30 p.m., with a closed session to be held in the **Senate Chamber, Third Floor, MacKenzie Building, Royal Military College, 17 Valour Drive, Kingston**, if required.

CARRIED

NOTICES OF MOTION

MINUTES

THAT the Minutes of City Council Meeting No. 2012-27, held Tuesday, November 6, 2012, and the Minutes of City Council Meeting No. 2012-28, held Tuesday, November 20, 2012, and the Minutes of City Council Meeting No. 2012-29, held Friday, November 16, 2012, be confirmed.

(Distributed to all Members of Council on Friday, November 16, and Friday, November 30, 2012)

DEFERRED

TABLING OF DOCUMENTS

Tabling of Document No. (2012-90) was deferred from the November 20, 2012 Council meeting.

2012-90 Downtown Kingston! BIA
Minutes – October 10, 2012
(File No. CSU-A01-001-2012)

COMMUNICATIONS

Council consented to the **addition** of Communications (01-009) and (01-010).

Communications No. (28-448) through to (28-472) were deferred from the November 20, 2012 Council meeting.

Filed

28-457 From Restorant Pizzeria Stelle D'oro, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 175 Bagot Street.
(File No. CSU-P09-000-2012)

28-458 From the City of Thorold, acknowledging receipt of the resolution that the City of Kingston Council adopted with respect to Large Scale Solar Panel Array Projects.
(File No. CSU-E11-000-2012)

28-459 From the City of Belleville, acknowledging receipt of the resolution that the City of Kingston Council adopted with respect to Support Ontario Government's Recent Budget Commitments to Eradicate Contraband Tobacco.

(File No. CSU-L11-000-2012)

28-460 From the Township of Beckwith, acknowledging receipt of the resolution that the City of Kingston Council adopted with respect to Support Ontario Government's Recent Budget Commitments to Eradicate Contraband Tobacco, and advising the Township's Council adopted this resolution.
(File No. CSU-L11-000-2012)

01-008 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 36 Park Crescent, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is December 18, 2012.

MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law No. 76-26 for the property at 36 Park Crescent, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is December 17, 2012.

MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law No. 8499 for the property at 900 Portsmouth Avenue, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is December 17, 2012.

CONSENT – In respect of an application for consent to sever the property at 1399 Princess Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is December 17, 2012.

MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law No. 76-26 for the property at 830 Norwest Road, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is December 17, 2012.

CONSENT – In respect of an application for consent to sever the property at 1130 Midland Avenue, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is December 18, 2012.

MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law No. 76-26 for the property at 1130 Midland Avenue, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is December 17, 2012.

(File No. CSU-D19-000-2012)

Referred to All Members of Council

28-448 From Steve Knechtel, General Manager, Cataraqui Region Conservation Authority (CRCA), providing the Draft Municipal Levies – 2013 CRCA Budget.
(File No. CSU-D03-000-2012)
(Distributed to all Members of Council on November 13, 2012)

- 28-449 From the Association of Municipalities of Ontario (AMO), providing information on the 2012 Ontario West Municipal Conference Foundations for Local Governance. (File No. CSU-A04-000-2012)
(Distributed to all Members of Council on November 13, 2012)
- 28-450 From Ontario Good Roads Association (OGRA), providing the Delegation Request Details and Form for the 2013 ROMA/OGRA Combined Conference. (File No. CSU-A04-000-2012)
(Distributed to all Members of Council on November 13, 2012)
- 28-451 From Downtown Kingston! BIA Board of Management, providing an invitation to the Annual General Meeting, Wednesday November 21, 2012 at the Residence Inn by Marriott. (File No. CSU-A01-001-2012)
(Distributed to all Members of Council on November 13, 2012)
- 28-452 From Deidre Wilson, Adopt Me Canada Cat Rescue, providing a petition which request that declawing in Ontario be banned. (File No. CSU-P14-000-2012)
(Distributed to all Members of Council on November 13, 2012)
- 28-454 From Laurel Claus-Johnson, Co-Chair, 20th Anniversary Planning Committee, providing an invitation to the celebration of the Katarokwi Native Friendship Centre, held at 50 Hickson Avenue, on November 17, 2012 from noon until 5pm. (File No. CSU-M02-000-2012)
(Distributed to all Members of Council on November 13, 2012)
- 28-455 From Andre Marin, Ombudsman Ontario, providing the Annual Report on Investigations of Closed Municipal Meetings. (File No. CSU-C00-000-2012)
(A copy of the Annual Report is available at the Clerk's Department)
(Distributed to all Members of Council on November 13, 2012)
- 28-461 From Kingston Interval House, asking that Council proclaim December 6, 2012 as "National Day of Remembrance and Action on Violence against Women" in the City of Kingston. (File No. CSU-M10-000-2012)
(See Miscellaneous Business Item No. (1))
(Distributed to all Members of Council on November 19, 2012)
- 28-462 From Pitch-In Ontario, expressing their gratitude in the City of Kingston's involvement in past years with the Pitch-In Week Campaign, and providing information on the 2012 campaign. (File No. CSU-E05-000-2012)
(Distributed to all Members of Council on November 19, 2012)

- 28-463 From Association of Municipalities of Ontario, providing the AMO breaking news regarding the 2013 OMPF Allocation announcement.
(File No. CSU-F11-000-2012)
(Distributed to all Members of Council on November 19, 2012)
- 28-464 From Bhavana Varma, President & CEO, United Way serving KFL&A, providing correspondence from Roland Billings, Board Chair, regarding the Living Wage Motion (New Motions, Item (2)).
(File No. CSU-S16-000-2012)
(Distributed to all Members of Council on November 19, 2012)
- 28-465 From the Honourable Bob Chiarelli, MPP, providing an update regarding Ontario's Municipal Infrastructure Strategy.
(File No. CSU-D18-000-2012)
(Distributed to all Members of Council on November 19, 2012)
- 28-466 From Rachael Goodmurphy, Public Health Dietitian, KFL&A Public Health, providing some updates on recent and upcoming activities on behalf of the Kingston, Frontenac and Lennox & Addington Healthy Eating Working Group.
(File No. CSU-S08-000-2012)
(Distributed to all Members of Council on November 19, 2012)
- 28-467 From Dr. John. R. Allan, with respect to the 2012 KEDCO Economic Impact Projection – Proposed Kingston Casino.
(File No. CSU-P09-000-2012)
(Distributed to all Members of Council on November 19, 2012)
- 28-470 From J. W. Tiernay, Executive Director, Ontario Good Roads Association (OGRA), providing information regarding an amendment to the Constitution of the OGRA.
(File No. CSU-A04-000-2012)
(Distributed to all Members of Council on November 19, 2012)
- 28-471 From Hersh Sehdev, Executive Director, Kingston Community Health Centres, providing a letter with respect to New Motion Item (2), regarding the Living Wage.
(File No. CSU-S16-000-2012)
(Distributed to all Members of Council on November 20, 2012)
- 28-472 From Ontario Good Roads Association (OGRA), providing the details for the 2012 ROMA / ORGRA Combined Conference.
(File No. CSU-A04-000-2012)
(Distributed to all Members of Council on November 20, 2012)
- 01-001 From R.J. (Bob) Clevely, Senior Vice President, Retail Operations Division, LCBO, providing notice that the LCBO plans to extend its hours of operation at its Kingston locations on Sunday, December 23, 2012.
(File No. CSU-P09-000-2012)
(Distributed to all Members of Council on November 27, 2012)

- 01-002 From Association of Municipalities of Ontario (AMO), providing news that Ontario launches Municipal Infrastructure Strategy, Phase 2.
(File No. CSU-F11-000-2012)
(Distributed to all Members of Council on November 27, 2012)
- 01-003 From Mr. J. Wright, providing a letter to Council regarding the Municipal budget deliberations with respect to tax increases.
(File No. CSU-F22-000-2012)
(Distributed to all Members of Council on November 27, 2012)
- 01-004 From The Honourable Jason Kenney, PC, MP, Minister of Citizenship, Immigration and Multiculturalism, advising that the nominations for the 2013 Paul Yuzyk Award for Multiculturalism are being accepted until March 1, 2013.
(File No. CSU-R08-000-2012)
(Distributed to all Members of Council on November 27, 2012)
- 01-005 From ROMA/OGRA, providing details on the 2013 ROMA/OGRA Conference, opening November 27 at 7:00 am.
(File No. CSU-A04-000-2012)
(Distributed to all Members of Council on November 28, 2012)
- 01-006 From Cataraqui Region Conservation Authority, providing information regarding Conservation Ontario Whitepaper: Watershed Management Futures for Ontario.
(File No. CSU-D03-000-2012)
(Distributed to all Members of Council on November 28, 2012)
- 01-007 From Enbridge Pipelines Inc., providing information about Line 9 and their proposed plans for the Line 9 pipeline.
(File No. CSU-E06-000-2012)
(Distributed to all Members of Council on November 28, 2012)
- 01-009 From Wally Ferris, Director, Recreation & Leisure Services Department, Community Services, providing an update on Artillery Park Aquatic Centre
(File No. CSU-R05-000-2012)
(Distributed to all Members of Council on December 4, 2012)
- 01-010 From Cheryl E. King-VanVlack, President, Board of Directors, FCC#6 regarding 7 Wright Crescent
(File No. CSU-L19-000-2012)
(Distributed to all Members of Council on December 4, 2012)

Referred to the City Clerk

- 28-447 From Independent Living Centre, asking that Council proclaim December 3, 2012 as "Independent Living Day" in the City of Kingston.
(File No. CSU-M10-000-2012)
(Distributed to all Members of Council on November 13, 2012)

28-456 From Michelle LaMarche, Education & Communications Coordinator, Kingston Interval House, asking that Council proclaim December 6, 2012 as “National Day of Remembrance and Action on Violence against Women” in the City of Kingston. (File No. CSU-M10-000-2012)

(Distributed to all Members of Council on November 13, 2012)

28-468 From Barb Patterson, Administrative Assistant, Professional Practice-Nursing, asking that Council proclaim May 6 – 12th as “National Nursing Week” in the City of Kingston.

(File No. CSU-M10-000-2012)

(Distributed to all Members of Council on November 19, 2012)

28-469 From Judith Brown, President, Afro-Caribbean Community Foundation, asking that Council proclaim February 2013 as “Black History Month” in the City of Kingston. (File No. CSU-M10-000-2012)

(Distributed to all Members of Council on November 19, 2012)

OTHER BUSINESS

BY-LAWS

Council consented to the withdrawal of By-Laws (1) and (4) through (6).

Councillor Hutchison withdrew from the meeting.

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

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

CARRIED

Councillor Hutchison returned to the meeting.

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

THAT By-Laws (7), (8), and (13) be given their first and second readings.

CARRIED

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

THAT By-laws (7) through (13) be given their third reading.

CARRIED

- (1) A By-Law To Permit Council To Enter Into A Contribution Agreement With Frontenac Community Mental Health & Addiction Services For The Provision Of Affordable Housing At Lyons Street In Kingston.

FIRST AND SECOND READINGS

PROPOSED NO. 2013-1

(See Clause (e), Report No. 1)

WITHDRAWN

- (2) A By-Law To Permit Council To Enter Into A Contribution Agreement With Kingston Home Base Non-Profit Housing Inc. For The Provision Of Affordable Housing At 540 Montreal Street In Kingston.

FIRST AND SECOND READINGS

PROPOSED NO. 2013-2

(See Clause (f), Report No. 1)

- (3) A By-Law To Permit Council To Enter Into A Contribution Agreement With Kingston Co-Operative Homes Inc. For The Provision Of Affordable Housing At 1338 Princess Street In Kingston.

FIRST AND SECOND READINGS

PROPOSED NO. 2013-3

(See Clause (f), Report No. 1)

- (4) A By-Law To Amend By-Law No. 2010-205 "A By-Law To Define The Mandate And Meeting Procedures For Committees Established By The Corporation Of The City Of Kingston" (To Establish Two New Advisory Committees Known As The Creative City Committee And Museums And Collections Advisory Committee, And That Disband The Arts Advisory Committee, Grand Theatre Community Advisory Board, MacLachlan Woodworking Museum Advisory And Pump House Steam Museum Advisory Committee).

FIRST AND SECOND READINGS

PROPOSED NO. 2013-4

(See Clause (4), Report No. 2)

WITHDRAWN

- (5) A By-Law To Amend By-Law No. 2005-260 "A By-Law Regarding The Levying Of Special Rates And The Charging Of Fees For Waste Management Services"

FIRST AND SECOND READINGS

PROPOSED NO. 2013-5

(See Clause (1), Report No. 7)

WITHDRAWN

- (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 From Industrial Zone 'M2' To Special Industrial Zone 'M2-420', 993 Princess Street)

THREE READINGS

PROPOSED NO. 2013-6

(See Clause (1), Report No. 3)

WITHDRAWN

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- (7) A By-Law To Amend By-Law No. 76-26, "A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Kingston" To Remove The '-H' Holding Symbol Related To The Holding Special Residential Type 3 'R3-29-H' Zone (Woodhaven (Braebury) Subdivision)
THREE READINGS PROPOSED NO. 2013-7
(Delegated Authority)
- (8) A By-Law To Amend By-Law No. 76-26, "A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Kingston" To Remove The '-H' Holding Symbol Related To The Holding Special Residential Type 4 'R4-36-H' Zone (Woodhaven (Barr) Subdivision)
THREE READINGS PROPOSED NO. 2013-8
(Delegated Authority)
- (9) A By-Law To Permit Council To Enter Into A Municipal Contribution Agreement With Abbeyfield Houses Society Of Kingston For The Provision Of Affordable Housing Units At 247 Portsmouth Avenue, In Kingston.
THIRD READING PROPOSED NO. 2012-180
(See Clause (a), Report No. 131)
- (10) A By-Law To Amend By-Law No. 2005-10 "A By-Law To Establish Fees And Charges To Be Collected By The Corporation Of The City Of Kingston.
THIRD READING PROPOSED NO. 2012-181
(See Clause (2), Report No. 132)
- (11) A By-Law To Amend By-Law No. 2010-128, "A By-Law To Regulate Parking.
THIRD READING PROPOSED NO. 2012-182
(See Clause (2), Report No. 132)
- (12) A By-Law To Permit Council To Enter Into A Municipal Contribution Agreement With Kingston Municipal Non-Profit Housing Corporation (Town Homes Kingston) For The Provision Of Affordable Housing In Exchange For The Acquisition Of Property 610 Montreal Street, In Kingston
THIRD READING PROPOSED NO. 2012-184
(See Clause (7), Report No. 132)
- (13) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, December 4, 2012
THREE READINGS PROPOSED NO. 2013-9
(City Council Meeting No. 2013-01)

ADJOURNMENT

Moved by Councillor Glover
Seconded by Councillor Hector

THAT Council do now adjourn.

CARRIED

Council adjourned at 11:55 pm.

(Signed)

John Bolognone
City Clerk

Mark Gerretsen
Mayor