

CITY COUNCIL MEETING NO. 06-2010

The Regular Meeting of City Council was held on Tuesday, February 2, 2010, and was called to order at 6:45 pm in the Council Chamber, City Hall. Regular business commenced at 7:30 pm. His Worship Mayor Harvey Rosen presided.

There was an "In Camera" meeting of the Committee of the Whole from 6:50 pm to 7:25 pm in the Councillors' Lounge.

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Foster, Councillor Garrison, Councillor Gerretsen (arrived 6:55 pm), Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane (arrived 6:47 pm), Councillor Matheson, Councillor Meers (arrived 7:05 pm), Councillor Osanic, Councillor Schmolka, Councillor Smith (12)

Absent: Councillor Hector (1)

(Councillors' Lounge)

Administrative Staff Present:

Ms. C. Beach, Commissioner of Sustainability and Growth

Mr. J. Bolognone, Deputy City Clerk

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

Mr. D. Leger, Commissioner of Corporate Services

Mr. H. Linscott, Director, Legal Services

Ms. S. Nicholson, Senior Legal Counsel, Legal Services

COMMITTEE OF THE WHOLE "IN CAMERA"

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

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

- (a) A proposed or pending acquisition or disposition of land by the municipality or local board – Municipal Accommodation
(b) A proposed or pending acquisition or disposition of land by the municipality – Davis Tannery

CARRIED

(Council Chamber)

Administrative Staff Present:

Ms. C. Beach, Commissioner of Sustainability and Growth

Mr. J. Bolognone, Deputy City Clerk

Mr. J. Garrah, Chief Executive Officer, KEDCO

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

Ms. L. Hurdle, Director, Recreation and Leisure Services

Mr. J. Johnson, Manager, Facilities, Corporate Asset Operations

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

Mr. D. Leger, Commissioner of Corporate Services

Mr. H. Linscott, Director, Legal Services

Mr. M. Morris, Director, Transportation

Mr. J.P. Shearer, Director of Business Development, KEDCO

Mr. J. Thompson, Committee Clerk

Mr. G. Wallace, Director, Planning and Development

Mr. T. Willing, Director, Building and Licensing

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

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

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

CARRIED

DISCLOSURE OF PECUNIARY INTEREST

PRESENTATIONS

DELEGATIONS

BRIEFINGS

- (1) 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, were present and spoke to Council regarding the implications of the closing of the prison farms in Kingston.

PETITIONS

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Council consented to the addition of Motion of Congratulations No. (2) and Motions of Condolence No. (1) and (2).

Motions of Congratulations

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

THAT the congratulations of Kingston City Council be extended to Matthew Gventer on the occasion of his 70th birthday. Mr. Gventer is a member of the Kingston Environmental Advisory Forum and frequently attends other City committee meetings where he provides valuable insights and suggestions. Happy birthday.

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY (CONTINUED)

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

THAT Kingston City Council extend its heartiest congratulations to everyone on City staff who worked on the City's new Official Plan project and in particular to the entire team of planners, technicians, and support staff in the Planning and Development Department. Special congratulations to Senior Planner Shirley Bailey who managed the Official Plan project, Cherie Mills, Manager of Policy Planning, and George Wallace, Director of Planning and Development. The appeal period has now expired with only four minor, site-specific appeals filed, bringing the City one step closer to having a single Official Plan. Three cheers to all of you for a difficult job very, very well done.

Motions of Condolence

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

THAT the sincere condolences of Kingston City Council be extended to the family and friends of Keith Norton, who passed away on January 31, 2010. A graduate of Queen's University, Mr. Norton served as an alderman and eventually the Deputy Mayor for the City of Kingston from 1972 to 1975. Mr. Norton served as the M.P.P. for Kingston and the Islands from 1975 to 1985, during which time he fulfilled the roles of Minister of Community and Social Services, Minister of the Environment, Minister of Health, Minister of Education and Minister of Colleges and Universities, under Premiers Bill Davis and Frank Miller. Upon leaving politics, Mr. Norton lead the Canadian Human Rights Tribunal and served three terms as Chief Commissioner of the Ontario Human Rights Commission. Today, we pause to remember Keith Norton for his honourable and lengthy career in public service.

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

THAT the sincere condolences of Kingston City Council be extended to the family, friends, and colleagues of Lieutenant-Colonel Ian Hodson, who passed away at the age of 90 on January 30, 2010. Mr. Hodson was a long-time member of the Lemoine Point Advisory Committee, a founder of the Friends of Lemoine Point, and a great supporter of the goals of the Cataraqui Region Conservation Authority. His contribution to this community over many years is greatly appreciated.

CARRIED

REPORTS

Report No. 26 the Chief Administrative Officer (Consent)

Moved by Councillor Smith

Seconded by Councillor Osanic

THAT Report No. 26 of the Chief Administrative Officer (Consent) be received and adopted.

Report No. 26

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) **Conversion of a Truck Loading Zone on King Street**

THAT a by-law be presented 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", to convert the truck loading zone on the west side of King Street between Brock and Clarence Streets to 10 minute maximum stay parking.

(The Report of the Commissioner of Corporate Services (10-011) was attached as Schedule Pages 1-4)

(File No. CSU-T08-000-2010)

(See By-Law No. (1), 2010-38)

(b) **Revisions to Parking Restrictions on Weller Avenue**

THAT a by-law be presented 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", Sections 18 and 19, as amended, to allow for parking on the south side of Weller Avenue, between 8:00 a.m. and 1:00 p.m. Sunday only; no parking at any other time.

(The Report of the Commissioner of Corporate Services (10-056) was attached as Schedule Pages 5-8)

(File No. CSU-T02-000-2010)

(See By-Law No. (2), 2010-39)

(c) **Revisions to Parking Restrictions on Vandalay Crescent and Quebec Street**

THAT a by-law be presented 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", Sections 18 and 19, as amended, to apply No Parking between 8:30 a.m. and 4:30 p.m. Monday to Friday on Vandalay Crescent from Union Street to the cul-de-sac, and further, to remove parking on the north side and allow parking only on the south side of Quebec Street.

(The Report of the Commissioner of Corporate Services (10-057) was attached as Schedule Pages 9-13)

(File No. CSU-T02-000-2010)

(See By-Law No. (3), 2010-40)

REPORTS (CONTINUED)

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Report No. 26 the Chief Administrative Officer (Consent)

(d) **Comprehensive Planning Report for the Approval of the Final Plan of Condominium at 645 John Counter Boulevard (River Park Subdivision)**

WHEREAS an application has been submitted by RFA Planning Consultants Ltd., on behalf of SBL Kingston Ltd., with respect to a common element condominium consisting of two private lanes and amenity space being constructed within the River Park Subdivision requesting approval of a Final Plan of Condominium; and

WHEREAS the common element condominium conforms to the policies of the Official Plan and requirements of the Zoning By-Law regulations and is part of a Plan of Subdivision and Subdivision Agreement, and as such meets the Common Elements Review Criteria of the *Condominium Act*; and

WHEREAS final copies of the Plan of Common Element Condominium signed by an Ontario Land Surveyor and the Owner/Subdivider will be submitted to the Planning and Development Department of the City of Kingston for signatures and certification by the municipality for the lands consisting of Blocks 37, 38, 39, 40, 41, 42, 43, 44, 45, 47, 48 and 56 on a Plan of subdivision;

THEREFORE BE IT RESOLVED THAT the application for Final Plan of Condominium (Our File No. D07-008-2007) submitted by RFA Planning Consultants Ltd., on behalf of SBL Kingston Ltd., with respect to common element condominium consisting of two private lanes and amenity space being constructed within the River Park Subdivision **BE APPROVED**;

- and further -

THAT the Director of Legal Services be authorized to forward the necessary signed and stamped originals and required copies of the Final Plan of Common Element Condominium prepared by Phil W. Chitty O.L.S. to the Land Registry Office for registration;

- and further -

THAT, following the execution of the Condominium Agreement, the Director of Legal Services be authorized to forward the necessary signed and stamped originals and required copies of the Final Plan of Condominium to the Land Registry Office for registration.

(The Report of the Commissioner of Sustainability and Growth (10-063) was attached as Schedule Pages 14-30)
(File No. CSU-D12-000-2010)

(e) **Revisions to Parking Restrictions on Yonge Street**

THAT a by-law be presented 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", Section 19, as amended, to remove the parking restrictions on the west side of Yonge Street between the southerly intersection of Hatter and Church Streets.

(The Report of the Commissioner of Corporate Services (10-065) was attached as Schedule Pages 31-34)

(File No. CSU-T02-000-2010)

(See By-Law No. (4), 2010-41)

(f) **Empire Life Insurance Co. – Application for Noise Exemption**

THAT Empire Life Insurance Co. be granted an exemption from the normal 7:00 p.m. to 7:00 a.m. restriction under Schedule "B" of By-Law No. 2004-52, "A By-Law To Regulate Noise", in order to allow for concrete restoration work between the hours of 6:00 a.m. and 7:00 a.m. and also between the hours of 7:00 p.m. and 11:00 p.m.;

- and further -

REPORTS (CONTINUED)

Report No. 26 the Chief Administrative Officer (Consent)

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THAT the exemption will be in effect from 6:00 a.m. on Mondays until 11:00 p.m. on Thursdays running from February 3, 2010, until March 11, 2010.
(The Report of the Commissioner of Community Development Services (10-073) was attached as Schedule Pages 35-40)

CARRIED

Report No. 27 of the Environment, Infrastructure and Transportation Policies Committee

Moved by Councillor Foster
Seconded by Councillor Hutchison

THAT Report No. 27 of the Environment, Infrastructure and Transportation Policies Committee be received and adopted.

Report No. 27

To the Mayor and Members of Council:
The Environment, Infrastructure and Transportation Policies Committee reports and recommends as follows:

January 12, 2010

1. **Parking System Multi-Year Work Plan**

THAT Council receive and endorse the Parking System Multi-Year Work Plan – Implementation Plan;

- and further -

THAT Council authorize a transfer of \$100,000 from the Parking Reserve Fund for the purpose of implementing the 2010 work plan items;

- and further -

THAT staff be directed to bring back recommendations related to future year initiatives within the multi-year work plan that have policy and/or cost implications.

(Note: The Parking System Multi-Year Work Plan was attached as Schedule Pages 41-43)

CARRIED

Report No. 28 of the Administrative Policies Committee

Moved by Councillor Schmolka
Seconded by Councillor Foster

THAT Report No. 28 of the Administrative Policies Committee be received and adopted.

Council consented to the separation of Clause 3.

Report No. 28

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

REPORTS (CONTINUED)

Report No. 28 of the Administrative Policies Committee

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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.

January 14, 2010

1. **Tax Write Offs Pursuant to the Municipal Act**

THAT Council approve the cancellation, reduction or refund of taxes pursuant to applications made under Sections 357 and 358 of the Municipal Act, 2001, totaling \$35,098.92 of which \$23,782.21 is the City's portion and \$11,316.71 is charged back to the school boards, as listed in Appendix A attached.

(Note: A copy of Appendix A was attached as Schedule Pages 44-45)

2. **Sunday Hunting Background Information**

THAT Council direct staff to collect feedback from the community through public meetings and website survey;

- and further -

THAT staff report back to the Administrative Policies Committee in March with a recommendation on Sunday hunting.

CARRIED

3. **Public Nuisance By-Law**

THAT no action be taken on the following motion:

***THAT** the Committee review and recommend adoption by Council of the following:*

1. *Proposed Public Nuisance By-Law.*
2. *Draft short form wording and set fine application.*

(Note: A copy of the Proposed Public Nuisance By-Law and the draft short form wording and set fine application were attached as Schedule Pages 46-49)

LOST (3:9)

(See Recorded Vote)

Moved by Councillor Hutchison

Seconded by Councillor MacLeod-Kane

THAT the proposed Public Nuisance By-Law and draft short for wording and set fine application as set out in Report No. AP-10-005, dated January 15, 2010, be referred back to the Administrative Policies Committee in order to re-examine the proposed by-law with particular attention to the broadness of the by-law's language and the amounts and appropriateness of the fines to the particular offenses.

CARRIED

A Recorded Vote was requested by Councillor Gerretsen

YEAS: Councillor Garrison, Mayor Rosen, Councillor Schmolka (3)

NAYS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Smith (9)

ABSENT: Councillor Hector (1)

INFORMATION REPORTS

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

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

(The Report of the Deputy Treasurer (10-048) was attached as Schedule Pages 50-55)
(File No. CSU-F18-000-2010)

(2) **Canada Day Fireworks Display at Grass Creek Park**

The purpose of this report is to provide Council with a budget for a fireworks display at Grass Creek Park, in response to a Motion brought forward at the Council meeting on January 5, 2010.

(The Report of the Commissioner of Sustainability and Growth (10-072) was attached as Schedule Pages 56-64)
(File No. CSU-M02-000-2010)
(See Motion No. (1), Page No. 9)

MISCELLANEOUS BUSINESS

Council consented to the addition of Miscellaneous Business Items (1), (2) and (3).

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

THAT City Council accept the resignation of Councillor MacLeod-Kane from the Kingston Non-Profit Housing Committee (Town Homes Kingston).

CARRIED

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

THAT Council appoint Councillor Matheson to sit on the Kingston Non-Profit Housing Committee (Town Homes Kingston) to replace Councillor MacLeod-Kane, for a term ending November 30, 2010.

CARRIED

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

THAT Council accept the resignation of Michael McNeely from the Municipal Accessibility Advisory Committee (MAAC) with regret;

- and further -

THAT Council extend appreciation to Mr. McNeely for his time and effort on MAAC.

CARRIED

MOTIONS

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

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THAT staff be directed to organize a fireworks display at Grass Creek Park during the evening of Canada Day, with a budget not to exceed \$20,000 and to be funded from the Working Fund Reserve, for the year 2010;

- and further -

THAT the approximate attendance figures be calculated to indicate the community appeal and participation at this location.

CARRIED
(With Agreed To Amendments)

Mayor Rosen withdrew from the meeting during discussion of Motion (2). Deputy Mayor Meers assumed the chair.

Council consented to the separation of the "That" Clauses of Motion (2).

(2) Moved by Councillor Smith
Seconded by Councillor Matheson

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,

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 April 30, 2010, to gauge community views and impacts of the Poker Run;

- and further -

THAT staff collect data, in a cost effective and reliable way, during the Poker Run 2010 to try to find out how many visitors came to the event, how long they stayed in Kingston, and their estimate of money spent here;

- 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 October 30, 2010;

CARRIED (7:5)
(With Agreed To Amendments)
(See Recorded Vote No. 1)

- 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.

LOST (5:6)
(See Recorded Vote No. 2)

MOTIONS (CONTINUED)

Moved by Councillor Matheson
Seconded by Councillor Hutchison

THAT the Motion of Councillors Smith and Matheson be amended by deleting the following paragraphs:

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"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 collect data, in a cost effective and reliable way, during the Poker Run 2010 to try to find out how many visitors came to the event, how long they stayed in Kingston, and their estimate of money spent here;"*

so that the Motion will now read as follows:

"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,

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;

***THEREFORE BE IT RESOLVED 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."*

LOST (5:7)

(See Recorded Vote No. 3)

1. A Recorded Vote was requested by Councillor Smith

YEAS: Councillor Garrison, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Smith (7)

NAYS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Councillor Matheson, Councillor Schmolka (5)

ABSENT: Councillor Hector (1)

2. A Recorded Vote was requested by Councillor Smith

YEAS: Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Matheson (5)

NAYS: Councillor Foster, Councillor MacLeod-Kane, Deputy Mayor Meers, Councillor Osanic, Councillor Schmolka, Councillor Smith (6)

ABSENT: Councillor Hector, Mayor Rosen (2)

MOTIONS (CONTINUED)

3. A Recorded Vote was requested by Councillor Smith

YEAS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor Matheson, (5)

NAYS: Councillor Garrison, Councillor MacLeod-Kane, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (7)

ABSENT: Councillor Hector (1)

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Council consented to the separation of the "That" Clauses of Motion (3).

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

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

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;

CARRIED

- 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;

LOST

- and further -

THAT due to the immense rebuilding and concerted effort that will be required to do so successfully, that the City of Kingston encourages the Federal Government to support the growing initiative to provide complete debt forgiveness to the nation of Haiti in order that all funds can be used towards rebuilding the nation of Haiti in this their greatest hour of need;

CARRIED

(With Agreed To Amendments)

- and further -

THAT this resolution be passed along to the Premier of Ontario, Dalton McGuinty, the Prime Minister of Canada, Stephen Harper, our MPP, John Gerretsen, our MP, Peter Milliken, Leaders of the Opposition both Federally and Provincially, and all municipalities with populations over 50,000.

CARRIED (6:5)

(With Agreed To Amendments)

(See Recorded Vote)

A Recorded Vote was requested by Councillor Glover

YEAS: Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Hutchison, Councillor Matheson, Deputy Mayor Meers (6)

NAYS: Councillor Glover, Councillor MacLeod-Kane, Councillor Osanic, Councillor Schmolka, Councillor Smith (5)

ABSENT: Councillor Hector, Mayor Rosen (2)

MOTIONS (CONTINUED)

Council consented to the separation of the last "That" Clause of Motion (4).

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

WHEREAS when City Council decided to sell the Chown Garage to the Hotel Dieu Hospital on June 17, 2008, hospital representatives stressed the need for urgent action in light of the expanded patient services soon to be offered at the hospital; and,

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WHEREAS the hospital has not yet concluded the arrangements for the sale of the Chown Garage and lease of the land with the City; and,

WHEREAS representatives of the Hotel Dieu Hospital spoke to Council on January 19, 2010, explaining that the Phase 1 renovations completed in Spring, 2009, are bringing 6000 new outpatient visits to the hospital a year and the Phase 2 renovations, which are to be underway early in 2010, will bring an additional 100,000 patient visits a year; and,

WHEREAS there is a critical and immediate need for improved parking availability in the area around the hospital; and,

WHEREAS hospital representatives told Council that 90 days from January 19, 2010, all major contracts related to the sale of the Chown Garage and the lease of the lands would be completed;

THEREFORE BE IT RESOLVED THAT the Chief Administrative Officer be directed to report to Council at its first meeting in April on the progress to contract completion;

CARRIED

- and further -

THAT, if the necessary contracts between the City of Kingston and Hotel Dieu Hospital (Religious Hospitaliers of Saint Joseph of the Hotel Dieu of Kingston) have not been concluded within 100 days of January 19, 2010, that is by April 30, 2010, the Chief Administrative Officer provide Council with a detailed report at its second meeting in May, 2010, on the reasons for the delay in completing the transaction and the options available to the City to move the project forward expeditiously or terminate the proposed sale and lease with Hotel Dieu Hospital.

CARRIED (7:4)
(See Recorded Vote)

A Recorded Vote was requested by Councillor Smith

YEAS: Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor MacLeod-Kane, Councillor Matheson, Deputy Mayor Meers, Councillor Schmolka (7)

NAYS: Councillor Foster, Councillor Hutchison, Councillor Osanic, Councillor Smith (4)

ABSENT: Councillor Hector, Mayor Rosen (2)

NOTICES OF MOTION

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

WHEREAS some users of Kingston's fenced leash-free dog parks have expressed concerns for the safety of young children who have accompanied an adult and their dog into the dog park; and,

WHEREAS there is a possibility that a dog chasing another dog or a ball could knock over a young child or a stroller with a child in it, or a few dogs playing could see a child as an object of play or prey; and,

NOTICES OF MOTION

WHEREAS rules in some other cities -- Fredericton, for example -- prohibit children from being in dog parks;

THEREFORE BE IT RESOLVED THAT Legal Services be asked to review the rules with respect to children under 12 in other cities with small (1.5 hectare) fenced-in dog parks and re-consider the application of human rights legislation to dog parks, and report back to the Arts, Recreation and Community Policies Committee, after consultation with the Dog Park Committee, by May, 2010, with advice on the possibility of the City of Kingston prohibiting children from being inside the fenced area of a small dog park.

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MINUTES

Moved by Deputy Mayor Meers
Seconded by Councillor MacLeod-Kane

THAT the Minutes of City Council Meeting No. 02-2010, held Tuesday, December 8, 2009, Meeting No. 04-2010, held Tuesday, January 5, 2010, and Meeting No. 05-2010, held Tuesday, January 19, 2010, be confirmed.

TABLING OF DOCUMENTS

- 2010-13 Catarauqui Region Conservation Authority
Newsletter – Cat Tales – Winter 2010
(File No. CSU-D03-000-2010)

- 2010-14 Catarauqui Region Conservation Authority
Agenda – Annual General Meeting of the Full Authority – January 27, 2010
(File No. CSU-D03-000-2010)

- 2010-15 KFL&A Public Health
Agenda – Board Meeting – January 27, 2010
(File No. CSU-S08-001-2010)

- 2010-16 Catarauqui Region Conservation Authority
Minutes – Catarauqui Source Protection Committee, Meeting #25, December 10, 2009
(File No. CSU-D03-000-2010)

- 2010-17 Ministry of the Environment
Draft Regulation – Source Protection Plans – Clean Water Act, 2006
(File No. CSU-E08-000-2010)

COMMUNICATIONS

Filed

- 06-060 From the Municipal Employer Pension Centre of Ontario (MEPCO), asking for continued financial support from municipal governments.
(File No. CSU-F25-000-2010)

- 06-061 From the City of Barrie, 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)

- 06-062 From the Corporation of the Municipality of Clarington, advising of their endorsement of Council's resolution regarding exemption of electricity sales from the provincial portion of the single harmonized sales tax.

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(File No. CSU-F00-000-2010)

- 06-063 From the Corporation of the City of Oshawa, advising of their endorsement 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)
- 06-065 From the City of Vaughan, 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)
- 06-066 From the Ontario Ministry of the Environment, extending congratulations to the City on having received our Municipal Drinking Water Licence, Drinking Water Works Permit and Accreditation of our operating authority.
(File No. CSU-E08-000-2010)
- 06-067 From Habitat for Humanity Kingston, thanking the City of Kingston for all its support of its 2009 building program, including a donation of land on Division Street and a rebate of some building fees.
(File No. CSU-M04-000-2010)
- 06-068 From the Association of Municipalities of Ontario (AMO), providing information regarding a proposed Energy Consumer Protection Act, which is new legislation that intends to protect consumers from hidden contract costs, provide greater fairness and transparency on rate comparisons.
(File No. CSU-L11-000-2010)
(Digitally distributed to all Members of Council on January 19, 2010)
- 06-069 From the Association of Municipalities of Ontario (AMO), advising that the Community Advisory Board for the Homelessness Partnering Strategy (HPS) Outreach Communities in Ontario is inviting communities and organizations to submit proposals to request funding through the HPS Outreach Communities Initiative for Ontario; approximately \$1.3 million will be allocated and applications must be submitted by February 8, 2010.
(File No. CSU-F11-000-2010)
(Digitally distributed to all Members of Council on January 19, 2010)
- 06-070 From the Association of Municipalities of Ontario (AMO), providing the inaugural issue of the AMO Watch File (January 7, 2010), which is a weekly update of municipal news items.
(File No. CSU-A01-004-2010)
(Digitally distributed to all Members of Council on January 19, 2010)

COMMUNICATIONS (CONTINUED)

- 06-071 From the Association of Municipalities of Ontario (AMO), providing the January 14 issue of the AMO Watch File, which is a weekly update of municipal news items.
(File No. CSU-A01-004-2010)
(Digitally distributed to all Members of Council on January 19, 2010)
- 06-072 From the Association of Municipalities of Ontario (AMO), advising that it remains committed to working with the Provincial Government's new Cabinet to strengthen Ontario's communities.
(File No. CSU-A16-000-2010)
(Digitally distributed to all Members of Council on January 19, 2010)

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- 06-080 From SPLASH, thanking Council for asking KEAF to investigate the environmental consequences of the Poker Run and for discussing KEAF's report at the Council meeting on January 5, 2010, and also expressing opinion regarding carbon offsets.
(File No. CSU-E11-000-2010)
(Digitally distributed to all Members of Council on January 13, 2010)
- 06-082 From the Association of Municipalities of Ontario (AMO), providing the January 21 issue of the AMO Watch File, which is a weekly update of municipal news items.
(File No. CSU-A01-004-2010)
(Digitally distributed to all Members of Council on January 22, 2010)
- 06-083 From the Corporation of the City of St. Catharines, advising of their endorsement 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)
- 06-084 From the City of Thunder Bay, 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)
- 06-085 From the City of Pickering, 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)
- 06-086 From the Corporation of the County of Essex, advising of their endorsement 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)
- 06-088 From Izumo Sushi, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 499 Princess Street.
(File No. CSU-P09-000-2010)

Referred to All Members of Council

- 06-064 From the Corporation of the Town of Smiths Falls, asking for Council's support of a resolution calling on the province for creation of a formalized cross-regional cooperation model for Tourism Organizations along the Rideau Canal that would provide specific allocation of funds to the Rideau Heritage Tourism Association to ensure the appropriate destination marketing.
(File No. CSU-C10-000-2010)

COMMUNICATIONS (CONTINUED)

- 06-073 From Mr. Douglas P. Morrow, expressing his 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)
- 06-074 From the Ontario Good Roads Association (OGRA), providing the final report of the OGRA Nominating Committee.
(File No. CSU-A01-000-2010)
(Digitally distributed to all Members of Council on January 14, 2010)
- 06-078 From the Corporation of the Town of Smiths Falls, asking for Council's support of a resolution calling on the province for immediate reconsideration of the Tourism Regions based on keeping the Rideau Canal – Ontario's

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only UNESCO World Heritage Site – (and the abutting/portions of abutting municipalities) in one Tourism Region.
(File No. CSU-C10-000-2010)

Referred to All Members of Council and the Chief Administrative Officer

06-089 From the Ministry of Municipal Affairs and Housing (MMAH), providing a reminder 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)

Referred to the President and CEO of Utilities Kingston

06-075 From Mr. Jeff Scott, expressing his concerns with regards to proper signage on the 401 for Division Street/Perth Road and Montreal Street/Battersea Road.
(File No. CSU-T07-000-2010)

Referred to the Commissioner of Sustainability and Growth

06-076 From Mr. Jeff Scott, expressing his concerns regarding certain street name inconsistencies in the City of Kingston.
(File No. CSU-D20-000-2010)

06-081 From Kingston Unplugged, providing updated contact information regarding all Earth Hour events.
(File No. CSU-E05-000-2010)

Referred to the City Clerk

06-077 From the Epilepsy and Seizure Disorders Resource Centre, asking that Council proclaim March 2010 as "Epilepsy Month" and March 26, 2010, as "Purple Day" in the City of Kingston.
(File No. CSU-M10-000-2010)

06-079 From March of Dimes Canada, asking that Council proclaim May 8, 2010, as "Together We Can Make A Difference Day" in the City of Kingston.
(File No. CSU-M10-000-2010)

06-087 From Mr. Gerry Minard, asking that Council proclaim March 26 to 28, 2010, as "Kids for Kids Annual Hockey Tournament Weekend" in the City of Kingston.
(File No. CSU-M10-000-2010)

BY-LAWS

(A) Moved by Councillor Garrison
Seconded by Councillor Foster

THAT By-Laws (1) through (7) be given their first and second reading.

CARRIED

(B) Moved by Councillor Gerretsen
Seconded by Councillor Schmolka

THAT By-Laws (5) through (7) 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" (amend parking restrictions on King Street East)

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FIRST AND SECOND READINGS
(See Clause (a), Report No. 26)

PROPOSED NO. 2010-38

- (2) 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" (amend parking restrictions on Weller Avenue)

FIRST AND SECOND READINGS
(See Clause (b), Report No. 26)

PROPOSED NO. 2010-39

- (3) 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" (amend parking restrictions on Vandalay Crescent and Quebec Street)

FIRST AND SECOND READINGS
(See Clause (c), Report No. 26)

PROPOSED NO. 2010-40

- (4) 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" (amend parking restrictions on Yonge Street)

FIRST AND SECOND READINGS
(See Clause (e), Report No. 26)

PROPOSED NO. 2010-41

- (5) A By-Law To Provide For The Assumption Of The Public Highways In Phase 4 Of Walnut Grove Subdivision, Registered Plan 13M-39, 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
(Delegated Authority)

PROPOSED NO. 2010-42

- (6) A By-Law To Amend By-Law No. 97-102, "Catarqui North Zoning By-Law", To Remove The '-H' Holding Symbol Related To The 'LDR-H' Zone (V. Marques Construction Ltd., Forest Park Subdivision - Lots 33 to 36, 13M-76, in the City of Kingston)

THREE READINGS
(Delegated Authority)

PROPOSED NO. 2010-43

BY-LAWS (CONTINUED)

- (7) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, February 2, 2010

THREE READINGS
(City Council Meeting No. 06-2010)

PROPOSED NO. 2010-44

Mayor Rosen returned to the meeting.

ADJOURNMENT

Moved by Councillor Glover

Seconded by Councillor Matheson

THAT Council do now adjourn.

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CARRIED

Council adjourned at 10:43 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor