

CITY COUNCIL MEETING NO. 07-2010

The Regular Meeting of City Council was held on Tuesday, February 16, 2010, and was called to order at 7:00 pm in the Council Chamber, City Hall. Regular business commenced at 7:35 pm. The meeting recessed at 11:15 pm, and reconvened on Wednesday, February 17, 2010 at 7:00 pm. His Worship Mayor Harvey Rosen presided.

There was an "In Camera" meeting of the Committee of the Whole on February 16, 2010, from 7:05 pm to 7:30 pm in the Councillors' Lounge.

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane (arrived 8:50 pm), Councillor Matheson (arrived 7:07 pm), Councillor Meers, Councillor Osanic (arrived 7:06 pm), Councillor Schmolka, Councillor Smith (12)

Absent: Councillor Hector (1)

(Councillors' Lounge)

Administrative Staff Present:

Ms. C. Beach, Commissioner, Sustainability and Growth
Mr. J. Bolognone, Deputy City Clerk
Mr. G. Hunt, Chief Administrative Officer
Mr. S. Kanellos, Director, Real Estate and Construction Services
Mr. D. Leger, Commissioner, Corporate Services
Mr. H. Linscott, Director, Legal Services

COMMITTEE OF THE WHOLE "IN CAMERA"

(1) Moved by Councillor Gerretsen
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

CARRIED

(Council Chamber)

Administrative Staff Present:

Ms. J. Amini, Committee Clerk
Ms. C. Beach, Commissioner, Sustainability and Growth
Mr. J. Bolognone, Deputy City Clerk
Mr. J. de Hoop, Director, Community and Family Services
Mr. J. Garrah, CEO, Kingston Economic Development Corporation
Mr. J. Hale, Driver/Labourer, Public Works
Ms. C. Hitchen, Manager, Community Programs Administration Unit, Community and Family Services
Mr. G. Hunt, Chief Administrative Officer
Ms. L. Hurdle, Director, Recreation and Leisure Services
Mr. S. Kanellos, Director, Real Estate and Construction Services
Ms. S. Kidd, Director, Corporate Asset Operations
Mr. D. Leger, Commissioner, Corporate Services

Administrative Staff Present (continued):

Mr. H. Linscott, Director, Legal Services

City Council Meeting No. 07-2010

Minutes

Tuesday, February 16 and Wednesday, February 17, 2010

Mr. A. McLeod, Senior Legal Counsel
Mr. R. Steele, Manager, Fleet
Mr. M. Van Buren, Director, Engineering
Ms. M. Venditti, Manager, Planning and Development
Mr. T. Willing, Acting Commissioner, Community Development Services

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

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

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

CARRIED

DISCLOSURE OF PECUNIARY INTEREST

Councillor Hutchison disclosed a possible pecuniary interest in the matter of Clause (1) of Report No. 30 of the Chief Administrative Officer (Recommend) as his employer, Kingston Co-operative Homes, 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

Council consented to the **addition** of Delegations (1) and (3), such that the order will be as follows:

- (1) Ms. Liz Schell, President of Domino Theatre Inc., was present and spoke to Council regarding the Domino Theatre accommodations at Cook Brothers Arena.
(See Clause (2), Report No. 30, Page No. 149)

Councillor Hutchison withdrew from the meeting.

- (2) Ms. Debi Wells was present and spoke to Council regarding the potential acquisition of federal surplus land in Barriefield Village.
(See Clause (1), Report No. 30, Page No. 146)

- (3) Ms. Heidi Bergeron was present and spoke to Council regarding the potential acquisition of federal surplus land in Barriefield Village.
(See Clause (1), Report No. 30, Page No. 146)

Councillor Hutchison returned to the meeting.

DELEGATIONS (CONTINUED)

Moved by Councillor Garrison

City Council Meeting No. 07-2010

Minutes

Tuesday, February 16 and Wednesday, February 17, 2010

Seconded by Councillor Gerretsen

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to allow Mr. Geoff MacDonald to speak regarding the proposed decommissioning and repurposing of Harold Harvey Arena.

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

- (4) Mr. Geoff MacDonald, Vice President of the Church Athletic League (CAL), was present and spoke to Council regarding the proposed decommissioning and repurposing of Harold Harvey Arena.
(See Clause (5), Report No. 31, Page No. 152)

BRIEFINGS

- (1) Mr. Glenn Outhwaite, Chair of the Municipal Accessibility Advisory Committee (MAAC), was present and spoke to Council regarding the establishment of sub-committees.
(See Clause 1, Report No. 33, Page No. 157)

Moved by Councillor Gerretsen
Seconded by Councillor Garrison

THAT Council waive the rules of By-Law No. 98-1, "Council Procedural By-Law", in order to amend the Orders of the Day to allow Report No. 33 of the Municipal Accessibility Advisory Committee (MAAC) to be dealt with at this time in the meeting.

**CARRIED
(A 2/3 Vote of Council Was Received)
(See Page No. 157)**

- (2) Mr. Speros Kanellos, Director of Real Estate and Construction Services, introduced Mr. Dan Lalande, Director of the Kingston Branch of J.L. Richards & Associates Limited, who spoke to Council regarding the status of the Third Crossing of the Cataraqui River Environmental Assessment.
(See Information Report No. (2), Page No. 158)

PETITIONS

- (1) A petition bearing approximately 264 signatures was presented by Councillor Foster and referred to Mayor and Council and reads as follows:

"We, the undersigned, who are not residents of Barriefield Village, are asking Kingston City Council to put an end to the City's proposed housing development on Department of National Defence (DND) lands in the historic village of Barriefield as it contravenes the City's Official Plan and the Barriefield Heritage Conservation District Plan. Instead, we ask that all DND lands in Barriefield Village be left as a green buffer to maintain the two-hundred-year-old significance of Barriefield as a unique heritage village in a rural setting. We also wish to voice our concern with respect to the way the City of Kingston is seeking to rush the development process without adequate time for consultation, study and reflection."

REFERRED TO MAYOR AND COUNCIL

PETITIONS (CONTINUED)

- (2) A petition bearing approximately 24 signatures was presented by Councillor Foster and referred to Mayor and Council and reads as follows:

City Council Meeting No. 07-2010

Minutes

Tuesday, February 16 and Wednesday, February 17, 2010

"We, the undersigned, who are not residents of Barriefield Village, are asking Kingston City Council to put an end to the City's proposed housing development on DND lands in the historic village of Barriefield as it contravenes the City's Official Plan and the Barriefield Conservation District Plan. Instead, we ask that all DND lands in Barriefield Village be left as a green buffer to maintain the two-hundred-year-old significance of Barriefield as a unique heritage village in a rural setting. We also wish to voice our concern with respect to the secretive and undemocratic way that the City of Kingston has approached the issue, and the way it is seeking to rush the development process without adequate time for consultation, study and reflection."

REFERRED TO MAYOR AND COUNCIL

- (3) A petition bearing approximately 25 signatures was presented by Councillor Foster and referred to Mayor and Council and reads as follows:

"We, the undersigned, who are not resident of Barriefield Village, wish to register our displeasure at the intent of Kingston Council to build a housing project on the "buffer lands" attached to the village. We also wish to register our concern about the secretive and undemocratic nature by which the Kingston Council has approached this issue. We ask the Kingston Council to abandon this plan.

REFERRED TO MAYOR AND COUNCIL

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Council consented to the addition of Motions of Condolence (1) through (4)

Motions of Congratulations

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

THAT Kingston City Council extend its thanks and congratulations to Mr. John Hale, President of CUPE Local 109 and his members, and Mr. Damon Wells, Director of Public Works, for their public spirited support and contributions to the restoration of the Royal Canadian Horse Artillery national memorial located in City Park. When the monument had been vandalized and was in need of repair, CUPE raised the necessary funds. The City managed the project to replace the gun carriages. At a recent ceremony Brigadier General Beno, the Colonel Commandant of the Royal Regiment of Canadian Artillery, presented Mr. Hale and Mr. Wells with the Colonel Commandant's Coin. The citations read in part, "Please accept this token of our appreciation for caring about us, caring about our history, and helping us remind Canadians of the dedication, loyalty and sacrifice of those who have gone before us. We in the RCHA and The Royal Regiment of Canadian Artillery are most appreciative of your support and generosity – and we offer our deepest thanks."

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

THAT the congratulations of Kingston City Council be extended to Ted Hsu, Co-Chair of the Kingston Environmental Advisory Forum (KEAF), and his wife Tara on the birth of their daughter Vera-Clair Dao-Ning on February 4, a sister for Ella-Valentine.

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY (CONTINUED)

Motions of Condolence

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

City Council Meeting No. 07-2010

Minutes

Tuesday, February 16 and Wednesday, February 17, 2010

THAT the sincere condolences of Kingston City Council be extended to the family and friends of Faith Avis, who died on February 6, 2010, at the age of 85. During her working career, she was the Director of Public Relations at Kingston General Hospital, and President of the Elizabeth Fry Society. She will be remembered for her love of nature and her support for the Cataraqui Conservation Foundation, the Kingston Field Naturalists, and the Federation of Ontario Naturalists.

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

THAT the sincere condolences of Kingston City Council be extended to the family, friends and colleagues of Hugh Graham, who died on February 8, 2010. Mr. Graham was the Chief Executive Officer of Hotel Dieu Hospital for over 24 years, establishing important new services for patients and leading the hospital through its transition to the outstanding outpatient facility that it is today. Mr. Graham was an inspirational leader and the Kingston community benefited deeply from his commitment and passion.

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

THAT the sincere condolences of Kingston City Council be extended to the family, friends, and colleagues of Barry O'Connor who passed away on February 8, 2010. Mr. O'Connor was a popular high school teacher and then Director of the Limestone District School Board for 9 years. He was also a founder of the Limestone Learning Foundation and the Pacers Basketball Club. We are grateful for his many contributions to this community. He will be sadly missed.

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

THAT the sincere condolences of Kingston City Council be extended to the family of the late Mrs. Joan Good, long-time resident of Strathcona Park and wife of former P.U.C. Chairman W.P. (Pat) Good, who passed away February 2, 2010, following a valiant battle with cancer. Mrs. Good's beautiful singing voice will be missed by all who had the pleasure of hearing her sing with the Sweet Adelines chorus of Kingston for over 40 years.

CARRIED

City Council Meeting No. 07-2010
Minutes
Tuesday, February 16 and Wednesday, February 17, 2010

REPORTS

Report No. 29 the Chief Administrative Officer (Consent)

Moved by Councillor Foster
Seconded by Councillor Hutchison

THAT Report No. 29 of the Chief Administrative Officer (Consent) be received and adopted.

Report No. 29

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 Additional Bus Purchases**

THAT Council approve the replacement of two full-size buses in 2010, representing the last of the full-size high floor buses in the fleet, with the financing coming from unexpended and previously approved capital budget allocations funded from the Transit Reserve Fund.

(The Report of the Commissioner of Corporate Services (10-066) was attached as Schedule Pages 1-3)
(File No. CSU-V00-000-2010)

(b) **Amendment to the Fees and Charges By-Law No. 2005-10**

THAT By-Law No. 2005-10, "A By-Law To Establish Fees And Charges To Be Collected By The Corporation Of The City Of Kingston", be further amended as outlined in this report and contained in Appendix A to this report;

- and further -

THAT the aforementioned by-law be given three readings and passed.
(The Report of the Deputy Treasurer (10-077) was attached as Schedule Pages 4-41)
(File No. CSU-F21-000-2010)
(See By-Law No. (2), 2010-46)

(c) **Request by Tir Nan Og for Temporary Road Closure on Market Street for St. Patrick's Day Celebration**

THAT a by-law be presented to City Council to provide for the temporary closure of Market Street, from Ontario Street to King Street, on Wednesday, March 17, 2010, from 7:00 a.m. to Thursday, March 18 at 7:00 am, for a community related purpose (St. Patrick's Day celebration);

- and further -

THAT the applicant shall pay for the cost of advertising the temporary street closure, as invoiced by the City of Kingston;

- and further -

THAT the applicant will be responsible for the acquiring/renting, placing and removal of all barricades necessary to fully close the roadway(s) affected and install advance signage to indicate the street closure and install detour signage;

REPORTS (CONTINUED)

Report No. 29 the Chief Administrative Officer (Consent)

City Council Meeting No. 07-2010
Minutes
Tuesday, February 16 and Wednesday, February 17, 2010

- and further -

THAT the applicant agrees to take out sufficient public liability property damage insurance in the amount of \$2,000,000.00, to cover all risks. The policy shall be in a form and in an amount satisfactory to the City of Kingston and shall be kept in full force during the period of the proposed street closure. The City of Kingston shall be named as a party insured on the policy and the applicant shall provide the City of Kingston with a copy of the insurance policy. (The Report of the President and CEO of Utilities Kingston (10-078) was attached as Schedule Pages 42-46) (File No. CSU-T08-000-2010) (See By-Law No. (1), 2010-45)

(d) **Report on the Status of Bridge House (Kingston) Incorporated**

THAT Council authorize the Mayor and Clerk to enter into a Supervisory Management Agreement with Bridge House (Kingston) Incorporated in a manner satisfactory to Legal Services;

- and further -

THAT Council approve the issuance of a Request for Proposal (RFP) in order to measure the interest in the transfer of the building and assets to another community agency, it being understood that any transfer or disposal of the building requires both Council approval and Ministerial Consent;

- and further -

THAT Council approve the monthly housing operating funding to Bridge House (Kingston) Incorporated be redirected to offset expenses relating to the closure of the facility with it being understood that these expenses will be recouped with the final sale of the building. (The Report of the Acting Commissioner of Community Development Services (10-081) was attached as Schedule Pages 47-51) (File No. CSU-S16-000-2010)

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 11:15 pm.
CARRIED
(A 2/3 Vote Of Council Was Received)

Note: Clause (1) of Report No. 30 of the Chief Administrative Officer (Recommend) regarding the potential acquisition of federal surplus land in Barriefield Village was being presented and considered in part before Council recessed (see motion to continue below, which was lost). The meeting reconvened on February 17, 2010, with the first item of business being the continued consideration of Clause (1). The complete disposition of Clause (1) can be found on Page No. 146-149.

Councillor Hutchison returned to the meeting.

Moved by Councillor Garrison
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 11:30 pm.
LOST (7:5)

City Council Meeting No. 07-2010
Minutes
Tuesday, February 16 and Wednesday, February 17, 2010

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

A Recorded Vote was requested by Councillor Matheson

YEAS: Councillor Foster, Councillor Garrison, Councillor Hutchison, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Smith (7)

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

ABSENT: Councillor Hector (1)

Council recessed at 11:15 pm and reconvened at 7:00 pm on Wednesday, February 17, 2010.

February 17, 2010

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Foster, Councillor Garrison, Councillor Gerretsen (arrived 7:09 pm), Councillor Glover, Councillor Hutchison (arrived 7:07 pm), Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers (arrived 7:09 pm), Councillor Osanic, Councillor Schmolka (arrived 7:02 pm), Councillor Smith (12)

Absent: Councillor Hector (1)

(Council Chamber)

Administrative Staff Present:

Ms. J. Amini, Committee Clerk

Ms. C. Beach, Commissioner, Sustainability and Growth

Mr. J. Bolognone, Deputy City Clerk

Mr. J. de Hoop, Director, Community and Family Services

Mr. G. Hunt, Chief Administrative Officer

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

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

Mr. D. Leger, Commissioner, Corporate Services

Mr. H. Linscott, Director, Legal Services

Mr. B. McCurdy, Director, Cultural Services

Councillor Hutchison withdrew from the meeting.

REPORTS (CONTINUED)

Report No. 30 of the Chief Administrative Officer (Recommend)

Moved by Councillor Glover

Seconded by Councillor Smith

THAT Report No. 30 of the Chief Administrative Officer (Recommend) be received and adopted, clause by clause.

City Council Meeting No. 07-2010
Minutes
Tuesday, February 16 and Wednesday, February 17, 2010

Report No. 30

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

Councillor Hutchison withdrew from the meeting.

(1A) **STAFF BRIEFING - Mr. Gerard Hunt, Chief Administrative Officer, was present and spoke to Council regarding the potential land acquisition in Barriefield Village.**

(1) **Potential Acquisition of Federal Surplus Land in Barriefield Village**

THAT Council authorize staff to undertake as a high priority the following with respect to the subject lands:

- a) proceed immediately with the steps necessary to acquire the surplus lands for affordable housing and to investigate acquiring the lands as a buffer to Barriefield Village, should the preferred affordable housing option not prove viable;
- b) proceed immediately with a review, and update if required, of the Heritage Conservation District Plan;
- c) the completion of a stage 2 and 3 archaeological assessment, environmental assessments and technical studies that may be necessary to determine the potential future uses that are viable for the properties and to complete the necessary due diligence for purchasing the property;
- d) the necessary public meeting(s) facilitated as outlined by the Council motion of November 17, 2009, addressing both affordable housing and heritage preservation matters;

- and further -

THAT the report be completed no later than June 2010; said report should use existing materials to the greatest extent possible and should also include timelines for the necessary planning approvals;

- and further -

THAT a budget of up to \$250,000 be approved with funding from the Working Fund Reserve for the work;

- and further -

THAT staff express the City's interest in acquiring the property for affordable housing to Public Works and Government Services Canada (PWGSC).

(The Report of the Chief Administrative Officer (10-061) was attached as Schedule Pages 52-128)

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

CARRIED AS AMENDED (6:5)

(See Recorded Vote No. 1)

(See Motions To Amend Which Were CARRIED)

REPORTS (CONTINUED)

Report No. 30 of the Chief Administrative Officer (Recommend)

Moved by Councillor Garrison

Seconded by Councillor MacLeod-Kane

THAT Clause (1) of Report No. 30 of the Chief Administrative Officer (Recommend) be amended as follows:

City Council Meeting No. 07-2010

Minutes

Tuesday, February 16 and Wednesday, February 17, 2010

- in paragraph 1: delete the words “a comprehensive feasibility study to determine whether or not the City should acquire the subject lands, including but not limited to” and replace them with “as a high priority the following with respect to the subject lands” such that it reads:
“That Council authorize staff to undertake as a high priority the following with respect to the subject lands:”
- in part a): delete the words “the potential”; add the words “proceed immediately with the steps necessary” before the words “to acquire”; and delete the words “municipal purposes, including” such that it reads:
“a) proceed immediately with the steps necessary to acquire the surplus lands for affordable housing;”
- delete part b) in its entirety, which read as follows:
“b) the potential recommended uses of the land, complete with costs associated with each use, identification of equity contribution options, and timelines for implementation;”
- in part c): delete the words “the review of options”; and add the words “proceed immediately with a review of the Heritage Conservation District Plan” before the words “to ensure” such that it becomes part b) and reads:
“b) proceed immediately with a review of the Heritage Conservation District Plan to ensure that any development of the property would meet requirements of the Heritage Conservation District Plan;”
- in paragraph 2: delete the words “feasibility study”; delete the word “September” and replace it with “June”; and add the words “said report should use existing materials to the greatest extent possible and should also include timelines for the necessary planning approvals” such that it reads:
“That the report be completed no later than June 2010; said report should use existing materials to the greatest extent possible and should also include timelines for the necessary planning approvals;”
- delete paragraph 3, which read:
“That a budget of \$250,000 be approved with funding from the Working Fund Reserve for the work;”
and replace it with:
“That a reduced budget amount for the identified work be presented in April 2010 to Council to further investigate the development of affordable housing;”
- in paragraph 4: delete the words “municipal purposes” and replace with “affordable housing”; and delete the words “subject to the information determined by the above process” such that it reads:
“That staff express the City’s interest in acquiring the property for affordable housing to Public Works and Government Services Canada (PWGSC).”

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

REPORTS (CONTINUED)

Report No. 30 of the Chief Administrative Officer (Recommend)

Moved by Councillor Foster
Seconded by Councillor Smith

THAT Clause (1) of Report No. 30 of the Chief Administrative Officer (Recommend) as amended be further amended to add the words “and to investigate acquiring the lands as a buffer to Barriefield Village, should the preferred affordable housing option not prove viable” to the end of part a) such that it reads:

City Council Meeting No. 07-2010

Minutes

Tuesday, February 16 and Wednesday, February 17, 2010

"a) proceed immediately with the steps necessary to acquire the surplus lands for affordable housing and to investigate acquiring the lands as a buffer to Barriefield Village, should the preferred affordable housing option not prove viable;

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

Moved by Councillor Foster
Seconded by Councillor Glover

THAT Clause (1) of Report No. 30 of the Chief Administrative Officer (Recommend) as amended be further amended to delete part b) which read:

"b) proceed immediately with a review of the Heritage Conservation District Plan to ensure that any development of the property would meet requirements of the Heritage Conservation District Plan;"

and replace it with:

"b) proceed immediately with a review, and update if required, of the Heritage Conservation District Plan;"

CARRIED

Moved by Councillor Schmolka
Seconded by Councillor Osanic

THAT Clause (1) of Report No. 30 of the Chief Administrative Officer (Recommend) as amended be further amended to delete paragraph 3 which read:

"That a reduced budget amount for the identified work be presented in April 2010 to Council to further investigate the development of affordable housing;"

and replace it with

"That a budget of up to \$250,000 be approved with funding from the Working Fund Reserve for the work;"

CARRIED

1. A Recorded Vote was requested by Councillor Garrison

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

NAYS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Mayor Rosen, Councillor Smith (5)

ABSENT: Councillor Hector, Councillor Hutchison (2)

2. A Recorded Vote was requested by Councillor Garrison

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

NAYS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Mayor Rosen, Councillor Smith (5)

ABSENT: Councillor Hector, Councillor Hutchison (2)

REPORTS (CONTINUED)

Report No. 30 of the Chief Administrative Officer (Recommend)

3. A Recorded Vote was requested by Councillor Gerretsen

YEAS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Councillor Matheson, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (9)

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

ABSENT: Councillor Hector, Councillor Hutchison (2)

City Council Meeting No. 07-2010

Minutes

Tuesday, February 16 and Wednesday, February 17, 2010

Councillor Hutchison returned to the meeting.

(2) **Domino Theatre Accommodations at Cook Brothers Arena**

THAT the Mayor and Clerk be authorized to sign an agreement for the accommodation of the Domino Theatre at the Cook Brothers Arena or at the Harold Harvey Arena if it becomes available, with final approval of the terms of the agreement to be approved by the Legal Services Department and the Commissioner of Sustainability and Growth with the terms and conditions as outlined in report to Council No. 10-024, dated December 1, 2009;

- and further -

THAT the lease agreement include a satisfactory funding agreement that describes the contributions to the construction for the Domino Theatre and that this be approved by the Domino Theatre Board prior to any award of contracts for design or construction;

- and further -

THAT staff be authorized to award a design contract for the upgrades at the Cook Brothers Arena or the Harold Harvey Arena to upgrade the facility for community uses including the Domino Theatre subject to a letter of intent and lease terms being approved by the Domino Theatre Board;

- and further -

THAT staff be authorized to prepare construction contracts and award work with an upset limit of \$1,900,000 at the Cook Brothers Arena or \$1,700,000 at the Harold Harvey Arena for the upgrading of the facility for use as a community centre and that this be funded from debt with funding from the Municipal Capital Reserve Fund;

- and further -

THAT staff report back in 2011 regarding other potential uses that could be placed at the Cook Brothers Arena and Harold Harvey Arena.

(The Report of the Commissioner of Sustainability and Growth (10-080) was attached as Schedule Pages 129-144)
(File No. CSU-L15-000-2010)

CARRIED AS AMENDED (12:0)
(See Motion To Amend Which Was CARRIED)
(See Recorded Vote No. 1)

Moved by Councillor Smith
Seconded by Councillor Foster

THAT Clause (2) of Report No. 30 of the Chief Administrative Officer (Recommend) be amended to add the words "or at the Harold Harvey Arena if it become available" after the words "Cook Brothers Arena" in paragraph 1; to add the words "or the Harold Harvey Arena" after the words "Cook Brothers Arena" in paragraph 3; to add the words "or \$1,700,000 at the Harold Harvey Arena" after the words "Cook Brothers Arena" in paragraph 4; and to add the words "and Harold Harvey Arena" after the words "Cook Brothers Arena" in paragraph 5.

CARRIED (7:5)
(See Recorded Vote No. 2)

REPORTS (CONTINUED)

Report No. 30 of the Chief Administrative Officer (Recommend)

1. A Recorded Vote was requested by Councillor Smith

YEAS: Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (12)

NAYS: (0)

ABSENT: Councillor Hector (1)

City Council Meeting No. 07-2010
Minutes
Tuesday, February 16 and Wednesday, February 17, 2010

2. A Recorded Vote was requested by Councillor Garrison
- YEAS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Councillor Matheson, Mayor Rosen, Councillor Schmolka, Councillor Smith (7)
- NAYS: Councillor Garrison, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Meers, Councillor Osanic (5)
- ABSENT: Councillor Hector (1)

Report No. 31 of the Arts, Recreation and Community Policies Committee

Moved by Councillor Hutchison
Seconded by Councillor Osanic

THAT Report No. 31 of the Arts, Recreation and Community Policies Committee be received and adopted.

Council consented to the separation of Clauses 1, 4, and 5.

Report No. 31

To the Mayor and Members of Council:
The Arts, Recreation and Community Policies Committee reports and recommends as follows:

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

January 28, 2010

1. Wally Elmer Neighbourhood Centre Operational and Capital Plan

THAT the Wally Elmer Neighbourhood Centre and Shannon Park Capital and Operation Plan, dated January 2010, attached as Exhibit A to Report No. ARCP-10-008, be endorsed;

- and further -

THAT \$6M be included in the 10 year capital budgets for the capital upgrade of the Wally Elmer Neighbourhood Centre with funding to be included in a future capital budget.

(Note: The Report of the Commissioner of Sustainability and Growth Group (ARCP-10-008) was attached to the ARCP agenda as Schedule Pages 1-21.)

CARRIED

REPORTS (CONTINUED)

Report No. 31 of the Arts, Recreation and Community Policies Committee

2. Soccer Field Strategy and Funding Allocation

THAT the maintenance and strategic Soccer Field Comprehensive Plan with actions, dated January 2010, attached as Exhibit A of Report No. ARCP-10-11, be approved;

- and further -

THAT the \$1.5 million soccer field funding allocation recommendations, as described in Exhibit B of Report No. ARCP-10-011, with capital works to be initiated by staff in 2010 be approved;

- and further -

City Council Meeting No. 07-2010

Minutes

Tuesday, February 16 and Wednesday, February 17, 2010

THAT staff, as part of the plan, allocate funding within the proposed budget to address drainage concerns at Ashton Park.

(Note: The Report of the Commissioner of Sustainability and Growth Group (ARCP-10-011) was attached to the ARCP agenda as Schedule Pages 22-34.)

3. **2010 City of Kingston Arts Fund**

THAT the revised Kingston Arts Council Plan for the Administration of Arts Funding, dated December 2, 2009, as the basis for an agreement with the Kingston Arts Council (KAC) to administer the 2010 City of Kingston Arts Fund on behalf of the City, be approved;

- and further -

THAT the Mayor and Clerk be directed to enter into an agreement acceptable to the Director of Legal Services providing for the extension of the existing agreement with the Kingston Arts Council to provide for the administration of the City of Kingston Arts Fund for 2010;

- and further -

THAT two Councillors and a City staff member be appointed to participate on each of the review committees (the operating grants review committee for arts organizations and the project grants review committee for arts projects).

(Note: The Report of the Commissioner of Sustainability and Growth Group (ARCP-10-014) was attached to the ARCP agenda as Schedule Pages 35-72.)

CARRIED
(Clauses 2 and 3)

4. **Draft Recommendations of the Draft Parks and Recreation Master Plan**

WHEREAS Council has already endorsed policies related to residential intensification; and,

WHEREAS the importance of parks increases with rising population density; and,

WHEREAS recommendations 129-132 inclusive of the draft Parks and Recreation Master Plan, dated January 2010, as discussed at the January Arts, Recreation and Community Policies Committee meeting, speaks to revision of parkland requirements being reviewed as part of the Official Plan review in 5 years time; and,

WHEREAS Municipal Park requirements are important to our quality of life;

THEREFORE BE IT RESOLVED THAT Planning staff be directed to review the draft recommendations 129-132 of the draft Parks and Recreation Master Plan as soon as possible, and, if appropriate,

THAT Planning staff bring forward through the Planning Committee recommendations for an Official Plan amendment that would reflect the Parks and Recreation Master Plan recommendations;

- and further -

REPORTS (CONTINUED)

Report No. 31 of the Arts, Recreation and Community Policies Committee

THAT, as part of the next draft of the Parks and Recreation Master Plan, provision of beaches throughout the City to include but not be limited to Breakwater Park, Richardson Park, Lake Ontario Park, Rotary Park, and Grass Creek Park be investigated;

- and further -

THAT Section 5.3 on page 51 be amended to add:

- 'enhance and ensure the use, quantity and attractiveness of beaches in the City for swimming';

- and further -

THAT the table on page 52 be amended to add 'beaches' to the list with the appropriate changes to the table;

City Council Meeting No. 07-2010
Minutes
Tuesday, February 16 and Wednesday, February 17, 2010

- and further -

THAT, as maintaining access to recreational infrastructure within the geographical areas of the City is important, the consultant be directed to remove all recommendations regarding the decommissioning of ice pads in the Central City within the next draft of the Master Plan.

CARRIED (12:0)
(See Recorded Vote)

A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (12)

NAYS: (0)

ABSENT: Councillor Hector (1)



February 3, 2010

Council consented to the separation of paragraph 1 of Clause 5.

5. **Proposed Decommissioning and Repurposing of Harold Harvey Arena**

THAT the Harold Harvey Arena not be decommissioned unless an alternate location acceptable to the Church Athletic League (CAL) is found by February 28, 2010;

CARRIED AS AMENDED (10:2)
(See Motion To Amend Which Was CARRIED)
(See Recorded Vote No. 1)

- and further -

THAT \$2,000,000 be added to the 10 year capital budget to convert the Harold Harvey Arena direct ammonia system;

- and further -

THAT staff work with the Church Athletic League to provide an appropriate temporary location should construction work at the Harold Harvey Arena not be completed by September of the year of construction;

- and further -

THAT staff bring back a report regarding other necessary improvements to the Harold Harvey Arena at the time of the presentation of the 10 year capital budget.

REPORTS (CONTINUED)

Report No. 31 of the Arts, Recreation and Community Policies Committee

(Note: The Report of the Commissioner of Sustainability and Growth Group (ARCP-10-013) was attached to the February 3 ARCP agenda as Schedule Pages 1-24.)

(See Clause 1, Report No. 34, Page No. 158)

CARRIED (9:3)
(See Recorded Vote No. 2)
(See Motion To Defer Which Was LOST)

Moved by Councillor Schmolka
Seconded by Councillor Gerretsen

THAT paragraph 1 of Clause 5 of Report No. 31 of the Arts, Recreation and Community Policies Committee be amended by adding the words "unless an alternate location acceptable to the Church Athletic League (CAL) is found by February 28, 2010" after the word "decommissioned".

City Council Meeting No. 07-2010
Minutes
Tuesday, February 16 and Wednesday, February 17, 2010

CARRIED (7:5)
(See Recorded Vote No. 3)

Moved by Councillor Smith
Seconded by Councillor Osanic

THAT Clause 5 of Report No. 31 of the Arts, Recreation and Community Policies Committee be deferred to the Council meeting on March 2, 2010, in order to allow staff to negotiate with the Church Athletic League (CAL) about an alternative location at the Memorial Centre.

LOST (5:7)
(See Recorded Vote No. 4)

1. A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka (10)

NAYS: Mayor Rosen, Councillor Smith (2)

ABSENT: Councillor Hector (1)

2. A Recorded Vote was requested by Councillor Smith

YEAS: Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Councillor Schmolka (9)

NAYS: Councillor Foster, Mayor Rosen, Councillor Smith (3)

ABSENT: Councillor Hector (1)

3. A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Foster, Councillor Gerretsen, Councillor Glover, Councillor Matheson, Councillor Osanic, Mayor Rosen, Councillor Schmolka (7)

NAYS: Councillor Garrison, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Meers, Councillor Smith (5)

ABSENT: Councillor Hector (1)

REPORTS (CONTINUED)

Report No. 31 of the Arts, Recreation and Community Policies Committee

4. A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Foster, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (5)

NAYS: Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers (7)

ABSENT: Councillor Hector (1)

Report No. 32 of the Kingston Municipal Heritage Committee (LACAC)

Moved by Councillor Glover
Seconded by Councillor Meers

City Council Meeting No. 07-2010

Minutes

Tuesday, February 16 and Wednesday, February 17, 2010

THAT Report No. 32 of the Kingston Municipal Heritage Committee (LACAC) be received and adopted.

Report No. 32

To the Mayor and Members of Council:

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

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

February 1, 2010

1. **Request that Staff Consider the Accessibility, Conservation, Display and Use of the City Hall Portrait Collection which is a Historical and Cultural Resource**

WHEREAS the portrait collection in City Hall has been described as "a very valuable and unique display of early Canadian art"; and,

WHEREAS six of the subjects, namely Thomas Kirkpatrick, Dr James Sampson, John Counter, Overton Gildersleeve, John Creighton and John Gaskin are themselves subject of an entry in the Dictionary of Canadian Biography (DCB); and,

WHEREAS the artist of many of the portraits, William Sawyer, is also the subject of a DCB entry; and,

WHEREAS this important historical and cultural resource is largely ignored;

THEREFORE BE IT RESOLVED THAT the Kingston Municipal Heritage Committee request that staff be directed:

1. To improve public accessibility to the collection in short term with such steps as:
 - a) relocating portraits of important subjects currently hidden from public view to places where they can be more easily seen; and,
 - b) preparing labels for the portraits that describe the importance of both the subject and the artist; and,
 - c) providing the DCB entries to the City Hall tour guides; and,
2. To report not later than April to both the Arts Advisory Committee and the Municipal Heritage Committee on longer term steps that need to be approved for the conservation of the collection, its better display, and appropriate use as an historical and cultural resource of the City of Kingston.

REPORTS (CONTINUED)

Report No. 32 of the Kingston Municipal Heritage Committee (LACAC)

2. **Approval of an Application for the Restoration of a Bronze Plated Lion Statue at 1 King Street East also known as Newlands Pavilion in Macdonald Park**

THAT Application P18-172-010-2010 for a property located at 1 King Street East also known as Newlands Pavilion in Macdonald Park requesting approval for restoration of a bronze plated lion statue at Macdonald Park **BE APPROVED** in accordance with details described within a submission filed January 4, 2010, and deemed complete by the Planning and Development Department January 11, 2010;

- and further -

THAT 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;

- and further -

City Council Meeting No. 07-2010

Minutes

Tuesday, February 16 and Wednesday, February 17, 2010

THAT 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;

- and further -

THAT the Kingston Municipal Heritage Committee request that Mr. John Duerkop work with staff to review the wording of the plaque.

3. **Approval of an Application for Construction Access and Temporary Removal of the Stone Fence at 70 and 72 Barrie Street for a Construction Project at 18 Stuart Street also known as Botterell Hall**

THAT Application P18-059-009-2010 for a property located at 70 and 72 Barrie Street requesting approval for the creation of a temporary construction access and temporary removal of the stone fence in order to facilitate construction project at Botterell Hall **BE APPROVED** in accordance with details described within a submission filed December 23, 2009 and deemed complete by the Planning and Development Department January 11, 2010;

- and further -

THAT care be taken in the dismantling of the cast iron and stone fence, that the stone fence be recorded and the stones numbered and photographed in order to reinstate it in its original form on proper footings with a record provided to the Committee, and that the stone be protected while the other work is underway;

- and further -

THAT 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;

- and further -

THAT 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;

- and further -

REPORTS (CONTINUED)

Report No. 32 of the Kingston Municipal Heritage Committee (LACAC)

THAT proper permit/permission, if required to access the site from this location, be obtained by contacting Brad Morton at 613-546-4291 Ext. 3147 or bmorton@cityofkingston.ca;

- and further -

THAT ownership of the property used for access be confirmed that it is that of the applicant, and otherwise permission should be granted/confirmed by the owner of 70 and 72 Barrie Street.

4. **Final Approval for a Heritage Property Grant for the Costs of Work to be Done for the Replacement of Soffit Fascia, Dormer Windows, Scaffolding, and Painting at 112 Montreal Street**

WHEREAS the owner of 112 Montreal Street has requested final approval for Heritage Grant Application HG-01-2009; 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;

City Council Meeting No. 07-2010

Minutes

Tuesday, February 16 and Wednesday, February 17, 2010

THEREFORE BE IT RECOMMENDED THAT Heritage Property Grant HG-01-2009 for 112 Montreal Street **BE APPROVED** for the replacement of soffit fascia, dormer windows, scaffolding, and painting;

- 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. **Formal Denial of Heritage Property Grant Application for the Costs of Work to be done at 212 King Street East**

WHEREAS Application HG-23-2006 for a property located at 212 King Street East received provisional approval from Council on April 18, 2006, for a Heritage Property Grant of 50% of the costs associated with the Eligible Work as submitted by receipts and up to a maximum amount of \$2000; and,

WHEREAS the new current owners of the property requested formal withdrawal of this application on May 15, 2009, and provisional approval was received from Council on June 16, 2009, for a new grant (HG-011-2009);

THEREFORE IT IS RECOMMENDED THAT Council deem application HG-23-2006 to be withdrawn and that application HG-23-2006 be formally denied, thereby releasing the provisional allocation of the associated funds and returning the funds to the Heritage Reserve Fund.

CARRIED

Report No. 33 of the Municipal Accessibility Advisory Committee

Moved by Councillor Gerretsen

Seconded by Councillor Meers

THAT Report No. 33 of the Municipal Accessibility Advisory Committee be received and adopted.

Report No. 33

To the Mayor and Members of Council:

The Municipal Accessibility Advisory Committee reports and recommends as follows:

REPORTS (CONTINUED)

Report No. 33 of the Municipal Accessibility Advisory Committee

February 4, 2010

1. **WHEREAS** the City of Kingston Council has established a Municipal Accessibility Advisory Committee (MAAC) as required by the *Ontarians with Disabilities Act, 2001* (ODA); and,

WHEREAS Council has the authority to authorize the creation of Working Groups as outlined in the "How to Guide to Establish a Municipal Accessibility Advisory Committee under the ODA" to address its mandated responsibilities;

THEREFORE BE IT RESOLVED THAT Council approve the creation of three Working Groups to explore specific issues, the Working Groups being:

- I. "Built Environment" (to include Parks and Trails and Site Plan Review) with a minimum of 6 committee members to a maximum of 7 members;
- II. "Communications and Employment" (to include customer service) with a minimum of 4 committee members to a maximum of 7 members;
- III. "Transportation" with a minimum of 4 committee members to a maximum of 7 members;

- and further -

THAT the three Working Group mandates be provided to Council for approval prior to their implementation;

City Council Meeting No. 07-2010
Minutes
Tuesday, February 16 and Wednesday, February 17, 2010

- and further -

THAT this decision be open for review when the staff policy on MAAC input on accessibility issues comes forward to Council.

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

Moved by Councillor Schmolka
Seconded by Councillor Gerretsen

THAT Clause 1 of Report No. 33 of the Municipal Accessibility Advisory Committee (MAAC) be amended such that the word "Sub-Committees" be replaced with "Working Groups" and that the following paragraph be added thereto:

"That this decision be open for review when the staff policy on MAAC input on accessibility issues comes forward to Council."

CARRIED

Moved by Councillor Smith
Seconded by Councillor Glover

THAT Clause 1 of Report No. 33 of the Municipal Accessibility Advisory Committee (MAAC) be referred to staff; and that staff be directed to work with MAAC to arrive at a point where staff can support this initiative; and that staff report back to Council at its 2nd meeting in March 2010.

LOST

Report No. 34 of the Memorial Centre Revitalization Advisory Committee

Moved by Councillor Garrison
Seconded by Councillor Meers

THAT Report No. 34 of the Memorial Centre Revitalization Advisory Committee be received and adopted.

REPORTS (CONTINUED)

Report No. 34 of the Memorial Centre Revitalization Advisory Committee

Report No. 34

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

December 14, 2009

1. **Memorial Centre Ice Pad**

WHEREAS the ice pad at the Cook Brothers Arena has been decommissioned in 2008; and

WHEREAS the Memorial Centre Concept Plan is currently being implemented; and

WHEREAS improvements to the ice pad equipment at the Memorial Centre, including the replacement of a condenser, has recently occurred;

THEREFORE BE IT RESOLVED THAT the ice pad at the Memorial Centre be retained for public use.

CARRIED (12:0)
(See Recorded Vote)

City Council Meeting No. 07-2010
Minutes
Tuesday, February 16 and Wednesday, February 17, 2010

A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Foster, Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Matheson, Councillor Meers, Councillor Osanic, Mayor Rosen, Councillor Schmolka, Councillor Smith (12)

NAYS: (0)

ABSENT: Councillor Hector (1)

Note: This item appeared as Clause 1 of Report No. 17 of the Memorial Centre Revitalization Advisory Committee at the meeting held on January 5, 2010, and was deferred until such time that staff presented its arenas report back to Council. (See Clause 5 of Report No. 31, Page No. 152)

INFORMATION REPORTS

(1) **Status Update on Council Priorities for the 4th Quarter of 2009**

This report is provided to Council as a report card on progress of Council's established priorities, specific initiatives, major projects and assignments from standing committees.

(The Report of the Chief Administrative Officer (10-044) was attached as Schedule Pages 145-155)

(File No. CSU-C08-000-2010)

(2) **Third Crossing of the Cataraqui River Environmental Assessment Update**

The purpose of this report is to provide Council with an update on the progress of the Third Crossing of the Cataraqui River Environmental Assessment (EA).

(The Report of the Commissioner of Corporate Services (10-067) was attached as Schedule Pages 156-163)

(File No. CSU-E05-000-2010)

MISCELLANEOUS BUSINESS

(1) Moved by Councillor Matheson
Seconded by Councillor Gerretsen

THAT, at the request of Best Buddies Canada, Council proclaim March 2010 as "Best Buddies Month" in the City of Kingston.

(See Communication No. 07-112)

CARRIED

(2) Moved by Councillor Glover
Seconded by Councillor Garrison

THAT Council appoint Councillor Glover, Councillor Hutchison and Brian McCurdy, Cultural Director, to sit on the Operating Grants Review Committee for the 2010 City of Kingston Arts Fund.

(See Clause 3, Report No. 31, Page No. 151)

CARRIED

(3) Moved by Councillor Garrison
Seconded by Councillor Glover

THAT Council appoint Councillor Schmolka, Councillor Matheson and Brian McCurdy, Cultural Director, to sit on the Project Grants Review Committee for the 2010 City of Kingston Arts Fund.

(See Clause 3, Report No. 31, Page No. 151)

City Council Meeting No. 07-2010
Minutes
Tuesday, February 16 and Wednesday, February 17, 2010

CARRIED

MOTIONS

- (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,

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.

CARRIED

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

WHEREAS an increasing number of residents are commuting to work by bicycle for their health and for the environment; and,

WHEREAS more residents commented on the safety concerns of cycling on the LaSalle Causeway than on any other location or topic in the *Step Up* report by the Kingston Coalition for Active Transportation (KCAT), published in May 2009; and,

MOTIONS (CONTINUED)

WHEREAS the extensive paved shoulders (interpreted by many to be bicycle lanes) in Pittsburgh encourage all City residents to cycle recreationally, the causeway is a problem for cyclists going in both directions and flags a wider safety issue; and,

WHEREAS the lack of a cycle lane on the causeway means that cyclists need to take a stance in their lane similar to that of a motorcyclist; and,

WHEREAS this necessary lane position for cyclists is not well understood by motorists or cyclists and instead of motorists slowing down behind the cyclist and allowing them to go ahead, motorists attempt to overtake the cyclist and force them to squeeze to the right which places the cyclist in danger; and,

WHEREAS City staff have communicated this safety problem to officials responsible for the LaSalle Causeway at Transport Canada requesting that signs be placed on federal property, but have had no resolve; and,

WHEREAS the Board of Health in their concern for health and safety has written to Transport Canada with a similar request and has received no reply; and,

WHEREAS the time of year is approaching when more cyclists are on the road and so action needs to be taken;

THEREFORE BE IT RESOLVED THAT staff investigate suitable locations where road signs can be placed on City property on the east and west approaches to the LaSalle Causeway;

- and further -

City Council Meeting No. 07-2010

Minutes

Tuesday, February 16 and Wednesday, February 17, 2010

THAT road signs be erected according to, or similar to the recommendation made by the Kingston Coalition for Active Transportation (KCAT):

- That the signs be diamond-shaped with a yellow background;
- That the signs have a diagram of a bicycle in front of a car;
- That underneath in a rectangle the message should read:
Cyclists: Ride in centre of lane
Motorists: Yield to cyclists

DEFERRED
(See Motion To Defer Which Was CARRIED)

Moved by Councillor Foster
Seconded by Councillor Gerretsen

THAT the Motion of Councillors Foster and Schmolka be deferred and referred to staff to investigate and report back to Council on whether the proposed signs are legally permitted and, if not, to come up with a suitable solution.

CARRIED

NOTICES OF MOTION

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

WHEREAS the closing of the two prison farms operating in Kingston is a source of great concern to the community; and,

WHEREAS the loss of the rehabilitative effects of working on the prison farms could result in the release of offenders into the Kingston community who are less able to cope and are more at risk of re-offending thus increasing risks for the citizens of Kingston; and,

NOTICES OF MOTION (CONTINUED)

WHEREAS there has been no public input or expert review of the potential risks associated with the proposed closing of prison farms; and,

WHEREAS the Pittsburgh farm houses the only abattoir in Kingston for local farmers and Frontenac Institute provides eggs and milk for inmates in prisons in Ontario and Quebec, "Paying their way through agriculture" as the Correctional Services signs on the properties proudly proclaim; and,

WHEREAS there is a new federal Minister responsible for Public Safety whom the Prime Minister appointed to the position in January, 2010;

THEREFORE BE IT RESOLVED THAT Council invite the Honourable Vic Toews, Minister of Public Safety, to Kingston to speak to Council before he and his government take any irrevocable decisions with respect to the prison farms, such as selling the prized dairy herd, and, hopefully, to tour the farms as well to understand firsthand what is at stake

- and further -

THAT a copy of this motion be sent to the other four municipalities in Canada with prison farms – Dorchester, New Brunswick (Westmorland Institution), Stoney Mountain, Manitoba (Rockwood Institution), Prince Albert, Saskatchewan (Riverbend Institution), and Innisfail, Alberta, (Bowden Institution).

City Council Meeting No. 07-2010
Minutes
Tuesday, February 16 and Wednesday, February 17, 2010

MINUTES

Moved by Councillor Schmolka
Seconded by Councillor Matheson

THAT the Minutes of City Council Meeting No. 06-2010, held Tuesday, February 2, 2010 be confirmed.

CARRIED

TABLING OF DOCUMENTS

- 2010-18 Catarqui Region Conservation Authority
Flyer/Advertisement – Talk on 10th Anniversary of Walkerton Tragedy – February 11
(File No. CSU-D03-000-2010)

- 2010-19 Association of Municipalities of Ontario
Newsletter - Weekly Watch File – January 28, 2010
(File No. CSU-A01-004-2010)

- 2010-20 Catarqui Region Conservation Authority
Agenda – Catarqui Source Protection Committee – February 11, 2010
(File No. CSU-D03-000-2010)

COMMUNICATIONS

Council consented to the addition of Communication 07-116.

Filed

- 07-090 From the County of Simcoe, 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)

- 07-091 From the Town of Ajax, 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)

- 07-092 From the City of Peterborough, 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)

- 07-093 From the Corporation of the County of Perth, 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)

City Council Meeting No. 07-2010

Minutes

Tuesday, February 16 and Wednesday, February 17, 2010

- 07-094 From McCormick Rankin Corporation, providing information regarding the proposed improvements to the Highway 401/Division Street Interchange.
(File No. CSU-T04-000-2010)
(Distributed to all Members of Council on February 2, 2010)
- 07-096 From the Greater Kingston Chamber of Commerce, thanking the City for its ongoing support and providing information regarding its services.
(File No. CSU-A01-000-2010)
- 07-097 From the Committee of Adjustment, a Notice of Decision for the following applications:
- CONSENT – In respect of an application for consent to sever the property at 62 Dalglish Avenue, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is February 16, 2010.
- CONSENT – In respect of an application for consent to sever the property at 1387 Sunnyside Road, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is February 16, 2010.
- CONSENT – In respect of an application for consent to sever the property at 3025 Highway 38, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is February 16, 2010.
- CONSENT – In respect of an application for consent to sever the property at 306-312 Mack Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is February 16, 2010.
- MINOR VARIANCE – In respect of an application to request permission for relief from Zoning By-Law No. 8499 for the property at 306 Mack Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is February 16, 2010.
- CONSENT – In respect of an application for consent to sever the property at 78 Regent Street, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is February 16, 2010.

COMMUNICATIONS (CONTINUED)

- MINOR VARIANCE – In respect of an application to request permission for relief from Zoning By-Law No. 8499 for the property at 306 Mack Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is February 16, 2010.
- MINOR VARIANCE – In respect of an application to request permission for relief from Zoning By-Law No. 76-26 for the property at 2001 Swanfield Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is February 16, 2010.
- CONSENT – In respect of an application for consent to sever the property at 271 Main Street, Barriefield, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is February 22, 2010.
- CONSENT – In respect of an application for consent to sever the property at 77 Alwington Avenue, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is February 22, 2010.
- CONSENT – In respect of an application for consent to sever the property at 73 Alwington Avenue, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is February 22, 2010.
(File No. CSU-D19-000-2010)

- 07-100 From the Town of Caledon, acknowledging receipt of Council's resolution regarding exemption of electricity sales from the provincial portion of the single harmonized sales tax.

City Council Meeting No. 07-2010
Minutes
Tuesday, February 16 and Wednesday, February 17, 2010

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

- 07-101 From the City of Hamilton, 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)
- 07-103 From the Rideau Heritage Route Tourism Association (RHRTA), providing information regarding the new Ontario tourism regions, how these regions affect the Rideau Heritage Route, and how the RHRTA will deal with the changes.
(File No. CSU-D06-000-2010)
- 07-105 From the Regional Municipality of York, 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)
- 07-106 From the City of Brantford, 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)
- 07-107 From the County of Hastings, 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)
- 07-109 From the Ontario Ministry of Natural Resources, providing the Peterborough District Emergency Response Overview, outlining the objectives as well as the resources that are available.
(File No. CSU-P03-000-2010)

COMMUNICATIONS (CONTINUED)

- 07-110 From the Corporation of the County of Grey, 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)
- 07-111 From The Barriefield Arms, an application for a liquor licence from the Alcohol and Gaming Commission of Ontario for an establishment located at 760 Highway 15, Units 7 and 8.
(File No. CSU-P09-000-2010)
- 07-113 From the County of Bruce, 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)
- 07-114 From the Honourable Jim Watson, MPP, advising of his resignation as Ontario Minister of Municipal Affairs and Housing.
(File No. CSU-A16-000-2010)
- 07-115 From the Ontario Ministry of Transportation, providing information regarding suggestions to changes to road names on signs along Highway 401.
(File No. CSU-D20-000-2010)

City Council Meeting No. 07-2010
Minutes
Tuesday, February 16 and Wednesday, February 17, 2010

Referred to All Members of Council

- 07-095 From the Frank Cowan Company, providing information regarding their reception at the OGRA/ROMA Conference in Toronto on February 21.
(File No. CSU-A04-000-2010)
- 07-102 From the Ministry of Municipal Affairs and Housing, advising that nominations are now open for the 2010 Long-standing Service Program, which recognizes elected officials in municipalities who have served 25 years or more.
(File No. CSU-C00-000-2010)
- 07-104 From the Cataraqui Region Conservation Authority (CRCA), asking that Council consider passing a resolution to accept the new delineations of the Wellhead Protection Area-B (2-year time of travel) around the Cana well supply as eligible areas for grants under the Ontario Drinking Water Stewardship Program (ODWSP) – Early Actions.
(File No. CSU-D03-000-2010)
- 07-108 From the Township of Front of Yonge, asking for Council's support of a resolution requesting that the Ministry of Natural Resources provide a solution and/or financial assistance with the coyote problem and that the Ministry of Agriculture adopt and implement the recommendations of the Ontario Federation of Agriculture's predator task team, to assist farmers in the control of problem coyotes.
(File No. CSU-C10-000-2010, CSU-P14-000-2010)
- 07-112 From Best Buddies Canada, asking that Council proclaim March 2010 as "Best Buddies Month" in the City of Kingston.
(File No. CSU-M10-000-2010)
(See Miscellaneous Business Item No. 1)
(Distributed to all Members of Council on February 12, 2010)

COMMUNICATIONS (CONTINUED)

- 07-116 From the Limestone District School Board, encouraging Council to vote in favour of retaining ice for recreational skating at the Memorial Centre.
(File No. CSU-R05-000-2010)

Referred to the City Clerk

- 07-098 From the Kidney Foundation of Canada, Kingston Chapter, asking that Council proclaim March, 2010, as "Kidney Health Month" in the City of Kingston.
(File No. CSU-M10-000-2010)
- 07-099 From Easter Seals Ontario, Kingston and Area, asking that council proclaim March, 2010, as "Easter Seals Month" in the City of Kingston.
(File No. CSU-M10-000-2010)

BY-LAWS

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

CARRIED

City Council Meeting No. 07-2010

Minutes

Tuesday, February 16 and Wednesday, February 17, 2010

- (B) Moved by Councillor Gerretsen
Seconded by Councillor Hutchison
THAT Clause 8.9 of By-Law No. 98-1 be suspended for the purpose of giving By-Law (2) three readings. **CARRIED**
- (C) Moved by Councillor Matheson
Seconded by Councillor MacLeod-Kane
THAT By-Laws (2) through (9) be given their third reading. **CARRIED**
- (1) A By-Law To Authorize The Temporary Closing Of A Portion Of Market Street From Ontario Street To Mid-Block, On Wednesday, March 17, 2010, From 7:00 A.M. Until 7:00 A.M. Thursday, March 18, 2010 (Community Purposes – St. Patrick's Day Celebration)
FIRST AND SECOND READINGS PROPOSED NO. 2010-45
(See Clause (c), Report No. 29)
- (2) A By-Law To Amend By-Law No. 2005-10, "A By-Law To Establish Fees And Charges To Be Collected By The Corporation Of The City Of Kingston" (to replace Schedule A)
THREE READINGS PROPOSED NO. 2010-46
(See Clause (b), Report No. 29)

BY-LAWS (CONTINUED)

- (3) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, February 16, 2010
THREE READINGS PROPOSED NO. 2010-47
(City Council Meeting No. 07-2010)
- (4) A By-Law To Stop Up And Close The Portion Of Highway Described As The Road Allowance Between Concessions 3 And 4, Part Of Lots 11 And 12, Former Township Of Kingston, More Particularly Described As Part 1 On Draft Reference Plan 13R-19771
THIRD READING PROPOSED NO. 2010-6
(See Clause (d), Report No. 7)
- (5) A By-Law To Stop Up And Close The Portion Of Highway Described As The Road Allowance Between Mile Square Lot And Lot 1, Concession 2, Lying Between Bath Road And The Waters Of Collins Bay, More Particularly Defined As The Portion Of Road Allowance Within The Property Known As 4080 Bath Road
THIRD READING PROPOSED NO. 2010-7
(See Clause (k), Report No. 7)
- (6) 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)
THIRD READING PROPOSED NO. 2010-38
(See Clause (a), Report No. 26)

City Council Meeting No. 07-2010
Minutes
Tuesday, February 16 and Wednesday, February 17, 2010

- (7) 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)
THIRD READING PROPOSED NO. 2010-39
(See Clause (b), Report No. 26)
- (8) 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)
THIRD READING PROPOSED NO. 2010-40
(See Clause (c), Report No. 26)
- (9) 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)
THIRD READING PROPOSED NO. 2010-41
(See Clause (e), Report No. 26)

ADJOURNMENT

Moved by Councillor Glover
Seconded by Councillor MacLeod-Kane

THAT Council do now adjourn.

CARRIED

Council adjourned at 10:55 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor