

CITY COUNCIL MEETING NO. 14-2008

The Regular Meeting of City Council was held on Tuesday, June 17, 2008, and was called to order at 6:40 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 6:45 pm to 7:20 pm in the Councillors' Lounge.

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Garrison, Councillor Gerretsen (arrived 6:45 pm), Deputy Mayor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane (arrived 7:55 pm), Councillor Matheson, Councillor Osanic, Councillor Schmolka, Councillor Smith (11)

Absent: Councillor Foster, Councillor Meers (2)

(Councillors' Lounge)

Administrative Staff Present:

Mr. J. Bolognone, Deputy City Clerk

Mrs. C. Downs, City Clerk

Mr. G. Hunt, Interim Chief Administrative Officer

Mr. S. Kanellos, Director, Growth and Initiatives

Mr. D. Leger, Commissioner of Corporate Services

Mr. H. Linscott, Director, Legal Services

COMMITTEE OF THE WHOLE "IN CAMERA"

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

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

- (a) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Lafarge Environmental Review Tribunal Hearing
- (b) A proposed or pending acquisition or disposition of land by the municipality or local board – Princess Street
- (c) Personal matters about an identifiable individual, including municipal or local board employees – CAO Recruitment

CARRIED

(Council Chamber)

Administrative Staff Present:

Ms. C. Beach, Commissioner of Sustainability and Growth

Mr. J. Bolognone, Deputy City Clerk

Mr. B. Cookman, Acting Deputy Chief, Kingston Police

Mrs. C. Downs, City Clerk

Mr. J. Garrah, CEO, Kingston Economic Development Corporation

Mr. J. Giles, Manager, Solid Waste

Mr. G. Hunt, Interim Chief Administrative Officer

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

Ms. D. Kennedy, Director, Financial Services

Ms. M. LaPlante-Wheeler, Manager, Client Services

Administrative Staff Present (continued):

Mr. D. Leger, Commissioner of Corporate Services

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Mr. H. Linscott, Director, Legal Services
Mr. A. McLeod, Senior Legal Counsel, Legal Services
Ms. P. Nichols, Manager, Transit and Parking
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

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

- (2) Moved by Councillor Garrison
Seconded by Deputy Mayor Glover

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

CARRIED

DISCLOSURE OF PECUNIARY INTEREST

Councillor Gerretsen declared a potential pecuniary interest in the matter of Clause (7) of Report No. 76 of the Chief Administrative Officer (Recommend) as he is partial owner of a property management firm which owns property on the subject street. Councillor Gerretsen indicated that the Staff Briefing suggests that the content of the briefing surrounds more than the actual street closure, so he will participate in the discussion. Councillor Gerretsen advised that he has consulted legal counsel on this matter and added that, should the time come that the discussion goes down the road to the street closure, he will withdraw from the meeting during consideration of the item.

Councillor Garrison declared a pecuniary interest in the matter of Presentation No. (1) regarding the University Hospitals Kingston Foundation as his mother-in-law is an employee of Kingston General Hospital (KGH).

PRESENTATIONS

Councillor Garrison withdrew from the meeting.

- (1) Ms. Denise Cumming, Executive Director, University Hospitals Kingston Foundation, and Mr. Ian Wilson, Campaign Chair, presented Council with an expression of appreciation for the support given to the "Together We Can" campaign for the redevelopment of Kingston's hospitals.

Councillor Garrison returned to the meeting.

DELEGATIONS

- (1) Mr. Richard A. McNevin, Soloway Wright LLP, and Mr. Alf Hendry, CEO of Homestead Land Holdings Limited, were present and spoke to Council regarding the Block D development.

(See Clause (1), Report No. 76, Page No. 370)

DELEGATIONS (CONTINUED)

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- (2) Mr. Don B. Rogers, on behalf of Save our Neighbourhood Action Group (SONAG), was present and spoke to Council regarding the Queen's Orientation request for noise by-law exemption and the request for the temporary closure of Aberdeen Street for a portion of the Homecoming Weekend.
(See Clause (3), Report No. 76, Page No. 371, and Clause (7), Report No. 76, Page No. 373)

BRIEFINGS

- (1) Mr. Gerard Hunt, Interim Chief Administrative Officer, introduced Ms. Nancy L. Stableforth, Regional Deputy Commissioner (Ontario), and Mr. Joe Beatty, Regional Director, Executive Services, Correctional Service Canada (CSC), who provided Council with an update on the process to relocate the Portsmouth Community Correctional Centre.
- (2) Mr. Gerard Hunt, Interim Chief Administrative Officer, Mr. Patrick Deane, Vice Principal (Academic), Queen's University, Mr. Tom Williams, Principal, Queen's University, and Mr. Paul Tye, Queen's University Alma Mater Society (AMS), were present and spoke to Council regarding the City of Kingston/Queen's Shared Solutions.
(See Information Report No. 7, Page No. 381)

PETITIONS

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Council consented to the addition of Motion of Condolences No. (2) and Motion of Speedy Recovery No. (1).

Motions of Congratulations

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

THAT the City of Kingston extend its congratulations and thanks to all employees of the City of Kingston and partners, past and present, who had a role in the building of Kingston's brand new 4-pad arena multiplex, now known as the INVISTA Centre. Each of you contributed your unique skills and abilities, working long and hard hours to get the job done. The INVISTA Centre is a wonderful addition to Kingston and will be well-used by the community. Congratulations and thank you for your part in making it happen!

- (2) Moved by Mayor Rosen
Seconded by Councillor Schmolka

THAT the congratulations of Kingston City Council be extended to Eric Otto, on completing his recent climb to the summit of Mount Everest. Along with his brother, Dr. Christian Otto of Ottawa, and Andrew Brash of Calgary, Eric Otto scaled the world's tallest mountain on May 23, 2008. At age twenty, it has been reported that Eric is the youngest Canadian citizen to ever complete the climb. Congratulations on reaching "the top of the world!" It is an outstanding achievement!

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY (CONTINUED)

Motions of Condolence

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

THAT the sincere condolences of Kingston City Council be offered to the family of Thomas Gilbert Phelan. Gil passed away at Kingston General Hospital in his 77th year. He was an active member in the Kingston Community through his leadership and volunteerism in many organizations such as the Shriners, Kingston Lawn Bowling Club, and the golf and curling clubs in the City. A former member of the Royal Canadian Air Force and RMC graduate, Gil was a teacher and then Vice Principal in several area schools such as Frontenac Secondary and Loyalist Collegiate Vocational Institute.

- (2) Moved by Councillor Smith
Seconded by Councillor Hector

THAT the sincere condolences of Kingston City Council be extended to Maggie Daicar, long time resident of Pittsburgh, on the recent death of her mother, Norah Mary Gill.

Motions of Speedy Recovery

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

THAT best wishes for a speedy recovery be extended to Mrs. Lorraine Rogers, wife of former Councillor Don Rogers, following her recent surgery.

CARRIED

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REPORTS

Report No. 75 the Chief Administrative Officer (Consent)

Moved by Councillor Gerretsen
Seconded by Councillor Smith

THAT Report No. 75 of the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the separation of Clause (b).

Report No. 75

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) **Award of Tender for Winter Control Road Salt to The Canadian Salt Company Ltd.**

THAT Council authorize the Mayor and Clerk to enter into a contract, in a form satisfactory to the Director of Legal Services, with The Canadian Salt Company Ltd, for the supply of approximately 16,000 tonnes of coarse crushed salt for winter road and sidewalk maintenance, in the amount of \$87.17 per tonne, including all taxes and freight, being the lowest bid received, for Tender PWES-PW-2008-2.

(The Report of the President and CEO of Utilities Kingston (08-209) was attached as Schedule Pages 1-3)
(File No. CSU-F18-003-2008)

CARRIED

(b) **Award of Tender for Five (5) 30' Mid-Size Transit Buses to Creative Carriage Ltd.**

THAT the tender F18-CS-FL-2008-09 for the purchase of five (5) 30' low floor transit coaches be awarded to Creative Carriage Ltd. for the purchase price of \$850,000 plus applicable taxes.

(The Report of the Commissioner of Corporate Services (08-224) was attached as Schedule Pages 4-10)
(File No. CSU-F18-004-2008)

CARRIED

Report No. 76 of the Chief Administrative Officer (Recommend)

Moved by Councillor Hector
Seconded by Councillor Hutchison

THAT Report No. 76 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 76

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

REPORTS (CONTINUED)

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Report No. 76 of the Chief Administrative Officer (Recommend)

(1) 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 11-16)

(File No. CSU-D15-000-2008)

CARRIED

(2A) Staff Briefing –Ms. Desireé Kennedy, Director of Financial Services, addressed Council about the Major Projects and Long Term Debt Summary Report.
(See Information Report No. (5), Page No. 381)

(2B) Staff Briefing – Mr. Gerard Hunt, Interim Chief Administrative Officer, and Ms. Desireé Kennedy, Director of Financial Services spoke to Council regarding the 2009 Budget Guidelines.

(2) 2009 Budget Guidelines

THAT Council set a special meeting of Committee of the Whole to:

- a. consider strategies included in this report to assist in establishing acceptable tax rate levels for 2009 and future years; and
- b. establish tax rate and budget guidelines for 2009 and 2010; and,
- c. conduct priority setting for major projects and long term debt.

(The Report of the Commissioner of Finance and Corporate Performance (08-186) was attached as Schedule Pages 17-22)

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

CARRIED AS AMENDED

(See Motion To Amend Which Was CARRIED)

Moved by Councillor Hector

Seconded by Councillor Hutchison

THAT Clause (2) of Report No. 76 be amended to add the following:

- "c. conduct priority setting for major projects and long term debt."

CARRIED

REPORTS (CONTINUED)

Report No. 76 of the Chief Administrative Officer (Recommend)

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(3) **Queen's Orientation Request for Noise By-Law Exemption**

Council consented to separate Paragraphs 1 and 2 of Clause (3).

THAT Queen's Alma Mater Society (AMS) is granted an exemption to Noise Control By-Law No. 2004-52, Schedule B, to permit an outdoor concert at Miller Parking Lot behind Miller Hall at 36 Union Street on Friday, September 5, 2008 from 11:00 a.m. to 11:59 p.m.;

LOST (5:6)
(See Recorded Vote No. 1)

- and further -

THAT Queen's Alma Mater Society (AMS) is granted an exemption to Noise Control By-Law No. 2004-52, Schedule B, to permit an outdoor semi-formal at Agnes Benedickson Field off 5th Field Company Lane on Saturday, September 6, 2008 from 8:00 p.m. until 11:59 p.m.

(The Report of the Commissioner of Community Development Services (08-208) was attached as Schedule Pages 23-30)

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

CARRIED (10:1)
(See Recorded Vote No. 2)

(1) A Recorded Vote was requested by Councillor Gerretsen

YEAS: Councillor Hector, Councillor MacLeod-Kane, Mayor Rosen, Councillor Schmolka, Councillor Smith (5)

NAYS: Councillor Garrison, Councillor Gerretsen, Deputy Mayor Glover, Councillor Hutchison, Councillor Matheson, Councillor Osanic (6)

ABSENT: Councillor Foster, Councillor Meers (2)

(2) A Recorded Vote was requested by Councillor Gerretsen

YEAS: Councillor Garrison, Deputy Mayor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (10)

NAYS: Councillor Gerretsen (1)

ABSENT: Councillor Foster, Councillor Meers (2)

(4) **Award of RFP for Containers for Source Separated Organics to Norseman Plastics Ltd.**

THAT a capital budget amendment in the amount of \$567,000 be approved and added to Capital Project No. 96066 – Source Separated Organics to be funded from the solid waste and recycling reserve fund;

- and further -

THAT the RFP submitted by Norseman Plastics Ltd. in the amount of \$1,384,000 in response to RFP No. L04-PW-SW-2008-2 for Containers for Source Separated Organics be selected as the basis for preparing an agreement;

- and further -

THAT the Mayor and Clerk be authorized to sign the agreement, in a form satisfactory to the Legal Services Division.

(The Report of the President and CEO of Utilities Kingston (08-210) was attached as Schedule Pages 31-35)

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

CARRIED

REPORTS (CONTINUED)

Report No. 76 of the Chief Administrative Officer (Recommend)

(5) **Award of RFP for Residential Organics Transportation and Processing to Scott Environmental Group**

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THAT the RFP submitted by the Scott Environmental Group in response to RFP No. L04-PW-SW-2008-1 for Residential Organics Transportation and Processing be selected as the basis for preparing an agreement expiring five years from the date of receiving the first load of Source Separated Organics from the City collection program with an option of a one year extension at the sole discretion of the City;

- and further -

THAT the Mayor and Clerk be authorized to sign the agreement, in a form satisfactory to the Legal Services Division. (The Report of the President and CEO of Utilities Kingston (08-202) was attached as Schedule Pages 36-39) (File No. CSU-F31-000-2008)

ABYL0026
DEFERRED

(See Motion To Defer Which Was CARRIED)

Moved by Councillor Schmolka
Seconded by Councillor Matheson

THAT Clause (5) of Report No. 76 be deferred for consideration to the July 15th Council meeting in order to clarify whether the application at the Planning Committee relates to the site of the proposed transfer station on Fortune Crescent.

CARRIED

(6) **Automated Bus Stop Announcements to Comply with the Ontario Human Rights Commission**

THAT Council approve an amendment to the 2008 capital budget in the amount of \$219,644 for the purchase and installation of an automated bus stop announcement system with funding provided from the Transit Reserve Fund;

- and further -

THAT Council authorize the Mayor and Clerk to enter into an agreement with Strategic Mapping Inc. for the purchase and installation of an automated bus stop announcement system, in the amount of \$219,644, in a form satisfactory to the Director of Legal Services;

- and further -

THAT Council authorize the Mayor and Clerk to enter into an agreement, in a form satisfactory with the Director of Legal Services, with Strategic Mapping for a 5 year software licensing agreement in the amount of \$28,000 per year to be funded from the transit operating budget.

(The Report of the Commissioner of Corporate Services (08-220) was attached as Schedule Pages 40-52) (File No. CSU-T03-000-2008)

CARRIED

(See Motion To Defer Which Was LOST)

Moved by Councillor Gerretsen
Seconded by Councillor Hutchison

THAT Clause (6) of Report No. 76 be deferred and referred back to staff for additional information with respect to manual operation.

LOST

Councillor Gerretsen withdrew from the meeting.

REPORTS (CONTINUED)

Report No. 76 of the Chief Administrative Officer (Recommend)

(7) **Aberdeen Street – Temporary Road Closure**

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THAT a by-law be presented to City Council to provide for the temporary closure to motor vehicle traffic and on-street parking on Aberdeen Street, from Johnson Street to Earl Street, from 12:00 p.m. on September 27 to 4:00 a.m. on September 28, 2008 and that the intersection at William Street and Aberdeen Street be closed from 8:00 p.m. on September 27 to 4:00 a.m. on September 28, 2008;

- and further -

THAT the staff be authorized to enter into an Agreement with Queen's University and the Queen's Alma Mater Society setting out the roles and responsibilities of each in a form satisfactory to the Interim Chief Administrative Officer and the Director of Legal Services and that the Interim Chief Administrative Officer be authorized to sign the Agreement.

(The Report of the President and CEO of Utilities Kingston (08-225) was attached as Schedule Pages 53-60)

(File No. CSU-T08-000-2008)

(See By-Law No. (1), 2008-121)

CARRIED (8:2)
(See Recorded Vote)

A Recorded Vote was requested by Councillor Smith

YEAS: Deputy Mayor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (8)

NAYS: Councillor Garrison, Councillor Matheson (2)

ABSENT: Councillor Foster, Councillor Gerretsen, Councillor Meers (3)

Councillor Gerretsen returned to the meeting.

(8) **Hotel Dieu Chown Parking Garage Expansion Request for Spatial Separation Agreement for Part of Laneway Off of Montreal Street**

THAT Council authorize the City to enter into a spatial separation agreement with the Hotel Dieu Hospital, satisfactory to the Interim Chief Administrative Officer and the Director of Legal Services, for that part of the City-owned lane described in Exhibit "A" and that the Mayor and Clerk be authorized to sign that agreement;

- and further -

THAT the spatial separation agreement be for the same period of time as the lease of the City lands beneath the Chown Parking Garage, which provides for an initial lease term of 49 years with 5 options to renew of 10 years each in favour of the Hospital.

(The Report of the Interim Chief Administrative Officer (08-228) was attached as Schedule Pages 61-67)

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

CARRIED

Moved by Councillor Garrison

Seconded by Councillor Gerretsen

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)
(See Recorded Vote)

REPORTS (CONTINUED)

Report No. 76 of the Chief Administrative Officer (Recommend)

A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Garrison, Councillor Gerretsen, Councillor Hutchison, Councillor Matheson, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (8)

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NAYS: Deputy Mayor Glover, Councillor Hector, Councillor MacLeod-Kane (3)

ABSENT: Councillor Foster, Councillor Meers (2)

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

Moved by Councillor Gerretsen

Seconded by Councillor Hutchison

THAT Report No. 73 of the Ad Hoc Committee for the Chief Administrative Officer Evaluation be received and adopted.

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.

CARRIED

2. Developmental Assessment of the Chief Administrative Officer

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

REPORTS (CONTINUED)

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

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:

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- 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.
 - 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.

CARRIED

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. (2), 2008-122)

CARRIED

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.

CARRIED

Councillor Garrison challenged the Mayor accepting a motion when he had already a motion on the floor. Council ruled in favour of the Mayor.

Moved by Councillor Garrison

Seconded by Councillor Gerretsen

THAT all matters of business up to the added Motion No. (7) of Councillors Matheson and Osanic concerning the site alteration by-law be deferred, with the exception of Report No. 80 of the Environment, Infrastructure and Transportation Policies Committee and Report No. 77 of the Planning Committee, which will be considered.

CARRIED AS AMENDED (6:5)

(See Recorded Vote)

(See Motion To Reconsider Which Was CARRIED)

(See Motion To Amend Which Was CARRIED)

REPORTS (CONTINUED)

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

A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Garrison, Councillor Gerretsen, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Osanic (6)

NAYS: Deputy Mayor Glover, Councillor Hector, Mayor Rosen, Councillor Schmolka, Councillor Smith (5)

ABSENT: Councillor Foster, Councillor Meers (2)

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Moved by Councillor Garrison
Seconded by Councillor Matheson

THAT the Motion of Councillors Garrison and Gerretsen regarding the deferral of all matters of business up to Motion No. (7) be reconsidered in order to deal with Report No. 80 of the Environment, Infrastructure and Transportation Policies Committee.

CARRIED

Moved by Councillor Garrison
Seconded by Councillor MacLeod-Kane

THAT the Motion of Councillors Garrison and Gerretsen be amended to also include consideration of Report No. 80 of the Environment, Infrastructure and Transportation Policies Committee and Report No. 77 of the Planning Committee.

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

Moved by Councillor Schmolka
Seconded by Councillor MacLeod-Kane

THAT the Motion of Councillors Garrison and MacLeod-Kane be amended to also include consideration of Report No. 77 of the Planning Committee.

CARRIED

Report No. 77 of the Planning Committee

Moved by Councillor Schmolka
Seconded by Councillor Hector

THAT Report No. 77 of the Planning Committee be received and adopted.

Report No. 77

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.

REPORTS (CONTINUED)
Report No. 77 of the Planning Committee

June 5, 2008

1. **Application for Zoning By-Law Amendment to Permit a Medical Clinic and Doctor's Office Use to Conduct Elective Cosmetic and Dental Day Surgery at 1324 Princess Street**

THAT the Application for Zoning By-Law Amendment (Our File No. D14-119-2008) submitted by Caroline Sanger for the property municipally known as 1324 Princess Street **BE APPROVED**.

- and further -

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

1. That Map 12 of Schedule "A" to Zoning By-Law No. 8499 be amended to rezone the subject site known municipally as 1324 Princess Street from the existing Special Arterial Commercial 'C2.305' Zone to an Arterial Commercial 'C2' Zone, as shown on Schedule "A" attached to and forming part of By-Law No. 2008-124.
2. AND that the Amending By-Law be presented to City Council for all three readings.
(See By-Law No. (4), 2008-124)

CARRIED

Report No. 78 of the Administrative Policies Committee

Report No. 78

To the Mayor and Members of Council:

The Administrative Policies Committee reports and recommends as follows:

All items listed on the Administrative 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.

June 10, 2008

1. **2007 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, 2007.

(Note: A copy of the Draft Audited Financial Statements was attached as Schedule Pages 68-102)

2. **Francophone Association of Municipalities of Ontario (FAMO)**

THAT no action be taken on the request by the Francophone Association of Municipalities of Ontario (FAMO) for the City of Kingston to join that Association.

(Note: A copy of Report No. AP-08-009 was attached as Schedule Pages 103-106)

REPORTS (CONTINUED)

Report No. 78 of the Administrative Policies Committee

3. **No-Scent Policy on Purchasing Products**

THAT Council adopt the attached No-Scent Policy on Purchasing Products, dated June, 2008, as it relates to all City of Kingston facilities where municipal services are provided.

(Note: A copy of the No-Scent Policy on Purchasing Products was attached as Schedule Page 107)

DEFERRED

Report No. 79 of the Kingston Municipal Heritage Committee (LACAC)

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Report No. 79

To the Mayor and Members of Council:

The Kingston Municipal Heritage Committee (LACAC) reports and recommends as follows:

All items listed on the Kingston Municipal Heritage 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.

June 2, 2008

1. **A By-Law to Designate 186 Frontenac Street also known as Merriman House**

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

WHEREAS Council has served Notice of Intent to Designate on (186 Frontenac Street, Plan A12, Lot 937 to 938 NPT; RP 13R4830 Parts 1-4 B371, City of Kingston); and,

WHEREAS notice of designating by-law was published in the Kingston Whig Standard, which is a newspaper having general circulation in the municipality, on September 5, 2007; and,

WHEREAS a notice of objection to the proposed designation was served to the Clerk of the Corporation of the City of Kingston on October 10, 2007; and,

WHEREAS this notice was withdrawn on May 2, 2008;

THEREFORE BE IT RESOLVED THAT the Council of The Corporation of the City of Kingston enact as follows:

THAT the attached by-law entitled "By-Law No. 2008-123, A By-Law To Designate 186 Frontenac Street Also Known As Merriman House To Be Of Cultural Heritage Value And Interest Pursuant To The Provisions Of The Ontario Heritage Act (R.S.O. 1990, Chapter 0.18)" be presented for first and second reading;

- and further -

THAT, following third reading, the Clerk of the Corporation of the City of Kingston shall:

a) cause a copy of the by-law, together with a statement explaining the cultural heritage value or interest of the property and a description of the heritage attributes of the property to be served on both the owner of the property, and the Ontario Heritage Trust;

b) cause a copy of the by-law to be registered against the property in the land registry office.

(See By-Law No. (3), 2008-123)

(Note: A copy of the by-law was attached as Schedule Pages 108-112)

REPORTS (CONTINUED)

Report No. 79 of the Kingston Municipal Heritage Committee (LACAC)

2. **Adoption of the "Guide and Inventory Evaluation Form for Individual Properties of Cultural Heritage Value or Interest"**

THAT the "Guide and Inventory Evaluation Form for Individual Properties of Cultural Heritage Value or Interest" be adopted as the measure against which all new entries on the City of Kingston's Heritage Properties Register will be evaluated.

(Note: A copy of Report KMH-08-004 from Mr. Lance Thurston, Commissioner of Community Development Services was attached as Schedule Pages 113-134)

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3. **Approval of an Application for an Elevated Pedestrian Walkway at 166 Brock Street also known as Hotel Dieu Hospital**

THAT Application P18-366-043-2008 for a property located at 166 Brock Street also known as Hotel Dieu Hospital for the construction of an elevated pedestrian walkway **BE APPROVED** as described within a submission dated 16th May 2008.

4. **Approval of an Application for Repairs to a Roof at 2 Rideau Terrace**

THAT Application P18-352-041-2008 for a property located at 2 Rideau Terrace for repairs to the roof **BE APPROVED** as described within a submission dated 23 April 2008.

5. **Provisional Approval for a Heritage Property Grant to Repair Windows at a Property Located at 51 Gore Street**

THAT Application P18-143-042-2008 for a property located at 51 Gore Street requesting approval to repair windows **BE APPROVED** in accordance with a submission dated 15 May 2008;

- and further -

THAT Application HG-012-2008 for this property **BE PROVISIONALLY APPROVED** for a Heritage Property Grant of 50% of the costs associated with the Eligible Work as submitted by receipts and up to a maximum amount of \$2000;

- and further -

THAT this approval is provisional upon the eligible work being satisfactorily completed as outlined within By-Law No. 2005-258, "A By-Law To Establish A Heritage Grants Program", with the grant payable to the owner following a final inspection of the eligible work, a determination that the eligible work has been performed in accordance with the Ontario Heritage Act and any permit issued thereunder, and the final approval of Council.

DEFERRED

Report No. 80 of the Environment, Infrastructure and Transportation Committee

Moved by Councillor Hutchison

Seconded by Councillor Matheson

THAT Report No. 80 of the Environment, Infrastructure and Transportation Committee be received and adopted.

Report No.80

REPORTS (CONTINUED)

Report No. 80 of the Environment, Infrastructure and Transportation Committee

To the Mayor and Members of Council:

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

All items listed on the Environment, Infrastructure and Transportation 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.

June 12, 2008

1. **Sidewalk Patio Applications – The Iron Duke**

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WHEREAS the following resolution, being Clause (e) of Report No. 68 from the Council meeting held on June 3, 2008, was 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; and,

WHEREAS the Environment, Infrastructure and Transportation Policies Committee reviewed the issues at their meeting on June 12, 2008, and determined that the issues were adequately addressed;

THEREFORE BE IT RESOLVED THAT the original recommendation within Council Report No. 08-190, which reads as follows, **BE APPROVED:**

"**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."

(Note: Report No. EITP-08-025 of the President and CEO of Utilities Kingston was attached to the EITP agenda.)

CARRIED

INFORMATION REPORTS

(1) **1st 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 135-140)

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

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

This report has been prepared to provide information on the 1st 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 141-146)

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

INFORMATION REPORTS (CONTINUED)

(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 147-148)

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

(4) **Project Status Reports for the Grand Theatre Building Improvement Project, the K-Rock Centre and the Multiplex Community Centre Project for April and May 2008**

In response to Council's request for monthly project status reports for each of the Group of Seven projects, staff in Sustainability & Growth has prepared status reports for the Grand Theatre Building Improvement Project, the K-Rock Centre and the Multiplex Community Centre Project for the months of April and May 2008.

(The Report of the Commissioner of Sustainability and Growth (08-157) was attached as Schedule Pages 149-179)

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

(5) **Major Projects and Long Term Debt Summary**

The purpose of this report is to provide Council with a long term capital expenditure and related debt financing summary, which includes the existing 10 year capital expenditure plan as well as other potential capital projects that the City may be considering.

(The Report of the Commissioner of Finance and Corporate Performance (08-212) was attached as Schedule Pages 180-194)

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

(6) **Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of May 2008**

The purpose of this report is to 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 May 2008 and to report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of May 2008.

(The Report of the Commissioner of Finance and Corporate Performance (08-213) was attached as Schedule Pages 195-198)

(File No. CSU-F18-000-2008)

(7) **City of Kingston/Queen's University Shared Solutions**

The purpose of this report is to provide City Council with an update on the working groups that have been meeting to address the issues raised in Council's motion of November 20th, 2007 regarding the partnership between Queen's and the City.

(The Report of the Interim Chief Administrative Officer (08-214) was attached as Schedule Pages 199-209)

(File No. CSU-R07-000-2008)

INFORMATION REPORTS (CONTINUED)

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

The purpose of this report is to provide further information obtained from the owners relating to the item deferred at the meeting of June 3rd, 2008.

(The Report of the Commissioner of Corporate Services (08-222) was attached as Schedule Pages 210-213)

(File No. CSU-D15-000-2008)

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, June 3rd)

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(Note: The staff person recommended is the Commissioner of Community Development Services or his delegate.)

DEFERRED

MOTIONS

Council consented to the deferral of Motion No. (4) due to the absence of the seconder, and the addition of Motion No. (7).

- (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 chose 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

MOTIONS (CONTINUED)

- (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,

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,

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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 -

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;

MOTIONS (CONTINUED)

- 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

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 17th, 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

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- (4) 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 Inninuwug (KI) or Big Trout Lake have been imprisoned until recently for defending their community from the operations of a mining exploration company; and,

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

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

WHEREAS staff has developed a consultation process for the naming of corporate assets that includes allowing members of the public to go the City website and to select a suffix name for a City-owned asset that is being named; and,

MOTIONS (CONTINUED)

WHEREAS this process allows for members of the public to provide for creative "other ideas"; and,

WHEREAS there does not appear to be a process in place for including those names that are innovative and that DO meet the naming policy guidelines; and,

WHEREAS this naming process is new, and has room for improvement to become more inclusive of public input, it being recognized that this process adds to publicity for the City's facilities and prospective partners, and in the end has the capacity to truly value and endorse a global community ownership of all City facilities;

THEREFORE BE IT RESOLVED THAT the process for seeking public input on the naming of corporate assets be referred to the Administrative Policies Committee for review by the Committee, staff and the public, with particular consideration being given to the consideration of how creative ideas presented by the public can be dealt with more effectively, and that this Committee report back to Council at the second meeting of October, 2008.

DEFERRED

- (6) Moved by Councillor Glover
Seconded by Councillor Hutchison

THAT the following motion be reconsidered:

"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

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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."

DEFERRED

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

WHEREAS, at the May 15th meeting of the Planning Committee, a decision was made to delay adoption of the Site Alteration By-Law until June 19th, 2008, with an understanding that developers would act in 'good faith' and that no site alteration would take place until that date; and,

WHEREAS there is a clear and present danger that damage will happen in the weeks between now and July 3rd;

THEREFORE BE IT RESOLVED THAT a by-law be presented for all three readings and that the City of Kingston immediately enact the site alteration by-law as a way to immediately stop any further site alteration in the Mile Square area and any other significant lands of environmental interest, until such time as a potentially amended Site Alteration By-Law is in place;

- and further -

THAT enforcement officers immediately attend to these recently clear cut sites in question, and begin enforcing this new by-law to its full extent.

(See By-Law No. (12), 2008-128)

CARRIED

(With Agreed To Amendments)

(See Motion To Reconsider Which Was CARRIED)

MOTIONS (CONTINUED)

Moved by Councillor Schmolka
Seconded by Councillor Smith

THAT the Motion of Councillors Matheson and Osanic be reconsidered.

CARRIED

(A 2/3 Vote Of Council Was Received)

Moved by Councillor Matheson
Seconded by Councillor Osanic

WHEREAS, at the May 15th meeting of the Planning Committee, a decision was made to delay adoption of the Site Alteration By-Law until June 19th, 2008, with an understanding that developers would act in 'good faith' and that no site alteration would take place until that date; and,

WHEREAS significant Woodlands are currently being destroyed in the Mile Square Block, and there is a clear and present danger that more clear cutting will happen in the weeks between now and July 3rd;

THEREFORE BE IT RESOLVED THAT a by-law be presented for all three readings and that the City of Kingston immediately enact the site alteration by-law as a way to immediately stop any further site alteration in the Mile Square area and any other significant lands of environmental interest, until such time as a potentially amended Site Alteration By-Law is in place;

- and further -

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THAT enforcement officers immediately attend to these recently clear cut sites in question, and begin enforcing this new by-law to its full extent.

CARRIED

Council consented to 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)

NOTICES OF MOTION

MINUTES

Moved by Councillor Garrison
Seconded by Councillor Gerretsen

THAT the Minutes of City Council Meeting No. 11-2008, held Tuesday, May 6, 2008, Meeting No. 12-2008, held Tuesday, May 20, 2008, and Meeting No. 13-2008, held Tuesday, June 3, 2008, be confirmed.

CARRIED

TABLING OF DOCUMENTS

Note: Documents 2008-42 through 2008-47 were tabled on the agenda for the Council meeting on June 3rd, 2008.

TABLING OF DOCUMENTS (CONTINUED)

2008-48 Municipal Property Assessment Corporation (MPAC)
Newsletter – MPAC News – Spring 2008
(File No. CSU-F22-000-2008)

2008-49 Cataraqui Source Protection Committee
Agenda – Meeting – June 12th, 2008
(File No. CSU-D03-000-2008)

COMMUNICATIONS

Note: Communications No. 13-363 through 13-387 were listed on the agenda for disposition and distributed for the Council meeting on June 3rd, 2008.

Filed

14-388 From Ly's Place, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 203 Wellington Street.
(File No. CSU-P09-000-2008)

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- 14-389 From the Minister of Government Services for Newfoundland and Labrador, acknowledging receipt of Council's resolution regarding the use of Zenn automobiles and other types of electric vehicles for general road use.
(File No. CSU-T08-000-2008)
- 14-390 From the Conservation Review Board, acknowledging a notice of withdrawal of objection regarding the Notice of Intention to Designate the property known as 186 Frontenac Street.
(File No. CSU-R01-000-2008)
- 14-393 From On LaRocks Bar and Grill, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 203 Wellington Street.
(File No. CSU-P09-000-2008)
- 14-394 From the Town of Oakville, acknowledging receipt of Council's resolution regarding Bill 64, which is the Pesticide Act, and advising that it passed a by-law addressing the cosmetic use of pesticides, which came into effect on January 1, 2008.
(File No. CSU-E05-000-2008, CSU-L11-000-2008)
- 14-395 From the Town of Oakville, acknowledging receipt of Council's resolutions regarding the Great Waterfront Trail Adventure (GWTA) and the Ontario Building Code.
(File No. CSU-M10-000-2008, CSU-L11-000-2008)

COMMUNICATIONS (CONTINUED)

- 14-397 From the Corporation of the County of Grey, acknowledging support of Council's resolution regarding the use of Zenn automobiles and other types of electric vehicles for general road use.
(File No. CSU-T08-000-2008)
- 14-398 From the City of Pickering, acknowledging receipt of Council's resolution regarding the Ontario Building Code.
(File No. CSU-P01-002-2008)
- 14-399 From the City of Pickering, acknowledging receipt of Council's resolution regarding Bill 64, which is the Pesticide Act, and the cosmetic use of pesticides.
(File No. CSU-E05-000-2008, CSU-L11-000-2008)
- 14-400 From the City of Guelph, acknowledging support of Council's resolution regarding the use of Zenn automobiles and other types of electric vehicles for general road use.
(File No. CSU-T08-000-2008)
- 14-401 From the United Counties of Prescott and Russell, acknowledging receipt of Council's resolution regarding the use of Zenn automobiles and other types of electric vehicles for general road use.
(File No. CSU-T08-000-2008)

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- 14-402 From the Honourable John Tory, Leader of the Ontario PC Party, advising that the Ontario PC Caucus voted against Bill 35 because they believe that provincial funding for municipal infrastructure should be planned and earmarked in the provincial budget and that Ontario municipalities need long-term, sustainable funding in order to address their infrastructure challenges.
(File No. CSU-L11-000-2008)
- 14-406 From the Corporation of the Township of Hamilton, acknowledging support of Council's resolution regarding The Great Waterfront Trail Adventure (GWTA).
(File No. CSU-M10-000-2008)
- 14-407 From the City of Guelph, acknowledging receipt of Council's motion regarding the Ontario Building Code.
(File No. CSU-P01-002-2008)
- 14-408 From the Community Roundtable on Poverty Reduction, thanking Council for approving the budget allocation to fund the Roundtable.
(File No. CSU-F25-000-2008)

COMMUNICATIONS (CONTINUED)

Referred to All Members of Council

- 14-391 From the Ontario Ministry of Transportation (MTO), providing information regarding a request for a noise by-law exemption for improvements to Highway 401 from Sydenham Road to Montreal Street.
(File No. CSU-P01-002-2008)
(Distributed to all Members of Council on May 30, 2008)
- 14-392 From the Township of South Stormont, asking for Council's support of a resolution supporting the implementation of Plan B+, being the plan to most recognize environmental needs, tourism and boating requirements, shoreline and residential erosion issues, the production of hydropower and commercial navigation difficulties, throughout the Great Lakes and the St. Lawrence River.
(File No. CSU-C10-000-2008)
- 14-396 From the City of Waterloo, asking for Council's support of a resolution calling upon the Provincial government to clarify and confirm that the 2008 Municipal Road and Bridge Infrastructure Investment is in fact a one-time infusion of funds versus an annual contribution and that, if this is the case, the Provincial government provide long-term and sustainable infrastructure funding to assist the City of Waterloo and all upper, lower, and single tier municipalities in addressing their infrastructure roles and responsibilities.
(File No. CSU-C10-000-2008)
- 14-405 From the County of Lambton, asking for Council's support of a resolution requesting Premier McGuinty to call an Ontario Economic and Environmental Summit to bring together business, labour, elected Municipal leaders,

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Provincial MPs and MPPs, and First Nations from across the Province to develop "Made in Ontario" economic and environmental strategies that would assist Ontario in the years ahead. The significant job losses and turmoil in the manufacturing, agriculture, mining, tourism and other sectors has impacted across Ontario and new thinking and strategies are needed now.

(File No. CSU-C10-000-2008)

14-409 From the Toronto Board of Health, providing information regarding implications of the proposed provincial Cosmetic Pesticides Ban Act.
(File No. CSU-E05-000-2008, CSU-L11-000-2008)

14-412 From the Kingston Chapter of the Council of Canadians, expressing concerns regarding an agreement between Ontario and Quebec that closely resembles the Trade, Investment and Labour Mobility Agreement (TILMA) between Alberta and British Columbia.
(File No. CSU-L04-000-2008)

Referred to the Commissioner of Community Development Services

14-403 From the Township of Leeds and the Thousand Islands, advising that they will be holding a public meeting on June 25th, 2008, to consider a proposed zoning by-law amendment under Section 34 of the Planning Act, R.S.O. 1990, regarding the property located at 242 Abrams Road.
(File No. CSU-D14-000-2008)

COMMUNICATIONS (CONTINUED)

14-404 From the Ontario Municipal Board (OMB), acknowledging receipt of an appeal of a decision regarding the property located at 24 Helen Street (File No. PL080605).
(File No. CSU-L01-001-2008)

Referred to the Commissioner of Sustainability and Growth

14-410 From the Association of Municipalities of Ontario (AMO), advising that the AMO and the Association of Municipal Recycling Coordinators of Ontario (AMRC) are extending the request for comments and support to the end of June, 2008, of the discussion paper on An Alternative Approach to Ontario's Blue Box Funding Model.
(File No. CSU-E07-001-2008)

Referred to the Commissioner of Corporate Services

14-411 From L'ACFO Mille-Îles (French Canadian Association of Ontario), asking that Council proclaim June 21st, 2008, as "Le Festival de la Francophonie – The French Fest" in the City of Kingston.
(File No. CSU-M10-000-2008)

BY-LAWS

Council consented to the withdrawal of By-Law (3) and to the addition of By-Law (12).

Councillor Gerretsen withdrew from the meeting.

(A) Moved by Deputy Mayor Glover
Seconded by Councillor Hector

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THAT By-Law (1) be given first and second reading.

CARRIED

Councillor Gerretsen returned to the meeting.

Moved by Deputy Mayor Glover

Seconded by Councillor Hector

THAT By-Laws (2), (4) through (7), and (12) be given their first and second reading.

CARRIED

(B) Moved by Councillor Matheson

Seconded by Councillor Osanic

THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Law (12) three readings.

CARRIED

(C) Moved by Councillor Hutchison

Seconded by Councillor MacLeod-Kane

THAT By-Laws (4) through (12) be given their third reading.

CARRIED

BY-LAWS (CONTINUED)

- (1) A By-Law To Authorize The Temporary Closing Of Aberdeen Street To Motor Vehicle Traffic And On-Street Parking, From Johnson Street To Earl Street, From 12:00 P.M. On Saturday, September 27, 2008 to 4:00 A.M. On Sunday, September 28, 2008 And That The Intersection Of William And Aberdeen Street Be Closed From 8:00 P.M. On Saturday, September 27, 2008 to 4:00 A.M. On Sunday, September 28, 2008 (Community Purposes – Queen's University Homecoming)
FIRST AND SECOND READINGS PROPOSED NO. 2008-121
(See Clause (7), Report No. 76)
- (2) 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. 2008-122
(See Clause (3), Report No. 73)
- (3) A By-Law To Designate 186 Frontenac Street Also Known As Merriman House To Be Of Cultural Heritage Value And Interest Pursuant To The Provisions Of The Ontario Heritage Act (R.S.O. 1990, Chapter 0.18)
FIRST AND SECOND READINGS PROPOSED NO. 2008-123
(See Clause (1), Report No. 79) WITHDRAWN
- (4) A By-Law To Amend By-Law No. 8499, "Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston" (Zone Change from C2.305 to C2, 1324 Princess Street)
THREE READINGS PROPOSED NO. 2008-124
(See Clause (1), Report No. 77)

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- (5) A By-Law To Establish Part 30 On Reference Plan 13R-11991 As Part Of The Public Highway Known As Lappans Lane And Hyperion Court, In The City Of Kingston, In Accordance With Section 31(4) Of The Municipal Act, Chapter 25, S.O. 2001; As Amended And To Provide For The Acceptance By The City Of Kingston, Of The Associated Public Works Within
THREE READINGS PROPOSED NO. 2008-125
(Delegated Authority)
- (6) A By-Law To Amend By-Law No. 97-102, "Cataraqui North Zoning By-Law", As Amended By By-Law No. 2005-198, To Remove The '-H' Holding Symbol Related To The 'LDR-H' Zone (V. Marques Construction Ltd., Forest Park Subdivision - Lots 1 – 32, 37 – 50, 61 - 104 and Blocks 105 - 112, in the City of Kingston)
THREE READINGS PROPOSED NO. 2008-126
(Delegated Authority)
- (7) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, June 17, 2008
THREE READINGS PROPOSED NO. 2008-127
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BY-LAWS (CONTINUED)

- (8) A By-Law To Stop Up And Close, Declare Surplus And Dispose Of The Portion Of Highway Described As Centre Street Within Part 1 On Plan 13R-3243
THIRD READING PROPOSED NO. 2008-105
(See Clause (b), Report No. 64)
- (9) 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)
THIRD READING PROPOSED NO. 2008-112
(See Clause (h), Report No. 68)
- (10) 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 Expenditures Made In Connection With Such Works; And To Authorize Long Term Borrowing For Such Works Through The Issue Of Debentures To OIPC
THIRD READING PROPOSED NO. 2008-113
(See Clause (2), Report No. 69)
- (11) A By-Law To Amend By-Law No. 98-1, "Council Procedural By-Law" (Amend the Council agenda distribution process and clarify meeting dates)
THIRD READING PROPOSED NO. 2008-114
(See Clause (1 and 2), Report No. 72)

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ADJOURNMENT

Moved by Deputy Mayor Glover
Seconded by Councillor Matheson

THAT Council do now adjourn.

CARRIED

Council adjourned at 11:20 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor