

CITY COUNCIL MEETING NO. 05-2010

The Regular Meeting of City Council was held on Tuesday, January 19, 2010, and was called to order at 5:30 pm in the Council Chamber, City Hall. Regular business commenced at 7:45 pm. Deputy Mayor Mark Gerretsen presided.

There was an "In Camera" meeting of the Committee of the Whole from 5:35 pm to 7:33 pm in the Councillors' Lounge.

(Council Chamber)

ROLL CALL

Present: Councillor Foster, Councillor Garrison (arrived 5:45 pm), Deputy Mayor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison (arrived 5:50 pm), Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka, Councillor Smith (arrived 7:30 pm) (12)

Absent: Mayor Rosen (1)

(Councillors' Lounge)

Administrative Staff Present:

Ms. C. Beach, Commissioner of Sustainability and Growth

Ms. P. Burns, Director, Human Resources and Organization Development

Mrs. C. Downs, City Clerk

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

Mr. P. Huigenbos, Project Engineer, Real Estate and Construction Services

Mr. G. Hunt, Chief Administrative Officer

Mr. S. Kanellos, Director, Real Estate and Construction Services

Mr. D. Leger, Commissioner of Corporate Services

Mr. H. Linscott, Director, Legal Services

Mr. J.P. Shearer, Director of Business Development, Kingston Economic Development Corporation

Ms. C. Wallbridge, Project Manager, Business Development, Kingston Economic Development Corporation

COMMITTEE OF THE WHOLE "IN CAMERA"

(1) Moved by Councillor Glover
Seconded by Councillor Hector

THAT Council resolve itself into the Committee of the Whole "In Camera" to consider the following items:

- (a) Personal matters about identifiable individuals; employee negotiations and advice that is subject to solicitor-client privilege.
- (b) A proposed or pending disposition of land by the municipality and advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Chown Parking Garage.
- (c) A proposed or pending disposition of land by the municipality – St. Lawrence Business Park.
- (d) A proposed or pending acquisition or disposition of land by the municipality – Davis Tannery.
- (e) A proposed or pending acquisition or disposition of land by the municipality – Former CN Rail Right-of-way from south of Village Drive to River Road

CARRIED

(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

Administrative Staff Present (continued):

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- Mrs. C. Downs, City Clerk
- Mr. J. Garrah, CEO, Kingston Economic Development Corporation
- Ms. D. Green, Manager, Engineering
- Mr. J. Hale, Driver/Labourer, Public Works
- Mr. G. Hunt, Chief Administrative Officer
- Mr. J. Johnson, Manager Facilities, Corporate Asset Operations
- Mr. S. Kanellos, Director, Real Estate and Construction Services
- Mr. J. Keech, President and CEO, Utilities Kingston
- Ms. S. Kidd, Director, Corporate Asset Operations
- Ms. D. Krakow, Project Manager, Real Estate and Construction Services
- Mr. D. Leger, Commissioner of Corporate Services
- Mr. H. Linscott, Director, Legal Services
- Mr. L. Thurston, Commissioner of Community Development Services
- Mr. M. Van Buren, Director, Engineering
- Mr. G. Wallace, Director, Planning and Development

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

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

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

CARRIED

DISCLOSURE OF PECUNIARY INTEREST

Councillor Hector declared a possible pecuniary interest in the matter of Information Report No. (2), as she has a contract with Hughes Downey Architects.

Councillor Hutchison declared a possible pecuniary interest in the matter of Information Report No. (2), as his employer, Kingston Co-operative Homes, Inc., may have an interest in applying for funding under the DOORS program or the Affordable Housing Program in the future and it is unclear under which of these programs, if either, such an application may come.

PRESENTATIONS

DELEGATIONS

- Moved by Councillor Garrison
- Seconded by Councillor MacLeod-Kane

THAT the January 19, 2010, Council agenda be amended to include the addendum with the exception of the withdrawal of Delegation No. (1) and that the Notice of Motion be dealt with as a Motion at this meeting.

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

DELEGATIONS

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Council consented to the withdrawal of the Delegation No. (2) and the addition of Delegation No. (3).

Councillors Hector and Hutchison withdrew from the meeting.

- (1) Mr. Matthew Gventer was present and spoke to Council regarding the proposed affordable housing project in Barriefield Village.
(See Information Report No. (2), Page No. 111)

Councillor Hector and Hutchison returned to the meeting.

- (2) Mr. Doug Morrow was present and spoke to Council regarding the proposed affordable housing project in Barriefield Village.

WITHDRAWN

- (3) Mr. Harold Pickering was present and spoke to Council regarding the Motion of Councillors Hutchison and Garrison regarding the Poker Run.
(See Motion No. (2), Page No. 112)

BRIEFINGS

Council consented to the amendment of Briefing No. (1), (2) and (3).

- (1) Mr. Alex Palilionis, Public Representative on the Cataraqui Source Protection Committee, introduced Mr. Rob McRae, Project Manager for the Cataraqui Region Conservation Authority. Mr. McRae provided Council with an update on the Source Protection Assessment Report and the Source Protection Planning Process Phase of the Source Protection Project initiated by the Clean Water Act.
- (2) Ms. Michèle Langlois, Marketing Manager for Downtown Kingston! B.I.A., provided Council with an update regarding FebFest 2010. Ms. Michelle Skolnick, Director of Business and Community Development for the Kingston Frontenacs, replaced Mr. Bryon Springer.
- (3) Mr. Gerard Hunt, Chief Administrative Officer, introduced Mr. Steve Miller, Chief Financial Officer of Hotel Dieu Hospital, who spoke to Council regarding the status update on the Chown Parking Garage. Mr. Miller was accompanied by Dr. David Pichora, Chief Executive Officer of Hotel Dieu Hospital, and Ms. Sherri McCullough, Chair of Hotel Dieu Hospital Board of Directors.
(See Information Report No. (1), Page No. 110)

PETITIONS

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- (1) A petition bearing approximately 215 signatures was presented by Councillor MacLeod-Kane and referred to the Commissioner of Community Development Services and reads as follows:

"We the undersigned urge the City to continue to pursue the consultation and planning for a not-for-profit housing development in Barriefield Village.

- We believe that it is possible to build homes that will be compatible with the heritage of the village.
- Land costs are a major obstacle to building affordable housing. It would be irresponsible to pass up the offer of these lands for \$1.00.
- We believe that all neighbourhoods in Kingston should be open and welcoming to all people."

REFERRED TO THE COMMISSIONER OF COMMUNITY DEVELOPMENT SERVICES

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

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

Motions of Congratulations

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

THAT the congratulations of Kingston City Council be extended to Council-watcher and active citizen Blanche Battersby on the occasion of her 80th birthday. Many happy returns.

- (2) Moved by Deputy Mayor Gerretsen
Seconded by Councillor Smith

THAT the congratulations of Kingston City Council be extended to the Rt. Honourable Herb Gray, P.C., C.C., Q.C., as he concludes eight years as Canadian Chair of the International Joint Commission. Mr. Gray will continue to serve as the Chancellor of Carleton University. Mr. Gray is one of the longest-serving politicians in Canadian history, serving 40 years in Canadian Parliament. Mr. Gray has always been a notable supporter of Kingston, through his networking efforts on the City's behalf with senior levels of government. Mr. Gray has also continued to promote Kingston as a world-class location, as he demonstrated when our city was chosen as the host site for the IJC Great Lakes Conference and Biennial Meeting in 2005.

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

THAT the congratulations of Kingston City Council be extended to David and Opal Malden on the occasion of their 60th wedding anniversary, which they will celebrate on January 27, 2010.

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY (CONTINUED)

Motions of Condolence

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- (1) Moved by Councillor MacLeod-Kane
Seconded by Deputy Mayor Gerretsen

THAT the sincere condolences of Kingston City Council be extended to Brian McCurdy, Cultural Director for the City of Kingston, on the passing of his mother, Lois McCurdy of Fonthill, Ontario. Mrs. McCurdy passed away on January 13, 2010, at the age of 97.

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

THAT the sincere condolences of Kingston City Council be extended to the family of Lily Inglis, who died on Monday, January 11, 2010. Her life's work as an architect and social activist have profoundly influenced the city we see around us today. She was an early advocate of a waterfront walkway from Lemoine Point to Kingston Mills. Her architectural contributions include the Kingston and Frontenac Public Library on Johnson Street, the ferry terminal on Ontario Street, and the renovations of Chez Piggy restaurant and its courtyard, all of which won awards. She helped to create an awareness and interest in architectural heritage preservation at a time when many thought the best action was demolition. She was also actively involved in addressing homelessness. She was a constant advocate for doing more. Kingston is a better place for her work.

Motions of Speedy Recovery

- (1) Moved by Councillor MacLeod-Kane
Seconded by Councillor Schmolka

THAT the best wishes of Kingston City Council be extended to former Councillor Don Bristol for a speedy recovery and great health.

- (2) Moved by Councillor Meers
Seconded by Deputy Mayor Gerretsen

THAT best wishes of Kingston City Council for a speedy recovery be extended to Gail Lynch-Purdon, Executive Assistant to the General Manager of Kingston and Frontenac Housing Corporation. Ms. Lynch-Purdon has been an employee of KFHC for over 40 years.

CARRIED

REPORTS

Report No. 20 the Chief Administrative Officer (Consent)

Moved by Councillor Meers

Seconded by Councillor Schmolka

THAT Report No. 20 of the Chief Administrative Officer (Consent) be received and adopted.

Report No. 20

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) Approval of 2010 Municipal Borrowing By-Law

THAT a by-law be presented to Council and given three readings to authorize the municipality to borrow up to \$138,000,000 during the January 1, 2010, to September 30, 2010, period and up to \$69,000,000 during the October 1, 2010, to December 31, 2010, period in order to finance the City's current operating expenditures on an interim basis.

(The Report of the Deputy Treasurer (10-054) was attached as Schedule Pages 1-4)

(File No. CSU-F11-000-2010)

(See By-Law No. (1), 2010-29)

(b) Award of RFP for the Supply of a Retail Fuel Purchase System to Suncor Energy

THAT Request for Proposal F31-FS-PS-2009-9 for the Supply of a Retail Fuel Purchase System be awarded to Suncor Energy having submitted the highest scoring and lowest priced proposal;

- and further -

THAT an agreement be prepared in a form satisfactory to the Legal Services Department;

- and further -

THAT the Mayor and Clerk be authorized to sign the agreement.

(The Report of the Deputy Treasurer (10-055) was attached as Schedule Pages 5-7)

(File No. CSU-F31-000-2010)

(c) Approval of the Brownfields Tax Increment Based Redevelopment Grant for the Building at 5 Gore Street

THAT Council give all three readings to the by-law to establish the Tax Increment Based Redevelopment Grant for the period specified in the Brownfields Site Agreement for the Royal George Condominium building formerly known as 85 Ontario Street (Block D) – Building B, now known as 5 Gore Street.

(The Report of the Commissioner of Sustainability and Growth (10-058) was attached as Schedule Pages 8-19)

(File No. CSU-E05-001-2010)

(See By-Law No. (2), 2010-30)

REPORTS (CONTINUED)

Report No. 20 the Chief Administrative Officer (Consent)

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- (d) **Approval of the Brownfields Tax Increment Based Redevelopment Grant for the Building at 300 Wellington Street**

THAT Council give all three readings to the by-law to establish the Tax Increment Based Redevelopment Grant for the Brownfields Site Agreement for the building at 300 Wellington Street.

(The Report of the Commissioner of Sustainability and Growth (10-059) was attached as Schedule Pages 20-28)

(File No. CSU-E05-001-2010)

(See By-Law No. (3), 2010-31)

CARRIED

Report No. 21 of the Chief Administrative Officer (Recommend)

Council consented to the addition of Clause (2A) of Report No. 21 of the Chief Administrative Officer (Recommend).

Moved by Councillor Hector

Seconded by Councillor Osanic

THAT Report No. 21 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

Report No. 21

To the Mayor and Members of Council:

The Chief Administrative Officer reports and recommends as follows:

- (1) **Budget Amendment for 85 Lappans Lane – Service Centre**

THAT Council approve a capital budget amendment in the amount of \$9.5M for a total project budget of \$19.5M, for the expansion of 1211 John Counter Blvd. /85 Lappans Lane, including additional office space and workshop/service garage area, with the additional financing from the Utility Equipment Reserve Fund (\$0.5M), Water Sewer and Gas Capital Reserve Funds (\$2.5M) and the issuance of debt supported by utility rates (\$6.5M).

(The Report of the President and CEO of Utilities Kingston (10-053) was attached as Schedule Pages 29-31)

(File No. CSU-A19-000-2010)

CARRIED

- (2A) **STAFF BRIEFING - Mr. Denis Leger, Commissioner of Corporate Services, was present and spoke to Council regarding the Endorsement of the Memorial Cup Host Bid.**

Council consented to the separation of Paragraphs 1 and 2 of Clause (2).

- (2) **Endorsement of the Memorial Cup Host Bid and Approval to Waive Fees and Charges to Support the Bid**

THAT Kingston City Council support the Kingston Frontenac Hockey Club in its bid to host the 2011 Memorial Cup;

CARRIED

REPORTS (CONTINUED)

Report No. 21 of the Chief Administrative Officer (Recommend)

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- and further -

THAT the City will provide in-kind support to the bid, as outlined in this report.
(The Report of the Commissioner of Corporate Services (10-060) was attached as Schedule Pages 32-35)
(File No. CSU-M02-000-2010)

CARRIED (11:1)
(See Recorded Vote)

A Recorded Vote was requested by Councillor Hector

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

NAYS: Councillor Garrison (1)

ABSENT: Mayor Rosen (1)

Report No. 22 of the Chief Administrative Officer (Consider)

Council consented to the withdrawal of Clause (1) of Report No. 22 of the Chief Administrative Officer (Consider).

Report No. 22

To the Mayor and Members of Council:

The Chief Administrative Officer reports and requests consideration as follows:

(1) Barriefield Village – Potential Acquisition of Federal Surplus Land for Affordable Housing

The Report of the Commissioner of Community Development Services (10-061) was not distributed
(File No. CSU-S18-000-2010)

WITHDRAWN

Report No. 23 of the Planning Committee

Moved by Councillor Glover

Seconded by Councillor Hector

THAT Report No. 23 of the Planning Committee be received and adopted.

Report No. 23

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

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

REPORTS (CONTINUED)

Report No. 23 of the Planning Committee

January 7, 2010

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1. Application for Zoning By-Law Amendment - Cataraqui Estates Business Park Phase 1

THAT, subject to comments received at the public meeting, that the Application for Zoning By-Law Amendment (Our File No. D14-170-2009) submitted by the City of Kingston for the property to be known as Cataraqui Estates Business Park Phase 1, **BE APPROVED**.

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

1. That Zone Map No. 3 of Zoning By-Law No. 76-26, as amended, is hereby further amended by changing the zone symbol of the subject site from 'M6' to 'M6-2' as shown on Schedule 'A' attached hereto and forming part of By-Law No. 2010-32.

AND BE IT FURTHER RESOLVED THAT the Amending By-Law be presented to City Council for all three readings (See By-Law No. (4), 2010-32)

(Note: A copy of the draft by-law was attached as Schedule Pages 36-37)

2. Application for Zoning By-Law Amendment - 3029 A/B Creekford Road

THAT the application for Zoning By-Law Amendment (Our File No. D14-169-2009) submitted by Ann Harrison for the property municipally known as 3029 Creekford 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 3 of Schedule 'A', as amended, is hereby further amended by changing the zone symbol of the subject site from 'A2' to 'A2-8' as shown on Schedule 'A' attached to and forming part of By-Law No. 2010-33.
- 1.2. That the following be added as Section 10(3)(h) of the By-Law:

“(h) **A2-8, 3029 A/B Creekford Road:**

Notwithstanding any provisions of the By-Law to the contrary, the provisions of Section 10 on the lands designated 'A2-8' on Schedule 'A' hereto. The following regulations shall apply:

(i) Permitted Uses

In addition to the provisions of Section 10(1), the permitted uses shall also include a semi-detached dwelling.

3029 A

(ii) Minimum Lot Area – 0.6 hectares

(iii) Minimum Frontage – 29 metres

And

3029 B

(iv) Minimum Lot Area – 1.4 hectares

(v) Minimum Frontage – 71 metres

AND BE IT FURTHER RESOLVED THAT the Amending By-Law be presented to City Council for all three readings. (See By-Law No. (5), 2010-33)

(Note: A copy of the draft by-law was attached as Schedule Pages 38-39)

REPORTS (CONTINUED)

Report No. 23 of the Planning Committee

3. Application for Zoning By-Law Amendment and Draft Plan of Subdivision – Sibbit Avenue

WHEREAS a Statutory Public Hearing was held on September 17th, 2009;

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THAT it be recommended to Council that the Application for Zoning By-Law Amendment (Our File No. D14-151-2009) submitted by 1766804 Ontario Limited for 3.9 hectares (9.6 acres) of property located in Part of Lot D Adjoining Military Reserve and Fronting the St. Lawrence River, municipally known as 585 Sibbit Avenue, **BE APPROVED**.

AND FURTHER THAT it be recommended to Council that the Township of Pittsburgh Zoning By-Law No. 32-74, as amended, be further amended as follows:

1. By-Law No. 32-74 of the former Township of Pittsburgh "Zoning By-Law", as amended, is hereby further amended as follows:
 - 1.1. Map 1 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from Institutional (I) Zone and Development (D) Zone to Residential Type 1 Zone Special Requirement 'R1-5-H' Zone, as shown on Schedule "A" attached to and forming part of By-Law No. 2010-34.

AND BE IT FURTHER RESOLVED THAT the Amending By-Law be presented to City Council for all three readings.

AND BE IT THEREFORE RESOLVED THAT it be recommended to Council that the application for a draft plan of subdivision for eight residential lots be approved with following conditions applied:

1. **Approved Draft Plan:**

That this approval applies to the Draft Plan of Subdivision, prepared by Grange W. Elliot Ontario Land Surveyors, dated August 8th, 2008 which shows the following:

 - 8 residential lots (Lots 1- 8);
 - 1 new roadway (Street 'A').
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 charges and encumbrances. The streets, lots and blocks shall be designed to coincide with the development pattern on adjacent properties.
 - (e) 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.
 - (f) 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.
 - (g) That an eastbound right-turn taper (minimum 60 metres in length) on Highway No. 2 shall be constructed at Sibbit Avenue at the Owner's cost.

REPORTS (CONTINUED)

Report No. 23 of the Planning Committee

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.

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- (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.

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.
- (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 or 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) The Subdivision Agreement between the Owner and the Municipality shall 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 use of holding provisions in accordance with Section 36 of the *Planning Act* shall be required by the Municipality. The terms for the removal of the '-H' Holding Symbol shall be in accordance with Section 24 of Zoning By-Law No. 32-74 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.

REPORTS (CONTINUED)

Report No. 23 of the Planning Committee

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 Agreement.

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 by this Draft Plan Approval.
- (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.

REPORTS (CONTINUED)

Report No. 23 of the Planning Committee

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.

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, a Storm Water 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.
- (e) That Prior to Final Plan Approval, the Owner shall submit lot grading, drainage, erosion and sediment control plans, prepared by a Professional Engineer, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority.
- (f) That Prior to Final Plan 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 Municipality; such plans shall be incorporated into the subdivision agreement between the Municipality and the Owner.
- (g) That Prior to Final Plan Approval, the Owner shall submit a detailed Noise Impact Study with respect to the Draft Plan of Subdivision prepared to the satisfaction of the Municipality and the Ministry of Environment. 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.

REPORTS (CONTINUED)

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- (h) That Prior to Final Plan Approval, the Owner shall submit a detailed Heritage Impact Study with respect to the designated property adjacent to the plan of subdivision prepared to the satisfaction of the Municipality. 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.

12. Archaeological Assessment:

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- (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) In the event that deeply buried or previously undiscovered archaeological deposits are discovered in the course of development or site alteration, all work must immediately cease and the site must be secured. The Cultural Program Branch of the Ministry of Culture (416-314-7123) and the City of Kingston Heritage Planner (613-546-4291 ext 1386) must be immediately contacted.
- (d) In the event that human remains are encountered, all work must immediately cease and the site must be secured. The Kingston Police (613-549-4660), the Registrar of Cemeteries Regulation Section of the Ontario Ministry of Consumer Business Services (416-326-8494), the Cultural Program Branch of the Ministry of Culture (416-314-7123), and the City of Kingston Heritage Planner (613-546-4291 ext 1386) must be immediately contacted.

13. Stormwater Management:

- (a) 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.
- (b) 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;

REPORTS (CONTINUED)

Report No. 23 of the Planning Committee

- v) overall grading plans for the subject lands;
- 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; and
- vii) have regard for and describe the anticipated drainage impact on the abutting lands to the north and east, such as 66 Faircrest Boulevard.

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- (c) 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.
- (d) The subdivision agreement between the Municipality and the Owner shall make provision for the Owner to carry out the recommendation of the Final Storm Water Management Report, at the Owner's expense, to the satisfaction of the Municipality and the Cataraqui Region Conservation Authority.

14. Cash-in-Lieu of Parkland Conveyance:

That Prior to Final Plan Approval, the Owner shall provide 5% Cash-in-Lieu of parkland conveyance based on an appraisal of the Draft Plan of Subdivision lands by a qualified appraiser.

15. 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, caliper 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 Supervisor of Forestry's discretion, include a tree preservation plan, a tree replacement plan or cash compensation for the value of the trees to be removed. If the 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.

16. 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 complementary architectural features.

REPORTS (CONTINUED)

Report No. 23 of the Planning Committee

- (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).

17. Bell Canada Requirements:

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

- i. 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.

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- ii. 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).
- iii. The Owner shall agree in the Agreement, in words satisfactory to Bell Canada, to grant to Bell Canada any easements that may be required for telecommunication services. Easements may be required subject to final servicing decisions. In the event of any conflict with existing Bell Canada facilities or easements, the owner/developer shall be responsible for the relocation of such facilities or easements.

18. **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.
- (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.

19. **Public Health:**

- (a) That the locations for the proposed sewage systems shown in Drawing No. 3 of File A411-1021 prepared by AME Environmental are to be reserved for the purpose of installing a sewage system. This area shall not be used for any other purpose such as wells, driveways, pools or out buildings.
- (b) That the sewage systems will be installed in imported soil ($T \leq 15$ min/cm) due to the nature and depth of the existing soils.

REPORTS (CONTINUED)

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- (c) That the sewage systems will be raised above existing grade (approximately 1.5 m). This may require the use of a pump/pump chamber depending on the home elevations.
- (d) That any deviation from the proposed locations outlined, shown in Drawing No. 3 of File A411-1021 prepared by AME Environmental, may require the proponent to employ the services of a professional engineer to design the new sewage system or locations.
- (e) That all purchasers are to be provided with a copy of the subdivision agreement and a copy of the terrain analysis (including drawing No. 3, File A411-1021) prepared by AME Environmental.

20. **Warning Clauses:**

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That the subdivision agreement between the Municipality and the Owner shall 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.

The following Warning clauses shall be included in addition to any others deemed necessary:

a) Public Health Warning Clauses:

That all agreements of sale contain the following warning clauses:

- a. That the locations for the proposed sewage systems shown in Drawing No. 3 of File A411-1021 prepared by AME Environmental are to be reserved for the purpose of installing a sewage system. This area shall not be used for any other purpose such as wells, driveways, pools or out buildings.
- b. That the sewage systems will be installed in imported soil ($T \leq 15$ min/cm) due to the nature and depth of the existing soils.
- c. That the sewage systems will be raised above existing grade (approximately 1.5 m). This may require the use of a pump/pump chamber depending on the home elevations.
- d. That any deviation from the proposed locations outlined, shown in Drawing No. 3 of File A411-1021 prepared by AME Environmental, may require the proponent to employ the services of a professional engineer to design the new sewage system or locations.
- e. That all purchasers are to be provided with a copy of the subdivision agreement and a copy of the terrain analysis (including drawing No. 3, File A411-1021) prepared by AME Environmental.
- f. All Warning clause recommended by the Noise Impact Study, Residential Development, S/E Quadrant of Highway 2 & Sibbit Avenue, City of Kingston for Ainley & Associates, prepared by J.E. Coulter Associates Limited, prepared December 8th, 2008.

b) Road, Cul-de-Sac Warning Clauses:

All offers of purchase and sale shall contain the following notice and warning clause:

"Purchasers of lots on cul-de-sacs corners (lots with extended road widths to increase frontages) within this Subdivision are advised that the design of cul-de-sacs corners presents challenges to the Municipalities clearing or removal operations. The Municipality 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 Municipality to pile snow in the middle of the cul-de-sac corners during or after significant storm events. The Municipality 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."

REPORTS (CONTINUED)

Report No. 23 of the Planning Committee

21. 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.

22. 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 bear the expense of all off-site works resulting from the approved public works design where such works are not subsidized under the policies of the Municipality.
- (g) 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.
- (h) That 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.
- (i) That such easements as may be required for utility or drainage purposes shall be granted to the appropriate authority.
- (j) That any existing well and/or septic systems that may be present on the site shall be decommissioned as per all applicable regulations pertaining to each.
- (k) That Lots 5 and 6 shall have blocks or parts drawn on them to allow the use of them for the extension of Greensboro Avenue; the use or transfer of the lands shall be at no cost to the Municipality. Appropriate warning clauses will be included in agreements of purchase and sale of these Lots.

23. 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 and 13 have been satisfied.

REPORTS (CONTINUED)

Report No. 23 of the Planning Committee

24. 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.

(See By-Law No. (6), 2010-34)

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(Note: A copy of the draft by-law was attached as Schedule Page 40)

4. Application for Zoning By-Law Amendment - 652 Dalton Avenue

THAT the application for Zoning By-Law Amendment (Our File No. D14-162-2009) submitted by Clermont Venture Group, for the property located at 652 Dalton Avenue, **BE APPROVED**.

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

1. That Zone Map No. 1 of Zoning By-Law No. 8499, as amended, is hereby further amended by changing the zone symbol of the subject site from 'M.224' to 'M.389' as shown on Schedule 'A' attached hereto and forming part of By-Law No. 2010-35.
2. That the By-Law be amended by the addition of the following section to Part VIII – EXCEPTIONS TO VARIOUS ZONE CLASSIFICATIONS:

“389. Notwithstanding the provisions of Section 31A hereof to the contrary, on the approximately 0.96 hectare parcel of land known municipally as 652 Dalton Avenue, and zoned 'M.389' on Zoning Map No. 1 attached to and forming part of amending By-Law No. 2010- , the following provisions shall also apply:

a) ADDITIONAL PERMITTED USES

Restaurant
Business or Professional Office

b) MINIMUM FRONT YARD: 8.5 metres

c) DISTANCE FROM WETLAND

No development shall be within 30 metres of the boundary of the Little Cataraqui Creek wetland; an encroachment of up to 7 metres into the setback is permitted within 20 metres of the exterior side lot line, subject to the approval of the Cataraqui Region Conservation Authority.”

AND BE IT FURTHER RESOLVED That the By-Law be presented to City Council for all three readings.

(See By-Law No. (7), 2010-35)

(Note: A copy of the draft by-law was attached as Schedule Pages 41-43)

CARRIED

REPORTS (CONTINUED)

Report No. 24 of the Kingston Municipal Heritage Committee (LACAC)

Moved by Councillor Glover

Seconded by Councillor Meers

THAT Report No. 24 of the Kingston Municipal Heritage Committee (LACAC) be received and adopted.

Council consented to the separation of Clauses 1 and 2.

Report No. 24

To the Mayor and Members of Council:

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

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

January 11, 2010

Note: There are no clauses below which must be dealt with this evening in order to meet the requirements of the Ontario Heritage Act, which states that a decision must be made regarding each application within 90 days of notice of receipt being served on the applicant.

1. **Lion at Macdonald Park**

THAT Council direct staff to enter into an agreement with the Ukrainian Canadian Club of Kingston for the restoration of the Lion at Macdonald Park to the satisfaction of the Director of Legal Services;

- and further -

THAT the Mayor and Clerk be authorized to execute such agreement.

(Note: The Report of the Commissioner, Sustainability and Growth (KMH-10-002) was distributed with the January 5, 2010, Council agenda, and the January 11, 2010 KMHC agenda.)

CARRIED

2. **Denial of an Application for a Freestanding Sign for Corrections Canada at 508 Portsmouth Avenue**

THAT Application P18-281-002-2009 for a property located at 508 Portsmouth Avenue requesting approval for a freestanding sign for Corrections Canada BE DENIED as the sign is not in keeping with the Heritage characteristics of the property;

- and further -

WHERE Council refuses the application, the owner may, within thirty days after receipt of the notice under Subsection (4) of Section 33 of the Ontario Heritage Act, apply to Council for a hearing before the Conservation Review Board;

- and further -

THAT applications requesting a hearing before the Conservation Review Board may be filed with the office of the Clerk of the City of Kingston, 216 Ontario Street, Kingston, ON K7L 2Z3 within 30 days of the receipt of this notice.

CARRIED

REPORTS (CONTINUED)

Report No. 24 of the Kingston Municipal Heritage Committee (LACAC)

3. **Approval of an Application for the Installation of an Exterior Sign at 67 Brock Street**

THAT Application P18-025-007-2009 for a property located 67 Brock Street requesting approval for the installation of an exterior sign BE APPROVED in accordance with details described within a submission filed December 10, 2009, and deemed complete by the Planning and Development Department December 10, 2009;

- and further -

THAT the sign brackets be affixed into the mortar joints in order to minimize damage to the brick surface.

4. **Final Approval for a Heritage Property Grant for the Costs of Work to be Done for the Restoration of Original Wood Frame Windows at 2 Beverley Street**

WHEREAS the owner of 2 Beverley Street has requested final approval for Heritage Grant Application HG-03-2009; and,

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

THEREFORE BE IT RESOLVED THAT Heritage Property Grant HG-03-2009 for 2 Beverley Street BE APPROVED for the restoration of original wood frame windows;

- and further -

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

5. Final Approval for a Heritage Property Grant for the Costs of Work to be Done for the Repointing and Repair of the 3rd Floor Area of the External Stone Wall, and the Repair and Replacement of Two Third Floor Windows at 46 Earl Street

WHEREAS the owner of 46 Earl Street has requested final approval for Heritage Grant Application HG-011-2008; and,

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

THEREFORE BE IT RESOLVED THAT Heritage Property Grant HG-011-2008 for 46 Earl Street BE APPROVED for the repointing and repair of the 3rd floor area of the external stone wall, and the repair and replacement of two third floor windows;

- and further -

THAT staff be authorized to issue a cheque for \$1011.57 as per the process outlined in By-Law No. 2005-258, 'A By-Law to Establish a Heritage Grants Program'.

CARRIED
(Clauses 3 through 5)

REPORTS (CONTINUED)

Report No. 25 of the Shareholders of the Kingston and Frontenac Housing Corporation

Moved by Councillor Hector

Seconded by Councillor Schmolka

THAT Report No. 25 of the Shareholders of the Kingston and Frontenac Housing Corporation be received and adopted.

Report No. 25

To the Mayor and Members of Council:

The Shareholders of the Kingston and Frontenac Housing Corporation report and recommend as follows:

December 15, 2009

1. Appointment of the Position on the Kingston and Frontenac Housing Corporation (KFHC) Board

THAT the position on the KFHC Board of Directors, becoming vacant on January 2nd, 2010, be filled with the appointment of the City's Chief Administrative Officer, for a term ending December 1st, 2010.

CARRIED
(With Agreed To Amendments)

INFORMATION REPORTS

Council consented to the addition of Information Report No. (2).

(1) **Status Update on Sale of the Chown Parking Garage Structure and Lease of Lands to Hotel Dieu Hospital**

The purpose of this report is to provide Council with information it had requested at the December 15, 2009, Council meeting regarding the status of sale of the Chown Parking Garage Structure and the long term lease of the lands under that Garage to the Hotel Dieu Hospital.

(The Report of the Chief Administrative Officer and the Director of Legal Services (10-062) was attached as Schedule Pages 44-47)

(File No. CSU-L15-000-2010, CSU-L19-000-2010)

Moved by Councillor Glover

Seconded by Councillor Hector

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to introduce a Motion on the sale of the Chown Parking Garage structure and lease of lands to Hotel Dieu Hospital.

LOST

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

Councillors Hector and Hutchison withdrew from the meeting.

INFORMATION REPORTS

(2) **Update on Status of Barriefield Report**

As directed by Council, City staff has been exploring the opportunities and implications of the City acquiring available surplus federal lands within the village of Barriefield. It was staff's initial expectation to have a report completed for Council's consideration at its meeting on January 19, 2010. In anticipation of that an item was placed on the Council agenda for that meeting. Unfortunately, staff has not been able to complete its assembly of information and analysis of the issues in time for the agenda, and therefore is not in a position to report to Council with recommendations at this time. Staff continues to work towards completing its review of the issues and will be reporting to Council.

(The Report of the Commissioner of Community Development Services (10-068) was distributed on Friday, January 15, 2010.)

(File No. CSU-S18-000-2010)

Councillors Hector and Hutchison returned to the meeting.

MISCELLANEOUS BUSINESS

(1) Moved by Councillor Garrison

Seconded by Councillor Schmolka

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THAT the resignation of Adam Davidson-Harden from the FOCUS Kingston Steering Committee be accepted with regret.

CARRIED

MOTIONS

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

WHEREAS traffic, traffic calming, street signage and signalization are a concern to all citizens of Kingston; and,

WHEREAS there are street and traffic circumstances in which signage and traffic calming do not necessarily meet the warrants that City Staff use in determining whether traffic calming up to and including signs can be implemented; and,

WHEREAS these exceptional circumstances have sometimes been brought to Council for debate and discussion at times without full opportunity for public notification or input prior to implementation; and,

WHEREAS many municipalities including Belleville have formed a Traffic Committee, made up of citizens from across the city, and are experiencing excellent results for their respective communities implementing neighbourhood traffic solutions that citizens have ongoing input into;

THEREFORE BE IT RESOLVED THAT staff report back by March of 2010 to EITP with a report that discusses how other municipalities allow for public input regarding traffic-related matters. The report is to review a range of ideas such as but not limited to a Traffic Committee, Round Table Discussion Group, Advisory Group or a revised process through the existing EITP Committee that would consider all policies relating to traffic and technical matters that require discussion and public input.

CARRIED

(With Agreed To Amendments)

MOTIONS (CONTINUED)

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

WHEREAS the City of Kingston aspires to be Canada's most sustainable city and has implemented many measures that are improving the quality of the four pillars of sustainability in our community – economic, environmental, social and cultural; and,

WHEREAS the Kingston Environmental Advisory Forum (KEAF) has indicated in its report that for the purposes of balancing the four pillars of sustainability in any decision with regard to the Poker Run, it is KEAF's view that the Poker Run has a negative environmental impact; and,

WHEREAS KEAF further indicates that the Poker Run without carbon offsets is damaging to a culture of Environmental Sustainability;

BE IT RESOLVED THAT staff, after consultation with FOCUS Kingston and SWITCH, be directed to negotiate with the Poker Run stakeholders and others the possibility of the purchase of high quality, credible, preferably local carbon offsets to ensure that emissions from the Poker Run of an amount of CO2 equal to or greater than the emissions produced from the event are reduced elsewhere with attention in negotiations being given to who should bear responsibility for covering the costs of such carbon offsets; and,

BE IT FURTHER RESOLVED THAT attention also be given in negotiations to the possibility of the stakeholders and others reducing the carbon footprint of the Poker Run event; and,

BE IT FURTHER RESOLVED THAT staff report back to Council by June, 2010.

CARRIED AS AMENDED

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(With Agreed To Amendments)
(Councillor Smith Opposed)
(See Motion To Amend Which Was CARRIED)
(See Motion To Amend Which Was LOST)

Moved by Councillor Schmolka
Seconded by Councillor Matheson

THAT Motion No. (2) be amended by adding the following thereto:

“And be it further resolved that staff report back to Council by June, 2010.”

CARRIED (11:1)
(See Recorded Vote)

A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Foster, Councillor Garrison, Deputy Mayor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka, Councillor Smith (11)

NAYS: Councillor Hector (1)

ABSENT: Mayor Rosen (1)

MOTIONS (CONTINUED)

Moved by Councillor Osanic
Seconded by Councillor MacLeod-Kane

THAT Motion No. (2) be amended by deleting the first “Be it resolved” paragraph and inserting the following:

“Be it resolved that staff be directed to discuss with KEDCO and the BIA or KAP the purchase of trees to act as carbon offsets for the emissions produced by hosting the Poker Run each year.”

LOST

Moved by Councillor Matheson
Seconded by Councillor Foster

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

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

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

THAT City Council waive the requirements of By-Law No. 98-1, “Council Procedural By-Law”, and allow Mr. Wayne Easter, Member of Parliament for Malpeque, Prince Edward Island, Agriculture and Agri-food Official Opposition Critic, and former Solicitor General of Canada, and Mr. Mark Holland, Member of Parliament for Ajax-Pickering, Ontario, and Public Safety and National Security Official Opposition Critic, to speak to Council for 10 minutes at its meeting on February 2, 2010 about the implications of the closing of the prison farms in Kingston;

- and further -

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THAT the Minister of Public Safety, or his representative, and a representative from Correctional Service of Canada be invited as well to provide a briefing on this issue.

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

Moved by Councillor Hector
Seconded by Councillor Garrison

THAT Motion No. (3) be amended by adding the following thereto:

“And further that the Minister of Public Safety, or his representative, and a representative from Correctional Service of Canada be invited as well to provide a briefing on this issue.”

CARRIED

Moved by Councillor Matheson
Seconded by Councillor Osanic

THAT Council waive the rules of By-Law No. 98-1, “Council Procedural By-Law”, in order to extend the meeting to 11:30 pm.
LOST
(A 2/3 Vote Of Council Was Not Received)

(4) Moved by Councillor Smith
Seconded by Councillor Hector

WHEREAS the four pillars of sustainability are economic, social, cultural and environmental; and,

WHEREAS Sustainable Kingston is working towards an integrated approach to sustainability in our City, which means that no one pillar should be considered in absence of input from other pillars for a balanced approach; and,

MOTIONS (CONTINUED)

WHEREAS the Poker Run is only one of many events within the City and Council has no overall policy on how events are to be evaluated from an integrated sustainable perspective; and,

WHEREAS Council is in possession of a report from KEAF on the Poker Run as it relates to the environment only;

THEREFORE BE IT RESOLVED THAT Council request from KEDCO a report on the economic impact of the Poker Run to be delivered no later than March 30, 2010;

- and further -

THAT, to gauge the cultural and social impact of the Poker Run, Council host at least one public meeting along with an internet survey no later than March 30 to gauge community views and impacts of the Poker Run;

- and further -

THAT staff incorporate all the available information into a consolidated report and recommendation to Council on the overall impact of the Poker Run to the City as a whole, by May 16, 2010;

- and further -

THAT staff consider options for developing a policy on how all events and city activities could be evaluated from an integrated sustainability perspective, and through FOCUS Kingston bring a report forward to Council with recommendations in the first quarter of 2011.

DEFERRED

(5) Moved by Councillor Matheson
Seconded by Councillor Foster

WHEREAS the impoverished island nation of Haiti has recently been completely devastated by an Earthquake; and,

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WHEREAS the Federal Government has agreed to match funds raised by citizens; and,

WHEREAS it is the call to duty of all citizens and nations to rally to support our fellow human beings in need after a calamity of this magnitude;

THEREFORE BE IT RESOLVED THAT the City of Kingston encourage all citizens to donate to recognized charitable and humanitarian organizations rushing to help in relief efforts to Haiti;

- and further -

THAT due to the scope of the devastation in Haiti that the City of Kingston asks the Province of Ontario to emulate the crisis funding offer at the Federal level, and match the funds raised by Citizens of Ontario to help in the emergency efforts and to aid in the rebuilding efforts in Haiti;

- and further -

THAT this resolution be passed along to the Premier of Ontario, our MPP John Gerretsen, Leaders of the Opposition, and all Municipalities with populations over 50,000.

DEFERRED

NOTICES OF MOTION

MINUTES

THAT the Minutes of City Council Meeting No. 04-2010, held Tuesday, January 5, 2010, be confirmed.

DEFERRED

TABLING OF DOCUMENTS

Council consented to the addition of the following:

- 2010-12 Cataraqui Region Conservation Authority
 Agenda – Cataraqui Source Protection Committee – January 21, 2010
 (File No. CSU-D03-000-2010)

COMMUNICATIONS

Council consented to the addition of Communications 05-058 and 05-059.

Filed

- 05-047 From the Greater Kingston Chamber of Commerce, advising that the Board of Directors passed a motion recognizing “the collaboration and creative thinking of the Staff and Council in arriving at a Budget for 2010 that is fair and balanced that the taxpayer can afford” and sending its compliments and gratitude to the City Staff and Council for a “job well done”.
 (File No. CSU-F05-000-2010)

- 05-048 From the Committee of Adjustment, a Notice of Decision for the following applications:

 MINOR VARIANCE – In respect of an application to request permission for minor variances to Zoning By-Law No. 8499 for the property at 91 Wilson Street, the Committee decided that the application SHOULD BE APPROVED, subject to conditions. The final date for appeal is January 11, 2010.

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MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 8499 for the property at 412 Albert Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is January 11, 2010.

MINOR VARIANCE – In respect of an application to request permission for a minor variance to Zoning By-Law No. 32-74 for the property at 1278 Channelview Road, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is January 11, 2010.

MINOR VARIANCE – In respect of an application to request permission for relief from By-Law No. 8499 for the property at 218 King Street East, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is January, 2010.

CONSENT – In respect of an application for consent to sever the property at 2649 Kepler Road, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is January 12, 2010.

MINOR VARIANCE – In respect of an application to request permission for relief from By-Law No. 76-26 for the property at 5001 Fox Run Place, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is January 11, 2010.

CONSENT – In respect of an application for consent to sever the property on Division Street, being Parcels 1 and 4 on the plan provided, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is January 12, 2010.

CONSENT – In respect of an application for consent to sever the property on Division Street, being Parcel 2 on the plan provided, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is January 12, 2010.

COMMUNICATIONS (CONTINUED)

CONSENT – In respect of an application for consent to sever the property on Division Street, being Parcel 3 on the plan provided, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is January 12, 2010.

CONSENT – In respect of an application for consent to sever the property on Dalton Avenue, being Parcel 5 on the plan provided, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is January 12, 2010.
(File No. CSU-D19-000-2010)

05-052 From the Premier of Ontario, acknowledging receipt of Council's resolution regarding exemption of electricity sales from the provincial portion of the single harmonized sales tax.
(File No. CSU-F00-000-2010)

05-054 From the Association of Municipalities of Ontario (AMO), providing a letter from the AMO President regarding membership.
(File No. CSU-A01-004-2010)
(Digitally distributed to all Members of Council on January 12, 2010)

05-055 From the Corporation of the City of Oshawa, acknowledging receipt of Council's resolution regarding exemption of electricity sales from the provincial portion of the single harmonized sales tax.
(File No. CSU-F00-000-2010)

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- 05-056 From the Corporation of the Town of Whitby, acknowledging receipt of Council's resolution regarding exemption of electricity sales from the provincial portion of the single harmonized sales tax.
(File No. CSU-F00-000-2010)

Referred to All Members of Council

- 05-049 From the Cataraqui Region Conservation Authority, advising that the Environmental Assessment Project Plan for restoration of Highgate Creek between Prince Charles Drive and Bath Road has been completed and inviting all interested parties to review and comment on the plan at an open house on January 11, 2010.
(File No. CSU-E05-000-2010)

- 05-050 From the Warden of Lanark County, advising that its County Council believes that there has been political interference by their local MP and MPP in the democratic process of their local municipal councils and asking for Council's support of a resolution to write to the Prime Minister, as leader of the Federal Government Conservative Party and to Mr. Tim Hudak as the head of the Provincial Conservative Party as to whether their party policy supports the direct intrusion of their party's elected members in an issue which is clearly a municipal responsibility.
(File No. CSU-C10-000-2010)
(Distributed to all Members of Council on January 15, 2010)

COMMUNICATIONS (CONTINUED)

- 05-057 From the Ministry of Municipal Affairs and Housing (MMAH), providing information regarding delegation requests for the OGRA/ROMA Conference, which will be held in Toronto on February 22 and 23, 2010.
(File No. CSU-A04-000-2010)

- 05-058 From the Honourable Hugh Segal, Senator for Kingston-Frontenac-Leeds, expressing his opinions regarding the proposed affordable housing project in Barriefield Village.
(File No. CSU-S18-000-2010)
(Distributed to all Members of Council on January 15, 2010)

- 05-059 From the Barriefield Village Association, expressing their opinions in response to the letter from the Honourable Hugh Segal regarding the proposed affordable housing project in Barriefield Village.
(File No. CSU-S18-000-2010)
(Distributed to all Members of Council on January 19, 2010)

Referred to the City Clerk

- 05-051 From Anna Thomas, Black History Month Coordinator, asking that Council proclaim February 2010 as "Black History Month" in the City of Kingston.
(File No. CSU-M10-000-2010)

Referred to the Commissioner of Community Development Services and the Commissioner of Corporate Services

- 05-053 From Miss K.E.B. Cartwright, expressing her opinions regarding affordable housing in Kingston, as well as the need for bus service to the Little Cataraqui Conservation Area and Lemoine Point.

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(File No. CSU-S18-000-2010, CSU-T03-000-2010)

BY-LAWS

Council consented to the addition of By-Law (11).

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

THAT By-Laws (1) through (9) be given their first and second reading.

CARRIED

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

THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Laws (1) to (3) three readings.

CARRIED

BY-LAWS (CONTINUED)

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

THAT By-Laws (1) through (11) be given their third reading.

CARRIED

- (1) A By-Law To Authorize The Municipality To Borrow Up To \$138,000,000 During The January 1, 2010 To September 30, 2010 Period And Up To \$69,000,000 During The October 1, 2010 To December 31, 2010 Period In Order To Finance The City's Current Operating Expenditures On An Interim Basis

THREE READINGS

PROPOSED NO. 2010-29

(See Clause (a), Report No. 20)

- (2) A By-Law To Provide Annual Grants Pursuant To The Community Improvement Plan For Brownfields For The Property Originally Known As Part Of Block D, Now Known As 5 Gore Street, Plan 13R-18171 Parts 15, 16, 18

THREE READINGS

PROPOSED NO. 2010-30

(See Clause (c), Report No. 20)

- (3) A By-Law To Provide Annual Grants Pursuant To The Community Improvement Plan For Brownfields For The Property Known As 300 Wellington Street, Plan OS, Part Lot C, R.P. 13R-8115 (Parts 1 and 14)

THREE READINGS

PROPOSED NO. 2010-31

(See Clause (d), Report No. 20)

- (4) A By-Law To Amend Zoning 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" (Modify Site Specific Zoning - 'M6-2', Cataraqui Estates Business Park Phase 1)

THREE READINGS

PROPOSED NO. 2010-32

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(See Clause (1), Report No. 23)

- (5) A By-Law to Amend By-Law No. 76-26, "A By-Law To Regulate The Use Of Lands And The Character, Location And Use Of Buildings And Structures In The Township Of Kingston" (Zone change from General Agricultural 'A2' Zone to a Site Specific 'A2-8' and Environmental Protection Area 'EPA' Zones, for 3029 A/B Creekford Road)
THREE READINGS PROPOSED NO. 2010-33
(See Clause (2), Report No. 23)

- (6) A By-Law to Amend By-Law No. 32-74, "Restricted Area (Zoning) By-Law Of The Corporation Of The Township Of Pittsburgh" (Zone Change from "I" and "D" Zones to "R1-5" Zone, 585 Sibbit Avenue)
THREE READINGS PROPOSED NO. 2010-34
(See Clause (3), Report No. 23)

- (7) A By-Law to Amend By-Law No. 8499, "Restricted Area (Zoning) By-Law Of The Corporation Of The City Of Kingston" (Zone Change from M.224 to M.389, 652 Dalton Avenue)
THREE READINGS PROPOSED NO. 2010-35
(See Clause (4), Report No. 23)

BY-LAWS (CONTINUED)

- (8) A By-Law To Provide For The Assumption Of The Public Highways In Phase 3 Of Arbour Ridge Subdivision, Registered Plan 13M-47, In The City Of Kingston, In Accordance With Section 31(4) Of The Municipal Act, Chapter 25, S.O. 2001; And To Provide For The Acceptance By The City Of Kingston, Of The Associated Public Works Within
THREE READINGS PROPOSED NO. 2010-36
(Delegated Authority)

- (9) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, January 19, 2010
THREE READINGS PROPOSED NO. 2010-37
(City Council Meeting No. 05-2010)

- (10) A By-Law To Amend By-Law No. 98-8, "A By-Law To Appoint Statutory Officials Of The Corporation Of The City Of Kingston" (to appoint Jannette Amini as Alternate Acting Clerk Pro Tem)
THIRD READING PROPOSED NO. 2010-24
(See Clause (b), Report No. 15)

- (11) A By-Law To Repeal By-Law No. 99-91, As Amended, Being "A By-Law To Provide For The Regulation Use Of Parks And Recreation Facilities Of The Corporation"
THIRD READING PROPOSED NO. 2009-77
(See Clause (d), Report No. 51)

ADJOURNMENT

Moved by Councillor Glover
Seconded by Councillor Hector

THAT Council do now adjourn.

CARRIED

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Council adjourned at 11:15 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor