

CITY COUNCIL MEETING NO. 09-2010

The Regular Meeting of City Council was held on Tuesday, March 2, 2010, and was called to order at 7:00 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 7:05 pm to 7:25 pm in the Councillors' Lounge.

(Council Chamber)

ROLL CALL

Present: Mayor Rosen, Councillor Garrison, Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison (arrived 7:13 pm), Councillor MacLeod-Kane, Councillor Osanic (arrived 7:06 pm), Councillor Schmolka, Councillor Smith (10)

Absent: Councillor Foster, Councillor Matheson, Councillor Meers (3)

(Councillors' Lounge)

Administrative Staff Present:

Mr. J. Bolognone, Deputy City Clerk
Mrs. C. Downs, City Clerk
Mr. G. Hunt, Chief Administrative Officer
Mr. J. Keech, President and CEO, Utilities Kingston
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) Litigation or potential litigation, including matters before administrative tribunals, affecting the municipality or local board; and advice that is subject to solicitor-client privilege, including communications necessary for that purpose – Kingston 2000 Developments Ltd.

CARRIED

(Council Chamber)

Administrative Staff Present:

Ms. C. Beach, Commissioner, Sustainability and Growth
Mr. J. Bolognone, Deputy City Clerk
Mrs. C. Downs, City Clerk
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. J. Keech, President and CEO, Utilities Kingston
Mr. D. Leger, Commissioner, Corporate Services
Mr. H. Linscott, Director, Legal Services
Ms. J. Reichstein, Research and Policy Analyst, Office of the CAO
Mr. G. Wallace, Director, Planning and Development
Mr. T. Willing, Acting Commissioner, Community Development Services

REPORT OF THE COMMITTEE OF THE WHOLE "IN CAMERA"

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

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

CARRIED

DISCLOSURE OF PECUNIARY INTEREST

Councillor Hector declared a possible pecuniary interest in the matter of Clause (1) of Report No. 30 of the Chief Administrative Officer (Recommend) at the Council meeting held on February 16 and 17, 2010, as she has a contract with Hughes Downey Architects.

Councillor Hutchison declared a possible pecuniary interest in the matter of Report No. 10-092 (Information Report (2)), as his employer, Kingston Co-operative Homes, Inc., may apply for funding under the DOORS or AHP programs, under which any affordable housing in Barriefield may be built.

Councillor Garrison declared a possible pecuniary interest in the matter of Clause (f) of Report No. 36 of the Chief Administrative Officer (Consent) as he is employed by one of the partner school boards.

Councillor Gerretsen declared a possible pecuniary interest in the matter of Clause (f) of Report No. 36 of the Chief Administrative Officer (Consent) as his mother is employed by the Algonquin Lakeshore District Catholic School Board (ALDCSB).

Mayor Rosen declared a possible pecuniary interest in the matter of Clause 1 of Report No. 37 of the Planning Committee as he is President of a company having property immediately abutting the subject.

PRESENTATIONS

DELEGATIONS

BRIEFINGS

Council did not consent to the addition of Clause (g) of Report No. 36 of the Chief Administrative Officer (Consent), "Church Athletic League (CAL) Home Ice Negotiations", as a 2/3 vote was not received.

LOST (5:5)
(See Recorded Vote)

A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Gerretsen, Councillor Glover, Councillor Hector, Mayor Rosen, Councillor Smith (5)

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NAYS: Councillor Garrison, Councillor Hutchison, Councillor MacLeod-Kane, Councillor Osanic, Councillor Schmolka (5)

ABSENT: Councillor Foster, Councillor Matheson, Councillor Meers (1)

PETITIONS

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY

Council consented to the addition of Motions of Congratulations (1) through (4) and Motion of Condolence (3).

Motions of Congratulations

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

THAT the congratulations of Kingston City Council be extended to Kingston's Jayna Hefford and her teammates on the Canadian Women's Olympic Hockey team, on the occasion of their gold medal-winning triumph over the United States team on Thursday February 25, 2010. Ms. Hefford has been a member of all four Olympic Women's Hockey teams, dating back to 1998. She has now won three gold medals and one silver medal during her tenure with the team. She is second in career points scored in international Canadian women's games with 235 points. As one of Kingston most decorated athletes, Kingston salutes Jayna Hefford's amazing streak of continuous success on the ice!

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

THAT the congratulations of Kingston City Council be extended to these award winners who were recognized at the recent Ontario Library Association Super Conference:

- the Kingston Frontenac Public Library and Shoalts and Zaback Architects, winners of an Award of Excellence for Library Architecture for the new Calvin Park Branch Library; and,
- Claudette Richardson, Chair of the Kingston Frontenac Public Library Board, who received the James Bain Medallion in recognition of outstanding leadership in the advancement of public library service in Ontario.

(See Communication 09-143)

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

THAT the congratulations and best wishes of Kingston City Council be extended to Mary Shook, a long-time supporter of the Kingston Fair, on the occasion of her 80th birthday on March 10, 2010.

MOTIONS OF CONGRATULATIONS/CONDOLENCES/SPEEDY RECOVERY (CONTINUED)

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

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THAT the congratulations and best wishes of Kingston City Council be extended to Roy "Scotty" Martin, a long-time fan and supporter of the Kingston Voyageurs, on the occasion of his 75th birthday on March 5, 2010.

Motions of Condolence

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

THAT the sincere condolences of Kingston City Council be extended to the family and friends of Wilfrid Kealey, who passed away on February 15, 2010. Mr. Kealey served 40 years on the Kingston Police force and retired as Deputy Chief of Police in 1986. Through the course of his lengthy career, Mr. Kealey was honoured by the RCMP, the OPP, municipal police forces from across Ontario, as well as the City of Kingston, for his contributions to policing across the province.

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

THAT the sincere condolences of Kingston City Council be extended to the family of Dave Grimwood, long time employee with the Solid Waste Department, who passed away on February 16, 2010.

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

THAT the sincere condolences of Kingston City Council be extended to Tom Meers, Kingston Firefighter, on the death of his grandmother, Stella Meers.

Motion of Speedy Recovery

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

THAT Kingston City Council extends best wishes for a speedy recovery to Grant Timmins, former Alderman of the City of Kingston from 1969 – 1985.

CARRIED

REPORTS

Report No. 36 the Chief Administrative Officer (Consent)

Moved by Councillor Osanic

Seconded by Councillor Smith

THAT Report No. 36 of the Chief Administrative Officer (Consent) be received and adopted.

Council consented to the separation of Clauses (a), (b), (c) and (f).

Report No. 36

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) **Endorsement of the Water System Annual Compliance Reports**

WHEREAS the provision of high quality safe drinking water is a priority of the City of Kingston; and,

WHEREAS the requirements of the Safe Drinking Water Act, 2002, requires Council to be informed of the matters regarding the operation of the water system and formally receive the Annual Compliance Reports for each of the Water Treatment Facilities;

THAT Council receive the 2009 Annual Compliance Reports for: The Kingston Central Water Treatment Plant, The Kingston West Water Treatment Plant, and the Cana Well Water Supply System as required by the terms and conditions outlined in the Certificate of Approvals for the above mentioned Treatment Facilities.

(The Report of the President and CEO of Utilities Kingston (10-083) was attached as Schedule Pages 1 to 95)

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

CARRIED

(b) **Concept Plan for Richardson Beach and Bath House**

THAT the facility restoration and landscape plan for Richardson Beach and the Richardson Beach Bath House facility, attached as Exhibit A to report 10-084 be approved.

(The Report of the Commissioner of Sustainability and Growth (10-084) was attached as Schedule Pages 96 to 99)

(File No. CSU-R05-000-2010)

CARRIED

(c) **Award of RFP for Architectural Detailed Design Services for Lake Ontario Park Revitalization to the Collaboration of Scott Wentworth Landscape Ltd., HCCL and NORR**

THAT Council award the contract for architectural detailed design services for Lake Ontario Park to the collaboration of Scott Wentworth Landscape Ltd., HCCL and NORR for \$438,712.50, exclusive of GST;

- and further -

REPORTS (CONTINUED)

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Report No. 36 the Chief Administrative Officer (Consent)

THAT the Mayor and Clerk be authorized to enter into a contract with Scott Wentworth Landscape Ltd. to the satisfaction of the Director of Legal Services, for the architectural detailed design services for Lake Ontario Park at a cost of \$438,712.50, exclusive of GST.

(The Report of the Commissioner of Sustainability and Growth (10-085) was attached as Schedule Pages 100 to 103)
(File No. CSU-F31-000-2010)

CARRIED

(d) **Issuance of Parking Tickets on Private Property owned by St. Paul's Anglican Church at 137 Queen Street**

THAT a by-law be presented to amend By-Law No. 99-166, "A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or Local Board", to appoint The Rev. Kris Michaelson, Al Thompson and Jim Anderson for the purpose of issuing parking violation tickets and to enforce the provisions of By-Law No. 99-166 on the property at 137 Queen Street;

- and further -

THAT this approval is subject to the applicant entering into an agreement in a form satisfactory to the City Solicitor to indemnify and save harmless the City from all claims and actions that might arise, and subject further to providing proof of sufficient insurance in a form satisfactory to the City Solicitor.

(The Report of the Acting Commissioner of Community Development Services (10-086) was attached as Schedule Pages 104 to 106)

(File No. CSU-PO1-003-2010)

(See By-Law No. (1), 2010-49)

(e) **Reduction of Best Start Child Care Funding for 2010**

THAT City Council call on the Province of Ontario to extend funding for the Best Start Initiative beyond June 2010 to support families that are working or attending education endeavours and to prevent additional reductions in service;

- and further -

THAT City Council call on the Province of Ontario to commit to Ontario's children by fully funding an early learning and child care services system at sustainable levels to meet the current and future demands for fee subsidy and special need resourcing;

- and further -

THAT City Council call on the federal government to recommit to funding the Ontario-Canada Bilateral Funding Agreement on Early Learning and Childcare, which is a first step towards a more comprehensive child care framework.

(The Report of the Acting Commissioner of Community Development Services (10-087) was attached as Schedule Pages 107 to 110)

(See Communication No. 09-138)

(File No. CSU-S07-000-2010)

CARRIED

(Clauses (d) and (e))

Councillors Garrison and Gerretsen withdrew from the meeting.

REPORTS (CONTINUED)

Report No. 36 the Chief Administrative Officer (Consent)

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(f) **Award of RFP for Architectural Design Services for Track and Field Facility and Katings Pasture Soccer Field #1 – RFP EN-2010-03**

THAT Council award the contract for architectural detailed design services for the track and field facility and Katings # 1 soccer field to McIntosh Perry Consulting Engineers Ltd. for \$282,245.00, exclusive of GST;

And further

THAT Mayor and Clerk be authorized to enter into a contract with McIntosh Perry Consulting Engineers Ltd. to the satisfaction of the Director of Legal Services, for the architectural detailed design services for the track and field facility and Katings # 1 soccer field at a cost of \$282,245.00, exclusive of GST.

(The Report of the Commissioner of Sustainability and Growth (10-088) was attached as Schedule Pages 111 to 114)
(File No. CSU-F31-000-2010)

CARRIED

Councillors Garrison and Gerretsen returned to the meeting.

Report No. 37 of the Planning Committee

Mayor Rosen withdrew from the meeting and Councillor Hector assumed the chair.

Moved by Councillor Schmolka

Seconded by Councillor Glover

THAT Report No. 37 of the Planning Committee be received and adopted.

Report No. 37

To the Mayor and Members of Council:

The Planning Committee reports and recommends as follows:

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

February 19, 2010

1. **Application for Official Plan Amendment and Zoning By-Law Amendment for the Property Located at 771 Montreal Street**

THAT the application for Official Plan Amendment and Zoning By-Law Amendment (Our File No. D09-050-2009 and D14-165-2009) submitted by John Howard Society of Kingston and District for the property located at 771 Montreal Street, **BE APPROVED**;

AND THAT the City of Kingston Official Plan be amended as follows:

1. The Official Plan for the City of Kingston, as amended, is hereby further amended by the following map change which shall constitute Amendment No.1. Amend Schedule '3-D' of the former City of Kingston Official Plan so as to redesignate the approximately 0.13 hectare of land located on the east side of Montreal Street and known municipally as 771 Montreal Street, as shown on Schedule 'C' attached hereto, from 'Residential' to 'Site Specific Residential'.

REPORTS (CONTINUED)

Report No. 37 of the Planning Committee

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2. That Section 3.18 is hereby amended by the addition of the following new section as Section 3.18.38, 771 Montreal Street:

"The 0.13 hectare parcel of land shown on Schedule '3-D' as Site Specific Policy Area No. 38 is intended to continue to be used for offices, training and counseling in addition to the uses permitted in the 'Residential' land use designation. "

AND THAT the former City of Kingston Official Plan be amended as follows:

3. The Official Plan for the former City of Kingston, as amended, is hereby further amended by the following map change which shall constitute Amendment No.42. Amend Schedule 'C' of the former City of Kingston Official Plan so as to redesignate the approximately 0.13 hectare of land located on the east side of Montreal Street and known municipally as 771 Montreal Street, as shown on Schedule 'C' attached hereto, from 'Residential' to 'Site Specific Residential'.

4. That Section 4.8 is hereby amended by the addition of the following new section as Section 4.8 (r) 771 Montreal Street:

"The 0.13 hectare parcel of land shown on Schedule 'C' as Site Specific Policy Area No. 37 is intended to continue to be used for offices, training and counseling in addition to the uses permitted in the 'Residential' land use designation."

AND THAT it be recommended to Council that the former City of Kingston Zoning By-Law No. 8499, as amended, be further amended as follows:

1. By-Law No. 8499 of The Corporation of the City of Kingston, entitled "Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston", as amended, is hereby further amended as follows:

- 1.1. Map 15 of Schedule "A", as amended, is hereby further amended by changing the zone symbol of the subject site from Industrial 'M7' Zone to Special Multiple Family Dwelling 'B1.390' Zone, as shown on Schedule "A" attached to and forming part of By-Law No. 2010-50.

- 1.2. By **Adding** a new Part VII, subsection 390 thereto as follows:

"771 Montreal Street

Notwithstanding the provisions of Section 14 hereof to the contrary, the lands zoned 'B1.390' on Schedule 'A' hereto, the following regulations shall apply:

- 1) Additional Permitted Uses: office use, transitional house, training and counselling centre
- 2) Definition:

a) Transitional House:

Is a residential building containing a maximum of 9 dwelling units or habitation units within a facility where the individual is participating in assistance or counselling programs in a training and counselling centre located on the subject property. The residential building is subject to 24 hour supervision. The maximum length of stay for an individual in a transitional house shall be one year less a day. A transitional House does not include a community home, recovery home or boarding house as defined in Zoning By-Law No. 8499.

b) Training and counselling centre:

Is a place where an individual can obtain assistance through the application of mental health, psychological or human development principles, through cognitive, affective, behavioural or systematic intervention strategies that address wellness, personal growth or career development and includes programs that are designed to bring an individual to an agreed standard of proficiency in a prescribed skill or trade.

REPORTS (CONTINUED)

Report No. 37 of the Planning Committee

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- 3) That the aggregate parking for a combined office, transitional house units, and training and counselling centre shall be 13 parking spaces. For all other permitted uses the regulations of Section 5.3 shall apply.
- 4) Notwithstanding any regulations to the contrary a loading bay is not required for a combined office, transitional house units, and training and counselling centre. For all other permitted uses the regulations of Section 5.4 shall apply.
- 5) Notwithstanding any regulations to the contrary play space is not required for a combined office, transitional house units, and training and counselling centre. For all other permitted uses the regulations of Section 5.27 shall apply.
- 6) Notwithstanding any regulations to the contrary the minimum area for a transitional house unit shall be 18.5 square metres.
- 7) Notwithstanding any regulations to the contrary the minimum rear yard shall be 4.7 metres
- 8) Notwithstanding any regulations to the contrary front yard parking is permitted."

AND THAT the amending by-law be presented to City Council for all three readings.

(Note: A copy of the draft zoning by-law was attached as Schedule Pages 115 to 117; and a copy of the draft official plan by-laws was attached to the Addendum as schedule Pages 134 to 137)

(See **By-Law Nos. (2) (3) and (4), 2010-50; 2010-51 and 2010-52**)

CARRIED

Mayor Rosen returned to the meeting and assumed the chair.

Report No. 38 of the Environment, Infrastructure and Transportation Policies Committee

Moved by Councillor Hutchison

Seconded by Councillor Glover

THAT Report No. 38 of the Environment, Infrastructure and Transportation Policies Committee be received and adopted.

Report No. 38

To the Mayor and Members of Council:

The Environment, Infrastructure and Transportation Policies Committee reports and recommends as follows:

All items listed on the Environment, Infrastructure and Transportation 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.

February 9, 2010

1. Trails for Active Transportation - Kingston Community Report- Status Update

THAT Council approve the five (5) initiatives/projects identified in Report No. EITP-10-002, Trails for Active Transportation - Kingston Community Report – Status Update, as being priority initiatives for implementation by June 2010, those being:

REPORTS (CONTINUED)

Report No. 38 of the Environment, Infrastructure and Transportation Policies Committee

1. Extend snow plowing service to all sidewalks in Kingston,

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2. Improve the streetscape by adding more benches, improved signage and lighting,
3. Improve bike parking/make it more visible/secure and well signed and in popular destinations,
4. Launch a promotional campaign to increase ridership and educate people on the benefits of cycling,
5. More bus routes and increased frequency (implemented by September, 2010);

- and further -

THAT items 2 (Enforce Non-Motorized Vehicles only on Multi-Use Trails), 3 (Update Regarding Maintenance and Other Safety Related Items for new Dedicated Marked Bike Lanes) and 6 (List of By-Laws related to Pathways and Pathway Requirement) as noted on the Environment, Infrastructure and Transportation Policies Committee Abeyance List be considered priority items for reports by staff to the Environment, Infrastructure and Transportation Policies Committee by the second quarter of 2010;

- and further -

THAT the connection of the KP Trail (Trail) from the west branch of the Little Cataraqui Creek to Division Street be completed in 2010 and those portions of the trail from Division Street to Anglin Bay that are suitable to be opened and upgraded in 2010 be identified in a report by staff to the Environment, Infrastructure and Transportation Policies Committee by June, 2010.

(Note: The Report of the Commissioner of Corporate Services (EITP-10-002) was attached to the EITP agenda as Schedule Pages 1-8.)

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

Moved by Councillor Hector
Seconded by Councillor Smith

THAT Clause 1 of Report No. 38 of the Environment, Infrastructure and Transportation Policies Committee be amended by adding the words "(implemented by September, 2010)" to the end of point 5 of paragraph 1.

CARRIED

Moved by Councillor Hector
Seconded by Councillor Smith

THAT Clause 1 of Report No. 38 of the Environment, Infrastructure and Transportation Policies Committee be amended by adding the word "to" between the words "suitable" and "be" in paragraph 3; and further by adding the words "be identified by a report by staff to the Environment, Infrastructure and Transportation Policies Committee by June, 2010" at the end of the said paragraph.

CARRIED (6:4)
(See Recorded Vote No. 1)

Moved by Councillor Hector
Seconded by Councillor Schmolka

THAT Clause 1 of Report No. 38 of the Environment, Infrastructure and Transportation Policies Committee be amended by deleting the word "completion" and inserting the words "reports by staff to the Environment, Infrastructure and Transportation Policies Committee" in paragraph 2.

CARRIED (8:2)
(See Recorded Vote No. 2)

REPORTS (CONTINUED)

Report No. 38 of the Environment, Infrastructure and Transportation Policies Committee

Moved by Councillor Hector
Seconded by Councillor Smith

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THAT paragraphs 2 and 3 of Clause 1 of Report No. 38 of the Environment, Infrastructure and Transportation Policies Committee be deferred and referred back to the EITP Committee in order to allow the Committee to work with staff to bring these matters to conclusion.

LOST

1. A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Mayor Rosen, Councillor Smith (6)

NAYS: Councillor Garrison, Councillor MacLeod-Kane, Councillor Osanic, Councillor Schmolka (4)

ABSENT: Councillor Foster, Councillor Matheson, Councillor Meers (3)

2. A Recorded Vote was requested by Councillor Garrison

YEAS: Councillor Gerretsen, Councillor Glover, Councillor Hector, Councillor Hutchison, Councillor MacLeod-Kane, Mayor Rosen, Councillor Schmolka, Councillor Smith (8)

NAYS: Councillor Garrison, Councillor Osanic (2)

ABSENT: Councillor Foster, Councillor Matheson, Councillor Meers (3)

2. **Urban Forestry Management Plan**

THAT Council endorse the proposed 2010 Tree Planting Schedule as outlined in Report No. EITP-10-008;

- and further -

THAT Council authorize staff to engage a consultant to develop an Urban Forestry Management Plan for the City of Kingston with an approximate cost of \$35,000 and that the 2010 operating budget be amended by this amount, with funding from the working fund reserve.

(Note: The Report of the President and CEO of Utilities Kingston (EITP-10-008) was attached to the EITP agenda as Schedule Pages 9-16.)

CARRIED

INFORMATION REPORTS

(1) **City of Kingston's Legal Costs – Lowe's Canada Appeal to Ontario Municipal Board – Gardiners Road**

The purpose of this report is to provide Council with an update on the City's legal costs arising from the Lowe's Canada appeal, once that matter was finally concluded.

(The Report of the City Solicitor and Director of Legal Services (10-091) was attached as Schedule Pages 118 to 120) (File No. CSU-L01-000-2010)

Councillor Hutchison withdrew from the meeting.

INFORMATION REPORTS (CONTINUED)

(2) **Report of Investigator – Complaint Regarding Closed Meetings – Possible Acquisition of Barriefield Federal Lands for Affordable Housing**

The purpose of this report is to provide Council with an update on the completion of the investigation and the Report of the Investigator, pursuant to the Municipal Act, 2001.

(The Report of the City Solicitor and Director of Legal Services (10-092) was attached as Schedule Pages 121 to 133) (File No. CSU-L01-000-2010)

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Councillor Hutchison returned to the meeting.

MISCELLANEOUS BUSINESS

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

THAT, as requested by Our Lady of Fatima Parish, Council declare the following dates as a Community Festival of Municipal Significance to which Special Occasion Permits may be issued by the Liquor License Board to Our Lady of Fatima Parish, 588 Division Street, in conjunction with the:

Festival of Our Lady of Fatima	May 7, 8, and 9, 2010
Festival of the Holy Spirit	May 28, 29, and 30, 2010
Senhor Santo Cristo	September 3, 4, and 5, 2010

(See Communication No. 09-130)

CARRIED

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

THAT, at the request of the Polaris Institute, Canadian Federation of Students, Sierra Youth Coalition, Council proclaim March 11, 2010 as "Bottled Water Free Day" in the City of Kingston.

(See Communication No. 09-233)

CARRIED

MOTIONS

- (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,

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

MOTIONS (CONTINUED)

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

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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).

CARRIED
(See Motion To Amend Which Was LOST)

Moved by Councillor Gerretsen

Seconded by Councillor Smith

THAT the Motion of Councillors Schmolka and MacLeod-Kane be amended by deleting the word "Council" in paragraph 6 and inserting the words "the citizens of Kingston at a town hall meeting organized by the City of Kingston".

LOST

NOTICES OF MOTION

MINUTES

TABLING OF DOCUMENTS

- 2010-21 HIV/AIDS Regional Services
 Newsletter – Winter 2010
 (File No. CSU-M07-000-2010)
- 2010-22 Association of Municipalities of Ontario
 Newsletter – Weekly Watch File – February 11, 2010
 (File No. CSU-A01-004-2010)
- 2010-23 Association of Municipalities of Ontario
 Newsletter – Municipal Information Network News – February 11, 2010
 (File No. CSU-A01-004-2010)

TABLING OF DOCUMENTS (CONTINUED)

- 2010-24 Association of Municipalities of Ontario
 Newsletter – Municipal Information Network News – February 16, 2010
 (File No. CSU-A01-004-2010)
- 2010-25 Cataraqui Region Conservation Authority
 Minutes – Full Authority Annual General Meeting – January 27, 2010
 (File No. CSU-D03-000-2010)
- 2010-26 Kingston Frontenac Public Library Board
 Minutes – Regular Meeting #2009-10 – December 16, 2009

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(File No. CSU-R02-000-2010)

2010-27 Kingston Frontenac Public Library Board
Minutes – Regular Meeting #2010-01 – January 20, 2010
(File No. CSU-R02-000-2010)

2010-28 KFL&A Public Health
Agenda – Board Meeting – February 24, 2010
(File No. CSU-S08-001-2010)

2010-29 Cataraqui Region Conservation Authority
Agenda – Full Authority Meeting – February 24, 2010
(File No. CSU-D03-000-2010)

COMMUNICATIONS

The Council consented to the addition of Communications 09-141 through 09-143.

Filed

- 09-119 From the Premier of Ontario, acknowledging receipt of Council's resolution regarding fundraising efforts and debt relief for Haiti.
(File No. CSU-P03-000-2010)
- 09-120 From the County of Renfrew, advising of its support 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)
- 09-123 From the Federation of Canadian Municipalities (FCM), providing information regarding their 73rd Annual Conference and Municipal Expo, which will be held in Toronto from May 28 to 31, 2010.
(File No. CSU-A04-000-2010)
- 09-124 From the Association of Municipalities of Ontario (AMO), providing information regarding their 111th Annual Conference, which will be held in Windsor from August 15 to 18, 2010.
(File No. CSU-A04-000-2010)

COMMUNICATIONS (CONTINUED)

- 09-125 From the Corporation of the City of Oshawa, acknowledging receipt of Council's resolution regarding fundraising efforts and debt relief for Haiti.
(File No. CSU-P03-000-2010)
- 09-131 From the Association of Municipalities of Ontario (AMO), providing information on the keynote speaker for the 2010 Urban Symposium, to be held in Hamilton from April 15 to 16, 2010.
(File No. CSU-A04-000-2010)
- 09-132 From the Association of Municipalities of Ontario (AMO), providing highlights of the January 2010 board meeting.
(File No. CSU-A01-004-2010)

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- 09-134 From the Honourable John Gerretsen, MPP, Kingston and The Islands, acknowledging receipt of Council's resolution regarding fundraising efforts and debt relief for Haiti.
(File No. CSU-P03-000-2010)
- 09-135 From Perth County, acknowledging receipt of Council's resolution regarding fundraising efforts and debt relief for Haiti.
(File No. CSU-P03-000-2010)
- 09-136 From the Corporation of the City of Sarnia, 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)
- 09-137 From the County of Lambton, 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)
- 09-139 From the City of Vaughan, acknowledging receipt of Council's resolution regarding fundraising efforts and debt relief for Haiti.
(File No. CSU-P03-000-2010)
- 09-140 From the Committee of Adjustment, a Notice of Decision for the following applications:
- EXPAND LEGAL NON-CONFORMING USE – In respect of an application to expand the legal non-conforming use at 753 King Street West, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is March 15, 2010.
- MINOR VARIANCE – In respect of an application to request permission for relief from Zoning By-Law No. 8499 for the property at 296 Van Order Drive, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is March 15, 2010.
- CONSENT – In respect of an application for consent to sever the property at 923-927 Sydenham Road, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is March 16, 2010.
- CHANGE LEGAL NON-CONFORMING USE – In respect of an application to change the legal non-conforming use at 62 Adelaide Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is March 15, 2010.

COMMUNICATIONS (CONTINUED)

CONSENT – In respect of an application for consent to sever the property at 2253 Highway 2 East, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is March 16, 2010.

CONSENT – In respect of an application for consent to sever the property at 2311 Highway 2 East, the Committee decided that the application **SHOULD BE PROVISIONALLY APPROVED**, subject to conditions. The final date for appeal is March 16, 2010.

MINOR VARIANCE – In respect of an application to request permission for relief from Zoning By-Law No. 8499 for the property at 751 Victoria Street, the Committee decided that the application **SHOULD BE APPROVED**, subject to conditions. The final date for appeal is March 15, 2010.

(File No. CSU-D19-000-2010)

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- 09-142 From the Region of Durham, advised that the City of Kingston's resolution regarding exemption of electricity sales from the provincial portion of the single harmonized sales tax was received and endorsed.
(File No. CSU-F00-000-2010)
- 09-143 From the Kingston Frontenac Public Library, providing information regarding the Calvin Park Library receiving an Architectural Award of Excellence and the Board Chair, Claudette Richardson, receiving the James Bain Medallion awarded by the Ontario Library Association.
(File No. CSU-R02-000-2010)
(Distributed to all Members of Council on March 2, 2010)

Referred to All Members of Council

- 09-122 From the Corporation of the Town of Gravenhurst, asking for Council's support of a resolution petitioning the Premier of Ontario to take the necessary steps in a timely manner to amend the Ombudsman Act to include hospitals under the jurisdiction of the Ombudsman.
(File No. CSU-C10-000-2010)
- 09-127 From the Honourable Jerry J. Ouellette, Official Opposition Critic, Natural Resources, requesting feedback and comments concerning legislation, regulations and the organizational responsibilities of the Conservation Authorities in Ontario.
(File No. CSU-D03-000-2010)
- 09-130 From Our Lady of Fatima Parish, asking that Council declare the following dates as a Community Festival of Municipal Significance to which Special Occasion Permits may be issued by the Liquor License Board to Our Lady of Fatima Parish, 588 Division Street, in conjunction with the:
- | | |
|--------------------------------|-----------------------------|
| Festival of Our Lady of Fatima | May 7, 8, and 9, 2010 |
| Festival of the Holy Spirit | May 28, 29, and 30, 2010 |
| Senhor Santo Cristo | September 3, 4, and 5, 2010 |
- (File No. CSU-P09-000-2010, CSU-M02-000-2010)
(See Miscellaneous Business Item No. 1)
- 09-133 From the Polaris Institute, Canadian Federation of Students, Sierra Youth Coalition, asking that Council proclaim March 11, 2010 as "Bottled Water Free Day" in the City of Kingston.
(File No. CSU-M10-000-2010)

COMMUNICATIONS (CONTINUED)

- 09-138 From the Kingston Roundtable on Poverty Reduction, providing response and endorsing the recommendations outlined in Report to Council No. 10-087 **(See Clause (e), Report No. 36, on Page 6 of this Agenda)**.
(File No. CSU-S07-000-2010)
- 09-141 From the Office of the Lieutenant Governor of Ontario seeking nominations for the Order of Ontario, it being noted that the deadline for nominations is March 16, 2010.
(File No. CSU-M02-000-2010)
(Distributed to all Members of Council on March 2, 2010)

Referred to the Commissioner of Sustainability and Growth

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- 09-117 From the Ontario Municipal Board (OMB), advising that the appeal by Lowe's Company Canada with regards to the Official Plan, Zoning By-Law No. 76-26 and the Site Plan has been allowed. The property is located at 1085 Gardiners Road. (OMB File No. PL081378, PL081379, PL090694)
(File No. CSU-D14-000-2010)
- 09-118 From the Ontario Municipal Board (OMB), advising that the appeal by Patry Enterprises Inc. with regards to subsections 17(24) and 34(11) of the Planning Act has been dismissed. The property is located at 495 to 513 Frontenac Street. (OMB File No. PL081468)
(File No. CSU-D14-000-2010)

Referred to the President and CEO of Utilities Kingston

- 09-121 From Pitch-In Canada, providing information regarding how to become a patron of Pitch-In Ontario.
(File No. CSU-E05-000-2010)

Referred to the Awards Committee

- 09-126 From the Ontario Ministry of Citizenship and Immigration, providing information on submitting nominations for the Newcomer Champion Award, which recognize outstanding individuals or groups who contribute to the understanding and sharing of Ontario's cultural diversity and provide welcoming communities for the benefit of newcomers.
(File No. CSU-R08-000-2010)

Referred to the City Clerk

- 09-128 From the Buy-A-Net Malaria Prevention Group, asking that Council proclaim April 25, 2010, as "World Malaria Day" in the City of Kingston.
(File No. CSU-M10-000-2010)

COMMUNICATIONS (CONTINUED)

Referred to the Environment, Infrastructure and Transportation Policies Committee and the Kingston Environmental Advisory Forum

- 09-129 From the Ontario Ministry of the Environment, providing information regarding and requesting comments on an application from Scott Environmental Group Limited to amend the provisional certificate of approval to operate a Waste Disposal Site (composting site) in the City of Kingston.
(File No. CSU-E07-000-2010)

BY-LAWS

Council consented to the withdrawal of By-Law (2) and to the amendment of the wording of By-Law (3).

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- (A) Moved by Councillor Schmolka
Seconded by Councillor Gerretsen

THAT By-Laws (1), (5) and (6) be given their first and second reading.

CARRIED

Mayor Rosen withdrew from the meeting.

- Moved by Councillor Schmolka
Seconded by Councillor Gerretsen

THAT By-Laws (3) as amended and (4) be given their first and second reading.

CARRIED

Mayor Rosen returned to the meeting.

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

THAT By-Laws (5) through (7) be given their third reading.

CARRIED

Mayor Rosen withdrew from the meeting.

- Moved by Councillor Hector
Seconded by Councillor Osanic

THAT By-Laws (3) as amended and (4) be given their third reading.

CARRIED

Mayor Rosen returned to the meeting.

- (1) A By-Law To Amend By-Law No. 99-166, "A By-Law To Prohibit The Parking Or Leaving Of Motor Vehicles On Private Property Without The Consent Of The Owner Or Occupant Of The Property, Or On Property Owned Or Occupied By The City Of Kingston Or Any Local Board Thereof, Without The Consent Of The City Of Kingston Or Local Board" (to appoint The Rev. Kris Michaelson, Al Thompson and Jim Anderson – St. Paul's Anglican Church, 137 Queen Street)
FIRST AND SECOND READINGS PROPOSED NO. 2010-49
(See Clause (d), Report No. 36)

BY-LAWS (CONTINUED)

- (2) A By-Law To Amend the Official Plan for the Former City of Kingston Planning Area (Amendment No. 42 – To Re-designate the Property known municipally as 771 Montreal Street from 'Residential' to a 'Site Specific Residential' land use designation)
THREE READINGS PROPOSED NO. 2010-50
(See Clause (1), Report No. 37)

WITHDRAWN

- (3) A By-Law To Amend the Official Plan for the City of Kingston Planning Area (Amendment No. 1 – To Re-designate the Property known municipally as 771 Montreal Street from 'Residential' to a 'Site Specific Policy')
THREE READINGS PROPOSED NO. 2010-51
(See Clause (1), Report No. 37)

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- (4) A By-Law To Amend By-Law No. 8499, "Restricted Area (Zoning) By-Law of The Corporation of the City of Kingston" (Zone Change from Industrial "M7" Zone to Multiple Family Dwelling "B1.390" Zone, 771 Montreal Street)
THREE READINGS PROPOSED NO. 2010-52
(See Clause (1), Report No. 37)
- (5) A By-Law to Amend By-Law No. 76-26, "A By-Law to Regulate the Use of Lands and the Character, Location and Use of Buildings and Structures in the Township of Kingston", To Remove the '-H' Holding Symbol Related to the Holding Special Residential Type 2 'R2-32-H' Zone, Holding Special Residential Type 4 'R4-34-H' Zone and Holding Special Residential Type 4 'R4-35-H' Zone, Woodhaven (Tamarack) Subdivision Phase 1, 1135 Maria Avenue.
THREE READINGS PROPOSED NO. 2010-53
(Delegated Authority)
- (6) A By-Law To Confirm The Proceedings Of Council At Its Meeting Held On Tuesday, March 2, 2010
THREE READINGS PROPOSED NO. 2010-54
(City Council Meeting No. 09-2010)
- (7) 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)
THIRD READING PROPOSED NO. 2010-45
(See Clause (c), Report No. 29)

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ADJOURNMENT

Moved by Councillor Glover
Seconded by Councillor Gerretsen

THAT Council do now adjourn.

CARRIED

Council adjourned at 9:07 pm.

(Signed)

Carolyn Downs
City Clerk

Harvey Rosen
Mayor