



City Council Meeting Number 2014-18

The Regular Meeting of Kingston City Council was held on Tuesday, May 20, 2014, and was called to order at 7:17 pm in the Council Chamber, City Hall. Regular business commenced at 7:50 pm. His Worship Mayor Mark Gerretsen presided.

There was a "Closed Meeting" of the Committee of the Whole from 7:19 pm to 7:35 pm in the Councillors' Lounge.

(Council Chamber)

Roll Call

Present: Mayor Gerretsen, Councillor Berg, Councillor Downes, Councillor George, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel (arrived at 7:50 pm), Councillor Schell, Councillor Scott (13)

Absent: (0)

(Councillors' Lounge)

Administrative Staff Present:

Mr. K. Arjoon, Deputy City Clerk
Ms. C. Beach, Commissioner of Corporate and Strategic Initiatives
Mr. J. Bolognone, City Clerk
Mr. P. Huigenbos, Manager, Real Estate and Land Development
Mr. G. Hunt, Chief Administrative Officer
Mr. H. Linscott, Director, Legal Services

Committee of the Whole "Closed Meeting"

- 1) Moved by Councillor Berg
Seconded by Councillor George

That Council resolve itself into the Committee of the Whole "Closed Meeting" to consider the following item:

- (a) A proposed or pending acquisition or disposition of land by the municipality or local board - Lease Renewal - Kingston General Hospital Helipad in Memorial (Macdonald) Park.

Carried (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Reitzel (1)

(Council Chamber)

Administrative Staff Present:

Mr. K. Arjoon, Deputy City Clerk
Ms. S. Bailey, Manager, Heritage and Urban Design
Ms. C. Beach, Commissioner of Corporate and Strategic Initiatives
Mr. J. Bolognone, City Clerk
Mr. J. Garrah, CEO, Kingston Economic Development Corporation
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
Mr. S. Laidman, Acting Director, Planning and Development
Ms. M. Laplante-Wheeler, Manager, Client Services and Acting Manager, Communications
Mr. D. Leger, Commissioner of Transportation, Facilities and Emergency Services
Mr. H. Linscott, Director, Legal Services
Mr. G. McLean, Policy and Program Coordinator
Ms. P. Nichols, Manager, Parking Operations
Ms. S. Nicholson, Director, Corporate Affairs
Ms. C. Thomson, Assistant to the Mayor
Mr. M. Van Buren, Director, Engineering
Mr. C. Wiginton, Acting Director, Cultural Services
Ms. H. Wilson, Manager, Intergovernmental Relations

Report of the Committee of the Whole “Closed Meeting”

- 2) Moved by Councillor Reitzel
Seconded by Councillor George

That Council rise from the Committee of the Whole “Closed Meeting”, that the rules of By-Law Number 2010-1, as amended be waived and the Chair report.

Carried (13:0)
(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 Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

Moved by Councillor Glover

Seconded by Councillor Hector

That Council determine and declare that the provision of a grant to Kingston General Hospital ("KGH") in the form of a land lease renewal at a consideration less than the fair market value of \$10,000 for the purpose of KGH providing an air ambulance heliport for life-saving patient care in Memorial (MacDonald) Park is considered to be in the interests of the municipality; and

That Council authorizes a five (5) year lease renewal, commencing June 1, 2013, of a portion of the land in Memorial (Macdonald) Park to KGH at an annual starting rent of \$5,000 with a 2% annual increase plus a matching grant of leased land in the amount of \$5,000 with a 2% annual increase, in the form of a land lease at less than fair market value for the purpose of assisting KGH to provide an air ambulance heliport for life-saving patient care; and

That staff be directed to negotiate such agreements as are necessary to give effect to the land lease renewal by way of grant; and it being understood that at the end of the five (5) year period, the City of Kingston will be seeking a rent that reflects fair market value; and

That the Mayor and Clerk be authorized to execute such agreements and documents as are necessary to renew the land lease with KGH, such agreements and documents to be to the satisfaction of the Director of Legal Services.

Carried (13:0)
(See Recorded Vote)

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

Approval of Addeds

Council consented to the separation of New Motion Number (5).

Moved by Councillor Berg

Seconded by Councillor George

That the addeds, less New Motion Number (5) be approved.

Carried (13:0)
(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 Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

Moved by Councillor Berg

Seconded by Councillor George

That the inclusion of New Motion Number (5), be approved.

Lost (7:6)
(A 2/3 Vote of Council Was Not Received)
(See Recorded Vote)

YEAS: Councillor Berg, Councillor George, Mayor Gerretsen, Councillor Hector, Councillor Paterson, Councillor Reitzel, Councillor Scott (7)

NAYS: Councillor Downes, Councillor Glover, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Schell (6)

ABSENT: (0)

Disclosure of Pecuniary Interest

Councillor Schell declared a pecuniary interest in the matter of New Motion Number (3) as her son is employed by the as her son is an employee of the Ontario Lottery and Gaming Corporation in Gananoque.

Presentations

Mayor Gerretsen presented to Council the token of appreciation presented to him, on behalf of the City of Kingston, at the Soldier On Afghanistan Relay on May 5, 2014. The token of appreciation, a glass Inukshuk, is inscribed with the words “thank you” and the Soldier On logo. The Mayor shared the following sentiment about the Inukshuk that was read when he received it:

“Each stone is a separate entity. Each supports, and is supported by, the one above and below it. No one piece is any more or less important than another. Its strength lies in its unity. Its significance comes from its meaning as a whole. What is true about the Inukshuk is true about people. Each individual entity alone has significance. As part of a team each of us supports and is supported by, another. We are united by our common goals, and together we are part of a greater whole.”

Delegations

1. Rob Wood, Chief Executive Officer/President, 8020 Info Inc., spoke to Council regarding Clause (1b), Report Number 62, Received from the Chief Administrative Officer, with respect to the Intelligent Communities Forum Summit 2014 – Update.

Briefings

Petitions

Motions of Congratulations, Recognition, Sympathy, Condolences and Speedy Recovery

Council consented to the addition of Motions of Congratulations (1) through (3)

1. Moved by Councillor Berg
Seconded by Councillor Paterson

That the congratulations of Kingston City Council be extended to the Rogers K-Rock Centre team on winning the 2014 Major Facility of the Year, under 8,000 seats, by the Canadian Music and Broadcast Industry Awards. This is the fifth time in six years the Rogers K-Rock Centre has received this honour.

2. Moved by Councillor Schell
Seconded by Councillor Glover

That the congratulations of Kingston City Council be extended to the Agnes Etherington Art Centre on the donation by Drs. Alfred and Isabel Bader of 69 paintings, a treasure of Dutch and Flemish Baroque art from the school of Rembrandt. The Art Centre is a jewel in the heart of Kingston and home to a remarkable collection for the enjoyment of the citizens of this region. With this gift, the international standing of Kingston as a crucial cultural site is greatly enhanced.

3. Moved by Councillor Hector
Seconded by Councillor George

That the congratulations of Kingston City Council be extended to A. Britton Smith, and former Royal Military College Commandant Brigadier General William Turner, who have both been awarded the rank of Knight of the French National Order of the Legion of Honour (Chevalier dans l'Ordre national de la Legion d'honneur), effective March 27.

Carried (13:0)
(See Recorded Vote)

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

Deferred Motions

Reports

Report Number 61: Received from the Chief Administrative Officer (Consent)

Council consented to the separation of Clauses (c) and (g).

Moved by Councillor Reitzel
Seconded by Councillor Schell

That Report Number 61: Received from the Chief Administrative Officer (Consent) be received and adopted.

a) Application for License Assignment of a Serving Sidewalk Patio on the Ontario Street Frontage Operating Blu Martini Grill & Bar Located At 178 Ontario Street

That Council authorize the Mayor and Clerk to enter into a License Agreement with the owner of Blu Martini Grill located at 178 Ontario Street for the lease of City property adjacent to their business on the Ontario 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 (14-181) was attached to the agenda.)

(File Number CSU-D23-000-2014)

b) Application for License Assignment of a Serving Sidewalk Patio on the Ontario Street Frontage Operating Apsara Angkor Cuisine Located at 189 Ontario Street

That Council authorize the Mayor and Clerk to enter into a License Agreement with the owner of Apsara Angkor Cuisine located at 189 Ontario Street for the lease of City property adjacent to their business on the Ontario 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 (14-182) was attached to the agenda.)

(File Number CSU-D23-000-2014)

c) Road Repairs/Rehabilitation 2014

That Council approve funding in the amount of \$3,000,000 from the Municipal Capital Reserve Fund for road rehabilitation work to address road segments where significant deterioration has occurred as a result of extreme winter weather.

(The Report of the President and CEO of Utilities Kingston (14-189) was attached to the agenda.)

(File Number CSU-T04-000-2014)

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

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

NAYS: Councillor Schell (1)

ABSENT: (0)

d) Purchase of Pay & Display Parking Meters

That the Parking Operations Division be authorized to single source, pursuant to *Purchasing By-Law 2000-134*, Pay & Display parking meters from Cale Systems Inc., not to exceed \$225,000.

(The Report of the Commissioner of Transportation, Facilities and Emergency Services (14-174) was attached to the agenda.)

(File Number CSU-T02-001-2014)

e) Federal Gas Tax Funding Agreement

That a by-law be presented to Council and given three readings at the same meeting to authorize the Mayor and City Clerk to execute the Municipal Funding Agreement for the Transfer of Federal Gas Tax Funds between The Association of Municipalities of Ontario and The City of Kingston, subject to the satisfaction of the Director of Legal Services, attached as Exhibit A to Report Number 14-178.

(The Report of the City Treasurer (14-178) was attached to the agenda.)

(File Number CSU-F11-000-2014)

(See By-Law Number (5), 2014-87)

**f) Appointment of Municipal By-Law Enforcement Officers – jessandewen.ca
Exceptional University Housing**

That a by-law be presented to amend By-Law No. 99-166, “A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or Local Board”, to appoint Ewen MacKinnon, Jessica MacKinnon, Mary Ellen Courtright and Malcolm Arthur Cooke for the purpose of issuing parking violation tickets and to enforce the provisions of By-Law 99-166 on the properties located at 112 Nelson Street, 134 Colborne Street, 206 Bagot Street, 402 Johnson Street, 196, 198 and 200 Union Street West, and 149 Collingwood Street; and

That this approval is subject to the applicant entering into an agreement, in a form satisfactory to the City Solicitor, to indemnify and save harmless the City from all claims and actions that might arise, and subject further to providing proof of sufficient insurance in a form satisfactory to the City Solicitor.

(The Report of the Commissioner of Community Services (14-172) was attached to the agenda.)

(File Number CSU-P01-002-2014)

(See By-Law Number (1), 2014-83)

g) 2014 Kid’s Perch Derby at Portsmouth Olympic Harbour Waiver of Fees and Charges By-Law

That Council waive the fees of \$2,878.93 (Sail Room rental \$2,249.81 and the Lobby Area rental \$629.12) for the 2014 Kids’ Perch Derby at Portsmouth Olympic Harbour, August 28-30, 2014 and that this be funded from the Working Fund Reserve.

(The Report of the Commissioner of Community Services (14-130) was attached to the agenda.)

(File Number CSU-A21-000-2014)

Carried (13:0)
(See Recorded Vote)

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)
NAYS: (0)
ABSENT: (0)

h) Relief from Sign By-Law 2009-140 for a Ground Sign - Town Homes Kingston at 610 Montreal Street

That a by-law be presented to amend Sign By-Law 2009-140 to reduce the 4.25 metre (14 feet) minimum ground clearance required below a sign within a sight triangle according to Schedule 'G-1' sentence 8, in order to permit Kingston Municipal Non Profit Housing Corporation of 610 Montreal Street at Railway Street, to erect a ground sign with approximately 1 metre (3 feet 3 inches) of ground clearance exclusive of supports.

(The Report of the Commissioner of Community Services (14-168) was attached to the agenda.)

(File Number CSU-T07-000-2014)

(See By-Law Number (2), 2014-84)

i) 2014 Municipal Election – Statutory By-laws

That in accordance with the Municipal Elections Act, 1996 as amended, the following by-laws be presented to Council for enactment:

- a) A By-Law To Authorize The Use Of Optical Scan Vote Tabulators And Telephone And Internet Voting - For The Purpose Of The 2014 Municipal Election;
- b) A By-law to Provide for Reduced Opening Hours of Voting in Institutions and Retirement Homes on Voting Day October 27, 2014, for the 2014 Municipal Election; and

That the by-laws receive all three readings.

(The Report of the City Solicitor and Director of Legal Services (14-193) was attached to the agenda.)

(File Number CSU-C07-000-2014)

(See By-Law Number (6), 2014-88)

(See By-Law Number (7), 2014-89)

Carried (13:0)
(Clauses (a), (b), (d) through (f), (h) and (i))
(See Recorded Vote)

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

Reports (Continued)

Report Number 62: Received from the Chief Administrative Officer (Recommend)

Moved by Councillor Paterson

Seconded by Councillor Berg

That Report Number 62: Received from the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Council consented to the amendment of Clause (2).

Report Number 62

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

1a) Gerard Hunt, Chief Executive Officer, provided a briefing to Council regarding Clause (1b), Intelligent Communities Forum Summit 2014 – Update.

1b) Intelligent Communities Forum Summit 2014 – Update

That Council approve the Mayor and Chief Administrative Officer leading the city's delegation to New York City June 3 to 5, and endorse the strategies and financial outlay outlined in Report Number 14-173 to enable Kingston to continue to pursue being named the world's most intelligent community for 2014.

(The Report of the Chief Administrative Officer (14-173) was attached to the agenda.)

(File Number CSU-M11-000-2014)

Carried (13:0)
(See Recorded Vote)

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

2) Rogers K-Rock Centre Scoreboard Replacement

That Council approve a capital budget amendment in the amount of \$550,000 for the purposes of replacing the score clock/video system, to be funded from debt issuance through the City's K-Rock Reserve Fund; and

That the City Treasurer be delegated authority to structure the debt, its repayment terms and appropriate interest with amortization over a 5 year term; and

That Council direct staff to work with the SMG Canada Rogers K-Rock Centre manager as required pursuant to the operation agreement to support the negotiation and finalization of the procurement by SMG Canada of the facility's score clock from Daktronics Canada Inc. to the satisfaction of the Commissioner of Transportation, Facilities and Emergency Services and the Director of Legal Services.

(The Report of the Commissioner of Transportation, Facilities and Emergency Services (14-199) was attached to the agenda.)

(File Number CSU-R05-001-2004/03)

**Carried As Amended (12:1)
(See Recorded Vote)**

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

NAYS: Councillor Downes (1)

ABSENT: (0)

3) Settlement of Conservation Review Board Appeal 2312 Princess Street – Pleasant View

That Council approve the application of the "Site Development Guidelines, Pleasant View, 2312 Princess Street, Kingston Ontario, Heritage Value Protection & Development Opportunities, July 2013" (Development Guidelines), attached as Exhibit B to Report Number 14-072; and

That Council authorize the Mayor and Clerk to sign the Minutes of Settlement and any further documents and processes to give effect to the Minutes of Settlement, to the satisfaction of the Director of Legal Services; and

That staff be directed to present to Council the proposed designation by-law for 2312 Princess Street – Pleasant View, as of being of cultural heritage value and interest, attached as Exhibit A to Report 14-072, after notification from the Conservation Review Board has been received notifying that an appeal has been withdrawn and advising the City to proceed with the designation process.

(The Report of the Commissioner of Community Services (14-072) was attached to the agenda.)
(File Number CSU-R01-000-2014)

Carried (13:0)
(See Recorded Vote)

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

Reports (Continued)

Report Number 63: Received from the Planning Committee

Moved by Councillor Paterson
Seconded by Councillor Berg

That Report Number 63: Received from the Planning Committee be received and adopted.

Council consented to the separation of Clause (3).

Report Number 63

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

1. Application for Zoning By-Law Amendment - 16 James Street

That the application for Zoning By-Law Amendment (Our File Number D14-057-2013) submitted by Mary Ellen McGill for the property municipally known as 16 James Street, be approved; and

That the City of Kingston Zoning By-Law Number 8499, as amended, be further amended as follows:

1. Map 17 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from One-Family Dwelling and Two-Family Dwelling Zone 'A' to One-Family Dwelling and Two-Family Dwelling Zone 'A.446', as shown on Schedule "A" attached to and forming part of By-Law Number 2014-90.

2. By **Adding** the following section to Part VIII – Exceptions to various zone classifications:

“(446) 16 James Street

Notwithstanding the provisions of Section 5 and Section 6 hereof to the contrary, the lands designated ‘A.446’ on Schedule ‘A’ hereto, the following regulations shall apply:

- a) Definitions:

For the purpose of the ‘A.446’ zone, the following definition shall apply:

Bedroom shall mean any room within a residential unit that is suitable to be used as a sleeping room under the *Ontario Building Code*, and which for greater certainty does not include:

- (i) Common areas open to all occupants of the unit;
 - (ii) Areas used for sanitary (such as washroom) or cooking purposes (such as a kitchen), and
 - (iii) Areas occupied by mechanical equipment, such as furnaces, hot water heaters and laundry equipment.
- b) Maximum number of dwelling units: 2
- c) Maximum aggregate number of bedrooms: 4
- d) Off Street Parking:
- (i) Parking shall only be located behind the front wall of the main building; and
 - (ii) Parking in a stacked/tandem arrangement shall be permitted for a maximum of two parking spaces.

That the amending By-Law receive all three readings.

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

(See By-Law No. (8), 2014-90)

2. Amendment to a Condominium Agreement and Condominium Description, with Frontenac Condominium Corporation 59, for 350 Wellington Street

That the application for an Amendment to a Plan of Condominium Description submitted by Frontenac Condominium Corporation 59 for 2 additional parking spaces on an existing parking lot at 350 Wellington Street, be approved; and

That approval of an amended Plan of Condominium Description submitted by Frontenac Condominium Corporation 59, be granted with respect to changing the condominium description and declaration to recognize 2 additional parking spaces at 350 Wellington Street, subject to the owner entering into a Amending Condominium Agreement with the City, if required, which Agreement shall provide further notice to the Condominium Corporation and present and future purchasers of the existing and amended conditions contained within the registered Site Plan

Control Agreement and that the Condominium Corporation will be responsible for maintaining the approved site works and fulfilling any conditions of the Agreement; and

That following the execution of the Amended Condominium Plans and/or Amending Condominium Agreement, the Director of Legal Services is authorized to forward the necessary signed and stamped originals and required copies of the Amended Plan of Condominium to the Land Registry Office for registration.

**Carried (13:0)
(Clauses (1) and (2))
(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

3. Application for Zoning By-Law Amendment, 1006 Portsmouth Avenue

That the application for Zoning By-Law Amendment (File Number D14-051-2013) submitted by Gary Lupton, for the property municipally known as 1006 Portsmouth Avenue, be approved; and

That the City of Kingston Zoning By-Law Number 8499, as amended, be further amended as follows:

1. Map 11 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from One-Family Dwelling and Two-Family Dwelling Zone 'A5' and Environmental Protection Area Zone 'EPA' to Special Three to Six Family Dwelling Zone 'B.444' and Environmental Protection Area Zone 'EPA', as shown on Schedule "A" attached to and forming part of By-Law Number. 2014-91.
2. That the By-Law be amended by the addition of the following section to PART VIII – EXCEPTIONS TO THE VARIOUS ZONE CLASSIFICATIONS:

"444.B.444 1006 Portsmouth Avenue

Notwithstanding the provisions of Section 5 and Section 13 hereof to the contrary, the lands designated 'B.444' on Schedule 'A' hereto, the following regulations shall apply:

- a) Maximum Number Of Dwelling Units: 3
- b) Minimum Front Yard: 7.5 metres
- c) Off-Street Parking:
 - (i) A minimum 1 parking space per dwelling unit shall be provided

- (ii) Parking shall only be located behind the front wall of the main building
- (iii) Parking in a stacked/tandem arrangement shall be permitted for a maximum of two parking spaces
- d) Landscaping: A minimum 1.0 metre wide soft landscaping strip shall be provided and maintained adjacent to the entire length of the north wall of the main building.
- e) Flood Plain Setback:
 - (i) No building or structure shall be erected within 6.0 metres of an 'EPA' zone
 - (ii) Parking shall be permitted within this setback requirement
- f) Play Space: There shall be no play space requirement
- g) Vehicle Access: A maximum of one access shall be permitted to the property from Portsmouth Avenue"; and

That the amending By-Law receive all three readings.

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

(See By-Law No. (9), 2014-91)

Carried (13:0)
(See Recorded Vote)

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

Reports (Continued)

Report Number 64: Received from the Municipal Heritage Committee

Moved by Councillor Glover
Seconded by Councillor Schell

That Report Number 64: Received from the Municipal Heritage Committee be received and adopted.

Report Number 64

To the Mayor and Members of Council:

The Municipal Heritage Committee reports and recommends as follows:

1. Request to Alter a Heritage Designated Property – 752 King Street West/8 Estate Lane

That alterations to a designated property at 752 King Street West/8 Estate Lane (Rockwood Villa) be approved in accordance with details described in Application P18-244-032-2014 which was deemed complete on April 1, 2014, with said alterations to include the removal of the existing ramp, rear door and windows, two exterior staircases on the side and rear of the building, and concrete side walk and installation of a new concrete barrier-free ramp (with black handrails), rear entrance door (with simulated divided light transom and side lights), secondary staircase and concrete sidewalk; and

That the approval be subject to the following conditions:

1. Any required building permits be obtained; and
2. The window replacements be done in accordance with the City's Policy on Window Renovations in Heritage Buildings.

2. Request to Alter a Heritage Designated Property – 23-25 West Street

That alterations to a designated property at 23-25 West Street, be approved in accordance with details described in Application P18-562-030-2014 / P18-399-031-2014, which was deemed complete on March 26, 2014, with said alterations to include reshingling the roof of the existing dwelling; and

That the approval be subject to the following conditions:

- I. A building permit is obtained if required; and
- II. Three tab shingles which are plain in colour (black or grey) are to be used in place of proposed architectural shingles.

3. Request to Alter a Heritage Designated Property – 211 Barrie Street

That alterations to a designated property at 211 Barrie Street, be approved in accordance with details described in Application P18-067-034-2014, which was deemed complete on April 1, 2014, with said alterations to include the installation of two handrails for safety and accessibility purposes; and

That the approval be subject to the following conditions:

- I. A building permit is obtained; and
- II. All masonry work shall be completed in accordance with the City of Kingston's 'Policy on Masonry Restoration in Heritage Buildings'.

4. Request to Alter a Heritage Designated Property – 172 Ontario Street

That alterations to a designated property at 172 Ontario Street (known as the Anglo-American Hotel), be approved in accordance with details described in Application P18-265-038-2014 which was deemed complete on April 16, 2014, with said alterations to include the partial removal of the rear one-storey addition and construction of a new 4.5 by 10.2 metre two-storey addition; and

That the approval be subject to the following conditions:

1. All required building permits be obtained;
2. All required Planning Act approvals be obtained;
3. All window alterations be completed in accordance with the City's Policy on Window Renovations in Heritage Buildings;
4. All masonry work be completed in accordance with the City's Policy on Masonry Restoration in Heritage Buildings;
5. The detailing of the second floor and roof top railings be simplified by being made straight rather than curved;
6. The applicant consider stucco instead of wood siding at the rear of the building.

5. Request to Alter a Heritage Designated Property – 53-55 West Street

That alterations to a designated property at 53 West Street, be approved in accordance with details described in Application P18-1241-039-2014, which was deemed complete on April 11, 2014, with said alterations to remove a rear frame addition, add a wooden deck with stairs to the rear of the property and add a brick addition with a raised foundation to the south elevation of the existing dwelling; and

That the approval be subject to the following conditions:

- i. All required *Planning Act* approvals be obtained;
- ii. All required building permits be obtained;
- iii. A fire escape plan for the construction phase of the project is required to be approved by Kingston Fire and Rescue;
- iv. That the project and any associated below grade disturbance be preceded by the completion of a minimum of a Stage 1 Archaeological Assessment, as the property is located in an "Archaeologically Sensitive Area" as per the Council approved Archaeology Master Plan;
- v. That the project be completed in accordance with the Environmental construction notes provided to the applicant;
- vi. That the cladding for the addition be red clay brick and limestone veneer for the raised foundation, with careful consideration of the brick to be used on the addition to the building; and
That the colour of the brick be similar or subdued; and
That the brick match the coursing as much as possible;
- vii. That where possible, limestone sills removed for the addition be reused in the new openings;
- viii. That, in accordance with the Heritage Impact Statement, the applicant develops a landscape plan for the overall property to address the possible removal of one to two trees for the construction of the side addition;

- ix. That in accordance with the Heritage Impact Statement, the project be preceded by documentation of the exterior of the south wall to be submitted to the Heritage and Urban Design Division of the City and Queen's Archives;
- x. That the south and west sides of the porch stairway of the proposed porch be similar in design to the south face of the porch of 55 West Street including the fascia and trim and the arched surrounds of the lattice grill;
- xi. That the balcony and fascia at 53 West Street be reduced in height to be narrower than the balcony and fascia at 55 West Street;
- xii. That detailed construction drawings be submitted to Heritage & Urban Design staff for review and confirmation;
- xiii. That the windows in the addition at 53 West Street be 2/2 throughout the second floor; and

That the windows be either metal clad over wood, or wood only with proper simulated light designs; and

That alterations to a designated property at 55 West Street, be approved in accordance with details described in Application P18-400-037-2014, which was deemed complete on April 11, 2014, with said alterations to construct a rear brick addition to the existing dwelling with an attached rear deck and stairs; and

That the approval be subject to the following conditions:

- i. All required Planning Act approvals be obtained;
- ii. All required building permits be obtained;
- iii. That the project and any associated below grade disturbance be preceded by the completion of a minimum of a Stage 1 Archaeological Assessment, as the property is located in an "Archaeologically Sensitive Area" as per the Council approved Archaeology Master Plan;
- iv. That the project be completed in accordance with the Environmental construction notes provided to the applicant;
- v. That where possible, limestone sills removed for the addition be reused in the new openings;
- vi. That the cladding for the addition be red clay brick and limestone veneer for the raised foundation, with careful consideration of the brick to be used on the addition to the building; and

That horizontal wood clad siding may be considered for the rear addition as an alternative.

6. Request to Alter a Heritage Designated Property – 57 - 61 Brock Street

That the application outlined in the following recommendation be refused:

“**That** alterations to a designated property at 57-61 Brock Street, be approved in accordance with details described in Application P18-076-036-2014 which was deemed complete on April 14, 2014, with said alterations to include the removal and replacement of six (6) second storey windows with six over six, simulated divided light, double-hung sash PVC windows in an exterior cream colour; and

That the approval be subject to the following conditions:

1. All second storey transoms windows are to be retained and repaired; and
2. All window repairs and replacements are to be completed in accordance with the City’s Policy on Window Renovations in Heritage Buildings.”

(Exhibit A was attached to the agenda.)

7. Request for Heritage Property Grant Application for Heritage Designated Property – 52/56 Earl Street

That the Heritage Property Grant application for the designated property at 52/56 Earl Street, be provisionally approved, subject to the standard requirements pertaining to the completion of the works and the release of funding, in accordance with the details described in Application HG-01-2014.

8. Request for Heritage Property Grant Application for Heritage Designated Property – 129 William Street

That the Heritage Property Grant application for the designated property at 129 William Street, be provisionally approved, subject to the standard requirements pertaining to the completion of the works and the release of funding, in accordance with the details described in Application HG-02-2014.

Carried (12:0)
(Clauses (1) through (8))
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Downes (1)

Reports (Continued)

Report Number 65: Received from the Administrative Policies Committee

Moved by Councillor Paterson
Seconded by Councillor Hector

That Report Number 65: Received from the Administrative Policies Committee be received and adopted.

Report Number 65

To the Mayor and Members of Council:

The Administrative Policies Committee reports and recommends as follows:

1. 2013 Audited Financial Statements

That Council receive and approve the Audited Financial Statements of the Corporation of the City of Kingston for the year ended December 31, 2013, attached as Exhibit A.

(Exhibit A was attached to the agenda as Schedule Pages 185 - 222)

Carried (13:0)
(See Recorded Vote)

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

2. Information Reports Submitted by Members of Council

That the Members of Council who have been appointed by Council and/or elect to attend conferences, boards and committee meetings at the City's expense be authorized to place reports on the Council agenda, as per the template attached as Exhibit A to Report AP-14-013; and

That an amending by-law be presented to Council to amend By-law 2010-1, as amended, "The Council Procedural By-law", as follows;

- a) That Section 11.1 be amended by including a new (xvi), entitled "Information Reports from Members of Council", and that the subsequent headings be renumbered accordingly,
- b) That the following section be added, as a new section 11.25, and that the subsequent sections be renumbered and adjusted accordingly;

“Information Reports from Members of Council”

11.25 Information Reports can be submitted from Members of Council, who have been appointed or elect to attend conferences, board or committees meetings at the City’s expense, to communicate information to other members of Council and the public. The Clerk shall only list Information Reports submitted by 12:00 noon on the Tuesday preceding the regular council meeting.”

(Exhibits A and B were attached to the agenda.)

(See By-Law Number (3), 2014-85)

**Carried (13:0)
(See Recorded Vote)**

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)
NAYS: (0)
ABSENT: (0)

Information Reports

1. Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of March 2014

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 March 2014.
2. Report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of March 2014.

(The Report of the City Treasurer (14-163) was attached to the agenda.)
(File Number CSU-F18-0001-2014)

2. First Quarter Operating Budget Status Report for 2014

This information report is to provide a financial status update of the general operating fund as at March 31, 2014, the end of the first fiscal quarter.

(The Report of the City Treasurer (14-165) was attached to the agenda.)
(File Number CSU-F05-000-2014)

3. 2013 Development Charges Reserve Fund Statement / 2013 Impost Reserve Fund Statement

The purpose of this report is to provide Council with a status report of the City's Development Charges (DC) Reserve Funds and Impost Reserve Funds as at December 31, 2013.

(The Report of the City Treasurer (14-164) was attached to the agenda.)
(File Number CSU-F20-000-2014)

4. Kingston Transportation Master Plan (KTMP) Update

This information report is to:

- To provide information and share results of the "Public Attitudes Transportation Survey" that was administered to 846 Kingston residents in the fall of 2013.
- To identify emerging trends in transportation and assess how these changes could impact future travel in the City.
- To reflect on the strategic direction established within the 2004 KTMP and evaluate progress to date. To assess and recommend the strategic direction to be utilized within the 2014 KTMP.

(The Report of the President and CEO of Utilities Kingston (14-186) was attached to the agenda.)
(File Number CSU-T10-000-2014)

5. Rogers K-Rock Centre, Audited Financial Statements as at December 31, 2013

The purpose of this report is to provide Council with a copy of the Audited Financial Statements for the Rogers K-Rock Centre as at December 31, 2013. The audit was completed by Collins Blay & Co. Professional Chartered Accountants. Preliminary results were presented by the City Treasurer on April 15, 2014, in Report 14-106, Fourth Quarter Operating Budget Report for 2013.

(The Report of the Commissioner of Transportation, Facilities and Emergency Services (14-179) was attached to the agenda.)
(File Number CSU-R05-001-2004/03)

6. Artillery Park – Project Completion and Process

This report is to provide Council with a project completion update and to provide a response to concerns recently forwarded to the City in relation to the process taken to award the construction contract.

(The Report of the Commissioner of Community Services (14-194) was attached to the agenda.)
(File Number CSU-R05-000-2014)

7. J.K. Tett Centre Project Status Update

The purpose of this information report is to provide Council with a status update on the redevelopment of the Tett Centre for Creativity and Learning (Tett Centre) scheduled to open in September 2014. Project and operating activities have been summarized to provide Council and members of the public with an update on the many activities progressing for the site.

(The Report of the Commissioner of Corporate & Strategic Initiatives and the Commissioner of Transportation, Properties, and Emergency Services (14-167) was attached to the agenda.)

(File Number CSU-R05-000-2014)

8. Priority Status Matrix Update – Q1 2014

The 2014 Priority Status Matrix reflects the work plan initiatives that have been assigned in Kingston's Strategic Plan 2011-2014 and other initiatives assigned by or directed by Council. The 2014 Priority Status Matrix is divided into two schedules, as follows:

- **Schedule A** includes initiatives in Kingston's Strategic Plan 2011-2014 scheduled for completion between 2014 and 2015.
- **Schedule B** consists of Initiatives assigned by motion of Council and includes matters that carry over from 2013 year end.

(The Report of the Chief Administrative Officer (14-195) was attached to the agenda.)

(File Number CSU-C08-000-2014)

Miscellaneous Business

1. Moved by Councillor Berg
Seconded by Deputy Mayor Neill

That the resignation of Roy O'Donnell from the Lemoine Point Advisory Committee be accepted with regret.

(See Communication Number 18-230)

Carried (12:0)
(See Recorded Vote)

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

2. Moved by Councillor Schell
Seconded by Councillor Reitzel

That, as requested by ALS Society of Kingston, Council approve the raising of the flag on May 31, 2014, in Confederation Park in the City of Kingston.
(See Communication Number 18-234)

Carried (12:0)
(See Recorded Vote)

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

3. Moved by Councillor Hector
Seconded by Councillor Osanic

That the resignation of Tonny Johansen from the Waterfront Master Plan Working Group be accepted with regret.
(See Communication Number 18-238)

Carried (12:0)
(See Recorded Vote)

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

4. Moved by Councillor George
Seconded by Councillor Osanic

THAT, as requested by Sustainable Kingston, Council proclaim June 1 – June 7, 2014 as “Environment Week” in the City of Kingston.
(See Communication Number 18-241)

Carried (12:0)
(See Recorded Vote)

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

New Motions

1. Moved by Councillor Downes
Seconded by Councillor Osanic

Whereas the alternate City Council delegate to KEDCO was the result of a unique accommodating circumstance of the first Kingston Council after amalgamation; and

Whereas questions have arisen to KEDCO from the Province of Ontario with regard to its governance model specifically related to this position; and

Whereas these questions necessitated a legal consultation; and

Whereas good governance is based on clarity of purpose:

Therefore Be It Resolved That Kingston City Council immediately eliminate the position of alternate delegate to the governing board of the Kingston Economic Development Corporation (KEDCO) and maintain its number of delegates at four (4); and

That a by-law be presented to Council to amend the By-law 2010-205, the Committee By-law as amended, Schedule D-1 (4) to eliminate the alternate Council position on KEDCO.

(A copy of the Draft By-law was attached to the agenda.)

(See By-Law Number (4), 2014-86)

Carried (13:0)
(See Recorded Vote)

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)
NAYS: (0)
ABSENT: (0)

Mayor Gerretsen passed the gavel to Deputy Mayor Neill who assumed the Chair.

2. Moved by Mayor Gerretsen
Seconded by Councillor Berg

Whereas construction hoarding is the practice of establishing a barrier between a construction site and public/private traffic; and

Whereas construction hoarding is necessary to ensure the safety of non-construction workers traveling around the area of a construction site; and

Whereas construction hoarding is deemed necessary by the City of Kingston and provincial and/or national labour regulations when construction sites are within close proximity to public and privately accessible areas; and

Whereas construction hoarding within the city of Kingston is granted and approved by the Building and Licensing Department; and

Whereas in some instances construction hoarding can have a negative impact on the visual appearance of a property and its surroundings; and

Whereas in other municipalities there are proven examples of how construction hoarding can be erected in a visually appealing manner while maintaining the necessary safety requirements; and

Whereas it is important to the City of Kingston to maintain a visually appealing urban core;

Therefore Be It Resolved That City Staff be directed to develop a by-law (or amendment to an existing by-law) to set a standard for the visual appearance of construction hoarding (under the control of the City) with an emphasis on improving the typical appearance of a construction site and the surrounding area; and further

That as part of this by-law, City Staff recommend a geographical area in which it will be in effect including at a minimum the Downtown Kingston Business Improvement Area (BIA) and other potential areas; and

That as part of the research to develop this by-law, City Staff consult with the Downtown Kingston! BIA and other stakeholder groups and other municipalities which have implemented similar by-laws; and further

That this by-law be submitted for consideration to the Administrative Policies Committee no later than its regular meeting in January 2015, for implementation aimed for the beginning of construction season 2015.

Carried As Amended (13:0)
(See Motion to Amend Which Was Carried)
(See Recorded Vote)

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

Moved by Deputy Mayor Neill
Seconded by Councillor Hutchison

That New Motion (2) be amended as follows:

- paragraph (7) be amended by deleting the word “downtown” and replacing it with the word “urban”; and
- paragraph (9) be amended by inserting the words “other potential areas” following the words “Downtown Kingston Business Improvement Area (BIA)”; and
- paragraph (10) be amended by inserting the words “and other stakeholder groups” following the words “Downtown Kingston! BIA”.

Carried (13:0)
(See Recorded Vote)

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

Deputy Mayor Neill returned the gavel to Mayor Gerretsen who assumed the chair. Councillor Schell withdrew from the meeting.

3. Moved by Councillor Hector
Seconded by Councillor Hutchison

Whereas on October 2, 2012 Kingston City Council passed a motion to advise the Ontario Lottery and Gaming Corporation that it is interested, in principle, in being a host municipality for a new gaming facility, and that as a condition, the City of Kingston Council further notify the OLG that it will not consider a casino in the Central Business District as designated under the City of Kingston Official Plan; and

Whereas at its October 16, 2012 meeting, Council passed a further motion to research and identify zoning setback best practices in gaming industry developments and report back with recommendations before January 2013 with additional funding up to the amount of \$25K from the Working Fund Reserve to assist with the preparation of the policy; and

Whereas the Gaming Facility Policy and Regulation Study was presented to the Planning Committee on January 17, 2013 as the basis for the preparation of Official Plan Amendments to be prepared by Staff and on February 5, 2013, in response to that Study, City Council directed that the Official Plan be amended; and

Whereas a public meeting regarding amendments to the City of Kingston Official Plan was held by Planning Committee on March 20, 2014; and

Whereas Kingston City Council has authorized a referendum on whether or not to host a casino in Kingston which is to be held in conjunction with the municipal elections [on October 27, 2014](#);

Therefore Be It Resolved That Kingston City Council direct staff to complete the Official Plan amendments necessary to exclude a gaming facility as a permitted use in the Central Business District area (downtown) by July, 2014; and

That Council direct staff to complete the amendment of the applicable Zoning By-law(s) reflecting the Official Plan amendments referenced above, as soon as possible.

Carried (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Schell (1)

Councillor Schell returned to the meeting.

4. Moved by Deputy Mayor Neill
Seconded by Councillor Hutchison

Whereas the City of Toronto has enacted By-law #1177-2009 to prohibit all Corporate and Union donations in Toronto Municipal Elections; and

Whereas other Ontario Municipalities are not granted the same powers to so adopt such rules of election finance under the Municipal Elections Act, 2006;

Therefore Be It Resolved That the City of Kingston request that the Province of Ontario grant similar powers to all Ontario Municipalities so that future Councils have the power to enact similar restrictions, should they so choose; and

That copies be sent to AMO, all Ontario Municipalities over 40,000 residents; and after the current election, to the Ontario Premier, Leaders of all parties, Minister of Municipal Affairs, and the Municipal Affairs Critics of all Parties.

(A copy of the City of Toronto By-law #1177-2009 was attached to the agenda.)

Carried With Agreed to Amendments (13:0)
(See Recorded Vote)

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)
NAYS: (0)
ABSENT: (0)

Notices of Motion

- 1) Moved by Councillor Reitzel
Seconded by Councillor Scott

Whereas Kingston City Council has identified the third crossing as a local infrastructure priority in the 2010-2014 City of Kingston Strategic Plan; and

Whereas the city has recently completed the Environmental Assessment (EA) study for the third crossing project to get it shovel ready; and

Whereas the Ontario government approved the EA for the third crossing; and

Whereas staff have identified to Kingston City Council the third crossing project cannot move forward without significant grants from the federal and provincial levels of government; and

Whereas the City of Kingston has a strong working relationship with the provincial government and there is a provincial election to elect a new Member of Provincial Parliament (MPP) for Kingston and The Islands; and

Whereas there are four candidates running to be the next MPP for Kingston and The Islands; Mark Bain for the Ontario Progressive Conservatives, Sophie Kiwala for the Ontario Liberal Party, Mary Rita Holland for the Ontario New Democratic Party and Robert Kiley for the Ontario Green Party; and

Whereas Kingston City Council and the residents of Kingston should know how each candidate running to be the next MPP for Kingston and The Islands plan to support provincial funding for the third crossing;

Therefore Be It Resolved That the Mayor on behalf of Kingston City Council send each candidate running to be the Member of Provincial Parliament for Kingston and The Islands a letter informing them about the third crossing as a local infrastructure priority and asking the questions: "if elected the next Member of Provincial Parliament for Kingston and The Islands would you support advocating for funding for the City's third crossing project? yes or no," and "how would your party invest in long term dedicated funding for municipal infrastructure?"; and

That once the responses to the questions are received from each candidate, that they be placed on the City's website to allow the public an opportunity to see the responses.

Minutes

Moved by Councillor George
Seconded by Councillor Osanic

That the Minutes of Special City Council Meeting Number 2014-16, held Tuesday, April 29, 2014, as well as City Council Meeting Number 2014-17, held Tuesday, May 6, 2014, be confirmed.

(Distributed to all Members of Council on Friday, May 16, 2014)

Carried (12:0)
(See Recorded Vote)

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

NAYS: (0)

ABSENT: Councillor Hector (1)

Tabling of Documents

Communications

Council consented to the addition of Communications (18-244) through (18-246).

Filed

18-219 From the Committee of Adjustment, a Notice of Decision for the following applications:

Minor Variance In respect of an application for consent to establish an easement/right-of-way for the property at 1451 Westbrook Road, the Committee decided that the application should be approved, subject to conditions. The final date for appeal is May 28, 2014.
(File Number CSU-D19-000-2014)

Consent – In respect of an application for consent to sever the property at 2188 Sydenham Road, the Committee decided that the application **Should Be Provisionally Approved**, subject to conditions. The final date for appeal is June 2, 2014.

Consent – In respect of an application for consent to sever the property at 4300 Unity Road, the Committee decided that the application **Should Be Provisionally Approved**, subject to conditions. The final date for appeal is June 2, 2014.

Consent – In respect of an application for consent to sever the property at 4356 Unity Road, the Committee decided that the application **Should Be Provisionally Approved**, subject to conditions. The final date for appeal is June 2, 2014.

Minor Variance In respect of an application for consent to establish an easement for the properties at 423, 425, 427, 429 Beth Crescent, the Committee decided that the application should be approved, subject to conditions. The final date for appeal is June 2, 2014.
(File Number CSU-D19-000-2014)

Minor Variance In respect of an application for consent to establish an easement for the properties at 301, 303, 305, 307, and 309 Janette Street, the Committee decided that the application should be approved, subject to conditions. The final date for appeal is June 2, 2014.
(File Number CSU-D19-000-2014)

Minor Variance In respect of an application for consent to establish an easement for the properties at 311, 313, 315, 317, and 319 Janette Street, the Committee decided that the application should be approved, subject to conditions. The final date for appeal is June 2, 2014.
(File Number CSU-D19-000-2014)

Minor Variance In respect of an application for consent to establish an easement for the properties at 321, 323, 325, 327, and 329 Janette Street, the Committee decided that the application should be approved, subject to conditions. The final date for appeal is June 2, 2014.
(File Number CSU-D19-000-2014)

- 18-220 From the Tir-Nan-Og, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 200 Ontario Street.
(File Number CSU-P09-000-2014)
- 18-236 From the Trident Yacht Club, providing a letter regarding the application for a temporary extension for a Liquor Licence on Saturday, June 7, 2014.
(File Number CSU-P09-000-2014)
- 18-240 From Apsara Angkor, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 189-191 Ontario Street.
(File Number CSU-P09-000-2014)

Referred to All Members of Council

- 18-221 From Frontenac Federation of Agriculture, providing a letter regarding the shoulders of the new roads being rebuilt within city limits.
(Distributed to all Members of Council on May 9, 2014)
(File Number CSU-T04-000-2014)
- 18-222 From Kaitlyn MacMillan, Job Clerk, Cruickshank Group, providing a notice of Lane Closure for Highway 401.
(Distributed to all Members of Council on May 9, 2014)
(File Number CSU-T04-000-2014)
- 18-223 From AMO, providing breaking news regarding the 2014 Provincial Budget.
(Distributed to all Members of Council on May 9, 2014)
(File Number CSU-F05-000-2014)
- 18-224 From Sheilagh Dunn, Director, Government and Institutional Relations, Queen's University, providing a letter to Council regarding the revitalization of Richardson Stadium.
(Distributed to all Members of Council on May 9, 2014)
(File Number CSU-R05-000-2014)
- 18-225 From Russ Powers, AMO President, providing a letter regarding today's Provincial Budget.
(Distributed to all Members of Council on May 9, 2014)
(File Number CSU-F05-000-2014)
- 18-226 From CRCA, providing a flood warning update for May 5, 2014.
(Distributed to all Members of Council on May 9, 2014)
(File Number CSU-E05-000-2014)
- 18-227 From Murray MacKenzie, providing a letter to Council with regarding the curbs on Division Street.
(Distributed to all Members of Council on May 9, 2014)
(File Number CSU-M04-000-2014)
- 18-228 From AMO, providing the 2014-2016 Request for Nominations for the AMO Board of Directors.
(Distributed to all Members of Council on May 9, 2014)
(File Number CSU-A01-004-2014)
- 18-229 From AMO, providing breaking news regarding the announcement of new presumptive cancers for firefighters.
(Distributed to all Members of Council on May 9, 2014)
(File Number CSU-L11-000-2014)
- 18-230 From Roy O'Donnell, advising of his resignation from the Lemoine Point Advisory Committee.
(File Number CSU-C12-000-2014)
(See Miscellaneous Business Item Number 1)

- 18-231 From Downtown Kingston! BIA Board of Management, providing an invitation to Council for the Spring General Meeting, Wednesday May 21, 2014.
(File Number CSU-A01-001-2014)
(Distributed to All Members of Council on May 13, 2014)
- 18-232 From the CRCA, providing a flood watch warning update for May 9, 2014.
(File Number CSU-E05-000-2014)
(Distributed to All Members of Council on May 13, 2014)
- 18-233 From Jeff King, Environmental Planner, McIntosh Perry Consulting Engineers, providing a Ministry of Transportation Detail Design Study and Environmental Assessment Highway 401 Pavement Rehabilitation from Highway 15 to Joyceville Road, indicating that comments must be received by Wednesday, May 14, 2014.
(File Number CSU-T04-000-2014)
(Distributed to All Members of Council on May 13, 2014)
- 18-234 From ALS Society of Kingston, asking that Council raise the flag on Saturday, May 31, 2014 in Confederation Park in the City of Kingston.
(File Number CSU-M10-000-2014)
(See Miscellaneous Business Item Number (2))
(Distributed to all Members of Council on May 13, 2014)
- 18-238 From Tonny Johansen, P.Eng., advising of his resignation from the Waterfront Master Plan Working Group.
(File Number CSU-C12-000-2014)
(See Miscellaneous Business Item Number (3))
- 18-239 From Kingscourt Community Association, providing a letter regarding the Joint-use proposal for Kingscourt elementary school on the QECVI site.
(File Number CSU-R07-000-2014)
(Distributed to all Members of Council on May 13, 2014)
- 18-241 From Sustainable Kingston, asking that Council proclaim June 1 – June 7, 2014 as “Environment Week” in the City of Kingston.
(File Number CSU-M10-000-2014)
(See Miscellaneous Business Item Number (4))
(Distributed to all Members of Council on May 14, 2014)
- 18-242 From the Municipality of Port Hope, providing a resolution the Municipality passed with respect to Rail Safety.
(File Number CSU-C10-000-2014), (File Number CSU-P04-000-2014)
(Distributed to all Members of Council on May 14, 2014)
- 18-243 From Peter Sage, Agent, Elliott, Sage Design & Construction, providing a letter regarding an application to the Municipal Heritage Committee for the property located at 57-61 Brock Street.
(File Number CSU-C10-000-2014), (File Number CSU-P04-000-2014)
(Distributed to all Members of Council on May 14, 2014)

- 18-244 From Frank Dixon, providing a letter to Council regarding Clause (c), Report Number 61, Received from the CAO (Consent), with respect to Road Repairs/Rehabilitation 2014.
(Distributed to all Members of Council on May 20, 2014)
(File Number CSU-T04-000-2014)
- 18-246 From Bill Free, providing a letter to Council regarding Clause (2), Report Number 62, received from the CAO (Recommend), with respect to the Rogers K-Rock Centre Scoreboard Replacement.
(Distributed to all Members of Council on May 20, 2014)
(File Number CSU-R05-001-2004/03)

Referred to the Awards Committee

- 18-235 From Prithi S. Yelaja, Communications Specialist, The College of Physicians and Surgeons of Ontario, providing a letter and a nominations package with respect to the Council Award for the College of Physicians and Surgeons of Ontario, with the deadline being August 22, 2014.
(File Number CSU-M11-000-2014)
(Distributed to all Members of Council on May 13, 2014)

Referred to City Clerk

- 18-245 From Kingston: Partners for a Safe Community, asking that Council proclaim June 1 – June 7, 2014 as “Leave Your Phone Alone While Driving Week” in the City of Kingston.
(File Number CSU-M10-000-2014)
(Distributed to all Members of Council on May 20, 2014)

Other Business

Deputy Mayor Neill commented on the spectacular fireworks that were displayed at the Victoria Day celebration on Monday, May 19, 2014, at Lake Ontario Park.

By-Laws

- a) Moved by Councillor Paterson
Seconded by Councillor Osanic

That By-Laws (1) through (9) and (11) be given their first and second reading.

Carried (13:0)
(See Recorded Vote)

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

- b) Moved by Councillor Schell
Seconded by Councillor Scott

That Clause 11.34 of By-Law Number 2010-1 be suspended for the purpose of giving By-Laws (5) to (7) three readings.

Carried (13:0)
(See Recorded Vote)

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

- c) Moved by Councillor Berg
Seconded by Councillor George

That By-Laws (5) through (11) be given their third reading.

Carried (13:0)
(See Recorded Vote)

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

- (1) A By-Law to Amend By-Law Number 99-166 "A By-Law to prohibit the parking or leaving of motor vehicles on private property without the consent of the owner or occupant of the property, or on property owned or occupied by the City of Kingston or any local board thereof, without the consent of the City of Kingston or the local board".

First And Second Readings
(See Clause (f), Report Number 61)

Proposed Number 2014-83

- (2) A By-Law to Amend By-Law No. 2009-140 "A By-Law to Provide for the Prohibition and Regulation of Signs and other Advertising Devices in the City of Kingston"

First And Second Readings
(See Clause (h), Report Number 61)

Proposed Number 2014-84

- (3) A By-Law To Amend By-Law 2010-1, 'Council Procedural By-Law' (To Add Council Information Reports To The Council Agenda)
First And Second Readings
(See Clause (2), Report Number 65) Proposed Number 2014-85

- (4) A By-Law To Amend By-Law Number 2010-205 "A By-Law To Define The Mandate And Meeting Procedures For Committees Established By The Corporation Of The City Of Kingston" (To Amend Council Appointments to KEDCO)
First And Second Readings
(See New Motion Number (1)) Proposed Number 2014-86

- (5) A By-Law to Authorize the Execution of the Federal Gas Tax Funding Agreement.
Three Readings
(See Clause (e), Report Number 61) Proposed Number 2014-87

- (6) A By-Law To Authorize The Use Of Optical Scan Vote Tabulators And Telephone And Internet Voting - For The Purpose Of The 2014 Municipal Election
Three Readings
(See Clause (i), Report Number 61) Proposed Number 2014-88

- (7) A By-Law To Provide For Reduced Opening Hours Of Voting In Institutions And Retirement Homes On Voting Day – October 27, 2014 - For The 2014 Municipal Election
Three Readings
(See Clause (i), Report Number 61) Proposed Number 2014-89

- (8) A By-Law to Amend By-Law Number 8499, "Restricted Area (Zoning) By-Law of The Corporation Of The City Of Kingston" (Zone Change from One-Family Dwelling and Two-Family Dwelling Zone 'A' to Special Requirement One-Family Dwelling and Two-Family Dwelling Zone 'A.446', 16 James Street)
Three Readings
(See Clause (1), Report Number 63) Proposed Number 2014-90

- (9) A By-Law To Amend By-Law Number 8499, "Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston" (Zone Change from One-Family Dwelling and Two-Family Dwelling Zone 'A5' and Environmental Protection Area Zone 'EPA' to Special Three to Six Family Dwelling Zone 'B.444' and Environmental Protection Area Zone 'EPA', 1006 Portsmouth Avenue)
Three Readings
(See Clause (3), Report Number 63) Proposed Number 2014-91

(10) A By-Law to Permit Council to Enter Into a Municipal Contribution Agreement with 1880551 Ontario Ltd. for the Provision of Affordable Housing Units at 720 Princess Street in Kingston
Third Reading
(See Clause (a), Report Number 56) Proposed Number 2014-75

(11) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, May 20, 2014
Three Readings
(City Council Meeting Number 2014-18) Proposed Number 2014-92

Adjournment

Moved by Councillor George
Seconded by Councillor Osanic

That Council do now adjourn.

Carried (13:0)
(See Recorded Vote)

YEAS: Councillor Berg, Councillor Downes, Councillor George, Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Deputy Mayor Neill, Councillor Osanic, Councillor Paterson, Councillor Reitzel, Councillor Schell, Councillor Scott (13)

NAYS: (0)

ABSENT: (0)

Council adjourned at 10:52 pm.

(Signed)

John Bolognone
City Clerk

Mark Gerretsen
Mayor