

CITY COUNCIL MEETING NO. 03-2009

The Regular Meeting of City Council was held on Tuesday, January 6, 2009, and was called to order at 7:00 pm in the Council Chamber, City Hall. Regular business commenced at 7:45 pm. His Worship Mayor Harvey Rosen presided.

There was an "In Camera" meeting of the Committee of the Whole from 7:05 pm to 7:40 pm in the Councillors' Lounge.

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Foster, Councillor Garrison (arrived at 7:35 pm), Councillor Gerretsen (arrived at 7:45 pm), Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson (arrived at 7:15 pm), Deputy Mayor Meers, Councillor Osanic (arrived at 7:05 pm), Councillor Schmolka, Councillor Smith (13)

Absent: (0)

(Councillors' Lounge)

Administrative Staff Present:

Mr. J. Bolognone, Deputy City Clerk
Ms. P. Burns, Director, Human Resources & Organization Development
Mrs. C. Downs, City Clerk
Mr. G. Hunt, Chief Administrative Officer
Mr. H. Linscott, Director, Legal Services
Mr. L. Thurston, Commissioner of Community Development Services
Mr. H. Tulk, Fire Chief, Fire and Emergency Planning

COMMITTEE OF THE WHOLE "IN CAMERA"

(1) Moved by Councillor Foster
Seconded by Councillor Hutchison

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

(a) Labour relations or employee negotiations (Negotiations with Kingston Professional Firefighters)

CARRIED

(Council Chamber)

Administrative Staff Present:

Ms. C. Beach, Commissioner of Sustainability and Growth
Mr. J. Bolognone, Deputy City Clerk
Mr. R. Carnegie, Director of Tourism Marketing, KEDCO
Mrs. C. Downs, City Clerk
Mr. J. Giles, Manager, Solid Waste
Mr. J. Hale, Driver/Labourer, Public Works
Mr. G. Hunt, Chief Administrative Officer
Mr. D. Leger, Commissioner of Corporate Services
Mr. H. Linscott, Director, Legal Services
Mr. R. Steele, Manager, Fleet
Mr. L. Thurston, Commissioner of Community Development Services
Mr. M. VanBuren, Director, Engineering
Mr. G. Wallace, Director, Planning and Development

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

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

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

CARRIED

DISCLOSURE OF PECUNIARY INTEREST

Councillor Smith declared a possible pecuniary interest in the matter of Motion No. (4) regarding the ban on bottled water in municipal facilities as he is the owner of the Windmills Café Ltd. which has a contract with the City of Kingston to supply beverages and snacks to the Grand Theatre.

PRESENTATIONS

- (1) Ms. Corrie Abrams, Chair of the Selection Committee and member of the Board for the Kingston and District Sports Hall of Fame, presented the inductees for 2009.

- Leonard Coyle
- John Walter 'Bill' Fittell
- Tom Mastantuono
- Aldo Popazzi
- Sean Reade
- Mary Skeggs

DELEGATIONS

- (1) Mr. Arthur Milnes, Centre for the Study of Democracy at Queen's University, spoke to Council regarding Motion No. (2), Sir John A. Macdonald.

BRIEFINGS

- (1A) Mr. George Wallace, Director, Planning and Development, briefed Council on the 2009 Accessibility Report.
(See Clause 1, Report 13)
- (1B) Council consented to waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to amend the Orders of the Day to allow Clause (1), Report No. 13 to be dealt with following the briefing by Mr. George Wallace on the 2009 Accessibility Report.

(A 2/3 Vote of Council Was Received)
(See Page No. 59)

Note: Clause 1 of Report No. 13 of the Chief Administrative Officer (Recommend) was dealt with at this point in the meeting.

PETITIONS

- (1) A petition bearing approximately 213 signatures was presented by Councillor MacLeod-Kane and referred to Mayor Rosen and the Rural Affairs Coordinator and reads as follows:

Since hearing of the closing of the Postal Outlet at Bryan's Pharmacy, in the Rideau Town Centre, at Gore Road, in Pittsburgh District.

Residents of both COUNTRYSIDE and PITTSBURGH DISTRICT have obtained over TWO HUNDRED signatures, in less than six days, asking Canada Post to have a postal Outlet opened at Codes' Corner, Hwy # 15, Kingston Mills.

They would ask that copies of this petition be sent to the following people:

- 1- Sophie Nizman - Local Area Manager - Canada Post
- 2- Moya Greene - President/Chief Executive Officer - Canada Post
- 3- Jacques Cote - Chief Operations Officer - Canada Post
- 4- Hon. Hugh Segal, Senator for Kingston, Frontenac & Leeds
- 5- Hon. Peter Miliken, MP for Kingston and the Islands
- 6- Hon. John Gerretsen, M.P.P. for Kingston and the Islands
- 7- Hon. Mayor Rosen - City of Kingston

Last however not least.

- 8- Terry Shea - Rural Affairs Coordinator – City of Kingston

REFERRED TO MAYOR AND RURAL AFFAIRS COORDINATOR

- (2) A petition bearing approximately 44 signatures was presented by Councillor Matheson and referred to the Kingston Police and Police Services Board and reads as follows:

"We are the victims of vandalism and trespassers at "Brittany-Place"

We are a group of concerned citizens of Brittany-Place, and we are your neighbours, in fact.

We have been victims of the rash of acts of vandalism that has plagued our neighbourhood for the past 4 ½ years now. These acts are committed mainly by young people who do damage to cars and landscaping which are occurring on any given night. The trespassers are rude and careless on their bikes and they leave their garbage and liquor and beer bottles on our property.

These kids are an invasion to our privacy and some of our residents do not feel comfortable on our property with all these kids walking around especially in the evening. A couple of kids are so brazen that they told us twice in advance that they were going to destroy our landscaping and they did.

It is important that you sign this petition, as we intend to have our concerns brought up to City Council and the Kingston Police, we want them to provide us with solutions so we can have peace and safety on our 'Brittany Place' property.

We also urge anyone to not hesitate to report any activities and acts of violence/vandalism by dialing the police at 549-4660."

REFERRED TO KINGSTON POLICE & POLICE SERVICES BOARD

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Council consented to the addition of Motion of Congratulations (1) and Motion of Condolence (2).

Motion of Congratulations

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

THAT the congratulations of Kingston City Council be extended to six year old Miss Devon Cobb of Lakeside District for her initiative to organize a Toy Drive to assist other children in our community.

Motions of Condolence

- (1) Moved by Mayor Rosen
Seconded by Councillor Foster

THAT the sincere condolences of Kingston City Council be extended to the family and friends of the late George N. Speal, former Mayor of the City of Kingston in 1973-1976.

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

THAT the sincere condolences of Kingston City Council be extended to the family of Mr. Donald Murphy, who for many years was the neighbourhood leader in organizing the upkeep of Auden Park West woodland in Lakeside District, and died on the job, December 29th, 2008.

CARRIED

REPORTS

Report No. 12 the Chief Administrative Officer (Consent)

Moved by Councillor Garrison

Seconded by Deputy Mayor Meers

THAT Report No. 12 of the Chief Administrative Officer (Consent) be received and adopted.

Report No. 12

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) **Appointment of Deputy Administrator under the Social Housing Reform Act, 2000**

THAT City Council establish the position of Director of Community and Family Services Department as Deputy Administrator under the *Social Housing Reform Act: 2000, c 27, s 15(2)*;

AND FURTHER THAT By-Law 1998-8 entitled "A By-Law to Appoint Statutory Officials of the Corporation of the City of Kingston be amended by deleting Greg Grange and replacing his name with Jim de Hoop as Deputy Administrator. (See By-Law No. (1), 2009-27)

(The Report of the Commissioner of Community Development Services (09-019) was attached to the agenda as Schedule Pages 1-3)
(File No. CSU-S13-000-2009)

(b) **Award of RFP for Mechanical Ice Resurfacing Machine**

THAT the RFP F31-CS-FL-2008-2 for the purchase of one mechanical ice resurfacing machine be awarded to Zamboni Company Ltd. for the purchase price of \$7,600.00 plus applicable taxes.

(The Report of the Commissioner of Corporate Services (09-036) was attached to the agenda as Schedule Pages 4-6)
(File No. CSU-V00-000-2009)

REPORTS (CONTINUED)

REPORT NO. 12 OF THE CHIEF ADMINISTRATIVE OFFICER (CONSENT)

- (c) **Release And Abandonment Of Easements For Stormwater Management In The Lyndenwood Phase 4-4 Subdivision In The Cataraqui North Neighbourhood**

THAT Council authorize the Director of Legal Services to release and abandon the following easements:

Easements for stormwater management registered as instrument #FC31290 represented by Parts 11, 12, 13, 14, 15 and 16 on Reference Plan 13R-18591 In the Lyndenwood Phase 4-4 Subdivision In The Cataraqui North Neighbourhood.

(The Report of the President and CEO of Utilities Kingston (09-040) was attached to the agenda as Schedule Pages 7-11)

(File No. CSU-E02-000-2009)

- (d) **Release And Abandonment Of Easements For Stormwater Management In The Forest Park Subdivision In The Cataraqui North Neighbourhood**

THAT Council authorize the Director of Legal Services to release and abandon the following easements:

Easements for stormwater management registered as instrument #FC59016 represented by Parts 19 and 20 on Reference Plan 13R-19265 in the Forest Park Subdivision in the Cataraqui North Neighbourhood.

(The Report of the President and CEO of Utilities Kingston (09-041) was attached to the agenda as Schedule Pages 12-16)

(File No. CSU-E02-000-2009)

CARRIED

REPORTS (CONTINUED)

REPORT NO. 13 OF THE CHIEF ADMINISTRATIVE OFFICER (RECOMMEND)

Moved by Councillor Schmolka
Seconded by Councillor Gerretsen

THAT Report No. 13 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 13

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

(1) City of Kingston 2009 Accessibility Report-Plan

THAT Council endorse the attached City of Kingston "2009 Accessibility Report-Plan". The five high priority goals of the 2009 Accessibility Report-Plan are:

- Goal 1: Develop and implement a plan for providing "emergency management" support to people with disabilities, in particular, as it relates to City-operated Emergency Reception Centres.
- Goal 2: Produce recommendations for Council that establish the City's role in providing, or supporting the provision of, "accessible taxis" to the community.
- Goal 3: Develop and implement a plan for providing Accessibility Training for Staff, Councillors & Volunteers, and for tracking the training provided.
- Goal 4: Develop and implement a plan for reviewing existing City of Kingston policies regarding "accessibility", and draft new accessibility policies where gaps are identified.
- Goal 5: Refine and strengthen administrative structures for ensuring effective "complaint management" throughout the corporation.

(The Report of the Commissioner of Sustainability and Growth (09-030) was attached to the agenda as Schedule Pages 17-63)
(File No. CSU-S14-000-2009)

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

Moved by Councillor Hector
Seconded by Councillor Foster

THAT Clause (1) of Report No. 13 of the Chief Administrative Officer (Recommend) be amended by renumbering "Goal 5" to "Goal 1" and renumbering the remaining goals accordingly.

CARRIED

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REPORTS (CONTINUED)
REPORT NO. 14 OF THE PLANNING COMMITTEE

Moved by Councillor Schmolka
Seconded by Councillor Glover

THAT Report No. 14 of the Planning Committee be received and adopted.

Report No. 14

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.

December 18, 2008

1. **2008 Fees Review – Levels of Cost Recovery, Ratio of Public versus Private Good and Implementation of Fee Increases**

THAT the policy respecting the allocation of costs between the users of the development review service (funded by application fees) and the benefits to the community at large (funded by the tax base) be based on the following ratios:

ACTIVITY	PUBLIC INTEREST	PRIVATE INTEREST
Committee of Adjustment (Planning & Development)	20%	80%
Development Review (Planning & Development)	30%	70%
Engineering (incl. Public Works & Transportation)	70%	30%
Culture & Heritage	90%	10%
Parks	90%	10%

and further

THAT the fees established annually in accordance with the foregoing cost allocations be implemented effective January 1st of each year;

and further

THAT the proposed fee increases for both the Planning & Development and Engineering Departments be phased in over 2009, 2010 and 2011 in order to achieve the target levels of cost recovery, resulting in a fee increase of 22.0% for Planning & Development Department fees in each year and a fee increase of 9.5% for Engineering Department fees in each of 2009 and 2010 only;

and further

THAT the Planning Committee be directed to hold a public meeting respecting the proposed fee increases that will be necessary in order to achieve Council's expected level of cost recovery and the methodology for implementing the fee increase.

CARRIED

INFORMATION REPORTS

None

MISCELLANEOUS BUSINESS

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

THAT, at the request of Mr. Terry Bridges, for the Kingston International Year of Astronomy Committee, Council proclaim January 10th, 2009, as "International Year of Astronomy Kick-Off Day in Kingston".

(See Communication No. 03-046)

(Distributed to all Members of Council on December 31, 2008)

CARRIED

MOTIONS

Council consented to the addition of Motions (5) and (6).

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

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order that Ms. Debra Lefebvre, Founder, BUY-A-NET Malaria Prevention Group, be permitted to speak as a delegation at the Council meeting on January 20th, 2009.

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

MOTIONS (CONTINUED)

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

Sir John A. Macdonald Signage

WHEREAS January 11th is the recognized Birthday of Sir John A. Macdonald; and

WHEREAS Sir John A. Macdonald was a City Councillor, Father of Confederation, Canada's 1st Prime Minister and a key builder of our nation; and

WHEREAS Sir John A. Macdonald's roots in Kingston go far and deep and Kingston has the status as Canada's First Capital, and birthplace of our nation; and

WHEREAS Kingston City Council has previously passed a motion, encouraging the federal government to designate a National Holiday in memory of this visionary Kingstonian;

THEREFORE BE IT RESOLVED THAT City Staff, in consultation with the Kingston Municipal Heritage Committee, and interested community stakeholders and Kingston enthusiasts, develop the wording and design of two bilingual signs commemorating Kingston as the home and final resting place of Sir John A. Macdonald, to be erected along Highway 401 at both the eastern and western entry points to the City of Kingston by June, 2009 and

THAT the destroyed sign on Sydenham Road indicating the way to Sir John A. Macdonald's final resting place at Catarqui Cemetery be replaced as soon as possible; and

THAT staff, in consultation with the Kingston Municipal Heritage Committee investigate the development of a community plan on how to better commemorate Sir John A. Macdonald locally, and continue to work together with enthusiasts locally, regionally and nationally to raise this great Kingstonian's profile to properly remember the man and his lasting legacy, with the end goal being his commemoration with a National Holiday.

CARRIED
(With Agreed To Amendments)

MOTIONS (CONTINUED)

Council Consented to divide the question.

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

WHEREAS the City of Kingston has established a goal to increase its waste diversion rate to 65% by 2012; and

WHEREAS, despite the fact that the Christmas holidays are supposed to be a time of peace and goodwill, the waste sent to landfill as a result of our actions over the Christmas holidays increases due to the excessive packaging of gifts and the fact that most wrapping paper is not recyclable. As a result, it could be argued that our actions in this regard are not in keeping with the spirit of the holidays; and

WHEREAS, in December 2008, the City of Toronto approved report PW20.1 entitled "Proposed Measures to Reduce In-Store Packaging Waste and Litter, Municipal Hazardous and Special Waste and Plastic Water Bottles", which includes the establishment of a working group to explore options available to reduce excessive packaging;

THEREFORE BE IT RESOLVED THAT the City of Kingston requests that the federal and provincial governments develop legislation requiring that all wrapping paper sold and manufactured within their respective jurisdictions be recyclable, with a goal to establishing an eventual ban on the sale and use of non-recyclable wrapping paper within their respective jurisdictions; and

THAT staff develop a communications strategy to be implemented prior to Christmas 2009, encouraging Kingstonians to adopt more environmentally-friendly practices regarding gifts including but not limited to:

- a. Using recyclable paper to wrap gifts, or reusable gift bags, instead of non-recyclable wrapping paper
- b. Reusing reusable gift bags before purchasing new ones
- c. Encouraging citizens to purchase gifts from manufacturers, companies and retailers who sell products that do not use excessive packaging
- d. Encouraging local retailers, suppliers and businesses to use their influence to encourage manufacturers and companies to reduce excessive packaging in their products
- e. Encouraging local retailers and suppliers of non-recyclable wrapping paper to use their influence to encourage manufacturers of non-recyclable wrapping paper to develop and sell only recyclable wrapping paper; and

THAT such strategy, including financial considerations be referred to the Environment, Infrastructure & Transportation Policies Committee (EITP) for consideration and recommendation to Council;

CARRIED
(With Agreed To Amendments)
(See Motion to Amend Which Was LOST)

MOTIONS (CONTINUED)

- and further -

THAT staff monitor the work of the Packaging Reduction Working Group of the City of Toronto and the work of other municipalities in regards to packaging reduction in order to develop recommendations for action that could be taken by the City of Kingston in the future to reduce excessive packaging in the City of Kingston;

CARRIED

- and further -

THAT the Kingston Environmental Advisory Forum (K.E.A.F.) be requested to consider this resolution and provide input to staff and the Environment, Infrastructure and Transportation Policies Committee on the matters outlined herein;

CARRIED

- and further -

THAT a copy of this resolution be forwarded to Prime Minister Stephen Harper, Premier Dalton McGuinty, Hon. Hugh Segal, Senator for Kingston, Frontenac, Leeds, Hon. Peter Milliken, M.P. for Kingston and the Islands, Hon. John Gerretsen, M.P.P. for Kingston and the Islands, the provincial and federal ministers and party critics responsible for the Environment, Industry, Trade, Consumer Affairs, Science and Technology, FCM, AMO and all municipalities on our regular information and endorsement distribution list.

CARRIED

Moved by Councillor Hutchison

Seconded by Councillor MacLeod-Kane

THAT Motion (3) be amended by adding the following in the fourth paragraph after the word "THAT" the words "after this resolution has been submitted to the Environment, Infrastructure and Transportation Policies Committee (EITP) for consideration and for consequent submission to Council"

LOST

(Note: Report PW20 was provided digitally to all members of Council on December 31, 2008)

Note: On a point of order raised by Councillor Hector, Mayor Rosen ruled that Motion (4) was out of order as the motion deviates from existing policy and is not accompanied by a report from the Appropriate Administrator. Councillor Garrison appealed the decision of the Chair to the Council. A two-thirds vote of the members present to support the Chair's decision was not achieved and the decision was overturned.

(See Recorded Vote)

A Recorded Vote was requested by Councillor Hector

YEAS: Councillor Foster, Councillor Garrison, Councillor Glover, Councillor Hutchison, Councillor Matheson, Deputy Mayor Meers, Councillor Osanic, Councillor Schmolka (8)

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

ABSENT: Councillor Smith (1)

MOTIONS (CONTINUED)

Council Consented to divide the question.

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

WHEREAS Kingston City Council wishes to set a positive example for the Kingston community on environmental matters; and

WHEREAS in December, 2008, the City of Toronto approved report PW20.1 entitled "Proposed Measures to Reduce In-Store Packaging Waste and Litter, Municipal Hazardous and Special Waste and Plastic Water Bottles"; and

WHEREAS the above-mentioned report of the City of Toronto establishes policies to be implemented and timelines to be followed regarding a ban on the use and sale of bottled water in municipal facilities in the City of Toronto; and

WHEREAS the City of London has also adopted a similar ban on the use and sale of bottled water in its municipal facilities;

THEREFORE BE IT RESOLVED THAT, using the measures adopted by the City of Toronto and the City of London as a guide, staff be directed to present a report to the Environment, Infrastructure and Transportation Policies Committee at its May 2009 meeting that includes a draft City of Kingston Bottled Water Ban In Municipal Facilities Policy which will:

- a. Establish policies and timelines for the elimination of the sale of bottled water in municipal facilities where easy access to tap water exists.

CARRIED (7:5:1)
(See Recorded Vote No. 1)

- b. Establish a formal policy reducing the use of bottled water in municipal facilities and increasing the use of tap water at meetings and events held in municipal facilities; and

CARRIED (9:3:1)
(See Recorded Vote No. 2)

THAT following the presentation of the report by staff to the Environment, Infrastructure & Transportation Policies Committee, that the Environment, Infrastructure & Transportation Policies Committee be asked to hold at least one public meeting on this issue and whether or not there should be a ban on the sale of bottled water in municipal facilities; and

THAT as part of the report, staff outline the steps required to increase the accessibility of tap water in municipal facilities in order for Council to be able to implement a full ban on the sale and reduction of the use of bottled water in municipal facilities; and

THAT as part of the report, staff develop a communications strategy designed to educate and inform the public about the City of Kingston Bottled Water Ban In Municipal Facilities Policy and encourage voluntary participation in a bottled water ban by Kingstonians outside municipal facilities; and

THAT the Kingston Environmental Advisory Forum (K.E.A.F.) be requested to consider this resolution and provide input to staff and the Environment, Infrastructure and Transportation Policies Committee on the matters outlined herein prior to the May meeting.

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

MOTIONS (CONTINUED)

THAT a copy of this resolution be sent to Hon. Hugh Segal, Senator for Kingston, Frontenac, Leeds, Hon. Peter Milliken, M.P. for Kingston and the Islands, Hon. John Gerretsen, M.P.P. for Kingston and the Islands, the federal and provincial ministers of the environment, and all municipalities on our regular information and endorsement distribution list.

LOST (5:7:1)
(See Recorded Vote No. 3)

1. A Recorded Vote on Part a. was requested by Councillor Hector

YEAS: Councillor Foster, Councillor Garrison, Councillor Hutchison, Councillor Matheson, Deputy Mayor Meers, Councillor Osanic, Councillor Schmolka (7)

NAYS: Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor MacLeod-Kane, Mayor Rosen (5)

ABSENT: Councillor Smith (1)

2. A Recorded Vote on Part b. was requested by Councillor Hector

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

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

ABSENT: Councillor Smith (1)

3. A Recorded Vote on paragraph 10 was requested by Councillor Hector

YEAS: Councillor Garrison, Councillor Gerretsen, Councillor Matheson, Deputy Mayor Meers, Councillor Osanic (5)

NAYS: Councillor Foster, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Mayor Rosen, Councillor Schmolka (7)

ABSENT: Councillor Smith (1)

Moved by Councillor Garrison

Seconded by Councillor Gerretsen

THAT the following be added as Clause 6:

"THAT following the presentation of the report by staff to the Environment, Infrastructure & Transportation Policies Committee, that the Environment, Infrastructure & Transportation Policies Committee be asked to hold at least one public meeting on this issue and whether or not there should be a ban on the sale of bottled water in municipal facilities; and"

CARRIED

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MOTIONS (CONTINUED)

Moved by Councillor Glover
Seconded by Councillor Gerretsen

THAT Motion 4 be deferred and referred to the Kingston Environmental Advisory Forum for review and comment; and

THAT the Kingston Environmental Advisory Forum be directed to present their comments in a report to the Environment, Infrastructure and Transportation Policies Committee at its May 2009 meeting.

LOST (6:6:1)
(See Recorded Vote)

A Recorded Vote was requested by Councillor Gerretsen

YEAS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor MacLeod-Kane, Mayor Rosen (6)

NAYS: Councillor Garrison, Councillor Hutchison, Councillor Matheson, Deputy Mayor Meers, Councillor Osanic, Councillor Schmolka (6)

ABSENT: Councillor Smith (1)

(5) Moved by Councillor Foster
Seconded by Councillor Hector

THAT Council waive the rules of By-Law 98-1 "Council Procedural By-Law" in order that Motion No. (6) be dealt with on January 6, 2009.

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

MOTIONS (CONTINUED)

- (6) Moved by Councillor Foster
Seconded by Councillor Hector

WHEREAS Canada Post's stated mission is "to serve all Canadian residents, businesses and organizations by providing protected conveyance of messages, information and parcels throughout Canada and by providing quality value-added service that earns customers' loyalty";

WHEREAS the Federation of Canadian Municipalities (FCM) members report that Canada Post is gradually reducing or eliminating mail services to rural communities in Canada and reducing service in urban centres; and

WHEREAS Canada Post demands onerous expenditure on branding and other requirements on the part of small private outlets who attempt to offer a full postal service to small communities and neighbourhoods; and

WHEREAS Kingston neighbourhoods such as Reddendale have lost their local postal outlet and Council requests for restoration of service have been ignored by Canada Post; and

WHEREAS Pittsburgh has now lost its postal outlet at Bryan's Pharmacy in the Rideau Town Centre; and

WHEREAS in the absence of a Third Crossing of the Cataraqui River, the pick-up location for parcels and mail requiring a signature is now typically an extra 20 kilometer round-trip to the Kingslake Plaza on Division Street for 10,000 Pittsburgh residents, which is an environmentally unsound alternative and contributes to increased greenhouse gas emissions; and

WHEREAS bus service to the Kingslake Plaza from Gore Road involves several changes of bus, or a \$20 or more taxi ride which is both inconvenient and expensive for senior citizens and people with disabilities who live in Pittsburgh and who do not drive or own a vehicle; and

WHEREAS for other postal services, the post office on CFB Kingston is only open until 3:30 pm daily and closed on Saturdays and Sundays which make its use difficult for residents who work;

THEREFORE BE IT RESOLVED THAT the City of Kingston request Canada Post to cease the erosion of postal service to the people of Canada;

- and further -

THAT Canada Post be requested to restore a postal outlet or provide a usable post office for Pittsburgh to serve the 10,000 residents now without service; and

THAT this motion be forward to the CEO of Canada Post, the Chairperson of the Board of Directors of Canada Post, Mr. Jacques Côté, Chief Operating Officer of Canada Post, the Ombudsman for Canada Post, the Honourable Peter Milliken, MP, the Honourable John Baird, MP, Minister for Transport, Infrastructure and Communities, and to the FCM.

CARRIED

(With Agreed To Amendments)

(See Motion to Amend Which Was LOST)

- Moved by Councillor Schmolka
Seconded by Councillor Matheson

THAT Motion (6) be amended by deleting the following words in the sixth paragraph "in the absence of a Third Crossing of the Cataraqui River".

LOST (6:7)

(See Recorded Vote)

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A Recorded Vote was requested by Councillor Hector

YEAS: Councillor Garrison, Councillor MacLeod-Kane, Councillor Matheson, Deputy Mayor Meers, Councillor Osanic, Councillor Schmolka, (6)

NAYS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Mayor Rosen, Councillor Smith (7)

ABSENT: (0)

NOTICES OF MOTION

None

MINUTES

Moved by Councillor Osanic
Seconded by Councillor Hector

THAT the Minutes of City Council Meeting No. 23-2008, held Tuesday, November 25, 2008, and Meeting No. 01-2009, held Tuesday December 2nd, 2008, and Meeting No. 02-2009, held December 16th, 2008, be confirmed.

CARRIED

TABLING OF DOCUMENTS

- 2009-11 Kingston Police Services Board
Agenda – December 18, 2008, Minutes – November 27, 2008
(File No. CSU-P00-000-2009)
- 2009-12 Ontario Small Urban Municipalities (OSUM)
56th Annual (OSUM) Conference and Trade Show – May 6th – May 8th, 2009
(File No. CSU-A04-000-2009)
- 2009-13 Ongwanada Horizon
Newsletter – Autumn 2008
(File No. CSU-A01-000-2009)
- 2009-14 Kingston Frontenac Public Library Board
Minutes – October 22, 2008
(File No. CSU-R02-000-2009)
- 2009-15 Kingston Frontenac Public Library Board
Minutes – November 26, 2008
(File No. CSU-R02-000-2009)
- 2009-16 The Cataraqui Region Conservation Authority
Full Authority Meeting Minutes
(File No. CSU-E00-000-2009)

COMMUNICATIONS

Council consented to the addition of Communication No. 03-057.

Filed

- 03-034 From the Committee of Adjustment, a Notice of Decision for the following applications:
- MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 76-26 for the property at 675 Arlington Park Place, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is January 5, 2009.
- MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 32-74 for the property at 841 Highway 15. After considering the application, the motion was **LOST** on an equality of votes for and against. The final date for appeal is January 5, 2009.
- MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 8499 for the property at 40 Ordnance Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is January 5, 2009.
(File No. CSU-D19-000-2009)
- 03-039 From the Association of Municipalities of Ontario (AMO), providing notice that the deadline for Public Review of the Initial Proposed Accessible Information and Communications Standard has been extended to February 6, 2009.
(File No. CSU-A01-000-2009)
(Digitally distributed to all Members of Council on December 11, 2008)
- 03-040 From the Association of Municipalities of Ontario (AMO), releasing a paper, "Putting Out the Welcome Mat: Why Immigration Matters to Ontario's Municipalities" which provides considerations, strategies and recommendations as a toolkit for advocacy and planning on moving forward on progressive immigration policy and programs for (AMO) and municipalities.
(File No. CSU-D18-000-2009)
(Digitally distributed to all Members of Council on December 11, 2008)
- 03-041 From Ontario Premier Dalton McGuinty, acknowledging receipt of Council's resolution requesting a moratorium on uranium mineral exploration and a review of Ontario's Mining Act.
(File No. CSU-C09-000-2009)
- 03-042 From Mr. Terry Cavanaugh, Regional Director, Canadian Diabetes Association, thanking the City of Kingston for their support in the fight against diabetes by proclaiming November 14, 2008 "World Diabetes Day" in the City of Kingston.
(File No. CSU-S08-000-2009)
- 03-049 From Mr. Harry Pelissero, General Manager, Egg Farmers Ontario, stating that although times and technology have changed, the level of care today's modern egg farmers give to their hens remains the same and egg farmers across Ontario are proud of their contribution to the health and economy of local communities.
(File No. CSU-A01-000-2009)

COMMUNICATIONS (CONTINUED)

03-051 From the Association of Municipalities of Ontario (AMO), announcing that the Ministry of Finance and the Ministry of Municipal Affairs and Housing have announced individual Ontario Municipal Partnership Fund (OMPF) final allocations for 2009.
(File No. CSU-S13-000-2009)
(Digitally distributed to all Members of Council on December 23, 2008)

03-052 From the Association of Municipalities of Ontario (AMO), announcing that the Minister of Children and Youth Services, Deb Matthews, released the government's broad based plan that provides the foundation for poverty reduction in Ontario and calls for a collaborative effort in meeting the government's target.
(File No. CSU-S00-000-2009)
(Digitally distributed to all Members of Council on December 24, 2008)

Referred to All Members of Council

03-035 From Mr. Jack Gibbons, Chair, Ontario Clean Air Alliance, asking for support of a proposed Nuclear Cost Responsibility Act that will make it illegal for nuclear power companies to pass their capital cost overruns on to Ontario's taxpayers or electricity ratepayers.
(File No. CSU-E00-000-2009)

03-037 From the Township of South Stormont, asking for Council's support of a resolution that requests the Government review, and amend as required, the powers granted to Inspectors through Bill 50, the Provincial Animal Welfare Act, 2008.
(File No. CSU-P14-000-2009)

03-043 From Carol and John Haskim, expressing their support of a new Lowes store in Kingston and their displeasure with Council regarding the refusal to allow Lowes to build in Kingston.
(File No. CSU-D00-000-2009)
(Digitally distributed to all Members of Council on December 18, 2008)

03-044 From Keith and Nancy Fairbank, expressing their displeasure with Council's decision regarding the Lowes store and that Council intends to spend tax money to fight this decision at the Ontario Municipal Board (OMB).
(File No. CSU-D00-000-2009)
(Digitally distributed to all Members of Council on December 18, 2008)

03-046 From Mr. Terry Bridges, for the Kingston International Year of Astronomy Committee, asking that Council proclaim January 10th, 2009, as "International Year of Astronomy Kick-Off Day in Kingston".
(File No. CSU-M10-000-2009)
(See Miscellaneous Business Item No. 1)

03-050 From the United Counties of Stormont, Dundas and Glengarry, asking for Council's support of a resolution that petitions the Ministry of Community and Social Services to request a review and appropriate adjustment of the recommended rates for indigent funerals, on behalf of Consolidated Municipal Service Managers (CMSMs) across the province and that the Ministry of Community and Social Services amend the current policy to provide financial assistance to cover funeral expenses for all needy individuals, regardless of their age or whether or not they are receiving support through Ontario Works or the Ontario Disability Support Program, at the time of death.
(File No. CSU-S00-000-2009)

COMMUNICATIONS (CONTINUED)

- 03-053 From the Association of Municipalities of Ontario (AMO), asking for written comments to the Minister of the Environment in support of the Waste Diversion Act (WDA), by January 15, 2009 and for the Blue Box Program Plan (BBPP), by February 27, 2009.
(File No. CSU-E07-000-2009)
(Digitally distributed to all Members of Council on December 23, 2008)
- 03-054 From the Township of Bonfield and the Township of East Ferris, seeking financial assistance from every Municipality in the Province to provide assistance for homeowners, farmers and small businesses due to a severe rainstorm on August 5th, 2008 that caused localized flooding.
(File No. CSU-E00-000-2009)
(Digitally distributed to all Members of Council on December 23, 2008)
- 03-055 From the Association of Municipalities of Ontario (AMO), asking that Heads of Council write to the Minister of Finance and the Minister of Transport, Infrastructure and Communities, indicating support for (AMO's) recommendation to include important budget measures that will help stimulate the economy, create jobs in Ontario, improve access to affordable housing and invest in the quality municipal infrastructure that serves as a foundation of the national economy.
(File No. CSU-A01-000-2009)
(Digitally distributed to all Members of Council on December 23, 2008)
- 03-056 From Ms. Ann Kristoff, asking that Council consider passing a resolution in regards to the opposition of egg farming by confining egg-laying hens in battery cages.
(File No. CSU-C09-000-2009)
- 03-057 From Ms. Gail Cosman, President, Nestle Waters Canada, requesting participation in any future discussions related to the continued sale of bottle water in municipal facilities.
(File No. CSU-E07-001-2009)

Referred to Mayor and Chief Administrative Officer

- 03-038 From the Town of/Ville de Penetanguishene, acknowledging support of Council's resolution in regards to the "Heads and Beds" Payment.
(File No. CSU-F22-000-2009)
- 03-047 From the Corporation of the Town of Perth, acknowledging support of Council's resolution in regards to the "Heads and Beds" Payment.
(File No. CSU-F22-000-2009)

Referred to All Members of Council and Corporate Management Team

- 03-045 From the Ontario Association of Architects (OAA), inviting municipalities to submit building(s) in the region to compete for the Ontario Association of Architect's 2009 Landmark Award.
(File No. CSU-A01-000-2009)
(Digitally distributed to all Members of Council on December 18, 2008)

COMMUNICATIONS (CONTINUED)

Referred to Treasurer

03-036 From the Honourable Jim Watson, M.P.P., Minister of Municipal Affairs and Housing, providing information on the reporting requirements for the 2008 Municipal Performance Measurement Program (MPMP) which goes into effect on January 1, 2009.
(File No. CSU-S13-000-2009)

Referred to the Commissioner of Community Development Services

03-048 From Ms. Barbara Hall, Chief Commissioner, Ontario Human Rights Commission, providing a copy of a letter that was sent to the City of Oshawa, outlining the potential human rights implications of their rental housing licensing By-Law and to raise awareness of the human rights issues to consider when licensing is being considered as an option.
(File No. CSU-S00-000-2009)

BY-LAWS

Council consented to the withdrawal of By-Law No. (7), 2009-15.

(A) Moved by Councillor Matheson
Seconded by Councillor MacLeod-Kane
THAT By-Laws (1) through (3) be given their first and second reading.

CARRIED

(B) Moved by Councillor Foster
Seconded by Councillor Hutchison
THAT By-Laws (2) through (6) and (8) be given their third reading.

CARRIED

(1) A By-Law To Amend By-Law No. 98-8, "A By-Law To Appoint Statutory Officials Of The Corporation Of The City Of Kingston" (To Appoint Jim De Hoop And Delete Greg Grange As Deputy Administrator Under Section 15(2) Of The Social Housing Reform Act, 2000, S.O. c.27.)
FIRST AND SECOND READINGS
(See Clause (a), Report No.12)

PROPOSED NO. 2009-27

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BY-LAWS (CONTINUED)

- (2) 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 'Limited Service Residential' (LSR) Zone (1641 Shore Road, Park Lot 21 Of Plan No. 487)
THREE READINGS PROPOSED NO. 2009-28
(Delegated Authority)
- (3) A By-Law to Confirm the Proceedings of Council at Its Meeting Held On Tuesday, January 6, 2009
THREE READINGS PROPOSED NO. 2009-29
(City Council Meeting No. 03-2009)
- (4) 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 Kelly Power and Dale Fisher; Delete Sennan Vandenberg – Town Homes Kingston)
THIRD READING PROPOSED NO. 2009-9
(See Communication No. 02-027)
- (5) A By-Law To Amend By-Law 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" Appoint Malcolm McCormac For The Purpose Of Issuing Parking Violation Tickets And To Enforce The Provisions Of By-Law 99-166 On City Of Kingston Property.
THIRD READING PROPOSED NO. 2009-13
(See Clause (g), Report No. 5)
- (6) A By-Law To Amend By-Law No. 2003-209, "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act", (Amend Through Highways And All-Way Stop Signs; Bagot Street At Ordnance Street)
THIRD READING PROPOSED NO. 2009-14
(See Clause (f), Report No. 5)
- (7) A By-Law To Amend By-Law No. 84-650 "A By-Law To Designate Certain Properties To Be Of Historic And/Or Architectural Value Or Interest, Pursuant To Section 29 Of The *Ontario Heritage Act*" To Reflect Its Cultural Heritage Value And Interest
THIRD READING PROPOSED NO. 2009-15
(See Clause (1), Report No. 10)
- WITHDRAWN**
- (8) A By-Law To Continue The Establishment Of A Committee Of Adjustment For The City Of Kingston And To Establish The Composition Of The Committee Of Adjustment, And To Govern The Calling, Place And Procedures Of The Committee Of Adjustment, And To Repeal By-Law No. 98-4
THIRD READING PROPOSED NO. 2009-16
(See Clause (4), Report No. 7)

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ADJOURNMENT

Moved by Councillor Gerretsen
Seconded by Councillor Glover

THAT Council do now adjourn.

CARRIED

Council adjourned at 10:55 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor