

CITY COUNCIL MEETING NO. 15-2008

The Regular Meeting of City Council was held on Tuesday, July 15, 2008, and was called to order at 5:30 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 5:35 pm to 6:30 pm in the Councillors' Lounge.

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Foster, Councillor Garrison, Councillor Gerretsen (arrived at 5:50 pm), Deputy Mayor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane (arrived at 6:00 pm), Councillor Matheson, Councillor Meers, Councillor Osanic (arrived at 5:35 pm), Councillor Schmolka (arrived at 5:35 pm), Councillor Smith (arrived at 5:50 pm) (13)

Absent: (0)

(Councillors' Lounge)

Administrative Staff Present:

Ms. C. Beach, Commissioner of Sustainability and Growth

Mr. J. Bolognone, Deputy City Clerk

Ms. S. de Silva, Manager, Airport

Mrs. C. Downs, City Clerk

Mr. T. Fleming, Senior Legal Counsel, Legal Services

Mr. G. Hunt, Interim Chief Administrative Officer

Mr. D. Leger, Commissioner of Corporate Services

Mr. H. Linscott, Director, Legal Services

Mr. L. Thurston, Commissioner of Community Development Services

COMMITTEE OF THE WHOLE "IN CAMERA"

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

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) A proposed or pending acquisition or disposition of land by the municipality or local board – Kingston (Norman Rogers) Airport
- (d) A proposed or pending acquisition or disposition of land by the municipality or local board – 141 Railway Street
- (e) A proposed or pending acquisition or disposition of land by the municipality or local board – North Side of Railway Street
- (f) A proposed or pending acquisition or disposition of land by the municipality or local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose – 362 Montreal Street
- (g) Personal matters about an identifiable individual, including municipal or local board employees – CAO Recruitment

CARRIED

(Council Chamber)

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Administrative Staff Present:

- Ms. C. Beach, Commissioner of Sustainability and Growth
- Mr. J. Bolognone, Deputy City Clerk
- Mr. J. de Hoop, Manager, Information Systems
- Ms. S. de Silva, Manager, Airport
- Mrs. C. Downs, City Clerk
- Mr. M. Fluhrer, Director, Culture and Recreation
- Mr. J. Garrah, CEO, Kingston Economic Development Corporation
- Mr. J. Giles, Manager, Solid Waste
- Mr. J. Hale, Driver/Labourer, Public Works
- Ms. C. Hitchen, Manager, Community Programs Administration Unit, Community and Family Services
- Mr. P. Huigenbos, Manager, Partnerships and Initiatives, Growth and Initiatives
- Mr. G. Hunt, Interim Chief Administrative Officer
- Mr. J. Keech, President and CEO, Utilities Kingston
- Ms. D. Kennedy, Director, Financial Services
- Mr. D. Leger, Commissioner of Corporate Services
- Mr. H. Linscott, Director, Legal Services
- Mr. A. McLeod, Senior Legal Counsel, Legal Services
- Mr. M. Morris, Director, Transportation
- Mr. L. Thurston, Commissioner of Community Development Services
- Mr. M. VanBuren, Director, Engineering
- Mr. G. Wallace, Director, Planning and Development

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

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

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

CARRIED

DISCLOSURE OF PECUNIARY INTEREST

Councillor Meers declared a possible pecuniary interest in the matter of Clause 1 of Report No. 85 of the Arts, Recreation and Community Policies Committee as she is employed in a childcare centre.

Councillor Gerretsen declared a potential pecuniary interest in the matter of By-Law (14), 2008-121, (from Clause (7) of Report No. 76 of the Chief Administrative Officer (Recommend), June 17) as he is partial owner of a property management firm which owns property on the subject street.

PRESENTATIONS

DELEGATIONS

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BRIEFINGS

- (1) Mr. Doug Ritchie, Managing Director, Downtown Kingston! BIA, and Mr. Ken Noakes, General Manager, K-Rock Centre, were present and spoke to Council regarding Arts and Entertainment Week in Kingston.

PETITIONS

- (1) A petition bearing approximately 250 signatures was presented by Councillor Gerretsen and referred to the President and CEO of Utilities Kingston for budget considerations and reads as follows:

"We the undersigned citizens of the city of Kingston petition the city to replace several stretches of sidewalks which are in dangerous and deplorable state and totally unsafe to walk on. This is particularly true of the sidewalks for the full length of Dedrick Drive, Mulcaster Avenue and sections of Casterton Avenue, all built more than 45 years ago. These sidewalks are buckled, heaved and cracked and need immediate replacement."

REFERRED TO THE PRESIDENT AND CEO OF UTILITIES KINGSTON FOR BUDGET CONSIDERATION
ABYL0025

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Motions of Congratulations

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

THAT the congratulations of Kingston City Council be extended to the staff of the Community Development Services Department for winning the national *Innovative Ideas at Work* challenge for the *See it, Say It, Share It* Program.

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

THAT the congratulations of Kingston City Council be extended to Bill Closs, Chief of Police, on his recent retirement.

- (3) Moved by Councillor MacLeod-Kane
Seconded by Councillor Garrison

THAT the congratulations of Kingston City Council be extended to Ray Huffman of Joyceville on the occasion of his 75th birthday on July 26th, 2008.

- (4) Moved by Deputy Mayor Glover
Seconded by Councillor Hector

THAT the congratulations of Kingston City Council be extended to Dr. Stewart Fyfe, a former Chair of the Planning Board of the City of Kingston, on the occasion of his 80th birthday on June 23rd, 2008.

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY (CONTINUED)

Motions of Condolence

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

THAT the sincere condolences of Kingston City Council be extended to the family of Gloria Koktan, sister of Paul Kane and sister-in-law of Councillor Joyce MacLeod-Kane, who passed away June 26th, 2008.

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

THAT the sincere condolences of Kingston City Council be extended to the family, friends and colleagues of Ronald Clark, who died suddenly on June 25th, 2008. Ron was the manager of the Kingston Memorial Centre for the former City of Kingston, and a long-time resident of Pittsburgh.

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

THAT the sincere condolences of Kingston City Council be extended to Stephen Hockley, Information Systems Department, and family, on the recent passing of his father, Donald (Grant) Hockley.

CARRIED

REPORTS

Report No. 81 the Chief Administrative Officer (Consent)

Moved by Councillor Matheson

Seconded by Councillor Osanic

THAT Report No. 81 of the Chief Administrative Officer (Consent) be received and adopted.

Council agreed to the addition of Clause (k).

Council agreed to the separation of Clauses (c), (e), (h), (i) and (j).

Report No. 81

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) **License Agreement with St. Lawrence Cruise Lines Inc. for Crawford Wharf**

THAT Council authorize the Mayor and Clerk to enter into a five-year license agreement with St. Lawrence Cruise Lines Inc., commencing April 1, 2008 to November 15, 2012, for the non-exclusive use of a portion of the Crawford Wharf and water lot for the period April 15 to November 15 each year, and for the year-round exclusive use of a portion of the Crawford Wharf for use as a ticket booth commencing April 15, 2008 and ending on November 15, 2012;

- and further -

THAT the 2008 annual license fee be set at \$2,200 with an annual rent increase of \$100 in each of the remaining four years, and said agreement be in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Corporate Services (08-216) was attached as Schedule Pages 1-8)

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

(b) **Jazz Air Holding GP Inc. Lease from the City of Kingston for Areas within Kingston Norman Rogers Airport Terminal Building Totaling 49.33 Square Metres Including Rooms 109, 128, 107, 108, Cargo Services Areas and Queuing Areas**

THAT Council authorize the Mayor and Clerk to enter into a lease with Jazz Air Holding GP Inc., for the lease of a check-in counter, cargo service area, queuing areas, Room 109, Room 128, one-half of Room 107, and one-half of Room 108, within the Kingston Norman Rogers Airport Terminal Building, in a form satisfactory to the Director of Legal Services, for the period commencing January 13, 2008, and ending on December 31, 2012;

- and further -

THAT the annual rent be set at \$19,669.49 for the first year commencing January 1, 2008 to and including December 31, 2008, with annual rent escalation being set at an incremental \$1,000 in each of the remaining 4 years ending December 2012.

(The Report of the Commissioner of Corporate Services (08-217) was attached as Schedule Pages 9-13)

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

REPORTS (CONTINUED)

Report No. 81 the Chief Administrative Officer (Consent)

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(c) **Addition of Dual Left-Turn Lanes on Princess Street at Taylor Kidd Boulevard**

THAT City Council amend By-Law No. 2003-209, "A By-Law For Regulating Traffic", as amended, in order to implement dual eastbound left-turning lanes on Princess Street at Taylor Kidd Boulevard/John Counter Boulevard.

(The Report of the President and CEO of Utilities Kingston (08-226) was attached as Schedule Pages 14-17)

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

(See By-Law No. (1), 2008-129)

CARRIED

(d) **Five (5) Year Agreement between the City of Kingston and Utilities Kingston for Network Fibre Connectivity Services**

THAT Council authorize the Mayor and Clerk to enter into an agreement, in a form satisfactory to the Director of Legal Services, with Fibre Wired Kingston (1425445 Ontario Limited operating as Utilities Kingston) for the provision of network connectivity services for a period of five (5) years, in the amount of \$1,320,000 (\$264,000 annually).

(The Report of the Commissioner of Corporate Services (08-233) was attached as Schedule Pages 18-21)

(File No. CSU-E06-000-2008)

(e) **Easement for Hydro One Line, 855 LaSalle Boulevard**

THAT Council direct the Mayor and Clerk to enter into such easements and related documents with Hydro One Networks Inc., drafted to the satisfaction of the Legal Services Department, as are required to facilitate the installation of a new eastern submarine feed line to Wolfe Island landing at the cottage property located at 855 LaSalle Boulevard, which is leased to tenants of the City.

(The Report of the Commissioner of Corporate Services (08-235) was attached as Schedule Pages 22-27)

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

CARRIED

(f) **Jazz Air Holding GP Inc. Lease from the City of Kingston for the Lease of Room 110 and Part of the Departure Lounge within Kingston Norman Rogers Airport Terminal Building**

THAT Council authorize the Mayor and Clerk to enter into a lease with Jazz Air Holding GP Inc. for the lease of Room 110 and Part of the Departure Lounge within Kingston Norman Rogers Airport Terminal Building, in a form satisfactory to the Director of Legal Services, for the period of November 1, 2007 to December 31, 2012;

- and further -

THAT the annual rent be set at \$3,212.04 for the initial 14-month period, commencing November 1, 2007 to December 31, 2008, with annual rent escalation being set at an incremental \$1,000 in each of the remaining 4 years ending December 31, 2012.

(The Report of the Commissioner of Corporate Services (08-236) was attached as Schedule Pages 28-33)

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

REPORTS (CONTINUED)

Report No. 81 the Chief Administrative Officer (Consent)

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(g) **A By-Law to Permit Council to Enter into a Municipal Contribution Agreement with Kingston Home Base Non-Profit Housing Inc. for the Provision of Affordable Housing at 37 Joseph Street**

THAT Council approve "A By-Law To Permit Council To Enter Into A Municipal Contribution Agreement with Kingston Home Base Non-Profit Housing Inc. For The Provision Of Affordable Housing At 37 Joseph Street" as attached as Exhibit A.

(The Report of the Commissioner of Community Development Services (08-238) was attached as Schedule Pages 34-48)

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

(See By-Law No. (2), 2008-130)

(h) **Authority for Acquisition and Access Agreements for Moore's Creek Crossing Improvements at Highway 2**

THAT Council authorize the Mayor and Clerk to execute purchase and sale agreements each at a purchase price not exceeding \$5,000, to acquire a portion of the properties at 1887 and 1925 Highway 2 required as road widening for the structural stability improvement project at the Moore's Creek crossing under Highway 2, such agreements to be to the satisfaction of the Director of Legal Services;

- and further -

THAT Council authorize the Mayor and Clerk to execute access agreements over properties located at 1887, 1925 and 1927 Highway 2 each at an amount not exceeding \$1,500, to facilitate timely construction activity required for the structural stability improvement project at the Moore's Creek crossing under Highway 2.

(The Report of the Commissioner of Sustainability and Growth (08-245) was attached as Schedule Pages 49-54)

(File No. CSU-L18-000-2008)

CARRIED

(i) **Award of Tender for Unity Road Reconstruction to Cruickshank Construction Limited**

THAT the tender of Cruickshank Construction Limited for Contract ENG-2008-04 Reconstruction of Unity Road, in the amount of \$659,892.00, be accepted, it being the only bid received.

(The Report of the President and CEO of Utilities Kingston (08-246) was attached as Schedule Pages 55-56)

(File No. CSU-F18-003-2008)

CARRIED (12:1)
(See Recorded Vote)

A Recorded Vote was requested by Councillor MacLeod-Kane

YEAS: Councillor Foster, Councillor Garrison, Councillor Gerretsen, Deputy Mayor Glover, Councillor Hector, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (12)

NAYS: Councillor MacLeod-Kane (1)

REPORTS (CONTINUED)

Report No. 81 the Chief Administrative Officer (Consent)

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(j) **Award of Tender for Highway No. 2 Improvements at Moore's Creek Crossing to Cruickshank Construction Limited**

THAT the tender of Cruickshank Construction Limited for Contract ENG-2008-11 Highway No. 2 Improvements at Moore's Creek Crossing, in the amount of \$1,074,344.00, be accepted, it being the only bid received.

(The Report of the President and CEO of Utilities Kingston (08-248) was attached as Schedule Pages 57-58)

(File No. CSU-F18-003-2008)

CARRIED (12:1)
(See Recorded Vote)

A Recorded Vote was requested by Councillor MacLeod-Kane

YEAS: Councillor Foster, Councillor Garrison, Councillor Gerretsen, Deputy Mayor Glover, Councillor Hector, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (12)

NAYS: Councillor MacLeod-Kane (1)

(k) **Award of Tender for Construction of Concrete Sidewalks and Sidewalk Ramps and Lay-By-Lane Henderson Boulevard to Morven Construction Limited**

THAT the tender of Morven Construction Limited for Contract ENG-2008-07 Construction and Reconstruction of Concrete Sidewalks and Lay-By-Lane Henderson Boulevard, in the amount of \$333,191.00, be accepted, it being the lowest bid received.

(The Report of the President and CEO of Utilities Kingston (08-250) was distributed separate from the addends on Friday, July 11th, 2008.)

(File No. CSU-F18-003-2008)

CARRIED
(Clauses (a), (b), (d), (f), (g) and (k))

Report No. 82 of the Chief Administrative Officer (Recommend)

Moved by Councillor Hector

Seconded by Councillor Gerretsen

THAT Report No. 82 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 82

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

REPORTS (CONTINUED)

Report No. 82 of the Chief Administrative Officer (Recommend)

(1) **Employment Land Sales – Lot Pricing Update**

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THAT, in accordance with existing employment land sales policy, Council approve employment land sale asking prices based on the greater of fair market value or the cost to acquire and service the land and that asking prices for lots in the City's business parks be established as shown in Exhibits A, B, C and D.

(The Report of the Commissioner of Sustainability and Growth and the Interim Chief Administrative Officer (08-168) was attached as Schedule Pages 63-71)

(File No. CSU-L19-000-2008)

CARRIED

(2) **Provincial Grants – Allocation of Funds for Infrastructure Work**

THAT Council approve a capital budget amendment to increase the 3-Year capital budget envelope (2008, 2009, and 2010) for expenditures within the municipal right-of-ways by the following amounts:

- a) Roads, sidewalks and pathways capital in the amount of \$2,333,251, to be funded from 2008 one-time municipal road and bridge infrastructure investment grant funding;
- b) i) Roads capital in the amount of \$4,200,000, to be funded from capital reserve funds reallocated from other projects previously approved in the 2008 capital budget; and
- ii) Sewer and water capital in the amount of \$3,482,000 to be funded from sewer and water capital reserve funds reallocated from other projects as previously approved in the 2008 capital budget;

- and further -

THAT actual additional projects undertaken be selected based on:

- criteria presented to Council as part of the 2008 Capital Budget deliberations
- meeting both the intention and requirements of the Province of Ontario's 2008 Municipal Road and Bridge Infrastructure Program, or MIII program whichever is applicable
- the direction of Council's motion passed at the meeting of May 20, 2008.

(The Report of the President and CEO of Utilities Kingston (08-240) was attached as Schedule Pages 72-79)

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

CARRIED

Report No. 62 of the Arts, Recreation and Community Policies Committee

Moved by Deputy Mayor Glover

Seconded by Councillor Hutchison

THAT Report No. 62 of the Arts, Recreation and Community Policies Committee be received and adopted.

Report No. 62

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.

REPORTS (CONTINUED)

Report No. 62 of the Arts, Recreation and Community Policies Committee

April 24, 2008

1A – Staff Briefing – Mayor Rosen requested that Cynthia Beach, Commissioner of Sustainability and Growth, give a briefing regarding the aquatic facility study.

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1. **Kingston Aquatic Facility Study – 2008**

THAT staff proceed with the Phase One - Implementation Plan of the Aquatic Facility Study for a fifty (50) metre pool with bulkheads in accordance with the Aquatic Facility Study – 2008, to proceed with the next steps required to complete Phase One;

- and further -

THAT Council consider a base facility to include either a fifty (50) metre or twenty-five (25) metre pool with bulkheads included in Option 1 and consider facility components identified in Option 2 be included in the space program:

- a) Additional seating (500 seats) including public space and washrooms to allow for hosting of larger competitive events,
- b) Larger leisure pool including larger deck space for the flume slide and water play equipment,
- c) Diving boards and platform including increased deck space and building height and equipment;

- and further -

THAT staff proceed with a more detailed capital operating and programming business plan;

- and further -

THAT the Multiplex be selected as the location of the aquatic centre unless staff come forward with a superior location;

- and further -

THAT staff be requested to report back to Council as part of the detailed business plan on the financial and logistical implications of building a 25 metre modular technology pool:

- i. to be housed in a building capable of being expanded in the future to accommodate a 50 metre pool; and,
- ii. with and without the additional features requested by Council under the 50 meter pool proposal.

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

- and further -

THAT staff proceed with the development of a space program including the preparation of facility specifications for a design/build process;

DEFERRED

- and further -

THAT a phased in tax increase be introduced in the year Council gives final approval of the three undermentioned decisions;

DEFERRED

- and further -

THAT Council confirm the approval process for the facility to include decisions to be made regarding:

- i. authorization of the release of request for proposal for the design and construction,
- ii. approval of a more detailed business plan to confirm programming for the facility, and
- iii. award of construction;

DEFERRED

- and further -

THAT staff be directed to consult with the Kingston Economic Development Corporation (KEDCO) to prepare an Economic Impact Study.

CARRIED

REPORTS (CONTINUED)

Report No. 62 of the Arts, Recreation and Community Policies Committee

(Note: Report ARCP-08-017 of the Commissioner of Sustainability and Growth was attached as Schedule Pages 80-89) ABYL0023

(See Information Report (11), Page No. 425, and Motion No. (7), Page No. 429)

CARRIED AS AMENDED (11:2)

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(See Motion To Amend Which Was CARRIED)
(See Recorded Vote No. 1)

Moved by Councillor Hutchison
Seconded by Councillor Schmolka

THAT Clause 1 of Report No. 62 be amended as follows:

- i. In Paragraph 1, delete the words "and authorize the expenditure of an additional \$200,000, to be funded from the Municipal Capital Reserve Fund";
- ii. In Paragraph 2, delete the word "confirm" wherever it appears and replace it with the word "consider"; add the word "either" after the word "include"; and further by adding the words "or twenty-five (25) metre" after the words "fifty (50) metre";
- iii. Add a new Paragraph that reads "and further that staff proceed with a more detailed capital operating and programming business plan";
- iv. Defer Paragraphs 3 through 5;
- v. Add Paragraph to the Motion which reads "THAT staff be directed to consult with the Kingston Economic Development Corporation (KEDCO) to prepare an Economic Impact Study".
- vi. Add a new Paragraph that reads: "THAT the Multiplex be selected as the location of the aquatic centre unless staff come forward with a superior location."
- vii. Add a new Paragraph that reads:
"and further that staff be requested to report back to Council as part of the detailed business plan on the financial and logistical implications of building a 25 metre modular technology pool:
 - i. to be housed in a building capable of being expanded in the future to accommodate a 50 metre pool;
and,
 - ii. with and without the additional features requested by Council under the 50 metre pool proposal."

CARRIED AS AMENDED)
(See Motions To Amend Which Were CARRIED)
(See Motion To Amend Which Was LOST)

Moved by Councillor Gerretsen
Seconded by Councillor Smith

THAT the Motion of Councillors Hutchison and Schmolka be amended as follows:

- Add the following to the new Paragraph: "and recommend site location for Council's consideration;
LOST (5:8)
(See Recorded Vote No. 2)
- Add the following Paragraph to the Motion which reads "THAT staff be directed to consult with the Kingston Economic Development Corporation (KEDCO) to prepare an Economic Impact Study".

CARRIED

REPORTS (CONTINUED)

Report No. 62 of the Arts, Recreation and Community Policies Committee

Moved by Councillor Schmolka
Seconded by Councillor Matheson

THAT the Motion of Councillors Hutchison and Schmolka be amended to add the following paragraph:

"THAT the Multiplex be selected as the location of the aquatic centre unless staff come forward with a superior location."

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CARRIED (9:4)
(See Recorded Vote No. 3)

Moved by Councillor Smith
Seconded by Councillor Hector

THAT the Motion of Councillors Hutchison and Schmolka be amended to add the word "either" after the word "include"; and further by adding the words "or twenty-five (25)" after the words "fifty (50) metre" in Paragraph 2.

CARRIED (8:5)
(See Recorded Vote No. 4)

Moved by Councillor Hutchison
Seconded by Councillor Smith

THAT the Motion of Councillors Hutchison and Schmolka be amended to add a new Paragraph that reads as follows:
"and further that staff be directed to report to Council as part of the detailed business plan on the financial and logistical implications of building a 25 metre modular technology pool:

- i. to be housed in a building capable of being expanded to accommodate a 50 metre pool; and,
- ii. with and without the additional features requested by Council under the 50 metre proposal."

CARRIED (11:2)
(See Recorded Vote No. 5)

1. A Recorded Vote was requested by Councillor MacLeod-Kane

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

NAYS: Councillor Garrison, Councillor MacLeod-Kane (2)

2. A Recorded Vote was requested by Councillor Gerretsen

YEAS: Councillor Gerretsen, Councillor Hector, Councillor Hutchison, Mayor Rosen, Councillor Smith (5)

NAYS: Councillor Foster, Councillor Garrison, Deputy Mayor Glover, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka (8)

3. A Recorded Vote was requested by Councillor Gerretsen

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

NAYS: Councillor Gerretsen, Councillor Hector, Councillor MacLeod-Kane, Mayor Rosen (4)

REPORTS (CONTINUED)

Report No. 62 of the Arts, Recreation and Community Policies Committee

4. A Recorded Vote was requested by Councillor Smith

YEAS: Councillor Foster, Councillor Garrison, Deputy Mayor Glover, Councillor Hector, Councillor Hutchison, Councillor Meers, Mayor Rosen, Councillor Smith (8)

NAYS: Councillor Gerretsen, Councillor MacLeod-Kane, Councillor Matheson, Councillor Osanic, Councillor Schmolka (5)

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5. A Recorded Vote was requested by Councillor Hutchison

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

NAYS: Councillor MacLeod-Kane, Councillor Schmolka (2)

Report No. 78 of the Administrative Policies Committee

Moved by Councillor Hector

Seconded by Councillor Smith

THAT Report No. 78 of the Administrative Policies Committee be received and adopted.

Council agreed to the separation of Clause 2.

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 distributed with the June 17th Council agenda.)

CARRIED

REPORTS (CONTINUED)

Report No. 78 of the Administrative Policies Committee

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 the Association.

(Note: A copy of Report No. AP-08-009 was distributed with the June 17th Council agenda.)

DEFERRED

(See Motion To Defer Which Was CARRIED)

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Moved by Councillor Schmolka
Seconded by Councillor Matheson

THAT Clause 2 of Report No. 78 be deferred and referred for budgetary consideration in the fall.

CARRIED

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 distributed with the June 17th Council agenda.)

CARRIED

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

Moved by Deputy Mayor Glover
Seconded by Councillor Osanic

THAT Report No. 79 of the Kingston Municipal Heritage Committee (LACAC) be received and adopted.

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,

REPORTS (CONTINUED)

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

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;

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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), 2008-131)

(Note: A copy of the by-law was attached as Schedule Pages 90-94)

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 distributed with the June 17th Council agenda.)

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 May 16th, 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 April 23rd, 2008.

REPORTS (CONTINUED)

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

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 May 15th, 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

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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.

CARRIED

Report No. 83 of the Planning Committee

Moved by Councillor Schmolka

Seconded by Councillor Hector

THAT Report No. 83 of the Planning Committee be received and adopted.

Council agreed to the separation of Clause 5.

Report No. 83

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.

June 19, 2008

1. **City of Kingston Commercial Inventory and Market Analysis Received in Fulfillment of Terms of Reference and Background Information to Official Plan Review**

THAT the *Commercial Inventory & Market Analysis* report, prepared by urbanMetrics inc. be received in fulfillment of the Terms of Reference for the project;

- and further -

THAT the results of the *Commercial Inventory & Market Analysis* be provided as background information to the staff conducting the Official Plan Review.

(Note: The Commercial Inventory & Market Analysis Report was distributed via a memo from George Wallace with the Council packages on May 30th, 2008.)

REPORTS (CONTINUED)

Report No. 83 of the Planning Committee

2. **Application for Zoning By-Law Amendment to Delete and Replace Existing Uses at 619 McKay Street**

THAT the Application for Zoning By-Law Amendment (Our File No. D14-115-2008) submitted by Bayhill Development Limited for the property municipally known as 619 McKay Street, **BE APPROVED.**

- and further -

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

1. That the existing Section 25(3)(u) of the By-Law be deleted in its entirety and replaced with the following:

"(u) M2-21 619 McKay Street

1. Notwithstanding the provisions of Section 25(1)(b) or Section 5(6)(b) of this By-Law to the contrary, the lands zoned M2-21 on Schedule "A" attached to the Planning Agenda shall be used and developed in accordance with the following special provisions:

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- (i) PERMITTED USES:
 - a business or professional office;
 - a private club;
 - an assembly plant;
 - a fabricating plant;
 - a manufacturing plant;
 - a processing plant;
 - a public use, in accordance with the provisions of Section 5(18) hereof;
 - a retail outlet, a wholesale outlet or a business office accessory to a permitted use;
 - a service shop;
 - a warehouse.

- (ii) RESTRICTIONS ADJACENT TO FLOOD PLAIN:
 - (a) All exterior openings of all buildings shall be located above the minimum elevation of 85.1 metres geodetic survey of Canada.

 - (b) No building or structure shall be erected or altered within 6.5 metres (21.3 feet) of a flood plain except with the approval of the local Conservation Authority. No open storage shall be permitted on the property."

THAT the Amending By-Law be presented to City Council for all three readings.
(See By-Law No. (5), 2008-133)

3. **Application for Official Plan Amendment and Zoning By-Law Amendment to Redesignate Lands at 633 Fortune Crescent**

THAT the application for Official Plan Amendment and Zoning By-Law Amendment (Our File No. D09-36-2008 & D14-113-2008) submitted by Scott Environmental Group Ltd. for the property located at 633 Fortune Crescent, **BE APPROVED**:

- and further -

THAT the former Township of Kingston Official Plan be amended as follows:

- 1. The Official Plan for the former Township of Kingston, as amended, is hereby further amended by the following map change which shall constitute Amendment No.25.

REPORTS (CONTINUED)

Report No. 83 of the Planning Committee

Amend Schedule 'A', Map 3, of the former Township of Kingston Official Plan so as to re-designate the approximately 1.4 hectares of land located on the north side of Fortune Crescent and known municipally as 633 Fortune Crescent, as shown on Schedule 'A' attached to the Planning Agenda, from 'General Industrial' to 'Waste Disposal Industrial – Special Policy Area 2.'

- 2. That Section 3-14 is hereby amended by the addition of the following new section as Section 3-14.1 – Waste Disposal Industrial Special Policy Area 2:

"A bulk waste processing and transfer facility shall be permitted at 633 Fortune Crescent located in the Catarauqui Industrial Estates subdivision in the former Township of Kingston. The term 'facility' refers to buildings used for the receiving and handling of waste materials.

The general principles to be considered in the development and zoning of lands designated Waste Disposal Industrial – Special Policy Area 2 are as follows:

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- (1) The permitted uses of the 'General Industrial' land use designation, as outlined in Section 3-10 of this Official Plan shall be permitted in accordance with the policies contained in Section 3-10.
- (2) Waste transfer facilities shall be established and operated in accordance with the requirements and regulations of the Ministry of Environment and/or applicable approval authority.
- (3) The rehabilitation of waste disposal, processing and/or transfer facilities shall comply with all applicable policies and regulations.
- (4) Waste transfer facilities shall be placed in a separate zone in the Zoning By-Law. A Holding Symbol shall be applied to the zone until a Certificate of Approval for operation of a waste transfer facility has been issued by the Ministry of Environment or applicable approval authority.
- (5) The maximum aggregate total of 100 tonnes per day of liquid and hazardous wastes will be accepted for processing and subsequent transfer.
- (6) The maximum aggregate total of 200 tonnes per day of municipal/commercial non hazardous waste will be accepted for processing and transfer."

- and further -

THAT Zoning By-Law No. 76-26, as amended, be further amended as follows:

1. That Zone Map No.3 of Schedule 'A' to Zoning By-Law No.76-26, as amended, be further amended by changing the zone symbol of the subject site from 'M6' to 'M4-5-H' as shown on Schedule 'A' attached to the Planning Agenda.
2. By adding the following new Section 27(3)(e) immediately after Section 27(3)(d):
"(e) **M4-5-H**
 - a) Notwithstanding the provisions of Section 27(1), on the lands designated M4-5-H on Schedule "A" attached to the Planning Agenda may be used for a waste processing site and waste transfer station provided the uses are developed and operated in accordance with the following definitions and provisions:
 - (i) "**WASTE PROCESSING SITE**" means a site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the management or preparation of waste for subsequent reuse or disposal.

REPORTS (CONTINUED)

Report No. 83 of the Planning Committee

- (ii) "**WASTE TRANSFER STATION**" means a waste disposal site which has received a Certificate of Approval under the Environmental Protection Act, or such equivalent approval as may exist from time to time under this or any successor legislation, to allow the site to be used for the purpose of transferring waste from one vehicle to another for transportation to another waste disposal site.
- b) Notwithstanding the provisions of Section 27(1), on the lands designated 'M4-5-H' on Schedule "A" attached to the Planning Agenda the following uses are prohibited: an automobile wrecking yard, a salvage yard and a sanitary landfill site.
- c) Notwithstanding the provisions of Section 27(1), on the lands designated 'M4-5-H' on Schedule "A" attached to the Planning Agenda the following additional uses are permitted: an assembly plant, a business professional office, but notwithstanding the provisions of Section 5(1)(a) herein, shall not include a primary of accessory retail use, a dry-cleaning or laundry plant, a fabricating plant, a manufacturing plant, a processing plant, a public use, in accordance with the provisions of Section 5(18) hereof, and a warehouse.

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-
- d) Notwithstanding the provision of Section 27(2), the lands designated Special Disposal Industrial 'M4-5-H' Zone on Schedule "A" attached to the Planning Agenda, shall be used in accordance with the Zone Provisions of the Restricted General Industrial 'M6' Zone, Section 28A(2).
- e) Notwithstanding any provisions to the contrary the maximum amount of waste to be received at lands designated 'M4-5-H' is limited to the following:
Hazardous liquid – 100 tonnes per day;
Non-hazardous waste – 200 tonnes per day.

Notwithstanding any provisions to the contrary PCB, radioactive, pathological and putrescible waste is prohibited and shall not be accepted on lands zoned 'M4-5-H'.

Notwithstanding Section 5(6) of Zoning By-Law No. 76-26, the removal of the Holding Symbol shall be contingent upon the following condition:

The Owner shall obtain a Certificate of Approval from the Ministry of Environment for the 'waste processing' and 'waste transfer' uses. A copy of the Certificate of Approval will be submitted with the application for Removal of Holding Symbol."

- and further -

THAT the Amending By-Laws be presented to Council for three readings.

(See By-Law No. (6), 2008-134)

4. **Official Plan Review – Background Report: Estate Residential Subdivisions**

THAT the Background Report: Estate Residential Subdivisions (PC-08-052) be forwarded to the Rural Affairs Advisory Committee for their review and comment;

- and further -

THAT this report be forwarded to the appropriate Planning and Development Department Staff to be used in the Official Plan Comprehensive Review.



REPORTS (CONTINUED)

Report No. 83 of the Planning Committee

July 3, 2008

5. **Background Information to the Site Alteration By-Law**

WHEREAS the Site Alteration By-Law was passed by Council on June 17, 2008; and,

WHEREAS the former Township of Pittsburgh had a by-law to regulate and prohibit the removal of topsoil within the Township, which would require a permit and thereby conflict with the Site Alteration By-Law;

THEREFORE BE IT RESOLVED THAT a by-law be presented for all three readings to Repeal By-Law No. 35-81, "A By-Law Of The Council Of The Corporation Of The Township Of Pittsburgh, To Regulate And Prohibit The Removal Of Topsoil Within The Township" of the former Township of Pittsburgh (attached as Exhibit 'A' to the Planning Agenda).

(See By-Law No. (7), 2008-135)

CARRIED
(Councillor MacLeod-Kane Opposed)
(See Motion To Defer Which Was LOST)

Moved by Councillor MacLeod-Kane

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Seconded by Councillor Garrison

THAT Clause 5 of Report No. 83 be deferred to the August 12th Council meeting.

LOST

6. **Application for Zoning By-Law Amendment to Permit a Change in use of a Residential Dwelling to Establish a Daycare Centre at 880 Victoria Street**

THAT the application for Zoning By-Law Amendment (Our File No. D14-122-2008) submitted by Karen Tudor, for the property located at 880 Victoria Street, **BE APPROVED**.

- and further -

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

1. That Zone Map No. 14 of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol of the subject site from 'A5' to 'A5.376' as shown on Schedule 'A' attached to the Planning Agenda and forming part of By-Law No. 2008-136.
2. That the following section be added to Part VIII-EXCEPTIONS TO THE VARIOUS ZONE CLASSIFICATIONS:
"376. 880 Victoria Street (A5.376):
On the approximately 588 square metre parcel of land known as 880 Victoria Street and zoned as 'A5.376' on Zoning Map No. 14 attached to and forming part of amending By-Law 2008-136, notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 11 for the 'A5' Zone shall apply to the 'A5.376' Zone except that:
 - (i) ADDITIONAL PERMITTED USES:
Day Care Centre
 - (ii) Notwithstanding the provisions of Section 5.3A(b), a minimum of 2 off-street parking spaces shall be provided for any use permitted in Section (i) above, which spaces may be a minimum of 2.5 m wide.
 - (iii) Notwithstanding the provisions of Section 5.3B(c), parking may be provided in the front yard.

REPORTS (CONTINUED)

Report No. 83 of the Planning Committee

(iv) DEEMED TO COMPLY:

The building and site development existing as of the date of the passing of this By-Law shall be deemed to comply with the regulations of this Zoning By-Law. In the event that the existing building on the site is removed, any new development shall be subject to the regulations of Section 11 of this By-Law."

- and further -

THAT the Amending By-Law be presented to City Council for all three readings.
(See By-Law No. (8), 2008-136)

7. **Application for Zoning By-Law Amendment to Permit a Change in Use of a Residential Dwelling to Establish a Daycare Centre at 198 Mack Street**

THAT the Application for Zoning By-Law Amendment (Our File No. D14-121-2008) submitted by Wendy and Eric Taylor for the property municipally known as 198 Mack Street, **BE APPROVED**.

- and further -

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

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1. Map 19 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from One Family and Two Family Dwelling 'A' Zone to Special One Family and Two Family Dwelling 'A.377' Zone, as shown on Schedule "A" attached to and forming part of By-Law No. 2008-137.
2. By **Adding** a new subsection to Part VII, Section 377 thereto as follows:
"(377) **198 Mack Street:**
Notwithstanding the provisions of Section 6.2 hereof to the contrary, on the lands designated 'A.377' on Schedule 'A' attached to the Agenda, the following regulations shall apply:
 - a) That the following additional use be permitted:
 - a Daycare Centre
 - b) That notwithstanding any regulations to the contrary a maximum aggregate driveway width of 8.1 metres is permitted.
 - c) That notwithstanding any regulations in Section 5.3 to the contrary a maximum aggregate of 4 parking spaces is permitted in the front yard and exterior side yard."

- and further -

THAT the Amending By-Law be presented to City Council for all three readings.
(See By-Law No. (9), 2008-137)

CARRIED

Report No. 84 of the Environment, Infrastructure and Transportation Committee

Moved by Councillor Foster

Seconded by Councillor Hutchison

THAT Report No. 84 of the Environment, Infrastructure and Transportation Committee be received and adopted.

Report No. 84

REPORTS (CONTINUED)

Report No. 84 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. **Cycling Lane Pilot Project**

WHEREAS a recommendation was provided to EITP within Report No.: EITP-08-015 dated May 8th, 2008 as follows:

"THAT Council adopt an On-Road Cycling Facility Policy to encourage utilitarian and recreational cycling by providing cycling facilities that are complementary to the roadway classification within which they will be built as follows:

- a) *provide dedicated marked and signed on-road cycling lanes on select arterial and collector roads where possible;*
- b) *provide shared use lanes on select local roads where possible;*

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c) *provide paved shoulders on select rural roads where possible;*

- and further -

THAT the 2003 Cycling and Pathways Study be considered as the reference for identifying roads for installation of cycling facilities."

and,

WHEREAS at the May 8th, 2008 meeting of EITP an alternate recommendation was made and provided to Council on May 20th, 2008 as follows:

"THAT Council adopt a Cycling Facility Policy to encourage utilitarian and recreational cycling by providing cycling facilities as follows:

a) *provide wide curb lanes on newly constructed arterial and collector roads when possible;*

b) *dedicate the differences in cost between the wide curb lanes and on-road cycle lanes to :*

i. *increase driver/cyclist education*

ii. *road repair*

iii. *road maintenance*

iv. *off-road cycling routes;*

c) *provide paved shoulders on select rural roads where possible."*

and,

WHEREAS the EITP recommendation and a motion to amend by Council, which is noted hereunder, was deferred and referred back to EITP for review and further clarification and discussion of the proposed pilot project:

"THAT Council adopt a Cycling Facility Policy to encourage utilitarian and recreational cycling by providing cycling facilities as follows:

a) *provide wide curb lanes on newly constructed arterial and collector roads when possible;*

b) *dedicate the differences in cost between the wide curb lanes and on-road cycle lanes to :*

i. *increase driver/cyclist education*

ii. *road repair*

REPORTS (CONTINUED)

Report No. 84 of the Environment, Infrastructure and Transportation Committee

iii. *road maintenance*

iv. *off-road cycling routes;*

c) *provide paved shoulders on select rural roads where possible,*

- and further -

THAT staff be directed to conduct a cycling lane pilot project in order to initiate a cycling lane network from the west end to the centre of the City (Catarqui Woods Drive to Midland Avenue to Centennial Drive, south to Bath Road and then east to Queen Mary Road and Queen Mary Road to Johnson Street)."

and,

WHEREAS at the meeting of June 12th, 2008, EITP concluded not to proceed with conducting the aforementioned pilot project, revisited the original staff recommendation of May 8th, 2008, and also included that an education program be devised in time for the 2009 budget, and that a list of roads where it is intended to have dedicated marked lanes or wide curbed lanes be provided to EITP;

THEREFORE BE IT RESOLVED THAT the following motion **BE APPROVED:**

"THAT Council adopt an On-Road Cycling Facility Policy to encourage utilitarian and recreational cycling by providing cycling facilities that are complementary to the roadway classification within which they will be built as follows:

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- a) *provide dedicated marked and signed on-road cycling lanes and shared use lanes (wide curb lanes) on select arterial and collector roads where possible;*
- b) *provide shared use lanes (wide curb lanes) on select local roads where possible;*
- c) *provide paved shoulders on select rural roads where possible;*

- and further -

THAT the 2003 Cycling and Pathways Study be considered as the reference for identifying roads for installation of cycling facilities;

- and further -

THAT an effective cycling/motorized vehicle education program be devised in time for the 2009 budget;

- and further -

THAT staff bring to the Environment Infrastructure and Transportation Policies Committee a list of roads where it is intended to have dedicated marked lanes or wide curb lanes;

- and further -

THAT no action be taken on the Council motion directing staff to conduct a cycling lane pilot project from the west end to the centre of the City (Cataragui Woods Drive to Midland Avenue to Centennial Drive, south to Bath Road and then east to Queen Mary Road and Queen Mary Road to Johnson Street)."

(Note: Report No. EITP-08-024 of the Commissioner of Corporate Services was attached to the May 8th, 2008 EITP agenda.)

2. Integrated Waste Management Study – Phase A Report – Amendment

WHEREAS the following recommendation of EITP on May 8th, 2008 was considered by Council May 20th, 2008 and was deferred and referred back to EITP for rewording based on memos distributed to members of Council:

"THAT the Integrated Waste Management Study – Phase A Report, as amended, be approved with the exception of Section 3.2 Clause 5 as the basis for the City to undertake Phase B of the study to identify a preferred long-term integrated waste management system approach;

REPORTS (CONTINUED)

Report No. 84 of the Environment, Infrastructure and Transportation Committee

- and further -

THAT garburators will not be considered as a material processing technology."

and,

WHEREAS staff presented a further report at the EITP meeting on June 12th, 2008;

THEREFORE BE IT RESOLVED THAT the Integrated Waste Management Study – Phase A Report be approved with the following amendments as the basis for the City to undertake Phase B of the study to identify a preferred long-term integrated waste management system approach noting that garburators will not be considered as a material processing technology:

- a) Section 2.1 of the Integrated Waste Management Study – Phase A Report to read as follows:

The planning period used for this study is from 2006 – 2031; and,

- b) Section 2.3, the last sentence of the first paragraph, to read as follows:

The planning period used for the Integrated Waste Management Study is 25 years; and,

- c) Section 3.2, Clause 5 to read as follows:

A system of programs, processes and facilities that is sustainable in recognition of the capability of the system to be maintained over time without exhausting the financial resources it needs and without importing waste resources from other municipalities in a manner that would negatively impact Kingston's environment

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(Note: Report No. EITP-08-022 of the President and CEO of Utilities Kingston was attached to the June 12th, 2008 EITP agenda.)

3. **Pedestrian Crossing Guidelines**

THAT no action be taken to process an amendment to the Highway Traffic Act that would provide increased rights for pedestrians until such time that the Ministry's manual entitled "Pedestrian Control & Protection" is complete.

(Note: Report No. EITP-08-021 of the President and CEO of Utilities Kingston was attached to the June 12th, 2008 EITP agenda.)

CARRIED

Moved by Councillor Hutchison
Seconded by Councillor MacLeod-Kane

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to deal with Motion No. (6) prior to consideration of Report No. 85 of the Arts, Recreation and Community Policies Committee.

CARRIED
(A 2/3 Vote of Council Was Received)
(See Page No. 429)

Moved by Councillor Matheson
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)

Moved by Councillor Foster
Seconded by Councillor Schmolka

THAT the Motion of Councillors Matheson and Osanic to extend the Council session be reconsidered.

CARRIED

Moved by Councillor Matheson
Seconded by Councillor Osanic

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

LOST

Report No. 85 of the Arts, Recreation and Community Policies Committee

Moved by Deputy Mayor Glover
Seconded by Councillor Hutchison

THAT Report No. 85 of the Arts, Recreation and Community Policies Committee be received and adopted.

Council agreed to the separation of Clause 1.

Report No. 85

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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.

June 26, 2008

Councillor Meers withdrew from the meeting.

1. **Approval of Childcare Programs Wait List for Fee Subsidies**

THAT Council approve the revised Wait List Policy for Fee Subsidies as identified in Exhibit A of Report ARCP-08-025 and direct staff to update policies and procedures related to the revised Wait List Policy and to communicate the revisions to licensed childcare programs.

(Note: The Report of the Commissioner of Community Development Services Group (ARCP 08-025) was attached as Schedule Pages 95-110)

CARRIED

Councillor Meers returned to the meeting.

REPORTS (CONTINUED)

Report No. 85 of the Arts, Recreation and Community Policies Committee

2. **Request for City of Kingston Support – Kingston Bicycle Festival 2008**

THAT Council direct staff to proceed with a request for City support for the 'Kingston Bike Festival' (KBF) by Kingston BMX to be held at Woodbine Park from August 30th to September 7th, 2008 based on information provided in Report ARCP-08-026 with the understanding that financial considerations be \$10,000 provided from the Municipal Capital Reserve Fund, and \$40,000 provided through in kind contributions, and that the contributions not exceed those two amounts.

(Note: The Report of the Commissioner of Community Development Services Group (ARCP 08-026) was attached as Schedule Pages 111-115)

3. **Recommendation of Arts Advisory Committee Requesting Approval of Terms of Reference for a Proposal for a Poet Laureate for the City**

THAT the following recommendation of the Arts Advisory Committee for the approval of Terms of Reference for a Poet Laureate for the City of Kingston be forwarded to the Council Priority Setting session on July 29th, 2008 for consideration:

"THAT the Terms of Reference for a Proposal for a Poet Laureate for the City of Kingston be approved in principle and endorsed by the Arts, Recreation and Community Policies Committee."

(Note: The Terms of Reference for a Proposal for a Poet Laureate for the City of Kingston were attached as Schedule Pages 116-117)

CARRIED

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Report No. 86 of the Memorial Centre Revitalization Committee

Moved by Councillor Garrison
Seconded by Councillor Smith

THAT Report No. 86 of the Memorial Centre Revitalization Committee be received and adopted.

Report No. 86

To the Mayor and Members of Council:
The Memorial Centre Revitalization Committee reports and recommends as follows:

June 23, 2008

1. Enhancement of Fergus Street Entrance at Memorial Centre Site

THAT the Fergus Street entrance at the Memorial Centre site be enhanced with four foot wrought iron fencing in the middle with a pathway treatment of paving stone for pedestrians and bicycles and landscaping using mid-range costing estimates as outlined in the June 23, 2008, staff report (MCR-08-001) to an upset limit of approximately \$20,000;

- and further-

THAT some basic landscaping be added to the entrance way at Alfred and Pine to an upset limit of \$3,000.

REPORTS (CONTINUED)

Report No. 86 of the Memorial Centre Revitalization Committee

2. Playground Improvements at Memorial Centre Site

THAT the three stage implementation process recommended by staff for playground improvements be approved and that staff be directed to proceed with phase 1 of the strategy which includes the addition of playground features that are known by experience to be popular and replace the existing fencing with 1.2 metre chain link fencing around the play area with appropriate gating into the area to allow for better access at the southeast corner of the site to an upset limit of \$60,000.

3. Installation of Signs Denoting Revitalization of Memorial Centre Site

THAT two professionally created signs denoting the revitalization of the Memorial Centre site be installed on York Street and the corner of Concession and Nelson Streets by the end of July, 2008; each measuring 4 ft. x 8 ft. (one sided) using 6 in. x 6 in. x 6 ft. high wooden posts. The full cost of the signs, including installation is not to exceed \$3,000.

CARRIED

Report No. 87 of the Nomination Advisory Committee

Moved by Councillor Schmolka
Seconded by Councillor Hutchison

THAT Report No. 87 of the Nomination Advisory Committee be received and adopted.

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Report No. 87

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

June 26, 2008

1. **Recommendation Regarding Public Appointments to Committees**

THAT the following committee appointments be made:

Committee	# of Appointments Required & Length of Term	Names
Municipal Accessibility Advisory Committee	2 Term is staggered – Committee will advise and report back	Kevin Curry Hugh Wiley

CARRIED

REPORTS (CONTINUED)

Report No. 88 of the Kingston Municipal Heritage Committee (LACAC)

Moved by Deputy Mayor Glover
Seconded by Councillor Osanic

THAT Report No. 88 of the Kingston Municipal Heritage Committee (LACAC) be received and adopted.

Report No. 88

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.

July 7, 2008

1. **A By-Law to Designate 1345 Woodbine Road**

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

WHEREAS Council has served Notice of Intent to Designate on 1345 Woodbine Road, Part of Lot 1, Concession 2, Western Addition, Part Lot Mile Square, Part of Road Allowance between Kingston and Western Addition, Closed by FR212704, being Part 1 on Plan 13R-4490 and Parts 1 and 2 on Plan 13R-13654, save and except Parts 1, 2 and 3 on Plan 13R-16416 and Parts 1 and 2 on Plan 13R-17428, City of Kingston, Geographic Township of Kingston, County of Frontenac; and

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WHEREAS notice of designating by-law was published in the Kingston Whig Standard, which is a newspaper having general circulation in the municipality, on June 2nd, 2007; and,

WHEREAS no notice of objection to the proposed designation was served to the Clerk of the Corporation of the City of Kingston;

THEREFORE, it is requested that the Council of The Corporation of the City of Kingston enact as follows:

THAT the attached by-law entitled By-Law No. 2008-132, "A By-Law To Designate 1345 Woodbine Road, 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;

- and further -

THAT that this property's entry on the City of Kingston's Heritage Properties Register be amended to reflect the Designation.

(See By-Law No. (4), 2008-132)

(Note: A copy of the by-law was attached as Schedule Pages 118-125)

REPORTS (CONTINUED)

Report No. 88 of the Kingston Municipal Heritage Committee (LACAC)

2. **Approval of an Application for Scraping Trim, Repointing Cracks, Replacement of Wood Guardrails at Rear Door, Replacement/Repair of Deteriorated Wood on Porch, Stairs, Balcony and Soffit at 65 West Street**

THAT Application P18-402-046-2008 for a property located at 65 West Street requesting approval for scraping trim, repointing cracks, replacement of wood guardrails at rear door, replacement/repair of deteriorated wood on porch, stairs, balcony and soffit **BE APPROVED** as described within a submission dated May 20th, 2008 and with the understanding that the approval is granted to resolve property standards issues in accordance with comments made by Kingston Municipal Heritage Committee;

- and further -

THAT it be understood that the approval is granted to resolve property standards issues in accordance with advice provided by the Committee to include method of attachment of guardrails, flashing and with the understanding that any repairs will replicate the original elements in kind and profile;

- and further -

THAT masonry work be done in accordance with the Heritage Masonry Guidelines.

3. **Approval of an Application for Replacement of Wood Awning with the Same Design on New Wood at 366 King Street East also known as 65 Princess Street and the Royal Block**

THAT Application P18-285-047-2008 for a property located at 366 King Street East also known as 65 Princess Street and the Royal Block requesting approval for the replacement of a wood awning with the same design on new wood **BE APPROVED** as described within a submission dated May 30th, 2008.

4. **Approval of an Application for Installation of Twelve New Soffit Vents at 86 Sydenham Street**

THAT Application P18-364-048-2008 for a property located at 86 Sydenham Street requesting approval to install twelve new soffit vents **BE APPROVED** as described within a submission dated June 19th and 20th, 2008.

5. **Approval of an Application for a Proposed Store Front Sign, Projecting Sign and Temporary Banner at 680 King Street West**

THAT Application P18-243-049-2008 for a property located at 680 King Street West requesting approval for a proposed store front sign, projecting sign and temporary banner **BE APPROVED** as described within Appendix 'A' of a submission dated June 20th, 2008;

- and further -

THAT the signs not be attached to the stone coins, and that masonry work required to fasten the signs be done in accordance with the Heritage Masonry Guidelines.

6. **Approval in Principle of an Application for the Relocation of Existing Rear Dormer and Window and Addition of a New Rear Dormer with Glazed Doors at 230 Johnson Street**

THAT Application P18-162-050-2008 for a property located at 230 Johnson Street requesting approval for the relocation of existing rear dormer and window and addition of a new rear dormer with glazed doors **BE APPROVED IN PRINCIPLE** as described within a submission dated June 19th, 2008;

- and further -

REPORTS (CONTINUED)

Report No. 88 of the Kingston Municipal Heritage Committee (LACAC)

THAT as requested by the Building Department, approval will be subject to the receipt and approval of a complete set of full scale drawings, to include specifications regarding wrought iron guards in accordance with Ontario Building Code requirements.

7. **Approval of Landscaping, Paving, a Limestone Wall, Replacement of Wooden Steps, Posts and Railings at 277 Main Street, Barriefield**

THAT Application P18-503-051-2008 for a property located at 277 Main Street, Barriefield requesting approval for landscaping, paving, a limestone wall, replacement of wooden steps, posts and railings **BE APPROVED** as described within a submission dated June 19th, 2008;

- and further -

THAT should archaeological resources be found on the property during the construction activities, the Ministry of Culture and the City of Kingston's Heritage Planner shall be notified immediately;

- and further -

THAT in the event that human remains are encountered during the construction activities, the proponent must immediately contact the City of Kingston's Heritage Planner, the Ministry of Culture and the Registrar or Deputy Registrar of the Cemeteries Regulation Unit of the Ministry of Government Services (1-800-268-1142).

8. **Denial of an Application for Limestone Pillars and Lights at 277 Main Street, Barriefield**

THAT Application P18-503-051-2008 for a property located at 277 Main Street, Barriefield requesting approval for limestone pillars and lights **BE DENIED**;

- and further -

THAT the owner is encouraged to return to the committee with an alternate proposal at the August meeting;

- and further -

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WHERE the Council refuses the application, the owner may, within thirty days after receipt of the notice under Subsection (6) of Section 42 of the Ontario Heritage Act, appeal to the Ontario Municipal Board for a hearing.

9. **Approval of an Application for Alteration and Repair of the Roof, Gutters, Dormers and Windows at 16 Market Street also known as 37 Clarence Street**

THAT Application P18-252-054-2008 for a property located at 16 Market Street also known as 37 Clarence Street for the alteration and repair of the roof, gutters, dormers and windows **BE APPROVED** as described within a submission dated June 20th, 2008 with the understanding that photographs and drawings, along with 'as built' photographs be provided to the Culture and Heritage Division;

- and further -

THAT it be understood that the portion of the application requesting approval for sign lettering has been withdrawn by the applicant.

REPORTS (CONTINUED)

Report No. 88 of the Kingston Municipal Heritage Committee (LACAC)

10. **Reaffirmation of Approval of an Application for Removal of Loose Stone Mouldings on Four Columns on the Clarence Street Façade at 302-310 King Street East also known as the British Whig Building**

THAT Application P18-216-055-2008 for a property located at 302-310 King Street East also known as the British Whig Building requesting approval for removal of loose stone mouldings on four columns on the Clarence Street façade **BE APPROVED** as described within a submission dated June 26th, 2008 with the understanding that an application will be submitted for the replacement of stones.

11. **Final Approval for a Heritage Property Grant for Parge Removal and Re-Pointing at 2551 Hwy #2 East**

WHEREAS the owner of 2551 Hwy #2 East has requested final approval for Heritage Grant Application HG-001-2008; and,

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

THEREFORE **BE IT RESOLVED THAT** Heritage Property Grant HG-001-2008 for 2551 Hwy #2 East **BE APPROVED** for parge removal and re-pointing;

- and further -

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

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 for the City of Kingston as at March 31, 2008, the end of the first fiscal quarter.

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(The Report of the Commissioner of Finance and Corporate Performance (08-183) was attached as Schedule Pages 126-131)

(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 132-137)

(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" for the K-Rock Centre.

(The Report of the Commissioner of Sustainability and Growth (08-200) was attached as Schedule Pages 138-139)

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

INFORMATION REPORTS (CONTINUED)

(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 140-170)

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

(5) **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 171-174)

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

(6) **Monthly Project Status Reports for the Grand Theatre Building Improvement Project, the K-Rock Centre, and the Multiplex Community Centre for June 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 month of June 2008.

(The Report of the Commissioner of Sustainability and Growth (08-229) was attached as Schedule Pages 175-205)

(File No. CSU-R05-000-2008, CSU-R05-001-2008, CSU-R05-002-2008)

(7) **Grand Theatre Building Improvement Project Quarterly Project Management Committee Report for the Period Ending June 30, 2008**

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The Grand Theatre Building Improvement Project Management Committee (PMC) is submitting its sixth quarterly report for the period ending June 30, 2008.

(The Report of the Commissioner of Sustainability and Growth (08-230) was attached as Schedule Pages 206-211)
(File No. CSU-R05-000-2008)

(8) Multiplex Community Centre Project Quarterly Project Management Committee Report for the Period Ending June 30, 2008

The Multiplex Community Centre Project Management Committee (PMC) is submitting its sixth quarterly report for the period ending June 30, 2008.

(The Report of the Commissioner of Sustainability and Growth (08-231) was attached as Schedule Pages 212-216)
(File No. CSU-R05-001-2008)

INFORMATION REPORTS (CONTINUED)

(9) K-Rock Centre Quarterly Project Management Committee Report for the Period Ending June 30, 2008

The Kingston Regional Sports and Entertainment Centre (K-Rock Centre) Project Management Committee (PMC) is submitting its sixth quarterly report for the period ending June 30, 2008.

(The Report of the Commissioner of Sustainability and Growth (08-232) was attached as Schedule Pages 217-220)
(File No. CSU-R05-002-2008)

(10) Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of June 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 June 2008.

(The Report of the Commissioner of Finance and Corporate Performance (08-247) was attached as Schedule Pages 221-224)

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

(11) Kingston Aquatic Facility Study - 2008

This report is being provided to Council to follow up the recommendations of the deferred report of April 24th, 2008 and the information is supplemental to previous reports.

(The Report of the Commissioner of Sustainability and Growth (08-249) was attached as Schedule Pages 225-230)
(File No. CSU-R05-000-2008)

Moved by Councillor Gerretsen

Seconded by Councillor Foster

THAT the remaining items of business excluding the by-laws be deferred to the meeting on August 12th.

CARRIED

MISCELLANEOUS BUSINESS

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- (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)

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

DEFERRED

- (2) **THAT**, at the request of the Canadian Society for Training and Development (CTSD), Council proclaim the week of September 22nd to 26th, 2008, as "Learn @ Work Week" in the City of Kingston.

(See Communication No. 15-417)

(Distributed to all Members of Council on June 20, 2008)

DEFERRED

MISCELLANEOUS BUSINESS

- (3) **THAT**, at the request of M&M Meat Shops, Council proclaim September 18th, 2008, as "National Family Dinner Night" in the City of Kingston.

(See Communication No. 15-469)

(Distributed to all Members of Council on July 4, 2008)

DEFERRED

MOTIONS

- (1) 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,

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

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

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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;

MOTIONS (CONTINUED)

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

- (3) 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,

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;

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- 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 -

MOTIONS (CONTINUED)

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

- (4) 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

- (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,

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

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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

MOTIONS (CONTINUED)

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

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.

ABYL0022

DEFERRED

(See Motion To Defer Which Was CARRIED)

Moved by Deputy Mayor Glover
Seconded by Councillor Smith

THAT Motion No. (6) be deferred and referred to the Arts, Recreation and Community Policies Committee for review on the basis of a comprehensive report from staff that would answer the many questions and provide a sound logic for what is being charged and report back to Council.

CARRIED

Moved by Deputy Mayor 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 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."

CARRIED

(A 2/3 Vote Of Council Was Received)

- (7) Moved by Councillor Hutchison
Seconded by Councillor MacLeod-Kane

WHEREAS City Council will be considering the operating budget and capital and debt scheduling implications of current and proposed capital expenditures at their Council Priority Setting Session on July 29, 2008; and,

WHEREAS it will be very difficult to accommodate all proposed capital spending under the preliminary capital spending schedule presented by staff to Council on June 17, 2008; and,

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WHEREAS the proposal for the building of a municipal aquatics centre with a 50 metre pool is projected at between about \$19 million and \$28.5 million;

BE IT RESOLVED THAT staff be requested to report back to Council in time for the Council Priority Setting Session on July 29, 2008, on the financial and logistical implications of building a 25 metre Myrtha modular technology pool

- (a) to be housed in a building capable of being expanded in the future to accommodate a 50 metre pool;
- (b) with and without the additional features requested by Council under the 50 metre pool proposal;
- (c) and if located at or not located at the Invista Centre (to account for potential savings from building-to-building heat transfer, staffing requirements, etc.).

DEFERRED

NOTICES OF MOTION

MINUTES

THAT the Minutes of City Council Meeting No. 14-2008, held Tuesday, June 17th, 2008 be confirmed.

DEFERRED

TABLING OF DOCUMENTS

- 2008-50 Downtown Kingston! Board of Management
Meeting Agenda – June 18th, 2008
(File No. CSU-A01-001-2008)

- 2008-51 Cataraqui Source Protection Committee
Meeting Agenda – June 26th, 2008
(File No. CSU-D03-000-2008)

- 2008-52 Cataraqui Region Conservation Authority
Agenda – Full Authority Meeting – June 25th, 2008
(File No. CSU-D03-000-2008)

- 2008-53 KFL&A Public Health
Agenda – Board Meeting – June 25th, 2008
(File No. CSU-S08-001-2008)

- 2008-54 Local Authority Services Ltd.
Newsletter – “Energy Newsflash” – June 2008
(File No. CSU-A01-004-2008)

- 2008-55 Cataraqui Source Protection Authority
Minutes – Meeting – May 28th, 2008
(File No. CSU-D03-000-2008)

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COMMUNICATIONS

Council consented to the addition of Communication No. 15-477.

Filed

COMMUNICATIONS (CONTINUED)

- 15-413 From the Association of Municipalities of Ontario (AMO), providing information regarding the 2008 Great Lakes and St. Lawrence Cities Initiative Annual Conference and Meeting, which will be held in Toronto from July 16th to 18th, 2008.
(File No. CSU-A04-000-2008)
(Digitally distributed to all Members of Council on June 13, 2008)
- 15-414 From the Association of Municipalities of Ontario (AMO), advising that the Ontario government has launched a website to solicit public input on their Poverty Reduction Strategy.
(File No. CSU-S04-000-2008)
(Digitally distributed to all Members of Council on June 6, 2008)
- 15-415 From the Association of Municipalities of Ontario (AMO), providing an update on the OMERS Sponsors Corporation's review of plan change proposals and the new Municipal Employers Pension Centre of Ontario.
(File No. CSU-H02-000-2008)
(Digitally distributed to all Members of Council on June 13, 2008)
- 15-420 From the Corporation of the Municipality of Clarington, acknowledging support of Council's resolution regarding the Ontario Building Code.
(File No. CSU-P01-002-2008)
- 15-421 From the Corporation of the Municipality of Clarington, acknowledging receipt of Council's resolution regarding the Pesticide Act.
(File No. CSU-E05-000-2008, CSU-L11-000-2008)
- 15-422 From the Town of Ajax, acknowledging support of Council's resolution regarding the Ontario Building Code.
(File No. CSU-P01-002-2008)
- 15-423 From the City of Belleville, acknowledging receipt of Council's resolution regarding the Great Waterfront Trail Adventure (GWTA).
(File No. CSU-M10-000-2008)

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- 15-424 From the Federal Minister of Transport, Infrastructure and Communities, acknowledging receipt of Council's resolution regarding the status of Framework Agreement negotiations between the Government of Canada and the Government of Ontario.
(File No. CSU-A16-000-2008)
- 15-425 From St. Lawrence Place Retirement Residence, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 181 Ontario Street.
(File No. CSU-P09-000-2008)

COMMUNICATIONS (CONTINUED)

- 15-426 From the Ontario Ministry of Municipal Affairs and Housing, advising that the province is increasing the fire safety of new large residential buildings by making changes to the Building Code requiring sprinkler systems in new condos and apartments higher than three storeys.
(File No. CSU-L11-000-2008)
- 15-427 From the Corporation of Loyalist Township, acknowledging support of Council's resolution regarding the Great Waterfront Trail Adventure (GWTA).
(File No. CSU-M10-000-2008)
- 15-428 From the City of Peterborough, acknowledging support of Council's resolution regarding the use of ZENN automobiles in Ontario and Canada.
(File No. CSU-T08-000-2008)
- 15-429 From the Ontario Ministry of Municipal Affairs and Housing, advising that the province has set the 2009 rent increase guideline at 1.8%, the third lowest guideline in provincial history.
(File No. CSU-L11-000-2008)
- 15-430 From the Kingston Area Taxi Commission, providing a copy of financial statements for the year ended December 31, 2007.
(File No. CSU-F10-000-2008)
- 15-431 From Barnone, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 394 Princess Street, Unit 300.
(File No. CSU-P09-000-2008)
- 15-432 From the Honourable John Gerretsen, acknowledging receipt of Council's resolutions regarding the Building Canada Framework Agreement, Bill 64 – the Pesticide Act, and the Ontario Building Code.
(File No. CSU-A16-000-2008, CSU-E05-000-2008, CSU-L11-000-2008)
- 15-433 From the City of Brockville, acknowledging support of Council's resolution regarding the Great Waterfront Trail Adventure (GWTA).
(File No. CSU-M10-000-2008)

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15-434 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)

15-435 From the Regional Municipality of Halton, acknowledging support of Council's resolution regarding the Ontario Building Code.
(File No. CSU-P01-002-2008)

COMMUNICATIONS (CONTINUED)

15-437 From the Premier of Saskatchewan, acknowledging receipt of Council's resolution regarding the use of ZENN automobiles in Ontario and Canada and providing information regarding the province's views.
(File No. CSU-T08-000-2008)

15-438 From the Corporation of the City of Oshawa, acknowledging support of Council's resolution regarding the Great Waterfront Trail Adventure (GWTA).
(File No. CSU-M10-000-2008)

15-439 From the New Brunswick Minister of Public Safety and Solicitor General, acknowledging receipt of Council's resolution regarding the use of ZENN automobiles in Ontario and Canada and providing information regarding the province's views.
(File No. CSU-T08-000-2008)

15-441 From the Committee of Adjustment, a Notice of Decision for the following applications:

MINOR VARIANCE – In respect of an application to request permission for minor variances to Zoning By-Law No. 8499 for the property at 20 Helen Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is July 14, 2008.

MINOR VARIANCE – In respect of an application to request permission for minor variances to Zoning By-Law No. 8499 for the property at 46 Traymoor Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is July 14, 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 955 Highway #15, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is July 14, 2008.
(File No. CSU-D19-000-2008)

15-446 From the Regional Municipality of Durham, acknowledging receipt of Council's resolution regarding the Pesticide Act.
(File No. CSU-E05-000-2008, CSU-L11-000-2008)

15-447 From the Corporation of the County of Simcoe, acknowledging support of Council's resolution regarding the Pesticide Act.
(File No. CSU-E05-000-2008, CSU-L11-000-2008)

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- 15-448 From the Corporation of the Township of Cramahe, acknowledging support of Council's resolution regarding the Great Waterfront Trail Adventure (GWTA).
(File No. CSU-M10-000-2008)
- 15-449 From the Association of Municipalities of Ontario (AMO), advising that the Ministry of Transportation (MTO) is now accepting applications for the 2008-2009 Ontario Transportation Demand Management (TDM) Municipal Grant Program, which will provide financial assistance to Ontario municipalities.
(File No. CSU-F11-000-2008)
(Digitally distributed to all Members of Council on June 30, 2008)

COMMUNICATIONS (CONTINUED)

- 15-450 From the Association of Municipalities of Ontario (AMO), providing a copy of the report of the Secretary-Treasurer on nominations to the 2008-2009 AMO Board of Directors.
(File No. CSU-A01-004-2008)
(Digitally distributed to all Members of Council on June 30, 2008)
- 15-458 From the Association of Municipalities of Ontario (AMO), advising that the Government of Ontario has launched its new Rural Connections Broadband Program, a \$30 million, four-year program for municipalities in rural southern Ontario to reduce broadband access gaps.
(File No. CSU-A12-000-2008)
(Digitally distributed to all Members of Council on July 3, 2008)
- 15-459 From the City of Vaughn, acknowledging support of Council's resolution regarding the Pesticide Act, including a copy of their own resolution banning use of cosmetic pesticides.
(File No. CSU-E05-000-2008, CSU-L11-000-2008)
- 15-460 From the City of Guelph, acknowledging support of Council's resolution regarding the Ontario Building Code.
(File No. CSU-P01-002-2008)
- 15-461 From the Corporation of the City of London, acknowledging receipt of Council's resolution regarding the Ontario Building Code.
(File No. CSU-P01-002-2008)
- 15-462 From the Corporation of the City of London, acknowledging receipt of Council's resolution regarding the use of ZENN automobiles in Ontario and Canada.
(File No. CSU-T08-000-2008)
- 15-463 From the Ontario Ministry of Community and Social Services, responding to a letter from Council regarding funding available through the Consolidated Homelessness Prevention Program (CHPP).
(File No. CSU-F11-000-2008, CSU-S16-000-2008)
- 15-464 From the Ontario Ministry of the Attorney General, advising that the fee to copy court records is being reduced.
(File No. CSU-F21-000-2008)

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15-465 From the Corporation of the City of Kawartha Lakes, acknowledging receipt of Council's resolution regarding the use of ZENN automobiles in Ontario and Canada.
(File No. CSU-T08-000-2008)

15-466 From the Regional Municipality of Durham, acknowledging receipt of Council's resolution regarding the Ontario Building Code.
(File No. CSU-P01-002-2008)

COMMUNICATIONS (CONTINUED)

15-470 From the Ontario Ministry of Health Promotion, providing information regarding the mapping of Ontario's diverse network of trails, working with municipalities and trail groups to collect all existing trails data and identifying the existing gaps.
(File No. CSU-S08-000-2008)

15-471 From Stewardship Ontario, advising that, under a new Municipal Hazardous or Special Waste (MHSW) program operated by industry, the companies that make and market such consumer products as paint, solvents, and pesticides will help to ensure left over materials are managed in an environmentally appropriate manner once consumers no longer need or want them.
(File No. CSU-E07-000-2008)

15-473 From the County of Peterborough, acknowledging support of Council's resolution regarding Sir John A. Macdonald Day.
(File No. CSU-L10-000-2008)

15-475 From the United Counties of Prescott and Russell, acknowledging receipt of Council's resolution regarding the Pesticide Act.
(File No. CSU-E05-000-2008, CSU-L11-000-2008)

15-476 From the United Counties of Prescott and Russell, acknowledging receipt of Council's resolution regarding the Ontario Building Code.
(File No. CSU-P01-002-2008)

Referred to All Members of Council

15-416 From Suzy Wu, providing information and asking for financial support for the earthquake victims in China.
(File No. CSU-P03-000-2008)
(Distributed to all Members of Council on June 13, 2008)

15-417 From the Canadian Society for Training and Development (CSTD), asking that Council proclaim the week of September 22nd to 26th, 2008, as "Learn @ Work Week" in the City of Kingston.
(File No. CSU-M10-000-2008)
(See Miscellaneous Business Item No. 2)

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- 15-418 From the Township of O'Connor, asking for Council's support of a resolution requesting that the Federal Government commit to meeting the demands for the Canada Summer Jobs Program by guaranteeing a set number of positions and increase the funding accordingly.
(File No. CSU-C10-000-2008)

COMMUNICATIONS (CONTINUED)

- 15-419 From the Ontario Ministry of the Attorney General, providing information regarding the 2008 Attorney General's Victim Services Awards of Distinction, which recognize the outstanding achievements of dedicated professionals and volunteers in the victim services field.
(File No. CSU-S00-000-2008)
- 15-440 From the Canadian Union of Postal Workers (CUPW), expressing concern that the federal government is conducting a review of the post office called the "Canada Post Corporation Strategic Review" and asking municipalities to consider passing a resolution and writing a letter or submission to the review.
(File No. CSU-A08-000-2008)
- 15-441 From the Ontario Ministry of Municipal Affairs and Housing, Association of Municipal Managers, Clerks and Treasurers of Ontario (AMCTO) and the Association of Municipalities of Ontario (AMO), providing information regarding Local Government Week, October 19th to 25th, 2008, and encouraging municipalities to participate.
(File No. CSU-M10-000-2008)
- 15-445 From the Cataraqui Clippers Soccer Club, providing information regarding soccer facilities in the City of Kingston and requesting an opportunity to make a presentation of the issues to the Arts, Recreation and Community Policies Committee.
(File No. CSU-R05-000-2008)
- 15-451 From the Town of Caledon, asking for Council's support of a resolution requesting that the Canadian Revenue Agency (CRA) increase the deduction limit of tax exempt allowance paid by employers to employees using their personal vehicle for business purposes from the current rate of 52 cents on the first 5,000 kilometres driven and 46 cents for each additional kilometre.
(File No. CSU-C10-000-2008)
- 15-456 From the Corporation of the Municipality of Kincardine, asking for Council's support of a resolution supporting the recommendations contained in the Report on Removing Barriers for International Medical Doctors by Etobicoke-Lakeshore MPP Lauren Broten, Parliamentary Assistant to the Minister of Health and Long Term Care, and encouraging the Ontario Legislature to support this important legislation once introduced by Minister of Health, George Smitherman, as per his June 6, 2008, announcement.
(File No. CSU-C10-000-2008)
- 15-457 From the Kingston United Soccer Club, requesting the opportunity to make a presentation regarding soccer facilities in Kingston to the Arts, Recreation and Community Policies Committee.
(File No. CSU-R05-000-2008)

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- 15-469 From M&M Meat Shops, asking Council to proclaim September 18th, 2008, as "National Family Dinner Night" in the City of Kingston.
(File No. CSU-M10-000-2008)
(See **Miscellaneous Business Item No. 3**)

COMMUNICATIONS (CONTINUED)

- 15-472 From the Federation of Canadian Municipalities (FCM), providing information and looking for support regarding the Canadian Red Cross Society Auxiliary Role Project.
(File No. CSU-P03-000-2008)
- 15-477 From Charles St. Georges, Kingston District Manager for the Commissionaires, requesting the approval of Council to appoint Phillip Carroll and Richard Clarke as By-Law Enforcement Officers for the purpose of issuing tickets under By-Law No. 99-166 on the property of the Kingston Norman Rogers Airport.
(File No. CSU-P01-003-2008)
(See **By-Law No. (16), 2008-142**)

Referred to the Commissioner of Community Development Services

- 15-436 From the Kingston Historical Society, expressing its opinions regarding the suggestion of a new hyphenated name for Breakwater Park: "Bradstreet-de Noyan Park".
(File No. CSU-R04-000-2008)
- 15-443 From Clark Consulting Services, providing information regarding a public meeting scheduled to consider applications for six zoning by-law amendments pertaining to lands associated with the Wolfe Island Wind Plant.
(File No. CSU-D14-000-2008)
- 15-444 From the County of Frontenac, requesting that 10% of the \$5.2 million plus interest of the Delivering Opportunities for Ontario Renters (DOOR) funding be allocated for social housing projects within the County of Frontenac and that the City of Kingston, as the Consolidated Municipal Service Manager (CMSM) for Kingston and Frontenac, establish a process for allocating these requested funds that is sensitive to the County of Frontenac's rural social housing needs.
(File No. CSU-F11-000-2008, CSU-S13-000-2008)
- 15-452 From the City of Toronto, providing information regarding the 25 in 5: Network for Poverty Reduction.
(File No. CSU-S04-000-2008)
- 15-455 From Kingston Interval House, requesting that the requirements under By-Law No. 88-20 for parkland conveyance or cash in lieu of parkland be waived for the property located at 84 Stephen Street.
(File No. CSU-R04-000-2008)

Referred to the Commissioner of Corporate Services

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- 15-453 From the Cathedral Church of St. George, expressing concerns regarding the proposed changes regarding on-street parking that have been recommended by the current Parking Rate Review.
(File No. CSU-T02-000-2008)

COMMUNICATIONS (CONTINUED)

- 15-454 From Tim Laprade, Public Education Coordinator, asking that Council proclaim September 6th, 2008, as "Shine Day" in the City of Kingston.
(File No. CSU-M10-000-2008)

- 15-474 From the Canadian Association of Veterans in U.N. Peacekeeping (CAVUNP), asking that Council proclaim August 9th, 2008, as "Peacekeepers' Day" in the City of Kingston.
(File No. CSU-M10-000-2008)

Referred to the Commissioner of Finance and Corporate Performance and the President & CEO of Utilities Kingston

- 15-442 From the Ontario Ministry of Transportation (MTO), advising that funding of \$2,333,251 is being provided to the City of Kingston for the purpose of funding municipal road and bridge capital investment needs.
(File No. CSU-F11-000-2008)

Referred to the Arts, Recreation and Community Policies Committee

- 15-467 From Bruce Todd, expressing his opposition to the proposal to build a new aquatic facility, given of the increasing costs of fuel and living expenses, as well as expressing concerns regarding the new facilities and transit service in the City of Kingston.
(File No. CSU-M04-000-2008, CSU-R05-000-2008)

- 15-468 From Shirley Holman, expressing her opposition to the proposal to build any more expensive facilities in the City of Kingston, as well as her opinions on the need to find alternatives to fossil fuels.
(File No. CSU-M04-000-2008)

BY-LAWS

Council consented to the addition of By-Laws (15) and (16) for all three readings.

- (A) Moved by Councillor Garrison
Seconded by Councillor Smith

THAT By-Laws (1) through (12), (15) and (16) be given their first and second reading.

CARRIED

- (B) Moved by Councillor Garrison
Seconded by Councillor Smith

THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Law (16) three readings.

CARRIED

Councillor Gerretsen withdrew from the meeting.

BY-LAWS (CONTINUED)

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

THAT By-Law (13) be given third reading.

CARRIED

Councillor Gerretsen returned to the meeting.

- (D) Moved by Councillor Osanic
Seconded by Councillor Foster

THAT By-Laws (5) through (12), and (14) through (16) be given their third reading.

CARRIED

- (1) A By-Law To Amend By-Law No. 2003-209, "A By-Law To Regulate Traffic" (amend designated streets and lanes – traffic lanes – Princess Street)
FIRST AND SECOND READINGS PROPOSED NO. 2008-129
(See Clause (c), Report No. 81)
- (2) A By-Law To Permit Council To Enter Into A Municipal Contribution Agreement With Kingston Home Base Non-Profit Housing Inc. For The Provision Of Affordable Housing At 37 Joseph Street
FIRST AND SECOND READINGS PROPOSED NO. 2008-130
(See Clause (g), Report No. 81)
- (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. 2008-131
(See Clause (1), Report No. 79)
- (4) A By-Law To Designate 1345 Woodbine Road, 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. 2008-132
(See Clause (1), Report No. 88)
- (5) A By-Law To Amend By-Law No. 76-26, "A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Kingston" (Zone Change To Amend The Provisions Of The M2-21 Zone – 619 McKay Street)
THREE READINGS PROPOSED NO. 2008-133
(See Clause (2), Report No. 83)

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- (6) A By-Law To Amend The Official Plan For The Former Township Of Kingston Planning Area (Amendment No. 25 – To Re-designate The Property Known Municipally As 633 Fortune Crescent From General Industrial To Waste Disposal Industrial – Special Policy Area 2)
THREE READINGS PROPOSED NO. 2008-134
(See Clause (3), Report No. 83)

BY-LAWS (CONTINUED)

- (7) A By-Law To Repeal By-Law No. 35-81 Of The Former Township Of Pittsburgh, "A By-Law Of The Council Of The Corporation Of The Township Of Pittsburgh, To Regulate And Prohibit The Removal Of Topsoil Within The Township"
THREE READINGS PROPOSED NO. 2008-135
(See Clause (5), Report No. 83)
- (8) 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 A5 to A5.376, 880 Victoria Street)
THREE READINGS PROPOSED NO. 2008-136
(See Clause (6), Report No. 83)
- (9) 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 A To A.377, 198 Mack Street)
THREE READINGS PROPOSED NO. 2008-137
(See Clause (7), Report No. 83)
- (10) 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" To Remove The '-H' Holding Symbol Related To The Holding Special Residential Type 4, 'R4-5-H' Zone (Those Lands Located In Part Of Lots 5, 6, And 7, Concession East Of The Great Cataraqui River, And Blocks 116, 117, 118, 119 And 120, Registered Plan No. 13M-38)
THREE READINGS PROPOSED NO. 2008-138
(Delegated Authority)
- (11) A By-Law To Exempt Certain Lands On Registered Plan 13M-59 From The Provisions Of Section 50 (5) Of The *Planning Act*, R.S.O. 1990, Chapter P.13, And Amendments Thereto (Lots 122, 123 and 124 inclusive, Waterloo Village Subdivision, Phase 4, located at the southwest corner of Wheathill Street and Centennial Drive, for the purpose of constructing a four unit townhouse)
THREE READINGS PROPOSED NO. 2008-139
(Delegated Authority)
- (12) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, July 15, 2008
THREE READINGS PROPOSED NO. 2008-140
(City Council Meeting No. 15-2008)
- (13) 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)
THIRD READING PROPOSED NO. 2008-121

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(See Clause (7), Report No. 76)

BY-LAWS (CONTINUED)

- (14) A By-Law To Amend By-Law No. 2002-86, "A By-Law To Establish The Position Of Chief Administrative Officer" (amend evaluation requirements)
THIRD READING PROPOSED NO. 2008-122
(See Clause (3), Report No. 73)
- (15) A By-Law To Amend By-Law No. 76-26, "A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Kingston" (Zone Change from 'M6' to 'M4-5-H', 633 Fortune Crescent)
THREE READINGS PROPOSED NO. 2008-141
(See Clause (3), Report No. 83)
- (16) 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 Phillip Carroll and Richard Clarke – Kingston Norman Rogers Airport)
THREE READINGS PROPOSED NO. 2008-142
(See Communication No. 15-477)

ADJOURNMENT

Moved by Councillor MacLeod-Kane

Seconded by Councillor Hector

THAT Council do now adjourn.

CARRIED

Council adjourned at 11:15 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor