

CITY COUNCIL MEETING NO. 13-2009

The Regular Meeting of City Council was held on Tuesday, June 2, 2009 at 7:30 p.m., adjourned at 10:59 p.m., and reconvened on Wednesday, June 3, 2009 at 5:00 p.m. in the Council Chamber, City Hall. His Worship Mayor Harvey Rosen presided.

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Foster, Deputy Mayor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka, Councillor Smith (13)

Absent: (0)

(Council Chamber)

Administrative Staff Present:

Ms. C. Beach, Commissioner of Sustainability and Growth
Mr. J. Bolognone, Deputy City Clerk
Mr. J. de Hoop, Director, Community and Family Services
Mr. J. Dacosta, Project Manager, Transit
Mrs. C. Downs, City Clerk
Mr. J. Garrah, CEO, Kingston Economic Development Corporation
Mr. J. Hale, Driver/Labourer, Public Works
Ms. C. Hannaford, Project Coordinator, Administration, Sustainability and Growth
Mr. G. Hunt, Chief Administrative Officer
Ms. L. Hurdle, Director, Project Development, Sustainability and Growth
Mr. B. Johnson, Records & Information Officer, Clerk's Department
Mr. B. Joyce, Manager, Electric & Operational Services, Utilities Kingston
Ms. S. Kidd, Director, Corporate Assets
Mr. D. Leger, Commissioner of Corporate Services
Mr. H. Linscott, Director, Legal Services
Mr. M. Morris, Director, Transportation
Mr. B. McCurdy, Cultural Director, Cultural Services
Mr. T. Shea, Rural Affairs Coordinator, Real Estate & Construction Services
Mr. L. Thurston, Commissioner of Community Development Services
Mr. M. VanBuren, Director, Engineering
Mr. G. Wallace, Director, Planning and Development
Mr. D. Wells, Director, Public Works

DISCLOSURE OF PECUNIARY INTEREST

- (1) Councillor Matheson declared a pecuniary interest in the matter of item 1 (b) – a proposed or pending acquisition or disposition of land by the municipality or local board which was considered in Committee of the Whole “In Camera” on Tuesday, May 19, 2009.
- (2) Councillor MacLeod-Kane declared a pecuniary interest in the matter of item 1 (b) – a proposed or pending acquisition or disposition of land by the municipality or local board which was considered in Committee of the Whole “In Camera” on Tuesday, May 19, 2009.

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PRESENTATIONS

None

DELEGATIONS

- (1) Ken Allan, Parent Member, Canadian Sudden Arrhythmia Death Syndromes (SADS) Foundation, was present and spoke to Council regarding Miscellaneous Business item No. (2), "SADS Awareness Week" proclamation. (See Miscellaneous Business Item No. 2)

BRIEFINGS

None

PETITIONS

- (1) A petition bearing approximately 108 signatures was presented by Councillor Hector and referred to the Director of Leisure & Recreation Services and reads as follows:

"We the undersigned, wish to express our opposition to the creation of an off-leash dog area and parking lot at the western junction of Front Road and Old Front Road south of Normal Rogers Airport. This site does not meet the site selection criteria for establishment of such a facility, outlined in the "Policies and Procedures for establishment of off-leash dog areas" document of the City of Kingston, in the following respects:

- 1) The proposed site would threaten the rich natural habitat in the area, which is home to a wide variety of wildlife, including deer, foxes, rabbits and birds, as well as mature trees and wildflowers.
- 2) The proposed use would result in an infringement of By-Law 2004-52, "Noise" due to a general noise prohibition against persistent noise by animals, as well as a noise prohibition by time and place against "yelling, shouting, hooting, whistling..." in residential areas."

REFERRED TO DIRECTOR OF LEISURE & RECREATION

- (2) A petition bearing approximately 311 signatures was presented by Councillor MacLeod-Kane and referred to City Council and reads as follows:

"We feel that because the City of Kingston funds the Kingston Access Bus and because 3600 disabled citizens of Kingston are without transportation. The City Council should pressure the parties to bargain and resolve this labour dispute."

REFERRED TO CITY COUNCIL

- (3) A petition bearing approximately 167 signatures was presented by Councillor MacLeod-Kane and referred to City Council and reads as follows:

"Please sign to show support and help us get Kingston Access drivers on the road".

REFERRED TO CITY COUNCIL

PETITIONS (CONTINUED)

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- (4) A petition bearing approximately 545 signatures was presented by Councillor Gerretsen and referred to City Council and reads as follows:

"Soccer has the highest level of participation of any other sport in Canada. It is a year round sport with approximately 5,000 youth and 1,500 adult players registered in the City of Kingston. As a result of the increasing demand many of the current facilities are now significantly overused and are in poor condition.

Therefore, we the undersigned citizens of Kingston hereby petition the City to commit, over the next one to three years, to:

- Provide an artificial pitch for each high school in Kingston that will be available both to school and community use for all field sports;
- Initiate immediately the development of an artificial sports field for community and school use at the Invista Centre;
- Include in the plans for the Memorial Centre grounds an artificial sports field for community use;
- Provide for the City a first class track and field facilities;
- Provide immediate support to build the soccer fields planned in the East end of the city at the St. Lawrence Business Park, (Machin Park) using the monies set aside from the Pittsburgh Benefit Fund;
- Provide grants to each primary school in the Kingston area to allow them to upgrade their sports fields, and as a condition for them to be shared under user agreements with the community sports organizations;
- Through a City capital program or a public-private partnerships ensure the development of additional indoor purpose built sports facilities for use by all field sports and user groups;
- User access agreements will be developed with the community sports organizations that will allow cost recovery towards the capital, operating and maintenance costs of these facilities."

REFERRED TO CITY COUNCIL

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Council consented to add Motions of Congratulations (1) through (3), Motion of Appreciation (1), and Motions of Condolences (6) and (7).

Motions of Congratulations

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

THAT the congratulations of Kingston City Council be extended to the Kingston Flying Club, a long-time tenant at the Kingston Airport, on the occasion of its 80th anniversary of charter, to be celebrated on June 4th, 2009.

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

THAT the congratulations and best wishes of Kingston City Council be extended to Taylor Hall. Kingston's own Taylor Hall played a pivotal role in the Windsor Spitfires' win at the Memorial Cup Championship. For his efforts, Taylor won the Memorial Cup MVP award.

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY (CONTINUED)

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

THAT the congratulations and appreciation of Kingston City Council be extended to the organizers and over 500 participants of the 9th annual fundraising event 'Motorcycle Ride for Dad' which was held on Sunday, May 31, 2009. This event is now being held in 25 cities, and has grown to be one of the largest prostate cancer fundraisers in North America.

Motion of Appreciation

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

THAT the appreciation of Kingston City Council be extended to CUPE 109 for its generous contribution of \$50,000 to the University Hospitals Kingston Foundation Fundraising Campaign.

Motions of Condolence

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

THAT the sincere condolences of Kingston City Council be extended to Liz Cartwright (Recreation & Leisure Services) and family on the death of her mother, Maureen Ann Norquay, on Wednesday, May 20, 2009.

- (2) Moved by Councillor Foster
Seconded by Councillor MacLeod-Kane

THAT the sincere condolences of Kingston City Council be extended to the family, friends and colleagues of the late Orval James (O.J.) Bullock. O.J. was born in Pittsburgh Township 90 years ago. For 45 of those years, he served as a Volunteer Officer in the Pittsburgh Township Fire Department and apart from his family; the fire department was the love of his life, as it is for the whole Bullock family. After his retirement, O.J. was a frequent and welcome visitor at the Joyceville Fire Hall, lending a helping hand whenever he could.

- (3) Moved Councillor Glover
Seconded by Mayor Rosen

THAT Kingston City Council extends its deepest sympathy to Mrs. Velma Vosper and family on the recent death of George Vosper, their husband and father. George Vosper was an active member of our community, whose service included many years as a member of Kingston's City Council. He also served our country in the Royal Canadian Navy during the Second World War.

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY (CONTINUED)

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

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THAT the sincere condolences of Kingston City Council be extended to the family and friends of Mike Shultz, an officer of the Kingston Police from 1975 to 2001. In his time with the police service he contributed to many initiatives, including the formation of the Kingston Police Community Volunteers, and devoted time and efforts to help a wide spectrum of the community, from young children in Bike Right and VIP programs to seniors on the Elder Abuse Task Force. His service to the community also extended to his personal time: for many years he was a Canadian Forces reservist with the Princess of Wales' Own Regiment and ultimately served as the regiment's Commanding Officer.

- (5) Moved by Councillor MacLeod-Kane
Seconded by Deputy Mayor Garrison

THAT the sincere condolences of Kingston City Council be extended to Brenda Hamilton, Township Clerk, Loyalist Township, on the death of her mother Audrey Hamilton on May 24, 2009.

- (6) Moved by Councillor MacLeod-Kane
Seconded by Councillor Meers

THAT the sincere condolences of Kingston City Council be extended to Kevin Hicks and his family, on the death of his mother Darlene Hicks, on May 15, 2009.

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

THAT the sincere condolences of Kingston City Council be extended to the family, friends and co-workers of Lucinda Mae (Cindy) Cummings, longtime City of Kingston employee, who passed away on Wednesday, May 27, 2009.

CARRIED

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REPORTS

Report No. 57 the Chief Administrative Officer (Consent)

Moved by Councillor Foster

Seconded by Councillor Hutchison

THAT Report No. 57 of the Chief Administrative Officer (Consent) be received and adopted.

Report No. 57

Council consented to separate Clauses (b), (c), (e) and (f).

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 Municipal By-Law Enforcement Officers**

THAT a By-Law be presented to amend By-Law No. 98-9, "A By-Law To Appoint Municipal Law Enforcement Officers Of The Corporation Of The 'New' City Of Kingston", Section 1 to add Lucas Stevenson, Jeff Wartman and Bradley Normand as By-Law Enforcement Officers who will be appointed as Municipal Law Enforcement Officers and who shall be Peace Officers for the purpose of enforcing the By-Laws of the Municipality, as provided for under Section 15 of the Police Services Act RSO 1990(c) P15, as amended;

- and further -

THAT By-Law No. 98-9, "A By-Law To Appoint Municipal Law Enforcement Officers Of The Corporation Of The 'New' City Of Kingston", Section 1 be amended to remove Brenda Shepherd and Jessica McMullen as a By-Law Enforcement Officers;

- and further -

THAT the By-Law receive all three readings.

(See By-Law No. (2), 2009-83)

(The Report of the Commissioner of Community Development Services (09-170) was attached to the agenda as Schedule Pages 1-3)

(File No. CSU-P01-000-2009)

(b) **Award of RFP - Community Cultural Policy Plan**

THAT \$150,000 be allocated in the 2009 & 2010 Capital Budget for the full scope of work for the Community Cultural Plan; and

THAT Council authorize Mayor and Clerk to enter into an agreement, satisfactory to the Director of Legal Services, with Canadian Urban Institute and Ginder Consulting in association with Hume Communications Inc., Janis A. Barlow & Associates, Carrie Brookes-Joiner & Associates, E.R.A. Architects and Jane Perdue in the amount of \$192,162.00.

(The Report of the Commissioner of Sustainability and Growth (09-176) was attached to the agenda as Schedule Pages 4-7)

(File No. CSU-F31-000-2009)

CARRIED

REPORTS (CONTINUED)

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Report No. 57 the Chief Administrative Officer (Consent)

(c) **Data Partnership Agreement with Kingston Frontenac Lennox and Addington Public Health**

WHEREAS the City collects vital statistics information to process registrations of deaths for submission to the office of the Registrar General;

AND WHEREAS section 72 (2) of Regulation 1094, of the Vital Statistics Act, R.S.O. 1990, states that a medical officer of health of a board of health may be given information from the records holdings of the City Clerk's Department;

AND WHEREAS section 91.1 of the Health Protection and Promotion Act, R.S.O. 1990, states that a medical officer of health may collect personal information for the purposes of this Act or for the purposes related to the administration of a public health program or service;

AND WHEREAS section 32 (e) of the Municipal Freedom of Information and Protection of Privacy Act, R.S.O. 1990, states that disclosure of personal information is permitted for the purpose of complying with an Act of the Legislature;

AND WHEREAS Kingston Frontenac Lennox and Addington Public Health has requested access to this information for the purpose of early detection and investigation of potential bioterrorism events and public health emergencies;

NOW THEREFORE BE IT RESOLVED THAT Council direct the Mayor and Clerk to enter into a data partnership agreement with Kingston Frontenac Lennox and Addington Public Health, with terms to the satisfaction of the Legal Services Department.

(The Report of the City Clerk (09-172) was attached to the agenda as Schedule Pages 8-14)
(File No. CSU-S08-000-2009)

CARRIED

(d) **Partnership Agreement for Walls and Waves Summer Camp**

THAT the Mayor and Clerk be authorized to enter into an agreement with The Boiler Room Climbing Gym, for the coordinated program delivery of the Walls and Waves summer camp program, in a form satisfactory to the Director of Legal Services.

(The Report of the Commissioner of Sustainability and Growth (09-184) was attached to the agenda as Schedule Pages 15-17)
(File No. CSU-R06-000-2009)

(e) **Request for a Council representative(s) to sit on the Low Income Rental Housing Working Group**

THAT City Council nominate a representative(s) to sit on the low income rental housing working group.

(The Report of the Commissioner of Community Development Services (09-192) was attached to the agenda as Schedule Pages 18-21)
(File No. CSU-S18-000-2009)
(See Miscellaneous Business Item No. 3)

CARRIED

REPORTS (CONTINUED)

Report No. 57 the Chief Administrative Officer (Consent)

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Note: Clause (c) of Report No. 61 of the Environment, Infrastructure and Transportation Policies Committee was dealt with at this point in the meeting.
(See Page 381)

(f) Residential On-Street Parking Pilot Project – By-law Amendments

THAT A By-Law be presented to amend By-law 24 “A By-Law for regulating traffic in the highways of the City of Kingston, subject to the provisions of the Highway Traffic Act” to allow for a residential on-street parking pilot project within Sydenham District, as per the attached draft By-Law, appended to this report as Exhibit ‘A’.
(See By-Law No. (1), 2009-82)

(The Report of the Commissioner of Corporate Services (09-185) was attached to the agenda as Schedule Pages 22-27)
(File No. CSU-T02-000-2009)

CARRIED

REPORTS (CONTINUED)

Report No. 58 of the Chief Administrative Officer (Recommend)

Moved by Councillor Glover
Seconded by Councillor Smith

THAT Report No. 58 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 58

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

Council consented to add Clause (3).

(1) Kingston Transit Network Review and Redesign Project -Appointment of Waterloo Public Transportation Institute (WPTI)

THAT the City of Kingston enter into a partnership agreement with the Waterloo Public Transportation Institute (WPTI) to conduct a review and redesign of the Kingston Transit network in the amount of \$60,520 + \$6,400 for supplies and software license fees for statistical analysis, in a form satisfactory to the Director of Legal Services .

(The Report of the Commissioner of Corporate Services (09-189) was attached to the agenda as Schedule Pages 28-31)
(File No. CSU-T03-000-2009)

CARRIED

REPORTS (CONTINUED)

Report No. 58 of the Chief Administrative Officer (Recommend)

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Note: Clause (2) (Aquatic Facility Business Plan and Economic Impact) of Report No. 58 of the Chief Administrative Officer (Recommend) was being considered at this point in the meeting, before Council recessed the meeting (See Motion to continue on page 358 which was lost). The meeting reconvened on June 3rd, 2009, with the first item of business being the continued consideration of Clause (2). The complete and final disposition of Clause (2) can be found below. The consolidation of the disposition of the Clause below is for ease of reference and to maintain continuity.

(2A) Staff Briefing – Cynthia Beach, Commissioner of Sustainability and Growth, and Clem Pelot, Pelot Consulting, spoke to Council regarding the Aquatic Facility Business Plan and Economic Impact.

Council consented to separate Clause 2 (d).

(2) Aquatic Facility Business Plan and Economic Impact

- (a) THAT Council accepts the Kingston Aquatic Study – Business Plan, Economic Impact and Implementation Plan Report and approves the following recommendations:
- (b) THAT staff proceed with the option of constructing an aquatic facility with a large leisure pool and a 25 metre pool at the INVISTA site within the next five years; and
- (c) THAT staff take into consideration the construction of the aquatic facility as identified in 2 above in the Parks and Recreation Master plan beyond the 2010; and
- (d) THAT staff consider as an option in its detailed financial plan a dedicated incremental tax increase over a five year period of up to 1.5% to finance the debt payments and operating subsidy for the aquatic centre identified in 2 above; and

CARRIED AS AMENDED (7:4)

(See Recorded Vote # 2)

(See Motion To Amend Which Was LOST)

(See Motion To Amend Which Was CARRIED)

- (e) THAT staff initiate discussion with other indoor pool operators to define the role of each facility and establish a coordinated, regional system for Kingston aquatic services through formal agreements; and
- (f) THAT staff be directed to strike a committee of representatives of clubs and water sports groups who are likely renters of the pool to ensure that the pool meets their needs and if it does not, to report back to Council through the Arts, Recreation and Community Planning Committee before the updated business plan is presented to Council; and

REPORTS (CONTINUED)

Report No. 58 of the Chief Administrative Officer (Recommend)

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- (g) THAT staff review the proposed operational model and bring back an updated business plan to Council once the financing for the facility has been determined; and
- (h) THAT in the business plan, staff be directed to break out the cost of all of the features of the project.

(The Report of the Commissioner of Sustainability and Growth (09-188) is attached as Schedule Pages 32-70)
(File No. CSU-R05-000-2009)

CARRIED AS AMENDED (8:3)
(See Recorded Vote # 3)
(See Motions To Amend Which Were CARRIED)
(See Motion to Amend Which Was LOST)
(See Motion to Defer Which Was LOST)

Moved by Councillor Gerretsen
Seconded by Councillor Schmolka

THAT Council resolve into Committee of the Whole in order to consider the Aquatic Facility Business Plan and Economic Impact.

LOST
(A 2/3 Vote Of Council Was Not Received)

Moved by Councillor Schmolka
Seconded by Deputy Mayor Garrison

THAT Clause (2), Report No. 58 of the Chief Administrative Officer (Recommend) be amended by adding the following thereto: "THAT in the business plan staff be directed to break out the cost of all the features of the project."

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

Moved by Councillor Gerretsen
Seconded by Councillor Matheson

THAT the motion of Councillor Schmolka and Deputy Mayor Garrison which reads "THAT in the business plan, staff be directed to break out the cost of the indoor and outdoor slide and the costs of some of the leisure features such as the sauna, whirlpool and steam room." be amended by deleting the words "the indoor and outdoor slide and the costs of some of the leisure features such as the sauna, whirlpool and steam room" and inserting the words "all of the features of the project" therefore.

CARRIED

Moved by Councillor Schmolka
Seconded by Councillor Osanic

THAT Clause (2) of Report No. 58 of the Chief Administrative Officer (Recommend) be amended by adding the following thereto: "THAT staff be directed to strike a committee of representatives of clubs and water sports groups who are likely renters of the pool to ensure that the pool meets their needs and if it does not, to report back to Council through the Arts, Recreation and Community Planning Committee before the updated business plan is presented to Council.

CARRIED
(See Motion To Amend Which Was LOST)

REPORTS (CONTINUED)

Report No. 58 of the Chief Administrative Officer (Recommend)

Moved by Councillor Smith
Seconded by Councillor Gerretsen

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THAT the motion of Councillors Schmolka and Osanic be amended by deleting the word “before” and inserting the word “after” in relation to the business plan.

LOST

Moved by Councillor Glover
Seconded by Councillor Matheson

THAT Report 58, Clause (2) part (b) be amended to include “or 50” after the number 25 to read as follows: THAT staff proceed with the option of constructing an aquatic facility with a large leisure pool and a 25 or 50 metre pool at the INVISTA site within the next five years; and

LOST (5:6)
(See Recorded Vote #1)
(See Motion to Amend Which Was LOST)

Moved by Councillor Smith
Seconded by Councillor Hutchison

THAT the motion of Councillors Glover and Matheson be amended by adding in paragraph (d) following the words “up to 1.5%” the words “in the case of a 25 metre pool and up to 2.15% in the case of a 50 metre pool.

LOST

Moved by Councillor Hector
Seconded by Councillor Osanic

THAT Report 58, Clause (2) part (d) be amended to delete the words “Council approve a financing strategy for” and replace them with “staff consider as an option in its detailed financial plan” so the sentence now reads “THAT staff consider as an option in its detailed financial plan a dedicated incremental tax increase over a five year period of up to 1.5% to finance the debt payments and operating subsidy for the aquatic centre identified in 2 above; and”.

CARRIED

Moved by Councillor Schmolka
Seconded by Councillor Glover

THAT Report 58, Clause (2) be deferred until Council receives the KEDCO economic impact study, the development charges work in September is completed, and it be brought back during 2010 budget deliberations.

LOST

Recorded Vote # 1, on the motion to amend from Councillors Glover and Matheson, was requested by Councillor Gerretsen

YEAS: Councillor Glover, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka (5)

NAYS: Deputy Mayor Garrison, Councillor Gerretsen, Councillor Hector, Councillor Hutchison, Mayor Rosen, Councillor Smith (6)

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

REPORTS (CONTINUED)

Report No. 58 of the Chief Administrative Officer (Recommend)

Recorded Vote # 2, on part d) as amended, was requested by Councillor Gerretsen

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YEAS: Councillor Glover, Councillor Hutchison, Councillor Matheson, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (7)

NAYS: Deputy Mayor Garrison, Councillor Gerretsen, Councillor Hector, Councillor Meers (4)

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

Recorded Vote # 3, on the main motion as amended, was requested by Councillor Smith

YEAS: Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Matheson, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (8)

NAYS: Deputy Mayor Garrison, Councillor Gerretsen, Councillor Meers (3)

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

(3) Community Adjustment Fund

THAT Council endorse the employment land supply infrastructure projects for submission for funding under the federal government's Community Adjustment Fund; and

THAT Council authorize the Mayor and Clerk to execute necessary documents.

(The Report of the Chief Administrative Officer (09-199) was distributed to Council on May 29, 2009)
(File No. CSU-D18-000-2009, CSU-F11-000-2009)

CARRIED

Moved by Deputy Mayor Garrison

Seconded by Councillor Gerretsen

THAT in accordance to By-Law 98-1, that the Council meeting be continued past 11:00 pm.

LOST

(A 2/3 Vote Of Council Was Not Received)

Moved by Mayor Rosen

Seconded by Councillor Foster

THAT the Motion of Deputy Mayor Garrison and Councillor Gerretsen to extend the Council meeting past 11:00 pm be reconsidered.

CARRIED

Moved by Deputy Mayor Garrison

Seconded by Councillor Gerretsen

THAT in accordance to By-Law 98-1, that the Council meeting be continued past 11:00 pm.

LOST

(A 2/3 Vote Of Council Was Not Received)

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Report No. 59 of the Planning Committee

Moved by Councillor Schmolka
Seconded by Councillor Glover

THAT Report No. 59 of the Planning Committee be received and adopted.

Report No. 59

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

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

May 21, 2009

1. Application For Zoning By-Law Amendment For The Property Located At 1189 Westbrook Road

THAT the application for Zoning By-Law Amendment (Our File No. D14-140-2009) submitted by Matthew and Emily Somerville for the property municipally known as 1189 Westbrook Road, BE APPROVED.

- and further -

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

1. Map 2 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from 'D' to 'R1', as shown on Schedule "A" attached to and forming part of By-Law No. 2009-84.

AND BE IT FURTHER RESOLVED that the Amending By-Law be presented to City Council for all three readings.
(See By-Law No. (3), 2009-84)

CARRIED

REPORTS (CONTINUED)

Report No. 59 of the Planning Committee

2. Zoning By-Law Amendment & Draft Plan Of Subdivision 1 Potter Street

THAT the Application for Zoning By-Law Amendment (Our File No. D14-141-2009) submitted by 2024162 Ontario Ltd. (Barr Homes) for the property municipally known as 1 Potter Street, BE APPROVED.

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

1. By-Law No. 76-26 of The Corporation of the City of Kingston, entitled "A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston", as amended, is hereby further amended as follows:
 - 1.1. Map 3 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from Development 'D' Zone to Holding Special Residential Type 2 'R2-34-H' Zone, Holding Special Residential Type 4 'R4-36-H' Zone and Special Open Space 'OS-12' Zone and from the existing Environmental Protection Area 'EPA' Zone to Holding Special Residential Type 2 'R2-34-H' Zone, Holding Special Residential Type 4 'R4-36-H' Zone and Special Open Space 'OS-12' Zone, as shown on Schedule "A" attached to and forming part of By-Law No. 2009-85;
 - 1.2. By Adding a new subsection 13(3)(hh) thereto as follows:

"R2-34-H Woodhaven Subdivision, 1 Potter Street

Notwithstanding the provisions of Section 13 hereof to the contrary, for the lands zoned 'R2-34-H' on Schedule 'A' hereto, the following provisions shall apply:

- (a) **PERMITTED USES:**
 - i. **RESIDENTIAL USES:**
Single Detached Dwelling House;
Semi Detached Dwelling House;
 - ii. **NON-RESIDENTIAL USES:**
Home Occupation
A public use in accordance with the provisions of Section 5(18) hereof

(b)	LOT FRONTAGE (minimum)	Corner Lot	Other Lot
	Single Detached Dwelling House	12.7metres	9.0 metres
	Semi Detached Dwelling House	20 metres	15.0 metres
	Semi-Detached Dwelling Unit	11.5 metres	7.5 metres

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the lot line 6.0 metres.

- (c) **GARAGE LOCATION**
The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

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- (d) **FRONT YARD**
 - i. Minimum setback from front lot line 4.5 metres for the main dwelling
 - ii. Maximum setback from front lot line 7.0 metres
 - iii. Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line

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- provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
- iv. Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.
- (e) **EXTERIOR SIDE YARD (minimum)** 3.0 metres on local roads
- (f) **INTERIOR SIDE YARD (minimum)**
- Single Family Dwelling House 1.2 metres, except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres
- Semi Detached Dwelling House 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then one of the side yards must be 3.0 metres
- (g) **REAR YARD (minimum)** 6.75 metres;
- (h) **MINIMUM LOT AREA** Not applicable
- (i) **MINIMUM LOT COVERAGE** Not applicable
- (j) **PERCENTAGE MINIMUM LOT FRONTAGE**
Notwithstanding any regulations to the contrary, the maximum number of single detached dwelling units with a minimum lot frontage of 9.0 m to 10.0 m shall not exceed 41% of the total number of dwelling units within the Zone.
- (k) **DRIVEWAYS**
Maximum driveway width as measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is less.
- (l) **PARKING**
Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, front yard parking is prohibited except where it is a driveway leading to a permitted parking area.
- (m) **SIGHT TRIANGLES**
Notwithstanding any regulations to the contrary:

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- i) **USES PROHIBITED:**
Within any area defined as a sight triangle, the following uses shall be prohibited:
- a) a building, structure or use which would obstruct the vision of drivers of motor vehicles;
- b) a fence or tree, hedge, bush or other vegetation, the top of which exceeds 3 1/2 feet in height above the elevation of the centreline of the adjacent street;
- c) an uncovered surface parking area;

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d) a finished grade which exceeds the elevation of the centreline of the adjacent street by more than 3 feet.

ii) Two sight triangles are required on a corner lot.

The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

1.3. By Adding a new subsection 15(3)(ii) thereto as follows:

“R4-36-H Woodhaven Subdivision, 1 Potter Street

Notwithstanding the provisions of Zoning By-Law No. 76-26, as amended, hereof to the contrary the lands zoned ‘R4-36-H’ on Schedule “A” hereto may be used in accordance with the following provisions:

(a) PERMITTED USES: Row Dwelling House
Semi-Detached Dwelling House

(b) LOT FRONTAGE (minima):	Corner Lot	Other Lot
Row Dwelling House	10 metres	6.1 metres
Semi Detached Dwelling House	20 metres	15.0 metres
Semi-Detached Dwelling Unit	11.5 metres	7.5 metres

The Lot Frontage shall be measured along a line which is parallel to the front lot line and distant from the front lot line 6.0 metres.

(c) GARAGE LOCATION

The front wall of a private garage, whether attached or detached from the main dwelling, containing the opening for vehicular access shall be setback a minimum of 6m from the lot line abutting the public street that the driveway crosses to access the private garage.

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(d) FRONT YARD

- i. Minimum setback from front lot line 4.5 metres
- ii. Maximum setback from front lot line 7.0 metres
- iii. Notwithstanding subsections (i) and (ii) where a dwelling includes a covered front porch the front wall of the main dwelling may be set back a maximum of 9.2 metres from the front lot line provided the dwelling includes a covered porch with a minimum width of 2.5 metres and a minimum depth of 2.0 metres.
- iv. Notwithstanding subsections (i), (ii) and (iii) where the front wall of an attached private garage containing the opening for vehicular access is located not more than 6.2 metres from the front lot line and where a

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dwelling includes a covered front porch, the front wall of the main dwelling may be set back 3.0 metres from the front wall of the garage.

(e) EXTERIOR SIDE YARD WIDTH (minimum): 3.0 metres on local roads

(f) INTERIOR SIDE YARD WIDTH (minimum):

Row dwelling house 1.2 metres for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

Semi-detached dwelling house 1.2 metres, for a side that is not attached to another dwelling house except where there is a dwelling unit without an attached garage, then the side yards must be 3.0 metres

(g) REAR YARD DEPTH (minimum): 6.75 metres

(h) MINIMUM LOT AREA Not applicable

(i) MINIMUM LOT COVERAGE Not applicable

(j) DRIVEWAYS

Maximum driveway width measured at the lot line shall be 6.0 metres or 50% of lot frontage, whichever is the lesser.

(k) PARKING

Parking is permitted in the front yard, interior side yard and rear yard. Notwithstanding any provisions herein to the contrary, parking in the front yard is prohibited except where it is a driveway leading to a permitted parking area.

(l) SIGHT TRIANGLES

Notwithstanding any regulations to the contrary:

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i) USES PROHIBITED:

Within any area defined as a sight triangle, the following uses shall be prohibited:

- a) a building, structure or use which would obstruct the vision of drivers of motor vehicles;
- b) a fence or tree, hedge, bush or other vegetation, the top of which exceeds 3 1/2 feet in height above the elevation of the centreline of the adjacent street;
- c) an uncovered surface parking area;
- d) a finished grade which exceeds the elevation of the centreline of the adjacent street by more than 3 feet.

ii) Two sight triangles are required on a corner lot.

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The location of the first sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line.

The location of the second sight triangle shall be located by drawing a line between a point on the exterior side lot line that is 8.5 metres from the intersection of the front lot line and the exterior side lot line and a point on the front lot line that is 4.5 metres from the intersection of the front lot line and the exterior side lot line.

Where the exterior side lot line and the front lot line do not intersect at a point, the hypothetical point of intersection of the two lot lines shall be deemed to be the intersection of the two lot lines.

1.4 By Adding a new subsection 8(3)(l) thereto as follows:

“OS-12 Woodhaven Subdivision, 1 Potter Street

Notwithstanding the provisions of Section 8 hereof to the contrary, the lands zoned ‘OS-12’ on Schedule ‘A’ hereto, the following provisions shall apply:

- (a) Permitted Uses shall be limited to the following:
 - A park; and
 - A public use in accordance with the provisions of Section 5(18) hereof.
- (b) Notwithstanding any provisions to the contrary all structures shall have a minimum setback of 15 m from the top of the bank of the watercourse.

2.0 THAT the Amending By-Law be presented to City Council for all three Readings.

THAT the application for Draft Plan of Subdivision (File No. D12-036-2008) submitted by 2024162 Ontario Ltd. (Barr Homes) for the property municipally known as 1 Potter Street BE APPROVED, subject to the following conditions:

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STANDARD CONDITIONS OF DRAFT PLAN APPROVAL

1. Approved Draft Plan:

That this approval applies to the Draft Plan of Subdivision, prepared by Hopkins, Cormier & Chitty Surveying Consultants, dated January 14, 2009 which shows the following:

- 137 residential lots (Lots 1-137);
- 8 residential blocks (Blocks 138-145);
- 1 block for parkland dedication (Block 148);
- 1 Block for stormwater drainage purposes (Block 147);
- 2 blocks for 0.3 m reserves (Blocks 149 & 150);
- 4 new roadways (Holden Street, Bethany Crescent, Janette Street and Gwen Avenue);
- 1 Block for Pedestrian Pathway (Block 146).

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2. Streets and Civic Addressing:

- (a) That the road allowances included in this Plan shall be shown and dedicated as public highways.
- (b) That the Streets within this Plan shall be named to the satisfaction of the Municipality, in consultation with the Planning and Development Department, in accordance with the Municipality's Civic Addressing and Road Naming By-Law. The proposed street names shall be submitted by the Owner for approval by the Planning and Development Department and shall be included on the first submission of the engineering drawings.
- (c) That Prior to Final Plan Approval, the Owner shall provide confirmation that civic addresses have been assigned to the proposed lots and blocks by the Municipality's Planning and Development Department, in accordance with the Municipality's Civic Addressing and Road Naming By-Law.
- (d) That the road allowances within the Plan shall be designed in accordance with the Municipality's engineering standards and shall be dedicated to the Municipality free of all charge and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.
- (e) That Prior to Final Plan Approval, the Owner shall deed to the Municipality as Blocks all daylighting triangles identified as required through the final subdivision review process.
- (f) Any dead end or open side of a road allowance within the Plan shall be terminated in a 0.3 m reserve to be conveyed to the Municipality free of all charges and encumbrances.
- (g) That the Owner shall agree that the location and design of any construction access shall be approved by the Municipality and/or the appropriate authority.

3. Reserves and Easements:

- (a) That any dead ends and open sides of the road allowances created by this Plan shall be terminated in 0.3 metre reserves to be conveyed to, and held in trust, by the Municipality.
- (b) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority free of all charges and encumbrances.

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4. Financial Requirements:

- (a) That the Owner agrees in writing to satisfy all the requirements, financial and otherwise, of the Municipality concerning all provisions of municipal services including, but not limited to fencing, lighting, landscaping, sidewalks, roads, installation of underground services, provisions of drainage and noise mitigation where required.
- (b) That Prior to Final Plan Approval, the Owner shall submit for the Municipality's approval a detailed breakdown of the construction costs for the works associated with the development of this Plan, including any cash surcharges or special levies. The construction costs shall be prepared and stamped by a professional engineer. The cost estimate shall be submitted in the Municipality's standard format for incorporation into both the Pre-Servicing and Subdivision Agreements.

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- (c) That the Owner shall bear the expense of all off site works resulting from the approved public works design where such works are not subsidized under the Policies and By-Laws of the Municipality.
- (d) That the Owner agrees to reimburse the Municipality for the cost of any Peer Reviews of the Studies / Reports submitted in support of the proposed Plan of Subdivision.

5. **Subdivision Agreement:**

- (a) That the Owner shall enter into the Municipality's standard Subdivision Agreement which shall list all approved plans and municipal conditions as required by the Municipality for the development of this Plan.
- (b) That the Subdivision Agreement between the Owner and the Municipality be registered against the lands to which it applies once the Plan of Subdivision has been registered.
- (c) That the Subdivision Agreement shall contain all necessary warning clauses and notices to purchasers resulting from, but not necessarily restricted to, the design and provision of services, including the requirement to provide and maintain private site specific works as necessary.

6. **Holding Provisions:**

That the Municipality shall require the use of '-H' Holding Provisions in accordance with Section 36 of the *Planning Act*. The terms for the removal of the Holding '-H' Holding Symbol shall be in accordance with Section 6(6) of Zoning By-Law No. 76-26 and shall require the following:

- confirmation of sufficient servicing capacity for the development;
- that all necessary approvals have been received from all other agencies and government bodies and any required Agreements have been executed by the Owner; and
- that a Zone Change Application has been approved by the Municipality to remove the '-H' Holding Symbol.

7. **Engineering Drawings:**

- (a) That Prior to Final Plan Approval, the Owner shall submit for approval, subdivision design drawings, including design plans for all public works and services, prepared and certified by a Professional Engineer and designed pursuant to the Municipality's Subdivision Design Guidelines and to the satisfaction of the Municipality. Such plans are to form part of the Subdivision Agreement.

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- (b) That Prior to Final Plan Approval, the Owner shall submit a digital listing of the approved subdivision design drawings in the Municipality's standard format for incorporation into the Pre-Servicing and Subdivision Agreements.

8. **Revisions to Draft Plan:**

- (a) That any further subdivision of Blocks or additional road patterns on the Plan shall be completed to the satisfaction of the Municipality.
- (b) That Prior to Final Plan Approval of any part of the Plan, the Owner shall submit a revised Plan, if required, to reflect any significant alterations caused from this Draft Plan Approval.

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- (c) That where final engineering design(s) result in minor variations to the Plan (e.g., in the configuration of road allowances and lotting, number of lots, etc.), these may be reflected in the Final Plan to the satisfaction of the Municipality.

9. Phasing:

- (a) That Final Plan Approval for registration may be issued in phases to the satisfaction of the Municipality, subject to all applicable fees.
- (b) That the phasing of the development shall be reflected in the Subdivision Agreement and on the approved subdivision design drawings to the satisfaction of the Municipality, taking into account the temporary termination of underground services, interim grading, interim stormwater management, operations and maintenance, vehicle access and access for emergency vehicles.
- (c) That the phasing of the development shall be proposed in an orderly progression, in consideration of such matters as the timing of road improvements, infrastructure, schools and other essential services.
- (d) That all agencies agree to registration by phases and provide clearances, as required, for each phase proposed for registration; furthermore, the required clearances may relate to lands not located within the phase sought to be registered.

10. Zoning By-Law Compliance:

- (a) That the lands within this Draft Plan shall be appropriately zoned by a Zoning By-Law which has come into effect in accordance with the provisions of the *Planning Act*.
- (b) That Prior to Final Plan Approval, the Owner shall submit a Surveyor's Certificate which confirms that the lots and blocks within this Plan conform to the minimum lot frontage and lot area requirements of the applicable Zoning By-Law.

11. Required Studies:

- (a) That Prior to Final Plan Approval, the Owner shall submit a Geotechnical Study, certified by a Professional Engineer, to the satisfaction of the Municipality. The recommendations of the Geotechnical Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

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- (b) That Prior to Final Plan Approval, the Owner shall demonstrate that the soil and groundwater quality of the property is compatible with a residential land use as defined by the generic criteria listed within the Guideline for Use at Contaminated Sites in Ontario (MOE, rev. 1997). The acceptable method for this demonstration would be a Phase I Environmental Site Assessment (ESA) performed in accordance with CSA standard Z768-01 and any required follow up investigations (Phase II ESA) or remediation. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

Should site remediation be required to meet the applicable soil and ground water criteria set out in applicable guidelines, the Owner shall submit to the Municipality Prior to Final Plan Approval, a copy of the Record of Site Condition acknowledged by a Provincial Officer of the Ministry of the Environment.

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The Owner shall provide a certificate by a qualified professional that all lands within the Plan and any lands and easements external to the Plan to be dedicated to the Municipality, meet the applicable soil and ground water criteria.

- (c) That Prior to Final Plan Approval all recommendations of the Servicing Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.
- (d) That Prior to Final Plan Approval, the Owner shall submit a Traffic Impact Report, prepared by a professional engineer to the satisfaction of the Municipality. The study shall include a detailed assessment of the need for any additional traffic signals that would be required adjacent to this development. The owner is to also submit the report reviewing the need for and making recommendations with respect to traffic calming measures being required, such report being prepared for the Cataraqui West Owners Group. The developer is responsible for the detailed design and construction of the proposed traffic calming measures included within their lands or required to be done to complete the access improvements from Princess Street at Potter Street (to be renamed Holden Street) resulting from the approval of the report on traffic calming as approved by the City. The Subdivision Agreement shall contain provisions for the Owner to design, construct and financially secure the costs of any off site road improvements as are deemed necessary by the Report's recommendations to the satisfaction of the Municipality's Director of Engineering.
- (e) That Prior to Final Plan Approval, a Stormwater Management Report and implementing plans for the development shall be prepared by a qualified Professional Engineer, to the satisfaction of the Municipality and Cataraqui Region Conservation Authority. Such plans shall be included in the Subdivision Agreement. The Owner shall carry out the recommendations of the report, at his expense, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority.
- (f) That Prior to Final Plan Approval, the Owner shall submit a detailed Noise Impact Study prepared to the satisfaction of the Municipality and the Ministry of Environment and certified by a professional Engineer. The recommendations of the Study shall be incorporated into the Subdivision Agreement and the Subdivision Agreement shall contain provisions whereby the Owner agrees to implement the Study recommendations to the satisfaction of the Municipality.

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12. Archaeological Assessment:

- (a) That the Owner shall carry out an archaeological assessment of the subject property and mitigate, through preservation or resource removal and documentation, adverse impacts to any significant archaeological resources found. No grading or other soil disturbances shall take place on the subject property prior to the approval authority and the Ministry of Culture confirming that all archaeological resource concerns have met licensing and resource requirements.
- (b) That Prior to Final Plan Approval and Prior to Commencement of any Works on any site identified as being archaeologically significant, the Owner shall carry out archaeological excavations of such sites to the satisfaction of the Ministry of Culture and the Municipality; the Owner shall agree to take protective measures required by the Municipality for such sites.
- (c) Should archaeological resources be found on the property during construction activities, the *Ministry of Culture* must be notified immediately.

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- (d) In the event that human remains are encountered during construction, the proponent must immediately contact both 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).

13. **Stormwater Management:**

- (a) That Prior to Final Plan Approval, Block 147 shall be deeded to the Municipality for Stormwater Management purposes. The design of the blocks' open space, including any connecting paths, shall be subject to approval by the Municipality.
- (b) That Prior to Final Plan Approval, the Owner shall submit lot grading and drainage plans, and erosion and sediment control plans prepared by a qualified Professional Engineer for the Owner, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority. The approved plans shall be included in the Subdivision Agreement between the Owner and Municipality.
- (c) Prior to Final Plan Approval and Prior to any Works Commencing on the Site, the Owner shall submit for approval by the Municipality and the Cataraqui Region Conservation Authority (CRCA), a detailed engineering report(s) that describes the storm drainage system for the proposed development, which shall include:
 - i) plans illustrating how this drainage system will be tied into the surrounding drainage systems, and indicating whether it is part of an overall drainage scheme, the design capacity of the receiving system and how external flows will be accommodated;
 - ii) the location and description of all outlets and other facilities;
 - iii) storm water management techniques which may be required to control minor and major flows;
 - iv) proposed methods of controlling or minimizing erosion and siltation on-site and in downstream areas during and after construction;
 - v) overall grading plans for the subject lands; and

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- vi) storm water management practices to be used to treat storm water, to mitigate the impacts of development on the quality and quantity of ground and surface water resources as it relates to fish and their habitat.
- (d) That the Owner shall agree to maintain all storm water management and erosion and sedimentation control structures operating and in good repair during the construction period.

14. **Parkland Conveyance / Open Space / Environmental Protection Areas:**

- (a) That the Owner conveys up to 5% residential and up to 2% commercial of the land included in the Plan of Subdivision to the Municipality for functional park or other public recreational purposes. Where the subdivision exceeds 15 units per residential hectare of land, the Owner shall convey lands for recreational purposes at a rate of one hectare (2.5 acres) for each 300 dwelling units. Alternatively, the Municipality may require cash-in-lieu for all or a portion of the conveyance.
- (b) That Block 148 is to be conveyed to the City for a neighbourhood park. The City of Kingston will reimburse the developer for costs to design and develop the park as per the current Development Charges By-Law 2004 -256. If

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the park is not completed under By-Law 2004-256 both the City and the developer will be subject to the provisions enacted under the DC By-law at that time.

- (c) That the design of the parkland will be carried out by the developer in consultation with the City's Recreation and Leisure Services staff. The design for Block 148 will be agreed upon by the City and the developer prior to the submission of the engineering plans for final approval.
- (d) That Block 146 is to be conveyed to the City as a walkway. (This connector is proposed to link to the storm water block on the adjacent draft plan to allow for cross neighbourhood connections as shown in the overall secondary plan for Cataraqi West)
- (e) That the costs of the drainage works under the park, collecting storm water from the neighbourhood will not be included in the costs to develop the park under development charges.
- (f) That prior to final approval for each draft plan in the Cataraqi Secondary plan, a final total of the amount of parkland being deeded and the number of dwelling units to be built will be submitted to the Director Recreation & Leisure Services or designate to track parkland conveyances based on density provisions to ensure that the overall secondary plan has adequate parkland.
- (g) That no utility infrastructure such as Bell Boxes or pad mounted transformers shall be located within any park.
- (h) That Prior to Assumption of the park, the Director of Recreation & Leisure Services shall be in receipt of a clearance memo from the Director of Strategy, Environment & Communications indicating that the park site is environmentally clean.
- (i) That Prior to the Commencement of any Clearing, Grubbing or Construction Work within 10 metres of the park blocks defined on the Draft Plan, the Owner shall:

- 1. Install snow fencing around the periphery of the park site to protect the site. The Municipality will be responsible for the maintenance of the fence and its removal.

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- 2. Post signage to Municipality specifications, on all accessible sides of each park block, which indicates:
 - the future use of the block as a park;
 - that no construction storage shall occur on this parcel of land nor shall any construction debris be dumped on this site; and
 - that all trees and other vegetation must not be disturbed.

- (j) That Prior to the Transfer of Deeds for the Parkland to the Municipality, the Director of Recreation & Leisure Services or designate shall inspect the park site to ensure that the park is in a clean/natural state. The conditions on the site must be satisfactory to the Director of Recreation & Leisure Services prior to transfer of title and the removal of the snow fencing. Should the park blocks be in an unsatisfactory state, the Owner shall be held responsible for restoring the site to the satisfaction of the municipality.

15. Land Owners Information Package:

That Prior to Final Plan Approval, the Owner shall prepare a Land Owner Information Package, to the satisfaction of the Municipality and the Cataraqi Region Conservation Authority, which shall be distributed to all prospective purchasers and shall be appended to their Agreements of Purchase and Sale or Lease. Text shall be included in the Subdivision Agreement between the Owner and the Municipality, to the satisfaction of the Municipality and the

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Cataraqui Region Conservation Authority, to require a Notice to Purchasers that the Landowner Information Package has been prepared to help educate the purchaser about sustainable development practices, including the importance and maintenance of a living fence and the important benefits of regular watering of trees after planting. The Landowner Information Package shall be registered on title of the subject property.

16. Tree Inventory / Street Trees:

- (a) That prior to any grubbing/clearing or construction on parcels of land not defined as roadways or servicing easements on the draft plan, the Owner shall receive final approval from the Municipality for a Tree Preservation Plan prepared for the subject lands. The final approved Tree Inventory Plan shall be prepared by a certified arborist (ISA approved), and shall set out the surveyed locations of all trees on the site. The tree inventory shall list the species, calliper size, condition, crown radius and indicate whether the tree is to be retained or removed. If trees 6 inches (150 mm) or more in diameter are to be removed from the subject lands, the developer will abide by the conditions of the tree removal permit under the Tree Conservation By-Law which may, at the Director of Planning and Development's discretion, include a tree preservation plan, a tree replacement plan or cash compensation for the value of the trees to be removed. If a tree is to be removed, a rationale for this action must be noted. If significant trees or groups of trees are identified to be retained in the tree inventory, a Tree Preservation Plan will be required prior to final approval at the discretion of the Municipality. This plan shall be reviewed and approved by the Municipality and be included as a schedule to the Subdivision Agreement. Requirements for the Tree Preservation Plan are noted in the subdivision design guidelines produced by the Municipality.
- (b) That Prior to Final Plan Approval, the Owner shall submit a Street Tree Planting Plan prepared by a Landscape Architect to the satisfaction of the Municipality.
- (c) That a 1:1 replacement ratio has been applied to those trees in moderate condition.

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- (d) That one replacement tree per 10 cm DBH removed ratio (1:10) will be applied to those trees in good condition. Based on these ratios, the minimum number of replacement trees for the site is 426. This shall be reflected in the street tree and parks planting plans for this phase of subdivision. If any trees cannot be accommodated within this phase of the subdivision as per the criteria set out in the City of Kingston's subdivision guidelines for tree planting, the owner shall pay cash-in-lieu to the City at a value of \$350.00 per tree as per the Tree By-law.

17. Community Mailboxes:

- (a) That Prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of Canada Post, identify the location of community mailboxes within the Plan, and shall identify such locations on drawings for approval by the Municipality. The locations of these community mailboxes shall be identified in the notice to future purchasers of the lots within the Subdivision.
- (b) That Prior to Final Plan Approval, the Owner shall, in consultation with and to the satisfaction of the Municipality, provide detailed design plans for the community mailboxes including a landscape plan showing street furniture and complimentary architectural features.
- (c) That the Owner shall provide a suitable temporary community mailbox location(s) until the curbs, sidewalks and final grading have been completed at the permanent location(s).

18. Bell Canada Requirements:

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That the Owner shall meet the following conditions of Bell Canada:

- i. that the Owner shall agree in the Subdivision Agreement, in words satisfactory to Bell Canada, to grant Bell Canada any easements that may be required for telecommunications services; and,
- ii. that the Owner shall be requested to enter into an Agreement (Letter of Understanding) with Bell Canada complying with any underground servicing conditions imposed by the Municipality, or if no such conditions are imposed, the Owner shall advise the Municipality of the arrangements for servicing.
- iii. The Developer is hereby advised that prior to commencing any work within the Plan, the Developer must confirm that sufficient wire-line communication/telecommunication infrastructure is currently available within the proposed development to provide communication/telecommunication service to the proposed development. In the event that such infrastructure is not available, the Developer is hereby advised that the Developer may be required to pay for the connection to and/or extension of the existing communication/telecommunication infrastructure. If the Developer elects not to pay for such connection to and/or extension of the existing communication/telecommunication infrastructure, the Developer shall be required to demonstrate to the municipality that sufficient alternative communication/telecommunication facilities are available within the proposed development to enable, at a minimum, the effective delivery of communication/telecommunication services for emergency management services (i.e., 911 Emergency Services).

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19. Hydro One Requirements:

- (a) That Prior to Final Plan Approval, the Owner/Subdivider shall submit to Hydro One the lot grading and drainage plan, showing existing and final grades, for review and approval. Drainage must be controlled and directed away from the Hydro One corridor.
- (b) That the following Warning Clauses/Notices as required by Hydro One shall be included in the Subdivision Agreement:
"The transmission lines abutting this subdivision operate at 500,000, 230,000 or 115,000 volts. Section 186-Proximity-of the Regulations for Construction projects in the Occupational Health and Safety Act, require that no object be brought closer than 6 metres (20 feet) to an energized 500 kV conductor. The distance for 230kV is 4.5 metres (15 feet), and for 115 kV conductors is 3 metres (10 feet). It is the Owner's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the conductors can raise and lower without warning, depending on the electrical demand placed on the line. "
- (c) That temporary fencing must be installed along the edge of the right-of-way prior to the start of construction, at the Owner's expense.
- (d) That permanent fencing must be installed after construction is completed along the Hydro One corridor, at the Owner's expense.
- (e) That the Hydro One corridor is not to be used without the express written permission of Hydro One Networks Inc. During construction, there shall be no storage of materials or mounding of earth or other debris on the right-

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of-way. The Owner shall be responsible for restoration of any damage to the right-of-way resulting from construction of the subdivision.

- (f) The costs of any relocations or revisions to Hydro One facilities that are necessary to accommodate this subdivision shall be borne by the Owner.
- (g) Hydro One advises that an electrical distribution line operating at below 50,000 volts might be located within the area affected by this development or abutting this development. Section 186 – Proximity – of the Regulations for Construction Projects in the Occupational Health and Safety Act, requires that no object be brought closer than 3 metres (10 feet) to the energized conductor. It is the proponent's responsibility to be aware, and to make all personnel on site aware, that all equipment and personnel must come no closer than the distance specified in the Act. They should also be aware that the electrical conductors can raise and lower without warning, depending on the electrical demand placed on the line. Warning signs should be posted on the wood poles supporting the conductors stating "*DANGER – Overhead Electrical Wires*" in all locations where personnel and construction vehicles might come in close proximity to the conductors.

20. Utilities Requirements:

- (a) Prior to Final Plan Approval, the Owner shall satisfy all technical, financial and other requirements of Utilities Kingston regarding the design, installation, connection and/or expansion of electric distribution services, gas distribution services, water distribution services and sanitary sewer distribution services, or any other related matters.

REPORTS (CONTINUED)

Report No. 59 of the Planning Committee

- (b) The Owner shall agree to design, purchase materials, and install a buried hydro distribution system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with the latest standards and specifications of Utilities Kingston and the Municipality.
- (c) The Owner shall agree to design, purchase materials and install a street lighting system, compatible with the existing and/or proposed systems in surrounding Plans, all in accordance with Municipal standards and specifications.

21. Warning Clauses:

That the Owner shall cause the following warning clauses to be included in a schedule to all offers of purchase and sale, or lease for all lots / blocks within this Plan

- (a) within the entire subdivision plan:
 - "Purchasers and/or tenants are advised that despite the inclusion of noise control features within both the development area and the individual building units, noise levels, including from construction activities, may be of concern and occasionally interfere with some activities of the dwelling occupants."
 - "Purchasers and/or tenants are advised that traffic calming measures may have been incorporated into the road allowances."
 - "Purchasers and/or tenants are advised that the planting of trees on Municipality boulevards in front of residential units is a requirement of the Municipality and a conceptual location Plan is included in the

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Subdivision Agreement. While every attempt will be made to plant trees as shown, the Municipality reserves the right to relocate or delete any boulevard tree without further notice.”

- “Purchasers and/or tenants are advised that Living Fences have been included in the rear yards of lots throughout the subdivision. These features are located on the mutual property line and are required to be maintained by the property owner.”
- “Purchasers and/or tenants are advised that mail delivery will be from a designated community mailbox, the location of which will be identified by the Owner prior to any home closings.”
- “Purchasers and/or tenants are advised that any roads ending in a dead end or temporary turning circle may be extended in the future to facilitate development of adjacent lands, without further notice.”

(b) abutting any open space, woodlot or storm water facility:

- “Purchasers and/or tenants are advised that the adjacent open space, woodlot or storm water management facility may be left in a naturally vegetated condition and receive minimal maintenance.”

(c) abutting a park block:

- “Purchasers and/or tenants are advised that the lot abuts a “neighbourhood Park”, and that noise and lighting should be expected from the designed active use of the park.”

REPORTS (CONTINUED)

Report No. 59 of the Planning Committee

(d) Abutting a self –storage facility:

- “Purchasers and/or tenants are advised that the lot abuts a self-storage facility and that noise and lighting related to the business of a self-storage facility should be expected.”

(e) Cul-de Sacs and Bulbed Corners:

- Purchasers of lots on cul-de-sacs and bulbed corners within this Subdivision are advised that the design of cul-de-sacs and bulbed corners presents challenges to the City’s snow clearing / removal operations. The City will make every effort to keep the street clear of snow and to plow to the curb line. However, some property owners may experience higher volumes of snow at the end of their driveways or may have to remove snow from a portion of the roadway where it is not possible for the snow plow to reach the curb. Purchasers are further advised that it may be necessary for the City to pile snow in the middle of the cul-de-sac during / after significant storm events. The City will only remove the snow piled in the middle of the cul-de-sac when ongoing snow clearing operations or normal vehicular access may be compromised.

22. Model Homes:

That where the Owner proposes to proceed with the construction of a model home(s) prior to registration of the Plan, the Owner shall enter into an Agreement with the Municipality, setting out the conditions, and shall fulfill all relevant conditions of that Agreement prior to issuance of a building permit.

23. General Conditions:

- (a) That the Owner shall pay any and all outstanding application fees to the Planning and Development Department, in accordance with the Municipality’s Tariff of Fees By-Law.

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- (b) That when requesting Final Approval from the Municipality, the Owner shall accompany such request with the required number of originals and copies of the Final Plan, together with a surveyor's certificate stating that the lots/blocks thereon conform to the frontage and area requirements of the Zoning By-Law.
- (c) That the Owner agrees to remove any driveways and buildings on site, which are not approved to be maintained as part of the Plan; any modification to off-site driveways required to accommodate this Plan shall be coordinated and completed at the cost of the Owner.
- (d) That the Owner shall agree that all lots or blocks to be left vacant shall be graded, seeded, maintained and signed to prohibit dumping and trespassing prior to assumption of the works by the municipality.
- (e) That Prior to Final Plan Approval, the Owner shall pay the proportionate share of the cost of any external municipal services, temporary and/or permanent, built or proposed, that have been designed and oversized by others to accommodate the subject plan.
- (f) That the Owner shall agree to erect fencing in the locations and of the types as shown on the approved subdivision works drawings and as required by the Municipality. The Owner shall agree that no building permits, with the exception of model homes, will be applied for until the Municipality is satisfied that adequate access, municipal water, sanitary and storm services are available.

REPORTS (CONTINUED)

Report No. 59 of the Planning Committee

- (g) That the Owner agrees to establish a living fence along the rear lot lines of all residential lots and blocks that back onto another residential lot and/or block to the satisfaction of the municipality. The Owner shall include a schedule with the submission for final subdivision approval which includes a detailed cross-section and locations of the living fence within the subdivision.
- (h) That Prior to Building Permit issuance for Blocks 139-144 inclusive, all municipal infrastructure associated with Gwen Ave. must be completed where it impacts said areas.
- (i) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- (j) The owner shall bear the expense of all offsite works resulting from the approved public works design where such works are not subsidized under the policies and bylaws of the City of Kingston.
- (k) That the Owner agrees in writing through provisions of the subdivision agreement to satisfy all the requirements, financial and otherwise, of the City of Kingston concerning all provisions for municipal services including fencing, lighting, landscaping, sidewalks, roads, installation of underground services, provisions for drainage and noise mitigation where required.
- (l) That the phasing of the development is to be reflected on the approved subdivision works drawings to the satisfaction of the City of Kingston, taking into account the temporary termination of underground services, interim stormwater management, operations and maintenance, vehicle access and access for emergency services.
- (m) That the subdivision agreement between the City of Kingston and the Owner contain all necessary notices to purchasers resulting from, but not necessarily restricted to, the design and provision of services, including the requirement to provide and maintain private site specific works as necessary.

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- (n) Any Road widening as may be deemed necessary for road improvements at the intersection of Princess Street and Holden Street be deeded to the City of Kingston.
- (o) That the owner shall at his expense have electrical conduit installed across Princess Street and Holden Avenue at the locations and quantity approved by the City of Kingston for future intersection improvements.
- (p) That it is the intent for Blocks 138-145, inclusive to be added to lots in the adjacent future subdivision development to create residential lots.
- (q) That the owner ensures that the design works on Gwen Ave. takes in consideration the servicing for Blocks 138-145.
- (r) A 0.3m reserve shall be provided at all open ends of Right of Ways and along the side of lots 62, 93 and 115 adjacent to Holden Street.
- (s) That prior to Final Approval the owner shall submit for approval, design plans for all public works and services prepared by a professional engineer to the satisfaction of the City of Kingston, such plans to be incorporated into the subdivision agreement between the Owner and the City of Kingston.

REPORTS (CONTINUED)

Report No. 59 of the Planning Committee

- (t) That prior to Final Approval the Owner shall submit lot grading, drainage and erosion and sediment control plans prepared by a Professional Engineer to the satisfaction of the City of Kingston and the Cataraqui Region Conservation Authority (CRCA). The plans being in general conformance with the elevations developed in the Weslake Report.
- (u) That prior to Draft Plan Approval the owner agrees to pay the required contribution for "W2 Pond" Land Acquisition costs and Construction cost as Identified in Highgate Creek Cost Sharing Agreement Dated June 14, 2005. This amount shall be included as a cash surcharge in the cost estimate for the first phase of the subdivision and shall be submitted to the municipality prior to final subdivision approval.
- (v) The Owner agrees to enter into talks with the Cataraqui West Owners Group for cost sharing of any intersection works associated with the Cataraqui West Development.
- (w) That lots 94-114 inclusive and Block 145 shall have a solid board fence constructed along the rear lot line abutting the self-storage facility to the east. If possible, the Owner shall maintain existing grades in the rear yards to provide a vegetated buffer.
- (x) The Owner shall design and construct an entrance feature into the subdivision on Potter Street (proposed Holden Street) to the satisfaction of the municipality.

24. Clearance Letters:

- (a) That Prior to Final Plan Approval, the approval authority shall advise that all Conditions of Draft Plan Approval have been satisfied; the clearance memorandum shall include a brief statement detailing how each Condition has been met.
- (b) That Prior to Final Plan Approval, the Municipality is to be advised in writing by the Cataraqui Region Conservation Authority the method by which Conditions 11(e), 13(b), 13(c), 15 and 23(u) have been satisfied.

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- (c) That Prior to Final Plan Approval, the Municipality is to be advised in writing by Hydro One the method by which Condition 19 has been satisfied.

25. Lapsing Provisions:

- (a) That pursuant to Section 51(32) of the *Planning Act*, this Draft Plan Approval shall lapse at the expiration of three (3) years from the date of issuance of Draft Plan Approval if final approval has not been given, unless an extension is requested by the Owner and, subject to review, granted by the approval authority.
- (b) That pursuant to Section 51(33) of the *Planning Act*, the Owner may submit a request to the approval authority for an extension to this Draft Plan Approval. The extension period shall be for a maximum of two (2) years and must be submitted prior to the lapsing of Draft Plan Approval. Further extensions may be considered at the discretion of the approval authority where there are extenuating circumstances.

REPORTS (CONTINUED)

Report No. 59 of the Planning Committee

NOTES TO DRAFT PLAN APPROVAL:

1. It is the Applicant's responsibility to fulfill the foregoing Conditions of Draft Plan Approval and to ensure that the required clearance letters are forwarded by the appropriate agencies to the Planning and Development Department of the City of Kingston.
2. When requesting Final Approval, the Applicant will submit a detailed account of how each Condition of Draft Plan Approval has been satisfied along with the appropriate clearance letter from the Agency, Ministry or body requesting the condition.
3. Prior to Final Plan Approval, the Applicant shall submit to the Municipality for review four (4) draft copies of all Reference Plans and Surveys and three (3) draft copies of the Final M- Plan.
4. When requesting final approval, such a request must be directed to the Planning and Development Department and be accompanied with:
 - Eight (8) mylars and four (4) paper prints of the completed Final M-Plan;
 - four (4) copies of all Reference Plans and (4) copies of all Conveyance Documents for all easements and lands being conveyed to the Municipality; and,
 - a Surveyor's Certificate to the effect that the lots and blocks on the Plan conform to the Zoning By-Law.
5. All measurements in subdivision final plans must be presented in metric units.
6. The Final Plan approved by the Municipality must be registered within thirty (30) days or the Municipality may, under Subsection 51(59) of the *Planning Act*, withdraw its approval.
(See By-Law No. (4), 2009-85)

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

Moved by Councillor Schmolka
Seconded by Councillor Osanic

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THAT Clause (2), Subsection 15, of Report No. 59 of the Planning Committee be amended after the words "a living fence" by adding the following wording "and the important benefits of regular watering of trees after planting."

CARRIED

Moved by Councillor Glover
Seconded by Councillor Gerretsen

THAT Council recess and reconvene on Wednesday, June 3, 2009 at 5:00 pm.

CARRIED

Council recessed at 10:59 p.m.

June 3, 2009

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Deputy Mayor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Osanic (arrived at 5:20 pm), Councillor Schmolka, Councillor Smith (11)

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

(Council Chamber)

Administrative Staff Present:

Ms. C. Beach, Commissioner of Sustainability and Growth

Mr. J. Bolognone, Deputy City Clerk

Mr. S. Dickey, Manager, Accounting Services/Deputy Treasurer

Mrs. C. Downs, City Clerk

Mr. J. Hale, Driver/Labourer, Public Works

Ms. C. Hannaford, Project Coordinator, Administration, Sustainability and Growth

Mr. G. Hunt, Chief Administrative Officer

Ms. L. Hurdle, Director, Project Development, Sustainability and Growth

Mr. B. Joyce, Manager, Electric & Operational Services, Utilities Kingston

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

Mr. D. Leger, Commissioner of Corporate Services

Mr. M. VanBuren, Director, Engineering

Mr. D. Wells, Director, Public Works

Note: Consideration of Clause (2) (Aquatic Facility Business Plan and Economic Impact) of Report No. 58 of the Chief Administrative Officer (Recommend) was continued at this point in the reconvened meeting. The complete and final disposition of Clause (2) can be found on Pages 354-357.

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REPORTS (CONTINUED)

Report No. 60 of the Administrative Policies Committee

Moved by Councillor Hector
Seconded by Councillor Meers

THAT Report No. 60 of the Administrative Policies Committee be received and adopted.

Report No. 60

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.

May 14, 2009

a) **Information System & Technology Opportunities Community Geomatics**

THAT staff in partnership with Utilities Kingston, KFL&A Public Health and Queen's University and with the assistance of the Sault Ste. Marie Innovation Centre's (SSMIC) Community Geomatics Centre and local technical expertise, explore the feasibility of developing a community geomatics solution for the sharing of local and regional public information by pursuing the following course of action:

- Completing an evaluation of the above organizations' technical infrastructure, data sets and information and the respective state of sophistication/readiness in moving a shared geomatics-based initiative forward.
- Exploring the feasibility of creating a not-for-profit organization similar to the Sault's for the purpose of sharing information across many entities and individuals.
- Exploring the possibilities of public partnerships and/or public/private partnerships that might assist in delivering the shared information in an integrated, efficient and cost-effective manner.
- Developing strategies, goals and, project plans for any identified opportunities.
- Developing a business plan and related financing plan for any identified opportunities,

-and further-

THAT staff report back to the Administrative Policies Committee of the progress of the evaluation and review prior to the 2010 operating budget deliberations.

CARRIED

REPORTS (CONTINUED)

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Report No. 61 of the Environment, Infrastructure and Transportation Committee

Moved by Councillor Smith
Seconded by Councillor Schmolka

THAT Report No. 61 of the Environment, Infrastructure and Transportation Committee be received and adopted.

Report No. 61

Council consented to separate Clause (b).

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.

May 12, 2009

a) **Guidelines for the Installation of New Traffic Signals**

THAT the City's new 'Guidelines for the Installation of New Traffic Signals 2009' be adopted.

A copy of the 'Guidelines for the Installation of New Traffic Signals 2009' was attached to the agenda as schedule pages 84-97.

b) **Princess Street Reconstruction**

WHEREAS the reconstruction of Princess Street from east of Ontario Street to King Street has been included in the City of Kingston 3-Year Infrastructure Program and approved by Council as part of the 2008 capital budget; and

WHEREAS the *Downtown Action Plan: An Infrastructure Renewal and Open Space Plan* was received by Council in September 2004, and the recommendations of the Downtown Action Plan have been approved in-principle; and

WHEREAS the Downtown Action Plan makes specific recommendations regarding the Princess streetscape and some of the design concepts require modifications based upon additional staff review; and

WHEREAS Council deferred and referred the recommendation to approve the conceptual design plans for Princess Street reconstruction back to the EITP Committee after additional consultation with the Kingston Coalition for Active Transportation (KCAT) and the Kingston Downtown Business Improvement Area (DBIA); and

WHEREAS a meeting was held KCAT and DBIA representatives on March 23, 2009 to discuss design elements and operational issues associated with Princess Street reconstruction and no changes are recommended by staff to the conceptual plan for Princess Street.

REPORTS (CONTINUED)

Report No. 61 of the Environment, Infrastructure and Transportation Committee

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THEREFORE BE IT RESOLVED THAT the conceptual plan for Princess Street from east of Ontario Street to Bagot Street be approved in-principle as submitted to the EITP Committee on February 10, 2009 in order to permit staff to proceed with detailed design work.

CARRIED

c) Residential On-Street Parking – Pilot Project Implementation

THAT the implementation of a residential on-street parking pilot project to commence on June 29th, 2009 and operate until March 31st, 2010 in accordance with the draft final Terms of Reference,

-and further-

THAT the fee for a resident permit be set at \$30 per month during the pilot project,

-and further-

THAT the fee for a temporary permit be set at \$12 and the permit be valid for up to 7 consecutive days during the pilot project,

-and further-

THAT staff be directed to report back to Council at the June 2, 2009 meeting with necessary parking by-law amendments to support the pilot project objectives.

CARRIED

INFORMATION REPORTS

(1) Tender and Contract Awards Subject to the Established Criteria for Delegation of Authority for the Month of April 2009

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 April 2009 and report additional information on contracts awarded by senior staff between the \$20,000 and \$50,000 level for the month of April 2009.

(The Report of the Deputy Treasurer (09-171) was attached to the agenda as Schedule Pages 71-74)
(File No. CSU-F18-000-2009)

(2) 2008 Development Charges Reserve Fund Statement
2008 Impost Reserve Fund Statement

The purpose of this report is to provide Council with a status report of the City's Development Charges (DC) Reserve Funds and Impost Reserve Funds as at December 31, 2008.

(The Report of the Deputy Treasurer (09-112) was attached to the agenda as Schedule Pages 75-80)
(File No. CSU-F20-000-2009)

INFORMATION REPORTS (CONTINUED)

(3) Use of Cook Brothers Arena

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The purpose of this report is to provide Council with an update on the intended use of Cook Brothers Arena to relocate Parking Services staff.

(The Report of the Commissioner of Sustainability and Growth (09-155) was attached to the agenda as Schedule Pages 81-83)
(File No. CSU-A19-000-2009)

MISCELLANEOUS BUSINESS

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

THAT the following Councillors shall serve as Deputy Mayor for the two-month increments noted below:

- ❖ August and September 2009 – Councillor Smith
- ❖ October and November 2009 – Councillor Matheson
- ❖ December 2009 and January 2010 – Councillor Gerretsen
- ❖ February and March 2010 – Councillor Meers
- ❖ April and May 2010 – Councillor Hector
- ❖ June and July 2010 – Councillor Schmolka
- ❖ August and September 2010 – Councillor Hutchison
- ❖ October and November 2010 – Councillor Glover

CARRIED

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

THAT at the request of Ken Allan, Parent Member, Canadian Sudden Arrhythmia Death Syndromes (SADS) Foundation, Council proclaim June 8th - 15th, 2009 as “SADS Awareness Week” in the City of Kingston.
(See Communication No. 13-250)
(Distributed to all Members of Council on May 22, 2009)

CARRIED

- (3) Moved by Deputy Mayor Garrison
Seconded by Councillor Hutchison

THAT Council appoint Councillors Glover and Gerretsen to sit as representatives on the Low Income Rental Housing Working Group.
(See Report No. 57, Clause (e))

CARRIED

MOTIONS

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

THAT the City of Kingston hereby endorses the following resolution from the City of Vaughan which reads as follows:

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WHEREAS a healthy unemployment insurance system is the most powerful of all economic stabilizers. In the recessions of the early '80s and '90s, UI prevented deeper, longer downturns and reduced the shock of job and GDP losses;

WHEREAS we have entered this new economic crisis with a much weaker EI system. It provides only half the coverage it did in the last recession. Now only one third of the unemployed in greater Toronto receive EI at any given time – because fewer workers qualify and benefit weeks are reduced;

WHEREAS the federal government stopped contributing to EI and diverted EI premiums to other spending (\$54 Billion between 1994-2007 instead of restoring EI benefits);

WHEREAS even the US government has shown leadership through major improvements in the duration of UI benefits and a universal benefit top-up as part of a stimulus package to deal with the crisis;

WHEREAS there will be a negative fiscal impact on all municipalities if residents are unable to access EI benefits or otherwise maintain incomes during this economic downturn, due to the increased reliance on locally provided social programs,

THEREFORE BE IT RESOLVED THAT the City of Vaughan call upon the Government of Canada to introduce the following changes to the Employment Insurance system:

1. 360 hours to qualify for EI benefits in all regions of Canada
2. Increase benefit duration to at least 50 weeks in all regions, and
 - Provide an additional year of “Special Extension” benefits if national unemployment exceeds 6.5% - paid from federal general revenues.
 - Extend EI Part 1 benefits while a worker is in approved training.
3. Increase benefits to at least 60% of normal earnings, using workers' 12 best weeks, and raise the maximum. Suspend the allocation of severance pay, and eliminate the 2 week waiting period.

AND FURTHER THAT a copy of this resolution be circulated to AMO, FCM, Hon. John Gerretsen, M.P.P. for Kingston and the Islands, Hon. Peter Milliken, M.P., for Kingston and the Islands and the Honourable Diane Finley, Minister of Human Resources and Skills Development.

CARRIED

MOTIONS (CONTINUED)

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

WHEREAS the City's lease on the British Whig is coming to an end in the near future; and

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WHEREAS Kingston Utilities has indicated the need to expand their building on John Counter Boulevard; and

WHEREAS the current economic situation should encourage Council to practice fiscal restraint.

THEREFORE BE IT RESOLVED THAT City staff make all preparations necessary to have the Midland Ave Building ready for occupancy, as a minimum, for the following staff, Planning, Engineering, and Buildings and Licensing Departments no later than February 2010.

BE IT FURTHER RESOLVED THAT Kingston Utilities report to Council on the probable impact of their office space requirements over the next ten years, including the need to expand the building, if the Planning, Engineering, and Building and Licensing Departments vacate their current space, no later than the first Council meeting in September 2009.

DEFERRED
(See Motion To Defer Which Was CARRIED)

Moved by Councillor Gerretsen
Seconded by Councillor Schmolka

THAT consideration of Motion (2) be deferred to the June 16th, 2009 Council meeting.

CARRIED

NOTICES OF MOTION

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

WHEREAS soccer is regarded as one of the most heavily played sports in Kingston; and
WHEREAS soccer is regarded as one of the most affordable organized sports in Kingston; and
WHEREAS a number of petitions have been presented to the council of the City of Kingston over the past several years regarding the need to address the growing demand on soccer fields in Kingston; and
WHEREAS the growing demand on soccer fields in Kingston is not being matched by an increase in the supply; and
WHEREAS many soccer fields in Kingston are over-used resulting in deteriorated conditions and ongoing maintenance problems.

THEREFORE BE IT RESOLVED that the Council of The City of Kingston direct staff to develop a comprehensive plan to address soccer fields in Kingston which addresses the following:

1. A detailed and complete inventory of all soccer fields (of all sizes) within the municipality including their condition, usage, associated costs of repair, etc.;
2. A strategy to address the ongoing maintenance issues with respect to soccer fields within the municipality (Operational Plan);
3. A strategy to address the growing demand of soccer fields by the creation of new fields over the mid-to-long term future including both natural and artificial fields (Strategic Plan);
4. The establishment of a capital reserve fund specifically for the creation of new soccer fields and costs associated with the capital maintenance of existing fields;

- and further -

NOTICES OF MOTION (CONTINUED)

THAT this comprehensive plan be submitted to the Arts, Recreation and Community Policies Committee (ARCP) no later than the meeting of December 2009.

- (2) Moved by Councillor Gerretsen

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Seconded by Deputy Mayor Garrison

THAT the City of Kingston hereby endorses the following resolution from the County of Frontenac which reads as follows:

RESOLVED THAT the Council of the County of Frontenac support practices that contribute to the creation of a sustainable environment;

AND WHEREAS Homegrown Ontario™ is a brand that allows Ontario consumers to support Ontario farmers by purchasing Ontario produced meat and poultry;

AND WHEREAS Ontario farmers adhere to the highest quality standards set forth by the Canadian provincial and federal government regulatory boards;

NOW THEREFORE BE IT RESOLVED THAT the Council of the County of Frontenac hereby support in principle that the procurement practice of purchasing meat and poultry products produced by Ontario farmers be identified as the preferred local sustainable procurement practice;

AND FURTHER BE IT RESOLVED THAT it be acknowledged that the purchase of all Ontario produced meat and poultry sourced locally requires the burning of less fossil fuel than food trucked or even flown in from hundreds or thousands of miles away.

AND FURTHER THAT a copy of this resolution be circulated to the County of Frontenac, AMO, the Hon. John Gerretsen, M.P.P., Kingston and The Islands, The Honourable Leona Dombrowsky, Minister of Agriculture, Food and Rural Affairs, and Jennifer Haley, Chair, Homegrown Ontario Steering Committee.

MINUTES

Moved by Deputy Mayor Garrison
Seconded by Councillor Meers

THAT the Minutes of City Council Meeting No. 12-2009, held Tuesday, May 19, 2009 be confirmed.

CARRIED

TABLING OF DOCUMENTS

2009-43 The Cataraqui Source Protection Committee
Minutes – April 9, 2009
(File No. CSU-D03-000-2009)

2009-44 HIV/AIDS Regional Services
Newsletter – Spring 2009

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(File No. CSU-M04-000-2009)

- 2009-45 Local Authority Services Limited (LAS)
Energy Newsflash Newsletter – May 2009
(File No. CSU-A01-004-2009)
(Digitally distributed to all Members of Council on May 19, 2009)
- 2009-46 The Cataraqui Region Conservation Authority
Full Authority Minutes – April 22, 2009
(File No. CSU-D03-000-2009)
- 2009-47 Federation of Canadian Municipalities (FCM)
Notice of 2009 Annual General Meeting - June 7, 2009
(File No. CSU-A01-002-2009)
- 2009-48 Cataraqui Region Conservation Authority
Newsletter – Spring/Summer 2009
(File No. CSU-D03-000-2009)

COMMUNICATIONS

Filed

- 13-246 From the Association of Municipalities of Ontario (AMO), providing information with regard to the recent changes to the Agreement on Internal Trade (AIT) to remove barriers to labour mobility between provinces and territories and how it may affect municipal licensing practices.
(File No. CSU-P09-000-2009)
(Digitally distributed to all Members of Council on May 15, 2009)
- 13-247 From the Association of Municipalities of Ontario (AMO), providing an update on the meetings of the Economic Development Task Force.
(File No. CSU-D02-000-2009)
(Digitally distributed to all Members of Council on May 15, 2009)
- 13-249 From the Federation of Canadian Municipalities (FCM), announcing that the City of Kingston is one of the nine winners of the 2009 FCM-CH2M HILL Sustainable Community Awards Program for the submission entitled “Well Aware Program”.
(File No. CSU-E05-000-2009)
(Distributed to all Members of Council on May 22, 2009)

COMMUNICATIONS (CONTINUED)

- 13-252 From Rob McRae, Project Manager, Source Water Protection, providing dates and locations for the Drinking Water Source Protection Public Open Houses – June 2009.
(File No. CSU-D03-000-2009)
(Distributed to all Members of Council on May 29, 2009)

City Council Meeting No. 13-2009

Minutes

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- 13-264 From the County of Frontenac, acknowledging support of Council's resolution regarding the Renewable Energy Facilitation Office be located in Kingston.
(File No. CSU-C10-000-2009)
- 13-265 From the Regional Municipality of Durham, acknowledging support of Council's resolution regarding the "Ontario Building Code".
(File No. CSU-L11-000-2009)
- 13-266 From John Gerretsen, M.P.P., Kingston and The Islands, acknowledging receipt of Council's Motion relating to funding to Ontario Conservation Authorities.
(File No. CSU-D03-000-2009)
- 13-267 From the Corporation of the Town of Perth, acknowledging support of Council's resolution regarding "Establishing Tax Incentives to Encourage Private Sector Investment in Rehabilitation of Heritage Properties."
(File No. CSU-R01-000-2009)
- 13-268 From Donna Cansfield, Minister of Natural Resources, acknowledging receipt of Council's Motion relating to funding to Ontario Conservation Authorities.
(File No. CSU-D03-000-2009)
- 13-269 From the Continuous Improvement Fund (CIF), providing information about the "Ontario Recycler Workshop" being held in Kingston on June 11, 2009.
(File No. CSU-A04-000-2009)
(Digitally distributed to all Members of Council on May 15, 2009)
- 13-270 From Tony Clement, Minister of Industry, announcing that local hockey rinks, swimming pools, multi-purpose facilities and other community sites with a recreational emphasis are eligible for financial support for renovations and upgrades, thanks to the new Recreational Infrastructure Canada Program in Ontario (RINC Ontario).
(File No. CSU-F11-000-2009, CSU-R05-000-2009)
(Digitally distributed to all Members of Council on May 15, 2009)

Referred to All Members of Council

- 13-244 From Wayne Westfall, regular user of the Kingston Access Bus service, asking Council to do all they can to facilitate a resolution to the Kingston Access Bus strike.
(File No. CSU-S14-000-2009)
(Distributed to all Members of Council on May 5, 2009)
- 13-248 From Paul Christianson, President of the Frontenac Heritage Foundation, expressing their support for the conservation of the former Grand Trunk Railway Station on Montreal Street.
(File No. CSU-R01-000-2009)
(Distributed to all Members of Council on May 22, 2009)

COMMUNICATIONS (CONTINUED)

- 13-250 From Ken Allan, Parent Member, Canadian Sudden Arrhythmia Death Syndromes (SADS) Foundation, requesting that Council proclaim June 8th - 15th, 2009 as "SADS Awareness Week" in the City of Kingston.
(File No. CSU-M10-000-2009)
(See Miscellaneous Business Item No. 2)

City Council Meeting No. 13-2009

Minutes

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- 13-251 From Joe Cressy, Polaris Institute, responding to a number of issues that were raised at the Environment, Infrastructure and Transportation Policies Committee meeting on May 12th concerning bottled water.
(File No. CSU-E07-001-2009)
(Distributed to all Members of Council on May 22, 2009)
- 13-253 From Bob Polegato, Project Manager, Physical Plant Services, Queen's University, advising that providing new Athletics Facilities on the Campus has rendered several City parking spaces unusable. Queen's University has reimbursed the City 50% of the calculated losses for lost revenue and is asking Council to consider waiving the balance.
(File No. CSU-T02-000-2009)
(Distributed to all Members of Council on May 29, 2009)
- 13-254 From the Corporation of the Township of Woolwich, asking for Council's support of a resolution concerning Bill 221 the "Workplace Safety and Insurance Amendment Act" and that the Provincial Government take immediate action to extend the legislation to include volunteer and part-time firefighters.
(File No. CSU-C10-000-2009, CSU-L11-000-2009)
(Distributed to all Members of Council on May 29, 2009)
- 13-255 From the Township of Centre Wellington, asking for Council's support of a resolution that the Provincial Government amend Bill 221, an Act to Amend the Workplace Safety and Insurance Act, 1997 with respect to firefighters and certain related occupants to "include" volunteer firefighters and part-time firefighters.
(File No. CSU-C10-000-2009, CSU-L11-000-2009)
(Distributed to all Members of Council on May 29, 2009)
- 13-256 From the City of Cornwall, asking for Council's support of a resolution that the Provincial Government exempt items related to the rental of recreation facilities and registration fees for minor sports from the Provincial Harmonized Sales Tax to ensure that all youth are able to afford to participate.
(File No. CSU-C10-000-2009)
(Distributed to all Members of Council on May 29, 2009)
- 13-262 From Joan Sherwood, encouraging Council to vote against bottled water in city-owned and administered sites.
(File No. CSU-E07-001-2009)
(Distributed to all Members of Council on May 29, 2009)
- 13-263 From the County of Frontenac, asking for Council's support of a resolution that the procurement practice of purchasing meat and poultry products produced by Ontario farmers be identified as the preferred local sustainable procurement practice.
(File No. CSU-E00-000-2009)
(Distributed to all Members of Council on May 29, 2009)

COMMUNICATIONS (CONTINUED)

- 13-257 From the Town of Ingersoll, asking for Council's support of a resolution that the Government of Ontario act immediately to include volunteer and part-time firefighters with the same Presumption W.S.I.B coverage afforded to full-time firefighters.
(File No. CSU-C10-000-2009)
(Distributed to all Members of Council on May 29, 2009)

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- 13-258 From the Association of Municipalities of Ontario (AMO), inviting all members to participate in the *Count Me In!* Community Challenge Launch regarding energy conservation.
(File No. CSU-E05-000-2009)
(Digitally distributed to all Members of Council on May 19, 2009)

Referred to the City Clerk

- 13-259 From Harsha Vyas, asking that Council proclaim May 31, 2009 as "Walk For Values Day" in the City of Kingston.
(File No. CSU-M10-000-2009)
- 13-260 From Mark Cousins, Ontario Family Fishing Weekend Steering Committee, asking that Council proclaim July 10th – July 12th, 2009 as "Family Fishing Weekend" in the City of Kingston.
(File No. CSU-M10-000-2009)

Referred to the Awards Committee

- 13-261 From the Honourable Lincoln M. Alexander, Chairman, Ontario Heritage Trust, inviting Council to participate in the 2009 Recognition programs, including the Heritage Community Recognition program, Young Heritage Leaders program and Community Leadership program. Nomination deadline for all programs is Friday, July 17, 2009.
(File No. CSU-R01-000-2009)

Referred to the Environment, Infrastructure and Transportation Policies Committee

- 13-243 From Elizabeth Griswold, Executive Director, Canadian Bottled Water Association, providing additional statistics that show the trend to more healthy beverages such as bottled water in place of sweetened soft drinks.
(File No. CSU-E07-001-2009)
(Distributed to all Members of Council on May 15, 2009)

Referred to the Kingston Environmental Advisory Forum (KEAF)

- 13-245 From Guy Oram, Sustainable Practices Leave A Sustainable Heritage (SPLASH), following up on a letter dated January 30th that requested that their calculation for the Poker Run emissions be reviewed by KEAF and included in the Greenhouse Gas Local Action Plan.
(File No. CSU-E05-000-2009)
(Distributed to all Members of Council on May 1, 2009)

BY-LAWS

Note: By-Laws were read on June 3, 2009.

- (A) Moved by Councillor Schmolka
Seconded by Councillor Gerretsen
THAT By-Laws (1) through (5) be given their first and second reading.

CARRIED

- (B) Moved by Councillor Hector

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Seconded by Councillor Osanic

THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Law (2) three readings.

CARRIED

- (C) Moved by Councillor Matheson
Seconded by Councillor Hutchison

THAT By-Laws (2) through (5) be given their third reading.

CARRIED

- (1) A By-Law To Amend By-Law No. 24 "A By-Law For Regulating Traffic In The Highways Of The City Of Kingston, Subject To The Provisions Of The Highway Traffic Act". (Residential On-Street Parking Pilot Project – By-Law Amendments)
FIRST AND SECOND READINGS PROPOSED NO. 2009-82
(See Clause (f), Report No. 57)
- (2) A By-Law To Amend By-Law No. 98-9 "A By-Law To Appoint Municipal Law Enforcement Officers Of The Corporation Of The "New" City Of Kingston To Appoint Lucas Stevenson, Jeff Wartman And Bradley Normand For The Purpose Of Enforcing The Bylaws Of The City Of Kingston And To Remove Brenda Shepherd And Jessica McMullen.
THREE READINGS PROPOSED NO. 2009-83
(See Clause (a), Report No. 57)
- (3) 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 Development 'D' Zone To Residential Type One 'R1', 1189 Westbrook Road)
THREE READINGS PROPOSED NO. 2009-84
(See Clause (1), Report No. 59)
- (4) 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 Development 'D' Zone To Holding Special Residential Type 2 'R2-34-H' Zone, Holding Special Residential Type 4 'R4-36-H' Zone And Special Open Space 'OS-12' Zone And Change The Existing Environmental Protection Area 'EPA' Zone To Holding Special Residential Type 2 'R2-34-H' Zone, Holding Special Residential Type 4 'R4-36-H' Zone, And Special Open Space 'OS-12' Zone, 1 Potter Street)
THREE READINGS PROPOSED NO. 2009-85
(See Clause (2), Report No. 59)
- (5) A By-Law To Confirm The Proceedings Of Council At Its Meetings Held On Tuesday, June 2, and Wednesday, June 3, 2009
THREE READINGS PROPOSED NO. 2009-86
(City Council Meeting No. 13-2009)

ADJOURNMENT

Moved by Councillor Glover
Seconded by Councillor Smith

THAT Council do now adjourn.

CARRIED

Council adjourned at 6:25 pm., Wednesday, June 3rd, 2009.

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(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor