

## CITY COUNCIL MEETING NO. 13-2008

The Regular Meeting of City Council was held on Tuesday, June 3, 2008, and was called to order at 6:15 pm in the Council Chamber, City Hall. Regular business commenced at 7:30 pm. His Worship Mayor Harvey Rosen presided.

There was an "In Camera" meeting of the Committee of the Whole from 6:20 pm to 7:30 pm in the Councillors' Lounge.

### (Council Chamber)

#### ROLL CALL

Present: Mayor Rosen, Councillor Foster, Councillor Garrison, Councillor Gerretsen, Deputy Mayor Glover, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka, Councillor Smith (11)

Absent: Councillor Hector, Councillor MacLeod-Kane (2)

### (Councillors' Lounge)

#### Administrative Staff Present:

Mr. J. Bolognone, Deputy City Clerk  
Mrs. C. Downs, City Clerk  
Mr. T. Fleming, Senior Legal Counsel, Legal Services  
Mr. G. Hunt, Interim Chief Administrative Officer  
Ms. S. Kidd, Director, Organizational Effectiveness  
Mr. H. Linscott, Director, Legal Services  
Mr. A. McLeod, Senior Legal Counsel, Legal Services  
Mr. L. Thurston, Commissioner of Community Development Services  
Mr. T. Willing, Director, Building and Licensing

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### COMMITTEE OF THE WHOLE "IN CAMERA"

- (1) Moved by Councillor Schmolka  
Seconded by Councillor Meers

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

- (a) Personal matters about an identifiable individual, including municipal or local board employees – CAO Recruitment
- (b) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board – 12 Drummond Street

CARRIED

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### (Council Chamber)

#### Administrative Staff Present:

Ms. C. Beach, Commissioner of Sustainability and Growth  
Mr. J. Bolognone, Deputy City Clerk  
Mr. L. Cleary, Supervisor, Finance, Community and Family Services  
Mr. J. Davis, Manager of Brownfields and Initiatives, Growth and Initiatives  
Mrs. C. Downs, City Clerk  
Mr. M. Fluhrer, Director, Culture and Recreation  
Mr. G. Grange, Director, Community and Family Services  
Mr. G. Hunt, Interim Chief Administrative Officer  
Ms. L. Hurdle, Director, Project Development, Sustainability and Growth

#### Administrative Staff Present (continued):

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

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Ms. D. Kennedy, Director, Financial Services  
Mr. D. Leger, Commissioner of Corporate Services  
Mr. H. Linscott, Director, Legal Services  
Mr. B. McCurdy, Cultural Director, Grand Theatre  
Mr. R. Steele, Manager, Fleet  
Mr. L. Thurston, Commissioner of Community Development Services  
Mr. M. VanBuren, Director, Engineering  
Mr. G. Wallace, Director, Planning and Development  
Mr. T. Willing, Director, Building and Licensing

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**REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"**

- (2) Moved by Councillor Foster  
Seconded by Councillor Matheson

THAT Council rise from the Committee of the Whole "In Camera" without reporting.

**CARRIED**

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**DISCLOSURE OF PECUNIARY INTEREST**

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**PRESENTATIONS**

- (1) Ms. Cynthia Beach, Commissioner of Sustainability and Growth, Ms. Lanie Hurdle, Director, Project Development, and Mr. Steven Metcalfe, EllisDon, presented Mayor Rosen with the "Award of Excellence in the Green Building Category", which was awarded to the City of Kingston by the Canadian Institute of Steel Construction (CISC).  
(See Information Report No. (3), Page No. 352)
  
- (2) Mayor Rosen presented Ms. Helen Finley with the 2007 Heritage Community Recognition Program Certificate of Achievement and pin awarded by the Ontario Heritage Trust. Mayor Rosen also recognized Mr. Robert Cardwell, who received the Lieutenant Governor's Ontario Heritage Award for Lifetime Achievement at a ceremony at Queen's Park earlier this year.

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**DELEGATIONS**

- (1) Ms. Melissa Greenberg, on behalf of Representatives of Concerned Parents, was present and spoke to Council regarding École Elementaire Madeleine-de-Roybon.  
(See Motion (5), Page No. 356)

**DELEGATIONS (CONTINUED)**

Moved by Councillor Foster  
Seconded by Councillor Garrison

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THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to amend the Orders of the Day to allow Motion No. 5 to be dealt with at this point of the agenda.

**CARRIED**  
**(A 2/3 Vote of Council Was Received)**  
**(See Page No. 356)**

- (2) Mr. Rick McLuckie, Area Manager, Ministry of Transportation (MTO), Eastern Region, was present and spoke to Council regarding the application for a noise exemption for Highway 401 improvements from west of Sydenham Road to west of Montreal Street.  
**(See Clause (1), Report No. 69, Page No. 342)**

Moved by Councillor Matheson  
Seconded by Councillor Schmolka

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to allow the addition of Delegation No. (3).

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

- (3) Mr. Volker Thomsen, Co-Chair of the World Wind Energy Conference 2008, was present and spoke to Council regarding the conference.

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**BRIEFINGS**

- (1) Mr. Ron Palmer, Project Lead for The Planning Partnership, was present and spoke to Council regarding the North Block Redevelopment Strategy.
- (2) Mr. Gerard Hunt, Interim CAO, introduced Ms. Anne Marie Harbec, Executive Director of the Rideau Heritage Route Tourism Association, who spoke to Council regarding the Rideau Trail, the impact of UNESCO designation and the plans for 2008 and 2009.

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**PETITIONS**

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**MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY**

Council consented to the addition of Motion of Condolence No. (2).

Motions of Condolences

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- (1) Moved by Councillor Matheson  
Seconded by Councillor Gerretsen

**THAT** the sincere condolences of the City of Kingston be extended to Jeff Garrah, CEO of Kingston Economic Development Corporation (KEDCO), and family, on the recent passing of his grandmother, Helen Feeney, of Belleville, Ontario.

- (2) Moved by Councillor Matheson  
Seconded by Councillor Garrison

**THAT** the sincere condolences of Kingston City Council be offered to the people of China in the aftermath of the recent earthquake disaster. Mianyang, China, became a "Sister City" of Kingston in November of 1989. According to a recent Globe and Mail article, Mianyang has established temporary shelter for 20,000 earthquake survivors inside a sports stadium. Volunteers are providing food, medicine and clothing to the survivors. Kingston City Council encourages the citizens of Kingston to give generously to the Red Cross in their efforts to provide aid to the people of China.

**Motions of Speedy Recovery**

- (1) Moved by Deputy Mayor Glover  
Seconded by Councillor Schmolka

**THAT** Kingston City Council extend its warmest regards and best wishes for a speedy recovery to Kelly Washer, Property Standards Officer, who is recovering from surgery. We look forward to having you back.

**CARRIED**

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**REPORTS**

**Report No. 68 the Chief Administrative Officer (Consent)**

Moved by Councillor Meers  
Seconded by Councillor Schmolka

**THAT** Report No. 68 of the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the separation of Clauses (a), (d), (e), (f) and (j).

**Report No. 68**

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

All items listed on the Consent Report shall be the subject of one motion. Any member may ask for any item(s) included in the Consent Report to be separated from that motion, whereupon the consent report without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

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

(a) **Capital Project Status Report for the First Quarter of 2008**

**THAT** Council approve the financing of capital projects or (return of funds), as outlined in Appendix A of this report as follows:

<u>Source of Financing</u>	
<b>Municipal Capital Reserve Fund</b>	<b>\$210,551</b>
Environment	\$(148,751)
Transit	\$(224,941)
Parking	\$27,866
Technology	\$(1,846)
Arenas	\$7,333
Utility Equipment	\$(102,675)
Facility Repair	\$(8,500)
Working Fund	\$(866)
Development Charges	\$(19,052)
<b>Other Reserve Sub-Total</b>	<b>\$(471,432)</b>
<b>Total Reserve Funds</b>	<b>\$(260,881)</b>

- and further -

**THAT** Council approve the reduction of approved debenture financing with reference to specific project as outlined in Appendix A of this report as follows:

<u>Source of Financing</u>	
Municipal Capital Reserve Fund	\$(29,613)

(The Report of the Commissioner of Finance and Corporate Performance (08-185) was attached as Schedule Pages 1-14)

(File No. CSU-F20-000-2008)

**CARRIED**

**REPORTS (CONTINUED)**

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Report No. 68 the Chief Administrative Officer (Consent)

(b) **Municipal Electricity Procurement Initiative**

**THAT** Council authorize the Mayor and Clerk to enter into a contract with Direct Energy, the lowest bidder, to supply electricity as outlined in RFP L04-SG-ST-2007-2, in a form satisfactory to the Director of Legal Services;

- and further -

**THAT** Council authorize staff to have these accounts removed from the Regulated Price Plan (RPP) in preparation for this contract;

- and further -

**THAT** any rebate paid to the City when these accounts are removed from the Regulated Price Plan (RPP) will be directed to the energy retrofit program to fund energy conservation initiatives for City-owned buildings.

(The Report of the Commissioner of Sustainability and Growth (08-187) was attached as Schedule Pages 15-21)

(File No. CSU-F31-000-2008)

(c) **Award of Tender for Three Side-Loading Refuse Packers to Joe Johnson Equipment Inc.**

**THAT** the tender F18-CS-FL-2008-06 for the purchase of three (3) side-loading refuse packers be awarded to Joe Johnson Equipment Inc. for the purchase price of \$801,256 plus applicable taxes.

(The Report of the Commissioner of Corporate Services (08-188) was attached as Schedule Pages 22-24)

(File No. CSU-F18-004-2008)

(d) **Application for License Assignment of a Serving Sidewalk Patio on the Brock Street Flankage for "Olivea Restaurant", Located at 39 Brock Street**

**THAT** Council authorize the Mayor and Clerk to enter into a License Agreement, in a form satisfactory to the Director of Legal Services, with the owner of "Olivea Restaurant" located at 39 Brock Street, for the lease of City property adjacent to their business on Brock Street for the purpose of operating a serving sidewalk patio conditional on approval of the application by the Kingston Municipal Heritage Committee. The patio will be 39.1 square metres containing 18 tables and 36 chairs.

(The Report of the President and CEO of Utilities Kingston (08-189) was attached as Schedule Pages 25-29)

(File No. CSU-D23-000-2008)

**CARRIED**

(e) **Application for License of a Serving Sidewalk Patio on the Wellington Street Flankage for "The Iron Duke", Located at 207 Wellington Street**

**THAT** Council authorize the Mayor and Clerk to enter into a License Agreement, in a form satisfactory to the Director of Legal Services, with the owner of "The Iron Duke" located at 207 Wellington Street, for the lease of City property adjacent to their business frontage on Wellington Street for the purpose of operating a serving sidewalk patio. The patio will be 21.74 square metres containing 8 tables and 16 chairs

(The Report of the President and CEO of Utilities Kingston (08-190) was attached as Schedule Pages 30-34)

(File No. CSU-D23-000-2008)

**DEFERRED**

**(See Motion To Defer Which Was CARRIED)**

**REPORTS (CONTINUED)**

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Moved by Councillor Schmolka  
Seconded by Deputy Mayor Glover

**THAT** Clause (e) of Report No. 68 be deferred and referred to the Environment, Infrastructure and Transportation Policies Committee in order to secure additional information regarding parking and accessibility, in an effort to make a more fully informed policy decision on whether or not the City should allow these applications; it being understood that the report is to be presented to the June 17<sup>th</sup> Council meeting.

**CARRIED  
(With Agreed To Amendments)**

**(f) License Agreement with Frontenac Condominium Corporation No. 20 for the Seawall Adjacent to Anglin Bay**

**THAT** Council authorize the Mayor and City Clerk to execute a license agreement, in a form satisfactory to the Director of Legal Services, between the City and Frontenac Condominium Corporation No. 20 for a term of one year commencing on June 1, 2008, and expiring on March 31, 2009, for the berthing of pleasure boats owned by members of the corporation at a rate which represents 25% of the basin rate (\$13.18) as opposed to 15% (\$7.89), plus Goods and Services Tax (GST) per linear foot per year.

(The Report of the Commissioner of Corporate Services (08-192) was attached as Schedule Pages 35-38)

(File No. CSU-L15-000-2008)

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

Moved by Councillor Schmolka  
Seconded by Deputy Mayor Glover

**THAT** Clause (f) of Report No. 68 be amended to reflect that the lease be for a one year term as opposed to two years and that the rate be 25% of the basin rate as opposed to 15%, which represents a fee of \$13.18 per linear foot as opposed to \$7.89.

**CARRIED**

**(g) Bridge Financing for Phoenix Home Kingston**

**THAT** Council authorize the Mayor and Clerk to enter into an agreement between the City of Kingston and Phoenix Home Kingston in a form satisfactory to legal counsel in the amount of \$345,989.61 for the bridge financing to pay off the existing mortgages of Phoenix Home Kingston.

(The Report of the Commissioner of Community Development Services (08-193) was attached as Schedule Pages 39-41)

(File No. CSU-S13-000-2008)

**(h) A By-Law to Amend By-Law No. 2003-61, "A By-Law To Permit Council To Enter Into Agreements For The Provision Of Affordable Housing"**

**THAT** a by-law be presented to amend By-Law No. 2003-61, "A By-Law To Permit Council To Enter Into Agreements For The Provision Of Affordable Housing" for various housekeeping items.

(The Report of the Commissioner of Community Development Services (08-194) was attached as Schedule Pages 42-45)

(File No. CSU-S13-000-2008)

**(See By-Law No. (1), 2008-112)**

**REPORTS (CONTINUED)**

**Report No. 68 the Chief Administrative Officer (Consent)**

**(i) Award of Tender for Surface Treatment on Various Roads to Smiths Construction Company**

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**THAT** the tender of Smiths Construction Company, A Division of Miller Group Inc. for Contract ENG-2008-08 Surface Treatment on Various Roads, in the amount of \$440,583.41, be accepted, it being the lowest tender received. (The Report of the President and CEO of Utilities Kingston (08-196) was attached as Schedule Pages 46-47) (File No. CSU-F18-003-2008)

**(j) Easements to Implement the Block D Development**

**THAT** the Mayor and Clerk be directed to enter into such easements and other agreements as are required to provide for access, and to facilitate infrastructure installation and operation over the former lower William and Earl Streets and associated lands, all to the satisfaction of the Director of Legal Services;

- and further -

**THAT** the Mayor and Clerk be directed to enter into such easements and other agreements, including agreements related to the payment of any applicable license fees, as are required to obtain public access to and use of the park land located on Block D adjacent to the City-owned waterfront pathway.

(The Report of the Commissioner of Corporate Services (08-197) was attached as Schedule Pages 48-53) (File No. CSU-D15-000-2008)

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

Moved by Deputy Mayor Glover  
Seconded by Councillor Garrison

**THAT** Clause (j) of Report No. 68 be deferred and referred back to staff in order to determine from the owners of Block D whether the construction staging area can be relocated to another area of the site so that it is not on the future park lands, and to determine the timing for construction of the park.

**CARRIED**

**(k) Joint Use and Cost Sharing Agreement for William Street D Substation**

**THAT** the Mayor and Clerk be directed to enter into the Joint Use and Cost Sharing Agreement for the Substation servicing the joint owners at Block D, subject to the satisfaction of the Director of Legal Services, the President of Utilities Kingston, and the Commissioner of Corporate Services.

(The Report of the Commissioner of Corporate Services (08-199) was attached as Schedule Pages 54-83) (File No. CSU-E06-000-2008, CSU-L04-000-2008)

**CARRIED**  
**(Clauses (b), (c), (g), (h), (i) and (k))**

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**Report No. 69 of the Chief Administrative Officer (Recommend)**

Moved by Councillor Foster  
Seconded by Councillor Garrison

**THAT** Report No. 69 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

**REPORTS (CONTINUED)**

**Report No. 69 of the Chief Administrative Officer (Recommend)**

**Report No. 69**

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To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

(1) **Ministry of Transportation Application for Noise Exemption for 401 Improvements from Sydenham Road to Montreal Street**

**THAT** the Ministry of Transportation be allowed an exemption from the normal 19:00 (7 p.m.) to 07:00 (7 a.m.) restriction under the City of Kingston Noise Control By-Law No. 2004-52 Schedule "B", in order to allow for Highway 401 Improvements to occur from west of Sydenham Road to west of Montreal Street from Wednesday, July 2, 2008, and to continue until Wednesday, October 31, 2012, between the hours of 7:00 p.m. and 7:00 a.m. Sunday to Friday but not on any Statutory holiday;

- and further -

**THAT** the noise by-law exemption be conditional on staff, in conjunction with the MTO and the District Councillor, coming up with a method of communication to inform the residents at least three weeks prior to the work commencing within the hours of 7:00 p.m. to 7:00 a.m.;

- and further -

**THAT** the MTO submit a proposed plan or schedule of the work to happen within the Division Street to Montreal Street area between 7:00 p.m. and 7:00 a.m.

(The Report of the Commissioner of Community Development Services (08-135) was attached as Schedule Pages 84-96)

(File No. CSU-P01-002-2008)

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

Moved by Councillor Meers

Seconded by Councillor Garrison

**THAT** Clause (1) of Report No. 69 be amended to add the following:

"- and further -

**THAT** the noise by-law exemption be conditional on staff, in conjunction with the MTO and the District Councillor, coming up with a method of communication to inform the residents at least three weeks prior to the work commencing within the hours of 7:00 p.m. to 7:00 a.m.;

- and further -

**THAT** the MTO submit a proposed plan or schedule of the work to happen within the Division Street to Montreal Street area between 7:00 p.m. and 7:00 a.m."

**CARRIED**

Moved by Councillor Meers

Seconded by Councillor Garrison

**THAT** Clause (1) of Report No. 69 be amended to allow the noise exemption from Sydenham Road to the Division Street interchange with the regular noise by-law applicable to the interchanges to the east of the Division Street interchange to Montreal Street.

**WITHDRAWN**

**REPORTS (CONTINUED)**

**Report No. 69 of the Chief Administrative Officer (Recommend)**

(2) **Ontario Infrastructure Projects Corporation (OIPC) New Loan Application 8020**

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**THAT** a by-law be passed to authorize the submission of an application to the Ontario Infrastructure Projects Corporation (OIPC) in the amount of \$14,000,000 for financing certain ongoing capital works of the Corporation of the City of Kingston; to authorize temporary borrowing from OIPC to meet expenditures in connection with such works; and to authorize long-term borrowing for such works through the issue of debentures to OIPC.

(The Report of the Commissioner of Finance and Corporate Performance (08-191) was attached as Schedule Pages 97-128)

(File No. CSU-F11-000-2008)

(See By-Law No. (2), 2008-113)

**CARRIED**

(3) **Capital Budget Amendment for Audio Equipment for the Grand Theatre**

**THAT** the 2008 capital budget be amended to bring forward \$382,000 and \$80,850 of planned capital expenditures from the 2010 and 2011 capital projections respectively, to allow for the purchase of audio equipment in 2008, to be funded from the Grand Theatre Reserve Fund.

(The Report of the Commissioner of Community Development Services (08-198) was attached as Schedule Pages 129-132)

(File No. CSU-F05-000-2008, CSU-R05-000-2008)

**CARRIED**

(4) **Process for Appointment of KEDCO Board of Directors**

**THAT** the proposed process for the composition, term of office, and filling of vacancies to the KEDCO Board of Directors be referred to the Nominations Committee for consideration, in consultation with the KEDCO Board, and a report back to Council by August 12, 2008.

(The Report of the Interim Chief Administrative Officer (08-204) was attached as Schedule Pages 133-139)

(File No. CSU-A01-003-2008)

**CARRIED AS AMENDED**

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

Moved by Deputy Mayor Glover

Seconded by Councillor Schmolka

**THAT** Clause (4) of Report No. 69 be amended by deleting "June 17, 2008" and inserting "August 12, 2008".

**CARRIED**

(5) **Kingston Multiplex Naming Suffix**

**THAT** Council approve the suffix "Centre" to the name, as selected by the majority of the public and endorsed by INVISTA, it being understood that the resultant name of the Kingston Multiplex will be the "INVISTA Centre".

(The Report of the Commissioner of Sustainability and Growth (08-205) was attached as Schedule Pages 140-143)

(File No. CSU-R05-002-2008)

**CARRIED**

**REPORTS (CONTINUED)**

**Report No. 69 of the Chief Administrative Officer (Recommend)**

(6) **Proposed Amendment to the Location of the Pilot Off-Leash Project in Lake Ontario Park**

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**THAT** Council waive Section 4.18 of the Animal Control By-Law No. 2004-144 requiring owners to have their dogs on-leash in Lake Ontario Park, for the parcel of land in the northwest section near King Street West, as detailed on Exhibit 1 of the report;

- and further -

**THAT** Council reinstate the provision of Section 4.18 of By-Law No. 2004-144 in the area east of the Longhouse (Exhibit 2) once the pilot project is established as per Exhibit 1;

- and further -

**THAT** staff be directed to complete this work no later than June 17, 2008.

(The Report of the Commissioner of Community Development Services (08-206) was attached as Schedule Pages 144-149)

(File No. CSU-P14-000-2008)

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

Moved by Councillor Schmolka

Seconded by Councillor Gerretsen

**THAT** Clause (6) of Report No. 69 be amended by adding the following:

"- and further -

**THAT** staff be directed to complete this work no later than June 17, 2008."

**CARRIED**

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**Report No. 70 of the Planning Committee**

Moved by Councillor Schmolka

Seconded by Councillor Smith

**THAT** Report No. 70 of the Planning Committee be received and adopted.

**Report No. 70**

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

All items listed on the Planning Committee Report shall be the subject of one motion. Any member may ask for any item(s) included in the Committee Report to be separated from that motion, whereupon the Report of the Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

May 15, 2008

1. **Application for Official Plan Amendment and Zoning By-Law Amendment to Establish and Operate a Compost Finishing Facility at 2069 Joyceville Road**

**THAT** the application for Official Plan Amendment (Our File No. D09-034-2008) submitted by Norterra Organics, for the property located at 2069 Joyceville Road, **BE APPROVED**;

**REPORTS (CONTINUED)**

**Report No. 70 of the Planning Committee**

- and further -

**THAT** the Township of Pittsburgh Official Plan be amended as follows:

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1. The Township of Pittsburgh Official Plan, as amended, is hereby further amended by the following map and text change which shall constitute **Amendment No. 67** to the Township of Pittsburgh Official Plan:
  - a) **AMEND** Schedule 'A', Map '1', 'Land Use', of the Township of Pittsburgh Official Plan, so as to designate the property located at 2069 Joyceville Road, as shown on Schedule 'A' to By-Law No. 2008-117, from 'Industrial/Commercial' to 'Industrial-Waste Disposal – Site Specific Policy 2G.4.1'.
2. That the Township of Pittsburgh Official Plan, as amended, be further amended by adding the following new Site Specific Policy as Section 2G.4:

**"2G.4 SITE-SPECIFIC POLICIES**

**2G.4.1 2069 Joyceville Road**

Notwithstanding the provisions of Section 2G.3 hereof to the contrary, the lands located at 2069 Joyceville Road shall be limited to a compost finishing facility in accordance with the following policies:

- adequate buffering in the form of distance separation, berming, planting or other suitable techniques or devices, shall be provided between the compost finishing facility and any adjacent non-compatible uses, including adjacent roadways;
- the compost finishing facility shall be established and operated in accordance with the requirements and regulations of the Ministry of the Environment;
- once all, or a portion of the area used for compost finishing facility purposes ceases to be used for such purpose, no further use shall be made of the area without the approval of the Minister of the Environment in accordance with the Environmental Protection Act and relevant Ministry Guidelines with respect to compost finishing facility and sensitive land uses; and

In the event that the property is not used for a compost finishing facility, the lands shall be developed in accordance with the Industrial/Commercial policies of Section 2G.2 of this Plan, subject to an amending Zoning By-Law for the subject lands."

- and further -

**THAT** the application for Zoning By-Law Amendment (Our File No. D14-110-2008) submitted by Norterra Organics, for the property located at 2069 Joyceville Road, **BE APPROVED**;

- and further -

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

1. That Zone Map No. 2 of Zoning By-Law No. 32-74, as amended, is hereby further amended by changing the zone symbol of the subject site from 'M2-3' to 'MD-3-H' as shown on Schedule 'A' attached hereto and forming part of By-Law No. 2008-116.
2. That the following be **added** as Section 21(3)(c) of the By-Law:

"(f) 2069 Joyceville Road (MD-3-H):

1. Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 21 for the 'MD' Zone shall apply to the 'MD-3' Zone except that:

- (i) **USES PERMITTED:**
  - Compost Finishing Facility
  - Accessory Interpretive/Educational Pavilion

## REPORTS (CONTINUED)

### Report No. 70 of the Planning Committee

- (ii) **DEFINITIONS:**

For the purpose of the 'MD-3' Zone, the following definitions shall apply:

**COMPOST FINISHING FACILITY** means a waste disposal site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent as may exist from time

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to time under this or any successor legislation, to allow the site to be used for the purpose of receiving, handling and temporary storage of non-hazardous compost waste. Temporary storage of non-hazardous compost waste, including open storage of materials, equipment or vehicles for work accessory to the principal use, shall be permitted. Accessory uses such as office and scale and scale house are also permitted.

- (iii) Notwithstanding the provisions of Section 5(14)(a), a minimum of 18 off-street parking spaces shall be provided.
- (iv) The '-H' Symbol shall only be removed once the following conditions have been complied with:
  - (a) Certificate of Approval for the operation of a compost finishing facility has been issued by the Ministry of Environment;
  - (b) All applicable Municipal and Agency requirements have been complied with;
  - (c) All necessary Agreements, including the Site Plan Control Agreement, have been registered on title; and,
  - (d) City Council has passed a further amendment to the Zoning By-Law to remove the '-H' Symbol pursuant to the *Planning Act*."

- and further -

THAT the amending by-laws be presented to City Council for all three readings.  
(See By-Law No. (5), 2008-116 and By-Law No. (6), 2008-117)

CARRIED

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**Report No. 71 of the Arts, Recreation and Community Policies Committee**

Moved by Deputy Mayor Glover  
Seconded by Councillor Gerretsen

THAT Report No. 71 of 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:

All items listed on the Arts, Recreation and Community Policies Committee Report shall be the subject of one motion. Any member may ask for any item(s) included in the Committee Report to be separated from that motion, whereupon the Report of the Committee without the separated item(s) shall be put and the separated item(s) shall be considered immediately thereafter.

May 22, 2008

**REPORTS (CONTINUED)**

**Report No. 71 of the Arts, Recreation and Community Policies Committee**

1. **Spiritual Care Review Report – Rideaucrest Home**

THAT the report entitled "Role Review Spiritual Care at Rideaucrest Home", dated December 31, 2007, and prepared by Rob Wood of 8020 Info Inc. be received and be referred to staff for further consideration and implementation where appropriate.

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(Note: The Report of the Commissioner, Community Development Services Group (ARCP 08-021) was distributed with the April agenda and re-distributed with the May ARC agenda. The report entitled "Role Review Spiritual Care at Rideaucrest Home" was distributed separately from the Council agenda.)

2. **Audrey Waugh Memorial Plaque – Navy Memorial Park**

**THAT** Council give approval to the Women's Royal Canadian Naval Service (WRCNS) Association of Kingston to install and officially dedicate a memorial plaque to the memory and legacy of the late Audrey Waugh in Navy Memorial Park recognizing the many years of service and dedication to her Country, the Royal Canadian Navy, the WRCNS and the City of Kingston.

(Note: The Report of the Commissioner, Community Development Services Group (ARCP 08-020) was distributed with the May ARC agenda.)

3. **Extension of Existing Agreement with the United Way for the Administration of the 2008 Healthy Community Fund**

**THAT** the Mayor and City Clerk be authorized to execute an agreement acceptable to the Commissioner of the Community Development Services Group and the Legal Services Department providing for the extension of the existing agreement with the United Way Serving Kingston, Frontenac, Lennox & Addington to provide for the administration of the City of Kingston's Healthy Community Fund for 2008;

- and further -

**THAT** Council appoint three (3) Councillors and one member of staff as a non-voting member, to participate on the three (3) Healthy Community Fund Review Committees, that is one Councillor per review committee and the staff member participates on all three review committees, being Sports and Recreation Review Committee; Heritage Review Committee; and Community Development Review Committee;

- and further -

**THAT** Council direct the United Way to focus the project funding on community development, sports and recreation and heritage projects.

(Note: The Report of the Commissioner, Community Development Services Group (ARCP 08-023) was distributed with the ARC agenda.)

(See Miscellaneous Business Item No. 1, Page No. 353)

4. **Round Table on Poverty Reduction Strategy**

**THAT** Council endorse the principles for a poverty reduction strategy contained in the 25-in-5 Founding Declaration, specifically:

- a) Sustaining employment that assures a living standard above poverty for any adult working full-time throughout the year and includes fair pay and stable working conditions for all;
- b) Liveable incomes for everybody, including those unable to work;

**REPORTS (CONTINUED)**

**Report No. 71 of the Arts, Recreation and Community Policies Committee**

- c) Strong and supportive communities with affordable housing, early learning and child care, public education and community programs that help people connect;

- and further

**THAT** Council direct the Community Development Services Group to develop a plan in collaboration with the Community Roundtable on Poverty Reduction by which the City of Kingston can advance poverty reduction strategies;

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- and further -

**THAT** the City share this plan with its partners in other municipalities and the Province.

(Note: A memo from the Community Roundtable on Poverty Reduction dated May 22, 2008, was attached as Schedule Page 150)

**CARRIED**

\*\*\*\*\*

**Report No. 72 of the Ad Hoc Committee to Review By-Law 98-1 Council Procedural By-Law and By-Law 2004-360 Composition & Terms of Reference for Committees**

Moved by Councillor Gerretsen

Seconded by Councillor Meers

**THAT** Report No. 72 of the Ad Hoc Committee to Review By-Law 98-1 Council Procedural By-Law and By-Law 2004-360 Composition & Terms of Reference for Committees be received and adopted.

Council consented to separate Clauses 1 and 2 and separate Clause 1 into two sections.

**Report No. 72**

To the Mayor and Members of Council:

The Ad Hoc Committee to Review By-Law 98-1 Council Procedural By-Law and By-Law 2004-360 Composition & Terms of Reference for Committees reports and recommends as follows:

May 7, 2008

**1. Council Agenda Distribution**

**THAT** the proposed new schedule for the distribution of the Council agenda as listed hereunder be approved, to be effective July 14, 2008:

- a) a digital link to the Council agenda will be provided to Members of Council, the Corporate Management Team, and the media to access the agenda at 4:00 p.m. on the Wednesday prior to the Council meeting;
- b) hard copies of the agenda will be available in the Clerk's Department for pick up on Wednesday evening, should a member of Council prefer to pick the agenda up early;
- c) the agenda will be posted on the City's website at 9:00 a.m. on the Thursday prior to the Council meeting;
- d) the information packages containing a hard copy of the Council agenda will continue be delivered after 4:30 p.m. on the Friday prior to the Council meeting;

**CARRIED**

**(With Agreed To Amendments)**

**REPORTS (CONTINUED)**

**Report No. 72 of the Ad Hoc Committee to Review By-Law 98-1 Council Procedural By-Law and By-Law 2004-360 Composition & Terms of Reference for Committees**

- and further -

**THAT** a by-law be presented to Council to amend By-Law No. 98-1, as amended, being the City of Kingston Procedural By-Law, as follows:

- i. delete Section 7.1 in its entirety and insert the following: "All delegations shall be made to the appropriate Standing Committee or advisory committee. A delegate wishing to appear before Council or the Committee of the Whole may only do so if speaking to action items on the Council agenda that have not been discussed by standing committees (except when legislated otherwise). With respect to delegations to Council and the

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Committee of the Whole, a written notice setting out the subject matter of the delegate's address shall be delivered to the Clerk on or before 4:00 pm on the Monday prior to the meeting."

- ii. delete Section 8.3 in its entirety and insert the following: "Every communication or petition intended for presentation to the Council must be legibly written, typed or printed and signed by at least one (1) person. The Clerk shall list on the Orders of the Day only those communications and petitions received prior to 12:00 noon on the Tuesday preceding the regular Council meeting. All communications or petitions received after 12:00 noon on the Tuesday preceding the day of the Council meeting and those pertaining to matters not so contained in the Orders of the Day shall be held over for consideration at a subsequent meeting of Council."
- iii. delete the first paragraph of Section 9.4 in its entirety and insert the following: "Motions introducing new matters must be in the hands of the Clerk by 12:00 noon on the Tuesday prior to the regular Council or Committee of the Whole meeting for inclusion in the Orders of the Day."

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

Moved by Councillor Gerretsen  
Seconded by Councillor Hutchison

**THAT** Paragraph iii of Clause 1 of Report No. 72 be amended by adding the words "prior to" following the word "Tuesday".

**CARRIED**

Moved by Councillor Smith  
Seconded by Councillor Osanic

**THAT** Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to extend the meeting to 11:15 pm.

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

**2. Council Meeting Start Time**

**THAT** a by-law be presented to Council to amend By-Law No. 98-1, as amended, being the City of Kingston Procedural By-Law, to change the Council meeting start time, as follows:

- delete Section 3.2 (b) in its entirety and inserting the following: "Regular Meetings of Council shall be held on the first and third Tuesday of each month, at 7:30 p.m., except for the months of July and August when only one meeting will be held, the date of which will be determined by resolution of Council."

**(See By-Law No. (3), 2008-114)**

**CARRIED AS AMENDED**  
**(With Agreed To Amendments)**  
**(See Motion To Amend Which Was CARRIED)**  
**(See Motion To Defer Which Was LOST)**

**REPORTS (CONTINUED)**

**Report No. 72 of the Ad Hoc Committee to Review By-Law 98-1 Council Procedural By-Law and By-Law 2004-360 Composition & Terms of Reference for Committees**

Moved by Councillor Hutchison  
Seconded by Councillor Foster

**THAT** Clause 2 of Report No. 72 be amended by deleting "7:00 p.m." and inserting "7:30 p.m.".

**CARRIED**

Moved by Councillor Smith  
Seconded by Councillor Hutchison

**THAT** Report No. 72 in its entirety be deferred and referred back to the Committee for consideration.

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**Report No. 73 of the Ad Hoc Committee for the Chief Administrative Officer Evaluation**

**Report No. 73**

To the Mayor and Members of Council:

The Ad Hoc Committee for the Chief Administrative Officer Evaluation reports and recommends as follows:

May 20, 2008

**1. Measuring the Performance Achievement of the Chief Administrative Officer**

**THAT** the following process be followed to evaluate the performance of the CAO:

- a) CAO prepares a list of goals and achievements to be met, typically in concert with final budget approval;
- b) With the assistance of a consultant, the Councillors review the goals and discuss with CAO any issues;
- c) Any changes from the proposed list are re-negotiated with CAO; the discussion and negotiations continue until CAO and Council mutually agree on goals and achievement targets for the year;
- d) At the end of the review period, the consultant prepares a questionnaire based on these goals. There will also be general questions related to financial and human resource management and job competencies;
- e) The consultant conducts a telephone survey with each Councillor to rate CAO performance (main focus is on achievement but allows some input on process/style);
- f) Survey tabulated and comments considered;
- g) Consultant facilitates a joint meeting of the Councillors and the CAO to provide the results of the survey and to discuss any comments;
- h) After the discussion, the CAO retires from the meeting and the Councillors finalize a percentage increase to be paid to the CAO;
- i) Consultant advises CAO of result along with any comments from either the survey or the discussion in Council;
- j) If the CAO has any concerns or issues with the final result, he may request a joint meeting with the Councillors to discuss the Pay for Performance rating.

**REPORTS (CONTINUED)**

**Report No. 73 of the Ad Hoc Committee for the Chief Administrative Officer Evaluation**

**2. Developmental Assessment of the Chief Administrative Officer**

**WHEREAS** it is desirable for the CAO to assess his/her leadership behaviours and style; and,

**WHEREAS** this process is developmental and should be conducted separate and apart from the performance evaluation;

**THEREFORE BE IT RESOLVED THAT** in addition to conducting an achievement based performance evaluation, the proposed method for documenting the development requirements of the CAO be approved as follows:

- i) In May (or at another time that is distinct from the performance review) of every second year, the CAO initiates a 360° Feedback exercise based on the CAO competencies in the CAO Job Profile.

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- ii) The results of the 360° Feedback are shared with Council and the facilitator solicits input to any development plans that should be negotiated with the CAO as part of his/her ongoing professional development.
- iii) The results of the 360° Feedback are not normally achievement oriented and therefore are not appropriate for use in the Pay for Performance exercise. They are, however, very useful for the development of the CAO and may suggest clear areas of training or learning required to enable the CAO to reach the maximum degree of competence in all areas of the job.

3. **THAT** a by-law be presented to amend By-Law No. 2002-86, "A By-Law To Establish The Position Of Chief Administrative Officer", to delete the requirement for an annual 360 degree evaluation for performance evaluation and replace it with the requirements outlined in No. 1 above, and to include a 360 degree evaluation to assess leadership behaviours and style for developmental purposes, to be conducted once every two years.  
(See By-Law No. (4), 2008-115)

4. **WHEREAS** the Ad Hoc Committee – CAO Job Evaluation was established to determine and recommend a process for a job evaluation for the Chief Administrative Officer and to review and recommend a salary range for the position of Chief Administrative Officer; and,

**WHEREAS** the Committee has completed its mandate;

**THEREFORE BE IT RESOLVED THAT** the Ad Hoc Committee – CAO Job Evaluation be disbanded.

**DEFERRED**

\*\*\*\*\*

**Report No. 74 of the Memorial Centre Revitalization Advisory Committee**

Moved by Councillor Garrison

Seconded by Councillor Smith

**THAT** Report No. 74 of the Memorial Centre Revitalization Advisory Committee be received and adopted.

**Report No. 74**

To the Mayor and Members of Council:

The Memorial Centre Revitalization Advisory Committee reports and recommends as follows:

**REPORTS (CONTINUED)**

**Report No. 74 of the Memorial Centre Revitalization Advisory Committee**

May 26, 2008

1. **To Issue a Request for Information for the Design of a Veterans' Memorial at the Memorial Centre Site**

**THAT** staff be directed to issue a Request for Information to facilitate a process to take the visions of the Committee to Recognize War Veterans and the Veterans' Memorial Garden and Cenotaph Sub-Committee to a finite design stage;

- and further -

**THAT** an invitation be extended to potential participants to provide input into the elements of the design concept;

- and further -

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**THAT** the veterans' memorial would include paying homage to our fallen comrades in all correspondence and documents from the Veterans' Memorial Garden and Cenotaph Sub-Committee.

**CARRIED**

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**INFORMATION REPORTS**

(1) **1<sup>st</sup> Quarter Operating Budget Report for 2008**

The purpose of this report is to provide a financial status update of the general operating fund as at March 31, 2008, the end of the first fiscal quarter.

(The Report of the Commissioner of Finance and Corporate Performance (08-183) was attached as Schedule Pages 151-156)

(File No. CSU-F05-000-2008)

(2) **2008 1<sup>st</sup> Quarter Report of the Provincial Offences Court Administration, Legal Services Department**

This report has been prepared to provide information on the 1<sup>st</sup> quarter (January 1 to March 31, 2008) fine revenues and expenditures of the Provincial Offences Court, as well as caseload volumes.

(The Report of the Commissioner of Corporate Services (08-195) was attached as Schedule Pages 157-162)

(File No. CSU-F10-000-2008)

(3) **Award of Excellence in the Green Building Category for the K-Rock Centre**

The Canadian Institute of Steel Construction (CISC) has awarded the City of Kingston with their "Award of Excellence in the Green Building Category".

(The Report of the Commissioner of Sustainability and Growth (08-200) was attached as Schedule Pages 163-164)

(File No. CSU-R05-001-2008)

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**MISCELLANEOUS BUSINESS**

- (1) **THAT** Council appoint three (3) Councillors and one member of staff as a non-voting member, to participate on the three (3) Healthy Community Fund Review Committees, that is one Councillor per review committee and the staff member participates on all three review committees, being Sports and Recreation Review Committee; Heritage Review Committee; and Community Development Review Committee.

**(See Clause (3), Report No. 71, Page No. 347)**

**DEFERRED**

- (2) Moved by Councillor Matheson  
Seconded by Councillor Schmolka

**THAT** the City of Kingston hereby declares June 5<sup>th</sup> "World Environment Day".

**CARRIED**

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**MOTIONS**

- (1) Moved by Councillor Matheson  
Seconded by Councillor Gerretsen

**WHEREAS** fluoridation of the Pittsburgh (Kingston East) water supply is still taking place, despite Kingston's past decision to abandon fluoridation of the drinking water supply, due to old regulations imposed by the Department of Defence governing CFB Kingston; and,

**WHEREAS** the east end water supply is the only municipally supplied water in Kingston currently being treated with fluoride; and,

**WHEREAS** there is no conclusive scientific data that shows fluoride has any real health benefit. In fact there is growing concern in scientific circles about the health effects of water fluoridation, about the individuals' right to choose what goes in our bodies, as well as the costs associated with fluoridation;

**THEREFORE BE IT RESOLVED THAT** the City of Kingston will send a letter to the Federal Minister of Defence and the Minister of Health, indicating that Utilities Kingston will halt, after public consultation and Council approval, the fluoridation of the Pittsburgh (Kingston East) water supply which services CFB Kingston, unless the Department of Defense can provide reference to current regulations that fluoride has to be added to a public water supply, and the scientific justification of such;

- and further -

**THAT** this policy intention of Utilities Kingston be sent to the Environment, Infrastructure and Transportation Policies (EITP) Committee for staff comment and full public consultation prior to it coming to Council for final approval by September of 2008.

**DEFERRED**

- (2) Moved by Councillor Foster  
Seconded by Councillor Gerretsen

**WHEREAS** climate change, caused by human greenhouse gas (GHG) emissions, is accelerating at an alarming and unexpected pace; and,

**WHEREAS** it is forecast that climate change will make the Arctic free of ice in summer by 2013 and not within 100 years as previously predicted; and,

**WHEREAS** this will be the first time in a million years, and the first time within the 200,000 year experience of our species, Homo Sapiens, that the Arctic will be free of ice; and,

**MOTIONS (CONTINUED)**

**WHEREAS** the City of Kingston endorsed the Kyoto Protocol in May, 2002; and,

**WHEREAS** the City of Kingston is a participant in the Federation of Canadian Municipalities' (FCM) *Partners in Climate Protection Program* (PCP) and has set Kingston's GHG reduction target (using 2000 as the baseline) at 25% by the Corporation and at 10% by the community by 2014; and,

**WHEREAS** buildings are responsible for over 40% of GHG emissions; and,

**WHEREAS** the current Ontario Building Code was not sufficiently updated in 2006 and 2008 with final steps effective 2011, and because these changes fall short of recognizing the need for immediate and urgent action that must be taken on climate change;

**THEREFORE BE IT RESOLVED THAT** staff work with the Kingston Home Builders' Association (KHBA) and other stakeholders with the goal to have a guideline in place encourage the design of all new homes in the City of Kingston built to Energy Star®, or similar accreditation, by 2010;

- and further -

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**THAT** staff work with the Kingston Construction Association (KCA) and other stakeholders with the goal of developing a municipal guideline to be in place by 2010, that encourages all new Industrial, Commercial and Institutional (ICI) buildings to have a review for a minimum of LEED® Silver certification, or similar certification, to be included with the building design in order to allow the owner to see the benefits of such a design;

- and further -

**THAT** a comprehensive energy efficiency checklist be supplied as a guideline for all renovations and additions to buildings (including heritage applications) that require a building permit, for implementation by 2010;

- and further -

**THAT** guidelines be developed for site plan control applications to promote energy efficiencies for such items as such as exterior lighting and landscaping;

- and further -

**THAT** staff investigate how a development or building can be 'bonused' to encourage the incorporation of energy efficiency into the plans and develop an implementation strategy;

- and further -

**THAT** staff prepare a comprehensive report to brought back to Council as soon as possible that will provide analysis and comment on the legal implications and economic impacts of the proposed measures outlined above, and includes:

- Research on what other municipalities in Ontario are doing to drive energy efficiency in the residential and ICI building sectors, and their success;
- Consideration on how zoning bylaws, subdivision agreements, site plan control and building permits could be used to increase minimum energy efficiency levels for new structures and major renovations;
- Consideration of accreditation standards that would be acceptable to the City of Kingston in addition to LEED® and Energy Star®;
- Recommendations for measures that will increase the minimum energy efficiency of new structures and renovations in the residential and ICI sectors of the community.

**DEFERRED**

- (3) Moved by Councillor Matheson  
Seconded by Councillor Osanic

**WHEREAS** Kingston will be the proud host of the 2008 World Wind Energy Conference taking place June 24<sup>th</sup> – 26<sup>th</sup>; and,

**MOTIONS (CONTINUED)**

**WHEREAS** the City of Kingston is striving to become Canada's most sustainable city; and,

**WHEREAS** Volker Thomsen and the organizers of the World Wind Energy Conference have proposed an offer for Kingston City Council members to be able to attend this important alternative energy conference; and,

**WHEREAS** it is important to ensure that our civic leaders can attend this world event as ambassadors as we welcome the citizens from around the world to Kingston, the place where history and innovation thrive;

**THEREFORE BE IT RESOLVED THAT** Kingston register with the World Wind Energy Conference and pay a fee of \$5,000, to be charged to the fiscal services contingency fund, instead of \$13,000 for the 13 members of Council to attend this historic event.

**CARRIED (9:2)**

(See Recorded Vote No. 1)

(See Motions To Amend Which Were LOST)

(See Motion To Amend Which Was WITHDRAWN)

Moved by Councillor Smith  
Seconded by Councillor Garrison

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**THAT** the Motion of Councillors Matheson and Osanic be amended in the fifth paragraph wherein the funds to attend the 2008 World Wind Energy Conference be charged to the Councillors' budget.

LOST (2:9)  
(See Recorded Vote No. 2)

Moved by Councillor Garrison  
Seconded by Councillor Gerretsen

**THAT** the Motion of Councillors Matheson and Osanic be amended in the fifth paragraph wherein the funds to attend the 2008 World Wind Energy Conference be charged only to the account of each Councillor who attends said conference.

LOST

Moved by Councillor Matheson  
Seconded by Councillor Hutchison

**THAT** Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to extend the meeting to 11:30 pm.

CARRIED  
(A 2/3 Vote Of Council Was Received)

Moved by Councillor Foster  
Seconded by Councillor Hutchison

**THAT** the Motion of Councillors Matheson and Osanic be amended by adding the following:

"- and further -

**THAT**, should Council members not be able to attend the 2008 World Wind Energy Conference, a member of staff be able to attend instead."

WITHDRAWN

## MOTIONS (CONTINUED)

(1) A Recorded Vote was requested by Councillor Smith

YEAS: Councillor Foster, Councillor Garrison, Deputy Mayor Glover, Councillor Hutchison, Councillor Matheson, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (9)

NAYS: Councillor Gerretsen, Councillor Meers (2)

ABSENT: Councillor Hector, Councillor MacLeod-Kane (2)

(2) A Recorded Vote was requested by Councillor Gerretsen

YEAS: Councillor Garrison, Councillor Smith (2)

NAYS: Councillor Foster, Councillor Gerretsen, Deputy Mayor Glover, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Schmolka (9)

ABSENT: Councillor Hector, Councillor MacLeod-Kane (2)

(4) Moved by Councillor Matheson  
Seconded by Councillor Osanic

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**THAT** the following motion be referred to the Commissioner of Community Development Services for a staff report to be prepared and presented at the Council meeting on June 17<sup>th</sup>, 2008:

**"THAT** the Cataraqui Region Conservation Authority (CRCA) request Kingston City Council to endorse the master plan report entitled *Conceptual Plan for Lemoine Point Conservation Area*;

- and further -

**THAT** the goals and objectives of the Conceptual Plan be taken into consideration in the formulation of the City's Parks and Recreation Master Plan."

**DEFERRED**

- (5) Moved by Councillor Foster  
Seconded by Councillor Smith

**WHEREAS** parents of students attending École Elementaire Madeleine-de-Roybon, the French public school located at CFB Kingston, are deeply concerned with the recent announcement of their school board, Conseil des écoles publique de l'Est de l'Ontario (CEPEO) to re-locate their children's school to Duncan McArthur school in Kingston, which is currently unused as a school; and,

**WHEREAS** Madeleine-de-Roybon is located in Kingston East which is the heart of the francophone community in Kingston and also houses the French Library formerly located at CFB's community resource centre; and,

**WHEREAS** respect and fostering of neighbourhoods and communities is a strategic direction of Kingston City Council and contributes to a sustainable city - Council's highest priority; and,

**WHEREAS**, of the 212 students currently enrolled at Madeleine-de-Roybon, about 50 walk to school, 84 go by bus or are driven locally, and the remaining 78 are transported from as far afield as Napanee and Gananoque, which means that the majority of students will need to be on the bus for a longer period of time if the school is relocated; and,

**WHEREAS** Madeleine-de-Roybon is also the site of a French daycare centre, La Garderie éducative de Kingston, which would also relocate with Madeleine-de-Roybon; and,

**WHEREAS** the bi-lingual garrison at CFB Kingston continues to grow in numbers, along with the francophone population in Kingston East; and,

**MOTIONS (CONTINUED)**

**WHEREAS** parents of students attending Madeleine-de-Roybon and La Garderie were not consulted as to the relocation of the school according to the spirit of the Ministry of Education Guidelines; and,

**WHEREAS** parents of students attending Madeleine-de-Roybon and La Garderie feel that the school board is dealing with the relocation of their school with undue haste;

**THEREFORE BE IT RESOLVED THAT** the Council of the City of Kingston earnestly and respectfully request that CEPEO consult actively and collaboratively with the parents of children at Madeleine-de-Roybon and La Garderie, as well as with the Ministry of Education, the Ministry of National Defence and CFB Kingston on any proposed re-location of this neighbourhood school in order to reach a solution that is acceptable to the school board, the parents, and the greater community.

**CARRIED UNANIMOUSLY**

- (6) Moved by Councillor Matheson  
Seconded by Councillor Meers

**THAT** the City of Kingston, in endorsing the motion passed by the Municipality of Brockton, support the following motion:

**"WHEREAS** Professor Bob Lovelace of Queen's University and spokesperson for the Ardoch Algonquin First Nation, and six band councillors from Kitchenuhmaykoosib Innuiuwug (KI) or Big Trout Lake have been imprisoned until recently for defending their community from the operations of a mining exploration company; and,

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**WHEREAS** the Chiefs of Ontario are seeking public support for the KI 6;

**THEREFORE BE IT RESOLVED THAT** the City of Kingston write to the Aboriginal Affairs Minister, Michael Bryant, Premier Dalton McGuinty, our local MPP and Minister of the Environment John Gerretsen, and Prime Minister Stephen Harper to ask that new rules be developed for consultations between mining companies and First Nations;

- and further -

**THAT** the Federal and Provincial governments clarify and respect Native land rights in the constitution; and that the Premier of Ontario answer the call of 18 and counting communities that have requested a moratorium on uranium mining, as well as a review and appropriate changes to the antiquated mining act that would provide for and respect property owners rights;

- and further -

**THAT** this motion be circulated to AMO."

**DEFERRED**

Moved by Councillor Matheson  
Seconded by Councillor Hutchison

**THAT** Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to extend the meeting to 11:45 pm.  
**LOST**  
(A 2/3 Vote Of Council Was Not Received)

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**NOTICES OF MOTION**

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**MINUTES**

**THAT** the Minutes of City Council Meeting No. 11-2008, held Tuesday, May 6, 2008, and Meeting No. 12-2008, held Tuesday, May 20, 2008, be confirmed.  
(Meeting No. 11-2008 - Distributed to all Members of Council on Friday, May 23, 2008)  
(Meeting No. 12-2008 - Distributed to all Members of Council on Friday, May 30, 2008)

**DEFERRED**

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**TABLING OF DOCUMENTS**

- 2008-42     HIV/AIDS Regional Services  
              Newsletter – Spring 2008  
              (File No. CSU-M07-000-2008)
  
- 2008-43     Cataraqui Source Protection Authority  
              Agenda – May 28<sup>th</sup>, 2008  
              (File No. CSU-D03-000-2008)
  
- 2008-44     KFL&A Public Health  
              Agenda – Board Meeting – May 28<sup>th</sup>, 2008  
              (File No. CSU-S08-001-2008)

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- 2008-45     Catarauqui Region Conservation Authority  
Newsletter – “Cat Tales” – Spring/Summer 2008  
(File No. CSU-D03-000-2008)
- 2008-46     Downtown Kingston! BIA Board of Management  
Invitation – Spring General Meeting – May 28<sup>th</sup>, 2008  
(File No. CSU-A01-001-2008)
- 2008-47     Kingston Frontenac Public Library Board  
Minutes – Regular Meeting #2008-04 – April 23<sup>rd</sup>, 2008  
(File No. CSU-R02-000-2008)

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## COMMUNICATIONS

### Filed

- 13-363     From the Ontario Ministry of Municipal Affairs and Housing, providing information regarding additional funding for the Government of Ontario's Provincial Rent Bank Program.  
(File No. CSU-S04-000-2008)

## COMMUNICATIONS (CONTINUED)

- 13-366     From Boston Pizza Inc., an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 95 Dalton Avenue.  
(File No. CSU-P09-000-2008)
- 13-367     From the Regional Municipality of Durham, acknowledging receipt of Council's resolution regarding the use of Zenn automobiles on Ontario roads.  
(File No. CSU-T08-000-2008)
- 13-368     From the Town of Markham, acknowledging support of Council's resolution regarding the use of Zenn automobiles on Ontario roads.  
(File No. CSU-T08-000-2008)
- 13-369     From the County of Lambton, acknowledging support of Council's resolution regarding the use of Zenn automobiles on Ontario roads.  
(File No. CSU-T08-000-2008)
- 13-370     From the Premier of New Brunswick, acknowledging receipt of Council's resolution regarding the use of Zenn automobiles on Ontario roads.  
(File No. CSU-T08-000-2008)

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- 13-371 From the Ontario Municipal Board (OMB), advising of their decision regarding a request for a series of variances from Zoning By-Law No. 8499 for the property located at 69 Helen Street.  
(File No. CSU-D14-000-2008)
- 13-372 From the Canadian Federation of Podiatric Medicine (CFPM), advising that the City of Kingston placed 10<sup>th</sup> in this year's Best Walking City in Canada contest.  
(File No. CSU-S08-000-2008)
- 13-373 From the County of Elgin, acknowledging support of Council's resolution regarding the use of Zenn automobiles on Ontario roads.  
(File No. CSU-T08-000-2008)
- 13-375 From the City of Pickering, acknowledging support of Council's resolution regarding the use of Zenn automobiles on Ontario roads.  
(File No. CSU-T08-000-2008)
- 13-376 From the County of Peterborough, acknowledging support of Council's resolution regarding the use of Zenn automobiles on Ontario roads.  
(File No. CSU-T08-000-2008)

**COMMUNICATIONS (CONTINUED)**

- 13-377 From the City of St. Catharines, acknowledging support of Council's resolution regarding the use of Zenn automobiles on Ontario roads.  
(File No. CSU-T08-000-2008)
- 13-378 From McCormick Rankin Corporation, advising that the Design and Construction Report (DCR), documenting the detailed design and environmental protection and mitigation measures of the Highway 401 improvements from Sydenham Road to Montreal Street, has been prepared and is available for review.  
(File No. CSU-T04-000-2008)
- 13-383 From the Committee of Adjustment, a Notice of Decision for the following applications:  
MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 8499 for the property at 12 Redan Street, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is June 16, 2008.  
MINOR VARIANCE – In respect of an application to request permission for minor variances to Zoning By-Law No. 32-74 for the property at 236 James Street (Barriefield), the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is June 16, 2008.  
(File No. CSU-D19-000-2008)
- 13-385 From the Kingston Brewing Company, providing a copy of a letter to Chief Closs and the Police Services Board requesting that the downtown foot patrol be reinstated and that police vehicles patrol downtown streets on a more frequent basis.  
(File No. CSU-P17-000-2008)

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- 13-386 From the Corporation of the City of Oshawa, acknowledging receipt of Council's resolution regarding Bill 64, which is the Pesticide Act.  
(File No. CSU-E05-000-2008, CSU-L11-000-2008)
- 13-387 From the Corporation of the City of Oshawa, acknowledging receipt of Council's resolution regarding the Ontario Building Code.  
(File No. CSU-L11-000-2008)

**Referred to All Members of Council**

- 13-364 From the Sudbury Mine Mill and Smelter Workers/Canadian Auto Workers (CAW) Union Local 598, asking for Council's support of a resolution to amend the Ontario Health and Safety Act to include a personal safety clause that would offer protections from emotional or psychological harm as well as from physical harm in the workplace.  
(File No. CSU-C10-000-2008, CSU-L11-000-2008)

**COMMUNICATIONS (CONTINUED)**

- 13-365 From Margaret and Roger Bryant, expressing their opposition to the proposed construction of a new aquatic centre.  
(File No. CSU-R05-000-2008)  
**(Distributed to all Members of Council on May 20, 2008)**
- 13-381 From Kincore Holdings Limited, requesting the approval of Council to appoint Kim Donovan and Wendy Capstick as By-Law Enforcement Officers for the purpose of issuing tickets under By-Law No. 99-166 on the property located at 77 Clarence Street (The Clarence Inc.).  
(File No. CSU-P01-003-2008)  
**(See By-Law No. (7), 2008-118)**
- 13-382 From the Town of Niagara-on-the-Lake, asking for Council's support of a resolution requesting the Federal Government to make sure that the border bridges and crossing points are staffed, especially during the busy summer season; that the Border Services Branch of the Federal Government be required to react faster to increased vehicular traffic, opening all gates of entry before peak traffic points are reached; and further that Border Services work according to their own guidelines to make sure that traffic is expedited in a smart, secure and efficient manner.  
(File No. CSU-C10-000-2008)

**Referred to the President and CEO of Utilities Kingston**

- 13-374 From the Cataraqui Region Conservation Authority, providing information regarding early grants to help with municipal drinking water protection, in particular for properties located off Cana Boulevard.  
(File No. CSU-F11-000-2008)

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**Referred to the Commissioner of Community Development Services**

- 13-379 From the Kingston Historical Society, proposing that the area now known by the informal name of Breakwater Park be given the name of Bradstreet Park.  
(File No. CSU-R04-000-2008)
- 13-384 From Clark Consulting Services, providing a copy of the Notice of Complete Application submitted to the applicant in response to six zoning by-law amendment applications submitted to the Township of Frontenac Islands for the removal of two properties from the WP-H Zone and the addition of four properties to the WP-H Zone for the Wolfe Island Wind Plant.  
(File No. CSU-E11-000-2008)

**Referred to the Environment, Infrastructure and Transportation Policies Committee**

- 13-380 From Industry Task Force II on 2,4-D Research Data, advising that Health Canada's Pest Management Regulatory Agency (PMRA) has concluded its re-evaluation of the popular herbicide 2,4-D, finding that the herbicide can be used safely according to label directions for a variety of lawn, turf and agricultural applications.  
(File No. CSU-E05 -000-2008)

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**BY-LAWS**

Council consented to the withdrawal of By-Law (4).

- (A) Moved by Councillor Foster  
Seconded by Councillor Osanic  
**THAT** By-Laws (1), (2), (3) as amended, and (5) through (9) be given their first and second reading. **CARRIED**
- (B) Moved by Deputy Mayor Glover  
Seconded by Councillor Smith  
**THAT** Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Law (7) three readings. **CARRIED**
- (C) Moved by Councillor Schmolka  
Seconded by Councillor Meers  
**THAT** By-Laws (5) through (11) be given their third reading. **CARRIED**
- (1) A By-Law To Amend By-Law No. 2003-61, "A By-Law To Permit Council To Enter Into Agreements For The Provision Of Affordable Housing" (various housekeeping items)  
FIRST AND SECOND READINGS **PROPOSED NO. 2008-112**  
**(See Clause (h), Report No. 68)**
- (2) A By-Law To Authorize Certain Capital Works Of The Corporation Of The City Of Kingston (The "Municipality"); To Authorize The Submission Of An Application To The Ontario Infrastructure Projects Corporation ("OIPC") For Financing Such Works And Certain Other Ongoing Works; To Authorize Temporary Borrowing From OIPC To Meet

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Expenditures Made In Connection With Such Works; And To Authorize Long Term Borrowing For Such Works Through The Issue Of Debentures To OIPC

FIRST AND SECOND READINGS

PROPOSED NO. 2008-113

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

- (3) A By-Law To Amend By-Law No. 98-1, "Council Procedural By-Law" (Amend the Council agenda distribution process and change the Council meeting start time)

FIRST AND SECOND READINGS

PROPOSED NO. 2008-114

(See Clause (1 and 2), Report No. 72)

- (4) A By-Law To Amend By-Law No. 2002-86, "A By-Law To Establish The Position Of Chief Administrative Officer" (amend evaluation requirements)

FIRST AND SECOND READINGS

PROPOSED NO. 2008-115

(See Clause (3), Report No. 73)

**WITHDRAWN**

### BY-LAWS (CONTINUED)

- (5) 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 'M2-3' To 'MD-3-H', 2069 Joyceville Road)

THREE READINGS

PROPOSED NO. 2008-116

(See Clause (1), Report No. 70)

- (6) A By-Law To Amend The Official Plan Of The Township Of Pittsburgh Planning Area (Amendment No. 67, Known Municipally As 2069 Joyceville Road)

THREE READINGS

PROPOSED NO. 2008-117

(See Clause (1), Report No. 70)

- (7) A By-Law 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 The Local Board" (Add Kim Donovan and Wendy Capstick – Kincore Holdings Limited, The Clarence Inc., 77 Clarence Street)

THREE READINGS

PROPOSED NO. 2008-118

(See Communication No. 13-381)

- (8) A By-Law To Provide For The Assumption Of The Public Highways In Phase 2C, Stage 2 Of Arbour Ridge Subdivision, Registered Plan 13M-23, In The City Of Kingston, In Accordance With Section 31(4) Of The Municipal Act, Chapter 25, S.O. 2001; And To Provide For The Acceptance By The City Of Kingston, Of The Associated Public Works Within

THREE READINGS

PROPOSED NO. 2008-119

(Delegated Authority)

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- (9) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, June 3, 2008  
THREE READINGS PROPOSED NO. 2008-120  
(City Council Meeting No. 13-2008)
- (10) A By-Law To Amend By-Law No. 94-356, "A By-Law To Designate 370 King Street West To Be Of Architectural Value Or Interest, Pursuant To The Provisions Of The *Ontario Heritage Act* (Clause 2., Report No. 152 1994)" to reflect its cultural heritage value  
THIRD READING PROPOSED NO. 2008-106  
(See Clause (1), Report No. 67)
- (11) A By-Law To Amend By-Law No. 2005-230, "A By-Law To Authorize Specific Individuals To Undertake Site Visits Or Site Inspections Of Property Designated Or Property Proposed To Be Designated Pursuant To The Ontario Heritage Act, R.S.O. 1990, c. O.18" (add Lindsay Lambert as a member of staff who can undertake site visits)  
THIRD READING PROPOSED NO. 2008-107  
(See Clause (3), Report No. 67)

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**ADJOURNMENT**

Council adjourned at 11:35 pm.

(Signed)

Carolyn Downs  
City Clerk

Harvey Rosen  
Mayor