



CITY COUNCIL MEETING NO. 2013-13

The Regular Meeting of Kingston City Council was held on Tuesday, May 7, 2013 and was called to order at 6:00 pm in the Council Chamber, City Hall. Regular business commenced at 7:36 pm. His Worship Mayor Mark Gerretsen presided.

There was a "Closed Meeting" of the Committee of the Whole from 6:05 pm to 7:28 pm in the Councillors' Lounge.

(Council Chamber)

ROLL CALL

Present: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector (left at 7:36 p.m.), Councillor Hutchison (arrived at 6:05 p.m.), Councillor Neill, Councillor Osanic (arrived at 6:05 p.m.), Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

Absent: (0)

(Councillors' Lounge)

Administrative Staff Present:

Mr. K. Arjoon, Deputy City Clerk
Ms. C. Beach, Commissioner of Sustainability and Growth
Mr. J. Bolognone, City Clerk
Ms. P. Burns, Director, Human Resources and Organization Development
Mr. R. Chaput, Fire Chief
Mr. P. Huigenbos, Acting Director, Real Estate and Construction Services
Mr. G. Hunt, Chief Administrative Officer
Ms. L. Hurdle, Commissioner of Community Services
Ms. A. LaFrance, Director, Community & Family Services
Mr. D. Leger, Commissioner of Transportation, Properties and Emergency Services
Mr. H. Linscott, Director, Legal Services
Mr. A. Mcleod, Senior Legal Council

COMMITTEE OF THE WHOLE "CLOSED MEETING"

Moved by Councillor Neill
Seconded by Councillor Schell

THAT Procedural By-Law 2010-1, as amended, be waived, in order to amend the Council agenda, to include the item entitled, "Advice that is subject to solicitor-client privilege, including communications necessary for that purpose – J.K. Tett", as noted in the Council addendum, as part of the Committee of the Whole Closed Meeting.

CARRIED (11:0)

**(A 2/3 Vote of Council was Received)
(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (11)

NAYS: (0)

ABSENT: Councillor Hutchison, Councillor Osanic (2)

Council consented to the **addition** of Item (e).

(1) Moved by Councillor Berg
Seconded by Councillor Reitzel

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

- (a) Labour relations or employee negotiations – Kingston Fire & Rescue;
- (b) A proposed or pending disposition of land by the municipality – 261 Weller Avenue;
- (c) A proposed or pending acquisition of land by the municipality – 1318 Princess Street;
- (d) Personal matters about an identifiable individual, including municipal or local board employees and labour relations or employee negotiations - Oakwood Preschool Centre;
- (e) Advice that is subject to solicitor-client privilege, including communications necessary for that purpose – J.K. Tett Centre;

**CARRIED (11:0)
(Clauses (a) through (e))
(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Neill, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (11)

NAYS: (0)

ABSENT: Councillor Hutchison, Councillor Osanic (2)

(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. R. Chaput, Fire Chief
Mr. R. Crothers, Project Engineer, Real Estate and Construction Services
Mr. P. Huigenbos, Acting 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. M. Lagace, Information Systems & Technology
Ms. K. Leonard, Manager, Licensing & Environment
Mr. D. Leger, Commissioner of Transportation, Properties and Emergency Services
Mr. H. Linscott, Director, Legal Services
Mr. B. McCurdy, Director, Cultural Services
Mr. G. McLean, Policy Program Coordinator, Building & Licensing
Ms. S. Nicholson, Director, Corporate Affairs
Ms. C. Thomson, Assistant to the Mayor
Mr. T. Willing, Director, Building and Licensing
Ms. H. Wilson, Manager, Intergovernmental Relations

REPORT OF THE COMMITTEE OF THE WHOLE “CLOSED MEETING”

(2) Moved by Councillor Osanic
Seconded by Councillor Schell

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

CARRIED (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

APPROVAL OF ADDEDS

Moved by Deputy Mayor Paterson
Seconded by Councillor Neill

THAT the addeds be approved.

CARRIED (12:0)
(A 2/3 Vote of Council was Received)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

DISCLOSURE OF PECUNIARY INTEREST

- (1) Councillor Schell declared a possible pecuniary interest in the matter of Report No. 67 Clause (j) received from the Chief Administrative Officer, Award of Contract – Bert Meunier Common Park Construction, as her partner is working with Len Corcoran Excavating Ltd.
- (2) Councillor Downes declared a possible pecuniary interest in the matter of Closed Session Item (b), received from the Commissioner of Community Services, A proposed or pending disposition of land by the municipality – 261 Weller Avenue.
- (3) Councillor Hutchison declared a possible pecuniary interest in the matter of Closed Session Item (c), received from the Commissioner of Family Services, A proposed or pending acquisition of land by the municipality – 1318 Princess Street.

PRESENTATIONS

DELEGATIONS

Moved Councillor Glover
Seconded Councillor Schell

THAT Clauses 11.4 and 11.5 of By-law 2010-1 be waived in order to allow delegation from Ms Patty Petkovich, Co-chair for the Tett Centre for Creativity and Learning & President of the Kingston Potters' Guild, to speak to Clause (2), Report No. 68, received from the CAO (Recommend), Budget Amendments for the Tett Centre for Creativity and Learning.

**CARRIED (11:1)
(A 2/3 Vote of Council was Received)
(See Recorded Vote)**

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

NAYS: Councillor Scott (1)

ABSENT: Councillor Hector (1)

Council consented to the **addition** of Delegations (1) and (2).

- (1) Phillip Brown, spoke to Council in regards to Clause (2), Report No. 68, received from the CAO (Recommend), Budget Amendments for the Tett Centre for Creativity and Learning.
- (2) Patty Petkovich, Co-chair for the Tett Centre for Creativity and Learning & President of the Kingston Potters' Guild, spoke to Council in regards to Clause (2), Report No. 68, received from the CAO (Recommend), Budget Amendments for the Tett Centre for Creativity and Learning.

BRIEFINGS

PETITIONS

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

DEFERRED MOTIONS

REPORTS

Report No. 67: Received from the Chief Administrative Officer (Consent)

Moved by Councillor Scott
Seconded by Deputy Mayor Paterson

THAT Report No. 67: Received from the Chief Administrative Officer (Consent) be received and adopted.

Report No. 67

Council consented to the **separation** of Clauses (c), (f), and (j).

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

REPORTS CONTINUED

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

(a) 2012 Kingston Fire & Rescue Annual Report

THAT Council receive the 2012 Kingston Fire & Rescue Annual Report, as attached to Report 13-171.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (13-171) was attached to the agenda.)
(File No. CSU-P16-000-2013)

(b) On-Street Parking License Agreement for RKJL Foods Ltd. (McDonald's)

THAT Council authorize the Mayor and Clerk to execute a five-year license agreement with provision for one five-year renewal on the same terms and conditions for one parking space to RKJL Foods Ltd. (McDonald's Restaurant) effective June 1, 2011, for an annual amount of \$4,022.11 plus applicable taxes, with an annual increase of 2.5%, in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (13-156) was attached to the agenda.)
(File No. CSU-L15-000-2013)

(c) Amendment to License Agreement to Permit the Construction of a Skatepark in Shannon Park by the Community Response to Neighbourhood Change (CRNC)

THAT Council authorize staff to negotiate and the Mayor and Clerk to sign an amending agreement to the existing license agreement with Community Response to Neighbourhood Change (CRNC) for the construction of a skate park at Shannon Park to the satisfaction of the Director of Legal Services.

(The Report of the Commissioner of Community Services (13-180) was attached to the agenda.)
(File No. CSU-L15-000-2013)

CARRIED (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

REPORTS CONTINUED

(d) Community Foundation Funding Agreement for the Ontario ParaSport Games Kingston 2013

THAT Council authorize the Mayor and Clerk to sign a Project Grant Agreement, satisfactory to the Legal Services Department, in the amount of \$2,000 with the Community Foundation for Kingston and Area.

(The Report of the Commissioner of Community Services (13-185) was attached as to the agenda.)

(File No. CSU-F11-000-2013)

(e) Failed Tax Sale – 661 Montreal Street

THAT Council authorize staff to investigate and negotiate with the Public Guardian of the Province of Ontario opportunities for the transfer of the subject lands at 661 Montreal Street including, if necessary, vesting in the name of the Corporation of the City of Kingston for the purpose of cancelling unpaid taxes and transferring ownership to BPE Development once an acceptable Agreement of Purchase, Sale & Redevelopment has been completed; and

THAT Council accept the proposal submitted by BPE Development in response to City of Kingston request for Proposals F31-SG-ESI-2012-2 for transfer of the failed tax sale property at 661 Montreal Street; and

THAT Council authorize the Mayor and Clerk, if required, to execute an Agreement of Purchase, Sale and Redevelopment with BPE Development in a form that is satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Sustainability and Growth (13-172) was attached to the agenda.)

(File No. CSU-L19-000-2013)

(f) Application for assignment of a Serving Sidewalk Patio License for the Ontario Street and Clarence Street flankages for “Dianne’s Fish Bar 2360771 Ontario Inc.” located At 195 Ontario Street

THAT Council authorize the Mayor and Clerk to enter into a License Agreement with the owner of “Dianne’s Fish Bar” located at 195 Ontario Street, for the lease of City property adjacent to their business on the Ontario Street and Clarence Street frontages for the purpose of operating a serving sidewalk patio, in a form satisfactory to the Director of Legal Services.

(The Report of the President and CEO of Utilities Kingston (13-173) was attached to the agenda.)

(File No. CSU-D23-000-2013)

CARRIED (12:0)

REPORTS CONTINUED

(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

(g) Application for License of a Serving Sidewalk Patio on the Princess Street Flankage for “Tommy’s Restaurant” Located at 377 Princess Street

THAT Council authorize the Mayor and Clerk to enter into a License Agreement with the owner of “Tommy’s Restaurant” located at 377 Princess Street, for the lease of City property adjacent to their business frontage on Princess Street for the purpose of operating a serving sidewalk patio, in a form satisfactory to the Director of Legal Services.

(The Report of the President and CEO of Utilities Kingston (13-174) was attached to the agenda.)

(File No. CSU-D23-000-2013)

(h) Award of Contract – Surface Treatment of Various Roads

THAT the tender of Smiths Construction Company, for the Contract ENG-2013-08 Surface Treatment of Various Roads, in the amount of \$272,782.90 (plus HST) be accepted, it being the lowest tender received.

(The Report of the President and CEO of Utilities Kingston (13-175) was attached to the agenda.)

(File No. CSU-F18-003-2013)

(i) Tanker Truck Modification – Sole Source Purchase (Kingston Fire & Rescue)

THAT Council authorize the Mayor and Clerk to execute a contract between the City of Kingston and Arnprior Fire Trucks Corporation for the purchase of services to modify four KFR tanker fire trucks that will allow easy removal and storage of our existing portable water tanks at a total cost of \$67,000 plus HST, in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Transportation, Properties and Emergency Services (13-176) was attached to the agenda.)

(File No. CSU-V00-000-2013)

Councillor Schell withdrew from the meeting.

REPORTS CONTINUED

(j) Award of Contract - Bert Meunier Common Park Construction

THAT RFP No. 'F31-CSG-RLS-2013-08 Bert Meunier Common Park Construction' project be awarded to Len Corcoran Excavating Ltd. for the total price of \$689,718.00 plus applicable taxes; and

THAT the Mayor and City Clerk be authorized to enter into an agreement with Len Corcoran Excavating Ltd. in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Community Services (13-158) was attached to the agenda.)

(File No. CSU-R04-000-2013)

CARRIED (11:0)
(See Recorded Vote)

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Deputy Mayor Paterson, Councillor Reitzel, Councillor Scott (11)

NAYS: (0)

ABSENT: Councillor Hector, Councillor Schell (2)

Councillor Schell returned to the meeting.

(k) Award of Contract - Appointment Scheduling and Resource Management Solution System

THAT RFP No. F31-CS-CFS-2013-01 'Appointment Scheduling and Resource Management Solution System' be awarded to Q-Nomy for a total of \$116,460, excluding HST, to implement and support an appointment scheduling and resource management solution system; and

THAT the Mayor and City Clerk to authorized to enter into an agreement with Q-Nomy in a form that is satisfactory to the Director of Legal Services; and

THAT up to \$79,060 plus HST be funded from the Community and Family Services capital budget for the one-time capital purchase of Q-Nomy, including installation, training and integration with corporate email solution; and

THAT up to \$37,400 for 110 operating licenses including year one maintenance be funded from Community and Family Services and Housing Department's 2013 operating budgets based on the number of users per department; and

THAT annual maintenance expenses for year two and onwards estimated at \$11,394 be included in future Community and Family Services and Housing Department operating budgets.

REPORTS CONTINUED

(The Report of the Commissioner of Community Services (13-177) was attached to the agenda.)

(File No. CSU-F31-000-2013)

CARRIED (12:0)

(Clauses (a), (b), (d), (e), and (g) through (i), and (k))

(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

Report No. 68: Received from the Chief Administrative Officer (Recommend)

Moved by Councillor George

Seconded by Councillor Scott

THAT Report No. 68: Received from the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 68

Council consented to the **amendment** of the title of Clause (2), Report No. 68, Received from the Chief Administrative Officer (Recommend) in order to identify the item as being of a Time Sensitive nature.

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

(1) 2013 Final Tax Rates

THAT Council pass a new by-law, "A By-Law To Establish General Municipal, Fire, Garbage, And Special Tax Rates For The Year 2013 To Provide For A Final Tax Levy; To Provide For Late Payment Charges To Be Charged On Unpaid Taxes; And To Provide For Payment Of Taxes By Instalment" to:

- i. set the tax rates to be levied upon the assessment in each property class to raise the amounts required by taxation:
 - a. Municipal Tax Levies
 - i) General Tax Levy \$ 162,226,553
 - ii) Regulated Tax Levy \$ 34,388

REPORTS CONTINUED

b. Special Area Levies

- i) Fire Central \$ 15,112,991
- ii) Fire West \$ 7,965,078
- iii) Fire East \$ 1,333,465
- iv) Garbage Disposal \$ 1,368,306

c. Business Improvement Area Levies

- i) Operating Levy \$ 1,058,016
- ii) Capital Levies \$ 172,093

- ii. establish the necessary provisions to enable preparation and collection of 2013 final taxes.

THAT the above-noted by-law be presented for all three readings in order to meet property tax billing process deadlines.

(See By-Law No. (5), 2013-108)

(The Report of the City Treasurer (13-143) was attached to the agenda.)
(File No. CSU-F22-000-2013)

CARRIED (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

(2) Budget Amendments for the Tett Centre for Creativity and Learning

THAT Council approve a budget increase of \$1.7M for the Tett Centre for Creativity and Learning in order to complete the project with the incremental costs related to soil management in the amount of \$700K to be funded from the Environment Reserve Fund and the remaining amount of \$1M to be funded from the Municipal Capital Reserve Fund.

(The Report of the Commissioner of Transportation, Properties and Emergency Services and Commissioner of Sustainability and Growth (13-178) was attached to the agenda.)
(File No. CSU-R05-000-2013)

REPORTS CONTINUED

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

YEAS: Councillor Berg, Councillor Downes, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, Deputy Mayor Paterson, Councillor Schell (8)

NAYS: Councillor George, Councillor Osanic, Councillor Reitzel, Councillor Scott (4)

ABSENT: Councillor Hector (1)

(3) City Pound Service – Request for Proposals

THAT Council receive this report which provides an evaluation of Pound Services contracts in comparator cities, a review of specific issues, and which details specific concerns raised by Councillors; and

THAT a Request for Proposals, be issued for the provision of Pound Services based on this report and the specifications attached as Exhibit “B” to this report; ; as amended as follows:

- Exhibit “B”, Specification 2. Which reads “The Pound facility shall be located within the geographical boundaries of the City of Kingston.” be amended to read as follows:
“The Pound facility shall be located within the geographical boundaries of the City of Kingston, however, scoring weight will be added if the location is within 500 metres of a transit bus route.”
- Exhibit “B”, Specification 6. b. which reads “Large portable crates for cats in sufficient numbers” be amended to read as follows:
“Large portable crates for cats in sufficient numbers that are large enough to accommodate a cat litter box, feeding dishes, and sleeping area.”

THAT the Pound Services contract be awarded in accordance with the regulations as set out in the City’s Purchasing By-Law.

(The Report of the Commissioner of Sustainability and Growth (13-184) was attached to the agenda.)

(File No. CSU-P14-000-2013)

**CARRIED AS AMENDED (12:0)
(See Motions To Amend Which Were CARRIED)
(See Motion To Amend Which Was LOST)
(See Recorded Vote 4)**

REPORTS CONTINUED

Moved by Councillor Osanic
Seconded by Councillor Neill

THAT Clause (3), Report No. 68, Received from the CAO (Recommend) be amended in paragraph 2 by adding the words “that are large enough to accommodate a cat litter box, feeding dishes, and sleeping area” after the words “Large portable crates for cats in sufficient numbers”.

CARRIED (12:0)
(With Agreed To Amendments)
(See Recorded Vote 1)

Moved by Councillor Osanic
Seconded by Councillor Glover

THAT Clause (3), Report No. 68, Received from the CAO (Recommend) be amended in paragraph 2 by adding the words “however, scoring weight will be added if the location is within 500 metres of a transit bus route.”, after “City of Kingston”.

CARRIED (8:4)
(With Agreed To Amendments)
(See Recorded Vote 2)

Moved by Councillor Osanic
Seconded by Councillor Schell

THAT Clause (3), Report No. 68, Received from the CAO (Recommend) Item 6, of the Draft RFP, of be amended by deleting the words “five (5) year term” and inserting the words “ two (2) year term with an option to renew for another two (2) years”.

LOST (6:6)
(See Recorded Vote 3)

- 1) YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (12)
NAYS: (0)
ABSENT: Councillor Hector (1)
- 2) YEAS: Councillor Downes, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Reitzel, Councillor Schell, (8)
NAYS: Councillor Berg, Councillor George, Deputy Mayor Paterson, Councillor Scott (4)
ABSENT: Councillor Hector (1)

REPORTS CONTINUED

- 3) YEAS: Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Reitzel, Councillor Schell, (6)
NAYS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Deputy Mayor Paterson, Councillor Scott (6)
ABSENT: Councillor Hector (1)

- 4) YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (12)
NAYS: (0)
ABSENT: Councillor Hector, (1)

Report No. 69: Received from the Planning Committee

Moved by Deputy Mayor Paterson
Seconded by Councillor Berg

THAT Report No. 69: Received from the Planning Committee be received and adopted.

Report No. 69

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

1) Harmonization of Parkland Dedication By-Laws

THAT Council repeal the former City of Kingston By-Law 8820 "A By-Law to Provide for Land for Park Purposes" Pursuant to Section 35(b) of The Planning Act; former Township of Pittsburgh By-Law 14-88 "A By-Law to Provide for the Conveyance of Parkland or Cash-In-Lieu Thereof Upon the Development or Redevelopment of Lands Within the Township of Pittsburgh" and the former Township of Kingston By-Law 83-2 "A By-Law to Require the Conveyance to the Municipality of Land for Park Purpose as a Condition of Development or Redevelopment of Lands for Residential Purposes" Pursuant to Section 41 of The Planning Act, R.S.O. 1980, and Amendments Thereto; and

THAT Council approve the harmonized City of Kingston By-Law No. 2013-107 "A By-Law to Provide for the Conveyance of Land for Park Purposes, or Cash-In-Lieu of Parkland Conveyance" attached as Exhibit A of Report PC-13-059.

(Note: A copy of the draft by-laws was attached to the agenda.)

(See By-Law No. (2), 2013-106)

(See By-Law No. (3), 2013-107)

REPORTS CONTINUED

2) Application for Zoning By-Law Amendment for 1328 John F. Scott Road

THAT the application for Zoning By-Law Amendment (Our File No. D14-273-2012) submitted by Afshin Pashootanzadeh on behalf of Farzad and Shahnaz Jehani, for the property municipally known as 1328 John F. Scott Road, **BE APPROVED**; and

THAT the former Township of Pittsburgh Zoning By-Law No. 32-74, as amended, be further amended as follows:

1. Map 1 of Schedule "A" of Zoning By-Law No. 32-74, as amended, is hereby further amended by changing the zoning symbol to "A1-63" of the lands shown on Schedule "A" attached to and forming part of By-Law No. 2013-109.
2. That the following clause (kkk) be added to Section 23(3) following clause (jjj):

“(kkk) **A1-63 (1328 John F. Scott Road)**

Notwithstanding the provisions of Section 5 and Section 23 hereof to the contrary, the lands designated 'A1-63' on Schedule 'A' hereto, the following regulations shall apply:

- | | | |
|---|---|------------|
| (i) Lot Area (minimum): | - | 6 hectares |
| (ii) Lot Frontage (minimum): | - | 55 metres |
| (iii) Dwelling House Per Lot (maximum): | - | 1 only |
| (iv) Additional Permitted Use: | | |

- (a) One mobile trailer up to a maximum size of 36 square metres may only be used for the purpose of a kitchen for a catering service operating as a home occupation.
- (b) A sight obscuring landscaped buffer shall be maintained to conceal the trailer from the adjacent residential house at 1326 John F. Scott Road” ; 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 agenda.)

(See By-Law No. (6), 2013-109)

3) Application for Zoning By-Law Amendment for 1201 Woodhaven Drive

THAT the application for Zoning By-Law Amendment (Our File No. D14-261-2012) submitted by FoTenn Consultants, on behalf of Tamarack (Catarauqui West) Corp., for the property municipally known as 1201 Woodhaven Drive (Woodhaven (Tamarack) Subdivision, Phase 2), **BE APPROVED**; and

REPORTS CONTINUED

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

- 1.1. Map 3 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from Holding Special Residential Type 2 'R2-32-H' Zone to Holding Special Residential Type 2 'R2-37-H' Zone, from Holding Special Residential Type 2 'R2-32-H' Zone to Holding Special Residential Type 2 'R2-38-H' Zone, from Holding Special Residential Type 2 'R2-32-H' Zone to Holding Special 'R2-39-H' Zone and from Holding Special Residential Type 2

'R2-32-H' Zone to Holding Special Residential Type 2 'R2-40-H' Zone, as shown on Schedule "A" attached to and forming part of By-Law No. 2013-110.

- 1.2. By **Adding** a new subsection 13(3)(kk) thereto as follows:
'R2-37-H' (Woodhaven (Tamarack) Subdivision, Phase 2)

Notwithstanding the provisions of Sections 5 and 13 hereof to the contrary, the lands designated 'R2-37-H' on Schedule 'A' hereto, the following regulations shall apply:

(a) **PERMITTED USES:**

i. **RESIDENTIAL USES:**

Single Detached Dwelling House;
Semi Detached Dwelling House;
Three and Four Unit Row Dwelling House.

ii. **NON-RESIDENTIAL USES:**

Home Occupation
A public use in accordance with the provisions of Section 5(18) hereof

(b) LOT FRONTAGE (minimum)	Corner Lot	Other Lot
Single Detached Dwelling House	12.7m	9.0 m
Semi Detached Dwelling House	19m	15.0 m
Semi-detached dwelling unit	11.5 m	7.5 m
Row Dwelling House	11.5m	6.1 m

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

- (c) **GARAGE LOCATION** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

REPORTS CONTINUED

(d) **FRONT YARD**

- i. Minimum setback from front lot line 4.5 metres
- ii. Maximum setback from front lot line 7.0 metres
- iii. Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
- iv. Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

- (e) **EXTERIOR SIDE YARD (minimum)** 4.5 metres on arterial and collector roads
3.0 on local roads

(f) **INTERIOR SIDE YARD (minimum)**

- Single Family Dwelling House 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres
- Semi Detached Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres
- Row Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

- (g) **REAR YARD (minimum)** 6.75 metres;

- (h) **MINIMUM LOT AREA** Not applicable

- (i) **MINIMUM LOT COVERAGE** Not applicable

- (j) **DRIVEWAYS** Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.

- (k) **PARKING** Parking is permitted in the interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.

REPORTS CONTINUED

(I) **SIGHT TRIANGLES**

Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the

front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

1.3. By **Adding** a new subsection 13(3)(II) thereto as follows:

'R2-38-H' (Woodhaven (Tamarack) Subdivision, Phase 2)

Notwithstanding the provisions of Sections 5 and 13 hereof to the contrary, the lands designated 'R2-38-H' on Schedule 'A' hereto, the following regulations shall apply:

(a) **PERMITTED USES:**

i. **RESIDENTIAL USES:**

- Single Detached Dwelling House;
- Semi Detached Dwelling House;
- Three and Four Unit Row Dwelling House.

ii. **NON-RESIDENTIAL USES:**

- Home Occupation
- A public use in accordance with the provisions of Section 5(18) hereof

(b) LOT FRONTAGE (minimum)	Corner Lot	Other Lot
Single Detached Dwelling House	12.7m	10.0 m
Semi Detached Dwelling House	19m	15.0 m
Semi-detached dwelling unit	11.5 m	7.5 m
Row Dwelling House	11.5m	6.1 m

REPORTS CONTINUED

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

- (c) **GARAGE LOCATION** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

(d) **FRONT YARD**

- i. Minimum setback from front lot line 4.5 metres
- ii. Maximum setback from front lot line 7.0 metres
- iii. Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
- iv. Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

- (e) **EXTERIOR SIDE YARD (minimum)** 4.5 metres on arterial and collector roads
3.0 on local roads

(f) **INTERIOR SIDE YARD (minimum)**

Single Family Dwelling House 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

Semi Detached Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

Row Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

REPORTS CONTINUED

- (g) **REAR YARD (minimum)** 6.0 metres;
- (h) **MINIMUM LOT AREA** Not applicable
- (i) **MINIMUM LOT COVERAGE** Not applicable
- (j) **DRIVEWAYS** Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (k) **PARKING** Parking is permitted in the interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.
- (l) **SIGHT TRIANGLES**
Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

- 1.4. By **Adding** a new subsection 13(3)(mm) thereto as follows:

'R2-39-H' (Woodhaven (Tamarack) Subdivision, Phase 2)

Notwithstanding the provisions of Sections 5 and 13 hereof to the contrary, the lands designated 'R2-39-H' on Schedule 'A' hereto, the following regulations shall apply:

- (a) **PERMITTED USES:**
 - i. **RESIDENTIAL USES:**
 - Single Detached Dwelling House;
 - Semi Detached Dwelling House;
 - Three and Four Unit Row Dwelling House.

REPORTS CONTINUED

ii. **NON-RESIDENTIAL USES:**

Home Occupation

A public use in accordance with the provisions of Section 5(18) hereof

(b) LOT FRONTAGE (minimum)	Corner Lot	Other Lot
Single Detached Dwelling House	12.7m	9.0 m
Semi Detached Dwelling House	19m	15.0 m
Semi-detached dwelling unit	11.5 m	7.5 m
Row Dwelling House	11.5m	6.1 m

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

(c) **GARAGE LOCATION** The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular

access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

(d) **FRONT YARD**

- i. Minimum setback from front lot line 4.5 metres
- ii. Maximum setback from front lot line 7.0 metres

iii. Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.

iv. Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

(e) **EXTERIOR SIDE YARD (minimum)** 4.5 metres on arterial and collector roads
3.0 on local roads

(f) **INTERIOR SIDE YARD (minimum)**
Single Family Dwelling House 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

REPORTS CONTINUED

Semi Detached Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

Row Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

- (g) **REAR YARD (minimum)** 6.0 metres;
- (h) **MINIMUM LOT AREA** Not applicable
- (i) **MINIMUM LOT COVERAGE** Not applicable
- (j) **DRIVEWAYS** Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (k) **PARKING** Parking is permitted in the interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.
- (l) **SIGHT TRIANGLES**
Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

1.5 By **Adding** a new subsection 13(3)(nn) thereto as follows:

REPORTS CONTINUED

'R2-40-H' (Woodhaven (Tamarack) Subdivision, Phase 2)

Notwithstanding the provisions of Sections 5 and 13 hereof to the contrary, the lands designated 'R2-40-H' on Schedule 'A' hereto, the following regulations shall apply:

(a) **PERMITTED USES:**

i. **RESIDENTIAL USES:**

- Single Detached Dwelling House;
- Semi Detached Dwelling House;
- Three and Four Unit Row Dwelling House.

ii. **NON-RESIDENTIAL USES:**

Home Occupation

A public use in accordance with the provisions of Section 5(18) hereof

(b) **LOT FRONTAGE (minimum)**

	Corner Lot	Other Lot
Single Detached Dwelling House	12.7m	10.0 m
Semi Detached Dwelling House	19m	15.0 m
Semi-detached dwelling unit	11.5 m	7.5 m
Row Dwelling House	11.5m	6.1 m

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

(c) **GARAGE LOCATION**

The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

(d) **FRONT YARD**

- i. Minimum setback from front lot line 4.5 metres
- ii. Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
- iii. Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

(e) **EXTERIOR SIDE YARD (minimum)**

- 4.5 metres on arterial and collector roads
- 3.0 on local roads

REPORTS CONTINUED

(f) **INTERIOR SIDE YARD (minimum)**

Single Family Dwelling House 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

Semi Detached Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres

Row Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

(g) **REAR YARD (minimum)** 6.75 metres;

(h) **MINIMUM LOT AREA** Not applicable

(i) **MINIMUM LOT COVERAGE** Not applicable

(j) **DRIVEWAYS** Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.

(k) **PARKING** Parking is permitted in the interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.

(l) **SIGHT TRIANGLES**
Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

REPORTS CONTINUED

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines; and

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

(Note: A copy of the draft by-law was attached to the agenda.)

(See By-Law No. (7), 2013-110)

CARRIED (12:0)
(Clauses (1) through (3))
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

Report No. 70: Received from the Municipal Heritage Committee

Moved by Councillor Glover

Seconded by Councillor Schell

THAT Report No. 70: Received from the Municipal Heritage Committee be received and adopted.

Report No. 70

To the Mayor and Members of Council:

The Municipal Heritage Committee reports and recommends as follows:

(1) Request to Alter a Heritage Designated Property – 209 Ontario Street

THAT the alterations to a designated property at 209-225 Ontario Street, in accordance with details described in Application P18-272-026-2013, which was deemed complete on March 19, 2013, with said alterations to erect a commemorative plaque as part of “Kingston Remembers” program to coincide with the rededication of the ‘Spirit of Sir John A.’ Engine 1095, be approved, subject to a satisfactory copy edit of the text.

REPORTS CONTINUED

(2) Request to Alter a Heritage Designated Property – 610 Montreal Street

THAT the alterations to the designated property at 610 Montreal Street, in accordance with details described in Application P18-031-025-2013, which was deemed complete on March 8, 2013, with said alteration to erect an office sign on the front lawn of the property facing the intersection of Rideau/ Railway Street and Montreal Street, be approved as presented, subject to the following conditions:

- i. A sign permit application is required for the proposed scope of work;
- ii. The proposed sign satisfies requirements for sign dimensions and location as well as meeting building codes and environmental standards.

(3) Request to Alter a Heritage Designated Property – 658 King Street West

THAT the alterations to the designated property at 658 King Street West, in accordance with details described in Application P18-237-027-2013, which was deemed complete on March 19, 2013, be approved, with said alterations to:

- a. Install two 33x23” signs at the front and rear of the building;
- b. Replace current mortar joints of front façade of the building; and

THAT the approval be subject to the following conditions:

- i. The masonry repairs be completed in accordance with the City of Kingston’s ‘Policy on Masonry Restoration in Heritage Buildings;’ and
- ii. The signs require a sign permit and must comply with Sign By-law No. 2009-140; and

THAT application HG-03-2013 be provisionally approved (subject to the standard requirements pertaining to the completion of the works and the release of funding).

(4) Heritage Commemoration Program Policy

THAT the Communications and Education Working Group be established from members of the Municipal Heritage Committee and community volunteers in order to provide advice to the Municipal Heritage Committee as described in the Municipal Heritage Committee mandate.

CARRIED (12:0)
(Clauses (1) through (4))
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

Report No. 71: Received from the Arts, Recreation and Community Policies Committee

Moved by Councillor Hutchison

Seconded by Councillor Schell

THAT Report No. 71: Received from the Arts, Recreation and Community Policies Committee be received and adopted.

Report No. 71

To the Mayor and Members of Council:

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

(1) Housing Charter – City of Kingston and the County of Frontenac

THAT the Housing Charter for the City of Kingston and County of Frontenac attached as Exhibit A of Report ARCP-13-008 be approved.

(Exhibit A – was attached to the agenda.)

(2) Memorial Centre – Site Updates and Next Steps of Site Revitalization

THAT the concept plan attached as Exhibit B to KMCAC-13-001 at the Memorial Centre site be endorsed in principle.

(Exhibit B – was attached to the agenda.)

(3) Appointment of an Arts Advisory Committee Member to the City of Kingston Arts Fund (CKAF) Review Working Group

THAT Ms. Lynne Kenny be appointed to the City of Kingston Arts Fund (CKAF) Review Working Group.

CARRIED (12:0)
(Clauses (1) through (3))
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

Report No. 72: Received from the Environment, Infrastructure and Transportation Policies Committee

Moved by Councillor Neill

Seconded by Councillor Hutchison

THAT Report No. 72: Received from the Environment, Infrastructure and Transportation Policies Committee be received and adopted.

Report No. 72

To the Mayor and Members of Council:

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

(1) Options to Maximize the Reduction, Reuse and Recycling of Kingston's Waste Stream

THAT the 2013 Solid Waste promotion budget pertaining to the three areas listed below be increased by \$12,000 funded from the Working Fund Reserve for a revised budget of \$44,000 in order to enhance promotion in the following areas:

- Reduction, reuse and recycling options;
- Existing Giveaway Days;
- Optional means to dispose of bulky waste, white goods and reusable items; and

THAT staff be directed to report back to the Environment, Infrastructure & Transportation Policies Committee regarding the following:

- a) The possibility and costs associated with public television advertising regarding promoting the advantages of reduction, reuse and recycling in relation to Kingston's waste stream;
- b) Best practices utilized by other municipalities to increase waste diversion;
- c) The possibility and costs associated with including advertising in programs associated with welcoming new residents to the City of Kingston.

(2) Expansion of Reduction, Reuse and Recycling Programs to the Industrial, Commercial and Institutional Sectors

THAT no action be taken to expand the City's reuse, reduction and recycling programs for the institutional, commercial and industrial sectors beyond current levels.

REPORTS CONTINUED

(3) Administrative Amendments to the Sewer Use By-law 2008-192

THAT a by-law be presented to amend By-law 2008-192, being “A By-law to Provide for the Regulation of Waste Water Services and Waste Discharges to Municipal Sewers for the City of Kingston” to make clerical and administrative changes, as outlined in report EITP-13-009.

(Note: A copy of the draft by-law was attached to the agenda.)

(See By-Law No. (1), 2013-105)

(4) Proposed Reversal of Enbridge Crude Oil Pipeline 9B

THAT if accepted by the National Energy Board of Canada to participate in the hearing on Enbridge’s Line 9B reversal project, that the City of Kingston include the following items of concern in a Letter of Comment to the hearing for consideration by the National Energy Board as conditions of approval for the proposed Line 9B reversal and capacity expansion project:

1. The City of Kingston is concerned that there is conflicting opinion with respect to the relative corrosivity of diluted bitumen with respect to conventional crudes and that the National Energy Board should consider delaying approval for the transport of diluted bitumen product within Line 9B until the forthcoming opinions of the US Transportation Research Board on the matter of dil-bit corrosivity and erosivity can be received and evaluated.
2. The City of Kingston understands that hydrostatic testing of the pipeline may be a highly effective measure to predict the performance of the pipeline under anticipated maximum operating pressures and notes that hydrostatic testing was last performed in 1997 and requests that the National Energy Board consider the value of requirements to perform an additional hydrostatic test at pressures greater than the anticipated maximum operating pressure.
3. The City of Kingston regards coordinated training for emergency responders as a valuable tool in increasing the preparedness of the entire community with respect to catastrophic failures of pipelines like Line 9B and requests that expectations for such training opportunities be considered.
4. The City of Kingston understands that the financial cost to repair damages of catastrophic pipeline failure may approach \$1 billion dollars and that existing requirements on pipeline operators to protect taxpayers and property owners from these liabilities are unclear and requests that requirements for accessible financial assurance for response, repair, and eventual abandonment be considered.

REPORTS CONTINUED

(5) Motion regarding Summary of Society for Conservation Biology Kingston Chapter, Wildlife Road Mortality Prevention Project, Summer 2012

THAT the Wildlife Road Mortality Prevention Project, Summer 2012 presentation received on April 16th, 2013 by the Environment, Infrastructure & Transportation Policies Committee be referred to staff; and

THAT staff after consulting with the Cataraqui Region Conservation Authority and the Society for Conservation Biology, Kingston Chapter report back to the Environment, Infrastructure & Transportation Policies Committee in time for the mitigation measures to be considered during the 2014 budget deliberations.

CARRIED (12:0)
(Clauses (1) through (5))
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

INFORMATION REPORTS

Council consented to the **addition** of Information Report No. (2).

(1) Step Down Funding and End of Operating Agreements

This report provides information on Step Down Funding and the End of Agreements and the implications for both the Service Manager and the Housing Providers.

(The Report of the Commissioner of Community Services (13-181) was attached to the agenda.)
(File No. CSU-S18-000-2013)

(2) Supplemental Report to Report No. 13-178 with respect to a budget amendment for the Tett Centre for Creativity and Learning

This report provides information with respect to a budget amendment for the Tett Centre for Creativity and Learning.

(The Report of the Commissioner of Sustainability and Growth (13-197) was attached to the agenda.)
(File No. CSU-R05-000-2013)

MISCELLANEOUS BUSINESS

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

THAT the resignation of John-Paul Chusroskie, alternate representative from the St. Lawrence Student Association, Near Campus Neighbourhoods Advisory Committee be received with regret; and

THAT the following committee appointment by the St. Lawrence Student Association be confirmed without comment:

Board / Committee	Names
Near Campus Neighbourhoods Advisory Committee	<u>Confirmation only required</u> Andrew Oosterman Lisa Foresta (Alternate Member)

(See Communication No. 13-219)

CARRIED (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

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

THAT the resignation of Troy Sherman, representative from the Queen’s Alma Mater Society, and Mira Dineen, alternate representative, Near Campus Neighbourhoods Advisory Committee be received with regret; and

THAT the following committee appointment by the Queen’s Alma Mater Society be confirmed without comment:

Board / Committee	Names
Near Campus Neighbourhoods Advisory Committee	<u>Confirmation only required</u> Catherine Wright T.K. Pritchard (Alternate Member)

(See Communication No. 13-220)

CARRIED (12:0)
(See Recorded Vote)

MISCELLANEOUS BUSINESS CONTINUED

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

NAYS: (0)

ABSENT: Councillor Hector (1)

NEW MOTIONS

Council consented to the **addition** of New Motions No. (3).

(1) Moved by Councillor Reitzel
Seconded by Councillor Neill

WHEREAS Homestead Holdings has applied for a zoning by-law amendment, site plan application and official plan application, for the purpose of constructing two fourteen story apartment buildings; and

WHEREAS from concern expressed by residents at the Public Meeting conducted March 21, in respect to the impact of the building mass proposed; and

WHEREAS the delegation of authority by-law allows for Council to "bump up" site plan control applications to Planning Committee; and

WHEREAS this procedure will provide transparency, and allow the details to be debated in a public forum;

THEREFORE BE IT RESOLVED THAT the site plan control application from Homestead Holdings for 725 Hwy. 15 be "bumped up" to the Planning Committee.

CARRIED (10:2)
(See Motion to Defer Which Was Lost)
(See Recorded Vote 2)

Moved by Councillor Scott
Seconded by Councillor George

THAT consideration of New Motion (1) be deferred until after the Planning Committee discusses the application for Homestead Holdings for 725 Hwy 15 and Council has made a decision on the rezoning application.

LOST (4:8)
(See Recorded Vote 1)

NEW MOTIONS (CONTINUED)

- 1) YEAS: Councillor Downes, Councillor George, Deputy Mayor Paterson, Councillor Scott (4)
NAYS: Councillor Berg, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Councillor Reitzel, Councillor Schell (8)
ABSENT: Councillor Hector (1)

- 2) YEAS: Councillor Berg, Councillor Downes, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell (10)
NAYS: Councillor George, Councillor Scott (2)
ABSENT: Councillor Hector (1)

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

WHEREAS Council, at its meeting held on November 16, 2012, approved the appointment of Councillor Berg as the Emergency Designate to the Mayor and Councillor Scott as the Emergency Designate to the Mayor (Alternate); and

WHEREAS Councillors Berg and Scott are unable to serve as the Emergency Designates to the Mayor for the period of May 29 to June 4, 2013;

THEREFORE BE IT RESOLVED THAT Councillor George be appointed as the Emergency Designate to the Mayor for the period of May 29 to June 4, 2013.

CARRIED (12:0)
(See Recorded Vote)

- YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Neill, Councillor Osanic, Deputy Mayor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (12)
NAYS: (0)
ABSENT: Councillor Hector (1)

- (3) Moved by Councillor Neill
Seconded by Councillor Schell

WHEREAS Council, at its meeting held on February 19, 2013, approved the appointment of Councillors Neill and Schell, and Brian McCurdy, Cultural Director, to serve on the Operating Grants Review Committee for the 2013 City of Kingston Arts Fund; and

NEW MOTIONS (CONTINUED)

WHEREAS Councillor Neill is unable to serve on the Operating Grants Review Committee for the 2013 City of Kingston Arts Fund, due to a scheduling conflict;

THEREFORE BE IT RESOLVED THAT Councillor Glover be appointed to serve on the Operating Grants Review Committee for the 2013 City of Kingston Arts Fund.

CARRIED (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

NOTICES OF MOTION

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

WHEREAS EMS Service within the City of Kingston is managed by the County of Frontenac, and City Taxpayers contribute 80% of the operating and capital costs of the County of Frontenac EMS services; and

WHEREAS the County has decided to reduce the complement by 1 ambulance from the Palace Road Station; and further to reduce by 2 FTEs, the paramedics;

THEREFORE BE IT RESOLVED THAT City Staff be asked to prepare a report to Council evaluating these service reductions with input requested from the Fire Department and the Police Department; and

BE IT FURTHER RESOLVED THAT the County be invited to present a briefing to Council to outline their rationale to reduce service at the Palace Road Station.

* * * * *

MINUTES

Moved by Councillor Scott
Seconded by Councillor Schell

THAT the Minutes of City Council Meeting No. 2013-10, held Wednesday, April 3, 2013 and City Council Meeting No. 2013-11, held Tuesday, April 9, 2013 and reconvened Thursday, April 11, 2013, and City Council Meeting No. 2013-12, held Tuesday April 23, 2013 be confirmed.

(Distributed to all Members of Council on Friday, May 3, 2013)

CARRIED (12:0)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

TABLING OF DOCUMENTS

2013-32 Kingston, Frontenac, and Lennox & Addington (KFL&A) Public Health Agenda – April 24, 2013 (File No. CSU-S08-001-2013)

2013-33 Cataraqui Region Conservation Authority (CRCA) Agenda – April 24, 2013 (File No. CSU-D03-000-2013)

2013-34 Cataraqui Region Conservation Authority (CRCA) Minutes – March 27, 2013 (File No. CSU-D03-000-2013)

2013-35 Kingston & Frontenac Housing Corporation Minutes – March 25, 2013 (File No. CSU-S13-000-2013)

2013-36 Kingston & Frontenac Housing Corporation Agenda – April 29, 2013 (File No. CSU-S13-000-2013)

2013-37 Kingston Frontenac Public Library Board Minutes – March 27, 2013 (File No. CSU-R02-000-2013)

COMMUNICATIONS

Filed

13-216 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 3365 Sydenham Road, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is May 13, 2013.

MINOR VARIANCE – In respect of an application to request relief from Zoning By-Law No. 96-259 for the property at 87 Barrack Street, the Committee decided that

the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is May 13, 2013.

MINOR VARIANCE – In respect of an application for permission under Section 45(2)(a)(ii) of the Planning Act for the property at 405 Barrie Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is May 13, 2013.

MINOR VARIANCE – In respect of an application for permission under Section 45(2)(a)(ii) of the Planning Act for the property at 887 Division Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is May 13, 2013.

(File No. CSU-D19-000-2013)

Referred to All Members of Council

13-207 From Cruickshank Construction Ltd., advising Council of the lane closures that will be occurring between Monday April 15, 2013 and Friday April 19, 2013.
(File No. CSU-T08-000-2013)

(Distributed to all Members of Council on April 19, 2013)

13-215 From Cruickshank Construction Ltd., advising Council of the lane closures that will be occurring between Monday April 29, 2013 and Friday May 3, 2013.
(File No. CSU-T08-000-2013)

(Distributed to all Members of Council on April 26, 2013)

13-216 From The Village of Sackets Harbor & The Town of Hounsfield, New York, inviting Council to the 42nd Annual Canadian-American Festival
(File No. CSU-M02-000-2013)

(Distributed to all Members of Council on April 26, 2013)

13-217 From Association of Municipalities Ontario (AMO), in regards to Breaking News, Ontario government responds to Infrastructure needs for small, rural and northern.
(File No. CSU-F11-000-2013)

(Distributed to all Members of Council on April 26, 2013)

13-218 From Ontario Good Roads Association (OGRA), with respect to Small, Rural and North Municipalities to Benefit If 2013-2014 Budget Passes.
(File No. CSU-F11-000-2013)

(Distributed to all Members of Council on April 26, 2013)

13-219 From Morgan Davis, President, Student Association of St. Lawrence College – Kingston Campus, advising Council that Andrew Oosterman and Lisa Foresta (Alternate) will be appointed to the Near Campus Neighbourhood Advisory Committee.

(File No. CSU-C12-000-2013)

(Distributed to all Members of Council on May 1, 2013)

(See Miscellaneous Business Item No. 1)

13-220 From Troy Sherman, Queen's Alma Mater Society, advising Council that Catherine Wright and T.K. Pritchard (Alternate) will be appointed to the Near Campus Neighbourhood Advisory Committee.

(File No. CSU-C12-000-2013)

(Distributed to all Members of Council on May 1, 2013)

(See Miscellaneous Business Item No. 2)

OTHER BUSINESS

Councillor Downes expressed concern with respect to the placement of used clothing bins on vacant lands in his district. He questioned whether there was any action the City could take with respect to this matter.

BY-LAWS

(A) Moved by Councillor Berg
Seconded by Councillor Neill

THAT By-Laws (1) through (3) and (5) through (9) be given their first and second reading.

CARRIED (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

(B) Moved by Deputy Mayor Paterson
Seconded by Councillor Scott

THAT Clause 11.34 of By-Law No. 2010-1 be suspended for the purpose of giving By-Law (5) three readings.

CARRIED (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

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

THAT By-Laws (4) through (9) be given their third reading.

CARRIED (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

- (1) A By-Law To Amend By-Law 2008-192, A By-Law To Provide For The Regulation Of Waste Water Services And Waste Discharges To Municipal Sewers For The City Of Kingston
FIRST AND SECOND READINGS PROPOSED NO. 2013-105
(See Clause (3), Report No. 72)
- (2) A By-Law To Authorize The Mayor And City Of Kingston Clerk To Repeal Former City Of Kingston By-Law No. 8820, Former Township Of Pittsburgh By-Law 14-88 And Former Township Of Kingston By-Law 83-2
FIRST AND SECOND READINGS PROPOSED NO. 2013-106
(See Clause (1), Report No. 69)
- (3) A By-Law To Provide For The Conveyance Of Land For Park Purposes, Or Cash-In-Lieu Of Parkland Conveyance
FIRST AND SECOND READINGS PROPOSED NO. 2013-107
(See Clause (1), Report No. 69)
- (4) A By-Law To Authorize An Agreement For The Provision Of A Municipal Capital Facility At 56 Francis Street, Kingston, Ontario
THIRD READING PROPOSED NO. 2013-97
(See Clause (2), Report No. 61)
- (5) A By-Law To Establish General Municipal, Fire, Garbage, And Special Tax Rates For The Year 2013 To Provide For A Final Tax Levy; To Provide For Late Payment Charges To Be Charged On Unpaid Taxes; And To Provide For Payment Of Taxes By Instalment.
THREE READINGS PROPOSED NO. 2013-108
(See Clause (1), Report No. 68)
- (6) A By-Law To Amend By-Law No. 32-74, "A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Pittsburgh" (Zone Change From 'A1-8' To 'A1-63', 1328 John F. Scott Road)

THREE READINGS

PROPOSED NO. 2013-109

(See Clause (2), Report No. 69)

- (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" (Zone Change From Holding Special Residential Type 2 'R2-32-H' Zone To Holding Special Residential Type 2 'R2-37-H' Zone, From Holding Special Residential Type 2 'R2-32-H' Zone To Holding Special Residential Type 2 'R2-38-H' Zone, From Holding Special Residential Type 2 'R2-32-H' Zone To Holding Special 'R2-39-H' Zone And From Holding Special Residential Type 2 'R2-32-H' Zone To Holding Special Residential Type 2 'R2-40-H' Zone, 1201 Woodhaven Drive (Woodhaven (Tamarack) Subdivision Phase 2)

THREE READINGS

PROPOSED NO. 2013-110

(See Clause (3), Report No. 69)

- (8) A By-Law To Amend By-Law No. 97-102, "Cataraqui North Zoning By-Law" To Remove The '-H' Holding Symbol Related To The Holding Special Low Density Residential 'Ldr-1*2-H' Zone (Savannah Court Subdivision, Municipally Known As 1380 Crossfield Avenue)

THREE READINGS

PROPOSED NO. 2013-111

(Delegated Authority)

- (9) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, May 7, 2013

THREE READINGS

PROPOSED NO. 2013-112

(City Council Meeting No. 2013-13)

ADJOURNMENT

Moved by Councillor George

Seconded by Councillor Deputy Mayor Paterson

THAT Council do now adjourn.

CARRIED (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

City Council Meeting No. 2013-13
Minutes
Tuesday, May 7, 2013

Council adjourned at 9:28 pm.

(Signed)

John Bolognone
City Clerk

Mark Gerretsen
Mayor